



MINUTES

ORDINARY COUNCIL MEETING

TUESDAY 26 APRIL 2016

(Held at the Shire of Waroona Council Chambers)

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1. DECLARATION OF OPENING/ANNOUNCEMENTS

The Shire President declared the meeting open at 4.22 pm and welcomed Councillors and Staff present.

2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE PREVIOUSLY APPROVED

Cr Noel Dew	Shire President
Cr Larry Scott	Deputy Shire President
Cr Christine Germain	Councillor
Cr John Salerian	Councillor
Cr Laurie Snell	Councillor
Cr John Mason	Councillor
Cr Trish Witney	Councillor
Cr Craig Wright	Councillor
Mr Ian Curley	Chief Executive Officer
Mr Louis Fouché	Director Development Services
Mr Patrick Steinbacher	Director Technical Services
Mr Leonard Long	Manager Development Services
Miss Ashleigh Nuttall	Manager Financial Services
Mrs Sue Cicolari	Executive Support Officer
Mrs Naomi Purcell	Community Development Officer
Mr Brad Vitale	Community Development Officer

APOLOGIES

Nil

There was one member of the public at the commencement of the meeting.

LEAVE OF ABSENCE PREVIOUSLY APPROVED

Nil

3. RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil

4.1 PUBLIC QUESTION TIME

Nil

4.2 PUBLIC STATEMENTS

Nil

5. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

6. DISCLOSURES OF MEMBERS' & OFFICERS' INTERESTS

Cr Snell declared an interest affecting impartiality in Item 9.2.2 as a member of FRAGYLE and the Waroona Agricultural Society.

Cr Witney declared a financial interest in Item 9.2.2 as an employee of the Waroona Community Resource Centre.



Cr Germain declared an interest affecting impartiality in Item 9.2.2 as Chairperson of the Board of the Waroona Community Centre.

Cr Scott declared an interest affecting impartiality in Item 9.2.2 as a member of the Waroona Lions Club, Waroona Football Club and Waroona Agricultural Society.

Cr Wright declared an interest affecting impartiality in Item 9.2.2 as a member of the Waroona Football Club.

Cr Mason declared an interest affecting impartiality in Item 9.2.2 as a member of the Waroona Football Club.

Cr Salerian declared an interest affecting impartiality in Item 9.2.2 as a member of the Waroona Agricultural Society, Waroona Lions Club.

7. PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil

8. CONFIRMATION OF MINUTES

8.1 ORDINARY COUNCIL MEETING – 22 March 2016

COUNCIL RESOLUTION

OCM16/04/036

MOVED: CR WITNEY

SECONDED: CR SNELL

That the Minutes of the Ordinary Council Meeting held 22 March 2016 be confirmed as being a true and correct record of proceedings.

CARRIED 8/0

9.0 REPORTS OF OFFICERS AND COMMITTEES

9.1 DIRECTOR TECHNICAL SERVICES

9.1.1 RETAINING WALL WITHIN THE ROAD RESERVE AT THE CORNER OF SIESTA STREET AND LAKE VIEW ROAD, PRESTON BEACH	
Reporting Officer / Officer's Interest:	Patrick Steinbacher, Director Technical Services; No Interest
Responsible Officer / Officer's Interest	Patrick Steinbacher, Director Technical Services; No Interest
Proponent:	Shire of Waroona
Landowner:	n/a
Date of Report: 12/04/2016	File No.: 132/6 & A673
Previous Reference:	Item 9.1.1 March 2016 OCM
Policy Implications:	See heading below
Statutory Implications:	See heading below
Strategic Implications:	See heading below
Financial Implications:	See heading below
LINKED TO STRATEGIC OBJECTIVE NUMBER (<i>Strategic Community Plan-SCP</i>): 6.07 Implement and maintain suitable Risk Management Systems, Assessments, & Responses;	

PROPOSAL SUMMARY

The purpose of this item is to present to Council the issues regarding the recent construction of a retaining wall structure within the road reserve at the corner of Siesta Street and Lake View Road, Preston Beach. An initial item was presented to Council at the March 2015 OCM however the Officer recommendation was not resolved with no other motion being presented. At the time the CEO advised that the matter would be referred back to Officer's for further consideration.

BACKGROUND/INITIAL COMMENTS

The Shire has recently been made aware that a retaining wall structure and associated landscaping has been constructed within the road reserve in front of Lot 53 (#7) Lake View Road which is located at the corner of Siesta Street and Lake View Road in Preston Beach.

The structure and landscaping has been installed with no approvals in place from Technical Services or the Building Departments and therefore officers consider it to be an illegal structure.

The structure consists of two retaining walls that appear to mirror the property boundary and are set forward approximately 3.5 – 4.0 metres into the road verge respectively. Exact distances are difficult to determine without a formal survey. The lower wall is approximately 900 millimetres high and the upper wall approximately 550mm in height. The walls are constructed of reconstituted limestone blocks and appear to be well constructed.

Photographs of the structure and landscaping and an aerial photo of the subject property are included in **APPENDIX 9.1.1**

PLANNING – STRATEGIC IMPLICATIONS

Nil

REFERRALS

Nil

STRATEGIC COMMUNITY PLAN ISSUES/IMPLICATIONS

This issue comes under the SCP area 6.07 Implement and maintain suitable Risk Management Systems, Assessments, & Responses.

FINANCIAL ISSUES/IMPLICATIONS

Nil

POLICY ISSUES/IMPLICATIONS

The structure and associated landscaping treatment contravenes Council Policy 5.9 '*Street & Road Verge, Parks & Road Verge, Parks & Reserves Tree Planting, Replacement, Maintenance and Removal*' and Council Policy 5.10 '*Street Verge Development Guidelines*' in that it has been constructed without reference to the approval process in these Policies and it does not comply with the provisions therein.

STATUTORY ISSUES/ENVIRONMENT/IMPLICATIONS

Nil

LEGAL ISSUES/IMPLICATIONS

There may be legal implications for the Shire associated with this issue as the Shire may be liable for the activities of third parties within reserves under its control. If damage or injury did occur as a result of the presence of the structure, the Shire may be open to legal action.

The treatment also contravenes the Shire of Waroona's '*Activities on Thoroughfares and Trading in Thoroughfares and Public Places*' Local Law.

Officers have obtained preliminary verbal advice from the Shire's insurers (LGIS) that should the retaining wall be supported, it may have an impact on the Shire's insurance costs due to the increase in liability.

COMMUNITY CONSULTATION

Nil

OFFICERS' FINAL COMMENTS/CONCLUSIONS**DIRECTOR TECHNICAL SERVICES**

Local Law:

Under the Shire of Waroona's '*Activities on Thoroughfares and Trading in Thoroughfares and Public Places*' Local Law (the Local Law), the following activities (that pertain to this matter) are not allowed without a permit:

- '...throw, place or deposit any thing on a verge except for removal by the local government under a bulk rubbish collection'; and
- '... unless installing a permissible verge treatment... place or install any thing on any part of a thoroughfare...any gravel, stone, flagstone, cement, concrete slabs, blocks, bricks, pebbles, plastic sheeting, kerbing, wood chips, bark or sawdust'

No application for a permit to carry out the installation of the retaining wall has been received by the Shire of Waroona. The installation is not a 'permissible verge treatment' as described by the prevailing Policy in that is not a 'non frangible item'.



Further, the Local Law prohibits the planting of ‘any plant which exceeds or which may exceed 0.75 metres in height on a thoroughfare so that the plant is within 6 metres of an intersection’. The plantings contravene both of these provisions.

Policy:

The treatment (wall structure and associate landscaping) does not comply with the prevailing Policies in that:

- It contains ‘non frangible items’, contravening Policy 5.10;
- The plantings do not comply with Policy 5.9 with regards to species and placement,

Therefore, it can be deemed to be an illegal treatment.

These factors, coupled with the fact that there are no approvals in place, none were sought, and any application that might have happened would have been rejected because of noncompliance with the Policies and Local Law, there is no recourse open to Officers than to recommend that the landowner be instructed to remove the treatment.

Given the nature of the structure it seems reasonable to give the landowner three months in which to remove the structure and with it the non-compliant vegetation.

Maintenance and Risk:

Since the treatment, or parts thereof, is located within the road reserve which is controlled by the Shire of Waroona, effectively the responsibility for the maintenance of the structure will ultimately remain with the Shire as it is not possible to transfer this responsibility to another party as long as the treatment remains on land controlled by the Shire. While it may be technically possible to arrive at some form of gentleman’s agreement with the landowner, this will not be binding on future owners of the property nor will this be binding on the landowner should they decide to discontinue their care of the treatment in the future, similarly, it is not possible to transfer the risk to the Shire posed by the treatment onto another party as long as the treatment remains on land controlled by the Shire. Advice sought from LGIS indicate that should the retaining wall be supported, it may have an impact on the Shire’s insurance costs due to the increase in liability.

Utilities:

It is likely that the location of the treatment encroaches on areas of the verge that are reserved for the installation of underground services. While this factor has not been fully investigated, it is possible that there may be ramifications for the Shire should Council approve the treatment and it later proves to be in conflict with an underground installation.

Option:

Council may wish to offer to the landowner the opportunity to apply retrospectively for a permit to carry out the activities as described as non-permissible under the Local Law without such permit. However since the activities in question simply do not in any way comply with the provisions of the Policy, the Policy provisions would need to be overruled by an absolute majority decision of Council as it would not be possible for Officers to grant permission at their level given the noncompliance. In the opinion of Officers, this would set a very dangerous precedent indeed and would likely include

serious ramifications for the prevailing Policy in its current form. It would also expose the Shire to ongoing maintenance, liability and risk.

Appendices Attached: Yes

Appendices Numbers: 9.1.1

VOTING REQUIREMENTS

Simple Majority

COUNCIL RESOLUTION

OCM16/04/037

MOVED: CR GERMAIN

SECONDED: CR WITNEY

That in relation to the retaining wall within the road reserve at the corner of Siesta Street and Lake View Road, Preston Beach, Council instruct the CEO to:

- 1. Inform the owners of Lot 53 (#7) Lake View Road, Preston Beach that the retaining wall and some associated landscaping located within the road reserve at the front of the their property is considered by the Shire to be illegal and as such direct them to remove the portion/s of the retaining wall structure, and any other item that does not comply with Council Policy, that are currently located outside the property boundary. Removal shall occur within three months of the date of the notification for removal.**
- 2. Inform the owners that any remaining or replacement structures will be applicable to the normal approvals process.**

CARRIED 8/0

9.1.2 MARRI TREE, MILLAR STREET, WAROONA	
Reporting Officer / Officer's Interest:	Patrick Steinbacher, Director Technical Services; No Interest
Responsible Officer / Officer's Interest	Patrick Steinbacher, Director Technical Services; No Interest
Proponent:	Quambie Park
Landowner:	Shire of Waroona
Date of Report: 14/04/2016	File No.: A1941
Previous Reference:	n/a
Policy Implications:	See heading below
Statutory Implications:	See heading below
Strategic Implications:	See heading below
Financial Implications:	See heading below
LINKED TO STRATEGIC OBJECTIVE NUMBER (<i>Strategic Community Plan-SCP</i>): 6.07 Implement and maintain suitable Risk Management Systems, Assessments, & Responses;	

PROPOSAL SUMMARY

The purpose of this item is to present to Council the results of a Quantified Tree Risk Assessment (QTRA) carried out on a Marri Tree located on the verge adjacent to the Millar Street frontage of Quambie Park.

BACKGROUND/INITIAL COMMENTS

The management of Quambie Park contacted the Shire late in 2015 with concerns regarding the Marri tree as shown in **ATTACHMENT 9.1.2**. They hold concerns about falling limbs as the tree is located above areas where residents, staff and visitors park and move about and have requested that the tree be removed.

Shire officers arranged for the Shire's tree maintenance contractor to carry out a QTRA assessment on the tree to assess as per Council Policy the risk posed by the tree and therefore any actions required.

PLANNING – STRATEGIC IMPLICATIONS

Nil

REFERRALS

Nil

STRATEGIC COMMUNITY PLAN ISSUES/IMPLICATIONS

This issue comes under the SCP area 6.07 Implement and maintain suitable Risk Management Systems, Assessments, & Responses

FINANCIAL ISSUES/IMPLICATIONS

The QTRA report recommends a light underprune, the costs of which are relatively minor and will be able to be accommodated under the current maintenance budget.

POLICY ISSUES/IMPLICATIONS

Council Policy 5.9 ‘Street & Road Verge, Parks & Road Verge, Parks & Reserves Tree Planting, Replacement, Maintenance and Removal’ applies in this instance however there are no issues arising.

STATUTORY ISSUES/ENVIRONMENT/IMPLICATIONS

Nil

LEGAL ISSUES/IMPLICATIONS

Nil

COMMUNITY CONSULTATION

Nil

OFFICERS’ FINAL COMMENTS/CONCLUSIONS

The QTRA report finds that the tree is structurally sound and would be beneficial to wildlife. It also finds that some light pruning will be beneficial to remove weight and dead limbs. The report recommends regular (every two years) assessment.

The QTRA score is less than 1 in 1,000 which according to Policy 5.9, falls into the category ‘Value of the tree to Council and the community shall be considered against the cost in reducing or removing the hazard’

The tree is vital and structurally sound and attractive therefore removal is not necessary. The management of the risk by removal of some weight and removal of dead limbs at a relatively minor cost to Council and retention of the tree is recommended.

Appendices Attached: Yes

Appendices Numbers: 9.1.2

VOTING REQUIREMENTS

Simple Majority

COUNCIL RESOLUTION

OCM16/04/038

MOVED: CR WITNEY

SECONDED: CR GERMAIN

That in the matter of the Marri tree as shown in Appendix 9.1.2, Council not remove the tree and request the CEO to arrange for works as per the Quantified Tree Risk Assessment to be carried out as soon as is practical.

CARRIED 7/1

**For the Motion: Cr’s Witney, Germain, Dew, Snell, Wright, Mason, Scott
Against the Motion: Cr Salerian**

9.2 DIRECTOR DEVELOPMENT SERVICES

9.2.1 WAROONA RECREATION AND AQUATIC CENTRE LPG SUPPLY - AUTHORISATION OF OPERATIONAL FUNDS FOR 2016/17 - 2019/20 BUDGETS	
Reporting Officer / Officer's Interest:	Leonard Long - Manager Development Services; No Interest
Responsible Officer / Officer's Interest	Louis Fouché – Director Development Services; No Interest
Proponent:	Not Applicable
Landowner:	Not Applicable
Date of Report:	File No.: 126/2
Previous Reference:	Not Applicable
Policy Implications:	Purchasing and Procurement Policy 3.3 Purchase Order – Authority for Issue 3.7
Statutory Implications:	Local Government Act 1995
Strategic Implications:	See heading below
Financial Implications:	See heading below
LINKED TO STRATEGIC OBJECTIVE NUMBER (<i>Strategic Community Plan-SCP</i>): Theme 5. Asset Management and Financial Sustainability: Provision of functional Assets to support services, involving Built/acquired Assets, & Infrastructure; Financial Proficiency & Sustainability	

PROPOSAL SUMMARY

Council is requested to authorise the expenditure of \$120,000.00 over the next 4 (four) financial years (2016/17 – 2019/20) at \$30,000.00 per annum for the supply of Liquid Petroleum Gas (LPG) to the Waroona Recreation and Aquatic Centre.

On conclusion of the appointment of a supplier and should it be required, the necessary adjustments will be made during the preparation of the 2016/17 budget.

BACKGROUND/INITIAL COMMENTS

The Waroona Recreation and Aquatic Centre requires LPG to heat the swimming pool particularly over the winter months. The current contract with Origin Energy Retail Ltd to supply the LPG will be concluded on 30 June 2016.

In order to ensure an uninterrupted supply of LPG, the Shire is required to enter into a contract with a LPG provider to continue the supply of LPG prior to the adoption of the 2016/17 budget.

As required by the Purchasing and Procurement Policy 3.3, three (3) quotations have been received from Origin Energy Retail Ltd, Kleenheat Gas and Elgas for the supply of LPG.

PLANNING – STRATEGIC IMPLICATIONS

Nil

REFERRALS

Nil

STRATEGIC COMMUNITY PLAN ISSUES/IMPLICATIONS



The relevant Strategic Community Plan issue area is Theme 5. “Asset Management and Financial Sustainability: Provision of functional Assets to support services, involving Built/acquired Assets, & Infrastructure; Financial Proficiency & Sustainability”.

FINANCIAL ISSUES/IMPLICATIONS

As a result of the current contract with Origin Energy Retail Ltd concluding prior to the adoption of the 2016/17 budget, Council is required to authorise the expenditure of the funds which will then be included and adopted in the subsequent budget. The following fee structure has been prepared:

2016/2017 Financial Year	\$30,000 (ex GST)
2017/2018 Financial Year	\$30,000 (ex GST)
2018/2019 Financial Year	\$30,000 (ex GST)
2019/2020 Financial Year	\$30,000 (ex GST)

POLICY ISSUES/IMPLICATIONS

Purchasing and Procurement Policy 3.3 (PPP 3.3)

In terms of PPP 3.3 the Shire is required to when considering expenditure between \$60,000.00 and \$149,999.00 to obtain or request 3 (three) quotations from either local or state wide providers of the service / goods being purchased.

The provision of LPG over a 4 (four) year period will not exceed \$149,999.00 and therefore will not require the Shire to follow the tender process prescribed by PPP 3.3.

Purchase Order – Authority for Issue 3.7 (POAI 3.7)

In terms of POAI 3.7 the Chief Executive Officer has ‘General authority’ to issue purchase orders for the supply of goods and services in accordance with Council’s adopted budget, policies and statutory requirements.

The Chief Executive Officer has been granted delegation by Council for the Implementation of the Budget - Following the adoption of the budget to use reasonable management discretion in implementing expenditure programs contained in the budget; determining whether or not to call tenders or sell by tender or auction where an obligation does not exist to do so under the Act; determining tenders for the purchase of minor plant and equipment and light vehicles if within budget estimates; approving donations.

STATUTORY ISSUES/ENVIRONMENT / IMPLICATIONS

A contract with a supplier of LPG will be entered into prior to the adoption of the 2016/17 financial year budget. In terms of the Local Government Act 1995, Part 6, Division 4, s6.8 (*Expenditure from municipal fund not included in annual budget*), Council is required to authorise such expenditure.

‘6.8. Expenditure from municipal fund not included in annual budget

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

- (b) *is authorised in advance by resolution**; or
 (c) *is authorised in advance by the mayor or president in an emergency.*
 * *Absolute majority required.*

LEGAL ISSUES/IMPLICATIONS

See Statutory Issues.

COMMUNITY CONSULTATION

Nil

OFFICER'S FINAL COMMENTS / CONCLUSIONS

The provision of LPG to the Waroona Recreation and Aquatic Centre is an ongoing operational matter for which the Chief Executive Officer (CEO) has the authority to approve.

As a result of the appointment of the LPG supplier having to be done prior to the adoption of the 2016/17 budget the Local Government Act 1995 requires Council to authorise the expenditure.

The quotations obtained from Origin Energy Retail Ltd, Kleenheat Gas and Elgas provide the option of monthly / quarterly fluctuations and provide costing for a term between 1 (one) and 5 (five) years. These are currently being evaluated by staff in order to make a recommendation to the CEO. Council is however required to authorise adequate funds to ensure the required services can be included in the 2016/17 – 2019/20 budget in the first instance.

Appendices Attached:	No	
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VOTING REQUIREMENTS

Absolute Majority

COUNCIL RESOLUTION

OCM16/04/039

MOVED: CR WITNEY

SECONDED: CR SNELL

1. That Council authorise the expenditure of \$120,000.00 for the supply of LPG to the Waroona Recreation and Aquatic Centre over the next 4 (four) financial years as per the following structure:

2016/2017 Financial Year	\$30,000 (ex GST)
2017/2018 Financial Year	\$30,000 (ex GST)
2018/2019 Financial Year	\$30,000 (ex GST)
2019/2020 Financial Year	\$30,000 (ex GST)

CARRIED BY ABSOLUTE MAJORITY 8/0



Cr Snell declared an interest affecting impartiality in Item 9.2.2 as a member of FRAGYLE and the Waroona Agricultural Society.

Cr Witney declared a financial interest in Item 9.2.2 as an employee of the Waroona Community Resource Centre.

Cr Germain declared an interest affecting impartiality in Item 9.2.2 as Chairperson of the Board of the Waroona Community Centre.

Cr Scott declared an interest affecting impartiality in Item 9.2.2 as a member of the Waroona Lions Club, Waroona Football Club and Waroona Agricultural Society.

Cr Wright declared an interest affecting impartiality in Item 9.2.2 as a member of the Waroona Football Club.

Cr Mason declared an interest affecting impartiality in Item 9.2.2 as a member of the Waroona Football Club.

Cr Salerian declared an interest affecting impartiality in Item 9.2.2 as a member of the Waroona Agricultural Society, Waroona Lions Club.

9.2.2 2015/2016 SHIRE OF WAROONA COMMUNITY DEVELOPMENT GRANTS	
Reporting Officer / Officer's Interest:	Naomi Purcell - Community Development Officer
Responsible Officer / Officer's Interest	Louis Fouché - Director Development Services; No Interest
Proponent:	Shire of Waroona
Landowner:	N/A
Date of Report: 18/4/16	
Previous Reference:	File No.98/1
Policy Implications:	Nil
Statutory Implications:	Nil
Strategic Implications:	Nil
Financial Implications:	The allocation in the 2015/2016 budget is a total of \$6,400
LINKED TO STRATEGIC OBJECTIVE NUMBER (Strategic Community Plan-SCP): <i>No.3 Strong Sense of Community & Community Wellbeing Activities</i>	

PROPOSAL SUMMARY

The Committee is requested to consider the applications for the 2015/2016 Shire of Waroona Community Development Grants to recommend to Council.

The program has once again attracted a positive response from the community and a total of nine (9) applications have been received

Community Development Grants Applications received by 1st April 2016:

<i>Applicant group</i>	<i>Amount requested</i>
Waroona Lions Club	\$800.00
FRAGYLE	\$600.00
Waroona Karate Club	\$800.00
Waroona Football Club	\$800.00



Waroona Agricultural Society	\$700.00
St Joseph's School P and F Assoc.	\$800.00
Hamel Eco Precinct – Friends of Group	\$800.00
Waroona Community Resource Centre	\$800.00
Preston Beach Golf Club	\$646.00
Total Funds Applied for	\$6746.00

BACKGROUND/INITIAL COMMENTS

Council resolved to provide an amount of Six Thousand Four Hundred dollars (\$6,400) in the 2015/16 budget for the Community Development Grants Program.

STATUTORY IMPLICATIONS

Nil

COMMUNITY CONSULTATION

The grants were advertised through a media release, on Council's website and sent directly to various community organisations via email. Hard copies of the application forms were available from the Shire Office and Shire Library. Consultation and assistance where required for applicants was made available through the Shire of Waroona Community Development Officer (CDO).

OFFICER'S COMMENTS

This is always a popular scheme and the program was oversubscribed this year with request for funds outweighing the total budget amount by **\$346.00**. Most applications meet the Community Development grant scheme requirements – some consideration and discussion is required.

Three (3) applicants are first time applicants. (FRAGYLE Group, Hamel Eco Friends of Group, Waroona Karate Club).

OFFICER CONSIDERATIONS

<i>Organisation</i>	<i>Requested Grant amount</i>
1. Waroona Lions Club	\$800.00
They have applied and been successful recipients in 2013/2014, 2012/2013 and 2011/2012 Project discussed with CDO Naomi Purcell.	
2. FRAGYLE	\$600.00
Have not applied before Concerns regarding the project budget. Spoke to Peter (treasurer) and Hilary Wheeler (president). Emails attached.	
3. Waroona Karate Club	\$800.00
Have not applied before Discussed Project with CDO Naomi Purcell.	
4. Waroona Football Club	\$800.00
They have applied and been successful recipients in 2014/2015 and 2013/2014	



Discuss how this project meets the criteria.

5. Waroona Agricultural Society \$700.00

They have applied and were successful recipients in 2009
 Discuss resource sharing with Community Resource Centre who own project items.

6. St Joseph’s School P and F Assoc. \$800.00

They have applied and been successful recipients in 2012/2013

7. Hamel Eco Precinct – Friends of Group \$800.00

Have not applied before
 Discussed Project with CDO Naomi Purcell.
 Funds will be under auspice by the Shire of Waroona.

8. Preston Beach Golf Club \$646.00

They have applied and been successful recipients in 2013/2014, 2011/2012.
 Project will be completed prior to funds being allocated by Council.
 Email received from Bill McLellan.

9. Waroona Community Resource Centre \$800.00

They have applied and been successful recipients in 2014/2015. 2013/2014, 2012/2013, 2011/2012
 Discussed with CDO Tori Davis.

Total Funds Applied for \$6746.00

Appendices Attached: Yes	Appendices Numbers: 9.2.2A Previous allocations 2011 – 2014 9.2.2B Summary of 2016 applications
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VOTING REQUIREMENTS

Simple Majority

<p><u>COUNCIL RESOLUTION</u> OCM16/04/040 MOVED: CR SCOTT SECONDED: CR WITNEY</p> <p>Small Grants and Awards Committee recommend to Council that the following grants be awarded from the 2015/16 small grants program –</p> <ol style="list-style-type: none"> 1. Waroona Lions Club to receive \$800 to fund a PA system for club and community events; 2. FRAGYLE to receive \$600 for operational costs subject to demonstrating criteria; 3. Waroona Karate Club receive \$800 for safety equipment for club and member use; 4. Waroona Football Club application for \$800 be declined due to not project not fitting the community development criteria for the grant scheme;
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5. **Waroona Agricultural Society to receive \$700 subject to discussion with the Community Resource Centre regarding resource sharing and preventing duplication of resources;**
6. **Hamel Eco Precinct Working Group receive \$800 towards the Hamel Nursery project with funds under the auspice of the Shire of Waroona and the CEO to be satisfied with the project details prior to release of funds;**
7. **St Joseph’s Primary School P and F receive \$800 towards a Buddy Bench Project;**
8. **Preston Beach Golf Club receive \$646 towards a Don Randall Memorial community bench at Tee 1 on the golf course subject to Council approval for 3 day retrospective installation.**

CARRIED 8/0

Cr Witney declared a financial interest in Item 9.2.2 Part 9, and left the meeting, the time being 4.54 pm.

COUNCIL RESOLUTION

OCM16/04/041

MOVED: CR SCOTT

SECONDED: CR SALERIAN

9. **Waroona Community Resource Centre – Youth Centre application for \$800 be declined and a recommendation to council for an annual contribution of \$1000 to be budgeted in the 2016/2017 budget for ongoing support of Youth Centre Wages.**

CARRIED 7/0

Cr Witney returned to the meeting, the time being 4.55 pm.

Mrs Purcell and Mr Vitale left the meeting, the time being 4.55 pm.

9.2.3 WAROONA RECREATION AND AQUATIC CENTRE - REALLOCATION OF FUNDS TO REPAIR THE AQUATIC CENTRE ROOF	
Reporting Officer / Officer's Interest:	Leonard Long - Manager Development Services; No Interest
Responsible Officer / Officer's Interest	Louis Fouché – Director Development Services; No Interest
Proponent:	Shire of Waroona
Landowner:	Lot 1733 is owned by the Crown and vested with the Shire of Waroona.
Date of Report: 20/4/16	File No.: 126/2
Previous Reference:	Not Applicable.
Policy Implications:	Purchasing and Procurement Policy 3.3 Purchase Order – Authority for Issue 3.7
Statutory Implications:	Local Government Act 1995
Strategic Implications:	See heading below.
Financial Implications:	See heading below.
LINKED TO STRATEGIC OBJECTIVE NUMBER (<i>Strategic Community Plan-SCP</i>): Theme 5. Asset Management and Financial Sustainability: Provision of functional Assets to support services, involving Built/acquired Assets, & Infrastructure; Financial Proficiency & Sustainability	

PROPOSAL SUMMARY

Council is requested to authorise the reallocation of \$57,000, allocated under the current 2015/16 budget to Waroona Memorial Hall Account 124220(Job OR01) to the Waroona Recreation and Aquatic Centre Capital Account 171040 with the balance of the cost associated with the repairs to be taken from the Building Maintenance Reserve Fund (456300).

BACKGROUND/INITIAL COMMENTS

The Shire has commissioned a structural audit on the Waroona Recreation and Aquatic Centre (Aquatic roof), prior to replacing the existing roof fabric. The cost of replacing the roof fabric is estimated to be \$65,000, although actual installation costs may be higher.

The Waroona Recreation and Aquatic Centre (Aquatic Roof) has a HÖCKER Thermo Roof System, consists of two vinyl type sheets with inflatable air cushions lying on top of an aluminium frame.

The HÖCKER Thermo Roof System was installed approximately 20 years ago and has since had sections of the roof fabric replaced due to the air cushions no longer inflating. The Shire has already purchased all the roof fabric and now needs to appoint a contractor to install the roof fabric. Due to the unique roof design there is only a handful of specialist contractors that can undertake such a project with the added complication of having to work at height over the swimming pool.

The replacement of the roof fabric is required to ensure the structural integrity of the roof structure is not compromised and to provide the thermo insulation for the heated swimming pool.

PLANNING – STRATEGIC IMPLICATIONS

Nil

REFERRALS

Nil

STRATEGIC COMMUNITY PLAN ISSUES/IMPLICATIONS

The relevant Strategic Community Plan issue area is Theme 5. “Asset Management and Financial Sustainability: Provision of functional Assets to support services, involving Built/acquired Assets, & Infrastructure; Financial Proficiency & Sustainability”.

FINANCIAL ISSUES/IMPLICATIONS

Council is requested to authorise the reallocation of \$57,000, allocated under the current 2015/16 budget to Waroona Memorial Hall Account 124220 (Job OR01) to the Waroona Recreation and Aquatic Centre Building Capital Account 17140 with the balance of the cost associated with the roof repair to be taken from the Building Maintenance Reserve Fund (456300).

POLICY ISSUES/IMPLICATIONS**Purchasing and Procurement Policy 3.3 (PPP 3.3)**

In terms of PPP 3.3, when considering expenditure between \$60,000.00 and \$149,999.00, the Shire is required to obtain or request 3 (three) quotations from either local or state wide providers of the service / goods being purchased.

In this regard the Shire has requested 3 quotations for the repair of the roof which is anticipated not to exceed \$149,999.00, therefore not requiring the Shire to follow the tender process prescribed by PPP 3.3.

Purchase Order – Authority for Issue 3.7 (POAI 3.7)

In terms of POAI 3.7 the Chief Executive Officer has ‘General authority’ to issue purchase orders for the supply of goods and services in accordance with Council’s adopted budget, policies and statutory requirements.

The Chief Executive Officer has been granted delegation by Council for the Implementation of the Budget - Following the adoption of the budget to use reasonable management discretion in implementing expenditure programs contained in the budget; determining whether or not to call tenders or sell by tender or auction where an obligation does not exist to do so under the Act; determining tenders for the purchase of minor plant and equipment and light vehicles if within budget estimates; approving donations.

STATUTORY ISSUES/ENVIRONMENT / IMPLICATIONS

The Local Government Act 1995, Part 6, Division 2, s6.2(4) provides information on what is required to be incorporated into a budget, which is to be approved by Council. Any amendment to the approved budget is required to be approved by Council.

(4) *The annual budget is to incorporate —*

- (a) *particulars of the estimated expenditure proposed to be incurred by the local government; and*
- (b) *detailed information relating to the rates and service charges which will apply to land within the district including —*
 - (i) *the amount it is estimated will be yielded by the general rate; and*
 - (ii) *the rate of interest (if any) to be charged by the local government on unpaid rates and service charges; and*
- (c) *the fees and charges proposed to be imposed by the local government; and*
- (d) *the particulars of borrowings and other financial accommodation proposed to be entered into by the local government; and*
- (e) *details of the amounts to be set aside in, or used from, reserve accounts and of the purpose for which they are to be set aside or used; and*
- (f) *particulars of proposed land transactions and trading undertakings (as those terms are defined in and for the purpose of section 3.59) of the local government; and*
- (g) *such other matters as are prescribed.*

LEGAL ISSUES/IMPLICATIONS

See Statutory Issues.

COMMUNITY CONSULTATION

Nil.

OFFICER'S FINAL COMMENTS / CONCLUSIONS

Due to the design of the HÖCKER Thermo Roof, to ensure the structural integrity of the structure is not compromised it is required to ensure that all the roof fabric air cushions remain inflated.

With more than 50% of the air cushions no longer inflated there is a risk that the aluminium structure could be damaged and may need other remedial work to be done prior to the roof fabric being replaced. The Shire has appointed WML Engineers to undertake a structural audit of the aluminium structure to ascertain if and what remedial works may be required. As a result of the coming winter months possibly causing the delay in the replacement of the roof fabric it is important to appoint a contractor as soon as possible.

The Shire has requested quotations from Australian Temporary Structures, Röder HTS Höcker GmbH and Pianola Repairs. As a result of the required work being of a highly specialised nature only one (1) of the three (3) companies has indicated that they would be able to provide a quotation.

Prior to the Chief Executive Officer being able to appoint a contractor to undertake the repairs to the aquatic roof sufficient funds need to be available. Should Council resolve to approve the reallocation of the funds and the expenditure of the balance of the cost from the Building Maintenance Reserve Fund, the Chief Executive Officer will be able to appoint a contractor.

Appendices Attached:	No	
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VOTING REQUIREMENTS

Absolute Majority

COUNCIL RESOLUTION

OCM16/04/042

MOVED: CR WITNEY

SECONDED: CR MASON

That Council

- 1. Authorise the following amendment to the 2015/16 budget;**
 - a. Authorises expenditure of \$57,000 to be transferred from Account 124200 'Waroona Memorial Hall' to Account 171040 'Rec Centre Building Capital', and**
 - b. Authorise the balance of the roof repairs cost to be transferred from the 'Rec Centre Building Maintenance Reserve' Account 456300 in to 'Transfer from Reserve' income account 171350.**

CARRIED BY ABSOLUTE MAJORITY 8/0

9.3 DEPUTY CEO/DIRECTOR CORPORATE SERVICES

9.3.1 ACCOUNTS FOR PAYMENT	
Reporting Officer / Officer's Interest:	Kathy Simpson, Finance Officer / Nil
Responsible Officer / Officer's Interest	Ashleigh Nuttall – A/Deputy CEO/Director Corporate Services / Nil
Proponent:	N/A
Landowner:	N/A
Date of Report: 07/04/16	File No.: 1/3
Previous Reference:	N/A
Policy Implications:	N/A
Statutory Implications:	N/A
Strategic Implications:	N/A
Financial Implications:	N/A
LINKED TO STRATEGIC OBJECTIVE NUMBER (<i>Strategic Community Plan-SCP</i>): No. 6 “Active Civic Leadership, Good Governance, & Excellence in Management”	
Voting Requirements	Simple Majority

Appendices Attached:	Yes	Appendices Numbers: 9.3.1
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COUNCIL RESOLUTION

OCM16/04/043

MOVED: CR WITNEY

SECONDED: CR GERMAIN

That Vouchers numbered:

<u>ACCOUNT</u>	<u>CHEQUE NOS.</u>	<u>TOTAL \$</u>
Municipal	Cheques 8263 - 8287	\$41,945.79
Trust (Cheque/EFTs) Chqs: 11079 - 11082	EFT 22224-22231, 22408-22410 \$23,181.01	
Electronic Transfers Municipal Fund	EFT 22222 to 22412	\$785,557.01
Direct Wages	01/03/2016 – 31/03/2016 inclusive	\$256,423.20
Direct Debits	01/03/16 – 31/03/16	\$2,789.01
GRAND TOTAL:		<u>\$1,109,896.02</u>

attached at Appendix 9.3.1 be endorsed.

CARRIED 8/0



9.3.2 MONTHLY STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD 1 JULY 2015 TO 31 MARCH 2016	
Reporting Officer / Officer's Interest:	Ashleigh Nuttall - A/Deputy CEO/Director Corporate Services / Nil
Responsible Officer / Officer's Interest	Ashleigh Nuttall – A/Deputy CEO/Director Corporate Services / Nil
Proponent:	N/A
Landowner:	N/A
Date of Report: 18/4/16	File No.: 1/1
Previous Reference:	N/A
Policy Implications:	N/A
Statutory Implications:	N/A
Strategic Implications:	N/A
Financial Implications:	N/A
LINKED TO STRATEGIC OBJECTIVE NUMBER (<i>Strategic Community Plan-SCP</i>): No. 6 “Active Civic Leadership, Good Governance, & Excellence in Management”	
Voting Requirements	Simple Majority

Appendices Attached:	Yes	Appendices Numbers:	9.3.2
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COUNCIL RESOLUTION**OCM16/04/044****MOVED: CR SCOTT****SECONDED: CR SNELL**

That the Monthly Statements of Financial Activity for the period 1 July 2015 to 31 March 2016 be received and noted.

CARRIED 8/0

9.3.3 LAKE CLIFTON BUSH FIRE BRIGADE SHED TENDER	
Reporting Officer / Officer's Interest:	John Crothers, Co-Ordinator of Corporate Planning/Projects Officer; No Interest
Responsible Officer / Officer's Interest	Ashleigh Nuttall – A/Deputy CEO/Director Corporate Services / Nil; No Interest
Proponent:	Shire of Waroona
Landowner:	Crown Land, vested with the Shire of Waroona
Date of Report: 19 April 2016	File No.: 2016/01
Previous Reference: 24 November 2015	Development Approval Granted via Council Minute OCM 15/11/131
Policy Implications:	Purchasing and Procurement Policy (3.3) Local Purchases Policy (3.4)
Statutory Implications:	Section 3.57 of Local Government Act, and associated Regulations
Strategic Implications:	Nil
Financial Implications:	There are no net financial implication to Council
LINKED TO STRATEGIC OBJECTIVE NUMBER (Strategic Community Plan-SCP): E, No. 5 "Assets, Resources, Financial Management and Sustainability"	

PROPOSAL SUMMARY

The purpose of this report is to present to Council information relating to the calling and closure of tenders for the establishment of a new, and larger, Shed/Building for the Lake Clifton Bush Fire Brigade. The tenders were called on 26 March 2016 and closed on 18 April 2016. Council is to consider the allocation of the preferred tender.

The tender was divided into 2 parts, as follows – part "A" was for the 'Site Works'; and Part "B" for the supply and erection of the building.

There were 5 tender proposals received for part A, and 5 tender proposals received for part B.

BACKGROUND/INITIAL COMMENTS

The Department of Fire and Emergency Services has previously advised the Lake Clifton Bush fire Brigade that it could be allocated a larger [13 tonne] Appliance/Truck in the near future, and therefore the Brigade will need to have a larger building. The Brigade applied for a Building Grant and has received a grant approval of \$151,000 [excluding GST] for the building. The Brigade has also received approval of a Site Works grant of some \$13,900 [excluding GST]. These total \$164,900.

As far as price is concerned, the lowest, combining parts "A" and "B" was \$159,295, with the highest totalling \$362,824.

The following Selection Criteria have been used to assess the tenders received:

- Relevant Experience 25%;
- Key Personnel [Skills & Experience] 10%;
- Tenderer's Resources 10%;
- Safety Issues 5%;
- Price 50%

The approach has been for a 'best value for money', with a large emphasis on relevant Experience, key Personnel, and Resources, and Price, but with Safety issues also taken into account.

A quick comparison of the Prices tendered by the 3 lowest is stated below:

	All Style Sheds	WA Shed Commercial P/L	J & K Reed	Outdoor World	Solution 4 Building P/L
Price Tendered	\$159,295	\$190,339.54	\$208,406	\$209,072.50	\$362,824.81
Local Preference Value			\$197,985.70		

The assessment of tenders were done with scores allocated between 0-9 for each of the selection criteria, with 9 being the highest allocation and 0 the lowest.

The calculations of the scoring allocated with the level of weighting has provided the following results for the 3 lowest tenderers:

- All Style Sheds 8.45
- WA Shed Commercial 8.00
- J & K Reed 7.40

PLANNING – STRATEGIC IMPLICATIONS

Planning approval was granted in November 2015, and there is no change of use of the land.

REFERRALS

A number of issues were referred to the Department of Fire and Emergency Services. Certain specific matters were referred to the Shire's Building Certifier (IQ Building Surveyors). The specifications of the building were discussed with a representative of the Lake Clifton Bush Fire Brigade.

STRATEGIC COMMUNITY PLAN ISSUES/IMPLICATIONS

The relevant Strategic Community Plan issue area is number 5 "Assets, Resources, Financial Management and sustainability".

FINANCIAL ISSUES/IMPLICATIONS

As the lowest tenderer has the best resulting score after the weighting has been taken into account, then it will be possible for both parts of the tender to be completed with the funds allocated by DFES to the Local Brigade, as the tender is \$6,405 below the total of the grants. This amount may still need to be used.

There are currently no net costs expected to Council, and if any 'extras' were to occur, then these would occur in the 2016/17 year.

Funding for the project will be obtained from a Brigade Building Grant of \$151,000 [excluding GST] for the building and a Site Works grant of \$13,900 [excluding GST] totalling \$164,900 [excluding GST].

POLICY ISSUES/IMPLICATIONS

Council Purchasing and Procurement Policy (3.3) requires a public tender process for purchases above \$150,000.

Council's Local Purchases Policy (3.4), gives a local purchase preference of 5% allowance for businesses operating in the district, which is the Shire of Waroona.

STATUTORY ISSUES/ENVIRONMENT/IMPLICATIONS

The Statutory items relating to tenders are in section 3.57 of the Local Government Act 1995, and the Local Government (Functions and General) Regulations 1996. It was less than 12 months ago that the limit level was increased from \$100,000 to \$150,000.

LEGAL ISSUES/IMPLICATIONS

Beyond compliance with the above listed statutory issues, no other legal items have arisen with regard to this process.

Once the project has been approved by Council to proceed, then a formal contract will be completed with the successful tenderer.

COMMUNITY CONSULTATION

None, as there are no major implications to the community. Various consultations were made with a representative of the Lake Clifton Bush Fire Brigade.

OFFICER'S FINAL COMMENTS/CONCLUSIONS

A total of 5 tender submissions were received, as indicated.

Following the evaluation of the tenders submitted, the aggregate scores indicate that the 'best value for money' is the proposal by All Style Sheds, of Secret Harbour.

For the information of Councillors, some options were also sought, with the following results:

- Vinyl costs over Tiles [Ablutions-'Wet' areas] – The extra costs for this (vinyl) is \$6,273. Vinyl was a Brigade preference, with a representative stating that vinyl would cost less, which has proven to be not the case for health, durability and easy of cleaning Council staff recommend Tiles;
- Relocation of existing Utility Services – These may be 'extras' in the next financial year
- Air Conditioning – One in the Communications Room, and a separate item in the Meeting room – The extra costs for this would be \$5,410 [excluding GST] and this was not a Brigade preference, but that of Council's staff.

Staff recommendations are – (1) Tiles be installed in the Wet areas; (2) Air Conditioning be not approved, at this point, until determination has been made as to whether utility services need to be relocated and whether there are any extra costs.

Appendices Attached:	No	Appendices Numbers:
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VOTING REQUIREMENTS

Absolute Majority.

COUNCIL RESOLUTION**OCM16/04/045****MOVED: CR SCOTT****SECONDED: CR WRIGHT**

That in relation to the Lake Clifton bush fire brigade shed tender Council resolves:

- 1. That the tender from All Style Sheds for a combined total of \$159,295, plus GST, be accepted, subject to the amount of \$13,900 being received by the Shire of Waroona from the Lake Clifton Volunteer Bushfire Brigade ;**
- 2. That the option for vinyl instead of tiles in the wet areas be not accepted;**
- 3. That the option for air conditioning be not accepted.**

CARRIED BY ABSOLUTE MAJORITY 8/0

9.4 CHIEF EXECUTIVE OFFICER

Nil.

10. CONFIDENTIAL REPORTS

Nil.

11. ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN, OR FOR CONSIDERATION AT NEXT MEETING

Nil

12. NEW BUSINESS OF AN URGENT NATURE/REPORTS & INFORMATION

12.1 ELECTED MEMBERS

Nil.

12.2 OFFICERS

Nil.

13. CLOSURE OF MEETING

There being no further business the Chairperson closed the meeting the time being 5.28 pm.

I CERTIFY THAT THESE MINUTES WERE CONFIRMED AT THE ORDINARY COUNCIL MEETING HELD 24 MAY 2016 AS BEING A TRUE AND CORRECT RECORD OF PROCEEDINGS.

.....
PRESIDING MEMBER
.....
DATE

