

Shire of Lake Grace



Minutes

Ordinary Council Meeting

25 February 2009

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SHIRE OF LAKE GRACE

Minutes of the Ordinary Meeting of Council held at Council Chambers, 1 Bishop St, Lake Grace on Wednesday 25 February 2009.

1.0 OPENING & ANNOUNCEMENT OF VISITORS

The Chairperson (President) opened the meeting at 1.02pm, welcomed all those present and acknowledged the recent loss of our valuable senior member of staff, Mr Lance White along with the tragedies of the Victorian Bushfires – the meeting observed a minute's silence in respect of the lives lost.

2.0 ATTENDANCE RECORD

2.1 PRESENT

Cr AJ Walker	Shire President
Cr IG Chamberlain	Deputy Shire President
Cr JF De Landgraftt	
Cr AJ Dunkeld	
Cr AI Milton	
Cr WA Newman	
Cr OP Farrelly	
Cr DP Sinclair	
Cr RP Taylor	
Mr HJ Fraser	Chief Executive Officer
Mr MW Burbridge	Manager Corporate Services
Mrs N Owen	Acting Manager Community Services
Mrs J Bennett	Executive Assistant
Mr Allan Marshall	Chairman, Lake Grace Development Association Accommodation Committee – <i>entered at 1.06pm</i>

2.2 APOLOGIES

Nil

2.3 LEAVE OF ABSENCE PREVIOUSLY GRANTED

None

3.0 PUBLIC QUESTION TIME

3.1 NEWDEGATE WATER RECYCLING PROJECT - CHLORINATOR

A letter was received from the Minister for Water, Hon Dr Graham Jacobs MLA, in reply to Council's request for clarification of the issue – the letter states that the Water Corporation has not committed to providing a new chlorinator unit – Mr McDonald has been advised.

3.2 **CLEARING OF ROADSIDE VEGETATION**

Mrs Annie Slarke and Mrs Elsie Bishop, along with Mrs Sandra Hall, attended Council's 17 December 2008 Ordinary Meeting and addressed Council regarding the current method of clearing and pruning of native bush on and near the road verges throughout the Shire.

Staff are still in the process of researching the series of issues and questions raised and will provide a response to Mrs Slarke and Mrs Bishop in due course.

4.0 **APPLICATIONS FOR LEAVE OF ABSENCE**

MOTION 10728

Moved Cr Newman
Seconded Cr Sinclair

That Cr Walker be granted leave of absence from 3 August 2009 to 11 September 2009 for the purpose of overseas holiday.

MOTION CARRIED 9/0

5.0 **MINUTES OF PREVIOUS COUNCIL MEETINGS**

5.1 **ORDINARY MEETING – 17 DECEMBER 2008**

Resolution

MOTION 10729

Moved Cr Milton
Seconded Cr Dunkeld

That the minutes of the Ordinary Meeting of Council held on the 17 December 2008 be confirmed as a true and accurate record.

MOTION CARRIED 9/0

6.0 **DECLARATIONS OF INTEREST**

6.1 **DECLARATIONS OF FINANCIAL INTEREST – LOCAL GOVERNMENT ACT SECTION 5.60A**

None

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

None

6.3 **DECLARATIONS OF IMPARTIALITY INTEREST – ADMINISTRATION REGULATION SECTION 34C**

None

7.0 NOTICES OF URGENT BUSINESS

None

8.0 MOTIONS OF WHICH NOTICE HAS BEEN RECEIVED

None

9.0 PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS**9.1 LAKE GRACE DEVELOPMENT ASSOCIATION ACCOMMODATION COMMITTEE**

Mr Allan Marshall, Chairperson of the Lake Grace Development Association Accommodation Committee addressed Council and provided a brief history and an update on the Lake Grace Motel Development Project proposal.

The existing 2004 Business Plan for the project is currently being updated through financial assistance from Tourism WA, once completed the Committee will then make an application for funding through the Royalties for Regions for the development of a new accommodation facility - studies carried out throughout the region over recent years consistently show a lack of quality bulk accommodation in the South Eastern Wheatbelt.

Applications close on 25 March 2009 and Mr Marshall advised Council the grant application requires Shire to support for it to proceed. The application will be drawn up over the coming weeks and the Shire will be kept informed.

At the conclusion of Mr Marshall's presentation, Councillors had the opportunity to ask questions and make comment regarding the proposal – questions and discussion followed.

Shire President, Cr Walker then thanked Mr Marshall for his presentation and affirmed Council's ongoing support for the project.

1.24pm *Mr Marshall left the meeting.*

10.0 MEMBERS' REPORTS**10.1 CR FARRELLY**

Reported attendance at:

- Telecentre video conference with Hon Brendon Grylls MLA regarding increased funding for telecentres through Royalties for Regions – telecentres are to have a name change and become known as Community Resource Centres.
- Lake Grace Library Telecentre Management Meeting – the matter of sorting the librarians hours/ level of skills required compared to salary being paid with the Department of Education is ongoing.
- Audit Committee Meeting – Auditor was present via phone link up and the Committee expressed to the Auditor its dissatisfaction with timeliness of the audit report. The purpose of the Audit Meeting was to fulfil the obligation of meeting once per year with the Auditor.

10.2 CR DUNKELD

Reported attendance at:

- Newdegate Recreation Council Meeting AGM.
- Newdegate St John Ambulance Meeting – a new ambulance will be delivered by May 2009.
- Newdegate Community Development Association Meeting – requirements for firebreaks around reserves were discussed.

10.3 CR DE LANDGRAFFT

Reported attendance at:

- Lake King Australia Day Celebration and Award Presentation – successful event, it was a very hot day, the BBQ breakfast was enjoyed by all participants.

There is a Lake King Progress Association AGM being held tonight – timing is not good with regard to it clashing with Council Meeting.

10.4 CR CHAMBERLAIN

Reported that the riding of motor bikes in the Newdegate townsite is still a major concern to residents – an ongoing problem, last weekend there was an injury to a fallen rider.

10.5 CR SINCLAIR

Last Saturday the Minister for Sport & Recreation, the Hon Terry Waldron MLA attended a function held at the Varley Sports Pavilion and handed over a cheque from the Department of Sport & Recreation for the re-carpeting of the Varley Bowling Green. The day was very well attended on behalf of Council with Crs Sinclair and Chamberlain, CEO Jim Fraser, Acting Manager Community Services Nadene Owen and Development Officer Michelle Slarke all in attendance.

10.6 CR TAYLOR

Reported attendance at:

- Community Cropping Meeting with John Morton and CEO Jim Fraser to discuss the lease arrangements for the Newdegate Research Station. A few lease issues were identified, the leased area is to be increased for both Newdegate and Lake Grace Community Cropping Groups – the lease expires on 31 March 2011.

10.7 CR MILTON

Cr Milton reported on activities at the Lake Grace St John Ambulance Sub Centre in that a committee has been formed to look at potential options for the upgrade of the Lake Grace Sub Centre building.

The Lake Grace Development Association has submitted a list of suggestions for the Shire's Royalties for Regions funding allocation.

Cr Milton also made comment on the following:

- Attendance at recent Audit Committee Meeting

- Attendance at the recent Councillor Roads Classification and Strategic Planning Workshops
- Attendance at a Community Cropping Group meeting where a potential plan was prepared for this year's programme.

10.8 CR NEWMAN

Cr Newman reported on the recent Annual General Meeting of the Newdegate Field Day Committee, he is no longer President, Syd Walker has taken on the position – with regard to the Field Day liaison with the Shire, there are some issues with rubbish collection to be followed up.

10.9 CR WALKER

Cr Walker reported on:

- Executive Meeting held on 5 February 2009 – notes from that meeting will be published in the Information Bulletin
- Lake Grace Saleyards – Public Meeting held 10 February 2009 – refer Item 15.5 in this Agenda
- Central Country Zone Teleconference Meeting 29 January 2009 – discussed re-opening of Dumbleyung and Wickopin Police Stations – minutes will be published in the Information Bulletin
- Australia Day Celebrations in Lake Grace and Newdegate both well attended – congratulations to the Lake Grace Lions Club and Newdegate's Cathy Kelly on their organisation of the events.

11.0 MATTERS FOR CONSIDERATION – WORKS & SERVICES

No items for consideration.

12.0 MATTERS FOR CONSIDERATION – TOWN PLANNING

MOTION 10730

Moved Cr Chamberlain
Seconded Cr Newman

That the meeting be closed at this time being 2.05pm to discuss Item 12.1 Proposed Industrial Subdivision for Newdegate.

MOTION CARRIED 9/0

2.25pm Cr Newman left the meeting and re-entered at 2.27pm.
2.35pm Mr Burbridge left the meeting and re-entered at 2.38pm.

12.1 PROPOSED INDUSTRIAL SUBDIVISION – NEWDEGATE RAVENSTHORPE ROAD, NEWDEGATE

Applicant: Shire of Lake Grace
File No.: 0360
Attachments: Plan 1 & Attachments 1 & 2
Author: Mr Joe Douglas
Town Planning Consultant
Disclosure of Interest: Nil
Date of Report: 17 February 2009
Senior Officer: Mr Jim Fraser
Chief Executive Officer

Summary

This report:

- summarises the findings of a recent preliminary engineering investigation undertaken by consulting civil engineers JDSi on the servicing requirements and construction cost estimates for the proposed subdivision of portion of Reserve 20531 Newdegate - Ravensthorpe Road, Newdegate to create fourteen (14) new industrial lots and one (1) lot to be reserved for drainage purposes; and
- summarises the findings of a recent valuation estimate undertaken by Licensed Valuer Mr Ian Bolto of PL Bolto and Co regarding the current estimated market value of each of the proposed new industrial lots.

The information presented in this report will now assist Council to determine whether or not it wishes to proceed with the project.

Background

At its Ordinary Meeting held on 24 September 2008, Council considered a preliminary draft subdivision design concept for a portion of Reserve 25031 Newdegate - Ravensthorpe Road, Newdegate to create fourteen (14) new industrial lots. At this meeting Council resolved to:

1. Endorse the preliminary draft subdivision design concept for portion of Reserve 20531 subject to any modifications Council considers appropriate.
2. Authorise the Shire Administration to make arrangements with a consulting civil engineer to prepare a preliminary construction cost estimate for the subdivision design layout depicted in the preliminary draft subdivision design concept for portion of Reserve 20531.
3. Authorise the Shire Administration to make arrangements with a local real estate agent or property valuer to determine the likely sale price of the proposed lots to assist the Shire's assessment of the project's commercial viability.
4. Instruct the Shire Administration to prepare a follow up report to Council on the outcomes from recommendations 2 and 3 above prior to making a final decision on whether or not to proceed with the required rezoning of the land.

A copy of the preliminary draft subdivision design concept plan for the subject land endorsed by Council is attached herewith (see Plan 1).

Comment

Preliminary Construction Cost Estimate

In accordance with point 2 of Council's resolution above, the Shire appointed JDSi Consulting Engineers to prepare a preliminary construction cost estimate for the proposed subdivision. In preparing the preliminary construction cost estimate JDSi Consulting Engineers have:

- i) assumed that construction will be undertaken in two (2) stages;
- ii) assumed that existing geotechnical conditions are suitable for development and have not made allowance for any dewatering management or acid sulphate soils treatment;
- iii) based the costs on current market contract rates;
- iv) not allowed for feature pavement to the road;
- v) allowed for full semi-mountable kerbing;
- vi) based Water Corporation headworks charges for water on 1 SRE (Single Residential Equivalent) per lot only;
- vii) applied Water Corporation headworks charges at the April 2009 rates;
- viii) provided for a 120 metre water main extension as required by Water Corporation to service the site;
- ix) estimated underground power on a per lot basis only, with final prices to be determined upon completion of the final design layout and subsequent advice from Western Power;
- x) allowed for the provision of standard telecommunication infrastructure.

The following table provides a summary of the key construction components and preliminary estimated construction costs prepared by JDSi Consulting Engineers, a full copy of which is provided at Attachment 1:

Subdivision Development Component	Stage 1 (4 Lots) (\$)	Stage 2 (10 Lots) (\$)
Mobilisation	71,197	71,197
Management	15,388	17,817
Earthworks	24,096	52,127
Roadworks	71,743	218,561
Stormwater	23,713	106,455
Water Reticulation	25,658	31,840
Electrical Power Reticulation	122,282	230,706
Provisional Sums	13,242	21,916
Water Main Extension	83,325	
Total Subdivision Construction per stage (+15% contingency)	450,645	750,619
	(67,597)	(112,593)

Total Subdivision Construction (2 stages)	1,381,454	
Water Corporation Contributions & Fees	15,102	36,544
Western Power Fees	2,749 (+ headworks costs)	4,003 (+ headworks costs)
Council Maintenance and Supervision Fees	3,818	13,000
Total Fees & Charges per stage	21,669	53,547
Total Fees & Charges (2 stages)	75,216	

TOTAL BUDGET ESTIMATE per stage	539,911	916,759
TOTAL BUDGET ESTIMATE (2 stages)	Approx. 1,456,670	

Average Cost per lot / per stage	135,000	91,700
Average Cost per lot (2 stages)	Approx. 104,050	

It should be noted that the estimated cost of mobilisation, earthworks, roadworks, stormwater, and the water main extension may be reduced if the Shire can make available machinery and staff resources to undertake some or all of the works.

Similarly the Council maintenance bond and supervision fee could also be waived.

Having regard for the above, should the Shire commit the required machinery and staff resources to the project, the total estimated construction cost could be substantially reduced, perhaps by up to 30% (estimated).

Valuation Advice - Estimated Sale Prices & Total Sales Revenue

In accordance with point 3 of Council's previous resolution above, the Shire appointed Licensed Valuer Mr Ian Bolto of PL Bolto and Co to undertake an assessment of the likely sale price of each lot based on current market values (see Attachment 2).

The following table provides a summary of the valuation advice provided:

STAGE 1	
PROPOSED LOT NO.	ESTIMATED SALE PRICE
7	\$20,000
8	\$25,000
9	\$23,000
10	\$18,000
Sub-Total	\$86,000
STAGE 2	
PROPOSED LOT NO.	ESTIMATED SALE PRICE
1	\$10,000
2	\$12,000
3	\$12,000
4	\$13,000
5	\$12,000
6	\$14,000
11	\$14,000
12	\$15,000
13	\$10,000
14	\$13,000
Sub-Total	\$125,000
TOTAL SALES REVENUE - STAGES 1 & 2	
\$211,000	

It should be noted that the valuation report also states that the value of the lots in Stage 2 are likely to increase if the lots in Stage 1 are developed and sold out first.

Conclusion

In considering the content of the this report it is reasonable to conclude that the subdivision development of portion of Reserve 25031 Newdegate - Ravensthorpe Road, Newdegate for industrial purposes in a manner consistent with the preliminary draft subdivision design concept is not commercially viable (i.e. the cost of developing the lots will be greater than the total sales revenue). As such Council must decide whether there is sufficient strategic benefit to the Newdegate townsite in committing to a loss making project.

If Council considers that there is sufficient benefit to committing to the project, the next step will be to:

- i) secure approval from the State Land Services Division of the Department for Planning and Infrastructure to secure the right to develop the land for the intended purpose; and
- ii) initiate a suitable amendment to Local Planning Scheme No.4 to rezone the land.

It should again be noted (previously advised in the report considered by Council at the 24 September 2008 meeting) that the proposal is currently in its infancy stage and will be subject to a lengthy process to determine both its suitability and viability. The process will include scrutiny by all relevant government agencies on matters including native title, strategic planning, environmental impacts and essential service arrangements. Detailed reports documenting the outcomes from each stage of the planning and development process will be presented to Council as required should Council resolve to proceed with the project.

In the event that Council determines that there is not sufficient benefit to committing to the project, it may then wish to consider either investigating and developing alternative site options or to leave the development of additional industrial land in Newdegate to the private sector.

Legal Implications

Planning and Development Act 2005
Town Planning Regulations 1967
Environmental Protection Act 1986
Native Title Act 1993 (Commonwealth)
Aboriginal Heritage Act 1972
Shire of Lake Grace Local Planning Scheme No.4

Policy Implications

Shire of Lake Grace Local Planning Strategy
WAPC Development Control Policy No.4.1 – Industrial Subdivision
WAPC State Planning Policy No.2 – Environment and Natural Resources

Cultural Implications

Nil

Consultation

Not required at this stage. In the event that Council initiates an amendment to Local Planning Scheme No.4 to rezone the land for industrial purposes, the proposal will be subject to a comprehensive community consultation process.

Financial Implications

- The preliminary construction cost estimate prepared by JDSi Consulting Engineers is based on the current contract rates and may vary subject to detailed design and Western Australian Planning Commission subdivision conditions.
- The market value of the land as identified in the valuation report prepared by Licensed Valuer Mr Ian Bolto of PL Bolto and Co may change as a result of changing market conditions.
- Having regard for the information contained in the preliminary construction cost estimate prepared by JDSi Consulting Engineers and the valuation advice provided by Licensed Valuer Mr Ian Bolto of PL Bolto & Co, it is concluded that the proposed subdivision development of the subject land is not commercially viable.
- Preparation of the necessary rezoning and subdivision applications (including environmental assessments) to progress the subdivision development of the subject land for industrial purposes is estimated to cost in the order of \$35,000.00 excluding GST.

Strategic Implications

The need for appropriately located land in the Newdegate Townsite for light/service industrial land uses has been well documented in previous reports considered by Council over the last 10 years.

Strategically, Council's preference to develop a portion of Reserve 20531 for light/service industrial purposes will assist in the activation of the eastern entrance of the town along the Newdegate-Ravensthorpe Road.

Recommendation

That Council:

1. Receive the preliminary construction cost estimate prepared by JDSi Consulting Engineers for the proposed subdivision of portion of Reserve 20531 Newdegate – Ravensthorpe Road, Newdegate.
2. Receive the valuation advice prepared by Licensed Valuer Mr Ian Bolto of PL Bolto and Co for the proposed subdivision of portion of Reserve 20531 Newdegate – Ravensthorpe Road, Newdegate.
3. Determine whether or not it wishes to proceed with the project.

Voting Requirements

Simple majority required.

Resolution

MOTION 10731

Moved Cr Chamberlain
Seconded Cr Milton

That Council

1. Receive the preliminary construction cost estimate prepared by JDSi Consulting Engineers for the proposed subdivision of portion of Reserve 20531 Newdegate – Ravensthorpe Road, Newdegate.

MOTION 10731 continued

2. Receive the valuation advice prepared by Licensed Valuer Mr Ian Bolto of PL Bolto and Co for the proposed subdivision of portion of Reserve 20531 Newdegate – Ravensthorpe Road, Newdegate.
3. Proceed to develop light industrial land at Lot 157 (Reserve 20531) in Newdegate and that staff investigate all avenues to develop the land at a least cost scenario.

MOTION CARRIED 9/0

REASON FOR CHANGE

Original recommendation did not include determination to proceed with the project.

MOTION 10732

Moved Cr Newman
Seconded Cr De Landgraft

That Council re-open the meeting to the public at this time, being 2.40pm.

MOTION CARRIED 9/0

12.2 PROPOSED LIGHT INDUSTRIAL/SERVICE COMMERCIAL SUBDIVISION – DEWAR ST LAKE GRACE

Applicant: Shire of Lake Grace
File No.: 0361 & 0369
Attachments: Plans 2 & 3 & Attachment 3
Author: Mr Joe Douglas & Mr Steve Pandevski
Town Planning Consultants
Disclosure of Interest: Nil
Date of Report: 17 February 2009
Senior Officer: Mr Jim Fraser
Chief Executive Officer

Summary

This report summarises the valuation advice recently received from Licensed Valuer Ian Bolto of PL Bolto and Co regarding the likely sale price for each of the nine (9) new light industrial/service commercial type lots proposed to be developed along Dewar Street, Lake Grace (see Plan 2).

The information presented in this report will now assist Council to determine whether or not it wishes to proceed with the next stage of the project being the preparation and lodgement of a formal subdivision application with the Western Australian Planning Commission.

Background

At its Ordinary Meeting held on 24 September 2008, Council considered a preliminary construction cost estimate prepared by JDSi Consulting Engineers to undertake the subdivision development of various Crown landholdings along Dewar Street, Lake Grace to create nine (9) new light industrial/service commercial type lots. At this meeting Council resolved to:

1. Receive the preliminary construction cost estimate prepared by JDSi Consulting Engineers for the proposed subdivision of various Crown landholdings on the northern side of Dewar Road, Lake Grace for light industrial purposes; and
2. Authorise the Chief Executive Officer to seek advice from a local real estate agent or property valuer to determine the likely sale price of the new lots comprising the proposed subdivision in order to determine the commercial viability of the project and that the findings of this assessment be presented to Council for a final decision on whether or not to proceed with an application to the Western Australian Planning Commission for approval to commence subdivision development.

The preliminary construction cost estimate prepared by JDSi Consulting Engineers concluded that the total cost of constructing the proposed subdivision would be in the order of **\$355,000.00 plus the cost of connecting to Western Power's power network** which could not be determined until a suitable application is made to Western Power.

This equates to approximately **\$40,000.00 per lot** plus Western Power network connection costs which, based on other similar projects in the region, are estimated

to be in the order of **\$20,000.00 per lot** (i.e. total estimated construction cost of **\$60,000.00 per lot**).

Comment

Valuation Advice - Estimated Sale Prices & Total Sales Revenue

In accordance with point 2 of Council's previous resolution above, the Shire appointed Licensed Valuer Mr Ian Bolto of PL Bolto and Co to undertake an assessment of the likely sale price of each lot based on current market values (see Attachment 3).

The following table provides a summary of the valuation advice provided:

PROPOSED LOT NO.	ESTIMATED SALE PRICE
1	\$40,000
2	\$37,000
3	\$37,000
4	\$33,000
5	\$33,000
6	\$32,000
7	\$30,000
8	\$28,000
9	\$25,000
TOTAL SALES REVENUE	\$295,000

Land Administration Considerations

The State Land Services Division of the Department for Planning and Infrastructure (DPI-SLS), the Shire of Lake Grace and the Shire's town planning consultants (i.e. Planning Enterprises) have been communicating for some time now regarding the possible subdivision development of the subject land for light industrial/service commercial purposes.

By correspondence dated 19 December 2008 DPI-SLS advised the Shire's town planning consultants that the Shire of Lake Grace has recently been presented with a draft Development Lease which will enable the subdivision development of the land to proceed under a lease agreement. The suitability of the draft lease agreement is currently being reviewed by the Shire and will be addressed by the administration in due course. DPI-SLS have indicated that a nominal yearly rental fee of approximately \$500.00 plus GST will be payable by the Shire under the lease agreement should it accept the terms of the lease.

DPI-SLS have also requested that the Shire initiate the process required under the Land Administration Act to formally close the unconstructed portion of the Boulton Street road reserve which forms a part of the subdivision area (see Plan 3). This matter is addressed as a separate report in this Agenda (see item 12.3).

It is understood that following formal approval to the closure of the unconstructed portion of the Boulton Street road reserve area, DPI-SLS will forward a final Lease Agreement to the Shire for execution and registration thereby enabling commencement of the proposed subdivision development works.

Conclusion

In considering the content of the this report it is reasonable to conclude that the subdivision development of portion of various Crown landholdings along Dewar Street, Lake Grace to create nine (9) new light industrial/service commercial type lots in a manner consistent with the preliminary draft subdivision design concept is not commercially viable (i.e. the cost of developing the lots will be greater than the

total sales revenue). As such Council must decide whether there is sufficient strategic benefit to the Lake Grace townsite in committing to a loss making project.

If Council considers that there is sufficient benefit to committing to the project, the next step will be to:

- i) initiate the process required under the Land Administration Act to formally close the unconstructed portion of the Boulton Street road reserve which forms a part of the subdivision area;
- ii) secure approval from the State Land Services Division of the Department for Planning and Infrastructure to secure the right to develop the land for the intended purpose; and
- iii) Prepare and lodge a suitable subdivision application with the Western Australian Planning Commission.
- iv) In the event that Council determines that there is not sufficient benefit to committing to the project, it may then wish to consider either investigating and developing alternative site options or to leave the development of additional industrial land in Lake Grace to the private sector.

Legal Implications

Land Administration Act 1997
Planning and Development Act 2005

Policy Implications

Nil

Cultural Implications

Nil

Consultation

Community consultation is not required for the subdivision development component of the project.

Community consultation will be required should Council resolve to close the unconstructed portion of the Boulton Street road reserve area as required by DPI-SLS.

Financial Implications

- The preliminary construction cost estimate prepared by JDSi Consulting Engineers is based on the current contract rates and may vary subject to detailed design and Western Australian Planning Commission subdivision conditions.
- The market value of the land as identified in the valuation report prepared by Licensed Valuer Mr Ian Bolto of PL Bolto and Co may change as a result of changing market conditions.
- Having regard for the information contained in the preliminary construction cost estimate prepared by JDSi Consulting Engineers and the valuation advice provided by Licensed Valuer Mr Ian Bolto of PL Bolto & Co, it is concluded that the proposed subdivision development of the subject land is not commercially viable.
- The administrative costs associated with progressing the project, including the closure of Boulton Street, preparation and submission of a subdivision application with the WAPC and preparation of the relevant survey and engineering plans, are estimated to be in the order of \$25,000.00 excluding GST.

Strategic Implications

There is an identified demand for suitable, vacant light industrial/service commercial land in the Lake Grace townsite. It is anticipated that this project will satisfy some of that demand in the short term future.

In determining whether or not to proceed with the project Council should consider whether the community benefit and strategic need of providing suitably located land for light industrial/service commercial purposes outweighs the costs likely to be incurred by the Shire in developing the land.

Voting Requirements

Simple majority required.

Recommendation/Resolution

MOTION 10733

Moved Cr Newman
Seconded Cr Dunkeld

That Council:

1. Receive the valuation advice prepared by Licensed Valuer Mr Ian Bolto of PL Bolto and Co for the proposed subdivision development of various Crown landholdings along Dewar Street, Lake Grace to create nine (9) new light industrial/service commercial type lots.
2. Proceed with the project.

MOTION CARRIED 9/0

12.3 PROPOSED ROAD CLOSURE – PORTION OF BOULTON ST LAKE GRACE

Applicant: Shire of Lake Grace
File No.: 0355, 0361 & 0369
Attachments: Plans 4 & 5
Author: Mr Joe Douglas & Mr Steve Pandevski
Town Planning Consultants
Disclosure of Interest: Nil
Date of Report: 17 February 2009
Senior Officer: Mr Jim Fraser
Chief Executive Officer

Summary

This report provides details and recommendations in respect of the procedures required to be followed by Council to progress the closure of an unconstructed portion of the Boulton Street road reserve, Lake Grace.

Background & Comment

The Shire of Lake Grace has been undertaking various tasks aimed at facilitating the subdivision development of various Crown landholdings along Dewar Street, Lake Grace for light industrial/service commercial purposes (namely Lots 3001 and 166 Dewar Street and an unconstructed portion of the Boulton Street road reserve area).

As mentioned in the previous report contained in this agenda, the State Land Services division of the Department for Planning and Infrastructure (DPI-SLS), by correspondence dated 19 December 2008, has requested that the unconstructed portion of the Boulton Street road reserve, which forms a part of the subdivision area, be closed (see Plans 4 and 5).

In order to progress the subdivision of the land for light industrial/service commercial purposes the Shire of Lake Grace will need to complete the following key tasks, as required by the Land Administration Act 1997, to permanently close the unconstructed portion of the Boulton Street road reserve:

- i) Advertise for a minimum period of thirty five (35) days in a newspaper circulating in the district of Council's intention to resolve to request the Minister for Lands to permanently close the unconstructed portion of the Boulton Street road reserve area;
- ii) Write to all adjoining landowners and relevant service authorities advising of Council's intention to resolve to request the Minister for Lands to permanently close the unconstructed portion of the Boulton Street road reserve area; and
- iii) Following completion of the thirty five (35) day advertising period, consider all submissions received and make a recommendation in respect of each submission prior to making a final decision as to whether or not to resolve to request the Minister for Lands to permanently close the unconstructed portion of the Boulton Street road reserve area.

Following completion of the public advertising process and consideration of any submissions received, Council will then be in a position to determine if it wishes to

proceed with a request to the Minister for Lands to permanently close the unconstructed portion of Boulton Street.

Council should note that it will also be required to indemnify the State of Western Australia against costs and claims associated with the permanent closure of the road.

Legal Implications

Land Administration Act 1997

Land Administration Regulations 1998

Policy Implications

Nil

Cultural Implications

Nil

Consultation

Community consultation will be undertaken for a minimum period of thirty-five (35) days in accordance with the specific requirements of the Land Administration Act 1997 and Land Administration Regulations 1998.

Financial Implications

It is estimated that the process required to be followed to permanently close the unconstructed portion of Boulton Street will cost in the order of \$4,000 excluding GST.

Strategic Implications

The permanent closure of the unconstructed portion of Boulton Street will enable the Shire of Lake Grace to progress the tasks required to subdivide various Crown landholdings along Dewar Street, Lake Grace for the purpose of creating light industrial/service commercial lots to satisfy some of the identified demand for land of this type in the Lake Grace townsite.

Recommendation

Should Council decide to proceed with the proposed subdivision development of various Crown landholdings along Dewar Street, Lake Grace to create nine (9) new light industrial/service commercial type lots, that it resolve to:

1. Advertise for a minimum period of thirty five (35) days in a newspaper circulating in the district of Council's intention to resolve to request the Minister for Lands to permanently close the unconstructed portion of Boulton Street, Lake Grace;
2. Write to all adjoining landowners and relevant service authorities advising of Council's intention to resolve to request the Minister for Lands to permanently close the unconstructed portion of Boulton Street, Lake Grace; and
3. Following completion of the thirty five (35) day advertising period, consider all submissions received and make a recommendation in respect of each submission prior to making a final decision as to whether or not to resolve to request the Minister for Lands to close the unconstructed portion of Boulton Street, Lake Grace.

Voting Requirements

Simple majority required.

Resolution

MOTION 10734

Moved Cr Milton
Seconded Cr Farrelly

That Council proceed with the proposed subdivision development of various Crown landholdings along Dewar Street, Lake Grace to create nine (9) new light industrial/service commercial type lots and:

1. Advertise for a minimum period of thirty five (35) days in a newspaper circulating in the district of Council's intention to resolve to request the Minister for Lands to permanently close the unconstructed portion of Boulton Street, Lake Grace;
2. Write to all adjoining landowners and relevant service authorities advising of Council's intention to resolve to request the Minister for Lands to permanently close the unconstructed portion of Boulton Street, Lake Grace; and
3. Following completion of the thirty five (35) day advertising period, consider all submissions received and make a recommendation in respect of each submission prior to making a final decision as to whether or not to resolve to request the Minister for Lands to close the unconstructed portion of Boulton Street, Lake Grace.

MOTION CARRIED 9/0

REASON FOR CHANGE

Original recommendation did not include determination to proceed with the project.

12.4 **PROPOSED ROAD WIDENING – PORTION OF SLARKE ROAD, MALLEE HILL ROAD THROUGH WILLIAMS LOCATION 15049 & LOT 5**

2.48pm Cr Newman left the meeting.

Applicant:	Shire of Lake Grace
File No.:	0356
Attachments:	Plans 10, 11 & 12
Author:	Mr Joe Douglas & Mr Carlo Famiano Town Planning Consultants
Disclosure of Interest:	Nil
Date of Report:	17 February 2009
Senior Officer:	Mr Jim Fraser Chief Executive Officer

Summary

This report has been prepared following receipt of correspondence from the State Land Services Division of the Department for Planning and Infrastructure (DPI-SLS) requesting that Council indemnify the Department and the Crown against all costs and/or claims associated with the dedication of a previously realigned portion of Slarke Road through Williams Location 15049 and Lot 5, Mallee Hill as a 'road widening'.

Background

The Shire of Lake Grace needs to resolve the legal liability issues associated with a 760 metre portion of Slarke Road which was realigned by the Shire some time ago to provide a much smoother and safer course of travel in the vicinity of Williams Location 15049 and Lot 5 Mallee Hill (see Plans 10 – Aerial Photograph & Plan 11 – Location Plan). The realignment works resulted in the removal of two (2) right angle bends which were deemed to be unsafe and in need of urgent attention.

Notwithstanding completion of the physical construction works, the new realigned section of Slarke Road was never dedicated as a public roadway and is therefore currently classified as a private road under the Land Administration Act. It is advised that the process of dedicating the area comprising the new road carriageway has been proceeding in accordance with the specific requirements of the Land Administration Act 1997.

Comment

The previous realignment of Slarke Road requires that a 2.5512 hectare portion of Location 15049 and a 2.5555 hectare portion of Lot 5 Slarke Road be dedicated as a public road (see Plan 12 – Deposited Plan).

As part of the process the Shire received written agreement to the proposal from the current owner of Location 15049 (i.e. Prater Holdings Pty Ltd) and Lot 5 Slarke Road (i.e. Ms KA Edwards). A copy of the landowner agreements have already been forward to DPI-SLS to assist in processing the application. It should be noted that the matter regarding payment of compensation to the affected landowners will be finalised between the landowners and the Shire in the near future following the receipt of valuation advice from a licensed valuer.

DPI-SLS has requested that the Lake Grace Shire Council resolve to indemnify the Department and the Crown against any costs and/or claims associated with the dedication of the road widening. Council's indemnification will ensure that DPI-SLS are not liable for any costs and/or claims arising from the taking of privately owned land.

Given the Shire's previous actions and responsibilities in this matter, it is considered appropriate that Council agree to indemnify DPI-SLS and the Crown against any costs and/or claims associated with the project.

Should Council not agree to indemnify DPI-SLS and the Crown as requested, the road widening process may not proceed any further. In this instance the Shire would be required to revert back to original alignment of Slarke Road and remove any works previously undertaken on the private landholdings affected.

Conclusion

Given the need to resolve the legal liability issues associated with the current alignment of Slarke Road through private property, it is considered prudent for Council to agree to indemnify DPI-SLS and the Crown against any costs and/or claims associated with the project.

Legal Implications

Land Administration Act 1997

Land Administration Regulations 1998

Policy Implications

Nil

Cultural Implications

Nil

Consultation

Completed

Financial Implications

The administrative costs associated with undertaking and finalising this project are estimated to be in the order of \$5,000.00 excluding GST, much of which has already been spent. It is understood that a suitable allowance has been made in Council's 2008/2009 budget to meet all costs associated with finalising the project.

The exact amount of compensation payable by the Shire to the affected landowners will be determined via negotiation between the landowners and the Shire's Chief Executive Officer following the receipt of valuation advice from a licensed land valuer. Details of the compensation amounts payable to the affected landowners will be presented to Council in due course.

Strategic Implications

Nil

Voting Requirements

Simple majority required.

Recommendation/Resolution

MOTION 10735

Moved Cr Chamberlain
Seconded Cr Sinclair

That Council indemnify the State Land Services Division of the Department for Planning and Infrastructure (DPI-SLS) and the State of Western Australia against all costs and/or claims arising from the dedication of portion of Slarke Road, Mallee Hill through Williams Location 15049 and Lot 5 Slarke Road as indicated on the attached Deposited Plan No.92281.

MOTION CARRIED 8/0

Note: Cr Newman was absent for the vote.

PLANNING APPLICATION – LOT 327 STUBBS ST LAKE GRACE

2.53pm Cr Newman re-entered the meeting.

Applicant: Mr Andrew Arundel on behalf of the landowners.
File No.: 0454
Attachments: Plans 13 to 18
Author: Mr Joe Douglas & Mr Carlo Famiano
 Town Planning Consultant
Disclosure of Interest: Nil
Date of Report: 17 February 2009
Senior Officer: Mr Jim Fraser
 Chief Executive Officer

Summary

This report provides details and recommendations in respect of an application for Council's planning consent submitted by Mr Andrew Arundel on behalf of Mr Matt Argent & Ms Linda Vlasich (landowners) to construct a new single detached transportable dwelling on Lot 327 Stubbs Street, Lake Grace.

Background

Lot 327 Stubbs Street, Lake Grace is located in the eastern extremities of the Lake Grace townsite approximately 1.2km from the town centre. The lot comprises a total area of approximately 1.51 hectares and has 20.12 metres of direct frontage to Stubbs Street along its southern boundary (see Plan 13 – Location Plan & Plan 14 – Existing Lot Configuration).

According to the latest aerial photography available from Landgate the subject land currently comprises a previously approved 'machinery storage' shed (approximately 12m x 10m) and a water tank. The land is generally flat; is cleared and has small stands of scattered vegetation, none of which appears to be of local or regional significance (see Plan 15 – Aerial Photograph).

The adjoining lots have been developed and accommodate various land uses including broadacre farming to the north, rural residential (single dwelling) to the east, storage facilities operated by the Department of Agriculture and Food to the west and an undeveloped Crown reserve to the south (see Plan 15 – Aerial Photograph).

The application seeks Council's planning approval to construct a new single detached transportable dwelling at the rear of Lot 327 with a total floor area of approximately 126m² - see Plan 16 – Proposed Site Plan, Plan 17 – Proposed Floor Plan & Plan 18 – Proposed Elevations. The proposed dwelling is of weatherboard and colorbond construction with a maximum wall height of 3.6 metres and a 10 degree 'skillion' style roof.

Comment

Lot 327 Stubbs Street is currently classified 'Rural Residential' zone in the Shire of Lake Grace Local Planning Scheme No.4 (LPS No.4). According to LPS No.4 the construction of a single house on land classified 'Rural Residential' zone is classified as a 'D' use meaning that the use is not permitted unless the local government has exercised its discretion by granting planning approval.

Council's stated objectives for land classified 'Rural Residential' zone are:

- To permit the progressive rezoning and subdivision of land in close proximity to the established townsites which is of low agricultural production value subject to such proposals being consistent with the local government's overall planning requirements and objectives for the zone.
- To ensure that all development in the Rural Residential zone is conducted in a manner that preserves the rural character, amenity and viability of surrounding properties.
- To provide for a variety of land uses of a rural-residential nature such as hobby farms, equestrian activities and cottage industries.
- To ensure that the more intensive use of land makes provision for the retention or improvement of the rural landscape and environment and achieves a high standard of visual amenity in a manner consistent with the proper and orderly planning of such areas.
- To reduce or eliminate the detrimental affect of keeping of livestock in the zone by limiting stock numbers to those kept for hobby purposes and not for commercial gain.
- To ensure that all applications for new Rural Residential zone areas comply with the local government's requirements for the preparation and submission of proposals.

The proposal to construct a new single dwelling house on Lot 327 is considered to be generally consistent with the above objectives. Notwithstanding this conclusion, Council must also consider whether or not the proposal satisfies the relevant development standards of clause 5.12 in LPS No.4 as these relate to boundary setbacks.

The application indicates the following setbacks for the proposed dwelling:

BOUNDARY	PROPOSED SETBACK (MINIMUM)
FRONT (STREET)	135 metres
REAR	37.717 metres
SIDE (EAST)	26 metres
SIDE (WEST)	72.826 metres

An assessment of the proposal against the development standards of clause 5.12 has revealed that the proposed dwelling satisfies the standards and is therefore unlikely to have a detrimental impact on existing adjoining land uses or the local streetscape.

Conclusion

It is concluded from this assessment that the proposed construction of a new single detached transportable dwelling on Lot 327 Stubbs Street, Lake Grace is:

- unlikely to compromise the stated objectives for land classified 'Rural Residential' zone in the Shire of Lake Grace's current operative Local Planning Scheme No.4;
- unlikely to have a negative impact on the surrounding land uses or the local streetscape; and
- generally aligned with the outcomes intended by the current town planning framework applicable to the immediate locality.
- Given the above it is recommended that the application be approved subject to the imposition and compliance with a number of conditions which aim to ensure that all future development and use of the land proceeds generally in accordance with the standards and requirements of LPS No.4.

Legal Implications

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

Policy Implications

Nil

Cultural Implications

Nil

Consultation

Not required.

Financial Implications

Nil

Strategic Implications

Nil

Voting Requirements

Simple majority required.

Recommendation/Resolution

MOTION 10736

Moved Cr Taylor
Seconded Cr De Landgraftt

That Council approve the application for planning consent submitted by Mr Andrew Arundel on behalf of Mr Matt Argent & Ms Linda Vlasich (landowners) to construct a new single detached transportable dwelling on Lot 327 Stubbs Street, Lake Grace in accordance with the details of the plans submitted in support of the application subject to compliance with the following conditions and advice notes:

Conditions

1. The development is to be substantially commenced within a period of two (2) years from the date of this approval. If the development is not substantially commenced within this period the approval will lapse and be of no further effect. Where an approval has lapsed, no development shall be carried out without the further approval of the Shire of Lake Grace having first been sought and obtained.
2. A completed building licence application must be submitted to and approved by the Shire's Building Surveyor prior to the commencement of any earthworks or construction on the land.
3. All stormwater generated by the proposed development shall be managed and disposed of to the specifications and satisfaction of the Shire of Lake Grace.

MOTION 10736 continued.

4. On-site effluent disposal for the proposed new dwelling shall be provided to the satisfaction of the Shire of Lake Grace.
5. A 20 metre wide fuel free zone clear of all flammable material/vegetation is required to be established and maintained around all buildings on the land to the satisfaction of the Shire of Lake Grace.
6. All existing vegetation outside the 20 metre wide fuel free zone required by Condition No.5 above shall be retained unless its removal is authorised by the Shire of Lake Grace.

Advice Notes

1. The existing shed on the land was previously approved by Council for the purpose of 'machinery storage'. The conditions applicable to this previous approval are still valid and must be adhered to.
2. Any proposed change to the approved use of the existing shed for storage purposes requires Council's planning approval prior to commencement of any new use/s.

MOTION CARRIED 9/0

12.5 **PROPOSED ROAD CLOSURE – UNNAMED ROAD RESERVE – ROAD NO 16668 – NEWDEGATE**

Applicant: Shire of Lake Grace
File No.: 0355
Attachments: Plans 19, 20 & 21
Author: Mr Joe Douglas & Mr Carlo Famiano
 Town Planning Consultant
Disclosure of Interest: Nil
Date of Report: 17 February 2009
Senior Officer: Mr Jim Fraser
 Chief Executive Officer

Summary

This report has been prepared to determine Council's position in relation to a written request received from the Public Transport Authority (PTA) seeking Council's approval to the initiation of the process required to provide for the permanent closure of an unnamed and unconstructed road reserve known as 'Road No.16668' in the Newdegate townsite. It is understood that the PTA would like to have the road closed and the land comprising the road reserve area amalgamated back into the existing railway reserve.

Background & Comment

Road No.16668, Newdegate was formally created by way of a notice published in the Government Gazette on 7 August 1981. The road reserve was created to provide an alternative access option to CBH's existing grain handling and storage facilities and the Water Corporation's sewerage treatment plant on the eastern side of the railway line in the Newdegate townsite. Council should note that a road carriageway within the road reserve area has not been physically constructed since the road reserve was formally created.

At its Ordinary Meeting held on 28 June 2006, Council considered a subdivision application referred to the Shire from the Western Australian Planning Commission (WAPC) for the subdivision of Lot 216 Maley Street, Newdegate (being Reserve 37609) for industrial purposes (i.e. existing CBH grain handling and storage facilities).

In considering the application Council resolved to support the proposed subdivision subject to relevant conditions, including the requirement to construct and drain Road No.16668 to enable an alternative access to the proposed new lot and the Water Corporation's existing sewerage treatment plant. In determining the application in November 2008 the WAPC decided not to impose a condition on the subdivision approval requiring the construction of Road No.16668 as recommended by Council. As such the road remains unconstructed.

The land comprising the road reserve area is located in the northern extremities of the Newdegate townsite on the eastern side Lake Bidy Road. It comprises a length of approximately 60 metres, a width of 20 metres and a total area of approximately 1,207m² (see Plan 19 – Location Plan & Plan 20 - Existing Lot Configuration).

According to the latest aerial photography available from Landgate, the road reserve is not constructed and currently traverses a railway reserve, with the land being predominantly cleared and comprising small stands of scattered vegetation on the edges of the existing railway line (see Plan 21 – Aerial Photograph).

In reviewing the request to close Road No.16668 it is recommended that Council carefully consider the following key points:

- The road reserve provides a crossing point over the existing railway reserve which is in close proximity to the Newdegate townsite. The nearest alternative designated crossing point is located approximately four (4) kilometres north-west of the Newdegate townsite;
- The road reserve provides an option for the construction of an alternative access point to the existing CBH receival point and the sewerage treatment plant which is considered beneficial from an operational point of view for both of these facilities in the future if and/or when the demand arises;
- Council has developed facilities within the Water Corporation Reserve No 41866 and will require access to the Reserve;
- The closure of Road No.16668 as proposed would result in the removal of an alternative emergency access route to and from the CBH facility and the Water Corporation's sewerage treatment plant; and
- In the event that Road No.16668 is closed and a new railway crossing is subsequently required at some point in the future, the process required to dedicate a new road reserve to accommodate a new railway crossing could be expected to take a considerable amount of time and will prove costly to the Shire in terms of the administrative processes required to be completed under the provisions of the Land Administration Act.

It is significant to also note that the submission received from the Public Transport Authority did not provide the Shire with any justification/s for the proposed road closure, other than to say that the Authority received a request from the freight lessee WestNet Rail for the closure of the road to enable the land to be reinstated into the railway reserve.

In the event that Council considers that the request from the Public Transport Authority to close Road No.16668 has merit, it will need to complete the following key tasks, as required by the Land Administration Act 1997:

- i) Advertise for a minimum period of thirty five (35) days in a newspaper circulating in the district of Council's intention to resolve to request the Minister for Lands to permanently close the unnamed road reserve comprising Road No.16668;
- ii) Write to all adjoining landowners and relevant service authorities advising of Council's intention to resolve to request the Minister for Lands to permanently close the unnamed road reserve comprising Road No.16668; and
- iii) Following completion of the thirty five (35) day advertising period, consider all submissions received and make a recommendation in respect of each submission prior to making a final decision as to whether or not to resolve to request the Minister for Lands to permanently close the unnamed road reserve comprising Road No.16668.

Legal Implications

Land Administration Act 1997

Land Administration Regulations 1998

Policy Implications

Nil

Consultation

In the instance that Council resolves to proceed with the proposed road closure, community consultation will be undertaken for a minimum period of thirty-five (35) days in a manner consistent with the procedures and requirements of the Land Administration Act 1997.

Financial Implications

In this instance the cost to the Shire to undertake the process required to permanently close the unnamed road reserve comprising Road No.16668 is estimated to be in the order of \$2,000 excluding GST. No allocations have been made in Council's 2008/2009 budget for this work.

Strategic Implications

As discussed above.

Voting Requirements

Simple majority required.

Recommendation/Resolution

MOTION 10737

Moved Cr Milton
Seconded Cr Dunkeld

That the request from the Public Transport Authority (PTA) to close the road No 16668 be refused on the basis that it may need to be developed to protect Council's assets within the Water Corporation Reserve No 41866.

MOTION CARRIED 9/0

3.00pm Meeting adjourned for afternoon tea.

3.28 pm Meeting reconvened with all those previously in attendance present.

13.0 MATTERS FOR CONSIDERATION – HEALTH & BUILDING

No matters for consideration.

14.0 MATTERS FOR CONSIDERATION – FINANCE

14.1 ACCOUNTS FOR PAYMENT – DECEMBER 2008 & JANUARY 2009

Applicant: Shire of Lake Grace
File No. 0277
Attachments: List of Creditors
Author: Mr Mark Burbridge
 Manager Corporate Services
Disclosure of Interest: Nil
Date of Report: 18 February 2009
Senior Officer: Mr Jim Fraser
 Chief Executive Officer

Summary

For Council to ratify expenditures incurred for the months of December 2008 and January 2009.

Background

List of payments for the months of December 2008 and January 2009 through the Municipal and Trust Accounts are attached.

Comment

In accordance with the requirements of the Local Government Act 1995, a list of creditors is to be completed for each month showing:

- (a) The payee's name
- (b) The amount of the payment
- (c) Sufficient information to identify the transaction
- (d) The date of payment

The attached list meets the requirements of the Financial Management Regulations.

Legal Implications

Local Government (Financial Management) Regulations 1996 – Reg 12

Local Government (Financial Management) Regulations 1996 – Reg 13

Policy Implications

N/A

Consultation

N/A

Financial Implications

The list of creditors paid for the month of December 2008 from the Municipal Account totals \$372,551.12.

The list of creditors paid for the month of January 2009 from the Municipal Account totals \$324,762.84.

There were no Trust Account payments during December 2008 or January 2009.

Strategic Implications

N/A

Cultural Implications

N/A

Voting Requirements

Simple majority required.

Recommendation/Resolution

MOTION 10738

Moved Cr Milton
Seconded Cr Farrelly

That:

1. Municipal Account cheques 33439 to 33480, Electronic Funds Transfers EFT4722 to EFT4827, and direct debits to the Municipal Accounts totalling \$372,551.12; and,
2. Municipal Account cheques 33481 to 33499, Electronic Funds Transfers EFT4828 to EFT4896, and direct debits to the Municipal Accounts totalling \$324,762.84;

having been checked and certified in accordance with the Financial Management Regulation 12, be confirmed, and passed for payment against the respective accounts as shown on the summary of Accounts for Payment schedule.

Electronic Funds Transfer EFT4742 was cancelled.

MOTION CARRIED 9/0

14.2 FINANCIAL STATEMENTS – DECEMBER 2008 & JANUARY 2009

NOTE: *The Manager Corporate Services tabled amended financial statements showing updated allocations across the Governance section. The minutes will include the updated statements at attachment.*

Applicant:	Shire of Lake Grace
File No.	0275
Attachments:	Financial Reports
Author:	Mrs Danielle Robertson Senior Finance Officer
Disclosure of Interest:	Nil
Date of Report:	17 February 2009
Senior Officer:	Mr Jim Fraser Chief Executive Officer

Summary

Consideration of the financial statements for the months ending 31 December 2008 and 31 January 2009.

Background

The following financial reports are included for your information:

- Monthly Statement of Financial Activity
- Summary of Net Current Assets
- Operating Statement by Programme
- Balance Sheet
- Assets Purchased and Sold
- Capital Road Works, Operating Expenditure and Operating Income Graphs
- Bank Reconciliation

Legal Implications

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

Policy Implications

N/A

Community Consultation

N/A

Financial Implications

Nil.

Strategic Implications

N/A

Cultural Implications

N/A

Recommendation

That the financial reports for the months ending 31 December 2008 and 31 January 2009 as attached be received.

Voting Requirements

Simple majority required.

Resolution

MOTION 10739

Moved Cr Taylor
Seconded Cr Newman

That the financial reports for the months ending 31 December 2008 and 31 January 2009 be received as per the tabled amended statements.

MOTION CARRIED 9/0

REASON FOR CHANGE

The Manager Corporate Services had tabled amended financial statements showing updated allocations across the Governance section.

14.3 INVESTMENT OF SURPLUS FUNDS

Applicant: Shire of Lake Grace
File No. 0267
Attachments: Nil
Author: Mr Mark Burbridge
 Manager Corporate Services
Disclosure of Interest: Nil
Date of Report: 18 February 2009
Senior Officer: Mr Jim Fraser
 Chief Executive Officer

Summary

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

Background

A report on investment activity is presented to Council each month (where applicable) in accordance with Council Policy 3.5.

Comment

The following surplus funds have been invested during December 2008 through January 2009:

Financial Institution	Fund	Lodgement	Maturity	Term	Amount	Interest Rate
Elders Rural Bank	Municipal	12/9/08	12/12/08	3 months	\$1,000,000.00	7.70%
			<i>Partially Reinvested Below:</i>			
Elders Rural Bank	Municipal	12/12/08	12/03/09	3 months	\$769,144.81	5.70%
Elders Rural Bank	Reserve	12/9/08	12/03/09	6 months	\$1,200,000.00	8.05%

Council held approximately \$70,000 in its Municipal Cheque account at the end of January to meet upcoming cash expenditure requirements. The next instalment of Federal Assistance Grants will be received mid February.

Options for Municipal fund reinvestment will be assessed when the current deposit expires in March.

Legal Implications

Nil.

Policy Implications

As per Council Policy 3.5

Consultation

N/A

Financial Implications

N/A

Strategic Implications

N/A

Recommendation

That the investment report for December 2008 through January 2009 be approved.

Voting Requirements

Simple majority required.

Recommendation/Resolution

MOTION 10740

Moved Cr Milton
Seconded Cr De Landgraft

That the investment report for December 2008 through January 2009 be approved.

MOTION CARRIED 9/0

14.4 2007/08 ANNUAL REPORT & ANNUAL GENERAL MEETING OF ELECTORS

Applicant: Shire of Lake Grace
File No. 0202
Attachments: 2007/08 Annual Report
Author: Mr Mark Burbridge
 Manager Corporate Services
Disclosure of Interest: Nil
Date of Report: 18 February 2009
Senior Officer: Mr Jim Fraser
 Chief Executive Officer

Summary

The purpose of this report is for Council to accept the Annual Report for the 2007/08 financial year and to set a date for the Annual General Meeting of Electors.

Background

In accordance with the Local Government Act 1995, Council is to accept the Annual Report for a financial year no later than 31 December after that financial year.

As in this case, if the auditor's report is not available in time for the annual report for a financial year to be accepted by 31 December after that financial year, the annual report is to be accepted by the local government no later than 2 months after the auditor's report becomes available - the Annual Report is attached.

The CEO is to give local public notice of the availability of the annual report as soon as practicable after the report has been accepted by the local government.

An annual electors meeting is to be held once every financial year, on a day not more than 56 days after Council has accepted the Annual Report.

Comment

The Final Audit for the Shire of Lake Grace was held on the 16 & 17 October 2008. The 2007/08 Audit Report was received on 2 February 2009.

The Audit Committee held a meeting to receive and discuss the Annual Report on Wednesday 18 February 2009. Minutes of the Audit Committee meeting will be published in the February 2009 Information Bulletin.

The Audit Committee recommended that the Annual General Meeting of Electors be held at 7.30pm on Monday 30 March 2009 at the Lake Grace Town Hall. The venue is in keeping with the rotation of the electors meetings between the four towns.

Legal Implications

Local Government Act 1995 s1.7, s1.8, s5.54, s5.27 & s5.29

Policy Implications

N/A.

Consultation

N/A

Financial Implications

N/A

Strategic Implications

N/A

Cultural Implications

N/A

Voting Requirements

Absolute majority (5) required.

Recommendation/Resolution

MOTION 10741

Moved Cr Farrelly
Seconded Cr Taylor

That Council:

1. Accept the 2007/08 Annual Report and audited financial statements;
2. Receive the 2007/08 Independent Audit Report and Management Report provided by UHY Haines Norton; and,
3. Advise the Chief Executive Officer to convene the Annual General Meeting of Electors for 7.30pm Monday 30 March 2009 at the Lake Grace Town Hall.

MOTION CARRIED BY ABSOLUTE MAJORITY 9/0

14.5 2009 VICTORIAN BUSHFIRE APPEAL - DONATION

Applicant: Cr Ollie Farrelly
File No. 0043
Attachments: Nil
Author: Mrs Nadene Owen
A/Manager Community Services
Disclosure of Interest: Nil
Date of Report: 16 February 2009
Senior Officer: Mr Jim Fraser
Chief Executive Officer

Summary

This report requests Council consider a donation of \$5,000 to the Australian Red Cross for the Victorian Bushfire Appeal.

Background

The Shire of Lake Grace Council and local communities are aware of the enormous tragedy affecting communities in Victoria by the February 2009 bushfires. The full impact of these fires will not be known for some time and the rebuilding of communities, homes and of lives will take decades. The local government bodies in the affected areas are facing unprecedented rebuilding and many other challenges as they support their local communities.

As at 16 February 2009 Victorian Police have reported the death toll at 189 with many people still unaccounted for.

The Victorian State Government has launched the Victorian Bushfire Appeal 2009 which is being co-ordinated by the Australian Red Cross.

Comment

The Australian Red Cross and the Federal Government launched the 2009 Victoria Bushfire Appeal in partnership with the Victorian State Government. The Appeal will assist individuals and communities that have been affected by the bushfires in Victoria. As at 16 February 2009 the Appeal had raised \$100 million dollars.

Donations made through the Australian Red Cross will assist individuals and communities who meet the criteria set up by an independent panel of community leaders who will oversee the Appeal Fund's operation. The Panel will be chaired by the Hon. John Landy AC and criteria for assistance will include the extent of the hardship covered and the extent to which a person's livelihood has been impacted.

Red Cross will not deduct any funds from this appeal for administration costs. All funds received will be kept in a Trust Fund set up by the Victorian Government.

On 12th and 13th January 2006, the Lake Grace townsite was severely flooded by rainfall from Cyclone Clare. Tropical Cyclone Clare, and the subsequent flood, was proclaimed a Natural Disaster by Acting Premier Eric Ripper on January 17, 2006.

Funding was received through the Western Australian Natural Disaster Relief Arrangements, the Federal Government's Natural Disaster Mitigation Program and Lotterywest to implement reconstruction, rejuvenation projects and to undertake water management studies. In addition neighbouring communities and various government agencies provided assistance in many forms to our local community.

Given that the Shire of Lake Grace has experienced a Natural Disaster it would be a timely offer of assistance and condolences to the Australian Red Cross 2009 Victorian Bushfire Appeal.

Legal Implications

N/A

Policy Implications

Consultation

Internal: Cr Oliver Farrelly
Manager Corporate Services

Financial Implications

The 2008/09 budget will draw funds from the following accounts for the expenditure:

E041190	Donations & Ex-gratia	\$2500
E041170	Councillors Other Expenses	\$2500

Strategic Implications

N/A

Cultural Implications

N/A

Recommendation

That Council formally offer its condolences to the communities affected by the recent Victorian bushfires and provide assistance to the Australian Red Cross Victorian Bushfire Appeal through a donation of \$5,000.

Voting Requirements

Simple majority required.

Resolution

MOTION 10742

Moved Cr Farrelly
Seconded Cr Newman

That Council formally offer its condolences to the communities affected by the recent Victorian bushfires and Queensland floods and to provide assistance of:

1. \$2,500.00 to the Victorian Bushfire Appeal; and,
2. \$2,500.00 to the Queensland Flood Relief Appeal;

And, that the donations to be allocated on the advice of the Australian Local Government Association to those most affected local government authorities.

MOTION CARRIED 9/0

REASON FOR CHANGE - To better clarify the donation to the various parties.

15.0 MATTERS FOR CONSIDERATION – ADMINISTRATION**15.1 AVON CATCHMENT COUNCIL – LAKE GRACE URBAN STORMWATER INVESTIGATION – DECEMBER 2008**

Applicant:	GHD Pty Ltd on behalf of Avon Catchment Council
File No.	0069
Attachments:	Report IWM003 - Conclusions & Recommendations
Author:	Mr Jim Fraser Chief Executive Officer
Disclosure of Interest:	Nil
Date of Report:	17 February 2009
Senior Officer:	Mr Jim Fraser Chief Executive Officer

Summary

This report recommends the adoption of the Lake Grace Urban Stormwater Investigation report dated December 2008.

Background

Council has been involved with the Avon Catchment Council and the Department of Agriculture & Food in a joint programme: Rural Towns – Liquid Assets. It is an initiative in the Wheatbelt aimed at overcoming salinity and rising water tables in country towns. Council contributed \$60,000.00 over three years on the basis that some of the funds contributed would be spent on on-ground projects within the study area which in this instance is the Lake Grace townsite.

Following the January 2006 flood event the Avon Catchment Council retained GHD Pty Ltd to undertake an Urban Stormwater Investigation for the Lake Grace townsite.

Comment

The study has been completed by GHD Pty Ltd and a report has been prepared for adoption by Council.

The report has determined that the area around the Collie Lake King Road/South Road intersection requires the most urgent attention. Several options have been presented and the recommendations include the requirement for ongoing negotiations with CBH.

During discussions with Mr Mark Pridham from DAFWA and Mr Geoff Love from GHD Pty Ltd it was stated that \$60,000.00 could be made available to alleviate some of the problems within and adjacent to the Lake Grace townsite.

Should Council adopt the report staff will continue to liaise with the Avon Catchment Council with the view to including some of the required works in the 2009/10 budget.

Legal Implications

N/A

Policy Implications

N/A

Consultation

External:

Mr Mark Pridham - DAFWA
Mr Geoff Love – GHD Pty Ltd

Financial Implications

To be determined during the budget process.

Strategic Implications

N/A

Cultural Implications

N/A

Voting Requirements

Simple majority required.

Recommendation/Resolution

MOTION 10743

Moved Cr Newman
Seconded Cr Dunkeld

That the report: Lake Grace Urban Stormwater Investigation – December 2008 prepared by GHD Pty Ltd be adopted.

MOTION CARRIED 9/0

15.2 LAKE GRACE TOWNSITE FLOOD STUDY - ADOPTION

Applicant:	GHD Pty Ltd
File No.	0553
Attachments:	Floodplain Management Study – Executive Summary
Author:	Mr Jim Fraser Chief Executive Officer
Disclosure of Interest:	Nil
Date of Report:	27 January 2009
Senior Officer:	Mr Jim Fraser Chief Executive Officer

Summary

This report recommends the adoption of the Lake Grace Townsite Flood Study prepared by GHD Pty Ltd.

Background

Following the floods of January 2006 it was recognised that there was a need to investigate the effects of the flooding which occurred during the significant rainfall event and to assess mitigation efforts should the event be repeated.

There were several community and multi agency meetings held to determine a course of action which subsequently resulted in the preparation of a brief and tender documentation.

Funding applications were lodged with various agencies resulting in funding sources as follows:

Federal Flood Mitigation Funding Programme	\$38,000.00
State Department of Water	\$38,000.00
Main Roads Western Australia	<u>\$ 6,000.00</u>
	<u>\$82,000.00</u>

Tenders were invited in January 2007 seeking the completion of a study that would assist Council into the future by examining what had happened during the flood event and recommending future actions to reduce the threat to the townsite from any future events.

The terms of the study, based on the tender documents, proved to be too expensive and beyond the financial capacity of the funding bodies and Council. The brief was amended and the Department of Water increased their contribution which then allowed Council to negotiate a suitable arrangement with GHD Pty Ltd to complete the required works.

The cost of the project/study at that stage was \$80,000.00.

Comment

The Lake Grace Townsite Flood Study – Modelling Results and Floodplain Management Strategy (Version 1) has been submitted by GHD Pty Ltd for adoption by Council.

The study is a very comprehensive document and contains sections as follows:

- Executive Summary
- Catchment Background
- Flood Modelling
- Flood Management Options
- Development Guidelines and Floodplain Management Implementation

The document will be an important tool for budgetary purposes and the section on Development Guidelines has the capacity to impact on Council's Local Planning Scheme No 4.

During the completion of the research, GHD Pty Ltd suggested a variation to their quotation to carry out some additional research and following discussions with the Department of Water, the variation was subsequently approved.

The final cost of the study was therefore \$105,780.36 and the various contributions were:

<ul style="list-style-type: none"> ▪ \$ 38,000.00 ▪ \$ 60,454.55 ▪ \$ 6,000.00 ▪ <u>\$104,454.55</u> 	<p>Federal Mitigation Programme of which \$19,000 has been received – the final report has been submitted to recoup the balance of the funds.</p> <p>Department of Water</p> <p>Main Roads WA</p> <p>Total</p>
--	--

Legal Implications

The original tender was called in accordance with the Local Government (Functions & General) Regulations 1996.

Policy Implications

N/A

Consultation

External: Department of Water
GHD Pty Ltd
Main Roads WA

Internal: Manager Corporate Services

Financial Implications

The financial implications have been outlined in the body of this report.

The report will assist with development of future budgets.

Strategic Implications

As a result of the January 2006 flooding of the cemetery lake, damage to the townsite was substantial and the flooding of the main entrance road into Lake Grace a disaster for the community.

It is important that the community is well prepared and all steps are taken to minimise the risk for any such future event.

Cultural Implications

N/A

Voting Requirements

Simple majority required.

Recommendation/Resolution

MOTION 10744

Moved Cr Milton
Seconded Cr Farrelly

That the report titled Lake Grace Townsite Flood Study prepared by GHD Pty Ltd dated December 2008 be adopted by Council.

MOTION CARRIED 9/0

15.3 WARDS AND REPRESENTATION

MOTION 10745

Moved Cr Chamberlain
Seconded Cr De Landgraft

That Item 15.3 Wards and Representation be withdrawn on advice from the Chief Executive Officer requesting permission to withdraw the item.

MOTION CARRIED 9/0

REASON

A further letter was received on 23 February 2009 from the Local Government Advisory Board that due to the recent establishment of the Local Government Reform Steering Committee no further action is being taken on ward and representation reviews at this time with the impact that the current ward structure will remain in place for the 2009 elections.

Applicant:	Local Government Advisory Board
File No.	0375
Attachments:	Agenda Item Aug 08
Author:	Mr Jim Fraser Chief Executive Officer
Disclosure of Interest:	Nil
Date of Report:	3 February 2009
Senior Officer:	Mr Jim Fraser Chief Executive Officer

Summary

This report recommends Council reiterates its position in relation to Wards and Representation as determined at its 26 November 2008 Ordinary Meeting.

Background

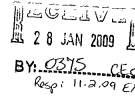
The following correspondence has been received from the Local Government Advisory Board:



Local Government Advisory Board
Government of Western Australia

Our Ref: LG1-B#02

Mr Jim Fraser
Chief Executive Officer
Shire of Lake Grace
P O Box 50
LAKE GRACE WA 6353



Dear Mr Fraser

WARDS AND REPRESENTATION REVIEW

Thank you for your letter to the Local Government Advisory Board regarding the Shire of Lake Grace's ward and representation review.

At its meeting on 20 January 2009, the Board considered the outcome of your recent ward and representation review and resolved to request that this matter be referred to a meeting of full Council to consider whether a no ward structure would be a better option for the Shire.

The Board looks forward to your response in due course.

Yours sincerely


Quentin Harrington
ACTING CHAIR
LOCAL GOVERNMENT ADVISORY BOARD

22 January 2009

Dumas House 2 Havelock Street West Perth WA 6005
GPO Box 81250, Perth WA 6844
Tel: (08) 9217 1500 Fax: (08) 9217 1555 Freecall: 1800 620 511 (Country only)
E-mail: advisory@lga.gov.au
Website: www.lgdir.wa.gov.au

At an Ordinary Meeting of Council held on 26 November 2008, Council resolved, in part as follows:

Motion 10709 – that in relation to the recent Ward Review the Local Government Advisory Board be advised that:

2. The Council of the Shire of Lake Grace requests the current representation be maintained for the election to be held in October 2009 on the basis that there is likely to be future changes associated with the SSS Report.

This information was conveyed to the Advisory Board in December 2008.

Council also considered a request from the Advisory Board to consider a Ward Review and Representation at its Ordinary Meeting held on 27 August 2008. A copy of the agenda item is at attachment.

A representative of the Local Government Advisory Board attended an Ordinary Meeting of Council held on 25 June 2008 and advised that at that stage 65% of Councils across Western Australia had no wards.

Comment

Whilst it has not been specifically stated in the correspondence from the Advisory Board it is the view of staff that the Board considers that the abolition of wards was not given due consideration in the review process.

On this basis the following comments are provided to Council for consideration.

Number of Electors: As previously indicated the approximate number of electors in each ward based on the October 2007 election are:

- Lake Grace 600
- Newdegate 300
- Lake King/Varley 200

It is interesting to note that the voter turn out for each ward in October 2007 was very similar being:

- Lake Grace 62.2%
- Newdegate 66.9%
- Lake King/Varley 65%

Demographic Trends: As previously advised there has been a reduction in population in the Newdegate and Lake King/Varley Wards and an increase in the Lake Grace Ward. The increase in the Lake Grace Ward reflects an increase in population within the Lake Grace townsite. Whilst not the subject of significant research anecdotal evidence throughout the Shire indicates that the number of farmers i.e. landholders, is reducing. This can be attributed generally to locals purchasing adjoining farms and may also reflect an increase in corporate land ownership.

The abolition of wards was discussed during the visit to the Shire by Cr Moira Girando in June 2008. Generally where wards have been abolished there has not been a significant change in representation. It is still the view of the author that the status quo be retained for the October 2009 election and that the subject of Ward Representation be kept under review as the recommendations of the Systemic Sustainability Study are developed and introduced.

It is also important to acknowledge the significance of the Specified Area Rating system to the operations of Council.

Legal Implications

Schedule 2.2 of the Local Government Act 1995.

Policy Implications

N/A

Consultation

N/A

Financial Implications

N/A

Strategic Implications

N/A

Cultural Implications

N/A

Officers Recommendation

That the Local Government Advisory Board be advised that due consideration has been given to the abolition of wards within the Shire of Lake Grace and that Council reiterates its support for the current representation to be maintained for the election to be held in October 2009.

Voting Requirements

Simple majority required.

Resolution

Moved Cr

Seconded Cr

**15.4 EXPLORATION LICENCE APPLICATION – RESERVE 18553 LAKE
BIDDY TOWNSITE**

Applicant: Department of Industry and Resources -
Mineral Title and Services Division
File No. 0401
Attachments: Department of Industry and Resources
correspondence & Application form
Author: Mrs Lee-Anne Trevenen
Senior Administration Officer
Disclosure of Interest: Nil
Date of Report: 10 February 2009
Senior Officer: Mr Jim Fraser
Chief Executive Officer

Summary

This report recommends the acceptance of conditions for Exploration Licence 70/3523 over the Lake Biddy Townsite and Reserve No 18553.

Background

The Minister for Mines and Petroleum has directed the Department of Industry and Resources commence the consultation process and obtain Council's comments and recommendations with regard to the impact of the Mining Tenement Exploration Licence 70/3523 on Lake Biddy Townsite and Recreation and Parkland, Reserve 18553.

Granting of this Licence is to be based on the **endorsement** and **condition** imposed upon the tenement

The initial letter of advice regarding this application was received by Council on the 8th August 2008 and was submitted by Hetherington, Exploration and Mining Title Services Pty Ltd, Mineral Properties Consultant acting for Mr Bruce Robert Legendre.

Comment

Due to the Lake Biddy Townsite no longer operating as a 'Townsite', it is the view of the author that the granting of the Exploration Licence 70/3523 would not adversely impact upon the area.

Legal Implications

N/A

Policy Implications

N/A

Consultation

N/A

Financial Implications

Once approval for the application is given the property becomes rateable.

Strategic Implications

N/A

Cultural Implications

N/A

Voting Requirements

Simple majority required.

Recommendation/Resolution

MOTION 10746

Moved Cr Newman
Seconded Cr Dunkeld

That Council advise the Department of Industry and Resources it approves the Application for granting of Exploration Licence 70/3523 situated on Lake Bidy Townsite and Recreation and Parkland Reserve 18553 subject to the following **endorsement** and **condition** being imposed upon the tenement:

Endorsement: *The grant of this lease does not include any private land referred to in Section 29(2) of the Mining Act 1978 except that below 30 metres from the natural surface of the land.*

Condition: *Access to the surface of land within Lake Bidy Townsite for mining purposes being subject to the approval of the local Authority or relevant reserve vestees, and mining activities within the first 100 metres below the surface of the land being limited to such exploration activities as may be approved by the State Mining Engineer.*

MOTION CARRIED 9/0

15.5 LAKE GRACE SALEYARDS

Applicant: Western Australian Livestock Salesman's Association (WASLA)
File No. 0061
Attachments: WASLA Correspondence
Author: Mr Jim Fraser
Chief Executive Officer
Disclosure of Interest: Nil
Date of Report: 18 February 2009
Senior Officer: Mr Jim Fraser
Chief Executive Officer

Summary

This report recommends the acceptance of the offer from the Western Australian Livestock Salesman's Association for the facilities within the Lake Grace Saleyards.

Background

The Western Australian Livestock Salesman's Association (WALSA) currently has a lease over Lot 2, located on the corner of Gorge Rock and Biddy Camm Roads. The land is owned in freehold by Council and is approximately 2.43ha (6 acres) in area. The lease held by WALSA expires on 30 June 2009.

In June 2007, a State Government Department of Consumer and Employment Protection inspection resulted in a number of work orders being placed on the stock pens and loading ramps within the complex. As a result of these work orders, WALSA offered the facilities to Council as it was their intention not to negotiate an extension of the lease beyond 30 June 2009.

The matter was the subject of a public meeting held in Council Chambers, Lake Grace on Tuesday 10 February 2009 which was attended by 20 interested persons and chaired by the Shire President Cr Andrew Walker.

Comment

The land has been the subject of discussion with Council and various uses have been canvassed including lifestyle lots and general industry as well as retaining the current use.

The recent public meeting was attended by stock agency representatives, livestock carriers and farmers. There was general discussion on the future use of the facilities. The future of saleyards within the region is uncertain as most yards do not currently comply with the Occupational Safety & Health Regulations 1996. Several sites are likely to remain closed which maybe beneficial to the local saleyards in the future.

A resolution was considered at the Lake Grace meeting being:

“that it be recommended to the Shire of Lake Grace that Council retain the saleyards for a minimum period of three years and accept the offer from the Western Australian Livestock Salesman’s Association for the facilities within the complex”

and was carried unanimously.

A Working Group comprising Ross Chappell (Coordinator), Brad Watson, David Fyfe and Cr Andrew Walker was established to monitor and assist with the proposed takeover of the facilities.

The predominant use of the facility at this stage is by livestock cartage contractors who utilise the pens and loading ramps for load consolidation purposes. A local contractor Mr David Fyfe estimated that it would cost approximately \$2,500.00 to bring the facilities up to a suitable standard for continual use as a load consolidation facility. Staff have not considered a funding model at this stage and it is intended that recommendations will be included in the 2009/10 budget considerations.

It is evident from the community consultation that the facility should be retained. Staff will continue to liaise with the Working Group.

Legal Implications

Occupational Safety & Health Regulations 1996.

Policy Implications

N/A

Consultation

External: A public meeting was held on 10 February 2009.

Internal: Manager Corporate Services

Financial Implications

To be determined by staff as part of the 2009/10 budget process.

Strategic Implications

Provision of resources and assistance with development projects is important in terms of economic diversity within the Shire’s communities.

Cultural Implications

N/A

Voting Requirements

Simple majority required.

Recommendation/Resolution

MOTION 10747

Moved Cr Taylor
Seconded Cr Newman

That the offer from the Western Australian Livestock Salesman's Association for Council to accept the facilities within the Lake Grace Saleyards complex situated on Lot 2 Lake Grace, be accepted at no cost from the termination of their lease of the site on 30 June 2009.

MOTION CARRIED 9/0

15.6 2009 CEO SELECTION COMMITTEE - FORMATION

Applicant:	Shire President
File No.	0012
Attachments:	Dept of Local Government Guidelines – Appointing a CEO
Author:	Mrs Jeanette Bennett Executive Assistant
Disclosure of Interest:	Nil
Date of Report:	19 February 2009
Senior Officer:	Mr Jim Fraser Chief Executive Officer

Summary

The purpose of this report is for Council to appoint a 2009 CEO Selection Committee to coordinate the selection process for a new Chief Executive Officer.

Background

The present Chief Executive Officer, Mr Jim Fraser has indicated he will not be seeking an extension to his contract which expires on 26 December 2009.

The Local Government Act 1995 – Admin Regulations 18C Selection and Appointment Process for CEO's requires that:

*“The local government is to approve a process to be used for the selection and appointment of a CEO for the local government **before** the position of CEO of the local government is advertised.”*

In October 2007, a CEO Selection Committee was established to oversee the selection process for the new CEO at that time.

At a Committee Meeting held on the 19 March 2008, with the committee being aware of the fact that the present CEO's contract was a short term contract, the matter of the ongoing CEO recruitment process was discussed.

It was decided a pro-active approach is need to ensure a new CEO is recruited and plans are in place for a smooth transition for the incoming CEO.

Comment

The Local Government Operational Guidelines Number 10 – Appoint a CEO outlines both the importance of the CEO selection process and that correct processes are followed – the Guidelines are attached.

One of the first tasks the Committee will need to consider is whether Council will undertake the recruitment and selection process in-house, or outsource all or part of the task to a specialised local government recruitment consultant. Council has used a number of consultants in the past, all of whom have the

required expertise to undertake the work. The full Council would then be required to approve the appointment.

The present Shire President, Cr Andrew Walker and Deputy Shire President, Cr Ian Chamberlain, have both requested appointment to the Committee, however, are aware that following the October 2009 elections, the executive positions may change. In that case, the incoming Shire President and Deputy Shire President would assume their roles on the 2009 CEO Selection Committee.

Legal Implications

Local Government Act 1995 - Sections 5.36, 5.39, 5.40 relating to employment of a CEO.

Local Government Act 1995 – Admin Regulations Section 18.

Local Government Act 1995 – Section 5.8, 5.9, 5.10, 5.11 which deals with establishment of committees.

Policy Implications

Council Policy 4.3 – Senior Employees

Consultation

Internal: Shire President
Chief Executive Officer

Financial Implications

Should Council decide to outsource the recruitment process provision will be made in the 2009/10 budget

Strategic Implications

Department of Local Govt Guideline Number 10 states – *“Selecting and appointing a CEO is one of the most important tasks elected members may undertake during their term of office. Choosing the right person is critical to the success of the council and the local government.”*

Cultural Implications

N/A

Voting Requirements

Simple majority required.

Recommendation/Resolution

MOTION 10748

Moved Cr Farrelly
Seconded Cr Sinclair

That Council establish a 2009 CEO Selection Committee:

1. to oversee the recruitment and selection process for a new Chief Executive Officer.
2. to be made up of the following members; Shire President, the Deputy Shire President and two Councillor representatives being Cr De Landgraft and Cr Dunkeld.

MOTION CARRIED 9/0

16.0 URGENT BUSINESS BY DECISION OF THE MEETING

None

17.0 SCHEDULING OF MEETING

17.1 MARCH 2009 ORDINARY MEETING

Motion 10720 December 2008 states:

An Ordinary Meeting of Council will be held on Wednesday 25 March 2009, commencing at 1:00pm at the Varley Recreation Centre, Varley.

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

4.53pm Mr Burbridge and Mrs Owen left the meeting.

MOTION 10749

Moved Cr Chamberlain
Seconded Cr Dunkeld

That Council close the meeting to the public at this time, being 4.53 pm, to discuss the future of the 'Roe Be Active' Scheme.

MOTION CARRIED 9/0

18.1 ROE 'BE ACTIVE' SCHEME

MOTION 10750

Moved Cr Newman
Seconded Cr Farrelly

That:

1. The Shires of Kondinin, Corrigin, Dumbleyung and Wickepin be advised that it is the intention of the Shire of Lake Grace to withdraw from the Roe 'Be Active' Scheme as at 31 October 2009.

2. The positions of Manager Aquatic and Recreation Services and the Roe 'Be Active' Coordinator be abolished on 31 October 2009 and the officer be made redundant at that date.

MOTION CARRIED 9/0

5.20pm Mr Burbridge and Mrs Owen re-entered the meeting.

MOTION 10751

Moved Cr Milton
Seconded Cr Newman

That Council re-open the meeting to the public at this time, being 5.20 pm.

MOTION CARRIED 9/0

19.0 CLOSURE

There being no further business, the Chairperson closed the meeting at 5.22 pm.

20.0 CERTIFICATION

I Andrew James Walker certify that the minutes of the meeting held on the 25 February 2009 as shown were confirmed as a true record at the meeting held on the 25 March 2009.

Chairman

Date