

Shire of Lake Grace

Ordinary Council Meeting

Minutes

22 November 2017



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SHIRE OF LAKE GRACE

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

1.0 OPENING & ANNOUNCEMENT OF VISITORS

The Shire President opened the meeting at 3.22 pm.

2.0 ATTENDANCE RECORD

2.1 PRESENT

Cr JF De Landgraft	Shire President
Cr SG Hunt	Deputy Shire President
Cr R Chappell	
Cr DS Clarke	
Cr RA Lloyd	
Cr AD Marshall	
Cr MR Spurr	
Cr MG Stanton	
Cr P Stoffberg	

In Attendance

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

Observers/Visitors

Mr Doug Clarke	<i>(left the meeting at 3.54 pm)</i>
Mr Paul Wheeler	<i>(left the meeting at 4.06 pm)</i>
Ms Michelle Donegan	<i>(left the meeting at 4.06 pm)</i>
Mrs Annie Slarke	<i>(left the meeting at 4.04 pm)</i>
Mrs Elsie Bishop	<i>(left the meeting at 3.43 pm)</i>
Ms Michelle Slarke	<i>(left the meeting at 4.06 pm)</i>
Mrs Mary Naisbitt	<i>(left the meeting at 4.49 pm)</i>
Mrs Tania Spencer	<i>(left the meeting at 4.06 pm)</i>
Mr Darren Spencer	<i>(left the meeting at 3.53 pm)</i>
Mrs Genni Curtin	<i>(left the meeting at 4.04 pm)</i>
Mrs Vynka Lay	<i>(left the meeting at 4.04 pm)</i>
Ms Jacqueline Garrett	<i>(left the meeting at 4.04 pm)</i>

2.2 APOLOGIES

Nil

2.3 LEAVE OF ABSENCE PREVIOUSLY GRANTED

Nil

3.0 PUBLIC QUESTION TIME**3.1 MR DARREN SPENCER****Agenda Item: 12.2 Development Application – Lot 5 (No 26) Stubbs Street Lake Grace**

Question 1: Has the Council considered the excess run off water from the proposed car park? There is considerable water already flowing down this laneway when it rains. The land drains to the south and currently tree mulch impedes this flow.

Response 1: The initial plan proposed a driveway entrance from Stubbs Street and twelve (12) car parking bays, this plan was amended to the current plan showing only seven (7) car parking bays with all access from the rear of the block. With a greater area of landscaping retained for the site, this was giving consideration to the amenity and property drainage.

Question 2: Is the Shire going to install drainage to take up this extra water?

Response 2: Additional drainage has not been considered by Council, at this time. In the past, Council has accepted the use of loose aggregate as a suitable base for car parking, which is far more economical for the land owners and assists with runoff. The proponents are also installing a rain water tank to capture water from the additional roof space.

Question 3: Is the Shire going to upgrade this laneway as it is directing all traffic to the business down the lane? There is already the Men's Shed and Toy Library traffic added to this laneway.

Response 3: No it hasn't been considered however, the Shire may investigate this further.

Question 4: Will the Shire post 8km speed limit signs on the laneway (as is on the section between McMahan and Lawson Streets)? Speeding is still a problem in this lane even with the current speed humps, as people use it as a quick shortcut to get to the plaza. Two residential premises have this as their only access with vehicles needing to back out and accidents being recorded on this laneway.

Response 4: The Shire does not have the power to install regulatory signs; approvals are required from Main Roads WA.

3.2 MS MICHELLE SLARKE**Agenda Item: 12.2 Development Application – Lot 5 (No 26) Stubbs Street Lake Grace**

Question 1: In particular the provision for the developers to provide on-site parking at the rear of the block. As such, I am representing these people present and a number of other Lake Grace ratepayers and long term residents who could not attend this meeting. These include Lakes District Regional Herbarium and Rare Flora Volunteers. Have Councillors viewed the site (Lot 5, Stubbs Street, Lake Grace) in person?

Response 1: This question will be taken on notice to allow sufficient time to collate the response of each Councillor.

- Question 2:** At the rear of the site where parking is proposed there are five mature, remnant eucalypts. Is Council aware these trees are older than the town?
- Response 2:** This question will be taken on notice to allow sufficient time to collate the response of each Councillor.
- Question 3:** Is Council aware that only 16% of remnant bush is left in our Shire with less in the Lake Grace townsite?
- Response 3:** This question will be taken on notice as it requires research.
- Question 4:** Will Council use its discretion to vary the parking standards for this enterprise to support total off-site public parking – such as behind the shopping centre, the designated parking area west of the Visitor Centre, the railway station or street parking, largely vacant in the evenings – so these trees can be left in place for everyone to enjoy?
- Response 4:** This item already proposes that Council uses its discretion in relation to car parking. The report identifies that sixteen (16) parking bays are required, this report allows for a reduced number of seven (7) car parking bays. Council cannot make a determination that imposes conditions on land owned by others.
- Question 5:** Will Council give assurance that these important trees will retain?
- Response 5:** This question will be taken on notice as it requires research.
- Question 6:** My further questions are in regard to the built heritage of the site. This is the oldest building, both commercial and residential, in the town centre and probably the town. As mentioned in the Agenda, will Council recommend a more detailed heritage assessment of buildings such as these to recognise their significance and promote their conservation?
- Response 6:** At the Ordinary meeting of Council held 25 October 2017 Council resolved to proceed with preparation of a new Heritage List comprising all Category A and B places listed in the Shire of Lake Grace Municipal Heritage Inventory in accordance with the procedural requirements of Part 3 of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for formal consideration and final adoption by Council.
- Question 7:** Also mentioned in the Agenda, when will Council finally adopt an independent standalone Heritage List identifying buildings, places and objects – including historical trees such as these – that are of cultural significance and worthy of protection?
- Response 7:** This question will be taken on notice as it requires research, the process has commenced.

3.3 MRS VYNKA LAY

Agenda Item: 12.2 Development Application – Lot 5 (No 26) Stubbs Street Lake Grace

Question 1: Why did the report by the Town Planning Consultant not mention the trees at the rear of the development if effect on natural environment was considered?

Response 1: This question will be taken on notice as it requires research.

Question 2: Has Council considered the effect of increased traffic through the back lane, and the safety issues with that (particularly to pedestrian and bike traffic on the side streets with cars entering and exiting back lane)?

Response 2: No, this item is yet to be considered by Council.

Question 3: Why on Page 36 (Item 12.2) is there no outcome reference for natural environment; has this even been considered?

Response 3: The outcomes reported are based on the four key objectives with the Strategic Community Plan 2017-2017. Being Economic, Environment, Social and Leadership.

Question 4: Have Council considered whether people would actually use a rear carpark? As a local, I certainly would not.

Response 4: This question will be taken on notice as it requires research.

Question 5: Has Council considered how the removal of the trees would change the character of the town centre and denude the town centre environment?

Response 5: This question will be taken on notice as it requires research.

Question 6: Has Council compared the requirements for parking for this development to other businesses in this town and other towns? Many businesses do not have on-site parking.

Response 6: This question will be taken on notice as it requires research.

Question 7: Has Council considered that if there was no room for rear parking at the location, the parking requirement could not be imposed? Having to put a car park at the rear of the development could also impact on future development plans by the owners.

Response 7: This question will be taken on notice as it requires research.

4.0 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

5.0 MINUTES OF PREVIOUS COUNCIL MEETINGS**5.1 ORDINARY MEETING – 25 OCTOBER 2017**Resolution**RESOLUTION 12638**

Moved Cr Marshall
Seconded Cr Stanton

That the minutes of the Ordinary Meeting of Council held on 25 October 2017 be confirmed as a true and accurate record.

CARRIED 9/0**6.0 DECLARATIONS OF INTEREST****6.1 DECLARATIONS OF FINANCIAL INTEREST – LOCAL GOVERNMENT ACT 1995 SECTION 5.60A**

Cr Clarke declared financial interest for Item 12.1 Development Application – Proposed New Single House on Lot 101 (No.16) Wattle Drive, Lake Grace (refer to page 39) with the nature of the interest being, application put in by builder for a house that I will be part owner of.

Cr Stanton declared financial interest for Item 12.2 Development Application – Proposed Additions to Existing and Additional Use (Reception Centre) on Lot 5 (No.26) Stubbs Street, Lake Grace (refer to page 13) with nature of the interest being, conflict with my bakery operation at IGA Lake Grace and owner of Shopping Centre for overflow of possible car parking.

Cr Stoffberg declared financial interest for Item 12.2 Development Application – Proposed Additions to Existing and Additional Use (Reception Centre) on Lot 5 (No.26) Stubbs Street, Lake Grace (refer to page 13) with nature of the interest being, the business will be in direct competition with my own business Lake Grace Roadhouse.

Cr De Landgrafft declared financial interest for Item 14.4 Contribution to Bus Hire – February 2017 Flood Event (refer to page 57) with the nature of the interest being, claiming reimbursement of half the cost of hiring a bus to take Minister MacTiernan on a road tour of the flood affected areas of North West Ravensthorpe and South East Lake Grace Shires.

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

Cr Chappell declared impartiality interest for Item 12.1 Development Application - Proposed New Single House on Lot 101 (No.16) Wattle Drive, Lake Grace (refer to page 39) with the nature of the interest being, I am a close friend and have other working relations with the Clarkes.

Cr Spurr declare impartiality interest for Item 14.3 Budget Request Financial Commitment for 2018/19 – Tourism WA 2017/18 Grant Application (refer to page 55) with the nature of the interest being, I am the chairperson of the Lake Grace Visitor Centre Committee and have had no involvement to date but could do moving forward.

7.0 NOTICES OF URGENT BUSINESS

7.1 APPOINTMENT OF AUTHORISED PERSONS

The purpose of this report is for Council to appoint Authorised Persons to exercise power under the *Local Government Act 1995*, associated legislation and other Acts, on behalf of the Shire of Lake Grace. This item will be considered under Urgent Business by Decision of the Meeting at Item 18.1.

7.2 CONTRACTING OF FUNDED RURAL ROAD PROJECTS

The purpose of this report is for Council to authorise the Chief Executive Officer to use the services of the Shire of Kondinin to undertake road construction works in preparation for sealing on Holt Rock South Road and Magenta Road. This item will be considered under Urgent Business by Decision of the Meeting at Item 18.2.

8.0 MOTIONS OF WHICH NOTICE HAS BEEN RECEIVED

Nil

9.0 PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

9.1 MR DOUG CLARKE

Mr Clarke provided a presentation for Item 12.1 Development Application – Proposed New Single House on Lot 101 (No.16) Wattle Drive, Lake Grace.

Mr Clarke congratulated the two new Councillors.

The proposed development application and design submitted is of a 10 star rating energy efficient house. This is a solar passive house. It uses mass to distribute temperature. The size and layout of the house is how mass to space is required for the building to achieve the relevant temperature. It is a different way of building and a different way of looking into the future. Passageways have been extended to accommodate for wheelchair and elderly living.

Mr Clarke has concerns in relation to the conditions of using colorbond. Zincolume is much cooler than colorbond and contributes significantly towards improved energy efficiency. There

are currently 12 houses in this area that have zincalume. The Shed proposed is a bit large but will deal with that coming forward when a development application is submitted.

Mr Clarke requested for Council to consider their proposal to change from colorbond to zincalume in condition 3 and 5 of Item 12.1.

10.0 MEMBERS' REPORTS

10.1 CR CHAPPELL

Saturday 4 November

Attended the movie night Red Dog True Blue held at the Lake Grace Town Hall sponsored by the Shire.

Monday 6 - Wednesday 8 November

Attended the National Local Roads and Transport Congress in Albany with Cr De Landgraftt, Cr Hunt and the Chief Executive Officer.

10.2 CR CLARKE

Saturday 28 October

Attended the opening of the Lake Grace Men's Shed.

Tuesday 31 October

Attended the Lake Grace Library Resource and Community Resource Centre Management Committee meeting.

Wednesday 1 November

Attended the Lake Grace Festival Committee meeting.

Monday 6 November

Attended the Lake Grace Library Resource and Community Resource Centre Management Committee meeting.

Tuesday 14 November

Attended the Lake Grace Visitor Centre Committee Meeting but had to leave before the meeting finished.

10.3 CR HUNT

Friday 27 October

Attended the farewell for Doug Whiting at the Shire.

Monday 6 – Wednesday 8 November

Attended the National Local Roads and Transport Congress in Albany with Cr De Landgraftt, Cr Chappell and the Chief Executive Officer.

Thursday 16 November

Met with the Shire President, Cr De Landgraftt to discuss the Chief Executive Officer reviews.

Monday 20 November

Attended the Mayors and Presidents workshop in Perth with Shire President, Cr De Landgraftt.

10.4 **CR LLOYD**

Thursday 26 October

Attended the Natural Resource Management Annual General Meeting in Northam.

Monday 13 November

Attended the Newdegate Swimming Pool Management Committee meeting.

Thursday 15 November

Attended the Newdegate Community Library Management Committee meeting.

10.5 **CR MARSHALL**

Saturday 28 October

Attended the Opening of the Lake Grace Men's Shed.

Wednesday 22 November

Attended the Ernst and Bennett Scholarship interviews at the Lake Grace District High School with Shire President, Cr De Landgraftt.

10.6 **CR SPURR**

Nil

10.7 **CR STANTON**

Monday 30 October

Attended a meeting at the Lake Grace Community Resource Centre for Late Night Trading.

Tuesday 31 October

Attended the Lake Grace District High School assembly.

10.8 **CR STOFFBERG**

Friday 27 October

Attended the farewell for Doug Whiting.

10.9 **CR DE LANDGRAFFT**

Saturday 28 October

Attended and officially opened the Lake Grace Men's Shed.

Monday 6 – Wednesday 8 November

Attended the National Local Roads and Transport Congress in Albany with Cr Chappell, Cr Hunt and the Chief Executive Officer.

Monday 13 November

Attended the Newdegate Swimming Pool Management Committee meeting.

Thursday 16 November

Attended the Local Emergency Management Committee meeting and then met with Cr Hunt to discuss the Chief Executive Officer reviews.

Monday 20 November

Attended the Mayors and Presidents workshop in Perth with Cr Hunt.

Wednesday 22 November

Attended the Ernst and Bennett Scholarship interviews at the Lake Grace District High School with Cr Marshall.

Item 12.2 Development Application – Proposed Additions to Existing and Additional Use (Reception Centre) on Lot 5 (No.26) Stubbs Street, Lake Grace to be brought forward and to be discussed after Item 10.0 Member Reports, with consent of the meeting.

Cr Stanton declared financial interest for Item 12.2 Development Application – Proposed Additions to Existing and Additional Use (Reception Centre) on Lot 5 (No.26) Stubbs Street, Lake Grace with nature of the interest being, conflict with my bakery operation at IGA Lake Grace and owner of Shopping Centre for overflow of possible car parking.

Cr Stoffberg declared financial interest for Item 12.2 Development Application – Proposed Additions to Existing and Additional Use (Reception Centre) on Lot 5 (No.26) Stubbs Street, Lake Grace with nature of the interest being, the business will be in direct competition with my own business Lake Grace Roadhouse.

Cr Stanton and Cr Stoffberg left the meeting at 4.00 pm.

12.2 DEVELOPMENT APPLICATION – PROPOSED ADDITIONS TO EXISTING & ADDITIONAL USE (RECEPTION CENTRE) ON LOT 5 (NO.26) STUBBS STREET, LAKE GRACE

Applicant: Mr Paul Wheeler & Ms Michelle Donegan (Landowners)
File No. 0506
Attachments: 1. Plan 4 – Location Plan
 2. Plan 5 – Existing Lot Configuration
 3. Plan 6 – Aerial Site Plan
 4. Attachment 2 – Report
Author: Mr Joe Douglas (Urban & Rural Perspectives)
 Town Planning Consultant
Disclosure of Interest: Nil
Date of Report: 14 November 2017
Senior Officer: Ms Denise Gobbart


 Chief Executive Officer

Summary

This report recommends that a development application submitted by Mr Paul Wheeler and Ms Michelle Donegan (Landowners) to construct a new 72 square metre addition to the existing commercial building on Lot 5 (No.26) Stubbs Street, Lake Grace for the purposes of a 'restaurant / cafe' and 'reception centre' be approved by Council subject to conditions.

Background

The applicants are seeking Council's development approval for the following:

- i) construction of a new 72 square metre addition to the western side of the existing commercial building on Lot 5 (No.26) Stubbs Street, Lake Grace;
- ii) use of the proposed new 72 square metre addition for the purposes of an expanded 'restaurant / cafe';
- iii) use of the entire premises, including the proposed addition, for the purposes of a 'reception centre'; and,
- iv) construction of a new vehicle access and parking area at the rear of the property and installation of new landscaping throughout.

Lot 5 is located centrally in the Lake Grace townsite's designated commercial area and comprises a total site area of approximately 1,060 square metres (see Plans 4 and 5).

Lot 5 has direct frontage and access to Stubbs Street along its northern front boundary and a constructed right-of-way along its southern rear boundary. The property has historically been developed and used for both 'shop' and 'restaurant / cafe' purposes (i.e. Rosie's Cafe) and contains a single storey commercial building originally constructed in 1918 and two associated outbuildings at the rear (see Plan 6). It should be noted the surrounds of the building and rear yard area have never been developed in accordance with any standards or requirements and remain in an unimproved state.

It is understood the applicants are currently refurbishing the interior of the existing building on the land in readiness to re-open and use it for commercial purposes in early 2018. Council should note as these internal works have no material effect upon the external appearance of the building, Council's development approval is not required despite the building having been identified and listed in the Shire of Lake Grace Heritage Inventory as being of cultural heritage significance and worthy of protection.

Furthermore, as the existing commercial building on the land has previously been approved to be used for 'restaurant / cafe' purposes, Council's development approval for the recommencement of this use as proposed is not required (i.e. the approved 'restaurant / cafe' use runs with the land in perpetuity unless expressly extinguished by a subsequent development approval issued by Council).

The following is a summation of the proposal for Lot 5 drawn from the information and plans submitted in support of the application (see Attachment 2) that are of relevance from a town planning perspective:

- i) Construction of a new 72 square metre skillion roofed addition to the western side of the existing commercial building on the land comprising a 60 square metre alfresco style dining area with a zero lot line (i.e. nil) setback to Stubbs Street and bathroom facilities at the rear;
- ii) The proposed addition will be constructed using brick, timber and colorbond steel and will be finished using 'Classic Cream' and 'Gully Grey' paint colours;
- iii) The front facade and roof of the existing commercial building on the land will also be painted using the same colours as the proposed addition to ensure the seamless integration of the two structures;
- iv) A total of 64 people are proposed to be accommodated within the existing building and proposed addition at any one time (i.e. 40 people inside the existing building and 24 in the proposed addition);
- v) All vehicle access to and from the site will be at the rear via the existing right-of-way which has been constructed to a basic sealed standard;
- vi) A total of seven (7) on-site parking bays are proposed to be provided at the rear of the property with two way access to them via a new six (6) metre wide internal driveway from the existing right-of-way at the rear. A service vehicle parking, loading and reversing is also proposed at the rear of the property in close proximity to the existing commercial building and proposed addition;
- vii) The provision of new landscaping on the western side of the proposed addition to prohibit vehicle access to / from Stubbs Street and improve current levels of integration with the adjoining War Memorial located on the adjoining Lot 4 being Crown Reserve 17442;
- viii) The provision of new landscaping at the rear of the property adjacent to the proposed vehicle access and parking areas;

- ix) The 'restaurant / cafe' will operate within the existing building and proposed addition six (6) days a week from 6.30 am to 3.00 pm. The 'restaurant / cafe' will also be open four (4) nights a week including Sundays with operating hours varying depending upon demand. No alcohol will be served however patrons will be permitted to bring their own for consumption with meals;
- x) The existing building and proposed addition will also be used for the purposes of a 'reception centre' to cater for special events. Given the applicants' intention to only seek approval for Occasional Liquor Licences from the Department of Racing, Gaming and Liquor to enable the supply and sale of alcohol during functions and the fact such licenses are only able to be issued a maximum of twelve (12) times in any twelve month period, it is anticipated a maximum of twelve functions will be held within the premises on an annual basis; and,
- xi) The hours of operation of the proposed 'reception centre' use are likely to vary depending upon patron's individual needs and requirements. It is anticipated commencement and cessation times for any given function, as well as the duration of the period in which alcohol will be consumed, will be closely scrutinised by the Department of Racing, Gaming and Liquor when assessing applications received for an Occasional Liquor Licence with suitable conditions to be imposed to help control any local amenity impacts and ensure harm minimisation principles are adhered to.

Comment

Current Zoning and Land Use Permissibility

Lot 5 is classified 'Commercial' zone under the Shire of Lake Grace Local Planning Scheme No.4 (LPS No.4).

Under the terms of LPS No.4 the use class 'restaurant / cafe' is listed as being a permitted (i.e. 'P') use on all land classified 'Commercial' zone. As mentioned above Council's development approval for the establishment of this use on Lot 5 is not required given the previous approval issued which remains valid. Notwithstanding this fact, Council's approval is required to allow the proposed 72 square metre addition to be used for 'restaurant / cafe' purposes.

The use class 'reception centre' is listed as being a discretionary (i.e. 'D') use on all land classified 'Commercial' zone which means it is not permitted unless Council has exercised its discretion by granting development approval.

Compliance with Development Standards

An assessment of the proposal against the development standards contained in LPS No.4 has confirmed it satisfies the majority of requirements except for the following:

- i) on-site parking; and,
- ii) sealed and drained vehicle accessways and parking areas.

The following is a brief discussion of these non-compliance issues:

On-Site Parking

Table 2 of TPS No.2 requires a minimum of one (1) on-site parking bay be provided for every four (4) persons to be accommodated within any proposed 'restaurant / cafe' or 'reception centre' use. Given a total of 64 people are proposed to be accommodated on Lot 5 at any one time, a total of sixteen (16) on-site parking bays are required to be provided.

As mentioned previously above the applicants are proposing to provide a total of seven (7) on-site parking bays at the rear of the property to accommodate customer parking. This represents an on-site parking shortfall of nine (9) bays.

In considering this non-compliance issue it should be noted clause 4.24.7 of LPS No.4 affords Council the discretion to approve an application for development where the number of car parking bays proposed to be provided is less than the number specified in Table 2 of LPS No.4.

In this instance the reporting officer has concluded that despite the on-site parking shortfall, there is scope for Council to vary the parking standards prescribed in LPS No.4 and approve the application on the following grounds:

- i) Stubbs Street and the railway reserve immediately north contain a number of designated on-street parking bays and public parking areas, all of which are located within convenient walking distance of Lot 5; and,
- ii) the proposed use of Lot 5 is likely to generate peak demand for parking outside normal business hours and is therefore unlikely to give rise to parking issues for other businesses operating in the immediate locality.

Having regard for all the above, the reporting officer has concluded the on-site parking shortfall associated with the proposed use of Lot 5 for the intended purposes is unlikely to have any detrimental impact upon the amenity, character, functionality and safety of the immediate locality. As such, it is recommended Council exercise its discretion and support the proposed on-site parking shortfall.

Sealed and Drained Vehicle Accessways and Parking Areas

Clause 4.8.5 of LPS No.4 requires all on-site vehicle accessways and parking areas on land classified 'Commercial' zone to be sealed and drained to the specifications and satisfaction of the local government.

A total of seven (7) new on-site parking bays and associated vehicle accessways are proposed to be constructed at the rear of Lot 5 however, no details regarding their surface treatments and drainage were provided in support of the application.

Given Council has consistently required all new commercial type developments in the Lake Grace town centre area to be provided with sealed and drained vehicle accessways and parking areas, it is considered reasonable to require the proposed new parking bays and associated vehicle accessways on Lot 5 to be sealed and drained through imposition of a suitable condition on any development approval issued.

It should be noted when imposing any such condition on previous development approvals in the Lake Grace town centre area; Council has agreed to not require bitumen sealing or the installation of drainage pits and pipes due to the significant costs associated with such works. Council has instead accepted the use of loose blue metal on a suitably graded gravel base to direct all stormwater flows to the local road network which has proven far more economical for applicants to comply with. This alternative approach is considered acceptable for Lot 5 given the applicants' intention to also install a new rainwater tank to capture all stormwater collected from the roof catchment of the existing building and proposed addition on the land which will help reduce the amount of stormwater emanating from the site.

Cultural Heritage Significance

The existing commercial building on Lot 5 (i.e. Rosie's Cafe) is listed in the Shire of Lake Grace Municipal Heritage Inventory as a place of cultural heritage significance due to its aesthetic contribution to the Lake Grace townsite and representation of periods of commercial development in the Shire.

The existing building on Lot 5 has been assigned a 'Category B' classification which means it is considered worthy of a high level of protection and should be retained and conserved for the

benefit of future generations. The Shire's Municipal Heritage Inventory recommends that maximum encouragement be provided to the landowner under LPS No.4 to conserve the significance of the place. In addition it recommends a more detailed Heritage Assessment/Impact Statement be undertaken before development approval is granted by Council for any major redevelopment works and incentives considered to promote conservation of the building.

Notwithstanding the recommendations contained in the Shire's Municipal Heritage Inventory, it should be noted there are currently no legal implications or consequences associated with any place currently listed in the Inventory including Rosie's Cafe, particularly with regard to any future proposed development and/or use. As such the Inventory has little effect beyond requiring Council to acknowledge the heritage value of those places listed.

In order to give legal effect to the Shire's Municipal Heritage Inventory, Council is required to prepare an independent, standalone Heritage List identifying buildings, places and objects within its municipal district that are of cultural heritage significance and worthy of protection. Such protection is afforded to those places considered to be of most significance through specific heritage provisions contained in the new Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* which all local government authorities throughout the State are now required to consider and apply when dealing with development applications involving any property included in their respective Heritage Lists.

Given all of the above, until such time as a Heritage List is prepared and adopted by Council in accordance with the procedural requirements of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*, Council has no legal powers to ensure the long term protection and conservation of any places in the Shire identified as being of cultural heritage significance including the existing commercial building on Lot 5.

Despite Council's current inability to impose conditions on any development approval issued for Lot 5 to provide for the long term protection and conservation of the existing commercial building on the land, a range of conditions can be imposed to ensure the proposed addition is constructed and finished using materials that complement the existing building and don't compromise its heritage values.

Conclusion

It is concluded from a detailed assessment of the application that the proposal to construct a new 72 square metre addition to the existing commercial building on Lot 5 (No.26) Stubbs Street, Lake Grace for the purposes of a 'restaurant / cafe' and 'reception centre' is unlikely to have a negative impact on the general amenity, character, functionality and safety of the immediate locality and may therefore be supported and approved by Council subject to the imposition of a number of conditions to ensure the development proceeds in a proper and orderly manner. As such it is recommended Council exercise its discretion and grant conditional development approval.

Legal Implications

Planning and Development Act 2005

Shire of Lake Grace Local Planning Scheme No.4

Part 10A Planning and Development (Local Planning Scheme) Regulations 2015 - Bushfire Risk Management – as the subject land is not located within a designated 'bushfire prone area' a Bushfire Attack Level (BAL) assessment is not required in support of this application.

Policy Implications

Nil

Consultation

Community consultation not required.

Financial Implications

Nil

Strategic Implications

Shire of Lake Grace Local Planning Strategy – The proposal for Lot 5 is considered to be generally consistent with the aims and objectives of the Shire's Local Planning Strategy as it applies to the following:

- Promote the diversification of the Shire's economy by encouraging the development of a wide range of new commerce and industry.
- Direct the majority of new commercial and industrial development to the Lake Grace, Newdegate, Lake King and Varley townsites to build upon existing infrastructure in these settlements and maximise efficiencies of operation and economies of scale.
- Ensure the long term protection and preservation of all buildings and places within the Shire identified by the local community as being of cultural heritage significance.

Shire of Lake Grace Strategic Community Plan 2017-2027 – The proposal for Lot 5 is considered to be generally consistent with the aims and objectives of the Shire's Strategic Community Plan as it applies to the following:

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

Outcome 1.2 A diverse and prosperous economy

- 1.2.2 Support local business and promote further investment in the district

Outcome 1.3 An attractive destination for visitors

- 1.3.2 Maintain and enhance local iconic attractions and infrastructure

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
- 3.1.2 Maintain the integrity of heritage buildings and places

Recommendation

That the application for development approval submitted by Mr Paul Wheeler and Ms Michelle Donegan (Landowners) to:

- a) construct a new 72 square metre addition to the western side of the existing commercial building on Lot 5 (No.26) Stubbs Street, Lake Grace;
- b) use the proposed new 72 square metre addition for the purposes of an expanded 'restaurant / cafe';
- c) use the entire premises, including the proposed addition, for the purposes of a 'reception centre'; and,
- d) construction of a new vehicle access and parking area at the rear of the property and installation of new landscaping throughout,

be approved subject to compliance with the following conditions and advice notes:

Conditions

1. The proposed development shall be undertaken in a manner consistent with the information and plans submitted in support of the application unless otherwise approved

by Council.

2. The proposed 72 square metre addition to the western side of the existing commercial building on the land shall be constructed using brick, timber and steel with all external surfaces finished using 'Classic Cream' and 'Gully Grey' heritage paint colours unless otherwise approved by Council.
3. The front facade and roof of the existing commercial building on the land shall be painted using the same colours as the proposed addition to provide for the visual integration of the two structures.
4. A maximum of sixty four (64) people are permitted to be accommodated within the existing building and proposed addition at any one time (i.e. 40 people inside the existing building and 24 in the proposed addition) unless otherwise approved by Council.
5. All vehicle access to and from Lot 5 shall be via the existing right-of-way at the rear of the property (i.e. no vehicles are permitted to enter or exit the land from its Stubbs Street frontage).
6. A total of seven (7) on-site parking bays, the associated six (6) metre wide internal driveway and service vehicle access, parking and reversing area shall be constructed on Lot 5 in accordance with the details of the plans submitted in support of the application to the specifications and satisfaction of the Shire's Chief Executive Officer.
7. All vehicle access and parking areas on Lot 5 shall be constructed on a suitably graded gravel base to direct all stormwater flows to the local road network and sealed with loose blue metal to the specifications and satisfaction of the Shire's Chief Executive Officer.
8. Landscaping shall be provided in the locations depicted on the plans submitted in support of the application within twelve (12) months of the date of this approval and shall thereafter be permanently maintained to the satisfaction of the Shire's Chief Executive Officer.
9. A suitable capacity rainwater tank shall be installed in the location depicted on the site development plan submitted in support of the application to capture all stormwater collected from the roof catchment of the existing building and proposed addition on the land to help reduce the amount of stormwater emanating from the site.
10. The existing building and proposed addition on Lot 5 shall be connected to the Lake Grace townsite's reticulated sewerage disposal scheme to the specifications and satisfaction of the Shire's Chief Executive Officer if a suitable connection has not already been provided.
11. Any effluent and rubbish generated on-site shall be managed and disposed of to the specifications and satisfaction of the Shire's Chief Executive Officer.
12. The land and approved uses thereon shall be ordered and maintained in a neat and tidy condition at all times to the specifications and satisfaction of the Shire's Chief Executive Officer.
13. Any open storage area, drying area or any other space used in connection with the approved uses on Lot 5 which, by virtue of its location and use is likely to detract from the visual amenity of the surrounding area, shall be screened from public view by a closed wall or fence no less than 1.8 metres in height, or screen landscaping approved by Council.
14. Any future proposed advertising signage shall be provided in accordance with the specific requirements of the Shire of Lake Grace Local Planning Scheme No.4 and Local Planning Policy entitled 'Advertising Signs' unless otherwise approved by Council.

Advice Notes

1. The development is to be completed within a period of two (2) years from the date of this approval. If the development is not completed within this period the approval will lapse

- and be of no further effect. Where an approval has lapsed, no development shall be carried out without the further approval of the Shire having first been sought and obtained.
2. This approval is not an authority to ignore any constraint to development on the land which may exist through contract or on title, such as an easement or restrictive covenant. It is the responsibility of the applicant and landowner and not the Shire to investigate any such constraints before commencing development. This approval will not necessarily have regard to any such constraint to development, regardless of whether or not it has been drawn to the Shire's attention.
 3. This is a development approval of the Shire under its Local Planning Scheme No.4. It is not a building permit or an approval to commence or carry out development under any other law. It is the responsibility of the applicant and landowner to obtain any other necessary approvals, consents, permits and licenses required under any other law, and to commence and carry out development in accordance with all relevant laws.
 4. In accordance with the *Building Act 2011* and *Building Regulations 2012*, a building permit application must be submitted to and approved by the Shire's Building Surveyor prior to the commencement of any construction or earthworks on the land.
 5. All internal and external modifications to the existing building on Lot 5 and the proposed addition are required to comply in all respects with the National Construction Code of *Australia and the Health (Public Buildings) Regulations 1992* where applicable. Plans and specifications which reflect these requirements are required to be submitted with the building permit application.
 6. The noise generated by any activities on-site including machinery motors or vehicles shall not exceed the levels as set out under the *Environmental (Noise) Regulations 1997*.
 7. No construction works shall commence on the land prior to 7.00 am without the Shire's written approval. No works are permitted on Sundays or Public Holidays.
 8. Failure to comply with any of the conditions of this development approval constitutes an offence under the provisions of the *Planning and Development Act 2005* and the Shire of Lake Grace Local Planning Scheme No.4 and may result in legal action being initiated by the local government.
 9. If the applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be submitted within 28 days of the determination.

Voting Requirements

Simple majority required.

Resolution

RESOLUTION 12639

Moved Cr Chappell
Seconded Cr Lloyd

That Council move to next business.

CARRIED 5/2

*Cr Stoffberg and Cr Stanton returned to the meeting at 4.05 pm.
The Shire President read aloud the decision of Council.*

11.0 MATTERS FOR CONSIDERATION – INFRASTRUCTURE SERVICES

11.1 SUPPLY OF BITUMEN AND SPRAYED BITUMINOUS SURFACING – REQUEST FOR QUOTATION (RFQ 2017/02)

Applicant: Internal Report
File No. 0586
Attachments: 1. Specifications and Special Conditions
 2. Minor Works Contract Conditions - Template
Author: Ms Denise Gobbart
 Chief Executive Officer
Disclosure of Interest: Nil
Date of Report: 14 November 2017
Senior Officer: Ms Denise Gobbart


Chief Executive Officer

Summary

For Council to authorise the Chief Executive Officer to use Western Australian Local Government Association (WALGA) Preferred Supplier panel for the supply of Asphalt, Bitumen and Sprayed Bituminous Surfacing, to undertaken the 2017/2018 Sealing Program.

Background

With the delay in adopting the 2017/2018 Annual Budget, it was proposed that the roads identified by ROMAN for sealing over the next two years be assessed for the need to be resealed and then considered by Council for endorsement.

Significant work has been undertaken by Mr John Dyer our contract Manager Infrastructure Services, to assess all the road sections that had been identified over this period. Mr Dyer has attempted to ensure that there is a viable quantity of work in each area to ensure that we get the best value for money from the proposed works.

The sealing works program proposed is as follows:

RURAL SITES PROPOSED SEALING WORKS					
ROAD ID	LOCALITY	ROAD	SLK	AREA (m ²)	METAL SEAL (mm)
218	South Newdegate	Newdegate - Pingrup Rd	28.47 - 32.320	26,950	14
092	South Newdegate	Magenta Rd	0.00 - 3.050	21,350	14
022	Lake King	Norseman Rd	9.89 - 13.493	28,371	14
004	Mallee Hill	Mallee Hill Rd	3.88 - 7.900	28,140	14
217	Newdegate	Lake Bidy Rd	2.50 - 6.000	24,500	10
219	Mount Sheridan	Holt Rock South Rd	25.38 - 29.430	28,350	14/10
092	Magenta	Magenta Rd	21.63 - 24.630	21,000	14/10
	RURAL	TOTAL		178,661	

It is noted that Holt Rock South Road Straight Line Kilometres (SLK) 25.38 to 29.43 and Magenta Road SLK 21.63 to 24.63 are both road projects funded by Main Roads WA Regional Road Group funding.

At the time of preparing this report the North Lake Grace / Karlgarin Road SLK 3.10 to 4.60 Black Spot Funded project has been removed from this exercise. Considerable work has been undertaken to ensure we come up with the best option for this section of road. It is intended that a report on this road will be presented to the December meeting of Council.

TOWN SITES PROPOSED SEALING WORKS					
ROAD ID	TOWN SITE	STREET	SLK	AREA (m²)	METAL SEAL (mm)
137	Lake Grace	Absolon St	0.54 - 0.110	4,314	7
131	Lake Grace	Banksia Pl	0.00 - 0.100	660	7
136	Lake Grace	Bennett St	0.00 - 1.090	11,190	7
138	Lake Grace	Bishop St	0.00 - 0.130	1,536	7
140	Lake Grace	Carruthers St	0.00 - 0.190	2,660	7
150	Lake Grace	Dewar St	0.31 - 0.060	5,340	7
222	Lake Grace	Eggers Pl	0.00 - 0.220	1,672	7
147	Lake Grace	Elliot St	0.00 - 0.180	1,206	7
142	Lake Grace	Franks St	0.00 - 0.200	1,460	7
223	Lake Grace	Kindergarten Pl	0.00 - 0.060	600	7
141	Lake Grace	Lawson St	0.00 - 0.260	1,898	7
166	Lake Grace	Morrison Ave	0.00 - 0.200	1,460	7
201	Lake Grace	School Pl	0.00 - 0.200	2,400	7
143	Lake Grace	Vernon St	0.00 - 0.130	988	7
164	Lake Grace	Waratah Ave	0.00 - 0.140	1,022	7
165	Lake Grace	Wattle Dr	0.00 - 0.370	2,738	7
	LAKE GRACE	TOTAL		41,144	
185	Lake King	Church Ave	0.00 - 0.240	1,680	7
186	Lake King	Chritchley Ave	0.00 - 0.220	1,540	7
187	Lake King	Hetherington Way	0.00 - 0.270	1,890	7
212	Lake King	Pickernell Way	0.00 - 0.160	1,120	7
273	Lake King	Spencer Ave	0.00 - 0.340	2,380	7
	Lake King	Lake King School Carpark		4,150	10/7
	LAKE KING	TOTAL		12,760	
170	Varley	Seward Ave	0.00 - 0.260	2,158	7
191	Varley	Tamar Tce	0.00 - 0.190	1,425	7
171	Varley	Thomas St	0.00 - 0.130	936	7
	VARLEY	TOTAL		4,519	
	Newdegate	Newdegate Carparks		6,666	10/7
	NEWDEGATE	TOTAL		6,666	

Funds already identified within the 2017/2018 Annual Budget for sealing works are as follows:

ACCOUNT	JOB	BUDGET \$
Town Street Renewal	STRECAP	400,000
Rural Roads	08000	350,000
Newdegate Pool Car Park	1213105	24,132
Lake King School Access	1213133	16,086
Holt Rock South Road - RRG	1213033	409,152
Magenta Road - RRG	1213034	199,204
Total Budget Provision 2017/2018		1,398,574

To undertake the works proposed in this program the estimated costs are as follows:

Item No.	Description	Work Type	Quantity	Unit	Metal Size	Rate \$	Sub Total \$	Total \$
1	Lake Grace Town Streets	Seal	41,144	m ²	7mm	3.00	123,432	181,832
		Metal	540	tonne	7mm	60.00	32,400	
		Prep					26,000	
2	Lake King Town Streets	Seal	8,610	m ²	7mm	3.00	25,830	34,130
		Metal	120	tonne	7mm	60.00	7,200	
		Prep					1,100	
3	Varley Town Streets	Seal	4,519	m ²	7mm	3.00	13,557	25,757
		Metal	70	tonne	7mm	60.00	4,200	
		Prep					8,000	
5	Newdegate – Pingrup Rd SLK 28.47 to 32.32	Seal	26,950	m ²	14mm	3.36	90,552	129,752
		Metal	520	tonne	14mm	60.00	31,200	
		Prep					8,000	
6	Magenta Rd SLK 0.00 to 3.05	Seal	15,336	m ²	14mm	3.36	51,529	78,929
		Metal	390	tonne	14mm	60.00	23,400	
		Prep					4,000	
7	Norseman Rd SLK 9.89 to 13.493	Seal	28,371	m ²	14mm	3.36	95,327	134,327
		Metal	550	tonne	14mm	60.00	33,000	
		Prep					6,000	
8	Mallee Hill Rd SLK 3.88 to 7.90	Seal	28,140	m ²	14mm	3.36	94,550	130,550
		Metal	550	tonne	14mm	60.00	33,000	
		Prep					3,000	
9	Lake Bidy Rd SLK 2.50 to 6.00	Seal	24,500	m ²	10mm	2.81	68,845	93,845
		Metal	400	tonne	10mm	60.00	24,000	
		Prep					1,000	
10	Newdegate Carparks as per attached sketches. Prime and 2 coat S5R cold	Prime	6,666	m ²	10mm	1.00	6,666	83,062
		Seal	6,666	m ²	10mm	3.00	19,998	
		Seal	6,666	m ²	7mm	3.00	19,998	
		Metal	100	tonne	10mm	60.00	6,000	
		Metal	90	tonne	7mm	60.00	5,400	
		Prep					25,000	

Item No.	Description	Work Type	Quantity	Unit	Metal Size	Rate \$	Sub Total \$	Total \$
11	Lake King School Parking Area as per attached sketches. Prime and 2 coat S5R cold	Prime	4,150	m ²	10mm	1.20	4,980	42,680
		Seal	4,150	m ²	10mm	3.00	12,450	
		Seal	4,150	m ²	7mm	3.00	12,450	
		Metal	70	tonne	10mm	60.00	4,200	
		Metal	60	tonne	7mm	60.00	3,600	
		Prep					5,000	
12	Holt Rock South Rd New construction SLK 25.38 to 29.43	Prime	28,350	m ²		1.20	34,020	409,120
	2 Coat Seal S5R PMB	Seal	28,350	m ²	14mm	3.00	85,050	
	2 Coat Seal S5R PMB	Seal	28,350	m ²	10mm	3.00	85,050	
		Metal	320	tonne	14mm	60.00	19,200	
		Metal	30	tonne	10mm	60.00	1,800	
		Culvert					26,000	
		Prep					158,000	
13	Magenta Rd SLK 21.63 to 24.63 New construction	Prime	21,000	m ²		1.20	25,200	433,700
	2 Coat Seal S5R PMB	Seal	21,000	m ²	14mm	3.00	63,000	
	2 Coat Seal S5R PMB	Seal	21,000	m ²	10mm	3.00	63,000	
		Metal	400	tonne	14mm	60.00	24,000	
		Metal	350	tonne	10mm	60.00	21,000	
		Culvert					37,500	
		Prep					200,000	
TOTAL ESTIMATED FUNDS REQUIRED FOR THE PROGRAM								1,777,684

With an estimated expenditure of \$1,777,684 this would give a shortfall in funding of \$379,110.

These additional funds may be sourced from Job 122516 Backslopes and Shoulders which has a budget allocation of \$906,509. Given the projected shortfall this would leave a balance of \$527,399 in Job 122516 Backslopes and Shoulders.

With the current capacity of our works team we will not be able to expend the total balance in the Backslopes and Shoulders account.

Another alternative is to reduce the expenditure in the sealing program by removing parcels of work. With the assessment that has been done on the rural roads it is considered important that these roads remain in the program.

A major contributor to this projected overspend is the costing allocation that was submitted to Main Roads WA Regional Road Group projects for Magenta Road. This 3 kilometre (km) section of road was costed at \$199,204 being \$66,401 per km for widening to 10 metres (m) with a 7m seal. The similar works on Holt Rock South Road for 4.05km was costed at \$409,152 being \$102,288 per km.

With the works being undertaken it has also been identified that we have not be using a primer prior to applying a seal to our newly constructed works. The result of this is seen in many areas where the seal is stripping from the gravel base. By applying the prime to the road base it gives the seal an extra hold on the base, assisting to eliminate some of the issues we have throughout our road network. The primer is estimated to cost an additional \$1.20 per square metre.

Consideration is being given to utilise the services of the Shire of Kondinin to undertake the preparation works in readiness for sealing both Holt Rock South Road and Magenta Road. The agreement was that this work was to be done at cost. When seeking an indicative cost I have been given an estimate of \$280,000 for Magenta Road. This would take this road to approximately \$315,000 over the estimated budget figure. A separate item will be presented to Council.

Comment

The Quote may be awarded to who best demonstrates the ability to provide quality products and/or services at a competitive price. The quoted prices will be assessed together with qualitative and compliance criteria to determine the most advantageous outcome to the Shire.

The Principal has adopted a best value for money approach to this request. This means that although price is considered, the Quote containing the lowest price will not necessarily be accepted, nor will the Quote be ranked the highest on the qualitative criteria.

A scoring system will be used as a part of the assessment of the qualitative criteria.

The Quotes will be assessed against the following qualitative criteria and weighting. The Quote may be awarded to who best demonstrates the ability to provide quality products and/or services at a competitive price.

The assessment criteria will be as per Council Policy 3.11 *Tender Selection Criteria*, adopted in June 2015:

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

The extent to which a Quote demonstrates greater satisfaction of each of these criteria will result in a greater score. The aggregated score of each Quote will be used as one of the factors in the final assessment of the qualitative criteria and in the overall assessment of value for money.

Given the limited time frame that we have to undertake the 2017/2018 sealing program it is recommended that the Preferred Suppliers Panel be used to seek quotations. Utilising the preferred supplier panel eliminates the need to call Tenders, thus eliminating the cost of advertising the Tenders.

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: John Dyer, Contract Manager Infrastructure Services
David Holland, Manager Infrastructure Services

Financial Implications

Funds identified within the 2017/2018 Annual Budget for sealing works are as follows:

ACCOUNT	JOB	BUDGET \$
Town Street Renewal	STRECAP	400,000
Rural Roads	08000	350,000
Newdegate Pool Car Park	1213105	24,132
Lake King School Access	1213133	16,086
Holt Rock South Road - RRG	1213033	409,152
Magenta Road - RRG	1213034	199,204
Total Budget Provision 2017/2018		1,398,574

It is projected that the sealing program is estimated to cost \$1,777,684. This will leave a shortfall of funding of \$379,110.

The balance of any shortfall in funding can be transferred from Job 122516 Backslopes and Shoulders which has a budget allocation of \$906,509.

Given the projected shortfall this would leave a balance of \$527,399 in Job 122516 Backslopes and Shoulders.

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 12640**

Moved Cr Hunt
Seconded Cr Stoffberg

That Council,

1. endorse the following roads for consideration in the 2017/2018 annual sealing program;

RURAL SITES PROPOSED SEALING WORKS					
ROAD ID	LOCALITY	ROAD	SLK	AREA (m²)	METAL SEAL (mm)
218	South Newdegate	Newdegate - Pingrup Rd	28.47 - 32.320	26,950	14
092	South Newdegate	Magenta Rd	0.00 - 3.050	21,350	14
022	Lake King	Norseman Rd	9.89 - 13.493	28,371	14
004	Mallee Hill	Mallee Hill Rd	3.88 - 7.900	28,140	14
217	Newdegate	Lake Bidy Rd	2.50 - 6.000	24,500	10
219	Mount Sheridan	Holt Rock South Rd	25.38 - 29.430	28,350	14/10
092	Magenta	Magenta Rd	21.63 - 24.630	21,000	14/10
	RURAL	TOTAL		178,661	

TOWN SITES PROPOSED SEALING WORKS					
ROAD ID	TOWN SITE	STREET	SLK	AREA (m²)	METAL SEAL (mm)
137	Lake Grace	Absolon St	0.54 - 0.110	4,314	7
131	Lake Grace	Banksia Pl	0.00 - 0.100	660	7
136	Lake Grace	Bennett St	0.00 - 1.090	11,190	7
138	Lake Grace	Bishop St	0.00 - 0.130	1,536	7
140	Lake Grace	Carruthers St	0.00 - 0.190	2,660	7
150	Lake Grace	Dewar St	0.31 - 0.060	5,340	7
222	Lake Grace	Eggers Pl	0.00 - 0.220	1,672	7
147	Lake Grace	Elliot St	0.00 - 0.180	1,206	7
142	Lake Grace	Franks St	0.00 - 0.200	1,460	7
223	Lake Grace	Kindergarten Pl	0.00 - 0.060	600	7
141	Lake Grace	Lawson St	0.00 - 0.260	1,898	7
166	Lake Grace	Morrison Ave	0.00 - 0.200	1,460	7
201	Lake Grace	School Pl	0.00 - 0.200	2,400	7
143	Lake Grace	Vernon St	0.00 - 0.130	988	7
164	Lake Grace	Waratah Ave	0.00 - 0.140	1,022	7
165	Lake Grace	Wattle Dr	0.00 - 0.370	2,738	7
	LAKE GRACE	TOTAL		41,144	

RESOLUTION 12640 continued

TOWN SITES PROPOSED SEALING WORKS					
ROAD ID	TOWN SITE	STREET	SLK	AREA (m²)	METAL SEAL (mm)
185	Lake King	Church Ave	0.00 - 0.240	1,680	7
186	Lake King	Chritchley Ave	0.00 - 0.220	1,540	7
187	Lake King	Hetherington Way	0.00 - 0.270	1,890	7
212	Lake King	Pickernell Way	0.00 - 0.160	1,120	7
273	Lake King	Spencer Ave	0.00 - 0.340	2,380	7
	Lake King	Lake King School Carpark		4,150	10/7
	LAKE KING	TOTAL		12,760	
170	Varley	Seward Ave	0.00 - 0.260	2,158	7
191	Varley	Tamar Tce	0.00 - 0.190	1,425	7
171	Varley	Thomas St	0.00 - 0.130	936	7
	VARLEY	TOTAL		4,519	
	Newdegate	Newdegate Carparks		6,666	10/7
	NEWDEGATE	TOTAL		6,666	

2. authorise the Chief Executive Officer to use Western Australia Local Government Association's Preferred Supplier panel for the supply of Bitumen and Sprayed Bituminous Surfacing, and,
3. authorise the Chief Executive Officer to award the contract for the supply of Bitumen and Sprayed Bituminous Surfacing.

CARRIED BY ABSOLUTE MAJORITY 9/0

11.2 SUPPLY AND DELIVERY OF AGGREGATE – REQUEST FOR QUOTATION (RFQ 2017/03)

Applicant: Internal Report
File No. 0586
Attachments: Goods and/or Services Contract Conditions Template
Author: Ms Denise Gobbart
 Chief Executive Officer
Disclosure of Interest: Nil
Date of Report: 14 November 2017
Senior Officer: Ms Denise Gobbart


Chief Executive Officer

Summary

For Council to authorise the Chief Executive Officer to seek quotations for the supply and delivery of aggregate for the 2017/2018 Sealing Program.

Background

With the delay in adopting the 2017/2018 Annual Budget, it was proposed that the roads identified by ROMAN for sealing over the next two years be assessed for the need to be resealed and then considered by Council for endorsement.

Significant work has been undertaken by Mr John Dyer our contract Manager Infrastructure Services, to assess all the road sections that had been identified over this period. Mr Dyer has attempted to ensure that there is a viable quantity of work in each area to ensure that we get the best value in each work parcel.

The proposed roads to be including in the 2017/2018 Road Sealing Program are as follows:

RURAL SITES PROPOSED SEALING WORKS					
ROAD ID	LOCALITY	ROAD	SLK	AREA (m²)	METAL SEAL (mm)
218	South Newdegate	Newdegate - Pingrup Rd	28.47 - 32.320	26,950	14
092	South Newdegate	Magenta Rd	0.00 - 3.050	21,350	14
022	Lake King	Norseman Rd	9.89 - 13.493	28,371	14
004	Mallee Hill	Mallee Hill Rd	3.88 - 7.900	28,140	14
217	Newdegate	Lake Bidy Rd	2.50 - 6.000	24,500	10
219	Mount Sheridan	Holt Rock South Rd	25.38 - 29.430	28,350	14/10
092	Magenta	Magenta Rd	21.63 - 24.630	21,000	14/10
	RURAL	TOTAL		178,661	

It is noted that Holt Rock South Road Straight Line Kilometres (SLK) 25.38 to 29.43 and Magenta Road SLK 21.63 to 24.63 are both road projects funded by Main Roads WA Regional Road Group funding.

At the time of preparing this report the North Lake Grace / Karlgarin Road SLK 3.10 to 4.60 Black Spot Funded project has been removed from this exercise. Considerable work has been undertaken to ensure we come up with the best option for this section of road. It is intended that a report on this road will be presented to the December meeting of Council.

TOWN SITES PROPOSED SEALING WORKS					
ROAD ID	TOWN SITE	STREET	SLK	AREA (m²)	METAL SEAL (mm)
137	Lake Grace	Absolon St	0.54 - 0.110	4,314	7
131	Lake Grace	Banksia Pl	0.00 - 0.100	660	7
136	Lake Grace	Bennett St	0.00 - 1.090	11,190	7
138	Lake Grace	Bishop St	0.00 - 0.130	1,536	7
140	Lake Grace	Carruthers St	0.00 - 0.190	2,660	7
150	Lake Grace	Dewar St	0.31 - 0.060	5,340	7
222	Lake Grace	Eggers Pl	0.00 - 0.220	1,672	7
147	Lake Grace	Elliot St	0.00 - 0.180	1,206	7
142	Lake Grace	Franks St	0.00 - 0.200	1,460	7
223	Lake Grace	Kindergarten Pl	0.00 - 0.060	600	7
141	Lake Grace	Lawson St	0.00 - 0.260	1,898	7
166	Lake Grace	Morrison Ave	0.00 - 0.200	1,460	7
201	Lake Grace	School Pl	0.00 - 0.200	2,400	7
143	Lake Grace	Vernon St	0.00 - 0.130	988	7
164	Lake Grace	Waratah Ave	0.00 - 0.140	1,022	7
165	Lake Grace	Wattle Dr	0.00 - 0.370	2,738	7
	LAKE GRACE	TOTAL		41,144	
185	Lake King	Church Ave	0.00 - 0.240	1,680	7
186	Lake King	Chritchley Ave	0.00 - 0.220	1,540	7
187	Lake King	Hetherington Way	0.00 - 0.270	1,890	7
212	Lake King	Pickernell Way	0.00 - 0.160	1,120	7
273	Lake King	Spencer Ave	0.00 - 0.340	2,380	7
	Lake King	Lake King School Carpark		4,150	10/7
	LAKE KING	TOTAL		12,760	
170	Varley	Seward Ave	0.00 - 0.260	2,158	7
191	Varley	Tamar Tce	0.00 - 0.190	1,425	7
171	Varley	Thomas St	0.00 - 0.130	936	7
	VARLEY	TOTAL		4,519	
	Newdegate	Newdegate Carparks		6,666	10/7
	NEWDEGATE	TOTAL		6,666	

Funds already identified within the 2017/2018 Annual Budget for sealing works are as follows:

ACCOUNT	JOB	BUDGET \$
Town Street Renewal	STRECAP	400,000
Rural Roads	08000	350,000
Newdegate Pool Car Park	1213105	24,132
Lake King School Access	1213133	16,086
Holt Rock South Road - RRG	1213033	409,152
Magenta Road - RRG	1213034	199,204
Total Budget Provision 2017/2018		1,398,574

To undertake the works proposed in this program the estimated quantities of aggregate are as follows:

AGGREGATE DELIVERY SCHEDULE AND STOCKPILE LOCATIONS					
RESEAL PROGRAMME AS PER ATTACHED PLAN					
ITEM No.	LOCATION	AGGREGATE QUANTITY (TONNES)	AGGREGATE SIZE (MM)	STOCKPILE AREA	AGGREGATE STOCKPILE SITES
1	Lake Grace Town	540	7	1	Stockyards - Bidy Camm Rd 1,700m from town main street
2	Lake King Town	120	7	2	Near Tractor Museum Adjacent to town
3	Varley Town	70	7	3	1,100m from town along Carstairs Rd
4	Newdegate-Pingrup Rd	520	14	4	At the intersection of Newdegate-Pingrup Rd and Magenta Rd
	Magenta Rd	390	14	4	At the intersection of Newdegate-Pingrup Rd and Magenta Rd
5	Norseman Rd	550	14	5	At SLK 10.65 Norseman Rd
6	Mallee Hill Rd	550	14	6	Off Mallee Hill Rd 800m along Brookfield Rd
7	Lake Bidy Rd	400	10	7	At SLK 4.20 Lake Bidy Rd
8	Newdegate Carparks	90	7	8	On Site
9	Lake King School	60	7	2	Near Tractor Museum Adjacent to town
CONSTRUCTION PROGRAMME AS PER ATTACHED PLAN					
1	Holt Rock South Rd	520	14	8	Off Holt Rock South Rd 1,000m along Tonkin Rd
		430	10		
2	Magenta Rd	400	14	9	Old gravel pit alongside Magenta Rd, 100m before intersection with Ardler Rd
		350	10		
Note	Existing Stockpile sites at Holt Rock South Rd reduce Quantities by	-200	14		
		-400	10		
TOTAL TONNES		4,390			

Given the quantity of aggregate required it is estimated the cost delivered is \$60 per tonne. This would give a total cost of \$263,400 for the supply and delivery of the aggregate.

It is noted that the required 10mm Aggregate for the Newdegate Carparks and the Lake King School is being sourced from the existing 10mm stockpile located on Mallee Hill Road.

A spend of \$263,400 is over the \$150,000 tender threshold. If a tender was to be called we would be limiting our ability to complete the sealing works by mid-February. It is important that the works are undertaken while we have the warmer weather conditions.

The shortest timeframe for calling a tender would be as follows:

ACTIVITY	DATE
Council Meeting	Wednesday, 22 November 2017
Tender Advertised	Saturday, 25 November 2017
Tenders Closing	Friday, 8 December 2017
Tenders Assessed	Wednesday, 13 December 2017
Council Meeting	Tuesday, 19 December 2017

Given these dates it would not be likely that any aggregate could be delivered prior to New Year. This would leave a maximum of five weeks available for delivery of the aggregate. This is based on the sealing being undertaken in the last week possible. This is not a suitable arrangement, as there is no room for error.

With the limited time frame that we have to undertake the 2017/2018 sealing program there are two options available to ensure that we have the aggregate supplied within the correct timeframe.

Option One: To utilise the Shire of Lake Grace Purchasing Policy to seek quotations for the supply of various quantities of Aggregate and the delivery of the Aggregate to various dump sites within the Shire, as two separate parcels of work. The Aggregate is paid for direct to the supplier, and a separate supplier is used to freight the aggregate.

Option Two: To utilise the Western Australian Local Government Association (WALGA) Preferred Supplier panel for the supply and delivery of Aggregate.

The issue we face with Option one is that the value of either supply or delivery may exceed the \$150,000 tender threshold. The assumption is made that the cost of the Aggregate and Delivery is about equal. If the value is split say 60:40 either the supply or delivery will exceed the \$150,000 tender threshold and place us in breach of the legislation.

The issue faced with Option two using the preferred supplier panel is that local transport operators would likely be taken out of the equation for delivery of the aggregate. It may be possible to state the preference for the use of local transport operators, but it is not a given with the preferred supplier panel. This option would see us paying the preferred supplier direct with if possible the supplier paying the local transport operator.

The specification for the supply of the Aggregate is as follows:

Supply

The aggregate used for seal works shall be crushed basalt and consist of washed, clean, tough, durable fragments free from an excess of thin or elongated pieces, free from soft or disintegrated pieces, stone coated with dirt or other deleterious matter.

The properties of the crushed aggregate, including its rock source, shall meet the requirements of Main Roads WA Standard 71-06-135.

Prior to the on-site delivery of crushed aggregate the Supplier is to provide certification to the Principal that the basalt conforms to the specified requirements.

Should it be found on testing that the material does not conform to the specifications it is to be removed from site and replaced at the Contractor's cost.

In the event that we would have to use the Preferred Supplier Panel the following condition is proposed:

The Supplier is to consider the use of local suppliers on a sub-contract basis to cart the basalt, but must satisfy themselves of the quality of the service provided.

The specification for delivery of the Aggregate shall be as follows:

Delivery of the aggregate used for seal works shall be the crushed basalt and consist of washed, clean, tough, durable fragments free from an excess of thin or elongated pieces, free from soft or disintegrated pieces, stone coated with dirt or other deleterious matter.

The properties of the crushed aggregate, including its rock source, shall meet the requirements of Main Roads WA Standard 71-06-135.

The delivery of the aggregate is to commence December 2017, and be completed by 12 January 2018.

A minimum of 30% of the Aggregate is to be delivered in December 2017.

The aggregate shall be delivered to the metal dumps sites as nominated by the Principal.

Comment

Given the limited time frame that we have to undertake the 2017/2018 sealing program it is recommended that the Shire of Lake Grace Purchasing Policy be used to seek quotations for the supply of various quantities of Aggregate and the delivery of the Aggregate to various dump sites within the Shire.

The table below prescribes the purchasing process that the Shire must follow, based on the purchase value:

Purchase Value Threshold (excluding GST)	Purchasing Requirement
\$5,000 to \$20,000	2 written quotations to be obtained and documented by responsible officer.
\$20,000 to \$50,000	Obtain at least three (3) written quotations from suppliers with written specifications.
Over \$50,000 and up to \$150,000	Obtain at least three (3) written quotations from suppliers by formal invitation under a Request for Quotation, containing price and detailed specification of goods and services required. The procurement decision is to be based on pre-determined evaluation criteria that assesses all value for money considerations in accordance with the definition stated within this Policy. Quotations within this threshold may be obtained from: <ul style="list-style-type: none"> an existing panel of pre-qualified suppliers administered by the Shire, or

	<ul style="list-style-type: none"> • a pre-qualified supplier on the WALGA Preferred Supply Program or State Government CUA; or • from the open market. <p>Requests for quotation from a pre-qualified panel of suppliers (whether administered by the Shire through the WALGA preferred supply program or State Government CUA) are not required to be invited using a Request for Quotation form, however at least three written quotes are still required to be obtained.</p>
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We do have a number of aggregate stockpiles in the district that are going to be used, to assist in reducing the value of our required supply. There would be a separate cost for this metal to be relocated to where it is needed.

With the reduction in quantities required, it is my opinion that we should stay under the tender threshold for both services, being the supply and the delivery.

It is recommended that the Chief Executive Officer be authorised to seek quotations and award the contracts for the supply of and the delivery of basalt as required for the 2017/2018 road sealing program.

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 - 3.7 Purchasing Policy

Consultation

Internal: John Dyer, Contract Manager Infrastructure Services
 David Holland, Manager Infrastructure Services

Financial Implications

Funds identified within the 2017/2018 Annual Budget for sealing works are as follows:

ACCOUNT	JOB	BUDGET \$
Town Street Renewal	STRECAP	400,000
Rural Roads	08000	350,000
Newdegate Pool Car Park	1213105	24,132
Lake King School Access	1213133	16,086
Holt Rock South Road - RRG	1213033	409,152
Magenta Road - RRG	1213034	199,204
Total Budget Provision 2017/2018		1,398,574

It is projected that the sealing program is estimated to cost \$1,777,684. This will leave a shortfall of funding of \$379,110.

The balance of any shortfall in funding can be transferred from Job 122516 Backslopes and Shoulders which has a budget allocation of \$906,509.

Given the projected shortfall this would leave a balance of \$527,399 in Job 122516 Backslopes and Shoulders.

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

Simple majority required.

Recommendation/Resolution

RESOLUTION 12641

Moved Cr Stoffberg
Seconded Cr Clarke

That Council, authorise the Chief Executive Officer to seek quotations and award the contract:

1. for the supply of Aggregate being:
 - 880 tonne 7mm
 - 780 tonne 10mm
 - 2,730 tonne 14mmfor the 2017/2018 Road Sealing program as endorsed; and,
2. for the delivery of the Aggregate required for the 2017/2018 Road Sealing Program.

CARRIED 9/0

12.0 MATTERS FOR CONSIDERATION – PLANNING

Cr Clarke declared financial interest for Item 12.1 Development Application – Proposed New Single House on Lot 101 (No.16) Wattle Drive, Lake Grace with the nature of the interest being, application put in by builder for a house that I will be part owner of.

Cr Chappell declared impartiality interest for Item 12.1 Development Application - Proposed New Single House on Lot 101 (No.16) Wattle Drive, Lake Grace with the nature of the interest being, I am a close friend and have other working relations with the Clarkes.

Cr Clarke left the meeting at 4.14 pm.

12.1 DEVELOPMENT APPLICATION – PROPOSED NEW SINGLE HOUSE ON LOT 101 (NO.16) WATTLE DRIVE, LAKE GRACE

Applicant: Maguire (WA) Pty Ltd T/As GJ Gardner Homes Esperance on behalf of DN & DS Clarke (Landowners)

File No. 0454

Attachments:

1. Plan 1 – Location Plan
2. Plan 2 – Existing Lot Configuration
3. Plan 3 – Aerial Site Plan
4. Attachment 1 – Report (various plans under separate cover)

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

Disclosure of Interest: Nil

Date of Report: 14 November 2017

Senior Officer: Ms Denise Gobbart



Chief Executive Officer

Summary

This report recommends that a development application submitted by Maguire (WA) Pty Ltd T/As GJ Gardner Homes Esperance on behalf of DN and DS Clarke (Landowners) to construct a new single detached dwelling on Lot 101 (No.16) Wattle Drive, Lake Grace be approved by Council subject to conditions.

Background

The applicant is seeking Council's development approval on behalf of the current landowners to construct a new single detached dwelling on Lot 101 (No.16) Wattle Drive, Lake Grace.

Lot 101 is located in the eastern part of the Lake Grace townsite on the south western corner of the intersection of Wattle Drive and Blackbutt Way and has direct frontage and access to both of these roads. The land is irregular in shape, comprises a total area of approximately 2,736 square metres and is gently sloping from east to west (see Plans 1 and 2).

Lot 101 has been extensively cleared and is currently unused/vacant land with no physical improvements (see Plan 3). The lot was originally created by the Shire to accommodate a proposed grouped housing development comprising up to nine (9) dwelling units however the land was subsequently sold to private interests with no requirement for it to be developed to realise its full dwelling potential under the R30 density coding.

Under the terms of the information and plans submitted in support of the application (see Attachment 1) the following is proposed:

- Construction of one (1) new 495 square metre single storey dwelling comprising four (4) bedrooms, two (2) bathrooms, a powder room, two (2) studies, kitchen, meals, living and home theatre room with a double garage and outdoor alfresco area;
- The dwelling will have a wall height of 2.5 metres and a ridge height of approximately 5.8 metres;
- The dwelling will be constructed using limestone coloured brick wall cladding both internally and externally and 'Dune' coloured colorbond steel roofing;
- Construction of a new driveway crossover along the land's Wattle Drive frontage, a new internal driveway to the double garage as well as vehicle reversing and visitor parking areas, all of which are proposed to be brick paved;
- Installation of new grey water and rainwater harvesting systems for water re-use purposes; and,
- Provision of all necessary connections to power, water, telecommunications and reticulated sewerage disposal infrastructure and installation of a new 105,000 litre rainwater tank in the south western corner of the property for stormwater drainage management purposes.

The plans submitted in support of the application also show a proposed new 240 square metre shed in close proximity to the land's western side boundary. Council should note the proposed shed does not form part of this application. It's understood from communications with the applicant the current landowners will make their own arrangements in due course to seek and obtain the necessary approvals from the Shire. Due to the size of the proposed shed and it's non-compliance with the deemed-to-comply requirements of the R-Codes, Council's formal approval to a separate development application following consultation with adjoining and other nearby landowners is needed before it can be constructed.

Comment

Current Zoning and Land Use Permissibility

Lot 101 is classified 'Residential' zone under the Shire of Lake Grace's current operative Local Planning Scheme No.4 (LPS No.4) with an applicable residential density coding of R30.

The key objectives of the land's current 'Residential' zoning classification are as follows:

- To achieve a high standard of residential development in accordance with contemporary planning and development practice for the benefit of the community;
- To enhance the character and amenity of residential areas;
- To provide for residential development at a range of densities with a variety of housing types to meet the needs of the community; and,
- To provide an opportunity for residents to undertake occupations ancillary to the use of their dwelling that are compatible in character, scale and operation with the residential use and which will not have an adverse affect upon the existing character and amenity of these areas.

Under the terms of LPS No.4 the development of a single house, including any associated additions or outbuildings, is listed in the Zoning Table as being permitted (i.e. a 'P' use) on land classified 'Residential' zone.

Notwithstanding the permissibility of the proposed new dwelling on Lot 101, Council's formal development approval is required in this particular instance due to the proposal's non-compliance

with a number of deemed-to-comply requirements of the Residential Design Codes 2015 (i.e. the R-Codes).

Compliance with Development Standards

An assessment of the proposal for Lot 101 against the development standards contained in LPS No.4 and the R-Codes has confirmed it satisfies the majority of standards except for the following:

i) Average Primary Street Setback

The new dwelling on Lot 101 is proposed to have a setback to Wattle Drive ranging from 17.6 to 19.5 metres at an average of approximately 18 metres in lieu of an average setback of 3 metres for all existing dwellings on adjacent properties fronting the same street. Under the terms of element 5.1.2 of the R-Codes the primary street setback for the proposed new dwelling on Lot 101 must correspond to the average setback of 3 metres for all existing adjacent dwellings on Wattle Drive unless otherwise approved by Council.

ii) Outdoor Living Areas

The new dwelling on Lot 101 is proposed to have an outdoor living on its southern side which will be permanently covered throughout its entire area (i.e. approximately 30 square metres). Under the terms of element 5.3.1 of the R-Codes at least two thirds of any outdoor living area accessible from a habitable room of a dwelling is not permitted to have permanent roof cover. In this case only 10 square metres of the proposed outdoor living area may be permanently covered unless otherwise approved by Council.

iii) Stormwater Drainage

Element 5.3.9 of the R-Codes requires all stormwater draining from roofs, driveways and other impermeable surfaces to be directed to garden areas, sumps or rainwater tanks within the development site. Whilst measures are proposed to manage stormwater generated by the proposed new dwelling and other associated improvements on Lot 101, given the land's sloping nature and prevailing soil type, it is anticipated the use of soak wells as proposed will be insufficient. As such, excess stormwater flows are likely to be discharged into the public open space area immediately adjacent to the land's southern boundary, which was designed specifically to accommodate stormwater drainage from future residential development in this part of the Lake Grace townsite. Council's approval to the discharge of excess stormwater off-site is therefore required.

iv) External Fixtures

A new 105,000 litre rainwater tank with a diameter of 7.77 metres is also proposed to be installed in the south western corner of the property for stormwater drainage management purposes. Details regarding the height, construction materials and colour of the proposed tank were not submitted in support of the application despite the applicant being asked to provide this information following preliminary assessment of the application. Given the location and size of the proposed tank it is expected to be visible from the land's primary street frontage (i.e. Wattle Drive) until the proposed new 240 square metre shed along the land's western boundary has been approved and constructed, the timing for which is currently unknown.

Under the terms of element 5.4.4 of the R-Codes the use of external fixtures such as rainwater tanks are only permissible if they are not visible from the primary street, are designed to integrate with the building or are located so as not to be visually obtrusive unless otherwise approved by Council.

In considering whether or not to approve these proposed variations to the deemed-to-comply requirements of the R-Codes, Council must decide whether such variations are likely to have a detrimental impact upon the amenity and character of the immediate locality or any immediately adjoining or other nearby properties.

It is concluded following detailed assessment of the application by the reporting officer that the proposed variations are unlikely to have any adverse impacts and may be supported and approved by Council for the following reasons:

- i) The proposed dwelling is well designed, attractive and modern with sufficient space set aside for open space, landscaping, parking and utilities. Having regard for these facts and the land's corner location, the proposed dwelling is expected to make a positive contribution to the local streetscape despite its primary street setback not corresponding to the average setback of 3 metres for all existing adjacent dwellings on Wattle Drive;
- ii) Despite the proposal to construct the primary outdoor living on the dwelling's southern side with permanent roof cover over its entire area, the dwelling has been designed to take full advantage of winter sun and prevailing breezes with sufficient space available to optimise use of the northern aspect of the site for outdoor living purposes;
- iii) Significant effort will be made to capture and re-use stormwater through the installation and use of a large capacity rainwater tank. In circumstances where excess stormwater flows are unable to be contained on the land, discharge into the public open space area located immediately adjacent to the land's southern boundary is considered acceptable given it was designed specifically to accommodate stormwater drainage from future residential development in this part of the Lake Grace townsite; and,
- iv) As the new large capacity rainwater tank proposed to be installed in the south western corner of the property for stormwater drainage management purposes will:
 - a) have a setback of approximately 30 metres from Wattle Drive and approximately 49 metres from Blackbutt Way;
 - b) abut the rear yard area of the existing dwelling on the adjoining Lot 33 Wattle Drive which contains mature vegetation along its common boundary with the subject land that affords good levels of visual screening; and,
 - c) be obscured from view from Wattle Drive at some point in the near future following construction of the proposed new shed along the land's western boundary, it is unlikely to be visually obtrusive when viewed from Wattle Drive or Blackbutt Way or compromise the visual amenity of surrounding properties provided it is constructed using materials and colours that match the proposed dwelling.

Visual Amenity

Clause 67 of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* lists a range of matters the local government is required to have due regard for when considering any application for development approval including the compatibility of a proposal with its setting and the likely effects of height, bulk, scale, orientation and appearance.

The plans submitted in support of the application for Lot 101 propose the use of 'Dune' coloured colorbond steel roofing however, communications with the applicant and subsequent discussion with one of the landowners has indicated a strong preference to use zincalume roof sheeting.

Whilst zincalume roof sheeting is preferable to darker colours in terms of heat gain and contributes significantly towards improved energy efficiency of buildings, it can be highly reflective and may sometimes cause glare and discomfort to neighbours.

It is acknowledged the process of weathering will normally result in a reduction in reflectivity over time; however zincalume roof sheeting generally weathers quite slowly and retains a lighter shade than weathered galvanized steel which has a faster oxidation rate with reflection not remaining an issue for extended periods.

Given the significant size and pitch of the proposed roof structure, the use of zincalume roof sheeting is not supported due to its highly reflective qualities and potential to cause glare and discomfort to neighbours. In recognition of this, Council has historically not supported the use of zincalume roof sheeting in the eastern segment of the Lake Grace townsite and has included conditions on the contracts for sale for all residential lots developed and released by the Shire to prohibit the use of highly reflective roofing materials. In addition the Shire has set an example for other residential development in this part of the townsite by ensuring all dwellings constructed for its own purposes are clad with either non-reflective or tiled roofing materials which are far less reflective.

Notwithstanding the concerns raised above, Council does have the discretion to approve the use of zincalume roof sheeting if it so chooses however it should be mindful that doing so could set an undesirable precedent for future residential development in this part of the Lake Grace townsite and may give rise to complaints from landowners directly affected by the potential glare impacts or those previously required to construct their homes using more expensive non-reflective or tiled roofing materials.

Conclusion

It is concluded from a detailed assessment of the application that the proposal to construct a new single detached dwelling on Lot 101 (No.16) Wattle Drive, Lake Grace is unlikely to have a negative impact on the general amenity, character, functionality and safety of the immediate locality and may therefore be supported and approved by Council subject to the imposition of a number of conditions to ensure the development proceeds in a proper and orderly manner. As such, it is recommended Council exercise its discretion and grant conditional development approval.

Legal Implications

Planning and Development Act 2005

Shire of Lake Grace Local Planning Scheme No.4

Part 10A Planning and Development (Local Planning Scheme) Regulations 2015 - Bushfire Risk Management – As the subject land is not located within a designated ‘bushfire prone area’ a Bushfire Attack Level (BAL) assessment is not required in support of this application.

Policy Implications

State Planning Policy No.3.1 - Residential Design Codes of Western Australia

Community Consultation

Community consultation not required.

Financial Implications

Nil

Strategic Implications

Shire of Lake Grace Local Planning Strategy - The proposal for Lot 101 is considered to be generally consistent with the aims and objectives of the Shire’s Local Planning Strategy as it applies to the following:

- Direct the majority of new housing development in the Shire to the Lake Grace, Newdegate, Lake King and Varley townsites;
- Provide a wide choice of housing types to suit the needs of all sectors of the community; and,
- Create neighbourhoods with a community identity and high levels of safety, accessibility and amenity.

Shire of Lake Grace Strategic Community Plan 2017-2027 – Not applicable.

Cultural Implications

Nil

Voting Requirements

Simple majority required.

Recommendation

Moved Cr Stanton
Seconded Cr Marshall

That the application for development approval submitted by Maguire (WA) Pty Ltd T/As GJ Gardner Homes Esperance on behalf of DN and DS Clarke (Landowners) to construct a new single detached dwelling on Lot 101 (No.16) Wattle Drive, Lake Grace be approved subject to compliance with the following conditions and advice notes:

Conditions

1. The development shall be undertaken in a manner consistent with the information and plans submitted in support of the application unless otherwise approved by Council with the exception of the proposed new 240 square metre shed adjacent to the land's western side boundary which does not form part of this approval and requires separate development and building permit applications and approvals prior to the commencement of construction on the land.
2. The proposed new driveway crossover along the land's Wattle Drive frontage shall be constructed in accordance with the standards prescribed in Council's 'Property Access and Crossovers' policy to the satisfaction of the Shire's Chief Executive Officer.
3. The roof of the proposed new dwelling shall be clad with non-reflective roofing materials as specified in the plans submitted in support of the application. The use of zinalume roof sheeting is not supported.
4. The proposed new dwelling shall be connected to reticulated sewerage disposal infrastructure to the specifications and satisfaction of the Shire's Chief Executive Officer.
5. The 105,000 litre rainwater tank proposed to be installed in the south western corner of the property for stormwater drainage management purposes shall be constructed using non-reflective materials. The use of zinalume sheeting on its external surfaces is not permitted.
6. Any clothes drying area associated with the new dwelling shall be screened from view from Wattle Drive and Blackbutt Way to the satisfaction of the Shire's Chief Executive Officer.

Advice Notes

1. The development is to be completed within a period of two (2) years from the date of this approval. If the development is not completed within this period the approval will lapse and be of no further effect. Where an approval has lapsed, no development shall be carried out

without the further approval of the Shire having first been sought and obtained.

2. This approval is not an authority to ignore any constraint to development on the land which may exist through contract or on title, such as an easement or restrictive covenant. It is the responsibility of the applicant and landowner and not the Shire to investigate any such constraints before commencing development. This approval will not necessarily have regard to any such constraint to development, regardless of whether or not it has been drawn to the Shire's attention.
3. This is a development approval of the Shire under its Local Planning Scheme No.4. It is not a building permit or an approval to commence or carry out development under any other law. It is the responsibility of the applicant and landowner to obtain any other necessary approvals, consents, permits and licenses required under any other law, and to commence and carry out development in accordance with all relevant laws.
4. In accordance with the *Building Act 2011* and *Building Regulations 2012*, a building permit application must be submitted to and approved by the Shire's Building Surveyor prior to the commencement of any construction or earthworks on the land.
5. The proposed new dwelling is required to comply in all respects with the National Construction Code of Australia. Plans and specifications which reflect these requirements are required to be submitted with the building permit application.
6. No construction works shall commence on the land prior to 7.00 am without the Shire's written approval. No construction works are permitted on Sundays or Public Holidays.
7. Failure to comply with any of the conditions of this development approval constitutes an offence under the provisions of the *Planning and Development Act 2005* and the Shire of Lake Grace Local Planning Scheme No.4 and may result in legal action being initiated by the local government.
8. If the applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be submitted within 28 days of the determination.

Amendment

RESOLUTION 12642

Moved Cr Chappell
Seconded Cr Lloyd

That condition numbers 3 and 5 are removed and the remaining conditions to be renumbered accordingly.

CARRIED 8/0

Substantive Motion**RESOLUTION 12643**

Moved Cr Stanton

Seconded Cr Marshall

That the application for development approval submitted by Maguire (WA) Pty Ltd T/As GJ Gardner Homes Esperance on behalf of DN and DS Clarke (Landowners) to construct a new single detached dwelling on Lot 101 (No.16) Wattle Drive, Lake Grace be approved subject to compliance with the following conditions and advice notes:

Conditions

1. The development shall be undertaken in a manner consistent with the information and plans submitted in support of the application unless otherwise approved by Council with the exception of the proposed new 240 square metre shed adjacent to the land's western side boundary which does not form part of this approval and requires separate development and building permit applications and approvals prior to the commencement of construction on the land.
2. The proposed new driveway crossover along the land's Wattle Drive frontage shall be constructed in accordance with the standards prescribed in Council's 'Property Access and Crossovers' policy to the satisfaction of the Shire's Chief Executive Officer.
3. The proposed new dwelling shall be connected to reticulated sewerage disposal infrastructure to the specifications and satisfaction of the Shire's Chief Executive Officer.
4. Any clothes drying area associated with the new dwelling shall be screened from view from Wattle Drive and Blackbutt Way to the satisfaction of the Shire's Chief Executive Officer.

Advice Notes

1. The development is to be completed within a period of two (2) years from the date of this approval. If the development is not completed within this period the approval will lapse and be of no further effect. Where an approval has lapsed, no development shall be carried out without the further approval of the Shire having first been sought and obtained.
2. This approval is not an authority to ignore any constraint to development on the land which may exist through contract or on title, such as an easement or restrictive covenant. It is the responsibility of the applicant and landowner and not the Shire to investigate any such constraints before commencing development. This approval will not necessarily have regard to any such constraint to development, regardless of whether or not it has been drawn to the Shire's attention.
3. This is a development approval of the Shire under its Local Planning Scheme No.4. It is not a building permit or an approval to commence or carry out development under any other law. It is the responsibility of the applicant and landowner to obtain any other necessary approvals, consents, permits and licenses required under any other law, and to commence and carry out development in accordance with all relevant laws.
4. In accordance with the *Building Act 2011* and *Building Regulations 2012*, a building permit application must be submitted to and approved by the Shire's Building Surveyor prior to the commencement of any construction or earthworks on the land.

RESOLUTION 12643 continued

5. The proposed new dwelling is required to comply in all respects with the National Construction Code of Australia. Plans and specifications which reflect these requirements are required to be submitted with the building permit application.
6. No construction works shall commence on the land prior to 7.00 am without the Shire's written approval. No construction works are permitted on Sundays or Public Holidays.
7. Failure to comply with any of the conditions of this development approval constitutes an offence under the provisions of the *Planning and Development Act 2005* and the Shire of Lake Grace Local Planning Scheme No.4 and may result in legal action being initiated by the local government.
8. If the applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be submitted within 28 days of the determination.

CARRIED 8/0

Reason for change:

The original condition 3 & 5 has been removed as Council does not see an issue with the use of Zinalume.

Cr Clarke returned to the meeting at 4.25 pm.

The Shire President read aloud the decision of Council.

12.2 DEVELOPMENT APPLICATION – PROPOSED ADDITIONS TO EXISTING & ADDITIONAL USE (RECEPTION CENTRE) ON LOT 5 (NO.26) STUBBS STREET, LAKE GRACE

Item brought forward in the Agenda – refer to Item 12.2 (page 13) of this document.

13.0 MATTERS FOR CONSIDERATION – HEALTH & BUILDING

No matters for consideration.

14.0 MATTERS FOR CONSIDERATION – FINANCE

14.1 ACCOUNTS FOR PAYMENT – OCTOBER 2017

Applicant: Internal Report
File No. 0277
Attachments: List of Creditors
Author: Mrs Victoria Gracheva


 Finance Officer

Disclosure of Interest: Nil
Date of Report: 14 November 2017
Senior Officer: Ms Linda Gray


 Deputy Chief Executive Officer

Summary

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

Background

List of payments for the month of October 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 October 2017 from the Municipal and Trust Account Total \$503,407.37.

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 12644**

Moved Cr Stoffberg



Seconded Cr Spurr

That Council ratify the list of payments totalling \$503,407.37 as presented for the month of October 2017 incorporating:

- Trust Account Cheques:	1372 - 1376	\$	916.65
- Electronic Funds Transfer:	EFT17415 – EFT17516	\$	272,257.33
- Municipal Account Cheques:	36629 - 36638	\$	34,734.47
- Direct Debits:	DD7250.1 – DD7250.7	\$	95,952.92
	DD7272.1 – DD7272.7		
	DD7302.1		
	DD7303.1 – DD7303.6		
	DD7304.1 – DD7304.22		
- Electronic Funds Transfer:	Payroll Net Pay	\$	99,546.00

CARRIED 9/0

14.2 FINANCIAL STATEMENTS – OCTOBER 2017

Applicant:	Shire of Lake Grace	
File No.	0275	
Attachments:	1. Financial Reports October 2017 2. Bank Reconciliations October 2017	
Author:	Ms Linda Gray	 Deputy Chief Executive Officer
Disclosure of Interest:	Nil	
Date of Report:	16 November 2017	
Senior Officer:	Ms Denise Gobbart	 Chief Executive Officer

Summary

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

Background

The following financial reports to 31 October 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 12645

Moved Cr Hunt
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 October 2017.

CARRIED 9/0


Cr Spurr declare impartiality interest for Item 14.3 Budget Request Financial Commitment for 2018/19 – Tourism WA 2017/18 Grant Application with the nature of the interest being, I am the chairperson of the Lake Grace Visitor Centre Committee and has had no involvement to date but could do moving forward.

14.3 BUDGET REQUEST FINANCIAL COMMITMENT FOR 2018/19 – TOURISM WA 2017/18 GRANT APPLICATION

Applicant: Internal Report
File No. 0165
Attachments: Nil
Author: Mrs Jo Morgan


 Lake Grace Visitor Centre Co-ordinator

Disclosure of Interest: Nil
Date of Report: 14 November 2017
Senior Officer: Ms Linda Gray


 Deputy Chief Executive Officer

Summary

For Council to approve the request for the Shire of Lake Grace to be the proponent for a grant application to Tourism WA's 2017/18 Regional Events Scheme in December 2016, and endorse an allocation of \$15,000 into the 2018/19 Draft Budget towards hosting a regional event dependent upon the success of the above grant application.

Background

In April 2019, the Shire plans to host an inaugural regional event; A Commemoration of the Shire of Lake Grace and its Heritage – the AIM Hospital Museum and New Beginnings. The event will recognise and celebrate a unique part of Wheatbelt history, and will attract tourism to the region by inviting past residents that worked, were born in or helped restore the AIM Hospital. It is important for the local tourism industry that the Shire holds a yearly event that will be included on the Western Australian tourism calendar.

Comment

The Shire applied for a Tourism WA's 2017/18 Regional Events Scheme in December 2016. The Shire offered to contribute in kind, but had not agreed to an actual financial contribution. Feedback received from Tourism WA was that the application was unsuccessful in 2016 due to a lack of actual financial commitment from the Shire.

The 2018/19 grant round is now open again and applications are due by 12 December 2017. An updated grant application is ready to be submitted but a financial commitment from the Shire of \$15,000 is required, which would be drawn down only if the grant application was successful.

Legal Implications

Nil

Policy Implications

Nil

Consultation

Internal: Linda Gray, Deputy Chief Executive Officer

External: Tourism WA

Financial Implications

If the grant application is successful the Shire will need to endorse an allocation of \$15,000 into the 2018/19 Draft Budget.

Note: The total of the proposed grant application is estimated at \$35,000.

Strategic Implications

Shire of Lake Grace Strategic Community Plan 2017 – 2027

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

- Outcome 1.3 An attractive destination for visitors
- 1.3.1 Promote and develop tourism as part of a regional approach
 - 1.3.2 Maintain and enhance local iconic attractions and infrastructure
 - 1.3.3 Continue to provide and maintain visitor support services

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

Voting Requirements

Absolute majority (5) required.

Recommendation/Resolution

RESOLUTION 12646

Moved Cr Marshall
Seconded Cr Clarke

That Council:

1. approve the request for the Shire of Lake Grace to be the proponent for a grant application to Tourism WA's 2017/18 Regional Events Scheme in December 2017; and,
2. endorse an allocation of \$15,000 into the 2018/19 Draft Budget towards hosting a regional event dependent upon the success of the above grant application.

CARRIED BY ABSOLUTE MAJORITY 9/0

Cr De Landgraftt declared financial interest for Item 14.4 Contribution to Bus Hire – February 2017 Flood Event with the nature of the interest being, claiming reimbursement of half the cost of hiring a bus to take Minister MacTiernan on a road tour of the flood affected areas of North West Ravensthorpe and South East Lake Grace Shires.

The Presiding Member Cr De Landgraftt left the meeting at 4.32 pm. In the absence of the Presiding Member, the Deputy President Cr Hunt presided the meeting from 4.32 pm.

14.4 CONTRIBUTION TO BUS HIRE – FEBRUARY 2017 FLOOD EVENT

Applicant:	Internal Report
File No.	0490
Attachments:	Nil
Author:	Ms Denise Gobbart Chief Executive Officer
Disclosure of Interest:	Nil
Date of Report:	9 November 2017
Senior Officer:	Ms Denise Gobbart



Chief Executive Officer

Summary

The purpose of this report is for Council to consider reimbursing Councillor Jeanette De Landgraftt bus hire costs for the Minister's Tour held 26 March 2017 to inspect the February 2017 flood event area.

Background

Flooding within the Shire's of Lake Grace and Ravensthorpe occurred in February 2017 and the aftermath will affect communities for many months to come. Two lives were lost, roads and farming land were severely damaged and fences were destroyed. There was also loss of livestock as well as a predicted decrease in crop production for 2017 due to the land damage caused by the flood.

Following the February flood the Shires of Esperance, Ravensthorpe, Jerramungup and Lake Grace were invited to meet with the Hon. Alannah MacTiernan MLC – Minister for Regional Development; Agriculture and Food; Minister assisting the Minister for State Development, Jobs and Trade on Tuesday 28 March 2017 in Ravensthorpe.

After the meeting, the Ravensthorpe Community Bus was hired to take the Minister and others to tour the flood damaged area through to Newdegate, via the Phillips River bridge crossing.

Comment

On Friday 24 March 2017 notification was received from the Shire of Ravensthorpe of a visit to the area by Minister MacTiernan. The meeting was to give a brief overview of our circumstances and the need to expedite the approval process. After the meeting it was agreed that the Minister would attend Newdegate to see firsthand our issues.

Given the short notice Cr De Landgraftt organised the Ravensthorpe Community Bus to take the Minister's party and others through to Newdegate. None of our local Community Buses were available on the day.

Since then Cr De Landgraftt received an account for \$317.00 for the hire of the Ravensthorpe Community Bus. The Shire of Ravensthorpe has paid half of the account with Cr De Landgraftt paying the balance.

This report is seeking Council endorsement to reimburse Cr De Landgraftt \$158.50 being half the cost to hire the Community Bus.

Legal Implications

Nil

Policy Implications

Nil

Consultation

Internal: Cr Jeanette De Landgraftt

Financial Implications

Council budgeted \$7,000 for donations and ex gratia payments in 2017/18. To date no funds have been expensed from this account.

Strategic Implications

Shire of Lake Grace Strategic Community Plan 2017 - 2027

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

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

Voting Requirements

Absolute majority (5) required.

Recommendation/Resolution

RESOLUTION 12647

Moved Cr Chappell

Seconded Cr Lloyd

That Council reimburse Councillor Jeanette De Landgraftt \$158.50 being a half share of the cost to hire the Ravensthorpe Community Bus for the Minister's tour to Newdegate on Tuesday 28 March 2017 for an inspection of the February 2017 flood affected areas.

CARRIED BY ABSOLUTE MAJORITY 8/0

Cr De Landgraftt returned to the meeting at 4.33 pm.

Deputy President, Cr Hunt read aloud the decision of Council.

Cr Hunt vacated the chair on Cr De Landgraftt returning to preside the meeting at 4.34 pm.

15.0 MATTERS FOR CONSIDERATION – COMMUNITY SERVICES
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15.1 LAKE GRACE LIBRARY RESOURCE AND COMMUNITY RESOURCE CENTRE MANAGEMENT COMMITTEE – STAFFING

Applicant:	Community Services
File No.	0795
Attachments:	1. Agreement 2. Minutes of the Lake Grace Resource and Community Resource Centre Management Committee 3. Information Sheet One 4. Information Sheet Two
Author:	Ms Linda Gray
Disclosure of Interest:	Nil
Date of Report:	16 November 2017
Senior Officer:	Ms Denise Gobbart


Deputy Chief Executive Officer


Chief Executive Officer

Summary

The purpose of this report is to update the Council regarding the Lake Grace Library and Community Resource Centre Management Committee's meeting held on 6 November 2017, and to endorse one of the options identified by the Committee at the meeting.

Background

The current Agreement had been signed in November 2016. Early in 2017 the Lake Grace Library and Community Resource Centre Management Committee was advised that the Lake Grace District High School (LGDHS) intended to reduce the level of staffing of the library once the current Library Support Officer retired on 6 April 2017. This matter was referred to the Shire who sought clarification from the Minister of Education. A response was received from the Department of Education which pointed out that:

Under the Agreement – 3. Operational Funding:

- 3.4 *The Cost Sharing Arrangement shall be subject to a review by the Shire, the Lake Grace Community Resource Centre (LGCRC) and the Minister upon the expiry of a period of 1 year from the commencement of the term of this Agreement and thereafter every two years. During such review the Parties agree to meet together and negotiate in good faith.*
- 3.5 *If, within 2 months after a review between the Shire, the LGCRC and the Minister pursuant to clause 3.4, no agreement has been reached as to their respective future contributions to the Operating Costs, future contributions shall remain as per Schedule A.*

Consequently, in view of the short time frame since the Agreement was signed, the LGDHS has continued to fund the library until mid-December 2017, with the intention of requesting a review of the Agreement when the one year period has passed.

Comment

The LGDHS at the Committee Meeting held on Tuesday 31 October 2017 requested a review of the current Agreement, and advised of their intentions to lessen the impact of Library costs on the School Budget by reducing staffing.

The LGDHS have advised that their salary component for staffing the library under the current Agreement is:

Lake Grace District High School Library Staffing Information					
Position	Employment Award	FTE	Weekly	Costing	Funded by
Library Co-ordinator	Public Service Level 3	0.3	2.00	\$24,485.00	School
Library Co-ordinator	Public Service Level 3	0.1		\$8,161.70	Shire
Library Officer	Ministerial Officer, Level 2	0.4	2.00	\$27,126.48	School
Total funding provided by school				\$51,611.48	86%
Total funding provided by shire				\$8,161.70	14%

The Relief Librarian during School Holidays is a staffing cost to the shire of \$2,500 and is not included in the LGDHS table.

The LGDHS principal states that “in researching the allocation of Library Officers in similarly sized schools in our region, schools have an allocation of 0.15 – 0.3 Full Time Equivalent (FTE) per week (1 hour to 1 1/2 days per week). These Library Officers are also paid at a Ministerial Level 2 salary, whilst the Library Co-ordinator is paid at a much higher rate.” The current 0.7 FTE funded by the school may be based on historical data as the school library was previously funded by a Librarian/Teacher, and this resource utilised on a much more consistent basis. The LGDHS have advised that classes now only access the library for approximately 4 hours per week.

All this was discussed at the Committee Meeting held on Tuesday 31 October 2017, and at the Committee Meeting held on Monday 6 November 2017, the following resolutions were passed (refer attachment 3):

Moved Ollie Farrelly, seconded Linda Gray

That the current Library hours be maintained

All in favour

A robust discussion followed in order to identify the options that would permit the current service delivery level to be maintained, and the following resolution was proposed:

Moved Cr Debrah Clarke, seconded Michelle Lay

That the four possible scenarios be taken to the next Council meeting:

1. *That the current library hours of 4 days per week be continued with the following staffing: the Department of Education paying for the Library Co-ordinator as a Public Service Level 3 of 0.3 FTE, with the Shire paying 0.1 FTE on a reimbursement basis, and the Library Officer as a Ministerial Officer Level 1 of 0.4 FTE, also being paid by the Department of Education.*
2. *That the Library Co-ordinator continue in her role paid by the Department of Education working 2 days per week. The Library Officer's position as a Ministerial Officer, Level 1, will be paid by the Department of Education and reimbursed by the Shire of Lake Grace. The cost to the Shire will be \$22,735.00 inclusive (two days a week).*
3. *That the Library Co-ordinator continue in her role paid by the Department of Education working 2 days per week. The Library Officer's position to be paid by the Shire of Lake*

Grace as a Level 3 Local Government Industry Award 2010 Library Officer. The cost to the Shire will be \$11,460.00 inclusive (two days a week).

4. *That the Library Co-ordinator continue in her role paid by the Department of Education but that her hours are spread over 3 days; working core hours from 10.00 am to 4.00 pm with a lunch break, and with CRC picking up the hours 9 to 10, and 4 to 5 on the three days to ensure coverage remains the same as the current library hours. The Library Officer's position would work one day and be either being paid as a Ministerial Officer, Level 1, by the Department of Education and reimbursed by the Shire, or employed directly by the Shire and paid as a Level 3 Local Government Industry Award 2010 Library Officer. The cost to the Shire will be \$5,730 if paid directly by the Shire, and \$11,367.50 if paid by the Department of Education and reimbursed by the Shire of Lake Grace.*

All in Favour

The additional cost of each scenario to the Shire is tabled under Financial Implications.

Legal Implications

In accordance with the *Local Government Act 1995* Council may establish a number of varying types of committee, and these can be classified as:

- Council committees, that is, a committee of three or more persons established by council to assist the council and to exercise the powers and discharge the duties of the local government that can be delegated to committees*; or,
- Non-Council Committees established by some other authority or community group that operates with no delegated authority in respect to Council's powers or duties but which have an interest in some of the activities of Council and to which Council wishes to have formal representation.

Note The Lake Grace Shire Council has no committees with any delegated authority in respect to the exercising of power and the discharge of duties.*

The Agreement states that:

4.1 The care, management and control of the Facilities shall be jointly vested in the Minister, the LGCRC and the Shire who shall appoint an advisory Committee.

And that:

5.7(a) The Library shall be open during the following hours during school terms:

9am to 5pm on every Monday, Tuesday, Wednesday and Thursday (except for public holidays)

- (c) The Minister and the Shire shall review and amend the Library opening hours from time to time as the number of students attending the School changes.

The Agreement has been signed in accordance with the *Local Government Act 1995*, the following is applicable:

9.49A Execution of documents

(1) A document is duly executed by a local government if —

- (a) the common seal of the local government is affixed to it in accordance with subsections (2) and (3); or

- (b) it is signed on behalf of the local government by a person or persons authorised under subsection (4) to do so.
- (2) The common seal of a local government is not to be affixed to any document except as authorised by the local government.
- (3) The common seal of the local government is to be affixed to a document in the presence of —
- (a) the mayor or president; and
 - (b) the chief executive officer or a senior employee authorised by the chief executive officer, each of whom is to sign the document to attest that the common seal was so affixed.
- (4) A local government may, by resolution, authorise the chief executive officer, another employee or an agent of the local government to sign documents on behalf of the local government, either generally or subject to conditions or restrictions specified in the authorisation.
- (5) A document executed by a person under an authority under subsection (4) is not to be regarded as a deed unless the person executes it as a deed and is permitted to do so by the authorisation.
- (6) A document purporting to be executed in accordance with this section is to be presumed to be duly executed unless the contrary is shown.
- (7) When a document is produced bearing a seal purporting to be the common seal of the local government, it is to be presumed that the seal is the common seal of the local government unless the contrary is shown.

Policy Implications

Nil

Consultation

Internal: Denise Gobbart, Chief Executive Officer

External: Lake Grace Library and Community Resource Centre Management Committee

Financial Implications

The Shire of Lake Grace incurred expenses of \$16,260 in 2016/17 for the Lake Grace Library. Newdegate Library expenses were \$16,360. Approval of any of the above scenarios with the exception of maintaining the status quo for another two years until the next re-negotiation review, will incur additional expenses dependent upon the level of service delivery agreed.

Scenario	Additional Cost	Description
Scenario 1	No Change	<i>That the current library hours of 4 days per week be continued with the following staffing: the Department of Education paying for the Library Co-ordinator as a Public Service Level 3 of 0.3 FTE, with the Shire paying 0.1 FTE on a reimbursement basis, and the Library Officer as a Ministerial Officer Level 1 of 0.4 FTE, also being paid by the Department of Education.</i>
Scenario 2	\$22,735	<i>That the Library Co-ordinator continue in her role paid by the Department of Education working 2 days per week. The Library Officer's position as a Ministerial Officer, Level 1, will be paid by the Department of Education and reimbursed by the Shire of Lake Grace. The cost to the Shire will be \$22,735.00 inclusive (two days a week).</i>
Scenario 3	\$11,460	<i>That the Library Co-ordinator continue in her role paid by the Department of Education working 2 days per week. The Library Officer's position to be paid by the Shire of Lake Grace as a Level 3 Local Government Industry Award 2010 Library Officer. The cost to the Shire will be \$11,460.00 inclusive (two days a week).</i>

Scenario	Additional Cost	Description
Scenario 4	\$5,730	<i>That the Library Co-ordinator continue in her role paid by the Department of Education but that her hours are spread over 3 days; working core hours from 10.00 am to 4.00 pm with a lunch break, and with CRC picking up the hours 9 to 10, and 4 to 5 on the three days to ensure coverage remains the same as the current library hours. The Library Officer's position would work one day and be either being paid as a Ministerial Officer, Level 1, by the Department of Education and reimbursed by the Shire, or employed directly by the Shire and paid as a Level 3 Local Government Industry Award 2010 Library Officer. The cost to the Shire will be \$5,730 if paid directly by the Shire, and \$11,367.50 if paid by the Department of Education and reimbursed by the Shire of Lake Grace.</i>

Strategic Implications

Shire of Lake Grace Strategic Community Plan 2017 - 2027

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

- Outcome 2.1 An engaged, supportive and inclusive community
- 2.1.2 Community services and infrastructure meeting the needs of the district

Voting Requirements

Simple majority required.

Recommendation/Resolution**RESOLUTION 12648**

Moved Cr Clarke
Seconded Cr Chappell

That the present responsibilities under the November 2016 Agreement continue, allowing no change to the service delivery level to the Lake Grace community.

CARRIED 9/0

16.0 MATTERS FOR CONSIDERATION - ADMINISTRATION
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16.1 DENTAL AUTOCLAVE

Applicant:	Bryan Fleming
File No.	0319
Attachments:	Mocom Futura Classic Brochure V2
Author:	Ms Denise Gobbart Chief Executive Officer
Disclosure of Interest:	Nil
Date of Report:	9 November 2017
Senior Officer:	Ms Denise Gobbart



Chief Executive Officer

Summary

For Council to consider the replacement of the existing Dental Autoclave to meet current sterilisation standards.

Background

Recently an approach was made by Mr Bryan Fleming our local dentist regarding the renewal of the Dental Autoclave that we provide at the Lake Grace Medical Centre. The existing Siroclave Steriliser was purchased in October 2002 for \$8,000.

The current Australian Standard 'AS/NZS 4815:2006 Office-based health care facilities – reprocessing of reusable medical and surgical instruments and equipment, and maintenance of the associated environment' replaces 'AS/NZS 4815:2001, Office-based health care facilities not involved in complex patient procedures and processes — cleaning, disinfecting and sterilizing reusable medical and surgical instruments and equipment, and maintenance of the associated environment', which was in the current standard when our existing Dental Autoclave.

Since that time the standards for the Dental Autoclaves have changed to require annual onsite validation of the machines. Our current machine is sent to Perth, for the annual check, then returned on courier. When they are sent to Perth they have to be sent with the equipment that would normally be treated in the machine, as they have to be tested as being used. With the transporting of the machine back to the surgery the validation has no credibility as it is not known what occurred during transportation.

Commissioning of these units consists of two activities, an installation qualification and operational qualification. The Installation qualification shall demonstrate that the sterilizer and the area in which it is installed comply with the manufacturer's specifications. The Operational qualification shall demonstrate that the installed equipment operates within predetermined limits when used in accordance with its operational procedures.

Where on-site technical support is not available to achieve calibration, operational qualification and performance qualification for new sterilizers, temporarily loaned sterilizers, or sterilizers returned following maintenance or repair, additional monitoring with a Class 5 or 6 chemical indicator shall be used in every pack in every load or a process challenge device is used in every load.

On-site process validation shall not be delayed where access to these services can reasonably be expected to be available.

Comment

Mr Fleming has advised that the current Dental Autoclave doesn't meet the standards of today and is requesting that consideration be given to replacing the existing with a new machine. Currently Mr Fleming is bringing equipment from his other surgery to ensure that he has enough sterilized equipment to meet his needs. In some instances if he were to have two of a certain procedure on the same day he would be pushing the limits of sterilization requirements, due to the limitations of the current Dental Autoclave.

Mr Fleming has obtained quotes for various units and they range as follows;

- Ivoclar - Stern Weber Sterilisation by Mocom \$10,990
- Gunz Dental – Elara Class B Table Top Autoclave \$10,827
- Adec – W & H Lisa \$13,995
- Henry Schein – Statim 5000s \$ 9,865
- Henry Schein – Mocom CLASSIC 17 Litre \$ 9,990

Mr Fleming's preferred supplier is Henry Schein as they provide similar equipment to his surgery and have found them to be very reliable when any issues arise. The recommended unit is the Mocom CLASSIC 17 Litre; this is a smaller version of what they currently use. The feedback is that the Mocom CLASSIC will be adequate for the future needs of our surgery.

The quoted prices are GST Inclusive; in addition to these charges will be installation of \$350, validation and travel costs being additional. Having spoken with STS Health they advised that the initial validation would be estimated at \$2,200. In future years this cost would reduce as there are a number of surgeries in our wider region that require validation to occur. In these years our machine will be booked in to coincide with others in the region to reduce the cost.

Currently we have been paying on average \$500 including freight to get the current machine serviced. This service is not meeting the current standard as it is not done on-site. It is recommended that the Dental Autoclave be replaced with a Mocom CLASSIC 17 Litre from Henry Schein, with the required funds from the proposed transfer to Emergency Medical Services Reserve. This will still allow for a transfer in excess of \$300,000.

We are unsure if there would be a market for the disposal of the existing Dental Autoclave, in the past dentists have on sold machines they were disposing of to tattoo parlours. This market is now being regulated and they are now required to meet the sterilisation standards.

Legal Implications*Local Government Act 1995*

6.8. Expenditure from municipal fund not included in annual budget

- (1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —
- (a) is incurred in a financial year before the adoption of the annual budget by the local government; or
 - (b) is authorised in advance by resolution*; or
 - (c) is authorised in advance by the mayor or president in an emergency.

* *Absolute majority required.*

- (1a) In subsection (1) —

additional purpose means a purpose for which no expenditure estimate is included in the local government's annual budget.

- (2) Where expenditure has been incurred by a local government —

- (a) pursuant to subsection (1)(a), it is to be included in the annual budget for that financial year; and
- (b) pursuant to subsection (1)(c), it is to be reported to the next ordinary meeting of the council.

Local Government Act 1995

3.58 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

External: Mr Bryan Fleming, Dentist

Financial Implications

A reserve transfer is provided in the budget as follows;

E077651 – Transfer to Emergency Medical Services Reserve	\$315,000
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Capital Expenditure in the 2017/18 budget is as follows;

E077500 – Plant & Equipment	\$0
E077503 – Lake Grace Medical Centre	\$21,250

The transfer to the Emergency Medical Services Reserve can be reduced to offset the funding required to purchase the new equipment.

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
- 2.2.2 Provide and advocate for medical and health services

Voting Requirements

Absolute majority (5) required.

Recommendation/Resolution**RESOLUTION 12649**

Moved Cr Lloyd
Seconded Cr Clarke

That Council,

1. authorise the purchase of one (1) only Mocom CLASSIC 17 Litre Dental Autoclave from Henry Schein Halas for \$9,900 GST Inclusive from GL E077500 Plant and Equipment with installation, validation and travel to be at cost;
2. authorise the disposal of asset 1046 being the Siroclave Steriliser, with any proceeds to be allocated to GL I077600 Proceeds Sale of Asset; and,
3. authorise the value of the total payment to be reduced from the proposed transfer to GL E077651 - Emergency Medical Services Reserve.

CARRIED BY ABSOLUTE MAJORITY 9/0

16.2 APPOINTMENT OF ACTING CHIEF EXECUTIVE OFFICER

Applicant: Internal Report
File No. 0009
Attachments: Nil
Author: Ms Denise Gobbart
 Chief Executive Officer
Disclosure of Interest: Nil
Date of Report: 9 November 2017
Senior Officer: Ms Denise Gobbart



Chief Executive Officer

Summary

For Council to appoint an Acting Chief Executive Officer during the period of Annual Leave by the Chief Executive Officer.

Background

The Chief Executive Officer is seeking Council approval to take Annual Leave for the period from Tuesday 2 January 2018 to Thursday 25 January 2018 inclusive. As there is currently no policy for approving the Chief Executive Officer's leave this item is presented to Council for approval.

In accordance with Policy 1.14 Christmas / New Year Closure of Council Facilities the Administration Centre will be closed from Monday 25 December 2017 to Monday 1 January 2018 inclusive. During this time the Chief Executive will be clearing accrued Rostered Days Off.

An allowance is provided in the Annual Budget for higher duties to be paid during a period of time an Acting Chief Executive Officer is appointed.

Comment

Ms Linda Gray has indicated that she is available and willing to take on the role of Acting Chief Executive Officer in the absence of Ms Gobbart on annual leave. Ms Gray is familiar with the operations of the Shire.

As Mr David Holland has now commenced in the role of Manager Infrastructure Services he will be able to manage the Infrastructure service area during this period and little involvement by the Acting Chief Executive Officer required. The Western Australia Natural Disaster Relief and Recovery Arrangements (WANDRRA) remediation works will have commenced, from an administrative aspect the processing of a claim and ensuring payment is received within 30 days will need to be monitored.

Ms Gobbart will be available by phone and email during the Christmas / New Year period.

Legal Implications

Local Government Act 1995

5.36. Local government employees

- (1) A local government is to employ —
 - (a) a person to be the CEO of the local government; and
 - (b) such other persons as the council believes are necessary to enable the functions of the local government and the functions of the council to be performed.
- (2) A person is not to be employed in the position of CEO unless the council —
 - (a) believes that the person is suitably qualified for the position; and

(b) is satisfied* with the provisions of the proposed employment contract.

* Absolute majority required.

Policy Implications

There is no policy on approving leave for the Chief Executive Officer.

Policy 1.14 Christmas / New Year Closure of Council Facilities

The Administration Centre will be closed for business on Christmas Eve and re-open on the first working day following New Year's Day.

Shire staff will take leave entitlements during this closure period for those days that are not designated public holidays.

The Lake Grace and Newdegate landfill sites close on Christmas Day only. All other normal operating times apply over the Christmas / New Year period.

The Lake Grace Swimming Pool closes on Christmas Day only. All other normal operating times apply over the Christmas / New Year period.

Delegation A05 – Acting Chief Executive Officer

During un-scheduled absences of the Chief Executive Officer, the Chief Executive Officer is delegated authority to appoint one of Council's designated Senior Officers, being the Deputy Chief Executive Officer or the Manager Infrastructure Services to act, as Chief Executive Officer in accordance with the terms of his/her contract.

NOTE:

During scheduled absences of the Chief Executive Officer, the Chief Executive Officer is to recommend to Council to appoint a senior employee of the Shire's staff to act in the capacity of Chief Executive Officer.

Consultation

Internal: Cr Jeanette De Landgraftt

Financial Implications

A provision for higher duties is provided within the Annual Budget for staff acting in higher positions.

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

Voting Requirements

Absolute majority (5) required.

Recommendation/Resolution

RESOLUTION 12650

Moved Cr Stoffberg
Seconded Cr Lloyd

That Council, approve the:

1. Chief Executive Officer's annual leave for the period Tuesday 2 January 2018 to Thursday 25 January 2018 inclusive;
2. appointment of Ms Linda Gray, Deputy Chief Executive Officer as Acting Chief Executive Officer for the period Tuesday 2 January 2018 to Thursday 25 January 2018 inclusive; and,
3. hourly rate of \$58.00 be paid during the period of Acting Chief Executive Officer appointment, which is within the prescribed band for level four Local Governments.

CARRIED BY ABSOLUTE MAJORITY 9/0

Cr Marshall left the meeting at 4.48 pm.

16.3 NOMINATIONS TO COMMITTEES

Applicant: Internal Report
File No. 0039
Attachments: 'Draft' Council Committees and Advisory Group 2017
Author: Ms Natasha Bowman


 Governance Officer

Disclosure of Interest: Nil
Date of Report: 15 November 2017
Senior Officer: Ms Denise Gobbart


 Chief Executive Officer

Summary

For Council to appoint community nominations to Committees and External Organisations and adopt the Council Committees and Advisory Group 2017 guide and amend accordingly.

Background

Committees were established at the 25 October 2017 Ordinary Meeting of Council. There were some community representative positions left vacant as nominations had not been received prior to the meeting.

Council in the past has allocated committee positions, working advisory groups and representation on external organisations after each ordinary election.

The only statutory committee Council is required to have is the Audit Committee. Any other committee or working group is completely at the discretion of Council whether it is needed, or not, or whether there is a need for additional committee/groups.

Comment

A 'Council Committees and Advisory Groups' guide has been developed enabling information relating to committees to be located in a central document. It is intended that any new committee or advisory group is included as they are established.

The guide includes the objectives, membership, duties and responsibilities of the official committee or an advisory group. It is anticipated that the document be amended on a needs basis, naming those representatives appointed by Council.

Following the local government elections on 21 October 2017 all positions on Committees and Advisory Groups were vacant, and now need to be allocated.

Advertisements seeking community representatives for the Audit Committee, the Lake Grace Library and Community Resource Centre Management Committee, the Newdegate Town Centre Rejuvenation Committee and the Newdegate Community Library Management Committee were published in early October. Applications were to be submitted in writing; at the time of preparing the October Agenda only a few nominations were received.

Current community representatives on these committees have again been contacted and nominations have since been received.

Legal Implications

Local Government Act 1995

Subdivision 2 – Committees and their meetings

5.8. Establishment of Committees

A local government may establish* committees of 3 or more persons to assist the council and to exercise the powers and discharge the duties of the local government that can be delegated to committees.

* Absolute majority required.

5.9. Committees, types of

(1) In this section —

other person means a person who is not a council member or an employee.

(2) A committee is to comprise —

- (a) council members only; or
- (b) council members and employees; or
- (c) council members, employees and other persons; or
- (d) council members and other persons; or
- (e) employees and other persons; or
- (f) other persons only.

5.10. Committee members, appointment of

(1) A committee is to have as its members —

- (a) persons appointed* by the local government to be members of the committee (other than those referred to in paragraph (b)); and
- (b) persons who are appointed to be members of the committee under subsection (4) or (5).

* Absolute majority required.

(2) At any given time each council member is entitled to be a member of at least one committee referred to in section 5.9(2)(a) or (b) and if a council member nominates himself or herself to be a member of such a committee or committees, the local government is to include that council member in the persons appointed under subsection (1)(a) to at least one of those committees as the local government decides.

(3) Section 52 of the Interpretation Act 1984 applies to appointments of committee members other than those appointed under subsection (4) or (5) but any power exercised under section 52(1) of that Act can only be exercised on the decision of an absolute majority of the local government.

(4) If at a meeting of the council a local government is to make an appointment to a committee that has or could have a council member as a member and the mayor or president informs the local government of his or her wish to be a member of the committee, the local government is to appoint the mayor or president to be a member of the committee.

(5) If at a meeting of the council a local government is to make an appointment to a committee that has or will have an employee as a member and the CEO informs the local government of his or her wish —

- (a) to be a member of the committee; or
- (b) that a representative of the CEO be a member of the committee, the local government is to appoint the CEO or the CEO's representative, as the case may be, to be a member of the committee.

Bush Fire Act 1954
Miscellaneous Part V

67. Advisory committees

- (1) A local government may at any time appoint such persons as it thinks fit as a bush fire advisory committee for the purpose of advising the local government regarding all matters relating to the preventing, controlling and extinguishing of bush fires, the planning of the layout of fire-breaks in the district, prosecutions for breaches of this Act, the formation of bush fire brigades and the grouping thereof under group brigade officers, the ensuring of co-operation and co-ordination of bush fire brigades in their efforts and activities, and any other matter relating to bush fire control whether of the same kind as, or a different kind from, those specified in this subsection.
- (2) A committee appointed under this section shall include a member of the council of the local government nominated by it for that purpose as a member of the committee, and the committee shall elect one of their number to be chairman thereof.
- (3) In respect to a committee so appointed, the local government shall fix the quorum for the transaction of business at meetings of the committee and may —
 - (a) make rules for the guidance of the committee; and
 - (b) accept the resignation in writing of, or remove, any member of the committee; and
 - (c) where for any reason a vacancy occurs in the office of a member of the committee, appoint a person to fill that vacancy.
- (4) A committee appointed under this section —
 - (a) may from time to time meet and adjourn as the committee thinks fit;
 - (b) shall not transact business at a meeting unless the quorum fixed by the local government is present;
 - (c) is answerable to the local government and shall, as and when required by the local government, report fully on its activities.

Emergency Management Act 2005

Local arrangements Part 3

Emergency management arrangements for local governments Division 2

38. Local emergency management committees

- (1) A local government is to establish one or more local emergency management committees for the local government's district.
- (2) If more than one local emergency management committee is established, the local government is to specify the area in respect of which the committee is to exercise its functions.
- (3) A local emergency management committee consists of —
 - (a) a chairman and other members appointed by the relevant local government in accordance with subsection (4); and
 - (b) if the local emergency coordinator is not appointed as chairman of the committee, the local emergency coordinator for the local government district.
- (4) Subject to this section, the constitution and procedures of a local emergency management committee, and the terms and conditions of appointment of members, are to be determined by the SEMC.

Policy Implications

Not Applicable

Consultation

External: Various community groups seeking community representation

Financial Implications

Non-Elected Member delegates representing the Shire are entitled to be reimbursed for travelling expenses incurred.

Strategic Implications

Shire of Lake Grace Strategic Community Plan 2017 - 2027

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

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

Voting Requirements

Absolute majority (5) required.

Recommendation/Resolution**RESOLUTION 12651**

Moved Cr Chappell
Seconded Cr Hunt

That Council;

1. appoint the following other persons as nominated representatives on the following Committees of Council;

Committee of Council	Member	Name
Newdegate Rejuvenation Committee	Newdegate Community Development Association	Mrs Lynne Ellard
Newdegate Rejuvenation Committee	Newdegate Community Development Association	Ms Anne Rintoul
Newdegate Rejuvenation Committee	Newdegate Community Representative	Mrs Judy Walker
Newdegate Rejuvenation Committee	Newdegate Community Representative	Mr Len Armstrong

RESOLUTION 12651 continued

2. appoint the following other persons as nominated representatives on the following Committees formed by Council;

Other Committee	Delegate	Deputy
Bush Fire Advisory Committee		
North Lake Grace Brigade Bush Fire Control Officer x 1	Greg Carruthers	Evan Wyatt
South Lake Grace Brigade Bush Fire Control Officer x 1	Scott Strevett	Kevin Naisbitt
North Newdegate Brigade Bush Fire Control Officer x 1	Bill Lloyd	Tim Lloyd
South Newdegate Brigade Bush Fire Control Officer x 1	Geoff Richardson	Brad Kennedy
Lake King / Varley Brigade Bush Fire Control Officer x 1	Hugh Roberts	Jorg Brinkmann
Mt Madden / Dunn Rock Brigade Bush Fire Control Officer x 1	Bernie Giles	Peter Newman
Other Committee	Member	Name
Newdegate Swimming Pool Management Committee	Ministers Representative	Mrs Ann Webster
Newdegate Swimming Pool Management Committee	Ministers Representative	Mrs Rochell Walker
Newdegate Swimming Pool Management Committee	Ministers Representative	Miss Jasmine Knill

3. adopt the Council Committees and Advisory Group 2017 guide and amend accordingly.

CARRIED BY ABSOLUTE MAJORITY 8/0

Cr Marshall returned to the meeting at 4.51 pm.

16.4 SCHEDULING OF COUNCIL MEETING DATES 2018

Applicant: Executive Services
File No: 0041
Attachments: Nil
Author: Ms Natasha Bowman

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


 Governance Officer


 Chief Executive Officer

Summary

For Council to consider its meeting arrangements for 2018.

Background

Meeting arrangements for 2018 in accordance with the *Local Government Act 1995*, Council is required, at least once each year, to give local public notice of the date, time and place of its Ordinary Meetings to be held in the coming 12 months.

In 2017, Council scheduled the meetings as per Council's Policy 1.2, which confirms that its meetings are to be held on the fourth Wednesday of the months of February to November and on the third Tuesday for the month of December.

Comment

As Anzac Day falls on the fourth Wednesday in April there will need to be a variation to the meeting dates. It is proposed that the April meeting be held on the third Wednesday in April. As a point of interest the Easter break is Friday 30 March to Monday 2 April 2018

As this was an election year, we encountered the issue of having a Council meeting the Wednesday immediately after the election. This caused issues when sending out the Agenda and ensuring the newly elected members had appropriate time to read the Agenda. It is proposed that the October meeting be set to the third Wednesday of the month on an annual basis, so that the same issue doesn't arise in the future. In an election year we would schedule a Special meeting for the fourth Wednesday of the month.

The December meeting of Council was scheduled on a Tuesday as the Wednesday was clashing with end of School year presentation evenings. With the School year ending Friday 14 December 2018, the December meeting of Council could return to the third Wednesday in 2018.

The proposed schedule as follows, reflects the meeting dates as per Council Policy 1.2 with no meeting being scheduled for January.

Date	Time	Place
28 February 2018	3.00 pm	Council Chambers, Lake Grace
28 March 2018	3.00 pm	Council Chambers, Lake Grace
18 April 2018 (3 rd Wednesday)	3.00 pm	Council Chambers, Lake Grace
23 May 2018	3.00 pm	Council Chambers, Lake Grace
27 June 2018	3.00 pm	Council Chambers, Lake Grace
25 July 2018	3.00 pm	Council Chambers, Lake Grace
22 August 2018	3.00 pm	Council Chambers, Lake Grace

26 September 2018	3.00 pm	Council Chambers, Lake Grace
17 October 2018 (3 rd Wednesday)	3.00 pm	Council Chambers, Lake Grace
28 November 2018	3.00 pm	Council Chambers, Lake Grace
19 December 2018 (3 rd Wednesday)	1.00 pm	Council Chambers, Lake Grace

The Meeting schedule will be displayed on public library and community notice boards and advertised through community newsletters and the Shire's website.

Legal Implications

Local Government Act 1995

5.25. Regulations about council and committee meetings and committees

- (1) Without limiting the generality of section 9.59, regulations may make provision in relation to —
- (g) the giving of public notice of the date and agenda for council or committee meetings.

Local Government (Administration) Regulations 1996

Regulation 12 Meetings, public notice of (Act s. 5.25(1)(g))

- (1) At least once each year a local government is to give local public notice of the dates on which and the time and place at which —
- (a) the ordinary council meetings; and
- (b) the committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public, are to be held in the next 12 months.
- (2) A local government is to give local public notice of any change to the date, time or place of a meeting referred to in subregulation (1).
- (3) Subject to subregulation (4), if a special meeting of a council is to be open to members of the public then the local government is to give local public notice of the date, time, place and purpose of the special meeting.
- (4) If a special meeting of a council is to be open to members of the public but, in the CEO's opinion, it is not practicable to give local public notice of the matters referred to in subregulation (3), then the local government is to give public notice of the date, time, place and purpose of the special meeting in the manner and to the extent that, in the CEO's opinion, is practicable.

Policy Implications

The schedule of dates is in accordance with Council Policy 1.2 which makes no provision for specific times, locations or public holidays.

Policy 1.2 Meeting Dates

Council is to meet on the fourth Wednesday of the months of February to November and on the third Tuesday for the month of December.

A meeting in the month of January will only be held when it is called under provisions of Section 5.4 of the *Local Government Act 1995*.

Consultation

Internal: Chief Executive Officer

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

Voting Requirements

Simple majority required.

Recommendation/Resolution

RESOLUTION 12652

Moved Cr Stanton
 Seconded Cr Chappell

That Council, as required by the *Local Government Act 1995* give local public notice of the following schedule of meetings for 2018:

Date	Time	Place
28 February 2018	3.00 pm	Council Chambers, Lake Grace
28 March 2018	3.00 pm	Council Chambers, Lake Grace
18 April 2018 (3 rd Wednesday)	3.00 pm	Council Chambers, Lake Grace
23 May 2018	3.00 pm	Council Chambers, Lake Grace
27 June 2018	3.00 pm	Council Chambers, Lake Grace
25 July 2018	3.00 pm	Council Chambers, Lake Grace
22 August 2018	3.00 pm	Council Chambers, Lake Grace
26 September 2018	3.00 pm	Council Chambers, Lake Grace
17 October 2018 (3 rd Wednesday)	3.00 pm	Council Chambers, Lake Grace
28 November 2018	3.00 pm	Council Chambers, Lake Grace
19 December 2018 (3 rd Wednesday)	1.00 pm	Council Chambers, Lake Grace

CARRIED 9/0

16.5 COMMUNITY EMERGENCY SERVICES MANAGER – APPOINTMENT AS FIRE CONTROL OFFICER

Applicant: Internal
File No. 0177
Attachments: Extract from MOU with DFES
Author: Ms Natasha Bowman

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


 Governance Officer


 Chief Executive Officer

Summary

The purpose of this report is for Council to appoint Mr Mike Barnes, Community Emergency Services Manager (CESM), as a Bushfire Control Officer for the 2017/18 season.

Background

In October 2017, Mike Barnes commenced employment as the Community Emergency Services Manager (CESM) for the Shires of Kent and Lake Grace.

To enable Mr Barnes to perform his role/duties there is a requirement for him to be appointed as a Fire Control Officer for each of the Shires.

In accordance with s38 of the *Bush Fires Act 1954*, Mr Barnes is required to be appointed by Council.

Comment

The appointment of Mr Barnes as a Fire Control Officer for the 2017/18 fire season is necessary to satisfy the requirements of the Shires' Memorandum of Understanding ((MOU) see section 6.1 paragraph 5 of the signed MOU) with the Department of Fire and Emergency Services. The CESM appointment was included in the April 2017 submission to Council, however a specific individual person was not appointed at that time.

In appointing Mr Barnes as a Fire Control Officer, it is further recommended that his appointment enables him to issue permits, including clover and proclaimed plant burning permits as necessary, and undertake the duties as a Fire Weather Officer. Furthermore, Mr Barnes should be appointed as a Dual Bush Fire Control Officer for the Shire of Lake Grace for the Shires of Ravensthorpe, Kondinin, Kulin, Dumbleyung, Kent and Esperance for the 2017/18 Bush Fire Season.

Legal Implications

Bush Fires Act 1954

s38 Local government may appoint bush fire control officer

- (1) A local government may from time to time appoint such persons as it thinks necessary to be its bush fire control officers under and for the purposes of this Act, and of those officers shall subject to section 38A(2) appoint 2 as the Chief Bush Fire Control Officer and the Deputy Chief Bush Fire Control Officer who shall be first and second in seniority of those officers, and subject thereto may determine the respective seniority of the other bush fire control officers appointed by it.
- (2A) The local government shall cause notice of an appointment made under the provisions of subsection (1) to be published at least once in a newspaper circulating in its district.

- (2C) The local government shall fill any vacancy occurring in the office of Chief Bush Fire Control Officer or Deputy Chief Bush Fire Control Officer within one month after the vacancy occurs and if the local government fails or neglects to do so within that time, the FES Commissioner may by notice in writing require the local government to appoint a person to the vacant office within one month after service on it of such notice.
- (2D) Where a local government that has been served with a notice pursuant to subsection (2C) fails or neglects to comply with the requirements of that notice, the FES Commissioner may appoint a person who is not employed in the Department to the vacant office.
- (2E) A bush fire control officer appointed by a local government under the provisions of this section shall be issued with a certificate of appointment by the local government or, if he is appointed by the FES Commissioner, by the FES Commissioner.
- (3) The local government may, in respect to bush fire control officers appointed under the provisions of this section, exercise so far as they can be made applicable the same powers as it may exercise in respect to its other officers, under the provisions of the Acts under which those other officers are appointed.
- (4) A bush fire control officer appointed under the provisions of this section shall, subject to such directions as may be given by the local government, and subject to this Act take such measures as appear to him to be necessary or expedient and practicable for —
- (a) carrying out normal brigade activities;
 - [(b), (c) deleted]
 - (d) exercising an authority or carrying out a duty conferred or imposed upon him by any of the provisions of Part III;
 - (e) procuring the due observance by all persons of the provisions of Part III.
- (5A) A local government may issue directions to a bush fire control officer appointed by the local government, or to an officer of a bush fire brigade registered by the local government to burn, subject to the provisions of this Act, bush on, or at the margins of, streets, roads, and ways, under the care, control and management of the local government.
- (5B) The bush fire control officer, or officer of the bush fire brigade, may by authority of any directions issued under subsection (5A) carry out the directions but subject to the provisions of this Act.
- (5C) The provisions of subsections (5A) and (5B) are not in derogation of those of subsection (4).
- (6) In this section —
approved local government means a local government approved under subsection (7) by the FES Commissioner.
- (7) If it appears to the FES Commissioner that the standard of efficiency of a local government in fire prevention and control justifies the FES Commissioner doing so, the FES Commissioner, by notice published in the Government Gazette —
- (a) may approve the local government as one to which subsections (6) to (18) apply; and
 - (b) may from time to time cancel or vary any previous approval given under this subsection.
- (8) An approved local government may appoint to the office of fire weather officer such number of senior bush fire control officers as it thinks necessary.
- (9) Where more than one fire weather officer is appointed by a local government the local government shall define a part of its district in which each fire weather officer shall have the exclusive right to exercise the power conferred by subsection (17).
- (10) An approved local government may appoint one or more persons, as it thinks necessary, to be the deputy or deputies, as the case may be, of a fire weather officer appointed by the local government and where 2 or more deputies are so appointed they shall have seniority in the order determined by the local government.

- (11) Where the office of a fire weather officer is vacant or whilst the occupant is absent or unable to act in the discharge of the duties of the office, any deputy appointed in respect of that office under subsection (10) is, subject to subsection (12), entitled to act in the discharge of the duties of that office.
- (12) A deputy who is one of 2 or more deputies of a fire weather officer is not entitled to act in the discharge of the duties of the office of that fire weather officer if a deputy who has precedence over him in the order of seniority determined under subsection (10) is available and able to discharge those duties.
- (13) The local government shall give notice of an appointment made under subsection (8) or (10) to the FES Commissioner and cause notice of the appointment to be published at least once in a newspaper circulating in its district and the FES Commissioner shall cause notice of the appointment to be published once in the Government Gazette.
- (14) An approved local government may appoint a committee for the purpose of advising and assisting a fire weather officer or any deputy of a fire weather officer acting in the place of that officer under subsections (6) to (18).
- (15) Where a committee is appointed, a fire weather officer, or, as the case may be, a deputy of a fire weather officer while acting in the place of that officer, may exercise the authority conferred on him by subsection (17), notwithstanding the advice and assistance tendered to him by the committee.
- (16) The provisions of subsections (6) to (18) are not in derogation of those of any other subsection of this section.
- (17) A fire weather officer of an approved local government, or a deputy of that fire weather officer while acting in the place of that officer, may authorise a person who has received a permit under section 18(6)(a), to burn the bush in the district of the local government notwithstanding that for any day, or any period of a day, specified in the notice the fire danger forecast issued by the Bureau of Meteorology in Perth, in respect to the locality where the bush proposed to be burnt is situated, is “catastrophic”, “extreme”, “severe” or “very high”, and upon the authority being given the person, if he has otherwise complied with the conditions prescribed for the purposes of section 18, may burn the bush.
- (18) Subsections (6) to (18) do not authorise the burning of bush —
 - (a) during the prohibited burning times; or
 - (b) during the period in which, and in the area of the State in respect of which, a total fire ban is declared under section 22A to have effect.

Shire of Lake Grace Bush Fire Brigades Local Law

3.11 Management Committee to nominate bush fire control officers

As soon as practicable after the annual general meeting of each bush fire brigade in the district, the Bush Fire Management Committee is to nominate to the local government from the persons nominated by each bush fire brigade a person for the position of a bush fire control officer for the brigade area.

Policy Implications

Nil

Consultation

External: Department of Fire and Emergency Services

Financial Implications

Local advertising costs may apply.

Strategic Implications

Shire of Lake Grace Strategic Community Plan 2017 – 2017

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

Outcome 2.2 A healthy and safe community

- 2.2.3 Support provision of emergency services and encourage community volunteers

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 12653

Moved Cr Hunt

Seconded Cr Clarke

That Council:

1. appoints Mr Mike Barnes, Community Emergency Services Manager, as a Bush Fire Control Officer (Permit Issuing) and a Fire Weather Officer for the 2017/18 season;
2. appoints Mr Mike Barnes, Community Emergency Services Manager, as a Shire of Lake Grace Dual Bush Fire Control Officer for the Shires of Ravensthorpe, Kondinin, Kulin, Dumbleyung, Kent and Esperance for the 2017/18 Bush Fire Season.
3. authorises Mr Mike Barnes, Community Emergency Services Manager, to issue clover and proclaimed plant burning permits during the 2017/18 season in conjunction with the closest available Fire Control Officer to the person making the application.
4. authorises Mr Mike Barnes, Community Emergency Services Manager, to supply information relating to harvest bans for general radio broadcasting during the 2017/18 season; and,
5. advertises the appointment of Mr Barnes, Community Emergency Services Manager, at least once in a local newspaper circulating throughout the district as per requirements of s38(2A) of the *Bush Fires Act 1954*.

CARRIED 9/0

16.6 WHEATBELT DEVELOPMENT COMMISSION – BOARD NOMINATIONS

Applicant: Wheatbelt Development Commission
File No. 0032
Attachments: 1. WDC Letter to Shires
 2. WDC Accompanying Letter
 3. Nomination Form
Author: Ms Natasha Bowman
Disclosure of Interest: Nil
Date of Report: 16 November 2017
Senior Officer: Ms Denise Gobbart


 Governance Officer


 Chief Executive Officer

Summary

The purpose of this report is for Council to consider a nomination to the Wheatbelt Development Commission (WDC) Board.

Background

A letter has been received from Wendy Newman, Chief Executive Officer (CEO) of the Wheatbelt Development Commission seeking nominations for current vacancies which exist for the Board of the Wheatbelt Development Commission.

Nominations are open until 4.00 pm on the 18 December 2017.

Comment

The Wheatbelt Development Commission drives strategic partnerships that deliver jobs growth and maximises leverage from private and government investment.

The role of the Commission is to coordinate and promote economic development in the Wheatbelt.

There are seven Board Members, six appointed by the Minister for Regional Development from expressions of interest via advertisement for our community and ministerial positions and by direct correspondence to local government authorities. The CEO is an ex-officio voting member.

There are three areas of responsibility that you can be appointed to; ministerial, local government or community. There are currently two local government vacancies on the Board. It is responsible for strategic direction, discussion of policy issues and organisational performance, whilst the CEO is responsible for the operation of the Commission.

The Board meets bi-monthly in various regional location. An agenda is provided at least a week prior to these scheduled meetings. All meals and accommodation is provided and there is a standard sitting fee and travel costs that are covered (refer to attachment 2).

It would be beneficial to our area to have a representative on the WDC Board.

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

Recommendation

For Council consideration.

Voting Requirements

Simple majority required.

Resolution

RESOLUTION 12654

Moved Cr Chappell

Seconded Cr Hunt

That Council nominate Cr Marshall for a position on the Wheatbelt Development Commission Board.

CARRIED 9/0

17.0 INFORMATION BULLETIN

17.1 INFORMATION BULLETIN REPORT – NOVEMBER 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: 16 November 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 (November 2017) Information Bulletin Report has been emailed to Councillors.

The November 2017 Information Bulletin attachment includes:

Reports

1. Council Status Report – October 2017
2. Infrastructure Services Report – October 2017
3. Monthly Schedules – October 2017
4. Outstanding Rates Report – October 2017
5. Western Australian Planning Commission – Annual Report 2016/17

Circulars & Newsletters

6. Department of Local Government, Sport and Cultural Industries – Circular 19/2017
7. WALGA Info Page – Inquiry into Elder Abuse
8. WALGA Info Page – Western Power Proposed Access Arrangement
9. WALGA Info Page – Public Health Legislation Regarding Morgues
10. WALGA Info Page – Ministerial Review of the State Industrial Relations System
11. Local Government Professionals Australia WA Information Circular – Insights into 2017 Local Government Elections
12. Local Government Professionals Australia WA Information Circular – Shape the future of local government in WA
13. Local Government Professionals Australia WA Information Circular – Awards for outstanding contribution to Local Government in Western Australia
14. Eastern Wheatbelt Biosecurity Group Newsletter – Edition 3 October 2017

15. Hon David Templeman MLA – Minister for Local Government, Heritage, Culture and Arts – Circular 08/2017
16. LGIS Risk Matters Magazine – October 2017

Letters

17. Lake King Primary School – Donation to our school awards 2017
18. Lake Grace District High School – Awards Night 2017
19. Minister for the Mining and Pastoral Region - Ban on Mass Balloon Releases
20. Minister for Infrastructure and Transport – Roads to Recovery Statement of Expectations

Minutes

21. Lake Grace Library Resource and Community Resource Centre Management Committee – 31 October 2017
22. Lake Grace Library Resource and Community Resource Centre Management Committee – 6 November 2017
23. Lake Grace Regional Health Advisory Council – 24 October 2017
24. WALGA Central Country Zone Special Meeting – 18 October 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.

Resolution

RESOLUTION 12655

Moved Cr Spurr
Seconded Cr Lloyd

That Council accepts the Information Bulletin report.

CARRIED 9/0

18.0 URGENT BUSINESS BY DECISION OF THE MEETING

Resolution

RESOLUTION 12656

Moved Cr Spurr
Seconded Cr Stoffberg

That Council accept Item 18.1 Appointment of Authorised Persons and Item 18.2 Contracting of Funded Rural Road Projects as late items of urgent business.

CARRIED 9/0

18.1 APPOINTMENT OF AUTHORISED PERSONS

Applicant:	Internal Report
File No.	0052
Attachments:	Nil
Author:	Ms Denise Gobbart Chief Executive Officer
Disclosure of Interest:	Nil
Date of Report:	21 November 2017
Senior Officer:	Ms Denise Gobbart



Chief Executive Officer

Summary

The purpose of this report is for Council to appoint Authorised Persons to exercise power under the *Local Government Act 1995*, associated legislation and other Acts, on behalf of the Shire of Lake Grace.

Background

In accordance with a number of provisions of various Acts, Regulations and local laws, Council is required to appoint authorised persons to perform various authorised functions.

Authorisations are reviewed and updated to reflect legislation and staff changes; this was previously undertaken at the Ordinary Meeting of Council held 22 February 2017.

Since this time David Holland (Manager Infrastructure Services), Will Pearce (Environmental Health Officer) and Kevan Sercombe (Ranger).

Comment

(1) Section 3.24 of the *Local Government Act 1995* enables a local government to expressly authorise a person(s) to exercise its executive powers under the Act.

These authorisations relate to certain provisions about land, including issuance of notices requiring certain things to be done by an owner or occupier of land in accordance with Schedule 3.1 of the Act. These can include matters relating to drainage requirements, safety issues and unsightly land. It is proposed to appoint Denise Gobbart, Linda Gray and David Holland.

(2) Part 3, Division 3, Section 3.28 & 3.29 of the *Local Government Act 1995* provides for Power of Entry, subject to notice and other than by a Local Law e.g. abandoned vehicles or home industry. For this purpose it is proposed to authorise Denise Gobbart, David Holland and Linda Gray.

(3) Section 3.39 of the *Local Government Act 1995* enables Council to appoint an authorised person for the purpose of removing or impounding of goods that are involved in a contravention, as prescribed by regulation or local law, that can lead to impounding. Denise Gobbart, David Holland and Linda Gray are the authorised persons.

(4) & (5) Part 9 of the *Local Government Act 1995* provides for the appointment of authorised persons relating to enforcements and legal proceedings, i.e. the fining of a person committing an offence and the issuing of infringement notices.

Section 37 of the *Control of Vehicles (Off-road Areas) Act 1978* also deals with infringement notices.

For the purposes of the above staff members are designated as Authorised Persons – Denise Gobbart, David Holland and Linda Gray.

(6) The extension of the payment period (s9.19) and/or the withdrawal of the notice (s9.20) is to be authorised by Chief Executive Officer, Denise Gobbart or Deputy Chief Executive Officer Linda Gray.

(7) In accordance with s449 of the *Local Government (Miscellaneous Provisions) Act 1960*, a local government may establish and maintain one or more public pounds and may appoint persons to be keepers of those pounds so as to have care, control and management of those pounds. David Holland, Matthew Sharpe, Deborah Walker, Jodie Taylor and Kevan Sercombe are appointed as the Authorised Persons.

(8) Pursuant to the *Dog Act 1976* the local government is required to appoint an “Authorised Person” to exercise powers on behalf of the local government, under section 29(1) of this Act.

The following staff members are appointed as an “Authorised Person”:

- Denise Gobbart
- David Holland
- Matthew Sharpe
- Deborah Walker
- Jodie Taylor
- Kevan Sercombe

(9) Pursuant to the *Dog Act 1976* the local government is required to appoint a “Registration Officer” to effect the registration of dogs pursuant to the requirement of the Act.

The following staff members are appointed as an authorised “Registration Officer”:

- Linda Gray
- Lee-Anne Trevenen
- Kairi Nigol
- Victoria Gracheva
- Rebecca Clark
- Sharon Lampard

(10) Pursuant to the *Cat Act 2011* the local government may, in writing, appoint persons or classes of persons to be authorised for the purposes of performing particular functions.

Accordingly, the following staff members are appointed as an "Authorised Person":

- Denise Gobbart
- David Holland
- Matthew Sharpe
- Deborah Walker
- Jodie Taylor
- Kevan Sercombe

(11) Pursuant to the *Cat Act 2011* the local government may, in writing, appoint persons or classes of persons to be authorised for the purposes of performing particular functions.

Accordingly, the following staff members are appointed as "Authorised Person – Registration Only":

- Linda Gray
- Lee-Anne Trevenen
- Kairi Nigol
- Victoria Gracheva
- Rebecca Clark
- Sharon Lampard

(12) Pursuant to s24 of the *Public Health Act 2016* Council may appoint Environmental Health Officers and Authorised Officers to perform such duties as the local government from time to time directs and also such as are specifically prescribed by any order of the Executive Director, Public Health. Will Pearce, Lauren Pitman and Barry Smith are the appointed Environmental Health Officers and Authorised Officers.

(13) Pursuant to s17 of the *Caravan Parks and Camping Grounds Act 1995* the Chief Executive Officer may appoint such persons to be authorised persons for the purposes of the Act. An authorised person may enter and inspect premises to ensure compliance with the requirements of the Act.

The Chief Executive Officer has appointed Will Pearce, Lauren Pitman and Barry Smith as authorised persons (Power of Entry and Inspection) for the purposes of s17 of the *Caravan Parks and Camping Grounds Act 1995*.

(14) For the purposes of s26 of the *Litter Act 1979* all Council Members, Shire Employees, Matthew Sharpe, Deborah Walker, Jodie Taylor and Kevan Sercombe are deemed to be authorised persons.

(15) Section 122 of the *Food Act 2008* requires the local government as the "Enforcement Agency" (refer Delegation H04) to appoint Authorised Officers in writing and issue certificates of authorisation. For the purposes of s122, Will Pearce, Lauren Pitman and Barry Smith are the Shire's Authorised Officers.

(16) Section 126 of the *Food Act 2008* requires the local government as the "Enforcement Agency" (refer Delegation H04) to appoint Designated Officers in writing and issue certificates of authorisation. For the purposes of s126, Will Pearce, Lauren Pitman and Barry Smith are the Shire's Designated Officers.

(17) Under Section 96(3) of the *Building Act 2011*, a local government may appoint authorised persons in relation to buildings and incidental structures located or proposed to be located in the Shire (refer Delegation B01). Josiah Farrell is appointed as an authorised person.

(18) Pursuant to the *Health (Miscellaneous Provisions) Act 1911*, and under Regulation 15D(5) of the *Health (Asbestos) Regulations 1992*, the local government may appoint officers who are authorised to issue infringement notices for the offences specified under Schedule 1 of those regulations. For the purposes of Regulation 15D(5), Will Pearce, Lauren Pitman and Barry Smith are the Shire's Authorised Officers.

Legal Implications

Local Government Act 1995

Local Government (Miscellaneous Provisions) Act 1960

Bush Fires Act 1954

Dog Act 1976

Health (Miscellaneous Provisions) Act 1911

Public Health Act 2016

Health (Asbestos) Regulations 1992

Litter Act 1979

Control of Vehicles (Off-Road Areas) Act 1978

Caravan Parks and Camping Grounds Act 1995

Cemeteries Act 1986

Cat Act 2011

Policy Implications

Nil

Consultation

Not Applicable

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
- 4.2.3 Provide a positive and safe workplace

Voting Requirements

Simple majority required.

Recommendation/Resolution**RESOLUTION 12657**

Moved Cr Spurr

Seconded Cr Chappell

That Council, appoint the following persons as “Authorised Persons” in respect to the requirements of the specified Acts effective 22 November 2017:

- (1) *Local Government Act 1995*, Part 3, Division 3, Subdivision 2, certain provisions about land - s3.24 (relates to the issuing of notices):
 - Denise Gobbart
 - Linda Gray
 - David Holland
- (2) *Local Government Act 1995*, Part 3 Division 3 Section 3.28 & 3.29 of the *Local Government Act 1995* provides for Power of Entry (relates to abandoned vehicles or home industry):
 - Denise Gobbart
 - Linda Gray
 - David Holland
- (3) *Local Government Act 1995*, Part 3, Division 3, Subdivision 4, impounding goods involved in certain contraventions – s3.39 (relates to the power to remove and impound):
 - Denise Gobbart
 - Linda Gray
 - David Holland
- (4) *Local Government Act 1995*, Part 9, Division 2, Subdivision 1, miscellaneous provisions about enforcement – s9.10, s9.11 and s9.15; and *Control of Vehicles (Off-Road Areas) Act 1978* – s37 (relates to the fining of a person committing an offence):
 - Denise Gobbart
 - Linda Gray
 - David Holland
- (5) *Local Government Act 1995*, Part 9, Division 2, Subdivisions 1 & 2, miscellaneous provisions about enforcement and infringement notices – s9.13, s9.16 and s9.17: (relates to the issuing of notices):
 - Denise Gobbart
 - Linda Gray
 - David Holland
- (6) *Local Government Act 1995*, Part 9, Division 2, Subdivision 2, miscellaneous provisions about enforcement – s9.19 and s9.20 (relates to amendment of notices):
 - Denise Gobbart
 - Linda Gray

RESOLUTION 12657 continued

- (7) *Local Government (Miscellaneous Provisions) Act 1960* – s449 Local governments may establish pounds, appoint pound keepers and Rangers:
- David Holland
 - Matthew Sharpe
 - Deborah Walker
 - Jodie Taylor
 - Kevan Sercombe
- (8) *Dog Act 1976* – Authorised Officer
- Denise Gobbart
 - David Holland
 - Matthew Sharpe
 - Deborah Walker
 - Jodie Taylor
 - Kevan Sercombe
- (9) *Dog Act 1976* – Registration Officer
- Linda Gray
 - Lee-Anne Trevenen
 - Kairi Nigol
 - Victoria Gracheva
 - Rebecca Clark
 - Sharon Lampard
- (10) *Cat Act 2011* – Authorised Persons
- Denise Gobbart
 - David Holland
 - Matthew Sharpe
 - Deborah Walker
 - Jodie Taylor
 - Kevan Sercombe
- (11) *Cat Act 2011* – Authorised Persons - Registration Only
- Linda Gray
 - Lee-Anne Trevenen
 - Kairi Nigol
 - Victoria Gracheva
 - Rebecca Clark
 - Sharon Lampard
- (12) *Public Health Act 2016* – Environmental Health Officer and Authorised Officer
- Will Pearce
 - Lauren Pitman
 - Barry Smith
- (13) *Caravan Parks and Camping Grounds Act 1995* – s17 Authorised Persons (Power of Entry and Inspection).
- Will Pearce
 - Lauren Pitman
 - Barry Smith

RESOLUTION 12657 continued

(14) Litter Act 1979 – s26 – Authorised Persons

- Members of Council
- Shire Employees
- Matthew Sharpe
- Deborah Walker
- Jodie Taylor
- Kevan Sercombe

(15) Food Act 2008 – s122 – Authorised Persons

- Will Pearce
- Lauren Pitman
- Barry Smith

(16) Food Act 2008 – s126 – Designated Officer

- Will Pearce
- Lauren Pitman
- Barry Smith

(17) Building Act 2011 – s96(3) Authorised Persons

- Josiah Farrell

(18) Health (Asbestos) Regulations 1992 – Reg 15D(5) Infringement Notices

- Will Pearce
- Lauren Pitman
- Barry Smith

CARRIED 9/0

18.2 CONTRACTING OF FUNDED RURAL ROAD PROJECTS

Applicant: Internal Report
File No. 0586 / 0483
Attachments: Nil
Author: Ms Denise Gobbart
 Chief Executive Officer
Disclosure of Interest: Nil
Date of Report: 21 November 2017
Senior Officer: Ms Denise Gobbart



Chief Executive Officer

Summary

For Council to authorise the Chief Executive Officer to use the services of the Shire of Kondinin to undertake road construction works in preparation for sealing on Holt Rock South Road and Magenta Road.

Background

Consideration has been given to the ability of the Shire of Lake Grace Construction Crew to be able to undertake all of our Regional Road Group funded road projects in a timely manner to enable sealing works to be completed during the appropriate weather conditions.

It has been identified that Holt Rock South Road and Magenta Road would be suitable projects to outsource the works being undertaken. Both of these road projects entail the reconstruction of pavement to 10 metres, being an upgrade from Road Type 3 Gravel to Road Type 5 with a 7 metre first and second coat seal. Works include drainage improvements and vegetation clearing.

The Shire of Kondinin Chief Executive Officer, Mr John Read made an approach to our Chief Executive Officer, Ms Denise Gobbart to see if the Shire of Kondinin could assist in any road works being undertaken. Initially this was giving consideration to our Western Australian Natural Disaster Relief and Recovery Arrangements (WANDRRA) Road damage repairs. Advice was given that these works had been approved to be undertaken by contracts and the tender process had already commenced.

The proposal offered by the Shire of Kondinin was that the works were to be undertaken at cost. As the Shire of Kondinin is in the same Regional Road Group they are aware of the funding that has been allocated to the projects. If the services of the Shire of Kondinin are utilised we will incur additional travel and/or accommodation expenses.

It has been identified that there is an imbalance in the costing for both projects given they are for similar works, as is evidenced below;

- | | | |
|---|--------|-----------|
| • Holt Rock South Road slk 25.38 to slk 29.43 | 4.05km | \$409,152 |
| • Magenta Road slk 21.63 to slk 24.63 | 3.00km | \$199,473 |

It may be possible to make a request to Main Roads WA for any available surplus funds to be transferred between projects.

An alternate source of funding is to transfer funds from the \$906,509 allocated to Job 122516 Backslopes & Shoulder Mtc. Without the use of contractors it would not be likely that these funds would be expended in full. To ensure we meet our Roads to Recovery required spend the shortfall in funding could be authorised from this job.

Comment

In the item presented to Council for the supply of Bitumen to project the shortfall in funding the following costs were estimated to complete Holt Rock South Road and Magenta Road;

Item No.	Description	Work Type	Quantity	Unit	Metal Size	Rate \$	Sub Total \$	Total \$
12	Holt Rock South Rd New construction SLK 25.38 to 29.43	Prime	28,350	m ²		1.20	34,020	409,120
	2 Coat Seal S5R PMB	Seal	28,350	m ²	14mm	3.00	85,050	
	2 Coat Seal S5R PMB	Seal	28,350	m ²	10mm	3.00	85,050	
		Metal	320	tonne	14mm	60.00	19,200	
		Metal	30	tonne	10mm	60.00	1,800	
		Culvert					26,000	
		Prep					158,000	
13	Magenta Rd SLK 21.63 to 24.63 New construction	Prime	21,000	m ²		1.20	25,200	433,700
	2 Coat Seal S5R PMB	Seal	21,000	m ²	14mm	3.00	63,000	
	2 Coat Seal S5R PMB	Seal	21,000	m ²	10mm	3.00	63,000	
		Metal	400	tonne	14mm	60.00	24,000	
		Metal	350	tonne	10mm	60.00	21,000	
		Culvert					37,500	
		Prep					200,000	

We have estimated the preparation works for Holt Rock South Road as \$158,000 and Magenta Road as \$200,000. Holt Rock South Road has already been cleared so no vegetation removal is required.

The costs provided by the Shire of Kondinin are as follows;

Holt Rock South Road

Formation	\$ 23,600	or	\$0.32/m ²
Gravelling	\$155,800	or	\$3.80/m ²
Water Binding	\$116,850	or	\$2.85/m ²
Mob / Demob	\$ 5,000		
Accommodation	<u>\$ 31,500</u>		(Based on 7 staff for 30 Days)
TOTAL	<u>\$332,750</u>		to construct road ready for Bitumen seal

Magenta Road

Formation	\$ 17,000	or	\$0.32/m ²
Gravelling	\$120,000	or	\$4.00/m ²
Water Binding	\$ 85,000	or	\$2.85/m ²
Mob / Demob	\$ 5,000		
Accommodation	<u>\$ 25,000</u>		(Based on 7 staff for 23 Days)

TOTAL **\$252,000** to construct road ready for Bitumen seal

With these estimates this would require an additional \$226,750 to be transferred from Job 122516 Backslopes & Shoulder Mtc leaving a balance of \$300,649 in the account for works by the Shire construction team.

On the assumption of a team of six (6) working a ten (10) hour day nine (9) day fortnight (with full plant utilisation) it is estimated our construction crew would cost \$61,000 per fortnight. This would potentially lead to a funding shortfall for the works crew for the remainder of the year.

It is proposed that the Shire of Kondinin be allocated the preparation works on Magenta Road at an estimated cost of \$252,000. With the additional funds of \$52,000 transferred from Job 122516 Backslopes & Shoulder Mtc. This will leave an estimated balance of \$475,399 for Backslopes and Shoulder Mtc works to be undertaken by the works team.

The works on Holt Rock South Road is now proposed to be done in-house under the supervision of our Manager Infrastructure Services and John Dyer contract Manager Infrastructure Services.

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:

David Holland, Manager Infrastructure Services
John Dyer, Contract Manager Infrastructure Services

Financial Implications

Funds identified within the 2017/2018 Annual Budget for sealing works are as follows:

ACCOUNT	JOB	BUDGET \$
Town Street Renewal	STRECAP	400,000
Rural Roads	08000	350,000
Newdegate Pool Car Park	1213105	24,132
Lake King School Access	1213133	16,086
Holt Rock South Road - RRG	1213033	409,152
Magenta Road - RRG	1213034	199,204
Total Budget Provision 2017/2018		1,398,574

It is projected that the sealing program is estimated to cost \$1,777,684. This will leave a shortfall of funding of \$337,110.

The balance of any shortfall in funding can be transferred from Job 122516 Backslopes & Shoulders which has a budget allocation of \$906,509.

With the additional funds of \$52,000 required to complete Magenta Road this would leave a balance of \$475,399 in Job 122516 Backslopes & Shoulders.

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 12658

Moved Cr Chappell

Seconded Cr Hunt

That Council,

1. Authorise the Chief Executive Officer to negotiate with the Shire of Kondinin to undertake the preparation work on Magenta Road at straight line kilometres 21.63 to straight line kilometres 24.63, with the work being:
 - a. reconstruct pavement to 10.0 metres, in readiness for a 7.0 metre seal;
 - b. drainage improvements; and
 - c. vegetation clearing;
2. Acknowledge the works are to be done at cost, with the works estimated to cost \$252,000; and,
3. Advise that the works are to be completed no later than 21 February 2018.

CARRIED BY ABSOLUTE MAJORITY 9/0

19.0 SCHEDULING OF MEETING**19.1 DECEMBER 2017 ORDINARY MEETING**

The next Ordinary Meeting of Council is scheduled to take place on Tuesday 19 December 2017, commencing at 1.00 pm at the Council Chambers, 1 Bishop Street, Lake Grace.

20.0 CONFIDENTIAL BUSINESS – AS PER LOCAL GOVERNMENT ACT S5.23 (2)Resolution**RESOLUTION 12659**

Moved Cr Chappell
Seconded Cr Stanton

That Council meet behind closed doors at 5.15 pm in accordance with section 3.7 of the *Shire of Lake Grace Standing Orders Local Law 2015*, and Section 5.23(2)(b) of the *Local Government Act 1995*.

CARRIED 9/0

This item and any attachments are confidential in accordance with Section 5.23(2)(c) of the Local Government Act 1995 as it contains “a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting”.

20.1 AWARDING OF E-QUOTES - NEWDEGATE SKATE PARK AND ALL AGES PLAYGROUND

Item forwarded under separate cover.

Resolution**RESOLUTION 12660**

Moved Cr Stoffberg
Seconded Cr Stanton

That Council, authorise the Chief Executive Officer to:

1. award the contract to construct the Newdegate Skate Park and All Ages Playground to Nature Play Solutions for the sum of \$399,737 exclusive of GST; and,
2. request any additional information or negotiate any changes with Nature Play Solutions in order to ensure that the project meets the needs of the community.

CARRIED BY ABSOLUTE MAJORITY 9/0

This item and any attachments are confidential in accordance with Section 5.23(2)(b) of the Local Government Act 1995 as it contains “the personal affairs of any person”.

20.2 2018 AUSTRALIA DAY CITIZENSHIP AWARDS

Item forwarded under separate cover.

Resolution

RESOLUTION 12661

Moved Cr Chappell
Seconded Cr Spurr

That Council suspend clause 9.5 and 9.6 of the *Shire of Lake Grace Standing Orders Local Law 2015*, at this time being 5.18 pm to discuss Item 20.2 2018 Australia Day Citizenship Awards.

CARRIED 9/0

Resolution

RESOLUTION 12662

Moved Cr Chappell
Seconded Cr Clarke

That clause 9.5 and 9.6 of the *Shire of Lake Grace Standing Orders Local Law 2015* resume, at this time being 5.21 pm.

CARRIED 9/0

Resolution**RESOLUTION 12663**

Moved Cr Chappell
Seconded Cr Stoffberg

That Council,

1. endorse the followings recipients for the 2018 Australia Day WA, Citizen of the Year Awards;

Lake Grace	
Citizen of the Year	
Citizen of the Year - Senior	
Active Citizenship for Group or Event	
Lake King	
Citizen of the Year	
Newdegate	
Active Citizenship for Group or Event	

2. keep this information confidential until 26 January 2018.

CARRIED 9/0

Resolution**RESOLUTION 12664**

Moved Cr Chappell
Seconded Cr Lloyd

That Council move out from behind closed doors at 5.22 pm.

CARRIED 9/0

Having opened the meeting to the public at 5.22 pm the President read aloud the decisions of Council.

21.0 CLOSURE

There being no further business, the Shire President closed the meeting at 5.23 pm.

22.0 CERTIFICATION

I, Jeanette Frances De Landgraftt, certify that the minutes of the meeting held on the 22 November 2017 as shown were confirmed as a true record at the meeting held on the 19 December 2017.

Shire President

Date