

SHIRE OF LAKE GRACE



Minutes

Ordinary Council Meeting

28 November 2007

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SHIRE OF LAKE GRACE

MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD AT THE NEWDEGATE INDOOR RECREATION CENTRE, NEWDEGATE ON WEDNESDAY, 28 NOVEMBER 2007.

1.0 OPENING & ANNOUNCEMENT OF VISITORS

The Chairperson (President) opened the meeting at 9.15 am.

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 OP Farrelly	
Cr AI Milton	
Cr DP Sinclair	
Cr RP Taylor	
Mr HJ Fraser	Acting Chief Executive Officer
Mr WR Bond	Acting Manager Corporate Services
Mr LW White	Acting Manager Community Services
Mrs J Bennett	Executive Assistant
Sgt Matt Power	Officer in Charge Lake Grace Police
Mrs Helen Shalders	Newdegate Swimming Pool Committee
Ms Bridget Michel	Newdegate Swimming Pool Caretaker

2.2 APOLOGIES

None.

2.3 LEAVE OF ABSENCE PREVIOUSLY GRANTED

3.0 PUBLIC QUESTION TIME

3.1 MRS HELEN SHALDERS

Query: Mrs Shalders asked what the Shire is doing and what it is happening in regard to the Newdegate Swimming Pool?

Reply: Shire President replied that Council are in the process of negotiating with the Department of Education to open the pool for public use.

Acting Chief Executive Officer, Mr Jim Fraser gave a further outline of events to date:

At Council's October 2007 Meeting it was resolved to contact the Minister for Education regarding the community concern over future operations and upgrade to the Newdegate Swimming Pool and request an urgent meeting. It was further resolved to request the Department that the swimming pool be allowed to open for the pool season.

Following the Council Meeting a meeting was held with Dr Graham Jacobs, Member for Roe who then presented the letter to the Minister for Education during a session of Parliament – to date we have not heard back.

Information from the Royal Life Saving Society is – the pool can open if the Minister for Education accepts responsibility for public liability.

The main issue for this Council is – is the Council prepared to accept liability for the community use of the pool. This issue is on the agenda for today's after Council briefing session. If Council agrees to that action staff will follow up with immediate action including a trip to Perth later this week if necessary.

Query: Mrs Shalders then queried if Council decided not to take on responsibility what happens?

Reply: Mr Fraser replied that Council will keep the pressure on Dr Jacobs until the matter is resolved.

Query: Mrs Shalders asked did the Shire foresee the pool opening this summer?

Reply: Mr Fraser replied – yes.

4.0 APPLICATIONS FOR LEAVE OF ABSENCE

4.1 CR NEWMAN

An application for Leave of Absence was received on 26 November 2007 – Cr Newman is interstate on CBH business and unable to attend the Council Meeting.

MOTION 10515

Moved Cr Chamberlain
Seconded Cr De Landgraftt

That Cr Newman's application for leave of absence for the period 28 - 29 November 2007 be approved.

MOTION CARRIED 8/0

5.0 MINUTES OF PREVIOUS COUNCIL MEETINGS

5.1 ORDINARY MEETING – 24 OCTOBER 2007

Resolution

MOTION 10516

Moved Cr Taylor
Seconded Cr Farrelly

That the minutes of the Ordinary Meeting of Council held on the 24 October 2007 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 1995 SECTION 5.60A

None

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

None

6.3 DECLARATIONS OF IMPARTIALITY INTEREST – ADMINISTRATION REGULATION SECTION 34C

Cr Milton advised the meeting she was disclosing an interest of impartiality in Item 18.3.

9.30am *Mrs Helen Shalders and Ms Bridget Michel left the meeting.*

7.0 NOTICES OF URGENT BUSINESS

None.

8.0 MOTIONS OF WHICH NOTICE HAS BEEN RECEIVED

8.1 CEO SELECTION COMMITTEE

The Shire President advised that a recommendation from the CEO Selection Committee would be dealt with during Confidential Business.

9.0 PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

None.

10.0 MEMBERS' REPORTS

10.1 CR FARRELLY

Cr Farrelly reported his attendance at a Lake Grace Library, Resource & Telecentre Management Committee Meeting held Thursday 15 November 2007 – the minutes were distributed through Councillor's Information Bulletin.

11.0 MATTERS FOR CONSIDERATION – WORKS & SERVICES

11.1 LAKE KING CASCADES ROAD UPGRADE – FUNDING SUBMISSION

Applicant: Shire of Esperance
File No. 0527
Attachments: Agenda Item/Minute April 2006
Author: Mr Jim Fraser
 Acting Chief Executive Officer
Disclosure of Interest: Nil
Date of Report: 17 November 2007
Senior Officer: Mr Jim Fraser
 Acting Chief Executive Officer

Summary

This report recommends Council consideration to include an allocation in the 2008/09 budget to prepare a submission for funding for the Lake King Cascades Road.

Background

Council, at its 26 April 2006 Ordinary Meeting resolved as follows:

“That the Shire of Esperance be advised of the support of the Shire of Lake Grace in relation to a funding application to Auslink’s Strategic Regional Programme for the Lake King Cascades Esperance road link.”

The application was unsuccessful.

The upgrade of the road has been kept under review and on 11 October 2007 the then Shire President Cr Darcy Roberts, Cr Dean Sinclair and the then Chief Executive Officer, Mr Chris Jackson met in Esperance with representatives of the Shire of Esperance.

An extract from an agenda report prepared by Scott McKenzie, Manager Engineering Administration at the Shire of Esperance for consideration at the Shire of Esperance Works Committee’s 20 November 2007 Meeting follows.

Objective:

To inform Council of recent discussions with the Shire of Lake Grace representatives regarding the future of the Lake King Cascades Road.

Background:

As Council would be aware, in November 2005, the Local Government Advisory Board accepted a proposal to move territory from the Shire of Ravensthorpe to the Shire of Lake Grace and the Shire of Esperance.

Effectively this was to move responsibility for the Lake King Cascades Roads from the Shire of Ravensthorpe.

Since this time the Shire of Lake Grace has moved to get the road onto their 5 year Road Program with the Wheatbelt South Regional Road Group. We have also placed the road onto our 5 year Road Program with the Goldfields Esperance Regional Road Group.

Officer's Comment:

On 11th October 2007, representatives from the Shire of Lake Grace and Shire of Esperance met in Esperance to discuss ways to gain funding for an upgrade of the road to a sealed surface.

We estimated that there is approximately 130 kilometres of gravel/limestone surface that would need to be sealed to 7.4m (average cost per km is \$150,000), therefore a total project cost of \$19,500,000. The Shire of Lake Grace have around 30km of the north western section.

The major focus to come out of the meeting was for the Shires of Lake Grace and Esperance to commit funds in their 2008/09 Budgets to engage a consultant to prepare a background briefing paper and 1 page summary for the Federal Minister for Roads. It is felt that we have a better chance of gaining funding for the project if we are able to present the idea face to face during one of the Goldfields Esperance WALGA Zone trips and then apply for the Auslink Strategic Regional Funding Program from DOTARS.

During the meeting it was mentioned that we should be using a Canberra based Consultant to ensure that the finished product is respected by the relevant Minister. It was suggested that costs could be around \$20-25,000, to be shared by the Shires of Lake Grace and Esperance.

It was felt that the background briefing paper should address, at a minimum, the following points and advantages:

- Reduction in travel times, therefore improved safety*
- Reduced carbon emissions*
- Reduced upgrade cost of South Coast highway, due to reduced traffic volumes*
- Support from Main Roads WA*
- Removal of a portion of tourist traffic and light vehicles from the heavy vehicles utilising South Coast Highway to access the Ravensthorpe Nickel Project.*

The Nairn Report (Lake King to Norseman Road) contains a large amount of research and traffic data that could be utilised and therefore lowering our consultant fees for this report.

Strategic Implications:

Strategic Action Plan 2007 - 2027

Transport Systems – Plan for and develop a transport system that is functional, efficient, economical and safe, with minimal impact on public amenity.

83. *Seek to maintain major highway linkages to other regions at a standard sufficient to safely and efficiently carry freight and tourism traffic into the Esperance Region.*

a) *Work with neighbouring Shires to resolve differences and achieve the upgrade of inter Council roads of regional significance such as Lake King - Cascade Road, Springdale Road, and Esperance - Balladonia (Parmango) Road.*

*Financial Implications:
As stated above.*

*Officer's Recommendation:
That Council consider allocating funds in the 2008/09 Budget to engage a Consultant to prepare a background briefing paper and summary to enable the successful sourcing of funds under Auslink Strategic Regional Program, or similar funding stream.*

Comment

As outlined in the Shire of Esperance agenda item, the recent acquisition of land from the Shire of Ravensthorpe has impacted Council in relation to the Lake King Cascades Road.

The Auslink programme is federally funded and both major political parties have committed to confirming the program pending the outcome of the Federal elections. The project requires significant funds and is beyond the resources of both Councils.

The comment in relation to the appointment of a Canberra based consultant appears relevant particularly through the very competitive application process.

NOTE

The Executive Assistant to the Chief Executive Officer, Mrs Jeanette Bennett has since been advised by the Shire of Esperance that the matter was referred to the Engineering and Development Services Committee which has recommended \$25,000 be included in the Shire of Esperance 2008/09 budget considerations.

It was indicated that Esperance would be looking for Lake Grace to contribute to the project. The matter will be considered by the Esperance Council at its November Meeting and we will be advised of the outcome in due course.

Legal Implications

The Local Government Act 1995 has provisions for Council to join with other Councils to provide works and services within or outside its district.

Policy Implications

N/A

Consultation

External – Shire of Esperance

Financial Implications

There are no implications for the current budget.

Strategic Implications

Council is committed to provide an efficient and effective road network.

Cultural Implications

N/A

Voting Requirements

Simple majority required.

Recommendation/Resolution

MOTION 10517

Moved Cr Farrelly
Seconded Cr Taylor

That, in framing the 2008/09 budget, Council considers allocating funds to engage a Consultant to prepare a background briefing paper and summary to enable the successful sourcing of funds under the Auslink Strategic Regional Program or similar funding stream.

MOTION CARRIED 8/0

12.0 MATTERS FOR CONSIDERATION – TOWN PLANNING

12.1 STATUS REPORT – SHIRE OF LAKE GRACE LOCAL PLANNING STRATEGY & LOCAL PLANNING SCHEME NO 4

Applicant: N/A
File No. 0525
Attachments: Nil
Author: Mr Joe Douglas
 Town Planning Consultant
Disclosure of Interest: Nil
Date of Report: 19 November 2007
Senior Officer: Mr Jim Fraser
 Acting Chief Executive Officer

Summary

This report has been prepared for the purpose of providing Council with an update on the current status of the Shire's proposed new Local Planning Strategy and Local Planning Scheme No.4.

Background & Comment

As Council is aware the Shire of Lake Grace has been preparing a new town planning scheme and associated Local Planning Strategy to guide and control land use and development for all land within the Shire's municipal district.

On the 12 November 2007, the Shire's new Local Planning Scheme No.4 was published in the Government Gazette. As such the Shire's previous Town Planning Scheme No.3 was revoked and Local Planning Scheme No.4 came into legal affect. Consequently all future land use and development within the Shire is now controlled by both the Local Planning Strategy and Local Planning Scheme No.4.

In accordance with the specific requirements of the Town Planning Regulations 1967 (as amended) the Shire is now required and is arranging to:

- I. Advertise in a newspaper circulating in the district of the final approval and gazettal of Local Planning Scheme No.4; and
- II. Write to all those persons / agencies that made a submission on the Scheme during public advertising advising of how the new Scheme was affected by their submission.

Information sheets on the new Local Planning Strategy and Local Planning Scheme No.4 will also be prepared to provide general advice and guidance on the implications of these documents in terms of all future land use and development within the Shire.

A full copy of the final approved Local Planning Strategy and Local Planning Scheme No.4, including all associated maps and plans, are available on the Western Australian Planning Commission's website.

Electronic copies of the documents and plans can also be obtained from the Shire's administration centre.

Legal Implications

Planning and Development Act 2005
Town Planning Regulations 1967 (as amended)
Shire of Lake Grace Town Planning Scheme No.3
Shire of Lake Grace Local Planning Scheme No.4

Policy Implications

Nil

Consultation

Completed.

Financial Implications

Suitable allocations have been made in Council's 2007/2008 budget to cover the costs associated with completing the project.

Strategic Implications

Shire of Lake Grace Local Planning Strategy.

Cultural Implications

Nil.

Voting Requirements

Simple majority required.

Recommendation/Resolution

Cr Chamberlain advised that following the seven years work and planning he was very happy to move the following motion:

MOTION 10518

Moved Cr Chamberlain
Seconded Cr De Landgraft

That Council receive the above report advising of the completion and final approval of the Shire of Lake Grace's new Local Planning Strategy and Local Planning Scheme No.4.

MOTION CARRIED 8/0

**12.2 PROPOSED SUBDIVISION – WILLIAMS LOCATION 10161 CNR
BURNS & KULIN LAKE GRACE ROAD, NORTH LAKE GRACE**

Applicant: PH & KE Gow (Licensed Surveyors) on behalf of
Mark A Cameron (Landowner)
File No. 0557
Attachments: Plans 1 to 3
Author: Mr Joe Douglas
Town Planning Consultant
Disclosure of Interest: Nil
Date of Report: 19 November 2007
Senior Officer: Mr Jim Fraser
Acting 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 subdivision of Williams Location 10161 corner Burns and Kulin – Lake Grace Roads, North Lake Grace.

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. As such the Shire is required to provide a formal response to the WAPC by the 14th December 2007.

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

Background

PH & KE Gow (Licensed Surveyors), on behalf of the current landowner Mr Mark A Cameron, has recently lodged an application with the WAPC seeking approval to subdivide Williams Location 10161 corner Burns and Kulin – Lake Grace Roads, North Lake Grace.

Location 10161 is located approximately eight (8) kilometres north of the Lake Grace townsite in the locality of North Lake Grace and has direct frontage to Burns Road along its southern boundary and Kulin – Lake Grace Road along its eastern boundary (see Plan 1).

The subject land is currently used for broad acre agricultural purposes (i.e. cropping and grazing) and contains a number of improvements associated with these activities. The land is also characterised by the fact that it has been extensively cleared of native vegetation to accommodate its current agricultural usage and contains a large salt lake located immediately adjacent to its south western boundary (see Plan 1).

It is understood from the limited details submitted in support of the application that:

- I. the landowner is seeking approval to excise a 2.334 hectare portion of land located in the south-western corner of Location 10161 for road widening purposes (see Plans 2 & 3);
- II. The area comprising the proposed road widening contains a new section of Burns Road which was recently constructed by the Shire of Lake Grace for the purpose of decommissioning an existing and potentially dangerous ninety-degree bend located at the south-western corner of Location 10161 which was originally constructed in this configuration to avoid a salt lake located in the original dedicated alignment of Burns Road; and
- III. The Shire of Lake Grace has previously negotiated with and secured the landowner's agreement to realign Burns Road in this general location subject to the Shire meeting all costs associated with the project.

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 Local Planning Strategy, Shire of Lake Grace Local Scheme No.4 and any relevant policies adopted by the WAPC.

Shire of Lake Grace Local Planning Strategy

Under the terms of the Shire's newly endorsed Local Planning Strategy the subject land has been assigned a 'General Agriculture' land use classification where Council's stated vision / objective is to "achieve the ecologically sustainable use of agricultural land in the Shire whilst providing diverse and compatible development opportunities in agricultural areas to promote the local economy".

The Local Planning Strategy clearly states that the following strategies will be applied by Council to achieve the above vision / objective:

- Apply a suitable zoning classification to all agricultural land within the Shire in Local Planning Scheme No.4 to provide the local government with the statutory powers required to control the development and use of such land.
- Identify and protect productive agricultural land from ad hoc subdivision, incompatible development and land degradation.

- Minimise the potential for land use conflict in agricultural areas.
- Promote the diversification of the Shire's economy by encouraging the development of down stream processing of primary produce, diversified industries and further tourism opportunities including farm stay accommodation and ecotourism.
- Support the subdivision of agricultural land in limited circumstances which accord with Western Australian Planning Commission policy applicable at the time including but not limited to the following purposes:
 - a) A significant natural or man-made feature already physically divides the proposed lots and an undesirable precedent would not be set;
 - b) 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) To excise a conservation lot in accordance with Western Australian Planning Commission criteria;
 - d) 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 local 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) For the relocation of 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 the ongoing agricultural usage on all of the lots.
- Limit subdivision of productive agricultural land for rural residential purposes.

Having regard for the above objectives and strategies it is concluded that the proposed subdivision of the subject land for road widening purposes is generally consistent with the strategic direction for land use and development outlined in the Shire's Local Planning Strategy and will

provide for a general increase in the efficiency of agricultural production in the immediate locality due to an improved road network.

Shire of Lake Grace Local Planning Scheme No.4

The subject land is currently classified 'General Agriculture' zone under the Shire of Lake Grace Local Planning Scheme No.4 which is a classification that has been applied to all land within the Shire identified as being capable of high levels of agricultural production and therefore worthy of protection.

Council's stated objectives for land classified 'General Agriculture' zone are as follows:

- To ensure the continuation of broad-acre farming as the principal land use in the District and encouraging where appropriate the retention and expansion of agricultural activities;
- To protect the potential of agricultural land for primary production and to preserve the landscape and character of the rural areas;
- To provide for a range of rural pursuits such as broad-acre and diversified farming which are compatible with the capability of the land and retain the rural character and amenity of the locality;
- To control the fragmentation of broad-acre farming properties through the process of subdivision;
- To consider non-rural uses where they can be shown to be of benefit to the District and not detrimental to the natural resources or the environment;
- To protect broad-acre agricultural land from land degradation and any further loss of biodiversity by:
 - i) minimising the clearing of remnant vegetation on public and private lands;
 - ii) encouraging the retention and protection of existing remnant vegetation;
 - iii) encouraging the development and protection of corridors of native vegetation;
 - iv) encouraging the development of environmentally acceptable surface and sub-surface drainage works;
 - v) encouraging the rehabilitation of salt affected land;
 - vi) controlling the introduction and spread of alien species of flora and fauna;
 - vii) encouraging soil conservation through the application of cultural vegetational land management measures.

Given that the proposed subdivision of the subject land for road widening purposes is required to ensure the safe and convenient movement of vehicles and machinery and is unlikely to compromise the continued long-term use of the land for agricultural purposes, it is concluded that the proposal is generally consistent with and will not compromise the stated objectives for agricultural land prescribed by Local Planning Scheme No.4.

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

The Western Australian Planning Commission's current Policy No. DC3.4 – Subdivision of Rural Land 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 primary purpose of the proposed subdivision is to facilitate the safe and convenient movement of vehicles and machinery and therefore constitutes good land management practices, it is concluded that the proposal is generally consistent with the Western Australian Planning Commission's Policy No. DC3.4 – Subdivision of Rural Land and may therefore be supported by Council.

Conclusions

It is concluded from a detailed assessment of the application that the proposed subdivision of Williams Location 10161 corner Burns and Kulin – Lake Grace Roads, North Lake Grace is generally consistent with the Shire's new Local Planning Strategy, Local 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 subdivision application in accordance with the details of the plan submitted.

It was also noted during assessment of the subdivision proposal that the current constructed alignment of Burns Road immediately west of Williams Location 10161 requires attention for the following reasons:

- i) It is not located within the dedicated road reserve area for Burns Road as depicted on the legal plans held by Landgate due to the fact that a salt lake has prevented the road from being constructed within this reserve area; and
- ii) It is located on Unallocated Crown Land within an area that has not been specifically dedicated as a public roadway which may therefore give rise to legal liability issues for the Shire and the State of Western Australia in the event of a traffic accident along this segment of the road.

In light of the above issues and concerns it is recommended that Council authorise the Shire administration to write to the State Land Services Division of the Department for Planning and Infrastructure seeking written advice on how to address this issue in the most expedient and cost effective manner.

Legal Implications

Planning and Development Act 2005
Shire of Lake Grace Local Planning Scheme No.4
Land Administration Act 1997

Policy Implications

WAPC Policy No. DC 1.1 – Subdivision of Land – General Principles
WAPC Policy No. DC 3.4 – Subdivision of Rural Land

Consultation

Not required.

Financial Implications

The cost of formalising the road widening proposal affecting Williams Location 10161 is estimated to be in the order of \$8,000.00 excluding GST.

Council should note that this estimate includes the cost of the required survey works, valuation advice, legal advice and compensation payable

to the current landowner but does not include the costs already incurred by the Shire in physically realigning Burns Road through Williams Location 10161 which have been accounted for in previous budgets for general road construction works.

It is understood that Council has sufficient funds allocated in its budget for the 2007/2008 financial year to account for this estimated expenditure.

Strategic Implications

Shire of Lake Grace Local Planning Strategy (see comments previously provided above).

Cultural Implications

Nil

Voting Requirements

Simple majority required.

Recommendation/Resolution

MOTION 10519

Moved Cr Farrelly
Seconded Cr Milton

1. That Council advise the Western Australian Planning Commission that it unconditionally supports the proposed subdivision of Williams Location 10161 corner Burns and Kulin – Lake Grace Roads, North Lake Grace by PH & KE Gow (Licensed Surveyors) on behalf of the current landowner Mr Mark A Cameron for road widening purposes in accordance with the details of the plan submitted in support of the application.
2. That Council authorise the Acting Chief Executive Officer to obtain valuation advice from a licensed valuer to determine the current market value of that portion of Williams Location 10161 directly affected by the recent realignment of Burns Road.
3. That Council authorise the Acting Chief Executive to enter into and formalise negotiations with the current owner of Williams Location 10161 regarding the issue of compensation following receipt of the valuation advice referred to in recommendation 2 above.
4. That Council authorise the Shire administration to write to the State Land Services Division of the Department for Planning and Infrastructure seeking written advice on how to address and resolve the issues associated with the current non-dedicated alignment of Burns Road through the Unallocated Crown Land located immediately west of Williams Location 10161.

MOTION CARRIED 8/0

13.0 MATTERS FOR CONSIDERATION – HEALTH & BUILDING

13.1 VARLEY HALL – CONDITION REPORT

Applicant:	Acting Chief Executive Officer
File No.	0078
Attachments:	Building Surveyor Report Council Policy 3.3 Specified Area Rates
Author:	Mr Jim Fraser Acting Chief Executive Officer
Disclosure of Interest:	Nil
Date of Report:	19 November 2007
Senior Officer:	Mr Jim Fraser Acting Chief Executive Officer

Summary

This report recommends the conduct of a community consultation process to determine the future of the Varley Hall.

Background

Following damage to the ceiling in the Varley Hall a Contractor based in Pingrup was engaged to repair the damage which was assessed to have been caused by an incident of high winds.

The repairs cost \$2,300.00 and the insurance claim was lodged with the net cost to Council being \$1,000.00.

The repairs included the replacement of sisal fibre plaster with 12mm Gyprock which proved to be a difficult process particularly in trying to match the different products.

Council's Building Surveyor, Mr Darryle Baxter, has since carried out a full assessment of the Varley Hall and his report is attached.

Any upgrading work on the Hall would need to comply with the current Public Building regulations and the Building Code of Australia. There is also a requirement for an accessible toilet and appropriate ramps for wheelchair access.

Comment

An assessment of the report raises a number of concerns including:

- ◆ Asbestos Roof – the Hall has a corrugated asbestos roof. Whilst the condition of the asbestos is satisfactory at this stage there is always the possibility that the roof will deteriorate over the coming years. Due to the costs involved in ongoing treatment processes it is recommended that the asbestos roof be replaced with a zincalume iron roof.

It is noted that whilst there is a concrete water tank with an estimated capacity of 4.5 kilolitres the water from the roof is being discharged directly into the site and dissipates into the town drainage network.

- ◆ The sisal fibre plaster ceiling is typically fixed using the method adopted at the time the hall was constructed. The sisal slapping is deteriorating and with the egress of high winds on occasions the slappings are 'letting go' allowing the fibre plaster to separate from the ceiling joists. This causes a waving effect on the ceiling. Repairs to the ceilings require replacement with the more modern Gyprock product.
- ◆ Insulation - there is no insulation in the ceiling however should a zincalume roof be provided then it is recommended it be insulated. Mr Baxter has recommended an R3.5 insulation should the Hall be upgraded.
- ◆ There is a requirement to ensure the Hall complies with the Disability Services Act 1995.

The Hall is used by various local community groups including the local branch of the Country Women's Association. There are also occasions when the Hall has a regional focus such as the CWA and various Farmer organisations.

It is important to note that there are other community facilities available in Varley including:

- Varley Golf Club – this is a timber and iron structure within Reserve 27638 and has a public buildings capacity for 100 persons.
- Varley Community Centre and Bowling Club – this is a brick and iron structure within Reserve 27638 and is currently utilised as a centre for several Varley sporting clubs including Tennis and Bowls. The building is under the care and control of Council and is managed by the Varley Progress Association. The premises has a public building capacity of 212 persons.

In assessing the costs as outlined by Mr Baxter it is important to note Council's Specified Area Rate policy and the treatment of Halls within the budget process.

The Varley Hall project could be considered a mix of maintenance; upgrade and construction requiring a closer examination by Council.

To comply with current legislative requirements the following assessments are made.

TOTAL REFURBISHMENT
Maintenance

Plumbing – replace galvanised iron pipework and stained and damaged fittings	\$20,000.00
Paint the building externally and internally	\$42,000.00
Bed and point all fretting brickwork	\$ 3,500.00
Total Maintenance	\$65,500.00

Upgrade

Remove asbestos roof and re clad with zincalume iron including R3.5 insulation	\$36,000.00
Replace sisal fibre plaster with 12mm gyprock to the ceiling	\$25,000.00
Total Upgrade	\$61,000.00

Construction

Install an accessible ramp to the building	\$ 8,000.00
Provide an accessible toilet facility	\$15,000.00
Balance of plumbing to comply with energy Provisions	\$10,000.00
Total Construction	\$33,000.00

Total Cost**\$159,500.00**

MINIMAL REFURBISHMENT
Maintenance

Paint the replacement ceilings	\$14,000.00
Bed and paint all fretting brickwork	\$ 3,500.00
Total Maintenance	\$17,500.00

Upgrade

Replace the sisal fibre plaster ceiling with 12mm gyprock	\$25,000.00
Total Upgrade	\$25,000.00

Construction

Install an accessible ramp	\$ 8,000.00
Provide an accessible toilet facility	\$15,000.00
Total Construction	\$23,000.00

Total Cost**\$65,500.00**

Prior to considering the above costings it is the view of staff that there should be an opportunity for the community to be consulted on the future of the hall.

Council's Building Surveyor has indicated in his report that the replacement cost of the hall in today's values is approximately \$1.25 million requiring an annual maintenance/replacement allocation of approximately \$125,000.00.

On an initial assessment this would appear to be beyond the capacity of the current rating system.

Legal Implications

N/A

Policy Implications

Policy 3.3 Specified Area Rates – copy attached

Consultation

Internal – Manager Corporate Services, Building Surveyor.

External – there has been contact with staff from community organisations and the community.

Financial Implications

Tables reflecting various aspects as at attachment.

Strategic Implications

The provision of community facilities will be considered in the Strategic Planning process.

Cultural Implications

Nil

Voting Requirements

Simple majority required.

Recommendation/Resolution

MOTION 10520

Moved Cr De Landgraft
Seconded Cr Sinclair

That the local community be consulted in relation to the future of the Varley Hall in time for the results of the consultation to be considered in framing the 2008/09 budget.

MOTION CARRIED 8/0

14.0 MATTERS FOR CONSIDERATION – FINANCE

14.1 ACCOUNTS FOR PAYMENT – OCTOBER 2007

Applicant: Shire of Lake Grace
File No. 0277
Attachments: List of Creditors
Author: Ms Leonie McIlree
Manager Corporate Services
Disclosure of Interest: Nil
Date of Report: 20 November 2007
Senior Officer: Mr Jim Fraser
Acting Chief Executive Officer

Summary

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

Background

List of invoices paid for the month of October 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

Consultation

N/A

Financial Implications

The list of creditors paid for the month of October 2007 from the Municipal Account amounts to \$362,836.57. Payments from the Trust Account amount to \$234.00.

Strategic Implications

N/A

Cultural Implications

N/A

Voting Requirements

Simple majority required.

Recommendation/Resolution

MOTION 10521

Moved Cr Farrelly
Seconded Cr Dunkeld

That Municipal Account cheques 32836 to 32875, Electronic Funds Transfers EFT3359 to EFT3431 and direct debits to the Municipal Accounts totalling \$362,836.57 and Trust Fund Cheque 523 totalling \$234.00 having been checked and certified in accordance with the Financial Management Regulation 12, be confirmed, and passed for payment against the respective accounts as shown on the summary of Accounts for Payment schedule.

MOTION CARRIED 8/0

14.2 FINANCIAL STATEMENTS – SEPTEMBER 2007

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: 12 November 2007
Senior Officer: Mr Jim Fraser
Acting Chief Executive Officer

Summary

Consideration of the financial statements for the month ending 30 September 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
- Capital Road Works, Operating Expenditure and Operating Income Graphs
- Bank Reconciliation

Legal Implications

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

Policy Implications

N/A

Consultation

N/A

Financial Implications

Nil.

Strategic Implications

N/A

Cultural Implications

N/A

Voting Requirements

Simple majority required.

Recommendation/Resolution

MOTION 10522

Moved Cr Taylor
Seconded Cr Dunkeld

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

MOTION CARRIED 8/0

14.3 FINANCIAL STATEMENTS – OCTOBER 2007

Applicant: Shire of Lake Grace
File No. 0275
Attachments: Financial Reports
Author: Mrs Danielle Robertson
Senior Finance Officer
Disclosure of Interest: Nil
Date of Report: 16 November 2007
Senior Officer: Mr Jim Fraser
Acting Chief Executive Officer

Summary

Consideration of the financial statements for the month ending 31 October 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
- Capital Road Works, Operating Expenditure and Operating Income Graphs
- Bank Reconciliation

Legal Implications

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

Policy Implications

N/A

Consultation

N/A

Financial Implications

Nil.

Strategic Implications

N/A

Cultural Implications

N/A

Voting Requirements

Simple majority required.

Recommendation/Resolution

MOTION 10523

Moved Cr Sinclair
Seconded Cr Farrelly

That the financial reports for the month ending 31 October 2007 as attached be received.

MOTION CARRIED 8/0

14.4 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: 21 November 2007
Senior Officer: Mr Jim Fraser
 Acting Chief Executive Officer

Summary

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

Background

In accordance with Council Policy,

Comment

The following surplus funds have been invested during the month of November 2007:

Bank	Fund	Term	Amount	Interest Rate
Westpac	Municipal	30 days	\$300,000	6.28%
Westpac	Municipal	30 days	\$300,000	6.28%
Bank West	Municipal	90 days	\$300,000	7.02%
Bank West	Municipal	90 days	\$300,000	7.02%
Bank West	Reserve	6 months	\$1,000,000	7.04%

The two term deposits held at Westpac have been reinvested for another 30 days and will mature on 17 December 2007.

Legal Implications

Nil.

Policy Implications

As per Council's policy.

Consultation

N/A

Financial Implications

N/A

Strategic Implications

N/A

Cultural Implications

N/A

Voting Requirements

Simple majority required.

Recommendation/Resolution

MOTION 10524

Moved Cr Farrelly
Seconded Cr Chamberlain

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

MOTION CARRIED 8/0

14.5 VARLEY PROGRESS ASSOCIATION - DONATION

Applicant: Varley Progress Association
File No: 0043
Attachments: Letter from Varley Progress Association
Author: Mrs Danielle Robertson
 Senior Finance Officer
Disclosure of Interest: Nil
Date of Report: 20 November 2007
Senior Officer: Mr Jim Fraser
 Acting Chief Executive Officer

Summary

The purpose of this report is for Council to consider donating the rates and charges applicable to the property known as the 'Chicken Ranch' located at 17 (Lot 22) Seward Avenue Varley, which is owned by the Varley Progress Association.

Background

A letter has been received from the Secretary of the Varley Progress Association, Clare Smith, requesting that the rates and service charges for the current financial year be waived. The account has not been paid.

The total rates payable for the 2007/08 year is \$318.00.

Comment

Council agreed to a similar request in December 2006 and is again requested to make a donation equal to the rates and service charges on the property.

MOTION 10333

Moved Cr Walker
Seconded Cr Newman

1. That Council agree to the waiver of \$311.34 in rates and service charges payable on Lot 22, 17 Seward Avenue, Varley, and that the Varley Progress Association be advised accordingly.

2. That Council agree to the refund of rates paid for the 2004/05 and 2005/06 financial year being \$749.58.

MOTION CARRIED BY ABSOLUTE MAJORITY 9/0

Consultation

N/A

Legal Implications

Note: This is a request for a donation and not a write-off of rates under the Local Government Act.

Policy Implications

Nil.

Financial Implications

Council has donations provision of \$5,300 in the 2007/08 budget, Account E041190, of which \$1,402.75 has been expended thus far.

Strategic Implications

N/A

Cultural Implications

N/A

Voting Requirements

Absolute majority (5) required.

Recommendation/Resolution

MOTION 10525

Moved Cr Milton
Seconded Cr De Landgraftt

That Council agree to donate the \$318.00 of rates and service charges payable on the property at 17 (Lot 22) Seward Avenue, Varley from Account E041190 and advise Ms Smith accordingly.

MOTION CARRIED BY ABSOLUTE MAJORITY 8/0

14.6 DEBT WRITE-OFF – MS TENILLE WESSLING

Applicant: Senior Finance Officer
File No: 0276
Attachments: Nil
Author: Mrs Danielle Robertson
Senior Finance Officer
Disclosure of Interest: Nil
Date of Report: 12 November 2007
Senior Officer: Mr Jim Fraser
Acting Chief Executive Officer

Summary

The purpose of this report is for Council to consider writing off a debt for dog infringements dating from August 2005.

Background

Ms Tenille Wessling, formerly of Lake King, was fined by Council's Ranger Mr Geoff Copley, the amount of \$200 for not having her dog on a leash in a public area in August 2005.

Comment

Staff have experienced great difficulty in contacting the debtor with many of the repeated invoices and statements sent either being returned to sender or not responded to.

After extensive time spent trying to locate Ms Wessling it has come to the attention of staff that she has left the country.

Consultation with Council's collection agent (Austral Mercantile) determined that the collection costs associated with trying to enforce payment of this debt are prohibitive to the execution of such enforcement.

Consultation

N/A

Legal Implications

Local Government Act 1995, Part 6, Division 4, subsection 6.12 *Power to defer, grant discounts, waive or write off debts.*

(1) Subject to subsection (2) and any other written law, a local government may – (c) write off any amount of money, which is owed to the local government.

Policy Implications

Nil.

Financial Implications

The write-off will have an effect on Council's end of year surplus/deficit as no provision has been made in the 2007/08 budget for the write-off of this debtor account.

Strategic Implications

N/A

Cultural Implications

N/A

Voting Requirements

Absolute majority (5) required.

Recommendation

That Council agree to write-off the \$200.00 of dog infringement fines payable by Ms Tenille Wessling.

Recommendation/Resolution

MOTION 10526

Moved Cr Taylor
Seconded Cr Milton

That Council agree to write-off the \$200.00 of dog infringement fines payable by Ms Tenille Wessling.

MOTION CARRIED BY ABSOLUTE MAJORITY 8/0

15.0 MATTERS FOR CONSIDERATION – ADMINISTRATION

15.1 DUAL FIRE CONTROL OFFICERS – SHIRE OF KULIN

Applicant: Shire of Kulin
File No. 0177
Attachments: Email
Author: Ms Leonie McIlree
Manager Corporate Services
Disclosure of Interest: Nil
Date of Report: 19 November 2007
Senior Officer: Mr Jim Fraser
Acting Chief Executive Officer

Summary

For Council to consider the appointment of Mr P Riseborough, Mr B Holmes, Mr C Varone and Mr G Strother as Dual Fire Control Officers for the Shires of Kulin and Lake Grace.

Comment

The appointment of Mr P Riseborough, Mr B Holmes, Mr C Varone and Mr G Strother is required to cover area adjacent to common boundary.

Legal Implications

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

Policy Implications

Nil.

Consultation

Not Applicable.

Financial Implications

Nil.

Strategic Implications

N/A

Cultural Implications

N/A

Voting Requirements

Simple majority required.

Recommendation/Resolution

MOTION 10527

Moved Cr Dunkeld
Seconded Cr De Landgraft

That Council appoints Mr P Riseborough, Mr B Holmes, Mr C Varone and Mr G Strother as Dual Fire Control Officers for the Shires of Kulin and Lake Grace.

MOTION CARRIED 8/0

15.2 COUNCIL MEETING DATES - 2008

Applicant: Acting Chief Executive Officer
File No. 0041
Attachments: Policy 1.2
Author: Mrs Jeanette Bennett
Executive Assistant
Disclosure of Interest: Nil
Date of Report: 21 November 2007
Senior Officer: Mr Jim Fraser
Acting Chief Executive Officer

Summary

For Council to consider its meeting arrangements for 2008.

Background

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

Comment

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

As in the past six years Council has continued to successfully hold meetings in Newdegate, Lake King and Varley for the benefit of local communities.

Over the past few years the October Meeting has been rescheduled to the third Wednesday, to enable the Chief Executive Officer to attend the Annual LGMA State Conference which is held each year around this time.

The 2008 LGMA Calendar of Events, however schedules the Conference for the 15 - 17 October so no change to Policy is required.

For the May 2007 meeting at Newdegate, the start time of 6pm was trialled and Council may well wish to continue with this evening meeting time so as to allow more opportunity for the 9 to 5 working members of the community to attend.

The proposed start time for the 2008 October meeting at Lake Grace is again 6pm – Council will recall the large public contingent in attendance at the October 2007 meeting.

Accordingly, the following schedule is prepared for Council's consideration:

Date	Time	Place
January 2008	N/A	N/A (annual break)
27 February 2008	1.00pm	Council Chambers, Lake Grace
26 March 2008	1.00pm	Varley Recreation Centre
23 April 2008	1.00pm	Council Chambers Lake Grace
28 May 2008	6.00pm	Newdegate Library Telecentre
25 June 2008	1.00pm	Council Chambers Lake Grace
23 July 2008	1.00pm	Council Chambers Lake Grace
27 August 2008	1.00pm	Lake King Town Hall
24 September 2008	1.00pm	Council Chambers Lake Grace
22 October 2008	6.00pm	Council Chambers Lake Grace
26 November 2008	9.00am	Newdegate Lesser Hall
17 December 2008	1.00pm	Council Chambers Lake Grace

Legal Implications

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

Local Government (Admin) Regulations – reg 12

Policy Implications

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

Consultation

N/A

Financial Implications

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

Strategic Implications

Provides improved access by the community to Council operations.

Cultural Implications

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

Voting Requirements

Simple majority required.

Recommendation/Resolution**MOTION 10528**

Moved Cr Dunkeld
 Seconded Cr Milton

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

Date	Time	Place
January 2008	N/A	N/A (annual break)
27 February 2008	1.00pm	Council Chambers, Lake Grace
26 March 2008	1.00pm	Varley Recreation Centre
23 April 2008	1.00pm	Council Chambers Lake Grace
28 May 2008	6.00pm	Newdegate Library Telecentre
25 June 2008	1.00pm	Council Chambers Lake Grace
23 July 2008	1.00pm	Council Chambers Lake Grace
27 August 2008	1.00pm	Lake King Town Hall
24 September 2008	1.00pm	Council Chambers Lake Grace
22 October 2008	6.00pm	Council Chambers Lake Grace
26 November 2008	9.00am	Newdegate Lesser Hall
17 December 2008	1.00pm	Council Chambers Lake Grace

MOTION CARRIED 8/0

16.0 URGENT BUSINESS BY DECISION OF THE MEETING

None.

10.15am Meeting adjourned for morning tea. The Shire President advised that during the morning tea break Sgt Matt Power was happy to discuss any issues with Councillors.

During the tea break Councillors also met with Acting Manager of Works Mr Alan Haslett to discuss various current works issues.

11.24am Meeting reconvened with all those previously in attendance with the exception of Sgt Matt Power.

17.0 SCHEDULING OF MEETING

17.1 DECEMBER 2007 ORDINARY MEETING

Motion 10319 November 2006 states:

An Ordinary Meeting of Council will be held on Wednesday 19 December 2007, commencing at 1.00pm at Council Chambers, 1 Bishop St, Lake Grace.

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

MOTION 10529

Moved Cr Farrelly
Seconded Cr Sinclair

That Council close the meeting to the public at this time, being 11.25am to discuss the following items of business:

- Item 18.1 Sale of Lot 108 Blackbutt Way Lake Grace
- Item 18.2 Staff Structure – Proposed Alteration
- Item 18.3 2008 Australia Day Awards
- Item 18.4 CEO Selection Committee - Outcomes

MOTION CARRIED 8/0

18.1 SALE OF LOT 108, 2 BLACKBUTT WAY LAKE GRACE

Applicant: Elders Real Estate
File No. 0096
Attachments: Extract Local Govt Act Section 3.58
Contract for Sale and Joint Form of General
Conditions for the Sale of Land
Valuations - PL Bolto & Co
Author: Mr Chris Jackson
former Chief Executive Officer
Disclosure of Interest: Nil
Date of Report: 2 November 2007
Senior Officer: Mr Jim Fraser
Acting Chief Executive Officer

Summary

For Council to consider an offer from Mr Sam Stubberfield for the purchase of Lot 108 - 2 Blackbutt Way, Lake Grace.

NOTE – *This report was written prior to the departure of former Chief Executive Officer, Mr Chris Jackson.*

Background

In 2006 a number of vacant properties in Blackbutt Way were listed with Elders Real Estate for sale. An offer has now been received for the purchase of Lot 108 - 2 Blackbutt Way Lake Grace.

Comment

When the properties in Blackbutt Way were originally listed with Elders Real Estate a valuation was done by PL Bolton & Co dated 6 December 2006 – attached. Following receipt of the offer from Sam Stubberfield an updated valuation was also received from PL Bolto & Co - attached.

The Valuation of Lot 108 is listed as \$22,000 with a suggested listing price of \$26,000 – prices inclusive of GST.

The offer received from Sam Stubberfield is \$25,000. It is recommended that Council accept this offer on the condition that the property is built on within two years.

If no objections are received then the matter does not need to be reconsidered by Council.

Legal Implications

Local Government Act 1995, section 3.58(3) and (4) which state:
A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property –

- (a) it gives Statewide public notice of the proposed disposition –
 - (i) describing the property concerned;
 - (ii) giving details of the proposed disposition; and
 - (iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;

and

- (b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.

The details of a proposed disposition that are required by subsection (3)(a)(ii) include -

- (a) the names of all other parties concerned;
- (b) the consideration to be received by the local government for the disposition; and
- (c) the market value of the disposition as ascertained by a valuation carried out not more than 6 months before the proposed disposition.

Refer also full copy of section 3.58 of the Local Government Act.

Policy Implications

N/A

Consultation

The Local Government Act 1995 requires that the proposed sale be advertised and submissions be received and considered by Council.

Financial Implications

No funds have been budgeted for the sale of this land. It is recommended that the proceeds from sale be placed in the Land Development Reserve.

Strategic Implications

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

Cultural Implications

N/A

Voting Requirements

Simple majority required.

Recommendation/Resolution

MOTION 10530

Moved Cr Farrelly
Seconded Cr Taylor

That Council advertise its intent to sell Lot 108 - 2 Blackbutt Way for a consideration of \$25,000 on the condition that construction of a residence will have commenced within two years.

MOTION CARRIED 8/0

18.2 STAFF STRUCTURE – PROPOSED ALTERATION

Applicant:	Mr Derek Stanton and Acting Chief Executive Officer
File No.	0013
Attachments:	Staff Structure
Author:	Mr Jim Fraser Acting Chief Executive Officer
Disclosure of Interest:	Nil
Date of Report:	15 November 2007
Senior Officer:	Mr Jim Fraser Acting Chief Executive Officer

Summary

This report recommends adjusting the workforce structure to reflect the trade qualifications of Mr Derek Stanton.

Background

Directions, (the Employer) have managed the apprenticeship arrangements for Mr Derek Stanton with the Shire of Lake Grace being the host employer. The arrangement commenced in 3 January 2006 and Mr Stanton will complete his last module in early December 2007. Whilst there will be some administrative details to complete it is expected that Mr Stanton will achieve tradesman status as a Carpenter on approximately 14 December 2007.

Whilst there have been some issues during the course of the apprenticeship, including limited exposure to some aspects of the trade requirements, staff at Directions will be recommending tradesman status for Mr Stanton.

There is no doubt that Mr Stanton has developed into a top tradesman and his work ethic is very satisfactory. At times it has not been possible to fully utilise his services. A recent decision was taken to pay Mr Stanton an allowance for his motor vehicle so that he and the other tradesman can be allocated to different jobs significantly increasing output. The current structure is at attachment.

Comment

There are several major projects planned including the Lake King toilets; the erection of kit homes in Lake Grace and Newdegate and extensions to the sports pavilion in Lake Grace.

Council would benefit from having Mr Stanton on staff to assist with these projects.

It is therefore recommended that Mr Stanton be employed by Council as a tradesman Carpenter. The staffing structure will need to be changed to reflect the new position.

There are several management issues that will require consideration should Council agree to the creation of the new position.

At this stage there has not been consideration given to the engagement of another apprentice however it is recommended that the option be left open for decision at a later date.

Mr Stanton has accumulated a comprehensive tool collection which will ensure he has the resources to carry out tradesman duties.

Legal Implications

Section 2.7 (2) (a) of the Local Government Act 1995

Section 5.41 (g) of the Local Government Act 1995

Policy Implications

N/A

Consultation

Internal – Manager Corporate Services and Manager of Works

External – Employment Directions.

Financial Implications

Following an assessment of the 2007/08 budget by senior staff there are adequate funding sources available to allow for the employment of an additional tradesman.

Strategic Implications

The training of staff is an important aspect for the long term sustainability of Council.

Cultural Implications

Nil

Recommendation

That:

1. The staffing structure be adjusted to reflect the employment of two tradesmen in the building services section.
2. The effective date being from the pay period commencing 13 December 2007.

Voting Requirements

Simple majority required.

Resolution

MOTION 10531

Moved Cr Chamberlain
Seconded Cr Sinclair

That:

1. The staffing structure be adjusted to reflect the employment of two tradesmen in the building services section.
2. The position be reviewed on completion of the projects involving the Lake King Toilets, Lake Grace Pavilion and the two kit homes.
3. The effective date being from the pay period commencing 13 December 2007.

MOTION CARRIED 8/0

REASON FOR CHANGE

Council wished to further clarify its position.

18.3 2008 AUSTRALIA DAY ACTIVE CITIZENSHIP AWARDS

11.42 am Cr Milton declared an interest affecting impartiality in Item 18.3 in that she is the nominator for one of the awards and left the meeting.

MOTION 10532

Moved Cr Farrelly
Seconded Cr De Landgraft

That Cr Milton's interest in the item be declared trivial and that she be able to participate in discussion and vote on the matter

MOTION CARRIED 7/0

11.45 am Cr Milton re-entered the meeting.

Applicant:	Community
File No.	0435
Attachments:	Nominations
Author:	Mrs Jeanette Bennett Executive Assistant
Disclosure of Interest:	Nil
Date of Report:	26 November 2007
Senior Officer:	Mr Jim Fraser Acting Chief Executive Officer

Summary

For Council to consider the nominations and to determine the 2008 Premier's Australia Day Active Citizenship Award recipients for Citizens of the Year and Community Groups/Events of the Year.

Background

Each year two local citizens and one local community group in each locality of our local government area are eligible for the Premier's Australia Day Active Citizenship Awards.

These awards encourage and reward the spirit of active citizenship with recipients selected from people and groups who, through active involvement have given outstanding service to their local community during the current year or over a number of years.

Awards are presented for each community in two age categories as well as a community group or event.

During October and November 2007, nominations were invited from each community for the following categories:

- Premier's Australia Day Active Citizenship Award for a person of 25 years or older
- Premier's Australia Day Active Citizenship Award for a person under 25 years
- Premier's Australia Day Active Citizenship Award for a community group or event

Award recipients are kept confidential and winners announced at Australia Day Breakfast celebrations at the Lake Grace Swimming Pool and the Newdegate Pioneer Park. These events are very successful and well received by the community.

Comment

As a result of the positive community feedback and to show continuing support for Australia Day celebrations throughout our communities, it is recommended Award winners are kept confidential until the formal announcements on 26 January 2008.

Legal Implications

Local Government Act s5.23 (2) states: if a meeting is being held by council or by a committee referred to in sub section (1) (b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following:

- (b) the personal affairs of any person.

Policy Implications

N/A

Consultation

External:

Advertisements were placed in all five local community newsletters throughout October and November 2007. Nomination forms were sent to local Progress and Development Associations and were also available online and at the Shire Office.

Community feedback has resulted in having winners formally announced at the Australia Day Breakfast.

Financial Implications

Award certificates and frames are allowed for in Council's Other Expenses budget E0421170.

Strategic Implications

N/A

Cultural Implications

Recognition that rewards and encourages active citizenship within our communities is important in fostering both community pride and spirit.

Voting Requirements

Simple majority required.

Recommendation/Resolution

MOTION 10533

Moved Cr De Landgraft
Seconded Cr Milton

That Council not make public the names of the 2008 Citizenship Award recipients until after they have been formally announced at the 26 January 2008 Annual Australia Day celebrations throughout the Shire.

MOTION CARRIED 8/0

18.4 CEO SELECTION COMMITTEE

The Shire President advised Council that the CEO Selection Committee had met prior to the Council meeting with ACEO Mr Jim Fraser in relation to the CEO selection process.

11.59 am Messrs Bond, White and Mrs Bennett left the meeting.

12.21 pm Mr Fraser left the meeting.

<p>MOTION 10534</p> <p>Moved Cr Farrelly Seconded Cr Dunkeld</p> <p>That Council authorise the CEO Selection Committee to negotiate a contract that is suitable to Council for the appointment of Mr Jim Fraser to the position of Chief Executive Officer for the Shire of Lake Grace.</p> <p style="text-align: right;">MOTION CARRIED 8/0</p>
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12.34 pm Mr Fraser re-entered the meeting.

12.41pm Messrs Bond, White and Mrs Bennett re-entered the meeting.

<p>MOTION 10535</p> <p>Moved Cr Taylor Seconded Cr Farrelly</p> <p>That Council re-open the meeting to the public at this time, being 12.45pm.</p> <p style="text-align: right;">MOTION CARRIED 8/0</p>

19.0 CLOSURE

There being no further business, the Chairperson closed the meeting at 12.46 pm.

20.0 CERTIFICATION

I _____ certify that the minutes of the meeting held on the 28 November 2007 as shown were confirmed as a true record at the meeting held on the 19 December 2007.

Chairman

Date