

Shire of Lake Grace

Ordinary Council Meeting

Minutes

24 August 2011



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SHIRE OF LAKE GRACE

Minutes of the Ordinary Meeting of Council held at Council Chambers, 1 Bishop St, Lake Grace, WA on Wednesday 24 August 2011.

1.0 OPENING & ANNOUNCEMENT OF VISITORS

The Chairperson (Shire President) opened the meeting at 3.05 pm.

2.0 ATTENDANCE RECORD

2.1 PRESENT

Cr AJ Walker	Shire President
Cr IG Chamberlain	Deputy Shire President
Cr LW Armstrong	
Cr R Chappell	
Cr OP Farrelly	
Cr JF De Landgraft	
Cr AI Milton	
Cr DP Sinclair	
Mr SK Fletcher	Chief Executive Officer
Ms S Appleton	Manager Corporate Services
Ms D Lloyd	Manager Community Services (Acting)
Mrs L Trevenen	A/Executive Assistant
Mr A Marshall	Observer
Mrs M Naisbitt	Observer
Mr D Spencer	Observer
Mrs T Spencer	Observer

2.2 APOLOGIES

Cr WA Newman

2.3 LEAVE OF ABSENCE PREVIOUSLY GRANTED

Resolution 11252 – 27 July 2011

Cr R Chappell – Leave of absence granted 26 September 2011-7 October 2011.

3.0 PUBLIC QUESTION TIME

3.1 MR D SPENCER & MRS T SPENCER

Mr and Mrs Spencer asked the following questions:

1. In regard to the onerous emphasis by elected members placed on measuring the CEO's Key Performance Indicators, can the electors ask that our elected members also use some key performance indicators to measure their own performance and standards on key issues, specifically the handling of the ward review up until this point?

2. Would not a key performance indicator be to comply with the statutory requirements on Local Government Law? Is the council outside of this requirement? Do elected members realize that this is deliberately negligent and poor governance and deserves the intense scrutiny it is getting by the wider community and the LGAB?
3. Assessing Key Performance Indicators, would it be that the bungling and continued delaying of this ward review process is incompetent, or is it an irresponsible tactic employed by the elected members to maintain the status quo of an imbalance until after the 2011 elections, both a fail to measure up to quality and fair leadership?
4. Do elected members realize that by taking this course of delayed inaction, 208 electors will get no representation whatsoever for another two years? Does this constitute democratic and fair governance? What can be done about this?

Reply: In answer to the above questions the President and CEO referred to the following existing measures in regard to the linking of KPI's to elected member performance:

- **Elected Members Code of Conduct Legislation.**
- **The Shire of Lake Grace Standing Orders Local Law which provides for the orderly conduct of meetings of the Council and Committees and the making of effective petitions and the safe keeping and use of the common seal.**
- **Local Government elections which are held every four years.**
- **The Department of Local Government's various operational guidelines relating to good practice in local government.**

5. Has Dr Francois Jacobs signed a contract with the Shire of Lake Grace to provide Primary Health Services yet? If not, why was it put in the Newdegate Gate Post that this issue is resolved? Who is responsible for this? Has this information/misinformation come from elected members, as this is not what the Shire minutes say?

Reply: The CEO confirmed that Dr Jacobs has signed an offer from the Shire.

The President advised that he is not aware of the Gatepost article in question or who may have put and that it is not in the best interests of the community. The CEO advised that the question will be taken on notice with a written response to be provided.

4.0 APPLICATIONS FOR LEAVE OF ABSENCE

None.

5.0 MINUTES OF PREVIOUS COUNCIL MEETINGS

5.1 ORDINARY MEETING – 27 July 2011

Resolution

MOTION 11276

Moved Cr Armstrong
Seconded Cr De Landgraft

That the minutes of the Ordinary Meeting of Council held on the 27 July 2011 be confirmed as a true and accurate record.

MOTION CARRIED 8/0

5.2 SPECIAL MEETING – 17 August 2011

Resolution

MOTION 11277

Moved Cr Farrelly
Seconded Cr Chappell

That the minutes of the Special Meeting of Council held on the 17 August 2011 be confirmed as a true and accurate record.

MOTION CARRIED 8/0

6.0 DECLARATIONS OF INTEREST

6.1 DECLARATIONS OF FINANCIAL INTEREST – LOCAL GOVERNMENT ACT 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

None

10.0 MEMBERS' REPORTS

10.1 CR FARRELLY

Local Government Convention 2011 – Localism Leading The Way

Imagine my surprise when booking into the Pan Pacific to discover I was from the Shire of Burngup!

The convention was good with guest speakers being of a very high standard.

The key note speaker Dr Jung Chung, a gifted story teller and author. Her life story about growing up in China under Mao and her move to England in 1978 at the age of 26. Mao had a vision of making China a super power. To do this he exported much of China's grain to buy iron to make weapons. In the process he starved to death 40 million of his own people. Dr Jung's message was that Mao's influence is still very strong in China which is evident from the way his picture is displayed in prominent places including China's bank note. There is also a resurgence of Mao's philosophy and he is revered by many in the party.

Despite her talent as an author, Dr Jung's books are banned in China. Dr Jung's story is interesting as Australia ponders the purchase of land by the Chinese.

Other points from other speakers:

- Don't worry about training your staff and then them leaving you. It's more of a worry if you don't train them and they stay with you.
- Bob Abbott said local government reform in South East Queensland was a disaster but they live with it.
- Local Governments need leadership and unity
- It can be difficult to bring a new economy into a community – be aware of what you have and make use of it. Stop saying "but"

Shared Services - Libraries, Hidden Treasures and Rubbish.

Greg Hadlow from the Kulin Shire explained the journey with sharing rubbish collection with other Shires. Expensive in the short term and will be a plus in the long term.

An enjoyable convention.

10.2 CR CHAMBERLAIN

Reported attendance at a meeting with the Department of Planning for induction onto the Development Assessment Panel to which he has been appointed.

10.3 CR CHAPPELL

Also reported attendance at a Department of Planning Development Assessment Panel induction at Northam.

10.4 CR WALKER

Cr Walker apologized on being unable to attend the Local Government Convention – he was working on the Centenary.

11.0 MATTERS FOR CONSIDERATION – WORKS & SERVICES

11.1 CAMPAIGN FOR PERMANENT ROADS TO RECOVERY PROGRAM

Applicant:	Australian Local Government Association
File No.	0467
Attachments:	Letter from Cr Genia McCaffery ALGA Shire President
Author:	Mr Sean Fletcher Chief Executive Officer
Disclosure of Interest:	Nil
Date of Report:	10 August 2011
Senior Officer:	Mr Sean Fletcher Chief Executive Officer

Summary

The purpose of this report is to seek Council's agreement to be part of the new campaign to make Roads to Recovery a permanent program.

Background

The Australian Local Government Association (ALGA) has written to the Shire seeking Council to pass a resolution endorsing support for a new Roads to Recovery Program.

As a result of a sustained local government campaign in 2000, the first Roads to Recovery Program was introduced when the Commonwealth announced on 27 November 2000 there would be funding for such an initiative over four years. In particular, the second reading speech for the Roads to Recovery Bill states by way of explanation:

“For too long local roads have been Australia's forgotten roads...This bill demonstrates that the government is serious about the renewal of local roads and recognises they are an essential element of the economic and social infrastructure of Australia's communities-rural, regional and metropolitan...The government is aware that councils, particularly those in rural and regional Australia, are faced with significant problems of maintaining local roads from within existing funding. ...The economic and social importance of local roads is increasing with the expansion and emergence of new rural industries-with higher transport demands, including higher mass limits-and with frequent lack of transport alternatives. Local roads are an essential feeder to other parts of the transport system and between rural, regional and urban areas. They are vital to the sustainability and recovery of rural and regional Australia. Access to education, health care, shops and amenities, as well as markets, overwhelmingly depends on local roads.”

At the 2010 National Roads Congress in Bunbury, the ALGA commissioned research that shows the national shortfall in the level of funding for local roads amounts to \$1.2 billion annually.

The proposed motion calls for the Roads to Recovery Program to be made permanent at a rate that recognises the backlog of needs on local roads and continuation of the current popular and successful arrangements.

ALGA's president is also asking each local government to write to the Prime Minister, the Leader of the Opposition and their local Federal member of Parliament to advise them of Council's support for the recognition of the new program.

The new national campaign will be launched at the National Roads Congress in Mount Gambier from 16 -18 November 2011.

Comment

Roads to Recovery has not only become an important source of funding for the Shire of Lake Grace, but for local government as a whole throughout Australia. In particular, Roads to Recovery funding was introduced on the basis that the level of the Financial Assistance Grants (FAGs) has fallen as a proportion of GDP and so could not deliver the much needed funding to bring local roads up to scratch. However, this program is not permanent and is subject to ongoing budget scrutiny.

For the Shire of Lake Grace, the allocation for the life of the current program 2009/10 – 2013-14 is \$2,915,310, and \$583,062 for 2011/12. Please note that this is one of the largest allocations for a local government in Western Australia outside of the cities. Only the Shires of Manjimup, Esperance and East Pilbara receive a larger allocation.

Such an initiative to address the road funding backlog is also supported by the work that undertaken by the Australian Wide Rural Road Group, of which the Shire is also a member.

It is very clear that the Shire requires the continued level of funding it has received under the Roads to Recovery Program to date. The Shire could not in this day and age cover the level of funding provided under the Roads to Recovery Program should such a program cease after 2013-14.

The campaign proposed by the ALGA is warranted and the Shire is encouraged to send as many representatives as possible to the National Roads Congress in Mount Gambier.

Legal Implications

Nil.

Policy Implications

Nil

Consultation

Nil

Financial Implications

Nil – Should Roads to Recovery become a permanent program then this can be factored into any long term financial planning strategy and road programming in general.

Strategic Implications

Shire of Lake Grace Strategic Plan

Focus 4 - Roads

Strategy 4.2 – Undertake a review of the Shire's roads and determine their suitability to meet the needs of its users:

- Maintenance;
- Construction;
- Asset Preservation;
- Road Train Access;
- Alternative building materials;
- Communication methods.

Voting Requirements

Simple majority required.

Recommendation/Resolution

MOTION 11278

Moved Cr Milton
Seconded Cr Chappell

That the Shire of Lake Grace calls on the Federal Government to:

- Recognise the successful delivery of the Roads to Recovery Program by local government since 2000;
- Continue the Roads to Recovery Program on a permanent basis to assist local government meet its responsibilities of providing access for its communities; Continue the Roads to Recovery Program with its current administrative arrangements; and
- Provide an increased level of funding under a future Roads to Recovery Program that recognises the shortfall of funding on local roads of \$1.2 billion annually.

MOTION CARRIED 8/0

12.0 MATTERS FOR CONSIDERATION – PLANNING
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12.1 PROPOSED ROAD CLOSURE – UNCONSTRUCTED PORTION OF BOULTON STREET, LAKE GRACE

Applicant:	Shire of Lake Grace
File No.:	0355 & 0369
Attachments:	Plans 1 to 5
Author:	Messrs Joe Douglas & Carlo Famiano (Urban & Rural Perspectives) Town Planning Consultant
Disclosure of Interest:	Nil
Date of Report:	17 August 2011
Senior Officer:	Mr Sean Fletcher Chief Executive Officer

Summary

This report recommends that Council resolve to initiate the process required to permanently close an unconstructed portion of the Boulton Street road reserve in the Lake Grace townsite to enable the land to be incorporated in the proposed new light industrial/service commercial subdivision currently being progressed by LandCorp.

Background & Comment

The Shire of Lake Grace has been undertaking various tasks to progress the subdivision development of various Crown landholdings along Dewar Street, Lake Grace for light industrial/service commercial purposes (namely Lots 3001 & 166 Dewar Street and an unconstructed portion of the Boulton Street road reserve area) (see Plans 1 to 4).

On 22 June 2009 the Shire secured conditional approval from the Western Australian Planning Commission (WAPC) to subdivide the subject land to create a total of nine (9) new individually titled lots. Following the issuance of subdivision approval by the WAPC, the Shire initiated the required process to permanently close that portion of the Boulton Street road reserve abutting the northern and western boundaries of Lot 166 Dewar Street.

The State Land Service Division of the Department of Regional Development and Lands (SLS) has confirmed that the proposed road closure is currently being processed and will be finalised in the near future.

As Council is aware the Shire has entered into a joint venture agreement with LandCorp to undertake the subdivisional works. Physical works associated with Stage 1 being the creation of 3 new lots is due to commence in the final quarter of this year, with lots being made available in the first quarter of 2012.

During the detailed subdivision design stage of the project the Shire and LandCorp identified an opportunity to incorporate a surplus portion of the Boulton Street road reserve between the eastern boundary of Lot 166 and the Dewar Street road reserve to provide for the creation of one (1) additional lot which is shown as proposed Lot 10 on Plan 5 attached to this report.

In order to progress the creation of proposed Lot 10 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 the proposal for a minimum period of thirty five (35) days in a newspaper circulating in the district;
- ii. Provide written notification of the proposal to all adjoining landowners and relevant service authorities; and
- iii. Assess all submissions received following completion of the thirty five (35) day public advertising period and present a report to Council to assist it make a final decision as to whether or not to proceed with a request to the Minister for Land's for approval to the road closure.

Given the potential benefits of the proposed road closure in terms of creating an additional light industrial/service commercial lot within the Lake Grace townsite, it is recommended that Council resolve to initiate the process required to permanently close the required portion of the Boulton Street road reserve in accordance with the details of Plan 2 prepared in support of this report.

Additional Information

The portion of the Boulton Street road reserve subject to the proposed road closure identified above is currently classified 'No Zone' in the Shire of Lake Grace's Local Planning Scheme No.4 (LPS No.4).

Should Council resolve to initiate the road closure it will also need to amend LPS No.4 by reclassifying that portion of Boulton Street from 'No Zone' to 'Service Commercial' zone to enable the land to be included as part of the proposed subdivision development. A separate report addressing the required scheme amendment has been prepared for Council's consideration as part of this Agenda.

Legal Implications

Land Administration Act 1997

Land Administration Regulations 1998

Policy 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 the *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 \$5,000.00 excluding GST.

Strategic Implications

The permanent closure of the unconstructed portion of Boulton Street will enable the creation of one (1) additional light industrial/service commercial lot in the lake Grace townsite which is generally consistent with the strategic direction for future development in the Lake Grace townsite prescribed in the Shire's current Local Planning Strategy.

Voting Requirements

Simple majority required

Recommendation/Resolution

MOTION 11279

Moved Cr Farrelly
Seconded Cr Chappell

That Council initiate the process required to provide for the proposed closure of an unconstructed portion of the Boulton Street road reserve between the eastern boundary of Lot 166 Dewar Street and the Dewar Street road reserve, Lake Grace to enable the land to be incorporated in the proposed new light industrial/service commercial subdivision currently being progressed by LandCorp and authorise the Shire Administration to proceed with the following key tasks:

- i) Advertise the proposal for a minimum period of thirty five (35) days in a newspaper circulating in the district;
- ii) Provide written notification of the proposal to all adjoining landowners and relevant service authorities; and
- iii) Assess all submissions received following completion of the thirty five (35) day advertising period and prepare and submit a final report and recommendation to Council on whether or not to proceed with a request to the Minister for Land's for approval to the road closure proposal.

MOTION CARRIED 8/0

12.2 PROPOSED AMENDMENT NO.1 TO LOCAL PLANNING SCHEME NO.4

Applicant:	Shire of Lake Grace
File No.:	0369 & 0525
Attachments:	Plans 1 to 5
Author:	Messrs Joe Douglas & Carlo Famiano (Urban & Rural Perspectives) Town Planning Consultant
Disclosure of Interest:	Nil
Date of Report:	17 August 2011
Senior Officer:	Mr Sean Fletcher Chief Executive Officer

Summary

This report recommends that Council initiate the process required to amend the classification of the unconstructed portion of the Boulton Street road reserve between the eastern boundary of Lot 166 Dewar Street and the Dewar Street road reserve, Lake Grace from 'No Zone' to 'Service Commercial' zone under the Shire of Lake Grace Local Planning Scheme No.4 to enable this land to be incorporated in the proposed new light industrial/service commercial subdivision currently being progressed by LandCorp.

Background & Comment

As mentioned in item 12.1 above the Shire of Lake Grace has:

- i) undertaken various tasks to progress the proposed subdivision development of a portion of the Boulton Street road reserve and Lots 3001 & 166 Dewar Street, Lake Grace for light industrial/service commercial purposes;
- ii) secured conditional approval from the Western Australian Planning Commission (WAPC) to subdivide the subject land to create a total of nine (9) new individually titled lots;
- iii) entered into a joint venture agreement with LandCorp to undertake the subdivision development of the subject land; and
- iv) agreed to include a surplus portion of the Boulton Street road reserve between the eastern boundary of Lot 166 and the Dewar Street road reserve as part of the overall subdivision development to facilitate the creation of one (1) additional lot (shown as proposed Lot 10 on Plan 5 attached to this report) subject to obtaining the necessary approval from the Minister for Lands to permanently close the relevant portion of the Boulton Street road reserve.

Under the terms of the Shire of Lake Grace's Local Planning Scheme No.4 (LPS No.4) that portion of the Boulton Street road reserve proposed to be closed is currently classified 'No Zone'. In order to enable this land to be incorporated in the proposed new light industrial/service commercial subdivision and subsequently developed for these purposes in the future, a suitable amendment to LPS No.4 is required to change the land's classification from 'No Zone' to 'Service Commercial' zone.

Given the timeframes typically associated with progressing amendments to local planning schemes (i.e. 12 to 18 months), it is recommended that Council initiate the scheme amendment process immediately to avoid any potential delays to the implementation of the Dewar Street light industrial/service commercial subdivision project.

Legal Implications

Shire of Lake Grace Local Planning Scheme No.4
Planning and Development Act 2005
Town Planning Regulations 1967
Environmental Protection Act 1986

Policy Implications

Nil

Consultation

In the event that Council resolves to initiate the required amendment to Local Planning Scheme No.4, the proposal will be referred to the Environmental Protection Authority (EPA) for environmental clearance. Should environmental clearance be obtained the proposal will then be advertised for a minimum period of forty two (42) days. This process will include appropriate notices in local newspapers and/or letters to adjoining/nearby landowners and letters to all relevant service authorities.

Financial Implications

It is estimated that the process required to be followed to Scheme Amendment will cost in the order of \$6,000 excluding GST.

Strategic Implications

The proposed Scheme Amendment will help to facilitate the creation of one (1) additional light industrial/service commercial lot in the Lake Grace townsite which is generally consistent with the strategic direction for future development in the Lake Grace townsite prescribed in the Shire's current Local Planning Strategy.

Voting Requirements

Simple majority required.

Recommendation/Resolution

MOTION 11280

Moved Cr Milton
Seconded Cr Farrelly

That Council:

1. In pursuance of section 75 of the *Planning and Development Act 2005* (as amended), amend the Shire of Lake Grace Local Planning Scheme No.4 by reclassifying the unconstructed portion of the Boulton Street road reserve between the eastern boundary of Lot 166 Dewar Street and the Dewar Street road reserve, Lake Grace from 'No Zone' to 'Service Commercial' zone and modify the Scheme Map accordingly.
2. Grant delegated authority to the Shire President and Chief Executive Officer to sign and seal the amendment documentation as required during the processing period; and
3. Authorise the Shire's Chief Executive Officer to make all necessary arrangements to progress the scheme amendment proposal in accordance with the procedural requirements of the *Town Planning Regulations 1967* (as amended).

MOTION CARRIED 8/0

3.25 pm

*Mr & Mrs Spencer left the meeting.***12.3 PROPOSED SUBDIVISION – LOT 85 TAMAR TERRACE, VARLEY**

Applicant:	Co-Operative Bulk Handling Limited on behalf of Firepeak Holdings Pty Ltd (Landowner)
File No.:	0372
Attachments:	Plans 6 to 9
Author:	Messrs Joe Douglas & Carlo Famiano (Urban & Rural Perspectives) Town Planning Consultant
Disclosure of Interest:	Nil
Date of Report:	17 August 2011
Senior Officer:	Mr Sean Fletcher Chief Executive Officer

Summary

This report recommends that a subdivision application submitted to the Western Australian Planning Commission (WAPC) by Co-Operative Bulk Handling Limited (CBH) on behalf of Firepeak Holdings Pty Ltd (landowner) and referred to the Shire for review and comment be supported by Council subject to conditions.

Background

Lot 85 Tamar Terrace, Varley is a rural landholding abutting the northern and eastern boundaries of the Varley townsite. The land comprises an area of approximately 1,524 hectares and has been extensively cleared for broadacre agricultural purposes (i.e. cropping & grazing).

Lot 85 contains a number of physical improvements associated with its current agricultural use including dams, internal access tracks and fencing. The land also contains a number of physical improvements associated with Co-Operative Bulk Handling's (CBH) grain handling and storage facilities located along its western boundary (see Plans 6 to 8).

At its Ordinary Meeting held on 25 February 2004 the Lake Grace Shire Council considered a similar application for the proposed subdivision of Lot 85 Tamar Terrace, Varley for the purpose of creating one (1) additional lot to facilitate the establishment of a grain handling and storage facility on the land by CBH (WAPC Ref: 124341). Council resolved to support the subdivision proposal subject to conditions (Item 11.10).

It would appear, given this new subdivision application, that CBH and the current landowner did not proceed to finalise the original subdivision approval granted by the WAPC in 2004 for Lot 85. Given this fact the original subdivision approval has now expired.

In order to progress the proposed subdivision CBH has prepared and submitted a new application to the WAPC seeking re-approval to subdivide Lot 85 to create two (2) new separately titled lots (i.e. one for grain handling and storage purposes and a balance-of-title agricultural lot).

Specific details of the proposed subdivision are shown on the attached Plan 9 and summarised in the following table:

Lot Particulars	Existing Land Area(Approx.)	Proposed Land Area(Approx.)
Existing Lot 85	1,524.2 ha	-
Proposed Lot 86 ('grain storage lot')	-	10.085 ha
Proposed Lot 87 ('balance-of-title rural lot')	-	1,514.115 ha

In considering the new application Council should note that the latest subdivision plan for Lot 85 varies slightly from the original approved subdivision plan in that the area of the proposed new 'grain storage lot' has been reduced from 11.4090 to 10.085 hectares.

Comment

In considering the subdivision application Council is required to have due regard for the relevant provisions contained in the following planning documents prior to formulating its response to the WAPC:

- Shire of Lake Grace Local Planning Scheme No.4;
- WAPC Development Control Policy No.DC 3.4 – 'Subdivision of Rural Land'.
- State Planning Policy 4.1 – 'State Industrial Buffer'

The following is an assessment of the subdivision proposal in the context of the specific requirements of these planning documents to determine its general suitability.

Shire of Lake Grace Local Planning Scheme No.4

The subject land is currently classified 'General Agriculture' zone in the Shire of Lake Grace Local Planning Scheme No.4 (LPS No.4).

A key objective of the land's current 'General Agriculture' zoning classification is to ensure the continuation of broad hectare farming as the principle land use within the district, protect the rural landscape/character, control the fragmentation of agricultural land through further subdivision and consider non-rural uses where they can be shown to be of a benefit to the district.

Clause 5.11.12 of LPS No.4 states that Council will only recommend support for the subdivision of land within the 'General Agriculture' zone where it accords with the provisions of the Scheme, Local Planning Strategy, Local Planning Policies and any relevant Commission policies applicable at the time.

Given that the purpose of the subdivision is to create a separately titled lot to accommodate CBH's existing grain handling and storage facility, which is a use ancillary to the current rural use of the property, it is concluded that the proposal is consistent with the general objectives of the land's current 'General Agriculture' zoning classification in LPS No.4 because:

- i) it will promote and support viable broadacre farming within the district; and

- ii) it will facilitate the provision of infrastructure that will positively contribute to the longevity and economic sustainability of broadacre farming in the district.

Notwithstanding the above, it is recommended that Council resolve to authorise the Shire's Administration to make the necessary arrangements to change the zoning classification of proposed Lot 86 from 'General Agriculture' zone to 'General Industry' zone to provide sufficient control over the current and future usage of the subject land and ensure that the subdivision of Lot 85 in the manner proposed does not create an undesirable precedent for the further subdivision of other rural lots classified 'General Agriculture' zone in the immediate locality. It is proposed that the rezoning of the subject land be undertaken as part of a future possible omnibus amendment to Local Planning Scheme No.4 which will address a number of minor zoning anomalies in LPS No.4.

WAPC Development Control Policy No.DC 3.4 – 'Subdivision of Rural Land'

The Western Australian Planning Commission's (WAPC's) Development Control Policy No.DC 3.4 provides guidance on the matters to be considered by the Commission when determining applications for the subdivision of rural land throughout Western Australia. A key objective of Policy No.DC3.4 is to minimise the ad-hoc fragmentation of rural land throughout the State.

Despite the fact that the further subdivision of agricultural land is generally not supported by the WAPC, Policy No.DC3.4 does enable the rationalisation of agricultural land for the purpose of public utilities or ancillary land uses. Section 4.4 of Policy No.DC3.4 states:

"New lots for existing or proposed specific non-rural land uses such as recreation facilities, public utilities and quarries or uses ancillary to the rural use of the land such as abattoirs and canning works may be created through subdivision."

Given that the primary purpose of the proposed subdivision is to facilitate the creation of a lot that will accommodate an existing approved use that is ancillary to the rural use of the land (i.e. grain handling and storage), it is concluded that the proposal is generally consistent with the criteria contained in section 4.4 of WAPC Policy No.DC3.4 and may therefore be supported by Council.

State Planning Policy (SPP) No.4.1 – 'State Industrial Buffer Policy'

The purpose of State Planning Policy (SPP) No.4.1 - *State Industrial Buffer Policy* is to provide a consistent state-wide approach for the protection and long-term security of industrial zones, transport terminals (including ports) other utilities and special uses. It also provides for the safety and amenity of surrounding land uses.

The key policy objectives are as follows:

- To avoid conflict between industry and essential infrastructure and sensitive land uses.
- To protect industry and essential infrastructure from encroachment by incompatible land uses that would adversely affect their efficient operation.
- To provide for the development of industry and the provision of essential infrastructure in a way that minimises amenity and health impacts on, and takes account of risk to, nearby sensitive land uses.
- To promote compatible uses within areas affected by off-site impacts of industry and infrastructure.

The proposed subdivision, if approved by the WAPC, will facilitate the continued, long term use of the land by CBH for grain handling and storage purposes which forms part of an important, well established strategic grain receival point in the district serving the broadacre agricultural sector of the local economy.

Notwithstanding the significant benefits of the proposed subdivision, it is important to note that the use of the land by CBH for grain handling and storage purposes generates a number of external impacts in the immediate locality (i.e. dust, noise etc.) which have potential to have a negative impact upon the amenity of any nearby existing or proposed sensitive land uses (e.g. housing). Given that LPS No.4 allows for the development of a new house on the balance portion of Lot 85 (i.e. the balance-of-title rural lot) without Council's formal planning approval, it is considered prudent to require, as a condition of subdivision approval, that a suitable notification and restrictive covenant to be placed on the certificate of title of the balance portion of Lot 85 to:

- i) alert future prospective landowners of the potential amenity impacts associated with CBH's activities on the adjoining land; and
- ii) ensure that any future house that is developed on the balance-of-title rural lot is sited at least 500 metres from the boundary of the proposed new 'grain storage lot' to provide an adequate separation distance (i.e. buffer area) between any new dwelling and CBH's activities.

Conclusion

It is concluded from this assessment that the proposed subdivision of Lot 85 Tamar Terrace, Varley for the purpose of accommodating an existing approved use that is ancillary to the current rural use of the land (i.e. grain handling and storage) is:

- i) unlikely to compromise the objectives for land classified 'General Agriculture' in the Shire of Lake Grace's current operative Local Planning Scheme No.4;
- ii) generally consistent with the criteria contained in the Western Australian Planning Commission's Policy No. DC 3.4; and
- iii) unlikely to compromise the safety and amenity of any future proposed surrounding land uses provided these are sited correctly.

As such it is recommended that Council support the proposed subdivision subject to the imposition of a number of conditions.

Legal Implications

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

Policy Implications

WAPC Development Control Policy No. DC 3.4 – Subdivision of Rural Land
State Planning Policy No.2.5 – Agriculture and Rural Land Use Planning

Consultation

Community consultation not required.

Financial Implications

Nil

Strategic Implications

Nil

Voting Requirements

Simple majority required.

Recommendation/Resolution

MOTION 11281

Moved Cr Chamberlain
Seconded Cr De Landgraft

That Council resolve to advise the Western Australian Planning Commission that it supports the application submitted by Co-Operative Bulk Handling Limited (CBH) on behalf of Firepeak Holdings Pty Ltd (landowner) to subdivide Lot 85 Tamar Terrace, Varley into two (2) new separately titled lots in accordance with the details of the plan submitted in support of the application subject to compliance with the following conditions:

- i) The land being filled and/or drained at the subdividers cost to the satisfaction of the Shire of Lake Grace including ongoing facilitation of the current water flow out of the north west corner of the CBH facility along the Hyden-Varley road to culvert. The water flow to continue through road culvert, across paddock to the Varley North Community Dam (i.e. the current water flow not be impeded.)
- ii) Any drainage easements as may be required by the Local Government being granted free of cost to that authority.
- iii) Notification in the form of a section 70A notification, pursuant to the *Transfer of Land Act 1893* (as amended) is to be placed on the Certificate of Title of the balance-of-title rural lot (i.e. Proposed Lot 87) advising that *“part of the lot is located within 500 metres of an existing Cooperative Bulk Handling grain handling and storage facility and the use and enjoyment of portion of the land may be affected”*.
- iv) A restrictive covenant, pursuant to section 129BA of the *Transfer of Land Act 1893* (as amended) is to be placed on the Certificate of Title of the balance-of-title rural lot (i.e. Proposed Lot 87) advising of the existence of a restriction on the use of the land. Notice of this restriction shall be included on the Deposited Plan. The restrictive covenant is to state as follows:

“The erection of a habitable dwelling or the establishment of any other sensitive land use/s shall not be permitted on the land within 500 metres of the boundary of the adjoining lot comprising Cooperative Bulk Handling’s existing grain handling and storage facility”.

MOTION CARRIED 8/0

3.25pm Mrs Spencer left the meeting.

13.0 MATTERS FOR CONSIDERATION – HEALTH & BUILDING

No matters for consideration.

14.0 MATTERS FOR CONSIDERATION – FINANCE

14.1 ACCOUNTS FOR PAYMENT – JULY 2011

Applicant: Shire of Lake Grace
File No. 0277
Attachments: List of Creditors
Author: Miss Nicola Bateman
Finance Officer
Disclosure of Interest: Nil
Date of Report: 01 August 2011
Senior Officer: Ms Samantha Appleton
Manager Corporate Services

Summary

For Council to ratify expenditures incurred for the month of July 2011.

Background

List of payments for the month July 2011 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 July 2011 from the Municipal and Trust Accounts Totals \$709,176.69.

Strategic Implications

7. Organisational Excellence

7.1 Develop systems compliant with various statutes, regulations and policies.

Voting Requirements

Simple majority required.

Recommendation/Resolution

MOTION 11282

Moved Cr Farrelly
Seconded Cr Chappell

That Council receive the list of payments totalling \$709,176.69 as presented for the month of June 2011 incorporating:

- Municipal Account Cheques 34441 to 34476
- Trust Account Cheques 615 to 618
- Electronic Funds Transfers EFT8224 to EFT8330

MOTION CARRIED 8/0

14.2 FINANCIAL STATEMENTS – JULY 2011

*Due to the late adoption of the budget this report was unavailable at this time.
Two reports will be submitted to the September meeting.*

15.0 MATTERS FOR CONSIDERATION – ADMINISTRATION

15.1 FINAL UPDATE OF SHIRE CORPORATE PLAN 2010/11

Applicant:	Chief Executive Officer
File No.	0552
Attachments:	Corporate Plan Update 2010/11
Author:	Mr Sean Fletcher Chief Executive Officer
Disclosure of Interest:	Nil
Date of Report:	10 August 2011
Senior Officer:	Mr Sean Fletcher Chief Executive Officer

Summary

Presented to Council for its information is the final update of the Shire of Lake Grace Corporate Plan (which contains the performance indicators).

Background

The Shire's Corporate Plan contains the list of activity or the projects and actions that are undertaken to achieve the Strategic Plan for a given timeframe. The current Corporate Plan has a five year timeline with a 12 month snapshot reported against each year. As such this report provides the final update regarding the progress of the Corporate Plan for 2010/11.

The key issues regarding the Corporate Plan 2010/11 are as follows:

OVERVIEW

The Shire's strategic plan including in effect the Corporate Plan was reviewed during a workshop on 9 and 10 March 2011. During the course of the workshop, it was identified that there were 12 actions that would need to be rescheduled or rolled over to 2011/12. It was expected that 34 actions (75%) would still be completed for 2010/11. However, in the final wash-up, 27 key actions (60%) were completed and two were discontinued. This left a total of 18 (40%) actions carried forward to 2011/12. An explanation regarding the 12 actions and the further six actions is provided below.

Rescheduling of Key Actions Identified at Strategic Planning Workshop

An update on the actions rescheduled to 2011/12 or discontinued includes:

Number	Action	Comment
1.1.2	Lake Grace Industrial Land Development	Stage One (2010/11) shown as completed: <ul style="list-style-type: none"> Items completed include site testing, drainage design and other approvals.

		<ul style="list-style-type: none"> Identified that the Shire works (\$40,000) will be rolled over to 2011/12 to coincide with when Landcorp will develop blocks in November 2011.
1.3.3	Develop Annual Wheatbelt Cycling Event - deleted	Deleted - Inadequate time and staff resources for this project
1.4.2	Investigate alternative management of LOGChop & Joint Venture housing	<ul style="list-style-type: none"> Draft report needs further comment by A/MCMS Impacted by resignation of former Manager Community Services and changes within Department of Housing
1.4.3	Complete second Frank's Street Staff House	<p>Funding for this project is reliant on CLGF3 funding:</p> <ul style="list-style-type: none"> Forward capital works plan approved; Acquittal of 2008/09 funding varied re Newdegate Medical Centre & Lake King Hall Roof
2.1.1	Newdegate Medical Centre	Due to complications with project, Motion 11241 (June 2011) authorised variation carrying project forward
2.5.3	Lake King Hall roof	As per 1.4.3. Motion 11241 (June 2011) authorised variation bringing project forward
3.2.2	Undertake Regional Bicycle Network Funding – RBN (i.e. shared paths)	<p>Shows as deleted due to:</p> <ul style="list-style-type: none"> Funding application unsuccessful; Dropped from 2011/12 draft budget due to cost of \$70,000
3.2.3	Engage with Main Roads Network Term contractors	<ul style="list-style-type: none"> Has now become Integrated Service Agreements (Leighton – Opus)
5.1.1	Develop Lake Grace Flood Mitigation plan and timeline	<ul style="list-style-type: none"> 50/50 funding approval received April 2011. Modelling to be completed during 2011/12
5.1.2	Implement Local Environmental Management Plans (Tip Plans)	<ul style="list-style-type: none"> Plans developed through Wagin Regional Refuse Group project; Internal works required for each tip to match plans
6.1.2	Recruit a GP that includes sourcing of a new GP for the Shire and the development with WALGA of a local government GP recruitment platform	<ul style="list-style-type: none"> Ongoing project; Dr Francois Jacobs “appointed at July 2011 meeting”; Local government platform developed
7.1.1	Undertake policy development and review	Inadequate time and staff resources for this project

7.1.4	Complete review of local laws	Inadequate time and staff resources for this project
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Table One: Deferred or Deleted Projects 2010/11

Reasons reviewed at the Strategic Planning Workshop for the rescheduling of the projects included the impact experienced through the resignation and subsequent replacement of key staff including the Manager Community Services and the Manager Corporate Services. Another key impact examined was how the delays to the Newdegate Medical Centre were impacting on the approval for round 3 funding under the Country Local Government Fund that is required for the second Franks Street staff house and replacement of the Lake King Hall roof.

Additional Items Carried Forward

As such there are a further seven items that have been carried forward. This consists of the following:

Number	Action	Comment
1.1.3	Newdegate Industrial Land (planning phase)	Time taken to complete documentation has taken longer than expected
1.2.3	Undertake Restoration Works at the Hainsworth Building	This project has been held up regarding the scope of the insurance works required to be undertaken and finding an appropriate person to do the work.
2.5.1	Upgrade Newdegate Town Hall – confirm plan and seek funding	This project is dependant on the formation of the Rejuvenation Committee which occurred on 16 June 2011. This matter will be addressed at the September 2011 Committee meeting.
3.1.1	Develop long term financial forecasts	Completion of the 10 Year Long Term Financial Plan has taken longer than expected. CEO and MCRS will complete post 2011/12 budget adoption
4.2.1	Complete 10 Year Road Strategy	To date 50% or five years of the 10 Year Road Strategy has been completed. Under Integrated Planning, this is an informing strategy utilised at Staff level.
7.1.6	Establish performance indicators for the organisation	Contingent on implementation of Interplan software
7.1.7	Complete Ward & Representation Review	Carried forward as a result of: <ul style="list-style-type: none"> • Motion 11208 – taking process to its logical conclusion; • Consensus that this is 31 December 2011

Table Two: Additional Projects 2010/11 Carried Forward

A number of factors have contributed as to why these seven actions were not completed. In part this has been as a result of the impact experienced through the replacement of key staff including the Manager Community Services not once but twice and the replacement of the Manager Corporate Services. Another key impact has been the additional work created through the Ward and Representation process, problems with the Newdegate Medical Centre and recruitment of a suitable GP.

Comment

Key achievements for 2010/11 include the following:

- Completion of the Lake Grace Residential Land Development;
- Completion of Stage One of the Dewar St Light Industrial Subdivision;
- Development and promotion of tourism initiatives including the Lake Grace Visitor's Centre, Hainsworth Building and Holland Track;
- Completion of the Lake Grace Day Care Centre;
- Progress regarding the Lake Grace Centenary;
- Continuation of the agreement with the Newdegate Field Days;
- The wrap up of Gemini Medical Services and implementation of the Aged Care Housing Plan as part of the Regional Aged Housing Accommodation project;
- Recognition of the Lake Grace Sporting Precinct Recreation Building Concept Plan;
- Completion of the Shire's Forward Capital Works Plan, Building Asset Management Plan and adoption of Romans II;
- The sewerage works reviewed, audited and upgraded; and
- A range of objectives regarding the enhancement of the operations of the Shire were also achieved including the implementation of Staff retention strategies, a training and development plan and completion of the Shire's archive project.

Overall, 60% of projects were completed against a backdrop of the loss of key staff and the subsequent employment of new key staff. On top of this there is the added pressure experienced around the difficulties regarding the construction of the Newdegate Medical Centre, the Ward & Representation Review and the recruitment of a GP (Doctor) which have also severely impacted on the resources of the Shire during 2010/11.

In hand with the projects completed, the majority had significant activity against them. This is shown through achieving 78.1% overall for the goals or focus areas. Key projects encapsulated by this category include the recruitment of a GP, the Newdegate Medical Centre, development of long term financial forecasts, the Lake Grace Flood Mitigation Plan and Interplan.

With the introduction of Integrated Planning it is important to note the following components:

Component	Comment
Community Strategic Plan	This is a 10 Year Plan. Community is engaged to assist develop the Community Strategic Plan as per the Shire's Community Engagement policy
Corporate Plan	Ideally a four year rolling plan with key actions. The Corporate Plan and the Community Strategic Plan are underpinned by key informing strategies developed and used by staff including: <ul style="list-style-type: none"> • 10 Year Financial Plan; • Workforce Plan (ideally rolling four year plan); • Asset Management Plans (10-20 year view); • Other service plans
Budget	Reflects what is to be achieved each financial year based on the Corporate Plan

Table Three: Summary of Integrated Planning

The above legislated framework is designed to assist local governments in Western Australia including the Shire of Lake Grace achieve its corporate objectives in future.

At the end of the day, the author and his staff have achieved a range of objectives for 2010/11 against the backdrop of some very trying circumstances.

Legal Implications

Nil

Policy Implications

Nil

Consultation

External: Alan Bandt of Bandt Gatter and Associates

Internal: Shire President
Council at the Information Sessions
Senior Management Team
March 2011 Strategic Planning Workshop

Financial Implications

Nil.

Strategic Implications

Shire of Lake Grace Strategic Plan

Voting Requirements

Simple majority required.

Officer's Recommendation/Resolution

MOTION 11283

Moved Cr Farrelly
Seconded Cr Chappell

That Council receive the Chief Executive Officer's report on the Shire's Corporate Plan for 2010/11 noting:

- 60% of projects were completed;
- The total level of activity undertaken and achieved for each goal (focus) was 78.1%; and
- Impacts on the delivery of key projects included additional activity resulting from the Shire's Ward & Representation Review, problems experienced with the construction of the Newdegate Medical Centre and the recruitment of a suitable GP (doctor) for the Shire.

MOTION CARRIED 8/0

3.29pm

Mr Marshall left the meeting.

15.2 OUTCOMES OF STRATEGIC PLAN CONSULTATION

Applicant:	Chief Executive Officer
File No.	0552
Attachments:	Strategic Action Plan Workshop Update 2011/12 Strategic Plan Corporate Plan Final Draft 2011/12 Draft Community Strategic Plan 2010 - 2015
Author:	Mr Sean Fletcher Chief Executive Officer
Disclosure of Interest:	Nil
Date of Report:	11 August 2011
Senior Officer:	Mr Sean Fletcher Chief Executive Officer

Summary

Re-presented for adoption by the Council is the Shire of Lake Grace Community Strategic Plan 2010 – 2015. The Draft Plan was issued for public comment, with one submission received. Also, the author and key staff have reviewed the list of actions for 2011/12. This has led to some further adjustment to the Draft Plan including strategies placed in the right focus (goal) and recognition that there were further actions carried forward and that there are three new actions.

Accordingly, the Corporate Plan 2011/12 is also presented for endorsement.

Background

Under current legislation, the Shire is required to review its Plan for the Future or strategic plan during 2011. This legislation is now being replaced by the requirements to undertake Integrated Planning that incorporates the need for a Community Strategic Plan.

The Shire's strategic plan was reviewed during a workshop on 9 and 10 March 2011. The workshop was attended by elected members and key staff with Allan Bandt as the facilitator. The Shire President introduced the workshop. Presentations were conducted throughout the workshop by Stephanie Clarke-Lloyd, the Shire's Visitors Centre Manager, Bernie Miller, Regional Manager MRWA – Wheatbelt South, Joe Douglas Principal Planner URP and the author. The presentations helped with the formation of key actions for the next six to 12 months including the fact that at least 12 actions would be carried forward to 2011/12.

As a result a report with the revised strategic plan was put to Council at the March 2011 Ordinary Meeting where the following resolution was passed:

MOTION 11187

Moved Cr Chappell

Seconded Cr De Landgraftt

That Council:

1. Endorse the revised list of actions for 2010/11;
2. Endorse the revised list of actions for 2011/12;
3. Under Section 5.56 of the Local Government Act 1995 regarding the requirements for the Plan for the Future, endorse the issue of the revised Strategic Plan 2010 – 2015 for public comment during May 2011

Accordingly, after a delay resulting from the author undertaking leave during May 2011, the draft strategic plan was issued for comment during the last week of May 2011 with a closing date of 1 July 2011. At the end of the consultation period, the Shire received one submission from the Newdegate Development Association.

Comment

There are a number of matters that have been considered in preparing the final Community Strategic Plan. This includes the impacts of Integrated Planning, projects carried forward from 10/11 and the community feedback received.

Elements for Consideration

There are a number of elements for consideration regarding the Shire's Community Strategic Plan. These are:

1. The intent was to develop a plan compatible to the new Integrated Planning requirements. As a result of the Senior Management Team attending the Integrated Planning Masterclass last month, there is now a requirement to develop a 10 year plan. This will mean undertaking a process of six to nine months with the respective communities within the Shire to develop the 10 year plan. An item, outlining the process regarding the implementation of Integrated Planning will be presented to Council for adoption at the September meeting. A summary of the key elements are as follows:

Component	Comment
Community Strategic Plan	This is a 10 Year Plan. Community is engaged to assist develop the Community Strategic Plan as per the Shire's Community Engagement policy.
Corporate Plan	Ideally a four year rolling plan with key actions. The Corporate Plan and the Community Strategic Plan are underpinned by key informing strategies developed and used by staff including: <ul style="list-style-type: none"> • 10 Year Financial Plan; • Workforce Plan (ideally rolling four year plan); • Asset Management Plans (10-20 year view); • Other service plans
Budget	Reflects what is to be achieved each financial year based on the Corporate Plan

Table One: Summary of Integrated Planning

It would be appropriate to adopt the attached draft community strategic plan and then undertake a process to develop the new plan.

2. In line with the above, there is the need to have an interim Corporate Plan for 12 months in place before developing a four year rolling plan.

Accordingly, this issue has been included as an action for 2011/12 in the attached draft Corporate Action Plan 2011-12 under Focus 7 – Organisational Excellence.

Community Feedback

The draft Strategic Community Plan issued for comment consists of the following elements:

- Address by President & CEO;
- The Vision, Mission and Values;
- The list of foci or goals;
- The strategies;
- The actions or projects for each year that then form the basis of the Corporate Plan (the document that is then used to track the projects);
- Description regarding the Regional Aged Accommodation Project.

Submission from Newdegate Development Association

The Newdegate Development Association submitted feedback on the Draft Community Strategic Plan, with the Secretary Mrs Roz Lloyd commenting that she was unsure which were strategic action points and which are just unfinished business. The list of items received is as follows:

1. Newdegate Swimming Pool Management – ongoing
2. Newdegate Machinery Field Day Sponsorship support - ongoing
3. Replacement of damaged parquetry in the Newdegate Stadium
4. Apply for funding to resurfacing and re-leveling the Newdegate Football & Hockey Ovals
5. Completion of footpaths in Collier St & North Newdegate Rd
6. Complete kerbing and water control management in May St, around town hall, along footpath at the pavilion
7. Realignment of Power poles to provide lighting on North Newdegate Rd from the Caravan Park to the T junction
8. Town-based gardener in Newdegate/Lake King/Varley
9. Maintenance of a garden in the main street of Newdegate
10. Newdegate Library Resource Centre Management Agreement
11. Reinvestigate structural/installation abnormalities on the Newdegate Stadium roof.
12. Ride-on Lawn Mower replacement for Newdegate Sportsground Caretaker/Gardener
13. Investigate improving the acoustics in the Newdegate pavilion

In reviewing the above list, the author has made the following assessment:

- Item 1 is an operational matter with the Manager Community Services working on this issue;
- Item 2 is in place and is now an operational matter;
- Items 3, 11, 12 & 13 are budget requests and can be treated as part of the annual allocation set aside for operating and/or capital works for the Newdegate Pavilion;
- Item 4 falls under Strategy 2.4 which states: "in conjunction with the community review, plan, fund and develop suitable recreational facilities for the Shire". This should be included as an action on the strategic plan for 2012/13 and for the work to be conducted 2013/14;
- Item 5 is an operational matter and forms part of the Newdegate Footpath Program;
- Item 6 is according to the NDCA an unfinished work from a number of years ago and can be done as part of Newdegate Town road maintenance;
- Item 7 falls under Strategy 5.1 and can be listed as a separate action commencing 2012/13;
- Item 8 although an operational matter, as an action under Focus 2 could be repackaged as: "explore the suitability of having a community based gardener for Newdegate/Lake King/Varley" and is included for 2011/12. It should be noted that staff are actively pursuing this resolution;
- Item 9 is an operational matter. Shire staff are working on this as appropriate;
- Item 10 is an operational matter. The Manager Community Services is resolving this issue.

Updates to Draft Strategic Plan 2010 - 2015

Further to the projects carried forward from 2010/11, there is a list of seven further items. The reasons for this are explained in the item on the final update of the Corporate Plan 2010/11. The items are as follows:

Number	Action	Comment
1.1.3	Newdegate Industrial Land (planning phase)	Time taken to complete documentation has taken longer than expected
1.2.3	Undertake Restoration Works at the Hainsworth Building	This project has been held up regarding the scope of the insurance works required to be undertaken and finding an appropriate person to do the work.
2.5.1	Upgrade Newdegate Town Hall – confirm plan and seek funding	This project is dependant on the formation of the Rejuvenation Committee which occurred on 16 June 2011. This matter will be addressed at the September 2011 Committee meeting.

3.1.1	Develop long term financial forecasts	Completion of the 10 Year Long Term Financial Plan has taken longer than expected. CEO and MCRS will complete post 2011/12 budget adoption
4.2.1	Complete 10 Year Road Strategy	To date 50% or five years of the 10 Year Road Strategy has been completed. Under Integrated Planning, this is an informing strategy utilised at Staff level.
7.1.6	Establish performance indicators for the organisation	Contingent on implementation of Interplan software
7.1.7	Complete Ward & Representation Review	Carried forward as a result of: <ul style="list-style-type: none"> • Motion 11208 – taking process to its logical conclusion; • Consensus that this is 31 December 2011

Table Two: Additional Projects 2010/11 Carried Forward

Accordingly, the Corporate Plan 2011/12 has been amended to incorporate table two.

Other Changes

In line with the 2011/12 Budget process, the item regarding the revamp of the Varley Medical Rooms is subject to external funding and as a result has been deferred to 2012/13. Also in line with the 2011/12 Budget process, the item regarding the construction of the Lake Grace rail pedestrian crossing has been dropped due to cost.

Another action included is the Solar Water Desalination Project. This has been included for 2011/12 due to a private investor (Cummins – South Pacific) willing to fund the project for at least \$300,000.

Conclusion

In all there are 45 actions for completion during 2011/12 which is two less actions than last year. No less than 18 items have been brought forward from 2010/11. However, the list for 2011/12 is considered realistic based on existing staff resources and the funding in the 2011/12 Budget.

In terms of a further review of the Community Strategic Plan, an item, outlining the process regarding the implementation of Integrated Planning will be presented to Council for adoption at the September 2011 meeting.

Legal Implications

Local Government Act 1995 Section 5.56 – Planning for the Future

Policy Implications

Nil

Consultation

External: Alan Bandt of Bandt Gatter and Associates
Newdegate Development Association Meeting - June
Lake Grace Development Association Meeting - June
Lake King Progress Association Meeting
Shire of Lake Grace Website and Lake Views Website

Internal: Shire President
Council at the Information Sessions
Council at first draft budget workshop
Senior Management Team
Strategic Planning Workshop

Financial Implications

Nil.

Strategic Implications

Shire of Lake Grace Strategic Plan

Voting Requirements

Simple majority required.

Officer's Recommendation/Resolution

MOTION 11284

Moved Cr Farrelly
Seconded Cr Milton

That Council:

1. Endorse the revised list of actions within the Corporate Plan Actions 2011-12; and
2. Adopt the Draft Interim Community Strategic Plan 2010 – 2015.

MOTION CARRIED 8/0

15.3 UPDATE OF CEO KEY PERFORMANCE INDICATORS

Applicant: Chief Executive Officer
File No. 0271
Attachments: Nil
Author: Mr Sean Fletcher
 Chief Executive Officer
Disclosure of Interest: Nil
Date of Report: 10 August 2011
Senior Officer: Mr Sean Fletcher
 Chief Executive Officer

Summary

This report provides an update each month on the progress of the CEO's Key Performance Indicators as identified during the CEO Performance Review 2010.

Background

The Council in conjunction with the author developed a range of Key Performance Indicators for the Chief Executive Officer to achieve.

Comment

A summary on the progress of the Chief Executive Officer's key performance indicators (KPIs) are as follows:

KPI 1		
Present to Council a Roles and Functionality Plan that provides for services to be maintained without necessarily replacing departing staff. The report is to be presented to Council by April 2011.		
Measure	Progress	Due
Report is presented to Council and Councillors have an opportunity to be heard	Alasdair Malloch-Smith WALGA conducted the review 22/23 February 2011: <ul style="list-style-type: none"> • Interviewed CEO & Staff 22/02; • Interviewed Elected Members 23/02; • Report received 10 March • Issued to Council 23 March 2011; • Mr Malloch-Smith to present to Council 27 April 2011; • CEO's response provided to Council 27 April 2011; • Recommendations re Manager of Works and Building Maintenance Officer forwarded for 2011/12 Budget consideration Matter completed	30 Apr 11

KPI 2		
CEO to invest time in meeting with stakeholders on a face to face basis at their localities and to be seen in the communities attending community functions and activities wherever practicable		
Measure	Progress	Due
<p>Community Survey demonstrates an improvement in the Community understanding of the Role of Council and the Role of the CEO with improved communication channels</p>	<p>Community Engagement Workshop conducted by Barbara Maidment 28/02/11 with elected members and key staff to develop policy and process based on new Department of Local Government guidelines on community engagement.</p> <p>Policy presented to Council meeting 27 April 2011 and subsequently adopted</p> <p>Attendances:</p> <ul style="list-style-type: none"> • Newdegate Country Club re Bowling Green Tenders and Project; • RALAG re Aged Accommodation Project; • Presentation to Lake Grace Community re Aged Accommodation Project. <p>Although the measure stipulates that the community survey demonstrates an improvement in the Community understanding of the role of Council and CEO, the next survey is not due for another two years. The KPI stipulates meeting with stakeholders face to face and to be seen in the communities attending community functions and activities wherever practicable. Since October 2010, the CEO has attended no less than 35 community functions, activities or other meetings including performing the role of MC or presenter at a number of these.</p> <p>Matter completed</p>	<p>31 Aug 11</p>

KPI 3		
Based on the outcomes of the draft Strategic Plan, the plan's KPIs for 2010/11 will be as follows:		
Action 1.1.1	Progress	Due
Lake Grace Residential Land – Development of next stage (Known as Pt Lot 1 Griffin Street or Quondong Crt)	<p>As per the Corporate Plan:</p> <ul style="list-style-type: none"> • Works crew completed road works; • Electric mains connected and street lights working; • Water and Sewerage lines completed; • Watercorp Fee (Bond) of \$300,000 put into 2011/12 Budget to upgrade South St main. Bond is refunded to the Shire 12 months after completion of works <p>Now starting to receive enquiries</p> <p>Project was completed for \$331,000. Balance will be used to upgrade South St Main as a separate project.</p> <p>Project Completed</p>	31 Aug 11
Action 1.1.2	Progress	Due
<p>Lake Grace Industrial Land Development:</p> <ul style="list-style-type: none"> • Funding; • Commence Construction; • Finish Construction <p>The reference to Newdegate Industrial Land Development was listed as a <u>note</u>; only re 'scheduled for review during December 2010.'</p>	<p>As per the Corporate Plan:</p> <ul style="list-style-type: none"> • As discussed and agreed at the strategic planning workshop 9&10 March, Shire works (\$40,000) deferred to 2011/12 to meet Landcorp timetable; • Blocks available Feb 2012; • Met with Landcorp Project Manager Robert Fenn 30 March 2011: <ul style="list-style-type: none"> ○ Mr Fenn has clarified matters re Native Title, soil contamination; ○ Will enter into pre-sale agreements with interested parties; • Brad Harris has developed schematics and engineering plans for the site. Copy provided last meeting; • Confirmed with Robert Fenn 4 August - full 	31 Dec 11

	<p>proposal before Landcorp Board this month. Works to commence September/October 2011.</p> <p>The Deputy President raised at the last meeting the matter re Newdegate Industrial Land. This is a separate action under the Strategic Plan and Corporate Plan and was not listed as a KPI as such. A reference was made previously under this KPI by way of explanation what was also happening with the Newdegate Industrial Land Development Plan as it was scheduled for review during December 2010. At this stage the structure plan requires WAPC approval and will be submitted by the planners during August 2011.</p> <p>CEO's involvement for 2010/11 completed</p>	
Action 2.1.1	Progress	Due
Construct the Newdegate Medical Centre within allocated budget	<p>As per the Corporate Plan and subsequent resolutions of Council:</p> <ul style="list-style-type: none"> • Construction site and pad adequately secured and protected; • Second review of pad conducted by second engineer, architect and CEO; • Newdegate Rejuvenation Committee briefed; • Project timeline put in community papers 7 July 2011; • Brickwork commenced 5 July 2011 and was completed 8 August 2011; • Roof trusses are expected to be completed by the end of August. 	31 Dec 11
Action 2.4.2	Progress	Due
Construct the Lake Grace Childcare Centre within allocated budget	<p>As per the Corporate Plan:</p> <ul style="list-style-type: none"> • Final plumbing connection completed; 	31 Mar 11

	<ul style="list-style-type: none"> • Fit-out commenced Feb 2011; • Fencing nearing completion; • Development Officer applying for grant for fit-out costs and play equipment • As part of the transition now required a Management Committee is to be established regarding the running of this facility; • Centre expected to open July 2011 <p>Construction Completed</p>	
Action 6.1.2	Progress	Due
Recruit a general practitioner that includes sourcing of a new GP for the Shire and the development with WALGA of a local government GP recruitment platform	<p>Pursuit of long term agreement with SRMG now required:</p> <ul style="list-style-type: none"> • Interviewed by ABC Radio 5 July 2011 re Southern Inland Health Initiative and implications for GPs; • Dr Francois Jacobs “appointed” by Council at the July meeting. Arrangements underway to have Dr Jacobs in Lake Grace during October 2011 and to commence practice towards the end of October once he has completed his induction with Rural Health West and Murray Hospital. Rural Health West will meet these costs. <p>Recruitment phase completed</p>	31 Aug 11
Action 7.1.7	Progress	Due
Complete Ward and Representation Review – By April 2011 the CEO to run a workshop for Councillors allowing Councillors the opportunity to review the report to ensure that it is appropriate for the Shire	<ul style="list-style-type: none"> • Special Council Meeting decision was to lay the matter on the table and for further consultation to be undertaken; • Special Electors meeting requested and called for 7 April 2011. Resolutions forwarded to 27 April Council meeting; • Advisory Board requested and met with Council on 13 April to review “Impasse”; • Second Special Electors 	30 Jun 11

	<p>meeting on 4 May 2011. CEO was on leave at this time. Acting CEO Mr Gary Martin put a report to Council on the outcomes of this meeting. Accordingly, Council resolved to conduct a second Ward & Representation Review by 31 December 2011.</p> <ul style="list-style-type: none"> • Revised process regarding public comment and submissions closed 28 July 2011 and is the subject of a separate report to Council. <p>Matter completed</p>	
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Other Comment

At the December 2010 ordinary council meeting, Council in response to the author's concerns to a range of impacts including the loss of key staff and the need to put in writing a commitment of support regarding the next three to six months, resolved the following:

"That Council note the current items as noted by the Chief Executive Officer and that Council review the situation in four months time to see what adjustments may be required in the Chief Executive Officer's Key Performance Indicators for the remainder of the review period."

Reason for Change - Council wished to allow time for the senior management staffing changes to transpire and then re-evaluate the KPI's.

At the February 2011 and March 2011 Council received the author's report and comments it would appear that actions 1.1.1, 1.1.2 and 2.1.1 will not meet the required timelines.

At the April 2011, in response to the Strategic Planning Workshop and the author's report, Council put back the timeline for 1.1.1 and 2.1.1 accordingly.

Legal Implications

Nil

Policy Implications

Nil

Consultation

External: As per the comments in this report.

Internal: Shire President
Council at the Information Sessions
Strategic Planning Workshop 9 & 10 March 2011
Senior Management Team
Key Staff (as defined by the Corporate Plan)

Financial Implications

Nil.

Strategic Implications

Shire of Lake Grace Strategic Plan

Voting Requirements

Simple majority required.

Officer's Recommendation/Resolution

MOTION 11285

Moved Cr Armstrong

Seconded Cr Sinclair

That Council note the progress of the Chief Executive Officer's Key Performance Indicators – Year Two.

MOTION CARRIED 8/0

MOTION 11286

Moved Cr Milton
Seconded Cr Chappell

That the Standing Orders be suspended at this time, being 3.35pm to allow discussion regarding the Ward and Representation Review.

MOTION CARRIED 8/0

3.46 pm Meeting adjourned for afternoon tea.

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

MOTION 11287

Moved Cr Farrelly
Seconded Cr Chappell

That the Standing Orders resume at this time being 4.16pm

MOTION CARRIED 8/0

During debate Cr De Landgraft advised her intention to put forward an alternative motion to the Recommendation for the introduction of Town and Rural Wards.

4.39 pm Mrs Naisbitt left the meeting.

15.4 WARD AND REPRESENTATION REVIEW

Applicant:	Shire of Lake Grace Electors
File No.	0375
Attachments:	Discussion Paper (June 2011) Summary: Second Round of Public Submissions
Author:	Mr Sean Fletcher Chief Executive Officer
Disclosure of Interest:	Nil
Date of Report:	12 August 2011
Senior Officer:	Mr Sean Fletcher Chief Executive Officer

Summary

As per previous reports, the Council is aware that the ratio of electors to elected members in the Shire is outside the acceptable range and a ward review is necessary to correct that situation. This situation highlights the responsibility placed on the Council to conduct the review and to ensure that the residents of the Shire achieve equal representation.

During 2011, two Ward and Representation Reviews were conducted on the back of the original petition of 144 signatories and the subsequent Special Electors' meetings held on 7 April 2011 and 4 May 2011 respectively.

This report considers the outcomes of the further community consultation under the second Ward and Representation Review process, thus bringing to conclusion the statutory community consultation process.

Accordingly, the conclusion of this report is a recommendation to introduce "No Wards" within the Shire in time for the 2013 Local Government Ordinary Elections.

Background

The following timeline outlines the series of events with regard to the 2008 Ward Review to date:

20 December 2007	Letter from LGAB requiring Shire of Lake Grace to complete review of ward & representation to address the existing imbalances.
25 June 2008	LGAB address Council Meeting.
27 August 2008	Motion 10658 – Resolved a review be carried out Draft Discussion Paper – 4 options for consideration.
1 October 2008	Letter from LGAB advising no response to date – review to be completed by 31 December 2008.
26 November 2008	Motion 10709 – Resolved to request LGAB that representation be maintained for the 2009 election – based on SSS Report LGAB advised 3 December 2008.
22 January 2009	Letter from LGAB requesting Council consider a no ward structure being a better option.
19 February 2009	Letter from LGAB advising that due to formation of LG Reform Steering Committee no further action on ward boundaries will be taken at this time – current ward structure to remain for 2009 elections.
25 February 2009	Ward Review item withdrawn from Council agenda on advice of CEO re LGAB letter of 10/02/09.
3 March 2009	Letter from LGAB requesting Council's intentions with regard to confirmation that it wishes to proceed with the review.
23 March 2009	Letter to LGAB advising that Council does not intend to proceed with a ward review and will conduct the 2009 elections based on the current ward system.
27 March 2009	LGAB acknowledges letter re status quo pending outcome of LG Structural Reform process.
14 March 2010	Petition from LGDA (list of affected electors) to address imbalance of elected members in the Shire.

24 March 2010	Motion 10971 Council resolved to receive list of affected electors under the LG Act, and subject to legitimacy of the petition to complete the 2008 Ward Review in time for the 2011 elections - letter to LGAB.
15 April 2010	Email from LGAB advising elector submission meets all requirements.
28 July 2010	2010/11 Budget adopted – includes allocation for independent consultant to undertake ward review.
24 November 2010	Motion 11125 – For Council to appoint BHW Consulting to undertake Ward Review – motion lost.
5 January 2011	Copy of letter received – LGDA writes to LGAB bringing to their attention the outcome of the November 2010 report to Council.
25 January 2011	Ward Review public notices issued and Discussion Paper made available to the public for submissions – closing 15 March 2011.
15 March 2011	Closing day for submissions - 27 submissions received.
17 March 2011	Special Council Meeting to consider Ward Review – Motion 11175 resolves to lay Ward Review on the table until further consultation has taken place.
21 March 2011	Shire receives request from Lake Grace Ward electors for Special Electors Meeting to discuss outcomes of the 17 March 2011 Special Meeting.
22 March 2011	Shire President calls Special Electors Meeting in Lake Grace for 7 April 2011.
7 April 2011	LGAB advises of visit on 13 April 2011 to talk to Council to assist with resolving the existing 'impasse' that has developed regarding the Ward & Representation Review.
7 April 2011	135 electors present at Special Electors Meeting in Lake Grace – 4 resolutions made.
12 April 2011	Shire receives request from Newdegate and Lake King Ward electors for Special Electors Meeting to: <ol style="list-style-type: none">1. Discuss ward boundaries and all options2. The lack of progress for the Newdegate Medical Centre3. Why the Committee for the Newdegate Rejuvenation has not yet been formed.
19 April 2011	Shire President calls Special Electors Meeting to be held in Newdegate on 4 May 2011.
27 April 2011	Outcomes from Electors Meeting (held in Lake Grace) considered by Council. Motion 11208 resolves to apply to LGAB for extension of time, to continue the Ward Review process to its logical conclusion, a timeline for the conclusion and that Council form a Working Group with regard to the ward review process.

4 May 2011

111 electors present at Special Electors Meeting in Newdegate with the following resolution made:

This meeting of Electors strongly recommends that the ward boundaries remain the same until the Local Government Reform Committee responds to the submission sent to them by the Shire, and further, that the Council does not make a hasty decision on ward boundary changes until the Council has completed all the due diligence expected of them by the electors. The Council needs to then inform the constituents of the Council's preferred options and seek the approval of the majority of electors.

25 May 2011

Outcomes from Electors Meeting (held in Newdegate) considered by Council.

MOTION 11221:

That the Council

1. Has considered the decision of the Special Electors meeting held at Newdegate on the 4 May 2011 and notes that the Local Government Reform Steering Committee has informed the Shire it is not taking any action at this time in regards to potential boundary amendments identified in the Shire's reform submission
2. Notes that it has previously resolved not to participate in a Regional Transition Group and that there are no proposed mergers or boundary adjustments that would impact on the Shire ward review
3. Notes that it decided unanimously at the 27 April 2011 Council meeting, in response to the Special Elector Meeting decisions held 7 April 2011 at Lake Grace, to conduct a further review process and that statutory process is underway
4. Notes that it is aware of the imbalance in elector representation in the Shire, the negative impact this may have on the governance of the district and undertakes to support and complete the review as quickly as it can.

MOTION 11222

5. That draft discussion paper be accepted and the CEO proceed with the statutory community consultation process

Reason: The reason(s) for the Council's decision is that:

1. ***The review is long overdue.***
2. ***There is an imbalance in ward representation.***
3. ***There is no impediment to the review relating to the Local Government Reform Steering Committee.***
4. ***The Council had decided to continue the review process at the 27 April 2011 Ordinary Meeting by undertaking further statutory community engagement.***

Comment

As per previous reports, the Council is aware that the ratio of electors to elected members in the Shire is outside the acceptable range and a ward

review was necessary to correct that situation. The following comments bring the Ward and Representation process to a close.

ACTING CEO's REPORT TO COUNCIL 25 MAY 2011

In his report to Council on 25 May 2011, the then Acting CEO Mr Gary Martin made comment on a range of issues including:

It is important to note that it is the Council that has the statutory responsibility for making the decision on the Ward Review outcome and forward that to the LGAB for its approval.

In the short time that I have been involved, it appears that there are signs that cracks are appearing in the district's community due to the lack of finalisation of the review in time for this year's election cycle. The Council is aware of the imbalance in elector representation that has grown in recent years and it now seems most likely that situation is set to continue due to the inability of the Shire to complete the review in time for 2011.

It is significant that the review is a result of a valid community petition and the Council has a statutory responsibility to conduct the review in response to that petition. Further, the Council had a responsibility to deal with the decisions made at the Special Electors meeting held at Lake Grace and has unanimously decided on a course of action to conduct that review. The elector's decision from the Newdegate Special Electors meeting is dealt with in this report and does not negate the previous Council decision.

The immediate issue before the Council is the recognition of the statutory background and its responsibility to conduct the review and ensure that the residents of the district achieve fair and equal representation. That is particularly relevant in view of the statutory role of the individual elected members to represent the interests of all residents of the district regardless of wards and the knowledge that there is an imbalance that must be rectified.

Failure to rectify the current imbalance and ensure fair and equal representation will be a failure of the governance of the district. Individual elected members need to be accountable to the residents of the district, particularly on matters that impact on the fundamental fair and equal representation and the principle of one vote one value.

For a variety of reasons the current imbalance has been in place for a greater period than the eight years envisaged by the Act and this places greater emphasis on resolving this matter. Failure to remedy the issue of representation is likely to foster disharmony and division and risks causing serious harm to the Shire.

The key factor that must be considered is the ratio of councillors to electors and the LGAB requires that similar ratios of electors to councillors will be achieved across the wards of the district. That ratio required is now 1:112 and the Council is expected to demonstrate its

leadership in achieving that representation in the interests of the Shire. It is noteworthy that if the LGAB determines that some part of a review does not meet the requirements of the Act then the Shire may be requested to conduct another review.

It is not my role to promote one option over another – that is for the electors and the Council, but for future reference it is noteworthy that local governments without wards are not required to carry out regular reviews. The decline in the total Shire population level is anticipated to continue in future making future reviews necessary and in view of the current situation these reviews should occur more regularly.

In the author's experience such reviews are best suited to be conducted by independent local government consultants that can carry out the necessary community consultation and the necessary option recommendations. Apart from the independent approach the consultants would provide an additional resource that did not impose on normal management time.

The ward review process has placed a considerable strain on the Shire's management and this has been exacerbated by periods without key senior staff and changeover of staff, and as a result the review process is having a negative effect on the Shire and the community as other projects and functions are delayed.

The direction made by the Council at the April meeting needs to be implemented without delay to avoid any perception of a lack of goodwill or inability to remedy a clear case of imbalance of representation.

RESULTS OF FURTHER COMMUNITY CONSULTATION

The Shire gave notice inviting public involvement in the review process by way of a direct mail out in May 2011 with a closing date of 28 July 2011 and issued an update on the process during June 2011. The notice explained that a second discussion paper had been developed and it was available through:

- The Shire's website;
- Phoning the Shire office;
- The Shire's community discussion website.

Overview of Responses

In all a total of 41 written responses were received by the due date. Of these, only 12 submissions contained comments. The breakdown of the submissions received is as follows:

First Preference

The following table is a summary of the total number of submissions received according to first preference. Four submissions listed a second preference and although not part of the formal assessment process, do help fill out the overall picture. One submission listed the "status quo" in the first instance, and although not one of the options put forward, is listed as part of the evidence received. Late submissions were not considered.

Option	No.	Description
Option A	13	No Wards
Option B	8	East & West Wards
Option D	13	Town & Rural Wards
Option E	2	Boundary Adjustment
Option E3	4	Increase Newdegate, Lake King & Varley Wards to retain 5 positions
Other	1	Status Quo
Total (First Preference)	41	

Table One: Total Submissions Received – First Preference

Of the 41 submissions received, 97.5% (40) of the respondents indicated that there is a significant change required to the electoral structure in the first instance. This is significant, given that in response to the first discussion paper 18 of the 27 responses (67%) received advocated that a change was needed in the first instance.

In essence it can be seen that in all, 21 submissions (51%) either stipulate that there should be an abolition of wards and/or the reduction in the number of wards (from three to two). Of these responses, thirteen supported “no wards” and eight supported East & West Wards.

Thirteen respondents (32%) supported Town & Rural Wards. This would see three wards retained with the number of elected members from the Lake Grace Ward reduced from 4 to 3 and the vacant office moving to the Rural Ward. The Newdegate Ward on the other hand would see the number of elected members reduces from three to one, with the two vacant offices moving to the Rural Ward. The Lake King Varley Ward would lose its two elected members, with the vacant offices moving to the Rural Ward.

Of the remaining seven responses, two opted for a boundary adjustment, but did not stipulate which sub-group. Four responses opted for Option E3 where 123 electors would move from the Lake Grace Ward to the Newdegate Ward and 48 electors from the Newdegate Ward would be aligned with the Lake King/Varley Ward. One respondent stated no change.

Demographic

The following is a breakdown on the submission options received by location:

Location	A	B	D	E	E3	Other	Total
Lake Grace	13	8	1	2			24
Newdegate			9		4	1	14
Lake King							
Varley			3				3
Total	13	8	13	2	4	1	41

Table Two: Total Submissions Received – By Location

With regard to Table Two, it is interesting to note that 24 submissions were received from Lake Grace (58.5%), 14 from Newdegate (34%) and three from Varley (7.5%). No submissions were received from the Lake King area.

In the comparison of submissions received on the basis of the electors in each ward: Lake Grace has 55.5% of the electors, Newdegate 26.5% and Lake King/Varley 18%.

In comparative terms regarding the submissions received compared to the electors in each ward, the trend indicates that the percentage of submissions received for Lake Grace, although slightly higher, is on a par with its breakdown of electors per ward. Newdegate on the other hand is higher and Lake King/Varley is under represented on the number of submissions received.

ANALYSIS

Each of the options is examined in relation to the factors as required under Schedule 2.2 of the *Local Government Act 1995*. The factors are:

- Community of interest;
- Physical and topographic features;
- Demographic trends;
- Economic factors;
- Ratio of elected members (councillors) to electors in the various wards.

The guidelines issued by the Local Government Advisory Board are clear in that they state the ratio of councillors to electors is the most important factor for consideration followed by the other four factors depending on the level of impact that they in turn will have on representation across the district. With this, the Minister will not accept a deviation outside of +/- 10%. Accordingly, the factors are examined against each of the options selected.

Options

In all, five options received various levels of support. However, one respondent did suggest the “status quo”. Comments on each of the options are as follows:

Option A – No Wards

As per previous reports, the Local Government Advisory Board wrote to the Shire on 22 January 2009, seeking Council to reconsider its decision and consider “no wards”. In all 13 submissions (32%) were received supporting the abolition of wards with 100% of these submissions from the Lake Grace Ward. Overall this is an increase on the nine submissions received as a result of the first review conducted earlier this year.

In terms of the community of interest, the social fall for each community does not change. It should be noted though that Lake Grace itself has the greatest impact or reach regarding social fall because it is the main service centre for the Shire and surrounding sub-region. However, communities without specific representation may feel isolated. The flip side though is that

“no wards” reinforce elected members working for the whole shire and not just their particular ward and therefore promotes a united Shire.

With physical and topographical features there is no impact.

In terms of demographic decline, there is a clear advantage with Option A, because an even ratio amongst elected members will always be maintained. In terms of economic factors although the knowledge of niche needs could be reduced, the Shire has put in place a community engagement policy and strategic planning process to ameliorate this.

Ward	Description	Total Electors	No. Councillors	Ratio
The District of the Shire of Lake Grace	Whole of Shire	1004	9	1 : 112
TOTAL		1004	9	

Table 3A – Ratio of Electors to Councillors – “No Wards”

In Table 3A, it can be seen that in terms of the Ratio of Electors to Councillors, this is maintained at 0% (1:112) and will need no further adjustment in future unless the number of elected members is deemed too many for the Shire as a whole.

Three respondents made specific comments on the merits of “no wards” including: no boundaries would see elected members more inclined to represent the whole shire, would save the shire constantly updating its boundaries and will save costs to the ratepayer.

On balance, it would appear that moving to “no wards’ has gained some traction within the Lake Grace Ward as the preferred method to address the imbalance of elected members.

Option B – East Ward & West Ward

Under the previous review, only one submission supported the implementation of East/West Wards. In all, under the current review, there were eight submissions (19.5%) from within the Lake Grace Ward supporting this option. One other respondent listed Option B as the second preference.

In terms of the community of interest, there is no real change as with “no wards”. However, the Lake King and Varley communities may feel further isolated with no specific representation. With physical and topographical features there is no real impact, although it should be noted that under Option B, two thirds of the Shire will be in the East Ward.

Demographics are an issue because of the rate of decline in the Eastern part of the Shire to date. In terms of economic factors the knowledge of niche needs for Lake King/Varley could be reduced. However, the Shire has put in place a community engagement policy and strategic planning process to ameliorate this.

Ward	Description	Total Electors	No. Councillors	Ratio
Eastern Ward	Lake King/Varley Ward (181)+ Newdegate Ward (266)	447	4	1 : 112
Western Ward	Lake Grace Ward	557	5	1 : 111
TOTAL		1004	9	

Table 3B – Ratio of Electors to Councillors – “East/West Wards”

Although the deviation of the Ratio of Electors to Councillors is effectively 0% (East 1:112; West 1:112), based on current population trends an imbalance would exist within the East Ward within four to five years.

Two of the respondents for Option B made comment that this option would redress the imbalance; and keep the voting power at this end (West).

Option D– Town & Rural Wards

In all, 13 submissions (32%) supported this option. The majority of the support was from Newdegate with nine responses (69%), three from Lake King/Varley (23%) and one from Lake Grace (8%). One of these respondents said they preferred Option C, but this would be too difficult to implement. Two other respondents who listed another option as their first preference, listed Option D as their second preference.

In terms of the community of interest, this option may promote harmony within and between the wards. However, it has the potential to create an urban community of interest and a rural community of interest. With physical and topographical features there will be dedicated urban and rural representatives within each ward. The Lake Grace rural residential area will be within the Rural Ward.

Demographics are an issue because of the rate of decline in the Eastern part of the Shire. However, it could be argued that the impact of the decline in the rural components will continually be spread amongst the five elected members. Although, it should be noted, that the matter of an imbalance, based on current trends would start to become an issue after approximately six years. However, the imbalance in the Newdegate Town Ward may materialise far sooner if there is further decline in Newdegate itself.

In terms of economic factors although the knowledge of niche needs could be reduced, the Shire has put in place a community engagement policy and strategic planning process to ameliorate this.

Ward	Description	Total	No. Councillors	Ratio
Lake Grace Ward	Lake Grace Townsite	327	3	1 : 109
Newdegate Ward	Newdegate Townsite (81) + Extension (25)	106	1	1 : 106
Rural Ward	All area outside of the Lake Grace Ward and the Newdegate Ward including the Lake King and Varley townsites	571	5	1:114
TOTAL		1004	9	

Table 3C – Ratio of Electors to Councillors – “Town & Rural Wards”

As can be seen in Table 3C, although the deviation of the Ratio of Electors to Councillors is within the 10% tolerance, this can only be achieved by bringing the rural residents north of Newdegate into what would be the new Newdegate Town Ward. The other matter for consideration in the new Newdegate Town Ward with one elected member is that there is no back-up. If the elected member is absent there is no alternative channel within the ward to bring issues through.

In all six of the respondents in this category made specific comments including that Option D is the fairest and reasonable or equitable option. Two submissions commented on more employees to reside and work from Newdegate/Lake King.

Option E – Boundary Adjustments

No comment can be made here as the two submissions supporting this option did not choose a sub-option.

Option E3 – Increase the Newdegate Ward and Lake King Varley Ward

Four submissions were received for this option.

In terms of the community of interest, this will be substantially skewed as the boundary adjustment required will be extreme bringing it very close to the Lake Grace townsite. Also with the physical and topographical features such a change will place the Lake Bryde lake chain substantially inside the Newdegate Ward.

Demographics are an issue because of the rate of decline in the Eastern part of the Shire and do not support increasing the number of councillors in this area. In terms of economic factors although the knowledge of niche needs could be reduced, the Shire has put in place a community engagement policy and strategic planning process to ameliorate this.

Ward	Description	No. Electors	No. Councillors	Ratio
Lake King/Varley	Existing Ward (181) + New boundary adjustment (48)	229	2	1 : 115
Newdegate	Existing Ward (266) minus boundary adjustment with Lake King/Varley Ward (48) + boundary adjustment with Lake Grace Ward (123)	341	3	1 : 114
Lake Grace	Existing Ward (557) minus boundary adjustment with Newdegate Ward (123)	434	4	1 : 109
TOTAL		1004	9	

Table 3D – Ratio of Electors to Councillors – “Increase Newdegate & Lake King Varley Wards”

As can be seen in Table 3D, although the deviation of the Ratio of Electors to Councillors is within the 10% tolerance, this can only be achieved by substantially skewing the boundaries regarding firstly to the Lake Grace and secondly to the Newdegate Ward. It is doubtful this would ameliorate the impact of any further population loss in the Lake King Varley/Ward in particular.

Other – No Change

This was not an option put forward in the second discussion paper, but has been included because of the comments made.

Conclusion

To determine which option is the best one for the district, the following yes or no rating gives the appropriate level of assessment against the factors for consideration as discussed above:

Option	Community of Interest	Physical & Topographical Features	Demographic Trends	Economic Factors	Ratio
A	Yes	Yes	Yes	Yes	Yes
B	Yes	Yes	Yes	Yes	Yes
D	Yes	Yes	Yes	Yes	Yes
E	No	No	No	No	No
E3	No	No	No	Yes	Yes
Other	Yes	Yes	No	No	No

Table Three: Comparison of Scores

Four of the five options provide balanced representation across the Shire (options A, B, D and E3) and therefore the best option will be one of these.

From this assessment, Options A, B & D require consideration since they score yes in more factors than Option E3.

Based on an empirical analysis, Option B would be removed for consideration as Options A, & D received 32% support each where as Option B received 19.5%.

Taking into account a comparison of the factors themselves between Options A & D and in terms of the most important factor regarding equal representation, then Option A – “No Wards” is the preferred option.

Legal Implications

The ward review is a statutory process as provided by the *Local Government Act 1995* and set out in Schedule 2.2.

However, the process is subject to various other requirements of the Act. The following sections are relevant:

2.6. Local governments to be run by elected councils

2.7. Role of council

The council governs the local government's affairs; and is responsible for the performance of the local government's functions.

2.10. Role of councillors

A councillor represents the interests of electors, ratepayers and residents of the district. Note: Specifically, a councillor may be elected by the electors of a ward but is bound to represent the interests of the whole district – not the ward.

3.1. General function

The general function of a local government is to provide for the good government of persons in its district.

5.2. Administration of local governments

The council of a local government is to ensure that there is an appropriate structure for administering the local government. Note: The administration of the Shire includes the Council decision making processes – fair and equal representation is a fundamental obligation of the council, otherwise residents may determine that decisions are tainted by real or perceived imbalance of representation.

5.21. Voting

Each council member and each member of a committee who is present at a meeting of the council or committee is entitled to one vote and unless prohibited (Interest) must vote. If voting is equal the Presiding person has a second vote (except in the case of an absolute majority).

It is the democratic open voting process that provides the accountability to the electors and where Councillors exercise their power – a single vote.

If a member of a council or a committee specifically requests that there be recorded his or her vote; or the vote of all members present, on a matter voted on at a meeting of the council or the committee, the person presiding is to cause the vote or votes, as the case may be, to be recorded in the minutes. This provision makes the councillors accountable to the residents of the district by providing them with a record of the voting pattern of each elected member.

The Shire has previously been informed of the deadlines and depending on the nature of the proposal it can take from six to fourteen weeks to implement any change. Ward boundary change proposals take approximately twelve weeks. IN other words, the process will be completed well and truly in time for the 2013 Local Government Ordinary Elections.

Section 1.4 absolute majority:

(a) in relation to a council, means a majority comprising enough of the members for the time being of the council for their number to be more than 50% of the number of offices (whether vacant or not) of member of the council.

Policy Implications

N/A

Consultation

External: Dept of Local Government
Mr Gary Martin – Local Government Consultant

Financial Implications

As per the report to Council on 25 may 2011, it is significant that specified area rating (SAR) relates to a specified area of the district and not necessarily wards boundaries. Depending upon what final review option is adopted the existing SAR areas and rating will remain as is. That situation could remain in place for a no ward option, or, new SAR funding items could be based on new ward boundaries if desirable.

The ward review process has involved a considerable drain on management time and resources. It has consumed much of my time and that of the Acting CEO previously. The cash cost is insignificant in comparison to the intangible costs to other management tasks and Shire functions.

Strategic Implications

Shire of Lake Grace Strategic Plan - Organisational Excellence

7.1 Support the implementation of quality service provision underpinned by continuous improvement strategies including:

- o Customers focus;
- o Communication;
- o Systems Improvement;
- o Feedback; and
- o Good Governance

The Ward Review is required to ensure that the electors of the district are equally represented. That is a fundamental plank of good governance. The imbalance in representation that has existed in recent years has now developed into an issue of community concern that led to a need for a petition for the Council to act to rectify that situation and conduct a review.

Subsequently this has since led to the two recent Special Elector meetings.

Voting Requirements

Absolute majority required.

Recommendation

In accordance with Schedule 2.2 (9) of the *Local Government Act 1995* (the Act), it is recommended to the Local Government Advisory Board that:

1. An order be made under s 2.2 (1) to abolish the existing ward boundaries between the Newdegate Ward and the Lake King/Varley Ward and the Newdegate Ward and the Lake Grace Ward thus creating “no wards” as detailed in the map (ref: Discussion Paper (June 2011) Attachment – Option A: No Wards) and thus reducing the number of wards in the Shire of Lake Grace from three to nil.
2. The introduction of “no wards” is to take effect from the 2013 Local Government Ordinary Elections.
3. With the implementation of “no wards”, the Shire of Lake Grace is no longer required to undertake another review of its wards and representation.

Resolution

MOTION 11288

Moved Cr De Landgraftt
Seconded Cr Milton

In accordance with Schedule 2.2 (9) of the *Local Government Act 1995* (the Act), it is recommended to the Local Government Advisory Board that:

1. An order be made under s2.2(1) to create Town and Rural Wards as detailed in the map (ref: Discussion Paper (June 2011) Attachment – Option D: Town & Rural Wards) as follows:
 - a) Abolish to existing ward boundary between the Newdegate Ward and the Lake King Varley Ward;
 - b) Abolish the existing ward boundary between the Newdegate Ward and the Lake Grace Ward;
 - c) Create the Lake Grace Ward using the Lake Grace townsite boundary as described in the Shire of Lake Grace Local Planning Scheme No.4;
 - d) Create the Newdegate Ward using the townsite of Newdegate as described in the Shire of Lake Grace Local Planning Scheme No.4 and a line which is drawn from the Newdegate townsite north west on the Lake Bidy Road to the junction of the Bidy Camm Road, then east on the Bidy Camm Road to Whurr Road, then a due south direction along Whurr Road and Noonan Road and continuing due south to the intersection of the Collie/Lake King Road, and then west along the Collie/Lake King Road to the Newdegate town boundary.

MOTION 11288 continued

- e) The remaining area within the district to become the Rural Ward.
2. An order be made under s2. 3 to name the three wards as detailed in the map:
 - a) Lake Grace Ward
 - b) Newdegate Ward
 - c) Rural Ward
 3. An order be made under s2.18 to designate the following number of offices of elected members for each ward: Lake Grace Ward (3), Newdegate Ward (1) and Rural Ward (5).
 4. The Shire of Lake Grace to undertake another review of its wards and representation in four years time.

MOTION CARRIED BY ABSOLUTE MAJORITY 8/0

REASON FOR CHANGE

To enable a consensus to be reached with the required absolute majority (5), the introduction of town and rural wards was seen as the fairest way to address the current imbalance of elector/elected member ratios.

15.5 USE OF COMMON SEAL ON LEASE AGREEMENT – TELSTRA CORPORATION

Applicant: Telstra Corporation
File No. 0634
Attachments: Lease Agreement
Author: Mrs Deb Lloyd
A/Manager Community Services
Disclosure of Interest: Nil
Date of Report: 24 August 2011
Senior Officer: Mrs Deb Lloyd
A/Manager Community Services

Summary

This report recommends Use of the Common Seal on two original copies of the Lease Agreement – Telstra Corporation site, Lake Grace.

Background

The Telstra Corporation and the Shire of Lake Grace have had an agreement in place for the past ten years and are requesting an additional ten year lease to be signed.

The Telstra Corporation have a communications building located behind the Post Office which is operational, with staff from Narrogin coming across to service monthly.

Comment

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

Legal Implications

Nil

Policy Implications

Policy 1.11 – Use of Common Seal

Consultation

N/A

Financial Implications

Nil

Strategic Implications

Nil

Voting Requirements

Simple majority required.

Recommendation/Resolution

MOTION 11289

Moved Cr Chamberlain
Seconded Cr Armstrong

That in accordance with Council Policy 1.11, the Use of the Common Seal is approved on the Lease Agreement – Telstra Corporation and the Shire of Lake Grace.

MOTION CARRIED 8/0

15.6 USE OF COMMON SEAL ON LICENCE AGREEMENT – MINISTER FOR EDUCATION

Applicant: Minister for Education
File No. 0634
Attachments: Licence Agreement
Author: Mrs Deb Lloyd
A/Manager Community Services
Disclosure of Interest: Nil
Date of Report: 24 August 2011
Senior Officer: Mrs Deb Lloyd
A/Manager Community Services

Summary

This report recommends Use of the Common Seal on two original copies of the Licence Agreement – Newdegate Primary School Pool.

Background

The Minister of Education and the Shire of Lake Grace have worked together to ensure the smooth operation and maintenance of the Newdegate Pool for the community and school.

The pool is situated on Education Department land and forms part of the Newdegate school precinct, hence the agreement between the two parties.

Comment

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

Legal Implications

Nil

Policy Implications

Policy 1.11 – Use of Common Seal

Consultation

N/A

Financial Implications

The Shire of Lake Grace and the Department of Education will continue to share the costs of maintaining the pool in Newdegate. This arrangement has been successful in the past.

Strategic Implications

Nil

Voting Requirements

Simple majority required.

Recommendation/Resolution

MOTION 11290

Moved Cr De Landgraft
Seconded Cr Sinclair

That in accordance with Council Policy 1.11 the Use of the Common Seal is approved on the Licence Agreement – Minister of Education and the Shire of Lake Grace.

MOTION CARRIED 8/0

16.0 INFORMATION BULLETIN

16.1 INFORMATION BULLETIN REPORT – AUGUST 2011

Applicant:	Executive Services
File No.	N/A
Attachments:	1. Annual Grants Register 2. Letters: Dept of Local Government ALGA Roads to Recovery (refer attachment p 1) ALGA 2011 Roads & Transport Congress
Author:	Mrs Lee-Anne Trevenen A/Executive Assistant
Disclosure of Interest:	Nil
Date of Report:	18 August 2011
Senior Officer:	Mr Sean Fletcher Chief Executive Officer

Summary

The purpose of this report is to keep Elected Members informed on matters of interest and importance to Council.

Background

The Information Bulletin Report deals with monthly standing items and other information of a strategic nature relevant to Council.

A 'Monthly Circular' is also distributed alongside the Agenda and contains management reports, committee meeting and other minutes, circulars, newsletters and items of correspondence received by the Shire.

Comment

The information at attachment includes:

1. Grants Register

Provides a list of grants applied for (pending), approved and completed on behalf of the Shire.

2. Letters

Dept of Local Government	Clarification on article regarding corruption and fraud in Local Govt.
Australian Local Government Assoc.	Campaign for increased and ongoing Roads to Recovery funding.
Australian Local Government Assoc.	Invitation to 2011 National Local Roads and Transport Congress.

Legal Implications

Nil

Policy Implications

Nil

Consultation

Nil

Financial Implications

Nil

Strategic Implications

Shire of Lake Grace Strategic Plan

Voting Requirements

Simple majority required.

Officer's Recommendation/Resolution

MOTION 11291

Moved Cr Farrelly
Seconded Cr Chappell

That Council receive the Information Bulletin Report.

MOTION CARRIED 8/0

17.0 URGENT BUSINESS BY DECISION OF THE MEETING

None

18.0 SCHEDULING OF MEETING

18.1 SEPTEMBER 2011 ORDINARY MEETING

Motion 11124 November 2010 states:

An Ordinary Meeting of Council will be held on Wednesday 28 September 2011, commencing at 3:00pm at the Lake King Town Hall, Lake King WA.

19.0 CONFIDENTIAL BUSINESS – as per Local Government Act s5.23 (2)

Nil

20.0 CLOSURE

There being no further business, the Chairperson closed the meeting at 4.55 pm.

21.0 CERTIFICATION

I Andrew James Walker certify that the minutes of the meeting held on the 24 August 2011 as shown were confirmed as a true record at the meeting held on the 28 September 2011.

Chairman

Date