

Shire of Lake Grace

Ordinary Council Meeting

Minutes

21 December 2011



CONTENTS

CONTENTS	2
1.0 OPENING & ANNOUNCEMENT OF VISITORS	101
2.0 ATTENDANCE RECORD	101
2.1 PRESENT	101
2.2 APOLOGIES	101
2.3 LEAVE OF ABSENCE PREVIOUSLY GRANTED	101
3.0 PUBLIC QUESTION TIME	101
3.1 MRS SYLVIA BRANDENBURG	101
4.0 APPLICATIONS FOR LEAVE OF ABSENCE	102
5.0 MINUTES OF PREVIOUS COUNCIL MEETINGS	102
5.1 ORDINARY MEETING – 23 NOVEMBER 2011.....	102
6.0 DECLARATIONS OF INTEREST	103
6.1 DECLARATIONS OF FINANCIAL INTEREST – LOCAL GOVERNMENT ACT SECTION 5.60A	103
6.2 DECLARATIONS OF PROXIMITY INTEREST – LOCAL GOVERNMENT ACT 1995 SECTION 5.60B	103
6.3 DECLARATIONS OF IMPARTIALITY INTEREST – ADMINISTRATION REGULATION SECTION 34C..	103
7.0 NOTICES OF URGENT BUSINESS	103
8.0 MOTIONS OF WHICH NOTICE HAS BEEN RECEIVED	103
9.0 PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS	103
10.0 MEMBERS' REPORTS	103
10.1 CR MILTON	103
10.2 CR CHAPPELL	105
11.0 MATTERS FOR CONSIDERATION – WORKS & SERVICES	201

12.0	MATTERS FOR CONSIDERATION – PLANNING	301
12.1	APPLICATION TO CLEAR NATIVE VEGETATION – UNALLOCATED CROWN LAND, FENCE ROAD, HATTER HILL.....	301
12.2	PROPOSED SUBDIVISION – LOTS 12259 & 12260 MORDETTA ROAD KUENDER.....	306
12.3	PROPOSED SUBDIVISION – LOTS 12292 & 14887 PINGRUP LAKE GRACE ROAD SOUTH LAKE GRACE	311
12.4	APPLICATION TO CLEAR NATIVE VEGETATION – UNALLOCATED CROWN LAND (LAKE COBHAM) MAGENTA ROAD MAGENTA.....	315
13.0	MATTERS FOR CONSIDERATION – HEALTH & BUILDING	401
14.0	MATTERS FOR CONSIDERATION – FINANCE	501
14.1	ACCOUNTS FOR PAYMENT – NOVEMBER 2011.....	501
14.2	FINANCIAL STATEMENTS – NOVEMBER 2011	503
15.0	MATTERS FOR CONSIDERATION – ADMINISTRATION.....	601
15.1	ACTING CHIEF EXECUTIVE OFFICER - APPOINTMENT.....	601
15.2	NEWDEGATE REJUVENATION PROJECT STAGE 2 AND STAGE 3- RECOMMENDATIONS.....	603
15.3	METROPOLITAN LOCAL GOVERNMENT REVIEW	610
15.4	WARD AND REPRESENTATION REVIEW.....	618
15.5	APPOINTMENT OF DELEGATES TO COUNCIL COMMITTEES AND EXTERNAL ORGANISATIONS.. ..	622
15.6	LAKE GRACE SPORTING PAVILION REDEVELOPMENT PROJECT COMMITTEE - ESTABLISHMENT	638
15.7	2012 AUSTRALIA DAY AWARDS - CITIZENSHIP	643
15.8	DIGITAL TV SWITCHOVER.....	646
16.0	INFORMATION BULLETIN	701
16.1	INFORMATION BULLETIN REPORT – DECEMBER 2011.....	701
17.0	URGENT BUSINESS BY DECISION OF THE MEETING.....	801
18.0	SCHEDULING OF MEETING	801
18.1	FEBRUARY 2012 ORDINARY MEETING.....	801
19.0	CONFIDENTIAL BUSINESS – AS PER LOCAL GOVERNMENT ACT S5.23 (2).....	801
19.1	MANAGER INFRASTRUCTURE SERVICES - APPOINTMENT	801
19.2	CHIEF EXECUTIVE OFFICER - PERFORMANCE REVIEW	802
20.0	CLOSURE	804
21.0	CERTIFICATION.....	804

SHIRE OF LAKE GRACE

Minutes of the Ordinary Meeting of Council held at Council Chambers, 1 Bishop St Lake Grace WA on Wednesday 21 December 2011.

1.0 OPENING & ANNOUNCEMENT OF VISITORS

The Shire President opened the meeting at 3.07 pm.

2.0 ATTENDANCE RECORD

2.1 PRESENT

Cr LW Armstrong	Shire President
Cr IG Chamberlain	Deputy Shire President
Cr R Chappell	
Cr OP Farrelly	
Cr JF De Landgrafft	
Cr AI Milton	
Cr WA Newman	
Cr DP Sinclair	
Cr AJ Walker	
Mr SK Fletcher	Chief Executive Officer
Ms S Appleton	Manager Corporate Services
Ms D Lloyd	Manager Community Services (Acting)
Mr B McKenna	Manager Infrastructure Services (Acting)
Mrs J Bennett	Executive Assistant
Mr D Whiting	Acting Works Overseer
Ms H Bell	Senior Finance Officer
Mr M Owen	Natural Resource Management Officer
Mr K Luther	Observer
Ms K Pinchback	Observer

2.2 APOLOGIES

None

2.3 LEAVE OF ABSENCE PREVIOUSLY GRANTED

None

3.0 PUBLIC QUESTION TIME

There were no questions from the members of the public present.

3.1 MRS SYLVIA BRANDENBURG

Mrs Brandenburg asked a range of questions at the 28 September 2011 Ordinary Meeting, several of which were answered at the meeting, with others taken on notice.

A summary of the questions taken on notice and response is as follows:

- Shire employees not living in Lake Grace = 5.17 FTEs
- Shire owned houses occupied by staff in what towns = 13 all in Lake Grace, one of which was built with a CHA grant and which Shire now has permission to use for staff.
- Shire rate % not including SAR taken up by wages and associated costs = wages are not exclusively funded through Shire rates as Shire receives funding from numerous sources. Wages take up 22% of the overall budget.
- Shire rate % income from Varley King Ward = 27.6%.
- Shire rate % income from Varley King Ward actually spent in Ward = Information not available, Shire does not operate with a ward accounting structure, illegal under the *Local Government Act 1995*.
- Lake King Hall community input = Day to day management of maintenance works to the Hall is a Shire administrative responsibility, community involvement is not necessary.
- Lake King Hall – previous white ant treatment report = records search shows no formal reports submitted over past 5 years, recent report re scope of current works refers to a regular termite control maintenance program being established.
- Lake King Hall exterior painting = No allowance in 2011/12 budget, would need to come through budget process as a major maintenance work.
- Lake King Hall – storm damage insurance claim = records indicate contractor was pursued over 2 years for damage in 2001, no evidence of an insurance claim. A claim was made for hail damage in 2010.
- Old Lake King Townsite – road works & public parking requirements and sealing of the area = Lake King Traffic Improvement Project is currently underway; community involvement through the Progress Association has been sought.
- Lake King Parks & Gardens – level of Shire support = town is being serviced by Shire Parks and Gardens Team until a suitable employee is sourced.
- Lake King Parks and Gardens – community interaction = Parks and Gardens Supervisor has attempted to set up meetings with community re hockey field and town gardens without success.

4.0 APPLICATIONS FOR LEAVE OF ABSENCE

None.

5.0 MINUTES OF PREVIOUS COUNCIL MEETINGS

5.1 ORDINARY MEETING – 23 NOVEMBER 2011

Resolution

MOTION 11336

Moved Cr Walker
Seconded Cr Chappell

That the minutes of the Ordinary Meeting of Council held on the 23 November 2011 be confirmed as a true and accurate record.

MOTION CARRIED 9/0

6.0 DECLARATIONS OF INTEREST

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

Chief Executive Officer – Item 19.2

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 MILTON

**2011 National Local Roads and Transport Congress
"Better Roads are Safer Roads"
16 - 18 November 2011
Mount Gambier - South Australia**

Firstly I would like to thank the Shire of Lake Grace for the opportunity to attend the 2011 National Local roads and Transport Congress in Mount Gambier with the Shire CEO Mr Sean Fletcher.

Some statistics from the conference are :-

National Figures (Austroads Research Reports)

- 84% Road network is on local roads
- 88% Road network is managed by local authorities
- 37% of all vehicle kilometres travelled are on local roads
- 51% of all crashes are on local roads
- 40% of all fatal crashes are on local roads

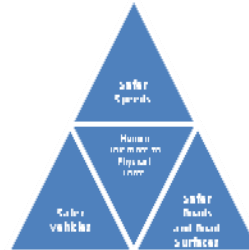
Western Australia Figures (Roadwise)

- 72% Road network is on local roads (12% less than national average)
- 62% of all crashes are on local roads (11% higher than the national average)
- In WA there are 69 accidents per 100,000 population versus the national average of 46 accidents per 100,000 population.
- WA is the only state to have a state road safety body such as Roadwise.

- As of next year 100% of all speeding and red light infringement revenues goes into the State Road Trauma Trust Fund. This will fund additional initiatives in road safety.

National Road Safety Strategy

Is based on the "Safe Systems Approach" based around safer speeds, safer vehicles, and safer roads and road surfaces. The centrepiece is the notion that all systems work on the premise that "it is not acceptable for a road user to be killed or maimed for making a mistake."



Professor Ian Johnson the National Transport Commissioner raised 3 key points that are pertinent to our council.

1/ Local Problems :- Need to collect the data for accidents on local roads in our local government area, we need to analyse the reasons for the accident, and investigate what actions need to be taken to correct any identified deficiencies. These deficiencies may be physical road structural or signage over which the council has control or driver behaviour that our Shire of Lake Graced Roadwise Committee can address i.e. identified themes in driving behaviour.

2/ Build Capacity in the Community :- The old model that focuses on the fact that it is those who are breaking the law that are having accidents is only 50% of the equation. Detailed analysis of 83 coroner's reports on road crashes and 181 metro and 270 rural crashes in South Australia clearly demonstrates that 51% of all fatal crashes are single vehicle accidents and more than 50% of these are what are deemed as "system failure" i.e. the person was not using "extreme illegal behaviour" or "non extreme illegal behaviour" but what is deemed a "system failure".

3/ Win Local Hearts and Minds :- An increased focus on preventing the "system failures" through an increased focus on accident data in road planning, and education of locals particularly about **SACRED** speed i.e. **SA**fe and **CR**EDible for the circumstances at the time of driving.

Key Points

1/ Primary cause of local road accidents Australia wide are :-

- Running off the road
- Collision with pedestrians and collisions at intersections
- Collision with roadside hazards
- Non Compliance with seatbelts and alcohol

2/ Need to increased the use of road crash data in 10 year road program planning for the Shire.

3/ Possibility of dedicated truck/trailer exchange points within the Shire.

10.2 CR CHAPPELL

On Tuesday evening, 13th December 2011, I attended the Lake Grace District High School Concert and Awards night where I made two presentations, one on behalf of the Hon Terry Waldron, Member for Wagin which was the Year Eight Encouragement Award and the second on the behalf of the Shire of Lake Grace, the School Dux Award to a Year 10 student .

10.3 CR FARRELLY

During December, sat on the selection panel for the Lake Grace District High School Ernest & Catherine Bennett Scholarship Award.

On the 14 December, attended and spoke at the Lake Grace Centenary Book and Agri-art Award afternoon tea celebration.

10.4 CR CHAMBERLAIN

Attended the Newdegate Primary School presentation night.

10.5 CR DE LANDGRAFFT

Presented the Shire award at the Lake King Primary School concert night.

10.6 CR ARMSTRONG

24 November 2011

Trip to Albany for Integrated Planning and Reporting Workshop. A most worthwhile workshop for an understanding of what is required by June 2013.

25 November 2011

Trip with the CEO to Williams for attendance at the Central Country Zone Meeting. WALGA representative Cr Steve Martin to both the CEO and I, a painting in recognition of the Shire's 100 Years of celebrations.

Zone elections for WALGA State Council Representative - Cr Steve Martin, President of Shire of Wickepin being replaced by Cr Don Ellis, Mayor of Town of Narrogin. As an aside Cr Steve Martin was the Deputy President of WALGA.

30 November 2011

Chaired the Newdegate Rejuvenation Project Committee meeting with outcomes from that meeting being brought forward as an agenda item, Item 15.2, to this meeting of Council.

5 December 2011

Deputy President, Ian and myself were interviewed and had a photo shoot taken outside the Newdegate Medical Centre for an article to be released in an upcoming edition of the Countryman.

9 December 2011

Attended an all day workshop for incoming Mayors and Presidents, another well organised and worthwhile workshop facilitated by the Department of Local Government. Full credit to Jenni Law and her crew.

13 December 2011

Presentation of the Shire of Lake Grace sponsored award at the Newdegate Primary School Graduation & Awards Night. I'd also like to thank Cr Ross Chappell and Cr

Jeanette De Landgraft for carrying out the same functions at Lake Grace and Lake King Schools on the same evening. Thanks to you both.

14 December 2011

Attendance at the presentation of the 100 Years celebration book and Agri-Art Awards afternoon tea held in this room. The afternoon was MC'd by the CEO and presentations made by Cr Farrelly in relation to the Agri-Art Competition.

Finally, a thank you to Cr Amanda Milton for her attendance at the Lakes Sub Group Wheat Regional Road Group Meeting on the 24 November 2011, and also for the detailed written report as provided within this agenda, of her attendance at the 2011 National Local Roads and Transport Congress. Thank you Cr Milton.

11.0 MATTERS FOR CONSIDERATION – WORKS & SERVICES

No items for consideration.

12.0 MATTERS FOR CONSIDERATION – PLANNING

12.1 APPLICATION TO CLEAR NATIVE VEGETATION – UNALLOCATED CROWN LAND, FENCE ROAD, HATTER HILL

Applicant:	Mr Ken Spurge
File No.	0212
Attachments:	Plans 1 to 3
Author:	Mr Joe Douglas & Mr John Culmer Urban & Rural Perspectives -Town Planning Consultants
Disclosure of Interest:	Nil
Date of Report:	13 December 2011
Senior Officer:	Mr Sean Fletcher Chief Executive Officer

Summary

This report recommends that an application recently submitted to the Department of Environment and Conservation (DEC) by Mr Ken Spurge to clear approximately 0.1ha (i.e. 1,000m²) of native vegetation from unallocated Crown land on Fence Road, Hatter Hill be unconditionally supported by Council.

Background & Comment

The Department of Environment and Conservation has received an application from Mr Ken Spurge to clear approximately 0.1ha (1,000m²) of native vegetation from unallocated Crown land located on Fence Road, Hatter Hill for apiary purposes (i.e. beehives). The application was recently referred to the Shire for review and comment.

The proposal forms part of a wider project to clear approximately 16 hectares of native vegetation across 318 sites within allocated and unallocated Crown land in the South West of Western Australia for the purpose of apiary site establishment and maintenance.

A total of two (2) sites in the Shire comprising an area of approximately 500m² each are proposed to be cleared for the purpose of apiary site maintenance. The clearing maintenance may incorporate pruning, slashing and/or scrub rolling vegetation.

The DEC has stated that “if any maintenance is required, up to approximately 0.05ha may be necessary per site for access or placement of beehives”. Clearing of native vegetation from firebreaks if required has been factored into the 500m² land clearing total.

The subject land is located approximately 30 kilometres east of the Varley townsite on Fence Road between Carstairs Road to the north and Broombrush Flat Road to the south in the locality of Hatter Hill and comprises a total area of approximately 37,567 hectares (see Plans 1 & 2).

The areas proposed to be cleared are located in the south western portion of the property in close proximity to Fence Road. Specific details of the clearing proposal are illustrated in the attached Plan 3.

In considering the clearing proposal for the subject land Council should have due regard for the following elements of the local planning framework prior to submitting its response to the DEC:

- Shire of Lake Grace Local Planning Scheme No.4;
- Environmental Protection Authority (EPA) Position Statement No.2 – Environmental Protection of Native Vegetation in Western Australia.

The following is an assessment of the proposal in the context of the specific requirements of these 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, allow for facilities for tourists and consider non-rural uses where they can be shown to be of a benefit to the district.

Clause 5.40 of LPS No.4 applies specifically to the clearing of land, including remnant vegetation, within the Shire and states:

"The clearing of any native vegetation within the Scheme Area is not permitted unless a clearing permit is obtained from the Department of Environment and Conservation under the provisions of the Environmental Protection (Clearing of Native Vegetation) Regulations 2004 or the clearing is of a type that does not require a permit i.e. the clearing is for an exempt purpose as prescribed in the Environmental Protection (Clearing of Native Vegetation) Regulations 2004."

The application submitted to the DEC by Mr Ken Spurge satisfies the specific requirements of Clause 5.40 of LPS No.4 and will be determined by the DEC following the receipt of any comments from the Shire of Lake Grace and any other authorities with an interest in the land.

In considering the suitability of the proposal in the context of the stated objectives and provisions of the land's current 'General Agriculture' zoning classification the following key points should be noted:

- i) The use of the land for apiary purposes is capable of being approved by Council under the provisions of LPS No.4 despite the fact that it is not a use expressly defined or listed in the Zoning Table of the scheme;
- ii) The proposed clearing works are unlikely to have any adverse impacts upon the amenity, character and landscape qualities of the immediate locality due to its general location, limited extent and siting well back from Fence Road; and
- iii) The establishment and operation of apiary sites and their associated pollination effects will be beneficial to the natural environment and local agricultural practices.

Given these facts it is concluded that the clearing proposal for the subject land is generally consistent with the specific objectives and requirements of LPS No.4 and is capable of being supported by Council. It is however recommended that the Shire advise the DEC of the proponent's obligation to obtain Council's planning approval for the proposed development and use of the land for apiary purposes in accordance with the specific requirements of LPS No.4 prior to the commencement of any development (including the proposed clearing works).

EPA Position Statement No.2 – Environmental Protection of Native Vegetation in WA

The EPA's Position Statement No.2 provides details of its current policy position regarding the clearing of all existing native vegetation in Western Australia with particular reference to clearing within the State's agricultural areas.

The position statement identifies that significant clearing of native vegetation has already occurred on land within the State's agricultural areas and that the following policy measures are now required to be implemented:

- Further reduction in native vegetation through clearing for agriculture cannot be supported;
- All existing remnant native vegetation should be protected from passive clearing (i.e. grazing by stock or chemicals);
- All existing remnant native vegetation should be actively managed by landholders;
- Revegetation strategies; and
- Clearing of deep-rooted native vegetation for replacement with non-native deep-rooted crops is generally not acceptable, with alternative deep-rooted crops being planted on already cleared land.

Notwithstanding the above, the position statement enables the DEC to consider supporting further clearing in agricultural areas to facilitate future development subject to each particular proposal addressing the criteria outlined in section 4.2 of the EPA's position statement. The following is an assessment of the clearing proposal for the subject land in the context of the relevant criteria of section 4.2:

- a. The proposed land use addresses alternative mechanisms for protecting biodiversity. Opportunities for addressing biodiversity could include rehabilitation of disturbed areas and/or acquisition of areas containing remnant native vegetation. The EPA would like to see an overall environmental benefit as a result of the proposal, such as ensuring protection and management of higher quality remnant native vegetation in the general area (not necessarily on the same property).***

The clearing application does not provide details of any alternative mechanisms proposed to provide for the long term protection of biodiversity on the land or any nearby or adjoining property but it is considered that the proposed apiary sites will contribute to the protection of biodiversity through its pollination effects.

- b. The area proposed for clearing is relatively small, depending on the scale over which significant biodiversity changes occur in the particular area, including the extent of vegetation in the surrounding area, and recognising that the values will vary for different ecosystems.***

The application proposes the clearing of approximately 0.0000026% (i.e. 0.1ha) of the subject land which is considered minor. As the area proposed to be cleared is very small, it is considered that this criterion has been satisfied.

- c. The proponent demonstrates that the elements set out in section 4.3 are being met. This will require extensive local and regional biodiversity work.**

As the area proposed to be cleared is very small, it is considered unnecessary for the applicant to address this particular criterion.

- d. Land degradation, including aquatic environments and threatening processes, such as dieback, salinisation or disruption of catchment processes, on-site and off-site would not be exacerbated.**

The application does not demonstrate that the proposal to clear 0.1ha of the subject land will not lead to or exacerbate on and off-site land degradation problems. However due to the limited extent of the proposed clearing works it is considered unlikely to have any negative environmental impacts. As such this criterion is deemed to have been satisfied.

Conclusion

It is concluded from a detailed assessment of the application to clear approximately 0.1ha of native vegetation on unallocated Crown land on Fence Road, Hatter Hill that:

- i) It is generally consistent with the objectives and requirements of LPS No.4 as these apply specifically to the development and use of agricultural land within the Shire;
- ii) The proposed use of the land for apiary purposes is capable of being approved by Council under the provisions of LPS No.4 despite the fact that it is not a use expressly defined or listed in the Zoning Table of the scheme;
- iii) The proposed clearing works are unlikely to have any adverse impacts upon the amenity, character and landscape qualities of the immediate locality due to its general location, limited extent and siting well back from Fence Road;
- iv) The establishment and operation of apiary sites and their associated pollination effects will be beneficial to the natural environment and local agricultural practices; and
- v) It is generally consistent with the Environmental Protection Authority's Position Statement No.2 entitled Environmental Protection of Native Vegetation in Western Australia.

It is therefore recommended that Council advise the Department of Environment and Conservation that it unconditionally supports the clearing application for the subject land as proposed.

Legal Implications

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

Policy Implications

Nil

Consultation

Community consultation not required

Financial Implications

Nil

Strategic Implications

Nil

Voting Requirements

Simple majority required

Recommendation/Resolution

MOTION 11337

Moved Cr Milton
Seconded Cr Sinclair

That Council advise the Department of Environment and Conservation that:

1. It supports the application submitted by Mr Ken Spurge to clear approximately 0.1ha of native vegetation on unallocated Crown land on Fence Road, Hatter Hill in accordance with the details of the plan submitted in support of the application; and
2. Council's planning approval for the proposed development and use of the land for apiary purposes is required in accordance with the specific requirements of LPS No.4 prior to the commencement of any development.

MOTION CARRIED 9/0

12.2 **PROPOSED SUBDIVISION – LOTS 12259 & 12260 MORDETTA ROAD KUENDER**

Applicant:	PH & KE Gow (Licensed Surveyors) on behalf of Mr William Kurt Luther (Landowner)
File No.	0453/0557
Attachments:	Plans 4 to 7
Author:	Mr Joe Douglas & Mr Carlo Famiano Urban & Rural Perspectives -Town Planning Consultants
Disclosure of Interest:	Nil
Date of Report:	13 December 2011
Senior Officer:	Mr Sean Fletcher Chief Executive Officer

Summary

This report recommends that a subdivision application for boundary realignment submitted to the Western Australian Planning Commission (WAPC) by PH & KE Gow (Licensed Surveyors) on behalf of Mr William Kurt Luther (landowner) and referred to the Shire for review and comment be supported by Council subject to conditions.

Background

The current landowner is seeking approval to realign the common boundaries between two (2) existing agricultural lots to allow for the proposed new boundaries to be aligned with existing fence lines and other physical improvements on the land.

Lots 12259 & 12260 are located approximately 22 kilometres north-east of the Lake Grace townsite in the locality of Kuender and comprise a total combined area of approximately 777.53 hectares (see Plans 4 & 5).

The land has direct frontage to an unnamed, unconstructed road reserve along its southern boundary and Mordetta Road along its northern boundary. The land also has direct frontage to an existing narrow gauge railway line along its eastern boundary with the North Lake Grace - Karlgarin Road road reserve and carriageway located immediately east of the railway corridor.

Lots 12259 & 12260 have been extensively cleared and are currently used for broadacre agricultural purposes (i.e. cropping & grazing). A large stand of natural vegetation and numerous salt lakes are located within the western portion of the land. The subject landholdings also contain a number of physical improvements associated with their current rural use including dams, access tracks and fencing (see Plan 6).

The proposed boundary realignment will result in the following changes to the current lot areas as described in the table below:

Lot Particulars	Existing Land Area(Approx.)	Proposed Land Area(Approx.)
Existing Lot 12259	59.92 ha	-
Existing Lot 12260	717.61 ha	-
Proposed 'Lot A'	-	587.38 ha
Proposed 'Lot B'	-	190.15 ha

Comment

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

- Shire of Lake Grace Local Planning Scheme No.4; and
- WAPC Development Control Policy No.DC 3.4 – ‘Subdivision of Rural Land’.

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 broadacre 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 further subdivision of land classified ‘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. In this case Section 4.6 of the WAPC’s Development Control (DC) Policy No.3.4 – ‘Subdivision of Rural Land’ enables the consideration of subdivision applications for farm adjustment purposes (i.e. ‘farm rationalisation’). As such there is scope for Council to consider this proposal.

The application proposes the realignment of the common boundaries between two (2) existing rural lots and will not result in the creation of any additional lots or dwelling entitlements (see Plan 7). To that extent it is the view of this report that the proposed subdivision is generally consistent with the objectives of the land’s current ‘General Agricultural’ zoning classification in LPS No.4 as this applies specifically to the continuation of broadacre agriculture in the District and may therefore be supported by Council.

In considering the subdivision proposal Council should also consider the following key points:

- i) The subdivision will result in a new boundary being located through existing remnant vegetation within the western portion of the subject land. The new boundary along with required fire breaks will result in the clearing of approximately 1,140m² of native vegetation, which is considered minor and may therefore be supported in this instance; and
- ii) Clause 5.41 of LPS No.4 gives Council the discretion to require the erection of fencing around existing remnant vegetation on the land for conservation purposes. Given the significant amount of fencing required in this particular instance and the Public Transport Authority’s likely request for fencing to be erected along the land’s frontage to the existing railway reserve along the land’s eastern boundary for safety purposes, it is recommended that Council consider waiving the requirement for the subdivider to erect fencing around the existing remnant vegetation on the property.

WAPC Development Control Policy No.DC3.4 – Subdivision of Rural Land

The Western Australian Planning Commission's (WAPC's) Development Control Policy No.DC3.4 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, section 4.6 of Policy No.DC3.4 enables the rationalisation of farming land through boundary realignments to improve farm management. As previously mentioned the subdivision application proposes to realign existing boundaries to coincide with existing fence lines and other physical improvements on the land.

The following is an assessment of the subdivision proposal in the context of the relevant criteria:

a. The new lot pattern is consistent with the objectives of the policy.

The proposed subdivision is considered to be consistent with the objectives of Policy No. DC3.4 and State Planning Policy No.2.5 as these relate specifically to the protection of agricultural land, planning for rural settlement and minimizing the potential for land use conflict. The subdivision is unlikely to compromise any of these key objectives and will result in the creation of two (2) new lots which are consistent with the prevailing lot sizes in the immediate locality.

b. No additional lots are created.

The proposal will not result in the creation of any additional lots or dwelling entitlements.

c. The new lot boundaries reflect good environmental and land management practice and are appropriate for the intended land use.

The proposed lot boundaries have been formulated with due regard for the current alignment of existing fence lines and other physical improvements. The proposed subdivision is also unlikely to have any negative environmental impacts, will provide for the creation of lots that can continue to be used independently for broadacre agricultural purposes and is consistent with the prevailing lot sizes in the immediate locality.

d. Former road reserves and small remnant portions of lots are not lots for purpose of boundary rationalization.

The application does not propose to realign the boundaries of former road reserves or small remnant portions of lots.

Given the above findings the proposed subdivision is considered to be consistent with the criterion outlined in section 4.6 of WAPC Policy No.DC 3.4 and may therefore be supported by Council.

Conclusion

It is concluded from a detailed assessment of the subdivision proposal for Lots 12259 & 12260 Mordetta Road, Kuender that it is:

- i) unlikely to compromise the objectives for land classified 'General Agriculture' zone in the Shire of Lake Grace's current operative Local Planning Scheme No.4; and
- ii) is generally consistent with the criteria contained in the Western Australian Planning Commission's Development Control Policy No.DC3.4 entitled Subdivision of Rural Land.

In light of these conclusions it is recommended that Council advise the Western Australian Planning Commission that it supports the proposed subdivision in accordance with the details of the plan submitted in support of the application subject to the imposition of relevant conditions.

Legal Implications

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

Policy Implications

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

Consultation

Community consultation not required.

Financial Implications

Nil

Strategic Implications

Nil

Voting Requirements

Simple majority required.

Recommendation/Resolution

MOTION 11338

Moved Cr Walker
Seconded Cr Chappell

That Council advise the Western Australian Planning Commission that it supports the application submitted by PH & KE Gow (Licensed Surveyors) on behalf of Mr William Kurt Luther (landowner) to subdivide Lots 12259 & 12260 Mordetta Road, Kuender in accordance with the details of the plan submitted in support of the application subject to the following conditions:

1. All existing buildings and structures having the necessary clearance from the new lot boundaries as required under the relevant legislation.
2. Suitable arrangements being made with the Public Transport Authority to ensure that access to the proposed new lots from North Lake Grace - Karlgarin Road across the existing railway reserve is provided in accordance with all relevant safety standards.
3. Suitable arrangements being made with the Public Transport Authority to ensure that livestock are prohibited from gaining access to the adjoining railway reserve.

MOTION CARRIED 9/0

12.3 PROPOSED SUBDIVISION – LOTS 12292 & 14887 PINGRUP LAKE GRACE ROAD SOUTH LAKE GRACE

Applicant:	PH & KE Gow (Licensed Surveyors) on behalf of CM Holmes & Co, Ian Douglas Hitchins & Kerry Lee Hitchins (Landowners)
File No.	0453/0557
Attachments:	Plans 8 to 11
Author:	Mr Joe Douglas & Mr Carlo Famiano Urban & Rural Perspectives -Town Planning Consultants
Disclosure of Interest:	Nil
Date of Report:	13 December 2011
Senior Officer:	Mr Sean Fletcher Chief Executive Officer

Summary

This report recommends that a subdivision application for boundary realignment submitted to the Western Australian Planning Commission (WAPC) by PH & KE Gow (Licensed Surveyors) on behalf of CM Holmes & Co, Ian Douglas Hitchins & Kerry Lee Hitchins (Landowners) and referred to the Shire for review and comment be unconditionally supported by Council.

Background

At its Ordinary Meeting held on 23 July 2008 the Lake Grace Shire Council resolved to unconditionally support a subdivision application submitted by the current landowners to realign the common boundaries between Lots 12292 & 14887 Pingrup - Lake Grace Road to facilitate the sale of that portion of the land located on the western side of this road to a third party. Following receipt of the Shire's comments the WAPC granted conditional approval to the subdivision on 15th October 2008 which was valid for a period of three (3) years.

Given that the landowners did not finalise the subdivision within the three (3) year statutory approval period, they are now seeking a new approval from WAPC to enable the project to proceed in accordance with the details of the previously approved plan (see Plan 11).

The proposed boundary realignment will result in the following changes to the current lot areas as described in the table below:

Lot Particulars	Existing Land Area (Approx.)	Proposed Land Area (Approx.)
Existing Lot 12292	828.7 ha	-
Existing Lot 14887	336.8 ha	-
Proposed Lot A	-	647.4 ha
Proposed Lot B	-	518.1 ha

Lots 12292 & 14887 are located approximately 21 kilometres south of the Lake Grace townsite in the locality of South Lake Grace and comprise a total combined area of approximately 1,165.5 hectares (see Plans 8 to 10).

Lot 12292 is dissected by the north-south alignment of Pingrup - Lake Grace Road through its eastern portion, with Lot 14887 being located immediately adjacent to its

eastern boundary. It is significant to note that Lot 14887 does not have direct frontage to any gazetted and/or constructed roadways and is therefore 'landlocked'.

Lots 12292 & 14887 have been extensively cleared, are currently used for broadacre agricultural purposes (i.e. cropping & grazing) and contain a number of physical improvements associated with their current rural use including dams, access tracks and fencing. The land is also characterised by a number of small lakes scattered throughout, particularly the western portion of Lot 12292 which is located immediately adjacent to Lake Grace South, a significant natural water feature in the district.

Comment

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

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

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 broadacre 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 further subdivision of land classified '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. In this case Section 4.1 of the WAPC's Development Control (DC) Policy No.3.4 – 'Subdivision of Rural Land' enables the realignment of lot boundaries for farming purposes and/or the provision of access to landlocked lots. As such there is scope for Council to consider this proposal.

The application proposes the realignment of the common boundaries between two (2) existing rural lots and will not result in the creation of any additional lots or dwelling entitlements. To that extent it is the view of this report that the proposed subdivision is generally consistent with the objectives of the land's current 'General Agricultural' zoning classification in LPS No.4 as this applies specifically to the continuation of broadacre agriculture in the District and may therefore be supported by Council.

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

The Western Australian Planning Commission's (WAPC's) Development Control Policy No.DC3.4 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.DC 3.4 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, section 4.1 of Policy No.DC3.4 enables the realignment of lot boundaries for farming purposes and/or the provision of access to landlocked lots. As previously mentioned Lot 14887 does not have legal frontage to a gazetted and/or constructed roadway and is therefore 'landlocked'. The application will result in Lot 14887 being provided with legal road frontage to Pingrup-Lake Grace Road through its amalgamation with that portion of Lot 12292 located immediately west.

Having regard for the objectives and guidelines contained within Policy No. DC 3.4, the reporting officers have formed the view that the proposed subdivision will not result in the ad-hoc fragmentation of rural land in the locality, is generally consistent with the provisions contained in Policy No. DC 3.4 and will resolve the current legal access issues affecting Lot 14887.

Conclusion

The proposed subdivision of Lots 12292 & 14887 for boundary realignment purposes is considered to be consistent with the objectives and criteria contained in the Shire of Lake Grace Local Planning Scheme No.4 and Western Australian Planning Commission Policy No.DC 3.4. To that extent it is recommended that Council unconditionally support the proposed subdivision in accordance with the details of the plan submitted in support of the application.

Legal Implications

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

Policy Implications

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

Consultation

Community consultation not required.

Financial Implications

Nil

Strategic Implications

Nil

Voting Requirements

Simple majority required.

Recommendation/Resolution

MOTION 11339

Moved Cr Milton
Seconded Cr De Landgraft

That Council advise the Western Australian Planning Commission that it unconditionally supports the application submitted by PH & KE Gow (Licensed Surveyors) on behalf of CM Holmes & Co, Ian Douglas Hitchins & Kerry Lee Hitchins (Landowners) to subdivide Lots 12292 & 14887 Pingrup - Lake Grace Road, South Lake Grace in accordance with the details of the plan submitted in support of the application.

MOTION CARRIED 9/0

12.4 **APPLICATION TO CLEAR NATIVE VEGETATION – UNALLOCATED CROWN LAND (LAKE COBHAM) MAGENTA ROAD MAGENTA**

Note: Since the agenda document was made public, additional information regarding this matter was received from the Department of Mines resulting in a revised report being prepared. The revised report follows on directly from this original report.

Applicant: Mr Regan S Grant
File No. 0211
Attachments: Plans 12 to 15
Author: Mr Joe Douglas & Mr John Culmer
 Urban & Rural Perspectives -Town Planning Consultants
Disclosure of Interest: Nil
Date of Report: 13 December 2011, revised report 20 December 2011
Senior Officer: Mr Sean Fletcher
 Chief Executive Officer

Summary

This report recommends that an application recently submitted to the Department of Mines and Petroleum (DMP) by Mr Regan S Grant to clear approximately 8.5 ha of native vegetation on land comprising a portion of Lake Cobham, Magenta Road, Magenta for gypsum mining purposes not be supported by Council.

Background & Comment

The Department of Mines and Petroleum has received an application from Mr Regan S Grant to clear approximately 8.5 ha of native vegetation from a portion of Lake Cobham located on Magenta Road, Magenta for gypsum mining purposes. The application was recently referred to the Shire for review and comment.

The subject land is located approximately 44 kilometres south-east of the Newdegate townsite on Magenta Road between Giles Road to the north and Morgan Road to the south in the locality of Magenta. The land, which is currently designated as unallocated Crown land and legally described as Roe Location 3100, covers a total area of approximately 1,006 hectares and comprises Lake Cobham, a significant natural water feature in the Magenta locality (see Plans 12 & 13).

The area proposed to be cleared covers a total area of approximately 8.5 hectares and is located in the central portion of Lake Cobham (see Plans 14 and 15).

In considering the clearing proposal Council should have due regard for the following elements of the local planning framework prior to submitting its response to the DMP:

- *Shire of Lake Grace Local Planning Strategy;*
- *Shire of Lake Grace Local Planning Scheme No.4; and*
- *Environmental Protection Authority (EPA) Position Statement No.2 – Environmental Protection of Native Vegetation in Western Australia.*

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

Shire of Lake Grace Local Planning Strategy

The land comprising Lake Cobham is identified as a significant natural water feature in the Shire's current Local Planning Strategy. Section 4.5 of the Strategy states that Council's vision / objective for environmental protection and conservation is to "protect, conserve and enhance the environmental values and natural resources of the Shire for the benefit of future

generations while providing appropriate development opportunities to promote the local economy”.

Section 4.5 of the Strategy document clearly states that Council's strategies for environmental protection and conservation throughout the Shire are as follows:

- Avoid development in areas that may result in unacceptable environmental damage or negative impacts upon the visual character and qualities of the local landscape.
- Promote the planning, management and sustainable use of the Shire's natural resources.
- Ensure that land and soil is safeguarded and degradation does not occur.
- Provide for the rehabilitation and revegetation of degraded land.
- Facilitate the long term protection of areas of local and regional conservation significance in Crown ownership throughout the Shire.
- Support land use change and development that has positive environmental outcomes or that reduces the degree of negative impact on the environment.
- Promote and support community involvement in environmental groups and rehabilitation of the natural environment.

It is concluded, having regard for:

- a. the abovementioned vision / objective and strategies as prescribed in the Shire's current Local Planning Strategy; and
- b. the limited information submitted by the applicant in support of the application outlining how the environmental impacts of the proposed clearing works and subsequent use of the land for gypsum mining purposes will be managed,

that the clearing proposal for the subject land is inconsistent with the provisions contained in Section 4.5 of the Shire's Local Planning Strategy and should not therefore be supported.

Shire of Lake Grace Local Planning Scheme No.4

The subject land is currently classified 'Local Scheme Reserve - Conservation' in the Shire of Lake Grace Local Planning Scheme No.4 (LPS No.4) in recognition of its natural values and conservation significance.

Part 3 of LPS No.4 sets out the provisions applicable to the development and use of any land classified 'Local Scheme Reserve' in the Shire. Clause 3.41 specifically states:

“A person must not –

- a. use a Local Reserve; or
- b. commence or carry out development on a Local Reserve,

without first having obtained the local government's planning approval under Part 9 of the Scheme.”

Clause 3.4.2 of LPS No.4 also states that “in determining an application for planning approval the local government shall have due regard to:

- a. the various matters set out in Clause 10.2 of the Scheme; and
- b. the ultimate purpose intended for the Reserve.”

Given the land's current 'Conservation' reserve classification in LPS No.4 it is contended that the proposal by Mr Grant to clear and develop approximately 8.5 hectares for gypsum mining purposes is inconsistent with the ultimate intended purpose of the reserve and should not therefore be supported by Council due to its potential negative impacts on the natural environment.

EPA Position Statement No.2 – Environmental Protection of Native Vegetation in WA

The EPA's Position Statement No.2 provides details of its current policy position regarding the clearing of all existing native vegetation in Western Australia with particular reference to clearing within the State's agricultural areas.

The position statement identifies that significant clearing of native vegetation has already occurred on land within the State's agricultural areas and that the following policy measures are now required to be implemented:

- Further reduction in native vegetation through clearing for agriculture cannot be supported;
- All existing remnant native vegetation should be protected from passive clearing (i.e. grazing by stock or chemicals);
- All existing remnant native vegetation should be actively managed by landholders;
- Preparation of revegetation strategies; and
- Clearing of deep-rooted native vegetation for replacement with non-native deep-rooted crops is generally not acceptable, with alternative deep-rooted crops being planted on already cleared land.

Notwithstanding the above, the position statement enables the EPA to consider supporting further clearing in agricultural areas to facilitate future development subject to each particular proposal addressing the criteria outlined in section 4.2 of the EPA's position statement. The following is an assessment of the clearing proposal for the subject land in the context of the relevant criteria of section 4.2:

- a. The proposed land use addresses alternative mechanisms for protecting biodiversity. Opportunities for addressing biodiversity could include rehabilitation of disturbed areas and/or acquisition of areas containing remnant native vegetation. The EPA would like to see an overall environmental benefit as a result of the proposal, such as ensuring protection and management of higher quality remnant native vegetation in the general area (not necessarily on the same property).**

The clearing application does not provide details of any alternative mechanisms proposed to provide for the ongoing, long term protection of biodiversity on the land or any nearby or adjoining property.

- b. The area proposed for clearing is relatively small, depending on the scale over which significant biodiversity changes occur in the particular area, including the extent of vegetation in the surrounding area, and recognising that the values will vary for different ecosystems.**

The application proposes the clearing of approximately 0.844% (i.e. 8.5 ha) of the subject land which is considered minor. However as the area proposed to be cleared is located in the central portion of Lake Cobham and could have a significant impact on the lake's biodiversity, it is considered that this criterion has not been satisfied.

- c. The proponent demonstrates that the elements set out in section 4.3 are being met. This will require extensive local and regional biodiversity work.**

No information regarding the nature and extent of any local or regional biodiversity work was submitted in support of the clearing application. As such it is contended that this criterion has not been satisfied.

- d. Land degradation, including aquatic environments and threatening processes, such as dieback, salinisation or disruption of catchment processes, on-site and off-site would not be exacerbated.**

The application does not demonstrate that the proposal to clear 8.5 ha of the subject land will not lead to or exacerbate on and off-site land degradation problems. Due to the location of the proposed clearing works in the central

portion of Lake Cobham it is considered likely that any future clearing has potential to have a number of negative environmental impacts, especially on the aquatic environment. As such this criterion is deemed to have not been satisfied.

Conclusion

It is concluded from a detailed assessment of the application by Mr Regan S Grant to clear approximately 8.5 hectares of native vegetation from the central portion of Lake Cobham located on Magenta Road, Magenta for gypsum mining purposes that:

- i) It is inconsistent with the provisions contained in Section 4.5 of the Shire's Local Planning Strategy as these relate specifically to environmental protection and conservation throughout the Shire;
- ii) It is inconsistent with the ultimate intended purpose of the land's current 'Conservation' reserve classification in the Shire's Local Planning Scheme No.4; and
- iii) It is inconsistent with the Environmental Protection Authority's Position Statement No.2 entitled Environmental Protection of Native Vegetation in Western Australia.

It is therefore recommended that Council advise the Department of Mines and Petroleum that it does not support the clearing application for the subject land as proposed.

Legal Implications

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

Policy Implications

Nil

Consultation

Community consultation not required.

Financial Implications

Nil

Strategic Implications

Shire of Lake Grace Local Planning Strategy (see previous comments above).

Recommendation

That Council advise the Department of Mines and Petroleum that it does not support the application submitted by Mr Regan S Grant to clear approximately 8.5 hectares of native vegetation from the central portion of Lake Cobham located on Magenta Road, Magenta for gypsum mining purposes for the following reasons:

- i) It is inconsistent with the provisions contained in Section 4.5 of the Shire's Local Planning Strategy as these relate specifically to environmental protection and conservation throughout the Shire;
- ii) It is inconsistent with the ultimate intended purpose of the land's current 'Conservation' reserve classification in the Shire's Local Planning Scheme No.4; and
- iii) It is inconsistent with the Environmental Protection Authority's Position Statement No.2 entitled Environmental Protection of Native Vegetation in Western Australia.

REVISED REPORT – forwarded by Town Planner 20 December 2011Summary

This report has been prepared following the receipt of additional information from the applicant and supersedes the report and recommendation in town planning item 12.4 of the December 2011 agenda. It now recommends that an application recently submitted to the Department of Mines and Petroleum (DMP) by Mr Regan S Grant to clear approximately 8.5 ha of native vegetation on land comprising a portion of Lake Cobham, Magenta Road, Magenta for gypsum mining purposes be supported by Council subject to conditions.

Background & Comment

The Department of Mines and Petroleum has received an application from Mr Regan S Grant to clear approximately 8.5 ha of native vegetation from a portion of Lake Cobham located on Magenta Road, Magenta for gypsum mining purposes. The application was recently referred to the Shire for review and comment.

The information originally provided to the Shire by the Department of Mines and Petroleum was very limited. The reporting officers contacted the Department to determine if any additional information was available and were advised that the information originally sent to the Shire as part of the referral process was all that was submitted by the applicant.

Subsequent communications with Mr Regan Grant in recent days following publication of the agenda for Council's December 2011 meeting have confirmed that he has in fact undertaken extensive investigations and reporting with the assistance of a number of suitably qualified consultants and that this information was submitted to the Department of Mines and Petroleum as part of his original clearing application.

These reports, which have now been provided to the Shire and reviewed by the reporting officers, demonstrate that the impacts associated with the proposed clearing works will be minimal and can be suitably managed.

It is significant to note that the subject land has previously been developed and used for gypsum mining purposes for many years under a number of mining leases issued by the Department of Mines and Petroleum and that Mr Grant's proposal is essentially a continuation of previously approved mining activities on the land. Council should also note that mining activities within the Shire are, by virtue of provisions contained in the Mining Act 1978, exempt from the requirement to obtain Council's planning approval.

Having regard for the additional information provided by the applicant and the proposal's general compliance with the Environmental Protection Authority's policy requirements and position statements as these apply specifically to the clearing of native vegetation throughout the State, it is recommended that Council advise the Department of Mines and Petroleum that it supports the clearing application for the subject land as proposed subject to the imposition of condition/s to ensure that the land is suitably rehabilitated in a staged manner as mining works are progressively completed.

It is understood that the Department of Mines and Petroleum will require the applicant to pay a suitable bond prior to the commencement of any further mining activity on the land to ensure that all future rehabilitation works are completed to the specifications and satisfaction of the Department. In the event that the applicant fails to meet his obligations regarding the required rehabilitation works, these funds will be used by the Department to provide for the rehabilitation of the land.

Legal Implications

Mining Act 1978
Environmental Protection Act 1986
Planning and Development Act 2005
Shire of Lake Grace Local Planning Scheme No.4

Policy Implications

Nil

Consultation

Community consultation not required.

Financial Implications

Nil

Strategic Implications

Nil

Voting Requirements

Simple majority required

Recommendation/Resolution

MOTION 11340

Moved Cr Newman
Seconded Cr De Landgraft

That Council advise the Department of Mines and Petroleum that it supports the application submitted by Mr Regan S Grant to clear approximately 8.5 hectares of native vegetation from the central portion of Lake Cobham located on Magenta Road, Magenta for gypsum mining purposes subject to the following condition:

The preparation and implementation of a rehabilitation plan to ensure that the land is suitably rehabilitated in a staged manner as mining works are progressively completed.

MOTION CARRIED 9/0

13.0 MATTERS FOR CONSIDERATION – HEALTH & BUILDING

No items for consideration.

14.0 MATTERS FOR CONSIDERATION – FINANCE

14.1 ACCOUNTS FOR PAYMENT – NOVEMBER 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: 14 December 2011
Senior Officer: Ms Samantha Appleton
Manager Corporate Services

Summary

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

Background

List of payments for the month November 2011 through the Municipal account 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 November 2011 from the Municipal and Trust Accounts Total \$402,734.14

Strategic Implications

7. Organisational Excellence

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

Voting Requirements

Simple majority required.

Recommendation/Resolution

MOTION 11341

Moved Cr Newman
Seconded Cr Sinclair

That Council receive the list of payments totalling \$402,734.14 as presented for the month of November 2011 incorporating:

- Trust Account Cheques 631 to 633
- Municipal Account Cheques 34593 to 34614
- Electronic Funds Transfers EFT8793 to EFT8920

MOTION CARRIED 9/0

14.2 FINANCIAL STATEMENTS – NOVEMBER 2011

Applicant:	Corporate Services Section
File No.	0275
Attachments:	Financial Reports
Author:	Ms Samantha Appleton Manager Corporate Services
Disclosure of Interest:	Nil
Date of Report:	12 December 2011
Senior Officer:	Ms Samantha Appleton Manager Corporate Services

Summary

Consideration of the financial statements for the month ending 30 November 2011.

Background

The following financial reports are included for your information:

- Monthly Statement of Financial Activity
- Financial Activity Variances
- Significant Accounting Policies
- Statement of Objective
- Acquisition of Assets
- Disposal of Assets
- Information on Borrowings
- Reserves
- Net Current Assets
- Rating Information
- Trust Funds
- Operating Statement by Programme
- Balance Sheet
- Financial Ratios
- Capital Road Works, Operating Revenue & Expenditure Graphs
- Bank Reconciliations

It should be noted that the previous years totals and carried forward position are interim figures only and may change subject to completion of the 2010/11 audit.

Legal Implications

Local Government Act 1995 – section 6.4

Local Government (Financial Management) Regulations 1996

Policy Implications

N/A

Consultation

Nil

Financial Implications

Nil

Strategic Implications

Shire of Lake Grace Strategic Plan

Goal 7: Organisational Excellence

Strategy 7.1: Develop systems to ensure compliance with various statutes, regulations and policies.

Voting Requirements

Simple majority required.

Recommendation/Resolution

MOTION 11342

Moved Cr Farrelly
Seconded Cr Chappell

That Council in accordance with Regulation 34 of the Local Government (Financial Management) Regulations 1996 approves the Statement of Financial activity for the period ended 30 November 2011.

MOTION CARRIED 9/0

15.0 MATTERS FOR CONSIDERATION – ADMINISTRATION

15.1 ACTING CHIEF EXECUTIVE OFFICER - APPOINTMENT

Applicant: Chief Executive Officer
File No. 0012
Attachments: Nil
Author: Mr Sean Fletcher
 Chief Executive Officer
Disclosure of Interest: Nil
Date of Report: 5 December 2011
Senior Officer: Mr Sean Fletcher
 Chief Executive Officer

Summary

The purpose of this report is to seek Council's endorsement of Ms Samantha Appleton to undertake the role of Acting CEO during the author's annual leave.

Background

The author is proceeding on annual leave 28 December 2011 until 30 January 2012.

Ms Samantha Appleton is available to relieve as CEO during the author's period of leave.

Comment

Ms Appleton is the current Manager Corporate Services at the Shire of Lake Grace.

Legal Implications

Local Government Act, 1995 Section 5.36 - Local government employees

Section 5.36 (1) (a) states:
"A local government is to employ –
(a) A person to be the CEO of the local government;"

Section 5.36 (2) states:
"A person is not to be employed in the position of CEO unless the Council –
(a) believes that the person is suitably qualified for the position; and
(b) is satisfied* with the provisions of the proposed employment contract.

Absolute majority required

Policy Implications

N/A

Consultation

External: N/A
Internal: Shire President
EM Update 9 December 2011
Senior Management Team

Financial Implications

Nil

Strategic Implications

Shire of Lake Grace Strategic Plan

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

- Customer focus;
- Communication;
- Systems improvement;
- Feedback; and
- Good Governance

Voting Requirements

Absolute majority (5) required.

Officer Recommendation/Resolution

MOTION 11343

Moved Cr Farrelly
Seconded Cr Chappell

That Council appoint Ms Samantha Appleton as Acting Chief Executive Officer while Mr Sean Fletcher is on annual leave from 28 December 2011 until 27 January 2012.

MOTION CARRIED BY ABSOLUTE MAJORITY 9/0

15.2 NEWDEGATE REJUVENATION PROJECT STAGE 2 AND STAGE 3-RECOMMENDATIONS

Applicant:	Shire of Lake Grace
File No.	0659
Attachments:	Presentation to Workshop 10 November 2011
Author:	Mr Sean Fletcher Chief Executive Officer
Disclosure of Interest:	Nil
Date of Report:	5 December 2011
Senior Officer:	Mr Sean Fletcher Chief Executive Officer

Summary

The purpose of this report is to provide a series of recommendations regarding the direction for Stage 2 and Stage 3 of the Newdegate Town Rejuvenation Project including the outcomes of the Workshop held on 10 November 2011.

Background

To date the Newdegate Rejuvenation Committee (the Committee) has developed a project plan to assist it review the concept plans for Stage 2 and Stage 3, considered the type of community engagement required and looked at how the project should proceed.

This has included in the first instance where at its meeting on 13 October 2013, the Newdegate Rejuvenation Committee resolved through motion 005:

1. Adopts the Newdegate Rejuvenation Project Plan Structure for 2011/12.
2. Undertakes a workshop during November 2011 to resolve:
 - i. The suitability of the concept plans for Stage 2 and Stage 3 and whether changes to the concept plans are required;
 - ii. Look at the community engagement process required to firm up Stage 2 and Stage 3;
 - iii. Budget implications for Stage 2 and Stage 3.
3. Submits the outcomes of the workshop regarding the concept plans to Council for its consideration.

Project Plan Status

With the adoption of the project plan for 2011/12 back in October, the Committee has commenced tracking each of the required project actions.

The status of the project plan is as follows:

Research	Who	When	Status
Project Plan	CEO	Oct 11	Background provided to Committee at the meeting on October 2011
Familiarisation with Concepts	NRC	Oct 11	Architect presented original concepts to the Committee at the meeting on October 2011
Look at Options	NRC	Nov 11	Workshop was held on 10 November 2011: <ul style="list-style-type: none"> • Recap options; • Settle on concepts; • Look at priorities; • Verify budgets and funding required.
The Plan			
Finalise Concept Plans	Arch	Feb 12	Final proposals to CEO so that business case can be developed
Business Case	CEO	Feb 12	Includes project management plan. Committee to review at February 2012 meeting
Submission of plan to Council	NRC	Mar 12	March Council meeting
Seek Funding for Town Hall	MCMS	Mar 12	Funding required to be determined
Execution			
Community Engagement	NRC	Apr 12	<ul style="list-style-type: none"> • Updates in newsletters; • Hold a community meeting; • Undertake a poll or survey
Evaluation of Engagement	NRC	May 12	
Proposals to Council	NRC	Jun 12	Make recommendations on the scope of the Rejuvenation project

Diagram One: Project Plan Status 2011/12

Mapping of Timeline

Used in conjunction with the project status report is a Gantt chart or time line:

	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun
Project Plan	Completed								
Familiarisation with Concepts	Completed								
Look at options		Completed							
Finalise concept plans			Completed	Next Step	Next Step				
Business Case			Completed	Next Step	Next Step				
Submission of plan to Council						Next Step			
Seek funding for Town Hall						Next Step			
Community Engagement							Next Step		
Evaluation of Engagement								Next Step	
Proposals to Council									Next Step

Diagram Two: Project Timeline 2011/12



To date the Gantt Chart shows that the project plan for 2011/12 is on track.

Workshop 10/11/11

At the workshop facilitated by the author on 10 November 2011, the author conducted a presentation to the group on the status of the rejuvenation project, the key issues surrounding the challenged faced by the project and the budget implications. A copy of the presentation is attached to this report.

The architect, Mr Gary Batt also discussed the concept plans with the group. From there the author then asked each of the committee members what their respective thoughts were. In essence, the issues highlighted were:

Outcome	Comment										
1. Funding restrictions	<p>It was confirmed that the likely total budget for the whole Rejuvenation Project is as follows:</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding-left: 20px;">Newdegate Medical Centre:</td> <td style="text-align: right;">\$ 760,000</td> </tr> <tr> <td style="padding-left: 20px;">Works to Hall:</td> <td style="text-align: right;">\$ 419,689*</td> </tr> <tr> <td style="padding-left: 20px;">Units:</td> <td style="text-align: right;">\$1,148,467**</td> </tr> <tr> <td style="padding-left: 20px;">Other?</td> <td style="text-align: right;">\$ 50,000***</td> </tr> <tr> <td style="padding-left: 20px;">Total:</td> <td style="text-align: right;">\$2,378,156</td> </tr> </table>	Newdegate Medical Centre:	\$ 760,000	Works to Hall:	\$ 419,689*	Units:	\$1,148,467**	Other?	\$ 50,000***	Total:	\$2,378,156
Newdegate Medical Centre:	\$ 760,000										
Works to Hall:	\$ 419,689*										
Units:	\$1,148,467**										
Other?	\$ 50,000***										
Total:	\$2,378,156										

	<p>*This consists of \$248,689 in the Shire Newdegate Hall Reserve, proposed \$100,000 from the Royalties for Regions Regional Grants Scheme and proposed \$70,000 from Lotterywest for fit-out etc.</p> <p>**Funded through the Country Local Government Fund Regional Component.</p> <p>***This is a contingency figure and may not be required. The source of this funding is not established at this stage.</p>
2. There has to be integration between Stage 3 (Lesser Hall) and Stage 2 (Units)	<ul style="list-style-type: none"> • Two units constructed initially (2012/13): <ul style="list-style-type: none"> ▶ Fibrocement/colourbond or transportable (Chinese modules); ▶ If colourbond is used to the exterior then it is to run horizontal as it is easier to maintain and rust resistant; ▶ If transportable or Chinese module then Shire staff can fit together, do external works eg roof and works through and into the Lesser Hall ▶ Insulation (6 Star); ▶ Flexible design space; ▶ Double glazing re windows is important; ▶ Landscaping; ▶ Access re elderly. Sliding doors from living area not used; ▶ Confirm sewer pump arrangements; ▶ Further 2 units 2014/15. • Lesser Hall is a very important consideration in terms of creating and maintaining “own space” for aged residents. This would consist of the Lesser Hall itself and the path and surrounds from the units up to the entry; • Gas tank with a reticulation system for Lesser Hall and Units instead of individual gas bottles will mean easier management for elderly residents.
3. The architect is to provide a shopping list re the Lesser Hall and the Units	<ul style="list-style-type: none"> • It was agreed that Gary Batt would come back to the Committee with revised specifications for the Lesser Hall and the Units in terms of materials thus providing options; • This would also include those items that could be provided as a result of HACC funding e.g. TVs, Video Recorders, Massage Chairs and so on
4. Can the Hall undergo refurbishment in due course?	<p>Given the restrictions around funding due to the approach to investing in region wide projects, further consideration will need to be given to what changes can be made to the Hall. However, it would appear that the Lesser Hall can be brought through with the construction of the first two units</p>
5. Community engagement	<ul style="list-style-type: none"> • It was felt that the best method of engagement was twofold: <ul style="list-style-type: none"> ○ Fact Sheets; and ○ Public meeting to inform and seek feedback; ○ Judy Walker has copies of the minutes and surveys conducted previously

6. Project Plan	<p>At this point:</p> <ul style="list-style-type: none"> • The project plan can go to Council for information; • The business case including the concept plans would go to the Committee in Feb 2012 and then to Council in March 2012; • Plans would go to the Newdegate Community in April 2012; • The final proposal would go to Council in June 2012.
-----------------	---

Table One: Outcomes of Workshop Stage 2 and Stage 3 10 November 2011

As the follow-up to the Workshop, the Committee met on Wednesday 30 November 2011. Accordingly, the Committee resolved to accept the author's report on the outcomes of workshop and approved a series of recommendations for Council's information and consideration regarding the following:

- The need for Council to endorse the Committee's project plan for 2011/12;
- Agreement for the concept plans to involve the integration of Stage 3 (Lesser Hall only including the path and surrounds from the aged units up to the entry); and Stage 2 (First two Units) during 2012/13;
- Acknowledgement that the CEO seeks from the Architect revised specifications regarding the construction type for the units and a scope of works to deliver the Lesser Hall component of the project at this point in time;
- Endorsement of the community engagement process including the issues of fact sheets and holding of an appropriate community meeting; and
- Endorsement of the budget implications and the likely budget that will result.

Comment

As can be seen in Table One, the key issue regarding the Newdegate Townsite rejuvenation project has been the cost of the project and what is feasible to complete in terms of that cost. In other words, what funding can be raised, and how in turn the project can still be delivered to meet satisfactory outcomes.

To date the Committee has clearly identified the most effective way to deliver an outcome through the integration of elements of Stage Two (Town Hall) with elements of Stage Three (Aged Units).

In particular, for 2012/13 the Committee proposes that the works undertaken include the construction of two aged units in conjunction with works to the "Lesser Hall" including the Lesser Hall itself and the path and surrounds from the aged units up to the entry point to the Lesser Hall.

Legal Implications

Nil

Policy Implications

Nil

Consultation

External: Architect: Gary Batt of Gary Batt and Associates
Pip Shields: Senior Project Officer Wheatbelt
Development Commission

Internal: Senior Management Team
Newdegate Rejuvenation Committee

Financial Implications

Budget for Revised Stage 2 and Stage 3

Are explained in the body of this report.

Concept Plans

The Budget for 2011/12 has an allocation of \$30,000 towards planning and design costs.

Strategic Implications

Shire of Lake Grace Strategic Plan

Focus 2 – Social and Community Well Being

- Upgrade Newdegate Town Hall – Confirm plan & seek funding – Rejuvenation Project Stage 2;
- Facilitate development of self funded retiree villages (Regional Country Local Government Fund Project):
 - Lake Grace;
 - Newdegate Rejuvenation Project – Stage 3

Voting Requirements

Simple majority required.

Committee Recommendation/Resolution

MOTION 11344

Moved Cr Farrelly
Seconded Cr De Landgraft

1. Accepts the Chief Executive Officer's report on the status of the Newdegate Rejuvenation Project including the outcomes of the workshop held on 10 November 2011.
2. In keeping with Committee Motion 007:
 - a. Endorses The Newdegate Rejuvenation Project Plan Structure for 2011/12.
 - b. Agrees with the Integration of Stage 2 Newdegate Hall – Lesser Hall with the first two aged units from Stage 3, with works occurring in 2012/13.

MOTION 11344 continued

- c. Endorses the outcomes of the workshop held on 10 November 2011 to resolve:
 - i) The suitability of the concept plans for Stage 2 and Stage 3 and whether changes to the concept plans are required. This includes the Chief Executive Officer seeking from the architect Mr Gary Batt revised specifications so that a recommendation can be made regarding the construction type for the aged units and a scope of works for the Lesser Hall including the room itself, the verandah or seating area, pathway and gardens connecting to the aged units;
 - ii) The community engagement process required to firm up Stage 2 and Stage 3 including the Chief Executive Officer issuing fact sheets and arranging community meetings as appropriate;
 - iii) Budget implications for Stage 2 and Stage 3 noting that the likely budget is:
 - iv) \$1,148,467 for Stage 2 regarding the construction of at least four units built during 2012/13 – 2014/15; and
 - v) \$429,689 for Stage 3 (Lesser Hall) consisting of \$249,689 from the Newdegate Town Hall Reserve and the Chief Executive Officer seeking \$100,000 from the Royalties for Regions Regional Grants Scheme and \$70,000 from Lotterywest for fit-out costs.

MOTION CARRIED 9/0

15.3 METROPOLITAN LOCAL GOVERNMENT REVIEW

Applicant:	Metropolitan Local Government Review Panel
File No.	0552
Attachments:	Email Dr Chris Berry Letter from Professor Robson Chair MLGR - Update Issues Paper October 2011 Local Government Key Data Infopage WALGA 05-34-01-0018 LGMA Response – Local Government Rate Increases WALGA - Metropolitan Governance Models
Author:	Mr Sean Fletcher Chief Executive Officer
Disclosure of Interest:	Nil
Date of Report:	9 December 2011
Senior Officer:	Mr Sean Fletcher Chief Executive Officer

Summary

The purpose of this report is to put forward the submission by the Shire of Lake Grace on the Metropolitan Local Government Review.

The author believes that the changes resulting from the review will impact on all local governments throughout Western Australia. This is because the Reform Process will not stop within the confines of the Perth metropolitan boundary. The governance model developed will flow through to the regions and so this is an opportunity for the Shire to make comment on this process.

The report discusses four matters that deserve specific comment:

- The introduction of compulsory voting for Local Government, thus ensuring the sphere of government closest to the people is treated with the same level of importance as attached to the State and Commonwealth electoral process;
- Consideration for the introduction of the Vancouver style of Local Government i.e. a regional model similar in nature to a voluntary regional organisation of councils (VROC);
- Issues regarding community of interest. This is a key issue for Local Government. Combining areas that do not have the same community of interest will mean disparity; and
- The flaw of basing a review of Local Government based on rates comparison as each local government provides different services to meet the needs of their respective communities and the impact of cost shifting where State and Commonwealth governments pass more and more responsibility onto Local Government without passing on the resources to assist provide those services.

Background

In June 2011, the Minister for Local Government the Hon. John Castrilli MLA, announced the appointment of a three member, independent panel to examine “boundaries and governance models for local government in the Perth metropolitan area”. This is known as the Metropolitan Local Government Review.

In hand with the panel, the Minister also established two advisory groups to advise the panel. The first consist of the President and Deputy President of WALGA. The other consists of the Director Generals from the Department of Local Government and the Department of Planning.

WALGA in turn has established the President’s Advisory Group (PAG) to assist the President and Deputy President.

At the LGMA conference in November, both the Minister and the Chair of the Metropolitan Review Panel addressed local government CEOs. This included discussion around Western Australia’s growing population and the impact this will have in key areas including metropolitan Perth. It was clearly stressed that there is a need for the local government industry to consider the implementation of a governance system similar to that in Auckland and Vancouver. In other words, an overarching council with a range of community boards in place underneath.

Discussion was also held around the level of rates that local governments charge and how this must be improved as well as the need to stop replicating services including the same facilities in each location. Comment was also made on whether there is a better way of providing services from a State perspective through local governments. In other words, who is ideally placed to deliver which service?

Although the Review Panel has only given respondents until 23 December 2011 for submissions, the Panel has accepted WALGA’s request to provide its submission by 31 January 2012. The PAG is now in the process of developing WALGA’s submission, with a sign off by the Zones at special meetings during 23 – 27 January 2012.

Comment

Local Government Reform based on the amalgamation of local governments is alive and well. The Metropolitan Review is significant to all local governments in this regard because the potential outcomes are seen by key stakeholders (such as WALGA and the LGMA) as the template for the look, feel and operation of all local governments in the future.

A key indicator regarding the Metropolitan Review that underpins where the Reform process is heading is the Local Government Key Data sheet attached to this report. This sheet perhaps shows the key drivers of the Reform process or more to the point those items of particular interest to those who are driving the Reform process:

- The number of elected members and the Councillor to Elector Ratio. This is a key focus under the reform process i.e. to reduce the number of elected members for each local government to between 6 and 9;
- The number of rate assessments and the total of rates levied in comparison to the total income (operating revenue). The Minister and Professor Robson have made it clear that in their view local governments are over rating local communities. However, the LGMA has written to the Review Panel challenging this assumption. In particular:
 - The rate base mix is different between local governments.
 - Service levels between local governments vary significantly depending on the needs of the local communities at that time.
 - Costs for local government services and facilities are increasing across the board and subject to outside factors e.g. charges by power and water providers.
 - Each local government has extensive assets it must manage.
 - Cost shifting from the State and Commonwealth Governments to Local Government. For instance local government over many years have had to pick up a range of services through the introduction of legislation e.g. the Dog Act, the recently introduced Cat Act and health services regarding the sourcing of doctors. A copy of the response is attached;
- The number of staff in each local government. This is a key issue because those who have undertaken mergers so far have not reduced the number of staff. There may be less CEOs, but the executive and the support staff for each local government has generally increased; and
- The total length of roads serviced by each local government. As an indicator this is self explanatory.

Within the Issues Paper issued by the Review Panel there are three key questions/issues that perhaps require specific comment. These are:

Should voting be compulsory for Local Government elections? (Q14)

The level of voter turn out across the State is a constant topic of discussion. With the introduction of postal voting, the level of returns is higher than when it was an in person election process. Also, generally in rural areas the voter turnout is very high. In terms of the Shire of Lake Grace, this is over 60%.

The driver here is that compulsory voting is seen as one of the key tenants of ensuring that the local community is heard. It is considered an important part of involving local communities along with the implementation of community visioning (or strategic community planning) and e-democracy (driven by Facebook, LinkedIn, Twitter, Wikileaks and other social media). Given that Local Government is the third sphere or level of governance in Australia (the others being the Commonwealth and the States and Territories) and that this level of government is closest to the people, the voting process should reflect its level of importance. Compulsory voting should be introduced.

What do you think about the other governance models discussed here, such as those adopted in Auckland or Vancouver? (Q11, Q12 & Q2)

In itself this is a provocative question. The Minister and the Panel are suggesting a governance system similar to that in Auckland and Vancouver. In other words, an overarching council with a range of community boards in place underneath.

In Auckland's case a "super council" has replaced the regional council and the regions seven city and district councils. There is a mayor and 20 members of the governing board with 148 members sitting on 21 local boards. This includes seven council controlled organisations to deliver key services.

In Vancouver's case, there is a Metro Vancouver Board that consists of a voluntary partnership of no less than 22 local governments. This Board in turn governs the affairs of the Greater Vancouver area including the city.

Regular "Council of Council" meetings are held which involve all 155 elected members from the region. Metro Vancouver also oversees a range of services that are traditionally provided by the WA State Government. However, some of these services such as sewerage are often picked up by rural local governments which is certainly the case for the Shire of Lake Grace.

WALGA has considered a third model and that is the *Greater London Authority*. In effect this is a regional tier of government. In this situation the Mayor has executive powers controlling budgets, policies and senior appointments. The Assembly has a scrutiny role but is limited in its ability to direct or control the Mayor. The local communities in turn are governed by 32 boroughs and the City of London Corporation.

The question is then what is a suitable local government model for Perth, and as a result potentially the rest of Western Australia. The arguments against compulsory amalgamation of local governments have constantly been that one size does not fit all or as Professor Haslam McKenzie has stated previously that "bigger is not necessarily best". The Advisory Board in its 2006 review commented that the tyranny of distance as the reason to keep in place a number of local governments is no longer an issue due to improvements in technology and communication.

In the case for the Shire of Lake Grace, and indeed many local governments, the model that would have some level of appeal would be the Vancouver model. In this instance, the local governments in a region become a member of a voluntary regional council, which in turn delivers high end services. The member local governments are maintained for the most part to be the local provider of services and democratic representation. This is very similar to the model advocated in WALGA's SSS Report.

Identify new local government boundaries and a resultant reduction in the overall number of local governments to better meet the needs of the community (Issue 4).

As identified throughout the Shire's recent Ward and Representation Review process and its previous submission on Local Government Reform regarding potential boundary changes in cooperation with its neighbours, the term "community of interest" or social catchment ("social fall") has a number of elements. These include a sense of community identity and belonging, similarities in the characteristics of the residents of a community and similarities in the economic activities. It can also include dependence on the shared facilities in an area as reflected in catchment areas of local schools and sporting teams, or the circulation areas of local newspapers.

Another key driver in determining the social catchment in each location is the size of the town. In other words, the larger the town the larger the social catchment by virtue of the broader range of goods and services provided. The larger social catchment comes about because people are prepared to travel further to access a more diverse range of goods and services than may be available closer to where they live.

For the Shire of Lake Grace, the community of interest for each area is similar due to the history of the district based on the same factors of production (e.g. agriculture), the need for an extensive road network to support broad-acre farming and a number of settled communities to provide support services and infrastructure. Further to this matter, in terms of the future, the Shire and its communities have the potential to grow tourism and retail as industries through taking advantage of the fact that the Shire is on the "cross roads" regarding key traffic movements between Perth and Esperance as well as between the Wheatbelt and Albany and Kalgoorlie. Then there is the issue of mining.

The issue then is whether the Shire's district has the same community of interest as the other local governments in the region. Is the district better aligned with the Southern Wheatbelt, or is it the Eastern Wheatbelt or is it in fact to the West? If the Vancouver model was adopted, the distinctions between each local government district within the region can be accommodated and work that has been done with 4WD VROC and the Lakes VROC would continue to grow from strength to strength. If mergers were to occur, will those communities with dissimilar communities of interest underpinned by different economic factors start to miss out?

Conclusion

Although the Metropolitan Review is about what to do with the 30 local governments in the Perth metropolitan area, the changes resulting from the review will impact on all local governments throughout Western Australia. This is because the Reform Process will not stop within the confines of the Perth metropolitan boundary. The governance model developed will flow through to the regions and so this is an opportunity for the Shire to make comment on this process. Afterall, the Review Panel has written to all local governments providing information in the first instance.

Legal Implications

Nil

Policy Implications

Nil

Consultation

External: Bruce Wittber – Executive Officer Central Country Zone
Tony Brown – Executive Manager WALGA
Steve Cole – CEO LGMA
Mark Chester – Deputy President LGMA
Joint LGMA Zone Meeting 6 December 2012 - Kulin

Internal: Senior Management Team
Council Information Session 23 November 2011
Elected Member Update 7 Nov 2011 (Vol 3 Issue 27)

Financial Implications

Nil.

Strategic Implications

Shire of Lake Grace Strategic Plan

Focus 6 – Leadership - Provide a visionary and proactive approach at an operational and strategic level.

Focus 7 - Provide sound and effective leadership in physical and financial management to maintain a strong and flexible workforce that is well resourced to deliver infrastructure and services to businesses and communities within the Shire.

Recommendation

That the Shire of Lake Grace submits to the Metropolitan Review Panel the following comments:

1. The Shire of Lake Grace would welcome the introduction of compulsory voting. This will mean the sphere of government closest to the people is treated with the same level of importance attached to the State and Commonwealth electoral process.
2. The Shire of Lake Grace, considers the governance model that would have an appropriate level of appeal would be the Vancouver model. In this instance, the Metropolitan Councils have the chance to work collaboratively to achieve key outcomes. Similarly, should the Vancouver model flow through to other local governments, then this will allow those within a region to capitalise on existing voluntary or formal arrangements to deliver high end services where in turn the member local governments are maintained for the most part to be the local provider of services and democratic representation. This is very similar to the model advocated in WALGA's SSS Report.
3. The Shire of Lake Grace believes that boundaries should only be changed to suit the needs of the communities of interest at that time.

4. The view of the Shire of Lake Grace is that the reasons for rate increases are complex and varied. Using rate comparisons to benchmark local governments is a flawed process for the following reasons:
 - a. The rate base mix is different between local governments.
 - b. Service levels between local governments vary significantly depending on the needs of the local communities at that time.
 - c. Costs for local government services and facilities are increasing across the board and subject to outside factors e.g. charges by power and water providers.
 - d. Each local government has extensive assets it must manage.
 - e. Cost shifting from the State and Commonwealth Governments to Local Government. For instance local governments over many years have had to pick up a range of services through:
 - i. The introduction of legislation for example: the Dog Act, the recently introduced Cat Act; and
 - ii. Those in rural and remote Western Australia having to deal with the added burden of primary health care that includes the provision of facilities such as medical centres and the sourcing of doctors.

Voting Requirements

Simple majority required.

Resolution

MOTION 11345

Moved Cr Milton
Seconded Cr Chappell

That the Shire of Lake Grace submits to the Metropolitan Review Panel the following comments:

1. The Shire of Lake Grace would welcome the introduction of compulsory voting. This will mean the sphere of government closest to the people is treated with the same level of importance attached to the State and Commonwealth electoral process.
2. The Shire of Lake Grace, considers the governance model that would have an appropriate level of appeal would be the Vancouver model. In this instance, the Metropolitan Councils have the chance to work collaboratively to achieve key outcomes. Similarly, should the Vancouver model flow through to other local governments, then this will allow those within a region to capitalise on existing voluntary or formal arrangements to deliver high end services where in turn the member local governments are maintained for the most part to be the local provider of services and democratic representation. This is very similar to the model advocated in WALGA's SSS Report.

MOTION 11345 continued

3. The Shire of Lake Grace believes that boundaries should only be changed to suit the needs of the communities of interest at that time.

4. The view of the Shire of Lake Grace is that the reasons for rate increases are complex and varied. Using rate comparisons to benchmark local governments is a flawed process for the following reasons:

- a. The rate base mix is different between local governments.
- b. Service levels between local governments vary significantly depending on the needs of the local communities at that time.
- c. Costs for local government services and facilities are increasing across the board and subject to outside factors e.g. charges by power and water providers.
- d. Each local government has extensive assets it must manage.
- e. Cost shifting from the State and Commonwealth Governments to Local Government. For instance local governments over many years have had to pick up a range of services through:
 - i) The introduction of legislation for example: the Dog Act, the recently introduced Cat Act; and
 - ii) Those in rural and remote Western Australia having to deal with the added burden of primary health care that includes the provision of facilities such as medical centres and the sourcing of doctors.
- f. In rural remote communities the lack of recognition of the cost saving that volunteers contribute to local services and facilities.

MOTION CARRIED 8/1

Reason for Change: Resolution includes statement regarding community volunteer contributions to local services and facilities.

15.4 WARD AND REPRESENTATION REVIEW

Applicant:	Local Government Advisory Board
File No.	0375
Attachments:	Local Government Advisory Board – Shire of Lake Grace Ward and Representation Review
Author:	Mr Sean Fletcher Chief Executive Officer
Disclosure of Interest:	Nil
Date of Report:	5 December 2011
Senior Officer:	Mr Sean Fletcher Chief Executive Officer

Summary

This report recommends in response to a query by the Local Government Advisory Board that a full spill of Council is held for the implementation of the new Ward system at the October 2013 ordinary local government elections.

Background

The Local Government Advisory Board has written to the Shire on 17 November 2011 seeking:

- A detailed cadastral map of the new ward boundaries; and
- Advice as to whether a full spill of councillors is contemplated. If not, advice as to how councillors are to be allocated to the new ward structure in 2013.

At its 24 August 2011 Ordinary Meeting, Council resolved under Motion 11288 to implement Town and Rural Wards. The author subsequently wrote to the Advisory Board on 19 September advising of Council's decision.

The matter of the full spill was subsequently raised by the author at the Council Information Session on 23 November 2011. As a result of discussion the author has now brought the matter of the full spill to Council for its consideration.

Comment

Under the Ward review process where a change in the boundaries is the result that also leads to the re-distribution of the office of the elected members, the method of how the new offices will be allocated requires resolution.

Although Council resolution 11288 stipulates what happens to each office of the elected members, it does not address what happens to the current sitting members.

The two choices in this instance are:

1. a full spill whereby all positions on Council become vacant; or,
2. the elected members work out between themselves who should remain in which ward and who should move to the new wards, with the changes subject to the ordinary election in October 2013.

Under the Shire's proposal before the Board, Council resolved on 24 August 2011 to put in place the following wards as follows:

Current Ward Structure		New Ward Structure 2013	
Ward	No. Councillors	Ward	No. Councillors
Lake Grace	4	Lake Grace Town	3
Newdegate	3	Newdegate Town	1
Lake King/Varley	2	Lake King/Varley (N/A)	0
Rural (N/A)	0	Rural	5
Total	9	Total	9

Table One: Change in Number of Offices for Each Ward

Due to the number of offices of elected members that will move or change under the new ward structure, it is fair and reasonable to conduct or undertake a full spill for the 2013 election. This is because the boundary for each new ward is quite different along with those represented in each ward compared to those under the current system.

The full spill also allows each elected member the choice of which ward they would prefer to stand for.

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 including specifying or changing the number of offices of elected members is subject to various other requirements of the Act. The following sections are relevant:

Schedule 2.2 Section 9 Proposal by Local Government

On completing a review, the local government is to make a report in writing to the Advisory Board and may propose* to the Board the making of an order under section 2.2 (1) or 2.18 (3).

**Absolute majority required*

2.35 Vacancies on restructure of districts, wards or membership

Directions by way of order under section 9.62 to give effect to an order under section 2.1, 2.2 or 2.18 may direct which offices of members of a council are to become vacant.

2.2 (1) (b): creating new wards in a district that is already divided into wards

2.18 Fixing and changing the number of councillors

In particular:

2.18 (3) (b): specifying or changing the number of offices for a ward.

9.62 Governor may give directions as consequence of making an order

In terms of voting, the following should be noted:

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 is to cast a second vote. This is required regardless of whether it is for a simple or absolute majority. However, in the case of an absolute majority, the second vote does not have effect.

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.

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

Nil

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:

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

The Ward Review is a fundamental plank of good governance.

Voting Requirements

Absolute majority required.

Officer Recommendation/Resolution

MOTION 11346

Moved Cr Newman
Seconded Cr Farrelly

Further to the requirements of Schedule 2.2 (9) of the *Local Government Act 1995* (the Act), it is recommended to the Local Government Advisory Board that as part of the order made under s 2.2 (1) to create Town and Rural Wards and in line with the requirements of s2.18 regarding the number of offices for each ward, that a full spill of the offices of council is undertaken for the 2013 ordinary Local Government Elections.

MOTION CARRIED BY ABSOLUTE MAJORITY 8/1

15.5 APPOINTMENT OF DELEGATES TO COUNCIL COMMITTEES AND EXTERNAL ORGANISATIONS

Applicant: Shire of Lake Grace
File No. 0052/0039
Attachments: *Local Government Act 1995 - Part 5*
Subdivision 2 & 3
Author: Mrs Jeanette Bennett
Executive Assistant
Disclosure of Interest: Nil
Date of Report: 13 December 2011
Senior Officer: Mr Sean Fletcher
Chief Executive Officer

Summary

The purpose of this report is for Council to review its representation on various committees and to appoint delegates for the next two years.

Background

Committees and the appointment of delegates require review following each ordinary election or upon the resignation/retirement of one of its members. Local Government elections were held on 15 October 2011.

The last committee review was in November 2009 and this report deals only with representation as appointed by Council at that meeting.

The Audit Committee and Newdegate Rejuvenation Project Committee representation were both reviewed previously at Council's November 2011 Ordinary Meeting and the Lake Grace Sporting Precinct Committee is dealt with separately at Item 15.6 of this agenda.

The abovementioned three (3) committees are all committees of Council, with no delegated authority.

In summary under the *Local Government Act 1995*, Committees can be classified as:

1. Council committees, that is, a committee of three or more persons established by council to assist the council and to exercise the powers and discharge the duties of the local government that can be delegated to committees*; or,
2. Non-Council Committees established by some other authority or community group that operates with no delegated authority in respect to Council's powers or duties but which have an interest in some of the activities of Council and to which Council wishes to have formal representation.

Note The Lake Grace Shire Council has no committees with any delegated authority in respect to the exercising of power and the discharge of duties.*

Following, and grouped as per above, is a list of Council's current committees and other external committees to which Council delegates were appointed at Council's 25 November 2009 Ordinary Meeting.

Group 1: Council Committees i.e. those which have been established by Council:

- Audit Committee - previously reviewed November 2011
- Newdegate Town Centre Rejuvenation Project Committee - previously reviewed November 2011
- Lake Grace Sporting Complex Redevelopment Focus Group to be renamed as the Lake Grace Sporting Pavilion Redevelopment Project Committee – refer separate report at Item 15.6 p ____
- Lake Grace Shire Sport & Recreation Planning Committee
- Shire of Lake Grace Community Housing Committee
- Lakes Village Advisory Committee
- Lake Grace Library, Resource & Telecentre Management Committee
- Newdegate Library, Resource & Telecentre Management Committee
- Lake Grace Centenary Committee
- Holland Track Project Working Group
- Lake Grace Mens Shed Committee

Group 2: External Committees and Organisations i.e. those established by some other authority or group.

- Lake King Grassed Oval Committee
- Local Emergency Management Committee
- Regional Road Group
- Lakes Sub Group – Regional Road Group
- WALGA Central Country Zone
- Roe Tourism Association
- Bushfire Advisory Committee (Note: appointment of Bush Fire Officers is made in March in readiness for the next fire season)
- Newdegate Recreation Council

The following committees are relevant to this group (i.e. Group 2) and representation was either not reviewed in November 2009 or the committee has been formed since, is actively operating and requires endorsement and/or appointment of delegates:

- Roadwise Committee
 - Joint Development Assessment Panel – Wheatbelt Region
 - Lakes VROC
 - 4WD VROC
 - Regional Waste Group
 - Australian Rural Road Group
 - Rural Water Council
 - Eastern Wheatbelt Primary Health Care Group
 - Wheatbelt Railway Retention Alliance
 - Eastern Wheatbelt Declared Species Group (Wild Dogs)
-

INACTIVE COMMITTEES

Since the 2009 review, those committees which have been superseded, are inactive, or no longer required are as follows:

Group 1

Lake Grace Shire Recreation Planning Committee (LGSRPC)

This Committee has been inactive for approximately seven years. The LGSRPC was previously established by Council at its 25 August 1999 Ordinary Meeting, Motion 8448, to review and update the Shire's Recreation Plan, assess the Dept of Sport & Recreation CSRFF grant applications and make recommendations to Council, provide support and direction to the "Be Active" Sport and Recreation Coordinator and ensure Council policy is adhered to.

The Committee was supported by the full time Sport & Recreation Coordinator, employed under the Roe Be Active Scheme, a shared arrangement funded through Healthways and involving some seven (7) shires including the Shire of Lake Grace. The Roe Be Active Sport & Recreation Coordinator was closely aligned with the Department of Sport & Recreation. The last official meeting of this committee was held in September 2004.

The Roe Be Active Scheme was downgraded in 2007; the position became part time and was based in Lake Grace until it the funding ended in 2009. Since this time prioritising the CSRRF applications has been undertaken by Council on an as needs basis.

Shire of Lake Grace Community Housing & Lakes Village Advisory Committees

Until the question of management of the community housing portfolio in accordance with the review undertaken by the Department Housing & Works is considered and determined by Council, these committees are not required. This matter is scheduled to be presented to Council for consideration early in the new year.

If there is a need for a housing committee in the future it is recommended that it be considered at that point.

Newdegate Community Library & Telecentre Management Committee

This committee, although operating as if under a Management Agreement, similar to Lake Grace, has never been formalised i.e. the Agreement between the Education Department and the Shire of Lake Grace has never been received and/or signed off on by both parties.

Recently, the Shire has become aware of the relocating of the school library to an alternative building which negates the original intention of the shared function under which the building came about.

The issue requires further investigation.

Holland Track Project Working Group

This Group was active during the 1990's until early 2000's and involved the Shires of Coolgardie, Broomehill and Lake Grace. It is no longer active due mainly to the passage of time and changing of staff at the various local governments.

There is activity underway at this stage with the Newdegate Hainsworth Building Group having incorporated Holland Track promotions and activities in with the planning and conservation of the Hainsworth Museum Building. The Newdegate community is keen to utilise the Hainsworth Building as a Holland Track themed point of contact for travellers and track enthusiasts.

Should this group be re-activated in the future it is recommended that it be formally endorsed and appointments made at that point in time.

Lake Grace Centenary Committee

With the 100 Years events having been held during 2011, the Lake Grace Centenary Committee is no longer required.

The Committee secretariat was supported through Council's budget with an FTE allocated as per Council Resolution 10402, April 2007.

Mens Shed Committee

This committee was established by Council in March 2008. Since then funding through the Lake Grace Lotterywest Flood Package was allocated to planning for the project.

That has been completed and the group is now operating under its own banner and it is no longer considered necessary for it to be a Committee of Council.

Once the construction of the Men's Shed is completed, a Management Committee will be formed and Shire representation may then be considered appropriate.

The following tables provide the information relevant only to each committee under consideration for review in this report:

GROUP 1 - COUNCIL COMMITTEES

Lake Grace Library, Resource & Telecentre Management Committee

Authority:	Lake Grace Library Management Agreement
Delegation:	No delegated authority – minutes available
Membership as at 2011:	Cr Farrelly & CEO or his nominee Committee – as per Agreement
Meetings:	Quarterly
Current Status	Active

Background/Comment

Clause 3, annexure B4.2 of the Agreement requires the Committee consist of:

- 2 members appointed by the Shire
- 2 members to be appointed by the Minister, one to be the Principal;
- 1 member representing the Telecentre Management Committee; and
- 1 elected community member (election to be organized by the Management Committee).
- With the School/Community Librarian as the Executive Officer of the Committee.

Recommendation

Two members to be appointed by the Shire as per above, one elected member along with the CEO or his nominee.

GROUP 2: EXTERNAL COMMITTEES & ORGANISATIONS

Lake King Grassed Oval Committee

Authority:	Lake King Progress Association
Delegation:	No delegated authority
Membership:	Cr De Landgraftt
Meetings:	Quarterly
Current Status	Active

Background/Comment

Facility is managed by the above Committee under the umbrella of the Lake King Progress Association.

Recommendation

Lake King Varley Ward elected member remain as representative.

Local Emergency Management Committee

Authority:	State Emergency Management Act 2005
Delegation:	Nil
Current Membership:	President as Chairperson, CEO & Staff as required Local Emergency Services – Ambulance, Fire & Rescue, Bush Fires, Health Service, Department of Agriculture, Police, FESA
Meetings:	Quarterly
Current Status	Active

Background/Comment

Part 38 of the *Emergency Management Act 2005* states as follows:

Local emergency management committees

(1) A local government is to establish one or more local emergency management committees for the local government's district.

(2) If more than one local emergency management committee is established, the local government is to specify the area in respect of which the committee is to exercise its functions.

(3) A local emergency management committee consists of —

- (a) a chairman and other members appointed by the relevant local government in accordance with subsection (4); and
 (b) if the local emergency coordinator is not appointed as chairman of the committee, the local emergency coordinator for the local government district.

(4) Subject to this section, the constitution and procedures of a local emergency management committee, and the terms and conditions of appointment of members, are to be determined by the SEMC.

The Shire has recently entered into a funding agreement with FESA whereby they will contribute to the salary for the appointment of a Community Emergency Services Manager (CESM). The appointment will be made early in 2012 and under the FESA agreement, the LEMC group will be supported by the Shire's CESM.

The Group has traditionally been chaired by the Shire President, however under the *Emergency Management Act 2005* as set out above it would appear the role need not fall to the Shire President.

The Shire of Lake Grace Local Emergency Management Arrangements state that the Chairman of the LEMC is the Shire President, Shire of Lake Grace. These arrangements can be amended should Council wish to opt not to appoint the Shire President as Chair.

Recommendation

The Shire of Lake Grace Local Emergency Committee be appointed as set out in Part 38 of the *Emergency Management Act 2005*.

Regional Road Group – Wheatbelt South

Authority:	Main Roads WA
Current Membership:	President & Deputy President – CEO & MOW attend as advisors
Meetings:	Quarterly
Current Status	Active

Recommendation

President and Councillor be appointed as representatives.

Regional Road Group – Wheatbelt South, Lakes Sub Group

Authority:	Main Roads WA
Current Membership:	President & Deputy President – CEO & MOW attend as advisors
Meetings:	Quarterly
Current Status	Active

Recommendation

President and Councillor be appointed as representatives.

WALGA Central Country Zone

Authority:	Western Australian Local Government Association
Current Membership:	President & Deputy President
Meetings:	Quarterly
Current Status	Active

Recommendation

President and a Councillor be appointed as representatives.

Roe Tourism Association

Authority:	Roe Tourism Association
Current Membership:	Cr Ollie Farrelly & staff as required Lake Grace Visitor Information Centre Representatives
Meetings:	Bi Monthly
Current Status	Active

Background/Comment

The Shire is a financial member of the Roe Tourism Group. Membership of this group is important in terms of the Shire's involvement in regional tourism and it provides opportunities and brings untold benefits for the promotion of our area and attractions.

Cr Farrelly, Lake Grace Visitor Information Centre & Tourism Promotions representative Mary Naisbitt and the Shire's Visitor Centre Manager regularly attend these meetings at this point in time.

Recommendation

One Councillor representative and staff as required.

Newdegate Recreation Council

Authority:	Newdegate Recreation Council
Delegation:	No delegated authority
Current Membership:	Crs _____ & Chamberlain Manager Community Services & Manager of Works
Meetings:	Bi - monthly
Current Status	Active – strong community organisation

Background/Comment

Bookings for the Indoor Recreation Centre are booked through the Newdegate Telecentre. Council pays the Telecentre to act as secretariat. Finances are managed via Shire administration.

Recommendation

Two Councillors from the Newdegate Ward be appointed along with the Manager Corporate Services and the Parks & Gardens Supervisor.

Bushfire Advisory Committee

Authority:	Bush Fires Act 1954, Shire of Lake Grace Bushfires Local Law
Delegation:	No Delegated Authority - minutes are published in Council's Information Bulletin. Recommendations are made in minutes of the meetings and should a Council decision be required recommendations are included as an item of business at the first available Ordinary Meeting of Council.
Membership:	As per Bushfires Local Law.
Meetings:	As per Bushfires Local Law.
Current Status	Active

Background/Comment

Councillor appointment not required.

Roadwise Committee

Authority:	West Australian Local Government Association
Current Membership:	Manager of Works Roadwise Officer, LG Telecentre Secretariat, Emergency Services, Youth, Police
Meetings:	Monthly or as determined by Roadwise Officer
Current Status	Active

Background/Comment

The Roadwise Committee is a WA Local Government Association initiative. The Region has a Roadwise Project Officer appointed by WALGA who provides executive support to the Group.

The Lake Grace Community Resource Centre is contracted by the Shire to provide secretarial duties. Staff attend the meetings.

Recommendation

Manager Community Services or their nominee be appointed representative.

Joint Development Assessment Panel - Wheatbelt Region

Authority:	Dept of Planning - Planning & Development (develop Assessment Panels) Regulations 2011
Current Membership:	Cr Walker, Cr Chamberlain & Cr Chappell
Meetings:	As required
Current Status	Active

Background/Comment

At its 25 May 2011 Ordinary Meeting, Motion 11217, Council appointed as members to the Wheatbelt Region Joint Development Assessment Panel Crs Walker and Chamberlain, with Cr Ross Chappell as Alternate Member.

Training for the JDAP's was subsequently undertaken by Crs Chamberlain and Chappell. Following the October 2011 elections, Cr Walker submitted his resignation to the Department of Planning. At that time we were advised that the two remaining members (one member and one alternate member) would cover the requirements. The Shire President was advised of the above.

Since that time, further advice received indicates the Shire is now required to have two members and at least one alternate member. Accordingly, at this point in time Cr Walker's name remains on the ministerial list until such time a replacement is found and the nomination submitted to the Department of Planning.

Should the Panel be required to meet in Lake Grace, the Shire is to provide secretarial support to the Panel.

Recommendation

Crs Chamberlain and Chappell be re-nominated and a third elected member is nominated.

Lakes VROC (Voluntary Organisation of Councils)

Authority:	Memorandum of Understanding – Shires of Dumbleyung, Lake Grace & Kent
Current Membership:	Shire Presidents, Elected Members & CEOs of the Shires of Dumbleyung, Lake Grace & Kent
Meetings:	As required
Current Status	Active

Background/Comment

The Lakes VROC was established in 2009 to establish a working partnership with a purpose to:

- Achieve recognition of the Lakes as a viable, political, social and economic region;
- To enhance service delivery and infrastructure for our collective and individual communities;
- To achieve a sustainable, cost effective model for the sharing of resources.

The Shire of Lake Grace currently is the host Shire and acts as the executive support for the VROC. This is a rotational arrangement under the MOU. The host Shire acts as Chair of the group.

Each MOU party is to have two representative voting members (to date for the Shire of Lake Grace this has been the Shire President and Deputy Shire President). Elected members and officers of each MOU party may participate in meetings in a non-voting capacity.

Recommendation

President & Councillor be appointed as representatives.

4WD VROC

Authority:	Shires of Wagin, Williams, West Arthur, Woodanilling & Dumbleyung
Current Membership:	By 4WD invitation to observe at meetings
Meetings:	Monthly
Current Status	Research required

Background/Comment

The Shire is involved with this group primarily through the Regional Aged Accommodation project, a Royalties for Regions project incorporating the 4WD and the Lakes VROC, stretching across seven Shires and providing accommodation units for seniors. This project is also likely to attract regional funding via the Regional Action Agenda funding.

Along with the progression of local government reform, it is highly likely that better opportunities for funding in the future will present by having strong links and a working partnership with a larger regional organisation such as 4WD.

This Group is supported by Community Development Officers from the Shires of Williams and West Arthur.

Recommendation

That Council endorse regular attendance at the 4WD meetings by Councillors and Staff.

Wagin Regional Refuse Group

Authority:	Zero Waste Initiative
Current Membership:	Wagin Group of Councils
Meetings:	As required
Current Status	Active

Background/Comment

The Wagin Regional Refuse Group was created in 2007 for the purpose of responding to the Waste Authority of WA's Zero Waste Plan (subsequently changed to Towards Zero Waste). The Group was made up of 12 member local governments stretching across the Wheatbelt South and included the Shire of Lake Grace. A significant achievement of the Group was the development of an Environmental Management Plan for each refuse disposal site and the 2009 Strategic Waste Management Plan which considered the option of a regional waste disposal site. This research was funded through the Zero Waste initiative.

In December 2010, the Shire of Lake Grace subsequently advised the Wagin Group of its decision not to participate in the establishment of the regional landfill site and withdrew its membership with an acknowledgement that it may wish to apply to re-enter the Group at a later date should the need arise.

The Group has continued to provide information to the CEO. This week the Wagin Regional Refuse Group's Project Manager has contacted the Shire to advise the release of funding through the Towards Zero Waste Regional Funding Program for Local Government Authorities 2011-2016. A copy of the Guidelines is provided as an attachment to Item 16.1 - Information Bulletin.

The funding has to be for items of a regional benefit, excluding land purchase, so transfer stations or infrastructure at a regional landfill site would be acceptable. To be eligible for the funding the local government must be aligned with a regional waste group. Applications for funding close in January 2012.

For the Shire of Lake Grace to be eligible to receive any funding under this program it would require the Shire's re-entry to the Wagin Group by the end of December 2011, and a commitment to the membership fee of \$5,000 for the 2011/12 financial year. Funding of \$15,000 for each local government is available under the Towards Zero Waste Regional Funding Program for Local Government Authorities 2011-2016.

Should Council agree to apply for re-entry to the Wagin Group the membership fee of \$5,000 would be covered under waste and would be incorporated in the February 2012 budget review.

The Group is supported by the Wagin Regional Refuse Group Project Manager, Mr John Case who is based in Wagin.

To maximise the Shire's opportunities for funding, it is recommended that Council apply for re-entry to the Wagin Refuse Group.

Recommendation

That Council re-apply for entry to the Wagin Regional Refuse Group and the CEO or his nominee be appointed Shire representative to the Group.

Australian Rural Road Group Inc.

Authority:	Australian Rural Road Group Inc.
Current Membership:	Shire President & CEO
Meetings:	As required
Current Status	Active

Background/Comment

At the March 2010 Ordinary Meeting of Council, it was resolved for the Shire to be a member of the Australian Rural Road Group Inc (AARG). The Shire President and author attended the inaugural meeting on 15 March 2010 and subsequent meetings via teleconference and annually at the Australian Local Government Association Congresses.

The purpose of AARG is to develop a strategy to lobby the Commonwealth Government for additional new road funding regarding those local governments throughout Australia where the value of their agricultural activity

is in excess of \$100M. As such Lake Grace is ranked 25 overall with its agricultural activity coming in at \$192.8M and as such is the second most productive district in WA. Esperance sits at number two on the list overall with \$370.8M.

The premise is to tie an acceptable level of funding to the amount contributed to the Gross Domestic Product expressed as an amount per kilometre of the road network length.

The Gwydir Shire Council provides executive support to the Group.

Recommendation

That the Shire President and the CEO be appointed as representatives to the Australian Rural Road Group.

Rural Water Council

Authority:	Rural Water Council Inc
Current Membership:	Cr Chappell & Cr Armstrong
Meetings:	Bi-annual
Current Status	Active

Background/Comment

The Rural Water Council was formed during 2010 with Cr Chappell and Cr Armstrong the Shire representatives.

Recommendation

That Crs Chappell & Armstrong be appointed as delegates to the Rural Water Council Inc.

Eastern Wheatbelt Primary Health Care Group

Authority:	Shires of Corrigin,
Current Membership:	Shire President & CEO
Meetings:	As required
Current Status	Active

Background/Comment

The Eastern Wheatbelt Primary Health Care Group was established early in 2011 as a result of the shared vision between the Shires of Lake Grace, Kondinin, Corrigin and Kulin to establish a group scheme for the provision of GP services. Council endorsed the Shire of Lake Grace as a signatory to the Eastern Wheatbelt Primary Care Project in February 2011. The Shire of Narembeen is now also a member.

A Business Case regarding GP recruitment and setting up a support business unit is in the process of being developed with contributions from each shire and funding from Rural Health West.

Recommendation

That the Shire President and the CEO be appointed as representatives to the Eastern Wheatbelt .

Wheatbelt Railway Retention Alliance

Authority:	WA Farmers Federation - Wheatbelt Railway Retention Alliance
Membership:	Cr Walker & Cr Chamberlain - Proxy Cr Chappell
Meetings:	As required
Current Status	Active

Background/Comment

The Wheatbelt Railway Retention Alliance was formed earlier this year as a lobby group for the retention of Tier 3 railway lines in the Wheatbelt. The WA Farmers Federation provides support to the Group. The Group has been proactive in its approach to the State Government. Its activities are centred in the Central Wheatbelt Region.

Council endorsed membership to the Wheatbelt Railway Retention Alliance at its 23 March 2011 Ordinary Meeting. The Shire has not contributed financially to the Group.

Recommendation

That two Councillors and a proxy be appointed as representatives to the Wheatbelt Railway Retention Alliance.

Eastern Wheatbelt Declared Species Group Inc - Wild Dog Control

Authority:	Eastern Wheatbelt Declared Species Group Inc
Membership:	Cr Sinclair
Meetings:	As required
Current Status	Active

Background/Comment

The Shire of Lake Grace has been associated with and financially supported this group over the past 10 years. The group comprises ten Shires from Mt Marshall down to Lake Grace and with support from the Ag Dept has worked to successfully control numbers and activities of wild dogs in the Eastern Wheatbelt.

To continue to receive ongoing funding the Group was required to become an incorporated body. The Department of Agriculture currently provides administrative support to the group.

Council endorsed its support for the Group's incorporation at its April 2011 Ordinary Meeting and nominated Cr Sinclair as its representative. The Natural Resource Management Officer also attends the meetings.

Recommendation

Re-appointment of Cr Sinclair as the Shire of Lake Grace representative at the meetings.

Comment

It should be noted that to support Committees of Council extensive resources are required.

Council may wish to consider appointing proxies to certain external committees and organisations in order to cover attendance for the nominated delegates and ensure regular elected member representation.

Legal Implications

Local Government Act, 1995 - s5.9, s5.10, s5.11, s 5.17, s5.98

Local Government Act 1995 – s7

Local Government (Administration) Regulations 1996

Local Government (Financial) Regulations sections 4-8, as amended 2005

Bushfire Local Law

Standing Orders Local Law

Emergency Management Act 2005

Policy Implications

N/A

Consultation

External: Various committees require the seeking of community representation

Financial Implications

Attendance fees are payable to Elected Members of the Audit Committee, the Newdegate Rejuvenation Committee, the Lake Grace Library Telecentre Management Committee. Community members are entitled to claim travelling as per Council Policy.

Councillors attending other committee meetings may claim travel only – no attendance fees are payable.

Strategic Implications

Lake Grace Strategic Plan - 2. *Social and Community Well-Being*

2.1 Retain, promote and develop health, education, recreational provision and access within the Shire.

6. *Leadership* - 6.3 Foster opportunities and provide resources for the ongoing development of leadership – community capacity building.

Voting Requirements

Absolute majority (5) required.

MOTION 11347

Moved Cr Milton
Seconded Cr Walker

That Standing Orders be suspended at this time, being 3.37pm to allow discussion on committee representation.

MOTION CARRIED 9/0

3.50pm *Mr Luther & Ms Pinchback left the meeting.*

3.58pm *Mr Owen left the meeting.*

MOTION 11348

Moved Cr De Landgraft
Seconded Cr Milton

That Standing Orders resume at this time, being 4.05pm.

MOTION CARRIED 9/0

Resolution

MOTION 11349

Moved Cr Chappell
Seconded Cr Farrelly

1. That Council appoint the following Councillor/Council Representatives to the various committees and external organisations as follows:

Lake Grace Library, Resource & Telecentre Management Committee

Cr Farrelly , CEO or his nominee

Lake King Grassed Oval Committee

Cr De Landgraft

Regional Road Group – Wheatbelt South

President and Deputy President, CEO & MOW as advisors.

Regional Road Group – Lakes Sub Group

President and Deputy President, CEO & MOW as advisors.

WALGA Central Country Zone

President & Deputy President.

MOTION 11349 continued

Roe Tourism Association

Cr Farrelly, staff as required

Newdegate Recreation Council

Cr Armstrong & Cr Chamberlain

Manager Corporate Services & Parks and Gardens Supervisor

Roadwise Committee

Manager Community Services or their nominee.

Joint Development Assessment Panel – Wheatbelt Region

Cr Chappell be appointed as a member, Cr Armstrong as alternate member

Lakes VROC

President & Deputy President, CEO & staff as required.

4WD VROC

President & Deputy President, CEO & staff as required.

Regional Waste Group

President & Cr Milton, CEO & staff as required.

Australian Rural Road Group

President & CEO, staff as required.

Rural Water Council

Cr Armstrong & Cr Chappell

Eastern Wheatbelt Primary Health Care Group

President & CEO, staff as required.

Wheatbelt Retention Railway Alliance

Cr Chamberlain & Cr Walker with Cr Chappell as proxy, CEO & staff as required.

Eastern Wheatbelt Declared Species Group

Cr Sinclair & staff as required.

2. That the Shire of Lake Grace Local Emergency Management Committee be appointed as per Part 38 of the *Emergency Management Act 2005*.

MOTION CARRIED BY ABSOLUTE MAJORITY 9/0

15.6 LAKE GRACE SPORTING PAVILION REDEVELOPMENT PROJECT COMMITTEE - ESTABLISHMENT

Applicant:	Chief Executive Officer
File No.	0546
Attachments:	Nil
Author:	Mr Sean Fletcher Chief Executive Officer
Disclosure of Interest:	Nil
Date of Report:	6 December 2011
Senior Officer:	Mr Sean Fletcher Chief Executive Officer

Summary

The purpose of this report is to seek Council's approval to establish the Lake Grace Sporting Pavilion Redevelopment Project Committee (the Committee).

Background

The Lake Grace Sporting Precinct Focus Group (Focus Group) was formed in 2009 to oversee Stage Two of the redevelopment of the Lake Grace Sporting Precinct. Stage Two of the redevelopment proposes an upgrade to the existing main pavilion facilities building, and associated infrastructure. This was endorsed by Council at the 2009 August Ordinary meeting.

The Focus Group attended the July 2011 Ordinary Meeting and made a visual presentation to Council outlining the progress to date. The presentation gave a clear picture of the project and the group's commitment to the project.

The Focus Group along with the author, Manager Community Services and the Grants Officer met with Jennifer Collins, Manager Wheatbelt Department of Sport & Recreation, on 5 October 2011 to discuss the project. It was clear from this meeting that further work is required regarding the concept planning, consultation and seeking of funding from applicable sources.

At the ordinary meeting of Council on 26 October 2011 in relation to the report seeking Council's support to lodge an application for CSRFF funding and endorsement of the concept plans, Council resolved through Motion 11313:

"That the project be referred back to the Chief Executive Officer for re-assessment".

The Reasons for change to the officer's recommendation were:

- The Council has financial concerns over the project;
- The project needs to go forward within budget and policy etc that the Council operates under; and
- The Council has a financial responsibility – it must be one that the community can achieve.

Accordingly the author asked to meet with the Focus Group to discuss the project in light of Council resolution 11313. The author and the Manager of Community Services then met with Mr Royce Taylor, Mrs Amanda Trevenen and Mrs Danielle Robertson on Monday 28 November 2011.

At the meeting, the challenges regarding the pavilion project were discussed.

As a result of these discussions, the Focus Group members requested that a formal committee of Council was formed regarding the pavilion project. The author explained what was involved to establish such a committee including ideally there should be seven members with three elected members and four community members respectively. It was also considered that two deputies with regard to the community membership would be appropriate. The author explained that the presiding member (the chair of the committee) can be any one of the committee members.

The author also explained that Shire staff would provide administrative support to the Committee including the provision of agendas and the production of minutes. There would be four meetings a year and workshops in between each meeting as appropriate.

At the conclusion of the meeting Mr Taylor asked for a copy of the proposed Terms of Reference so that this could be discussed at the Focus Group meeting on Monday 5 December 2012.

Comment

The membership of a committee of Council cannot be open ended and it must have a clear purpose. Such a committee will help reduce the impact felt should staff involved with this project move on as has happened in the past.

Accordingly, the structure for the Lake Grace Sporting Pavilion Redevelopment Project Committee should be as follows:

Name of Committee:	The Lake Grace Sporting Pavilion Redevelopment Committee
Responsible Officer:	Manager Community Services
Minutes:	Community Services Officer
Venue:	As appropriate
Membership:	<ul style="list-style-type: none"> • Two elected members from the Lake Grace Ward • One elected member from the Newdegate Ward or Lake King Varley Ward • Four members from the Lake Grace Community • Two deputy members from the Lake Grace Community
Meetings:	As required
Delegation:	No delegated authority

Charter:	<p>To consult on the status of the Lake Grace Sporting Pavilion Redevelopment Project and where appropriate make recommendations to Council on the following matters:</p> <ul style="list-style-type: none"> • Proposals for the design, construction and fit out of the Lake Grace Sporting Pavilion; • The budget for the project including: <ul style="list-style-type: none"> ○ A breakdown of the costs to achieve the project; ○ The required level of funding and the sources of funding applicable to the project; ○ The impact that this project will have regarding the Specified Area Rate for the Lake Grace community as per Council policy; • The level of community engagement required for the project as per Council policy; • How the Lake Grace Sporting Pavilion Redevelopment Committee can assist the Chief Executive Officer and his staff undertake the necessary funding applications, consultation and works to achieve this project.
----------	---

The above shows the committee consisting of seven members. It is recommended that three of the positions are held by elected members with the remaining four positions held by community members with two deputies (proxies).

Ideally, the elected members would consist of two elected members from the Lake Grace Ward and one elected member from either the Newdegate Ward or the Lake King/Varley Ward. As a result of the Focus Group meeting on 5 December 2011, the author has received the following nominations for community member and deputy community member to the Committee:

Community Member:

- Royce Taylor
- Amanda Trevenen
- Danielle Robertson
- Bevan Taylor

Deputy Community Member (proxy):

- Greg Pinney
- John O'Neill

There is no need for the Chief Executive Officer (or his representative) to be a part of the Committee as this person (or representative – in this case the Manager Community Services) should be responsible for supporting the operations of the committee and thus progressing any outcomes from the committee meetings.

Committees do not undertake operational matters. As such, the committee is not a decision making body. It may be possible for the committee to make recommendations to Council. However, they can assist and work with staff within certain parameters e.g. the compilation of grant applications, seeking feedback.

Legal Implications

A committee can be established by way of absolute majority under Part 5 Subdivision 2 of the *Local Government Act 1995*. Relevant sections include:

- s5.8: *Establishment of committees. Three or more persons.*
- s.5.9: *Type of committees: s5.9 (2) (e) – employees and other persons*
- s5.10: *Appointment of committee members*
- s5.11: *Tenure of committee membership.*
- s5.17: *Limits on delegations of powers and duties to certain committees.*

Policy Implications

Nil

Consultation

- External: Members of the Lake Grace Focus Group re Outcomes of the Ordinary Council Meeting 26 October 2011 and draft Terms of Reference
- Internal: Shire President, Cr Milton, Cr Chappell, Cr Farrelly & Cr Walker
Senior Management Team
Grants Officer

Financial Implications

Nil

Strategic Implications

Shire of Lake Grace Strategic Plan - Focus 2 Social and Community Well Being
5.2.3 Apply for funding to undertake Lake Grace Sports Ground Redevelopment including commencement of construction.

Voting Requirements

Absolute majority (5) required.

Officer Recommendation/Resolution

MOTION 11350

Moved Cr Farrelly
Seconded Cr Walker

That Council confirm the Lake Grace Sporting Pavilion Redevelopment Committee as a Committee of Council as follows:

Name of Committee: The Lake Grace Sporting Pavilion Redevelopment Committee
Responsible Officer: Manager Community Services
Minutes: Community Services Officer
Venue: As appropriate

- Membership:
- Two elected members from the Lake Grace Ward
Cr Chappell
Cr Milton
 - One elected member from the Newdegate Ward or Lake King Varley Ward
Cr Newman
 - Four members from the Lake Grace Community:

Mr Royce Taylor
Mr Bevan Taylor
Mrs Amanda Trevenen
Mrs Danielle Robertson
 - Two deputy members from the Lake Grace Community

Mr Greg Pinney
Mr John O'Neill

Meetings: As required
Delegation: No delegated authority
Charter: To consult on the status of the Lake Grace Sporting Pavilion Redevelopment Project and where appropriate make recommendations to Council on the following matters:

- Proposals for the design, construction and fit out of the Lake Grace Sporting Pavilion;
- The budget for the project including:
 - A breakdown of the costs to achieve the project;
 - The required level of funding and the sources of funding applicable to the project;
 - The impact that this project will have regarding the Specified Area Rate for the Lake Grace community as per Council policy;
- The level of community engagement required for the project as per Council policy;
- How the Lake Grace Sporting Pavilion Redevelopment Committee can assist the Chief Executive Officer and his staff undertake the necessary funding applications, consultation and works to achieve this project.

MOTION CARRIED BY ABSOLUTE MAJORITY 9/0

15.7 2012 AUSTRALIA DAY AWARDS - CITIZENSHIP

Applicant: Community Nominations
File No. 0435
Attachments: Nominations
Author: Ms Isabelle Draffehn
Community Services Officer
Disclosure of Interest: Nil
Date of Report: 30 November 2011
Senior Officer: Mrs Deborah Lloyd
A/Manager Community Services

Summary

This report is for Council to consider and determine the 2012 Premier's Australia Day Active Citizenship Awards recipients for Citizens of the Year and Community Group / Events of the Year.

Background

Each year for each of the Shire's five communities, two local citizens and one local community group are eligible for the Premier's Active Australia Day Active Citizenship Awards.

These annual awards encourage and reward the spirit of active citizenship with recipients selected from people and groups who have made a noteworthy contribution during the current year, or given outstanding service to the local community over a number of years through active involvement.

Awards are presented for each community in two age categories as well as a community group or event.

During November, nominations were invited from each community for the following categories:

- Premier's Australia Day Active Citizenship Award for a person of 25 years or older
- Premier's Australia Day Active Citizenship Award for a person under 25 years
- Premier's Australia Day Active Citizenship Award for a community group or event

Comment

Closing date for nominations was 25 November 2011.

The following nominations have been received:

Lake Grace Citizen of the Year

1. Mrs Narelle Hutter nominated by Mrs Lesley Duckworth
2. Ms Moira Wilson nominated by Lake Grace Development Association

Lake Grace Community Group or Event of the Year

1. Lake Grace 100 Years Committee nominated by Lake Grace Development Association

Newdegate Citizen of the Year

1. Mr Ashley McDonald nominated by Newdegate Recreation Committee

Newdegate Community Group or Event of the Year

1. Newdegate GateWay nominated by Newdegate Community Development Association

Legal Implications

N/A

Policy Implications

N/A

Consultation

External: Advertisements were placed in all community newsletters throughout November. Letters were sent to all Progress/Development Associations and were also available at the Shire Office and online from the Australia Day website.

Financial Implications

2011/12 Budget: An allowance for award certificates and framing is included in Account 1E0411750 – Australia Day Celebrations.

Strategic Implications

Shire of Lake Grace Strategic Plan - Social and Community Well Being

Recommendation

That the 2012 Premier's Australia Day Active Citizenship Awards be awarded to the following:

Lake Grace Citizen of the Year for persons over 25 years:

Lake Grace Community Group or Event of the Year:

Newdegate Citizen of the Year:

Newdegate Community Group or Event of the Year:

Voting Requirements
Simple majority required.

Resolution

MOTION 11351

Moved Cr Newman
Seconded Cr De Landgraft

That the 2012 Premier's Australia Day Active Citizenship Awards be awarded to the following:

Lake Grace Citizen of the Year for persons over 25 years:

Ms Moira Wilson

Lake Grace Community Group or Event of the Year:

Lake Grace 100 Years Committee

Newdegate Citizen of the Year:

Mr Ashley McDonald

Newdegate Community Group or Event of the Year:

Newdegate Gateway

MOTION CARRIED 9/0

15.8 DIGITAL TV SWITCHOVER

Applicant:	Department of Broadband, Communications and the Digital Economy
File No.	0223
Attachments:	Letter – Dept of Broadband, Communication and the Digital Economy
Author:	Mrs Deb Lloyd A/Manager Community Services
Disclosure of Interest:	Nil
Date of Report:	15 December 2011
Senior Officer:	Mr Sean Fletcher Chief Executive Officer

Summary

This report recommends the Shire of Lake Grace opt-in to the new Australian government Satellite Subsidy Scheme to receive the Viewer Access Satellite Television (VAST) service which will ensure the residents of the Shire of Lake Grace gain assistance under the Satellite Subsidy Scheme.

Background & Comment

A letter has been received from the federal Department of Broadband, Communications and the Digital Economy. This letter refers to whether the Shire of Lake Grace intends to opt-in to the Satellite Subsidy Scheme or whether we are proposing to upgrade our self-help transmitter towers to digital at our own cost. The letter requires an answer by February 15, 2012.

All television towers in regional and remote Western Australia will cease broadcasting in analog in the second half of 2013. Broadcasters have decided that they will not convert any existing analog self-help retransmitters in remote Australia to digital, including those here in WA.

To ensure people living in remote Australia who are not served by broadcaster operated terrestrial transmitters are able to receive the same number of digital television services as people in the metropolitan areas, the Government has funded the VAST service. The Western VAST service is provided by a joint venture company owned by the two commercial television licensees in regional and remote Western Australia, WIN Television WA Pty Ltd and Golden West Network Pty Ltd.

Households in areas currently served by analog self-help retransmission towers that are not being upgraded to digital will need to move to the VAST service to receive digital television service. These households will also be eligible for the Governments Satellite Subsidy Scheme.

Under the Satellite Subsidy Scheme, eligible households will receive installation, subsidised by the government, of equipment that enables them to receive the VAST service. The installation will include a satellite dish, A VAST set top box and associated cabling. These installations will be carried out by an experienced installer engaged by the service contractor.

The household financial contribution is expected to be between \$200-\$350. This amount will not be determined until the installation contract for regional and remote WA has been finalised by the Dept. Once the VAST service is installed, there are no ongoing costs for the households.

Some people in these areas may be eligible for the governments Household Assistance Scheme. Eligibility to this scheme is dependent on receiving the maximum rate payable for – Age pension, Disability support pension, Carer payment, DVA pension and the DVA income support pension. This scheme will supply and install the equipment necessary to view VAST channels at no cost to these eligible households.

Legal Implications

Nil

Policy Implications

Nil

Consultation – External and Internal

Shire staff have attended the Wheatbelt NBN and Digital TV Forum held by Regional Development Australia, Wheatbelt and the Wheatbelt Development Commission.

Staff have also liaised with companies able to upgrade the existing transmission towers and have received several quotes for the work.

Staff have had discussions with neighbouring Shires regarding their decision on Digital TV. The Shires of Kent, Dumbleyung, Gnowangerup and Kulin, along with all NEWROC Shires will cease rebroadcasting and allow residents to switch to VAST.

The Shire of Kulin will have decoders available for hire for travellers using the Caravan Park who are not self sufficient. (Note: current figures available from the Caravanning Association indicate that 83% of caravanners are self sufficient.)

Staff have briefed Senior Management on issues arising from the Forum and discussions with other Shires.

Due to the timeframe given by the Department of Broadband, Communications and the Digital Economy, the communities will be advised of Councils determination by way of mail out with the opportunity for feedback. Councillors will, with the given information, be able to liaise with their community on this issue.

Financial Implications

The quotes for the upgrade of the transmitters range from \$65,000 to \$127,500 per tower, dependent on the condition of the tower. There will be further costs involved to have the transmitters assessed before any upgrade can occur. Should the Shire of Lake Grace upgrade the transmitters the increase in service charges to each of the communities is outlined below based on the estimate of

upgrading the three existing transmitters of approximately \$65,000 per transmitter, assuming the transmitters are in good condition. Presently the ratepayers in the Shire of Lake Grace pay a TV services charge.

Community	Current Charge 10/11	Reserve Funds	New Service Charge
Lake Grace	53.50pa	30 926.00	59.95pa
Newdegate	62.50pa	5557.00	157.28pa
Lake King	215.00pa	2115.00	585.08pa

***Please note that existing service charges covering maintenance and ongoing costs will remain with this scenario.*

If the Shire of Lake Grace choose to adopt the VAST option for the residents to receive digital television the cost to the Shire of Lake Grace would be limited to installation in staff housing and any public buildings requiring access to VAST.

Shire residents would be financially responsible for their own installation at a cost of \$200-\$350, with no further on going costs.

Strategic Implications

Shire of Lake Grace Strategic Plan point 2.3

To review and implement Digital TV throughout the Shire at a cost \$300,000 on the proviso funding is available.

(There is currently no funding available as the Federal Government has outlined.)

Voting Requirements

Simple majority required.

Recommendation/Resolution

MOTION 11352

Moved Cr Chappell
Seconded Cr Milton

1. That Council opt-in to the Satellite Subsidy Scheme to receive the VAST service to ensure that assistance under the Scheme can be provided to our communities.

2. That community consultation occurs by way of fact sheets being mailed out due to the time frame given. The opportunity for feedback will be available to the community until 3 February 2012.

MOTION CARRIED 9/0

16.0 INFORMATION BULLETIN

16.1 INFORMATION BULLETIN REPORT – DECEMBER 2011

Applicant:	Executive Services
File No.	N/A
Attachments:	<ol style="list-style-type: none"> 1. Annual Grants Register 2. Council Status Report 3. Letter – Commonwealth Minister for Health & Ageing 4. Letter – Hon Max Trenorden MLC 5. Letter – Hon John Castrilli 6. Report – Director General DLG 7. Letter – Mark Dreyfus QC MP 8. Letter – Senator Barnaby Joyce 9. Email & Towards Zero Waste – Regional Funding Program for LG Authorities 2011-2016
Author:	Mrs Jeanette Bennett Executive Assistant
Disclosure of Interest:	Nil
Date of Report:	13 December 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.

Copies of other relevant information for Councillors are distributed via the weekly mail-out.

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. Council Status Report

Tracks the progress of Council resolutions.

3. Letter – Commonwealth Minister for Health & Ageing

Letter from Hon Nicola Roxon MP, Minister for Health and Ageing with information regarding the new agency 'Rural and Regional Health Australia' which will help regional and remote communities find information on health and aged care programs and services available in their local area – information line 1800 899 538, www.ruralhealthaustralia.gov.au

4. Letter – Hon Max Trenorden MLC

Letter from Hon Max Trenorden, Member for the Agricultural Region, informing that the Local Government Amendment (Regional Subsidiaries) Bill 2010 was passed through the Legislative Council last week and now moves to the Legislative Assembly where it is listed on the Notice Paper to be dealt with when Parliament resumes in 2012.

5. Letter – Hon John Castrilli MLA

Letter from Hon John Castrilli, Minister for Local Government ; Heritage ; Citizenship and Multicultural Interest providing a copy of the Department of Local Government's new Compliance Framework.

The Compliance Framework addresses the compliance with the Local Government Act 1995 and the Department of Local Government's compliance role.

6. Report – Department of Local Government Director General

Report on Departmental activities from Department of Local Government Director General, Jennifer Mathews regarding the following :

- Local Government Amendment Bill 2011
- Responsible cat ownership laws passed
- Input sought on Heritage Discussion Paper
- Free Integrated Planning Workshops
- Newly Elected Members Workshops
- Workshops for new Mayors, Presidents and Deputies
- Guide for engaging culturally and linguistically diverse communities
- DLG Compliance Framework
- E-Bulletin for Updates on Integrated Planning
- Congatulations to Local Governments for Environmental Best Ppractice Awards
- Melville awarded for excellence in customer service

7. Letter – Mark Dreyfus QC MP

Mark Dreyfus QC MP, Parliamentary Secretary for Climate Change & Energy Efficiency has written the Shire about the Australian Government's Clean Energy Future Plan and its implications and opportunities for local governments.

8. Letter – Senator Barnaby Joyce

Senator Barnaby Joyce, the Leader of the Nationals in the Senate (Commonwealth), Shadow Minister for Regional Development, Local Government & Water LNP Senator for Queensland, has written to give the Shire the opportunity to offer its thoughts on issues facing Regional Australia. The issues raised are regarding Regional Development Funding, Regional Development Policy & Constitutional Recognition of Local Government.

9. Email & Towards Zero Waste – Regional Funding Program Guidelines for LG Authorities 2011-2016

Email from the Wagin Regional Refuse Group's Project Manager, John Case advising of the release of funding through the Towards Zero Waste Regional Funding Program for Local Government Authorities 2011-2016. This matter

is also discussed in Item 15.5 – Appointment of Delegates to Council Committees & External Organisations - p623 – Regional Waste Group.

The Program Guidelines are attached. The funding has to be for items of a regional benefit, excluding land purchase, so transfer stations or infrastructure at a regional landfill site would be acceptable. To be eligible for the funding the local government must be aligned with a regional waste group. Applications for funding close in January 2012.

For the Shire of Lake Grace to be eligible to receive any funding under this program it would require the Shire's re-entry to the Wagin Group by the end of December 2011, and a commitment to the membership fee of \$5,000 for the 2011/12 financial year. Funding of \$15,000 for each local government is available under the Towards Zero Waste Regional Funding Program for Local Government Authorities 2011-2016.

Should Council agree to apply for re-entry to the Wagin Group the membership fee of \$5,000 would be covered under waste and would be incorporated in the February 2012 budget review.

Legal Implications

Nil

Policy Implications

Nil

Consultation

Nil

Financial Implications

Nil

Strategic Implications

Shire of Lake Grace Strategic Plan

Voting Requirements

Simple majority required.

Voting Requirements

Simple majority required.

Officer's Recommendation/Resolution

MOTION 11353

Moved Cr Chappell
Seconded Cr Farrelly

That Council accepts the Information Bulletin report.

MOTION CARRIED 9/0

17.0 URGENT BUSINESS BY DECISION OF THE MEETING

None.

18.0 SCHEDULING OF MEETING

18.1 FEBRUARY 2012 ORDINARY MEETING

Motion 11333 November 2011 states:

An Ordinary Meeting of Council will be held on Wednesday 22 February 2012, commencing at 3:00pm at Council Chambers, 1 Bishop St Lake Grace WA.

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

MOTION 11354

Moved Cr Newman
Seconded Cr Chappell

That Council close the meeting to the public at this time, being 4.23 pm, to consider Items 19.1 – Manager Infrastructure Services – Appointment and 19.2 Chief Executive Officer – Performance Review.

MOTION CARRIED 9/0

4.23pm Mrs Lloyd, Ms Appleton, Ms Bell & Mr Whiting left the meeting.

19.1 MANAGER INFRASTRUCTURE SERVICES - APPOINTMENT

Confidential Item - forwarded under separate cover.

MOTION 11355

Moved Cr Milton
Seconded Cr Newman

That:

1. Council accepts the recommendation of the Chief Executive Officer to employ Mr Martin Harrop in the position Manager of Works (Manager of Infrastructure Services).

2. The use of the Common Seal on the contract be authorised.

MOTION CARRIED 9/0

19.2 CHIEF EXECUTIVE OFFICER - PERFORMANCE REVIEW

Late Confidential Item – forwarded under separate cover

4.32pm *The CEO declared a financial interest in Item 19.2 and left the meeting.*

Foreshadowed Motion

Cr De Landgraft foreshadowed her intention to move the motion as per the President's recommendation with an addition to point 2 of the recommendation including the requirement for a six month review.

MOTION 11356

Moved Cr Newman
Seconded Cr De Landgraft

That Standing Orders be suspended at this time, being 4.34pm to discuss the Chief Executive Officer's Performance Review.

MOTION CARRIED 9/0

4.34 pm *President adjourned the meeting to allow a short break.*

4.40 pm *Meeting reconvened with all those previously in attendance being present.*

President's Recommendation

That Council:

1. Accepts in accordance with section 18D of the *Local Government (Administration) Regulations 1996* the final report on the Chief Executive Officer's performance for 2011 prepared by the consultant Mr Simon White from Workplace Solutions.
2. Acknowledges that the Chief Executive Officer has had a performance review for 2011, with elected members unable to agree on an overall rating due to several rating performance as satisfactory and several rating performance as marginal.
3. Agrees to increase the cash component of the Chief Executive Officer's salary by 4.1% in accordance with the Salary and Allowances Tribunal Report – Local Government Chief Executive Officers handed down on 24 June 2011.
4. Lifts the confidential restriction regarding the major projects for 2011/12 listed in the performance review report so that the Chief Executive Officer can report on these items to Council on a regular basis.

MOTION 11357

Moved Cr Chamberlain
Seconded Cr Sinclair

That Standing Orders resume, the time being 4.58pm

MOTION CARRIED 9/0

MOTION 11358

Moved Cr De Landgrafft
Seconded Cr Chappell

That Council:

1. Accepts in accordance with section 18D of the *Local Government (Administration) Regulations 1996* the final report on the Chief Executive Officer's performance for 2011 prepared by the consultant Mr Simon White from Workplace Solutions.
2. Acknowledges that the Chief Executive Officer has had a performance review for 2011, with elected members unable to agree on an overall rating due to several rating performance as satisfactory and several rating performance as marginal. However, due to the lack of consensus within the Council, the CEO's performance is reviewed again at six months (i.e. 31 March 2012) focussing on the areas of disputed performance as noted in the final report.
3. Agrees to increase the cash component of the Chief Executive Officer's salary by 4.1% in accordance with the Salary and Allowances Tribunal Report – Local Government Chief Executive Officers handed down on 24 June 2011.
4. Lifts the confidential restriction regarding the major projects for 2011/12 listed in the performance review report so that the Chief Executive Officer can report on these items to Council on a regular basis.
5. That the Shire engage an independent consultant to facilitate the March 2012 review, with the consultant to be appointed by February 2012.

MOTION CARRIED 8/1

Recorded as voting for the motion: Crs Armstrong, De Landgrafft, Chamberlain, Newman, Sinclair, Farrelly, Chappell & Milton.

Recorded as voting against the motion: Cr Walker.

Reason for Change – Council agreed to a further six month review.

MOTION 11359

Moved Cr Newman
Seconded Cr Chamberlain

That Council re-open the meeting to the public at this time, being 5.12 pm.

MOTION CARRIED 9/0

5.12 pm *The Chief Executive Officer re-entered the meeting.*

The Shire President advised the Chief Executive Officer of the outcome of Item 19.2.

20.0 CLOSURE

There being no further business, the Chairperson closed the meeting at 5.15 pm.

21.0 CERTIFICATION

I Leonard William Armstrong certify that the minutes of the meeting held on the 21 December 2011 as shown were confirmed as a true record at the meeting held on the 22 February 2012.

Chairman

Date