



Date: 20 June 2019

To: Shire President
All Councillors

Copy: Directors
Executive Manager
Managers
Staff

ORDINARY COUNCIL MEETING NOTICE AND AGENDA

An Ordinary Council meeting of the Shire of Waroona will be held at the Waroona Shire Offices on 25 June 2019 at 4.00pm to consider and resolve the matters set out in the attached Agenda.

A handwritten signature in black ink, which appears to read "Ian Curley", is positioned above the printed name of the Chief Executive Officer.

**IAN CURLEY
CHIEF EXECUTIVE OFFICER**

PUBLIC QUESTION TIME

AND

PUBLIC STATEMENT TIME

1. The order of business allows for a Public Question time and a Public Statement time at the beginning of the Meeting. The Presiding Member will announce these times.
2. If you wish to ask a Question or make a Statement about an Agenda Item BEFORE it is considered then it should be made at the Public Question and Public Statement Time at Item 4 on the Agenda Notice Paper in accordance with Council's Procedures and Guidelines for Public Question Time and Receiving Public Statements.
3. The visual or vocal recording of Council meeting proceedings is expressly prohibited, unless the prior approval of the Council has been given.

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AGENDA

1. **DECLARATION OF OPENING/ANNOUNCEMENTS**
2. **RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE PREVIOUSLY APPROVED**
3. **RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE**
- 4.1 **PUBLIC QUESTION TIME**
- 4.2 **PUBLIC STATEMENTS**
5. **APPLICATIONS FOR LEAVE OF ABSENCE**
6. **DISCLOSURES OF MEMBERS' & OFFICERS' INTERESTS**

(Disclosure of interest MUST ALSO be made by the member or officer immediately prior to a matter, for which an interest is being disclosed, is dealt with.)
7. **PETITIONS/DEPUTATIONS/PRESENTATIONS**
8. **CONFIRMATION OF MINUTES**
- 8.1 **ORDINARY COUNCIL MEETING – 28 May 2019**

OFFICER RECOMMENDATION

That the Minutes of the Ordinary Council Meeting held 28 May 2019 be confirmed as being a true and correct record of proceedings.

- 9.0 **REPORTS OF OFFICERS AND COMMITTEES**

9.1 DIRECTOR TECHNICAL SERVICES

9.1.1 TENDER – RFT 2019/01 – PROVIDE TREE MAINTENANCE AND REMOVAL SERVICES	
Reporting Officer / Officer's Interest:	Rikki Pulfer, Administration Officer; No Interest
Responsible Officer / Officer's Interest	Patrick Steinbacher, Director Technical Services; No Interest
Proponent:	Shire of Waroona
Landowner:	n/a
Date of Report: 14 June 2019	File No.: 2019/01
Previous Reference:	Nil
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>): No. 5 "<u>Assets, Resources, Financial Management & Sustainability</u>"	

PROPOSAL SUMMARY

The purpose of this item is to present to Council for its consideration the tenders received for the tender 2019/01 – Provide Tree Maintenance and Removal Services.

BACKGROUND/INITIAL COMMENTS

Council's 2019/20 budget includes an allocation for tree maintenance and removal as part of the works programme. As the total cost of the services will exceed \$100,000 a tender process was necessary.

A specification was drawn up and the tender was advertised in the West Australian on the 11th May 2019. The closing date of the tender 28th May 2019.

The Scope of Works contained in the specification called for the submission of prices for tree maintenance and removal services for western power tree pruning and general street tree pruning for the 2019/20 work programme.

The resultant contract will have an initial period commencing at the date of execution of the contract until 30 June 2020. The tender also allows for a twelve month extension to 30 June 2021 and an additional twelve month extension to 30 June 2022, both subject to the contractor meeting its requirements in the preceding period and Principal approval. The tender allows for adjustments in the rates as per clause 4.1.2 only. Clause 4.1.2 permits the contractor to annually review its prices based on the likely work to come and removes the speculation that may arise should tenderers be requested to submit their price for a longer period given the possible uncertainty around quantity of work and the economic climate in future years. The use of twelve month extensions also gives the Principal flexibility should it be deemed pertinent to end the contract at the end of either of the first two periods.

The specification also stated that the following criteria would be used in the evaluation of the submissions:

- | | |
|---------------------------------------|-----|
| • Tendered Price | 50% |
| • Relevant Experience | 15% |
| • Key Personnel skills and experience | 10% |
| • Respondents Resources | 10% |
| • Demonstrated Understanding | 10% |
| • Value Adding Proposal | 10% |

The specification sets out how the tenderers were to address the second and third criteria.

The principal has adopted a best value for money approach to this tender evaluation. This means that, although price is considered, the tender containing the lowest price will not necessarily be accepted, nor will the tender ranked the highest on the qualitative criteria. The extent to which a tenderer demonstrates greater satisfaction of each of these will result in a greater score.

A scoring system was used for the assessment of the qualitative criteria and the tendered price which included allowance for the buy local policy.

PLANNING – STRATEGIC IMPLICATIONS

Nil

REFERRALS

Nil

STRATEGIC COMMUNITY PLAN ISSUES/IMPLICATIONS

This issue comes under the SCP No 5 “Assets, Resources, Financial Management & Sustainability” and fits within the SCP [5] sub-item 5.03 “Timely Renewal or Replacement of Assets”; 5.03.04 “Roads and Bridges – Maintenance”

FINANCIAL ISSUES/IMPLICATIONS

Nil

POLICY ISSUES/IMPLICATIONS

Nil

STATUTORY ISSUES/ENVIRONMENT/IMPLICATIONS

The tender process has been conducted as per the relevant sections of the Local Government Act 1995 and Council policy 3.3 ‘Purchase of Budget Items’.

LEGAL ISSUES/IMPLICATIONS

Nil

COMMUNITY CONSULTATION

Nil



OFFICER'S FINAL COMMENTS/CONCLUSIONS

Six submissions were received:

- Arbor Guy
- Branching Out Trees
- Geoff's Tree Service
- Pete's Treeworx
- Thomas Contracting Service
- West Coast Tree Care

Following the evaluation of the submissions the aggregate scores are as follows:

- | | |
|------------------------------|------|
| • Arbor Guy | 1572 |
| • Branching Out Trees | 1564 |
| • Geoff's Tree Service | 1584 |
| • Pete's Treeworx | 1706 |
| • Thomas Contracting Service | 1359 |
| • West Coast Tree Care | 1565 |

Pete's Treeworx has been the Shire's contractor in this regard for many years, and although now under new management has been operating in an interim capacity for the last few months and have proven that they are able to provide very sound service. In light of this and the aggregate score achieved, officers are confident in recommending them as the successful contractor.

Appendices Attached:	No	Appendices Numbers:
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VOTING REQUIREMENTS

Simple Majority



<u>OFFICER RECOMMENDATION</u>	
<p>That Council award Tender RFT 2019/01 Provide Tree Maintenance And Removal Services to Pete’s Treeworx based on the following schedule of prices for a period until the contract concludes 30th June 2020. The principal to consider as set out in this contract two (2), one (1) year options to extend the term of the contract:</p>	
Normal Hourly Rates	
Street Tree Pruning - Crew	
1.a Labourer/ Pruner	\$60.50
1.b Leading Hand/ Supervisor	\$66.00
Western Power Pruning - Crew	
1.c Labourer/ Pruner	\$71.50
1.d Leading Hand/ Supervisor	\$77.00
1.2 Traffic Management	
1.2.a Traffic Management Crew - Two traffic controllers, vehicle and signs	\$82.50
1.2.b Addition Traffic Controllers	\$60.50
After Hours Rates	
Street Tree Pruning - Crew	
2.a Labourer/ Pruner	\$71.50
2.b Leading Hand/ Supervisor	\$77.50
Western Power Pruning - Crew	
2.c Labourer/ Pruner	\$77.00
2.d Leading Hand/ Supervisor	\$82.50
Emergency Call Out Charge	\$77.00
3. Equipment	
3.a Chipper	\$33.00
3.b Stump Grinder	\$27.50
3.c Cherry Picker	\$33.00
3.d Self Propelled articulated boom lift	\$44.00
3.e Work Ute	\$22.00
3.f Truck	\$44.00
3.1 Unspecified Equipment	
Bobcat	\$33.00
Forestry Mulcher (Includes Spotter and Truck)	\$275.00
4.1 QTRA	
Onsite Quantified Tree Risk Assessment (QTRA) inspection and written report or equivalent. Report to be provided electronically.	\$198.00

9.2 DIRECTOR STRATEGIC DEVELOPMENT

9.2.1 SHIRE EMERGENCY RISK MANAGEMENT PLAN / REGISTER	
Reporting Officer / Officer's Interest:	Louis Fouché, Director Strategic Development; Nil
Responsible Officer / Officer's Interest	Louis Fouché, Director Strategic Development; Nil
Proponent:	Department of Fire and Emergency Services
Landowner:	Various
Date of Report: 14/06/2019	File No.: 51/2
Previous Reference:	N/A
Policy Implications:	See heading below
Statutory Implications:	See heading below
Strategic Implications:	See Strategic Community Plan Implications
Financial Implications:	See heading below
LINKED TO STRATEGIC OBJECTIVE NUMBER (<i>Strategic Community Plan-SCP</i>):	
<i>No.4 Society: A Strong Sense of Community, addressing Social issues, and Effective Community Wellbeing</i>	
<i>No 6 Good Government: Active & Responsible Civic Leadership, & Excellence in Management</i>	

PROPOSAL SUMMARY

Council is requested to consider the endorsement of the Shire Emergency Risk Management Plan (ERMP) / Register (attached at **Appendix 9.2.1**).

BACKGROUND / INITIAL COMMENTS

LGIS was appointed in 2017 to prepare the Shire ERMP. The Shire of Waroona Risk Assessment was undertaken with the Local Emergency Management Committee (LEMC) between 2017 and 2019.

The document was considered and endorsed by the Local Emergency Management Committee on 5 June 2019 as follows:

COMMITTEE RESOLUTION:

06/19/7.11

MOVED: J Twaddle

SECONDED: B Worthington

That Council endorse the Shire Emergency Risk Management Register / Plan.

CARRIED UNANIMOUSLY

PLANNING – STRATEGIC IMPLICATIONS

See Strategic Community Plan Issues.

REFERRALS

The draft ERMP was referred to the Department of Fire and Emergency Services (DFES) Risk Team and amended accordingly.



STRATEGIC COMMUNITY PLAN ISSUES / IMPLICATIONS

The relevant Strategic Community Plan implications are:

Theme No. 4: Society / Community wellbeing: A Strong Sense of Community, addressing Social issues, and Effective Community Wellbeing

Strategy 4.09 states that the Shire will work in partnership with other agencies to effectively plan for and coordinate various emergency services. (Such as fires, floods, storms and accidents).

Theme No. 6: Good Government: Active & Responsible Civic Leadership, & Excellence in Management

Strategy 6.07 states that the Shire will implement and maintain suitable risk management systems, assessments and responses.

FINANCIAL ISSUES / IMPLICATIONS

The project was funded with the assistance of \$4,000 from AWARE Grant Funding. Both LGIS and the Shire provided additional in-kind support (i.e. budgeted staff time).

POLICY ISSUES/IMPLICATIONS

Policy COM007 - Emergency Management

The policy intent is to minimise the impact of disruptive and disaster events through an ongoing commitment to emergency Prevention, Preparedness, Response and Recovery activities.

State Emergency Management Policy (State EM Policy)

The State EM Policy provides a strategic framework for emergency management in Western Australia. The framework identifies the roles and responsibilities of Emergency Management Agencies (EMAs) and other public authorities and organisations for the management of adverse effects from emergencies across the four aspects of emergency management (EM) — prevention, preparation, response and recovery (PPRR).

The State EM Policy also describes the guiding principles and objectives for the prompt and coordinated organisation of EM for public authorities, industry, commerce and the community in order to support their EM planning and preparedness.

Policy statement 3.2.6 states: “ERM planning must be undertaken in accordance with State EM Prevention and Mitigation Procedure 1 and its attachment, *Western Australian Emergency Risk Management*, which is aligned with the Australian/New Zealand International Standard Organisation (AS/NZS ISO 31000:2009) *Risk Management – Principles and Guidelines*”.

State Planning Policy 3.4 Natural Hazards and Disasters

A number of natural hazards are addressed in the policy, including bushfire.



State Emergency Management Procedures

Local governments are to develop and maintain Emergency Risk Management (ERM) Plans for hazards relevant to their locality. The ERM plans are to be developed at a local scale on a prioritised basis as led and administered by the local governments and Local Emergency Management Committee (LEMC).

STATUTORY ISSUES/ENVIRONMENT / IMPLICATIONS

Emergency Management Act 2005

Section 36. Functions of local government

It is a function of a local government —

- (a) subject to this Act, to ensure that effective local emergency management arrangements are prepared and maintained for its district

LEGAL ISSUES / IMPLICATIONS

Compliance with AWARE Grant Agreement requirements.

COMMUNITY CONSULTATION

The following community workshops were conducted as part of the project:

- Hills Community Workshop - 27 June 2018.
- Preston Beach Community Workshop - 28 June 2018.
- Waroona (Central) Community Workshop - 12 July 2018.

OFFICER'S FINAL COMMENTS / CONCLUSIONS

The Emergency Risk Management (ERM) process as part of the Local Emergency Management Arrangements (LEMA) review; was designed to allow consistent and comparable risk assessments across all Local Governments.

The ERM report has been developed, led and administered by the LEMC of the Shire of Waroona. This process has also included three community workshops with three population hubs in the shire. (See Community Consultation).

The results of these risk assessments across five specific hazards; Fire (Bushfire), Storm, Road Transport Emergency, Hazmat and Rail Crash are demonstrated further in this document and are set out in prioritised order subject to the 'As Low As Reasonably Possible' (ALARP) Principle.

The report concludes that many of the emergencies identified by the community have no treatment options available under the PRR model. Further assessment will be undertaken on those risks that can potentially be mitigated using any of the model; Prevention, Preparedness or Response; with Treatment Options applied as the Local Government and its LEMC sees fit. It is considered appropriate that the necessary consultation be undertaken with stakeholders when determining appropriate Treatment Options.

Appendices Attached:	Yes	Appendices Numbers:	9.2.1
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VOTING REQUIREMENTS

Simple Majority.

LOCAL EMERGENCY MANAGEMENT COMMITTEE RECOMMENDATION

That Council endorse the Shire Emergency Risk Management Register / Plan as per Appendix 9.2.1.

9.2.2 BUSHFIRE RISK MANAGEMENT PLANNING PROGRAM GRANT AGREEMENT	
Reporting Officer / Officer's Interest:	Louis Fouché, Director Strategic Development; Nil
Responsible Officer / Officer's Interest	Louis Fouché, Director Strategic Development; Nil
Proponent:	WA State Government (Department of Fire and Emergency Services)
Landowner:	N/A
Date of Report: 14/06/2019	File No.: 23/1
Previous Reference:	N/A
Policy Implications:	See heading below
Statutory Implications:	See heading below
Strategic Implications:	See Strategic Community Plan heading below
Financial Implications:	See heading below
LINKED TO STRATEGIC OBJECTIVE NUMBER (<i>Strategic Community Plan-SCP</i>):	
<i>No.4 Society: A Strong Sense of Community, addressing Social issues, and Effective Community Wellbeing</i>	
<i>No 6 Good Government: Active & Responsible Civic Leadership, & Excellence in Management</i>	

PROPOSAL SUMMARY

Council is requested to consider entering into a Bushfire Risk Management Planning (BRMP) Program Grant Agreement with the State Government of Western Australia via the Department of Fire and Emergency Services (DFES) as well as the Shires of Harvey and Murray.

BACKGROUND / INITIAL COMMENTS

The purpose of the grant is to:

- enable the three participating shires to purchase and/or lease relevant services and items; and
- pay for the employment (and related expenses) of the Bushfire Risk Planning Coordinator (BRPC) to undertake and complete Bushfire Risk Management Planning (BRMP) activities.

The Shire of Murray will act as the host organisation.

The preparation of a BRMP is part of the suite of Local Emergency Management Arrangement (LEMA) documents to be prepared by Local Governments.

PLANNING – STRATEGIC IMPLICATIONS

Shire of Waroona Local Planning Strategy

The review of the Shire of Waroona Local Planning Strategy needs to address the objectives set out in the State Planning Policy 3.7 and accompanying guidelines for bushfire prone areas.

Emergency Risk Management Plan / Register (ERMP)

The Draft ERMP includes bushfire as one of the key hazards identified for the shire. The Bushfire Risk Management Plan will assist in providing treatment options for bushfire risks in the shire.

REFERRALS

Nil.

STRATEGIC COMMUNITY PLAN ISSUES / IMPLICATIONS

The relevant Strategic Community Plan implications are:

Theme No. 4: Society / Community wellbeing: A Strong Sense of Community, addressing Social issues, and Effective Community Wellbeing

Strategy 4.09 states that the Shire will work in partnership with other agencies to effectively plan for and coordinate various emergency services. (Such as fires, floods, storms and accidents).

Theme No. 6: Good Government: Active & Responsible Civic Leadership, & Excellence in Management

Strategy 6.07 states that the Shire will implement and maintain suitable risk management systems, assessments and responses.

FINANCIAL ISSUES/IMPLICATIONS

Payment of the Grant Funds (exclusive of GST) will be made over three years in the amounts detailed below

PAYMENT SCHEDULE	AMOUNT TO BE PAID (\$)
2019-2020	Grant Amount:\$172,931.00 TOTAL: \$172,931.00 (rounded)
2020-2021	Grant Amount\$:174,505.19 TOTAL: \$174,505.00 (rounded)
2021-2022	Grant Amount: \$176,083.09 TOTAL: \$176,083.00 (rounded)

The grant covers the salary, on-costs, Information communications technology, vehicle and other costs as specified in Annexure A to the agreement. No additional budget costs to the Shire are expected.

The completion of a BRMP enables local governments to apply for AWARE Grant Funding for bushfire mitigation purposes.

POLICY ISSUES/IMPLICATIONS

Policy COM007 - Emergency Management



The policy intent is to minimise the impact of disruptive and disaster events through an ongoing commitment to emergency Prevention, Preparedness, Response and Recovery activities.

State Emergency Management Policy (State EM Policy)

The State EM Policy provides a strategic framework for emergency management in Western Australia. The framework identifies the roles and responsibilities of Emergency Management Agencies (EMAs) and other public authorities and organisations for the management of adverse effects from emergencies across the four aspects of emergency management (EM) — prevention, preparation, response and recovery (PPRR).

The State EM Policy also describes the guiding principles and objectives for the prompt and coordinated organisation of EM for public authorities, industry, commerce and the community in order to support their EM planning and preparedness.

Policy statement 3.2.6 states: “ERM planning must be undertaken in accordance with State EM Prevention and Mitigation Procedure 1 and its attachment, *Western Australian Emergency Risk Management*, which is aligned with the Australian/New Zealand International Standard Organisation (AS/NZS ISO 31000:2009) *Risk Management – Principles and Guidelines*”.

State Planning Policy 3.4 Natural Hazards and Disasters

A number of natural hazards are addressed in the policy, including bushfire.

State Planning Policy 3.7 – Planning in Bushfire Prone Areas (SPP 3.7)

The policy establish objectives for bushfire management objectives for land use and development. Any new development, subdivision or strategic planning document relating to a bushfire prone area is a requirement address the objectives set out in the policy and accompanying guidelines.

State Emergency Management Procedures

Local governments are to develop and maintain Emergency Risk Management (ERM) Plans for hazards relevant to their locality. The ERM plans are to be developed at a local scale on a prioritised basis as led and administered by the local governments and Local Emergency Management Committee (LEMC).

STATUTORY ISSUES/ENVIRONMENT / IMPLICATIONS

Emergency Management Act 2005

Section 36. Functions of local government

It is a function of a local government —

- (b) subject to this Act, to ensure that effective local emergency management arrangements are prepared and maintained for its district

LEGAL ISSUES / IMPLICATIONS

See **Appendix 9.2.2**. The agreement term is three years.



COMMUNITY CONSULTATION

Nil.

OFFICER'S FINAL COMMENTS / CONCLUSIONS

The BRMP program involves the identification and classification of bushfire risk within the three participating local government areas. The program involves the development of a treatment plan in respect of the identified risk(s), through the utilisation of shared resources and the cooperation between Local Governments, State Agencies and private landowners and occupiers.

Bushfire Risk Management (BRM) Plans document the risk to communities from bushfire and outline the required treatments to reduce these risks. The Bushfire Risk Management System (BRMS) is a risk tool, which aids the prioritisation of treatment works to help lower the bushfire risk faced by the community and designate accountability for treatment. The BRMP program is the initiative and related activities that result in the development and implementation of BRM Plans through the BRMS.

Entering into the agreement will enable the Shire to produce a BRMP in order to meet its obligations in respect of bushfire mitigation. A further benefit is the ability to apply for AWARE bushfire risk mitigation funding upon completion of the document.

Appendices Attached:	Yes	Appendices Numbers:	9.2.2
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VOTING REQUIREMENTS

Absolute Majority.

OFFICER RECOMMENDATION

- 1. That Council authorises the entering into a Bushfire Risk Management Planning Program Grant Agreement with the State Government of Western Australia (via the Department of Fire and Emergency Services) as well as the Shires of Harvey and Murray.**
- 2. That the CEO be authorised to sign all relevant documentation in relation to the Grant Agreement.**

9.3 EXECUTIVE MANAGER PLANNING & BUILDING SERVICES

9.3.1 TENDER – RFT 2019/03 – CONSTRUCTION OF WAROONA WEST FIRE BRIGADE FACILITY AT LOT 51 (NO. 1631) CORONATION ROAD, WAGERUP	
Reporting Officer / Officer's Interest:	Leonard Long, Executive Manager Planning & Building Services; Nil
Responsible Officer / Officer's Interest	Leonard Long, Executive Manager Planning & Building Services; Nil
Proponent:	Shire of Waroona
Landowner:	Shire of Waroona
Date of Report: 17/6/19	File No.: 44/11
Previous Reference:	n/a
Policy Implications:	<i>See heading below</i>
Statutory Implications:	<i>See heading below</i>
Strategic Implications:	<i>See heading below</i>
Financial Implications:	<i>See heading below</i>
LINKED TO STRATEGIC OBJECTIVE NUMBER (<i>Strategic Community Plan-SCP</i>): <i>No.5 Asset Management and Financial Sustainability: Provision of functional Assets to support services, involving built/acquired assets, & Infrastructure; Financial Proficiency & Sustainability</i>	

PROPOSAL SUMMARY

Council is requested to approve the calling for tenders for the construction of the Waroona West Fire Brigade Facility (WWFBF), to be located at Lot 51 (No. 1631) Coronation Road, Wagerup.

BACKGROUND / INITIAL COMMENTS

As part of the initial planning phase of the construction of the WWFBF the Shire in April 2019 undertook a 'Request for Quotation' (RFQ) for the preparation of the necessary drawing and accompanying documentation required to enable the construction of the WWFBF to be tendered.

On conclusion of the RFQ and following consultation with the WWFB, MCG Architects were appointed to prepare the necessary drawings and documentation required for tender purposes.

Design concept plans are at **APPENDIX 9.3.1**.

PLANNING – STRATEGIC IMPLICATIONS

Nil

REFERRALS

Nil

STRATEGIC COMMUNITY PLAN ISSUES/IMPLICATIONS

No.5 Asset Management and Financial Sustainability: Provision of functional Assets to support services, involving built/acquired assets, & Infrastructure; Financial Proficiency & Sustainability.

FINANCIAL ISSUES/IMPLICATIONS

The Shire was successful with a grant application to the Department of Fire and Emergency Services (DFES) for the construction of the WWFBF. The total value of the grant is \$506,000 and excludes the following aspects of the build and would need to be funded by either the Council or the Waroona West Fire Brigade. The cost of which will be included in the tender process but separate to the actual build cost.

Site works; - which are defined as:

- The demolition and removal of existing structures;
- Road works;
- Removal of vegetation and top soil from site;
- Grading and compacting sub grade;
- Imports of fill sand , or cart away soil not needed;
- Grade site to final level;
- Compaction of pad;
- Provision of Engineers compaction certificate; and construction of any retaining structures.
- Landscaping;
- Car parking;
- All costs associated with establishing utility services (power, water, gas etc.) to the site boundary;

POLICY ISSUES/IMPLICATIONS

Nil

STATUTORY ISSUES/ENVIRONMENT/IMPLICATIONS

The tender process will be undertaken in accordance with the following:

- Local Government Act 1995;
- Local Government Act (Functions and General) Regulations 1996;
- Local Government (Financial Management) Regulations 11A; and
- Council Policy FIN009 - Purchasing and Procurement.

LEGAL ISSUES/IMPLICATIONS

Nil

COMMUNITY CONSULTATION

Throughout the process of preparing the relevant specifications for the WWFBF the WWFB will be consulted / informed.

OFFICER'S FINAL COMMENTS/CONCLUSIONS

The relevant drawings and documents are currently being prepared by MCG Architects and is expected to be finalised by the end of June 2019. Once the documents have been received the tender document will be ready for advertising. However, prior to the tender being advertised the title for the portion of land donated to Council needs to be registered. The request for title is currently underway and is waiting upon clearance from the landowner's mortgage holders. A definite timeframe on when the title will be received is difficult to gauge, although officers are hopeful the title will be received early to mid-July.



Once all the above has been received the tender for the construction will be placed in the West Australian providing any potential tenderers four weeks to submit a tender. Once the submission date has expired officers will submit a report to the next Council meeting to consider the appointment of a building contractor.

Appendices Attached:	Yes	Appendices Numbers:	9.3.1
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VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That Council approves the advertising of Tender 2019/03 for the construction of the Waroona West Fire Brigade Facility to be located at Lot 51 (No. 1631) Coronation Road, Wagerup, subject to obtaining the title to Lot 51 (No.1631) Coronation Road, Wagerup prior to Council considering the awarding of the tender.

9.3.2 INDUSTRY – NOXIOUS, INERT RECYCLING FACILITY – LOT 1001 LAKE CLIFTON ROAD, LAKE CLIFTON	
Reporting Officer / Officer's Interest:	Sarah Park; Environmental Officer / Nil
Responsible Officer / Officer's Interest	Leonard Long; Executive Manager Planning & Building Services / Nil
Proponent:	Cougar Sand Supplies
Landowner:	Parisi Holdings Pty Ltd, PETO Pty Ltd, Gary Thomas Foale, Sandra Michelle Foale, Shane Lambert, Tony John Lambert
Date of Report: 08/05/2019	File No.: TP2094
Previous Reference:	NA
Policy Implications:	Environmental Protection Authority Guidance Statement 3
Statutory Implications:	Environmental Protection (Noise) Regulations 1997 Planning and Development Act 2005 Planning and Development (Local Planning Schemes) Regulations 2015 Shire of Waroona Local Planning Scheme No. 7
Strategic Implications:	Local Planning Strategy 2009
Financial Implications:	See heading below
LINKED TO STRATEGIC OBJECTIVE NUMBER (<i>Strategic Community Plan-SCP</i>): <i>No.3 Land Use: Responsible Land Use Planning, and Protecting Rural Land</i>	

PROPOSAL SUMMARY

An application for an 'Inert Recycling and Solid Waste Facility' has been received for Lot No 1001, Lake Clifton Road, Lake Clifton. See location Map at **APPENDIX 9.3.2A**.

The proposed 'Inert Recycling Facility and Solid Waste Facility' is considered to be an "Industry - Noxious" under *Local Planning Scheme No.7*.

The applicant proposes to recycle and recover approximately 80% of the inert material delivered to the site. Approximately 20% of the material is expected not to be recoverable and will be stored on-site as back fill for the existing extractive industry on the property. See Site Plan at **APPENDIX 9.3.2B**.

Recycling is proposed to be undertaken using mobile crushing and screening plant. The unrecoverable material is proposed to be placed at 4.5 metres AHD, 2 metres above the highest known groundwater table.

Three trucks per day, equating to an additional 10% of trucks, are expected to visit the site to drop off inert material. An additional two trucks per day may be required to export material from site, however, this may not occur because back-loading of trucks will be practiced where possible.

The applicant proposes to install a weighbridge to accurately monitor loads and increase capability to comply with licence conditions.

The applicant has requested a 20 year approval for the recycling and inert fill. Officers, recommend that should the application be approved by Council that such approval only be valid for a period of 10 years. This is due to the current approval for the 'Industry Extractive' having been approved in 2018 for a similar timeframe.

BACKGROUND / INITIAL COMMENTS

The site is currently licenced to Cougar Sands for sand extraction and operates Monday to Saturday 6:30am to 5:00pm.

Access is from the north of the site using the bitumen access road off Lake Clifton Road.

Previous Approvals

TP2044 – Extractive Industry approved 26/06/2018 (OCM18/06/055)

TP1157 – Extractive Industry approved 25/06/2008 (OCM08/119).

TP1480 – Outbuilding approved 02/04/2012.

PLANNING – STRATEGIC IMPLICATIONS

Local Planning Strategy 2009 (LPS)

The subject lot is designated as Rural Residential and located within the Lake Clifton Precinct. Council's objective is to provide areas that will offer lifestyle blocks with good amenity and in locations where environmental impacts can be minimised.

'Industry – Noxious' is not listed as a use identified in the Rural Residential area. However, 'Industry – Noxious' is permitted under the current zoning of Rural 1 – General Farming.

INTERNAL REFERRALS

The Director of Technical Services provided recommended conditions of approval.

EXTERNAL REFERRALS

The application was referred to the Department of Water and Environmental Regulation. The following comments were received:

- This proposal is likely to meet the requirements for 'Prescribed Premises' subject to the licensing provisions under Division 3, Part V of the *Environmental Protection Act 1986* (EP Act).
- The proponent should be aware that there is no ability to increase the groundwater entitlement for their groundwater licence for this operation.

STRATEGIC COMMUNITY PLAN ISSUES/IMPLICATIONS

Shire of Waroona Strategic Community Plan 2018/19-2027/28

This item relates to Theme 3: Land Use – Responsible Land Use Planning and Protecting Rural Land.

FINANCIAL ISSUES/IMPLICATIONS

The planning consent application fee of \$640 has been received. Additional contributions to road maintenance will be required as a condition of approval.

POLICY ISSUES/IMPLICATIONS

The proposal has been assessed against the following, and where appropriate conditions have been included in the Officers Recommendation:

- Environmental Protection Authority Guidance Statement 3 – Separation Distances Between Industrial and Sensitive Land Uses 2005 (Guidance Statement)

STATUTORY ISSUES/ENVIRONMENT/IMPLICATIONS

The proposal has been assessed against the following, and where appropriate conditions have been included in the Officers Recommendation:

- Environmental Protection (Noise) Regulations 1997
- Shire of Waroona Local Planning Scheme No. 7

LEGAL ISSUES/IMPLICATIONS

See Statutory Issues.

COMMUNITY CONSULTATION

Community Consultation was undertaken in accordance with Clause 64 of the Deemed Provisions.

Two submissions were received during the advertising period. One stated support and other objected to the proposal. See **APPENDIX 9.3.2C** for Schedule of Submissions.

OFFICER'S FINAL COMMENTS/CONCLUSIONS

Land Use and Zone Objectives

Given that the application is for a “Use Not Listed” within the Zoning Table, Council needs to be satisfied that this determination will be consistent with the objectives of the ‘Rural 1 – General Farming’ zone in accordance with clause 3.3 (4) of the Scheme.

Clause 3.13.1 of the Scheme lists the objectives and policies for the Rural 1 – General Farming zone. The proposed land use can be assessed against the objectives listed under the clause.

The proposal is considered to be in accordance with the zone objectives as it will contribute materially to the districts economy and will maintain the existing setbacks of operations on the lot.

The proposal is considered to be smaller in scale than the existing Extractive Industry on the lot, which is a discretionary use in the General Farming zone.

Impact on Adjoining Owners

A buffer distance of 1000m is required for a Category 13 crushing of building materials under the Environmental Protection Agency Guidance Statement 3 – Separation Distances Between Industrial and Sensitive Land Uses 2005. The closest residence is approximately 1050m from the area proposed to be used for recycling and stockpiling of inert material on the lot. The setbacks are required to reduce the potential for noise and dust impacts on surrounding land.

Environmental Impact

Given that the proposed industry does not propose any further clearing and the base of the recycling facility is to be a minimum of 2m above the highest known water table, the environmental impact of the inert landfill is considered to be minimal.

The applicant estimates that 20,000 tonnes or 80% of the inert material delivered to the site per year will be recycled and 5,000 tonnes of inert material delivered to the site per year will not be recoverable. Over 20 years, the applicant estimates that around 100,000 tonnes will be stored on the site as non-recoverable material. The extractive industry has an excavation rate, as of 2018, between 100,000 – 300,000 tonnes per year. Therefore, the site is expected to provide sufficient airspace for the estimated 100,000 tonnes of non-recoverable material over 20 years.

Compliance

Compliance with the conditions of approval will be monitored by the Shire in conjunction with the existing Extractive Industry. As the use is likely to be a prescribed premises and require licencing through DWER monitoring of compliance will also be undertaken by DWER.

Conclusion

The proposed ‘Industry – Noxious’ (inert recycle facility) is considered to be compatible with the existing extractive industry on the site and has sufficient buffers to surrounding sensitive land uses in terms of EPA Guidance Statement No. 3. As such the application is recommended for approval.

Appendices Attached:	Yes	Appendices Numbers:	9.3.2A,B,C
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VOTING REQUIREMENTS

Simple Majority



OFFICER RECOMMENDATION

That in relation to the application for an Industry Noxious (Inert Recycling and Solid Waste Facility) at Lot 1001 Lake Clifton Road, Waroona, Council resolves to:

A. Approve the application for planning consent for an Industry - Noxious (Inert Recycling and Solid Waste Facility) subject to the following conditions:

- 1. The development shall occur in accordance with the approved plans and specifications and these shall not be altered or modified without the prior written approval of the Shire of Waroona.**
- 2. This approval is valid for a period of 10 years (calculated from the date of this approval). On or prior to the end of this period, the use is to cease and the land reinstated to its original condition**
- 3. Except to the extent inconsistent with any other conditions set out hereunder, all development on the site shall comply with the Excavation and Rehabilitation Management Plan February 2018 and any subsequent amendments to that Pit Management Plan as may be agreed in writing between the applicant and the Shire of Waroona from time to time.**
- 4. Except as otherwise approved by the Shire of Waroona, the hours of operation of the extractive industry, including the movement of trucks in or out of the site, shall be restricted to:**
 - a) The hours of 7:00am – 5:00pm Monday to Friday, and 7:00am – 3:30pm Saturday, with no operation of the Industry - Noxious (Inert Recycling and Solid Waste Facility) permitted on Sundays and / or Public Holidays.**
- 5. All stormwater and drainage run-off shall be contained on site or connected to a Shire stormwater legal point of discharge to the specification and satisfaction of the Shire of Waroona.**
- 6. The developer shall prevent the generation of visible particulates (including dust) from access ways, trafficked areas, stockpiles and machinery from crossing the boundary of the subject site by using where necessary appropriate dust suppression techniques including but not limited to the installation of sprinklers, utilisation of water tankers, mulching, or by the adoption and implementation of any other suitable land management system in accordance with the Department of Environment and Conservation's dust management guidelines dated March 2011.**

7. Prior to the commencement of the use the operator shall undertake upgrades, and make contributions to maintenance, in respect of roads used by the operator in connection with the extractive industry, in accordance with the terms of a deed of agreement between the operator and the Shire; and enter into a deed of agreement that is substantially in accordance with the Shire's draft 'Deed of Agreement for Road Upgrade and Maintenance Contribution'.

ADVICE TO APPLICANT:

- 1. The applicant is advised that compliance is required with the Environmental Protection (Noise) Regulations 1997 at all times during the operation of the Industry - Noxious (Inert Recycling and Solid Waste Facility)**
- 2. The applicant is to seek all other necessary approvals required for the operation of an Industry - Noxious (Inert Recycling and Solid Waste Facility), including but not limited to Licence for a Prescribed Premise, Clearing Permits, Works Approvals and removal of Vegetation Conservation Notices where applicable.**

9.4 DEPUTY CHIEF EXECUTIVE OFFICER / DIRECTOR CORPORATE SERVICES

9.4.1 PAYMENT LISTING FOR THE MONTH OF MAY 2019	
Reporting Officer / Officer's Interest:	Kathy Simpson, Finance Officer / Nil
Responsible Officer / Officer's Interest	Ashleigh Nuttall – Manager Corporate Services / Nil
Proponent:	N/A
Landowner:	N/A
Date of Report: 17/6/19	File No.: 1/3
Previous Reference:	N/A
Policy Implications:	<i>See heading below</i>
Statutory Implications:	<i>See heading below</i>
Strategic Implications:	<i>See heading below</i>
Financial Implications:	<i>See heading below</i>
LINKED TO STRATEGIC OBJECTIVE NUMBER (Strategic Community Plan-SCP): No. 6 "Active Civic Leadership, Good Governance, & Excellence in Management"	

PROPOSAL SUMMARY

The purpose of this report is to present the listing of payments made from the Shire's Municipal and Trust funds throughout the month of May 2019.

BACKGROUND / INITIAL COMMENTS

The attached appendix lists the payments from Council Municipal and Trust funds for the month applicable as per requirements of the Local Government Act 1995 and the Local Government (Financial Management) Regulations 1996.

As per Regulation 13 of the Local Government (Financial Management) Regulations 1996 the following information is required to be presented to Council;

- The Payee's name;
- The amount of the payment;
- The date of the Payment; and
- Sufficient information to identify the transaction

PLANNING – STRATEGIC IMPLICATIONS

Nil

REFERRALS

Nil

STRATEGIC COMMUNITY PLAN ISSUES/IMPLICATIONS

The relevant Strategic Community Plan issue area is number 6 Good Government: Active & Responsible Civic Leadership, & Excellence in Management.

FINANCIAL ISSUES/IMPLICATIONS

Nil



POLICY ISSUES/IMPLICATIONS

Nil

STATUTORY ISSUES/ENVIRONMENT/IMPLICATIONS

Local Government Act 1995 – Section 6.4 and Local Government (Financial Management) Regulations 1996 – Section 13

LEGAL ISSUES/IMPLICATIONS

Nil

COMMUNITY CONSULTATION

Nil

OFFICER'S FINAL COMMENTS/CONCLUSIONS

All payments made from Council's Municipal and Trust account were completed in accordance with the adopted budget.

That Council receive the payment listing for the period as per the appendices.

Appendices Attached:	Yes	Appendices Numbers:	9.4.1
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VOTING REQUIREMENTS

Simple Majority

<u>OFFICER RECOMMENDATION</u>		
That Vouchers numbered:		
<u>ACCOUNT</u>	<u>CHEQUE NOS.</u>	<u>TOTAL \$</u>
Municipal	Cheques 9183 - 9212	\$177,867.92
Trust (Cheque/EFTs)	Chq: 11209-11220 EFT 29977, 30042-30043	\$5,692.57
Electronic Transfers Municipal Fund	EFT 29917 to 30153	\$1,490,261.55
Direct Wages	01/05/19 – 31/05/19 inclusive	\$174,805.40
Direct Debits	01/05/19 – 31/05/19	\$39,948.36
GRAND TOTAL:		<u>\$1,888,575.80</u>
and attached at Appendix 9.4.1 be endorsed.		



9.4.2 MONTHLY STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD 1 JULY 2018 TO 31 MAY 2019	
Reporting Officer / Officer's Interest:	Ashleigh Nuttall – Manager Corporate Services; Nil
Responsible Officer / Officer's Interest	Ashleigh Nuttall – Manager Corporate Services; Nil
Proponent:	N/A
Landowner:	N/A
Date of Report: 18/6/2019	File No.: 1/1
Previous Reference:	N/A
Policy Implications:	<i>See heading below</i>
Statutory Implications:	<i>See heading below</i>
Strategic Implications:	<i>See heading below</i>
Financial Implications:	<i>See heading below</i>
LINKED TO STRATEGIC OBJECTIVE NUMBER (<i>Strategic Community Plan-SCP</i>): <i>No 6 Good Government: Active & Responsible Civic Leadership, & Excellence in Management</i>	

PROPOSAL SUMMARY

The purpose of this report is to present the financial position of Council as at the reporting date as per requirements of the Local Government Act 1995 and the Local Government (Financial Management) Regulation 1996.

BACKGROUND / INITIAL COMMENTS

The monthly financial report recognises the financial position of Council at the reporting date and contains the following information;

- a) Annual budget estimates taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c) of the Local Government Act 1995;
- 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 statements relate;
- d) The material variance between the comparable amounts referred to in the paragraphs (b) and (c); and
- e) The net current assets at the end of the month to which the statement relates.

The following information is included in the report;

- o Statement of Financial Activity by Programme
- o Statement of Financial Activity by Nature and Type, and
- o Statement of Financial Position
- o Note 1 – Significant Accounting Policies
- o Note 2 – Graphical Representation
- o Note 3 – Net Current Funding Position
- o Note 4 – Cash and Investments
- o Note 5 – Major Variances
- o Note 6 – Budget Amendments
- o Note 7 – Receivables
- o Note 8 – Grants & Contributions
- o Note 10 – Capital Disposals and Acquisitions
- o Note 11 – Significant Capital Projects

- Note 12 – Trust
- Note 13 - Borrowings

PLANNING – STRATEGIC IMPLICATIONS

Nil

REFERRALS

Nil

STRATEGIC COMMUNITY PLAN ISSUES/IMPLICATIONS

The relevant Strategic Community Plan issue area is number 6 Good Government: Active & Responsible Civic Leadership, & Excellence in Management.

FINANCIAL ISSUES/IMPLICATIONS

Nil

POLICY ISSUES/IMPLICATIONS

Accounting policies - Policy 3.1.1 to Policy 3.1.7

STATUTORY ISSUES/ENVIRONMENT/IMPLICATIONS

Local Government Act 1995 – Section 6.4 and Local Government (Financial Management) Regulations 1996 – Section 34

LEGAL ISSUES/IMPLICATIONS

Nil

COMMUNITY CONSULTATION

Nil

OFFICER'S FINAL COMMENTS/CONCLUSIONS

That Council receive the monthly statement of financial activity for the period as per the appendices.

Appendices Attached:	Yes	Appendices Numbers: 9.4.2
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VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That Council receive the Monthly Statement of Financial Activity for the period 1 July 2018 to 31 May 2019 as presented.



9.4.3 AMENDMENT OF POLICY FIN003 – VALUATION OF NON-CURRENT ASSETS	
Reporting Officer / Officer's Interest:	Ashleigh Nuttall, Manager Corporate Services / Nil
Responsible Officer / Officer's Interest	Laurie Tilbrook – Deputy CEO/Director Corporate Services / Nil
Proponent:	
Landowner:	
Date of Report: 18/06/2019	File No.: 11/1
Previous Reference:	9.4.3 of 18 th December 2018
Policy Implications:	<i>See heading below</i>
Statutory Implications:	<i>See heading below</i>
Strategic Implications:	<i>See heading below</i>
Financial Implications:	<i>See heading below</i>
LINKED TO STRATEGIC OBJECTIVE NUMBER (<i>Strategic Community Plan-SCP</i>): <i>No 6 Good Government: Active & Responsible Civic Leadership, & Excellence in Management</i>	

PROPOSAL SUMMARY

Council is requested to consider and adopt revised policy FIN003 – Valuation of Non-Current Assets to align with the amendments to the Local Government (Financial Management) Regulations 1996 Section 17A (4).

BACKGROUND / INITIAL COMMENTS

As per advice from the Department of Local Government, Sport and Cultural Industries a number of amendments have been made to the Local Government (Financial Management) Regulation 1996 and Local Government (Audit Regulation) 1996 which came into effect as of the 1st July 2018. These changes affect a number of matters including the timeframe to which asset revaluation are to be conducted.

As of this financial year (2018/19) each Local Government is able to revalue its non-current assets when;

- It is of the opinion that the fair value of the asset is likely to be materially different from its carrying amount, or
- Within a period of at least 3 years but no more than 5 years from the last date the asset was revalued.

This change affects Policy FIN003 – Valuation of Non-Current Assets and therefore needs to be amended.

PLANNING – STRATEGIC IMPLICATIONS

Nil

REFERRALS

Nil

STRATEGIC COMMUNITY PLAN ISSUES/IMPLICATIONS

The relevant Strategic Community Plan issue area is number 6 Good Governance: Active and responsible civic leadership and excellence in management.

FINANCIAL ISSUES/IMPLICATIONS

It is expected that some saving will be made as external valuers will not need to be contracted in 2018/19 and 2019/20. The revaluation cycle will recommence in years 2020/21, 2021/22 and 2022/23 focusing on Plant, Furniture & Equipment, Land and Building and Infrastructure respectively.

POLICY ISSUES/IMPLICATIONS

Policy FIN003 – Valuation of Non-Current Assets is to be revised (as per attached **APPENDIX 9.4.3**) to reflect the amendments to the Local Government (Financial Management) Regulations 1996.

STATUTORY ISSUES/ENVIRONMENT/IMPLICATIONS

Amendments to the Local Government (Financial Management) Regulations 1996 as revised and gazetted on Tuesday 26th June 2018

LEGAL ISSUES/IMPLICATIONS

Nil

COMMUNITY CONSULTATION

No direct public consultation is required, however all policies will be placed on Council's website.

OFFICER'S FINAL COMMENTS/CONCLUSIONS

Council is requested to consider and adopt the amended policy FIN003 – Valuation of Non-Current Assets to reflect changes to the Local Government Regulations.

Councillors should note that this policy has been rephrased quite extensively to allow for better understanding and to simplify the revaluation process.

Appendices Attached:	Yes	Appendices Numbers:	9.4.3
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VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION

That Council adopted revised Policy FIN003 – Valuation of Non-Current Assets attached at Appendix 9.4.3 to reflect changes to the Local Government (Financial Management) Regulation 1996 as per advice (Circular No. 02-2018) from the Department of Local Government, Sport and Cultural Industries.



9.5 CHIEF EXECUTIVE OFFICER

Nil.

10. CONFIDENTIAL REPORTS

**10.1 CONFIDENTIAL ITEM - UNAUTHORISED BUILDING (SPA) - LOT 58 (NO. 45)
TEAKWOOD CLOSE, LAKE CLIFTON**

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

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

12.1 ELECTED MEMBERS

12.2 OFFICERS

13. CLOSURE OF MEETING