

Shire of Lake Grace

Ordinary Council Meeting

Minutes

26 October 2011



CONTENTS

CONTENTS	2
1.0 OPENING & ANNOUNCEMENT OF VISITORS	101
1.1 CONSTITUTIONAL MATTERS	101
1.1.1 ELECTION AND DECLARATION OF SHIRE PRESIDENT	101
1.1.2 ELECTION AND DECLARATION OF DEPUTY SHIRE PRESIDENT	101
1.1.3 SEATING OF COUNCILLORS	101
2.0 ATTENDANCE RECORD	102
2.1 PRESENT	102
2.2 APOLOGIES	102
2.3 LEAVE OF ABSENCE PREVIOUSLY GRANTED	102
3.0 PUBLIC QUESTION TIME	102
3.1 MRS SYLVIA BRANDENBURG	102
4.0 APPLICATIONS FOR LEAVE OF ABSENCE	102
5.0 MINUTES OF PREVIOUS COUNCIL MEETINGS	103
5.1 ORDINARY MEETING – 28 SEPTEMBER 2011	103
6.0 DECLARATIONS OF INTEREST	103
6.1 DECLARATIONS OF FINANCIAL INTEREST – LOCAL GOVERNMENT ACT SECTION 5.60A	103
6.2 DECLARATIONS OF PROXIMITY INTEREST – LOCAL GOVERNMENT ACT 1995 SECTION 5.60B	103
6.3 DECLARATIONS OF IMPARTIALITY INTEREST – ADMINISTRATION REGULATION SECTION 34C..	103
7.0 NOTICES OF URGENT BUSINESS	103
8.0 MOTIONS OF WHICH NOTICE HAS BEEN RECEIVED	103
9.0 PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS	103
10.0 MEMBERS’ REPORTS	104
10.1 CR SINCLAIR	104
10.2 CR DE LANDGRAFFT.....	104
10.3 CR NEWMAN	104

11.0	MATTERS FOR CONSIDERATION – WORKS & SERVICES	201
11.1	TENDER 3/2011 – SUPPLY OF BITUMEN AND AGGREGATE.....	201
12.0	MATTERS FOR CONSIDERATION – PLANNING	301
12.1	PLANNING APPLICATION – PROPOSED ADVERTISING SIGNAGE - LOT 165 HYDEN LAKE KING RD LAKE KING.....	301
12.2	PROPOSED ‘A’ CLASS RESERVE – RESERVE 34213 FENCE ROAD, LAKE CAMM.....	304
13.0	MATTERS FOR CONSIDERATION – HEALTH & BUILDING	401
14.0	MATTERS FOR CONSIDERATION – FINANCE	501
14.1	ACCOUNTS FOR PAYMENT – SEPTEMBER 2011	501
14.2	FINANCIAL STATEMENTS – SEPTEMBER 2011	503
15.0	MATTERS FOR CONSIDERATION – ADMINISTRATION.....	601
15.1	2011/12 CSRFF FUNDING ROUND APPLICATION – SUPPORT OF PROJECT.....	601
	BUILDING ACT 2011 - DELEGATION FOR AUTHORISED PERSON	605
15.2	CONSTITUTIONAL RECOGNITION OF LOCAL GOVERNMENT	608
15.3	TIER 3 RAIL RE-ALLOCATION OF FUNDING - SUPPORT	612
15.4	SHIRE OF LAKE GRACE CORPORATE PLAN 2011/12 – QUARTERLY REVIEW	615
16.0	INFORMATION BULLETIN	701
16.1	INFORMATION BULLETIN REPORT – OCTOBER 2011	701
17.0	URGENT BUSINESS BY DECISION OF THE MEETING.....	801
18.0	SCHEDULING OF MEETING	801
18.1	NOVEMBER 2011 ORDINARY MEETING.....	801
19.0	CONFIDENTIAL BUSINESS – AS PER LOCAL GOVERNMENT ACT S5.23 (2).....	801
19.1	ITEM 11.1: TENDER 3/2011 – SUPPLY OF BITUMEN & AGGREGATE	801
19.2	CHIEF EXECUTIVE OFFICER - PERFORMANCE REVIEW	802
19.3	CEO KEY PERFORMANCE INDICATORS UPDATE – MAJOR PROJECTS.....	803
20.0	CLOSURE.....	804
21.0	CERTIFICATION.....	804

SHIRE OF LAKE GRACE

Minutes of the Ordinary Meeting of Council held at Council Chambers, 1 Bishop St Lake Grace WA on Wednesday 26 October 2011.

Declarations of Officer - Swearing in of Elected Members

The Chief Executive Officer conducted proceedings for the swearing in, as per the Local Government (Constitution) Regulations 1998 of the Local Government Act 1995, of the five Elected Members voted in as a result of the 15 October 2011 local government elections.

Cr Andrew Walker, Cr Amanda Milton, Cr Wally Newman, Cr Len Armstrong and Cr Jeanette De Landgraft made verbal declarations to faithfully perform their duties and obey the rules of conduct and signed their declarations as required under the *Oaths, Affidavits and Statutory Declarations Act 2005*.

1.0 OPENING & ANNOUNCEMENT OF VISITORS

The Chief Executive Officer opened the meeting at 3.06 pm.

1.1 CONSTITUTIONAL MATTERS

The Chief Executive Officer conducted proceedings for:

1.1.1 ELECTION AND DECLARATION OF SHIRE PRESIDENT

The election and declaration of President by secret ballot in accordance with the *Local Government Act 1995*, Constitution Amendment Regulations 1998.

The Chief Executive Officer advised that at the close of nominations, two written nominations for the position of President were received in favour of Cr Andrew Walker and Cr Len Armstrong. Ballot papers were handed out, received and counted with Cr Armstrong being successful with a 5/4 vote count.

Cr Armstrong made his Declaration of Office as President and took the Chair.

1.1.2 ELECTION AND DECLARATION OF DEPUTY SHIRE PRESIDENT

The election and declaration of Deputy President by secret ballot in accordance with the *Local Government Act 1995*, Constitution Amendment Regulations 1998.

The Chief Executive Officer advised that at the close of nominations, two written nominations for the position of Deputy President were received in favour of Cr Amanda Milton and Cr Ian Chamberlain. Ballot papers were handed out, received and counted with Cr Chamberlain being successful with a 5/4 vote count.

Cr Chamberlain made his Declaration of Office as Deputy President.

1.1.3 SEATING OF COUNCILLORS

As per Item 7.2 of Council's Standing Orders, the Chief Executive Officer conducted a random draw to determine the position that each Councillor will occupy at the Council table until the next local government election cycle in 2013.

Cr Armstrong thanked Councillors for their support in electing him as President.

2.0 ATTENDANCE RECORD

2.1 PRESENT

Cr LW Armstrong	Shire President
Cr IG Chamberlain	Deputy Shire President
Cr R Chappell	
Cr OP Farrelly	
Cr JF De Landgraftt	
Cr AI Milton	
Cr WA Newman	
Cr DP Sinclair	
Cr AJ Walker	
Mr SK Fletcher	Chief Executive Officer
Ms S Appleton	Manager Corporate Services
Ms D Lloyd	Manager Community Services (Acting)
Mrs J Bennett	Executive Assistant
Mrs K Hitchins	Grants Officer
Mr G Den Ridder	Parks and Gardens Supervisor
Mrs L Trevenen	Coordinator Administration and Finance
Members of the Public	
Mr Terry Gladish	Observer for elections of President and Deputy President
Mr Stephen Chappell	President, Lake Grace Sporting Precinct Focus Group

2.2 APOLOGIES

None

2.3 LEAVE OF ABSENCE PREVIOUSLY GRANTED

None

3.0 PUBLIC QUESTION TIME

3.1 MRS SYLVIA BRANDENBURG

Mrs Brandenburg asked a range of questions at the 28 September 2011 Ordinary Meeting, several of which were answered at the meeting, with others taken on notice.

The questions taken on notice from Mrs Brandenburg are yet to be replied to.

4.0 APPLICATIONS FOR LEAVE OF ABSENCE

None.

5.0 MINUTES OF PREVIOUS COUNCIL MEETINGS

5.1 ORDINARY MEETING – 28 SEPTEMBER 2011

Resolution

MOTION 11305

Moved Cr Newman
Seconded Cr Walker

That the minutes of the Ordinary Meeting of Council held on the 28 September 2011 be confirmed as a true and accurate record subject to Motion 11293, page 634 – Item 15.4 Ward and Representation Review, being amended to reflect that the 4/4 voting, where the President placed a casting vote for a 5/4 result, is recorded as a lost motion.

MOTION CARRIED 9/0

6.0 DECLARATIONS OF INTEREST

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

Nil

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

Nil

6.3 DECLARATIONS OF IMPARTIALITY INTEREST – ADMINISTRATION REGULATION SECTION 34C

Nil

7.0 NOTICES OF URGENT BUSINESS

Nil

8.0 MOTIONS OF WHICH NOTICE HAS BEEN RECEIVED

Nil

9.0 PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

Nil

10.0 MEMBERS' REPORTS

10.1 CR SINCLAIR

Cr Sinclair reported attendance at an Eastern Wheatbelt Declared Species Group Meeting (Wild Dogs). The meeting reported numbers of dogs and the concern that government may not continue funding for the program.

10.2 CR DE LANDGRAFFT

Cr De Landgrafft reported attendance at the October 2011 Lake King Progress Association Meeting. The Association are seeking ideas for town entry statements from the community, they have concerns re the lack of a gardener for Lake King and they wish to form a Cemetery Committee.

The Annual General Meeting of the Lake King Progress Association is to be held on 15 February 2012.

10.3 CR NEWMAN

Cr Newman attended a public meeting at Newdegate this week regarding the future of the old railway station building. The meeting was chaired by Len Armstrong.

There was a two discussion on the various options put forward by the community. Out come of the meeting was that the Newdegate Field Day would take responsibility for the building to be removed from its current site and re-located to the Field Day site for use at the Field Days. Peter Ness is managing the project on behalf of the Field Day Committee.

11.0 MATTERS FOR CONSIDERATION – WORKS & SERVICES

11.1 TENDER 3/2011 – SUPPLY OF BITUMEN AND AGGREGATE

Item forwarded under separate cover

MOTION 11306

Moved Cr Walker
Seconded Cr Chappell

That Item 11.1, Tender 3/2011 – Supply of Bitumen and Aggregate be moved back in today's agenda for consideration at Item 19.1 during Confidential Business.

MOTION CARRIED 9/0

Refer to page 801 – 19.2: Item 11.1, Tender 3/2011 – Supply of Bitumen & Aggregate

12.0 MATTERS FOR CONSIDERATION – PLANNING
--

12.1 PLANNING APPLICATION – PROPOSED ADVERTISING SIGNAGE - LOT 165 HYDEN LAKE KING RD LAKE KING

Applicant:	Signmanager
File No.	0456
Attachments:	Plans 1 to 6
Author:	Mr Joe Douglas & Mr John Culmer Urban & Rural Perspectives -Town Planning Consultants
Disclosure of Interest:	Nil
Date of Report:	17 October 2011
Senior Officer:	Mr Sean Fletcher Chief Executive Officer

Summary

This report recommends that the planning application submitted by Signmanager on behalf of the current landowner to erect illuminated signage at the Lake King Tavern on Lot 165 Hyden Lake King Road, Lake King be approved subject to conditions.

Background

The applicant is seeking Council's planning approval to erect two (2) new illuminated advertising signs (see Plans 1 to 6).

Lot 165 is located in the eastern segment of the Lake King townsite. The land comprises a total area of approximately 5,455m² and has direct frontage to Hyden-Lake King Road along its western boundary.

Lot 165 comprises the Lake King Tavern and abuts commercial zoned properties to the north and south which form the commercial centre of the Lake King townsite.

Under the terms of the information and plans submitted in support of the application the details of the proposed signs are as follows:

Proposed Pylon Sign will:

- i) be 1.830 metres wide and 1.240 metres high and have a total area of approximately 2.2m²;
- ii) comprise vinyl text graphics that are double-sided illuminated (steady illumination) on an acrylic and aluminium sign;
- iii) comprise a galvanised steel pole with a diameter of 150mm and a height of 3 metres (overall height of sign 4.440 metres); and
- iv) be set back 14.39 metres from the side boundary and 7.12 metres from the front boundary.

Proposed Wall Sign will:

- i) be 1.830 metres wide and 1.240 metres high and have a total area of approximately 2.2m²;
- ii) comprise vinyl text graphics which are illuminated (steady illumination) on an acrylic and aluminium sign;

- iii) be 2.5 metres above ground level to the underside of the sign and 3.740 metres to the top of the sign; and
- iv) be installed on an existing southern-facing wall of the Lake King Tavern facing Church Avenue.

Comment

The subject land is currently classified a commercial zone under the Shire of Lake Grace's Local Planning Scheme No.4 (LPS No.4). The key objective of the land's current commercial zoning classification is to ensure the zone develops and continues to function effectively as the principal place for shopping and commercial, civic and administrative activity.

Under the terms of Clause 8.2(g) and Schedule No.5 of LPS No.4 the erection and display of a number of advertising signs is exempt from the requirement to obtain Council's planning approval. A review of Schedule No.5 has identified that the proposed signs on Lot 165 are not the exempted types of advertising signs. As such Council's planning approval is required in this particular instance.

Notwithstanding the specific requirements of Clause 8.2(g) and Schedule No.5 of LPS No.4, the Lake King Tavern abuts Hyden-Lake King Road which is a major road under the control of Main Roads Western Australia (MRWA). As such, the erection and display of the proposed signs requires comments from MRWA prior to Council determination.

The proposal was referred to MRWA on the 9th September 2011. MRWA has now reviewed the proposal and raised no issues in relation to sign placement or road safety.

An assessment of the proposal in accordance with the specific development requirements of LPS No.4 has revealed that the proposed front and side setback for the new pylon sign is acceptable.

Conclusion

It is concluded from a detailed assessment of the application that the proposal to erect illuminated signs on the existing building on Lot 165 Hyden-Lake King Road, Lake King is unlikely to have a negative impact on the character of the existing building/land or the general amenity and character of the immediate locality provided that they are constructed using materials and colours sympathetic to the current appearance of the existing building, are sited in accordance with the details of the plans submitted in support of the application and are appropriately maintained. It is therefore recommended that Council exercise its discretion and grant conditional approval to the application.

Legal Implications

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

Policy Implications

Nil

Consultation

Community consultation not required.

Financial Implications

Nil

Strategic Implications

Nil

Voting Requirements

Simple majority required.

Recommendation/Resolution

MOTION 11307

Moved Cr Chamberlain
Seconded Cr Sinclair

That the application for planning approval submitted by Signmanager to erect two (2) new illuminated signs on the existing building and in the front setback area on Lot 165 Hyden-Lake King Road, Lake King be APPROVED in accordance with the details of the plans submitted in support of the application subject to the following conditions:

1. The development is to be completed within a period of two (2) years from the date of this approval. If the development is not completed within this period the approval will lapse and be of no further effect. Where an approval has lapsed, no development shall be carried out without the further approval of the Shire of Lake Grace having first been sought and obtained.
2. A completed building licence application must be submitted to and approved by the Shire's Building Surveyor prior to the commencement of any development.
3. The proposed signs shall be constructed using new materials and colours that are sympathetic to and complement the current appearance of the existing building on the land.
4. The proposed signs shall be sited in accordance with the details of the plans submitted in support of the application.
5. The proposed signs shall be regularly maintained in a neat, tidy and safe condition at all times to the specifications and satisfaction of the Shire of Lake Grace and removed or replaced when considered necessary by the Shire to ensure they do not detract from the visual appearance of the existing building or the immediate locality.

MOTION CARRIED UNANIMOUSLY

Shire of Lake Grace Standing Orders 9.3 - Unopposed Business

(1) Upon a motion being moved and seconded, the person presiding may ask the meeting if any member opposes it.

(2) If no member signifies opposition to the motion the person presiding may declare the motion in subclause (1) carried without debate and without taking a vote on it.

(3) A motion carried under subclause (2) is to be recorded in the minutes as a unanimous decision of the Council or committee meeting.

12.2 **PROPOSED 'A' CLASS RESERVE – RESERVE 34213 FENCE ROAD, LAKE CAMM**

Applicant:	Department of Environment & Conservation
File No.	0212
Attachments:	Plans 7 & 8
Author:	Mr Joe Douglas & Mr John Culmer Urban & Rural Perspectives -Town Planning Consultants
Disclosure of Interest:	Nil
Date of Report:	17 October 2011
Senior Officer:	Mr Sean Fletcher Chief Executive Officer

Summary

This report provides details and recommendations in regards to correspondence received from the Department of Environment and Conservation (DEC) requesting Council's support to have Reserve 34213 set aside as a Class A reserve vested in the Conservation Commission of Western Australia for the purpose of Conservation of Flora and Fauna.

Background

On 16 September 2011 the DEC notified the Shire of its intention to have Reserve 34213 gazetted as a Class A reserve vested in the Conservation Commission of Western Australia for the purpose of Conservation of Flora and Fauna. The DEC advised as follows:

- Nature reserves, when managed by the DEC, are set aside for the conservation of flora and fauna and they are managed so as to maintain and restore the natural environment;
- Passive recreation that is compatible with the reserve's proposed purpose of Conservation of Flora and Fauna, such as bushwalking and nature appreciation, are allowed;
- The reserve contains vegetation in good condition, a large granite outcrop, a track for access to the granite outcrop and records of *Isoetes brevicula*, a Priority Level 3 perennial herb found only in rock pools on granite outcrops;
- Reserve 34213 has significant conservation values as both a nature refuge and a recreational site for locals. To conserve both of these uses the DEC proposes that the reserve be managed as a Nature Reserve, allowing for the passive recreation to continue within Reserve 34213; and
- The DEC seeks the Shire of Lake Grace's support in the transfer of Reserve 34213 from the Department of Water to Conservation Commission of Western Australia as a Class A nature reserve.

Comment

Reserve 34213 is located on the western side of Fence Road between Broombrush Flat Road to the north and Finlay Road to the south in the locality of Lake Camm and comprises a total area of 323.7 hectares (see Plan 7).

It is understood from a review of land tenure information sourced from Landgate that Reserve 34213 is currently vested with the Department of Water with an associated management order the Water and Rivers Commission for 'Water' purposes.

The subject land is characterised by low level scrub-type vegetation comprising a centrally located granite outcrop and an internal walking track from Fence Road to the granite outcrop (see Plan 8).

It is understood from advice provided by the DEC that the Priority Level 3 perennial herb contained on Reserve 34213 would be an important addition to the State's conservation estate.

Priority Level 3 is defined by the DEC as:

"Taxa that are known from collections or sight records from several localities not under imminent threat, or from few but widespread localities with either large population size or significant remaining areas of apparently suitable habitat, much of it not under imminent threat. Taxa may be included if they are comparatively well known from several localities but do not meet adequacy of survey requirements and known threatening processes exist that could affect them".

The Priority Level 3 perennial herb *Isoetes brevicula* is only found in rock pools and granite outcrops and due to the large granite outcrop on Reserve 34213, records have confirmed its existence. In addition, the DEC has advised that the other existing flora on the reserve is considered to be in good condition.

Due to the good condition of the flora on the land and the existence of a walking track to the granite outcrop, the reserve is used for passive recreation by locals for bushwalking and nature watching. The proposed reclassification of the reserve will protect this community asset and ensure the continuation of the passive recreational use of the reserve.

It is agreed that the significant conservation value of Reserve 34213 as a nature refuge and a local passive recreational site is worthy of protection and conservation subject to the land not being required by the Department of Water for future water supply purposes.

Reserve 34213 is currently classified as a 'Local Scheme Reserve - Public Purposes – Water Supply' under the Shire's current Local Planning Scheme No.4 (LPS No.4) and Local Planning Strategy due to its historical development and use for water supply purposes.

Should the DEC be successful in its bid to reclassify Reserve 34213 to a Class A reserve it would be prudent of the Shire to reclassify the land in LPS No.4 from 'Local Scheme Reserve Public Purposes – Water Supply' to 'Local Scheme Reserve – Conservation'. This proposed reclassification could be initiated in the next review of LPS No.4 or as part of a future possible omnibus amendment to LPS No.4.

Conclusion

Given the recent advice from the DEC regarding its intentions to seek approval to have Reserve 34213 gazetted as a Class A reserve for the purpose of

Conservation of Flora and Fauna due to its high conservation value, it is concluded that it is reasonable for Council to support the DEC's proposal in this matter subject to the land not being required by the Department of Water for future water supply purposes.

Should the DEC be successful in its efforts to have Reserve 34213 set aside as a Class A reserve vested in the Conservation Commission of Western Australia for the purpose of Conservation of Flora and Fauna it is recommended that the land's current classification in LPS No.4 be changed from 'Local Scheme Reserve - Public Purposes – Water Supply' to 'Local Scheme Reserve – Conservation' reserve in the next review of LPS No.4 or as part of a future possible omnibus amendment to LPS No.4.

Legal Implications

Planning and Development Act 2005

Shire of Lake Grace Local Planning Scheme No.4

Land Administration Act 1997

Conservation and Land Management Act 1984

Policy Implications

Nil

Consultation

Community consultation not required by the Shire of Lake Grace. The DEC is however currently consulting with all relevant government agencies with an interest in the land before seeking the necessary approval/s under the relevant legislation.

Financial Implications

Should the proposal be approved there will be a need to change the land's current classification in the Shire of Lake Grace Local Planning Scheme No.4 from 'Local Scheme Reserve - Public Purposes – Water Supply' to 'Local Scheme Reserve – Conservation' to accurately reflect its future intended usage and management. The cost of undertaking a suitable amendment to LPS No.4 is estimated to be in the order of \$350.00.

Strategic Implications

The proposal is consistent with the environmental protection objectives of the Shire of Lake Grace Local Planning Strategy.

The proposal will allow the land to be used for passive recreational purposes in a manner consistent with and complementary to the DEC's conservation objectives. As such it is likely to have significant and worthwhile cultural benefits for the local community and the travelling public.

Recommendations

1. That Council resolve to advise the Department of Environment and Conservation that the Shire of Lake Grace supports the proposal to have Reserve 34213 set aside as a 'Class A' reserve vested in the Conservation Commission of Western Australia for the purpose of Conservation of Flora and Fauna subject to the land not being required by the Department of Water for future water supply purposes.

2. That the classification of Reserve 34213 in the Shire of Lake Grace Local Planning Scheme No.4 (LPS No.4) be changed from 'Local Scheme Reserve - Public Purposes – Water Supply' to 'Local Scheme Reserve – Conservation' reserve in the next review of LPS No.4 or as part of a future possible omnibus amendment to LPS No.4.

Voting Requirements

Simple majority required.

Recommendations/Resolution

MOTION 11308

Moved Cr Newman
Seconded Cr De Landgraft

That Council does not support the DEC's bid to re-classify Reserve 34213 to a Class A Reserve for conservation purposes on the grounds that Reserve 34213 may be required in the future for water requirements for what is a water deficient area .

MOTION CARRIED 9/0

Reason for Change: Council considered as the Lake King area is often water deficient and Reserve 34213 is a water reserve, it may be required for future water requirements.

13.0 MATTERS FOR CONSIDERATION – HEALTH & BUILDING

No items for consideration.

14.0 MATTERS FOR CONSIDERATION – FINANCE

14.1 ACCOUNTS FOR PAYMENT – SEPTEMBER 2011

Applicant: Shire of Lake Grace
File No. 0277
Attachments: List of Creditors
Author: Miss Nicola Bateman
Finance Officer
Disclosure of Interest: Nil
Date of Report: 03 October 2011
Senior Officer: Ms Samantha Appleton
Manager Corporate Services

Summary

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

Background

List of payments for the month September 2011 through the Municipal account are attached.

Comment

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

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

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

Legal Implications

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

Policy Implications

N/A

Consultation

N/A

Financial Implications

The list of creditors paid for the month of September 2011 from the Municipal and Trust Accounts Total \$854,745.88

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 11309

Moved Cr Chappell
Seconded Cr Newman

That Council receive the list of payments totalling \$854,745.88 as presented for the month of September 2011 incorporating:

- Trust Account Cheques 619 to 622
- Municipal Account Cheques 34517 to 34553
- Electronic Funds Transfers EFT8468 to EFT8629

MOTION CARRIED 9/0

14.2 FINANCIAL STATEMENTS – SEPTEMBER 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:	07 October 2011
Senior Officer:	Ms Samantha Appleton Manager Corporate Services

Summary

Consideration of the financial statements for the month ending 30 September 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 Reconciliations

It should be noted that the previous year's totals and carried forward position are interim figures only and may change subject to completion of the 2010/11 audit.

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 11310

Moved Cr Farrelly
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 30 September 2011.

MOTION CARRIED 9/0

15.0 MATTERS FOR CONSIDERATION – ADMINISTRATION
--

15.1 2011/12 CSRFF FUNDING ROUND APPLICATION – SUPPORT OF PROJECT

Applicant:	Lake Grace Sporting Precinct Redevelopment Focus Group
File No.	0590 / 0546
Attachments:	Presentation given by the LGSP Focus Group
Author:	Mrs Deb Lloyd A/Manager Community Services
Disclosure of Interest:	Nil
Date of Report:	12 October 2011
Senior Officer:	Mr Sean Fletcher Chief Executive Officer

Summary

For Council to support an application to the Department of Sport & Recreation for CSRFF funding on behalf of the Lake Grace Sporting Precinct Focus Group to complete Stage Two of the revised of the redevelopment of the Lake Grace Sporting Precinct.

A Department of Sport & Recreation CSRFF requirement is that local governments prioritise CSRFF applications within their district for each funding round. Aside from the Lake Grace Sporting Precinct Redevelopment project, no other applications have been received from other sporting groups within the Shire for the 2011/12 CSRFF funding round.

Background

The Shire received CSRFF grant funds for Stage One of the Lake Grace Sporting Precinct Redevelopment in 2006/07, of which works have been finalised with the specific works completed including:

- Relocation and construction of the netball/basketball courts;
- Relocation and construction of the tennis courts;
- Grassing of the western oval for expansion;
- Construction of the joint-use Shade Structure; and
- Lighting installation/works to tennis, netball/basketball and hockey facilities.

The Lake Grace Sporting Precinct Focus Group was formed in 2009 to oversee the redevelopment of the Lake Grace Sporting Precinct. This was endorsed by Council at the 2009 August Ordinary meeting.

Stage Two of the redevelopment proposes an upgrade to the existing main pavilion facilities building, and associated infrastructure.

The Focus Group attended the July 2011 Ordinary Meeting and made a visual presentation to Council outlining the progress to date. The presentation gave a clear picture of the project and the group's commitment to the project. A printed copy of the presentation is attached.

The Focus Group along with the CEO, Manager Community Services and the Grants Officer met with Jennifer Collins, Manager Wheatbelt Department of Sport & Recreation, on 5 October 2011 to discuss the project.

Comment

The purpose of the Focus Group is to revise, oversee and plan for Stage Two of the Precinct Redevelopment. An application for CSRFF funding will be sought for the completion of Stage Two works. CSRFF applications are considered to be 'forward planning grants'. The Focus Group will be required to outline further stages of the project with these to be included in the application.

As there have been changes to the initial Master Plan for Stage One and the proposed Stage Two, one of the key tasks of the Focus Group has been to review what has already been achieved, outline changes that have occurred which will impact on Stage Two plans and address the changing needs of the community as a whole.

Legal Implications

Nil

Policy Implications

Shire of Lake Grace Policy 3.3 – Specified Area Rate

Consultation

Internal: Chief Executive Officer
 Manager Community Services
 Grants Officer
 July 2011 Ordinary Council Meeting - Presentation
 Council Information Session 28 September 2011
 EM Updates

External: Lake Grace Sporting Precinct Redevelopment Focus Group
 Department of Sport and Recreation, Regional Manager -
 Ms Jennifer Collins

Financial Implications

It is proposed the project be largely grant funded along with a contribution from the Sporting Precinct Trust and a portion to be raised by SAR after approval, by survey, of the community of Lake Grace.

Project Funding (excluding GST):	
Shire of Lake Grace (in-kind)	\$150,000.00
Lake Grace Recreation Trust	\$160,000.00
Volunteer labour	\$ 28,000.00
Donated materials	\$ 22,000.00
Other State Govt funding	\$500,000.00
Loans, sponsorship etc (SAR \$400K)	\$429,500.00
CSRFF	<u>\$400,000.00</u>
Total cost	\$1,689,500.00

Strategic Implications

This report focuses on matters relating to social and community well-being which relate to the Shire's strategic goal of *Enhancing the quality of life for residents within the Shire of Lake Grace; 2.1, Retain, promote and develop health, education, recreational provision and access within the Shire.*

Recommendations

1. That the Shire of Lake Grace proceed with and support an application to the Department of Sport and Recreation for CSRFF funding in the 2011/12 Funding Round so that the Focus Group can move forward with the upgrade of the facilities at the Lake Grace Pavilion.
2. In accordance with Council Policy 3.3 Specified Area Rates a community survey (postal vote of ratepayers in the Lake Grace prescribed area) be undertaken for Stage Two of the Project.
3. That Council endorse the Lake Grace Sports Pavilion Extension Proposal Concept Plans.

Voting Requirements

Simple majority required.

Resolution

MOTION 11311

Moved Cr Chappell
Seconded Cr Chamberlain

That Standing Orders be suspended at this time being 3.55pm to clarify matters regarding Item 15.1.

MOTION CARRIED 9/0

4.00pm Cr Walker left the meeting and returned at 4.01pm.
4.05pm Mrs Hitchins left the meeting and returned at 4.10pm.
4.07pm Mrs Lloyd left the meeting at and returned at 4.10pm.

Cr Milton foreshadowed that this item should go back to planning.

Resolution

MOTION 11312

Moved Cr Newman
Seconded Cr De Landgraft

That Standing Orders resume, the time being 4.20pm.

MOTION CARRIED 9/0

Resolution

MOTION 11313

Moved Cr Chamberlain
Seconded Cr Milton

That the project be referred back to the Chief Executive Officer for re-assessment.

MOTION CARRIED 9/0

Reasons for Change:

- ***The Council has financial concerns over the project.***
- ***The project needs to go forward within budget and policy etc that the Council operates under.***
- ***The Council has a financial responsibility – it must be one that the community can achieve.***

BUILDING ACT 2011 - DELEGATION FOR AUTHORISED PERSON

Applicant:	Executive Services
File No.	0052
Attachments:	Letter from the Building Commission New Delegation B07
Author:	Mrs Jeanette Bennett Executive Assistant
Disclosure of Interest:	Nil
Date of Report:	18 October 2011
Senior Officer:	Mr Sean Fletcher Chief Executive Officer

Summary

The purpose of this report is for Council to approve the introduction of a delegation to the Chief Executive Officer to cover the requirement under the new *Building Act 2011* to designate an employee as an authorised person.

Background

The Building Commission, through the Government of WA Department of Commerce have been in contact with local authorities updating them on the new building legislation and recommending that the power to delegate be used. The letter received from the Building Commission is attached.

Key points contained in a letter from the Minister for Finance; Commerce; Small Business, Hon Simon O'Brien MLC explain the new building legislation as follows:

- The modernisation of the Building Industry of WA, and of related regulation, has begun following the passage of four key pieces of Legislation through the Parliament.
- The changes proposed under this legislation will impact on local government business and it is important that these changes are introduced in a manner that will ensure a smooth transition from current practices.
- Details of the legislation and time table for implementation:
 - The Building Services Acts came into effect on 29 August 2011 and consists of:
 - ✓ *Building Services (Registration) Act 2011*
 - ✓ *Building Services (Complaint Resolution and Administration) Act 2011*
 - ✓ *Building Services Levy Act 2011*
- Together these abolish the Builders and Painters Registration Boards and the Building Surveyors Qualifications Committee and replaces them with a new Building Services Board.
- The *Building Act 2011* will come into effect on 31 October 2011 and reforms the building approval process.
- The fundamental local government role under the *Building Act* is that of a permit authority.
- The Building Act clarifies the enforcement role for local governments – local government permit authorities are responsible for ensuring that

relevant buildings within the local government area have the necessary permits before building, occupying or demolishing occurs.

Delegations

In accordance with the requirements under section 5.46 of the *Local Government Act 1995*; the local government is to employ a person to be the CEO of the local government and such other persons as the council believes are necessary to enable the functions of the local government and the functions of the council to be performed.

Accordingly, a new delegation has been prepared for inclusion in the Delegation Register under the building section – Delegation B07 – refer attachment.

Comment

The Shire's Building Surveyor, Mr Darryle Baxter has attended workshops supported by the Building Commission for the transition to the new building legislation. Mr Baxter is a qualified Level Two Building Surveyor in Western Australia and is accredited with the Australian Institute of Building Surveyors. A range of new paperwork, forms etc will be required to comply with the new act and front office staff will be familiarised with the new requirements.

Under the new legislation, Mr Baxter is able to provide a certification service to the community whereby the Shire can provide the certificate of design compliance, certificate of construction compliance and the certificate of building compliance.

Legal Implications

Local Government Act, 1995

- s5.42 Delegations to the CEO
- s5.44 CEO may delegate
- s5.46 Register of Delegations

Building Act, 2011

- s96 (3)
- s127 (1) & (7)

Policy Implications

N/A

Consultation

N/A

Financial Implications

N/A

Strategic Implications

Shire of Lake Grace Strategic Plan - 7. Organisational Excellence

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

Voting Requirements

Absolute majority (5) required.

Recommendation/Resolution

MOTION 11314

Moved Cr Newman
Seconded Cr Farrelly

That Council:

1. In accordance with s5.42 of the *Local Government Act 1995*, delegate to the Chief Executive Officer, the discharge of duties and powers as detailed in the attached Delegation B07, noting that the Chief Executive Officer will on-delegate some of his powers and duties to other staff.
2. That the Delegations Register be updated accordingly.

MOTION CARRIED BY ABSOLUTE MAJORITY 9/0

15.2 CONSTITUTIONAL RECOGNITION OF LOCAL GOVERNMENT

Applicant:	Australian Local Government Association
File No.	0636
Attachments:	Letters - Cr Genia McCaffery ALGA Shire President 23 September 2011 & 28 September 2011 Public Discussion Paper – Expert Panel on Constitutional Recognition of Local Government
Author:	Mr Sean Fletcher Chief Executive Officer
Disclosure of Interest:	Nil
Date of Report:	17 October 2011
Senior Officer:	Mr Sean Fletcher Chief Executive Officer

Summary

The purpose of this report is to seek Council's approval for the Shire of Lake Grace to submit to the Expert Panel on Constitutional Recognition of Local Government it supports the idea of financial recognition as the mechanism to recognise Local Government in the Australian Constitution.

Background

Local Government through the Australian Local Government Association commenced three years ago the process for Constitutional Recognition as a result of the 2009 decision of the High Court in *Pape vs Federal Commissioner of Taxation*. In this matter before the High Court it was found that the Australian Government does not have the power to fund local government directly. This has implications regarding Roads to Recovery funding and other mechanisms put in place to disperse significant allocations of funding.

The main issue regarding funding will require a simple change to include additional wording under Section 96 of the Constitution "and local government".

At the Ordinary Council meeting on 23 February 2011, Council resolved for the Shire of Lake Grace to declare its support for the financial recognition of local government in the Australian Constitution so that the Federal Government has the power to fund local government directly and also for inclusion of local government in any new Preamble to the Constitution if one is proposed, and called on all political parties to support a referendum by 2013 to change the Constitution to achieve this recognition.

Accordingly, the Shire of Lake Grace was one of 430 (77%) local governments across Australia that passed a resolution supporting the simple change to allow the direct funding from the Commonwealth to local government to continue.

On 21 June 2011, the Minister for Regional Development, Simon Crean, announced the establishment of an independent Expert Panel on

Constitutional Recognition of Local Government. The purpose of the Expert Panel is to gauge the level of support for the constitutional recognition of local government and to identify possible forms that recognition could take. Accordingly, The Expert Panel would like the Shire's views on this matter.

The Australian Local Government Association (ALGA) President Mayor Genia McCaffery has now written to the Shire, seeking Council to make a submission to the Expert Panel.

Comment

There are three phases to the campaign that will be used to achieve a successful referendum:

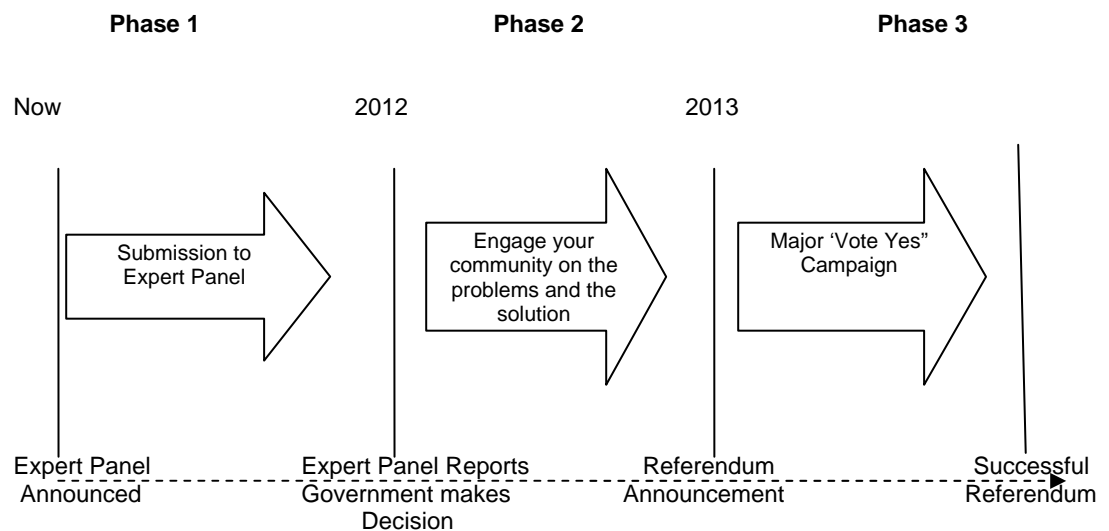


Diagram One: Timeline for Constitutional Recognition

Mayor McCaffery states that as such the submission does not have to be long it just needs to send the message to the Expert Panel that:

- local government is committed to achieving financial constitutional recognition; and
- as a sector, our preferred model is one to secure continued direct Commonwealth funding; and
- Council is committed to supporting the local communities to achieve a Yes vote in the referendum.

Right from the outset, there have been four main ideas on how to include local government in the Constitution:

1. Symbolic Recognition. This would be achieved through mentioning local government in a new preamble to the Constitution;
2. Financial Recognition. Many constitutional lawyers doubt that there is any other head of Commonwealth power (legislation) that can support direct funding to local government. The alternatives are either giving the

- money to the States for distribution or adding local government to section 96 – which deals with the Commonwealth funding the States;
3. Democratic Recognition. This would mean inserting wording into the Constitution that ensures each State can only dismiss a local government by an Act of Parliament rather than through a Ministerial directive; and
 4. Federal Cooperation. The idea that the Commonwealth, State and Local levels of government undertake cooperation on a formal basis is seen by the High Court to undermine the Constitution. For instance the State Governments cannot impose certain executive duties on the Commonwealth.

There are two main issues regarding the above options. The first issue is the Constitutional experts have recognised that for Constitutional recognition of Local Government to succeed there must be no threat to the powers and rights of the States and Territories. In other words, the States are more likely to support that which does not threaten their rights under the Constitution. The second issue is that direct funding by the Commonwealth to Local Government has been challenged in the High Court through the *Pape Case* and so the Commonwealth Government does not have the power to allocate funding directly to Local Government.

ALGA's view (and that of the majority of Local Government at the time of the Local Government Constitutional Convention) is that financial recognition is the most pragmatic response to the challenges put forward by the *Pape Case*. The change required is simple and can be done by adding the words Local Government to section 96. Such a change does not threaten the relationship between State and Local Governments.

Legal Implications

State Governments have direct statutory responsibility for local governments. This will not change through the level of Constitutional recognition proposed as it is to do with the financial arrangements and not the level of governmental responsibility.

Policy Implications

Nil

Consultation

Further to the information presented in the February 2011 report to Council there was an item to Council during April 2010 on the national congress and the progression of constitutional recognition.

Information received from ALGA after last year's national congress was sent to local politicians.

Financial Implications

Nil – It is expected that any local campaign would fit within the ambit of the current budget that the Shire has regarding the provision of information to the community.

Strategic Implications

Shire of Lake Grace Strategic Plan - Focus 6 Provide a visionary and proactive approach to leadership at an operational and strategic level

Voting Requirements

Simple majority required.

Recommendation/Resolution

MOTION 11315

Moved Cr Farrelly
Seconded Cr Chappell

That the Shire of Lake Grace submits to the Expert Panel on Constitutional Recognition of Local Government its support for the idea of financial recognition.

MOTION CARRIED 9/0

15.3 TIER 3 RAIL RE-ALLOCATION OF FUNDING - SUPPORT

Applicant:	Hon. Max Trenorden MLC
File No.	0679
Attachments:	Proposal Chief Executive Officer's letter to Hon. Max Trenorden Copy of proposal prepared by Hon. Max Trenorden and Hon. Phil Gardiner
Author:	Mr Sean Fletcher Chief Executive Officer
Disclosure of Interest:	Nil
Date of Report:	14 October 2011
Senior Officer:	Mr Sean Fletcher Chief Executive Officer

Summary

The purpose of this report is to support the reallocation of approximately \$10.5M in funding from the Tier 3 Road Upgrade Program to the Tier 3 Rail Maintenance Program.

Background

The Wheatbelt Railway Retention Alliance (WRRRA) consists of the Shire's of York; Beverley; Quairading; Bruce Rock; Narembeen; Kulin; Kondinin; Lake Grace; Corrigin; Cuballing; Wickiepin; Dumbleyung; Trayning; Cunderdin; Nungarin; Mukinbudin, Merredin; Mount Marshall. The Shire of Yilgarn is also now a member, along with the City of Fremantle.

The purpose of the group is to lobby State Government to commit funding to Tier 3 rail lines instead of the link roads from the Tier 3 rail bin sites. It is estimated that by not using the Tier 3 rail lines, up to 57,000 additional truck movements will occur on the road network each year.

WRRRA argues that the neglected Tier 3 lines require approximately \$105 million in maintenance works, primarily to replace old sleepers. However, the lines would require very little further expenditure for up to 20 years. This is in stark contrast to the cost of maintaining the road network, which requires constant repair.

At the Ordinary Meeting of Council on 23 March 2011, Council resolved through Motion 11185 to become a member of WRRRA. Since that time, any updates regarding the activities of WRRRA has been referred through to the elected members.

Through a media statement on 1 September 2011, the Minister for Transport has accelerated the road upgrade program and mooted a possible one year extension of the operational life of the Quairading to York; Trayning to West Merredin; and Bruce Rock to Yilliminning lines. The extension would only apply to the 2011-12 harvest, and the Minister expects the road upgrade program to be completed by April 2013.

On 2 September 2011, as part of a tour of the WRRRA membership, the Hon. Max Trenorden and Mr Brian Christie – Research Officer for the Hon. Phil Gardiner

met with the author to discuss a proposal regarding the re-allocation of Tier 3 road funding to the maintenance of Tier 3 rail. In essence this would involve re-directing approximately \$10.5M over three years allocated to the Tier 3 roads to Tier 3 rail.

The author confirmed that the Shire is a member of WRRRA even though it does not receive the Tier 3 rail road funding.

Both the Hon. Max Trenorden and Mr Christie requested a letter of support from the Shire as a member of WRRRA that can be presented to the Minister for Transport in the near future regarding the proposal.

Comment

The request for \$10.5M over three years to keep Tier 3 rail lines operational until the issue of the Tier 3 rail closures is resolved is reasonable. Those local governments already upgrading their local road networks to accommodate the closure of the Tier 3 rail lines using funding of \$105M will not be significantly impacted.

The issue of the letter of support by the author to the Hon. Max Trenorden is consistent with Council's view on supporting WRRRA.

Legal Implications

Nil

Policy Implications

Nil

Consultation

External: WRRRA members
Hon. Max Trenorden MLC
Mr Brian Christie – Research Officer for Hon. Phil Gardiner MLC
Internal: Shire President
Senior Management Team

Financial Implications

Nil.

Strategic Implications

Shire of Lake Grace Strategic Plan - Focus 6 - Leadership

6.1 Continue to engage and implement resource sharing on a regional basis including, but not limited to:

- Lakes VROC;
- 4WD VROC;
- Wagin Regional Refuse Group;
- Australia Wide Rural Road Group;
- Eastern Districts Declared Species Group

Recommendation

That Council endorses the letter issued by the Chief Executive Officer to the Hon. Max Trenorden MLC in support of the reallocation of approximately \$10.5M in funding from the Tier 3 Road Upgrade Program to the Tier 3 Rail Maintenance Program.

Voting Requirements

Simple majority required.

Recommendation/Resolution

MOTION 11316

Moved Cr De Landgraft

Seconded Cr Sinclair

That Council endorses the letter issued by the Chief Executive Officer to the Hon. Max Trenorden MLC in support of the reallocation of approximately \$10.5M in funding from the Tier 3 Road Upgrade Program to the Tier 3 Rail Maintenance Program.

MOTION CARRIED 9/0

15.4 SHIRE OF LAKE GRACE CORPORATE PLAN 2011/12 – QUARTERLY REVIEW

Applicant: Chief Executive Officer
File No. 0552
Attachments: Corporate Plan Project Summary 2011/12
Author: Mr Sean Fletcher
Chief Executive Officer
Disclosure of Interest: Nil
Date of Report: 18 October 2011
Senior Officer: Mr Sean Fletcher
Chief Executive Officer

Summary

Presented to Council for its information is the first quarterly update regarding the Shire's Corporate Plan Project Summary 2011/12.

Background

The Shire's Interim Strategic Community Plan and the Corporate Plan were adopted by Council at the Ordinary Meeting on 24 August 2011.

The Shire's Corporate Plan Project Summary 2011/12 contains the list of activity or the projects and actions that are undertaken to achieve the Strategic Plan for a given timeframe. The Corporate Plan Project Summary is in three parts:

- Part One: Focus Areas 1 – 4
- Part Two: Focus Areas 5 – 7
- Part Three: Capital Roads Program

It should be noted that the projects allocated to the CEO are indicative only as confirmation of the responsibility for these projects is subject to confirmation by Council at today's meeting regarding the outcomes of the author's performance review.

As such this report provides an update regarding the progress of the Corporate Plan for 2011/12.

Comment

At this stage, Council has been provided in the attached the SMT breakdown on the status of each project. With the implementation of Interplan, Council will receive a report in keeping with its corporate responsibilities.

Despite the adoption of the budget and the Interim Strategic Community Plan on 24 August 2011, staff are well underway on the projects for 2011/12.

All staff involved in the delivery of the Corporate Plan have attended a workshop and fully understand their responsibilities to achieve the desired outcomes for 2011/12.

Corporate Plan Project Summary Parts One & Two 2011/12

Focus Area	On track	Commenced Next Quarter	Yet to Start	Roadblocks	Total
1	4	4	1	0	9
2	5	1	3	0	9
3	2	0	0	0	2
4	1	2	0	0	3
5	4	5	3	0	12
6	3	0	1	0	4
7	2	4	0	0	6
Total	19	12	14	0	45

Table One: Overview of Project Status September Quarter

At this point in time Focus Areas 1 – 4 are tracking within required parameters. Although Focus Areas 5 and 6 are flagged as behind schedule (red indicators) in the attached summary, the individual projects within are at the required status. The issue here is the impact of those projects that are not due to start until later in the year. Focus Area 7 is also within acceptable parameters.

To date one project is completed – 1.3.1 Centenary of Lake Grace Events. Two projects are scheduled for completion during the December Quarter:

- 5.2.4 Compliance works on the Lake Grace Swimming Pool; and
- 7.1.5 Establish performance indicators for the organisation.

Corporate Plan Project Summary Part Three 2011/12

In terms of the Road Capital Works Program, the following summary shows that six jobs are completed:

Focus Area	Complete	Commenced	Yet to Start	Roadblocks	Total
1	3	2	0	0	5
2	0	1	0	0	1
3	0	1	7	0	8
4	3	1	7	0	11
5	0	2	0	0	2
Total	6	7	14	0	27

The road projects completed are:

- 1.1 Fisher Road;
- 1.3 Beenong Road;

- 1.4 Long Creek Road;
- 4.9 Lake Newton Road;
- 4.10 Sugg Rock Road;
- 4.11 Shalders Road.

The Blackspot projects: 5.1 Junction Kalgarin Road/George Rock Road and 5.2 Junction Biddy Camm & Beenong North Road were commenced ahead of schedule. Project 3.3 Biddy Camm Road gravel sheeting has been brought forward to tie in with the works regarding the Biddy Camm junction.

At this stage the Capital Road Program is going along extremely well and is in direct contrast to this time last year when the capital program was subject to a range of variables including lack of moisture.

Legal Implications

Nil

Policy Implications

Nil

Consultation

External:

Nil

Internal:

Shire President

Council Information Sessions - an overview of the projects underway for the first quarter was presented to Council at the Information Session on 28 September 2011.

Senior Management Team

Financial Implications

Nil.

Strategic Implications

Shire of Lake Grace Strategic Plan

Voting Requirements

Simple majority required.

Officer's Recommendation/Resolution

MOTION 11317

Moved Cr Milton

Seconded Cr Chappell

That Council receive the Chief Executive Officer's report on the Shire's Corporate Plan Project Summary for the September Quarter 2011/12 and note the Corporate Plan Project Summary October 2011/12 Parts One, Two and Three.

MOTION CARRIED 9/0

16.0 INFORMATION BULLETIN

16.1 INFORMATION BULLETIN REPORT – OCTOBER 2011

Applicant:	Executive Services
File No.	N/A
Attachments:	1. Annual Grants Register 2. Council Action Sheet 3. Letter – WALGA 4. Ministerial Circular 5. LG Election Result Reports (3)
Author:	Mrs Jeanette Bennett Executive Assistant
Disclosure of Interest:	Nil
Date of Report:	7 October 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 deals with monthly standing items and other information of a strategic nature relevant to Council.

Councillors will note the inclusion of the Council Status Report in this report. As of October 2011 the Monthly Circular will be discontinued.

Copies of relevant information for Councillors will be provided via weekly mail-out.

Comment

The information at attachment includes:

1. Grants Register

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

2. Council Status Report

Tracks the progress of Council resolutions.

3. Letter - WALGA

Letter from WALGA CEO, Ricky Burgess re benefits gained from preferred supply contracts and business services and includes a summarised overview of the Shire of Lake Grace's expenditure and savings through the scheme.

4. Circular – Minister for Local Government ; Heritage ; Citizenship & Multicultural Interests

Circular re amendments to the *Local Government (Functions and General Regulations) 1996* increasing the minimum value defining a major land transaction and a major trading undertaking.

5. Local Government Election Results

As prepared by Returning Officer for the WA Electoral Commission, under the requirements of the *Local Government Act 1995*, s4.77 and the *Local Government (Elections) Regulations 1997*, the completed 15 October 2011 Election Reports for the Shire of Lake Grace are attached.

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/Resolution

MOTION 11318

Moved Cr Farrelly
Seconded Cr Walker

That Council receive the Information Bulletin report.

MOTION CARRIED 9/0

17.0 URGENT BUSINESS BY DECISION OF THE MEETING

None.

18.0 SCHEDULING OF MEETING

18.1 NOVEMBER 2011 ORDINARY MEETING

Motion 11124 November 2010 states:

An Ordinary Meeting of Council will be held on Wednesday 23 November 2011, commencing at 8:00am at the Newdegate Community Library & Resource Centre, Collier St Newdegate WA.

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

MOTION 11319

Moved Cr Chappell
Seconded Cr Walker

That Council close the meeting to the public at this time, being 4.27 pm, to consider Item 19.1 - 11.1 Tender 3/2011 – Supply of Bitumen & Aggregate, 19.2 Chief Executive Officer – Performance Review & 19.3 CEO Key Performance Indicators.

MOTION CARRIED 9/0

19.1 ITEM 11.1: TENDER 3/2011 – SUPPLY OF BITUMEN & AGGREGATE

Item moved back from p201 – refer Motion 11306

Recommendation/Resolution

MOTION 11320

Moved Cr Chamberlain
Seconded Cr Sinclair

That the Shire of Lake Grace accepts the tender from Fulton Hogan as the best value for money based on weighted criteria, for the supply of Bitumen and Aggregate for the period 1 July 2011 to 30 June 2012.

MOTION CARRIED 9/0

4.28pm Cr Farrelly, Mr Fletcher, Mr McKenna, Mr Den Ridder, Ms Appleton, Mrs Lloyd, Mrs Bennett, Mrs Trevenen & Mrs Hitchins left the meeting.

4.30pm Cr Farrelly re-entered the meeting.

19.2 CHIEF EXECUTIVE OFFICER - PERFORMANCE REVIEW

Confidential Item – Forwarded under separate cover

Recommendation

That Council:

1. Accepts in accordance with section 18D of the *Local Government (Administration) Regulations 1996* the final report on the Chief Executive Officer's performance for 2011 prepared by the consultant Mr Simon White from Workplace Solutions.
2. Acknowledges that the Chief Executive Officer has had a satisfactory performance review for 2011.
3. Agrees to increase the cash component of the Chief Executive Officer's salary by 4.1% in accordance with the Salary and Allowances Tribunal Report – Local Government Chief Executive Officers handed down on 24 June 2011.
4. Lifts the confidential restriction regarding the major projects for 2011/12 listed in the performance review report so that the Chief Executive Officer can report on these items to Council on a regular basis.

Resolution

MOTION 11321

Moved Cr Chamberlain
Seconded Cr Newman

1. That Council table the final report of the CEO's Performance Review for 2011 as prepared by the consultant Mr Simon White from Workplace Solutions, until the discrepancies between the draft report and the final report are addressed.
2. That Council authorise the President to liaise with Workplace Solutions to determine an outcome which reflects the draft report.

MOTION CARRIED 5/4

Cr Milton requested the votes be recorded:

Voting for the motion: Crs Chamberlain, Newman, Armstrong, Sinclair & De Landgraftt.

Voting against the motion: Crs Walker, Milton, Chappell & Farrelly.

Reasons for change:

The President had stated he was aware of an alternative motion and had called upon Cr Chamberlain to speak.

1. ***The final report doesn't reflect the councillor's wishes that were stated in the draft report.***

MOTION 11321 continued

2. The format and structure to review the draft report were not adhered to, that is a Committee of Council was not the review body.

3. Council has not discussed or agreed to the KPI's for 2011/12 as stated in the report.

4. Draft feedback report by Simon White, bar chart did not include Cr Sinclair's report (stated that 9 councillors reported, draft only included 8).

5. Feedback report indicated that CEO was 'marginal', not satisfactory.

6. Too much deletion from the original document.

19.3 CEO KEY PERFORMANCE INDICATORS UPDATE – MAJOR PROJECTS

Confidential Item – Forwarded under separate cover

MOTION 11322

Moved Cr Milton
Seconded Cr De Landgraftt

That Council:

1. Note the interim progress of the major projects that form part of the Chief Executive Officer's Key Performance Indicator's for 2011/2012.
2. Lift the confidentiality regarding this report.

MOTION CARRIED 9/0

4.55pm *Mr Fletcher, Mr McKenna, Mr Den Ridder, Ms Appleton, Mrs Lloyd, Mrs Bennett, Mrs Trevenen & Mrs Hitchins left the meeting.*

MOTION 11323

Moved Cr Walker
Seconded Cr De Landgraftt

That Council re-open the meeting to the public at this time, being 4.58 pm.

MOTION CARRIED

Cr Milton read aloud Resolutions made whilst the meeting was closed to the public.

20.0 CLOSURE

There being no further business, the Chairperson closed the meeting at 5.00 pm.

21.0 CERTIFICATION

I Leonard William Armstrong certify that the minutes of the meeting held on the 26 October 2011 as shown were confirmed as a true record at the meeting held on the 23 November 2011.

Chairman

Date