

**Shire of Lake Grace**



# **Minutes**

**Special Council Meeting**

**8 July 2010**

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## **SHIRE OF LAKE GRACE**

Minutes of the Special Meeting of Council held in Council Chambers, 1 Bishop St Lake Grace on Thursday 8 July 2010 to consider to consider Item 13.1 from the June 2010 Meeting of Council - Notice of Motion Lake Grace Childcare Centre.

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

The President opened the meeting at 11.04am and advised Councillors we are here today to deal with the unfinished business regarding the Lake Grace Childcare Centre, to progress the issue and to positively move the project forward.

### **2.0 ATTENDANCE RECORD**

#### **2.2 PRESENT**

|                    |                                   |
|--------------------|-----------------------------------|
| Cr AJ Walker       | Shire President                   |
| Cr IG Chamberlain  | Deputy Shire President            |
| Cr LW Armstrong    |                                   |
| Cr R Chappell      |                                   |
| Cr JF De Landgraft |                                   |
| Cr OP Farrelly     |                                   |
| Cr AI Milton       |                                   |
| Cr WA Newman       |                                   |
| Cr DP Sinclair     |                                   |
| Mr SK Fletcher     | Chief Executive Officer           |
| Mr PW Dittrich     | Manager Corporate Services        |
| Mrs NY Owen        | Manager Community Services        |
| Mrs J Bennett      | Executive Assistant               |
| Mrs Narelle Hutter | Lake Grace Childcare Centre Group |

#### **2.3 APOLOGIES**

None.

### **3.0 PUBLIC QUESTION TIME**

No questions from the Public.

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

#### **Motion 10938 24 February 2010**

Cr De Landgraft granted leave of absence – 25 July to 31 July 2010.

## **5.0 DECLARATIONS OF INTEREST**

### **5.2 DECLARATIONS OF FINANCIAL INTEREST – LOCAL GOVERNMENT ACT 1995 SECTION 5.60A**

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

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

## **6.0 PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS**

### **6.1 COMMUNITY PROPOSAL - LAKE GRACE CHILDCARE CENTRE**

The President welcomed Mrs Narelle Hutter to the meeting and invited her to speak on the community proposal to construct the Lake Grace Childcare Centre.

Mrs Hutter read from a prepared statement as follows:

*The reason I am here speaking to you at this meeting today is to inform you about the level of support from the community for my proposal which is:*

*That we positively move forward with the construction of the Lake Grace Daycare Facility as a cost-effective, locally-built, community project in conjunction with the Shire, rather than have a transportable building delivered, at a greater expense.*

*As the Shire has already established, this is a much needed facility, and in turn had listed the project as Priority Number Two on Council's Strategic Plan.*

*My motivation to push this project has come from an article that my Dad found in the Farmers Weekly, in which the Wongan-Ballidu communities have built their \$400,000 daycare facility for \$220,000. You all now have two articles about this project for your perusal. I have spoken to Sue Middleton who was influential in getting their project completed and she has sent their Shire and License approved building plans, to use if we wish, free of charge, (already a project saving) and has offered us any assistance required, if we decide to go ahead in this way.*

- *The Lake Grace Shire Staff have already secured \$200,000 Royalties for Regions grant funding*
- *\$8,000 grant monies received for fencing.*
- *\$5,000 air conditioner has been pledged by the Gnowangerup Family Daycare*
- *Sand has been offered to be donated*
- *Barrier fencing has been offered to be donated by Elders Lake Grace*
- *\$8,000 has been offered in Pledges from the Lake Grace Community, Sporting Clubs and Business Houses*

So....

*We have \$221,000 for this project already, with other business houses and community members willing to help out by supplying materials at cost price, and/or donating labour hours, and pledges still coming in.*

*I wrote to the Lake Grace Community Care Committee, who raised money by holding the Community Auction for the Late Cadence Lindleys' Medical Expenses, requesting the monies remaining be donated to the Construction of the Daycare facility, which in turn will benefit all the Children in Lake Grace and surrounding communities who will utilize the new facility. It was been suggested to me (by a community member) that a room in the new facility be dedicated to Cadence. The committee has looked favorably on this request and their response is in your notes.*

*If this was to move forward as a community involved project. I believe it would open up opportunities for the school to get involved in a way in which High School Students could do on the job work training, which I feel would prove to be a valuable experience for them.*

*If the Shire is happy to do this as an owner/builder, cost-effective project with Wayne Trawinski as the builder/project manager, with the support of a Community Action Group, rather than having a transportable delivered from Perth, which was estimated to cost \$343,501, and the community is willing to get involved, in the way of working bees, supplying materials at cost price and helping out in any way they can, then, in my opinion, I believe that this project is financially viable and have no reason why it cannot commence, and then our community can be as proud of our new daycare facility as the Wongan-Ballidu community is of theirs.*

*Many valid questions were raised by the community at our meeting on Wednesday, and all were satisfied with the positive and informed responses.*

*A range of issues were addressed, including:*

- Daycare Licensing*
- Facility Ownership and Management*
- Shared Management Options*
- Growth Opportunity*
- Building Compliance with Childcare Requirements*
- Site Location*
- Site Ownership*
- Potential for Future Development*
- Asset Management*
- Building Plans Copyright*
- Role of the Action Group*

*This is the question that was posed to the meeting held last Wednesday night:*

|   |
|---|
| <i>Are you, as representatives of this community, willing to support my proposal?</i> |
|---|

*Happily, my proposal was accepted by the community on the night.*

*So it was a unanimous decision that the community be involved in the daycare construction and the proposal be taken to Council.*

*An Action Group was formed at the meeting so as they could prepare this proposal to be submitted to you – our elected Council representatives – for your consideration and hopefully your approval.*

The Shire President thanked Mrs Hutter for her presentation and asked Councillors if there were any questions for Mrs Hutter.

Cr Newman commented that this was a good outcome for the Shire and it was good to see the community involved in the cause adding that it had no bearing on the future of day care facilities as referred to in the Notice of Motion for specified area rate.

The Shire President advised that Mrs Hutter had provided a thorough report from the meeting and that if everyone who tendered apologies had been able to attend in excess of 100 people would have been present.

## **7.0 MATTERS FOR CONSIDERATION**

Cr De Landgraftt requested the President allow a suspension of Standing Orders to allow her to make a statement to the meeting.

### **MOTION 11042**

Moved Cr Milton  
Seconded Cr Farrelly

That Standing Orders be suspended to allow Cr De Landgraftt to make a statement to the meeting.

**MOTION CARRIED 9/0**

### **MOTION 11043**

Moved Cr Milton  
Seconded Cr Farrelly

That Standing Orders resume.

**MOTION CARRIED 9/0**

The President announced that Item 7.1 Notice of Motion – Lake Grace Childcare Centre is withdrawn.

Cr Chamberlain queried the process and procedure for Special Meetings as he believes Council only has the right to discuss the business as per the Notice Paper which stated the only item of business as being Item 7.1 Notice of Motion – Lake Grace Childcare Centre and questioned the validity of the second item.

Shire President Cr Walker requested a motion to adjourn the meeting for further clarification of the Notice Paper with the Department of Local Government.

**MOTION 11044**

Moved Cr Milton  
Seconded Cr Chappell

That the meeting be adjourned to allow clarification of the Special Meeting Notice Paper.

**MOTION CARRIED 9/0**

11.35 am          *Meeting adjourned.*

**MOTION 11045**

Moved Cr Milton  
Seconded Cr Chappell

That the meeting be reconvened.

**MOTION CARRIED 9/0**

12.12pm          *Meeting reconvened with all those previously in attendance present with the exception of Mrs Narelle Hutter.*

The Shire President advised the meeting that during the break, himself and the CEO had a conversation with Andrew Borrat of the Department of Local Government re the specified business of the meeting and whether both items in the end address the purpose of the meeting. Under a strict interpretation of the rules, it is a technical point and it should be by the will of the meeting to bring the matter forward for discussion today.

**MOTION 11046**

Moved Cr Chamberlain  
Seconded Cr De Landgraft

That Items 7.1 Notice of Motion – Lake Grace Child Care Centre and 7.2, Community Proposal – Lake Grace Childcare Centre be included as the agenda for this meeting.

**MOTION CARRIED 9/0**

The Shire President advised that as Item 7.1 has been withdrawn, the meeting will move on to Item 7.2.

## 7.1 NOTICE OF MOTION – LAKE GRACE CHILDCARE CENTRE

**Applicant:** Cr Jeanette De Landgrafft  
**File No.** 0668  
**Attachments:** Email Cr Jeanette De Landgrafft  
Extract Local Government Act 1995  
Specified Area Rating Policy  
**Author:** Mrs Nadene Owen  
Manager Community Services  
**Disclosure of Interest:** Nil  
**Date of Report:** 5 July 2010  
**Senior Officer:** Mr Sean Fletcher  
Chief Executive Officer

### Summary

This report is provided in response to Cr De Landgrafft's *Notice of Motion – Lake Grace Childcare Centre* tabled at Councils Ordinary Meeting June 2010.

### Background

Cr De Landgrafft sent an email to the Chief Executive Officer with a copy sent to all elected members regarding a notice of motion concerning the Lake Grace Day Care Centre project on 15 June 2010.

The Notice of Motion read:

*"I move that:*

*1. All Childcare Centres' within the Lake Grace Shire be funded and maintained as per councils Specified Area Rating Policy.*

*2. The proposed Lake Grace Childcare Centre be funded by allocating;*

*Royalties for Regions (R4R CLGF) \$200,000*

*Other grants (RLCIP) \$8,000*

*Additional funds of up to \$100,000 required to complete the project to be funded as per Councils Specified Area Rating Policy and the CEO implement the necessary procedures to expedite this action."*

At the June Ordinary Meeting the above Notice of Motion, **Motion 11020** was lost 4/5 as follows:

*That Council defers the Notice of Motion until the next Council meeting and refers this matter to the Chief Executive Officer so that a comprehensive report can be prepared in time for the Ordinary Meeting of Council on 28 July 2010.*



Discussion then took place on whether Cr De Landgraff's Notice of Motion could be considered at this time and there was uncertainty as to the correct procedure in this instance.

Council **Motion 11021** then resolved that:

*The meeting proceed to the next item of business until advice is sought.*

Upon further advice sought by the Chief Executive Officer, and following on from Item 13.2, **Motion 11023** was then resolved:

*That this item be tabled until a Special Meeting can be called at the discretion of the President.*

The author wishes to note at this time the minutes of the June 2010 Ordinary Meeting have not been formally confirmed as a true and accurate record.

### Comment

#### **Cr De Landgraff's Notice of Motion**

Cr De Landgraff's Notice of Motion is addressed respectively:

1. *All Childcare Centres' within the Lake Grace Shire be funded and maintained as per councils Specified Area Rating Policy.*

#### **CEO's Comment**

Councils Policy 3.3 Specified Area Rating limits the application of Specified Area Rating to Operation and Maintenance of the Lake Grace Sewerage Scheme and sub programme (Function 11) as classified in the Financial Management Regulations.

An overview of the Policy is as follows:

- a) Operation and maintenance of the Lake Grace Sewerage Scheme (i.e. the Lake Grace townsite).
- b) Funds to equal the operating expenses of Function (Nature and Type) 11 Recreational and Culture:
  - Public Halls and Civic Centres;
  - Swimming Areas and Beaches (i.e. swimming pools);
  - Other Recreation and Sport;
  - Libraries; and
  - Other Culture
- c) Finance the borrowings for the construction of the Lake Grace and Newdegate Telecentres
- d) All council contributions to recreational and cultural activities. A community survey must be held if the amount required is over \$50,000.

#### **Note 1 – Changes to Functions**

It should be noted that the Financial Management Regulations were amended some time ago regarding the term "Functions" to the term "Programs". The numbering of "Functions" was also removed.

Under Schedule 1 of the Regulations, the Program title is shown as Recreation and Culture. This program covers the following sub programs:

- Public Halls and Civic Centres;
- Swimming Areas and Beaches (i.e. swimming pools);
- Other Recreation and Sport;
- Television and Radio Broadcasting (Note: At the same time this sub program was removed from service charges and inserted into the program area)
- Libraries; and
- Other Culture

**Note 2 – Proposal Outside Scope of Policy**

In this instance under the Regulations the proposed childcare facility falls under the Program *Education and Welfare* and in particular the sub-program *Care of Families and Children*. However, the Shire of Lake Grace has this listed under the Health Program in its budget.

Either way the proposal is outside the scope of the Policy 3.3 Specified Area Rating application.

2. *The proposed Lake Grace Childcare Centre be funded by allocating:*

*Royalties for Regions ( R4R CLGF) \$200,000*

*Other grants (RLCIP) \$8,000*

*Additional funds of up to \$100,000 required to complete the project to be funded as per Councils Specified Area Rating Policy and the CEO implement the necessary procedures to expedite this action."*

**CEO's Comment**

As Council is aware, the CEO proposed at the Senior Management Information Session on 28 May 2010 that the project could be completed for \$300,000 on an owner builder basis. This was in response to the Draft Strategic Plan and hence an improvement of \$50,000 on the project by tender currently before Council of \$350,000.

As CLGF1 of \$200,000.00 and RCLIP funding of \$8,000.00 for fencing is committed to the project, the CEO proposed that the remaining \$100,000 was funded by CLGF3 and a further \$137,000 from CLGF3 was directed to the Newdegate Medical Centre to assist reducing the level of the loan required.

However, the additional funds of \$100,000 in the Notice of Motion as discussed previously falls outside Policy 3.3 Specified Area Rating.

The CEO is not in a position to implement the necessary procedures to expedite this action as these are unknown.

### **Cr De Landgraft's Comments**

Cr De Landgraft made the following comments that have been addressed respectively:

*"Please find attached my motion in respect to the proposed Lake Grace Childcare Centre project funding.*

*I have some real concerns with this being completely funded by CLGF and feel that the generous 67% funding is enough rather than 100% as there are other projects that could use this money within our shire."*

### **Manager of Community Services Comments**

Item 2 of this agenda contains a proposal that would see the Childcare project utilise an allocation of CLGF1 \$200,000.00 and RCLIP funding \$8,000.00. This includes a proposal from the Lake Grace Community to complete this project within the budget as allocated so far.

The proposal put forward by the CEO to use CLGF1 \$200,000.00 and CLGF3 \$100,000.00 was based on what was known regarding projects listed within the draft Strategic Plan at that time. This included those projects identified by Council and Senior Staff at the April Strategic Planning Workshop for the next four to five years. Cr De Landgraft has not identified what other projects the funding could be used for.

*"I have also attached the Local Govt Act 1995 re: Specified Area Rating and feel this is a project that fits comfortably within the criteria."*

### **CEO's Comments**

Section 6.37 of the *Local Government Act 1995* is not prescriptive in terms of what it will or will not allow under specified area rating.

The matter comes back to the Shire's policy at this point in time. As advised previously, the Specified Area Rate as it currently applies is significant throughout the Shire and is for a specific purpose. As discussed with Departmental Staff and the auditors, it would not necessarily be prudent to commence adding in other program areas for specified area rating as it gives the impression that ward accounting is occurring within the Shire.

In broad terms this is ensuring that a local government is meeting its obligations under s3.18 of the Act i.e. a local government is to satisfy itself that any services and facilities it provides are managed efficiently and effectively.

*"Another issue I have is the ongoing funding of the centre - will it be SAR's for the maintenance and the management/staffing?"*

### **Manager of Community Services Comments**

At this point in time, the proposed Day Care Centre falls outside the scope of the policy application.

As such, a cost recovery basis is proposed to be applied to the costs associated with the childcare facility meaning that the ongoing costs of the building would be fully recovered from the users of the facility.

Based on operational costings, Table One and Table Two propose cost recovery models as follows:

| Description          | Amount             |
|----------------------|--------------------|
| GFSA                 | \$7,680.00         |
| Lake Grace Playgroup | \$2,955.00         |
| <b>Total</b>         | <b>\$10,635.00</b> |

**Table One: Proposal 1 Cost Recovery Fees –usage based**

| Description   | Charge             |
|---|--------------------|
| <p>Incorporated Childcare Committee<br/>Recommendation that an Incorporated Committee be formed to over see the management and all operational costs associated with the facility.</p> <p>The first year's rental is proposed to be charged at \$2,000.00 per annum and increase thereafter by at least the CPI % per annum.</p> <p>The annual rental charge would be transferred into a reserve account to allow the Shire to undertake major maintenance of the facility.</p> <p>The committee would be responsible for all operational costs and charges including: water, power, gas, cleaning, operational maintenance, gardening, rubbish collection fee, emergency services levy, liability and contents insurance (Shire to insure building) and all hire fees.</p> |                    |
| <b>Total</b>  | <b>\$10,635.00</b> |

**Table Two: Proposal 2 Cost Recovery Fees – management based**

*“How will the Federal funding issue play out with this centre being less than 5 days per week?”*

#### **Manager of Community Services Comments**

At present there are changes to the Neighborhood (state contracted) Occasional Care Services funding model. Discussions with Childcare providers and stakeholders indicate these changes do not affect the current service provided to the Shire of Lake Grace by the GFSA.

GFSA are fully funded through the Commonwealth and operate as a Mobile Occasional Care Service. The Neighborhood (state contracted) Occasional Care model is funded by way of State and Commonwealth funds. At this time the Commonwealth funding component of the Neighborhood model is under review which has the ability to compromise services provision to 26-28 Childcare centres in Western Australia alone.

*“If the people of Lake Grace truly want this to go ahead they have the opportunity with the \$200,000 from CLGF and \$8000 grant from RLCIP.”*

### **Manager of Community Services Comments**

A Community meeting was held on 30th June 2010 to which the CEO and author were invited to attend. The outcome of the meeting is discussed in Item 2 of this agenda.

### Final Comments

Both the author and the CEO have provided advice on what is known at this point in time. Accordingly, Council is now in a position to debate the Notice of Motion proposed by Cr De Landgraft.

### Legal Implications

- Shire of Lake Grace Local Law – Standing Orders – section 2.9 states:

#### *2.9 Motions of which Previous Notice has been Given*

- (1) Unless the Act, Regulations or these Standing Orders otherwise provide, a member may raise at a meeting such business as he or she considers appropriate, in the form of a motion, of which notice has been given in writing to the CEO.*
- (2) A notice of motion under subclause (1) is to be given at least four (4) clear working days before the meeting at which the motion is moved.*
- (3) A notice of motion is to relate to the good government of persons in the district.*
- (4) The CEO -
  - (a) with the concurrence of the President, may exclude from the notice paper any notice of motion deemed to be out of order; or*
  - (b) may on his or her own initiative make such amendments to the form but not the substance thereof as will bring the notice of motion into due form; and*
  - (c) may under his or her name provide relevant and material facts and circumstances pertaining to the notice of motion on such matters as policy, budget and law.**
- (5) No notice of motion is to be out of order because the policy involved is considered to be objectionable.*
- (6) A motion of which notice has been given is to lapse unless -
  - (a) the member who gave notice thereof, or some other member authorised by him or her in writing moves the motion when called on; or*
  - (b) the Council on a motion agrees to defer consideration of the motion to a later stage or date.**
- (7) If a notice of motion is given and lapses in the circumstances referred to in subclause (6)(a), notice of motion in the same terms or the same effect is not to be given again for at least 3 months from the date of such lapse.*

- Section 6.37 Specified area rate – as discussed in the body of this report.
- Section 3.18 Performing executive functions – as discussed in the body of this report.
- Local Government (Financial Management) Regulations 1996 – as discussed in the body of this report.
- Local Government Accounting Manual

### Policy Implications

Shire of Lake Grace Policy 3.3 – Specified Area Rate

Consultation

Internal: Sean Fletcher, Chief Executive Officer  
Peter Dittrich, Manager Corporate Services

External: Peter Hays, Principal Officer Department of Local Government  
Jenni Law, Manager Department of Local Government

Financial Implications

Nil.

Strategic Implications

*Shire of Lake Grace Strategic Plan - Social and Community Well Being*  
2.1.4: Lake Grace Childcare Facility - Priority 2

Voting Requirements

Simple majority required.

Councillor Recommendation

**Notice of Motion**

1. All Childcare Centres' within the Lake Grace Shire be funded and maintained as per councils Specified Area Rating Policy.
2. The proposed Lake Grace Childcare Centre be funded by allocating;
  - Royalties for Regions (R4R CLGF) \$200,000
  - Other grants (RLCIP) \$8,000
  - Additional funds of up to \$100,000 required to complete the project to be funded as per Councils Specified Area Rating Policy and the CEO implement the necessary procedures to expedite this action."

Voting Requirements

Simple Majority required.

Resolution

Moved Cr

Seconded Cr

## 7.2 COMMUNITY PROPOSAL – LAKE GRACE CHILDCARE CENTRE

|                                |  |
|--------------------------------|--|
| <b>Applicant:</b>              | Community Services   |
| <b>File No.</b>                | 0668   |
| <b>Attachments:</b>            | Child Care Services (Child Care) Regulations 2006<br>Community Meeting 30 <sup>th</sup> June 2010 – Meeting Notes and Project Proposal<br>Proposed Committee - Terms of Reference<br>Building Concept Plan<br>Landgate site layout |
| <b>Author:</b>                 | Mrs Nadene Owen<br>Manager Community Services  |
| <b>Disclosure of Interest:</b> | Nil  |
| <b>Date of Report:</b>         | 5 July 2010  |
| <b>Senior Officer:</b>         | Mr Sean Fletcher<br>Chief Executive Officer  |

### Summary

The purpose of this report is to advise Council that the Lake Grace community has put forward a proposal to complete the Lake Grace Day Care Centre project for \$208,000. This includes an outstanding level of support by the Lake Grace community that equates to \$100,000 of in-kind works and the establishment of a Committee of Council consisting of Community members and Staff.

Accordingly, Council's approval is sought for the following:

- To reject all tenders for Tender 1/2010.
- To proceed with the Lake Grace Childcare Centre Building Application as per motion 10909.
- For the Chief Executive Officer to proceed and complete the construction of the Lake Grace Childcare Centre project on an owner/builder basis. This includes:
  - Ensuring that the Shire's contribution to this project does not exceed \$208,000 as per \$200,000 under CLGF1 and \$8,000 RLCIP;
  - Delegation to complete this project. Such delegation is to include:
    - The review and implementation as appropriate of recommendations made by the Lake Grace Childcare Committee; and
    - The engagement of professional support during the life of this project as required.
- Establishment of the Lake Grace Childcare Committee to assist with the completion of the Lake Grace Childcare project in conjunction with the *Lake Grace Childcare Committee Terms of Reference*.

## Background

### **Decision Making History**

At its Ordinary Meeting 25 November 2009 Council resolved under motion 10909 the following:

*That Council endorse the Lake Grace Childcare Building concept plans and authorise the Chief Executive Officer to proceed with the building application.*

Following this decision a review of all Country Local Government Fund (CLGF) projects was undertaken and, at that time, a need to outsource the project was identified. Tenders were then invited for the design and construction of the Lake Grace Childcare Centre.

Tenders were called for with an opening date of 16<sup>th</sup> January 2010 and a closing date of 2<sup>nd</sup> February 2010. Five responses were received thus ensuring a competitive basis for awarding a contract for works. Following the tender evaluation process, APB Holdings Australia Pty Ltd were weighted with the highest percentage score thus making them the preferred tenderer.

An analysis of the total project costings indicated a shortfall of \$135,501.00 and at the time there were no further funding allocations available. Two options were considered to enable the project to proceed: raise funds by way of a loan or await the announcement of the CLGF2 guidelines to see if the project met the funding criteria.

At its Ordinary Meeting 24 February 2010 Council resolved under motion 10944 the following:

*That Council postpone the design and construction of the Lake Grace Childcare Centre until the Country Local Government Funding Round 2 (CLGF2) guidelines have been released or other funding becomes available.*

The CLGF2 guidelines were released on 31<sup>st</sup> March and specified that:

- Round 2 is a maximum of \$35,000 payable by 30 June 2010 for the establishment of Forward Capital Works Plans;
- Round 3 funding (10/11) will not be paid unless the Forward Capital Works Plans are completed and 08/09 funding has been acquitted;

This meant it would be possible to carry forward the funding for the Childcare Building Project into the 2010/2011 financial year. In addition, after investigation by staff, no other suitable funding was identified. A review of the state and federal grant register, discussions with Hon Terry Waldron MLA and Lotterywest Programs Manager Lee Grmas also did not identify any funding sources available for the project.



Staff then considered further funding options to enable the project to commence. The options considered were a loan or through the re-allocation of Works and Services projects and a small loan. A review of the works schedule identified projects that would not be completed within the 2009/2010 budgetary period, that were not funded through any tied funding and hence it was possible to re-allocate the funds.

At its Ordinary Meeting 28 April 2010 Council **Motion 10944** was lost 4/5 as follows:

1. *Approves the reduction of budgeted funds on the following jobs:*

|                            |             |
|----------------------------|-------------|
| 10021 North Newdegate Road | \$20,000.00 |
| 10022 Mt Vernon Road       | \$30,000.00 |
| 10028 Various works        | \$35,501.00 |

*and increase expenditure in account E071500 Construct Lake Grace Childcare Facility of \$135,501.00.*
2. *Authorise the Chief Executive Officer to raise a loan in the amount \$50,000 to fund the Childcare building project.*
3. *Authorise the Chief Executive Officer to commence one month's public notice of the loan funding.*
4. *Awards Tender 1/2010 for the design and construction of the Lake Grace Childcare Centre to APB Holdings Australia Pty Ltd for the amount of \$317,501.00.*

At its Ordinary Meeting 23 June 2010 Council tabled the following Notice of Motion from Cr DeLandgraft which read:

*"I move that:*

*1. All Childcare Centres' within the Lake Grace Shire be funded and maintained as per councils Specified Area Rating Policy.*

*2. The proposed Lake Grace Childcare Centre be funded by allocating;*

*Royalties for Regions (R4R CLGF) **\$200,000***

*Other grants (RLCIP) **\$8,000***

*Additional funds of up to **\$100,000** required to complete the project to be funded as per Councils Specified Area Rating Policy and the CEO implement the necessary procedures to expedite this action."*

The above Notice of Motion, **Motion 11020** was lost 4/5 as follows:

*That Council defers the Notice of Motion until the next Council meeting and refers this matter to the Chief Executive Officer so that a comprehensive report can be prepared in time for the Ordinary Meeting of Council on 28 July 2010.*

Superseding the above Motion 11020, again at the June Ordinary meeting, is **Motion 11023** carried 9/0 which reads:

*That this be tabled item until a Special Meeting can be called at the discretion of the President.*

Please note that at this time the minutes of the June meeting have not been formally confirmed as a true and accurate record.

#### Comment

#### **Community Meeting 30 June 2010**

The author and CEO Mr Sean Fletcher were invited to attend a Community Meeting on the 30<sup>th</sup> June 2010 at the Lake Grace Community Resource Centre regarding the Childcare project.

Mrs Narelle Hutter chaired the meeting with 44 people in attendance and 67 apologies noted. Crs Walker, Farrelly, Milton, Chappell and Armstrong were also in attendance.

Mrs Hutter presented a project proposal to all in attendance with which gave an overview of the Wongan Hills CubbyHouse Childcare project. This project was successfully planned and constructed with a high level of support given by the Shire of Wongan Ballidu, community groups, businesses, farm enterprises, individuals and other support. The author has researched this project since the meeting and established the CubbyHouse building was built for \$220,000.00 (GST excl) and the actual building itself is valued at \$400,000.00.

Mrs Hutter proposed that the Lake Grace project be resourced through:

- CLGF1 - Royalties for Regions Round One           \$200,000.00
- Community Pledges - as at 2 July 2010           \$8,000.00
- RCLIP grant – fencing                                 \$8,000.00
- GFSA – airconditioner (pending)                 \$5,000.00
- Community Care – (pending)                         \$7,000.00
- Material donations and labour

Shire of Lake Grace CEO, Mr Sean Fletcher, was then asked to respond to the proposal. Mr Fletcher suggested it was possible to set up a working group to facilitate this project consisting of community members and Shire staff.

Mrs Alison Dines read a letter from Lake Grace Community Care indicating that \$7,000.00 maybe available for the project. Community Care was set up to financially assist Cadence Lindley's family during her illness and sadly Cadence passed away in February 2010.

Following Mrs Hutter's project proposal the community meeting voted to unanimously support the development of a new multi-use permanent facility to support children and families within the Shire and its communities.

To facilitate the project, and in line with comments from CEO Mr Sean Fletcher, Mrs Hutter called for a working group to be formed to facilitate

a partnership between the community and the Shire to complete this project.

Three community members and two Shire staff were recommended to the working group as follows:

|                      |                          |
|----------------------|--------------------------|
| Mrs Narelle Hutter   | Community Representative |
| Mrs Alison Dines     | Community Representative |
| Mrs Gaillene Kennedy | Community Representative |
| Mr Wayne Trawinski   | Shire employee           |
| Mrs Nadene Owen.     | Shire employee           |

The Lake Grace Childcare (LGC) Working Group met on the 3<sup>rd</sup> July 2010 to finalise the project proposal that was endorsed at the Community Meeting on the evening of the 30<sup>th</sup> June 2010. The proposal is discussed under the section regarding the Project Plan.

### **Establishment of a Committee of Council**

As a result of the formation of the LGC Working Group, the author recommends that this group is now formally established as a Committee of Council.

A committee can be established by way of absolute majority under Part 5 Subdivision 2 of the *Local Government Act 1995*. Relevant sections include:

- s5.8: *Establishment of committees. Three or more persons. The proposed committee will have five members: Three from the community and two from staff.*
- s.5.9: *Type of committees: s5.9 (2)(e) – employees and other persons*
- s5.10: *Appointment of committee members*
- s5.11: *Tenure of committee membership.*
- s5.17: *Limits on delegations of powers and duties to certain committees. As this committee consists of community and staff, the matter of delegation is very restrictive. Accordingly, the terms of reference deals with the matter of delegation regarding certain matters to the Chief Executive Officer e.g. matters of decision for recommendation.*

### Terms of Reference

As such it is recommended that the Lake Grace Childcare Committee will operate in accordance with the following Terms of Reference:

1. TITLE  
The name of the Committee shall be Lake Grace Childcare Committee
2. PURPOSE  
The Committee will assist the Project Manager to coordinate and facilitate the construction and completion of the Lake Grace Childcare facility. The

Committee will also abide by regulatory requirements in all matters pertaining to building, health, safety and childcare compliance.

3. MEMBERSHIP

- The composition of the Committee shall be: three (3) community members and two (2) Shire employees.
- A quorum of two (2) community members and two (2) Shire employees must be present before a meeting can proceed.
- Internal or external persons may be invited to attend the meetings to provide advice and assistance where necessary.
- Decisions for recommendation to the Chief Executive Officer will be made by consensus.

4. VACANT POSITIONS

A vacant position will be filled with a like replacement on the committee.

5. DURATION OF MEETINGS

Meetings shall be held fortnightly, or more frequently as required.

6. FUNCTIONS

Functions of the Lake Grace Childcare Committee are to:

- Facilitate cooperation between the committee and community.
- Assist in resolution of matters relating to building of the facility that are not bound by lawful regulations.
- Consult with community and stakeholders as required.
- Review, and make recommendations on, the scope of works and resourcing on a fortnightly basis to the Chief Executive Officer.
- Ensure all persons involved in the project comply with regulatory requirements in all matters pertaining to building, health, safety and childcare compliance.
- Explore avenues to provide additional funding/resourcing for completion of the project.

**Project plan**

To date, the LGC Working Group has developed the following proposal in line with the Shire of Lake Grace Strategic Plan.

*Design Plan*

The design plan and construction method is in keeping with the originals proposal endorsed at Councils Ordinary Meeting on 25 November 2009 (see attachments). Construction will be timber frame, Colourbond roofing and external Colourbond/Hardiplank cladding. The design and fit out are required to comply with current *Child Care Services (Child Care) Regulations 2006, namely Division 3 – Requirements for place*. Any variation to the current concept plan will be to comply with the aforementioned regulations.

*Labour*

The Shire's Building Team Leader Mr Wayne Trawinski, is suitably qualified and has extensive experience in the proposed method of construction and would be designated Project Manager. He would also be assisted by a Mature Age Apprentice Carpenter and Apprentice Carpenter. This would see the Shire become owner/builders for the project in partnership with the LGC Working Group. As Project

Manager, Mr Trawinski would also coordinate volunteer labour committed, or pledged, to the project.

*Materials*

The LGC Working Group costed materials and planning for the project as summarised in Table Four. The materials will be sourced through list price items from local businesses, financial pledges or donated materials. Additional items required will be resourced through fundraising, grants or further pledge requests and coordinated by the LGC Working Group.

*Administrative Support*

Shire staff will provide financial and milestone reporting to LGC Working Group on a fortnightly basis, or as required. Purchasing and regulatory building and health requirements will also be provided by the Shire.

Accordingly, the project can proceed as follows:

| <b>Project Costings</b>            | <b>Amount \$</b>    |
|------------------------------------|---------------------|
| Materials and planning             | \$148,599.00        |
| Staff wages ( including overheads) | \$68,172.00         |
| Contingency                        | \$11,229.00         |
| <b>Total</b>                       | <b>\$228,000.00</b> |

**Table Four: Project Costings**

| <b>Project Income/Support</b>    | <b>Status</b> | <b>Amount \$</b>    |
|----------------------------------|---------------|---------------------|
| CLGF1 Shire of Lake Grace        | Committed     | \$200,000.00        |
| Community Pledges                | Committed     | \$8,000.00          |
| Community Care ( Cadence Linley) | Pending       | \$7,000.00          |
| RCLIP grant – fencing            | Committed     | \$8,000.00          |
| GFSA – Childcare                 | Pending       | \$5000.00           |
| <b>Total</b>                     |               | <b>\$228,000.00</b> |

**Table Five: Project Income/Support**

### **Needs Analysis**

At the end of the day, the Lake Grace Childcare project seeks to:

- Provide a multi-use permanent facility for early childhood programs and services to support children and families within the Shire and its communities.
- Facilitate economic development by providing suitable Child Care for families.
- Offer a facility that will also be available to support families who do not have extended family care.
- Multi-use facilities are proven to be more effective and sustainable than single use facilities.
- Community health and social objectives can be more readily addressed, and achieved, through a range of user groups.

The Gnowangerup Family Support Association (GFSA) mobile service has operated in the Shire of Lake Grace for more than 17 years and currently operates three days in Lake Grace and one day in Newdegate. The service does not operate during the school holiday period.

In Lake Grace, GFSA mobile service operates out of the Lake Grace Pavilion. This facility compromises the safety and care given to children as it is a highly utilised multi-purpose facility designed for sport, including a bar, changerooms and kitchen. This has been highlighted through non-compliance notices issued to the Shire in regards to licensing regulations and through harmful matters that have presented on a regular basis, e.g. broken glass, cigarette butts, beverage stained floor coverings, broken equipment, marked/stained internal fittings and miscellaneous hazards.

GFSA provides employment to 4-6 community members at Lake Grace (dependant on age-group bookings) and 4 community members at the Newdegate service. The service also hosts, and has hosted, local high school students with Structured Workplace Learning, Supported Work placement and work experience.

Lake Grace Playgroup representatives also indicated their desire to be part of a permanent facility to provide care and socialisation for children under five. They have operated out of the former Catholic Presbytery and presently out of the former Uniting Church. They operate on a Thursday and undertake other parent/child activities at other times.

Stakeholders have also identified a range of early learning/parental/child/family education activities and partnership programs that can be run from the centre. These could include, and not be limited to, YMCA Smart Start, Wheatbelt Primary Health Care, Southern Agcare, RRR network, Wheatbelt ACC, local Child Health Services.

### **Service provision and Usage:**

For the current service provision, a breakdown of licensing, bookings, enrolments, user by address and staffing is shown in Table One below.

Reasons stated by parents/guardians for use of the facility are: employment, business/personal appointments, social development/interaction and emergency, short term extended care (mental/physical/respite reasons).

| (2009/2010)   | Lake Grace | Newdegate |
|---|------------|-----------|
| <b>Licensing</b>  |            |           |
| Licensed to care for following number of children ( Note: Licensed for this number but limited by facility in Lake Grace) | 27         | 19        |
| <b>Bookings</b>   |            |           |
| Mondays   | 12-14      |           |
| Tuesday   | 14-16      |           |
| Wednesday   | 14-16      |           |
| Thursday  |            | 16        |
| <b>Current enrolments</b>   |            |           |
| Children  | 34         | 15        |
| Families  | 26         | 11        |
| <b>Users by address</b>   |            |           |
|   | Lake Grace | Newdegate |
|   | Newdegate  | Lake King |
|   | Tarin Rock | Varley    |
|   | Pingaring  |           |
|   | Pingrup    |           |
|   | Narrogin   |           |
|   | Perth      |           |
| <b>Mobile staff employed</b>  | 4-6        | 4         |

**Table One: Overview of current licensing, staffing, bookings, enrolments and user address 2009/2010**

Future service provision, in the new facility, by GFSA will continue as is, 3 days Lake Grace and 1 day Newdegate. When operational the facility will be utilised as follows:

GFSA: Monday, Tuesday, Wednesday  
 Lake Grace Playgroup: Thursday  
 Other stakeholders: Activities to be conducted out of hours use

| Description                                   | Amount             |
|---|--------------------|
| Maintenance – Labour (incl. overheads)        | \$555.00           |
| Maintenance – Materials                       | \$500.00           |
| Gas (incl. rental)                            | \$360.00           |
| Water   | \$880.00           |
| Electricity                                   | \$2,500.00         |
| Rates   | \$600.00           |
| ESL Levy                                      | \$50.00            |
| Pest Control                                  | \$200.00           |
| Cleaning                                      | \$2,990.00         |
| Maintenance provision – to be held in Reserve | \$2,000.00         |
| <b>Total</b>                                  | <b>\$10,635.00</b> |

**Table Two: Estimated Operational Costs Year One**

| Description          | Amount             |
|----------------------|--------------------|
| GFSA                 | \$7,680.00         |
| Lake Grace Playgroup | \$2,955.00         |
| <b>Total</b>         | <b>\$10,635.00</b> |

**Table Three: Proposal 1 Cost Recovery Fees –usage based**

| Description   | Charge             |
|---|--------------------|
| <p>Incorporated Childcare Committee<br/> Recommendation that an Incorporated Committee be formed to over see the management and all operational costs associated with the facility.</p> <p>The first year's rental is proposed to be charged at \$2000.00 per annum and increase thereafter by at least the CPI % per annum.</p> <p>The annual rental charge would be transferred into a reserve account to allow the Shire to undertake major maintenance of the facility.</p> <p>The committee would be responsible for all operational costs and charges including: water, power, gas, cleaning, operational maintenance, gardening, rubbish collection fee, emergency services levy, liability and contents insurance (Shire to insure building) and all hire fees.</p> |                    |
| Total   | <b>\$10,635.00</b> |

**Table Four: Proposal 2 Cost Recovery Fees – management based****Changes to Current Childcare funding models**

At present there are changes to the Neighborhood (state contracted) Occasional Care Services funding model. Discussions with Childcare providers and stakeholders indicate these changes do not affect the current service provided to the Shire of Lake Grace with GFSA.

GFSA are fully funded through the Commonwealth and operate as a Mobile Occasional Care Service. The Neighborhood (state contracted) Occasional Care model is funded by way of State and Commonwealth funds. At this time the Commonwealth funding component of the Neighborhood model is under review which has the ability to compromise services provision to 26-28 Childcare centres in Western Australia alone.

Legal Implications

- *Child Care Services (Child Care) Regulations 2006*
- *Building Code of Australia 2009*
- *Local Government (Miscellaneous Provisions) Act 1960: Building Regulations 1989*



- *Part 5 Subdivision 2 of the Local Government Act 1995 – Committees and their meetings. As stated in the main body of this report.*
- *Sections 5.42, 5.43, 5.44 and 5.45 deal with the matter of delegation.*

Policy Implications

Nil

Consultation

Internal: Sean Fletcher, Chief Executive Officer  
Peter Dittrich, Manager Corporate Services  
Wayne Trawinski, Building Team Leader  
Darryle Baxter, Shire Building Surveyor  
Joanne Morgan, Community Services Officer  
Isabelle Draffehn, Community Services Officer  
Council Information Sessions

External: Nola Poland, Project Officer, Wheatbelt Organisation for Children's Services.  
Carol Thomas, Childcare Services Officer, Department for Communities.  
Jan House, Director, Gnowangerup Family Support Association  
Gaillene Kennedy, Lake Grace Co-ordinator, Gnowangerup Family Support Association  
Amanda Trevenen, Community Representative  
Joe Douglas, Managing Partner/Town Planner, Urban and Rural Perspectives  
Dennis Pandeovski, Building Designer, Urban and Rural Perspectives  
Sue Middleton, Grassroots Consulting, Wongan Hills.  
Mrs Narelle Hutter, Community Representative  
Judith McDougall, Building Designer, Narrogin

Financial Implications

As per report information.

Strategic Implications

*Shire of Lake Grace Strategic Plan - Goal 2 Social and Community Wellbeing*

*Action 2.1.4: Lake Grace Childcare Facility - Priority 2*

Recommendation

That Council:

1. Reject all tenders for Tender 1/2010.
2. Proceed with the Lake Grace Childcare Centre Building Application as per motion 10909.
3. Authorises the Chief Executive Officer to proceed and complete the construction of the Lake Grace Childcare Centre project on an owner/builder basis. This includes:

- a. Ensuring that the Shire's contribution to this project does not exceed \$208,000 as per \$200,000 under CLGF1 and \$8,000 RLCIP;
  - b. Delegation to complete this project. Such delegation is to include:
    - i. The review and implementation as appropriate of recommendations made by the Lake Grace Childcare Committee; and
    - ii. The engagement of professional support during the life of this project as required.
4. Establish the Lake Grace Childcare Committee to assist with the completion of the Lake Grace Childcare project in conjunction with the Lake Grace Childcare Committee Terms of Reference as follows:

**TITLE**

The name of the Committee shall be Lake Grace Childcare Committee

**PURPOSE**

The Committee will assist the Project Manager to coordinate and facilitate the construction and completion of the Lake Grace Childcare facility. The Committee will also abide by regulatory requirements in all matters pertaining to building, health, safety and childcare compliance.

**MEMBERSHIP**

- The composition of the Committee shall be: three (3) community members and two (2) Shire employees.
- A quorum of two (2) community members and two (2) Shire employees must be present before a meeting can proceed.
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**VACANT POSITIONS**

A vacant position will be filled with a like replacement on the committee.

**DURATION OF MEETINGS**

Meetings shall be held fortnightly, or more frequently as required.

**FUNCTIONS**

Functions of the Lake Grace Childcare Committee are to:

- Facilitate cooperation between the committee and community.
- Assist in resolution of matters relating to building of the facility that are not bound by lawful regulations.
- Consult with community and stakeholders as required.
- Review, and make recommendations on, the scope of works and resourcing on a fortnightly basis to the Chief Executive Officer.
- Ensure all persons involved in the project comply with regulatory requirements in all matters pertaining to building, health, safety and childcare compliance.
- Explore avenues to provide additional funding/resourcing for completion of the project.

Voting Requirements

Absolute majority (5) required to reject all tenders, for the delegation to the CEO to complete this project and the establishment of the Lake Grace Childcare Committee.

Simple majority for all other requirements.

Resolution

**MOTION 11047**

Moved Cr Chamberlain  
Seconded Cr De Landgraft

That Council:

1. Reject all tenders for Tender 1/2010.
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This includes:

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  - i) The review and implementation as appropriate of recommendations made by the Lake Grace Childcare Committee; and
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The name of the Committee shall be Lake Grace Childcare Committee

**PURPOSE**

The Committee will assist the Project Manager to coordinate and facilitate the construction and completion of the Lake Grace Childcare facility. The Committee will also abide by regulatory requirements in all matters pertaining to building, health, safety and childcare compliance.

**MOTION 11047 continued**

**MEMBERSHIP**

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A quorum of two (2) community members and two (2) Shire employees must be present before a meeting can proceed.

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- Review, and make recommendations on, the scope of works and resourcing on a fortnightly basis to the Chief Executive Officer.
- Ensure all persons involved in the project comply with regulatory requirements in all matters pertaining to building, health, safety and childcare compliance.
- Explore avenues to provide additional funding/resourcing for completion of the project.

5. That any future maintenance and operational shortfalls in costs for the Lake Grace Childcare Centre be supported by a funding source other than the general rate.

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

**REASON FOR CHANGE**

***Council considered it important for the project to move forward, however has concerns regarding ongoing funding and maintenance of the Child Care Centre being put on the general rate.***

## **8.0 CLOSURE**

Prior to closing the meeting the Shire President advised Council with regret of the sad passing of former Councillor Ted Wright this past week. Ted was a Councillor for 14 years and his father before him served as Shire President. Their family came here during the 1960's and have always had huge involvement in all things community. Ted was the driving force in the South Lake Grace water pipeline which led on to other water pipelines being constructed. He is well know for always putting his heart and soul into whatever he did and will always be fondly remembered for his mouthful of cheek on whatever issue was at hand.

Cr Newman commented he had visited Ted last week – he was an institution where this Council is concerned, he was tough and as straight as they come and he himself had learned a lot from him.

A vote of sympathy was passed for the Wright family.

There being no further business, the Chairperson closed the meeting at 12.17 pm.

## **9.0 CERTIFICATION**

I Andrew James Walker certify that the minutes of the Special Meeting held on the 8 July 2010 as shown were confirmed as a true record at the meeting held on the 28 July 2010.

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Date