

Heart of the Stirling



SHIRE OF GNOWANGERUP

MINUTES

ORDINARY MEETING OF COUNCIL

22nd August 2018
Commencing at 3:30pm

Council Chambers
28 Yougenup Road, Gnowangerup WA 6335

COUNCIL'S VISION

Gnowangerup Shire – A progressive, inclusive and prosperous community built on opportunity

Shire of Gnowangerup

NOTICE OF AN ORDINARY MEETING OF COUNCIL

Dear Council Member

The next Ordinary Meeting of the Shire of Gnowangerup will be held on Thursday 27th September 2018, at the Council Chambers 28 Yougenup Road Gnowangerup, commencing at 3:30pm.

.....
S. Pike
CHIEF EXECUTIVE OFFICER

Meaning of and CAUTION concerning Council's "In Principle" support:

When Council uses this expression it means that:

(a) Council is generally in favour of the proposal BUT is not yet willing to give its consent; and

(b) Importantly, Council reserves the right to (and may well) either decide against the proposal or to formally support it but with restrictive conditions or modifications.

Therefore, whilst you can take some comfort from Council's "support" you are clearly at risk if you act upon it before Council makes its actual (and binding) decision and communicates that to you in writing.

Disclaimer:

"Warning - Verbal Information & Advice:

Given the inherent unreliability and uncertainty that surrounds verbal communication, the Shire strongly recommends that, if a matter is of importance to you, then you should NOT act upon or otherwise rely upon any VERBAL information or advice you receive from the Shire unless it is first confirmed in writing."



DECLARATION OF INTEREST FORM

To: Chief Executive Officer
Shire of Gnowangerup
28 Yougenup Road
GNOWANGERUP WA 6335

I,(1) _____ wish to declare an interest in the following item to be considered by Council at its meeting to be held on (2) _____

Agenda Item(3) _____

The type of Interest I wish to declare is (4).

- Financial pursuant to Section 5.60A of the Local Government Act 1995
- Proximity pursuant to Section 5.60B of the Local Government Act 1995
- Indirect Financial pursuant to Section 6.51 of the Local Government Act 1995
- Closely Associated Persons pursuant to Section 5.62 of the Local Government Act 1995
- Impartiality pursuant to Regulation 11 of the Local Government (Rules of Conduct) Regulations 2007.

The nature of my interest is (5) _____

The extent of my interest is (6) _____

I understand that the above information will be recorded in the minutes of the meeting and placed in the Disclosure of Financial and Impartiality of Interest Register.

Yours sincerely

Signed

Date

Notes:

1. Insert your name (print).
2. Insert the date of the Council Meeting at which the item is to be considered.
3. Insert the Agenda Item Number and Title.
4. Tick box to indicate type of interest.
5. Describe the nature of your interest.
6. Describe the extent of your interest (if seeking to participate in the matter under S. 5.68 of the Act).

DECLARATION OF INTERESTS (NOTES FOR YOUR GUIDANCE)

A Member, who has a Financial Interest in any matter to be discussed at a Council or Committee Meeting that will be attended by the Member, must disclose the nature of the interest:

- a) In a written notice given to the Chief Executive Officer before the Meeting or;
- b) At the Meeting, immediately before the matter is discussed.

A member, who makes a disclosure in respect to an interest, must not:

- a) Preside at the part of the Meeting, relating to the matter or;
- b) Participate in, or be present during any discussion or decision-making procedure relative to the matter, unless to the extent that the disclosing member is allowed to do so under Section 5.68 or Section 5.69 of the Local Government Act 1995.

NOTES ON FINANCIAL INTEREST (NOTES FOR YOUR GUIDANCE)

The following notes are a basic guide for Councillors when they are considering whether they have a **Financial Interest** in a matter. These notes will be included in each agenda for the time being so that Councillors may refresh their memory.

1. A Financial Interest requiring disclosure occurs when a Council decision might advantageously or detrimentally affect the Councillor or a person closely associated with the Councillor and is capable of being measured in money terms. There are exceptions in the Local Government Act 1995 but they should not be relied on without advice, unless the situation is very clear.
2. If a Councillor is a member of an Association (which is a Body Corporate) with not less than 10 members i.e. sporting, social, religious etc.), and the Councillor is not a holder of office of profit or a guarantor, and has not leased land to or from the club, i.e., if the Councillor is an ordinary member of the Association, the Councillor has a common and not a financial interest in any matter to that Association.
3. If an interest is shared in common with a significant number of electors or ratepayers, then the obligation to disclose that interest does not arise. Each case needs to be considered.
- 4. If in doubt declare.**
5. As stated in (b) above, if written notice disclosing the interest has not been given to the Chief Executive Officer before the meeting, then it **MUST** be given when the matter arises in the Agenda, and immediately before the matter is discussed.
6. Ordinarily the disclosing Councillor must leave the meeting room before discussion commences. The only exceptions are:
 - 6.1 Where the Councillor discloses the extent of the interest, and Council carries a motion under s.5.68(1)(b)(ii) or the Local Government Act; or
 - 6.2 Where the Minister allows the Councillor to participate under s.5.69(3) of the Local Government Act, with or without conditions.

INTERESTS AFFECTING IMPARTIALITY

DEFINITION: An interest that would give rise to a reasonable belief that the impartiality of the person having the interest would be adversely affected, but does not include an interest as referred to in Section 5.60 of the 'Act'. A member who has an Interest Affecting Impartiality in any matter to be discussed at a Council or Committee Meeting, which will be attended by the member, must disclose the nature of the interest; (a) in a written notice given to the Chief Executive Officer before the Meeting; or
(b) at the Meeting, immediately before the matter is discussed.

IMPACT OF AN IMPARTIALITY DISCLOSURE

There are very different outcomes resulting from disclosing an interest affecting impartiality compared to that of a financial interest. With the declaration of a financial interest, an elected member leaves the room and does not vote. With the declaration of this new type of interest, the elected member stays in the room, participates in the debate and votes. In effect then, following disclosure of an interest affecting impartiality, the member's involvement in the Meeting continues as if no interest existed.

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OPENING PROCEDURES

1. OPENING AND ANNOUNCEMENT OF VISITORS

Shire President, Keith House welcomed Councillors, Staff and visitors and opened the meeting at 3:35pm.

2. ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE

2.1 ATTENDANCE

Cr Keith House
Cr Fiona Gaze
Cr Richard House
Cr Chris Thomas
Cr Frank Hmeljak
Cr Greg Stewart
Cr Shelley Hmeljak

Shelley Pike
Vin Fordham Lamont
Carol Shaddick
Anrie van Zyl
Rena Walker
Phil Sheppard
John Skinner

Chief Executive Officer
Deputy Chief Executive Officer
Senior Finance Officer
Corporate Support Officer
Executive Assistant
Planning Officer
Waste & Asset Management Coordinator

2.2 APOLOGIES

Cr Lex Martin
Cr Ben Moore
Yvette Wheatcroft

Manager of Works

2.3 APPROVED LEAVE OF ABSENCE

Cr Lex Martin – September 2018
12th September 2018 Councillor and Executive Workshop
27th September 2018 Ordinary Council Meeting

3. APPLICATION FOR LEAVE OF ABSENCE

Cr Richard House – 27th September Council Meeting

4. RESPONSE TO QUESTIONS TAKEN ON NOTICE

Nil

5. PUBLIC QUESTION TIME

Nil

6. DECLARATION OF FINANCIAL INTERESTS AND INTERESTS AFFECTING IMPARTIALITY

Nil

7. PETITIONS / DEPUTATIONS / PRESENTATIONS

7.1 PETITIONS

7.2 DEPUTATIONS

7.3 PRESENTATIONS

8. CONFIRMATION OF PREVIOUS MEETING MINUTES

8.1 ORDINARY MEETING OF COUNCIL MINUTES 25th JULY 2018 AND SPECIAL MEETING OF COUNCIL MINUTES 13th AUGUST 2018

COUNCIL RESOLUTION

Moved: Cr C Thomas

Seconded: Cr F Hmeljak

0818.90 That the minutes of the Ordinary Council Meeting held on ~~27th June~~¹ 25th July 2018 and Special Council Meeting held on 13th August 2018 be confirmed as a true record of proceedings.

UNANIMOUSLY CARRIED: 7/0

¹ Typographical error corrected – deleted “27th June” and inserted “25th July”

9. USE OF THE COMMON SEAL

9.1	COMMON SEAL
Location:	Shire of Gnowangerup
Proponent:	N/A
Business Unit:	Strategy and Governance
Date of Report:	15 th August 2018
Officer:	S Pike - Chief Executive Officer
Disclosure of Interest:	Nil

ATTACHMENT

- Copy of Common Seal Register

PURPOSE

This report is a standard report and for noting purposes only.

BACKGROUND

Section 2.5 of *the Local Government Act 1995* states that a Local Government is a Body Corporate with perpetual succession and a common seal. A document is validly executed by a Body Corporate when the common seal of the Local Government is affixed to it by the Chief Executive Officer, and the President/Chairman and the Chief Executive Officer attest the affixing of the seal.

Since the last meeting of Council the common seal has been applied to the:

- Nil

The Chief Executive Officer is primarily responsible for the governance role of the Shire of Gnowangerup which includes ensuring all legislative requirements are complied with including: adopting plans and reports, accepting tenders, directing operations, setting and amending budgets. This use of the Common Seal is a Standard Report for noting by Council.

All documents validly executed will have the common seal affixed and the President and the Chief Executive Officer's attestations affixing the seal. Use of the common seal is to be recorded in the common seal register and must have the Council resolution number included and the date that the seal was applied.

POLICY IMPLICATIONS

Nil

LEGISLATIVE IMPLICATIONS

Section 2.5(2) of the Local Government Act 1995. The local government is a body corporate with perpetual succession and a common seal Section 9.49. Documents, how authenticated. A document, is, unless this Act requires otherwise, sufficiently authenticated by a local government without its common seal if signed by the CEO or an employee of the local government who purports to be authorised by the CEO to so sign.

CONCLUSION

This is a standard report for Elected Members' information.

10. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

10.1 ELECTED MEMBERS ACTIVITY REPORT

Date of Report: 15th August 2018

Councillors: Various

Attended the following meetings/events

Cr F Gaze: Attended the Budget Workshop meeting held on 7th August, WALGA Roles and Responsibility Workshop held on 9th August and Special Council Budget meeting held on 13th August.

Cr C Thomas: Attended the Budget Workshop meeting held on 7th August, WALGA Roles and Responsibility Workshop held on 9th August and Special Council Budget meeting held on 13th August.

Cr R House: Attended the Budget Workshop meeting held on 7th August, WALGA Roles and Responsibility Workshop held on 9th August and Special Council Budget meeting held on 13th August.

Cr B Moore: N/A

Cr L Martin: N/A

Cr F Hmeljak: Attended the Budget Workshop meeting held on 7th August, WALGA Roles and Responsibility Workshop held on 9th August and Special Council Budget meeting held on 13th August.

Cr G Stewart: Attended the Budget Workshop meeting held on 7th August, WALGA Roles and Responsibility Workshop held on 9th August and Special Council Budget meeting held on 13th August.

Cr S Hmeljak: Attended the Budget Workshop meeting held on 7th August, WALGA Roles and Responsibility Workshop held on 9th August and Special Council Budget meeting held on 13th August.

Cr K House: Attended the WALGA AGM and Conference held on 1st August to 3rd August, Budget Workshop meeting held on 7th August, WALGA Roles and Responsibility Workshop held on 9th August, Special Council Budget meeting held on 13th August, State Advisory meeting held on 20th August, 20th State Advisory Group meeting and Agriculture Freight Management phone conference held on 20th August.

REPORTS FOR DECISION

11. COMMITTEES OF COUNCIL

12. STRATEGY AND GOVERNANCE

12.1 PROPOSED ROAD CLOSURE UN-NAMED ROAD (NO. 8578) OFF PALLINUP ROAD, PALLINUP.

Location: Pallinup Road, Pallinup
Proponent: M Lance/Cwmavon Farm Trust
File Ref: A6302
Date of Report: 15th August 2018
Business Unit: Strategy & Governance
Officer: P Shephard - Planning Officer
Disclosure of Interest: Nil

ATTACHMENTS

- Map of proposed road closure area.

PURPOSE OF THE REPORT

To consider a request to close an un-named unconstructed road reserve within the Shire and dispose of the land to the adjoining landowner.

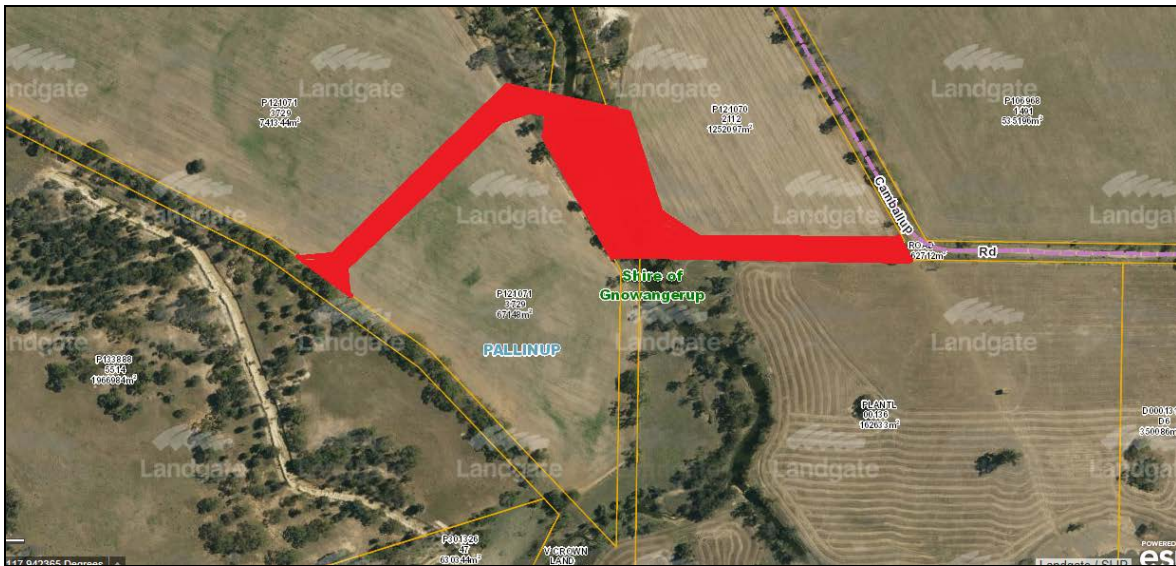
The recommendation is to support the request and commence the road closure process, subject to certain conditions being met by the applicant.

BACKGROUND

Nil

COMMENTS

The landowner has approached Council with a request to close an un-named and unconstructed road reserve that passes through a portion of their farm (see aerial image below).



Aerial image of proposed road closure area shown in red (Image Landgate Map Viewer Plus)

The road reserve has never been developed and there are several other road closures in the immediate vicinity that have been completed over time. Given the road has not been required to be developed to date and involves difficult terrain for road construction (which includes part of the Pallinup River) plus the availability of other roads and access options to the surrounding lots, there appears to be no future purpose for the road reserve and it is considered surplus and could be considered for closure.

To close a road within the Shire, the proposal must firstly be supported by a resolution of the Council. If the closure is supported, the Council must undertake a referral and public consultation phase of a minimum of 35-days, and then consider any objections received during the consultation prior to making a request to the Minister for Lands that the road be closed.

When a road closure is finalised, the Department of Planning, Lands and Heritage would ordinarily offer the resultant land to the affected landowners which in this case is the proponent. Given the Pallinup River passes through part of the road reserve, the Department may require the river portion, to be retained in Crown ownership.

The landowner seeking the road closure is the benefactor should the proposal proceed and should be required to meet the costs of the Shire administering the road closure process (i.e. advertising cost, referral and report writing and administration time costs) and any required surveying and/or land transfer costs.

CONSULTATION WITH THE COMMUNITY AND GOVERNMENT AGENCIES

M Lance (Cwmavon Farm Trust - Landowner)

LEGAL AND STATUTORY REQUIREMENTS

Land Administration Act 1997/Land Administration Regulations 1998 – sets out the processes for requesting the Minister for Lands to open and close roads.

Local Government Act 1995 – sets out the responsibilities for roads under the control of local government.

POLICY IMPLICATIONS

There are no Local Planning Policies that apply to this report.

IMPACT ON CAPACITY

The road is unconstructed although it is under the care and control of the Shire. If the road was closed and the land amalgamated into the adjoining lot, the Shire would no longer be responsible for the road.

RISK MANAGEMENT CONSIDERATIONS

The item covers several risk areas to Council including compliance and reputational functions. The organisational risk and proposed treatment or mitigation is summarised in the following table from the Shire’s Risk Management Plan:

Risk Description	Risk Likelihood	Risk Consequence	Risk Classification	Risk Treatment
Council does not support the road closure	Unlikely (2)	Insignificant (1)	Low (1)	Acceptable. Risk acceptable with adequate controls, managed by routine procedures and subject to annual monitoring

FINANCIAL IMPLICATIONS

The road is unconstructed, and the Shire therefore currently expends no funds maintaining the road. If the road was closed and the land amalgamated into the adjoining lot, the Shire would no longer be responsible or be required to budget funds for the road.

At this stage it is not possible to advise Council on the precise cost of administering the road closure process, although it is estimated to be around \$600 - \$800 to cover advert costs and officer time.

STRATEGIC IMPLICATIONS

The report impacts on the following item in the Strategic Community Plan 2017 – 2027 as follows:

THEME 6	QUALITY BUILT FORM
Objectives	Strategic Initiatives
4. Manage current and future assets and infrastructure.	4.1 Continue to improve asset management practices.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

The Council has a number of options available to it, which are discussed below:

1 Not support the proposal

The Local Government can choose to not support the proposed road closure. If this option was chosen, the present road reserve would remain in place.

2 Support the proposal

The Local Government can choose to support the proposed road closure and commence the referral and consultation phase. The proposal is only draft until the consultation has been completed and Council has considered any objections received.

3 Defer the proposal

The Local Government may elect to defer the matter for a period and seek additional information or comment before proceeding to make a decision.

CONCLUSION

The proposed road is considered surplus to Shire requirements and it is recommended that Council support the proposal and commence the referral and consultation phase subject to the landowner agreeing to meet the costs for the closure administration process.

VOTING REQUIREMENTS

Simple majority.

COUNCIL RESOLUTION

Moved: Cr G Stewart

Seconded: Cr C Thomas

0818.91 That Council:

Support the proposed road closure of un-named unconstructed road (Road No. 8578) through Location 3729 and commence the road closure referral and consultation phase required under s.58 'Closing roads' of the *Land Administration Act 1997* subject to the landowner/proponent agreeing in writing to meeting the associated costs of the Shire administering the road closure process (i.e. advertising cost, referral and report writing and administration time costs) and any required surveying and/or land transfer costs from the Department of Planning, Lands and Heritage.

UNANIMOUSLY CARRIED: 7/0

Cr Stewart Spoke for the motion: "The problems has been solved and should have been done a long time ago."

13. CORPORATE SERVICES & COMMUNITY DEVELOPMENT

13.1 AWARDING OF TENDER RFT-02-2018 RANGER SERVICES CONTRACT

Location: Shire of Gnowangerup
Proponent: N/A
File Ref:
Date of Report: 15th August 2018
Business Unit: Corporate & Community Services
Officer: V Fordham Lamont - DCEO
Disclosure of Interest: Nil

ATTACHMENTS

- CONFIDENTIAL Attachment 1 - Tender evaluation report in relation to RFT-02-2018.

PURPOSE OF THE REPORT

To consider the tenders received in response to RFT-02-2018 for the provision of Ranger Services, and to accept the tender that gives best value to the Shire.

BACKGROUND

The Shire had a contract with WA Contract Ranger Services Pty Ltd to provide Ranger Services for the period 1 July 2017 to 30 June 2018. A Post Contract Evaluation was completed in late June and Officers concluded that the requirements of the Contract had been carried out in a satisfactory manner.

A Request for Tender was subsequently advertised in "The West Australian" newspaper of 4 July 2018. It was also posted on the Shire's website. Submissions closed at 4:00pm on 27 July 2018.

COMMENT

Tenders were opened by the Chief Executive Officer and Deputy Chief Executive Officer, with no members of the public present.

Only one submission was received and it was a compliant tender:

Contractor	Hourly rate based on 1 x 8-hour day per week (excl. GST)	Travel expenses based on 1 x day per week (excl. GST)	After hour or emergency callouts hourly rate (excl. GST)	After hour or emergency callouts travel expenses (excl. GST)
WA Contract Ranger Services Pty Ltd	\$90.00	\$90.00	\$125.00	\$125.00

Note that these rates are fixed for the 3-year term of the Contract.

The tender was evaluated by the Chief Executive Officer and Deputy Chief Executive Officer.

Tender submission was assessed against the following qualitative criteria:

No.	Description	Weighting
1	Relevant experience	20%
2	Key personnel skills and experience	30%
3	Tenderer's resources	30%
4	Demonstrated understanding	20%

The tender from WA Contract Ranger Services Pty Ltd met the requirements of the Contract. The organisation provides ranger services to a growing number of local governments within WA and the service is delivered professionally and with a smile. The organisation is able to cover periods of leave adequately and, by the end of the new contract, its standard hourly rate will have increased by just \$5 per hour from when it first started working for the Shire.

While it would have been preferable to receive more than one tender submission, there is a limited supply of contractors for this type of service.

Note: Councillors may view the tender documents on request through the CEO.

CONSULTATION WITH THE COMMUNITY AND GOVERNMENT AGENCIES

Nil

LEGAL AND STATUTORY REQUIREMENTS

Due to the estimated cost of the Contract exceeding \$150,000 it is a purchasing requirement to go to tender, pursuant to Reg. 11(1) of the Local Government (Functions and General) Regulations 1996. Reg. 14(1) requires statewide public notice of the invitation to tender be given.

POLICY IMPLICATIONS

Purchasing Policy 4.1

FINANCIAL IMPLICATIONS

The Shire's 2018/2019 Budget contains an allocation for the provision of Contract Ranger Services.

STRATEGIC IMPLICATIONS

2017-2027 Strategic Community Plan

Theme 4 A Sustainable and Capable Council

Objective 3 Improve the capability and capacity of the Shire

Strategic Initiative 3.2 Strengthen customer service

IMPACT ON CAPACITY

Nil

RISK MANAGEMENT CONSIDERATIONS

No strategic risk category applies.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Nil

CONCLUSION

The tender adequately addressed the compliance criteria. The rates in the tender are fixed for the 3-year term. It is recommended that Council award the tender to WA Contract Ranger Services Pty Ltd as per the Officer Recommendation as:

- The Tenderer submitted a compliant tender.
- Officers consider that the current contract has been carried out satisfactorily.
- No other tenders were received.

VOTING REQUIREMENTS

Absolute majority

COUNCIL RESOLUTION

Moved: Cr G Stewart

Seconded: Cr C Thomas

0818.92 That Council:

Accept the tender submitted by WA Contract Ranger Services Pty Ltd for Tender RFT-02-2018, Provision of Ranger Services, for a period of three years commencing on 1 September 2018 at the rates detailed in the Comment section of this agenda item, in accordance with the terms and conditions specified in the tender documentation.

UNANIMOUSLY CARRIED: 7/0

Cr G Stewart spoke for the motion: "The current contractor has been working extremely well and it makes sense to continue with that contractor."

14. INFRASTRUCTURE AND ASSET MANAGEMENT

Nil

15. STATUTORY COMPLIANCE

Nil

16. FINANCE

16.1 ACCOUNTS FOR PAYMENT AND AUTHORISATION – JULY 2018

Location: Shire of Gnowangerup
Proponent: N/A
File Ref:
Date of Report: 15th August 2018
Business Unit: Finance
Officer: C Shaddick – Senior Finance Officer
Disclosure of Interest: Nil

ATTACHMENT

- July 2018 Cheque Listing

COMMENTS

The July 2018 cheque list is attached as follows

FUND	AMOUNT
Municipal Fund	\$ 509,084.39
Trust Fund	\$
Credit Card	\$ 532.40
TOTAL	\$ 509,616.79

COUNCIL RESOLUTION

Moved: Cr S Hmeljak **Seconded:** Cr R House

0818.93 That Council:

Approve the Schedule of Accounts: Schedule of Accounts: Municipal Fund Cheques 27306 - 27322, EFT 13728 – EFT 13830, Superannuation and Direct Deposits totalling \$509,084.39 and Trust Fund Cheques totalling \$0.00 and Corporate Credit Card totalling \$532.40.

UNANIMOUSLY CARRIED: 7/0

17. CONFIDENTIAL ITEMS

OTHER BUSINESS AND CLOSING PROCEDURES

18. URGENT BUSINESS INTRODUCED BY DECISION OF COUNCIL

PROCEDURAL MOTION

Moved: Cr F Gaze

Seconded: Cr S Hmeljak

0818. 94 That the urgent business of item 18.1 be considered at tonight's meeting.

UNANIMOUSLY CARRIED: 7/0

18. URGENT BUSINESS INTRODUCED BY DECISION OF COUNCIL

18.1	ROAD RESERVATION FOR PORTION OF GNOWANGERUP-TAMBELLUP ROAD, PALLINUP.
Location:	Lots 1 and 3049 Gnowangerup-Tambellup Road, Pallinup
Proponent:	n/a
File Ref:	A6302
Date of Report:	20 th August 2018
Business Unit:	Strategy & Governance
Officer:	P Shephard - Planning Officer
Disclosure of Interest:	Nil

ATTACHMENTS

Nil

PURPOSE OF THE REPORT

To inform Council on a land administration query regarding the land resumption for the Gnowangerup-Tambellup Road through Lots 1 and 3049.

The recommendation is to obtain advice from a licensed surveyor and request the Department of Planning, Lands and Heritage assist complete the resumption process.

BACKGROUND

Nil

COMMENTS

Staff have become aware that part of the Gnowangerup-Tambellup Road passing through Lots 1 and 3049 does not appear to have been resumed from the lot even though the road and bridge have been in existence in its present position since the mid 1970's (see aerial image below). The road is a local road under the care and control of the Shires of Gnowangerup and Broomehill-Tambellup.

It is clear from the available information that the road project involved it being realigned at several points between Gnowangerup and Tambellup. Staff have found the Government Gazette (5 February 1965) advising the then 6 landowners of various parcels along the road of the Minister for Works intention to take or resume land for the proposed realigned route under the *Public Works Act 1902*.

The roadworks were subsequently constructed around 1973/74 and the new farm boundary fenced although it appears the affected land was not finally resumed and still forms part of the lots. This situation is not appropriate with the farmer perhaps being the 'owner of the road' and the Shire needs to have the land administration process completed and the land now forming the road secured and dedicated as a road reserve.

The old redundant alignment of the Gnowangerup-Tambellup Road can also be seen in part of the aerial image and remains either road reserve or vacant crown land.

The Shire has sought information and assistance from the Albany Survey and Mapping Services (Surveyors) and the Department of Planning, Lands and Heritage and advised the landowner accordingly. The surveyors have advised to complete research and prepare a report/recommendation on securing the road reserve will cost \$500 - \$600.



Aerial image of Gnowangerup-Tambellup Road through Lots 1 & 3049 (Image Landgate Map Viewer Plus)

CONSULTATION WITH THE COMMUNITY AND GOVERNMENT AGENCIES

Department of Planning, Lands and Heritage
J Jamieson (Albany Survey and Mapping Services)
M Lance (Cwmavon Farm Trust - Landowner)

LEGAL AND STATUTORY REQUIREMENTS

Public Works Act 1902 – sets out the process and procedures for public works including taking of land for road purposes.

Land Administration Act 1997/Land Administration Regulations 1998 – sets out the processes for requesting the Minister for Lands to open and close roads.

Local Government Act 1995 – sets out the responsibilities for roads under the control of local government.

POLICY IMPLICATIONS

There are no Local Planning Policies that apply to this report.

IMPACT ON CAPACITY

The road and bridge are presently managed and maintained by the Shire and any change to the present land administration arrangements will not affect this responsibility.

RISK MANAGEMENT CONSIDERATIONS

The item covers several risk areas to Council including compliance and reputational functions. The organisational risk and proposed treatment or mitigation is summarised in the following table from the Shire’s Risk Management Plan:

Risk Description	Risk Likelihood	Risk Consequence	Risk Classification	Risk Treatment
Council does not secure the road reserve	Rare (1)	Minor (2)	Low (2)	Acceptable. Risk acceptable with adequate controls, managed by routine procedures and subject to annual monitoring

FINANCIAL IMPLICATIONS

The Shire currently expends budget monies maintaining the road and bridge and these costs would not be expected to change from any change to the land administration/ownership of the land.

At this stage it is not possible to advise Council on costs for the completion of the land administration process to secure the road reserve. Council is requested to allocate a maximum of \$600 to have the report prepared by the surveyors to advise on the requirements to secure the road. Once that advice is received, Council can be updated on costs arising from the proposal.

The funds will come from account 04082 Legal Costs, which has a budget of \$35,000.

STRATEGIC IMPLICATIONS

The report impacts on the following item in the Strategic Community Plan 2017 – 2027 as follows:

THEME 6	QUALITY BUILT FORM
Objectives	Strategic Initiatives
4. Manage current and future assets and infrastructure.	4.1 Continue to improve asset management practices.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Given the proposal affects securing the land which forms part of the realigned Gnowangerup-Tambellup Road, there are no alternative options considered available to the Council.

CONCLUSION

The land administration process to secure the land from Lots 1 and 3049 that forms part of the Gnowangerup-Tambellup Road is required to be finalised and the land secured for road reserve purposes.

VOTING REQUIREMENTS

Simple majority

COUNCIL RESOLUTION

Moved: Cr S Hmeljak

Seconded: Cr F Gaze

0818.95 That Council:

Note the information and allocate a maximum of \$600 to obtain advice from Albany Survey and Mapping Services on finalising the land administration process and secure the land from Lots 1 and 3049 for the Gnowangerup-Tambellup Road, Pallinup as constructed.

UNANIMOUSLY CARRIED: 7/0

19. MOTION OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

20. DATE OF NEXT MEETING

That the next Ordinary Council Meeting will be held on the 27th September 2018

21. CLOSURE

The Shire President thanked council and staff for their time and declared the meeting closed at 3:54pm.