

SHIRE OF LAKE GRACE



Minutes

Ordinary Council Meeting

23 May 2007

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SHIRE OF LAKE GRACE

MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD AT THE NEWDEGATE TELECENTRE/LIBRARY, COLLIER ST NEWDEGATE, ON WEDNESDAY, 23 MAY 2007.

1.0 OPENING & ANNOUNCEMENT OF VISITORS

The Chairperson (President) opened the meeting at 6.39 pm.

2.0 ATTENDANCE RECORD

2.1 PRESENT

Cr G.E.J. Roberts	Shire President
Cr A.J. Walker	Deputy Shire President
Cr. H.R. Bennett	
Cr I.G. Chamberlain	
Cr O.P. Farrelly	
Cr W.A. Newman	
Cr D.P Sinclair	
Cr D.M.McL. Stewart	
Cr R.P. Taylor	
Mr C.G. Jackson	Chief Executive Officer
Ms L.I. McIlree	Manager Corporate Services
Mr J. Fraser	Manager Community Services
Mr G. Brigg	Manager of Works
Mrs J. Bennett	Executive Assistant
Mr David Boyce	Observer
Mr Malcolm Smallacombe	Observer
Mr Len Armstrong	Observer

2.2 APOLOGIES

None

2.3 LEAVE OF ABSENCE PREVIOUSLY GRANTED

None

3.0 PUBLIC QUESTION TIME

3.1 MR LEN ARMSTRONG

Mr Armstrong advised that he had no questions, rather a couple of comments on the agenda items for this meeting.

Having had a quick look at the report on the Newdegate landfill site and as an ex councillor of the City of Albany it would seem the same questions and answers are coming through as with Albany a few years ago i.e. the closing of landfills and establishment of transfer stations.

Mr Armstrong urged Council to consider their decision carefully and beware as there are hidden costs with transfer stations. In Albany costs came directly back to Council in that the station needed to be staffed to extract the recoverable items and the provision of ranger services as dumping of rubbish on roadsides – white goods and tyres - became more prevalent. He also made comment on the maybe 'airy fairy' and 'rubbery' facts and figures used by consultants in their reports.

3.2 MR MALCOLM SMALLACOMBE

Mr Smallacombe advised that he had a series of questions and comments for Council:

Comment - Varley Tip

Having read the report for Item 12.1 – Waste Management Options all four options recommend Varley become a transfer station. Mr Smallacombe urged Council to adopt the decision that Varley stay as a landfill site and that the fence be put up as was intended two years ago.

Question – Varley Hall

Mr Smallacombe understands that the Varley Hall repairs have been admitted as an insurance claim. Is this correct and if so, when will the hall be fixed?

Reply – Manager Community Services - Mr Jim Fraser

Yes – the insurance assessor is happy to submit the claim and our employees are scheduled to come to Varley and fix the ceiling in the next couple of weeks.

Question – Joint Venture Housing at 48A Tamar Terrace

A glass door at the above unit has been waiting to be fixed since last September, the tenants are still paying full rent. It is an occupational health and safety issue, was promised to be fixed last week and still has not happened – what is the status?

Reply – A purchase order has been issued for a glazing contractor to undertake this work.

Comment – Department of Water Funding Opportunities

Mr Smallacombe firstly commented that he appreciated the advice re funding for the Varley Community Dam however Council should be identifying its buildings in each town with the capacity for rain water tanks. Government money is available for this purpose.

Reply – Manager Community Services – Mr Jim Fraser

Mr Fraser advised that representatives from the Department of Water would be in the Shire on 19 & 20 June and this item is on the agenda for that meeting.

Question - Fire Control Officer Appointment

Mr Smallacombe had received a letter from Council advising his appointment as a Fire Control Officer for Varley for the 2007/08 fire season. He was unaware of the duties and requested clarification on the appointment.

Reply – Shire President

The Shire President advised Mr Smallacombe that Varley Fire Brigade representatives had put his name forward at the recent Bush Fire Committee Annual Meeting. Training is held regularly and he will be notified of when training will happen.

Roads

Question - Mr Smallacombe considers that he has had ‘political’ answers only with regard to his previous questions on the road budget – how far are we over budget on the roads program?

Reply - The Chief Executive Officer gave a brief overview of the current road program and funding situation. He referred Mr Smallacombe to Item 10.1 Road Program Report 2006/07 to be discussed at today’s meeting.

Question – What is happening with funding for Varley South and Old Ravensthorpe Roads?

Reply – The Chief Executive Officer replied that the surplus \$520,000 Roads to Recovery supplementary will be used for Varley South Road, Newdegate North Rd and Old Ravensthorpe Road.

Question – What is the situation with the overrun on Fitzgerald Road?

Reply – A report on this road has previously been prepared and presented to Council. Works on this road were undertaken during the 2005/06 financial year and the overrun was covered in the end of year surplus.

Question – Have all roads programmed in the 2006/07 budget been done?

Reply – Chief Executive Officer replied that in general terms a large percentage of the road work has been completed, Item 10.1 was again referred to.

Question – Where are we at in regard to Alliancing?

Reply – Chief Executive Officer replied that a workshop was held in December 2006 with Council. Since then the CEO has taken leave, now need to go back to the consultant and consider alliance options and progressing to the next level.

Question – Will there be public consultation?

Reply – The Chief Executive Officer replied there will be a public process that will include endorsement by Council and a tender process.

Question – Mr Smallacombe stated he was here to make sure ratepayers money is being properly spent and there are appropriate checks and balances in place to prevent major blow outs in costs? What are the checks and balances in place to prevent happenings of late?

Reply – The Chief Executive Officer replied that two larger contractors had been engaged on an hourly rate basis because of the flood repairs. The hourly rate basis is open ended and the Shire accepts that but it was necessary because of time constraints.

For the first time in over 12 months we now have a permanent Manager of Works and we can better prepare the road program for next year with regard to contracts etc. We are hoping to achieve as much in-house as possible and will continue to use contractors for bulldozing etc.

4.0 APPLICATIONS FOR LEAVE OF ABSENCE

None

5.0 MINUTES OF PREVIOUS COUNCIL MEETINGS

5.1 ORDINARY MEETING – 24 APRIL 2007

Resolution

MOTION 10403

Moved Cr Newman
Seconded Cr Stewart

That the minutes of the Ordinary Meeting of Council held on the 24 April 2007 be confirmed as a true and accurate record.

MOTION CARRIED 9/0

6.0 NOTICES OF URGENT BUSINESS

None

7.0 MOTIONS OF WHICH NOTICE HAS BEEN RECEIVED

None

8.0 PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

None

9.0 MEMBERS' REPORTS

9.1 CR CHAMBERLAIN

Cr Chamberlain reported on attendance at the Newdegate Community Development Association meeting and discussion on the old bakery building. The owner attended the meeting, he queried what his rights were and whether the community was interested in purchasing the place. Cr Chamberlain informed him that it was on Council's Municipal Inventory but that it was the owner's call as to what to do with the building.

The President advised of a conversation with a former bakery worker who had heard the building was to go and had commented it is in a shocking state. He had visited and taken photographs at the site.

9.2 CR STEWART

Cr Stewart expressed concerns over trees in Francis and Collier Streets, Newdegate - lots of trees are overhanging power lines going into private houses. Cr Stewart queried Council's liability on the issue of trees over power lines on private property.

The President advised if the trees are on private property it is the landowners responsibility to have them lopped.

Cr Stewart attended the Newdegate Recreation Council Meeting and they advised they are organising funds for the purchase of a Wick Weed Wiper to assist in the control of weeds on the sports ovals. It is proposed to purchase the weed wiper through the Shire as the Recreation Council is not GST registered. It was also raised at the meeting that the toilets are not working properly.

10.0 MATTERS FOR CONSIDERATION – WORKS & SERVICES**10.1 ROAD PROGRAM REPORT - 2006/07**

Applicant:	Mr Chris Jackson
File No.	0471
Attachments:	2006/2007 Road Works Program Update, Correspondence (3) & Karlgarin Road Report
Author:	Mr Chris Jackson Chief Executive Officer
Disclosure of Interest:	Nil
Date of Report:	21 May 2007
Senior Officer:	Mr Chris Jackson Chief Executive Officer

Summary

To update Council on progress of the 2006/2007 Road Program and to approve various funding arrangements.

Background

Council's 2006/2007 Road Program included:

- Construction expenditure of \$2.2M
- Maintenance expenditure of \$3.4M
- Operating Income of \$2.9M
- Grants Commission Income for roads \$921,268

Not included in the budget but listed in the Road Program are additional Roads to Recovery Supplementary funding of \$520,178 which has been held as restricted cash since the previous financial year. The Road Program proposed that these funds be used to off set Council's required 25% contribution to flood damage.

Following representation to the Minister for Planning and Infrastructure and the Main Roads Local Government Advisory Committee, approval was received to increase the funding arrangements to 87.5% Federal/State and 12.5% Shire of Lake Grace.

The program works was to be achieved through a combination of the Shire's own workforce and machinery and contractors. Contracts were let on an hourly rate basis to two main contractors together with other smaller local and regional contractors.

Comment**Flood Damage 05/06**

Expenditure **\$326,113** - Funding Received \$600,000

Flood Damage 06/07

Expenditure to date \$2,228,564 - Estimated Total **\$2,268,564**

Funding Received and due \$1,511,371

Total estimated final expenditure **\$2,594,677**

Total claim estimate submitted and approved \$2,412,995

Total funding received and due \$2,111,371 (87.5% of claim)

An application has been made to Main Roads for additional funds to the total expenditure of \$2,594,677 @ 87.5% = 2,270,342 (funds due \$158,971). This will complete all works on flood damage. With a contribution of 12.5% this leaves Council costs at \$324,335.

Council's budget was adopted prior to Main Roads approval of the total estimate of \$2,412,995

The budget included the following figures:

Expenditure \$2,286,666

Income \$1,714,999 (75% of the total)

The balance of \$571,667 was funded from the budget.

In summary; funds included in the budget as Councils contribution of \$571,667, less the required contribution to flood damage @12.5% of \$324,335, leaves funds remaining of \$247,332. It is recommended that this remain as part of the end of year surplus.

Varley South Road

The 2006/2007 Road Program includes \$150,000 from Roads to Recovery for the continuation of the seal (5km) with the work being undertaken by contractors. Following identification of significant problems associated with the works which included poor supervision, poor productivity and the inflating of chargeable hours the contractor was dismissed.

Copies of correspondence from the contractor and the Chief Executive Officers response are attached. At this stage \$50,000 plus GST has been withheld from the contractor.

The estimated final expenditure is \$362,665 - includes the \$50,000 not paid - with sealing to be completed by the end of May. With the sealing costs alone estimated at \$138,196 the original budget would appear to have been inadequate even given the problems with the contract.

Funding of \$150,000 is programmed to come from Roads to Recovery and it is recommended that the balance be allocated from the Roads to Recovery Supplementary Fund.

North Lake Grace Kalgarin Road

A 5km section of this road was programmed to be resealed in this year's budget (E121248 Budget \$139,375). After inspection of the road by the Manager of Works it was found that the bitumen was of poor quality and resealing wouldn't fix the problem. A decision was made to undertake a full reconstruction due to the sub grade failure - refer attached report from the Manager of Works.

As the problem was very clearly caused by floodwaters from the January 2006 floods all reconstruction costs have been allocated to flood damage as listed above. The remaining sealing costs will be debited against the programmed Regional Road Group Job; the road is expected to be sealed by the end of May.

Old Ravensthorpe Road

The 2006/2007 Road Program includes provision for construction of approximately 10km of road to a 'B' class standard and for improvements to the intersection with the highway. Roads to Recovery funding of \$205,778 had been allocated for this purpose.

Similar problems have occurred as with the Varley South Road - refer also attached correspondence. A sum of \$50,000 has also been withheld for payment to the contractor on this road.

The estimated final expenditure is \$338,883 - includes the \$50,000 not paid. It is recommended that the balance be allocated from the Roads to Recovery Supplementary Fund.

Newdegate North Road

The 2006/2007 Road Program includes provision to widen the first 6km out from Newdegate to 7 metres. Regional Road Group funds of \$130,000 are budgeted for this purpose on a total job cost of \$195,000. The Manager of Works has identified 2 options for this work.

Option 1 - Reconstruct to a full A class road.

Option 2 - Widen and seal to an A class road using existing bitumen.

The Manager of Works has expressed concern about using the existing seal given its condition. Further detail will be provided on the matter.

Work is due to start on the 30 May 07 pending a decision on the construction and it is expected that the project will carry over into 2007/2008. It is recommended that the balance of the Roads to Recovery

Supplementary Funds of \$174,408 be allocated to this road giving a total budget of \$369,408 if required.

Roads to Recovery Supplementary Fund

As these funds are no longer required to off set flood damaged roads it is recommended that the funds be allocated as follows:

Varley South Road	\$212,665
Old Ravensthorpe Road	\$133,105
Newdegate North Road	<u>\$174,408</u>
Total	<u>\$520,178</u>

With the full cost to seal for the Varley South Road estimated at \$138,196 and Karlgarin Road \$160,370 it has highlighted concerns about previous sealing practices. Not discounting that the cost of bitumen has increased, a brief investigation into some previous sealing jobs has indicated a charge spray rate of 1.5 litres per square metre. This has been estimated back to a rate of approximately 0.6 litres per square metre based on the works actually carried out. Historical costs had been used to support budget estimates for the 2006/2007 budget which have now been identified as inadequate.

Main Roads have indicated that depending on the size of the stone used the spray rate should be 2L to 2.5L per square metre - refer attached email from Main Roads. A visual inspection of many roads that have been sealed in recent years indicate that there are problems with many of the seals on these roads. It is recommended that Council includes funds in the 2007/2008 budget to undertake a full audit of all Shire of Lake Grace sealed roads.

Legal Implications

N/A

Policy Implications

N/A

Community Consultation

N/A

Financial Implications

As above

Strategic Implications

N/A

Cultural Implications

N/A

Voting Requirements

Absolute majority (5) required.

Recommendation/Resolution

MOTION 10404

Moved Cr Newman
Seconded Cr Taylor

That:

1. Roads to Recovery Supplementary Funding of \$520,178 currently listed as restricted cash not be used to offset flood damage but be used as follows; Newdegate North Road \$174,408, Old Ravensthorpe Road \$133,105 and Varley South Road \$212,665;
2. Funds of \$247,332 included in the budget as Council's contribution to flood damage remain as part of the end of year surplus/deficit and be reallocated as part of the 2007/2008 budget; and,
3. Provision is made in the 2007/2008 budget to allocate resources to undertake an audit of all Shire of Lake Grace sealed roads.

MOTION CARRIED BY ABSOLUTE MAJORITY 9/0

11.0 MATTERS FOR CONSIDERATION – TOWN PLANNING

11.1 AMALGMATION & RE-SUBDIVISION – PROPOSED FOR LOTS 98, 12617 & 1185 BURNS ROAD, NORTH LAKE GRACE

7.05 pm *Cr Walker being the applicant, declared an interest affecting impartiality and left the meeting.*

Correspondent: Western Australian Planning Commission
Applicant: Mr Andrew J Walker
File No. 0453
Attachments: Plans 1 to 3
Authors: Mr Joe Douglas & Mr Steve Pandeski
 Town Planning Consultants
Disclosure of Interest: Nil
Date of Report: 14 May 2007
Senior Officer: Mr Chris Jackson
 Chief Executive Officer

Summary

The following report has been prepared in response to correspondence received from the Western Australian Planning Commission (WAPC) seeking Council's comment on the proposed amalgamation of Lots 98, 12617 and 11885 Burns Road, North Lake Grace and the re-subdivision of the land to create two (2) new lots for farm consolidation purposes.

In accordance with the specific requirements of section 142(2) of the Planning and Development Act 2005 the Shire of Lake Grace has forty two (42) days to provide the WAPC with any comments and/or recommendations considered relevant to the proposal.

Given that the WAPC failed to provide the Shire with a copy of the proposed amalgamation / subdivision plan as part of the original referral to the Shire in April 2007 the Shire was unable to provide a response to the WAPC by the due date (i.e. 10 May 2007). The WAPC has been advised of this error and the Shire has been granted an extension to provide a formal response to the WAPC which is expected to be submitted by Friday 25 May 2007.

An assessment of the application in the context of current State Government planning policy, the Shire's current and proposed town planning schemes and new local planning strategy, and a final recommendation regarding the general suitability of the proposal are provided to assist preparation of the necessary response to the WAPC.

Background

The current landowner, Mr Andrew J Walker, has recently lodged an application with the WAPC seeking approval to amalgamate Lots 98, 12617 and 11885 Burns Road, North Lake Grace and to then re-subdivide the land to create two (2) new separately titled lots for farm consolidation purposes.

The following information was submitted by the applicant in support of the application for consideration by the relevant authorities:

“This application seeks approval to relocate the boundaries of the two lots north of Burns Road so that the man made boundary (railway line) becomes the boundary. The reason for this application is to simplify the boundaries to fit in with my farming operation, i.e. to lease one property and farm the other. This arrangement would be made much easier by use of the railway line as the boundary.”

The subject land is located approximately 8 kilometres north of the Lake Grace townsite in the locality of North Lake Grace and is traversed by the Lake Grace – Karlgarin railway line in a north-south direction and Burns Road in an east-west direction (see Plan 1 – Location Plan).

The subject land has been extensively cleared for agricultural purposes and does not therefore contain any significant stands of vegetation. It is understood that the existing buildings contained in the south-western portion of Lot 98 are proposed to be retained (see Plan 2- Aerial Site Plan).

As previously mentioned the application proposes the creation of a total of two (2) lots from three (3) existing lots for farm consolidation purposes with the proposed lot boundaries taking into consideration the alignment of the existing Lake Grace – Karlgarin railway line which constitutes a significant man made feature currently traversing the land (see Plan 3 – Plan of Proposed Subdivision).

The following table summarises the land area of the existing and proposed lots:

Lot Particulars	Existing Land Area (Approx.)	Proposed Land Area (Approx.)
Existing Lot 98	368.3 hectares	-
Existing Lot 12617	78.5 hectares	-
Existing Lot 11885	167.7 hectares	-
Proposed Lot 1	-	376.1 hectares
Proposed Lot 2	-	238.4 hectares

Comment

In considering the proposed subdivision and formulating an appropriate response to the WAPC Council is required to have due regard for the provisions of the Shire of Lake Grace Town Planning Scheme No.3 (TPS No.3), the proposed Shire of Lake Grace Local Planning Strategy (LPS) and Town Planning Scheme No.4 (TPS No.4) insofar as they provide guidance to Council, and any relevant adopted WAPC policies.

Shire of Lake Grace Town Planning Scheme No.3

The subject lots are not zoned within the Shire's current TPS No.3 as they are located outside the designated boundaries of the Scheme Area which only applies to land within the Shire's four main townsites. As such Council has no scheme provisions or policies applicable to the proposed subdivision of the property in the manner proposed or for the purpose intended.

Proposed Shire of Lake Grace Town Planning Scheme No.4 & Local Planning Strategy

At the time of preparing this report TPS No.4 and the new LPS were being considered for final approval by the Minister for Planning and Infrastructure. To that extent, and in the absence of any direction from TPS No.3, it is considered reasonable under the circumstances for Council to consider the provisions of TPS No.4 in providing any comments to the WAPC.

Under the terms of the LPS & TPS No.4 all agricultural land within the Shire, including the subject land, is intended to be preserved for agricultural purposes to accommodate the establishment of new agricultural uses and the protection of existing agricultural activities.

Given that the application submitted by Mr Walker will result in the consolidation of three (3) agricultural lots into two (2) new agricultural lots to provide for improved management in the longer term, it is considered that the proposal is generally consistent with Council's planning objectives for agricultural land within the Shire and is unlikely to have any negative impacts.

Western Australian Planning Commission Policy No. DC 3.4 – Subdivision of Rural Land

This policy adopts a position whereby there is a general presumption against the subdivision of rural land unless it is consistent with the provisions of a town planning scheme, a local planning strategy, a local rural strategy, or where the application is made under the following circumstances:

- a) Where a significant natural or man-made feature already physically divides the proposed lots and an undesirable precedent would not be set;

- b) Where one or more of the lots is to accommodate an existing or proposed specific non-rural land uses such as recreation facilities, tourist facilities, public utilities, uses ancillary to the rural use of the land (e.g. abattoirs, canning works, grain palletizing plants etc.);
- c) Where the purpose of the subdivision is to excise a conservation lot in accordance with Western Australian Planning Commission criteria;
- d) Where the purpose of the subdivision is to facilitate the conservation of a heritage building or place where:
 - i. The building, object or place is listed in the State Register of Heritage Places or a Heritage List in the town planning scheme;
 - ii. The subdivision is supported by the local government;
 - iii. The local government and landowner enter into a legal agreement, binding on successive owners in Title, to ensure the conservation of the heritage place and to limit the use of the newly created lot and place; and
 - iv. The allotment is of sufficient size to contain its own impacts and will not adversely affect the operation of external uses.
- e) Where the purpose of the subdivision is to provide for the relocation of existing boundaries where:
 - i. The new boundaries reflect good environmental and land management practices;
 - ii. No additional dwelling entitlements are created or where the dwelling entitlements are removed or reduced; and
 - iii. The proposal is intended to facilitate ongoing agricultural usage on all of the lots.

Given that the subdivision proposal submitted by Mr Walker is based upon:

- i. The land being physically divided by an existing railway line;
- ii. A desire to provide for the consolidation of farming units within the immediate locality by amalgamating three (3) titles into two (2) to provide for improved management; and
- iii. A reduction in the total number of dwelling entitlements and is unlikely to set an undesirable precedent for further subdivision in the immediate area,

it is concluded that the proposal is generally consistent with the WAPC's Policy No. DC3.4 – Subdivision of Rural Land and may therefore be supported by Council.

Conclusion

It is concluded from an assessment of the application that the proposed amalgamation of Lots 98, 12617 and 11885 Burns Road, North Lake Grace and their re-subdivision to create two (2) new agricultural lots for the purpose of farm consolidation is consistent with the Shire's proposed

new Local Planning Strategy and Town Planning Scheme No.4 and the specific criteria contained within the Western Australian Planning Commission's Policy No. DC3.4 – Subdivision of Rural Land.

To that extent Council may exercise its discretion and recommend approval of the application to the WAPC in accordance with the details of the plan submitted.

Legal Implications

Planning and Development Act 2005

Shire of Lake Grace Town Planning Scheme No.3

Proposed Shire of Lake Grace Town Planning Scheme No.4

Policy Implications

WAPC Policy No. DC 1.1 – Subdivision of Land – General Principles

Community Consultation

Not required.

Financial Implications

Nil

Strategic Implications

Nil

Cultural Implications

Nil

Voting Requirements

Simple majority required.

Recommendation/Resolution

MOTION 10405

Moved Cr Farrelly
Seconded Cr Bennett

That Council advise the Western Australian Planning Commission that it unconditionally supports the application submitted by Mr Andrew J Walker for the proposed amalgamation / re-subdivision of Lots 98, 12617 and 11885 Burns Road, North Lake Grace for farm consolidation purposes in accordance with the details of the plan submitted in support of the application.

MOTION CARRIED 8/0

7.06pm

Cr Walker returned to the meeting.

11.2 PLANNING APPLICATION LOT 123 BENNETT ST LAKE GRACE - PROPOSED COLORBOND/STEEL FRAMED SHED

Applicant: Mr. N Giles
File No: 0454
Attachments: Plans 4 to 7
Author: Mr Joe Douglas & Mr Steve Pandevski
Town Planning Consultant
Disclosure of Interest: Nil
Date of Report: 15 May 2007
Senior Officer: Mr Chris Jackson
Chief Executive Officer

Summary

This report provides details and recommendations in respect of an application for Council's planning consent submitted by Mr N Giles to construct a new colorbond / steel framed shed at the rear of Lot 123 (No.6) Bennett Street, Lake Grace.

Background

Lot 123 (No.6) Bennett Street, Lake Grace is located within the central-western portion of the Lake Grace townsite approximately 50 metres east of the town's main sporting precinct. The lot comprises a total area of approximately 1,012m², has direct frontage to Bennett Street along its northern boundary and a dedicated right-of-way along its rear (southern) boundary (see Plan 4 – Location Plan).

The subject land has been developed for residential purposes and comprises a single storey detached dwelling constructed on the front half of the property, whilst at the rear of the property there is a carport, sheds and bird cages. A recent site inspection undertaken by Shire staff has identified that a shade cloth that covered an area of the rear yard has recently been removed. Furthermore, should the proposed shed be approved, the landowner intends to remove a small shed (shed "A") and the birdcages (see Plan 5 – Aerial Site Plan).

Adjoining lots are similarly developed and used for residential purposes.

The application seeks Council's planning approval to construct a new 6 metre long, 6 metre wide and 3 metre high (2.4 metre wall height) colorbond shed at the rear of Lot 123. The application submitted for Council's consideration and determination does not stipulate the purpose of the shed, however it is reasonable to assume that it will be used for general residential storage purposes. To that extent, should approval be granted, it is reasonable for Council to restrict the use of the shed for domestic storage purposes only.

The development plans submitted in support of the application propose the shed to be located centrally at the rear of Lot 123 maintaining a setback of 7 metres to the eastern and western boundaries and 10 metres to the southern boundary which abuts the right-of-way (see Plans 6 & 7 – Submitted Development Plans).

Comment

Lot 123 is currently classified 'Residential' zone in the Shire of Lake Grace Town Planning Scheme No.3 (TPS 3) and is proposed to retain this zoning classification in the Shire's proposed new Local Planning Strategy and Town Planning Scheme No.4 (TPS 4).

Council's stated objective for land classified 'Residential' zone is to ensure that the zone adequately provides for the residential needs of the District in a manner consistent with maximum residential amenity and public safety. To achieve this objective Council will adopt Residential Planning Codes consistent with the residential character of the areas, and which will enable residential uses other than single houses to be appropriately located.

Under the terms of the land's current zoning classification the construction of a single house and ancillary outbuildings (i.e. garage, shed etc.) is permitted subject to compliance with the relevant standards and requirements laid down in Town Planning Scheme No.3 and the Residential Design Codes of Western Australia.

Council's planning approval is however required for the construction of an ancillary outbuilding on a lot where a Class 1 Building is proposed to be constructed (i.e. a dwelling house) where the total floor area of the proposed outbuilding(s) on-site exceeds 50m². This can be attributed to the specific requirements of Clause 22 of the Town Planning (Buildings) Uniform General By-Laws 1989.

Given that the total area of existing sheds/garages intended to be retained on-site equates to approximately 62m² and the proposed shed is approximately 36m² in area (i.e. the total area of outbuildings and garages on the site will equal approximately 98m²) Council's planning approval is required for the proposed shed prior to commencement of construction works.

In considering the application it should be noted that clause 3.10.1P1 of the Residential Design Codes affords the Council discretion to approve an outbuilding on 'Residential' zoned land if that outbuilding does not detract from the streetscape or the visual amenity of residents or neighbouring properties. Given that the proposed shed will be located at the rear of Lot 123 and setback significantly from the street and neighbouring / adjoining dwellings, it may be reasonable for Council to form the view that the total area of outbuildings on Lot 123, inclusive of

the proposed shed, will not detract from the streetscape or the visual amenity of residents or neighbouring properties.

Alternatively, if Council forms the view that approval of the proposed shed will have a cumulative detrimental impact on neighbouring / adjoining properties (taking into consideration the total area of existing sheds proposed to remain) it may resolve not to approve the shed for the reason that the total area of sheds on site will exceed that provided for at clause 3.10.1A1 of the Residential Design Codes (i.e. 60m²) and that approval will generate a detrimental impact on the amenity of the locality and neighbouring / adjoining properties.

Conclusion

It is concluded from a detailed assessment of the application in the context of the Shire's current Town Planning Scheme No.3 that the proposal to construct a new colorbond shed at the rear of Lot 123 (No.6) Bennett Street, Lake Grace is capable of being implemented in a proper and orderly manner subject to compliance with a number of conditions to ensure that the proposed development proceeds in accordance with the details of the plans submitted in support of the application and does not have a negative impact upon the general amenity, character, functionality and safety of the immediate locality.

In making a final determination on the application it is recommended that Council consider imposing a number of conditions on any approval issued to address the following matters:

The need to ensure the preparation and submission of satisfactory building plans to the Shire for the issuance of a building license prior to the construction of the proposed shed;

The need to ensure that the proposed shed is not used for any purposes other than those permitted under the Shire's operative Town Planning Scheme and/or specifically approved by Council;

The need to ensure that the proposed shed does not have a negative impact upon the character and visual amenity of the immediate locality by virtue of its height, finish and general appearance;

The need to ensure that the proposed shed is located on the land so as to have an adequate setback from essential service infrastructure; and

The need to ensure adequate management of on-site stormwater drainage.

Legal Implications

Planning and Development Act 2005
Shire of Lake Grace Town Planning Scheme No.3
Shire of Lake Grace Town Planning Scheme No.4 (Draft)
Town Planning (Buildings) Uniform General By-Laws 1989

Policy Implications

Nil

Community Consultation

Not required.

Financial Implications

Nil

Strategic Implications

Nil

Voting Requirements

Simple majority required.

Recommendation/Resolution

MOTION 10406

Moved Cr Bennett
Seconded Cr Taylor

That Council resolve to approve the application for planning consent submitted by Mr N Giles to construct a new colorbond / steel framed shed at the rear of Lot 123 (No.6) Bennett Street, Lake Grace in accordance with the details of the plans submitted in support of the application subject to compliance with the following conditions:

1. Completion of all development within two (2) years of the date of Council's issuance of planning consent.
2. A satisfactory building licence application and plans being submitted to and approved by the Shire.
3. The proposed shed shall be used for domestic storage purposes only unless otherwise approved by Council.
4. The proposed shed shall be of colorbond construction and shall have a total floor area not exceeding 36m².

MOTION 10406 continued

5. The proposed shed shall have a maximum wall height of 2.4 metres and a maximum ridge height of 3 metres as per the details of the plans submitted in support of the application.

6. The proposed shed shall have adequate clearance from any existing underground essential service infrastructure (e.g. reticulated sewerage, water, etc.) as required by the relevant service agencies.

7. Any additional stormwater drainage discharge generated by the approved shed shall be managed to the specifications and satisfaction of the Shire.

MOTION CARRIED 9/0

12.0 MATTERS FOR CONSIDERATION – HEALTH & BUILDING

12.1 WASTE MANAGEMENT OPTIONS

Cr Chamberlain advised the meeting he was putting forward an alternative motion to that recommended.

Applicant:	Environmental Health Officer
File No.	0521
Attachments:	Feb 2007 Waste Management Options Report Zero Waste-Live the Vision presentation Newdegate Draft Site Plan
Author:	Mr Maurice Walsh & Mr Chris Jackson Environmental Health Officer & CEO
Disclosure of Interest:	Nil
Date of Report:	16 May 2007
Senior Officer:	Mr Chris Jackson Chief Executive Officer

Summary

A report titled “Shire of Lake Grace Waste Management Options” has been prepared with assistance from consultants SMEC.

It has been recommended that Council adopt Option 4 which proposes that landfills at Lake Grace and Lake King continue to operate and remain open and landfills at Newdegate and Varley cease to operate as landfills and continue to operate as waste transfer-stations in the future.

Note: Time will be allocated prior to the meeting to discuss this issue.

Background

In 2006 Council called for Expressions of Interest for the preparation of a waste management strategy for the Shire of Lake Grace. This action was taken due to Council’s commitment to improve long term waste management services and operations within the Shire. The Department of Environment and Conservation had also previously advised that the annual licence to operate the Newdegate rubbish tip would not be renewed after March 2007 and therefore landfill operations at that site would have to cease.

The Department of Environment and Conservation advised that the Newdegate landfill site would need to close based upon environmental concerns largely due to the close proximity of the refuse site to Lake Burkett.

A mandatory “Rehabilitation and Post Closure Management Plan for the Newdegate Rubbish Tip” has been prepared and approved by the Department of Environment and Conservation.

Following a request and advice to the Department that the Waste Management Options paper was being prepared approval has now been received to operate the Newdegate Landfill for a further 12 months with the licence to expire in May 2008. The authors firmly believe that it is unlikely that the Department of Environment and Conservation will grant any further extensions to operate the current Newdegate Landfill.

Comment

The four options provided for in the SMEC report are:

Option 1: Lake Grace operating as a super-pit landfill site and other current landfill sites operating as waste transfer stations;

Option 2: Lake Grace operating as current landfill site, alternative Newdegate landfill site established, and Lake King and Lake Varley operating as waste transfer stations;

Option 3: Lake Grace and Lake King operating as current landfill sites, alternative Newdegate landfill site established, and Lake Varley operating as a waste transfer station; and

Option 4: Lake Grace and Lake King operating as current landfill sites, and Newdegate and Lake Varley operating as waste transfer stations.

SMEC has recommended that Council adopt Option 4 as outlined within the report which proposes that landfills at Lake Grace and Lake King continue to operate and remain open and landfills at Newdegate and Lake Varley cease to operate as landfills and continue to operate as waste transfer stations in the future.

It is important at this stage that the focus is Newdegate as landfill operations will have to cease in mid 2008 and the Newdegate community will require an alternative rubbish disposal site.

To continue to service the Newdegate community the two options available to Council are either to:

- Establish a new landfill site in the vicinity of the Newdegate townsite; or,
- Convert the existing Newdegate rubbish tip into a waste transfer station.

SMEC's recommendation that the existing Newdegate rubbish tip be converted into a waste transfer station is supported. Whilst the extension has given Council some breathing space, construction of a transfer station in Newdegate should be undertaken as a matter of urgency.

The recommendation is largely based upon economic grounds with a new landfill site conservatively estimated to cost \$100,000. It must also be stressed that the time required to firstly have the site identified, approved and then constructed could take many years.

A cost analysis to transfer waste from Newdegate to Lake Grace has been prepared (see attachment) based on either a contractor providing the service or the Shire gearing up to provide the service. The contractor estimates are based on a quote that has already been received. The analysis indicates that the contract rate would be the cheapest option.

It is believed that waste transferred from a Newdegate transfer station should be disposed of at the Lake Grace rubbish tip and not at the Lake King rubbish tip as transportation costs will be less and the Lake Grace site is logistically better set up and is more suitable to deal with the additional waste. It is also believed that the recommendation to convert the Lake Varley rubbish tip into a transfer station can be actioned at a later date as the Department of Environment and Conservation has not advised Council that this is matter of any urgency.

The transportation system recommended to transfer waste from Newdegate to Lake Grace is based on a bin exchange system operated with a truck fitted out with a "hook-lift". This system is better than using semi-trailers as they have not been successful in the past due to waste in semi-trailers located at waste transfer stations being set on fire.

At this time it is not recommended that the proposed Newdegate Transfer Station be staffed but consideration needs to be given to the site being opened and closed at certain times. Examples from other shires indicate that this can reduce inappropriate dumping of materials and the site can be better monitored and maintained.

Council's Building Surveyor, EHO and Manager of Works have discussed the design of the transfer station and a draft site plan has been prepared. Should Council agree to proceed with the construction a site inspection will be arranged with Councillors, staff and relevant contractors.

The State Government's Zero Waste Plans concept has presented some new interest throughout local government in Western Australia. A significant aspect of the concept is that the regionalization of waste management operations and services is an important key in improving waste management in Western Australia. Refer attached Zero Waste Presentation.

Funding is available to local government for the preparation of zero waste plans and already a group of Councils in the southern Wheatbelt region (Lake Grace has been invited to participate) have proposed that the issue of establishing regional waste disposal facilities should be considered.

This issue supports the proposal to convert the Newdegate rubbish tip into a waste transfer station and not to establish a new small scale landfill site in the Newdegate area. The establishment of any new or larger landfill facilities should only be considered if undertaken on a regional basis.

The following email has recently been received from the Shire of Wagin.

“Over the past month a group of Councils have been investigating the possibility of establishing a Regional Refuse disposal site in the Upper Great Southern region.

As part of the development we recently held a meeting with representatives from the Department of Environment and Conservation and the Municipal Waste Advisory Council. At this meeting we were informed about the proposed Waste Avoidance and Resource Recovery (WARR) Bill and the potential need for each Local Authority to prepare a Zero Waste Management Plan.

You may have already received a letter from the Department of Environment and Conservation outlining funding of \$5,000 will be paid in return for completing phase 1 of the Zero Waste Management Plans which is an online survey. A further \$15,000 per Council will be available for phase 2 to develop a plan.

We now have the opportunity of pooling our funds \$20,000 per Council into a regional partnership and produce one Zero Waste Management Plan with further objectives relating to refuse control and recycling that could attract additional funding from the Zero Waste Plan Development Scheme.

To do this we need a firm commitment from each Council that has been invited to participate. From our original group of 11 Councils we appear to have support from Wagin, West Arthur, Williams, Narrogin Shire, Cuballing, and Dumblebung. The other Councils originally invited were Woodanilling, Wickepin, Narrogin Town, and Katanning who have not indicated a level of commitment.

At our last meeting it was agreed to offer an invitation to Kojonup, Broomehill, Kent, Lake Grace, Pingelly, Kulin, and Wandering Councils to ensure that we have a broad coverage should some Councils decline. One important factor to be aware of is that our Zero Waste Management Plan must be completed by December 2007 for approval by March 2008.

On behalf of our group I request that you refer this issue to your Council’s May meeting as we will be holding a further meeting in late May to commence this process with those Councils that have agreed to participate. May I also request that you advise me on behalf of our group of your Councils decision to either participate or decline our offer.”

It is recommended that Council advise the Shire of Wagin that it is happy to be party to future discussion on regional waste issues.

Legal Implications

Unlike landfill sites waste transfer stations do not require an annual licence to operate as a waste disposal site under the provisions of the Environmental Protection Act of Western Australia.

Waste Avoidance and Resource Recovery (WARR) Bill 2006.

Policy Implications

Policy 3.6 Purchasing Policy

Community Consultation

Details of any change to waste disposal requirements will be advertised in local papers and direct to residents as a letter drop.

Financial Implications

Whilst the SMEC report indicates that the cost to construct a transfer station at \$15,000, staff estimate that the cost would be closer to \$70,000 based on local costs.

2006/2007 Budget:

- E101260 Waste Site Upgrades \$55,000
- E101201 Lake Grace Refuse Site \$36,126
- E101202 Newdegate Refuse Site \$20,807
- E101203 Lake King Refuse Site \$8,360
- E101204 Varley Refuse Site \$4,960
- E101205 Landfill Sites Cleanup & Rehab \$40,000
- E101206 New Landfill Site Investigation \$30,000

Strategic Implications

Waste Management is a key strategic action for Council.

Cultural Implications

Waste Management is a key cultural action for Council.

Recommendation

That

- 1) The Waste Management Options paper February 2007 prepared by SMEC be received and option 4 endorsed with the following modifications;
- 2) The existing Newdegate Landfill Site be converted into a waste transfer station with the waste being carted to the Lake Grace landfill facility, construction to be undertaken by the Shire and works to commence as soon as practically possible;
- 3) Varley Land fill site to continue to operate as a landfill at this time with the required operation approvals in place;

- 4) A site inspection be undertaken prior to commencement of construction to confirm siting of the new transfer station with Councillors, staff and relevant contractors;
- 5) Quotes be sought from suitable contractors to undertake future waste cartage within the Shire of Lake Grace with the quotes to include details on a per kilometre cost basis and for the provision of suitable bins on either an annual hire rate or outright purchase;
- 6) Construction & operating costs for the new Newdegate Transfer Station be included in the 2007/2008 budget;
- 7) Staff commence preparation of a Zero Waste Management Plan and access available funding for this purpose through the Department of Conservation & Environment (Waste Management Board); and
- 8) The Shire of Wagin be advised that the Shire of Lake Grace is happy to be party to discussions on regional waste issues and to be considered as part of a regional waste plan.

Voting Requirements

Simple majority required.

Resolution

MOTION 10407

Moved Cr Chamberlain
Seconded Cr Newman

That the staff be instructed to investigate and progress the acquisition of the land located on the corner of Watson Road and Lake Bidy Road for the purpose of a rubbish landfill site for Newdegate

MOTION CARRIED 7/2

REASON FOR CHANGE

Cr Chamberlain advised that he did not support the construction of a transfer station at this time and that a new landfill was a better option for the whole shire.

MOTION 10408

Moved Cr Stewart
Seconded Cr Newman

That:

- 1) The Waste Management Options paper February 2007 prepared by SMEC be received.
- 2) Staff commence preparation of a Zero Waste Management Plan and access available funding for this purpose through the Department of Conservation & Environment (Waste Management Board); and
- 3) The Shire of Wagin be advised that the Shire of Lake Grace is happy to be party to discussions on regional waste issues and to be considered as part of a regional waste plan.

MOTION CARRIED 9/0

7.20pm *Mr Jackson left the meeting.*

**12.2 FORMER MASONIC LODGE 48 & 49 MALEY ST NEWDEGATE -
DEMOLITION**

Applicant: Building Officer
File No. 0152
Attachments: Municipal Inventory extract
Author: Mr Darryle Baxter
Contract Building Surveyor
Disclosure of Interest: Nil
Date of Report: 15 May 2007
Senior Officer: Mr Chris Jackson
Chief Executive Officer

Summary

This report provides details and recommendations in respect to the condition of the former Masonic lodge building on Lots 48 & 49 Maley St Newdegate.

Background

On the 6 February 2007, Council's Building Surveyor undertook an assessment of the building and it was found that the structure was in a serious state of neglect.

Council will recall that previously, plans for this site were that it be developed as a senior's village and provide accommodation units clustered around the renovated and upgraded Masonic lodge building which would be utilised as a seniors community meeting place.

At this stage ownership of the land and building was sought and subsequently handed over to the Shire by the Freemasons of Western Australia for the purpose of development of the site as a senior's village.

Following community consultation and planning sessions it was then agreed to incorporate the senior's village into the Newdegate Townsite Rejuvenation Project. It is now proposed the senior's accommodation units be constructed adjacent to the town hall and medical facilities.

The development of the Town Hall site means the Masonic Lodge site is now no longer required for that original purpose.

Comment

The Masonic Lodge building would need vast sums of money to make it safe and comply with the legislative requirements for Public Buildings including universal accessible facilities i.e. toilets, ramps, neon exit signs and accessible doors.

It is estimated that in excess of \$100,000.00 would be required to bring the building up to standard.

At present this structure poses a danger to whoever may be near to it as bricks are starting to fall and windows are broken. Resulting air can now enter the inside space, making the roof unsafe and dangerous should a gust of wind attack it from the inside.

Given all of the above Council's Building Surveyor recommends the structure be removed and the land be rezoned as 'residential' and utilised.

Legal Implications

As owners of the land and building, Council is liable should the building further deteriorate and become dangerous.

Policy Implications

Council's Municipal Inventory lists the building as a Category 4.

Community Consultation

Council's Municipal Inventory is scheduled for review within the next 12 months.

Due process with regard to the Inventory is recommended should the building be demolished.

Financial Implications

It is estimated that in excess of \$100,000.00 would be needed to bring the building up to required standards.

It is estimated that the cost of demolition should not exceed \$5,000.00.

Strategic Implications

There are no current plans for development of the site.

Cultural Implications

Council's Municipal Inventory developed in 1996, lists the building as Category 4 which is not constrained by the Town Planning Scheme.

The inventory recommends that should the building be considered for demolition the same consultation opportunities as for the town planning scheme should be followed.

Recommendation

- 1) That the former Masonic Lodge situated on Lot 48 & 49 Maley Newdegate be demolished and the site cleaned of all debris;
- 2) That a photographic record of the building be prepared and retained as part of Council's Municipal Inventory;

- 3) That a notice of the demolition be prepared and advertised through the Newdegate Gatepost newsletter.

Voting Requirements

Simple majority required.

Resolution

MOTION 10409

Moved Cr Newman
Seconded Cr Taylor

- 1) That the former Masonic Lodge situated on Lot 48 & 49 Maley Newdegate be offered for demolition and the site cleaned of all debris;
- 2) That a photographic record of the building be prepared and retained as part of Council's Municipal Inventory;
- 3) That a notice of the demolition be prepared and advertised through the Newdegate Gatepost newsletter.
- 4) That a suitable plaque be installed at the site.

MOTION CARRIED 9/0

REASON FOR CHANGE

Council included the installation of the plaque in the motion.

7.24pm *Mr Jackson re-entered the meeting*

13.0 MATTERS FOR CONSIDERATION – FINANCE

13.1 ACCOUNTS FOR PAYMENT – APRIL 2007

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: 11 May 2007
Senior Officer: Mr Chris Jackson
Chief Executive Officer

Summary

For Council to ratify expenditures incurred for the month of April 2007.

Background

List of invoices paid for the month of April 2007 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 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 April 2007 from the Municipal Account amounts to \$777,042.46

Strategic Implications

N/A

Cultural Implications

N/A

Voting Requirements

Simple majority required.

Recommendation/Resolution

MOTION 10410

Moved Cr Bennett
Seconded Cr Sinclair

That Municipal Account cheques 32498 to 32551, Electronic Funds Transfers EFT2715 to EFT2833 and direct debits to the Municipal Accounts totalling \$777,042.46 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 9/0

13.2 FINANCIAL STATEMENTS – APRIL 2007

7.31pm *Mr Boyce left the meeting.*

Applicant: Shire of Lake Grace
File No. 0275
Attachments: Financial Reports
Author: Ms Leonie McIlree
Manager Corporate Services
Disclosure of Interest: Nil
Date of Report: 14 May 2007
Senior Officer: Mr Chris Jackson
Chief Executive Officer

Summary

Consideration of the financial statements for the month ending 30 April 2007.

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
- 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.

Resolution

MOTION 10411

Moved Cr Taylor
Seconded Cr Farrelly

That the financial reports for the month ending 30 April 2007 as attached be received.

MOTION CARRIED 9/0

7.33 *Mr Boyce re-entered the meeting.*

13.3 INVESTMENT OF SURPLUS FUNDS

Applicant: Manager Corporate Services
File No. 0267
Attachments: Nil
Author: Ms Leonie McIlree
 Manager Corporate Services
Disclosure of Interest: Nil
Date of Report: 16 May 2007
Senior Officer: Mr Chris Jackson
 Chief Executive Officer

Summary

Report on the investment of surplus funds for the Reserve Fund.

Background

In accordance with Council Policy,

Comment

The following surplus funds were invested during the month of April 2007:

Bank	Account	Fund	Term	Amount	Interest Rate	Expiry Date
Elders Rural Bank	301214813	Reserve	6 months	\$1,600,000	6.40%	2 May 2007

Note: The above term deposit closed on 2 May 2007 and \$1,678,180.24 was transferred to the Reserve Account. Interest earned during the term of this deposit totalled \$78,180.24.

Legal Implications

Nil.

Policy Implications

As per Council's policy.

Community Consultation

N/A

Financial Implications

N/A

Strategic Implications

N/A

Recommendation

That the investment report for the month of April 2007 be approved.

Voting Requirements

Simple majority required.

Recommendation/Resolution

MOTION 10412

Moved Cr Newman
Seconded Cr Farrelly

That the investment report for the month of April 2007 be approved.

MOTION CARRIED 9/0

14.0 MATTERS FOR CONSIDERATION – ADMINISTRATION

14.1 LOCAL GOVERNMENT COMPLIANCE AUDIT – 1 JANUARY 2006 TO 31 DECEMBER 2006

Applicant:	Department of Local Government
File No:	0528
Attachments:	Compliance Return
Author:	Mr Chris Jackson Chief Executive Officer
Disclosure of Interest:	N/A
Date of Report:	16 May 2007
Senior Officer:	Mr Chris Jackson Chief Executive Officer

Summary

The purpose of this report is for Adoption of the Statutory Compliance Return for the year 2006 and endorsement of the required Certification.

Background

The Department of Local Government produces a Statutory Compliance 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 2007.

Due to the absence of the CEO during March 2007, approval was received from the Department of Local Government to extend the submission date to 31 May 2007 – see attached advice.

Comment

This year's return has been completed online.

Areas of non compliance in this year's return have been identified as listed:

- 1) Delegation of Power/Duty Item 8 - A 'no' return is submitted as Council Minutes reflect the decision.
- 2) Finance Item 1 – A 'no' return is submitted as the Annual Report does not include an overview of the plan for the future.
- 3) Finance Item 5 & 6 - A 'no' return is submitted as a plan for the future was not prepared.

- 4) Meeting Process Item 57 – A ‘no’ return is submitted as a Legislation update is imminent.
- 5) Swimming Pools Item 1 – A ‘no’ return is submitted as private swimming pool inspections are to be undertaken by the Building Surveyor within the next 3-4 months.

Community Consultation

N/A

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 10413

Moved Cr Bennett
Seconded Cr Newman

That

- 1) The Local Government Statutory Compliance Return for the Shire of Lake Grace for the period 1 January 2006 to 31 December 2006 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 9/0

14.2 LICENCE AGREEMENT – WATER CORPORATION RESERVE NO 26137 LAKE GRACE

Applicant: Water Corporation
File No: 0463
Attachments: Copy of Licence Agreement & Policy 1.11
Author: Mr Jim Fraser
 Manager Community Services
Disclosure of Interest: Nil
Date of Report: 10 May 2007
Senior Officer: Mr Chris Jackson
 Chief Executive Officer

Summary

This report recommends the use of the Common Seal on an Agreement between Council and the Water Corporation.

Background

In July 2006 Councillors and staff met in Lake Grace with representatives of the Water Corporation to discuss a number of issues. Among the issues was a request from Council to gain access to the roaded catchment within Reserve No 26137 (Williams location 15248) situated to the North of the Collie – Lake King Road approximately 2 kilometres from the Lake Grace Townsite.

At that stage of the negotiations it was anticipated that a storage dam would be constructed within the reserve. Following a drilling programme it was determined that a suitable dam site could not be found.

The Water Corporation subsequently offered the use of the site to Council for a three year period with a two year option at an initial annual fee of \$800.00 per annum. Staff wrote to the Water Corporation seeking a reduction in this fee which was then reduced to \$500.00.

Council will also be responsible for the legal costs for the preparation of the Agreement.

Comment

The portion of the reserve offered to Council is approximately 35 hectares in area and contains an extensive roaded catchment network. Whilst predominantly of earth construction there are also several sealed areas which increase water runoff results.

Council is required to indemnify the Water Corporation for public liability to a sum of \$10,000,000. Council current coverage is \$100,000,000.

Staff are of the view that there are no onerous responsibilities and/or requirements under the Agreement.

Legal Implications

A binding contract will be formed when a formal lease document is executed by both parties.

Policy Implications

Council Policy 1.11 Use of Common Seal.

Community Consultation

There has not been any community consultation.

Financial Implications

The cost of the preparation of the lease is approximately \$1,000.00.

Strategic Implications

Maximising the use of alternative water supplies will be an important component of Councils Strategic Plan.

Cultural Implications

The use of non scheme water was an issue raised during the Cultural Planning Process.

Voting Requirements

Simple majority required.

Recommendation/Resolution

MOTION 10414

Moved Cr Stewart
Seconded Cr Walker

That in accordance with Council Policy 1.11 Use of Common Seal, an agreement between the Shire of Lake Grace and the Water Corporation for the use of the northern portion of (Williams location 15248) Reserve No 26137 be executed.

MOTION CARRIED 9/0

15.0 URGENT BUSINESS BY DECISION OF THE MEETING

None

16.0 SCHEDULING OF MEETING

16.1 JUNE 2007 ORDINARY MEETING

Motion 10319 November 2006 states:

An Ordinary Meeting of Council will be held on Wednesday 27 June 2007, commencing at 1.00pm at Council Chambers, Stubbs St Lake Grace.

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

Note – The CEO agreed to lift the confidentiality of the item.

17.1 CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW

Applicant:	Shire President
File No.	Personnel File
Attachments:	Appendices 1 & 2
Author:	Mr Allan Bandt Director Bandt Gatter & Associates
Disclosure of Interest:	Nil
Date of Report:	10 May 2007
Senior Officer:	Mr Chris Jackson Chief Executive Officer

Summary

This report provides a summary of the outcomes of the Annual Performance Development and Review (2006-07) for the Chief Executive Officer, Shire of Lake Grace.

This report prepared in the manner outlined in the Contract of Employment, Chief Executive Officer, February 2005 outlines:

- The methodology used
- Results of the Performance Review
- Proposed Performance Targets for 2007-2008

Background

Methodology

Review Requirements

Consistent with the CEO Contract of Employment, the Performance Review Procedures was required to address the following: -

- CEO Self Assessment based on a range of key result areas.
- Individual Councillors providing an assessment of the CEO Performance.
- Analysis and summary of the assessment results being prepared and discussed between the CEO and Council/Committee.
- The establishment of a new set of key performance measures/key result areas for the following 12 month period.

Approach Used

The performance indicators outlined in the current Chief Executive Officer Position descriptions were used (with one minor modification) as the basis of the CEO performance evaluation. The key areas assessed reflected the key performance standards in the CEO's performance contract and these key areas consisted of:

- Act as the Principal Advisor to the President and Council on Policy and Legislation.
- Identify and perform all statutory requirements of the position.
- Plan, direct and monitor the operations of Council.
- Ensure effective and equitable Human Resource Management and Strategies.
- Control, formulate, co-ordinate and review effective strategic planning.
- Foster and maintain excellent positive public relation customer care.

Councillors and the CEO himself were both asked to assess the Chief Executive Officer's performance on each of these areas and to provide additional comments where necessary. These results were collated and analysed and formed the basis of the report.

The consultant met with the Council to discuss the assessment survey results and agreement and any additional comments were sought from Councillors.

The consultant subsequently met with the Shire President, Deputy President and Chief Executive Officer to jointly discuss the results and to prepare the 2007 Performance Agreement and Targets.

Comment

Outcomes of Councillor Performance Review Discussions

Overview-Assessment Results

On all of the performance indicators assessed, the Chief Executive Officer's performance was identified as satisfactory or above. Overall, the Councillors rated the CEO's performance higher than he himself rated it.

On all performance indicators evaluated, the Chief Executive Officer's performance was identified as satisfactory or above.

There was a range of positive comments about the CEO throughout the report, mentioning his good relationship with the media, helpful advice to staff and recognising that he has worked well under the difficult circumstances of the last year.

The areas of greatest strength, as represented on the scale, are:

- Maintain close media relationships, which will assist the Local Government in the provision of a sound, balanced reporting of issues.
- Ensure Council meeting agendas and minutes are prepared promptly and that reports are factual, accurate and impartial.
- Facilitate and maintain co-operation and effective relationships with business and community organizations.
- Provide advice on the potential impact of Commonwealth and State Legislation on Council services.
- Oversee the preparation, review and enforcement of Council's Local Laws and report annually on the Local Government's activities and their outcomes.

The areas identified in the report as requiring additional attention are:

- Provide regular reports to Council on budget performance.
- Utilise sound business and human resource management practices to deliver programs and services within budget and in accordance with Council's corporate strategies and programs.
- Ensure that all officers understand and fulfill their responsibility, authority and accountability and officers are appraised and counselled on their performance at least annually.
- Develop within the community the Council's image as a responsive customer driven organization.
- Regularly monitor customer service programs and develop strategies to ensure the highest service level is maintained having regard to the Local Government's resources.

- Provide regular reports to Council on its Strategic Plan.

These areas requiring additional attention are outlined in more detail as follows. A copy of the Assessment Results is attached at Appendix 1.

Areas Requiring Attention

1. Provide regular reports to Council on budget performance (Qu 5.2)

This area rated as the area requiring greatest attention over the next twelve months.

It was acknowledged that it has been a difficult year, with a large number of ongoing developments and normal maintenance and construction affected by flood damage that had to be managed. The lack of a Works Manager was also noted as an important factor.

One comment was that while regular reports may be forthcoming, requests for clarification are not always addressed quickly.

2. Utilise sound business and human resource management practices to deliver programs and services within budget and in accordance with Council's corporate strategies and programs (Qu 3.2)

Staffing increases and reduced office hours were quoted as factors in this area. A new Strategic Plan is about to be implemented.

3. Ensure that all officers understand and fulfill their responsibility, authority and accountability and officers are appraised and counselled on their performance at least annually (Qu 3.3)

Again, the increase in the number of office staff was noted here. This increase needs to be monitored to ensure it results in greater efficiency and output.

4. Develop within the community the Council's image as a responsive customer driven organisation (Qu 6.1)

A survey to all residents was suggested as one way to address this area. A reference was made to the 2004 survey on Council Performance and Customer Needs; this could perhaps be used as a guide.

5. Regularly monitor customer service programs and develop strategies to ensure the highest service level is maintained having regard to the Local Government's resources (Qu6.2)

The comment relating to a resident survey (as above) is pertinent to this area also.

6. Provide regular reports to Council on its Strategic Plan (Qu 5.1)

This plan is currently being developed. It is seen as important that Council be kept informed and be an integral part of its development and implementation

Key Performance targets 2007

Attached at Appendix 2 is an outline of the Key Performance Targets for the CEO for 2007. It is noted that this number has been kept small and specific in order to focus on the priorities of most importance.

These targets have been set, following the performance review, by the Chief Executive Officer, Shire President and Deputy Shire President with assistance from the Consultant.

Legal Implications

Contact of Employment with the CEO

Policy Implications

N/A

Community Consultation

N/A

Financial Implications

N/A

Strategic Implications

N/A

Cultural Implications

N/A

Recommendation

1. The performance of the Chief Executive Officer is regarded as satisfactory or above for the 2006-2007 review period.
2. The attached specific performance measures and targets for the next 12 months for the CEO position be accepted.

3. A mid-year review of the CEO's performance (in order to track progress) be conducted in 6 months and then a full review process be completed again in 12 months.
4. That the confidentiality of this item be lifted.

Voting Requirements

Simple majority required.

Resolution

MOTION 10415

Moved Cr Walker
Seconded Cr Bennett

1. The performance of the Chief Executive Officer is regarded as satisfactory or above for the 2006-2007 review period.
2. The attached specific performance measures and targets for the next 12 months for the CEO position be accepted subject to Item 5.2 being referenced to Item 3.1, dot point 3.
3. A mid-year review of the CEO's performance (in order to track progress) be conducted in 6 months and then a full review process be completed again in 12 months.

MOTION CARRIED 9/0

REASON FOR CHANGE

Council included the referencing of performance measure Item 5.2 to Item 3.3 and removed point 4 of the recommendation as confidentiality of the item was lifted prior to any discussion.

18.0 CLOSURE

There being no further business, the Chairperson closed the meeting at 7.52 pm.

19.0 CERTIFICATION

I Gary Ernest John Roberts certify that the minutes of the meeting held on the 23 May 2007 as shown were confirmed as a true record at the meeting held on the 27 June 2007.

Chairman

Date