

Shire of Lake Grace

Ordinary Council Meeting



NOTICE PAPER

To the President and Councillors

In accordance with the provisions of Section 5.5 of the Local Government Act 1995, you are hereby notified that an Ordinary Meeting of Council has been convened:

Date: Wednesday 28 September 2016

At: Council Chambers,
1 Bishop St, Lake Grace WA

Commencing: 3.00 pm

To discuss the items of business in the agenda as set out on the following pages.

A handwritten signature in black ink, appearing to read "Denise Gobbart".

Denise Gobbart
Chief Executive Officer

23 September 2016
Date

Shire of Lake Grace

Ordinary Council Meeting

Agenda

28 September 2016

Meeting Commencing at 3.00 pm



Disclaimer

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In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for license, any statement or limitation or approval made by a member or officer of the Shire of Lake Grace during the course of any meeting is not intended to be and is not taken as notice of approval from the Shire of Lake Grace. The Shire of Lake Grace warns that anyone who has an application lodged with the Shire of Lake Grace must obtain and only should rely on WRITTEN CONFIRMATION of the outcome of the application and any conditions attaching to the decision made by the Shire of Lake Grace in respect of the application.

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SHIRE OF LAKE GRACE

Agenda for the Ordinary Meeting of Council to be held at the Council Chambers, 1 Bishop Street, Lake Grace on Wednesday 28 September 2016.

1.0 OPENING & ANNOUNCEMENT OF VISITORS

The Shire President opened the meeting at __ pm.

2.0 ATTENDANCE RECORD

2.1 PRESENT

Cr JF De Landgraft	Shire President
Cr SG Hunt	Deputy Shire President
Cr LW Armstrong	
Cr R Chappell	
Cr DS Clarke	
Cr RA Lloyd	
Cr AD Marshall	
Cr MG Stanton	
Cr AJ Walker	

In Attendance

Ms D Gobbart	Chief Executive Officer
Ms L Gray	Deputy Chief Executive Officer
Mr R Edwards	Acting Manager Infrastructure Services
Ms N Bowman	Governance Officer

Observers/Visitors

2.2 APOLOGIES

2.3 LEAVE OF ABSENCE PREVIOUSLY GRANTED

Cr Chappell has approved leave of absence from 15 August 2016 to 30 September 2016.

Cr Lloyd has approved leave of absence from 16 October 2016 to 4 November 2016.

3.0 PUBLIC QUESTION TIME

4.0 APPLICATIONS FOR LEAVE OF ABSENCE

5.0 MINUTES OF PREVIOUS COUNCIL MEETINGS

5.1 ORDINARY MEETING – 24 AUGUST 2016

Resolution

RESOLUTION

Moved Cr
Seconded Cr

That the minutes of the Ordinary Meeting of Council held on the 24 August 2016 be confirmed as a true and accurate record.

CARRIED

5.2 SPECIAL BUDGET MEETING – 21 SEPTEMBER 2016

Resolution

RESOLUTION

Moved Cr
Seconded Cr

That the minutes of the Special Budget Meeting of Council held on the 21 September 2016 be confirmed as a true and accurate record.

CARRIED

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

8.0 MOTIONS OF WHICH NOTICE HAS BEEN RECEIVED

9.0 PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

10.0 MEMBERS' REPORTS

10.1 CR ARMSTRONG

10.2 CR CHAPPELL

10.3 CR CLARKE

10.4 CR DE LANDGRAFFT

10.5 CR HUNT

10.6 CR LLOYD

10.7 CR MARSHALL

10.8 CR STANTON

10.9 CR WALKER

11.0 MATTERS FOR CONSIDERATION – INFRASTRUCTURE SERVICES

11.1 MACK TRUCK TRAILER COMBINATIONS - REVIEW

Applicant: Infrastructure Services
File No. 0420
Attachments: Nil
Author: Mr Bob Edwards


 Acting Manager Infrastructure Services

Disclosure of Interest: Nil
Date of Report: 22 September 2016
Senior Officer: Ms Denise Gobbart



Chief Executive Officer

Summary

The purpose of this report is for Council to consider the most appropriate truck/trailer configurations to be used for our road construction program.

Background

Shire of Lake Grace has 2,074 kilometres of gravel roads, which require ongoing gravel sheeting treatment, making truck productivity an essential part of our operations.

The intent behind the recent purchase of two new 500 HP Mack trucks and a new semi-trailer was to increase the productivity of the gravel carting operation by coupling these vehicles with two trailers in a road train combination.

We are currently operating our two new Mack prime movers coupled to a single side tipping trailer, which on an average day with a haul distance of four (4) to six (6) kilometres are delivering 15 loads x 18 l/c/m (loose cubic meters) per eight (8) hour shift each.

To test if we would be more productive if the trucks were coupled with two trailers, road train combination, would require two loaders over a 5 day period. Two loaders would ensure the single trailer was not held up waiting for the double to be loaded.

There are a number of issues in relation to the size of the vehicles we can operate; taking into consideration the need to position the trucks in close proximity to the loader to ensure the loading time is efficient. In small gravel pits the turning arc of the road train configuration creates greater distances for the loader to travel.

The pavement design requires each 18 l/c/m load to be dumped in 9 l/m spacing, this can easily be done with a single trailer, however with the double trailer combination the back trailer is tipped onto the end of the previous dump, then the lead trailer has to be reversed onto the end of that dump, increasing the time taken.

Once the loads are dumped the double trailer combination will then have to travel longer distances than the single trailer to turn around. The double will need to travel into a paddock or a road intersection. The single unit meanwhile will either be able to make its turn within the road width or a three point turn. Towards the end of a day the driver may be inclined to try and fit in an extra load with a single trailer, where he might not with a double trailer.

In line with the previous comments, another option to be considered would be a B-double configuration. This combination may assist in resolving the question of lack of utilisation of the 500HP Mack prime movers. However this combination is a cumbersome way of getting more out of the trucks as the 'A' trailers are quite heavy and in the best scenario might add a further seven (7) to eight (8) l/c/m to the payload making a total payload of around 26 l/c/m. This combination is however more manoeuvrable than the road train combination.

The ideal unit for shire's which have limited turning opportunities is a six (6) or eight (8) wheel rigid truck fitted with side tipping bodies towing a five (5) axle side tipping trailer. The payload for an eight (8) wheel rigid towing a five (5) axle trailer is around 30 l/c/m. There are times that a rigid truck without a trailer is required in tight work zones.

The most significant issue with the road train or B-double combinations is that the operator is required to have a MC licence. Attracting staff with this licence classification may be difficult. The rigid truck and trailer combination requires a HC licence.

Comment

The width of the Shire's road reserves are predominately one chain in width (20.5 metres) and are too narrow for road trains to turn on, even a B-double would struggle on a correctly formed road which is only 10 to 12 metres in pavement width with batters sloping away at 1 in 6 to a V drain on either side of the road pavement. The single trailer units currently being used are better suited.

Most gravel pits are within 4 to 6 kilometres from the job, the distance would have to be much greater to gain an advantage by using road trains. The comparison in capacity is that a road train increases the capacity over single units by 100%. The B-double will only increase capacity over a single unit by 48%. The rigid truck/trailer combination would have a 60% increase in capacity over a single trailer.

Options available to Council are as follows:

1. Continue operating with the current prime mover single trailer combination;
2. Replace the existing Mercedes prime mover with another prime mover for use with the float and water tank;
3. Replace the existing Mercedes prime mover with a rigid eight (8) wheel truck; and,
4. Use an existing Mack prime mover to operate the float and water tank.

There are no perceived issues in running a prime mover with a single trailer and the rigid truck combination. We already have enough existing side tipping trailers and dolly's to run both these combinations.

Legal Implications

Local Government Act 1995

Policy Implications

Shire of Lake Grace Policy: 3.7 – Purchasing Policy
7.9 – Asset Management

Consultation

Internal: Chief Executive Officer, Ms Denise Gobbart
 Mechanic, Mr Bob Palmer
 Works Supervisor, Mr Doug Whiting

Financial Implications

The 2016/17 Budget made provision to replace the existing Mercedes prime mover at a net change over cost of \$185,000. This allocation could fund a new eight (8) wheel rigid truck.

Net change-over provisions have also been made for the following:

- New Side Tipper \$78,079
- Water Tanker Trailer \$74,000
- 2 Dolly Trailers \$51,400

Strategic Implications*Shire of Lake Grace Strategic Community Plan*

- Ec 1 Objective – Maintain community built infrastructure and provide an effective and efficient transportation network
- Ec1.1 Strategy - Maintain efficient, safe and appropriate infrastructure including roads, built and civic infrastructure

Shire of Lake Grace Corporate Business Plan and Long Term Financial Plan

- Plant Replacement Program

Recommendation

That Council,

1. endorse the eight (8) wheel rigid truck and five (5) axle side tipping trailer as the most effective combination for our operations;
2. endorse the use of a Mack Granite prime mover use with the float and water tank;
3. approve the purchase of an eight (8) wheel rigid truck replacing the existing Mercedes prime mover;
4. approve the disposal of the new (unused) Allroads trailer; and,
5. approve the purchase of a replacement water tank trailer.

Voting Requirements

Simple majority required.

Resolution

Moved Cr

Seconded Cr

11.2 TENDER 1/2016 – SUPPLY OF BITUMEN AND AGGREGATE

Applicant: Infrastructure Services
File No. 0488
Attachments: 1. Evaluation RFT 1/2016 (*under separate cover*)
 2. Preferred Tenderer costs
Author: Mr Bob Edwards


 Acting Manager Infrastructure Services

Disclosure of Interest: Nil
Date of Report: 23 September 2016
Senior Officer: Ms Denise Gobbart


 Chief Executive Officer

Summary

The purpose of this report is to consider and award the contracts for Tender 1/2016 Supply of Bitumen and Aggregate for the Shire of Lake Grace 2016-2017 road sealing program.

Background

An advertisement for the calling of tenders for supply and lay of bitumen and supply of aggregate was placed in the Weekend West newspaper on 30-31 July 2016 and the Western Australian newspaper on Wednesday 3 August 2016.

The scope of the supply of bitumen and aggregate is listed in Table 1.

Location	Work Type	Mass(t)	Size (mm)	Area(m2)	Project Funds
Lake Grace town streets					
Memorial Dr Slk 0.0 to 1.25	Reseal	10	7	1,000	
Clark St Slk 0.02 to 0.52	Reseal	43	7	3,500	
Mather St Slk 0.094 to 0.175	Reseal	10	7	800	
Dewar St Slk 0.744 to 1.035	Reseal	38	10	2,328	
Carruthers St B/n Bennet St and Absolon St	Reseal	13	7	1,110	
McMahon St Slk 0.086 to 0.255	Reseal	30	7	2,400	
Franks St Slk 0.128 to 0.240	Reseal	12	7	900	
Dunham St Slk 0.0 to 0.150	Reseal	14	7	1,120	
School place Western end	Reseal	1	7	48	
Wright Pl Slk 0.010 to 0.16	Reseal	14	7	1,125	
Betham St Slk 0.0 to 0.15	Reseal	15	7	1,200	
Griffith St Slk 0.0 to 0.2	Reseal	22	7	1,800	
Mason St Slk 0.0 to 0.425	Reseal	38	7	3,100	
Coad St Slk 0.0 to 0.1	Reseal	9	7	700	
Griffin St Slk 0.025 to 0.6	Reseal	76	7	6,140	
Wattle Dr Slk 0.4 to 0.53	Reseal	14	7	1,100	
Blackbutt Way Slk 0.0 to 0.150	Reseal	15	7	1,250	
Gumtree Dr Slk 0.110 to 0.300	Reseal	20	7	1,690	
Gimlet St Slk 0.0 to 0.090	Reseal	8	7	630	

Location	Work Type	Mass(t)	Size (mm)	Area(m2)	Project Funds
Lake King town streets					
Library/school/cart club 0.0 to 0.110	Reseal	35	7	2,800	
Tavern entrances x 2	Reseal	23	10	1,400	
Sugg Rd Intersection with Brookton Rd	Reseal	5	7	400	
Varley town streets					
Carstairs (Pitt St) Slk 0.0 to 1.18	Reseal	118	10	7,360	
Arthur St Intersection	Reseal	11	7	840	
Newdegate town streets					
McCracken Rd Slk 0.0 to 0.120	Reseal	11	7	864	
Waddell St Slk 0.0 to 1.000	Reseal	100	7	6,200	
Witham St Slk 0.0 to 0.300	Reseal	33	7	2,650	
May St Intersection	Reseal	12	7	700	
Collier St Slk 0.0 to 0.460	Reseal	45	7	3,600	
Francis St Slk 0.0 to 0.120	Reseal	13	7	1,000	
Newdegate pool car park	Reseal	20	10	1,400	
Newdegate pool car park	Primer Seal	25	14	1,400	
Rural roads					
Norseman Rd Slk 3.98 to 5.90	Reseal	92	10	5,740	
Newdegate Rd Slk 9.79 to 10.97 and 13.358 to 13.880	Reseal	240	10	14,954	
Magenta Rd Slk 3.66 to 4.72 and 15.35 to 17.45	Reseal	368	10	22,752	
Biddy Buniche Rd Slk 3.22 to 4.22	Reseal	115	10	7,200	
Aylmore Rd Slk 3.2 to 4.3	Reseal	127	10	7,920	
Mallee Hill Rd Slk 3.88 to 5.18	Reseal	150	10	9,360	
North Lake Grace Karlgarin Rd Slk 4.7 to 5.7	Reseal	120	10	7,920	
Varley South Rd Slk 8.5 to 13.4	Reseal	642	10	36,200	RRG
Taylor Rd Slk 3.5 to 9.0 floodways(4)	Primer Seal	120	14	6,000	
Taylor Rd Slk 3.5 to 9.0 floodways(4)	Reseal	109	10	6,000	
Parsons Rd Slk 0.86 to 1.28 floodway	Primer Seal	83	14	4,200	
Parsons Rd Slk 0.86 to 1.28 floodway	Reseal	70	10	4,200	
Biddy Camm Rd Slk 3.270 to 3.370	Primer Seal	64	14	3,200	
Biddy Camm Rd Slk 61.52 to 61.72	Reseal	129	10	5,200	
North Lake Grace Karlgarin Rd floodway	Primer Seal	15	14	720	
Mallee Tree Rd Slk 6.46 to 6.61	Primer Seal	17	14	1,200	
Mallee Tree Rd Slk 6.46 to 6.61	Reseal	13	10	1,200	
Holt Rock South Rd Slk 21.80 to 25.40	Primer Seal	504	14	25,200	RRG
Holt Rock South Rd Slk 21.80 to 25.40	Reseal	403	10	25,200	RRG
Total:		4,234		256,921	

Table 1: Bitumen and aggregate requirements for the 2016-2017 Road Program.

Comment

The Tenders were reviewed by an evaluation panel including the:

- Acting Manager Infrastructure Services, Mr Bob Edwards
- Infrastructure Supervisor, Mr Doug Whiting
- Technical Officer, Mr Jason Lip
- Civil Engineering Consultant, Mr Keith Dickerson

The tender selection and evaluation process has been followed and a ranking has been awarded to each tender on price, ability to supply, quality of products and compliance criteria.

The assessment criteria applied was per *Council Policy 3.11 Tender Selection Criteria* adopted in June 2015:

- | | |
|---------------------------------------|-----|
| • Cost | 80% |
| • Relevant Experience | 10% |
| • Organisational Capacity & Resources | 5% |
| • Demonstrated Understanding | 5% |

The extent to which a Tender demonstrates greater satisfaction of each of these criteria will result in a greater score. The aggregate score of each Tender has been used in the final assessment of the qualitative criteria and in the overall assessment of value for money.

Tender 01/2016 was tendered in two parts as follows;

Part 1 – Separable Portion

- a) Supply and Delivery of Aggregate (6 Tenders Received)
- b) Supply and Lay of Bitumen Spray Seal (3 Tenders Received)

Part 2 – Whole of Contract

- a) Supply and Lay of Aggregate and Bitumen Spray Seal (3 Tenders Received)

The seven (7) tenders received have been evaluated the details are referred to in attachment 1. One tenderer chose not the tender for Part 1 a) the separate supply of aggregate.

Consideration is not given to using the Part 2 – whole of contract tender as the prices are significantly higher than the separable portions. Part 1 b) Fulton Hogan Industries is the preferred supplier under the evaluation assessment. I have worked with this company previously without issue.

Consideration given to Part 1 a) supply and delivery of aggregate there were four (4) suppliers with prices below the average price. These prices vary from -7.2% to -17.0% being a difference of \$22,000 to \$51,600 below the average price. The acceptance of tenders states the following; *Unless otherwise stated in this Request, Tenders may be for all or part of the Requirements and may be accepted by the Principal either wholly or in part. The Principal is not bound to accept the lowest Tender and may reject any or all Tenders submitted.*

Given that we are not required to accept the lowest Tender it is recommended that Fyfe Transport Pty Ltd be appointed as the preferred supplier. Fyfe Transport Pty Ltd is a local business who has previously delivered our aggregate supplies without issue. His local knowledge will assist with delivery to the correct locations.

The preferred supplier of aggregate is Fyfe Transport Pty Ltd for the price of \$282,647 (GST Inclusive) and the preferred supplier of bitumen is Fulton Hogan Industries for the price of \$645,565.00 (GST Inclusive) (refer to attachment 2).

Legal Implications

Local Government Act 1995

Local Government (Functions and General) Regulations 1996

Policy Implications

Shire of Lake Grace - *Policy 3.7 – Purchasing Policy*

Local Price Preference

When officers seek quotations or purchase goods or services, quotes must be obtained from businesses (if in existence) that could provide the good or service required that are located within the Shire of Lake Grace. When the provision of goods or services is not being sought by tender the following preference will be provided to local suppliers whose business is based within the Shire of Lake Grace and the product quality is comparable:

- 5% for any purchase up to \$20,000.00; and
- 2% for any purchase between \$20,001.00 and \$100,000.

Local Government (Functions and General) Regulations 1996 Part 4A – Regional Price Preference, Council has not adopted a regional price preference policy under this legislation.

Shire of Lake Grace - *Policy 3.11 – Tender Selection Criteria*
Road Works – Bitumen & Sealing

Cost	80%
Relevant Experience	10%
Organisational Capacity & Resources	5%
Demonstrated Understanding	5%

Consultation

Internal: Chief Executive Officer, Ms Denise Gobbart
Infrastructure Supervisor, Mr Doug Whiting

External: Civil Engineering Consultant, Mr Keith Dickerson

Financial Implications

The total provision in the 2016/2017 Budget for the works included in Tender 1/2016 is \$1,181,512 for the supply of all bitumen products and aggregate costs. An allocation of \$891,655 was allowed for all Bitumen works and \$200,857 was allocated for Aggregate supply and delivery.

With the recommended tenderers Fyfe Transport Pty Ltd (Aggregate) submitted price of \$282,647 (GST Inclusive) and Fulton Hogan Industries (Bitumen) submitted price of \$654,565 (GST Inclusive) the total works are able to be completed within the allowed budget parameters of the specified works.

Strategic Implications

Shire of Lake Grace Strategic Community Plan

Ec1 Maintain community built infrastructure and provide an effective transportation network:

- Ec 1.1 Maintain efficient, safe and appropriate infrastructure including roads, built and civic infrastructure.
- Ec 1.2 Support the provision of appropriate transportation links, including road and rail infrastructure and services.
- Ec 1.3 Ensure the Shire's capital investment program is cost effective and financially sustainable.

Recommendation

That the Council authorise the Chief Executive Officer to award,

1. the contract for Tender 1/2016 Part 1 b) – Supply of Bitumen, to Fulton Hogan Industries for the price of \$654,565.00; and,
2. Award Tender 1/2016 Part 1 a) – Supply of Aggregate, to Fyfe Transport Pty Ltd for the price of \$282,647.00.

Voting Requirements

Simple majority required.

Resolution

Moved Cr

Seconded Cr

11.3 TENDER 2/2016 – RURAL ROADS RECONSTRUCTION

Applicant: Infrastructure Services
File No. 0488
Attachments: 1. Evaluation RFT 2/2016 (*under separate cover*)
 2. Preferred Tenderer Costs
Author: Mr Bob Edwards


 Acting Manager Infrastructure Services

Disclosure of Interest: Nil
Date of Report:
Senior Officer: Ms Denise Gobbart


 Chief Executive Officer

Summary

The purpose of this report is to consider and award the contract for Tender 2/2016 Rural Roads Reconstruction for the Shire of Lake Grace 2016-2017 road works program.

Background

An advertisement for the calling of tenders for the Rural Roads Reconstruction was placed in the Weekend West newspaper on 30-31 July 2016 and the Western Australian newspaper on Wednesday 3 August 2016.

The scope of works is listed in Table 1.

ITEM NUMBER	RFT CLAUSE 1.2.1 - TENDERING INFORMATION Description of Work	QUANTITY UNIT
1	Reconstruction Taylor Road, various sections, total length of 3,000 m, associated road pavement sheeting, carting of gravel and upgrade of three floodways (bitumen seal by others) as per 'Technical Specifications'. SLK 2.1 to SLK 9.37	3.0 km 10.0 m wide
2	Reconstruction/realignment of T-junction of Giles Road, and Magenta Rd associated road formation, carting of gravel and drainage works (and installation of road signage) as per 'Technical Specifications'. SLK 0.0 to SLK 0.1	0.3 km 8.0 m wide
3	Reconstruction of Mount Sheridan Road, associated road formation, carting of gravel and drainage works (offshoots, table drains, headwalls, signage etc.) as per 'Technical Specifications'. SLK 15.24 to SLK 20.74	5.5 km 10.0 m wide
4	Reconstruction of various sections of Magdahba Track, total length of 2,000 m, associated road formation, carting of gravel and drainage works (offshoots, table drains, signage etc.) as per 'Technical Specifications'. SLK 0.0 to SLK 5.6	2.0 km 8.0 m wide

ITEM NUMBER	RFT CLAUSE 1.2.1 - TENDERING INFORMATION Description of Work	QUANTITY UNIT
5	Reconstruction of Mallee Tree Road, associated road formation, carting of gravel and drainage works (offshoots, table drains etc.) as per 'Technical Specifications'. SLK 6.5 to SLK 7.0	1.5 km 8.0 m wide
6	Reconstruction Mallee Hill Road, various sections, total length of 3,000 m, associated road pavement sheeting, carting of gravel and drainage works as per 'Technical Specifications'. SLK 23.0 to SLK 25.0	2.0 km 10.0 m wide
7	Reconstruction of Whurr Road, associated road formation, carting of gravel and drainage works (offshoots, table drains signage etc.) as per 'Technical Specifications'. SLK 0.0 to SLK 2.58	2.58 km 8.0 m wide
8	Reconstruction of various sections of Ardler Road, total length of 2,000 m, associated road formation, carting of gravel and drainage works (and installation of road signage as per 'Technical Specifications'. SLK 0.0 to SLK 4.5	2.0 km 10.0 m wide
9	Reconstruction of Beynon Road, associated road formation, carting of gravel and drainage works (offshoots, table drains, signage etc.) as per 'Technical Specifications'. SLK 4.5 to SLK 7.5	3.0 km 8.0 m wide
10	Reconstruction of Biddy Camm Road, associated road formation, carting of gravel and drainage works (offshoots, table drains, headwalls, signage etc.) as per 'Technical Specifications'. SLK 105.21 to SLK 109.66	4.45 km 8.0 m wide
11	Reconstruction of Pickernell Road, total length of 2,000 m, associated road formation, carting of gravel and drainage works (offshoots, table drains, signage etc.) as per 'Technical Specifications'. SLK 13.14 to SLK 15.84	2.7 km 10.0 m wide
12	Reconstruction of various sections of Breed Road, total length of 1,250 m, associated road formation, carting of gravel and drainage works (and installation of road signage) as per 'Technical Specifications'. SLK 0.0 to SLK 7.78	1.25 km 8.0 m wide
13	Reconstruction of Old Ravensthorpe Road, associated road formation, carting of gravel and drainage works (offshoots, table drains, headwalls, signage etc.) as per 'Technical Specifications'. SLK 16.2 to SLK 17.2	1.0 km 10.0 m wide

Table 1: Rural Roads Reconstruction 2016/2017

Comment

The Tenders were reviewed by an evaluation panel including the:

- Acting Manager Infrastructure Services, Mr Bob Edwards
- Infrastructure Supervisor, Mr Doug Whiting
- Technical Officer, Mr Jason Lip
- Civil Engineering Consultant, Mr Keith Dickerson

The tender selection and evaluation process has been followed and a ranking has been awarded to each tender on price, ability to supply, quality of products and compliance criteria.

The assessment criteria applied was per *Council Policy 3.11 Tender Selection Criteria* adopted in June 2015:

- | | |
|---------------------------------------|-----|
| • Cost | 80% |
| • Relevant Experience | 10% |
| • Organisational Capacity & Resources | 5% |
| • Demonstrated Understanding | 5% |

The extent to which a Tender demonstrates greater satisfaction of each of these criteria will result in a greater score. The aggregate score of each Tender has been used in the final assessment of the qualitative criteria and in the overall assessment of value for money.

Fifteen tenders were received and evaluated (refer to attachment 1). The tendered prices received ranged from \$643,394 to \$3,551,711 (GST Inclusive).

The preferred supplier of the rural roads reconstruction is Wagin Earthmoving for the price of \$643,394 (GST Inclusive) (refer to attachment 2). Wagin Earthmoving have previously undertaken works for the Shire to the standard required.

Legal Implications

Local Government Act 1995

Local Government (Functions and General) Regulations 1996

Policy Implications

Shire of Lake Grace - *Policy 3.7 – Purchasing Policy*

Local Price Preference

When officers seek quotations or purchase goods or services, quotes must be obtained from businesses (if in existence) that could provide the good or service required that are located within the Shire of Lake Grace. When the provision of goods or services is not being sought by tender the following preference will be provided to local suppliers whose business is based within the Shire of Lake Grace and the product quality is comparable:

- 5% for any purchase up to \$20,000.00; and
- 2% for any purchase between \$20,001.00 and \$100,000.

Local Government (Functions and General) Regulations 1996 Part 4A – Regional Price Preference, Council has not adopted a regional price preference policy under this legislation.

Shire of Lake Grace - *Policy 3.11 – Tender Selection Criteria*
Road Works – Bitumen and Sealing

Cost	80%
Relevant Experience	10%
Organisational Capacity & Resources	5%
Demonstrated Understanding	5%

Consultation

Internal: Chief Executive Officer, Ms Denise Gobbart
Works Supervisor, Mr Doug Whiting

External: Civil Engineering Consultant, Mr Keith Dickerson

Financial Implications

The total provision in the 2016/2017 Budget for the works included in Tender 2/2016 is \$759,537. Off this allocation \$160,947 was allocated for Gravel, being the payment of and costs associated with pushing the required quantities. This leaves a balance of \$598,590 to cover the balance of tendered works.

With the recommended tenderer Wagin Earthmoving submitting a price of \$643,394 (GST Inclusive) the total works are able to be completed within the allowed budget parameters of the specified works.

Strategic Implications

Shire of Lake Grace Strategic Community Plan

Ec1 Maintain community built infrastructure and provide an effective transportation network:

- Ec 1.1 Maintain efficient, safe and appropriate infrastructure including roads, built and civic infrastructure.
- Ec 1.2 Support the provision of appropriate transportation links, including road and rail infrastructure and services.
- Ec 1.3 Ensure the Shire's capital investment program is cost effective and financially sustainable.

Recommendation

That the Council authorise the Chief Executive Officer to award the contract for Tender 2/2016 – Rural Roads Reconstruction, to Wagin Earthmoving for the fixed total price of \$643,394.00 (GST Inclusive).

Voting Requirements

Simple majority required.

Resolution

Moved Cr

Seconded Cr

12.0 MATTERS FOR CONSIDERATION – PLANNING
--

12.1 DEVELOPMENT APPLICATION – PROPOSAL TO CONSTRUCT TEMPORARY WORKERS ACCOMMODATION – LOT 1579 MUNCASTER ROAD, MT MADDEN

Applicant:	Mr Lindsay Marc Brownley (Landowner)
File No.	0453
Attachments:	Plans 1 to 7 (<i>Plans 4 to 7 under separate cover</i>)
Author:	Messrs Joe Douglas & Steve Pandevski Urban & Rural Perspectives, Town Planning Consultants
Disclosure of Interest:	Nil
Date of Report:	27 September 2016
Senior Officer:	Ms Denise Gobbart



Chief Executive Officer

Summary

This report recommends that a development application submitted by Mr Lindsay Marc Brownley to place one (1) new transportable building on Lot 1579 (No.544) Muncaster Road, Mount Madden to provide temporary workers accommodation for a maximum of two (2) people to support the continued use of the land for broadacre agricultural purposes be approved subject to conditions.

Background

The landowner is seeking Council's development approval to place one (1) new transportable building on Lot 1579 (No.544) Muncaster Road, Mount Madden to provide temporary workers accommodation for a maximum of two (2) people.

Lot 1579 is located approximately 25 kilometres south-east of the Lake King townsite, east of Newdegate-Ravensthorpe Road and on the south-western corner of the intersection of Muncaster and Hatter Hill Roads. The land is rectangular in shape, comprises a total area of approximately 531 hectares and has direct frontage and access to Muncaster Road along its northern boundary and Hatter Hill Road along its eastern boundary, both of which have been constructed to a rural standard (i.e. gravel sheeted road carriageways) (see Plans 1 & 2).

Lot 1579 has been substantially cleared and is currently used for broadacre agricultural purposes (i.e. cropping & grazing). The property contains a number of improvements associated with its current 'extensive agricultural' use including a homestead, outbuildings, storage silos, dams, access tracks, firebreaks and boundary fencing (see Plan 3).

Under the terms of the information and plans submitted in support of the application the following is proposed:

- i) Placement of one (1) new 63m² transportable building on Lot 1579 comprising a total of two (2) bedrooms, sanitary facilities and a combined living/meal/kitchen area;
- ii) The proposed building will be located near the existing homestead and outbuildings on the land and will be accessed via the existing gravel driveway from Muncaster Road;
- iii) The proposed building will be setback approximately 400 metres from Muncaster Road to the north and approximately 1.15 kilometres from Hatter Hill Road to the east. Due to its proposed location on the land and presence of numerous mature trees, the building will be screened from public view;

- iv) The proposed building will be 15 metres long, 4.2 metres wide and raised approximately 800mm above the natural ground level (see Plans 4 to 7);
- v) The building will comprise a flat colorbond roof and wall cladding (i.e. 'Paper Bark' colour).
- vi) The overall height of the proposed building will be 3.435 metres above the natural ground level (including a wall height of 2.625 metres);
- vii) Enclosure of the building's subfloor area with 'Monument' coloured Colorbond sheeting to match all metal trim work to be used on the structure;
- viii) Construction of a 20 metre long, 14 metre wide and 400mm high compacted gravel pad to accommodate the new building and provide safe and convenient access for its future occupants;
- ix) Construction of two (2) x 6 metre long, 3 metre wide gravel base, blue metal sheeted car parking bays immediately in front of the new building to accommodate its future occupants. Parking will also be made available in one of the existing nearby sheds for the parking of two (2) cars when space is available;
- x) Installation of a new on-site effluent disposal system (i.e. 2 septic tanks & a leach drain) west of the new building;
- xi) Provision of a potable water supply to the new building by way of connection to an existing 45,000 litre capacity on-site rainwater tank located adjacent to a farm shed located immediately south of the proposed building;
- xii) Removal of an existing small shed currently located where the new transportable building is proposed to be placed;
- xiii) The clearing of an area comprising 20 metre x 20 metres (i.e. approximately 400m² in total) to accommodate the proposed new building, compacted gravel pad and effluent disposal system. The proposed clearing works will require the removal of eleven (11) mature trees and other understorey scrub to accommodate the development and ensure compliance with the latest bushfire planning requirements as recommended by a site specific investigation and report by accredited bushfire planning consultants Lush Fire & Planning recently commissioned by the landowner; and
- xiv) The new building will provide temporary accommodation for a maximum of two (2) farm workers during the sowing and harvesting seasons (April to June and October to December).

Comment

Lot 1579 is classified 'General Agriculture' zone under the Shire of Lake Grace's current operative Local Planning Scheme No.4 (LPS No.4).

Council's stated aims and objectives for land classified 'General Agriculture' zone under LPS No.4 are as follows:

'The General Agriculture Zone is intended primarily for the preservation of agriculturally significant land. Land classified as General Agriculture Zone within the Scheme Area is capable of high levels of agricultural production and is therefore a valuable resource worthy of protection. The local government shall therefore seek to ensure that no action is taken to jeopardise this potential.'

Zone Objectives

- *To ensure the continuation of broadacre farming as the principal land use in the District and encouraging where appropriate the retention and expansion of agricultural activities;*
- *To protect the potential of agricultural land for primary production and to preserve the landscape and character of the rural areas;*
- *To provide for a range of rural pursuits such as broadacre and diversified farming which are compatible with the capability of the land and retain the rural character and amenity of the locality;*
- *To control the fragmentation of broadacre farming properties through the process of subdivision;*
- *To consider non-rural uses where they can be shown to be of benefit to the District and not detrimental to the natural resources or the environment;*
- *To protect broadacre agricultural land from land degradation and any further loss of biodiversity by:*
 - i) minimising the clearing of remnant vegetation on public and private lands;*
 - ii) encouraging the retention and protection of existing remnant vegetation;*
 - iii) encouraging the development and protection of corridors of native vegetation;*
 - iv) encouraging the development of environmentally acceptable surface and sub-surface drainage works;*
 - v) encouraging the rehabilitation of salt affected land;*
 - vi) controlling the introduction and spread of alien species of flora and fauna;*
 - vii) encouraging soil conservation through the application of cultural vegetational land management measures.'*

Under the terms of LPS No.4 the use class 'temporary workers accommodation' is not specifically mentioned in the Zoning Table (i.e. it is a 'Use Not Listed'). Pursuant to clause 4.4.2 'If a person proposes to carry out on land any use that is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the type, class or genus of activity of any other use category the local government may —

- (a) determine that the use is consistent with the objectives of the particular zone and is therefore permitted;*
- (b) determine that the use may be consistent with the objectives of the particular zone and thereafter follow the advertising procedures of clause 9.4 in considering an application for planning approval; or*
- (c) determine that the use is not consistent with the objectives of the particular zone and is therefore not permitted.'*

Following detailed assessment of the application the reporting officers' have concluded the proposed development and use of Lot 1579 for 'temporary workers accommodation' purposes is consistent with the objectives of the land's current 'General Agriculture' zoning classification in LPS No.4 and is therefore permitted for the following reasons:

1. It is directly associated with the existing broadacre agricultural use of the land;

2. It will provide for the continued use of the land for broadacre farming which is the principal land use in the immediate locality and the District generally;
3. It will not undermine the land's potential to continue to be used for primary production purposes;
4. It will not compromise the existing landscape and rural character / amenity of the immediate locality;
5. It will not give rise to the possible fragmentation of the property through the subdivision process (i.e. no opportunity for further subdivision of the land will be created);
6. Despite the proposal to clear approximately 400m² to accommodate the new building and other associated improvements, it will not give rise to any land degradation or any further loss of biodiversity due to the nature, type and quality of the vegetation to be removed, the fact such vegetation is well represented on other parts of the property, the immediate locality and the District more generally and the well planned nature of the proposal.

In light of the above conclusions it is recommended that Council, pursuant to clause 4.4.2(a) of LPS No.4, determine that the proposed development and use of Lot 1579 for 'temporary workers accommodation' purposes is consistent with the objectives of the land's current 'General Agriculture' zoning classification in LPS No.4 and is therefore permitted.

Compliance with LPS No.4 Development Standards

LPS No.4 does not contain any specific standards governing the development and use of land classified 'General Agriculture' zone for the purposes of 'temporary workers accommodation'. As such the application has been assessed with due regard for the general development standards applicable to all 'General Agriculture' type uses contained in clause 5.11 of LPS No.4.

An assessment of the proposal against the development standards contained in clause 5.11 of LPS No.4 has confirmed it is compliant. Furthermore, it is noted the proposal is consistent with sections of clause 5.11.3 of LPS No.4, as underlined below:

'Within the General Agriculture zone the local government will not generally support the erection of more than one (1) single house per lot. The local government may only consider granting approval to additional dwelling(s) under the following circumstances:

- i) where the land owner clearly demonstrates that the development is required for farm management or tourist development purposes;*
- ii) the additional dwelling(s) will only accommodate a family member, workers employed for agricultural activities on that lot or tourists;*
- iii) the additional dwelling(s) are clustered in one location so as to avoid future subdivision pressure and minimise constraints on adjoining uses; and*
- iv) all essential services to the additional dwelling(s) from the lot boundary (including access roads) are to be shared with any existing dwelling(s) where practicable.'*

Transportable Building Requirements

Clause 5.21 of LPS No.4 contains provisions and standards applicable to the development and use of transportable buildings within the Shire. This clause states such buildings are not permitted unless:

- a) in the opinion of the local government such a dwelling or building is in a satisfactory condition and will not detrimentally affect the amenity of the area; and*

- b) *the sub-floor area of the building is enclosed with brick, stone, vermin battens or by other means acceptable to the local government and, where the building is considered by the local government to be exposed, or in a position such as to be visually prominent, the local government may require satisfactory landscaping measures to be carried out.*

The proposed building Lot 1579 is a brand new structure, will be clustered with all other existing buildings on the land and will be located a substantial distance from existing dwellings on adjoining properties with the nearest dwelling being located approximately 1.5 kilometres to the east-south-east on Lot 1575 Hatter Hill Road, Mt Madden. Furthermore the proposed building will, by virtue of the existing large stands of native vegetation on the land, be adequately screened from public view with the building's sub-floor area to be enclosed with complementary coloured Colorbond sheeting.

Having regard for the above it is concluded the proposed building is unlikely to have a detrimental impact upon the visual amenity of the immediate locality.

Fire Protection

Clause 5.4.3 of LPS No.4 states *'all subdivision and/or development proposals within the Scheme Area must meet the standards and specifications as laid down by the local government, the Western Australian Planning Commission and State Authorities responsible for fire protection'*.

Lot 1579 has been identified by the Department of Fire and Emergency Services (DFES) as being located within a designated 'Bushfire Prone Area'. In accordance with Schedule 2 Part 10A of the *Planning and Development (Local Planning Scheme) Regulations 2015* a 'Bushfire Attack Level' (BAL) assessment is required to be submitted to assist Council's consideration and determination of the application.

As previously mentioned the applicant has submitted a BAL assessment report prepared by accredited bushfire planning consultants Lush Fire and Planning. A review of that report has confirmed the following:

- i) Lot 1579 is classified as having a BAL-FZ rating which means it has an extreme risk of ember attack and burning debris ignited by wind-borne embers with the likelihood of exposure to an extreme level of radiant heat and direct exposure to flames from any fire front;
- ii) A preferred rating of BAL-12.5 could be achieved with a separation distance of at least 20 metres from any identified bushfire threat through the creation of an 'Asset Protection Zone' (APZ);
- iii) The APZ will need to be adequately maintained in future to prevent the accumulation of bushfire fuel loads with only 'low threat vegetation' as defined by Australian Standard No.AS3959-2009 being permitted within; and
- iv) The proposed temporary workers accommodation building will need to be sited to maintain a minimum separation of distance of six (6) metres to the nearest building on the land.

In summary the BAL assessment demonstrates that suitable and appropriate measures can be implemented to minimise the risk of bush fire attack on the proposed development and use of the land for temporary workers accommodation purposes.

Conclusion

It is concluded from a detailed assessment of the above development application that it is unlikely to have a negative impact on the general amenity, rural character, functionality and safety of the immediate locality and may therefore be supported and approved by Council. As such it is recommended that Council exercise its discretion by:

- a) Determining that the proposed development and use of Lot 1579 for 'temporary workers accommodation' purposes is consistent with the objectives of the land's current 'General Agriculture' zoning classification in LPS No.4 and is therefore permitted; and
- b) Granting approval to the application subject to the imposition of a number of conditions to ensure it proceeds in a proper and orderly manner.

Legal Implications

- Planning and Development Act 2005
- Shire of Lake Grace Local Planning Scheme No.4
- Part 10A Planning and Development (Local Planning Scheme) Regulations 2015 - Bushfire Risk Management
- Environmental Protection (Clearing of Native Vegetation) Regulations 2004

Policy Implications

- State Planning Policy 3.7 - *Planning in Bushfire Prone Areas*

Consultation

Community consultation not required.

Financial Implications

Nil

Strategic Implications

Shire of Lake Grace Strategic Community Plan

Economic Focus Area: 1) Profitable and diverse businesses
 4) Growing agriculture sustainability

Economic Objective:

- Ec2 Provide an environment that supports business and investment opportunities

Economic Strategy:

- Ec2.1 Create and support an environment for businesses to establish in the Lake Grace Shire through the appropriate zoning of land, provision of infrastructure and efficient and effective business approval process.

Recommendation

1. That Council, pursuant to clause 4.4.2(a) of the Shire of Lake Grace Local Planning Scheme No.4 (LPS No.4), resolve that the proposed development and use of Lot 1579 (No.544) Muncaster Road, Mount Madden for 'temporary workers accommodation' purposes is consistent with the objectives of the land's current 'General Agriculture' zoning classification in LPS No.4 and is therefore permitted.
2. That the application for development approval submitted by Mr Lindsay Marc Brownley to place one (1) new transportable building on Lot 1579 (No.544) Muncaster Road, Mount Madden to provide temporary workers accommodation for a maximum of two (2) people to

support the continued use of the land for broadacre agricultural purposes be approved subject to compliance with the following conditions and advice notes:

Conditions

1. The development shall be undertaken in a manner consistent with the information and plans submitted in support of the application unless otherwise approved by Council.
2. All stormwater generated by the development shall be managed and disposed of to the specifications and satisfaction of the Shire of Lake Grace.
3. A suitable capacity potable water supply shall be provided for the development to the satisfaction of the Shire of Lake Grace.
4. The development shall be provided with an adequate on-site effluent disposal system constructed and maintained to the specifications and satisfaction of the Shire of Lake Grace.
5. All on-site vehicle access-ways and parking areas associated with the development shall be constructed and maintained to the specifications and satisfaction of the Shire of Lake Grace.
6. A maximum of two (2) employees are permitted to be accommodated within the new transportable building at any given time unless otherwise approved by Council.
7. The transportable building is only permitted to be occupied during the months of April, May, June, October, November and December to coincide with the sowing and harvesting seasons unless otherwise approved by the Shire of Lake Grace.
8. The sub-floor area of the transportable building shall be enclosed with 'Monument' coloured Colorbond sheeting to match all metal trim work to be used on the building.
9. An 'Asset Protection Zone' (APZ) comprising a minimum distance of 20 metres measured from the external walls of the transportable building (including any verandas) shall be created by way of vegetation clearing in order to achieve a maximum rating of BAL-12.5 to the satisfaction of the Shire of Lake Grace.
10. The fire fuel load within the 20 metre 'Asset Protection Zone' required by Condition 9 above shall be maintained as 'low bushfire threat vegetation' as defined by Australian Standard No.AS3959-2009.
11. Any fencing within the 'Asset Protection Zone' shall be constructed using non-combustible materials (e.g. iron, brick, limestone, metal post & wire).
12. The transportable building shall maintain a minimum distance of six (6) metres to the nearest building.
13. The land immediately surrounding the development shall be maintained in a neat and tidy condition at all times to the specifications and satisfaction of the Shire of Lake Grace.

Advice Notes

1. The development shall be substantially commenced within a period of two (2) years from the date of this approval. If the development is not substantially commenced within this period this approval will lapse and be of no further effect. Where this 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. The applicant must make arrangements with the Department of Environment Regulation to secure approval to any clearing permit that may be required under the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004* prior to the removal of any native vegetation.
3. A completed building permit application must be submitted to and approved by the Shire's Building Surveyor prior to the commencement of any construction on the land including earthworks.
4. The development is required to comply in all respects with the National Construction Code of Australia. Plans and specifications which reflect these requirements must be submitted to the Shire with the required building permit application.
5. Failure to comply with any of the conditions of this development approval constitutes an offence under the provisions of the *Planning and Development Act 2005* and the Shire of Lake Grace Local Planning Scheme No.4 and may result in legal action being initiated by the local government.
6. If the applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 Part 14. An application must be submitted within 28 days of the determination.

Voting Requirements

Simple majority required.

Resolution

Moved Cr

Seconded Cr

13.0 MATTERS FOR CONSIDERATION – HEALTH & BUILDING

No matters for consideration.

14.0 MATTERS FOR CONSIDERATION – FINANCE

14.1 ACCOUNTS FOR PAYMENT – AUGUST 2016

Applicant: Internal Report
File No. 0277
Attachments: List of Creditors
Author: Ms Kairi Nigol

Disclosure of Interest: Nil
Date of Report: 22 September 2016
Senior Officer: Ms Linda Gray


 Finance Coordinator


 Deputy Chief Executive Officer
Summary

For Council to ratify expenditures incurred for the month of August 2016.

Background

List of payments for the month August 2016 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

Policy 3.6 - Authorised Use of Credit Card/Fuel Cards
 Policy 3.7 - Purchasing Policy

Consultation

N/A

Financial Implications

The list of creditors paid for the month of August 2016 from the Municipal and Trust Account totalling \$701,481.59.

Strategic Implications

Shire of Lake Grace Strategic Community Plan

Civic Leadership Focus Area (5)

- Excellence in Shire administration and communication

Recommendation

That Council ratify the list of payments totalling \$701,481.59 as presented for the month of August 2016 incorporating:

- Trust Account Cheques:		\$	0.00
- Electronic Funds Transfer:	EFT15833 – EFT15912	\$	448,030.93
- Municipal Account Cheques:	36264 - 36270	\$	15,686.34
- Direct Debits:	DD6343.1 – DD6353.8	\$	106,107.24
	DD6373.1 – DD6373.8		
	DD6400.1 – DD6400.5		
	DD6401.1 – DD6401.22		
	DD6402.1		
	DD6403.1		
	DD6404.1 – DD6401.2		
	DD6412.1		
- Electronic Funds Transfer:	Payroll Net Pay	\$	131,657.08

Voting Requirements

Simple majority required.

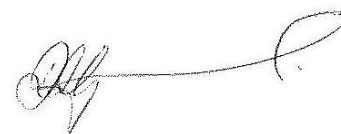
Resolution

Moved Cr

Seconded Cr

14.2 FINANCIAL STATEMENTS – JULY 2016

Applicant: Shire of Lake Grace
File No. 0275
Attachments: 1. Financial Reports July 2016
 2. Bank Reconciliations
Author: Ms Denise Gobbart
 Acting Chief Executive Officer
Disclosure of Interest: Nil
Date of Report: 22 September 2016
Senior Officer: Ms Denise Gobbart



Chief Executive Officer

Summary

Consideration of the financial statements for the month ending 31 July 2016.

Background

The following financial reports for July 2016 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 and Expenditure Graphs
- Bank Reconciliations

Comment

The financial report has been prepared without the administration costs and staff housing cost being redistributed. This has been done due to the lateness in our budget adoption and time not permitting the changes to be set up in our accounting software.

Depreciation will not be run until after the Audit has been finalised, this eliminates any adjustments being required, if our balances change throughout the audit process.

Interest on Reserves is yet to be distributed.

Legal Implications

Local Government Act 1995 – section 6.4

Local Government (Financial Management) Regulations 1996

Policy Implications

Nil

Consultation

N/A

Financial Implications

Nil

Strategic Implications

Shire of Lake Grace Strategic Community Plan

Civic Leadership Focus Area (5)

- *Excellence in Shire administration and communication*

Recommendation

That Council in accordance with Regulation 34 of the *Local Government (Financial Management) Regulations 1996* receives the Statements of Financial activity for the period ended 31 July 2016.

Voting Requirements

Simple majority required.

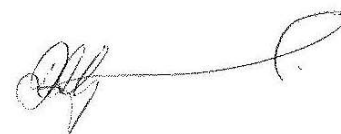
Resolution

Moved Cr

Seconded Cr

14.3 FINANCIAL STATEMENTS – AUGUST 2016

Applicant: Shire of Lake Grace
File No. 0275
Attachments: 1. Financial Reports August 2016
 2. Bank Reconciliations
Author: Ms Denise Gobbart
 Acting Chief Executive Officer
Disclosure of Interest: Nil
Date of Report: 22 September 2016
Senior Officer: Ms Denise Gobbart



Chief Executive Officer

Summary

Consideration of the financial statements for the month ending 31 August 2016.

Background

The following financial reports for August 2016 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 and Expenditure Graphs
- Bank Reconciliations

Comment

The financial report has been prepared without the administration costs and staff housing cost being redistributed. This has been done due to the lateness in our budget adoption and time not permitting the changes to be set up in our accounting software.

Depreciation will not be run until after the Audit has been finalised, this eliminates any adjustments being required, if our balances change throughout the audit process.

Interest on Reserves is yet to be distributed.

Legal Implications

Local Government Act 1995 – section 6.4

Local Government (Financial Management) Regulations 1996

Policy Implications

Nil

Consultation

N/A

Financial Implications

Nil

Strategic Implications

Shire of Lake Grace Strategic Community Plan

Civic Leadership Focus Area (5)

- *Excellence in Shire administration and communication*

Recommendation

That Council in accordance with Regulation 34 of the *Local Government (Financial Management) Regulations 1996* receives the Statements of Financial activity for the period ended 31 August 2016.

Voting Requirements

Simple majority required.

Resolution

Moved Cr

Seconded Cr

15.0 MATTERS FOR CONSIDERATION – COMMUNITY SERVICES
--

15.1 11 MALEY STREET (LOT 8) NEWDEGATE – ACQUISITION OF LAND

Applicant:	Newdegate Active Precinct Committee
File No.	0783
Attachments:	1. Extract from August 2016 Minutes 2. Letter from the Newdegate Machinery Field Days Inc. 3. Letter to the Newdegate Active Precinct Committee
Author:	Mrs Jeanette Bennett
Disclosure of Interest:	Nil
Date of Report:	20 September 2016
Senior Officer:	Ms Denise Gobbart


Executive Officer


Chief Executive Officer

Summary

This report recommends Council authorise the Chief Executive Officer to proceed with the acquisition of 11 Maley Street (Lot 8) Newdegate from Lynda and Scott Hackford for the purpose of development of a skate park and playground facility.

Background & Comment

Council, at its 24 August 2016 Ordinary Meeting considered a request from the Newdegate Active Precinct Committee on behalf of the Newdegate community, seeking Council's acceptance of the gift of land at 11 Maley Street Newdegate for the development of a skate park, playground and park area. - refer Attachment No 1.

Accordingly Council passed Resolution 12342 as follows:

*Moved Cr Armstrong, Seconded Cr Clarke
That Council:*

1. *Endorse the Newdegate community's initiative to fund the purchase of Lot 11 Maley St Newdegate for \$15,000 from its community funds (i.e. Newdegate Field Days Inc.), and accept ownership of Lot 11 Maley St Newdegate through transfer of the land to the Shire of Lake Grace;*
2. *As per Policy 1.11, authorises the Shire President and Chief Executive Officer to apply the Common Seal to the Transfer of Land documents for Lot 11 Maley St Newdegate; and*
3. *Endorse funding applications for development and construction of the Newdegate Active Precinct Project to Lotterywest for \$100,000 and Royalties for Regions Community Chest Program for \$50,000 to be included in the 2016/17 budget.*

CARRIED BY ABSOLUTE MAJORITY 7/0

In regard to the above, staff have since sought advice from the Department of Local Government and Communities and they have recommended in the interest of good governance and best practice that Council formally approve an Offer and Acceptance for the purchase of the land.

It has further been recommended by the Department of Local Government and Communities that the funds for the purchase of the land, together with and fees payable for the land transaction are received through the Shire's accounts.

The Newdegate Field Day Committee have previously written to the Shire advising that they agree to pay the sum of \$15,000 for the purchase of the land plus the associated settlement fees – refer Attachment No 2.

Legal Implications

Local Government Act 1995

Policy Implications

Shire of Lake Grace Policy: 1.11 – Use of the Common Seal
1.13 – Community Engagement
3.7 – Purchasing Policy
7.9 – Asset Management Policy

Consultation

Internal: Denise Gobbart – Chief Executive Officer

External: Andrew Borrett, Department of Local Government and Communities
Newdegate Active Precinct Committee

Financial Implications

To facilitate the purchase of 11 Maley (Lot 8) Street Newdegate by the Shire, the Newdegate Machinery Field Days Inc. will be required to transfer the sum of \$15,000 plus the associated settlement fees to the Shire.

A quote received from Freeway Settlement Services state the following costs:

Settlement fees including disbursements and GST	\$660.00
Stamp duty for vacant residential land (GST free)	\$285.00
Landgate Registration Fee (GST free)	\$165.80
Total:	\$1,110.80

As at 20 September 2016 there are no outstanding rates payable on the property, as the current year rates are yet to be levied.

As per above the total cost to the Newdegate Machinery Field Days Committee Inc. for the purchase of the land will be \$16,110.80.

The purchase of the land will increase the Shire's Freehold land assets by \$15,000 and any future improvements on the land will need to be recorded as an asset and included in the Shire's Asset Management Planning.

On transfer of the land and as per June 2016 Resolution 12307, a Development Application (DA) will be prepared by the Shire's consultant town planners, Urban & Rural Perspectives to the change of use of the land from Commercial (Shop) to Commercial (Recreation-Public). The costs of preparation of a report for a DA of this nature would normally cost around \$400-\$500, and are allocated through Account E106030, Town Planner Consultant Fees.

Strategic Implications

Shire of Lake Grace Community Strategic Plan

Community Values – Good facilities and community activities – *“Having facilities that are available for community use”*.

- S1 Maintain and improve the Shire as an attractive place to live
 - S1.3 Encourage a healthy lifestyle through a range of participation activities in community organisations
- S2 Provide a supportive social environment
 - S2.2 Provide recreation facilities and services that are well used and deliver multiple benefits

Recommendation

That Council:

1. Approves the acquisition of 11 Maley Street (Lot 8) Newdegate for the development of a community skate park and playground facility;
2. Authorises the Chief Executive Officer to proceed with the acquisition of 11 Maley Street (Lot 8) Newdegate for the sum of \$15,000 from Lynda and Scott Hackford; and,
3. Authorises the Shire President and Chief Executive Officer to affix the Common Seal on the transfer of land and associated documents.

Voting Requirements

Absolute majority (5) required.

Resolution

Moved Cr

Seconded Cr

15.2 LAKE GRACE UNITING CHURCH – PROGRESSION

Applicant: Internal Report
File No. 0779
Attachments: Building Report
Author: Ms Linda Gray

Disclosure of Interest: Nil
Date of Report: 21 September 2016
Senior Officer: Ms Denise Gobbart


Deputy Chief Executive Officer


Chief Executive Officer

Summary

For Council to consider the level of investment to be incurred by the Shire of Lake Grace in progressing the establishment of a Thrift Shop under lease to the Lake Grace Country Women's Association and Activ Southern Districts Regional Council.

Background

This particular site – Methodist Church Site (Uniting Church) Lot 47 Bennett Street, Lake Grace has been subject to five previous Council agenda items, with the following resolution endorsed at the 23 September 2015 Ordinary Meeting of Council:

RESOLUTION 12132

Moved Cr Clarke, Seconded Cr Hunt

That Council:

1. *Endorse the use of the former Methodist Church Site (Uniting Church) Lot 47 Bennett Street, Lake Grace for community purposes (Thrift Shop) to be coordinated by the Lake Grace Country Women's Association and Activ Southern Districts Regional Council for a twelve (12) month period, to be reviewed at the end of this period subject to approval from the Department of Lands; and,*
2. *That Council authorise the Shire Administration to prepare and lodge a formal planning application seeking Council's approval under Local Planning Scheme No. 4 to change the current approved use of Lot 47 (No.46) Bennett Street, Lake Grace from 'Place of Worship' to 'Community Purpose'.*

MOTION CARRIED 9/0

A Planning Application for the proposed change of use was submitted to the Ordinary Meeting of Council on 24 February 2016 and the following resolution was endorsed:

RESOLUTION 12223

Moved Cr Clarke, Seconded Cr De Landgrafft

*That the application for planning approval submitted by the Shire of Lake Grace on behalf of the Uniting Church in Australia Property Trust WA (Landowners) to change the current approved use of Lot 47 (No.46) Bennett Street, Lake Grace from 'place of worship' to 'community purposes' be **APPROVED** subject to compliance with the following conditions and advice notes:*

Conditions

1. *The development and use of the land for 'community purposes' shall be undertaken in a manner consistent with the information and plans submitted in support of the application unless otherwise approved by Council.*
2. *All rubbish generated on-site shall be managed and disposed of to the specifications and satisfaction of the Shire of Lake Grace.*

3. *The site shall be ordered and maintained in a neat and tidy condition at all times to the satisfaction of the Shire of Lake Grace.*
4. *Any future proposed advertising signage shall be provided in accordance with the specific requirements of the Shire of Lake Grace Local Planning Policy No.6.5 ('Advertising Signage').*

Advice Notes

1. *The proposed use of the land for 'community purposes' shall be established within a period of two (2) years from the date of this approval. If the use is not established within this period the approval will lapse and be of no further effect. Where an approval has lapsed, the use shall not be carried out without the further approval of the Shire of Lake Grace having first been sought and obtained.*
2. *A completed building permit application must be submitted to and approved by the Shire's Building Surveyor prior to the commencement of any construction on the land including any proposed internal fit out works.*
3. *Any new internal fit out works within the existing building on the land are required to comply in all respects with the National Construction Code of Australia. Plans and specifications which reflect these requirements must be submitted to the Shire with the required building permit application.*
4. *The noise generated by any activities on-site including machinery motors or vehicles shall not exceed the levels as set out under the Environmental (Noise) Regulations 1997.*
5. *Failure to comply with any of the conditions of this planning approval constitutes an offence under the provisions of the Planning and Development Act 2005 and the Shire of Lake Grace Local Planning Scheme No.4 and may result in legal action being initiated by the local government.*

MOTION CARRIED 9/0

An application was made to the Department of Lands in August 2016. Notification that the land has been transferred to the State of Western Australia and subsequently reserved for the purpose of 'Community Purposes' with a Management Order being issued to the Shire of Lake Grace, with power to lease for any term not exceeding 21 years, subject to the consent of the Minister for Lands, was received from the Department of Lands on 1 September 2016.

A Building Report was also received from the Shire of Lake Grace's Environmental Health Officer, Barry Smith, in September 2016 in which he details the general condition of the building and environment. His assessment was made on the basis that the building would be used for the purpose of a shop (thrift shop) so it would not be classed as a public building. The requirements of refurbishment for a public building would be onerous and costly.

The works required to be undertaken include the following:

1. Replace gutters and direct stormwater away from the building. The fascias may also require replacement;
2. Remove broken and damaged concrete from the front of the building as it is a potential trip hazard;
3. Replace broken and damaged asbestos sheeting where required (approximately 10 square metres);
4. Strip and paint window frames; and,
5. Engage a licenced plumber to rectify faults in the toilet block to render them serviceable.

Due to the timing of the Building Report it had not been costed for inclusion in the 2016/17 Shire Budget. Council needs to consider the extent of works they wish to undertake.

Comment

At this stage the Lake Grace Country Women's Association (CWA) are keen to meet with the Shire of Lake Grace to continue to progress this initiative. Clarification could then be obtained as to who will be the leasing organisation as the local Lake Grace CWA may not be eligible. If so, then communication would need to be made with the Country Women's Association of WA (State body) to check that they are happy to take on responsibility of the lease. In addition, an update on the future involvement of Activ Southern Districts Regional Council could be obtained.

The lease agreement would be the same agreement used with the Lake Grace Playgroup, and will go to the Department of Lands (Goldfield, Esperance & Wheatbelt) for the Minister's approval.

Legal Implications**Local Government Act 1995 – s3.58 Disposing of Property**

(1) *In this section –*

dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not;

property includes the whole or any part of the interest of a local government in property, but does not include money.

(2) *Except as stated in this section, a local government can only dispose of property to -*

(a) *the highest bidder at public auction; or*

(b) *the person who at public tender called by the local government makes what is in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.*

(3) *A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property –*

(a) *It gives local public notice of the proposed disposition –*

I. Describing the property concerned; and

II. Giving details of the proposed disposition; and

III. Inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given; and

(b) *It considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*

Local Government (Functions and General) Regulations Reg.30. Dispositions of property excluded from Act s3.58

(1) *A disposition that is described in this regulation as an exempt disposition is excluded from the application of section 3.58 of the Act.*

(2) *A disposition of land is an exempt disposition if –*

a. *The land is disposed of to a body, whether incorporated or not –*

b. *The objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and*

c. *The members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions;*

Policy Implications

Shire of Lake Grace Policy 7.9 - Asset Management

The Shire of Lake Grace has limited resources and is the custodian of a large number of assets, many of which have reached or gone beyond their economic life.

Consultation

Community consultation was canvassed in 2014, which included a Public Meeting held on 2 December 2014 in regard to possible usage of the site.

Financial Implications

An allocation of \$3,992 (Job 136002) has been made for minor building maintenance works to be undertaken on the building. This consists of staff wages and \$2,000 for materials and contractors.

Strategic Implications

Shire of Lake Grace Community Strategic Plan

- Ec3 Maintain community built infrastructure
- S3 Maintain and improve social/community infrastructure to support community wellbeing

Recommendation

That Council continue to endorse the progression of the leasing Lot 47 (No.46) Bennett Street, Lake Grace to establish a Thrift shop , whilst acknowledging that further work will continue to be done to ensure that there is clear responsibility acknowledged by the group in regard to maintenance inside and out, utilities, insurance and sundries. In addition, the Council's approval is dependent upon the Minister of Lands' approval and strict legality of the lease agreement.

Voting Requirements

Simple majority required.

Resolution

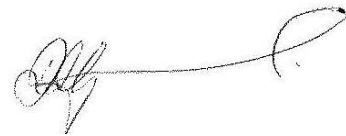
Moved Cr

Seconded Cr

16.0 MATTERS FOR CONSIDERATION - ADMINISTRATION
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16.1 SHIRE OF LAKE GRACE CEMETERIES AMENDMENT LOCAL LAW 2016 - ADOPTION

Applicant: Shire of Lake Grace
File No. 0378
Attachments: Cemeteries Amendment Local Law 2016
Author: Mr Bruce Wittber, BHW Consulting
 Local Laws Consultant
Disclosure of Interest: Nil
Date of Report: 20 September 2016
Senior Officer: Ms Denise Gobbart



Chief Executive Officer

Summary

The purpose of this report is to consider and adopt as per section 3.12 of the *Local Government Act 1995* (the Act) the Cemeteries Amendment Local Law 2016.

Background

The Council at its meeting on 23 March 2016 resolved as follows:

RESOLUTION 12263

Moved Cr Clarke, Seconded Cr Walker

That Council resolves:

1. *To advise the Chair of the Joint Standing Committee on Delegated Legislation that it gives the following undertakings:

 - *within 6 months, amend the local law so that clause 1.2(3) is repealed and clause 6.1 clarified;*
 - *make any consequential amendments necessarily arising from those amendments;*
 - *provide the JSCDL with a copy of the minutes of the meeting at which the Council resolves to provide these undertakings; and*
 - *where the Local Law is made publicly available, whether in hard copy or electronic form, that the law be accompanied by a copy of these undertakings;**
2. *To authorise the Shire President to formally advise the Chair of the Joint Standing Committee on Delegated Legislation of these undertakings; and*
3. *To prepare a draft amendment to the Cemeteries Local Law to rectify the errors identified by the Joint Standing Committee on Delegated Legislation.*

MOTION CARRIED 9/0

The Council at its meeting on 25 May 2016 further resolved as follows:

RESOLUTION 12291

Moved Cr Clarke, Seconded Cr Armstrong

That the Council in accordance with section 3.12 of the Local Government 1995 resolves:

1. *To approve the giving of state-wide public notice of the Shire of Lake Grace Cemeteries Amendment Local Law 2016 in order to seek public comment; and,*
2. *To submit to the Minister for Local Government a copy of the proposed local law.*

MOTION CARRIED 8/0

Comment

Following the above resolution the Shire of Lake Grace (the Shire) advertised the Cemeteries Amendment Local Law 2016 in the West Australian Newspaper on Wednesday 22 June 2016, the Shire website on Wednesday 22 June 2016, the Lakes Link on 7 July 2016 and The Gate Post on 5 July 2016.

The closing date for submissions was Friday 5 August 2016.

At the close of the advertising period there were no comments received from the community.

The Department of Local Government and Communities (DLGC) on behalf of the Minister for Local Government provided comments in respect to the proposed local law.

The only comments received from the DLGC covered a number of aspects including general typographical, editorial and formatting issues. These changes did not affect the intent of the proposed local laws and have been incorporated into the final documents.

Purpose and Effect

The purpose and effect of this local law is as follows:

Purpose: To amend the *Shire of Lake Grace Local Laws Relating to the Lake Grace, Newdegate, Lake King and Varley Public Cemeteries* to correct errors in the adoption of the Shire of Lake Grace Cemeteries Amendment Local Law 2015.

Effect: To delete clause 1.2(3) and amend clause 6.1(1) of the *Shire of Lake Grace Local Laws Relating to the Lake Grace, Newdegate, Lake King and Varley Public Cemeteries* to ensure an appropriate interpretation of the local law.

Legal Implications

Section 3.12 of the Act outlines the procedure for making local laws which is broadly as follows:

- the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner;
- the Shire is to give Statewide public notice stating:
 - the local government proposes to make a local law the purpose and effect of which is summarized in the notice;
 - a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and
 - submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given;
- give a copy of the proposed local law and a copy of the notice to the Minister and, if another Minister administers the legislation under which the local law is proposed to be made, to that other Minister;
- provide a copy of the proposed local law to any person requesting it;
- at the close of submissions consider any submissions made and take into consideration any comments provided;
- adopt the local law as originally published or as amended, subject to the amendments not substantially altering the intent of the local law;
- publish the local law in the Government Gazette;
- give a copy of the local law to the Minister and, if another Minister administers the legislation under which the local law is proposed to be made, to that other Minister;

- after the local law has been published in the Government Gazette the local government is to give local public notice:
 - stating the title of the local law;
 - summarising the purpose and effect of the local law (specifying the day on which it comes into operation); and
 - advising that copies of the local law may be inspected or obtained from the local government's office; and
- within 10 days of the publication in the Government Gazette submit the local law to the Joint Standing Committee on Delegated Legislation.

Policy Implications

N/A

Consultation

Section 3.12 of the Act requires both state-wide and local advertising of the proposed local laws for a period of 42 days.

No comments were received.

Financial Implications

N/A

Strategic Implications

Shire of Lake Grace Strategic Community Plan – Civic Leadership

- Focus Area 5 – Excellence in Shire administration and communication.

Recommendation

That Council, by absolute majority, under S3.12 of the *Local Government Act 1995*, resolves to:

1. Note that that no community submissions were received in relation to Cemeteries Amendment Local Law 2016.
2. Determine that the proposed changes included in the Cemeteries Amendment Local Law 2016 are not considered significantly different to that which was originally advertised.
3. Determine to accept all changes proposed and adopt the Cemeteries Amendment Local Law 2016.

Voting Requirements

Absolute majority (5) required.

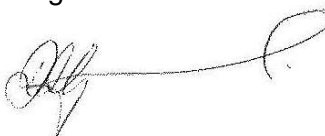
Resolution

Moved Cr

Seconded Cr

16.2 SHIRE OF LAKE GRACE ANIMALS, ENVIRONMENT AND NUISANCE LOCAL LAW 2016 – ADOPTION

Applicant: Shire of Lake Grace
File No. 0378
Attachments: Animals, Environment and Nuisance Local Law 2016
Author: Mr Bruce Wittber, BHW Consulting
 Local Laws Consultant
Disclosure of Interest: Nil
Date of Report: 20 September 2016
Senior Officer: Ms Denise Gobbart



Chief Executive Officer

Summary

The purpose of this report is to consider and adopt as per section 3.12 of the *Local Government Act 1995* (the Act) the Animals, Environment and Nuisance Local Law 2016.

Background

The Council at its meeting on 23 March 2016 resolved as follows:

RESOLUTION 12265

Moved Cr Hunt, Seconded Cr Lloyd

That the Council, in accordance with section 3.12 of the Local Government 1995 resolves:

1. *To approve the giving of statewide public notice of the Shire of Lake Grace Animals, Environment and Nuisance Local Law 2016 in order to seek public comment;*
2. *To submit to the Minister for Local Government a copy of the proposed local law; and,*
3. *To submit to the Minister for Health a copy of the proposed local law.*

MOTION CARRIED 9/0

Comment

Following the above resolution the Shire of Lake Grace (the Shire) advertised the Animals, Environment and Nuisance Local Law 2016 in the West Australian Newspaper on Wednesday 22 June 2016, the Shire website on Wednesday 22 June 2016, the Lakes Link on 7 July 2016 and The Gate Post on 5 July 2016.

The closing date for submissions was Friday 5 August 2016.

At the close of the advertising period there were no comments received from the community.

The Department of Local Government and Communities (DLGC) on behalf of the Minister for Local Government provided comments in respect to the proposed local laws.

The comments received from the DLGC covered a number of aspects including general typographical, editorial and formatting issues. These changes, which have not affected the intent of the proposed local laws, have been incorporated into the final documents.

Other comments from the DLGC that may affect the intent of the proposed local laws are detailed in this report.

The Department of Health also provided some suggested changes to the Animals, Environment and Nuisance Local Law 2016 which are detailed as appropriate.

Department of Health Comments (DoH)

Clause 2.6	<p>The Shire in drafting the local law in clause 2.6, which relates to the conditions for keeping of poultry in a residential zone, requires that the poultry must be kept at least 9 metres from a residential dwelling or 15 metres from a public thoroughfare. To enable some flexibility with distances clause 2.6 included a new subclause that would allow the Council to vary these distances. The DoH has advised that the subclause (2) will allow the Shire to vary the distance to “zero” which is, from a health viewpoint unacceptable. The DoH has requested that the clause be amended to delete the ability of the Shire to vary the distance.</p> <p>BHW Consulting has amended the local law accordingly.</p>
Clause 2.8	<p>Clause 2.8(2) was added to allow the Council to vary the distances relating to the keeping of pigeons. Similar to clause 2.6 the DoH has advised that the subclause (2) will allow the Shire to vary the distance to zero which is unacceptable.</p> <p>BHW Consulting has amended the local law accordingly.</p>
Clause 2.12	<p>The DoH has advised that there is no restriction on how close a farm animal can approach a dwelling. Such restrictions are required as clause 2.12 as written allows the Shire to approve the keeping of farm animals in “other than a rural zone”.</p> <p>BHW Consulting has amended the local law accordingly.</p>
Clause 2.13	<p>The Shire is not included in the Schedule of the <i>Piggeries Regulations 1952</i>, so piggeries in the Shire are not required to be registered under the <i>Health Act 1911</i>.</p> <p>BHW Consulting has amended the local law accordingly.</p>
Clause 2.15	<p>Both the DoH and DLGC have indicated some issues with clause 2.15.</p> <p>Clause 2.15(2) prohibits the keeping of pigs, which may override the local government approving the keeping on land in a rural zone under clause 2.13(2).</p> <p>Also clause 2.15(4)(a) has also added a restriction on how close a miniature pig can come within distance to a house.</p> <p>BHW Consulting has amended the local law to take account of the suggestions from the two agencies.</p>
Clause 4.9	<p>Clause 4.9(2) is allowing an action (discharging of storm water) that is prohibited by the proposed Health Local Law 2016.</p> <p>The clause has been amended to address the concern raised by DoH.</p>

Department of Local Government and Communities Comments (DLGC)

Clause 1.4	<ul style="list-style-type: none"> ▪ The definition of affiliated person has been amended to reflect the new <i>Association Incorporations Act 2015</i>; ▪ Reworded the definition of Code of Practice – Pigeon Keeping to reflect the correct regulations; and ▪ Add a new definition for pound
Clause 2.1	A new definition for vectors of disease has been included
Clause 2.4(6)	<p>This subclause provides that premises used for veterinary purposes, pet shop and if the person is a member of a cat organisation can keep more than 3 cats. Under the <i>Cat (Uniform Local Provisions) Regulations 2013</i> a member of a cat organisation can keep three times the number of cats permitted in the local law.</p> <p>Appropriate changes have been made to the local law.</p>
Clause 3.2, clause 3.4(1) and clause 4.5	<p>Clauses 3.2, 3.4(1) and 4.5 are intended to prevent the release of refuse, smoke, fumes, odours, dust, and liquid waste. In some cases, the owner and occupier of premises may not be able to completely control the circumstances that lead to this outcome.</p> <p>It is suggested that these clauses be amended so the property owner must take all “reasonable steps” to prevent the release from occurring. This will ensure that an offence only occurs when the property owner is failing to act reasonably.</p> <p>The local law has been changed to reflect the suggestion.</p>
Clause 4.4	<p>Reference to “green garden materials” in clause 4.4(1)(c) has been the subject of some comment by the Joint Standing Committee on Delegated Legislation and it is suggested that it be removed from the clause to avoid any difficulties.</p> <p>The local law has been changed to reflect the suggestion.</p>

Purpose and Effect

The purpose and effect of this local law is as follows:

Purpose: To provide for the regulation, control and management of animals and the prevention of environmental damage and nuisances within the District.

Effect: To establish the requirements with which any person keeping animals, or undertaking activities that have the potential to impact the environment or create nuisance must comply.

Legal Implications

Section 3.12 of the Act outlines the procedure for making local laws which is broadly as follows:

- the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner;
- the Shire is to give Statewide public notice stating:
 - the local government proposes to make a local law the purpose and effect of which is summarized in the notice;
 - a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and

- submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given;
- give a copy of the proposed local law and a copy of the notice to the Minister and, if another Minister administers the legislation under which the local law is proposed to be made, to that other Minister;
- provide a copy of the proposed local law to any person requesting it;
- at the close of submissions consider any submissions made and take into consideration any comments provided;
- adopt the local law as originally published or as amended, subject to the amendments not substantially altering the intent of the local law;
- publish the local law in the Government Gazette;
- give a copy of the local law to the Minister and, if another Minister administers the legislation under which the local law is proposed to be made, to that other Minister;
- after the local law has been published in the Government Gazette the local government is to give local public notice:
 - stating the title of the local law;
 - summarising the purpose and effect of the local law (specifying the day on which it comes into operation); and
 - advising that copies of the local law may be inspected or obtained from the local government's office; and
- within 10 days of the publication in the Government Gazette submit the local law to the Joint Standing Committee on Delegated Legislation.

Policy Implications

N/A

Consultation

Section 3.12 of the Act requires both state-wide and local advertising of the proposed local laws for a period of 42 days.

No comments were received.

Financial Implications

N/A

Strategic Implications

Shire of Lake Grace Strategic Community Plan – Civic Leadership

- Focus Area 5 – Excellence in Shire administration and communication.

Recommendation

That Council, by absolute majority, under S3.12 of the *Local Government Act 1995*, resolves to:

1. Note that that no community submissions were received in relation to Animals, Environment and Nuisance Local Law 2016.
2. Determine that the proposed changes included in the Animals, Environment and Nuisance Local Law 2016 are not considered significantly different to that which was originally advertised.
3. Determine to accept all changes proposed and adopt the Animals, Environment and Nuisance Local Law 2016.

Voting Requirements

Absolute majority (5) required.


Resolution

Moved Cr

Seconded Cr

16.3 SHIRE OF LAKE GRACE HEALTH LOCAL LAW 2016 - ADOPTION

Applicant: Shire of Lake Grace
File No. 0378
Attachments: Health Local Law 2016
Author: Mr Bruce Wittber, BHW Consulting
 Local Laws Consultant
Disclosure of Interest: Nil
Date of Report: 20 September 2016
Senior Officer: Ms Denise Gobbart



Chief Executive Officer

Summary

The purpose of this report is to consider and adopt as per section 3.12 of the *Local Government Act 1995* (the Act) the Health Local Law 2016.

Background

The Council at its meeting on 23 March 2016 resolved as follows:

RESOLUTION 12264

Moved Cr Hunt, Seconded Cr Marshall

That the Council, in accordance with section 3.12 of the Local Government 1995 resolves:

- 1. To approve the giving of statewide public notice of the Shire of Lake Grace Health Local Law 2016 in order to seek public comment;*
- 2. To submit to the Minister for Local Government a copy of the proposed local law; and,*
- 3. To submit to the Minister for Health a copy of the proposed local law.*

MOTION CARRIED 9/0

Comment

Following the above resolution the Shire of Lake Grace (the Shire) advertised the Health Local Law 2016 in the West Australian Newspaper on Wednesday 22 June 2016, the Shire website on Wednesday 22 June 2016, the Lakes Link on 7 July 2016 and The Gate Post on 5 July 2016.

The closing date for submissions was Friday 5 August 2016.

At the close of the advertising period there were no comments received from the community.

The Department of Local Government and Communities (DLGC) on behalf of the Minister for Local Government provided comments in respect to the proposed local laws.

The comments received from the DLGC covered a number of aspects including general typographical, editorial and formatting issues. These changes, which have not affected the intent of the proposed local laws, have been incorporated into the final documents.

Other comments from the DLGC that may affect the intent of the proposed local laws are detailed in this report.

The Department of Health also provided some suggested changes to the Health Local Law 2016 which are detailed as appropriate.

Department of Health Comments (DoH)

Clause 4.2	<p>This clause is prohibiting an action (discharge of swimming pool backwash water into the street or a storm water disposal system) that is allowed by clause 4.8(2) of the proposed Animals, Environment and Nuisance Local Law 2016.</p> <p>As a consequence one of the provisions must be changed to provide consistency.</p> <p>BHW Consulting has reviewed the two proposed local laws and has amended clause 4.2 of the Health Local Law to allow the discharge of swimming pool backwash or stormwater to be disposed “into a local government approved stormwater drain or road”.</p> <p>The DoH has been consulted on the change.</p>
Clause 4.4	<p>A change was required to clarify who was able to give approval and impose conditions.</p>
Clause 5.16	<p>The DoH has suggested that in Table 3, in the final row for “Land used to dispose of effectively treated wastes”; in column B, Council may wish reduce the buffer distance for “Isolated rural dwellings, dairies, industries” from “1000m” to “50m”. The DoH has advised that if the waste has been effectively treated it can have a smaller buffer distance than that required for “raw, untreated waste”. “50m” has been the buffer distance used by other local governments that have included a buffer distance in their local laws.</p> <p>BHW Consulting has altered the local law to reflect this suggestion.</p>
Clause 6.12	<p>The DoH has suggested that subparagraph (ii)(b) is illogical as it requires the destruction of all escaped rodents including those that have been successfully recaptured.</p> <p>BHW Consulting has altered the local law to reflect this suggested change.</p>

Department of Local Government and Communities Comments (DLGC)

General Comment	<p>The DLGC is aware that a new <i>Public Health Act 2016</i> received Royal Assent on 25 July 2016.</p> <p>The new Act is likely to have multiple implications for health local laws and the kind of issues these laws will regulate.</p> <p>The DLGC in Circular No 21-2016 has advised “Until otherwise advised, local governments should continue making local laws about health matters”.</p> <p>BHW Consulting proposes that the Shire proceed to adopt the new local law.</p>
Australian Standards	<p>The Joint Standing Committee on Delegated Legislation Committee has expressed that where Australian Standards are used, the general public should be informed by the Shire as to where they can freely access these standards. The Committee may inquire as to how this information will be made available to members of the public.</p> <p>BHW Consulting has reviewed the local law to see if reference to standards can be removed or reworded however that is not practical as it would affect the intent of the</p>

	local law.
Clause 1.5	New definitions for local planning scheme , nuisance and offensive matter have been included.
Tables 1, 2 and 3	The DLGC suggested that the Tables be included as a Schedule to the local law. BHW Consulting has reviewed a number of Health Local Laws that have been recently adopted and noted that the format in which Tables are included varies. No change is proposed.
Clause 4.6	DLGC has suggested that the Shire may wish to specify how approval may be obtained and whether this approval may be subject to conditions. BHW Consulting has altered the proposed local law to address the concern raised.
Clause 5.8	Subclause (1) restricts the slaughter of any animal in the district, unless exempted under Regulation 20 of the <i>Food Regulations 2012</i> . Subclause (2) also exempts veterinarians and other duly authorised people, pet and game meat operations, and abattoirs from subclause (1). Regulation 20 creates an exemption for a “primary producer”; however, this definition may not include other people who live or work on farming rural properties. The DLGC has suggested the Shire may wish to insert an additional exemption in subclause (2): <i>(d) farming or grazing property occupiers preparing meat for their own consumption.</i> BHW Consulting has altered the proposed local law to address the concern raised.
Effective or adequate measures	Clauses 5.6, 5.12, 5.15, 6.10, 6.14, 9.10 and 9.28 require that “adequate measures”, “effective measures” or “effective means” be taken to prevent nuisances. In some cases, the owner or occupier of premises may not be able to completely control the circumstances that lead to nuisance. The Joint Standing Committee has previously requested that terms such as “reasonable steps” or “reasonable measures” be inserted in clauses of this nature. The Shire may wish to replace the terms “effective measures” and “adequate measures” with “reasonable steps” or “reasonable measures”. The term “effective means” may be replaced with “reasonable means”. BHW Consulting has altered the proposed local law to address the concern raised.
Clause 9.7	Clause 9.7 states that a person must not change or alter registered premises without permission. The term “change or alteration” can be subject to several interpretations including minor repairs, installations or interior refurbishing. The Shire may wish to clarify this term in further detail, depending on how the clause is intended to operate. BHW Consulting has reviewed a number of Health Local Laws that have been recently adopted and the wording in this clause is consistent. No change is proposed.
Clause 9.9	Clause 9.9(d) requires an owner or occupier to “maintain” footpaths, passageways, etc.

	<p>The Joint Standing Committee has previously raised issues with this clause, because the term “maintain” can imply that the owner/occupier is responsible for keeping the footpath in good repair and fixing any damage that occurs.</p> <p>This interpretation would be unreasonable, since the maintenance and repair of footpaths is generally a local government responsibility. In past cases, the Joint Standing Committee has requested that the term “maintain” be replaced with “keep”.</p> <p>BHW Consulting has altered the proposed local law to address the concern raised.</p>
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Purpose and Effect

The purpose and effect of this local law is as follows:

Purpose: To provide a statutory means to effectively control issues that have the ability to adversely impact on the health and well-being of the community.

Effect: To allow health related issues to be sufficiently controlled so as to provide an acceptable standard for the maintenance of public health in the community.

Legal Implications

Section 3.12 of the Act outlines the procedure for making local laws which is broadly as follows:

- the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner;
- the Shire is to give Statewide public notice stating:
 - the local government proposes to make a local law the purpose and effect of which is summarized in the notice;
 - a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and
 - submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given;
- give a copy of the proposed local law and a copy of the notice to the Minister and, if another Minister administers the legislation under which the local law is proposed to be made, to that other Minister;
- provide a copy of the proposed local law to any person requesting it;
- at the close of submissions consider any submissions made and take into consideration any comments provided;
- adopt the local law as originally published or as amended, subject to the amendments not substantially altering the intent of the local law;
- publish the local law in the Government Gazette;
- give a copy of the local law to the Minister and, if another Minister administers the legislation under which the local law is proposed to be made, to that other Minister;
- after the local law has been published in the Government Gazette the local government is to give local public notice:
 - stating the title of the local law;
 - summarising the purpose and effect of the local law (specifying the day on which it comes into operation); and
 - advising that copies of the local law may be inspected or obtained from the local government’s office; and
- within 10 days of the publication in the Government Gazette submit the local law to the Joint Standing Committee on Delegated Legislation.

Policy Implications

N/A

Consultation

Section 3.12 of the Act requires both state-wide and local advertising of the proposed local laws for a period of 42 days.

No comments were received.

Financial Implications

N/A

Strategic Implications

Shire of Lake Grace Strategic Community Plan – Civic Leadership

- Focus Area 5 – Excellence in Shire administration and communication.

Recommendation

That Council, by absolute majority, under s3.12 of the *Local Government Act 1995*, resolves to:

1. Note that that no community submissions were received in relation to Health Local Law 2016.
2. Determine that the proposed changes included in the Health Local Law 2016 are not considered significantly different to that which was originally advertised.
3. Determine to accept all changes proposed and adopt the Health Local Law 2016.

Voting Requirements

Absolute (5) majority required.

Resolution

Moved Cr

Seconded Cr

17.0 INFORMATION BULLETIN


17.1 INFORMATION BULLETIN REPORT – SEPTEMBER 2016

Applicant:	Executive Services
File No.	N/A
Attachments:	Information Bulletin (<i>under separate cover</i>)
Author:	Ms Natasha Bowman



Governance Officer

Disclosure of Interest:	Nil
Date of Report:	14 September 2016
Senior Officer:	Ms Denise Gobbart



Chief Executive Officer

Summary

The purpose of the Information Bulletin is to keep Elected Members informed on matters of interest and importance to Council.

Background

The Information Bulletin Reports deal with monthly standing items and other information of a strategic nature relevant to Council.

Note: The Information Bulletin is an internal management document; therefore attachments are not for public information.

Copies of other relevant Councillor information are distributed via email.

Comment

This month's (September 2016) Information Bulletin Report has been emailed to Councillors.

The September 2016 Information Bulletin attachment includes:

Reports

1. Council Status Report – August 2016
2. Infrastructure Services Report – August 2016
3. Outstanding Rates Report – July 2016
4. Outstanding Rates Report – August 2016

Letters

5. WALGA – Benefits of Preferred Supplier Arrangements and Business Services
6. ALGA – National Local Roads and Transport Congress 2016
7. Department of Commerce – Urgent Information regarding scam targeting Government Agencies

Circulars & Newsletters

8. New Lake Grace Sub Centre – Newsletter No 6 August 2016
9. WALGA Media Release – Campaign Seeks to Solve System Inefficiencies
10. WALGA Media Release – Performance Report Provides Erroneous Outlook

11. WALGA Media Release – Community to benefit from shared service model
12. WALGA Info Page – Heritage Guidelines Survey
13. WALGA Info Page – National Disability Insurance Scheme (NDIS) in Western Australia
14. WALGA Economic Briefing – Local Government Cost Index 18 August 2016
15. DLG&C Governance Bulletin Issue 12 September 2016

Minutes

16. LEMC minutes – August 2016
17. Roe Tourism Minutes – 15 August 2016
18. EWBG Minutes – 26 July 2016
19. 4WDL Minutes – 13 September 2016
20. WALGA CCZ Executive Minutes – 16 August 2016
21. WALGA CCZ Minutes – 2 September 2016
22. WALGA State Council Summary Minutes – September 2016

Legal Implications

Nil

Policy Implications

Nil

Consultation

N/A

Financial Implications

Nil

Strategic Implications

Shire of Lake Grace Strategic Community Plan

Civic Leadership - Focus Area 5

- *Excellence in Shire administration and communication*

Recommendation

That Council accepts the Information Bulletin report.

Voting Requirements

Simple majority required.

Resolution

Moved Cr

Seconded Cr

18.0 URGENT BUSINESS BY DECISION OF THE MEETING**19.0 SCHEDULING OF MEETING****19.1 OCTOBER 2016 ORDINARY MEETING**

The next Ordinary Meeting of Council is scheduled to take place on Wednesday 26 October 2016, commencing at 3.00 pm at the Council Chambers, 1 Bishop Street, Lake Grace, WA.

20.0 CONFIDENTIAL BUSINESS – AS PER LOCAL GOVERNMENT ACT S5.23 (2)**21.0 CLOSURE**

There being no further business, the Shire President closed the meeting at ___ pm.

22.0 CERTIFICATION

I, Jeanette Frances De Landgraft, certify that the minutes of the meeting held on the 28 September 2016 as shown were confirmed as a true record at the meeting held on the 26 October 2016.

Shire President

Date