



SHIRE OF WOODANILLING



ORDINARY MEETING OF COUNCIL Unconfirmed Minutes 16 April 2024

Disclaimer

The recommendations contained in the Agenda are subject to confirmation by Council. The Shire of Woodanilling warns that anyone who has an application lodged with Council must obtain and should only rely on written confirmation of the outcomes of the application following the Council meeting, and any conditions attaching to the decision made by the Council in respect of the application. No responsibility whatsoever is implied or accepted by the Shire of Woodanilling for any act, omission or statement or intimation occurring during a Council Meeting.

Agendas and Minutes are available on the Shire website www.woodanilling.wa.gov.au

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ORDINARY MEETING OF COUNCIL MINUTES

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Shire President Cr Douglas opened the meeting at 4.00pm and welcomes Councillors, Staff, and members of the public.

1.1. DISCLOSURE OF INTEREST

Division 6 Subdivision 1 of the *Local Government Act 1995* requires Council Members and Employees to declare any direct or indirect financial interest or general interest in any matter listed in this Agenda.

The Act also requires the nature of the interest to be disclosed in writing before the meeting or immediately before the matter be discussed.

NB: A Council member who makes a disclosure must not preside or participate in, or be present during, any discussion or decision making procedure relating to the declared matter unless the procedures set out in Sections 5.68 or 5.69 of the Act have been complied with.

DISCLOSURE OF INTEREST AFFECTING IMPARTIALITY

Disclosures of Interest Affecting Impartiality are required to be declared and recorded in the minutes of a meeting. Councillors who declare such an interest are still permitted to remain in the meeting and to participate in the discussion and voting on the particular matter. This does not lessen the obligation of declaring financial interests etc. covered under the *Local Government Act 1995*.

To help with complying with the requirements of declaring Interests Affecting Impartiality the following statement is recommended to be announced by the person declaring such an interest and to be produced in the minutes.

"I (give circumstances of the interest being declared, eg: have a long standing personal friendship with the proponent). As a consequence there may be a perception that my impartiality on this matter may be affected. I declare that I will consider this matter on its merits and vote accordingly".

2. RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE (PREVIOUSLY APPROVED)

Present:

Cr D Douglas	Shire President
Cr HR Thomson	Deputy Shire President
Cr B Smith	
Cr I Garstone	
Cr R Marshall	
Cr K Stephens	

Officers:

Lyn Mills	Executive Assistant to CEO
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Apologies:

Phil Burgess - Acting Chief Executive Officer/Executive Manager Infrastructure

Observers:

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

4. PUBLIC QUESTION TIME

5. PETITIONS / DEPUTATIONS / PRESENTATIONS

6. APPLICATIONS FOR LEAVE OF ABSENCE

7. ANNOUNCEMENTS BY SHIRE PRESIDENT AND/OR DEPUTY PRESIDENT WITHOUT DISCUSSION

8. CONFIRMATION OF COUNCIL MEETING MINUTES:

8.1. ORDINARY COUNCIL MEETING – 19 MARCH 2024

That the Minutes of the Ordinary Meeting of Council held 19 March 2024 be confirmed as a true and correct record of proceedings.

COUNCIL RESOLUTION – 8.1 - ORDINARY COUNCIL MEETING – 19 MARCH 2024 (OCM 316/03/2024)

Moved: Cr Garstone Seconded: Cr Smith

That the Minutes of the Ordinary Meeting of Council held 19 March 2024 be confirmed as a true and correct record of proceedings.

CARRIED 6/0

For: Cr Douglas, Cr Thomson, Cr Smith, Cr Garstone, Cr Marshall, Cr Stephens

Against: Nil

9. CONFIRMATION OF OTHER MEETING MINUTES:

Nil to report

10. REPORTS OF OFFICERS

Nil to report

11. REGULATORY SERVICES

Nil to report

12. INFRASTRUCTURE SERVICES

12.1. RFQ 2024-01 – RURAL ROADS CONSTRUCTION 2023-24

File Reference	ADM0012
Date of Report	10 April 2024
Responsible Officer	Phil Burgess, Acting Chief Executive Officer
Author/s of Report	Phil Burgess, Acting Chief Executive Officer
Disclosure of any Interest	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .
Voting Requirement	Absolute Majority
Attachments	ATTACHMENT – 12.1.1 RFQ 2024-01 Rural Roads Construction 2023-24

BRIEF SUMMARY

This report provides an update on the procurement process for the Shire’s proposed rural road construction program 2023-24.

BACKGROUND

The Shire has a program of sealed pavement upgrade and capital works planned on Robinson Rd, Oxley Rd, Orchard Rd, and Sandplain Rd. Following the Shire’s OCM in March 2024, Council endorsed issuing a request for quote (RFQ 2024-01) via the WALGA Preferred Supplier Panel network to engage a road construction contractor to complete the earthworks and pavement works required for the projects. The work will also involve pavement stabilisation and spray sealing which will be completed by the Shire’s incumbent contractors for that scope (awarded via RFQ 2023-02 and RFQ 2023-03 respectively).

In summary, the works have been split into four separable portions as follows:

- **Separable Portion A: Robinson Rd SLK 23.9 – 26.9**
 - Reconstruct the existing approx. 7m wide sealed pavement to provide for a 7.2m wide sealed pavement.
- **Separable Portion B: Oxley Rd SLK 7.33 – 7.44**
 - Reconstruct the existing sealed floodway to provide for an 8m wide stabilised sealed floodway.
- **Separable Portion C: Orchard Rd SLK 12.44 sealed floodway**
 - Reconstruct 80m² of sealed floodway pavement, supply and install 2 x 300mm HDPE pipe culverts 10m in length each within existing damaged concrete pipe culverts, fill void between existing culverts and new HDPE culverts with cement slurry, remove and dispose damaged downstream scour protection (30m length), reconstruct rock scour protection downstream.
- **Separable Portion D: Sandplain Rd SLK 1.51 sealed floodway**
 - Reconstruct 180m² of sealed floodway pavement, reconstruct downstream batter.

The RFQ closed on 9 April 2024 and the Shire received two quotations. The quotations were evaluated in accordance with the criteria outlined in the RFQ.

COMMENT

The two quotations received were from Comiskey’s Contracting and WCP Civil. Whilst both contractors have demonstrated their previous experience with similar work, unfortunately both quotations substantially exceeded the Shire’s budget.

As a result, the Shire is not in a position to be able to award either part of or the full program of work to either contractor.

Rather, it is proposed that both quotations be rejected and Council endorse seeking alternative quotes directly from potential contractors outside of the WALGA Preferred Supplier Panel. It is anticipated that via a negotiation process, the Shire will be able to obtain a suitable quotation that falls within the budget amount. This may require some modifications to the original scope of work.

STATUTORY/LEGAL IMPLICATIONS

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

Regulation 11(2) of the Local Government (Functions and General) Regulations 1996

- (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
 - (aa) the supply of the goods or services is associated with a state of emergency or a COVID-19 declaration; 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;

Advertising through WALGA’s Vendor Panel complied with the requirements of this clause.

POLICY IMPLICATIONS

There are currently no Council policies associated with this item.

FINANCIAL IMPLICATIONS

There is currently no financial risk to the Shire based on the recommendation to reject the received quotations and seek additional quotes directly from potential contractors outside the WALGA Preferred Supplier Panel arrangement.

Should the Shire be successful in obtaining a suitable alternative or alternative quotation (s), then the preferred alternative quotation will need to be within the Shire’s available budget for the work.

The Shire’s available budget for the work is as follows:

Road	Description	Funding Source	Budget Available
3rd Party Contractor			
Robinson Rd	Sealed pavement reconstruction and widening	RRG	\$526,341
Orchard Rd	Sealed floodway repairs, culvert and scour protection repairs	LRCI	\$70,681
Oxley Rd	Sealed floodway reconstruction	LRCI / Maintenance	Est. \$85,000
Sandplain Rd	Sealed floodway repairs	Maintenance	Est. \$65,000

STRATEGIC IMPLICATIONS

THEME 4

Roads and Transport

OBJECTIVES

To maintain a quality road transport network which is safe and accessible to all users.

STRATEGIES

Road Maintenance – by carrying out maintenance in accordance with the Maintenance Standards set out in the Shire of Woodanilling Road Maintenance Plan.

CONSULTATION/COMMUNICATION

Consultation has been conducted with the previous Acting Chief Executive Officer and Council briefed on the plan going forward.

RISK MANAGEMENT

The decision to reject the received quotations does not represent a risk to the Shire.

The key risk is that the work will not be completed within the timeframe and/or within budget. This recommendation, to seek alternative quotations directly from potential contractors seeks to partially or fully mitigate this risk by securing a contractor who can complete the works to the specifications within the budget.

Consequence	Insignificant	Minor	Moderate	Major	Extreme
Likelihood					
Almost Certain	Medium	High	High	Severe	Severe
Likely	Low	Medium	High	High	Severe
Possible	Low	Medium	Medium	High	High
Unlikely	Low	Low	Medium	Medium	High
Rare	Low	Low	Low	Low	Medium

Risk Rating	Action
LOW	Monitor for continuous improvement.
MEDIUM	Comply with risk reduction measures to keep risk as low as reasonably practical.
HIGH	Review risk reduction and take additional measures to ensure risk is as low as reasonably achievable.
SEVERE	Unacceptable. Risk reduction measures must be implemented before proceeding.

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION

That Council:

1. Endorses rejecting the two received quotations; and
2. Endorses the A/CEO to obtain alternative quotations outside of the WALGA Preferred Supplier Panel system that are within the Shire's available budget.

COUNCIL RESOLUTION – 12.1 - RFQ 2024-01 – RURAL ROADS CONSTRUCTION 2023-24
(OCM317/03/2024)

Moved: Cr Thomson

Seconded: Cr Marshall

That Council:

1. Endorses rejecting the two received quotations; and
2. endorses the A/CEO to obtain alternative quotations outside of the WALGA Preferred Supplier Panel system that are within the Shire's available budget.

Council endorses this action or process on the consideration that this Act is legal

CARRIED 6/0

For: Cr Douglas, Cr Thomson, Cr Smith, Cr Garstone, Cr Marshall, Cr Stephens

Against: Nil

13. CORPORATE SERVICES

13.1. LIST OF ACCOUNTS FOR PAYMENT – 31 MARCH 2024

File Reference	ADM0066
Date of Report	8 April 2024
Responsible Officer	Belinda Knight, A/Chief Executive Officer
Author of Report	Brooke Dellacqua, Senior Finance Officer
Disclosure of any Interest	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .
Voting Requirement	Simple Majority
Attachments	Attachment 13.1.1 – List of Accounts for Payment – 31 March 2024

BRIEF SUMMARY

The purpose of this report is to present to Council the list of accounts paid, for the month ending 31 March 2024, as required under the *Local Government (Financial Management) Regulations 1996*.

BACKGROUND/COMMENT

In accordance with *Local Government (Financial Management) Regulations 1996*, Clause 13 (1) schedules of all payments made through Council's bank accounts are presented to Council for inspection.

Council has delegated, to the Chief Executive Officer, the exercise of its power to make payments from the Shire's Municipal and Trust funds. In accordance with Regulation 13 of the *Local Government (Financial Management) Regulations 1996*, a list of accounts paid is to be provided to Council, where such delegation is made.

The following table summarises the payments for the period by payment type, with full details of the accounts paid contained within **Attachment 13.1.1**.

Payments up to 31 March 2024

Payment Type	Account Type	Amount \$
Automatic Payment Deductions (Direct Debits & BPay.	Municipal	\$26,698.76
Cheque Payments	Municipal	\$375.20
EFT Payments #7158 to #7206	Municipal	\$108,281.04
Sub Total	Municipal	\$135,355.00
Payments	Trust	\$0.00
Payments	Reserve	\$0.00
Totals		\$135,355.00

STATUTORY/LEGAL IMPLICATIONS

Regulation 13 of the *Local Government (Financial Management) Regulations 1996* states:

13. **Payments from municipal fund or trust fund by CEO, CEO's duties as to etc.**

- (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 subregulation (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.*

POLICY IMPLICATIONS

The Chief Executive Officer, under relevant delegation, is authorised to arrange purchase of specific items in the budget, which do not require calling tenders, providing that it is within the approved and adopted budget.

FINANCIAL IMPLICATIONS

There are no financial implications that have been identified as a result of this report or recommendation.

STRATEGIC IMPLICATIONS

THEME 3

Governance

OBJECTIVES

To promote continual improvement that is supported by efficient and effective governance structures and processes.

STRATEGIES

By ensuring legislation is used to effectively enable quality decision making.

CONSULTATION/COMMUNICATION

There are no community engagement implications that have been identified as a result of this report or recommendation.

RISK MANAGEMENT

The risk in relation to this matter is assessed as “Medium” on the basis that if Council does not accept the payments. The risk identified would be failure to fulfil statutory regulations or compliance requirements. Shire Officer’s provide a full detailed listing of payments made in the timely manner.

Consequence	Insignificant	Minor	Moderate	Major	Extreme
Likelihood					
Almost Certain	Medium	High	High	Severe	Severe
Likely	Low	Medium	High	High	Severe
Possible	Low	Medium	Medium	High	High
Unlikely	Low	Low	Medium	Medium	High
Rare	Low	Low	Low	Low	Medium

Risk Rating	Action
LOW	Monitor for continuous improvement.
MEDIUM	Comply with risk reduction measures to keep risk as low as reasonably practical.
HIGH	Review risk reduction and take additional measures to ensure risk is as low as reasonably achievable.
SEVERE	Unacceptable. Risk reduction measures must be implemented before proceeding.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

That Council accepts the list of accounts and details of the credit card amounts, totalling \$135,355.00 paid under delegated authority in accordance with Regulation 13(1) of the *Local Government (Financial Management) Regulations 1996* for the period ended 31 March 2024, as contained within **Attachment 13.1.1.**

COUNCIL RESOLUTION – 13.1 LIST OF ACCOUNTS FOR PAYMENT – 31 MARCH 2024 (OCM318/03/2024)	
Moved: Cr Marshall	Seconded: Cr Smith
<p>That Council accepts the list of accounts and details of the credit card amounts, totalling \$135,355.00 paid under delegated authority in accordance with Regulation 13(1) of the Local Government (Financial Management) Regulations 1996 for the period ended 31 March 2024, as contained within Attachment 13.1.1.</p> <p style="text-align: right;">CARRIED 6/0</p> <p>For: Cr Douglas, Cr Thomson, Cr Smith, Cr Garstone, Cr Marshall, Cr Stephens Against: Nil</p>	

13.1.MONTHLY FINANCIAL REPORT FOR THE PERIOD ENDING 31 MARCH 2024

File Reference	ADM0066
Date of Report	11 April 2024
Responsible Officer	, Acting Chief Executive Officer
Author of Report	DL Consulting
Disclosure of any Interest	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .
Voting Requirement	Simple Majority
Attachments	Attachment 13.2.1 – Monthly Financial Report 31 March 2024

BRIEF SUMMARY

The Monthly Financial Report for period ending 31 March 2024 is presented for Council's consideration.

BACKGROUND/COMMENT

In accordance with regulation 34 of the *Government (Financial Management) Regulations 1996*, the Shire is to prepare a monthly Statement of Financial Activity for approval by Council. The Monthly Financial Reports have been prepared in accordance with statutory requirements.

The Statement of Financial Activity as at 31 March 2024 shows a closing surplus of \$985,543.

STATUTORY/LEGAL IMPLICATIONS

Section 6.4 of the *Local Government Act 1995* requires a Local Government to prepare an annual financial statement for the preceding year and other financial reports as they prescribed.

Regulation 34 (1) of the *Local Government (Financial Management) Regulations 1996* as amended requires the Local Government to prepare monthly financial statements and report on actual performance against what was set out in the annual budget.

POLICY IMPLICATIONS

There is no Council Policy relevant to this item.

FINANCIAL IMPLICATIONS

The Budget will be regularly monitored on at least a monthly basis, by the Chief Executive Officer and Accountant. Responsible Officers are also required to review their particular line items for anomalies each month, with a major review required by law, between 1 January and 28 March of each year pursuant to the *Local Government (Financial Management) Regulations 1996* (Regulation 33A).

Any material variances that have an impact on the outcome of the budgeted closing surplus/deficit position are detailed in the Monthly Financial Report contained within **Attachment 13.2.1**.

STRATEGIC IMPLICATIONS

THEME 3

Governance

OBJECTIVES

To promote continual improvement that is supported by efficient and effective governance structures and processes.

STRATEGIES

By ensuring legislation is used to effectively enable quality decision making.

CONSULTATION/COMMUNICATION

Reporting Officers receive monthly updates to track expenditure and income and to be aware of their work commitments versus budget allocations.

RISK MANAGEMENT

The risk in relation to this matter is assessed as “Low” on the basis that if Council does not receive the Monthly Financial Reports for the month reported leading to the Shire not meeting legislative requirements on financial reporting. The risk identified would be failure to fulfil statutory regulations or compliance requirements.

Consequence	Insignificant	Minor	Moderate	Major	Extreme
Likelihood					
Almost Certain	Medium	High	High	Severe	Severe
Likely	Low	Medium	High	High	Severe
Possible	Low	Medium	Medium	High	High
Unlikely	Low	Low	Medium	Medium	High
Rare	Low	Low	Low	Low	Medium

Risk Rating	Action
LOW	Monitor for continuous improvement.
MEDIUM	Comply with risk reduction measures to keep risk as low as reasonably practical.
HIGH	Review risk reduction and take additional measures to ensure risk is as low as reasonably achievable.
SEVERE	Unacceptable. Risk reduction measures must be implemented before proceeding.

VOTING REQUIREMENTS

Simple Majority

OFFICER’S RECOMMENDATION

That Council receive the Monthly Financial Report for the period of 31 March 2024, in accordance with section 6.4 of the *Local Government Act 1995* and Regulation 34 of the *Local Government (Financial Management) Regulations 1995* as presented in **Attachment 13.2.1**.

COUNCIL RESOLUTION – 13.2 MONTHLY FINANCIAL REPORT FOR THE PERIOD ENDING 31 MARCH 2024 (OCM319/03/2024)

Moved: Cr Marshall Seconded: Cr Stephens

That Council receive the Monthly Financial Report for the period of 31 March 2024, in accordance with section 6.4 of the *Local Government Act 1995* and Regulation 34 of the *Local Government (Financial Management) Regulations 1995* as presented in **Attachment 13.2.1**.

CARRIED 6/0

For: Cr Douglas, Cr Thomson, Cr Smith, Cr Garstone, Cr Marshall, Cr Stephens

Against: Nil

14. COMMUNITY SERVICES

Nil to Report

15. OFFICE OF CEO

Nil to report

16. ELECTED MEMBERS’ MOTION OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

17. CONFIDENTIAL REPORTS

18. MOTIONS WITHOUT NOTICE BY PERMISSION OF THE COUNCIL

19. CLOSURE OF MEETING

There being no further business the President declared the meeting closed at 4.18pm

I certify that these minutes were confirmed at the Ordinary Council Meeting held on the

Presiding Member – Councillor Dale Douglas

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Date.....