

# SHIRE OF LAKE GRACE



## ***Minutes***

### Ordinary Council Meeting

26 September 2007

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## SHIRE OF LAKE GRACE

### MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD AT COUNCIL CHAMBERS, BISHOP ST, LAKE GRACE ON WEDNESDAY, 26 SEPTEMBER 2007.

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

The Chairperson (President) opened the meeting at 1.30 pm and welcomed to the meeting those members of the public present.

#### **2.0 ATTENDANCE RECORD**

##### **2.1 PRESENT**

Cr G.E.J. Roberts	Shire President
Cr A.J. Walker	Deputy Shire President
Cr. H.R. Bennett	
Cr I.G. Chamberlain	
Cr O.P. Farrelly	
Cr W.A. Newman	
Cr D.P Sinclair	
Cr D.M.McL. Stewart	
Cr R.P. Taylor	
Mr C.G. Jackson	Chief Executive Officer
Mr J. Fraser	Manager Community Services
Mr G. Brigg	Manager of Works
Mrs J. Bennett	Executive Assistant
Mr John Kellow	Observer
Mr Shane Carruthers	CBH Lake Grace
Mr Steve Curtin	Observer
Mrs Corallee Palmer	Observer
Mr Bob Palmer	Observer
Mr David Fyfe	Observer
Mr Phil Franks	Observer
Mrs Anne Franks	Observer
Mr Lindsay Slarke	Observer
Mrs Kerry Slarke	Observer
Mrs Annie Slarke	Observer
Mr Ross Bowron	Observer ( <i>entered the meeting at 1.37pm</i> )

##### **2.2 APOLOGIES**

Ms L.I. McIlfree	Manager Corporate Services
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## **2.3 LEAVE OF ABSENCE PREVIOUSLY GRANTED**

None.

## **3.0 PUBLIC QUESTION TIME**

Cr Roberts invited those members of the public who wished to speak to do so:

### **3.1 MR BOB PALMER**

#### **Proposed CBH Staff Accommodation Units – Griffiths St Lake Grace**

Mr Palmer wished to make the comment that he was here to find out why this development has gone ahead in a rush and more time has not been taken to find a more suitable spot.

Mr Palmer advised Council what they are doing is wrong and that there is more than a year to look for a suitable site.

### **3.2 MR SHANE CARRUTHERS**

#### **Proposed CBH Staff Accommodation Units – Griffiths St Lake Grace**

Mr Carruthers, CBH Area Manager for Lake Grace & Newdegate, made the comment that in his opinion if this development did not have CBH's name attached to it as much public response may not have been generated. CBH is happy to let the process take place.

### **3.3 Mr DAVID FYFE**

#### **Proposed CBH Staff Accommodation Units – Griffiths St Lake Grace**

Mr Fyfe made the following main points in protest of the proposed development:

- He has built his family home in Elliott St.
- Asked Councillors to consider that if this development was within 100metres of their home what would they think.
- Increased traffic and noise.
- Both the kindergarten and school where 120 children regularly come and go are close to the proposed development.

### **3.4 MR LINDSAY SLARKE**

#### **Proposed CBH Staff Accommodation Units – Griffiths St Lake Grace**

Mr Slarke advised he was present to re-iterate his letter of 22 August 2007 and support the petition which had been sent to Council.

Mr Slarke read the following prepared statement:

Thank you Mr President, Councillors. In presenting this petition of which I assume you have a copy, I would like to explain a few points. We have also written to the CEO and you will have a copy of that letter.

Our objections to the proposal by CBH or Bulkwest are based on the potential disruption to our chosen lifestyle in our chosen location, which is a residential area.

If the proposal of the sixteen units, plus car bays for 18 vehicles, went ahead, the value of the Palmers' residence would fall as you would be hard pressed to find anyone who would want to buy into a property right next to such an accommodation unit.

In the past, we have had problems with anti social behaviour and noise from the flats, the shearers' quarters and people having band practice at two o'clock in the morning. This was recognized by Darren Spencer who relocated his workers to the quarters north of the railway.

The motel opposite would most likely lose repeat business if it were subjected to unacceptable noise at close range. You cannot compare the clientele of the motel to that of the proposed units. Travellers pull in for a quiet night after a day's travel, not a party.

While on the subject of parties, anyone would be naïve in the extreme if they thought that these would not occur. There is no suitable way of monitoring such get togethers. They just develop.

This is fine but the noise and the coming and goings of vehicles and friends etcetera can be disturbing to other residents. The added traffic from vehicles is also cause for concern with school children on the way to and from school; and the kindergarten nearby. So the units need to be housed somewhere where there is no disruption to other people and the young people themselves need their privacy.

We have heard the view that the proposed units could be used to house footballers on a carnival weekend when accommodation is short. Surely, no one would vote for the proposal to satisfy two nights' accommodation in one year. What a couple of nights they would be!

If people have free accommodation, it would take business away from the commercial accommodation providers.

As far as a management system goes, police when called may temporarily solve the problem but by that time, your night has already been well and truly disturbed. Any way who wants to live in a situation when such drastic measures have to be taken for peace and quiet?

## **LOCATION**

Why can't the proposed units be put in an area more suitable, such as over the line where there is plenty of space, close access to work. I understand blocks are hard to come by there, but how hard has that been pushed? CBH must have some influence in this regard.

Another alternative is onsite, where there is a properly prepared area. There is plenty of land now that CBH's holdings have been extended.

If the proposed units were to be deemed suitable for our residential area, why not put them on the hill at the east end of town? That is a residential area.

The petition was signed by people who live or work in the immediate area, not a general canvass of the town. However many more indicated they were willing to sign.

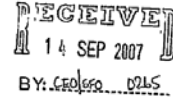
Finally, we understand that you as councillors at times have difficult decisions to make. But! You have on this petition nearly 50 people who do not want this proposal to go ahead at 4 Griffiths Street. Surely as elected councillors, your first consideration must be to the ratepayers and residents, and so we ask you not to allow this proposal to proceed.

### ***Reply:***

***The Shire President thanked the public for their attendance and interest in the matter. It was explained to the visitors that the land on the north side of the railway line is mostly railway land and some unallocated crown land (UCL) with which there are native title and contamination issues and which could take up to three years to resolve.***

### 3.5 MR STEVE CURTIN

Mr Curtin advised he was present in support of his letter to Council of 12 September 2007. A copy of the letter follows:



12<sup>th</sup> September 2007

Chris Jackson  
Chief Executive Officer  
Shire of Lake Grace  
LAKE GRACE, WA 6353

#### RATING OF LOT 293 STUBBS STREET.

Dear Chris,

It has been brought to my attention that the area where we live is about to be rezoned at long last. This has been on the proposed town plan since we first bought the block. In the meantime we have been rated as Town Centre because we didn't fit anywhere else. I have been prompted by this and the recent rate notice to do something about our situation.

We originally bought Lot 293 in 1995 and for a few years it was rated as General Rate GRV. In an earlier life it was a garbage dump for Lake Grace townsite. In 1999 when we'd finished building the house the rates were adjusted due to Revaluation. From 1999 we have been rated as Town Centre when the Zoning on Town Planning Scheme 3 clearly shows that this area is Rural and my immediate neighbour is rated as such.

The recent rate increase has added 24% to our rates. I find this really unfair given the condition of our block and the level of services provided. I have had to provide all electricity and water connections. Water is only the farm scheme.

From the Shires point of view I am asking why I have been rated Town Centre in a Rural Zoning all these years and intend to bring this item up during question time at the next Shire meeting on the 26<sup>th</sup> September.

I have written to and approached a number of the Councillors to make them aware of the situation prior to the meeting as you have suggested.

Yours Sincerely

Steve Curtin

Mr Curtin distributed to Councillors a location map of Lot 293, located on the edge of the Lake Grace townsite, a rural residential lot currently zoned Town Centre on which he has built his family home. He explained that at this time in spite of supplying all his own services he is being charged full town rates and requested the possibility to be treated like any other rural residential blocks in spite of the line on the map.

#### **Reply:**

**Chief Executive Officer, Mr Chris Jackson replied that he is only too happy to work with Mr Curtin to help sort the situation out.**

## 4.0 APPLICATIONS FOR LEAVE OF ABSENCE

None.



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

### **5.1 ORDINARY MEETING – 22 AUGUST 2007**

#### Resolution

#### **MOTION 10477**

Moved Cr Newman  
Seconded Cr Bennett

That the minutes of the Ordinary Meeting of Council held on the 22 August 2007 be confirmed as a true and accurate record.

**MOTION CARRIED 9/0**

## **6.0 NOTICES OF URGENT BUSINESS**

None.

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

None.

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

### **8.1 PETITION – CBH ACCOMMODATION UNITS – LOT 231 GRIFFITHS ST LAKE GRACE**

**Petition attached.**

*Shire of Lake Grace Standing Orders 2.5 - Petitions states:*

*A petition, in order to be effective, is to:*

- a) be addressed to the President;*
- b) be made by electors of the district;*
- c) state the request on each page of the petition;*
- d) contain the names, addresses and signatures of the electors making the request, and the date each elector signed;*
- e) contain a summary of the reasons for the request;*
- f) state the names of the person upon whom, and an address at which, notice to the petitioners can be given*

**Refer Item 11.3 Planning Application – CBH Accommodation Units – Lot 231 Griffiths St, Lake Grace**

1.43pm      *Mr Curtin left the meeting.*

**8.2      ITEM 11.3 BROUGHT FORWARD – CBH ACCOMMODATION UNITS –  
LOT 231 (NO 4) GRIFFITHS ST LAKE GRACE**

**MOTION 10478**

Moved Cr Walker  
Seconded Cr Chamberlain

That Standing Orders be suspended to allow Item 11.3 – CBH Planning Application to be brought forward for discussion.

**MOTION CARRIED 9/0**

1.44pm      *Crs Farrelly and Newman disclosed declarations of interest in Item 11.3 and left the meeting.*

*Cr Farrelly declared a proximity of interest as owner of a motel located directly opposite the proposed development.*

*Cr Newman declared an interest in that he is a Director of Co-operative Bulk Handling.*

**MOTION 10479**

Moved Cr Stewart  
Seconded Cr Walker

That Cr Newman be permitted to remain and participate in the discussion but not vote.

**MOTION CARRIED 7/0**

1.46pm      *Cr Newman re-entered the meeting.*

<b>Applicant:</b>	Bulkwest Engineering (on behalf of CBH Group)
<b>File No.</b>	0365/0454
<b>Attachments:</b>	Attachment 3
<b>Author:</b>	Mr Joe Douglas & Mr Steve Pandevski Town Planning Consultant
<b>Disclosure of Interest:</b>	Nil
<b>Date of Report:</b>	14 September 2007
<b>Senior Officer:</b>	Mr Chris Jackson Chief Executive Officer

### Summary

The purpose of this report is to provide Council details and recommendations in respect of submissions received (up to the time of preparing this report) on the proposal submitted by Bulkwest Engineering to erect five (5) second-hand prefabricated buildings on Lot 231 (No.4) Griffiths Street, Lake Grace for the purpose of providing accommodation for up to 16 employees based at CBH's Lake Grace Receiving Point.

### Background

At its Ordinary Meeting held on 22 August 2007, Council considered the abovementioned matter, including two (2) unsolicited letters of objection submitted by adjoining and nearby landowners, and resolved to (paraphrased) undertake a 21 day community consultation process prior to determining the application at the next available meeting (Council decision 10467).

Lot 231 is located centrally within the southern portion of the Lake Grace townsite with direct frontage to Griffiths Street. The land comprises a total area of approximately 1,578m<sup>2</sup> and is cleared of any native vegetation. Adjoining land uses include a single house on the lot located immediately south, a grouped dwelling complex on the lot located immediately north, a motel (i.e. Saltbush Inn) immediately west on the opposite side of Griffiths Street and a Crown reserve comprising the local lakes system immediately east.

CBH has advised that its intention for the site is to provide accommodation for up to 16 staff. The accommodation is proposed in the form of Fleetwood prefabricated accommodation units. CBH advises that the proposed accommodation facility will comprise of 16 single bedrooms, each with its own ensuite and air conditioner. The accommodation units are constructed of insulated colour bond panels and zincalume roofing. The facility will also include a relocated (second-hand) six person staff accommodation unit which will be refurbished and refitted to include two kitchens, a laundry, a store room and a large open plan dining/lounge room. The 1960s building is constructed of polyurethane sandwich panels faced with Hardiflex both sides and has a metal 'Spandek' roof.

Furthermore, CBH advises that the units will be aligned in a 'u' shape and be linked with a paved veranda. These units will be located on the rear half of the property with the front half comprising of parking for 18 vehicles and general landscaping.

For additional background information please refer to Item 11.1 of the Minutes of the Shire of Lake Grace Ordinary Council Meeting held on 22 August 2007.

## Comment

### **Public Advertising: Process & Outcomes To-date**

As previously mentioned, Council at its meeting held on 22 August 2007 resolved to undertake a 21 day community consultation process prior to determining the application. The consultation process commenced on the 30th August 2007 and is scheduled to conclude on 21 September 2007.

Community consultation was undertaken by the following means:

- Individual letters to 26 nearby landowners;
- Publication of a public notice in the Lakes Link, Gatepost, Gumtree Gazette, Varley Voice and Lake King Newsletter on the 30th August and 13th September 2007; and
- Posting of notices on the public noticeboards at the Shire Administration Office, all Shire libraries, the Lake Grace Post Office, the Lake Grace Plaza shopping centre and the Pingaring and Varley stores.

At the time of preparing this report the Shire had received a total of three (3) written submissions in respect of the proposal. The first two (2) submissions objecting to the proposal were received by the Shire prior to Council resolving to undertake a public consultation process and were considered by Council at its meeting held on 22 August 2007. The remaining submission in support of the proposal was received by the Shire during the public advertising period.

In summary the submissions objecting to the proposal state:

- The proposed location is concerning, i.e. “in the centre of our community”. We consider the site to be inappropriate. We suggest that the facility be located on the north side of the railway where similar staff accommodation facilities exist.
- Potential for noise from “late night activities” to the detriment of the local residents and regular ‘Salt Bush Inn’ clients.
- Potential for antisocial behaviour – i.e. as a result of large after-hours gatherings.
- Substantial, additional motor vehicle traffic generated by the proposal in an area considered to be quiet and occupied by families due to the proximity to “schools”, including the kindergarten.
- Concerned that the proposed buildings are only setback one (1) metre from the common boundary with adjoining No.5 Griffiths Street.
- Given the nature of the proposed buildings (i.e. demountable/transportable, second hand and with zincalume roofs) the development will not enhance the amenity of the area, but will diminish real estate values.
- The proposed 1.5m high colorbond fence would close off the site from the street and will block views to the lake and paddocks.

In summary the submission received in support of the proposal states:

- The land is ideal for the purposes proposed as it is larger than a usual block.
- Being located across the road from Salt Bush Inn means that workers would be able to have family and friends visit and have convenient accommodation nearby.

A full copy of all submissions received in respect of the proposal at the time of writing this report is provided in Attachment 3. It should be noted that any additional submissions received by the close of public advertising on the 21st September 2007 and not accounted for in this report will be tabled for review and discussion at Council's September meeting.

### **Response to Submissions: Location**

The subject land is located within an area designated for residential purposes. As mentioned previously, adjoining land uses include a single house on the lot located immediately south, a grouped dwelling complex on the lot located immediately north, a motel (i.e. Salt Bush Inn) immediately west on the opposite side of Griffiths Street and a Crown reserve comprising the local lakes system immediately east.

The submission in support of the proposal forms the view that it is appropriately located on a lot that is "larger than a usual lot" and is "ideally located across the road from Salt Bush Inn thereby affording friends and family conveniently close accommodation when visiting CBH staff" housed at No.4 Griffiths Street.

Conversely, the submissions objecting to the proposal form the view that the land is inappropriately located in the "centre of a single residential community" which is not suitable for multiple accommodation units and the associated issues. Furthermore, one of the objecting submissions goes on to form that view that the proposed CBH staff quarters should be located on the north side of the railway where other similar facilities are currently located.

In considering this matter Council is advised 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 its individual merits. In the event that Council considers the proposal incompatible with its surroundings and resolves to not grant its approval it may recommend to the applicant that alternative sites be considered.

In considering the context, amenity and character of the immediate locality in which the development is proposed it is noted that the existing Town Planning Scheme No.3 and proposed Town Planning Scheme No.4 'Residential' zoning classification applicable to the subject land and immediate neighbouring properties enables Council to exercise discretion and approve the proposed development on Lot 231 if it is satisfied that it is

consistent with the character of the area, will not adversely impact on the amenity of the area or its inhabitants and satisfies the planning objectives of the zone.

In considering the proposal it is noted that:

- The planning objectives of the zone (paraphrased) aim to ensure that the zone adequately provides for the residential needs of the District in a manner consistent with the maximum residential amenity and public safety.
- The character of the immediate area is defined by a variety of building footprint shapes and sizes used for a variety of purposes including kindergarten, single residential, grouped dwellings and motel for short stay accommodation.
- The amenity of the immediate locality is similarly defined by the nature of the abovementioned existing land uses, however is generally understood to be considered “a quiet area” with a relatively high level of amenity for its inhabitants.

It is the view of this report, given the nature of the existing surrounding built form and types of uses, that the proposed development is consistent with the existing and expected possible future character and amenity of the locality for the following reasons:

- i) The proposed development is generally consistent in site layout and scale to the existing abutting grouped dwelling and adjoining motel developments; and
- ii) The number of persons proposed to be accommodated by the proposal at any given time (i.e. 16) is similar to that that would occur if the land was developed to the R30 residential density coding permissible under TPS No.3 and TPS No.4 (i.e. 5 dwellings at an average of 2.4 persons per household [based on 2006 census data] which equates to a total of 12 persons.

### **Response to Submissions: Noise**

The submissions objecting the proposal raised the potential for the occupants of the proposed development and their visitor's to generate noise emissions at a level detrimental to the amenity of the immediate locality. The nature of the use proposed is a form of residential accommodation which is generally consistent with the existing surrounding uses, therefore it is reasonable to assume, from a land use planning perspective, that the development, if approved, will likely generate noise consistent with residential uses.

Notwithstanding, the generation and emission of noise is regulated by the Environmental Protection Act - Noise Regulations 1997 with powers to enforce the regulations delegated to local government, the local police and/or the Environmental Protection Authority.

Where land uses or activities generate noise that exceeds the acceptable levels stipulated by the “regulations” there are applicable penalties and measures that can be imposed to address the issue.

In the event that Council grants its approval to the proposed development it is recommended that a condition be imposed requiring compliance with the Environmental Protection Act - Noise Regulations 1997. Furthermore, it is also recommended that Council require, as a condition of planning approval, that CBH put in place a “noise management plan”, perhaps in the form of a policy that also addresses the issue of the potential for anti-social behaviour (discussed below).

Taking the above into consideration this report considers the potential for excessive noise generation to be a manageable issue and not fatal to the possibility of the proposal obtaining planning approval.

#### **Response to Submissions: Anti-Social Behaviour**

The potential for anti-social behaviour generated from a residential use, similar to the concerns relating to the generation of noise, is difficult to quantify for the purpose of factoring the possible impacts into a town planning assessment. Indeed, anti-social behaviour is a matter best addressed by the local police.

Notwithstanding, given that the proposed development will remain the property of CBH and will provide staff accommodation, it is recommended that a condition of approval be imposed, should Council resolve to grant planning approval, requiring CBH to prepare appropriate policies in consultation with the Shire for the management of noise and anti-social behaviour generated by staff and/or visitors.

Taking the above into consideration this report considers the potential for anti-social behaviour to be a manageable issue and not fatal to the possibility of the proposal obtaining planning approval.

#### **Response to Submissions: Vehicle Traffic**

The submissions objecting to the proposal raise the potential for substantial, additional motor vehicle traffic generated by the proposal in an area considered to be “quiet”, occupied by families and in proximity to “schools”, including Kindergarten, to be a concern. The proposal, if approved, will provide accommodation for up to 16 CBH staff members at any given time. Furthermore, CBH has advised that it is unlikely that all staff accommodated on the site will have a vehicle and that the site will only be occupied to its full capacity for approximately 3 months in a calendar year. Taking into consideration the nature of the proposed accommodation (i.e. for staff employed by CBH) it is considered that most of the vehicle movements will be as a result of staff driving to work and then returning from work, with some incidental movements thereafter by some staff leaving the premises and then returning and possibly visitors arriving at the premises and then leaving.

Taking the above factors into consideration it is estimated by this report that the proposal, if approved, could be expected to generate up to a maximum of approximately 40 to 50 vehicle movements per day for the 3 month period in the calendar year that the accommodation is used to its full capacity with substantially less vehicle movements thereafter.

Under the land's current residential zoning and applicable R30 density coding under TPS No.3 and TPS No.4 there is potential to comfortably develop up to five (5) grouped dwellings on the property. Traditionally, a dwelling generates between 8 to 10 vehicle movements per day. Development of the land for 5 grouped dwellings could therefore be expected to generate between 40 and 50 vehicle movements per day.

Having regard for the above figures it is concluded that the proposal is unlikely to generate vehicle movements in excess of that likely to be generated by the subject land being developed for grouped dwelling purposes in a manner consistent with the current R30 residential density coding provisions applicable to the land under TPS No.3 and TPS No.4. In fact, it is considered highly likely that the proposed development would generate less vehicle movements on an annual basis than would a standard grouped dwelling development.

Taking the above into consideration this report forms the view that the extent of potential vehicle movements generated by the proposal is not inconsistent with what could be expected from standard residential development of the lot at the applicable R30 residential density coding.

#### **Response to Submissions: Building Setbacks**

The submissions objecting to the proposal raise concern that the proposed buildings are only setback one (1) metre from the common boundary with adjoining No.5 Griffiths Street. The plans in fact clearly depict a proposed setback of 1.775 metres to the common boundary with No.5 Griffiths Street. Given that the proposed development is single storey in height it only requires a 1.5 metre side setback to comply with the requirements of the Residential Design Codes and Council's TPS No.3 and TPS No.4. Given that the proposed boundary setback to the adjoining No.5 Griffiths Street exceeds the minimum required, it is contended that the proposed boundary setback is not an issue that requires Council's further consideration.

#### **Response to Submissions: Impacts on Local Amenity**

The submissions objecting to the proposal form the view that, given the nature of the proposed buildings (i.e. demountable/transportable, second hand and with zincalume roofs), the development will not enhance the amenity of the area and will in fact diminish real estate values.

The majority of the development will not be visible from the street and adjoining properties by virtue of the proposed and existing fencing. The proposed building will be setback approximately 20+ metres from Griffiths Street. The site will be extensively landscaped, including the front setback



area that is proposed to accommodate car parking, driveway and landscaped areas. The proposed development will also include the installation of an extensive verandah attached to the accommodation units and a central, communal quadrangle with a gazebo and barbecue.

This report forms the view that the proposed building works will likely enhance the visual amenity of the immediate locality as a result of the proposed residential use and physical upgrading of the subject land (including landscaping and fencing) which is currently vacant and poorly maintained.

Notwithstanding, this report will not be drawn into speculating on the possible effect of the proposed development on real estate values within the locality as this is not a relevant town planning consideration and cannot therefore be relied upon by Council as a determining factor in its consideration of the proposal.

### **Response to Submissions: Streetscape**

The submissions objecting to the proposal express concern regarding the proposed “1.5m” high colorbond fence and the fact that it would “close-off” the site from the street and will block views to the lake and paddocks. The plans submitted in support of the application in fact propose the installation of a 1.2 metre high colorbond fence along the Griffiths Street boundary to create a clear distinction between the road reserve and private property.

The proposed 1.2 metre high fence will enable visual interaction between the subject development and the street in a manner generally consistent with the streetscape principles of the Residential Design Codes of Western Australia.

At a setback of approximately 22 metres from the Griffiths Street boundary the development also proposes the installation of a 1.8 metres high colorbond fence with landscaping in front of it so as to screen the majority of the proposed building mass from the street whilst retaining a visual interface between the street and the quadrangle area of the development via a 6.8 metre wide opening in the fence line providing pedestrian and service vehicle access.

Taking into consideration the surrounding land uses and building designs, this report forms the view that the proposed development will at the very least maintain the existing streetscape character and amenity of Griffiths Street. Furthermore, this report does not consider the fact that the development will interfere with the current views from the street through the site and to the lake and paddocks immediately east as a substantial objection due to the site being in private ownership and appropriately zoned for residential development. The landowner has the right to expect that the site could be developed for residential purposes and has no legal obligation to ensure that views common in the area (i.e. paddocks and the lakes system) are maintained through the private land.

## **Conclusion**

It is concluded from an assessment of the issues raised in the submissions received by the Shire of Lake Grace at the date of writing this report that the proposal to erect prefabricated buildings on Lot 231 (No.4) Griffiths Street, Lake Grace for the purpose of providing accommodation for up to 16 CBH Lake Grace Receival point staff is capable of being implemented in a proper and orderly manner so as to satisfy the requirements of the Shire of Lake Grace Town Planning Scheme No.3 and proposed Town Planning Scheme No.4 subject to compliance with a number of conditions.

The imposition of a number of conditions will ensure that the proposed development proceeds in accordance with the details of the plans submitted in support of the application and makes provisions for the management of potential loud, disorderly and anti-social behaviour by staff and their visitors accommodated on the site so that it does not have a negative impact upon the general amenity, character, functionality and safety of the immediate locality.

Notwithstanding the above, the consultation process is scheduled to conclude on 21 September 2007 after which any additional submissions received by the Shire will be tabled at the September 2007 Council meeting for consideration prior to determining the application.

### 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

At its Ordinary Meeting held on 22 August 2007 Council formed the view, and accordingly resolved, that consultation with the local community should be undertaken for a minimum period of 21 days before it determines the application.

This report and any subsequent information tabled at the September 2007 meeting provides details of the outcomes from that consultation process.

### 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.

### Recommendation

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 Receiving 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 Receiving 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 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 submission accordingly.

***Important Note:*** *The above recommendation was prepared prior to the close of the community consultation period scheduled for 21 September 2007. In the event that additional submissions are received, and those submissions provide any additional information that warrants a modification to the recommendation, such modification shall be undertaken by the administration and a revised recommendation will be tabled for Council's consideration at its Ordinary Meeting scheduled for 26 September 2007.*

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### Report - 25 September 2007

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## SUMMARY OF ADDITIONAL SUBMISSIONS

### Summary

The purpose of this report is to provide Council with details and recommendations in respect of the additional public submissions received by the Shire as these relate to the planning application submitted by CBH Group to develop Lot 231 (No.4) Griffiths Street, Lake Grace for the purpose of providing accommodation for up to 16 employees based at CBH's Lake Grace Receiving Point.

### Background

Item 11.3 contained within Council's September 2007 Agenda addresses three (3) submissions received in respect of the application and provides a recommendation of conditional approval.

Item 11.3 also made it clear that any additional submissions received by the close of public advertising on the 21st September 2007 and not accounted for in that report would be tabled for review and discussion at Council's September meeting. This report is prepared for the purpose of satisfying that undertaking and to provide Council with all relevant information to enable a properly informed decision to be made.

### Comment

At the completion of public advertising on 21 September 2007 a total of five (5) additional submissions objecting to the proposal had been received by the Shire. It should be noted that one of the additional submissions was from an earlier submitter and provides additional comments in support of the original submission. In summary, the additional submissions objecting to the proposal raise similar concerns to those provided in the two (2) previous submissions objecting to the proposal and summarised in Item 11.3.

A petition containing 51 signatures objecting to the proposal was also received by the Shire at the close of public advertising however the petition does not state any reasons for the objection, beside stating that the signatories “strongly object” to the proposal.

A full copy of the five (5) additional submissions and the petition objecting to the proposal are provided in Attachment 4.

### **Conclusion**

Notwithstanding the additional submissions and petition received by the Shire at the close of public advertising it is concluded that the proposal to erect prefabricated buildings on Lot 231 (No.4) Griffiths Street, Lake Grace for the purpose of providing accommodation for up to 16 CBH Lake Grace Receiving point staff is still capable of being implemented in a proper and orderly manner so as to satisfy the requirements of the Shire of Lake Grace Town Planning Scheme No.3 and proposed Town Planning Scheme No.4 subject to compliance with a number of conditions. The imposition of a range of conditions will ensure that the proposed development proceeds in accordance with the details of the plans submitted in support of the application and makes provisions for the management of potential loud, disorderly and anti-social behaviour by staff and visitors accommodated on the site so that it does not have a negative impact upon the general amenity, character, functionality and safety of the immediate locality.

***Notwithstanding the above conclusion and following recommendations, should Council resolve to refuse the planning application on the basis of the community’s expressed concerns, it is significant to note that CBH Group have indicated in discussions with the reporting officers that it will consider the option of developing the proposed accommodation facility within the boundaries of the Lake Grace receiving point as a means of addressing its accommodation requirements and appeasing the community’s concerns. CBH’s preference is however to develop the Griffiths Street property given its substantial investment in the project to-date and the Shire’s previous requests for CBH to establish staff accommodation off-site and within the Lake Grace townsite.***

### Recommendation

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 Receiving 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.
- 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.

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

#### Voting Requirements

Simple majority required.

Resolution

**MOTION 10480**

Moved Cr Walker  
Seconded Cr Sinclair

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.

**MOTION CARRIED 6/1**

**REASONS FOR CHANGE**

- ***Significant community concerns re Griffiths St site.***
- ***The magnitude of the facility was not realised at the time that staff recommended establishment of the facility in the townsite.***

1.59pm Cr Farrelly re-entered the meeting.

The Chief Executive Officer read aloud Motion 10480.

2.00pm Mr Carruthers, Mr Kellow, Mr and Mrs Palmer, Mr Fyfe, Mr and Mrs Franks, Mrs K Slarke, Mr & Mrs L Slarke and Mr Bowron left the meeting.

**MOTION 10481**

Moved Cr Chamberlain  
Seconded Cr Stewart

That Standing Orders be resumed.

**MOTION CARRIED 9/0**

**9.0 MEMBERS' REPORTS**

**9.1 CR STEWART**

The Burngup dam site was discussed at last week's Bushfire Committee Meeting – it has since been determined that the Burngup Dam site is not an A class reserve but is Unallocated Crown Land and will need to be followed up by Council staff.

## 10.0 MATTERS FOR CONSIDERATION – WORKS & SERVICES

### MOTION 10482

Moved Cr Bennett  
Seconded Cr Newman

That Council close the meeting to the public at this time, being 2.05pm, to discuss Tender 7/2007 Contract Maintenance Grading for the Newdegate Area.

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

**MOTION CARRIED**

### 10.1 TENDER 7/2007 - CONTRACT MAINTENANCE GRADING NEWDEGATE

**Applicant:** Manager of Works  
**File No.** 0468  
**Attachments:** Copy of advertisement & specifications, Tender Assessment Small Graders, Tender Assessment Large Graders  
**Author:** Mr Glen Brigg & Mr Chris Jackson  
 Manager of Works  
**Disclosure of Interest:** Nil  
**Date of Report:** 19 September 2007  
**Senior Officer:** Mr Chris Jackson  
 Chief Executive Officer

#### Summary

For Council to approve a tender for maintenance grading in the Newdegate area.

#### Background

At Councils August 2007 ordinary meeting it was resolved as follows:

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

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



A tender advertisement was placed in West Australian newspaper on the 25 August 2007 with tenders closing on the 10 September 2007.

### Comment

The following tenders have been received.

TENDERER NAME	TENDERER COMPANY	COMPANY LOCATION	GRADER TYPE	GRADER POWER	BLADE SIZE	HOURLY RATE
Robert Maisey	Pincon Pty Ltd	Pingelly	Caterpillar 12G	135 HP	12 Foot	\$122.73
Robert Maisey	Pincon Pty Ltd	Pingelly	Caterpillar 130G	135 HP	12 Foot	\$113.64
Wayne Daw	Cordingup Contractors	Ravensthorpe	Volvo 726 VHP	195 to 246 VHP	14 Foot	\$140.00
Brad Kennedy	Brad Kennedy	Newdegate	Caterpillar 12G	135 HP	12 Foot	\$120.00
Paul Sproule	Paul Sproule	Pingaring	Caterpillar 12G	135 HP	12 Foot	\$115.00
Alister Ruck	Ruck Dig & Doz	Quairading	John Deere 770 BH	155 HP	14 Foot	\$120.00
Wayne Linke	Nth Goldfields Earthmoving	Herne Hill	Caterpillar 12H	140 HP	14 Foot	\$132.00

Tender assessments and background is provided as follows together with the attached tender assessment sheets.

### CORDINGUP CONTRACTORS

**Hourly Rate Tender Price:** Cordingup has submitted price at \$140 per hour.

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

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

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

### PINCON

**Hourly Rate Tender Price:** Pincon have submitted a price of \$113.64 for the Cat 130G Grader, \$122.73 for the Cat 12G Grader

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

**Quality Assurance and Experience:** Pincon comes highly recommended by all other clients. They have a large local government and Main Roads

cliental. The owner Robert Maisey is a full member of the Construction Federation and can operate and supervise any type of construction. He has backup graders as well as operators. He has 3 operators who are very experienced in final trim and each, have over 20 years experience with Main Roads.

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

**BRAD KENNEDY**

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

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

**Quality Assurance and Experience:** Brad Kennedy is currently being used by the shire and is capable of all types of road maintenance. He doesn't need any extra personal to complete this tender.

**Conformity to Specification:** Brad owns a Cat 12G and conforms with most documentation. Financials sound.

**PAUL SPROULE**

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

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

**Quality Assurance and Experience:** Paul Sproule is an experienced operator who can carry out any types of construction and maintenance grading. He would use another operator if required. Second operator has many years Main Roads experience.

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

**RUCK DOZ & DIG**

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

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

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

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

**NORTHERN GOLDFIELDS EARTHMOVING.**

**Hourly Rate Tender Price:** Northern Goldfield submitted a price of \$132 per hour

**Regional Price Difference:** Northern Goldfield are a Herne Hill Based company.

**Quality Assurance and Experience:** Northern Goldfield Earthmoving come highly recommended and have very experienced operators. They have undertaken large contracts maintenance grading with Wiluna Shire Council. They are still currently contracted to Wiluna Shire and are looking to further their contracts with other shires.

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

Contractor would supply grader and operator for any construction work done within the Ward and this value of work would be above the normal maintenance budget.

The Tender Assessment Scorecard as attached has been listed in to different sections one with larger graders and then smaller graders. The weighted scores are as follows.

**SMALLER GRADERS**

Pincon 12G 80  
Pincon 130G 95  
Nth Goldfields 65  
Paul Sproule 93.75  
Brad Kennedy 78.78

**LARGER GRADERS**

Cordingup 76.25  
Ruck Dig & Doz 87.5

Based on the tender score card, the fact that the contract is being let for maintenance grading, not construction and with the opportunity to secure a

new operator in the area the tender of Paul Sproule is recommended. Given that Paul Sproule is relatively new to the area it is further recommended that the contract be for a 12 month period with the option to extend for a further 2 years pending a review after the first 12 month period.

Legal Implications

Local Government Act 1995 s3.57

Local Government (Functions and General) Regulations 1996 Part 4

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

**5.93 Improper Use of Information**

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

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

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

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

Policy Implications

Council Purchasing Policy 3.9

Community Consultation

N/A

Financial Implications

Various road construction and maintenance accounts with a contract budget of approximately \$150,000.

Strategic Implications

N/A

Cultural Implications

N/A

Recommendation

That Council accept the tender of Paul Sproule for Tender 7/2007 Contract Maintenance Grading Newdegate Area for a 12 month period commencing on the 1 October 2007 with a review of the contract to be conducted at this time and with an option to then extend for a further 24 month period.

Voting Requirements

Simple majority required.

Recommendation/Resolution

**MOTION 10483**

Moved Cr Chamberlain  
Seconded Cr Newman

That Council accept the tenders from Pincon Pty Ltd for Tender 7/2007 Maintenance Grading Newdegate Area for a period of three years.

**MOTION CARRIED 7/2**

**REASONS FOR CHANGE**

- ***Experience of the company being involved in local govt***
- ***Two graders available***
- ***Owner is a member of the Contractor's Federation***
- ***Tender on the 130G is cheapest tender and wins the score-carding***

2.11pm *Manager of Works, Mr Brigg left the meeting.*

**MOTION 10484**

Moved Cr Sinclair  
Seconded Cr Stewart

That Council re-open the meeting to the public at this time,  
being 2.16 pm.

**MOTION CARRIED 9/0**

*The Chief Executive Officer read aloud Motion 10484.*

## 11.0 MATTERS FOR CONSIDERATION – TOWN PLANNING

2.17pm Mr Brigg re-entered the meeting.

2.17pm Cr Newman declared an interest in Item 11.1, Proposed Use of Sea Container for Storage Purposes as he is a Director of Co-operative Bulk Handling and left the meeting.

### MOTION 10485

Moved Cr Chamberlain  
Seconded Cr Taylor

That Cr Newman be permitted to remain and both participate and vote on the matter.

MOTION CARRIED 6/2

2.18pm Cr Newman re-entered the meeting.

### 11.1 PLANNING APPLICATION – PROPOSED USE OF SEA CONTAINER FOR STORAGE PURPOSES, LOTS 1, 2 & 3 (NO.36) STUBBS STREET, LAKE GRACE

**Applicant:** CBH Group  
**File No.** 0505  
**Attachments:** Plans 1 to 3, Attachment 1  
**Author:** Mr Joe Douglas & Mr Steve Pandevski  
Town Planning Consultant  
**Disclosure of Interest:** Nil  
**Date of Report:** 12 September 2007  
**Senior Officer:** Mr Chris Jackson  
Chief Executive Officer

#### Summary

This report provides details and recommendations in respect of an application for Council's planning consent submitted by CBH Group to place a sea container toward the rear of No.36 Stubbs Street (i.e. behind the existing buildings) which will be used to store grain samples. The existing buildings on No. 36 Stubbs Street are currently occupied by CBH and are used for the purposes of a district administration centre.

### Background

No.36 Stubbs Street is located centrally within the Lake Grace townsite. The property consists of three (3) narrow lots which comprise a total combined area of approximately 1,069m<sup>2</sup>. The subject land has approximately 20 metres of direct frontage to Stubbs Street and approximately 20 metres of direct frontage to a right-of-way (i.e. laneway) at the rear (see Plan 1 – Location Plan).

No.36 Stubbs Street is relatively level and contains existing buildings and associated carparking developed and occupied by CBH for its district administration functions. As previously mentioned the property is unique in that it contains three (3) narrow lots each comprising approximately 356m<sup>2</sup> in area (i.e. 6.7m wide x 52.7m deep) which equates to a total combined area of approximately 1,069m<sup>2</sup>.

Adjoining and nearby lots fronting Stubbs Street are approximately 1,000+m<sup>2</sup> in area and are predominantly used for commercial/business purposes.

The subject land currently enjoys direct vehicle access from Stubbs Street as well as from an existing right-of-way at the rear. The property is predominantly developed with buildings and sealed carparking/access areas. Landscaped areas are limited to the rear of the property and do not appear to be maintained to a high standard (see Plan 2 – Aerial Site Plan).

It is understood from the details submitted in support of the application and subsequent telephone discussions with Mr. Shane Carruthers of CBH that the proposed sea container has the following key characteristics:

- Total area: 14.4m<sup>2</sup>;
- Length: 6 metres;
- Width: 2.4 metres;
- Height: 2.55 metres;
- Colour: Green;
- Proposed Siting: behind existing buildings on the site and approximately one (1) metre from the western boundary; and
- Proposed Use: Storage of grain samples (see Plan 3 – Submitted Development Site Plan and Attachment 1 - Photographs).

### Comment

Shire of Lake Grace Town Planning Scheme No.3

No.36 Stubbs Street is currently classified 'Town Centre' zone in the Shire of Lake Grace Town Planning Scheme No.3 (TPS No.3). Council's stated objective for land classified 'Town Centre' zone is to ensure that the zone satisfactorily provides for the commercial, public use and civic activities of the District.

It is understood that No.36 Stubbs Street is predominantly used by CBH as its district administration centre. To that extent the current use of the land falls within the use class of 'Office' under TPS No.3 which is a use that is permitted under the land's current 'Town Centre' zoning classification.

The proposed sea container is considered to provide an incidental "storage" function to the current predominant use of the land by CBH and therefore it is considered that the proposed use of the sea container does not warrant its own use class, such as warehouse. Notwithstanding, a warehouse is also a permitted use upon land classified 'Town Centre' zone under TPS No.3.

The 'Development Requirements' table in TPS No.3 (i.e. Table 2) states that all standards for the development of 'Commercial Uses' within the 'Town Centre' zone are at the discretion of Council. As such Council may impose any conditions considered reasonable and appropriate in the circumstances to ensure that a high standard of amenity is achieved.

TPS No.3 is silent on the matter of the minimum number of required carparking bays for land classified 'Town Centre' zone. It does however advise that carparking is to be determined by Council having regard to the nature and anticipated use of land the subject of a planning application. It is the view of this report, given the incidental use of the proposed sea container for grain sample storage purposes, that it will not likely generate the need for staff or clientele parking beyond that currently available on the site. As such this matter does not require Council's further consideration.

### **Adopted Council Policy – Use of Sea Containers and Similar Transportable Structures within the Scheme Area**

At its meeting held on 24 February 1999 Council adopted the above policy as a means of controlling the use of sea containers within the Shire.

The policy states:

*"The use of sea containers and similar transportable structures within the Scheme Area for purposes other than the transportation of goods is generally not permitted. Council may however issue its planning consent for the use of such structures for purposes other than the transportation of goods where all of the following circumstances apply:*

*Where the land the subject of such an application is classified / zoned "Commercial", "Town Centre" or "Industrial".*

*Where the structure is located on the land so as to be completely screened from public view.*



*Where the height of such structures does not exceed 3 metres.*

In considering any application for planning consent to use a sea container or similar transportable structure within the Scheme Area Council shall have regard to the objectives and provisions of its Town Planning and may take into account any matters relevant to Town and Regional Planning, the public interest in general and the locality surrounding the proposed development in particular.

In issuing planning approval for the use of a sea container Council will for safety reasons require the provision of adequate ventilation and the installation of a door which allows personal access to and from the structure.”

In considering this proposal Council should note that:

- No.36 Stubbs Street is currently classified ‘Town Centre’ zone under TPS No.3 and is proposed to be classified ‘Commercial’ zone under TPS No.4;
- The sea container is proposed to be placed behind the existing buildings on the property and will not therefore be visible from Stubbs Street. It is however reasonable to expect that it will be partly visible from the adjoining property at No.34 Stubbs Street (above the common boundary fence line) and from the rear laneway. Notwithstanding this fact it is considered that the proposed location of the sea container is generally appropriate and can be supported by Council subject to additional measures being undertaken to the satisfaction of the Chief Executive Officer to further screen or obscure the sea container from adjoining No.34 Stubbs Street and the rear laneway in accordance with the objectives and provisions of Council’s sea container policy.
- The height of the sea container, as advised by the applicant, is 2.55m. The height complies with Council’s policy and is not therefore considered to be an issue of concern.
- In accordance with Council’s policy, and should Council grant its approval to the proposal, it is recommended that a condition be imposed requiring that adequate ventilation measures and a suitable door be provided to the sea container.

#### **Shire of Lake Grace Local Planning Strategy & Town Planning Scheme No.4 (Final Draft)**

Under the Shire’s proposed new Local Planning Strategy and Town Planning Scheme No.4 (TPS No.4) the subject land is proposed to be classified ‘Commercial’ zone. The objectives of the ‘Commercial’ zone as prescribed in TPS No.4 are as follows:

- To ensure that the zone develops and continues to function effectively as the principal place for retail shopping, commercial,

civic and administrative activity within each townsite and the District generally.

- To encourage a high standard of development which serves to enhance the character of the zone.
- To encourage the retention and development of features which enhance the appearance of the zone, give it character or provide a sense of identity.
- To maintain compatibility with the general streetscape for all new buildings in terms of scale, height, style, materials, street alignment and design of facades.
- To maintain safety and efficiency of traffic flows and ensure that adequate provision is made for the circulation and parking of vehicles.
- To preclude the storage of bulky and unsightly goods where they may be in public view.
- To provide for residential uses only where such uses are combined with a commercial use.
- To encourage and assist the restructuring of the built environment of the zone to enhance:
  - pedestrian movement systems;
  - the appearance of buildings, car parking areas and open spaces;
  - user convenience and safety; and
  - traffic management.

Given that the proposed use of the sea container for storage purpose is incidental to the predominant use of the land by CBH for administration purposes, TPS No.4 enables Council to grant its planning approval subject to Council being satisfied that the sea container complies with the requirements of clause 5.22 of TPS No.4. Clause 5.22 of TPS No.4 contains substantially similar provisions as those contained in Council's adopted policy on the use of sea containers. To that extent the comments provided by this report in relation to Council's policy on this matter are equally applicable to the provisions of clause 5.22 of TPS No.4 and do not therefore need to be repeated.

### **Conclusion**

It is concluded from an assessment of the application in the context of the Shire's current planning framework that the proposed placement and use of a sea container at the rear of No.36 Stubbs Street, Lake Grace for the storage of grain samples by CBH is capable of being implemented in a proper and orderly manner subject to compliance with a number of conditions to ensure that it proceeds in accordance with the details of the plans submitted in support of the application and in a manner consistent with the existing character and amenity of the immediate locality.

### Legal Implications

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

Shire of Lake Grace Planning Policy – ‘Use of Sea Containers and Similar Transportable Structures within the Scheme Area’

Community Consultation

Not required by TPS No.3. Notwithstanding, should Council form the view that a consultation process should be undertaken with the local community prior to a decision being made it may require the administration to undertake a consultation process in accordance with the general consultation provisions of the Scheme.

Financial Implications

Nil

Strategic Implications

Nil

Recommendation

That Council resolve to approve the application for planning consent submitted by CBH Group to place a sea container toward the rear of Lots 1, 2 and 3 (No.36) Stubbs Street for the storage for grain samples in accordance with the details of the plans submitted in support of the application and subject to compliance with the following conditions:

1. Completion of the development within twelve (12) months of the date of Council’s issuance of planning consent.
2. A satisfactory building licence application and plans being submitted to and approved by the Shire prior to placement of the sea container on the subject land.
3. The height of the sea container shall not exceed 2.55 metres.
4. The length of the sea container shall not exceed 6 metres.
5. The width of the sea container shall not exceed 2.4 metres.
6. The external colour of the sea container shall be green unless otherwise approved by the Shire of Lake Grace.
7. The sea container shall only be used for the incidental storage of grain samples and other items considered incidental to the predominant use of the land by CBH Group as its district administration office.

8. The sea container shall have a minimum setback of one (1) metre from the western boundary of the property.
9. The sea container shall have a minimum setback of ten (10) metres from the southern (rear laneway) boundary of the property unless otherwise approved by the Shire of Lake Grace.
10. Within sixty (60) days of placement of the sea container on the subject land the landowner is to undertake additional measures to the satisfaction of the Shire of Lake Grace to further screen or obscure the visibility of the sea container from No.34 Stubbs Street and the rear laneway.
11. The sea container is to be provided with adequate ventilation and a door providing personal access to the satisfaction of the Shire of Lake Grace in a manner consistent with Council's current planning policy entitled 'Use of Sea Containers and Similar Transportable Structures within the Scheme Area'.

#### Voting Requirements

Simple majority required.

#### Resolution

### **MOTION 10486**

Moved Cr Taylor  
Seconded Cr Walker

That Council resolve to approve the application for planning consent submitted by CBH Group to place a sea container toward the rear of Lots 1, 2 and 3 (No.36) Stubbs Street for the storage for grain samples in accordance with the details of the plans submitted in support of the application and subject to compliance with the following conditions:

1. Completion of the development within twelve (12) months of the date of Council's issuance of planning consent.
2. A satisfactory building licence application and plans being submitted to and approved by the Shire prior to placement of the sea container on the subject land.
3. The height of the sea container shall not exceed 2.55 metres.
4. The length of the sea container shall not exceed 6 metres.
5. The width of the sea container shall not exceed 2.4 metres.

**MOTION 10486 continued.**

6. The external colour of the sea container shall match existing buildings unless otherwise approved by the Shire of Lake Grace.
7. The sea container shall only be used for the incidental storage of grain samples and other items considered incidental to the predominant use of the land by CBH Group as its district administration office.
8. The sea container shall have a minimum setback of one (1) metre from the western boundary of the property.
9. The sea container shall have a minimum setback of ten (10) metres from the southern (rear laneway) boundary of the property unless otherwise approved by the Shire of Lake Grace.
10. Within sixty (60) days of placement of the sea container on the subject land the landowner is to undertake additional measures to the satisfaction of the Shire of Lake Grace to further screen or obscure the visibility of the sea container from No.34 Stubbs Street and the rear laneway.
11. The sea container is to be provided with adequate ventilation and a door providing personal access to the satisfaction of the Shire of Lake Grace in a manner consistent with Council's current planning policy entitled 'Use of Sea Containers and Similar Transportable Structures within the Scheme Area'.

**MOTION CARRIED 9/0**

***REASON FOR CHANGE***

***Council wished to ensure the container matched the existing buildings on the site.***

## 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 4, Attachment 2  
**Author:** Mr Joe Douglas  
Town Planning Consultant  
**Disclosure of Interest:** Nil  
**Date of Report:** 13 September 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 has recently written to the Shire 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).

Should the Shire agree to the offer the Department has advised that 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.

### Comment

It is understood from follow up discussions with the Department that a Development Lease will enable the Shire to secure the freehold interest in any new residential lots proposed to be created following completion of the subdivision development works.

Given that the cost of developing the proposed lots is likely to exceed the unimproved value of the land, the cost to the Shire of securing the

freehold interest in the lots will be limited to the annual lease amount plus the physical development costs which are likely to be in the order of \$30,000 to \$50,000 per lot 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.

Notwithstanding the Department for Planning and Infrastructure's offer in this matter it is important for Council to note that there is an alternative option to securing rights to develop the land for residential purposes which is commonly referred to as the 'Superlot Policy'. Under the terms of the 'Superlot Policy', which is administered by the Department for Planning and Infrastructure, the subject land can be set aside as a Crown reserve and vested in the Shire of Lake Grace for the specific purpose of residential subdivision development. The Shire may then proceed to develop the land for residential purposes as required to satisfy the demand for residential land in Lake King. Unlike a Development Lease, which has a specified time limit of 10 years, there are no timeframes within which the land is required to be developed under the 'Superlot Policy'.

Following completion of development of each subdivisional stage under the 'Superlot Policy' the Shire is required to submit all development cost details to the Department for Planning and Infrastructure which will then arrange for a valuation to determine the unimproved value of the land at that time. Given that the cost of developing the proposed lots is likely to exceed the unimproved value of the land, the cost to the Shire of securing the freehold interest in the lots will be limited to the physical development costs which are again likely to be in the order of \$30,000 to \$50,000 per lot based on current cost estimates for similar residential subdivision projects in regional Western Australia.

Having regard for the two options outlined above it is clear that the differences between developing the land under a Development Lease versus the 'Superlot Policy' are as follows:

- Under a Development Lease the Shire is required to pay the Department for Planning and Infrastructure an annual lease plus GST whereas no annual payments are required under the 'Superlot Policy';
- Under a Development Lease the Shire is required to develop the land within a 10 year period compared to the 'Superlot' policy where there are no timeframe restrictions.

- A Development Lease is essentially a legal agreement between the Shire and the Department for Planning and Infrastructure with both parties having certain rights and obligations.
- Under the Superlot Policy the land is set aside as a Crown Reserve under the Land Administration Act and vested in the Shire for the purpose of residential development with the Shire being obliged to use the land in accordance with the terms of a management order issued by the Department for Planning and Infrastructure.

### **Conclusion**

Whilst the differences between developing the land under a Development Lease versus the 'Superlot Policy' are fairly minimal, it is concluded that it may be preferable for the Shire to secure the land under the 'Superlot Policy' given that there will be no annual payments for the land or timeframe restrictions in terms of future residential development.

### 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

**Option 1 – Development Lease as proposed by DPI:** Annual payment of \$100 plus 10% GST over a ten year period.

**Option 2 – Superlot Policy:** No annual payments for the life of the reserve vesting which has an unlimited timeframe.

### 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.



Recommendations

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.

Voting Requirements

Simple majority required.

Recommendation/Resolution

**MOTION 10487**

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**

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

*Item taken forward – refer Item 8.2 p107.*

## 12.0 MATTERS FOR CONSIDERATION – HEALTH & BUILDING

### 12.1 TENDER 5/2007 & 6/2007 – CONSTRUCTION OF TRANSPORTABLE RESIDENCES

<b>Applicant:</b>	Manager of Works
<b>File No.</b>	0094
<b>Attachments:</b>	Proposed Tender 8/2007 – specifications <i>Tender documents for 5/2007 &amp; 6/2007 – under separate cover</i>
<b>Author:</b>	Mr Mark Burbridge Senior Administration Officer
<b>Disclosure of Interest:</b>	Nil
<b>Date of Report:</b>	17 September 2007
<b>Senior Officer:</b>	Mr Chris Jackson Chief Executive Officer

#### Summary

For Council to consider tenders for the construction and delivery of Transportable Residences in Lake Grace and Newdegate.

#### Background

Council, at its 25 July 2007 meeting, authorised the calling of tenders for the supply and delivery of two three bedroom, two bathroom residences to be placed on Lot 42 Bennett Street, Lake Grace, and Lot 11 Maley Street, Newdegate. Tenders closed Friday 14 September 2007.

#### Comment

Council received two (2) submissions for each advertised tender, all from the same supplier, T&R Homes WA Pty Ltd.

T&R Homes submitted the tenders as “Non-Conforming Tenders”, due to their inability to meet the required handover date of 31 March 2008. A perusal of T&R Homes accompanying documentation reveals delivery timelines of approximately 40-56 weeks, which would result in both projects having to be carried into the next financial year.

Tenders received were as follows:

Supplier	Design	Floor Area	Bed/Bath	Price (Ex GST)	Price (Inc GST)
<b>Tender 5/2007 (Lake Grace)</b>					
T&R Homes WA	Seabreeze	124m <sup>2</sup>	3x2	\$196,068.00	\$215,675.00
T&R Homes WA	Bushland	121m <sup>2</sup>	3x2	\$192,337.00	\$211,571.00
<b>Tender 6/2007 (Newdegate)</b>					
T&R Homes WA	Seabreeze	124m <sup>2</sup>	3x2	\$197,481.00	\$217,229.00
T&R Homes WA	Bushland	121m <sup>2</sup>	3x2	\$193,750.00	\$213,125.00

Council's 2007/08 Budget makes allowance of \$200,000 (including GST) for construction of each residence, including building fees, site works, service connections, fencing and landscaping. As such, none of the tenders received are feasible options in that they are already 5-10% above budget with considerable expenditure remaining before the houses were ready for occupancy.

An alternative proposal has been investigated by staff which would involve the purchase of a "kit-home" – a partially pre-constructed steel framed house which would be delivered to site and then assembled by Council staff and local contractors.

Staff have received informal quotes from a number of different suppliers with varying building systems and levels of pre-construction, with prices ranging from \$72,000 to \$133,000 for a 3 bedroom, two bathroom house of similar size and specification to those received in the tender process.

Staff are confident that two of such projects (one in both Lake Grace and Newdegate) could be completed before the end of the financial year and within Council's budget of \$200,000 each.

A preliminary project budget for each residence would be as follows:

Cost of Kit Home	72,000 - 133,000
Concrete Slab	15,000
Site Works (Clear, Level, Compact Fill)	5,000
Construction Labour (Staff/Contract)	13,500 - 74,500
Utility Connections	10,000
Fencing	7,000
Paving, Landscaping & Reticulation	16,000
Building Fees	500
<b>Total</b>	<b>\$200,000</b>

If the cost of the kit home from the supplier is to exceed \$100,000, then Council will be required to call for tenders as per Section 3.57 of the Local Government Act 1995. This may or may not prove the case depending on the type of construction system and plan that is ultimately chosen.

However, it should be noted that the construction of two houses, along with other large projects this year (including the Lake King Toilet Block) will place a significant burden upon Council's building maintenance staff. Whilst kits can be purchased that are below the \$100,000 tender requirement threshold, these will generally require a greater level of input from staff, with estimated construction timeframes of 2 – 3 months for each residence. Some of the other kit home building systems on the market, that arrive with a higher level of pre-construction, have estimated construction times of approximately 1 month, which is much more in line with the capacity of Council's Building Maintenance staff. It is therefore recommended that Council authorise staff to call tenders for the supply of the two new kit houses, to enable more expensive kit homes with shorter delivery and construction timeframes to be considered.

Council staff will also look at options with regard to the reallocation of staff resources to ensure that regular building maintenance tasks continue to be carried out in a timely manner. This could include the temporary appointment of a 'handyman/labourer' in a casual capacity if such a person can be found.

#### 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, 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

Strategic Implications

N/A

Cultural Implications

N/A

Recommendation

1. That Council not accept any Tender for Tender 5/2007 & 6/2007 – Construction of Transportable Residences due to:
  - No conforming tenders being received;
  - Prices exceed budget provisions; and,
  - Prolonged delivery timeframes
  
2. That Council authorise staff to call tenders for the supply of two (2x) three (3) bedroom, two (2) bathroom kit homes.

Voting Requirements

Simple majority required.

Recommendation/Resolution

**MOTION 10488**

Moved Cr Farrelly  
Seconded Cr Bennett

1. That Council not accept any Tender for Tender 5/2007 & 6/2007 – Construction of Transportable Residences due to:
  - No conforming tenders being received;
  - Prices exceed budget provisions; and,
  - Prolonged delivery timeframes
  
2. That Council authorise staff to call tenders for the supply of two (2x) three (3) bedroom, two (2) bathroom kit homes.

**AMENDMENT**

Moved Cr Newman  
Seconded Cr Stewart

That the words 'or other alternative options' be added after 'kit homes' at point 2.

**CARRIED 9/0**

**MOTION 10488 continued.**

**COUNCIL RESOLUTION**

1. That Council not accept any Tender for Tender 5/2007 & 6/2007 – Construction of Transportable Residences due to:
  - No conforming tenders being received;
  - Prices exceed budget provisions; and,
  - Prolonged delivery timeframes
  
2. That Council authorise staff to call tenders for the supply of two (2x) three (3) bedroom, two (2) bathroom kit homes or other alternative options.

**MOTION CARRIED 9/0**

## 13.0 MATTERS FOR CONSIDERATION – FINANCE

### 13.1 ACCOUNTS FOR PAYMENT – JULY 2007

**Applicant:** Shire of Lake Grace  
**File No.** 0277  
**Attachments:** List of Creditors  
**Author:** Miss Rysha Bird  
Finance Officer  
**Disclosure of Interest:** Nil  
**Date of Report:** 11 September 2007  
**Senior Officer:** Mr Chris Jackson  
Chief Executive Officer

#### Summary

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

#### Background

List of invoices paid for the month of August 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 August 2007 from the Municipal Account amounts to \$384,895.78. Trust Account amounts to \$952.00.



Strategic Implications

N/A

Cultural Implications

N/A

Voting Requirements

Simple majority required.

Recommendation/Resolution

**MOTION 10489**

Moved Cr Bennett  
Seconded Cr Taylor

That Municipal Account cheques 32732 to 32790, Electronic Funds Transfers EFT3186 to EFT3272 and direct debits to the Municipal Accounts totalling \$384,895.78 and Trust Fund Cheques 518 to 521 totalling \$952.00 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**

## 13.2 FINANCIAL STATEMENTS – JULY 2007

**Applicant:** Shire of Lake Grace  
**File No.** 0275  
**Attachments:** Financial Reports  
**Author:** Leonie McIlree  
Manager Corporate Services  
**Disclosure of Interest:** Nil  
**Date of Report:** 31 August 2007  
**Senior Officer:** Chris Jackson  
Chief Executive Officer

### Summary

Consideration of the financial statements for the month ending 31 July 2007.

### Background

The following financial reports are included for your information:

- Monthly Statement of Financial Activity
- Summary of Net Current Assets
- Operating Statement by Programme
- Balance Sheet
- Assets Purchased and Sold
- Capital Road Works, Operating Expenditure and Operating Income Graphs
- Bank Reconciliation

### Legal Implications

Local Government Act 1995 – section 6.4

Local Government (Financial Management) Regulations 1996

### Policy Implications

N/A

### Community Consultation

N/A

### Financial Implications

Nil.

Strategic Implications

N/A

Voting Requirements

Simple majority required.

Recommendation/Resolution

**MOTION 10490**

Moved Cr Bennett  
Seconded Cr Newman

That the financial reports for the month ending 31 July 2007 as attached be received.

**MOTION CARRIED 9/0**

### 13.3 FINANCIAL STATEMENTS – AUGUST 2007

**Applicant:** Shire of Lake Grace  
**File No.** 0275  
**Attachments:** Financial Reports  
**Author:** Leonie McIlree  
Manager Corporate Services  
**Disclosure of Interest:** Nil  
**Date of Report:** 11 September 2007  
**Senior Officer:** Chris Jackson  
Chief Executive Officer

#### Summary

Consideration of the financial statements for the month ending 31 August 2007.

#### Background

The following financial reports are included for your information:

- Monthly Statement of Financial Activity
- Summary of Net Current Assets
- Operating Statement by Programme
- Balance Sheet
- Assets Purchased and Sold
- Capital Road Works, Operating Expenditure and Operating Income Graphs
- Bank Reconciliation

#### Legal Implications

Local Government Act 1995 – section 6.4

Local Government (Financial Management) Regulations 1996

#### Policy Implications

N/A

#### Community Consultation

N/A

#### Financial Implications

Nil.

Strategic Implications

N/A

Voting Requirements

Simple majority required.

Recommendation/Resolution

**MOTION 10491**

Moved Cr Stewart  
Seconded Cr Sinclair

That the financial reports for the month ending 31 August 2007 as attached be received.

**MOTION CARRIED 9/0**

### 13.4 VARLEY PROGRESS ASSOCIATION - CSRFF FUNDING APPLICATION APPROVAL

**Applicant:** Varley Progress Association  
**File No.** 0408/0286  
**Attachments:** Correspondence, Policy 3.3  
**Author:** Ms Michelle Slarke  
Development Officer  
**Disclosure of Interest:** Nil  
**Date of Report:** 17 September 2007  
**Senior Officer:** Mr Jim Fraser  
Manager Community Services

#### Summary

For Council to approve an application to the Community Sport Recreation Facilities Fund (CSRFF) on behalf of the Varley Progress Association Inc. to replace the synthetic greens at the Varley Bowling Club and install a water-wise irrigation system.

#### Background

The poor condition of the Varley Bowling Green has been noted on an Association and club level and by members of the District Club. An agenda item to discuss the future of the Bowling Club was raised at the Varley Bowling Club Annual General Meeting in 2006. All members present agreed that the resurfacing of the green was essential to ensure the survival of not only the Varley Bowling Club, but also the District Club and other sporting clubs in the precinct.

The matter was raised at the Varley Progress Association General meeting in March 2007. The following motion was carried:

*“The Varley Progress Association supports the Bowling Club and their endeavours to resurface their bowling green and will look favourably upon their submission for funding when it is submitted”.*

Additionally, the poor state of the bowling green was commented on by several town members at the Varley town meeting in April 2007. Varley Progress Association members met with Lake Grace Shire councillors following their Council Meeting in April 2007 and discussed the proposed green resurfacing.

The total project cost is \$129,000 with one third funding being sought through CSRFF, one third to be contributed by Varley Progress Association with the remaining third contributed by the Shires of Kulin and Lake Grace. The application is made by Varley Progress Association on behalf of Varley Bowling Club.

During the last season, Varley Bowling Club hosted 24 events, including Pennants, Social Bowls, Fun Days, competition and championship bowls, with 476 participants.

Comment

Applications to CSRFF must be received at the Regional Office of the Department of Sport & Recreation by 31 October 2007. Successful applicants will be notified in February/March 2008.

A Department of Sport & Recreation CSRFF requirement is that Local Governments prioritise CSRFF applications within their district for each funding round.

As no CSRFF applications have been received from any other organisation within the Shire, this application would assume a number one priority.

Legal Implications

N/A

Policy Implications

Policy 3.3 Specified Area Rating

Community Consultation

Varley Bowling Club is located at the Varley Sporting Complex and shares the club house with Varley Tennis Club. In recent years, the Tennis Club has expressed concerns about the future of the precinct if the Varley Bowling Green is not resurfaced. The resurfacing of the Varley Bowling green was raised at a Shire of Lake Grace meeting on March 28th 2007 to discuss community requests for the 2007/08 Council Budget. Varley Bowling Club representatives discussed the proposed project with Lake Grace Shire Councillors in April 2007. The Kulin Shire Council has agreed to support the project (almost 50% of members reside in the Kulin Shire) and has included its contributions in its 2007/2008 budget.

In planning the upgrade, Varley Bowling Club consulted Bowls WA, John Cramer of Sports Surfaces and Shire of Lake Grace staff. The Varley Bowling Club has also discussed the project with the Department of Sport and Recreation, the previous Roe District Be-active Co-ordinator and Hopetoun and Ravensthorpe Bowling Clubs.

Consultation will include a poll of ratepayers by the Shire of Lake Grace as part of the Specified Area Rating arrangements as per Policy 3.3 Specified Area Rating.

Financial Implications

The break up of funding for the project is as follows:

- CSRFF: \$40,000
- Varley Progress Association: \$40,000 plus \$9,000 in-kind labour
- Shire of Kulin: \$15,000
- Shire of Lake Grace: \$25,000 (Account E113195, 2007/08 Budget)
- The Shire of Lake Grace's contribution would be covered through Council's Specified Area Rating (SAR) programme for the Varley area.

Strategic Implications

Maintaining assets and infrastructure forms part of Council's strategic planning process. Ongoing maintenance will be covered by Council's Specified Area Rating programme for the Varley area in consultation with Varley Bowling Club.

Cultural Implications

The Shire of Lake Grace plays an important role in the provision of facilities and programmes for the various communities.

Voting Requirements

Simple majority required.

Recommendation/Resolution

**MOTION 10492**

Moved Cr Newman  
Seconded Cr Sinclair

That:

1. Council proceed with and support an application to the Department of Sport and Recreation for CSRFF funding in the 2008/2009 Funding Round to replace the synthetic greens and install an irrigation system at the Varley Bowling Club.
2. In accordance with Council Policy 3.3 Specified Area Rates a community survey (postal vote of ratepayers in the Varley prescribed area) be undertaken.

**MOTION CARRIED 9/0**



**13.5 INVESTMENT OF SURPLUS FUNDS**

**Applicant:** Manager Corporate Services  
**File No.** 0267  
**Attachments:** Nil  
**Author:** Ms Leonie McIlree  
 Manager Corporate Services  
**Disclosure of Interest:** Nil  
**Date of Report:** 17 September 2007  
**Senior Officer:** Chris Jackson  
 Chief Executive Officer

Summary

Report on the investment of surplus funds for the Reserve and Municipal Funds.

Background

In accordance with Council Policy,

Comment

The following surplus funds have been invested during the month of September 2007:

<b>Bank</b>	<b>Fund</b>	<b>Term</b>	<b>Amount</b>	<b>Interest Rate</b>
Westpac	Municipal	30 days	\$300,000	TBC
Westpac	Municipal	30 days	\$300,000	TBC
Bank West	Municipal	90 days	\$300,000	7.02%
Bank West	Municipal	90 days	\$300,000	7.02%
Bank West	Reserve	6 months	\$1,000,000	7.06%

Legal Implications

Nil.

Policy Implications

As per Council's policy.

Community Consultation

N/A

Financial Implications

N/A

Strategic Implications

N/A

Cultural Implications

N/A

Voting Requirements

Simple majority required.

Recommendation/Resolution

**MOTION 10493**

Moved Cr Chamberlain  
Seconded Cr Farrelly

That the investment report for the month of September 2007 be approved.

**MOTION CARRIED 9/0**

**13.6      VARLEY GOLF CLUB – TRACTOR PURCHASE**

**Applicant:** Varley Golf Club  
**File No.** 0436  
**Attachments:** Letters  
**Author:** Ms Leonie McIlree  
Manager Corporate Services  
**Disclosure of Interest:** Nil  
**Date of Report:** 13 September 2007  
**Senior Officer:** Mr Chris Jackson  
Chief Executive Officer

**Summary**

For Council to authorise the unbudgeted expenditure of \$60,000 plus GST for the purchase of a new tractor for the Varley Golf Club.

**Background**

A request has been received from the Varley Golf Club for assistance by way of the Shire of Lake Grace purchasing a tractor on behalf of the Varley Golf Club.

**Comment**

The Shire of Lake Grace replied to the Varley Golf Club advising if the purchase was to proceed ownership of the tractor would have to be registered in the Shire's name, insured and would be included on the Shire's asset register.

The ongoing maintenance and servicing costs of the tractor will be met by the Varley Golf Club. The Varley Golf Club has agreed to the conditions outlined above - refer attached letter.

Concern has been expressed by the Varley Golf Club that the tractor would be utilised by the Shire for its own use, however this is not the intention of the Shire.

**Legal Implications**

Section 6.8 (1) of the Local Government Act 1995 states that a local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure (b) is authorised in advance by resolution – absolute majority required.

**Policy Implications**

N/A

**Community Consultation**

Consultation has taken place with the Varley Golf Club.

Financial Implications

The Varley Golf Club has indicated that the Varley Progress Association will be reimbursing the Shire of Lake Grace once the purchase has been finalised. The Shire will be incurring costs associated with licensing and insurance which will affect the end of year surplus/deficit.

Operating cost such as insurance and registration will be debited to account E113435 – Varley Recreation Ground Expenses. This expenditure will be covered by the Varley Specified Area Rate.

Strategic Implications

N/A

Cultural Implications

N/A

Voting Requirements

Absolute majority required.

Recommendation/Resolution

**MOTION 10494**

Moved Cr Newman  
Seconded Cr Stewart

1. That Council authorise the unbudgeted expense of \$60,000 for the purchase of a new tractor for the Varley Golf Club
2. That the 2007/08 budget be amended by the addition of Capital Expenditure account E113196 – Varley Golf Club – Tractor
3. That the 2007/08 budget be amended by the addition of Operating Income account I113451 – Varley Golf Club - Reimbursement

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

**13.7      STAFF HOUSING UPGRADE – 3 CLARK AVENUE LAKE GRACE**

**Applicant:** Ms Diane Rickard and Ms Karen Lovejoy  
**File No:** 0132  
**Attachments:** Nil  
**Author:** Ms Leonie McIlree  
 Manager Corporate Services  
**Disclosure of Interest:** Nil  
**Date of Report:** 8 August 2007  
**Senior Officer:** Mr Chris Jackson  
 Chief Executive Officer

Summary

For Council to endorse the unbudgeted expenditure for upgrade works to be undertaken at 3 Clark Avenue, Lake Grace.

Background

Ms Diane Rickard and Ms Karen Lovejoy recently commenced employment with the Shire of Lake Grace as Swimming Pool Manager and Manager Recreational Services, respectively.

As part of the employment offer, accommodation was offered at 3 Clark Avenue, Lake Grace.

Following inspection of the residence, a request has been made for new floor coverings and window treatments, painting, purchase of a shed and built-in robes for the main bedroom.

Comment

One quote has been received, further quotes will be sought as per Council's Purchasing Policy 3.7.

The following estimates have been obtained to carry out the works requested:

Floor Coverings	\$6,057
Window Treatments	\$2,674
Built-in Robes	\$1,155
Painting	\$8,000
Shed	\$7,486 (includes concrete & 2 days labour)
<b>Total</b>	<b>\$25,372</b>

Legal Implications

Section 6.8 of the Local Government Act 1995 states:

*6.8. Expenditure from municipal fund not included in annual budget*

*(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.*

*6.11. Reserve accounts*

*(1) Subject to subsection (5), where a local government wishes to set aside money for use for a purpose in a future financial year, it is to establish and maintain a reserve account for each such purpose.*

*(2) Subject to subsection (3), before a local government -*

- (a) changes\* the purpose of a reserve account; or*
- (b) uses\* the money in a reserve account for another purpose,*

*it must give one month's local public notice of the proposed change of purpose or proposed use.*

*\* Absolute majority required.*

*(3) A local government is not required to give local public notice under subsection (2) -*

- (a) where the change of purpose or of proposed use of money has been disclosed in the annual budget of the local government for that financial year; or*

*(b) in such other circumstances as are prescribed.*

*(4) A change of purpose of, or use of money in, a reserve account is to be disclosed in the annual financial report for the year in which the change occurs.*

*(5) Regulations may prescribe the circumstances and the manner in which a local government may set aside money for use for a purpose in a future financial year without the requirement to establish and maintain a reserve account.*

Policy Implications

N/A

Community Consultation

N/A

Financial Implications

The 2007/08 Budget does not have a provision for upgrade works to 3 Clark Avenue as requested by the tenants.

The 2007/08 Budget shows an end of year balance for the Housing Reserve of \$107,826. There are sufficient funds within this Reserve to cover this expenditure.

Strategic Implications

N/A

Cultural Implications

N/A

Voting Requirements

Absolute majority required.

Recommendation/Resolution

**MOTION 10495**

Moved Cr Bennett  
Seconded Cr Newman

1. That Council authorise unbudgeted expenditure of \$25,372 for upgrade works to 3 Clark Avenue, Lake Grace;
2. That the 2007/08 Budget be amended by the addition of capital expenditure account E143310 – Upgrade Works - 3 Clark Avenue, Lake Grace and income account I143325 Transfer from Housing Reserve.

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

## 14.0 MATTERS FOR CONSIDERATION – ADMINISTRATION

### 14.1 EMERGENCY FARMLAND WATER RESPONSE PLAN & REVIEW OF AA & NEW COMMUNITY DAMS

**Applicant:** Department of Water  
**File No.** 0504  
**Attachments:** Department of Water - Report  
**Author:** Mr Jim Fraser  
 Manager Community Services  
**Disclosure of Interest:** Nil  
**Date of Report:** 18 September 2007  
**Senior Officer:** Mr Chris Jackson  
 Chief Executive Officer

#### Summary

This report recommends a course of action for the development and ongoing maintenance of community water supplies.

#### Background

Council is involved in a number of community water projects. Both State and Federal funding has been accessed to assist with the financing of the various projects.

Staff have also been negotiating with the Department of Water in relation to the future of several Agricultural Area (AA) dams throughout the Shire. Attached is a copy of the correspondence from the Department of Water received following a further assessment of the dams during July 2007.

#### Comment

The following matters are raised relative to the various projects.

#### **1. Varley Community Dam**

Council's Community Development/Grants Officer Ms Michelle Slarke has identified a funding source to allow for the completion of the project. A funding submission will be prepared and forwarded to the FRRR – Pratt Water Grant.

The submission will be based on the provision of a power supply to pump the water from the collection dam to the holding dam and thence to storage facilities within the adjacent CBH site.

The assistance of Mr Rod Short from the Department of Water will be requested to ensure the design is suitable.



## **2. Sugg Rock**

Staff have commenced discussions with the land owner adjacent to the Sugg Rock facility with a view to allowing the construction of a new dam on his property. It is intended to utilise the existing rock catchment subject to modification.

The project will require the preparation of a funding application to the Department of Water.

The current storage facility has an asbestos cover in very poor condition and it is recommended that the Water Corporation be requested to declare the site a contaminated site under the appropriate legislation.

## **3. Newton Rock**

As there are significant issues with vehicular access to this site it is recommended that reference to the site to be deleted from the Draft Emergency Farmland Water Response Plan.

The catchment and walls are in good condition and the site should be offered to adjoining land holders.

## **4. Tarco Dam**

The Tarco site is adjacent to the Newdegate-Lake King Road and is historically significant. The roof of the dam is in a state of disrepair and the site should be decommissioned as soon as possible.

## **5. Marchetti's Tank – East Newdegate**

The tank is an important strategic site. Negotiations need to continue with the Water Corporation and the Department of Water to determine which body will be responsible for ongoing maintenance.

### **6a) Lake Biddy**

The roaded catchment adjacent to this facility is in a poor state and would require a significant upgrade.

Some of the concrete structures in the main dam are broken and would need to be replaced.

It is also likely that the dams would need to be cleaned out.

It is proposed to hold a meeting with adjacent landholders to determine a course of action.

### **6b) Buniche**

The roaded catchment at this site requires considerable maintenance particularly to ensure the water does not bypass the dam inlet.

The roof is in a poor state of disrepair and fencing around the dam is falling down.

I am unaware of the dimensions, including the depth of the dam, however even without the roof the site may still hold sufficient water for the needs of local farmers.

It is recommended that the roof be removed and the site offered to adjoining land owners.

**7. Dingo Rock Dam**

This is an excellent facility with the ability to become a regional supply.

A full inspection of the pipeline from the dam site to the tank site adjacent to the Lake Grace Newdegate railway line should be carried out prior to any transfer of responsibility.

**8. 13 Mile Dam**

The roaded catchment at this site requires considerable work. It is also anticipated that the dam would need to be cleaned out. The dam is also adjacent to the Lake Grace-Newdegate pipeline.

It is recommended that the 13 Mile Dam be removed from the Draft Emergency Farmland Water Response Plan.

**9. Tommy's Dam**

The location of this dam further enhances its requirement as a strategic dam and it is therefore recommended that the site be retained.

The roaded catchment needs to be upgraded and it is recommended that, in the future, a funding application be submitted to the Department of Water.

There is evidence that the dam has been cleaned out in the past however it is recommended that an assessment of the dam be made also.

**10. Pallerup Rock Tank**

The roof of the tank has recently been replaced through a grant from the Department of Water.

Work is required to upgrade the standpipe and a funding application will be prepared.

### **11. Mount Madden**

The rock catchment and dam are in reasonable condition however some minor remedial work is required.

The most significant issue at this site is access for larger vehicles.

The proposal as outlined by the Department of Water to place tanks on private property adjacent to Pauley Road is supported.

Historical data indicates that there was a well and a bore within the Mount Madden reserve relatively close to the existing facilities. Staff from the Department of Water will continue to assess available information with a view to recommending a site(s) to access another bore.

A funding application to the Department of Water will be prepared for this project.

### **12. South East Newdegate - Cuffy's**

This site was upgraded through the efforts of the local community and it is recommended that the site be included in the Draft Emergency Farmland Water Response Plan.

The expertise of the Department of Water will be sought to assess the current roaded catchment and also the adjacent gravel pit to investigate if improvements can be made.

### **13. Lake Magenta North**

The relatively small size of this dam reduces its effectiveness as a potential community water supply. On that basis it is recommended that it be removed from the Draft Emergency Farmland Water Response Plan.

The site can be offered to adjoining landholders.

### **14. White Dam**

The White Dam is adjacent to the Dumblebung-Lake Grace Road. There is also a Water Corporation pipeline in the area.

The roaded catchment would require a substantial upgrade as currently much of the water is not being directed into the dam.

The dam may also need to be cleaned out.

It is recommended that the site be removed from the Draft Emergency Farmland Water Response Plan.

***Mt Sheridan Community Dam (Proposed)***

There has been discussion at the community level of need for a community water supply in the Mt Sheridan area. There is a water reserve in the locality however it maybe more appropriate to construct the facility on freehold farm land.

A draft agreement is in place for this purpose.

An area of concern to the author is the use of the water by farmers other than for emergency purposes. There is anecdotal evidence that the water at Marchetti's Tank is being used for spraying purposes. During the inspection at Mount Madden a truck accessed the water supply for what appeared to be for spraying.

There is also anecdotal evidence that farmers are drawing water from 'community' sites for watering stock both generally and in feedlot situations.

Whilst it is generally recognised that placing restrictions on the use of the water will be difficult to enforce it is recommended that the use of 'community' water sources be utilised for domestic purposes only.

The use of the water for spraying and feedlot purposes is proposed to be banned.

This may encourage community groups to get together to maintain the facilities that have been removed from the Draft Emergency Farmland Water Response Plan.

It is further recognised that farming methods have changed and water for spraying has become more important to the viability and operations of farmers. In this regard farmers are encouraged to seek funding for on farm water storage projects.

Currently farmers who have access to Water Corporation pipeline supplies appear to be disadvantaged in that they are not eligible for Farm Water Grants. The water allocations available are not sufficient and there are restrictions on what the water can be used for.

It is recommended that the Department of Water be requested to review the conditions pertaining to the Grant so to allow farmers on restricted schemes to apply for grants for on farm water supplies.

Legal Implications

General Provisions of the Local Government Act 1995.

Policy Implications

N/A

Community Consultation

There has been considerable community consultation over many years with the most recent being a function in Newdegate on 17 July 2007.

Financial Implications

There are financial implications for Council. The 2007/08 budget includes an amount of \$3,000.00 (E136500) for maintenance of community water supplies.

Strategic Implications

The impacts of climate change generally and more specifically on agriculture have been raised and more recently the outcomes appear significant. The provision of community water supplies has the potential to impact on Council in the future.

Cultural Implications

N/A

Recommendation

That:

1. Reference to Newton Rock, Lake Bidy, Buniche, 13 Mile Dam and White Dam be removed from the Emergency Farmland Water Response Plan.
2. Restrictions be placed on the use of water from community dam sites listed in the Emergency Farmland Water Response Plan for crop spraying and feedlot purposes.

Voting Requirements

Simple majority required.

Resolution

**MOTION 10496**

Moved Cr Chamberlain  
Seconded Cr Taylor

That reference to Newton Rock, Lake Bidy, Buniche, 13 Mile Dam and White Dam be removed from the Emergency Farmland Water Response Plan.

**MOTION CARRIED 8/1**

**REASONS FOR CHANGE**

- ***The only time the Emergency Response Plan would kick in would be in a drought year when the area is declared deficient and/or water is carted in by the Government.***
- ***Council believes the water should be used for all legitimate agricultural and community pursuits.***

## 14.2 ROE 'BE ACTIVE' SCHEME – MANAGEMENT MODEL

<b>Applicant:</b>	Shires of Dumbleyung, Kondinin, Corrigin, Wickepin & Lake Grace
<b>File No.</b>	0535
<b>Attachments:</b>	Draft Budget
<b>Author:</b>	Mr Jim Fraser Manager Community Services
<b>Disclosure of Interest:</b>	Nil
<b>Date of Report:</b>	17 September 2007
<b>Senior Officer:</b>	Mr Chris Jackson Chief Executive Officer

### Summary

This report recommends Council endorse the actions of staff in accepting the management role for the Roe 'Be Active' Scheme.

### Background

The Shire of Lake Grace has been a member of the Roe 'Be Active' Scheme since its inception.

Other participating Shires are Corrigin, Dumbleyung, Kondinin and Wickepin. The Shire of Kulin has recently withdrawn from the Scheme.

The former Coordinator Miss Leanne Gledich resigned from the position on 1<sup>st</sup> June 2007.

The Shire of Kulin previously managed the Scheme.

Funding for the Scheme is supported by a core grant from Healthways of \$ 25,000.00; contributions from participating Shires and other grants accessed by the Coordinator.

The contributions from the participating Shires are based on the following ratios:

- Corrigin 20%
- Kondinin 20%
- Dumbleyung 15%
- Wickepin 15%
- Lake Grace 15%

An amount of \$8,520.00 is included in the 2007/08 budget to cover Council's contribution to the Scheme.

Under these arrangements the Coordinator position is 0.85 FTE. The balance of 0.15 FTE will be taken up with duties associated with delivery of recreation services within the Shire of Lake Grace.

#### Comment

On the withdrawal of the Shire of Kulin from the Scheme and the resignation of the Coordinator the Shire of Kondinin agreed to manage the Scheme. Several attempts to recruit a new Coordinator were unsuccessful which lead to a review of the situation by the staff at the Shire of Lake Grace.

During the recruitment process for a new swimming pool manager an opportunity arose to also recruit a person with the qualifications and experience to manage the Roe 'Be Active' Scheme. The proposal was submitted to the other participating Shires based on the following:

- Whilst it is recognised that a Coordinator position has been nominated the actual delivery of the Roe 'Be Active' programme could be extended to other employees within the Recreation and Community Services section. As examples, ARC staff could deliver programmes and/or train personnel in other participating Shires and Council's Community Development Grants Officer will assist in accessing grants.
- The Scheme will be managed through Council's financial system including the receipt and acquittal of grants.
- Officer accommodation and housing will be provided by the Shire of Lake Grace.

The management model of having support staff available to assist with the operation of the Scheme was seen as a benefit by other participating Shires.

The Roe 'Be Active' Scheme has a late model station sedan and enclosed trailer available which will now be based in Lake Grace. There is also a significant inventory of other recreational items.

It is the view of staff that there are benefits for the community and the Shire of Lake Grace in having the Coordinator based within the Shire.

#### Legal Implications

An agreement between Healthways and the participating Shires will need to be formulated.

#### Policy Implications

N/A

#### Community Consultation

Whilst there has not been an opportunity to consult the community feedback from the community has been positive.



### Financial Implications

The Scheme budget includes an Administration contribution to the Shire of Lake Grace of \$5,000.00.

The Scheme will be integrated into Council's financial system with the following account numbers:

E148100	Roe Be Active - Employee Costs
E148200	Roe Be Active – Materials
E148300	Roe Be Active - One Off Grants
I148100	Healthways Grants
I148101	Physical Activities Taskforce Grant
I148102	Swim to Rotto
I148300	Grant - ACE - Active Communities Everyday
I148301	Grant - Women/Youth on the Frontline
I148500	Roe Be Active Scheme Contributions MUN

### Strategic Implications

Participation in the Scheme reinforces Council's commitment to resource sharing and co-operation with neighbouring Shires.

### Cultural Implications

Encouraging participation in sport and recreation is recognised as a positive in the development of communities.

### Voting Requirements

Absolute majority required.

### Recommendation/Resolution

#### **MOTION 10497**

Moved Cr Newman  
Seconded Cr Bennett

That:

1. The Roe 'Be Active' Scheme incorporating the Shires of Corrigin, Dumbleyung, Kondinin, Lake Grace and Wickepin be administered by the Shire of Lake Grace.
2. The budget for the Roe 'Be Active' Scheme be included in the Shire of Lake Grace Budget 2007/08 and the budget be amended accordingly.

**MOTION CARRIED 9/0**

### 14.3 **SPECIAL MEETING OF COUNCIL & CHANGE OF DATE FOR NOVEMBER ORDINARY MEETING**

**Applicant:** Shire President, Cr Darcy Roberts  
**File No.** 0041  
**Attachments:** Advertised Meeting Dates  
**Author:** Mr Jim Fraser  
 Manager Community Services  
**Disclosure of Interest:** Nil  
**Date of Report:** 17 September 2007  
**Senior Officer:** Mr Chris Jackson  
 Chief Executive Officer

#### Summary

This report recommends the holding of a Special Meeting to swear in new Councillors, to elect a President and Deputy President and to change the advertised date for the November 2007 Ordinary Meeting.

#### Background

The Ordinary Meeting for October has been advertised to be held on Wednesday 17 October 2007. The reason for the change from the fourth Wednesday to the third Wednesday was to avoid a clash with the annual conference of Local Government Managers Australia (LGMA), Western Australia Branch. LGMA recently conducted a symposium on the future of local government and will not be conducting an annual conference in October 2007.

The date for the election of Councillors has also been changed from the first Saturday in May to the third Saturday in October. A postal election will be held with the counting of votes on Saturday 20 October 2007.

The Ordinary Meeting for November has been advertised to be held on Wednesday 28 November 2007.

#### Comment

The Shire President, Cr Darcy Roberts has not re-nominated for Council and as a result of this decision his term of office as a Councillor will expire on Election Day (20 October 2007).

The Local Government Act allows the President to remain as President until the time of the election of President.

The early election of Councillors to the positions of President and Deputy President is seen as essential to the good governance of the Shire.

There are various options available to Council. These include the calling of a Special Meeting after the conducting of the election on Saturday 20

October 2007 or re-scheduling the October Meeting to Wednesday 24 October 2007.

Should Council resolve to hold a Special Meeting the newly elected Councillors, whether continuing or newly elected, will need to complete the appropriate documents prior to the commencement of the Special Meeting.

The Agenda would be restricted to the election of a Shire President and Deputy Shire President for a two year term expiring in October 2009.

The decision to conduct the October 2007 Meeting on third Wednesday has resulted in a six week break to the November 2007 meeting. There will also be a three week break to the December 2007 meeting. To better balance the meeting frequency it is recommended that the November 2007 meeting be brought forward a week to Wednesday 21 November 2007.

Legal Implications

Section 1.7 of the Local Government Act 1995  
Sections 5.3, 5.4 and 5.5 of the Local Government Act 1995  
Schedule 2.3 of the Local Government Act 1995  
Regulation 12 of the Local Government (Administration) Regulations 1996

Policy Implications

Policy 1.2 Meeting Dates

Community Consultation

Nil.

Financial Implications

The President and Deputy President are paid an allowance

Strategic Implications

N/A

Cultural Implications

N/A

Recommendation

That:

1. In accordance with sections 5.3, 5.4 and 5.5, a Special Meeting of Council be held at 1.00pm on Wednesday 24 October 2007 for the purpose of the election of Councillors to the positions of Shire President and Deputy Shire President.
2. Local Public Notice in accordance with section 1.7 of the Local Government Act 1995 be given for the alteration of the

November Ordinary Meeting from 28 November 2007 to 21 November 2007.

Voting Requirements

Simple majority required.

Recommendation/Resolution

**MOTION 10498**

Moved Cr Chamberlain  
Seconded Cr Newman

That the date for the October 2007 Ordinary Meeting be changed from 6.00pm 17 October 2007 to 6.00pm 24 October 2007 and the change of date be advertised accordingly.

**MOTION CARRIED 8/1**

***REASON FOR CHANGE***

***Council considered it unnecessary to hold a special meeting for the swearing in of Councillors.***

***It was also noted that the Shire President would remain in this role even though he was no longer a councillor until the re-election of the President which would now be the 24 October 2007.***

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

None.

## **16.0 SCHEDULING OF MEETING**

### **16.1 OCTOBER 2007 ORDINARY MEETING**

#### **Motion 10319 November 2006 states:**

An Ordinary Meeting of Council will be held on Wednesday 17 October 2007, commencing at 1.00pm at Council Chambers, Bishop St, Lake Grace.

**NOTE: Motion 10498 on previous page resolves to postpone this meeting to 6.00pm on 24 October 2007.**

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

None.

## **18.0 CLOSURE**

In closing the meeting, and due to his not re-nominating for Council in the upcoming elections, Cr Roberts thanked fellow Councillors for their support and the great journey over the past four years.

Cr Walker, on behalf of Council, responded thanking Cr Roberts for his dedication and commitment as President.

There being no further business, the Chairperson closed the meeting at 3.17 pm.

**19.0 CERTIFICATION**

I \_\_\_\_\_ certify that the minutes of the meeting held on the 26 September 2007 as shown were confirmed as a true record at the meeting held on the 24 October 2007.

\_\_\_\_\_  
President

\_\_\_\_\_  
Date