

Shire of Lake Grace

Ordinary Council Meeting

Minutes

28 March 2018



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SHIRE OF LAKE GRACE

Minutes for the Ordinary Meeting of Council to be held at Council Chambers, 1 Bishop Street, Lake Grace, WA on Wednesday 28 March 2018.

1.0 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Shire President opened the meeting at 3.10 pm.

2.0 DISCLAIMER READING

The Chief Executive Officer is to read aloud the disclaimer.

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

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3.0 RECORD OF ATTENDANCE/APOLOGIES/ LEAVE OF ABSENCE (PREVIOUSLY APPROVED)

3.1 PRESENT

Cr JF De Landgraftt	Shire President
Cr SG Hunt	Deputy Shire President
Cr R Chappell	
Cr DS Clarke	
Cr RA Lloyd	
Cr MG Stanton	
Cr P Stoffberg	

In Attendance

Ms D Gobbart	Chief Executive Officer
Mrs L Trevenen	Administration Coordinator

Observers/Visitors

Nil

3.2 APOLOGIES

Cr AD Marshall
Cr MR Spurr

3.3 LEAVE OF ABSENCE PREVIOUSLY GRANTED

Cr De Landgraftt has been granted leave of absence from Thursday 5 April 2018 to Wednesday 11 April 2018 inclusive.

4.0 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

5.0 PUBLIC QUESTION TIME

Nil

6.0 PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil

7.0 NOTATIONS OF INTEREST

7.1 DECLARATION OF FINANCIAL INTEREST – LOCAL GOVERNMENT ACT 1995 SECTION 5.60A

Nil

7.2 DECLARATION OF PROXIMITY INTEREST – LOCAL GOVERNMENT ACT 1995 SECTION 5.60B

Nil

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

Nil

8.0 APPLICATIONS FOR LEAVE OF ABSENCE

Resolution

RESOLUTION 12718

Moved Cr Chappell
Seconded Cr Stoffberg

That leave of absence be granted to,

1. Cr Marshall for the period Friday 6 April 2018 to Sunday 15 April 2018 inclusive;
2. Cr Lloyd for the period of Monday 14 May 2018 to Monday 28 May 2018 inclusive; and
3. Cr De Landgraft Thursday 28 June 2018 to Monday 6 August 2018 inclusive.

CARRIED 7/0

9.0 ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION

The Chief Executive Officer and I travelled to Hopetoun on Friday 23 March to attend the launch of the renewed Fitzgerald Biosphere. Recently the Fitzgerald Biosphere communities have been successful in achieving re-listing by the United Nations Educational, Scientific and Cultural Organisation (UNESCO) Man and Biosphere programme of our world – famous Fitzgerald Biosphere. The Biosphere status places an international spotlight on protecting the significant biodiversity values of the area, while providing a framework for continued sustainable development and economic benefits at a regional level.

10.0 CONFIRMATION OF MINUTES

10.1 ORDINARY MEETING – 28 FEBRUARY 2018

Recommendation/Resolution

RESOLUTION 12719

Moved Cr Hunt
Seconded Cr Stanton

That the minutes of the Ordinary Meeting of Council held on 28 February 2018 be confirmed as a true and accurate record, with the following amendment;

1. Item 3.1.1 – delete ‘, which was taken on notice’.

CARRIED 7/0

11.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

12.0 URGENT BUSINESS APPROVED BY THE PRESIDING MEMBER OR BY DECISION OF COUNCIL

12.1 STATUTORY COMPLIANCE REPORT 2017

The purpose of this item is for Council to endorse the Statutory Compliance Audit Report 2017 as presented by the Audit Committee. This item will be considered under Reports of Committees of the Meeting at Item 13.1.1.

12.2 2017-2018 BUDGET REVIEW

The purpose of this item is for Council to endorse the 2017-2018 Budget Review as presented by the Audit Committee. This item will be considered under Reports of Committees of the Meeting at Item 13.1.2.

Recommendation/Resolution

RESOLUTION 12720

Moved Cr Stoffberg
Seconded Cr Hunt

That Council accept Item 12.1 Statutory Compliance Report 2017 and Item 12.2 2017-2018 Budget Review as late items of urgent business, to be considered under item 13.0 Reports of Committees.

CARRIED 7/0

12.3 DEED OF SETTLEMENT – FIRST HEALTH SERVICES PTY LTD

The purpose of this item is for Council to authorise the use of the common seal. This report will be considered under Confidential Items at item 17.0.

Recommendation/Resolution

RESOLUTION 12721

Moved Cr Lloyd
Seconded Cr Stanton


That Council accept Item 12.3 Deed of Settlement – First Health Services Pty Ltd as a late item of urgent business, to be considered under item 17.0 Confidential Items.

CARRIED 7/0

13.0 REPORTS OF COMMITTEES

13.1 STATUTORY COMPLIANCE REPORT 2017

Applicant: Internal Report
File No. 0582
Attachments: 1. Compliance Audit Return 2017
 2. Compliance Audit Return Review - Gary Martin
Author: Ms Denise Gobbart



Chief Executive Officer

Disclosure of Interest: Nil
Date of Report: 14 March 2018
Senior Officer: Ms Denise Gobbart



Chief Executive Officer

Summary

The purpose of this report is for the Audit Committee to recommend that Council adopt the Statutory Compliance Audit Return (CAR) for the year ending 31 December 2017.

Background

Under the Local Government (Audit) Regulations 1996, a Local Government is required to carry out a Compliance Audit for the period 1 January 2016 to 31 December 2016. The certified return needs to be submitted to the Director General, Department of Local Government and Regional Development by 31 March 2016.

The Compliance Audit Return must be:

1. reviewed by the Audit Committee;
2. presented to Council at a meeting of the Council;
3. adopted by the Council; and,
4. recorded in the minutes of the meeting at which it is adopted.

A copy of the return is submitted for Councillor's perusal, comment and adoption by Council before 31 March 2016. It is necessary for the Shire President and the Chief Executive Officer (CEO) to sign off the return as a certified copy.

The 2017 Compliance Audit Return was completed externally by Mr Gary Martin – Local Government Consultant. It had been (5) years since an external consultant has been engaged to undertake the review.

The compliance review process provides both the CEO and the Council with an additional element of accountability through a check on internal management systems, procedures and record keeping and this demonstrates the Shire's emphasis on improving its good governance, compliance, and best practice.

Comment

There were three items of non-compliance noted out of the 94 items included in the CAR, this equates to an achievement rate of 96.8%. This is a minor improvement on last year's 95.4% result. The matters identified in the Shire of Lake Grace Compliance Audit Return 2017, are as follows:

Delegation:

The delegation register was reviewed as required; points needing to be addressed are that delegations to the CEO and officers are required to be in writing, this did not happen with all staff.

Page 2, No 13, s5.46(3), Admin Reg 19 – This requirement was difficult to check

A delegation of a power or duty under the *Local Government Act 1995* leads to that person becoming a designated employee for the purposes of LGA s5.74 and triggers the requirement for that person to lodge a primary and annual return, as well as the prohibition on exercising the delegation and disclosure requirements under s5.71 where a conflict of interest exists.

The Delegation register included delegations or authorisation/appointments to employees under various other legislation apart from the *Local Government Act 1995*, and these employees could be nominated as designated employees for the purposes lodging primary and annual returns.

Compliance with the requirement to keep a written record of the exercise of a delegation was difficult to review.

Disclosure of Interest:

Page 3, No 5, s5.75(1) Admin Reg 22 Form 2 – Two junior employees with new delegations did not lodge returns.

A comprehensive review was undertaken of the various registers required by the Act and it was apparent these are well maintained.

It appears that two junior employees that had been delegated power or duties under the *Local Government Act 1995* in July 2017 had not been informed of the requirement to lodge a primary return.

Tenders for Providing Goods and Services:

Page 9, No 9, Functions and General Reg 17 – Register incomplete.

The Shire only had two full tender processes (01/2017 and 02/2017) to supply supervision services and plant and operators in respect of WANDRAA flood damage projects during the review period. The tender process was satisfactory and met the relevant requirements through the Tenderlink system.

However, the register of tenders was incomplete as the details of the successful tenderer(s) and consideration were not recorded in the register.

Legal Implications

Local Government Act 1995;

Local Government (Administration) Regulations 1996;

Local Government (Audit) Regulations 1996;

Local Government (Elections) Regulations 1997;

Local Government (Functions and General) Regulations 1996;

Local Government (Rules of Conduct) Regulations 2007

Local Government Act 1995

7.13. Regulations as to audits

(1) Regulations may make provision as follows —

(aa) as to the functions of a CEO in relation to —

(i) a local government audit; and

- (ii) a report (an action report) prepared by a local government under section 7.12A(4)(a); and
 - (iii) an audit report; and
 - (iv) a report on an audit conducted by a local government under this Act or any other written law;
 - (ab) as to the functions of an audit committee, including in relation to —
 - (i) the selection and recommendation of an auditor under Division 2; and
 - (ii) a local government audit; and
 - (iii) an action report; and
 - (iv) an audit report; and
 - (iv) a report on an audit conducted by a local government under this Act or any other written law;
 - (ac) as to the procedure to be followed in selecting an auditor under Division 2;
 - [(ad) deleted]
 - (ae) as to monitoring action taken in respect of any matters raised in an audit report;
 - (a) with respect to matters to be included in an agreement in writing (agreement) made under section 7.8(1);
 - (b) for notifications and reports to be given in relation to an agreement, including any variations to, or termination of an agreement;
 - (ba) as to a copy of an agreement being provided to the Department;
 - (c) as to the manner in which an application may be made to the Minister for approval as an auditor under section 7.5;
 - (d) in relation to approved auditors, for the following —
 - (i) reviews of, and reports on, the quality of audits conducted;
 - (ii) the withdrawal by the Minister of approval as an auditor;
 - (iii) applications to the State Administrative Tribunal for the review of decisions to withdraw approval;
 - (e) for the exercise or performance by auditors of their powers and duties under this Part;
 - (f) as to the matters to be addressed in an audit report;
 - (g) requiring an auditor (other than the Auditor General) to provide the Minister with prescribed information as to an audit conducted by the auditor;
 - (h) prescribing the circumstances in which an auditor (other than the Auditor General) is to be considered to have a conflict of interest and requiring an auditor (other than the Auditor General) to disclose in an audit report such information as to a possible conflict of interest as is prescribed;
 - (i) requiring local governments to carry out, in the prescribed manner and in a form approved by the Minister, an audit of compliance with such statutory requirements as are prescribed whether those requirements are —
 - (i) of a financial nature or not; or
 - (ii) under this Act or another written law.
- (2) Regulations may also make any provision about audit committees that may be made under section 5.25 in relation to committees.

Local Government (Audit) Regulations 1996

13. Prescribed statutory requirements for which compliance audit needed (Act s. 7.13(1)(i))
 For the purposes of section 7.13(1)(i) the statutory requirements sets out a table prescribing the relevant sections. The table is as follows;

Local Government Act 1995		
s. 3.57	s. 3.58(3) and (4)	s. 3.59(2), (4) and (5)
s. 5.16	s. 5.17	s. 5.18
s. 5.36(4)	s. 5.37(2) and (3)	s. 5.42
s. 5.43	s. 5.44(2)	s. 5.45(1)(b)
s. 5.46	s. 5.67	s. 5.68(2)
s. 5.70	s. 5.73	s. 5.75
s. 5.76	s. 5.77	s. 5.88
s. 5.103	s. 5.120	s. 5.121
s. 7.1A	s. 7.1B	s. 7.3
s. 7.6(3)	s. 7.9(1)	s. 7.12A
Local Government (Administration) Regulations 1996		
r. 18A	r. 18C	r. 18E
r. 18F	r. 18G	r. 19
r. 22	r. 23	r. 28
r. 34B	r. 34C	
Local Government (Audit) Regulations 1996		
r. 7	r. 10	
Local Government (Elections) Regulations 1997		
r. 30G		
Local Government (Functions and General) Regulations 1996		
r. 7	r. 9	r. 10
r. 11A	r. 11	r. 12
r. 14(1), (3) and (5)	r. 15	r. 16
r. 17	r. 18(1) and (4)	r. 19
r. 21	r. 22	r. 23
r. 24	r. 24AD(2), (4) and (6)	r. 24AE
r. 24AF	r. 24AG	r. 24AH(1) and (3)
r. 24AI	r. 24E	r. 24F
Local Government (Rules of Conduct) Regulations 2007		
r. 11		

14. Compliance audits by local governments

- (1) A local government is to carry out a compliance audit for the period 1 January to 31 December in each year.
- (2) After carrying out a compliance audit the local government is to prepare a compliance audit return in a form approved by the Minister.
- (3A) The local government's audit committee is to review the compliance audit return and is to report to the council the results of that review.
- (3) After the audit committee has reported to the council under subregulation (3A), the compliance audit return is to be —
 - (a) presented to the council at a meeting of the council; and
 - (b) adopted by the council; and
 - (c) recorded in the minutes of the meeting at which it is adopted.

15. Compliance audit return, certified copy of etc. to be given to Executive Director

- (1) After the compliance audit return has been presented to the council in accordance with regulation 14(3) a certified copy of the return together with —
 - (a) a copy of the relevant section of the minutes referred to in regulation 14(3)(c); and
 - (b) any additional information explaining or qualifying the compliance audit, is to be submitted to the Executive Director by 31 March next following the period to which the return relates.
- (2) In this regulation —

certified in relation to a compliance audit return means signed by —

 - (a) the mayor or president; and
 - (b) the CEO.

Policy Implications

N/A

Consultation

N/A

Financial Implications

It cost approximately \$2,500 for the independent review of the 2017 CAR.

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

Recommendation/Resolution

RESOLUTION 12722

Moved Cr Hunt
Seconded Cr Stoffberg

That Council;

1. Adopt the Local Government Statutory Compliance Return 1 January 2017 to 31 December 2017 for the Shire of Lake Grace; and
2. Authorise the Shire President and the Chief Executive Officer to endorse the certification contained within the Local Government Statutory Compliance Return.

CARRIED 7/0

13.2 2017-2018 BUDGET REVIEW

Applicant: Internal Report
File No. 0625
Attachments: 1. Budget Review 2018
 2. Budget Review Monthly Report Feb 2018
 3. Budget Review Schedules Feb 2018
Author: Ms Denise Gobbart
Disclosure of Interest: Nil
Date of Report: 26 March 2018
Senior Officer: Ms Denise Gobbart

Chief Executive Officer



Chief Executive Officer

Summary

To consider and adopt the Budget Review as presented in the document 'Budget Review 2018' for the period 1 July 2017 to 28 February 2018.

Background

The 2018 Budget Review incorporating year to date budget variations and the projected forecasts to 30 June 2018 for the period ending 28 February 2018 is presented for Council to consider. The *Local Government (Financial Management) Regulations 1996*, Regulation 33A as amended, requires that local governments conduct a budget review between 1 January and 31 March in each financial year. A copy of the review and determination is to be provided to the Department of Local Government within 30 days of the adoption of the review.

Comment

The budget review has been prepared to include information required by the Local Government Act 1995, Local Government (Financial Management) Regulations 1996 and Australian Accounting Standards. Council adopted a 10% and a \$5,000 minimum for the reporting of material variances to be used in the statements of financial activity and budget review.

Presented to the Audit Committee are the following documents:

Attachment 1 – Budget Review Feb 2017

The budget review document, including a Statement of Financial Activity, Significant Accounting Policies, Summary Graphs – Financial Activity, Net Current Position, Predicted Variances and Budget Amendments since Budget Adoption.

Attachment 2 – Budget Review Monthly Report Feb 2018

The standard monthly financial report with variances projected by program, significant variance report greater than 10% and \$5,000, including notes 1 to 12.

Attachment 3 – Budget Review Schedules Feb 2018

The Schedules have been provided as further background information.

The intent of the Budget Review is to predict where we are going to finish at the 30 June. It is not intended to be a process for wholesale changes to individual accounts, although many local governments do take this opportunity to do so.

Having identified some issues since the adoption of the Annual Budget, there would be a number of accounts that would require adjustments. As in the previous year, the decision has been made to

review our budget without making the numerous changes that would be required. This decision is based on the time required to be invested in identify the changes and the end benefit, given that we are into the last quarter of the year. Attention was focussed on material variances of \$5,000 and/or 10% as set by the Shire of Lake Grace.

The net impact of budget amendments and variation to the opening Surplus made throughout the year is a surplus of \$175,620; this is included in the projected budget surplus of \$588,780.

This budget has been reviewed to continue to deliver on strategies and projects adopted by Council and to maintain the levels of service across all programs.

Variations of Note:

Lake Grace Independent Living Units

The completion of this project has exceeded the budgeted expenditure of \$325,503 by \$45,122. This is partially offset by increased revenue of \$17,200. When the budget was prepared the contribution of Council had resolved to meet was not considered.

At the meeting of Council held 24 February 2016 it was endorsed that the revised estimate cost was \$1,239,957 and there would be a potential shortfall in funding of \$163,461 to be meet by Council.

The figures to complete the project show that the project has come in \$47,731 under budget estimates, with the contribution of the shortfall being \$64,930 under the estimates provided.

Original Budget Estimate	\$ 1,239,957.00
Actual Spend to 28/02/18	\$ 1,185,268.48
Outstanding Orders	\$ 6,957.44
Total Spend	\$ 1,192,225.92
Project Completed Under Original Budget Estimate	\$ 47,731.08
Total Revenue	\$ 1,093,695.37
Net Cost To Council	\$ 98,530.55

Job 122516: Backslopes & Shoulder Mtc

This account officially had a budget transfer of \$196,301 to be allocated to Job 1213035 North Lake Grace / Karlgarin Road Black Spot Project. In addition to this it was identified that any additional funding required to undertake the sealing program would be sourced from this account. It has been identified that a total of \$431,110 will be required to undertake these works.

These additional funds were identified as being required on Holt Rock South and Magenta Roads. The projected position of these projects is as follows;

Magenta Road	\$ 485,700.00
Committed to Date	\$ 463,197.00
Potential Savings	\$ 22,503.00

Holt Rock South Road \$ 409,120.00

Committed to Date	<u>\$ 469,178.00</u>
Potential Over Spend	-\$ 60,058.00

With Holt Rock South Road, our construction team undertook the preparation works for this job. Instruction was given on how this work was to be prepared and compaction achieved, unfortunately the team varied the method on how the works were completed, giving unsatisfactory compaction results for the end job. Given this we have contracted the Shire of Kondinin to complete the works to the required standard at the estimated cost of \$105,000. The works will also have a stabiliser machine over the length ensure the moisture content is even to enable the correct compaction across the complete seal length.

As the works were not completed to the required standards it has led to a predicted overspend of \$60,058 to complete the project.

Legal Implications

Regulation 33A of the Local Government (Financial Management) Regulations 1996 requires:

- (1) *Between 1 January and 31 March in each financial year a local government is to carry out a review of its annual budget for that year.*
 - (2A) *The review of an annual budget for a financial year must —*
 - (a) *consider the local government's financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year; and*
 - (b) *consider the local government's financial position as at the date of the review; and*
 - (c) *review the outcomes for the end of that financial year that are forecast in the budget.*
 - (2) *Within 30 days after a review of the annual budget of a local government is carried out it is to be submitted to the council.*
 - (3) *A council is to consider a review submitted to it and is to determine* whether or not to adopt the review, any parts of the review or any recommendations made in the review.*
- *Absolute majority required.*
- (4) *Within 30 days after a council has made a determination, a copy of the review and determination is to be provided to the Department.*

Policy Implications

N/A

Consultation

Internal: Senior Management Team

Financial Implications

The review has incorporated budget amendments authorised by Council to 28 February 2018. With these amendments and projected variances it is anticipated that a surplus of \$588,780.

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

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- 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

Recommendation/Resolution

RESOLUTION 12723

Moved Cr Hunt
Seconded Cr Stanton

That Council adopt the 2018 Budget Review conducted for the eight (8) months ended 28 February 2018.

CARRIED 7/0

13.3 LOCAL EMERGENCY MANAGEMENT COMMITTEE MINUTES

Recommendation/Resolution

RESOLUTION 12724

Moved Cr Stoffberg
Seconded Cr Lloyd

That Council accepts the Local Emergency Management Committee Minutes of 22 February 2018 meeting.

CARRIED 7/0

13.4 LAKE GRACE LIBRARY RESOURCE MANAGEMENT COMMITTEE MINUTES

Recommendation/Resolution

RESOLUTION 12725

Moved Cr Clarke
Seconded Cr Lloyd

That Council accepts the Lake Grace Library and Community Resource Centre Committee Minutes of 20 March 2018 meeting.

CARRIED 7/0

14.0 REPORTS OF OFFICERS**14.1 REPORTS OF OFFICERS - INFRASTRUCTURE SERVICES**

No matters for consideration

14.2 REPORTS OF OFFICERS - PLANNING

Unfortunately, it was not identified that this item was related to CBH Group, to give enough time to seek participation approval from the Minister. Given this it is recommended that Council proceed to next business due to the potential lack of quorum.

Recommendation/Resolution**RESOLUTION 12726**

Moved Cr Chappell
Seconded Cr Clarke

That Council proceed to next business.

CARRIED 7/0

14.2.1 DEVELOPMENT APPLICATION – PROPOSED NEW CARPORT ON LOT 58 (NO.14) GUMTREE DRIVE, LAKE GRACE

Applicant: Mr Derek Stanton on behalf of Co-operative Bulk Handling Limited (Landowner)
File No. A3770
Attachments: 1. Application for Development Approval
Author: Mr Joe Douglas (Exurban & Rural Perspectives Planning)

Town Planning Consultant

Disclosure of Interest: Nil
Date of Report: 14 March 2018
Senior Officer: Ms Denise Gobbart



Chief Executive Officer

Summary

This report recommends that a development application submitted by Mr Derek Stanton on behalf of Co-operative Bulk Handling Limited (Landowner) to construct a new carport to service an existing single detached dwelling on Lot 58 (No.14) Gumtree Drive, Lake Grace be approved subject to conditions.

Background

The applicant is seeking Council's development approval to construct a new 46.5m² carport on Lot 58 (No.14) Gumtree Drive, Lake Grace to service the existing single detached dwelling on the land.

Lot 58 is located in the eastern part of the Lake Grace townsite in a well-established, low density residential precinct and comprises a total area of approximately 809m². The land is rectangular in

shape and has been extensively developed and used for low density residential purposes (i.e. a single detached dwelling, shed, patio, gazebo and associated vehicle access, parking and Landscaping).



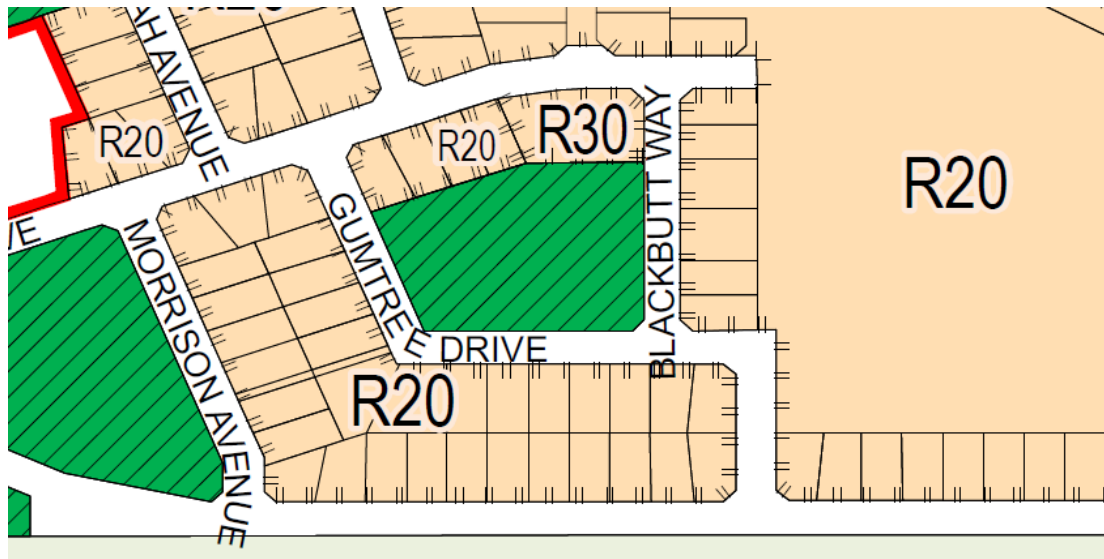
Location & Lot Configuration Plan (Source: Landgate)

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

- i) Construction of a new 15 metre long and 3.1 metre wide steel framed carport ranging in height from 2.6 metres to 2.2 metres above an existing brick paved driveway with a roof pitch of approximately 5 degrees;
- ii) The proposed new carport will have a total floor area of approximately 46.5m² and will be covered using off-white coloured roof sheeting supported by light brown coloured steel columns;
- iii) The new carport will have a 300mm setback from the land's eastern side boundary and a 10 metre setback from the land's frontage to Gumtree Drive (i.e. 4 metres behind the dwelling's front setback of 6 metres); and
- iv) All stormwater drainage from the carport roof will be directed to the land's front boundary for discharge into the Shire's local drainage system.

Comment

Lot 58 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 R20.



Current Zoning Plan (Source: Shire of Lake Grace Local Planning Scheme No.4)

Under the terms of LPS No.4 the construction of a carport in association with a dwelling is permitted on land classified 'Residential' zone without the need for Council's development approval subject to any given proposal satisfying the relevant standards prescribed in LPS No.4 and the Residential Design Codes of WA (i.e. the 'R-Codes').

An assessment of the proposal against the development standards contained in LPS No.4 and the R-Codes has confirmed it satisfies the majority of standards except for its eastern side boundary setback where a setback of 300mm is proposed in lieu of a minimum required setback of 1.5 metres.

In considering whether or not to approve this proposed variation to the applicable standard Council must decide whether such variation is 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 variation to the side boundary setback requirements of LPS No.4 and the R-Codes may be supported and approved by Council for the following reasons:

- i) The proposed carport will be a light-weight, open sided, visually attractive structure that could be expected to make a positive contribution to the character and amenity of the immediate locality;
- ii) The carport is unlikely to have any adverse visual impacts on the local streetscape or any adjoining property in terms of its bulk and scale;
- iii) The carport will not compromise the ability to provide adequate direct sun and ventilation to the existing dwelling and open spaces on the land or any adjoining properties;
- iv) The carport will not give rise to any overlooking and resultant loss of privacy on any adjoining properties; and
- v) The carport will allow for the effective use of space on the land to provide for the covered parking of vehicles.

In light of the above findings and conclusions it is recommended that Council exercise its discretion and grant conditional approval to the application.

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*

Consultation

Not required or deemed necessary in this particular instance.

Financial Implications

Nil

Strategic Implications

Nil

Recommendation

That the application for development approval submitted by Mr Derek Stanton on behalf of Co-operative Bulk Handling Limited (Landowner) to construct a new carport on Lot 58 (No.14) Gumtree Drive, Lake Grace be **APPROVED** subject to compliance with the following conditions and advice notes:

1. Conditions
2. 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.
3. The new carport shall be an open structure and not be enclosed by any walls or doors unless otherwise approved by Council.
4. The new carport shall be of steel frame construction with non-reflective roof cladding and comprise a total floor area not exceeding 46.5m² unless otherwise approved by Council.
5. All stormwater collected from the carport's roof catchment shall be directed to the land's Gumtree Drive frontage to the specifications and satisfaction of the Shire's Chief Executive Officer for disposal into the Shire's local drainage system.
6. 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 this 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 of Lake Grace 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 of Lake Grace 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. The proposed structure 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.
5. 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.
6. No works shall commence on the land prior to 7am without the Shire's written approval. No 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.

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.

14.3 REPORTS OF OFFICERS – HEALTH AND BUILDING

No matters for consideration

14.4 REPORTS OF OFFICERS – ADMINISTRATION

14.4.1 WATER CORPORATION – TRANSFER OF SURPLUS DAMS

This item has been withdrawn until the Chief Executive Officer has meet with the Department of Biodiversity, Conservation and Attractions to discuss options with reserves within the Shire of Lake Grace.

14.5 REPORTS OF OFFICERS – FINANCE

14.5.1 ACCOUNTS FOR PAYMENT – FEBRUARY 2018

Applicant: Internal Report
File No. 0277
Attachments: 1. List of Creditors
Author: Mrs Victoria Gracheva



Finance Officer

Disclosure of Interest: Nil
Date of Report: 6 March 2018
Senior Officer: Ms Linda Gray


 Deputy Chief Executive Officer

Summary

For Council to ratify expenditures incurred for the month of February 2018.

Background

List of payments for the month February 2018 through the Municipal and Trust accounts are attached.

Comment

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

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

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

Legal Implications

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

Policy Implications

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

Consultation

N/A

Financial Implications

The list of creditors paid for the month of February 2018 from the Municipal and Trust Account Total \$1,486,069.50.

Strategic Implications

Shire of Lake Grace Strategic Community Plan 2017-2027

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

Outcomes 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

Recommendation/Resolution

RESOLUTION 12727

Moved Cr Stanton
 Seconded Cr Clarke

That Council ratify the list of payments totalling \$1,486,069.50 as presented for the month of February 2018 incorporating:

- Trust Account Cheques:	1405 - 1409	\$	1,808.30
- Electronic Funds Transfer:	EFT17843 – EFT17944	\$	1,177,378.91
- Municipal Account Cheques:	36665 - 36671	\$	39,455.87
- Direct Debits:	DD7539.1 - DD7539.9	\$	124,996.10
	DD7577.1 – DD7577.8		
	DD7588.1 – DD7588.20		
	DD7589.1 - DD7589.5		
	DD7591.1		
- Electronic Funds Transfer:	Payroll Net Pay	\$	142,430.32

CARRIED 7/0

14.5.2 FINANCIAL STATEMENTS – 28 FEBRUARY 2018

Applicant: Shire of Lake Grace
File No. 0275
Attachments: 1. Financial Reports February 2018
 2. Bank Reconciliations February 2018
Author: Ms Linda Gray


 Deputy Chief Executive Officer

Disclosure of Interest: Nil
Date of Report: 6 March 2018
Senior Officer: Ms Denise Gobbart


 Chief Executive Officer

Summary

Consideration of the financial statements for the month ending 28 February 2018.

Background

The following financial reports to 28 February 2018 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

Recommendation/Resolution

RESOLUTION 12728

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 28 February 2018.

CARRIED 7/0

14.6 REPORTS OF OFFICERS - COMMUNITY SERVICES

14.6.1 LAKE GRACE MEMORIAL SWIMMING POOL REPAINTING

Applicant: Internal
File No. 0783
Attachments: 1. List of Businesses contacted re RTQ & Quotations
Author: Linda Gray


 Deputy Chief Executive Officer

Disclosure of Interest: Nil
Date of Report: 21 March 2018
Senior Officer: Ms Denise Gobbart


 Chief Executive Officer

Summary

This report provides the current information to the Council in regard to the Request for Quote (RFQ) procedure followed in regard to the re-painting of the Lake Grace Memorial Swimming Pool, and seeks Council endorsement on the timing of this project, due to funding constraints.

Background

Please note that any discussion on the Lake Grace Memorial Swimming Pool includes the infant/toddler pool. It has been observed over a period of time that the Lake Grace Memorial Swimming Pool has deteriorated showing areas where the vinyl has worn away, cracks have appeared and there is general wear and tear especially on exit and entry areas.

The pool has not been fully emptied since 2000/2001 when the vinyl was sprayed on, and the life expectancy of the vinyl over the cement was 15 years. On advice from the Pool Manager, Letisha Marshall, it was decided that a process should be put in place to initiate the re-painting of the Pool with funding being sourced from Job LGPLCAP Lake Grace Swimming Pool of \$54,120.

Comment

The RFQ process was followed early this month and four businesses were contacted and provided with relevant information and photographs of the pool. Due to the limited knowledge of both the Deputy Chief Executive Officer and the Pool Manager in relation to swimming pool repainting, it was recommended that the businesses attended Lake Grace to assess the pool.

Later on, due to contact from a fibre glass business that specialises in repair of cement pools, Bibra Lake Fibreglass, they were also advised of the RFQ, but whilst interested, time did not allow a formal response.

The four businesses sent representatives down, including one who used scuba diving gear, to assess the pool. The resulting quotations were extremely varied in price, and in methodology in regard to the repainting of the pool. One business, Wetdeck, refused to quote as he wanted a guarantee when the pool was emptied, that it would be sheltered by the Shire as he felt that there was a risk the pool would crack if exposed to the elements.

The prices including GST are as follows:

Blue Diamond Pool	\$129,800
Campbling Enterprises	\$ 97,900
Commercial Enterprises	\$219,138

The obvious problems are that the cost is in excess of the approved funding, and the procurement process was based on the quotation being under \$50,000. The methodology described to repaint the pool is varied and confusing to non-specialists.

The comment from Bibra Lake Fibreglass was mirrored in conversations with the other business representatives, it will be necessary to empty the pool, and the pool surface had to be completely etched/sanded before any repairs can be done. However, the exposed fibreglass and staining could wait until the Shire has sufficient funds to complete the whole project. From this advice and similar conversations with the others, it could be concluded that the pool will not deteriorate substantially if the work was deferred for another year.

Legal Implication

Local Government (Functions and General) Regulations 1996 – Reg 11

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 –

Policy Implications

Shire of Lake Grace – Policy 5.6 – Purchasing Thresholds

\$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 • A pre-qualified supplier on the WALGA Preferred Supply Program or State Government CUA; or • From the open market. 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.
Over \$150,000	Where the purchasing requirement is not suitable to be met through a panel of pre-qualified suppliers, or any other tender-exempt arrangement as listed under section 1 of this Policy, conduct a public Request for Tender process in accordance with Part 4 of the <i>Local Government (Functions and General) Regulations 1996</i> , this policy and the Shire’s tender procedures. The

	procurement decision is to be based on pre-determined evaluation criteria that assess all value for money considerations in accordance with the definition stated within this Policy.
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Shire of Lake Grace – Policy 3.11 Tenders – Selection Criteria

Prior to publicly inviting tenders, the Shire's assessment criteria for which the tender should be accepted is as follows with any variation to be determined by Council:

Buildings

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

Consultation

Internal Letisha Marshall, Pool Manager
Denise Gobbart, Chief Executive Officer

External Steve Webb, Bibra Lake Fibreglass
Brian McDonald, Wetdeck Pools
Paul Dowding, Blue Diamond Pools
Ryan Glass, Commercial Aquatics
Stephen Harling, Campbling Enterprises

Financial Implications

The cost of the repair work is in excess of the funds identified to cover the cost - Job LGPLCAP Lake Grace Swimming Pool of \$54,120. It can be anticipated that it could cost up to \$200,000 GST exclusive.

Additional funding can be sourced from budget savings from various accounts funded by Lake Grace Specified Area Rates.

Strategic Implications

Shire of Lake Grace Strategic Community Plan 2017 – 2027

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

Outcome 2.2 A healthy and safe community

- 2.2.1 Maintain and enhance sport and recreation facilities

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

Outcome 4.2 An efficient and effective organisation

- 4.2.2 Comply with statutory and legislative requirements

Recommendation/Resolution

RESOLUTION 12729

Moved Cr Stoffberg
Seconded Cr Clarke

That Council, request the Chief Executive Officer seek references on previous works from all parties involved in the quotation process, prior to any decision being made on progressing the works this financial year.

CARRIED 7/0

15.0 QUESTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil

16.0 INFORMATION BULLETIN

16.1 INFORMATION BULLETIN – MARCH 2018

Applicant: Internal Report
File No. N/A
Attachments: Information Bulletin (under separate cover)
Author: Mrs Lee-Anne Trevenen


 Administration Coordinator

Disclosure of Interest: Nil
Date of Report: 23 March 2018
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 (March 2018) Information Bulletin Report has been emailed to Councillors.

The March 2018 Information Bulletin attachment includes:

Reports

1. Council Status Report – March 2018
2. Infrastructure Services Report – February 2018
3. Monthly Schedules – February 2018
4. Outstanding Rates Report – February 2018

Circulars & Newsletters

5. WALGA Info Page – Economic Briefing March 2018
6. WALGA President Advertorial 20 March 2018
7. WALGA Info Page Ministerial Review of the State Industrial Relations System – Interim Report
8. Media Release McVeigh, Christianson & Wilson MLA –South West Catchment Council
9. Media Release - Rick Wilson – MLA - Trans-Pacific Partnership

Minutes

- 10 WALGA CCZ President's Report Feb-Mar 2018
- 11. WALGA CCZ Minutes Meeting Friday 23 February 2018
- 12. WALGA CCZ Zone Presentation DLGSC 23 February 2018

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

Recommendation/Resolution

RESOLUTION 12730

Moved Cr Stanton
Seconded Cr Stoffberg

That Council accepts the Information Bulletin report.

CARRIED 7/0

17.0 CONFIDENTIAL ITEMS – AS PER LOCAL GOVERNMENT ACT S5.23 (2)

Recommendation/Resolution

RESOLUTION 12731

Moved Cr Chappell
Seconded Cr Stanton

That Council meet behind closed doors at 4.04 pm in accordance with section 3.7 of the Shire of Lake Grace Standing Orders Local Law 2015, and Section 5.23 of the Local Government Act 1995.

CARRIED 7/0

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”.

Recommendation/Resolution

RESOLUTION 12732

Moved Cr Chappell
Seconded Cr Stoffberg

That clause 9.5 and 9.6 of the *Shire of Lake Grace Standing Orders Local Law 2015* be suspended at this time being 4:04 pm, to discuss Confidential Item 6.1 Contractor Agreement – Wheatbelt General Practice Business Support Service.

CARRIED 7/0

Recommendation/Resolution

RESOLUTION 12733

Moved Cr Chappell
Seconded Cr Stoffberg

That clause 9.5 and 9.6 of the *Shire of Lake Grace Standing Orders Local Law 2015* resume, at this time being 4.22 pm.

CARRIED 7/0

17.1 DEED OF SETTLEMENT – FIRST HEALTH SERVICES PTY LTD

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”.

Recommendation/Resolution

RESOLUTION 12734

Moved Cr Chappell
Seconded Cr Clarke

That Council, authorise the Shire President and Chief Executive Officer to affix the common seal to the Deed of Settlement between the Shire of Lake Grace and First Health Services Pty Ltd.

CARRIED 7/0

Recommendation/Resolution

RESOLUTION 12735

Moved Cr Chappell
Seconded Cr Stoffberg

That Council move out from behind closed doors at 4.22pm.

CARRIED 7/0

Having opened the meeting to the public at 4.23 pm the President read aloud the decisions of Council. No members of the public or staff returned to the Chambers.

18.0 DATE OF NEXT MEETING

18.1 APRIL 2018 ORDINARY MEETING

The next Ordinary Meeting of Council is scheduled to take place on Wednesday 18 April, 2018, commencing at 3.00 pm at the Council Chambers, 1 Bishop Street, Lake Grace.

19.0 CLOSURE

There being no further business, the Shire President closed the meeting at 4.24 pm.

20.0 CERTIFICATION

I, Jeanette Frances De Landgraft, certify that the minutes of the meeting held on the 28 March 2018 as shown were confirmed as a true record at the meeting held on the 18 April 2018.

Shire President

Date