

Shire of Lake Grace

Ordinary Council Meeting

Minutes

26 April 2012



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SHIRE OF LAKE GRACE

Minutes of the Ordinary Meeting of Council held at Council Chambers, 1 Bishop St Lake Grace WA on Thursday 26 April 2012.

1.0 OPENING & ANNOUNCEMENT OF VISITORS

The Shire President opened the meeting at 3.00 pm.

2.0 ATTENDANCE RECORD

2.1 PRESENT

| | |
|-------------------|-------------------------------------|
| Cr LW Armstrong | Shire President |
| Cr IG Chamberlain | Deputy Shire President |
| Cr R Chappell | |
| Cr AI Milton | |
| Cr WA Newman | |
| Cr DP Sinclair | |
| Cr AJ Walker | |
| Mr SK Fletcher | Chief Executive Officer |
| Ms S Appleton | Manager Corporate Services |
| Mr M Harrop | Manager Infrastructure Services |
| Mrs L Trevenen | Manager Community Services (Acting) |
| Mrs J Bennett | Executive Assistant |
| Mr J Franich | Parks & Gardens Team |
| Mr R Steed | Works & Services Team |

2.2 APOLOGIES

Cr OP Farrelly

2.3 LEAVE OF ABSENCE PREVIOUSLY GRANTED

As per resolution no 11378 28 March 2012, Cr De Landgraft previously granted leave of absence for 26 April 2012.

3.0 PUBLIC QUESTION TIME

No members of the public present.

4.0 APPLICATIONS FOR LEAVE OF ABSENCE

None.

5.0 MINUTES OF PREVIOUS COUNCIL MEETINGS

5.1 ORDINARY MEETING – 28 MARCH 2012

Resolution

MOTION 11398

Moved Cr Chappell
Seconded Cr Milton

That the minutes of the Ordinary Meeting of Council held on the 28 March 2012 be confirmed as a true and accurate record.

MOTION CARRIED 7/0

6.0 DECLARATIONS OF INTEREST

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

None

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

None

6.3 DECLARATIONS OF IMPARTIALITY INTEREST – ADMINISTRATION REGULATION SECTION 34C

None

7.0 NOTICES OF URGENT BUSINESS

None

8.0 MOTIONS OF WHICH NOTICE HAS BEEN RECEIVED

None

9.0 PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

None

10.0 MEMBERS' REPORTS

10.1 CR CHAPPELL

March 30th: Attended the official openings of the Lake Grace Day Care Centre and the Newdegate Bowling Green.

March 31st: Attended Liberal Party of O'Connor AGM meeting in Albany. Lake Grace Branch had 4 motions on the books :

- 1 That dental travel should be included in the PATS scheme. Carried.
- 2 That the \$140 million as identified in the Strategic Grain Net Work for the upgrade of Chester Pass Road be an election commitment. Carried.
- 3 Increase the pool funding for the Farm Water Grant Scheme allowing farmers serviced by scheme to up grade dams & catchments to lesson their reliance on a limited water asset. This was not put due to lack of time. This is something that has been brought up at Rural Water Council.
- 4 Require clarification and more detail on the time table and implementation of The Southern Inland Health Initiative Building program. This was not put due to lack of time. This is also what Shire of LG is working on.

April 4th Attended Living Communities Life Event on Suicide Prevention with guest speaker Glen Mitchell at the Lake Grace Sportsman's Club.

April 5th Attended the Blessing of the Roads then the Anzac Service & luncheon at the Lake Grace District High School.

April 6th Good Friday did a stint on the Driver Reviver Van in Lake Grace. 245 people stopped to be revived. Well done to the Lions Fire Brigade & Ambulance and other volunteers.

April 13th Rural Water Council Meeting held at Northam. My apologies for not being able to attend.

April 19th We had our first Roads Working Group meeting.

April 25th Attended the Anzac Service in Lake Grace where I laid a wreath on behalf of the Shire of Lake Grace.

10.2 CR CHAMBERLAIN

March 29th & 30th: Attended the Wheatbelt Conference in Northam put on by the combined WALGA Zones, Avon Midland Country Zone, Central Country Zone & Great Eastern Country Zone. The Conference included the launch of the Wheatbelt Development Commission/Regional Development Australia's Wheatbelt Strategic Framework which was generally accepted. The conference was well attended with both past and present politicians coming along.

March 30th: Following on from the Wheatbelt Conference attended a Wheatbelt Railway Retention Alliance Meeting also in Northam. The Alliance is very well supported by all Councils. The Shire of Lake Grace should heavily support the Alliance as this Shire suffers through heavy haulage to port and rail transport would be preferable.

April 19th: Attended the first meeting of the Roads Working Group, this provides a good opportunity for Councillors to interact with management.

April 24th: Attended the Newdegate Rejuvenation Project Community Information meeting in Newdegate, it was disappointing not more locals were there, however there was lively discussion between all. Some of the issues raised had already been discussed 12 years ago including bulldozing of the Hall and the seniors village location.

10.3 CR ARMSTRONG

President's Report

28th March: Varley Council Meeting

29th March: Strategic Planning Workshop in Newdegate with Jodie Mortadza and Sharon Moore

30th March: Lake Grace Childcare Centre Opening

Newdegate Bowling Green Re-surfacing Opening

Meeting with Hon Terry Waldron, Member for Wagin and Anne Webster,

Principal Ngt Primary School re housing for teachers at Newdegate

2nd April: Newdegate Field Days Meeting re new stud breeders shed for Field Day site

3rd April: Newdegate Community Development Association meeting

13th April: Rural Water Council meeting in Northam – Shire to apply for funding for maintenance works on the Buniche Government Dam

16th April: Lunch with Minister Terry Redman at the Shire of Lake Grace

17th April: Chaired the AGM of the Bushfire Advisory Committee at which issues arose regarding the communication tower at Lake King and the Dunn Rock Fire Truck

19th April: Eastern Wheatbelt Primary Health Care Meeting in Kulin

23rd April: Lakes VROC Meeting in Nyabing with Cr Chamberlain and the CEO

24th April: Newdegate Rejuvenation Project Community Forum

25th April: Attended the dawn service at Newdegate – layed wreath for the Shire, attended the Lake Grace ANZAC Service on a personal note and therefore thanks to Cr Chappell for laying the wreath on behalf of the Shire

26th April: Attended Newdegate Primary Schools ANZAC Service

11.0 MATTERS FOR CONSIDERATION – WORKS & SERVICES**11.1 CALLING OF TENDERS – LAKE GRACE WATER MAINS UPGRADE**

| | |
|--------------------------------|---|
| Applicant: | Chief Executive Officer |
| File No. | 0704/0463 |
| Attachments: | Construction plan |
| Author: | Mr Martin Harrop Manager Infrastructure Services |
| Disclosure of Interest: | Nil |
| Date of Report: | 16 April 2012 |
| Senior Officer: | Mr Sean Fletcher Chief Executive Officer |

Summary

This report recommends that Council authorise the Chief Executive Officer to call tenders for supply and installation of a water main upgrade to service the proposed residential subdivision of Lot 1 Wattle Drive, Lake Grace.

Background

The Shire of Lake Grace has undertaken a staged subdivision of Lot 1 Wattle Drive Lake Grace for residential purposes. On December 2009 the Western Australian Planning Commission (WAPC) granted conditional approval to subdivide Lot 1 Wattle Drive to create ten (10) new separately titled residential lots, one (1) reserve for public open space and one (1) balance of title lot.

Conditional approval of the subdivision required that the existing water main be upgraded to service the subdivision. The proposed works will involve supply and installation of 800 metres of PVC pipe from Dewar Street to Eggers Place on South Road. The extent of works required is to exceed \$100,000.00. Council is advised that section 11 of the Local Government (Functions and General) Regulations 1996 requires all local government authorities to publicly invite tenders prior to entering into a contract for the supply of goods and/or services where the contract value is more than \$100,000.00.

Comment

In order to satisfy the specific requirements of the Local Government (Functions and General) Regulations 1996 it is recommended that Council resolve to proceed with the tasks required to publicly invite tenders for the supply and installation of a water main to finalise the conditions of subdivision.

The Contract may be awarded to who best demonstrates the ability to provide quality products and/or services at a competitive price. The tendered prices will be assessed together with qualitative and compliance criteria to determine the most advantageous outcome to the Shire. Compliance criteria will include pre qualification to undertake works for Water Corporation.

The Principal has adopted a best value for money approach to this request. This means that, although price is considered, the Tender containing the lowest price will not necessarily be accepted, nor will the Tender ranked the highest on the qualitative criteria.

A scoring system will be used as part of the assessment of the qualitative criteria.

The tenders will be assessed against the following qualitative criteria and weighting.

| Evaluation Criteria | Description | Score Weight |
|----------------------------|---|--------------|
| Relevant Experience | (a) Provide details of similar work; (b) Provide scope of the Tenderer's involvement including details of outcomes; (c) Provide details of issues that arose during the project and how these were managed; (d) Demonstrate sound judgement and discretion; and Demonstrate competency and proven track record of achieving outcomes. | 20% |
| Organisational Capacity | (a) Their role in the performance of the Contract; (b) Curriculum vitae; (c) Membership to any professional or business association; (d) Qualifications, with particular emphasis on experience of personnel in projects of a similar requirement; and (e) Any additional information. Supply details of key staff qualifications and experience | 30% |
| Organisational Resources | (a) Plant, equipment and materials; and (b) Any contingency measures or back up of resources including personnel (where applicable). As a minimum, Tenderers should provide a current commitment schedule and plant/equipment schedule in an attachment | 30% |
| Demonstrated Understanding | (a) A project schedule/timeline (where applicable); (b) The process for the delivery of the goods/services; (c) Training processes (if required); and (d) A demonstrated understanding of the scope of work Supply details and provide an outline of your proposed methodology | 20% |

The extent to which a Tender demonstrates greater satisfaction of each of these criteria will result in a greater score. The aggregate score of each Tender will be used as one of the factors in the final assessment of the qualitative criteria and in the overall assessment of value for money.

The price basis for the contract will be lump sum with mechanism provisions for variation subject to occurrence of rock during excavation. A schedule of rates will be provided for excavation and boring in rock.

Legal Implications

Local Government Act 1995

Local Government (Functions and General) Regulations 1996

Policy Implications

Nil

Consultation

Internal: Chief Executive Officer

External: Water Corporation & David Wills and Associates

Financial Implications

Allowances have been made with the transfer from Reserves (Water Connections Reserve) to fund the works.

Strategic Implications

The works are required to enable the completion of subdivision of Lot 1 Wattle Drive and creation of titles. The subdivision of Lot 1 wattle Drive is consistent with the Lake Grace Local Planning Strategy and the provision of residential land for economic growth.

Voting Requirements

Simple majority required.

Recommendation/Resolution

MOTION 11399

Moved Cr Newman
Seconded Cr Sinclair

That Council authorises the Chief Executive Officer to call tenders for the supply and installation of water main to satisfy the conditions of subdivision development of Lot 1 Wattle Drive, Lake Grace.

MOTION CARRIED 7/0

| |
|--|
| 12.0 MATTERS FOR CONSIDERATION – PLANNING |
|--|

12.1 PLANNING APPLICATION – PROPOSED MOTOR VEHICLE SALES & DISPLAY, 34 STUBBS ST LAKE GRACE

| | |
|--------------------------------|--|
| Applicant: | Mr Nicholas Maalouf (landowner) |
| File No. | 0506 |
| Attachments: | Plans 1 to 5 |
| Author: | Mr Joe Douglas & Mr Carlo Famiano Urban & Rural Perspectives -Town Planning Consultants |
| Disclosure of Interest: | Nil |
| Date of Report: | 16 April 2012 |
| Senior Officer: | Mr Sean Fletcher Chief Executive Officer |

Summary

This report recommends that the planning application submitted by Mr Nicolas Maalouf (landowner) seeking Council's retrospective planning approval for the establishment of a motor vehicle sales and display yard on the rear portion of Lot 9 (No.34) Stubbs Street, Lake Grace be approved subject to conditions.

Background

The applicant is seeking Council's retrospective planning approval to establish a motor vehicle sales and display yard on the rear portion of Lot 9 (No.34) Stubbs Street, Lake Grace to support the existing motor vehicle sales dealership (i.e. 'Maalouf Ford') currently operating at No.25 McMahan Street, Lake Grace (see Plans 1 to 4).

Lot 9 is located centrally in the Lake Grace townsite and has direct frontage to Stubbs Street along its northern boundary, McMahan Street along its western boundary and an existing right-of-way along its southern rear boundary. The land is rectangular in shape, comprises a total area of approximately 1,058m² and has been extensively developed for commercial purposes over many years (i.e. offices).

Lot 9 previously contained a number of significant, mature trees scattered throughout the rear portion of the site and two (2) commercial buildings along its Stubbs Street frontage. Council is advised that the timber framed building once located on the corner of Stubbs Street and McMahan Street formerly occupied by 'Furniture Court' is listed on the Shire's Municipal Heritage Inventory ('MHI').

A review of numerous photographs recently taken of Lot 9 identifies that all of the mature trees and the timber framed heritage building have now been removed and that the rear portion of the land has been developed and is now being utilised for motor vehicle sales and display purposes (see Plan 5). It is understood that the demolition and clearing works were recently completed by the landowner following the issuance of a building licence approval by the Shire and that retrospective planning approval is now being sought for the motor vehicle sales and display use of the property.

The plans submitted by the applicant are very broad and do not provide all of the information typically required in support of planning applications (car parking, stormwater drainage, landscaping details etc). Notwithstanding this fact, given the

nature and scale of the existing development and use of the land there is scope for Council to consider and grant approval to the application subject to any conditions Council's considers appropriate.

Under the terms of the information and plans submitted in support of the application and subsequent oral advice received from Mr Maalouf, stage 1 of the proposed development includes the following key elements:

- i. Construction of a new motor vehicle sales and display yard on the rear portion of the property with frontage to McMahon Street. The existing remaining building fronting Stubbs Street will continue to be used for commercial purposes (i.e. 'office') and is not associated with the proposed motor vehicle sales and display use;
- ii. All administrative activities associated with the proposed motor vehicle sales and display use on Lot 9 will continue to be undertaken within the dealership's existing premises located on No.25 McMahon Street;
- iii. All stormwater drainage associated with the motor vehicle sales and display yard is proposed to be directed to McMahon Street for subsequent disposal via the town's existing drainage stormwater drainage system;
- iv. The provision of landscaping along the eastern boundary fence at the rear of the motor vehicle display area;
- v. The display of a maximum of fifteen (15) motor vehicles on Lot 9 at any one time with customer access available Monday to Friday from 8.00am to 5.00pm and Saturday from 8.00am to 12 noon; and
- vi. The installation of five (5) new light poles along the land's McMahon Street frontage to provide suitable lighting for the facility.

It is understood from discussion with Mr Maalouf that a separate planning application will be prepared and submitted to the Shire at some point in the future to allow for the construction of a new building / structure on the land to provide suitable all-weather protection for vehicles proposed to be displayed.

Comment

Current Zoning & Land Use Permissibility

Lot 9 is classified 'Commercial' zone under the Shire of Lake Grace's current operative Local Planning Scheme No.4 (LPS No.4).

The key objective of the land's current 'Commercial' zoning as prescribed in clause 4.2 of LPS No.4 are as follows:

- To ensure that the zone develops and continues to function effectively as the principal place for retail shopping, commercial, civic and administrative activity within each townsite and the District generally.
- To encourage a high standard of development which serves to enhance the character of the zone.
- To encourage the retention and development of features which enhance the appearance of the zone, give it character or provide a sense of identity.
- To maintain the compatibility with the general streetscape for all new buildings in terms of scale, height, style, materials, street alignment and design of facades.
- To maintain safety and efficiency of traffic flows and ensure that adequate provision is made for the circulation and parking of vehicles.
- To preclude the storage of bulky and unsightly goods where they may be in public view.

- To provide for residential uses only where such uses are combined with a commercial use.
- To encourage and assist the restructuring of the built environment of the zone to enhance:
 - ⇒ pedestrian movement systems;
 - ⇒ the appearance of buildings, car parking areas and open spaces;
 - ⇒ user convenience and safety; and
 - ⇒ traffic management.

Under the terms of LPS No.4 the development and use of any land classified 'Commercial' zone for the purposes of 'motor vehicle sales & display' is classified as being a discretionary (i.e. 'D') use meaning that it is not permitted unless the local government has exercised its discretion by granting planning approval.

Compliance with LPS No.4 Development Standards

An assessment of the proposal against the development standards contained in LPS No.4 has confirmed that it satisfies the majority of standards except for the following:

- i. On-site vehicle access and parking areas; and
- ii. Landscaping.

The following is a brief discussion of these non-compliance issues:

On-site Vehicle Access & Parking

As previously mentioned the plans submitted by the applicant are quite broad and do not provide all of the information typically required in support of planning applications. In this case there is some degree of uncertainty regarding the proposed vehicle access points, surface treatments and stormwater drainage management arrangements.

There is also concern that the proposed development and use of the land may not comply with the specific car parking requirements stated in Table No.2 of LPS No.4 in relation to the proposed motor vehicle sales and display use at the rear of the site and the existing office use currently operating along the Stubbs Street frontage.

Having regard for Table 2 of LPS No.4, the car parking standards required to be applied in this case are as follows:

- i. Office – one (1) bay per 10m² of gross lettable area; and
- ii. Motor Vehicle Sales & Display – one (1) bay per 250m² of sales area, plus one (1) bay for every person employed on site.

Notwithstanding the above concerns, the reporting officers have formed the view that these issues can be suitably addressed by:

- a) Allowing car parking for the existing office use on the land to continue to be served by the existing on-street car parking area available along the land's Stubbs Street frontage;
- b) Allowing car parking for the employees of Maalouf Ford to continue to be accommodated within the dealership's existing premises at No.25 McMahon Street as well as the on-street car parking areas available along McMahon Street; and
- c) The imposition of a number of conditions on any planning approval issued by Council in respect of Lot 9 requiring vehicle access points, surface treatments and stormwater drainage management arrangements to be sited and developed in accordance with Council's specifications and standards.

Landscaping

The application provides very little detail regarding the future proposed landscaping of the property. Details regarding future landscaping arrangements are typically required to be submitted in support of planning applications of this type with due consideration given to the location of landscaping to ensure that it enhances the appearance of the local streetscape and softens the impact of parking areas, vehicle display areas and any other space/s which, by virtue of their use, have the potential to detract from the visual amenity of the local streetscape.

In order to address this issue it is recommended that Council require, as a condition of planning approval, the preparation and submission of a detailed landscaping plan for the site for review, assessment and endorsement by the Shire.

Conclusion

It is concluded from a detailed assessment of the application that the proposal to establish a motor vehicle sales and display facility on the rear portion of Lot 9 (No.34) Stubbs Street, Lake Grace is capable of being implemented in a proper and orderly manner and is unlikely to have a negative impact on the general amenity, character, functionality and safety of the immediate locality subject to compliance with a number of conditions. It is therefore recommended that Council exercises its discretion and grants conditional approval to the application.

Legal Implications

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

Policy Implications

Nil

Community Consultation

Not required.

Financial Implications

Nil

Strategic Implications

Nil. The proposed development and use of Lot 9 Stubbs Street, Lake Grace is consistent with the strategic land use planning direction afforded by Shire of Lake Grace Local Planning Strategy where the land is clearly designated as forming part of the Lake Grace townsite's designated commercial precinct.

Voting Requirements

Simple majority required.

Recommendation/Resolution**MOTION 11400**

Moved Cr Walker
Seconded Cr Chappell

That the application for retrospective planning approval submitted by Mr Nicolas Maalouf (Landowner) to establish a motor vehicle sales and display facility on the rear portion of Lot 9 (No.34) Stubbs Street, Lake Grace be approved subject to compliance with the following conditions and advice notes:

1. Additional plan/s are required to be prepared and submitted to the Shire of Lake Grace, to the specifications and satisfaction of the Shire, for consideration and approval by the Shire's Chief Executive Officer prior to the commencement of any further development on the land. The additional plans are to be suitably scaled and are required to clearly illustrate the following:

- i. The location, extent and type of all proposed on-site landscaping to demonstrate compliance with the specific requirements of the Shire of Lake Grace Local Planning Scheme No.4 where a minimum of 5% of the total site area is required to be landscaped;
- ii The location, height and details of all proposed light poles and associated fittings;
- iii The location, dimensions and type of any proposed fencing along the land's street frontages; and
- iv Details of any proposed on-site advertising signage.

2. The development shall be undertaken in a manner consistent with the details of the additional plan/s required by Condition No.1 above if and when these plans are approved by the Shire of Lake Grace.

3. A completed building permit application must be submitted to and approved by the Shire's building surveyor following approval to the additional plan/s required by Condition No.1 above and prior to the commencement of any further earthworks or construction on the land.

4. All landscaping depicted on the plans endorsed by the Shire's Chief Executive Officer (CEO) shall be installed within three (3) months of the CEO's endorsement of the plans and maintained at all times to the satisfaction of the Shire of Lake Grace.

5. All on-site vehicle access ways and parking areas shall be sealed and drained to the specifications and satisfaction of the Shire of Lake Grace in accordance with the specific requirements of clause 5.8.5 of Local Planning Scheme No.4.

6. All stormwater generated by the proposed motor vehicle sales and display use shall be managed and disposed of to the specifications and satisfaction of the Shire of Lake Grace.

7. The storage or display of any motor vehicles within the McMahon or Stubbs Streets verge areas is not permitted at any time unless otherwise approved by Council.

MOTION 11400 continued

8. The motor vehicle sales and display use is only permitted to operate between the hours of 8am and 5pm Monday to Friday and 8am to 12 noon on Saturdays.

9. A maximum of fifteen (15) motor vehicles are permitted to be displayed on Lot 9 unless otherwise approved by Council.

10. Direct vehicle access to and from Lot 9 via McMahon and/or Stubbs is not permitted unless otherwise approved by Council and/or Main Roads WA. All vehicle access to and from the land is therefore required to be obtained via the adjoining right-of-way located at the rear of the property.

11. Any illumination from the proposed floodlights shall be confined to the limits of Lot 9 or as otherwise approved by the Shire of Lake Grace in writing.

12. All advertising signage shall be provided in accordance with the requirements specified in Schedule 5 of Local Planning Scheme No.4 unless otherwise approved by Council.

Advice Notes

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

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

iii No construction works shall commence on the land prior to 7am without the Shire's written approval.

iv Failure to comply with any of the conditions of this planning approval constitutes an offence under the provisions of the Planning and Development Act 2005 and the Shire of Lake Grace Local Planning Scheme No.3 and may result in legal action being initiated by the local government.

MOTION CARRIED 7/0

13.0 MATTERS FOR CONSIDERATION – HEALTH & BUILDING

No items for consideration.

14.0 MATTERS FOR CONSIDERATION – FINANCE

14.1 ACCOUNTS FOR PAYMENT – MARCH 2012

Applicant: Shire of Lake Grace
File No. 0277
Attachments: List of Creditors
Author: Miss Nicola Bateman
Finance Officer
Disclosure of Interest: Nil
Date of Report: 3 April 2012
Senior Officer: Ms Samantha Appleton
Manager Corporate Services

Summary

For Council to ratify expenditures incurred for the month of March 2012.

Background

List of payments for the month March 2012 through the Municipal account are attached.

Comment

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

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

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

Legal Implications

Local Government (Financial Management) Regulations 1996 – Reg 12

Local Government (Financial Management) Regulations 1996 – Reg 13

Policy Implications

N/A

Consultation

N/A

Financial Implications

The list of creditors paid for the month of March 2012 from the Municipal and Trust Accounts Total \$1,001,668.09

Strategic Implications

Shire of Lake Grace Strategic Plan

7. Organisational Excellence

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

Voting Requirements

Simple majority required.

Recommendation/Resolution

MOTION 11401

Moved Cr Chappell
Seconded Cr Sinclair

That Council receive the list of payments totalling \$1,001,668.09 as presented for the month of March 2012 incorporating:

- Trust Account Cheques 643 to 644
- Municipal Account Cheques 34715 to 34741
- Electronic Funds Transfers EFT9331 to EFT9480

MOTION CARRIED 7/0

14.2 FINANCIAL STATEMENTS – MARCH 2012

| | |
|--------------------------------|--|
| Applicant: | Shire of Lake Grace |
| File No. | 0275 |
| Attachments: | List of Creditors |
| Author: | Ms Samantha Appleton Manager Corporate Services |
| Disclosure of Interest: | Nil |
| Date of Report: | 13 April 2012 |
| Senior Officer: | Ms Samantha Appleton Manager Corporate Services |

Summary

Consideration of the financial statements for the month ending 31 March 2012.

Background

The following financial reports are included for your information:

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

Legal Implications

Local Government Act 1995 – section 6.4

Local Government (Financial Management) Regulations 1996

Policy Implications

N/A

Consultation

Nil

Financial Implications

Nil

Strategic Implications

Shire of Lake Grace Strategic Plan

Goal 7: Organisational Excellence

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

Voting Requirements

Simple majority required.

Recommendation/Resolution

MOTION 11402

Moved Cr Chappell
Seconded Cr Sinclair

That Council in accordance with Regulation 34 of the *Local Government (Financial Management) Regulations 1996* receives the Statement of Financial activity for the period ended 31 March 2012.

MOTION CARRIED 7/0

14.3 LAKE GRACE MEDICAL CENTRE – DENTAL SURGERY CHARGES

Applicant: Dr Bryan Fleming
File No. 0683
Attachments: Letter from Dr Fleming
Author: Ms Samantha Appleton
Manager Corporate Services
Disclosure of Interest: Nil
Date of Report: 19 March 2012
Senior Officer: Ms Samantha Appleton
Manager Corporate Services

Summary

For Council to consider amending fees and charges for the use of the Dental Surgery in Lake Grace.

Background

A letter was received from Dr Bryan Fleming in April 2010 requesting a review of the status of the rental agreement for the dental surgery at the Lake Grace Medical Centre.

Dr Fleming has been servicing the dental requirements of the Lake Grace Shire over a number of years. He provides a fortnightly service and he has made a total of \$49,269.38 (incl GST) in cash payments since 1999 toward the use and equipping of the facility.

Comment

The initial lease proposed to cover the cost of equipment purchased by the Shire for use in the surgery. It is known that this included an autoclave, x-ray machine and dental chair. While exact costs are unable to be ascertained, it is expected that the amount paid by Dr Fleming has been well in excess of the cost of the equipment provided.

Dr Fleming had contacted officer's of the Shire in January 2010 with regard to renegotiating the amount payable for the use of the surgery (currently \$5,200 ex GST annually), but due to changes in management staff, the matter had not proceeded further.

In the meantime he has relocated from Narrogin to Bunbury and now incurs significant travel costs to provide this service to the Shire's residents. Dr Fleming has requested that a nominal charge be paid by him for providing this valuable service to the district and has requested that arrears that be written off. The lease that was held for the use of the centre expired in 2005.

It should be noted that the medical centre is provided to other users at no cost, and as the provision of dental services is considered an essential service, this will benefit the communities of Lake Grace through the retention of dental services.

A copy of the initial letter from Dr Fleming is an attachment to this item.

Legal Implications

Local Government Act 1995, Section 6.12

Section 6.12 Power to defer, grant discounts, waive or write off debts

(1) Subject to subsection (2) and any other written law, a local government may:

- (a) when adopting the annual budget, grant* a discount or other incentive for the early payment of any amount of money;
- (b) waive or grant concessions in relation to any amount of money; or
- (c) write off any amount of money, which is owed to the local government.

** Absolute majority required.*

Policy Implications

N/A

Consultation

N/A

Financial Implications

A reduction in income raised of \$7699 if fees are reduced

Strategic Implications

N/A

Voting Requirements

Absolute majority (5) required.

Recommendation/Resolution

MOTION 11403

Moved Cr Milton
Seconded Cr Walker

1. That Council adjust the per annum usage charge for the use of the dental rooms to \$572 (GST inclusive) per annum.
2. That Council write off charges accrued of \$7699 from Debtor DF024 to adjust the amount payable based on the reduced annual amount from 1 July 2010.

MOTION CARRIED BY ABSOLUTE MAJORITY 7/0

15.0 MATTERS FOR CONSIDERATION – ADMINISTRATION**15.1 RENEWAL OF LEASE AGREEMENT – NEWDEGATE TRUCK PARKING & ACCESS AREA**

| | |
|--------------------------------|--|
| Applicant: | Burgess Rawson |
| File No. | 0302 |
| Attachments: | Letter & Lease Agreement |
| Author: | Ms Samantha Appleton Manager Corporate Services |
| Disclosure of Interest: | Nil |
| Date of Report: | 13 April 2012 |
| Senior Officer: | Ms Samantha Appleton Manager Corporate Services |

Summary

For Council to support the renewal of the lease on L3990 Newdegate and to endorse the use of the common seal on the lease agreement.

Background

L3990 is an area located behind the Newdegate Roadhouse and is utilised for Truck Parking and as an access area. The current lease expires on 1 July 2012.

Comment

The Shire of Lake Grace has been leasing this area from the Public Transport Authority for many years. The proposed amount of the lease is an annual fee of \$800 paid in quarterly instalments, with the new lease being for a 10 year period. The costs of this lease are already factored into the Shire's budget process, and other requirements are met through the Shire's insurances and risk management processes.

A plan of the area to be leased is in the lease document attachment.

Legal Implications

N/A

Policy Implications

Shire Policy 1.11 – Use of the Common Seal

Community Consultation

N/A

Financial Implications

Nil

Strategic Implications

N/A

Voting Requirements

Simple majority required.

Recommendation/Resolution

MOTION 11404

Moved Cr Chamberlain
Seconded Cr Milton

That Council:

1. approve the renewal of the lease for the property lease L3990 Newdegate from the Public Transport Authority for a period of ten years; and
2. endorses use of the common seal on the lease documents.

MOTION CARRIED 7/0

15.2 **LEASE OF CROWN LAND – LOT 340 FOR COMMUNITY CROPPING PURPOSES**

| | |
|--------------------------------|---|
| Applicant: | State Land Services |
| File No. | 0371/0359 |
| Attachments: | Letter & Lease Agreement |
| Author: | Mrs Jeanette Bennett Executive Assistant |
| Disclosure of Interest: | Nil |
| Date of Report: | 13 April 2012 |
| Senior Officer: | Mr Sean Fletcher Chief Executive Officer |

Summary

For Council to approve the use of the common seal on the lease over Lot 340 on Deposited Plan 68242 and the subsequent sub-lease to the Lake King Progress Association.

Background

State Land Services has requested the Shire of Lake Grace to enter into a twenty one (21) year lease agreement for a 121 hectare portion of Crown Reserve 34074 which was recently excised following discussions and negotiations with the Shire over a number of years regarding the current and future use of this portion of the land.

Reserve 34074, which comprises a total area of approximately 264 hectares, was originally vested in the Shire of Lake Grace for the purpose of an 'Aerial Landing Ground' i.e. the Lake King Airstrip.

Lot 340, being the 121 hectare portion of Reserve 34074 recently excised, is the area subject to the proposed lease agreement. This land has historically been developed and used by the Lake King Progress Association for the purpose of 'cropping and grazing' which, under the terms of the current management order for Reserve 34074 is unlawful. The Lake King Progress Association wish to continue to use the land for community cropping.

In order to legitimise this current use of Lot 340 and allow it to continue, State Land Services has requested that the Shire enter into a formal lease agreement with the Crown. Under the terms of the proposed lease agreement the Shire can, following further approval from the Minister for Lands, sub-lease Lot 340 to the Lake King Progress Association and in doing so formalise the Association's current cropping and grazing activities.

Comment

A separate sub-lease agreement between the Shire and the Lake King Progress Association will then need to be prepared and approved by the Minister for Lands.

Legal Implications

Land Administration Act 1997 as amended
Transfer of Land Act as amended

Policy Implications

Shire Policy 1.11 – Use of the Common Seal

Consultation

Internal: Shire's Town Planning Consultants

External: State Land Services
Lake King Progress Association

Financial Implications

Lease rental is \$1.00 per year.

Strategic Implications

N/A

Voting Requirements

Simple majority required.

Recommendation/Resolution

MOTION 11405

Moved Cr Chappell
Seconded Cr Sinclair

That Council approve the use of the common seal on the Lease of Crown Land – Lot 340 on Deposited Plan 68242 and subsequent sub-lease to the Lake King Progress Association and authorises the Shire President and CEO to execute the documents accordingly.

MOTION CARRIED 7/0

15.3 CEO KEY PERFORMANCE INDICATORS - MAJOR PROJECTS UPDATE

Applicant: Chief Executive Officer
File No. 0271
Attachments: Nil
Author: Mr Sean Fletcher
 Chief Executive Officer
Disclosure of Interest: Nil
Date of Report: 13 April 2012
Senior Officer: Mr Sean Fletcher
 Chief Executive Officer

Summary

This report provides an update each month on the progress of the major projects that form part of the CEOs Key Performance Indicators under Outcome 2 and Outcome 4 for 2011/2012.

Background

The Council in conjunction with the author developed a range of Key Performance Indicators for the Chief Executive Officer for 2011/2012.

Accordingly, under Outcome 2 – Leadership and Vision there is a list of major projects for the Chief Executive Officer to achieve and that the progress on these projects is to be communicated to Council. There is also one behavioural descriptor under the Human Resource Management Objective within Outcome 4 where Council has asked for the continued development of the Roles and Functionality Plan.

Comment

The list of the major projects were adopted by Council at the December 2011 Meeting in conjunction with the adoption of the Chief Executive Officer Performance Appraisal report. The update regarding the major projects is as follows:

| Project 1 | |
|--|------------|
| Lake Grace Industrial Land Development: <ul style="list-style-type: none"> • Funding; • Commence Construction; • Finish Construction. Due 1 March 2012 Project Manager: Landcorp | |
| Progress | Due |
| <ul style="list-style-type: none"> • Construction mobilisation including site office commenced 23 January 2012; • Works commenced 6 February 2012: <ul style="list-style-type: none"> ○ Blocks cleared with salmon gums retained; ○ Blocks levelled; ○ Roadworks regarding shoulders on Dewar St commenced; ○ Trenching regarding service upgrades completed; | 1 Mar12 |

| | |
|--|--|
| <ul style="list-style-type: none"> • Will be ready 16 April 2012 • Manager Infrastructure Services involved with project • Stopped for Easter. Nearing completion | |
|--|--|

| Project 2 | |
|--|------------|
| Construct the Newdegate Medical Centre within allocated budget Project Manager: Neil Tears | |
| Progress | Due |
| <ul style="list-style-type: none"> • Roof and other externals to the building completed; • Internal painting completed; • Security system and fire extinguishers installed; • Paving and retaining wall near completion; • Landscaping progressing; • Car park and kerbing in place; • Floor coverings completed; • Some remedial works underway re cupboards and down pipes; • NRRHIP to finalise the deed 13 April, stock then ordered; • Power to be connected by 9 May 2012. | 31 Jan 12 |
| Expected operational date: Late May 2012 | |

| Project 3 | |
|--|------------|
| Medical Services – Doctor services and pharmaceutical services in place and functioning by February 2012 Project Manager: CEO | |
| Progress | Due |
| <ul style="list-style-type: none"> • Dr Jacobs commenced operating on 14 November 2011; • The pharmacy was up and running before the end of January 2012 | 28 Feb 12 |
| This project is completed | |

| Project 4 | |
|--|-------------------|
| Integrated Planning and Reporting Framework - workshop with Councillors after the October 2011 elections Project Manager: CEO | |
| Progress | Due |
| <ul style="list-style-type: none"> • All elected members attended WALGA workshops | Post 15 Oct 11 |
| This project is completed | |

| Project 5 | |
|--|------------|
| Implementation and functioning Interplan software with all relevant personnel using the system and the employees adequately trained and enabled to interrogate the system Project Manager: Coordinator Finance and Administration | |
| Progress | Due |
| <ul style="list-style-type: none"> • Mapping of Corporate Plan completed; • Format selected for Council Report and Executive Report; • Problems with software integration and updating of financial account numbers has caused delays; • First report presented April agenda | 30 Nov 11 |
| This project is completed | |

| Project 6 | |
|--|------------|
| Integrated Strategic Planning. Significant progress on the Community Strategic Plan and development in all of the informing strategies so that in total the Shire is over half way through the 2 year establishment and implementation phase Project Manager: CEO | |
| Progress | Due |
| <ul style="list-style-type: none"> • Project plan for implementation adopted by Council September 2011; • Consultants made presentation to Council December 2011 meeting; • CEO and EA met with consultants 6 March and 9 March 2012; • Reference Group established and members briefed by consultants; • Initial conversations with community members undertaken 28 March 2012 at Varley Community BBQ and 30 March 2012 at official openings of the Lake Grace Childcare Centre and the Newdegate Synthetic Bowling Surface | 30 Aug 12 |

| Project 7 | |
|---|------------|
| Council Standing Orders reviewed and updated Project Manager: Executive Assistant | |
| Progress | Due |
| <ul style="list-style-type: none"> • Executive Assistant has sought expression of interest for consultant to assist with this process; • Consultant appointed and will commence review of Standing Orders with Council during May/June 2012 | 30 May 12 |

| Project 8 | |
|--|------------|
| Rural Aged Accommodation Project – Completed on time and on budget Project Manager: CEO | |
| Progress | Due |
| <ul style="list-style-type: none"> • Shire of Lake Grace is the only Shire to commence works at this point on property at 5 Bennett St; • Wall panels erected and work on the roof for each unit commenced 6 March 2012. Roof frames in place on two units; • CEO advised the Director Regional Investment Colin Slattery, at the Zone meeting on 2 March re frustrations experienced with the hold up in the 2011/12 funding approval for this project. Other CEOs voiced same concern; • Williams CEO met with Chair of the Regional Development Council on 29 March re rejection of the Regional Action Agenda Fund application to build additional units. Mr Duff advised the 4WD/Lakes CEOs meeting on 12 April that application has been resubmitted for consideration | 30 Jun 12 |

| Project 9 | |
|---|------------|
| Lake Grace Sporting Precinct – Planning completed and funding in place Project Manager: Manager Community Services | |
| Progress | Due |
| <ul style="list-style-type: none"> • Council resolved at the December 2011 meeting to establish a Committee of Council regarding this project; | 30 Jun 12 |

| | |
|--|--|
| <ul style="list-style-type: none"> • First Committee meeting held on Tuesday 27 March 2012. Mr Royce Taylor elected as the Committee's Presiding Member and project plan adopted; • Workshop regarding Concept Plan to be held 16 April 2012 | |
|--|--|

| Project 10 | |
|---|------------|
| Lake King Hall Roof – Completed on time and on budget Project Manager: Building Maintenance Team Leader | |
| Progress | Due |
| <ul style="list-style-type: none"> • Roof and fascias completed; • Final works regarding internal painting, repairs to ceiling gyprock and tile cracking to occur once next round of CLGF received; • CLGF funding agreement received 6 March 2012; • Works recommenced | 30 Nov 11 |

| Project 11 | |
|---|------------|
| Bennett (2 nd Franks St) Street House – Completed on time and on budget Project Manager: Building Maintenance Team Leader | |
| Progress | Due |
| <ul style="list-style-type: none"> • Roof on and external walls completed; • Project on hold until next round of CLGF signed off; • CLGF funding agreement received 6 March 2012; • Works recommenced | 30 Jun 12 |

Under Outcome 4 – Administrative and Management there is one further descriptor with a due date:

| Other | |
|---|------------|
| Continue to develop Roles and Functionality Plan report to be presented to Council by April 2012 | |
| Progress | Due |
| <ul style="list-style-type: none"> • Workplace Solutions to provide additional comparative information on like sized local governments; • John Phillips and CEO discussed requirements 6 March 2012. Mr Phillips indicated it will take some time to do the additional work as the author of the report has since left Workplace Solutions and his Manager also finishes on 16 March 2012. • NFA | 30 Apr 12 |

Further Notes to the Above:

Projects 3, 4 & 5 are completed.

Project 1 – Lake Grace Industrial Development will be four – six weeks behind schedule due to delays experienced with technical plan approvals regarding the assessment of water flow and amendments required.

Project 2 – Newdegate Medical Centre experienced delays during December/January due to wet weather and difficulty sourcing trades to finish off works. Even further delays experienced with NRRHIP querying next allocation of fit-out funding. This has been resolved as of 6 March 2012. However, the deed has yet to be countersigned.

Project 10 – Lake King Hall has experienced delays due to wet weather and issues regarding the need to reschedule CLGF funding.

Comment on Other Objectives

Under the Community and Customer Objective within Outcome 2, Council has asked the CEO to invest time in meeting with stakeholders on a face to face basis at their localities and to be seen in the communities attending community functions and activities wherever practicable.

The author and the SMT participated at the Varley Community BBQ after the last Council meeting. The author, on 30 March, officiated at the official openings of the Lake Grace Childcare Centre and the Newdegate Synthetic Bowling Green.

The CEO and Acting Manager Community Services attended the Lake Grace Development Association Meeting. Managers attended the Lake King Progress Association meeting and the Newdegate Development Association meeting.

The author attended the Living Communities Life Event on Suicide Prevention hosted by Glenn Mitchell at the Lake Grace Club on 4 April. The author also officiated at the Blessing of the Roads Ceremony on 5 April 2012.

The CEO, in conjunction with the Shire President, Cr Farrelly, Cr Milton and members of the community, also attended a meeting with the Minister for Agriculture on 16 April 2012.

Legal Implications

Nil

Policy Implications

Nil

Consultation

External: As per the comments in this report.

Internal: Shire President
Council at the Information Sessions
Senior Management Team
Key Staff (as defined by the Corporate Plan)

Financial Implications

Nil.

Strategic Implications
Shire of Lake Grace Strategic Plan

Voting Requirements
Simple majority required.

Officer's Recommendation/Resolution

MOTION 113

Moved Cr Walker
Seconded Cr Chappell

That Council accepts the report on the progress of the Chief Executive Officer's Key Performance Indicator's for 2011/2012.

MOTION CARRIED 7/0

15.4 **LOCAL GOVERNMENT MISCONDUCT – RESOLUTION OF COMPLAINTS AT THE LOCAL LEVEL**

| | |
|--------------------------------|---|
| Applicant: | Minister for Local Government through WALGA |
| File No. | 0033/0204 |
| Attachments: | Ministerial Media Statement – Minister for Local Government – New Reporting Model for Local Government Misconduct Review of Local Government Standards Panel 2011 Infopage WALGA 05-34-01-0006 Resolution of Misconduct Complaints at the Local Level – Consultation Paper |
| Author: | Mr Sean Fletcher Chief Executive Officer |
| Disclosure of Interest: | Nil |
| Date of Report: | 10 April 2012 |
| Senior Officer: | Mr Sean Fletcher Chief Executive Officer |

Summary

The purpose of this report is to bring Council up to speed with the proposed changes to the misconduct process regarding alleged incidents considered low level misconduct with these handled at the local level by either the Mayor or President and to endorse the response provided by the Shire's Chief Executive Officer to the Central Country Zone in the limited time available for a response.

In particular, the report recommends the adoption of the new process but with a Sunset clause so that the new process is reviewed after a two year period.

Background

On 27 March 2012, the Minister for Local Government the Hon. John Castrilli MLA, released a statement on the Department of Local Government website proposing a way to streamline how local governments deal with local misconduct allegations.

The Minister also stated that the proposed process has now been provided to the local government sector for consultation through the WA Local Government Association (WALGA).

At the same time, WALGA released an Infopage regarding this matter including that at a recent meeting, the Minister for Local Government requested a response to the consultation paper by 11 May 2012.

In short, WALGA requires submissions from individual Councils by 13 April 2012 or via their WALGA Zone.

The *Local Government (Official Conduct) Amendment Act 2007* led to changes to Part 5 of the Local Government Act and the introduction of the Rules of Conduct Regulations 2007. These provisions came into effect in October 2007. The new Act introduced mechanisms for dealing with allegations of serious, recurrent and minor breaches.

In 2010, the Minister for Local Government, Hon John Castrilli MLA, requested the Department of Local Government to undertake a review (the Review) of the Local Government Standards Panel and its supporting legislation. The subsequent report found that:

- The number of allegations has grown steadily since 2007;
- The total number of complaints were attributable to approximately 25% of all local governments;
- 75% of allegations resulted in finding of no breach;
- It is taking too long to deal with allegations within an acceptable time period; and
- Under current legislation, the Standards Panel is required to deal with every allegation made.

The Minister has considered the Report of the Review Committee and identified an opportunity to implement a more effective process for resolving complaints involving low-level misconduct.

The proposed model will put in place processes to allow complaints of low-level misconduct to be dealt with at the local level. The required changes would include:

- The subsequent introduction of a uniform code of conduct for all elected members across Western Australian Local Governments. It is expected that such a code would reflect the general principles defined in Regulation 3(1) of the Rules of Conduct Regulations. Accordingly, an allegation regarding a breach of the uniform code of conduct matter would be managed by the relevant Mayor or President. The range of actions available to the Mayor or President may include dismissal of the complaint, mediation, an order to undertake mentoring, an order to undertake training or referral to the new system of Peer Review Panels;
- The Standards Panel empowered to refer an allegation of low level misconduct to the relevant Mayor or President. Serious breaches would still be handled by the Standards Panel and referred to SAT;
- Referral of the matter before the Mayor or President to a Peer Review Panel, if it is not resolved. The range of actions available to the Peer Review Panel may include dismissal of the complaint, an order to undertake mentoring, or an order to undertake training;
- In the case where there is a failure to comply with a directive of the Peer Review Panel, then this behaviour is referred to the Standards Panel;
- It should also be noted that in the situation where an allegation is against the Mayor or President then the Deputy will assess the complaint unless they are the complainant. In this situation, the Council must appoint another elected member to handle the allegation.

As such the new proposed model for dealing with allegations of low level misconduct is shown as follows:

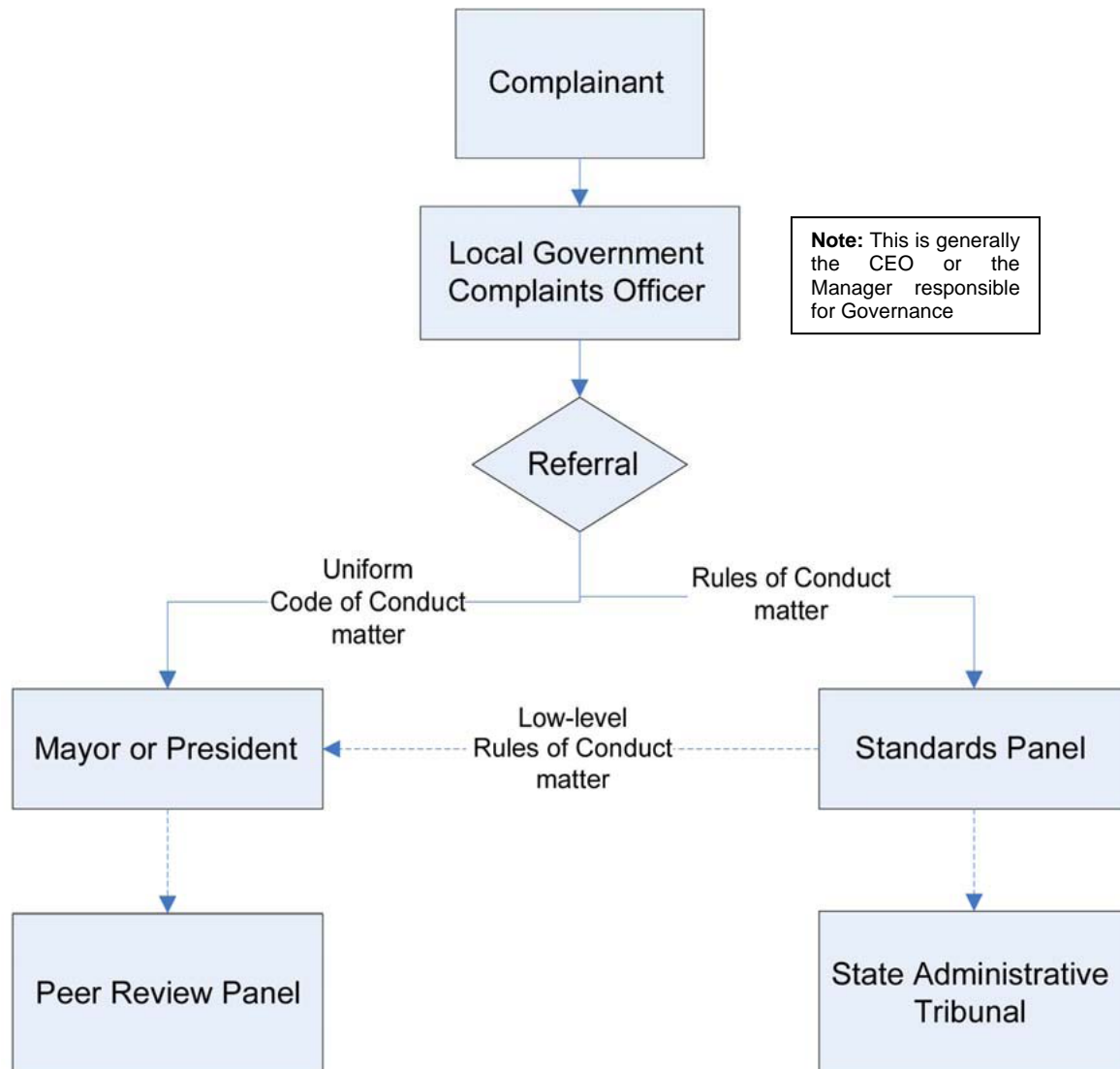


Figure One: Referral Process for Code and Rules of Conduct Complaints
(Source: Consultation Paper)

Guidelines will be developed to assist Mayors and Presidents and the Peer Review Panel members to ensure consistency, effectiveness, transparency, timeliness and accountability in the complaints process. Training will also be provided regarding dealing with complaints and settling disputes.

Comment

Apart from whether the introduction of new legislation will empower both local governments and the Standards Panel to deal with low level

misconduct matters at the local level, there are a number of other matters that require consideration including the updating of the Shire's Code of Conduct and the subsequent changes to Council policy in this regard.

Introduction of New Legislation: It is clear according to the Review, that at this point in time, the Standards Panel has its hands tied regarding the handling of complaints. The current legislation requires all allegations to be referred to it for investigation. In particular, minor matters are in the main taking far too long for a resolution to occur and in the majority of cases, as it turns out, are dismissed.

What is interesting is the model proposed in the Consultation Paper is recommending a local government handle matters of low level misconduct at a local level, when the trend in recent times has been for the Minister to undermine the sovereignty of local governments e.g. the introduction of legislation to limit the salaries of Chief Executive Officers.

The author considers from a governance perspective the Mayor or President having the ability to resolve the alleged low level misconduct of an elected member is warranted. A local government does not have this capacity at the moment. Even though each local government has a code of conduct, it is doubtful that a clear enough process exists for a Council to deal with the errant behaviour of an individual(s) elected member through such a document at a local level. Also, it is an opportunity to deal with these types of matters quickly.

However, the downside is whether those undertaking the Review have the capacity to mediate or undertake dispute resolution. Even if the matter is referred to a Peer Review Panel, time becomes a factor and even more so should the matter end up before the Standards Panel as a result of non compliance with a Peer Review ruling. There is also the issue of whether this matter is about "passing the buck" due to a lack of departmental resources.

The other issue here is that codes of conduct do vary from local government to local government and this does cause confusion for officers who move from one local government to another. This is even applicable for elected members who have moved from Council to Council.

The author considers that it may then be appropriate to have a Sunset clause in the legislation regarding a trial period of two years with a further 12 months in place to evaluate the effectiveness of the new process. If the new process is successful, then there is an opportunity for the new process to come into full effect. If the process has proved to be ineffectual then there is time to either resume the previous system or enhance it through giving the Standards Panel greater flexibility in dealing with issues for example dismissing vexatious claims.

Shire of Lake Grace Code of Conduct: The Shire's current code of conduct refers to both elected members and staff collectively. Should the new complaints model come into being, the Shire's existing code of conduct will need to be replaced by the new uniform code of conduct for elected members and thus a new separate code of conduct developed and

put in place regarding staff. The Department has clearly indicated in the past that there should be separate codes of conduct for elected members and staff as this in itself is good governance.

The Shire's Code of Conduct is also adopted as a policy. As such *Policy 1.8 Code of Conduct* states that: "the Code of Conduct for Elected Members on the following pages be adopted as policy inclusive of the following:

- Value of a Token Gift - \$200.00
- Value for purpose of hospitality - \$50.00".

The problem with the policy the way it is at the moment is that it calls up the current Code of Conduct which clearly refers to both elected members and staff and not just elected members as stated in the policy statement. The author believes that the Code of Conduct policy should be rescinded and separate stand alone codes of conduct for elected members and staff adopted.

RISK ANALYSIS

There are a number of risks to the successful outcome regarding the implementation of a locally based solution for dealing with misconduct complaints of a low level nature:

| Risk | Impact | Likelihood | Treatment |
|--|--------|------------|---|
| Capacity of Mayor or President to undertake mediation or dispute resolution | High | Medium | Guidelines, training and peer support (mentoring) |
| Mayor or President's recommendation not accepted | High | Low | Outcome referred to Peer Review Panel for determination with similar range of actions available to Mayor or President |
| Matter referred to Peer Review Panel could drag out process and if outcome not complied with a further delay could be experienced when referred to the Standards Panel | High | Low | There is sufficient evidence for the Committee to participate in a workshop on this issue and then make a recommendation on the construction type (materials), method (e.g. Shire builders) and budget. |
| Reluctance of local government to support process | High | Medium | Introduce Sunset clause into legislation with the capacity to undertake a review. If process unsuccessful then Standards Panel at least needs the capacity to dismiss vexatious allegations |

Table One: Risk Analysis Regarding Implementation of Locally Based Solution for Dealing with Low level Misconduct

Conclusion

The Review recommends the implementation of legislation that will introduce the dealing of low level misconduct at a local level. This will occur in two situations: the first will deal with breaches of a new code of conduct applicable to all elected members throughout Western Australia; the second where a matter of misconduct has been referred to the Standards Panel, but the Panel refers the matter to the relevant Mayor or President to deal with.

As such, this will mean that local governments throughout Western Australia will have the opportunity to deal with matters on a local level and thus become empowered regarding the pursuit of good governance. Although this does mean developing further the skill set of the local Mayor or President regarding mediation and dispute resolution, this is not a bad thing as it provides the opportunity for the matter to be resolved “in-house” in what should be a quick and effective way.

However, the contentious issue is where the Mayor’s or President’s recommendation is not accepted. Further time will be taken should it go to a Peer Review Panel. If this also falls over, then the Standards Panel must intervene. In this instance the process must have serious resourcing behind it otherwise the new system will not be any better than what is in existence at the moment.

Accordingly, it would be appropriate to recommend the adoption of a Sunset clause in the new legislation regarding this process for a two year period with a further 12 months to evaluate the effectiveness of the new system of handling low level misconduct matters at the local level. If successful, the new process becomes enshrined in the Act and appropriate regulations, if unsuccessful, then there is time to look at the alternatives including enhancing the existing system through giving the Standards Panel the capacity to dismiss vexatious claims.

Should the outcomes of the Review be adopted, then the Shire will need to implement new separate codes of conduct for elected members and staff accordingly.

Legal Implications

Local Government Act 1995

- Section 5.103 – Codes of Conduct i.e. a local government is to prepare or adopt a code of conduct to be observed by council members, committee members and employees.
- Section 5.104 – Other regulations about conduct of council members: Refers to the guiding principles referred to in the Local Government Rules of Conduct Regulations 2007
- Section 5.105 – Section 5.125 - Breaches by council members

Local Government (Administration) Regulations 1996

Section 34C – Codes of conduct (disclosure of interests affecting impartiality)

Local Government (Rules of Conduct) Regulations 2007

Details the general principles of council member behaviour and the rules of conduct.

Local Government (Official Conduct) Amendment Act 2007

Introduced the mechanisms outlined in the *Local Government (Rules of Conduct) Regulations 2007*

Compliance Framework – Building Good Governance in Western Australian Local Governments (Department of Local Government)

Details the approach to ensure the highest level of integrity of the local government sector

Policy Implications

Nil

Consultation

External: Bruce Wittber – Executive Officer Central Country Zone
Helen Westcott – BHW Consulting
James McGovern – Manager Governance – WALGA
Gary Martin – Re Codes of Conduct previously

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

Financial Implications

Nil.

Strategic Implications

Shire of Lake Grace Strategic Plan

Focus 6 - Leadership

Provide a visionary and proactive approach at an operational and strategic level.

Voting Requirements

Simple majority required.

Recommendation/Resolution

MOTION 11406

Moved Cr Milton
Seconded Cr Newman

That Council:

1 Endorses the views put forward by the Chief Executive Officer to the Western Australian Local Government Association (and the Central Country Zone) supporting the implementation of a locally based solution for dealing with misconduct complaints of a low level nature as outlined in the Resolution of Misconduct Complaints at the Local Level Consultation Paper including:

1.1 The development of a uniform Code of Conduct for elected members that is applicable to all local governments.

1.2 The introduction of a framework for handling complaints at the local level. Specifically, such complaints would include:

- a. Complaints relating to breaches of the uniform code of conduct.
- b. Complaints relating to breaches of the Rules of Conduct which are considered by the Standards panel to be low level and better dealt with at the local level

MOTION 11406 continued

1.3 The improved processes for dealing with trivial or vexatious complaints which would allow the Standards Panel to reject such complaints.

1.4 However, the Shire of Lake Grace considers it appropriate for the introduction of a Sunset clause in the legislation regarding a trial period of two years with a further 12 months in place to evaluate the effectiveness of the new process regarding the handling of low level misconduct matters at the local level. If the new process is successful, then there is an opportunity for the new process to come into full effect. If the process has proved to be ineffectual then there is time to either resume the previous system or at least enhance it through giving the Standards Panel greater flexibility in dealing with issues that come before it including the capacity to dismiss vexatious claims.

1.5 Is concerned regarding the limited time that the Shire of Lake Grace has had to respond on this matter.

2. Recognises that there is a need to review the Code of Conduct and Policy 1.8 – Code of Conduct including the need to create separate codes of conduct for the Shire's elected members and for staff.

MOTION CARRIED 7/0

15.5 **REVIEW OF ROYALTIES FOR REGIONS COUNTRY LOCAL GOVERNMENT FUND**

| | |
|--------------------------------|---|
| Applicant: | Minister for Regional Development |
| File No. | 0666 |
| Attachments: | Ministerial Media Statement 10 April 2012 Executive Summary Review of the Royalties for Regions Country Local Government Fund January 2012 |
| Author: | Mr Sean Fletcher Chief Executive Officer |
| Disclosure of Interest: | Nil |
| Date of Report: | 13 April 2012 |
| Senior Officer: | Mr Sean Fletcher Chief Executive Officer |

Summary

The purpose of this report is to put forward for consideration the draft submission by the Shire of Lake Grace on the outcome of the review of the Royalties for Regions – Country Local Government Fund.

Background

The Minister for Regional Development has encouraged all of those with an interest in the review of the Country Local Government Fund to read the report by the Western Australian Regional Development Trust (Trust) and provide feedback by Friday May 11, 2012.

WALGA has also requested that local governments provide a copy of their response for its submission by 3 May 2012.

COMMENCEMENT OF THE REVIEW

The Minister for Regional Development and Lands referred the Country Local Government Fund (CLGF) to the Trust for review in an independent, evidence-based manner by 31 January 2012.

The Trust is an independent statutory body established under the *Royalties for Regions Act 2009 (Act)* that provides advice and recommendations on the allocation and management of funds from the CLGF.

The purpose of the Review is to determine whether there is a continuing need for the CLGF. If there is a continuing need, then the Review must consider in what form with what budget parameters and with what purpose.

The Terms of Reference for the Review are:

“Overall, whether there is a continuing need for the CLGF, and if so, in what form, with what budget parameters, and with what purpose.

1. The extent to which the stated aims of the CLGF are being met, in particular, have the objectives of the CLGF been materially achieved:

- how the CLGF is addressing local governments' infrastructure backlogs and enhancing local governments' capacity building
 - how the financial sustainability of country local governments is being improved through improved asset management
 - the effectiveness of funds directed to voluntary amalgamation
 - how CLGF is assisting groups of country local governments to fund larger scale infrastructure projects
 - the effect or impact of funds allocated under the CLGF.
2. Whether country local government or the Department of Regional Development and Lands has experienced difficulties in applications and approvals, executing, acquitting, reporting, or managing projects under the CLGF.
 3. The efficacy of the current formula in allocating funds to individual and groups of local governments, including whether this approach should be retained reformed or replaced
 4. The appropriate proportional allocation of funding between individual, group and regional components over time
 5. The scope of initiatives that should be funded and in particular, whether the existing focus on infrastructure and capacity building should be retained, narrowed, broadened or otherwise changed
 6. Matters that would improve the efficiency and effectiveness of the Fund's implementation including the existing processes for forward capital works development, and business plan development.
 7. Any other relevant matters.”

The Trust wrote to all country local governments (109 in all) seeking submissions, which were to be with the Trust no later than 31 October 2011. WALGA also wrote to the Shire seeking feedback by 12 October 2011 with a particular emphasis on Terms of Reference 1, 2 & 6 to guide a comprehensive submission to the Review.

SHIRE OF LAKE GRACE SUBMISSION

The author addressed each item listed in the terms of reference and provided not only a copy of the Shire's draft submission but a summary of the key points in a report to Council at the meeting on September 2011: The summary was as follows:

Terms of Reference 1

The overall effect or impact of the funds allocated under the CLGF for the Shire of Lake Grace has been positive. The CLGF has allowed the Shire to commence addressing its infrastructure backlog that includes constructing a range of infrastructure that it would have struggled to implement within a reasonable time frame. The CLGF has also allowed the Shire to work in with other local governments and come up with a regional showcase project that will

see the completion of aged accommodation units that in turn will keep people longer within their respective communities.

The other key impact of the CLGF is its influence on strategic and corporate planning. In particular, the Shire of Lake Grace can now see how ongoing access to the CLGF will help with the development of a meaningful Strategic Community Plan that takes into account population growth.

The scope of the funding should be opened up to allow the purchase of relevant plant and equipment such as those items that help maintain a country local government's assets. Funding for the purchase of land that supports a CLGF project is welcomed. There should also be funding to support services that promote healthy communities.

Terms of Reference 2

The Shire of Lake Grace has experienced difficulties with some of its CLGF projects. The main issue has been to do with executing and managing projects. The original program was too narrow in its focus regarding the time needed to complete projects. As a general rule of thumb, two or more years are required to complete infrastructure projects. The first year is dedicated to planning and seeking funding. The second year (and beyond if required) is dedicated to construction and acquittal of the funding. However, some flexibility would now appear to be available to allow staging of a project.

Terms of Reference 4

The Shire of Lake Grace believes that the local component of the CLGF should be retained and not phased out. After the current arrangements of 50/50 between the local component and the regional component are completed, the local component should continue. Ideally, this would be 35% for local projects and 65% for regional projects.

Terms of Reference 6

There are a number of matters for consideration that would improve the efficiency and effectiveness of the Fund's implementation including:

- Streamlining the number of documents and reports that country local government is required to compile;
- On-line application, monitoring and reporting similar to that used by the Roads to Recovery Program, a number of Commonwealth Departments and now some State Government Departments would alleviate the level of frustration the Shire experiences in tracking the Fund.

It is debatable whether forward capital works plans are required given that the Shire is developing a new corporate plan and is in the process of implementing a long term financial plan as an informing strategy under the Integrated Planning process that takes into account asset management plans.

The requirement for a business plan for the allocation of funds to a suitable CLGF Regional project has worked extremely well. The provision of funding

through the Development Commissions for the development of the regional business cases was well received.

The author's conclusion was that there was no doubt that there is an ongoing need for the CLGF. The Shire of Lake Grace has strongly benefitted to date from what the CLGF has provided and will continue to do so as long as the funds are made available. Projects as a result of the CLGF are either fully funded, or have been able to leverage funds from other sources.

REPORT ON THE REVIEW

The report is some 346 pages in length, with the Trust making 26 recommendations against the Review's terms of reference.

In all the Trust held 18 separate consultations including meeting with the Central Country Zone in September 2011 attended by the past Shire President and the author and again with the author at a meeting with the LGMA in October 2011. The Trust also analysed 74 submissions including the one from the Shire of Lake Grace.

The submission by the Shire of Lake Grace, along with the submissions from the Shire of Williams, Shire of Wagin and Shire of Brookton, features prominently throughout the Report.

Chapter 2: Summary and Recommendations is provided for Council's reference. The full report is available from the author or can be downloaded online from www.rdl.wa.gov.au

Comment

The Trust states in the report that its (p10) "own observations in the regions, and the CLGF consultation and written evidence, all confirm that the CLGF is highly regarded and valued as a WA Government program. There is almost universal support in regional WA for its continuation". The report goes on to say that the CLGF has been, and is, an innovative and practical program delivering 1 000 projects from 2008/09 to 2010/11 and has noticeably contributed to improving the social and economic fabric of regional WA.

The report also comments that the evidence gathered includes sharp criticism as well as many constructive proposals on the way to improve the program.

There are a number of questions that the Trust developed in response to the Terms of Reference to reach a series of conclusions and hence the 26 recommendations. The questions are discussed as follows:

What is the purpose of the CLGF?

The Trust states that the CLGF investment must promote, facilitate or support the existing economic, social base and significant and sustainable development and growth in WA country towns and cities in WA's rural areas, through the medium of County Local Governments. The Act must be more clearly defined to reflect this (Recommendation 2).

The Report through Recommendation 3 does support the CLGF continuing at the current level of budget allocation and that although a strategic focus does need to be built in there is still a need to address relevant smaller local infrastructure requirements that are valued by country local government communities. There is also a need for the Minister for Regional Development to appropriate funds for allocation to individual local governments and groups of local governments selected against defined criteria.

In short the Trust has recommended that the CLGF should continue with current or increased funding and should become more strategic and outcomes focussed. The focus of the CLGF will continue to be:

- Infrastructure creation and renewal (Recommendation 2.2);
- Local Government capacity building (Recommendations 2.3; 10.1; 23 and 24); and
- The facilitation of amalgamations (Recommendation 6 and Recommendation 10.2). The Minister for Local Government in his submission stated that there are 30 local governments in the Wheatbelt and Great Southern with declining population. The Minister also states that those who have not embraced reform should also be excluded from receiving the CLGF. The report concludes (p80) that 46 out of 109 local governments would be affected (including Lake Grace).

What should be funded? (Recommendations 5 and 6)

The Report states that in the main the CLGF had got it right in terms of what should be funded. So infrastructure asset creation, preservation or renewal should continue through individual local governments or through groups of local governments. In hand with this Forward Capital Works Plans and Asset Management Plans must stay in place to provide a better planning, improve financial sustainability of local governments and thus lessen the burden on ratepayers.

The matter of amalgamation is raised very strongly throughout this point. Page 26 under recommendation 6 discusses the need for Regional Development and Lands to consult with the Department of Local Government and WALGA to review the basis on which CLGF funding will be provided for the amalgamation of selected country local governments, to improve the likelihood of amalgamation occurring. On page 197, the Trust states it agrees that the proposed amalgamation of a number of local governments is an essential move towards financial sustainability.

How much money is needed? (Recommendations 7 and 8)

The Report concludes that the amount needed to date is a conservative estimate and that better data is required through more accurate Forward Capital Works Plans. This would lead to increased funding. There is also a need to identify better ways of using the CLGF to leverage other funding.

Who should be funded? (Recommendations 9, 10 and 11)

On page 16, the Report says that the CLGF should not be used to prop up unsustainable local governments. The Trust recommends keeping both the local and regional component of the fund, although it does not recommend what the split should be.

The 43 Wheatbelt local governments (39% of all country local governments) get 31% of the funding pool but only houses 13% of the regional population.

The Report throughout does discuss the need to broaden the funding criteria such as for plant and healthy initiative outcomes as stipulated in the submission put forward by the Shire of Lake Grace.

How should they be funded?

Recommendation 12 suggests the introduction of two funding pools: a contestable funding pool and a non-contestable grants pool. Many local governments would continue to receive a fixed allocation because they are considered a worthwhile risk. With the contestable pool there will be an opportunity to apply for a greater level of funding for a local project.

This approach therefore introduces “outcomes” or “strategic focus” rather than an “entitlement focus”. Page 197 of the Report comments further “what should be funded is predicated on the ability to spend the funds. There are real constraints on many local CLGs expanding their capital works programs. The CLGF is not Shire welfare”. In other words, there must be a better targeting of the funds. However, what this new system will mean is that some local governments would miss out on receiving the CLGF altogether and in particular those considered unsustainable.

Recommendation 13 states (as per the Lake Grace submission) that funding from 1 July 2013 is allocated on project time basis and not on a budget year basis. This is warmly welcomed.

The Report does state that many local governments do qualify as “regional” or regional sub centres” on their own. In particular, those with very large square kilometre areas, country cities such as Albany and those designated as Supertowns or those rated with high growth prospects.

Page 20 of the Report suggests that there should be an assessment criteria similar to that used through the Supertowns process to rate growth prospects and thus prioritise funding. The ability of local governments to compete for contestable funds should be linked to an assessment of their capability (hence the need for some type of risk analysis).

Who makes decisions on what basis? (Recommendations 14,15 and16)

In essence the Trust is recommending the introduction of a risk assessment to determine who should be excluded from the CLGF. The Regional Development Commissions would play a key role in this process.

What will deliver the best outcomes? (Recommendations 17 – 22)

The Report recommends that there has to be great on the ground engagement with the deliverers of the CLGF. In other words the allocation of more resources (staff) to get out of the ivory tower and meet face to face with local governments when evaluating projects.

The Report clearly recommends reducing the burden of red tape as suggested and that there should be a streamlining of reporting through only having to report

once and to use features from the Commonwealth's Road to Recovery website to improve the CLGF e.g. approvals and reporting of projects. This is in keeping with a key recommendation made by the Shire of Lake Grace.

Capacity Building (Recommendations 23 – 26)

As per the section on "What is the purpose of the CLGF?"

WALGA's Concerns

WALGA has raised a number of concerns with the report including a potential issue for the sector regarding the enhanced role proposed for the Department of Regional Development and Lands as assessors of Local Governments. As can be seen from the above, WALGA comments that the Trust has recommended funding to Local Governments from the CLGF be contingent on Regional Development and Lands (RDL) assessments of Local Governments in terms of prospects, capability, capacity and risk. The Trust has also recommended that RDL analyse all Local Government Forward Capital Works Plans to ascertain infrastructure status, needs and priorities of each Local Government. The Trust envisages that RDL's assessment and rating process may deem some Local Governments ineligible for one or both pools of funding.

This then is a particular issue of concern for the Local Government sector. If the Trust's recommendations are implemented, some Local Governments, potentially with the least financial capacity and a significant infrastructure backlog, may be determined as ineligible for CLGF funding.

Changes to the accountability requirements for the CLGF are also proposed. The report suggests that Local Government audit processes could be refined to provide a thorough assessment of CLGF projects to prevent multiple auditing of projects. The Trust also recommends the standardisation of Local Government accounting systems, asset management systems, depreciation systems and forward capital works plans.

A positive recommendation from the Trust is the move from the current 'financial year' approach to a 'project time' approach. The Association argued for this change in its submission to the *Issues Paper*. As stated earlier by the author, the Shire of Lake Grace was a strong advocate for this approach.

Another positive proposal from the Trust is the recommendation that the Department of Regional Development takes a less 'desktop' based approach to administering the CLGF. It is recommended that RDL project officers get out into the country to directly liaise with Local Governments involved in CLGF projects.

The Trust has also recommended that the role and involvement of the Regional Development Commissions be clarified in future iterations of the CLGF.

Risk Analysis

It is in the Shire's and Council's best interests to put forward further comment on the outcomes of the review into the Country Local Government Fund because the changes proposed will have a major impact on the services and support that the Shire will provide to its communities in the future.

Conclusion

The report handed down by the Trust is comprehensive, well considered and is, overall, an excellent document. The lynch pin of the Review has been about protecting the integrity of the program. The Trust believes that Regional Development and Lands should prospect rate (balance need with projects) those who receive the funding (the grantees) and combining this approach with risk rating. As per Recommendation 3, the Trust has recommended to the Minister that the Country Local Government Fund continue.

The original intent of the Country Local Government Fund was to help all regional local governments address their infrastructure backlog in the first instance. Over time though (2013/14), 100% of funding from this program would then transition to groups of local governments or a key regional local government to deliver regional projects.

However, many local governments have found that they are in the situation of relying on continued funding from the CLGF to help their communities get ahead. This is certainly the case for the Shire of Lake Grace. Some long outstanding needs of the respective communities are being met. For example: the Lake Grace Childcare Centre, the Newdegate Townsite Rejuvenation Project in terms of the Medical Centre and now the aged units, as well as key community spaces in Lake King and Varley re the respective community halls.

The key issue then is making sure that there is no over investment in any one particular area. Given that the Shire must implement a Strategic Community Plan underpinned by good business and planning practices, the application of sound asset management practices is one way to overcome this issue. However, the author is still not convinced that Forward Capital Work Plans are applicable given that there must be an asset management plan in any case.

On the matter of whether there should be two funding pools, this would be appropriate. However, the author considers it inappropriate to withhold the CLGF from those small local governments that may be considered unsustainable. Nor does the author consider that the CLGF should be used to foster amalgamations. The Trust should look at what has happened to rural Victoria in communities where amalgamations have resulted in an under investment in local towns.

If the Trust's 26 recommendations are implemented, there will be changes to the nature of the Country Local Government Fund and the way it is allocated to local governments from July next year. As such, the Shire has been presented with the opportunity to comment on the findings of the Trust. The issue is whether the Shire supports these findings and whether it shares the concerns put forward by WALGA.

In conclusion, the author recommends to Council that a response is provided to the Trust and WALGA that the Shire's comments on the outcomes of the Review are as follows:

1. Supports the general thrust of the Review i.e. the Country Local Government Fund should continue and that the local and regional components are retained with better defined criteria.
2. Welcomes the move from the current ‘financial year’ approach to a ‘project time’ approach.
3. Embraces the positive proposal from the Trust is the recommendation that the Department of Regional Development takes a less ‘desktop’ based approach to administering the CLGF.
4. Supports the conclusion that there is no over investment in any one particular area. Given that local government must implement a Strategic Community Plan underpinned by good business and planning practices, the application of sound asset management practices is one way to overcome this issue. However, the Shire is still not convinced that Forward Capital Work Plans are applicable given that there must be an asset management plan in any case.
5. On the matter of whether there should be two funding pools, this would be appropriate. However, the Shire considers it inappropriate to withhold the CLGF from those small local governments that may be considered unsustainable. Nor does the Shire consider that the CLGF should be used to foster amalgamations. The Trust should look at what has happened to rural Victoria in communities where amalgamations have resulted in an under investment in local towns considered “unsustainable”.
6. Welcomes the proposed initiatives to reduce multiple “auditing” and recommendation on the need for the standardisation of systems and practices regarding key financial management practices including asset management.

Legal Implications

Royalties for Regions Act 2009.

Policy Implications

Nil

Consultation

External: Bruce Wittber – Executive Officer Central Country Zone
Tony Brown – Executive Manager WALGA
CEOs 4WD and Lakes VROC meeting 12 April 2012

Internal: Senior Management Team

Financial Implications

Nil.

Strategic Implications

Shire of Lake Grace Strategic Plan

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

Focus 7 - Provide sound and effective leadership in physical and financial management to maintain a strong and flexible workforce that is well resourced

to deliver infrastructure and services to businesses and communities within the Shire.

Voting Requirements

Simple majority required.

Recommendation/Resolution

MOTION 11407

Moved Cr Milton
Seconded Cr Chappell

That the Shire of Lake Grace submits to the Western Australian Regional Development Trust and the Western Australian Local Government Association its submission on the Report on the Review of the Royalties for Regions Country Local Government Fund as follows:

1. Supports the general thrust of the Review i.e. the Country Local Government Fund should continue and that the local and regional components are retained with better defined criteria.
2. Welcomes the move from the current 'financial year' approach to a 'project time' approach.
3. Embraces the positive proposal from the Trust is the recommendation that the Department of Regional Development takes a less 'desktop' based approach to administering the CLGF.
4. Supports the conclusion that there is no over investment in any one particular area. Given that local government must implement a Strategic Community Plan underpinned by good business and planning practices, the application of sound asset management practices is one way to overcome this issue. However, the Shire is still not convinced that Forward Capital Work Plans are applicable given that there must be an asset management plan in any case.
5. On the matter of whether there should be two funding pools, this would be appropriate. However, the Shire considers it inappropriate to withhold the CLGF from those small local governments that may be considered unsustainable. Nor does the Shire consider that the CLGF should be used to foster amalgamations. The Trust should look at what has happened to rural Victoria in communities where amalgamations have resulted in an under investment in local towns considered "unsustainable".
6. Welcomes the proposed initiatives to reduce multiple "auditing" and recommendation on the need for the standardisation of systems and practices regarding key financial management practices including asset management.

MOTION CARRIED 7/0

15.6 AUTHORISED OFFICERS - APPOINTMENTS

| | |
|--------------------------------|--|
| Applicant: | Chief Executive Officer |
| File No: | 0052 |
| Attachments: | Nil |
| Author: | Ms Heather Bell Senior Finance Officer |
| Disclosure of Interest: | Nil |
| Date of Report: | 18 April 2012 |
| Senior Officer: | Ms Samantha Appleton Manager Corporate Services |

Summary

The purpose of this report is for Council to appoint Authorised Persons to exercise power under the Local Government Act 1995, associated legislation and other Acts, on behalf of the Shire of Lake Grace.

Background

In accordance with a number of provisions of various Acts, Regulations and local laws, Council is required to appoint authorised persons to perform various authorised functions.

Authorisations are reviewed on an annual basis and updated to reflect staff changes. Following approval by Council the authorisations are gazetted and published in the Government Gazette.

Comment

(1) Section 3.24 of the Local Government Act 1995 enables a local government to expressly authorise a person(s) to exercise its executive powers under Division 3 of the Act.

These authorisations relate to certain provisions about land, including issuance of notices requiring certain things to be done by an owner or occupier of land in accordance with Schedule 3.1 of the Act. These can include matters relating to drainage requirements, safety issues and unsightly land. It is proposed to appoint Mr Sean Fletcher and Ms Samantha Appleton.

(2) Part 3 Division 3 Section 3.28 & 3.29 of the Local Government Act 1995 provides for Power of Entry eg. abandoned vehicles or home industry. For this purpose it is proposed to authorise Mr Sean Fletcher, Mr Martin Harrop, Ms Samantha Appleton, Mrs Lee-Anne Trevenen and Mr Ron Steed.

(3) Section 3.39 of the Local Government Act 1995 enables Council to appoint an authorised person for the purpose of removing or impounding of goods that are involved in a contravention, as prescribed by regulation or local law, that can lead to impounding. Mr Sean Fletcher, Ms Samantha Appleton and Mr Ron Steed are the authorised officers.

(4) For the purposes of s37 of the Control of Vehicles (Off-road Areas) Act 1978 the following staff members are designated as Authorised Officers – Mr Martin Harrop, Mrs Lee-Anne Trevenen and Mr Ron Steed.

(5) Section 9.10 of the Local Government Act 1995 provides for the appointment of authorised persons for the purpose of investigating the suspected commission of an offence against the Local Government Act 1995 and or the Shire's local laws (s9.11 & s9.15). Mr Martin Harrop, Mrs Lee-Anne Trevenen and Mr Ron Steed are the appointed officers.

For the subsequent issue of infringement notices in accordance with s9.13, s9.16 and 9.17 of that Act, Mr Sean Fletcher, Ms Samantha Appleton and Mr Ron Steed are to be appointed.

(6) The extension of the payment period (s9.19) and/or the withdrawal of the notice (s9.20) is to be authorised by the Chief Executive Officer Mr Sean Fletcher or Manager Corporate Services Ms Samantha Appleton.

(7) Furthermore, in accordance with s449 of the Local Government (Miscellaneous Provisions) Act 1960, a local government may establish and maintain one or more public pounds and may appoint persons to be keepers of those pounds so as to have care, control and management of those pounds. Mr Gary Den Ridder and Mr Robert Palmer are appointed as Pound Keepers. Mr Ron Steed is appointed as Ranger.

(8) Pursuant to the Dog Act 1976 the Shire is required to appoint "Registration Officers" to effect the registration of dogs pursuant to the requirement of the Act.

The following staff members along with Mr Ron Steed are appointed as authorised "Registration Officers":

- Ms Samantha Appleton
- Ms Heather Bell
- Ms Nicola Bateman
- Mrs Anna Naisbitt

(9) Pursuant to s27 of the Health Act 1911 Council may appoint an Environmental Health Officer to perform such duties as the local government from time to time directs and also such as are specifically prescribed by any order of the Executive Director, Public Health. Mr Maurice Walsh is the appointed Environmental Health Officer.

(10) Pursuant to s59(2)(a) of the Bush Fires Act 1954 a local government may institute or carry on proceedings, including the issue of infringement notices, against a person for an offence alleged to have been committed against the Act. For the purposes of proceedings, Council has delegated its authority to the Chief Executive Officer (s59(3)) who has on-delegated (see Delegations Register – Other 03) to the Manager of Corporate Services. Mr Ron Steed and Mr Marcus Owen are also included.

(11) Pursuant to s17 of the Caravan Parks and Camping Grounds Act 1995 the Chief Executive Officer may appoint such persons to be authorised persons for the purposes of the Act. An authorised person may enter and inspect premises to ensure compliance with the requirements of the Act.

The Chief Executive Officer has appointed Mr Maurice Walsh as an authorised person for the purposes of the Caravan Parks and Camping Grounds Act 1995.

(12) For the purposes of s26 of the Litter Act 1979, All Staff are deemed to be authorised officers. Mr Ron Steed is also included.

Consultation

N/A

Legal Implications

Local Government Act, 1995

Local Government (Miscellaneous Provisions) Act 1960

Bush Fires Act 1954

Dog Act 1976

Health Act 1911

Litter Act 1979

Control of Vehicles (Off-Road Areas) Act 1978

Caravan Parks and Camping Grounds Act 1995

Cemeteries Act 1986

Policy Implications

N/A

Financial Implications

N/A

Strategic Implications

Provides for the good governance of the Shire.

Recommendation

That Council appoint the following persons as “Authorised Officers” in respect to the requirements of the specified Acts:

(1) Local Government Act 1995, Part 3, Division 3, Subdivision 2, Certain provisions about land - s3.24 (relates to the issuing of notices):

- Sean Fletcher
- Samantha Appleton

(2) Local Government Act 1995, Part 3 Division 3 Section 3.28 & 3.29 of the Local Government Act 1995 provides for Power of Entry (relates to abandoned vehicles or home industry):

- Sean Fletcher
- Martin Harrop
- Samantha Appleton
- Lee-Anne Trevenen
- Ron Steed

(3) Local Government Act 1995, Part 3, Division 3, Subdivision 4, impounding goods involved in certain contraventions – s3.39 (relates to the power to remove and impound):

- Sean Fletcher
- Samantha Appleton
- Ron Steed

(4) Local Government Act 1995, Part 9, Division 2, Subdivision 1, Miscellaneous provisions about enforcement – s9.10, s9.11 and s9.15; and **Control of Vehicles (Off-Road Areas) Act 1978** – s37 (relates to the fining of a person committing an offence):

- Martin Harrop
- Lee-Anne Trevenen
- Ron Steed

(5) Local Government Act 1995, Part 9, Division 2, Subdivisions 1 & 2, Miscellaneous provisions about enforcement and infringement notices – s9.13, s9.16 and s9.17: (relates to the issuing of notices):

- Sean Fletcher
- Samantha Appleton
- Ron Steed

(6) Local Government Act 1995, Part 9, Division 2, Subdivision 2, Miscellaneous provisions about enforcement – s9.19 and s9.20 (relates to amendment of notices):

- Sean Fletcher
- Samantha Appleton

(7) Local Government (Miscellaneous Provisions) Act 1960 – s449 Local governments may establish pounds, appoint pound keepers and Rangers:

- Gary DenRidder (Pound Keeper)
- Robert Palmer (Pound Keeper)
- Ron Steed (Ranger)

(8) Dog Act 1976 – Registration Officers

- Samantha Appleton
- Heather Bell
- Nicola Bateman
- Anna Naisbitt
- Ron Steed

(9) Health Act 1911 – s27 Appointment of Environmental Health Officer

- Maurice Walsh

(10) Bush Fires Act 1954 – s59(2)(a) and (3) – Issue of infringement notices, Council Delegation – Other 03

- Samantha Appleton
- Marcus Owen
- Ron Steed

(11) Caravan Parks and Camping Grounds Act 1995 – s17 Authorised Persons

- Maurice Walsh

(12) Litter Act 1979 – s26

- All Shire Staff

Voting Requirements

Simple majority required.

Recommendation/Resolution

MOTION 11408

Moved Cr Milton
Seconded Cr Newman

That Council appoint the following persons as “Authorised Officers” in respect to the requirements of the specified Acts:

(1) Local Government Act 1995, Part 3, Division 3, Subdivision 2, Certain provisions about land - s3.24 (relates to the issuing of notices):

- Sean Fletcher
- Samantha Appleton

(2) Local Government Act 1995, Part 3 Division 3 Section 3.28 & 3.29 of the Local Government Act 1995 provides for Power of Entry (relates to abandoned vehicles or home industry):

- Sean Fletcher
- Martin Harrop
- Samantha Appleton
- Lee-Anne Trevenen
- Ron Steed

(3) Local Government Act 1995, Part 3, Division 3, Subdivision 4, impounding goods involved in certain contraventions – s3.39 (relates to the power to remove and impound):

- Sean Fletcher
- Samantha Appleton
- Ron Steed

(4) Local Government Act 1995, Part 9, Division 2, Subdivision 1, Miscellaneous provisions about enforcement – s9.10, s9.11 and s9.15; and **Control of Vehicles (Off-Road Areas) Act 1978** – s37 (relates to the fining of a person committing an offence):

- Martin Harrop
- Lee-Anne Trevenen
- Ron Steed

(5) Local Government Act 1995, Part 9, Division 2, Subdivisions 1 & 2, Miscellaneous provisions about enforcement and infringement notices – s9.13, s9.16 and s9.17: (relates to the issuing of notices):

- Sean Fletcher
- Samantha Appleton
- Ron Steed

MOTION 11408 continued

(6) Local Government Act 1995, Part 9, Division 2, Subdivision 2, Miscellaneous provisions about enforcement – s9.19 and s9.20 (relates to amendment of notices):

- Sean Fletcher
- Samantha Appleton

(7) Local Government (Miscellaneous Provisions) Act 1960 – s449 Local governments may establish pounds, appoint pound keepers and Rangers:

- Gary DenRidder (Pound Keeper)
- Robert Palmer (Pound Keeper)
- Ron Steed (Ranger)

(8) Dog Act 1976 – Registration Officers

- Samantha Appleton
- Heather Bell
- Nicola Bateman
- Anna Naisbitt
- Ron Steed

(9) Health Act 1911 – s27 Appointment of Environmental Health Officer

- Maurice Walsh

(10) Bush Fires Act 1954 – s59(2)(a) and (3) – Issue of infringement notices, Council Delegation – Other 03

- Samantha Appleton
- Marcus Owen
- Ron Steed

(11) Caravan Parks and Camping Grounds Act 1995 – s17 Authorised Persons

- Maurice Walsh

(12) Litter Act 1979 – s26

- All Shire Staff

MOTION CARRIED 7/0

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| 16.0 INFORMATION BULLETIN |
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16.1 INFORMATION BULLETIN REPORT – APRIL 2012

| | |
|--------------------------------|---|
| Applicant: | Executive Services |
| File No. | N/A |
| Attachments: | <ol style="list-style-type: none"> 1. Annual Grants Register 2. Council Status Report 3. Letter – Minister for Health 4. Letter – Parliamentary National Party of Australia (WA) 5. Letter – Dept of Regional Development and Lands 6. Minutes-Wheatbelt Railway Retention Alliance 7. Media Statement – John Hyde MLA |
| Author: | Mrs Jeanette Bennett Executive Assistant |
| Disclosure of Interest: | Nil |
| Date of Report: | 16 April 2012 |
| Senior Officer: | Mr Sean Fletcher Chief Executive Officer |

Summary

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

Background

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

A copy of other relevant Councillor information is distributed via email and the weekly mail-out.

Comment

The information at attachment includes:

1. Grants Register

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

2. Council Status Report

Tracks the progress of Council resolutions.

3. Letter – Minister for Health

The Minister for Health has replied to the Shire's letter regarding Shire and community concerns about health infrastructure and associated medical services.

4. Letter – Parliamentary National Party of Australia (WA)

Letter from Vincent Catania MLA, Secretary to the Parliamentary National Party regarding the Local Government Amendment Bill and the exclusion clause for CEO remuneration packages.

5. Letter – Dept of Regional Development and Lands

Letter regarding invitation to the official opening of the Lake Grace Childcare Centre

6. Minutes – Wheatbelt Railway Retention Alliance

Minutes of the Wheatbelt Railway Retention Alliance Meeting held at the York Recreation and Convention Centre on Friday 30 March 2012. Deputy Shire President Cr Ian Chamberlain attended the meeting on behalf of the Shire of Lake Grace.

7. Media Statement – John Hyde MLA

Shadow Minister for Local Government John Hyde's media statement regarding the State Government's move to reduce the interest charged on overdue council rate payments from 11% to 7%.

Legal Implications

Nil

Policy Implications

Nil

Consultation

Nil

Financial Implications

Nil

Strategic Implications

Shire of Lake Grace Strategic Plan

Voting Requirements

Simple majority required.

Voting Requirements

Simple majority required.

Officer's Recommendation Resolution

MOTION 11409

Moved Cr Chappell
Seconded Cr Sinclair

That Council accept the Information Bulletin report.

MOTION CARRIED 7/0

17.0 URGENT BUSINESS BY DECISION OF THE MEETING

Nil

18.0 SCHEDULING OF MEETING

18.1 MAY 2012 ORDINARY MEETING

Motion 11333 November 2011 states:

An Ordinary Meeting of Council will be held on Wednesday 23 May 2012, commencing at 4:00pm at the Newdegate Community Resource Centre, Collier St Newdegate WA.

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

No Confidential Business.

20.0 CLOSURE

There being no further business, the Chairperson closed the meeting at 3.40 pm.

21.0 CERTIFICATION

I Leonard William Armstrong certify that the minutes of the meeting held on the 26 April 2012 as shown were confirmed as a true record at the meeting held on the 23 May 2012.

Chairman

Date