

Shire of Lake Grace

Ordinary Council Meeting

Minutes

22 August 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 Wednesday 22 August 2012.

1.0 OPENING & ANNOUNCEMENT OF VISITORS

The Shire President opened the meeting at 3.10 pm.

2.0 ATTENDANCE RECORD

2.1 PRESENT

Cr LW Armstrong	Shire President
Cr IG Chamberlain	Deputy Shire President
Cr R Chappell	
Cr JF De Landgraftt	
Cr OP Farrelly	
Cr AI Milton	
Cr WA Newman	
Cr DP Sinclair	
Cr AJ Walker	
Mr PR Bradbrook	Acting Chief Executive Officer
Ms S Appleton	Manager Corporate Services
Mr M Harrop	Manager Infrastructure Services
Ms L Holben	Manager Community Services
Mrs J Bennett	Executive Assistant

2.2 APOLOGIES

Nil

2.3 LEAVE OF ABSENCE PREVIOUSLY GRANTED

None

3.0 PUBLIC QUESTION TIME

Nil

4.0 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

5.0 MINUTES OF PREVIOUS COUNCIL MEETINGS

5.1 ORDINARY MEETING – 25 JULY 2012

Resolution

MOTION 11491

Moved Cr Farrelly
Seconded Cr Sinclair

That the minutes of the Ordinary Meeting of Council held on the 25 July 2012 be confirmed as a true and accurate record.

MOTION CARRIED 9/0

6.0 DECLARATIONS OF INTEREST

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

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

6.3 DECLARATIONS OF IMPARTIALITY INTEREST – ADMINISTRATION REGULATION SECTION 34C

7.0 NOTICES OF URGENT BUSINESS

None

8.0 MOTIONS OF WHICH NOTICE HAS BEEN RECEIVED

8.1 NOTICE OF MOTION TO REVOKE A DECISION

The Shire President advised that as an outcome of the budget discussions held prior to this meeting this Notice of Motion is withdrawn.

Summary

The Shire President has advised a Notice of Motion to Revoke a Decision will be received from Crs Chamberlain, Newman & Sinclair.

Background

Council, at its 25 July Ordinary, moved the following at the recommendation of the Audit Committee:

MOTION 11480 - Moved Cr Newman & Seconded Cr Chappell

That:

1. *The quote from UHY Haines Norton for the provision of Audit Services for the years ended 30 June 2012, 30 June 2014 and 30 June 2015 at the annual fees of*

\$16,800, \$17,850 & \$18,900 (GST exclusive) respectively be accepted and UHY Haines Norton be advised;

2. The method of communication with Council be stipulated in the agreement with the Shire of Lake Grace;

3. Mr DJ Tomasi and Mr G Godwin of UHY Haines Norton be appointed as nominated Auditors for the Shire of Lake Grace for the period 1 July 2012 to 30 June 2015.

MOTION CARRIED 9/0

Reason

Reason for the proposed rescission being that, some Councillors now consider that the Shire should have sought submissions from other Auditors.

Legal Implications

As per Local Government Act 1995 section 5.25:

Regulations about council and committee meeting and committees

(1) Without limiting the generality of section 9.59, regulations may make provision in relation to-

(e) the circumstances and manner in which a decision made at a council or committee meeting may be revoked or changed (which may differ from the manner in which the decision was made).

As per the Local Government Act 1995, Local Government (Administration) Amendment Regulations 2005, Regulation 10, a notice of motion to revoke or change a decision is to be signed by at least 1/3 of the members of council.

Recommendation No 1

That Motion 11480 of the July 2012 Meeting be considered for rescission.

Recommendation No 2

That Motion 11480 of the July 2012 Meeting be revoked.

Recommendation No 3

That Council seek further expressions of interest / quotations from Auditors for the provision of Audit Services to the Shire of Lake Grace for a three (3) year term commencing 1 July 2012.

Voting Requirements

Absolute majority (5) required for Recommendations No 1 & No 2.

Simple majority required for Recommendation No 3.

Resolution

Notice of Motion withdrawn.

9.0 PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

Nil

10.0 MEMBERS' REPORTS

10.1 CR CHAMBERLAIN

Attended Local Government Week in early August, it was a rewarding time with information gained helpful to where we are at as a Council at the moment.

10.2 CR NEWMAN

Also attended Local Government Week, consider it the best there has been, the trade side was good and the networking excellent.

10.3 CR ARMSTRONG

Also attended Local Government Week, agree it was one of the best ones he has come across, the presentations and networking were excellent.

On Tuesday 31st July, just prior to Local Government Week, along with the Shire's Community Emergency Services Officer, Marcus Owen, attended the FESA awards ceremony for Employer Support to Volunteers and received an Award on behalf of the Shire of Lake Grace in recognition of its support to volunteer organisations.

Monday 13th August – attended a Lake Grace Development Association presentation in support of SIHI funding for renovations to the Lake Grace Hospital.

Tuesday 14th August – attended a meeting with the Department of Water, they are looking to put in place joint agreements with Shires for the upkeep of AA Dams in order to keep Government dams in a condition to conserve water.

Friday 17th August – met with representatives from Department of Agriculture and Food, Northam Office – they advised of their intent to close the Lake Grace Agriculture Offices. They would then either lease or sell the existing Agriculture Department building. Staff would be relocated.

11.0 MATTERS FOR CONSIDERATION – WORKS & SERVICES

No items for consideration.

12.0 MATTERS FOR CONSIDERATION – PLANNING

12.1 PROPOSED LOCAL PLANNING POLICY NO 6.4 – TIMBER PLANTATIONS

MOTION 11492

Moved Cr De Landgraft
Seconded Cr Milton

That Standing Orders be suspended at this time, being 3.29 pm to discuss the proposed policy.

MOTION CARRIED 9/0

MOTION 11493

Moved Cr Sinclair
Seconded Cr Chappell

That Standing Orders resume at 3.33 pm.

MOTION CARRIED 9/0

Applicant:	Shire of Lake Grace
File No.	0525
Attachments:	Attachment 1: Revised Draft Local Planning Policy No 6.4 – Timber Plantations
Author:	Mr Joe Douglas & Mr John Culmer Urban & Rural Perspectives -Town Planning Consultants
Disclosure of Interest:	Nil
Date of Report:	13 August 2012
Senior Officer:	Mr Peter Bradbrook Acting Chief Executive Officer

Summary

This report provides details of a revised draft local planning policy outlining Council's future possible position regarding the development of timber plantations and agroforestry on agricultural land throughout the Shire. It recommends that Council initiate the process required to provide for the future possible adoption of the policy under Local Planning Scheme No.4 including commencement of the required public advertising process.

Background

The proposed draft local planning policy entitled 'Timber Plantations' is an initiative of the Shire of Lake Grace in response to issues recently raised by Council and the local community regarding the future potential impacts of timber plantation developments within the Shire.

Under the terms of the Shire of Lake Grace's current operative Local Planning Scheme No.4 the establishment of 'agroforestry' or 'plantation' type uses on land classified 'General Agriculture' zone requires Councils' planning approval prior to the commencement of development.

Despite a number of broader provisions contained in LPS No.4 which can be used by Council to help control the future development and use of agricultural land for 'agroforestry' or 'plantation' type purposes, there are no specific provisions contained within the scheme which provide clear guidance for the development and use of such land for these purposes. Given this fact and the issues recently raised by Council and the local community regarding the future potential impacts of timber plantation developments within the Shire, a draft local planning policy has been prepared to outline Council's position in relation to the development of timber plantations throughout the Shire and the processes required to obtain the necessary approvals.

- The primary objectives of the proposed new policy are as follows:
- To facilitate a more consistent, efficient and effective planning process for timber plantation development throughout the Shire of Lake Grace.
- To encourage the establishment, management and harvesting of plantations in accordance with the Code of Practice for Timber Plantations in Western Australia.
- To support and encourage the development of timber plantations in the Shire for its combined economic, environmental and social benefits and its overall contribution to sustainability in agricultural areas.
- To ensure there are appropriate means of access to all timber plantations within the municipal district and that the Shire's existing and proposed road networks and public safety are not detrimentally affected by heavy haulage vehicles.
- To protect and enhance native remnant vegetation, wetlands and watercourses and assist in the reduction of salinity, water logging and soil erosion.
- To encourage planting areas with linkages to existing remnant vegetation on the same lot or adjacent lots.
- To achieve agroforestry and plantation designs which do not compromise the fire safety of the local community or the biodiversity, conservation and management of reserves.

Comment

On the 23rd May 2012 Council considered a preliminary draft version of the proposed timber plantation policy and resolved as follows:

That the draft policy be tabled until our Shire liaises with the Shire of Jerramungup and Ravensthorpe regarding this planning and bring forward the policy no later than the August Meeting.'

REASON FOR CHANGE: Council wishes to liaise with adjoining Shires to ensure the draft Timber Plantation policy is in keeping with their policies.

In accordance with Council's resolution the reporting officers initiated further discussions with the Shire of Jerramungup and Ravensthorpe's town planner to determine the effectiveness of those Shires' timber plantation policies and any significant issues associated with their implementation. These discussions confirmed that:

- i) The current policies in both Shires have proven reasonably effective;
- ii) The current policies are in the process of being reviewed with the aim of basing them upon broader environmental and catchment management principles including all associated mapping; and
- iii) The Shire of Jerramungup's policy has proven more effective in terms of ensuring that fire management and water buffer requirements are satisfied.

As a result of these discussions and further detailed review of the Shire of Jerramungup and Ravensthorpe's current policies, a number of modifications to the preliminary draft version of the Shire of Lake Grace's proposed new timber plantation policy have been made, a copy of which is provided in Attachment 1 to this report.

Should Council resolve to endorse the preliminary version of the attached revised draft policy, arrangements will be made by the Shire administration to advertise the document for public comment for a minimum period of twenty one (21) days in accordance with the specific requirements of Clause 2.4 of LPS No.4.

Following completion of the required public advertising process a follow up report will be prepared for consideration by Council. This report will provide details of the outcomes from public advertising (i.e. a summary of all submissions received), suggested modifications to the draft policy and a recommendation regarding its final adoption.

It should be noted that the proposed new policy, if finally adopted, will not bind Council in respect of any one application for planning approval. Council is however required to have due regard for the provisions of the policy and the objectives which the policy is designed to achieve before making its decision on any application received.

Legal Implications

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

Policy Implications

The proposed local planning policy aims to ensure that all planning applications for the development of 'agroforestry' or 'plantation' type uses on land classified 'General Agriculture' zone in the Shire are accompanied by sufficient relevant information and demonstrate compliance with a number of objectives, provisions and standards.

Consultation

A community consultation process is required to be undertaken by the Shire to formalise adoption of the proposed policy as a Local Planning Policy under Local Planning Scheme No.4. Community consultation will be undertaken for a minimum period of twenty one (21) days in accordance with the specific requirements of Clause 2.4 of LPS No.4.

Financial Implications

The Shire is responsible for meeting all costs associated with the preparation, advertising and adoption of the proposed new Local Planning Policy. The total cost of the project is estimated to be approximately \$3,000.00 excluding GST which will be covered by the Shire's current budget allowance for general town planning work in the 2012/2013 financial year.

Strategic Implications

The development of 'agroforestry' or 'plantation' type uses on land classified 'General Agriculture' zone could be expected to have a number of significant long term benefits for the development and growth of the Shire's local economy and the natural environment. Clear planning guidance is however required to ensure that any such development proceeds in a proper and orderly manner and with minimal impact.

Recommendation

That Council resolve to adopt the revised draft policy entitled 'Timber Plantations' as a Local Planning Policy No.6.4 under the Shire of Lake Grace Local Planning Scheme No.4 (LPS No.4) subject to any modifications requested by Council at its August 2012 Ordinary Meeting and authorise the Shire administration to advertise the policy for public comment in accordance with the procedures and requirements of Clause 2.4 of LPS No.4.

Voting Requirements

Simple majority required.

Recommendation/Resolution

MOTION 11494

Moved Cr De Landgraft
Seconded Cr Newman

That Council:

1. Adopts the revised draft policy entitled 'Timber Plantations' as a Local Planning Policy No.6.4 under the Shire of Lake Grace Local Planning Scheme No.4 (LPS No.4) subject to any modifications requested by Council at its August 2012 Ordinary Meeting and authorise the Shire administration to advertise the policy for public comment in accordance with the procedures and requirements of Clause 2.4 of LPS No.4; subject to'
2. the Policy being reviewed in July 2013, at which time the paragraph in 5.2 *Transport Strategy* which refers to the 'road maintenance bond' is clarified.

MOTION CARRIED 9/0

Reason for Change:

The policy was adopted subject to a review in 12 months as the Shires of Ravensthorpe and Jerramungup are in the process of developing their policies, they will be forwarded to the Shire of Lake Grace for comment and may contain strategies relevant to the Shire of Lake Grace for the future. Council also wish to review Item 5.2 of the Policy relating to the road maintenance fee.

12.2 PROPOSED AMALGAMATION - LOTS 1 & 2 MALEY ST NEWDEGATE

Applicant:	John Kinnear & Associates on behalf of Mighty Fine Pty Ltd (Landowner)
File No.	0455
Attachments:	Plans 1 to 6
Author:	Mr Joe Douglas & Mr John Culmer Urban & Rural Perspectives -Town Planning Consultants
Disclosure of Interest:	Nil
Date of Report:	13 August 2012
Senior Officer:	Mr Peter Bradbrook Acting Chief Executive Officer

Summary

The following report has been prepared in response to correspondence received from the Western Australian Planning Commission (WAPC) seeking Council's comment on the proposed amalgamation of Lots 1 & 2 (No.1) Maley Street, Newdegate into one (1) new individually titled lot.

In accordance with the specific requirements of section 142(2) of the Planning and Development Act 2005 the Shire of Lake Grace has forty two (42) days to provide the WAPC with any comments and/or recommendations considered relevant to the proposal. In this case the Shire's response is due to be submitted to the WAPC by the 23rd August 2012.

An assessment of the application in the context of the Shire's current Local Planning Strategy and Local Planning Scheme and a final recommendation regarding the general suitability of the proposal are provided below to assist preparation of the necessary response to the WAPC.

Background

Lots 1 & 2 are located in the southern part of the Newdegate townsite in the town's designated commercial precinct and have direct frontage to Maley Street along their north-eastern boundary, May Street along their south-eastern boundary and an existing right-of-way along their south-western rear boundary.

The subject land is irregular in shape, comprises a total combined area of approximately 2,002m² and has been extensively developed for commercial purposes over many years (i.e. hotel & bottle shop) (see Plans 1 to 4).

It is significant to note that the previous development and current use of the land for commercial purposes has been carried out over two (2) individually titled lots (i.e. Lots 1 & 2), with a number of existing and proposed improvements straddling the common boundary between them. This has a number of legal implications for the current and future landowners and does not comply with the fire separation requirements of the National Construction Code of Australia (NCC).

On the 25th July 2012 Council resolved to approve a planning application submitted by Dwight & Lisa Ness on behalf of Mighty Fine Pty Ltd (i.e. the Landowner) to construct a new steel framed colorbond storeroom across the common boundary between Lots 1 & 2 (No.1) Maley Street, Newdegate to support the continued

operation of the existing established hotel use on the land (i.e. 'Newdegate Hotel'). In granting planning approval to the proposed addition Council imposed a number of conditions including the following:

Lots 1 & 2 shall be amalgamated to create one (1) new separately titled lot within twelve (12) months of the date of issuance of planning approval. Evidence of completion of the amalgamation process must be provided to the Shire of Lake Grace in writing upon expiry of the twelve (12) month period.

In anticipation of this condition the landowners' engaged John Kinnear & Associates (Licensed Surveyors) to make application to the WAPC for approval to amalgamate Lots 1 & 2 into one (1) new separately titled lot. Specific details of the proposed amalgamation are shown on the attached Plans 5 & 6 and summarised in the following table:

Lot Particulars	Existing Land Area(Approx.)	Proposed Land Area(Approx.)
Existing Lot 1	990m ²	-
Existing Lot 2	1,012m ²	
Proposed Lot A	-	2,002m ²

Comment

In considering the proposed amalgamation Council is required to have due regard for any relevant provisions within the local planning framework including the Shire's Local Planning Strategy and Local Planning Scheme No.4 prior to formulating its response to the WAPC. The following is an assessment of the proposal in the context of the specific requirements of these documents to determine its general suitability.

Shire of Lake Grace Local Planning Strategy

Lots 1 & 2 (No.1) Maley Street, Newdegate have been assigned a strategic land use classification of 'Commercial' under the Shire of Lake Grace Local Planning Strategy (LPS). The LPS identifies that the cost of providing essential service infrastructure is a significant influencing factor in the development of new or additional areas for commerce and industry within the Newdegate townsite. As such the Strategy aims to maximise the use of existing, appropriately located and serviced land for commercial and industrial purposes.

Lots 1 & 2 are located with direct frontage to the main east-west road through the Newdegate townsite, providing excellent levels of vehicle access and commercial exposure. The land contains a well established hotel which provides an important commercial and social function for the local community and the travelling public. The proposed amalgamation of Lots 1 & 2 into one (1) new separately titled lot will allow for the proposed construction of a new steel framed colorbond storeroom on the property in accordance with the Council's recent planning approval and all relevant legislative and regulatory requirements and could be expected to lead to a number of worthwhile improvements to the operational efficiency of the existing use of the land for commercial purposes.

Taking into consideration the aims and objectives of the Shire's LPS, the primary purpose of the proposed amalgamation of Lots 1 & 2 and the likely benefits, the reporting officers have formed the view that the proposal is generally consistent with the LPS and capable of being supported by Council.

Shire of Lake Grace Local Planning Scheme No.4

Lots 1 & 2 are classified 'Commercial' zone under the Shire of Lake Grace's current operative Local Planning Scheme No.4 (LPS No.4).

Council's stated objectives for land classified 'Commercial' zone 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.*

In considering the intended purpose of the proposed amalgamation of Lots 1 and 2 in the context of the objectives of the land's current 'Commercial' zoning classification under LPS No.4 it is concluded that:

- i) It will help to ensure that the land continues to be used for commercial purposes in the medium to long term future in accordance with landowners' commercial and operational needs;
- ii) It will have little to no impact upon the compatibility of existing and future land usage in the immediate locality or the safety and efficiency of vehicle access and parking;
- iii) It will provide opportunity for the construction of a suitably located storage facility on the subject land and in so-doing help to improve the operational efficiency of the Newdegate Hotel; and
- iv) It will help to ensure that any further development of the land proceeds in accordance with all relevant legislative and regulatory requirements.

Conclusion

It is concluded from the above assessment that the proposed amalgamation of Lots 1 & 2 (No.1) Maley Street, Newdegate into one (1) new separately titled commercial lot is consistent with the aims and objectives of the Shire's current local planning framework and may therefore be supported by Council. It is therefore recommended that Council advise the WAPC that it unconditionally supports the proposed amalgamation of the subject land in accordance with the details submitted in support of the application.

Legal Implications

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

Policy Implications

Nil

Consultation

Community consultation not required.

Financial Implications

Nil

Strategic Implications

Nil

Voting Requirements

Simple majority required.

Recommendation/Resolution

MOTION 11495

Moved Cr Milton
Seconded Cr Farrelly

That Council advise the Western Australian Planning Commission that it unconditionally supports the application submitted by John Kinnear & Associates (Licensed Surveyors) on behalf of the current landowner to amalgamate Lots 1 & 2 (No.1) Maley Street, Newdegate into one (1) new separately titled commercial lot in accordance with the details of the plans submitted in support of the application.

MOTION CARRIED 9/0

13.0 MATTERS FOR CONSIDERATION – HEALTH & BUILDING

13.1 MEDICAL SERVICES AGREEMENT

Applicant: FJ Jacobs Pty Ltd
File No. 0299
Attachments: Medical Services Provider Agreement
Author: Ms Lee Holben
 Manager Community Services
Disclosure of Interest: Nil
Date of Report: 09 August 2012
Senior Officer: Mr Peter Bradbrook
 Acting Chief Executive Officer

Summary

The purpose of this report is to formalise the Agreement relating to the provision of medical services to the Shire by Dr FJ Jacobs and to approve the use of the common seal on the document.

Background

Dr Jacobs has been in discussion with the Shire since 26 January 2011 regarding provision of a medical service for the Shire of Lake Grace.

Dr Jacobs was then required to undertake his registration with the Royal Australian College of General Practitioners (RACGP). In order to complete that process a letter of offer from the Shire of Lake Grace was required. The letter of offer to take up the role of General Practitioner was supplied to the RACGP during June 2011.

At the July 2011 Ordinary Meeting Council resolved to enter into an agreement with Dr Jacobs regarding the Lake Grace and Newdegate General Practice:

MOTION 11270

Moved Cr De Landgraft

Seconded Cr Chamberlain

1. That the Shire of Lake Grace engage the services of Dr Jacobs immediately to take on the Lake Grace Newdegate Medical Practice as per the meeting on the 8 March 2011 between the Shire President, the CEO and Dr Francois and Mrs Henriette Jacobs. As discussed this includes a term of four years with the following level of support:

- a) Existing fully furnished house;
- b) A fully maintained vehicle (excluding fuel);
- c) The Lake Grace and Newdegate Medical Centre at nil cost;
- d) An annual allowance of \$50,000 on the basis the Dr Jacobs is prepared to maintain the medical equipment and purchase new equipment.

2. The annual allowance of \$50,000 is for two (2) years, at which point the level of the allowance will be reviewed.

3. Dr Jacobs shall provide a dispensary (Pharmacy) as part of the Lake Grace Newdegate Practice at his own cost.

MOTION CARRIED 9/0

Dr Jacobs commenced practicing on 14 November 2011.

A formal Draft Agreement (as attached) has now been prepared between the Shire of Lake Grace and F.J Jacobs Pty Ltd for the provision of medical services to the Shire. The Draft Agreement has been initially prepared with input from Dr & Mrs

Jacob's legal advisors. They are yet to give their final approval on the completed draft document as they are away at this point in time.

Key components of the Agreement:

Requirement	Comment
Tenure	4 Years with an opportunity to review.
Level of Service	Monday to Friday including Wednesday at Newdegate.
Staffing	<ul style="list-style-type: none"> • Will employ the staff • Locums through Rural Health West
Incentive/ Payment	\$50,000 per year. (To be reviewed after 2 years). Will provide new equipment and maintenance of equipment
Medical Centres	Yes
House	Yes
Car	Yes
Management Arrangement	Dr Jacobs will have full responsibility.
Pharmacy	Yes
On-call	Yes. Will need to arrange with WACHS

An Agreement covering the use of the house and the car will be entered into separately.

Comment

The key risk impacts in this area are financial. These are both for implementation and ongoing service provision.

Ongoing Cost

The ongoing costs would be the annual service fee of \$50,000 and minimal Shire staff support. A house and car are provided and Shire covers the cost of maintaining both, exclusive of vehicle fuel cost and gas costs for the home.

Assets

The key risk impacts in this area are: financial, operation and reputation. The risk for each proponent is the same. If the assets provided by the Shire (Medical Centres, House and Car) are not at an acceptable level then this will impact on both the provider and the Shire.

In the case of the Lake Grace Medical Centre, very little further work is required on this facility and would be the low end of a moderate cost at best and can easily be met out of existing Shire resources (funds). This facility will allow a GP to operate at the required level and so have little impact on the Shire's and service provider's operations and reputation.

With the Newdegate Medical Centre, this will be a new facility when completed and fitted out to the required standard. The cost to provide this facility has been met by the Shire and other key funding sources including the Royalty for Region's Country Local Government Fund, the Commonwealth's National Rural & Remote Health Infrastructure Program (NRRHIP) Fund and the Newdegate Field Days Committee. This facility will allow a GP to operate at the required level and so have little impact on the Shire's and service provider's operations and reputation.

The house (3x2) for accommodation purposes is at the required standard with no further work required at this point in time and so has little financial impact.

The house is a key support strategy for the GP and as it provides peace of mind and ensures there is little impact on the services provided by the GP. It also contributes to ensuring there is a low impact on both the Shire's and service provider's reputation.

Provision has been made in the budget for a vehicle and is considered a low end moderate impact. The cost is mitigated through existing Shire resources (funds). Like the house, the car is also a key support strategy.

Legal Implications

Service Provider Agreement between the Shire of Lake Grace and FJ Jacobs Pty Ltd..

Policy Implications

Shire of Lake Grace Policy 1.11 Use of the Common Seal

Consultation

Internal: Shire President
Senior Management Team
Council Information Sessions and EM Updates

External: Dr Francis Jacobs of F.J. Jacobs Pty Ltd and their legal advisors.

Financial Implications

The Agreement sets out Council's financial obligations for the provision of a medical practitioner. The costs are consistent with previous agreements.

Strategic Implications

Shire of Lake Grace Strategic Plan

6.1 Continue to engage and implement resource sharing on a regional basis

6.1.2 Recruit a general practitioner that includes sourcing of a new GP for the Shire and development with WALGA of a local government GP recruitment platform.

Voting Requirements

Simple Majority required.

Recommendation/Resolution

MOTION 11496

Moved Cr Newman
Seconded Cr Chappell

That Council:

1. Enters into the Agreement as presented, with F.J. Jacobs Pty Ltd for the provision of medical services to the Shire of Lake Grace subject to final approval of the Agreement by Dr & Mrs Jacob's legal advisor; and,
2. Authorises use of the common seal by the Shire President and the Acting Chief Executive Officer for the Service Provider Agreement.

MOTION CARRIED 9/0

13.2 COMMUNITY HOUSING MANAGEMENT AGREEMENT

Applicant:	Community Services
File No.	0094; 0095, 0511; 0698
Attachments:	Great Southern Community Housing Association Agreement
Author:	Ms Lee Holben Manager Community Services
Disclosure of Interest:	Nil
Date of Report:	13 August 2012
Senior Officer:	Mr Peter Bradbrook Acting Chief Executive Officer

Summary

This report recommends to Council:

1. That the Shire of Lake Grace accept and authorise the Shire President & CEO to sign the management agreement with Great Southern Community Housing Association to manage the Shire's community housing; and
2. Where tenants have outstanding rent the properties will not be handed over for management until all steps to recover monies have been taken.

Background

History

Recommendations from the Department of Housing Compliance Report received by the Shire post 17 August 2010 recommended that:

1. The Shire transfers the management of all community housing properties to the Registered Housing Provider, Great Southern Community Housing Association.
2. A management agreement between Great Southern Community Housing Association and the Shire be negotiated with the approval of the final document by the Department of Housing, detailing use of local contractors where available, and other matters, at the earliest opportunity.
3. It is recommended that failing any transfer of management to a Registered Provider that a Breach of Agreement is issued to the Shire of Lake Grace.

At the Ordinary Council meeting on 28 March 2012 Council resolved under Motion 11384;

That Council:

1. Through the Chief Executive Officer explores the possibility of using Model 2 that includes entering into agreement with the Great Southern Community Housing Association Incorporated regarding the management of the Shire's Community Housing Stocks and consideration of different options including negotiations with GROH or any other interested party regarding the Shire's community housing property equity in due course.
2. Approves the level of engagement required based on consultation in the form of:
 1. A Fact Sheet for inclusion in the respective community newsletters. The Fact Sheet would include information on the proposal and who to contact regarding the provision of feedback and whether they would be interested in meeting with a Shire representative to discuss this issue;

2. A feedback mechanism consisting of:
- a. A Fact Sheet issued to the Shire's respective Development and Progress Associations, RALAG and Lake Grace HACC for comments;
 - b. A feedback section on "Lakes Views", the Shire's online feedback website.

As a result of the 28th March 2012 Ordinary Council Meeting as outlined in Motion 11384 a fact sheet was issued, including a mail distribution to all residents.

Throughout various engagement forums the communities within the Shire have shown support of the management transfer with the general consensus being that it will provide greater flexibility to rent the Shire of Lake Grace vacant community houses due to the Great Southern Housing Association being a registered community housing provider.

It is recommended that the Shire transfer the management of all community housing properties to a Great Southern Community Housing Association under Model 2 as outlined.

Model 2 – Management Agreement with Great Southern Community Housing

In this model the key components are:

- The Shire would retain ownership/equity/leasehold of properties;
- Under the Management Agreement, Great Southern Community Housing would be responsible for all aspects regarding the administration and maintenance of the properties and would still make up to 30% of the units available for key worker housing. The Agreement would cover:
 - Responsibilities of both parties;
 - The allocation process of the units;
 - Communication between both parties;
 - Dispute resolution;
 - Financial matters such as chasing arrears;
 - Reviews, variations and termination of leases.

Any surplus coming back to the Shire must be put back into future developments. Discussions regarding the possibility of buying out the Shire's Equity can be pursued in two years time.

Model 2 is achievable in the first instance. This means that the Shire solves its compliance issues within a reasonable timeframe. The Shire is also in a position where it can discuss equity issues with Great Southern Community Housing Association over a period of time with the possibility of developing an arrangement for the release of a certain number of properties in exchange for some funds that can be used for another purpose.

Legal Implications

The *Housing Act 1980*. The Regulatory Framework includes:

- National Community Housing Standards;
- National Regulatory Code (Growth Providers);
- Compliance with legal agreements and Community Housing Guidelines.

Policy Implications

Policy 1.12 Community Engagement

Policy 1.11 Use of the Common Seal

Consultation

Internal: Shire President

Council
Senior Management Team

External: Shire Communities
Kaz Sternberg – Chief Executive Officer Great Southern
Community Housing Association
Debbie Stone – Housing Services Manager Great Southern
Community Housing Association

Financial Implications

Shire Equity

The equity that the Shire has in each of the 26 community properties is based on the contributions that the Shire and the Department of Housing made at the time the project was agreed to or subsequently amended as in the case of the Lakes Village.

The total original project value for the 26 properties is \$3,674,697.68. The Shire's average equity is 20.10% or \$787,412.70.

Lake's Village:

The total average equity without the Lake's Village included is 14.29% or \$525,114.30.

Properties with Zero Equity

69A & 69B Bennett St Lake Grace and 11A & 11B Collier St Newdegate were fully funded by the Department of Housing, thus making the Shire's equity in these properties at a nil value.

Options Regarding Proceeds from Disposal of Equity

There is no restriction on the Shire disposing of its equity regarding community housing. The author's suggestion for any income raised as a result of funds raised from the purchase of any equity is that it is transferred into a community development fund or a future fund (reserve). Such a reserve could then be used to match or support funding for community development project grant applications, additional housing or even capped interest free loans to Shire based community organisations or opportunities for capped fixed term loans to businesses needing assistance

Strategic Implications

Shire of Lake Grace Strategic Plan

Focus 1. - Economic Diversity

1.4 Undertake and review the level of housing required by the Shire.

Focus 2. – Social and Community Well Being

2.2 In partnership with key stakeholders facilitate the introduction of suitable accommodation for self funded retirees and those requiring aged care.

Conclusion

The Great Southern Community Housing Association is managing a number of properties for other local governments such as the Shire of Katanning. This organisation has the required processes in place as a Preferred Provider with a proven track record and success with some 216 properties throughout the Great Southern under its management.

The higher income levels will change the demographic of the tenants and will allow local businesses to access these properties, thus supporting the economic development for each community.

Accordingly, it is recommended that the Shire undertakes a two phase process regarding Model 2.

Phase One involves the Shire entering into an agreement with Great Southern Community Housing Association to manage the community housing properties. This means that the Shire will address its non-compliance issues in an effective way. In particular, Great Southern Community Housing Association will manage the Shire's community housing properties with funds raised from rents, with the proceeds put back into the maintenance of these properties.

Phase Two would involve over a period of time in the future exploring the possibility of entering into an arrangement that sees the Shire's equity brought out for a certain number of properties or the possibility of undertaking of other joint initiatives including the development of other properties where the Shire provides the land and Great Southern Community Housing Association builds the properties. Phase 2 will be presented to Council at a later date.

Voting Requirements

Absolute majority (5) required.

Officer Recommendation/Resolution

MOTION 11497

Moved Cr Chamberlain
Seconded Cr Milton

That Council:

1. Transfers the management of all Shire of Lake Grace community housing properties to the Great Southern Community Housing Association.
2. Authorise the use of the common seal on the attached management agreement between Great Southern Community Housing Association and the Shire. The Department of Housing has given approval to the final management agreement which includes the use of local contractors where available, and other relevant matters.
3. Endorse the recommendation from Manager Corporate Services that where tenants have outstanding rent the properties will not be handed over for management until all steps to recover monies have been taken.

MOTION CARRIED 9/0

14.0 MATTERS FOR CONSIDERATION – FINANCE

14.1 ACCOUNTS FOR PAYMENT – JULY 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:	2 August 2012
Senior Officer:	Ms Samantha Appleton Manager Corporate Services

Summary

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

Background

List of payments for the month July 2012 through the Municipal and Trust accounts are attached with a statement of credit card activity

Comment

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

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

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

Legal Implications

Local Government (Financial Management) Regulations 1996 – Reg 12

Local Government (Financial Management) Regulations 1996 – Reg 13

Policy Implications

N/A

Consultation

N/A

Financial Implications

The list of creditors paid for the month of July 2012 from the Municipal and Trust Account Total \$687,219.31

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 11498

Moved Cr Chappell
Seconded Cr Farrelly

That Council receive the list of payments totalling \$687,219.31 as presented for the month of July 2012 incorporating:

- Direct Credits DD4042.1 to DD4078.3
- Trust Account 666 to 667
- Municipal Account Cheques 34824 to 34844
- Electronic Funds Transfers EFT9807 to EFT9897

MOTION CARRIED 9/0

15.0 MATTERS FOR CONSIDERATION – ADMINISTRATION
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15.1 CASH FOR CONTAINERS SCHEME – WALGA ADVOCACY CAMPAIGN

Applicant:	Western Australia Local Government Association
File No.	0342
Attachments:	Cash for Containers - Factsheet
Author:	Mr Peter Bradbrook Acting Chief Executive Officer
Disclosure of Interest:	Nil
Date of Report:	15 August 2012
Senior Officer:	Mr Peter Bradbrook Acting Chief Executive Officer

Summary

WALGA is undertaking an advocacy campaign for the introduction of a Cash for Containers Scheme in WA. They are requesting Local Government engagement in the upcoming advocacy campaign to implement a WA Cash for Containers Scheme.

Background

WALGA, through the Container Deposit Systems Policy Forum, has developed an advocacy campaign to encourage the State Government to implement a State based Cash for Containers Scheme (otherwise known as a Container Deposit Scheme). Implementing this type of Scheme on a National level has been discussed for a number of years. Environment Ministers will meet in August to decide what future action should occur nationally. However, it is debatable whether a decision will be made at this meeting to pursue the timely implementation of a national Cash for Containers Scheme.

Therefore WALGA is initiating an advocacy campaign to ensure that a State based Scheme is implemented and is seeking Local Governments support. To assist the sector a toolkit has been developed for Local Governments to use in engaging with their local members of Parliament.

This includes:

- i) a template of a letter to local members of Parliament outlining support for a Cash for Containers Scheme, and
- ii) a Fact Sheet to inform Local Government of the arguments made by the beverage industry, and additional facts that can be used when engaging with local members of Parliament.

WALGA is also asking Local Governments to indicate their willingness to take part in and sponsor a Cash for Containers event during September - November. An outline of this proposal will be available from the WasteNet website by COB Friday, 17 August.

Comment

In South Australia, Container Deposit Legislation has been in place for over three decades. Consumers are able to receive 10 cents back on every beverage container that gets taken to be recycled at approved collection depots. This Scheme has been extremely successful in reducing litter, increasing recycling rates and generating a greater environmental awareness in the public. South Australia had a recycling rate of over 70%; whereas, Western Australia's recycling rate is one of the lowest in the country, at 32%.

There are already provisions in the *Waste Avoidance and Resource Recovery Act 2007* that can be used to introduce a Cash for Containers Scheme. However, the current State Government has been hesitant to introduce such measures. This Scheme has already been committed to by The Greens (WA) and WA Labor.

The beverage industry has been conducting a campaign against a Cash for Containers Scheme. WALGA's attached Factsheet provides clarity on some of the claims made by the industry.

Legal Implications

There are no known legal implications for the Shire of Lake Grace.

Policy Implications

Nil

Consultation

Nil

Financial Implications

The potential financial impact on the Shire of Lake Grace is unknown. No details of the proposed Cash for Containers Event are available at the time of preparing this agenda item. Similarly, it is not known whether there will be any impost on the Shire if a Cash for Containers scheme is implemented.

Strategic Implications

The intention of a Cash for Containers scheme is to reduce the volume of litter, primarily along road verges and in recreational areas. It would certainly remove beverage containers from these sites as it is probable that many consumers would seek the refund. The scheme would therefore improve the aesthetic appearance of roadways, in particular, and reduce the necessity for Local Governments to pay staff to clean up recreational areas.

Voting Requirements

Simple majority required.

Recommendation/Resolution

MOTION 11499

Moved Cr Farrelly
Seconded Cr Newman

That Council:

- i) indicates the support of the Shire of Lake Grace for a Cash for Containers Scheme;
- ii) agrees to write to all local members of State Parliament encouraging Members to implement a WA Cash for Containers Scheme; and
- iii) informs WALGA that the Shire of Lake Grace's participation in a Cash for Containers event during September - November will depend upon the estimated cost when details of the activity is known.

MOTION CARRIED 7/2

16.0 INFORMATION BULLETIN

16.1 INFORMATION BULLETIN REPORT – AUGUST 2012

Applicant:	Executive Services
File No.	N/A
Attachments:	1. Grants Register 2. Council Status Report 3. Lake Grace Library & CRC Meeting Minutes 4. 4WD VROC Meeting Minutes
Author:	Mrs Jeanette Bennett Executive Assistant
Disclosure of Interest:	Nil
Date of Report:	14 August 2012
Senior Officer:	Mr Peter Bradbrook Acting 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. Lake Grace Library & Community Resource Centre Management Committee

Minutes of the meeting held on Thursday 26 July 2012.

4. Resource Sharing Working Group 4WD VROC

Minutes of the meeting held on Tuesday 14 August 2012.

Legal Implications

Nil

Policy Implications

Nil

Consultation

Nil

Financial Implications

N/A.

Strategic Implications

Shire of Lake Grace Strategic Plan

Voting Requirements

Simple majority required.

Voting Requirements

Simple majority required.

Officer's Recommendation/Resolution

MOTION 11500

Moved Cr Walker
Seconded Cr Sinclair

That Council accept the Information Bulletin Report.

MOTION CARRIED 9/0

17.0 URGENT BUSINESS BY DECISION OF THE MEETING

None

18.0 SCHEDULING OF MEETING

18.1 SEPTEMBER 2012 ORDINARY MEETING

Motion 11333 November 2011 states:

An Ordinary Meeting of Council will be held on Wednesday 26 September 2012, commencing at 3:00pm at the Lake King Hall, Lake King WA.

Background

Cr De Landgraft advised she has an important function to attend in Perth on Wednesday 26th September as part of her RSPCA Board duties and Cr Newman has a CBH commitment on that day also.

Any changes to the date will require public notice.

MOTION 11501

Moved Cr De Landgraft
Seconded Cr Newman

That the September 2012 Ordinary meeting of Council originally scheduled for 3.00pm on Wednesday 26th September 2012 at the Lake King Hall be rescheduled to 10.00am, Friday 28th September 2012 at the Lake King Hall.

MOTION CARRIED 9/0

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

None

20.0 CLOSURE

There being no further business, the Chairperson closed the meeting at 3.50 pm.

21.0 CERTIFICATION

I Leonard William Armstrong certify that the minutes of the meeting held on the 22 August 2012 as shown were confirmed as a true record at the meeting held on the 28 September 2012.

Chairman

Date