

Shire of Lake Grace



Minutes

Ordinary Council Meeting

28 October 2009

CONTENTS

CONTENTS	2
1.0 OPENING & ANNOUNCEMENT OF VISITORS	101
1.1 CONSTITUTIONAL MATTERS.....	101
1.1.1 Election of President	101
1.1.2 Election of Deputy President.....	101
1.1.3 Seating of Councillors	101
2.0 ATTENDANCE RECORD	102
2.1 PRESENT	102
2.2 APOLOGIES	102
2.3 LEAVE OF ABSENCE PREVIOUSLY GRANTED	102
3.0 PUBLIC QUESTION TIME	102
4.0 APPLICATIONS FOR LEAVE OF ABSENCE	102
5.0 MINUTES OF PREVIOUS COUNCIL MEETINGS	103
5.1 ORDINARY MEETING – 23 SEPTEMBER 2009	103
5.2 SPECIAL MEETING – 29 SEPTEMBER 2009.....	103
6.0 DECLARATIONS OF INTEREST	104
6.1 DECLARATIONS OF FINANCIAL INTEREST – LOCAL GOVERNMENT ACT SECTION 5.60A	104
6.2 DECLARATIONS OF PROXIMITY INTEREST – LOCAL GOVERNMENT ACT 1995 SECTION 5.60B.....	104
6.3 DECLARATIONS OF IMPARTIALITY INTEREST – ADMINISTRATION REGULATION SECTION 34C	104
7.0 NOTICES OF URGENT BUSINESS	104
7.1 NEWDEGATE COMMUNITY SPORTS DAM PROJECT.....	104
8.0 MOTIONS OF WHICH NOTICE HAS BEEN RECEIVED	104
9.0 PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS	104
10.0 MEMBERS’ REPORTS	104
10.1 CR FARRELLY	104

10.2	CR DE LANDGRAFFT	104
10.3	CR DUNKELD	105
10.4	CR WALKER.....	105
11.0	MATTERS FOR CONSIDERATION – WORKS & SERVICES	201
12.0	MATTERS FOR CONSIDERATION – PLANNING.....	301
12.1	DEVELOPMENT ASSESSMENT PANELS IN WA - PROPOSED INTRODUCTION	301
13.0	MATTERS FOR CONSIDERATION – HEALTH & BUILDING	401
13.1	NEWDEGATE MEDICAL CENTRE - CONSTRUCTION.....	401
14.0	MATTERS FOR CONSIDERATION – FINANCE	501
14.1	ACCOUNTS FOR PAYMENT – AUGUST 2009	501
14.2	FINANCIAL STATEMENTS – AUGUST 2009.....	503
14.3	NEWDEGATE & DISTRICTS SHEEP BREEDERS ASSOCIATION - DONATION.....	505
14.4	ROYALTIES FOR REGIONS - 2009/10 FUNDING ROUND.....	507
14.5	COMMONWEALTH GOVERNMENT REGIONAL AND LOCAL COMMUNITY INFRASTRUCTURE PROGRAM FUNDING – ROUND TWO PROJECTS.....	511
15.0	MATTERS FOR CONSIDERATION – ADMINISTRATION	601
15.1	CONSTRUCTION OF RESIDENCE - RABOBANK	601
15.2	POLICY REVIEW – COMMUNITY DONATIONS.....	604
15.3	CENTRAL COUNTRY ZONE (WALGA).....	611
15.4	LAKES VOLUNTARY REGIONAL ORGANISATION OF COUNCILS	613
15.5	LOCAL GOVERNMENT REFORM UPDATE – SHIRE THINK TANK.....	616
15.6	USE OF THE COMMON SEAL – VARLEY COMMUNITY DAM AGREEMENT	623
15.7	STRATEGIC PLAN - UPDATE.....	625
16.0	URGENT BUSINESS BY DECISION OF THE MEETING	701
16.1	NEWDEGATE COMMUNITY SPORTS DAM	701
17.0	SCHEDULING OF MEETING	702
17.1	NOVEMBER 2009 ORDINARY MEETING.....	702
18.0	CONFIDENTIAL BUSINESS – AS PER LOCAL GOVERNMENT ACT S5.23 (2).....	702
19.0	CLOSURE.....	702
20.0	CERTIFICATION	702

SHIRE OF LAKE GRACE

Minutes of the Ordinary Meeting of Council held at Council Chambers, 1 Bishop St Lake Grace on Wednesday 28 October 2009.

Council Forum - Swearing In Ceremony

The Forum commenced at 1.00pm with declarations by Elected Members as required by the Local Government Act 1995, being made by Crs Ian Chamberlain, Dean Sinclair, Ollie Farrelly and Ross Chappell. The Chief Executive Officer, Mr Sean Fletcher conducted the ceremony.

1.0 OPENING & ANNOUNCEMENT OF VISITORS

The Chief Executive Officer opened the meeting at 1.15pm.

1.1 CONSTITUTIONAL MATTERS

The Chief Executive Officer conducted proceedings for the election of President and Deputy President and the draw for the seating of Councillors.

1.1.1 Election of President

Conducted by the Chief Executive Officer in accordance with the Local Government Act 1995, Constitution Amendment Regulations 2005 11A-11G.

The Chief Executive Officer advised that at the close of nominations, one written nomination for the position of President was received in favour of Cr Andrew Walker. There being no further nominations, Cr Walker was declared elected as President for a two year term.

Cr Walker made a Declaration of Office as President and took the chair.

1.1.2 Election of Deputy President

Conducted by the Chief Executive Officer in accordance with the Local Government Act 1995, Constitution Amendment Regulations 2005 11A-11G.

The Chief Executive Officer advised that at the close of nominations, one written nomination for the position of Deputy President was received in favour of Cr Ian Chamberlain. There being no further nominations, Cr Chamberlain was declared elected as Deputy President for a two year term.

1.1.3 Seating of Councillors

As per Item 7.2 of Council's Standing Orders, the Chief Executive Officer conducted a random draw to determine the position that each Councillor will occupy at the Council table until the next Local Government Election cycle in 2011.

Cr Walker thanked everyone for their support in electing him as President, congratulated and welcomed new Councillor Ross Chappell, and re-elected Crs Farrelly, Chamberlain and Sinclair.

2.0 ATTENDANCE RECORD

2.1 PRESENT

Cr AW Walker	Shire President
Cr IG Chamberlain	Deputy Shire President
Cr R Chappell	
Cr JF De Landgraft	
Cr AJ Dunkeld	
Cr AI Milton	
Cr WA Newman	
Cr OP Farrelly	
Cr DP Sinclair	

Mr SK Fletcher	Chief Executive Officer
Mr MW Burbridge	Manager Corporate Services
Mrs NY Owen	Manager Community Services
Mrs J Bennett	Executive Assistant

Mrs Cheryl Chappell	Observer – <i>left the meeting at 1.30pm</i>
Mr Stephen Chappell	Observer – <i>left the meeting at 1.30pm</i>
Mrs Debby Clarke	Observer – <i>left the meeting at 1.30pm</i>
Mr Leon Clarke	Observer – <i>left the meeting at 1.30pm</i>
Ms Nicole Chappell	Trainee – <i>left the meeting at 1.30pm</i>

2.2 APOLOGIES

2.3 LEAVE OF ABSENCE PREVIOUSLY GRANTED

None.

3.0 PUBLIC QUESTION TIME

None

4.0 APPLICATIONS FOR LEAVE OF ABSENCE

None

5.0 MINUTES OF PREVIOUS COUNCIL MEETINGS

5.1 ORDINARY MEETING – 23 SEPTEMBER 2009

Resolution

MOTION 10884

Moved Cr Dunkeld
Seconded Cr Milton

That the minutes of the Ordinary Meeting of Council held on the 23 September 2009 be confirmed as a true and accurate record.

MOTION CARRIED 9/0

5.2 SPECIAL MEETING – 29 SEPTEMBER 2009

Resolution

MOTION 10885

Moved Cr Milton
Seconded Cr De Landgraftt

That the minutes of the Special Meeting of Council held on the 29 September 2009 be confirmed as a true and accurate record.

MOTION CARRIED 9/0

6.0 DECLARATIONS OF INTEREST**6.1 DECLARATIONS OF FINANCIAL INTEREST – LOCAL GOVERNMENT ACT SECTION 5.60A****6.2 DECLARATIONS OF PROXIMITY INTEREST – LOCAL GOVERNMENT ACT 1995 SECTION 5.60B****6.3 DECLARATIONS OF IMPARTIALITY INTEREST – ADMINISTRATION REGULATION SECTION 34C****7.0 NOTICES OF URGENT BUSINESS****7.1 NEWDEGATE COMMUNITY SPORTS DAM PROJECT**

Cr Chamberlain requested matters concerning the Newdegate Community Dam be allowed as a Notice of Urgent Business – refer Item 16.1

8.0 MOTIONS OF WHICH NOTICE HAS BEEN RECEIVED

Nil

9.0 PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

Nil

10.0 MEMBERS' REPORTS**10.1 CR FARRELLY**

Cr Farrelly advised attendance at the Lake Bryde Recovery AGM, a Department of Conservation (DEC) project and hosted by the Avon Catchment Council. Information on the Lake Bryde project was forthcoming with surrounding farmers able to have comment. The DEC also took the opportunity to outline challenges facing their organisation.

10.2 CR DE LANDGRAFFT

Cr De Landgraftt reported attendance at:

- Lake King Progress Association Finance Meeting on 14 October 2009, topics discussed included flood damage to roads, lack of information and access to road counts and drummuster returns.
- Dunn Rock Community Dam Opening and 30 Year Celebrations at Dunn Rock on 3 October 2009 – over 100 people were in attendance. The event was reported on over radio during the ABC County Hour segment on 20 October 2009.

Cr De Landgraftt also advised that she has nominated for the RSPCA Board – the results will be known this week.

10.3 **CR DUNKELD**

Cr Dunkeld attended the Newdegate Recreation Council Meeting, topics for discussion included:

- Pavilion kitchen extensions planned by Women's Auxiliary
- Need for more funding for Newdegate Community Dam Project

10.4 **CR WALKER**

Cr Walker, along with the Chief Executive Officer and his family, attended the Dunn Rock Community Dam opening and 30 Year Celebrations. He commented it was great to see the project all pulled together and how it is a great example of the community working together to make things happen. It was good to see Mr Len Elliott, Honorary Freeman of the Shire and his family in attendance. Mr Elliott was Shire President at the time the land at Dunn Rock was opened 30 years ago – he recollected at the time there were 120 applicants for 16 blocks of land.

Cr Walker also reported attendance at an information session held at the Lake Grace District High School to discuss the decision for LGDHS to become an independent school. The Chief Executive Officer also attended and advised of the benefits of the decision in that there will be :

- More control over staff appointments
- More flexibility with curriculum
- Financial independence

11.0 MATTERS FOR CONSIDERATION – WORKS & SERVICES

No items for consideration.

12.0 MATTERS FOR CONSIDERATION – PLANNING

12.1 DEVELOPMENT ASSESSMENT PANELS IN WA - PROPOSED INTRODUCTION

Applicant:	Department of Planning
File No.	0363
Attachments:	Nil
Authors:	Mr Joe Douglas – Urban & Rural Perspectives Town Planning Consultant
Disclosure of Interest:	Nil
Date of Report:	20 October 2009
Senior Officer:	Mr Sean Fletcher Chief Executive Officer

Summary

This report recommends that Council authorise the Shire administration to prepare and lodge a submission to the Department of Planning strongly objecting to the establishment of Development Assessment Panels in Western Australia for various reasons.

Background

The Department of Planning is proposing to amend the Planning and Development Act 2005 and introduce new regulations to provide for the establishment of Development Assessment Panels (DAPs) to determine planning applications for significant development projects throughout the State. Details of the proposal are outlined in a discussion paper recently released by the Department for public comment. Comments on the proposal are required to be submitted to the Department by Monday 2 November 2009.

The Department's proposal to implement DAPs in Western Australia is being justified on the following grounds:

- It will reduce the complexity and improve the timeliness and consistency of decision making processes for planning applications by streamlining approval requirements;
- It will assist local governments by allowing them to focus on the development of strategic planning instruments rather than administering development application determinations;
- It will help to alleviate current resource pressures and skills shortages and improve decision making through the participation of independent technical experts;
- It is supported by the development industry;
- It is consistent with the Council of Australian Governments (COAG) objective to enhance the effectiveness of local government and planning throughout Australia; and
- It has proved effective in New South Wales and South Australia.

Under the terms of the model proposed to be introduced in Western Australia two (2) different types of DAPs will be established by the Minister for Planning.

For metropolitan areas '**Local Development Assessment Panels**' will be established to determine planning applications made to a single local government where that local government is deemed to be in a high-growth area with enough development to support its own local development assessment panel.

For small local governments that are not located in high-growth areas (e.g. the Shire of Lake Grace) '**Joint Local Development Assessment Panels**' will be established to determine planning applications made to two or more local governments.

The following is an overview of how '**Joint Local Development Assessment Panels**' will be established, operate and be funded:

- The Minister for Planning will establish permanent non-metropolitan joint development assessment panels based on regional groupings of local government authorities determined by the Western Australian Planning Commission (e.g. Pilbara Region, Great Southern Region, Wheatbelt Region etc.).
- Non-metropolitan joint development assessment panels will undertake the decision making role for all planning applications made under the relevant local planning scheme valued at equal to and/or over \$1 million where they represent:
 - All commercial, retail and office development;
 - All mixed use/centre development (such as commercial, retail and residential);
 - All industrial development (including, but not limited to, light, service, extractive, general, noxious and rural industry);
 - All grouped dwelling or multiple dwelling development of over 10 dwellings;
 - Non-complying grouped dwelling or multiple dwelling development of 10 or less dwellings;
 - All aged and dependent person dwelling development;
 - All infrastructure proposals;
 - All applications requiring dual approval of the local government and the WAPC under a Region Scheme;
 - Strategic land use, transport and infrastructure projects;
 - Public works of state/regional significance where not exempt from local planning approval requirements; and
 - All applications for hospitals, TAFE's, universities and non-government schools.
- Planning applications for the following types of development will be exempt from requiring approval from non-metropolitan joint development assessment panels:
 - Single houses both complying and non-complying with planning requirements;
 - Not more than 10 complying grouped dwellings or multiple dwellings;

- Minor development proposals such as carports, shade sails, pergolas, outbuildings and sheds.
- Joint development assessment panels will comprise five (5) panel members appointed by the Minister for Planning for a term of two (2) years with the option of a one (1) year extension. One member of the panel will be a specialist who will act as the chairperson. Two other members of the panel will also be specialist members with professional backgrounds in the development industry. The last two members will be local government representatives who will rotate on and off the panel as required (i.e. councillors from the relevant local government authority in which the planning application applies).
- Nomination of the two local government representative members to a development assessment panel will be the responsibility of the relevant local government and are required to be selected from the local government's pool of councillors.
- All panel members, including elected local government representatives, will be required to attend a mandatory training workshop on planning law and Codes of Conduct. A Code of Conduct will be prepared setting out the standards of behaviour required to be observed by development assessment panel members.
- All specialist members of a development assessment panel will be paid a sessional sitting fee by the local government which is estimated to be \$400.00 for each specialist member and \$500.00 for the chairperson. Elected local government representatives (i.e. councillors) Council members nominated to a development assessment panel will not be paid a sitting fee as their role on the panel is considered to be in keeping with their position as an elected community member.
- The local government will also be required to contribute to the payment of all cost and expenses incurred by the development assessment panel in the course of its activities (e.g. provision of venue, secretariat support, preliminary reading time by specialist panel members, site visits etc.). The planning application fees that would normally be paid to the local government upon receipt of a planning application are expected to be used to cover these costs.
- Secretariat support for joint development assessment panels must be provided by staff from the relevant local governments on a six (6) monthly rotational basis. Secretariat duties will include, but may not be limited to, preparing agendas, advertising meetings, organising meetings, taking minutes, publicising meeting outcomes and preparing annual reports.
- Planning applications will be lodged directly with the relevant local government as required under the local planning scheme. Professional staff from (or consultants to) the local government will then be required to assess the application and prepare a report and recommendation for the development assessment panel's consideration and determination. The professional staff member (or consultant) who wrote the report will

then be required to attend the development assessment panel meeting to present the application and clarify their report. If the local government does not have the professional expertise to assess the planning application and prepare a report, the development assessment panel will have the authority to engage experts to undertake this work at the local government's expense.

- Meetings of the development assessment panels will be conducted in a place open to the public such as a local government meeting room.
- Meetings of the development assessment panels will operate according to a set of Standing Orders to be developed by the Department of Planning.
- The frequency of development assessment panel meetings will be determined by the individual development assessment panel. Meeting frequency will be based on the number of applications submitted for consideration and the statutory timeline within which a determination is required. It is anticipated that development assessment panels will meet monthly as a minimum and fortnightly in high growth areas.
- Each development assessment panel will be required to determine planning applications in accordance with the provisions and requirements of the relevant region scheme and/or local planning scheme and take into account any local or State planning policy normally required to be considered when determining planning applications.
- Those persons who made submissions during the advertising period for a particular application will be permitted to make a presentation to the panel.
- Lobbying of panel members will not be permitted outside of the usual consultation and submission process for planning applications.
- A record of meetings and voting outcomes will be kept and made available to the public via the relevant local government and WAPC websites.
- In the event that a decision by a development assessment panel under a local planning scheme is challenged by the applicant by way of an appeal to the State Administrative Tribunal, the local government will be required to be the respondent to that appeal (i.e. defend the panel's decision) and pay all associated costs including advice from expert witnesses and preparation of all required documentation.
- Each development assessment panel will be required to produce an annual report to the Department of Planning which will then produce a state-wide annual report on the activity and performance of all development assessment panels which will be tabled in parliament.

Comment

It is important to recognise and acknowledge that the number of planning applications received and processed by the Shire of Lake Grace on a yearly basis with a value equal to and/or over \$1 million is relatively small. As such the number of planning applications required to be referred to a new joint local development assessment panel proposed to be established by the Minister for Planning will most likely be limited to one or two applications per year.

Notwithstanding this likely outcome, the Department of Planning's proposal to establish a joint development assessment panel to determine planning applications for significant development projects in the Shire is of great concern for the following key reasons:

1. It will not improve the efficiency and timeliness in the processing of planning applications and may in fact cause unnecessary delays given that each local government will still be required to assess and prepare a detailed report on these planning applications and Council's desire to still consider the details of these applications prior to their referral to the development assessment panel for final determination.
2. The need to refer all planning applications worth equal to or more than \$1 million to the panel for determination will add another layer to an already complex planning system in WA and will serve to cause significant and unnecessary delays to important development projects. At the moment the Shire of Lake Grace is able to assess and determine all planning applications it receives within 3 to 4 weeks of receipt. The requirement to now refer applications worth equal to or more than \$1 million to a development assessment panel for a final determination will simply add more time and effort to the planning process. It would not be unreasonable to assume that the timeframes for processing and final determination of these planning applications could be extended from 3 to 4 weeks currently to 6 to 8 weeks under the proposed new system.
3. It will not allow local governments to focus their resources on the development of strategic planning instruments given the processes required to be followed when referring planning applications to the joint development assessment panel for final determination. The local government will still be required to assess these applications, prepare a report, refer that report to the development assessment panel and attend a meeting of the panel to present the application and clarify the report as well as attend to various administrative and secretariat tasks.
4. It will undermine the decision making powers of local government and demonstrates the State government's complete lack of faith in local governments' ability to deal with significant planning and development proposals. It also fails to recognise that the Shire of Lake Grace has taken the initiative of employing a town planning consultant to assess and report to Council on the more complex planning applications received. This arrangement has been in place for over 10 years and it has served the Shire well in terms of ensuring the timely processing and determination of planning applications. The Department's suggestion that the Shire does not have the technical expertise to deal with complex planning applications and that referral of these applications to external consultant for advice is causing significant time delays is simply not true. The current arrangement

has proven itself to work effectively and has been adopted by many other local governments in the subregion.

5. Under the terms of the proposed model the Minister for Planning will be responsible for appointing the specialist members of the development assessment panel. This is of concern from the point of view that such decisions could be politically influenced.
6. There is no certainty that the DAP would be able to meet regularly to determine planning applications received which means that there could be significant delays in the final determination of planning applications. The specialist members appointed to the panel would most likely be based in Perth or other major regional centres and their ability to attend regular meetings in country areas could be compromised by their availability and need to travel long distances.
7. Under the current system local community members have the ability to lobby councillors and attend Council meetings to express their concerns with any planning application being considered. The current process is open and transparent. Under the new model lobbying of panel members is not permitted outside of the usual consultation and submission process for planning applications and only those persons who made submissions during the advertising period for a particular application will be permitted to make a presentation to the panel. This proposal fails to recognise that not all planning applications are required to be advertised for public comment. As such there will be many instances where local community members will not have any opportunity to attend DAP meetings and make a presentation to the panel to put their case in support of or against a specific development proposal. This is of significant concern and may result in decisions being made which are contrary to the local community's interests and aspirations and/or the legal principles of natural justice and procedural fairness.
8. Under the proposed model local government authorities in regional areas will be expected to provide secretariat support to their relevant DAP on a six (6) monthly rotational basis. Secretariat duties will include, but not be limited to, preparing agendas, advertising meetings, organising meetings, taking minutes, publicising meeting outcomes and preparation of annual reports. Local governments will also be required to contribute towards the payment of all costs and expenses incurred by the DAP (including its specialist members) in the course of its activities. This will all no doubt come at considerable additional cost to local government and is difficult to quantify and therefore accurately allow for in annual budgets.
9. The model also proposes that the planning application fees collected by local government be used to cover the cost of running the DAPs. The key issue with this is that the current schedule of fees prescribed under the Planning and Development Regulations of 2009 are not sufficient to cover the current costs of processing and determining planning applications. The model's expectation that planning application fees collected must now be used to cover the cost of the DAPs reduces the amount of money available to help cover the local government's own costs. There has been no suggestion in the discussion paper that planning fees prescribed under the

Planning and Development Regulations will be increased to cover these additional costs. As such the DAP model will result in local governments having to bear the additional cost burden.

10. Under the terms of the new DAP model if a decision on a planning application by the relevant DAP is challenged at the State Administrative Tribunal by way of an appeal, the local government will be required to be the respondent (i.e. defend the panel's decision). The members of the DAP will have no role to play in the appeal process and will not be required to attend any SAT mediation sessions or hearings to answer any questions raised in relation to its decision on a planning application. All responsibilities and costs for dealing with any appeal including advice from expert witnesses and preparation of all required documentation will fall on the local government.
11. The proposed model makes no mention of what would happen in the event that a planning application refused by the DAP and which then becomes the subject of an appeal to SAT is supported by the local government. Under the terms of the model the local government will be required to be the respondent in cases of this type which means that it has an obligation to defend the DAPs decision despite not agreeing with it. This could give rise to a serious conflict of interest and may result in a local government choosing not to respond to a SAT case thereby undermining the integrity of the planning system.
12. Local government has not been given sufficient opportunity to consider the implications of this proposed reform to the State's planning framework. The public consultation process undertaken to-date regarding its proposed implementation has been too limited in terms of its scope and timeframe.
13. It is contended that this proposed reform to the State's planning framework has not been well thought out and is focused on making significant changes to a component of the framework that still functions efficiently and effectively. The Department appears to be rushing its implementation for the 'sake of change' rather than focusing on those components of the planning framework that are currently causing the most significant delays.

In light of the above issues and concerns it is recommended that Council authorise the Shire administration to prepare and lodge a submission to the Department of Planning strongly objecting to the establishment of Development Assessment Panels in Western Australia for the various reasons outlined above.

Legal Implications

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

Policy Implications

Nil

Consultation

The proposal to amend the Planning and Development Act 2005 to introduce new regulations to provide for the establishment of Development Assessment

Panels in Western Australia is open for public comment until Monday 2 November 2009.

Of particular concern is the Department's recent advice at a briefing session held in Perth attended by this report's author that the introduction of Development Assessment Panels is "all but guaranteed" and that any comments received during the consultation process will be considered to only inform the drafting of the required regulations which are proposed to be operational by July 2010.

It is contended that local government has not been given sufficient opportunity to consider the implications of this major reform to the State's planning framework and that the public consultation process undertaken to-date regarding its proposed implementation has been too limited in terms of its scope and timeframe.

It should be noted that prior to the release of the current discussion paper the only mention of the possible introduction of DAPs into the planning framework was in a document published by the Department for Planning and Infrastructure in March 2009 entitled 'Building a Better Planning System – Consultation Paper'.

In that document the proposal to introduce DAPs was very general and limited in terms of specific details. It is understood that at the close of the public advertising period a total of 50 submissions had been received regarding this proposal of which 24 were in support, 6 were opposed, 7 offered qualified support but required more information, 7 had significant concerns and required clarification of a range of issues and the remaining 6 made specific comments, the details of were not stated in the Department's outcomes report.

Financial Implications

The financial implications of establishing Joint Development Assessment Panels for small local governments that are not located in high-growth areas are likely to be substantial and will add significantly to the current costs associated with the assessment and determination of planning applications made under the relevant local planning scheme valued at equal to and/or over \$1 million.

The additional costs likely to be incurred are difficult to quantify at this early stage however could be expected to include, but not limited to, sessional sitting fees for specialist members, provision of venues, secretariat support, preliminary reading time by specialist panel members, additional expert advice requested by the development assessment panel and attendance at development assessment panel meetings.

Strategic Implications

The Department of Planning contends that the establishment of Development Assessment Panels in Western Australia will assist local governments by allowing them to focus on the development of strategic planning instruments rather than administering development application determinations. In light of the likely procedural requirements associated with the administration and operation of Joint Development Assessment Panels, it is contended that little time will in

fact be freed up to allow local governments to focus their resources on the development of strategic planning instruments as claimed by the Department.

Voting Requirements

Simple majority

Recommendation/Resolution

MOTION 10886

Moved Cr Newman

Seconded Cr De Landgraft

That Council authorise the Shire administration to prepare and lodge a submission to the Department of Planning strongly objecting to the establishment of Development Assessment Panels in Western Australia for the various reasons outlined in the report presented above.

MOTION CARRIED 9/0

13.0 MATTERS FOR CONSIDERATION – HEALTH & BUILDING**13.1 NEWDEGATE MEDICAL CENTRE - CONSTRUCTION**

Applicant:	Chief Executive Officer
File No.	0534
Attachments:	Architect's letter, Quantity Survey, Plans
Author:	Mr Sean Fletcher Chief Executive Officer
Disclosure of Interest:	Nil
Date of Report:	21 October 2009
Senior Officer:	Mr Sean Fletcher Chief Executive Officer

Summary

The purpose of this report is to seek Council's approval to go to tender regarding the construction of the Newdegate Medical Centre. The report also highlights the issues regarding the costs associated with the project and the impact on the overall redevelopment of the Newdegate Town Centre Rejuvenation Project.

Background

The Newdegate Medical Centre has a long and varied history. This is summarised below.

In 2004, the then Minister for Housing agreed to fund a Joint Venture Seniors Housing Project in Newdegate. This was on the proviso that:

- people interested in moving into these units registered their applications with the Department for Housing so that they could be formerly be assessed;
- subject to this process demonstrating sufficient demand, approval was given for the first stage of this project consisting of 4 x 2 bedroom units to proceed.

At its meeting on 23 November 2005, Council resolved (Motion 10093) that the Chief Executive Officer engage a suitably qualified architect for the development of the Senior Citizens project.

On 21 March 2006, a letter was received from Gary Batt architect for the redevelopment of the Newdegate Town Centre.

A community meeting held on 8 November 2006 chaired by Cr Chamberlain attracted 15 community members. This meeting endorsed the proposed concept plans.

At its meeting 22 November 2006, Council resolved (Motion 10309) the following:

That Council:

- 1. Endorse in principal the concept plans for the Newdegate Town Centre Rejuvenation Project.*
- 2. Approve proceeding with planning towards the Newdegate Town Centre Rejuvenation Project with particular emphasis on addressing and consolidating funding sources.*

At this time, the cost of the project regarding the construction of the Medical Centre, Seniors Housing and refurbishment of the Newdegate Town Hall was going to cost in the order of \$3.6M (GST Exclusive). The cost of the Medical Centre at that time was \$511,608.

On 21 March 2007, a response was received from the Executive Officer of the Wheatbelt Area Consultative Committee that the project was not suitable for Regional Partnerships funding and that a more appropriate approach would be that undertaken by the Shire of Goomalling regarding a medical/community facility. In other words, have the Medical Centre as part of the Town Hall. Funding received for the Goomalling project was in the order of \$400 000. The author has detailed knowledge of the Goomalling project and can state that this project has worked extremely well.

In July 2007 a questionnaire was issued by the Shire to all residences regarding current and proposed health services. In all 48 (15%) responses were received. 52% of respondents were from Newdegate, 24% from Lake King and 22% from Varley.

On 15 January 2008 a letter was received from the WA Country Health Service that the proposed medical facilities appear to exceed the current and future health service needs for Newdegate and as a result was unable to provide any financial contribution to the Rejuvenation Project. However, it was acknowledged that there was a need for improved facilities and wished the Shire well in pursuit of other funding.

On the 31 October 2008, the then CEO wrote to the Hon. Terry Waldron providing information on the project. The letter advised that the project would cost \$500 000 with \$100 000 from the Newdegate Field Day Committee, \$100 000 from the Shire and the balance from NRRHIP.

The Shire received a revised estimate from Gary Batt on 2 December 2008 for the Town Hall and Medical Centre only. This came in at \$2,743,999 (GST Exclusive). However a further \$447 000 was required for head works and consultant fees. The Medical Centre was expected to cost \$700 000 consisting of \$465 000 for the building and \$235 000 from the headworks costs for site preparation and services.

At the Council Meeting on 25 March 2009 it was resolved (Motion 10767) to use \$250 000 from the Country local Government Fund (Royalties for Regions) for the Medical Centre. Accordingly, an application was also submitted to the National Rural and Remote Health Infrastructure Program during April 2009 seeking \$301,500 (GST Exclusive). This meant that the project would then be funded as follows:

NRRHIP:	\$301 500
Newdegate Field Day:	\$125 000
Shire:	\$ 54 598
Royalties for Regions :	<u>\$250 000</u>
Total	\$731,098

Budget deliberations show advice from the Manager Corporate Services that \$500 000 including a Shire Loan of \$125 000 was allocated in the first instance and that the NRRHIP funding be taken into account once successful.

In the meantime Cr Chamberlain and the author discussed with Hon Wilson Tuckey following up with DOHA regarding the status of the NRRHIP grant application. The author had follow up discussions with Mr Tuckey's office on 7 September 2009 regarding the status of the grant application. The author has also had a number of meetings and discussions with the architect to finalise the design. Mr Tuckey's office subsequently advised that it would be mid November before an announcement was made on funding.

At its meeting on 23 September 2009, Council approved the planning application for the construction of the Newdegate Medical Centre.

The author contacted the Department of Health and Ageing on 22 October 2009 seeking an update on the Shire's NRRHIP funding application and was advised that the Minister will now make an announcement on the successful applications on or about the day of Council's October meeting.

Comment

Attached for Council's information is the revised plan for the Newdegate Medical Centre and costs provided by the Quantity Surveyor. The proposed cost has come in at \$900 000 (GST Exclusive) and consists of the following:

Building Works	\$415 000
External Works	\$200 000 (Site Prep \$30 000; Site Services \$105 000, Paving etc \$65 000)
Building Licence	\$ 5 000
Contingency	\$ 50 000
Newdegate Allow	<u>\$230 000</u> (35% markup)
Total	\$900 000

On top of this a further \$203 955 is required for Water Corp Headworks (\$5 200), Western Power Headworks (\$103 000), Consultant Fees (\$75 755) and Fitout and Furniture (\$20 000).

In essence the Newdegate Medical Centre is now a project worth \$1 103 955. The challenge now for Council is whether it is prepared to endorse the level of expenditure required to construct such a facility or whether another approach is required. Possible Options are:

Option One

Fund the existing project over two financial years. This may be feasible given that the project will probably take 8 - 12 months, although the architect was of the opinion 6 – 8 months. The likely break down in payments would be \$827 966 in 2009/10 and the balance of \$275 989 in 2010/11.

NRRHIP:	\$301 500
Newdegate Field Day:	\$125 000
Shire:	\$151 466 (Loan up from \$125 000)
Royalties for Regions:	<u>\$250 000</u>
Total	\$827 966

The balance of \$275 989 could come from the Lakes VROC Country Local Government Fund (Royalties for Regions) regional funding component. It may be even possible to apply for headworks funding under the Royalties for Regions program or some other program.

The other matter to consider is if the Shire's NRRHIP application is unsuccessful. However another funding round will be open in the near future and there is always the general Royalties for Regions funding program.

Option Two

Reduce the cost of the project by taking a piecemeal approach where the Shire does some site works and undertaking significant lobbying to reduce headworks costs. Savings may be in the order of \$100 000, but this means the project is still a significant cost burden.

The other issue is that this approach will delay the project and impact on the significant works program that shire staff are already engaged in.

Conclusion

The author's preference is Option One. However, it must be pointed out that this is a significant level of funding for a project that may be better served by being part of the Newdegate Hall refurbishment rather than as a stand alone project. This would certainly be better value for money and one that could be better afforded by the respective communities.

The other matter to point out is that the tenders that come back may very well indicate a level of expenditure below the quantity surveyor's estimates. It would then be appropriate to do the required budget amendment at that time when the successful tender is awarded.

Legal Implications

Nil

Policy Implications

Nil

Consultation

External: Gary Batt Architect
 Department of Health and Ageing
 Cr Chamberlain
 Internal: Senior Management Team

Financial Implications

Nil

Strategic Implications

Shire of Lake Grace Strategic Plan

Goal 2 Social and Community Well Being

Action 2.1.2 Newdegate Medical Centre – NRP Stage One – Priority 1

Voting Requirements

Simple majority

Officer Recommendation/Resolution

MOTION 10887

Moved Cr Chamberlain

Seconded Cr Sinclair

That Council authorise the Chief Executive Officer to go out to tender for the construction and fit-out of the Newdegate Medical Centre.

MOTION CARRIED 9/0

14.0 MATTERS FOR CONSIDERATION – FINANCE

2.10pm Mrs Owen left the meeting and returned at 2.11pm

2.12pm Ms Chappell re-entered the meeting.

14.1 ACCOUNTS FOR PAYMENT – AUGUST 2009

Applicant:	Shire of Lake Grace
File No.	0277
Attachments:	List of payments
Author:	Miss Jessica de Burgh Finance Officer
Disclosure of Interest:	Nil
Date of Report:	20 October 2009
Senior Officer:	Mr Mark Burbridge Manager Corporate Services

Summary

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

Background

List of payments for the month of September 2009 through the Municipal and Trust accounts are attached.

Comment

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

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

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

Legal Implications

Local Government (Financial Management) Regulations 1996 – Reg 12

Local Government (Financial Management) Regulations 1996 – Reg 13

Policy Implications

N/A

Consultation

N/A

Financial Implications

The list of creditors paid for the month of September 2009 from the Municipal Account totals \$349,089.46. The list of creditors paid for the month of September 2009 from the Trust Account totals \$3,366.45.

Strategic Implications

7. Organisational Excellence

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

Voting Requirements

Simple majority

Recommendation/Resolution

MOTION 10888

Moved Cr Farrelly
Seconded Cr Newman

That Trust Account Cheques 568 to 573, Municipal Account Cheques 33712 to 33742, Electronic Funds Transfers EFT5633 to EFT5704, and direct debits to the Municipal Account totalling \$352,455.91, having been checked and certified in accordance with the Financial Management Regulation 12, be confirmed, and passed for payment against the respective accounts as shown on the summary of Accounts for Payment schedule.

MOTION CARRIED 9/0

14.2 FINANCIAL STATEMENTS – AUGUST 2009

Applicant: Shire of Lake Grace
File No. 0275
Attachments: Financial Reports
Author: Mrs Danielle Robertson
Senior Finance Officer
Disclosure of Interest: Nil
Date of Report: 20 October 2009
Senior Officer: Mr Mark Burbridge
Manager Corporate Services

Summary

Consideration of the financial statements for the month ending 30 September 2009.

Background

The following financial reports are included for your information:

- Monthly Statement of Financial Activity
- Summary of Net Current Assets
- Operating Statement by Programme
- Balance Sheet
- Assets Purchased and Sold
- Capital Road Works, Operating Revenue & Expenditure Graphs
- Bank Reconciliations
- Rates Summary Chart

Legal Implications

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

Policy Implications

N/A

Consultation

Nil

Financial Implications

Nil

Strategic Implications

N/A

Voting Requirements

Simple majority

Recommendation/Resolution

MOTION 10889

Moved Cr Milton
Seconded Cr Newman

That the financial reports for the month ending 30 September 2009 as attached be received.

MOTION CARRIED 9/0

14.3 NEWDEGATE & DISTRICTS SHEEP BREEDERS ASSOCIATION - DONATION

Applicant: Newdegate Machinery Field Day Committee on behalf of
Newdegate & Districts Sheep Breeders Association

File No. 0260

Attachments: Letter

Author: Mrs Danielle Robertson
Senior Finance Officer

Disclosure of Interest: Nil

Date of Report: 20 October 2009

Senior Officer: Mr Mark Burbridge
Manager Corporate Services

Summary

For Council to consider donating the rates and charges applicable to the property owned by the Newdegate and District Sheep Breeders Association, Lot 177 Lake Grace-Newdegate Road, Newdegate.

Background

A letter was received on 26 August 2009 from the Treasurer of the Newdegate Machinery Field Days Committee seeking waiver of the rates levied on the property for the current year.

The rates and charges payable on this property for the 2009/10 year is \$386.79, being \$343.79 in rates and \$43.00 in Emergency Services Levy.

Council has previously agreed to donate the rates for this property at the September 2008 meeting and determined that the Newdegate & Districts Sheep Breeders Association was classed as a community group. It was also resolved at this meeting that the Newdegate & Districts Sheep Breeders Association should submit a current financial statement with any future requests.

Comment

The facility has not been used for the past four and a half years and no income has been generated from the sale yards. The Newdegate Field Day took over this complex as the committee of the Newdegate & Districts Sheep Breeders Association were in financial difficulties. Documentation of this was sent to the Shire in 2008.

Legal Implications

Section 6.47 of the Local Government Act 1995 states that a local government, may at the time of imposing a rate or service charge or at a later date resolve to waive a rate or service charge or resolve to grant other concessions in relation to a rate or service charge.

Where rates are to be written off by Council an absolute majority is required.

Policy Implications

Council Policy 2.2 and 2.3 allows for the donation of shire rates for the Country Women's Association and St John Ambulance depots located in the Shire of Lake Grace.

Consultation

Nil

Financial Implications

Council has donations provision of \$5,500 in the 2009/10 budget, Account E041190, of which \$1,105.75 has been expended thus far.

Strategic Implications

Nil

Voting Requirements

Simple majority.

Recommendation/Resolution

MOTION 10890

Moved Cr Newman
Seconded Cr De Landgraft

That Council agree to donate \$386.79 in rates and service charges payable for the 2009/10 financial year on the sheep yards owned by the Newdegate and District Sheep Breeders Association, Lake Grace-Newdegate Road, Newdegate and that the Newdegate Field Day Committee be advised accordingly

MOTION CARRIED 9/0

14.4 ROYALTIES FOR REGIONS - 2009/10 FUNDING ROUND**MOTION 10891**

Moved Cr Chamberlain
 Seconded Cr Newman

That Items 14.4 Royalties for Regions – 2009/10 Funding Round & 15.1 Construction of Residence – Rabobank lay on the table.

MOTION CARRIED 9/0

Reason: Given that the Newdegate Medical Centre has a 'number one' priority rating with regard to Council's current projects, and that final costs for the project are yet to be determined, Council wishes to secure its funding sources for that project prior to committing funds elsewhere.

Applicant:	Manager Corporate Services
File No.	0666
Attachments:	Nil
Author:	Mr Mark Burbridge Manager Corporate Services
Disclosure of Interest:	Nil
Date of Report:	20 October 2009
Senior Officer:	Mr Sean Fletcher Chief Executive Officer

Summary

For Council to determine projects for inclusion in the 2009/10 Royalties for Regions Country Local Government Fund.

Background

The State Government program, Royalties for Regions, was officially launched in December 2008, with the aim of making 25% of Western Australia's annual royalties available for the development of regional infrastructure, services, and capacity building projects.

A total of \$400 Million over four years will be provided as part of the Country Local Government Fund, shared between the 110 regional local governments.

Council received \$750,341 in the 2008/09 funding round, which has been allocated to the following projects:

- Varley Hall Refurbishment (\$100,000)
- Landfill & Recycling Development (\$100,341)
- Staff Housing – Construction of 65 Bennett Street (\$100,000)
- Lake Grace Childcare Facility Construction (\$200,000)
- Newdegate Medical Centre Development (\$250,000)

Comment

Planning, development and construction of Council's 2008/09 Royalties for Regions projects is well underway, though Council is unlikely to meet the original deadline for acquittal of these projects by 30 November 2009.

Advice received from the Department of Local Government indicates that there is an expectation that many projects will not be completed before the deadline, and that subsequent year's funding should not be impacted by such delays.

However, Council may need to consider projects for the coming round of funding which have a realistic chance of being planned, commenced and completed within a short time frame so as not to jeopardise the availability of this funding in future years.

Staff have considered items highlighted as priorities in Council's Strategic Plan – Action Plans 2009-2012, and formed the view that the majority of priorities have received funding in the 2009/10 Budget and are well on the way to being completed. Those items that have not been allocated funding to date still require significant consultation and planning and are unlikely to be able to be achieved within the limited timeframes of the Royalties for Regions funding. As such other avenues and opportunities have been explored.

Council has long demonstrated a commitment to supporting and developing housing within the various town sites in the Shire, as evidenced by the LOGCHOP, Joint Venture, and Lakes Village housing programs, as well as more recently the development of housing aimed at attracting and retaining tradespersons and businesses within Lake Grace and Newdegate with assistance from Country Housing Authority grants.

Regrettably, further grants from the Country Housing Authority are unavailable at this point in time and seem unlikely to eventuate in the near future. The continuation of housing projects to support economic development and growth is desirable, and Royalties for Regions appears to be an ideal opportunity to further this outcome.

The construction of housing (particularly transportable housing) can be completed quickly and effectively, and meets with the requirements of the Country Local Government Fund guidelines.

Staff therefore propose the allocation of the 2009/10 Country Local Government Fund to the construction of new transportable housing. An opportunity to assist Rabobank with the establishment of their new branch in the town of Lake Grace through the provision of executive style housing has already been identified and is considered in greater detail in Item 15.1 of the Agenda – refer page 601

Given the communities in which Royalties for Regions money has already been allocated, it is proposed that Council also investigate the opportunity to construct housing within the townsite of Lake King. The community in Lake King have expressed the need for more housing over the past few years, particularly in relation to attracting and retaining businesses and tradespersons.

It is anticipated that there may also be opportunities for Council to explore a "Joint Venture" housing arrangement with the Lake King Progress Association,

who may be able to assist from a planning, development and management perspective.

Council may also wish to approach the Lake King Progress Association for a financial contribution towards the project.

Legal Implications

The Local Government Act 1995 Section 6.8 (1) (b) states, in reference to expenditure from the municipal fund not included in the annual budget:

"A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure ... is authorised in advance by resolution..."

Such a resolution must be made by Absolute Majority (5 Councillors).

Policy Implications

Nil

Consultation

Internal: Chief Executive Officer
Manager Community Services

External: Mr Colin Penny, President Lake King Progress Association.

Financial Implications

It is anticipated Council will receive approximately \$468,963 from the 2009/10 Country Local Government Fund. It is proposed that \$248,000 be allocated to construction of housing in Lake Grace, and \$220,963 be allocated to construction of housing in Lake King. These projects would be funded as follows:

Lake Grace 4x2 Transportable Residence	
Royalties for Regions	\$248,000
Transfer from Housing Reserve	<u>\$ 92,000</u>
	\$340,000
Lake King 3x2 Transportable Residence	
Royalties for Regions	\$220,963
Lake King Progress Contribution	<u>\$ 26,037</u>
	\$247,000

A formal request is yet to be made to the Lake King Progress Association seeking their support for this proposal. Should they be unwilling to participate in this project, Council must seek other funding opportunities or reduce the value of the proposal.

In order to proceed with the expenditure of the next round of Royalties for Regions funding, Council must make amendment to its 2009/10 Budget. The following changes are proposed:

Income Account I030305 – Royalties for Regions - \$468,963
Income Account I091940 – Transfer from Reserve - \$92,000
Income Account I091955 – Contribution to LK Housing - \$26,037

Expenditure Account E091912 – Construct Housing Lake Grace - \$340,000
Expenditure Account E091913 – Construct Housing Lake King - \$247,000

Strategic Implications

Economic Diversity

In recognizing the importance of agriculture we aim to assist the development of economic growth within the Shire of Lake Grace and the region

Recommendation

That Council:

1. Endorses the following projects for submission to the Department of Local Government and Regional Development for the 2009/10 Royalties for Regions Country Local Government Fund:

- a) Construct Lake Grace 4x2 Transportable Residence - \$248,000
- b) Construct Lake King 3x2 Transportable Residence - \$220,963

2. Amends its 2009/10 Budget to include the following:

- a) Income Account I030305 – Royalties for Regions - \$468,963
- b) Income Account I091940 – Transfer from Reserve - \$92,000
- c) Income Account I091955 – Contribution to LK Housing - \$26,037
- d) Expenditure Account E091912 –
Construct Housing Lake Grace - \$340,000
- e) Expenditure Account E091913 –
Construct Housing Lake King - \$247,000

Voting Requirements

Absolute majority

Resolution

Moved Cr

Seconded Cr

14.5 COMMONWEALTH GOVERNMENT REGIONAL AND LOCAL COMMUNITY INFRASTRUCTURE PROGRAM FUNDING – ROUND TWO PROJECTS

Applicant: Manager Community Services
File No. 0658
Attachments: Nil
Author: Mrs Nadene Owen
 Manager Community Services
Disclosure of Interest: Nil
Date of Report: 17 October 2009
Senior Officer: Mr Sean Fletcher
 Chief Executive Officer

Summary

For Council to support an application for community based projects in the Regional and Local Community Infrastructure Programs (RLCIP) Round Two of funding.

Background

Through Round One of the RLCIP funding the following project applications were successful:

- Newdegate Town Dam - repairs and improvements to the town dam and roaded catchment. *E136123 - \$75,000*
- Varley Dam projects – installation of pump, standpipes and hardstand areas at Varley collection and holding dam.
E136121 - \$25,000

Round Two of RCLIP funding deadline is 20 November 2009 and the Shire of Lake Grace has been allocated \$30,000 towards eligible projects. Eligible projects are those that provide clear and direct benefit to the local community.

Comment

The following projects have been identified by staff and through community consultation.

1. Installation of refrigerated water fountains at Lake Grace Sporting Precinct - \$2,000

Two refrigerated water fountains have been purchased and are now awaiting installation. These are to be located at the Lake Grace Sporting Pavilion which services sporting groups (football, netball, tennis, hockey, cricket, basketball) and have been identified by user groups as a need given there is no external access to drinking water at the Sporting Precinct building. This project is ready to proceed.

2. Relocation and new surface for Lake Grace Skate Park within the Lake Grace Sporting Precinct \$10,000

The Lake Grace Skate Park is located within the Lake Grace Sporting Precinct. The present site is currently being developed as a records storage facility for Shire Administration and is not open for public use due to construction. The site was an old tennis court that was becoming hazardous due to cracking and general ageing of the surface.

The Skate Park furniture is removable and therefore can be easily relocated. It has been a popular facility with young people and provided them with an environment to freely express themselves. Given that skateboarding is an accident prone activity it is important to provide a safe and well maintained facility, hence the need to relocate. The relocation would involve a new surface being laid to place the ramps upon and seating.

The resurfacing component of this project would be managed by Works Overseer.

3. Upgrade of soft fall areas and playground facilities at Lake Grace CWA community playground and Lake Grace Sporting Precinct playground \$10,000

The Lake Grace CWA playground is well patronised by community members and tourists alike. The ‘fall zones’ require suitable surface materials, the fencing is not appropriate and doesn’t prevent children from running onto the road. In general this facility is in need of refurbishment to ensure a safe and appropriate play environment for patrons.

The Lake Grace Sporting Precinct playground site is next to the Pavilion building. This area sees high patronage throughout the year with regular sporting fixtures, training sessions, school and regional sports carnivals that are held. A new soft fall area and a new piece of equipment, in consultation with user groups, will ensure a safe and appropriate play environment for patrons.

These projects can commence immediately with community involvement through organised busy bees.

4. Supply and installation of air conditioning at Lake Grace Childcare/Early Childhood building \$8,000

For fifteen years a childcare service has been operating out of the Lake Grace Sporting Pavilion. Given the high volume of user groups within the Pavilion and the high occurrence of non-childcare hours public damage, a need to relocate the service to an appropriate facility was identified. As a part of the Royalties for Regions funding, \$200,000 was allocated by Council toward the project budget.

Given that the facility must comply with *Division 3 Requirements of Place, Child Care services (Child Care) Regulations 2006*, adequate heating and cooling is required. The funding of this project will mean that other components of the regulations can be resourced to ensure accreditation/compliance of the facility.

This project can commence once the construction timeline allows.

Legal Implications

Child Care services (Child Care) Regulations 2006

Policy Implications

Nil

Consultation

Internal:	Senior Management Team Wayne Trawinski – Shire Carpenter
External:	Lake Grace Sporting Precinct Focus Group Childcare Licensing Policy Officers

Financial Implications

When in receipt of grant funds, disbursement of costs will be from an expense account allocated to Round Two - Regional and Local Community Infrastructure Programs (RLCIP).

Strategic Implications

2. Social and Community Well-Being

Enhance the quality of life for residents within the Shire of Lake Grace.

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

Voting Requirements

Simple majority

Recommendation/Resolution

MOTION 10892

Moved Cr Farrelly
Seconded Cr Milton

That Council endorse the following projects in the Regional and Local Community Infrastructure Program Round Two funding application:

1. Installation of refrigerated water fountains at Lake Grace Sporting Precinct \$2,000.
2. Relocation and new surface for Lake Grace Skate Park within the Lake Grace Sporting Precinct \$10,000.
3. Upgrade to Lake Grace CWA community playground and Lake Grace Sporting Precinct playground \$10,000
4. Supply and installation of air conditioning at Lake Grace Childcare/Early Childhood building \$8,000.

MOTION CARRIED 9/0

15.0 MATTERS FOR CONSIDERATION – ADMINISTRATION

15.1 CONSTRUCTION OF RESIDENCE - RABOBANK

Item 15.1 Construction of Residence - Rabobank to lay on the table – refer Motion 10891 page 507

Applicant: Manager Community Services
File No. 0674
Attachments: Locality plan, McGrath floor plan
 Locality map
Author: Mrs Nadene Owen
 Manager Community Services
Disclosure of Interest: Nil
Date of Report: 16 October 2009
Senior Officer: Mr Sean Fletcher
 Chief Executive Officer

Summary

For Council to consider the development of a 4 bedroom, study and 2 bathroom residence in Lake Grace, the purchase of Lot 108, 2 Blackbutt Way, Lake Grace and a lease of six (6) years and a further option of two periods of three (3) years each to agribusiness specialist Rabobank.

Background

Rabobank is based in the Netherlands and is considered to be amongst the world's 20 largest financial institutions and is one of Europe's most recognised financial institutions. Rabobank Australia and New Zealand is part of the world's leading food and agribusiness specialist banks, Rabobank. It is one of Australasia's largest rural lenders and is a significant provider of corporate financial services to the food and agribusiness sectors in Australia and New Zealand.

In August 2009 the Lake Grace branch of Rabobank opened for business to service customers in the following townsites and surrounding communities; Nyabing, Pingrup, Ravensthorpe, Kukerin, Lake Grace, Lake King, Pingaring, Karlgarin, Hyden and Kulin.

Staff were contacted by Lake Grace Rabobank Manager in August 2009 enquiring into the availability of family residential homes within the Lake Grace townsite. Currently the pool of suitable rental and for sale properties is low and not suited to a managerial style residence. Rabobank also indicated that they would be willing to enter into a lease of six (6) years and a further option of two periods of three (3) years each.

Comment

Given Council's commitment to supporting and fostering of economic growth within the Shire, and region, and review of the Strategic Action Plan, staff have researched the following options with a view to assisting Rabobank:

- Inspection and evaluation of two private homes for sale within the Lake Grace townsite; cost average of purchase price \$330,000 with further costs to refurbish to a suitable standard of approximately \$30,000.
- Costing of a brick and tile residence; approximately \$ 450,000 with a 2 year timeline.
- Costing of a kit style residence; approximately \$360,000 with an 18 month timeline.
- Costing of a transportable residence; approximately \$340,000 with a 12 month timeline.

Further review prompted staff to investigate indicative costings of a transportable residence given the high quality, fast construction timeline and value for money offered using this method.

An indicative project budget is as follows:
(based on current McGrath Homes – *The Pilbara* 181 m2 home):

Purchase of Transportable Residence	\$230,000
Transport to Lake Grace	\$6,000
Purchase of Land	\$40,000
Site works	\$15,000
Utility connections (power, telephone, plumbing)	\$8,000
Fencing (colourbond)	\$12,000
Landscaping	\$8,000
Air-conditioning	\$6,000
Floor coverings	\$5,000
Window treatments	\$10,000
Total	\$340,000

Given that land is at a premium within the townsite Mr Sam Stubberfield has been approached by staff and he indicated his willingness to accept \$40,000 for the sale of Lot 108, 2 Blackbutt Way, Lake Grace. This amount has been included in the above costings and would proceed through normal sale of land procedures if approved by Council.

Legal Implications

Council to authorise staff to proceed with lease arrangements and documentation between the Shire of Lake Grace and Rabobank.

Policy Implications

Nil

Consultation

Internal: Chief Executive Officer
Manager Corporate Services

External: Rabobank staff, Mr David Halstead and Ms Melissa Ogilvie.
Mr Sam Stubberfield, land holder Blackbutt Way, Lake Grace
TR Homes consultant
McGrath Homes consultant

Financial Implications

It is recommended that \$248,000 of 2009/10 Royalties for Regions funding is allocated to this project with a further \$92,000 from the Housing Reserve offset by the sale of 74 Stubbs St, Lake Grace.

Based on Council receiving a return on its investment over a ten to fifteen year period, it is anticipated rent received would range from \$450 - \$650 per week.

Strategic Implications

1. Economic Diversity

In recognizing the importance of agriculture we aim to assist the development of economic growth within the Shire of Lake Grace and the region

Recommendation

That Council:

1. Agree to the construction of a 4 bedroom, study and 2 bathroom residence in Lake Grace at Lot 108, 2 Blackbutt Way, Lake Grace.
2. Authorise the Chief Executive Officer to proceed with the purchase of Lot 108, 2 Blackbutt Way, Lake Grace for \$40,000 from Mr Sam Stubberfield and apply the Common Seal on the land transfer document.
3. Authorise the Chief Executive Officer to prepare a lease between the Shire of Lake Grace and Rabobank for six (6) years and a further option of two periods of three (3) years each.

Voting Requirements

Simple majority

Resolution

Moved Cr

Seconded Cr

15.2 POLICY REVIEW – COMMUNITY DONATIONS

Applicant:	Manager Corporate Services
File No.	0050
Attachments:	Nil
Author:	Mr Mark Burbridge Manager Corporate Services
Disclosure of Interest:	Nil
Date of Report:	15 October 2009
Senior Officer:	Mr Sean Fletcher Chief Executive Officer

Summary

This report recommends additions to and consolidation of Council Policy:

- Policy 2.2 CWA Playground Water Rates and Consumption/Shire Rates and Charges – Donation
- Policy 2.3 St John Ambulance Association – Donation
- Policy 2.4 Lake Grace Lions Club – Donation

Background

Council, at its 26 August 2009 meeting, considered a request from the Varley & Districts Progress Association to donate the value of rates and charges applicable to the property known as the 'Chicken Ranch' located at 17 (Lot 22) Seward Avenue Varley, and made the following resolution:

"1. That Council agree to donate the \$358.00 of rates and service charges payable on the property at 17 (Lot 22) Seward Avenue, Varley from Account E041190 and advise Mr Hill accordingly.

2. That Council agree to the preparation of a policy to be included in Section 2 – Community Support of the Policy Document for the waiver of rates and service charges on the property at 17 (Lot 22) Seward Avenue, Varley."

Council has held a number of policies for the donation of Shire rates and charges, as well as water rates and consumption, for various community groups for many years. These policies were most recently reviewed in July 2006.

The Policy Manual includes reference to the manner in which Policy is to be amended and is as follows:

Additions, deletions or alterations to Council Policy shall only be effected by specific Council resolution stating:

- *The proposed policy; and,*
- *That the Policy Manual be updated*

Comment

In preparing an update to the Policy document to include reference to the Varley property mentioned above, staff have formed the view the following policies may be merged to simplify and streamline the document:

- Policy 2.2 (CWA Playground Water Rates and Consumption/Shire Rates and Charges – Donation),
- Policy 2.3 (St John Ambulance Association – Donation)
- Policy 2.4 (Lake Grace Lions Club – Donation)
- Any new Policy regarding the Varley “Chicken Ranch”

The Policies as currently adopted by Council are as follows:

POLICY 2.2 CWA Playground – Water Rates and Consumption/Shire Rates and Charges - Donation

POLICY

That in respect to the Country Women’s Association property at 32 Bennett Street, Lake Grace, Council will donate on an annual basis:

- a) An amount equal to the cost of water rates and consumption charges; and,
- b) The rates and charges raised and levied by the Shire of Lake Grace on the said property.

OBJECTIVES

To meet the costs of water rates, consumption costs and rates, charges and levies raised by the Shire of Lake Grace in recognition of the Country Women’s Association making available part of 32 Bennett St Lake Grace for the purpose of a children’s playground.

GUIDELINES

The determination of the amount of the donation will be considered as part of the normal municipal budget considerations.

HISTORY

Former policy 1.20 as amended August 2001 motion 9035.
Amended as per review Motion 10230 July 2006.

REVIEW

Manager Corporate Services

POLICY 2.3 St John Ambulance Association - Donation

POLICY

That in respect to land held within the Shire of Lake Grace by the St John Ambulance Association for the purpose of Ambulance Depot, Council will donate on an annual basis:

In the townsite of Lake Grace:

- a) an amount equal to the cost of water rates and consumption charges; and,
- b) the rates and charges raised and levied by the Shire of Lake Grace.

In the townsite of Newdegate:

- a) an amount equal to the cost of water and sewerage rates and water consumption charges; and,
- b) the rates and charges raised and levied by the Shire of Lake Grace.

In the townsite of Lake King:

- a) an amount equal to the cost of water rates and water consumption charges; and,
- b) the rates and charges raised and levied by the Shire of Lake Grace.

In the townsite of Varley:

- a) an amount equal to the cost of water rates and consumption charges; and,
- b) the rates and charges raised and levied by the Shire of Lake Grace.

OBJECTIVES

To provide support for this essential community service.

GUIDELINES

The determination of the amount of the donation will be considered as part of the normal municipal budget considerations.

HISTORY

Former policy 1.21

Amended as per review Motion 10231 July 2006.

REVIEW

Manager Corporate Services

POLICY 2.4 Lake Grace Lions Club - Donation

POLICY

That in respect to Lot 1 Williams Location 14092 currently utilized as the Lake Grace Lions Park, Council will donate on an annual basis to the Lake Grace Lions Club an amount equal to the cost of water rates and consumption charges.

OBJECTIVES

To clarify responsibility for and to determine a mechanism for the reimbursement of the expenditure by the Lake Grace Lions Club.

GUIDELINES

The determination of the amount of the donation will be considered as part of the normal municipal budget procedure.

HISTORY

Former policy 1.23

Amended as per review Motion 10232 July 2006.

REVIEW

Manager Corporate Services

Staff propose the following new consolidated Policy:

POLICY 2.2 Donations – Water, Rates & Charges

Policy

That in respect to the following properties within the Shire of Lake Grace, Council will donate on an annual basis an amount equal to the **cost of water rates and consumption charges**:

1. Lake Grace St John Ambulance Sub Centre, Lot 28, Bennett Street, Lake Grace
2. Newdegate St John Ambulance Sub Centre Lot 32, Collier Street, Newdegate
3. Lake King St John Ambulance Sub Centre Lot 158, Church Avenue, Lake King
4. Varley St John Ambulance Sub Centre Lot 15, Arthur Street, Varley
5. Lake Grace Country Women's Association Building & Playground Lot 40, Bennett Street, Lake Grace
6. Lake Grace Lions Park Part Lot 1, Wattle Drive, Lake Grace

That in respect to the following properties within the Shire of Lake Grace, Council will donate on an annual basis the **rates and charges raised and levied** by the Shire of Lake Grace:

1. Lake Grace St John Ambulance Sub Centre Lot 28, Bennett Street, Lake Grace
2. Newdegate St John Ambulance Sub Centre Lot 32, Collier Street, Newdegate
3. Lake King St John Ambulance Sub Centre Lot 158, Church Avenue, Lake King
4. Varley St John Ambulance Sub Centre Lot 15, Arthur Street, Varley
5. Lake Grace Country Women's Association Building & Playground Lot 40, Bennett Street, Lake Grace
6. Lake Grace Lions Park Part Lot 1, Wattle Drive, Lake Grace
7. Varley & Districts Progress Association "Chicken Ranch" Lot 22, Seward Avenue, Varley

Objectives

To provide support for essential community services, and recognise the contribution by local volunteer groups in providing and maintaining parklands, playgrounds and tourist facilities.

Guidelines

The determination of the amount of any donations will be considered as part of the normal municipal budget considerations.

History

Former policies 2.2, 2.3 & 2.4

Amended as per review Motion _____ October 2009.

Review

Manager Corporate Services

In considering the review of this policy and current practices with regard to the donation of rates and charges, staff have also considered the following organizations who make request for rates donations each year:

- Newdegate Coffee Shop (L1785 Maley Street, Newdegate)
- Newdegate Sheep Breeder's Association (Newdegate Saleyards)

These properties have not been included in the proposed policy because of their potential to revert to commercial use – Council may wish to re-assess these donations on an annual basis.

Legal Implications

N/A

Policy Implications

As above

Consultation

Internal: Senior Finance Officer

Financial Implications

The determination of the amount of any donations will be considered as part of the normal municipal budget considerations.

Strategic Implications

2. Social and Community Well-Being

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

Voting Requirements

Simple majority

Recommendation/Resolution

MOTION 10893

Moved Cr Farrelly
Seconded Cr De Landgraftt

That:

1. Policy 2.2 be updated as follows:

POLICY 2.2 Donations – Water, Rates & Charges

Policy

That in respect to the following properties within the Shire of Lake Grace, Council will donate on an annual basis an amount equal to the cost of water and sewerage rates and water consumption charges:

1. Lake Grace St John Ambulance Sub Centre Lot 28, Bennett Street, Lake Grace
2. Newdegate St John Ambulance Sub Centre Lot 32, Collier Street, Newdegate
3. Lake King St John Ambulance Sub Centre Lot 158, Church Avenue, Lake King
4. Varley St John Ambulance Sub Centre Lot 15, Arthur Street, Varley
5. Lake Grace Country Women's Association Building & Playground Lot 40, Bennett Street, Lake Grace
6. Lake Grace Lions Park Part Lot 1, Wattle Drive, Lake Grace

That in respect to the following properties within the Shire of Lake Grace, Council will donate on an annual basis the rates and charges raised and levied by the Shire of Lake Grace:

1. Lake Grace St John Ambulance Sub Centre Lot 28, Bennett Street, Lake Grace
2. Newdegate St John Ambulance Sub Centre Lot 32, Collier Street, Newdegate
3. Lake King St John Ambulance Sub Centre Lot 158, Church Avenue, Lake King
4. Varley St John Ambulance Sub Centre Lot 15, Arthur Street, Varley

MOTION 10893 continued.

5. Lake Grace Country Women's Association Building & Playground Lot 40, Bennett Street, Lake Grace
6. Lake Grace Lions Park Part Lot 1, Wattle Drive, Lake Grace
7. Varley & Districts Progress Association "Chicken Ranch" Lot 22, Seward Avenue, Varley

Objectives

To provide support for essential community services, and recognise the contribution by local volunteer groups in providing and maintaining parklands, playgrounds and tourist facilities.

Guidelines

The determination of the amount of any donations will be considered as part of the normal municipal budget considerations.

History

Former policies 2.2, 2.3 & 2.4

Amended as per review Motion 10893 October 2009.

Review

Manager Corporate Services

2. Policy 2.3 - St John Ambulance Association – Donation, be revoked;
3. Policy 2.4 (Lake Grace Lions Club – Donation) be revoked; and'
4. The Policy Manual be updated.

MOTION CARRIED 9/0

15.3 CENTRAL COUNTRY ZONE (WALGA)

Applicant:	Central Country Zone
File No.	0029
Attachments:	Zone Agenda (Not Available)
Author:	Mr Sean Fletcher Chief Executive Officer
Disclosure of Interest:	Nil
Date of Report:	20 October 2009
Senior Officer:	Mr Sean Fletcher Chief Executive Officer

Summary

The purpose of this report is for Council to consider issues raised through the Central Country Zone.

Background

The Shire of Lake Grace is a member of the Central Country Zone. The purpose of the Zone is to provide feedback to WALGA (Local Government's peak body in Western Australia) and other stakeholders on key issues faced by Local Government. Members of WALGA State Council are also selected from each of the Zones.

Members of the group include:

- Beverley
- Brookton
- Corrigin
- Cuballing
- Dumbleyung
- Kulin
- Lake Grace
- Narrogin Shire
- Narrogin Town
- Pingelly
- Quairading
- Wagin
- Wandering
- West Arthur
- Wickepin
- Williams

Under the List of Committees, the Shire of Lake Grace Zone representatives are the Shire President and Deputy Shire President. The CEO also attends these meetings and has voting rights in the absence of one or both representatives.

The Zone also considers matters before State Council and a copy of this agenda is available at the Shire Office should you wish to review it.

The Executive Officer is Bruce Wittber of BHW Consulting and can be contacted on ☎9313 5761 should you have further queries regarding matters under discussion by the Zone.

Comment

At this point in time the minutes are not available.

Legal Implications

Nil

Policy Implications

Nil

Consultation

Bruce Wittber – Executive Officer Central Country Zone

Financial Implications

Nil

Strategic Implications

Nil

Voting Requirements

Simple majority

Recommendation/Resolution

MOTION 10894

Moved Cr Newman
Seconded Cr Dunkeld

That Council receive the Chief Executive Officer's report regarding the Central Country Zone.

MOTION CARRIED 8/1

15.4 LAKES VOLUNTARY REGIONAL ORGANISATION OF COUNCILS

Applicant: Lakes Voluntary Regional Organisation of Councils
File No. 0031
Attachments: Nil
Author: Mr Sean Fletcher
 Chief Executive Officer
Disclosure of Interest: Nil
Date of Report: 19 October 2009
Senior Officer: Mr Sean Fletcher
 Chief Executive Officer

Summary

The purpose of this report is to keep Council abreast of matters regarding the Lakes Voluntary Regional Organisation of Councils (Lakes VROC) that consists of the Shires of Lake Grace, Dumbleyung and Kent.

Background

Council, at its Ordinary Meeting held on Wednesday 22 July 2009 as per resolution 10 841 resolved as follows:

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

Accordingly, the former CEO wrote to the Shire of Dumbleyung on 23 July 2009 advising Council's resolution to enter into a memorandum of understanding which was signed on 19 August 2009.

The Shire as required advised the Department of Local Government by 1 September 2009 that the Lakes VROC was its preferred grouping to receive the Country Local Government Fund (Royalties for Regions) regional component. For 2009/10 this will be \$690 000 rising to \$980 000 in 2010/11.

As mentioned previously the author has advised the CEO at the Shire of Dumbleyung that he would be happy for the Shire of Lake Grace to administer the regional funding that will be received under the Country Local Government Fund. Key initiatives identified to date include:

- the establishment of common back end processing as the three shires have the same financial management system. This would include setting up a common chart of accounts, one shire to do the rates, another to do payroll and so on. However, the author has noted previously that Lake Grace is perhaps the most advanced in terms of utilising the Synergy Soft System.

- Mr Van der Ende has indicated that Dumbleyung would use some of the regional funding towards roads highlighted in the Grain Infrastructure Taskforce Report. The author's previous comments are that this is not the intent of the regional funding unless it was for a regional purpose and would certainly impact on any FAGS or regional road group funding for Dumbleyung.

Comment

It should be noted that the key thrust of the Shire of Dumbleyung reform submission is the Lakes VROC and pulls heavily on the cooperation of the Shire of Lake Grace in this process. A formal ROC would be in place by October 2011. The thrust of the initiatives listed in the submission are:

- Asset management;
- Development of long term plans and financial reporting;
- Sharing of administration resources;
- Records management; and
- Assisting other members of the group in road works

There is then a reference to similar IT arrangements being in place.

The author's view is that the VROC still requires exploration, but perhaps a more definitive process is required. The Shire of Lake Grace is well along with most of the above issues.

Legal Implications

Nil

Policy Implications

Nil

Consultation

External: CEO of Dumbleyung
CEO of Kent

Internal: Manager Corporate Services

Financial Implications

Nil

Strategic Implications

Shire of Lake Grace Strategic Plan - Item 6 Leadership

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

Recommendation

That Council receive the Chief Executive Officer's report.

Voting Requirements

Simple majority

Resolution

MOTION 10895

Moved Cr De Landgrafft
Seconded Cr Chamberlain

That Council receive the Chief Executive Officer's report.

MOTION CARRIED 9/0

15.5 LOCAL GOVERNMENT REFORM UPDATE – SHIRE THINK TANK

Applicant:	Local Government Reform Update
File No.	0552
Attachments:	Report by Max Trenorden, Shire of Dumbleyung Submission Appendices
Author:	Mr Sean Fletcher Chief Executive Officer
Disclosure of Interest:	Nil
Date of Report:	19 October 2009
Senior Officer:	Mr Sean Fletcher Chief Executive Officer

Summary

The purpose of this report is to keep Council abreast of matters regarding Local Government Reform.

Background**January 2009**

The then CEO and Cr De Landgraft met with representatives from the Shires of Ravensthorpe, Kent and Jerramungup in Ravensthorpe to discuss resource sharing and the possible formation of a VROC. This was in response to WALGA's SSS report.

February 2009

The Minister for Local Government, the Hon John Castrilli MLA, at a combined Zone Meeting held in Exmouth on 5 February announced the need for Local Government Reform.

Guidelines were issued including the need to undertake a Sustainability Checklist, consultation with neighbours, community consultation and then prepare a report regarding the impacts of reform on the Shire. This was to include a number of resolutions on the reform process regarding regional councils, elected member numbers and whether it will undergo an amalgamation.

April 2009

The Shire of Jerramungup wrote to Council requesting consideration of a proposal to join with them in the preparation of a report into amalgamation.

Council, at its Ordinary Meeting held on Wednesday 22 April 2009 as per resolution 10780 resolved as follows:

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

The former CEO subsequently submitted the Reform Checklist for Lake Grace.

May 2009

A proposal was received from Mr Tony Cooke regarding the community consultation phase.

The former CEO submitted an application to the Department of Local Government seeking funding of \$10 000 towards the development of a reform submission. Mr Tony Cooke was nominated as the consultant to undertake the report.

June 2009

Round One was subsequently conducted on 4 June 2009 with community members invited to meet Mr Cooke.

Under the outcome of the Checklist Assessment, the Shire received a rating of Category Three: significant structural reform including amalgamation and formalisation of regional groupings is required to ensure long term community and organisational benefit in order that the needs of the current and future generations are met. Particular strengths noted were identification of community areas of interest and high levels of participation at local elections. Areas of improvement required include greater evidence of financial viability and demonstrated organisational capacity to undertake services.

July 2009

Round Two of the community consultations were undertaken on 27 and 28 July including consideration of the following:

- No change (Status Quo)
- Community member ideas;
- Boundary realignments (Pingaring/Varley/Pingrup)
- Amalgamations (Shires of Kent and Dumbleyung plus boundary change for Pingaring and Varley).

The former CEO wrote to the Shire of Dumbleyung on 23 July 2009 advising of Council's resolution to enter into a memorandum of understanding which was subsequently signed on 19 August 2009.

The various Department of Local Government workshops held through WA emphasised the need for population centres of 5 000 and 10 000 to address the future funding requirements set by the Federal Government.

August 2009

At Local Government Week, Ministers Grylls, Castrilli and the Premier made it very clear that the "Status Quo" was not an option. The Premier spoke about there being a need to reduce the number of local governments in WA to well under 100 within the next five years. He also made comment that there were 37 local governments servicing districts of populations of 1 000 or less and another 45 of less than 2 000.

Minister Castrilli advised that submissions could be extended until 30 September 2009. The author subsequently wrote to the Department of Local Government seeking the extension of time.

The Shire as required advised the Department of Local Government by 1 September 2009 that the Lakes VROC was its preferred grouping to receive the Country Local Government Fund (Royalties for Regions) regional component. For 2009/10 this will be \$690 000 rising to \$980 000 in 2010/11.

September 2009

At the Ordinary Council Meeting on 23 September 2009, Council resolved in part the following (Resolution 10879):

1. *To advise the Minister for Local Government of its willingness for the Shire of Lake Grace to partially amalgamate in cooperation with other local governments on the basis of community of interest including social fall.*

Preferred Option

2. *To advise the Minister that, as its preferred option, the pursuit of partial amalgamation in cooperation with other local governments on the basis of community of interest including social fall would encapsulate a boundary adjustment as follows:*
 - a. *Expansion of the Shire of Lake Grace to the north of the existing shire boundary that includes annexing the portion of the Shire of Kulin bounded by the Lake Grace - Karlgarin Road and the Kulin - Holt Rock Road and includes the locality of Pingaring.*
 - b. *Expansion of the Shire of Lake Grace to the west of the existing shire boundary that includes annexing the portion of the existing Shire of Dumbleyung lying eastward of Rabbit Proof Fence Road and would incorporate the existing locality of Kukerin.*
 - c. *Expansion of the Shire of Lake Grace to the south of the existing shire boundary that includes annexing the portion of the existing Shire of Kent:*
 - i. *East of Rabbit Proof Fence Road;*
 - ii. *Then east of a line due south of the intersection of Chester Pass Road and the Nyabing – Pingrup Road extending to the existing southern boundary of the Shire of Kent; and*
 - iii. *Would incorporate the locality of Pingrup.*
 - d. *This entails reductions of approximately 50% of the area of the existing Shire of Kulin; about 50% of the Shire of Dumbleyung; and, 50% of the Shire of Kent. It represents about a 50% increase in the size of the Shire of Lake Grace. A name change to the expanded Shire would be required.*

The Shire President called a special meeting for 29 September 2009 to further discuss the merits of Council's resolution 10879 in light of information provided at the Central Country Zone meeting at Wagin on 25 September 2009. A rescission motion was put but was unsuccessful due to not reaching an absolute majority. In the interim the report by Hon Max

Trenorden MLC on his fact finding mission to Queensland and South Australia was distributed to all elected members.

The submission was subsequently sent via email to the Department of Local Government on 30 September 2009. An electronic acknowledgment was received the following day.

Comment

Copies of the Shire's submission were then sent to the Shire of Kulin, the Shire of Dumbleyung and the Shire of Kent on 5 October 2009. The response to date has been the following:

Shire of Dumbleyung

The Shire of Dumbleyung at its Council meeting last week rejected the Shire of Lake Grace reform submission. The CEO of Dumbleyung is on leave and could not be contacted for comment.

Further to the above, the Shire of Dumbleyung's submission is now available on the web at: www.dumbleyung.wa.gov.au. It is interesting to note that in the attachments the following information and resolutions:

III Structural Reform Survey.

There were 124 responses. 115 responses supported Dumbleyung to stay as it is. 66 responses supported a merger with Lake Grace. 84 responses supported a merger with someone else.

IV Structural Reform Community Meeting 3 August 2009.

80 residents from the Shire of Dumbleyung attended this meeting. The motions from this meeting were as follows:

Motion 001 - That the Shire of Dumbleyung shall not amalgamate with anyone

Motion 002 - That if the above motion is unacceptable to the Minister then the Shire of Dumbleyung determines to amalgamate with the Shires of Lake Grace and Kent, with our terms and conditions being negotiated.

Shire of Kent

The author contacted the CEO of Kent on 19 October 2009. Mr Wright's comments were that the Kent Shire Council will discuss the Lake Grace submission at its meeting on Wednesday 21 October 2009. The view at this point is not to support the submission. Shire of Kent Councillors are quite angry with the Shire of Lake Grace regarding the lack of consultation. When queried by the author what this meant, Mr Wright qualified his statement by saying that at the Lake Grace/Kent/Dumbleyung meeting it was agreed to "stand alone". He also commented that the proposal by Lake Grace fits in with the Shire of Katanning's proposal for a 50km radius boundary adjustment.

Shire of Kulin

Greg Hadlow, the CEO at the Shire of Kulin rang the author on 19 October 2009 to advise that he had issued a survey to the Pingaring community regarding the Shire of Lake Grace submission. The covering letter to the survey is quite critical of Lake Grace regarding level of consultation, the fact that the Shire received Category 3 as opposed to Kulin's Category 2 and that the proposal is predatory in nature and may destroy the future relations between the two councils. There is also comment on the level of support provided to the Holt Rock community.

The Kulin survey asks two questions:

1. Based on the limited information available do you support the reform proposal by Lake Grace for your property to be annexed from the Shire of Kulin and included within the boundaries of the Shire of Lake Grace;
2. If there was to be any amalgamation or regional cooperation between Councils in your region do you support the Shire of Kulin forming that alliance with RoeROC.

The author commented that it was pleasing to see the Shire of Kulin prepared to follow-up and consult with its community and not reject the Shire of Lake Grace proposal out of hand. Mr Hadlow then issued a verbal invitation for the Shire President and other elected members to attend an elector's meeting in Pingaring on 27 October 2009 at 8:00PM to discuss the matter at hand. Mr Cooke has also been advised of this meeting.

Cr Sinclair also advised the author that he had received the survey and at least one Kulin rate payer based in Pingaring has discussed issues with the Manager Corporate Services.

Discussions with WALGA 1 October 2009

As per Elected Member Update 5, the Shire President, Cr Farrelly, Cr Milton, the CEO and the Executive Assistant met with WALGA President Cr Bill Mitchell and WALGA Deputy CEO Wayne Scheggia on 1 October 2009.

Cr Mitchell's comments in response to various questions were:

- He sits on the Reform Steering Committee along with Michael Parker (LGMA) representing 2 out of 9 votes;
- The first amalgamated Councils would be in place by 1 July 2010;
- The next round would be the boundary adjustment and predatory proposals;
- The final round would be those that had sat on their hands;
- The Lake Grace submission will serve as a trigger point for reform to occur in this area, but clearly puts Lake Grace on the front foot. The Shire will not be subjected to the same level of scrutiny or penalty that our neighbours will undergo as a result of sitting on their hands.

Cr Mitchell also commented that the reform process was an opportune time to discuss a new type of service delivery model as the focal point for reform. This would entail positioning the new local government as a full on service provider regarding health, education, policing and so on. For example

running the local hospital in the district on a fee for service basis or negotiating for the upgrading of the High School to a Senior High School.

Follow-up Discussion with Wayne Scheggia re Think Tank

As a result of the WALGA meeting, the author spoke to Mr Scheggia on 20 October regarding a process that could be used to engage the State Government regarding the new type of service delivery model that fits in with the reform process. In essence the process would entail:

1. Council in broad terms looking at what it really values. Is it the school, is it health care and so on;
2. Forming a think tank to look at what the trade offs are – what services are the Shire prepared to give up in order to secure increased State funding for a key service:
 - a. What are the pros and cons;
 - b. Does this involve our existing neighbours or our new neighbours;
3. Will this meet the Minister's expectations? If so, then look at how to engage his Chief of Staff with a proposal.

The author believes this approach is a valid way to move forward regardless of whether the Shire's submission is supported or not. This concept clearly fits in with the desire to build on the Shire's status as a sub-regional centre as well as the need to improve a number of key services within the Shire. Ideally a think tank consisting of the Shire President, two other elected members, the CEO and Manager Community Services would be appropriate to explore whether there is scope for this approach to proceed.

The author also met with Pip Shields from the Wheatbelt Development Commission on 21 October 2009 regarding the Shire of Lake Grace as a key service delivery centre. Ms Shields confirmed that the WDC clearly sees Lake Grace as a sub-regional centre in line with Dalwallinu and Jurien Bay and would be keen to support the Shire regarding such an initiative.

Other Issues

Once the Minister receives the interim report from the Steering Committee on the submissions, he will then issue instructions on whether there has been a sufficient response made regarding the reform process e.g. enough easy runs on the board or whether he has to up the ante on reform. This should be in January/February next year.

Legal Implications

Nil

Policy Implications

Nil

Consultation

External: CEO Shire of Dumbleyung
CEO Shire of Kent
CEO Shire of Kulin

Mr Tony Cooke
Mr Bruce Whitber, Executive Officer Central Country Zone
Cr Bill Mitchell and Mr Wayne Scheggia WALGA

Internal: Manager Corporate Services
 Executive Assistant

Financial Implications

Nil

Strategic Implications

Shire of Lake Grace Strategic Plan

Goal 3 Financial Sustainability

3.2.6 Investigate sources of funding that could support resource sharing.

Goal 6 Leadership

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

Voting Requirements

Simple majority

Recommendation/Resolution

MOTION 10896

Moved Cr De Landgrafft
Seconded Cr Newman

That Council:

1. Appoints a think tank consisting of the Shire President, Cr Milton, Cr Farrelly, the Chief Executive Officer and the Manager Community Services to explore the Shire of Lake Grace as a key service centre for a State Government service.
2. Requires the think tank to report back to Council by its February/March 2010 meeting regarding whether there is a suitable service initiative for consideration.
3. Makes the following terms of reference for the think tank:
 - a. to identify potential key services in priority order that includes a key service that the Shire of Lake Grace could proceed with;
 - b. to identify the pros and cons of the key service including existing service delivery trade offs;
 - c. to make a recommendation on whether to proceed with the key service centre initiative including what that key service should be.

MOTION CARRIED 9/0

15.6 USE OF THE COMMON SEAL – VARLEY COMMUNITY DAM AGREEMENT

Applicant: JS & EA Forrest – Varley Community Dam
Landholders
File No. 0571
Attachments: Lease Agreement
Author: Mrs Lee-Anne Trevenen
Senior Administration Officer
Disclosure of Interest: Nil
Date of Report: 20 October 2009
Senior Officer: Mrs Nadene Owen
Manager Community Services

Summary

This report recommends Use of the Common Seal on the Lease Agreement between Varley Community Dam landholders, James Stanley and Esther Annette Forrest and the Shire of Lake Grace.

Background

In May 2007, the Shire of Lake Grace was advised of the approval of a grant of \$100,000.00 to construct the Varley Community Dam by the Minister for Water Resources.

The lease area comprises two separate dams, one (1) main dam over Lot 1160 Deposited Plan 204032 and one (1) holding dam over Lot 1163 on Deposited Plan 204059, Hyden-Lake King Road, Varley with each being part of the Varley Community Dam.

As outlined in one of the grant requirements the project funding is conditional upon the Shire and local community contributing to the project in-kind and/or by meeting any cash requirement over and above the approved grant.

It was also stated that the Shire is required to take necessary actions to secure ownership and vesting of the sites for the new catchment and storage dams, or enter into a formal leasing agreement with the landholder to ensure guaranteed access to the sites for a period of not less than 10 years. The latter of this requirement is being sought through the authors report.

The remaining scope of works for this project is contingent on the involvement of the local community. Upholding strong ownership in the community is essential to ensure the site is maintained as a viable community water resource.

Comment

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

Legal Implications

Nil

Policy Implications

Policy 1.11 – Use of Common Seal

Consultation

Internal: Project Officer

External: Varley Progress Association

Varley Dam Committee Members

Financial Implications

Nil

Strategic Implications

Develop, maintain and rationalize key infrastructure in the best interests of the community.

Strive for excellence in the management of environmental and natural resource infrastructure; water management.

Voting Requirements

Simple majority

Recommendation/Resolution

MOTION 10897

Moved Cr Newman

Seconded Cr Dunkeld

That in accordance with Council Policy 1.11 the Use of the Common Seal is approved on the Lease Agreement between Varley Community Dam landholders James Stanley and Esther Annette Forrest and the Shire of Lake Grace.

MOTION CARRIED 9/0

15.7 STRATEGIC PLAN - UPDATE

Applicant: Chief Executive Officer
File No. 0271
Attachments: Strategic Action Plan Update 1
Author: Mr Sean Fletcher
Chief Executive Officer
Disclosure of Interest: Nil
Date of Report: 21 October 2009
Senior Officer: Mr Sean Fletcher
Chief Executive Officer

Summary

The purpose of this report is to keep Council informed regarding the progress against the Strategic Plan.

Background

The Shire of Lake Grace has gone through a strategic planning process over a number of years. This has now culminated in a one page strategic plan summary and strategic action plan on key actions for the next 18 months. The full strategic plan document still requires completion.

Comment

The author has revised the Strategic Action Plan that not only gives an update on the key items but also now includes a resources column. The author has also simplified who has the lead on each of the actions so that one person or group has responsibility as “Team Leader” and not a number of staff which can cause confusion regarding ownership of each project (and ultimately inaction).

At this point the Strategic Action Plan clearly shows that all actions are well underway and a number have been completed regarding the recruitment of the CEO and the local government reform process. At the last Senior Management Team Information Session with Council, the CEO did give an overview of the strategic planning requirements and the status on the top two priorities for each goal.

The author will complete the full strategic plan in due course.

Legal Implications

Nil

Policy Implications

Nil

Consultation

External: Alan Bandt of Bandt Gatter and Associates

Internal: Senior Management Team

Financial Implications

Nil

Strategic Implications

Shire of Lake Grace Strategic Plan

Voting Requirements

Simple majority

Recommendation/Resolution

MOTION 10898

Moved Cr Milton

Seconded Cr Newman

That Council receive the updated Strategic Action Plan.

MOTION CARRIED 9/0

3.22pm *Meeting adjourned for afternoon tea.*

3.52pm *Meeting reconvened with all those previously in attendance present with the exception of Ms Nicole Chappell.*

16.0 URGENT BUSINESS BY DECISION OF THE MEETING

16.1 NEWDEGATE COMMUNITY SPORTS DAM

MOTION 10899

Moved Cr Chamberlain
Seconded Cr Farrelly

That Council allow discussion on the Newdegate Community Dam Project.

MOTION CARRIED 9/0

Background

Cr Chamberlain advised he had been in touch with the Chief Executive Officer on this matter yesterday.

The Newdegate Community Sports Dam has had considerable funds spent of late on the cleaning out and additional excavation in order to achieve an adequate depth to ensure ongoing water supply to the towns sports ovals. Currently there is a lot of surface and it needs more depth.

The contractors have also had recent success in removing the rock surface which prior to this point has not been possible. The bottom of the dam now has a good clay surface and the community has expressed its wish, through an advance on the Newdegate Specified Area Rates of up to \$50,000 to complete further excavations of the dam.

The Newdegate Football Club has committed \$10,000, the Newdegate Hockey Club is prepared to contribute \$3,700 and the Newdegate Field Day \$10,000 to the project. It is understood these funds have already been expended on excavations over the past three days.

4.28pm Mr Sean Fletcher and Mr Mark Burbridge left the meeting and returned at 4.32pm.

MOTION 10900

Moved Cr Chamberlain
Seconded Cr Sinclair

That Council authorise the Chief Executive Officer to expend up to \$50,000 to complete the excavation of the Newdegate Community Dam Project and that this be funded through Newdegate Specified Area Rate.

MOTION CARRIED BY ABSOLUTE MAJORITY 8/1

17.0 SCHEDULING OF MEETING

17.1 NOVEMBER 2009 ORDINARY MEETING

Motion 10720 December 2008 states:

An Ordinary Meeting of Council will be held on Wednesday 25 November 2009, commencing at 9:00am at the Newdegate Lesser Hall, Maley St Newdegate.

18.0 CONFIDENTIAL BUSINESS – As per Local Government Act s5.23 (2)

None.

19.0 CLOSURE

There being no further business, the Chairperson thanked everyone for their attendance and closed the meeting at 4.48 pm.

20.0 CERTIFICATION

I Andrew James Walker certify that the minutes of the meeting held on the 28 October 2009 as shown were confirmed as a true record at the meeting held on the 25 November 2009.

Chairman

Date