

Shire of Lake Grace

Ordinary Council Meeting

Minutes

22 August 2017



Disclaimer

No responsibility whatsoever is implied or accepted by the Shire of Lake Grace for any act, omission or statement or intimation occurring during Council/Committee meetings or during formal/informal conversations with staff. The Shire of Lake Grace disclaims any liability for any loss whatsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Council/Committee meetings or discussions. Any person or legal entity who acts or fails to act in reliance upon any statement does so at that person's and or legal entity's own risk.

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.

CONTENTS

1.0	OPENING & ANNOUNCEMENT OF VISITORS.....	5
2.0	ATTENDANCE RECORD.....	5
2.1	PRESENT	5
2.2	APOLOGIES	5
2.3	LEAVE OF ABSENCE PREVIOUSLY GRANTED	5
3.0	PUBLIC QUESTION TIME	5
4.0	APPLICATIONS FOR LEAVE OF ABSENCE.....	6
4.1	CRS STANTON, MARSHALL & DE LANDGRAFFT	6
5.0	MINUTES OF PREVIOUS COUNCIL MEETINGS.....	6
5.1	ORDINARY MEETING – 26 JULY 2017	6
6.0	DECLARATIONS OF INTEREST	6
6.1	DECLARATIONS OF FINANCIAL INTEREST – LOCAL GOVERNMENT ACT 1995 SECTION 5.60A	6
6.2	DECLARATIONS OF PROXIMITY INTEREST – LOCAL GOVERNMENT ACT 1995 SECTION 5.60B	7
6.3	DECLARATIONS OF IMPARTIALITY INTEREST – ADMINISTRATION REGULATIONS 1996 SECTION 34C	7
7.0	NOTICES OF URGENT BUSINESS.....	7
8.0	MOTIONS OF WHICH NOTICE HAS BEEN RECEIVED	7
9.0	PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS.....	7
10.0	MEMBERS’ REPORTS	7
10.1	CR ARMSTRONG	7
10.2	CR CHAPPELL.....	7
10.3	CR HUNT.....	7
10.4	CR MARSHALL	8
10.5	CR STANTON	8
10.6	CR WALKER.....	8
10.7	CR DE LANDGRAFFT.....	8
10.8	CR LLOYD.....	9
11.0	MATTERS FOR CONSIDERATION – INFRASTRUCTURE SERVICES.....	10
11.1	TENDERS SUPERVISION, PLANT & LABOUR – WANDRRA AGRN 743.....	10
12.0	MATTERS FOR CONSIDERATION – PLANNING.....	19
12.1	PROPOSED RURAL SUBDIVISION (‘HOMESTEAD LOT’) – LOT 2542 (NO.565) DAWSON ROAD, SOUTH NEWDEGATE	19

13.0	MATTERS FOR CONSIDERATION – HEALTH & BUILDING	26
13.1	PERMISSION TO COLLECT NATIVE PLANT SEED FROM WITHIN RESERVES VESTED IN THE SHIRE OF LAKE GRACE	26
14.0	MATTERS FOR CONSIDERATION – FINANCE.....	29
14.1	ACCOUNTS FOR PAYMENT – JULY 2017.....	29
14.2	FINANCIAL STATEMENTS – JULY 2017.....	32
15.0	MATTERS FOR CONSIDERATION – COMMUNITY SERVICES.....	35
15.1	REQUEST FOR QUOTATION – NEWDEGATE SKATE PARK	35
15.2	NEWDEGATE WASTE MANAGEMENT FACILITY – ADDITIONAL OPENING HOURS	39
16.0	MATTERS FOR CONSIDERATION - ADMINISTRATION.....	42
16.1	WESTERN AUSTRALIA’S RATE OF RETURN FROM THE FEDERAL GOVERNMENT	42
16.2	SURPLUS DAM FOR TRANSFER – AA DAM NO 187 NEENDALING.....	44
17.0	INFORMATION BULLETIN.....	50
17.1	INFORMATION BULLETIN REPORT – AUGUST 2017	50
18.0	URGENT BUSINESS BY DECISION OF THE MEETING	53
19.0	SCHEDULING OF MEETING	53
19.1	SEPTEMBER 2017 ORDINARY MEETING	53
20.0	CONFIDENTIAL BUSINESS – AS PER LOCAL GOVERNMENT ACT S5.23 (2).....	53
21.0	CLOSURE	53
22.0	CERTIFICATION	53

SHIRE OF LAKE GRACE

Minutes of the Ordinary Meeting of Council held at Council Chambers, 1 Bishop Street, Lake Grace, WA on Tuesday 22 August 2017.

1.0 OPENING & ANNOUNCEMENT OF VISITORS

The Shire President opened the meeting at 1.08 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 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
Ms N Bowman	Governance Officer

Observers/Visitors

Nil

2.2 APOLOGIES

Nil

2.3 LEAVE OF ABSENCE PREVIOUSLY GRANTED

Cr Clarke has been granted leave of absence from Wednesday 16 August 2017 to Tuesday 5 September 2017 inclusive.

Cr Stanton has been granted leave of absence from Wednesday 23 August 2017 to Sunday 27 August 2017 inclusive.

Cr Lloyd has been granted leave of absence from Tuesday 12 September 2017 to Tuesday 19 September 2017 inclusive.

3.0 PUBLIC QUESTION TIME

Nil

4.0 APPLICATIONS FOR LEAVE OF ABSENCE**4.1 CRS STANTON, MARSHALL & DE LANDGRAFFT**

Applications for Leave of Absence were received in writing from Councillors Stanton, Marshall and De Landgraftt.

Resolution**RESOLUTION 12593**

Moved Cr Stanton
Seconded Cr Chappell

That leave of absence be granted to:

1. Cr Stanton for the period Sunday 10 September 2017 to Thursday 21 September 2017 inclusive;
2. Cr Marshall for the period Saturday 2 September 2017 to Thursday 14 September 2017 inclusive; and,
3. Cr De Landgraftt for the period Saturday 30 September 2017 to Wednesday 11 October 2017 inclusive.

CARRIED 8/0

5.0 MINUTES OF PREVIOUS COUNCIL MEETINGS**5.1 ORDINARY MEETING – 26 JULY 2017**Resolution**RESOLUTION 12594**

Moved Cr Hunt
Seconded Cr Lloyd

That the minutes of the Ordinary Meeting of Council held on 26 July 2017 be confirmed as a true and accurate record.

CARRIED 8/0

6.0 DECLARATIONS OF INTEREST**6.1 DECLARATIONS OF FINANCIAL INTEREST – LOCAL GOVERNMENT ACT 1995 SECTION 5.60A**

Cr Marshall declared financial interest for Item 16.2 Surplus Dam for Transfer – AA Dam No 187 Neendaling (refer to page 44) with the nature of the interest being, the director and shareholder of Great Southern Gypsum who want to acquire the reserve from Water Corporation.

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

Nil

6.3 DECLARATIONS OF IMPARTIALITY INTEREST – ADMINISTRATION REGULATIONS 1996 SECTION 34C

Nil

7.0 NOTICES OF URGENT BUSINESS

Nil

8.0 MOTIONS OF WHICH NOTICE HAS BEEN RECEIVED

Nil

9.0 PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

Nil

10.0 MEMBERS' REPORTS

10.1 CR ARMSTRONG

Tuesday 1 August

Attended the Newdegate Field Day Committee meeting.

Monday 14 August

Attended the Newdegate Community Development Association meeting.

Monday 21 August

Attended the Newdegate Recreation Council meeting.

10.2 CR CHAPPELL

Sunday 13 August

Attended the re-dedication and painting of the Women of the Salt Country Mural.

Monday 22 August

Attended the Local Drug Action Group meeting.

10.3 CR HUNT

Tuesday 1 – Friday 4 August

Attended Local Government Convention.

Tuesday 8 August

Attended the 4WDL meeting in Woodanilling.

Tuesday 15 August

Attended the Lake Grace District High School Board meeting.

Thursday 17 August

Attended the Manager Infrastructure Services interviews with LOGO Appointments, Shire President De Landgraft and Chief Executive Officer.

10.4 CR MARSHALL

Saturday 12 August

Attended WA Nationals Annual Conference in Esperance.

Monday 21 August

Attended the Roe Tourism Association meeting held in Kulin. Items discussed were as follows:

- Finance Report of \$24,000 currently in the bank was received for the meeting.
- Display at the Royal Show will have the following information: Wave Rock recognition factor for Roe Tourism Australia, focus on tourism and agriculture production, hands on for children i.e. wool to handle, grain to touch and plastic sheep for kids to sit on, promotional material needed (pamphlets/flyers etc.) can be forwarded to Shire of Corrigin before 9 September.
- A positive comment for the Lake Grace Visitor Centre was received.
- The Wheatbelt Development Commission Tourism meeting in Northam clashes with the Albany Tourism Conference on 12 September therefore will look at changing.
- WA Golden Outback will be present at the Albany Caravan and Camping Expo on 14 and 15 October and at the Newdegate Machinery Field Days.
- Panel members for interview of Executive Officer Cr Debrah Clarke nominated with Cr Allan Marshall as a proxy. Applications close on Friday 15 September.
- Discussion about Roe Tourism website where Roe Tourism means little to tourists. Need to get description more aligned so that web searches pick our region up easily i.e. include words 'Wave Rock' and 'Outback' to enhance key search results.

10.5 CR STANTON

Saturday 19 August

Attended the 50th anniversary of the Lake Grace Football Club first Premiership. Well attended with a lot of older members returning.

Monday 21 August

Attended a meeting with Bendigo Bank in Kulin.

10.6 CR WALKER

Nil

10.7 CR DE LANDGRAFFT

Thursday 27 July

Attended the Telecommunications Regional Forum at Cambinata Yabbies.

Friday 28 July

Attended the official opening of Wattleville at Woodanilling (Independent Living Units).

Tuesday 1 August

Attended the Mayors and Presidents forum for Local Government Week.

Wednesday 2 – Friday 4 August

Attended Local Government Convention.

Wednesday 9 August

Attended the Wheatbelt South Regional Road Group meeting in Wickepin.

Thursday 10 August

Attended the Local Emergency Management Committee meeting.

Thursday 17 August

Attended the Manager Infrastructure Interviews with LOGO Appointments, Deputy Shire President and Chief Executive Officer.

10.8 CR LLOYD

Monday 14 August

Attended the Newdegate Community Development Association meeting.

Monday 21 August

Attended the Newdegate Recreation Council meeting.

11.0 MATTERS FOR CONSIDERATION – INFRASTRUCTURE SERVICES

11.1 TENDERS SUPERVISION, PLANT & LABOUR – WANDRRA AGRN 743

Applicant: Internal Report
File No. 0586
Attachments:

1. Advert Request for Tender
2. RFT 01_2017 Procurement Plan
3. RFT 01_2017 Supervision Services
4. RFT 01_2017 Proposed Contract Supervision Services
5. RFT 02_2017 Procurement Plan
6. RFT 02_2017 Plant and Operators
7. RFT 02_2017 Proposed Contract Plant and Operators
8. RFT 02_2017 Work Parcels

Author: Ms Denise Gobbart
 Chief Executive Officer

Disclosure of Interest: Nil
Date of Report: 14 August 2017
Senior Officer: Ms Denise Gobbart



Chief Executive Officer

Summary

For Council to endorse the Chief Executive Officer's (CEO) action to call tenders for the supply of Supervision Services and Plant and Operators for Western Australia Natural Disaster Relief and Recovery Arrangements (WANDRRA) AGRN 743 funded re-instatement works in the Shire of Lake Grace.

Background

The administration of the Shire has received confirmation of funding for re-instatement works from Main Roads Western Australia, for \$10,604,882 on Friday 9 June 2017.

Through the engagement of the Procurement Service of Western Australian Local Government Association (WALGA) an invited Request for Quotation was undertaken through WALGA's Preferred Supply Arrangement C037/16 for Engineering Consulting Services. At the Special Meeting of Council held 20 July 2017 the quotation provided by WML Consulting Pty Ltd (WML) was accepted for Project Management.

After this appointment WML commenced preparation of the tender documentation for the supply of Supervision Services and the supply of Plant and Labour. During this process it became apparent that WML would require assistance to ensure that our tender process was compliant with relevant legislation.

The CEO engaged the services of WALGA Procurement to assist WML to ensure that our tender processes met the required standards. This included the use of WALGA's E-Tendering Portal Tenderlink. Tenderlink is a web-based portal used for downloading Request for Tender (RFT) documents, managing any clarifications and addendums that may occur and the lodgement of tenders. It ensures that our statutory requirements are met.

It is the intention that both tenders being called will have multiple parcels. RFT 01/2017 Supply of Supervision Services for Road Flood Damage Repairs, is intended for the appointment of two (2)

Supervision providers and RFT 02/2017 Supply of Plant and Operators for Flood Damage Repairs will be issuing four (4) work packages. Each Supervisor will manage two (2) work packages. The work Packages are to be divided as follows:

North:	\$2,471,000;
East:	\$3,096,000;
South:	\$3,071,000, and,
West:	\$2,121,000.

Once the documentation was prepared a Council resolution should have been obtained prior to advertising the tenders. Due to the delays in actioning the tendering process, the CEO had spoken with the Shire President regarding the tender process and the need to have a Council decision, it was agreed that we proceed with the advert on Saturday 12 August 2017.

Given the process that was to occur a CEO's Update was issued Friday 11 August 2017, informing Council of the decision to advertise and presenting the selection criteria recommended. As stated in the Update these actions are in breach of Delegation A01 Tenders.

The delegation provides for the following;

The Chief Executive Officer is delegated authority to set selection criteria (Reg 14(2a)) in accordance with Council Policy 3.11 and to invite tenders as per section 3.57 of the Local Government Act 1995 and Part 4 of the Local Government (Functions and General) Regulations 1996 provided that appropriate provision has been made in the Shire's budget.

As we have not adopted the budget provision has not been made for the tenders, also the selection criteria in our policy manual didn't fit the tenders we needed to call.

The CEO had spoken with the Shire President regarding the tender process and the need to have a Council decision, it was agreed that we proceed with the advert on Saturday 12 August 2017. Prior to doing so the Update briefed all elected members of the status of the CEO's actions being in breach of the CEO's delegated authority by proceeding without a resolution of Council.

From this update confirmation was received from the majority of the elected members that it was in the best interests of the community that we commence the tender process.

The current timelines for the tenders are as follows:

Tender Advertised	Saturday 12 August 2017 "The West Australian"
Tenders Close	Tuesday 29 August 2017, 3.00pm WST
Evaluation Period	1 Week, Ending 5 September 2017
Evaluation Report	1 Week, Ending 12 September 2017
Council Decision	1 Week, Ending 19 September 2017
Notification Letters	1 Day, After Council Decision
Preparation of Contract	1 week after Council Decision, Ending 26 September 2017

Given these current timeframes no work will commence until early October.

Comment

The *Shire of Lake Grace Policy 3.11 Tenders – Selection Criteria* didn't provide sufficiently for the services that were to be tendered in relation to Supervision Services and Plant and Operators for the road flood damage repairs. Given this in consultation with WALGA and WML the following selection criteria was developed, the relevant Officers are of belief that these criteria will allow the most suitable tenderers to be selected.

It is noted that in the Plant and Operators tender a selection criteria has been identified and weighted for Local Content. This is to provide for the use of local contractors, given each parcel of work may be out of the individual capacity of any one local contractor.

The other notable difference in the Plant and Operators tender is that we are using the non-weighted cost method. This has been done as the functional considerations such as capacity, quality and adaptability are seen to be crucial to the outcome of the contract. In the non-weighted cost method the evaluation panel make a series of value judgements based on capability of the Tenderers to complete the requirements and a number of factors will be considering including:

- the qualitative ranking of each Tenderer;
- the pricing submitted;
- the Principal's budget; and,
- Risk Assessment

The criteria that the CEO has agreed to use for the **Supervision Services** tender are as follows;

Qualitative Criteria		Weighting
a)	<p>Experience</p> <p><i>i. Provide at least two case studies, involving Local Government, of your organisations involvement in projects that involved the seeking and management of WANDRRA funding, engagement and overseeing of contractor works. Include in your response a summary of your roles and responsibilities in the project.</i></p> <p><i>ii. Provide a listing of all projects that included WANDRRA of which your organisation has been involved in including:</i></p> <ul style="list-style-type: none"> • <i>Client</i> • <i>Project duration</i> • <i>Brief description of your role</i> • <i>Indicative Project value</i> 	25%

b)	<p>Personnel</p> <p>i. Provide a resume of the Consultants' nominated supervisor highlighting their:</p> <ul style="list-style-type: none"> • project experience in a supervisory role • Summary of previous work history, particularly in relation to roadworks and road building materials • certifications/licences/qualifications • length of involvement with your organisation • Experience in managing WANDRRA funded projects. <p>ii. Provide an overview on any backup resources that are available to support the nominated Supervisor highlighting their:</p> <ul style="list-style-type: none"> • project experience in a supervisory role • Summary of previous work history, particularly in relation to roadworks and road building materials • certifications/licences/qualifications • length of involvement with your organisation • Experience in managing WANDRRA funded projects. <p>Note the personnel should only include relevant members not a complete organisational listing.</p>	30%
c)	<p>Performance</p> <p>i. Provide an overview as to your ability to perform these requirements including;</p> <ul style="list-style-type: none"> • Your ability to respond and manage multiple contractors for each works parcel • Meeting required Works standards and WANDRRA funding requirements • Communications and reporting ability. 	25%
d)	<p>Price Tendered Price.</p>	20%

1.1 Price

The Weighted Price method is used where price is considered to be crucial to the outcome of the contract. The price is then assessed with quality.

Once Tenders have been ranked, the evaluation panel will make a value judgement as to the cost affordability, qualitative ranking and risk of each Tender, in order to determine the Tender which is most advantageous to the Principal.

The tendered price will be considered along with related factors affecting the total cost to the Principal (e.g. the lifetime operating costs of goods or the Principal's contract management costs may also be considered in assessing the best value for money outcome).

The criteria that the CEO has agreed to use for the **Plant and Operators** tender are as follows;

Qualitative Criteria		Weighting
a)	<p>Experience and Capacity</p> <p>i. Quality of plant and equipment and mechanical support. Provide details of your plant, equipment and camp facilities including type, make, model, year of manufacture, current hour/odometer reading, registration number, current condition and mechanical support to be used.</p> <p>ii. Provide details of at least three projects undertaken in the Lake Grace region including a brief summary of the work undertaken, client, client contact details and project value.</p> <p>iii. Demonstrate your capacity to undertake the Works on offer by:</p> <ul style="list-style-type: none"> • Providing which Package(s) of work you are submitting for • Detailing your resources that you will be committing to each works package you are submitting for • Detail your current contract commitments including Start and anticipated completion dates and estimated resource commitment as a percentage. 	30%
b)	<p>Personnel</p> <p>i. Provide a resume of the Contractor's nominated supervisor highlighting their:</p> <ul style="list-style-type: none"> • project experience in a supervisory role • Summary of previous work history • certifications/licences • length of involvement with your organisation. <p>ii. Provide a listing on your team members and any subcontractors that will be directly involved in this contract including a brief summary on their:</p> <ul style="list-style-type: none"> • experience and certifications/licences • suitability for the role • length of involvement with your organisation. 	25%
c)	<p>Project</p> <p>i. Provide your methodology in undertaking the Works considering communications, identifying and managing site specific issues, personnel, plant and materials availability and potential site variations.</p> <p>ii. Provide a summary of your commitment to managing safety on-site, including details of relevant policies, procedures, certificates and other relevant documentation.</p>	25%
d)	<p>Local Content</p> <p>i. Detail the local content that will be used in this contract including:</p> <ul style="list-style-type: none"> • Organisation name • Expected contract spend • Type of good services to be supplied • Estimated percentage of work represented. 	20%

1.2 Value Considerations

The non-weighted cost method is used where functional considerations such as capacity, quality and adaptability are seen to be crucial to the outcome of the contract. The evaluation panel will make a series of value judgements based on the capability of the Tenderers to complete the Requirements and a number of factors will be considered including:

- *the qualitative ranking of each Tenderer; and*
- *the pricing submitted by each Tenderer.*
- *the Principal's budget.*
- *Risk Assessment consisting of:*
 - *Contractual;*
 - *Referee Checks;*
 - *Organisational Capacity;*
 - *Financial Ability; and,*
 - *Occupational Safety and Health.*

Once Tenders have been ranked, the evaluation panel will make a value judgement as to the cost affordability, qualitative ranking and risk of each Tender in order to determine the Tender which is most advantageous to the Principal.

The tendered price will be considered along with related factors affecting the total cost to the Principal (e.g. the lifetime operating costs of goods or the Principal's contract management costs may also be considered in assessing the best value for money outcome).

Given the information provided it is requested that Council retrospectively endorsed the actions of the Chief Executive Officer in determining the selection criteria and advertising the tenders for Supervision Services and Plant and Operators for Road Flood Damage Repairs.

Legal Implications

Local Government Act 1995

3.57. Tenders for providing goods or services

- (1) A local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services.
- (2) Regulations may make provision about tenders.

Local Government (Function and General) Regulations 1996 – Part 4 Provision of goods and services

11. When tenders have to be publicly invited

- (1) Tenders are to be publicly invited according to the requirements of this Division before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than \$150,000 unless subregulation (2) states otherwise.
- (2) Tenders do not have to be publicly invited according to the requirements of this Division if -
 - (a) the supply of the goods or services is to be obtained from expenditure authorised in an emergency under section 6.8(1)(c) of the Act; or
 - (b) the supply of the goods or services is to be obtained through the WALGA Preferred Supplier Program; or
 - (c) within the last 6 months —
 - (i) the local government has, according to the requirements of this Division, publicly invited tenders for the supply of the goods or services but no tender was submitted that met the tender specifications or satisfied the value for money assessment; or

- (ii) the local government has, under regulation 21(1), sought expressions of interest with respect to the supply of the goods or services but no person was, as a result, listed as an acceptable tenderer; or
- (d) the contract is to be entered into by auction after being expressly authorised by a resolution of the council of the local government; or
- (e) the goods or services are to be supplied by or obtained through the government of the State or the Commonwealth or any of its agencies, or by a local government or a regional local government; or
- (ea) the goods or services are to be supplied —
 - (i) in respect of an area of land that has been incorporated in a district as a result of an order made under section 2.1 of the Act changing the boundaries of the district; and
 - (ii) by a person who, on the commencement of the order referred to in subparagraph (i), has a contract to supply the same kind of goods or services to the local government of the district referred to in that subparagraph; or
- (f) the local government has good reason to believe that, because of the unique nature of the goods or services required or for any other reason, it is unlikely that there is more than one potential supplier; or
- (g) the goods to be supplied under the contract are —
 - (i) petrol or oil; or
 - (ii) any other liquid, or any gas, used for internal combustion engines; or
- (h) the following apply —
 - (i) the goods or services are to be supplied by a person registered on the Aboriginal Business Directory WA published by the Small Business Development Corporation established under the Small Business Development Corporation Act 1983; and
 - (ii) the consideration under the contract is \$250 000 or less, or worth \$250 000 or less; and
 - (iii) the local government is satisfied that the contract represents value for money; or
- (i) the goods or services are to be supplied by an Australian Disability Enterprise; or
- (j) the contract is a renewal or extension of the term of a contract (the original contract) where —
 - (i) the original contract was entered into after the local government, according to the requirements of this Division, publicly invited tenders for the supply of goods or services; and
 - (ii) the invitation for tenders contained provision for the renewal or extension of a contract entered into with a successful tenderer; and
 - (iii) the original contract contains an option to renew or extend its term; and
 - (iv) the supplier's tender included a requirement for such an option and specified the consideration payable, or the method by which the consideration is to be calculated, if the option were exercised; or
- (k) the goods or services are to be supplied by a pre-qualified supplier under Division 3.

12. Anti-avoidance provision for r. 11(1)

- (1) This regulation applies if a local government intends to enter into 2 or more contracts (the contracts) in circumstances such that the desire to avoid the requirements of regulation 11(1) is a significant reason for not dealing with the matter in a single contract.

Policy Implications

Shire of Lake Grace Policy 5.8 Unsealed Roads – Standards

Shire of Lake Grace Policy 5.7 Road Classification

Shire of Lake Grace Policy 3.11 Tenders – Selection Criteria

Consultation

Internal: Cr Jeanette De Landgraft, Shire President

External: Craig Grant, WALGA Procurement Specialist
Tinus Kruger, WML Consultants
Paul Foley, WML Consultants

Financial Implications

With any approved WANDRRA funding the limit for local government contribution is 1% of Total Rates Levied as per the 2016 WA Local Government Directory or 0.25% of WA's first threshold for the financial year 2016-2017. For the Shire the limit of contribution is \$153,400. A percentage is deducted from each claim until that amount is reached.

For AGRN 743 the Shire's WANDRRA estimate approval was for \$10,607,882. Off this total Project Management is \$123,210, Supervision is estimated to be \$500,000 with Plant and Operators estimated to be \$9,500,000. Our major issue faced for the Shire will be managing the cashflow for the works being undertaken.

Strategic Implications

Shire of Lake Grace Strategic Community Plan 2017 - 2027

Economic – A prosperous agricultural based economy, supporting diversification of industry.

- Outcome 1.1 An innovative, productive agriculture industry
- 1.1.1 Enhance and maintain transport network
 - 1.1.2 Improve flood mitigation for transport infrastructure

Voting Requirements

Absolute majority (5) required.

Recommendation/Resolution**RESOLUTION 12595**

Moved Cr Hunt

Seconded Cr Walker

That Council, endorse the actions of the Chief Executive Officer to:

1. call tenders for:
 - i. Supply of Supervision Services for Road Flood Damage Repairs; and
 - ii. Supply of Plant and Operators for Flood Damage Repairs;
2. conduct the tenders within an electronic environment utilising Western Australian Local Government Association's E-Tendering Portal Tenderlink;
3. apply the following selection criteria for the Supply of Supervision Services,
 - i. Experience 25%
 - ii. Personnel 30%
 - iii. Performance 25%
 - iv. Price 20%;
4. apply the following selection criteria for the Supply of Plant and Operators for Road Flood Damage Repairs,
 - i. Experience and Capacity 30%
 - ii. Personnel 25%
 - iii. Project 25%
 - iv. Local Content 20%
 - v. Price non-weighted cost method.

CARRIED BY ABSOLUTE MAJORITY 8/0

12.0 MATTERS FOR CONSIDERATION – PLANNING
--

12.1 PROPOSED RURAL SUBDIVISION ('HOMESTEAD LOT') – LOT 2542 (NO.565) DAWSON ROAD, SOUTH NEWDEGATE

Applicant: Mr Peter Gow (Licensed Surveyor) on behalf of Mr Greyham Cedric Lee (Landowner)

File No. 0455

Attachments:

1. Plan 1 – Location Plan
2. Plan 2 – Existing Lot Configuration
3. Plan 3 – Aerial Site Plan – Entire Lot
4. Plan 4 – Aerial Site Plan – Homestead Area
5. Plan 5 – Proposed Subdivision Plan

Author: Mr Joe Douglas (Urban & Rural Perspectives)
Town Planning Consultant

Disclosure of Interest: Nil

Date of Report: 15 August 2017

Senior Officer: Ms Denise Gobbart



Chief Executive Officer

Summary

This report recommends that a subdivision application submitted to the Western Australian Planning Commission (WAPC) by Mr Peter Gow (Licensed Surveyor) on behalf of Mr Greyham Cedric Lee (Landowner) and referred to the Shire for review and comment prior to final determination be supported by Council subject to conditions.

Background

Mr Peter Gow (Licensed Surveyor) on behalf of Mr Greyham Cedric Lee (Landowner) has recently submitted a subdivision application to the Western Australian Planning Commission (WAPC) seeking approval to subdivide Lot 2542 (No.565) Dawson Road, South Newdegate to create two (2) new separately titled lots (i.e. one new homestead and one balance-of-title rural lot).

Lot 2542 is located approximately 10 kilometres south-west of the Newdegate townsite in the locality of South Newdegate and immediately east of the Breakaway Ridge Nature Reserve, an A-Class nature reserve under the care, control and management of the National Parks and Nature Conservation Authority (see Plan 1).

Lot 2542 is irregular in shape and comprises a total area of approximately 1,453 hectares. The property has direct frontage and access to Dawson Road along its northern boundary and Beynon Road along its western boundary, both of which are unsealed, constructed local roads under the care, control and management of the Shire (see Plan 2).

Lot 2542 has been extensively cleared and is currently used for broadacre agricultural purposes (i.e. cropping and grazing). The land comprises some scattered stands of native vegetation including centrally at its highest point, along several intermittent creek lines traversing the land in various directions and near its frontage to Dawson Road where the existing homestead is located, some of which is the subject of a memorial registered on title under the *Soil and Land Conservation Act 1945* for conservation purposes.

The land also contains a number of physical improvements associated with its current rural use

including a single detached dwelling, sheds, dams, internal access roads/tracks, firebreaks and fencing (see Plans 3 and 4).

Specific details of the proposed subdivision are shown on the attached Plan 5 and summarised in the following table:

Lot Particulars	Existing Land Area (Approximate)	Proposed Land Area (Approximate)
Existing Lot 2542	1,452.85 hectares	-
Proposed Lot A – Balance-of-Title Rural Lot	-	1,429.39 hectares
Proposed Lot B – Homestead Lot	-	23.46 hectares

Comment

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

- Shire of Lake Grace Local Planning Scheme No.4;
- WAPC Development Control Policy No.DC 3.4 – *Subdivision of Rural Land*; and,
- WAPC State Planning Policy 3.7 - *Planning in Bushfire Prone Areas*.

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

Shire of Lake Grace Local Planning Scheme No.4

Lot 2542 is currently classified 'General Agriculture' zone in the Shire of Lake Grace Local Planning Scheme No.4 (LPS No.4).

The key objectives of the land's current 'General Agriculture' zoning classification are to ensure the continuation of broadacre farming as the principle land use within the district, avoid land use conflicts, protect the rural landscape character and control the fragmentation of agricultural landholdings through further subdivision development.

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

Clause 5.11.14 of LPS No.4 also states Council may support subdivision in the 'General Agriculture' zone to excise land containing an existing farm residence for the purposes of a homestead lot subject to:

- (a) there having been a decline in population over two intercensal periods in the Census Collector District in which the land is located;
- (b) the proposed homestead lot having an area of between four (4) and twenty (20) hectares excluding any battle-axe leg;
- (c) the proposed homestead lot having its own frontage and constructed vehicular access to a dedicated and constructed road;
- (d) the proposed homestead lot being served by a potable water supply and an adequate means of effluent disposal to the satisfaction of the local government and the Department of Health;

- and,
- (e) the proposed homestead lot not generating demand for additional government and community services.

Assessment of the subdivision proposal for Lot 2542 by the reporting officer has confirmed the following:

- i) In the Census Collector District the subject land is located (i.e. ABS Statistical Area 5124704) the population has increased from 146 people in 2011 to 150 people in 2016 (i.e. 2.74%);
- ii) Under the terms of the subdivision application the proposed homestead lot will comprise an area of 23.46 hectares which is 3.46 hectares (i.e. 17.3%) larger than the maximum size permitted under LPS No.4;
- iii) The proposed homestead lot will have direct frontage and access to Dawson Road along its northern boundary which has been constructed to a rural standard (i.e. gravel road carriageway and open table drains);
- iv) The proposed homestead lot comprises an existing dwelling that is both habitable and occupied. Furthermore the dwelling is served by suitable on-site water supply and effluent disposal infrastructure, all of which will be retained and included within the boundaries of the proposed new lot;
- v) As the proposed homestead lot is located in relatively close proximity to the Newdegate townsite, is currently served by all required essential service infrastructure and has direct frontage and access to a dedicated, constructed public roadway, it is considered unlikely to generate demand for any additional government and/or community services; and,
- vi) All existing built form improvements on the proposed homestead lot appear to have sufficient clearance from the proposed new lot boundaries (i.e. 20 metres).

As can be seen from the above findings the proposed subdivision is generally consistent with the requirements of LPS No.4 including clause 5.11.14 with the exception of local population growth figures and proposed lot size.

Notwithstanding these non-compliant elements, the reporting officer has formed the view the proposed subdivision could still be supported by Council for the following reasons:

- i) The criterion contained in clause 5.11.14(a) of LPS No.4 as it applies to population decline was originally included in the Scheme to reflect the WAPC's policy guidance at the time. This criterion is now outdated and has been excluded from the WAPC's latest development control policy as it applies to the creation of new homestead lots throughout the State; and,
- ii) The creation of a slightly larger sized homestead lot to that permitted under LPS No.4 is unlikely to have any negative impacts or create an undesirable precedent for other similar subdivision proposals in the Shire given the limited demand for lots of this type. Furthermore it will allow for the retention and improved management of all existing native vegetation surrounding the dwelling and other associated improvements including all heavy vehicle accessways and a large capacity water supply dam for firefighting purposes.

Should Council still have any concerns with the size of the proposed homestead lot despite the above conclusion it could, when responding to the WAPC, request that the subdivision plan be amended prior to the issuance of approval to ensure compliance with the maximum lot size criterion of LPS No.4. As can be seen from the latest aerial photography and subdivision plan attached there is an 'open paddock' area along the land's frontage to Dawson Road of sufficient area that could be excluded from the proposed homestead lot and retained within the balance-of-title rural lot for broadacre agricultural purposes.

WAPC Development Control Policy No.DC3.4 – Subdivision of Rural Land

The WAPC's Development Control Policy No.DC3.4 provides guidance on the various matters to be considered by the Commission when determining applications for the subdivision of rural land throughout Western Australia. A key objective of the policy is to minimise the ad-hoc fragmentation of rural land throughout the State.

Despite the fact the further subdivision of agricultural land is generally not supported by the WAPC, section 6.6 of the policy enables the WAPC to approve the subdivision of rural land for the purpose of creating a 'homestead lot' subject to compliance with a number of requirements. The following is an assessment of the proposal for Lot 2542 against each criterion:

(a) the land is in the DC 3.4 Homestead lot policy area;

According to the map contained in Appendix 2 of Policy No.DC 3.4 Lot 2542 is located within the Wheatbelt Agricultural Policy Area. As such subdivision of the land for the purposes of a 'homestead lot' can be considered.

(b) the homestead lot has an area between one and four hectares, or up to 20 hectares to respond to the landform and include features such as existing outbuildings, services or water sources;

The proposed 'homestead lot' will comprise a total area of 23.46 hectares and contain an existing single detached dwelling, all existing native vegetation surrounding the dwelling and other associated improvements and essential services including a large water supply dam for firefighting purposes. The proposed lot size is not therefore consistent with the above criterion but could still be supported by Council for reasons cited previously above.

(c) there is an adequate water supply for domestic, land management and fire management purposes;

As previously mentioned the existing dwelling on the land is served by suitable on-site water supply and effluent disposal infrastructure as well as a large capacity water supply dam for firefighting purposes, all of which will be retained and included within the boundaries of the new homestead lot.

(d) the dwelling is connected to a reticulated electricity supply or an acceptable alternative is demonstrated;

It's understood the existing dwelling on the land and other associated built form improvements are currently connected to a reticulated electricity supply servicing the immediate locality.

(e) the homestead lot has access to a constructed public road;

As previously mentioned the proposed homestead lot will have direct frontage and access to Dawson Road along its northern boundary which has been constructed to a rural standard (i.e. gravel road carriageway and open table drains).

(f) the homestead lot contains an existing residence that can achieve an appropriate buffer from adjoining rural land uses;

Having regard for:

- the location of the existing dwelling within the homestead lot and its associated boundary setbacks;
- the type, scale and density of the existing vegetation surrounding the dwelling;
- the current and future use of the proposed balance-of-title rural lot and all adjoining properties (i.e. broadacre agriculture and conservation reserve); and,

- the guidance provided by the Environmental Protection Authority and Department of Health (see relevant references below),
it is concluded the existing dwelling on the proposed homestead lot will achieve an appropriate buffer from all adjoining rural land uses.

(g) a homestead lot has not been excised from the farm in the past;

A review of Landgate records indicates Lot 2542 has not previously been subdivided to create one or more homestead lots.

(h) the balance lot is suitable for the continuation of the rural land use, and generally consistent with prevailing lot sizes, where it can be shown that this is consistent with the current farming practices at the property; and

The South Newdegate locality is characterised by broadacre agricultural lots ranging in size from 500 to 1,000 hectares. In this case the proposed balance-of-title rural lot will comprise a total area of approximately 1,429.39 hectares which is significantly larger than prevailing lot sizes in the locality. By virtue of its size the balance-of-title rural lot is considered well suited to the continuation of broadacre agricultural usage consistent with current farming practices on the land.

(i) the dwelling on a homestead lot must be of a habitable standard and may be required to be certified as habitable by the local government.

As previously mentioned the proposed homestead lot comprises an existing dwelling that is both habitable and occupied.

Given the above findings it is concluded the proposed subdivision is generally consistent with Policy No.DC 3.4 and may therefore be supported by Council if it is willing to accept a homestead that is 3.46 hectares larger than that typically allowable under the policy.

WAPC State Planning Policy 3.7 - Planning in Bushfire Prone Areas

Lot 2542 has been designated by the Fire and Emergency Services Commissioner as being located within a designated 'Bushfire Prone Area'.

Clause 6.2(a) of State Planning Policy 3.7 expressly states any subdivision or development application within designated bushfire prone areas relating to land that has or will have a Bushfire Hazard Level (BHL) above low and/or where a Bushfire Attack Level (BAL) rating above BAL-LOW applies is required to comply with the various measures contained in that policy.

Clause 6.4 of State Planning Policy 3.7 also expressly states any subdivision application to which clause 6.2 applies is to be accompanied by the following information:

- a) a BAL Contour Map to determine the indicative acceptable BAL ratings across the subject site, in accordance with the Guidelines. BAL Contour Maps should be prepared by an accredited Bushfire Planning Practitioner;
- b) the identification of any bushfire hazard issues arising from the BAL Contour Map; and,
- c) an assessment against the bushfire protection criteria requirements contained within the Guidelines demonstrating compliance within the boundary of the subdivision site.

The applicant has submitted a Bushfire Attack Level (BAL) Assessment prepared by accredited bushfire planning practitioners Lush Fire & Planning in support of the application to satisfy the abovementioned requirements. A review of that assessment in the context of State Planning Policy 3.7 entitled *Planning in Bushfire Prone Areas* and the Western Australian Planning Commission's *Guidelines for Planning in Bushfire Prone Areas 2017* has confirmed the following:

- i) The Bushfire Protection Criteria and bushfire construction requirements of Australian Standard AS3959 do not apply to the existing buildings on the proposed homestead lot (i.e. Proposed Lot B);
- ii) The primary bushfire management issue relates to the potential development of a new dwelling on the balance-of-title rural lot (i.e. Proposed Lot A);
- iii) The vast majority of Proposed Lot A is not designated on the Map of Bushfire Prone Land. These areas, which comprise Class G Grassland vegetation, are used for broadacre cropping and grazing;
- iv) Class G Grassland vegetation, including sown pasture and crops, is classified as having a moderate bushfire hazard level;
- v) Locating a new dwelling on any land with a moderate bushfire hazard level complies with Clause 6.2(b) of State Planning Policy 3.7;
- vi) Preparation of a BAL Contour Plan for Proposed Lot A in accordance with Clause 6.3(a)(ii) of State Planning Policy 3.7 is considered unwarranted over such a large property with a multitude of potential house sites. Notwithstanding, a BAL-29 rating can be achieved with a setback to the Class G Grassland vegetation of either 8 metres upslope or 9 metres downslope where the gradient of the land is equal to or less than 5 degrees;
- vii) Furthermore a 20 metre wide asset protection zone around a new dwelling on Proposed Lot A would achieve a BAL-12.5 rating; and,
- viii) The proposed subdivision complies with the objectives of State Planning Policy 3.7 and the bushfire protection criteria contained in Appendix 4 of the Guidelines for Planning in Bushfire Prone Areas 2017. Specifically, the vast majority of Proposed Lot A has a moderate bushfire hazard rating and a new dwelling can be located with a BAL rating of BAL-29 or less.

Conclusion

It is concluded from this assessment that the proposed subdivision of Lot 2542 (No.565) Dawson Road, South Newdegate to create two (2) new separately titled lots is:

- i) generally consistent with the Shire of Lake Grace Local Planning Scheme No.4 with the exception of local population growth and maximum permitted lot size criteria;
- ii) is generally consistent with WAPC Policy No.DC 3.4 with the exception of the maximum permitted lot size criterion;
- iii) is compliant with the objectives of State Planning Policy 3.7 and the bushfire protection criteria contained in Appendix 4 of the Guidelines for Planning in Bushfire Prone Areas 2017; and,
- iv) is capable of being implemented in a proper and orderly manner despite its non-compliant elements.

As such it is recommended Council advise the WAPC that it unconditionally supports the proposal.

Legal Implications

Planning and Development Act 2005

Shire of Lake Grace Local Planning Scheme No.4

Planning and Development (Local Planning Schemes) Amendment Regulations 2015.

Policy Implications

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

EPA Guidance Statement No.3 - Separation Distances between Industrial and Sensitive Land Uses (2005)

Department of Health – Guidelines for Separation of Agricultural and Residential Land Uses (2012)

State Planning Policy 3.7 - Planning in Bushfire Prone Areas

Guidelines for Planning in Bushfire Prone Areas 2017

Consultation

Community consultation not required however a telephone discussion was held with the applicant Mr Peter Gow during the assessment process to clarify various aspects of the subdivision proposal.

Financial Implications

Nil

Strategic Implications

Shire of Lake Grace Local Planning Strategy - The proposal for Lot 2542 is considered to be consistent with the aims and objectives of the Shire's Local Planning Strategy as it applies to the following:

- To provide a variety and choice of high quality rural living opportunities in the Shire where it is economically, socially and environmentally viable; and
- Support the creation of homestead lots in the Shire subject to a range of criteria that seek to protect productive agricultural land, minimise land use conflict and ensure adequate levels of basic service provision without generating demand for additional government and community services.

Shire of Lake Grace Strategic Community Plan 2017 – 2027

Environment – Protect and enhance our natural and built environment.

Outcome 3.1 A well maintained attractive built environment servicing the needs of the community

- 3.1.1 Maintain, rationalise, improve or renew buildings and community infrastructure

Outcome 3.2 A natural environment for the benefit and enjoyment of current and future generations

- 3.2.1 Manage and preserve the natural environment

Voting Requirements

Simple majority required.

Recommendation/Resolution

RESOLUTION 12596

Moved Cr Walker
Seconded Cr Stanton

That Council advise the Western Australian Planning Commission that it unconditionally supports the application submitted by Mr Peter Gow (Licensed Surveyor) on behalf of Mr Greyham Cedric Lee (Landowner) to subdivide Lot 2542 (No.565) Dawson Road, South Newdegate to create two (2) new separately titled lots (i.e. one new homestead and one balance-of-title rural lot) in accordance with the details of the plan submitted in support of the proposal.

CARRIED 8/0

13.0 MATTERS FOR CONSIDERATION – HEALTH & BUILDING

13.1 PERMISSION TO COLLECT NATIVE PLANT SEED FROM WITHIN RESERVES VESTED IN THE SHIRE OF LAKE GRACE

Applicant: Ms Jeanette Taylor
File No. 0309
Attachments: 1. Letter and email from Ms Jeanette Taylor
 2. Commercial Purposes Licence
Author: Ms Natasha Bowman
Disclosure of Interest: Nil
Date of Report: 11 August 2017
Senior Officer: Ms Denise Gobbart


 Governance Officer


 Chief Executive Officer

Summary

For Council to consider a request to approve the collection of native seed from within reserves vested in the Shire of Lake Grace.

Background

The Shire has received a request from Ms Jeanette (Jenny) Taylor requesting to collect native plant seeds from Saltbush and Quondong trees from within reserves vested in the Shire of Lake Grace. The letter of request is attached. Permission is requested for a two (2) year period.

All persons collecting native seed require the landowner's permission and must obtain an appropriate license in accordance with the *Wildlife Conservation Act (1950)*.

Comment

The applicant has advised that this is not a commercial operation. The Quondongs are used in the making of jam for private use and given to charity for their fundraising activities.

Ms Taylor describes herself as a self-confessed 'Greenie' with a long history of involvement and love of nature and the environment, she likes to leave at least 10% of fruit on the Quondong trees for the birds and regenerates growth in the areas that she takes from by propagating and replanting with new stock to stimulate growth.

With the widening of roads in country areas many quondong trees have been damaged or removed completely. Ms Taylor advises she has found the need to collect quondongs from many areas. With dwindling trees she takes clean seed from one area and then plants them near other quondong trees within other Shires to strengthen and to increase the number of trees.

The applicant advises that she holds a licence (No CPO 15275) from the Department of Parks and Wildlife to conduct this activity (refer attachment 2). The licence is current until 27/09/2017 and requires annual renewal. The licence allows Ms Taylor to collect protected flora for commercial purposes from vacant crown land, and other crown land within the Shire of Moora and Wongan-Ballidu.

All permits of this nature have been valid for a twelve month period however Ms Taylor is requesting permission for a two (2) year period

In the past Council has approved the collection of native plant seeds and fruit subject to the sighting of the appropriate licence and the following conditions:

- This approval is personal to whoever is conducting the collection and shall not be transferred to any other person;
- The applicant is to be licenced according to the *Wildlife Conservation Act (1950)* and is to abide by the conditions of the licence;
- The collection of seed and fruit not being undertaken for commercial gain;
- Permission being granted for one year;
- Appropriate hygiene measures being followed at all times to prevent the spread of plant disease and weeds;
- All care to be taken to avoid the disturbance of fauna habitat;
- All care to be taken to avoid any disturbance that may lead to soil degradation;
- Any gates to be closed on departure;
- Chainsaws and other such equipment are not to be used; and,
- Only branches and/or limbs to be lopped to collect seed, trees are not to be felled.

There are many local governments that do not allow the taking of protected flora for commercial purposes from any road reserves, Shire reserve or any other reserve or land owned or under their control. It is recommended to Council that this position be taken for the Shire of Lake Grace.

Legal Implications

Wildlife Conservation Act (1950)

23B. Protected flora on Crown land not to be taken without licence

- (1) A person shall not on Crown land wilfully take any protected flora unless the taking of the protected flora is authorised by, and carried out in accordance with the terms and conditions of, a licence issued to him under section 23C.
- (2) In any proceedings for an offence against subsection (1) it is a defence for the person charged to prove that the taking occurred as an unavoidable incident or consequence in the performance of any right, power or authority conferred upon, or in the discharge of any duty or obligation imposed upon, the person by or under any Act or agreement to which the State is a party and which is ratified or approved by an Act or notwithstanding the fact that the performance of that right, power or authority, or the discharge of the duty or obligation, was exercised in a reasonable manner.

Policy Implications

Nil

Consultation

N/A

Financial Implications

Nil

Strategic Implications

Shire of Lake Grace Community Strategic Plan 2017 – 2027

Environment – Protect and enhance our natural and built environment.

Outcome 3.2 A natural environment for the benefit and enjoyment of current and future generations

- 3.2.1 Manage and preserve the natural environment

Voting Requirements

Simple majority required.

Recommendation/Resolution

RESOLUTION 12597

Moved Cr Stanton
Seconded Cr Lloyd

That Council:

1. not support the application by Ms Jeanette (Jenny) Taylor for collection of native seed from within reserves vested in the Shire of Lake Grace; and,
2. advise the Department of Biodiversity, Conservation and Attractions – Parks and Wildlife Service the Shire of Lake Grace will not normally give permission for the taking of protected flora for commercial purposes from any road reserve, Shire reserve or any other reserve or land owned or under our control.

CARRIED 8/0

14.0 MATTERS FOR CONSIDERATION – FINANCE

14.1 ACCOUNTS FOR PAYMENT – JULY 2017

Applicant:	Internal Report
File No.	0277
Attachments:	List of Creditors
Author:	Ms Kairi Nigol
Disclosure of Interest:	Nil
Date of Report:	8 August 2017
Senior Officer:	Ms Linda Gray


Finance Coordinator


Deputy Chief Executive Officer

Summary

For Council to ratify expenditures incurred for the month of July 2017.

Background

List of payments for the month of July 2017 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; and,
- (d) The date of payment.

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

Legal Implications

Local Government (Financial Management) Regulations 1996

Regulation 12 Payments from municipal fund or trust fund, restrictions on making

- (1) A payment may only be made from the municipal fund or the trust fund —
 - (a) if the local government has delegated to the CEO the exercise of its power to make payments from those funds — by the CEO; or
 - (b) otherwise, if the payment is authorised in advance by a resolution of the council.
- (2) The council must not authorise a payment from those funds until a list prepared under regulation 13(2) containing details of the accounts to be paid has been presented to the council.

Local Government (Financial Management) Regulations 1996

Regulation 13 Payments from municipal fund or trust fund by CEO, CEO's duties as to etc.

- (1) If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared —
 - (a) the payee's name; and
 - (b) the amount of the payment; and

- (c) the date of the payment; and
 - (d) sufficient information to identify the transaction.
- (2) A list of accounts for approval to be paid is to be prepared each month showing —
- (a) for each account which requires council authorisation in that month —
 - (i) the payee's name; and
 - (ii) the amount of the payment; and
 - (iii) sufficient information to identify the transaction; and
 - (b) the date of the meeting of the council to which the list is to be presented.
- (3) A list prepared under subregulation (1) or (2) is to be —
- (a) presented to the council at the next ordinary meeting of the council after the list is prepared; and
 - (b) recorded in the minutes of that meeting.

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 July 2017 from the Municipal and Trust Account Total \$1,066,104.06.

Strategic Implications

Shire of Lake Grace Strategic Community Plan 2017 – 2027

Leadership – Strong governance and leadership, demonstrating fair and equitable community values.

Outcome 4.2 An efficient and effective organisation

- 4.2.1 Maintain accountability and financial responsibility through effective planning
- 4.2.2 Comply with statutory and legislative requirements

Voting Requirements

Simple majority required.

Recommendation/Resolution**RESOLUTION 12598**

Moved Cr Stanton

Seconded Cr Marshall

That Council ratify the list of payments totalling \$1,066,104.06 as presented for the month of July 2017 incorporating:

- Trust Account Cheques:	1353 - 1357	\$	770.00
- Electronic Funds Transfer:	EFT17066 – EFT17182	\$	818,302.81
- Municipal Account Cheques:	36605 - 36611	\$	30,854.63
- Direct Debits:	DD7052.1 – DD7052.8	\$	79,719.02
	DD7097.1 – DD7097.4		
	DD7098.1 – DD7098.8		
	DD7101.1		
	DD7113.1 – DD7113.20		
	DD7114.1 – DD7114.2		
	DD7117.1		
- Electronic Funds Transfer:	Payroll Net Pay	\$	136,457.60

CARRIED 8/0

14.2 FINANCIAL STATEMENTS – JULY 2017

Applicant: Shire of Lake Grace
File No. 0275
Attachments: 1. Financial Reports July 2017
 2. Bank Reconciliations July 2017
Author: Ms Linda Gray
Disclosure of Interest: Nil
Date of Report:
Senior Officer: Ms Denise Gobbart


 Deputy Chief Executive Officer


 Chief Executive Officer

Summary

Consideration of the financial statements for the month ending 31 July 2017.

Background

The following financial reports to 31 July 2017 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

N/A

Legal Implications

Local Government Act 1995

Section 6.4 Financial report

- (1) A local government is to prepare an annual financial report for the preceding financial year and such other financial reports as are prescribed.
- (2) The financial report is to —
 - (a) be prepared and presented in the manner and form prescribed; and
 - (b) contain the prescribed information.

- (3) By 30 September following each financial year or such extended time as the Minister allows, a local government is to submit to its auditor —
- (a) the accounts of the local government, balanced up to the last day of the preceding financial year; and
 - (b) the annual financial report of the local government for the preceding financial year.

Local Government (Financial Management) Regulations 1996

Regulation 34 Financial activity statement required each month (Act s. 6.4)

(1A) In this regulation —

committed assets means revenue unspent but set aside under the annual budget for a specific purpose.

- (1) A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail —
 - (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c); and
 - (b) budget estimates to the end of the month to which the statement relates; and
 - (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates; and
 - (d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and
 - (e) the net current assets at the end of the month to which the statement relates.
- (2) Each statement of financial activity is to be accompanied by documents containing —
 - (a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets; and
 - (b) an explanation of each of the material variances referred to in subregulation (1)(d); and
 - (c) such other supporting information as is considered relevant by the local government.
- (3) The information in a statement of financial activity may be shown —
 - (a) according to nature and type classification; or
 - (b) by program; or
 - (c) by business unit.
- (4) A statement of financial activity, and the accompanying documents referred to in subregulation (2), are to be —
 - (a) presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and
 - (b) recorded in the minutes of the meeting at which it is presented.
- (5) Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.

Policy Implications

Nil

Consultation

N/A

Financial Implications

Nil

Strategic Implications

Shire of Lake Grace Strategic Community Plan 2017 – 2027

Leadership – Strong governance and leadership, demonstrating fair and equitable community values.

Outcome 4.2 An efficient and effective organisation

- 4.2.1 Maintain accountability and financial responsibility through effective planning
- 4.2.2 Comply with statutory and legislative requirements

Voting Requirements

Simple majority required.

Recommendation/Resolution

RESOLUTION 12599

Moved Cr Armstrong
Seconded Cr Lloyd

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 2017.

CARRIED 8/0

15.0 MATTERS FOR CONSIDERATION – COMMUNITY SERVICES
--

This matter was presented to Council on 26 July 2017 and Council resolved as per resolution:

RESOLUTION 12586, moved Cr Armstrong, seconded Cr Stanton

That Council move to next business. CARRIED 7/0

The matter was represented for Council consideration.

15.1 REQUEST FOR QUOTATION – NEWDEGATE SKATE PARK

Applicant:	Internal Report
File No.	0783
Attachments:	Scope of Works - Newdegate Active Precinct
Author:	Ms Linda Gray


Deputy Chief Executive Officer

Disclosure of Interest:	Nil
Date of Report:	19 July 2017
Senior Officer:	Ms Denise Gobbart


Chief Executive Officer

Summary

For Council to determine the assessment criteria for the request for quotation for the Newdegate skate park and all ages nature-based playground.

Background

Under the name, Newdegate Active Precinct (NAP) three mothers from Newdegate researched the possibility of a skate park/playground/park for Newdegate and came up with the initial concept. After community consultation and the confirmation of the required funding, the concept was refined to a skate park and an all ages nature-based playground.

Funding has been confirmed from LotteryWest, Royalties for Regions, Cooperative Bulk Handling, Newdegate Cropping Group and the Newdegate Machinery Field Days Incorporated, as well as fundraising from the community to a value of \$424,998.72. This is not inclusive of the cost of the purchase of the proposed site at 8 Maley Street, Newdegate, which was also funded by the Newdegate Cropping Group.

Comment

The Newdegate Active Precinct have driven this initiative from the beginning, and are keen to ensure the best design and build possible for this project. They envisaged that the skate park and playground will become an icon; an example of what a community can achieve, will engage local young people and will bring economic benefit to the town through increased visitor stay. For these reasons, they are concerned that the present selection criteria for tenders for the Shire of Lake Grace's buildings is too geared towards cost, although it is stated that the lowest price will not necessarily be accepted by the Shire.

It should be noted that it is intended the process involved with identifying a builder for the skate park and playground will not be through publicly inviting tenders, but through the WA Local Government Association's (WALGA) eQuotes system. It is an online system that invites suppliers who are on the WALGA Preferred Supplier Register to submit a quotation for the project. It is a

much simpler process that whilst maintaining transparency in all purchasing decisions and is less time-consuming.

The Shire of Lake Grace Policy 3.11 Tenders – Selection Criteria is listed below. Building is the closest criteria to an infrastructure project such as a skate park:

Buildings

Cost	65%
Relevant Experience	15%
Organisational Capacity & Resources	15%
Demonstrated Understanding	5%

It is suggested that the proposed selection criteria would be weighted as below:

Proposed Selection Criteria

Cost	45%
Relevant Experience	20%
Organisational Capacity & Resources	20%
Demonstrated Understanding	15%

Legal Implications

Local Government Act 1995

3.57. Tenders for providing goods or services

- (1) A local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services.
- (2) Regulations may make provision about tenders.

Local Government (Function and General) Regulations 1996

Part 4 Provision of goods and services

11. When tenders have to be publicly invited

- (1) Tenders are to be publicly invited according to the requirements of this Division before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than \$150,000 unless subregulation (2) states otherwise.
- (2) Tenders do not have to be publicly invited according to the requirements of this Division if -
 - (a) the supply of the goods or services is to be obtained from expenditure authorised in an emergency under section 6.8(1)(c) of the Act; or
 - (b) the supply of the goods or services is to be obtained through the WALGA Preferred Supplier Program; or
 - (c) within the last 6 months —
 - (i) the local government has, according to the requirements of this Division, publicly invited tenders for the supply of the goods or services but no tender was submitted that met the tender specifications or satisfied the value for money assessment; or
 - (ii) the local government has, under regulation 21(1), sought expressions of interest with respect to the supply of the goods or services but no person was, as a result, listed as an acceptable tenderer; or
 - (d) the contract is to be entered into by auction after being expressly authorised by a resolution of the council of the local government; or

- (e) the goods or services are to be supplied by or obtained through the government of the State or the Commonwealth or any of its agencies, or by a local government or a regional local government; or
- (ea) the goods or services are to be supplied —
 - (i) in respect of an area of land that has been incorporated in a district as a result of an order made under section 2.1 of the Act changing the boundaries of the district; and
 - (ii) by a person who, on the commencement of the order referred to in subparagraph (i), has a contract to supply the same kind of goods or services to the local government of the district referred to in that subparagraph; or
- (f) the local government has good reason to believe that, because of the unique nature of the goods or services required or for any other reason, it is unlikely that there is more than one potential supplier; or
- (g) the goods to be supplied under the contract are —
 - (i) petrol or oil; or
 - (ii) any other liquid, or any gas, used for internal combustion engines; or
- (h) the following apply —
 - (i) the goods or services are to be supplied by a person registered on the Aboriginal Business Directory WA published by the Small Business Development Corporation established under the Small Business Development Corporation Act 1983; and
 - (ii) the consideration under the contract is \$250 000 or less, or worth \$250 000 or less; and
 - (iii) the local government is satisfied that the contract represents value for money; or
- (i) the goods or services are to be supplied by an Australian Disability Enterprise; or
- (j) the contract is a renewal or extension of the term of a contract (the original contract) where —
 - (i) the original contract was entered into after the local government, according to the requirements of this Division, publicly invited tenders for the supply of goods or services; and
 - (ii) the invitation for tenders contained provision for the renewal or extension of a contract entered into with a successful tenderer; and
 - (iii) the original contract contains an option to renew or extend its term; and
 - (iv) the supplier's tender included a requirement for such an option and specified the consideration payable, or the method by which the consideration is to be calculated, if the option were exercised; or
- (k) the goods or services are to be supplied by a pre-qualified supplier under Division 3.

Policy Implications

Policy 3.11 - Tender Selection Criteria

Consultation

Internal: Denise Gobbart, Chief Executive Officer

External: Craig Grant, WA Local Government Association
Sarah Lloyd, Newdegate Active Precinct

Financial Implications

Funding of this project has been provided by local community groups, LotteryWest, Cooperative Bulk Handling and Royalties for Regions to the value of \$424,998.72. However, responsibility for both financial, resource and risk management are held by the Shire.

Strategic Implications

Shire of Lake Grace Strategic Community Plan 2017 – 2027

Social – a valued, healthy and inclusive community and life-style.

Outcome 2.2 A healthy and safe community

- 2.2.1 Maintain and enhance sport and recreation facilities

Leadership – Strong governance and leadership, demonstrating fair and equitable community values.

Outcome 4.2 An efficient and effective organisation

- 4.2.2 Comply with statutory and legislative requirements

Voting Requirements

Simple majority required.

Recommendation/Resolution

RESOLUTION 12600

Moved Cr Lloyd
Seconded Cr Stanton

That Council:

1. endorse the scope of works for the Newdegate skate park and all ages nature-based playground, as presented;
2. authorises the Chief Executive Officer to utilise the WALGA e-Quotes procurement system for the request for quotation for the construction of the Newdegate skate park and all ages nature-based playground; and
3. that the following assessment criteria apply:

Cost	45%
Relevant Experience	20%
Organisational Capacity & Resources	20%
Demonstrated Understanding	15%

CARRIED 7/1

Cr Armstrong is recorded as voting against the motion.

15.2 NEWDEGATE WASTE MANAGEMENT FACILITY – ADDITIONAL OPENING HOURS

Applicant: Newdegate Machinery Field Days Inc
File No. 0329
Attachments: Nil
Author: Mrs Cheryl Chappell


 Community Services Officer

Disclosure of Interest: Nil
Date of Report: 15 August 2017
Senior Officer: Ms Linda Gray


 Deputy Chief Executive Officer

Summary

For Council, to consider opening the Newdegate Waste Management Facility from 8.00 am to 12 noon on the Friday immediately after the annual Newdegate Machinery Field Days.

Background

As part of the 2017 Sponsorship Agreement between Newdegate Machinery Field Days Inc and the Shire of Lake Grace, the Shire provides the contracted rubbish removal from around the Field Days site on: Wednesday and Thursday at 8.00 am and 5.00 pm, with a mobile rotating service around the Field Day site, focussing on all kitchen areas at 2.00 pm, followed with a compactor run on Friday at 11.00 am. In addition, the Shire agrees to provide two recycling skip bins: one to be placed behind the Family Interest Pavilion and one near the Cattle Display. A purchase order has been issued to Warren Blackwood Waste to undertake this work at a cost of \$4,315.68 ex GST, as part of the Shire's works component sponsorship of the Newdegate Machinery Field Days Inc of \$12,500.

In addition as part of the sponsorship, Shire workers are rostered to remove full bins and replace with an empty one, from the main eating areas throughout the day. Full bins will be taken to a station at the northern end of the ground to be emptied into the compactor truck.

On the Friday immediately after the event, the Newdegate Machinery Field Days committee, volunteers and Shire workers clean up the site, with the compactor truck being available until 12 noon. Prior to leaving Newdegate the compactor truck must empty any waste on board. As part of our Waste Management Licence we are to maintain records of the quantity of waste delivered to the sites, without the facility operator working on that day, we are unable to fulfil the requirements of our licence. Having the facility open on the Friday would also ensure community members do not have to return on the Saturday to remove any remaining rubbish.

Comment

The Newdegate Machinery Field Days President has made a request for Council to consider allowing the Newdegate Waste Management Facility to be open from 8.00 am to 12 noon on the Friday immediately after the event, in order to facilitate the removal of rubbish.

The procedure of cleaning up is already in place through the Agreement with shire workers, compactor rubbish truck and driver on site on the Friday, it would seem logical for the Newdegate Waste Management Facility to be open to ensure that the rubbish removal cycle is finalised on that day.

The additional opening hours is estimated to incur additional expenses of \$500 in wages, overheads and the covering of putrescible waste. This additional cost would be incurred annually, to cover our licence conditions.

Legal Implications

Nil

Policy Implications

Nil

Consultation

Internal: Ms Denise Gobbart, Chief Executive Officer

External: Mr Ashley McDonald, President, Newdegate Machinery Field Days Inc

Financial Implications

If the Newdegate Waste Management Facility was open from 8.00 am to 12 noon on the Friday immediately after the Newdegate Machinery Field Days it would incur additional estimated expenses of \$500 including but not limited to wages, overheads, covering of putrescible waste as required by our licence.

This additional level of service would need to be included in the Shire of Lake Grace's budget and considered as an additional to the works component sponsorship of \$12,500.

Strategic Implications

Shire of Lake Grace Strategic Community Plan 2017 -2027

Environment – Protect and enhance our natural and built environment.

Outcome 3.2 A natural environment for the benefit and enjoyment of current and future generations

- 3.2.3 Provide an effective waste management service

Social – A valued, healthy and inclusive community and life-style.

Outcome 2.1 An engaged, supportive and inclusive community

- 2.1.3 Actively promote and support community events and activities within the district

Recommendation

Moved Cr Chappell
Seconded Cr Marshall

That Council endorse the Newdegate Waste Management Facility opening from 8.00 am to 12 noon on the Friday immediately after the annual Newdegate Machinery Field Days, in order to facilitate the site clean-up.

Voting Requirements

Simple majority required.

Amendment

RESOLUTION 12601

Moved Cr Lloyd
Seconded Cr Armstrong

Amend the opening hours from '9.00 am to 1.00 pm' and insert 'in lieu of the normal Saturday'.

CARRIED 8/0

Substantive Motion

RESOLUTION 12602

Moved Cr Chappell
Seconded Cr Marshall

That Council endorse the Newdegate Waste Management Facility opening from 9.00 am to 1.00 pm on the Friday immediately after the annual Newdegate Machinery Field Days in lieu of the normal Saturday, in order to facilitate the site clean-up.

CARRIED 8/0

Reason for change:

1. *The opening hours are to be consistent with the normal operating hours of the facility to avoid any confusion in the community; and,*
2. *The swapping of Saturday to Friday would not incur any additional expenditure to operate the facility.*

16.0 MATTERS FOR CONSIDERATION - ADMINISTRATION
--

16.1 WESTERN AUSTRALIA'S RATE OF RETURN FROM THE FEDERAL GOVERNMENT

Applicant: Internal
File No. 0046
Attachments: Letter from Shire of Plantagenet
Author: Ms Natasha Bowman

Disclosure of Interest: Nil
Date of Report: 11 August 2017
Senior Officer: Ms Denise Gobbart


 Governance Officer


 Chief Executive Officer

Summary

For Council to authorise the Chief Executive Officer to write to the Prime Minister of Australia to demand a better return of our Good and Services Tax (GST) back to Western Australia.

Background

Shire President Ken Clements from the Shire of Plantagenet wrote a letter on 31 July 2017 to Shires seeking assistance to send a message to the Prime Minister regarding Western Australia's (WA) appalling share of GST revenue (refer attached).

At their meeting held on 18 July 2017 the Council requested that such a letter be prepared as well seek the support of all Local Governments in WA.

Comment

The diminished return of our GST is having a direct impact on all WA. WA's share of the GST is currently sitting at 34 cents in the dollar.

The WA Government is now faced with the prospect of raising charges and decreasing expenditure. As with all levels of government, the Shire is constantly faced with decisions to balance service levels and expectations of our residents against shrinking income streams and increasing expenditure.

This is increasingly difficult for the Shire, to wade the increasing tide of federal and state government fiscal impositions that impact directly upon us and our community. This places us in a position of responding by cutting services or increasing rates.

The Shire has now got the opportunity to write to the Prime Minister with the hope of other Shire's commitment to voice their concerns for WA's rate of return from the Federal Government.

Any correspondence will be copied to the Leader of the Opposition and Federal Ministers as required.

Legal Implications

Nil

Policy Implications

Nil

Consultation

External: Cr Ken Clements, Shire President, Shire of Plantagenet

Financial Implications

Nil

Strategic Implications

Shire of Lake Grace Strategic Community Plan 2017 – 2027

Leadership – Strong governance and leadership, demonstrating fair and equitable community values.

Outcome 4.1 A strategically focused, unified Council functioning efficiently

- 4.1.1 Provide informed leadership on behalf of the community
- 4.1.2 Promote and advocate for the community and district

Outcome 4.2 An efficient and effective organisation

- 4.2.1 Maintain accountability and financial responsibility through effective planning

Voting Requirements

Simple majority required.

Recommendation/Resolution

RESOLUTION 12603

Moved Cr Chappell
Seconded Cr Hunt

That Council authorise the Chief Executive Officer to write to the Prime Minister of Australia to demand a better return of our Goods and Services Tax back to Western Australia.

CARRIED 8/0

16.2 SURPLUS DAM FOR TRANSFER – AA DAM NO 187 NEENDALING

Cr Marshall declared financial interest for Item 16.2 Surplus Dam for Transfer – AA Dam No 187 Neendaling with the nature of the interest being, the director and shareholder of Great Southern Gypsum who want to acquire the reserve from Water Corporation.

Cr Marshall left the meeting at 1.40 pm.

Applicant: Internal Report
File No. 0463 and 0505
Attachments: Aerial Map Reserve 13231
Author: Ms Denise Gobbart
 Chief Executive Officer
Disclosure of Interest: Nil
Date of Report: 14 August 2017
Senior Officer: Ms Denise Gobbart


 Chief Executive Officer

Summary

For Council to consider the acquisition of both AA Dam No 186 White Dam Old - Lot 15658 and AA Dam No 187 Neendaling - Lot 500, both on Reserve 13231 Dumbleyung - Lake Grace Road, from the Water Corporation.

Background

On 16 May 2017 Mr David Morgan, Senior Project Planner of Water Corporation emailed seeking our interest in acquiring a number of water sources located within the Shire of Lake Grace that are surplus to their operational needs. There are approximately fifteen sites that they have identified as surplus to their operational needs. The sites are identified as follows;

Name	Address	Comments
Newdegate Railway Dam and Catchment	Reserve 20629 Lake Grace-Newdegate Rd	The Turkey Nest dam will be excised and retained by Water Corporation. The balance of the reserve (including the Railway dam and catchment) is available for transfer.
AA Dam No 186 White Dam Old	Reserve 13231 (Lot 15658) Dumbleyung-Lake Grace Road, Neendaling	Lot 15678 is north of Dumbleyung-Lake Grace Rd. The Tarin Rock Tanks and pipe corridors will be excised from the reserve and retained by Water Corporation.
AA Dam No 187 Neendaling	Reserve 13231 (Lot 500) Dumbleyung-Lake Grace Road, Neendaling	Lot 500 is south of Dumbleyung-Lake Grace Rd.
AA Dam No 377 Nth Lake Grace	Reserve 18067 (Lot 12561) Kulin-Lake Grace Road, Kuender	
AA Dam No 379 Lake Grace East (Dam & Catchment)	Reserve 18384 (Lot 12722) Oldham Road, South Lake Grace	
AA Dam No 379 Lake Grace East (Catchment)	Reserve 18384 (Lot 15546) Oldham Road, South Lake Grace	
AA Dam No 380 Greys Lake Grace East	Reserve 18981 (Lot 13057) Beenong Rd, Beenong	
AA Dam No 390 Lake Biddy No.1	Reserve 23140 (Lot 2079) Witham Road, Lake Biddy	

AA Dam No 394 Gerards (Dam & Catchment)	Reserve 18962 (Lot 799) Kent Road, North Burngup	
AA Dam No 394 Gerards (Catchment)	Reserve 18962 (Lot 897) Kent Road, North Burngup	
Name	Address	Comments
AA Dam No 395 Buniche (Catchment)	Reserve 18960 (Lot 301) Bidy Buniche Road, Buniche	Lot 301 is South of Bidy-Buniche Rd.
AA Dam No 395 Buniche (Catchment)	Reserve 18960 (Lot 302) Bidy Buniche Road, Buniche	
AA Dam No 395 Buniche (Dam & Catchment)	Reserve 18960 (Lot 303) Bidy Buniche Road, Buniche	
AA Dam No 395 Buniche (Catchment)	Reserve 18960 (Lot 304) Bidy Buniche Road, Buniche	
AA Dam No 395 Buniche (Catchment)	Reserve 18960 (Lot 555) Bidy Buniche Road, Buniche	
AA Dam No 427 Wardercarrin	Reserve 19789 (Lot 14365) Commonwealth Road, Kuender	
AA Dam No 429 Kents	Reserve 20710 (Lot 1294) Burngup North Road, Kuender	
AA Dam No 438 Lake Magenta (Dam & Catchment)	Reserve 20274 (Lot 2682) Magenta-Giles Road, Magenta	Lot 2682 is North of Magenta-Giles Rd.
AA Dam No 438 Lake Magenta (Catchment)	Reserve 20274 (Lot 3032) Magenta-Giles Road, Magenta	
AA Dam No 547 Dempster Rock 1 & 2	Reserve 21143 (Lot 987) Dempster Rock Road	
AA Dam No 561 Lake Biddy	Reserve 23140 (Lot 2079) Witham Road, Lake Bidy	
AA Dam No 626 Lake Romani	Reserve 20282 Off Old Ravensthorpe Rd, Dunn Rock	

They advise that there is an opportunity for the Shire to take control of these water sources and their associated catchments. If we are interested once the Water Corporation receives a formal request of interest, their Asset Managers will be consulted to confirm any special requirements and prepare the necessary paperwork for the Department of Lands.

As the dams are all located on Crown Reserves, the reserve, in its entirety, would be transferred free of cost via the Department of Lands. The Water Corporation will prepare the paperwork to facilitate the transfer, although it should be noted that only the Department of Lands can finalise the transfer of Crown Reserves. This process can take several months, although the Water Corporation will assist wherever possible to ensure the transaction happens smoothly and in a timely fashion.

Water Corporation advises that whilst this project has minimal Water Corporation funding, the Department of Water's 'Community Water Grants Scheme' could be accessed to fund significant repairs or improvements.

It appears that all water sources listed are classified as Class 'C' Reserves. Reserves are areas of Crown Land reserved for various public purposes, reserves maybe vested, leased or Crown Grant in Trust. Class 'C' reserves form the vast majority of reserves. Amendments to or the declaration of Class 'C' reserves are determined by the Governor in Executive Council.

The intent of this item is to deal solely with the acquisition of AA Dam No 186 White Dam Old located on Lot 15658 and AA Dam No 187 Neendaling located on Lot 500, both on Reserve 13231 Dumbleyung - Lake Grace Road, as other interest has been shown for this Reserve.

It is intended that after an assessment of each of the other sites a report will be presented to Council as to the need for acquisition or not.

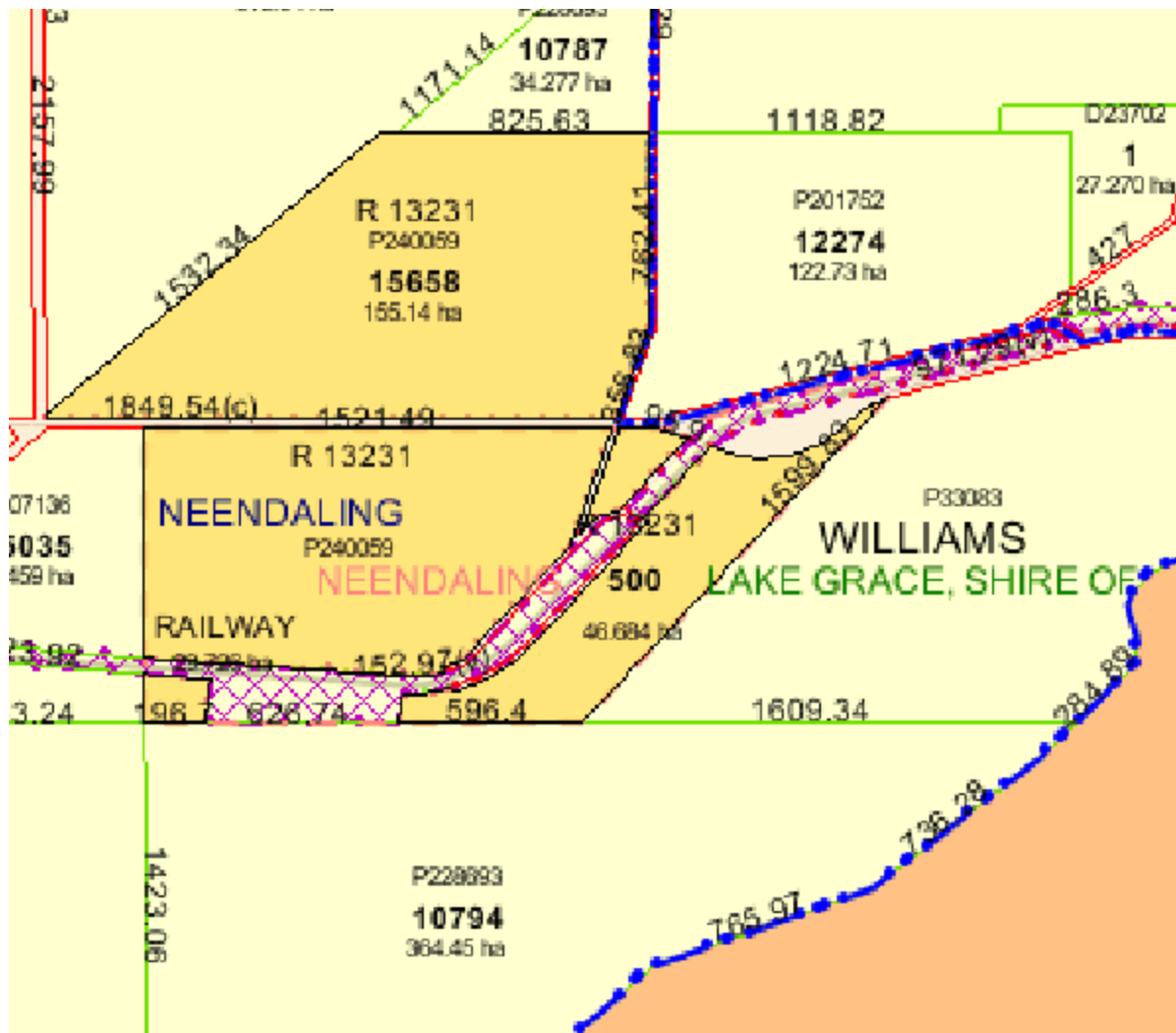
Comment

Previously, the administration had been in discussion with the Water Corporation regarding the Newdegate and Lake Grace dam facilities for our acquisition. The additional listing of AA Dams received was unsolicited. Given this a low level of importance was given to bring the item to Council.

Given that it has been drawn to my attention that Great Southern Gypsum is seeking a water source, road access and processing area for their operations located in the near vicinity, these dams are to be considered individually.

As a point of interest the Chief Executive Officer (CEO) has recently made contact with the Department of Lands in relation to Land ID 10794P228693 not having legal access to the property, no response has been received in relation to this matter. The owners of Land ID 10794P228693 and Land ID 3P33083 both appear to be using a similar access to gain entry to their respective properties through Reserve 13231.

Reserve 13231 has 5 individual parcels of land as is shown in the diagram below;



- Location 15658 – 1 Parcel North of the Dumbleyung – Lake Grace Road, AA Dam No 186 White Dam Old, being 155.14 hectares; and,
- Location 500 – 4 Parcels South of the Dumbleyung – Lake Grace Road, AA Dam No 187 Neendaling, being approximately 214.3 hectares. The location is split by the railway corridor and what appears to be a road reserve.

As with any Crown Reserve that is vested within the Shire becomes responsible for the management and care of the land. Having investigated a listing of reserves within the Shire of Lake Grace it would appear that we may have in the vicinity of 19,000 hectares vested for varying purposes under our control. To acquire further reserves including dams is going to place a further burden on the existing ratepayers to maintain the facilities. Bushfire mitigation would be a major responsibility with land parcels of these dimensions.

The benefits for acquiring the land are the future use of the water sources; there is gravel resources located on the reserve. The CEO has been advised that Main Roads WA is the main users of these gravel supplies. We may be in a position to negotiate legal access to the properties without access to road corridors.

If the Shire was to acquire Reserve 13231, as with any other property, if we were to enter into any agreement with a third party for use of that land, it would firstly be determined by the Vesting

issued. It may or may not give the power to lease, if so, this would be by consent of the Minister of Lands. Secondly, we would be required to meet the legislative requirements for 'Disposition of Property' under the Local Government Act and subsidiary Regulations, prior to any third party use.

Given the additional financial commitment that acquiring these AA Dams would place on Shire operations and the potential to restrict intended uses by other parties it would be recommended to advise Water Corporation that we don't wish to acquire these Dams.

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.

(4) The details of a proposed disposition that are required by subsection (3)(a)(ii) include -

(a) the names of all other parties concerned; and

(b) the consideration to be received by the local government for the disposition; and

(c) the market value of the disposition -

(i) as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or

(ii) as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.

(5) This section does not apply to -

(a) a disposition of an interest in land under the Land Administration Act 1997 section 189 or 190; or

(b) a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59; or

(c) anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or

(d) any other disposition that is excluded by regulations from the application of this section.

[Section 3.58 amended by No. 49 of 2004 s. 27; No. 17 of 2009 s. 10.]

Policy Implications

Not Applicable

Consultation

Internal: Works Staff

Financial Implications

If the reserve was accepted from the Water Corporation, the Shire would become responsible for the Management of the reserve including bush fire mitigation activities.

Strategic Implications

Shire of Lake Grace Strategic Community Plan 2017 - 2027

Economic – A prosperous agricultural based economy, supporting diversification of industry

- Outcome 1.1 An innovative, productive agriculture industry
- 1.1.4 Maintain and provide water infrastructure and lobby to support drought-proofing and water harvesting initiatives
- Outcome 1.2 A diverse and prosperous economy
- 1.2.2 Support local business and promote further investment in the district

Voting Requirements

Simple majority required.

Recommendation/Resolution

RESOLUTION 12604

Moved Cr Walker
Seconded Cr Chappell

That Council, advise Water Corporation that we have no interest in acquiring:

1. AA Dam No 186 White Dam Old located on Reserve 13231 (Lot 15658) Dumbleyung-Lake Grace Road; and,
2. AA Dam No 187 Neendaling located on Reserve 13231 (Lot 15658) Dumbleyung-Lake Grace Road.

CARRIED 7/0

*Cr Marshall returned to the meeting at 1.50 pm.
The Shire President read aloud the decision of Council.*

17.0 INFORMATION BULLETIN

17.1 INFORMATION BULLETIN REPORT – AUGUST 2017

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


 Governance Officer

Disclosure of Interest: Nil
Date of Report: 15 August 2017
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 (August 2017) Information Bulletin Report has been emailed to Councillors.

The August 2017 Information Bulletin attachment includes:

Reports

1. Council Status Report – July 2017
2. Infrastructure Services Report – July 2017
3. Monthly Schedules – July 2017
4. Outstanding Rates Report – July 2017
5. Environmental Health Officer Report – July 2017
6. Lake Grace Community Library Report and Statistics – April to July 2017
7. Lake King Library Report and Statistics – May to August 2017
8. Newdegate Library Statistics – May to August 2017

Circulars & Newsletters

9. Department of Local Government, Sport and Cultural Industries – Circular 11/2017
10. Department of Local Government, Sport and Cultural Industries – Circular 12/2017
11. Department of Local Government, Sport and Cultural Industries – Governance Bulletin
12. WALGA Media Release – Celebrating Community Spirit and Service
13. WALGA Media Release – Community Voice in Partnership Agreement
14. WALGA Media Release – Friendly Shark takes out top Banner Award
15. WALGA Media Release – More State pain for Local Communities

16. WALGA Info Page – Engaging local governments in domestic, family and sexual violence prevention project: Request for trial site nominations
17. WALGA Info Page – National Disability Insurance Scheme and the role of Local Government report
18. Peter Rundle MLA Media Release – State Government Adopts Nationals' Telecommunications Plan
19. Peter Rundle MLA Media Release – Road Funding Cuts Slap in the Face for Regional WA
20. Peter Rundle MLA Media Release – Chamber of Minerals and Energy Spent \$4.3 Million to Defeat Nationals Policy
21. Peter Rundle MLA Media Release – Labor Splash the Cash as Roe Families Suffer
22. Peter Rundle MLA Media Release – Rundle welcomes Federal infrastructure funding for Roe
23. Peter Rundle MLA Media Release – McGowan Government breaks promise on Police pay
24. Mia Davies MLA Media Release – Labor must come clean on plans for Muresk
25. Local Government Professionals Australia WA Media Release – LG Professionals welcomes Partnership Agreement with State

Minutes

26. Lake Grace Regional Health Advisory Council Minutes – 21 June 2017
27. Local Emergency Management Committee Minutes – 10 August 2017

Legal Implications

Nil

Policy Implications

Nil

Consultation

N/A

Financial Implications

Nil

Strategic Implications

Shire of Lake Grace Strategic Community Plan 2017 – 2027

Leadership – Strong governance and leadership, demonstrating fair and equitable community values.

Outcome 4.1 A strategically focused, unified Council functioning efficiently

- 4.1.1 Provide informed leadership on behalf of the community
- 4.1.2 Promote and advocate for the community and district
- 4.1.3 Provide strategic leadership and governance

Outcome 4.2 An efficient and effective organisation

- 4.2.1 Maintain accountability and financial responsibility through effective planning
- 4.2.2 Comply with statutory and legislative requirements

Voting Requirements

Simple majority required.

Recommendation/Resolution

RESOLUTION 12605

Moved Cr Hunt

Seconded Cr Armstrong

That Council accepts the Information Bulletin report.

CARRIED 8/0

18.0 URGENT BUSINESS BY DECISION OF THE MEETING

Nil

19.0 SCHEDULING OF MEETING

19.1 SEPTEMBER 2017 ORDINARY MEETING

The next Ordinary Meeting of Council is scheduled to take place on Wednesday 27 September 2017, commencing at 3.00 pm at the Council Chambers, 1 Bishop Street, Lake Grace.

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

Nil

21.0 CLOSURE

There being no further business, the Shire President closed the meeting at 1.51 pm.

22.0 CERTIFICATION

I, Jeanette Frances De Landgraft, certify that the minutes of the meeting held on the 22 August 2017 as shown were confirmed as a true record at the meeting held on the 27 September 2017.

Shire President

Date