



Shire of Cunderdin

MINUTES

The Ordinary Meeting of the Cunderdin Shire Council was held on **Thursday 21 February 2019** in the Cunderdin Community Resource Centre, Cunderdin, WA, 6407 **commencing at 5.00pm.**

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AGENDA

1. Declaration of Opening

The President declared the meeting open at 5pm

The Shire of Cunderdin disclaimer was read aloud by Cr Norm Jenzen.

The *Local Government Act 1995* Part 5 Division 2 Section 5.25 and Local Government (Administration) Regulations 1996 Regulation 13

“No responsibility whatsoever is implied or accepted by the Shire of Cunderdin for any act, omission or statement or intimation occurring during this meeting. It is strongly advised that persons do not act on what is heard at this Meeting and should only rely on written confirmation of Council’s decisions, which will be provided within ten working days of this meeting”.

2. Record of Attendance, Apologies and Approved Leave of Absence

2.1 Record of attendances

Councillors

Cr DA (Dennis) Whisson	Shire President
Cr DB (Doug) Kelly	Deputy President
Cr AE (Alison) Harris	
Cr TE (Todd) Harris	
Cr B (Bernie) Daly	
Cr NW (Norm) Jenzen	
Cr D (Di) Kelly	

In Attendance

Neville Hale	Chief Executive Officer
Stuart Hobley	Manager of Corporate Services and Finance
Kayla James	Governance and Compliance Officer
Fabian Houbrechts	Acting Manager of Works and Services

Guests of Council

Members of the Public

Clive Gibsone	Cunderdin Bowling Club Member
Maurice Crameri	Cunderdin Bowling Club President

2.2 Apologies

Cr J (Jayson) Goldson	Non attendance
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2.3 Leave of Absence Previously Granted

3. Public Question Time

Declaration of public question time opened at:

Declaration of public question time closed at:

4. Petitions, Deputations & Presentations

Nil

5. Applications for Leave of Absence

Nil

6. Confirmation of the Minutes of Previous Meetings

6.1 Ordinary Meeting of Council held on 20 December 2018

Resolution 6.1 February 2019

That the Minutes of the Ordinary Council Meeting held on Thursday 20 December 2018 be confirmed as a true and correct record.

Moved: Cr Alison Harris

Seconded: Cr Norm Jenzen

Vote – Simple Majority

Carried: 7/0

Note to this item:

The President will sign the minute declaration on the previous minutes.

7. Declaration of Members and Officers Financial Interests

Declarations of Financial Interest received from Cr Whisson, Cr Kelly, Cr Daly, Cr T Harris, Cr A Harris, Cr Jenzen and Cr Di Kelly for item 9.10 POLICY – Elected Member Recognition of Service.

Noting that the Minister for Local Government, Sport and Cultural Industries has given approval for the abovementioned Councillors to participate and vote on item 9.10.

8. Announcements by President without Discussion

8.1 Bring item 9.8 forward

Resolution 8.1 February 2019

That item 9.8 – Unbudgeted Expenditure, Cunderdin Bowling green, be brought forward as the first item of business.

Moved: Cr Alison Harris

Seconded: Cr Todd Harris

Vote – Simple Majority

Carried: 7/0

9.8 Unbudgeted Expenditure – Repairs To the Cunderdin Bowling Green

Location:	Cunderdin Bowling Club
Applicant:	Works Department
Date:	11 February 2019
Author:	Fabian Houbrechts
Item Approved by:	Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	2 x Quotations

Proposal/Summary

For Council to consider approving unbudgeted expenditure of up to \$17,000 to repair and rectify base material of the synthetic Bowling Green.

Background

The synthetic surface of the Cunderdin bowling green has, for the past two years, been impacted by deterioration of the base material creating distortion of the surface to the detriment of its use.

The contractor responsible for the laying of the surface is no longer trading under the then company registration; moreover the base material that has failed was, in part, laid by the Shire.

Given the extended time that the surface has remained deficient, it is appropriate to take action to rectify the problem surface area.

Comment

The matter was first raised with our insurers but the nature of the failure was not covered.

Following many discussions with the Cunderdin Bowling Club and efforts to pursue the now defunct contractor, quotes have been sourced to undertake the necessary remedial repairs.

Copies of the quotations are attached for Council's information.

Consultation

Local Government Insurance Services
Cunderdin Bowling Club

Statutory Implications

Local Government Act, 1995

6.8. Expenditure from municipal fund not included in annual budget

(1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —

- (a) is incurred in a financial year before the adoption of the annual budget by the local government; or
- (b) is authorised in advance by resolution*; or
- (c) is authorised in advance by the mayor or president in an emergency.

* Absolute majority required.

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

Policy Implications

N/A

Financial Implications

The quotes range from \$15,453 to \$16,850 excluding GST.

The Shire holds two Reserve Accounts that could be used if funding is not available from within savings against the Municipal operating accounts; namely:

Asset Replacement Reserve - \$240,930; or,

Surfaces Replacement Reserve - \$83,820

Strategic Implications

Shire of Cunderdin Community Strategic Plan

Key Result Area: Social/Community

S1.1.3 Upgrade facilities in line with DAIP – 3. Source quotes for proposed works

Cr Doug Kelly with the permission of the President, asked the guests if they believe this \$17,000 is the end expenditure, or if the patching will require more repatching in the future.

The President asked if there is any funding coming from the Cunderdin Bowling Club

Resolution 9.8 February 2019

That Council approve expenditure of up to \$17,000 plus GST, from the Municipal fund not included in the 2018/19 annual budget, for repairs to the synthetic surface of the Cunderdin Bowling “green” to be funded from “Account 113111 – Sports Surfaces Repairs” and sourced from the “Surfaces Replacement Reserve” or general savings if available.

Moved: Cr Norm Jenzen

Seconded: Cr Bernie Daly

Vote – Absolute majority

Carried: 7/0

Clive Gibsone and Maurice Crameri left the room at 5.14pm.

9. Finance & Administration

9.1 Financial Reports for December 2018 and January 2019

Location:	Cunderdin
Applicant:	Manager of Corporate Services and Finance
Date:	14 February 2019
Author:	Stuart Hobley
Item Approved by:	Chief Executive Officer
File Reference:	Nil
Attachment/s:	1 attachment – Monthly Report

Proposal/Summary

The financial reports as at December 2018 and January 2019 are presented for consideration.

Background

The financial reports have been circulated to all Councillors.

Comment

Nil

Consultation

Nil

Statutory Environment

The *Local Government Act 1995* Part 6 Division 3 requires that a monthly financial report be presented to Council.

Policy Implications

Nil

Financial Implications

All financial implications are contained within the reports.

Strategic Implications

Nil

Resolution 9.1 February 2019

That Council receives the monthly financial reports for the period ending 31 December 2018 and 31 January 2019.

Moved: Cr Alison Harris

Seconded: Cr Dianne Kelly

Vote – Simple Majority

Carried: 7/0

9.2 Accounts Paid – December 2018 and January 2019

Location:	Cunderdin
Applicant:	Manager of Corporate Service and Finance
Author:	Stuart Hobley
Report Date:	14 February 2019
Item Approved By:	Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	2 attachment – Creditors list of payments December and January

Proposal/Summary

Council is requested to confirm the payment of Accounts totalling:

Total for Municipal -	\$194,746.26
Total for Trust -	\$7,831.41
TOTAL -	\$202,577.67

for December 2018 as listed in the Warrant of Payments for the period 1st to 31st December 2018.

Proposal/Summary

Council is requested to confirm the payment of Accounts totalling:

Total for Municipal -	\$179,728.34
Total for Trust -	\$5.00
TOTAL -	\$179,733.34

for January 2019 as listed in the Warrant of Payments for the period 1st to 31st January 2019.

Background

Nil

Comment

Nil

Consultation

Nil

Statutory Environment

In accordance with Financial Management Regulations 12 & 13, a List of all accounts paid or payable shall be presented to Council (Refer Warrant of Payments attached).

Financial Management Regulations 12 & 13.

Policy Implications

Nil

Financial Implications

All financial implications are contained within the reports

Strategic Implications

Nil

Resolution 9.2 February 2019

1. That Council's payment of accounts amounting to \$202,577.67 from Municipal Account and \$7,831.41 from Trust Account for December 2018, from :

Municipal Account	\$	Total
Electronic Funds Transfer: EFT 2803 - 2885	\$161,921.80	
Direct Debit: DD1318.1 – 1353.11	\$15,185.81	
Cheques: 11455 - 11462	\$17,068.15	
Bank Charges	\$570.50	\$194,746.26
Trust Account		\$7,831.41
TOTAL		\$202,577.67

2. That Council's payment of accounts amounting to 179,728.34 from Municipal Account and \$5.00 from Trust Account for January 2019, from :

Municipal Account	\$	Total
Electronic Funds Transfer: EFT 2886 - 2949	\$123,194.95	
Direct Debit: DD1349.1 – 1370.11	\$16,406.06	
Cheques: 11463 - 11472	\$39917.02	
Bank Charges	\$210.31	\$179,728.34
Trust Account		\$5.00
TOTAL		\$179,733.34

be confirmed and noted; and,

3. That the Payments List for December 2018 and January 2019 as presented be incorporated in the Minutes of the Meeting.

Moved: Cr Bernie Daly

Seconded: Cr Doug Kelly

Vote – Simple Majority

Carried: 7/0

9.3 Council Investments – As at 31st December 2018 and at 31st January 2019

Location:	Cunderdin
Applicant:	Manager of Corporate Services
Author:	Stuart Hobley
Report Date:	14 February 2019
Item Approved By:	Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	Nil

Proposal/Summary

To inform Council of its investments as at 31st December 2018.

Background

The authority to invest money held in any Council Fund is delegated to the Chief Executive Officer. Council Funds may be invested in one or more of the following:

- Fixed Deposits;
- Commercial Bills;
- Government bonds; and
- Other Short-term Authorised Investments.

Council funds are to be invested with the following financial institutions:

- Major Banks & Bonds Issued by Government and/ or Government Authorities.

Comment

In addition to the Shire's Municipal Operating Accounts totaling \$793,366.30 (Westpac - \$ 536,872.00 & Bendigo - \$ 256,494.30) as per attached statements, the following investment accounts are held as at 31st December 2018.

COUNCIL INVESTMENTS					
Institution	Amount Invested	Investment type	Municipal Funds	Reserve Funds	Trust Funds
Bendigo Bank	\$993,725.07	Reserves Term Deposit 2.75% Expires : 14/03/2019		\$993,725.07	
Westpac Bank	\$146.78	Business Cash Reserve 22-3647 0.50%	\$146.78		
Westpac Bank	\$134,135.49	Trust Working Account 12-2981			\$134,135.49
Westpac Bank	\$1,116,152.62	Term Deposit 2.5% Expires: 12/04/2019	\$1,116,152.62		
TOTAL INVESTMENTS	\$2,244,159.96		\$1,116,299.40	\$993,725.07	\$134,135.49

In addition to the above Shire funds, the Shire administers the Cunderdin Community Centre Trust Account being Westpac Account 000 073 - \$ 52,734.71 and Bendigo Term Deposit Ref: 2818751 - \$ 438,466.58

Proposal/Summary

To inform Council of its investments as at 31st January 2019.

Background

The authority to invest money held in any Council Fund is delegated to the Chief Executive Officer. Council Funds may be invested in one or more of the following:

- Fixed Deposits;
- Commercial Bills;
- Government bonds; and
- Other Short-term Authorised Investments.

Council funds are to be invested with the following financial institutions:

- Major Banks & Bonds Issued by Government and/ or Government Authorities.

Comment

In addition to the Shire's Municipal Operating Accounts totaling \$712,902.74 (Westpac - \$ 412,690.76 & Bendigo - \$ 300,211.98) as per attached statements, the following investment accounts are held as at 31st December 2018.

COUNCIL INVESTMENTS					
Institution	Amount Invested	Investment type	Municipal Funds	Reserve Funds	Trust Funds
Bendigo Bank	\$993,725.07	Reserves Term Deposit 2.75% Expires : 14/03/2019		\$993,725.07	
Westpac Bank	\$146.78	Business Cash Reserve 22-3647 0.50%	\$146.78		
Westpac Bank	\$134,130.49	Trust Working Account 12-2981			\$134,130.49
Westpac Bank	\$1,116,152.62	Term Deposit 2.5% Expires: 12/04/2019	\$1,116,152.62		
TOTAL INVESTMENTS	\$2,244,154.96		\$1,116,299.40	\$993,725.07	\$134,130.49

In addition to the above Shire funds, the Shire administers the Cunderdin Community Centre Trust Account being Westpac Account 000 073 - \$ 52,736.94 and Bendigo Term Deposit Ref: 2818751 - \$ 438,466.58

Consultation

Nil

Statutory Implications

Financial Management Regulation 19.

Policy Implications

Nil

Financial Implications

There are no financial implications in considering this item.

Strategic Implications

This item related to the Integrated Planning and Reporting Framework, that feeds into the Long Term Financial Plan when determining annual Council Budgets.

Resolution 9.3 February 2019

That the reports on Council investments as at 31st December 2018 and January 2019 be received and noted.

Moved: Cr Alison Harris

Seconded: Cr Todd Harris

Vote – Simple Majority

Carried: 7/0

9.4 Proposed Shire of Cunderdin Animals, Environment and Nuisance Amendment Local Law 2019

Location:	Shire of Cunderdin
Applicant:	Chief Executive Officer
Date:	December 2018
Author:	Kayla James
Item Approved by:	Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	
Attachment/s:	2 Pages

Proposal/Summary

The report proposes that an Amendment Local Law be made to effect changes to the *Shire of Cunderdin Animals, Environment and Nuisance Local Law 2016*, as per the directions of the Joint Standing Committee on Delegated Legislation (JSCDL). The JSCDL amendments relate to:

1. Clause 3.10(c) – Removal of refrigerants – the Joint Standing Committee’s view is that the wording of this clause is potentially hazardous as it requires ‘persons’ rather than those skilled and qualified to remove refrigerants; and
2. Clause 4.12(1) - Affixing any letter figure, device, poster, sign or advertisement on any buildings, fences or posts - The Committee assumes that it was not the Shire's intention to prohibit the placing of house numbers, 'no junk mail' signs, 'beware of the dog' signs and other such signage on all buildings, fences or posts without Shire approval. If this assumption is correct, the Committee considers that clause 4.12(1) has an unintended effect and contravenes Committee Terms of Reference 10.6(b), namely 'whether the instrument has no unintended effect on any person's existing rights or interests' or alternatively is not within power.

In addition to the amendments required by the JSCDL, other minor drafting issues have been identified and are proposed to be corrected as part of this Amendment Local Law.

Background

The Joint Standing Committee on Delegated Legislation wrote to Council on 12 October 2017 advising that clauses 3.10(c) and 4.12(1) of the *Shire of Cunderdin Animals, Environment and Nuisance Local Law 2016*, published in the *Government Gazette* on 4 January 2017, offends terms of reference 10.6(b). The Committee sought an undertaking from Council to amend the local law and remove the offending clauses.

The Council considered this matter at its Ordinary Meeting on 20 July 2017 and resolved as follows:

RESOLUTION: 230-17/18

MOVED Cr Norm Jensen SECONDED Cr Todd Harris

That Joint Standing Committee on Delegated Legislation be advised that the Council of the Shire of Cunderdin agrees to the following undertakings in relation to the *Shire of Cunderdin Animals, Environment and Nuisance Local Law 2016*: -

1. Delete Clauses 3.10(c) and 4.12(1) of the *Shire of Cunderdin Animals, Environment and Nuisance Local Law 2016*;
2. Make all necessary consequential amendments.
3. Until Clause 3.10(c) is deleted, post a notice on the Shire’s website next to the local law alerting residents to the error and the fact that the Commonwealth now regulates this field through a licensing system.
4. Not enforce the Local Law in a manner contrary to the undertakings that the Council gives.

5. That the shire provide a copy of the minutes of the meeting at which the Council resolves to provide the undertakings.
6. Where the Local Law is made publicly available, whether in hard copy or electronic form, it be accompanied by a copy of these undertakings.

CARRIED 8/0

The Council is now required to commence the local law making process to complete the amendments to the Animals, Environment and Nuisance Local Law in accordance with the undertaking given to the Joint Standing Committee on Delegated Legislation.

Comments

The proposed Animals, Environment and Nuisance Amendment Local Law 2019 is set out in the attachment to this report.

In making a new local law, the Shire must comply with the provisions of section 3.12 of the Act.

The Local Government (Functions and General) Regulations (Regulation 3) states that for the purpose of Section 3.12(2) of the Act, the person presiding at a council meeting is to give notice of the purpose of the local law by ensuring that the purpose and effect of the proposed local law is included in the agenda for that purpose and the minutes of the meeting of the council include the purpose and effect of the proposed local law.

The purpose of the proposed Animals, Environment and Nuisance Amendment Local Law 2019 is to provide for the regulation, control and management of animals and the prevention of environmental damage and nuisances within the District.

The effect of the proposed Animals, Environment and Nuisance local law is to establish the requirements with which any person keeping animals, or undertaking activities, that have the potential to impact the environment or create nuisance, must comply.

Consultation

Section 3.12(3) of the Local Government Act 1995 requires a local government to give state-wide and local public notice inviting submissions from the community on the proposed local law. A 6 week statutory advertising period must be undertaken.

In addition, copies of the proposed Animals, Environment and Nuisance Amendment Local Law 2019, (gazetted copy), must be sent to the relevant Ministers for comment (Minister for Health and Minister for Local Government, Sports and Cultural Industries).

Statutory Implications

Joint Standing Committee on Delegated Legislation Terms of Reference
Local Government Act 1995 – S3.12

3.12. Procedure for making of local laws

- (1) In making a local law a local government is to follow the procedure described in this section, in the sequence in which it is described.
- (2) At a council meeting the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner.
- (3) The local government is to —
 - (a) give state-wide public notice stating that-

- (i) the local government proposes to make a local law the purpose of which is summarised in the notice;
 - (ii) a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and
 - (iii) submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given;
 - (b) as soon as the notice is given, give a copy of the proposed local law and a copy of the notice to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister; and
 - (c) provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.
- (3a) A notice under subsection (3) is also to be published and exhibited as if it were a local public notice.
- (4) After the last day for submissions, the local government is to consider any submissions made and may make the local law* as proposed or make a local law* that is not significantly different from what was proposed.
- * Absolute majority required.**
- (5) After making the local law, the local government is to publish it in the Gazette and give a copy of it to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister.
- (6) After the local law has been published in the Gazette the local government is to give local public notice —
- (a) stating the title of the local law;
 - (b) summarizing the purpose and effect of the local law (specifying the day on which it comes into operation); and
 - (c) advising that copies of the local law may be inspected or obtained from the local government’s office.
- (7) The Minister may give directions to local governments requiring them to provide to the Parliament copies of local laws they have made and any explanatory or other material relating to them.
- (8) In this section —
making in relation to a local law, includes making a local law to amend the text of, or repeal, a local law.

Policy Implications

Nil

Financial Implications

The amendment to the Local Law will result in additional advertising and gazettal costs.

Strategic Implications

Cunderdin Community Strategic Plan

The Cunderdin Community Strategic Plan aims to manage growth sustainably through governance, leadership, and targeted service and economic growth. The goals to achieve the aim are:

Social

- Grow and build the population base.
- Improve community spirit, collectively caring for each other.

- Build an active community, increasing participation and ownership.

Environmental

- Maintain and enhance the natural environment and resources.
- Maintain and enhance the area's infrastructure.

Economic

- Strengthen local business and employment capacity.
- Support and encourage sustainable business growth.
- Position the area as a regional strategic location and transport hub.

Resolution 9.4 February 2019

That Council:

1. Adopt the proposed Shire of Cunderdin Animals, Environment and Nuisance Amendment Local Law 2019, as contained in Attachment 1 for advertising purposes;
2. Pursuant to section 3.12 of the Local Government Act 1995, give Statewide public notice and local public notice that it intends to make the Shire of Cunderdin Animals, Environment and Nuisance Amendment Local Law 2019, as contained in the Attachment:
 - a) the purpose of which is provide for the regulation, control and management of animals and the prevention of environmental damage and nuisances within the District; and
 - b) the effect is to establish the requirements with which any person keeping animals, or undertaking activities that have the potential to impact the environment or create nuisance, must comply;
3. Send copies of the proposed local law to the Minister for Local Government, Sports and Cultural Industries, and the Minister for Health for comment.

Moved: Cr Todd Harris

Seconded: Cr Dianne Kelly

Vote – Simple Majority

Carried: 7/0

9.5 Shire of Cunderdin Audit Committee Minutes

Awaiting the Office of the Auditor General

9.6 Shire of Cunderdin Annual Report 2017/2018 Financial Year

Awaiting the Office of the Auditor General

9.7 Corporate Business Plan Quarterly Report

Location:	Shire of Cunderdin
Applicant:	Chief Executive Officer
Date:	13 February 2019
Author:	Kayla James
Item Approved by:	Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	Corporate Business Plan Review

Proposal/Summary

To receive the Corporate Business Plan Report as attached.

Background

All local governments are currently required to produce a plan for the future under Sec. 5.56 (1) of the *Local Government Act 1995*.

Regulations made under the Act outline the minimum requirements of a plan for the future namely:-

- A **Strategic Community Plan** to cover a period of at least 10 financial years.
- A **Corporate Business Plan** to cover a period of at least 4 financial years.

On 21st December 2017, Council adopted the format of the attached Corporate Business Plan spreadsheet report for quarterly reporting to the ordinary meetings of Council held in the months of September, December, March and June of each financial year.

Comment

Due to the Major Desktop Review of the Corporate Business Plan adopted by Council at its 20 December 2018 Ordinary Meeting, the scheduled December 2018 spreadsheet report was not required. However quarterly spreadsheet reports will be provided commencing March 2019.

The spreadsheet identifies the strategies and actions for each Community Strategic Plan objective and the year/s of implementation for the four-year life of the Corporate Business Plan.

Key result area 1 – Social and Community

The Shires delivery of outcomes under this category relies on the availability of an appropriately qualified Community Development Officer.

In the absence of a Community Development Officer the Shire does not have the capacity to lodge the necessary grant applications. Without funding, Council is unable to fulfil plans such as the Youth Engagement Plan or upgrade areas to meet DAIP, inclusive of access to the Town Halls as highlighted in the attached.

The Shire is currently advertising to fill this position.

However, it is noted that the Cunderdin Community Resource Centre facilitates Shire events and report its success to Council regularly.

Key result area 2 - Environment

The Shire will undertake of the Water Efficiency Management Plan (WEMP) in the 2019 year, subject to the engagement of an appropriate qualified consultant.

Key result area 3 – Economic Development

The Shire of Cunderdin is progressing well in this area, the lack of progress on the airfield project being the main set-back.

Moreover, once the Regional Planning Scheme has been reviewed and adopted, Council will be in a position to progress any review of its Local Planning Scheme and achieve Economic Development goal areas.

Key result area 4 – Infrastructure and Transport

Currently the Shire of Cunderdin is reviewing its Long Term Financial Plan and the Asset Management Plans. Once in place, Councils' Integrated Planning and Reporting Framework can be progressed to an acceptable standard.

Key result area 5 – Civic Leadership

The Long Term Financial Plan is currently under review. Once complete, this will enable the Shire to meet its Long Term Governance requirements in respect to financial and asset management forward planning.

Consultation

Staff

Acting Works Manager

Chief Executive Officer

Manager of Corporate Services and Finance.

Statutory Implications

Local Government (Administration) Regulations 1996

19DA. Corporate business plans, requirements for (Act s. 5.56)

- (1) *A local government is to ensure that a corporate business plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.*
- (2) *A corporate business plan for a district is to cover the period specified in the plan, which is to be at least 4 financial years.*
- (3) *A corporate business plan for a district is to —*
 - (a) *set out, consistently with any relevant priorities set out in the strategic community plan for the district, a local government's priorities for dealing with the objectives and aspirations of the community in the district; and*
 - (b) *govern a local government's internal business planning by expressing a local government's priorities by reference to operations that are within the capacity of the local government's resources; and*
 - (c) *develop and integrate matters relating to resources, including asset management, workforce planning and long-term financial planning.*
- (4) *A local government is to review the current corporate business plan for its district every year.*
- (5) *A local government may modify a corporate business plan, including extending the period the plan is made in respect of and modifying the plan if required because of modification of the local government's strategic community plan.*
- (6) *A council is to consider a corporate business plan, or modifications of such a plan, submitted to it and is to determine* whether or not to adopt the plan or the modifications.*

**Absolute majority required.*

- (7) *If a corporate business plan is, or modifications of a corporate business plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.*

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Shire of Cunderdin Community Strategic Plan 2018

CL5	Objective 2	Undertake the civic duties of Council with the highest degree of ethics.
CL5	Objective 5	Improve organisational planning, processes and systems.

Resolution 9.7 February 2019

That Council receive and endorse the Corporate Business Plan Quarterly Report as at 1 February 2019.

Moved : Cr Doug Kelly

Seconded: Cr Norm Jenzen

Vote – Simple majority

Carried: 7/0

Item 9.8 dealt with as first item of business

9.9 Policy Manual – Harvest Vehicle and Movement Bans

Location:	Shire of Cunderdin
Applicant:	Shire of Cunderdin
Date:	13 February 2019
Author:	Kayla James
Item Approved by:	Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	Policy Manual Extract – Section 5.3

Proposal/Summary

This report is provided to Council to consider and endorse amending Policy 5.3 Harvest and Movement of Vehicle Bans.

Background

The Policy “Harvest and Movement of Vehicle Bans” was adopted within the Shire of Cunderdin Policy Manual by Council at the 20 December 2018 Meeting. Following this, Memorandums were issued to relevant Fire Control Officer’s (FCO’s).

The current Policy Statement reads;

The following persons are authorised to determine when a Harvest and Movement of Vehicles Ban in accordance with the Bush Fires Act and Regulations is to be imposed, and to arrange notification –

- a) Chief Bush Fire Control Officer;
- b) Deputy Chief Bush Fire Control Officer;
- c) Chief Executive Officer;
- d) Community Emergency Services Manager (CESM).

Comment

Memorandums were issued to FCO’s where they were requested to sign and acknowledge the Harvest and Movement of Vehicle Bans Policy. The Chief Executive Officer and the Chief Bush Fire Control Officer, Ashley Burges received feedback on issues with the current policy inclusive of the FCO’s not being included in determining when a Harvest and Movement of Vehicle Ban is to be implemented.

Council Policy is administrative in nature, requires approval by a simple majority of Council, and may be made, amended or revoked at any time by Council.

The following sections are reserved to Council to amend –

- Policy Statement
- Application
- Objective

Accordingly, application has now been made to Council to change it’s policy statement to read as follows;
Any two of the following persons are authorised to determine when a Harvest and Movement of Vehicles Ban in accordance with the Bush Fires Act and Regulations is to be imposed, and to arrange notification –

- a) *Chief Bush Fire Control Officer;*
- b) *Deputy Chief Bush Fire Control Officer;*
- c) *Chief Executive Officer;*
- d) *Fire Control Officer/s*
- e) *Community Emergency Services Manager (CESM).*

Consultation

Chief Executive Officer – Neville Hale
Community Emergency Services Manager – Simon Bell
Chief Bush Fire Control Officer – Ashley Burges

Statutory Implications

Bush Fire Act 1954

Policy Implications

Shire of Cunderdin Policy Manual – Section 5, Fire Control

Financial Implications

There are no financial implications in relation to this item.

Strategic Implications

Outcome 1.2 A growing, healthy and safe community

- 1.2.1 Maintain and enhance sport and recreation facilities
- 1.2.2 Improve recreation for all ages
- 1.2.3 Support provision of emergency services and encourage community volunteers

Resolution 9.9 February 2019

That Council adopt the Policy 5.3 Harvest and Movement of Vehicle Bans as amended, and include the revised policy within the Policy Manual.

Moved: Cr Norm Jenzen Seconded: Cr Todd Harris

Vote: Simple Majority Carried: 7/0

9.10 Policy – Elected Member Recognition of Service

Declarations of Financial Interest received from Cr Whisson, Cr Kelly, Cr Daly, Cr T Harris, Cr A Harris, Cr Jenzen and Cr Di Kelly.

Location:	Shire of Cunderdin
Applicant:	Chief Executive Officer
Date:	14 February 2019
Author:	Niel Mitchell, Consultant
Item Approved by:	Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	
Attachment/s:	Draft Policy – Elected Member Recognition of Service Attachment Item 11.1 – Signed letter from Michael Connolly, Deputy Director General – Regulation, Department of Local Government, Sport and Cultural Industries

Proposal/Summary

Consideration of a draft Policy for Elected Member Recognition of Service.

Background

Many Councils have a policy for recognition of the service given by elected members to the community.

Comments

The *Local Government Act 1995* s.5.100A specifies that a gift cannot be given to a Council member except as prescribed. The Administration Regulations r.34AC restricts the gift to –

- elected members who have completed at least one 4 year term.
- maximum amount of gifts is up to \$100 per year of service to a maximum of \$1,000.

It should be noted that a decision to make a gift is a financial interest for any person who may benefit from the adoption of the policy, and must therefore be declared under the Act. For the Councillors to consider the matter, the approval of the Minister will be required under the Act s.5.69, and if to be a Policy, a draft policy submitted.

Application under s.5.69 may be made by individual councillors or by the CEO on their behalf.

Consultation

Niel Mitchell, Conway – Highbury Pty Ltd
Neville Hale, Chief Executive Officer

Statutory Implications

Local Government Act 1995 –

- s.5.60 – when a person has an interest.
- s.5.60A – financial interest.
- s.5.69 – Minister may allow members disclosing interests to participate etc. in meetings.

- *s.5.100A – gifts to elected members may only be made in prescribed circumstances.*

Local Government (Administration) Regulations 1996 –

- *r.34AC – gifts to council members, when permitted etc.
(1) at least one 4 year term must be completed.
(2) maximum gift of \$100 per year of service to maximum of \$1,000.*

Policy Implications

None

Financial Implications

Future cost of gifts to departing councillors.

Strategic Implications

Strategic Community Plan 2018:

Key Result Area 5: Civic Leadership

CL5-Objective 1 Deliver sustainable governance through transparent and robust policy and processes;

IT5.1.1 Governance Framework - Provide a fully integrated robust governance framework with annual reviews of the Shire’s governance framework, policies, management practices, delegations, risk management framework and periodic reviews of the Code of Conduct and Local Laws.

Resolution 9.10 February 2019

That Council

1. approve the attached draft Policy 1.4 Elected Members Recognition of Service; and,
2. include Policy 1.4 within Council’s Policy Manual.

Moved: Cr Bernie Daly

Seconded: Cr Todd Harris

Vote – Absolute Majority

Carried: 7/0

9.11 Policy Manual – New Policies

Location:	Shire of Cunderdin
Applicant:	Chief Executive Officer
Date:	14 February 2018
Author:	Niel Mitchell, Consultant
Item Approved by:	Neville Hale, Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	
Attachment/s:	Draft Policies – - 3.4 – Requests for Financial and Other Assistance - 11.1 – Cunderdin Airfield East Area

Proposal/Summary

For Council to adopt two new policies.

Background

The Policy for financial and other assistance is intended to outline the requirements and criteria etc for the community grants and assistance program of Council.

The Policy for the Airfield is submitted following clarification of several matters with the Building Surveyor. It is intended that it provide guidance for the management of buildings on the Airfield, since it is listed as a site in the State Heritage Register. Consequently, development requires approval of the Heritage Council.

Comments

Policy may be made, amended or revoked at any time by simple majority.

The general hierarch of authority is –

1. legislation – including regulations and local planning scheme
2. local laws
3. delegations – being under direct authority of legislation or local laws, and being made by absolute majority
4. policy – as it outlines how the above three authorities are to be implemented and being made by simple majority

Although every policy is at Council’s discretion, they are essential for the effective and efficient operation of the Shire.

Consultation

Neville Hale, Chief Executive Officer
Kayla James, Executive Assistant
Tim Jurman – Building Surveyor
Niel Mitchell, Conway – Highbury Pty Ltd

Statutory Implications

None

Policy Implications

New policies

Financial Implications

None

Strategic Implications

The Policy Manual is to enable the effective and efficient implementation of Council's instructions, adopted annual budget, and legislative and local law obligations.

Resolution 9.11 February 2019

That the attached Policies be adopted –

- a) 3.4 – Requests for Financial and Other Assistance;
- b) 11.1 – Cunderdin Airfield East Area

And the policies be included in the Shire's Policy Manual

Moved: Cr Dianne Kelly

Seconded: Cr Alison Harris

Vote – Simple Majority

Carried: 7/0

9.12 Delegation– Sandalwood Village

Location:	Shire of Cunderdin
Applicant:	Chief Executive Officer
Date:	14 February 2019
Author:	Niel Mitchell, Consultant
Item Approved by:	Neville Hale, Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	
Attachment/s:	Draft Delegation

Proposal/Summary

For Council to consider the adoption of a Delegation for Sandalwood Village.

Background

The delegation is to the Chief Executive Officer (CEO) in accordance with the Act to allow for the determination of applications for tenancy of the Village.

Comments

Since the Village is a Shire owned property, management of it must be by the Shire. The Local Government Act provides that this may be delegated to either a Committee established by Council or to the CEO.

Accordingly, the proposed Delegation is to the CEO, and is subject to conditions and directives, including the requirement to consult with the Cunderdin-Meckering Cottage Homes Inc. In effect, the Cottage Homes Management Committee will assess applications consistent with their current practice, and make a recommendation to the CEO, who may accept, vary or decline their recommendation under delegated authority.

Should an applicant not fit the criteria detailed in the Schedules to the proposed delegation, the matter may still be referred to Council for final decision. Council may then apply or vary the conditions and instructions of the Delegation as it sees fit.

Consultation

Niel Mitchell, Conway – Highbury Pty Ltd
Neville Hale, Chief Executive Officer

Statutory Implications

Compliance with various Local Government Act requirements-

Local Government Act 1995 –

- s.3.58 – disposing of property includes sell, lease etc whether absolutely or not
- s.5.9 – types of committee
- s.5.16 – Council may delegate to a committee by absolute majority
- s.5.17 – delegation to a committee to manage local government property must include at least one of either a council member or an employee
- s.5.42 – Council may delegate to CEO, except property that is not exempt

Local Government (Functions and General) Regulations 1996 –

- r.30 – disposition of property excluded from s.3.58
 - o (2)(g) – leasing of residential property to a person

Policy Implications

None

Financial Implications

None

Strategic Implications

Delegations made by Council are to enable the effective and efficient implementation of Council's instructions, adopted annual budget, and legislative and local law obligations.

Resolution 9.12 February 2019

That the attached delegation to the CEO for Sandalwood Village be approved and incorporated in the Shire's current Delegations Register.

Moved: Cr Bernie Daly

Seconded: Cr Dianne Kelly

Vote – Simple Majority

Carried: 7/0

10. Environmental Health and Building

Nil

11. Planning & Development

11.1 WALGA’s Preferred Model – Third Party Appeal Rights for decisions made by Development Assessment Panels

Location:	N/a
Applicant:	WALGA
Date:	10 January 2019
Author:	Jacky Jurmann, Consultant Planner
Item Approved by:	Neville Hale, Chief Executive Officer
Disclosure of Interest:	Jacky Jurmann, DAP Member
File Reference:	N/a
Attachment/s:	WALGA’s Preferred Model

Proposal/Summary

Western Australia Local Government Association (WALGA) is requesting comment and/or Council resolutions on their proposed Third Party Appeal system.

The purpose of this Report is to consider WALGA’s Preferred Model and if appropriate provide comments and/or a Council resolution.

It is recommended that Council generally support WALGA’s Preferred Model for Third Party Appeal Rights for decisions made by Development Assessment Panels (DAP).

Background

At the May 2018 WALGA State Council meeting, it was resolved to amend the policy position to support the introduction of Third Party Appeal Rights for decisions made by Development Assessment Panels (DAPs).

This policy position was provided by WALGA to the State Government and also submitted during the consultation on the Independent Review of the Planning System in July 2018 (the Green paper).

The Hon. Minister for Planning’s reply to WALGA indicated that Third Party Appeal Rights are not included in the Green paper, as they would “*add unnecessary complexity and red tape to the planning framework, contrary to the intent of the review*”. However, WALGA considers that this statement could perhaps be challenged as the objectives of the Review were also about providing a modern and accountable planning system.

Following this feedback, the State Council resolved to further consult with members to provide more clarity on the exact details of the criteria that need to be established, before recommending any system for consideration by the State Government.

Workshops were conducted by WALGA and the attached preferred model has been prepared, which is now being circulated for further comment from the sector.

Comment

It is recognised that planning processes and development considerations have increased in scope and complexity over recent years. Almost all changes to planning systems and processes (including defending SAT appeals) have resulted in additional resource, time and cost impositions for local government.

WALGA is seeking comment from the Shire specifically on whether the Shire supports, as a preferred model for third party appeals rights, the introduction of third party appeal rights for decisions made by DAPs.

The Shire of Cunderdin has recently been involved in the DAP process during the consideration of the proposed amendment of the approval for the Cunderdin Solar Farm to extend the substantial commencement period. The solar farm is a substantial project in the Shire that is likely to have many positive economic and other impacts. If the determination as a whole or conditions imposed were detrimental to the community, at present there is no avenue for appeal.

It is therefore recommended that the Council advises it supports the introduction of third party appeal rights for DAP decisions as WALGA and local government's preferred position on the issue.

Consultation

The outcomes of the consultation process have led WALGA to formulate a view that third party appeal rights for DAP decisions is local government's preferred model for third party appeals.

Statutory Implications

Currently, in the DAP approval process, only the applicant has ability to appeal a decision made by the DAP and the DAP can defend its decision through an appeal process. Local government currently has no ability to appeal a DAP decision.

Some local governments have significant concerns about the operation of the DAPs in their areas because the DAPs have made decisions contrary to the recommendations in the Responsible Authority Report or conditions have been imposed by the DAPs that were not supported by the local government, and there is no recourse available to the local government to challenge these decisions.

Third party appeal rights would afford local government the opportunity to challenge a DAP decision which is contrary to the recommendation in the Responsible Authority Report or a condition imposed by the DAP that is not supported by the local government. Arguably this would increase local government's influence over planning decisions on major applications within their areas and the community may feel that they are better represented through the DAP process.

In the case of the Shire of Cunderdin, this is less of an issue than what it is for other local governments. Notwithstanding this, it may be useful for the Shire to have third party appeal rights against DAP decisions in the event they are ever needed in the future and it is recommended that WALGA be advised that the Shire supports the introduction of third party appeal rights for decisions made by DAPs.

Policy Implications

Nil

Financial Implications

Depending on the form of third party appeals, there may be a significant cost to the Shire in appealing decisions of a JDAP in SAT, with the cost for a hearing on a relatively uncomplicated matter utilising the assistance of a planning consultant ranging between \$15,000 to \$20,000. If legal representation is also required, this could cost the Shire an additional \$30,000. Cost for a significant matter could cost the Shire in the region of \$80,000 to \$100,000.

Strategic Implications

The support of third party appeals for DAP decisions is consistent with the Social Goal of the Cunderdin Strategic Community Plan, in particular the goal to: **“Build an active community, increasing participation and ownership.”**

Resolution 11.1 February 2019

That Council advises WALGA that it supports the introduction of third party appeal rights for decisions made by Development Assessment Panels.

Moved: Cr Alison Harris

Seconded: Cr Dianne Kelly

Vote – Simple majority

Carried: 7/0

11.2 Cunderdin Water Tower – Proposed Closure of Portions of Great Eastern Highway & Forrest Street, Cunderdin

Location:	Cunderdin Water Tower – Great Eastern Highway & Forrest Street, Cunderdin
Applicant:	Main Roads WA
Date:	3 January 2019
Author:	Jacky Jurmann, Planning Consultant
Item Approved by:	Neville Hale, CEO
Disclosure of Interest:	Nil
File Reference:	
Attachment/s:	1. Main Roads Correspondence & Plan 2. Schedule of Submissions 3. Submissions

Proposal/Summary

To facilitate the transfer of management of the Cunderdin Water Tower from Main Roads WA to the Shire of Cunderdin, it is necessary to close portions of the Great Eastern Highway and Forrest Street as depicted in the Land Dealing Plan (1860-109) provided by Main Roads WA attached to this Report.

The proposed road closure has been advertised and no submissions of objection were received.

Council is now required to resolve to formally close the subject portion of the road taking into consideration the submissions received.

Background

This matter has been previously considered by Council on two occasions over a prolonged period of time at the request of Main Roads.

Most recently, Council resolved at its Ordinary Meeting held on 16th August 2018 to:

1. *“Close the identified portions of the Great Eastern Highway and Forrest Street, Cunderdin as depicted in the Main Roads’ Land Dealing Plan 1860-109 inclusive of advertising the proposal for road closure in accordance with section 58 of the Land Administration Act 1997.*
2. *Request the Minister for Lands to close the road pursuant to section 58 of the Land Administration Act 1997.*
3. *Request the Department of Planning, Lands and Heritage to create a Crown reserve for this land with management to the Shire for community and public purposes.”*

The proposal has been advertised in accordance with point 2 of the resolution and in accordance with the Department of Planning, Lands and Heritage’s Crown Lands Practice Manual, Council is now required to reaffirm its resolution to close the subject portion of the road taking into consideration the submissions received in response to the advertising.

Consultation

In accordance with the provisions of section 58(3) of the *Land Administration Act 1997*, the proposal was advertised for a minimum period of 35 days.

There were no submissions from the public in response to the advertising.

Six (6) submissions were received from State government agencies and service providers. No objections were raised in the submissions. The Water Corporation have requested an easement over their sewerage infrastructure that is located within the subject portion of land. Main Roads have advised that they have no objections to this request. Refer to the Schedule of Submissions attached to this Report for further details.

Comment

Heritage

The Cunderdin Water Tower has been entered on the State Heritage List since 1992 and is a significant site for the community and the history of the development of the railway and rural towns in WA.

Contaminated Site

The site is identified on the Department of Water and Environmental Regulation's Contaminated Sites Database as a site that has been 'remediated for restricted use' with a number of other lots as a result of groundwater contaminated from a former service station that was located on Lot 1 Great Eastern Highway. This classification restricts the extraction of groundwater and a memorial has been placed on the certificate of title. Further investigations would be required if a more sensitive land use was proposed.

Statutory Implications

Section 58 of the *Land Administration Act 1997* must be followed when a road closure is proposed, which states:

- (1) When a local government wishes a road in its district to be closed permanently, the local government may, subject to subsection (3), request the Minister to close the road.*
- (2) When a local government resolves to make a request under subsection (1), the local government must in accordance with the regulations prepare and deliver the request to the Minister.*
- (3) A local government must not resolve to make a request under subsection (1) until a period of 35 days has elapsed from the publication in a newspaper circulating in its district of notice of motion for that resolution, and the local government has considered any objections made to it within that period concerning the proposals set out in that notice.*
- (4) On receiving a request delivered to him or her under subsection (2), the Minister may, if he or she is satisfied that the relevant local government has complied with the requirements of subsections (2) and (3) —*
 - a. by order grant the request; or*
 - b. direct the relevant local government to reconsider the request, having regard to such matters as he or she thinks fit to mention in that direction; or (c) refuse the request.*
- (5) If the Minister grants a request under subsection (4) —*
 - a. the road concerned is closed on and from the day on which the relevant order is registered; and*
 - b. any rights suspended under section 55(3)(a) cease to be so suspended.*
- (6) When a road is closed under this section, the land comprising the former road —*
 - a. becomes unallocated Crown land; or*
 - b. if a lease continues to subsist in that land by virtue of section 57(2), remains Crown land.*

Policy Implications

There are no policy implications associated with this proposal.

Financial Implications

The Tower has been allowed to deteriorate over the past 15+ years and it could be expected that the cost of restoration could be considerable and will need to be considered in the budget. Grant funding could be obtained to supplement the costs.

There will also be administrative costs, including advertising, associated with the required road closure processes.

Strategic Implications

Strategic Community Plan 2017 - 2027

Environment

We value, and work to nurture and enhance our natural environment and prioritise the protection of our natural resources in all endeavours, managing resource consumption and reducing waste, preserving and protecting buildings and places of heritage and indigenous significance.

E2.3 *Preserve and protect buildings and places of heritage and indigenous significance, burial sites and the natural environment*

Resolution 11.2 February 2019

Council resolves to:

1. Close the identified portions of the Great Eastern Highway and Forrest Street, Cunderdin as depicted in the Main Roads' Land Dealing Plan 1860-109 in accordance with section 58 of the *Land Administration Act 1997*.
2. Request the Minister for Lands to close the road pursuant to section 58 of the *Land Administration Act 1997*.
3. Request the Department of Planning, Lands and Heritage to create a Crown reserve for this land with management to the Shire for community and public purposes.

Moved: Cr Norm Jenzen

Seconded: Cr Bernie Daly

Vote – Simple Majority

Carried: 7/0

12. Works & Services

12.1 Tender 3-2018/19 – Purchase of a motor grader

Location:	Shire of Cunderdin Work Depot
Applicant:	Acting Manager of Works
Date:	13 th February 2019
Author:	Fabian Houbrechts
Item Approved by:	Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	Nil

Proposal/Summary

For Council to consider the three (3) tenders received for the purchase of a motor grader.

Background

The Shire of Cunderdin has called Tenders for a new motor grader to replace one of its current graders.

Comments

The specifications were for the supply of a Construction Grader, equipped with a 14' blade and meeting the specifications and requirements of the tender request.

The tender process was conducted through WALGA vendor panel portal in January.

The Shire received 3 submissions, being from:

- McIntosh and Son for a model CASE 865B
- Hitachi Construction Machinery (Australia) for a model John Deere 670G
- WesTrac Pty Ltd (Caterpillar) for a model 12M

After reviewing and assessing the submissions on 13 February 2019 in accordance with Local Government (Function and General) Regulations 1996, the scoring on the selection criteria was undertaken by Council staff.

As a result of the selection criteria assessment, it is recommended that Tender 3 2018/19 supply of Motor Grader be awarded to WesTrac Pty Ltd.

Consultation

WALGA preferred supplier panel.

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 1996

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

Policy Implications

Shire of Cunderdin Policy

3.1 Purchasing Framework

14.2 Plant and Vehicle Procurement and Disposal

Financial Implications

Council has budgeted \$380,000 for the 2018/19 financial year for the purchase of a replacement grader. The recommended tendered amount of \$345,450 is within the budget provision.

Strategic Implications

This purchase is part of the long term plant replacement strategy found within the Strategic Community Plan, Strategy 4, Economic Services.

Resolution 12.1 February 2019

For Council

1. accept the tender of \$345,450.00 (excl. GST), for the supply and delivery of a 12M Caterpillar Grader from WesTrac Pty Ltd; and,
2. Authorise the Shire President and Chief Executive Officer to affix the Common Seal of the Shire and sign the Offer of Acceptance between the applicant and Shire of Cunderdin for the purchase of the above mentioned motor grader.

Moved: Cr Todd Harris

Seconded: Cr Dianne Kelly

Vote – Absolute Majority

Carried: 7/0

12.2 Tender 2-2018/19 – Construction of Cunderdin Town Dam

Location:	Shire of Cunderdin Work Depot
Applicant:	Acting Manager of Works
Date:	13 th February 2019
Author:	Fabian Houbrechts / Stuart Hobley
Item Approved by:	Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	Nil

Proposal/Summary

For Council to consider the five (5) tenders received for the construction of a dam on a site to the north of the Cunderdin townsite to be excised from the Cunderdin Agricultural College.

Background

The Shire of Cunderdin has called Tenders for the construction of a large earthen dam on the northern side of the Cunderdin townsite, consisting of two cells, the main cell to the north to be a 31.9 mL Turkey's Nest dam, and upstream and to the south of, and adjoining is to be a 5.5 mL Silt Trap Dam.

The contract work includes but is not limited to the supply of all Labour, Plant, Equipment, Consumables, Site Facilities, Accommodation and Messing to complete the works as detailed within.

The Shire has engaged Mr Rod Munns of RMECS to act as a Project Manager for the construction of the dam. Mr Rod Munns has experience in this area and has been the Shire's consultant throughout the process.

Comments

The works comprise:

Construction of a large earthen dam on the northern side of the Cunderdin town site, consisting of two adjoining dam cells, the main one to the north to be a 31.9 mL capacity Turkey's Nest dam, and upstream and adjoining the southern wall of this main cell, the 5.5 mL capacity Silt Trap cell, including:

- a) the supply of all materials and installation of the 42m long x diameter 450 HDPE Equalisation Pipe under the common embankment between the dam and silt trap cells, with non-return valve fitted and secured to the downstream end and rock lined spillway at outflow of pipe in Main Turkey's Nest Dam cell, including the outlet rock apron and concrete anchor slabs at each end of this pipe – see details on Plan 004.
- b) the supply of all materials and installation of the rock lined Dam Inlet Structure
- c) as an Option, the supply of all materials and installation of the rock lined Overflow Structure in Warragul Creek, including all associated earthworks levees to capture the surface water flowing downstream along Warragul Creek and direct it into and out of the dam inlet structure.

The contract work includes but is not limited to:

- Supply of all Labour, Plant, Equipment, Consumables, Site Facilities, Accommodation and Messing;
- Provision of all necessary insurances;
- Setting out of the works;
- Clean up;

to complete the work as detailed on the project plans and specification.

The tender was advertised in the West Australian on the 12 January 2019 and Tenders closed on the 8 February 2019. 30 Tender packages were accessed. A non-compulsory onsite meeting was held with 3 contractors in attendance.

The Shire received 5 submissions, being from:

- Comiskey's
- DJ Mac Cormick Contractors PTY LTD
- IRP Civil Contractors
- Pipeline Technics
- Vernice PTY LTD

After reviewing and assessing the submissions on 15 February 2019 in accordance with Local Government (Function and General) Regulations 1996, the scoring on the selection criteria was undertaken by Council staff.

As a result of the selection criteria assessment, it is recommended that Tender 2 2018/19 Construction of Cunderdin Town Dam supply be awarded to Vernice Pty Ltd.

Consultation

Rod Munns of Rod Munns Engineering Consulting Services (RMECS)

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 1996

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

Policy Implications

Shire of Cunderdin Policy

3.1 Purchasing Framework

Financial Implications

The recommended tendered amount of \$266,948.22 is in excess of the Shire's budget provision for stage 1 of the project for which an amount of \$161,000 was initially allocated. Stage 2 has a further provision of \$137,100 for the installation of tanks and piping for the reticulation of the Cunderdin Town Oval. The total available funding for the Cunderdin Town Dam project is \$336,464 including allocations for preliminary drilling works and excision of the land.

Strategic Implications

Shire of Cunderdin Strategic Community Plan – Key Result area 2

Environment

Foster and promote sustainable water, waste management and energy management practises.

Recommendation 12.2

That Council;

1. accept the tender of \$266,948.22 (incl. GST) from Vernice Pty Ltd, for the construction of the Cunderdin Town Dam on land to be excised from the Cunderdin Western Australian College of Agriculture Farm.; and,
2. authorise the Shire President and Chief Executive Officer to affix the Common Seal of the Shire and sign the contract of engagement between Vernice Pty Ltd and Shire of Cunderdin.

Resolution 12.2 February 2019

That Council;

1. accept the tender of \$266,948.22 (incl. GST) from Vernice Pty Ltd, for the construction of the Cunderdin Town Dam on land to be excised from the Cunderdin Western Australian College of Agriculture Farm.;
2. authorise the Shire President and Chief Executive Officer to affix the Common Seal of the Shire and sign the contract of engagement between Vernice Pty Ltd and Shire of Cunderdin;
3. That the over expenditure of approximately \$60,000 be transferred from the Building Reserve; and,
4. That funds be set aside over the next two (2) years to replenish the Building Reserve.

Moved: Cr Bernie Daly

Seconded: Cr Todd

Vote – Absolute Majority

Carried: 7/0

13. Urgent Items

Nil

14. Scheduling of Meeting

14.1 March 2018 Ordinary Meeting

The next ordinary meeting of council is scheduled to take place on Thursday 21 March 2019 commencing at 5pm at the Cunderdin Shire Council Chambers, Cunderdin, WA 6407

15. Matters for which the meeting may be closed – as per Local Government Act 1995 (s.5.23)

Mr Fabian Houbrechts left the room at 6.16pm

15.1 Motion to move behind closed doors

Resolution 15.1 February 2019

That Council move behind closed doors in accordance with s.5.23 of the Local Government Act

Moved: Cr Dianne Kelly Seconded: Cr Alison Harris

Vote – Simple Majority Carried: 7/0

15.2 Shared Service - Manager Works and Services: Review of Acting Shared Manager of Works and Services (CONFIDENTIAL)

15.3 Shared Services Arrangement (CONFIDENTIAL)

15.4 Motion to move from behind closed doors

Resolution 15.4 February 2019

That Council move from behind closed doors in accordance with s.5.23 of the Local Government Act

Moved: Cr Alison Harris Seconded: Cr Dianne Kelly

Vote – Simple Majority Carried: 7/0

The Shire President read aloud the following resolutions:

15.2 Shared Service - Manager Works and Services: Review of Acting Shared Manager of Works and Services (CONFIDENTIAL)

Resolution 15.2 February 2019

That the Council endorse the Committee's recommendation that:

Mr Fabian M Houbrechts appointment as Acting Shared Manager Works and Services be extended for the period 1 February 2019 to 31 July 2019, or earlier should the position be filled on a permanent basis, on a revised remuneration package of \$152,366 inclusive of a cash salary of \$115,000, in accordance with the existing terms and conditions of the current "Shared Services Agreement - Acting Shared Manager Works and Services" and Contract of Employment.

Moved: Todd Harris

Seconded: Bernie Daly

Vote : Simple Majority

Carried: 7/0

Neville Hale left the room at 6.30pm

15.3 Shared Services Arrangement

For further discussion with the Resource Sharing Committee.

Neville Hale returned to the room at 6.46pm

16. Closure of meeting

There being no further business the Shire President will declare the meeting closed at 6.47pm

17. Certification

DECLARATION

I, Dennis Whisson, certify that the minutes of the Ordinary Council Meeting held on 21 February 2019 as shown were confirmed at the ordinary meeting of Council held on 21 March 2019.

Signed: _____

Date: _____