



Agenda

Ordinary Council Meeting
Wednesday 18 October 2023

Date	Wednesday 18 October 2023
Time	3:30pm
Location	Shire of Wickepin Council Chambers 77 Wogolin Road, Wickepin WA 6370
Distribution Date	Friday 13 October 2023



Notice of Meeting

Please be informed an Ordinary Council Meeting of the Council of the Shire of Wickepin will be held at 3:30pm on Wednesday 18 October 2023 at the Shire of Wickepin Council Chambers, 77 Wogolin Road, Wickepin WA 6370.

A handwritten signature in black ink, appearing to read "Erika Clement".

Erika Clement
Acting Chief Executive Officer
Friday 13 October 2023

Disclaimer

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In particular, and without derogating in any way from the broad disclaimer above, in discussion regarding any planning application or application for a licence, any statement or limitation of approval made by a member, employee or representative of the Shire of Wickepin 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 Wickepin. The Shire of Wickepin warns anyone who has an application lodged with the Shire of Wickepin must obtain, and only should rely on, written confirmation of the outcome of the application, and any conditions attaching to the decision made by the Shire of Wickepin in respect of the application.

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1 Declaration of Opening

The Presiding Member declared the meeting open at [time].

1.1 Swearing in of Councillors by I Moore JP.

1.2 Seating Arrangements

As per council Standing Order 11.4.1 a random draw will be undertaken for the allotment of seating arrangements.

2 Attendance

2.1 Present

Councillors

J Russell	Councillor
W Astbury	Councillor
T Miller	Councillor
F Allan	Councillor
L Corke	Councillor
J Mearns	Councillor
P Thompson	Councillor

Employees

E Clement	Acting Chief Executive Officer
M Martin	Executive Support Officer

Justice of the Peace

I Moore

Observer

T Clynch

3 Public Question Time

3.1 Responses to Previous Public Questions Taken On Notice

Nil

3.2 Public Question Time

[Public Question Time]

4 Apologies and Leave of Absence

4.1 Apologies

Nil

4.2 Previously Approved Leave of Absence

Nil

4.3 Requests for Leave of Absence

[Request for leave of Absence]

5 Petitions, Memorials and Deputations

5.1 Petitions

Nil

5.2 Memorials

Nil

5.3 Deputations

Nil

6 Declarations of Councillors and Officers Interest

A member or officer who has an impartiality, proximity or financial interest in any matter to be discussed at this meeting must disclose the nature of the interest either in a written notice given to the Chief Executive Officer prior to the meeting or at the meeting immediately before the matter is discussed.

A member who makes a disclosure in respect to an interest must not preside at the part of the meeting which deals with the matter, or participate in, or be present during, any discussion or decision-making process relative to the matter, unless the disclosing member is permitted to do so under Section 5.68 or Section 5.69 of the *Local Government Act 1995*.

The following declarations of interest have been disclosed –

Nil

7 Confirmation of Minutes of Previous Meetings

7.1 Minutes of the Ordinary Council Meeting held on Wednesday 13 September 2023

Officer Recommendation

That Council confirm the minutes of the Ordinary Council Meeting held on Wednesday 13 September 2023, as included in the attachments, as a true and accurate record.

7.2 Minutes of the Special Council Meeting held on Thursday 21 September 2023

Officer Recommendation

That Council confirm the minutes of the Ordinary Council Meeting held on Thursday 21 September 2023, as included in the attachments, as a true and accurate record.

7.3 Minutes of the Special Council Meeting held on Thursday 5 October 2023

Officer Recommendation

That Council confirm the minutes of the Special Council Meeting held on Thursday 5 October 2023, as included in the attachments, as a true and accurate record.

8 Status Report

Key

○ = in progress ✓ = completed ✕ =superseded

Item	Subject	Council Decision	Status	Action
1104-190820-11	Albert Facey Homestead Committee Recommendations	An inventory of all public artefacts and donations within the Shire is to be completed.	○	Commenced, not yet complete. Chief Executive Officer has contacted the Committee regarding progress of the project.
1161-150921-13	Townscape and Cultural Planning Committee Recommendations	That the current Wogolin Road Information Board not be re-sited and that a new board be redesigned.	○	Commenced, researching digital signage. Chief Executive Officer has contacted the Committee regarding progress of the project.
OCM-230517-07	Naming of the Wickepin Independent Living Units	That Council – 1. Call for public submissions regarding suggested names for the Wickepin Independent Living Units Complex / Units, and 2. For any received submissions to be provided to Council for consideration.	✓ ○	Submissions closed on Friday 30 June 2023 and seven (7) submissions were received. Refer to Agenda item 14.6
OCM-230913-05	Local Roads and Community Infrastructure Program – Phase Four (4) Grant – Proposed Work Schedules	That Council, with respect to Phase Four (4) of the Local Roads and Community Infrastructure Program, a) approves the following projects for submission to Part A of the Program – •Improvements / renovation to the Wickepin Community Centre (estimation \$60,000 ex GST) •Renovation and improvements to the Wickepin Community Centre Playground	○	Grants have been submitted. Expecting a formal response with four (4) weeks.

Item	Subject	Council Decision	Status	Action
		<p>(estimation \$140,000 ex GST)</p> <ul style="list-style-type: none"> •Accessibility improvements to the Wickepin Swimming Pool Toilet Facilities (estimation \$30,000 ex GST) •Provision of playground facilities at the Harrismith Golf Club (estimation \$95,000 ex GST) •Provision of toilet and shower facilities at the Toolibin Tennis Club (estimation \$40,000 ex GST) <p>b) approves the following projects for submission to Part B of the Program –</p> <ul style="list-style-type: none"> •Traffic pull-off bay installation in Harrismith (estimation \$50,000 ex GST) •Improvements to, and realignment of, the pathway along Wogolin Road, Wickepin east of Rintel Street (estimation \$45,000 ex GST) •Asphalt sealing of car-park area in Wickepin (near fuel bowzers) (estimation \$35,000 ex GST) •Pathways at Yealering, yet to be scoped (estimation \$80,000 ex GST) 		
OCM-230913-06	Tender RFT-01-2023-2024 Lake Yealering Ablution Block Redevelopment	That Council, with respect to Tender RFT-01-2023-2024 Lake Yealering Ablution Block Redevelopment, a) Pursuant to Local Government (Functions	✓	Works to commence soon.

Item	Subject	Council Decision	Status	Action
		<p>and (General) Regulations 1996 – Regulation 18 does not accept any tender, and</p> <p>b) Authorises the Chief Executive Officer to appraise and seek to complete the works in an alternate manner, within the allocated funds, and as per the grant funding requirements.</p>		
OCM-230913-07	Tender RFT-02-2023-2024 Supply and Lay Bitumen Products	<p>That Council, with respect to Tender RFT-02-2023-2024 Supply and Lay Bitumen Products,</p> <p>a) Pursuant to Local Government (Functions and (General) Regulations 1996 – Regulation 18 does not accept any tender, and</p> <p>b) Requests the Chief Executive Officer to re-invite tenders to Supply and Lay Bitumen Products so as to ensure no competitive advantage is provided to any tenderer as a result of RFT-02-2023-2024.</p>	○	Refer to Agenda item 14.4.
OCM-230913-08	Tender RFT-03-2023-2024 Supply and Delivery of Front-End Loader	<p>That Council, with respect to Tender RFT-03-2023-2024 Supply and Delivery of Front-End Loader,</p> <p>a) Pursuant to Local Government (Functions and (General) Regulations 1996 – Regulation 18 accepts the tender submission from Hitachi Construction Machinery (Australia) Pty Ltd for the</p>	✓	Tender Awarded to Hitachi Construction Machinery.

Item	Subject	Council Decision	Status	Action
		<p>supply of a ZW150-5 Front End Loader for \$284,000 ex GST and trade-in of the current 2014 Komatsu 250 Loader for \$130,000 ex GST (with the net changeover of \$154,000 ex GST), and</p> <p>b) Authorises the Chief Executive Officer to engross documentation to purchase and dispose of the above machinery.</p>		
SCM-230921-04	Confidential Staff Matter	<p>1. That Council endorse the recommended actions in 1, and 2 - (Option 1A) of the Confidential Report on the employee matter.</p> <p>2. That Council commence the recruitment process to engage a Chief Executive Officer.</p>	✓	Completed.
SCM-231005-01	Appointment – Chief Executive Officer Recruitment Consultant	<p>That Council appoint LO-GO Appointments to undertake the Recruitment process for the position of Chief Executive Officer for the Shire of Wickepin at an estimated price of \$14,529 plus GST.</p> <p>2. Establishes a committee of Council to undertake the recruitment and selection process for the Chief Executive Officer ('the Recruitment Committee'), with the following elected members appointed:</p> <p>Cr J Russell Cr W Astbury Cr F Allan Cr J Mearns</p>	✓	Completed.

Item	Subject	Council Decision	Status	Action
		Cr T Miller Cr P Thompson Cr L Corke 3.Appoints Ms. G Hinkley to be the independent member of the recruitment committee in accordance with the Standard 1.3.		

Where a resolution is formal, procedural or lost it has not been recorded (e.g. confirmation of minutes, meeting behind closed doors, lapsed, etc).

9 Motions of Which Notice Has Been Given

Nil

10 Receipt of Committee Minutes or Reports and Consideration of Recommendations

Nil

11 President's Report

To Be Tabled.

12 Report by the Acting Chief Executive Officer

A summary of some of the activities undertaken by the Acting Chief executive Officer –

Independent Living Units

4th September 2023 Shire of Wickepin took over the Independent Living Units. Met onsite with Councillors Russell, Astbury, Corke and Mearns. Walk through and discussed various site issues.

Tree Retention Program

Attended information webinar on the Issues Paper Local Government Approaches to Tree Retention.

Employee Farewell

BBQ for the farewell of long-time employee Mr Colin Plumb. We wish Colin well in his move and retirement.

Bushfire Mitigation Plan

Plan has been finalised and is ready to be submitted to DFES.

Grant applications

LRCI applications have been submitted. With notice that there is a four (4) week assessment and approval timeframe.

Local Government Election

Liaised with Returning Officer Gail McNab on conducting the Election for 2023. Congratulations to the three (3) Returning Councillors, Cr Russell, Cr Mearns and Cr Allan.

Lake Yealering Regatta

Meet with Alan Manton and Graham Manton in regards to what the Shire could do in assisting towards the Regatta.

13 Notices of Motions for the Following Meeting

Nil

14 Reports and Information

14.1 Monthly Schedule of Accounts Paid – September 2023

Submission to	Ordinary Council Meeting
Location / Address	-
Name of Applicant	-
File Reference	FM.FR.1212
Author	E Clement – Acting Chief Executive Officer
Interest Disclosures	-
Report Written Date	7 October 2023
Attachments	Monthly Schedule of Accounts Paid – September 2023

Summary

Council is required to have a Schedule of Accounts Paid produced each month containing relevant information, as legislated.

The purpose of this report is to present the –

- Schedule of Creditor Accounts Paid, including Corporate Credit Card Reconciliations, for September 2023, and
- Trust Fund Payments for September 2023.

Council is requested to confirm the Monthly Schedule of Accounts Paid, as included in the attachments.

Background

The *Local Government (Financial Management) Regulations 1996* requires Shire officers to, monthly and within a prescribed timeframe, prepare a schedule of payments made from the Municipal Fund and the Trust Fund and present this to Council for confirmation.

Comments

Shire officers have prepared the Monthly Schedule of Accounts Paid, in accordance with legislative requirements, and this is attached.

The schedule of accounts, covering vouchers as listed below, have been checked and are fully supported by vouchers and invoices which are submitted herewith and which have been duly certified as to the receipt of goods and the rendition of services and as to prices computation, and costings and the amounts shown have been remitted.

For the month under review the following summarised details are presented –

Municipal Fund	Vouchers	Amounts
Electronic Funds Transfer	13864 - 13906, 13913 - 13941	\$272,712.84
Cheques	15092 – 15904	\$14,980.68
Direct Deductions	September 2023	\$2,038.28
Superannuation	September 2023	\$14,257.54
Credit Card	September 2023	\$2,055.35
BPay Payments	September 2023	\$1,712.52
Payroll	September 2023	\$92,090.00
Licensing	September 2023	\$10,845.60
Municipal Fund Total		\$410,692.81
Trust Fund		
Electronic Funds Transfer	-	\$0.00
Cheques	13910-13912	\$726.84
Trust Fund Total		\$726.84
Total	September 2023	\$411,419.65

Statutory Environment

Local Government (Financial Management) Regulations 1996 – Regulation 13. Payments from municipal fund or trust fund by CEO, CEO's duties as to etc.

Where the local government has delegated to the Chief Executive Officer the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the Chief Executive Officer is to be prepared each month showing details for each account paid.

This list is to be presented to the council at the next ordinary meeting of the council and recorded in the minutes.

Policy Implications

Council Policy 3.1.7 – EFT Payment and Cheque Issue

Council has authorised the Chief Executive Officer to make payments from the municipal fund and the trust fund.

Financial Implications

Current Financial Year

Payments included on the Schedule of Accounts Paid have been undertaken in accordance with appropriate processes and the Annual Budget.

Future Financial Years

Nil

Strategic Implications

Nil

Voting Requirement

Simple majority

Officer Recommendation

That Council, pursuant to Regulation 13 of the Local Government (Financial Management) Regulations 1996 acknowledges payments from the Municipal Fund of \$410,692.81 and from the Trust Fund of \$726.84, as included in the attachments, for September 2023.

14.2 Statement of Financial Activity – September 2023

Submission to	Ordinary Council Meeting
Location / Address	-
Name of Applicant	-
File Reference	FM.FR.1212
Author	E Clement – Acting Chief Executive Officer
Interest Disclosures	-
Report Written Date	8 October 2023
Attachments	Statement of Financial Activity – September 2023

Summary

Council is required to have a Statement of Financial Activity produced each month containing relevant information, as legislated.

The purpose of this report is to present the Statement of Financial Activity for the period ended August 2023.

Council is requested to accept the Statement of Financial Activity.

Background

The *Local Government (Financial Management) Regulations 1996* require Shire officers, monthly and within a prescribed timeframe, to prepare financial reports covering prescribed information and present these to Council.

Comments

Shire officers have prepared the Statement of Financial Activity, and supporting documentation, in accordance with legislative requirements, and this is attached.

Statutory Environment

Local Government Act 1995 – Section 6.4 Financial report

Local governments are required to prepare and present financial reports, on an annual basis and at any other time, and in any other format, as prescribed.

Local Government (Financial Management) Regulations 1996 – Regulation 34 Financial activity statement required each month (Act s. 6.4)

Shire officers are to prepare each month a statement of financial activity reporting on revenue and expenditure as set out in the annual budget. Each statement of financial activity is to be accompanied by information explaining the composition of net assets less committed and restricted assets, any material variances and any other supporting information considered relevant.

Policy Implications

Council Policy 3.1.14.2 – Monthly Financial Reporting

The Chief Executive Officer shall ensure a monthly statement of financial activity complies with all aspects of the Act and *Local Government (Financial Management) Regulations 1996*.

Financial Implications

Current Financial Year

Commentary on the current financial position is outlined within the body of the attached reports.

Future Financial Years

Nil

Strategic Implications

Nil

Voting Requirement

Simple majority

Officer Recommendation

That Council, pursuant to Regulation 34 of the Local Government (Financial Management) Regulations 1996, accepts the Statement of Financial Activity and associated documentation for September 2023, as included in the attachments.

14.3 Proposed Scheme Amendment – Lot 7 (No.56) Fisher Street, Wickepin

Submission to	Ordinary Council Meeting
Location / Address	3 – 56 Fisher Street, Wickepin WA 6370
Name of Applicant	-
File Reference	A6029
Author	A Awang – Executive Manager Development and Regulatory Services
Interest Disclosures	-
Report Written Date	12 October 2023
Attachments	Scheme Amendment Report

Summary

Council is requested to consider the initiation and adoption of the proposed Scheme Amendment No. 3 to the Shire of Wickepin Local Planning Scheme No.4, for the purpose of rezoning Lot 7 (No.56) Fisher Street, Wickepin from "Recreation and Open Space" reserve to "Residential" zone with a density coding of R10.

Background

Council has received an application from Edge Planning & Property, for the rezoning of Lot 7 (No.56) Fisher Street, Wickepin from "Recreation and Open Space" reserve to "Residential" zone with a density coding of R10.

The purpose is to formalise the existing land use and ensure that it aligns with the correct zoning under the Local Planning Scheme.

Lot 7 (No.56) Fisher Street currently features an existing dwelling and several outbuildings. The dwelling, a brick cottage with a corrugated iron roof, holds historical significance and is categorized as a category 2 listed building in the Shire's Municipal Heritage Inventory. While it served as the Station Master's house, it is not currently listed on the State Heritage Register.

Comments

Scheme Amendment Category

Under the Planning and Development (Local Planning Schemes) Regulations 2015, Council needs to justify the type of amendment being proposed to the Town Planning Scheme. There are three (3) categories of Scheme Amendment as defined under section 34 of the Regulations, which are as follows:

- Basic Amendment - is of a minor nature that amends schemes to correct errors, create consistency with State planning policies and region schemes and to delete provisions that have been superseded by the deemed provisions.
- Standard Amendment - changes a scheme's zonings and create consistency with local planning strategies. They have little impact on land in the scheme area not effected by the amendment and have no significant environmental, social, economic or governance impacts on land in the scheme area.
- Complex Amendment - is similar to a standard amendment but has significant impacts, is of a scale that will have a large impact on the locality and is not consistent with a Local Planning Strategy.

As the proposed amendment is to change the zoning of the land in order to formalise the existing land use on site to reflect the current zoning of the Local Planning Scheme, it is recommended that Council consider the proposed Scheme Amendment as a 'Standard Amendment' as defined under section 34 of the Planning and Development (Local Planning Schemes) Regulations 2015.

It is also recommended that Council consider the proposed Scheme Amendment advertising procedures as a "Standard Amendment" in accordance with regulation 47 of the Planning and Development (Local Planning Schemes) Regulations 2015.

Current Zoning

Lot 7 (No.56) Fisher Street, Wickepin is identified in the Shire of Wickepin Local Planning Scheme No. 4 as a Local Scheme reserves for the purposes of "Recreation and Open Space". The site is surrounded by "Recreations and Open Space" Reserve which provides a buffer to the Industrial zoned land to the north west of the subject property.

The existing house, which is a brick cottage and corrugated iron roof is listed in the Shire's Municipal Heritage Inventory as category 2 listed building, which was previously used as the Station Master's house. The site is not currently listed on the State Heritage Register list.

Proposed Re-Zoning

As mentioned previously in the report the proposal is to rezone the subject land from a reserve purposes "Recreation and Open Space" to "Residential" with a density of R10. The objective of the Residential Zone under the Local Planning Scheme No. 4 is to *provide for a range of housing choice with a high level of amenity in residential areas and which reflects a rural lifestyle.*

The subject land has a total lot area of 1212m² and therefore with a proposed R-Cording of R10 (average 1000m² per dwelling) will not allow future subdivision to occur.

As the current zoning of the subject property is considered an anomaly in the current Local Planning Scheme No. 4, the proposed rezoning to "Residential " will help to formalise the existing situation on the property. It is also considered that the rezoning would not adversely impact the surrounding amenity of the area and is consistent with the orderly and proper planning.

Given that the property was historically used and continued to be used as residential purposes, it is recommended that Council support the proposed scheme amendment for public advertising.

Consultation

Upon a Local Government resolving to prepare an amendment to a local planning scheme, section 81 of the Planning and Development Act 2005, requires the scheme amendment to be referred to the Environmental Protection Authority (EPA) for consideration as to whether an environmental assessment is necessary under the Environmental Protection Act.

Following advice from the EPA that a standard Scheme Amendment does not require formal environmental assessment, Regulation 47 of the Planning and Development (Local Planning Schemes) Regulations 2015, requires the Local Government to arrange advertising for a period of at least 42 days, by the following means:

- Notice in a newspaper circulating in the scheme area;
- Notice in the offices of the Local Government;
- Notice to each public authority that the Local Government considers is likely to be affected by the amendment;

- Notice on the Local Government's website; and
- As otherwise directed by the WAPC and in any other way considered appropriate by the Local Government.

Statutory Environment

- *Planning and Development (Local Planning Schemes) Regulations 2015 – Division 3 – Process for standard amendments to local planning scheme.*
- *Planning and Development Act 2005 – Section 75 – Amending Scheme.*
- *Planning and Development Act 2005 – Section 81– Proposed scheme or amendment to be referred to EPA.*
- *Shire of Wickepin Local Planning Scheme No. 4.*

Policy Implications

Nil

Financial Implications

The costs associated with the advertisement and notices are borne by the applicant as per the Planning and Development (Local Planning Schemes) Regulations 2015 – Section 48.

The cost for a Standard Scheme Amendment is \$3,235 in accordance with the Shire's schedule of fees and charges and include advertising. This fee will be paid in full by the applicant.

Strategic Implications

Strategic Goals and Objectives:

The proposed development aligns with several strategic goals and objectives of the Shire of Wickepin. These goals may include:

Economy:

Goal 6: New Businesses are attracted and existing business grow
6.9 – Town Planning Scheme is reviewed.

Voting Requirement

Simple majority

Officer Recommendation

That with respect to the proposed Scheme Amendment No. 3 at Lot 7 (No.56) Fisher Street, Wickepin, to rezone the land from "Recreation and Open Space" reserve to "Residential" zone with a density coding of R10, Council:

1. *Pursuant to Section 75 of the Planning and Development Act 2005, supports the Scheme Amendment as a 'Standard Amendment' to the Shire of Wickepin Local Planning Scheme No. 4;*
2. *Prepare a notice to the Western Australian Planning Commission of the proposed Standard Scheme Amendment No. 3 to the Shire of Wickepin Local Planning Scheme No. 4;*

3. *Pursuant to Section 81 of the Planning and Development Act 2005, give written notice to the Environmental Protection Authority for the determination of their assessment; and*
4. *Adopt the proposed scheme amendment for the purpose of advertising in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015, Section 47 (2) for a period of 42 days, subject to the determination of the Environmental Protection Authority's assessment outcome.*

14.4 Tender RFT-04-2023-2024 Supply and Lay Bitumen Products

Submission to	Ordinary Council Meeting
Location / Address	-
Name of Applicant	-
File Reference	FM.TEN.1220
Author	G Hedditch – Manager Works and Services
Interest Disclosures	-
Report Written Date	10 September 2023
Attachments	-

Summary

Shire officers recently requested tenders for the supply and laying of bitumen products.

Council is requested to accept the tender submission from WCP Civil Pty Ltd.

Background

In September 2023 Shire officers requested tenders for the supply and lay of bitumen products for roadworks including, although not limited to,

- Cuballing East Road (approximately 22,100 square metres),
- Wickepin-Corrigin Road (approximately 22,100 square metres),
- Yarling Brook Road (approximately 14,400 square metres), and
- Wickepin-Pingelly Road (approximately 5,760 square metres).

On the Western Australian Local Government Association's ("WALGA") Preferred Supplier e-Quotes System.

The tender documentation specifically sought –

- Bitumen application designs,
- Supply and application of hot sprayed cutback bitumen,
- Supply, pre-coat and spreading of aggregate,
- Pre and post seal application sweeping,
- Rolling,
- Traffic control during spray seal works, and
- Installation of temporary raised pavement markers to Main Roads WA standards.

Additionally, tender submissions were required to include the following –

- Organisation profile,
- Agency details,
- Sub-contractor details,
- Quality assurance details,
- Selection criteria responses,
- Operational compliance details against set criteria,
- Demonstrated experience in similar works,
- Demonstrated commitment to customer service,

- Demonstrated assurance of occupational safety and health practices, and
- Price information.

Tender submissions failing to complete all information requirements contained within the tender documentation schedules will be rejected.

The selection criteria, and associated weighting, for consideration in determining the successful complying tender submission are listed below –

- Demonstrated experience to meet the requirements of the specification (10% weighting)
- Demonstrated ability and practices to ensure public and employee safety (10% weighting)
- Price (80% weighting)

Six (6) suppliers were notified of the request for tender.

Comments

Tender submissions closed at 4:00pm Monday 9 October 2023.

At the close of the submission period two (2) complying submissions were received with zero (0) non-complying submissions (a total of two (2) submissions).

Tender submissions were received from, in the order they were considered, –

- WCP Civil.
- WA Stabilising

The assessment of the submissions was formally undertaken by the Manager Works and Services.

Description of Qualitative Criteria								Weighting			
								40%	20%	40%	Non conforming -100%
Company/ Name	Location of works	Total Square meters	Tyoe of Seal and stone size	Tendered rate \$/m2	Total Rate price	budgeted Price	Under Budget	(a) Demonstrated experience by tenderer to meet the requirements as set out in specification.	(a) Demonstrated ability and procedures to ensure public and employee safety by way of Occupational Safety and Health, and adherence to the Traffic Management for Roadworks Code of Practice.	Price	total
WCP Civil	Capitil Roadwork Program	63200	Stabilisation & Bitumen	\$11.88	\$832,532.46	\$970,074.00	\$137,541.54				
	(Includes Mobilisation & Traffic Control)				\$0.00		\$0.00				
	total				\$832,532.46	\$970,074.00	\$137,541.54	40	20	40	100
WA Stabilising	Capitil Roadwork Program	63200	Stabilisation & Bitumen	\$14.92	\$1,210,536.56	\$970,074.00	-\$240,462.56				
	(Includes Mobilisation)				\$0.00		\$0.00				
	total				\$1,210,536.56	\$970,074.00	-\$240,462.56	40	20	15	75

Following assessment the below ranking order was determined –

1. WCP Civil Pty Ltd
2. WA Stabilising

Council is requested to accept the tender submission from WCP Civil Pty Ltd.

Statutory Environment

Local Government Act 1995 – Section 3.57

A local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services.

Local Government (Functions and General) Regulations 1996 – Division 2 Part 4

Tenders shall be invited before the Shire enters into a contract for another person to supply goods or services if the consideration under the contract is or is expected to exceed \$250,000.

Local Government (Functions and General) Regulations 1996 – Regulation 18 Rejecting and accepting tenders

A local government may reject, accept or decline to accept any or all tenders received through a request for tender process.

Policy Implications

Council Policy 3.1.6 Purchasing

Purchases which may be in excess of \$250,000 ex GST must be tendered.

Financial Implications

If only works included as per the estimated tender specifications occur, Council will commit to \$832,532 ex GST, which is included and within 2023-2024 budget allocations.

Future Financial Years

Maintenance costs associated with proposed works will occur. The substance of the proposed works is likely to have a minor impact on future maintenance costs.

Strategic Implications

Shire of Wickepin Strategic Community Plan – Goal 4 Maintain Shire owned facilities in a strategic manner and also to meet community needs

Medium Term Strategy 4.4 supports the improvement and maintenance of assets in a strategic manner.

Voting Requirement

Simple majority

Officer Recommendation

That Council, with respect to Tender RFT-04-2023-2024 Supply and Lay Bitumen Products,

- a *Pursuant to Local Government (Functions and General) Regulations 1996 – Regulation 18 accepts the tender submission from WCP Civil Pty Ltd for \$832,532 ex GST.*

14.5 Delegations Register 2023

Submission to	Ordinary Council Meeting
Location / Address	Whole Shire
Name of Applicant	Erika Clement Acting Chief Executive Officer
File Reference	GO.AUT.1320
Author	Erika Clement Acting Chief Executive Officer
Interest Disclosures	Nil
Report Written Date	10 October 2023
Attachments	Delegations Register Local Government Operational Guideline – Delegations, Authorisations and Acting Through

Summary

In accordance with section 5.46 of the Local Government Act 1995, Council must review its delegations at least once each financial year.

The last significant review was conducted on 17 August 2023.

An additional Delegation is proposed to authorize the President and the Chief Bushfire control Officer (jointly) to vary Prohibited and Restricted Burning Times.

Background

Delegations are most commonly used in organisations where:

1. A particular person has authority to exercise a discretion to enforce a right or discharge a duty on behalf of the organisation.
2. That person or officer has either:
 - A multitude of authorities to exercise a discretion to enforce rights or discharge powers; or
 - Many circumstances in which they have authority to exercise a discretion to enforce rights or discharge duties.
3. The business of the organisation could not be efficiently carried on if that person were to personally exercise their discretion to enforce all the rights or discharge all the duties.
4. Through practical administration, that person needs to appoint other persons to exercise their discretion to exercise powers or discharge duties on behalf of the organisation.

Whilst there is a requirement for local government delegations to be authorised by statute (as is explained in section 6 of the local government delegation guidelines (the guidelines), there is no limitation (unless expressly stated to the contrary by statute) on appointing a person to act on behalf of the local government or the CEO, if that appointment does not include the power of delegation (see section 15 of the guidelines for details).

There is a legal distinction between:

1. The delegation to a person to exercise a right or discharge a duty on behalf of an organisation; and
2. Appointing a person to act on behalf of an organisation or another employee of that organisation.

In most circumstances, where a person:

1. Is appointed only to carry out the express instructions of an employee or the governing body of an organisation; and

2. Is provided with only limited discretion in carrying out those instructions, that appointment does not constitute a delegation and does not need to be formally delegated.

When determining whether an appointment is a delegation or simply an appointment to act on behalf of another person, it is critical to consider whether the person is appointed to exercise a broad discretion to exercise a power or discharge a duty.

The provisions of the Local Government Act 1995 which provide for delegations by a local government, or its CEO are as follows:

1. Section 5.16(1), states: 'Under and subject to section 5.17, a local government may delegate to a committee any of its powers and duties other than this power of delegation.'
2. Section 5.42(1), states: 'A local government may delegate to the CEO the exercise of any of its powers or the discharge of any of its duties under this Act other than those referred to in section 5.43.'
3. Section 5.44(1), states: 'A CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under this Act other than this power of delegation.'

The Act has been framed in a way that determines whether powers and duties can be delegated or not. If the term 'Council' is used, then it is the Council itself which must carry out that function. If the term 'local government' is used then it may be possible to use delegation, subject to any other express powers against delegation or the desirability in using 'acting through' where it may be a better way of carrying out the power or duty.

Section 2 of the Local Government (Miscellaneous Provisions) Act 1960 effectively incorporates the provisions of that Act into the Local Government Act 1995, and therefore the delegation provisions of the Local Government Act 1995 apply to the Local Government (Miscellaneous Provisions) Act 1960.

As per the Local Government Act 1995, the CEO is required to report to Council what delegated authority has been exercised under the different Acts.

Comments

An addition to the delegation register is proposed, this is to enable the President and the Chief Brushfire Control Officer to vary the restricted and prohibited burning times where seasonal conditions warrant.

Statutory Environment

Compliance with the provisions of the
Local Government Act 1995 – Section 5.46,

To comply with the Local Government Act 1995 Council needs to adopt the reviewed delegation register as attached under separate cover.

- 5.46. Register of, and records relevant to, delegations to CEO and employees
 1. The CEO is to keep a register of the delegations made under this Division to the CEO and to employees.
 2. At least once every financial year, delegations made under this Division are to be reviewed by the delegator

Bush Fires Act 1954 section 17 (10)

A local government may by resolution delegate to its mayor, or President, and its Chief Bush Fire Control Officer, jointly its powers and duties under subsections (7) and (8).

Policy Implications

Delegation register

Financial Implications

Nil

Strategic Implications

To provide efficient, effective and accountable governance.

Voting Requirement

Absolute Majority

Officer Recommendation

That council adopts Shire of Wickepin Delegations Register as reviewed at its ordinary meeting on 18 October 2023.

14.6 Naming of the Wickepin Independent Living Units

Submission to	Ordinary Council Meeting
Location / Address	-
Name of Applicant	-
File Reference	A5123
Author	E Clement–Acting Chief Executive Officer
Interest Disclosures	-
Report Written Date	12 October 2023
Attachments	Naming Submissions

Summary

Council is being requested to name the Wickepin Independent living Units as follows –

Complex

Woodland Court

Individual Units

Numbered 1,2,3,4

Background

The following advertisements was placed on the Shire webpage, Facebook page and Watershed requesting submissions for the naming of the Wickepin Independent Living Units.

NAMING OF THE WICKEPIN INDEPENDENT LIVING UNITS

After many years of waiting, the Wickepin Independent Living Units are nearing completion!

As is often tradition, buildings of importance in the area can be named after local important people, places, fauna, flora, or other things of local significance.

Council is calling on you to submit your suggestions for the name of the complex and / or the name of the four (4) individual living units.

To be eligible for consideration, your submission should include –

For the complex

The proposed name and a brief, yet detailed, explanation of the relevance and local significance of the proposed name.

For the units

The proposed names and a brief, yet detailed, explanation outlining the linkage of the unit names to the area.

Submissions will be accepted up to **4:00pm Friday 30 June 2023** and should be clearly marked **Submission for Wickepin Independent Living Units** and can be submitted –

- By email to admin@wickepin.wa.gov.au
- By post to Shire of Wickepin, PO Box 19, Wickepin WA 6370
- By hand at the Shire of Wickepin Administration Office, 77 Wogolin Road, Wickepin WA 6370

It is encouraged to affix your name to your submission, however anonymous submissions will also be considered.

Comments

Submissions were accepted up until 4.00pm Friday 30 June 2023.

Seven (7) submission were received.

Council cast a vote at the August Council Forum Session on Wednesday 16 August 2023, to elect a preferred complex name and individual unit names of the Independent Living Units and the following was favoured. A combination of a number of submissions.

Complex

Woodland Court

Individual Unit

Numbered 1,2,3,4

Extracts from submissions received, as included in the attachments.

"We propose the name of the Wickepin Independent Living Units Complex to be – Woodland Court"

"I wish to submit that the units 1, 2, 3 and 4 be used to identify the individual units."

Example of address layout –

J Citizen
Unit 1, Woodland Court
23 Johnston Street
Wickepin WA 6370

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

Nil.

Strategic Implications

Nil

Voting Requirement

Simple majority

Officer Recommendation

That Council name the Wickepin Independent Living Units as follows –

Complex

Woodland Court

Individual Units

Numbered 1,2,3,4

15 Confidential Reports and Information

15.1 Appointment - Acting Chief Executive Officer

Submission to	Ordinary Council Meeting
Location / Address	-
Name of Applicant	-
File Reference	PE.REC.2010
Author	E Clement–Acting Chief Executive Officer
Interest Disclosures	-
Report Written Date	10 October 2023
Attachments	-

Confidentiality

This Report is considered confidential in accordance with Section 5.23(2)(a) of the *Local Government Act 1995* because it deals with –

- a matter affecting an employee or employees

Officer Recommendation

That Council, at x:xxpm, pursuant to Clause 15.10 of the Shire of Wickepin Standing Orders Local Law 1998 move behind closed doors to discuss a confidential employee matter pursuant to Section 5.23 (2)(a) of the Local Government Act 1995.

16 Urgent Business

Nil

17 Closure

The Presiding Member declared the meeting closed at [time].