

SHIRE OF LAKE GRACE



Minutes

Ordinary Council Meeting

28 May 2008

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SHIRE OF LAKE GRACE

MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD AT THE NEWDEGATE LIBRARY/TELECENTRE, COLLIER ST, NEWDEGATE ON WEDNESDAY, 28 MAY 2008.

1.0 OPENING & ANNOUNCEMENT OF VISITORS

The Chairperson (President) opened the meeting at 6.03 pm.

2.0 ATTENDANCE RECORD

2.1 PRESENT

Cr AJ Walker	Shire President
Cr IG Chamberlain	Deputy Shire President
Cr JF De Landgraftt	
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
Mrs Helen McDonald	Observer
Mrs Nancy Rintoul	Observer
Mr Gil Buxton	Observer

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.

3.0 PUBLIC QUESTION TIME

3.1 MRS HELEN MCDONALD

Mrs McDonald queried the position with regard to the new Federal Government's position on funding for the Newdegate Aged Units and Medical Centre project.

The Chief Executive Officer replied that contact has been made with the Wheatbelt Area Consultative Committee (the administering body for the previous Government's Regional Partnerships funding program) and they have advised that:

- the Regional Partnerships program has been discontinued,
- the Regional Medical Infrastructure Fund is likely to continue with a new Government Department – there have been no announcements as to what Department it is going to be.

Mrs McDonald also wished to advise Councillors that a Committee has been formed to upgrade the Newdegate history book, a letter has been written to the Shire with a request for \$30,000 to be set aside in the budget to assist with the publishing of the book.

Mrs McDonald commented that when the Lake Grace history book was published during the 1990's she was of the understanding that Council had put funds to the project and that the proceeds from the sale of the book were to go into a reserve to assist other communities with their history books. She requested that at least half of the money be made available 'up front' to pay for scanning of photographs and the copying of documents. She has spoken with Development Officer, Michelle Slarke who advised that grant funding may be available for the project.

The President advised that Lake Grace had acquired 'up front' financial assistance from the Shire for 'Across the Lake' however monies from the sale of the book had gone into general revenue.

6.10pm Mrs McDonald and Mrs Rintoul left the meeting.

4.0 APPLICATIONS FOR LEAVE OF ABSENCE

None.

5.0 MINUTES OF PREVIOUS COUNCIL MEETINGS

5.1 ORDINARY MEETING – 23 APRIL 2008

Resolution

MOTION 10603

Moved Cr Taylor
Seconded Cr Dunkeld

That the minutes of the Ordinary Meeting of Council held on the 23 April 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

Cr Chamberlain advised he is declaring an interest in Item 15.2, Wheatbelt Development Commission – Board Nomination.

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

None

10.0 MEMBERS' REPORTS

10.1 CR NEWMAN

Cr Newman reported his attendance, along with Cr Taylor and senior staff, at a stakeholders visit by the Water Corporation on Tuesday 27 May 2008 at Council Chambers.

Water Corporation Great Southern Region, Regional Business Manager Mr David Hughes Owen, Manager Business Services, Mr David Juers, and Communications and Marketing's Mr Chris Morris visited Lake Grace as part of their northern stakeholders tour.

During the meeting main points for discussion raised included:

- Lake Grace Water Supply dams – the Water Corporation's long term plan (15 to 20 years) is for the dams to go to the community.
- Newdegate Town Dam – Councillors reminded the Water Corporation about the second hand chlorination unit they had been promised. Water Corporation staff advised that they had higher priorities in their budget and that Newdegate was a long way down the list.
- AA Dams & agricultural spraying water – Councillors had put to Water Corporation staff that farming practices have evolved and the quality of agricultural spray water is an issue. The Chief Executive Officer advised that the latest Ag Memo includes articles on water quality for spraying and copies would be sent to the Water Corporation staff.

10.2 CR WALKER

Cr Walker chaired a Local Emergency Management Committee meeting held on Friday 23 May 2008. The Committee endorsed the Local Emergency Management Arrangements prepared by consultant Brian Willoughby. The arrangements will be presented to Council in due course.

11.0 MATTERS FOR CONSIDERATION – WORKS & SERVICES

11.1 TENDER 1/2008 – SUPPLY OF AND/OR TRADE OF VARIOUS PLANT

Applicant: Chief Executive Officer
File No. 0541
Attachments: Tender documents will be available at the meeting
Author: Mr Jim Fraser
 Chief Executive Officer
Disclosure of Interest: Nil
Date of Report: 27 May 2008
Senior Officer: Mr Jim Fraser
 Chief Executive Officer

Summary

This report recommends various actions in relation to Tender 1/2008.

Background

An advertisement for the calling of tenders for the supply and disposition of various items of plant was placed in the West Australian newspaper on Wednesday 7 May 2008.

Tenders closed at 4.00pm on Wednesday 21 May 2008 and, following the close of tenders, were opened in the presence of:

Mr Mark Burbridge	Manager Corporate Services
Mrs Jeanette Bennett	Executive Assistant
Mr Mark Turkington	WesTrac Sales Manager

The Chief Executive Officer and Council's Mechanic assessed the tenders on Thursday 22 May 2008 against the tender selection criteria.

Comment

The following dealers tendered for the supply of a grader on the basis of trading in Council's current graders being a Caterpillar 12H and John Deere 672B graders:

- Hitachi Construction Machinery (Australia) Pty Ltd
- CJD Equipment Pty Ltd
- WesTrac Pty Ltd

In addition to the above Mayday Earthmoving and PVT Sales tendered on the outright purchase of the trade-ins.

The tenders received are summarised as follows:

WesTrac Pty Ltd

Caterpillar 140M Motor Grader - delivery 26-28 weeks, mold board 12ft	\$369,360.00
Less trade-in Cat 12H	\$152,000.00
Less trade-in John Deere 672B	\$67,000.00
Changeover	\$150,360.00

CJD Equipment Pty Ltd

Volvo G940 Motor Grader - delivery 4-6 weeks, mold board 14ft	\$318,000.00
Less trade-in Cat 12H	\$165,000.00
Less trade-in John Deere 672B	\$75,000.00
Changeover	\$78,000.00

Hitachi Construction Machinery

John Deere 670D Grader – delivery 4-6 weeks, mold board 14ft	\$291,717.00
Less trade-in Cat 12H	\$150,000.00
Less trade-in John Deere 672B	\$85,000.00
Changeover	\$56,717.00

Hitachi Construction Machinery

John Deere 672D Grader – delivery 4-6 weeks, mold board 14ft	\$317,526.00
Less trade-in Cat 12H	\$150,000.00
Less trade-in John Deere 672B	\$85,000.00
Changeover	\$82,526.00

Hitachi Construction Machinery

John Deere 770D Grader – delivery 4-6 weeks, mold board 14ft	\$314,075.00
Less trade-in Cat 12H	\$150,000.00
Less trade-in John Deere 672B	\$85,000.00
Changeover	\$79,075.00

Hitachi Construction Machinery

John Deere 772D Grader – delivery 4-6 weeks, mold board 14ft	\$361,925.00
Less trade-in Cat 12H	\$150,000.00
Less trade-in John Deere 672B	\$85,000.00
Changeover	\$126,925.00

Mayday Earthmoving

Outright purchase of Cat 12H	\$140,000.00
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PVT Sales

Outright purchase of Cat 12H	\$108,000.00
Outright purchase of John Deere 672B	\$55,800.00

Staff applied the tender selection criteria to the Caterpillar 140M, Volvo G940, John Deere 770D and John Deere 772D machines with the Volvo G940 registering the best score.

The following comments are provided for Council's information:

Caterpillar 140M - This is a very innovative machine being operated by two joysticks. There is no traditional steering wheel. The tendered machine is fitted with a 12ft mold board which would be suitable as the machine will be allocated as the construction grader. The weight is slightly below the range requested however the power to weight ratio would ensure an effective operating machine.

There still appears to be a 'premium' on the Caterpillar brand name with the list price of the machine being almost \$370,000.00. There is also a lengthy period for delivery of approximately six months.

Council's employee, Mr Doug Whiting attended a WesTrac road show and 'operated' a 140M grader through a simulator. He has reported favourably on the machine.

John Deere 770D & 772D – Council has enjoyed a relatively problem free run with the operation of both current John Deere graders. The tendered 772D machine has a six wheel drive capacity which is reflected in the pricing at \$361,925.00, approximately \$48,000.00 more than the standard 770D machine.

Volvo G940 - The Volvo G940 tendered has a November 2007 compliance however it did not arrive in Australia until March 2008. Notwithstanding this, staff believe the machine is the most advantageous for operations. The G940 has a 14ft mold board and a satisfactory power to weight ratio having an operating weight of 21,860kg. Council also operate two Volvo loaders and to date service delivery has been very satisfactory. Anecdotal information also indicates that Volvo machinery is holding its value although this is less critical as Council generally retains this class of plant for eight to ten years.

It is therefore recommended that the tender from CJD Equipment Pty Ltd be accepted on the basis of trading both the Caterpillar 12H and John Deere 672D machines.

The tenders for the outright purchase of the machines were less than the trade-in values offered.

Only one tender was received for the supply of a replacement truck for the Volvo eight wheeler. One tender was also received for the outright purchase of the trade-in vehicle.

As there was a very limited choice staff recommend that no tender be accepted and that tenders be recalled in the first quarter of calendar year 2009.

Tenders were invited for the supply of a second hand tandem or tri-axle semi trailer water tanker. The only tender received was for a new unit which is therefore a non conforming tender.

Staff will continue to investigate the purchase of a second hand unit. By restricting the price to below \$100,000.00 there will not be a requirement to invite tenders.

Legal Implications

Section 3.57 of the Local Government Act 1995
Local Government (Functions and General) Regulations 1996

Policy Implications

Policy 3.4 Local Price Preference was not included in the assessment process as no local dealers were involved.

Consultation

Internal: Works Overseer Mr Bill McKenna
Shire Mechanic Mr Bob Palmer
Manager Corporate Services Mr Mark Burbridge

Financial Implications

The payment of the changeover price can be achieved in the current budget. There is provision for transfers to and from the Plant Replacement Reserve.

Strategic Implications

The availability of a modern plant fleet will ensure an efficient road transport system is developed and maintained.

Cultural Implications

N/A

Voting Requirements

Simple majority required.

Recommendation/Resolution

MOTION 10604

Moved Cr Chamberlain
Seconded Cr Sinclair

That:

1. The tender from CJD Equipment Pty Ltd for the supply of a Volvo G940 motor grader at a cost of \$318,000.00 on the basis of trading a Caterpillar 12H motor grader and a John Deere 672B motor grader at a total trade price of \$240,000.00 leaving a changeover balance of \$78,000.00 be accepted subject to supply within 4 to 6 weeks from the placement of the official order.
2. No tenders be accepted for the supply of an eight wheel tipping truck.
3. No tenders be accepted for the supply of a second hand tandem or tri axle water tanker trailer.

MOTION CARRIED 8/0

11.2 TENDER 2/2008 – DISPOSAL OF VARIOUS PLANT

Applicant: Chief Executive Officer
File No. 0541
Attachments: Tender documents will be available at the meeting.
Author: Mr Jim Fraser
 Chief Executive Officer
Disclosure of Interest: Nil
Date of Report: 26 May 2008
Senior Officer: Mr Jim Fraser
 Chief Executive Officer

Summary

This report recommends various actions in relation to Tender 2/2008.

Background

An advertisement for the calling of tenders for the supply and disposition of various items of plant was placed in the West Australian newspaper on Wednesday 7 May 2008.

Tenders closed at 4.00pm on Wednesday 21 May 2008 and, following the close of tenders, were opened in the presence of:

Mr Mark Burbridge	Manager Corporate Services
Mrs Jeanette Bennett	Executive Assistant
Mr Mark Turkington	WesTrac Sales Manager

The Chief Executive Officer and Council's Mechanic assessed the tenders on Thursday 22 May 2008 against the tender selection criteria.

Comment

Tenders were invited for the following:

(a) Outright disposal of a Wilson loader mounted saw on an “as is where is” basis

No tenders were received for this. Staff will continue efforts to dispose of this item of plant.

(b) Outright disposal of Howard Porter single point dolly on an “as is where is” basis

PVT Sales tendered a price of \$6,000.00. Staff recommend that the tender not be accepted. Staff will continue efforts to sell the dolly.

(c) Outright disposal of custom built machinery float on an “as is where is” basis

PVT Sales tendered a price of \$20,000.00. Staff recommend the acceptance of the tender.

(d) Outright disposal of a John Deere 315SG 2003 model backhoe

PVT Sales tendered a price of \$38,000.00. Staff recommend that the tender not be accepted and that the machine be re-tendered for disposal at a later date.

(e) Outright disposal of a six wheel Hino water truck on an “as is where is” basis

PVT Sales tendered a price of \$14,400.00. Staff recommend that the tender not be accepted. Staff will continue efforts to sell the truck.

Legal Implications

Section 3.57 of the Local Government Act 1995

Local Government (Functions and General) Regulations 1996

Policy Implications

N/A

Consultation

Internal: Works Overseer Mr Bill McKenna

Shire Mechanic Mr Bob Palmer

Manager Corporate Services Mr Mark Burbridge

Financial Implications

It is recommended that the proceeds from the sale of the float be placed in the Plant Replacement Reserve.

Strategic Implications

N/A

Cultural Implications

N/A

Voting Requirements

Simple majority required.

Recommendation/Resolution

MOTION 10605

Moved Cr Newman
Seconded Cr De Landgraftt

That:

1. The tender for the outright disposal of a Howard Porter single point dolly not be accepted.
2. The tender for the outright disposal of the custom built machinery float of \$20,000.00 be accepted.
3. The tender for the outright disposal of a John Deere 315SG 2003 model backhoe not be accepted.
4. The tender for the outright disposal of a six wheel Hino water truck not be accepted.
5. The proceeds of the sale of the custom built machinery float be placed in the Plant Replacement Reserve account.

MOTION CARRIED 8/0

12.0 MATTERS FOR CONSIDERATION – TOWN PLANNING

12.1 HERITAGE PROTECTION – PREPARATION OF A HERITAGE LIST

Applicant:	Chief Executive Officer
File No.	0633
Attachments:	Nil
Author:	Mr Joe Douglas & Carlo Famiano Planning Consultant
Disclosure of Interest:	Nil
Date of Report:	19 May 2008
Senior Officer:	Mr Jim Fraser Chief Executive Officer

Summary

This report outlines the Shire of Lake Grace's obligation to prepare a 'Heritage List' in accordance with Part 7 ('Heritage Protection') of the Shire's Local Planning Scheme No.4 (which was gazetted on 12 November 2007). The Heritage List identifies those places within the Shire which are of cultural heritage significance and worthy of conservation under the provisions of the Scheme, together with a description of each place and the reasons for its entry. The provisions also enable the local government to identify 'heritage areas' that require special planning control in order to conserve and enhance their cultural heritage significance.

Background

The Shire of Lake Grace adopted a 'Municipal Inventory of Heritage Places' in June 1998. The Inventory was prepared in response to the requirement of Section 45 of the Heritage of Western Australia Act (1990) and included various sites and buildings. These were identified by the following:

- sites where important or memorable events took place;
- buildings which have a particular architectural appeal or represent a period of development;
- buildings associated with a particular person or historical event.

The Inventory includes approximately 180 places classified in 5 categories, depending on the heritage significance of the site/building.

Comment

According to the Shire's current operative Local Planning Scheme No.4 a Heritage List is defined as the following:

“a list of those places which, in the opinion of the council, are of such cultural heritage significance to the local government that conservation and protection under the provisions of this scheme is warranted”

The objective of a Heritage List is to identify those sites/buildings within the Shire of Lake Grace that have heritage value and to ensure that these ‘places’ are retained and preserved for future generations.

The Shire of Lake Grace is required, under the provisions outlined in Part 7 of Local Planning Scheme No.4, to prepare a Heritage List. This requirement has not been initiated since the Scheme’s gazettal in November 2007 and is a project worthy of consideration by the Shire when formulating the budget for the 2008/2009 financial year.

When preparing the Heritage List, a description of each place to be included is required including the reasons for each entry. Consideration must also be given to the Shire’s Municipal Heritage Inventory prepared under section 45 of the Heritage of Western Australia Act (1990) and Aboriginal heritage sites in the Shire recorded by the Department of Indigenous Affairs. Investigation of any other possible heritage sites or buildings should be also undertaken to ensure that the Heritage List is accurate and comprehensive.

In considering a proposal to include a place on the Heritage List, the Shire of Lake Grace will need to notify the owner and occupier of the place in writing and provide them with a copy of the description proposed to be used and the reasons for the proposed entry. A period of 21 days must be provided inviting the landowner and occupier to lodge a submission to the Shire. Council would then need to consider the submission made and resolve to enter the place on the Heritage List with or without modification or reject the proposal after considering the submission.

Once the Heritage List is finally adopted, the Shire of Lake Grace is required to keep a copy of the List with the Scheme documents for public inspection. Furthermore, where a place is included on the Heritage List, the Shire of Lake Grace is required to give notice of the inclusion to the Western Australian Planning Commission, the Heritage Council of Western Australia and the owner and occupier of the place.

Clause 7.2 of Local Planning Scheme No.4 also enables the Shire to designate ‘heritage areas’. These are areas which in the opinion of the Shire require special planning control to conserve and enhance the cultural heritage significance and character of an area.

The Shire can adopt for each heritage area a Local Planning Policy which would include the following:

- a map showing the boundaries of the heritage area;
- a record of places of heritage significance; and

- objectives and guidelines for conservation of the heritage area.

Implications for Landowners

Council should be aware that there are a number of legal and financial implications for any landowner whose property is included on a Heritage List.

The first implication is the requirement for a formal planning approval to be obtained from the local government prior to any development proceeding, with all applications being assessed on their merits in view of their listing. The local government may require a heritage assessment to be carried out prior to approval of the planning application to ensure that any new buildings or alterations and additions to existing buildings included in the Heritage List are in keeping with the heritage character of the property and the existing improvements thereon.

A planning application will be required for the following:

- the demolition of any existing heritage building or structure;
- the carrying out of any building or other work which affects the interior and/or exterior of a heritage building;
- any works to a site/building located within a heritage area;
- the placement of an advertisement on a heritage building listed in Schedule 5 of the Scheme.

When preparing a planning application for submission to the local government the landowner may be required to provide additional information (above the standard requirements) including street elevations of the proposed and existing development on each of the immediately adjoining properties and a detailed schedule of finishes. These additional requirements, including the preparation of a heritage assessment, will have financial implication for the landowner in respect to preparing the additional details and engaging professional advice.

The second implication for landowners is the potential restriction of utilising the land or building/s thereon to its full potential. The preservation of a site or building could result in the development (including demolition) being either not supported or restricted by the local government. This will impact upon the landowner's ability to develop and/or use the property to its full potential.

The third implication relates to instances where the local government enters into a heritage agreement with the owner or occupier, in accordance with the Heritage of Western Australia Act 1990, for the purpose of binding the land or affecting the use of the land and/or buildings thereon insofar as the interest of that owner or occupier permits. The heritage agreement may include a covenant intended to run with the land relating to the development and/or use of any part of the land. Whilst the landowner may initially agree to enter into such

agreements, the lifting or removal of the agreement could be time consuming and costly. It should be noted that such agreements would not be common and would not apply to those places included in the Heritage List.

It should also be noted that according to Local Planning Scheme No.4 and provisions contained in the Planning and Development Act 2005, penalties of \$50,000 and a daily penalty of \$5,000 may be imposed upon any person that does not comply with the provisions outlined within the Scheme as these relate specifically to development affecting property included on the Heritage List.

Legal Implications

Planning and Development Act 2005
Shire of Lake Grace Local Planning Scheme No.4
Heritage of Western Australia Act 1990

Policy Implications

Nil.

Consultation

External: Public advertising of the proposed Heritage List will need to be undertaken in accordance with the specific provisions outlined in clause 7.1.3 of the Shire of Lake Grace's Local Planning Scheme No.4 prior to Council's final adoption of the List.

Financial Implications

The cost of preparing the Heritage List, undertaking the required public advertising and finally adopting the List is required to be met by the Shire of Lake Grace and is estimated to be in the order of \$8,000.00 excluding GST. The cost of this work needs to be considered for inclusion in Council's budget for the 2008/2009 financial year.

Strategic implications

The preparation and administration of a Heritage List is consistent with provisions outlined in Part 7 of Local Planning Scheme No.4. The Heritage List may have implications for any sites/buildings under the ownership and control of the Shire of Lake Grace as some restrictions may apply to the future development and/or use of those sites.

Cultural Implications

N/A

Voting Requirements

Simple majority required.

Recommendation/Resolution

MOTION 10606

Moved Cr Newman
Seconded Cr Dunkeld

That:

1. A Heritage List be prepared, including the identification of any areas of heritage and cultural significance that could be designated as a 'heritage area', in accordance with the provisions outlined in Part 7 of the Shire of Lake Grace Local Planning Scheme No.4; and,
2. that an allowance of \$8,000.00 for this work be included for consideration in Council's 2008/2009 budget deliberations.

INITIAL VOTE 4/4

The President was then required to exercise his casting vote and voted for the motion.

MOTION CARRIED 5/4

13.0 MATTERS FOR CONSIDERATION – HEALTH & BUILDING

No items for consideration.

14.0 MATTERS FOR CONSIDERATION – FINANCE

14.1 ACCOUNTS FOR PAYMENT – APRIL 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: 19 May 2008
Senior Officer: Mr Jim Fraser
Chief Executive Officer

Summary

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

Background

List of invoices paid for the month of April 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

Consultation

N/A

Financial Implications

The list of creditors paid for the month of April 2008 from the Municipal Account amounts to \$308,576.84.

Strategic Implications

N/A

Cultural Implications

N/A

Voting Requirements

Simple majority required.

Recommendation/Resolution

MOTION 10607

Moved Cr Newman
Seconded Cr Milton

That Municipal Account cheques 33126 to 33183, Electronic Funds Transfers EFT3903 to EFT4013 and direct debits to the Municipal Accounts totalling \$308,576.84 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 8/0

14.2 FINANCIAL STATEMENTS – APRIL 2008

Applicant: Shire of Lake Grace
File No. 0275
Attachments: Financial Reports
Author: Danielle Robertson
Senior Finance Officer
Disclosure of Interest: Nil
Date of Report: 13 May 2008
Senior Officer: Jim Fraser
Chief Executive Officer

Summary

Consideration of the financial statements for the month ending 30 April 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

Cultural Implications

N/A

Voting Requirements

Simple majority required.

Recommendation/Resolution

MOTION 10608

Moved Cr Taylor
Seconded Cr Newman

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

MOTION CARRIED 8/0

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: 19 May 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 April 2008:

Financial Institution	Fund	Lodgement	Maturity	Term	Amount	Interest Rate
BankWest	Reserve	17/03/08	16/04/08	30 days	\$1,035,009.86	7.69%
			<i>Re-invested below:</i>			
		16/04/08	16/05/08	30 days	\$1,041,551.69	7.72%

Council currently holds no Municipal funds in term deposits. Approximately \$700,000.00 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 10609

Moved Cr De Landgraft
Seconded Cr Newman

That the investment report for April 2008 be approved.

MOTION CARRIED 8/0

14.4 **DEBT WRITE-OFF – 66 STUBBS ST LAKE GRACE - PENALTY INTEREST & COLLECTION FEES**

Applicant: Senior Finance Officer
File No. 0260
Attachments: Nil
Author: Mrs Danielle Robertson
 Senior Finance Officer
Disclosure of Interest: Nil
Date of Report: 19 May 2008
Senior Officer: Mr Jim Fraser
 Chief Executive Officer

Summary

For Council to consider writing off the amount of \$285.31 in interest and \$63.80 in collection fees on the property at 66 Stubbs Street Lake Grace.

Background

In November 2007 the property in question was sold to Mr Christopher Trevenen with an outstanding balance of \$7,749.30. A portion of the rates were recovered prior to settlement from the previous owners and due to delays in settlement, collection costs and the low sale price of the property the amount of \$349.11 remains unpaid after settlement.

Comment

Council has been trying to recover unpaid rates on this property since early 2003 with the last payment received in August 2002.

Staff were informed of the proposed sale of the property in October 2007. Settlement was refused as the proceeds from the sale were not enough to pay all outstanding debts against the property and would leave approximately \$5,000 rates outstanding.

The purchaser approached the Chief Executive Officer, Mr Jim Fraser and indicated he was willing to pay any outstanding rates to enable settlement to proceed.

Council's collection agent, Austral Mercantile informed staff in February 2008 that they had been successful in obtaining the amount of \$5,000 (\$4,745.78 to debt and remainder in recovery fees) from the vendor which enabled settlement to proceed. Payment of \$2,735.73 was received from the Settlement agent on 22 February 2008. The money from the collection agent was not received until March 2008. Interest had continued to accrue and additional collection fees were applied to the account, leaving the outstanding balance of \$349.11.

Legal Implications

Section 6.51 of the Local Government Act 1995 states that a local government may at the time of imposing a rate charge resolve to impose interest on a rates or service charge that remains unpaid after it is due and payable. The current interest rate is 10%, and is charged 70 days after the rates are raised.

Section 6.47 of the Local Government Act 1995 states that a local government may at the time of imposing a rate or service charge or at a later date resolve to waive (absolute majority required) a rate or service charge or resolve to grant other concessions in relation to a rate or service charge.

Policy Implications

N/A

Community Consultation

N/A

Financial Implications

Council's 2007/08 budget does not allow for a write-off of rates and will have an effect on the Shires surplus/deficit at the end of the financial year.

Should Council agree to this request it will forgo \$349.11 of accrued penalty interest and collection fees.

Strategic Implications

N/A

Cultural Implications

N/A

Voting Requirements

Absolute majority (5) required.

Recommendation/Resolution

MOTION 10610

Moved Cr Milton
Seconded Cr De Landgraft

That Council write off the amount of \$349.11 in interest and collection fees on the property situated at 66 Stubbs Street, Lake Grace.

MOTION CARRIED BY ABSOLUTE MAJORITY 8/0

14.5 DELEGATED AUTHORITY – WRITE-OFF OF SMALL BALANCES

Applicant: Chief Executive Officer
File No. 0052
Attachments: Nil
Author: Mrs Danielle Robertson
 Senior Finance Officer
Disclosure of Interest: Nil
Date of Report: 20 May 2008
Senior Officer: Mr Jim Fraser
 Chief Executive Officer

Summary

The purpose of this report is for Council to delegate authority to the Chief Executive Officer to write off small balances under \$50.00 owing on rates assessments and sundry debtors.

Background

Generally the small balances are interest accrued due to late payment.

There are also incidences of minor balances on sundry debtor accounts.

Comment

The authority to write off small balances will enable staff to more effectively administer the rates department and not waste valuable time and resources trying to recover minimal amounts.

Although interest does not start to accrue until 70 days after rates are raised, if a ratepayer chooses to pay by instalment the interest will accrue immediately after the due date of the second and subsequent instalments. This allows no flexibility for circumstances beyond control.

When staff are requested by ratepayers for outstanding balances it is only possible to give the current outstanding balance as at that day.

Often cheques are received through the mail a few days later and interest has continued to accrue in the interim, leaving small amounts outstanding.

Legal Implications

Local Government Act 1995, s6.12.1 (c) gives the local government the power to write off any amount of money which is owed to the local government.

Local Government (Financial Management) Regulations 1996 Section 42 (2) (d) states that that annual financial report is to include the total amount of money written off.

Section 5.42 of the Local Government Act 1995 states as follows:

5.42. Delegation of some powers and duties to CEO

(1) A local government may delegate* to the CEO the exercise of any of its powers or the discharge of any of its duties under this Act other than those referred to in section 5.43.

**Absolute majority required.*

(2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation. [Section 5.42 amended by No. 1 of 1998 s. 13.]

Section 5.43 of the Local Government Act 1995 states as follows:

5.43. Limits on delegations to CEO's

A local government cannot delegate to a CEO any of the following powers or duties —

- (a) any power or duty that requires a decision of an absolute majority or a 75% majority of the local government;
- (b) accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;
- (c) appointing an auditor;
- (d) acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph; any of the local government's powers under section 5.98, 5.98A, 5.99, 5.99A or 5.100;
- (f) borrowing money on behalf of the local government;
- (g) hearing or determining an objection of a kind referred to in section 9.5;
- (h) any power or duty that requires the approval of the Minister or the Governor; or
- (i) such other powers or duties as may be prescribed. [Section 5.43 amended by No. 49 of 2004 s. 16(3) and 47.]

Section 5.44 of the Local Government Act 1995 states as follows:

5.44. CEO may delegate powers and duties to other employees

(1) A CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under this Act other than this power of delegation.

(2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.

(3) This section extends to a power or duty the exercise or discharge of which has been delegated by a local government to the CEO under section 5.42, but in the case of such a power or duty —

- (a) the CEO's power under this section to delegate the exercise of that power or the discharge of that duty; and
- (b) the exercise of that power or the discharge of that duty by the CEO's delegate, are subject to any conditions imposed by the local government on its delegation to the CEO.

(4) Subsection (3)(b) does not limit the CEO's power to impose conditions or further conditions on a delegation under this section.

(5) In subsections (3) and (4) —

"conditions" includes qualifications, limitations or exceptions. [Section 5.44 amended by No. 1 of 1998 s. 14(1).]

Section 5.45 of the Local Government Act 1995 states as follows:

5.45. Other matters relevant to delegations under this Division

(1) Without limiting the application of sections 58 and 59 of the Interpretation Act 1984 —

- (a) a delegation made under this Division has effect for the period of time specified in the delegation or where no period has been specified, indefinitely; and

- (b) any decision to amend or revoke a delegation by a local government under this Division is to be by an absolute majority.*
- (2) Nothing in this Division is to be read as preventing —*
- (a) a local government from performing any of its functions by acting through a person other than the CEO; or*
 - (b) a CEO from performing any of his or her functions by acting through another person.*

Policy Implications

N/A

Community Consultation

N/A

Financial Implications

Current amounts which may be written off total less than \$400.00.

Strategic Implications

N/A

Cultural Implications

N/A

Voting Requirements

Absolute majority (5) required

Recommendation/Resolution

MOTION 10611

Moved Cr Newman
Seconded Cr Milton

That Council:

1. Delegate authority to the Chief Executive Officer to write off small balances under \$50.00 from rates assessments and sundry debtor accounts; and,
2. Update the delegations register accordingly.

MOTION CARRIED BY ABSOLUTE MAJORITY 8/0

15.0 MATTERS FOR CONSIDERATION – ADMINISTRATION

15.1 LOCAL GOVERNMENT COMPLIANCE AUDIT – 1 JANUARY 2007 TO 31 DECEMBER 2007

Applicant:	Department of Local Government & Regional Development
File No:	0528
Attachments:	Correspondence & Compliance Return
Author:	Mr Jim Fraser Chief Executive Officer
Disclosure of Interest:	N/A
Date of Report:	19 May 2007
Senior Officer:	Mr Jim Fraser Chief Executive Officer

Summary

The purpose of this report is for adoption of the Statutory Compliance Audit Return for the year ending 31 December 2007 and endorsement of the required certification.

Background

The Department of Local Government & Regional Development produces a Statutory Compliance Audit Return for Local Government to use as a check-list of statutory obligations and compliance.

The return is to be approved by Council, certified by the President and Chief Executive Officer and submitted to the Director General Department of Local Government and Regional Development by 31 March 2008.

Due to the exodus of three senior staff in November 2007, the Department of Local Government & Regional Development has been advised of our intention to submit the return by 31 May 2008.

Comment

This year's return has been completed online.

The following non compliance issues are noted for information:

Delegation of Power/Duty

Question 13 – This has been qualified to reflect the changes of staff.

Finance

Question 2 – The Annual Report was not accepted by Council by Absolute Majority. More care will be taken when framing the recommendation/resolution in future.

Question 5 & 6 – A Plan for the Future was not prepared however the process has since commenced.

Question 12 – The allowances paid to the Deputy President exceeded the allowable percentage. This was corrected at the February 2008 Council Meeting.

Question 60 – Waste collection service charges were included in the 2007/08 budget.

Swimming Pools

No inspections of private swimming pools were undertaken.

Official Conduct

Question 1 – A Complaints Officer has not been appointed.

Consultation

Internal: Manager Corporate Services
 Executive Assistant

Legal Implications

The Statutory Compliance Return is required under Section 7.13 of the Local Government Act 1995 and items 13 – 15 of the Audit Regulations.

Policy implications

N/A

Financial implications

N/A

Strategic implications

N/A

Cultural Implications

N/A

Voting Requirements

Simple majority required

Recommendation/Resolution

MOTION 10612

Moved Cr Milton
Seconded Cr Newman

That:

1. The Local Government Statutory Compliance Return for the Shire of Lake Grace for the period 1 January 2007 to 31 December 2007 be adopted; and that,
2. The Certification contained within the Local Government Statutory Compliance Return be endorsed by the Shire President and the Chief Executive Officer.

MOTION CARRIED 8/0

15.2 WHEATBELT DEVELOPMENT COMMISSION – BOARD NOMINATION

7.02pm Cr Chamberlain declared a financial interest in that he is the nominee and would benefit should his nomination be successful, and left the meeting.

Applicant:	Shire President
File No:	0214
Attachments:	Letter & nomination form
Author:	Mr Jim Fraser Chief Executive Officer
Disclosure of Interest:	N/A
Date of Report:	21 May 2007
Senior Officer:	Mr Jim Fraser Chief Executive Officer

Summary

This report recommends the endorsement of the Shire President's action in relation to the nomination of Cr Chamberlain for a vacancy on the Wheatbelt Development Commission Board.

Background

The Wheatbelt Development Commission is currently calling for nominations for vacancies on the Board.

There are nine members; three ministerial appointments, three community based representatives and three members representing local government.

Nominations close on Monday 26 May 2008. Former Cr Helen Bennett was a Board Member until the October 2007 Council elections.

The Chief Executive Officer included details of the current vacancies on the agenda for the after meeting discussion following the April meeting of Council. Cr Chamberlain indicated interest at this stage and has since completed an application.

Comment

The application procedure for positions on the Board of the Wheatbelt Development Commission included the requirement for a nominating organisation.

In this instance the Shire President endorsed the application as the nominator and now seeks Council endorsement for his action.

Legal Implications

N/A

Policy Implications

N/A

Consultation

Internal: Shire President
Deputy Shire President

Financial Implications

N/A

Strategic Implications

N/A

Cultural Implications

N/A

Voting Requirements

Simple majority required.

Recommendation/Resolution

MOTION 10613

Moved Cr Newman
Seconded Cr De Landgraft

That the action of the Shire President in endorsing the nomination to the Wheatbelt Development Commission for Cr Ian Chamberlain be endorsed.

MOTION CARRIED 7/0

7.03pm Cr Chamberlain re-entered the meeting and the President advised that his nomination was endorsed.

16.0 URGENT BUSINESS BY DECISION OF THE MEETING

None.

17.0 SCHEDULING OF MEETING

17.1 JUNE 2008 ORDINARY MEETING

Motion 10528 November 2007 states:

An Ordinary Meeting of Council will be held on Wednesday 25 June 2008, commencing at 1.00pm at Council Chambers, 1 Bishop St, Lake Grace.

7.05pm *Mr Gil Buxton left the meeting.*

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

MOTION 10614

Moved Cr Newman
Seconded Cr Dunkeld

That Council close the meeting to the public at this time, being 7.08pm pm, to discuss the sale of Lot 101 Cnr Wattle Drive and Blackbutt Way Lake Grace and staff matters.

MOTION CARRIED 8/0

18.1 SALE OF LOT 101 CNR WATTLE DRIVE & BLACKBUTT WAY LAKE GRACE

MOTION 10615

Moved Cr Taylor
Seconded Cr Milton

The proposed disposition of Lot 101 cnr Wattle Drive and Blackbutt Way, Lake Grace to B & R Duckworth, be advertised in accordance with Section 3.58 (3) & (4) of the Local Government Act 1995.

MOTION CARRIED 8/0

MOTION 10616

Moved Cr Dunkeld
Seconded Cr Taylor

That Council re-open the meeting to the public at this time,
being 7.56 pm.

MOTION CARRIED 8/0

19.0 CLOSURE

There being no further business, the Chairperson closed the meeting
at 7.57 pm.

20.0 CERTIFICATION

I _____ certify that the minutes of the meeting held
on the 28 May 2008 as shown were confirmed as a true record at the meeting
held on the 25 June 2008.

Chairman

Date