

Shire of Lake Grace



# ***Minutes***

Ordinary Council Meeting

22 July 2009

## CONTENTS

<b>CONTENTS</b> .....	<b>2</b>
<b>1.0 OPENING &amp; ANNOUNCEMENT OF VISITORS</b> .....	<b>101</b>
<b>2.0 ATTENDANCE RECORD</b> .....	<b>101</b>
2.1 PRESENT .....	101
2.2 APOLOGIES .....	101
2.3 LEAVE OF ABSENCE PREVIOUSLY GRANTED .....	101
<b>3.0 PUBLIC QUESTION TIME</b> .....	<b>102</b>
3.1 CLEARING OF ROADSIDE VEGETATION .....	102
<b>4.0 APPLICATIONS FOR LEAVE OF ABSENCE</b> .....	<b>102</b>
<b>5.0 MINUTES OF PREVIOUS COUNCIL MEETINGS</b> .....	<b>103</b>
5.1 ORDINARY MEETING – 24 JUNE 2009 .....	103
5.2 SPECIAL MEETING – 14 JULY 2009 .....	103
<b>6.0 DECLARATIONS OF INTEREST</b> .....	<b>103</b>
6.1 DECLARATIONS OF FINANCIAL INTEREST – LOCAL GOVERNMENT ACT SECTION 5.60A .....	103
6.2 DECLARATIONS OF PROXIMITY INTEREST – LOCAL GOVERNMENT ACT 1995 SECTION 5.60B .....	103
6.3 DECLARATIONS OF IMPARTIALITY INTEREST – ADMINISTRATION REGULATION SECTION 34C .....	103
<b>7.0 NOTICES OF URGENT BUSINESS</b> .....	<b>103</b>
<b>8.0 MOTIONS OF WHICH NOTICE HAS BEEN RECEIVED</b> .....	<b>103</b>
<b>9.0 PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS</b> .....	<b>103</b>
<b>10.0 MEMBERS' REPORTS</b> .....	<b>104</b>
10.1 CR MILTON .....	104
<b>11.0 MATTERS FOR CONSIDERATION – WORKS &amp; SERVICES</b> .....	<b>201</b>

<b>12.0</b>	<b>MATTERS FOR CONSIDERATION – TOWN PLANNING .....</b>	<b>301</b>
12.1	PLANNING APPLICATION – PROPOSED TRANSPORTABLE DWELLING 14 WITHAM ST NEWDEGATE .....	301
<b>13.0</b>	<b>MATTERS FOR CONSIDERATION – HEALTH &amp; BUILDING .....</b>	<b>401</b>
	<i>No items for consideration .....</i>	401
<b>14.0</b>	<b>MATTERS FOR CONSIDERATION – FINANCE .....</b>	<b>501</b>
14.1	ACCOUNTS FOR PAYMENT – JUNE 2009.....	501
14.2	INTERIM FINANCIAL STATEMENTS – YEAR ENDED 30 JUNE 2009 .....	503
14.3	2009/10 BUDGET ADOPTION.....	505
<b>15.0</b>	<b>MATTERS FOR CONSIDERATION – ADMINISTRATION.....</b>	<b>601</b>
15.1	FORMATION OF A VOLUNTARY REGIONAL ORGANISATION OF COUNCILS (VROC) – PROPOSED MEMORANDUM OF UNDERSTANDING .....	601
15.2	USE OF THE COMMON SEAL – LAKE GRACE SPORTSMAN’S CLUB INC LEASE .....	604
15.3	WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION – AUGUST 2009 ANNUAL GENERAL MEETING .....	606
15.4	CHIEF EXECUTIVE OFFICER – APPOINTMENT & CONTRACT .....	608
<b>16.0</b>	<b>URGENT BUSINESS BY DECISION OF THE MEETING .....</b>	<b>701</b>
<b>17.0</b>	<b>SCHEDULING OF MEETING.....</b>	<b>701</b>
17.1	AUGUST 2009 ORDINARY MEETING .....	701
<b>18.0</b>	<b>CONFIDENTIAL BUSINESS – AS PER LOCAL GOVERNMENT ACT S.5.23 (2) .....</b>	<b>701</b>
<b>19.0</b>	<b>CLOSURE.....</b>	<b>701</b>
<b>20.0</b>	<b>CERTIFICATION .....</b>	<b>701</b>

## **SHIRE OF LAKE GRACE**

Minutes of the Ordinary Meeting of Council held at Council Chambers, 1 Bishop St Lake Grace on Wednesday 22 July 2009.

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

The Chairperson (President) opened the meeting at 1.13 pm, welcomed all those present and made comment that this will be the last meeting he will be chairing with the current Chief Executive Officer, Jim Fraser.

The President took the opportunity to thank Jim Fraser very much for his hard work, commitment and efforts during his time with the Shire of Lake Grace and wished him well for his retirement.

### **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 NY Owen	Manager Community Services
Mrs J Bennett	Executive Assistant

#### **2.2 APOLOGIES**

#### **2.3 LEAVE OF ABSENCE PREVIOUSLY GRANTED**

##### **Motion 10728 25 February 2009 & 10800 24 June 2009**

Cr Andrew Walker – Leave of Absence from 3 August to 18 September 2009.

**3.0 PUBLIC QUESTION TIME**

**3.1 CLEARING OF ROADSIDE VEGETATION**

Mrs Annie Slarke and Mrs Elsie Bishop attended Council’s December 2008 Ordinary meeting regarding the current method of clearing and pruning of native bush on and near road verges throughout the Shire.

Following a circular received through the Western Australian Local Government Association Mrs Slarke and Mrs Bishop have been advised as follows:

**Shire of Lake Grace**  
PO Box 50 Lake Grace WA 6353 • Phone 9890 2500 • Fax 9890 2599 • Email: shire@lakegrace.wa.gov.au

Please address all correspondence to the Chief Executive Officer  
 Your Ref: 0499  
 Our Ref: 0499  
 Enquiries: J Fraser

Mrs Annie Slarke  
 5 Griffiths St  
**LAKE GRACE WA 6353**

Dear Annie,

**ENVIRONMENTAL PROTECTION (CLEARING OF NATIVE VEGETATION) REGULATION 2004**

The Western Australian Local Government Association has advised Council by a Circular dated 9<sup>th</sup> July 2009 that the Minister for the Environment has established a new Environment Stakeholder Advisory Group.


The Group will examine the findings of the Environmental Clearing Regulations Review which was completed by the previous State Government and report to the Minister by December 2009.

In the meantime local governments will be required to abide by the current Act and Regulations.

I apologise for the delay in responding however it was felt that it was important to wait for the review to provide the most up to date information.

You can be assured that current staff have been made aware of your concerns and these will be taken into account into the future.

Should you wish to discuss the matter further please don't hesitate to contact me on 989890 2500.

Yours faithfully,  
  
**Jim Fraser**  
**CHIEF EXECUTIVE OFFICER**  
 16 July 2009  
 hjfb

*Shire of Lake Grace - The Growing Centre.*

**Shire of Lake Grace**  
PO Box 50 Lake Grace WA 6353 • Phone 9890 2500 • Fax 9890 2599 • Email: shire@lakegrace.wa.gov.au

Please address all correspondence to the Chief Executive Officer  
 Your Ref: 0499  
 Our Ref: 0499  
 Enquiries: J Fraser

Mrs Elsie Bishop  
 7 Woodcock Avenue  
**LAKE GRACE WA 6353**

Dear Elsie,

**ENVIRONMENTAL PROTECTION (CLEARING OF NATIVE VEGETATION) REGULATION 2004**

The Western Australian Local Government Association has advised Council by a Circular dated 9<sup>th</sup> July 2009 that the Minister for the Environment has established a new Environment Stakeholder Advisory Group.


The Group will examine the findings of the Environmental Clearing Regulations Review which was completed by the previous State Government and report to the Minister by December 2009.

In the meantime local governments will be required to abide by the current Act and Regulations.

I apologise for the delay in responding however it was felt that it was important to wait for the review to provide the most up to date information.

You can be assured that current staff have been made aware of your concerns and these will be taken into account into the future.

Should you wish to discuss the matter further please don't hesitate to contact me on 989890 2500.

Yours faithfully,  
  
**Jim Fraser**  
**CHIEF EXECUTIVE OFFICER**  
 16 July 2009  
 hjfb

*Shire of Lake Grace - The Growing Centre.*

**4.0 APPLICATIONS FOR LEAVE OF ABSENCE**

None.

**5.0 MINUTES OF PREVIOUS COUNCIL MEETINGS**

**5.1 ORDINARY MEETING – 24 JUNE 2009**

Resolution

**MOTION 10833**

Moved Cr Farrelly  
Seconded Cr Taylor

That the minutes of the Ordinary Meeting of Council held on the 24 June 2009 be confirmed as a true and accurate record.

**MOTION CARRIED 9/0**

**5.2 SPECIAL MEETING – 14 JULY 2009**

Resolution

**MOTION 10834**

Moved Cr De Landgraft  
Seconded Cr Newman

That the minutes of the Special Meeting of Council held on the 14 July 2009 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**

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

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

**7.0 NOTICES OF URGENT BUSINESS**

None

**8.0 MOTIONS OF WHICH NOTICE HAS BEEN RECEIVED**

None

**9.0 PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS**

None

## **10.0 MEMBERS' REPORTS**

### **10.1 CR MILTON**

- Advised Council the community cropping at the Research Station was completed on 2 & 3 July and congratulations to Cr Taylor on his efforts in managing the project.
- Attended the Lake Grace Development Association Meeting on Monday 6<sup>th</sup> July
- Attended Grain Pool/CBH meetings in Lake Grace on 21 July 2009

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

*No matters for consideration.*



## 12.0 MATTERS FOR CONSIDERATION – TOWN PLANNING

### 12.1 PLANNING APPLICATION – PROPOSED TRANSPORTABLE DWELLING 14 WITHAM ST NEWDEGATE

#### MOTION 10835

Moved Cr Sinclair  
Seconded Cr Chamberlain

That the meeting be closed to the public, the time being 1.24pm to discuss matters pertaining to Item 12.1.

**MOTION CARRIED 9/0**

1.45 pm Cr Taylor left the meeting and returned at 1.47pm.

#### MOTION 10836

Moved Cr Newman  
Seconded Cr Chamberlain

That the meeting be re-opened to the public at 1.54pm.

**MOTION CARRIED 9/0**

<b>Applicant:</b>	Ms Jeneen Salvage
<b>File No.</b>	0455
<b>Attachments:</b>	Plans 1 to 6
<b>Authors:</b>	Mr Joe Douglas & Mr Carlo Famiano – Urban & Rural Perspectives Town Planning Consultants
<b>Disclosure of Interest:</b>	Nil
<b>Date of Report:</b>	13 July 2009
<b>Senior Officer:</b>	Mr Jim Fraser Chief Executive Officer

#### Summary

This report recommends that the planning application submitted by Ms Jeneen Salvage to construct a single house (i.e. second hand transportable dwelling) on Lot 131 (No.14) Witham Street, Newdegate, be approved subject to conditions.

#### Background

The applicant is seeking Council's planning approval to construct a single house on Lot 131 (No.14) Witham Street, Newdegate. The proposed dwelling is a second-hand transportable structure.

Lot 131 comprises a total area of approximately 933m<sup>2</sup>, is currently vacant and is located in the south-western extremities of the Newdegate townsite (see Plans 1 to 6).

The plans submitted by the applicant are very broad and do not provide all of the information typically required in support of planning applications (i.e. driveway/crossover location, proposed finished floor level of the dwelling and landscaping etc.). Notwithstanding this fact there is scope for Council to consider the application and grant planning approval subject to the imposition of a number of conditions to ensure that the proposed development and use proceeds in a proper and orderly manner.

The proposed transportable dwelling will:

- i) be 14.725 metres long and 8.5 metres wide (not including the verandah);
- ii) comprise a total floor area of 125m<sup>2</sup> (not including the carport or verandah);
- iii) have a wall height of 2.44 metres and a ridge height of approximately 4 metres;
- iv) be of hardiflex wall cladding and metal roofing; and
- v) have a 17 metre setback from the land's Witham Street boundary, a 20 metre setback to the rear boundary, a minimum setback of 1.5 metres to the south-western side boundary and a zero setback for the carport from the north-eastern side boundary. It should be noted that the setbacks indicated on the site plan are calculated to the dwelling only and not to the verandah areas.

#### Comment

#### **Current Zoning & Land Use Permissibility**

Lot 131 is classified 'Residential' zone under the Shire of Lake Grace's current operative Local Planning Scheme No.4 (LPS No.4) with an applicable residential density coding of R20.

A key objective of the land's current 'Residential' zoning classification is to encourage a high standard of development that enhances the character and amenity of residential areas while providing opportunities for a variety of housing types.

Under the terms of LPS No.4 a single house is permitted to be developed on land classified 'Residential' zone.

#### **Residential Design Codes (R-Codes)**

An assessment of the proposal against the requirements of the R-Codes confirms that the proposed single house on Lot 131 complies with the relevant 'acceptable development provisions' of the Codes subject to the finished floor level of the dwelling not exceeding a height of 500mm above the natural ground level.

#### **Local Planning Scheme No.4 (LPS No.4)**

Clause 5.21 of LPS No.4 specifies a number of standards that are applicable to the placement of second-hand dwellings or structures on any land within the Shire. Clause 5.21 specifically states that such dwellings are not permitted unless:

- a) in the opinion of the local government such a dwelling or building is in a satisfactory condition and will not detrimentally affect the amenity of the area;

- b) an applicant for a building licence for such dwelling or building enters into an agreement to the satisfaction of the local government to reinstate the dwelling or building to an acceptable standard of presentation as determined by the local government within 12 months of the issuance of a building licence; and
- c) the sub-floor area of the building is enclosed with brick, stone, vermin battens or by other means acceptable to the local government and, where the building is considered by the local government to be exposed, or in a position such as to be visually prominent, the local government may require satisfactory landscaping measures to be carried out.

In light of the above requirements it is considered prudent for Council to impose a number of conditions on any approval issued in respect of the proposed single house on Lot 131 to ensure compliance with Clause 5.21.

### **Development of Moveable Buildings Guidelines**

In May 2001 the Lake Grace Shire Council adopted guidelines to control and guide the overall finished appearance of all relocated dwellings by ensuring that the following measures are undertaken at the time of development:

- The dwelling is to be repaired where necessary and painted internally and externally;
- Some dwellings may require the construction of a front and rear verandah to enhance their visual appearance; and
- The perimeter/sub-floor area of the dwelling being enclosed with brick or stone;

The guidelines also require that a \$2,000.00 bond be paid to the shire to ensure that the dwelling is finished to an acceptable standard prior to occupation. The bond is refunded once the works have been completed and the dwelling is inspected by the Shire's Environmental Health Officer/Building Surveyor.

### **Conclusion**

It is concluded that the proposal to construct a single house (second hand transportable dwelling) on Lot 131 (No.14) Witham Street, Newdegate is unlikely to have a negative impact on the general amenity, character, functionality and safety of the immediate locality and may therefore be approved by Council subject to the imposition of a number of conditions to ensure that all development is undertaken in a proper and orderly manner.

### Legal Implications

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

### Policy Implications

Council policies 5.6 - Property Access & Crossovers & 6.4 – Development of Moveable Buildings – Including relocated Buildings.

### Consultation

Not required.

### Financial Implications

Nil

Strategic Implications

Nil

Voting Requirements

Simple majority required.

Recommendation/Resolution

**MOTION 10837**

Moved Cr Chamberlain  
Seconded Cr Newman

That Council approve the planning application submitted by Ms Jeneen Salvage to construct a single house, being a second hand transportable dwelling, on Lot 131 (No.14) Witham Street, Newdegate in accordance with the details of the plans submitted in support of the application subject to the following conditions and advice notes:

**Conditions**

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.

Additional plan/s are required to be prepared and submitted to the Shire of Lake Grace, to the specifications and satisfaction of the Shire, for consideration and approval by the Shire's Chief Executive Officer prior to the commencement of any development on the land.

The additional plans are to be suitably scaled and are required to clearly illustrate the following:

1. Location and width of the proposed driveway/crossover servicing the land;
2. Details (i.e. height and materials) of the proposed building (i.e. carport) on the boundary;
3. A site plan drawn to scale indicating the precise location of the proposed dwelling including the proposed verandah/s and carport; and
4. Location and extent of all areas to be landscaped.
5. The development is to be undertaken in a manner consistent with the details of the additional plan/s required in condition 2 above if and when these plans are approved by the Shire of Lake Grace.

**MOTION 10837 *continued***

6. A completed building licence application must be submitted to and approved by the Shire's Building Surveyor following approval to the additional plan/s required by condition 2 above and prior to the commencement of any earthworks or construction on the land.
7. All stormwater drainage discharge generated by the new dwelling shall be managed to the specifications and satisfaction of the Shire of Lake Grace.
8. The finished floor level of the proposed dwelling shall not exceed a height of 500mm above natural ground level unless otherwise approved by Council.
9. The proposed parapet wall (carport) is not to exceed a length of 9 metres and an average height of 2.7 metres from the natural ground level in accordance with the 'acceptable development provisions' of Element 6.3.2 of the Codes.
10. The parapet wall and footings shall be constructed inside the allotment. The surface of the parapet wall shall be finished to a professional standard (i.e. have raked/rolled joints or render finish), to complement the dwelling on the adjoining lot, to the satisfaction of the Shire of Lake Grace.
11. Any proposed crossover along the land's Witham Street frontage shall be constructed in accordance with Council Policy 5.6 – Property Access & Crossovers to the specifications and satisfaction of the Shire of Lake Grace.
12. Prior to the issuance of a building licence for the proposed dwelling the applicant is required to enter into an agreement to the satisfaction of the Shire of Lake Grace to reinstate the second-hand dwelling to an acceptable standard of presentation as determined by the Shire within 12 months of the issuance of a building licence.
13. A bond of \$2,000.00 is payable to the Shire of Lake Grace prior to the commencement of any works to ensure that the dwelling has been completed in accordance with the agreement entered into with the Shire of Lake Grace.
14. The sub-floor area of the proposed dwelling shall be enclosed with brick, stone, vermin battens or by other means acceptable to the Shire of Lake Grace.
15. All landscaping is to be completed in accordance with approved plans prior to the occupation of the building with such landscaping to be maintained to the satisfaction of the Shire of Lake Grace.

**MOTION 10837 *continued***

16. The street verge adjacent to the development is to be landscaped to the satisfaction of the Shire of Lake Grace.
17. Cadastral lot boundaries shall be established on the site prior to the issuance of a Building Licence.
18. The development must be connected to the Water Corporation's sewer.

**Advice Note**

In regards to Condition No.11, the bond is to be refunded when the applicant has complied with Council's requirements and Councils Environmental Health Officer/Building Surveyor has inspected the dwelling.

The proposed development is required to comply in all respects with the Building Code of Australia. Plans and specifications which reflect these requirements are required to be submitted with the Building Licence application.

The noise generated by any activities on-site, including machinery motors or vehicles, shall not exceed the levels as set out under the Environmental (Noise) Regulations 1997.

No works shall commence prior to 7.00 am without the Shire's approval.

**MOTION CARRIED 9/0**

**13.0 MATTERS FOR CONSIDERATION – HEALTH & BUILDING**

*No items for consideration*

**14.0 MATTERS FOR CONSIDERATION – FINANCE****14.1 ACCOUNTS FOR PAYMENT – JUNE 2009**

<b>Applicant:</b>	Shire of Lake Grace
<b>File No.</b>	0277
<b>Attachments:</b>	List of Creditors
<b>Author:</b>	Miss Jessica de Burgh Finance Officer
<b>Disclosure of Interest:</b>	Nil
<b>Date of Report:</b>	15 July 2009
<b>Senior Officer:</b>	Mr Jim Fraser Chief Executive Officer

Summary

For Council to ratify expenditures incurred for the month of June 2009.

Background

List of payments for the month of June 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 June 2009 from the Municipal Account totals \$635,857.89. The list of creditors paid for the month of June 2009 from the Trust Account totals \$2,971.38

Strategic Implications

N/A



Voting Requirements  
Simple majority required.

Recommendation/Resolution

**MOTION 10838**

Moved Cr Milton  
Seconded Cr De Landgraft

That:

1. Municipal Account cheques 33602 to 33649, Electronic Funds Transfers EFT5216 to EFT5407, and direct debits to the Municipal Accounts totalling \$635,857.89; and,
2. Trust Account cheques 566 to 567, totalling \$2,971.38, 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.

Cheques 33624, 33634 and 33646 were cancelled.

**MOTION CARRIED 9/0**

**14.2 INTERIM FINANCIAL STATEMENTS – YEAR ENDED 30 JUNE 2009**

**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:** 15 July 2009  
**Senior Officer:** Mr Jim Fraser  
Chief Executive Officer

Summary

Consideration of the interim financial statements for the year ended 30 June 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 Revenue & Expenditure  
Graphs
- Bank Reconciliations
- Rates Summary Chart

Legal Implications

Local Government Act 1995 – section 6.4

Local Government (Financial Management) Regulations 1996

Policy Implications

N/A

Consultation

Nil

Financial Implications

Nil

Strategic Implications

N/A

Voting Requirements

Simple majority required.

Recommendation/Resolution

**MOTION 10839**

Moved Cr Newman  
Seconded Cr Taylor

That the interim financial reports for the year ended 30 June 2009 as attached be received.

**MOTION CARRIED 9/0**

**14.3**      **2009/10 BUDGET ADOPTION**

**Applicant:** Council  
**File No.** 0273  
**Attachments:** Under separate cover  
**Author:** Mr Mark Burbridge  
Manager Corporate Services  
**Disclosure of Interest:** Nil  
**Date of Report:** 15 July 2009  
**Senior Officer:** Mr Jim Fraser  
Chief Executive Officer

**Summary**

The purpose of this item is for Council to adopt the 2009/10 Budget in accordance with the requirements of the Local Government Act 1995.

**Background**

The Act requires Council, by 31 August each financial year, to prepare and adopt in the form and manner prescribed, a financial budget for the financial year ending 30 June.

**Comment**

Following several staff budget planning sessions, two draft budget sessions have subsequently been held with Councillors on 24 June and 14 July 2009.

The 2009/10 Budget has been prepared on the basis of a General Rate increase of approximately 6.5% (5.5% in 2008/09) and an overall Specified Area Rate decrease of approximately 6.0% (15.6% increase in 2008/09). Combined average increase in total rates across all wards is in the vicinity of 2% (8.7% in 2008/09).

The 2009/10 budget is presented for adoption in the Statutory Format as required by regulation and is made up of the following statements:

- Income Statement by Nature or Type
- Income Statement by Program
- Cash Flow Statement
- Rate Setting Statement
- Notes to and forming part of the Budget:
  - Note 1 – Significant Accounting Policies
  - Note 2 – Revenue and Expenses
  - Note 3 – Acquisition of Assets
  - Note 4 – Disposal of Assets
  - Note 5 – Information on Borrowings
  - Note 6 – Reserves
  - Note 7 – Net Current Assets
  - Note 8 – Rating Information
  - Note 9 – Specified Area Rates
  - Note 10 – Service Charges
  - Note 11 – Fees & Charges Revenue
  - Note 12 – Discounts, Incentives, Concessions & Write-offs
  - Note 13 – Interest Charges and Instalments
  - Note 14 – Councillor's Remuneration

- Note 15 – Notes to the Cash Flow Statement
- Note 16 – Trust Funds
- Note 17 – Trading Undertakings and Major Trading Undertakings

The following supporting information is also presented as part of the 2009/10 Budget:

- Summary of Accounts (Schedules 3 to 14)
- Rate calculations for the Specified Areas of Lake Grace, Newdegate, Lake King and Varley
- 2009/10 Capital and Maintenance Road Program
- Indicative Plant Replacement Schedule 2009 - 2019
- Schedule of Fees and Charges

**Note:** In accordance with Section 112 of the Health Act 1911, waste collection charges for Lake Grace, Newdegate, Lake King and Varley and recycling charges for Lake Grace and Newdegate have been included in the 2009/10 Schedule of Fees and Charges.

Legal Implications

Local Government Act 1995 – section 6.2

Local Government (Financial Management) Regulations – Part 3

Policy Implications

N/A

Community Consultation

Community groups and Councillors have had the opportunity to submit budget requests.

Financial Implications

The Budget document outlines Council's revenues and expenditure for the financial year ending 30 June 2010 and establishes activities which Council will pursue during the 2009/10 financial year.

Strategic Implications

Nil.

Voting Requirements

Absolute majority (5) required.

Recommendation/Resolution

**MOTION 10840**

Moved Cr Farrelly  
Seconded Cr Taylor

**1. Budget Adoption**

That Council, in accordance with the requirements of section 6.2 of the Local Government Act 1995, adopt it's 2009/10 Budget as presented.

**MOTION 10840 continued****2. Adoption of Valuations**

That the Gross Rental Values of \$3,403,445 excluding exempt properties valued at \$180,302 and Unimproved Values of \$257,203,354 excluding exempt properties valued at \$220,600, as advised by the Valuer General applicable as from 1 July 2009 be adopted by Council for the purpose of levying rates and charges.

**3. Minimum Rates**

That the minimum rate for Gross Rental Value Assessments be \$315.00 (\$295.00 for 2008/09) and for Unimproved Value Assessments be \$200.00 (\$190.00 2008/09) for the 2009/10 rateable year.

**4. Rate in the Dollar Gross Rental Value and Unimproved Value**

That the rate in the dollar for the 2009/10 rateable year be set at:

- Gross Rental Value properties – 7.7320 cents in the dollar (7.2677 for 2008/09).
- Unimproved Value properties – 0.6670 cents in the dollar (1.0490 for 2008/09).

**5. Discount**

That no discount be offered to the 2009/10 rating year in respect to rates paid within the 35 days after the date of issue of the rates notice.

**6. Penalty on Rates**

## a) Rates by Instalment:

Rate instalments not paid by the due date of the instalment be subject to a simple interest penalty calculation of 10% per annum calculated daily.

## b) All Other Rates and Charges

All rates and charges outstanding (with the exception of rates being paid by instalments) to incur a 10% penalty after the expiration of 70 days from the date of issue of the rate notice.

**7. Instalment Dates**

That Council offer the options of one (1) payment due in full by 4 September 2009 or 35 days after the date of service appearing on the rate notice, whichever is the later, or two (2) or four (4) equal or nearly equal instalments.

That the following instalments dates be set:

For two (2) instalments:

1 <sup>st</sup> instalment	4 September 2009
2 <sup>nd</sup> instalment	8 January 2010

For four (4) instalments

1 <sup>st</sup> instalment	4 September 2009
2 <sup>nd</sup> instalment	6 November 2009
3 <sup>rd</sup> instalment	8 January 2010
4 <sup>th</sup> instalment	12 March 2010

The administration charge imposed where payment is made by instalments be set at \$10.00 per instalment.

The interest rate imposed where payment is made by instalments be set at 5.5%pa, calculated from the date the instalment is due.

**MOTION 10840 continued****8. Newdegate Indoor Recreation Centre – Loan 170**

That in accordance with section 6.37 of the Local Government Act 1995 the specified area rate to service Loan 170 for the Newdegate Indoor Recreation Centre for the 2009/10 rating year be raised on those properties identified as being within the specified area, as follows:

- Newdegate Gross Rental Valuation properties 0.2707 cents in the dollar (0.5263 cents in 2008/09) and;
- Newdegate Unimproved Valuation properties 0.0142 cents in the dollar (0.0459 cents in 2008/09).

**9. Specified Area Rate – Recreation & Culture Operating Costs**

That in accordance with section 6.37 of the Local Government Act 1995 the specified area rates to recoup costs of recreation and culture operating expenses for the Lake Grace, Newdegate, Lake King and Varley area being \$481,768, \$178,268, \$88,428 and \$51,237 respectively for the 2009/10 rating year be raised on those properties identified as being within the specified area as follows:

- Lake Grace Gross Rental Valuation properties 6.3053 cents in the dollar (5.9130 cents in 2008/09);
- Lake Grace Unimproved Valuation properties 0.3928 cents in the dollar (0.6188 cents in 2008/09);
- Newdegate Gross Rental Valuation properties 3.8391 cents in the dollar (5.2487 cents in 2008/09);
- Newdegate Unimproved Valuation properties 0.1601 cents in the dollar (0.3668 cents in 2008/09);
- Lake King Gross Rental Valuation properties 2.5226 cents in the dollar (1.9066 cents in 2008/09);
- Lake King Unimproved Valuation properties 0.1748 cents in the dollar (0.2260 cents in 2008/09);
- Varley Gross Rental Valuation properties 3.2915 cents in the dollar (4.0642 cents in 2008/09) and;
- Varley Unimproved Valuation properties 0.1589 cents in the dollar (0.3256 cents in 2008/09).

**10. Television Service Charges**

That in accordance with section 6.32 and 6.38 of the Local Government Act 1995, Council levy a television service charge for the 2009/10 rating year of

- \$53.50 per service (\$35.00 in 2008/09) on properties within the Lake Grace townsite;
- \$62.50 per service (\$45.00 in 2008/09) on properties within the Newdegate townsite and;
- \$215.00 per service (\$115.00 in 2008/09) within the Lake King townsite.

**11. That the rates for the Lake Grace Sewerage Scheme for 2009/10 rating year be based on the schedule of rates approved by Cabinet in respect to subsidised sewerage schemes, being:**

- Sewerage Rate to be 2.00 cents (2.00 cents in 2008/09) in the dollar on rateable properties within the Lake Grace Townsite;

**MOTION 10840 continued**

Minimum rates to be:

Residential properties	\$287.50 (\$275.90 in 2008/09)
Commercial properties	\$633.40 (\$607.90 in 2008/09)
Vacant Land properties	\$189.20 (\$181.60 in 2008/09)

Maximum rate: \$716.40 (\$687.50 in 2008/09) (on residential properties valued at more than \$35,820)

Non rateable properties connected to the sewer:

• Class 1 – Institutional, Recreational, Cultural, Education, Religious or Public Amenities:

For each property:

First major fixture	\$170.20 per annum
Each additional fixture	\$74.80 per annum.

• Class 2 & 3 – CBH, State and Local Government Properties of a commercial nature:

Each connection \$945.90 per annum.

**12. Setting of President Allowance, Deputy President Allowance and Sitting Fees**

President Allowance:	\$11,000 (\$10,500 in 2008/09)
Deputy President Allowance:	\$2,750 (\$2,625 in 2008/09)

Council Meeting Sitting Fee: President \$280.00 per meeting  
Councillors \$140.00 per meeting

Committee Meeting Sitting Fee: Committee Members \$70.00 per meeting

**Note:** The Committee Meeting Sitting Fee only applies if the committee is a committee of Council.

**13. Schedule of Fees and Charges**

That the 2009/10 Schedule of Fees and Charges be accepted.

**14. Materiality Variance**

That Council adopts the percentage of plus or minus 10%, subject to a minimum value threshold of \$5,000, to be used for the reporting of variances of actual expenditure and revenue to budgeted expenditure and revenue, in the Monthly Statement of Financial Activity.

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

*The Shire President thanked and commended the Manager Corporate Services, Mr Mark Burbridge for his diligence in the preparation of the budget.*

2.53pm

*Mr Burbridge left the meeting.*



<b>15.0 MATTERS FOR CONSIDERATION – ADMINISTRATION</b>
--

**15.1 FORMATION OF A VOLUNTARY REGIONAL ORGANISATION OF COUNCILS (VROC) – PROPOSED MEMORANDUM OF UNDERSTANDING**

<b>Applicant:</b>	Chief Executive Officer
<b>File No.</b>	0031
<b>Attachments:</b>	Draft Certificate of Agreement / Memorandum of Understanding
<b>Author:</b>	Mr Jim Fraser Chief Executive Officer
<b>Disclosure of Interest:</b>	Nil
<b>Date of Report:</b>	13 July 2009
<b>Senior Officer:</b>	Mr Jim Fraser Chief Executive Officer

Summary

This report recommends that Council enter into an Agreement for the formation of a Voluntary Regional Organisation of Councils (VROC) with the Shires of Dumbleyung and Kent.

Background

Both Councillors and staff have attended various forums and meetings to discuss local government reform arising out of the SSS report. There has been an escalation in interest in the reform process since the Hon Minister for Local Government announced in February 2009 that he was considering compulsory amalgamation within local government. Whilst he appears to have softened his stance there is no doubt that he intends to reform local government in some way.

Prior to the Minister's announcement, Cr De Landgraftt and the Chief Executive Officer attended a meeting in Ravensthorpe in January 2009 to discuss the formation of a VROC. The meeting was attended by representatives from the Shires of Kent, Jerramungup and Ravensthorpe.

Council, at its 22 April 2009 Ordinary Meeting, resolved:

*"That Council continues to liaise with the Shires of Kent and Dumbleyung for the possible formation of a Voluntary Regional Organisation of Councils."*

In discussions relative to the above resolution Council indicated that there was little support for ongoing discussions with the Shires of Jerramungup and Ravensthorpe in relation to the formation of a VROC. On that basis recent discussions have continued with the Shires of Kent and Dumbleyung.

Comment

The Chief Executive Officer met with the CEO's of Kent and Dumbleyung on Tuesday 8<sup>th</sup> July 2009 to discuss a suitable Memorandum of Understanding for the formation of a Voluntary Regional Organisation of Councils between the three Shires. The document under consideration is based on the outcome of similar arrangements in other parts of the Wheatbelt. A copy of the document is attached.

There are obvious concerns in entering into an agreement particularly as they have no basis in law and as stated are voluntary. There is always the fear that if certain circumstances prevail, one or more of the signatories may exit the agreement. There is legislative support for the formation of a Regional Council however with certainty comes a raft of compliance and operational conditions. Generally regional organisations have been established in the metropolitan area to undertake specific tasks such as the operation of a landfill site.

With the ongoing reform process there is now some urgency for Council to formalise some form of regional cooperation. The Department of Local Government requires Councils to advise their regional grouping by 1<sup>st</sup> September 2009. This is based on the terms for future access to the Country Local Government Fund established under the guise of Royalties for Regions funding. For the 2009/10 financial year Council's Royalties for Regions allocation will reduce from \$750,000 to \$480,988 with the balance of the funds being made available to the regional grouping. For the 2010/11 financial year 50% of the allocation will be allocated to the regional grouping. It is obviously a concern that whilst the Nationals have stated they do not support amalgamation they have provided tacit agreement by their acceptance of these conditions relative to regional groupings.

Based on the allocations for Dumbleyung, Kent and Lake Grace the total funds available for expenditure on regional projects for the 2009/10 financial year will be approximately \$690,000 rising to approximately \$980,000 in the 2010/11 financial year. An obvious impediment to acquiring the funding is the current requirement that all 2008/09 funds must be acquitted before future allocations will be released.

Without the benefit of knowing the future direction of local government and in the opinion of the author, the lack of guidance from the Minister, it is recommended that Council enter into a voluntary agreement with the Shires of Dumbleyung and Kent. The recommendation could well be qualified by acknowledging that with the level of funding available for regional projects there maybe a need to establish a more formal agreement in the future.

In terms of administration, some VROC's have appointed Executive Officers to assist the member councils. There are a number of consultants available to support the local government industry. At this early stage and under the terms of the proposed Agreement, the duties would be performed by the host Council.

The Agreement also proposes that the Group be referred to as the 'Lakes Voluntary Regional Organisation of Councils'.

Legal Implications

There is no basis in law for the formation of a Voluntary Regional Organisation of Councils.

Policy Implications

N/A

Consultation

External: Shire of Dumbleyung  
Shire of Kent  
Internal: Manager Corporate Services  
Manager Community Services

Financial Implications

Council may need to make a financial contribution towards the costs of meetings and other activities for the VROC.

Strategic Implications

**Shire of Lake Grace Strategic Plan - Item 6 Leadership**

6.1 Develop and implement through collaboration with other local state and federal government agencies resource sharing and regional service delivery.

Voting Requirements

Simple majority required.

Recommendation/Resolution

**MOTION 10841**

Moved Cr Milton  
Seconded Cr De Landgraft

That Council sign a Certificate of Agreement to enter into a Memorandum of Understanding with the Shires of Dumbleyung and Kent with the intent of developing an alliance that responds proactively to the changing environment whilst maintaining individual identities.

**MOTION CARRIED 9/0**

**15.2 USE OF THE COMMON SEAL – LAKE GRACE SPORTSMAN’S CLUB INC LEASE**

**Applicant:** Lake Grace Sportsman’s Club Inc  
**File No.** 0298  
**Attachments:** Lease Agreement  
**Author:** Mrs Lee-Anne Trevenen  
Senior Administration Officer  
**Disclosure of Interest:** Nil  
**Date of Report:** 15 July 2009  
**Senior Officer:** Mr Jim Fraser  
Chief Executive Officer

Summary

This report recommends Use of the Common Seal on the Lease Agreement between the Shire of Lake Grace and the Lake Grace Sportsman’s Club Inc.

Background

The Lessor (Shire of Lake Grace) has agreed to lease the said land (Lake Grace Lot 250 on Reserve 27749) to the Lessee (Lake Grace Sportsman’s Club Incorporated) for a term expiring on 14<sup>th</sup> October 2020.

Comment

The Use of the Common Seal on the relevant documentation is necessary to give effect to the Agreement.

Legal Implications

Approval for a lease on Reserve 27740 was sought from the Department of Planning and Infrastructure and approval was granted for the purposes of Section 18 of the Land Administration Act 1997.

Policy Implications

Policy 1.11 – Use of Common Seal

Consultation

N/A

Financial Implications

The Agreement states said term rent shall be calculated and paid at the clear annual rental of two dollars (\$2.00).

Strategic Implications

Nil

Voting Requirements

Simple majority required.

Recommendation/Resolution

**MOTION 10842**

Moved Cr Newman  
Seconded Cr Dunkeld

That, in accordance with Council Policy 1.11, the Use of the Common Seal is approved for the Lease Agreement between the Shire of Lake Grace and the Lake Grace Sportsman's Club Incorporated.

**MOTION CARRIED 9/0**

**15.3 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION – AUGUST 2009 ANNUAL GENERAL MEETING**

**Applicant:** Western Australian Local Government Association  
**File No.** 0029  
**Attachments:** Agenda items  
**Author:** Mr Jim Fraser  
Chief Executive Officer  
**Disclosure of Interest:** Nil  
**Date of Report:** 15 July 2009  
**Senior Officer:** Mr Jim Fraser  
Chief Executive Officer

Summary

This report has been prepared to provide direction to Council's voting delegates for the Annual General Meeting of the WA Local Government Association (WALGA) to be held on 8<sup>th</sup> August 2009.

Background

WALGA has released its agenda for the Annual General Meeting to be held on 8<sup>th</sup> August 2009.

There are three (3) items on the agenda for decision at the Annual General Meeting. Registered voting delegates for the Shire of Lake Grace are Crs Chamberlain and De Landgraft.

Comment

Council may wish to include in its recommendation that the voting delegates are able to change their position on the vote following debate on the item to reflect the best interests of the Shire.

Background information on each item is contained within the attachment and comments are as follows:

**3.1 Review of Public Open Space Requirements**

The Western Australian Planning Commission policy DC 2.3 requires developers of land through subdivision to set aside 10% of the land for Public Open Space. The motion is recommending that the area for Public Open Spaces be increased based on the requirement for recreation facilities development. It also includes a request to WALGA to gain the support of the Department of Sport and Recreation.

**3.2 Western Power Inspections & Replacement of Power Poles**

There is a body of evidence which reflects badly on the capacity of Western Power to carry out its obligations in relation to the inspection and replacement of power poles.

### **3.3 Deregulation of Airline Services to Regional Western Australia**

Recent press reports advise that the Minister for Transport has reviewed the contracts for regional airline services for the 2009/10 financial year pending a review of the deregulation issue. There may not be the same urgency, however deregulation does ensure that services will be maintained.

#### Legal Implications

Voting on the proposed motions will be in accordance with WALGA's Constitution.

#### Policy Implications

Nil

#### Consultation

N/A

#### Financial Implications

There is allocation in the 2009/10 budget for Councillor and staff attendance at the AGM.

#### Strategic Implications

N/A

#### Voting Requirements

Simple majority required.

#### Recommendation/Resolution

#### **MOTION 10843**

Moved Cr Milton  
Seconded Cr Taylor

That Council:

1. Provide the following direction to its voting delegates to this year's Annual General Meeting of the Western Australian Local Government Association:

- Item 3.1 Review of Public Open Space Requirements – **support**
- Item 3.2 Western Power Inspections & Replacement of Power Poles – **support**
- Item 3.3 Deregulation of Airline Services to Regional Western Australia – **support**

2. Authorise its delegates to change their position on voting following debate on the item to reflect the best interests of the Shire.

**MOTION CARRIED 9/0**

3.00pm

*Meeting adjourned for afternoon tea.*

3.23pm Meeting reconvened with all those previously in attendance present with the exception of Mr Burbridge.

**15.4 CHIEF EXECUTIVE OFFICER – APPOINTMENT & CONTRACT**

3.44pm Cr Farrelly left the meeting and returned at 3.46pm

<b>Applicant:</b>	Council
<b>File No.</b>	0012
<b>Attachments:</b>	Contract (to be tabled at the meeting)
<b>Author:</b>	Mr Jim Fraser Chief Executive Officer
<b>Disclosure of Interest:</b>	Nil
<b>Date of Report:</b>	16 July 2009
<b>Senior Officer:</b>	Mr Jim Fraser Chief Executive Officer

Summary

For Council to confirm the appointment and signing of contract for the new Chief Executive Officer, Mr Sean Fletcher.

Background

Council, at its 14 July 2009 Special Meeting resolved to make an in-principle offer of employment for the position of Chief Executive Officer to Mr Sean Fletcher. The offer was based on a five (5) year negotiated contract with a commencement date of 1 September 2009. Mr Mike Fitz Gerald of Fitz Gerald Strategies was authorised to negotiate the contract.

Mr Fletcher has now accepted the position and contractual arrangements have been agreed upon. The final contract document will be tabled at the meeting.

Comment

Council Policy 4.3, in accordance with section 5.37 (1) of the Local Government Act 1995, designates the position of Chief Executive Officer as a senior position of Council. In accordance with Section 5.37(2) of the Act, it is a requirement that Council be informed of each proposal to employ a senior employee.

In accordance with s5.37 (3), Mr Fletcher's employment contract is based on a package of \$179,945 inclusive of a cash component of \$120,000 private use of a motor vehicle, superannuation, accommodation and utilities.

Legal Implications

Local Government Act 1995, section 5.36 – Local Government Employees

Local Government Act 1995, section 5.37 – Senior Employees

Local Government Act 1995, section 5.38 – Annual Review of Certain Employees' Performance

Local Government Act 1995, section 5.39 – Contracts for CEO's and senior employees

Local Government Officers Award 1999



Policy Implications

Council Policy 1.11- Use of the Common Seal

Council Policy 4.3 - Staff designated as Senior Employees for the purposes of the Local Government Act 1995.

Consultation

N/A

Financial Implications

As indicated, the cost of the CEO contract is \$179,945.00 and includes a cash component of \$120,000, 14% superannuation, full private use of a motor vehicle and rent free accommodation.

Strategic Implications

N/A

Voting Requirements

Simple majority required.

Recommendation/Resolution

**MOTION 10844**

Moved Cr Chamberlain  
Seconded Cr De Landgraft

That:

1. Council confirm the appointment of Mr Sean Fletcher to the position of Chief Executive Officer, and the signing of a five year contract commencing 1 September 2009 to be recompensed by way of an employment package valued at \$179,945.00 per annum under agreed terms and conditions specified in the contract of employment.
2. That, in accordance with Council Policy 1.11, the Use of the Common Seal is approved for the Contract of Employment.

**MOTION CARRIED 9/0**

3.47 pm Ms Owen left the meeting and returned at 3.49pm.

**16.0 URGENT BUSINESS BY DECISION OF THE MEETING**

None.

**17.0 SCHEDULING OF MEETING**

**17.1 AUGUST 2009 ORDINARY MEETING**

**Motion 10720 December 2008 states:**

An Ordinary Meeting of Council will be held on Wednesday 26 August 2009, commencing at 1:00pm at Council Chambers, 1 Bishop St Lake Grace.

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

None.

**19.0 CLOSURE**

There being no further business, the Chairperson closed the meeting at 3.52 pm.

**20.0 CERTIFICATION**

I Ian Geoffrey Chamberlain certify that the minutes of the meeting held on the 22 July 2009 as shown were confirmed as a true record at the meeting held on the 26 August 2009.

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Date