

SHIRE OF TAMMIN

Minutes of the Ordinary Council Meeting held at the Tammin
Council Chambers, 1 Donnan Street, Tammin on Wednesday, 6 August 2003

DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Shire President declared the meeting open at 3:43pm.

RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

Present

Cr. B. Leslie	Shire President
Cr. L. Caffell	Deputy President
Cr. M. Wheeldon	Member
Cr. D. Thomson	Member
Cr. R Stokes	Member
Mr F. Peczka	Chief Executive Officer
Miss G Stewart	Personal Assistant (Minutes)

Apologies

Cr. R Brooks	Member
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Leave of Absence

Nil

RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE- Nil.

PUBLIC QUESTION TIME - Nil.

APPLICATIONS FOR LEAVE OF ABSENCE –Nil

FINANCIAL INTEREST – Nil

PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS Nil.

CONFIRMATION OF MINUTES PREVIOUS MEETING

Minutes of Ordinary Council Meeting held on Wednesday, 2 July 2003

MIN 0491/03 MOTION – Moved Cr. Thomson 2nd Cr. Stokes

That the minutes of the Ordinary Meeting of the Shire of Tammin held on 2 July 2003 in the Council Chambers be confirmed as a true and correct record.

CARRIED 5/0

ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION - Nil

REPORTS OF COMMITTEES - Nil

REPORTS OF OFFICERS

Agenda Reference:	11.1.1
Subject:	Taking of Land
Location:	Tammin town site
Applicant:	Department of Planning and Infrastructure
File Ref:	OSGOV-00
Disclosure of Interest:	Nil
Date:	24 July 2003
Author:	Manager, Corporate Services / Deputy CEO

BACKGROUND

Correspondence has been received from the Department of Planning and Infrastructure of their intentions to take interest in lots 136-140 inclusive and lots 146 and 147 for residential purposes.

COMMENT

This is a standard action. This land will now be transferred to Land Corp to be made available for purchase.

FINANCIAL IMPLICATIONS - Nil

POLICY IMPLICATIONS - Nil

STATUTORY IMPLICATIONS - Nil

RECOMMENDATION

That Council receives the above information.

STAFF / COUNCIL RECOMMENDATION

MIN 0492/03 MOTION - Moved Cr Caffell 2nd Cr Thomson

That Council receives the above information.

CARRIED 5/0

Agenda Reference:	11.1.2
Subject:	Sale of Telstra
Location:	
Applicant:	Shire of Sandstone
File Ref:	ADM - 32
Disclosure of Interest:	N/A
Date:	24 July 2003
Author:	Manager, Corporate Services / Deputy CEO

BACKGROUND

Council has received a request from the Shire of Sandstone seeking support in lobbying the Federal Government not to proceed with the further sale of Telstra.

COMMENT

This issue has been in the public forum for some time. Many people believe once Telstra is 100% in commercial hands that the motive of profit, as is the practice in the commercial world, will override the desire to provide a competent communication services, particularly in the bush.

FINANCIAL IMPLICATIONS - Nil

POLICY IMPLICATIONS - Nil

STATUTORY IMPLICATIONS - Nil

RECOMMENDATION

That Council lobbies the local Federal Member of Parliament to not proceed with the further sale of Telstra.

STAFF / COUNCIL RECOMMENDATION

MIN 0493/03 MOTION - Moved Cr Wheeldon 2nd Cr Thomson

That Council lobbies the local federal Member of Parliament to not proceed with the further sale of Telstra.

CARRIED 5/0

Agenda Reference:	11.1.3
Subject:	The State Records Act - Elected Member Records
Location:	N/A
Applicant:	WALGA
File Ref:	OLGOV-06
Disclosure of Interest:	Nil
Date:	24 July 2003
Author:	Manager, Corporate Services / Deputy CEO

BACKGROUND

The State Records Act governs the record keeping practices of all government organisations, including Local Governments. It requires all government organisations to develop a detailed record keeping plan which must be approved by the State Records Commission. There are serious penalties within the Act for individuals who fail to comply with the Act and do not keep government records in accordance with the record keeping plan of their organisation.

COMMENT

The State Records Office has formed the opinion, based on legal advice from the Crown Solicitor's Office, that elected members are covered with the auspices of the legislation. As such, record received or created by them in the course of their capacity as elected members constitute government records and must be captured and retained by their Local Government.

“How to” guidelines to assist Councils in managing the records of their elected members are currently being developed.

FINANCIAL IMPLICATIONS - Nil

POLICY IMPLICATIONS - Nil

STATUTORY IMPLICATIONS

State records act

RECOMMENDATION

That Council receives the above information.

STAFF / COUNCIL RECOMMENDATION

MIN 0494/03 MOTION - Moved Cr Caffell 2nd Cr Wheeldon

That Council write a letter to WALGA expressing strong opposition to the proposed State Records Act for the capture of elected members records.

CARRIED 5/0

REASON

Action to reinforce WALGA State Conference direction.

Agenda Reference:	11.1.4
Subject:	Inquiry into Water Services in Western Australia
Location:	N/A
Applicant:	Standing Committee on Public Administration and Finance
File Ref:	AGR-06
Disclosure of Interest:	Nil
Date:	25 July 2003
Author:	Manager, Corporate Services / Deputy CEO

BACKGROUND

On Wednesday, June 11 2003 the Legislative Council referred the following matter for inquiry to the Standing Committee on Public Administration and Finance:

“That the Public Administration and Finance Committee inquire into and report on the issues confronting Western Australia that arise from, or relate to, the present and future sustainable supply, quality, retention, and maintenance of water services throughout the State”

COMMENT

As part of its consultation in relation to this inquiry, the Committee invites Council to provide a written submission on the matter.

FINANCIAL IMPLICATIONS - Nil

POLICY IMPLICATIONS - Nil

STATUTORY IMPLICATIONS - Nil

RECOMMENDATION

That Council submits a submission to the standing committee on public administration and finance of the issues that arise or relate to the present and future sustainable supply, quality, retention, and maintenance of water services throughout the Shire.

STAFF / COUNCIL RECOMMENDATION

MIN 0495/03 MOTION - Moved Cr Thomson 2nd Cr Stokes

That Council presents a submission to the standing committee on public administration and finance of the issues that arise or relate to the present and future sustainable supply, quality, retention, and maintenance of water services throughout the Shire.

CARRIED 5/0

Agenda Reference:	11.1.5
Subject:	Local Government Disciplinary Tribunal and Standards Panel
Location:	N/A
Applicant:	WALGA
File Ref:	OLGOV-03
Disclosure of Interest:	Nil
Date:	25 July 2003
Author:	Manager, Corporate Services / Deputy CEO

BACKGROUND

For some time now, concerns have been raised about the limited abilities for Local Government to enforce minimum behavioral standards in relation to council members and the lack of an efficient and effective framework to deal with the behavioural problems of individual elected members.

Increased public scrutiny of the internal machinations of Local Government and the behavior of elected members has given further weight to the impetus for reforms in this area. In addition, the Minister for Local Government and Regional Development has expressed a desire to divest responsibility in relation to scrutinising the conduct of elected members to an independent body. The findings of the Joint Parliamentary Standing Committee on Delegated Legislation in relation to the City of Perth Code of Conduct Local Law also supported that an independent tribunal be established to deal with breaches of Codes of Conduct.

Following a sustained campaign of lobbying by the association and LGMA, the Minister for Local Government and Regional Development established a Reference Group in July 2002 to develop a framework for a new system of scrutiny and dealing with misconduct in Local Government. The pinnacle of this new framework was to be the creation of a local Government Disciplinary Tribunal.

Membership to the Reference Group included representatives from the WA Local Government Association, Local Government Managers Australia, Department of Local

Government and Regional Development, State Ombudsman, Anti Corruption Commission and the Law Society.

The draft framework model which has been produced by the reference group is guided by five principles based on those underpinning the recent British proposals to deal with the conduct of Councillors. These principles are:

1. the new system must be robust enough to engender public and council member trust;
2. it must avoid duplication and be easy to understand;
3. it must protect the rights of individuals who are the subject of complaints;
4. it must provide appropriate and proportionate sanctions; and
5. it should deal with problems, where possible, close to their source

It should be noted that the draft framework does not address the behaviour of Council employees. The reference group was of the unanimous view that behavioral concerns associated with employees other than the CEO should be dealt with by the CEO.

This accords with relevant industrial laws and the current provisions of the Local Government Act. IT is proposed that behavioral concerns in relation to the CEO be addressed through a process designed specifically to deal with such issues. IT should be noted, however, that where they are inextricably linked to the behavior of elected members, the action of employees may necessarily receive consideration and comment through the processes outlined within the framework.

The draft framework model has now been submitted to the Minister for consideration and is referred to State Council for deliberation.

COMMENT

The draft model developed by the reference group centers on the establishment of a multi-faceted framework which includes:

- a legislated **minimum Code of Conduct** to be enforced through the disciplinary framework;
- Operation of **Peer Support Teams** and the provision of training and development for elected members on the legislated Code of Conduct.
- Formation of **Standards Panels** to deal with minor allegations of breaches of the legislated Code of Conduct; and
- Constitution of a **Local Government Disciplinary Tribunal** to handle serious allegations of breaches of the legislated Code of Conduct, together with responsibility for breaches of the Local Government Act.

Key aspects of the draft model are detailed below:

Legislating a minimum Code of Conduct

The Local Government Act 1995 requires all Local Governments to develop and regularly review their own Codes of Conduct. Bare minimum provisions are included in the Act (such as dealing with the receipts of gifts) which must be included in all Codes of Conduct.

Following the enactment of the 1995 Act, the Association produced a model Code of Conduct to assist member Councils in satisfying the new legislative requirements. This model Code has been widely adopted by many Local Governments. However, the model is fairly broad in content and is hampered by the limited ability to impose effective disciplinary measures for breaches of the Code. Research undertaken by the association in late 2002 identified that for the majority of Local Governments, the unenforceability of their Codes remains an ongoing concern.

In May 2002, the Association convened a Technical Working Group to review the effectiveness of the model Code of Conduct and to develop a minimum Code of Conduct. It was proposed that the minimum Code consist of behavioral standards which could be enshrined in regulations to the Local Government Act and enforced through appropriate disciplinary framework. The technical Working Group is constituted by representatives from the Association, Local Government Managers Australia and the Department of Local Government and Regional Development.

Within the proposed disciplinary framework, it is recommended that minimum standards of conduct be incorporated into regulations, thereby achieving application to all Local Governments. Local Governments would retain the individual discretion to add provisions to the minimum Code as required in keeping with local circumstances; however any additional provisions would not be enforceable through the disciplinary framework. Importantly, a Council would not be able to delete a part of the regulated minimum Code. In this way, the Code would establish universal standards of acceptable conduct for elected members within all Local Government in Western Australia.

Types of inappropriate behavior

The new Code of Conduct being developed will most likely reflect key provisions with the Local Government Act (such as declarations of financial interest) as well as other, otherwise non-legislated, requirements (such as to act honestly or respect fellow council members). Under the scenario of a regulated Code, inappropriate behaviors can be classified into three groupings:

- **A serious breach** – where a provision of the Act or the regulations has been broken (other than a breach of the regulated Code which is not otherwise covered by the Act or regulations);
- **A minor breach** – where an otherwise non legislated provision of the Code has been broken (these breaches will generally related to attitudes and behavior towards fellow Council members); and
- **Ongoing breaches** – where there are repeated minor breaches and these interfere with the operations of the Local Government.

Points of Complaints

Within the framework, there would be two points of complaint against alleged inappropriate behavior. One would be to the Department of Local Government and Regional Development (DLGRD). The second would be to a nominated contact position in each Local Government. Consequently, a legislative change would be necessary to require each Local Government to nominate, and publicize as considered appropriate, a point of contact for a complaint.

The default point of contact in a local Government should be the CEO, with this officer having the power to delegate the function. If the CEO or the alternate point of contact is implicated in the complaint, the complainant would have the opportunity of directly contacting the DLGRD.

There would need to be a close interface between each Local Government's point of contact and the DLGRD to ensure the system established by the framework operates to best effect.

Local Governments and the DLGRD should keep proper records of complaints and, without identifying complainants, the number and manner in which complainants are dealt with should be detailed in annual reports. Each complainant should receive a formal written response and each point of contact should also provide a confidential report to the DLGRD on each deliberation of the Standards Panel.

Consideration of Breaches

The following division of responsibility for consideration of breaches is proposed within the draft disciplinary framework:

- Serious breaches should be considered by the DLGRD;
- Minor breaches should, in the first instance, be considered by the Local Government's own internal review processes;
- Ongoing minor breaches should be referred to the DLGRD by the relevant Local Government.

Dealing with Minor Breaches

The draft framework enshrines the general principle that minor breaches, generally relating to attitudes and inappropriate behavior to fellow Council members, should be resolved at the earliest opportunity.

Council members, members of Council committees, employees and community members should be able to raise a concern about a breach of the Code of Conduct with the point of contact. This person would need to determine if the allegation represents a serious breach. If so, the point of contact should refer the issue to the DLGRD. If not, the Council's own processes would be used to deal with the matter. The peak element of this process would be the Local Government Standards Panel.

A Local Government Standards Panel

Each Local Government would be required to establish a Local Government Standards Panel.

This panel would comprise three (3) members who are independent of the Council to provide objectivity/impartiality. It should be noted that this will not prevent Council establishing an internal review body consisting of Council members. Under such a scenario, this body would consider matters in advance of any referral to the Standards Panel. However such internal review bodies would have no statutory power and could only operate if an elected member, whose actions are called into question, agrees to such an approach.

The draft framework supports that the Act not prescribed membership of the Standards Panel or the detailed processes it should follow, above and beyond a mediation and arbitration role. For instance, WALGA could establish a Standards Panel which could be used by all Local Governments; a regional grouping of Councils could establish a Standards Panel for its members; or an individual Council could establish its own Standards Panel with members of its own choosing. Another option canvassed in the framework would be for WALGA and the LGMA to produce a list of people who could possibly be members of

a Standards Panel. Payment of members to the standards panel and other operational matters would be left to the discretion of the relevant Council and the Panel. Departmental guidelines may be useful to assist Councils in these processes.

While local autonomy and flexibility are supported for Standards Panels, the Act should describe the principles under which the Panels must operate. For instance, a Standards Panel must provide a fair hearing, ensure procedural fairness when considering an alleged breach and be objective in its deliberations. It must also provide a right for a person accused to be heard and to respond to allegations. Further, members of the Panel who have a financial or close personal relationship with a person whose actions are under consideration should be disqualified from consideration of the allegations.

It should be noted that there are other courses of action available to a Council when a problem arises or a breach is reported. For instance, it may be possible to use the recently established Peer Support Team process to address and, hopefully, resolve an issue. However, if such an approach is chosen but fails to resolve the problem or deal adequately with the breach, the issue would be referred to the Standards Panel.

Local Government Standards Panels would only consider issues covered in the regulated Code (not individual Council additions) and provide written reasons for any decision they make. In relation to possible sanctions, they should have the power to censure members whose actions are considered to be in breach of the minimum regulated Code of Conduct. They should also have the ability to prevent an elected member from attending the committee meetings where that member's actions have led to the problem. In such instances, the member should not receive the meeting allowance for the meeting to which the bar applies. If the members of the Standards Panel are divided in their views, it is proposed that the majority view becomes the unanimous decision.

If a person is aggrieved by a decision of a Standards Panel, or the process followed, the draft framework establishes a right of appeal directly to the Disciplinary Tribunal. A fee should be payable for such appeal, which would be refundable if the appeal is successful. There should also be provision to waive fees in cases of demonstrated hardship. Where an appeal is made to the Disciplinary Tribunal against a decision of a Standards Panel or the process followed, the Tribunal would have the power to:

- Uphold the determination of the Standards Panel;
- Overturn the penalty imposed by the Standards Panel; or
- Impose such penalties as it considers appropriate.

In circumstances where a person does not comply with a Standards Panel's request for a public apology or training to be undertaken, the Panel should have the ability to refer the matter to the Disciplinary Tribunal. In such circumstances, the Tribunal would use its powers (identified later) to enforce the request.

Further, if in its deliberations a Standards Panel becomes aware of allegations of serious breaches or identifies that a serious breach may have occurred, it should refer such matters to the DLGRD.

Interface between Minor and Serious Breaches

The draft framework proposes that serious breaches should be raised with the DLGRD.

However, because the distinction between serious and minor breaches may be difficult to ascertain in the first instance and complainants may be unaware of the distinction, it is likely

that many minor breaches may be reported to the Department while many serious breaches may be reported to a Local Government's point of contact.

Cross referral of complainants received between the DLGRD and points of contact in Local Government will therefore be vital following initial consideration. However, the DLGRD should also have a right to require the Local Government's point of contact to put an issue before the Standards Panel, and the Standards Panel should have a right to require the DLGRD to place a matter before the Tribunal. Decisions will also need to be made on 'mixed' breaches where a complaint covers both Local Government Act and Code of Conduct matters. It is generally suggested that mixed breaches should be dealt with by the DLGRD.

The Local Government point of contact would also need to refer ongoing breaches of a Local Government's Code of Conduct to the DLGRD if the Local Government Standards Panel has not been able to resolve the problem. In such cases, the point of contact would need to detail the specific problems encountered and the actions taken.

The role of the Department of Local Government and Regional Development

Having received and considered a complaint and determined that there is prima facie evidence to suggest that the breach identified is serious, the DLGRD has four options under the proposed framework. These include:

1. refer the matter to the Local Government Disciplinary Tribunal;
2. investigate the matter (with the outcome being a dismissal of the allegation, a censure or prosecution);
3. investigate the matter and refer it to the minister with a recommendation to establish an Inquiry Panel; or
4. investigate the matter and refer it to another body.

The final three options maintain the current processes within the Local Government Act and are not discussed further in the draft framework. However, it should be noted that the establishment of a Disciplinary Tribunal should, and potentially significantly, reduce the number of matters considered under options two, three and four. This is because the creation of a Tribunal should allow many alleged breaches to be directed to this body, and its processes should enable them to be satisfactorily resolved in a timely and decisive manner before the need for an inquiry arises. Once the Tribunal process has operated for an appropriate trial period, consideration should be given to extending the Tribunal's powers and abolishing Inquiry Panels.

The Association retains the viewpoint that responsibility for Part 8 inquiries under the Local Government Act should be referred to the Disciplinary Tribunal. Clearly, there is a political imperative for divesting this responsibility to an independent body such as the proposed Tribunal.

The Local Government Disciplinary Tribunal

The draft framework proposes that the Local Government Disciplinary Tribunal should be established as an element within the State Administrative Tribunal (SAT), which is currently being developed by the State Government. Consequently, it will need to dovetail with SAT processes and procedures. This view accords with the resolution of State Council in October 2002 in relation to the development of the SAT.

The framework includes the following components for the Local Government Disciplinary Tribunal within the SAT.

Powers – the Tribunal should have specific investigative powers but conduct hearings and/pr review information to enable it to determine a matter. Further, the Tribunal should have the power to require or compel people to appear before it.

It should be noted that the Joint Standing Committee on Delegated Legislation’s report on the City of Perth Code of Conduct Local Law recommends that the Tribunal not have the jurisdiction to inquire into offences under the Local Government Act or other matters that would properly be within the jurisdiction of a court. This situation is not supported by the Reference Group as the Tribunal, as proposed, provides a cost effective mechanism for dealing with certain breaches of the Act which would otherwise require more elaborate and costly mechanisms to resolve.

Procedures – the Tribunal should operate on an inquisitional basis, seeking to gather the truth to inform its decision making. It should also act as a mediation or arbitration body where necessary to settle disputes. To achieve such outcomes, the Tribunal should have the ability to operate in-camera in circumstances where this approach may facilitate a better outcome. In all other circumstances, hearing should be public. The Tribunal should provide written reasons for any decision it makes.

The Tribunal should operate in accordance with the principles of procedural fairness and make decisions according to the balance of probabilities. While it would be inappropriate to specifically bar legal representation at Tribunal proceedings, the Tribunal should discourage such practices to keep associated costs down. It should also have the ability to refer a matter on to another body if the Tribunal members believe this would be appropriate.

Penalties – the Tribunal should operate on an inquisitorial basis, seeking to gather the truth to inform its decision making. It should also act as a mediation or arbitration body where necessary to settle disputes. To achieve such outcomes, the Tribunal should have the ability to operate in-camera in circumstances where this approach may facilitate a better outcome. In all other circumstances, hearings should be public. The Tribunal should provide written reasons for any decisions it makes.

The tribunal should operate in accordance with the principles of procedural fairness and make decisions according to the balance of probabilities. While it would be inappropriate to specifically bar legal representation at Tribunal proceedings, the Tribunal should discourage such practices to keep associated costs down. It should also have the ability to refer a matter on to another body if the Tribunal members believe this would be appropriate.

Penalties – the Tribunal should have the power to impose the following penalties:

- censure;
- require a public apology;
- order an elected member to undertake training;
- order a Local Government to change its processes
- suspend an elected member for up to six months (including a loss of relevant meeting allowance and expenses); and
- disqualify an elected member for a period not exceeding five years.

There are a number of issues which must also be considered in relation to the imposition of the above penalties. These include:

- although the Joint Standing Committee on Delegated Legislation has supported the concept of a Disciplinary Tribunal being given the power to impose fines, the draft framework supports the concept that monetary penalties only be imposed following formal court proceedings. The tribunal would, however, have the power to order that a member lose relevant meeting allowances and expenses when suspension period. Further, if the allowance is paid in advance, the tribunal could order the repayment of the relevant portion. This principle would also apply in the case of a disqualification;
- the Tribunal should have the power to issue a suspended penalty;
- if a person does not undertake training or make a public apology as required by the Tribunal, the Tribunal should be empowered to impose a harsher penalty;
- the tribunal should not have the power to disqualify a whole Council and trigger a new election. This is because the Tribunal is designed to be an efficient and effective way of dealing with behavioral problems, not a mechanism for disqualifying a democratically elected Local Government. For such an outcome to occur, the Reference Group considered it appropriate for the Minister for Local Government and Regional Development to participate in the decision making process based on an inquiry Panel's recommendation; and
- as the suspension or disqualification of 50% of Council members will preclude a Council from operating (it will not be able to make absolute majority decisions), the Tribunal should not be able to suspend or disqualify this percentage of elected members. Indeed, it could be argued that suspending or disqualifying close to 50% of members could still make it very difficult for a Council to operate effectively. Consequently, the tribunal should not have the power to suspend or disqualify more than 25% of the members of an individual Council.

Appeals – a person aggrieved by the operations of the Disciplinary Tribunal should have the power to appeal to the Supreme Court on a point of law. Appeals against decisions of the Tribunal should not be allowed.

Membership – the Tribunal should have three (3) members in the main, although there should be flexibility for one (1) person to sit in circumstances considered appropriate. Members should have knowledge of, or experience in, the Local Government sector. A legal practitioner with such knowledge and understanding should be the Chair,

Where the Tribunal members are split in their views, the majority view becomes the unanimous decision.

FINANCIAL IMPLICATIONS - Nil

POLICY IMPLICATIONS - Nil

STATUTORY IMPLICATIONS - Nil

RECOMMENDATION

That Council receives the above information

That Council submits a submission to WALGA regarding the proposed Local Government Disciplinary Tribunal.

STAFF / COUNCIL RECOMMENDATION

MIN 0496/03 MOTION - Moved Cr Thomson 2nd Cr Caffell

That Council presents a submission to WALGA regarding the proposed Local Government Disciplinary Tribunal.

CARRIED 5/0

Agenda Reference:	11.1.6
Subject:	June Financials
Location:	Shire of Tammin
Applicant:	N/A
File Ref:	N/A
Disclosure of Interest:	N/A
Date:	15 July 2003
Author:	Raymond Griffiths, Senior Finance Officer

BACKGROUND

Enclosed is the monthly reports for the month of June 2003

Direct Debit list for the month of June 2003

Municipal Fund

03 rd June 2003	National On-Line Fee	\$	54.99
04 th June 2003	Net Pay for F/E 04.06.2003	\$	8,691.02
13 th June 2003	Deposit Book Cost	\$	5.00
18 th June 2003	Net Pay for F/E 18.06.2003	\$	8,703.70
25 th June 2003	Lease – 120H Grader	\$	5,641.53
30 th June 2003	Reserve Bank Fees	\$	20.00
30 th June 2003	Municipal Bank Fees	\$	89.60

Trust Fund

30 th June 2003	Police Licencing for June	\$	17,641.90
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COMMENT

During the month of June we the following Capital Purchases were undertaken.

22 Ridley Street upgrade is under progress we have purchased reticulation parts.

Hydrology Model – End Design has been drawn.

FINANCIAL IMPLICATIONS

- Financial Management of 2002/2003 budget
- Statutory Audit requirements for prudent financial reporting.

POLICY IMPLICATIONS - Nil

STATUTORY IMPLICATIONS - Nil

RECOMMENDATION

1. That Council approve the Monthly Financial Statements for the period ending 30th June 2003
2. That the Direct Debit List be accepted for the month of June 2003.
3. That the Quarterly Financial Reports for period ending 30th June 2003 be approved.

STAFF / COUNCIL RECOMMENDATION

MIN 0497/03 MOTION - Moved Cr Caffell 2nd Cr Wheeldon

1. *That Council approve the Monthly Financial Statements for the period ending 30th June 2003*
2. *That the Direct Debit List be accepted for the month of June 2003.*
3. *That the Quarterly Financial Reports for period ending 30th June 2003 be approved.*

CARRIED 5/0

Agenda Reference:	11.1.7
Subject:	Financial Reports - Miscellaneous
Location:	Shire of Tammin
Applicant:	N/A
File Ref:	N/A
Disclosure of Interest:	N/A
Date:	15 July 2003
Author:	Raymond Griffiths, Senior Finance Officer

BACKGROUND

Regular reporting on status of Miscellaneous Reports for consideration/information of the Council.

COMMENT

For Council's financial management and awareness information.

FINANCIAL IMPLICATIONS

- General Financial Management of Council
- General Reporting Procedure of Council

POLICY IMPLICATIONS - Nil

STATUTORY IMPLICATIONS - Nil

RECOMMENDATION

1. That the following Reports for the period ending 30th June 2003 be approved.

- Capital Status Report
- Roadworks Progress Report
- Bank Reconciliation
- Outstanding Sundry Debtors
- Loan Register Report

STAFF / COUNCIL RECOMMENDATION

MIN 0498/03 MOTION - Moved Cr Thomson 2nd Cr Caffell

1. *That the following Reports for the period ending 30th June 2003 be approved.*

- *Capital Status Report*
- *Roadworks Progress Report*
- *Bank Reconciliation*
- *Outstanding Sundry Debtors*
- *Loan Register Report*

CARRIED 5/0

Agenda Reference:	11.1.8
Subject:	June Cheque List
Location:	Shire of Tammin
Applicant:	N/A
File Ref:	N/A
Disclosure of Interest:	N/A
Date:	14 July 2003
Author:	Raymond Griffiths, Senior Finance Officer

BACKGROUND

Accounts for Payment from 1st May 2003 to 31st May 2003

Municipal Fund

10622 – 10625	\$ 1,791.94	
13627 – 13666	\$ 33,172.16	
13667	Test Run	
13668 – 13687	\$ 67,179.31	
		\$102,143.41

Trust Fund

849 – 851	\$ 401.56	
		\$ 401.56

COMMENT - Nil

FINANCIAL IMPLICATIONS

Local Government (Financial Management) Regulations 1996 Reg 13 – List of Accounts

POLICY IMPLICATIONS - Nil

STATUTORY IMPLICATIONS - Nil

RECOMMENDATION

- 1. That the accounts submitted from 1st June 2003 to 30th June 2003 be accepted.

VOTING REQUIREMENT – ABSOLUTE MAJORITY

STAFF / COUNCIL RECOMMENDATION

MIN 0499/03 MOTION - Moved Cr Caffell 2nd Cr Stokes

- 1. *That the accounts submitted from 1st June 2003 to 30th June 2003 be accepted.*

**CARRIED 5/0
BY ABSOLUTE MAJORITY**

Agenda Reference:	11.2.1
Subject:	Sale of Three Bedroom and Four Bedroom Residences
Location:	Shire of Tammin
Applicant:	N/A
File Ref:	ASS Files
Disclosure of Interest:	Nil.
Date:	29 July 2003
Author:	John Mitchell, Manager Development Services

BACKGROUND

Whilst reviewing Council records for the final equity of the Tamma Village, the Manager, Development Services found previous recommendations from Council resolving that the three and four bedroom houses purchased in 1999/2000 were to be offered for sale locally.

COMMENT

Does Council still wish for the Administration to pursue this recommendation or consider selling off older housing stocks?

If Council wishes to consider further options the matter would be referred to the Development Services Committee for consideration and potentially a formal policy regarding the housing infrastructure

FINANCIAL IMPLICATIONS

N/A at this time.

POLICY IMPLICATIONS

N/A at this time.

STATUTORY IMPLICATIONS

Sale of Council assets are governed by section 3.58 of the Local Government Act 1995.

RECOMMENDATION

1. "That previous motions relating to the sale of houses located on 43 Draper and 67 Ridley Streets Tammin be rescinded." **ABSOLUTE MAJORITY OF COUNCIL REQUIRED**
2. "That the sale of Council residences be referred to the Development Services Committee for a policy and to determine the residences that Council wishes to offer for sale.

STAFF / COUNCIL RECOMMENDATION

MIN 0500/03 MOTION - Moved Cr Caffell 2nd Cr Stokes

1. *"That previous motions relating to the sale of houses located on 43 Draper and 67 Ridley Streets Tammin be rescinded."*
2. *"That the sale of Council residences be referred to the Development Services Committee for a policy and to determine the residences that Council wishes to offer for sale."*

CARRIED 5/0
BY ABSOLUTE MAJORITY

Agenda Reference:	11.2.2
Subject:	Building Regulations 1989 – Enforcement Rural Areas
Location:	
Applicant:	N/A
File Ref:	BUILD 03
Disclosure of Interest:	Nil
Date:	29 July 2003
Author:	John Mitchell, Manager Development Services

BACKGROUND

Approximately two years ago Council considered a report from the Administration regarding the application of the Building Regulations 1989 on the construction of residences and renovations to residences.

At that time Council resolved to commence an approach to the Minister for Local Government to amend the schedules in the regulations to require the submission of plans for residences i.e. (class-1) in rural areas.

COMMENT

The Building Regulations 1989 Schedule two determine the application of the regulations throughout most local governments in Western Australia.

Tammin is one of a few left that do not require the submission of plans within the rural area. In the majority of local governments exempt the requirement for plans for outbuildings.

The Health Act 1979 requires that for all residences constructed within Western Australia, septic tank plans must be submitted. This impacts on the construction of residences in the rural areas.

The distinct advantage of submitting plans is the assurance that the builder will do the right thing and construct the premises in accordance with the legal requirements.

FINANCIAL IMPLICATIONS

The amendments to the regulations may incur advertising costs of approximately \$500.00. The impact of the amendments on farmers is the cost of submission of plans, which is less than \$1,000 per application dependent on cost.

POLICY IMPLICATIONS - Nil.

STATUTORY IMPLICATIONS

The Building Regulations can only be amended by the Minister for Local Government.

RECOMMENDATION

“That Council request the Minister for Local Government to amend Schedule One of the Local Government (Buildings) Order 1989 to delete the Shire of Tammin from Schedule One and insert the Shire of Tammin in the Building Regulations Order 1989 (Section 259A and 691) to exempt the requirements for outbuildings and class X in rural areas but require the submission of plans for residences and alterations to residences.”

STAFF / COUNCIL RECOMMENDATION

MIN 0501/03 MOTION - Moved Cr Wheeldon 2nd Cr Stokes

“That Council request the Minister for Local Government to amend Schedule One of the Local Government (Buildings) Order 1989 to delete the Shire of Tammin from Schedule One and insert the Shire of Tammin in the Building Regulations Order 1989 (Section 259A and 691) to exempt the requirements for outbuildings and class X in rural areas but require the submission of plans for residences and alterations to residences.”

LOST 5/0

Agenda Reference:	11.2.3
Subject:	Building Returns July 2003
Location:	Shire of Tammin
Applicant:	N/A
File Ref:	BUILD 06
Disclosure of Interest:	Nil
Date:	25 July 2003
Author:	John Mitchell, Manager Development Services

BACKGROUND

Council has provided delegated authority to the Administration to process building applications.

COMMENT

No building licences were issued for the month of July 2003.

For information the new “R” values are applicable from the 1st July 2003 and applications for residential additions and new residences require a certificate from a certified person that the proposed construction complies with the requirements for insulation under the Building Code of Australia.

FINANCIAL IMPLICATIONS - Nil.

POLICY IMPLICATIONS - Nil.

STATUTORY IMPLICATIONS - Nil.

RECOMMENDATION

“That Council note that no licences were issued for the month of July 2003.”

STAFF / COUNCIL RECOMMENDATION

MIN 0502/03 MOTION - Moved Cr Thomson 2nd Cr Caffell

“That Council note that no licences were issued for the month of July 2003.”

CARRIED 5/0

Agenda Reference:	11.2.4
Subject:	Tammin Hall – Floor Upgrade & Kitchen Renovations
Location:	Tammin Shire
Applicant:	N/A
File Ref:	ASS 1063
Disclosure of Interest:	N/A
Date:	28 July 2003
Author:	John Mitchell, Manager Development Services

BACKGROUND

Council has budgeted funds to commence the upgrade of the Tammin Hall. At the Budget meeting held in July 2003 Council requested that the proposed works be placed on the agenda for consideration.

The budget indicates funds for the floor in the kitchen, works to the fuse board and minor items of maintenance.

COMMENT

The main issues are: -

1. The swelling of floor boards in the hall proper. New boards installed before the current Manager, Development Services arrived have buckled and warped. I am advised that a creek runs through the building. The proposed approach to this issue would be the engagement of a floor consultant to determine the requirements to remove moisture from the under floor area and address the rising damp. During my time with the Shire of Dalwallinu I utilised the services of Mr. Alan Leahy to review the damage caused by 13 hours of a tap (20l/min) washing across a parquet floor. The end result was that the floor was saved contrary to advice from other major firms, which required the floor replacement at \$85,000. A rough rule of thumb is that a replacement floor can be estimated at \$100 - \$150/m² providing existing sub floor materials are in good condition.
2. Existing floors in the kitchen and entry areas are sloping, buckled and uneven. Council previously engaged Mr. David Nichols, Engineer, to assess the floor in the kitchen. Repeated attempts to provide the report have not been successful. Mr. Nichols has been again requested to provide the report by this meeting.
3. The existing kitchen is sub standard and not compliant with the requirements of the Food Hygiene Regulations 1973.
4. Rising Damp to all areas of the property building.

Local advice suggests that two streams run under the building. This has yet to be determined.

The suggested course of action for the floor and rising damp issues is to engage a floor consultant or an engineer with rising damp experience and assess the cause. There are several rising damp specialists. Funds can be allocated to engage a specialist or engineer. Proper planning of the repairs can then be undertaken.

The floor in the kitchen can be removed and replaced with a better floor. As a result of the works required it is likely that benches etc will be removed and may not be reinstalled dependent on condition. A proper plan of the kitchen should be prepared to enable planning to commence. To what extent does Council wish to upgrade the kitchen? Works include armalon vinyl floor finish, tiling above benches and behind appliances, repainting, new benches and potentially new stoves and cooking appliances.

The entry to the hall is sloping and buckled. Additionally the floor coverings are torn and could cause a trip hazard. This area should also be upgraded.

FINANCIAL IMPLICATIONS

Budget allocation for the 2003/04 year indicates funds for kitchen repairs - \$7,000, fuse board upgrade - \$7,000, rear exit - \$2,000.

POLICY IMPLICATIONS

Nil. It should be noted that the improvements to the Hall would impact on the use of the Hydrology Model/outdoor events centre.

STATUTORY IMPLICATIONS

The Hall must comply with the requirements of the Food Hygiene Regulations 1973, Public Buildings Regulations 1992 and the Building Code of Australia, (where applicable).

RECOMMENDATION

1. "That the upgrade of the Tammin Memorial Hall be referred to the Development Services Committee for consideration and recommendations."
2. "That the Administration invite several firms specialising in repairing rising damp concerns and wooden floor repairs to submit a quotation for the required improvements to the main hall floor."
3. "That the kitchen floor be replaced with concrete base and armalon vinyl."
4. "That the kitchen upgrade be completed in accordance with an approved plan upgrade."

STAFF / COUNCIL RECOMMENDATION

MIN 0503/03 MOTION - Moved Cr Thomson 2nd Cr Stokes

1. *"That the upgrade of the Tammin Memorial Hall be referred to the Development Services Committee for consideration of the following items and recommendations back to Council:*
 1. *"That the Administration invite several firms specialising in repairing rising damp concerns and wooden floor repairs to submit a quotation for the required improvements to the main hall floor."*
 2. *"That the kitchen floor be replaced with concrete base and armalon vinyl."*
 3. *"That the kitchen upgrade be completed in accordance with an approved plan upgrade."*

CARRIED 5/0

REASON

Tightening of Council recommendation to the Committee

Agenda Reference:	11.2.5
Subject:	Landfill Site – Memorandum of Understanding
Location:	Shire of Tammin
Applicant:	City & Regional; Waste Management Services
File Ref:	ENVH 16
Disclosure of Interest:	Nil.
Date:	29 July 2003
Author:	John Mitchell, Manager Development Services

BACKGROUND

At the Ordinary Meeting of Council held in March 2003 Council considered a report from the Administration relating to management of the Shire of Tammin landfill site.

At that meeting Council resolved: -

1. "That Council agree in principle to a five year lease of the Tammin Landfill Site to Southwest Investments with an option for five more years, subject to the submission of a draft agreement to Council for consideration."
2. "That Council will reconsider the financial and management input towards the operation of the Tammin landfill Site after receipt of the draft agreement."
3. "That the following points be included within the draft agreement: -
 - a) Responsibility for fires;
 - b) Fees and charges applicable to the site;
 - c) Public representation of the projects and operation of the site;
 - d) Authority for Southwest Investments to remove the infrastructure onsite at the expiration of the lease."

COMMENT

The purpose of the report is to advise Council of actions to date and to seek Council input into the process.

Steven Williams has submitted a draft Memorandum of Understanding (MOU) and the document has been reviewed by the Manager, Development Services. A copy of the initial draft MOU appends along with the responses to date.

Council's input into terms of lease, returns and disposal fees are sought.

It is proposed to consider a ten-year lease (5 + 5 option), access rights for plant and storage, setting of fees for use including limited free passes for Tammin residents, with all other users paying a fee. The intent is to permit the contractor to source funds, grants and disposal/recycling ventures as well and pay Council royalties for waste disposed of at the site. All advertising and approaches for funds and use of the site must be approved by the Chief Executive Officer prior to commencing.

Attached is additional correspondence relating to this matter.

FINANCIAL IMPLICATIONS

Nil at this time.

POLICY IMPLICATIONS - Nil.

STATUTORY IMPLICATIONS

Council cannot enter leases of greater than forty years. The lease must be advertised prior to adoption.

RECOMMENDATION

1. "That Council endorses the actions of the Chief Executive Officer and Manager, Development Services in preparing a draft memorandum of understanding with City and regional Waste Management Services."
2. "That the following comments are provided by Council and shall be included in the draft agreement: -
 - a) Tammin residents are to have free access to the site at all times;
 - b) That the Shire of Tammin royalty be determined at 20%.

STAFF / COUNCIL RECOMMENDATION

MIN 050403 MOTION - Moved Cr Stokes 2nd Cr Caffell

1. *"That Council endorses the actions of the Chief Executive Officer and Manager, Development Services in preparing a draft memorandum of understanding with City and Regional Waste Management Services."*
2. *"That the following comments are provided by Council and shall be included in the draft agreement: -
 - a) *Tammin residents are to have free access to the site at all times;*
 - b) *That the Shire of Tammin royalty be determined at 20%.**

CARRIED 5/0

Agenda Reference:	11.2.6
Subject:	Use of Land – Town Planning
Location:	Shire of Tammin
Applicant:	Mr Trembath
File Ref:	ASS 436
Disclosure of Interest:	Nil
Date:	29 July 2003
Author:	John Mitchell, Manager Development Services

BACKGROUND

During meetings recently with Mr. Trembath, he advised of concerns with Council and alleged correspondence from the previous Chief Executive Officer advising that Council would not permit the continued operation as a Workshop on the site located in lot 3 Barracks Road Tammin.

COMMENT

I have reviewed the property file and Council's minutes and can find no record of any decision of Council which impacts on Mr. Trembath's use of the site.

The provisions of the Town Planning Scheme, particularly with respect to non conforming uses, does not permit Council to refuse a use because of the non conforming use brought about by amendments to the Town Planning Scheme.

Council can enforce the requirements when it has been proven that the site has not been used for a six-month period. Does Council wish to restrict the use of the site? In doing so, Council may be responsible for loss of earnings and relocation expenses.

Mr. Trembath wishes to operate a Mechanic's workshop from the site and potentially restore vehicles. He has agreed to the removal of the car bodies onsite and has also agreed to permit Council to utilise the site for this exercise over the next few months.

He has also advised that Council has prohibited him advertising his business on his building and through signage on the Great Eastern Highway. This requirement is controlled through the Town Planning Scheme.

The land is now zoned residential.

FINANCIAL IMPLICATIONS

Nil at this time.

POLICY IMPLICATIONS - Nil.

STATUTORY IMPLICATIONS

The provisions of the Town Planning Scheme and ancillary legislation are applicable.

RECOMMENDATION

"That Council advise Mr. Trembath that the use of the site as a Workshop is approved subject to compliance with applicable legislation and that the business may be advertised in accordance with the requirements of the Shire of Tammin Town Planning Scheme No. 1."

STAFF / COUNCIL RECOMMENDATION

MIN 0505/03 MOTION - Moved Cr Caffell 2nd Cr Thomson

"That Council advise Mr Trembath that the use of the site as a Workshop is approved subject to compliance with applicable legislation and that the business may be advertised in accordance with the requirements of the Shire of Tammin Town Planning Scheme No. 1."

CARRIED 5/0

Cr Stokes declared an impartiality interest in Minute number 0506/03.

STAFF / COUNCIL RECOMMENDATION

MIN 0506/03 MOTION - Moved Cr Caffell 2nd Cr Thomson

That Council authorise the Chief Executive Officer to obtain a market valuation for Lot 40 Walston Street, Tammin and the matter be referred back to Council.

CARRIED 5/0

Agenda Reference:	11.2.7
Subject:	Hydrology Model/Outdoor Function Centre
Location:	
Applicant:	N/A
File Ref:	AGR 19
Disclosure of Interest:	Nil
Date:	4 August 2003
Author:	John Mitchell, Manager Development Services

BACKGROUND

The Model has been included within the 2003/04 budget. Estimates of construction were provided to Council for the construction, however several items are more expensive and power supply has not been considered within the project from the commencement. Additionally the levels set at the site for the model indicate at least 1,400m³ of earth is required to be installed.

Estimates of overruns are appended for consideration.

The estimated cost of the project including fees paid to date is \$440,000.

COMMENT

Since receiving the plans and specifications the Manager, Development Services has commenced costing the project. Details of potential cost overruns include the following: -

1. Provision of additional power from Western Power. The proposed structure includes two x 65amp stage 5 pin three phase power points, 18kw motors and two 13kw motors. This alone takes power required to over 125amps/phase. 100amps/phase is available. To date the solutions proposed are to reduce the 65amp points to 32amp points, soft starts have been suggested on pump motors and discussions have commenced with Western Power to resolve the power required. Estimates of overruns for power upgrade suggest \$27,000 for power and \$12,000 for a Current Transformer (CT) Metered Main Site Board.
2. Canopy – Allowance \$30,000, actual quotation \$39,000.
3. Hydraulics – allowance \$30,000 actual \$66,000
4. Fencing – the site must be fenced as over 100m of profile must be installed to achieve the various angles and shapes of the centre. A suggestion is to use funds for the refuse site fence and sewerage lagoons for this purpose and then install the fences where required. Works Camp labour could assist here.
5. There is limited volunteer component achievable as the project is complex.
6. The Manager, Development Services will need to be onsite daily due to the changes in levels and liaison between specialized trades. Other duties for other local governments will suffer.
7. Establishment of a permanent chainmesh fence around the site.

The following solutions are being investigated: -

- a) Canopy – additional quotations are being sought from other fabricators.
- b) Liaison will commence with the successful contractor to ensure that the pools and hydraulics are cost effective and where less expensive options are available these will be considered.

- c) Woodstock Electrical, and Western Power are liaising with the Manager to determine any solutions to the requirement for a power upgrade.

The process of construction is proposed as two separate structures to be linked by the spillways. Construction of the stage and rear pool would commence with earth infill, amphitheatre completion being achieved over gravel prior to the completion of the spillways.

The rear of the amphitheatre area will be approximately 700mm above the footpath or where the playground equipment was approximately waist high sloping back thru steps to the rear pool, which will have a finished floor level at approximately footpath level as existing (out of the ground currently).

There are several options for Council to now consider: -

1. Defer or discontinue the project pending advice as to firm costs;
2. Continue the project at the new costings;
3. Re-tender the complete project to a Builder for a cost comparison against the Manager, Development Services costings.

Additional quotations can be obtained for power and plumbing however as the project is complex, the use of out of town contractors has severe consequences as the project will stall and delay causing additional costs for travel etc. The advantage of local contractors is that they can be deferred and find work in the town site, rather than have to travel up to 60km to the next job.

At the time of setting of the budget the specifications and final plans had not been received.

Several assumptions have been made within the budget process. Firstly, concrete supply is approximately \$130.00/m³ – with no additional costs for labour or finish, secondly, labour component will be volunteer from Work Camp bar specialized areas, and finally, transport costs can be deferred through voluntary assistance.

The final issue is that all trees around the site must be removed due to root systems and the potential for the roots to damage the feature in the future. Council support for this is requested as the residents will see a denuded site.

FINANCIAL IMPLICATIONS

It is estimated that the project will cost in the vicinity of \$440,000. Council has budgeted \$300,000.

AVP Technologies have submitted a quotation of \$186,000 for the construction of the pools and associated hydraulics excluding the final treatment to the pool surfaces. The Canopy quotation has been received. Western Power have verbally confirmed a power upgrade requirement (\$18,000) which will require a CT Board at \$8,000. The Electrician, Woodstock, have advised that materials estimates have reached \$25,000 minus conduit and labour. Firm quotations are currently being sought for the other listings utilizing local contractors where possible.

I am unclear where the original tendered price came from and have endeavoured to bring the project to that costing. Issues such as the power upgrade should have been considered prior to commencement, as funds for Headwork's may have been available.

Council has grant monies totaling nearly \$100,000 of which \$50,000 has been received.

Both AVP Technologies and Woodstock Electrical have advised that there are less expensive options which will not impact upon the final product. For example, the lights for the water fall cost \$273.00 each. There is a similar light - \$73.00. Approximately 20 are needed. Savings of \$4,000 are immediate. AVP have advised that there are less expensive ways to form the pools and it is proposed to discuss these with the company on Friday 8th August 2003.

POLICY IMPLICATIONS - Nil.

STATUTORY IMPLICATIONS

Receipt of grant monies from the Federal Government places an obligation on Council to expend those monies on the agreed project.

RECOMMENDATION

1. "That the information regarding a confirmed budget for the proposed Hydrology Model/Outdoor Function Centre be received."
2. "That the proposed loan borrowings for the Hydrology Model/Outdoor Function Centre be increased to cover the determined budget."
3. "That the Administration be instructed to reduce costs where practical without reducing the overall effect of the centre."
4. "That Council acknowledges that the peppercorn trees around the site will be all removed to avoid damage to the model in the future by root systems."

OR

"That the Hydrology Model/Outdoor Function Centre be advertised for construction by a registered builder through the Tender system."

STAFF / COUNCIL RECOMMENDATION

MIN 0507/03 MOTION - Moved Cr Thomson 2nd Cr Stokes

1. *That Council proceeds to construct the Tammin Hydrology Model/Outdoor Function Centre as per agreement with the Department of Transport and Regional Services.*
2. *That the estimated construction budget totalling \$416, 329.50 as presented for the proposed Hydrology Model/Outdoor Function Centre be received."*
3. *That the proposed loan borrowings for the Hydrology Model/Outdoor Function Centre be increased up to \$216,000.00, to construct the Hydrology Model and loan borrowings be raised in accordance with the Local Government Act 1995 as amended.*
4. *That the Administration be authorised to reduce costs where practical without reducing the overall effect of the centre.*
5. *That Council acknowledges that the peppercorn trees around the site will be all removed to avoid damage to the model in the future by intrusion of root systems.*

**CARRIED 5/0
BY ABSOLUTE MAJORITY**

REASON

Councils administration to act as project managers to contain costs and quality of project.

Council endorsed the raising of loan funds to complete contractual requirements for the project.

Agenda Reference:	11.2.8
Subject:	Tender Pond Component – Hydrology Model/Outdoor Function Centre
Location:	
Applicant:	N/A
File Ref:	Tender 01/03 & AGR19
Disclosure of Interest:	Nil.
Date:	8 August 2003
Author:	John Mitchell, Manager Development Services

BACKGROUND

Tenders were called for the construction of the ponds and associated hydraulics components of the Hydrology Model/Outdoor Function Centre.

Eleven packages were mailed. Two Company's were given extensions till 12.00pm 8th August 2003 as additional plans were required to be posted (unexpected demand) and the delays added that time to the delivery.

One tender was received on 30th July 2003.

COMMENT

The requirements of the Local Government Act 1995 include the following: -

- 1) Advertising period of a minimum of 14 days. The advert appeared in the West Australian on 12th July 2003. The closing date was 12.00pm, Friday 1st August 2003.
- 2) An assessment of Tenders must be provided and include performance criteria to meet in acceptance of tenders. The specification written by the Administration contained specific clauses to comply with and a minimum experience base for the successful contractor including no subcontracting of works outside the normal operating parameters of the company. I.e. a builder, plumber and domestic pool builder could not combine resources and submit a compliant tender.

The specific portions of the specification read: -

Tender Form completed, signed and dated

All Architectural and Structural Plans provided

Confirmation of available start date of 30th August 2003

Proposed payment schedule for consideration by Council

Details of warranties, compliance with Specification and liability periods

Company Statement of conformity with Specifications, Architectural and Structural Plans

Company profile including evidence of experience in this type of construction, staff qualifications and experience in pool construction and associated hydraulic works.

Any other condition listed within the Maclean and Lawrence Specification.

INTERNAL DOCUMENT - NOT PART OF TENDER

Tender 01-030, the construction of the Pond bowls and associated pumps, filters and tanks Tammin Catchment Model.

In reviewing the Tenders received, the selection of a successful Tender will be based upon a combination of the following criteria:-

- Submission of tender to comply with specification. Tenderers are required to provide all information requested within the Tender Specification.
- Use of Local Sub Contractors. Council will consider preference where local sub contractors are engaged.
- Examples of previous works. The Tenderer shall provide examples of recent projects of a similar size for review by Council. Combination tenders from different companies to achieve the project will not be considered. Experienced Pool Builders are required.
- Tender Price. Council reserves the right not to accept the lowest or any tender. In reviewing the Tender price, Council will consider the overall price against options or alternatives offered by the Builder to achieve a value building. For example the use of similar materials at a reduced price.
- Experience of Contractor. The Contractor is to be competent and experienced to construct the classification of building proposed.
- Tender compliance with the Plans and Specifications provided. The Builder will provide a statement of conformity with the approved plans and specifications.

Tenders will be assessed in accordance with the Tender Regulations and a report prepared and submitted to Council during the August 2003 round of Council Meetings.

One tender was received from AVP Constructions with a tender value of \$186,000.00 + GST. A copy of their tender appends. The tender is considered compliant.

FINANCIAL IMPLICATIONS

The financial implications of the tender are discussed in the report titled "Hydrology Model Costings".

POLICY IMPLICATIONS - Nil.

STATUTORY IMPLICATIONS

The provisions of the Tender Regulations have been complied with.

RECOMMENDATION

"That, subject to the Tammin Catchment Model proceeding, the tender from AVP Construction of \$186,000 + GST be accepted."

STAFF / COUNCIL RECOMMENDATION

MIN 0508/03 MOTION - Moved Cr Wheeldon 2nd Cr Caffell

That acceptance and endorsement of the Tammin Catchment Model to proceed, the tender submitted from AVP Construction of up to \$186,000.00 + GST be accepted, including ponds, associated hydraulics components and further cost revisions be undertaken by the administration.

**CARRIED 5/0
BY ABSOLUTE MAJORITY**

REASON

Further clarification of costing details in relation to project quality requirements are endorsed by the Council.

Chief Executive Officer Report

The Chief Executive Officer gave Council a verbal summary report as follows;

1. Local Government Week Conference – appreciated the opportunity to attend part of the Conference and discussion on issues and matters raised during various sessions was completed in association with Council Representatives.
2. Tammin Hydrology Model/Outdoor Function Centre – reported on a meeting with AVP Constructions in Perth in attendance with the Manager Development Services, Electrical Contractor and President, Cr Leslie regarding clarification of constructing the pools/ponds and confirmation of support to complete the project to a desired standard.
3. Changeover of Councils Motor Vehicle – advised Council of the Holden Statesman being traded in for a Ford Fairlane G220 model, estimated delivery in two weeks.
4. September Meeting Guest – The Chief Executive Officer suggested that Council invite Plumb Constructions to Councils September Meeting to give a presentation of the Interpretative Hydrology Model.

5. Tammin Regional Waste Processing Site – informed Council that the Contractor is now progressing the management of the Waste Site after a short illness.

Manager, Development Services Report

Hydrology Model

Works on the project are due to commence on Sunday 3rd August 2003 with the pegging and setting of levels for the site. It is not proposed to turn a sod until all costings are received. At this time there are challenges with the provision of power – an upgrade may be required, as the site will draw more power than 100amps/phase.

The reason the power may need upgrading is the provision of two 63amp 5 pin power supply, 18kw (25amp/phase and 13kw (17amp/phase) motors and existing supplies are limited to 100amp/phase. The Administration is reviewing alternatives including reducing the 5 pin outlets to 32amp – this is a normal supply provided and will suit most bands proposing to use the facility. The tensile steel canopy has been quoted at \$42,000. Alternative quotes are being sought. The power upgrade if required will cost a minimum of \$27,000 plus the cost of the Main Site Board (estimated \$10,000 – \$14,000).

Contractors have been asked to review the proposal and suggest alternatives, which although not detrimental to the end point of the project, may reduce the capital cost.

A list of the tenders received for the provision of the ponds and water features will be presented to Council at the meeting to be held on 6th August 2003. A suggested end budget should also be available for the meeting.

At this time the project will proceed, however the final costings are still being determined. Mr Mitchell, Electrician has advised that negotiations with Western Power are proceeding and providing the project can be reduced to 100amps/phase the issue with pump sizes can be overcome with “soft starts”.

Tamma Village

The sewerage system at the Village has been completely upgraded by the Manager, Development Services using Mr. Terry Silver and Woodstock Electrical. The works undertaken include the installation of eight 1520 septic tanks to contain and commence treatment of the soiled waters with the final two tanks allocated to pumps and alarm systems. Stabilising of the soils by the placement of a cement bund around the bottom tanks and backfilling with river sands has also been undertaken. Detailed plans of the location of sewer connections and the location of the tanks will be placed on the property file.

The major difficulty was in locating the existing sewer drains. This process took two days.

Further works proposed dependent on budget are to provide a flexible connection on the dam side of the system to connect into the new line installed from the Donnan Park Pavilion.

Works completed are estimated at \$14,000.00. The major costs being excavation, pumps and purchase of the tanks.

Donnan Park

During the month the septic system at the Park failed completely and wastewater was leaking from the rear of the pavilion and from pipe work in the paddock. A new line was installed from the system to the existing waste disposal lagoon. The system was installed by avoiding the paddock and entering through the bush on the north side of the lagoon. Under road works included the installation of a steel pipe to ensure the sewer pipe does not fail.

Additionally the premises were vandalised in the Changerooms – placement of toilet rolls into a bundle and setting fire to them, two shade sails were stolen and all locks were cut with a set of bolt cutters. I am advised the person responsible did so because the “sporting club” did not collect the keys and the Shire was closed. No proof of this claim can be found.

Further vandalism occurred over the weekend of 27th July 2003 and has been reported to the Police.

Manager, Works & Services Report

1 TAMMIN TOWN MAINTENANCE

- 1.1 Mowing – Parks & Oval
- 1.2 Slashing
- 1.3 Prime Ripper Trees
- 1.4 Clean gutters Oval Building
- 1.5 Tammin Village
- 1.6 Unblock Toilet
- 1.7 Repair Water Pipe (Park)
- 1.8 Remove Power Poles (Oval)
- 1.9 Score Board Numbers – Paint
- 1.10 Railing Sewerage Tank (Oval)

2 ROAD WORKS – GRAVEL SHEETING

- 2.1 Draper Street
- 2.2 Youring Road
- 2.3 Pot Holes – Wheeldon Road
- 2.4 Floodway Doodgin Peak Road

3 MAINTENANCE GRADING

- 3.1 Town Street
- 3.2 Station Road
- 3.3 Yorkrakine Road
- 3.4 Bungulla Road
- 3.5 Mackin Road
- 3.6 Nock Road
- 3.7 McQueen Road
- 3.8 Cemetery Road
- 3.9 Yorkrakine Eat Road
- 3.10 Watham Road
- 3.11 Shaw Rod
- 3.12 Gardener Road

4 GENERAL MAINTENANCE

- 4.1 Tree Pruning – Turon Road

- 4.2 Tree Pruning – Yorkrakine Road
- 4.3 Tree Pruning – Goldfields Road
- 4.4 Remove tree Rogers Kitto Road
- 4.5 Remove Tree Yorkrakine Road
- 4.6 Tree Pruning – Cemetery Road (Needs more)
- 4.7 Floodway repair – Yorkrakine Eat Road

5 PLANT MAINTENANCE

- 5.1 Multi Wheel Roller – New Motor has arrived.
- 5.2 670B Grader (Crack Block) New Motor
- 5.3 Tailgate Repair No. 27 Met. Truck
- 5.4 Services Cat Grader
- 5.5 Service TN2
- 5.6 Services Case Loader.

6 PRIVATE WORKS

- 6.1 CBH
- 6.2 D Alcock
- 6.3 S Clinch
- 6.4 Water & Rivers
- 6.5 CBH Slashing

GENERAL BUSINESS - Nil

CLOSURE OF MEETING

There being no further business to discuss the President thanked Members for their attendance and closed the meeting at 6:50pm.