

SHIRE OF KELLERBERRIN
MINUTES OF ORDINARY COUNCIL MEETING

Minutes of the Ordinary Council Meeting held at the Shire of Kellerberrin Council Chamber, 110
Massingham Street Kellerberrin on Wednesday, 23rd October 2019, commencing at 2.10pm.

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISTORS

The Presiding Member opened the meeting at 2.10pm.

2. RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE

Present:

Cr. Forsyth	Shire President
Cr. O'Neill	Deputy Shire President
Cr. Steber	Member
Cr. McNeil	Member
Cr. Leake	Member
Cr. Talbot	Member
Mr Raymond Griffiths	Chief Executive Officer
Ms Kate Dudley	Deputy Chief Executive Officer
Mr Mick Jones	Manager of Works and Services
Mrs Natasha Giles	Community Development Officer (left the meeting at 2.48pm)
Mr Brett Taylor	Senior Finance Officer (left the meeting at 3.06pm)
Mr Lewis York	Town Planner

Apologies:

Cr Elect - Dennis Reid

Public:

Nil

Leave of Absence:

Nil

Agenda items 3, 4, 5 and 6 were conducted at the Special Council Meeting held on 23 October 2019 at 1.00pm.

3. ELECTION OF PRESIDENT

4. SWEARING IN OF PRESIDENT BEFORE THE CHIEF EXUCUTIVE OFFICER

5. ELECTION OF DEPUTY PRESIDENT

**6.SWEARING OF DEPUTY PRESIDENT BEFORE THE CHIEF EXUCUTIVE
OFFICER.**

7. RESPONSE TO PREVIOUS PUBLIC QUESTION TAKEN ON NOTICE:

Nil

8. PUBLIC QUESTION TIME:

Nil

9. APPLICATIONS FOR LEAVE OF ABSENCE:

Nil

10. DECLARATION OF INTEREST:

Nil

11. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

11.1 Shire of Kellerberrin Ordinary Council Meeting Minutes 17th September 2019

COUNCIL RESOLUTION

MIN171/19 MOTION: Moved Cr. McNeil 2nd Cr. Leake

That the minutes of the Shire of Kellerberrin Ordinary Council Meeting held on Tuesday 17th September 2019, be confirmed as a true and accurate record

CARRIED 6/0

11.2 Roadworks Advisory Committee Minutes 15th October 2019

COUNCIL RESOLUTION

MIN172/19 MOTION: Moved Cr.O'Neill 2nd Cr. Leake

That the minutes of the Roadworks Advisory Committee Meeting Minutes held on Tuesday 15th October 2019, be noted.

CARRIED 6/0

COUNCIL RESOLUTION

MIN173/19 MOTION: Moved Cr. McNeil 2nd Cr. O'Neill

That the minutes of the Bushfire Advisory Committee Meeting Minutes held on Wednesday 25th September 2019, be noted.

CARRIED 6/0

12. ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION

Nil

13. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

Nil

14. REPORTS OF COMMITTEES/COUNCILLORS

14.1 Reports of Committees/Councillors

MIN174/19 MOTION: Moved Cr. Steber 2nd Cr. Leake

That the Presidents Reports for September 2019 be received and noted.

CARRIED 6/0

14.2 Standing Orders

MIN175/19 MOTION: Moved Cr. Steber 2nd Cr. O'Neill

That Standing Order numbers 8.9 – Speaking Twice & 8.10 – Duration of Speeches be suspended for the duration of the meeting to allow for greater debate on items in the agenda.

CARRIED 6/0

15.1 CORPORATE SERVICES – AGENDA ITEM

Agenda Reference:	15.1.1
Subject:	Community Requests and Discussion Items
Location:	Shire of Kellerberrin
Applicant:	Shire of Kellerberrin - Council
File Ref:	Various
Disclosure of Interest:	N/A
Date:	1 st October, 2019
Author:	Mr Raymond Griffiths, Chief Executive Officer

BACKGROUND

Council during the Performance Appraisal process for the Chief Executive Officer requested time during the meeting to bring forward ideas, thoughts and points raised by the community.

September 2019 Council Meeting

MIN155/19 MOTION - Moved Cr. Reid 2nd Cr. O'Neill

That the council request the CEO to continue with daily checks on the skate park for leaves, sand etc.

August 2019 Council Meeting

MIN143/19 MOTION - Moved Cr. McNeil 2nd Cr. Steber

That Council directs the CEO to investigate the costs of installing solar panels at the doctor surgery and residence.

July 2019 Council Meeting

MIN118/19 MOTION - Moved Cr.Reid 2nd Cr. McNeil

That Council;

- 1. Submit the Shackleton Road Petition to the Minister for Transport with a “cc” to Hon. Darren West and Mia Davies; and***
- 2. Investigate and install roadside convex mirrors within car parks, subject to Main Roads approval.***

September MIN 161/19

Item noted

August MIN 143/19

1. Mick Jones sourcing Quotes for Council to review

1. Petitions were collected from Kellerberrin Townsite and submitted to the Minister for Transport and “cc’ to Hon. Rita Saffioti and Mia Davies on 5th August 2019. Response received from Minister Rita Savoroti advising effectively “No”, a response letter has been drafted and issued to the Minister 6th September 2019 as well as an email to Darren West.
2. Mirror isn’t supported by Main Roads. Council to have lines painted on the parking area to see if this assists.

FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

Financial Implications will be applicable depending on requests and decision of Council.

POLICY IMPLICATIONS

Policy Implications will depend on items brought forward by Council. During discussions the Policy Manual will be referred to prior to decision being finalised.

STATUTORY IMPLICATIONS

Local Government Act 1995 (as amended)

Section 2.7. The role of the council

- (1) The council —
 - (a) Directs and controls the local government’s affairs; and
 - (b) is responsible for the performance of the local government’s functions.
- (2) Without limiting subsection (1), the council is to —
 - (a) oversee the allocation of the local government’s finances and resources; and
 - (b) determine the local government’s policies.

Section 2.8. The role of the mayor or president

- (1) The mayor or president —
 - (a) presides at meetings in accordance with this Act;
 - (b) provides leadership and guidance to the community in the district;
 - (c) carries out civic and ceremonial duties on behalf of the local government;
 - (d) speaks on behalf of the local government;
 - (e) performs such other functions as are given to the mayor or president by this Act or any other written law; and
 - (f) liaises with the CEO on the local government’s affairs and the performance of its functions.
- (2) Section 2.10 applies to a councillor who is also the mayor or president and extends to a mayor or president who is not a councillor.

Section 2.9. The role of the deputy mayor or deputy president

The deputy mayor or deputy president performs the functions of the mayor or president when authorised to do so under section 5.34.

Section 2.10. The role of councillors

A councillor —

- (a) represents the interests of electors, ratepayers and residents of the district;
- (b) provides leadership and guidance to the community in the district;
- (c) facilitates communication between the community and the council;
- (d) participates in the local government's decision-making processes at council and committee meetings; and
- (e) performs such other functions as are given to a councillor by this Act or any other written law.

5.60. When person has an interest

For the purposes of this Subdivision, a relevant person has an interest in a matter if either —

- (a) the relevant person; or
- (b) a person with whom the relevant person is closely associated,

has —

- (c) a direct or indirect financial interest in the matter; or
- (d) a proximity interest in the matter.

[Section 5.60 inserted by No. 64 of 1998 s. 30.]

5.60A. Financial interest

For the purposes of this Subdivision, a person has a financial interest in a matter if it is reasonable to expect that the matter will, if dealt with by the local government, or an employee or committee of the local government or member of the council of the local government, in a particular way, result in a financial gain, loss, benefit or detriment for the person.

[Section 5.60A inserted by No. 64 of 1998 s. 30; amended by No. 49 of 2004 s. 50.]

5.60B. Proximity interest

- (1) For the purposes of this Subdivision, a person has a proximity interest in a matter if the matter concerns —
 - (a) a proposed change to a planning scheme affecting land that adjoins the person's land;
 - (b) a proposed change to the zoning or use of land that adjoins the person's land; or
 - (c) a proposed development (as defined in section 5.63(5)) of land that adjoins the person's land.
- (2) In this section, land (**the proposal land**) adjoins a person's land if —
 - (a) the proposal land, not being a thoroughfare, has a common boundary with the person's land;
 - (b) the proposal land, or any part of it, is directly across a thoroughfare from, the person's land; or
 - (c) the proposal land is that part of a thoroughfare that has a common boundary with the person's land.

- (3) In this section a reference to a person's land is a reference to any land owned by the person or in which the person has any estate or interest.

[Section 5.60B inserted by No. 64 of 1998 s. 30.]

5.61. Indirect financial interests

A reference in this Subdivision to an indirect financial interest of a person in a matter includes a reference to a financial relationship between that person and another person who requires a local government decision in relation to the matter.

5.62. Closely associated persons

- (1) For the purposes of this Subdivision a person is to be treated as being closely associated with a relevant person if —
- (a) the person is in partnership with the relevant person; or
 - (b) the person is an employer of the relevant person; or
 - (c) the person is a beneficiary under a trust, or an object of a discretionary trust, of which the relevant person is a trustee; or
 - (ca) the person belongs to a class of persons that is prescribed; or
 - (d) the person is a body corporate —
 - (i) of which the relevant person is a director, secretary or executive officer; or
 - (ii) in which the relevant person holds shares having a total value exceeding —
 - (I) the prescribed amount; or
 - (II) the prescribed percentage of the total value of the issued share capital of the company,whichever is less;
- or
- (e) the person is the spouse, de facto partner or child of the relevant person and is living with the relevant person; or
 - (ea) the relevant person is a council member and the person —
 - (i) gave a notifiable gift to the relevant person in relation to the election at which the relevant person was last elected; or
 - (ii) has given a notifiable gift to the relevant person since the relevant person was last elected;
- or
- (eb) the relevant person is a council member and since the relevant person was last elected the person —
 - (i) gave to the relevant person a gift that section 5.82 requires the relevant person to disclose; or
 - (ii) made a contribution to travel undertaken by the relevant person that section 5.83 requires the relevant person to disclose;
- or
- (f) the person has a relationship specified in any of paragraphs (a) to (d) in respect of the relevant person's spouse or de facto partner if the spouse or de facto partner is living with the relevant person.

- (2) In subsection (1) —

notifiable gift means a gift about which the relevant person was or is required by regulations under section 4.59(a) to provide information in relation to an election;

value, in relation to shares, means the value of the shares calculated in the prescribed manner or using the prescribed method.

5.63. Some interests need not be disclosed

- (1) Sections 5.65, 5.70 and 5.71 do not apply to a relevant person who has any of the following interests in a matter —
- (a) an interest common to a significant number of electors or ratepayers;
 - (b) an interest in the imposition of any rate, charge or fee by the local government;
 - (c) an interest relating to a fee, reimbursement of an expense or an allowance to which section 5.98, 5.98A, 5.99, 5.99A, 5.100 or 5.101(2) refers;
 - (d) an interest relating to the pay, terms or conditions of an employee unless —
 - (i) the relevant person is the employee; or
 - (ii) either the relevant person's spouse, de facto partner or child is the employee if the spouse, de facto partner or child is living with the relevant person;
 - [(e) *deleted*]
 - (f) an interest arising only because the relevant person is, or intends to become, a member or office bearer of a body with non-profit making objects;
 - (g) an interest arising only because the relevant person is, or intends to become, a member, office bearer, officer or employee of a department of the Public Service of the State or Commonwealth or a body established under this Act or any other written law; or
 - (h) a prescribed interest.

- (2) If a relevant person has a financial interest because the valuation of land in which the person has an interest may be affected by —
- (a) any proposed change to a planning scheme for any area in the district;
 - (b) any proposed change to the zoning or use of land in the district; or
 - (c) the proposed development of land in the district,

then, subject to subsection (3) and (4), the person is not to be treated as having an interest in a matter for the purposes of sections 5.65, 5.70 and 5.71.

- (3) If a relevant person has a financial interest because the valuation of land in which the person has an interest may be affected by —
- (a) any proposed change to a planning scheme for that land or any land adjacent to that land;
 - (b) any proposed change to the zoning or use of that land or any land adjacent to that land; or
 - (c) the proposed development of that land or any land adjacent to that land,

then nothing in this section prevents sections 5.65, 5.70 and 5.71 from applying to the relevant person.

- (4) If a relevant person has a financial interest because any land in which the person has any interest other than an interest relating to the valuation of that land or any land adjacent to that land may be affected by —
- (a) any proposed change to a planning scheme for any area in the district;
 - (b) any proposed change to the zoning or use of land in the district; or
 - (c) the proposed development of land in the district,

then nothing in this section prevents sections 5.65, 5.70 and 5.71 from applying to the relevant person.

- (5) A reference in subsection (2), (3) or (4) to the development of land is a reference to the development, maintenance or management of the land or of services or facilities on the land.

[Section 5.63 amended by No. 1 of 1998 s. 15; No. 64 of 1998 s. 32; No. 28 of 2003 s. 111; No. 49 of 2004 s. 52; No. 17 of 2009 s. 27.]

[5.64. Deleted by No. 28 of 2003 s. 112.]

5.65. Members' interests in matters to be discussed at meetings to be disclosed

- (1) A member who has an interest in any matter to be discussed at a council or committee meeting that will be attended by the member must disclose the nature of the interest —
- (a) in a written notice given to the CEO before the meeting; or
 - (b) at the meeting immediately before the matter is discussed.

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

- (2) It is a defence to a prosecution under this section if the member proves that he or she did not know —
- (a) that he or she had an interest in the matter; or
 - (b) that the matter in which he or she had an interest would be discussed at the meeting.
- (3) This section does not apply to a person who is a member of a committee referred to in section 5.9(2)(f).

5.66. Meeting to be informed of disclosures

If a member has disclosed an interest in a written notice given to the CEO before a meeting then —

- (a) before the meeting the CEO is to cause the notice to be given to the person who is to preside at the meeting; and
- (b) at the meeting the person presiding is to bring the notice and its contents to the attention of the persons present immediately before the matters to which the disclosure relates are discussed.

[Section 5.66 amended by No. 1 of 1998 s. 16; No. 64 of 1998 s. 33.]

5.67. Disclosing members not to participate in meetings

A member who makes a disclosure under section 5.65 must not —

- (a) preside at the part of the meeting relating to the matter; or
- (b) participate in, or be present during, any discussion or decision making procedure relating to the matter,

unless, and to the extent that, the disclosing member is allowed to do so under section 5.68 or 5.69.

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

5.68. Councils and committees may allow members disclosing interests to participate etc. in meetings

- (1) If a member has disclosed, under section 5.65, an interest in a matter, the members present at the meeting who are entitled to vote on the matter —
- (a) may allow the disclosing member to be present during any discussion or decision making procedure relating to the matter; and
 - (b) may allow, to the extent decided by those members, the disclosing member to preside at the meeting (if otherwise qualified to preside) or to participate in discussions and the decision making procedures relating to the matter if —
 - (i) the disclosing member also discloses the extent of the interest; and

- (ii) those members decide that the interest —
 - (I) is so trivial or insignificant as to be unlikely to influence the disclosing member's conduct in relation to the matter; or
 - (II) is common to a significant number of electors or ratepayers.
- (2) A decision under this section is to be recorded in the minutes of the meeting relating to the matter together with the extent of any participation allowed by the council or committee.
- (3) This section does not prevent the disclosing member from discussing, or participating in the decision making process on, the question of whether an application should be made to the Minister under section 5.69.

5.69. Minister may allow members disclosing interests to participate etc. in meetings

- (1) If a member has disclosed, under section 5.65, an interest in a matter, the council or the CEO may apply to the Minister to allow the disclosing member to participate in the part of the meeting, and any subsequent meeting, relating to the matter.
- (2) An application made under subsection (1) is to include —
 - (a) details of the nature of the interest disclosed and the extent of the interest; and
 - (b) any other information required by the Minister for the purposes of the application.
- (3) On an application under this section the Minister may allow, on any condition determined by the Minister, the disclosing member to preside at the meeting, and at any subsequent meeting, (if otherwise qualified to preside) or to participate in discussions or the decision making procedures relating to the matter if —
 - (a) there would not otherwise be a sufficient number of members to deal with the matter; or
 - (b) the Minister is of the opinion that it is in the interests of the electors or ratepayers to do so.
- (4) A person must not contravene a condition imposed by the Minister under this section.
Penalty: \$10 000 or imprisonment for 2 years.

[Section 5.69 amended by No. 49 of 2004 s. 53.]

5.69A. Minister may exempt committee members from disclosure requirements

- (1) A council or a CEO may apply to the Minister to exempt the members of a committee from some or all of the provisions of this Subdivision relating to the disclosure of interests by committee members.
- (2) An application under subsection (1) is to include —
 - (a) the name of the committee, details of the function of the committee and the reasons why the exemption is sought; and
 - (b) any other information required by the Minister for the purposes of the application.
- (3) On an application under this section the Minister may grant the exemption, on any conditions determined by the Minister, if the Minister is of the opinion that it is in the interests of the electors or ratepayers to do so.
- (4) A person must not contravene a condition imposed by the Minister under this section.
Penalty: \$10 000 or imprisonment for 2 years.

[Section 5.69A inserted by No. 64 of 1998 s. 34(1).]

5.70. Employees to disclose interests relating to advice or reports

- (1) In this section —

employee includes a person who, under a contract for services with the local government, provides advice or a report on a matter.

- (2) An employee who has an interest in any matter in respect of which the employee is providing advice or a report directly to the council or a committee must disclose the nature of the interest when giving the advice or report.
- (3) An employee who discloses an interest under this section must, if required to do so by the council or committee, as the case may be, disclose the extent of the interest.

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

5.71. Employees to disclose interests relating to delegated functions

If, under Division 4, an employee has been delegated a power or duty relating to a matter and the employee has an interest in the matter, the employee must not exercise the power or discharge the duty and —

- (a) in the case of the CEO, must disclose to the mayor or president the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter; and
- (b) in the case of any other employee, must disclose to the CEO the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter.

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

STRATEGIC PLAN IMPLICATIONS:

The Strategic Plan will be the driver and provide Guidance for Council in their decision making process for the community requests.

CORPORATE BUSINESS PLAN IMPLICATIONS

(Including Workforce Plan and Asset Management Plan Implications)

LONG TERM PLAN IMPLICATIONS: Nil (not applicable at this date and therefore unknown)

COMMUNITY CONSULTATION:

Council

Community Members

STAFF RECOMMENDATION

That Council note any requests or ideas to be actioned.

COUNCIL RESOLUTION

MIN176/19 MOTION - Moved Cr. Leake 2nd Cr. McNeil

That the Council;

- 1. Nominate Cr Forsyth for a position on LGAFG;***
- 2. Request that the CEO continue to monitor the pigeons at the senior citizens centre; and***
- 3. Request that the CEO to inspect the damaged pole at the entrance to the bridge replica.***

CARRIED 6/0

Agenda Reference:	15.1.2
Subject:	Status Report of Action Sheet
Location:	Shire of Kellerberrin
Applicant:	Shire of Kellerberrin - Council
File Ref:	Various
Disclosure of Interest:	N/A
Date:	3 rd October 2019
Author:	Raymond Griffiths, Chief Executive Officer

BACKGROUND

Council at its March 2017 Ordinary Meeting of Council discussed the use of Council's status report and its reporting mechanisms.

Council therefore after discussing this matter agreed to have a monthly item presented to Council regarding the Status Report which provides Council with monthly updates on officers' actions regarding decisions made at Council.

It can also be utilised as a tool to track progress on Capital projects.

COMMENT

This report has been presented to provide an additional measure for Council to be kept up to date with progress on items presented to Council or that affect Council.

Council can add extra items to this report as they wish.

The concept of the report will be that every action from Council's Ordinary and Special Council Meetings will be placed into the Status Report and only when the action is fully complete can the item be removed from the register. However the item is to be presented to the next Council Meeting shading the item prior to its removal.

This provides Council with an explanation on what has occurred to complete the item and ensure they are happy prior to this being removed from the report.

FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

Financial Implications will be applicable depending on the decision of Council. However this will be duly noted in the Agenda Item prepared for this specific action.

POLICY IMPLICATIONS

Policy Implications will be applicable depending on the decision of Council. However this will be duly noted in the Agenda Item prepared for this specific action.

STATUTORY IMPLICATIONS

Local Government Act 1995 (as amended)

Section 2.7. The role of the council

- (1) The council —
 - (a) Directs and controls the local government's affairs; and
 - (b) is responsible for the performance of the local government's functions.

- (2) Without limiting subsection (1), the council is to —
 - (a) oversee the allocation of the local government's finances and resources; and
 - (b) determine the local government's policies.

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- (1) The mayor or president —
 - (a) presides at meetings in accordance with this Act;
 - (b) provides leadership and guidance to the community in the district;
 - (c) carries out civic and ceremonial duties on behalf of the local government;
 - (d) speaks on behalf of the local government;
 - (e) performs such other functions as are given to the mayor or president by this Act or any other written law; and
 - (f) liaises with the CEO on the local government's affairs and the performance of its functions.
- (2) Section 2.10 applies to a councillor who is also the mayor or president and extends to a mayor or president who is not a councillor.

Section 2.9. The role of the deputy mayor or deputy president

The deputy mayor or deputy president performs the functions of the mayor or president when authorised to do so under section 5.34.

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A councillor —

- (a) represents the interests of electors, ratepayers and residents of the district;
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- (a) the relevant person; or
- (b) a person with whom the relevant person is closely associated,

has —

- (c) a direct or indirect financial interest in the matter; or
- (d) a proximity interest in the matter.

[Section 5.60 inserted by No. 64 of 1998 s. 30.]

5.60A. Financial interest

For the purposes of this Subdivision, a person has a financial interest in a matter if it is reasonable to expect that the matter will, if dealt with by the local government, or an employee or committee of the local government or member of the council of the local government, in a particular way, result in a financial gain, loss, benefit or detriment for the person.

[Section 5.60A inserted by No. 64 of 1998 s. 30; amended by No. 49 of 2004 s. 50.]

5.60B. Proximity interest

- (1) For the purposes of this Subdivision, a person has a proximity interest in a matter if the matter concerns —
 - (a) a proposed change to a planning scheme affecting land that adjoins the person's land;
 - (b) a proposed change to the zoning or use of land that adjoins the person's land; or
 - (c) a proposed development (as defined in section 5.63(5)) of land that adjoins the person's land.
- (2) In this section, land (**the proposal land**) adjoins a person's land if —
 - (a) the proposal land, not being a thoroughfare, has a common boundary with the person's land;
 - (b) the proposal land, or any part of it, is directly across a thoroughfare from, the person's land; or
 - (c) the proposal land is that part of a thoroughfare that has a common boundary with the person's land.
- (3) In this section a reference to a person's land is a reference to any land owned by the person or in which the person has any estate or interest.

[Section 5.60B inserted by No. 64 of 1998 s. 30.]

5.61. Indirect financial interests

A reference in this Subdivision to an indirect financial interest of a person in a matter includes a reference to a financial relationship between that person and another person who requires a local government decision in relation to the matter.

5.62. Closely associated persons

- (1) For the purposes of this Subdivision a person is to be treated as being closely associated with a relevant person if —
 - (a) the person is in partnership with the relevant person; or
 - (b) the person is an employer of the relevant person; or
 - (c) the person is a beneficiary under a trust, or an object of a discretionary trust, of which the relevant person is a trustee; or
 - (ca) the person belongs to a class of persons that is prescribed; or
 - (d) the person is a body corporate —
 - (i) of which the relevant person is a director, secretary or executive officer; or
 - (ii) in which the relevant person holds shares having a total value exceeding —
 - (I) the prescribed amount; or
 - (II) the prescribed percentage of the total value of the issued share capital of the company,whichever is less;
or
 - (e) the person is the spouse, de facto partner or child of the relevant person and is living with the relevant person; or
 - (ea) the relevant person is a council member and the person —
 - (i) gave a notifiable gift to the relevant person in relation to the election at which the relevant person was last elected; or
 - (ii) has given a notifiable gift to the relevant person since the relevant person was last elected;

or

- (eb) the relevant person is a council member and since the relevant person was last elected the person —
 - (i) gave to the relevant person a gift that section 5.82 requires the relevant person to disclose; or
 - (ii) made a contribution to travel undertaken by the relevant person that section 5.83 requires the relevant person to disclose;

or

- (f) the person has a relationship specified in any of paragraphs (a) to (d) in respect of the relevant person's spouse or de facto partner if the spouse or de facto partner is living with the relevant person.

- (2) In subsection (1) —

notifiable gift means a gift about which the relevant person was or is required by regulations under section 4.59(a) to provide information in relation to an election;

value, in relation to shares, means the value of the shares calculated in the prescribed manner or using the prescribed method.

[Section 5.62 amended by No. 64 of 1998 s. 31; No. 28 of 2003 s. 110; No. 49 of 2004 s. 51; No. 17 of 2009 s. 26.]

5.63. Some interests need not be disclosed

- (1) Sections 5.65, 5.70 and 5.71 do not apply to a relevant person who has any of the following interests in a matter —
 - (a) an interest common to a significant number of electors or ratepayers;
 - (b) an interest in the imposition of any rate, charge or fee by the local government;
 - (c) an interest relating to a fee, reimbursement of an expense or an allowance to which section 5.98, 5.98A, 5.99, 5.99A, 5.100 or 5.101(2) refers;
 - (d) an interest relating to the pay, terms or conditions of an employee unless —
 - (i) the relevant person is the employee; or
 - (ii) either the relevant person's spouse, de facto partner or child is the employee if the spouse, de facto partner or child is living with the relevant person;
 - [(e) deleted]*
 - (f) an interest arising only because the relevant person is, or intends to become, a member or office bearer of a body with non-profit making objects;
 - (g) an interest arising only because the relevant person is, or intends to become, a member, office bearer, officer or employee of a department of the Public Service of the State or Commonwealth or a body established under this Act or any other written law; or
 - (h) a prescribed interest.
- (2) If a relevant person has a financial interest because the valuation of land in which the person has an interest may be affected by —
 - (a) any proposed change to a planning scheme for any area in the district;
 - (b) any proposed change to the zoning or use of land in the district; or
 - (c) the proposed development of land in the district,

then, subject to subsection (3) and (4), the person is not to be treated as having an interest in a matter for the purposes of sections 5.65, 5.70 and 5.71.

- (3) If a relevant person has a financial interest because the valuation of land in which the person has an interest may be affected by —
- (a) any proposed change to a planning scheme for that land or any land adjacent to that land;
 - (b) any proposed change to the zoning or use of that land or any land adjacent to that land; or
 - (c) the proposed development of that land or any land adjacent to that land,

then nothing in this section prevents sections 5.65, 5.70 and 5.71 from applying to the relevant person.

- (4) If a relevant person has a financial interest because any land in which the person has any interest other than an interest relating to the valuation of that land or any land adjacent to that land may be affected by —
- (a) any proposed change to a planning scheme for any area in the district;
 - (b) any proposed change to the zoning or use of land in the district; or
 - (c) the proposed development of land in the district,

then nothing in this section prevents sections 5.65, 5.70 and 5.71 from applying to the relevant person.

- (5) A reference in subsection (2), (3) or (4) to the development of land is a reference to the development, maintenance or management of the land or of services or facilities on the land.

[Section 5.63 amended by No. 1 of 1998 s. 15; No. 64 of 1998 s. 32; No. 28 of 2003 s. 111; No. 49 of 2004 s. 52; No. 17 of 2009 s. 27.]

[5.64.] Deleted by No. 28 of 2003 s. 112.]

5.65. Members' interests in matters to be discussed at meetings to be disclosed

- (1) A member who has an interest in any matter to be discussed at a council or committee meeting that will be attended by the member must disclose the nature of the interest —
- (a) in a written notice given to the CEO before the meeting; or
 - (b) at the meeting immediately before the matter is discussed.

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

- (2) It is a defence to a prosecution under this section if the member proves that he or she did not know —
- (a) that he or she had an interest in the matter; or
 - (b) that the matter in which he or she had an interest would be discussed at the meeting.

- (3) This section does not apply to a person who is a member of a committee referred to in section 5.9(2)(f).

5.66. Meeting to be informed of disclosures

If a member has disclosed an interest in a written notice given to the CEO before a meeting then —

- (a) before the meeting the CEO is to cause the notice to be given to the person who is to preside at the meeting; and
- (b) at the meeting the person presiding is to bring the notice and its contents to the attention of the persons present immediately before the matters to which the disclosure relates are discussed.

[Section 5.66 amended by No. 1 of 1998 s. 16; No. 64 of 1998 s. 33.]

5.67. Disclosing members not to participate in meetings

A member who makes a disclosure under section 5.65 must not —

- (a) preside at the part of the meeting relating to the matter; or
- (b) participate in, or be present during, any discussion or decision making procedure relating to the matter,

unless, and to the extent that, the disclosing member is allowed to do so under section 5.68 or 5.69.

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

5.68. Councils and committees may allow members disclosing interests to participate etc. in meetings

- (1) If a member has disclosed, under section 5.65, an interest in a matter, the members present at the meeting who are entitled to vote on the matter —
 - (a) may allow the disclosing member to be present during any discussion or decision making procedure relating to the matter; and
 - (b) may allow, to the extent decided by those members, the disclosing member to preside at the meeting (if otherwise qualified to preside) or to participate in discussions and the decision making procedures relating to the matter if —
 - (i) the disclosing member also discloses the extent of the interest; and
 - (ii) those members decide that the interest —
 - (I) is so trivial or insignificant as to be unlikely to influence the disclosing member's conduct in relation to the matter; or
 - (II) is common to a significant number of electors or ratepayers.
- (2) A decision under this section is to be recorded in the minutes of the meeting relating to the matter together with the extent of any participation allowed by the council or committee.
- (3) This section does not prevent the disclosing member from discussing, or participating in the decision making process on, the question of whether an application should be made to the Minister under section 5.69.

5.69. Minister may allow members disclosing interests to participate etc. in meetings

- (1) If a member has disclosed, under section 5.65, an interest in a matter, the council or the CEO may apply to the Minister to allow the disclosing member to participate in the part of the meeting, and any subsequent meeting, relating to the matter.
- (2) An application made under subsection (1) is to include —
 - (a) details of the nature of the interest disclosed and the extent of the interest; and
 - (b) any other information required by the Minister for the purposes of the application.
- (3) On an application under this section the Minister may allow, on any condition determined by the Minister, the disclosing member to preside at the meeting, and at any subsequent meeting, (if otherwise qualified to preside) or to participate in discussions or the decision making procedures relating to the matter if —
 - (a) there would not otherwise be a sufficient number of members to deal with the matter; or
 - (b) the Minister is of the opinion that it is in the interests of the electors or ratepayers to do so.
- (4) A person must not contravene a condition imposed by the Minister under this section.

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

[Section 5.69 amended by No. 49 of 2004 s. 53.]

5.69A. Minister may exempt committee members from disclosure requirements

- (1) A council or a CEO may apply to the Minister to exempt the members of a committee from some or all of the provisions of this Subdivision relating to the disclosure of interests by committee members.
- (2) An application under subsection (1) is to include —
 - (a) the name of the committee, details of the function of the committee and the reasons why the exemption is sought; and
 - (b) any other information required by the Minister for the purposes of the application.
- (3) On an application under this section the Minister may grant the exemption, on any conditions determined by the Minister, if the Minister is of the opinion that it is in the interests of the electors or ratepayers to do so.
- (4) A person must not contravene a condition imposed by the Minister under this section.
Penalty: \$10 000 or imprisonment for 2 years.

[Section 5.69A inserted by No. 64 of 1998 s. 34(1).]

5.70. Employees to disclose interests relating to advice or reports

- (1) In this section —
employee includes a person who, under a contract for services with the local government, provides advice or a report on a matter.
- (2) An employee who has an interest in any matter in respect of which the employee is providing advice or a report directly to the council or a committee must disclose the nature of the interest when giving the advice or report.
- (3) An employee who discloses an interest under this section must, if required to do so by the council or committee, as the case may be, disclose the extent of the interest.
Penalty: \$10 000 or imprisonment for 2 years.

5.71. Employees to disclose interests relating to delegated functions

If, under Division 4, an employee has been delegated a power or duty relating to a matter and the employee has an interest in the matter, the employee must not exercise the power or discharge the duty and —

- (a) in the case of the CEO, must disclose to the mayor or president the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter; and
- (b) in the case of any other employee, must disclose to the CEO the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter.

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

STRATEGIC PLAN IMPLICATIONS:

The Strategic Plan will be the driver and provide Guidance for Council in their decision making process for the community requests.

CORPORATE BUSINESS PLAN IMPLICATIONS (Including Workforce Plan and Asset Management Plan Implications)

LONG TERM PLAN IMPLICATIONS: Nil (not applicable at this date and therefore unknown)

COMMUNITY CONSULTATION:

Chief Executive Officer
Deputy Chief Executive Officer
Manager Works and Services
Council Staff
Council
Community Members.

STAFF RECOMMENDATION

That Council receives the Status Report.

COUNCIL RESOLUTION

MIN177/19 MOTION - Moved Cr. Steber 2nd Cr. O'Neill

That Council receives the Status Report.

CARRIED 6/0

2.48pm *At this time the Community Development Officer left the meeting.*

3.06pm *At this time the Senior Finance Officer left the meeting.*

Agenda Reference:	15.1.3
Subject:	WALGA Constitution Amendments.
Location:	WALGA
Applicant:	Wheatbelt Eastern Regional Organisation Council
File Ref:	
Disclosure of Interest:	N/A
Date:	15 th October 2019
Author:	Mr Raymond Griffiths, Chief Executive Officer

BACKGROUND

WEROC Executive Committee Meeting – Wednesday 25th September 2019 - AGENDA

5.2 The Future Governance for WEROC – Development of the WEROC Constitution

Executive Officer's Report:

The development of a new constitution was considered at the WEROC Council Meeting held Wednesday 26 June 2019 at which time it was resolved as shown below:

RESOLUTION: *Moved: Mr Griffiths Seconded: Cr Forsyth*

That the Shire of Tammin be approached to ascertain whether the Shire may wish to join/rejoin WEROC.

CARRIED

RESOLUTION: *Moved: Cr Strange Seconded: Mr Criddle*

That:

- 1. The Executive Officer's Report be received;*
- 2. Two members from each local government be appointed by the individual Member Councils to the WEROC Committee and the draft constitution be amended to reflect that arrangement in regard to membership;*
- 3. A draft constitution be developed and referred to Member Councils for comment prior to the WEROC Council Meeting on 21 August 2019; and*
- 4. The WEROC Executive Committee only meet on an as needs basis.*

CARRIED

The Shire of Tammin accepted WEROC's invitation to attend the August WEROC Council Meeting.

A draft constitution was prepared as per the above resolution and forwarded to Member Councils on Wednesday 31 July 2019 with a request that the draft be considered by Member Councils at their August meetings. Following discussions with the WEROC CEO during the 2019 WALGA Convention it was determined that further work on the constitution was required, specifically to include wording from the Warren Blackwood Alliance of Councils (WBAC) Constitution. Work on redrafting the constitution was not completed sufficiently for consideration at the August WEROC Council Meeting.

A draft based on the WEROC CEOs requirements form an attachment to the meeting agenda as does a copy of WEROC's current MoU.

In working through the draft constitution, it should be recognised that the objectives, purpose and functions/powers of the WBAC constitution and repurposed into the attached draft of the WEROC Constitution are quite different to those articulated in the current WEROC MoU.

In preparing the draft the Executive Officer has also included wording that takes into account WEROC's decision with respect to membership of WEROC once incorporated. At the WEROC Council Meeting held Wednesday 26 June 2019 it was resolved as follows:

RESOLUTION: **Moved: Cr Strange Seconded: Mr Criddle**

That:

- 1. The Executive Officer's Report be received;**
- 2. Two members from each local government be appointed by the individual Member Councils to the WEROC Committee and the draft constitution be amended to reflect that arrangement in regard to membership;**
- 3. A draft constitution be developed and referred to Member Councils for comment prior to the WEROC Council Meeting on 21 August 2019; and**
- 4. The WEROC Executive Committee only meet on an as needs basis.**

CARRIED

COMMENT

WEROC has previously been in operation in conjunction with Wheatbelt Communities Inc. It has been decided that the group should only have one representation as we seem to be repeating and running the two side by side with additional administration costs.

Therefore WEROC have elected to rename Wheatbelt Communities Inc to enable the five Council's to run as WEROC under a constitution that provides flexibility in operations.

The Executive at the 25th September 2019 adopted the following Recommendation regarding the proposed WEROC Constitution:

RESOLUTION: **Moved: Raymond Griffiths Seconded: Jamie Criddle**

That the draft WEROC Constitution be accepted, subject to the changes detailed below, as presented and referred to Member Councils for comment.

Clause 6.4 to read:

- 6.4 *Representatives qualifications***
Representatives of Local Governments must be sitting Councilors or the Chief Executive Officer and must be approved by WEROC Board.

A new clause be added to cover the financial contribution to be made by new members on their joining WEROC:

- 10.2 *Financial Contributions by New Members***
Where a new member is admitted to WEROC, a financial contribution to be made by the new member, in addition to the annual financial contribution, will be as determined by the Board.

Clause 14.2 to be simplified:

- 14.2 *Where a vacancy on the Board occurs after 31 March in any year:***
(a) the position can remain vacant until the next Annual General Meeting or;
(b) an election to fill the vacancy is to take place at a Special meeting called for that purpose.

Clause 15.2 to read:

- 15.2 *Notice of Meeting***

Notice of a meeting of the Board, stating the business of the meeting and including reports and supporting documentation must be given by the Executive Officer to each representative at least 5 business days prior to the meeting.

Clause 16.1 to read:

16.1 Executive Officer Appointed

The Board is empowered to appoint an Executive Officer for a contract period not exceeding five years or to remove an Executive Officer from WEROC and to decide upon his or her remuneration and duties. The contract of an Executive Officer so appointed may be renewed from time to time at the discretion of the Board.

CARRIED

Note: The revised draft to be provided will also include any numbering or consequential changes that arise from implementing the above changes requested by the WEROC Executive.

FINANCIAL IMPLICATIONS - Nil

POLICY IMPLICATIONS - Nil

STATUTORY IMPLICATIONS: Nil (not known at this time – decision making processes)

STRATEGIC PLAN IMPLICATIONS: Nil (not known at this time)

FUTURE PLAN IMPLICATIONS: Nil (not known at this time)

COMMUNITY CONSULTATION: Nil (elected body to determine)

ABSOLUTE MAJORITY REQUIRED – No

STAFF RECOMMENDATION

That Council endorses the WEROC Draft constitution received and instructs Council's delegates to vote accordingly.

COUNCIL RESOLUTION

MIN178/19 MOTION - Moved Cr. McNeil

2nd Cr. Leake

That Council endorses the WEROC Draft constitution received and instructs Council's delegates to vote accordingly

CARRIED 6/0

Agenda Reference:	15.1.4
Subject:	Annual Christmas/New Year Office Closure
Location:	Shire of Kellerberrin
Applicant:	Shire of Kellerberrin
File Ref:	PUB-02
Disclosure of Interest:	N/A
Date:	3 rd October, 2019
Author:	Mr Raymond Griffiths, Chief Executive Officer

BACKGROUND

Council's October 2018 Ordinary Meeting of Council
--

MIN 184/18 MOTION - Moved Cr. Leake 2nd Cr. O'Neill

That Council approve the closure of the Administration Office for the following inclusive dates over the Christmas/New Year Holiday period and that the local advertising be completed;

<i>Friday, 21st December, 2018</i>	<i>RDO/Annual Leave</i>
<i>Monday, 24th December, 2018</i>	<i>RDO/Annual Leave</i>
<i>Tuesday, 25th December, 2018</i>	<i>Public Holiday (Christmas Day)</i>
<i>Wednesday, 26th December, 2018</i>	<i>Public Holiday (Boxing Day)</i>
<i>Thursday, 27th December, 2018</i>	<i>RDO/Annual Leave</i>
<i>Friday, 28th December, 2018</i>	<i>RDO/Annual Leave</i>
<i>Monday, 31st December, 2018</i>	<i>Public Service Holiday</i>
<i>Tuesday, 1st January, 2019</i>	<i>Public Holiday (New Years Days)</i>

CARRIED 6/0

Council's October 2017 Ordinary Meeting of Council
--

MIN 180/17 MOTION - Moved Cr. White 2nd Cr. Leake

That Council approve the closure of the Administration Office for the following inclusive dates over the Christmas/New Year Holiday period and that local advertising be completed;

<i>Friday, 22nd December 2017</i>	<i>Public Service Day</i>
<i>Monday, 25th December 2017</i>	<i>Public Holiday (Christmas Day)</i>
<i>Tuesday, 26th December 2017</i>	<i>Public Holiday (Boxing Day)</i>
<i>Wednesday, 27th December 2017</i>	<i>RDO/Annual Leave</i>
<i>Thursday, 28th December 2017</i>	<i>RDO/Annual Leave</i>
<i>Friday, 29th December 2017</i>	<i>RDO/Annual Leave</i>
<i>Monday, 1st January 2018</i>	<i>Public Holiday (New Year's Day)</i>

CARRIED 7/0

Council's October 2016 Ordinary Meeting of Council
--

MIN 165/16 MOTION - Moved Cr. O'Neill 2nd Cr. McNeil

That Council approve the closure of the Administration Office for the following inclusive dates over the Christmas/New Year Holiday period and that local advertising be completed;

Friday, 23rd December 2016
Monday, 26th December 2016
Tuesday, 27th December 2016
Wednesday, 28th December 2016
Thursday, 29th December 2016
Friday, 30th December 2016
Monday, 2nd January 2017

Public Service Day
Public Holiday (Christmas Day)
Public Holiday (Boxing Day)
RDO/Annual Leave
RDO/Annual Leave
RDO/Annual Leave
Public Holiday (New Year's Day)

CARRIED 6/0

Council has previously, kindly considered an application from staff to close the Administration Office during the Christmas/New Year period. This has been considered and approved by the Council in consideration of the low level of business expected to be transacted an staff reducing any Time in Lieu provisions and Rostered Days Off entitlements for the month of December and/or January.

COMMENT

The Christmas/New Year period gazetted Public Holidays are as follows:

Christmas Day	Wednesday 25 th December 2019
Boxing Day	Thursday 26 th December 2019
Service Holiday (in Lieu)	Tuesday 24 th December 2019
New Year's Day	Wednesday 1 st January 2020

The days in question, are the days in between Christmas and New Years i.e Friday 20th December 2019 through to Tuesday 31st December 2019. The additional holiday "in lieu", which Local Government employees are entitled to can be utilised on one of these five days, should Council approve the proposal. This decreases the "juggling" of rosters and staffing levels to provide for the additional days. The remaining four days can be taken as either flexitime, Rostered Day Off (RDO), Annual Leave or Time in Lieu entitlements.

The practice of closing the Office of Council is a common one for the small rural local governments and, given the expected low level or demand for Council Business to be conducted, it is a sincere request from the Staff to have the Office closed for travelling to families for the festive period.

In addition, should Council approve, extensive local advertising in local newsletters and an notice included with creditor payments will provide sufficient notice of the office closure, should Council approve the request. Emergency contacts for Council staff will be provided for the inclusion in all notices of local advertising.

FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

Nil – against Council's Budget, other than normal entitlements for staff, in reference to Annual Leave and Rostered Days Off, debits and a small cost for local advertising.

POLICY IMPLICATIONS

Public Service Days		POLICY 4.30
PURPOSE	To allow Council employees the entitlement to two Public Service Days per year.	

POLICY	<p>Those Council employees are entitled to two Public Service Days per year. These days will be incorporated into the Christmas/New Year and Easter breaks.</p> <p>Public Service Days should be taken during the Christmas/New Year and Easter breaks. Subject to work rosters the day in lieu must be taken within a fortnight of it falling due.</p> <p>The Chief Executive Officer is responsible for implementing this policy.</p>
DATE OF ADOPTION: December 2010 AMENDED: October 2014	

STATUTORY IMPLICATIONS

Nil, other than to, advertise the closure of normal Council business during the described period.

STRATEGIC COMMUNITY PLAN IMPLICATIONS:

Nil

CORPORATE BUSINESS PLAN IMPLICATIONS

(Including Workforce Plan and Asset Management Plan Implications)

Nil

LONG TERM PLAN IMPLICATIONS:

Nil

COMMUNITY CONSULTATION:

Nil

STAFF RECOMMENDATION

That Council approve the closure of the Administration Office for the following inclusive dates over the Christmas/New Year Holiday period and that the local advertising be completed;

<i>Monday, 23rd December, 2019</i>	<i>RDO/Annual Leave</i>
<i>Tuesday, 24th December, 2019</i>	<i>Public Service Holiday</i>
<i>Wednesday, 25th December, 2019</i>	<i>Public Holiday (Christmas Day)</i>
<i>Thursday, 26th December, 2019</i>	<i>Public Holiday (Boxing Day)</i>
<i>Friday, 27th December, 2019</i>	<i>RDO/Annual Leave</i>
<i>Monday, 30th December, 2019</i>	<i>RDO/Annual Leave</i>
<i>Tuesday, 31st January, 2019</i>	<i>RDO/Annual Leave</i>
<i>Wednesday, 1st January, 2019</i>	<i>Public Holiday (New Years Days)</i>

COUNCIL RESOLUTION

MIN179/19 MOTION - Moved Cr. O'Neill 2nd Cr. McNeil

That Council approve the closure of the Administration Office for the following inclusive dates over the Christmas/New Year Holiday period and that the local advertising be completed;

<i>Monday, 23rd December, 2019</i>	<i>RDO/Annual Leave</i>
<i>Tuesday, 24th December, 2019</i>	<i>Public Service Holiday</i>
<i>Wednesday, 25th December, 2019</i>	<i>Public Holiday (Christmas Day)</i>
<i>Thursday, 26th December, 2019</i>	<i>Public Holiday (Boxing Day)</i>
<i>Friday, 27th December, 2019</i>	<i>RDO/Annual Leave</i>
<i>Monday, 30th December, 2019</i>	<i>RDO/Annual Leave</i>
<i>Tuesday, 31st January, 2019</i>	<i>RDO/Annual Leave</i>
<i>Wednesday, 1st January, 2019</i>	<i>Public Holiday (New Years Days)</i>

CARRIED 6/0

Agenda Reference:	15.1.5
Subject:	Staff and Council Christmas Party Function
Location:	Shire of Kellerberrin
Applicant:	Shire of Kellerberrin
File Ref:	PUB-00
Disclosure of Interest:	N/A
Date:	3 rd October, 2019
Author:	Mr Raymond Griffiths, Chief Executive Officer

BACKGROUND

Previously Council has resolved the following in relation to its annual Christmas function:

2018 Christmas Party Function

MIN 183/18 MOTION - Moved Cr. Steber 2nd Cr. Reid

That Council host its Christmas Party Function for Councillors, Staff and Families at the ex-golf club clubhouse on Thursday the 20th December 2018 as a barbeque function commencing at 6.00pm

CARRIED 6/0

2017 Christmas Party Function

MIN 182/17 MOTION - Moved Cr. Leake 2nd Cr. O'Neill

That Council:

- 1. Host a Christmas Party Function at the ex-golf club clubhouse on Thursday the 21st December 2017 as a barbeque function commencing at 6.00pm.*

CARRIED 7/0

2016 Christmas Party Function

MIN 166/16 MOTION - Moved Cr. O'Neill 2nd Cr. White

That Council hosts a Christmas Party Function for Staff, Councillors and Families, at the ex-golf club clubhouse on Thursday the 22nd December 2016 as a barbeque function commencing at 6.00pm.

CARRIED 6/0

2015 Christmas Party Function

MIN 169/15 MOTION - Moved Cr. Steber 2nd Cr. Reid

That Council

- 1. Host a Christmas Party Function at the Ex-Golf Club Clubhouse on Wednesday the 23rd December 2015 as a barbecue function commencing at 6.00pm.*

CARRIED 6/0

2014 Christmas Party Function

MIN 141/14 MOTION - Moved Cr. Steber 2nd Cr. Bee

That Council

- 1. Host a Christmas Party Function at the Ex-Golf Club Clubhouse on Tuesday the 23rd December 2014 as a barbecue function commencing at 6.00pm.***
- 2. Incorporates Mr Tom Applegate and Mr Trevor Galvin retirement function, within the same event.***

CARRIED 7/0

2013 Christmas Party Function

MIN 166/13 MOTION - Moved Cr. Clarke 2nd Cr. Daley

That Council

- 1. Host a Christmas Party Function at the Shire Office on Friday 6th December 2013 as a barbeque function commencing at 6.00pm***

CARRIED 6/0

2012 Christmas Party Function

MIN 202/12 MOTION - Moved Cr. O'Neill 2nd Cr. Daley

That Council

- 1. Host a Christmas Party Function at the Shire Office on Friday 13th December 2012 as a barbeque function commencing at 6.00pm***

CARRIED 6/0

2011 Christmas Party Function

MIN 232/11 MOTION - Moved Cr. Bee 2nd Cr. O'Neill

That Council

- 1. Host a Christmas Party Function at the Shire Office on Thursday 15th December 2011 as a barbeque function commencing at 6.00pm***

CARRIED 5/0

2010 Christmas Party Function

Item did not got to Council

COMMENTS

Whilst Council is under no obligation to do so, it has become traditional for Council to host a combined Christmas function that is enjoyed by elected members, staff and their families. It is suggested that a barbeque function be held at the ex-golf club clubhouse along similar timelines to previous years through consideration may need to be given to the day Council holds the function.

Generally, a barbeque is well received, easy to cater and organise and extremely cost effective.

FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

Cost of Christmas Function.

2019/2020 Budget Document

041051 Refreshments and Receptions – Budget Allocation \$18,000

\$8,000 for Council Meetings (including Committee & Community Meetings)

\$8,000 for Council Functions – Christmas Function, Citizenship Ceremonies.

\$2,000 for Other costs.

POLICY IMPLICATIONS

Nil

STATUTORY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN IMPLICATIONS:

Nil

CORPORATE BUSINESS PLAN IMPLICATIONS

(Including Workforce Plan and Asset Management Plan Implications)

Nil

LONG TERM PLAN IMPLICATIONS:

Nil

COMMUNITY CONSULTATION:

Nil

STAFF RECOMMENDATION

That Council:

- 1. Host a Christmas Party Function at the ex-golf club clubhouse on Friday 20th December 2019 as a barbeque function commencing at 6.00pm*

COUNCIL RESOLUTION

MIN180/19 MOTION - Moved Cr. Leake 2nd Cr. Talbot

That Council host a Christmas Party Function at the ex-golf club clubhouse on Friday 20th December 2019 as a barbeque function commencing at 6.00pm

CARRIED 6/0

Agenda Reference:	15.1.6
Subject:	Council Meeting Dates 2020 – Public Notice
Location:	Shire of Kellerberrin -
Applicant:	Shire of Kellerberrin
File Ref:	PUB-02
Disclosure of Interest:	N/A
Date:	3 rd October, 2019
Author:	Mr Raymond Griffiths, Chief Executive Officer

BACKGROUND

In accordance with the Local Government Act 1995 (as amended) and the local Government (Administration) Regulations 1996, Council is required to adopt a Schedule of its Ordinary Meeting date/s including Time, Place and Public Question Time.

Council's October 2018 Ordinary Meeting of Council
--

MIN 185/18 MOTION - Moved Cr. Reid 2nd Cr. Leake

That Council adopts the following Schedule of Council Ordinary Meeting dates for 2019 at Council Chambers 110 Massingham Street Kellerberrin with meeting commencement time and Public Question Time:

- ***Briefing Session: Councillors Briefing Session on Agenda 1:00 pm***
- ***Meeting Commencement time 2:00 pm.***
- ***Public Question Time: commencing at 2:15 pm and limited to 15 minutes. Place: Meeting Day: every third Tuesday of the month***

January 2019 – No Meeting

Tuesday, 12th February 2019 – Kellerberrin Council Chambers

Tuesday, 19th March 2019 – Kellerberrin Council Chamber

Tuesday, 16th April 2019 – Kellerberrin Council Chambers

Tuesday, 21st May 2019 – Kellerberrin Council Chambers

Tuesday, 18th June 2019 – Kellerberrin Council Chambers

Tuesday, 16th July 2019 – Kellerberrin Council Chambers

Tuesday, 20th August 2019 – Kellerberrin Council Chambers

Tuesday, 17th September 2019 – Kellerberrin Council Chambers

Tuesday, 15th October 2019 – Kellerberrin Council Chambers

Tuesday, 19th November 2019 – Kellerberrin Council Chambers

Tuesday, 17th December 2019 – Kellerberrin Council Chambers

CARRIED 6/0

MIN 181/17 MOTION - Moved Cr. Reid 2nd Cr. White

That Council adopts the following Schedule of Council Ordinary Meeting dates for 2018 incorporating meeting location/venue, meeting commencement time and Public Question Time.

***Briefing Session: Councillors Briefing Session on Agenda 1:00 pm
Time: Meeting Commencement time 2:00 pm.
Public Question Time: commencing at 2:15 pm and limited to 15 minutes.
Place: Council Chambers 110 Massingham Street Kellerberrin
Meeting Day: every third Tuesday of the month***

**January 2018 – No Meeting
Tuesday, 20th February 2018 – Kellerberrin Council Chambers
Tuesday, 20th March 2018 – Kellerberrin Council Chambers
Tuesday, 17th April 2018 – Kellerberrin Council Chambers
Tuesday, 15th May 2018 – Kellerberrin Council Chambers
Tuesday, 19th June 2018 – Kellerberrin Council Chambers
Tuesday, 17th July 2018 – Kellerberrin Council Chambers
Tuesday, 21st August 2018 – Kellerberrin Council Chambers
Tuesday, 18th September 2018 – Kellerberrin Council Chambers
Tuesday, 16th October 2018 – Kellerberrin Council Chambers
Tuesday, 20th November 2018 – Kellerberrin Council Chambers
Tuesday, 18th December 2018 – Kellerberrin Council Chambers**

CARRIED 7/0

MIN 167/16 MOTION - Moved Cr. Steber 2nd Cr. Leake

That Council adopts the following Schedule of Council Ordinary Meeting dates for 2017 incorporating meeting location/venue, meeting commencement time and Public Question Time.

***Briefing Session: Councillors Briefing Session on Agenda 1:00 pm
Time: Meeting Commencement time 2:00 pm.
Public Question Time: commencing at 2:15 pm and limited to 15 minutes.
Place: Council Chambers 110 Massingham Street Kellerberrin
Meeting Day: every third Tuesday of the month***

**January 2017 – No Meeting
Tuesday, 21st February 2017 – Kellerberrin Council Chambers
Tuesday, 21st March 2017 – Kellerberrin Council Chambers
Tuesday, 18th April 2017 – Kellerberrin Council Chambers
Tuesday, 16th May 2017 – Kellerberrin Council Chambers
Tuesday, 20th June 2017 – Kellerberrin Council Chambers
Tuesday, 18th July 2017 – Kellerberrin Council Chambers
Tuesday, 15th August 2017 – Kellerberrin Council Chambers
Tuesday, 19th September 2017 – Kellerberrin Council Chambers
Tuesday, 17th October 2017 – Kellerberrin Council Chambers
Tuesday, 21st November 2017 – Kellerberrin Council Chambers
Tuesday, 19th December 2017 – Kellerberrin Council Chambers**

REASON: In discussion with Doodlakine residents, the Council will trial having all meetings in Kellerberrin for 2017.

Council's October 2015 Ordinary Meeting of Council
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MIN 170/15 MOTION - Moved Cr. McNeil 2nd Cr. White

That Council adopts the following Schedule of Council Ordinary Meeting dates for 2016 incorporating meeting location/venue, meeting commencement time and Public Question Time.

Briefing Session: Councillors Briefing Session on Agenda 1:00 pm

Time: Meeting Commencement time 2:00 pm.

Public Question Time: commencing at 2:15 pm and limited to 15 minutes.

Place: Council Chambers 110 Massingham Street Kellerberrin

Meeting Day: every third Tuesday of the month

January 2016 – No Meeting

Tuesday, 16th February 2016 – Kellerberrin Council Chambers

Tuesday, 15th March 2016 – Kellerberrin Council Chambers

Tuesday, 19th April 2016 – Kellerberrin Council Chambers

Tuesday, 17th May 2016 – Kellerberrin Council Chambers

Tuesday, 21st June 2016 – Kellerberrin Council Chambers

Tuesday, 19th July 2016 – Kellerberrin Council Chambers

Tuesday, 16th August 2016 – Kellerberrin Council Chambers

Tuesday, 20th September 2016 – Kellerberrin Council Chambers

Tuesday, 18th October 2016 – Kellerberrin Council Chambers

Tuesday, 15th November 2016 – Kellerberrin Council Chambers

Tuesday, 20th December 2016 – Kellerberrin Council Chambers

CARRIED 7/0

REASON: To swap the October and September meeting venue to ensure there is no clash with harvest and council elections

COMMENT

Council is required under legislation, to advertise its meetings advising of the date, commencement time, public question time and location of the meeting once each year. It is generally this time of the year that Council should consider its Schedule of Ordinary Meetings for the 2020 calendar year.

Council needs to remain mindful of continuing on with its meetings in an efficient and timely manner to complete required and presented business. Council meetings are conducted in a businesslike and professional manner which allows for more informal discussion to occur. This reduces the necessity to have Special Council meetings for specific issues with these matters being included as part of the monthly agenda.

Special Council meetings can be called with little notice given if required however to deal with any items that requires a decisions out of Council meeting times.

Items for consideration when adopting times and dates for the upcoming year are but not limited to;

- Preferred Council Information/Briefing Sessions (time allowance and when)
- Luncheon arrangements, if commenced with at an earlier time
- Business commitments of individual Council Members (actual meeting start time)
- Time allocation for dealing with the Business of the Council including the agenda items
- Allowance for Meeting Guests/Presentations/Petitions etc. (preferred time and length of presentation)
- Desired format for Information Sessions, etc.

Council at any time though can decide to modify the commencement time of their meetings though appropriate notice to the community is required.

FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

2019/2020 Budget – expense account for statutory advertising and Members Travelling and Meeting Attendance Fees.

Cost of local advertising of Council meeting times. Current Budget general ledger expense account for advertising will be utilised.

POLICY IMPLICATIONS

STATUTORY IMPLICATIONS

Local Government Act (as amended) 1995

5.24. Question time for public

- (1) Time is to be allocated for questions to be raised by members of the public and responded to at —
 - (a) every ordinary meeting of a council; and
 - (b) such other meetings of councils or committees as may be prescribed.
- (2) Procedures and the minimum time to be allocated for the asking of and responding to questions raised by members of the public at council or committee meetings are to be in accordance with regulations.

Regulations about council and committee meetings and committees

- (3) Without limiting the generality of section 9.59, regulations may make provision in relation to —
 - (a) the matters to be dealt with at ordinary or at special meetings of councils;
 - (b) the functions of committees or types of committee;
- (ba) the holding of council or committee meetings by telephone, video conference or other electronic means;
 - (c) the procedure to be followed at, and in respect of, council or committee meetings;
 - (d) methods of voting at council or committee meetings;
 - (e) the circumstances and manner in which a decision made at a council or a committee meeting may be revoked or changed (which may differ from the

manner in which the decision was made);

- (f) the content and confirmation of minutes of council or committee meetings and the keeping and preserving of the minutes and any documents relating to meetings;
- (g) the giving of public notice of the date and agenda for council or committee meetings;
- (h) the exclusion from meetings of persons whose conduct is not conducive to the proper conduct of the meetings and the steps to be taken in the event of persons refusing to leave meetings;
- (i) the circumstances and time in which the unconfirmed minutes of council or committee meetings are to be made available for inspection by members of the public; and
- (j) the circumstances and time in which notice papers and agenda relating to any council or committee meeting and reports and other documents which could be —
 - (i) tabled at a council or committee meeting; or
 - (ii) produced by the local government or a committee for presentation at a council or committee meeting,

are to be made available for inspection by members of the public.

- (4) Regulations providing for meetings to be held by telephone, video conference or other electronic means may modify the application of this Act in relation to those meetings to the extent necessary or convenient to facilitate the holding of those meetings in that way.

[Section 5.25 amended by No. 64 of 1998 s. 28.]

Local Government (Administration) Regulations 1996

12. Public notice of council or committee meetings — s. 5.25(1)(g)

- (1) At least once each year a local government is to give local public notice of the dates on which and the time and place at which —
 - (a) the ordinary council meetings; and
 - (b) the committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public,

are to be held in the next 12 months.

- (2) A local government is to give local public notice of any change to the date, time or place of a meeting referred to in subregulation (1).
- (3) Subject to subregulation (4), if a special meeting of a council is to be open to members of the public then the local government is to give local public notice of the date, time, place and purpose of the special meeting.
- (4) If a special meeting of a council is to be open to members of the public but, in the CEO's opinion, it is not practicable to give local public notice of the matters referred to in subregulation (3), then the local government is to give public notice of the date, time, place and purpose of the special meeting in the manner and to the extent that, in the CEO's opinion, is practicable.

STRATEGIC PLAN IMPLICATIONS - Nil.

CORPORATE BUSINESS PLAN IMPLICATIONS – Nil

(Including Workforce Plan and Asset Management Plan Implications)

LONG TERM PLAN IMPLICATIONS – Nil

COMMUNITY CONSULTATION - Council

ABSOLUTE MAJORITY REQUIRED - Yes

STAFF RECOMMENDATION

That Council adopts the following Schedule of Council Ordinary Meeting dates for 2020 incorporating meeting location/venue, meeting commencement time and Public Question Time.

Briefing Session: Councillors Briefing Session on Agenda 1:00 pm Time:
Meeting Commencement time 2:00 pm.

Public Question Time: commencing at 2:15 pm and limited to 15 minutes. Place:
Council Chambers 110 Massingham Street Kellerberrin

Meeting Day: every third Tuesday of the month

January 2020 – No Meeting	
Tuesday, 17 February 2020 –	Kellerberrin Council Chambers
Tuesday, 18 March 2020 –	Kellerberrin Council Chambers
Tuesday, 21 April 2020 –	Kellerberrin Council Chambers
Tuesday, 19 May 2020 –	Kellerberrin Council Chambers
Tuesday, 16 June 2020 –	Kellerberrin Council Chambers
Tuesday, 21 July 2020 –	Kellerberrin Council Chambers
Tuesday, 18 August 2020 –	Kellerberrin Council Chambers
Tuesday, 15 September 2020 –	Kellerberrin Council Chambers
Tuesday, 20 October 2020 –	Kellerberrin Council Chambers
Tuesday, 17 November 2020 –	Kellerberrin Council Chambers
Tuesday, 15 December 2020 –	Kellerberrin Council Chambers

COUNCIL RESOLUTION

MIN181/19 MOTION - Moved Cr. Leake 2nd Cr. O'Neill

That Council adopts the following Schedule of Council Ordinary Meeting dates for 2020 incorporating meeting location/venue, meeting commencement time and Public Question Time.

Briefing Session: Councillors Briefing Session on Agenda 1:00 pm
Time: Meeting Commencement time 2:00 pm.

Public Question Time: commencing at 2:15 pm and limited to 15 minutes.

Place: Council Chambers 110 Massingham Street Kellerberrin

Meeting Day: every third Tuesday of the month

January 2020 – No Meeting	
Friday, 7 February 2020 –	Kellerberrin Council Chambers
Tuesday, 18 March 2020 –	Kellerberrin Council Chambers
Tuesday, 21 April 2020 –	Kellerberrin Council Chambers
Tuesday, 19 May 2020 –	Kellerberrin Council Chambers
Tuesday, 16 June 2020 –	Kellerberrin Council Chambers
Tuesday, 21 July 2020 –	Kellerberrin Council Chambers
Tuesday, 18 August 2020 –	Kellerberrin Council Chambers
Tuesday, 15 September 2020 –	Kellerberrin Council Chambers
Tuesday, 20 October 2020 –	Kellerberrin Council Chambers
Tuesday, 17 November 2020 –	Kellerberrin Council Chambers
Tuesday, 15 December 2020 –	Kellerberrin Council Chambers

CARRIED 6/0
BY ABSOLUTE MAJORITY

Agenda Reference:	15.1.7
Subject:	Committee Representation
Location:	Shire of Kellerberrin
Applicant:	Shire of Kellerberrin
File Ref:	Various
Disclosure of Interest:	N/A
Date:	16 th October 2019
Author:	Ms Kate Dudley, Deputy Chief Executive Officer

BACKGROUND

On 19th October 2019 the local government elections took place. The Shire of Kellerberrin had five candidates run for four position in offices. Council will now need to determine the distribution of duties across Community based Committees. An extract of the minutes from 21 November 2017 is shown below. This outlines existing committees and the members that were appoint for the previous term of council.

Council's October 2017 Ordinary Meeting of Council – 21 st November 2017

MIN 210/17 MOTION - Moved Cr. O'Neill 2nd Cr. McNeil

Audit Committee

That Audit Committee comprises full Council

Emergency Committee

Council's representatives on the Emergency Committee comprise of:

Delegate - Cr. Forsyth

Delegate - Cr. O'Neill

Delegate - Cr Reid

Great Eastern Country Zone – Western Australian Local Government Association

Council Delegate to the Great Eastern Country Zone of WALGA comprise of:

Delegate - Cr. Forsyth

Delegate - Cr. O'Neill

Deputy - Chief Executive Officer

Regional Road Group

Council's representatives on the Wheatbelt North Regional Road Group, Kellerberrin Sub-Group are:

Delegate - Cr. Forsyth

Deputy - Cr. Leake

Chief Executive Officer

Local Emergency Management Committee (LEMC)

Council's representatives on the Local Emergency Management Committee comprise of:

Delegate - Cr. Leake

Deputy - Cr. O'Neill

Wheatbelt Eastern Regional Organisation of Councils (WEROC)

Council's representatives on the Wheatbelt East Regional Organisation of Councils are:

Delegate - Cr. Forsyth

Delegate - Chief Executive Officer

Deputy - Cr. Steber

Sport & Recreation Steering Committee

Council's representatives on the Sport and Recreation Steering Committee are:

Delegate - Cr. White

Deputy - Cr. McNeil

Chief Executive Officer

Local Hospital Advisory Group (L-HAG)

Council's representative on the Local Health Advisory Group is:

Delegate - Cr. Forsyth

Deputy - Cr. O'Neill

Community Resource Centre Management Committee

Council's representatives on the Kellerberrin Community Resource Centre Management Committee are:

Delegate - Cr. O'Neill

Deputy - Cr. Leake

Kellerberrin Swimming Pool Facility Redevelopment Steering Committee

Council's representatives on the Kellerberrin Swimming Pool Facility Redevelopment Steering Committee are:

Delegate - Cr. Forsyth

Deputy - Cr. Leake

Regional Development Assessment Panel

Council's representatives on the Regional Development Assessment Panel are:

Delegate - Cr. Forsyth

Deputy - Cr. Leake

Independent Kellerberrin District High School Board Panel

Council's representatives on the Independent Kellerberrin District High School Board are:

Delegate - Cr. Reid

Central East Aged Care Committee (CEACA)

Council's representatives on the Central East Aged Care Committee (CEACA) are:

Delegate - Mr. Forsyth

Deputy Delegate – Mr. Steber

Deputy Delegate – Chief Executive Officer

CARRIED 7/0

COMMENT

Officers have conducted a review on all committees and have suggested that the following committees remain -

Current Committees/Groups/Panels with Council representation:

- Audit Committee
- Emergency Committee
- Great Eastern Country Zone – Western Australian Local Government Association
- Regional Road Group
- Local Emergency Management Committee (LEMC)
- Wheatbelt Eastern Regional Organisation of Councils (WEROC)
- Sport & Recreation Steering Committee
- Local Hospital Advisory Group (L-HAG)
- Regional Development Assessment Panel

- Independent Kellerberrin District High School Board Panel
- Central East Aged Care Committee (CEACA)
- Roadworks Advisory Committee

That the following committee be an addition:

- Bushfire Advisory Committee

And that the following committees of council be disbanded:

- Granite Way Committee
- Community Resource Centre Management Committee
- Kellerberrin Swimming Pool Facility Redevelopment Steering Committee
- Tidy Towns Committee

Terms of Reference have been provided in the new template for all committees of council, which include:

- Audit Committee
- Bushfire Advisory Committee
- Roadworks Advisory Committee (previously adopted)

FINANCIAL IMPLICATIONS

Nil

POLICY IMPLICATIONS

Various

STATUTORY IMPLICATIONS

Local Government Act 1995

Subdivision 2 — Committees and their meetings

5.10. Appointment of committee members

- (1) A committee is to have as its members —
 - (a) persons appointed* by the local government to be members of the committee (other than those referred to in paragraph (b)); and
 - (b) persons who are appointed to be members of the committee under subsection (4) or (5).

** Absolute majority required.*

- (2) At any given time each council member is entitled to be a member of at least one committee referred to in section 5.9(2)(a) or (b) and if a council member nominates himself or herself to be a member of such a committee or committees, the local government is to include that council member in the persons appointed under subsection (1)(a) to at least one of those committees as the local government decides.
- (3) Section 52 of the *Interpretation Act 1984* applies to appointments of committee members other than those appointed under subsection (4) or (5) but any power exercised under section 52(1) of that Act can only be exercised on the decision of an absolute majority of the local government.

- (4) If at a meeting of the council a local government is to make an appointment to a committee that has or could have a council member as a member and the mayor or president informs the local government of his or her wish to be a member of the committee, the local government is to appoint the mayor or president to be a member of the committee.
- (5) If at a meeting of the council a local government is to make an appointment to a committee that has or will have an employee as a member and the CEO informs the local government of his or her wish —
 - (a) to be a member of the committee; or
 - (b) that a representative of the CEO be a member of the committee,the local government is to appoint the CEO or the CEO's representative, as the case may be, to be a member of the committee.

STRATEGIC COMMUNITY PLAN IMPLICATIONS

Core drivers identify what Council will be concentrating on as it works towards achieving Councils vision. The core drivers developed by Council are:

1. Relationships that bring us tangible benefits (to the Shire and our community)
2. Our lifestyle and strong sense of community
3. We are prepared for opportunities and we are innovative to ensure our relevancy and destiny

CORPORATE BUSINESS PLAN IMPLICATIONS

(Including Workforce Plan and Asset Management Plan Implications)

Nil

LONG TERM FINANCIAL PLAN IMPLICATIONS

Nil

COMMUNITY CONSULTATION

Community groups will be advised of the membership outcome following the council decision.

ABSOLUTE MAJORITY REQUIRED

Yes

STAFF RECOMMENDATION

That Council;

1. appoint the following members to committees/groups/panels

Audit Committee

That Audit Committee comprises full Council

Emergency Committee

Council's representatives on the Emergency Committee comprise of:

Delegate - Cr. (Shire President)

Delegate – Cr. (Deputy Shire President)

Delegate – Cr. Steber

Great Eastern Country Zone – Western Australian Local Government Association

Council Delegate to the Great Eastern Country Zone of WALGA comprise of:

Delegate - Cr. Forsyth

Delegate - **Chief Executive Officer**

Deputy – Cr. O'Neill

Regional Road Group

Council's representatives on the Wheatbelt North Regional Road Group, Kellerberrin Sub-Group are:

Delegate - Cr. Forsyth

Delegate - **Chief Executive Officer**

Deputy - Cr. Leake

Local Emergency Management Committee (LEMC)

Council's representatives on the Local Emergency Management Committee comprise of:

Delegate - Cr. Leake

Deputy - Cr. Talbot

Wheatbelt Eastern Regional Organisation of Councils (WEROC)

Council's representatives on the Wheatbelt East Regional Organisation of Councils are:

Delegate - Cr. Forsyth

Delegate - **Chief Executive Officer**

Deputy - Cr. Steber

Sport & Recreation Steering Committee

Council's representatives on the Sport and Recreation Steering Committee are:

Delegate - Cr. McNeil

Delegate - **Chief Executive Officer**

Deputy - Cr. Talbot

Local Hospital Advisory Group (L-HAG)

Council's representative on the Local Health Advisory Group is:

Delegate - Cr. Forsyth

Deputy - Cr. O'Neill

Regional Development Assessment Panel

Council's representatives on the Regional Development Assessment Panel are:

Delegate - Cr. Forsyth

Deputy - Cr. Leake

Independent Kellerberrin District High School Board Panel

Council's representatives on the Independent Kellerberrin District High School Board are:

Delegate - Cr.

Deputy - Cr.

Central East Aged Care Committee (CEACA)

Council's representatives on the Independent Kellerberrin District High School Board are:

Delegate - Cr. Forsyth

Roadworks Advisory Committee

Delegate - Cr. Forsyth

Delegate - Cr. Steber

Delegate - **Chief Executive Officer**

Delegate - **Manager of Works Services**

2. disband the following as committees of council:
 - Granite Way Committee
 - Community Resource Centre Management Committee
 - Kellerberrin Swimming Pool Facility Redevelopment Steering Committee
 - Tidy Towns Committee
 - Independent Kellerberrin District High School Board Panel
3. adopt the terms of reference as shown in attachment A and B for Audit Committee and the Bushfire Advisory Committee.

COUNCIL RESOLUTION

MIN182/19 MOTION - Moved Cr. Steber

2nd Cr. Talbot

That Council;

1. appoint the following members to committees/groups/panels

Audit Committee

That Audit Committee comprises full Council

Emergency Committee

Council's representatives on the Emergency Committee comprise of:

Delegate - Cr. Forsyth

Delegate – Cr. O'Neill

Delegate – Cr. Steber

Great Eastern Country Zone – Western Australian Local Government Association

Council Delegate to the Great Eastern Country Zone of WALGA comprise of:

Delegate - Cr. Forsyth

Delegate - Chief Executive Officer

Deputy – Cr. O'Neill

Regional Road Group

Council's representatives on the Wheatbelt North Regional Road Group, Kellerberrin Sub-Group are:

Delegate - Cr. Forsyth

Delegate - Chief Executive Officer

Deputy - Cr. Leake

Local Emergency Management Committee (LEMC)

Council's representatives on the Local Emergency Management Committee comprise of:

Delegate - Cr. Leake

Deputy - Cr. Talbot

Wheatbelt Eastern Regional Organisation of Councils (WEROC)

Council's representatives on the Wheatbelt East Regional Organisation of Councils are:

Delegate - Cr. Forsyth

Delegate - Chief Executive Officer

Deputy - Cr. Steber

Sport & Recreation Steering Committee

Council's representatives on the Sport and Recreation Steering Committee are:

Delegate - Cr. McNeil

Delegate - Chief Executive Officer

Deputy - Cr. Talbot

Local Hospital Advisory Group (L-HAG)

Council's representative on the Local Health Advisory Group is:

Delegate - Cr. Forsyth

Deputy - Cr. O'Neill

Regional Development Assessment Panel

Council's representatives on the Regional Development Assessment Panel are:

Delegate - Cr. Forsyth

Deputy - Cr. Leake

Central East Aged Care Committee (CEACA)

Council's representatives on the Independent Kellerberrin District High School Board are:

Delegate - Cr. Forsyth

Roadworks Advisory Committee

Delegate - Cr. Forsyth

Delegate - Cr. Steber

Delegate - Chief Executive Officer

Delegate - Manager of Works Services

2. disband the following as committees of council:

- Granite Way Committee
- Community Resource Centre Management Committee
- Kellerberrin Swimming Pool Facility Redevelopment Steering Committee
- Tidy Towns Committee
- Independent Kellerberrin District High School Board Panel

3. adopt the terms of reference as shown in attachment A and B for Audit Committee and the Bushfire Advisory Committee.

CARRIED 6/0

Agenda Reference:	15.1.8
Subject:	Councillor Code of Conduct Review
Location:	Shire of Kellerberrin
Applicant:	
File Ref:	Code of Conduct
Disclosure of Interest:	N/A
Date:	16 October 2019
Author:	Ms Kate Dudley, Deputy Chief Executive Officer

BACKGROUND

The *Local Government Act 1995* (the Act) requires every local government to prepare and adopt a Code of Conduct to be observed by Council Members and signed by employees.

Council previously held a policy on code of conduct, which was last updated in October 2016. This policy has now been rescinded as part of the Councils policy review. It is considered good practice to review the Code regularly for the following reasons:

- To ensure the Code remains current and relevant;
- That any Legislative changes can be included; and
- The review acts as a reminder to Council Members

COMMENT

Officers have reviewed the Code of Conduct of various other local governments and noted that they vary considerably in size and format, however the content is invariably similar. This is perhaps given the purpose of the document and the requirements that must be included as per the provisions of the Act.

Upon review, Officers found that the current code of conduct remains largely relevant and effective, but identified the following areas for amendment:

- The style of the current code is dated and could be remodelled to use more enabling and empowering language; and
- The length of the document was considered to be a potential obstacle to the document being read and fully understood by its intended audience.

FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

Nil

STATUTORY IMPLICATIONS

Section 5.103 of the *Local Government Act 1995* requires the Shire to adopt a Code of Conduct. Part 9 of the Local Government (Administration) Regulations 1996 sets out a number of requirements that must be included in the Shire's Code of Conduct.

STRATEGIC PLAN IMPLICATIONS:

Core drivers identify what Council will be concentrating on as it works towards achieving Councils vision. The core drivers developed by Council are:

1. Relationships that bring us tangible benefit s (to the Shire and our community)
2. Our lifestyle and strong sense of community

3. We are prepared for opportunities and we are innovative to ensure our relevancy and destiny

**CORPORATE BUSINESS PLAN IMPLICATIONS
(Including Workforce Plan and Asset Management Plan Implications)**

Nil

LONG TERM PLAN IMPLICATIONS:

Nil (not applicable at this date and therefore unknown)

COMMUNITY CONSULTATION:

The Code of Conduct is substantially an internal document and there is little change to the substance and effect of the code. It is therefore considered that there is little value in undertaking public consultation on the revised Code.

Once approved, the Code will be published on the Shire's website and all Councillors will be provided with a copy of the new code.

STAFF RECOMMENDATION

That Council adopts the revised Shire of Kellerberrin Councillor Code of Conduct 2019, included as Attachment 1.

COUNCIL RESOLUTION

MIN183/19 MOTION - Moved Cr. Steber 2nd Cr. Leake

That Council adopts the revised Shire of Kellerberrin Councillor Code of Conduct 2019, included as Attachment 1.

CARRIED 6/0

Agenda Reference:	15.1.9
Subject:	WEROC Accingo Consulting Asset Review Report
Location:	
Applicant:	Accingo Consulting
File Ref:	
Disclosure of Interest:	N/A
Date:	15 th October 2019
Author:	Mr Raymond Griffiths, Chief Executive Officer

BACKGROUND

WEROC over the past few years have been in consultation with Accingo which is a consultancy group that has expertise in the plant/employee hire industry. The idea of the review was for Councils to understand if they are overcapitalised or underutilising plant and equipment or if there is opportunity for group utilisation of equipment etc.

Please note below the extract from the WEROC Executive Meeting Minutes – 25th September 2019.

Representatives from Accingo, an asset management consultancy, first met with WEROC early in March 2018 to discuss its asset management concept and the potential value it may offer Member Councils.

Since that time Accingo developed a project brief and costing for WEROC's consideration, with approval for the project's "go ahead" being given at the WEROC Council Meeting held Wednesday 27 June 2018. At this time, WEROC Council resolved as follows:

RESOLUTION: *Moved: Mr Clarke* *Seconded: Cr Forsyth*

That WE-ROC request Accingo to undertake an asset audit for each of WE-ROC's Member Councils, as outlined in Accingo's Phase 1 Costing provided to WE-ROC and considered at the WE-ROC Council Meeting held 2 May 2018, at a total cost of \$17,500 excl GST.

CARRIED

Footnote: Details of what is provided in the asset audit is explained in the costing provided by Accingo. This information is provided below so that Member Councils have an understanding of what the audit entails. To quote from Accingo's costing:

"Phase 1 (b)

Asset audit

This entails a full review of all assets of Plant & Machinery and any assets associated with maintaining plant and equipment such as workshops, tooling etc.

The purpose of this review is to provide the following information;

- *Identification of asset including current location*
- *Reconciliation to Asset register*
- *Full report of condition, hours etc which also assists in the valuation of plant*
- *Understand & report on utilisation, availability, requirements etc*

This data serves several purposes being;

- *Market valuation of current plant & equipment*
- *Ability to forecast potential net cash inflows & savings under Phase 2*
- *Data in which to base decisions on Sale, replacement and ultimately pooling of asset base amongst the WE-ROC shires*
- *Potentially replaces need for asset audit for compliance (to be understood whether this can be achieved)*

Review will be performed by Neil Marsh & Accingo asset consultant which can be partly performed on weekends where a more efficient asset audit process can take place. Accingo will require full asset register and current location (if off site). Some time with CEO's & works managers will also be required both prior & during visit however this time will be kept to a minimum as not to disrupt existing operations.

An initial scoping meeting with CEO / works managers to understand what is to be included / excluded from review should take place prior to audit.

Time assigned to this review is;

2 contractors

14 days in total at \$125 per hour for 10 hours per day = \$17,500"

Following further discussions with Accingo, the WEROC Executive resolved as follows when it met on Wednesday 25 July 2018:

RESOLUTION: *Moved: Greg Powell* *Seconded: Jamie Criddle*

That:

- 1. WE-ROC advise Accingo of its agreement to enter into a Contract for the purposes of undertaking an Asset Audit only for each of WE-ROC's Member Councils as outlined in Accingo's Phase 1 Quotation at a total cost of \$17,500 excl GST; and*
- 2. With respect to accommodation and travelling costs for the conduct of the Asset Audit, Member Councils provide these expenses at their own cost.*

CARRIED

Following further discussion of the project WEROC Council resolved as shown below on Wednesday 22 August 2018:

RESOLUTION: *Moved: Mr Criddle* *Seconded: Cr Forsyth*

That the Executive Officer liaise with Accingo and Member Councils to develop a schedule for works associated with the conduct of an asset audit that meets needs of both Member Councils and Accingo and allows for Accingo to have its asset audit report available for the WE-ROC Executive Meeting scheduled for Wednesday 6 February 2019.

CARRIED

Following still further discussions with Accingo, WEROC Council resolved as follows on Wednesday 24 October 2018:

RESOLUTION: *Moved: Mr Clarke* *Seconded: Mr Griffiths*

That:

- 1. WE-ROC accepts the change/alteration of the scope of works to include the cut-off figure of \$2,000 for the value of assets being considered in the review being undertaken by Accingo;*
- 2. As a condition of contract Accingo be requested to demonstrate that it carries Workers Compensation Insurance, Public Liability Insurance (\$10M) and Professional Indemnity Insurance (\$1M); and*
- 3. The Executive Officer advise Accingo of WE-ROC's decision and arrange a new exchange of letters.*

CARRIED

As Member Councils are aware, Accingo has accepted the offer made by WEROC to undertake an asset audit for its Member Councils, with work commencing mid-February.

All work associated with the conduct of the asset audit has been completed and a draft report prepared by Accingo was considered by the WEROC Executive when it met on Wednesday 29 May 2019.

At this time the Executive resolved as shown below:

RESOLUTION: *Moved: Greg Powell* *Seconded: Darren Mollenoyux*

1. *That feedback be provided to Accingo on its draft asset audit report, with a request that the following issues be further reported on:*
 - a) *Provision of data for the Shire of Merredin be made available as soon as possible;*
 - b) *An explanation as to why the asset audit report contained no information on trucks. If the data is available a request be made for it to be included in the final report provided to WEROC;*
 - c) *A request for the inclusion of information on the frequency an asset is used; and*
 - d) *Clarification of the data provided for the Shire of Bruce Rock, with details on the differences shown and why these differences occurred.*
2. *That Accingo be requested to have a further draft of its report variable for consideration by the WEROC Executive at its next meeting, scheduled for Wednesday 24 July 2019.*

CARRIED

Accingo has prepared a final report and developed recommendations for WEROC's consideration. Both the report and Accingo's recommendations form attachments to the meeting agenda.

It should be noted that both documents were distributed ahead of the meeting agenda.

The report and recommendations developed by Accingo following its review of Member Councils' assets are presented for discussion and decision by the WEROC Executive.

Consultation: Nil

Financial Implications: As yet unknown

Voting Requirement: Simple Majority

Meeting Comment:

The Executive Officer advised that just prior to the Executive meeting Accingo had provided a further revised version of its asset review report.

Whilst a copy of the report had been circulated to all CEOs it will also form an attachment to the minutes of the meeting.

There was general agreement that Recommendations 1-4 might have application for WEROC.

During the discussion around the report and its recommendations some CEOs made comment that a regional management of assets might work particularly given the cost of hiring equipment. That being the case there may be benefit in WEROC investigating ways to make better use of its underutilised equipment.

COMMENT

The Executive Committee adopted the following recommendation at its 25th September 2019 meeting;

RESOLUTION: *Moved: Greg Powell* *Seconded: Jamie Criddle*

That the:

1. ***WEROC Executive be requested to table Accingo's report and recommendations on the review of mobile assets and plant across each Member Council for discussion at either their October or November round of Council meetings; and***

2. Executive Officer be provided with comments from these discussions to enable a report to be prepared for the WEROC Executive Meeting scheduled to be held Wednesday 27 November 2019.

CARRIED

The recommendations provided in the final report provided by accingo are as follow;

Recommendation 1;

Agree on a standardize format which is backed up by an asset register policy and amend current system fields to provide such standardization.

Ideally an Asset Code would be the first 2 letters of the equipment type & a numerical number based on chronological order in terms of acquisition. i.e. Wheel Loader is WL005. Furthermore, a standard approach to Asset descriptions should be adopted universally across all 5 registers, such as;

Model, Type, Manufacturer. i.e. 770G Grader Caterpillar

Recommendation 2;

Review of any current "Sale & Purchase of Asset" policy or similar and check for completeness and whether policies are being followed.

If these are not in place then formulation & implementation of such a policy should be agreed upon.

Further to this, with reference to any LGA risk registers, required sign offs should be adhered too.

Finance, admin or asset management staff need to be noted within this policy with sign off occurring for asset register accuracy and completeness to avoid such discrepancies.

Recommendation 3;

We suggest a uniform set of depreciation rates be agreed too and implemented via the asset management policy as already discussed. This rate can be set internally or provided by an external source which provides the best basis in which to have good financial management of assets.

Another piece of work can be done around determining useful lives of assets. As already discussed, sweating an asset by maintaining it until it falls over is not always cost effective either. A review of how maintenance costs are captured and reported on and should be done down to machine level. It can be noted that some already do this effectively. At this point not all reports provided accurately reflect maintenance costs down to machine level therefore it is difficult to ascertain the total cost of owning a machine. Referencing point 1 in this report, asset identification and reporting may assist this.

Review & update of the asset management policy should reflect how maintenance is tracked and standardized depreciation rates to be applied.

Recommendation 4;

A review of underperforming assets should be done to firstly understand why this is taking place. It could be the equipment is unreliable or perhaps the need for its services are seldom and remote. Looking forward as to whether a piece of equipment is required needs to require justification. Without this, ability to recognize savings will be limited.

A revaluation of equipment is performed every 3 years and the timing of this review could co-exist with this process of potential sale proceeds. Alternatively, some form of relationship with a machine broking house could work on behalf of We-Roc to source buyers.

When discussing potential asset sales, it is important to note that items 5 & 6 further in this report play a part in the shire having confidence in this process not impacting services to roads and ratepayers.

When buying new equipment, it should be done on the view that services can be performed effectively & efficiently. There is no doubt new equipment is often required throughout the shires and in fact it can be argued that more needs to be spent than currently is (should maintenance costs be higher than cost of new ownership). The identified process of this in some shires is based on a set time rather than based on key metrics around utilization, maintenance or holding costs, hire v buy, or from any review of more effective equipment management practices. Again, this should be revisited in conjunction with potential synergies coming from Items 5 & 6 further in this document.

Recommendation 5;

Once we understand surplus capacity, we then need to review logistics of having underutilised equipment moving to areas of need, tracking & reporting efficiently & effectively and looking for Sales opportunities (cross hiring / transfer). A target should be set between the shires to drive these behaviours and actions agreed to & monitored.

There are localised opportunities e.g. local contractor or business currently contracts a dry or wet hire piece of machinery and an operator from Perth where this could be facilitated locally. Now whether this opportunity exists (having a surplus water cart or loader) for that shire is debatable however when we look at opportunities, we need to look at this as a We-Roc opportunity as there is access to a wider pool of potential solutions. When thinking about contracted opportunities we need to also look at implementation of points 5 & 6 to follow as part of the solution.

Within the report provided by Accingo they also recommend technology solutions to assist in improving the tracking, reporting and utilisation improvement of assets with off the shelf products which are currently used by the hire companies throughout WA and Australia.

In addition to the technological concept it was also recommended that consideration be given to centralisation of assets and Council downgrading its fleet and having a centralised fleet for WEROC.

I don't see the centralisation of assets being an option for WEROC as this point in time as no Council is in the headspace to operate in this manner though it has prompted conversation regarding why don't we employee one construction crew between the five Council's to undertake our construction program and we each keep our own maintenance crew teams.

FINANCIAL IMPLICATIONS - Nil

POLICY IMPLICATIONS - Nil

STATUTORY IMPLICATIONS: Nil (not known at this time – decision making processes)

STRATEGIC PLAN IMPLICATIONS: Nil (not known at this time)

FUTURE PLAN IMPLICATIONS: Nil (not known at this time)

COMMUNITY CONSULTATION:

WEROC Executive
WEROC Council
Chief Executive Officer
Council

ABSOLUTE MAJORITY REQUIRED – No

STAFF RECOMMENDATION

That Council;

1. *Supports Recommendation 1, 2, 3 & 4.*
2. *Doesn't support Recommendation 5, technology solutions or centralisation of assets at this point in time.*

COUNCIL RESOLUTION

MIN184/19 MOTION - Moved Cr. Leake

2nd Cr. Steber

That Council;

1. ***Supports Recommendation 1, 2, 3 & 4.***
2. ***Doesn't support Recommendation 5, technology solutions or centralisation of assets at this point in time.***

CARRIED 6/0

Agenda Reference:	15.1.10
Subject:	Lease Agreement – Dr's Surgery and Residence
Location:	22 Gregory Street & Moore Street, Kellerberrin
Applicant:	Dr Andrew Van Ballegooyen
File Ref:	
Record Ref:	
Disclosure of Interest:	Nil
Date:	8 th October 2019
Author:	Mr Raymond Griffiths, Chief Executive Officer

BACKGROUND

Council at its September 2019 Ordinary meeting of Council met with Dr Andrew Van Ballegooyen to discuss the current expired lease and vehicle allocation for;

1. 22 Gregory Street – Residence
2. Moore Street – Dr Surgery
3. Mazda 6 Sedan

Council sought the discussion with Dr Van Ballegooyen to ascertain the Dr's future plans and opportunity to renew the current expired lease.

COMMENT

Dr Van Ballegooyen advised Council that he would request a further five (5) year lease of both properties.

Throughout the discussion it was requested the opportunity to review solar panels for both the residence and the surgery to assist in savings for the operation of both buildings.

Council's officers are currently reviewing this as an option for inclusion in future budgets.

Council currently provides the doctor with a Mazda 6 sedan with all operational costs met by Dr Van Ballegooyen.

FINANCIAL IMPLICATIONS

Please note the following fees and charges relating to the above Council owned facilities;

- Doctors Surgery – Moore Street - \$80 per week
- 22 Gregory Street – Rent Free.
- Provision of Mazda 6 or equivalent (Capital Purchase Cost) – when budgeted as operational expenses are met by Doctor.

POLICY IMPLICATIONS

There are no policy implications.

STATUTORY IMPLICATIONS

Local Government Act 1995 (as amended)

Section 3.58. Disposing of property

- (1) In this section —
dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not;
property includes the whole or any part of the interest of a local government in property, but does not include money.
- (2) Except as stated in this section, a local government can only dispose of property to —
 - (a) the highest bidder at public auction; or
 - (b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.
- (3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —
 - (a) it gives local public notice of the proposed disposition —
 - (i) describing the property concerned;
 - (ii) giving details of the proposed disposition; and
 - (iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;and
 - (b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.
- (4) The details of a proposed disposition that are required by subsection (3)(a)(ii) include —
 - (a) the names of all other parties concerned;
 - (b) the consideration to be received by the local government for the disposition; and
 - (c) the market value of the disposition as ascertained by a valuation carried out not more than 6 months before the proposed disposition.
- (5) This section does not apply to —
 - (a) a disposition of land under section 29 or 29B of the *Public Works Act 1902*;
 - (b) a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59;
 - (c) anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or
 - (d) any other disposition that is excluded by regulations from the application of this section.

[Section 3.58 amended by No. 49 of 2004 s. 27.]

STRATEGIC PLAN IMPLICATIONS: Nil

FUTURE PLAN IMPLICATIONS: Nil

COMMUNITY CONSULTATION:

Chief Executive Officer
Deputy Chief Executive Officer
Council
Dr Andrew Van Ballegooyen

ABSOLUTE MAJORITY REQUIRED - YES

STAFF RECOMMENDATION

That Council:

1. *advertises the proposed lease of;*
 - *Doctors Surgery, Moore Street (\$80 per week)*
 - *22 Gregory Street (Nil rental)**to Dr Andrew Van Ballegooyen of 22 Gregory Street, Kellerberrin in the "Pipeline" in accordance with Section 3.58 of the Local Government Act 1995*
2. *subject to no adverse submissions being received, council delegates authority to the Chief Executive Officer to enter into a lease agreement presented with Dr Andrew Van Ballegooyen of 22 Gregory Street, Kellerberrin.*

BY ABSOLUTE MAJORITY

COUNCIL RESOLUTION

MIN185/19 MOTION - Moved Cr.O'Neill

2nd Cr. Leake

That Council:

1. *advertises the proposed lease of;*
 - *Doctors Surgery, Moore Street (\$80 per week)*
 - *22 Gregory Street (Nil rental)**to Dr Andrew Van Ballegooyen of 22 Gregory Street, Kellerberrin for a three year term (with the option to extend for a further two years) in the "Pipeline" in accordance with Section 3.58 of the Local Government Act 1995*
2. *subject to no adverse submissions being received, council delegates authority to the Chief Executive Officer to enter into a lease agreement presented with Dr Andrew Van Ballegooyen of 22 Gregory Street, Kellerberrin.*

CARRIED 6/0
BY ABSOLUTE MAJORITY

Agenda Reference:	15.1.11
Subject:	Refund on Gymnasium Membership
Location:	Shire of Kellerberrin
Applicant:	Ms Tamara Morrison
File Ref:	ADM59
Record Ref:	ICR192155
Disclosure of Interest:	N/A
Date:	27 th September 2019
Author:	Mr Raymond Griffiths, Chief Executive Officer

BACKGROUND

Ms Tamara Morrison on the 27th August 2019 completed a gymnasium membership application form for herself.

The membership application was for a quarterly membership (3 months) for a total fee of \$100 excluding the key bond.

COMMENT

Council's Chief Executive Officer soon after this notice three young males in the gymnasium and on quizzing the occupants to see if they were members I was advised one was however they were all under the age of 16 and didn't have a parent in supervising.

The advice to the three patrons was that they all need to be members and they would require adult supervision until they are over the age of 16.

Following the conversation Ms Morrison attended the office of Council requesting her money back as the membership was a gift and indeed wasn't for her rather her son. Council's staff advised that officers don't have the required delegated authority to reimburse this amount of money therefore a written request would be required.

Council on the 26th September 2019 received written correspondence from Ms Tamara Morrison requesting *due to a change of circumstances in my "life the membership has become pointless"*

Please see attached correspondence for a full copy of the correspondence.

On the rear side of the application form it stipulates on item 11.

11. *The Shire is under no obligation to refund the membership fees if the member changes their mind. In the event of exceptional circumstances consideration may be given for a refund (pro rata) on written request.*

STATUTORY IMPLICATIONS

Local Government Act 1995 – section 6.10 provides for Financial Management Regulations to be introduced into local government financial management procedures/policies. - requires that Council approve the write off of any debtor.

Local Government (Financial Management) Regulations 1996 – Part 2 – General Financial Management – regulation 5, deals with Financial Management Duties of the CEO

POLICY IMPLICATIONS - Nil

FINANCIAL IMPLICATIONS

Account	Description	19/20 Budget
031014	Rates – Write Off	\$15,116
141014	Write Off (General)	\$ 0

STRATEGIC PLAN IMPLICATIONS: Nil (not applicable at this date and therefore unknown)

CORPORATE BUSINESS PLAN IMPLICATIONS

(Including Workforce Plan and Asset Management Plan Implications)

LONG TERM PLAN IMPLICATIONS: Nil (not applicable at this date and therefore unknown)

COMMUNITY CONSULTATION:

Chief Executive Officer

Deputy Chief Executive Officer

Administration Officer

ABSOLUTE MAJORITY: No

STAFF RECOMMENDATION

That Council declines the request for a refund on Ms Tamara Morrison's Gymnasium membership.

COUNCIL RESOLUTION

MIN186/19 MOTION - Moved Cr. Leake

2nd Cr. O'Neill

That Council declines the request for a refund on Ms Tamara Morrison's Gymnasium membership.

CARRIED 6/0

Agenda Reference:	15.1.12
Subject:	Dual Fire Control Officers
Location:	Shire of Kellerberrin
Applicant:	Shire of Quairading
File Ref:	BUSH 00
Record Ref:	
Disclosure of Interest:	N/A
Date:	27 th September 2019
Author:	Mr Raymond Griffiths, Chief Executive Officer

BACKGROUND

Council has received correspondence from the Shire of Quairading nominating the following Fire Control Officer for Dual Appointment as Fire Control Officer with the Shire of Kellerberrin and Shire of Quairading.

- Mr Ben Wilson

COMMENT

Council has been working with surrounding Local Governments to have Dual Registration of Fire Control Officers.

FINANCIAL IMPLICATIONS

Nil

POLICY IMPLICATIONS

3.1 Bush Fire Control Officers

Policy Name: Bush Fire Control Officers	To be read in conjunction with Policy Numbers:
Date Adopted: January 2003	Review Date: October 2016

Purpose

To have guidelines to follow for the appointment and actions of Fire Brigade Officers & Bush Fire Advisory Committee.

Policy

Appointment:

1. In accordance with relevant provisions of the Bush Fires Act 1954 (as amended), Council shall appoint required Fire Control Officers, including the positions of Chief Bushfire Control Officer and Deputy Chief Bush Fire Control Officer. The adopted procedure for these appointments will be as follows;

- a) The Shire appointed Bushfire Advisory Committee shall at their March Annual Advisory Meeting consider and recommend to Council, the appointment of required Fire Control

Officers including the Chief Bushfire Control Officer and the Deputy Chief Bushfire Control Officer.

- b) The Shire Bush Fire Advisory Committee shall undertake the following tasks at their two (2) annual Advisory Meetings in March and September of each year as follows;
- (i) Fire Control Officer Appointments and recommendation - March
 - (ii) Firebreak Order Review and recommendation - March
 - (iii) Capital Equipment/Vehicle Replacement Budget (ESL) Planning and recommendation - March
 - (iv) Prohibited and Restricted Burning periods review and recommendation - March
 - (v) Communications Strategies including radios and repeater network review and recommendation – March or September
 - (vi) Bushfire Policy Review and recommend to the Council for consideration – March or September
 - (vii) Other Business – not included above and of a substantive nature – March or September

It should be noted that all business considered at a Bushfire Advisory Meeting is presented to the Council with recommendations for Council consideration and/or adoption. The Shire agrees to provide Administrative support to the Shire of Kellerberrin Bushfire Advisory Meetings only.

2. Fire Control Officers are not permitted to issue permits to burn, for their own purposes. Fire Control Officers wishing to burn must obtain a permit from another authorised Fire Control Officer.

- a) Authority to Act at a Bushfire Emergency – that the Chief Executive Officer be authorised to release/allocate Council operated vehicles, plant and machinery to a Bushfire Emergency, in consultation with or upon request from the Fire Control Officer in charge at the Bushfire Scene.
- b) Recovery of Costs from a Bushfire Emergency - costs incurred by Council vehicle/s, plant and machinery attending to an extreme/out of control Bushfire Emergency, is to be recouped from the ESL Scheme (DFES).

Bush Fire Courses - It be Council's policy that every encouragement be given to the Bush Fire Brigade Members and Fire Control Officers to attend Bush Fire and Fire Control Officer Courses run by DFES.

That Fire Control Officers be authorised to expend up to \$200 without authorisation. Expenditure above \$200 is to be authorised by the Chief Executive Officer in the course of management of control of a bushfire and that DFES be notified of the expense required to assist with controlling a fire.

STATUTORY IMPLICATIONS

Bush Fires Act 1954

38. Local government may appoint bush fire control officer

- (1) A local government may from time to time appoint such persons as it thinks necessary to be its bush fire control officers under and for the purposes of this Act, and of those officers shall subject to section 38A(2) appoint 2 as the Chief Bush Fire Control Officer and the Deputy Chief Bush Fire Control Officer who shall be first and second in seniority of those officers, and subject thereto may determine the respective seniority of the other bush fire control officers appointed by it.
- (2)(a) The local government shall cause notice of an appointment made under the provisions of subsection (1) to be published at least once in a newspaper circulating in its district.
[(b) deleted]
- (c) The local government shall fill any vacancy occurring in the office of Chief Bush Fire Control Officer or Deputy Chief Bush Fire Control Officer within one month after the vacancy occurs and if the local government fails or neglects to do so within that time, the Authority may by notice in writing require the local government to appoint a person to the vacant office within one month after service on it of such notice.
- (d) Where a local government that has been served with a notice pursuant to paragraph (c) fails or neglects to comply with the requirements of that notice, the Authority may appoint a person to the vacant office.
- (e) A bush fire control officer appointed under the provisions of this section shall be issued with a certificate of appointment by the local government or, if he is appointed by the Authority, by the Authority.
- (3) The local government may, in respect to bush fire control officers appointed under the provisions of this section, exercise so far as they can be made applicable the same powers as it may exercise in respect to its other officers, under the provisions of the Acts under which those other officers are appointed.
- (4) A bush fire control officer appointed under the provisions of this section shall, subject to such directions as may be given by the local government, and subject to this Act take such measures as appear to him to be necessary or expedient and practicable for —
 - (a) carrying out normal brigade activities;*[(b) and (c) deleted]*
 - (d) exercising an authority or carrying out a duty conferred or imposed upon him by any of the provisions of Part III;
 - (e) procuring the due observance by all persons of the provision of Part III.
- (5)(a) A local government may issue directions to a bush fire control officer appointed by the local government, or to an officer of a bush fire brigade registered by the local government to burn, subject to the provisions of this Act, bush on, or at the margins of, streets, roads, and ways, under the care, control and management of the local government.
- (b) The bush fire control officer, or officer of the bush fire brigade, may by authority of any directions so issued carry out the directions but subject to the provisions of this Act.
- (c) The provisions of this subsection are not in derogation of those of subsection (4).
- (6)(a) In this section —
“**approved local government**” means a local government approved under paragraph (b) by the Authority.

- (b) If it appears to the Authority that the standard of efficiency of a local government in fire prevention and control justifies the Authority doing so, the Authority, by notice published in the *Government Gazette* —
 - (i) may approve the local government as one to which this subsection applies; and
 - (ii) may from time to time cancel or vary any previous approval given under this paragraph.
- (c) An approved local government may appoint to the office of fire weather officer such number of senior bush fire control officers as it thinks necessary.
- (ca) Where more than one fire weather officer is appointed by a local government the local government shall define a part of its district in which each fire weather officer shall have the exclusive right to exercise the power conferred by paragraph (h).
- (cb) An approved local government may appoint one or more persons, as it thinks necessary, to be the deputy or deputies, as the case may be, of a fire weather officer appointed by the local government and where 2 or more deputies are so appointed they shall have seniority in the order determined by the local government.
- (cc) Where the office of a fire weather officer is vacant or whilst the occupant is absent or unable to act in the discharge of the duties of the office, any deputy appointed in respect of that office under paragraph (cb) is, subject to paragraph (cd), entitled to act in the discharge of the duties of that office.
- (cd) A deputy who is one of 2 or more deputies of a fire weather officer is not entitled to act in the discharge of the duties of the office of that fire weather officer if a deputy who has precedence over him in the order of seniority determined under paragraph (cb) is available and able to discharge those duties.
- (d) The local government shall give notice of an appointment made under paragraph (c) or (cb) to the Authority and cause notice of the appointment to be published at least once in a newspaper circulating in its district and the Authority shall cause notice of the appointment to be published once in the *Government Gazette*.
- (e) An approved local government may appoint a committee for the purpose of advising and assisting a fire weather officer or any deputy of a fire weather officer acting in the place of that officer under this subsection.
- (f) Where a committee is appointed, a fire weather officer, or, as the case may be, a deputy of a fire weather officer while acting in the place of that officer, may exercise the authority conferred on him by paragraph (h), notwithstanding the advice and assistance tendered to him by the committee.
- (g) The provisions of this subsection are not in derogation of those of any other subsection of this section.
- (h) A fire weather officer of an approved local government, or a deputy of that fire weather officer while acting in the place of that officer, may authorise a person who has received a permit under section 18(6)(a), to burn the bush in the district of the local government notwithstanding that for any day, or any period of a day, specified in the notice the fire danger forecast issued by the Bureau of Meteorology in Perth, in respect to the locality where the bush proposed to be burnt is situated, is “extreme” or “very high”, and upon the authority being given the person, if he has otherwise complied with the conditions prescribed for the purposes of section 18, may burn the bush.
- (i) This subsection does not authorise the burning of bush during the prohibited burning times or within the defined area during a bush fire emergency period.

[Section 38 amended by No. 35 of 1957 s. 7; No. 20 of 1958 s. 2; No. 11 of 1963 s. 18; No. 67 of 1970 s. 4; No. 65 of 1977 s. 36; No. 51 of 1979 s. 4; No. 60 of 1992 s. 21; No. 14 of 1996 s. 4; No. 10 of 1998 s. 20(2); No. 42 of 1998 s. 16; No. 38 of 2002 s. 29.]

38A. Authority may appoint Chief Bush Fire Control Officer

- (1) At the request of a local government the Authority may appoint a member of staff (as defined in the FESA Act) to be the Chief Bush Fire Control Officer for the district of that local government.
- (2) Where a Chief Bush Fire Control Officer has been appointed under subsection (1) for a district the local government is not to appoint a Chief Bush Fire Control Officer under section 38(1).
- (3) The provisions of this Act, other than section 38(3), (4) and (5) apply to and in relation to the Chief Bush Fire Control Officer appointed under this section as if he or she were a Chief Bush Fire Control Officer appointed under section 38 by the local government.
- (4) Section 38(3), (4) and (5) apply to and in relation to the Chief Bush Fire Control Officer appointed under this section as if —
 - (a) he or she were a Chief Bush Fire Control Officer appointed under section 38 by the local government; and
 - (b) the references in those subsections to the local government were references to the Authority.

[Section 38A inserted by No. 38 of 2002 s. 30.]

39. Special powers of bush fire control officers

- (1) Subject to the provisions of this Act a bush fire control officer appointed under this Act by a local government may, in the exercise of his functions and the performance of his duties under this Act, do all or any of the following things —
 - (a) exercise any of the appropriate powers of the Director of Operations under the *Fire Brigades Act 1942*, in so far as the same may be necessary or expedient, for extinguishing a bush fire or for preventing the spread or extension of the fire;
 - (b) enter any land or building, whether private property or not;
 - (c) pull down, cut, and remove fences on land, whether private property or not, if in his opinion it is necessary or expedient so to do for the purpose of taking effective measures for extinguishing a bush fire, or for preventing the spread or extension of the fire;
 - (d) cause fire-breaks to be ploughed or cleared on land, whether private land or not, and take such other appropriate measures on the land as he may deem necessary for the purpose of controlling or extinguishing a bush fire or for preventing the spread or extension of the fire;
 - (e) take and use water, other than that for use at a school or the domestic supply of an occupier contained in a tank at his dwelling-house, and other fire extinguishing material from any source whatever on land, whether private property or not;
 - (f) take charge of and give directions to any bush fire brigade present at a bush fire with respect to its operations or activities in connection with the extinguishment or control of the bush fire, or the prevention of the spread or extension of the fire;
 - (g) any other thing which in his opinion is incidental to the exercise of any of the foregoing powers;
 - (h) employ a person or use the voluntary services of a person to assist him, subject to his directions in the exercise of any of the foregoing powers; and
 - (i) either alone or with others under his command or direction enter a building which he believes to be on fire and take such steps as he considers necessary to extinguish the fire or prevent it from spreading, but except as arranged with or requested by an

officer in charge of a fire brigade under the *Fire Brigades Act 1942*, this power shall not be exercised in a townsite in an area which has been declared a fire district under that Act or in a townsite in which there is a fire brigade or volunteer fire brigade formed under the provisions of that Act.

- (2)(a) Where a bush fire is burning in or on forest land, or in or on Crown lands, if an authorised CALM Act officer is present at the fire, the powers and authorities conferred by this Act upon a bush fire control officer appointed under this Act by a local government are vested in and are exercisable by the authorised CALM Act officer.

[(b) *deleted*]

[Section 39 amended by No. 11 of 1963 s. 19; No. 51 of 1979 s. 5; No. 8 of 1987 s. 4; No. 14 of 1996 s. 4; No. 38 of 2002 s. 31 and 40.]

39A. Duties of bush fire authorities on outbreak of fire

- (1) On the outbreak of a bush fire at a place within or adjacent to the district of a local government, the bush fire control officers, bush fire brigade officers, or bush fire brigade members, of the local government, or as many of them as may be available may, subject to this Act, take charge of the operations for controlling and extinguishing the bush fire or for preventing the spread or extension of the fire.
- (2) Where a bush fire to which this section applies occurs, if a bush fire control officer, bush fire brigade officer, or member of a bush fire brigade, of the local government in whose district the bush fire is burning is not present at the fire, a bush fire control officer, a bush fire brigade officer, or member of a bush fire brigade, of a local government whose district is adjoining or adjacent, may exercise in respect of the bush fire, all powers and authorities of a bush fire control officer of the local government in whose district the fire is burning.
- (3) This section applies only to bush fires which —
- (a) have been lit or are maintained unlawfully;
 - (b) have occurred accidentally;
 - (c) have ceased to be under control or are not adequately controlled; or
 - (d) are declared in the regulations to be bush fires to which this section applies.

[Section 39A inserted by No. 35 of 1957 s. 8; amended by No. 51 of 1979 s. 5; No. 14 of 1996 s. 4.]

40. Local governments may join in appointing and employing bush fire control officers

- (1) Two or more local governments may by agreement join in appointing, employing and remunerating bush fire control officers for the purposes of this Act.
- (2) Bush fire control officers so appointed may exercise their powers and authorities and shall perform their duties under this Act in each and every one of the districts of the local governments which have joined in appointing them.

[Section 40 amended by No. 14 of 1996 s. 4.]

STRATEGIC PLAN IMPLICATIONS

Nil

FUTURE PLAN IMPLICATIONS

Nil

COMMUNITY CONSULTATION

Chief Executive Officer
Deputy Chief Executive Officer
Chief Bush Fire Control Officer
Shire of Quairading

STAFF RECOMMENDATION

1. *That Council appoints the following Shire of Quairading Fire Control Officer as a Dual Fire Control Officer for the Shire of Kellerberrin and Shire of Quairading.*
 - i. Mr Ben Wilson
2. *That the appointment of the above officer excludes the ability of issuing permits to landholders without prior consent from the Shire of Kellerberrin in writing.*

COUNCIL RESOLUTION

MIN187/19 MOTION - Moved Cr. Steber

2nd Cr. O'Neill

1. ***That Council appoints the following Shire of Quairading Fire Control Officer as a Dual Fire Control Officer for the Shire of Kellerberrin and Shire of Quairading.***
 - i. **Mr Ben Wilson**
2. ***That the appointment of the above officer excludes the ability of issuing permits to landholders without prior consent from the Shire of Kellerberrin in writing.***

CARRIED 6/0

Agenda Reference:	15.1.13
Subject:	Direct Debit List and Visa Card Transactions for the month September 2019
Location:	Shire of Kellerberrin
Applicant:	Shire of Kellerberrin
File Ref:	N/A
Record Ref:	N/A
Disclosure of Interest:	N/A
Date:	2 nd October 2019
Author:	Brett Taylor, Senior Finance Officer

BACKGROUND

Please see below the Direct Debit List and Visa Card Transactions for the month of September 2019.

Municipal Direct Debit List

Date	Name	Details	Amount
2-Sep-19	Westnet	Internet Fees	4.99
3-Sep-19	Department of Housing	Rent	420.00
5-Sep-19	Shire of Kellerberrin	Payrun	52,962.83
6-Sep-19	Department of Transport	Vehicle Inspections	22.16
9-Sep-19	Shire of Kellerberrin	Payrun	125.95
12-Sep-19	Shire of Kellerberrin	Creditors	180,650.38
13-Sep-19	DLL	Photocopier Lease	265.21
17-Sep-19	Department of Housing	Rent	420.00
18-Sep-19	ATO	BAS August	5,039.00
19-Sep-19	Shire of Kellerberrin	Superchoice	8,366.38
19-Sep-19	Shire of Kellerberrin	Payrun	57,251.29
19-Sep-19	NAB	Bank Fees - NAB Connect	52.23
20-Sep-19	Shire of Kellerberrin	Superchoice	8,915.80
27-Sep-19	Shire of Kellerberrin	Creditors	260,107.69
30-Sep-19	NAB	Bank Fees B-Pay	60.72
30-Sep-19	NAB	Bank Fees	52.70
30-Sep-19	NAB	Bank Fees	53.30
TOTAL			\$ 574,770.63

Trust Direct Debit List

Date	Name	Details	Amount
30-Sep-19	Department of Transport	Licencing September 2019	48,860.25
TOTAL			\$ 48,860.25

Visa Transactions

Date	Name	Details	Amount
12-Sep-19	Kalgoorlie Hotel	LGIS Conference	565.35
12-Sep-19	Railway Motel	LGIS Conference - Accommodation	450.00
12-Sep-19	Railway Motel	LGIS Conference - Accommodation	450.00
12-Sep-19	Railway Motel	LGIS Conference - Accommodation	450.00
23-Sep-19	Barchetta Café	Architect Pool Meeting	131.40
26-Sep-19	LG PRO	LG PRO Conference	1,610.00
27-Sep-19	NAB	Bank Fees	9.00
TOTAL - CEO			\$ 3,665.75

Date	Name	Details	Amount
27-Sep-19	LG PRO	LG PRO Conference	1,490.00
27-Sep-19	NAB	Bank Fees	9.00
		TOTAL -DCEO	1,499.00
		TOTAL VISA TRANSACTIONS	\$ 5,164.75

FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

➤ 2019/2020

POLICY IMPLICATIONS - Nil

STATUTORY IMPLICATIONS

Local Government (Financial Management) Regulations 1996

34. Financial activity statement report — s. 6.4

- (1A) In this regulation —
- committed assets** means revenue unspent but set aside under the annual budget for a specific purpose.
- (1) A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail —
- (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c);
 - (b) budget estimates to the end of the month to which the statement relates;
 - (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;
 - (d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and
 - (e) the net current assets at the end of the month to which the statement relates.
- (2) Each statement of financial activity is to be accompanied by documents containing —
- (a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets;
 - (b) an explanation of each of the material variances referred to in sub regulation (1)(d); and
 - (c) such other supporting information as is considered relevant by the local government.
- (3) The information in a statement of financial activity December be shown —
- (a) according to nature and type classification; or
 - (b) by program; or
 - (c) by business unit.
- (4) A statement of financial activity, and the accompanying documents referred to in sub regulation (2), are to be —
- (a) presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and
 - (b) recorded in the minutes of the meeting at which it is presented.

- (5) Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.

STRATEGIC PLAN IMPLICATIONS - Nil

CORPORATE BUSINESS PLAN IMPLICATIONS - Nil

TEN YEAR FINANCIAL PLAN IMPLICATIONS - Nil

COMMUNITY CONSULTATION – Nil

ABSOLUTE MAJORITY REQUIRED – No

STAFF RECOMMENDATION

1. That the Direct Debit List for the month of September 2019 comprising;
- a) Municipal Fund – Direct Debit List
 - b) Trust Fund – Direct Debit List
 - c) Visa Card Transactions

Be adopted.

COUNCIL RESOLUTION

MIN188/19 MOTION - Moved Cr. Leake

2nd Cr. McNeil

- 1. That the Direct Debit List for the month of September 2019 comprising;***

- a) Municipal Fund – Direct Debit List***
- b) Trust Fund – Direct Debit List***
- c) Visa Card Transactions***

Be adopted.

CARRIED 6/0

Agenda Reference:	15.1.14
Subject:	Cheque List September 2019
Location:	Shire of Kellerberrin
Applicant:	N/A
File Ref:	N/A
Record Ref:	N/A
Disclosure of Interest:	N/A
Date:	4 th October 2019
Author:	Morgan Ware, Finance Officer

BACKGROUND

Accounts for payment from 1st September 2019 – 30th September 2019

TRUST

TRUST TOTAL	\$ 1,911.65
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MUNICIPAL FUND

Cheque Payments

34660-34669	\$ 21,935.78
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EFT Payments

9912-10014	\$ 440,758.07
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Direct Debit Payments

	\$ 26,059.58
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TOTAL MUNICIPAL

	\$ 462,693.85
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COMMENT

During the month of September 2019, the Shire of Kellerberrin made the following significant purchases:

Smith Earthmoving Pty Ltd

	\$ 68,156.00
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Dozer hire for gravel push up as per tendered rate, Gravel sheeting at Steber, Fire, Johns & Yerapin Rd. Dozer hire for gravel push up at Chambers, Dowding, Mather, Kellerberrin-Bencubbin & Bath Street

Western Australian Treasury Corporation

	\$ 53,815.35
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Loan No. 118 Interest payment - Rec Centre Redevelopment

Innes & Co

	\$ 28,314.00
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Supply semi for month of August to haul gravel to tiller drive @ tendered rate

L & L Steber

	\$ 28,260.00
--	---------------------

Hire of PM, 2 x side tipper hire for gravel

Fire And Emergency Services (WA)

	\$ 21,928.06
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LGGS- capital grant 1QCC080 Isuzu FTS 150/260

F-111 Engineering Pty Ltd

	\$ 20,322.10
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Final Payment, 12 x U bolts, 8 x Poly rocker bushes, Hydraulic hoses & fittings, 4 x rocker pins, 24 x poly radius bushes, 12 x radius pins, 16 metres 1/2 inch air hose, 32 x hose clamps, Electrical cable, Electrical box and glands, Paint undercoat topcoat and thinners, 2 x 12" stroke, 3" bore hydraulic cylinders, Steel, Extra parts not on original quote, Additional labour to modify ramps to suit longer cylinders, Parts & Labour

Avon Valley Toyota Purchase of SR5 Toyota Hilux White 20290 (quote 6775) for DCEO, Includes fitting of Electric Brake control, Tow ball, Window tint, Mud flaps, Floor mats	\$ 20,290.00
United Card Services Pty Ltd Fuel Purchases, August 19	\$ 19,565.83
Rockway Contracting Excavator hire, Mulching, August 2019	\$ 18,177.50
Farmways Kellerberrin Pty Ltd 205 I UTTO, Purchase of dishlex 60cm freestanding dishwasher, Purchase Hisense 355litre refrigerator, Supply of chemical for swimming pool, Steel blue boots, 6 x gas bottles 45kg, Unipro 63mm fresh coat solagard low shen white, 20kg grease, 2 x hydraulic hoses, 4 x hydraulic elbows, 2 x large gas bottles for 29 Hammond (DCEO), and other misc. items for under \$100.00	\$ 16,299.16
Peak Transport Hire of LV for the month of August hauling gravel to Tiller drive at tendered rate	\$ 15,884.00
Avon Waste Domestic & Commercial collection 479 Bins @ 1.69 Rate, Transport, Service, Recycling	\$ 9,130.13
Heritage Tanks Australia Pty Ltd CT25 Corrugated Zincalume Water Tank	\$ 8,140.00
Moore Stephens Compilation of Monthly Financial Statement for July 2019, including end of month review service	\$ 7,386.50
WA Local Government Superannuation Plan Pty Ltd Payroll Deductions	\$ 7,152.53
WA Local Government Superannuation Plan Pty Ltd Payroll Deductions	\$ 6,728.36
The Bond Administrator Bond money for rental properties, 72A, 72B Hammond St & GROH	\$ 6,640.00
Wheatbelt Business Network Review current strategic plan, Consultation, Council workshops, Strategic plan writing, Caroline Robinson	\$ 6,165.50
Brooks Hire Service Pty Ltd Grader roller hire, July 19	\$ 5,264.00
Bob Waddell & Associates Pty Ltd Assistance with 2018/19 annual financial report	\$ 5,214.00
Verum Group Pty Ltd Consultancy agreement with VERUM, Project Management Services, Phase 1, Kellerberrin Memorial Swimming Pool Redevelopment, Progress payment of Fees Monthly, 19/20	\$ 5,104.00

Synergy Streetlights Tariff Charge (257) from 25 Jul to 24 Aug 2019	\$ 5,059.75
Deputy Commissioner Of Taxation PAYG Tax	\$ 5,039.00

Shire of Kellerberrin 2018/2019 Operating Budget

POLICY IMPLICATIONS - Nil

STATUTORY IMPLICATIONS

Local Government (Financial Management) Regulations 1996

11. Payment of accounts

- (1) A local government is to develop procedures for the authorisation of, and the payment of, accounts to ensure that there is effective security for, and properly authorised use of —
 - (a) cheques, credit cards, computer encryption devices and passwords, purchasing cards and any other devices or methods by which goods, services, money or other benefits may be obtained; and
 - (b) Petty cash systems.
- (2) A local government is to develop procedures for the approval of accounts to ensure that before payment of an account a determination is made that the relevant debt was incurred by a person who was properly authorised to do so.
- (3) Payments made by a local government —
 - (a) Subject to sub-regulation (4), are not to be made in cash; and
 - (b) Are to be made in a manner which allows identification of —
 - (i) The method of payment;
 - (ii) The authority for the payment; and
 - (iii) The identity of the person who authorised the payment.
- (4) Nothing in sub-regulation (3) (a) prevents a local government from making payments in cash from a petty cash system.

[Regulation 11 amended in Gazette 31 Mar 2005 p. 1048.]

12. Payments from municipal fund or trust fund

- (1) A payment may only be made from the municipal fund or the trust fund —
 - (a) If the local government has delegated to the CEO the exercise of its power to make payments from those funds — by the CEO; or
 - (b) Otherwise, if the payment is authorised in advance by a resolution of the council.
- (2) The council must not authorise a payment from those funds until a list prepared under regulation 13(2) containing details of the accounts to be paid has been presented to the council.

[Regulation 12 inserted in Gazette 20 Jun 1997 p. 2838.]

13. Lists of accounts

- (1) If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to

be prepared each month showing for each account paid since the last such list was prepared —

- (a) The payee's name;
 - (b) The amount of the payment;
 - (c) The date of the payment; and
 - (d) Sufficient information to identify the transaction.
- (2) A list of accounts for approval to be paid is to be prepared each month showing —
- (a) For each account which requires council authorisation in that month —
 - (i) The payee's name;
 - (ii) The amount of the payment; and
 - (iii) Sufficient information to identify the transaction;
 - And
 - (b) The date of the meeting of the council to which the list is to be presented.
- (3) A list prepared under sub-regulation (1) or (2) is to be —
- (a) Presented to the council at the next ordinary meeting of the council after the list is prepared; and
 - (b) Recorded in the minutes of that meeting.

STRATEGIC COMMUNITY PLAN IMPLICATIONS - Nil

CORPORATE BUSINESS PLAN IMPLICATIONS - Nil

(Including Workforce Plan and Asset Management Plan Implications)

TEN YEAR FINANCIAL PLAN IMPLICATIONS - Nil

COMMUNITY CONSULTATION - Nil

ABSOLUTE MAJORITY REQUIRED – NO

STAFF RECOMMENDATION

That Council notes that during the month of September 2019, the Chief Executive Officer has made the following payments under council's delegated authority as listed in appendix A to the minutes.

1. *Municipal Fund payments totalling \$ 488,753.43 on vouchers EFT , CHQ, Direct payments*
2. *Trust Fund payments totalling \$ 1,911.65 on vouchers EFT, CHQ, Direct payments*

COUNCIL RESOLUTION

MIN189/19 MOTION - Moved Cr. McNeil

2nd Cr. O'Neill

That Council notes that during the month of September 2019, the Chief Executive Officer has made the following payments under council's delegated authority as listed in appendix A to the minutes.

1. *Municipal Fund payments totalling \$ 488,753.43 on vouchers EFT , CHQ, Direct payments*
2. *Trust Fund payments totalling \$ 1,911.65 on vouchers EFT, CHQ, Direct payments*

CARRIED 6/0

Agenda Reference:	15.1.15
Subject:	Financial Management Report for September 2019
Location:	Shire of Kellerberrin
Applicant:	Shire of Kellerberrin
File Ref:	
Record Ref:	
Disclosure of Interest:	
Date:	16 October 2019
Author:	Kate Dudley, Deputy Chief Executive Officer

BACKGROUND

Enclosed is the Monthly Financial Report for the month of September 2019.

FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

Financial Management of 2019/2020 Budget

POLICY IMPLICATIONS

Nil

STATUTORY IMPLICATIONS

Local Government (Financial Management) Regulations 1996

34. Financial activity statement report — s. 6.4

(1A) In this regulation —

committed assets means revenue unspent but set aside under the annual budget for a specific purpose.

- (1) A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail —
 - (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c);
 - (b) budget estimates to the end of the month to which the statement relates;
 - (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;
 - (d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and
 - (e) the net current assets at the end of the month to which the statement relates.
- (2) Each statement of financial activity is to be accompanied by documents containing —
 - (a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets;
 - (b) an explanation of each of the material variances referred to in subregulation (1)(d); and
 - (c) such other supporting information as is considered relevant by the local government.
- (3) The information in a statement of financial activity be shown —
 - (a) according to nature and type classification; or
 - (b) by program; or
 - (c) by business unit.

- (4) A statement of financial activity, and the accompanying documents referred to in subregulation (2), are to be —
 - (a) presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and
 - (b) recorded in the minutes of the meeting at which it is presented.
- (5) Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.

STRATEGIC PLAN IMPLICATIONS

Core drivers identify what Council will be concentrating on as it works towards achieving Councils vision. The core drivers developed by Council are:

1. Relationships that bring us tangible benefits (to the Shire and our community)
2. Our lifestyle and strong sense of community
3. We are prepared for opportunities and we are innovative to ensure our relevancy and destiny

CORPORATE BUSINESS PLAN IMPLICATIONS

Nil

TEN YEAR FINANCIAL PLAN IMPLICATIONS

Nil

COMMUNITY CONSULTATION

Nil

ABSOLUTE MAJORITY REQUIRED

Yes

STAFF RECOMMENDATION

That the Financial Report for the month of September 2019 comprising;

- d) Statement of Financial Activity*
- e) Note 1 to Note 13*

Be adopted.

COUNCIL RESOLUTION

MIN190/19 MOTION - Moved Cr. Leake

2nd Cr. O'Neill

That the Financial Report for the month of September 2019 comprising;

- a) Statement of Financial Activity*
- b) Note 1 to Note 13*

Be adopted.

**CARRIED 6/0
BY ABSOLUTE MAJORITY**

Agenda Reference:	15.2.1
Subject:	Building Returns: September 2019
Location:	Shire of Kellerberrin
Applicant:	Various
File Ref:	BUILD06
Disclosure of Interest:	Nil
Date:	4 th October 2019
Author:	Raymond Griffiths, Chief Executive Officer

BACKGROUND

Council has provided delegated authority to the Chief Executive Officer, which has been delegated to the Building Surveyor to approve of proposed building works which are compliant with the Building Act 2011, Building Code of Australia and the requirements of the Shire of Kellerberrin Town Planning Scheme No.4.

COMMENT

1. There were four (4) applications received for a "Building Permit" during the September period. A copy of the "Australian Bureau of Statistics appends".
2. There was nil (0) "Building Permits" issued in the September period. See attached form "Return of Building Permits Issued".

FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

There is income from Building fees and a percentage of the levies paid to other agencies. ie: "Building Services Levy" and "Construction Industry Training Fund" (when construction cost exceeds \$20,000)

POLICY IMPLICATIONS

NIL

STATUTORY IMPLICATIONS

- Building Act 2011
- Shire of Kellerberrin Town Planning Scheme 4

STRATEGIC COMMUNITY PLAN IMPLICATIONS - Nil

CORPORATE BUSINESS PLAN IMPLCATIONS - Nil (Including Workforce Plan and Asset Management Plan Implications)

TEN YEAR FINANCIAL PLAN IMPLCATIONS - Nil

COMMUNITY CONSULTATION

Building Surveyor
Owners
Building Contractors

ABSOLUTE MAJORITY REQUIRED – YES/NO

NO

STAFF RECOMMENDATION

That Council

1. *Acknowledge the "Return of Proposed Building Operations" for the September 2019 period.*
2. *Acknowledge the "Return of Building Permits Issued" for the September 2019 period.*

COUNCIL RESOLUTION

MIN191/19 MOTION - Moved Cr.Talbot 2nd Cr. Steber

That Council

1. *Acknowledge the "Return of Proposed Building Operations" for the September 2019 period.*
2. *Acknowledge the "Return of Building Permits Issued" for the September 2019 period.*

CARRIED 6/0

Agenda Reference:	15.2.2
Subject:	CBH Worker Accommodation
Location:	34 Bedford Street, Kellerberrin
Applicant:	Mr. Bernard Lim (CDM Projects)
File Ref:	
Disclosure of Interest:	N/A
Date:	25 th September 2019
Author:	Mr Lewis York, Town Planner

BACKGROUND

A development application has been received from Mr. Bernard Lim on behalf of CBH for further development at its worker accommodation site (Lot 14 (34) Bedford Street, Kellerberrin). Council originally granted development approval in March 2019, however changes to the development plans were approved in July 2019. Since this date development on the site has been completed to reflect approved plans.

The new development includes one accommodation unit and a common room. The common room will be of a similar nature to existing transportable units and will be located on the north-east side of the kitchen block. The additional accommodation unit will be located to the east of the common room and in close proximity to existing accommodation units. The new unit will take the site capacity to 20 people (5 accommodation units with 4 bedrooms). This development will be considered separately to the previous development application approved in July 2019.

Councils March 2019 Ordinary Meeting of Council

MIN 041/19 MOTION - Moved Cr. Reid 2nd Cr. Leake

That Council after considering submissions received approves the development application and endorse the attached plans for worker accommodation to be located at 33 Bedford Street, Kellerberrin, with the following conditions;

GENERAL CONDITIONS

- 1. Development approval only in accordance with the Drawing No 2019-404-0080 Revision A dated 08/01/2019***
- 2. Development Approval will expire if the development is not substantially commenced within two years of the approval date; and***
- 3. The development to be fenced appropriately on the Northern, Southern and Eastern aspect to assist with noise reductions.***
- 4. The site shall be adequately screened with vegetation, to the desire of the Shire.***

Advice notes;

- 1. The provision of planning approval is not considered Building approval and such works should be accompanied with a building permit;***

Councils Decision from July 2019 ordinary meeting:

MIN129/19 MOTION - Moved Cr. Steber 2nd Cr. Leake

That Council;

Approve the attached modified plans No. 2019-404-006 for worker accommodation to be located at 33 Bedford Street, Kellerberrin, with the following conditions;

GENERAL CONDITIONS

1. *Development may be carried out only in accordance with the details of the application as approved herein and any approved plan;*
2. *Development Approval will expire if the development is not substantially commenced within two years of the approval date; and*
3. *The East side of the worker accommodation shall be adequately screened with vegetation, to the desire of the Shire.*

SITE

The site is located on Bedford Street which is in the North-East corner of the Kellerberrin townsite boundary. The lot is zoned 'Residential' and Coded 'R2' in *Local Planning Scheme No.4*. The lot is predominately cleared with only four (4) small trees existing on the western side adjacent to Bedford street.



FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

A development fee of \$320.00 has been received.

POLICY IMPLICATIONS

Shire of Kellerberrin Local Planning Scheme No.4

3.2. OBJECTIVES OF THE ZONES

The objectives of the zones are —

3.2.1 Residential Zone

- To retain the single dwelling as the predominant form of residential development in the Shire's townsites.
- To provide for lifestyle choice in and around the townsites with a range of residential densities.
- To allow for the establishment of non-residential uses subject to local amenities not being adversely affected.

3.3. ZONING TABLE

3.3.1. The Zoning Table indicates, subject to the provisions of the Scheme, the uses permitted in the Scheme area in the various zones. The permissibility of any uses is determined by cross reference between the list of use classes on the left hand side of the Zoning Table and the list of zones at the top of the Zoning Table.

3.3.2. The symbols used in the cross reference in the Zoning Table have the following meanings —

'P' means that the use is permitted by the Scheme providing the use complies with the relevant development standards and the requirements of the Scheme;

'D' means that the use is not permitted unless the local government has exercised its discretion by granting development approval;

'A' means that the use is not permitted unless the local government has exercised its discretion by granting development approval after giving notice in accordance with clause 64 of the deemed provisions.

'X' means a use that is not permitted by the Scheme.

TABLE 1 – ZONING TABLE

USE CLASSES	ZONES					
	RESIDENTIAL	TOWN CENTRE	INDUSTRIAL	GENERAL AGRICULTURE	RURAL TOWNSITE	RURAL RESIDENTIAL
RESIDENTIAL						
Aged or dependent persons dwelling	P	D	X	X	P	X
Caretaker's dwelling	X	D	D	D	P	X
Grouped dwelling	P	D	X	D	D	X
Home business	D	D	X	D	D	D
Home occupation	D	D	X	D	D	D
Home office	P	D	X	D	D	P
Home store	A	D	X	A	D	A
Multiple dwelling	D	X	X	X	X	X
Park home park	X	A	X	X	A	X
Repurposed dwelling <small>AMD 2 GG 12/09/17</small>	D	A	X	D	D	D
Residential building	A	X	X	X	A	X
Rural home business	X	X	X	D	X	D
Second-hand dwelling <small>AMD 2 GG 12/09/17</small>	D	A	X	D	D	D
Single Dwelling	P	A	X	P	P	P
Transportable dwelling	DELETED BY AMD 2 GG 12/09/17					

Use determination: In 2017 the Residential Use 'Transportable dwelling' was deleted from all planning schemes in the state and replaced with 're-purposed' and 'second hand' dwelling. The Shire wrote Department of Planning, Lands and Heritage seeking clarity on the use and it was advised it should

be considered outside the Zoning table as a 'use not listed'. A use not listed therefore requires Council discretion.

For the purposes of this application the use of 'Workforce Accommodation' as defined in the Planning and Development Regulations 2015 will be considered.

'Workforce Accommodation' means premises, which may include modular or relocatable buildings, used –

- (a) Primarily for the accommodation of workers engaged in construction, resource, agricultural or other industries on a temporary basis; and
- (b) For any associated catering, sporting and recreation facilities for the occupants and authorized visitors.

Planning and Development Local Planning Schemes Regulations 2015

67 . Matters to be considered by local government

In considering an application for development approval the local government is to have due regard to the following matters to the extent that, in the opinion of the local government, those matters are relevant to the development the subject of the application —

- (a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;
- (b) the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the [Planning and Development \(Local Planning Schemes\) Regulations 2015](#) or any other proposed planning instrument that the local government is seriously considering adopting or approving;
- (c) any approved State planning policy;
- (d) any environmental protection policy approved under the [Environmental Protection Act 1986 section 31\(d\)](#);
- (e) any policy of the Commission;
- (f) any policy of the State;
- (g) any local planning policy for the Scheme area;
- (h) any structure plan, activity centre plan or local development plan that relates to the development;
- (i) any report of the review of the local planning scheme that has been published under the [Planning and Development \(Local Planning Schemes\) Regulations 2015](#);
- (j) in the case of land reserved under this Scheme, the objectives for the reserve and the additional and permitted uses identified in this Scheme for the reserve;
- (k) the built heritage conservation of any place that is of cultural significance;
- (l) the effect of the proposal on the cultural heritage significance of the area in which the development is located;

(m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;

(n) the amenity of the locality including the following —

(i) environmental impacts of the development;

(ii) the character of the locality;

(iii) social impacts of the development;

(o) the likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource;

(p) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;

(q) the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bush fire, soil erosion, land degradation or any other risk;

(r) the suitability of the land for the development taking into account the possible risk to human health or safety;

(s) the adequacy of —

(i) the proposed means of access to and egress from the site; and

(ii) arrangements for the loading, unloading, manoeuvring and parking of vehicles;

(t) the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;

(u) the availability and adequacy for the development of the following —

(i) public transport services;

(ii) public utility services;

(iii) storage, management and collection of waste;

(iv) access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);

(v) access by older people and people with disability;

(v) the potential loss of any community service or benefit resulting from the development other than potential loss that may result from economic competition between new and existing businesses;

(w) the history of the site where the development is to be located;

(x) the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;

(y) any submissions received on the application;

(za) the comments or submissions received from any authority consulted under clause 66;

(zb) any other planning consideration the local government considers appropriate.

68 . Determination of applications

(1) The local government must not determine an application for development approval until the later of —

(a) if the application is advertised under clause 64 — the end of each period for making submissions to the local government specified in a notice referred to in clause 64(3); and

(b) if a copy of the application has been provided to a statutory, public or planning authority under clause 66 — the end of each period for providing a memorandum to the local government referred to in clause 66(3).

(2) The local government may determine an application for development approval by —

(a) granting development approval without conditions; or

(b) granting development approval with conditions; or

(c) refusing to grant development approval.

STRATEGIC PLAN IMPLICATIONS: Nil (not applicable at this date and therefore unknown)

CORPORATE BUSINESS PLAN IMPLICATIONS
(Including Workforce Plan and Asset Management Plan Implications)

LONG TERM PLAN IMPLICATIONS: Nil (not applicable at this date and therefore unknown)

COMMUNITY CONSULTATION:

The proposal was advertised to surrounding landowners from February to 1 March 2018.

Summary of Submissions Received:

Received: 20/02/19

Deborah Ware- 24 George Street, Kellerberrin

- Don't approve of the proposed worker accommodation
- Believes Kellerberrin currently provides sufficient levels of worker accommodation
- Query: Maintenance of property out of season?
- Query: Availability out of season?
- Poor aesthetical appeal of modular units

Sean and Judi Conway- 33 Bedford St, Kellerberrin

- Don't approve of the proposed worker accommodation

PLANNING ASSESSMENT

The abovementioned proposal provides CBH with an opportunity to centralize accommodation for its workers. Site expansion in 2018/19 will result in an increased workforce number at the Kellerberrin receivable site. In the past, workers have been staying at units on Hammond Street and/or the Caravan Park. It is noted that during the 2018 harvest period the Shires Caravan Park was often at capacity, while other accommodation options including Judy's Place and the Prev were often.

The accommodation proposed is located in area not considered to be overly sensitive to nearby landowners. While two negative submissions were received it is believed that if the facility can be adequately constructed it will provide a low level of visual impact to surrounding landowners. This can be achieved through conditions on the property, including adequate screening in the form of tree planting.

The site will be occupied between October and January each year, while maintenance will be completed throughout the year.

STAFF RECOMMENDATION

That Council approve the development application and endorse the attached plans for worker accommodation to be located at 33 Bedford Street, Kellerberrin, with the following conditions;

GENERAL CONDITIONS

1. *Development approval only in accordance with the Drawing No 404-ENG-AR-DGA-002 dated 5/09/19*
2. *Development Approval will expire if the development is not substantially commenced within two years of the approval date; and*
3. *The site shall be adequately screened with vegetation, to the desire of the Shire.*

Advice notes;

1. *The provision of planning approval is not considered Building approval and such works should be accompanied with a building permit;*

COUNCIL RESOLUTION

MIN192/19 MOTION - Moved: Cr.Leake

2nd: Cr.O'Neill

That Council approve the development application and endorse the attached plans for worker accommodation to be located at 33 Bedford Street, Kellerberrin, with the following conditions;

GENERAL CONDITIONS

- 1. Development approval only in accordance with the Drawing No 404-ENG-AR-DGA-002 dated 5/09/19*
- 2. Development approval will expire if the development is not substantially commenced within two years of the approval date; and*
- 3. The site shall be adequately screened with vegetation, to the desire of the Shire.*

Advice notes;

- 1. The provision of planning approval is not considered Building approval and such works should be accompanied with a building permit;*

CARRIED 6/0

Agenda Reference:	15.2.3
Subject:	Mechanical Garage
Location:	126 Massingham Street, Kellerberrin
Applicant:	Richard Marek
File Ref:	
Disclosure of Interest:	N/A
Date:	2 nd October 2019
Author:	Mr Lewis York, Town Planner

BACKGROUND

Council has received a development application from Mr. Richard Marek to use 126 Massingham Street as an automotive mechanical workshop. The site has previously been used as a mechanical workshop, while the space has also been utilized as a vintage car museum. The workshop intends to start trading on the 14th of October 2019.

SITE



FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

A development fee of \$147.00 has been received.

POLICY IMPLICATIONS

Shire of Kellerberrin Local Planning Scheme No.4

3.2. OBJECTIVES OF THE ZONES

The objectives of the zones are —

Town Centre

- (a) To ensure the town centre remains the principal place for business and administration within the District.
- (b) To encourage a high standard of development including buildings, landscaping and car parking.

3.3. ZONING TABLE

3.3.1. The Zoning Table indicates, subject to the provisions of the Scheme, the uses permitted in the Scheme area in the various zones. The permissibility of any uses is determined by cross reference between the list of use classes on the left hand side of the Zoning Table and the list of zones at the top of the Zoning Table.

3.3.2. The symbols used in the cross reference in the Zoning Table have the following meanings —

‘P’ means that the use is permitted by the Scheme providing the use complies with the relevant development standards and the requirements of the Scheme;

‘D’ means that the use is not permitted unless the local government has exercised its discretion by granting development approval;

‘A’ means that the use is not permitted unless the local government has exercised its discretion by granting development approval after giving notice in accordance with clause 64 of the deemed provisions.

‘X’ means a use that is not permitted by the Scheme.

USE CLASSES	RESIDENTIAL	TOWN CENTRE	INDUSTRIAL	GENERAL AGRICULTURE	RURAL TOWNSITE	RURAL RESIDENTIAL
Shop	X	P	X	X	A	X
Showroom	X	D	P	X	A	X
Trade display	X	D	P	X	A	X
OTHER						
Corrective institution	X	X	X	X	X	X
Essential service utility	D	D	D	D	D	D
Funeral parlour	X	A	P	X	A	X
Telecommunications infrastructure	D	D	P	D	A	D
Veterinary centre	X	A	P	A	A	A
INDUSTRY						
Fuel depot	X	X	A	X	X	X
Industry	X	X	P	X	X	X
Industry - cottage	A	D	P	A	D	A
Industry - extractive	X	X	X	D	X	X
Industry - general	DELETED BY AMD 2 GG 12/09/17					
Industry - light	X	X	P	X	A	X
Industry – primary production AMD 2 GG 12/09/17	X	X	P	D	A	A
Industry - service	X	D	P	X	A	X
Mining operations AMD 2 GG 12/09/17	X	X	X	D	X	X
Motor vehicle repair	X	D	P	X	A	X

Use determination:

The lot is zoned Town Centre under the Shires Local Planning Scheme. Motor Vehicle Repair is considered a discretionary ‘D’ use within this zone, therefore Council approval is required.

67 . Matters to be considered by local government

In considering an application for development approval the local government is to have due regard to the following matters to the extent that, in the opinion of the local government, those matters are relevant to the development the subject of the application —

- (a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;
- (b) the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the [Planning and Development \(Local Planning Schemes\) Regulations 2015](#) or any other proposed planning instrument that the local government is seriously considering adopting or approving;
- (c) any approved State planning policy;
- (d) any environmental protection policy approved under the [Environmental Protection Act 1986 section 31\(d\)](#);
- (e) any policy of the Commission;
- (f) any policy of the State;
- (g) any local planning policy for the Scheme area;
- (h) any structure plan, activity centre plan or local development plan that relates to the development;
- (i) any report of the review of the local planning scheme that has been published under the [Planning and Development \(Local Planning Schemes\) Regulations 2015](#);
- (j) in the case of land reserved under this Scheme, the objectives for the reserve and the additional and permitted uses identified in this Scheme for the reserve;
- (k) the built heritage conservation of any place that is of cultural significance;
- (l) the effect of the proposal on the cultural heritage significance of the area in which the development is located;
- (m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;
- (n) the amenity of the locality including the following —
 - (i) environmental impacts of the development;
 - (ii) the character of the locality;
 - (iii) social impacts of the development;

- (o) the likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource;
- (p) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;
- (q) the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bush fire, soil erosion, land degradation or any other risk;
- (r) the suitability of the land for the development taking into account the possible risk to human health or safety;
- (s) the adequacy of —
 - (i) the proposed means of access to and egress from the site; and
 - (ii) arrangements for the loading, unloading, manoeuvring and parking of vehicles;
- (t) the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;
- (u) the availability and adequacy for the development of the following —
 - (i) public transport services;
 - (ii) public utility services;
 - (iii) storage, management and collection of waste;
 - (iv) access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);
 - (v) access by older people and people with disability;
- (v) the potential loss of any community service or benefit resulting from the development other than potential loss that may result from economic competition between new and existing businesses;
- (w) the history of the site where the development is to be located;
- (x) the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;
- (y) any submissions received on the application;
- (za) the comments or submissions received from any authority consulted under clause 66;
- (zb) any other planning consideration the local government considers appropriate.

68 . Determination of applications

(1) The local government must not determine an application for development approval until the later of —

(a) if the application is advertised under clause 64 — the end of each period for making submissions to the local government specified in a notice referred to in clause 64(3); and

(b) if a copy of the application has been provided to a statutory, public or planning authority under clause 66 — the end of each period for providing a memorandum to the local government referred to in clause 66(3).

(2) The local government may determine an application for development approval by —

(a) granting development approval without conditions; or

(b) granting development approval with conditions; or

(c) refusing to grant development approval.

STRATEGIC PLAN IMPLICATIONS: Nil (not applicable at this date and therefore unknown)

CORPORATE BUSINESS PLAN IMPLICATIONS

(Including Workforce Plan and Asset Management Plan Implications)

LONG TERM PLAN IMPLICATIONS: Nil (not applicable at this date and therefore unknown)

COMMUNITY CONSULTATION:

Town Planner
Chief Executive Officer

PLANNING ASSESSMENT

The abovementioned development application raises no significant planning concerns. The lot is located on the edge of the town centre zone boundary therefore noise from the premises will not impact upon the main street shopping precinct. It is noted that 2 and 3 Mitchell Street are the only residential properties in close proximity to the premises.

Managing noise could be achieved through limiting working hours on the premises in the conditions of approval, however it is unlikely that noise would exceed that of the Great Eastern Highway traffic. The site provides suitable entry and exit points for traffic via Mitchell Street.

It is believed that the introduction of a mechanical repair shop to the shire can only be seen as a positive addition. The occupation of town centre lots by business is welcomed as a number of vacancies have arisen in the past decade.

STAFF RECOMMENDATION

That Council approve the use of 126 Massingham Street, Kellerberrin as a Motor Vehicle Repair with the following conditions;

GENERAL CONDITIONS

- 1. The lot shall only be used as a motor vehicle repair, unless prior approval of the Shire has been given;*
- 2. The landowners shall ensure that surrounding landowners are notified, in writing with a copy provided to the Shire, of the intended use of the lot; and*
- 3. The lot shall not be used for residential purposes.*

COUNCIL RESOLUTION

MIN193/19 MOTION - Moved: Cr. Steber

2nd: Cr. Leake

That Council approve the use of 126 Massingham Street, Kellerberrin for Motor Vehicle Repair with the following conditions;

GENERAL CONDITIONS

- 1. The lot shall only be used for motor vehicle repair, unless prior approval of the Shire has been given;***
- 2. The landowners shall ensure that surrounding landowners are notified, in writing with a copy provided to the Shire, of the intended use of the lot; and***
- 3. The lot shall not be used for residential purposes.***

CARRIED 6/0

15.3 WORKS & SERVICES – AGENDA ITEMS

Nil

16. ELECTED MEMBERS OF MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

17. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING

Agenda Reference:	17.1.1
Subject:	2019/2020 Bitumen Tender
Location:	Shire of Kellerberrin
Applicant:	Shire of Kellerberrin
File Ref:	TEND 77
Record Ref:	TEND 03/19
Disclosure of Interest:	N/A
Date:	19 th October 2019
Author:	Mr Raymond Griffiths, Chief Executive Officer

COUNCIL RESOLUTION

MIN 194/19 MOTION - Moved Cr. O'Neill

2nd Cr. Leake

That council accept item 17.1.1 as a late item.

CARRIED 6/0

BACKGROUND

Council in the 2019/2020 Budget has made provision for works on the following roadworks requiring Bitumen resurfacing;

Baandee North Road - Regional Road Group and Heavy Vehicle Safety and Productivity Program
 Bath and Chamber Street – Roads to Recovery
 Kellerberrin-Bencubbin Road – Commodity Route Funding
 Mather Road – Commodity Route Funding
 Dowding Street – Commodity Route Funding

The works associated with the abovementioned roads all include the requirement of sealing. Therefore requests for quotations through the WALGA preferred panel where called for the following:

1. Bituminous surfacing application works

The request for quotations closed Monday 14th October 2019.

COMMENT

Council received the following Tenders;

BITUMINOUS SURFACING APPLICATION WORKS

1. Fulton Hogan
2. Downer Infrastructure
3. Bitutek
4. Colas WA
5. Boral

Please find below and attached a spreadsheet that summarises the Tender prices for all five contractors. The summary are based on three different options depending aggregation of proposed town works.

Please see spreadsheets below summarises options and comments from Council's consulting Engineer Mr Rod Munns.

In addition to the proposed works listed below Council will also seal the Cemetery laneways and Centenary Car Park should time permit.

FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

Shire of Kellerberrin 2019/2020 - Capital Expenditure Budget – Roadworks – Option 1

Road Name	BUDGET	TENDER	TENDER	TENDER	TENDER	TENDER
	Bitumen	COLAS	Bitutek	Fulton Hogan	Downer	Boral
Baandee North	\$247,200	\$194,880	\$264,480	\$217,920	\$ 266,400	\$ 210,240
Baandee North	\$247,200	\$194,880	\$264,480	\$217,920	\$ 266,400	\$ 210,240
Bath Street	\$ 24,000	\$ 26,240	\$35,560	\$21,800	\$ 30,760	\$ 22,040
Chambers St	\$ 8,961	\$ 27,680	\$49,420	\$12,340	\$ 15,380	\$ 11,020
KBN-Bencubbin	\$102,485	\$ 80,794	\$109,649	\$90,346	\$ 110,445	\$ 87,162
Mather Rd	\$ 46,062	\$ 29,412	\$61,318	\$45,150	\$ 54,696	\$ 39,388
Dowding Street	\$105,410	\$ 83,100	\$112,779	\$92,925	\$ 113,597	\$ 89,650
TOTAL	\$781,318	\$636,986	\$897,686	\$698,401	\$ 857,678	\$ 669,740

Shire of Kellerberrin 2019/2020 - Capital Expenditure Budget – Roadworks – Option 2

Road Name	BUDGET	TENDER	TENDER	TENDER	TENDER	TENDER
	Bitumen	COLAS	Bitutek	Fulton Hogan	Downer	Boral
Baandee North	\$247,200	\$ 194,880	\$ 264,480	\$ 217,920	\$ 266,400	\$ 210,240
Baandee North	\$247,200	\$ 194,880	\$ 264,480	\$ 217,920	\$ 266,400	\$ 210,240
Bath Street	\$ 24,000	\$ 26,240	\$ 35,560	\$ 21,800	\$ 30,760	\$ 22,040
Chambers St	\$ 8,961	\$ 13,120	\$ 17,780	\$ 10,900	\$ 15,380	\$ 11,020
KBN-Bencubbin	\$102,485	\$ 80,794	\$ 109,649	\$ 90,346	\$ 110,445	\$ 87,162
Mather Rd	\$ 46,062	\$ 29,412	\$ 61,318	\$ 45,150	\$ 54,696	\$ 39,388
Dowding Street	\$105,410	\$ 83,100	\$ 112,779	\$ 92,925	\$ 113,597	\$ 89,650
TOTAL	\$781,318	\$ 622,426	\$ 866,046	\$ 696,961	\$ 857,678	\$ 669,740

Shire of Kellerberrin 2019/2020 - Capital Expenditure Budget – Roadworks – Option 3

Road Name	BUDGET	TENDER	TENDER	TENDER	TENDER	TENDER
	Bitumen	COLAS	Bitutek	Fulton Hogan	Downer	Boral
Baandee North	\$247,200	\$ 194,880	\$ 264,480	\$ 217,920	\$ 266,400	\$ 210,240
Baandee North	\$247,200	\$ 194,880	\$ 264,480	\$ 217,920	\$ 266,400	\$ 210,240
Bath Street	\$ 24,000	\$ 16,240	\$ 22,040	\$ 18,160	\$ 22,200	\$ 17,520
Chambers St	\$ 8,961	\$ 8,120	\$ 11,020	\$ 9,080	\$ 11,100	\$ 8,760
KBN-Bencubbin	\$102,485	\$ 80,794	\$ 109,649	\$ 90,346	\$ 110,445	\$ 87,162
Mather Rd	\$ 46,062	\$ 34,916	\$ 47,386	\$ 39,044	\$ 47,730	\$ 37,668
Dowding Street	\$105,410	\$ 83,100	\$ 112,779	\$ 92,925	\$ 113,597	\$ 89,650
TOTAL	\$781,318	\$ 612,930	\$ 831,834	\$ 685,395	\$ 837,872	\$ 661,240

IF BATH STREET AND CHAMBERS STREET ARE COMBINED IN SQUARE METERS & KELLERBERRIN / BENCUBBIN RD CHARGE OUT FOR COLASWA AT 4000 - 6000 M2 AREA RATE

	m2	Bitutek		Boral		Fulton Hogan		Colas		Downer	
Road Name		Unit Rate	Cost	Unit Rate	Cost	Unit Rate	Cost	Unit Rate	Cost	Unit Rate	Cost
Baandee North Road	48,000	5.51	\$ 264,480	4.38	\$ 210,240	4.54	\$ 217,920	4.06	\$ 194,880	5.55	\$ 266,400
Baandee North Road	48,000	5.51	\$ 264,480	4.38	\$ 210,240	4.54	\$ 217,920	4.06	\$ 194,880	5.55	\$ 266,400
Bath Street	4,000	8.89	\$ 35,560	5.51	\$ 22,040	5.45	\$ 21,800	6.56	\$ 26,240	7.69	\$ 30,760
Chambers Street	2,000	8.89	\$ 17,780	5.51	\$ 11,020	5.45	\$ 10,900	6.56	\$ 13,120	7.69	\$ 15,380
Keller-Bencubbin Road	19,900	5.51	\$ 109,649	4.38	\$ 87,162	4.54	\$ 90,346	6.56	\$ 130,544	5.55	\$ 110,445
Mather Road	8,600	7.13	\$ 61,318	4.58	\$ 39,388	5.25	\$ 45,150	3.42	\$ 29,412	6.36	\$ 54,696
Dowding Street	20,468	5.51	\$ 112,779	4.38	\$ 89,650	4.54	\$ 92,925	4.06	\$ 83,100	5.55	\$ 113,597
			\$ 866,046		\$ 669,740		\$ 696,961		\$ 672,176		\$ 857,678

Note : The cell highlighted yellow is the 4000 to 6000 m2 area treatment cost rate advised in clarification email (post close of Tender received by the Shire of Kellerberrin on 21/10/19) by ColasWA

Comments by RMECS	Highest Priced of Five (5) Tenders Received. Bitutek are well regarded in the industry for providing quality work. It is likely their tendered cost rates in this tender are on the higher side than that considered normal by Industry Standards, since they have advised that they are virtually already booked up until Christmas 2019.	Lowest Priced of Five (5) Tenders Received. I have had some involvement with their work at other nearby Regional LGs in the last five (5) year period and they have generally provided excellent work.	Median Priced of Five (5) Tenders Received. I have had some involvement with their work at the Shire of Kellerberrin in the past and other nearby Regional LGs and they have generally provided excellent work, apart from one occasion at the Shire of Kellerberrin when their crew turned up to site without a Site Supervisor and Rollers. This was during a busy period and an isolated incident.	Second Lowest Priced of Five (5) Tenders Received. I have had some involvement with their work at the Shire of Kellerberrin in the past and other nearby Regional LGs and they have generally provided excellent work, but at times when they have undercut tenders and taken on too much work have very occasionally got themselves into trouble completing work at an acceptable standard and meeting expected scheduled .	Second highest Priced of Five (5) Tenders Received. I have had some involvement with their work at other nearby Regional LGs and they have generally provided excellent work. It is possible that their tendered cost rates in this tender are on the higher side than that considered normal by Industry Standards, from already being loaded up with work.
Recommendation by RMECS	I would recommend that this Tender be awarded to Boral based on my recent excellent experience with their work at other regional LGs within the last five (5) year period, and also based on price.				

POLICY IMPLICATIONS

TENDERS – PREPARATION/ADVERTISEMENTS OF TENDER DOCUMENTS		POLICY 2.3
PURPOSE	To ensure that Council has the opportunity to review the scope of works for tenders prior to advertising and that tenders are advertised and awarded prior to the current contracts expiration.	
POLICY	<p>Three (3) months prior to the expiration of a Contract a tender shall be listed under the responsible officers report in the Ordinary Meeting of Council Agenda and the Specifications appended.</p> <p>Any review shall be completed so that a tender can be advertised two (2) months prior to expiration of the contract.</p> <p>A tender shall be awarded one (1) month prior to expiration of the current Contract.</p>	
DATE OF ADOPTION: November 2006		REVIEWED NOVEMBER 2006

STATUTORY IMPLICATIONS

Local Government Act 1995 (As Amended)

Section 3.57

- (1) A local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services.
- (2) Regulations may make provision about tenders.

Local Government (Function and General) Regulations No. 2 2005
Regulations 11 to 24 deals with tenders for providing goods and services in detail.

Annual Compliance Audit Return – certification of compliance relating to tender processes and accountability toward the advertising and consideration of tenders received and awarded.

STRATEGIC COMMUNITY PLAN IMPLICATIONS

Strategic Priority 2.1

Provide sustainable and well managed community assets and infrastructure for the long term enjoyment by our residents and visitors.

Goal 2.1.1	To maintain, upgrade and renew assets to ensure condition and performance remain at the level required.
Council's Role	<ul style="list-style-type: none">■ To implement asset management best practice principles into our day to day operations.■ To manage all assets in the most economical and efficient manner possible, from creation / acquisition through to disposal.■ To develop and implement a rolling program of renewal and replacement works to ensure assets are maintained at the most optimum condition possible.■ To source funding and grants to contribute to the renewal and replacement works.
Goal 2.1.2	To ensure new assets are designed and operated to incorporate the principles of value for money and life cycle costing.
Council's Role	<ul style="list-style-type: none">■ To implement asset management and whole of life principles to ensure the acquisition / creation of new assets identify the anticipated whole of life costs.■ To operate and maintain assets in the most economical and efficient manner possible.■ To implement operation and maintenance strategies to ensure assets remain in its most optimum condition possible, throughout its entire life cycle.
Goal 2.1.3	To collaborate with groups to investigate opportunities to improve road and transport network and connectivity between the Shire and beyond.
Council's Role	<ul style="list-style-type: none">■ To facilitate discussions with Road Authorities and external parties to improve condition of state roads.■ To lobby government agencies to provide an improved road and transportation system to the Shire.■ To develop a program to improve and enhance local roads and footpaths.■ To seek funding and grants from government and non-government sources to undertake road and footpath improvement works.

CORPORATE BUSINESS PLAN IMPLCATIONS

(Including Workforce Plan and Asset Management Plan Implications)

LONG TERM FINANCIAL PLAN IMPLCATIONS

COMMUNITY CONSULTATION

SHIRE OF KELLERBERRIN 15 YEAR LONG TERM FINANCIAL PLAN FOR THE YEARS 2016/17 to 2030/31

Asset Name	Details	Account / Job #	2028/29			2029/30			2030/31					
			Funding Source		Gross Purchase Price	Net Cost to Council	Funding Source		Gross Purchase Price	Net Cost to Council	Funding Source		Gross Purchase Price	Net Cost to Council
			Grants / Contributions	Trade In / Sale			Grants / Contributions	Trade In / Sale			Grants / Contributions	Trade In / Sale		
Schedule 14 - Governance														
Plant & Equip	IT Plant Equipment CCTV				45,559	\$45,559		46,101	\$46,101		46,650	\$46,650		
Plant	Motor Vehicle (4)	481			77,450		78,372				79,304			
Trade	Trade Existing Vehicle	481		(60,114)		\$9,336	(60,925)	\$9,447		(69,745)		\$9,359		
Plant	Motor Vehicle (5)	482			55,819		56,474				57,146			
Trade	Trade Existing Vehicle	482		(51,254)		\$4,556	(51,864)	\$4,610		(52,481)		\$4,665		
Schedule 17 - Health														
Plant & Equip	Other Equip & Minor Items													
Plant	Motor Vehicle (4)	483			35,011						35,427			
Trade	Trade Existing Vehicle	483		(12,731)		\$22,280				(12,883)		\$22,545		
Plant	Motor Vehicle (5)	484			35,011						35,427			
Trade	Trade Existing Vehicle	484		(12,731)		\$22,280				(12,883)		\$22,545		
Schedule 19 - Housing														
Information	CSGA Section Housing Project	C1489												
Res Op. Revenue	RPL Regional Fund - Welfare	02332			\$0			\$0				\$0		
Res Op. Revenue	Res Low for 1st year				\$0			\$0				\$0		
Information	CSGA Section Housing Project	C1489												
Res Op. Revenue	RPL Regional Fund Sdk	02332			\$0			\$0				\$0		
Information	Staff Housing Program													
Information	Regional Development Funding													
Schedule 16 - Community Amenities														
Information	Community Upgrade	10502			5,000		5,000		5,000		5,000			
Information	Contributions & Donations	10514	(5,000)		\$0	(5,000)		\$0	(5,000)		\$0			
Information	Maitland Street Public Facilities													
Plant	Replace Community Bus													
Trade	Trade Existing Vehicle													
Schedule 11 - Recreation & Culture														
Information	Renewal / Upgrade of Community Amenities	13290			12,236	\$12,236	12,381	\$12,381			12,529	\$12,529		
Information	Caravan park Upgrade													
Information	Centennial Park & State Pk - stage 1	C1331												
Res Op. Revenue	Grant - RGA/other	13332			\$0			\$0				\$0		
Building	Res Centre Stage 2													
Building	Building Renewals	276 PA Inc			114,142	\$114,142	116,425	\$116,425	(466,667)		118,753	\$118,753		
Plant & Equip	Town Hall	13368				(466,667)	700,000	\$233,333	(466,667)		700,000	\$233,333		
Information	Hockey Oval Lighting	13368												
Information	Minor Capex - Res Cost & ISO	13368			54,963	\$54,963	55,617	\$55,617			56,279	\$56,279		
Equip	Swimming Pool Renewals	13291												
Res Op. Revenue	Grant - Swimming Pool	13332			\$0			\$0				\$0		
Schedule 12 - Transport														
Information	Roads Program	276 PA Inc			2,212,241		2,278,608				2,346,966			
Res Op. Revenue	Grant - Foot path - connected con	1,196 PA Inc	(23,051)			(23,325)			(23,602)					
Res Op. Revenue	Grant - Main Roads Direct	1,196 PA Inc	(246,809)			(151,247)			(152,048)					
Res Op. Revenue	Grant - Regional Road Group	1,196 PA Inc	(361,971)			(366,278)			(370,637)					
Res Op. Revenue	Grant - Roads to Recovery	1,196 PA Inc	(693,514)			(701,766)			(716,137)					
Res Op. Revenue	Grant - AUSA/ST	1,196 PA Inc												
Building	New Depot & workshop					\$984,217		\$1,035,971			\$1,089,542			
Plant	Motor Vehicle (4)	482			55,819		56,474				57,146			
Trade	Trade Existing Vehicle	482		(51,254)		\$4,556	(51,864)	\$4,610		(52,481)		\$4,665		
Plant	Other Light Vehicle Renewals	2 000 PA					96,620	\$64,413						
Trade	Trade Existing Vehicle						(32,397)							
Plant	Plant Replacement Program			(80,000)	500,000					(80,000)	500,000			
Trade	Trade Existing Vehicle					\$428,800						\$428,800		
Plant	Purchase of 1st Truck, Trailer, Dolly	C12201				\$0		\$0				\$0		
Plant	Roadshow Icons Truck	C12202				\$0		\$0				\$0		
Building	Depot workshop building & floor repairs	1,22112				\$0		\$0				\$0		
Building	Depot (transportable office)	1,22912				\$0		\$0				\$0		
Information	Hockey SC Extension	C062				\$0		\$0				\$0		
Schedule 14 - Other Projects & Services														
Plant & Equip	Workshop - fit & sound checker	144023												
Information	Trucks Depot													
Information	Department of Water Funding													
Plant & Equip	Other Equip & Minor Items	144023			10,250	\$10,250	10,372	\$10,372			10,494	\$10,494		
			(1,233,631)	(276,084)	3,213,465	1,798,473	(1,714,304)	(204,859)	3,513,544	3,593,252	3,673,268	2,653,268		

STAFF RECOMMENDATION

That Council accepts the Tender from Boral WA for Tender 03/19, for the 2019-2020 Bitumen Surfacing Works as per the following pricing schedule;

1	Rate to apply 14 & 10mm Two Coat Cutback Bitumen Primerseal (Note : 2 Coat Binder Layers BAR = 1.40 L/m2 & 1.30 L/m2 at 15C – 14 & 10mm Agg) Application Area > 1000 & <= 2,500 m2 / Visit**	\$7.49	\$/m2 + GST
	Application Area >2,500 & <= 4,000 m2 / Visit**	\$6.56	\$/m2 + GST
	Application Area >4,000 & <= 6,000 m2 / Visit **	\$5.51	\$/m2 + GST
	Application Area >6,000 & <= 10,000 m2 / Visit **	\$4.58	\$/m2 + GST
	Application Area > 10,000 m2 / Visit **	\$4.38	\$/m2 + GST
2	Rate to apply 10mm Single Coat Cutback Bitumen Seal (Note : Single Coat Binder Layers BAR = 1.80 L/m2 at 15C – 10mm Agg) Application Area > 1000 & <= 2,500 m2 / Visit**	\$6.50	\$/m2 + GST
	Application Area >2,500 & <= 4,000 m2 / Visit**	\$4.86	\$/m2 + GST
	Application Area >4,000 & <= 6,000 m2 / Visit **	\$3.97	\$/m2 + GST
	Application Area >6,000 & <= 10,000 m2 / Visit **	\$3.68	\$/m2 + GST
	Application Area > 10,000 m2 / Visit **	\$3.40	\$/m2 + GST
3	Rate to apply 14mm Single Coat Cutback Bitumen Seal (Note : Single Coat Binder Layers BAR = 2.50 L/m2 at 15C – 14mm Agg) Application Area > 1000 & <= 2,500 m2 / Visit**	\$7.11	\$/m2 + GST
	Application Area >2,500 & <= 4,000 m2 / Visit**	\$5.42	\$/m2 + GST
	Application Area >4,000 & <= 6,000 m2 / Visit **	\$4.52	\$/m2 + GST
	Application Area >6,000 & <= 10,000 m2 / Visit **	\$4.26	\$/m2 + GST
	Application Area > 10,000 m2 / Visit **	\$3.95	\$/m2 + GST

COUNCIL RESOLUTION

MIN 195/19 MOTION - Moved Cr. Leake

2nd Cr. Steber

That Council accepts the Tender from Boral WA for Tender 03/19, for the 2019-2020 Bitumen Surfacing Works as per the following pricing schedule;

1 Rate to apply 14 & 10mm Two Coat Cutback Bitumen Primerseal

(Note : 2 Coat Binder Layers BAR = 1.40 L/m² & 1.30 L/m² at 15C – 14 & 10mm Agg)

<i>Application Area > 1000 & <= 2,500 m² / Visit**</i>	\$7.49	\$/m² + GST
<i>Application Area >2,500 & <= 4,000 m² / Visit**</i>	\$6.56	\$/m² + GST
<i>Application Area >4,000 & <= 6,000 m² / Visit **</i>	\$5.51	\$/m² + GST
<i>Application Area >6,000 & <= 10,000 m² / Visit **</i>	\$4.58	\$/m² + GST
<i>Application Area > 10,000 m² / Visit **</i>	\$4.38	\$/m² + GST

2 Rate to apply 10mm Single Coat Cutback Bitumen Seal

(Note : Single Coat Binder Layers BAR = 1.80 L/m² at 15C – 10mm Agg)

<i>Application Area > 1000 & <= 2,500 m² / Visit**</i>	\$6.50	\$/m² + GST
<i>Application Area >2,500 & <= 4,000 m² / Visit**</i>	\$4.86	\$/m² + GST
<i>Application Area >4,000 & <= 6,000 m² / Visit **</i>	\$3.97	\$/m² + GST
<i>Application Area >6,000 & <= 10,000 m² / Visit **</i>	\$3.68	\$/m² + GST
<i>Application Area > 10,000 m² / Visit **</i>	\$3.40	\$/m² + GST

3 Rate to apply 14mm Single Coat Cutback Bitumen Seal

(Note : Single Coat Binder Layers BAR = 2.50 L/m² at 15C – 14mm Agg)

<i>Application Area > 1000 & <= 2,500 m² / Visit**</i>	\$7.11	\$/m² + GST
<i>Application Area >2,500 & <= 4,000 m² / Visit**</i>	\$5.42	\$/m² + GST
<i>Application Area >4,000 & <= 6,000 m² / Visit **</i>	\$4.52	\$/m² + GST
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<i>Application Area > 10,000 m² / Visit **</i>	\$3.95	\$/m² + GST

**CARRIED 6/0
BY ABSOLUTE MAJORITY**

Agenda Reference:	17.1.2
Subject:	Supply of Cement Stabilisation and Wet Mixing Services for 2019/20
Location:	Shire of Kellerberrin
Applicant:	Shire of Kellerberrin
File Ref:	02/2019
Record Ref:	TEND 02/19
Disclosure of Interest:	
Date:	16 October 2019
Author:	Ms Kate Dudley, Deputy Chief Executive Officer

COUNCIL RESOLUTION

MIN 196/19 MOTION - Moved Cr. O'Neill

2nd Cr. Talbot

That council accept item 17.1.2 as a late item.

CARRIED 6/0

BACKGROUND

Council over the past two (2) years have been proactive in sourcing additional grant funding to assist with upgrading its road network by making application to both the Federal and State Government for additional funds through the following;

- Heavy Vehicle Safety and Productivity Program – Federal
- Commodity Route Funding - State

Council was fortunate to be successful with both applications and in doing so has pushed its program for the 2019/2020 year to a full level. A major function of the grant funded jobs is Cement Stabilisation and Wet mixing which has now taken the works over the Tender threshold of \$150,000 therefore Council has tendered the works for 2019/2020.

The works to be executed under this contract consist of pavement rehabilitation works involving insitu soil stabilisation and overlay treatments to existing road pavements. The works are to be managed by the Shire of Kellerberrin's supervisory staff. The works are to be completed by the Shire of Kellerberrin's road construction works crew supplemented with the stabilising and wet mixing contractor, the subject of this request for tender document.

Council advertised the Tender in The West Australian on Thursday 3rd October 2019 with tenders closing Monday 21st October 2019 @ 4pm.

COMMENT

Council received four (4) tender at the closing time of Tender 02/19 from:

1. Western Stabilisers
2. West Coast Stabilisers
3. Stabilised Pavements of Australia
4. Downer

Please find below the Pricing Schedules and comments from Council's consulting Engineer Mr Rod Munns.

Please also find attached the evaluation summary for the Tenders as per the Qualitative Criteria of the Tender.

FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

Shire of Kellerberrin 2019/2020 - Capital Expenditure Budget - Roadworks.

The budget figures represented are short of what the tender has been provided in a full costing term, however the jobs have been modified to not include a top layer off gravel therefore saving cartage, material and grading so the costs savings in this area equate to if not cover the overruns with this tender price.

Shire of Kellerberrin - Wetmixing and Stabilising Tender											
2019/2020 - Tender 03/2019											
Item No	Schedule of Rates Item	Quantity & Unit	QTY	DOWNER		SPA		WEST COAST STAB		WESTERN STAB	
				Unit Rate	Total	Unit Rate	Total	Unit Rate	Total	Unit Rate	Total
1	Rate to complete Treatment #1A – Stabilisation of Subgrade Layer with 4.0% Hydrated Lime at 250 deep within one (1) Mobilisation. This rate to include the costs for Stabilisation machine to pre-rip the existing pavement to allow the Principal's two Graders to remove the existing pavement onto the dedicated traffic lane to expose the Subgrade layer.	Approximate Treatment Area = 7,860 m2	7,860	\$ 6.24	\$ 49,046.40	\$ 7.56	\$ 59,421.60	\$ 9.70	\$ 76,242.00	\$ 8.80	\$ 69,168.00
2	Rate to complete Treatment #1B – Stabilisation of Subgrade Layer with 3.0% Hydrated Lime at 250 deep within one (1) Mobilisation. This rate to include the costs for Stabilisation machine to pre-rip the existing pavement to allow the Principal's two Graders to remove the existing pavement onto the dedicated traffic lane to expose the Subgrade layer.	Approximate Treatment Area = 27,165 m2	27,165	\$ 4.49	\$ 121,970.85	\$ 6.38	\$ 173,312.70	\$ 6.77	\$ 183,907.05	\$ 8.75	\$ 237,693.75
3	Rate to complete Treatment #2A – Stabilisation of Subbase Layer with 1.2% Cement at 170 deep within two (2) separate Mobilisations.	Approximate Treatment Area = 33,403 m2	33,403	\$ 2.65	\$ 88,517.95	\$ 2.82	\$ 94,196.46	\$ 3.26	\$ 108,893.78	\$ 3.59	\$ 119,916.77
4	Rate to complete Treatment #2B – Stabilisation of Subbase Layer with 1.2% Cement at 200 deep within two (2) separate Mobilisations.	Approximate Treatment Area = 5,113 m2	5,113	\$ 4.02	\$ 20,554.26	\$ 3.73	\$ 19,071.49	\$ 5.56	\$ 28,428.28	\$ 4.20	\$ 21,474.60
5	Rate to complete Treatment #3 – Wetmixing of Subbase Layer at 170 deep within four (4) separate Mobilisations.	Approximate Treatment Area = 183,210 m2	183,210	\$ 0.55	\$ 100,765.50	\$ 0.70	\$ 128,247.00	\$ 0.89	\$ 163,056.90	\$ 0.95	\$ 174,049.50
6	Mobilisation of Stabilisation Crew, including Water Truck.	Approximately Seven (7) Mobilisations	7	\$ 4,500.00	\$ 31,500.00		\$ 23,800.00	\$ 6,300.00	\$ 44,100.00	\$ 1,600.00	\$ 11,200.00
7	Mobilisation of Additive Spreader Truck and Additive	Approximately Three (3) Mobilisations	3	\$ 1,100.00	\$ 3,300.00		\$ 4,800.00	\$ 4,125.00	\$ 12,375.00	\$ 450.00	\$ 1,350.00
					\$ 415,654.96		\$ 502,849.25		\$ 617,003.01		\$ 634,852.62
Comments by RMECS			Lowest Price Tender of Four (4) Tenders received. I have had no personal experience with either their Wetmixing or Stabilisation work. However, Downer are a reputable company and they have completed a lot of MRWA highway work in the past, and have completed lower volumes of Regional Local Government work than other Companies. Hence this is the main reason why I have had no experience of their work practices. Their stabilisation rates are normal by recent Industry Standards, but their Wetmixing cost rate at \$0.55 / Lm is considered very low by recent Industry Standards. It is possible that they are trying hard to get into the LG market and are targeting this contract since it is a relatively high volume works schedule compared to the volume of similar work in other LG tenders, and any money lost with this wetmixing work if lower or equal to cost value would be made up by gains in the stabilisation work. There is some risk in accepting this tender given the very low wetmixing rate, but this can be managed by extra scrutiny onsite, and given the potential savings as compared to other		Second Lowest Price Tender of Four (4) Tenders received. I have had a reasonable amount of personal experience of SPAs work practices at other nearby Regional LGs and whilst most of this work has been to a reasonable standard, I have had a major problem with their work at a LG where their poor work cost this Shire some time and money. Fortunately they did not charge this Shire for their work, but this Shire was not compensated by SPA for the time lost and to fix the work. Fortunately, MRWA came to the party to cover the extra expenses. Their stabilisation rates are normal by recent Industry Standards, but their Wetmixing cost rate at \$0.70 / Lm is considered low by Industry Standard.		Second Highest Price Tender of Four (4) Tenders received. I have had no personal experience with either their Wetmixing or Stabilisation work. However, West Coast Stabilisation are a reputable company and they have completed a lot of MRWA highway work in the past, and have completed lower volumes of Regional Local Government work than other Companies. Hence this is the main reason why I have had no experience of their work practises. Their cost rates per treatments are normal by recent Industry Standards. In the last few years the Shire of Kellerberrin have requested quotations from West Coast Stabilisation to provide wetmixing services, since they have been completing large volumes of work for MRWA on the Great Eastern Hwy near Kellerberrin. Their quoted rates have been way higher than the awarded rates from other Companies and this is likely due to them completing MRWA projects with tighter specifications and		Highest Price Tender of Four (4) Tenders received. I have had a lot of personal experience of Western Stabilisers work practices at the Shire of Kellerberrin and other nearby Regional LGs, and they have generally provided excellent work. Their cost rates per treatments are normal by recent Industry Standards, but it is likely they are higher than the other recieved tenders as it is possible they may be getting booked up with work - given that there is an extra \$15 Million of Commodity Route Funding being allocated mainly this year and some next year, and the Wheatbelt Secondary Freight Network funding is starting to hit the ground.		
Recommendation by RMECS			I would recommend using Downer based on excellent Reference Check advice and Price mainly, and them being a reputable company, despite not having any personal experience with their wetmixing and stabilisation work. It is recommended that their Referees get contacted and scrutinised over the work methods								
Reference Check Advice on Downer		Ron Hunter - Engineering Works Supervisor - City of Canning	Ron was listed as one of Downer's Referees. I have not met Ron but contacted him on 22/10/19 by phone about Downer's stabilisation and wetmixing work practices. He advised that the City of Canning have utilised Downer to complete their cement and bitumen stabilisation work each year for the past twenty (20) year period and has found them excellent to work with. he also advised they were very professional and had good Steve is now the Manager of Infrastructure & Regulatory Services at the Shire of Brookton. I have known Steve for approximately three (3) years from when he was the Manager of Works & Services at the Shire of Katanning and I completed some Engineering Consulting work for them. I contacted Steve on 22/10/19 by phone and he advised that Downer completed some cement stabilisation work for the Shire of Katanning in March 2017 and they did an excellent job. He advised that they were very professional. He also advised that the Shire of Brookton had recently awarded Downer their stabilisation work for this current 2019/20 Yr.								
		Steve Thomson - Former Manager of Works & Services at the Shire of Katanning.									
		John Greay - Manager of Engineering Services at the Shire of Moora	I have known John for approximately seventeen (17) years, in which he has been the Manager of Engineering Services at the Shire of Moora . He advised that Downer completed some cement stabilisation work for the Shire of Moora in March 2016 and they did an excellent job. I contacted Steve on 22/10/19 by phone and he advised that they were very professional and had excellent plant and crew resources. He also advised that the Shire of Moora had recently awarded Downer their stabilisation work for this current 2019/20 Yr and are about to commence this work.								
			BUDGET								
Budget	QTY	Unit Rate	Total								
Bath Street	\$ 4,900.00	\$ 1.20	\$ 5,880.00								
Bencubbin Road	\$ 18,810.00	\$ 1.00	\$ 18,810.00								
Bencubbin Road	\$ 3,345.00	\$ 5.06	\$ 16,925.70								
Bencubbin Road	\$ 3,345.00	\$ 10.69	\$ 35,758.05								
Bencubbin Road	\$ 18,810.00	\$ 4.00	\$ 75,240.00								
Bencubbin Road Mobilising	\$ 2.00	\$ 2,450.00	\$ 4,900.00								
Mather Road	\$ 21,736.00	\$ 1.00	\$ 21,736.00								
Mather Road	\$ 480.00	\$ 4.60	\$ 2,208.96								
Mather Road - Mobilisation	\$ 2.00	\$ 2,450.00	\$ 4,900.00								
Dowding Street	\$ 24,870.00	\$ 1.00	\$ 24,870.00								
Dowding Street	\$ 800.00	\$ 6.20	\$ 4,960.00								
Dowding Street - Mobilisation	\$ 2.00	\$ 2,450.00	\$ 4,900.00								
Chambers	\$ 1,800.00	\$ 3.00	\$ 5,400.00								
Baandee North - C005J6	\$ 66,000.00	\$ 1.00	\$ 66,000.00								
Baandee North - C005J7	\$ 66,000.00	\$ 1.00	\$ 66,000.00								
	\$ 230,902.00		\$ 358,488.71								

POLICY IMPLICATIONS

TENDERS – PREPARATION/ADVERTISEMENT OF TENDER DOCUMENTS		POLICY 2.3
PURPOSE	To ensure that Council has the opportunity to review the scope of works for tenders prior to advertising and that tenders are advertised and awarded prior to the current contracts expiration.	
POLICY	Three (3) months prior to the expiration of a Contract a tender shall be listed under the responsible officers report in the Ordinary Meeting of Council Agenda and the Specifications appended. Any review shall be completed so that a tender can be advertised two (2) months prior to expiration of the contract. A tender shall be awarded one (1) month prior to expiration of the current Contract.	
DATE OF ADOPTION: November 2006		REVIEWED NOVEMBER 2006

STATUTORY IMPLICATIONS

Local Government Act 1995 (As Amended)

Section 3.57

- (3) A local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services.
- (4) Regulations may make provision about tenders.

Local Government (Function and General) Regulations No. 2 2005

Regulations 11 to 24 deals with tenders for providing goods and services in detail.

Annual Compliance Audit Return – certification of compliance relating to tender processes and accountability toward the advertising and consideration of tenders received and awarded.

STRATEGIC COMMUNITY PLAN IMPLICATIONS

CORPORATE BUSINESS PLAN IMPLCATIONS

(Including Workforce Plan and Asset Management Plan Implications)

LONG TERM FINANCIAL PLAN IMPLCATIONS

COMMUNITY CONSULTATION

Chief Executive Officer
Deputy Chief Executive Officer
Manager Works and Services
Consultant Engineer - Mr Rod Munns.

ABSOLUTE MAJORITY REQUIRED

Yes

STAFF RECOMMENDATION

That Council accepts the Tender from Downer for Tender 02/19, 2019/2020 Cement Stabilising and Wetmixing works as per the following pricing schedule;

1	Rate to complete Treatment #1A – Stabilisation of Subgrade Layer with 4.0% Hydrated Lime at 250 deep within one (1) Mobilisation. This rate to include the costs for Stabilisation machine to pre-rip the existing pavement to allow the Principal's two Graders to remove the existing pavement onto the dedicated traffic lane to expose the Subgrade layer.	Approximate Treatment Area = 7,860 m2	7,860	\$ 6.24	\$ 49,046.40
2	Rate to complete Treatment #1B – Stabilisation of Subgrade Layer with 3.0% Hydrated Lime at 250 deep within one (1) Mobilisation. This rate to include the costs for Stabilisation machine to pre-rip the existing pavement to allow the Principal's two Graders to remove the existing pavement onto the dedicated traffic lane to expose the Subgrade layer.	Approximate Treatment Area = 27,165 m2	27,165	\$ 4.49	\$121,970.85
3	Rate to complete Treatment #2A – Stabilisation of Subbase Layer with 1.2% Cement at 170 deep within two (2) separate Mobilisations.	Approximate Treatment Area = 33,403 m2	33,403	\$ 2.65	\$ 88,517.95
4	Rate to complete Treatment #2B – Stabilisation of Subbase Layer with 1.2% Cement at 200 deep within two (2) separate Mobilisations.	Approximate Treatment Area = 5,113 m2	5,113	\$ 4.02	\$ 20,554.26
5	Rate to complete Treatment #3 – Wetmixing of Subbase Layer at 170 deep within four (4) separate Mobilisations.	Approximate Treatment Area = 183,210 m2	183,210	\$ 0.55	\$100,765.50
6	Mobilisation of Stabilisation Crew, including Water Truck.	Approximately Seven (7) Mobilisations	7	\$4,500.00	\$ 31,500.00
7	Mobilisation of Additive Spreader Truck and Additive	Approximately Three (3) Mobilisations	3	\$1,100.00	\$ 3,300.00
					\$415,654.96

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					\$ 415,654.96

<p>Comments by RMECS</p>			<p>Lowest Price Tender of Three (3) Tenders received. I have had no personal experience with either their Wetmixing and Stabilisation work. However, Downer is a reputable company and they have completed a lot of MRWA highway work in the past, and perhaps this is why they have not completed a lot of LG work and I have not personally been involved in their work. Their stabilisation rates are normal by recent Industry Standards, but the Wetmixing cost rate at \$0.55 / Lm is considered very low by recent Industry Standards. It is possible that they are targeting this contract since it is a relatively high volume works schedule compared to the volume of similar work in other tenders, and any money lost with the wetmixing work if lower or equal to cost value would be made up by gains in stabilisation work. There is some risk in accepting this tender given the very low wetmixing rate, but this can be managed with extra scrutiny onsite, and given the potential savings as compared to other tenders, I believe is worth the risk.</p>
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COUNCIL RESOLUTION

MIN 197/19 MOTION - Moved Cr. McNeil

2nd Cr. Steber

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7	Mobilisation of Additive Spreader Truck and Additive	Approximately Three Mobilisations (3)	3	\$ 1,100.00	\$ 3,300.00
					\$ 415,654.96

<p>Comments by RMECS</p>			<p>Lowest Price Tender of Three (3) Tenders received. I have had no personal experience with either their Wetmixing and Stabilisation work. However, Downer is a reputable company and they have completed a lot of MRWA highway work in the past, and perhaps this is why they have not completed a lot of LG work and I have not personally been involved in their work. Their stabilisation rates are normal by recent Industry Standards, but the Wetmixing cost rate at \$0.55 / Lm is considered very low by recent Industry Standards. It is possible that they are targeting this contract since it is a relatively high volume works schedule compared to the volume of similar work in other tenders, and any money lost with the wetmixing work if lower or equal to cost value would be made up by gains in the stabilisation work. There is some risk in accepting this tender given the very low wetmixing rate, but this can be managed with extra scrutiny onsite, and given the potential savings as compared to other tenders, I believe is worth the risk.</p>
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**CARRIED 6/0
BY ABSOLUTE MAJORITY**

CLOSURE OF MEETING

The presiding member closed the meeting at 5.08pm.

NEXT MEETING DATES

Ordinary Council Meeting, Tuesday, 19th November 2019.