

Shire of Lake Grace

Ordinary Council Meeting

# Minutes

26 October 2016



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## **SHIRE OF LAKE GRACE**

Minutes of the Ordinary Meeting of Council held at the Council Chambers, 1 Bishop Street, Lake Grace on Wednesday 26 October 2016.

### **1.0 OPENING & ANNOUNCEMENT OF VISITORS**

The Shire President opened the meeting at 3.05 pm.

### **2.0 ATTENDANCE RECORD**

#### **2.1 PRESENT**

Cr JF De Landgraft	Shire President
Cr SG Hunt	Deputy Shire President
Cr LW Armstrong	
Cr R Chappell	
Cr DS Clarke	
Cr AD Marshall	
Cr MG Stanton	
Cr AJ Walker	

#### **In Attendance**

Ms D Gobbart	Chief Executive Officer
Ms N Bowman	Governance Officer

#### **Observers/Visitors**

Mr Ben Argent  
Mrs Annette Argent  
Mr Greg Argent  
Mr Steve Curtin

#### **2.2 APOLOGIES**

Ms L Gray	Deputy Chief Executive Officer
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#### **2.3 LEAVE OF ABSENCE PREVIOUSLY GRANTED**

Cr Lloyd has approved leave of absence from 16 October 2016 to 4 November 2016.

Cr Hunt has approved leave of absence from 5 November 2016 to 20 November 2016 inclusive.

### 3.0 PUBLIC QUESTION TIME

The Shire President, Cr Jeanette De Landgraft read the following statement on behalf of Mr and Mrs Argent:

*Dear Denise,*

*I am writing to you regarding our agenda item 12.1 for council meeting on the 26 October 2016. We have been operating our mobile welding business since July 2014. In this time Ben has been using a Genset on the back of his truck. The business requires to work both onsite and offsite and realised we needed to build a shed. In August 2014 we applied for a home business permit. This was approved at the Council Meeting in December 2014 and further changes approved at the Council Meeting in August 2015.*

*In that time when Ben was working onsite he would work out in the weather 100 meters closer to one of our neighbours which would be about 200 metres away, never did we get a complaint for noise during this time.*

*This year in 2016 we have built the shed and Ben now works out of that on some occasions. Ben works more offsite than onsite. We have gone through our timesheets 20/10/2015-20/10/2016 and out of the total hours Ben worked 33% onsite and 67% offsite. We also believe trucks on the main road coming down and going up the hill are louder than the Genset and banging of steel.*

*We have spoken to the owner Clint Earnshaw of Lake Grace Engineering about noise complaints as his business is the same industry and is only 30 meters away from housing. He has advised us he has never received a complaint since he has been operating from 1999.*

*We have looked into 3 phase power but it is very expensive and as we are a family owned business that doesn't employ anyone else we just cannot afford it at this time, but would consider it in the future.*

*With the recommendations suggested in the October Council Agenda we have three (3) that we would like to be changed.*

*Condition 5 - The approved 'Home Business' use is only permitted to operate from 7.30am to 5.00pm Monday to Friday with no noise generating business activity permitted to be undertaken on weekends.*

*We believe that we live in a farming community which has seasonal demands and during these times if a farmer experiences a break down they can't afford to wait 2-3 days for repairs to be carried out. This will also affect our town and community with the profits gain.*

*We are happy to work 7am - 5.30pm Monday to Friday in non seasonal times which we believe would be between 15 January - 15 April & 1 July - 15 September.*

*During seeding, hay season and harvest we would like the hours of 6am - 6pm 7 days a week. It must be stated that during these times 99% of repairs are done offsite, and that Ben doesn't work on Sundays unless he gets a call out for a break down. Seeding is usually between 16 April - 30 June. Hay Season and Harvest is between 16 September - 14 January.*

*We would also like to further clarification if a customer has a break down after hours and needs a repair urgently is Ben allowed to start forklift/truck to put steel on and leave to work offsite? During this time the Genset does not get used for the loading of steel.*

*Condition 6 - Any noise generating business activity on the land during weekdays shall be undertaken inside the shed previously constructed to accommodate the 'Home Business' use with all major openings to the shed to remain closed to help mitigate any potential noise impacts. No noise generating business activity is permitted to be undertaken outside the shed at any time.*

*We believe that this would create an OH&S (occupational health and safety) issue due to weather conditions and welding fumes and gases. From the original application where installation of the shed was requested there were no requirements to include any exhaust fans etc to the building. As this wasn't a requirement the ventilation for the business to operate safely requires the doors to remain open.*

*Condition 9 - No products, materials, machinery, equipment or vehicles shall be stored outside the shed unless otherwise approved by Council.*

*This will not be practical as the vehicle and some materials will be required to be stored outside of the shed. There are too many items to store in the shed while working as this could have potential safety risks. The materials will be stored in a neat and tidy manner and we believe that condition 15 adequately covers this requirement.*

*The original condition was changed in December 2014 to:  
No products, materials, machinery, equipment or vehicles shall be permanently stored outside of the new shed unless otherwise approved by Council.*

*Since the Bush Fire Attack Level investigation was carried out we have completed all requirements requested. We also are aware this needs to be carried out by 1 November each year.*

*We look forward to your response in relation to the above concerns.*

*Item 12.1 Development Application – Proposed Home Business (Mobile Welding) – Lot 1 (No. 219) Stubbs Street, Lake Grace to be brought forward and to be discussed after Item 10.0 Member Reports.*

#### **4.0 APPLICATIONS FOR LEAVE OF ABSENCE**

##### **4.1 CR MARSHALL**

Application for Leave of Absence was received in writing from Cr Marshall.

##### Resolution

##### **RESOLUTION 12366**

Moved Cr Chappell  
Seconded Cr Hunt

That Cr Marshall be granted leave of absence for the period Sunday, 20 November 2016 to Friday 25 November 2016 inclusive.

**CARRIED 8/0**

#### **5.0 MINUTES OF PREVIOUS COUNCIL MEETINGS**

##### **5.1 SPECIAL BUDGET MEETING – 21 SEPTEMBER 2016**

##### Resolution

##### **RESOLUTION 12367**

Moved Cr Walker  
Seconded Cr Stanton

That the minutes of the Special Budget Meeting of Council held on the 21 September 2016 be confirmed as a true and accurate record.

**CARRIED 8/0**

##### **5.1 ORDINARY MEETING – 28 SEPTEMBER 2016**

##### Resolution

##### **RESOLUTION 12368**

Moved Cr Armstrong  
Seconded Cr Walker

That the minutes of the Ordinary Meeting of Council held on the 28 September 2016 be confirmed as a true and accurate record.

**CARRIED 8/0**



## **6.0 DECLARATIONS OF INTEREST**

### **6.1 DECLARATIONS OF FINANCIAL INTEREST – LOCAL GOVERNMENT ACT SECTION 5.60A**

Cr Armstrong declared indirect financial interest in Item 11.1 Newdegate Town Maintenance Contract.

Cr Clarke and Cr Chappell declared indirect financial interest in Item 12.1 Development Application – Proposed Home Business (Mobile Welding) – Lot 1 (No. 219) Stubbs Street, Lake Grace.

### **6.2 DECLARATIONS OF PROXIMITY INTEREST – LOCAL GOVERNMENT ACT 1995 SECTION 5.60B**

Nil

### **6.3 DECLARATIONS OF IMPARTIALITY INTEREST – ADMINISTRATION REGULATION SECTION 34C**

Nil

## **7.0 NOTICES OF URGENT BUSINESS**

### **7.1 TENDER 02/2016 – RURAL ROADS RECONSTRUCTION**

It has been drawn to our attention that not all tenders received were assessed. Consideration is required to change/revoke Resolution 12353 of Item 11.3 Tender 2/2016 – Rural Roads Reconstruction of the 28 September 2016 Ordinary Meeting. This item will be considered under Confidential Business at Item 20.1.

## **8.0 MOTIONS OF WHICH NOTICE HAS BEEN RECEIVED**

Nil

## **9.0 PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS**

Mr Steve Curtin also read out letter sent by himself on 25 October 2016:

*Dear Denise,*

*We have just read the proposed restrictions imposed on the Mobile Welding business next to us. We are writing to say that we believe that the conditions are quite “heavy handed” and not at all what we intended from our response to the Shire’s call for comments. We feel our comments have been misunderstood and in no way were meant to impose onerous restrictions on a young business where common sense and neighbourly consideration is more appropriate.*

*The Conditions we take issue with are Conditions 5, 6 and 9 and 11.*

*Our comments on these specifically are*

5. *Removal of the wording “with no noise generating activity permitted to be undertaken on weekends”. We would even be happy with the extension of the Monday to Friday timeframe to 5.30pm given daylight hours are longer in summer.*

*We are particularly concerned with the restriction on weekend activity which would see the Business unable to move trucks, load equipment for a job or even go to a job. This preparation work is usually of short duration and not a concern. This is not what we had intended with our comments. It is a function of the work in a rural area like ours that machinery does break down on weekends and not just during busy periods of seeding and harvest and Ben would need to get to a job or even make preparations for an early job on Monday.*

*We also noted in the conditions about the GenSet noise. We personally have not been affected by this and until recently were not even aware this was how they were operating.*

6. *We would object to the condition that the shed doors be closed for weekend work to limit noise. Leave this up to the discretion of the business, who would want to work in a closed-in shed in the middle of summer. In winter, doors would be better closed for obvious reasons.*

9. *We would also see no visual or noise impact on us from the storage of products, materials, equipment and vehicles outside the shed without approval by Council.*

11. *Now that the road has been diverted, we see this will solve the dust issue on the road adjacent to us so we see no need for any dust suppression measures on this part of the property.*

*In summary, in dealing with Ben and Annie over the past years we have found them to be considerate of us as neighbours.*

Mrs Annie Argent requested for Council to consider their proposal to change the hours in condition 5 of Item 12.1.

Mr Ben Argent advised Council the reason why the driveway has not been completed as yet is the contractor advised that it has been too wet to seal at the moment. This will hopefully be completed in the coming weeks.

*Item 12.1 Development Application – Proposed Home Business (Mobile Welding) – Lot 1 (No. 219) Stubbs Street, Lake Grace to be brought forward and to be discussed after Item 10.0 Member Reports.*

## **10.0 MEMBERS' REPORTS**

### **10.1 CR ARMSTRONG**

#### **Monday 10 October**

Attended the Newdegate Community Development Meeting.

#### **Monday 17 October**

Attended the Newdegate Recreational Council Meeting.

#### **Friday 21 October**

Attended the Rural Water Council Meeting in Northam.

*Mr Greg Argent left the meeting at 3.24 pm.*

## **10.2      CR CHAPPELL**

### **Monday 3 October**

Apologies sent for the Lake Grace Development Association meeting.

### **Wednesday 5 October**

Attended and chaired the Bushfire Advisory out at Newdegate. Thank you to Chief Executive Officer Denise Gobbart and Governance Officer Tash Bowman for attending this meeting.

### **Wednesday 12 October 2016**

Apologies sent for the Lake King Progress meeting.

### **Thursday 20 October 2016**

Attended the Lake Grace St John Ambulance general meeting.

In general Cr Chappell has been assisting Amanda with the ambulance building, collecting up the donation tins around town and banking the money.

## **10.3      CR CLARKE**

### **Wednesday 19th October**

Attended the Lake Grace Visitors Centre meeting.

## **10.4      CR DE LANDGRAFFT**

### **Wednesday 5 October**

Interview with Radio West in relation to the Garage Sale Trail.

### **Tuesday 11 October**

Attended the 4WDL meeting in Williams.

### **Wednesday 12 October**

Attended the Lake King Progress Association meeting.

### **Thursday 13 October**

Attended the 80 Years Country Women's Association (CWA) luncheon in Varley.

### **Friday 14 October**

Attended the Manager Infrastructure Services (MIS) interviews with Cr Hunt, CEO Denise Gobbart and LO-GO Appointments, Melissa Hanson.

### **Friday 21 October**

Interview with ABC Radio in relation to the Garage Sale Trail.

### **Saturday 22 October**

Attended the Garage Sale Trail in Lake Grace.

### **Wednesday 26 October**

Attended a meeting with Cr Hunt and CEO Denise Gobbart to discuss MIS vacancy.

Also attended a meeting with Cr Hunt, CEO Denise Gobbart and Rural Health West, Beth McEwan in relation to the Doctor.

**10.5      CR HUNT****Monday 3 October**

Attended the Lake Grace District High School Board meeting.

**Friday 14 October**

Attended the MIS interviews with Shire President Jeanette De Landgraftt and CEO Denise Gobbart with LO-GO Appointments, Melissa Hanson.

**Monday 24 October**

Attended the Lake Grace District High School Board meeting.

**Wednesday 26 October**

Attended a meeting with Shire President Jeanette De Landgraftt and CEO Denise Gobbart to discuss MIS vacancy.

Attended a meeting with Rural Health West, Beth McEwan with Shire President Jeanette De Landgraftt and CEO Denise Gobbart in relation to the Doctor.

**10.6      CR MARSHALL****Tuesday 18 October**

Attended the Lake Grace Library Resource and Community Resource Centre Management Committee meeting where he was appointed a member of the Committee for Council.

**10.7      CR STANTON****Friday 30 September**

Attended a sundowner at the Shire Depot with office staff and outside work crew.

**10.8      CR WALKER**

Cr Walker had no report for the month of October.

**12.1 DEVELOPMENT APPLICATION – PROPOSED HOME BUSINESS (MOBILE WELDING) – LOT 1 (NO. 219) STUBBS STREET, LAKE GRACE**

*Cr Chappell and Cr Clarke declared indirect financial interest in Item 12.1 Development Application – Proposed Home Business (Mobile Welding) – Lot 1 (No. 219) Stubbs Street, Lake Grace with the nature of the association being having done business with the applicant in the past and/or may have business dealings in the future.*

*Cr Chappell and Cr Clarke left the meeting at 3:30pm.*

Resolution

**RESOLUTION 12369**

Moved Cr Hunt  
Seconded Cr Armstrong

That Council allow for Cr Chappell and Cr Clarke to participate in discussions and the decision making procedures, as their interest are so insignificant as to be unlikely to influence their conduct in relation to the matter.

**CARRIED 6/0**

*Cr Clarke and Cr Chappell returned to the meeting at 3.40 pm.*

*Mr Steve Curtin left the meeting at 3.40 pm and returned to the meeting at 3.41 pm.*

<b>Applicant:</b>	Benjamin & Annette Argent (Landowners)
<b>File No.</b>	0453
<b>Attachments:</b>	1. Plan 1 – Location Plan 2. Plan 2 – Existing Lot Configuration 3. Plan 3 – Aerial Site Plan 4. Plan 4 – Site Development Plan 5. Plan 5 – Elevations
<b>Author:</b>	Messrs Joe Douglas & Carlo Famiano (Urban & Rural Perspectives) Town Planning Consultants
<b>Disclosure of Interest:</b>	Nil
<b>Date of Report:</b>	27 September 2016
<b>Senior Officer:</b>	Ms Denise Gobbart



Chief Executive Officer

Summary

This report recommends that a development application submitted by Benjamin and Annette Argent (Landowners) to continue operating a 'Home Business' (i.e. mobile welding) on Lot 1 (No.219) Stubbs Street, Lake Grace be approved subject to conditions.

Background

The applicant is seeking Council's further development approval to continue operating a 'Home Business' (i.e. mobile welding) on Lot 1 (No.219) Stubbs Street, Lake Grace.

Lot 1 is located immediately adjacent to the eastern boundary of the Lake Grace townsite, and comprises a total area of approximately 9.98 hectares.

Lot 1 has direct frontage and access to Stubbs Street along its southern boundary which is under the care, control and management of Main Roads WA (MRWA) and is currently used for rural living purposes. The subject land contains numerous physical improvements associated with that use including an existing single detached dwelling, outbuildings, a large dam, internal access tracks and boundary fencing. The land is also characterised by a significant amount of native vegetation both within and beyond its boundaries which may be susceptible to future bushfires (see Plans 1 to 3).

The following background information is provided for Council's information:

16 December 2014: Council resolved to grant conditional development approval for the construction of a new 270 square metre storage shed and associated infrastructure on Lot 1 for use as a 'Home Business' (i.e. mobile welding) (Item 12.3).

26 August 2015: Council resolved to grant approval to amend plans for the proposed development which were prepared by the applicant to satisfy MRWA's specific requirements regarding future vehicle access arrangements to Stubbs Street. In granting approval to those plans Council imposed the following revised condition:

**Condition 14** - *The existing driveway crossover along the land's frontage to Stubbs Street shall be closed and a new driveway crossover constructed to provide access to Stubbs Street approximately 20 metres east of the land's western property boundary to the specifications and satisfaction of Main Roads WA. Once completed the new driveway crossover shall be maintained to the specifications and satisfaction of the Shire's Manager of Infrastructure.*

When granting approval to the original development application for Lot 1 Council imposed a condition limiting the term of that approval for a period of one (1) year only with further yearly approvals required to enable continuation of the approved 'Home Business' use. This condition was imposed to enable Council to gauge the suitability of the proposed use and its potential impacts before granting any further approvals.

In seeking re-approval for the proposed 'Home Business' use on Lot 1 the applicant has requested that Council consider a five (5) year approval term rather than the current yearly arrangement.

#### Comments

Lot 1 is classified 'Rural Residential' zone under the Shire of Lake Grace's current operative Local Planning Scheme No.4 (LPS No.4).

Under the terms of the Zoning Table in LPS No.4 the development and use of any land classified 'Rural Residential' zone for the purposes of a 'Home Business' is classified as an 'A' use which means it is not permitted without Council's formal development approval following completion of public advertising in accordance with the specific requirements of clause 9.4 of the scheme.

Given the abovementioned requirements, the Shire's Administration wrote to all nearby landowners and MRWA's Wheatbelt Region Office in Narrogin following receipt of the

application seeking comment on the suitability and acceptability of the continued use of Lot 1 for the intended purpose. At the close of public advertising the Shire had received written submissions from two (2) landowners as well as MRWA, the specific details of which are summarised as follows:

SUBMITTER	COMMENTS
1. Landowner No.1	<ul style="list-style-type: none"> <li>- Concerned the business on Lot 1 will compromise our quiet enjoyment of the land and lifestyle choice, particularly in the latter years of our lives;</li> <li>- Our previous views over native bushland have been interrupted by the new shed erected to accommodate the business which is located approximately 250 metres from our land. Whilst acknowledging the shed's position cannot now be changed we are concerned by the shed's proximity and believe that noise impacts will need to be carefully managed;</li> <li>- We are concerned the business will expand over coming years and may go from repair to fabrication during quieter periods. We are also concerned if it does expand more staff will be required with increased volumes of work needed to sustain the business. The potential noise impacts are again of concern;</li> <li>- Given members of the family undertake shift work and will continue to do so for many years to come, the potential for noise impacts from the business now and in the future is a major concern. Family members have found it difficult to sleep during the day as a result of the current business activity on the land (i.e. banging of metal which reverberates through our home);</li> <li>- We understand power for the business is not three-phase to operate welders and therefore a GenSet is being used to provide sufficient power which has proven noisy when in use. The use of a GenSet is considered unacceptable as the primary power supply source on a daily basis; and,</li> <li>- We have assumed the bushfire risk has been fully assessed with the business being located only 33 metres from undisturbed native bushland. As this is the only remaining undisturbed area of native bushland on private land close to the Lake Grace townsite we would like to see it retained and conserved.</li> </ul>
2. Landowner No.2	<ul style="list-style-type: none"> <li>- Our concerns are working hours and bushfire risk;</li> <li>- Although we are located over 300 metres away, we are currently able to hear the business operating (i.e. banging of metal);</li> <li>- Given the current noise impacts we suggest that the business only be permitted to operate from 7.30am to 5.00pm Monday to Friday with no noise generating business activity permitted to be undertaken on weekends;</li> <li>- We have reviewed the bushfire planning proposal but don't understand the requirements. We assume it has been assessed to a safe standard; and,</li> <li>- As requested in a previous submission to the Shire we ask</li> </ul>

	that all vehicles attending the business, especially heavy duty vehicles and the metal delivery truck, use the new access to the land and not the road adjacent to our property.
3. Main Roads WA	- No objection subject to completion of the new driveway access from Stubbs Street to the land in accordance with MRWA's standards and requirements and removal of the existing driveway access from Stubbs Street to the existing dwelling on the land which is still in use including reinstatement of the road verge, table drain and shoulder.

When considering the various points of concern raised during public advertising Council should note the following:

1. The current business operations on Lot 1 are supposed to be limited from 8.00am to 5.00pm Monday to Saturday as per the applicants' own stated commitments in the original development application approved by Council in December 2014. It is not known if the applicants' are abiding by their own commitments in this regard;
2. Given the concerns raised regarding current noise impacts, it may be prudent for Council to clearly stipulate, as conditions on any new development approval that may be issued, the days and hours of operation of the business on the land, the prohibition of any noise generating business activity on weekends and the requirement to provide a suitable connection to the electricity supply network in the immediate locality to avoid the need to use one or more GenSets to conduct the business;
3. Notwithstanding the various conditions suggested in point 2 above, it's important for Council to note that if the applicants do continue to generate unacceptable levels of noise and formal complaints are received by the Shire, the only redress the Shire could potentially have will be through enforcement action under the *Environmental (Noise) Regulations 1997* unless the applicants' fail to comply with the conditions of development approval in which case they could be pursued under provisions contained in the *Planning and Development Act 2005*;
4. When granting approval to the original development application for the proposed Home Business use of the land back in December 2014 Council required, as a condition of approval, that the applicant prepare and implement a bushfire management plan which was required to be endorsed by the Shire's Chief Bush Fire Control Officer prior to the commencement of any development on the land. The Shire has no evidence of this condition having ever been satisfied by the applicants prior to the use being established on the land;
5. Notwithstanding point 3 above, the applicants have submitted a Bushfire Attack Level Assessment and Bushfire Management Plan in support of the latest development application to satisfy the specific requirements of the recently introduced bushfire planning regulations. These documents were prepared by accredited bushfire planning practitioners Lush Fire & Planning, the details of which are the subject of further discussion below; and,
6. A recent inspection of the property by the Shire's Infrastructure Supervisor has confirmed that the condition imposed by Council in August 2015 regarding decommissioning of the existing driveway crossover along the land's Stubbs Street frontage and construction of a new driveway crossover as requested by Main Roads WA has not yet been satisfied in its entirety and that further works are required. This fact is supported by the submission



recently received from MRWA in respect of the latest development application the subject of this report.

In light of the above points and the various concerns raised during public advertising, it may be appropriate for Council to again limit the term of any new development approval issued to give the Shire the opportunity to again assess the suitability of the use in the short term future and to gauge its impacts and acceptance by the local community (including nearby landowners) before granting a longer term or indefinite approval.

Council should note that irrespective of any agreed approval term, it still has the power, by the virtue of Clause 5.15.2 in LPS No.4, to rescind development approval at any time in the future if it concludes the home business is having a negative impact on the character and/or amenity of the locality or is causing a nuisance or annoyance to other owners or occupiers of land in the immediate locality.

### **Compliance with Development Standards**

As Council is aware the original approval granted for Lot 1 in 2014 included a number of variations to the development standards prescribed in LPS No.4 regarding 'Home Business' uses including the following:

- i) It occupies an area of 270 square metres in lieu of a maximum allowable area of 50 square metres under the definition of 'Home Business';
- ii) It involves the presence, use and calling of one or more vehicles more than 3.5 tonnes tare weight which is contrary to the maximum vehicle weight permitted under the definition of 'Home Business'; and,
- iii) It includes a use (i.e. metal fabrication and repair) that may generate unacceptable levels of noise and traffic and may require use of a greater amount of electricity than would normally be drawn from a typical 'Rural Residential' type property.

When granting approval to the original application Council also agreed to support the use of highly reflective zincalume sheeting on the external walls of the new shed proposed to accommodate the business, a proposal that was originally identified by the reporting officers as having potential to cause a negative impact upon the existing visual amenity of the immediate locality.

Notwithstanding the abovementioned approved variations, Council should note the 'Home Business' use has been operating on the Lot 1 for nearly two (2) years with no record of any formal complaints having been received by the Shire. Given this fact there is scope for Council to grant approval to the latest development application if it is satisfied the impacts and risks associated with the use can be suitably managed.

### **Bushfire Attack Level Assessment (BAL)**

Lot 1 has been identified by the Department of Fire and Emergency Services (DFES) as being located within a designated 'Bushfire Prone Area'.

As previously mentioned above the applicants have submitted a Bushfire Attack Level (BAL) Assessment and Bushfire Management Plan in support of the application. A review of those documents has confirmed the following:

- i) The existing vegetation located within 100 metres of the recently constructed shed used to accommodate the business comprises mallee-type vegetation approximately 2 metres in height which is best described as mixed scrub and shrubland;
- ii) The vegetation within 100 metres of the shed contains lots of dead material and fire fuel loads potentially exceeding 15 tonnes per hectare;
- iii) The nearest stand of vegetation is located 17 metres north-north-east of the recently constructed shed on the land;
- iv) The development area has been assessed as having a rating of BAL-29 which means the bushfire risk is considered to be high due to the increased risk of ember attack and burning debris ignited by wind-borne embers and a likelihood of exposure to an increased level of radiant heat;
- v) A rating of BAL-12.5 where the bushfire risk is considered to be low despite a continued risk of ember attack is recommended by the Bushfire Management Plan. This could be achieved by providing a 27 metre wide clearing around the existing shed on the land. A total of approximately 600 square metres of existing vegetation located north-north-east of the shed will need to be cleared to achieve this new rating; and,
- vi) Additional bushfire mitigation measures are recommended by the Bushfire Management Plan including:
  - Sealing and/or screening of the shed to improve its resistance to ember attack;
  - Provision and long term maintenance of a 20 metre wide asset protection zone around the shed free of any rubbish or litter;
  - Provision of a static water supply tank with a minimum capacity of 10,000 litres available for fire fighting purposes;
  - Provision and maintenance of clear access to the water supply tank for fire fighting vehicles;
  - Ensuring that a slip-on fire fighting unit with a minimum capacity of 400 litres is available on the property during the fire season;
  - Provision and long term maintenance of a 3 metre wide bare earth mineral firebreak around the development area;
  - Routine property maintenance before commencement of each fire season including the removal of any dead shrubs/scrub surrounding the development area;
  - Ensuring the driveway access is suitably maintained and clear of any obstructions including the provision of a vehicle turning area adjacent to the existing shed;
  - Ensuring that no work is undertaken outside the shed when there is a fire weather warning in place and complying with any Total Fire Ban or Vehicle Movement Ban restrictions;
  - Ensuring that appropriate Personal Protective Equipment (PPE) is stored on-site and available for use in conjunction with the slip-on fire fighting unit referred to previously above; and,
  - Ensuring that all fire mitigation measures are installed by 1 November and maintained throughout the fire season.

Having regard for the findings of the recent BAL assessment and recommendations contained in the Bushfire Management Plan, the reporting officers' have concluded the bushfire risk, whilst currently high, can be suitably reduced and managed subject to the imposition of a number of conditions and advice notes on any development approval that may ultimately be issued by Council.

### **Conclusion**

It is concluded from a detailed assessment of the application that the continued use of Lot 1 (No.219) Stubbs Street, Lake Grace for 'Home Business' purposes (i.e. mobile welding) is capable of being undertaken in a proper and orderly manner subject to compliance with a strict range of conditions to minimise any potential negative impacts and safety risks.

Should the applicants' fail to comply with the conditions attached to any new approval granted or valid complaints are received from other owners or occupiers of land in the immediate locality following the issuance of approval that are not suitably addressed, Council has significant and sufficient legal powers to rescind development approval at any time in the future.

As such it is recommended that Council grant conditional approval to the application which will run with the land for as long as the applicants remain the registered proprietors of the property and reside thereon.

### Legal Implications

Planning and Development Act 2005

Shire of Lake Grace Local Planning Scheme No.4

- *Part 10A Planning and Development (Local Planning Scheme) Regulations 2015 - Bushfire Risk Management*

### Policy Implications

State Planning Policy 3.7 - *Planning in Bushfire Prone Areas*

### Consultation

Undertaken in accordance with the specific requirements of clause 9.4 of LPS No.4 for the minimum required period of fourteen (14) days, the outcomes from which have been documented previously above.

### Financial Implications

Nil

### Strategic Implications

*Shire of Lake Grace Strategic Community Plan 2014* – The proposal for Lot 1 is considered to be generally consistent with the aims and objectives of the Shire's Strategic Community Plan as it applies to the following:

- Economic: Provide an environment that supports business and investment opportunities; and,
- Environment: Manage and Protect the Natural Environment.

### Recommendation

That the development application submitted by Benjamin and Annette Argent (Landowners) to continue operating a 'Home Business' (i.e. Mobile Welding) on Lot 1 (No.219) Stubbs Street,

Lake Grace be approved subject to compliance with the following conditions and advice notes:

### **Conditions**

1. This approval is for 'Home Business' (Mobile Welding) as defined in the Shire of Lake Grace Local Planning Scheme No.4. The subject land may not be developed and/or used for any other purpose/s without the prior approval of Council unless such development and/or usage are expressly exempt from the requirement to seek and obtain Council's prior development approval.
2. This approval to establish and conduct a 'Home Business' on the subject land is issued to the current landowners as occupiers of the land. It shall not be transferred or assigned to any other person and shall not be transferred from the land in respect of which it was granted. Should there be a change of the owner and/or occupier of the land, this approval is cancelled.
3. The development and use shall be undertaken in a manner consistent with the information and plans submitted in support of the application as well as the various conditions documented below unless otherwise approved by Council.
4. Any additional development which is not in accordance with the application the subject of this approval or any condition of this approval will require the further approval of Council.
5. The approved 'Home Business' use is only permitted to operate from 7.30am to 5.00pm Monday to Friday with no noise generating business activity permitted to be undertaken on weekends.
6. Any noise generating business activity on the land during weekdays shall be undertaken inside the shed previously constructed to accommodate the 'Home Business' use with all major openings to the shed to remain closed to help mitigate any potential noise impacts. No noise generating business activity is permitted to be undertaken outside the shed at any time.
7. A maximum of two (2) employees, not members of the occupier's household, are permitted to be employed as part of the approved 'Home Business' use.
8. The development and use the subject of this approval shall not involve the retail sale, display or hire of goods of any nature.
9. No products, materials, machinery, equipment or vehicles shall be stored outside the shed unless otherwise approved by Council.
10. The existing driveway crossover along the land's frontage to Stubbs Street shall be closed and a new driveway crossover constructed to provide access to Stubbs Street approximately 20 metres east of the land's western property boundary within sixty (60) days of the date of this approval to the specifications and satisfaction of Main Roads WA. Once completed the new driveway crossover shall be maintained to the specifications and satisfaction of the Shire.
11. Suitable dust suppression measures shall be implemented in respect of all internal vehicle access ways and parking areas associated with the approved Home Business use to the specifications and satisfaction of the Shire.
12. The following recommendations contained in the 'Bushfire Management Plan' prepared by Lush Fire & Planning dated August 2016 shall be implemented within sixty (60) days of the date of this approval:
  - i) A 27 metre wide clearing around the existing shed on the land used to accommodate

- the 'Home Business' use shall be provided to achieve a Bushfire Attack Level rating of BAL-12.5;
- ii) A 20 metre wide asset protection zone shall be provided and maintained around the shed which shall remain free of any rubbish or litter at all times;
  - iii) A static water supply tank shall be provided with a minimum capacity of 10,000 litres available for fire fighting purposes;
  - iv) Clear access to the static water supply tank for fire fighting vehicles shall be provided and maintained at all times;
  - v) A slip-on fire fighting unit with a minimum capacity of 400 litres shall be made available for use on the property during the fire season;
  - vi) Appropriate Personal Protective Equipment (PPE) shall be stored on-site and made available for use in conjunction with the slip-on fire fighting unit referred to in point v) above;
  - vii) A 3 metre wide bare earth mineral firebreak shall be provided and maintained around the development area at all times;
  - viii) Routine property maintenance shall be undertaken before the commencement of each fire season including the removal of any dead shrubs/scrub surrounding the development area;
  - ix) The driveway access to the shed shall be suitably maintained and clear of any obstructions;
  - x) A vehicle turning area for fire fighting vehicles shall be provided adjacent to the existing shed and suitably maintained and clear of any obstructions;
  - xi) No work shall be undertaken outside the shed when there is a fire weather warning in place; and,
  - xii) The applicants' shall comply with any Total Fire Ban or Vehicle Movement Ban restrictions.
13. The applicants' shall ensure all fire mitigation measures are installed by 1 November of each year and maintained throughout the fire season.
  14. All effluent and rubbish generated on-site shall be managed and disposed of to the specifications and satisfaction of the Shire of Lake Grace.
  15. The property shall be ordered and maintained in a neat and tidy condition at all times to the specifications and satisfaction of the Shire of Lake Grace.
  16. Any proposed advertising signage shall be provided in accordance with the specific requirements of the Shire of Lake Grace Local Planning Scheme No.4 and Local Planning Policy No.6.5 (i.e. 'Advertising Signage') unless otherwise approved by Council.

#### **Advice Notes**

1. If in the opinion of Council the approved 'Home Business' is having a negative impact on the character or amenity of the locality or is causing a nuisance or annoyance to one or more owners or occupiers of land in the locality it may rescind this approval in accordance with the powers conferred upon it by Clause 5.15.2 of the Shire of Lake Grace Local Planning Scheme No.4.
2. Where the conditions of development approval to conduct the 'Home Business' are

breached Council may immediately revoke the approval.

3. The noise generated by any activities on-site including machinery motors or vehicles shall not exceed the levels as set out under the Environmental (Noise) Regulations 1997.
4. It is recommended the applicants consider providing a suitable connection to the electricity supply network in the immediate locality to avoid the need to use one or more GenSets to conduct the 'Home Business' use given the noise concerns raised by nearby landowners during public advertising of the application the subject of this approval.
5. Failure to comply with any of the conditions of this development approval constitutes an offence under the provisions of the *Planning and Development Act 2005* and the Shire of Lake Grace Local Planning Scheme No.4 and may result in legal action being initiated by the local government.

#### Voting Requirements

Simple majority required.

#### Resolution

##### **RESOLUTION 12370**

Moved Cr Walker  
Seconded Cr Clarke

That Council suspend clause 9.5 and 9.6 of the Shire's Standing Orders Local Law, at this time being 3.41 pm to discuss the recommendation for the Development Application – Proposed Home Business (Mobile Welding) – Lot 1 (No. 219) Stubbs Street, Lake Grace.

**CARRIED 8/0**

#### Resolution

##### **RESOLUTION 12371**

Moved Cr Chappell  
Seconded Cr Clarke

That clause 9.5 and 9.6 of the Shire's Standing Orders Local Law resume, at this time being 3.59 pm.

**CARRIED 8/0**

Resolution

**RESOLUTION 12372**

Moved Cr Armstrong  
Seconded Cr Hunt

That the development application submitted by Benjamin and Annette Argent (Landowners) to continue operating a 'Home Business' (i.e. Mobile Welding) on Lot 1 (No.219) Stubbs Street, Lake Grace be approved subject to compliance with the following conditions and advice notes:

**Conditions**

1. This approval is for 'Home Business' (Mobile Welding) as defined in the Shire of Lake Grace Local Planning Scheme No.4. The subject land may not be developed and/or used for any other purpose/s without the prior approval of Council unless such development and/or usage are expressly exempt from the requirement to seek and obtain Council's prior development approval.
2. This approval to establish and conduct a 'Home Business' on the subject land is issued to the current landowners as occupiers of the land. It shall not be transferred or assigned to any other person and shall not be transferred from the land in respect of which it was granted. Should there be a change of the owner and/or occupier of the land, this approval is cancelled.
3. The development and use shall be undertaken in a manner consistent with the information and plans submitted in support of the application as well as the various conditions documented below unless otherwise approved by Council.
4. Any additional development which is not in accordance with the application the subject of this approval or any condition of this approval will require the further approval of Council.
5. The approved 'Home Business' use is only permitted to operate from 7.30 am to 5.30 pm Monday to Friday in non-seasonal times with no noise generating business activity permitted to be undertaken on Sundays. Non-seasonal times are deemed to be between 15 January to 15 April and 1 July to 15 September. During seasonal times the 'Home Business' use is permitted from 6.00 am to 6.00 pm 7 days a week.
6. Any noise generating business activity on the land during weekdays shall be undertaken inside the shed previously constructed to accommodate the 'Home Business' use to help mitigate any potential noise impacts.
7. A maximum of two (2) employees, not members of the occupier's household, are permitted to be employed as part of the approved 'Home Business' use.
8. The development and use the subject of this approval shall not involve the retail sale, display or hire of goods of any nature.
9. No products, materials, machinery, equipment or vehicles shall be permanently stored outside the shed unless otherwise approved by Council.

**RESOLUTION 12372 continued**

10. The existing driveway crossover along the land's frontage to Stubbs Street shall be closed and a new driveway crossover constructed to provide access to Stubbs Street approximately 20 metres east of the land's western property boundary within sixty (60) days of the date of this approval to the specifications and satisfaction of Main Roads WA. Once completed the new driveway crossover shall be maintained to the specifications and satisfaction of the Shire.
11. The following recommendations contained in the 'Bushfire Management Plan' prepared by Lush Fire & Planning dated August 2016 shall be implemented within sixty (60) days of the date of this approval:
  - i) A 27 metre wide clearing around the existing shed on the land used to accommodate the 'Home Business' use shall be provided to achieve a Bushfire Attack Level rating of BAL-12.5;
  - ii) A 20 metre wide asset protection zone shall be provided and maintained around the shed which shall remain free of any rubbish or litter at all times;
  - iii) A static water supply tank shall be provided with a minimum capacity of 10,000 litres available for fire fighting purposes;
  - iv) Clear access to the static water supply tank for fire fighting vehicles shall be provided and maintained at all times;
  - v) A slip-on fire fighting unit with a minimum capacity of 400 litres shall be made available for use on the property during the fire season;
  - vi) Appropriate Personal Protective Equipment (PPE) shall be stored on-site and made available for use in conjunction with the slip-on fire fighting unit referred to in point v) above;
  - vii) A 3 metre wide bare earth mineral firebreak shall be provided and maintained around the development area at all times;
  - viii) Routine property maintenance shall be undertaken before the commencement of each fire season including the removal of any dead shrubs/scrub surrounding the development area;
  - ix) The driveway access to the shed shall be suitably maintained and clear of any obstructions;
  - x) A vehicle turning area for fire fighting vehicles shall be provided adjacent to the existing shed and suitably maintained and clear of any obstructions;
  - xi) No work shall be undertaken outside the shed when there is a fire weather warning in place; and,
  - xii) The applicants' shall comply with any Total Fire Ban or Vehicle Movement Ban restrictions.
12. The applicants' shall ensure all fire mitigation measures are installed by 1 November of each year and maintained throughout the fire season.
13. All effluent and rubbish generated on-site shall be managed and disposed of to the specifications and satisfaction of the Shire of Lake Grace.



**RESOLUTION 12372 continued**

14. Any proposed advertising signage shall be provided in accordance with the specific requirements of the Shire of Lake Grace Local Planning Scheme No.4 and Local Planning Policy No.6.5 (i.e. 'Advertising Signage') unless otherwise approved by Council.

**Advice Notes**

1. If in the opinion of Council the approved 'Home Business' is having a negative impact on the character or amenity of the locality or is causing a nuisance or annoyance to one or more owners or occupiers of land in the locality it may rescind this approval in accordance with the powers conferred upon it by Clause 5.15.2 of the Shire of Lake Grace Local Planning Scheme No.4.
2. Where the conditions of development approval to conduct the 'Home Business' are breached Council may immediately revoke the approval.
3. The noise generated by any activities on-site including machinery motors or vehicles shall not exceed the levels as set out under the Environmental (Noise) Regulations 1997.
4. It is recommended the applicants consider providing a suitable connection to the electricity supply network in the immediate locality to avoid the need to use one or more GenSets to conduct the 'Home Business' use given the noise concerns raised by nearby landowners during public advertising of the application the subject of this approval.
5. Failure to comply with any of the conditions of this development approval constitutes an offence under the provisions of the *Planning and Development Act 2005* and the Shire of Lake Grace Local Planning Scheme No.4 and may result in legal action being initiated by the local government.

**CARRIED 8/0***Reason for Change*

1. *Condition 5 – operating hours changed to endorse the hours requested by the proponents.*
2. *Condition 6 – amended as it deemed it was unreasonable to work within a closed shed during the summer months, and allow business activity outside the shed.*
3. *Condition 9 – amended to the same condition in the proponent's original approval.*
4. *The original condition 11 - has been removed as it was deemed not necessary for the applicant to undertake as the original driveway had been closed.*

*Mrs Annie Argent, Mr Ben Argent and Mr Steve Curtin left the meeting at 4.00 pm.*

## 11.0 MATTERS FOR CONSIDERATION – INFRASTRUCTURE SERVICES

### 11.1 NEWDEGATE TOWN MAINTENANCE CONTRACT

*Cr Armstrong declared indirect financial interest in Item 11.1 Newdegate Town Maintenance Contract with the nature of the association being the owner/director of P&L House Cladding Pty Ltd and has been gardening contractors with partner in Newdegate for two years. P&L Cladding Pty Ltd has now ceased operating.*

*Cr Armstrong left the meeting at 4.01 pm.*

#### Resolution

#### **RESOLUTION 12373**

Moved Cr Clarke  
Seconded Cr Chappell

That Council allow for Cr Armstrong to participate in the discussion and not the decision making procedures, as his interest is not significant and unlikely to influence his conduct in relation to the matter.

**CARRIED 7/0**

*Cr Armstrong returned to the meeting at 4.06 pm.*

**Applicant:** Internal  
**File No.** 0493  
**Attachments:** 1. Description of Duties  
2. Contract Template  
**Author:** Mrs Jeanette Bennett

  
Executive Officer

**Disclosure of Interest:** Nil  
**Date of Report:** 19 October 2016  
**Senior Officer:** Mr Bob Edwards

  
A/Manager Infrastructure Services

#### Summary

The purpose of this report is for Council to consider entering into a contract for town maintenance in the Newdegate townsite, town ovals, tennis courts, cemetery and the Newdegate Country Club; and to authorise the Shire President and Chief Executive Officer to apply the common seal to the contract document.

#### Background

Previously, Newdegate town maintenance was being carried out by P&L Cladding Pty Ltd under contract to the Shire. P&L Cladding Pty Ltd advised they no longer wish to continue with the contract as of 30 September 2016.

The Shire advertised and invited expressions of interest (EOI) from parties interested in taking on the Newdegate Town Maintenance Contract (the Contract). Expressions of interest closed on Friday 14 October 2016. The advertisement was placed in all community newsletters, the Shire's website and on community noticeboards.

The contract was advertised as a 36 hour per week contract with areas of responsibility being within the Newdegate townsite, the town ovals, the cemetery and the Newdegate Country Club. A description of duties (i.e. contract scope of works) was drawn up – refer Attachment 1.

The 36 hours per week are made up of:

Ovals, tennis courts and Country Club	15 hours per week
Town gardening	20 hours per week
Cemetery maintenance	1 hour per week

Two expressions of interest (EOI) have been received, both from Newdegate.

The following table shows hourly rates and total yearly costs for the contract at the rates submitted:

EOI	\$ per hour (ex GST)	Total Annual Cost (ex GST)
EOI No. 1	\$60.00	\$112,320.00
EOI No. 2	\$30.00	\$56,160.00

Based on the previous contractor's rate, Council's 2016/17 budget has a total allocation for Newdegate Town Maintenance of \$59,700.

#### Comment

A contract template for the supply of goods and services was sourced through WA Local Government Association's (WALGA) Procurement Services to which the Shire subscribes (refer Attachment 2). Should Council award the contract to either of the applicants, contract details and the scope of works will be included in readiness for signing and execution of the Contract.

**EOI No. 1** includes the provision of general gardening equipment, a chainsaw, 12 volt sprayer and skid steer loader with attachments. The capability factor in regard to this EOI is seen as very satisfactory.

Should Council wish to proceed with EOI No. 1, unbudgeted expenditure of \$52,620 would need to be approved for a full year's contract. This would affect the Newdegate Specified Area Rate.

**EOI No. 2** includes provision of a vehicle and no specified equipment. EOI No.2 is within the Shire's current budget. The capability factor in regard to EOI No.2 has not been addressed.

Alternatively, for the Shire to employ an additional full time gardener to annual wages cost is estimated at \$52,000. In addition to this overheads are to be allocated leading to an annual cost of \$104,000. This figure does not provide vehicle expenses or the provision of housing. The direct cost in operating the light vehicle would be approximately \$5,000, replacement of any tools and equipment would be an additional cost. It would be estimated that the direct annual cost to employ a full time gardener would be approximately \$110,000.

To establish the role as a full time gardener the Shire would be required to purchase a suitable vehicle, mower, slasher and other sundry tools required. An estimated set up cost would be approximately \$35,000.

The benefit of a full time gardener would be for the Shire to better service the towns of Lake King and Varley. A drawback being, advice received is that there have been many issues in relation to staff supervision and performance previously.

It is acknowledged that we currently have a budget of approximately \$3,400 for Lake King and \$5,000 for Varley parks and gardens. These costs are directly associated with current employees and could not be used to offset the cost of a new employee nor the new contract.

If Council proceeded with the appointment of EOI 1 for the remaining seven (7) months of the year it would be an additional cost of \$31,000 required over the current budget estimates. It is noted that any costs currently being incurred are funded by Newdegate SARS. For the 2017/18 year this would mean an additional rate take of \$52,620 being required.

#### Legal Implications

*Local Government Act 1995*

*Occupational Safety and Health Act 1984*

#### Policy Implications

Shire of Lake Grace Policy 1.11 Use of the Common Seal

Under the Shire's Occupational Safety and Health Policy and Safety Rules, contractors are required to take out, and provide evidence of adequate insurance cover for workers compensation, motor vehicle and mobile equipment, public liability and personal accident insurances.

#### Consultation

Internal: Chief Executive Officer, Denise Gobbart  
Acting Manager Infrastructure Services, Bob Edwards

External: WALGA Procurement Specialist, Craig Grant

#### Financial Implications

Total budget 2016/17 allocation for duties associated with the Newdegate Town Maintenance Contract is:

Account E113280 Newdegate Parks & Gardens	\$32,720
Account E113225 Newdegate Oval	\$26,980
<b>Total:</b>	<b>\$59,700</b>

#### Strategic Implications

*Shire of Lake Grace Strategic Community Plan*

Economic Focus Area 3

- *Infrastructure maintenance and improvement*

It is important to the community that all of our towns are presented attractively and that our sporting facilities and ovals, recreational parks and gardens are maintained to a high standard.

Recommendation

That Council:

1. Subject to approval of the unbudgeted expenditure, awards the Newdegate Town Maintenance Contract to Mr Warren Shalders at the rate of \$60.00 per hour (GST exclusive) for a period of 12 months with the option to extend a further 12 months; and,
2. Authorise the President and the Chief Executive Officer to apply the common seal on the contract document.

Voting Requirements

- Simple majority required.
- Absolute (5) majority required to authorise unbudgeted expenditure.

Resolution**RESOLUTION 12374**

Moved Cr Hunt  
Seconded Cr Marshall

That Council suspend clause 9.5 and 9.6 of the Shire's Standing Orders Local Law, at this time being 4.07 pm to discuss the recommendation for item 11.1 Newdegate Town Maintenance Contract.

**CARRIED 8/0**

*Cr Walker left the meeting at 4.18 pm.*

Resolution**RESOLUTION 12375**

Moved Cr Stanton  
Seconded Cr Chappell

That clause 9.5 and 9.6 of the Shire's Standing Orders Local Law resume, at this time being 4.19 pm.

**CARRIED 7/0**

*Cr Armstrong left the meeting at 4.19 pm.*

*Cr Walker returned to the meeting 4.19 pm.*

*In the event that the recommendation is lost Cr Hunt foreshadowed a motion.*

Resolution**RESOLUTION 12376**

Moved Cr Hunt  
Seconded Cr Stanton

That Council:

1. Subject to approval of the unbudgeted expenditure, awards the Newdegate Town Maintenance Contract to Mr Warren Shalders at the rate of \$60.00 per hour (GST exclusive) for a period of 12 months with the option to extend a further 12 months; and,
2. Authorise the President and the Chief Executive Officer to apply the common seal on the contract document.

**LOST 6/1**

Foreshadow Motion**RESOLUTION 12377**

Moved Cr Hunt  
Seconded Cr Clarke

1. That the CEO undertake further advertising on at least a state wide basis for invited expressions of interest for the Newdegate Town Gardening Contract; and,
2. In the interim period the shire to employ a gardener on a short term basis until such time the position is filled with a permanent gardener.

**CARRIED 7/0**

*Cr Marshall left the meeting at 4.22 pm.*

*Cr Armstrong returned to the meeting at 4.22 pm.*

**12.0 MATTERS FOR CONSIDERATION – PLANNING**

**12.1 DEVELOPMENT APPLICATION – PROPOSED HOME BUSINESS (MOBILE WELDING) - LOT 1 (NO. 219) STUBBS STREET, LAKE GRACE**

*Item brought forward in the Agenda – refer to Item 12.1 (page 13) of this document.*

**13.0 MATTERS FOR CONSIDERATION – HEALTH & BUILDING**

*No matters for consideration.*



**14.0 MATTERS FOR CONSIDERATION – FINANCE**

Cr Marshall returned to the meeting at 4.24 pm.

**14.1 ACCOUNTS FOR PAYMENT – SEPTEMBER 2016**

**Applicant:** Internal Report  
**File No.** 0277  
**Attachments:** List of Creditors  
**Author:** Ms Kairi Nigol  
  
**Disclosure of Interest:** Nil  
**Date of Report:** 14 October 2016  
**Senior Officer:** Ms Linda Gray

  
Finance Coordinator

  
Deputy Chief Executive Officer

Summary

For Council to ratify expenditures incurred for the month of September 2016.

Background

List of payments for the month September 2016 through the Municipal and Trust accounts are attached.

Comment

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

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

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

Legal Implications

Local Government (Financial Management) Regulations 1996 – Reg 12

Local Government (Financial Management) Regulations 1996 – Reg 13

Policy Implications

Policy 3.6 - Authorised Use of Credit Card/Fuel Cards

Policy 3.7 - Purchasing Policy

Consultation

N/A

Financial Implications

The list of creditors paid for the month of September 2016 from the Municipal and Trust Account  
Total \$680,455.35.

Strategic Implications

Shire of Lake Grace Strategic Community Plan

## Civic Leadership Focus Area (5)

- Excellence in Shire administration and communication

Voting Requirements

Simple majority required.

Recommendation/Resolution**RESOLUTION 12378**

Moved Cr Chappell

Seconded Cr Hunt

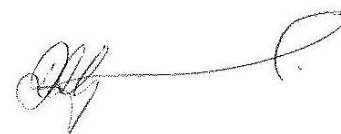
That Council ratify the list of payments totalling \$680,455.35 as presented for the month of September 2016 incorporating:

- Trust Account Cheques:	921 - 923	\$	818.00
- Electronic Funds Transfer:	EFT15913 – EFT16036	\$	399,878.73
- Municipal Account Cheques:	36271 – 36278	\$	40,791.25
	36501 – 36504		
- Direct Debits:	DD6394.1 – DD6394.2	\$	103,360.04
	DD6413.1 – DD6413.7		
	DD6417.1 – DD6417.4		
	DD6418.1 – DD6418.2		
	DD6419.1		
	DD6426.1 – DD6426.5		
	DD6430.1 – DD6430.3		
	DD6433.1 – DD6433.8		
	DD6448.1 – DD6448.8		
	DD6451.1 – DD6451.7		
	DD6453.1		
- Electronic Funds Transfer:	Payroll Net Pay	\$	135,607.33

**CARRIED 8/0**

**14.2      FINANCIAL STATEMENTS – SEPTEMBER 2016**

**Applicant:** Shire of Lake Grace  
**File No.** 0275  
**Attachments:** 1. Financial Reports September 2016  
 2. Bank Reconciliations  
**Author:** Ms Denise Gobbart  
 Acting Chief Executive Officer  
**Disclosure of Interest:** Nil  
**Date of Report:** 19 October 2016  
**Senior Officer:** Ms Denise Gobbart



Chief Executive Officer

**Summary**

Consideration of the financial statements for the month ending 30 September 2016.

**Background**

The following financial reports for September 2016 are included for your information:

- Monthly Statement of Financial Activity
- Financial Activity Variances
- Significant Accounting Policies
- Statement of Objective
- Acquisition of Assets
- Disposal of Assets
- Information on Borrowings
- Reserves
- Net Current Assets
- Rating Information
- Trust Funds
- Operating Statement by Programme
- Balance Sheet
- Financial Ratios
- Capital Road Works
- Operating Revenue and Expenditure Graphs
- Bank Reconciliations

**Comment**

N/A

**Legal Implications**

*Local Government Act 1995 – section 6.4*

*Local Government (Financial Management) Regulations 1996*

**Policy Implications**

Nil

**Consultation**

N/A

Financial Implications

Nil

Strategic Implications

Shire of Lake Grace Strategic Community Plan

*Civic Leadership Focus Area (5)*

- *Excellence in Shire administration and communication*

Voting Requirements

Simple majority required.

Recommendation/Resolution**RESOLUTION 12379**

Moved Cr Marshall

Seconded Cr Stanton

That Council in accordance with Regulation 34 of the *Local Government (Financial Management) Regulations 1996* receives the Statements of Financial activity for the period ended 30 September 2016.

**CARRIED 8/0**

**15.0 MATTERS FOR CONSIDERATION – COMMUNITY SERVICES**

*No matters for consideration.*

**16.0 MATTERS FOR CONSIDERATION - ADMINISTRATION****16.1 SHIRE OF LAKE GRACE SUBLEASE TO COMMONWEALTH OF AUSTRALIA BUREAU OF METEOROLOGY - LAKE GRACE AUTOMATIC WEATHER STATION**

**Applicant:** Commonwealth of Australia Bureau of Meteorology  
**File No.** 0308  
**Attachments:** 1. Sublease between Commonwealth of Australia Bureau of Meteorology and the Shire of Lake Grace  
 2. Lease 5525 with the Western Australian Government Railways Commission of West Parade, Perth Western Australia (trading as Westrail)  
 3. Management Order for Reserve 46769  
**Author:** Mrs Lee-Anne Trevenen

  
 Administration Coordinator

**Disclosure of Interest:** Nil  
**Date of Report:** 19 October 2016  
**Senior Officer:** Ms Denise Gobbart

  
 Chief Executive Officer
**Summary**

The purpose of this report is to formalise the Sublease between the Shire of Lake Grace and Commonwealth of Australia Bureau of Meteorology to approve the use of the Shire's common seal on the Sublease.

**Background**

On the 1st September 1994, the Shire of Lake Grace entered into Head Lease 5525 with the Western Australian Government Railways Commission of West Parade, Perth, Western Australia, trading as Westrail for the term of twenty one years, expiring 31 August, 2015.

Under the Transfer of Land Act 1893 and the Land Administration Act 1997, Lease 5525 was superseded by a Management Order for Reserve 46769 in November 2005. On the 3 May 2010 an amendment of the reserve purpose for Lots 360, 363 and 364 on Deposited Plan 28253, Stubbs Street, Lake Grace was made to the Reserve 46769. The amendment occurred due to the location being sited during the planning of the Lake Grace Men's Shed.

Under the Management Order the Shire of Lake Grace has the *'Power to Lease (or sub-lease or licence) for the designated purpose is granted for the whole or any portion for any term not exceeding twenty one (21) years from the date of the lease subject to the approval in writing of the Minister for Lands being first obtained to each and every lease or assignment of lease, pursuant also to the provisions of section 09 of the Land Administration Act 1997.'*

The portion of the Reserve 46479 relevant to the Sublease is Lake Grace Lot 363 with original Certificate of Crown Land Title Registration Number 363/DP28253.

Comment

Under this Management Order the Shire is now able to directly enter into a Sublease with the Commonwealth of Australia Bureau of Meteorology for the purpose of installation, maintenance and usage of the Automatic Weather Station to obtain data necessary for the functions under the Meteorology Act (Commonwealth) 1955. The automatic site became operational on 13 June 1997.

This Sublease is required between the Shire of Lake Grace and Commonwealth of Australia Bureau of Meteorology as the Automatic Weather Station (AWS) is situated on Lot 363 Stubbs Street, Lake Grace.

Under 'Special Provisions' of the Sublease:

1. Shire of Lake Grace is to ensure that the grass on the premises is kept cut and maintained in good order.
2. If the Sublessee determines to relocate the AWS during the term of this Sublease, then the Sublessee may revoke this Lease by providing the Sublessor with 6 months' notice in writing.

The Term of the Sublease can be for 10 years or with an option of 2 x 5 years.

Council's endorsement is sought to proceed with the Sublease for the term of ten (10) years between the Shire of Lake Grace and Commonwealth of Australia Bureau of Meteorology and to authorise use of the common seal by the Shire President and the Chief Executive Officer for the Sublease.

Legal Implications

A Sublease is required between the Shire of Lake Grace and Commonwealth of Australia Bureau of Meteorology.

Policy

Shire of Lake Grace Policy 1.11 - Use of the Common Seal.

Consultation

Internal Deputy Chief Executive Officer, Linda Gray

External: Acting Regional Observations Manager Bureau of Meteorology, Andréa Bride

Financial Implications

E113180 – Schedule 11 Recreation and Culture – Lake Grace Parks and Gardens  
Shire to maintain grass on the premises and is to be kept in good order.

Strategic Implications

*Shire of Lake Grace Strategic Community Plan – Connecting with our Future 2023*

- S3 Maintain and improve social/community infrastructure to support community wellbeing.

Voting Requirements

Simple majority required.

Recommendation/Resolution

**RESOLUTION 12380**

Moved Cr Chappell  
Seconded Cr Clarke

That Council:

1. Enters into the Sublease for the term of ten (10) years as presented, with the Commonwealth of Australia Bureau of Meteorology; and,
2. Authorises use of the common seal by the Shire President and the Chief Executive Officer for the Lease Agreement.

**CARRIED 8/0**



**16.2 SCHEDULING OF COUNCIL MEETING DATES 2017**

**Applicant:** Executive Services  
**File No:** 0041  
**Attachments:** Nil  
**Author:** Ms Natasha Bowman

**Disclosure of Interest:** Nil  
**Date of Report:** 20 October 2016  
**Senior Officer:** Ms Denise Gobbart



Governance Officer



Chief Executive Officer

**Summary**

For Council to consider its meeting arrangements for 2017.

**Background**

Meeting arrangements for 2017 in accordance with the Local Government Act 1995, Council is required, at least once each year, to give local public notice of the date, time and place of its Ordinary Meetings to be held in the coming 12 months.

In 2016, Council scheduled the meetings as per Council's Policy 1.2, which confirms that its meetings are to be held on the fourth Wednesday of each month, except December where it is the third Tuesday.

**Comment**

The proposed schedule as follows, reflects the meeting dates as per Council Policy 1.2.

<b>Date</b>	<b>Time</b>	<b>Place</b>
January 2017	N/A	N/A (Annual Break)
22 February 2017	3.00 pm	Council Chambers, Lake Grace
22 March 2017	3.00 pm	Council Chambers, Lake Grace
26 April 2017	3.00 pm	Council Chambers, Lake Grace
24 May 2017	3.00 pm	Newdegate Library Resource Centre
28 June 2017	3.00 pm	Council Chambers, Lake Grace
26 July 2017	3.00 pm	Council Chambers, Lake Grace
23 August 2017	3.00 pm	Council Chambers, Lake Grace
27 September 2017	3.00 pm	Council Chambers, Lake Grace
25 October 2017	3.00 pm	Council Chambers, Lake Grace
22 November 2017	3.00 pm	Newdegate Library Resource Centre
19 December 2017 (Tuesday)	1.00 pm	Council Chambers, Lake Grace

The Meeting schedule will be displayed on public library and community notice boards and advertised through community newsletters and the Shire's website.

Given the low community interest shown for the meetings held in Varley and Lake King in recent times, it is recommended that these meetings no longer be held at these venues.

In place of these meetings it will be arranged for the Chief Executive Officer (CEO), Managers and Councillors to visit the communities and meet with the various members to discuss any issues, concerns and inspect sites that are of concern. This would be a more effective means of communication with these communities, than to hold a formal Council meeting in these

locations. By continuing to have the meetings in Newdegate gives the opportunity to reduce the travel for those that are wishing to attend a meeting.

These visits could be held in the same month as the existing meetings are held. Contact would be made with the local community associations to arrange for suitable dates.

#### Legal Implications

*Local Government Act 1995* – s5.25(g), Regulations About Council and Committee Meetings and Committees, requires that local public notice of the dates of meetings be given.

*Local Government (Administration) Regulations 1996* – Reg 12 (1), requires local public notice to be given and Reg 12 (2), requires that a local government is to give local public notice of any change to the date, time or place of a meeting referred to in subregulation (1).

#### Policy Implications

The schedule of dates is in accordance with Council Policy 1.2 which makes no provision for specific times or locations.

#### Consultation

Internal: Chief Executive Officer

#### Financial Implications

The additional cost to hold the two meetings in Newdegate is not considered significant and is accommodated within Council's budgeted expenses.

#### Strategic Implications

Meetings have been held in Newdegate, Lake King and Varley each year in order to give all towns the opportunity to have a Council Meeting in their community and make it more convenient for residents to attend. Due to the low community interest in attending Council Meetings in Lake King and Varley a more effective means of communicating with these communities is proposed.

#### Recommendation

That Council, as required by the Local Government Act 1995 (as amended) give local public notice of the following schedule of meetings for 2017:

<b>Date</b>	<b>Time</b>	<b>Place</b>
January 2017	N/A	N/A (Annual Break)
22 February 2017	3.00 pm	Council Chambers, Lake Grace
22 March 2017	3.00 pm	Council Chambers, Lake Grace
26 April 2017	3.00 pm	Council Chambers, Lake Grace
24 May 2017	3.00 pm	Newdegate Library Resource Centre
28 June 2017	3.00 pm	Council Chambers, Lake Grace
26 July 2017	3.00 pm	Council Chambers, Lake Grace
23 August 2017	3.00 pm	Council Chambers, Lake Grace
27 September 2017	3.00 pm	Council Chambers, Lake Grace
25 October 2017	3.00 pm	Council Chambers, Lake Grace
22 November 2017	3.00 pm	Newdegate Library Resource Centre
19 December 2017 (Tuesday)	1.00 pm	Council Chambers, Lake Grace

Voting Requirements

Simple majority required.

Motion

Moved Cr Marshall  
Seconded Cr Chappell

That Council, as required by the Local Government Act 1995 (as amended) give local public notice of the following schedule of meetings for 2017:

<b>Date</b>	<b>Time</b>	<b>Place</b>
January 2017	N/A	N/A (Annual Break)
22 February 2017	3.00 pm	Council Chambers, Lake Grace
22 March 2017	3.00 pm	Council Chambers, Lake Grace
26 April 2017	3.00 pm	Council Chambers, Lake Grace
24 May 2017	3.00 pm	Newdegate Library Resource Centre
28 June 2017	3.00 pm	Council Chambers, Lake Grace
26 July 2017	3.00 pm	Council Chambers, Lake Grace
23 August 2017	3.00 pm	Council Chambers, Lake Grace
27 September 2017	3.00 pm	Council Chambers, Lake Grace
25 October 2017	3.00 pm	Council Chambers, Lake Grace
22 November 2017	3.00 pm	Newdegate Library Resource Centre
19 December 2017 ( <i>Tuesday</i> )	1.00 pm	Council Chambers, Lake Grace

Amendment**RESOLUTION 12381**

Moved Cr Armstrong  
Seconded Cr Hunt

That Council remove Newdegate Library Resource Centre and insert Council Chambers, Lake Grace for 24 May 2017 and 22 November 2017.

**CARRIED 8/0**

Substantive Motion

**RESOLUTION 12382**

Moved Cr Marshall  
 Seconded Cr Chappell

That Council, as required by the Local Government Act 1995 (as amended) give local public notice of the following schedule of meetings for 2017:

<b>Date</b>	<b>Time</b>	<b>Place</b>
January 2017	N/A	N/A (Annual Break)
22 February 2017	3.00 pm	Council Chambers, Lake Grace
22 March 2017	3.00 pm	Council Chambers, Lake Grace
26 April 2017	3.00 pm	Council Chambers, Lake Grace
24 May 2017	3.00 pm	Council Chambers, Lake Grace
28 June 2017	3.00 pm	Council Chambers, Lake Grace
26 July 2017	3.00 pm	Council Chambers, Lake Grace
23 August 2017	3.00 pm	Council Chambers, Lake Grace
27 September 2017	3.00 pm	Council Chambers, Lake Grace
25 October 2017	3.00 pm	Council Chambers, Lake Grace
22 November 2017	3.00 pm	Council Chambers, Lake Grace
19 December 2017 ( <i>Tuesday</i> )	1.00 pm	Council Chambers, Lake Grace

**CARRIED 8/0**


*Reason for Change*

*As with the meetings held in Lake King and Varley the Council meetings held in Newdegate also have not been well supported.*

### 16.3 SHIRE OF LAKE GRACE – CHRISTMAS / NEW YEAR CLOSURE OF COUNCIL FACILITIES

**Applicant:** Executive Services  
**File No.** 0050  
**Attachments:** Policy 1.14 Christmas / New Year Closure of Council Facilities  
**Author:** Ms Natasha Bowman  
  
**Disclosure of Interest:** Nil  
**Date of Report:** 20 October 2016  
**Senior Officer:** Ms Denise Gobbart

  
 Governance Officer

  
 Chief Executive Officer

#### Summary

For Council to:

1. endorse the 2016 Christmas / New Year closure of Council Facilities (i.e. administration, infrastructure services, depot and visitor centre) during the Christmas break commencing Monday 26 December and reopening Tuesday 3 January 2017; and,
2. adopt 1.14 Christmas / New Year Closure of Council Facilities policy and for the policy to be included in the Shire of Lake Grace Policy Manual.

#### Background

In the past Council has been informed of the Christmas Shire office closure at their information sessions which occur after a Council Meeting. There is nothing formal in place that determines the closing and reopening of the Shire office over the Christmas period. The Staff Induction Manual has no reference included of the office Christmas break closure either.

In the past the office has closed during this period and staff members have either taken this as annual leave or rostered days off. In 2015 the working days lost during the closure was three (3) business days. On average, there would be three (3) business days lost during the office closure each year.

#### Comment

It is recommended that Council endorse the Christmas / New Year closure of Council facilities for 2016. It is further recommended that Council adopt a policy (attached) in order to ensure there is a clear authority. This will be of benefit in that Council approval will not be required each year.

Any early closure on Christmas Eve would be by the discretion of the Chief Executive Officer to allow staff required to travel, to do so partially in daylight hours.

An emergency contact list will also be provided with the office closure and advertised in the local newspapers from mid-November. Rubbish arrangements, Department of Transport Licencing information will be provided in the local newspapers during this period also.

Dates will change annually depending on when Christmas Day falls. Staff will be expected to take the time off as leave however individual staff members may need to negotiate with their Managers if they don't have leave available.

For example in 2016 the Shire will close from 5 pm, 23 December (unless early closure is approved by the discretion of the CEO) and will be reopening on Tuesday 3 January 2017. New Year's Day falls on Sunday this year therefore Monday 2 January is the New Year's Day Public Holiday. It would be anticipated in 2017 the Christmas Closure would be effective from 5 pm, 22 December and will reopen at 8.30am on Tuesday 2 January 2018.

#### Legal Implications

N/A

#### Policy Implications

There is no policy in place for the closure for the Christmas / New Year period at this stage however Policy 1.14 has been drafted and to be included in the Shire of Lake Grace Policy Manual subject to Council approval.

#### Consultation

Internal: Chief Executive Officer, Denise Gobbart  
 Executive Officer, Jeanette Bennett  
 Administration Coordinator, Lee-Anne Trevenen

#### Financial Implications

Nil

#### Strategic Implications

Shire of Lake Grace Strategic Community Plan

*Civic Leadership Focus Area (5)*

- *Excellence in Shire administration and communication – CL1 Elected members provide visionary leadership*

#### Voting Requirements

Simple majority required.

#### Recommendation/Resolution

### **RESOLUTION 12383**

Moved Cr Hunt  
 Seconded Cr Stanton

For Council to:

1. endorse the 2016 Christmas / New Year closure of Council Facilities (i.e. administration, infrastructure services, depot and visitor centre) during the Christmas break commencing Monday 26 December and reopening Tuesday 3 January 2017; and,
2. adopt 1.14 Christmas / New Year Closure of Council Facilities policy and for the policy to be included in the Shire of Lake Grace Policy Manual.

**CARRIED 8/0**

## 17.0 INFORMATION BULLETIN

### 17.1 INFORMATION BULLETIN REPORT – OCTOBER 2016

**Applicant:** Executive Services  
**File No.** N/A  
**Attachments:** Information Bulletin (*under separate cover*)  
**Author:** Ms Natasha Bowman



Governance Officer

**Disclosure of Interest:** Nil  
**Date of Report:** 21 October 2016  
**Senior Officer:** Ms Denise Gobbart



Chief Executive Officer

#### Summary

The purpose of the Information Bulletin is to keep Elected Members informed on matters of interest and importance to Council.

#### Background

The Information Bulletin Reports deal with monthly standing items and other information of a strategic nature relevant to Council.

***Note: The Information Bulletin is an internal management document; therefore attachments are not for public information.***

Copies of other relevant Councillor information are distributed via email.

#### Comment

This month's (October 2016) Information Bulletin Report has been emailed to Councillors.

The October 2016 Information Bulletin attachment includes:

#### **Reports**

1. Council Status Report – September 2016
2. Infrastructure Services Report – September 2016
3. Outstanding Rates Report – September 2016
4. Lake Grace Visitor Centre Report – June to September 2016
5. Newdegate Active Precinct Project Update

#### **Letters**

6. RDA Wheatbelt – Enterprising Communities Project
7. WALGA – Plastic Bag Ban

#### **Circulars & Newsletters**

8. New Lake Grace Sub Centre – Newsletter No 7 September 2016
9. Hon Terry Waldron MLA Media Release – Funding available for crime prevention initiatives
10. Department of Local Government and Communities – Circular 21/2016

11. Department of Local Government and Communities – Circular 22/2016
12. WALGA Info Page – Fatal Crash Investigations
13. WALGA Info Page – 2016 Road Ribbon for Road Safety Campaign
14. WALGA Media Release – Development Assessment Panel Changes Superficial
15. WALGA Media Release – Local Knowledge, Funding Key to Fire Improvements
16. Infocouncil News – Issue 16 September 2016
17. WA Country Health Service – District Health Advisory Council E-News September 2016

### **Minutes**

18. 4WDL Minutes – 11 October 2016
19. Lake Grace Regional Health Advisory Council Notes – 27 September 2016
20. Upper Great Southern District Operations Advisory Committee Minutes – 18 August 2016
21. Bushfire Advisory Committee Meeting Minutes – 5 October 2016
22. Varley Progress Association Minutes – 20 September 2016

### Legal Implications

Nil

### Policy Implications

Nil

### Consultation

N/A

### Financial Implications

Nil

### Strategic Implications

Shire of Lake Grace Strategic Community Plan  
*Civic Leadership - Focus Area 5*

- *Excellence in Shire administration and communication*

### Voting Requirements

Simple majority required.

### Recommendation/Resolution

#### **RESOLUTION 12384**

Moved Cr Walker  
 Seconded Cr Armstrong

That Council accepts the Information Bulletin report.

**CARRIED 8/0**



**18.0 URGENT BUSINESS BY DECISION OF THE MEETING**

Nil

**19.0 SCHEDULING OF MEETING**

**19.1 NOVEMBER 2016 ORDINARY MEETING**

The next Ordinary Meeting of Council is scheduled to take place on Wednesday 23 November 2016, commencing at 3.00 pm at the Newdegate Library Resource Centre, Newdegate, WA.

**20.0 CONFIDENTIAL BUSINESS – AS PER LOCAL GOVERNMENT ACT S5.23 (2)**

Resolution

**RESOLUTION 12385**

Moved Cr Hunt  
Seconded Cr Chappell

That Council meet behind closed doors to consider Item 20.1 RFT 02/2016 – Rural Road Reconstruction in accordance with section 3.7 of the Shire of Lake Grace Standing Orders Local Law 2015, and Section 5.23 (d) of the Local Government Act 1995.

**CARRIED 8/0**

*No members of the Gallery were present in the Council Chambers at this time.*

**20.1 RFT 02/2016 – RURAL ROAD RECONSTRUCTION**

*Item forwarded under separate cover.*

*(Item relates to Resolution 12353 of Item Tender 2/2016 - Rural Roads Reconstruction of the 28 September 2016 Ordinary Meeting).*

Resolution

**RESOLUTION 12386**

Moved Cr Armstrong  
Seconded Cr Walker

That Council suspend clause 9.5 and 9.6 of the Shire's Standing Orders Local Law, at this time being 4.41 pm to discuss item 20.1 RFT 02/2016 – Rural Road Reconstruction

**CARRIED 8/0**

*Cr Marshall left the meeting at 5.50 pm.*

Cr Marshall returned to the meeting at 5.51 pm.

Resolution

**RESOLUTION 12387**

Moved Cr Chappell  
Seconded Cr Marshall

That clause 9.5 and 9.6 of the Shire’s Standing Orders Local Law resume, at this time being 5.58 pm.

**CARRIED 8/0**

**Notice is hereby given by the following:**

Councillor: WALKER  
NAME

[Signature]  
SIGNATURE

Councillor: CHARKE  
NAME

[Signature]  
SIGNATURE

Councillor: CHAPPELL  
NAME

Ross Chappell  
SIGNATURE

[Signature]  
Denise Gobbart  
**CHIEF EXECUTIVE OFFICER**

26/10/2016  
DATE

**To revoke or change the following decision:**

Meeting / Date	28 September 2016
Agenda Item No	Council 11.3
Agenda Item Name	Tender 2/2016 – Rural Road Reconstruction
File Reference	0488
Resolution No	12353

Resolution

**RESOLUTION 12388**

Moved Cr Chappell  
Seconded Cr Hunt

That the Council, in relation to Request for Tenders 2/2016 – Rural Roads Reconstruction and Resolution 12353 –

1. notes that –
  - (a) no written contract has been entered into with Wagin Earthmoving;
  - (b) Wagin Earthmoving commenced the works on 17 October 2016 and, at the CEO's direction, ceased work on 20 October 2016; and,
  - (c) on 19 October 2016, the Shire became aware that, due to an oversight and contrary to regulation 18(4) of the *Local Government (Functions and General) Regulations 1996*, one of the tenders for the work had not been assessed or taken into account in selecting the preferred tenderer; and,
2. requests the Chief Executive Officer –
  - (a) to recommence the tender process excluding item 3 Mount Sheridan Road; and,
  - (b) to engage Wagin Earthmoving to complete Job 1210109 Mount Sheridan Road at the original price tendered.

**CARRIED BY ABSOLUTE MAJORITY 8/0**

Resolution

**RESOLUTION 12389**

Moved Cr Chappell  
Seconded Cr Walker

That Council move out from behind closed doors.

**CARRIED 8/0**

*Having opened the meeting to the public at 5.59 pm the President read aloud the decisions of Council.*

**21.0 CLOSURE**

There being no further business, the Shire President closed the meeting at 6.04 pm.

**22.0 CERTIFICATION**

I, Jeanette Frances De Landgraft, certify that the minutes of the meeting held on the 26 October 2016 as shown were confirmed as a true record at the meeting held on the 23 November 2016.

\_\_\_\_\_  
Shire President

\_\_\_\_\_  
Date