

# SHIRE OF LAKE GRACE



## *Minutes*

Ordinary Council Meeting

27 September 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, 27 SEPTEMBER 2006.**

#### **1.0 OPENING & ANNOUNCEMENT OF VISITORS**

The Chairperson (President) opened the meeting at 1.30 pm and welcomed Mr Adrian Chesson from the Department of Agriculture to the meeting.

#### **2.0 ATTENDANCE RECORD**

##### **2.1 PRESENT**

Cr G.E.J. Roberts	Shire President
Cr A.J. Walker	Deputy Shire President
Cr H.R. Bennett	
Cr I.G. Chamberlain	
Cr O.P. Farrelly	
Cr W.A. Newman	
Cr D.P. Sinclair	
Cr D.M.McL. Stewart	
Cr R.P. Taylor	
Mr J Fraser	Acting Chief Executive Officer
Mrs J. Bennett	Executive Assistant
Mr Adrian Chesson	Department of Agriculture

##### **2.2 APOLOGIES**

None.

##### **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**

None.

### **5.0 MINUTES OF PREVIOUS COUNCIL MEETINGS**

#### **5.1 ORDINARY MEETING – 23 AUGUST 2006**

Resolution

#### **MOTION 10272**

Moved Cr Farrelly  
Seconded Cr Taylor

That the minutes of the Ordinary Meeting of Council held on the 23 August 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**

Nil.

### **8.0 PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS**

#### **8.1 ADRIAN CHESSON – DEPARTMENT OF AGRICULTURE**

Adrian Chesson, Department of Agriculture Lake Grace presented an information session on Australian Plague Locusts.

The presentation included the following main points in relation to Department of Agriculture strategy for the control of locusts in the coming months:

- Forecast of moderate to severe locust outbreak expected this spring for the Central Wheatbelt.

- Expectation of major production of locusts in area where in excess of 80mm rain was experienced last summer.
- Making sure that landholders are equipped with tools to handle outbreak.
- Monitoring of locust hatchings and identification and designation of priority target zone.
- Department of Agriculture to control by aerial spraying only where locusts incur major damage.
- Survey teams based in district will identify areas heavily infested to ascertain where aerial spraying is to take place.
- Chemical is on hand – operations to commence in approximately 3 weeks.
- If farmers have locusts on their properties important to notify Dept of Agriculture.
- No pesticides will be issued to land holders.
- Principal pesticide used will be Fenitrothion which is a contact spray and has no residual effect.
- Buffer zones around towns = 1.5km, locals need to be aware spraying program is no different to normal agricultural spraying practises.
- Life cycle and growth stages of locusts.

The President thanked Mr Chesson for his attendance at the meeting and the informative presentation.

2.10pm Cr Chamberlain left the meeting and returned at 2.12pm

## **9.0 MEMBERS' REPORTS**

### **9.1 CR WALKER**

Attended a recent Zone Control Authority Meeting, minutes will be included in the next Information Bulletin.

### **9.2 CR TAYLOR**

Attended a Ryegrass Toxicity Control meeting in Northam on 1 September 2006. Minutes to be included in the next Information Bulletin.

**10.0 MATTERS FOR CONSIDERATION – WORKS & SERVICES**

2.15pm Mr Chesson left the meeting.

**10.1 WILSON MACHINERY TREE SAW – PROPOSED DECOMMISSIONING**

**Applicant:** Acting Chief Executive Officer  
**File No.** 0427  
**Attachments:** Report by Tim Stevens Risk Solutions  
**Author:** Mr Jim Fraser  
Acting Chief Executive Officer  
**Disclosure of Interest:** Nil  
**Date of Report:** 19 September 2006  
**Senior Officer:** Mr Jim Fraser  
Acting Chief Executive Officer

**Summary**

This report recommends the decommissioning of the Wilson Machinery Tree Saw and the writing off of the nett value of the asset.

**Background**

Council purchased a Wilson Machinery Tree Saw in February 2004 at an inventory cost of \$69,995.45. There has been a series of safety issues associated with the operation of the tree saw with anecdotal evidence indicating that one of the three rotary blades separated from the machine during operations.

It is also noted that there were modifications made to Council's Volvo Loader (PLOD01) to which the tree saw was fitted which subsequently impacted on the efficiency of the loader when utilised for other applications.

As a result of the safety issues associated with the tree saw, Mr Tim Stevens from Tim Stevens Risk Solutions was requested to provide a safety report on the machine. A copy of his report is at attachment.

The Shire President, Cr Darcy Roberts has advised that he has spoken with the manufacturer at the recent Newdegate Machinery Field Days and will provide further advice to Councillors at the meeting.

**Comment**

The Tree saw consists of three blades approximately 1 metre in diameter which are basically unguarded. Whilst it may be possible to improve the operational safety aspects by constructing a guard, it is considered that this would impact on the efficiency of the machine.

In light of the comments made by Mr Tim Stevens, staff are of the view that there could be ongoing insurance implications should Council dispose of the machine. On that basis it is recommended that the machine be broken down into component parts, the depreciated value written off and the asset register adjusted accordingly.

In discussions with staff it has been ascertained that the hydrostatic motors and various hydraulic hoses and fittings can be retained for future utilisation. The estimated value of the component parts is in the \$5,000 to \$10,000 range.

It is also advised for information that the modifications to the hydraulics on the Volvo Loader have also been removed pending its trade-in on a new machine.

Legal Implications

Local Government (Financial Management) Regulations

Policy Implications

Nil.

Community Consultation

There has not been any community consultation. The Deputy Chief Executive Officer, Works Supervisor and Shire Mechanic have been consulted.

Financial Implications

Council's plant assets will be reduced affecting the 2006/07 balance sheet.

Strategic Implications

Nil.

Recommendation

1. That the Wilson Machinery Tree Saw with a value of \$52,367.40 be written off and the asset register be adjusted accordingly.
2. The 2006/07 budget be amended to reflect the transaction.

Voting Requirements

Absolute majority (5) required.



Resolution

**MOTION 10273**

Moved Cr Newman  
Seconded Cr Walker

That the decommissioned Wilson Machinery Tree Saw be sold to maximise return providing all legal requirements are fulfilled.

**MOTION CARRIED BY ABSOLUTE MAJORITY 9/0**

***REASON FOR CHANGE***

***Council wishes to maximise its return whilst ensuring legal requirements are met.***

## 11.0 MATTERS FOR CONSIDERATION – TOWN PLANNING

### 11.1 PORTION OF DUNHAM ROAD, NORTH LAKE GRACE – REQUEST FOR ROAD CLOSURE

**Applicant:** Mr Greg Carruthers  
**File No.** 0355  
**Attachments:** Plan 14  
**Author:** Mr Joe Douglas  
 Town Planning Consultant  
**Disclosure of Interest:** Nil  
**Date of Report:** 11 September 2006  
**Senior Officer:** Mr Jim Fraser  
 Acting Chief Executive Officer

#### Summary

This report provides details and recommendations in respect of correspondence received from Mr Greg Carruthers requesting that the Shire of Lake Grace close a 4,560m<sup>2</sup> portion of Dunham Road at its intersection with Kulin - Lake Grace Road, North Lake Grace which was created as a result of a road widening condition imposed by the Western Australian Planning Commission in issuing approval to the subdivision of Williams Location 12627 by Sperry Pty Ltd in 2005.

#### Background

At its 23 February 2006 Ordinary Meeting, Council considered an application by Sperry Pty Ltd for the subdivision of Williams Locations 10157 & 12627 Kulin Lake Grace Road which was referred to the Shire for comment by the Western Australian Planning Commission (WAPC). At that meeting Council resolved to advise the WAPC that it had no objection to the proposed subdivision subject to the following condition:

1. *Dunham Road being widened in accordance with the details of Plan 14 prepared in support of the Shire of Lake Grace town planning agenda item dated 14<sup>th</sup> February 2005 by the subdivider transferring the land required to the Crown free of cost for revesting in Her Majesty as of Her former Estate for the purpose of widening Dunham Road at its intersection with Kulin – Lake Grace Road.*

The above condition was recommended to enable the future possible realignment of Dunham Road at its intersection with Kulin – Lake Grace Road to improve the general configuration and safety of this intersection (see attached copy of Plan 14). The obscure angle of the current road

configuration at this intersection was considered unsafe and in possible need of attention.

Council advised the WAPC of its recommendation in this matter after which the WAPC made its own assessment of the proposal and agreed with Council's proposed road widening condition in issuing final approval. The landowner Sperry Pty Ltd chose not to seek the Commission's reconsideration of this road widening condition or to lodge a request for review of the condition by the State Administrative Tribunal. Instead the landowner made arrangements to finalise the subdivision (including the road widening) and obtained Council's approval in April 2005 to the reimbursement of the survey costs associated with surveying out the area required to accommodate the road widening being \$1,641.20.

It is understood from the details of the correspondence submitted by Mr Carruthers that he purchased the land affected by the road widening from Sperry Pty Ltd in 2005. Mr Carruthers has now written to the Shire requesting that Council initiate the action required to reinstate the 4,560m<sup>2</sup> of land taken for the road widening back into the parent lot (i.e. Williams Location 12627) which is now known as Lot 2 Dunham Road, North Lake Grace and that all costs associated with the reinstatement be met by the Shire. Mr Carruthers argues in his letter that a change in the location of the current intersection between Kulin – Lake Grace Road and Dunham Road is not feasible and that the current configuration is the safest option.

#### Comment

Mr Carruthers' claim that the current configuration of the road intersection is satisfactory is questionable given the current angle of the road intersection and the lack of any evidence submitted in support of his letter demonstrating that the intersection is in fact safe. Australian design guidelines for road intersections recommend that they should be constructed at right angles to maximise fields of view and therefore traffic safety.

It is acknowledged that moving the road intersection northwards further up the hill to the full extent of the road widening (i.e. approximately 80 metres) may not be desirable given the reduced reaction time for the driver of any vehicle travelling south along Kulin - Lake Grace Road as they come over the hill and approach the Dunham Road intersection.

There may still however be scope to realign the intersection using some of the road widening area to improve the current angle of the intersection without having a detrimental impact upon traffic safety, particularly if suitable signage is placed before or at the crest of the hill along Kulin Lake Grace Road along the approach to Dunham Road.

The most desirable configuration of the intersection between Kulin – Lake Grace Road and Dunham Road requires further detailed assessment by a traffic engineer which could not be undertaken by the Shire in the limited time it was given to provide a formal response to the WAPC on the original subdivision proposal submitted by Sperry Pty Ltd.

As such a road widening condition was recommended by the Shire's town planning consultants and subsequently endorsed by Council to provide opportunity for the reconfiguration of the road intersection in the future using a portion of Lot 2 if deemed suitable and appropriate following a detailed assessment of the intersection by a suitably qualified person.

If a detailed investigation and assessment of the intersection in the future concludes that not all the land taken from Lot 2 for road widening purposes is required then there may be scope to address Mr Carruthers' request at that point in time. In the meantime if the land comprising the road widening area has not been taken from the parent lot through the realignment of boundary fencing there is no reason why Mr Carruthers cannot continue to use the land for broadacre agricultural purposes pending a full and detailed assessment of this issue by suitably qualified personnel.

Should Council agree with Mr Carruthers request in this matter and resolve to proceed it will need to take the necessary action to close the portion of Dunham Road comprising the road widening, advertise the proposal for public comment and then seek approval from the Minister for Lands after which arrangements will need to be made to amalgamate the closed portion of road back into Lot 2. This process typically takes at least 12 months to finalise and will incur the following estimated costs GST exclusive:

<b>Administrative Costs (incl. public advertising)</b>	<b>\$3,000.00</b>
<b>Land Acquisition Costs</b>	<b>\$500.00</b>
<b>Legal and Survey Costs</b>	<b>\$3,500.00</b>
<b>Total Estimated Cost</b>	<b><u>\$7,000.00</u></b>

Given that there are a number of other outstanding and higher priority road dedication/closure/widening proposals throughout the Shire that have been held in abeyance for a number of years now it could be argued that the Shire's limited resources are better spent finalising these other proposals.

#### Legal Implications

- Land Administration Act 1997
- Land Administration Regulations 1998
- Planning and Development Act 2005

Policy Implications

Nil.

Community Consultation

Closure of a portion of Dunham Road as proposed by Mr Carruthers will require public advertising for a minimum period of thirty five (35) days and will include correspondence to adjoining landowners and various government agencies considered to have an interest in the matter.

Financial Implications

As stated above

Strategic Implications

Nil.

Voting Requirements

Simple majority required.

Recommendation/Resolution

**MOTION 10274**

Moved Cr Bennett  
Seconded Cr Stewart

1. That Council advise Mr Greg Carruthers that it is not prepared to close the 4,560m<sup>2</sup> portion of Dunham Road, North Lake Grace excised from Williams Location 12627 for road widening purposes as a result of the recent subdivision by the previous landowner Sperry Pty Ltd until such time as a detailed assessment of the suitability and safety of the current intersection between Kulin – Lake Grace Road and Dunham Road is completed by suitably qualified personnel.

2. Written confirmation is received that some or all of the land taken for road widening purposes will not be required in the future at which time Council will reconsider Mr Carruthers' request in this matter.

**MOTION CARRIED 9/0**

## **ROE LOCATION 2981 - LEASE RENEWAL**

**Applicant:** Department for Planning & Infrastructure – State  
Land Services  
**File No.** 0363  
**Attachments:** Locality map  
**Author:** Mr Jim Fraser  
Acting Chief Executive Officer  
**Disclosure of Interest:** Nil  
**Date of Report:** 19 September 2006  
**Senior Officer:** Mr Jim Fraser  
Acting Chief Executive Officer

### Summary

This report recommends Council support for an extension of the lease of Roe Location 2981 by Mr Michael Brooker.

### Background

The State Land Services-South East of the Department for Planning and Infrastructure has requested comment from Council pertaining to a request from Mr Michael Brooker to renew the grazing lease for Roe Location 2981. The land is adjacent to Lake Lockhart and adjoining freehold property and will be used in conjunction with that land. Lot 2981 has an area of approximately 506 hectares. Mr Brooker is seeking a ten year lease.

### Comment

The land forms part of the farming enterprise conducted by Mr Brooker 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 10275**

Moved Cr Newman  
Seconded Cr Taylor

That the Department for Planning and Infrastructure, State Land Services, South East be advised that Council supports the request from Mr Michael Brooker to renew the lease of Roe Location 2981 for the purposes of grazing for a period of ten (10) years.

**MOTION CARRIED 9/0**

### 11.3 LOT 327 LAKE GRACE– COMMENT ON PROPOSAL FOR REQUEST TO PURCHASE

2.25pm Cr Walker left the meeting.

**Applicant:** Department for Planning & Infrastructure – State Land Services  
**File No.** 0363  
**Attachments:** Letter and map of area  
**Author:** Mr Jim Fraser  
 Acting Chief Executive Officer  
**Disclosure of Interest:** Nil  
**Date of Report:** 19 September 2006  
**Senior Officer:** Mr Jim Fraser  
 Acting Chief Executive Officer

#### Summary

This report recommends support for the current lessee to freehold Lake Grace Lot 327.

#### Background

The current lessee Mr Bevan Lay, has leased Lake Grace Lot 327 for ten years for the purpose of light industry. An application to freehold the lot has been made to the State Land Services section of the Department for Planning and Infrastructure by the current lessee.

Currently there is a large shed on the lot as well as several items of farm machinery and it is zoned *Rural* under Council's Town Planning Scheme No 3. Under TPS 4 it is proposed the land be classified *Rural Residential*.

#### Comment

Council's Draft Local Planning Strategy includes reference to Rural Residential areas and the need to control development at these sites. In this instance the development on the adjoining lots is complementary to the Draft Strategy.

The issue of the method of disposal is for the Department to determine and staff are of the view that the freeholding of the lot should be supported.

#### Legal Implications

Town Planning Scheme Nos 3 and 4.

#### Policy Implications

Nil.

#### Community Consultation

There has been no community consultation.



Financial Implications

Nil.

Voting Requirements

Simple majority required.

Recommendation/Resolution

**MOTION 10276**

Moved Cr Bennett  
Seconded Cr Newman

That Council supports the current lessee's application to the State Land Services section of the Department for Planning and Infrastructure for the freeholding and acquisition of Lake Grace Lot 327.

**MOTION CARRIED 8/0**

## **12.0 MATTERS FOR CONSIDERATION – HEALTH & BUILDING**

*No items for consideration.*

## 13.0 MATTERS FOR CONSIDERATION – FINANCE

### 13.1 ACCOUNTS FOR PAYMENT AUGUST 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:** 18 September 2006  
**Senior Officer:** Mr Jim Fraser  
Acting Chief Executive Officer

#### Summary

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

#### Background

List of invoices paid for the months of August 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 August 2006 from the Municipal account amounts to \$479,103.17.

Strategic Implications

N/A

Voting Requirements

Simple majority required.

Recommendation/Resolution

**MOTION 10277**

Moved Cr Stewart  
Seconded Cr Chamberlain

That Municipal Account cheques 32081 to 32128, Electronic Funds Transfers EFT1899 to EFT1986, totalling \$296,394.54 and direct debits to the Municipal Accounts totalling \$182,708.63 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**

**13.2**

## **FINANCIAL STATEMENTS – JULY 2006**

**Applicant:** Shire of Lake Grace  
**File No.** 0275  
**Attachments:** Financial Reports  
**Author:** Ms Leonie McIlree  
Deputy Chief Executive Officer  
**Disclosure of Interest:** Nil  
**Date of Report:** 14 September 2006  
**Senior Officer:** Mr Jim Fraser  
Acting Chief Executive Officer

### **Summary**

Consideration of the financial statements for the month ending 31 July 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

### **Comment**

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

#### ***REVENUE***

##### **Governance:**

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

##### **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**

### **Governance:**

Administration allocations are yet to be completed.

### **General Purpose Funding:**

Variation in valuation expenses.

### **Law, Order, Public Safety:**

Expenses for fire trucks higher than year to date budget.

### **Housing:**

Expenses for insurance and rates incurred earlier than budgeted for.

### **Community Amenities:**

Recycling and landfill development yet to be commenced.

### **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 10278**

Moved Cr Taylor  
Seconded Cr Newman

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

**MOTION CARRIED 8/0**

**13.3**

## **MONTHLY FINANCIAL STATEMENTS - MATERIALITY**

**Applicant:** Shire of Lake Grace  
**File No.** 0273  
**Attachments:** Accounting Standard AASB1031, Local Government (Financial Management) Regulations 1996 Part 4 s6.4  
**Author:** Ms Leonie McIlree  
Deputy Chief Executive Officer  
**Disclosure of Interest:** Nil  
**Date of Report:** 14 September 2006  
**Senior Officer:** Mr Jim Fraser  
Acting Chief Executive Officer

### Summary

For Council to adopt a percentage to be used for the reporting of variances of actual expenditure and revenue to budgeted expenditure and revenue in monthly financial reports.

### Background

Recent amendments to the Local Government (Financial Management) Regulations 1996 requires Council to adopt, on an annual basis, a percentage or value to be used in monthly statements for reporting material variances.

### Comment

It is proposed that this adoption will be included in future budget adoption recommendations. It is recommended that Council adopts a 10% variance for this financial year.

### Legal Implications

Local Government (Financial Management) Regulations 1996, Regulation 34.

### Policy Implications

N/A

### Community Consultation

N/A

### Financial Implications

N/A

### Strategic Implications

N/A



Voting Requirements

Simple majority required.

Recommendation/Resolution

**MOTION 10279**

Moved Cr Newman  
Seconded Cr Farrelly

That Council adopts a percentage of plus or minus 10% to be used for the reporting of variances of actual expenditure and revenue to budgeted expenditure and revenue in the Monthly Statement of Financial Activity.

**MOTION CARRIED 8/0**

**13.4**

**INVESTMENT OF SURPLUS FUNDS**

**Applicant:** Deputy Chief Executive Officer  
**File No.** 0267  
**Attachments:** Nil  
**Author:** Ms Leonie McIlree  
 Deputy Chief Executive Officer  
**Disclosure of Interest:** Nil  
**Date of Report:** 18 September 2006  
**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 September 2006:

<b>Bank</b>	<b>Fund</b>	<b>Term</b>	<b>Amount</b>	<b>Interest Rate</b>	<b>Expiry Date</b>
Westpac	Municipal	30 days	\$500,000	5.92%	1 October 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 10280**

Moved Cr Newman  
Seconded Cr Bennett

That the investment report for the month of September 2006 be approved.

**MOTION CARRIED 8/0**

**13.5**

## **NEWDEGATE COFFEE SHOP - DONATION**

**Applicant:** Newdegate Coffee Shop  
**File No:** 0043  
**Attachments:** Letter  
**Author:** Mrs Danielle Robertson  
Senior Finance Officer  
**Disclosure of Interest:** Nil  
**Date of Report:** 14 September 2006  
**Senior Officer:** Ms Leonie McIlree  
Deputy 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 Newdegate Coffee Shop located at Maley Street Newdegate, which is owned by the West Australian Government Railways and utilised by the Uniting Church Group (WAGR Lease1785).

### Background

Mr Bruce Howatson, on behalf of the Newdegate Coffee Shop has written to Council seeking to reimburse rates levied on the property located in Maley Street, Newdegate. The rates and service charges have been paid in full.

Rates and charges applicable for the 2006/07 financial year are \$649.17 made up of \$386.13 rates and \$263.04 service charges.

### Comment

Council has agreed to similar requests in the past and is again requested to make a donation equal to the rates and service charges on the property.

### Community 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 \$4,000 in the 2006/07 budget, Account E041190.

Strategic Implications

N/A

Voting Requirements

Absolute majority (5) required.

Recommendation/Resolution

**MOTION 10281**

Moved Cr Bennett  
Seconded Cr Newman

That Council agree to donate the \$649.17 of rates and service charges payable on the Newdegate Coffee Shop from Account E041190 and advise Mr Howatson accordingly.

**MOTION CARRIED BY ABSOLUTE MAJORITY 8/0**

## **NEWDEGATE RECREATION CENTRE – UNBUDGETED EXPENSE**

**Applicant:** Senior Administration Officer  
**File No.** 0161  
**Attachments:** Report – Granwood Flooring  
**Author:** Mr Mark Burbridge  
Senior Administration Officer  
**Disclosure of Interest:** Nil  
**Date of Report:** 19 September 2006  
**Senior Officer:** Mr Jim Fraser  
Acting Chief Executive Officer

### Summary

For Council to consider authorisation of unbudgeted expenses associated with replacing the skirting system around the court surface at the Newdegate Community Recreation Centre.

### Background

The Newdegate Community Recreation Centre was built in 1999-2000 by Mr Trevor Parsons (Saffron Hill Pty Ltd) of Wagin.

In July 2006, Council, in conjunction with the Newdegate Recreation Council, commissioned Mr Charlie Mitchell from Granwood Flooring to carry out an inspection of the Newdegate Recreation Centre timber flooring. Mr Mitchell has prepared a report on a number of defects that are appearing and proposed methods they may be remedied.

### Comment

The report into the condition of the floor lists a number of issues which will be attended to by Council's maintenance personnel.

Of particular note is point 4 in the report which details concerns as to the skirting system used around the court surface. Currently the skirting boards are made of sheet metal with an unprotected edge facing downwards towards the surface of the floor. As mentioned in the report this has the potential to be extremely dangerous should a player inadvertently force their fingers under the metal whilst sliding along the floor.

The report recommends the current skirting system be removed at Council's earliest opportunity.

A replacement skirting system, designed especially for timber sports surfaces, has been recommended by Mr Mitchell – the cost of which has been detailed further in Financial Implications.

The other repairs suggested in Mr Mitchell's report should generally be able to be carried out within Council's annual maintenance allowance for the Newdegate Recreation Centre.

Community Consultation

The report into the condition of the Newdegate Recreation Centre floor has been reviewed by the Newdegate Recreation Council. They are in support of the replacement of the skirting system with that recommended by Mr Mitchell.

Legal Implications

Local Government Act 1995 Section 6.8 (1) (b)

Policy Implications

N/A

Financial Implications

Estimated cost of the skirting replacements is \$2,750. The skirting would be installed by Council's maintenance personnel, requiring estimated labour time of 1 day, bringing the total cost of works to \$3,075.

No allowance for this expense has been made in Council's 2006/07 Budget. Should Council authorise this unbudgeted expense, it will be applied to the Newdegate Rec Centre Maintenance Account (E113270), which is covered by the Newdegate Specified Area Rate. This expense will be either offset by any Newdegate SAR surplus at the end of the financial year, or carried forward as a deficit to the 2007/08 financial year.

Strategic Implications

N/A

Voting Requirements

Absolute majority required.

Recommendation/Resolution

**MOTION 10282**

Moved Cr Stewart  
Seconded Cr Sinclair

1. That Council authorise the unbudgeted expense of \$3,075 for the replacement of the skirting system around the court surface at the Newdegate Community Recreation Centre; and,
2. That the 2006/07 budget for Operating Expenditure Account E113270 – Ngt Indoor Rec Centre Expenses be increased by \$3,075 to a total of \$28,088, to which the costs of the skirting system replacement be expensed.

**MOTION CARRIED BY ABSOLUTE MAJORITY 8/0**

**13.7**



## **RATE INSTALMENT DATES 2006/07 - AMENDMENTS**

**Applicant:** Shire of Lake Grace  
**File No.** 0273  
**Attachments:** Nil  
**Author:** Mr Mark Burbridge  
Senior Administration Officer  
**Disclosure of Interest:** Nil  
**Date of Report:** 19 September 2006  
**Senior Officer:** Mr Jim Fraser  
Acting Chief Executive Officer

### **Summary**

For Council to ratify amendments to the 2006/2007 rates instalment dates as adopted at the 23 August 2006 Council Meeting.

### **Background**

Council adopted the following instalment dates at its 23 August 2006 Council meeting (Motion 10254):

For two (2) instalments:

- 1st instalment 6 October 2006
- 2nd instalment 25 January 2007

For four (4) instalments:

- 1st instalment 6 October 2006
- 2nd instalment 1 December 2006
- 3rd instalment 25 January 2007
- 4th instalment 30 March 2007

### **Comment**

A review of the instalment dates at the time of rates billing revealed that the dates as adopted may not be in accordance with the requirements of the Local Government Act 1995.

Section 6.50 (3) of the Act requires that:

“Where a person elects to pay a rate or service charge by instalments the second and each subsequent instalment does not become due and payable at intervals of less than 2 months.”

In particular the interval between the 2nd and 3rd instalment, whilst being approximately 8 weeks in duration, does not meet the requirement of being 2 **calendar** months apart.

In preparation for rates billing, the following instalment dates have been used, and now require Council ratification:

For two (2) instalments:

- 1st instalment 6 October 2006
- 2nd instalment 2 February 2007

For four (4) instalments:

- 1st instalment 6 October 2006
- 2nd instalment 1 December 2006
- 3rd instalment 2 February 2007
- 4th instalment 13 April 2007

It should be noted that the final instalment date has been extended by one week to avoid conflict with Easter Public Holidays.

As instalment reminder notices are sent to ratepayers approximately one month in advance stating the due date for the next instalment, it is not anticipated that amending the dates will create any significant confusion amongst ratepayers.

It should also be noted that Council's original rate notices contained the amended instalment dates, not the dates originally adopted by Council.

However, it is still advised that Council advertise the change to instalment dates.

Community Consultation

N/A

Legal Implications

Local Government Act 1995 – Section 6.45

Local Government Act 1995 – Section 6.50

Local Government (Financial Management) Regulations – Part 5 (64)

Policy Implications

N/A

Financial Implications

N/A

Strategic Implications

N/A

Voting Requirements

Absolute majority required.

Recommendation/Resolution

**MOTION 10283**

Moved Cr Farrelly  
Seconded Cr Taylor

1. That the rates instalment dates as adopted in the 2006/2007 Annual Budget be amended as follows:

For two (2) instalments:

1st instalment 6 October 2006  
2nd instalment 2 February 2007

For four (4) instalments:

1st instalment 6 October 2006  
2nd instalment 1 December 2006  
3rd instalment 2 February 2007  
4th instalment 13 April 2007

2. That the revised dates be advertised accordingly.

**MOTION CARRIED BY ABSOLUTE MAJORITY 8/0**

**14.0 MATTERS FOR CONSIDERATION – ADMINISTRATION****14.1 WIRELESS BROADBAND SERVICES PROPOSAL**

<b>Applicant:</b>	Ocean Broadband Ltd
<b>File No.</b>	0197
<b>Attachments:</b>	Draft Letter / Agreement Ocean Broadband Company Overview
<b>Author:</b>	Mr Mark Burbridge Senior Administration Officer
<b>Disclosure of Interest:</b>	Nil
<b>Date of Report:</b>	22 September 2006
<b>Senior Officer:</b>	Mr Jim Fraser Acting Chief Executive Officer

**Summary**

For Council to consider a proposal by Ocean Broadband Ltd to supply wireless broadband services in the Shire of Lake Grace through the use of existing Council owned or controlled wireless masts.

**Background**

Broadband is the common terminology for a high speed Internet connection – one that can transmit or download data many times faster than a standard telephone line. The Australian Government defines broadband as a minimum speed of 256kbps download and 64 kbps upload.

Currently broadband services are available in the Shire of Lake Grace in the following forms:

- ADSL – generally considered the preferred type of broadband due to its high speeds and low costs, but is currently only available to the townsite of Lake Grace
- 2-Way Satellite – available at any location throughout the shire, but is more expensive and provides lesser speeds than other forms of broadband.

Currently Newdegate has no broadband service other than the 2-way satellite service offered to any location throughout the state. The town of Newdegate has shown significant demand for broadband services, and has previously been approved with Telstra for the installation of ADSL services under the Federal Government's "Higher Bandwidth Incentive Scheme."

However, it appears that due to technical limitations, the installation of ADSL in Newdegate has been delayed considerably and Telstra will not commit to a due date for the delivery of this service.

#### Comment

Ocean Broadband proposes to offer wireless broadband services within the Shire of Lake Grace, with the first priority being the availability of a broadband service for residents in the Newdegate area.

Ocean Broadband Limited is a Western Australian broadband Internet Service Provider established in 2004. Ocean Broadband focus on delivering high-quality broadband services to selected parts of Australia currently unable to obtain economic access to such services – in particular delivering speeds and download quotas well in excess of those available from satellite-based services.

Ocean Broadband is:

- registered as an Internet Service Provider (ISP) with the Telecommunications Industry Ombudsman (TIO),
- licensed as a telecommunications carrier by the Australian Communications Authority (ACA), and
- registered as a Broadband Connect provider by the Department of Communications, Information Technology and the Arts (DCITA).

Ocean Broadband currently provides services in Beverley, Brookton, Cuballing, and Lancelin, with services shortly to be introduced in Dumbleyung, Wandering and Wickelup. To date, Ocean Broadband has gone live on more than 20 towers in WA and NSW – all installed over the past year. Currently the company is adding approximately one tower site per week, highlighting the rate of growth of the business over the past six months.

Wireless broadband is a different technology to other existing broadband services in the Shire, and requires the use of wireless masts or towers to transmit the signal to customers. Using this technology, providers can achieve coverage of a 20km or more radius depending on tower height and geographical conditions.

To facilitate a wireless broadband service in the Shire of Lake Grace, Ocean Broadband proposes installation of radio transmission equipment on a number of pre-existing wireless masts. Initial investigations will be based on Council's TV and Radio broadcasting towers, which are likely to require little to no modification to enable wireless broadband transmission. Ocean Broadband will enter into an agreement with the Shire of Lake Grace for the use of these towers, which includes a clause warranting that the broadband equipment will

not cause interference to existing services already installed on the towers. Future expansion will require investigation into other suitable broadcast sites, such as the “Rifle Range Hill” tower near Lake Grace and the Bushfire radio communications towers, which Council may be able to help facilitate.

It should be noted that this request has been the result of a considerable amount of research and lobbying by Mr Kevan Penter, Broadband Broker for the Wheatbelt Area Consultative Committee (WACC). Mr Penter has established that there are currently two companies providing wireless broadband solutions in Western Australia that are registered under the Federal Government’s Broadband Connect program. It is the opinion of Mr Penter and the author that Ocean Broadband is the company in the best position to invest infrastructure in this region, as the other wireless provider, BroadBandNet, is currently heavily committed to providing new infrastructure to the Wheatbelt Eastern and North Eastern Wheatbelt Regional Organisation of Councils, as well as a number of other regions including Central Midlands, Peel, Goldfields/Esperance and the South West.

#### Community Consultation

Considerable demand for broadband services has been demonstrated both by the Wheatbelt Area Consultative Committee (WACC) and local organisations including the Newdegate Community Development Association.

#### Legal Implications

N/A

#### Policy Implications

N/A

#### Financial Implications

All costs associated with the purchase, installation and maintenance of the broadband wireless equipment will be borne by Ocean Broadband Ltd as per the terms of the proposed agreement.

The proposed agreement states that Ocean Broadband will pay the Shire of Lake Grace \$250 per annum rental for the use of each mast, plus \$50 per quarter for electricity consumption.

Ocean Broadband is also required to hold its own public liability insurance, and indemnify the Shire of Lake Grace for any damage caused to the property by its equipment.

No additional costs associated with the maintenance and upkeep of the masts and equipment storage facilities are anticipated.

Voting Requirements

Simple majority required.

Recommendation/Resolution

**MOTION 10284**

Moved Cr Newman  
Seconded Cr Bennett

That Council:

1. Agree in principle to the request from Ocean Broadband Ltd for the use of Council wireless masts to provide Broadband Wireless services in the Shire of Lake Grace; and,
2. That Council authorise the Chief Executive Officer to execute agreement(s) with Ocean Broadband Ltd for 'Property Access for Broadband Transmission Services' once final investigations into wireless mast location and suitability have been concluded.

**MOTION CARRIED 8/0**

## 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 18 October 2006 at the Lake Grace Sportsmans Club, Lake Grace commencing at 6.30 pm.

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

### MOTION 10285

Moved Cr Bennett  
Seconded Cr Newman

That Council close the meeting to the public at this time, being 2.55 pm, to discuss the Chief Executive Officer's Contractual Review.

**MOTION CARRIED 8/0**

- 2.55pm *Acting CEO Mr Fraser and Executive Assistant, Mrs Bennett left the Meeting.*
- 3.00pm *Cr Walker re-entered the Meeting.*
- 3.17pm *Cr Newman left the Meeting.*

### 17.1 CHIEF EXECUTIVE OFFICER – CONTRACTUAL REVIEW

<b>Applicant:</b>	Chief Executive Officer
<b>File No.</b>	0012
<b>Attachments:</b>	A copy of the contract will be available at the meeting.
<b>Author:</b>	Cr Darcy Roberts Shire President
<b>Disclosure of Interest:</b>	Nil
<b>Date of Report:</b>	18 September 2006
<b>Senior Officer:</b>	Mr Jim Fraser Acting Chief Executive Officer



### Summary

This report recommends an increase in the level of remuneration to be paid to the Chief Executive Officer.

### Background

The Chief Executive Officer, Mr Christopher Jackson commenced duties with Council on 7 February 2005.

Under the terms of his contract the remuneration package referred to in sub-clause 5.1 was to be initially reviewed after the first six months of employment and then annually. Due to a range of extenuating circumstances the review was not considered by Council until the Ordinary Meeting held on 22 February 2006.

The review was based on a report prepared by a local government consultant, Mr Gary Martin. At the meeting held on 22 February 2006 Council resolved as follows:

1. To receive the report
2. Note the very satisfactory outcome of the interim CEO Performance Review; and,
3. The confidentiality of this report be lifted following the Council Meeting.

No action was taken at this stage to adjust the remuneration package.

### Comment

There have been recent changes to the review process for the assessment of the performance of Chief Executive Officers. This includes the requirement for the appointment of a Committee of Council to manage the assessment process for the CEO including the establishment of an agreed set of performance criteria. It is anticipated that this process will be undertaken when the Chief Executive Officer returns from Annual Leave.

Another significant development has been the involvement of the Western Australian Salaries and Allowances Tribunal.

The Tribunal released a report in June 2006 which established a series of Classification Bands from 1 to 9. The Shire of Lake Grace is currently assessed as a Band 2 Council. There are 44 Councils in this band.

Whilst circumstances outside the control of Council have contributed to the situation it is recommended that action be taken to ensure the review process for the CEO is now put back on track.

The following retrospective and future outline provides a suggested timetable to manage the performance review for the Chief Executive Officer.

**Retrospective**

6 Month Review: Due September 2005 – discussed by Council February 2006. Review carried out by Gary Martin.

Yearly Review: Due September 2006, suggest utilize existing documentation and review results from previous assessment.

**Future Actions**

November 2006: Appoint Committee at November 2006 Meeting and develop performance assessments for adoption at the December 2006 Council Meeting.

Yearly Reviews:

1. Undertake yearly review in March 2007. Recommendation to April 2007 Council Meeting.
2. Undertake yearly review in March 2008. Recommendation to April 2008 Council Meeting.
3. Undertake yearly review in March 2009. Recommendation to April 2009 Council Meeting.

By reverting to the above program any recommendation for a salary increase can be factored into budget deliberations.

**Invitation to Extend Contract**

Council has the option to invite the Chief Executive Officer, not later than 12 months prior to the term of the contract (i.e. 1 February 2009) to discuss the possibility of the parties entering into a new contract for a further term with the intent of finalizing those discussions not later than six months prior to the expiry of the term (i.e. 1 February 2010).

Legal Implications

- Chief Executive Officer Contract between the Shire of Lake Grace and Mr Christopher Jackson.
- Western Australia Salaries and Allowances Act 1975
- Local Government Amendment Act 2004.

Policy Implications

Nil.

Community Consultation

Nil. Councillors were invited to participate in the process.

Financial Implications

The 2006/07 budget reflects the proposed changes including the additional superannuation contributions of \$1,400.00 per annum.

Strategic Implications

The retention of staff will form part of Council's strategic plan.

Recommendation

1. That the cash component of the contract of employment for the Chief Executive Officer, Mr Christopher Jackson be increased from \$85,000.00 to \$95,000.00 to be paid from the pay period beginning 13 July 2006.
2. The effects on Council's superannuation contributions for the employee Mr Christopher Jackson be noted.

Voting Requirements

Simple majority required.

Resolution

**MOTION 10285**

Moved Cr Bennett  
Seconded Cr Farrelly

1. That the cash component of the contract of employment for the Chief Executive Officer, Mr Christopher Jackson be increased from \$85,000.00 to \$95,000.00 to be paid from the pay period beginning 13 July 2006.
2. The effects on Council's superannuation contributions for the employee Mr Christopher Jackson be noted.
3. That the Key Performance Indicators for this financial year be drawn up by the President and Deputy President.
4. That future salary negotiations be gauged by Key Performance Indicators.
5. That the confidentiality of this item be lifted.

**MOTION CARRIED 8/0**

**MOTION 10286**

Moved Cr Chamberlain  
Seconded Cr Walker

That Council re-open the meeting to the public at this time, being 3.52 pm.

**MOTION CARRIED 8/0**

3.52pm *Mr Fraser & Mrs Bennett re-entered the meeting.*

The President read aloud Motions 10285 & 10286

**18.0 CLOSURE**

There being no further business, the Chairperson closed the meeting at 3.59 pm.

**19.0 CERTIFICATION**

I \_\_\_\_\_ certify that the minutes of the meeting held on the 27 September 2006 as shown on page numbers \_\_\_\_\_ to \_\_\_\_\_ were confirmed as a true record at the meeting held on the 18 October 2006.

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Date