

SHIRE OF LAKE GRACE



Minutes

Ordinary Council Meeting

22 August 2007

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SHIRE OF LAKE GRACE

MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD AT THE LAKE KING TOWN HALL, LAKE KING ON WEDNESDAY, 22 AUGUST 2007.

1.0 OPENING & ANNOUNCEMENT OF VISITORS

The Chairperson (President) opened the meeting at 1.30 pm.

2.0 ATTENDANCE RECORD

2.1 PRESENT

Cr G.E.J. Roberts	Shire President
Cr A.J. Walker	Deputy Shire President
Cr. H.R. Bennett	
Cr I.G. Chamberlain	
Cr O.P. Farrelly	
Cr W.A. Newman	
Cr D.P Sinclair	
Cr D.M.McL. Stewart	
Cr R.P. Taylor	
Mr C.G. Jackson	Chief Executive Officer
Ms L.I. McIlree	Manager Corporate Services
Mrs J. Bennett	Executive Assistant

2.2 APOLOGIES

2.3 LEAVE OF ABSENCE PREVIOUSLY GRANTED

None.

3.0 PUBLIC QUESTION TIME

No members of the public present.

4.0 APPLICATIONS FOR LEAVE OF ABSENCE

None.

5.0 MINUTES OF PREVIOUS COUNCIL MEETINGS

5.1 ORDINARY MEETING – 25 JULY 2007

Resolution

MOTION 10457

Moved Cr Farrelly
Seconded Cr Newman

That the minutes of the Ordinary Meeting of Council held on the 25 July 2007 be confirmed as a true and accurate record.

MOTION CARRIED 9/0

6.0 NOTICES OF URGENT BUSINESS

None.

7.0 MOTIONS OF WHICH NOTICE HAS BEEN RECEIVED

None.

8.0 PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

None.

9.0 MEMBERS' REPORTS

9.1 CR CHAMBERLAIN

Cr Chamberlain reported attendance at a meeting held at the Lesser Hall in Newdegate on Wednesday 9 August 2007 with representatives from the Wheatbelt Area Consultative Committee to discuss a Regional Partnerships funding application for the Newdegate Town Centre Rejuvenation Project. The Chief Executive Officer, Development Officer and Community Services Assistant also attended.

The project involves development and construction of a cluster of seniors independent living units (funding for which is already secured) located adjacent to the Newdegate Town Hall and a Medical Centre. The Regional Partnerships funding is being sought for improved Medical Centre facilities for Newdegate.

It was a constructive meeting with thoughts being put forward on behalf of the community. The WACC advised they will accept an application from the Shire, however it must be very comprehensive.

Cr Chamberlain advised the Shire is currently in the process of submitting an application and thanked staff for their support on the meeting day.

9.2 CR STEWART

Tuesday July 31st - Cr Stewart reported on a waste disposal site inspection tour, along with Cr Newman, Shire Environmental Health Officer Maurice Walsh and consultant Lindsay Stephen, of possible new landfill sites for Newdegate.

Inspections included sites at Lake Bidy, Watson Rd and on the south side of the bush near the airstrip.

9.3 CR FARRELLY

Cr Farrelly advised Council of the Lake Grace Library, Resource & Telecentre Management Committee held on 2 August 2007, and that the minutes were published in the July Information Bulletin.

10.0 MATTERS FOR CONSIDERATION – WORKS & SERVICES

MOTION 10458

Moved Cr Newman
Seconded Cr Stewart

That Council close the meeting to the public at this time, being 1.42pm, to discuss Tenders 3/2007 Contract Maintenance Grading & 4/2007 Gravel Pushing and Bulldozing.

Section 5.23 (2) (c) of the Local Government Act 1995 allows a meeting to be closed to members of the public if the meeting, or part of the meeting, deals with a contract which may be entered into by the local government and which relates to a matter to be discussed at the meeting.

MOTION CARRIED 9/0

10.1 TENDER 3/2007 – CONTRACT MAINTENANCE GRADING

All original tender documentation was available at the meeting and an additional report by the CEO tabled which included a cost benefit analysis prepared by the Manager of Works.

Foreshadowed Motion

During debate and the moving and seconding of Motion 10459, Cr Chamberlain foreshadowed a motion not to accept any of the tenders. Tenders would be recalled offering both Newdegate and Lake King maintenance grading contracts either as one or individually, as he believes this is not the best deal for ratepayers.

Applicant:	Manager of Works
File No.	0468
Attachments:	Copy of advertisement & specifications, Tender Assessment Small Graders, Tender Assessment Large Graders.
Author:	Mr Glen Brigg & Mr Chris Jackson Manager of Works
Disclosure of Interest:	Nil
Date of Report:	15 July 2007
Senior Officer:	Mr Chris Jackson Chief Executive Officer

Summary

For Council to consider tenders for contract maintenance grading.

Background

The contract for maintenance grading for the Lake King area currently held by TW & PM Henderson expired on the 30 June 2007.

Calling of tenders for contract maintenance and gravel pushing and bulldozing grading were placed in the West Australian on Saturday 21 July 2007 and closed on Friday 10 August 2007.

Contracts for both maintenance grading are optioned for a one or three year period.

Comment

Tenders have been received from Pincon Pty Ltd, TW & PM Henderson, Cordingup Contractors, BR Kennedy, Paul Sproule, Alister Leslie Ruck, Country Road Contracting, DKF Contracting and Northern Goldfields Earthmoving. All tenders are conforming.

Tender considerations are as follows:

TENDERER NAME	TENDERER COMPANY	COMPANY LOCATION	GRADER TYPE	GRADER POWER	BLADE SIZE	HOURLY RATE
Robert Maisey	Pincon Pty Ltd	Pingelly	Caterpillar 12G	135 HP	12 Foot	\$131.82
Robert Maisey	Pincon Pty Ltd	Pingelly	Caterpillar 130G	135 HP	12 Foot	\$122.73
Terry Henderson	TW & PM Henderson	Lake Grace	Volvo 940	215 HP	14 Foot	\$157.50
Wayne Daw	Cordingup Contractors	Ravensthorpe	Volvo 726 VHP	195 to 246 VHP	14 Foot	\$145.00
Brad Kennedy	Brad Kennedy	Newdegate	Caterpillar 12G	135 HP	12 Foot	\$120.00
Paul Sproule	Paul Sproule	Pingaring	Caterpillar 12G	135 HP	12 Foot	\$115.00
Alister Ruck	Ruck Dig & Doz	Quairading	John Deere 770 BH	155 HP	14 Foot	\$120.00
Robert Duncan	Country Road Contract	Donnybrook	Volvo G 940	215 HP	14 Foot	\$150.00
Dennis Ferrell	D.K.F Contracting	Cuballing	WCM 140 H	182 HP	14 Foot	\$117.00 (w/out roller)
						\$127.00 (with roller)
Wayne Linke	Nth Goldfields Earthmoving	Herne Hill	Caterpillar 12H	140 HP	14 Foot	\$130.00

Tender Assessments and Background Contract Maintenance Grading

TW & PM HENDERSON

Hourly Rate Tender Price: TW & PM Henderson have submitted a price of \$157 per hour.

Regional Price Difference: Terry is a local resident of Lake Grace

Quality Assurance and Experience: Terry is our current contractor and possesses the skills required for this contract. He has been working for Council for many years and has a proven track record. He doesn't require any additional personnel for this tender. He also works well with other shire workers and is capable of running any construction the shire undertakes.

Conformity to Specification: Terry purchased a new Volvo 940 grader during his contract and conforms with most documentation. Financials are sound.

CORDINGUP CONTRACTORS

Hourly Rate Tender Price: Cordingup has submitted price at \$145 per hour.

Regional Price Difference: Cordingup are regional operators who are based at Ravensthorpe. If the tender was won by them, the operator will move into the shire. Lake King area is relatively close to them and they can backup the operator from Ravensthorpe.

Quality Assurance and Experience: Wayne Daw knows the Lake King area and has a competent operator who has been working for Esperance Shire and Main Roads, completing flood damage. Their grader has also been working for CALM. His current operator can complete any construction that shire requires. Backup operator is the owner if required.

Conformity to Specification: Cordingup purchased a new Volvo G726 B 6 wheel drive grader which has a front blade for clearing. Documentation is in place and financials are sound after speaking with his accountant. Cordinup have been supplying tucks and side tippers to the shire over the last few months.

COUNTRY ROAD CONTRACTING

Hourly Rate Tender Price: Country Road Contracting submitted a price of \$150 per hour.

Regional Price Difference: Country Road Contractors are based in Donnybrook and if the tender was won they will set up a base in Newdegate.

Quality Assurance and Experience: Both partners are experienced in grader operating and can complete any works council wishes to carry out. During the tender process they visited the shire and operated our own John Deere 770. They were both competent operators and show keenness to undertake this contract.

They have a small earthmoving business in Donnybrook, work for other councils and undertake private works. The grader operator is Robert Duncan, the owner and can be backed up by other company operators.

Conformity to Specification: Country Road Contactors own cat graders but are prepared to buy a new Volvo 940 to carry out the contract. Most documentation is in place and financials are sound.

D.F.K. CONTRACTING

Hourly Rate Tender Price: DFK Contracting have submitted the lowest price in the larger graders \$117 and \$127 per hour with the roller.

Regional Price Difference: Dennis Ferrell is based in Cuballing. He wishes to work in Lake King and still reside in Cuballing.

Quality Assurance and Experience: Dennis is an older operator who has been in earthmoving for 50 years. He has been retired and wishes to come back into the workforce. He has done many years operating a grader and is very experienced. He will be an owner operator and doesn't require personnel.

Conformity to Specification: Dennis is prepared to purchase a new WCM (World Construction Machinery) 140H grader for this contract. These graders are very limited in Australia and the contractor may find backup service hard for our area. Doesn't have any documentation in place but is prepared to have everything in place if the contract is won. Financials are sound.

PINCON

Hourly Rate Tender Price: Pincon have submitted a price of \$131.82

Regional Price Difference: Pincon are based in Pingelly but will set up depot at Newdegate if the tender was won. Operators are prepared to live at Newdegate as well.

Quality Assurance and Experience: Pincon comes highly recommended by all other clients. They have a large local government and Main Roads clientel. The owner Robert Maisey is a full member of the Construction Federation and can operate and supervise any type of construction. He has backup graders as well as operators. He has 3 operators who are very experienced in final trim and each have over 20 years experience with Main Roads.

Conformity to Specification: Pincon have older graders, a 12G and 130G. Pincon have recently spent a lot of money bringing these machines into good working condition. Documentation is in place and financials are sound.

BRAD KENNEDY

Hourly Rate Tender Price: Brad Kennedy has submitted an hourly rate of \$120 per hour.

Regional Price Difference: Brad Kennedy is a local contractor and is based in Newdegate.

Quality Assurance and Experience: Brad is currently being used by the Shire and is capable of all types of road maintenance. He is an owner operator and is a pleasure to work with. He doesn't need any extra personnel to complete this tender.

Conformity to Specification: Brad owns a Cat 12G and conforms with most documentation. Brad and the Shire would benefit if his grader was employed by the Shire full time. Financials sound.

PAUL SPROULE

Hourly Rate Tender Price: Paul Sproule has submitted a price of \$115 per hour

Regional Price Difference: Paul Sproule is a local operator who is based in Pingaring.

Quality Assurance and Experience: Paul is an experienced operator who can carry out any types of construction and maintenance grading. He would use another operator depending on the how the dozer contract went. Both operators are very experienced in both types of machines.

Conformity to Specification: Paul owns a Cat 12G and conforms with all documentation. Paul is also prepared to fit a 14 foot blade to his machine if contract was won. Financials are sound.

RUCK DOZ & DIG

Hourly Rate Tender Price: Alister Ruck has submitted a price of \$120 per hour.

Regional Price Difference: Ruck Doz and Dig are a Quairading based company.

Quality Assurance and Experience: Alister Ruck has many years experience on all types of earthmoving equipment and has good knowledge of maintenance grading. He is looking at moving to the Shire and setting up at Lake King if the contract was won. He will be the only operator and doesn't need any other personnel.

Conformity to Specification: Alister owns an older John Deere 770 BH grader with a 14 foot blade. Ruck Doz and Dig conform with most documentation. Alister hasn't offered much information on financials. He does however own all equipment and has no liabilities.

NORTHERN GOLDFIELDS EARTHMOVING.

Hourly Rate Tender Price: Northern Goldfield Earthmoving submitted a price of \$130 per hour

Regional Price Difference: Northern Goldfield Earthmoving is a Herne Hill based company.

Quality Assurance and Experience: Northern Goldfield Earthmoving come highly recommended and have very experienced operators. They have undertaken large contracts maintenance grading with Wiluna Shire

Council. They are still currently contracted to Wiluna Shire and are looking to further their contracts with other shires.

Conformity to Specification: Northern Goldfield Earthmoving is offering a Cat 12 H for this contract. They conform with all documentation and financials are sound.

Conclusion

Summing up all contractors it is hard to pin down any one contractor to carry the contract at Lake King area. Graders range from large construction to smaller maintenance machines.

The tender was called this way as this is a maintenance grading contract. The existing contractor has on occasions been used for construction when needed.

I have weighted them in to different sections one with larger graders and then smaller graders. I don't see any disadvantage in having a smaller grader for the contract. I see the next few years moving more into road maintenance rather than road construction.

I have taken note of the contract budget and can see a large difference in the hours available from these different machines. The contract budget is \$200,000.

Based purely on price, the top of the range is TW & PM Henderson at \$157 per hour. At this rate with the budget available the limit of hours which he could work this financial year would be 1273 hours.

Bottom of the range is Paul Sproule at \$115 per hour. The limit of hours which he can work this financial year is 1739 hours.

Council approved the following assessment criteria and weightings. Refer attached scorecard for details.

Tender price	60%
Regional Price Preference	10%
Quality Assurance & Experience	25%
Conformity to Specification	5%

Based on the overall scorecard the assessment order is as follows;

1) Paul Sproule	92.5
2) Brad Kennedy	86.25
3) DKF Contracting	80
4) Ruck Dig & Doz	77
5) Cordingup	75
6) TW & PM Henderson	68.75
7) Country Road & Pincon -	66.25
8) Northern Goldfields	65

If the scores are broken down into the small and larger machines the result is as follows.

Smaller Machines

1) Paul Sproule	92.5
2) Brad Kennedy	86.25
3) Ruck Dig & Doz	77
4) Pincon	66.25
5) Northern Goldfields	65

Larger Machines

1) DKF Contracting	80
2) Cordingup Contractors	75
3) TW & PM Henderson	68.75
4) Country Road Contractors	66.25

Option One: Based on the tender scorecard, the fact that the contract is being let for maintenance grading not construction and with the opportunity to achieve more hours with the funds that are available the tender of Paul Sproule should be recommended.

Option Two: Council has recently discussed the options that are available for maintenance grading in the Newdegate area given that we have been unable to secure an operator for the Council owned machine.

It has been suggested that a contract could also be let for maintenance grading in this area. Given the contractors that are currently available and the competition in the market this may be a good option. A full cost benefit analysis will now be prepared for the meeting.

As an alternative Council could advise the current tenderers that the tender will be readvertised and will now include two contracts; one for the Lake King area and one for Newdegate. On top of the current \$200,000 available for Lake King this option would add an additional \$150,000 approx. Tenders would have the option of tendering on one or both of the maintenance grading contracts. Whilst this will delay the signing of a contract it will give all the current tenderers and other operators the opportunity to tender on the whole maintenance contract.

Option Three: Council could also accept any one of the current tenders (3/2007) for the Lake King contract and advertise calling tenders for a new contract for Newdegate.

Note; It can not be stressed enough that the matter remains confidential until such time as a decision is made by Council. Particularly if Council was to support option two the disclosure of the tender considerations (Hourly Rate) should remain highly confidential.

Legal Implications

Local Government Act 1995 s3.57

Local Government (Functions and General) Regulations 1996 Part 4

Local Government Act 1995, Section 5.93, Division 7, which states as follows:

5.93 Improper Use of Information

A person who is a council member, a committee member or an employee must not make improper use of any information acquired in the performance by the person of any of his or her functions under this Act or any other written law –

(a) to gain directly or indirectly an advantage for the person or any other person; or

(b) to cause detriment to the local government or any other person.

Penalty: \$10,000 or imprisonment for 2 years.

Policy Implications

Purchasing Policy

Community Consultation

N/A

Financial Implications

Various road construction and maintenance accounts.

Strategic Implications

N/A

Cultural Implications

N/A

Recommendation

That Council discuss and consider the above options for Maintenance Grading Contracts.

Voting Requirements

Simple majority required.

Resolution

MOTION 10459

Moved Cr Newman
Seconded Cr Sinclair

That Council accept the tender from TW & PM Henderson for Tender 3/2007 Contract Maintenance Grading for a three year period commencing 1 September 2007.

MOTION CARRIED 5/4

Cr Bennett requested she be recorded as voting against the motion.

REASONS FOR AWARDING OF TENDER TO TW & PM HENDERSON

- ***Bigger machine***
- ***Wider blade – 14ft***
- ***Local knowledge of road system in the area***
- ***Value for money - \$ per km will be less with the experienced local operator***
- ***Proven track record***
- ***More work will be done in shorter window of time***

10.2 TENDER 4/2007 – CONTRACT GRAVEL PUSHING AND BULLDOZING

Applicant: Manager of Works
File No. 0468
Attachments: Copy of advertisement & specifications, Tender Assessment Dozer.
Author: Mr Glen Brigg & Mr Chris Jackson
 Manager of Works
Disclosure of Interest: Nil
Date of Report: 15 July 2007
Senior Officer: Mr Chris Jackson
 Chief Executive Officer

Summary

For Council to consider tenders for contract gravel pushing and bulldozing.

Background

The contract for gravel pushing and bulldozing contract is currently held by Davmin Holding Pty Ltd (Boyce) and expired on the 30 June 2007.

Calling of tenders for contract maintenance grading and gravel pushing and bulldozing were placed in the West Australian on Saturday 21 July 2007 and closed on Friday 10 August 2007. The contract for both gravel pushing & bulldozing is optioned for a one or three year period.

Comment

Conforming tenders have been received from Paul Sproule, Davmin Holdings Pty Ltd and Rockway Holdings Pty Ltd. A tender received at the Office on 14 August 2007 from Henderson Contractors of Narembeen was rejected as non conforming due to its late arrival.

Conforming tender considerations received are as follows:

TENDERER'S NAME	TENDERER'S COMPANY	COMPANY LOCATION	TYPE OF DOZER	DOZER POWER	HOURLY RATE	
Paul Sproule	Paul Sproule	Pingaring	Komatsu D65EX- 12	180 HP	\$140	77c Per HP
David Boyce	Davmin Holdings Pty Ltd	Newdegate	Caterpillar D8N	285 HP	\$215	75c Per HP
David Boyce	Davmin Holdings Pty Ltd	Newdegate	Komatsu D85EX -15	240 HP	\$196	81c Per HP
CG Shepherton	Rockway Holdings	Esperance	Caterpillar D9H	410 HP	\$270	65c Per HP
<i>Rockway Holdings have a mob and demob charge per job which is \$2500 mob and \$2500 demob</i>						

Three contractors submitted prices for the contract. It is hard to compare the range of sizes to the hourly rates. This can only be done by dollar value for horsepower. Refer to the attached scorecard with the assessment scores as follows.

- 1) Rockway Holdings 87.5
- 2) Davmin Holdings 85
- 3) Paul Sproule 77.5

All contractors are experienced in gravel pushing and are capable of carrying out this contract. All have submitted all relevant documentation and financials are sound.

Davmin are local operators who have been carrying out the contract for the last 3 years. They are already established central to the shire which limits mobilization and demobilization costs. Davmin run two machines which doesn't limit their capabilities during a breakdown situation. Given the mobilization costs for Rockway and that Davmin are already locally based it is recommended that the Tender submitted by Davmin Holdings be accepted.

Legal Implications

Local Government Act 1995 s3.57

Local Government (Functions and General) Regulations 1996 Part 4

Policy Implications

Purchasing Policy

Community Consultation

N/A

Financial Implications

Various road construction and maintenance accounts.

Strategic Implications

N/A

Cultural Implications

N/A

Voting Requirements

Simple majority required.

Recommendation/Resolution

MOTION 10460

Moved Cr Chamberlain
Seconded Cr Newman

That Council accept the tender from Davmin Holdings Pty Ltd for Contract Gravel Pushing and Bulldozing Tender 4/2007 for a three year period commencing on the 1 September 2007.

MOTION CARRIED 9/0

MOTION 10461

Moved Cr Newman
Seconded Cr Stewart

That Council re-open the meeting to the public at this time,
being 2.25 pm.

MOTION CARRIED 9/0

The Chief Executive Officer read aloud Motions 10460 and 10461.

MOTION 10462

Moved Cr Stewart
 Seconded Cr Sinclair

That Council accept late Item 10.3.

MOTION CARRIED 9/0

10.3 TARCO RD/COLLIE LAKE KING RD INTERSECTION – URGENT WORKS

During debate Cr Newman foreshadowed that he would move a motion delaying the matter for 12 months and instruct that in the interim appropriate warning signage be put in place on the main road.

Cr Chamberlain also foreshadowed a motion that the Executive negotiate with Main Roads for special black spot funding prior to the undertaking of any works. (NOTE: This matter was later dealt with at 15.1 – see p701)

Applicant: Manager of Works
File No. 0476
Attachments: Correspondence - Mainroads WA
Author: Mr Chris Jackson
 Chief Executive Officer
Disclosure of Interest: Nil
Date of Report: 20 August 2007
Senior Officer: Mr Chris Jackson
 Chief Executive Officer

Summary

For Council to approve funds for urgent works to the Tarco Road/Collie Lake King Road (Newdegate Ravensthorpe Rd) intersection.

Background

The Tarco Road intersection has previously been listed for Regional Blackspot funding due to safety concerns particularly when being used by road trains.

At this stage funding has not been successful as there have been other assessed priorities in the region. Following representation by Bob Iffla a meeting was held on site with Mainroads WA, the Shire and Mr Iffla.

Refer attached correspondence from Mainroads WA.

Comment

Given the serious safety concerns that have been raised it is recommended that funds from the 2007/2008 Road Program be reallocated so that this work can be undertaken. Unfortunately, if the works are carried out the project will not be eligible for retrospective Blackspot funding.

It is estimated that \$10,000 is required to complete the required works. Savings have been made on works on the Old Ravensthorpe Road (Job No 08011) which can be reallocated.

Legal Implications

Safety concerns as indicated above.

Policy Implications

N/A

Community Consultation

Mr Bob Iffla and other members of the community have previously raised concerns about this intersection.

Financial Implications

As above.

Strategic Implications

N/A

Cultural Implications

N/A

Voting Requirements

Absolute majority (5) required.

Recommendation/Resolution

MOTION 10463

Moved Cr Bennett
Seconded Cr Farrelly

1. That the 2007/2008 Works Program be amended by reducing the budget allocation for Old Ravensthorpe Road, Job No 08011 to \$30,000 and adding a new Job No 08035 Tarco Road Intersection upgrade with a budget of \$10,000.
2. That a design conforming to Main Roads requirements be submitted with works to commence immediately upon approval.

MOTION CARRIED BY ABSOLUTE MAJORITY 7/2

11.0 MATTERS FOR CONSIDERATION – TOWN PLANNING

MOTION 10464

Moved Cr Stewart
Seconded Cr Bennett

That Council accept late Item 11.1.

MOTION CARRIED 9/0

3.51pm *Cr Walker advised the meeting he was disclosing an interest in item 11.1 in that he is a direct seasonal employee of Co-operative Bulk Handling and lives in the Lake Grace townsite.*

MOTION 10465

Moved Cr Newman
Seconded Cr Stewart

That Cr Walker be allowed to participate in both discussion and decision making relating to Item 11.1 as his interest in the matter is considered to be trivial.

MOTION CARRIED 9/0

3.52pm *Cr Farrelly disclosed an interest of proximity in item 11.1 in that he owns a motel located directly opposite the street to the proposed development and left the meeting.*

3.53pm *Cr Newman declared an interest in Items 11.1 and 11.2 in that he is a Director of CBH. Cr Newman requested Council to consider that he be able to participate in discussion and vote on the matter and left the room.*

MOTION 10466

Moved Cr Chamberlain
Seconded Cr Walker

That Cr Newman be allowed to remain and participate in the discussion on the matter but not vote.

MOTION CARRIED 7/0

3.55pm *Cr Newman re-entered the meeting.*

11.1 PLANNING APPLICATION – CBH ACCOMMODATION UNITS – LOT 231 (NO 4) GRIFFITHS ST LAKE GRACE

Copies of letters received from Lindsay & Annie Slarke and Robert Palmer, adjacent landholders to 4 Griffiths St, were distributed to Councillors.

Applicant: Bulkwest Engineering (on behalf of CBH Group)
File No. 0365/0454
Attachments: Plans 1 to 6, Plate 1
Author: Mr Joe Douglas & Mr Steve Pandevski
 Town Planning Consultant
Disclosure of Interest: Nil
Date of Report: 20 August 2007
Senior Officer: Mr Chris Jackson
 Chief Executive Officer

Summary

This report provides details and a recommendation in respect of an application for Council's planning consent submitted by Bulkwest Engineering to erect five (5) second-hand prefabricated buildings on Lot 231 (No.4) Griffiths Street, Lake Grace for the purpose of providing accommodation for up to 16 employees based at CBH's Lake Grace Receiving Point.

Background

Lot 231 is located centrally within the southern portion of the Lake Grace townsite with direct frontage to Griffiths Street (see Plan 1 – Location Plan).

The land comprises a total area of approximately 1,578m² and is cleared of any native vegetation. Adjoining land uses include a single house on the lot located immediately south, a grouped dwelling complex on the lot located immediately north, a motel (i.e. Saltbush Inn) immediately west on the opposite side of Griffiths Street and a Crown reserve comprising the local lakes system immediately east (see Plan 2 – Aerial Site Plan).

The applicant has identified the intentions for the subject land in correspondence provided to the Shire dated 14 August 2007.

A summary of the submission is as follows:

“As part of the Company's 2007 site expansion of its CBH Lake Grace Receiving Point, the Company discussed with Council the possibility of upgrading its staff accommodation facilities and the possibility of relocating them within the town site.

We advise that the Company has recently purchased several near new Fleetwood prefabricated accommodation units with the intention of creating new staff accommodation facilities at several of its sites throughout the Wheatbelt, including Lake Grace. The Company proposes to establish a new staff accommodation facility at its newly purchased site within the Lake Grace town site, being Lot 231 Griffiths Street. Once complete the Receiving Point's existing on-site accommodation building will be converted into a staff lunch room.

The new accommodation facility will comprise of 16 single bedrooms, each with its own ensuite and air conditioner. These near new units are constructed of insulated colour bond panels and zincalume roofing. The facility will also include a relocated (second hand) six person staff accommodation unit. This building will be refurbished to include two kitchens, a laundry, a store room and a large open plan dining/lounge room. The 1960's building is constructed of polyurethane sandwich panels faced with Hardiflex both sides and has a metal 'Spandek' roof.

The units will be aligned in a 'u' shape and be linked with a paved veranda. These units will be located on the rear half of the property with the front half comprising of parking and landscaping. We have also included a copy of the front elevation showing the 1.8 metre colour bond screening fence and landscaping to be located between the car park and the accommodation units. The Company will further improve the property's streetscape by installing a 1.2 metre high colour bond front boundary fence and landscaped car park. The car park will comprise of 18 bays in total with each bedroom being allocated one bay.

The car park will also have two on-site visitor bays. It is anticipated that not all staff staying at the facility will have a vehicle and that any surplus bays can be utilised for visitor parking."

A copy of the plans and an example photograph submitted in support of the proposal by the applicant are appended to this report and contained at Plans 3 to 6 and Plate 1.

Comment

Lot 231 is currently classified 'Residential' zone under the Shire of Lake Grace Town Planning Scheme No.3 (TPS 3) and is proposed to retain its residential zoning classification in the Shire's proposed new Town Planning Scheme No.4 (TPS 4).

Town Planning Scheme No.3 (TPS No.3)

Under the terms of the land's current zoning classification in TPS No.3 the development of the site for a 'Residential Building', which is defined as "a building or a portion of a building, together with rooms and outbuildings separate from such building but ancillary thereto; such building being used or intended, adapted or designed to be used for the purpose of human habitation – temporarily by two or more persons, or

permanently by seven or more persons”, is permissible subject to compliance with the relevant standards and requirements laid down in TPS No.3, including connection to reticulated sewerage and Council being satisfied that the proposal (amongst other things) is consistent with the aims and objectives of the ‘Residential’ zone.

Council’s stated objective for all ‘Residential’ zoned land under TPS No.3 aims to ensure that the zone adequately provides for the residential needs of the District in a manner consistent with the maximum residential amenity and public safety, and to achieve this objective, Council will adopt the Residential Planning Codes consistent with the residential character of the areas, and which will enable residential uses other than single houses to be appropriately located.

In considering the appropriateness of the proposed development on the subject land in the context of the objectives of the ‘Residential’ zone under TPS No.3 it should be noted that:

- The proposed development will provide for the local residential (accommodation) needs of staff employed by CBH at the Lake Grace Reveal Point, therefore facilitating the provision of a specific form of residential accommodation required in the District;
- The proposed development satisfies all development standards of the Residential Planning (Design) Codes (including landscaping, site cover, access, setbacks, etc) except for carparking. Based on the number of proposed accommodation units and visitor parking requirements, a total of 20 carparking spaces should be provided on-site unless Council is satisfied that the development will not generate the need for 20 carparking spaces. The applicant has provided 18 on-site carparking spaces and has submitted that this is satisfactory for the facility given that not all staff have their own vehicle. If the Council accepts this rationale it may support the 2 car bay shortfall;
- The proposed development is generally consistent with the existing built form and some of the types of uses in the immediate locality (i.e. a grouped dwelling complex is located on the property to the north, whilst the Saltbush Inn is located across the road). To that extent the Council may determine that the proposed development is consistent with the existing character of the area; and
- The objectives of the zone enable residential uses other than single houses to be approved in appropriate locations. The application submitted by CBH is an “other residential” type use and it may be considered that it is appropriately located given the type and form of existing developments and uses in the immediate locality.

Town Planning Scheme No.4 (TPS No.4)

Similar to the provisions contained in TPS No.3, the Shire's proposed new TPS No.4 (which is expected to come into legal effect in the next few weeks) also enables Council to approve a 'Residential Building' on land zoned for 'Residential' purposes. Specifically, clause 4.4.2(a) of TPS No.4 states that the local government may "determine that the use is consistent with the objectives of the particular zone and is therefore permitted".

The objectives for land classified 'Residential' zone under TPS No.4 are as follows:

- To achieve a high standard of residential development in accordance with contemporary planning and development practice for the benefit of the community of the Shire of Lake Grace.
- To enhance the character and amenity of residential areas.
- To provide for residential development at a range of densities with a variety of housing types to meet the needs of the community.
- To provide an opportunity for residents to undertake occupations ancillary to the use of their dwelling that are compatible in character, scale and operation with the residential use and which will not have an adverse affect upon the existing character and amenity of these areas.

In considering the appropriateness of the proposed development on the subject land in the context of the objectives of the 'Residential' zone under TPS No.4 Council should note, in addition to comments provided previously in this report, that the development will result in the residential use and physical upgrading of a site (including landscaping and fencing) that is currently vacant and poorly maintained.

Conclusion

It is concluded from an assessment of the application in the context of the Shire's current Town Planning Scheme No.3, proposed new Town Planning Scheme No.4 and the Residential Design Codes of Western Australia that the proposal to erect prefabricated buildings on Lot 231 (No.4) Griffiths Street, Lake Grace for the purpose of providing accommodation for up to 16 CBH Lake Grace Receival point staff is capable of being implemented in a proper and orderly manner subject to compliance with a number of conditions to ensure that the proposed development proceeds in accordance with the details of the plans submitted in support of the application and does not have a negative impact upon the general amenity, character, functionality and safety of the immediate locality.

In making a final determination on the application it is recommended that Council consider imposing a number of conditions on any approval issued to address the following matters:

- The need to ensure the preparation and submission of satisfactory building plans to the Shire for the issuance of a building licence prior to commencement of the proposed development;
- The need to ensure that the proposed “Modified Kitchen/Living Quarters” building is not raised to a height in excess of 500mm above existing natural ground level therefore preventing overlooking from windows into the adjoining southern property;
- The need to ensure that carparking and landscaping areas are installed and maintained to a satisfactory standard; and
- The need to ensure adequate management of on-site stormwater drainage.

Legal Implications

Planning and Development Act 2005 (as amended)

Shire of Lake Grace Town Planning Scheme No.3

Proposed Shire of Lake Grace Town Planning Scheme No.4

Residential Design Codes of Western Australia

Policy Implications

Nil

Community Consultation

The Scheme does not require Council to undertake a community consultation process prior to determining the application.

Notwithstanding, should Council form the view that consultation with the local community should be undertaken before it determines the application, particularly immediately adjoining landowners, it may do so for a minimum required period of twenty one (21) days.

Financial Implications

Nil

Strategic Implications

The development, if approved, will assist CBH with its operations and staffing requirements associated with the Lake Grace Receiving Point in a manner that may have strategic economic benefits for the district.

Recommendation

That Council resolve to approve the application for planning consent submitted by Bulkwest Engineering to erect prefabricated buildings on Lot 231 (No.4) Griffiths Street, Lake Grace for the purpose of providing accommodation for up to 16 employees based at CBH’s Lake Grace Receiving Point in accordance with the details submitted in support of the application subject to compliance with the following conditions:

1. Completion of all development within two (2) years of the date of Council's issuance of planning consent.
2. A satisfactory building licence application and plans being submitted to and approved by the Shire.
3. The finished floor level of the proposed "Modified Kitchen / Living Quarters" as identified on the approved site plan is not to be greater than 500mm above the existing natural ground level.
4. All stormwater drainage shall be managed to the specifications and satisfaction of the Shire.
5. The landscaping as depicted on the approved site plan is to be installed prior to occupancy of the development and to the satisfaction of the Shire.
6. The landscaping as depicted on the approved site plan is to be maintained to the satisfaction of the Shire.
7. The carparking area is to be constructed and maintained to the specifications and satisfaction of the Shire.
8. The development is to be connected to reticulated sewerage infrastructure servicing the locality to the specifications and satisfaction of the Shire of Lake Grace in its capacity as the owner / operator of the townsite sewerage scheme.

Voting Requirements

Simple majority required.

Resolution

ORIGINAL MOTION 10467

Moved Cr Taylor
Seconded Cr Sinclair

That Council resolve to approve the application for planning consent submitted by Bulkwest Engineering to erect prefabricated buildings on Lot 231 (No.4) Griffiths Street, Lake Grace for the purpose of providing accommodation for up to 16 employees based at CBH's Lake Grace Receival Point in accordance with the details submitted in support of the application subject to compliance with the following conditions:

1. Completion of all development within two (2) years of the date of Council's issuance of planning consent.
2. A satisfactory building licence application and plans being submitted to and approved by the Shire.
3. The finished floor level of the proposed "Modified Kitchen / Living Quarters" as identified on the approved site plan is not be greater than 500mm above the existing natural ground level with the building to be suitably renovated, including painting, to the satisfaction of the Shire.
4. All stormwater drainage shall be managed to the specifications and satisfaction of the Shire.
5. The landscaping as depicted on the approved site plan is to be installed prior to occupancy of the development and to the satisfaction of the Shire.
6. The landscaping as depicted on the approved site plan is to be maintained to the satisfaction of the Shire.
7. The carparking area is to be sealed and maintained to the specifications and satisfaction of the Shire.
8. The development is to be connected to reticulated sewerage infrastructure servicing the locality to the specifications and satisfaction of the Shire of Lake Grace in its capacity as the owner / operator of the townsite sewerage scheme.
9. The noise generated by activities on-site is not to exceed the levels set out under the Environmental Protection (Noise) Regulations 1997.

ORIGINAL MOTION 10467 continued.

10. Prior to the occupancy of the development, CBH is required to prepare and adopt policies that address how the facility will be managed so as to avoid the generation of any loud, disorderly or anti-social behaviour which will have an unreasonable impact on the amenity of the immediate locality. CBH is to prepare the policies in consultation with, and to the satisfaction of the Shire.

AMENDMENT

Moved Cr Walker
Seconded Cr Bennett

That the words “subject to a 21 day community consultation period” be added between the words “to approve” and “the application” in the first paragraph.

CARRIED 4/3

COUNCIL DECISION

That Council resolve to approve subject to a 21 day community consultation period, the application for planning consent submitted by Bulkwest Engineering to erect prefabricated buildings on Lot 231 (No.4) Griffiths Street, Lake Grace for the purpose of providing accommodation for up to 16 employees based at CBH's Lake Grace Receiving Point in accordance with the details submitted in support of the application subject to compliance with the following conditions:

1. Completion of all development within two (2) years of the date of Council's issuance of planning consent.
2. A satisfactory building licence application and plans being submitted to and approved by the Shire.
3. The finished floor level of the proposed “Modified Kitchen / Living Quarters” as identified on the approved site plan is not be greater than 500mm above the existing natural ground level with the building to be suitably renovated, including painting, to the satisfaction of the Shire.
4. All stormwater drainage shall be managed to the specifications and satisfaction of the Shire.
5. The landscaping as depicted on the approved site plan is to be installed prior to occupancy of the development and to the satisfaction of the Shire.

COUNCIL DECISION 10467 continued.

6. The landscaping as depicted on the approved site plan is to be maintained to the satisfaction of the Shire.

7. The carparking area is to be sealed and maintained to the specifications and satisfaction of the Shire.

8. The development is to be connected to reticulated sewerage infrastructure servicing the locality to the specifications and satisfaction of the Shire of Lake Grace in its capacity as the owner / operator of the townsite sewerage scheme.

9. The noise generated by activities on-site is not to exceed the levels set out under the Environmental Protection (Noise) Regulations 1997.

10. Prior to the occupancy of the development, CBH is required to prepare and adopt policies that address how the facility will be managed so as to avoid the generation of any loud, disorderly or anti-social behaviour which will have an unreasonable impact on the amenity of the immediate locality. CBH is to prepare the policies in consultation with, and to the satisfaction of the Shire.

MOTION CARRIED 7/0

REASONS FOR CHANGES

- **Late item – big decision in a short space of time.**
- **Landowners living around the area need to be consulted and re-assured.**
- **Preference for a community consultation period.**
- **Is an opportunity for CBH to brief community living in the area on the outcome of the project.**

3.17pm *Cr Farrelly re-entered the meeting and the Chief Executive Officer read aloud the motion.*

3.20pm *Meeting adjourned for afternoon tea.*

3.28pm *Meeting reconvened with all those previously present in attendance.*

MOTION 10468

Moved Cr Taylor
Seconded Cr Sinclair

That Council accept late Item 11.2.

MOTION CARRIED 9/0

**11.2 PLANNING APPLICATION – CBH ACCOMMODATION UNITS LOT
107 VARLEY ROAD (HYDEN LAKE KING RD), LAKE KING**

Applicant: Bulkwest Engineering (on behalf of CBH Group)
File No. 0365/0454
Attachments: Plans 7 to 10, Plate 1
Author: Mr Joe Douglas & Mr Steve Pandevski
Town Planning Consultant
Disclosure of Interest: Nil
Date of Report: 20 August 2007
Senior Officer: Mr Chris Jackson
Chief Executive Officer

Summary

This report provides details and a recommendation in respect of an application for Council's planning consent submitted by Bulkwest Engineering to erect two (2) second-hand prefabricated residential buildings on Lot 107 Varley Road (Hyden-Lake King Road), Lake King as part of the proposed upgrading of existing on-site staff accommodation at CBH's Lake King Receiving Point to accommodate up to 14 employees.

Background

Lot 107 is located within the northern portion of the Lake King townsite with direct frontage to Varley Road (Hyden-Lake King Road) (see Plan 7 – Location Plan).

The land comprises a total area of approximately 22.32 hectares of which the north-eastern portion comprises the existing CBH storage, processing and distribution infrastructure and staff accommodation whilst the remainder of the site contains remnant vegetation. The abutting land, generally to the south, is reserved for 'Conservation' and 'Recreation' purposes, whilst land to the north and on the opposite side

of Varley Road (Hyden-Lake King Road) is used for broadacre agricultural purposes (see Plan 8 – Aerial Site Plan).

The applicant has identified the intentions for the subject land in correspondence provided to the Shire dated 16 August 2007. A summary of the submission is as follows:

“We advise that the Company has recently purchased several near new Fleetwood prefabricated accommodation units with the intention of upgrading several of its existing on-site staff accommodation facilities.

We further advise that the Company proposes to upgrade its existing on-site staff accommodation facility located at the Lake King Receiving Point.

The Company’s existing on-site staff facility at Lake King currently comprises of two (2) x six (6) man accommodation units. Each unit includes the following:

- 3 x double bedrooms;*
- 1 x laundry & shower room. This room includes a shower, toilet, hand basin, two wash troughs and washing machine;*
- 1 x kitchen & dining room. This large room has a stove, sink, cupboards, fridge, dining table and chairs.*

The Company proposes to upgrade this facility by installing two (2) near new prefabricated accommodation units. Each unit contains four single bedrooms, each with its own ensuite and air conditioner. These near new units are constructed of insulated colour bond panels and zincalume roofing. These units will be located on the northern side of the existing accommodation units and linked by a paved path.

In addition to installing the new accommodation units, the Company also proposes to convert the existing accommodation unit’s double bedrooms into single bedrooms, resulting in the overall on-site staff accommodation capacity being increased from 12 to 14 persons, with each staff member having access to the communal facilities.

We advise that we are currently undertaking detailed estimating of this proposal and will forward the appropriate planning fees as a matter of priority once completed. We are also currently undertaking detailed planning and engineering and in due course will forward additional drawings and our Building Licence Application.

Due to the tight construction timeframe to have this facility operational in readiness for this year’s harvest, it would be appreciated if Council could expedite the approval process.”

A copy of the plans submitted in support of the proposal by the applicant are appended to this report and contained at Plans 9 & 10.

Comment

Lot 107 is currently classified 'Parkland and Recreation' reserve under the Shire of Lake Grace Town Planning Scheme No.3 (TPS 3). The classification of the land under the Shire's proposed new Town Planning Scheme No.4 (TPS 4) will be 'General Industry' with the intent of reflecting the current use of the land by CBH for grain storage, processing and distribution purposes.

Town Planning Scheme No.3 (TPS No.3)

Under the terms of the land's current 'Parkland and Recreation' reserve classification under TPS No.3 the development of the site for the purposes of a 'Residential Building', which is defined as "a building or a portion of a building, together with rooms and outbuildings separate from such building but ancillary thereto; such building being used or intended, adapted or designed to be used for the purpose of human habitation – temporarily by two or more persons, or permanently by seven or more persons", is capable of being approved subject to Council exercising discretion and having regard for the ultimate purpose intended for the land.

Although the land is currently reserved 'Parkland and Recreation' the ultimate purpose of the land is to provide the CBH Lake King Receiving Point with the necessary flexibility required to facilitate its continued operations and growth. To that extent Lot 107 is no longer required for parkland and recreation purposes. This is clearly demonstrated by the fact that the land is now in freehold ownership by CBH and is proposed to be classified 'General Industrial' zone under the Shire's proposed new TPS No.4.

Taking the above into consideration it is open to Council to determine that the proposal is consistent with the intended, ultimate purpose of Lot 107 and therefore grant its approval (with or without conditions).

Town Planning Scheme No.4 (TPS No.4)

As previously mentioned Lot 107 is proposed to be classified 'General Industrial' zone under the Shire's proposed new TPS No.4 with the intent of providing the CBH Lake King Receiving Point with the necessary flexibility required to accommodate its continued development and use for grain handling and storage purposes. TPS No.4, which is likely to come into legal effect in the next few days, will also enable Council to approve additions to buildings approved and used for residential purposes on the subject land under the non-conforming use provisions contained in clause 4.9.1 of TPS No.4.

Clause 4.9.1 states:

"A person must not...erect, alter or extend a building used in conjunction with or in furtherance of a non-conforming use...without first having applied for and obtained planning approval under the Scheme."

The 'General Industrial' zoning classification proposed for the subject land under TPS No.4 aims to encourage the use of the land for industrial purposes only. To that extent it may be questionable, given the flexibility required to accommodate CBH's operational requirements including on-site staff accommodation, whether the 'General Industry' zoning classification under TPS No.4 achieves the desired level of flexibility in terms of future land use and development.

Taking the above into consideration it may be prudent for the Shire, upon gazettal of TPS No.4, to investigate the appropriateness of the 'General Industrial' zoning classification applicable to all CBH sites within the district.

Development Standards

Due to the applicant's draftsman not being available and the need to submit the application as a matter of urgency to enable its consideration at Council's August 2007 Ordinary meeting, the applicant acknowledges that the plans are somewhat "basic". Notwithstanding the quality of the plans it is apparent from assessing the proposal that the normal development standards (site cover, access, setbacks, etc) prescribed by the land's current and proposed zoning classifications are capable of being satisfied.

Conclusion

It is concluded from an assessment of the application in the context of the Shire's current Town Planning Scheme No.3 and proposed new Town Planning Scheme No.4 that the proposal to erect prefabricated buildings on Lot 107 Varley Road (Hyden-Lake King Road), Lake King for the purpose of providing upgraded on-site accommodation for CBH Lake King Receiving Point staff is capable of being implemented in a proper and orderly manner subject to compliance with a number of conditions to ensure that the proposed development proceeds in accordance with the details of the plans submitted in support of the application and does not have a negative impact upon the general amenity, character, functionality and safety of the immediate locality.

In making a final determination on the application it is recommended that Council consider imposing a number of conditions on any approval issued to address the following matters:

- The need to ensure the preparation and submission of satisfactory building plans to the Shire for the issuance of a building licence prior to commencement of the proposed development;
- The need to ensure that the proposed development has an appropriate setback (i.e. a minimum of approximately 35 metres) from Varley Road (Hyden-Lake King Road);

- The provision of adequate on-site effluent disposal facilities;
- The need to provide a total of sixteen (16) car parking bays on-site to service the existing and proposed accommodation facilities; and
- The need to ensure the adequate management of additional on-site stormwater drainage generated by the additional roof cover.

Legal Implications

Planning and Development Act 2005 (as amended)

Shire of Lake Grace Town Planning Scheme No.3

Proposed Shire of Lake Grace Town Planning Scheme No.4

Policy Implications

Nil

Community Consultation

The Scheme does not require Council to undertake a consultation process prior to determining the application.

Notwithstanding, should Council form the view that consultation with the local community should be undertaken before determining the application it may do so for a minimum required period of twenty one (21) days.

Financial Implications

Nil

Strategic Implications

The development, if approved, will assist CBH with its operations and staffing requirements associated with the Lake King Receiving Point in a manner that may have strategic economic benefits for the district.

Voting Requirements

Simple majority required.

Recommendation/Resolution

MOTION 10469

Moved Cr Stewart
Seconded Cr Bennett

That Council resolves to:

1. Approve the application for planning consent submitted by Bulkwest Engineering to erect prefabricated buildings on Lot 107 Varley Road (Hyden-Lake King Road), Lake King for the purpose of providing upgraded on-site accommodation for CBH Lake King Receiving Point staff in accordance with the details submitted in support of the application subject to compliance with the following conditions:

- a) Completion of all development within two (2) years of the date of Council's issuance of planning consent.
- b) A satisfactory building licence application and plans being submitted to and approved by the Shire.
- c) The development to have a minimum setback of approximately 35 metres from the Varley Road (Hyden-Lake King Road) road reserve.
- d) The provision of a total of 16 carparking bays on-site to service the existing and proposed accommodation facilities. The carparking bays are to be located in close proximity to the accommodation facilities and are to be installed to the specifications and satisfaction of the Shire.
- e) All stormwater drainage shall be managed to the specifications and satisfaction of the Shire.
- f) The development is to be connected to an adequate on-site effluent disposal system to the satisfaction of the Shire and the Department of Health Western Australia.

2. Require the administration to investigate the appropriateness of the 'General Industrial' zoning classification applicable to all CBH sites within the district under the Shire's proposed new Town Planning Scheme No.4 with a view to ensuring that CBH are afforded sufficient flexibility to accommodate its future operational requirements including on-site accommodation.

MOTION CARRIED 8/0

12.0 MATTERS FOR CONSIDERATION – HEALTH & BUILDING

No items for consideration

13.0 MATTERS FOR CONSIDERATION – FINANCE

13.1 ACCOUNTS FOR PAYMENT – JULY 2007

Applicant: Shire of Lake Grace
File No. 0277
Attachments: List of Creditors
Author: Miss Rysha Bird
Finance Officer
Disclosure of Interest: Nil
Date of Report: 14 August 2007
Senior Officer: Mr Chris Jackson
Chief Executive Officer

Summary

For Council to ratify expenditures incurred for the month of July 2007.

Background

List of invoices paid for the month of July 2007 through the Municipal Account is 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 Regulations.

Legal Implications

Local Government (Financial Management) Regulations 1996 – Reg 12
Local Government (Financial Management) Regulations 1996 – Reg 13

Policy Implications

N/A

Community Consultation

N/A

Financial Implications

The list of creditors paid for the month of July 2007 from the Municipal Account amounts to \$749,073.47.

Strategic Implications

N/A

Cultural Implications

N/A

Voting Requirements

Simple majority required.

Recommendation/Resolution

MOTION 10470

Moved Cr Farrelly
Seconded Cr Newman

That Municipal Account cheques 32694 to 32731, Electronic Funds Transfers EFT3112 to EFT3185 and direct debits to the Municipal Accounts totalling \$749,073.47 having been checked and certified in accordance with the Financial Management Regulation 12, be confirmed, and passed for payment against the respective accounts as shown on the summary of Accounts for Payment schedule.

MOTION CARRIED 9/0

13.2 RECYCLING CHARGE – IMPOSITION OF FEE

Applicant: Manager Corporate Services
File No. 0273
Attachments: Nil
Author: Ms Leonie McIlree
 Manager Corporate Services
Disclosure of Interest: Nil
Date of Report: 13 August 2007
Senior Officer: Mr Chris Jackson
 Chief Executive Officer

Summary

For Council to amend its Schedule of Fees and Charges for the 2007/08 financial year to include the recycling charge levied on all Gross Rental Valued (GRV) properties within the Lake Grace and Newdegate townsites.

Background

Council adopted its 2007/08 Budget on 25 July 2007 – refer Motion 10444 27 July 2007 Ordinary Meeting.

Comment

Following a review of the Motion and contact from Cr Andrew Walker, it was brought to staff's attention that the recommendation for the Recycling Charge had been omitted from the recommendation and the subsequent Motion 10444.

Council resolution is required to endorse the imposition of this fee.

Legal Implications

Section 6.16 (1) of the Local Government Act 1995 states that a local government may impose (*) and recover a fee or charge for any goods or service it provides or proposes to provide.

Subsection (3) states fees and charges are to be imposed when adopting the annual budget but may be (b) amended (*) from time to time during a financial year.

(*) Absolute Majority Required.

Section 6.19 states that if a local government wishes to impose any fee or charges after the annual budget has been adopted it must, before introducing the fees or charges, give local public notice of –

(a) its intention to do so; and

(b) the date from which it is proposed the fees or charges will be imposed

Policy Implications

N/A

Community Consultation

N/A

Financial Implications

Nil.

Strategic Implications

N/A

Cultural Implications

N/A

Recommendation

That Council amends its 2007/08 Schedule of Fees and Charges to include the Recycling Levy - \$91.00 per GRV property – Lake Grace & Newdegate with effect from 1 July 2007, subject to local public notice in accordance with 6.19 of the Local Government Act 1995.

Voting Requirements

Absolute majority (5) required.

Recommendation/Resolution

MOTION 10471

Moved Cr Farrelly
Seconded Cr Walker

That Council amends its 2007/08 Schedule of Fees and Charges to include the Recycling Levy - \$91.00 per GRV property – Lake Grace & Newdegate with effect from 1 July 2007, subject to local public notice in accordance with 6.19 of the Local Government Act 1995.

MOTION CARRIED 9/0

13.3 ANNUAL FINANCIAL STATEMENTS 2006/07

Item was subject to confirmation by Audit Committee – Meeting held prior to the Council Meeting on 22 August 2007.

Applicant: Shire of Lake Grace
File No. 0202
Attachments: Annual Financial Statements
Author: Ms Leonie McIlree
Manager Corporate Services
Disclosure of Interest: Nil
Date of Report: 13 August 2007
Senior Officer: Mr Chris Jackson
Chief Executive Officer

Summary

The purpose of this report is for the Audit Committee to accept the Annual Financial Statements for the 2006/07 financial year.

Background

In accordance with the Local Government Act 1995, Council is to adopt the Annual Report for the financial year no later than 31 December.

Comment

The Final Audit for the Shire of Lake Grace was held on the 30th and 31st July 2007.

The Auditors Report and Management Report, along with any comments in regards to these reports, will be provided prior to the commencement of the meeting.

Legal Implications

Local Government Act 1995 s6.4

Policy Implications

N/A.

Community Consultation

N/A

Financial Implications

N/A

Strategic Implications

N/A

Cultural Implications

N/A

Committee Recommendation

1. That the 2006/07 audited financial statements; and
2. That the 2006/07 Independent Audit Report and Management Report provided by UHY Haines Norton be adopted.

Voting Requirements

Simple majority required.

Officer Recommendation/Audit Committee Recommendation/ Resolution

MOTION 10472

Moved Cr Walker
Seconded Cr Taylor

1. That the 2006/07 audited financial statements; and
2. That the 2006/07 Independent Audit Report and Management Report provided by UHY Haines Norton be adopted.

MOTION CARRIED 9/0

13.4 ANNUAL ELECTORS MEETING

Item was subject to confirmation by Audit Committee – Meeting held prior to the Council Meeting on 22 August 2007.

Applicant: Shire of Lake Grace
File No. 0042
Attachments: Nil
Author: Ms Leonie McIlree
Manager Corporate Services
Disclosure of Interest: Nil
Date of Report: 13 August 2007
Senior Officer: Mr Chris Jackson
Chief Executive Officer

Summary

The purpose of this report is for the Audit Committee to set a date for the 2006/07 Annual Electors Meeting.

Background

An annual electors meeting is to be held once every financial year, on a day not more than 56 days after Council has accepted the Annual Report.

Comment

Council rotates the Annual Electors Meeting between Varley, Lake King, Newdegate and Lake Grace. To be consistent the next meeting is scheduled to be held in Lake King.

Legal Implications

The Local Government Act 1995 section 5.27 (1) states that a general meeting of the electors of a district is to be held once every financial year and (2) a general meeting is to be held by the local government but not more than 56 days after the local government accepts the annual report for the previous financial year.

Policy Implications

N/A.

Community Consultation

The Chief Executive Officer is required to give appropriate local public notice of the date, time and purpose of the annual electors meeting.

Financial Implications

N/A

Strategic Implications

N/A

Cultural Implications

Council rotates the Annual Electors Meeting between Varley, Lake King, Newdegate and Lake Grace.

Recommendation

That the Annual Meeting of Electors be held on 8 October 2007 in the Lake King Town Hall, Lake King, commencing at 7.30pm and that it be advertised accordingly.

Voting Requirements

Simple majority required.

Officer Recommendation/Audit Committee Recommendation/Resolution

MOTION 10473

Moved Cr Newman
Seconded Cr Farrelly

That the Annual Meeting of Electors be held on 8 October 2007 in the Lake King Town Hall, Lake King, commencing at 7.30pm and that it be advertised accordingly.

MOTION CARRIED 9/0

14.0 MATTERS FOR CONSIDERATION – ADMINISTRATION

14.1 OFFICIAL CONDUCT LEGISLATION

Applicant:	Chief Executive Officer
File No.	0033
Attachments:	Local Government (Official Conduct) Amendment Act 2007, Local Government (Rules of Conduct) Regulations 2007, Workshop Handout
Author:	Mr Chris Jackson Chief Executive Officer
Disclosure of Interest:	Nil
Date of Report:	15 August 2007
Senior Officer:	Mr Chris Jackson Chief Executive Officer

Summary

To provide information to Council on the introduction of the new Official Conduct legislation and for the appointment of a Complaints Officer.

Background

The Chief Executive Officer recently attended a workshop with officers from the Department of Local Government and Regional Development on the new official conduct legislation.

The *Local Government Act 1995* will be amended by the *Local Government (Official Conduct) Amendment Act 2007* and will operate from midnight of 20 October 2007 to coincide with the October elections.

The Act will provide a disciplinary framework to deal with misconduct by any local government council member. The framework involves using a statewide standards panel to handle complaints about minor breaches of rules and empowering the State Administrative Tribunal (SAT) to review the conduct of members where the Act or regulations have been breached.

Councillors found to be in minor breach of rules may face penalties ranging from public censure and a public apology through to an order to undertake training.

SAT has additional powers to suspend a member for up to six months or bar a member from holding office in any local government for up to five years.

At present the only avenue for tackling or deterring inappropriate behaviour by an individual council member is the possibility of prosecution or action against the whole council.

Comment

The legislation includes disciplinary measures against council members and provides for:

Minor Breaches - Breaking the rules and complaints to the Standards Panel.

Serious Breaches - Offences under an Act and/or Regulation, complaints to the departments and the Department may refer to the State Administrative Tribunal.

An example of a type of conduct for a complaint of a minor breach would be a breach of the Council's Standing Orders Local Law by not following the rules of debate.

An example of a serious breach would include breaches of the Local Government Act such as refusing to vote on a matter before Council.

Council is required under the legislation to appoint a complaints officer who is a senior local government employee, otherwise the position falls to the CEO. It is recommended that the position of Manager Corporate Services be appointed to the position of Complaints Officer.

A copy of the legislation and a Guide to making a complaint about the conduct of Council members is attached. Further training may be provided by the Department or WALGA at some stage in the future.

Legal Implications

As above.

Policy Implications

Changes have also been made in relation to 'notifiable gifts' with the value changing to a range of \$50 to \$300. Changes will need to be made to Council's Code of Conduct Policy.

Community Consultation

N/A

Financial Implications

N/A

Strategic Implications

N/A

Cultural Implications

N/A

Voting Requirements

Simple majority required.

Recommendation/Resolution

MOTION 10474

Moved Cr Newman
Seconded Cr Sinclair

That the position of Manager Corporate Services be appointed as Complaints Officer under provisions of the Local Government (Official Conduct) Amendment Act 2007.

MOTION CARRIED 9/0

15.0 URGENT BUSINESS BY DECISION OF THE MEETING

15.1 TARCO RD/COLLIE LAKE KING ROAD INTERSECTION – URGENT WORKS

Refer Item 10.3

MOTION 10475

Moved Cr Chamberlain
Seconded Cr Newman

That the Shire of Lake Grace negotiate with Mainroads WA to allow a special dispensation in Blackspot or other funding for urgent works to the Tarco Rd/Collie Lake King Road intersection.

MOTION CARRIED 9/0

15.2 CALLING OF TENDERS – NEWDEGATE MAINTENANCE GRADING

MOTION 10476

Moved Cr Bennett
Seconded Cr Chamberlain

That Council call tenders for a maintenance grading contract for the Newdegate area and that the selection criteria be set as follows:

- Tender Price 60%
- Regional Price Preference 10%
- Quality Assurance and Experience 25%
- Conformity to Specifications 5%

MOTION CARRIED 9/0

16.0 SCHEDULING OF MEETING

16.1 SEPTEMBER 2007 ORDINARY MEETING

Motion 10319 November 2006 states:

An Ordinary Meeting of Council will be held on Wednesday 26 September 2007, commencing at 1.00pm at Council Chambers, Bishop St Lake Grace.

17.0 CONFIDENTIAL BUSINESS – As per Local Government Act s.5.23 (2)

None.

18.0 CLOSURE

There being no further business, the Chairperson closed the meeting at 4.07 pm.

19.0 CERTIFICATION

I Gary Ernest John Roberts certify that the minutes of the meeting held on the 22 August 2007 as shown were confirmed as a true record at the meeting held on the 26 September 2007.

Chairman

Date