

# SHIRE OF LAKE GRACE



## *Minutes*

### Ordinary Council Meeting

28 March 2007

## CONTENTS

<b>CONTENTS .....</b>	<b>2</b>
<b>1.0 OPENING &amp; ANNOUNCEMENT OF VISITORS.....</b>	<b>101</b>
<b>2.0 ATTENDANCE RECORD .....</b>	<b>101</b>
2.1 PRESENT .....	101
2.2 APOLOGIES .....	101
2.3 LEAVE OF ABSENCE PREVIOUSLY GRANTED .....	101
<b>3.0 PUBLIC QUESTION TIME.....</b>	<b>102</b>
3.1 MR MALCOLM SMALLACOMBE .....	102
3.2 MRS ANNA LISA NEWMAN .....	103
<b>4.0 APPLICATIONS FOR LEAVE OF ABSENCE.....</b>	<b>103</b>
<b>5.0 MINUTES OF PREVIOUS COUNCIL MEETINGS.....</b>	<b>103</b>
5.1 ORDINARY MEETING – 28 FEBRUARY 2007 .....	103
<b>6.0 NOTICES OF URGENT BUSINESS.....</b>	<b>104</b>
6.1 ACTING CHIEF EXECUTIVE OFFICER - APPOINTMENT.....	104
<b>7.0 MOTIONS OF WHICH NOTICE HAS BEEN RECEIVED .....</b>	<b>105</b>
<b>8.0 PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS .....</b>	<b>105</b>
<b>9.0 MEMBERS’ REPORTS.....</b>	<b>105</b>
9.1 CR WALKER.....	105
9.2 CR FARRELLY .....	106
<b>10.0 MATTERS FOR CONSIDERATION – WORKS &amp; SERVICES .....</b>	<b>201</b>

No items for consideration.

<b>11.0 MATTERS FOR CONSIDERATION – TOWN PLANNING .....</b>	<b>301</b>
No items for consideration.	
<b>12.0 MATTERS FOR CONSIDERATION – HEALTH &amp; BUILDING .....</b>	<b>401</b>
No items for consideration.	
<b>13.0 MATTERS FOR CONSIDERATION – FINANCE .....</b>	<b>501</b>
13.1 ACCOUNTS FOR PAYMENT FEBRUARY 2007.....	501
13.2 FINANCIAL STATEMENTS – FEBRUARY 2007 .....	503
13.3 INVESTMENT OF SURPLUS FUNDS.....	505
13.4 LAKE GRACE WATER HARVESTING PROJECT – COMMUNITY WATER GRANT....	507
.....	507
13.5 TENDER 1/2007 - FLOOD PLAIN MANAGEMENT STUDY.....	509
<b>14.0 MATTERS FOR CONSIDERATION – ADMINISTRATION .....</b>	<b>601</b>
14.1 LOCAL GOVERNMENT COMPLIANCE AUDIT – 1 JANUARY 2006 TO 31 DECEMBER 2006.....	602
14.2 PURCHASING POLICY – NEW POLICY .....	604
14.3 LOCAL GOVERNMENT ELECTIONS 2007 – APPOINTMENT OF RETURNING OFFICER AND CONDUCT OF A POSTAL ELECTION.....	615
14.4 PROVISION OF MANUAL ARTS SERVICES TO THE LAKE GRACE DISTRICT HIGH SCHOOL - PROPOSAL.....	618
14.5 WA LOCAL GOVERNMENT ASSOCIATION – SUSTAINABILITY WORKSHOP ....	622
<b>15.0 URGENT BUSINESS BY DECISION OF THE MEETING .....</b>	<b>701</b>
<b>16.0 SCHEDULING OF MEETING .....</b>	<b>701</b>
16.1 APRIL 2007 ORDINARY MEETING – CHANGE OF VENUE .....	701
<b>17.0 CONFIDENTIAL BUSINESS – AS PER LOCAL GOVERNMENT ACT S.5.23 (2)</b>	<b>702</b>
17.1 LOT I GRIFFIN ST LAKE GRACE – PROPOSED SUBDIVISION.....	702
<b>18.0 CLOSURE.....</b>	<b>707</b>
<b>19.0 CERTIFICATION .....</b>	<b>708</b>

## SHIRE OF LAKE GRACE

### MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD AT THE VARLEY SPORTS PAVILION, VARLEY, ON WEDNESDAY, 28 MARCH 2007.

#### **1.0 OPENING & ANNOUNCEMENT OF VISITORS**

The Chairperson (President) opened the meeting at 1.35 pm welcoming Councillors and Varley community members to the meeting.

#### **2.0 ATTENDANCE RECORD**

##### **2.1 PRESENT**

Cr G.E.J. Roberts	Shire President
Cr A.J. Walker	Deputy Shire President
Cr I.G. Chamberlain	
Cr O.P. Farrelly	
Cr W.A. Newman	
Cr D.P. Sinclair	
Cr D.M.McL. Stewart	
Cr R.P. Taylor	
Ms L.I. McIlree	Manager Corporate Services
Mr J. Fraser	Manager Community Services
Mr G. Brigg	Manager of Works
Mrs J. Bennett	Executive Assistant
Mr M Smallacombe	Varley community
Mrs Anna Lisa Newman	Varley community
Mrs Rosie Sinclair	Varley community
Mrs Carla Hyde	Varley community

##### **2.2 APOLOGIES**

Mr C.G. Jackson	Chief Executive Officer
-----------------	-------------------------

##### **2.3 LEAVE OF ABSENCE PREVIOUSLY GRANTED**

**MOTION 10325** 20 December 2006 - Cr Bennett granted Leave of Absence from 8 February 2007 to 12 April 2007.

### **3.0 PUBLIC QUESTION TIME**

#### **3.1 MR MALCOLM SMALLACOMBE**

Mr Smallacombe advised Council he was attending the meeting to raise a number of issues on behalf of the community and as an individual. Issues raised included:

1. At last year's Cultural Planning workshop he had raised the issue of filling the potholes in the road near the Varley CBH bin site and the lack of roadside signage. To date no action has been taken and the community have grave concerns should a dangerous situation occur with road trains.
2. At the Annual Electors Meeting held in Varley in October 2006, Mr Smallacombe had queried whether there are any 'road closed' signs available that could be kept in Varley to close the 20km section of Carstairs Road regularly being used as an access road to the Kondinin mine site when roads in the Kondinin Shire are closed following rain. To date no action has been taken.
3. Recently the Shire had carried out a house inspection to one of its Varley Joint Venture properties without notice to the tenant which is in breach of the Residential Tenancies Act.
4. Varley Hall ceiling – prior to the February 2007 Council meeting, Mr Smallacombe had notified the Shire that there was part of the ceiling hanging down and that an outside light fitting was missing. To date no onsite action has been taken.
5. In August 2006 there was rumour that certain roadworks had a cost over run of \$120,000.00. To date this significant cost blow out has not been minuted at a Council Meeting.
6. Recently there was further speculation of a further road works cost blow out of \$40,000 in the district. Mr Smallacombe commented that perhaps Council should look into it.
7. Medical Service to Varley – the community are suffering with the lack of medical services to Varley. The monthly RFDS Clinic has been cancelled for 5 out of the last 6 months. Following contact with both Federal and State politicians, Hon Wilson Tuckey and Dr Graham Jacobs, the RFDS clinic was in Varley today with 14 attendees. Despite being budgeted for the weekly nursing service out of Ravensthorpe is not being provided regularly with the last service occurrence in January 2007.
8. Varley Water Truck – a replacement water nozzle took five months to be actioned.
9. At last month's Council Meeting, Council approved expenditure for an unbudgeted new phone system for the new shire offices catering for 24 extensions; the old system had 12 extensions. Does the Council have benchmarking with other similar sized Councils re equivalents with inside and outside staff? Mr Smallacombe commented that the Shire currently has 14

internal and 12 external staff and requested information on staff numbers from 31 March 2000 to 31 March 2007.

Mr Smallacombe then suggested Council visit the Hall whilst in Varley today and walk across to the old shop to look at the road. He commented staff morale within the Shire and communication issues be looked into as there is lots of history suggesting improvements that need to be made.

The Shire President thanked Mr Smallacombe and advised that staff will provide a written response to his queries.

### **3.2 MRS ANNA LISA NEWMAN**

Mrs Newman advised she had recently written letters to Council regarding reticulation at the Varley cemetery and a request for chairs at the Varley Hall. Mrs Newman also queried the recently released 'Ocean to Outback' brochure and the fact that the Newdegate Machinery Field Days event has been left off.

Copies of the brochure were tabled and handed out. Staff advised the draft brochure had been sent out to all communities for proof reading. Acting CEO, Mr Jim Fraser advised that the omission should be rectified when current stocks have run out and the brochure is reprinted.

## **4.0 APPLICATIONS FOR LEAVE OF ABSENCE**

None.

## **5.0 MINUTES OF PREVIOUS COUNCIL MEETINGS**

### **5.1 ORDINARY MEETING – 28 FEBRUARY 2007**

#### Resolution

#### **MOTION 10369**

Moved Cr Farrelly  
Seconded Cr Taylor

That the minutes of the Ordinary Meeting of Council held on the 28 February 2007 be confirmed as a true and accurate record.

**MOTION CARRIED 8/0**

## 6.0 NOTICES OF URGENT BUSINESS

*Mr Fraser declared a financial Interest in Item 6.1 in that he there will be a financial benefit to him should the appointment be made.*

### 6.1 ACTING CHIEF EXECUTIVE OFFICER - APPOINTMENT

**Applicant:** Cr Darcy Roberts  
**File No.** 0012  
**Attachments:** Nil  
**Author:** Cr Darcy Roberts  
 Shire President  
**Disclosure of Interest:** Nil  
**Date of Report:** 26 March 2007  
**Senior Officer:** Mr Chris Jackson  
 Chief Executive Officer

#### Summary

To approve Acting Chief Executive Officer arrangements during March & April 2007.

#### Background

The Chief Executive Officer, Mr Chris Jackson has been on sick leave since Monday 12 March 2007. He has not been well and is in Perth attending various medical appointments.

At this stage it is anticipated that Mr Jackson will be on leave until 23 April 2007.

#### Comment

It is recommended that Mr Jim Fraser, currently employed as a Manager of Community Services and who has previously been appointed as Acting CEO during April 2006 and again in September 2006, be appointed for the period the CEO is absent.

#### Legal Implications

N/A

#### Policy Implications

N/A

#### Community Consultation

N/A

Financial Implications

Funds are budgeted for leave requirements.

Strategic Implications

N/A

Cultural Implications

N/A

Voting Requirements

Simple majority required.

Recommendation/Resolution

**MOTION 10370**

Moved Cr Newman  
Seconded Cr Sinclair

That Mr Jim Fraser be appointed Acting Chief Executive Officer for the period 28<sup>th</sup> March until the 23<sup>rd</sup> April 2007 inclusive.

**MOTION CARRIED 8/0**

**7.0 MOTIONS OF WHICH NOTICE HAS BEEN RECEIVED**

None.

**8.0 PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS**

None.

**9.0 MEMBERS' REPORTS**

**9.1 CR WALKER**

**Back to Beenong/Burngup Celebration**

Cr Walker reported three Councillors attended last Saturday's "Back to Beenong/Burngup" celebration. The day was very successful and well organised with 200 people attending. Plaques were placed at the old sports ground and at two railway sidings.

Mr Terry Hardy is to be congratulated on his commitment to the community and for running a very well organised celebration.

### **Lake Grace Centenary Committee**

Cr Walker advised the above committee has been formed to progress and plan for the centenary celebrations and events scheduled for 4 years time in 2011. A Committee of approximately 10 people has been formed with Debby Clarke elected as Chairperson and Andrew Walker Deputy Chairperson.

## **9.2 CR FARRELLY**

Cr Farrelly reported on the recent Grants Commission Hearing held in Lake Grace on 14 March 2007. The Shire made its submission to the Standing Committee which will now assess our submission.

The Standing Committee urged us as a Council to take a stand in stopping Government Departments asking the impossible of Local Governments i.e. Department of Conservation environmental requirements etc. and the provision of housing for government employees.

Acting CEO, Mr Jim Fraser, advised he had written a file note on the days proceedings which he will make available to Councillors.

## **10.0 MATTERS FOR CONSIDERATION – WORKS & SERVICES**

*No items for consideration.*

**11.0 MATTERS FOR CONSIDERATION – TOWN PLANNING**

*No items for consideration.*

## **12.0 MATTERS FOR CONSIDERATION – HEALTH & BUILDING**

*No items for consideration.*

## 13.0 MATTERS FOR CONSIDERATION – FINANCE

### 13.1 ACCOUNTS FOR PAYMENT FEBRUARY 2007

**Applicant:** Shire of Lake Grace  
**File No.** 0277  
**Attachments:** List of Creditors  
**Author:** Miss Rysha Bird  
Finance Officer  
**Disclosure of Interest:** Nil  
**Date of Report:** 20 March 2007  
**Senior Officer:** Mr Chris Jackson  
Chief Executive Officer

#### Summary

For Council to ratify expenditures incurred for the month of February 2007.

#### Background

List of invoices paid for the month of February 2007 through the Municipal Account is attached.

#### Comment

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

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

The attached list meets the requirements of the Financial Regulations.

#### Legal Implications

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

#### Policy Implications

N/A

#### Community Consultation

N/A

#### Financial Implications

The list of creditors paid for the month of February 2007 from the Municipal Account amounts to \$587,266.86.

Strategic Implications

N/A

Cultural Implications

N/A

Voting Requirements

Simple majority required.

Recommendation/Resolution

**MOTION 10371**

Moved Cr Stewart  
Seconded Cr Taylor

That Municipal Account cheques 32407 to 32455, Electronic Funds Transfers EFT2521 to EFT2608 and direct debits to the Municipal Account totalling \$587,266.86 having been checked and certified in accordance with the Financial Management Regulation 12, be confirmed, and passed for payment against the respective accounts as shown on the summary of Accounts for Payment schedule.

**MOTION CARRIED 8/0**

## 13.2 FINANCIAL STATEMENTS – FEBRUARY 2007

**Applicant:** Shire of Lake Grace  
**File No.** 0275  
**Attachments:** Financial Reports  
**Author:** Ms Leonie McIlree  
Manager Corporate Services  
**Disclosure of Interest:** Nil  
**Date of Report:** 20 March 2007  
**Senior Officer:** Mr Chris Jackson  
Chief Executive Officer

### Summary

Consideration of the financial statements for the month ending 28 February 2007.

### Background

The following financial reports are included for Council's information:

- Monthly Statement of Financial Activity
- Summary of Net Current Assets
- Operating Statement by Programme
- Balance Sheet
- Assets Purchased and Sold
- Bank Reconciliation

### Legal Implications

Local Government Act 1995 – section 6.4  
Local Government (Financial Management) Regulations 1996

### Policy Implications

N/A

### Community Consultation

N/A

### Financial Implications

Nil.

### Strategic Implications

N/A

### Cultural Implications

N/A

Voting Requirements

Simple majority required.

Recommendation/Resolution

**MOTION 10372**

Moved Cr Walker  
Seconded Cr Newman

That the financial reports for the month ending 28 February 2007 as attached be received.

**MOTION CARRIED 8/0**

### 13.3 INVESTMENT OF SURPLUS FUNDS

**Applicant:** Manager Corporate Services  
**File No.** 0267  
**Attachments:** Nil  
**Author:** Ms Leonie McIlree  
 Manager Corporate Services  
**Disclosure of Interest:** Nil  
**Date of Report:** 19 March 2007  
**Senior Officer:** Chris Jackson  
 Chief Executive Officer

#### Summary

Report on the investment of surplus funds for the Reserve and Municipal Funds.

#### Background

In accordance with Council Policy.

#### Comment

The following surplus funds have been invested during the month of February 2007:

Bank	Account	Fund	Term	Amount	Interest Rate	Expiry Date
Westpac	12-8929	Municipal	30 days	\$500,000	5.87%	28 March 2007
Elders Rural Bank	301230348	Municipal	5 months	\$600,000	6.44%	18 March 2007
Elders Rural Bank	301214813	Reserve	6 months	\$1,600,000	6.40%	2 May 2007

#### Legal Implications

Nil.

#### Policy Implications

As per Council's policy.

#### Community Consultation

N/A

#### Financial Implications

N/A

#### Strategic Implications

N/A

Cultural Implications

N/A

Voting Requirements

Simple majority required.

Recommendation/Resolution

**MOTION 10373**

Moved Cr Taylor  
Seconded Cr Farrelly

That the investment report for the month of February 2007 be approved.

**MOTION CARRIED 8/0**

**13.4      LAKE GRACE WATER HARVESTING PROJECT – COMMUNITY WATER GRANT**

2.02 pm      *Mrs Newman & Mrs Sinclair left the meeting.*

**Applicant:**                      Manager Community Services  
**File No.**                              0567  
**Attachments:**                      Nil  
**Author:**                              Mr Jim Fraser  
    Manager Community Services  
**Disclosure of Interest:** Nil  
**Date of Report:**                      20 March 2007  
**Senior Officer:**                      Mr Chris Jackson  
    Chief Executive Officer

Summary

For Council to authorise the unbudgeted expense of \$41,300 for the installation of a storage tank and plumbing to increase storage capacity and use of recycled water at the Lake Grace Recreation Complex.

Background

Shire staff recently submitted a funding application to the Community Water Grants program. The application was successful and funding of \$39,482 has been received.

Comment

The project will result in increased storage capacity so that the recycled water and swimming pool backwash water can be stored and treated separately from scheme water.

Legal Implications

Local Government Act 1995 Section 6.8 (1) (b)

Policy Implications

Not Applicable.

Community Consultation

Letters of support for this project were received from the Lake Grace Development Association.

Financial Implications

The 2006/07 Budget review adopted by Council on 28 February 2007 forecasted a surplus of \$83,245.

The total cost of the project is \$41,300 which is offset by grant funding of \$39,482 with the net cost of this project to Council being \$1,818.

Strategic Implications

The utilisation of treated effluent will be included in future strategic plans.

Cultural Implications

N/A

Voting Requirements

Absolute majority (5) required.

Recommendation/Resolution

**MOTION 10374**

Moved Cr Walker  
Seconded Cr Newman

That Council:

1. Authorise the unbudgeted expenditure of \$41,300 for the installation of a water tank and plumbing works;
2. Amend its 2006/07 Budget by the addition of capital expenditure account E136120 Lake Grace Water Harvest Project.

**MOTION CARRIED BY ABSOLUTE MAJORITY 8/0**

### 13.5 TENDER 1/2007 - FLOOD PLAIN MANAGEMENT STUDY

2.06 pm Mrs Hyde left the meeting.

**Applicant:** Manager Community Services  
**File No.** 0553  
**Attachments:** Tenders documentation will be tabled at the meeting  
**Author:** Mr Jim Fraser  
 Manager Community Services  
**Disclosure of Interest:** Nil  
**Date of Report:** 23 March 2007  
**Senior Officer:** Mr Chris Jackson  
 Chief Executive Officer

#### Summary

This report recommends that no tender be accepted at this stage for the Tender 1/2007 Flood Plain Management Study and that alternative funding sources be considered.

#### Background

Council invited tenders for the preparation of a Flood Plain Management Study which closed on Wednesday 23 January 2007. Four tenders were received from:

- Cardno BSD Pty Ltd
- GHD Pty Ltd
- Sinclair Knight Merz
- Kellogg Brown & Root Pty Ltd

The tender documentation including the Consultants brief were prepared with assistance from Mr Peter Muirden from the Department of Water.

As all of the tenders were substantially in excess of the funding available a full assessment of the tenders received has not been carried out. All original tender documentation will be tabled at the meeting.

#### Comment

The Chief Executive Officer has had discussions with Mr Muirden from the Department of Water. Mr Muirden has since advised that there is little likelihood that his Department will provide any increase in funding.

The Manager of Works and the Manager Community Services raised the issue during recent discussions with Mr Jeff Anderson from Main Roads WA. There maybe an opportunity to increase the contribution from Main Roads WA, however an application would need to be made as soon as possible.

Another possible source of funding is Co-operative Bulk Handling Ltd. CBH are required to prepare a drainage plan in association with their

proposed major upgrade of facilities in Lake Grace. The upgrade has the potential to impact on drainage plans for the Lake Grace townsite and are integral to the development of the proposed Flood Plain Management Study.

It is therefore recommended that an approach be made to CBH for a financial contribution to the study.

It is also recommended that Mr Muirden be requested to re-assess the brief.

Currently funding is available from:

State Government Grant	\$ 38,000.00
Federal Government Grant	\$ 38,000.00
Main Roads WA	\$ 6,000.00
	<b><u>\$ 82,000.00</u></b>

There has not been an allocation from Council towards the study however there is funding in the budget to carry out on ground works. It is recommended that an allocation be made to the study from this funding source (refer account E121214).

The suggested funding model would then be:

State Government Grant	\$ 38,000.00
Federal Government Grant	\$ 38,000.00
Main Roads WA- increase \$19,000.00	\$ 25,000.00
Shire of Lake Grace	\$ 25,000.00
CBH	\$ 34,000.00
	<b><u>\$160,000.00</u></b>

#### Legal Implications

Local Government Act 1995 (as amended) General Provisions.

#### Policy Implications

Not Applicable

#### Community Consultation

There has not been specific community consultation.

#### Financial Implications

There are no financial implications other than the funds will be spent on a study rather than on ground works.

Strategic Implications

The alleviation of the threat of flooding within the Lake Grace townsite.

Cultural Implications

N/A.

Voting Requirements

Simple majority required.

Recommendation/Resolution

**MOTION 10375**

Moved Cr Farrelly  
Seconded Cr Stewart

That to fund the Flood Plain Management Study Council seek:

1. An additional allocation of funds from Main Roads WA of \$19,000.
2. Request a financial contribution from Co-operative Bulk Handling Ltd of \$34,000 on the basis that their facility is integral to the development of a Flood Mitigation programme for Lake Grace.
3. The Department of Water be requested to re-assess the study brief.
4. All tenderers be advised of Council's actions.

**MOTION CARRIED 8/0**

## 14.0 MATTERS FOR CONSIDERATION – ADMINISTRATION

*The Shire President advised that Item 14.1 Local Government Compliance Audit has been withdrawn as CEO Chris Jackson is on leave until 23 April 2007. Application was made to the Department of Local Government by email with the following reply received:*

From: Lone Pallister [lone.pallister@dlgrd.wa.gov.au]  
To: Jeanette Bennett  
Cc: Brendan Peyton  
Subject: Request for extension of time to submit CAR 2006

Our Ref: LG1-16#02

1301012120221010012101310131200032113  
Ms Jeanette Bennett  
Executive Assistant  
Shire of Lake Grace  
PO Box 50  
LAKE GRACE WA 6353

Dear Ms Bennett

Thank you for your email requesting an extension for submission of your Compliance Audit Return (CAR) for 2006.

There is no provision in *the Local Government Act 1995* that enable either the Minister for Local Government or the Director General to provide an extension of time as requested.

It is noted that you have indicated a completion and submission date of the CAR by 31 May 2007.

Accordingly while a formal extension cannot be granted we anticipate receiving your finalised Return no later than 31 May 2007.

If there is any aspect of the return you wish to discuss or have further queries please do not hesitate to contact me Lone Pallister on telephone 9217 1497 or Stuart Fraser on 9217 1533.

Yours sincerely

Lone Pallister  
Graduate  
Compliance & Advice  
Department of Local Government and Regional Development  
Tel: (08) 9217 1497  
Fax: (08) 9217 1555  
Email: lone.pallister@dlgrd.wa.gov.au  
Web: www.dlgrd.wa.gov.au

**NOTE FROM PREVIOUS PAGE - ITEM 14.1 WITHDRAWN****14.1 LOCAL GOVERNMENT COMPLIANCE AUDIT – 1 JANUARY 2006 TO 31 DECEMBER 2006**

Applicant: Department of Local Government  
File No: 0528  
Attachments: Compliance Return  
Author: Mr Jim Fraser  
Manager Community Services  
Disclosure of Interest: N/A  
Date of Report: 20 March 2007  
Senior Officer: Mr Chris Jackson  
Chief Executive Officer

**Summary**

The purpose of this report is for Adoption of the Statutory Compliance Return for the year 2006 and endorsement of the required Certification.

**Background**

The Department of Local Government produces a Statutory Compliance Return for Local Government to use as a check-list of statutory obligations and compliance.

The return is to be approved by Council, certified by the President and CEO and submitted to the Director General Department of Local Government and Regional Development by 31 March 2007.

**Comment**

The return has been completed by the Manager of Community Services and Manager Corporate Services. Areas of non compliance in this year's return have been identified as listed:

- 1) Delegation of Power/Duty Item 8 - A 'no' return is submitted as Council Minutes reflect the decision.
- 2) Finance Item 1 – A 'no' return is submitted as the Annual Report does not include an overview of the plan for the future.
- 3) Finance Item 5 & 6 - A 'no' return is submitted as a plan for the future was not prepared.
- 4) Meeting Process Item 57 – A 'no' return is submitted as a Legislation update is imminent.
- 5) Swimming Pools Item 1 – A 'no' return is submitted as private swimming pool inspections are to be undertaken by the Building Surveyor within the next 3-4 months.

**Community Consultation**

N/A

Legal Implications

The Statutory Compliance Return is required under Section 7.13 of the Local Government Act 1995 and items 13 – 15 of the Audit Regulations.

Policy implications

N/A

Financial implications

N/A

Strategic implications

N/A

Cultural Implications

N/A

Voting Requirements

Simple majority required

Recommendation

That

- 1) The Local Government Statutory Compliance Return for the Shire of Lake Grace for the period 1 January 2006 to 31 December 2006 be adopted; and that,
- 2) The Certification contained within the Local Government Statutory Compliance Return be endorsed by the Shire President and the Chief Executive Officer.

Resolution

Moved Cr

Seconded Cr

## 14.2 PURCHASING POLICY – NEW POLICY

**Applicant:** Manager Corporate Services  
**File No.** 0050  
**Attachments:** Department of Local Government and Regional  
 Development Circular 3-2007  
 Copy of Gazettal – Amended Regulations  
 Policy 3.4 Regional Price Preference  
 Attachment 1  
**Author:** Ms Leonie McIlree  
 Manager Corporate Services  
**Disclosure of Interest:** Nil  
**Date of Report:** 19 March 2007  
**Senior Officer:** Mr Chris Jackson  
 Chief Executive Officer

### Summary

For Council to consider and adopt Shire of Lake Grace Purchasing Policy.

### Background

Recent changes to the Local Government Act 1995 and Local Government (Functions and General) Regulations will come into operation on 30 March 2007.

### Comment

One of the changes to these regulations is the current tender threshold has increased from \$50,000 to \$100,000. As a result of this, all local government authorities are required to adopt a Purchasing Policy by 30 March 2007.

Following these changes, a Purchasing Policy has been prepared. This policy has been drafted utilising guidelines from Western Australian Local Government Association (WALGA), Councils Auditors UHY Haines Norton, the Audit Committee and reviewing purchasing policies from other local government authorities.

The proposed Purchasing Policy follows:

### **Section 3 Finance/Accounting** **Policy 3.6** **Purchasing Policy**

### **Policy**

The Purchasing Policy as per the following pages is adopted as Council Policy.

## **Objectives**

To provide compliance with the Local Government Act 1995 and the Local Government (Functions and General) Regulations, 1996 (as amended).

To provide clear guidelines to the Council and its officers for purchasing goods and services where the value of goods will be less than \$100,000.

To ensure consistency for all purchasing activities that integrates within all the Local Government operational areas.

## **Guidelines**

Local Government Act 1995 – s3.57 (as amended).

Local Government (Functions and General) Regulations 1996 (as amended).

Shire of Lake Grace Policy 3.4 – Regional Price Preference.

## **History**

The Local Government (Functions and General) Amendment Regulations 2007 increased the tender threshold to \$100,000 and require local governments to have a purchasing policy for amounts under the new threshold.

## **Review**

Manager Corporate Services

### ***Shire of Lake Grace Purchasing Policy***

#### **Summary**

*An official Shire of Lake Grace Purchase Order will be issued for all purchases on behalf of the Shire of Lake Grace unless otherwise specified.*

*The Purchase Order will include the general ledger account or job number to which the costs of the goods shall be charged.*

*If a purchase order is not quoted on the invoice for the goods or services, the Finance Officer will forward the invoice to the appropriate officer with a request to immediately issue a purchase order.*

#### **Principles, Standards and Behaviours**

*The following principles, standards and behaviours must be observed and enforced through all stages of the purchasing process to ensure the fair and equitable treatment of all parties:*

- *full accountability shall be taken for all purchasing decisions and the efficient, effective and proper expenditure of public monies based on achieving value for money;*
- *all purchasing practices shall comply with relevant legislation, regulations, and requirements consistent with the Local Government policies and code of conduct;*
- *purchasing is to be undertaken on a competitive basis in which all potential suppliers are treated impartially, honestly and consistently;*
- *all processes, evaluations and decisions shall be transparent, free from bias and fully documented in accordance with applicable policies and audit requirements;*
- *any actual or perceived conflicts of interest are to be identified, disclosed and appropriately managed; and*

- any information provided to the Local Government by a supplier shall be treated as commercial-in-confidence and should not be released unless authorised by the supplier or relevant legislation.

#### **Purchases where a Purchase Order is not required**

The Shire of Lake Grace has identified the following as not requiring the issue of an official order:

- Supply of government utilities and services i.e. water, electricity and telephone charges;
- Insurance i.e. property, plant, public liability, workers compensation;

#### **Officers Authorised to Issue Orders**

All officers are permitted to obtain verbal or written quotations for goods and services for the Shire, however the following officers are permitted to issue purchase orders on behalf of the Shire of Lake Grace within the financial limits specified:

<b>Officer</b>	<b>Purchase Order Value</b>
Chief Executive Officer	Unlimited (within adopted budget and guidelines)
Executive Assistant	\$2,000
Manager of Works	\$50,000
Building Maintenance Officer	\$1,000
Mechanic	\$5,000
Manager Corporate Services	\$50,000
Senior Administration Officer	\$5,000
Manager Community Services	\$50,000

Orders only to be issued within area of budget responsibility

An officer of the Shire of Lake Grace may only issue an order for goods committing the Shire to expenditure from an allocation within the budget for which they have direct budgetary control.

Thresholds for Quotations

The following thresholds shall apply for the purchase of goods and services:

<b>Amount of Purchase (excluding GST)</b>	<b>Purchasing Method Required</b>
Up to \$5,000	2 verbal quotations to be obtained and documented by responsible officer
\$5,001 to \$20,000	3 written quotations to be obtained
\$20,001 to \$99,999	3 written quotations to be obtained with written specifications
\$100,000 and above	Conduct a public tender process.

#### **Up to \$5,000**

Where the value of procurement of goods or services does not exceed \$5,000, purchase on the basis of at least two verbal quotations is permitted. However it is recommended to use professional discretion and occasionally undertake market testing with a greater number or more formal forms of quotation to ensure best value is maintained.

#### **\$5,001 to \$20,000**

At least three written quotations are required. Where this is not practical, (e.g. due to limited suppliers) this must be noted.

The general principles for obtaining verbal quotations are:

- Ensure that the requirement/specification is clearly understood by the Local Government employee seeking the verbal quotations.

- *Ensure that the requirement is clearly, accurately and consistently communicated to each of the suppliers being invited to quote.*
- *Read back the details to the Supplier contact person to confirm their accuracy.*
- *Written notes detailing each verbal quotation must be recorded.*

### **\$20,001 to \$99,999**

*For the procurement of goods or services where the value exceeds \$20,000 but is less than \$99,999, it is required to obtain at least three written quotes with written specifications for the goods or service required. The responsible officer is expected to demonstrate due diligence seeking quotes and to comply with any record keeping and audit requirements.*

*The general principles relating to written quotations are:*

- *An appropriately detailed specification should communicate requirement(s) in a clear, concise and logical fashion.*
- *The request for written quotation should include as a minimum:*
  - 1) *Written Specification*
  - 2) *Selection Criteria to be applied*
  - 3) *Price Schedule*
  - 4) *Conditions of responding*
  - 5) *Validity period of offer*
- *Invitations to quote should be issued simultaneously to ensure that all parties receive an equal opportunity to respond.*
- *Offer to all prospective suppliers at the same time any new information that is likely to change the requirements.*
- *Responses should be assessed for compliance, then against the selection criteria, and then value for money and all evaluations documented.*
- *Respondents should be advised in writing as soon as possible after the final determination is made and approved.*

### **Note:**

1. *All quotation/tender documentation received are records of the Shire of Lake Grace and as such are accessible to the public under the Freedom of Information Act;*
2. *All documentation of verbal quotes and/or written quotes are to be attached to the copy of the order and forwarded to the Finance Officer and shall be retained as part of the support documentation for the payment of goods and services*

### **Authorisation of Invoices for Payment**

*All invoices must be authorised for payment prior to payment being made. An invoice may only be authorised for payment by the officer who ordered the goods.*

### **Tenders – Administrative Procedures**

*The following procedures are intended to provide an outline of the administrative procedures to be followed in the calling of tenders, and who is the responsible officer for each step.*

*Where monies have been provided in Council's budget for the supply of goods or services and the anticipated costs of those goods or services is likely to be \$100,000 or more, the officer responsible for that work shall obtain the written approval of the Chief Executive Officer to commence advertising the tender, unless previously approved by Council.*

*When seeking the approval of the Chief Executive Officer, the officer shall make a written request using the attached pro forma and include copies of the selection criteria for assessing all tenders.*

*When the approval of the Chief Executive Officer has been obtained, the officer shall request the Executive Assistant to allocate a tender number from the tender register.*

*The Executive Assistant shall enter the tender number and description of the goods or services on the tender cover form for inclusion in the tender register.*

*The officer calling the tender shall then provide the draft advertisement containing tender number, closing date etc to the Executive Assistant who will then arrange for the advertisement to be published. Tenders are to be advertised in a state wide publication e.g. "The West Australian" newspaper, Local Government Tenders section, preferably on a Wednesday or Saturday. The tender must remain open for at least 14 days after the date the tender is advertised.*

*The advertisement must include:*

- *a brief description of the goods or services required;*
- *information as to where and how tenders may be submitted;*
- *the date and time after which tenders cannot be submitted;*
- *particulars identifying a person from whom more detailed information as to tendering may be obtained;*

*A copy of the tender documentation shall be given to the Executive Assistant to keep with the tender register.*

*At the close of the tender period, the tenders shall be opened by the Executive Assistant and the officer who called the tender with the Executive Assistant responsible for ensuring the tender cover sheet is completed.*

*Members of the public are entitled to be present at the opening of tenders. There is no obligation for officers to disclose or record tendered prices at the opening, however if in the opinion of the officers it is practical to do so and does not breach commercial-in-confidence principles, an indication of the tender price may be given.*

*The officer who called the tender shall then be responsible for coordinating the assessment of the tenders and preparing an item for submission to Council.*

*Once the tender has been approved by Council, all documentation from both the successful tenderer and unsuccessful tenderer(s) shall be given to the Executive Assistant for filing in accordance with Council's General Disposal Authority.*

*The officer who initiated the tender shall then be responsible for advising all tenderers in writing the outcome of the tender process.*

### **No Tenders Received**

*Where the Local Government has invited tenders, however no compliant submissions have been received; direct purchases can be arranged on the basis of the following:*

- *a sufficient number of quotations are obtained;*
- *the process follows the guidelines for seeking quotations between \$20,001 & \$99,999 (listed above);*
- *the specification for goods and/or services remains unchanged;*
- *purchasing is arranged within 6 months of the closing date of the lapsed tender.*

### **Records Management**

*All records associated with the tender process or a direct purchase process must be recorded and retained. For a tender process this includes:*

- *Tender documentation;*
- *Internal documentation;*
- *Evaluation documentation;*
- *Enquiry and response documentation;*
- *Notification and award documentation.*

*For a direct purchasing process this includes:*

- *Quotation documentation (as at Attachment 1);*
- *Internal documentation;*
- *Order forms and requisitions.*

*Record retention shall be in accordance with the minimum requirements of the State Records Act 2000, and the Local Government's internal records management policy.*

**Anti-Avoidance**

*The Local Government shall not enter two or more contracts of a similar nature for the purpose of splitting the value of the contracts to take the value of consideration below the level of \$100,000, thereby avoiding the need to publicly tender.*

**Legal Implications**

Local Government Act 1995 – section 3.7

**Policy Implications**

Council's Policy Manual will be updated following adoption.

**Community Consultation**

Consultation has occurred with Shire of Lake Grace staff.

**Financial Implications**

Nil.

**Strategic Implications**

Nil.

**Cultural Implications**

Nil.

**Recommendation**

**Voting Requirements**

Simple majority required.

**Recommendation/Resolution**

**MOTION 10376**

Moved Cr Newman  
Seconded Cr Farrelly

1. That Policy 3.6 as follows be adopted to govern purchasing:

**Section 3 Finance/Accounting  
Policy 3.6  
Purchasing Policy**

**Policy**

The Purchasing Policy as per the following pages is adopted as Council Policy.

**MOTION 10376 continued.**

**Objectives**

To provide compliance with the Local Government Act 1995 and the Local Government (Functions and General) Regulations, 1996 (as amended).

To provide clear guidelines to the Council and its officers for purchasing goods and services where the value of goods will be less than \$100,000.

To ensure consistency for all purchasing activities that integrates within all the Local Government operational areas.

**Guidelines**

Local Government Act 1995 – s3.57 (as amended).

Local Government (Functions and General) Regulations 1996 (as amended).

Shire of Lake Grace Policy 3.4 – Regional Price Preference.

**History**

The Local Government (Functions and General) Amendment Regulations 2007 increased the tender threshold to \$100,000 and require local governments to have a purchasing policy for amounts under the new threshold.

**Review**

Manager Corporate Services

***Shire of Lake Grace Purchasing Policy***

***Summary***

*An official Shire of Lake Grace Purchase Order will be issued for all purchases on behalf of the Shire of Lake Grace unless otherwise specified.*

*The Purchase Order will include the general ledger account or job number to which the costs of the goods shall be charged.*

*If a purchase order is not quoted on the invoice for the goods or services, the Finance Officer will forward the invoice to the appropriate officer with a request to immediately issue a purchase order.*

***Principles, Standards and Behaviours***

*The following principles, standards and behaviours must be observed and enforced through all stages of the purchasing process to ensure the fair and equitable treatment of all parties:*

- full accountability shall be taken for all purchasing decisions and the efficient, effective and proper expenditure of public monies based on achieving value for money;*
- all purchasing practices shall comply with relevant legislation, regulations, and requirements consistent with the Local Government policies and code of conduct;*
- purchasing is to be undertaken on a competitive basis in which all potential suppliers are treated impartially, honestly and consistently;*

**MOTION 10376 continued.**

- all processes, evaluations and decisions shall be transparent, free from bias and fully documented in accordance with applicable policies and audit requirements;
- any actual or perceived conflicts of interest are to be identified, disclosed and appropriately managed; and
- any information provided to the Local Government by a supplier shall be treated as commercial-in-confidence and should not be released unless authorised by the supplier or relevant legislation.

**Purchases where a Purchase Order is not required**

The Shire of Lake Grace has identified the following as not requiring the issue of an official order:

- Supply of government utilities and services i.e. water, electricity and telephone charges;
- Insurance i.e. property, plant, public liability, workers compensation;

**Officers Authorised to Issue Orders**

All officers are permitted to obtain verbal or written quotations for goods and services for the Shire, however the following officers are permitted to issue purchase orders on behalf of the Shire of Lake Grace within the financial limits specified:

<b>Officer</b>	<b>Purchase Order Value</b>
Chief Executive Officer	Unlimited (within adopted budget and guidelines)
Executive Assistant	\$2,000
Manager of Works	\$50,000
Building Maintenance Officer	\$1,000
Mechanic	\$5,000
Manager Corporate Services	\$50,000
Senior Administration Officer	\$5,000
Manager Community Services	\$50,000

Orders only to be issued within area of budget responsibility.

An officer of the Shire of Lake Grace may only issue an order for goods committing the Shire to expenditure from an allocation within the budget for which they have direct budgetary control.

**Thresholds for Quotations**

The following thresholds shall apply for the purchase of goods and services:

<b>Amount of Purchase (excluding GST)</b>	<b>Purchasing Method Required</b>
Up to \$5,000	2 verbal quotations to be obtained and documented by responsible officer
\$5,001 to \$20,000	3 written quotations to be obtained
\$20,001 to \$99,999	3 written quotations to be obtained with written specifications
\$100,000 and above	Conduct a public tender process

**Up to \$5,000**

Where the value of procurement of goods or services does not exceed \$5,000, purchase on the basis of at least two verbal quotations is permitted. However it is recommended to use professional discretion and occasionally undertake market testing with a greater number or more formal forms of quotation to ensure best value is maintained.

**\$5,001 to \$20,000**

At least three written quotations are required. Where this is not practical, (e.g. due to limited suppliers) this must be noted.

**MOTION 10376 continued.**

The general principles for obtaining verbal quotations are:

- Ensure that the requirement/specification is clearly understood by the Local Government employee seeking the verbal quotations.
- Ensure that the requirement is clearly, accurately and consistently communicated to each of the suppliers being invited to quote.
- Read back the details to the Supplier contact person to confirm their accuracy.
- Written notes detailing each verbal quotation must be recorded.

**\$20,001 to \$99,999**

For the procurement of goods or services where the value exceeds \$20,000 but is less than \$99,999, it is required to obtain at least three written quotes with written specifications for the goods or service required. The responsible officer is expected to demonstrate due diligence seeking quotes and to comply with any record keeping and audit requirements.

The general principles relating to written quotations are:

- An appropriately detailed specification should communicate requirement(s) in a clear, concise and logical fashion.
- The request for written quotation should include as a minimum:
  - 1) Written Specification
  - 2) Selection Criteria to be applied
  - 3) Price Schedule
  - 4) Conditions of responding
  - 5) Validity period of offer
- Invitations to quote should be issued simultaneously to ensure that all parties receive an equal opportunity to respond.
- Offer to all prospective suppliers at the same time any new information that is likely to change the requirements.
- Responses should be assessed for compliance, then against the selection criteria, and then value for money and all evaluations documented.
- Respondents should be advised in writing as soon as possible after the final determination is made and approved.

**Note:**

1. All quotation/tender documentation received are records of the Shire of Lake Grace and as such are accessible to the public under the Freedom of Information Act;
2. All documentation of verbal quotes and/or written quotes are to be attached to the copy of the order and forwarded to the Finance Officer and shall be retained as part of the support documentation for the payment of goods and services.

**Authorisation of Invoices for Payment**

All invoices must be authorised for payment prior to payment being made. An invoice may only be authorised for payment by the officer who ordered the goods.

**Tenders – Administrative Procedures**

The following procedures are intended to provide an outline of the administrative procedures to be followed in the calling of tenders, and who is the responsible officer for each step.

Where monies have been provided in Council's budget for the supply of goods or services and the anticipated costs of those goods or services is likely to be \$100,000 or more, the officer responsible for that work shall obtain the written approval of the Chief Executive Officer to commence advertising the tender, unless previously approved by Council.

When seeking the approval of the Chief Executive Officer, the officer shall make a written request using the attached pro forma and include copies of the selection criteria for assessing all tenders.

**MOTION 10376 continued.**

*When the approval of the Chief Executive Officer has been obtained, the officer shall request the Executive Assistant to allocate a tender number from the tender register.*

*The Executive Assistant shall enter the tender number and description of the goods or services on the tender cover form for inclusion in the tender register.*

*The officer calling the tender shall then provide the draft advertisement containing tender number, closing date etc to the Executive Assistant who will then arrange for the advertisement to be published. Tenders are to be advertised in a state wide publication e.g. "The West Australian" newspaper, Local Government Tenders section, preferably on a Wednesday or Saturday. The tender must remain open for at least 14 days after the date the tender is advertised.*

*The advertisement must include:*

- a brief description of the goods or services required;*
- information as to where and how tenders may be submitted;*
- the date and time after which tenders cannot be submitted*
- particulars identifying a person from whom more detailed information as to tendering may be obtained;*

*A copy of the tender documentation shall be given to the Executive Assistant to keep with the tender register.*

*At the close of the tender period, the tenders shall be opened by the Executive Assistant and the officer who called the tender with the Executive Assistant responsible for ensuring the tender cover sheet is completed.*

*Members of the public are entitled to be present at the opening of tenders. There is no obligation for officers to disclose or record tendered prices at the opening, however if in the opinion of the officers it is practical to do so and does not breach commercial-in-confidence principles, an indication of the tender price may be given.*

*The officer who called the tender shall then be responsible for coordinating the assessment of the tenders and preparing an item for submission to Council.*

*Once the tender has been approved by Council, all documentation from both the successful tenderer and unsuccessful tenderer(s) shall be given to the Executive Assistant for filing in accordance with Council's General Disposal Authority.*

*The officer who initiated the tender shall then be responsible for advising all tenderers in writing the outcome of the tender process.*

**No Tenders Received**

*Where the Local Government has invited tenders, however no compliant submissions have been received; direct purchases can be arranged on the basis of the following:*

- a sufficient number of quotations are obtained;*
- the process follows the guidelines for seeking quotations between \$20,001 & \$99,999(listed above);*
- the specification for goods and/or services remains unchanged;*
- purchasing is arranged within 6 months of the closing date of the lapsed tender*

**Records Management**

*All records associated with the tender process or a direct purchase process must be recorded and retained. For a tender process this includes:*

- Tender documentation;*

**MOTION 10376 continued.**

- *Internal documentation;*
- *Evaluation documentation;*
- *Enquiry and response documentation;*
- *Notification and award documentation.*

*For a direct purchasing process this includes:*

- *Quotation documentation (as at Attachment 1);*
- *Internal documentation;*
- *Order forms and requisitions.*

*Record retention shall be in accordance with the minimum requirements of the State Records Act 2000, and the Local Government's internal records management policy.*

***Anti-Avoidance***

*The Local Government shall not enter two or more contracts of a similar nature for the purpose of splitting the value of the contracts to take the value of consideration below the level of \$100,000, thereby avoiding the need to publicly tender.*

2. That the Policy Manual be updated.

**MOTION CARRIED 8/0**

### 14.3 LOCAL GOVERNMENT ELECTIONS 2007 – APPOINTMENT OF RETURNING OFFICER AND CONDUCT OF A POSTAL ELECTION

**Applicant:** WA Electoral Commission  
**File No.** 0229  
**Attachments:** Letters, Election Timetable  
**Author:** Mr Mark Burbridge  
 Senior Administration Officer  
**Disclosure of Interest:** Nil  
**Date of Report:** 21 March 2007  
**Senior Officer:** Mr Chris Jackson  
 Chief Executive Officer

#### Summary

For Council to appoint the Electoral Commissioner to be responsible for the conduct of the October 2007 ordinary elections and decide that the method of conducting the election will be as a postal election.

#### Background

The Local Government Act, 1995 (the *Act*) provides that a Local Government is to hold elections on the third Saturday in October every two years. The Act was amended in 2006 by the Parliament of Western Australia to specify ordinary elections in October rather than in May as in the past.

In October 2007, Council has five (5) vacancies arising across its three Wards following the expiry of the terms of Councillors Bennett, Newman, Roberts, Stewart, and Walker.

Section 4.20 of the *Act* provides that the Chief Executive Officer is the returning officer of a local government for each election unless Council appoints a person other than the CEO. Section 4.20(4) of the *Act* enables a local government to declare the Electoral Commissioner to be responsible for the conduct of the election having first obtained the Commissioner's written agreement.

Furthermore, section 4.61 of the *Act* enables a local government to conduct the election as a postal election.

In the attached letters, the Commissioner has agreed to conduct the ordinary elections in October 2007 and seeks Council's endorsement in accordance with the requirements of the *Act*.

#### Comment

Council has previously acknowledged the benefits of postal elections, namely:

- Increased voter participation;
- Convenience for electors;
- The availability of an experienced Returning Officer at “arms length” from local government business;
- Detailed candidates guides prepared by the Commissioner;
- All eligible electors being given information about the election; and
- Statutory requirements are fulfilled.

In addition, the cost of holding a postal election is cost effective and the Electoral Commissioner has previously allowed the cost to be allocated over two budget years, if necessary.

#### Legal Implications

Local Government Act, 1995 – Part 4

s4.20(4) – Electoral Commissioner to conduct election

s4.61(2) – Postal Elections

s1.10(b) – Decisions by special majority: being less than 11 Councillors, it becomes an absolute majority ie. 5 Councillors, being 50% of offices whether vacant or not

#### Policy Implications

Council has previously conducted postal elections.

#### Community Consultation

N/A

#### Financial Implications

The Electoral Commission has estimated the cost at \$8,000 (plus GST) to conduct the October 2007 elections.

#### Strategic Implications

N/A

#### Cultural Implications

N/A

#### Voting Requirements

Absolute majority required (5).

Recommendation/Resolution

**MOTION 10377**

Moved Cr Taylor  
Seconded Cr Newman

That Council:

1. Declare, in accordance with section 4.20(4) of the Local Government Act 1995, the Electoral Commissioner be responsible for the conduct of the 2007 Ordinary Elections together with any other elections or polls which may also be required; and,
2. In accordance with section 4.61(2) of the Local Government Act 1995, agree that the method of conducting the election will be a postal election.
3. Provision be made in the 2007/08 Budget of \$8,000 (plus GST) for election expenses.

**MOTION CARRIED BY ABSOLUTE MAJORITY 8/0**

#### 14.4 PROVISION OF MANUAL ARTS SERVICES TO THE LAKE GRACE DISTRICT HIGH SCHOOL - PROPOSAL

2.20 pm Mr Smallacombe left the meeting.

**Applicant:** Mr Wayne Trawinski  
**File No.** 0247  
**Attachments:** Nil  
**Author:** Mr Jim Fraser  
Manager Community Services

**Disclosure of Interest:** Nil  
**Date of Report:** 21 March 2007  
**Senior Officer:** Mr Chris Jackson  
Chief Executive Officer

##### Summary

This report seeks Council's consideration for the provision of Manual Arts Services to the Lake Grace District High School.

##### Background

The Principal of the Lake Grace District High School has been advertising for a suitable person to teach woodwork at the Lake Grace school. There is a statewide shortage of qualified staff available within the Department of Education and Training hence the innovative approach being taken by the Principal Delva Russell. To date there has been no applicants.

Council's employee Mr Wayne Trawinski has raised the issue with Senior Staff as to the possibility for Council to provide the service through his trade certification. The classes are held on a Monday and run for the second and third terms.

##### Comment

The involvement of local government in the education system would not normally be considered by staff. In the current circumstances where the expertise is not available within the community direction is sought from Council.

Mr Trawinski has trade certification and has had experience in the training of apprentices. In requesting the advice of staff he has expressed a concern that several students will not have access to an important component of the school curriculum.

There is no doubt that committing Mr Trawinski to a commitment at the school will impact on Council's activities. The classes are scheduled to be held on Mondays.

Mr Trawinski works a nine day fortnight with his rostered day off taken every second Monday. The proposal will result in Council 'losing' ten days of time.

In considering the matter the author is of the view that there would be less impact on Mr Trawinski if he continued in Council's employ and that his costs be reimbursed from the school. The agreement to provide the service would rest with Council and would need to be constructed in such a way that there was no obligation should Mr Trawinski not be able to deliver the service for whatever reason.

It is stressed that the request is unusual and is submitted for consideration because of the potential effect on students should they not have access to a manual arts component in their education.

Legal Implications

A basic agreement would need to be framed.

Policy Implications

Nil

Community Consultation

Nil

Financial Implications

There is a charge out rate in the Schedule Fees and Charges for a Technical Officer only.

Strategic Implications

Nil

Cultural Implications

Nil

Recommendation

That Council authorise the provision of service to the Lake Grace District High School for Councils employee Mr Wayne Trawinski to teach Manual Arts (woodwork) each Monday during the second and third terms of the school year (being 23<sup>rd</sup> April to 6<sup>th</sup> July and 23<sup>rd</sup> July to 28<sup>th</sup> September 2007) on a cost recovery basis.

Voting Requirements

Simple majority required

Resolution

**MOTION 10378**

Moved Cr Farrelly  
Seconded Cr Walker

That Council authorise the provision of service to the Lake Grace District High School for Councils employee Mr Wayne Trawinski to teach Manual Arts (woodwork) each Monday during the second and third terms of the school year (being 23<sup>rd</sup> April to 6<sup>th</sup> July and 23<sup>rd</sup> July to 28<sup>th</sup> September 2007) on a cost recovery basis.

**AMENDMENT**

Moved Cr Newman  
Seconded Cr Sinclair

That Council authorise the provision of service to the Lake Grace District High School for Councils employee Mr Wayne Trawinski to teach Manual Arts (woodwork) each Monday during the second and third terms of the school year (being 23<sup>rd</sup> April to 6<sup>th</sup> July and 23<sup>rd</sup> July to 28<sup>th</sup> September 2007) on a cost recovery basis plus a 10% margin.

**CARRIED 6/2**

*Discussion followed on this being a cost shifting exercise to local government and a further amendment regarding pursuing of the issue with the Department of Education and Training was considered. It was agreed by all parties to the motion that a further amendment to include the above would change the intent of the original motion. Cr Walker foreshadowed a motion on pursuing the matter with the Department of Education.*

The amended motion then became the substantive motion which was put and carried:

**MOTION 10378**

Moved Cr Newman  
Seconded Cr Sinclair

That Council authorise the provision of service to the Lake Grace District High School for Councils employee Mr Wayne Trawinski to teach Manual Arts (woodwork) each Monday during the second and third terms of the school year (being 23<sup>rd</sup> April to 6<sup>th</sup> July and 23<sup>rd</sup> July to 28<sup>th</sup> September 2007) on a cost recovery basis plus a 10% margin.

**MOTION CARRIED 5/3**

**MOTION 10379**

Moved Cr Walker  
Seconded Cr Taylor

That Council pursue the issue of local government providing teaching services to schools with the Department of Education and Training through both correspondence and deputation.

**MOTION CARRIED 7/1**

***REASON FOR CHANGE***

***Council have concerns in that this would appear to be another 'cost shifting' exercise from the State Government to Local Government however do not wish to jeopardise student access to education.***

## 14.5 WA LOCAL GOVERNMENT ASSOCIATION – SUSTAINABILITY WORKSHOP

**Applicant:** Western Australian Local Government Association  
**File No.** 0029  
**Attachments:** WALGA Forum Program  
**Author:** Mr Jim Fraser  
Manager Community Services  
**Disclosure of Interest:** Nil  
**Date of Report:** 14 March 2007  
**Senior Officer:** Mr Chris Jackson  
Chief Executive Officer

### Summary

This report recommends the attendance of Councillors and staff at a sustainability workshop at the Duxton Hotel Perth on 20<sup>th</sup> April 2007.

### Background

WALGA commissioned a report; Systemic Sustainability Study, into the sustainability of local government in Western Australia. The results of the study indicate that a majority of local authorities in the state are unsustainable unless significant changes are made to the way local government operates.

The study includes 41 recommendations. Councillors and staff participated in various forums in the preparation of the study.

### Comment

A major recommendation of the study refers to the holding of a Conference/Workshop by WALGA to allow members of local governments an opportunity to assess the study. WALGA has organised a one day workshop, "From Cost-Shifting to Sustainability" on Friday 20<sup>th</sup> April 2007. The cost of attendance is \$190.00 per delegate.

The Shire of Lake Grace has been classified in the study as being unsustainable. It is the view of staff that this is attributable to the extensive road network and the need to ensure facilities in each of the population centres are presented and maintained at a suitable standard.

There are also issues of cost shifting particularly in the areas of health (support for doctor) and housing (public and aged).

It is strongly recommended that Council is well represented at the workshop as a demonstration of support for the Systemic Sustainability Study and to ensure that there is representation at each of the concurrent workshops.

Legal Implications

Local Government Act 1995 (as amended)

Policy Implications

Nil

Community Consultation

Nil

Financial Implications

The cost for each delegate to attend the workshop is estimated at \$350.00. Funding is available at E041025 Councillors Training and E041030 Conference Expenses.

Strategic Implications

Nil

Cultural Implications

Nil

Recommendation

**Note: Nominations required when considered by Council**

That Crs \_\_\_\_\_, \_\_\_\_\_ along with two Senior Staff attend the Sustainability Workshop to be held at the Duxton Hotel Perth on Friday 20<sup>th</sup> April 2007.

Voting Requirements

Simple majority required.

Recommendation/Resolution

**MOTION 10380**

Moved Cr Stewart  
Seconded Cr Farrelly

That Crs Roberts, Farrelly, and Newman along with two Senior Staff attend the Sustainability Workshop to be held at the Duxton Hotel Perth on Friday 20<sup>th</sup> April 2007.

**MOTION CARRIED 8/0**

## 15.0 URGENT BUSINESS BY DECISION OF THE MEETING

None.

## 16.0 SCHEDULING OF MEETING

### 16.1 APRIL 2007 ORDINARY MEETING – CHANGE OF VENUE

#### Background

#### **Motion 10319 November 2006 states:**

An Ordinary Meeting of Council will be held on Tuesday 24 April 2007, commencing at 1pm at Council Chambers, Lake Grace.

Due to renovations at the Shire Offices and Council Chambers not yet being completed it is necessary to change the venue for the April 2007 Ordinary Meeting.

#### Voting Requirements

Simple majority required.

#### Recommendation/Resolution

### **MOTION 10381**

Moved Cr Farrelly  
Seconded Cr Taylor

1. That the 24 April 2007 Ordinary Meeting of Council be held at the Lake Grace Sportsman's Club; and
2. That the change of venue be advertised accordingly.

**MOTION CARRIED 8/0**

**17.0 CONFIDENTIAL BUSINESS – As per Local Government Act s.5.23 (2)**

2.42 pm Cr Farrelly declared a Financial Interest in Item 17.1 and left the meeting. Cr Farrelly and his wife run a similar type of business.

**MOTION 10382**

Moved Cr Stewart  
Seconded Cr Taylor

That Council close the meeting to the public at this time, being 2.43 pm, to discuss Item 17.1 Lot 1 Griffin St – Proposed Subdivision.

**MOTION CARRIED 7/0**

**17.1 LOT 1 GRIFFIN ST LAKE GRACE – PROPOSED SUBDIVISION**

*Item forwarded under separate cover.*

<b>Applicant:</b>	Shire of Lake Grace
<b>File No.</b>	0506
<b>Attachments:</b>	Plans 1 & 2
<b>Author:</b>	Mr Joe Douglas & Mr Steve Pandeski Consultant Town Planner
<b>Disclosure of Interest:</b>	Nil
<b>Date of Report:</b>	19 March 2007
<b>Senior Officer:</b>	Mr Chris Jackson Chief Executive Officer

Summary

The following report has been prepared to provide Council with an update on the status of the proposed subdivision of Lot 1 Griffin Street, Lake Grace to excise that portion of Lot 1 proposed to be rezoned and developed for the purposes of a new roadhouse, motel and aged persons accommodation including details of the latest cost estimates and funding arrangements.

The report also seeks to determine if Council wishes to finalise the subdivision prior to expiry of the current subdivision approval on the 23 January 2008.

### Background

In January 2005 the Western Australian Planning Commission (WAPC) granted approval to an application by the Shire of Lake Grace to subdivide Lot 1 Griffin Street, Lake Grace to excise that portion of Lot 1 proposed to be rezoned and developed for the purposes of a new roadhouse, motel and aged persons accommodation (see attached Plans 1 & 2).

The WAPC approval was conditional upon the following requirements:

- Construction of Wattle Drive between Griffin Street and Morrison Avenue;
- Connection to water supply services;
- The land being provided with an adequate outlet drainage system; and,
- The provision of easements where required by the Shire.

Following completion of the subdivision development process, which is still pending, it was Council's intention to finalise the contract of sale between the Shire and Lake Grace Investments Pty Ltd which successfully tendered for the acquisition of that portion of Lot 1 proposed to be rezoned and developed for the purposes of a new roadhouse, motel and aged persons accommodation. It is significant to note that the contract of sale was conditional upon Ministerial approval to the rezoning of the land.

Due to a number of issues associated with securing access to the land from Stubbs Street via Reserve 33330, final approval to the rezoning was delayed pending resolution of these issues. Final approval to the rezoning is now imminent following the recent resolution of the access issues from Stubbs Street and the Shire's attendance to a number of minor modifications to the scheme amendment documentation required by the Minister for Planning and Infrastructure.

### Comment

It is understood that the Shire has received and is investigating the legal ramifications of recent advice from Lake Grace Investments Pty Ltd that it no longer wishes to proceed with the acquisition of portion of Lot 1 due to the significant increase in building costs since Council accepted the tender from Lake Grace Investments Pty Ltd to purchase the land.

Given that Lake Grace Investments Pty Ltd is now unlikely to proceed with the project, it is understood that the Lake Grace Development Association has recently commenced investigations

to determine the level of interest by other potential property developers. Should these investigations prove successful there will be a need to finalise the subdivision of Lot 1 by satisfying the various conditions of approval outlined above. The deadline for finalising the subdivision is 23 January 2008. In the event that the subdivision is not completed by this date the Shire will be required to prepare and lodge a new subdivision application with the WAPC which is likely to cost in the order of \$2,500.00.

The costs associated with finalising the subdivision were originally estimated in 2005 to be in the order of \$147,025 itemised as follows:

COST ITEM	COST ESTIMATE (EXCL. GST)
Electricity	\$32,486
Water	\$30,328
Stormwater Drainage	\$32,656
Set Out & Survey	\$5,500
Roadworks	\$31,605
Town Planning & Surveying	\$8,950
Legal Expenses	\$5,500
<b>TOTAL</b>	<b>\$147,025</b>

Following a review of the WAPC's conditional subdivision approval it is now concluded that the costs associated with the proposed subdivision will not be as great as originally estimated and will in fact be in the order of \$100,669 itemised as follows:

COST ITEM	COST ESTIMATE (EXCL. GST)
Electricity	Nil #
Water	\$3,828 *
Stormwater Drainage	\$37,554 **
Set Out & Survey	\$6,325 **
Roadworks	\$36,345 **
Town Planning & Surveying	\$10,292 **
Legal Expenses	\$6,325 **
<b>TOTAL</b>	<b>\$100,669</b>

Notes: # Figure based upon Western Power advice.

\* Figure based upon Water Corporation advice.

\*\* Figures based upon a 15% increase in costs over 2 years.

In light of the reduced overall cost and the fact that the Lake Grace Development Association is taking positive action to try to find another developer to undertake the project, there is a strong argument for the Shire to finalise the subdivision of Lot 1 prior to the January 2008 deadline to ensure that the land can be made available to a future prospective developer in the shortest possible timeframe and thereby avoid any further delays.

In considering this matter Council should also note that the Shire has received approval from the Department of Local Government and Regional Development for funding assistance up to \$47,735 to cover the cost of headworks charges associated with the proposed development. Given that this approval was based upon the original 2005 estimate and the fact that this estimate has now been reduced, the Shire is only likely to be eligible for funding assistance up to a maximum amount of \$20,691 meaning that the total cost of the project for the Shire will be approximately \$79,978 (i.e. \$100,669 less \$20,691 = \$79,978).

#### Legal Implications

Planning and Development Act 2005

Shire of Lake Grace Town Planning Scheme No.3

Shire of Lake Grace Town Planning Scheme No.4 (Draft)

#### Policy Implications

WAPC Policy No. DC 1.1 – Subdivision of Land – General Principles

WAPC Policy No. DC 3.4 – Subdivision of Rural Land

#### Community Consultation

Not required.

#### Financial Implications

The estimated cost of finalising the proposed subdivision of Lot 1 Griffin Street is outlined above including details of funding assistance currently available from the Department of Local Government and Regional Development. It is understood that a suitable allowance has been made for the project in Council's budget for the 2006/2007 financial year.

#### Strategic Implications

The subdivision and development of the western-most portion of Lot 1 Griffin Street, Lake Grace for the purposes of a new roadhouse, motel and aged persons accommodation is consistent with the strategic planning direction for the land provided in the Shire of Lake Grace Local Planning Strategy.

#### Cultural Implications

The development of a new roadhouse, motel and aged persons accommodation will have significant cultural benefits for the Shire of Lake Grace and its inhabitants in the long term future.

#### Voting Requirements

Simple majority required.

Recommendation/Resolution

**MOTION 10383**

Moved Cr Walker  
Seconded Cr Stewart

That Council authorise the Shire administration to finalise, prior to expiry of the current Western Australian Planning Commission approval, the proposed subdivision of Lot 1 Griffin Street, Lake Grace to excise that portion of Lot 1 proposed to be rezoned and developed for the purposes of a new roadhouse, motel and aged persons accommodation including headworks funding arrangements with the Department of Local Government and Regional Development.

**MOTION CARRIED 7/0**

**MOTION 10384**

Moved Cr Stewart  
Seconded Cr Walker

That Council re-open the meeting to the public at this time, being 3.00 pm.

**MOTION CARRIED 7/0**

*3.01 pm Cr Farrelly re-entered the meeting and the President advised him of the outcome.*

*3.03 pm The Meeting adjourned for afternoon tea.*

*3.23 pm Meeting reconvened with all those previously present in attendance with the exception of Mr Brigg, Ms McIlree and Mrs Bennett.*

**MOTION 10385**

Moved Cr Stewart  
Seconded Cr Walker

That Council close the meeting to public at this time being 3.23 pm to discuss various road works issues.

**MOTION CARRIED 8/0**

*4.08 pm Mr Brigg re-entered the meeting.*

**MOTION 10386**

Moved Cr Stewart  
Seconded Cr Chamberlain

That Council re-open the meeting to the public at this time, being 4.30 pm.

**MOTION CARRIED 8/0**

*4.30 pm Ms McIlree and Mrs Bennett re-entered the meeting.*

**18.0 CLOSURE**

There being no further business, the Chairperson closed the meeting at 4.32 pm.

**19.0 CERTIFICATION**

I \_\_\_\_\_ certify that the minutes of the meeting held on the 28 March 2007 as shown on page numbers \_\_\_\_\_ to \_\_\_\_\_ were confirmed as a true record at the meeting held on the 24 April 2007.

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Date