



Minutes

Ordinary Meeting of Council

17th October 2019

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1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Presiding Member declared the meeting open at 4pm

2. ANNOUNCEMENTS FROM THE PRESIDING MEMBER

Cr Truran advised that as this was her last meeting of Council and as Shire President she wished to thank all past and present Shire of Yilgarn staff for their assistance to herself and Councillors generally during her 12 years as an Elected Member. Cr Truran also thanked retiring Councillor, David Pasini, for his 23 years of service on Council and wished the incoming Council following the 2019 Elections, all the best for the future.

3. ATTENDANCE

Presiding Member	Cr O Truran	President
Members	Cr W Della Bosca Cr B Close Cr G Guerini Cr P Nolan Cr D Pasini Cr S Shaw	Deputy President
Council Officers	P Clarke C Watson R Bosenberg Laura Della Bosca	Chief Executive Officer Executive Manager Corporate Services Executive Manager Infrastructure Minute Taker
Apologies:	N Warren	Executive Manager Regulatory Services
Observers:	Mrs. Linda Rose, Mrs. Jodie Cobden, Mrs. Carol Truran, Mr. Hayden Davies, Mr. Russell Purvis, Mr. Paul Tan, Mr. Martin Haugg	
Leave of Absence:	Nil	

4. DECLARATION OF INTEREST

Nil

5. PUBLIC QUESTION TIME

Nil

6 CONFIRMATION OF MINUTES

6.1 Ordinary Meeting of Council, Thursday 19 September 2019

159/2019

Moved Cr Guerini /Seconded Cr Close

That the minutes from the Ordinary Council Meeting held on 19 September 2019 be confirmed as a true record of proceedings.

CARRIED (7/0)

6.2 Audit Committee Meeting, Thursday 19 September 2019

161/2019

Moved Cr Shaw/Seconded Cr Close

That the Minutes from the Audit Committee Meeting held on the 19 September 2019 be confirmed as a true record of proceedings.

CARRIED (7/0)

6.3 Shire of Yilgarn History Museum Advisory Committee Meeting, Wednesday 7 August 2019

Shire of Yilgarn History Museum Advisory Committee Meeting, Thursday 3 October 2019

Wheatbelt East Regional Organisation of Councils (WEROC) Executive Meeting, Wednesday 25 September 2019

162/2019

Moved Cr Della Bosca/Seconded Cr Guerini

That the minutes from the Shire of Yilgarn History Museum Advisory Committee Meeting held on the 7 August 2019 and the 3 October 2019 and the WEROC Executive meeting held on the 25 September 2019 be received.

CARRIED (7/0)

7. PRESENTATIONS, PETITIONS, DEPUTATIONS

Martin Haugg (General Manager), Hayden Davies (Senior Environmental Advisor), Russell Purvis (Project Manager) and Paul Tan (Commercial Manager) from Minjar Gold attended Council to give presentation on the application to amend existing licence L45971/1988/14 in relation to the Jacoletti underground project.

Martin Haugg commenced by thanking Council for their time and wishing Cr Truran all the best on her retirement from Council then passed over to Russell Purvis.

Mr. Purvis's presentation to Council included an outline on the dewatering of the Jacoletti mine into the Marvel Loch mine and the amendment to existing licence L4591/1988/14. The amendment sought is for the existing license to include the Marvel Loch mine as containment infrastructure for the dewatering of the Jacoletti mine. The Jacoletti pit is the next underground pit to commence work with a start date in the 3rd quarter of 2020. Currently the access point to the underground pit is 50 metres below water level. It is estimated that there is 3 months of dewatering with the water travelling 1.5km, underground in existing pipeline, between the Jacoletti pit and Marvel Loch pit. The water quality is the same in both pits with an estimated 40 mega litres to be moved.

Mr Purvis then thanked Council for their time and invited questions.

Cr Nolan questioned whether the hydrological study mentioned in the submission to DWER is available.

Mr Purvis confirmed that the report is only internal at the moment, but the final report will be made available before mining commences, due to the report being only aimed at the underground mining aspect not the imminent program of dewatering.

Cr Truran then thanked Mr. Purvis and associates for the presentation to Council.

8. DELEGATES' REPORTS

Cr Truran announced the following:

- Attended the Wheatbelt Regional Health Forum with the CEO and Councillor Nolan on the 20th September 2019
- Attended the Southern Cross Police Station for an afternoon tea with the Superintendent from Northam on the 23rd September 2019
- Attended the Southern Cross Colour Run on the 13th October 2019
- Chaired the Local Healthy Advisory Committee meeting on the 15th October 2019

Cr Guerini announce the following:

- Attended the Bushfire Advisory Committee Annual General meeting on the 1st October 2019
- Attended the Local Action Group meeting on the 9th October 2019

Cr Nolan announce the following:

- Attended the Wheatbelt Regional Health Forum on the 20th September 2019

Cr Della Bosca announce the following:

- Attended the Wheatbelt North East Sub Regional Road Group meeting with the CEO, EMI and Cr Close on the 27th September
- Attended the Bushfire Advisory Committee Annual General meeting on the 1st October 2019
- Attended the CEACA meeting on the 2nd October 2019
- Attended the Local Action Group meeting on the 9th October 2019
- Attended the Eastern Wheatbelt Biosecurity Group meeting on the 16th October 2019

Cr Close announce the following:

- Attended the Wheatbelt North East Sub Regional Road Group meeting with the CEO, EMI and Cr Della Bosca on the 27th September

9 OFFICERS REPORTS

9.1 Officers Report – Chief Executive Officer

9.1.1 Southern Cross General Practice – Pathology Services

File Reference	1.3.12.7
Disclosure of Interest	None
Voting Requirements	Absolute Majority
Attachments	Nil

Purpose of Report

To inform Council of the circumstances relating to the withdrawal of Pathology Services to the Southern Cross Clinic and the request to Council for financial assistance to maintain this services for the residents of the district.

Background

Dr Ifeanyi Nwoko has written to Council to explain the current situation with the Practice's Pathology supplier, Clinipath.

Dr Nwoko advises that Clinipath has been the Practice's preferred pathology lab for a number of years and throughout this time, Clinipath has been providing financial support to the Practice for this service. The annual financial support from Clinipath was to cushion the phlebotomy (blood taking) services provided by one of Dr Nwoko's staff however, Clinipath has now advised that the annual funding will be withdrawn from 30 September 2019.

In order to keep this valuable service running, Dr Nwoko seeks financial support from the Shire of Yilgarn to that which was previously provided by Clinipath. Dr Nwoko advises that the \$5,000 support will cover the essentials to maintain the pathology service within the community.

Dr Nwoko advises that the Shire, community and the clinic requires this necessary pathology service to remain in Southern Cross. It is a very convenient service for the health of the community and Dr Nwoko would like to retain this service for the benefit of all concerned.

Comment

This issue was first raised with the CEO when met with Dr Nwoko and his staff to discuss the Community Strategic Planning process and therefore, the CEO encouraged Dr Nwoko to raise this matter with Council.

The concern from the CEO's perspective was that if this service was lost to the district, residents would have to travel to Merredin to have bloods taken. To expect our residents, especially the elderly, to travel to Merredin for what is a 10 minute service seems ridiculous.

Whilst one could argue that the provision of pathology services at the Southern Cross Practice is a business decision of Dr Nwoko's and that to retain the service at his expense would ensure his clientele is maintained, the counter argument is that for minimal monetary assistance, the Shire of Yilgarn is making a statement to the community that it continues to support the GP and that Council recognises the importance for the provision of pathology services to residents, which is in line with Council's Community Strategic Plan.

Council already makes an annual monetary contribution to Dr Nwoko as per the Agreement for his services and this would be additional to that already provided.

Statutory Environment

Medical and Management Services Agreement between Shire of Yilgarn and Dr Nwoko.

Strategic Implications

Shire of Yilgarn Strategic Community Plan 2018-2028 – Social – An inclusive, secure and welcoming community that encourages families, youth and the aged to remain and contribute to our Shire in the long term. Retention and upgrade of current health and education services and infrastructure – Support continued incentive funding for a quality doctor in the Shire.

Policy Implications

Nil

Financial Implications

Provision to for additional funding for medical services as per this request has been provided for in the 2019/2020 Budget and therefore, if Council were to accede to this request, provision would be made at the Budget review in February/March 2020.

Officer Recommendation

That Council acknowledges the importance of pathology services at the Southern Cross Clinic, and more particularly for the residents of the district, and therefore Council advises Dr Nwoko that Council will make an annual financial contribution of \$5,000.00 to the Southern Cross General Practice for the retention of these services.

Council Decision

162/2019

Moved Cr Pasini/Seconded Cr Della Bosca

That this matter "lay on the table" until the November 2019 Ordinary meeting.

CARRIED (7/0)

REASON FOR ALTERATION TO RECOMMENDATION

Based upon information received at the meeting, Council considered that more information should be obtained to enable Council to make a balanced decision on the matter and therefore requested the CEO to research the matter further and refer it to the November Council meeting for consideration.

*Mr Martin Haugg and Mr Paul Tan left the meeting at 4.25pm

9.1 Officers Report – Chief Executive Officer

9.1.2 WALGA – State Council and Zone Structure Working Group Final Report

File Reference	1.6.21.2
Disclosure of Interest	None
Voting Requirements	Simple Majority
Attachments	Final Report on State Council and Zone Structure

Purpose of Report

To present to Council for consideration, WALGA's Working Group Final Report on recommendations associated with State Council and Zone Structure review.

Background

WALGA State Council has released for consultation the Final report prepared by the Working Group charged with reviewing WALGA's governance structures and processes.

WALGA advises that the Working Group has made a number of recommendations, four of which have been endorsed for immediate implementation by State Council, with the balance endorsed in principle pending sector consultation. The recommendations endorsed by State Council for implementation relate to the provision of information about WALGA to Elected Members, State Council's Committee structure, and the process for considering submissions to Government.

WALGA seeks Council consideration and feedback on the balance of the recommendations, which relate to the composition of State Council, the continuing role of Deputy State Councillors, no term limits for State Councillors, the Member Advisor Program, services to Zones, and the State Council Agenda, including the cessation of the production of printed Agendas.

WALGA seeks feedback by 5.00pm Friday, 25 October 2019 to allow an Agenda Item to be included in the December State Council Agenda for consideration at the November round of Zone meetings.

Comment

The WALGA Working Group's Final Report is provided as an attachment to the Agenda.

Ten (10) recommendations are listed in the Final Report to which WALGA is seeking feedback. None of the recommendations are overly contentious and therefore it is the opinion of the author of this report is that Council advises WALGA that it has no objections to the recommendations submitted.

Statutory Environment

Nil

Strategic Implications

Shire of Yilgarn Strategic Community Plan 2018-2028 – Civic Leadership Strategy – Positive and productive regional partnerships – Actively participate in regional forums including GECZ Zone of WALGA.

Policy Implications

Nil

Financial Implications

Nil

Officer Recommendation and Council Decision

163/2019

Moved Cr Guerini/Seconded Cr Close

That Council advises WALGA that it supports the ten (10) recommendations contained within the Final Report of the State Council and Zone Structure and Process Working Group.

CARRIED (7/0)

9.1 Officers Report – Chief Executive Officer

9.1.3 WALGA – Size and Scale Compliance Regime – Local Government Act Review

File Reference	1.6.21.2
Disclosure of Interest	None
Voting Requirements	Simple Majority
Attachments	WALGA Infopage Size and Scale Compliance Regime

Purpose of Report

To seek Council's input into WALGA's endorsed position on advocacy principles in relation to the Local Government Act Review on Size and Scale Compliance Regime.

Background

Mr Tony Brown, WALGA's Executive Manager Governance and Organisational Services advises that during the current Local Government Act review process, WALGA following consultation with the sector, developed key principles and advocacy positions which were subsequently endorsed through the Zone and State Council meeting process.

The following are the key principles;

- 1) *That the sector endorse a 'Principles over Prescription' approach to the Local Government Act Review and actively promote the benefits of the general principles listed below, intended to safeguard against the new Local Government Act becoming overly prescriptive:*
 - (a) *Uphold the General Competence Principle currently embodied in the Local Government Act;*
 - (b) *Provide for a flexible, principles-based legislative framework;*
 - (c) *Promote a size and scale compliance regime;*
 - (d) *Promote enabling legislation that empowers Local Government to carry out activities beneficial to its community taking into consideration the Local Governments role in creating a sustainable and resilient community through;*
 - i. *Economic Development*
 - ii. *Environmental Protection*
 - iii. *Social Advancement;*
 - (e) *Avoid red tape and 'de-clutter' the extensive regulatory regime that underpins the Local Government Act; and*
 - (f) *The State Government must not assign legislative responsibilities to Local Governments unless there is provision for resources required to fulfil the responsibilities.*

2. (a) *Support the continuance of the Department of Local Government, Sport and Cultural Industries as a direct service provider of compliance and recommend the Department fund its capacity building role through the utilisation of third party service providers.*
- (b) *Call on the State Government to ensure there is proper resourcing of the Department of Local Government, Sport and Cultural Industries to conduct timely inquiries and interventions when instigated under the provisions of the Local Government Act 1995.*

In respect principle 1 (c) *Promote a size and scale compliance regime*, to assist in advocacy to the State Government as part of the Local Government Act review process, sector assistance is requested in identifying examples of where a size and scale compliance regime could be identified in the Act and Regulations.

Mr Brown indicates that if Council could provide examples by Friday 25 October 2019 it would be appreciated.

Comment

It has been argued by many in the Local Government sector that the requirements imposed on Bands 3 and 4 (rural and remote LGA's) are the same as Bands 1 and 2 (metropolitan and larger regional LGA's). The Band levels were set by the Salaries and Allowances Tribunal (SAT) to determine Elected Member Fees and CEO's remuneration packages with Bands 1 and 2 commanding significantly higher salaries and allowances than Bands 3 and 4.

The above Bands identify the size, particularly revenue wise, of LGA's and therefore, SAT obviously considers that those in Bands 1 and 2 have more responsibility associated with their positions than those in bands 3 and 4. If this is the case, then it is fair to argue why Bands 3 and 4 have to comply with exactly the same legislative requirements as Bands 1 and 2. Band 3 and 4 LGA's are also limited in their human resource capacity and therefore are at a greater disadvantage to Band 1 and 2 LGA's.

The Integrated Planning processes and the current Australian Accounting Standards are two of the main areas that require a significant amount of time and resources to meet the requirements of the *Local Government Act* and associated *Regulations*. Staff are of the opinion that some of these requirements should be lessened on Band 3 and 4 LGA's.

Statutory Environment

Local Government Act 1995 – Review process

Strategic Implications

Shire of Yilgarn Strategic Community Plan 2018-2028 – Civic Leadership Strategy – Positive and productive regional partnerships – Actively participate in regional forums including GECZ Zone of WALGA.

Policy Implications

Nil

Financial Implications

Nil

Officer Recommendation and Council Decision

164/2019

Moved Cr Shaw Seconded/ Cr Guerini

That Council advises WALGA that in respect to one of its key principles in promoting a size and scale compliance regime in the review of the Local Government Act, Council supports the lessening of legislative requirements associated with Integrated Planning processes and the Australian Accounting Standards for SAT Bands 3 and 4 and requests that WALGA supports this position.

CARRIED (7/0)

To: All Local Governments

**From: Tony Brown
Executive Manager Governance &
Organisational Services**



Date: 20 September 2019

Priority: High

**Subject: Size and Scale Compliance Regime – Local Government Act Review
Advocacy**

IN BRIEF:

Operational Area:	Governance
Key Issues:	<ul style="list-style-type: none">• As part of the review of the Local Government Act process, the sector endorsed a number of key advocacy principles. One of the key principles was for a Size and Scale compliance regime.• To assist with the advocacy for this principle, sector assistance is requested in identifying examples of where a size and scale compliance regime could be identified in the Act and Regulations.• Local Government's are requested to provide any examples to WALGA by 25 October 2019.
Action:	Local Government feedback by Friday 25 October 2019

Background

During the current Local Government Act review process, WALGA following consultation with the sector, developed key principles and advocacy positions which were subsequently endorsed through the Zone and State Council meeting process.

The following are the key principles;

- 1) *That the sector endorse a 'Principles over Prescription' approach to the Local Government Act Review and actively promote the benefits of the general principles listed below, intended to safeguard against the new Local Government Act becoming overly prescriptive:*
 - (a) *Uphold the General Competence Principle currently embodied in the Local Government Act;*
 - (b) *Provide for a flexible, principles-based legislative framework;*
 - (c) *Promote a size and scale compliance regime;*
 - (d) *Promote enabling legislation that empowers Local Government to carry out activities beneficial to its community taking into consideration the Local Governments role in creating a sustainable and resilient community through;*
 - i. *Economic Development*
 - ii. *Environmental Protection*
 - iii. *Social Advancement;*

- (e) Avoid red tape and 'de-clutter' the extensive regulatory regime that underpins the Local Government Act; and*
- (f) The State Government must not assign legislative responsibilities to Local Governments unless there is provision for resources required to fulfil the responsibilities.*
- 2. *(a) Support the continuance of the Department of Local Government, Sport and Cultural Industries as a direct service provider of compliance and recommend the Department fund its capacity building role through the utilisation of third party service providers.*
- (b) Call on the State Government to ensure there is proper resourcing of the Department of Local Government, Sport and Cultural Industries to conduct timely inquiries and interventions when instigated under the provisions of the Local Government Act 1995.*

In respect principle 1 (c) *Promote a size and scale compliance regime*, to assist in advocacy to the State Government as part of the Local Government Act review process, sector assistance is requested in identifying examples of where a size and scale compliance regime could be identified in the Act and Regulations.

If you could provide your examples by Friday 25 October 2019 it would be appreciated.

For further information please contact:

Executive Manager Governance & Organisational Services, Tony Brown
on 9213 2051 or email tbrown@walga.asn.au or James McGovern,
Manager Governance on 9213 2093 or email jmcgovern@walga.asn.au

9.1 Officers Report – Chief Executive Officer

9.1.4 Department of Local Government, Sport and Cultural Industries – Consultation on proposed Code of Conduct and CEO Standards

File Reference	1.6.26.27
Disclosure of Interest	None
Voting Requirements	Simple Majority
Attachments	Draft Consultation Papers

Purpose of Report

To advise Council of the recently produced Consultation Papers prepared by the Department of Local Government, Sport and Cultural Industries in relation to proposed Standards and Guidelines associated with a new Code of Conduct and CEO Standards.

Background

The Department advises that on 27 June 2019, the Local Government Legislation Amendment Act 2019 was passed in Parliament.

The Act included a requirement for the introduction of the following:-

- A mandatory Code of Conduct for Council Members, Committee Members and Candidates (Code of Conduct); and
- Mandatory minimum standards covering the recruitment, selection, performance review and early termination of Local Government Chief Executive Officers.

The Department indicates that it is now seeking feedback on the draft Code of Conduct and draft CEO Standards.

Submissions to the above close with the Department on 22 November 2019.

Comment

The format for feedback on the above Consultation Papers is the same as that for Phase I and II of the Act. Councillors can individually access the Department's website and provide feedback online or alternatively, provide a written submission.

The CEO has reviewed the Consultation Papers and in respect to the proposed Code of Conduct, the principles of Personal Integrity, Relationships with Others, Accountability, Behaviour seem appropriate.

In respect to the Standards and Guidelines for Local Government CEO Recruitment and Selection, Performance Review and Termination, the following issues/concerns are raised:-

S 1.3 – *The local government has established a selection panel to conduct the recruitment and selection process. The panel must include at least one independent person who is not a current elected member or staff member of the local government.*

Comment *The Consultation Paper provides examples of who the independent person could include, such as:-*

- *Former elected members or staff members of the local government;*
- *Former or current elected members (such as a Mayor or Shire President) or staff member of another local government;*
- *A prominent or highly regarded member of the community; or*
- *A person with experience in the recruitment and election of CEO's and senior executives.*

It is of the opinion of the CEO that if the State Government/Department is concerned with the quality of CEO's, then it should be indicating that local governments utilise the services of an Independent Human Resource Consultant or alternatively, seek the services and/or advice from the Public Sector Commission regarding selection of a suitable candidate.

S 1.11 - *The local government must re-advertise the CEO position after each instance where a person has occupied the CEO position for ten (10) consecutive years.*

Comment *The Consultation Paper indicates that the above requirement does not prevent the incumbent individual from being employed as CEO for another term, provided they are selected following a transparent selection and recruitment process.*

This proposal is nonsensical. The current 1995 Act requires 3 to 5 year Contracts of Employment and prior to the expiration of these periods the local government has the right to re-negotiate or terminate the Contract. If the local government is satisfied with an individual's performance, why then would it be obligated to re-advertise after 10 years? If the local government was satisfied then it would be total waste of time and costs for the local government, the incumbent and potential applicants for the position.

Statutory Environment

Local Government Act review processes.

Strategic Implications

Shire of Yilgarn Strategic Community Plan 2018-2028 – Civic Leadership – Dynamic and visionary leadership guiding our community into the future - A trustworthy and cohesive Council that functions efficiently and effectively to meet the needs of our community.

Policy Implications

Nil

Financial Implications

Nil

Officer Recommendation and Council Decision

165/2019

Moved Cr Pasini/Seconded Cr Close

That Council provides a written submission to the Department of Local Government advising that it supports WALGA's submission in relation to the Consultation Paper for the Mandatory Code of Conduct for Council Members, Committee Members and Candidates and in respect to the Standards and Guidelines for Local Government CEO Recruitment and Selection, Performance Review and Termination, Council indicates that it is not supportive of S1.3 and S1.11 as detailed in this report.

CARRIED (7/0)

9.1 Officers Report – Chief Executive Officer

9.1.5 WEROC Asset Management Project

File Reference	1.6.25.1
Disclosure of Interest	None
Voting Requirements	Simple Majority
Attachments	Accingo Report and Recommendations

Purpose of Report

To inform and submit to Council the outcomes of the Asset Management Project undertaken by WEROC.

Background

In March 2018 WEROC began discussions with representatives from Accingo, an Asset Management Consultancy, to consider the potential value to WEROC members in developing an asset utilisation process to improve both use of the asset and associated financial performance. The assets identified in the process were Council's major road plant and equipment.

Following the above discussions WEROC engaged Accingo to prepare a report based on asset utilisation as the first stage of a potential three stage process.

Comment

Accingo representatives undertook an asset audit of each member Council's major road plant and equipment. The audit identified the condition of the plant and its hourly usage to determine whether each item of plant was being utilised to its maximum capacity. The ultimate determination was to ascertain whether there was the capacity for Member Council's to share plant and equipment if maximum usage was not being achieved and how this could be realised.

Accingo has now delivered its final Report and Recommendations to WEROC for consideration, which is provided as an attachment for Council consideration. At the WEROC Executive meeting held on Wednesday, 25 September 2019 the following was resolved:-

***Moved Greg Powell Seconded Jamie Criddle
That the:***

- 1. WEROC Executive be requested to table Accingo's report and recommendations on the review of mobile assets and plant across each Member Council for discussions at either their October or November round of Council meetings; and***
- 2. Executive Officer be provided with comments from these discussions to enable a report to be prepared for the WEROC Executive meeting to be held Wednesday, 27 November 2019.***

The Report clearly shows that the Shire of Yilgarn is utilising the majority of its plant at the benchmark utilisation rate of 40% as the target range set by Accingo. The 40% target referred to all of the "available" hours a machine can operate which would provide a significant enough financial benefit to justify implementation of amended practices, with available hours set at 200 hours per month which is standard practice as the minimum level of availability. It is noted that some plant items did not meet the 40% target however, their retention is justified for their specific work load.

In reviewing the Report and associated Recommendations, staff see value in supporting recommendations 1 through to 4 but recommendations 5 and 6 would have significant financial implications to WEROC member Councils if they were implemented.

The Shires of Westonia and Yilgarn have worked cooperatively in the past and have loaned plant and equipment when available. Unfortunately the Shires utilise their major equipment at the same time e.g., winter grading, and therefore it is not an option to share equipment. To operate a sharing model over the 5 Member Councils, and in consideration of the distances involved, centralising assets is not achievable.

Statutory Environment

Nil

Strategic Implications

Shire of Yilgarn Strategic Community Plan 2018-2028 – Civic Leadership – Dynamic and visionary leadership guiding our community into the future – Actively participate in regional forums including GECZ, WALGA, WEROC and WCI.

Policy Implications

Nil

Financial Implications

Potential for significant costs if Recommendations 5 and 6 of the Accingo Report were implemented.

Officer Recommendation and Council Decision

166/2019

Moved Cr Della Bosca/Seconded Cr Guerini

That Council advises WEROC's Executive Officer that in respect to the Accingo Asset Management Report and associated recommendations, Council supports the implementation of recommendations 1 to 4 but does not see value in recommendations 5 and 6 due to the significant cost implications for all WEROC Member Councils if they were implemented.

CARRIED (7/0)

9.1 Officers Report – Chief Executive Officer

9.1.6 WEROC – Proposed Constitution

File Reference	1.6.26.27
Disclosure of Interest	None
Voting Requirements	Simple Majority
Attachments	Draft WEROC Constitution

Purpose of Report

To present to Council for consideration, a draft of the new Constitution for WEROC.

Background

As has been reported previously to Council, WEROC has been discussing the need for continuing with Wheatbelt Communities Incorporated (WCI), which was established a number of years ago for the purpose of being a body that could apply for funding external to the WEROC member Councils. WCI has done little over the last few years other than holding meetings as required under the *Associations Incorporation Act 2015*.

It was considered by WEROC that rather than operating with two bodies, WEROC and WCI, it would be more appropriate for WEROC to become the constituted body and officially dissolve WCI.

Comment

Council's representatives on WEROC have constantly pushed for the above to happen as they could see no benefit in operating with two separate organisations who ultimately have the same objectives. The Wheatbelt East Regional Organisation of Councils name is also more recognisable and relevant to that of Wheatbelt Communities Inc., which could be construed as covering the entire Wheatbelt area.

The Draft Constitution presented to Council has been developed similar to that of the Warren Blackwood Alliance of Councils Inc., a group of three Local Governments in the South West that work cooperatively together and have achieved projects by having just the one constituted body.

WEROC seeks Council input to the Draft Constitution before it is presented to WEROC for adoption.

Statutory Environment

Associations Incorporation Act 2015

Strategic Implications

Shire of Yilgarn Strategic Community Plan 2018-2028 – Civic Leadership – Dynamic and visionary leadership guiding our community into the future – Actively participate in regional forums including GECZ, WALGA, WEROC and WCI.

Policy Implications

Nil

Financial Implications

Nil

Officer Recommendation and Council Decision

167/2019

Moved Cr Della Bosca/Seconded Cr Shaw

That Council advises WEROC's Executive Officer that it supports the proposed Draft Constitution as presented which enables WEROC to become the Incorporated body under the Associations Incorporation Act 2015 as opposed to the current Wheatbelt Communities Inc.

CARRIED (7/0)

9.2 Reporting Officer– Executive Manager Corporate Services

9.2.1 Financial Reports

File Reference	8.2.3.2
Disclosure of Interest	Nil
Voting Requirements	Simple Majority
Attachments	Financial Reports

Purpose of Report

To consider the Financial Reports

Background

Enclosed for Council's information are various financial reports that illustrate the progressive position of Council financially on a month-by-month basis.

The following reports are attached and have been prepared as at the 30th September 2019.

- Rates Receipt Statement
- Statement of Investments
- Monthly Statement of Financial Activity
- Own Source Revenue Ratio

Councillors will be aware that it is normal practice for all financial reports to be indicative of Council's current Financial Position as at the end of each month.

Comment

Nil

Statutory Environment

Local Government (Financial Management) Regulations 1996 Regulation 34(i)(a) and Regulation 17.

Strategic Implications

Nil

Policy Implications

Nil

Financial Implications

Nil

Officer Recommendation and Council Decision

168/2019

Moved Cr Close/Seconded Cr Nolan

That Council endorse the various Financial Reports as presented for the period ending 30th September 2019

CARRIED (7/0)

9.2 Reporting Officer– Executive Manager Corporate Services

9.2.2 Accounts for Payment

File Reference	8.2.1.2
Disclosure of Interest	Nil
Voting Requirements	Simple Majority
Attachments	See attachment 9.2.2

Purpose of Report

To consider the Accounts for Payment

Background

Municipal Fund – Cheque Numbers 40827 to 40835 totalling \$40,840.24, Municipal Fund-EFT Numbers 9208 to 9294 totalling \$401,128.65, Municipal Fund – Cheque Numbers 1549 to 1554 totalling \$178,715.33, Municipal Fund Direct Debit Numbers 13981.1 to 14021.11 totalling \$38,712.40, Trust Fund 402458 to 402461 totalling \$2,043.90 and Trust Fund – Cheque Numbers 6194 to 6197 (DPI Licensing), totalling \$51,039.25 are presented for endorsement as per the submitted list.

Comment

Nil

Statutory Environment

Sections 5.42 and 5.44 of the Local Government Act 1995 and Local Government (Financial Management) Regulations 1996, Regulation No 12 and 13

Strategic Implications

Nil

Policy Implications

Council has provided delegation to the Chief Executive Officer to make payments from the Shire of Yilgarn Municipal, Trust or other Fund.

Financial Implications

Drawdown of Bank funds

Officer Recommendation and Council Decision

169/2019

Moved Cr Close/Seconded Cr Nolan

Municipal Fund – Cheque Numbers 40827 to 40835 totalling \$40,840.24, Municipal Fund- EFT Numbers 9208 to 9294 totalling \$401,128.65, Municipal Fund – Cheque Numbers 1549 to 1554 totalling \$178,715.33, Municipal Fund Direct Debit Numbers 13981.1 to 14021.11 totalling \$38,712.40, Trust Fund 402458 to 402461 totalling \$2,043.90 and Trust Fund – Cheque Numbers 6194 to 6197 (DPI Licensing), totalling \$51,039.25 are presented for endorsement as per the submitted list.

CARRIED (7/0)

9.2 Reporting Officer– Executive Manager Corporate Services

9.2.3 Proposed Amendment to 2019/20 Schedule of Fees & Charges

File Reference	8.2.5.5
Disclosure of Interest	Nil
Voting Requirements	Absolute Majority
Attachments	Proposed amendment to the 2019/2020 Schedule of Fees & Charges.

Purpose of Report

To consider an amendment to the 2019/2020 Schedule of Fees & Charges previously endorsed during the 2019/2020 Budget adoption process.

Background

The 2019/2020 Schedule of Fees and Charges were initially reviewed and endorsed by Council at the May 2019 ordinary meeting and were subsequently readopted during budget adoption process completed at the August 2019 meeting.

The author has since become aware that the Caravan Park operations includes the following fees, charges and concessions:

1. Retention of part or all monies previously received, on cancellation of a booking and an administrative fee for processing a refund on cancellation of a booking;
2. Fees for performing additional room servicing / cleaning and /or due to excessive mess and disorder of a room left on check out; and
3. A concession for stays of 7+ days in the Sandelwood Motor Lodge and Kurrajong rooms.

Comment

A copy of the relevant page of the fees & charges and proposed changes are included in the attachments. The items intended to be added are included in **Green**.

It is intended to advertised locally, as required by section 1.7 of the Local Government Act, the proposed new fees and charges for a period of seven (7) days commencing on Monday 21st October, with the fees and charges being effective from the 28th October.

Statutory Environment

Local Government Act 1995 –

6.16. Imposition of fees and charges

- (1) A local government may impose* and recover a fee or charge for any goods or service it provides or proposes to provide, other than a service for which a service charge is imposed.

** Absolute majority required.*

- (2) A fee or charge may be imposed for the following —
 - (a) providing the use of, or allowing admission to, any property or facility wholly or partly owned, controlled, managed or maintained by the local government;
 - (b) supplying a service or carrying out work at the request of a person;
 - (c) subject to section 5.94, providing information from local government records;
 - (d) receiving an application for approval, granting an approval, making an inspection and issuing a licence, permit, authorisation or certificate;
 - (e) supplying goods;
 - (f) such other service as may be prescribed.
- (3) Fees and charges are to be imposed when adopting the annual budget but may be —
 - (a) imposed* during a financial year; and
 - (b) amended* from time to time during a financial year.

** Absolute majority required.*

6.17. Setting level of fees and charges

- (1) In determining the amount of a fee or charge for a service or for goods a local government is required to take into consideration the following factors —
 - (a) the cost to the local government of providing the service or goods; and
 - (b) the importance of the service or goods to the community; and
 - (c) the price at which the service or goods could be provided by an alternative provider.
- (2) A higher fee or charge or additional fee or charge may be imposed for an expedited service or supply of goods if it is requested that the service or goods be provided urgently.
- (3) The basis for determining a fee or charge is not to be limited to the cost of providing the service or goods other than a service —
 - (a) under section 5.96; or
 - (b) under section 6.16(2)(d); or

- (c) prescribed under section 6.16(2)(f), where the regulation prescribing the service also specifies that such a limit is to apply to the fee or charge for the service.
- (4) Regulations may —
 - (a) prohibit the imposition of a fee or charge in prescribed circumstances; or
 - (b) limit the amount of a fee or charge in prescribed circumstances.

6.19. Local government to give notice of fees and charges

If a local government wishes to impose any fees or charges under this Subdivision after the annual budget has been adopted it must, before introducing the fees or charges, give local public notice of —

- (a) its intention to do so; and
- (b) the date from which it is proposed the fees or charges will be imposed.

1.7. Local public notice

- (1) Where under this Act local public notice of a matter is required to be given, a notice of the matter is to be —
 - (a) published in a newspaper circulating generally throughout the district; and
 - (b) exhibited to the public on a notice board at the local government's offices; and
 - (c) exhibited to the public on a notice board at every local government library in the district.
- (2) Unless expressly stated otherwise it is sufficient if the notice is —
 - (a) published under subsection (1)(a) on at least one occasion; and
 - (b) exhibited under subsection (1)(b) and (c) for a reasonable time, being not less than —
 - (i) the time prescribed for the purposes of this paragraph; or
 - (ii) if no time is prescribed, 7 days.

6.12. Power to defer, grant discounts, waive or write off debts

- (1) Subject to subsection (2) and any other written law, a local government may —
 - (a) when adopting the annual budget, grant* a discount or other incentive for the early payment of any amount of money; or
 - (b) waive or grant concessions in relation to any amount of money; or
 - (c) write off any amount of money,which is owed to the local government.

** Absolute majority required.*

- (2) Subsection (1)(a) and (b) do not apply to an amount of money owing in respect of rates and service charges.
- (3) The grant of a concession under subsection (1)(b) may be subject to any conditions determined by the local government.
- (4) Regulations may prescribe circumstances in which a local government is not to exercise a power under subsection (1) or regulate the exercise of that power.

The recommendation that follows is consistent with the legislative requirements.

Strategic Implications

There are no strategic implications as a result of this report.

Policy Implications

There are no policy implications as a result of this report.

Financial Implications

There is no additional financial implication as a result of this report, it recognizes the current state of affairs of the Southern Cross Caravan Park fees and Charges.

Officer Recommendation and Council Decision

170/2019

Moved Cr Della Bosca/Seconded Cr Guerini

That Council adopts the additional Fees and Charges relating to the operations of the Southern Cross Caravan Park, being:

	FEE	GST	TOTAL
<u>Cancellations</u>			
Notice of:			
More than 48 Hours			Full Refund
More than 24 Hours			50% Refund
Less than 24 Hours			No Refund
Cancellation Fee	13.64	1.36	15.00

Discounts

"Stay for 7 nights, Pay for 6 Nights"

(Applicable only to Sandalwood Motor Lodge and Kurrajong Rooms)

Value of 1 night's applicable rate

Additional Fees

Additional Servicing of Room/s (Per Room/Per Day) (While occupied, rooms are serviced on a weekly basis)	9.09	0.91	10.00
Additional Cleaning on Check Out (Due to excessive level of disarray such as spills, rubbish, pet hair or rearranged furniture)	68.18	6.82	75.00

And approves the local advertising of the above fees and charges in the Kalgoorlie Miner publication with an effective imposition date of the 28th October 2019.

CARRIED BY ABSOLUTE MAJORITY (7/0)

SHIRE OF YILGARN

2019 - 2020 FEES AND CHARGES

Function	Description	Fee	GST	Total
<u>CARAVAN PARK & TOURIST ACCOMMODATION</u>				
	Sandalwood Lodge - A Rooms (Per night)	109.09	10.91	120.00
	Sandalwood Lodge - Family Room (Per night)	154.55	15.45	170.00
	Sandlewood Lodge - B Rooms (Per night)	86.36	8.64	95.00
	Sandlewood Lodge - B Rooms Shared En-suite (Per night)	72.73	7.27	80.00
	Kurrajong Double or Single Room (Per Night)	77.27	7.73	85.00
	Kurrajong - Family Room (Per night)	122.73	12.27	135.00
	Powered Caravan Sites - First 2 Guests (Per night)	31.82	3.18	35.00
	Powered Caravan Sites - Additional Person (Per night)	4.55	0.45	5.00
	Powered Caravan Sites - First 2 Guests (Per week)	152.73	15.27	168.00
	Powered Caravan Sites - Additional Person (Per week)	27.27	2.73	30.00
	Unpowered Caravan Sites - First 2 Guests (Per night)	14.55	1.45	16.00
	Unpowered Caravan Sites - Additional Person (Per night)	4.55	0.45	5.00
	Unpowered Caravan Sites - First 2 Guests (Per week)	87.27	8.73	96.00
	Unpowered Caravan Sites - Additional Person (Per week)	27.27	2.73	30.00
	RV Potable Water (Per 20 Litres)	0.27	0.03	0.30
	Coin Operated Laundry Facilities - Washing Machine (Per cycle)	3.64	0.36	4.00
	Coin Operated Laundry Facilities - Dryer (Per cycle)	3.64	0.36	4.00
	Showers - Itinerant Use (Per person per use)	4.55	0.45	5.00
	Various Promotional & Non Promotional Merchandise			As Marked
	Lost Key Fee	45.45	4.55	50.00

* Powered & Unpowered Sites - Children under 5 years old free

Cancellations

Notice of:

More than 48 Hours

More than 24 Hours

Less than 24 Hours

Full Refund

50% Refund

No Refund

Cancellation Fee	13.64	1.36	15.00
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Discounts

"Stay for 7 nights, Pay for 6 Nights"

(Applicable only to Sandalwood Motor Lodge and Kurrajong Rooms)

Value of 1 night applicable rate

Additional Fees

Additional Servicing of Room/s (Per Room / Per Day) (While occupied, rooms are serviced on a weekly basis)	9.09	0.91	10.00
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Additional Cleaning on Check Out (Due to excessive level of disarray such as spills, rubbish, pet hair or rearranged furniture)	68.18	6.82	75.00
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9.2 Reporting Officer– Executive Manager Corporate Services

9.2.4 Write Off of Debt – China Southern WA Flying College Pty Ltd

File Reference	8.2.1.5
Disclosure of Interest	Nil
Voting Requirements	Simple Majority
Attachments	Nil

Purpose of Report

This report seeks Councils approval for the write off of an outstanding but economically uncollectable debt.

Background

At the May 2019 meeting of Council, it was recommended to have the following debt written off:

Debtor Code	Debtor Name	Invoice Description	Invoice Value
FLYCOLL	China Southern WA Flying College	Annual Airport Landing Fees – 2017/2018	\$3,000 inc GST

At this time, Council's decision was for staff to continue with the collections process as it was understood that the debtor, China Southern WA Flying College (China Southern), was recommencing operations.

Council Decision

71/2019

Moved Cr Nolan/Seconded Cr Della Bosca

- 1. That council write off the dept for WBHO Infrastructure Pty Ltd***
- 2. Issue China Southern Flying Collage with a final warning letter advising that Council intends to pursue the outstanding debt.***

CARRIED (7/0)

REASON FOR ALTERATION TO RECOMMENDATION

Council considered that the China Southern outstanding debt should be pursued as it was understood that China Southern is resuming operations from the Merredin Airstrip and the likelihood was that they would be utilising the Southern Cross Airstrip as part of their pilot training program.

A final letter of demand was issued on the 26th June 2019 with a representative of China Southern contacting Councils Administration on the 2nd July 2019 disputing the debt and

requesting documentation relating to the debt. Councils Finance Officer responded on the 7th July 2019 and reaffirmed the requirement for payment or collection action would be commenced.

Payment of the debt was not forthcoming from China Southern and the debt was subsequently forwarded to Councils debt collection contractors for further action. On the 15th August 2019, notice was received from Councils collection contractors that the debtor, short of receiving an endorsed agreement covering the debt in question would, in their opinion, contest the debt in court and gave an estimate of the costs involved if Council was to proceed with this option.

The information as to costs received from the collection contractors was, as a minimum (if the case was to be resolved through mediation) \$1,600 - \$2,600. If the case was to proceed to a trial then in excess of \$10,000 additional legal expenses could be incurred.

This outstanding debt was subsequently raised at the August 2019 Council discussion session for an indication as to whether collection action should be continued with the additional costs being incurred. Council indicated that they didn't consider the collection of this debt economically viable and the debt should be represented for approval to it write off.

Comment

To avoid similar circumstances in the future, the annual landing fees have been removed from the Schedule of Fees & Charges. Any future requests of this nature should be handled by a written agreement signed by both parties.

Statutory Environment

Local Government Act 1995

6.12. Power to defer, grant discounts, waive or write off debts

- (1) Subject to subsection (2) and any other written law, a local government may —
 - (a) when adopting the annual budget, grant* a discount or other incentive for the early payment of any amount of money; or
 - (b) waive or grant concessions in relation to any amount of money; or
 - (c) write off any amount of money,which is owed to the local government.

** Absolute majority required.*

- (2) Subsection (1)(a) and (b) do not apply to an amount of money owing in respect of rates and service charges.
- (3) The grant of a concession under subsection (1)(b) may be subject to any conditions determined by the local government.

- (4) Regulations may prescribe circumstances in which a local government is not to exercise a power under subsection (1) or regulate the exercise of that power.

The recommendation that follows is consistent with the legislative requirements.

Strategic Implications

There are no strategic implications as a result of this report.

Policy Implications

Council Policy

3.9 - Rates and Charges Recovery Policy (Including Sewerage Charges Financial Hardship Policy)

Financial Implications

Write off of \$3,000 in uncollectable debtors' revenue.

The 2019/2020 budget has an inclusion of \$40,000 in Account E03118 – Debtors Written Off. As of October 2019, \$1,715.94 has been utilized.

Officer Recommendation and Council Decision

171/2019

Moved Cr Shaw Seconded Cr Close

That Council, pursuant to Section 6.12 (1) (c) of the Local Government Act 1995, approve the write off of the following debt:

Debtor Code	Debtor Name	Invoice Description	Invoice No	Invoice Date	Invoice Value
FLYCOLL	China Southern WA Flying College	Annual Airport Landing Fees – 2017/2018	10907	17/10/17	\$3,000 inc GST

CARRIED (7/0)

9.3 Reporting Officer– Executive Manager for Infrastructure

9.3.1 2019/2020 Plant Replacement Program – WALGA Preferred Supplier (reference number VP160015) 2/2019-2020 Eight Wheel Tip Truck

File Reference	6.4.1.5, 6.6.5.11 & 6.6.8.8
Disclosure of Interest	Nil
Voting Requirements	Simple Majority
Attachments	Nil

Purpose of Report

To consider the disposal of Council's existing 2012 Fuso 8x4 Tip Truck and to a purchase new replacement 8x4 Tip Truck

Background

In accordance with Councils 2019/2020 Financial Year Plant Replacement Program quotations were invited through WALGA'S Preferred Supply Contract to supply and deliver one only Eight Wheel Tip Truck and to dispose of Council's current 2012 Fuso 8x4 Tip Truck either through trade or outright purchase.

Invitations to trade councils existing 2012 Fuso Truck and to supply a replacement truck were forward to Fuso Truck and Bus (Daimler Trucks), Mack Trucks (Truck Centre), PACCAR Kenworth and CJD Trucks

The 2012 Fuso 8x4 Tip Truck was also advertised in the Western Australian on 4th September for outright purchase with closing date being 30th September 2019. This vehicle was also advertised in the local Crosswords September 2019

The Fuso 8x4 tip truck was purchased in 2012. At the time of this report this vehicle had a speedometer reading of 169,500km. This vehicle is currently utilized by council staff for gravel carting, water truck for water binding works and aggregate spreading on bitumen sealing programs. The proposed replacement vehicle will be carrying out similar functions.

Comment

The following quotations were received from PACCAR Kenworth DAF (CJD), Kenworth (CJD), Truck Centre (Mack), for a replacement truck and to trade the existing 2012 Fuso 8x4 Tip Truck (GST exclusive).

Companies submitting quotations to supply the new truck were requested to include as an optional extra, cost for a cab operated automated tailgate spreader box.

Truck Centre

Mack Granite 435 MP8	\$279,904.00
Less Trade	<u>\$ 70,000.00</u>
Net changeover	<u>\$209,904.00</u>

Engine – Mack MP8, 13 litre 6 cylinder, turbo-charged, diesel engine

Net power output	325kw
GCM	70,000 kg
Transmission	Eaton 18 speed manual Road Ranger
Body	14m ³ Capacity 4mm hardox sides – 4mm hardox floor Inter-pump front mounted hoist with 24 month warranty
Warranty	Full bumper to bumper 12 months warranty, 48 months – 800,000 kilometer driveline warranty
Spreader box optional	\$32,996
As an alternative option this vehicle also comes with a 12 speed automated manual (mDrive)	
Vehicle licensing has been included in the above cost as requested	

PACCAR Kenworth CJD Trucks

	DAF FAD CF85 460 (2018 model)	\$265,020.00
	Less Trade	\$ 80,000.00
	Net changeover	<u>\$185,020.00</u>
Engine – Paccar MX 340 6 cylinder turbo-charged, diesel engine		
Net power output	460kw	
GCM	70,000 kg	
Transmission	16 speed Astronic auto shift	
Body	14m ³ Capacity 4mm hardox sides – 4mm hardox floor HOTSHIFT 40 tonne front mounted hoist	
Warranty	36 month 750,000 kilometres	
Spreader box optional	\$36,000	

Please note licensing fee has not been included in the above cost as requested, this will have to be added which will have an increase effect off approximately \$350 on net change over figure

This truck is a 2018 model, specifications asked for a 2019 model therefore this vehicle should not be considered

Kenworth - CJD Trucks

	Kenworth T410	\$298,884.29
	Less Trade	\$ 80,000.00
	Net changeover	<u>\$218,884.29</u>
Engine – Paccar MX 460, turbo-charged, diesel engine		
Net power output	340kw	

GCM	50,000 kg
Transmission	Eaton 18 speed manual Road Ranger
Body	14m ³ Capacity 4mm hardox sides – 4mm hardox floor HOTSHIFT 40 tonne front mounted hoist
Warranty	3 years 750,000 kilometres (an extended engine warranty is available for 5 years/1,000,000kms at a cost of \$5,000)
Spreader box optional	\$34,500

Please note licensing fee has not been included in the above cost as requested, this will have to be added which will have an increase effect off approximately \$350 on net change over figure

The following tender has been received for the outright purchase for Council's 2012 Fuso 8x4 Tip Truck (GST inclusive)

Manheim Auctions

\$47,500

The DAF FAD CF85 is 2018 models, specifications have asked for a 2019 model truck, therefore this vehicle should not be considered.

In the specifications for the replacement truck it was requested for a manual transmission be supplied. The waiting period for a truck with a manual transmission is five to six months. Waiting period for automated manual transmission is two to three months.

It was also requested in the specification as an optional extra to supply a cost for a cab operated automated tailgate spreader box. If Council was to include the automated tailgate spreader box it would put the cost of the replacement truck well over budget therefore automated tailgate spreader box has not been included.

Council are currently running a MACK Granite MP8, this vehicle was purchased in 2017/2018 Financial Year. This truck has been very good with no downtime through breakdowns.

The following recommendation is based on the present performances of council's current MACK Granite purchased in 2017/2018 and the warranty offered for the MACK Granite MP8 (full bumper to bumper 12 months' warranty, 48 months – 800,000 kilometer driveline warranty)

Statutory Environment

In accordance to WALGA's Preferred Contract Supplies and Councils "Finance Policy 3.5 Purchasing and Tendering and local Government Act 1995 Section 3.58 Disposing of Property (3)

Strategic Implications

Councils Ten Year, Plant Replacement Program

Policy Implications

"Finance Policy 3.5 Purchasing and Tendering

Financial Implications

A monetary allocation of \$279,000 (GST exclusive) has been allowed for the purchase of a new Truck with cab operated automated tailgate spreader box and an income amount of \$60,000(GST exclusive), for the sale of councils existing 2012 Fuso 8x4 tip truck.

Officer Recommendation and Council Decision

172/2019

Moved Cr Guerini/Seconded Cr Close

That Council accepts the quotation submitted by Truck Centre for the Mack Granite 435 MP8 8x4 Tip Truck for the quoted cost of \$279,904.00 and trade its current 2012 Fuso 8x4 Tip Truck for the quoted trade price of \$70,000.00 (GST exclusive), resulting in a change over cost of \$209,904.00 (GST exclusive)

CARRIED (7/0)

9.3 Officers Report – Executive Manager for Infrastructure

9.3.2 2019/2020 Plant Replacement Program – WALGA Preferred Supplier (reference number VP160019) 3/2019-2020 Smooth Drum Roller

File Reference:	6.4.1.5, 6.6.5.11 & 6.6.8.8
Disclosure of Interest:	Nil
Voting Requirements:	Simple Majority
Attachments:	Nil

Purpose of Report

To consider the sale of Councils existing 2012 Caterpillar CS56 Smooth Drum Roller and to purchase new replacement Smooth Drum Roller

Background

In accordance with Councils 2019/2020 Plant Replacement Program quotations were invited through WALGA'S Preferred Supply Contract to supply and deliver one only Smooth Drum Roller and to dispose of Councils current 2012 Caterpillar CS56 Smooth Drum Roller either through trade or outright purchase (alternative tender).

Invitations to trade councils existing 2012 Caterpillar CS56 Smooth Drum Roller and to supply a replacement grader were forward to BT Equipment Tutt Bryant Equipment, Conplant, JCB Construction Equipment, Westrac Equipment

The 2012 Caterpillar CS56 Smooth Drum Roller was also advertised in the Western Australian on Wednesday 4th September for outright purchase (alternative tender) with closing date being 30th September 2019

At the time of this report the 2012 Caterpillar CS56 Smooth Drum Roller had an hour metre reading of 5,500 hours. This vehicle is currently being utilised by council staff for road construction and bitumen sealing works carried out during the course of the year. The proposed replacement vehicle will be carrying out similar functions.

Comment

The following tender has been received for the outright purchase of 2012 Caterpillar CS56 Smooth Drum Roller (*GST inclusive*)

ALLUSED Pty Ltd	\$41,800
Cowara Contractors Pty Ltd	\$38,500
Manheim Auctions	\$36,500

Quotations were received from Westrac, TUTT Bryant Equipment, Conplant and JCB Equipment for a replacement roller and to trade Councils existing Caterpillar CS56 Smooth Drum Roller, (GST inclusive)

Westrac

CS64B STD Drum Roller (<i>GST inclusive</i>)	\$173,250.00
<i>less trade-in</i> -	\$ 58,850.00
<i>Net changeover</i>	\$114,400.00

Specification

Engine – Caterpillar four-cylinder Cat C4.4, turbocharged diesel engine

Net power output (variable) 96.5kw

Operating Weight 12,350kg

Warranty

Westrac offers a 12 months' full machine warranty and extended powertrain warranty of 84 months/4000hrs powertrain whichever occurs first.

TUTT BRYANT

BOMAG BW213D-5 Drum Roller (<i>GST inclusive</i>)	\$184,800.00
<i>less trade-in</i> -	\$ 49,500.00
<i>Net changeover</i>	\$ 135,300.00

Specification

Engine - Deutz four cylinder, turbo charged, diesel engine

Net power output (variable) 90kw

Operating Weight 12,510kg

Warranty

TUTT Bryant offers a full machine warranty for the period of 36 months/3000 whole machine and 60 months/6000 hours powertrain warranty

Conplant

Ammann ASC130DT3 Drum Roller (<i>GST Inclusive</i>)	\$156,200.00
<i>less trade-in</i> -	\$ 39,600.00
<i>Net changeover</i>	\$116,600.00

Specification

Engine – Cummins QSB4.5-C160 T3 four cylinder, turbo charged, diesel engine

Net power output (variable)	119kw
Operating Weight	12,510kg

Conplant also offer the following rollers (*GST inclusive*)

Wacker Neuson RC130 T4	\$187,000.00
<i>less trade-in -</i>	\$ 39,600.00
<i>Net changeover</i>	\$151,600.00
Wacker Neuson VO RC130 T4	\$214,500.00
<i>less trade-in -</i>	\$ 39,600.00
<i>Net changeover</i>	\$174,900.00
Wacker Neuson RC140 T3	\$180,400.00
<i>less trade-in -</i>	\$ 39,600.00
<i>Net changeover</i>	\$140,800.00
Wacker Neuson VO RC140 T4	\$194,700.00
<i>less trade-in -</i>	\$ 39,600.00
<i>Net changeover</i>	\$155,100.00

Warranty Conplant offers for all rollers tendered is full machine warranty for the period of 24 months/2000 standard full machine. If extended warranty is required then an additional cost applies 36 months/3000hrs \$4,000, 48 months/4000hrs \$6,000, 60 months/5000hrs \$8,000

JCB Construction Equipment

Dynapac CA3500D Drum Roller	\$192,830.00
<i>less trade-in -</i>	\$ 57,200.00
<i>Net changeover</i>	\$135,630.00

Specification

Engine – Cummins QSB4.5 four-cylinder, turbocharged diesel engine

Net power output (variable)	97.5kw
Operating Weight	12,100kg

Warranty

JCB offers extended warranty Dynaplug 36 for the period of 48 months/4000hrs powertrain whichever occurs first.

All tenders submitted for the changeover of councils current 2012 Caterpillar CS56 smooth drum roller are within the monetary amount allocated in the 2019/2020 Financial Year Budget.

The tender submitted by Westrac for the changeover of Councils current 2012 Caterpillar CS56 smooth drum roller and to replace it with a CS64B STD drum roller is \$2,200 less than their nearest rival Conplant for the Ammann ASC130DT3 drum roller

The warranty offered by Westrac of 12 months' full machine warranty and extended powertrain warranty of 84 months/4000hrs powertrain whichever occurs first is reasonable and included in the changeover cost (\$114,400).

Statutory Environment

In accordance to WALGA's Preferred Contract Supplies and Councils "Finance Policy 3.5 Purchasing and Tendering and local Government Act 1995 Section 3.58 Disposing of Property (3)

Strategic Implications

Councils Ten Year, Plant Replacement Program

Policy Implications

"Finance Policy 3.5 Purchasing and Tendering

Financial Implications

A monetary allocation of \$236,500 has been allowed for the purchase of a new Smooth Drum Roller and an income amount of \$45,000 for the sale of councils existing

Officer Recommendation and Council Resolution

173/2019

Moved Cr Pasini/Seconded Cr Della Bosca

That Council accepts the quotation submitted by Westrac to purchase the CS64B STD Drum Roller for the quoted purchase cost of \$173,250.00 (GST inclusive) and trade Council's existing 2012 Caterpillar CS56 Drum Roller for the quoted trade price of \$58,850 (GST inclusive), resulting in a change-over cost of \$114,400.00 (GST inclusive).

CARRIED (7/0)

9.3 Reporting Officer– Executive Manager for Infrastructure

9.3.3 2019/2020 Plant Replacement Program – Tender N° 6/2019-2020 4x4 Tray Back Utility

File Reference	6.4.1.5 & 6.6.5.11
Disclosure of Interest	Nil
Voting Requirements	Simple Majority
Attachments	Nil

Purpose of Report

To consider the disposal of Council's existing 4x4 2016 Toyota Landcruiser Tray-back Utility (Plant # 2009) and to a purchase new replacement 4x4 Tray-back Utility

Background

In accordance with Council's 2019/2020 Plant Replacement Program, tenders were invited to supply and deliver one only 4x4 Tray-back Utility and to trade or the outright purchase (Alternative Tender) of Councils current 4x4 Toyota Landcruiser Tray-back Utility.

The 4x4 Toyota Landcruiser Tray-back Utility offered for trade or outright purchase is currently being utilised for the transport of Council's maintenance/construction personnel along with fuel supplies and equipment to and from worksites.

This vehicle was purchased in 2016 and has speedometer reading of 65,500 as of October 2019. A monetary amount of \$62,600 has been allowed for in 2019/2020 financial Year Budget to purchase a replacement vehicle.

Comment

In accordance to Council's Finance Policy 3.5 Purchasing and Tendering and the Local Government Act 1995 Section 3.57 Tenders for Providing Goods and Services (1) and 3.58 Disposing of Property (3), Tender N° 6/2019-2020 was advertised for a period of not less than fourteen days in the Kalgoorlie Miner and local Crosswords with the closing date being 27th September 2019.

The following responses were received for the Outright Purchase of Council's current 2016 Landcruiser Tray-back Utility (Plant N° 2009) *GST inclusive*:

Palmerston Smash Repairs (Darwin)	\$31,000
Golden City Motors	\$55,000

The following response was received for the trade-in of Council's current 2016 4x4 Toyota Landcruiser Utility and to supply a new replacement vehicle *GST Inclusive*:

Merredin Toyota

4x4 Toyota Landcruiser LC70 Single Cab GX	\$66,679.87
Less trade-in 2016 4x4 Toyota Landcruiser Utility	\$54,000.00
Net change-over	\$12,679.87

Statutory Environment

In accordance to the Local Government Act 1995 Section 3.57 Tenders for Providing Goods and Services (1) and Section 3.58 Disposing of Property (3)

Strategic Implications

Council's Ten Year, Plant Replacement Program

Policy Implications

"Finance Policy 3.5 Purchasing and Tendering"
and
"Regional Price Preference Policy 3.5(A)"

OBJECTIVES

- To support local and regional businesses as much as possible
- To achieve value for money when purchasing goods and services

POLICY

The following price preference will be applied to regional tenders and is the percentage by which the regional price bid will be reduced for purpose of assessing the tender.

Goods and Services - up to a maximum price reduction of \$50,000 unless a lesser amount is stipulated in the tender document

Stipulated Area

10% to all suppliers located within the Shire of Yilgarn

5% to all suppliers located within the Wheatbelt region

2.5% to all suppliers located within the Goldfield region

Financial Implications

A monetary allocation of \$62,600 (GST exclusive) has been allowed for the purchase of a new 4x4 Tray Back Utility in Council's 2019-2020 Financial Year Budget

Officer Recommendation and Council Decision

174/2019

Moved Cr Close/Seconded Cr Pasini

That Council accepts the quote submitted by Merredin Toyota to purchase the 4x4 Toyota Landcruiser LC70 Single Cab GX Tray-back Utility for the quoted purchase cost of \$66,679.87(GST inclusive) and trade Council's existing 2016 4x4 Toyota Landcruiser Utility for the quoted trade price of \$54,000 (GST inclusive), resulting in a change-over cost of \$12,679.87 (GST inclusive).

CARRIED (7/0)

9.3 Reporting Officer– Executive Manager for Infrastructure

9.3.4 2019/2020 Plant Replacement Program – Tender N° 7/2019-2020 Dual Cab Utility

File Reference	6.4.1.5 & 6.6.5.11
Disclosure of Interest	Nil
Voting Requirements	Simple Majority
Attachments	Nil

Purpose of Report

To consider the disposal of Council's existing 2017 4x4 Toyota SR5 Dual Cab Utility (Plant # 2017) and to a purchase new replacement 4x4 Dual Cab Utility

Background

In accordance with Council's 2019/2020 Plant Replacement Program, tenders were invited to supply and deliver one only Dual Cab 4x4 Utility and to trade or the outright purchase (Alternative Tender) of Council's current 2017 4x4 Toyota SR5 Dual Cab Utility.

The 2017 4x4 Toyota SR5 Dual Cab Utility offered for trade or outright purchase is currently being utilised by Council's Executive Manager Infrastructure.

This vehicle was purchased in 2017 and has speedometer reading of 48,500 as of October 2019. A monetary amount of \$58,900 has been allowed for in 2019/2020 financial Year Budget to purchase a replacement vehicle.

Comment

In accordance to Council's Finance Policy 3.5 Purchasing and Tendering and the Local Government Act 1995 Section 3.57 Tenders for Providing Goods and Services (1) and 3.58 Disposing of Property (3), Tender N° 7/2019-2020 was advertised for a period of not less than fourteen days in the Kalgoorlie Miner and local Crosswords with the closing date being 27th September 2019.

The following responses were received for the trade-in of Council's current 2017 4x4 Toyota SR5 Dual Cab Utility and to supply a new 4x4 Dual Cab Utility *GST Inclusive*:

Merredin Toyota

Toyota Hilux SR5 Dual Cab	\$56,666.00
Less trade-in 2017 Toyota SR5 Dual Cab	\$40,000.00
Net change-over	\$16,666.00

Golden City Motors

Holden Colorado LTZ 4x4 Dual Cab	\$46,290.50
Less trade-in 2017 Toyota SR5 Dual Cab	\$40,290.50
Net change-over	\$ 6,000.00

As it can be seen from the above tenders submitted Golden City Motors for the Holden Colorado LTZ Dual Cab is \$10,376 cheaper than that of the Toyota Hilux SR5 Dual Cab offered by Merredin Toyota. There is some concern that if Council was to accept the tender from Golden City Motors for the Colorado LTZ it would be "trading down" to a vehicle that will not hold its resale value as well as the Toyota SR5 Dual Cab offered by Merredin Toyota. The trade value offered by both Golden City Motors (\$40,290) and Merredin Toyota (\$40,000) for Council's current 2017 Toyota SR5 is very similar

Statutory Environment

In accordance to the Local Government Act 1995 Section 3.57 Tenders for Providing Goods and Services (1) and Section 3.58 Disposing of Property (3)

Strategic Implications

Councils Ten Year, Plant Replacement Program

Policy Implications

"Finance Policy 3.5 Purchasing and Tendering"
and
"Motor Vehicle Use Policy 7.12 – (Replacement and Vehicle Type)"

Financial Implications

A monetary allocation of \$58,900 has been allowed for the purchase of a new Dual Cab 4x4 Utility and a trade income of \$32,500 in Councils 2019-2020 Financial Year Budget

Officer Recommendation and Council Decision

175/2019

Moved Cr Guerini/Seconded Cr Close

That Council accepts the tender submitted by Merredin Toyota to purchase the Toyota Hilux SR5 Dual Cab for the quoted purchase cost of \$56,666 (GST inclusive) and trade Council's existing 2017 4x4 Toyota SR5 Dual Cab for the quoted trade price of \$40,000 (GST inclusive), resulting in a change-over cost of \$16,666.00 (GST inclusive)

CARRIED (6/1)

Cr Guerini voted against this decision

9.3 Reporting Officer– Executive Manager for Infrastructure

9.3.5 2019/2020 Plant Replacement Program – Tender N° 8/2019-2020 Kluger AWD Sedan

File Reference	6.4.1.5 & 6.6.5.11
Disclosure of Interest	Nil
Voting Requirements	Simple Majority
Attachments	Nil

Purpose of Report

To consider the disposal of Councils existing 2016 Toyota AWD Kluger Sedan and to a purchase new replacement executive type vehicle

Background

In accordance with Councils 2019/2020 Plant Replacement Program, tenders were invited to supply and deliver one only Executive Type Sedan and to trade or the outright purchase (Alternative Tender) of Councils current 2016 AWD Toyota Kluger Sedan.

The 2016 AWD Toyota Kluger offered for trade or outright purchase is currently being utilised by Council's Executive Manager Corporate Services.

This vehicle was purchased in 2016 and has speedometer reading of 74,500 as of October 2019. A monetary amount of \$52,000 has been allowed for in 2019/2020 financial Year Budget to purchase a replacement vehicle.

Comment

In accordance to Councils Finance Policy 3.5 Purchasing and Tendering and the Local Government Act 1995 Section 3.57 Tenders for Providing Goods and Services (1) and 3.58 Disposing of Property (3), Tender N° 8/2019-2020 was advertised for a period of not less than fourteen days in the Kalgoorlie Miner and local Crosswords with the closing date being 30th September 2019.

The following response was received for the trade-in of Councils current 2016 AWD Toyota Kluger Sedan and to supply a new replacement vehicle *GST Inclusive*:

Merredin Toyota

Toyota Prado GXL	\$59,990.00
Less trade-in 2016 Toyota Kluger	\$32,000.00
Net change-over	\$27,990.00

Merredin Toyota

Toyota Kluger GXL AWD	\$54,700.00
Less trade-in 2016 Toyota Kluger	\$32,000.00
Net change-over	\$22,700.00

Golden City Motors

Holden Acadia LT AWD Station Sedan	\$39,586.19
Less trade-in 2016 Toyota Kluger	\$33,586.19
Net change-over	\$ 6,000.00

Golden City Motors

Holden Acadia LTZ AWD Station Sedan	\$44,543.19
Less trade-in 2016 Toyota Kluger	\$33,586.19
Net change-over	\$11,000.00

As it can be seen from the above tenders submitted for both Holden Acadia LT AWD Station Sedan and the Holden Acadia LTZ AWD Station Sedan by Golden City Motors is cheaper than that submitted by Merredin Toyota for the Prado GXL and the Kluger GXL AWD.

There is some concern that if Council was to accept the tender from Golden City Motors for either the Holden Acadia LT AWD Station Sedan or the Holden Acadia LTZ AWD Station Sedan it would be "trading down" to a vehicle that will not hold its resale value as well as the Toyota vehicles offered by Merredin Toyota. The trade value offered by both Golden City Motors (\$33,586) and Merredin Toyota (\$32,000) for councils current 2016 Toyota Kluger is very similar

The Executive Manager Corporative Services has indicated that he would preferred a like for like vehicle

Statutory Environment

In accordance to the Local Government Act 1995 Section 3.57 Tenders for Providing Goods and Services (1) and Section 3.58 Disposing of Property (3)

Strategic Implications

Councils Ten Year, Plant Replacement Program

Policy Implications

"Finance Policy 3.5 Purchasing and Tendering"
and
"Motor Vehicle Use Policy 7.12 – (Replacement and Vehicle Type)"

Financial Implications

A monetary allocation of \$52,000 has been allowed for the purchase of a new vehicle in Councils 2019-2020 Financial Year Budget

Officer Recommendation and Council Resolution

Moved Cr Close/Seconded Cr Della Bosca

That Council accepts the tender submitted by Merredin Toyota to purchase the Toyota Kluger GXL AWD Sedan for the quoted purchase cost of \$54,700.00 (GST inclusive) and trade Council's existing 2016 Toyota Kluger GXL AWD for the quoted trade price of \$32,000.00 (GST inclusive), resulting in a change-over cost of \$22,700.00 (GST inclusive)

CARRIED (7/0)

9.3 Reporting Officer– Executive Manager for Infrastructure

9.3.6 Tender N° 5/2019-2020 Disposal of 2016 Toyota Camry Altise Sedan

File Reference	6.4.1.5 & 6.6.1.11
Disclosure of Interest	Nil
Voting Requirements	Simple Majority
Attachments	Nil

Purpose of Report

To consider the disposal of Council's existing 2016 Toyota Camry Altise Sedan

Background

In accordance with Council's 2019/2020 Plant Replacement Program, tenders were invited to the outright purchase of Councils current 2016 Toyota Camry Altise Sedan.

The 2016 Toyota Camry Altise offered for outright purchase was in the past being utilised as the community vehicle. Due to staff restructure this vehicle has become surplus to requirements.

This vehicle was purchased in 2016 and has speedometer reading of 71,500 as of October 2019. A monetary income amount of \$16,300 has been allowed for in 2019/2020 Financial Year Budget for the sale of this vehicle.

Comment

In accordance to Councils Finance Policy 3.5 Purchasing and Tendering and the Local Government Act 1995 Section 3.57 Tenders for Providing Goods and Services (1) and 3.58 Disposing of Property (3), Tender N° 5/2019-2020 was advertised for a period of not less than fourteen days in the Kalgoorlie Miner and local Crosswords with the closing date being 27th September 2019.

The following responses were received for the Outright Purchase of Council's current 2016 Toyota Camry Altise Sedan

Merredin Toyota	\$12,000.00
Golden City Motors	\$13,250.00

Statutory Environment

In accordance to the Local Government Act 1995 Section 3.57 Tenders for Providing Goods and Services (1) and Section 3.58 Disposing of Property (3)

Strategic Implications

Council's Ten Year, Plant Replacement Program

Policy Implications

"Finance Policy 3.5 Purchasing and Tendering"

Financial Implications

A monetary income amount of \$16,300 has been allowed in Council's 2019-2020 Financial Year Budget

Officers Recommendation and Council Resolution

177/2019

Moved Cr Pasini/Seconded Cr Close

That Council's accepts the tender submitted from Golden City Motors of \$13,250.00 (GST inclusive) for the outright purchase of councils current 2016 Toyota Camry Altise Sedan

CARRIED (7/0)

9.4 Reporting Officer– Executive Manager Regulatory Services

9.4.1 Bush Fire Advisory Committee

File Reference	5.1.1.2
Disclosure of Interest	Nil
Voting Requirements	Simple Majority
Attachments	Draft - Bush Fire Advisory Committee Meeting - Minutes - October 2019

Purpose of Report

To endorse appointments made by the Bush Fire Advisory Committee at their meeting held on the 1st October 2019.

Background

At the Bush Fire Advisory Committee (BFAC) meeting held on the 1st October 2019, the Chief and Deputy Chief Fire Control Officer positions were declared vacant, with returning officer Jeremy Willis, DFES Acting Area Officer Central Wheatbelt declaring all seats vacant. The following nominations and appointments were made:

Chief Bushfire Control Officer

Nominations:

Ron Burro (Moved T. Major, Seconded P Goodhill)
R Burro accepted nomination.

No other nominations.

Appointed Chief Bush Fire Control Officer: Ron Burro

Deputy Chief Bush Fire Control Officer North

Nominations:

John Roberts (Moved R. Burro (Ron), Seconded R. Pownall)
J Roberts accepted nomination (pre-advised)

No other nominations.

Appointed Deputy Chief Bush Fire Control Officer North: John Roberts

Deputy Chief Bush Fire Control Officer South

Nominations:

Alan Nicholson (Moved P. Goodhill, Seconded W. Della Bosca)
A. Nicholson accepted nomination (Pre-advised)

No Other Nominations

Appointed Deputy Chief Bush Fire Control Officer South: Alan Nicholson

Ryan Burro, by declaration by the Chief Bush Fire Control Officer, is to be appointed as a Fire Control Officer.

Comment

The draft minutes from the BFAC meeting are attached for Councillors perusal.

It is recommended that the appointments made by the BAFC are endorsed by Council to ensure the ongoing protection from bush fires within the Shire of Yilgarn.

Statutory Environment

Bush Fires Act 1954

Part IV Control and extinguishment of bush fires

Division 1 Local governments

38. Local government may appoint bush fire control officer

(1) A local government may from time to time appoint such persons as it thinks necessary to be its bush fire control officers under and for the purposes of this Act, and of those officers shall subject to section 38A(2) appoint 2 as the Chief Bush Fire Control Officer and the Deputy Chief Bush Fire Control Officer who shall be first and second in seniority of those officers, and subject thereto may determine the respective seniority of the other bush fire control officers appointed by it.

Strategic Implications

Goal

An inclusive, secure and welcoming community that encourages families, youth and the aged to remain and contribute to our Shire in the long term

Outcome

Maintain a liveable, safe and secure community

Strategy

Continue to support our volunteer fire fighters

Policy Implications

Nil

Financial Implications

Nil

Officer Recommendation and Council Resolution

178/2019

Moved Cr Guerini/Seconded Cr Della Bosca

That Council appointment the following persons under Section 38(1) of the Bush Fires Act 1954:

Chief Bush Fire Control Officer:

Deputy Chief Bush Fire Control Officer North:

Deputy Chief Bush Fire Control Officer South:

Fire Control Officer:

Ron Burro

John Roberts

Alan Nicholson

Ryan Burro

CARRIED (7/0)

9.4 Reporting Officer– Executive Manager Regulatory Services

9.4.2 LAG Vehicle Purchase

File Reference	7.2.3.5
Disclosure of Interest	Nil
Voting Requirements	Simple Majority
Attachments	Draft Skeleton Weed AGM Minutes Oct 2019

Purpose of Report

To consider the purchase of a new 4x4 tray-back utility on behalf of the Yilgarn Local Action Group.

Background

At the November 2018 Council meeting, as a result of a request from the committee, Councillors agreed to purchase a vehicle for use by the Skeleton Weed Local Action Group (LAG). The resolution is as follows:

161/2018

Moved Cr Della Bosca/Seconded Cr Guerini

THAT COUNCIL:

Endorse the purchase of a vehicle during the 2019/2020 financial year, for use by the Yilgarn Local Action Group, with all costs incurred by the Shire of Yilgarn to be reimbursed via the Yilgarn Local Action Group's 2019/2020 grant funding.

CONDITIONS:

- 1. The purchase of a vehicle will be on the proviso the Yilgarn Local Action Group receive sufficient funding for 2019/2020 to cover all Shire of Yilgarn expenses;*
- 2. All operating costs are to be funded by the Yilgarn Local Action Groups ongoing funding; &*
- 3. The vehicle remains a Shire of Yilgarn asset, and subsequently, Shire purchasing policies and plant replacement practices are applicable.*

CARRIED (5/0)

Sufficient funding was secured by the LAG in the 2019/2020 grant, and as such, tenders were called, for the supply of a 4x4 tray back utility.

Comment

In accordance to Council's Finance Policy 3.5 Purchasing and Tendering and the Local Government Act 1995 Section 3.57 Tenders for Providing Goods and Services (1) and 3.58 Disposing of Property (3), Tender N° 6/2019-2020 was advertised for a period of not less than fourteen days in the Kalgoorlie Miner and local Crosswords with the closing date been 27th September 2019.

The following responses were received for the supply of vehicle:

Company	Vehicle	Purchase Price (ex gst)
Merredin Isuzu Ute	Isuzu D-Max 4x4	\$42,625.45
Merredin Toyota	Toyota Hilux SR 4x4	\$45,959.09
Golden City Motors	Holden Colorado LS	\$42,171.45

The matter was tabled at the Local Action Group's meeting, held on the 9th October 2019, whereby the committee carried the following:

Wayne Della Bosca Moved a motion that the Shire of Yilgarn will purchase a Toyota Hilux SR 4x4 from Merredin Toyota on behalf of the Yilgarn Local Action Group of the value of \$45,959.09. Seconded Gary Guerini. Carried

As such, it is recommended that Council endorse the committee's recommendation to purchase the Hilux SR 4x4 from Merredin Toyota.

Statutory Environment

In accordance to the Local Government Act 1995 Section 3.57 Tenders for Providing Goods and Services (1) and Section 3.58 Disposing of Property (3)

Strategic Implications

Nil

Policy Implications

"Finance Policy 3.5 Purchasing and Tendering"
and
"Regional Price Preference Policy 3.5(A)"

OBJECTIVES

- To support local and regional businesses as much as possible
- To achieve value for money when purchasing goods and services

POLICY

The following price preference will be applied to regional tenders and is the percentage by which the regional price bid will be reduced for purpose of assessing the tender.

Goods and Services - up to a maximum price reduction of \$50,000 unless a lesser amount is stipulated in the tender document

Stipulated Area

10% to all suppliers located within the Shire of Yilgarn

5% to all suppliers located within the Wheatbelt region

2.5% to all suppliers located within the Goldfield region

Financial Implications

A monetary allocation of \$50,000 (GST exclusive) has been allowed for the purchase of a new 4x4 Tray Back Utility in the Local Action Groups 2019-2020 Financial Year Budget.

Officer Recommendation and Council Decision

179/2019

Moved Cr Pasini/Seconded Cr Della Bosca

That Council endorses the recommendation from the Skeleton Weed Local Action Group Committee to purchase the Toyota Hilux SR 4x4 from Merredin Toyota on behalf of the Yilgarn Local Action Group for the value of \$45,959.09 ex GST.

CARRIED (7/0)

10 APPLICATION FOR LEAVE OF ABSENCE

Nil

11 MOTIONS FOR WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

12 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING

180/2019

Moved Cr Guerini/Seconded Cr Shaw

That the new business be accepted for consideration

CARRIED (7/0)

12 Officers Report – Chief Executive Officer

12.1 Department of Water and Environmental Regulation (DWER) – Licence Amendment

File Reference	1.6.26.3 & 3.2.1.24
Disclosure of Interest	None
Voting Requirements	Simple Majority
Attachments	Amendment Application Form

Purpose of Report

To inform Council of the advice received from DWER regarding the referral of a Licence Amendment under the *Environmental Protection Act 1986* and the opportunity for Council to provide comment in respect to same.

Background

DWER advises that it has recently received an application from Tianye SXO Gold Mining Pty Ltd for an amendment to licence L4597/1988/14 under Division 3 Part V of the *Environmental Protection Act 1986* at Marvel Loch Mine, Marvel Loch WA 6426.

DWER advises that the application is in relation to the dewatering of Jaccoletti Pit and the discharge of the effluent to Marvel Loch Pit under the following category:

- Category 6 – Mine Dewatering: premises on which water is extracted and discharged into the environment to allow mining of ore.

In accordance with section 54 of the *EP Act*, the CEO of DWER considers that Council may have a direct interest in the subject matter of the application, and invites comment on the proposal.

DWER seeks comments within 14 days of the date of their letter (10 October 2019).

Comment

Page 6 of the Amendment Application Form provides a description/overview of the proposal.

Council staff do not have the knowledge associated with mining practices and therefore felt it appropriate to forward the description/overview of the proposal to Cr Nolan for his comments prior to it being presented to Council.

The following comments have been received from Cr Nolan to which he may expand upon at the meeting:-

1. A hydrogeological report appears not yet to be available, so it is unlikely that the applicant has properly considered the implications of allowing water levels in the Marvel Loch pits to rise to levels significantly higher than natural water table levels in the area.

It does state in the description/overview that a hydrogeological study for Jaccoletti is underway.

2. To allow an increase in water levels to as high as 10m below 'surface' will potentially affect vegetation downslope, cause rising damp in the Marvel Loch townsite, and damage valuable agricultural land downslope.
3. The Marvel Loch Pit walls are unstable.....they have suffered numerous failures in the past, and an increase in water levels will increase the likelihood that further large failures will occur, potentially causing overtopping, which could have catastrophic consequences including endangering the public.
4. The proposal does not describe the water balance adequately, omitting critical details. The volumes are quite large, and the water balance needs a very careful assessment, and include all sources.
5. There are viable alternatives which appear not to have been considered. Alternatives would eliminate the hazards and risks described above.
6. The information provided by DWER is insufficient to allow the most basic evaluation of the merit of the proposal.
7. This proposal application is almost certainly being driven by time constraints,....the application indicates a need to commence pumping by 30 Sept 2019.....??

Statutory Environment

Nil

Strategic Implications

Shire of Yilgarn Strategic Community Plan 2018-2028 – Environment – Protecting, utilising and enhancing our beautiful natural heritage.

Shire of Yilgarn Strategic Community Plan 2018-2028 – Economic – A prosperous future for our community.

Policy Implications

Nil

Financial Implications

Nil.

Officer Recommendation

Submitted for Council's consideration.

Council Decision

181/2019

Moved Cr Nolan/Seconded Cr Close

That Council advises DWER of the concerns that have been raised within the above report and requests DWER to grant Council additional time to consider and provide further comment on the application by Tianye SXO Gold Mining Pty Ltd for an amendment to licence L4597/1988/14 and for DWER to clarify the nature of the amendment.

CARRIED (7/0)

13 MEETING CLOSED TO THE PUBLIC-CONFIDENTIAL ITEMS

CONFIDENTIAL ITEM

182/2019

Moved Cr Della Bosca/Seconded Cr Shaw

That the meeting be closed to members of the public in accordance with section 5.23 (2)(c) of the Local Government Act 1995

CARRIED (7/0)

*Mrs Carol Truran, Mrs Jodie Cobden, Mrs Linda Rose, Mr Russell Purvis and Mr Hayden Davis left the meeting at 4.47pm

13 Reporting Officer – Chief Executive Officer

13.1 Marda Operations Pty Ltd – Letter of Agreement for Road Usage and Road Maintenance and Constructions Costs

File Reference	3.2.1.28
Disclosure of Interest	Nil
Voting Requirements	Simple Majority
Attachments	Draft Letter of Agreement

184/2019

Moved Cr Della Bosca/Seconded Cr Shaw

That the meeting be opened to the public

CARRIED (7/0)

Mrs. Carol Truran, Mrs. Jodie Cobden and Mrs. Linda Rose re-joined the meeting at 4.49pm

Officer Recommendation and Council Decision

183/2019

Moved Cr Guerini/Seconded Cr Close

That Council approves of the negotiations undertaken by Council's Executive team in respect to use of Shire of Yilgarn controlled roads for Marda Operations Pty Ltd's Gold Mine Project north of Bullfinch and that Council approves of the conditions imposed in the Letter of Agreement for such usage.

CARRIED (7/0)

The CEO on behalf of himself and Council staff thanked Cr's Truran and Pasini for their service and support whilst elected members and wished Cr Nolan all the best in the up and coming elections.

14 CLOSURE

As there was no further business to discuss, the Shire President declared the meeting closed at 4.51pm.

I, confirm the above Minutes of the Meeting held on Thursday, 17th October 2019, are confirmed on Thursday, 21st November 2019 as a true and correct record of the October Ordinary Meeting of Council.

SHIRE PRESIDENT