



Shire of Quairading

Ordinary Council Meeting Minutes

29th November 2018

Disclaimer

Disclaimer

Members of the public should note that in any discussion regarding any planning or other application that any statement or intimation of approval made by any member or officer of the Shire of Quairading during the course of any meeting is not intended to be and is not to be taken as notice of approval from the Shire of Quairading. No action should be taken on any item discussed at a Council meeting prior to written advice on the resolution of the Council being received.

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SHIRE OF QUAIRADING

The Ordinary Council Minutes of Meeting held on Thursday 29th November 2018 commencing at 2.00 pm.

ITEM 1 OPENING & ANNOUNCEMENTS

The Shire President opened the Meeting at 2.00 pm.

“Before we start our Meeting, I would like to acknowledge that we are meeting on Noongar land and we pay respect to the original custodians...past, present and future and welcome you all here today for this Meeting”.

Cr Davies welcomed the Councillors, Staff and Members of the Public to the Meeting.

One (1) Minute Silence was observed for the Late Mrs Barbara Black (Councillor 1997-2009) on her Passing.

ITEM 2 ATTENDANCE AND APOLOGIES

Councillors

Cr WMF Davies	Shire President
Cr B McGuinness	Deputy Shire President
Cr LR Brown	
Cr JN Haythornthwaite	
Cr J McRae	
Cr PD Smith	
Cr TJ Stacey	

Council Officers

Mr GA Fardon	Chief Executive Officer
Mr A Rourke	Executive Manager of Works & Services
Mr N Gilfellow	Executive Manager of Corporate Services
Mr RM Bleakley	IPR/Strategic Projects Officer
Mrs A Strauss	Executive Officer

Observers/Visitor

Mr John Haythornthwaite	
Mr Terrence Kean	(2.00pm to 2.17pm)
Mrs Tarnya Fraser	(2.00pm to 3.04pm)
Ms Jill Hayes	(2.00pm to 3.04pm)
Ms Tamara Spark	(2.00pm to 3.04pm)
Mrs Amalia Curtin	(2.00pm to 3.04pm)
Mrs Amy Wilson	(2.12pm to 2.50pm)

Apologies

Nil

Leave of Absence Previously Granted

Cr WE Shenton: 29th November 2018.

ITEM 3 PUBLIC QUESTION TIME

3.1 Responses to Previous Questions from Members of the Public Taken On Notice

The following questions submitted by Mr John Haythornthwaite and were taken on notice at the Council Meeting held Thursday 25th October 2018.

The CEO read aloud the Questions and the Responses

Question

Page 56: Credit Card Statement. Why is there no signature on the Statement and only page 2/3 of presented, and not pages 1/3 & 3/3?

Response

The Shire President advised that the question would be taken on notice and a written response provided.

Additional Information

The Credit Card Statements are presented to show the transactions occurred from the credit card as per the credit card policy. In this case due to a higher amount of transactions the signature was on page 3 of the statements. Page 1 contains confidential credit card account information.

Question

Page 104: General Ledger 4452 Maintenance – Saleyards. Why does this appear with nil values?

Response

The Shire President advised that the question would be taken on notice and a written response provided.

Additional Information

General Ledger 4452 Maintenance – Saleyards remains presented due to historical usage and records. No Budget Expenditure for the 2018/2019 Year.

Question

Page 106: General Ledger 5294 & 5295 Parental Leave. Why is the income and expenditure identical?

Response

The Shire President advised that the question would be taken on notice and a written response provided.

Additional Information

Federal Government Parental Leave Scheme -

Staff have the option to be paid parental leave by Centrelink directly or via the Shire payroll. The Shire pays the full amount received to staff excluding tax and are fully reimbursed by Centrelink therefore Cost neutral to Council.

Question

Page 106: General ledger 5002 Long Service Leave. Why is there no information provided?

Response

The Shire President advised that the question would be taken on notice and a written response provided.

Additional Information

Long Service Leave is an end of year accounting process for Long Service Leave taken by Works and Park's & Garden Staff and therefore actuals do not occur until the end of the year. Due to the unpredictable movement of staff, the budget is typically left budget neutral.

The Cost of Long Service Leave taken or Paid upon Termination (if eligible) is fully funded from Council's Long Service Leave and Annual Leave Reserve Fund.

3.2 Public Question Time

Mr Terrence Kean

Question

Mr Kean presented his idea of beautifying the town scape by planting Olive and Almond trees around Quairading. The trees would provide shade and fruit to the community to enjoy. Mr Kean's Town Beautification Plan would also encourage tourists to stop and enjoy the community and it will create a positive atmosphere for the residents.

Mr Kean inquired if Council would consider his proposal for planting trees and a location, as he has community members ready to support his idea and a supplier for the trees.

Response

Cr Davies thanked Mr Kean for his suggestion and initiative and further advised that the Matter will be further discussed by Council.

Mr John Haythornthwaite

Question

Page 58: EFT 5976 Marnham's Mechanical Services – Repairs to Tipper Airlines – Q4450 at \$5,431.80. Why were the repairs so costly?

Response

The Executive Manager of Works & Services advised that the Account relates to repairs for the hydraulic rams, not just the airlines on the Tipping Semi Trailer.

Question

Page 59: EFT 6004: Wren Oil – Collect and dispose of approx. 5,000Lts Oil at a cost of \$16.50. Why did it only cost \$16.50 for the removal of 5,000 Litres of Oil?

Response

The Executive Manager of Works & Services replied that the \$16.50 is charged to the Shire for contaminated portion of the Oil. Wren Oil recycle salvaged oil for reuse and sale.

Question

Page 111: General Ledger 3732 Depot Maintenance. What do the amounts relate to?

Response

The Chief Executive Officer replied that General Ledger 3732 relates to the Operating Expenditure for the Works Depot Maintenance with a 2018/19 Budget of \$29,149 and a Year to date Expenditure of \$14,544 and that represented 50% Spend to the 31st October 2018. Mr Fardon further commented that several annual costs had been paid in the early part of the financial year.

2.12pm

Mrs Amy Wilson entered the Meeting.

Question

Page 137: Officer Recommendation states "Council Meeting Dates 2018". Shouldn't the Calendar year reflect 2019?

Response

The Chief Executive Officer confirmed that it was a typographical error and the year should be 2019.

Question

Page 57: EFT 5632 Wagin Community Resource Centre. Room Hire. Why are Ratepayers paying so much for room hire for a Councillor?

Response

Cr Davies advised that the Wagin CRC Teleconferencing Facility had been hired to enable Cr McRae to participate in a Meeting / Interview as she was unable to be in attendance In Person in Quairading and Council encourages all Councillors to participate.

ITEM 4 DEPUTATIONS / PRESENTATIONS / SUBMISSIONS / PETITIONS

Nil.

ITEM 5 APPLICATIONS FOR LEAVE OF ABSENCE

5.1 Application for Leave of Absence – Cr Shenton

An Application for Leave of Absence has been received from Cr Shenton for the period 1st December 2018 to 28th February 2019 (inclusive).

RESOLUTION: 89-18/19

MOVED Cr Brown SECONDED Cr Stacey

That Cr Shenton be granted Leave of Absence from Council and Committee Meetings for the period of 1st December 2018 to 28th February 2019 (inclusive).

CARRIED 7/0

ITEM 6 DECLARATIONS OF INTEREST

Councillors to use pro forma declaration of interest handed to Chief Executive Officer prior to meeting or verbal declaration of interest.

Nil, at this time.

ITEM 7 CONFIRMATION OF MINUTES AND BUSINESS ARISING

7.1 Confirmation of Minutes – 25th October 2018

RESOLUTION: 90-18/19**MOVED Cr Haythornthwaite SECONDED Cr Brown**

That the Minutes of the Ordinary Meeting of Council held on the 25th October 2018 be confirmed as a true and accurate record subject to the inclusion of the following statement to Item 13.1 “The Meeting noted that as the demonstration was not successful, that it be recorded in the minutes that Resolution 29-18/19 has lapsed”.

CARRIED 7/0

7.2 Business Arising

Nil.

ITEM 8 MATTERS FOR CONSIDERATION – BUILDING AND TOWN PLANNING

No matters for consideration.

ITEM 9 MATTERS FOR CONSIDERATION – FINANCE & AUDIT

9.1 Accounts for Payment – October 2018

Meeting Date	29 th November 2018
Responsible Officer	EMCS Nathan Gilfellow
Reporting Officer	EMCS Nathan Gilfellow
Attachments	9.1.1 October 2018 Accounts 9.1.2 Transport Takings 9.1.3 Credit Card Statement
Owner/Applicant	Shire of Quairading
Disclosure of Interest	Nil

MATTER FOR CONSIDERATION

Note the accounts paid during October 2018.

BACKGROUND

Accounts paid are required to be submitted each month.

STATUTORY ENVIRONMENT

Local Government (Financial Management) Regulations 1996 (Reg 13 (1)) requires that where the Chief Executive Officer has delegated power to make payments from the Municipal or Trust funds a list of accounts paid is to be prepared each month.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Payment from Council's Municipal Fund. Expenditure as per delegated authority and included in the adopted 2018/2019 Budget.

STRATEGIC IMPLICATIONS – Strategic Community Plan 2017 - 2027

Governance Objective: Strong governance and community engagement

ITEM	OUTCOMES AND STRATEGIES
G1	Robust Integrated Planning and Reporting (IPR)
G1.1	Continual improvement in IPR, transparency and accountability

COMMUNITY CONSULTATION

Nil

RISK ASSESSMENT – Risk Management Policy and Risk Management Governance Framework Applicable.

Financial - Low Risk – On Risk Matrix given Purchasing / Procedures followed, together with Management Separation of acceptance of duties and Processes in place.

Health – Low Risk

Reputation – Low Risk – Creditors reviewed weekly and paid in accordance to agreed terms.

Operation – Low Risk

Natural Environment – Low Risk.

EXECUTIVE SUMMARY/COMMENT

Payments are per attached schedules 9.1 1/2/3.

OFFICER RECOMMENDATION

RESOLUTION: 91-18/19

MOVED Cr McGuinness SECONDED Cr Smith

That Council note the following:

1. That Schedule of Accounts covering Municipal Vouchers 23566 to 23581 & EFT5893 to EFT6021 & DD13220.1 to DD132220.10 & DD13218.1 & DD13221.1 to DD13221.12 & DD13219.1 to DD13219.12 totalling \$798,672.19 be received; and
2. That Police Licensing payments for the month of September 2018 totalling \$54,046.60 be received on the 29th November 2018 (Attachment 9.1.2); and
3. That fund transfers to Corporate Credit Card for September 2018 balance totalling \$534.89 be received (Attachment 9.1.3); and.
4. That Payroll payments for the month October 2018 totalling \$320,511.65 be received; and
5. That fund transfers from Trust account to Municipal account for October 2018 totalling \$569.90 be received; and.
6. That the Lease payment for the month of October on the CESM Vehicle totalling \$1,775.97.

CARRIED 7/0

9.2 Fund Balance Report – October 2018

Meeting Date	29 th November 2018
Responsible Officer	EMCS Nathan Gilfellon
Reporting Officer	EMCS Nathan Gilfellon
Attachments	9.2.1 Reconciliation Reports
Owner/Applicant	Shire of Quairading
Disclosure of Interest	Nil

MATTER FOR CONSIDERATION

Reconciled Cash Financial Position as at 31st October 2018.

BACKGROUND

The Municipal, Cash Backed Reserves and Trust Accounts shown here as at 31st October 2018, are provided to inform Council of its Cash Financial Position as at that date.

<u>Account</u>	<u>Statement Balance</u>		<u>Reconciliation Balance</u>
Municipal A/c Acc: 000001	\$22,224.87	Reconciled Municipal Balance	\$2,312,071.80
At Call - Invest. Acc:128224	\$340,000.00	(Plus Outstanding Payments)	\$1,404.65
Childcare Centre Acc:150827	\$9,161.23	(Less Outstanding Deposits)	(\$1,198.84)
Medical A/c Acc: 111529	\$39,607.26	(Less Outstanding Transport)	(\$1,284.25)
Investment – /Deposit Acc: 164444	\$500,000.00		
Investment – /Deposit Acc: 164436	\$500,000.00		
Investment – /Deposit Acc: 164225	\$300,000.00		
Investment – /Deposit Acc: 164209	\$300,000.00		
Investment – /Deposit Acc: 164217	\$300,000.00		
Total Municipal	<u>\$2,310,993.36</u>		<u>\$2,310,993.36</u>
T/Deposit-Reserve Acc: 38639	\$450,000.00		
At Call – Reserve Acc: 129083	\$51,979.84		
T/Deposit-Reserve Acc: 149105	\$1,334,452.95		
T/Deposit-Reserve Acc: 160427	\$460,134.61		
T/Deposit-Reserve Acc: 1604065	\$410,000.00		
Total Reserves	<u>\$2,706,567.40</u>		<u>\$2,706,567.40</u>
Trust A/c	\$89,313.25	Trust General Ledger	\$88,997.81
	\$120.40	Plus Outstanding Deposits	\$0
	\$435.84	Less Outstanding Transfers	\$0

Police Licensing	\$1,284.25		\$1,284.25
Total Trust	<u>\$90,282.06</u>		<u>\$90,282.06</u>
	<u>\$5,017,567.40</u>		<u>\$5,017,567.40</u>

STATUTORY ENVIRONMENT

Forms part of the Financial Management Reg 34(2)(a).

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS – Strategic Community Plan 2017 - 2027

Governance Objective: Strong governance and community engagement

ITEM	OUTCOMES AND STRATEGIES
G1	Robust Integrated Planning and Reporting (IPR)
G1.1	Continual improvement in IPR, transparency and accountability

COMMUNITY CONSULTATION

Nil

RISK ASSESSMENT – Risk Management Policy and Risk Management Governance Framework Applicable.

Financial - Low Risk – Accounting and Reconciliation conducted in accordance with Council's Financial Management Procedures and acting in accordance with Local Government Accounting Regulations.

Health – Low Risk

Reputation – Low Risk

Operation – Low Risk

Natural Environment – Low Risk.

EXECUTIVE SUMMARY/ COMMENT

Fund Balances for the Period ending 31st October 2018 as stated above.

OFFICER RECOMMENDATION

RESOLUTION: 92-18/19

MOVED Cr Haythornthwaite SECONDED Cr Stacey

That Council note the Reconciled Fund Balances for the period ending 31st October 2018.

CARRIED 7/0

9.3 Financial Information – Statements of Income and Expenditure for the Period Ending – 31st October 2018

Meeting Date	29 th November 2018
Responsible Officer	EMCS Nathan Gilfellon
Reporting Officer	EMCS Nathan Gilfellon
Attachments	9.3.1 Financial Statements
Owner/Applicant	Shire of Quairading
Disclosure of Interest	Nil

MATTER FOR CONSIDERATION

To receive the monthly Financial Report and Statements for Financial Activity.

BACKGROUND

Council resolved in October 2000 (Minute Number 071-00/01) to receive Financial Statements in the required Statutory format.

STATUTORY ENVIRONMENT

Amendments to the regulations, gazetted on the 31st March 2005 and effective from the 1st July 2005, have repealed the existing regulations (34 and 35) relating to monthly and quarterly / triannual financial reports.

They have been substituted in accordance with a new Regulation 34. This new regulation only requires Local Governments to report on a monthly basis, although it is much more prescriptive as to what is required and its intention is to establish a minimum standard across the industry.

The new regulations require Local Government to prepare each month a statement of financial activity as per attachment. This statement is intended to report on the sources and application of funds highlighting variances to budget for the month in question.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS – Strategic Community Plan 2017 - 2027

Governance Objective: Strong governance and community engagement

ITEM	OUTCOMES AND STRATEGIES
G1	Robust Integrated Planning and Reporting (IPR)
G1.1	Continual improvement in IPR, transparency and accountability

COMMUNITY CONSULTATION

Nil

RISK ASSESSMENT – Risk Management Policy and Risk Management Governance Framework Applicable.

Financial - Low Risk – Comprehensive Monthly Financial Reports in accordance with the Local Government's Financial Regulation 34 including individual schedules on each budget line item provided to Council for analysis.

Health – Low Risk

Reputation – Low Risk

Operation – Low Risk – Level verified through Council Financial Audits.

Natural Environment – Low Risk.

EXECUTIVE SUMMARY/COMMENT

Schedules in the normal format also accompany the required documentation to assist with the interpretation for fund movements and variations.

Financial Statements for the period ending 31st October 2018 follow.

OFFICER RECOMMENDATION

RESOLUTION: 93-18/19

MOVED Cr McGuinness SECONDED Cr Smith

That Council receive the Financial Statements for the period ending 31st October 2018.

CARRIED 7/0

9.4 Financial Statements – Variation to Budget by Percentage or Value – 31st October 2018

Meeting Date	29 th November 2018
Responsible Officer	EMCS Nathan Giffellon
Reporting Officer	EMCS Nathan Giffellon
Attachments	9.4.1 Statement of Financial Activity and Variations Report
Owner/Applicant	Shire of Quairading
Disclosure of Interest	Nil

MATTER FOR CONSIDERATION

To review all Financial Activity for material variances greater than both 10% and \$10,000.00 to Budget.

BACKGROUND

Under the requirements of regulation 34 Council is to each financial year adopt a percentage or value for reporting material variances.

At the Ordinary Meeting of Council held 26th July 2018 under Budget Adoption resolution 7-18/19 it was moved to report on any material **“Variations of \$10,000.00 AND Greater than 10%”**. Council will continue to include in the Adopted Annual Budget the material variation limits to be reported on. Any member of Council is still able to request clarification of any variation they may have a concern with.

STATUTORY ENVIRONMENT

Regulation 34 Financial Activity s. 6.4

(1) A Local Government is to prepare each month a statement of financial activity reporting on the sources and application of funds, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail-

Item (5) covers the variances and states that each financial year; a Local Government is to adopt a percentage or value, calculated in accordance with AAS 5, to be used in statements of financial activity for reporting material variances.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS – Strategic Community Plan 2017 - 2027

Governance Objective: Strong governance and community engagement

ITEM	OUTCOMES AND STRATEGIES
G1	Robust Integrated Planning and Reporting (IPR)
G1.1	Continual improvement in IPR, transparency and accountability

COMMUNITY CONSULTATION

Nil

RISK ASSESSMENT – Risk Management Policy and Risk Management Governance Framework Applicable.

Financial - Low Risk - Adopted Risk Management Policy and Risk Management Framework in Place. Comprehensive Reporting on Material Variances in accordance with the Local Government's Financial Regulation 34 and as Adopted Annually by Council.

Health – Low Risk

Reputation – Low Risk

Operation – Low Risk

Natural Environment – Low Risk.

EXECUTIVE SUMMARY/COMMENT

As detailed in variation report attached

OFFICER RECOMMENDATION

RESOLUTION: 94-18/19

MOVED Cr McGuinness SECONDED Cr Haythornthwaite

That Council note the Variation to Budget by Percentage and Value noted on the Financial Statements and reported on for the period ending 31st October 2018.

CARRIED 7/0

9.5 Budget Review – November 2018

Meeting Date	29 th November 2018
Responsible Officer	CEO Graeme Fardon
Reporting Officer	EMCS Nathan Gilfellon
Attachments	9.5.1 November 2018 Budget Review
Owner/Applicant	Shire of Quairading
Disclosure of Interest	Nil

MATTER FOR CONSIDERATION

Budget Review Report including variations to budget.

BACKGROUND

Due to an earlier budget adoption Council requested budget review of accounts to the 31st of October 2018 to be conducted and presented to council in the November Council meeting to be held on the 29th November 2018. On the 13th of November senior officers conducted a review of the budget to identify any budget variations. These variations were presented to a workshop including senior staff and councillors on the 20th of November 2018. Following this budget review workshop, budget variations have been identified and are now recommended to council.

STATUTORY ENVIRONMENT

Nil – This is a non-statutory budget review.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The variations to budget will reduce the current adopted surplus by \$1,378 to \$40,427. Details of each variation are outlined in Note 4 of the attachment 9.5.1.

STRATEGIC IMPLICATIONS – Strategic Community Plan 2017 - 2027

Governance Objective: Strong governance and community engagement

ITEM	OUTCOMES AND STRATEGIES
G1	Robust Integrated Planning and Reporting (IPR)
G1.1	Continual improvement in IPR, transparency and accountability
G4	Sound Organisation
G4.1	Maintain sustainability ratios at or above basic level
G4.2	Increase non-rates revenue generation
G4.3	Ensure optimum organisational capacity and efficiency

COMMUNITY CONSULTATION

Nil

RISK ASSESSMENT – Risk Management Policy and Risk Management Governance Framework Applicable.

Financial – Low Risk - Review process mitigates the financial variability (risk) of Council Financial Position as a result of the review of the actual Outcomes of Council's Operations and Projects undertaken Year to Date.

Health – Low Risk

Reputation – Low Risk

Operation – Low Risk - Adopted Review provides for sufficient Funding to enable the continuation of Council's Activities and Projects.

Natural Environment – Low Risk

EXECUTIVE SUMMARY/COMMENT

Due to an early Adoption of Budget, Council requested a Budget Review be conducted and presented to Council during the November Council Meeting on the 29th of November 2018.

Officers conducted two Budget Workshops, the first with Senior Officers and the second with Councillors and Senior Officers. Variations to the Budget have been outlined in the attached Budget Review and are now recommended to Council.

OFFICER RECOMMENDATION

RESOLUTION: 95-18/19

MOVED Cr Stacey SECONDED Cr Smith

That Council adopt the November 2018 Budget Review Report and adopt the variations to budget as detailed in attachment 9.5.1 November 2018 Budget Review.

CARRIED BY ABSOLUTE MAJORITY 6/1

10.1 Council Meeting Dates - 2019

Meeting Date	29 th November 2018
Responsible Officer	CEO Graeme Fardon
Reporting Officer	CEO Graeme Fardon
Attachments	Nil
Owner/Applicant	Shire of Quairading
Disclosure of Interest	Nil.

MATTER FOR CONSIDERATION

Draft schedule of Meeting Dates for Ordinary Council Meetings for the 2019 Calendar Year.

BACKGROUND

Council is required to set its meeting dates for the next Calendar year.

Council’s Policy is to conduct the Ordinary Council Meeting on the fourth (or last if 5) Thursday of each month unless Public holidays / Annual Conferences interfere with the preparation or conduct of the meeting and the Ordinary Council Meeting is then held on the third Thursday.

Council resolved in 2007 that it would not meet in January each year to enable a Holiday Recess.

STATUTORY ENVIRONMENT

Section 5.25(9) of the Local Government Act, 1995 requires Council to give local public notice of the date, time and location at which Ordinary Council Meetings will be conducted over the next 12 months.

It is highlighted that only the dates of Council meetings need to be advertised. Committee Meeting dates need only be advertised if the Committee has received Delegated Authority from Council to make a decision on any matter.

POLICY IMPLICATIONS

No Policy on Council Meeting Dates – Dates must be determined by Council each Year.

FINANCIAL IMPLICATIONS

Minimal cost of advertising in the Avon Advocate Newspaper.

STRATEGIC IMPLICATIONS – Strategic Community Plan 2017 - 2027

Governance Objective: Strong governance and community engagement

ITEM	OUTCOMES AND STRATEGIES
G1	Robust Integrated Planning and Reporting (IPR)
G4	Sound Organisation
G4.1	Maintain sustainability ratios at or above basic level
G4.3	Ensure optimum organisational capacity and efficiency

COMMUNITY CONSULTATION

Council Meeting Dates are published in a Newspaper circulating in the District (Avon Advocate), on Council’s Website and on Official Noticeboards.

RISK ASSESSMENT – Risk Management Policy and Risk Management Governance Framework Applicable.

Financial - Risk Matrix Rating considered as Low. Minimal Cost for Statutory Advertising included in Council's Advertising Budget

Health – Risk Matrix Rating considered as Low.

Reputation – Risk Matrix Rating is considered as Low. Setting and Advertising of Council's Ordinary Meetings is a Statutory Requirement. Extensive Advertising/Publicity informing the Community of the Council Meeting Dates.

Operation – Risk Management Rating considered as Low. Council's Operations are unaffected by the Setting of the Council Meeting dates. Council Executive Staff and Administration adjust Task and Reporting Scheduling to fit with the adopted Meeting Calendar.

Natural Environment – Risk Matrix Rating considered as Low.

COMMENT / EXECUTIVE SUMMARY

- The following Meeting Dates are offered for Council's consideration with Council Meetings to commence at 2.00pm in the Council Chambers, unless otherwise stated.
- Council is requested to consider the date for the April 2019 Ordinary Council Meeting as ANZAC Day falls on the 4th Thursday, being the 25th April 2019.
- Council required to provide Public Notice of the Dates for the Ordinary Council Meetings for 2019.

OFFICER RECOMMENDATION

RESOLUTION: 96-18/19

MOVED Cr McRae SECONDED Cr Smith

1. That Council formally adopt the following Council Meeting Dates for the 2019 Calendar year with Ordinary Council Meetings to commence at 2.00pm in the Council Chambers unless otherwise stated.

January	Council in Recess
February	Thursday, 28 th
March	Thursday, 28 th
April	Wednesday, 24 th *Due to ANZAC Day on the 25 th April 2019 (Thursday)
May	Thursday, 30 th (5 th Thursday)
June	Thursday, 27 th
July	Thursday, 25 th
August	Thursday, 29 th (5 th Thursday)
September	Thursday, 26 th
October	Thursday, 31 st (5 th Thursday)
November	Thursday, 28 th
December	Thursday, 19 th (3 rd Thursday)

2. That the Ordinary Council Meeting Dates be published in accordance with the requirements of the Local Government Act 1995.

CARRIED 7/0

10.2 Proposed Shire of Quairading Animals, Environment and Nuisance Amendment Local Law 2019

Meeting Date	29 th November 2018
Responsible Officer	CEO Graeme Fardon
Reporting Officer	Consultant Darren Long
Attachments	Animals, Environment and Nuisance Amendment Local Law 2019
Owner/Applicant	Shire of Quairading
Disclosure of Interest	Nil.

MATTER FOR CONSIDERATION

To allow:

- (1) the Presiding Person to give notice to the meeting of the intent to make a proposed Shire of Quairading Animals, Environment and Nuisance Amendment Local Law 2019;
- (2) the Presiding Person to give notice of the purpose and effect of the proposed Shire of Quairading Animals, Environment and Nuisance Amendment Local Law 2019;
- (3) for the Council to adopt the proposed Shire of Quairading Animals, Environment and Nuisance Amendment Local Law 2019 for advertising purposes; and
- (4) to allow for advertising of the proposed Shire of Quairading Animals, Environment and Nuisance Amendment Local Law 2019 for public comment.

BACKGROUND

The Joint Standing Committee on Delegated Legislation wrote to Council on 13 June 2018 advising that clause 4.11(1) of the *Shire of Quairading Animals, Environment and Nuisance Local Law 2017*, published in the *Government Gazette* on 26 March 2018, offends Terms of Reference 10.6(b). The Committee sought an undertaking from Council to amend the local law and remove the offending clause and correct other minor drafting issues within 6 months.

The Council considered this matter at its Ordinary Meeting on 28th June 2018 and resolved as follows:

RESOLUTION: 230-17/18

MOVED Cr McGuinness SECONDED Cr Haythornthwaite

That the Council of the Shire of Quairading undertakes to the Joint Standing Committee on Delegated Legislation that the Shire will: -

1. *Within 6 months, amend the Shire of Quairading Animals, Environment and Nuisance Local Law 2017 to:*
 - (a) *Delete Clause 4.11(1);*
 - (b) *Correct the typographical errors in clauses 2.16, 2.17 and 3.6; and*
 - (c) *Make all necessary consequential amendments.*
2. *Until the Local Law is amended in accordance with undertaking 1:*
 - (a) *Not enforce the Local Law in a manner contrary to undertaking 1; and*
 - (b) *Where the Local Law is made publicly available, whether in hard copy or electronic form (including on the Shire's website), ensure it is accompanied by a copy of these undertakings.*

CARRIED BY ABSOLUTE MAJORITY 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.

STATUTORY ENVIRONMENT

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 statewide 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

There are no policy implications for this Item at this stage.

FINANCIAL IMPLICATIONS

The amendment to the Local Law will result in additional advertising and gazettal costs. Budget Provision has been made in GL 0372 “Members of Council – Other Expenses” for statutory advertising for the making or amending Local Laws.

STRATEGIC IMPLICATIONS – Strategic Community Plan 2017 - 2027

Governance Objective: Strong governance and community engagement

ITEM	OUTCOMES AND STRATEGIES
G1.1	Continual improvement in IPR, transparency and accountability
G4	Sound Organisation
G4.3	Ensure optimum organisational capacity and efficiency

Up to date and relevant local laws are an important cornerstone of good governance. Local Government has a statutory and moral obligation to ensure that the regulation of local matters is conducted in a fair, efficient and reasonable manner.

COMMUNITY 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, (gazettal copy), must be sent to the relevant Ministers for comment (Minister for Health and Minister for Local Government, Sports and Cultural Industries).

RISK ASSESSMENT – Risk Management Policy and Risk Management Governance Framework Applicable.

Financial - Risk Matrix Rating considered as Low. Advertising for Local Laws in GL 0372 Members of Council – Other Expenses.

Health – Risk Matrix Rating considered as Low.

Reputation – Risk Matrix Rating considered as Low. Mitigated by proceeding to have contemporary Local Law.

Operation – Risk Matrix Rating considered as Low.

Natural Environment – Risk Matrix Rating considered as Low. Proposed Amendments to 2017 Local Law.

COMMENT / EXECUTIVE SUMMARY

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.

OFFICER RECOMMENDATION

RESOLUTION: 97-18/19

MOVED Cr Haythornthwaite SECONDED Cr Stacey

That Council:

1. Adopt the proposed *Shire of Quairading 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 Quairading 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.

CARRIED BY ABSOLUTE MAJORITY 7/0

The Shire President read aloud the Purpose and Effect of the Shire of Quairading Animals, Environment and Nuisance Amendment Local Law 2019.

**HEALTH (MISCELLANEOUS PROVISIONS) ACT 1911
CAT ACT 2011
LOCAL GOVERNMENT ACT 1995**

SHIRE OF QUARADING

ANIMALS, ENVIRONMENT AND NUISANCE AMENDMENT LOCAL LAW 2019

Under the powers conferred by the *Health (Miscellaneous Provisions) Act 1911*, the *Cat Act 2011*, the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Quairading resolved on [Insert adoption resolution date here] to make the following local law.

1. Citation

This local law is cited as the *Shire of Quairading Animals, Environment and Nuisance Amendment Local Law 2019*.

2. Commencement

This local law comes into operation on the same day it is published in the *Government Gazette*.

3. Principal local law

This local law amends the *Shire of Quairading Animals, Environment and Nuisance Local Law 2017* as published in the *Government Gazette* on 26 March 2018.

4. Clause 2.16 amended

Clause 2.16(1)(b) is amended by deleting '2.14' and replacing it with '2.17'.

5. Clause 2.17 amended

Delete clause 2.17(1) and replace with-

- (1) Without limiting the generality of subclause 2.16(1)(b) an application for a licence may be approved by the local government subject to the following conditions—
 - (a) the provision of a good and sufficient water supply on the land which is readily accessible by the bees on the land;
 - (b) each bee hive shall be—
 - (i) kept at a distance specified by the local government from any thoroughfare, public place or boundary of the land; or
 - (ii) located near a screen or other barrier so as to prevent the bees flying low over a thoroughfare, public place or adjoining land;
 - (c) no more than 2 bee hives are to be kept on land of less than 2 000 square metres in area; and
 - (d) no more than 15 bee hives are to be kept on land between 2 000 square metres and 20 000 square metres in area.

6. Clause 3.6 amended

Clause 3.6 is amended by inserting the word 'site' after the word 'building'.

7. Clause 4.11 amended

Clause 4.11 is amended as follows-

- (a) delete subclause (1);
 - (b) Remove numbering of subclause 4.11(2).
-

Dated this [date]

The Common Seal of the Shire of Quairading was affixed by authority of a resolution of the Council in the presence of:

W DAVIES, Shire President

G FARDON, Chief Executive Officer

10.3 Fire Control Officer – Appointment of Replacement

Meeting Date	29 th November 2018
Responsible Officer	CEO Graeme Fardon
Reporting Officer	CEO Graeme Fardon/ CESM Simon Bell
Attachments	Minutes of the Wamenusking Volunteer Bushfire Brigade Annual General Meeting
Owner/Applicant	Shire of Quairading
Disclosure of Interest	Nil.

MATTER FOR CONSIDERATION

This report seeks Council to endorse a replacement Fire Control Officer/ Dual Fire Control Officer.

BACKGROUND

Fire Control Officers are appointed by Council on an Annual basis upon the recommendation of the Bushfire Advisory Committee.

The appointment of Dual Fire Control Officer/s under the Bush Fires Act, 1954 is to empower the nominated FCO's to act in their appointed roles across the municipal boundary. Each appointment is to be by agreement with the respective neighbouring Council.

Mr Noel Stone was appointed as both an FCO and Dual FCO by Council upon the recommendation of the Quairading Bushfire Advisory Committee. This Appointment for the 2018/19 Year was made on 27th September 2018.

Mr Noel Stone has informed through the Wamenusking Volunteer Bushfire Brigade AGM that he is standing down from the Positions immediately. Mr Stone was first appointed as an FCO in 2009.

Subsequent to the AGM, Mr Greg Hughes has indicated to the Chief Fire Control Officer that he is interested and willing to be considered for the vacant Position/s.

Mr Hughes' appointment as the replacement FCO and Dual FCO is supported.

STATUTORY ENVIRONMENT

Section 38 Bush Fires Act 1954 – Appointment of Fire Control Officers

Role and Responsibilities of Fire Control Officers

Section 40 Bush Fires Act 1954 – Appointment of Dual Fire Control Officers

POLICY IMPLICATIONS

There are no plans or policies applicable to this proposal.

FINANCIAL IMPLICATIONS

There is no impost on the Shire's finances in relation to this matter.

STRATEGIC IMPLICATIONS – Strategic Community Plan 2017 - 2027

Social Objective: Active, healthy, safe and inclusive community

ITEM	OUTCOMES AND STRATEGIES
S3	Safe community
S3.1	Support emergency services planning, risk mitigation, response and recovery

COMMUNITY CONSULTATION

N/A

RISK ASSESSMENT – Risk Management Policy and Risk Management Governance Framework Applicable.

Financial – Risk Matrix Rating considered Low. Volunteer Positions and all Training & Equipment covered by ESL

Health – Risk Matrix Rating considered Low.

Reputation – Risk Matrix Rating considered Low. Appointment of Replacement FCO for the Wamenusking Brigade Area and across Shire Boundary in the Shire of Corrigin.

Operation – Risk Matrix Rating considered Low. Risk mitigated by maintaining the number of FCO's in the Wamenusking (South East) area of the District.

Natural Environment – Risk Matrix Rating considered Low.

COMMENT/EXECUTIVE SUMMARY

- Mr Noel Stone has stood down from the Office of Fire Control Officer and Dual Fire Control Officer for the Shire of Corrigin
- Mr Greg Hughes has indicated his interest in being appointed as the Replacement FCO and Dual FCO
- Mr Greg Hughes' nomination is supported.

OFFICER RECOMMENDATION

RESOLUTION: 98-18/19

MOVED Cr McGuinness SECONDED Cr Stacey

1. That Council note the resignation of Mr Noel Stone from the Office of Fire Control Officer for the District and Dual Fire Control Officer for the Shire of Corrigin.
2. That Council appoint of Mr Greg Hughes under Section 38 of the Bush Fires Act 1954 as an authorised officer in the capacity of Fire Control Officer for the District for the 2018/19 Bush Fire Season.
3. That Council appoint Mr Greg Hughes under Section 40 of the Bush Fire Act 1954 as a Dual Fire Control Officer to the Shire of Corrigin for the 2018/19 Bush Fire Season.

CARRIED 7/0

10.4 Quairading Rainmakers Inc. - Funding Proposal for Public Artwork

Meeting Date	29 th November 2018
Responsible Officer	CEO Graeme Fardon
Reporting Officer	CEO Graeme Fardon
Attachments	Project Proposal and Funding Request
Owner/Applicant	Quairading Rainmakers Inc.
Disclosure of Interest	Nil.

MATTER FOR CONSIDERATION

The Quairading Rainmakers Inc. Street Art Project – Project Proposal.

BACKGROUND

In June 2018, Council considered Applications from Groups and Clubs under the “Community Grants Scheme”

Council (June 2018 OCM) passed Resolution 229-17/18 as follows: -

“2. That Council not support the community grant application from the Quairading Rainmakers Inc. at this time. However, Council offer a letter of support to the street art project by Quairading Rainmakers Inc. to assist them seeking funding for the project. The sculpture and location to be approved by Council prior to installation.”

Council Administration wrote to the Quairading Rainmakers Inc. on the 8th August 2018 advising of Council’s decision not to fund \$10,000 at that time and offering Council’s support for the Project Concept.

A further Letter of Support to assist the Group with seeking External Funding efforts had been drafted but not been finalised by the CEO and sent to the Group.

The Quairading Rainmakers were advised to continue developing the Project Concept and Proposal to be re-submitted back to Council in due course.

The Street Art Project Proposal has now been submitted to the CEO by Quairading Rainmakers Inc. and is included in the November 2018 OCM Agenda.

STATUTORY ENVIRONMENT

Local Government Act 1995 – Section 6.8 relates to Expenditure from Municipal Fund not included in the Annual Budget

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.

(2) Where expenditure has been incurred by a local government —

- (a) pursuant to subsection (1)(a), it is to be included in the annual budget for that financial year; and
- (b) pursuant to subsection (1)(c), it is to be reported to the next ordinary meeting of the council.

POLICY IMPLICATIONS

Nil.

Community Grants Scheme was first introduced in 2018 for the 2018/19 Year.

FINANCIAL IMPLICATIONS

Council has not made a Provision for the Public Art Project in the 2018/19 Adopted Budget.

If Council were to support the Project Proposal and Funding Commitment Request of \$10,000, it is understood that Council’s Contribution would not be sought by Quairading Rainmakers Inc. until such time as all of the remaining funding had been secured.

Subject to the timing or success of External Grant Funding Applications, the Council Contribution maybe in the 2018/19 Financial Year or be carried into the 2019/2020 Financial year.

Rainmakers Inc. have reported that \$39,550 has been received or pledged by Community Groups, Businesses and Community Members out of the Purchase Price of \$65,000 for this Art Piece.

The Proponents have identified the following Grant Funding Bodies to fund the remaining balance of the Funds: -

Lotterywest – Community Outdoor Spaces

WA Department of Culture and the Arts – Community Engagement.

The proponents are proposing that the Art Piece be Gifted to Council. It is understood that the Art Piece would be then included as part of Council’s “Infrastructure Assets”

Future Costs have been detailed by Quairading Rainmakers including Insurances (inclusion in Council Insurances) and Maintenance of the Art Piece being 6 monthly applications of “Penetrol” (Offer to be Funded and Maintenance provided by Quairading Rainmakers).

It is noted that Quairading Rainmakers have requested that if the Project came to fruition and if deemed required, a permanent Plinth base be constructed for the permanent placement of the Art Piece.

Rainmakers Inc. have requested that Council fund the Permanent Plinth. This item is as yet un-costed by the Administration.

STRATEGIC IMPLICATIONS – Strategic Community Plan 2017 - 2027

Economic Objective: Growing economy and employment opportunities

ITEM	OUTCOMES AND STRATEGIES
ED1	Economic diversity and resilience
ED1.1	Economic and tourism development

COMMUNITY CONSULTATION

The “El Toro” Art Piece was on display at the 2018 Quairading Agricultural Show and has been on Loan from the Artist and has been placed on “temporary display” in front of the Quairading Town Hall since 2nd November 2018.

The Quairading Rainmakers Inc. have a number of Support Letters for the Project in the Proposal Papers.

RISK ASSESSMENT – Risk Management Policy and Risk Management Governance Framework Applicable.

Financial – Risk Matrix Rating considered Medium Risk. Funding Request is not included in the 2018/19 Adopted Budget but should Council support the Funding Commitment Request, the Risk could be mitigated through the Statutory Budget Review Process scheduled for March 2019.

Subject to timing of the actual Funds being required, it may be possible to include the Funding Payment in the 2019/2020 Budget.

Health – Risk Matrix Rating is considered Low.

Reputation – Risk Matrix Rating is considered Low. Council to determine its level of support for the Project.

Operation – Risk Matrix Rating considered Low, however Location and Ongoing Maintenance of the Art Piece would need to be determined which would enable an assessment of any impact upon Council’s operations.

Natural Environment – Risk Matrix Rating is considered Low.

COMMENT/EXECUTIVE SUMMARY

- Council has previously Supported the Public Art Concept.
- Previous Funding Application to Council was unsuccessful in June 2018.
- Quairading Rainmakers have further developed the Project Plan and have submitted it to Council for Consideration.
- \$10,000 Funding Request is not in the 2018/19 Adopted Budget.
- If the Project is supported (that is a Funding Commitment), Item would need to be the subject of a Budget Review, if Payment is required to be made in the 2018/19 Financial year.

OFFICER RECOMMENDATION

Project Proposal submitted for Council Consideration.

RESOLUTION: 99-18/19

(ORIGINAL MOTION) MOVED Cr Brown SECONDED Cr Stacey

That Council: -

1. Receive the Quairading Rainmaker Inc. Submission; and
2. Support the funding commitment request of \$10,000 for the procurement of the Public Street Art, and that the funding be from identified savings in the March 2019 Budget Review Process.

AMENDMENT

MOVED Cr Smith SECONDED Cr McGuinness

Point 2 be amended as follows: -

2. Support the funding commitment request to a maximum of \$10,000 including the cost of the plinth and lighting.
3. That the amount be included in the 2019 / 20 Draft Budget deliberations and Budget
4. That the Rainmakers put their ongoing commitment to maintenance of the artwork in writing to the Shire
5. That the \$10,000.00 payment be subject to the successful grant application for the balance of the money required for the purchase.

AMENDMENT LOST 3/4

ORIGINAL MOTION WAS PUT

CARRIED 4/3

ITEM 11 MATTERS FOR CONSIDERATION – HEALTH AND BUILDING

No matters for consideration.

12.1 Tender No 1-18/19 Construction and Hydraulic Works Realignment of Reticulation Water Main Goldfields Road

Meeting Date	29 th November 2018
Responsible Officer	CEO Graeme Fardon
Reporting Officer	EMW&S Allan Rourke
Attachments	Tender Evaluation Report (Confidential Attachment)
Owner/Applicant	Shire of Quairading
Disclosure of Interest	Nil.

MATTER FOR CONSIDERATION

Council to consider Tender submissions received for realignment of the water main on Goldfields Road Quairading.

BACKGROUND

This project is to re-align a portion of Goldfields Road to provide a higher speed horizontal curve and improved road safety and part of the scope of work is to have the existing water main removed from Lot 101 Goldfields Road and replaced outside the new road alignment.

The Water Main Line design, Tender documents and project management has been undertaken by Cardno Engineering Consultants.

Water Corporation have approved the Water Main Design.

STATUTORY ENVIRONMENT

Local Government (Functions and General) Regulations 1996 - Reg 11

11. When tenders have to be publicly invited

(1) Tenders are to be publicly invited according to the requirements of this Division before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than \$150 000 unless subregulation (2) states otherwise.

(2) Tenders do not have to be publicly invited according to the requirements of this Division if —

(a) the supply of the goods or services is to be obtained from expenditure authorised in an emergency under section 6.8(1)(c) of the Act; or

(b) the supply of the goods or services is to be obtained through the WALGA Preferred Supplier Program.

POLICY IMPLICATIONS

The Shire of Quairading Purchasing Policy, FIN.2, requires that for purchases over \$150,000 Council goes to public tender.

FINANCIAL IMPLICATIONS

The procurement of contractors to carry out the 2018/2019 roads construction program has been allocated in the 2018/2019 budget this includes a provision of \$269,092 for water main realignment requirements.

The recommended Supplier Price is \$192,998.30 which is within Budget.

STRATEGIC IMPLICATIONS – Strategic Community Plan 2017 - 2027

Built Environment Objective: Planning and infrastructure to meet the needs of the community

ITEM	OUTCOMES AND STRATEGIES
B2	Enhanced and Sustainably Managed Assets and Infrastructure
B2.1	Ensure the provision of roads, footpaths and drainage takes into account the needs of the community, including the needs of the agriculture industry

COMMUNITY CONSULTATION

Nil

RISK ASSESSMENT – Risk Management Policy and Risk Management Governance Framework Applicable.

Financial - Risk Matrix Rating considered as Low: Recommended Tender Submission within Budget.

Health – Risk Matrix Rating considered as Low.

Reputation – Risk Matrix Rating considered Low: Procurement follows Local Government Act and Policy Parameters.

Operation – Risk Matrix Rating considered Low: Allows for Capital Works to be undertaken as Programed.

Natural Environment – Risk Matrix Rating considered Low.

COMMENT

Tender No 1-18/19 Construction and Hydraulic Works Realignment of Reticulation Water Main Goldfields Road was advertised in the West Australian on Wednesday 29th August 2018 and closed on Wednesday 26th September 2018 at 12Noon.

Tender submissions were opened at 1.30pm Wednesday 26th September 2018 at the Shire of Quairading Council Reception Room in the presence of Mr G Fardon CEO, Mr A Rourke EMS&W and Mr C Stephens Project Manager Cardno.

The contractors who provided a tendered response were:

- Blackwall Plumbing
- Lloyds Earthworks
- Mid Coast Civil
- Ringa Civil
- Tracc Civil
- Vasse Civil

An evaluation of the Tender submissions was undertaken by Mr Allan Rourke EMW&S and Mr C Stephens Project Manager at Cardno's Offices in West Perth on Wednesday 31st October 2018.

A qualitative assessment of each contractor's tender was undertaken. The Tenders were reviewed against the following criteria.

Criteria Weighting (%)

- Key personnel 20%
- Relevant Experience 30%
- Tenderers Resources 20%
- Demonstrating Understanding 30%

Total 100 %

The evaluation of the Qualitative Criteria is in the attached Tender Evaluation Report.

EXECUTIVE SUMMARY

All six tenderers are suitable for the works required by the Shire of Quairading.

- Blackwell Plumbing are a local contractor and have relevant experience working for the Shire, they have advised that the works will take six weeks to be completed and their tender price was within project budget.
- Midcoast Civil are a local contractor but they have not undertaken any works for the Shire, they have indicated that they can complete the works within seven weeks, their tender price was slightly lower than Blackwell's.
- Ringa Civil are also a local contractor but they have not undertaken any work for the Shire, they do not have experienced personnel to undertake these work. However, their tender price was the second lowest and they have indicated that they can undertake the works within five weeks.
- TRACC Civil are a Perth based contractor and they have not undertaken any work for the Shire, they have submitted the highest tender price and have indicated the works are likely to take 12 weeks to complete.
- Vasse Civil are a Bunbury based contractor, they have submitted the third lowest price and have indicated that the works will take them four weeks to complete. However, they have not fully understood the requirements of the contract.
- Lloyds Earthmoving have provided the lowest tender price, are a local contractor and have undertaken previous works for the Shire of Quairading. They have advised that they can undertake the works within 4 weeks.
- Ringa Civil, Lloyds Earthmoving, Midcoast Civil and Blackwell Plumbing have all advised that their tender price will not change after the expiry of the 45-day tendering period.

From review of all the Tenders provided, Midcoast Civil, Ringa Civil, Vasse Civil and TRACC Civil have provided the greatest risk to the contract either financially or from their lack of understating on the project requirements. Thus, based on the above findings, Cardno recommends to Council Executive Staff that Lloyds Earthmoving be awarded the contract.

OFFICER RECOMMENDATION

RESOLUTION: 100-18/19

MOVED Cr Stacey SECONDED Cr McRae

That Council accept the Tender (No.1-18/19) from Lloyds Earthmoving for the Construction and Hydraulic Works Realignment of Reticulation Water Main Goldfields Road for the Tendered amount of \$192,998.30 (ex GST).

CARRIED 7/0

ITEM 13 URGENT COUNCILLORS' BUSINESS

RESOLUTION: 101-18/19

MOVED Cr Smith SECONDED Cr Haythornthwaite

That Council accept new urgent Councillors Business.

CARRIED 7/0

Local Government (Council Meetings) Local Law

Cr Smith raised the Issue of the Consideration of a Council Meeting Local Law.

The Meeting determined that the Draft Local Government (Council Meetings) Local Law be presented to the December 2018 Ordinary Council Meeting for consideration.

14.1 Legal Advice – PTA Land: The Old Valley Ford Site (Confidential Item)

The Meeting will be closed by Council Resolution to the Public under Part 5 Division 2 Section 5.23 (2)(d) of the Local Government Act 1995 as the Item relates to “legal advice obtained”.

RESOLUTION: 102-18/19

MOVED Cr Haythornthwaite SECONDED Cr Smith

That the meeting be closed to the Public at 3.04 pm to consider Item 14.1 in accordance with Section 5.23 (2) of the Local Government Act 1995.

CARRIED 7/0

3.04 pm

Ms Jill Hayes, Ms Tamara Spark, Mrs Tarnya Fraser, Mrs Amalia Curtin and Mr John Haythornthwaite left the Meeting.

OFFICER RECOMMENDATION

RESOLUTION: 103-18/19

MOVED Cr McRae SECONDED Cr Stacey

That Council: -

1. Receive the Legal Advice from Civic Legal dated 27th November 2018.
2. Authorise the CEO to proceed with the engagement of Environmental Consultant, Western Environmental to undertake the Soil Analysis Testing and Report, within Council's Revised Budget Provision.
3. Council requested that the Chief Executive Officer obtain a copy of the Certificate of Title from the PTA.

CARRIED 7/0

RESOLUTION: 104-18/19

MOVED Cr Smith SECONDED Cr Brown

That the meeting be open to members of the public at 3.11 pm.

CARRIED 7/0

3.11 pm

Mr John Haythornthwaite returned to the Meeting.

Having opened the meeting to the Public, the Shire President read aloud the decision of the Council in Resolution 103-18/19.

ITEM 15 NEXT MEETING DATE

The next Ordinary Meeting of Council is scheduled to take place on Thursday 20th December 2018, commencing at 12 noon at the Council Chambers, 10 Jennaberring Road, Quairading.

RESOLUTION: 105-18/19

MOVED Cr Haythornthwaite SECONDED Cr Stacey

That Council reschedule the December 2018 Ordinary Council Meeting to start at 2 pm.

CARRIED 6/1

ITEM 16 CLOSURE

There being no further business, the Chairman closed the Meeting at 3.15 pm.

I certify the Minutes of the Ordinary Meeting of Council held on 29th November 2018 were confirmed on 20th December 2018 as recorded on Resolution No. _____

Confirmed..... 20/12/18