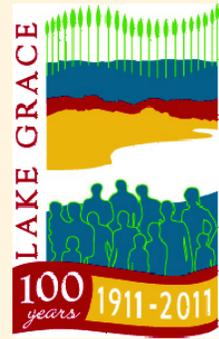


Shire of Lake Grace



Ordinary Council Meeting

Unconfirmed

Minutes



25 May 2011

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SHIRE OF LAKE GRACE

Minutes of the Ordinary Meeting of Council held at the Newdegate Community Library & Resource Centre, Collier St, Newdegate, WA on Wednesday 25 May 2011.

1.0 OPENING & ANNOUNCEMENT OF VISITORS

The Chairperson (Shire President) opened the meeting at 6.00pm and welcomed the local Newdegate residents to the meeting.

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 Landgraft	
Cr AI Milton	
Cr WA Newman	
Cr OP Farrelly	
Cr DP Sinclair	

Mr GK Martin	Chief Executive Officer (Acting)
Ms S Appleton	Manager Corporate Services
Mrs J Bennett	Executive Assistant

Observers

Mrs Helen McDonald
 Mrs Pearl Green
 Mrs Sandy Knill
 Ms Lynne Ellard
 Mrs Roz Lloyd
 Mr John Robinson
 Mrs Karen Rosenthal
 Mrs Terri Ness
 Mr George Genders

2.2 APOLOGIES

Mr SK Fletcher	Chief Executive Officer
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2.3 LEAVE OF ABSENCE PREVIOUSLY GRANTED

None

3.0 PUBLIC QUESTION TIME**3.1 MR JOHN ROBINSON**

Mr Robinson asked the following questions:

1. Was the design of the reinforced concrete slab on ground in accordance to the Australian Standards A.S.2870 for Residential Slabs and Footings?
2. What was the reading of the penetrometer test, and did it come up to specifications if one was done?
3. Was there extra water added to slab on site?
4. Was there sufficient reinforcing steel in the slab?
5. On placement of concrete was it compacted by vibrating until bubbles stopped rising to the surface?
6. Why was concrete poured on a very hot day?
7. Was the concrete ordered by strength, grade and slump more than N20 MPA with 20 mm nominal maximum aggregate size and 80mm slump or was the concrete ordered with a slump of more than 100mm which would have more shrinkage on curing?
8. Was there any curing compound placed on the finished product or, because it was a very hot day when it was poured, the decision was to rely on the weather?
9. Who was responsible to monitor and keep water on the slab over the curing process, as this didn't appear to happen?
10. If a decision to go ahead and build on this particular slab and footings was decided by a structural engineer and there was a structural failure with building settlement, who would be responsible, the rate payer?

The Shire President advised the report regarding the Newdegate Medical Centre for tonight's meeting is a confidential item and cannot be discussed. Mr Robinson's questions will be taken on notice.

3.2 MRS HELEN McDONALD

Mrs McDonald asked the following questions which were responded to by the Shire President:

1. Who is responsible for the faulty cement work?
 - a. The Contractor?
 - b. The Paid Project Officer?
 - c. The CEO (i.e. the Shire)?

Reply: This matter is the subject of a confidential report to the Council at this meeting. The question may be defamatory to all three persons as it refers to responsibility for faulty cement works. Caution needs to be exercised as you may only have qualified privilege.

2. Why wasn't more care taken with this building when there is the previous example of the Newdegate toilets, under Shire Owner Builder supervision, being knocked down and having to be totally rebuilt, because of faulty workmanship?

Reply: I again refer to your statement relating to faulty workmanship and potential for defamation. I am unable to answer the question regarding the amount of care taken or not but the Shire endeavours to carry out all its works to a high standard. The fact is that ultimately, as owner/builder, the Shire is responsible. There were unique and confidential circumstances in relation to this building going ahead with the Shire as owner/builder but perhaps the Council needs to consider that aspect for similar projects in future.

3. Why won't the Shire take real pride in building this Medical Centre for us and making sure there are no problems now or in the future?

Reply: The Shire does take pride in the Medical Centre. There can be no guarantee that problems will not arise but the Shire will continue to rely upon professional advice where necessary.

4. Will the costs rise because of delays?

Reply: I cannot answer that question directly. However, should the current delays continue it is possible that costs may rise.

4.0 APPLICATIONS FOR LEAVE OF ABSENCE

4.1 CR NEWMAN

MOTION 11214

Moved Cr Milton
Seconded Cr Farrelly

That Cr Newman be granted leave of absence for the next Council Meeting on Wednesday 22 June 2011.

MOTION CARRIED 9/0

5.0 MINUTES OF PREVIOUS COUNCIL MEETINGS

5.1 ORDINARY MEETING – 27 APRIL 2011

Resolution

MOTION 11215

Moved Cr Armstrong
Seconded Cr Sinclair

That the minutes of the Ordinary Meeting of Council held on the 27 April 2011 be confirmed as a true and accurate record.

MOTION CARRIED 9/0

5.2 SPECIAL ELECTOR'S MEETING – 4 MAY 2011**MOTION 11216**

Moved Cr Farrelly
Seconded Cr De Landgraft

That the minutes of the Special Electors Meeting held on the 4 May 2011 be received.

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**

The Acting CEO declared an interest in Item 15.2

7.0 NOTICES OF URGENT BUSINESS**7.1 SHIRE MEDICAL SERVICES**

The Acting CEO advised he wished to update Council on the provision of medical services for the Shire during Confidential Business.

8.0 MOTIONS OF WHICH NOTICE HAS BEEN RECEIVED

None

9.0 PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

None

10.0 MEMBERS' REPORTS**10.1 CR NEWMAN**

Cr Newman advised he had given a copy of information to the Acting CEO from CBH on Workplace practices/harassment which came through the corporate world and would probably already be around in local government.

11.0 MATTERS FOR CONSIDERATION – WORKS & SERVICES

No items for consideration

12.0 MATTERS FOR CONSIDERATION – PLANNING

12.1 WHEATBELT JOINT DEVELOPMENT ASSESSMENT PANELS

Applicant:	N/A
File No.	0557
Attachments:	<ol style="list-style-type: none"> 1. Correspondence from Department of Planning re: Development Assessment Panel Implementation 2. WAPC Planning Bulletin 106/2011 - March 2011 3. Wheatbelt Region JDAP Map
Author:	Mr Joe Douglas, Urban & Rural Perspectives Town Planning Consultant
Disclosure of Interest:	Nil
Date of Report:	9 May 2011
Senior Officer:	Mr Gary Martin Chief Executive Officer (Acting)

Summary

This report recommends that Council consider and provide nominations for two Joint Development Assessment Panel (JDAP) members and two alternate JDAP members for the Wheatbelt Region.

Background

In March 2009 the Department of Planning released the Building a Better Planning System consultation paper which sets out the broader planning agenda for the reform of the Western Australian planning system. One of the reform initiatives was the introduction of Development Assessment Panels (DAPs) to determine significant development applications in an attempt to simplify and speed up planning approvals (see Attachments 1 & 2).

The new Planning and Development (Development Assessment Panels) Regulations 2011 (i.e. DAP Regulations) were introduced on 24 March 2011. The DAPs will commence operation on 1 July 2011.

Each designated DAP within the State comprises a mix of three (3) technical experts and two (2) local government representatives with the power to determine applications for development approval in place of the relevant decision maker (i.e. the local government). The local government representatives will only be required to sit on a DAP where the application is for a development within their local government area.

Comment

The new DAP Regulations require local governments to submit nominations to the Minister for Planning for two (2) DAP members and two (2) alternate (i.e. deputy) DAP members. Local governments have until 13 June 2011 to submit their nominations otherwise the Minister for Planning is empowered to nominate members for the local government.

Each DAP member will be appointed for a term of no more than two (2) years at a time. All nominated members will be required to attend a training workshop on planning law and Codes of Conduct.

It will be mandatory for a local government to refer a development proposal which has a total value of more than \$7 million to a DAP for determination. Exclusions to this mandatory requirement include proposals for the development of single houses and associated outbuildings, less than 10 grouped or multiple dwellings and development by the local government or the Western Australian Planning Commission.

When an application is lodged with a local government which has a value between \$3 million and \$7 million the applicant may nominate that the proposal be determined by a DAP rather than the local government.

Once an application is lodged which requires determination by a DAP, the local government is required to carry out an assessment of the development proposal in accordance with its current operative Local Planning Scheme, including public consultation where required. A report is then prepared by the local government with a recommendation which is then referred to the Department of Planning for processing and referral to the relevant DAP for consideration and final determination.

It is anticipated that DAPs will meet fortnightly or monthly during normal weekday business hours depending upon the number of applications required to be determined.

Based on the development threshold of \$7 million it is likely that very few development proposals in the Shire of Lake Grace will need to be determined by the Joint Development Assessment Panel for the Wheatbelt Region. It is estimated that there would not be more than one (1) or two (2) development applications per year in the Shire requiring determination by the Wheatbelt Region DAP.

Financial Implications

The DAP Regulations prevent a nominated DAP member from attending a DAP meeting without first completing mandatory training. Any DAP member who successfully completes the required training course will be entitled to receive payment of \$400.00 from the Department of Planning for attending a DAP meeting inclusive of any travel expenses.

An application to be assessed by a DAP will require the lodgement of two fees: one for the local government being its prescribed planning application fee and the other for the DAP.

Legal Implications

Planning & Development Act (2005)

Planning and Development (Development Assessment Panels) Regulations 2011

Shire of Lake Grace Local Planning Scheme No.4

Consultation

Community consultation not required.

Strategic Implications

Shire of Lake Grace Strategic Plan

Recommendation

That Council resolve to nominate the following members and alternate members as the Shire of Lake Grace's local government representatives for the Joint Development Assessment Panel for the Wheatbelt Region and forward details of these nominations to the Minister for Planning for consideration:

Members: Cr _____ and Cr _____

Alternate Members: Cr _____ and Cr _____

Voting Requirements

Simple majority required.

Resolution

MOTION 11217

Moved Cr Farrelly
Seconded Cr Newman

That Council resolve to nominate the following members and alternate member as the Shire of Lake Grace's local government representatives for the Joint Development Assessment Panel for the Wheatbelt Region and forward details of these nominations to the Minister for Planning for consideration:

Members: Cr Walker and Cr Chamberlain
Alternate Member: Cr Chappell

MOTION CARRIED 9/0

13.0 MATTERS FOR CONSIDERATION – HEALTH & BUILDING

No items for consideration.

14.0 MATTERS FOR CONSIDERATION – FINANCE

14.1 ACCOUNTS FOR PAYMENT – APRIL 2011

Applicant: Shire of Lake Grace
File No. 0277
Attachments: List of Creditors
Author: Mrs Jessica Davidson
Finance Officer
Disclosure of Interest: Nil
Date of Report: 9 May 2011
Senior Officer: Ms Samantha Appleton
Manager Corporate Services

Summary

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

Background

List of payments for the month April 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 April 2011 from the Municipal Account Totals \$582,279.06.

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 11218

Moved Cr Milton
Seconded Cr Armstrong

That Council receive the list of payments totalling \$582,279.06 as presented for the month of April 2011 incorporating:

- Municipal Account Cheques 34333 to 34360
- Electronic Funds Transfers EFT7819 to EFT7901.

MOTION CARRIED 9/0

14.2 FINANCIAL STATEMENTS – APRIL 2011

Applicant:	Corporate Services Section
File No.	0275
Attachments:	Financial Reports
Author:	Ms Samantha Appleton Manager Corporate Services
Disclosure of Interest:	Nil
Date of Report:	16 May 2011
Senior Officer:	Ms Samantha Appleton Manager Corporate Services

Summary

Consideration of the financial statements for the month ending 30 April 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

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 11219

Moved Cr Farrelly

Seconded Cr Newman

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 30 April 2011.

MOTION CARRIED 9/0

15.0 MATTERS FOR CONSIDERATION – ADMINISTRATION**15.1 2011 LOCAL GOVERNMENT ELECTIONS**

Applicant:	Western Australian Electoral Commission
File No.	0229
Attachments:	Letter 10 September 2010
Author:	Mrs Lee-Anne Trevenen Coordinator Finance & Administration
Disclosure of Interest:	Nil
Date of Report:	2 May 2011
Senior Officer:	Ms Samantha Appleton Manager Corporate Services

Summary

For Council to appoint the Electoral Commissioner to be responsible for the conduct of the October 2011 ordinary elections and decide that the method of conducting the election will be as a postal election.

Background

The Local Government Act, 1995 (the *Act*) provides that a Local Government is to hold elections on the third Saturday in October every two years. The Act was amended in 2006 by the Parliament of Western Australia to specify ordinary elections in October rather than in May as in the past.

In October 2011, Council will have five (5) vacancies arising across its three Wards following the expiry of the terms of Councillors Walker, Milton, De Landgraft, Newman and Armstrong.

Section 4.20 of the *Act* provides that the Chief Executive Officer is the returning officer of a local government for each election unless Council appoints a person other than the CEO. Section 4.20(4) of the *Act* enables a local government to declare the Electoral Commissioner to be responsible for the conduct of the election having first obtained the Commissioner's written agreement.

Furthermore, section 4.61 of the *Act* enables a local government to conduct the election as a postal election.

In the attached letter, the Commissioner has agreed to conduct the ordinary elections in October 2011 and seeks Council's endorsement in accordance with the requirements of the *Act*.

Comment

Council has previously acknowledged the benefits of postal elections, namely:

- Increased voter participation;
- Convenience for electors;

- The availability of an experienced Returning Officer at “arms length” from local government business;
- Detailed candidates guides prepared by the Commissioner;
- All eligible electors being given information about the election; and
- Statutory requirements are fulfilled.

In addition, the holding of a postal election is cost effective and the Electoral Commissioner has previously allowed the cost to be allocated over two budget years, if necessary.

Legal Implications

Local Government Act, 1995 – Part 4

s4.20(4) – Electoral Commissioner to conduct election

s4.61(2) – Postal Elections

Policy Implications

Nil

Consultation

Internal – Chief Executive Officer

Financial Implications

The Electoral Commission have estimated a cost of \$10,000 (Inc GST) to conduct the October 2011 elections.

The estimated cost is based on;

- the number of electors,
- response rate of approximately 60%,
- five (5) vacancies; and
- count to be conducted at the offices of the Shire of Lake Grace.

It is proposed that Council give consideration in its 2011/12 Budget for a provision of \$10,000 for election expenses (Account E041040).

Strategic Implications

By making the Electoral Commissioner responsible for these elections, Council will ensure that elections are conducted independently and with impartiality. In addition, through adopting postal voting, Council will employ a method of conducting elections that is more convenient for electors and typically achieves a much higher rate of voter participation.

Voting Requirements

Absolute Majority Required (5)

Recommendation/Resolution

MOTION 11220

Moved Cr Newman
Seconded Cr De Landgraft

That Council:

- Declare, in accordance with section 4.20(4) of the Local Government Act 1995, the Electoral Commissioner to be responsible for the conduct of the 2011 ordinary elections together with any other elections or polls which may also be required; and,
- Decide, in accordance with section 4.61(2) of the Local Government Act 1995 that the method of conducting the election will be as a postal election.

MOTION CARRIED BY ABSOLUTE MAJORITY 9/0

15.2 SPECIAL ELECTOR'S MEETING OUTCOMES 4 MAY 2011 – WARD REVIEW

The Acting CEO disclosed an interest in Item 15.2 in that he is a local government consultant and the report mentions local government consultants.

Applicant: Shire of Lake Grace Electors
File No. 0375
Attachments: Minutes - Special Electors Meeting 4 May 2011
Draft Discussion Paper – under separate cover
Author: Mr Gary Martin
 Chief Executive Officer (Acting)
Disclosure of Interest: The author is a local government consultant
Date of Report: 17 May 2011
Senior Officer: Mr Gary Martin
 Chief Executive Officer (Acting)

Summary

The Council is aware that the ratio of electors to elected members in the Shire is outside the acceptable range and a ward review is necessary to correct that situation.

This report considers the decision from the Special Electors meeting held Wednesday 4 May 2011 at Newdegate.

The Council has a statutory responsibility to review its wards and representation and to ensure equal representation. The last review was completed in February 2002. The current ward representation is unequal and has been out of balance for some time and the Council has decided on a course of action to carry out a further review process to address that imbalance.

It is now likely that the outcome of any such review may be too late to be implemented for the October 2011 election, which means that the imbalance that has existed in recent years will be perpetuated and result in continued unequal representation in the Shire.

This report recommends continuing the implementation of the unanimous decision of the Council made at the 27 April 2011 meeting.

That decision was made after Council's consideration of the previous Special Electors meeting held 7 April 2011 at Lake Grace and it sets out the process to proceed with and finalise the Ward Review as a high priority.

This situation highlights the responsibility placed on the Council to conduct the review and to ensure that the residents of the Shire achieve equal representation.

Background

The following timeline outlines the series of events with regard to the 2008 Ward Review to date:

20 December 2007	Letter from LGAB requiring Shire of Lake Grace to complete review of ward & representation to address the existing imbalances.
25 June 2008	LGAB address Council Meeting.
27 August 2008	Motion 10658 – Resolved a review be carried out Draft Discussion Paper – 4 options for consideration.
1 October 2008	Letter from LGAB advising no response to date – review to be completed by 31 December 2008.
26 November 2008	Motion 10709 – Resolved to request LGAB that representation be maintained for the 2009 election – based on SSS Report LGAB advised 3 December 2008.
22 January 2009	Letter from LGAB requesting Council consider a no ward structure being a better option.
19 February 2009	Letter from LGAB advising that due to formation of LG Reform Steering Committee no further action on ward boundaries will be taken at this time – current ward structure to remain for 2009 elections.
25 February 2009	Ward Review item withdrawn from Council agenda on advice of CEO re LGAB letter of 10/02/09.
3 March 2009	Letter from LGAB requesting Council's intentions with regard to confirmation that it wishes to proceed with the review.
23 March 2009	Letter to LGAB advising that Council does not intend to proceed with a ward review and will conduct the 2009 elections based on the current ward system.
27 March 2009	LGAB acknowledges letter re status quo pending outcome of LG Structural Reform process.
14 March 2010	Petition from LGDA (list of affected electors) to address imbalance of elected members in the Shire.
24 March 2010	Motion 10971 Council resolved to receive list of affected electors under the LG Act, and subject to legitimacy of the petition to complete the 2008 Ward Review in time for the 2011 elections - letter to LGAB.
15 April 2010	Email from LGAB advising elector submission meets all requirements.
28 July 2010	2010/11 Budget adopted – includes allocation for independent consultant to undertake ward review.
24 November 2010	Motion 11125 – For Council to appoint BHW Consulting to undertake Ward Review – motion lost.
5 January 2011	Copy of letter received – LGDA writes to LGAB bringing to their attention the outcome of the November 2010 report to Council.

25 January 2011	Ward Review public notices issued and Discussion Paper made available to the public for submissions – closing 15 March 2011.
15 March 2011	Closing day for submissions - 27 submissions received.
17 March 2011	Special Council Meeting to consider Ward Review – Motion 11175 resolves to lay Ward Review on the table until further consultation has taken place.
21 March 2011	Shire receives request from Lake Grace Ward electors for Special Electors Meeting to discuss outcomes of the 17 March 2011 Special Meeting.
22 March 2011	Shire President calls Special Electors Meeting in Lake Grace for 7 April 2011.
7 April 2011	LGAB advises of visit on 13 April 2011 to talk to Council to assist with resolving the existing 'impasse' that has developed regarding the Ward & Representation Review .
7 April 2011	135 electors present at Special Electors Meeting in Lake Grace – 4 resolutions made.
12 April 2011	Shire receives request from Newdegate and Lake King Ward electors for Special Electors Meeting to: <ol style="list-style-type: none"> 1. Discuss ward boundaries and all options 2. The lack of progress for the Newdegate Medical Centre 3. Why the Committee for the Newdegate Rejuvenation has not yet been formed.
19 April 2011	Shire President calls Special Electors Meeting to be held in Newdegate on 4 May 2011.
27 April 2011	Outcomes from Electors Meeting (held in Lake Grace) considered by Council. Motion 11208 resolves to apply to LGAB for extension of time, to continue the Ward Review process to its logical conclusion, a timeline for the conclusion and that Council form a Working Group with regard to the ward review process.
4 May 2011	111 electors present at Special Electors Meeting in Newdegate – 2 resolutions made.
25 May 2011	Outcomes from Electors Meeting (held in Newdegate) to be considered by Council.

The Special Elector's Meeting held at Newdegate Wednesday 4 May 2011

The meeting of electors resolved:

This meeting of Electors strongly recommends that the ward boundaries remain the same until the Local Government Reform Committee responds to the submission sent to them by the Shire, and further, that the Council does not make a hasty decision on ward boundary changes until the Council has completed all the due diligence expected of them by the

electors. The Council needs to then inform the constituents of the Council's preferred options and seek the approval of the majority of electors.

The Council needs to consider this decision from the Special Electors meeting. The Council is not bound to accept the decision and this is especially relevant in view of the unanimous decision made at the April Council meeting in response to the Special Electors meeting held at Lake Grace.

The Local Government Advisory Board has informed the Shire that all ward and representation changes are required to be published in the Government Gazette by 30 June 2011 to meet the statutory timeframes for the 2011 local government elections. The Shire has previously been informed of the deadlines and depending on the nature of the proposal it can take from six to fourteen weeks to implement any change. Ward boundary change proposals take approximately twelve weeks.

While the LGAB would make every attempt to have any changes gazetted for implementation for the 2011 election, it appears most likely that will not be feasible for the 2011 election. That is a detriment to the electors of the district.

The LGAB continues to encourage the Shire to finalise the review and submit a proposal to the Board.

Comment

The Newdegate electors meeting decision recommended the ward boundaries remain the same until the Local Government Reform Committee responds to the Shire submission. A review of the Shire records shows that the Local Government Reform Steering Committee had responded to the Shire's submission in a letter dated 6 December 2010 and advised Council that no action was to be taken in regards to the potential boundary amendments identified in the Shire's reform submission. This advice was included in the Information Bulletin Report to the Council at its 22 December 2010 Ordinary meeting.

Further, the Council had resolved (Motion 10954 24 February 2010) not to participate in a Regional Transition Group proposal put forward by the Minister for Local Government. Consequently there are no current or proposed structural changes to the Shire or its boundaries that would affect the current ward review.

The electors meeting decision also included that the Council does not make a hasty decision on ward boundary changes until the Council has completed all the due diligence expected of them by the electors. The Council has already unanimously decided to proceed with a further review process, which is currently underway, and this statutory process is in addition to that already carried out and ensures an extensive due diligence process is involved. The elector petition and two Special Electors meetings demonstrate that there is already widespread community awareness and further community consultation will occur during the statutory process.

The discussion paper will inform residents of the Shire of the various options under consideration to allow their consideration and invite submissions as part of

the statutory process and this will then allow the Council to make an informed decision based on that process as part of the normal decision making process.

It is important to note that it is the Council that has the statutory responsibility for making the decision on the Ward Review outcome and forward that to the LGAB for its approval.

In the short time that I have been involved, it appears that there are signs that cracks are appearing in the district's community due to the lack of finalisation of the review in time for this year's election cycle. The Council is aware of the imbalance in elector representation that has grown in recent years and it now seems most likely that situation is set to continue due to the inability of the Shire to complete the review in time for 2011.

It is significant that the review is a result of a valid community petition and the Council has a statutory responsibility to conduct the review in response to that petition. Further, the Council had a responsibility to deal with the decisions made at the Special Electors meeting held at Lake Grace and has unanimously decided on a course of action to conduct that review. The elector's decision from the Newdegate Special Electors meeting is dealt with in this report and does not negate the previous Council decision.

The immediate issue before the Council is the recognition of the statutory background and its responsibility to conduct the review and ensure that the residents of the district achieve fair and equal representation. That is particularly relevant in view of the statutory role of the individual elected members to represent the interests of all residents of the district regardless of wards and the knowledge that there is an imbalance that must be rectified.

Failure to rectify the current imbalance and ensure fair and equal representation will be a failure of the governance of the district. Individual elected members need to be accountable to the residents of the district, particularly on matters that impact on the fundamental fair and equal representation and the principle of one vote one value.

For a variety of reasons the current imbalance has been in place for a greater period than the eight years envisaged by the Act and this places greater emphasis on resolving this matter. Failure to remedy the issue of representation is likely to foster disharmony and division and risks causing serious harm to the Shire.

The key factor that must be considered is the ratio of councillors to electors and the LGAB requires that similar ratios of electors to councillors will be achieved across the wards of the district. That ratio required is now 1:112 and the Council is expected to demonstrate its leadership in achieving that representation in the interests of the Shire. It is noteworthy that if the LGAB determines that some part of a review does not meet the requirements of the Act then the Shire may be requested to conduct another review.

It is not my role to promote one option over another – that is for the electors and the Council, but for future reference it is noteworthy that local governments

without wards are not required to carry out regular reviews. The decline in the total Shire population level is anticipated to continue in future making future reviews necessary and in view of the current situation these reviews should occur more regularly.

In the author's experience such reviews are best suited to be conducted by independent local government consultants that can carry out the necessary community consultation and the necessary option recommendations. Apart from the independent approach the consultants would provide an additional resource that did not impose on normal management time.

The ward review process has placed a considerable strain on the Shire's management and this has been exacerbated by periods without key senior staff and changeover of staff, and as a result the review process is having a negative effect on the Shire and the community as other projects and functions are delayed.

The direction made by the Council at the April meeting needs to be implemented without delay to avoid any perception of a lack of goodwill or inability to remedy a clear case of imbalance of representation.

Legal Implications

The ward review is a statutory process as provided by the *Local Government Act 1995* and set out in Schedule 2.2.

However, the process is subject to various other requirements of the Act. The following sections are relevant:

2.6. Local governments to be run by elected councils

2.7. Role of council

The council governs the local government's affairs; and is responsible for the performance of the local government's functions.

2.10. Role of councillors

A councillor represents the interests of electors, ratepayers and residents of the district. Note: Specifically, a councillor may be elected by the electors of a ward but is bound to represent the interests of the whole district – not the ward.

3.1. General function

The general function of a local government is to provide for the good government of persons in its district.

5.2. Administration of local governments

The council of a local government is to ensure that there is an appropriate structure for administering the local government. Note: The administration of the Shire includes the Council decision making processes – fair and equal representation is a fundamental obligation of the council, otherwise residents may determine that decisions are tainted by real or perceived imbalance of representation.

5.21. Voting

Each council member and each member of a committee who is present at a meeting of the council or committee is entitled to one vote and unless prohibited (Interest) must vote. If voting is equal the Presiding person has a second vote.

It is the democratic open voting process that provides the accountability to the electors and where Councillors exercise their power – a single vote.

If a member of a council or a committee specifically requests that there be recorded his or her vote; or the vote of all members present, on a matter voted on at a meeting of the council or the committee, the person presiding is to cause the vote or votes, as the case may be, to be recorded in the minutes. This provision makes the councillors accountable to the residents of the district by providing them with a record of the voting pattern of each elected member.

Policy Implications

N/A

Consultation

External: Dept of Local Government

Financial Implications

It is significant that specified area rating (SAR) relates to a specified area of the district and not necessarily wards boundaries. Depending upon what final review option is adopted the existing SAR areas and rating will remain as is. That situation could remain in place for a no ward option, or, new SAR funding items could be based on new ward boundaries if desirable.

The ward review process involves a considerable drain on management time and resources. It has consumed much of my time since I have been in the role of Acting CEO but the cash cost is insignificant in comparison to the intangible costs to other management tasks and Shire functions.

Strategic Implications

The Ward Review is required to ensure that the electors of the district are equally represented. That is a fundamental plank of good governance. The imbalance in representation that has existed in recent years has now developed into an issue of community concern that led to a need for a petition for the Council to act to rectify that situation and conduct a review.

Subsequently this has since led to the two recent Special Elector meetings.

The Council needs to complete this review in accordance with the statutory requirements and in a timely manner. Failure to address the fundamental problem will lead to a risk of division, disharmony and detriment to the districts development.

Voting Requirements

Simple majority required.

Recommendation/Resolutions

MOTION 11221

Moved Cr Milton
Seconded Cr Farrelly

That the Council:

1. Has considered the decision of the Special Electors meeting held at Newdegate on the 4 May 2011 and notes that the Local Government Reform Steering Committee has informed the Shire it is not taking any action at this time in regards to potential boundary amendments identified in the Shire's reform submission.
2. Notes that it has previously resolved not to participate in a Regional Transition Group and that there are no proposed mergers or boundary adjustments that would impact on the Shire ward review.
3. Notes that it decided unanimously at the 27 April 2011 Council meeting, in response to the Special Elector Meeting decisions held 7 April 2011 at Lake Grace, to conduct a further review process and that statutory process is underway.
4. Notes that it is aware of the imbalance in elector representation in the Shire, the negative impact this may have on the governance of the district and undertakes to support and complete the review as quickly as it can.

MOTION CARRIED 9/0

MOTION 11222

Moved Cr Newman
Seconded Cr De Landgraft

5. That draft discussion paper be accepted and the CEO proceed with the statutory community consultation process.

MOTION CARRIED 9/0

Reason: The reason(s) for the Council's decision is that:

- 1. The review is long overdue.***
- 2. There is an imbalance in ward representation.***
- 3. There is no impediment to the review relating to the Local Government Reform Steering Committee.***
- 4. The Council had decided to continue the review process at the 27 April 2011 Ordinary Meeting by undertaking further statutory community engagement.***

15.3 OUTCOMES OF THE SPECIAL ELECTORS MEETING 4 MAY 2011 – NEWDEGATE REJUVENATION COMMITTEE

Applicant: Shire of Lake Grace Electors
File No. 0659
Attachments: Nil
Author: Mr Gary Martin
Chief Executive Officer (Acting)
Disclosure of Interest: Nil
Date of Report: 17 May 2011
Senior Officer: Mr Gary Martin
Chief Executive Officer (Acting)

Summary

The Special Elector's meeting at Newdegate on Wednesday 4 May 2011 dealt with the Newdegate Town Centre Rejuvenation Project Committee and a need for a meeting of that Committee to be formally convened.

As the Committee has not yet met and elected a Presiding person to call meetings it is intended that the Council decides on a suitable date, time and venue for the inaugural meeting to take place so that the CEO can then formally convene the meeting.

This report seeks the Council's decision on when that meeting is to be held.

Background

Motion 11123 at the Council meeting held 24 November 2010 formed a Committee of the Council under section 5.9(2) (c) named the Newdegate Town Centre Rejuvenation Project Committee.

To date the Committee has not met to formalise its creation.

Membership of the Committee consists of:

Cr Ian Chamberlain
Cr Len Armstrong
Cr Amanda Milton
NCCA Representatives (2)
Ms Lyn Ellard (by invitation)
Mrs Roz Lloyd (by invitation)
Community Representatives (2)
Mr Frank Whittington OAM (by invitation)
Mrs Judy Walker (by invitation)
Mrs Diana Gosling (by invitation)

The CEO (or his representative) is the responsible officer.

Of the invitations for membership sent out, responses were received from NCCA representatives Ms Lynne Ellard and Mrs Roz Lloyd, and Mrs Judy

Walker and Mrs Diana Gosling accepting the invitation to be on the Committee.

As no response has been received from Mr Frank Whittington OAM, it is generally accepted that the two Newdegate community members are Mrs Walker and Mrs Gosling.

Comment

The Committee is a formal committee of the Council and therefore its members and meeting processes are bound by the relevant provisions of the *Local Government Act 1995* and regulations.

The Committee has no delegated authority. Therefore it has no executive role or powers and can only operate through formal recommendations to the Council for decision. It will be important that the Committee members are informed of the provisions of the Act, meeting processes and governance requirements and particularly that they are collectively and individually prohibited from engaging in any action that contributes to the administration or management of the Shire outside the Council meeting process.

Minute taking support will be provided by the Shire.

The charter for the Committee is to consult on the status of the Newdegate Town Centre Rejuvenation Project and where appropriate make recommendations to Council on the following matters:

- Stage One: Proposals for the design, construction and fit out of the Newdegate Medical Centre. (Note: This project is now operationally underway).
- Stage Two. Proposals for the Newdegate Town Hall additions or modifications.
- Stage Three. Proposals for the design, construction and fit-out of the Newdegate Aged Accommodation units.

In accordance with s5.12 (1) the key purpose of the first meeting of the Committee will be to elect a Presiding person from amongst themselves in accordance with Schedule 2.3, Division 1. The Committee may then determine a future meeting regime.

The recommended date, time and venue below are arbitrary and provided simply to allow the Council to either accept that arrangement or change it to a more suitable arrangement.

Legal Implications

The Committee and its members are bound by the relevant provisions of the LGA and need to be inducted into those requirements.

Policy Implications

N/A

Consultation

Internal: Council
External: Special Electors meeting.

Financial Implications

The financial implications should be restricted to normal administrative support costs. The Committee has no budget or authority to incur expense.

Strategic Implications

The Committee will foster consideration of the relevant sections of the Shire Strategic Plan.

Recommendation

That the first meeting of the Newdegate Rejuvenation Committee be held on Wednesday 8 June 2011 at 3.00pm at the Newdegate Community Library and Resource Centre.

Voting Requirements

Simple majority required.

Resolution

MOTION 11223

Moved Cr Newman
Seconded Cr Milton

That the first meeting of the Newdegate Rejuvenation Committee be held on Wednesday 29 June 2011 at 3.00pm at the Newdegate Community Library and Resource Centre.

MOTION CARRIED 9/0

Reason: Date of the meeting was put back due to the busy period for farmers at this time and that a later date would be more acceptable to the Committee.

16.0 INFORMATION BULLETIN

16.1 INFORMATION BULLETIN REPORT – MAY 2011

Applicant:	Executive Services
File No.	N/A
Attachments:	1. Grants Register as at 2011 2. Local Government Amendment Bill 2010 3. 2011 Commonwealth Heads Of Government Meeting – police services 4. Minister for Local Government – Regulatory Changes 5. Department of Local Govt Circular No 8-2011 6. Department of Local Govt Circular No 9-2011
Author:	Mrs Jeanette Bennett Executive Assistant
Disclosure of Interest:	Nil
Date of Report:	18 May 2011
Senior Officer:	Mr Gary Martin Chief Executive Officer (Acting)

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 '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. Local Government Amendment Bill 2010

Hon Max Trenorden has written to the Shire seeking support for the private members bill; the Local Government Amendment (Regional Subsidiaries) Bill 2010 he introduced into the Legislative Council in November 2010.

3. 2011 Commonwealth Heads Of Government Meeting – Police Services

The WA Police Acting Deputy Commissioner (Operations) has written to the Shire providing information on the continuity of police services leading up to and during the Commonwealth Heads of Government Meeting scheduled in Perth during October 2011.

4. Minister for Local Government – Plan for the Future Regulatory Changes

The Hon John Castrilli has written to update the Shire on the implementation of the new Integrated Planning and Reporting Framework for local governments in WA.

5. Department of Local Government Circular No 8-2011

This Circular advises of the Amendments to the Local Government (Administration) Regulations 1996 which were gazetted on 3 May 2011.

6. Department of Local Government Circular No 9-2011

This Circular deals with advice on the provision of motor vehicles to elected members.

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's Recommendation

That Council receive the Information Bulletin Report.

Recommendation/Resolution

MOTION 11224

Moved Cr Newman

Seconded Cr Milton

That Council receive the Information Bulletin Report.

MOTION CARRIED 9/0

17.0 URGENT BUSINESS BY DECISION OF THE MEETING

MOTION 11225

Moved Cr Milton
Seconded Cr Armstrong

The Acting CEO to provide an update on Medical Services for Council during Confidential Business.

MOTION CARRIED 9/0

18.0 SCHEDULING OF MEETING

18.1 JUNE 2011 ORDINARY MEETING

Motion 11124 November 2010 states:

An Ordinary Meeting of Council will be held on Wednesday 22 June 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)

MOTION 11226

Moved Cr Milton
Seconded Cr Sinclair

That Council close the meeting to the public at this time, being 6.45 pm, to discuss Item 19.1 Special Electors Meeting Outcomes – Newdegate Medical Centre as per the *Local Government Act 1995 s5.23 (2)(d)(e)*.

MOTION CARRIED 9/0

6.45pm *Mrs Helen McDonald, Mrs Pearl Green, Mrs Sandy Knill, Ms Lynne Ellard, Mrs Roz Lloyd, Mr John Robinson, Mrs Karen Rosenthal, Mrs Terri Ness and Mr George Genders left the meeting.*

19.1 SPECIAL ELECTORS MEETING OUTCOMES - NEWDEGATE MEDICAL CENTRE

Confidential Item forwarded under separate cover

MOTION 11227

Moved Cr Farrelly
Seconded Cr Milton

That Standing Orders be suspended at this time, being 6.57pm to allow discussion on the Engineer's Report.

MOTION CARRIED 9/0

MOTION 11228

Moved Cr Chamberlain
Seconded Cr De Landgraftt

That Standing Orders be resumed at 7.17pm.

MOTION CARRIED 9/0

Officer Recommendation

That the Council:

1. Acknowledge the concerns of the electors and the decision of the Special Electors Meeting held 4 May 2011.
2. Acknowledge the professional engineering and legal advice received.
3. Instruct the CEO to proceed with the implementation of the Engineers report to seal the cracks as recommended using an approved contractor.

MOTION 11229

Moved Cr Newman
Seconded Cr De Landgraftt

That the Council:

1. Acknowledge the concerns of the electors and the decision of the Special Electors Meeting held 4 May 2011.
2. Acknowledge the professional engineering and legal advice received.
3. Instruct the CEO to proceed with the implementation of the Engineers report to seal the cracks as recommended using an approved contractor subject to reconfirmation by the engineer after a physical onsite inspection.

MOTION CARRIED 9/0

REASON: The Council added the reference to the CEO proceeding subject to a further inspection by the engineer as it believed a further inspection was necessary.

Note: The reason for the Council's decision in response to the Special Elector's Meeting decision is that it is the Council's responsibility to consider the interests of the Shire and was based on the professional (including engineering and legal advice) advice it received.

19.2 MEDICAL SERVICES - UPDATE

The Acting CEO briefed the Council on recent developments with regard to Doctor services in the Shire and recent announcements in the State Budget.

7.27pm Cr Milton left the meeting and returned at 7.29pm.

MOTION

Moved Cr De Landgraft
Seconded Cr Farrelly

That Council re-open the meeting to the public at this time, being 7.50pm.

MOTION CARRIED 9/0

20.0 CLOSURE

The Shire President thanked Gary Martin for his contribution to the Shire over the past month during his time as Acting Chief Executive Officer and that we appreciate all his hard work and acknowledge it has consumed a lot of time.

There being no further business, the Chairperson closed the meeting at 7.58pm.

21.0 CERTIFICATION

I Andrew James Walker certify that the minutes of the meeting held on the 25 May 2011 as shown were confirmed as a true record at the meeting held on the 22 June 2011.

Chairman

Date