

SHIRE OF LAKE GRACE



Minutes

Ordinary Council Meeting

18 October 2006

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SHIRE OF LAKE GRACE

MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD AT THE LAKE GRACE SPORTSMANS CLUB, STUBBS ST LAKE GRACE, ON WEDNESDAY, 18 OCTOBER 2006.

1.0 OPENING & ANNOUNCEMENT OF VISITORS

The Chairperson (President) opened the meeting at 6.35pm.

Cr Roberts welcomed recently appointed Senior Constable Matt Power to the meeting, as well as he and his family to the community with an assurance that the Shire will support any endeavours to improve the quality of local housing for police.

Cr Roberts noted the sudden and sad passing of our Manager of Works, Garry Moulds, that it had been a shock to all concerned and acknowledged Garry's contribution to the Shire.

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	<i>entered the meeting at 6.37pm.</i>
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	Deputy Chief Executive Officer
Mr J Fraser	Project Officer
Mrs J. Bennett	Executive Assistant
Senior Constable Matt Power	
Lake Grace Police	Observer

2.2 APOLOGIES

No apologies.

2.3 LEAVE OF ABSENCE PREVIOUSLY GRANTED

None.

3.0 PUBLIC QUESTION TIME

No members of the public present.

4.0 APPLICATIONS FOR LEAVE OF ABSENCE

No applications received.

5.0 MINUTES OF PREVIOUS COUNCIL MEETINGS

5.1 ORDINARY MEETING – 27 SEPTEMBER 2006

Resolution

MOTION 10287

Moved Cr Newman
Seconded Cr Farrelly

That the minutes of the Ordinary Meeting of Council held on the 27 September 2006 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 FARRELLY

Reported attendance along with Cr Walker, Chief Executive Officer, Mr Chris Jackson and Project Officers Mr Jim Fraser and Ms Michelle Slarke at a Water Management Meeting held at the Lake Grace Telecentre on Tuesday 10 October 2006.

The day involved the coming together of people from a wide range of agencies connected with the recent floods and the management of flood waters in the townsite and the proposed use of existing Water Corporation catchment for a new sports dam.

Agencies involved included Department of Agriculture, Avon Catchment Council, Co-operative Bulk Handling, Westnet Rail, Main Roads WA and the engineering firm GHD who managed and facilitated the meeting.

The meeting was unique and something out of the ordinary in that it is the first time all these agencies have been in one room together and able to share issues and exchange information.

All in all the whole day was very positive and is the commencement of a formal coordinated approach to flood mitigation and water management for Lake Grace.

9.2 CR CHAMBERLAIN

Cr Chamberlain reported attendance at last week's Newdegate Community Development Association.

Main points for discussion included the issue of noise made by motorbike riders around the town and the Public Transport Authority's advice regarding their preference for use of the Railway Station and that it is not conducive to what the Development Association had intended, which was to have the building renovated as accommodation.

10.0 MATTERS FOR CONSIDERATION – WORKS & SERVICES

10.1 HARVEST MASS MANAGEMENT SCHEME

6.49pm Cr Newman declared an interest of impartiality in item 10.1 being that he is a Director of Co-operative Bulk Handling and left the room.

MOTION 10288

Moved Cr Chamberlain
Seconded Cr Farrelly

That Cr Newman be permitted to participate in the debate but not to vote on the item.

MOTION CARRIED 8/0

6.51pm Cr Newman re-entered the meeting.

Applicant:	Co-operative Bulk Handling Ltd
File No.	0399
Attachments:	Letter, Memorandum of Understanding & Information Sheets
Author:	Mr Jim Fraser Project Officer
Disclosure of Interest:	Nil
Date of Report:	9 October 2006
Senior Officer:	Mr Chris Jackson Chief Executive Officer

Summary

This report recommends Council's participation in the Harvest Mass Management Scheme to be introduced by Co-operative Bulk Handling (CBH).

Background

The Harvest Mass Management Scheme is a system developed by CBH to help alleviate the problem of overloaded grain trucks in order to make roads safer and to reduce damage to road pavements. It will assist all participants within the Western Australian grain supply chain to meet their obligations under the soon to be enacted "Chain of Responsibility" model legislation. The Scheme is a pro-active attempt by CBH to illustrate to the State Government that the grain industry can self regulate in regard to overloading.

There has been many technological advances in relation to vehicle loading systems. The Scheme acknowledges that the technologies have not been taken up by all farmers and cartage contractors and recognises some of the difficulties faced within the present farm paddock loading systems.

Co-operative Bulk Handling Ltd has invited local authorities to participate in the Scheme through the completion of a Memorandum of Understanding (attached).

Comment

The Scheme includes a Grain Forfeiture option which will allow CBH to accept grains at their facilities where overloading has occurred. The forfeited grain will be placed in a separate “pool” and will be sold at the conclusion of the harvest period with those proceeds then being distributed back to the local government **from where the grain was produced**. The Memorandum of Understanding indicates that the funds received through the Scheme are to be spent on road maintenance.

This is an interesting clause as it may be difficult to specifically account for that amount to be spent on road maintenance and probably more difficult for CBH to determine if this has actually occurred. There may also be issues with budgeting and the audit process however this should not detract from a willingness to participate in the Scheme.

The Scheme also includes reference to an **Extra Mass Tolerance of up to 10%**. The Vehicle Regulation Limit is a calculation of the standard axle mass limits and with the Extra Mass Tolerance will form the Acceptable Vehicle Mass (AVM). An individual load would have to exceed the AVM for the forfeiture penalty to apply.

It is also noted that the Scheme is not an approved Scheme under the Road Traffic Act (WA) 1974 or the Road Traffic (Vehicle Standards) Regulations 2002.

Legal Implications

The Memorandum of Understanding would become a legally binding agreement. Some local governments have sought their own legal opinions however this is not recommended.

Policy Implications

Nil.

Community Consultation

There has not been any community consultation.

Financial Implications

It will be difficult to assess an effect on Council's budget.

Strategic Implications

Nil.

Voting Requirements

Simple majority required.

Recommendation/Resolution

MOTION 10289

Moved Cr Farrelly
Seconded Cr Taylor

That Council enter into a Memorandum of Understanding with Co-operative Bulk Handling Ltd to participate in the Harvest Mass Management Scheme.

MOTION CARRIED 8/0

11.0 MATTERS FOR CONSIDERATION – TOWN PLANNING

11.1 NEWDEGATE INDUSTRIAL LAND – RESERVES 29080 & 39314

Applicant:	Project Officer
File No.	0360
Attachments:	Nil
Author:	Mr Jim Fraser Project Officer
Disclosure of Interest:	Nil
Date of Report:	9 October 2006
Senior Officer:	Mr Chris Jackson Chief Executive Officer

Summary

This report recommends that Council takes no further action relative to the subdivision within reserves 29080 and 39314.

Background

Council resolved at the Ordinary Meeting held on 23 August 2006 to discontinue the subdivision process for the development of Reserves 29080 and 39314 Newdegate. Following the Meeting, Council's Town Planning Consultant Mr Joe Douglas advised all relevant parties of the decision.

Mr Stuart Griffiths from Land Corp has subsequently contacted the Chief Executive Officer suggesting as the process is well advanced, that conditional approval for the subdivision be pursued with the Department for Planning and Infrastructure. Conditional approval is valid for up to four years and there would be no additional cost to Council.

Comment

As previously reported there are other options available to Council to provide industrial land in Newdegate. The options within land held by the Public Transport Authority have now been extended with the relinquishment of the lease (5365) by BS & ES Ness. The area of the lease is 6,485m² and was relinquished on 30 September 2006.

It is again recommended that Council take no further action in relation to Reserves 29080 and 39314 Newdegate.

Legal Implications

Town Planning Scheme No3
Town Planning Scheme No4

Policy Implications

N/A

Community Consultation

There has been no recent community consultation.

Financial Implications

There are no financial implications.

Strategic Implications

The availability of suitably zoned land will form part of Council's Strategic Plan.

Voting Requirements

Simple majority required.

Recommendation/Resolution

MOTION 10290

Moved Cr Chamberlain
Seconded Cr Newman

That Land Corp be advised that Council will not seek conditional subdivision approval for industrial land within Reserves 29080 and 39314 Newdegate.

MOTION CARRIED 8/1

11.2

WILLIAMS LOCATION 15782 - LEASE RENEWAL

Applicant: Department for Planning and Infrastructure
File No. 0363
Attachments: Letter & locality map
Author: Mr Jim Fraser
Project Officer
Disclosure of Interest: Nil
Date of Report: 9 October 2006
Senior Officer: Mr Chris Jackson
Chief Executive Officer

Summary

This report recommends Council support for an extension of the lease of Williams Location 15782 by Mr Bruce Robert Bishop.

Background

The State Land Services; State Lands – South East of the Department for Planning and Infrastructure has requested comment from Council pertaining to a request from Mr Bruce Robert Bishop to renew the grazing lease for Williams Location 15782. The land is adjacent to a lake system near the northern point of Lake Grace South and adjoining freehold property and will be used in conjunction with that land. Lot 15782 is made up of several portions.

The term of the lease is proposed for five (5) years with a (5) year option.

Comment

The land forms part of the farming enterprise conducted by Mr Bishop and is integral to his normal operations.

Legal Implications

Nil.

Policy Implications

Nil.

Community Consultation

Nil.

Financial Implications

Nil.

Strategic Implications

Nil.

Voting Requirements

Simple majority required.

Recommendation/Resolution

MOTION 10291

Moved Cr Walker
Seconded Cr Newman

That the Department for Planning and Infrastructure, State Land Services, South East be advised that Council supports the request from Mr Bruce Robert Bishop to renew the lease of Williams Location 15782 for the purpose of grazing for a period of five (5) years with a further five (5) year option.

MOTION CARRIED 9/0

11.3

PLANNING APPLICATION – LOT 22 (NO 23) COLLIER ST, NEWDEGATE

Applicant: Mr Gary Cuff
File No: 0455
Attachments: Plans 1 to 4
Author: Mr Joe Douglas & Mr Steve Pandevski
Town Planning Consultant
Disclosure of Interest: Nil
Date of Report: 10 October 2006
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 Gary Cuff to construct a new colorbond/steel framed shed at the rear of Lot 22 (No.23) Collier Street, Newdegate.

Background

Lot 22 (No.23) Collier Street, Newdegate is located centrally within the Newdegate townsite and comprises a total area of approximately 1,012m². The lot has direct frontage to Collier Street along its south-western boundary and a dedicated six (6) metre wide right-of-way along its rear, north-eastern boundary (see Plan 1).

The subject land has been developed for residential purposes and comprises a single storey detached dwelling constructed on the front half of the property.

Land to the north and south has similarly been developed and used for residential purposes. Land to the east, on the eastern side of the right-of-way, is zoned for commercial purposes under the Shire of Lake Grace Town Planning Scheme No.3 and is either vacant or developed for public purposes (i.e. telecommunications infrastructure & public open space). The Newdegate Primary School is located on the western side of Collier Street immediately opposite the subject land (see Plan 2).

The application seeks Council's planning approval to construct a new 9.1 metre long, 9.04 metre wide and 3.65 metre high (3.05 metre wall height) colorbond shed at the rear of Lot 22 for the parking / storage of private vehicles. The shed is proposed to have door openings providing direct access to and from the right-of-way.

The development plans submitted in support of the application propose the shed to be located on the eastern, rear half of Lot 22 with a 1.2 metre setback to the right-of-way, 5.5 metre setbacks to the northern and

southern side boundaries and an approximate 21.5 metre setback to the existing dwelling on Lot 22 (see Plans 3 & 4).

To assist Council's consideration of the application the landowner has provided a letter signed by the owner of the adjoining Lot 23 (No.21) Collier Street, Newdegate supporting the proposed development. No such letter appears to have been received from the owner of Lot 21 (No.25) Collier Street and therefore it is not known if this landowner supports the proposal. Notwithstanding this fact there is no statutory obligation for Council to receive comments from adjoining landowners in determining the application.

Comment

Lot 22 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 constructed (i.e. a dwelling house) where the total floor area of the proposed outbuilding 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 shed proposed to be constructed at the rear of Lot 22 has a total floor area of 82.26m² Council's planning approval is required prior to the commencement of construction.

In considering the application Council should note 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 22 and setback significantly from the street and neighbouring / adjoining

dwellings, it may be reasonable for Council to form the view that 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 the scale and siting of the proposed shed may have a detrimental impact on neighbouring / adjoining properties it may require the shed, in accordance with clause 3.10.1A1 of the Residential Design Codes, to have a maximum wall height not exceeding 2.4m and a maximum area of 60m².

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 22 (No.23) Collier Street, Newdegate 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 the 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 10292

Moved Cr Newman
Seconded Cr Stewart

That Council resolve to approve the application for planning consent submitted by Mr Gary Cuff to construct a new colorbond/steel framed shed at the rear of Lot 22 (No.23) Collier Street, Newdegate 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 license 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 83m².
5. The proposed shed shall have a maximum wall height of 3.05 metres and a maximum ridge height of 3.65 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. All stormwater drainage shall be managed to the specifications and satisfaction of the Shire.

MOTION CARRIED 9/0

12.0 MATTERS FOR CONSIDERATION – HEALTH & BUILDING

No items for consideration.

13.0 MATTERS FOR CONSIDERATION – FINANCE

13.1 ACCOUNTS FOR PAYMENT SEPTEMBER 2006

Applicant: Shire of Lake Grace
File No. 0277
Attachments: List of Creditors
Author: Ms Leonie McIlree
Deputy Chief Executive Officer
Disclosure of Interest: Nil
Date of Report: 11 October 2006
Senior Officer: Mr Chris Jackson
Chief Executive Officer

Summary

For Council to ratify expenditures incurred for the month of September 2006.

Background

List of invoices paid for the month of September 2006 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 September 2006 from the Municipal account amounts to \$718,410.45.

Strategic Implications

N/A

Voting Requirements

Simple majority required.

Recommendation/Resolution

MOTION 10293

Moved Cr Newman
Seconded Cr Sinclair

That Municipal Account cheques 32129 to 32172, Electronic Funds Transfers EFT1987 to EFT2075, totalling \$583,834.89 and direct debits to the Municipal Accounts totalling \$130,820.92 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 – AUGUST 2006

Applicant: Shire of Lake Grace
File No. 0275
Attachments: Financial Reports
Author: Ms Leonie McIllree
Deputy Chief Executive Officer
Disclosure of Interest: Nil
Date of Report: 10 October 2006
Senior Officer: Mr Chris Jackson
Chief Executive Officer

Summary

Consideration of the financial statements for the month ending 31 August 2006.

Background

The following financial reports are included for your information:

- Monthly Statement of Financial Activity
- Notes to and forming part of the Statement
- Operating and Capital Financial Report
- Bank Reconciliation

The following comments are made in relation to the variances budget to year to date:

Revenue

NOTE: If variance column is reported as a positive (no brackets) more income has been brought to account than budgeted, if variance column is a negative (brackets) then income received is less than budgeted. If variance column reports in excess of 10% or -10% then an explanation is required.

Governance:

Rent for hire of rooms in Railway Station Building not budgeted and income received.

Health:

Rent for Dental Surgery not yet raised.

Transport:

Recoup from Main Roads submitted for flood repairs.

Economic Services:

Income for community dams and sale of Lot 1 Lake Grace budgeted to be received over 12 months of budget – no income received to date.

Expenses

NOTE: If variance column is reported as a positive (no brackets) more income has been brought to account than budgeted, if variance column is a negative (brackets) then income received is less than budgeted. If variance column reports in excess of 10% or -10% then an explanation is required.

Governance:

Administration allocations are yet to be completed. These are currently completed on a quarterly basis.

General Purpose Funding:

Variation in valuation expenses.

Transport:

Flood reinstatement and various other maintenance works not yet fully commenced.

Economic Services:

Timing difference for standpipe water accounts.

Other Property & Services:

Variance directly attributed to Plant Allocation costs and Public Works Overhead allocations which are completed on a quarterly basis.

Legal Implications

Local Government Act 1995 – section 6.4

Local Government (Financial Management) Regulations 1996

Policy Implications

N/A

Community Consultation

N/A

Financial Implications

Nil.

Strategic Implications

N/A

Voting Requirements

Simple majority required.

Recommendation/Resolution

MOTION 10294

Moved Cr Bennett
Seconded Cr Taylor

That the financial reports for the month ending 31 August 2006 as attached be approved.

MOTION CARRIED 9/0

13.3

CATHOLIC CHURCH LAKE GRACE – RECYCLING BIN EXEMPTION

Cr Chamberlain foreshadowed that should the recommendation be declined he would move an alternate motion.

Applicant: Maria Regina Catholic Parish
File No. 0265
Attachments: Letter
Author: Mrs Danielle Robertson
Senior Finance Officer
Disclosure of Interest: Nil
Date of Report: 06 October 2006
Senior Officer: Ms Leonie McIlree
Deputy Chief Executive Officer

Summary

For Council to consider waiving the supply of a recycling bin and associated charge applicable to the property owned by the Maria Regina Catholic Parish, situated at 13-15 Absolon St, Lake Grace.

Background

A letter has been received from the Parish Priest of the Maria Regina Catholic Parish, Fr Pierangelo Repuyan, seeking the waiver of this service and associated charge levied on the property.

The building is not used as a residence and only infrequently used as a place for holding church related events.

The property is exempt from rates as it is used exclusively for the purposes of the church and service charges payable on this property for the 2006/07 year are \$179.60.

Comment

When rates billing was undertaken all properties in the Lake Grace and Newdegate townsites with a current refuse service charge had the recycling charge applied to their account.

Legal Implications

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

Absolute majority required.

Policy Implications

There is currently no policy in place to manage such requests.

Community Consultation

N/A

Financial Implications

N/A

Strategic Implications

N/A

Recommendation

1. That Council agree to the exemption of a recycling bin and the waiving of \$77.00 in service charges payable on the property owned by the Maria Regina Catholic Parish, situated at 13-15 Absolon St, Lake Grace and that Fr Pierangelo Repuyan be advised accordingly.
2. That Council agree to the creation of a policy to manage similar requests in the future

Voting Requirements

Absolute majority required.

MOTION

Moved Cr Walker
Seconded Cr Bennett

1. That Council agree to the exemption of a recycling bin and the waiving of \$77.00 in service charges payable on the property owned by the Maria Regina Catholic Parish, situated at 13-15 Absolon St, Lake Grace and that Fr Pierangelo Repuyan be advised accordingly.

MOTION WITHDRAWN

Resolution

MOTION 10295

Moved Cr Chamberlain
Seconded Cr Walker

1. That Council agree to the exemption of a recycling bin and the waiving of \$77.00 in service charges payable on the property owned by the Maria Regina Catholic Parish, situated at 13-15 Absolon St, Lake Grace and that Fr Pierangelo Repuyan be advised accordingly.
2. That Council formulate a policy to manage similar requests in the future.

MOTION CARRIED BY ABSOLUTE MAJORITY 9/0

Reason for Change

Council discussed and debated the forming of Policy relating to exemptions of the various rates and service charges for community service organisations.

13.4

INVESTMENT OF SURPLUS FUNDS – REPORT

Applicant: Deputy CEO
File No. 0267
Attachments: Nil
Author: Leonie McIlree
 Deputy Chief Executive Officer
Disclosure of Interest: Nil
Date of Report: 10 October 2006
Senior Officer: Chris Jackson
 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 October 2006:

Bank	Fund	Term	Amount	Interest Rate	Expiry Date
Westpac	Municipal	30 days	\$500,000	5.92%	1 November 2006
Westpac	Municipal	90 days	\$500,000	6.02%	31 October 2006
Elders Rural Bank	Reserve	6 months	\$1,600,000	6.40%	2 February 2007

Legal Implications

Nil.

Policy Implications

As per Council's policy.

Community Consultation

N/A

Financial Implications

N/A

Strategic Implications

N/A

Voting Requirements

Simple majority required.

Recommendation/Resolution

MOTION 10296

Moved Cr Stewart
Seconded Cr Sinclair

That the investment report for the month of October 2006 be approved

MOTION CARRIED 9/0

14.0 MATTERS FOR CONSIDERATION – ADMINISTRATION

14.1 BUSHFIRE ADVISORY COMMITTEE – ANNUAL GENERAL MEETING

Applicant: Shire of Lake Grace Bush Fire Advisory Committee
File No. 0181
Attachments: Minutes & Firebreak Notice
Author: Ms Leonie McIlree
Deputy Chief Executive Officer
Disclosure of Interest: Nil
Date of Report: 9 October 2006
Senior Officer: Mr Chris Jackson
Chief Executive Officer

Summary

For Council to approve the minutes of the Bush Fire Advisory Committee Annual General Meeting held on 5 October 2006 and to endorse the nominations of officers for the 2006/07 season and other recommendations arising from the meeting.

Background

The Annual General Meeting of the Bush Fire Advisory Committee was held on 5 October 2006 at the Newdegate Recreation Centre commencing at 3.30 pm.

Comment

There is a requirement to gazette Fire Control Officers once Council has ratified their appointment for the 2006/07 season.

Legal Implications

Bush Fire Act 1954
Bush Fire Brigades Local Law

Policy Implications

Nil.

Community Consultation

Nil.

Financial Implications

Nil.

Strategic Implications

Nil.

Voting Requirements

Simple majority required.

Recommendation/Resolution**MOTION 10297**

Moved Cr Newman
Seconded Cr Bennett

That:

1. Council approve the minutes of the Bush Fire Advisory Committee Meeting held on 5 October 2006.
2. Council endorse the following recommendation arising from the Bush Fire Advisory Committee Meeting:

That a request be made to FESA to access the TAIT 2020 radios from the Shire of Esperance Bush Fire Radio Upgrade programme for use within the Shire of Lake Grace to replace the Midland Radio Base sets currently in use.

3. The Firebreak Notice for the 2006/07 Season be endorsed.
4. The following Fire Control Officers be appointed for the 2005/06 season:

Chief Fire Control Officer	Peter Roberts
Deputy Chief Fire Control Officers	Bill Lloyd Richard Metcalf Doug Dunham
Fire Weather Officers	Doug Dunham Bill Lloyd Gary Miles Peter Roberts
Deputy Fire Weather Officers	Zane Connolly Wes Hall Jason Sugg Richard Metcalf Lindsay Brownley
Harvest Ban CBH Advisory Officers	Lindsay Brownley Jason Sugg Steven Davies Bill Lloyd Tim Lloyd

MOTION 10297 continued

	Zane Connolly Terry Smith Peter Roberts
Permit Issuing Fire Control Officers (with Two Way Radios)	
North Lake Grace	Terry Willcocks Doug Dunham Evan Wyatt
South Lake Grace	Allan Connolly Rex Walker Zane Connolly
North Newdegate	Barry Ness Ron Shalders Craig Shalders Ian Lloyd Bill Lloyd John Dunkeld Tim Lloyd Greg Dunkeld
South Newdegate	Geoff Cugley Matt Cugley Wes Hall Peter Kennedy
Lake King/Varley	Ben Hyde Jason Sugg Arthur Sugg Gary Miles Allan Sutherland Steven Davies Richard Metcalf
Mt Madden/Dunn Rock	Peter Roberts Darcy Roberts David Roberts Lindsay Brownley Gavin Barrett Bob Allan
Newdegate Town	Gavin Boyce
Lake Grace Town	Ray Bird
Lake King Town	Richard McLean Derek Burgess

MOTION 10297 continued

Permit Issuing Fire Control Officers (without Two Way Radios

North Lake Grace	Colin Jenks Greg Caruthers Ross Chappell
South Lake Grace	Bill Willcocks Colin Connolly Noel Bairstow
South Newdegate	Syd Walker Geoff Richardson
Lake King/Varley	John Pickernell Hugh Roberts
Mt Madden/Dunn Rock	Owen Brownley

Dual Fire Control Officers appointed from the respective Shire for the 2006/07 Bushfire Season:

Ravensthorpe	Andy Duncan
Jerramungup	John Mudie
Dumbleyung	Pat O'Neill John Clarke

Representatives from the Shire of Lake Grace to be appointed as Dual Fire Control Officers for the following Shires for the 2006/07 Bushfire Season:

Ravensthorpe	Peter Roberts
Jerramungup	Peter Roberts
Kulin	Steve Davies & Doug Dunham
Dumbleyung	Rex Walker & Leon Morgan
Kent	Zane Connolly

6. The following Authorised Officers be appointed for the 2006/07 season:

Clover and Proclaimed Plant Permit Issuing Officers

Chief Fire Control Officer & Deputy Chief Fire Control Officers (3)

Chief Executive Officer & Deputy Chief Executive Officer

Broadcast of Harvest Bans

Chief Fire Control Officer & Deputy Chief Fire Control Officers (3)

Chief Executive Officer & Deputy Chief Executive Officer

Base Radio Operators and their Spouses

Senior Administration Officer (in the absence of the Chief Executive Officer and the Deputy Chief Executive Officer.)

MOTION CARRIED 9/0

ANNUAL ELECTORS MEETING YEAR ENDED 30 JUNE 2006 - MINUTES

Minutes of the Meeting were tabled and distributed.

Applicant: Chief Executive Officer
File No: 0042
Attachments: Minutes will be available at the Meeting
Author: Mrs Jeanette Bennett
Executive Assistant
Disclosure of Interest: Nil
Date of Report: 11 October 2006
Senior Officer: Mr Chris Jackson
Chief Executive Officer

Summary

The purpose of this report is for Council to approve the minutes of the Electors Meeting held on Tuesday, 10 October 2006.

Background

The annual Electors Meeting was held on Tuesday, 10 October 2006 in the Varley Sports Pavilion, as advertised, and commenced at 7.30pm, with Cr Darcy Roberts, Shire President, presiding.

Minutes of the Annual Electors Meeting will be made available at the meeting and will also be available to the public through Council's libraries and website.

Under the provisions of sections 5.32 and 5.33 of the Local Government Act, 1995 (the Act) any decisions made at an Elector's Meeting need to be considered by Council at its next Ordinary Meeting or if that is not possible, at the first Ordinary Meeting after that meeting.

Further, under the provisions of the Act, Council is required to record in the minutes of its Ordinary Meeting the reasons for any decision it makes in response to the decision(s) made at the Elector's Meeting.

Comment

Twenty two persons were in attendance with all nine Councillors present. The content of the 2005/06 Annual Report was considered and motions passed accepting the various reports contained therein, including the Auditors Report and Management Report.

Other than the procedural motions no further decisions were made at the meeting.

Questions were asked and answered relating to the funding of the Lake Grace Stubbs Street Underground Power Project. Following the discussion it was commented that there is a clear message from the

community that for future projects such as this more timely consultation between Council and the community is required.

Issues raised and discussed during General Business are as follows:

- Lake King main road redevelopment plans and proposed public toilet facility
- Construction of the Varley Fire Shed
- Lake Grace Sewerage Scheme Upgrade
- Use of Carstairs Road
- Maintenance grading contracts
- 2005/06 budget surplus
- Expansion of the Aquatics & Recreation in the Community (ARC) Program
- Varley Town Maintenance program
- Sealing program for Varley South Road
- Magdhaba Track

Community Consultation

The convening of the Electors Meeting was advertised in accordance with the requirements of the Act. The minutes of the Electors Meeting represent the community's input.

Legal Implications

Local Government Act 1995 – s5.32 & s5.33

Local Government (Administration) Regulations 15, 17 & 18

Policy implications

N/A

Financial implications

N/A

Strategic implications

N/A

Voting Requirements

Simple majority required.

Recommendation/Resolution

MOTION 10298

Moved Cr Bennet
Seconded Cr Newman

That the minutes of the Annual Electors Meeting held on Tuesday, 10 October 2006 be received and the following decisions be endorsed:

- The President's Report for 2005/06 be accepted;
- The Chief Executive Officer's Report for 2005/06 be accepted;
- The 2005/06 Annual Financial Statements as presented be received and accepted; and,
- The Auditor's Report and the Auditor's Management Report be received and accepted.

MOTION CARRIED 9/0

14.3 LOCAL GOVERNMENT ELECTIONS – PROPOSED CHANGES TO VOTING SYSTEMS

Addition information: Letters from Hon Jon Ford MLC, the Minister for Local Government to each Councillor outlining the Government's position, was tabled and distributed.

Applicant: Western Australian Local Government Association
File No. 0029
Attachments: Media Releases: WALGA, Hon R McSweeney, WALGA Info Page
Author: Mr Chris Jackson
 Chief Executive Officer
Disclosure of Interest: Nil
Date of Report: 11 October 2006
Senior Officer: Mr Chris Jackson
 Chief Executive Officer

Summary

For Council to support Western Australian Local Government Association (WALGA) in opposing proposed changes to the Local Government voting system that have been introduced by the State Government.

Background

The State Government has recently introduced legislation to amend the Local Government Act 1995 to replace the existing first past the post election system with a proportional preferential system of voting similar to that which applies to the Legislative Council for state elections.

The amendment was introduced into Parliament without consultation with WALGA, LGMA or the Local Government sector. The action contravenes both the State/Local Government Partnership Agreement and the recently enacted Inter-Government Agreement between the Commonwealth, State and Local Governments. The proposed reform is contrary to the Local Government Advisory Board's recommendations within its 2005 report on Local Government Structural and Electoral Reform in WA and dismisses WALGA's own survey, which found that 90% of Councils opposed changes to the current voting system.

Comment

WALGA President Cr Bill Mitchell has written to Council stating as follows:

"I believe such a retrograde change as that proposed would be severely detrimental to Local Government in this State as such a system:

- *Encourages the use of factions and consequently party politics in Local Government*
- *Is less understood by voters and as such more open to manipulation by candidates*

- *Involves listing candidates rather than voters aligning with one candidate*
- *Results in higher error rates in completing voting cards thereby increasing the capacity for invalid votes*
- *Potentially increases the cost of administering the voting system*

I urge you to support the Western Australian Local Government Association in opposing the proposed changes by strongly voicing your concerns to local Members of Parliament and your community as soon as possible”

Legal Implications

N/A

Policy Implications

N/A

Community Consultation

Given time constraints, no community consultation is proposed.

Financial Implications

N/A

Strategic Implications

N/A

Recommendation

That Council write to the Minister for Local Government Mr Jon Ford MLC, the Shadow Minister for Local Government, Hon Robyn McSweeney, MLC and Local Member for Roe, Dr Graham Jacobs MLA to advise that the Shire of Lake Grace is strongly opposed to the proposed changes to the Local Government Voting System to replace the existing first past the post with a proportional preferential system, as such a system:

- Encourages the use of factions and consequently party politics in Local Government
- Is less understood by voters and as such more open to manipulation by candidates
- Involves listing candidates rather than voters aligning with one candidate
- Results in higher error rates in completing voting cards thereby increasing the capacity for invalid votes
- Potentially increases the cost of administering the voting system

Voting Requirements

Simple majority required.

Resolution

Moved Cr

Seconded Cr

MOTION

Moved Cr Newman
Seconded Cr Chamberlain

That Council not support the first past the post voting system but support the proportional preferential system as preferred by the State Government.

MOTION WITHDRAWN

REASON FOR CHANGE

Following additional information provided relating to the proportional preferential voting system as distinct from a preferential system the motion was withdrawn.

MOTION 10299

Moved Cr Bennett
Seconded Cr Farrelly

That Council write to the Minister for Local Government Mr Jon Ford MLC, the Shadow Minister for Local Government, Hon Robyn McSweeney, MLC and Local Member for Roe, Dr Graham Jacobs MLA to advise that the Shire of Lake Grace is strongly opposed to the proposed changes to the Local Government Voting System to replace the existing first past the post with a proportional preferential system, as such a system:

- Encourages the use of factions and consequently party politics in Local Government
- Is less understood by voters and as such more open to manipulation by candidates
- Involves listing candidates rather than voters aligning with one candidate
- Results in higher error rates in completing voting cards thereby increasing the capacity for invalid votes
- Potentially increases the cost of administering the voting system

MOTION CARRIED 9/0

14.4 PINGARING SPORTS CLUB INC – FUNDING APPLICATION APPROVAL

Applicant: Pingaring Sports Club Inc
File No. 0409/0286
Attachments: Nil
Author: Mrs Jeanette Bennett
Executive Assistant
Disclosure of Interest: Nil
Date of Report: 11 October 2005
Senior Officer: Mr Chris Jackson
Chief Executive Officer

Summary

For Council to approve an application to the Community Sport Recreation Facilities Fund (CSRFF) on behalf of the Pingaring Sports Club Inc for cricket pitch resurfacing and a shade facility at the Pingaring Sports Ground.

Background

For some time now the Karlgarin Pingaring Cricket Club has had concerns over the deteriorating condition of their cricket pitch and the lack of shade available for spectators. In the interests of public safety the need for a safe playing surface and a shade shelter has now been identified as a priority for the Club.

The Club has been fundraising towards the facilities upgrade for some time and following an assessment in February 2006, agreed at their Annual General Meeting held 22 August 2006 to proceed with a funding application to the Department of Sport & Recreation for CSRFF.

The total project cost is \$13,208.20, with one third funding being sought through CSRFF with two thirds to be contributed by the Karlgarin Pingaring Cricket Club. The application is being submitted by the Pingaring Sports Club Inc, being the parent body for sporting organisations in Pingaring.

Comment

Applications to CSRFF must be received at the Regional Office of the Department of Sport & Recreation by the 31 October 2006. Successful applications will be notified in February 2007.

A Department of Sport & Recreation CSRFF requirement is that Local Governments are to prioritise CSRFF applications within their district for each funding round. As no further CSRFF applications have been received from any other organisation within the Shire this application would assume a number one priority.

Legal Implications

Local Government Act 1995 S3.57

Local Government (Functions & General Regulations 1996 Part 4

Policy Implications

N/A

Community Consultation

Consultation process has included discussion with other league Cricket Clubs,

Financial Implications

The Pingaring Sports Club application, if successful is fully funded by CSRFF and community contribution from the Cricket Club.

Strategic Implications

Maintaining assets and infrastructure forms part of Council's strategic planning process.

Voting Requirements

Simple majority required.

Recommendation/Resolution

MOTION 10300

Moved Cr Stewart
Seconded Cr Walker

That Council endorse the CSRFF application from the Pingaring Sports Club for the resurfacing of the cricket pitch and construction of a shade sail at the Pingaring Sports Ground and prioritise it as number one.

MOTION CARRIED 9/0

15.0 URGENT BUSINESS BY DECISION OF THE MEETING

None.

16.0 SCHEDULING OF MEETING

As per Motion 10131 December 2005:

An Ordinary Meeting of the Council will be held on Wednesday 22 November 2006 at the Newdegate Recreation Centre, Newdegate commencing at 9.00 am.

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

7.42pm *Mr Power left the meeting.*

MOTION 10301

Moved Cr Bennett
Seconded Cr Walker

That Council close the meeting to the public at this time, being 7.43 pm, to discuss Item 17.1 Rates Write-off for the Estate of Rae McGlinn as it relates to: *“the personal affairs of a person” (Local Government Act 1995 S3.23(2)(B))*

MOTION CARRIED 9/0

17.1 RATES WRITE-OFF – ESTATE OF RAE WILLIAM MCGLINN

Applicant: Howard I Evans
File No. 0260/A5036
Attachments: Nil
Author: Ms Leonie McIllree
Deputy Chief Executive Officer
Disclosure of Interest: Nil
Date of Report: 18 October 2006
Senior Officer: Mr Chris Jackson
Chief Executive Officer

Summary

For Council to agree to the write-off of rates on lot 46 Collier Street, Newdegate, currently owned by the Estate of Rae William McGlinn.

Background

Council previously considered this matter at its 24 August 2005 Ordinary Meeting and resolved as follows:

Motion 10057 (Item 17.2)

*Moved Cr Chamberlain
Seconded Cr Stewart*

That

- 1. Council not proceed to sell Lot 46 Collier Street, Newdegate under section 6.64 of the Local Government Act 1995;*
- 2. The Chief Executive Office be authorised to negotiate with the Estate Solicitors a suitable amount that would realise more funds than if action was taken under section 6.64 of the Local Government Act; and*
- 3. Any remaining rates following possible sale by the Estate of the property be brought back to Council for write-off.*

MOTION CARRIED BY ABSOLUTE MAJORITY 8/0

Lot 46 Collier Street, Newdegate is under offer for \$25,000, with settlement due to take effect on 30 November 2006. The property has \$13,334.01 in outstanding rates. It is also understood that the property has a debt with the Water Corporation in excess of \$9,600.00.

Comment

Negotiations with the Real Estate Agent have indicated that the sale price has been set to ensure each party receives some funds from the sale. If Council was to request the full amount of rates outstanding it is unlikely that the sale and settlement would occur.

Due to the Estate of Rae William McGlenn being insolvent and the proposed sale, it is recommended to Council that \$6,667.00 or 50% of the outstanding balance in rates be written off.

Legal Implications

In relation to the write off of rates, section 6.12 (1) subject to subsection (2) and any other written law, a local government may (c) write off any amount of money.

Section 6.8 of the Local Government Act 1995 states that (1) a local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure (b) is authorised in advance by resolution (absolute majority required).

Policy Implications

Not Applicable.

Community Consultation

Not Applicable.

Financial Implications

Councils 2006/07 budget does not allow for a write-off of rates and will have an effect on the Shires surplus/deficit at the end of the financial year.

It is proposed that savings be identified to cover this unbudgeted expense during the 2006/07 budget review to be undertaken February 2007.

Strategic Implications

N/A.

Recommendation

That Council:

1. Agree to the write off \$6,667.01 in outstanding rates on Lot 46 Collier Street, Newdegate as an unbudgeted expense;
2. Authorise the unbudgeted expenditure of \$6,667.01 to be debited to account I030203 Rates Written Off; and
3. That the Settlement Agent be notified that Council is prepared to accept an amount of \$6,667.00 for payment of outstanding rates following settlement.
4. The confidentiality of this item be lifted.

Voting Requirements

Absolute Majority required.

Recommendation/Resolution

MOTION 10302

Moved Cr Bennett
Seconded Cr Newman

That Council:

1. Agree to the write-off of \$6,667.01 in outstanding rates on Lot 46 Collier Street, Newdegate as an unbudgeted expense;
2. Authorise the unbudgeted expenditure of \$6,667.01 to be debited to account I030203 Rates Written Off; and
3. That the Settlement Agent be notified that Council is prepared to accept an amount of \$6,667.00 for payment of outstanding rates following settlement.
4. The confidentiality of this item be lifted.

MOTION CARRIED BY ABSOLUTE MAJORITY 9/0

MOTION 10303

Moved Cr Newman
Seconded Cr Stewart

That Council re-open the meeting to the public at this time,
being 7.49pm.

MOTION CARRIED 9/0

7.50pm *Mr Power re-entered the meeting.*

The CEO read aloud Motion 10302.

18.0 CLOSURE

There being no further business, the Chairperson closed the meeting at 7.50pm.

19.0 CERTIFICATION

I _____ certify that the minutes of the meeting held on the 18 October 2006 as shown on page numbers _____ to _____ were confirmed as a true record at the meeting held on the 22 November 2006.

Chairman

Date