



AGENDA
FOR THE
ORDINARY MEETING
OF COUNCIL
TO BE HELD ON
TUESDAY, 22 MAY 2018

PLEASE READ THE FOLLOWING DISCLAIMER BEFORE PROCEEDING

Members of the public are cautioned against taking any action on Council decisions, on items in this Agenda in which they may have an interest, until such time as they have been advised in writing by Council staff.

NOTICE OF MEETING

PLEASE BE ADVISED THAT THE

ORDINARY MEETING OF COUNCIL

COMMENCING AT 5.00PM

WILL BE HELD ON

TUESDAY, 22 MAY 2018

IN THE COUNCIL CHAMBERS, AT
11-13 WALDECK ST, DONGARA WA



Darren Simmons
Chief Executive Officer

18 May 2018

DISCLAIMER

The advice and information contained herein is given by and to the Council without liability or responsibility for its accuracy. Before placing any reliance on this advice or information, a written inquiry should be made to the Council giving entire reasons for seeking the advice or information and how it is proposed to be used.

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**AGENDA FOR ORDINARY COUNCIL MEETING
TO BE HELD IN THE COUNCIL CHAMBERS
AT 11-13 WALDECK STREET, DONGARA ON
TUESDAY, 22 MAY 2018 AT 5.00PM**

PRESENT:	Councillors	Cr M T Smith (President) Cr B Wyse (Deputy President) Cr A J Gillam Cr S F Gumley Cr M Leonard Cr I Scott Cr K L Wilson
	Staff	Mr D J Simmons – Chief Executive Officer Mr S D Ivers – (Acting) Chief Operating Officer Mr B J Jeans – Manager Regulatory Services Mrs D K Chandler - Coordinator Executive Services
	Apologies	Cr I F West

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- 1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS**
 - 2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE**
Cr I F West
 - 3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**
Nil.
 - 4. PUBLIC QUESTION TIME**
 - 5. APPLICATIONS FOR LEAVE OF ABSENCE**
 - 6. PETITIONS AND DEPUTATIONS**

7. CONFIRMATION OF MINUTES

7.1 MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 24 APRIL 2018

A copy of the Minutes of the Ordinary Council Meeting held on 24 April 2018 has been provided to all Councillors under separate cover.

COUNCIL MOTION:

MOVED: Cr _____

SECONDED: Cr _____

That the Minutes of the Ordinary Council Meeting, held on 24 April 2018, be confirmed as a true and accurate recording of that meeting.

8. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

9.1 OFFICER REPORTS

CUSTOMER SERVICES

CS01 – 05/18

Subject: Accounts for Payment
Reporting Officer: Finance Officer/Manager Customer Services
Responsible Executive: Acting Chief Operating Officer
File Reference: Minute Book
Voting Requirements: Simple Majority

Council Role:

- Advocacy** When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
- Executive** The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
- Legislative** Includes adopting local laws, local planning schemes and policies.
- Review** When Council reviews decisions made by Officers.
- Quasi-judicial** When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice e.g. local planning applications, building licences, other permits/licences (e.g. under Health Act, Dog Act or local laws) and other decisions that may be appealable to the State Administrative Tribunal (SAT).

Report Purpose:

To receive the list of accounts paid under delegated authority during April 2018.

Officer's Recommendation:

That Council receives the Accounts paid during April 2018 as presented in Attachment Booklet May 2018, represented by:

Payment Type/Numbers	Total Amount
EFT 22505 – 22611	\$609,527.98
Muni Cheques 31704 – 31715	\$37,777.56
Trust Cheque 3156	\$1,000.00
Direct Debit - Credit Card	\$8,215.65
Direct Debit - Click Super	\$29,862.84
Direct Debit - Transport – PL300118 – PL270218	\$60,177.30
Grand Total	\$746,561.33

Attachment:

Attachment CS01 – Accounts for Payment

Background:

A list of accounts paid under delegated authority is attached showing all payments made during the month of April 2018.

Officer's Comment:

Nil

Stakeholder Engagement:

Nil

Financial / Resource Implications:

Nil

Statutory Environment:

The Local Government (Financial Management) Regulations 1996 provides as follows:

13. *Payments from municipal fund or trust fund by CEO, CEO's duties as to etc.*
- (1) *If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared —*
- (a) *the payee's name;*
 - (b) *the amount of the payment;*
 - (c) *the date of the payment; and*
 - (d) *sufficient information to identify the transaction.*
- (3) *A list prepared under sub-regulation (1) or (2) is to be —*
- (a) *presented to the council at the next ordinary meeting of the council after the list is prepared; and*
 - (b) *recorded in the minutes of that meeting.*

Policy Implications:

Under Delegation CEO3 Council has delegated authority to the Chief Executive Officer to authorise all payments by Council.

Strategic Implications:

Strategic Community Plan 2017 - 2027

Strategy 4.2.1 Ensure compliance whilst embracing innovation and better practice principles

Strategy 4.3 Adopt and follow better practice processes

CUSTOMER SERVICES

CS02 – 05/18

Subject: Financial Statements for the Period ending 30 April 2018
Reporting Officer: Coordinator Finance/Manager Customer Service
Responsible Executive: Acting Chief Operating Officer
File Reference: Minute Book
Voting Requirements: Simple Majority

Council Role:

- Advocacy** When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
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Report Purpose:

To consider and receive the Monthly Financial Statements for the period 1 July 2017 to 30 April 2018.

Officers Recommendation:

That the Monthly Financial Statement for the period 1 July 2017 to 30 April 2018 be received, as provided in Attachment Booklet May 2018.

Attachment:

Attachment CS02 – Financial Statements for the period ending 30 April 2018.

Background:

The Monthly Financial Report to the 30 April 2018 is prepared in accordance with the requirements of the Local Government Act and the Local Government (Financial Management) Regulations and includes the following:

- Summary Information and Graphs
- Statement of Financial Activity by Program
- Statement of Financial Activity by Nature & Type
- Statement of Cash Flows
- Statement of Capital Acquisitions and Capital Funding
- Significant Accounting Policies
- Explanation of Material Variances
- Net Current Funding Position
- Cash and Investments
- Budget Amendments
- Receivables
- Cash Backed Reserves

- Capital Disposals
- Rating Information
- Information on Borrowings
- Grants and Contributions
- Trust Fund
- Detailed of Capital Acquisitions

Officers Comment:

The financial position to the end of April 2018 is detailed in the attached report and summarised as follows relative to year to date budget expectations:

Operating Revenue	\$9,283,027	2.1% negative variance
Operating Expenditure	(\$7,240,445)	2.7% positive variance
Net Operating	\$2,042,582	
Capital Revenue	\$1,929,994	10.9% negative variance
Capital Expenditure	\$2,323,672	53.4% positive variance
Cash at Bank – Municipal	\$1,421,238	
Cash at Bank – Reserve	\$1,989,244	
Total Funds Invested	\$3,704,470	
Net Rates Collected	90.92%	
Non Rates Receivables Outstanding	\$888,612	

The attached report provides explanatory notes for items greater than 10% or \$5,000. This commentary provides Council with an overall understanding of how the financial position is situated in relation to the adopted budget.

Stakeholder Engagement:

Nil.

Financial / Resource Implications:

Any issues in relation to expenditure and revenue allocations or variance trends are identified and addressed each month.

Statutory Environment:

Local Government Act 1995 - Section 6.4

The Local Government (Financial Management) Regulations provides as follows:

Section 34 Financial activity statement report

- (1) *A local government is to prepare each month a statement of financial activity reporting on the sources and applications of funds, 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);*
 - (b) *budget estimates to the end of the month to which the statement relates;*
 - (c) *actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;*
 - (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;*
 - (b) *an explanation of each of the material variances referred to in sub-regulation (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;*
 - (b) *by program; or*
 - (c) *by business unit.*
- (4) *A statement of financial activity, and the accompanying documents referred to in sub-regulation (2), are to be -*
- (a) *presented to the council -*
 - (i) *at the next ordinary meeting of the council following the end of the month to which the statement relates; or*
 - (ii) *if the statement is not prepared in time to present it to the meeting referred to in subparagraph (i), to the next ordinary meeting of the council after that meeting; and*
 - (b) *recorded in the minutes of the meeting at which it is presented.*

Policy Implications:

Nil.

Strategic Implications:

Strategic Community Plan 2017 - 2027

Strategy 4.2.1 Ensure compliance whilst embracing innovation and better practice principles

Strategy 4.3.2 Adopt and follow better practice processes

REGULATORY SERVICES

RS01 – 05/18

Subject: Disposal of Property – Consideration of Public Submissions -
Dongara Denison Tourist Park
Reporting Officer: Manager Regulatory Services
Responsible Executive: Acting Chief Operating Officer
File Reference: A1939; CP.RE.7
Voting Requirements: Simple Majority

Council Role:

- Advocacy** When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
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Report Purpose:

For Council to receive and note the submissions made regarding the advertising of Disposal of Property relating to Council entering in to a new lease arrangement for the Dongara Denison Tourist Park site.

Officer's Recommendation:

That Council:

1. **Receives the submissions received as listed in the Schedule of Submissions - Attachment 3 in Attachment Booklet May 2018.**
2. **Resolves to proceed with the disposal of the portion of Lot 3000 Carnarvon Street, Port Denison (Reserve 32182) known as Dongara Denison Tourist Park, as originally proposed on the grounds that:**
 - a) **the disposal will enable the continued use and development of the reserve for its intended long term purpose;**
 - b) **the disposal will support development and expansion of the site in line with Council's adopted Local Development Plan; and**
 - c) **the disposal is in recognition of the development investment by the lessee.**
3. **Authorises the Shire President and Chief Executive Officer to execute a new lease arrangement with the lessee.**

Attachment:

RS01 – Attachment 1 – Council Minutes 26 September 2017 Item PCI02-09/17 (2 pages)
RS01 – Attachment 2 – Public advertisement of Disposal of Property (1 page)
RS01 – Attachment 3 – Schedule of Submissions (2 pages)

Background:

Council previously resolved at its 26 September 2017 Ordinary Council Meeting to support the Shire entering into a new lease arrangement with the Dongara Tourist Park premises for a 50 year period, inclusive of the remaining 20 years of the current lease, subject to the Shire meeting legal obligations.

The Shire, in compliance with the Local Government Act 1995, advertised the proposal seeking public comment prior to entering into a new lease.

Officer's Comment:

Section 3.58 of the Local Government Act outlines the requirements for the disposal of property which includes lease of land. Council resolved that the Shire enter into a new lease subject to the requirements of Section 3.58 being met prior to entering into a new lease agreement.

Prior to advertising the Shire obtained a current market valuation carried out by a licensed valuer. This report concluded the market rent valuation for the property to be \$50,000 per annum.

Stakeholder Engagement:

In accordance with Section 3.58 of the Local Government Act 1995, the Shire advertised the proposed disposal of property (Attachment 2).

The Act requires a minimum public notice period of 14 days. The Shire advertised the proposal for a period of 33 days from 7 March to 9 April 2018.

The Shire undertook the following advertising:

- Public Notice in The Rag newspaper in the 7 March and 28 March 2018 editions; and
- Notice on the Shire's website for the period of 7 March to 9 April 2018.

A total of three (3) submissions were received. The submissions have been tabled in the Schedule of Submissions (Attachment 3). In summary the submissions did not object but raised comments of the increase in the period of the lease, environmental management impacts and rental return.

It is recommended that Council note and receive the public submissions to be considered in the Shire negotiating a lease arrangement.

Financial/Resource Implications:

There are significant financial implications associated with the Shire entering into a new lease arrangement for the continued lease and operation of a caravan and camping ground.

In regards to the preparation of the new lease, all costs are to be borne by the Lessee.

Statutory Environment:

Local Government Act 1995

1.1 *Disposing of property*

(1) *In this section —*

dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not;
property includes the whole or any part of the interest of a local government in property, but does not include money.

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

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

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

- (3) *A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —*
- (a) *it gives local public notice of the proposed disposition —*
 - (i) *describing the property concerned; and*
 - (ii) *giving details of the proposed disposition; and*
 - (iii) *inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given; and*
 - (b) *it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*
- (4) *The details of a proposed disposition that are required by subsection (3)(a)(ii) include —*
- (a) *the names of all other parties concerned; and*
 - (b) *the consideration to be received by the local government for the disposition; and*
 - (c) *the market value of the disposition —*
 - (i) *as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or*
 - (ii) *as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.*
- (5) *This section does not apply to —*
- (a) *a disposition of an interest in land under the Land Administration Act 1997 section 189 or 190; or*
 - (b) *a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59; or*
 - (c) *anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or*
 - (d) *any other disposition that is excluded by regulations from the application of this section.*

Policy / Risk Implications:

Nil

Strategic Implications:

Strategic Community Plan 2017 - 2027

Strategy 1.1.5 Leverage opportunity and investment, and promote retail development.

OPERATING

COO01 – 05/18

Subject: Port Denison Age Appropriate Housing Stage 1 – Civil Contract
Reporting Officer: Projects Supervisor
Responsible Executive: Acting Chief Operating Officer
File Reference: CP.DC.1
Voting Requirements: Simple Majority

Council Role:

- Advocacy** When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
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Report Purpose:

Seek approval to proceed with the Civil Construction work per the WA Country Health Service Grant Funding Agreement Document.

Officer's Recommendation:

That Council award the Civil Contract for the Port Denison Age Appropriate Housing to Griffin Civil for the amount of \$699,666 (ex GST) per the WA Country Health Service Grant Funding Agreement Document.

Attachment:

COO01 – 05/18 - CONFIDENTIAL RFQ Evaluation Workbook CIVIL - Summary
COO01 – 05/18 - CONFIDENTIAL Updated Grant Agreement – Shire of Irwin – Age Appropriate
COO01 – 05/18 – RFQ – Age Appropriate Housing Stage One -Civil

Background:

The WA Country Health Service Grant Funding Agreement Document for the amount of \$2.26M (including GST) for the design and construction of a minimum six independent living units which will be built and managed by the Shire of Irwin to enable residents of local communities to age in place and live independently within the region was approved in January 2017.

The detailed design phase of the project is completed and the Civil Construction component of the works was advertised on WALGA e-quotes in April 2018 and eight (8) companies were invited to quote. The Civil Contract works include:-

- Bulk Earthworks
- Retaining

- Pavement Construction
- Drainage
- Kerbing
- Concrete paths, driveways and cross walks; and
- Underground services installation
- Water, Sewer and septic system.

The summary of the quoters and associated outcomes can be found in the attached Evaluation Workbook under Confidential cover.

Officer's Comment:

The Griffin Civil submission met all the compliance and qualitative criteria as set out in the Request for Quote document. Refer to the attached RFQ evaluation workbook for further details regarding the compliance and qualitative criteria for all tenders submitted.

Stakeholder Engagement:

As per the requirements of the WA Country Health Service Grant Funding Agreement Document.

Financial/Resource Implications:

As per the requirements of the WA Country Health Service Grant Funding Agreement Document.

Statutory Environment:

Local Government Act 1995

Policy Implications:

C12 Localised Purchasing

C13 Purchasing

Strategic Implications:

Strategic Community Plan 2017 - 2027

Strategy 1.1.2 Partner with and advocate on behalf of commerce and industry to improve local infrastructure and services.

9. COUNCIL COMMITTEE REPORTS

10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

11. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil.

12. URGENT BUSINESS APPROVED BY PERSON PRESIDING OR BY DECISION

13. MATTERS FOR WHICH THE MEETING IS CLOSED TO THE PUBLIC

Nil.

14. CLOSURE

There being no further business, the Presiding Member declared the meeting closed at

_____.