



Western Australia

Agenda for the Ordinary Meeting of the Murchison Shire Council,  
To be held in the Council Chambers, Carnarvon Mullewa Road, Murchison,  
On **Thursday 22 February 2018**, commencing at 12 Noon.

**TABLE OF CONTENTS**

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS .....3

2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE .....3

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE .....3

4. PUBLIC QUESTION TIME .....3

    4.1 Standing Orders .....3

5. NEXT MEETING.....3

6. APPLICATIONS FOR LEAVE OF ABSENCE.....3

7. NOTICE OF ITEMS TO BE DISCUSSED BEHIND CLOSED DOORS .....3

8. CONFIRMATION OF MINUTES .....3

    8.1 Ordinary Council Meeting – 16 December 2017 .....3

    8.2 Special Council Meeting – 3 February 2018 .....3

9. ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION.....4

10. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS .....4

11. ACTION LIST .....4

12. DISCLOSURE OF INTERESTS.....5

13. REPORTS OF OFFICERS.....5

    13.1 Monthly Plant Report – Works Supervisor .....5

    13.2 Works Report – Works Supervisor .....6

14. ANNOUNCEMENTS CONCERNING MEETINGS ATTENDED .....7

    14.1 Shire President.....7

    14.2 Councillors.....7

15. REPORTS OF COMMITTEES .....7

16. FINANCE.....7

    16.1 Financial Activity Statements December 2017.....7

    16.2 Financial Activity Statements January 2018 .....9

    16.3 Accounts Paid since the last list was adopted/endorsed by Council .....11

    16.4 New Loan – Finance of Flood Damage Works .....12

    16.5 Budget Variation – Opening Up of Roads .....13

17. DEVELOPMENT .....15

    17.1 Call for Tenders for Flood Damage Works AGRN 781 Flooding Jan 2018 .....15

    17.2 Banners in the Terrace.....23

18. ADMINISTRATION.....24

    18.1 Sponsorship of the ICPA State Conference.....24

    18.2 Review of Standing Orders Local Law 2001 .....25

    18.3 Consideration of Items from Annual Meeting of Electors 3<sup>rd</sup> February 2018 ....27

    18.4 Bush Fire Control Officers .....29

19. NOTICE OF MOTION .....30

20. CEO ACTIVITY REPORT .....30

21. URGENT BUSINESS .....31

22. ITEMS TO BE DISCUSSED BEHIND CLOSED DOORS.....31

23. MEETING CLOSURE.....31

**1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS**

**2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE**

**3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil.

**4. PUBLIC QUESTION TIME**

**4.1 Standing Orders**

<b>Council Decision:</b>		
<b>Moved: Councillor</b>	<b>Seconded: Councillor</b>	
<b>That the following Local Law-Standing Orders 2001 be stood down:</b>		
8.2 Limitation on the number of speeches		
8.3 Duration of speeches		
<b>Carried</b>	<b>For:</b>	<b>Against:</b>

**5. NEXT MEETING**

22<sup>nd</sup> March 2018.

**6. APPLICATIONS FOR LEAVE OF ABSENCE**

**7. NOTICE OF ITEMS TO BE DISCUSSED BEHIND CLOSED DOORS**

Nil

**8. CONFIRMATION OF MINUTES**

**8.1 Ordinary Council Meeting – 16 December 2017**

**Background:**

Minutes of the Ordinary Meeting of Council have previously been circulated to all Councillors.

**Recommendation:**

That the minutes of the Ordinary Council meeting held on 16 December 2017 be confirmed as an accurate record of proceedings

**Voting Requirements:**

Simple majority

<b>Council Decision:</b>		
<b>Moved: Councillor</b>	<b>Seconded: Councillor</b>	
That the Minutes of the Ordinary Council meeting of 16 December 2017 be confirmed as an accurate record of proceedings.		
<b>Carried/Lost</b>	<b>For:</b>	<b>Against:</b>

**8.2 Special Council Meeting – 3 February 2018**

**Background:**

Minutes of the Special Meeting of Council have previously been circulated to all Councillors.

**Recommendation:**

That the minutes of the Special Council meeting held on 3 February 2018 be confirmed as an accurate record of proceedings

**Voting Requirements:**

Simple majority

<b>Council Decision:</b>		
<b>Moved: Councillor</b>	<b>Seconded: Councillor</b>	
That the Minutes of the Special Council meeting of 3 February 2018 be confirmed as an accurate record of proceedings.		
<b>Carried/Lost</b>	<b>For:</b>	<b>Against:</b>

**9. ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION**

**10. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS**

**11. ACTION LIST**

No	Item	Action	Status
1	Community Project Officer	Still sitting on the table. Meeting held 11 <sup>th</sup> March 2016 and recommendations presented to Council at the April OCM – the item were left to lay on the table while Council explored other options.	Working Group meeting to be held in March 2018
2	Cemetery and Remembrance Walk	Completion of the cemetery and names for the remembrance walk. Community to be contacted to suggest names for inclusion. Community Advisory Group to advise Council on these projects. Invitation sent to CAG to meet on Friday 3 June. A surveyor will be at the Murchison Settlement shortly to survey the tip, so will plan to have the Cemetery done as well.	Following the discussions at the Budget Workshop further work on this project is to be undertaken in 2018/19.
3	Review of Road Network	Council to conduct a whole of shire road review. Establish roads to be closed/position of roads etc. and work with Landgate and surrounding shires. The status (ie a road defined by description; a dedicated road; a gazetted road; a closed road) of roads no longer maintained needs to be identified before the Shire can progress with this.	Shire has supplied map of road location to Landgate.

**Recommendation:**

That the Action List be accepted.

**Voting Requirements:**

Simple majority

<b>Council Decision:</b>	
<b>Moved: Councillor</b>	<b>Seconded: Councillor</b>

That the Action List be accepted.

**Carried/Lost**

**For:**

**Against:**

**12. DISCLOSURE OF INTERESTS**

**13. REPORTS OF OFFICERS**

**13.1 Monthly Plant Report – Works Supervisor**

December/January 2018			Hours					YTD	
* No Meter ** New Meter				Start	End	Total		Operating Costs	
Plant Item	Year	Rego	1 July '17	Hrs/kms	Hrs/km	Month	YTD	Plant	Fuel
P.01 JD Grader	2011	MU1063	9242	9990	10104	114	862	13461.21	13922.22
P.02 Cat Grader 12H	2005	MU 141	15732	16021	0	Traded			n/a
P15003 JD 6WD Grader	2012	MU121	1829	2524	2645	121	816	6749.82	15779.53
P081 JD Grader	2017	MU105	0	365	476	111	111	5331.73	7557.88
P.04 New/H Ford Tractor	2006	MU 380	2167	2346	2367	21	200	523.01	401.30
P.05 Dolly 1-Red **	2001	MU 2003	0	5385	5962	577	5962	3132.75	n/a
P.07 Nissan UD	2009	000 MU	217729	221485	222044	559	4315	3445.90	4015.91
P.08 Dolly 2-Black	2000	MU 2009	17885	22391	22908	517	5023	5190.91	n/a
P.09 Iveco P/Mover	2003	MU1065	333380	338615	340035	1420	6655	7235.37	6542.51
P.10 Iveco W/Truck (hrs) *	2004	MU 00	11403	11927	11927	0		2628.48	5654.85
P.11 Komatsu Dozer	1997		2300	2951	3047	96	747	11284.63	15218.97
P.13 Tri-Axle L/L Float	2008	MU 663	28490	31443	32457	1014	3967	1157.93	n/a
P.14 No. 2 Float	2001	MU 2004	10505	11427	11427	0	922	609.52	n/a
P.17 Side Tipper	2001	MU 662	25124	31550	32125	575	7001	4457.48	n/a
P.18 Side Tipper	2001	MU2010	10314	17408	17979	571	6998	6290.77	n/a
P.24 30K W/Tanker Trailer	2005	MU 2024	7658	15898	17103	1205	18308	3763.92	n/a
P.27 Volvo Loader	2006	MU 65	8787	9235	9289	54	6021	3141.35	7513.78
P.28 Isuzu Dmax	2009	MU 300	225000	230323	231210	887	6210	1134.11	1056.89
P.32 Construction Gen			25281	26556	26556	0	1275	352.97	2083.94
P.33 Maintenance Gen			11798	13458	13463	5	1665	677.27	2526.30
P.34 Generator Perkins *		Mechanic	1744	4189	4545	356	2801	971.39	1729.43
P.35 Generator 1-110kva	2011		26523	27008	27257	249	734	6386.51	61972.30
P. 17035 New Generator	2016		2446	5601	6968	1367	4522		
P.37 Forklift			12634	12676	12705	29	71	2700.87	339.60
P.40A Toyota Hilux	2014	01MU	104000	117927		Traded			n/a
P.41 Cat 938G Loader	2004	MU 193	5850	6128	6139	11	289	1619.23	4490.07
P.43 Bomag Roller	2012	MU1027	3537	3654	3701	47	164	4996.61	2250.86
P.48 Dog Fuel Trailer *	1979	MU 2026	0	0	0	0	0	93.46	n/a
P.49 Dog Fuel Trailer *	1972	MU 2005	0	0	0	0	0	239.56	n/a
P.54 Isuzu T/Top	2005	MU 1002	181148	182491	0	Traded			n/a
P.55 Toyota Prado	2012	MU1011	100507	114888	121394	6506	20887	767.29	2805.01
P.57 Great Wall	2012	MU 167	63922	70076	71093	1017	7171	3177.89	1088.13
P.59 45ft Flat Top *	1978	MU2044	0	0	0	0	0	1716.65	n/a
P.60 Mercedes PTV	2004	MU 1009	103624	104035	104174	139	550	2529.48	104.36

<b>P.61 Kenworth P/Mover</b>	2004	MU 000	104665	113289	113868	579	9203	7958.63	12619.81
<b>P.64 Isuzu Construction</b>	2013	MU 140	136312	149076	152204	3128	15892	5387.21	4645.61
<b>P.65 Generator 9KVA *</b>	2013	H/ Maint	6391	9034	9034	0	2643	408.48	5880.25
<b>P.67 Roadwest S/Tipper</b>	2013	MU2042	83079	92008	92581	573	9502	2408.72	n/a
<b>P.68 Bomag Padfoot</b>	2013	MU1071	2055	2357	2395	38	340	3466.21	5730.92
<b>P.72 Isuzu Fire Truck</b>	2013	MU1068	2149	2377	2379	2	230	3038.19	14.26
<b>P.73 Toyota Fast Attack</b>	2014	MU1069	8900	8900	8900	0	0	944.39	n/a
<b>P.80 Fuso Canter</b>	2017	MU120	0	1771	4974	3203	4974	3500.24	1316.71
<b>P.82 Isuzu/Dmax Work Supervisors Ute</b>	2017	01 MU	0		8483	8483	8483	4021.61	800.66
<b>Caravans</b>				n/a	n/a	n/a	n/a	2611.94	n/a
<b>P11076 JD Ride on mower</b>			937	975	1010	35	73	220.86	n/a
<b>P15006 Isuzu Maint</b>	2015	MU1018	48269	63811	67176	3365	18907	4104.47	5124.17
<b>P16063 Toyota Prado</b>	2016	MU 0	29327	43359	56164	12805	26837	6310.47	2730.61
<b>P16075 Kubota Mower</b>	2016		175	247	296	49	121	216.88	409.71

### **13.2 Works Report – Works Supervisor**

#### **Construction Crew**

The crew returned to work after the Christmas break on Tuesday 30 January. They spent the first three days patching potholes in preparation for the bitumen reseal. They then moved gear from the yard and Curbur to Butchers Track and set up camp. Because of the availability of water at this job site it was decided to leave the job north of Curbur Homestead which will now, in all probability, be picked up by flood damage following the rain that fell on 14 January. The new alignment on Butchers Track should now be completed and work has commenced on the next section 2km west. This is a reform and re-sheet and will keep going as long as water is available close by.

#### **Maintenance Crew**

This crew also returned to work on 30 January and helped out with the patching of potholes in preparation for reseal. Due to the road drains being wet the grading operation has been fairly limited. This crew will also do some replacement of signage that they had knocked over before heading down to the south boundary and grade back to the Yuin Homestead. The allocation of flood damage funds will then determine our next move on a priority basis.

#### **Flood Damage Repairs From Last Year**

##### **Robbro Earthmoving**

Robbro Earthmoving have completed work on Mt Wittenoom Road and are currently working between Wooleen woolshed and Cockney Bill. We envisage they will be there for about 20 days, weather permitting. The idea is to then move back onto the Beringarra-Pindar Road and head north towards the MRO. Last report from Nigel Goode of Greenfields is the progress is good.

##### **Them Earthmoving**

This crew have been the worst affected by the weather. Having said that, they have somehow managed to stay pretty much on schedule due to some smart juggling between roads and at times splitting their crew in two. Byro-Woodleigh Road has had sections underwater and creeks running for extended periods. They have then moved back onto the Carnarvon-Mullewa Road and pressed on. Again Nigel Goode of Greenfields is happy with the progress being made. Brian and William have made several inspections and are happy with the progress.

#### **Heavy Maintenance**

Squires Resources have continued with the bunding programme on the Beringarra-Pindar Road and have also had some weather delays. They also had a grader assisting with the opening up of flood damaged roads.

##### **Walladar Enterprises**

Had a grader opening up flood damaged roads.

**Works Supervisor General**

William started on the 8 January and the plan was for him to shadow Brian and stand in when he left for medical leave on the 13 January. The leave was postponed for two weeks. We had the major rain event (ex-tropical Cyclone Joyce). William then spent the next two weeks doing pickups with the representative from Greenfields. At the time of writing Brian was on medical leave. We all wish him a speedy recovery and hope to see him back in the Shire soon. William has been busy putting in the new alignment on Butchers Track, marking out and putting GPS points on the Boolardy gravel pits and preparing to do the Heritage Walkovers at Curbur and the Wreath Flower Pit.

**Recommendation:**

That the Work’s Supervisor’s report be accepted.

**Voting Requirements:**

Simple majority

<b>Council Decision:</b>		
<b>Moved: Councillor</b>		<b>Seconded: Councillor</b>
That the Work’s Supervisor’s report be accepted.		
<b>Carried/Lost</b>	<b>For:</b>	<b>Against:</b>

**14. ANNOUNCEMENTS CONCERNING MEETINGS ATTENDED**

**14.1 Shire President**

**14.2 Councillors**

**15. REPORTS OF COMMITTEES**

**16. FINANCE**

**16.1 Financial Activity Statements December 2017**

File:	
Author:	Ina Edwardson – Deputy Chief Executive Officer
Interest Declared:	No interest to disclose
Date:	15 February 2018
Attachments:	Financial Activity Statements to 31 December 2017 Statement of Financial Position Operating Statement by Program Operating Statement by Nature & Type Accounts Activity General Ledger Trial Balance

**Matter for Consideration:**

Council to consider adopting the Monthly Financial Statements for December 2017.

**Background:**

The Local Government (Financial Management) Regulations 1996. Regulation 34 requires that local government report on a monthly basis and prescribes what is required to be reported.

**Comment:**

The Current Position at 31 December 2017 is a surplus of \$3,965,812

**Variances – YTD Budget to YTD Actual**

Budgeted Closing Funding Surplus(Deficit)		<b>(1,440,021)</b>
Plus Variance to Opening Surplus	100,322	
Plus Operating Revenues down	1,051,960	
Plus Operating Expenditure down	3,849,228	
Plus Operating Activities Excluded	58,688	
Plus Investing Activities down	460,644	
Plus New Debentures up	1,466,544	
Less Transfer from reserves down	(1,926,032)	
Plus Transfer to reserves down	344,479	
Total Variances		<b>5,405,833</b>
Actuals Closing surplus (Deficit)		<b>3,965,812</b>

The YTD Budgets to Actuals were not amended at 31 December 2017 as indicated by the variances, and are timing difference.

The following Term Deposits are currently held as at 31 December 2017:

Beringarra Cue Road Reserve Term Deposit	\$3,776,546	@ 1.85% Maturity 18/01/2018
Crosslands MCF Term Deposit	\$ 373,982	@ 2.18% Maturity 25/02/2018

**Statutory Environment:**

Local Government Act 1995

Section 6.4–Specifies that a local government is to prepare “such other financial reports” as is prescribed.

Local Government (Financial Management) Regulations 1996

Regulation 34 states:

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

- (a) Annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1) (b) or (c);
- (b) Budget estimates to the end of month to which the statement relates;
- (c) Actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;
- (d) Material variances between the comparable amounts referred to in paragraphs (b) and
- (e) The net current assets at the end of the month to which the statement relates.

**Strategic Implications:**

Nil.

**Policy Implications:**

Nil.

**Budget/Financial Implications:**

Reports showing year to date financial performance allow monitoring of actual expenditure, revenue and overall results against budget targets.

**Sustainability Implications:**

- ◆ **Environmental:**  
There are no known significant environmental considerations
- ◆ **Economic:**  
There are no known significant economic considerations
- ◆ **Social:**



There are no known significant considerations

**Consultation:**

Moore Stephens

**Recommendation:**

That Council adopt the financial statements for the period ending 31 December 2017 as attached.

**Voting Requirements:**

Simple majority.

<b>Council Decision:</b>			
<b>Moved: Councillor</b>		<b>Seconded:</b>	
<b>Carried/Lost</b>		<b>For:</b>	<b>Against:</b>

**16.2 Financial Activity Statements January 2018**

<b>File:</b>	
<b>Author:</b>	Ina Edwardson – Deputy Chief Executive Officer
<b>Interest Declared:</b>	No interest to disclose
<b>Date:</b>	16 February 2018
<b>Attachments:</b>	Financial Activity Statements to 31 January 2018 Statement of Financial Position Operating Statement by Program Operating Statement by Nature & Type Accounts Activity General Ledger Trial Balance

**Matter for Consideration:**

Council to consider adopting the Monthly Financial Statements for January 2018.

**Background:**

The Local Government (Financial Management) Regulations 1996. Regulation 34 requires that local government report on a monthly basis and prescribes what is required to be reported.

**Comment:**

The Current Position at 31 January 2018 is a surplus of \$4,003,111

**Variations – YTD Budget to YTD**

**Actual**

Budgeted Closing Funding		<b>4,938,767</b>
Surplus(Deficit)		
Plus Variance to Opening Surplus	119,270	
Less Operating Revenues down	(4,404)	
Plus Operating Expenditure down	111,414	
Plus Operating Activities Excluded	57,262	
Plus Investing Activities down	686,034	
Plus New Debentures up	0	
Less Transfer from reserves down	(2,306,871)	
Plus Transfer to reserves down	401,640	
Total Variations		<b>(935,655)</b>

Actuals Closing surplus (Deficit)

**4,003,111**

Review of the YTD Budgets to Actuals was completed at 31 January 2018. The Over Recovery of Labour, Overheads and Plant has been reviewed at 31 January 2018 and will continue to be monitored.

The following Term Deposits are currently held as at 31 January 2018:

Beringarra Cue Road Reserve Term Deposit	\$3,782,480	@ 1.85% Maturity 18/02/2018
Crosslands MCF Term Deposit	\$ 373,982	@ 2.18% Maturity 25/02/2018

**Statutory Environment:**

Local Government Act 1995

Section 6.4–Specifies that a local government is to prepare “such other financial reports” as is prescribed.

Local Government (Financial Management) Regulations 1996

Regulation 34 states:

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

- (a) Annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1) (b) or (c);
- (b) Budget estimates to the end of month to which the statement relates;
- (c) Actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;
- (d) Material variances between the comparable amounts referred to in paragraphs (b) and
- (e) The net current assets at the end of the month to which the statement relates.

**Strategic Implications:**

Nil.

**Policy Implications:**

Nil.

**Budget/Financial Implications:**

Reports showing year to date financial performance allow monitoring of actual expenditure, revenue and overall results against budget targets.

**Sustainability Implications:**

- ◆ **Environmental:**  
There are no known significant environmental considerations
- ◆ **Economic:**  
There are no known significant economic considerations
- ◆ **Social:**  
There are no known significant considerations

**Consultation:**

Moore Stephens

**Recommendation:**

That Council adopt the financial statements for the period ending 31 January 2018 as attached.

**Voting Requirements:**

Simple majority.

<b>Council Decision:</b>		
<b>Moved: Councillor</b>	<b>Seconded:</b>	
<b>Carried/Lost</b>	<b>For:</b>	<b>Against:</b>

**16.3 Accounts Paid since the last list was adopted/endorsed by Council**

<b>File:</b>	4.37.1
<b>Author:</b>	Ina Edwardson – Deputy Chief Executive Officer
<b>Interest Declared:</b>	No interest to disclose
<b>Date:</b>	16 February 2018
<b>Attachments:</b>	EFT & Cheque Details for December 2017 to January 2018

**Matter for Consideration:**

Endorsement of accounts paid during the months of December to January 2018.

**Background:**

If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, then the CEO is to prepare a list of accounts paid by the CEO during the month to present to Council.

**Comment:**

Payments made during the months of December to January 2018 are attached.

**Statutory Environment:**

Local Government (Financial Management) Regulations 1996

Regulation 13 states:

- (1) If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared —
  - (a) the payee’s name; and
  - (b) the amount of the payment; and
  - (c) the date of the payment; and
  - (d) sufficient information to identify the transaction.
- (2) A list of accounts for approval to be paid is to be prepared each month showing —
  - (a) for each account which requires council authorisation in that month —
    - (i) the payee’s name; and
    - (ii) the amount of the payment; and
    - (iii) sufficient information to identify the transaction; and
  - (b) the date of the meeting of the council to which the list is to be presented
- (3) A list prepared under sub regulation (1) or (2) is to be —
  - (a) presented to the council at the next ordinary meeting of the council after the list is prepared; and
  - (b) recorded in the minutes of that meeting.

**Strategic Implications:**

None

**Policy Implications:**

None

**Budget/Financial Implications:**

Payment from the Municipal, Trust and Reserve Bank Accounts.

**Sustainability Implications:**

- ♦ **Environmental:**  
There are no known significant environmental considerations
- ♦ **Economic:**

- There are no known significant economic considerations
- ✦ **Social:**  
There are no known significant considerations

**Consultation:**

Moore Stephens

**Recommendation:**

That the accounts as per the attached Schedule presented to this meeting totalling 4,035,519.21 which includes \$511,085.44 of intra account transfers for the months of December 2017 to January 2018, be endorsed by Council.

**Voting Requirements:**

Simple majority

<b>Council Decision:</b>	
<b>Moved: Councillor</b>	<b>Seconded: Councillor</b>
<b>Carried/Lost</b>	<b>For:</b>
	<b>Against:</b>

**16.4      New Loan – Finance of Flood Damage Works**

File:	4.37.1
Author:	Peter Dittrich – Chief Executive Officer
Interest Declared:	No interest to disclose
Date:	19 February 2018
Attachments:	Nil

**Matter for Consideration:**

Council to consider the advertising of the intention to establish of a line of credit to finance the cash flows in relation to funding the cash flows required to undertake the repairs to the roads following the damage caused by ex Tropical Cyclone Joyce.

**Background:**

Following ex Tropical Cyclone Joyce the damage to the Shire’s roads was assessed by Greenfields Technical Services. The draft estimate of the damage as at 16<sup>th</sup> February was \$15,429,744.

**Comment:**

If the repairs in relation to WANDRRA AGRN 781 are to commence in the 2017/18 financial year the Shire will need to fund the cash flows required to satisfy contract payments whilst awaiting reimbursement from the WANDRRA fund. It is estimated that a facility of \$8,000,000 is required for a period of 2 years.

Council is required to advertise its intention to borrow funds and after considering any submissions may resolve to apply for the loan.

**Statutory Environment:**

Local Government Act 1995

6.20. Power to borrow

- (1) Subject to this Act, a local government may —
- (a) borrow or re-borrow money; or
  - (b) obtain credit; or
  - (c) arrange for financial accommodation to be extended to the local government in ways additional to or other than borrowing money or obtaining credit,
- to enable the local government to perform the functions and exercise the powers conferred on it under this Act or any other written law.

(2) Where, in any financial year, a local government proposes to exercise a power under subsection (1) (power to borrow) and details of that proposal have not been included in the annual budget for that financial year —

- (a) unless the proposal is of a prescribed kind, the local government must give one month’s local public notice of the proposal; and
- (b) the resolution to exercise that power is to be by absolute majority.

**Strategic Implications:**

None

**Policy Implications:**

None

**Budget/Financial Implications:**

A line of credit to fund the cash flows required by WANDRRA AGRN 781.

**Sustainability Implications:**

- ♦ **Environmental:**  
There are no known significant environmental considerations
- ♦ **Economic:**  
There are no known significant economic considerations
- ♦ **Social:**  
There are no known significant considerations

**Consultation:**

Moore Stephens

**Recommendation:**

That Council advertise its intention to establish a line of credit of \$8,000,000 for a period of 2 years to fund the cash flows required to undertake the repairs identified under WANDRRA AGRN 781.

**Voting Requirements:**

Simple majority

<b>Council Decision:</b>		
<b>Moved: Councillor</b>		<b>Seconded: Councillor</b>
<b>Carried/Lost</b>	<b>For:</b>	<b>Against:</b>

**16.5 Budget Variation – Opening Up of Roads**

File:	4.37.1
Author:	Peter Dittrich - Chief Executive Officer
Interest Declared:	No interest to disclose
Date:	17 February 2018
Attachments:	Nil

**Matter for Consideration:**

Council to consider 1) a budget variation allowing the transfer of \$150,000 from the Flood Damage Repairs Reserve to be applied to the opening up costs of WANDRRA AGRN781 and 2) note the authorisation by President R Foulkes-Taylor of emergency expenditure for the purposes of opening the roads following the damage caused by Ex Tropical Cyclone Joyce..

**Background:**

In January 2018, following ex Tropical Cyclone Joyce, the Shire experienced significant road damage. The event was proclaimed as a disaster.

**Comment:**

The Shire of Murchison is required to contribute approximately \$150,000 to the work on restoring the damaged roads.

The CEO discussed the situation with the President and due to the critical nature of the assets authorised the expenditure to enable the roads to be opened up and for the roads to be assessed for the purposes of WANDRRA funding. The expenditure to date on opening up and assessment is \$71,896.00

**Statutory Environment:**

6.8. Expenditure from municipal fund not included in annual budget

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

(a) is incurred in a financial year before the adoption of the annual budget by the local government; or

(b) is authorised in advance by resolution\*; or

(c) is authorised in advance by the mayor or president in an emergency.

\* Absolute majority required.

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

(a) pursuant to subsection (1)(a), it is to be included in the annual budget for that financial year; and

(b) pursuant to subsection (1)(c), it is to be reported to the next ordinary meeting of the council.

**Strategic Implications:**

None

**Policy Implications:**

None

**Budget/Financial Implications:**

Payment from the Flood Damage Repair Reserve to the Municipal Bank Account.

**Sustainability Implications:**

♦ **Environmental:**

There are no known significant environmental considerations

♦ **Economic:**

There are no known significant economic considerations

♦ **Social:**

There are no known significant considerations

**Consultation:**

President R Foulkes-Taylor  
Sarah Page – Main Roads WA

**Recommendation:**

That Council:

- 1) Note the authorisation by President R Foulkes-Taylor of emergency expenditure for the purposes of opening the roads following the damage caused by Ex Tropical Cyclone Joyce.
- 2) Authorise the transfer of \$150,000 from the Flood Damage Repair Reserve to the Municipal Account to be applied to the opening up costs of WANDRRA AGRN 781.\*

**Voting Requirements:**

Simple majority

\* Absolute majority required

<b>Council Decision:</b>		
<b>Moved: Councillor</b>	<b>Seconded: Councillor</b>	
<b>Carried/Lost</b>	<b>For:</b>	<b>Against:</b>

## **17. DEVELOPMENT**

### **17.1 Call for Tenders for Flood Damage Works AGRN 781 Flooding Jan 2018**

File:	4.53
Author:	Peter Dittrich – Chief Executive Officer
Interest Declared:	No interest to disclose
Date:	9 February 2018
Attachments:	Draft Assessment by Greenfields Technical Services

#### **Matter for Consideration:**

Council to consider:

1. calling Public Tenders for Flood Damage Works AGRN 781 Flooding in WA January 2018; and
2. establishing a Tender Evaluation Panel to assess the above-referenced Tender; and
3. establishing the Assessment Criteria for the above-referenced Tender.

#### **Background:**

In January 2018, widespread flooding impacted on vast areas of WA, Following ex Tropical Cyclone Joyce. The event was proclaimed an eligible disaster under the WA Natural Disaster Relief and Recovery Arrangements (WANDRRA) and so funding was made available to provide immediate emergency assistance and to repair or replace essential public assets. WANDRRA is jointly funded by the State and Commonwealth Governments and administered by the Office of Emergency Management and Main Roads WA.

In January 2018, the Shire of Murchison posted a request for quotes for a consultant to undertake the flood damage audit and to lodge an estimate of the repair/replacement costs with Main Roads. The work was awarded to Greenfields Technical Services and the draft report estimates the damage to be \$15,429,743.64, after a full on-site inspection had been undertaken by Greenfield and the Shire's Acting Works Supervisor.

The Local government Act 1995 and the Local Government (Functions and General) Regulations 1996 state that Tenders are to be publicly invited if the consideration under a contract is expected to be more than \$150,000 and prior to publicly inviting tenders, the local government must establish in writing the criteria for determining which tender should be accepted.

Further, prior to calling for public tenders, the Shire of Murchison Purchasing Policy requires that Council establish an Evaluation Panel.

#### **Comment:**

It is suggest that the Shire follow the same process as used in prior years for this current round of Flood Damage. There will be at least three parcels of work, possibly more.

As the works are wide-spread, the Superintendent may see the need to contract three Supervisors to keep the works moving along efficiently and to ensure a regular flow of records back to the Superintendent's office for processing. This efficient flow of paperwork is vitally important to ensure that the Shire can maintain a healthy cash flow throughout the works.

#### **Statutory Environment:**

##### Local Government Act 1995

3.57. Tenders for providing goods or services

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

- (2) Regulations may make provision about tenders.

##### Local Government (Functions and General) Regulations 1996

Division 2 – Tenders for Providing Goods and Services (s.3.57)

11. When tenders have to be publicly invited

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

- (2) Tenders do not have to be publicly invited according to the requirements of this Division if —
- (a) the supply of the goods or services is to be obtained from expenditure authorised in an emergency under section 6.8(1)(c) of the Act; or
  - (b) the supply of the goods or services is to be obtained through the WALGA Preferred Supplier Program; or
  - [(ba) deleted]
  - (c) within the last 6 months —
    - (i) the local government has, according to the requirements of this Division, publicly invited tenders for the supply of the goods or services but no tender was submitted that met the tender specifications or satisfied the value for money assessment; or
    - (ii) the local government has, under regulation 21(1), sought expressions of interest with respect to the supply of the goods or services but no person was, as a result, listed as an acceptable tenderer; or
  - (d) the contract is to be entered into by auction after being expressly authorised by a resolution of the council of the local government; or
  - (e) the goods or services are to be supplied by or obtained through the government of the State or the Commonwealth or any of its agencies, or by a local government or a regional local government; or
  - (ea) the goods or services are to be supplied —
    - (i) in respect of an area of land that has been incorporated in a district as a result of an order made under section 2.1 of the Act changing the boundaries of the district; and
    - (ii) by a person who, on the commencement of the order referred to in subparagraph (i), has a contract to supply the same kind of goods or services to the local government of the district referred to in that subparagraph;

or
  - (f) the local government has good reason to believe that, because of the unique nature of the goods or services required or for any other reason, it is unlikely that there is more than one potential supplier; or
  - (g) the goods to be supplied under the contract are —
    - (i) petrol or oil; or
    - (ii) any other liquid, or any gas, used for internal combustion engines;

or
  - (h) the following apply —
    - (i) the goods or services are to be supplied by a person registered on the Aboriginal Business Directory WA published by the Small Business Development Corporation established under the Small Business Development Corporation Act 1983; and
    - (ii) the consideration under the contract is \$250 000 or less, or worth \$250 000 or less; and
    - (iii) the local government is satisfied that the contract represents value for money;

or
  - (i) the goods or services are to be supplied by an Australian Disability Enterprise; or
  - (j) the contract is a renewal or extension of the term of a contract (the original contract) where —
    - (i) the original contract was entered into after the local government, according to the requirements of this Division, publicly invited tenders for the supply of goods or services; and
    - (ii) the invitation for tenders contained provision for the renewal or extension of a contract entered into with a successful tenderer; and
    - (iii) the original contract contains an option to renew or extend its term; and



- (iv) the supplier's tender included a requirement for such an option and specified the consideration payable, or the method by which the consideration is to be calculated, if the option were exercised; or
- (k) the goods or services are to be supplied by a pre-qualified supplier under Division 3.

12. *Anti-avoidance provision for r. 11(1)*

- (1) *This regulation applies if a local government intends to enter into 2 or more contracts (the contracts) in circumstances such that the desire to avoid the requirements of regulation 11(1) is a significant reason for not dealing with the matter in a single contract.*
- (2) *If this regulation applies, tenders are to be publicly invited according to the requirements of this Division before the local government enters into any of the contracts regardless of the consideration.*

*[Regulation 12 inserted in Gazette 18 Sep 2015 p. 3806.]*

13. *Requirements when local government invites tenders though not required to do so*

*If a local government, although not required by this Division to invite tenders before entering into a contract for another person to supply goods or services, decides to invite tenders, the tenders are to be publicly invited according to the requirements of this Division.*

*[Regulation 13 amended in Gazette 2 Feb 2007 p. 245-6.]*

14. *Publicly inviting tenders, requirements for*

- (1) *When regulation 11(1), 12(2) or 13 requires tenders to be publicly invited, State-wide public notice of the invitation is to be given.*
- (2) *If the CEO has, under regulation 23(4), prepared a list of acceptable tenderers, instead of giving State-wide public notice the CEO is required to give notice of the invitation to each acceptable tenderer listed.*

(2a) *If a local government —*

- (a) *is required to invite a tender; or*
- (b) *not being required to invite a tender, decides to invite a tender,*

*the local government must, before tenders are publicly invited, determine in writing the criteria for deciding which tender should be accepted.*

**Strategic Implications:**

Objective 4 of the Strategic Community Plans calls for the provision of good governance to the Murchison Shire through....high levels of accountability.....compliance with statutory requirements.

**Policy Implications:**

The Shire of Murchison Purchasing Policy and Buy Local – Regional Price Preference Policy refer.

**Financial Implications:**

Flood damage expenditure an estimated \$15,429,743.64 will need to be authorised by Council prior to the works commencing.

**Consultation:**

Main Roads Geraldton  
A/Works Supervisor  
Greenfields Technical services

**Recommendation (4 points):**

1. That the CEO advertise for a Project Superintendent for Road Flood Damage Repairs (WANDRRA AGRN 781)

2. That Council invites Public Tenders for the:
  - a) Supply of Site Supervision Services for Road Flood Damage Repairs (WANDRRA AGRN 781); and
  - b) Supply of Plant & Operators for Road Flood Damage Repairs (WANDRRA AGRN 781)
3. That Council establish a Tender Evaluation Panels (minimum 3 members) to assess the above-referenced tenders:
  - a) The Tender Evaluation Panel for the evaluation of the Tender for the Supply of Site Supervision Services for Road Flood Damage Repairs (WANDRRA AGRN 781) is made up of (TBA); and
  - b) The Tender Evaluation Panel for the evaluation of the Tender for the Supply of Plant & Operators for Road Flood Damage Repairs (WANDRRA AGRN 781) is made up of (TBA)
4. That Council includes the following assessment criteria and weightings in the Tender for the Supply of Site Supervision Services for Road Flood Damage Repairs (WANDRRA AGRN 781):

**COMPLIANCE CRITERIA**

Tenders will be assessed for compliance with the requirements of the conditions of Tender and any Contract Requirements, including responses shown in the Tender Schedules. Compliant tenders will proceed for further assessments as follows:

**Comparative Price Assessment**

The comparative price for each tender will be calculated by applying applicable regional price preference imposts.

**Qualitative Assessments**

The tender is called under the local government (Functions & General) Regulations 1996. The prime consideration in the evaluation of received tenders is to establish the tender that clearly demonstrates an understanding of the tasks required under the tender and in the Shire’s opinion represents the best value for money.

The Qualitative Assessment component of the assessment process is designed to take into account those aspects of the Tender that do not readily translate into absolute dollar values, but do however have socio-economic benefits in accordance with the table below.

The criteria on which tenders will be assessed, the maximum weighted score for each criteria and the scoring methodology is as follows:

<p><b>A. Demonstrated Roadworks Experience</b></p> <p>Tenderers must address the following information in an attachment and label it “<b>Demonstrated Roadworks Experience</b>”:</p> <ul style="list-style-type: none"> <li>- With reference to capacity of organisation as well as nominated Supervisors.</li> <li>- Particular rural and remote roadworks experience including previous examples. Complete the pro-forma at Schedule 2 and include with the “Demonstrated Roadworks Experience” attachment.</li> <li>- Demonstrated understanding of unsealed road construction and maintenance techniques and industry standards.</li> <li>- Demonstrated understanding of resourcing and productivity for delivery of cost effective works within budget.</li> <li>- Demonstrated capacity to peg to levels.</li> </ul>	<p><b>Weighting</b></p> <p><b>&lt; 30% &gt;</b></p> <p><b>Tick if attached</b></p> <p><input type="checkbox"/></p> <hr/> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p>
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<ul style="list-style-type: none"> <li>- Provide CV's or as a minimum, employment history (including reference to projects worked on and roles undertaken), years of experience and qualifications or relevant memberships for nominated Supervisors. Complete the pro-forma at Schedule 3 and include with the "Demonstrated Roadworks Experience" attachment.</li>   <li>- Provide referees who can substantiate previous experience and demonstrated capability of both organisation and nominated Supervisors. Complete the pro-formas at Schedule 4 and include with the "Demonstrated Roadworks Experience" attachment.</li> </ul>	<p style="text-align: center;"><input type="checkbox"/></p> <p style="text-align: center;"><input type="checkbox"/></p>
<p><b>B. Supervision and Liaison Experience</b></p> <p>Tenderers must address the following information in an attachment and label it "<b>Supervision and Liaison Experience</b>":</p> <ul style="list-style-type: none"> <li>- With civil works and roadworks in particular. <i>Complete as part of Pro-forma at Schedule 3.</i></li>   <li>- Scheduling and set out of scope of works and specifying works processes in liaison with contractors. <i>Complete as part of Pro-forma at Schedule 3.</i></li>   <li>- Capacity to or previous record of working positively and constructively with machine operators. <i>Complete as part of Pro-forma at Schedule 3.</i></li> </ul>	<p><b>Weighting</b></p> <p style="text-align: center; color: red;"><b>&lt; 25% &gt;</b></p> <p><b>Tick if attached</b></p> <p style="text-align: center;"><input type="checkbox"/></p> <p style="text-align: center;"><input type="checkbox"/></p> <p style="text-align: center;"><input type="checkbox"/></p>
<p><b>C. Experience with Road Construction Materials</b></p> <p>Tenderers must address the following information in an attachment and label it "<b>Experience with Road Construction Materials</b>":</p> <ul style="list-style-type: none"> <li>- Sourcing and pushing up granular pavement material / gravel. <i>Complete as part of Pro-forma at Schedule 3.</i></li>   <li>- Knowledge of water bores and water quality in relation to roadworks. <i>Complete as part of Pro-forma at Schedule 3.</i></li> </ul>	<p><b>Weighting</b></p> <p style="text-align: center; color: red;"><b>&lt; 10% &gt;</b></p> <p><b>Tick if attached</b></p> <p style="text-align: center;"><input type="checkbox"/></p> <p style="text-align: center;"><input type="checkbox"/></p>
<p><b>D. Reporting and Contract Management Experience</b></p> <p>Tenderers must address the following information in an attachment and label it "<b>Reporting and Contract Management Experience</b>":</p> <ul style="list-style-type: none"> <li>- Demonstrated capacity to collect, record, prepare and maintain works records including daily contractor works progress, plant utilisation, photographic evidence and measurement of completed works.</li>   <li>- Experience documenting and scheduling of works and works processes.</li>   <li>- Previous experience as a works inspector or Superintendents representative and liaison with Superintendent.</li> </ul>	<p><b>Weighting</b></p> <p style="text-align: center; color: red;"><b>&lt;25% &gt;</b></p> <p><b>Tick if attached</b></p> <p style="text-align: center;"><input type="checkbox"/></p> <p style="text-align: center;"><input type="checkbox"/></p> <p style="text-align: center;"><input type="checkbox"/></p>
<p><b>E. Stand-alone capacity and ability to provide more than one Supervisor</b></p> <p>Tenderers must address the following information in an attachment and label it "<b>Stand-alone capacity and ability to provide more than one Supervisor</b>":</p>	<p><b>Weighting</b></p> <p style="text-align: center; color: red;"><b>&lt; 10% &gt;</b></p> <p><b>Tick if attached</b></p>

-	<input type="checkbox"/>
- Ability to provide a minimum of two Supervisors with backup resources to be nominated.	<input type="checkbox"/>
- Ability to provide a Supervisory service on a stand-alone basis with capacity to include a demonstrated understanding of safety provisions when working alone in remote areas including reference to fully equipped 4WD personal transport, transportable accommodation, fuel, meals and supplies provisions. <i>Complete the pro-forma at Schedule 5 and include with the “Stand-alone capacity and ability to provide more than one Supervisor” attachment.</i>	<input type="checkbox"/>
- Demonstrated capacity of organisation to resource the work i.e. current workload vs forecast workload including this contract. <i>Complete the pro-forma at Schedule 6 and include with the “Stand-alone capacity and ability to provide more than one Supervisor” attachment</i>	<input type="checkbox"/>
- Demonstrated capacity to provide remote coms (phone, internet) to facilitate transfer of claims related records to Superintendent. <i>Complete as part of Pro-forma at Schedule 5.</i>	<input type="checkbox"/>

**Value for Money Assessment**

The Principal reserves the right to take into consideration any feature of a tender that provides a benefit to the Shire of Murchison and the community. Any additional features will be evaluated in accordance with the value-for-money assessment process outlined below:

In formulating the recommendation for any acceptance of any Tender, value for money will be assessed by:

- a) Identifying the lowest Comparative Price Tender (this tender then becomes the Benchmark for the value-for money assessment);
- b) If the next highest priced Comparative Price Tender has a higher Qualitative Assessment Score than the benchmark, identifying the additional benefits (if any) offered and assessing if the additional benefit is worth the additional price;
- c) Repeating Step b) with the remaining tenders;
- d) Determining which of the remaining Tenders, if any, offers the best value-for-money.

***Where a higher priced conforming offer is recommended, there should be clear and demonstrable benefits over and above the lowest total priced, conforming offer.***

- 5. That Council includes the following assessment criteria and weightings in the Tender for the Supply of Plant & Operators for Road Flood Damage Repairs (WANDRRA AGRN 781):

**COMPLIANCE CRITERIA**

Tenders will be assessed for compliance with the requirements of the conditions of Tender and any Contract Requirements, including responses shown in the Tender Schedules. Compliant tenders will proceed for further assessments as follows:

**Comparative Price Assessment**

The comparative price for each tender will be calculated by applying applicable regional price preference imposts.

**Qualitative Assessments**

The tender is called under the local government (Functions & General) Regulations 1996. The prime consideration in the evaluation of received tenders is to establish the tender that clearly demonstrates an understanding of the tasks required under the tender and in the Shire’s opinion represents the best value for money.

The Qualitative Assessment component of the assessment process is designed to take into account those aspects of the Tender that do not readily translate into absolute dollar values, but do however have socio-economic benefits in accordance with the table below.

The criteria on which tenders will be assessed, the maximum weighted score for each criteria and the scoring methodology is as follows:

<p><b>A. Organisational Experience and Capacity</b></p> <p>Tenderers must address the following information in an attachment and label it <b>“Organisational Experience and Capacity”</b>:</p> <ul style="list-style-type: none"> <li>- Details of similar work previously undertaken including reference to dates, value of works and time taken to complete and evidence of having achieved outcomes.</li> <li>- Reference sheet or list of relevant previously completed projects.</li> <li>- Provide referees who can substantiate previous experience and demonstrated capability of the organisation.</li> <li>- Demonstrated capacity of organisation to resource the work i.e. current workload vs forecast workload including this contract.</li> <li>- A project schedule / timeline identifying resources and timeframes to be allocated to each road nominated within the Damage Repair Listing (refer Attachment C)</li> </ul>	<p><b>Weighting</b></p> <p><b>&lt; 30% &gt;</b></p> <p><b>Tick if attached</b></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p>
<p><b>B. Road Construction Experience in Rural and Remote Areas</b></p> <p>Tenderers must address the following information in an attachment and label it <b>“Road Construction Experience in Rural and Remote Areas”</b>:</p> <ul style="list-style-type: none"> <li>- Nominate specific examples in previous projects reference sheet.</li> <li>- Include reference to previous experience operating mobile camps.</li> <li>- Provide details of Organisations Occupational, Health and Safety record and systems with particular relevance to works in rural and remote areas</li> </ul>	<p><b>Weighting</b></p> <p><b>&lt; 25% &gt;</b></p> <p><b>Tick if attached</b></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p>
<p><b>C. Key Personnel Experience and Overall Capacity</b></p> <p>Tenderers must address the following information in an attachment and label it <b>“Key Personnel Experience and Overall Capacity”</b>:</p> <ul style="list-style-type: none"> <li>- Provide details of past experience of key staff including Supervisory, Administrative and operators of key items of plant (e.g. grader, dozer, field mechanic).</li> <li>- Provide CV’s or as a minimum, employment history (including reference to projects worked on and roles undertaken), years of experience and qualifications or relevant memberships for key personnel.</li> <li>- Provide referees who can substantiate previous experience and demonstrated</li> </ul>	<p><b>Weighting</b></p> <p><b>&lt; 25% &gt;</b></p> <p><b>Tick if attached</b></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p>

<p>capability of key personnel.</p> <ul style="list-style-type: none"> <li>- Provide specific reference to and past experience of nominated administrative staff who will be responsible for maintaining daily plant, labour and works progress records in close liaison with the Superintendents Site Supervisor as well as reconciling those records against Summary sheets and Contractors Invoicing.</li> <li>- Include reference to the organisations capacity to provide back-up resources for key personnel should the need arise.</li> </ul>	<p style="text-align: center;"><input type="checkbox"/></p> <p style="text-align: center;"><input type="checkbox"/></p>
<p><b>D. Extent and Condition of Road Construction Plant &amp; Mechanical Support</b></p> <p>Tenderers must address the following information in an attachment and label it “<b>Extent and Condition of Road Construction Plant &amp; Mechanical Support</b>”:</p> <ul style="list-style-type: none"> <li>- Identify total numbers of each type of plant available for this project for assessment against the nominated list and numbers within the Tender schedule.</li> <li>- Nominate age or hours of each item of plant or some indication of condition or reliability.</li> <li>- Specifically detail the items of mechanical support and refueling equipment available for this project.</li> <li>- Identify any particular items of plant or attachments which are considered to have special or advantageous application to the works and locations identified within this tender.</li> </ul>	<p style="text-align: center;"><b>Weighting</b></p> <p style="text-align: center;"><b>&lt; 20% &gt;</b></p> <p style="text-align: center;"><b>Tick if attached</b></p> <p style="text-align: center;"><input type="checkbox"/></p> <p style="text-align: center;"><input type="checkbox"/></p> <p style="text-align: center;"><input type="checkbox"/></p> <p style="text-align: center;"><input type="checkbox"/></p> <p style="text-align: center;"><input type="checkbox"/></p>

**Value for Money Assessment**

The Principal reserves the right to take into consideration any feature of a tender that provides a benefit to the Shire of Murchison and the community. Any additional features will be evaluated in accordance with the value-for-money assessment process outlined below:

In formulating the recommendation for any acceptance of any Tender, value for money will be assessed by:

- e) Identifying the lowest Comparative Price Tender (this tender then becomes the Benchmark for the value-for money assessment);
- f) If the next highest priced Comparative Price Tender has a higher Qualitative Assessment Score than the benchmark, identifying the additional benefits (if any) offered and assessing if the additional benefit is worth the additional price;
- g) Repeating Step b) with the remaining tenders;
- h) Determining which of the remaining Tenders, if any, offers the best value-for-money.

***Where a higher priced conforming offer is recommended, there should be clear and demonstrable benefits over and above the lowest total priced, conforming offer.***

**Voting Requirements:**

Simple majority

<p><b>Council Decision:</b>  <b>Moved: Councillor</b></p>		<p style="text-align: right;"><b>Seconded: Councillor</b></p>	
<p><b>Carried/Lost</b></p>	<p><b>For:</b></p>		<p><b>Against:</b></p>

**17.2 Banners in the Terrace**

File:	11.18
Author:	Peter Dittrich – Chief Executive Officer
Interest Declared:	No interest to disclose
Date:	19 February 2018
Attachments:	Nil

**Matter for Consideration:**

Council to consider participation in and a design for WALGA's 2018 Banners in the Terrace competition.

**Background:**

The CEO received an email from WALGA on the 1<sup>st</sup> February, calling for the Shire's participation in the Banners in the Terrace competition.

An email was sent to the Pia Wadjari Remote Community School, who have responded that they would be really interested in participating.

**Comment:**

Entry forms need to be in by 22<sup>nd</sup> March and the banner design emailed to the City of Perth by 27<sup>th</sup> April, with the banner completed and delivered to WALGA by 20<sup>th</sup> June.

The banners are displayed in the Terrace during the WA Local Government Convention, between Sunday 22 July and Saturday 4 August, with the winner being announced at the Convention on the 2 August.

Council would need to provide necessary paints and brushes and purchase a banner. We have the transportation case, which can be re-used.

All up costs should be \$500 - \$750 for the total project. There is sufficient funding available in the Expenses Relating to Tourism & Area Promotion account.

**Statutory Environment:**

Nil

**Strategic Implications:**

Nil

**Sustainability Implications**

- ◆ **Environmental**  
There are no known significant environmental implications
- ◆ **Economic**  
There are no known significant economic implications
- ◆ **Social**  
The quality of community life is enhanced when the Shire provides support for community projects.

**Policy Implications:**

Nil

**Financial Implications:**

There are sufficient funds available within the 2017/18 budget.

**Consultation:**

Kevin McKenna Pia Wadjari RCS

**Recommendation:**

That Council financially and logistically supports Pia Wadjari Remote Community School's participation in the WALGA Banners in the Terrace competition and authorises the CEO to liaise with the Principal in regard to the design, based on feedback from the council meeting.

**Voting Requirements:**

Simple Majority

<b>Council Decision:</b>		
<b>Moved: Councillor</b>		<b>Seconded: Councillor</b>
<b>Carried/Lost</b>	<b>For:</b>	<b>Against:</b>

**18. ADMINISTRATION**

**18.1 Sponsorship of the ICPA State Conference**

File:	1.2
Author:	Peter Dittrich - CEO
Interest Declared:	No interest to disclose
Date:	19 February 2018
Attachments:	Letter of Request

**Matter for Consideration:**

Council to consider the sponsorship of the ICPA State Conference in the amount of \$500.

**Background:**

The ICPA plays a vital role in the support of regional, rural and remote students and families. Council has in previous years sponsored the ICPA State Conference.

**Comment:**

Funds are available in the Governance Donations account to enable Council to sponsorship of the ICPA State Conference in the amount of \$500. .

**Statutory Environment:**

Nil

**Sustainability Implications**

- ♦ **Environmental**  
There are no known significant environmental implications associated with this decision
- ♦ **Economic**  
There are no known significant economic implications associated with this decision
- ♦ **Social**  
There are no known significant social considerations associated with this decision

**Strategic Implications:**

Nil.

**Policy Implications:**

Nil

**Financial Implications:**

Nil

**Consultation:**

Nil

**Recommendation:**

That Council sponsor the ICPA State Conference in the amount of \$500

**Voting Requirements:**

Simple Majority

<b>Council Decision:</b>
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<b>Moved: Councillor</b>	<b>Seconded: Councillor</b>
<b>Carried/Lost</b>	<b>For: Against:</b>

**18.2 Review of Standing Orders Local Law 2001**

File:	4.28
Author:	Peter Dittrich - Chief Executive Officer
Interest Declared:	No interest to disclose
Date:	19 <sup>th</sup> February 2018
Attachments:	Proposed new Local Law Submission from Department of Local Government and Communities

**Matter for Consideration:**

Council to continue the process of the review of the Shire of Murchison’s local law in accordance with S3.16 of the Local Government Act 1995 ( the Act).

**Background:**

The Shire of Murchison is required to undertake a review of its local law every eight years. The Shire currently has a single local law - Standing Orders Local Law 2001 which was gazetted on 22<sup>nd</sup> August 2002. Following the May 2017 Council Meeting the Shire advertised its intention to amend the Local Law. At the close of the advertising period no submission had been received. The Proposed new local law was advertised and at the close of the advertising period only one submission had been received.

**Comment:**

The CEO in accordance with the requirements of section 3.16 of the Local Government Act 1995 reports to Council that no submissions were received in relation to the review and amendment of the Shire of Murchison – Standing Orders Local Law 2001.

The intended purpose and effect of this local law is as follows:

**Purpose:** - Is to provide the rules for the conduct of meetings of the Council, Committees and electors.

**Effect:** - To result in:

- a) the orderly and effective conduct of meetings;
- b) greater community understanding of the meeting process;
- c) better decision making by the Shire; and
- d) better outcomes from decisions made.

The Western Australian Local Government Association has developed a model Local Law. The law, including suggested amendments, is attached for council’s consideration - **Local Government (Council Meetings) Local Law 2018**

**Statutory Environment:**

Local Government Act 1995 S 3.12. Procedure for making local laws

3.12. *Procedure for making local laws*

*(1) In making a local law a local government is to follow the procedure described in this section, in the sequence in which it is described.*

*(2A) Despite subsection (1), a failure to follow the procedure described in this section does not invalidate a local law if there has been substantial compliance with the procedure.*

*(2) At a council meeting the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner.*

*(3) The local government is to —*

*(a) give Statewide public notice stating that —*

*(i) the local government proposes to make a local law the purpose and effect of which is summarized in the notice; and*

*(ii) a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and*

*(iii) submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given;*

*and*

(b) as soon as the notice is given, give a copy of the proposed local law and a copy of the notice to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister; and

(c) provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.

(3a) A notice under subsection (3) is also to be published and exhibited as if it were a local public notice.

(4) After the last day for submissions, the local government is to consider any submissions made and may make the local law\* as proposed or make a local law\* that is not significantly different from what was proposed.

\* Absolute majority required.

(5) After making the local law, the local government is to publish it in the Gazette and give a copy of it to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister.

(6) After the local law has been published in the Gazette the local government is to give local public notice —

(a) stating the title of the local law; and

(b) summarizing the purpose and effect of the local law (specifying the day on which it comes into operation); and

(c) advising that copies of the local law may be inspected or obtained from the local government's office.

(7) The Minister may give directions to local governments requiring them to provide to the Parliament copies of local laws they have made and any explanatory or other material relating to them.

(8) In this section — making in relation to a local law, includes making a local law to amend the text of, or repeal, a local law.

### 3.16. Periodic review of local laws

(1) Within a period of 8 years from the day when a local law commenced or a report of a review of the local law was accepted under this section, as the case requires, a local government is to carry out a review of the local law to determine whether or not it considers that it should be repealed or amended.

(2) The local government is to give Statewide public notice stating that —

(a) the local government proposes to review the local law; and

(b) a copy of the local law may be inspected or obtained at any place specified in the notice; and

(c) submissions about the local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given.

(2a) A notice under subsection (2) is also to be published and exhibited as if it were a local public notice.

(3) After the last day for submissions, the local government is to consider any submissions made and cause a report of the review to be prepared and submitted to its council.

(4) When its council has considered the report, the local government may determine\* whether or not it considers that the local law should be repealed or amended.

\* Absolute majority required.

### Sustainability Implications:

- ◆ **Environmental**

There are no known significant environmental implications associated with this decision

- ◆ **Economic**

There are no known significant economic implications associated with this decision

- ◆ **Social**

There are no known significant social considerations associated with this decision

### Strategic Implications:

Nil

**Policy Implications:**

Nil

**Financial Implications:**

Nil

**Consultation:**

Nil

**Recommendation:**

That Council:

1. Repeals local law *Standing Orders Local Law 2001* as published in the Government Gazette of 22 August 2002
2. Makes local law *Local Government (Council Meetings) Local Law 2018*

**Voting Requirements:**

Absolute Majority

<b>Council Decision:</b>		
<b>Moved:</b>	<b>Seconded: Councillor</b>	
<b>Carried:</b>	<b>For:</b>	<b>Against:</b>

**18.3 Consideration of Items from Annual Meeting of Electors 3<sup>rd</sup> February 2018**

File:	4.16
Author:	Peter Dittrich
Interest Declared:	No interest to disclose
Date:	19 February 2018
Attachments:	Minutes Annual Meeting of Electors

**Matter for Consideration:**

Items arising from the Annual Meeting of Electors which was held on the 3<sup>rd</sup> February 2018.

**Background:**

The Shire of Murchison Annual Meeting of Electors was held on Saturday the 3<sup>rd</sup> February 2018, commencing at 2:00 pm. According to Section 5.33 of the Local Government Act 1995:

(1) All decisions made at an electors’ meeting are to be considered at the next ordinary council meeting or, if that is not practicable —

- (a) at the first ordinary council meeting after that meeting; or
- (b) at a special meeting called for that purpose, whichever happens first.

(2) If at a meeting of the council a local government makes a decision in response to a decision made at an electors’ meeting, the reasons for the decision are to be recorded in the minutes of the council meeting.

The matters decided from the electors’ meeting are therefore being taken to this ordinary council meeting for consideration.

**Comment:**

The minutes of the electors’ meeting have previously been circulated to all members and are attached to this agenda.

The following decisions were made at the Annual Meeting of Electors:

No.	Item	Action
1	3.1. Minutes of Previous Meeting confirmed	No action required by Council
2.	4.1 Presidents Report Accepted	No action required by Council

3.	4.2 CEO's Report Accepted	No action required by Council
4.	4.3 Finance Report 2016-17 Accepted	No action required by Council
5.	4.4 Independent Auditors Report Accepted	No action required by Council
6.	5.3 General Business – Aircraft Operating Cost	No action Required by Council at this time.

The meeting resolved:

**Moved: William Herold** **Seconded: Quentin Fowler**

That an application be made to the Community Fund for \$10,000 for the purposes of establishing a fund for the support of private aircraft used during a bushfire. The support will be limited to operating cost recovery. Secondly that rate payers be requested to make a voluntary contribution of \$100 p.a. to the aircraft fund.

**Carried 10/0**

Council will need to consider the establishment of a trust bank account and its administration if the application to the Community Fund is successful. Council will also need to consider the distribution to rate payers requesting them to make a voluntary contribution of \$100 p.a. to the aircraft fund if the application is successful.

**Statutory Environment:**

5.33 . Decisions made at electors' meetings

(1) All decisions made at an electors' meeting are to be considered at the next ordinary council meeting or, if that is not practicable —

- (a) at the first ordinary council meeting after that meeting; or
- (b) at a special meeting called for that purpose, whichever happens first.

(2) If at a meeting of the council a local government makes a decision in response to a decision made at an electors' meeting, the reasons for the decision are to be recorded in the minutes of the council meeting.

**Strategic Implications:**

Nil

**Sustainability Implications**

- ◆ **Environmental**  
There are no known significant environmental implications
- ◆ **Economic**  
There are no known significant economic implications
- ◆ **Social**  
There are no known significant social considerations.

**Policy Implications:**

Nil

**Financial Implications:**

Nil

**Consultation:**

Nil

**Recommendation:**

That Council note the decisions made at the 3<sup>rd</sup> February 2018 Annual Meeting of Electors.

**Council Decision:**  
**Moved: Councillor** **Seconded: Councillor**  
**Carried/Lost** **For:** **Against:**

**18.4 Bush Fire Control Officers**

File:	5.1
Author:	Peter Dittrich – Chief Executive Officer
Interest Declared:	No interest to disclose
Date:	12 <sup>th</sup> February 2018
Attachments:	

**Matter for Consideration:**

Council to appoint such persons as it thinks necessary to be Bush Fire Control Officers for the Shire of Murchison under and for the purposes of the Bush Fires Act 1954 Section 38.

**Background:**

The Murchison Bush Fire Brigade met on 16 December 2017. At the meeting 7 positions were filled, namely:

- Chief Bush Fire Control Officer – Peter Dittrich
- Deputy Bush Fire Control Officer North – Quentin Fowler
- Deputy Bush Fire Control Officer South – Tom Foulkes-Taylor
- Brigade Captain – Stuart Broad
- Brigade Vice Captain – William Herold
- Brigade Secretary – Ina Edwardson
- Chair – Sandy McTaggart

Three people were elected as bush fire control officers for the purposes of the Act. The Act enables Bush fire Control officers to issue Permits to Burn ie section 18 subsection (6) provides:

Subject to this Act a person shall not set fire to the bush on land within a zone of the State during the restricted burning times for that zone of the State unless —

- (a) he has obtained a permit in writing to burn the bush from a bush fire control officer of the local government in whose district the land upon which the bush proposed to be burnt is situated, or from the chief executive officer of the local government if a bush fire control officer is not available; and
- (b) the conditions prescribed for the purposes of this section are complied with in relation to the burning of the bush.

**Comment:**

The Bush Fire Brigade is considered to be the preferred organisation to recommend such appointments. are made as prescribe in the Act in regards to fire control. However under the Bush Fires Act and the Local Government Council has a responsibility to appoint the officers.

The following brigade members were appointed to the position of Bush Fire Control Officers for the Shire of Murchison:

- Chief Fire Control Officer: Peter Dittrich
- Deputy Bush Fire Control Officer North – Quentin Fowler
- Deputy Bush Fire Control Officer South – Tom Foulkes-Taylor

**Statutory Environment:**

Bush Fires Act 1954 Sections 38 and 67.

**Strategic Implications:**

Nil

**Policy Implications:**

Nil

**Financial Implications:**

Nil

**Recommendation:**

- That Council note the following brigade members elected by the Murchison Bush Fire Brigade as detailed below:-
  - Chief Bush Fire Control Officer – Peter Dittrich
  - Deputy Bush Fire Control Officer North – Quentin Fowler
  - Deputy Bush Fire Control Officer South – Tom Foulkes-Taylor
  - Brigade Captain – Stuart Broad
  - Brigade Vice Captain – William Herold
  - Brigade Secretary – Ina Edwardson
  - Chair – Sandy McTaggart
  - Community Emergency Service Manager Richard Ryan
- That Council confirm the following brigade members be appointed Bush Fire Control Officers and Permit Issuing Officers for the Shire of Murchison:
  - Chief Fire Control Officer: Peter Dittrich
  - Deputy Bush Fire Control Officer North – Quentin Fowler
  - Deputy Bush Fire Control Officer South – Tom Foulkes-Taylor
  - Community Emergency Service Manager Richard Ryan

**Voting Requirements:**

Simple majority

<b>Council Decision:</b>		
<b>Moved: Councillor</b>	<b>Seconded: Councillor</b>	
<b>Carried/Lost</b>	<b>For:</b>	<b>Against:</b>

**19. NOTICE OF MOTION**

**20. CEO ACTIVITY REPORT**

<b>Date</b>	<b>Activity</b>
18.12.2017	Murchison Executive Group Meeting
19.12.2017	Meeting with Mid West Development to discuss Geo Tourism, Settlement Power, and Interpretative Centre
11-14.01.2018	Various teleconferences with DFES re Tropical Cyclone Joyce
15-19.01.2018	Flood Damage Inspections and arrange WANDRRA pick up and road opening.
05.02.2018	Meeting with Roadhouse re budget review
14.02.2018	Resolve access to gravel pits with CSIRO
04.12.2017	Meeting – A Dann - Heritage

**Recommendation:**

That the CEO's Activity Report be accepted.

**Voting Requirements:**

Simple Majority

<b>Council Decision:</b>		
<b>Moved: Councillor</b>	<b>Seconded: Councillor</b>	
<b>Carried/Lost</b>	<b>For:</b>	<b>Against:</b>

**21. URGENT BUSINESS**

**22. ITEMS TO BE DISCUSSED BEHIND CLOSED DOORS**

Nil

**23. MEETING CLOSURE**