

# SHIRE OF LAKE GRACE



## ***Minutes***

Ordinary Council Meeting

24 October 2007

# CONTENTS

<b>CONTENTS</b> .....	<b>2</b>
<b>1.0 OPENING &amp; ANNOUNCEMENT OF VISITORS</b> .....	<b>101</b>
1.1 CONSTITUTIONAL MATTERS .....	102
1.1.1 Swearing in of Councillors.....	102
1.1.2 Election of President .....	102
1.1.3 Election of Deputy President.....	102
1.1.4 Seating of Councillors .....	102
<b>2.0 ATTENDANCE RECORD</b> .....	<b>103</b>
2.1 PRESENT .....	103
2.2 APOLOGIES .....	104
2.3 LEAVE OF ABSENCE PREVIOUSLY GRANTED .....	104
<b>3.0 PUBLIC QUESTION TIME</b> .....	<b>104</b>
3.1 ANDRE DINES – BULKWEST ENGINEERING PLANNING SUPERINTENDENT .....	105
3.2 SHANE CARRUTHERS – LAKE GRACE AREA MANAGER .....	106
3.3 MR BOB PALMER .....	106
3.4 MR DAVID FYFE .....	107
3.5 MR LINDSAY SLARKE.....	107
3.6 MR RON (BOMB) PELHAM .....	107
3.7 MR ANDREW LEWIS .....	111
3.8 MR ALLAN HOLMES.....	112
3.9 MR PETER MEDLEN – OWNER LAKE GRACE CARAVAN PARK.....	112
3.10 MR ANDRE DINES – BULKWEST PLANNING SUPERINTENDENT .....	112
<b>4.0 APPLICATIONS FOR LEAVE OF ABSENCE</b> .....	<b>112</b>
<b>5.0 MINUTES OF PREVIOUS COUNCIL MEETINGS</b> .....	<b>113</b>
5.1 ORDINARY MEETING – 26 SEPTEMBER 2007 .....	113
<b>6.0 NOTICES OF URGENT BUSINESS</b> .....	<b>113</b>
6.1 NEWDEGATE SWIMMING POOL .....	113
<b>7.0 MOTIONS OF WHICH NOTICE HAS BEEN RECEIVED</b> .....	<b>113</b>
<b>8.0 PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS</b> .....	<b>113</b>
<b>9.0 MEMBERS’ REPORTS</b> .....	<b>113</b>
9.1 CR SINCLAIR .....	113

<b>10.0</b>	<b>MATTERS FOR CONSIDERATION – WORKS &amp; SERVICES .....</b>	<b>201</b>
10.1	WASTE COLLECTION SERVICES.....	201
<b>11.0</b>	<b>MATTERS FOR CONSIDERATION – TOWN PLANNING .....</b>	<b>301</b>
11.1	PLANNING APPLICATION – CBH ACCOMMODATION UNITS 4 GRIFFITHS ST LAKE GRACE .....	301
11.2	PROPOSED DEVELOPMENT LEASE – UNALLOCATED CROWN LAND EAST OF SPENCER AVENUE, LAKE KING .....	308
<b>12.0</b>	<b>MATTERS FOR CONSIDERATION – HEALTH &amp; BUILDING .....</b>	<b>401</b>
12.1	TENDER 8/2007 – SUPPLY OF PREFABRICATED/KIT RESIDENCES .....	401
<b>13.0</b>	<b>MATTERS FOR CONSIDERATION – FINANCE .....</b>	<b>501</b>
13.1	ACCOUNTS FOR PAYMENT – SEPTEMBER 2007 .....	501
13.2	NEWDEGATE COFFEE SHOP - DONATION .....	503
13.3	169A PICKERNELL WAY LAKE KING – UNBUDGETED EXPENDITURE .....	505
13.4	NEWDEGATE CBH TOWN DAM CATCHMENT PROJECT – OVER EXPENDITURE .....	508
<b>14.0</b>	<b>MATTERS FOR CONSIDERATION – ADMINISTRATION .....</b>	<b>601</b>
14.1	LAKE GRACE COMMUNITY BUS COMMITTEE – OWNERSHIP OF COMMUNITY BUS .....	601
14.2	ANNUAL ELECTORS MEETING YEAR ENDED 30 JUNE 2007 – MINUTES.....	604
14.3	ACTING CHIEF EXECUTIVE OFFICER .....	607
14.4	ACTING MANAGER OF COMMUNITY SERVICES .....	609
14.5	CHIEF EXECUTIVE OFFICER POSITION – SELECTION PROCESS .....	611
<b>15.0</b>	<b>URGENT BUSINESS BY DECISION OF THE MEETING.....</b>	<b>701</b>
15.1	NEWDEGATE SWIMMING POOL .....	701
<b>16.0</b>	<b>SCHEDULING OF MEETING .....</b>	<b>702</b>
16.1	NOVEMBER 2007 ORDINARY MEETING.....	702
<b>17.0</b>	<b>CONFIDENTIAL BUSINESS – AS PER LOCAL GOVERNMENT ACT S.5.23 (2).....</b>	<b>702</b>
<b>18.0</b>	<b>CLOSURE .....</b>	<b>703</b>
<b>19.0</b>	<b>CERTIFICATION.....</b>	<b>703</b>

## SHIRE OF LAKE GRACE

### MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD AT COUNCIL CHAMBERS, 1 BISHOP ST LAKE GRACE ON WEDNESDAY, 24 OCTOBER 2007.

#### 1.0 OPENING & ANNOUNCEMENT OF VISITORS



Outgoing Shire President, Darcy Roberts firstly welcomed the large public turn out to the meeting, and thanked everyone for the show of support and interest in the decision making process regarding the Griffiths St CBH staff accommodation units issue. He commented this would be the most people ever present at a Council Meeting for many, many years and that it shows a healthy community interest in the development of this town.



Darcy went on to congratulate the new incoming Councillors on their success in last weekend's elections and thanked outgoing Councillors Helen Bennett and Meighan Stewart for their commitment to the community during their service. He thanked Council for their support during his time as a Councillor and Shire President and wished the new President and Councillors all the very best for their terms of office.

## 1.1 **CONSTITUTIONAL MATTERS**

### 1.1.1 **Swearing in of Councillors**

Declarations by Elected Members were made by Crs Andrew Walker, Wally Newman, Jeanette De Landgraft, John Dunkeld and Amanda Milton as required by the Local Government Act 1995.

The Chief Executive Officer then officially opened the meeting at 6.38pm and conducted proceedings for the election of President and Deputy President and the draw for the seating of Councillors.

### 1.1.2 **Election of President**

*Conducted by the Chief Executive Officer by secret ballot in accordance with the Local Government Act 1995, Constitution Amendment Regulations 2005 11A-11G.*

The CEO advised that at the close of nominations at 6.30pm, one written nomination for the position of President was received in favour of Cr Walker. There being no further nominations, Cr Walker was declared elected as President for a two year term.

Cr Walker made a Declaration of Office as President and took the chair.



### 1.1.3 **Election of Deputy President**

*Conducted by the President by secret ballot in accordance with the Local Government Act 1995, Constitution Amendment Regulations 2005 11A-11G.*

The CEO advised that at the close of nominations at 6.30pm, two written nominations for the position of Deputy President were received in favour of Crs Taylor and Chamberlain. Ballot papers were handed out, received and counted with Cr Chamberlain being successful with a 5/4 vote count.

Cr Chamberlain made a Declaration of Office as Deputy President.

### 1.1.4 **Seating of Councillors**

As per Item 7.2 of Council's Standing Orders, the Chief Executive Officer conducted a random draw to determine the position that each Councillor will occupy at the table.

## 2.0 ATTENDANCE RECORD

### 2.1 PRESENT

Cr Andrew Walker	Shire President
Cr Ian Chamberlain	Deputy Shire President
Cr Jeanette De Landgraft	
Cr John Dunkeld	
Cr Ollie Farrelly	
Cr Amanda Milton	
Cr Wally Newman	
Cr Dean Sinclair	
Cr Royce Taylor	

#### **Staff**

Mr Chris Jackson	Chief Executive Officer
Ms Leonie McIlree	Manager Corporate Services
Mr Jim Fraser	Manager Community Services
Mr Glen Brigg	Manager of Works
Mrs Jeanette Bennett	Executive Assistant
Mr Joe Douglas	Consultant Town Planner

#### **Observers**

Mr Darcy Roberts	Observer ( <i>retiring Shire President/Councillor</i> )
Mr Meighan Stewart	Observer ( <i>retiring Councillor</i> )
Mrs HR Bennett	Observer ( <i>retiring Councillor</i> )
Mr Rod Quinlivan	CBH Operations Infrastructure Resource Manager
Mr Andre Dines	Bulkwest Engineering Planning Superintendent
Mr Shane Carruthers	CBH Operations Area Manager – Lake Grace

#### **Lake Grace Residents**

Mr Len Elliott ( <i>Honorary Freeman</i> )	Mrs Shirley Elliott
Mrs June McEncroe	Mr Ed Duckworth
Mr Greg Carruthers	Mrs Paula Carruthers
Mrs Michelle Lay	Mr Neil Bishop
Mr Robert Carruthers	Mr Geoff Sabourne
Mr Chris Carruthers	Mr John O'Neill
Mrs Jeanette Seaman	Mr Kevin Seaman
Mrs Dorothy Reid	Mrs Phyliss Dunham
Mr Bob Palmer	Mrs Coralee Palmer
Mr David Fyfe	Mrs Christine Fyfe
Mrs Betty Daly-King	Mr Arthur Slarke
Mr Ron (Bomb) Pelham	Mrs Rachel Pelham
Mr Lindsay Slarke	Mrs Lyn Carruthers
Mrs Helen McWhirter	Mrs Debby CLarke
Mr Murray Hardy	Mrs Julie Hardy
Mr Craig Reeves	Mrs Suzanne Reeves
Mr Ross Chappell	Mr Phil Clarke

Mr Murray Stanton  
Mr Andrew Lewis  
Mr Wayne Humphreys  
Mr Kingsley Strevett  
Mr Allan Holmes  
Mr Henk Doelman  
Mr Allan Thiel

Mrs Cobi Stanton  
Mr Peter Medlen  
Mrs Kathy Humphreys  
Mr Allan Marshall  
Mr Terry Gladish  
Mrs Shirley Duckworth  
Mrs Nadene Owen

**2.2 APOLOGIES**

None.

**2.3 LEAVE OF ABSENCE PREVIOUSLY GRANTED**

None.

**3.0 PUBLIC QUESTION TIME**

**PROPOSED GRIFFITHS ST CBH ACCOMMODATION UNITS**



The Chairperson (President Cr Walker) welcomed the large number of members of the public to the meeting and advised that questions would be taken only from those who had indicated via the attendance register that they wished to speak.



CBH representatives Rod Quinlivan, Andre Dines and Shane Carruthers were invited to address the meeting.





### 3.1 **ANDRE DINES – BULKWEST ENGINEERING PLANNING SUPERINTENDENT**

Mr Dines introduced himself to the meeting and thanked Councillors and the public for the opportunity to come and talk about the CBH Groups current Development Application to establish a 16 Person Staff Accommodation Facility at Lot 231 Griffiths Street, Lake Grace.

He outlined the proposed development (the plans were made available for viewing) together with a summary of the Company's application to date as follows:

The proposed development includes:

- 1.2 metre high front boundary fence
- 18 bay sealed car park with native landscaping
- 1.8 metre high fence situated in front of the accommodation units to assist in screening them from road and to improve their aesthetic appeal
- 4 near new accommodation units with each unit containing 4 single bedrooms each with its own ensuite
- Relocated and refurbished accommodation unit which will be converted to include 2 kitchen facilities, common room and general storage area
- Landscaped court yard with future BBQ and gazebo area
- Front and side set backs that are greater than what is required under the current Town Planning Scheme.

The Company understands that its proposal was 'Conditionally Approved' by Council in advice dated 31 August 2007 and in the Company's letter dated 16 October 2007 it addressed the perceived issues raised during the subsequent Public Submission Period regarding:

- Location
- Noise
- Anti social behaviour
- Vehicle traffic
- Building setbacks
- Impact on Amenity
- Alternative sites

A copy of the Company's formal response to these issues is attached in the Attachments of tonight's Council Meeting Agenda.



In relation to Councils 'resolution' to investigate an alternative site, Company representatives in conjunction with Council representatives have investigated all other options, however there is only one other alternative site suitable for this development. Unfortunately feedback regarding alternative locations has indicated that there will be some level of public opposition regardless of the development's location.

The Company believes that the proposed development is in keeping with the existing and precedent land uses that currently exist under this zoning and that the development is consistent in site layout and scale to the existing and abutting developments and is consistent with what is permissible under the R30 Residential Code under current Town Planning Scheme No.3 and the future Town Planning Scheme No.4.

The Company believes Council's 'Conditional Approval' had adequately considered all the issues subsequently raised during the 'Public Submission Period' and that these Conditions are acceptable to the Company. The Company now seeks Council's support of its current 'Development Application'.

### **3.2 SHANE CARRUTHERS – LAKE GRACE AREA MANAGER**

Mr Carruthers spoke on the CBH code of ethics and conduct for its staff and policies and procedures needed by CBH for the management of their large number of staff. Copies of the CBH policies handbook were distributed to Councillors and members of the public are welcome to access the document. Mr Carruthers assured the public that the Company's policies are strictly adhered to and drug and alcohol testing carried out on a regular basis.

He also gave an undertaking that both he and CBH Pingrup Area Manager, Marty Carruthers, would be available 24 hours a day, 7 days a week to deal with any complaints of antisocial behaviour by CBH staff living at the units.

### **3.3 MR BOB PALMER**

**Query:** Mr Palmer addressed CBH and Council and queried why in the first instance were ratepayers not consulted?

He wished to make comment that he is all for CBH moving their staff accommodation into the town centre, however is of the opinion that the Griffiths St area is not suitable for this type of development. Six years ago the land shortage was identified and Council needs to look harder, find more land and move ahead with its development so that this does not happen again in the future. This is a band aid decision and tonight there is a divided community – that is wrong.

**Reply:** The President replied that in the first instance CBH purchased the land subject to Council approving the development.

The Shire Town Planner advised he became involved after the purchase of the land and that the Griffiths St site is suitable under TPS 3 for this type of use. Council had decided to consult the community however it was not a requirement to do so.

**3.4 MR DAVID FYFE**

Mr Fyfe advised the meeting that he had spoken with CBH's Mr Colin Tutt during the public consultation period and had been assured that if the community was against the development it would not happen.

He has chosen to build his family home in this quiet part of town, there will now be 40 or 50 extra traffic movements on a daily basis and he requested Council work towards an alternative site.

**Reply:** The CEO replied that following discussion with CBH other sites had been investigated. There are issues with the railway land and at this time an alternative site is not available. The issue has highlighted the need for more land to be developed and this process is now underway.

**3.5 MR LINDSAY SLARKE**

Mr Slarke addressed CBH representatives through the Chair and made comment that everyone is in favour of the extensions to the CBH Receiving Site to take Lake Grace into the future.

His main concern with the accommodation unit development is the anticipated anti social behaviour and requested that until a permanent site can be found is it possible for temporary accommodation be set up at the CBH bin site?

**Reply:** Mr Rod Quinlivan, CBH Operations Infrastructure Manager replied that the costing for the units to be put onsite and then relocated would be approximately \$300,000.00. The Board would oppose that as it is not good use of shareholder dollars.

**3.6 MR RON (BOMB) PELHAM**

Mr Pelham presented a petition to the President containing 147 signatures in favour of the facility along with the following letter written to the townspeople of Lake Grace and asked to briefly speak on the subject.

He advised the meeting that he considered the fairest and best way to gauge the community feeling in this matter was to put out a petition and the best way to get to all residents was to do a mail drop. Given that the letter was mailed out only two days ago the response has been outstanding and a humbling experience.

The CBH company is owned by WA farmers and is an essential cog in our community. CBH is a major employer of country kids and has a proven record of zero tolerance to drugs and alcohol in its workforce with strict behavioural policies and procedures in place for its employees.

This is an opportunity for our town - Lake Grace has an ageing population and we promote Lake Grace as a quiet, good and safe place to live, however for it to be

that way we need support from other industries. For Lake Grace to prosper we need:

- An injection of young people to work and live
- An injection of capital/business to support local projects
- Major industry/company with resources to invest in town

Mr Pelham requested Council that as the community's elected members, support the community by taking the next step and allow this facility to be developed.

***To the President:  
Lake Grace Shire Council:***

*Dear sir/madam:*

*I would like to submit the following letter I have written to the townspeople, and subsequent petition for your urgent consideration.*

*We, the undersigned, are in support of the proposal by CBH to build accommodation units at Lot 231, (4) Griffiths Street Lake Grace.*

*Please read below a summary of the details we consider in favour of installation of the proposed units.*

*It should be noted that many who have signed this petition have already signed an earlier petition against the installation, but have decided after being supplied with more detailed information, to reverse their vote.*

*Notice to this petition can be given to:*

*Ronald William Pelham  
Lot 47, Griffin St,  
Lake Grace WA 6353*

***To the householder and person(s) concerned about our town's future.***

*I am writing this letter on behalf of my family business and as a town ratepayer who not only has concerns regarding this town's future growth, but also concerned that failure to grab opportunities as they arise could prove to be sadly regretted in future years.*

*We are referring to the proposed CBH accommodation units, which they wish to install adjacent to the Saltbush Inn, and existing accommodation units. After going through the CBH submission in detail, viewing the identical accommodation units (Lake King), reading through their new accommodation rules and regulations (including punishment for even minor offences), I am fully in support of this proposal. From recent times, every person employed by CBH must read and sign the accommodation agreement.*

*I'll give you a moment to get your breath back here, because I have read several letter of objection from concerned townspeople, and I can fully understand their concerns. I have also read the petitions signed by quite a few.*

*Let me make it perfectly clear, that I have absolutely nothing against concerned people signing petitions regarding ANY developments in any town. They are often the catalyst for improvement and addressing any conceived problems that any development may encounter.*

*One thing I do strongly object to is when information given to those signing petitions is either misleading, or heavily biased on a negative side, without also pointing out the positives. I would like to endeavor to point out the "other" side of the coin, the positive factors this facility would give to our town. It is no revelation that housing, whether it be for purchase or rental, is almost non existent in this town, and has been for years. This seriously hampers my ability to employ people, especially during the busy harvest period. During this period I employ up to 20 people, from all parts of the world. The single biggest problem I have is "where do I put them".*

*This is also a major concern for CBH, who happen to be the biggest employer of people in town. In Lake Grace, they employ 30 permanent workers, of which 29 are locals. During the harvest period they employ many more. Without these young people coming to our town, the storage and protection of grain could not possibly happen. Without grain storage and protection, we would have no farming industry, (by far the biggest industry in the district and the key to survival of our town). It's that important!*

*I have read and heard all the stories regarding "build it somewhere else, not next to us". The fact is, this area is the only remaining option, as any councillor can explain. The practice of locating CBH accommodation on storage sites is going to eventually be a thing of the past, for reasons of close proximity to grain treating chemicals, and toxic phosphine gas. The area north of the railway line is also not considered an option by the council, for reasons of native title and proximity to a safety contamination zone near the fuel depot. If this facility is not approved by council at a special meeting held next Wednesday, we will lose it to another town; it's as simple as that. The beneficiary to this facility will be Cranbrook, much to their delight! Cranbrook already has a huge CBH facility which has virtually turned their town from a typically dying country town, to a thriving one. Lake Grace has been ear marked by CBH as a major central country receival site. Stage 1 of this development is in progress now (around \$13,000,000). It must be understood, that to establish such a major development, they must be able to accommodate staff. If we prevent this happening, we are rejecting a unique opportunity for more people to be employed in our town, be a part of our sporting clubs and community, and spend money in our businesses. Any person who looks at the list of sponsors that our sporting clubs find essential to their survival will notice that the vast majority are local businesses. My business personally sponsors 9 different sporting teams, and we are probably only similar to other businesses in this aspect. There are a few facts that remain true for almost all country towns.*

- *Without businesses, (including farming), towns cannot survive.*
- *Without workers, businesses cannot survive.*
- *Without people earning wages and spending money at businesses, they cannot survive.*
- *Without people employed locally, sporting clubs, schools, kindergartens etc cannot survive.*

*To me, this is a rare and unique opportunity for our town to grow, one that we must seriously consider before allowing it to be rejected, and another town benefit by it. CBH have committed close to half a million dollars to this facility. Not only that, they are prepared to share it with the town. In other words, should businesses (or others) in town require accommodation and the units are not full; it will be loaned to them. This to me provides a unique opportunity for the town to raise money that can be injected into anything the community requires! At this point in time, locals would have the opportunity of having more use of the facility than CBH!*

*I would like to address a few concerns by people who have written letters, and signed petitions. Here are just a few:*

*"The building would block out our lovely view of the lake."*

*The ONLY people who would have their view blocked would be the Saltbush Inn. The only view they have now is some saltbush covered shire land fill, a sewage treatment plant, and an industrial area in the far background (if you don't believe me, drive down and take a look). CBH proposes (and this MUST be done to council approval, complete with extensive landscaping), a much better and more idyllic setting than the existing one.*

*"People would be driving (sometimes in hoon fashion) in close proximity to our kindergarten".*

*During the hours our kindergarten is open, these people will be at work. Even in a split shift scenario, the same applies. Not only that, the majority of these people do not own cars. This is one reason it's important to have them within walking distance of shops and the*

*CBH office, where they commence work from (see also “drugs and alcohol policy” later on.*

*“This is a quiet little area of town, has been commented on by tourists. Accommodation for 16 people would overpopulate the area”*

*There are already units there that have 6 double units, and can hold more. These units are not subject to the rules and regulations CBH will be administering, including zero drug and alcohol policy. And of course, there is already the Saltbush Inn, which has not been a major cause of public concern in the past.*

*“Second hand donger style units, 1986 vintage, would struggle to pass modern health and safety rules”*

*I don't know where this info came from, but I would suggest it is highly inaccurate. The units would come from a gold mine at Ravensthorpe, and we all know how the days of miners living unsafe or in sub-standard conditions is a thing of the past. They are less than 2 years old, and all have self contained ensuite bathroom and toilets, with a desk and table, not just beds. They are not dongers; the only thing in common is the units are transportable. I have seen the identical units at Lake King, and they are very neat and tidy. The only older building will be the community kitchen. This will be the old accommodation units from Mt Sheridan. This building is around 1970 vintage. However the building is to be completely gutted and reconstructed into a modern purpose built community kitchen. For anybody concerned, there are designs and photos at the CBH office. This includes plans for layout, landscaping, and photos of the units. With the surrounding walls and landscaping, they would be barely visible, unlike existing accommodation in the area.*

*CBH have been the first (to my knowledge) to invoke and police a zero alcohol policy. This has been slowly phased on over a couple of years, and is starting to rapidly expand. The town office has its own breathalyser and drug testing facilities, with several trained officers to administer these. The acceptable reading is ZERO! Whilst we can legally drive cars and trucks with a reading of less than .05, CBH staff cannot work and are punished accordingly if they show any positive reading. In addition, starting this season, they have also commissioned a company to travel the entire state and take random drug and alcohol tests of all staff, including contractors. This standard has been hugely successful, since the early adoption, every time they have doubled the testing carried out; they have halved the positive readings. In a similar way to the mining industry, people will come to understand it's impossible to avoid testing and subsequent dismissal; the only option will be a change in habits. I know this because my own work crew was tested without notice, two days ago. I strongly urge any concerned to visit the CBH office (before Wednesday night's meeting) and take a look at plans for the proposal, their new accommodation rules, and their drug and alcohol policy. Whilst this is a busy time for staff there, they will be happy to explain in more detail than I can here.*

*On a personal note, as recent as yesterday, I had to cancel a lucrative CBH contract at Kondinin. This was one of the rare gems that could have been very profitable, and was simple to achieve. The only reason I had to cancel was because I have nowhere to accommodate workers so far. Generally I accommodate them at the caravan park, thanks to the help given by Peter and Adele Medlen. However, this year, because of the contractors doing phase 1 of the CBH extensions, there was no room. On that note, I deliberately hire the toughest people I can find (on average a tad rougher than Mr. average CBH harvest employee). This is essential, since contract tarping is one of the hottest most gruelling jobs around. With this type of person, of course, can come worries about behaviour. I have now successfully billeted my entire temporary staff at the caravan park, (again thanks to Peter and Adele). Over all these years, there have only been a couple of minor complaints, which Peter has brought to my attention. I have addressed these immediately and successfully, it's vitally important for me to avoid my staff being a nuisance at the park, they would be evicted and it would see the end of my business! On the one occasion one of my workers treated Mrs. Medlen with disrespect, I sacked him and personally put him on the bus the following day. I'm not saying incidents will never happen,*

*they could happen with CBH staff just as easy as in a motel unit, or a domestic argument from the next door neighbour. What I AM saying, is that if these problems are addressed before they start, they will be extremely rare. I truly believe CBH have both the policies and the staff to administer these rules. The mere fact that they have been confronted with petitions and concerns by townspeople will certainly assure this!*

*I in no way mean to criticise those good people who have shown concern, and I'm just as sure that the concerns they showed will ensure that all possible negative aspects of the proposal will be addressed, both by CBH and council.*

*The purpose of this (long) letter is to try to look at the proposal from the benefits side. Unique opportunities like this will not happen often. If we don't snap them up as they appear, other towns certainly will, and instead of our town reaping the benefits, others will. I have yet to see a local parent complain about the fact that CBH provide important employment for their children, helping them to complete studies, pay of HECS, etc. These people usually have their own accommodation somewhere in town or on a farm. Please be aware that there are hundreds of other kids (and parents) who don't live here, who need the same help to be educated and start their working careers. These people do not have accommodation here. Do we reject them? We live in a wave zone here, we welcome people to our community, either as tourists or (even better) to stay and work here. It's these very people who will determine whether our town prospers, or declines.*

*Time is short. At 6pm Wednesday, there will be a shire meeting, public are invited. If this proposal is rejected, we've lost it!*

*I strongly urge as many of you as possible to attend this meeting. There will be councillors, and CBH staff to address your concerns in detail. In the meantime, I have left some lines below where anybody who agrees with me that this project has more benefits than concerns to our town, please fax it to me on my number shown below. I will be present at the meeting if anybody wants to ask further questions, although there will be people far more qualified than me to address them.*

*My phone number is also listed below. I am happy to talk to anybody on this subject, with one proviso. If you choose to be negative and not look at both sides of the coin, the benefits as well as the concerns, kindly do not waste my time. I didn't start a business in this great community by being negative, and I don't intend to start now.*

*Kindest regards,  
Ron Pelham (on behalf of my family business)  
Ph 9865 1303  
Fax 9865 1004*

*I am in support of the proposal by CBH to build accommodation units at Lot 231, (4) Griffiths Street Lake Grace.*

<i>Name</i>	<i>Address</i>	<i>Signature</i>
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### **3.7 MR ANDREW LEWIS**

Mr Lewis spoke to Councillors on behalf of the younger people in town and that there is a huge amount of support for this project – do not pass it up and do not allow a minority to overshadow such an important project.

**3.8      MR ALLAN HOLMES**

Advised the President and Councillors that as CBH is prepared to invest \$11 million in our town we should support them.

**3.9      MR PETER MEDLEN – OWNER LAKE GRACE CARAVAN PARK**

**Query:** Mr Medlen advised he feels sorry for the people who will be living next to the units. Will the units be leased out to other people? Will it be competition for the existing accommodation providers in the town?

**Reply:** *The Shire President invited CBH representatives to answer community queries and sum up the session.*

**3.10     MR ANDRE DINES – BULKWEST PLANNING SUPERINTENDENT**

Mr Dines summed up with the following key points:

- Locating the development at the Receiving Point was a non preferred option due to the sites long term development plan.

Other issues restricting its location onsite include:

- Proximity of sale yards and required set back buffer
- Plan to operate site 24 hours a day 7 days a week in future
- Possible risk of a gas leak from grain storage under pest control
- The development will not be run as a commercial accommodation facility competing with existing businesses, however may be made available for accommodation overflow on a non profit basis if requested.
- Company policies to address staff behaviour will effectively allow greater control than what is enforceable if it was a private development. The Company has 2 Area Managers residing within the Lake Grace town site that will be responsible for monitoring staff behaviour.
- The proposed development is for the accommodation of Company's staff members.
- Provision of good quality accommodation will attract good staff.

*The President thanked all those who contributed to the discussion and for those who wished to stay to hear the outcome advised that the item would be considered at Item 11.1.*

**4.0    APPLICATIONS FOR LEAVE OF ABSENCE**

None.

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

### **5.1 ORDINARY MEETING – 26 SEPTEMBER 2007**

#### Resolution

#### **MOTION 10499**

Moved Cr Farrelly  
Seconded Cr Chamberlain

That the minutes of the Ordinary Meeting of Council held on the 26 September 2007 be confirmed as a true and accurate record.

**MOTION CARRIED 9/0**

## **6.0 NOTICES OF URGENT BUSINESS**

### **6.1 NEWDEGATE SWIMMING POOL**

Cr Chamberlain advised he wished to discuss the matter of the Newdegate Swimming Pool at today's meeting – refer Item 15.1.

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

None.

## **8.0 PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS**

Refer Public Question Time.

## **9.0 MEMBERS' REPORTS**

### **9.1 CR SINCLAIR**

Reported on attendance with immediate past President Darcy Roberts and CEO Chris Jackson at a meeting held in Esperance regarding the Lake King to Norseman Road.

For general information, using this road cuts 45 minutes off the trip to Esperance. The meeting was very productive and with the help of consultants over the next twelve months, a submission will be developed to put to the Federal Government for Auslink funding.



**10.0 MATTERS FOR CONSIDERATION – WORKS & SERVICES****10.1 WASTE COLLECTION SERVICES**

**Applicant:** Ted Pugh (EN & B Pugh)  
**File No.** 0329  
**Attachments:** Letter  
**Author:** Mr Chris Jackson  
Chief Executive Officer  
**Disclosure of Interest:** Nil  
**Date of Report:** 17 October 2007  
**Senior Officer:** Mr Chris Jackson  
Chief Executive Officer

**Summary**

For Council to agree to assign the current waste contract from the current contractor EN & B Pugh to Great Southern Waste Removals.

**Background**

The following correspondence addressed to the Chief Executive Officer has been received from Mr Ted Pugh.

*I respectfully submit my application to Council to have the remainder of our Waste Removal contract made over to Great Southern Waste Removals.*

*As per our meeting earlier I have to ease back my stress levels, so I have sold my business, subject to Shire approval.*

*I anticipate driving for two more years for Great Southern Waste so things should not change.*

*I have full confidence in Great Southern Waste. They currently service Katanning, Kojonup, Narrogin, Pingelly, Brookton, Broomehill and Tambellup shires.*

*I look forward to a favourable outcome after a long and enjoyable association with the Lake Grace Shire, with the anticipated change-over 1<sup>st</sup> November 2007.*

A copy of the letter is attached.

### Comment

The current contract for waste collection for Lake Grace, Newdegate, Lake King and Varley Townsites was let by Council on the 25 May 2005 to EN & B Pugh. The contract commenced on the 1 July 2005 for a three year term with the option for two one year extensions.

Contact has been made with a number of the Shires currently serviced by Great Southern Waste Removals and all are happy with their current contract arrangements.

It is recommended that Council approve the assignment of the current contract with EN & B Pugh to Great Southern Waste Removals with all the current contract arrangements to remain in place.

It is further recommended that a new contract be put in place which provides for the balance of the current three year term to the 30 June 2008 with the option of two one year extensions. A review of the contractor performance would be done prior to the June 2008 contract extension.

### Legal Implications

The contract tender requires that the Contractor shall not assign or sub-let the works or any of them or any of his rights under the contract without the prior written consent of the Council.

### Policy Implications

N/A

### Community Consultation

N/A

### Financial Implications

Lake Grace is currently charged for 398 bins at \$1.49 per bin and 16 street bins at 0.91c.

Newdegate 119 bins at \$2.85 and 14 street bins at 0.70c

Lake King 46 bins at \$2.85 and 8 street bins at .0.70c

Varley 28 bins at \$2.85 and 4 street bins at 0.70c.

### Strategic Implications

N/A

### Cultural Implications

N/A

### Voting Requirements

Simple majority required.

Recommendation/Resolution

**MOTION 10500**

Moved Cr Newman  
Seconded Cr Dunkeld

1. That the current Waste Collection Contract with EN & B Pugh be assigned to Great Southern Waste Removals.
2. That a new contract be drawn up between Great Southern Waste Removals and the Shire of Lake Grace for the period commencing 1 November 2007 expiring 30 June 2008 with an option of two one year extensions following review of performance.
3. That all current contract arrangements including collection times and procedures, insurances and charge out rates are to remain as per the current contract.
4. That Ted and Barbara Pugh be thanked for the many years of good service to the Shire of Lake Grace.

**MOTION CARRIED 9/0**

## 11.0 MATTERS FOR CONSIDERATION – TOWN PLANNING

7.27pm Crs Farrelly & Newman declared an interest in Item 11.1 and left the meeting. Cr Farrelly's interest is that he runs an accommodation business directly opposite the proposed development. Cr Newman is a CBH Director.

### 11.1 PLANNING APPLICATION – CBH ACCOMMODATION UNITS 4 GRIFFITHS ST LAKE GRACE

**Applicant:** Bulkwest Engineering (on behalf of CBH Group)  
**File No.** 0365/0454  
**Attachments:** Attachments 1 & 2  
**Author:** Mr Joe Douglas & Mr Steve Pandevski  
 Town Planning Consultants  
**Disclosure of Interest:** Nil  
**Date of Report:** 16 October 2007  
**Senior Officer:** Mr Chris Jackson  
 Chief Executive Officer

#### Summary

The purpose of this report is to provide Council details and recommendations in respect of a written submission received from Bulkwest Engineering requesting clarification of Motion No.10480 being Council's resolution at the Ordinary Meeting of Council held on 26 September 2007 relating to the abovementioned planning application.

#### Background

By correspondence to the Shire of Lake Grace dated 16 October 2007 Bulkwest submits (extract):

*We are "seeking clarification regarding the current status of the Company's Development Application for its proposed '16 Person Staff Accommodation Facility' at Lot 231 Griffiths Street, Lake Grace.*

*In your letter dated 31 August 2007 you advised that Council had resolved to 'Conditionally Approve' the Company's Development Application subject to the completion of the Public Submission Period. This letter also included the proposed Conditions to be imposed by Council which addressed issues associated with the proposals approval including design requirements and the adoption of management policies to lessen any perceived visual and social impacts that the development may have.*

*However, in your subsequent letter dated 4 October 2007, you advised that Council had reconsidered its ‘Conditional Approval’ of the Company’s planning application in response to the public submissions received during the Public Submission Period and resolved ‘that the Shire and CBH/Bulkwest endeavor to find a location other than the CBH / Bulkwest owned Griffiths Street that is more suitable for an accommodation complex taking into consideration the concerns of the community...’ The Company understands that the main concerns raised during the Public Submission Period relate to the perceived visual and social impact the development may have on surrounding land uses. It is also noted that Council’s planning consultants had advised Council that it ‘can not refuse the application on the sole basis that it considers there are more appropriate locations. The application must be considered in the context of the site upon which it is proposed and on individual merits’. As the Company has not been advised by Council that its current Development Application has been ‘refused’, the Company submits the following information to assist Council in determining the matter at this month’s Ordinary Council Meeting.”*

It should also be noted that Bulkwest in its submission has advised that:

*“following Council’s request, the Company has investigated several other potential sites within the Lake Grace townsite for its proposed ‘Staff Accommodation Facility’. Unfortunately, the number of potential sites has been limited by current zoning constraints, proximity of existing services and land availability. The Company’s Local Area Manager, Mr Shane Carruthers, has also undertaken some preliminary public consultation with surrounding residents of possible alternative sites. Unfortunately, feedback regarding alternative locations has indicated that there will be some level of public opposition regardless of the development’s location, size and design.*

*We also advise that the Company would prefer not to locate this development on-site at the CBH Lake Grace Receiving Point due to operational and expansion matters. The potential on-site location of the development is also greatly limited due to the proximity of the adjoining sale yards and the required set backs.*

*In conclusion, the Company requests that Council determine its Development Application to establish a ‘16 Person Staff Accommodation Facility’ at Lot 231 Griffiths Street, Lake Grace, at this month’s Council Meeting on 24 October 2007. The Company believes that Council should resolve to adopt the previously advised ‘Conditional Approval’ as the conditions imposed have adequately addressed the issues subsequently raised in the Public Submission Period. Should Council resolve to ‘refuse’ the Company’s current Development Application, then the Company requests Council provide a statement of reasons for the decision.”*

A full copy of the Bulkwest submission including various justifications in support of the proposal is provided for Council's consideration at Attachment 1.

The submission by Bulkwest dated 16 October 2007 has resulted from Council considering the Bulkwest application to establish an accommodation facility for up to 16 staff on Lot 231 (No.4) Griffiths Street, Lake Grace in the context of the outcomes of the community consultation at its Ordinary Meeting held on 26 September 2007 wherein it resolved:

*“That the Shire and CBH/Bulkwest endeavour to find a location other than the CBH/Bulkwest owned Griffiths St site that is more suitable for an accommodation complex and meets the requirements of the company taking into consideration the concerns of the community regarding the proximity of the proposed development.”*

A full copy of the report considered by Council at its 26 September 2007 meeting regarding the abovementioned matter, including resolution, is provided for Council's reference at Attachment 2.

#### Comment

A clear Council resolution regarding the Bulkwest proposal is required.

Council's resolution should either:

- i) Advise that the proposal is approved, with or without conditions, and any conditions to be listed; or
- ii) Advise that the proposal is not approved with the reasons for refusal listed.

The administration is then required to issue the applicant with a notice of that resolution and advising of the rights to submit an application for review of the decision to the State Administrative Tribunal (SAT) contained under Part 14 of the Planning and Development Act 2005, should the applicant be aggrieved by the decision of Council or any conditions imposed.

Considering the history of this proposal, the content of previous reports presented to Council for consideration and the content of this report, it is considered that Council should resolve to either:

(1) **GRANT ITS APPROVAL** to 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 Reveal Point in accordance with the details submitted in support of the application subject to compliance with the following conditions:

- i) Completion of all development within two (2) years of the date of Council's issuance of planning consent.
  - ii) A satisfactory building licence application and plans being submitted to and approved by the Shire.
  - iii) 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.
  - iv) All stormwater drainage shall be managed to the specifications and satisfaction of the Shire.
  - v) 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.
  - vi) The landscaping as depicted on the approved site plan is to be maintained to the satisfaction of the Shire.
  - vii) The carparking area is to be constructed and maintained to the specifications and satisfaction of the Shire.
  - viii) 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.
  - ix) The noise generated by activities on-site is not to exceed the levels set out under the Environmental Protection (Noise) Regulations 1997."
  - x) Prior to the occupancy of the development CBH is required to prepare and adopt polices 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; and,
- (2) Advise the applicant and those that made submissions accordingly.

**or**

(1) **NOT GRANT ITS APPROVAL** to 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 Receive Point for the following reasons:

1. The development and use, if approved, will likely have a detrimental impact on the amenity of the immediate locality by the potential generation of noise, anti-social behaviour and excessive motor vehicle traffic movements.
2. The development will not enhance the character and amenity of the immediate locality; and,

(2) Advise the applicant and those that made submissions accordingly.

Council should note that Bulkwest Engineering has indicated its intention to proceed with an appeal to the State Administrative Tribunal in the event that Council resolves to refuse the planning application.

#### Conclusion

For the purpose of finalising the application it is recommended that Council resolve to either conditionally approve or refuse to approve the proposal in accordance with one of the resolutions listed above.

Having regard for the reporting officers' previous assessment of the development proposal as documented in the agenda report presented to and considered by Council at its September 2007 Ordinary Meeting, the previous recommendation to conditionally approve the application remains unchanged (see recommendation below).

#### 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

A community consultation process was undertaken for a minimum period of 21 days. At the close of the consultation period a total of eight (8) individual submissions were received by the Shire [seven (7) submissions objected to the proposal and one (1) supported the proposal] and a petition with 51 signatures objecting to the proposal was also received.

#### Financial Implications

Nil



Strategic Implications

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

Voting Requirements

Simple majority required.

Recommendation/Resolution

**MOTION 10501**

Moved Cr Taylor  
Seconded Cr Chamberlain

That Council resolves to:

1. Note the submissions received in respect to 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.
2. 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:
  - i) Completion of all development within two (2) years of the date of Council's issuance of planning consent.
  - ii) A satisfactory building licence application and plans being submitted to and approved by the Shire.
  - iii) 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.
  - iv) All stormwater drainage shall be managed to the specifications and satisfaction of the Shire.
  - v) 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.

**MOTION 10501 continued.**

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

vii) The carparking area is to be constructed and maintained to the specifications and satisfaction of the Shire.

viii) 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.

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

x) 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.

3. Advise the applicant and those that made submissions accordingly.

**MOTION CARRIED 7/0**

7.32pm *Cr Farrelly & Newman re-entered the meeting. The CEO read aloud Resolution 10501.*

7.33pm *All members of the public except Mrs Bennett and Messrs Roberts & Stewart left the meeting.*

## 11.2 PROPOSED DEVELOPMENT LEASE – UNALLOCATED CROWN LAND EAST OF SPENCER AVENUE, LAKE KING

**Applicant:** Department for Planning and Infrastructure – State Land Services  
**File No.** 0510  
**Attachments:** Plan 1  
**Author:** Mr Joe Douglas  
Town Planning Consultant  
**Disclosure of Interest:** Nil  
**Date of Report:** 22 October 2007  
**Senior Officer:** Mr Chris Jackson  
Chief Executive Officer

### Summary

This report provides details and recommendations in respect of a proposal by the State Land Services Division of the Department for Planning and Infrastructure to grant the Shire of Lake Grace a Development Lease over the unallocated Crown land located east of Spencer Avenue in the Lake King townsite to enable the Shire to develop the land for residential purposes in the short to medium term future.

### Background

The Shire of Lake Grace is currently undertaking various investigations to determine the feasibility and cost of undertaking the staged development of approximately 42.6 hectares of unallocated Crown land located east of Spencer Avenue in the Lake King townsite (see Plan 4).

The State Land Services division of the Department for Planning and Infrastructure wrote to the Shire in late August 2007 seeking comment on its proposal to offer the Shire a Development Lease over the land for a period of ten (10) years at an annual rental of \$100.00 plus 10% GST (see Attachment 2). The Department advised that following receipt of advice confirming the Shire's agreement to the proposal it will initiate the process required to secure the necessary clearances under the Native Title Act 1993 which is expected to take approximately twelve (12) months to complete.

Council considered the matter at its September ordinary meeting wherein it resolved to request the State Land Services Division of the Department for Planning and Infrastructure to make the unallocated Crown land east of Spencer Avenue, Lake King available to the Shire of Lake Grace for future residential development under the Department's 'Superlot' Policy in lieu of its offer to grant the Shire a Development Lease for a period of ten (10) years as per its correspondence dated 21 August 2007. Details of Council's resolution were conveyed to the Department following the September 2007 ordinary meeting.

By correspondence dated 17 October 2007 the State Land Services Division of the Department for Planning and Infrastructure advised that it is not willing to make the land available to the Shire under the Department's 'Superlot' Policy as the policy is no longer being applied by the State. As such the Department requested the Shire's reconsideration of its original offer to make the land available to the Shire as a 'Development Lease' which is now the State's preferred approach to facilitating the development of broadacre Crown land in regional areas of Western Australia.

### Comment

The Department for Planning and Infrastructure's decision to no longer apply its 'Superlot' Policy is founded on its belief that 'Development Leases' are a superior approach to facilitating the release of Crown land for development purposes. Unfortunately the Department's decision to no longer apply its 'Superlot' Policy was never conveyed to the Shire or the reporting officer at any stage during the planning process and has come as a complete surprise, particularly in light of the Department's recent agreement to release a parcel of Crown land in the Kulin townsite to the Shire of Kulin under the 'Superlot' Policy for residential development purposes.

The main reasons cited by the Department for abandoning the 'Superlot' Policy in favour of 'Development Leases' are as follows:

- Greater certainty for both parties as the lease agreement contains a range of conditions which clearly set out each parties interests, rights and obligations;
- Greater flexibility for the local government as the land subject to the lease agreement may be transferred to a third party such as a public or private sector property developer which may be interested in taking on the project either on their own or on a joint venture basis with the local government; and
- Ability for the Department to recover some of the administrative costs associated with establishing and maintaining the lease through the application and receipt of annual lease payments.

### **Conclusion**

Given the Department for Planning and Infrastructure's preference to make the land in Lake King available to the Shire under a Development Lease, it's unwillingness to release the land under its now superseded 'Superlot' policy and the fact that the differences between the Shire developing the land under a Development Lease versus the 'Superlot Policy' are fairly minimal, it is concluded that the most expedient way of progressing the project would be for the Shire to accept the Department's offer of a Development Lease.

Legal Implications

Native Title Act 1993

Land Administration Act 1997

Planning and Development Act 2005

Shire of Lake Grace Town Planning Scheme No.3

Shire of Lake Grace Town Planning Scheme No.4 (Final Approved Draft)

Policy Implications

Nil

Community Consultation

Not required to secure rights from the Crown to develop the land for residential purposes. Future subdivision planning will however be subject to a detailed community consultation process prior to finalisation of the proposed Structure Plan which will serve to guide all future subdivision development.

Financial Implications

Given that the cost of developing the proposed new residential lots in Lake King is likely to exceed the unimproved value of the land, the cost to the Shire of securing the freehold interest in the new lots following completion of subdivision development will be limited to the annual lease amount of \$100.00 excluding GST plus the physical development costs which are likely to be in the order of \$30,000 to \$50,000 per lot excluding GST based on current cost estimates for similar residential subdivision projects in regional Western Australia.

A more accurate assessment of the costs for Stage 1 of project will be determined in the first half of 2008 following completion of a second follow up flora survey in Spring 2007, preparation of a Structure Plan for the land to guide all future subdivision development and subsequent subdivision approval for Stage 1 from the Western Australian Planning Commission.

Strategic Implications

The development of the unallocated Crown land east of Spencer Avenue in the Lake King townsite is consistent with the strategic land use planning direction afforded by the Shire of Lake Grace's new Local Planning Strategy as this relates to future residential development in the Lake King townsite.

Cultural Implications

N/A

### Recommendation 1

That Council resolve to rescind motion 10487 which reads as follows:

*Moved Cr Newman  
Seconded Cr Walker*

*1. That Council resolve to request the State Land Services Division of the Department for Planning and Infrastructure to make the unallocated Crown land east of Spencer Avenue, Lake King available to the Shire of Lake Grace for future residential development under the Department's 'Superlot' Policy in lieu of the Department's offer to grant the Shire a Development Lease for a period of ten (10) years as per its correspondence dated 21 August 2007.*

*2. That Council resolve to request the State Land Services Division of the Department for Planning and Infrastructure to initiate the process required to secure the necessary clearances under the Native Title Act 1993 to facilitate the future release and development of the unallocated Crown land east of Spencer Avenue, Lake King for residential purposes.*

### Recommendation 2

That Council resolve to accept the offer from the State Land Services Division of the Department for Planning and Infrastructure to grant the Shire of Lake Grace a Development Lease for the unallocated Crown land east of Spencer Avenue, Lake King for future residential development for a period of ten (10) years as per its correspondence to the Shire dated 21 August 2007 and 17 October 2007.

That Council resolve to request the State Land Services Division of the Department for Planning and Infrastructure to initiate the process required to secure the necessary clearances under the Native Title Act 1993 to facilitate the future release and development of the unallocated Crown land east of Spencer Avenue, Lake King for residential purposes.

### Voting Requirements

Simple majority required.

### Recommendations/Resolutions

*As per the Local Government Act 1995, Local Government (Administration) Amendment Regulations 2005, Regulation 10, a notice of motion to revoke or change a decision is to be in writing and signed by at least 1/3 of the members of Council.*

Written Notice of Motion dated 24<sup>th</sup> October 2007 was tabled, signed by Crs Taylor, Walker & Farrelly.

**MOTION 10502**

Moved Cr Taylor  
Seconded Cr Newman

That Motion 10487 which reads as follows is rescinded:

*Moved Cr Newman  
Seconded Cr Walker*

1. *That Council resolve to request the State Land Services Division of the Department for Planning and Infrastructure to make the unallocated Crown land east of Spencer Avenue, Lake King available to the Shire of Lake Grace for future residential development under the Department's 'Superlot' Policy in lieu of the Department's offer to grant the Shire a Development Lease for a period of ten (10) years as per its correspondence dated 21 August 2007.*
2. *That Council resolve to request the State Land Services Division of the Department for Planning and Infrastructure to initiate the process required to secure the necessary clearances under the Native Title Act 1993 to facilitate the future release and development of the unallocated Crown land east of Spencer Avenue, Lake King for residential purposes.*

**MOTION CARRIED 9/0**

**MOTION 10503**

Moved Cr Newman  
Seconded Cr Milton

That Council resolve to accept the offer from the State Land Services Division of the Department for Planning and Infrastructure to grant the Shire of Lake Grace a Development Lease for the unallocated Crown land east of Spencer Avenue, Lake King for future residential development for a period of ten (10) years as per its correspondence to the Shire dated 21 August 2007 and 17 October 2007.

That Council resolve to request the State Land Services Division of the Department for Planning and Infrastructure to initiate the process required to secure the necessary clearances under the Native Title Act 1993 to facilitate the future release and development of the unallocated Crown land east of Spencer Avenue, Lake King for residential purposes.

**MOTION CARRIED 9/0**

7.48pm  
7.50pm

*Mr Joe Douglas & Mr Chris Jackson left the meeting.  
Mr Jackson re-entered the meeting.*

## 12.0 MATTERS FOR CONSIDERATION – HEALTH & BUILDING

### 12.1 TENDER 8/2007 – SUPPLY OF PREFABRICATED/KIT RESIDENCES

**Applicant:** Senior Administration Officer  
**File No.** 0094  
**Attachments:** Tender advert & specifications – *tenders submissions sent out under separate cover.*  
**Author:** Mr Mark Burbridge  
Senior Administration Officer  
**Disclosure of Interest:** Nil  
**Date of Report:** 17 October 2007  
**Senior Officer:** Mr Chris Jackson  
Chief Executive Officer

#### Summary

For Council to consider tenders for the supply of 2 transportable, prefabricated, component or kit home residences, for construction in Lake Grace and Newdegate.

#### Background

Council, at its 26 September 2007 meeting, resolved not to accept any tenders that were received for Tender 5/2007 and Tender 6/2007 – Construction of Transportable Residences due to:

- No conforming tenders being received;
- Prices exceed budget provisions; and,
- Prolonged delivery timeframes.

Subsequently, Council resolved to call tenders for the supply of two (2x) three (3) bedroom, two (2) bathroom kit homes or other alternative options.

Tenders were advertised on Wednesday 3 October 2007 and closed 4pm Wednesday 17 October 2007.

#### Comment

Council received five (5) conforming tender submissions from four (4) suppliers.



The submissions contained a number of different options, as detailed below:

Supplier	Design	Bed/Bath	Floor Area	Price inc Required Options	Transport (Inc GST)	Total Price (Inc GST)
<b>1<sup>st</sup> Residence (Lake Grace)</b>						
Tela Homes P/L	3 Bedroom Home	3x1	90m <sup>2</sup>	\$136,354.00	\$6,600.00	\$142,954.00
Tela Homes P/L	4 Bedroom Home	4x2	179m <sup>2</sup>	\$221,200.00	\$39,600.00	\$260,800.00
Fortress Home Building Systems P/L	Design 7719	3x2	165m <sup>2</sup>	\$112,266.00	\$16,500.00	\$128,766.00
Fortress Home Building Systems P/L	Design 7716	3x2	192m <sup>2</sup>	\$126,713.40	\$16,500.00	\$143,213.40
MAC Modular Homes	Magnolia	3x1	108m <sup>2</sup>	\$159,486.00	Included	\$159,486.00
Fleetwood P/L	Hamelin	3x2	120m <sup>2</sup>	\$178,346.30	\$3,857.70	\$182,204.00
Fleetwood P/L	Mitchell	4x2	156m <sup>2</sup>	\$202,943.40	\$5,593.50	\$208,536.90
Fleetwood P/L	Chamberlain	4x2	180m <sup>2</sup>	\$234,239.50	\$5,963.10	\$240,202.60
<b>2<sup>nd</sup> Residence (Newdegate)</b>						
Tela Homes P/L	3 Bedroom Home	3x1	90m <sup>2</sup>	\$136,354.00	\$6,600.00	\$142,954.00
Tela Homes P/L	4 Bedroom Home	4x2	179m <sup>2</sup>	\$221,200.00	\$39,600.00	\$260,800.00
Fortress Home Building Systems P/L	Design 7719	3x2	165m <sup>2</sup>	\$112,266.00	\$16,500.00	\$128,766.00
Fortress Home Building Systems P/L	Design 7716	3x2	192m <sup>2</sup>	\$126,713.40	\$16,500.00	\$143,213.40
MAC Modular Homes	Magnolia	3x1	108m <sup>2</sup>	\$160,952.00	Included	\$160,952.00
Fleetwood P/L	Hamelin	3x2	120m <sup>2</sup>	\$178,346.30	\$4,814.70	\$183,161.00
Fleetwood P/L	Mitchell	4x2	156m <sup>2</sup>	\$202,943.40	\$7,036.70	\$209,980.10
Fleetwood P/L	Chamberlain	4x2	180m <sup>2</sup>	\$234,239.50	\$7,406.30	\$241,645.80

The tenders submitted utilise a variety of different construction methods, from the complete transportable homes of Fleetwood and MAC Modular Homes, to the demountable partially assembled units of Tela Homes and the prefabricated kit-style homes of Fortress Home Building Systems.

Accordingly, differing styles of construction would require differing levels of input from Council staff in order to prepare and complete the residences.

An evaluation of all the tenders received, in accordance with Tender Selection Criteria, the general requirements of Council, and the provisions within the 2007/08 budget, has been carried out.

The results are listed below:

<b>Supplier</b>	<b>Design</b>	<b>Tender Score</b>
<b>1<sup>st</sup> Residence (Lake Grace)</b>		
Tela Homes P/L	3 Bedroom Home	43
Tela Homes P/L	4 Bedroom Home	49
Fortress Home Building Systems P/L	Design 7719	79
Fortress Home Building Systems P/L	Design 7716	79
MAC Modular Homes	Magnolia	55
Fleetwood P/L	Hamelin	49
Fleetwood P/L	Mitchell	71
Fleetwood P/L	Chamberlain	71
<b>2<sup>nd</sup> Residence (Newdegate)</b>		
Tela Homes P/L	3 Bedroom Home	43
Tela Homes P/L	4 Bedroom Home	49
Fortress Home Building Systems P/L	Design 7719	79
Fortress Home Building Systems P/L	Design 7716	79
MAC Modular Homes	Magnolia	55
Fleetwood P/L	Hamelin	49
Fleetwood P/L	Mitchell	71
Fleetwood P/L	Chamberlain	71

Prices have been scored not only on the tendered price, but on estimates as to how much further Council labour / contractor input would be required to put into each type of house.

Based on the above tender scores, and Council's limited budget of \$200,000 (including GST), it is recommended that Council accept the tender from Fortress Home Building Systems for their "Design 7719" Three Bedroom, Two Bathroom Kit House.

The system employed by Fortress is a new and innovative building technique that comprises pre-fabricated steel framed wall panels with a styrene core and hardiflex facing on both sides. Ceiling panels also incorporate a styrene core and are faced with colorbond steel. This construction method provides both excellent strength and very good thermo insulation properties. In addition, a rendered finish is applied to the outer walls and a colorbond truss roof is supplied.

Materials for interior fit out are supplied including electrical cabling and fittings, all above-slab plumbing materials, and interior kitchen and bathroom fixtures and cabinetry. The tendered price also includes a minimum of five days site supervision for on site assistance and support. A five year warranty is provided on all materials and workmanship.

Investigations into references provided with the tender specification have resulted in positive feedback, including recommendation from the Shire of Cue which is currently underway in the construction of 2 ablution blocks using the same building system, as well as having approved a

development of 6 residential units. Though the company is newly formed and the building technique is somewhat new, the Director and Engineer working for Fortress Home Building Systems have a combined 15 years experience in building and fabrication.

Manufacturing time is in the vicinity of 6 weeks from date of order, with estimated assembly and erection time frames of 1-2 months, depending on the number of workers available to work on the job. Given these timeframes, it would seem achievable to have residences both in Lake Grace and Newdegate well on the way to completion by June 2008.

A proposed budget for the completion of each of the Kit homes, utilising Council's carpenter and apprentice for the majority of the construction, along with local tradespersons and services, is as follows:

Cost of Kit Home	\$128,766
Concrete Slab	\$15,000
Siteworks (Minor Clearing, Sand Compaction)	\$5,000
Construction Labour (8 weeks)	\$16,500
Utility Connections (Water, Sewer, Power, Phone)	\$10,000
Fencing (includes 6 Days labour)	\$7,000
Paving, Landscaping, Reticulation	\$16,000
Carpets / Vinyl	\$6,000
Internal Painting	\$4,000
Building Fees	\$500
<b>TOTAL BUDGET</b>	<b>\$208,766</b>

#### Legal Implications

Local Government Act 1995 s3.57

Local Government (Functions and General) Regulations 1996 Part 4

#### Policy Implications

In accordance with Council's tendering process, Purchasing Policy, Regional Price Preference Policy, and 2007/2008 budget.

#### Community Consultation

Council has received community input in the planning and allocation of these new residences, as reported to prior Council meetings.

#### Financial Implications

Council's 2007/08 Budget makes the following allowances for construction costs:

E091915 – Construct House (Lake Grace) - \$200,000

E091916 – Construct House (Newdegate) - \$200,000

This expenditure is offset by the following Income:

I091950 – Grant – Country Housing Authority (Round 1) - \$25,000

I091951 – Grant – Country Housing Authority (Round 2) - \$50,000

Country Housing Authority Grant carried forward from 06/07 - \$25,000  
I091940 – Transfer from Housing Reserve - \$100,000  
Loan 184 – Housing (Lake Grace) - \$100,000  
Loan 185 – Housing (Newdegate) - \$100,000

Slight overruns from Council's original budget of \$200,000 may be addressed by further transfers from the Housing Reserve, the absorption into General Purpose funding, or by carrying forward part of the final works such as landscaping into the 2008/09 financial year.

Strategic Implications

N/A

Cultural Implications

N/A

Voting Requirements

Simple majority required

Recommendation/Resolution

**MOTION 10504**

Moved Cr De Landgraft  
Seconded Cr Farrelly

That Council accept the tender from Fortress Home Building Systems Pty Ltd for the Supply and Delivery of two (2x) "Design 7719" Kit Homes for the total price of \$257,532.00.

**MOTION CARRIED 9/0**

**NOTE**

***Council wished it to be noted that air-conditioning needs to be a consideration.***

## 13.0 MATTERS FOR CONSIDERATION – FINANCE

### 13.1 ACCOUNTS FOR PAYMENT – SEPTEMBER 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:** 16 October 2007  
**Senior Officer:** Mr Chris Jackson  
Chief Executive Officer

#### Summary

For Council to ratify expenditure incurred for the month of September 2007.

#### Background

List of invoices paid for the month of September 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 September 2007 from the Municipal Account amounts to \$218,555.46. Trust Account amounts to \$110.00.

Strategic Implications

N/A

Cultural Implications

N/A

Voting Requirements

Simple majority required.

Recommendation/Resolution

**MOTION 10505**

Moved Cr Newman  
Seconded Cr Dunkeld

That Municipal Account cheques 32732 to 32790, Electronic Funds Transfers EFT3273 to EFT3358 and direct debits to the Municipal Accounts totalling \$218,555.46 and Trust Fund Cheque 522 totalling \$110.00 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**

**NEWDEGATE COFFEE SHOP - DONATION**

**Applicant:** Newdegate Coffee Shop  
**File No:** 0260  
**Attachments:** Letter  
**Author:** Mrs Danielle Robertson  
Senior Finance Officer  
**Disclosure of Interest:** Nil  
**Date of Report:** 16 October 2007  
**Senior Officer:** Ms Leonie McIlree  
Manager Corporate Services

**Summary**

The purpose of this report is for Council to consider donating the rates and charges applicable to the property known as the Newdegate Coffee Shop located at Maley Street Newdegate, which is owned by the West Australian Government Railways and utilised by the Uniting Church Group (WAGR Lease1785).

**Background**

Mr Bruce Howatson, on behalf of the Newdegate Coffee Shop has written to Council seeking reimbursement of the rates levied on the property located in Maley Street, Newdegate. The rates and service charges have been paid in full.

Rates and charges applicable for the 2007/08 financial year are \$751.39 made up of \$469.85 rates and \$281.54 service charges.

**Comment**

Council has agreed to similar requests in the past and is again requested to make a donation equal to the rates and service charges on the property.

**Community Consultation**

N/A

**Legal Implications**

Note: This is a request for a donation and not a write-off of rates under the Local Government Act.

**Policy Implications**

Nil.

**Financial Implications**

Council has donations provision of \$5,300 in the 2007/08 budget, Account E041190, of which \$622.27 has been expended thus far.

Strategic Implications

N/A

Voting Requirements

Absolute majority (5) required.

Recommendation/Resolution

**MOTION 10506**

Moved Cr De Landgraft  
Seconded Cr Milton

That Council agree to donate the \$751.39 of rates and service charges payable on the Newdegate Coffee Shop from Account E041190 and advise Mr Howatson accordingly.

**MOTION CARRIED BY ABSOLUTE MAJORITY 9/0**



### 13.3 169A PICKERNELL WAY LAKE KING – UNBUDGETED EXPENDITURE

**Applicant:** Mr Mark Burbridge  
**File No.** 0119  
**Attachments:** Nil  
**Author:** Mr Mark Burbridge  
 Senior Administration Officer  
**Disclosure of Interest:** Nil  
**Date of Report:** 16 October 2007  
**Senior Officer:** Mr Chris Jackson  
 Chief Executive Officer

#### Summary

For Council to ratify unbudgeted expenditure associated with repairs and refurbishment to 169A Pickernell Way, Lake King.

#### Background

Council's tenant recently vacated the property at 169A Pickernell Way, Lake King.

Upon inspection of the property by the Senior Administration Officer, the Shire President, and members of the Lake King Housing Advisory Committee, it was determined that the property was badly in need of interior painting and replacement carpets, and other minor maintenance.

#### Comment

Council's 2007/08 budget for maintenance of 169A Pickernell Way did not anticipate having to paint and/or replace carpets this financial year, thus no allowance has been made. However, given the age of the unit (constructed in 1998), this type of maintenance is generally in line with expectations for long term maintenance on rental properties.

The outgoing tenant contributed to the immediate need for these improvements, and thus will have forfeited the full amount of his housing bond (\$360). This is the highest amount that Council could charge for the bond, as the Residential Tenancies Act prevents Council from charging any more than the equivalent of 4 weeks rent.

An enquiry was made to a local painting contractor as to the timeframes for completing the interior painting in the unit.

Generally, whether a local tradesperson is used or an external contractor is brought in from a larger centre, the wait time for painting contractors leads into months. In this situation, the local contractor had an opening and was available to paint the house almost immediately – an offer which was accepted given the need to make the house tenantable again as soon as possible, and the general direction which was provided from the

Shire President and the Lake King Housing Advisory Committee at the time of the inspection.

As such, because the work has no budget allocation, and there is also no provision to replace the carpets (which cannot be salvaged), Council's ratification is now required.

### Legal Implications

Local Government Act 1995 Section 6.8 states that:

- (1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —
- (a) is incurred in a financial year before the adoption of the annual budget by the local government;
  - (b) is authorised in advance by resolution\*; or
  - (c) is authorised in advance by the mayor or president in an emergency.

*\* Absolute majority required.*

(1a) In subsection (1) — “additional purpose” means a purpose for which no expenditure estimate is included in the local government's annual budget.

- (2) Where expenditure has been incurred by a local government —
- (a) pursuant to subsection (1)(a), it is to be included in the annual budget for that financial year; and
  - (b) pursuant to subsection (1)(c), it is to be reported to the next ordinary meeting of the council.

### Policy Implications

N/A

### Community Consultation

Nil

### Financial Implications

Interior painting of the unit has been carried out at a cost of \$5,218.66. It is anticipated that replacing carpets will cost \$3,500.

As this property is managed under a Joint Venture Housing agreement with the Department of Housing and Works, Council holds in restricted cash a fund for the long term maintenance of all Joint Venture properties (currently \$12,811.44).

Significant maintenance expenditure for Joint Venture properties is offset against both rental income surpluses earned and the long term maintenance fund – thus having no effect on general purpose funding and Councils Budget surplus/deficit.

### Strategic Implications

It is desirable to complete any required maintenance as soon as possible in order for the property to be made tenantable, and for Council to maximise its rental income.

Cultural Implications

N/A

Voting Requirements

Absolute majority required.

Recommendation/Resolution

**MOTION 10507**

Moved Cr Chamberlain  
Seconded Cr Taylor

That Council authorise the unbudgeted expenditure of \$8,719 associated with internal painting and replacement carpets for 169A Pickernell Way, Lake King, with the funds being offset against Restricted Cash for Joint Venture Housing, and that Account "E094018 - 169A Pickernell Way" be updated accordingly.

**MOTION CARRIED BY ABSOLUTE MAJORITY 9/0**

***NOTE***

***Council requested staff check insurances to see if any monies are recoverable.***

### 13.4 NEWDEGATE CBH TOWN DAM CATCHMENT PROJECT – OVER EXPENDITURE

**Applicant:** Newdegate Recreation Council  
**File No.** 0532  
**Attachments:** Letter  
**Author:** Mr Jim Fraser  
 Manager Community Services  
**Disclosure of Interest:** Nil  
**Date of Report:** 15 October 2007  
**Senior Officer:** Mr Chris Jackson  
 Chief Executive Officer

#### Summary

For Council to authorise over expenditure on the Newdegate CBH Town Dam Catchment project and a transfer from the Newdegate Sports Dam Reserve to offset the additional expenditure.

#### Background

The Shire of Lake Grace was successful in obtaining \$48,752 in grant funding from the Australian Government's Community Water Grants program during 2005/06.

The project initially included a tank to collect treated effluent from the Water Corporation facility adjacent to the Newdegate CBH site. Following a re assessment of the project a community decision was taken to construct a dam on the site to collect the runoff from the CBH site as well as utilise the treated effluent. This decision has increased the cost of the project.

Allowance has also been made to collect the runoff from the Newdegate Recreation Centre building and bitumen hard stand area which has also impacted on the total project cost.

#### Comment

The aim of the project is to re-use stormwater and treated effluent to irrigate ovals in Newdegate.

Over the last two financial years, a total of \$50,519.61 has been spent on this project. The 2007/08 budget has a provision of \$10,652 (refer account E136115) as carried over expenditure to complete the project.

Following consultation with Ashley McDonald, an overrun in the vicinity of \$25,000 plus the cost of the construction of a spillway is estimated.

Break-up of over expenditure (estimates):

CBH power connection	\$5,000
Grader Hire	\$1,000

Construct Spillway	\$11,000
Pump Sump at Newdegate Recreation Centre	\$8,000
	<b>\$25,000</b>

#### Legal Implications

Section 6.11 of the Local Government Act 1995 states that a local government may set aside money for use for a purpose in a future financial year.

#### Policy Implications

N/A

#### Community Consultation

N/A

#### Financial Implications

The Newdegate Sports Dam Reserve is budgeted to have a balance of \$21,778 at the end of the 2007/08 financial year.

The Newdegate Hockey Club has also indicated that they will contribute \$2,000 toward the cost of this project.

It is recommended that once the project has been completed, another item be presented to Council to authorise a transfer from the Newdegate Sports Dam Reserve to cover this over expenditure.

#### Strategic Implications

The decisions taken by the community reflect the need to utilise treated effluent and water runoff to offset reliance on scheme water.

#### Cultural Implications

N/A

#### Voting Requirements

Simple majority required.

Recommendation/Resolution

**MOTION 10508**

Moved Cr Dunkeld  
Seconded Cr Sinclair

That Council authorise the over expenditure on the Newdegate Sports Dam project and that another item be prepared following completion of the project to authorise a transfer from the Newdegate Sports Dam Reserve.

**MOTION CARRIED 9/0**

## 14.0 MATTERS FOR CONSIDERATION – ADMINISTRATION

### 14.1 LAKE GRACE COMMUNITY BUS COMMITTEE – OWNERSHIP OF COMMUNITY BUS

<b>Applicant:</b>	Lake Grace Community Bus Committee
<b>File No.</b>	0436
<b>Attachments:</b>	Financial Statement
<b>Author:</b>	Mr Jim Fraser Manager Community Services
<b>Disclosure of Interest:</b>	Nil
<b>Date of Report:</b>	12 October 2007
<b>Senior Officer:</b>	Mr Chris Jackson Chief Executive Officer

#### Summary

This report recommends that Council assumes ownership of the Community Bus which is housed in a garage within Council's depot compound.

#### Background

Messrs Kevin Seaman and Joe McEncroe from the Lake Grace Community Bus Committee met with the Author on Thursday 6<sup>th</sup> September 2007 to discuss various aspects associated with the management and operation of the community bus.

An assessment of the file indicates:

- The first community bus was delivered in 1993 with funding support from the Shire; various community groups, individuals and organisations and the Lotteries Commission (now Lotterywest). The process was managed by a Committee which was not incorporated. The Lake Grace Lions Club was also involved.
- The then Shire Clerk Mr Joe McEncroe was a member of the Committee at that time. Mr McEncroe is still a member of the Committee.
- The original bus was purchased through a tender process conducted by the Shire of Lake Grace.
- The bus was licensed and insured through the Shire however evidence indicates it was not on the Shire plant inventory.
- The original bus was replaced in 2002. Leading up to this the then Chief Executive Officer Mr Neville Hale reported to Council on his concerns with Council's participation in the management and operations of the community bus.

- Ownership of the bus was transferred to the Lake Grace Development Association. The Bus Committee came under the auspices of the Lake Grace Development Association which is incorporated. The Lake Grace Development Association submitted an application to Lotterywest which was successful.
- Membership of the committee has been falling, however the enthusiasm of the remaining members is high.
- The committee currently manage the bookings for the bus, send out the accounts for use, bank and manage the funding and arrange cleaning and maintenance.

There is evidence that the bus is well used by the Community having been hired on forty four (44) occasions during the 2006/07 financial year.

#### Comment

The current bus a Mitsubishi Rosa, is seven years old and has travelled more than 100,000 kilometres. The Bus Committee is carrying out a review of its operations with a view to replacing the bus.

Whilst the committee has accumulated funds of approximately \$35,000.00 and the current bus has a trade in value of approximately \$40,000.00 a new bus with similar features to the current bus will cost in the vicinity of \$120,000.00. There will be a requirement to seek funding from Lotterywest to allow for the replacement of the bus.

There are several management models being used in similar circumstances relating to community buses.

The Shire of Narembeen owns and fully operates the community bus. There is a Management Committee to assist the Shire. The hire rate is 0.65 cents per kilometre with the hirer responsible for the fuel costs.

The Shire of Wongan-Ballidu manages and operates two buses covering all costs and hire conditions.

The Shire of Moora has a similar system to Wongan-Ballidu.

Whilst the local committee has the capacity to manage the bus it is recommended that the present system for hiring the bus be continued.

#### Legal Implications

There are no legal impediments to Council owning the bus.

Local Government Act 1995.

Local Government (Functions and General) Regulations 1996.



Policy Implications

N/A

Community Consultation

There has not been any community consultation.

Financial Implications

The Bus Committee will reimburse Council for the costs of license and insurance. The 2008/09 budget will include details of the financial transactions.

Strategic Implications

N/A

Cultural Implications

The availability of a community bus supports the participation of the community in a wide range of activities.

Voting Requirements

Absolute majority (5) required.

Recommendation/Resolution

**MOTION 10509**

Moved Cr Farrelly  
Seconded Cr Taylor

That:

1. The Lake Grace Development Association be requested to transfer ownership of the community bus being a 2000 Mitsubishi Rosa 25 Seat bus registration LG1444 to the Shire of Lake Grace.
2. An application for funding assistance be made to Lotterywest to assist with the purchase of a replacement bus.
3. Pending the success of the funding application to Lotterywest tenders be invited for the purchase of a new bus.

**MOTION CARRIED BY ABSOLUTE MAJORITY 9/0**

## 14.2 ANNUAL ELECTORS MEETING YEAR ENDED 30 JUNE 2007 – MINUTES

**Applicant:** Chief Executive Officer  
**File No:** 0042  
**Attachments:** Minutes  
**Author:** Mrs Jeanette Bennett  
Executive Assistant  
**Disclosure of Interest:** Nil  
**Date of Report:** 16 October 2007  
**Senior Officer:** Mr Chris Jackson  
Chief Executive Officer

### Summary

The purpose of this report is for Council to approve the minutes of the Electors Meeting held on Monday, 8 October 2007.

### Background

The annual Electors Meeting was held on Monday, 8 October 2007 in the Lake King Hall, as advertised, and commenced at 7.30pm, with Cr Darcy Roberts, Shire President, presiding.

Minutes of the Annual Electors Meeting will be made available at the meeting and will also be available to the public through Council's libraries and website.

Under the provisions of sections 5.32 and 5.33 of the Local Government Act, 1995 (the Act) any decisions made at an Elector's Meeting need to be considered by Council at its next Ordinary Meeting or if that is not possible, at the first Ordinary Meeting after that meeting.

Further, under the provisions of the Act, Council is required to record in the minutes of its Ordinary Meeting the reasons for any decision it makes in response to the decision(s) made at the Elector's Meeting.

### Comment

Nineteen persons were in attendance with eight Councillors present. The content of the 2006/07 Annual Report was considered and motions passed accepting the various reports contained therein, including the Auditors Report and Management Report.

Other than the procedural motions no further decisions were made at the meeting.

Questions asked and answered during the meeting related to:

- Cost overruns on Varley South Rd

- Road closures in the Varley area and community traffic management training
- Follow-up on requests from community
- 2006/07 outstanding rates
- Community housing rental arrears
- Newdegate Swimming Pool
- Varley Hall repairs

#### Community Consultation

The convening of the Electors Meeting was advertised in accordance with the requirements of the Act. The minutes of the Electors Meeting represent the community's input.

#### Statutory Implications

Local Government Act 1995 – s5.32 & s5.33

Local Government (Administration) Regulations 15, 17 & 18

#### Policy implications

N/A

#### Financial implications

N/A

#### Strategic implications

N/A

#### Cultural Implications

Council rotates the holding of the Electors Meeting in each of its towns on a four year roster to ensure equality of opportunity for each community.

#### Recommendation

That the minutes of the Annual Electors Meeting held on Monday, 8 October 2007 be received and the following decisions be endorsed:

- The President's Report for 2005/06 be accepted;
- The Chief Executive Officer's Report for 2005/06 be accepted:
- The 2005/06 Annual Financial Statements as presented be received and accepted: and,
- The Auditor's Report and the Auditor's Management Report be received and accepted.

#### Voting Requirements

Simple majority required.

Resolution

**MOTION 10510**

Moved Cr Milton  
Seconded Cr Sinclair

That the minutes of the Annual Electors Meeting held on Monday, 8 October 2007 be received and the following decisions be endorsed:

- The President's Report for 2005/06 be accepted;
- The Chief Executive Officer's Report for 2005/06 be accepted:
- The 2005/06 Annual Financial Statements as presented be received and accepted; and,
- The Auditor's Report and the Auditor's Management Report be received and accepted.

**MOTION CARRIED 9/0**

**14.3      ACTING CHIEF EXECUTIVE OFFICER**

8.04pm      *Mr Jim Fraser declared an interest in item 14.3 and left the meeting.*

**Applicant:** Chief Executive Officer  
**File No.** 0012  
**Attachments:** Nil  
**Author:** Mr Chris Jackson  
 Chief Executive Officer  
**Disclosure of Interest:** Nil  
**Date of Report:** 17 October 2007  
**Senior Officer:** Mr Chris Jackson  
 Chief Executive Officer

Summary

To approve Acting Chief Executive Officer arrangements following departure of the current Chief Executive Officer, Chris Jackson.

Background

On the 10 September the Chief Executive Officer Chris Jackson tendered his resignation effective from the 9 November 2007 to take up a position with the Shire of Broome.

The Chief Executive Officer position has been advertised and applications closed on the 15 October 2007. A group of councillors will be meeting to discuss the applications and will then make a recommendation to Council at the October meeting on the next process for selection which includes the appointment of a CEO Selection Committee.

As the October meeting will include the election of new Councillors and a new Shire President (Cr Roberts is not re-standing for Council) and Deputy this will allow them to be part of this important process.

To date the Shire President and Deputy have overseen the CEO selection process and Councillors were briefed at the September Ordinary Meeting and following the Annual Electors Meeting on the 8 October 2007.

Comment

The Shire President and Deputy together with the incumbent CEO have had discussions with Jim Fraser, who is currently employed as the Manager of Community Services, regarding acting in the role of CEO for a period pending the start of a new CEO.

Councillors have previously been briefed by the Shire President that Jim is prepared to accept an acting role.

Jim has previously acted for the current CEO during periods of leave and has always performed to the required standard. Jim has extensive experience in local government including holding the position of CEO with the Shires of Upper Gascoyne, Mount Marshall, Northampton and Coolgardie.

It is recommended that Mr Jim Fraser be appointed to the position of Acting Chief Executive Officer effective from the 9 November 2007.

Legal Implications

Local Government Act 1995 5.36

Local Government (Administration) Regulations 1996

Policy Implications

N/A

Community Consultation

N/A

Financial Implications

Normal funds budgeted for the CEO.

Strategic Implications

N/A

Recommendation

Voting Requirements

Simple majority required.

Recommendation/Resolution

**MOTION 10511**

Moved Cr Chamberlain  
Seconded Cr Sinclair

That Mr Jim Fraser be appointed Acting Chief Executive Officer effective from the 9 November 2007 for the period up until the appointment of a new Chief Executive Officer.

**MOTION CARRIED 9/0**

8.06pm Mr Fraser re-entered the meeting.

The President read aloud Motion 10511.

**14.4      ACTING MANAGER OF COMMUNITY SERVICES**

**Applicant:** Chief Executive Officer  
**File No.** 0012  
**Attachments:** Resume – Lance White (forwarded under separate cover)  
**Author:** Mr Chris Jackson  
Chief Executive Officer  
**Disclosure of Interest:** Nil  
**Date of Report:** 17 October 2007  
**Senior Officer:** Mr Chris Jackson  
Chief Executive Officer

**Summary**

This report seeks Council endorsement for the appointment of an Acting Manager Community Services.

**Background**

Council agreed to the creation of the position of Manager Community Services at its Ordinary Meeting in December 2006 on a trial basis for a period of one year.

Mr Jim Fraser was offered the position and commenced in the role on 10 January 2007.

With the resignation of the Chief Executive Officer and the Manager of Works to take effect on the 9 November 2007 and the recommendation to appoint Mr Fraser as Acting Chief Executive Officer there is a need for support at management level.

Following appointment of a new CEO, the senior position of Manager of Community Services can be advertised.

**Comment**

Mr White has held senior officer positions in local government for many years particularly in the community services area. He is available to take up the position during the week beginning 19 November 2007. Mr White has also acted in the position of CEO on numerous occasions.

Mr White has been offered the position for a minimum period of six months and a maximum period of one year.

Endorsement for this action is sought. There are several ongoing and future projects that will need to be managed including the significant Lotterywest package for Lake Grace.

Legal Implications

Section 5.41 (g) of the Local Government Act 1995.

Policy Implications

N/A

Community Consultation

N/A

Financial Implications

The 2007/08 budget includes provision for the position.

Strategic Implications

The role is essential to positioning Council to progress community and economic development.

Cultural Implications

N/A

Voting Requirements

Simple majority required.

Recommendation/Resolution

**MOTION 10512**

Moved Cr Newman  
Seconded Cr De Landgraft

That the action of the Chief Executive Officer in appointing Mr Lance White to the position of Acting Manager Community Services for a period of up to one year be endorsed.

**MOTION CARRIED 9/0**



## 14.5 CHIEF EXECUTIVE OFFICER POSITION – SELECTION PROCESS

*8.07pm Mr Jim Fraser declared an interest in Item 14.5 in that he has submitted an application for the position and left the meeting.*

**Applicant:** Cr Darcy Roberts  
**File No.** 0012  
**Attachments:** Nil  
**Author:** Mr Chris Jackson on behalf of the Shire President  
 Chief Executive Officer  
**Disclosure of Interest:** Nil  
**Date of Report:** 18 October 2007  
**Senior Officer:** Mr Chris Jackson  
 Chief Executive Officer

### Summary

For Council to approve the process for selection of a new Chief Executive Officer.

### Background

On the 10 September the Chief Executive Officer (CEO) Chris Jackson tendered his resignation effective from the 9 November 2007 to take up a position with the Shire of Broome.

The CEO position was advertised and applications closed on the 15 October 2007. Eleven applications have been received.

Councillors Roberts, Walker, Bennett, Chamberlain, Farrelly and Taylor met on Tuesday 17 October to discuss the selection process.

### Comment

Following discussion at the meeting on the 17 October it is recommended that a CEO Selection committee be formed made up of the Shire President, Deputy Shire President and two Councillors. This will allow the new Shire President and Deputy to be involved in the process following election at this Council meeting.

It is further recommended that a local government recruitment consultant be used to assist the Committee and Council in the selection process. A number of suitable consultants have been contacted who would be in a position to undertake this work.

### Legal Implications

Local Government Act 1995 5.36

Local Government (Administration) Regulations 1996

Section 5.8 of the Local Government Act 1995 Establishment of Committees and all of Subdivision 2 relating to Committees and their meetings.

Section 18C of the Local Government (Administration) Regulations 1996 Selection and appointment process for CEO's requires that:

*“The local government is to approve a process to be used for the selection and appointment of a CEO for the local government before the position of CEO of the local government is advertised.”*

To date the Shire President and Deputy Shire President have overseen the CEO selection process and Councillors were briefed at the September 2007 Ordinary Meeting and following the Annual Electors Meeting on the 8 October 2007. Councillors were happy with the process as outlined at this time.

Policy Implications

N/A

Community Consultation

N/A

Financial Implications

Funds of \$4,000 are budgeted for Professional Services Contract E042027 and \$5,000 for Consultancy Charges E042029 and could be used for this process.

Strategic Implications

N/A

Cultural Implications

N/A

Recommendation

- 1) That Council endorse the actions of the Shire President and Deputy Shire President in commencing the advertising process for a new Chief Executive Officer.
- 2) That a CEO Selection Committee be established for the purpose of recruitment of a new CEO including making recommendations to Council on a successful applicant. The committee is to be made up of the following members; Shire President, Deputy Shire President, Cr \_\_\_\_\_ and Cr \_\_\_\_\_.
- 3) That the CEO Selection Committee be delegated the authority to appoint a consultant to assist with the selection process.

Voting Requirements

Absolute majority required.

Resolution

**MOTION 10513**

Moved Cr Farrelly  
Seconded Cr Taylor

1. That Council endorse the actions of the Shire President and Deputy Shire President in commencing the advertising process for a new Chief Executive Officer.
2. That a CEO Selection Committee be established for the purpose of recruitment of a new CEO including making recommendations to Council on a successful applicant. The committee is to be made up of the following members; Shire President, Deputy Shire President, Cr Sinclair and Cr Milton.
3. That the CEO Selection Committee be delegated the authority to appoint a consultant to assist with the selection process.

**MOTION CARRIED BY ABSOLUTE MAJORITY 9/0**

8.11pm            *Mr Fraser re-entered the meeting.*

*The President read aloud Motion 10513.*

8.12pm            *Mrs Bennett, Messrs Roberts & Stewart left the meeting.*

## **15.0 URGENT BUSINESS BY DECISION OF THE MEETING**

### **15.1 NEWDEGATE SWIMMING POOL**

#### **Cr Chamberlain**

Cr Chamberlain advised the meeting that he has concerns with the issues regarding the Newdegate Swimming Pool, negotiations are at a standstill and he is looking to involve Council for direction which will then allow staff to move forward with the issue.

There are two issues, one being public liability and the other the argument over the long term maintenance of the pool.

He has taken lots of phone calls from people worried the pool is not going to be open this year. The issue was discussed at a recent Newdegate Community Development Association meeting which was well attended.

Primary School Principal, Mr George Craig attended and advised the community he has concerns over liability to himself and his staff should any incidents occur. His concerns are valid.

The pool operates on a key system (i.e. people buy keys which allows them access to the pool. In the past the community have been required to have a First Aid Certificate to be able to buy a key. At this point in time rumours abound that the pool is not opening, no one is buying keys, therefore the pool will not be viable.

#### **Cr Dunkeld**

Cr Dunkeld spoke re the letters received from the Department in the 1980's where they (the Department) would fund maintenance and that the Shire is trying to keep them to that undertaking.

The recent draft agreement between the Shire and the Education Department (which the Shire is unwilling to sign until the Department agrees to upgrade the pool) agrees to share costs. The latest Regulations allow for variations. We need to show the key system is good and to see it as an opportunity to go forward and get back 50% of the power to operate the pool.

Cr Dunkeld quoted an amount of \$103,000 was required to fix the pool.

**Cr Newman**

Cr Newman commented that 20 years ago the Minister undertook to 100% of the costs – now they want to share it 50/50 – it is important that the works be completed prior to the Shire taking on any responsibilities.

**MOTION 10514**

Moved Cr Newman  
Seconded Cr Dunkeld

That Council write as a matter of urgency to the Minister for Education advising of Shire and community concerns regarding future operations and upgrade to the Newdegate Swimming Pool and request an urgent meeting to discuss the issue.

That Council further request that the swimming pool be allowed to open for the pool season commencing November 2007.

**MOTION CARRIED**

**NOTE**

***Copies of the correspondence to be sent to Member for Roe, Dr Graham Jacobs.***

**16.0 SCHEDULING OF MEETING**

**16.1 NOVEMBER 2007 ORDINARY MEETING**

**Motion 10319 November 2006 states:**

An Ordinary Meeting of Council will be held on Wednesday 28 November 2007, commencing at 9.00am at the Newdegate Indoor Recreation Centre, Newdegate.

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

None.

## **18.0 CLOSURE**

The President thanked everyone present and noted that next time Council meets both our Chief Executive Officer, Chris Jackson and Manager of Works Glen Brigg will have left Council's employ.

On behalf of Council he wished Glen all the best in his new job in Queensland and thanked him for his time here.

On behalf of Council he thanked Chris and commented on the interesting ride he has had here over the last three years – namely Hail, locusts and floods. He is sure Chris will leave with some fond memories.

There being no further business, the Chairperson closed the meeting at 8.46 pm.

## **19.0 CERTIFICATION**

I Andrew James Walker certify that the minutes of the meeting held on the 24 October 2007 as shown were confirmed as a true record at the meeting held on the 28 November 2007.

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Date