

Shire of Lake Grace



Minutes

Ordinary Council Meeting

24 March 2010

CONTENTS

CONTENTS	2
1.0 OPENING & ANNOUNCEMENT OF VISITORS	101
2.0 ATTENDANCE RECORD	101
2.1 PRESENT	101
2.2 APOLOGIES	101
2.3 LEAVE OF ABSENCE PREVIOUSLY GRANTED	101
3.0 PUBLIC QUESTION TIME	101
3.1 MRS ROSY SINCLAIR	101
3.2 MR DARCY ROBERTS.....	102
4.0 APPLICATIONS FOR LEAVE OF ABSENCE	103
5.0 MINUTES OF PREVIOUS COUNCIL MEETINGS	103
5.1 ORDINARY MEETING – 24 FEBRUARY 2010	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	104
9.1 COMMUNITY SUBMISSION SEEKING WARD AND REPRESENTATION REVIEW	104
10.0 MEMBERS’ REPORTS	104
10.1 CR FARRELLY	104
10.2 CR MILTON	104

10.3	CR DE LANDGRAFFT	104
10.4	CR NEWMAN.....	104
10.5	CR WALKER.....	104
11.0	MATTERS FOR CONSIDERATION – WORKS & SERVICES.....	201
12.0	MATTERS FOR CONSIDERATION – PLANNING	301
13.0	MATTERS FOR CONSIDERATION – HEALTH & BUILDING.....	401
14.0	MATTERS FOR CONSIDERATION – FINANCE	501
14.1	ACCOUNTS FOR PAYMENT – FEBRUARY 2010.....	501
14.2	FINANCIAL STATEMENTS – FEBRUARY 2010.....	503
14.3	TRANSFER OF FUNDS FROM LEAVE RESERVE – BUDGET AMENDMENT	505
14.4	APPOINTMENT OF COMMUNITY REPRESENTATIVE TO THE AUDIT COMMITTEE	507
14.5	APPOINTMENT OF AUDITOR	509
15.0	MATTERS FOR CONSIDERATION – ADMINISTRATION	601
15.1	COMMUNITY SUBMISSION SEEKING A WARD AND REPRESENTATION REVIEW	601
15.2	CENTRAL COUNTRY ZONE	610
15.3	LAKES VOLUNTARY REGIONAL ORGANISATION OF COUNCILS (LAKES VROC).....	614
15.4	LOCAL GOVERNMENT REFORM UPDATE.....	618
16.0	URGENT BUSINESS BY DECISION OF THE MEETING.....	701
17.0	SCHEDULING OF MEETING	701
17.1	APRIL 2010 ORDINARY MEETING	701
18.0	CONFIDENTIAL BUSINESS – AS PER LOCAL GOVERNMENT ACT S5.23 (2)	701
18.1	NEWDEGATE MEDICAL CENTRE – TENDER 3/2009.....	702
19.0	CLOSURE.....	703
20.0	CERTIFICATION	703

SHIRE OF LAKE GRACE

Minutes of the Ordinary Meeting of Council held at Varley Sports Pavilion, Varley WA 6355 on Wednesday 24 March 2010.

1.0 OPENING & ANNOUNCEMENT OF VISITORS

The Chairperson (Shire President) opened the meeting at 1.02 pm.

2.0 ATTENDANCE RECORD

2.1 PRESENT

Cr AJ Walker	Shire President
Cr IG Chamberlain	Deputy Shire President
Cr R Chappell	
Cr JF De Landgraft	
Cr AI Milton	
Cr WA Newman	
Cr OP Farrelly	
Cr DP Sinclair	
Mr SK Fletcher	Chief Executive Officer
Mr PW Dittrich	Manager Corporate Services
Mrs NY Owen	Manager Community Services
Miss JR de Burgh	Acting Executive Assistant
Mrs Rosy Sinclair	Observer
Mr Darcy Roberts	Observer
Mrs Debby Clarke	Observer
Mr Alan Marshall	Observer
Mrs Cheryl Chappell	Observer
Mrs Michelle Dunham	Observer

2.2 APOLOGIES

None.

2.3 LEAVE OF ABSENCE PREVIOUSLY GRANTED

Motion 10938 24 February 2010

Cr Jeanette De Landgraft – Leave of Absence from 25 July to 31 July 2010.

3.0 PUBLIC QUESTION TIME

3.1 MRS ROSY SINCLAIR

Question

Could Council erect a sign at the Varley crossroads indicating the direction to the Varley Cemetery and distance (2.5km)?

Mrs Sinclair informed Council that she had asked them three times before and nothing was done.

Reply – Shire President

A Works and Services request can be organised and forwarded to the appropriate officer for action.

3.2

MR DARCY ROBERTS

Question

What is happening in regard to the 2007 agreement with the Shire of Esperance to source funds from Auslink to improve Cascades Road?

Reply – Shire President

The Shire had re-addressed this matter with the Shire of Esperance Chief Executive Officer Mr Mal Osborne recently, but has not been brought up to speed on the matter.

The Chief Executive Officer advised that funding has to come from a different program for anything to go ahead as the previous strategic road program had been axed by the Rudd Government.

Mr Roberts then asked what is happening with a 4.8km failed section of Norseman Road? He commented that in 2007, road work was done to widen the road but the job was done poorly. He said the section is getting worse and something needs to be done.

Reply – Shire President

The President advised that the matter was noted.

Mr Roberts then commented that a reseal of the failed section had been carried out a week ago. He said the first 200 metres had not been resealed and only half of the failed section had been completed. He asked if the Shire was going to finish the job.

Reply – Shire President

The matter will be referred to the CEO so that he can raise the issue with the Manager of Works.

Mr Roberts then asked if there was a timeframe for completion of works at the front of the Lake King Store? He commented that there was \$40,000 in the budget for these works but it doesn't look as though that amount had been spent.

Reply – Shire President

The Shire is waiting on Bernie Miller from Main Roads to get back to it on the matter. The \$40,000 has been taken out of the current budget so the Shire's existing funds, rather than budget funds need to be used.

Mr Roberts then commented that Council needs to get on with the job.

Mr Roberts then told Council that the Lake King community would like to see a permanent road counter on Norseman Road.

Reply – Chief Executive Officer

He advised the Shire has half a dozen road counters at present and that a road counter could not be placed permanently on that road due to the damage it would receive, in particular to the sensors and the software. He advised that the Shire now places its road counters in a more strategic way including the required time period for Norseman Road.

4.0 APPLICATIONS FOR LEAVE OF ABSENCE

None.

5.0 MINUTES OF PREVIOUS COUNCIL MEETINGS

5.1 ORDINARY MEETING – 24 FEBRUARY 2010

Resolution

MOTION 10962

Moved Cr Farrelly
Seconded Cr Chappell

That the minutes of the Ordinary Meeting of Council held on the 24 February 2010 be confirmed as a true and accurate record.

MOTION CARRIED 8/0

6.0 DECLARATIONS OF INTEREST

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

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

6.3 DECLARATIONS OF IMPARTIALITY INTEREST – ADMINISTRATION REGULATION SECTION 34C

7.0 NOTICES OF URGENT BUSINESS

None.

8.0 MOTIONS OF WHICH NOTICE HAS BEEN RECEIVED

None.

9.0 PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS**9.1 COMMUNITY SUBMISSION SEEKING WARD AND REPRESENTATION REVIEW**

Mrs Debby Clarke and Mr Allan Marshall, on behalf of the Lake Grace Development Association, presented the petition from the community seeking a ward and representation review. Comments from Mrs Debby Clarke and Mr Allan Marshall were as follows:

- It was irresponsible of Councillors to let the Newdegate Medical Centre project as at December 2009 Council Meeting to go forward.
- That Council acted in an irresponsible way fiscally.
- It should not be necessary to increase rates in order to complete a budgeted project.

The Shire President asked Councillors if anyone had any questions or wished to comment.

The CEO advised that this matter is presented for consideration at Item 15.1 of today's Agenda.

10.0 MEMBERS' REPORTS**10.1 CR FARRELLY**

Attended an informal meeting for the Lake Grace Community Shed on 16 March 2010. The meeting was in the form of an information session, with Stephanie Clarke bringing attendees up to date on the status of the project.

10.2 CR MILTON

Attended the Lake Grace Development Association meeting on 2 March 2010. The meeting addressed future plans for the Lake Grace Sporting Precinct.

10.3 CR DE LANDGRAFFT

Attended the Community Consultation meeting held by the Shire of Lake Grace at the Lake King Hall on 15 March 2010. Cr De Landgraftt also attended the Isolated Children's Parents Association meeting in Perth on 17 March 2010.

10.4 CR NEWMAN

Attended a farmer's crisis meeting in Kulin. The meeting addressed transport issues including the proposed shut down of grain rail. Cr Newman commented that the meeting was well attended.

10.5 CR WALKER

Attended the Australia Wide Rural Lobby Group forum in Canberra with the Chief Executive Officer. Many other country Shire Councils were represented at the forum which addressed the need to pursue regional road funding. Whilst in Canberra Cr Walker and the CEO met with Hon. Wilson Tuckey, Federal Member for O'Connor, to discuss various issues concerning the Shire of Lake Grace.

11.0 MATTERS FOR CONSIDERATION – WORKS & SERVICES

11.1 AUSTRALIA WIDE RURAL ROAD LOBBY GROUP

Applicant:	Gwydir Shire Council & Moree Plains Shire Council
File No.	0031
Attachments:	Letter Seeking Creation of Australia Wide Rural Lobby Group Program Australia Wide Rural Lobby Group Shire of Lake Grace Presentation to Australia Wide Rural Lobby Group
Author:	Mr Sean Fletcher Chief Executive Officer
Disclosure of Interest:	Nil
Date of Report:	15 March 2010
Senior Officer:	Mr Sean Fletcher Chief Executive Officer

Summary

The purpose of this report is to endorse membership to the Australia Rural Road Lobby Group and the attendance at the first meeting of this group..

Background

As advised in the Elected Member Update dated 2 March 2010, the Shire President and the author were invited on short notice by Gwydir Shire Council and the Moree Plains Shire Council (Where Roads to Recovery began) to attend a Rural Roads Forum on 15 March 2010 to discuss the development of a strategy to lobby the Rudd Government for additional road funding.

The invitation was extended to all local governments throughout Australia where the value of their agricultural activity is in excess of \$100M. There are 114 local governments throughout Australia in this situation with Lake Grace ranked at 25 with its agricultural activity coming in at \$192.8M and as such is the second most productive district in WA. Esperance sits at number two on the list overall with \$370.8M. There are seven local governments in total representing WA.

The premise is to tie an acceptable level of funding to the amount contributed to the Gross Domestic Product expressed as an amount per kilometre of the road network length. The date in question is the last sitting day of the Federal Parliament before it meets in May to consider the Budget.

Comment

Each Local Government put an in person submission to the meeting. The Shire President's presentation is attached.

There were a range of outcomes from the meeting including:

- Recognition by the group that although different conditions existed in each State the outcome was the same i.e. an increasing gap in terms of road planning, financial management and funding for road works;

- It was important to develop a strategy that ensured agricultural products were getting from source to port in the most effective manner i.e. reducing time required through providing a better local road network. In other words concentrating on “the first mile”;
- The outcome would be the allocation of new money to this group, and not an allocation from existing money or programs;
- Some local governments were now ripping up sealed roads and replacing them with gravel due to the cost of keeping bitumen up to scratch;
- A steering committee to be formed to manage the long term outcomes for the group;
- Changing of the name of the group to the Australia Rural Road Group;
- Initial membership fees of \$100;
- Establishment of an interim steering committee to develop a communiqué for media release, and initial invitation to key stakeholders such as the National Farmer’s Federation, Coles, Woolworths and so on to participate in this group.

Hon. Warren Truss, Leader of the Nationals also addressed the group along with the Member for Parks – Mark Coulton. Mr Truss mentioned that the coalition would reintroduce the strategic road program that was worth \$500M under Auslink.

The President and author then met with Hon. Wilson Tuckey at Parliament House to discuss this meeting and other matters.

Addressing the backlog

Each shire in attendance stressed the issues that they faced and thoughts on a possible solution. There was discussion that the new program would compliment Roads to Recovery and had the potential to be worth \$1,000,000,000. Under this proposal, the Shire of Lake Grace would receive \$10M per annum to address the backlog. At this level of funding, the Shire would have a clear mandate regarding addressing its road asset management and depreciation. For sealed roads this is ensuring that they are addressed within a 15 years cycle. For gravel roads this can be a much longer time line and includes revisiting the need for some roads.

However, the more likely scenario is that the Shire of Lake Grace would be receive additional funding of up to \$1M per annum that would ultimately go a long way to addressing the shortfall that the Shire is now being faced with.

Legal Implications

Nil

Policy Implications

Nil

Consultation

External

- Cr John Coulton Mayor Gwydir Shire Council
- Australia Rural Road Group
- Hon Wilson Tuckey Federal Member for O’Connor

Internal

- Shire President
- Senior Management Team
- Elected Member Update Vol 2 No 6.

Financial Implications

Cost of Membership

\$100. There is adequate funding in Account E122500 Rural Road Maintenance to pay the membership fee (Balance of \$343,715).

Cost of Trip to Canberra

\$2,500. There are sufficient funds in Account E122500 Rural Road Maintenance to pay for the accommodation for this trip (Balance of \$343,715).

Strategic Implications

Shire of Lake Grace Strategic Plan

6.1 Develop and implement through collaboration with other local state and federal government agencies resource sharing and regional service delivery.

3.2 Source and secure funding for the implementation of services through diverse and innovative funding streams.

Voting Requirements

Simple majority required.

Recommendation/Resolution

MOTION 10963

Moved Cr Newman
Seconded Cr Milton

That Council:

1. Supports the Australia Rural Road Group and agrees to the payment of \$100 for initial membership.
2. Endorses the attendance of the Shire President and Chief Executive Officer at the Australia Rural Road Group meeting.

MOTION CARRIED 8/0

12.0 MATTERS FOR CONSIDERATION – PLANNING

None.

13.0 MATTERS FOR CONSIDERATION – HEALTH & BUILDING

None.

14.0 MATTERS FOR CONSIDERATION – FINANCE

14.1 ACCOUNTS FOR PAYMENT – FEBRUARY 2010

Applicant:	Shire of Lake Grace
File No.	0277
Attachments:	List of Creditors
Author:	Miss Jessica de Burgh Finance Officer
Disclosure of Interest:	Nil
Date of Report:	15 March 2010
Senior Officer:	Mr Peter Dittrich Manager Corporate Services

Summary

For Council to ratify expenditures incurred for the month of February 2010.

Background

List of payments for the month of February 2010 through the Municipal and Trust accounts are attached.

Comment

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

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

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

Legal Implications

Local Government (Financial Management) Regulations 1996 – Reg 12

Local Government (Financial Management) Regulations 1996 – Reg 13

Policy Implications

N/A

Consultation

N/A

Financial Implications

The list of creditors paid for the month of February 2010 from the Municipal Account totals \$517,389.90. The list of creditors paid for the month of February 2010 from the Trust Account totals \$360.00.

Strategic Implications

7. Organisational Excellence

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

Voting Requirements

Simple majority required.

Recommendation/Resolution

MOTION 10964

Moved Cr Milton
Seconded Cr Farrelly

That Municipal Account Cheques 33872 to 33908, Electronic Funds Transfers EFT6082 to EFT6207, Trust Account Cheque 578, and direct debits to the Municipal Account totalling \$517,389.90, and that Trust Account Cheque 578 in the amount of \$360.00, having been checked and certified in accordance with the Financial Management Regulation 12, be confirmed, and passed for payment against the respective accounts as shown on the summary of Accounts for Payment schedule.

MOTION CARRIED 8/0

14.2 FINANCIAL STATEMENTS – FEBRUARY 2010

Applicant: Corporate Services Section
File No. 0275
Attachments: Financial Reports
Author: Mrs Danielle Robertson
 Senior Finance Officer
Disclosure of Interest: Nil
Date of Report: 15 March 2010
Senior Officer: Mr Peter Dittrich
 Manager Corporate Services

Summary

Consideration of the financial statements for the month ending 28 February 2010.

Background

The following financial reports are included for your information:

- Monthly Statement of Financial Activity
- Summary of Net Current Assets
- Operating Statement by Programme
- Balance Sheet
- Assets Purchased and Sold
- Capital Road Works, Operating Revenue & Expenditure Graphs
- Bank Reconciliations
- Rates Summary Chart

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 10965

Moved Cr Milton
Seconded Cr Chappell

That the financial reports for the month ending 28 February 2010 as attached be received.

MOTION CARRIED 8/0

14.3 TRANSFER OF FUNDS FROM LEAVE RESERVE – BUDGET AMENDMENT

Applicant: Manager Corporate Services
File No. 0662
Attachments: Nil
Author: Mr Peter Dittrich
 Manager Corporate Services
Disclosure of Interest: Nil
Date of Report: 17 March 2010
Senior Officer: Mr Sean Fletcher
 Chief Executive Officer

Summary

For Council to approve a budget amendment to enable the transfer of funds from the Leave Reserves Account.

Background

The resignation of the Manager Corporate Services triggered the need to pay out the employees accrued annual and long service leave. This was a substantial amount, not funded in the 2009/10 budget, however provision has been made in the Leave Reserve.

Section 6.8 of the Local Government Act 1995 requires that A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure is authorised in advance by resolution.

Comment

The current balance of the Leave Reserve account is \$71,364.50. The Leave Reserve account was established to fund accrued leave entitlements of employees. The proposed transfer meets that purpose.

Legal Implications

Section 6.8

Policy Implications

Nil

Consultation

Nil

Financial Implications

The balance of the Leave Reserve account will be reduced to \$28,331.50. The transfer of funds to the reserve account will be reviewed in the 2010/2011 budget process. This will not impact on operating revenue and expenditure.

Strategic Implications**Goal 3: Financial Sustainability**

Ensure the continued financial viability of the Shire of Lake Grace and surrounding environments

Voting Requirements

Absolute Majority Required

Recommendation/Resolution

MOTION 10966

Moved Cr Newman
Seconded Cr Milton

That Council approve a budget amendment to transfer the sum of \$43,033 from the Leave Reserve account.

MOTION CARRIED BY ABSOLUTE MAJORITY 8/0

Mrs Rosy Sinclair left the meeting at 1.34pm.

14.4 **APPOINTMENT OF COMMUNITY REPRESENTATIVE TO THE AUDIT COMMITTEE**

Applicant: Audit Committee
File No. 0625
Attachments: Audit Committee Minutes
Author: Mr Peter Dittrich
 Manager Corporate Services
Disclosure of Interest: Nil
Date of Report: 16 March 2010
Senior Officer: Mr Sean Fletcher
 Chief Executive Officer

Summary

For Council to endorse the recommendations of the Audit Advisory Committee.

Background

The Audit Advisory Committee at its meeting on 24 February 2010 recommended Council appoint Mrs Anke Stoffberg to the position of Community Representative for the Shire of Lake Grace Audit Committee.

Section 7.1A. of the Local Government Act 1995 requires the a Local Government to establish an Audit committee of three or more persons. The members of the audit committee of a local government are to be appointed by the local government and at least 3 of the members, and the majority of the members, are to be council members.

Section 5.9 (2) d allows for the appointment of a committee made up of council members and other persons. Other persons being defined as persons who are not a council member or an employee

Comment

The position of Community Representative had been re-advertised, and Mrs Stoffberg was invited to re-apply for the position. One nomination (that of Mrs Anke Stoffberg) was received for the position.

Mrs Stoffberg declared an interest in the decision and was not included in the voting process.

Legal Implications

Section 7.1 A and Section 5.9 of the Local Government Act (1995)

Policy Implications

Nil

Consultation

Audit Committee

Financial Implications

Nil

Strategic Implications

7. Organisational Excellence

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

Voting Requirements

Absolute Majority Required.

Recommendation/Resolution

MOTION 10967

Moved Cr Farrelly
Seconded Cr Milton

That Council appoint Mrs Anke Stoffberg to the position of Community Representative for the Shire of Lake Grace Audit Committee.

MOTION CARRIED BY ABSOLUTE MAJORITY 8/0

14.5 APPOINTMENT OF AUDITOR

Applicant:	Audit Committee
File No.	0202
Attachments:	Audit Committee Minutes
Author:	Mr Peter Dittrich Manager Corporate Services
Disclosure of Interest:	Nil
Date of Report:	16 March 2010
Senior Officer:	Mr Sean Fletcher Chief Executive Officer

Summary

For Council to endorse the recommendations of the Audit Advisory Committee.

Background

The Audit Advisory Committee at its meeting on 24 February 2010 recommended Council accept the quote for Audit Services for a three year period from UHY Haines Norton Chartered Accountants.

Section 7.2 of the Local Government Act 1995 requires the accounts and annual financial report of a local government for each financial year to be audited by an auditor appointed by the local government. The appointment of a local government's auditor is to be for a term of not more than 5 years, but an auditor is eligible for reappointment. Section 7.3 of the Act states that a local government is to, from time to time whenever such an appointment is necessary or expedient, appoint (by absolute majority) a person, on the recommendation of the audit committee, to be its auditor.

The local government may appoint one or more persons to be its auditor. The local government's auditor is to be a person who is:

- (a) a registered company auditor; or
- (b) an approved auditor.

The current contract with UHY Haines Norton expires on 30 June 2010. It should be noted that although the contract with UHY Haines Norton expires 30 June, the actual final audit for the 2009/10 financial year will not be carried out until August/September 2010 after all financial reports for the 2009/10 financial year are finalised.

Quotations for the provision of audit services for the next five years were invited from qualified accounting firms with three responding.

Quotations have been received as follows:

Firm	GST inclusive quote for year ended:		
	2010	2011	2012
UHY Haines Norton	14,630	15,565	16,500
Lincolns	12980	Increased by Perth CPI	Increased by Perth CPI
Byfields	14,100	14,600	15,100

All three firms employ registered company auditors and are qualified to undertake Council's audits in accordance with section 7.3(3) of the Local Government Act 1995.

Comment

UHY Haines Norton have conducted the audit of the Shire of Lake Grace since 2006 and have performed with great care and diligence in ensuring that the Shires accounting records and annual reports for that period have been and are being kept and presented in accordance with the requirements of the Local Government Act 1995 and the Australian Accounting Standards as well as providing a wider financial service to Council. UHY Haines Norton have a strong presence in local government and are currently the auditors for sixty five (65) Western Australian local authorities. They have also developed and update annually the model financial report and model budget which is used by 110 local government state wide.

Although the price submitted by UHY Haines Norton is the highest, it is recommended that Council appoint Mr D J Tomasi and Mr G Godwin of UHY Haines Norton Chartered Accountants as its auditor on the basis of past performance and proven capacity to undertake the task.

Legal Implications

Section 7.1 of the Local Government Act (1995)

Policy Implications

Nil

Consultation

Audit Committee

Financial Implications

As the conduct of annual audits is a statutory function, funds are allocated in each budget to cover audit fees.

Strategic Implications

7. Organisational Excellence

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

Voting Requirements

Absolute Majority Required

Recommendation/Resolution

MOTION 10968

Moved Cr Newman
Seconded Cr Sinclair

That Council appoint Mr D J Tomasi, registered auditor number 15724 and Mr G Godwin, registered auditor number 310219, all of the firm UHY Haines Norton Chartered Accountants, as auditors for the Shire of Lake Grace financial accounts and annual financial report for a three year period commencing 1 July 2010 and ending on 30 June 2012 with the following fee structure:

- Year ended 30 June 2010 \$14,630
- Year ended 30 June 2011 \$15,565
- Year ended 30 June 2012 \$16,500

MOTION CARRIED BY ABSOLUTE MAJORITY 8/0

15.0 MATTERS FOR CONSIDERATION – ADMINISTRATION
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1.39pm Mrs Owen left the meeting and returned at 1.40pm.

15.1 COMMUNITY SUBMISSION SEEKING A WARD AND REPRESENTATION REVIEW

Applicant:	Lake Grace Development Association
File No.	0375
Attachments:	Letter from the Lake Grace Development Association Form 3 (r.10) List of Affected Electors (Petition) Shire Map of Lake Grace Wards
Author:	Mr Sean Fletcher Chief Executive Officer
Disclosure of Interest:	Nil
Date of Report:	18 March 2010
Senior Officer:	Mr Sean Fletcher Chief Executive Officer

Summary

The purpose of this report is to address the List of Affected Electors (petition) submitted by the Lake Grace Development Association and members of the community regarding the “imbalance of Elected Members”. As a consequence of the petition there is a need to address the previous decision by Council to suspend the Ward and Representation review until the outcomes of the SSS Report were known and the subsequent follow-up in writing regarding the impact of the Local Government Reform Process on the Review.

This report recommends that Council completes the 2008 Ward and Representation review process in time for the 2011 local government ordinary elections.

Background

The Lake Grace Development Association wrote to the Local Government Advisory Board on 10 February 2010 seeking advice regarding the concern residents have over the “current imbalance of representation in the Shire of Lake Grace”. This included further comment that there is an imbalance of power due to how the population is represented within the Shire and that this was “not necessarily in the interests of good governance.” The Development Association also commented in its letter on a matter currently before Council citing that although the facility is definitely needed, the project could be completed for less using an alternative building method.

The Advisory Board responded promptly issuing the necessary forms to the Lake Grace Development Association. As a result, the Lake Grace Development Association has written to the Shire as per Schedule 2.2 of the *Local Government Act 1995* and provided:

1. Form 3 (r.10) stating the reason for the petition:
 - a. *To address the imbalance of 'Elected Members' in the Shire of Lake Grace; that is, four in the Lake Grace ward representing 582 electors, three in the Newdegate Ward representing 281 electors and two in the Lake King/Varley ward representing 199 electors;*
 - b. *We feel that the Council is making decisions on behalf of the whole Shire of Lake Grace with the result benefitting only a few and the cost is being born by everyone. Council is making decisions without consultation or consideration for the whole Shire.*
2. The petition itself containing no less than 159 signatures.

The author along with Shire staff have reviewed the validity of the petition finding that there are 144 valid signatures.

As a result of the petition there is a need for Council to revisit the Shire's Ward and Representation Review that was put on hold due to the implementation of the Local Government Reform Process.

Comment

Previous Ward Review

The Shire of Lake Grace conducted a review of Wards and Representation during 2008 in response to a request by the Local Government Advisory Board as per Schedule 2.2 of the *Local Government Act 1995*.

A report was then prepared by the then CEO for the 27 August 2008 meeting with Council moving Motion 10658:

That a review of the current ward system be carried out.

The outcome of the ward review was then tabled at the November 2008 meeting with an absolute majority resolution (8/1) by Council as follows (Motion 10709):

That in relation to the recent Ward Review the Local Government Advisory Board be advised that:

1. Four submissions were received and
2. The Council of the Shire of Lake Grace requests the current representation be maintained for the election to be held in October 2009 on the basis that there is likely to be future changes associated with the SSS report.

The then CEO wrote to the Local Government Advisory Board on 3 December 2008 advising Council's decision.

The Shire then received a letter from the Local Government Advisory Board on 28 January 2009 requesting that the above matter was referred to a full Council meeting to consider whether a no ward structure would be a better option for the Shire.

A subsequent letter was received from the Local Government Advisory Board on 23 February 2009 advising that no further action will be taken on ward and representation reviews at this time due to the establishment of the Local Government Reform Steering Committee.

At the ordinary meeting of Council on 25 February the following resolution (9/0) was passed (Motion 10745):

That Item 15.3 Wards and Representation be withdrawn on advice from the Chief Executive Officer requesting permission to withdraw the item.

REASON

A further letter was received on 23 February 2009 from the Local Government Advisory Board that due to the recent establishment of the Local Government Reform Steering Committee no further action is being taken on ward and representation reviews at this time with the impact that the current ward structure will remain in place for the 2009 elections.

The Local Government Advisory Board on 3 March 2009 then wrote further saying that all reviews will be considered following confirmation that the Shire wished to proceed with this matter.

The then CEO responded on 23 March 2009 that it was not the intention of the Shire to proceed with a Ward and Representation Review. A response was further received from the Local Government Advisory Board confirming the advice that the Shire wishes to retain the status quo regarding its ward and representation review pending the outcomes of the local government structural reform agenda.

In discussions with the Manager Statutory Support of the Local Government Advisory Board on 27 January 2010 regarding the status of ward reviews and whether the Shire was still required to conduct one, the author was advised that the Board may seek a continuance of the 2008 review once the Minister has made his mind up about the Reform Process.

Effect of the Petition

Under Schedule 2.2 of the *Local Government Act 1995*, the Local Government is required to undertake a ward and representation review either at the required time or when a submission is received from the community.

The author has verified with Mr Earnshaw from the Local Government Advisory Board the process regarding the petition to address the imbalance of "Elected Members".

Accordingly, the Council under Schedule 2.2 of the *Local Government Act 1995* must give due consideration to the matter at hand is set out as follows:

3. Who may make submissions about ward changes etc.

- (1) A submission may be made to a local government by affected electors who —
 - (a) are at least 250 in number; or
 - (b) are at least 10% of the total number of affected electors.
- (2) A submission is to comply with any regulations about the making of submissions.

4. Dealing with submissions

- (1) The local government is to consider any submission made under clause 3.
- (2) If, in the council's opinion, a submission is —
 - (a) one of a minor nature; and
 - (b) not one about which public submissions need be invited,the local government may either propose* to the Advisory Board that the submission be rejected or deal with it under clause 5(b).
- (3) If, in the council's opinion —
 - (a) a submission is substantially similar in effect to a submission about which the local government has made a decision (whether an approval or otherwise) within the period of 2 years immediately before the submission is made; or
 - (b) the majority of effected electors who made the submission no longer support the submission,the local government may reject the submission.
- (4) Unless, under subclause (2) or (3), the local government rejects, or proposes to reject, the submission or decides to deal with it under clause 5(b), the local government is to carry out a review of whether or not the order sought should, in the council's opinion, be made.

[Clause 4 amended by No. 49 of 2004 s. 68(2)-(4).]

5. Local government may propose ward changes or make minor proposals

- A local government may, whether or not it has received a submission —
- (a) carry out a review of whether or not an order under section 2.2, 2.3(3) or 2.18 should, in the council's opinion, be made;
 - (b) propose* to the Advisory Board the making of an order under section 2.2(1), 2.3(3) or 2.18(3) if, in the opinion of the council, the proposal is —
 - (i) one of a minor nature; and
 - (ii) not one about which public submissions need be invited;or
 - (c) propose* to the Minister the making of an order changing the name of the district or a ward.

** Absolute majority required.*

The following table provides comments on the requirements of Schedule 2.2 regarding the petition that has been received:

Relevant Clause	Comment
3 (1) and (2)	The Petition has 144 valid signatures and complies with the Regulations. Under the criteria there are 1,062 current electors. At 10% the number of signatures required is 106.
4 (1)	Not applicable as the 2008 Ward and Representation Review is on hold
4 (2) (a) and (b)	In discussions with Mr Earnshaw, he made the comment that the matter is not one of a minor nature as the level of valid signatures to the petition would be considered by the Board as a matter that may very well need to be dealt with and should be open to further public submissions
4 (3)	Not applicable as per the comment for 4 (1)
4 (4)	The Shire must carry out a review unless the Council rejects the Petition
5	Confirms the role of the Shire in making submissions and the need for an order of the Advisory Board regarding any outcome.

Wards Versus No Wards

As indicated previously, prior to the Local Government Reform Process, the Advisory Board wrote to the Shire requesting that Council undertake a no ward structure review as a better option for the Shire. The advantages and disadvantages of wards and no wards are provided in the Advisory Board Guidelines “Review of Wards and Representation” and are listed as follows:

Ward System

Many local governments have a ward system and find that it works well for them. The **advantages** of a ward system may include:

- Different sectors of the community can be represented ensuring a good spread of representation and interests amongst elected members.
- There is more opportunity for elected members to have a greater knowledge and interest in the issues in the ward.
- It may be easier for a candidate to be elected if they only need to canvass one ward.

The **disadvantages** of a ward system may include:

- Elected members can become too focused on their wards and less focused on the affairs of other wards and the whole local government.

- An unhealthy competition for resources can develop where electors in each ward come to expect the services and facilities provided in other wards, whether they are appropriate or not.
- The community and elected members can tend to regard the local government in terms of wards rather than as a whole community.
- Ward boundaries may appear to be placed arbitrarily and may not reflect the social interaction and communities of interest of the community.
- Balanced representation across the local government may be difficult to achieve, particularly if a local government has highly populated urban areas and sparsely populated rural areas.

No Ward System

The **advantages** of a *no ward* system may include:

- Elected members are elected by the whole community not just a section of it. Knowledge and interest in all areas of the Council's affairs would result broadening the views beyond the immediate concerns of those in a ward.
- The smaller town sites and rural areas have the whole Council working for them.
- Members of the community who want to approach an elected member can speak to any elected member.
- Social networks and communities of interest are often spread across a local government and elected members can have an overview of these.
- Elected members can use their specialty skills and knowledge for the benefit of the whole local government.
- There is balanced representation with each elected member representing the whole community.
- The election process is much simpler for the community to understand and for the Council to administer.

The **disadvantages** of a *no ward* system may include:

- Electors may feel that they are not adequately represented if they don't have an affinity with any of the elected members.
- Elected members living in a certain area may have a greater affinity and understanding of the issues specific to that area.
- There is potential for an interest group to dominate the Council.

- Elected members may feel overwhelmed by having to represent all electors and may not have the time or opportunity to understand and represent all the issues.
- It may be more difficult and costly for candidates to be elected if they need to canvass the whole local government area.

Current Representation

Ward	Number of Electors	Number of Councillors	Councillor: Elector Ratio	% Ratio Deviation
Lake Grace	582	4	1/146	+23.72%
Newdegate	281	3	1/94	-17.79%
Lake King/Varley	199	2	1/100	-15.25%
Total	1062	9	1/118	

Elected Member Ratios for Shire of Lake Grace as at 2010

The % ratio deviation gives a clear indication of the % difference between the average councillor/elector ratio for the whole local government and the councillor/elector ratio for each ward. It can be seen that there is an imbalance in representation across the Shire. According to the Advisory Board it is recommended that a balanced representation would be reflected in the % ratio deviation being within plus or minus 10%.

In light of the petition received and as per previous reports on this matter, and based on an initial look at the above table, it is clear that the review is required to proceed as per the advice from the Advisory Board on 28 January 2009 to address the % ratio deviations that exist within the Shire of Lake Grace.

The attachment shows the current ward boundaries.

Legal Implications

Submissions

As discussed under Effect of Petition in the Comments section of this report.

Absolute Majority

S1.4 – Terms Used of the *Local Government Act 1995*

- (a) in relation to a council, means a majority comprising enough of the members for the time being of the council for their number to be more than 50% of the number of offices (whether vacant or not) of member of the council;

- (b) in relation to any other body, means a majority comprising enough of the persons for the time being constituting the body for their number to be more than 50% of the number of offices (whether vacant or not) on the body;

Policy Implications

Nil

Consultation

External

- Mr Ross Earnshaw, Manager Statutory Support, Local Government Advisory Board.
- Ms Jenni Law, Manager Support and Advice, Department of Local Government
- Lake Grace Development Association

Internal

- Shire President
- Senior Management Team

Financial Implications

Nil

Strategic Implications

Shire of Lake Grace Strategic Plan - Item 6 Leadership

6.2 Actively monitor the outcomes of the SSS Report and its probable effects on the operations of Council.

Recommendation

That Council:

1. Receives the List of Affected Electors (Petition) submitted by the Lake Grace Development Association seeking an order under the *Local Government Act 1995* to address the imbalance of Elected Members in the Shire of Lake Grace.
2. In light of the List of Affected Electors received from the Lake Grace Development Association completes the 2008 Ward and Representation Review in time for the October 2011 Local Government Ordinary Elections.

Voting Requirements

Absolute majority required.

Resolution

MOTION 10969

Moved Cr Newman
Seconded Cr Milton

As per Part 16.1 (1) of the Shire of Lake Grace Standing Orders Local Law, that Council temporarily suspend Standing Orders at this time being 1.44pm in order to allow further discussion on the matter of the community petition prior to a decision being made.

MOTION CARRIED 8/0

MOTION 10970

Moved Cr Milton
Seconded Cr Chappell

That Standing Orders be resumed at this time, being 1.52pm.

MOTION CARRIED 8/0

MOTION 10971

Moved Cr Farrelly
Seconded Cr Milton

That Council:

1. Receives the List of Affected Electors (Petition) submitted by the Lake Grace Development Association seeking an order under the *Local Government Act 1995* to address the imbalance of Elected Members in the Shire of Lake Grace.
2. In light of the List of Affected Electors received from the Lake Grace Development Association, subject to verification of the legitimacy of the petition with the Local Government Advisory Board, Council completes the 2008 Ward and Representation Review in time for the October 2011 Local Government Ordinary Elections.

MOTION CARRIED BY ABSOLUTE MAJORITY 8/0

REASON FOR CHANGE

A number of Elected Members felt it necessary to verify the "legitimacy" of the Lake Grace Development Association's petition by the Local Government Advisory Board prior to conducting the Ward Review.

15.2 CENTRAL COUNTRY ZONE

Applicant:	Central Country Zone
File No.	0030
Attachments:	Minutes/Agendas available at the Shire Office
Author:	Mr Sean Fletcher Chief Executive Officer
Disclosure of Interest:	Nil
Date of Report:	11 March 2010
Senior Officer:	Mr Sean Fletcher Chief Executive Officer

Summary

The purpose of this report is for Council to consider issues raised through the Central Country Zone.

Background

The Shire of Lake Grace is a member of the Central Country Zone. The purpose of the Zone is to provide feedback to WALGA (Local Government's peak body in Western Australia) and other stakeholders on key issues faced by Local Government. Members of WALGA State Council are also selected from each of the Zones.

Members of the group include:

- Beverly;
- Brookton;
- Corrigin;
- Cuballing;
- Dumbleyung;
- Kulin;
- Lake Grace;
- Narrogin Shire;
- Narrogin Town;
- Pingelly;
- Quairading;
- Wagin;
- Wandering;
- West Arthur;
- Wickepin; and
- Williams.

Under the List of Committees, the Shire of Lake Grace Zone representatives are the Shire President and Deputy Shire President. The CEO also attends these meetings and has voting rights in the absence of one or both representatives.

The Zone also considers matters before State Council and a copy of the agenda/minutes of these meetings is available at the Shire Office should you wish to review them at any time.

The Executive Officer is Bruce Wittber of BHW Consulting and can be contacted on 9313 5761 should you have further queries regarding matters under discussion by the Zone.

Comment

The author and the Shire President attended the Zone meeting in Pingelly on 26 February 2010 @ 10:00AM.

In summary the issues considered by the Zone included:

Zone Elections

Zone President

Cr Richard Chadwick

Zone Deputy President

Cr Jim Sullivan

Zone Executive Committee

Cr Steven Martin State Council Representative

Mayor Don Ennis

Cr Andrew Borthwick

Guest Speakers

Presentation – Health MOU Progress Report – Tracy Meredith, Deputy Chair Wheatbelt Development Commission, Tim Free Regional Director Wheatbelt Country Health Service, Pip Shields, Senior Regional Officer, Wheatbelt Development Commission

Presentation – Water Law Reform, Sarah Molloy, Environment Policy Officer WALGA

Presentation – Strategic Grain Freight Network - Drew Gaynor Director, Freight and Logistics Policy, Department of Transport

Country Zone Letters of Support for Project Funding

The Zone resolved the following:

1. That any request for a letter of support from the Central Country Zone for any funding application be referred to the Central Country Zone Executive Committee for consideration, subject to such request being received no later than 10 working days prior to the close of funding applications.
2. That all letters of support from the Central Country Zone be signed by the Executive Officer.

Concerns on the rescheduling of the Country Local Government Fund Round Two (Royalties for Regions)

It is proposed to seek a commitment from the Government to reinstate the full level of funding for Round Two and for local government to participate in the development of future guidelines. WALGA President Cr Bill Mitchell advised that in discussions with Minister Grylls recently, the Minister said that Round Two Funding would be reinstated and split 50/50 and paid during Rounds Three and Four. However, as Cr Mitchell pointed out, this proposal is not listed in the Governments budget forward estimates.

The Central Country Zone resolved that it write to the Minister for Regional Development requesting that:

1. The initial funding structure for the Country Local Government Fund be maintained in that the four year program be honoured, including the immediate reinstatement of the deferred 2009/2010 funding; and
2. Any future increases or decreases in royalties be reflected proportionately across the whole Royalties for Regions Program and not just the Country Local Government Fund.

Grain Freight Task

The Merredin Zone Council of the WA Farmers Federation has approached the Zone to act as a sponsor for a petition that is being created to save the rail services on the narrow gauge lines.

The approach has indicated that support has already been given by the Avon Midland Country Zone and Great Eastern Country Zone to sponsor the petition.

The Zone resolved that the Petition to the Legislative Assembly from the Merredin Zone Council of the WA Farmers Federation be noted.

Next Meeting

The next meeting of the Central Country Zone is:

Teleconference: 26 March 2010 (CEO's Office)

In Person: 4 August 2010 (Perth Convention Centre @ 3:30PM)

1 October 2010 Shire of Wandering @ 10:00AM

Legal Implications

Nil

Policy Implications

Nil

Consultation

Bruce Wittber – Executive Officer Central Country Zone

Financial Implications

Nil

Strategic Implications

Nil

Voting Requirements

Simple majority required.

Recommendation/Resolution

MOTION 10972

Moved Cr De Landgraft
Seconded Cr Newman

That Council receive the Chief Executive Officer's report regarding the Central Country Zone.

MOTION CARRIED 8/0

15.3 LAKES VOLUNTARY REGIONAL ORGANISATION OF COUNCILS (LAKES VROC)

Applicant: Lakes Voluntary Regional Organisation of Councils
File No. 0031
Attachments: Lakes VROC Minutes 22 February 2010
CLGF Infopage WALGA
Author: Mr Sean Fletcher
Chief Executive Officer
Disclosure of Interest: Nil
Date of Report: 11 March 2010
Senior Officer: Mr Sean Fletcher
Chief Executive Officer

Summary

The purpose of this report is to keep Council abreast of matters regarding the Lakes Voluntary Regional Organisation of Councils (Lakes VROC) that consists of the Shires of Lake Grace, Dumbleyung and Kent.

Background

Council, at its Ordinary Meeting held on Wednesday 22 July 2009 resolved to sign a certificate of agreement to into in an MOU with the Shires of Kent and Dumbleyung to form the Lakes VROC. The MOU was subsequently signed on 18 August 2009.

The CEOs from Lake Grace and Dumbleyung, the Deputy CEO from Dumbleyung and the Manager Works from Dumbleyung met on 11 December 2009 in Lake Grace to discuss the initial parameters and projects for the VROC.

As mentioned previously, each shire must now spend all of its round one funding under the Country Local Government Fund (Royalties for Regions) before the regional component will be paid to the Lakes VROC. However, this will be impacted by the rephasing of the Royalties for Regions program.

Comment

First Meeting

The first meeting of the Lakes VROC was subsequently held at Lake Grace on 22 February 2010. Cr Chamberlain opened the meeting, welcoming the member shires and then conducted the election process. Cathy Crosby was successfully elected as chairperson for a term of six months and a general direction developed.

Cr Chamberlain provided an overview of the outcomes of the meeting at the last Council meeting. The minutes confirm the following:

- Deputy Chair is Dumbleyung;
- Executive Officer Three CEO's to liaise when appropriate
- Secretary (Shire of Kent has agreed up to first 6 months)
- Secretarial Services are to follow the Chair
- Procedures of meetings:
 - Meetings are to be held before Shire Council Meetings.
 - Within the first two weeks of the Month
 - Bimonthly
- Points of direction (where the VROC is going and what is to be achieved? This in conjunction with our signed MOU):
 - Mobile Coverage Cr Davidson
 - Administration Cr Chamberlain;
 - Waste Disposal Cr Davidson;
 - Main Roads Cr Davidson (Not widely supported);
 - Aged Care Cr Milton;
 - Town Planning & Health Officers Cr Davidson;
 - Asset Management Cr Tuffley;
 - Water Security & Water Management Cr Milton

Country Local Government Fund (Regional Component)

After discussions with Geoff Comben at the Department of Regional Development and Lands and as per the advice from Tony Brown, Executive Manager Governance and Strategy WALGA, the author can provide the following:

Funding for 2009/10 (Round Two)

\$10M has been retained from Round Two to provide local governments with a direct grant to contribute to the cost of preparing Forward Capital Works plans. As Council knows, the other \$90M for country local governments has been deferred indefinitely.

The Forward Capital Works Plans are required for any future funding i.e. future funding rounds including Round Three and for the regional component (Lakes VROC). A template will be developed for local governments to use and must be linked to each local government's strategic or asset management plans.

Funding for 2010/11 (Round Three)

Funding will be allocated on the basis of 65% for the applicable local government and 35% to the regional grouping. For the Shire of Lake Grace this will mean it should be entitled to \$487,500 for 2010/11 with \$262,500 going to the regional pool (Lakes VROC).

The catch is that any project put forward from 1 July 2010 must have a Forward Capital Works Plan.

As the author has commented to Mr Comben and others, the roll out of the template will need to be expedited.

Regional Component

Funding for the regional component will now be directed to the Shire's nominated regional grouping which is the Lakes VROC and not RTGs as previously proposed. The author would like to think that his concerns raised with various ministers and department officials regarding allocation of funding to an RTG or the Development Commissions direct has contributed to this change in thinking by the Government.

However, the Lakes VROC will need to develop a business case for each project it proposes to do and this must be in consultation with the Wheatbelt Development Commission or the Great Southern Development Commission.

This means that the Lakes VROC now has a very clear purpose and funding for the potential list of projects listed above will need to be prioritised by the VROC. The CEOs would then develop the appropriate business cases for these projects.

Next Meeting

The next meeting of the Lakes VROC is:

Council: 4th May 2010 @ 9:00am at the Dumbleyung Shire Office

CEOs: TBD (April)

Legal Implications

Nil

Policy Implications

Nil

Consultation

External

- CEO Dumbleyung
- CEO Kent
- CEO Cuballing
- Mr Tim Fowler, Department of Local Government
- Geoff Comben, Department of Regional Development and Lands
- Tony Brown, Executive Manager Governance & Strategy WALGA
- Hon Minister for Sport and Recreation and Member for Wagin
- Lakes VROC

Internal

- Senior Management Team
- Shire President
- Elected Member Updates

Financial Implications

Nil

Strategic Implications

Shire of Lake Grace Strategic Plan - Item 6 Leadership

6.1 Develop and implement through collaboration with other local state and federal government agencies resource sharing and regional service delivery.

Voting Requirements

Simple majority required.

Recommendation/Resolution

MOTION 10973

Moved Cr Milton
Seconded Cr Chappell

That Council receive the Chief Executive Officer's report on the latest developments regarding the Lakes VROC.

MOTION CARRIED 8/0

15.4 LOCAL GOVERNMENT REFORM UPDATE

Applicant:	Local Government Reform Update
File No.	0552
Attachments:	Letter from Paul Papalia Survey Outcomes Infopage from Wayne Scheggia regarding RTGs Media Statement Max Trenorden and Nigel Hallet
Author:	Mr Sean Fletcher Chief Executive Officer
Disclosure of Interest:	Nil
Date of Report:	11 March 2010
Senior Officer:	Mr Sean Fletcher Chief Executive Officer

Summary

The purpose of this report is to keep Council abreast of matters regarding Local Government Reform.

Background**January 2009**

The then CEO and Cr De Landgrafft in response to WALGA's SSS report met with representatives from the Shires of Ravensthorpe, Kent and Jerramungup in Ravensthorpe to discuss resource sharing and the possible formation of a VROC.

February 2009

The Minister for Local Government, the Hon John Castrilli MLA, announced at a combined Zone Meeting held on 5 February 2009 in Exmouth the need for Local Government Reform. Guidelines were issued including the need to undertake a Sustainability Checklist, consultation with neighbours, community consultation, prepare a report regarding the impacts of reform on the Shire and resolutions on the reform process regarding regional councils, elected member numbers and whether it will undergo an amalgamation.

April 2009

The Shire of Jerramungup wrote to Council requesting consideration of a proposal to join with them in the preparation of a report into amalgamation. Council, at its Ordinary Meeting held on Wednesday 22 April 2009 as per resolution 10 780 resolved as follows:

That Council continues to liaise with the Shires of Kent and Dumbleyung for the possible formation of a Voluntary Regional Organisation of Councils.

The former CEO subsequently submitted the Reform Checklist for Lake Grace.

May 2009

The former CEO submitted an application to the Department of Local Government seeking funding of \$10 000 towards the development of a reform submission. Mr Tony Cooke was nominated as the consultant to undertake the report.

June 2009

Round One community consultations were subsequently conducted on 4 June 2009 with community members invited to meet Mr Cooke. Under the outcome of the Checklist Assessment, the Shire received a rating of Category Three.

July 2009

Round Two community consultations were undertaken on 27 and 28 July including consideration of no change (Status Quo), community member ideas; boundary realignments (Pingaring/Varley/Pingrup) and amalgamations (Shires of Kent and Dumbleyung plus boundary change for Pingaring and Varley).

The former CEO wrote to the Shire of Dumbleyung on 23 July 2009 advising of Council's resolution to enter into a memorandum of understanding which was subsequently signed on 19 August 2009.

The various Department of Local Government workshops held through WA emphasised the need for population centres of 5 000 and 10 000 to address the future funding requirements set by the Federal Government.

August 2009

At Local Government Week, Ministers Grylls, Castrilli and the Premier made it very clear that the "Status Quo" was not an option. The Premier spoke about there being a need to reduce the number of local governments in WA to well under 100 within the next five years. He also made comment that there were 37 local governments servicing districts of populations of 1 000 or less and another 45 of less than 2 000.

Minister Castrilli advised that submissions could be extended until 30 September 2009. The author subsequently wrote to the Department of Local Government seeking the extension of time.

The Shire as required advised the Department of Local Government by 1 September 2009 that the Lakes VROC was its preferred grouping to receive the Country Local Government Fund (Royalties for Regions) regional component. For 2009/10 this will be \$690 000 rising to \$980 000 in 2010/11.

September 2009

At the Ordinary Council Meeting on 23 September 2009, Council resolved in part the following (Resolution 10879):

1. To advise the Minister for Local Government of its willingness for the Shire of Lake Grace to partially amalgamate in cooperation with other local governments on the basis of community of interest including social fall.

Preferred Option

2. To advise the Minister that, as its preferred option, the pursuit of partial amalgamation in cooperation with other local governments on the basis of community of interest including social fall would encapsulate a boundary adjustment as follows:
 - a. Expansion of the Shire of Lake Grace to the north of the existing shire boundary that includes annexing the portion of the Shire of Kulin bounded by the Lake Grace - Karlgarin Road and the Kulin - Holt Rock Road and includes the locality of Pingaring.
 - b. Expansion of the Shire of Lake Grace to the west of the existing shire boundary that includes annexing the portion of the existing Shire of Dumbleyung lying eastward of Rabbit Proof Fence Road and would incorporate the existing locality of Kukerin.
 - c. Expansion of the Shire of Lake Grace to the south of the existing shire boundary that includes annexing the portion of the existing Shire of Kent:
 - i. East of Rabbit Proof Fence Road;
 - ii. Then east of a line due south of the intersection of Chester Pass Road and the Nyabing – Pingrup Road extending to the existing southern boundary of the Shire of Kent; and
 - iii. Would incorporate the locality of Pingrup.
 - d. This entails reductions of approximately 50% of the area of the existing Shire of Kulin; about 50% of the Shire of Dumbleyung; and, 50% of the Shire of Kent. It represents about a 50% increase in the size of the Shire of Lake Grace. A name change to the expanded Shire would be required.

The Shire President called a special meeting for 29 September 2009 to further discuss the merits of Council's resolution 10879 in light of information provided at the Central Country Zone meeting at Wagin on 25 September 2009. A rescission motion was put was unsuccessful due to not reaching an absolute majority. In the interim the report by Hon Max Trenorden MLC on his fact finding mission to Queensland and South Australia was distributed to all elected members.

The submission was subsequently sent via email to the Department of Local Government on 30 September 2009. An electronic acknowledgment was received the following day.

October 2009

The Shire President, Cr Farrelly, Cr Milton, the CEO and the Executive Assistant met with WALGA President Cr Bill Mitchell and WALGA Deputy CEO Wayne Scheggia on 1 October 2009. Cr Mitchell also commented that the reform process was an opportune time to discuss a new type of service delivery model as the focal point for reform. This would entail positioning the new local government as a full on service provider regarding health, education, policing and so on.

Copies of the Shire's submission were then sent to the Shire of Kulin, the Shire of Dumbleyung and the Shire of Kent on 5 October 2009. The response to date has seen the Shire's of Dumbleyung and Kent reject the Shire of Lake Grace Reform submission. The Shire of Kulin wrote to the Pingaring community regarding the Lake Grace proposal. Consequently, the Shire President received a verbal invitation to attend the Pingaring community meeting on 27 October 2009. The President advised Council at the information session on 27 October 2009 that he declined to attend the Pingaring meeting.

At its meeting on 28 October 2009, Council resolved through motion 10896 to form a think tank to explore the Shire of Lake Grace as a key service centre for a State Government service.

November 2009

Council resolved the following (Motion 10918):

1. Receive the Chief Executive Officer's report regarding the update on the Local Government Reform process.
2. Respond to the letters from the Shires of Dumbleyung, Kent and Kulin by acknowledging their respective concerns.
3. Advise the Shire of Kulin that the Shire of Lake Grace will not be changing its submission and that this matter is now for the consideration of the Local Government Advisory Board.

The author met with met with Dean Taylor the Shire of Katanning CEO on 27 November 2009 to discuss issues of mutual interest regarding the reform process.

December 2009

Council discussed at the December meeting the RTG process and the meeting regarding a meeting of local governments to further discuss the reform process. Accordingly Council resolved (Resolution 10933) *“that Council consider the next step of the Reform Process once we know the outcomes of the Regional Transition Groups.”*

February 2010

The Shire President, Cr Chappell and the author attended the Local Government Reform Forum on 9 February 2010. The Minister made it clear that the Reform process is not over. However, he stressed loud and clear it

is voluntary process. He also made it clear that he has applied for funding to assist with the Reform process. This includes a State Budget submission and applying for funding from the Federal Government.

On the 18 February, the author attended the 4WD meeting in Williams where the Mr Tim Fowler and Dr Chris Berry from the Department of Local Government discussed the RTG process including the following:

- \$10,000 for administration (to be matched by the Local Government) regarding setting up the business plan process;
- \$100,000 for the development of the regional business plan; and
- A possible \$1M or more for those who agree to amalgamate.

At a meeting with Minister Waldron on 19 February, the author and advised on him on the outcomes of the RTG process as presented by Departmental officials at the 4WD meeting.

At the Lakes VROC meeting on 22 February 2010, Cr Chamberlain reiterated to the member shires, that the Shire of Lake Grace is not pursuing the reform process.

At the February meeting Council resolved through Resolution 10954:

“That the Chief Executive Officer write to the Hon. John Castrilli the Minister for Local Government advising him that the Shire of Lake Grace will not participate in the Regional Transition Group Process”.

Comment

Shadow Minister’s Survey

On the 26 February, the author received an email from Paul Papalia, the Shadow Minister for Local Government seeking information regarding the cost of reform on local governments. This was in response to Minister Castrilli’s reply the previous day during Parliamentary Question Time that he did not have that information and Mr Papalia was welcome to ask the question of local governments. Accordingly, the author advised the following costs:

Consultants:	\$11,000
In-kind:	\$24,000
Other:	<u>\$ 2,000</u>
Total:	\$37,000

Mr Papalia has now written to all Local Governments requesting that his media statement is tabled at the next Council meeting that includes results of the survey:

- \$6M has been spent on the Reform Process for no outcome;
- Received 18 responses. The average for the 18 councils is \$35,000 with 25% saying they have spent over \$50,000.

WALGA Update on RTGs

Wayne Scheggia the Deputy CEO of WALGA has issued an infopage on 10 March 2010 saying that if a Local Government was not genuinely committed to pursuing an amalgamation, then do not participate in the RTG process.

- Mr Scheggia's advice is that there are a number of considerations, the most prominent of which are:
- participation could provide a false sense of support for the amalgamation objectives of the Minister;
- participation without the objective of an amalgamation may indicate a lack of good faith by some Local Governments;
- it is potentially wasteful of scarce resources;
- if the business plans produced indicate a valid case for amalgamation, it would be difficult to defend an argument to then opt out of the process.

The author subsequently advised WALGA that Lake Grace is not participating in the RTG process.

Invitation by Shire of Ravensthorpe

The CEO at the Shire of Ravensthorpe has asked whether the Shire of Lake Grace would like to meet and discuss the RTG process. The author has said the Shire may be happy to meet to discuss various issues at some point, but that Council has said no to the RTG process.

Legal Implications

Nil

Policy Implications

Nil

Consultation

External

- Mr Tim Fowler and Dr Chris Berry, Department of Local Government;
- Mr Dean Taylor, CEO of Katanning;
- Mr Graeme McDonald, CEO Shire of Koorda;
- Mr Don Burnett, CEO City of Kalgoorlie - Boulder
- Mr Henry Van der Ende, CEO of Dumbleyung;
- Mr Alan Wright, CEO of Kent;
- Mr Greg Hadlow, CEO of Kulin;
- Mr Tony Cooke, Reform Consultant;
- Mr Bruce Wittber, Executive Officer Central Country Zone;
- Cr Bill Mitchell, Mr Wayne Scheggia and Ms Jo Burgess WALGA;
- Ms Pip Shields Senior Regional Officer Wheatbelt Development Commission;
- Mr Colin Holt Member for the Agricultural Region;
- Minister Waldron and Member for Wagin;
- 4WD members.

Internal

- Manager Corporate Services;
- Executive Assistant;
- Senior Management Team Information Session 28 October 2009.

Financial Implications

Nil

Strategic Implications

Shire of Lake Grace Strategic Plan

Goal 3 Financial Sustainability

3.2.6 Investigate sources of funding that could support resource sharing.

Goal 6 Leadership

6.1 Develop and implement through collaboration with other local state and federal government agencies resource sharing and regional service delivery.

Voting Requirements

Simple majority required.

Recommendation/Resolution

MOTION 10974

Moved Cr Chappell
Seconded Cr Newman

That Council receive the Chief Executive Officer's report regarding the current update on the Local Government Reform Process.

MOTION CARRIED 8/0

16.0 URGENT BUSINESS BY DECISION OF THE MEETING

None.

17.0 SCHEDULING OF MEETING

17.1 APRIL 2010 ORDINARY MEETING

Motion 10913 November 2009 states:

An Ordinary Meeting of Council will be held on Wednesday 28 April 2010, commencing at 1:00pm at Council Chambers, 1 Bishop Street Lake Grace.

2.10pm *Meeting adjourned for afternoon tea.*

2.38pm *Meeting re-convened with all those previously in attendance present, with the exception of Mr D Roberts, Mr A Marshall, Mrs D Clarke, Mrs M Dunham and Mrs C Chappell.*

18.0 CONFIDENTIAL BUSINESS – As per Local Government Act s5.23

Section 5.23 of the Local Government Act 1995 states:

5.23 Meetings generally open to the public

(1) Subject to subsection (2), the following are to be open to members of the public —

- (a) all council meetings; and Council meetings, committees and their meetings and electors' meetings
- (b) all meetings of any committee to which a local government power or duty has been delegated.

(2) If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —

- (a) a matter affecting an employee or employees;
- (b) the personal affairs of any person;
- (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;
- (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;
- (e) a matter that if disclosed, would reveal —
 - (i) a trade secret;
 - (ii) information that has a commercial value to a person; or
 - (iii) information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local government;
- (f) a matter that if disclosed, could be reasonably expected to —
 - (i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law;
 - (ii) endanger the security of the local government's property; or
 - (iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety;
- (g) information which is the subject of a direction given under section 23(1a) of the Parliamentary Commissioner Act 1971; and
- (h) such other matters as may be prescribed.

(3) A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.

MOTION 10975

Moved Cr Chamberlain
Seconded Cr De Landgraft

That, in accordance with Section 5.23 (2) (c) & (e) of the Local Government Act 1995, Council close the meeting to the public at this time, being 2.39pm, to discuss Item 18.1 - Newdegate Medical Centre Tender Variation.

MOTION CARRIED 8/0

18.1 NEWDEGATE MEDICAL CENTRE – TENDER 3/2009

MOTION 10976

Moved Cr Farrelly
Seconded Cr Milton

That Council:

1. Rejects all tenders for Tender 3/2009.
2. Authorises the Chief Executive Officer to proceed with the development of plans for the construction of the Newdegate Medical Centre:
 - a. Using the original specifications developed by Gary Batt and Associates;
 - b. On the basis of the Shire being the owner/builder which includes engaging a suitable person as a project manager; and
 - c. The entire cost not exceed \$760,000.
3. Requests the Chief Executive Officer to present his findings at the May 2010 Council meeting.
4. Requests the Chief Executive Officer to explore further funding options on the understanding that any additional funding will reduce borrowings for the project.

MOTION CARRIED 8/0

MOTION 10977

Moved Cr Newman
Seconded Cr Chappell

That Council re-open the meeting to the public at this time, being 2.42pm.

MOTION CARRIED 8/0

19.0 CLOSURE

There being no further business, the Chairperson closed the meeting at 2.43pm.

20.0 CERTIFICATION

I Andrew James Walker certify that the minutes of the meeting held on the 24 March 2010 as shown were confirmed as a true record at the meeting held on the 28 April 2010.

Chairman

Date