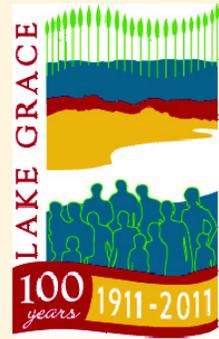


Shire of Lake Grace

Ordinary Council Meeting

Minutes

23 March 2011



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SHIRE OF LAKE GRACE

Minutes of the Ordinary Meeting of Council held at the Varley Sports Pavilion, Varley on Wednesday 23 March 2011.

1.0 OPENING & ANNOUNCEMENT OF VISITORS

The Chairperson (Shire President) opened the meeting at 3.00 pm, welcomed all those present including Michael Swain of Pinelock Homes Albany.

The President commented that whatever the state of play with Ward Review, the Shire needs to move forward with its strategic plans and perform as a team that delivers outcomes and meets expectations of the community – lets move on.

2.0 ATTENDANCE RECORD

2.1 PRESENT

Cr AJ Walker	Shire President
Cr IG Chamberlain	Deputy Shire President
Cr LW Armstrong	
Cr R Chappell	
Cr JF De Landgraftt	
Cr WA Newman	
Cr DP Sinclair	
Mr SK Fletcher	Chief Executive Officer
Mrs L Trevenen	Acting Manager Corporate Services
Mr H Vanderplas	Manager Community Services
Mrs J Bennett	Executive Assistant
Mr M Swain	Pinelock Homes
Members of the Public – Lake Grace Deputation	
Mr D Clarke	Mrs P Dunham
Mr D Spencer	Mrs C Chappell
Mr G Argent	Mrs D Clarke

2.2 APOLOGIES

Cr OP Farrelly

2.3 LEAVE OF ABSENCE PREVIOUSLY GRANTED

Resolution 11156 - 23 February 2011

Cr Amanda Milton – leave of absence granted 2 - 31 March 2011

3.0 PUBLIC QUESTION TIME**3.1 MR DARREN SPENCER**

Mr Spencer had previously submitted the following questions via fax:

Question 1

Through the Chairman, I would like to ask Council why, after 11 months since the Lake Grace Development Association presented a petition on ward reform, they feel they have not had enough time. The motion to act on the petition was passed 8 to nil and yet you have not had it acted on. Is this a sign of disregard for the voice of the electors or does it show that you are not capable of delivering good governance for the entire Shire?

Reply/Comments

Shire President commented it was exactly 12 months since the petition had been presented. Council had waited until mid year for the Minister for Local Government and his Steering Committee to finalise the SSS Report as until that point, Lake Grace had not been mentioned as part of any forced amalgamations.

Chief Executive Officer reiterated that certainly the petition was presented at the meeting this time last year, the Shire had sought advice from the Local Government Advisory Board regarding the status of the petition and the process from there on in.

Shire President commented that we needed to move more quickly as now the 'horse has bolted' and we don't have an answer as yet. Initially it was thought we had a little more time, unfortunately as it panned out that did not happen. He advised we do understand what you are saying and that remark could be taken how people wanted to.

Question 2

Through the chair, I would like to ask the councillor what was meant when it was stated during discussion time at the Special Meeting of Council on the 17th March that the councillor would hate to see what would happen to the businesses of Lake Grace if the eastern electors in the Shire did not support them. This is a threat to Lake Grace business. Is this inference coercive behaviour?

Reply/Comments

The Shire President advised that suspension of Standing Orders during a meeting allows time away from the rigidity of confines as a method of genuine discussion; however, if anything were to happen during a meeting it would form a borderline point of order and should be pulled up straight away.

4.0 APPLICATIONS FOR LEAVE OF ABSENCE

4.1 CR DE LANGRAFFT

Cr De Landgraft submitted a written Application for Leave at the commencement of the meeting.

MOTION 11176

Moved Cr Newman
Seconded Cr Armstrong

That Cr De Landgraft be granted leave of absence from 28 March 2011 to 23 April 2011.

MOTION CARRIED 7/0

Cr Chamberlain questioned the legality of holding the meeting in Varley, when the Notice Paper was issued with the address of the venue as Lake Grace.

3.14 pm *CEO left the meeting to seek advice on legality of holding the meeting.*

3.25 pm *Shire President left the meeting.*

3.31pm *Shire President & CEO returned to the meeting.*

The Shire President confirmed that at this point there is no-one at Lake Grace awaiting a meeting, Councillors are all in Varley at the meeting, Michael Swain of Pinelock Homes has arrived in Varley, members of the Lake Grace public are in Varley so nobody has been unduly put out.

MOTION 11177

Moved Cr Newman
Seconded Cr Chappell

That the address in the Notice Paper be accepted as a typing anomaly and that today's meeting proceed.

MOTION CARRIED 7/0

5.0 MINUTES OF PREVIOUS COUNCIL MEETINGS

5.1 ORDINARY MEETING – 23 FEBRUARY 2011

Resolution

MOTION 11178

Moved Cr Newman
Seconded Cr Armstrong

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

MOTION CARRIED 7/0

5.2 SPECIAL MEETING – 17 MARCH 2011

Resolution

MOTION 11179

Moved Cr Chappell
Seconded Cr Newman

That the minutes of the Special Meeting of Council held on the 17 March 2011 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

Cr Chamberlain - Item 12.2

6.3 DECLARATIONS OF IMPARTIALITY INTEREST – ADMINISTRATION REGULATION SECTION 34C

None

7.0 NOTICES OF URGENT BUSINESS

Nil

8.0 MOTIONS OF WHICH NOTICE HAS BEEN RECEIVED

Nil

9.0 PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS**9.1 DEPUTATION – (1) MRS T SPENCER (READ BY MR D SPENCER) AND (2) MRS D CLARKE****9.1.1 (1) Mrs Tania Spencer, read by Mr Darren Spencer**

Mr Spencer thanked Council for receiving the deputation.

Why do certain councillors mistakenly believe that the present one vote one value system mandated by government has anything at all to do with the amount of economic production from a Ward? Why do you put the misinformation out to your ratepayers that the eastern end of the Shire (i.e. the Lake King, Newdegate and Varley Wards together equal 63%), earns the most rates revenue. Well, statistically it doesn't. Can I use the same flawed rhetoric and say that Lake Grace and Newdegate Wards poll a combined total amount of 72% of the rate, or Lake King/Varley and Newdegate Wards combined make a total of 65%. Or could I say that Lake Grace alone earns 43% of the rates when the specified area rate is included? What relevance does it all have? None.

As there has been a more than 10% ratepayer imbalance since 2003 with the Lake King Varley Ward at 11.94% differential, it could be said that all decisions taken by Council since then are unconstitutional and should be revisited under fair governance.

It would seem that it is in the best interest of the Lake King Varley and Newdegate Wards to get this matter dealt with as soon as possible as the rate of population decline in these wards has been steady in the eight years since 2003. Therefore it would seem imperative that this review is done before any further population decline was evident.

It is time for Council to get on with the review as was mandated by the 8-0 vote at the meeting in March 2010 after the legal petition was presented. You have had eleven months to do this. It is unacceptable for this not to have been done. It is unacceptable for this to continue until the 2013 elections. The time for 'the dog ate my homework' excuses is over. The laying on the table of this motion is simply another delaying tactic as the three previous delays of this issue were. If you cannot make the decisions you are put in Council to make, then you need to resign. The Lake Grace Council seriously needs to ask itself why it should not be dismissed by the people due to its lack of proper action in complying with the Local Government Act. It is indeed poor governance and the behaviour of certain elected members is bringing the Shire of Lake Grace and the wider Lake Grace area into disrepute.

9.1.2 (2) Mrs Debby Clarke

Mrs Clarke addressed the President and Elected Members, and on behalf of the deputation thanked them for the opportunity of addressing the meeting.

Mrs Clarke read the following prepared statement:

I was present at the Special Council Meeting that was held last Thursday the 17th of March and was amazed, bewildered and disappointed with the discussion that took place.

The majority of the conversation in the initial stages debating on if an elected member should be allowed to be present on a phone hook up as they had previously requested leave, surely good governance called for fair representation.

The conversation thereafter was on the lack of time given to think about the different and various options that the ward review could take and not having enough time to think about them. I ask in all honesty how you can think that we will believe this, it has been ongoing since 2007, let me remind you of the sequence of events:

1. December 2007 - Local Government Advisory Board (LGAB) advise the Shire that they need to do a review by December 2008 to be in time for the 2009 elections.
2. 2008 - LGAB request the Shire to do a ward review.
3. August 2008 - Council moved that a review be conducted.
4. November 2008 - The outcome tabled, with the decision that no change be made on the basis that changes will need to be made after the SSS report.
5. December 2008 - Shire advises the LGAB of the decision.
6. January 2009 - Shire receives a letter from the LGAB asking them to consider a no ward system.
7. February 2009 - Shire receives a letter from LGAB saying no action will be taken on ward reviews due to the establishment of the Local Government Reform Committee.
8. February meeting of Shire they withdrew the item.
9. March 2009 - Shire receives a letter from the LGAB saying reviews will be considered following confirmation that the Shire wished to proceed with the matter.
10. March 2009 - Shire responds that they do not intend to proceed with the review
11. January 2010 - In discussion with staff at the LGAB re the 2008 Ward Review to be decided once the Minister makes up his mind on the reform process.
12. February 2010 - The Lake Grace Development Association contacts the LGAB to ask what action can be taken to address the imbalance of elected members in wards and are told they can do a petition.
13. March 2010 - The Lake Grace Development Association puts a petition to the public and has the required number of signatures within days.
14. March 2010 - The Lake Grace Development Association submits the petition to the Shire meeting at Varley.
15. March 2010 - A letter from the Shire to the LGAB asking for clarification of the petition.
16. April 2010 - A letter from LGAB advising that the petition was legitimate.
17. 2010 Budget includes funding for an independent consultant to undertake the review.

18. Expressions of interest were sought from qualified persons to undertake the ward review.
19. November 2010 - Shire meeting recommendation to appoint BHW consulting to complete the ward review, this was lost
20. January 2011 - The Lake Grace Development Association writes to the LGAB asking the LGAB to address concerns that the review will not be completed in time.
21. January 2011 - Ward representation and discussion paper made available by the Shire to electors requesting submissions by 15th March.
22. March 2011 - 27 submissions received.
23. March 2011 - Special Shire meeting called to pass recommendation by CEO.
24. March 2011 - Special Shire meeting decides to lay the recommendation on the table.

Since 2007 there has been a minimum of 24 times when there have been either, meetings, written correspondence, or phone conversations, and this is only the ones that I know of.

I repeat in all honesty how can you expect us to believe the rhetoric of the Special Shire Meeting on the 17th of March?

The Shire President thanked both Mr Spencer and Mrs Clarke for the deputation which is an opportunity for members of the public to bring items of attention to Council which has been done.

The President then invited members of council to direct questions either to Mr Spencer or Mrs Clarke – there were none.

9.2 PINELOCK HOMES – MR MICHAEL SWAIN

Mr Michael Swain, Managing Director of Pinelock Homes made a presentation to Council on their company proposal for Shire Owned Retirement Homes for Regional WA.

Mr Swain thanked Council for the invitation to present and outlined the proposal, a summary of which follows:

- Firstly Pinelock is not here to sell anything but to promote a community type building program that began in Albany as people were always going there from somewhere else to retire.
- By facilitating partnerships between regional Shires, individuals and Pinelock, the proposal aims to provide high quality, affordable housing that allows the elderly to remain in their community upon retirement.
- The idea is to find suitable land in the towns and to develop small housing lots of park home type retirement villages. Royalties for Regions program funding is available to fund these projects.

Benefits of the proposal include:

- Strengthening of rural communities and reversing the downward population trend in rural towns
- Provides retirees in regional areas with greater choice, flexibility and financial freedom
- Shires own the high quality retirement communities with ongoing income
- Local knowledge and trade skills are retained
- Increase in demand for health care – with demand comes supply

Mr Swain then went on to talk about:

- Building construction methods
- Teaming up and using the local builders network
- Size of the homes
- Ownership
- Not being limited with plans – can be custom built
- Cost of the homes

The Shire President thanked Mr Swain for the presentation and commented that it is interesting to hear of a product that is out there and available.

4.10 pm Mr Swain left the meeting

10.0 MEMBERS' REPORTS

None.

11.0 MATTERS FOR CONSIDERATION – WORKS & SERVICES

No items for consideration

12.0 MATTERS FOR CONSIDERATION – PLANNING

12.1 PROPOSED SUBDIVISION – LOTS 8755 & 9459 SLARKE ST LAKE GRACE

Applicant:	PH & KE Gow (Licensed Surveyors) on behalf of Mr Clem Ernest Bennett (Landowner)
File No.	0557
Attachments:	Plans 1 to 4
Author:	Messrs Joe Douglas & Carlo Famiano – Urban & Rural Perspectives Town Planning Consultants
Disclosure of Interest:	Nil
Date of Report:	14 March 2011
Senior Officer:	Mr Sean Fletcher Chief Executive Officer

Summary

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

Background

Lots 8755 & Lot 9459 Slarke Street, Lake Grace are two adjoining rural landholdings located on the south-western boundary of the Lake Grace townsite.

Lots 8755 & 9459 comprise a total combined area of approximately 744.64 hectares and have been extensively cleared for broadacre agricultural purposes. Notwithstanding the extent of previous clearing works, the land comprises a number of small stands of native vegetation and two (2) salt lakes. The land also contains a number of physical improvements associated with its current rural land use including a single detached dwelling, sheds, dams, internal access tracks and fencing (see Plans 1 to 3).

The current landowner is seeking approval to subdivide Lots 8755 & 9459 to create three (3) new separately titled lots (i.e. one new homestead-type lot comprising the existing dwelling and two balance-of-title rural lots). Specific details of the proposed subdivision are shown on the attached Plan 4 and summarised in the following table:

Lot Particulars	Existing Land Area(Approx.)	Proposed Land Area(Approx.)
Existing Lot 8755	339.94 ha	-
Existing Lot 9459	404.7 ha	-
Proposed Lot A ('rural lot')	-	336.8 ha
Proposed Lot B ('rural lot')	-	391.4 ha
Proposed Lot C ('homestead lot')	-	16.4 ha

Comment

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

- Shire of Lake Grace Local Planning Scheme No.4; and

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

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

Shire of Lake Grace Local Planning Scheme No.4

Lots 8755 & 9459 are currently classified ‘General Agriculture’ zone in the Shire of Lake Grace Local Planning Scheme No.4 (LPS No.4).

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

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

Furthermore, Clause 5.11.14 of LPS No.4 states that Council may recommend support for the proposed subdivision of land within the ‘General Agriculture’ zone to excise land containing an existing farm residence for the purpose of creating a ‘homestead lot’ subject to compliance with a number of criteria.

Given the above, there is scope for Council to consider and support the further subdivision of the subject land as proposed.

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

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

Despite the fact that further subdivision of agricultural land is generally not supported by the WAPC, section 4.9 of Policy No.DC 3.4 enables the WAPC to approve the subdivision of rural land for the purposes of creating a ‘homestead lot’ subject to compliance with a number of criteria.

The following is an assessment of the proposed subdivision in the context of the relevant criteria of section 4.9 of Policy No.DC 3.4:

a) The land is located in the WAPC’s Wheatbelt Agricultural Policy Area

According to Appendix 3 of Policy No.DC 3.4 Lots 8755 & 9459 Slarke Street, Lake Grace are located within the Wheatbelt Agricultural Policy Area. As such subdivision of the land for the purposes of a ‘homestead lot’ can be considered.

b) The population in the locality is declining or relatively static

According to census data obtained from the Australian Bureau of Statistics (ABS) the Shire’s population has declined by 5.08% between 2001 and 2006 (Lake

Grace municipal area). Given the declining population, subdivision of the land for the purposes of a 'homestead lot' can be considered.

c) The homestead lot has an area between 1 and 4 hectares, or up to 20 hectares where it is desirable to respond to the landform or to include existing outbuildings or water sources

The subdivision application proposes the excision of a 16.4 hectare 'homestead lot' from Lots 8755 & 9459 comprising an existing dwelling, sheds, on-site water supply catchment and dam, native vegetation and a battle-axe leg which is consistent with the criterion contained in section 4.9 of Policy No. DC 3.4.

d) There is an adequate water supply for domestic, land management and fire management purposes

The existing dwelling on Lot 8755 is supplied with water via on-site water supply catchment and dam. Given the existing water supply arrangements it is concluded that the subdivision proposal is generally consistent with the water supply criterion contained in section 4.9 of Policy No. DC 3.4.

e) The homestead lot fronts a constructed public road

The application proposes the creation of a new 'homestead lot' in a battleaxe configuration with vehicle access to be obtained from Slarke Street via a 20 metre wide and 1.98 kilometre long access leg previously constructed along most of its length to provide access to the existing dwelling. As such the proposal is consistent with the vehicle access criterion contained in section 4.9 of Policy No. DC 3.4.

f) The homestead lot contains an existing residence

The proposed 'homestead lot' contains an existing single detached dwelling that is proposed to be retained. As such this criterion is deemed to have been satisfied.

g) A homestead lot has not been excised from the farm in the past

A review of cadastral mapping and aerial photography available through Landgate suggests that Lots 8755 & 9459 have not previously been subdivided to create a 'homestead lot'. As such this criterion is deemed to have been satisfied.

Conclusion

It is concluded from this assessment that the proposed subdivision of Lot 8755 & 9459 Slarke Street, Lake Grace for the purposes of creating a new 'homestead lot' and two (2) balance-of-title rural lots is:

- i. unlikely to compromise the objectives for land classified 'General Agriculture' zone in the Shire of Lake Grace's current operative Local Planning Scheme No.4;
- ii. consistent with the criteria contained in the Western Australian Planning Commission's Policy No. DC 3.4;

- iii. generally aligned with the outcomes intended by the current town planning framework applicable to the immediate locality; and
- iv. capable of being implemented in a proper and orderly manner.

As such it is recommended that Council advise the Western Australian Planning Commission that it supports the proposed subdivision subject to the imposition of a number of conditions.

Legal Implications

Planning and Development Act 2005 (as amended)
Shire of Lake Grace Local Planning Scheme No.4

Policy Implications

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

Community Consultation

Not required.

Financial Implications

Nil

Strategic Implications

Nil

Voting Requirements

Simple majority required.

Recommendation/Resolution

MOTION 11180

Moved Cr Newman
Seconded Cr Chappell

That Council advise the Western Australian Planning Commission that it supports the application submitted by PH & KE Gow (Licensed Surveyors) on behalf of Mr Clem Ernest Bennett (Landowner) to subdivide Lot 8755 & 9459 Slarke Street, Lake Grace into three (3) new separately titled lots in accordance with the details of the plan submitted in support of the application subject to compliance with the following conditions:

1. All existing buildings/structures and effluent disposal systems having the necessary clearance from the new lot boundaries as required under the relevant legislation.
2. The battleaxe leg for proposed Lot C having a minimum width of twenty (20) metres and constructed to a suitable trafficable standard to the specifications and satisfaction of the Shire of Lake Grace.

MOTION CARRIED 7/0

12.2 APPLICATION TO CLEAR NATIVE VEGETATION – LOT 1492 TONKIN RD MOUNT SHERIDAN

4.11pm Cr Chamberlain declared an interest of proximity in that he holds adjoining land titles and left the meeting.

Applicant: Mr Jens Jorgensen (executor for the Estate of A.F. Goode)
File No. 0212
Attachments: Plans 5 to 9
Author: Messrs Joe Douglas & Carlo Famiano – Urban & Rural Perspectives
 Town Planning Consultants
Disclosure of Interest: Nil
Date of Report: 14 March 2011
Senior Officer: Mr Sean Fletcher
 Chief Executive Officer

Summary

This report recommends that an application to clear approximately 514 hectares of existing native vegetation on Lot 1492 Tonkin Road, Mount Sheridan recently submitted to the Department of Environment and Conservation (DEC) by Mr Jens Jorgensen (as executor for the Estate of A.F. Goode) and referred to the Shire for review and comment not be supported by Council.

Background

Lot 1492 Tonkin Road, Mount Sheridan is a rural landholding located approximately 25 kilometres north-east of the Newdegate townsite.

Lot 1492 comprises a total area of approximately 1,068.2 hectares and is partially cleared for broadacre agricultural purposes. Notwithstanding the extent of previous clearing works, the land comprises a large stand of native vegetation located centrally on the lot with a thick coverage of vegetation over the northern portion of the site being the area subject to the current clearing application. The land does not contain any physical improvements other than internal access tracks and fencing (see Plans 5 to 7).

The applicant recently submitted an application to the Department of Environment and Conservation (DEC) for approval to clear approximately 514 hectares of native vegetation in the northern half of Lot 1492 for broadacre farming purposes (i.e. cropping & grazing). Specific details of the clearing proposal are illustrated on the attached Plan 8.

Following an inspection of Lot 1492 on 11 February 2011 by the Shire's Natural Resource Management Officer (i.e. Mr Marcus Owen) the following observations were made:

- The land comprises a thick coverage of vegetation with evidence of a variety of flora and fauna;
- The land comprises evidence of previous burning and chaining; and
- Without appropriate management of the paddocks, any cleared land would be prone to wind erosion due to the sandy nature of the local soils (see Plan 9 – Photographs).

Given the above observations the Shire's Natural Resource Management Officer provided the following recommendations:

1. The existing vegetation in the area proposed to be cleared is well established and should be retained; and
2. Should clearing be permitted, strategic wind breaks should be put in place to reduce the impact of any future possible wind erosion.

Comment

In considering the clearing proposal for Lot 1492 Council is required to have due regard for the following planning documents prior to formulating its response to the DEC:

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

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

Shire of Lake Grace Local Planning Scheme No.4

Lot 1492 is currently classified 'General Agriculture' zone in the Shire of Lake Grace Local Planning Scheme No.4 (LPS No.4).

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

Under the terms of LPS No.4 the development and use of land in the 'General Agricultural' zone for the purposes of broad-acre farming is classified as a 'P' use which means that it is permitted.

Clause 5.40 of LPS No.4 clearly states that the clearing of native vegetation within the Shire is not permitted unless a clearing permit is firstly obtained from the Department of Environment and Conservation (DEC).

Shire of Lake Grace Local Planning Strategy

Under the terms of the Shire of Lake Grace Local Planning Strategy (LPS) all land classified 'General Agriculture' zone is required to be preserved for agricultural purposes to accommodate the establishment of new agricultural uses and provide for the protection of existing agricultural activities. As such the current and future use of Lot 1492 for broadacre agricultural purposes is supported by the LPS.

Notwithstanding the above, the LPS identifies that previous large scale clearing of native vegetation for agricultural purposes throughout the Shire has led to a number of land degradation problems including rising groundwater, increased soil salinity and acidity, loss of biodiversity, wind and water erosion, soil compaction, sedimentation and water logging. As such the LPS provides the following strategic direction regarding environmental protection and conservation throughout the Shire:

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

As previously mentioned the Shire's Natural Resource Management Officer recently inspected the property and confirmed that the land comprises flora and fauna worthy of retention and that any further clearing of native vegetation will lead to a loss of existing biodiversity and result in wind erosion due to the sandy nature of on-site soils.

It is significant to also note that the clearing permit submitted by the applicant does not provide any information identifying the potential environmental impacts associated with the proposed clearing of the land (i.e. wind erosion, salinity etc) or provide details of any measures proposed to be undertaken to mitigate any future possible negative environmental impacts.

Given all of the above it is concluded that the clearing proposal for the subject land is not consistent with the Shire's strategic direction for environmental protection and conservation and should therefore not be supported by Council due to its potential negative impact upon the natural environment.

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

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

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

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

Notwithstanding the above, the position statement does enable the DEC to consider supporting further clearing in agricultural areas to facilitate broadacre farming activity subject to each particular proposal addressing the criteria outlined in section 4.2 of the EPA's position statement.

The following is an assessment of the clearing proposal for Lot 1492 in the context of the relevant criteria of section 4.2 of the EPA's position statement:

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

The clearing application does not provide details of any alternative mechanisms proposed to be implemented to provide for the ongoing, long term protection of biodiversity on the land or any nearby or adjoining property. As such this criterion is deemed to have not been satisfied.

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

The application proposes to clear approximately 48% (i.e. 514 ha) of Lot 1492 which is considered excessive. Furthermore the application has not provided any detail regarding the extent and/or value of existing native vegetation on the subject land or surrounding areas. As such this criterion is deemed to have not been satisfied.

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

The application does not demonstrate that the elements set out in section 4.3 of the EPA's position statement have been met. As such this criterion is deemed to have not been satisfied.

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

The application does not demonstrate in any way that the proposal to clear approximately 48% (i.e. 514 ha) of Lot 1492 will not lead to and/or exacerbate on and off-site land degradation problems. As such this criterion is deemed to have not been satisfied.

Conclusion

It is concluded from a detailed assessment of the application that the proposal to clear approximately 48% (i.e. 514 ha) of Lot 1492:

- i. is not well founded and is not supported by sufficient information to justify the extent of the clearing works proposed;
- ii. is likely to result in land degradation and loss of biodiversity;

- iii. is inconsistent with the Shire's strategic direction for environmental protection and conservation as outlined in the Shire of Lake Grace Local Planning Strategy; and
- iv. is inconsistent with the Environmental Protection Authority's Position Statement No.2 – Environmental Protection of Native Vegetation in Western Australia.

As such it is recommended that Council advise the Department of Environment and Conservation that it does not support the clearing application for Lot 1492 as submitted.

Legal Implications

Planning and Development Act 2005 (as amended)
Shire of Lake Grace Local Planning Scheme No.4
Shire of Lake Grace Local Planning Strategy

Policy Implications

Environmental Protection Authority Position Statement No.2 – Environmental Protection of Native Vegetation in Western Australia.

Community Consultation

Not required.

Financial Implications

Nil

Strategic Implications

Shire of Lake Grace Local Planning Strategy – The proposal's inconsistency with the Strategy have been outlined in detail above.

Voting Requirements

Simple majority required.

Recommendation/Resolution

MOTION 11181

Moved Cr Armstrong
Seconded Cr Chappell

That Council advise the Department of Environment and Conservation that it does not support the application submitted Mr Jens Jorgensen (as executor for the Estate of A.F. Goode) to clear approximately 514 hectares of native vegetation on Lot 1492 Tonkin Road, Mount Sheridan in accordance with the details of the plan submitted in support of the application for the following reasons:

1. The proposal is not well founded and is not supported by sufficient information to justify the extent of the clearing works proposed;
2. It is likely to result in land degradation and loss of biodiversity;
3. It is inconsistent with the Shire's strategic direction for environmental protection and conservation as outlined in the Shire of Lake Grace Local Planning Strategy; and
4. It is inconsistent with the Environmental Protection Authority's Position Statement No.2 – Environmental Protection of Native Vegetation in Western Australia.

MOTION CARRIED 6/0

4.15 pm Cr Chamberlain returned to the meeting and was advised of the decision.

13.0 MATTERS FOR CONSIDERATION – HEALTH & BUILDING

No items for consideration.

14.0 MATTERS FOR CONSIDERATION – FINANCE

14.1 ACCOUNTS FOR PAYMENT – FEBRUARY 2011

Applicant: Shire of Lake Grace
File No. 0277
Attachments: List of Creditors
Author: Ms Heather Bell
Customer Services Officer
Disclosure of Interest: Nil
Date of Report: 14 March 2011
Senior Officer: Mrs Lee-Anne Trevenen
A/Manager Corporate Services

Summary

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

Background

List of payments for the month February 2011 through the Municipal accounts are attached.

Comment

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

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

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

Legal Implications

Local Government (Financial Management) Regulations 1996 – Reg 12
Local Government (Financial Management) Regulations 1996 – Reg 13

Policy Implications

N/A

Consultation

N/A

Financial Implications

The list of creditors paid for the month of February 2011 from the Municipal Account Totals \$386,391.00. There were no Trust cheques for February 2011

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 11182

Moved Cr Newman
Seconded Cr Chappell

That Council receive the list of payments totalling \$386,391.00 as presented for the month of February 2011 incorporating:

- Municipal Account Cheques 34265 to 34289
- Electronic Funds Transfers EFT7597 to EFT7681

Cheque 34286 was cancelled

MOTION CARRIED 7/0

14.2 FINANCIAL STATEMENTS – JANUARY 2011

Applicant: Corporate Services Section
File No. 0275
Attachments: Financial Reports
Author: Mrs Lee-Anne Trevenen
A/Manager Corporate Services
Disclosure of Interest: Nil
Date of Report: 14 March 2011
Senior Officer: Mrs Lee-Anne Trevenen
A/Manager Corporate Services

Summary

Consideration of the financial statements for the month ending 31 January 2011.

Background

The following financial reports are included for your information:

- Monthly Statement of Financial Activity
- Financial Activity Variances
- Significant Accounting Policies
- Statement of Objective
- Acquisition of Assets
- Disposal of Assets
- Information on Borrowings
- Reserves
- Net Current Assets
- Rating Information
- Trust Funds
- Operating Statement by Programme
- Balance Sheet
- Financial Ratios
- Capital Road Works, Operating Revenue & Expenditure Graphs
- Bank Reconciliation (December 2010)

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 11183

Moved Cr Chappell

Seconded Cr De Landgraft

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 January 2011.

MOTION CARRIED 7/0

14.3 2010/11 BUDGET REVIEW

Applicant:	Corporate Services
File No.	0683
Attachments:	Budget Review including Notes and Schedules
Author:	Mr Sean Fletcher Chief Executive Officer
Disclosure of Interest:	Nil
Date of Report:	12 March 2011
Senior Officer:	Mr Sean Fletcher Chief Executive Officer

Summary

All Local Governments in Western Australia are required under the *Local Government (Financial Management) Regulations 1996* to conduct a budget review each financial year.

The review or the establishment of a forecast of the Shire's expected financial position by 30 June 2011 must occur between 1 January and 31 March with the outcomes considered by council. The council must then determine whether to adopt the review, any parts of the review or any recommendations within the review. Within 30 days after a council has made a determination, a copy of the review is to be provided to the Department of Local Government.

The net effect of projected income and expenditure to 30 June 2011 is that the Shire is expected to have a surplus of \$475,731 based predominantly on funding that should be received under Country Local Government Round 3. Without this funding the surplus would be in the order of \$3,000.

The 2010/2011 Budget Review was submitted to the Audit Committee for comment on 11 March 2011. The Audit Committee advised the author it was satisfied with the report and thanked the CEO for the level of work and the quality of the report produced.

Background

Although the Audit Committee under its terms of reference does not have the power to make recommendations to Council on the Shire's budget review, it would appear that by convention and in the broadest possible terms under the Audit Committee's terms of reference that this committee is not only a sounding board on the Shire's financial position, but is required to facilitate with the CEO effective financial management.

With the above in mind, the author has conducted a wide ranging review of the 2010/11 Shire Budget that highlights a range of key variances that show the Shire will achieve a cash positive position by 30 June 2011.

Comments

Under the Review process, a local government is required to report on key variances within each program either above or below expectations. A program is typically Governance, General Purpose Funding, Law, Order & Safety, Transport and so on. The level of variance that requires an explanation for the Shire of Lake Grace is 10% and \$5,000.

Budget Review Documents

Presented to Council is the Shire's 2010/11 Budget Review consisting of:

- The Finance Statement with variances expected indicated by program and the Report on significant variances greater than 10% and \$5,000;
- Note 3 - Statement of Assets;
- Note 4 - Statement of Asset Disposals;
- Note 5 - Information on Borrowings;
- Note 6 - The Reserves;
- Note 7 - Net Current Assets; and
- Note 12 -.Financial Ratios.

The Schedules have also been provided as further background information.

Analysis of Expected Financial Position by 30 June 2011

The net effect of projected income and expenditure to 30 June 2011 is that the Shire is expected to have a surplus of \$475,731 based predominantly on funding that should be received under Country Local Government Round 3. Without this funding the surplus would be in the order of \$3,000.

It should also be noted that the surplus brought forward from 2009/10 was \$182,887 more than budgeted due to receivables greater than expected and payables less than expected. This additional funding has allowed the Shire to provide additional funding under the Health Programme for primary health care services i.e. a doctor and cover the reduced number of land sales regarding the Quondong Crt subdivision due to the length of time it has taken to complete this project.

The Report on Significant Variances provides an overview on the level of income or expenditure that is expected to occur at both the operating and capital level.

From a revenue perspective funding will not be received for Local Government Reform (\$20,000) and green waste initiatives (\$33,000). As highlighted above, revenue is expected to be down regarding the Quondong Crt blocks (\$80,000 instead of \$200,000). However, revenue will increase regarding housing rents in response to the audit conducted by the Department of Housing.

Additional funding has been secured for the Lake Grace Story Trail Project (\$15,000) and through the Dry Season Grants process both for social activities (\$20,000) and for water tanks (\$15,000). Also, funding is now received for claims made to Medicare and WACHS for GP services.

As advised at the strategic planning workshop on 9 & 10 March 2011, funding under Country Local Government Fund Round 3 (Royalties for Regions) of \$472,731 should occur once the \$250,000 from the Newdegate Medical Centre under Round 1 has been acquitted.

On the expenditure front, the key increase is in regard to providing interim GP services until a permanent solution regarding a doctor is put in place. The increase in funding of \$43,900 taking the amount to be spent up to \$100,000 resulted from discussions between the CEO and Council at a GP Workshop in November 2010.

From a capital perspective, the author does not believe, as discussed at the strategic planning workshop, that the second staff house on Frank's Street nor the replacement of the Lake King Hall roof will occur during the remainder of 2010/11. This is due to delays experienced with the construction of the Newdegate Medical Centre including quotes for materials, services provided and meeting the funding criteria for Country Local Government Round 3 (i.e. Round 1 funding has to be acquitted before Round 3 funding will be issued).

On a positive note, the Shire is expected to complete its Road Program within budget although Dunham Rd (intersection project), Ace Rd and Gordon Rd (gravel sheeting) will not be done this financial year. As advised previously, the Newdegate North Rd floodway and reseal project has gone over budget, but leftover 2005/09 Roads to Recovery funding held in a restricted account has covered this cost.

Funding for the Lake Grace pedestrian rail crossing was unsuccessful, but the zig zag crossing can still be put in for 2010/11 with the concrete path or bitumen path to follow in 2011/12.

Other things to note are that water tanks have been secured for the Newdegate Fire Brigade for use at the Newdegate Rec Centre and the CBH Buniche Bin site. Works at the Lake Grace Sewerage Plant will be less than expected. The Imhoff Tank does not need to be replaced. However, new electronic controls will be installed. Funding held by the Shire regarding LOGCHOP/joint venture housing will also be used to fund maintenance works on some of that housing.

A number of new accounts have been created to accommodate new funding and expenditure requirements. These are:

- Income Account I136180 Dry Seasons Grants \$20,000;
- Expenditure Account E136991 Dry Season Relief \$20,000.

Since the budget review was conducted further accounts have been created to reflect funding received:

- Income Account 132414 KBC Litter Grant \$4,845
- Expenditure Account 132991 KBC Litter Grant

Additional funding of \$1,400 has also been applied for under the Dry Season process for "I Swam in a Drought" process.

The Shire's Net Current Asset Position or restricted cash position by 30 June 2011 is expected to be \$1,398,170 made up of:

Reserves:	\$1,313,007
LOGCHOP Housing:	\$ 41,720
Lakes Village Housing:	\$ 25,659
Joint Venture Housing:	\$ 12,811
Lakes LCDC:	<u>\$ 4,973</u>
	\$1,398,170

The bottom line is that the Shire's budget for 2010/11 has not been increased other than through the creation of the accounts for Dry Season Funding and for those now regarding the Keep Australia Beautiful Litter Grant process. All other

costs and income are expected to be achieved within the parameters of the 2010/11 Budget.

Please note that the variances with the same or similar explanations as per the Budget Review will show each month until the end of the financial year as this is the expected level of activity that will occur.

Strategic Implications

Shire of Lake Grace Strategic Plan – 7. Organisational Excellence

Legal Implications

Section 33A - *Local Government (Financial Management) Regulations 1996*

Section 6.8 (1) *Local Government Act 1995* – Expenditure in municipal fund not included in annual budget

Policy Implications

Nil

Consultation

Internal: Senior Management Team

External: UHY Haines Norton
Mr Bob Waddell – Financial Management Consultant and Auditor

Voting Requirements

Absolute majority (5) required

Recommendation/Resolution

MOTION 11184

Moved Cr Chappell
Seconded Cr Newman

That Council:

1. Adopt the Shire of Lake Grace 2010/11 Shire Budget Review;
2. Endorse the setting up of the following accounts:
 - Income Account I136180 Dry Seasons Grants \$20,000;
 - Expenditure Account E136991 Dry Season Relief \$20,000;
 - Income Account I132414 KBC Litter;
 - Expenditure Account E132991 KBC Litter.

MOTION CARRIED BY ABSOLUTE MAJORITY 5/2

*Voting for the motion Crs Walker, Chappell, De Landgraft, Sinclair & Newman
Voting against the motion Crs Chamberlain & Armstrong*

Cr Chappell, spoke for the Audit Committee and wished to compliment the staff on the presentation of the Budget Review.

15.0 MATTERS FOR CONSIDERATION – ADMINISTRATION
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15.1 WHEATBELT RAILWAY RETENTION ALLIANCE - MEMBERSHIP

Applicant:	WA Farmers Federation – Corrigin/Lake Grace Zone
File No.	0059/0448
Attachments:	Letter from WAFF CBH Chair Comments in Farm Weekly WRRRA Letter to Hon Minister for Transport Newspaper article Minutes of Merredin Zone Council Meeting
Author:	Mr Sean Fletcher Chief Executive Officer
Disclosure of Interest:	Nil
Date of Report:	12 March 2011
Senior Officer:	Mr Sean Fletcher Chief Executive Officer

Summary

The purpose of this report is to seek Council's endorsement of the Shire's membership of the Wheatbelt Railway Retention Alliance (WRRRA).

Background

As discussed at the Council Information Session on 23 February 2011 the author mentioned he had been advised by Cr Newman to expect a request from the WA Farmers Federation Corrigin/Lake Grace Zone for the Shire of Lake Grace to join the Wheatbelt Railway Retention Alliance (WRRRA).

The author has now received the written request from WAFF and responded accordingly, confirming the Shire's membership.

Comment

The request for membership recognises that although the third tier rail closures is not a direct issue for the Shire of Lake Grace, there are considerations from a political perspective regarding the support that the Shire's membership would bring.

It may be prudent for one or two elected members to attend future meetings of the WRRRA. This is similar to what happens regarding the Shire's membership of the Water Council.

Future reports will form part of the Information Bulletin Report.

Legal Implications

Nil

Policy Implications

Nil

Consultation

External: Frank Peckza - CEO Shire of Narembeen
Internal: Shire President
Council Information Session 23 March 2011
Senior Management Team

Financial Implications

Nil

Strategic Implications

Shire of Lake Grace Strategic Plan

6. Leadership

Provide a visionary and proactive approach to leadership at an operational and strategic level

Voting Requirements

Simple majority required.

Officer Recommendation

That Council:

1. Endorses the Chief Executive Officer's letter to WRRRA confirming the Shire of Lake Grace acceptance to become a member of the Wheatbelt Railway Retention Alliance.
2. That Cr _____ and Cr _____ attend future meetings of the Wheatbelt Railway Retention Alliance

Recommendation/Resolution

MOTION 11185

Moved Cr Chappell
Seconded Cr Armstrong

That Council:

1. Endorses the Chief Executive Officer's letter to WRRRA confirming the Shire of Lake Grace acceptance to become a member of the Wheatbelt Railway Retention Alliance.
2. That Cr Walker and Cr Chamberlain attend future meetings of the Wheatbelt Railway Retention Alliance.

MOTION CARRIED 7/0

It is noted that Cr Chappell is happy to proxy as the need arises

4.00pm

Meeting adjourned for afternoon tea.

4.40pm

Meeting reconvened with all those previously in attendance present with the exception of Cr Newman & Mr D Clarke.

15.2 CEO KEY PERFORMANCE INDICATORS - UPDATE

Applicant:	Chief Executive Officer
File No.	0271
Attachments:	Draft Community Engagement Policy Roles & Functionality Review – Under Confidential Cover
Author:	Mr Sean Fletcher Chief Executive Officer
Disclosure of Interest:	Nil
Date of Report:	12 March 2011
Senior Officer:	Mr Sean Fletcher Chief Executive Officer

Summary

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

Background

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

Comment

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

KPI 1		
Present to Council a Roles and Functionality Plan that provides for services to be maintained without necessarily replacing departing staff. The report is to be presented to Council by April 2011.		
Measure	Progress	Due
Report is presented to Council and Councillors have an opportunity to be heard	Alasdair Malloch-Smith WALGA conducted the review 22/23 February 2011: <ul style="list-style-type: none"> • Interviewed CEO & Staff 22/02; • Interviewed Elected Members 23/02; • Report received 10 March 	30 April 11
KPI 2		
CEO to invest time in meeting with stakeholders on a face to face basis at their localities and to be seen in the communities attending community functions and activities wherever practicable		
Measure	Progress	Due
Community Survey demonstrates an improvement in the Community understanding of the Role of Council and the Role of the CEO with improved communication channels	Community Engagement Workshop conducted by Barbara Maidment 28/02/11 with elected members and key staff to develop policy and process based on new Department of Local Government guidelines on community engagement. <p>Draft received for comment 8 March 2011:</p>	31 Aug 11

	<ul style="list-style-type: none"> Discussed at the strategic planning workshop on 10/03/11; CEO requested feedback from elected members by 23 March 2011. 	
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KPI 3		
Based on the outcomes of the draft Strategic Plan, the plan's KPIs for 2010/11 will be as follows:		
Action 1.1.1	Progress	Due
Lake Grace Residential Land – Development of next stage (Known as Pt Lot 1 Griffin Street or Quondong Crt)	As per the Corporate Plan: <ul style="list-style-type: none"> Underground power installation tender awarded to Jemena Contracting @ December 2010 Council meeting. Works completed 11/03/11; Trenching for Telstra next followed by water then sewerage over next four weeks; Watercorp will do South St main upgrade; Works crew to do road works last 	31 Dec 10
Action 1.1.2	Progress	Due
Lake Grace Industrial Land Development: <ul style="list-style-type: none"> Funding; Commence Construction; Finish Construction 	As per the Corporate Plan: <ul style="list-style-type: none"> Landcorp has agreed to develop; Will fund five blocks first. Exchange of recycling depot lot with Salmon Gums lot last process to occur; As discussed and agreed at the strategic planning workshop 9&10 March, Shire works (40,000) deferred to 2011/12 to meet Landcorp timetable; Blocks available Feb 2012 	31 Dec 11
Action 2.1.1	Progress	Due
Construct the Newdegate Medical Centre within allocated budget	As per the Corporate Plan: <ul style="list-style-type: none"> Concrete pad put down 17/11/10; Brickwork on hold until issues with concrete pad resolved. Core samples taken by Geoff Ninnes. Laboratory analysis slow going. 	30 Jun 11
Action 2.4.2	Progress	Due
Construct the Lake Grace Childcare Centre within allocated budget	As per the Corporate Plan: <ul style="list-style-type: none"> Lockup achieved by 26/11/10; Wall and roof insulation completed; Wall/Ceiling Gyprock completed; Internal painting completed; Final plumbing connection required; Fit-out due to commence Feb 2011; As part of the transition now required a Management Committee	31 Mar 11

	is to be established regarding the running of this facility	
Action 6.1.2	Progress	Due
Recruit a general practitioner that includes sourcing of a new GP for the Shire and the development with WALGA of a local government GP recruitment platform	<ul style="list-style-type: none"> • Special meeting on 6 December resolved to move forward with Southern Regional Medical Group on an interim basis and to commence development of an appropriate contract; • Chris Swarts, Belinda Bailey, Michelle Poepjes, Tim Shackelton and Tony Mylius advised of outcome of December's special meeting; • WACHS established primary health care working group in January 2011; • Locum commenced February 2011; • Dr Francois Jacobs and his wife Henriette met with President and CEO on 8 March 2011: <ul style="list-style-type: none"> ○ Dr Jacobs to decide whether to operate as a solo GP or work for SRMG; ○ Rural Health West advised 11/03/11 that Dr Jacobs may need relocation assistance and support. 	31 Aug 11
Action 7.1.7	Progress	Due
Complete Ward and Representation Review – By April 2011 the CEO to run a workshop for Councillors allowing Councillors the opportunity to review the report to ensure that it is appropriate for the Shire	<ul style="list-style-type: none"> • Proposal to use BHW to presented to Council 24 November 2010 and was rejected; • CEO met with Local Government Advisory Board 1 December 2010; • Discussion paper issued 25 January 2011. Closing date for comments is 15 March 2011 • Mr Ross Earnshaw advised CEO that review must now be finalised by 18 March 2011. Shire President called for special meeting 17 March 2011. 	30 Jun 11

December Meeting Response to Other Impacts

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

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

As per the author's comments in February's report it would appear that actions 1.1.1, 1.1.2 and 2.1.1 will not meet the required timelines.

Legal Implications

Nil

Policy Implications

Nil

Consultation

External: As per the comments in this report.

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

Financial Implications

Nil.

Strategic Implications

Shire of Lake Grace Strategic Plan

Voting Requirements

Simple majority required.

Officer's Recommendation/Resolution

MOTION 11186

Moved Cr Chappell
Seconded Cr Armstrong

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

MOTION CARRIED 6/0

4.48pm Mrs P Dunham, Mr D Spencer, Mrs C Chappell, Mr G Argent & Mrs D Clarke left the meeting.

15.3 **STRATEGIC PLANNING WORKSHOP - OUTCOMES**

Applicant: Chief Executive Officer
File No. 0552
Attachments: Strategic Action Plan Update 2010/11
 Strategic Action Plan Update 2011/12
Author: Mr Sean Fletcher
 Chief Executive Officer
Disclosure of Interest: Nil
Date of Report: 12 March 2011
Senior Officer: Mr Sean Fletcher
 Chief Executive Officer

Summary

Re-presented for adoption to Council is the Shire of Lake Grace Strategic Plan 2010 - 2015. The Corporate Plan (which contains the performance indicators) is also presented for endorsement.

Background

The Shire's strategic plan was reviewed during a workshop on 9 and 10 March 2011. The workshop was attended by elected members and key staff with Allan Bandt as the facilitator.

The Shire President introduced the workshop. Presentations were conducted throughout the workshop by Stephanie Clarke-Lloyd, the Shire's Visitors Centre Manager, Bernie Miller, Regional Manager MRWA – Wheatbelt South, Joe Douglas Principal Planner URP and the author. The presentations assisted with the formation of key actions for the next six to 12 months.

Key issues raised during the workshop are summarised as follows:

Rescheduling of Key Actions

During the course of the workshop, it was identified that there were 12 actions that would need to be rescheduled or rolled over to 2011/12. It was expected that 34 actions would still be completed for 2010/11.

The actions rescheduled to 2011/12 or deleted include:

Number	Action	Comment
1.1.2	Lake Grace Industrial Land Development	Shire works (\$40,000) rolled over to 2011/12 to coincide when Landcorp will develop blocks in November 2011
1.3.3	Develop Annual Wheatbelt Cycling Event - deleted	Inadequate time and staff resources for this project
1.4.2	Investigate alternative management of LOGChop &	<ul style="list-style-type: none"> Draft report needs further comment

	Joint Venture housing	<ul style="list-style-type: none"> Impacted by resignation of former Manager Community Services
1.4.3	Complete second Frank's Street Staff House	<ul style="list-style-type: none"> Funding for this project is reliant on CLGF3 funding. Requires: <ul style="list-style-type: none"> Approval of capital works plan; Aquittal of 2008/09 funding (Newdegate Medical Centre)
2.1.1	Newdegate Medical Centre	<ul style="list-style-type: none"> Completion date only; Holds due to availability of materials and quotes; Investigation of the concrete pad
2.5.3	Lake King Hall roof	As per 1.4.3
3.2.2	Undertake Regional Bicycle Network Funding – RBN (i.e. shared paths)	<ul style="list-style-type: none"> Funding application unsuccessful; However, part of this project could be completed using existing shire funding
3.2.3	Engage with Main Roads Network Term contractors	<ul style="list-style-type: none"> Has now become Integrated Service Agreements (Leighton – Opus)
5.1.1	Develop Lake Grace Flood Mitigation plan and timeline	<ul style="list-style-type: none"> Completion subject to receiving 50/50 funding
5.1.2	Implement Local Environmental Management Plans (Tip Plans)	<ul style="list-style-type: none"> Plans developed through Wagin Regional Refuse Group project; Internal works required for each tip to match plans
6.1.2	Recruit a GP that includes sourcing of a new GP for the Shire and the development with WALGA of a local government GP recruitment platform	<ul style="list-style-type: none"> Ongoing project; Dr Francois Jacobs making a decision whether to work for SRMG or as a solo GP; Local government platform developed
7.1.1	Undertake policy development and review	Inadequate time and staff resources for this project
7.1.4	Complete review of local laws	Inadequate time and staff resources for this project

Table One: Deferred or Deleted Projects 2010/11

Reasons reviewed for the rescheduling of the projects included the impact experienced through the resignation and subsequent replacement of key staff including the Manager Community Services and the Manager Corporate Services.

Another key impact examined was how the delays to the Newdegate Medical Centre were impacting on the approval for round 3 funding under the Country Local Government Fund that is required for the second Franks Street staff house and replacement of the Lake King Hall roof.

Revision of Actions 2011/12

During the review of actions for 2011/12, most were identified as either to happen with some deferred (Lake King Residential Land Development – approvals due to cost of water provision put at \$2.5M) and a number identified as no longer relevant i.e. the Annual Wheatbelt Cycling Event and the Review of Specified Area Rates (as this forms part of any policy review from year to year).

New Actions Identified for 2011/12

There were four new actions identified for 2011/12 including:

- Rolling over of Town Planning Scheme 4 instead of a full review. The cost would be \$10,000 as opposed to \$100,000 for a full review;
- Engaging with Integrated Service Agreement provider (Establish depot in Lake Grace District);
- Investigate a pilot scheme for alternative energy generation;
- Promote a safe working environment by implementing the Occupational Safety and Health Plan.

Discussion was also held around the formation of a working group to assist the Manager of Works finish the ten year road programme. It was agreed that one elected member from each ward would participate on the working group.

A copy of the revised list of actions for 2011/12 is attached.

Comment

As a result of the revised actions, a new strategic plan and corporate plan will be prepared. The revised strategic plan will be issued for public comment as part of the current requirements regarding Plans for the Future.

As such the new strategic plan would be an ideal opportunity to further test the draft community engagement policy once it is adopted at the April meeting.

Once the community feedback process is completed the strategic plan will be presented to Council for adoption.

Legal Implications

Local Government Act 1995 Section 5.56 – Planning for the Future

Policy Implications

Nil

Consultation

External: Alan Bandt of Bandt Gatter and Associates

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

Financial Implications

Nil.

Strategic Implications

Shire of Lake Grace Strategic Plan

Voting Requirements

Simple majority required.

Officer's Recommendation/Resolution

MOTION 11187

Moved Cr Chappell
Seconded Cr De Landgraft

That Council:

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

MOTION CARRIED 6/0

15.4 LOCAL GOVERNMENT COMPLIANCE AUDIT – 1 JANUARY TO 31 DECEMBER 2010

Applicant: Department of Local Government
File No: 0528
Attachments: Compliance Return
Author: Mrs Jeanette Bennett
Executive Assistant
Disclosure of Interest: Nil
Date of Report: 17 March 2011
Senior Officer: Mr Sean Fletcher
Chief Executive Officer

Summary

The purpose of this report is for adoption of the Statutory Compliance Audit Return for the year ending 31 December 2010 and endorsement of the required certification.

Background

The Department of Local Government produces a Statutory Compliance Audit Return for Local Government to use as a check-list of statutory obligations and compliance.

The return is to be approved by Council, certified by the President and Chief Executive Officer and submitted to the Director General Department of Local Government by 31 March 2011.

This year, Local Government Consultant, Mr Gary Martin was once again engaged to undertake the Compliance Audit Review independent of the Shire management. An important objective of the Compliance Return process is to assist local governments to enhance or develop internal control processes to ensure compliance with statutory requirements and improve operational management control by using “best practice” procedures.

The Compliance Audit also provides the CEO with an independent overview of the status of internal management processes, and the Council with an overview of the state of the Shire’s administration.

Mr Martin conducted the Audit on-site during the week commencing 14 February 2011. The standard of compliance was deemed satisfactory and showed an apparent culture of awareness of compliance requirements.

For context purposes, non compliance or partial non-compliance related to only 8 (21 in 2009) of the total 283 (347 in 2009) items included in the Compliance Return, an achievement of 97.2% (94% in 2009). As can be seen, some 64 questions were removed by the Department from this year’s Compliance Audit questionnaire.

Mr Martin found the Shire to have sound management systems given the turn over of senior employees during the return period. Caution is required to ensure the high standard is maintained.

Mr Martin's report will be made available via the Monthly Circular.

Comment

This year's return has been completed online and now requires certification.

The following non compliance issues are noted for information:

Elections

Question 31 – An Electoral Gift Register was not sighted.

Corrective Action – A review of the election record requirements is to be conducted.

Executive Functions

Question 10 – The Shire has not kept plans for the levels and alignments of public thoroughfares under its control or management in contravention of s3.52(4).

Corrective Action – Awaiting implementation of the new Romans 11 software.

Finance

Questions 40 & 44 – The agreement with the Auditor does not contain specific reference to the audit objectives or the method of communication between the Shire and the Auditor.

Corrective Action – To be addressed upon renewal of the audit contract.

Employees

Question 7 – A senior employee position advertisement did not include details of the proposed contract period.

Corrective Action – Will be addressed in future.

Question 16 – The current Shire Policy 4.5 Severance Pay does not contain adequate detail in respect of the circumstances or manner of assessing any payment.

Corrective Action – Policy requires review.

Questions 19 & 20 – The Annual Report does not disclose the number of employees entitled to an annual salary of \$100,000 or more and does not disclose the number of employees with an annual salary entitlement that falls within each band of \$10,000 and over \$100,000.

Corrective Action – To be included in the 2011 Annual Report.

Local Laws

Question 13 – The review of Local Laws within the eight year period has not been completed.

Corrective Action – Update of Local Laws to be undertaken.

Meeting Process

Question 56 – The register of gifts has not been sighted.

Corrective Action – A replacement register to be put in place.

Consultation

Internal: Chief Executive Officer
Acting Manager Corporate Services
Executive Assistant
Finance Officers
Environmental Health Officer
Building Officer

Legal Implications

The Statutory Compliance Return is required under Section 7.13 of the Local Government Act 1995 and items 13 – 15 of the Audit Regulations.

Policy implications

N/A

Financial implications

N/A

Strategic implications

Shire of Lake Grace Strategic Plan

Organisational Excellence

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

Voting Requirements

Simple majority required

Recommendation/Resolution

MOTION 11188

Moved Cr Armstrong
Seconded Cr Chappell

That:

1. The Local Government Statutory Compliance Return for the Shire of Lake Grace for the period 1 January 2009 to 31 December 2010 be adopted; and that,
2. The Certification contained within the Local Government Statutory Compliance Return be endorsed by the Shire President and the Chief Executive Officer.

MOTION CARRIED 6/0

4.52pm Mrs Sinclair entered the meeting.

15.5 ACTING CHIEF EXECUTIVE OFFICER - APPOINTMENT

Applicant: Chief Executive Officer
File No. 0012
Attachments: Nil
Author: Mr Sean Fletcher
Chief Executive Officer
Disclosure of Interest: Nil
Date of Report: 12 March 2011
Senior Officer: Mr Sean Fletcher
Chief Executive Officer

Summary

The purpose of this report is to seek Council's endorsement of Mr Gary Martin to undertake the role of Acting CEO during the author's annual leave.

Background

The author is proceeding on annual leave 28 April 2011 until 26 May 2011.

Mr Gary Martin has been approached to undertake the role of Acting CEO during this time. Mr Martin has responded to the Executive Assistant that he is available to relieve as CEO during the author's period of leave.

Comment

Mr Gary Martin is well known to the Shire through the work he has undertaken previously including a number of compliance audits.

Mr Martin has an extensive background in local government including that as a departmental investigator. He recently finished a stint as the Acting CEO at the Shire of Sandstone.

Legal Implications

Local Government Act, 1995 Section 5.36 - Local government employees

Section 5.36 (1) (a) states:

"A local government is to employ –

(a) A person to be the CEO of the local government;"

Section 5.36 (2) states:

"A person is not to be employed in the position of CEO unless the Council –

(a) believes that the person is suitably qualified for the position; and

(b) is satisfied* with the provisions of the proposed employment contract.

Absolute majority required

Policy Implications

N/A

Consultation

External: Mr Gary Martin – Local Government consultant
Internal: Shire President
EM Update 14 March 2011
Senior Management Team

Financial Implications

The cost of Mr Martin's fee is offset by the payments made out of the leave reserve to cover the author's annual leave.

Strategic Implications

Shire of Lake Grace Strategic Plan

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

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

Voting Requirements

Absolute majority (5) required.

Officer Recommendation/Resolution

MOTION 11189

Moved Cr Chamberlain
Seconded Cr De Landgraft

That Council appoint Mr Gary Martin as Acting Chief Executive Officer while Mr Sean Fletcher is on annual leave 28 April 2011 until 26 May 2011.

MOTION CARRIED BY ABSOLUTE MAJORITY 6/0

16.0 INFORMATION BULLETIN

16.1 INFORMATION BULLETIN REPORT – MARCH 2011

Applicant:	Executive Services
File No.	N/A
Attachments:	<ol style="list-style-type: none"> 1. Grants Register as at 23 March 2011 2. City of Armadale – letter of thanks 3. Municipal Association of Victoria – letter & report re Black Saturday Bushfires 4. Central Country Zone – email seeking representatives
Author:	Mrs Jeanette Bennett Executive Assistant
Disclosure of Interest:	Nil
Date of Report:	15 March 2011
Senior Officer:	Mr Sean Fletcher Chief Executive Officer

Summary

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

Background

The Information Bulletin Report was introduced during 2010 and deals with monthly standing items and other information of a strategic nature relevant to Council.

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

Comment

The information at attachment as per above, together with the following updates are provided for Council's information:

1. Grants Register

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

2. City of Armadale

Letter of thanks for support during recent Kelmscott bushfire.

3. Municipal Association of Victoria

Letter of thanks for donation and report.

4. Central Country Zone

Email from BHW Consulting advising representatives will be sought at next CCZ Meeting for Health MOU Group and the Great Southern District Emergency Management Committee.

Legal Implications

Nil

Policy Implications

Nil

Consultation

Nil

Financial Implications

Nil

Strategic Implications

Shire of Lake Grace Strategic Plan

Voting Requirements

Simple majority required.

Officer Recommendation/Resolution

MOTION 11190

Moved Cr De Landgraff
Seconded Cr Chappell

That Council receive the Information Bulletin Report.

MOTION CARRIED 6/0

17.0 URGENT BUSINESS BY DECISION OF THE MEETING

None

18.0 SCHEDULING OF MEETING

18.1 APRIL 2011 ORDINARY MEETING

Motion 11124 November 2010 states:

An Ordinary Meeting of Council will be held on Wednesday 27 April 2011, commencing at 3:00pm at Council Chambers, 1 Bishop St Lake Grace WA.

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

4.55pm *Mrs Sinclair left the meeting*

MOTION 11190

Moved Cr Chappell
Seconded Cr Armstrong

That Council close the meeting to the public at this time, being 4.56 pm, to discuss the Organisational Structure Review Report.

MOTION CARRIED 6/0

That Council received the first draft Solutions Report as presented

MOTION 11191

Moved Cr Chamberlain
Seconded Cr De Landgraft

That the Workforce Solutions Report lay on the table until the April 2011 Ordinary Meeting.

MOTION CARRIED 6/0

MOTION 11192

Moved Cr Chappell
Seconded Cr Armstrong

That Council re-open the meeting to the public at this time, being 5.04 pm.

MOTION CARRIED 6/0

20.0 CLOSURE

There being no further business, the Chairperson closed the meeting at 5.05 pm.

21.0 CERTIFICATION

I Andrew James Walker certify that the minutes of the meeting held on the 23 March 2011 as shown were confirmed as a true record at the meeting held on the 28 April 2011.

Chairman

Date