



**UNCONFIRMED MINUTES**  
**ORDINARY MEETING OF COUNCIL**  
**WEDNESDAY, 26 MAY 2021**



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## SHIRE OF WONGAN-BALLIDU

The Ordinary Council Meeting held on Wednesday, 26 May 2021 commencing at 3.00pm.

### Item 1. ACKNOWLEDGEMENT OF COUNTRY / DECLARATION OF OPENING/ ANNOUNCEMENT OF VISITORS

The Shire President declared the Meeting open at 3.08pm.

### Item 2. ATTENDANCE, APOLOGIES, LEAVE OF ABSENCE PREVIOUSLY GRANTED

#### Attendance

##### **Councillors**

Cr M Stephenson	Shire President
Cr B West	Deputy Shire President
Cr S Boekeman	Member
Cr S Falconer	Member
Cr E Ganzer	Member
Cr A Tunstill	Member

##### **Council Officers**

Mr S Taylor	Chief Executive Officer
Ms M Marcon	Manager Regulatory Services
Mr J McNulty	Manager Community Services
Ms M Lee-Curtis	Personal Assistant to the Chief Executive Officer (Minutes)

#### Apologies

Mr A Hart	Deputy Chief Executive Officer
Mr K Mickle	Manager Works & Services

#### Leave of Absence Previously Granted

Nil.

#### Visitors

Dawn Vaughan, Ballidu resident  
Melinda Godfrey, Wongan Hills Tourist Information Centre

### Item 3. PUBLIC QUESTION TIME

#### Dawn Vaughan

**Comment:** Phone calls made this morning to the Shire and CRC went unanswered. Mrs Vaughan was then later advised that both facilities were closed until 12.30pm due to all staff attending a workshop.

Mrs Vaughan recommended that a voice message be recorded on both phone systems to advise the public.

**Q2:** The Street Sweeper cleaned the streets in Ballidu, just shortly after the Council and residents walked around town back in September 2020. How often will the Street Sweeper be in Ballidu?

**A2:** The CEO advised that the Street Sweeper is contracted to clean the streets twice a year, however he will seek clarification from the MWS and advise Mrs Vaughan.

**Q3:** Since the walk-around town in September 2020 by the Council members, staff and local residents, some of the identified tasks have still not been completed in Ballidu. Trees still need to be trimmed on Fairbank Street along footpath, Federation Street near the Post Office and other streets with overhanging trees and shrubs. The kerbing has been done, but when will the road be done? The road condition identified by Mrs Kay Parker, along Fairbanks Street where a witch's hat has been placed by a large hole, has still not been done. When will this work be carried out?

**A3:** The CEO enquired if the work is outstanding or a new list of requests, to which Mrs Vaughan advised that the work is outstanding.

**Q4:** Footpaths identified as dangerous and need to be fixed - near Derrick Hedland's property, and the Heritage Arts Centre. When will this work be carried out?

**Q5:** How much is allocated to Ballidu from the Rates income?

**A5:** The CEO advised that the Shire's Rates income generates about \$2.9M a year, which is a third of the Shire's total budget. The rest of the funding (two-thirds) is obtained from the Government and grants, to provide for all the resources such as; sports grounds, medical centre, rural roads and everything across the local government area. There is no guarantee that all the Rates raised in Ballidu will be spent in Ballidu. We look at what needs to be done in maintenance for the whole Shire.

The CEO commented that during the walk-around, Council agreed that not enough time and effort is spent in Ballidu. The Parks and Gardens crew needs to direct its resources to Ballidu more.

Mrs Vaughan commented that she would welcome a visit by the CEO to Ballidu to review the outstanding list of works. The CEO confirmed that he would meet with Mrs Vaughan at the Ballidu Hall on Monday 31 May at 3.00pm.

#### **Item 4. ANNOUNCEMENTS FROM THE PRESIDING MEMBER**

Nil.

#### **Item 5. DEPUTATIONS / PRESENTATIONS / SUBMISSIONS / PETITIONS**

Presentation by Melinda Godfrey, Wongan Hills Tourist Information Centre

*Mrs Dawn Vaughan and Mrs Melinda Godfrey left the meeting at 3.25pm*

#### **Item 6. APPLICATION/S FOR LEAVE OF ABSENCE**

Nil.

**Item 7. CONFIRMATION OF MINUTES**

**7.1 CONFIRMATION OF THE MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON WEDNESDAY, 28 APRIL 2021:**

**MOVED: Cr West                      SECONDED: Cr Tunstill**

**That the Minutes of the Ordinary Meeting of Council held on Wednesday, 28 April 2021 be confirmed as a true and correct record of the proceedings.**

***CARRIED: 6/0  
RESOLUTION: 010521***

**Item 8. MATTERS FOR WHICH MEETING MAY BE CLOSED**

Nil.

## Item 9. REPORTS OF OFFICERS AND COMMITTEES

### 9.1 GOVERNANCE

#### 9.1.1 LOCAL GOVERNMENT ELECTION 2021

FILE REFERENCE:	
REPORT DATE:	5 May 2021
APPLICANT/PROPONENT:	Stuart Taylor - Chief Executive Officer
OFFICER DISCLOSURE OF INTEREST	Nil
PREVIOUS MEETING REFERENCES:	
AUTHOR:	Stuart Taylor - Chief Executive Officer
ATTACHMENTS:	Correspondence from WA Electoral Commission dated 16 December 2020

#### **PURPOSE OF REPORT:**

For Council to resolve to appoint the Western Australian Electoral Commission to carry out the 2021 Ordinary Election as a Postal Election.

#### **BACKGROUND:**

Many Local Governments utilise the services of the Electoral Office in managing the election process as it streamlines the process and allows staff to progress other priority areas within the organisation.

In 2019 the Shire of Wongan-Ballidu engaged the Western Australian Electoral Commission to carry out the Ordinary Election as a Postal Election.

#### **COMMENT:**

These elections, four Councillors will be up for re-election and one vacancy.

Therefore, Council may deem it prudent to again engage the Electoral Commissioner to carry out the Shire of Wongan-Ballidu Local Government election as a postal election on this occasion.

Postal voting generally receives a greater return of votes than an in-person vote, also the votes can be returned by the elector at their convenience rather than having to come into town on Election Day.

There is no issue with finding staff to work that day as this is the responsibility of the electoral commissioner.

Perceived to be a greater level of independence by Councillors and Community in the running of the election as the administration is removed from the election process.

#### **POLICY REQUIREMENTS:**

There are no known policy requirements in relation to this item.

#### **LEGISLATIVE REQUIREMENTS:**

*Local Government Act 1995*

#### **STRATEGIC IMPLICATIONS:**

There are no known strategic requirements in relation to this item.

**SUSTAINABILITY IMPLICATIONS:**

Nil.

**FINANCIAL IMPLICATIONS:**

A quote has been received from the electoral commission to undertake the election as a postal vote the cost would be \$14,000 including GST. These monies would be included in the 2021/2022 budget.

**VOTING REQUIREMENTS:**

**ABSOLUTE MAJORITY REQUIRED:** Yes

**MOVED: Cr Boekeman                      SECONDED: Cr Tunstill**

**That Council utilise the services of the Electoral Commissioner to undertake the 2021 Shire of Wongan-Ballidu Local Elections as a postal vote election.**

***CARRIED BY ABSOLUTE MAJORITY: 6/0  
RESOLUTION: 020521***

## 9.2 ADMINISTRATION & FINANCIAL SERVICES

### 9.2.1 ACCOUNTS SUBMITTED FOR APRIL 2021

<b>FILE REFERENCE:</b>	F1.4
<b>REPORT DATE:</b>	19 May 2021
<b>APPLICANT/PROPONENT:</b>	N/A
<b>OFFICER DISCLOSURE OF INTEREST:</b>	Nil
<b>PREVIOUS MEETING REFERENCES:</b>	Nil
<b>AUTHOR:</b>	Alan Hart, Deputy Chief Executive Officer
<b>ATTACHMENTS:</b>	9.2.1 Accounts April 2021

#### **PURPOSE OF REPORT:**

That the accounts as submitted be received.

#### **BACKGROUND:**

This information is provided to the Council on a monthly basis in accordance with provisions of the *Local Government Act 1995* and Local Government (Financial Management) Regulations 1996.

#### **COMMENT:**

Refer to attachment.

#### **POLICY REQUIREMENTS:**

There are no known policy requirements related to this item.

#### **LEGISLATIVE REQUIREMENTS:**

Local Government (Financial Management) Regulations 1996 Sections 12 & 13 require the attached reports to be presented to Council.

#### **Lists of Accounts**

Section 6.10 of the *Local Government Act 1995* regulation 12 of the Financial Management Regulations (FMR's) requires a list of accounts paid for the month, and where the Council has delegated the payment of these accounts to the CEO under regulation 13 there must be a list of accounts paid, and the listing shall disclose the following:

- The payee's name
- The amount of the payment
- The date of the payment
- The fund from which it is paid; and
- Sufficient information to identify the transaction.

#### **STRATEGIC IMPLICATIONS:**

There are no strategic implications in relation to this item.

#### **SUSTAINABILITY IMPLICATIONS:**

##### ➤ **Environment**

There are no known environmental impacts associated with this proposal.



➤ **Economic**

There are no known economic impacts associated with this proposal.

➤ **Social**

There are no known social implications associated with this proposal.

**FINANCIAL IMPLICATIONS:**

All payments are within the confines of Councils adopted budget. There have been no other material outstanding creditors since the cheques were prepared.

**VOTING REQUIREMENTS:**

**ABSOLUTE MAJORITY REQUIRED:** No

**MOVED: Cr Falconer**

**SECONDED: Cr Ganzer**

**That the accounts submitted from 1 to 30 April 2021 totalling \$831,914.36 having been checked and certified in accordance with the requirements of the Financial Management Regulations 12 be received, as shown on the summary of accounts paid schedule and the payroll EFT batches.**

**CARRIED: 6/0**  
**RESOLUTION: 030521**

## 9.2.2 FINANCIAL REPORTS FOR APRIL 2021

<b>FILE REFERENCE:</b>	F1.4
<b>REPORT DATE:</b>	19 May 2021
<b>APPLICANT/PROPONENT:</b>	N/A
<b>OFFICER DISCLOSURE OF INTEREST:</b>	Nil
<b>PREVIOUS MEETING REFERENCES:</b>	Nil
<b>AUTHOR:</b>	Alan Hart, Deputy Chief Executive Officer
<b>ATTACHMENTS:</b>	9.2.2a Financial Reports

### PURPOSE OF REPORT:

That the following statements and reports for the month ended April 2021 be received.

### BACKGROUND:

Under the Local Government (Financial Management) Regulations 1996 ('FMR') the Council is to prepare financial reports outlining the financial operations at the previous month end date.

Listed below is a compilation of the reports that will meet compliance, these are listed under Sections and the relevant regulations below.

### Financial Activity Statement Report

Section 6.4 of the *Local Government Act 1995* regulation 34.1 of the FMR requires a local government to prepare each month a statement of financial activity reporting on the sources and application of funds, as set out in the annual budget containing the following detail:

- Annual budget estimates;
- Budget estimates to the end of the month to which the statement relates (known as YTD Budget);
- Actual amounts of expenditure, revenue and income to the end of the month to which the statement relates (known as YTD Actuals);
- Material variances between the comparatives of Budget v's Actuals; and
- The net current assets (NCA) at the end of the month to which the statement relates.

Regulation 34.2 - Each statement of financial activity must be accompanied by documents containing:

- An explanation of the composition of the net current assets of the month to which it relates, less committed assets and restricted assets containing the following detail:
  - An explanation of each of the material variances; and
  - Such other supporting information as is considered relevant by the local government.

Regulation 34.3 - The information in a statement of financial activity may be shown:

- According to nature and type classification;
- By program; or
- By business unit.

Each financial year a local government is to adopt a % value, calculation in accordance with AAS5, to be used in reporting material variances.

**COMMENT:**

Refer to attachment.

**POLICY REQUIREMENTS:**

Council Policy 4.8 - Monthly Financial Reporting Requirements.

**LEGISLATIVE REQUIREMENTS:**

- *Local Government Act 1995*
- Local Government (Financial Management) Regulations 1996

**STRATEGIC IMPLICATIONS:**

There are no Strategic Implications relating to this item.

**SUSTAINABILITY IMPLICATIONS:**

- **Environment**  
There are no known environmental impacts associated with this proposal.
- **Economic**  
There are no known economic impacts associated with this proposal.
- **Social**  
There are no known social implications associated with this proposal.

**FINANCIAL IMPLICATIONS:**

The financial reports for the period ending April 2021 are attached to the Council Agenda.

**VOTING REQUIREMENTS:**

**ABSOLUTE MAJORITY REQUIRED:** No

**MOVED: Cr West**

**SECONDED: Cr Tunstill**

**That the following Statements and Reports for the month ended April 2021 be received:**

**Monthly Statements as follows:**

- |    |  |                      |
|----|--|----------------------|
| a) | <b>Statement of Financial Activity (by Nature and Type)</b>              | <b>FM Regs 34</b>    |
| b) | <b>Statement of Operating Activities by Programme/Activity (Summary)</b> | <b>FM Regs 34</b>    |
| c) | <b>Statement of Net Current Assets (NCA)</b>                             | <b>FM Regs 34</b>    |
| d) | <b>Rate setting statement</b>  | <b>Discretionary</b> |
| e) | <b>Disposal of Assets</b>  | <b>Discretionary</b> |
| f) | <b>Rates Outstanding Report</b>  | <b>Discretionary</b> |
| g) | <b>Debtors Outstanding Report</b>  | <b>Discretionary</b> |
| h) | <b>Bank Reconciliation Report</b>  | <b>Discretionary</b> |
| i) | <b>Investment Report</b>   | <b>Discretionary</b> |
| j) | <b>Reserve Account Balances Report</b>                                   | <b>Discretionary</b> |
| k) | <b>Loans Schedule</b>  | <b>Discretionary</b> |

**CARRIED: 6/0**  
**RESOLUTION: 040521**

## 9.3 WORKS AND SERVICES

### 9.3.1 WHEATBELT SECONDARY FREIGHT NETWORK – FORMALISATION OF COMMITMENT TO PRIORITY 1 – 5 YEAR PLAN DELIVERY

<b>FILE REFERENCE:</b>	28.19
<b>REPORT DATE:</b>	26 May 2021
<b>APPLICANT/PROPONENT:</b>	Shire of Wongan-Ballidu
<b>OFFICER DISCLOSURE OF INTEREST:</b>	Nil
<b>PREVIOUS MEETING REFERENCES:</b>	Nil
<b>AUTHOR:</b>	Karl Mickle, Manager of Works and Services
<b>ATTACHMENTS:</b>	Governance Plan, WSNF Stage 2

#### PURPOSE OF REPORT:

It is requested by the Wheatbelt Secondary Freight Network (WSFN) Steering Committee that the relevant Local Governments with WSNF Priority 1 Routes and identified projects formalise their commitment to delivering Council's identified projects in the WSNF Priority 1 – 5-Year Delivery Plan.

#### BACKGROUND:

The WSNF in the Main Roads WA Wheatbelt Region comprises some 4,400km of Local Government managed roads across 53 routes that connect with State and National highways to provide access for heavy vehicles into the region. It consists of 42 LGs of the Wheatbelt region who have worked collaboratively for over 4 years to identify to secure \$187M of Federal, State and Local Government funding to improve secondary freight network routes on Local Government Roads in the Wheatbelt.

In 2019 the WSNF established a Steering Committee is to provide oversight and governance to the program.

An approved Multiple Criteria Analysis (MCA) determined prioritisation of the routes for Priority 1 funding and associated projects over a 5-year delivery plan. This MCA provided a priority ranking of the 53 WSNF routes. The Priority 1 Proposed Routes were endorsed by Wheatbelt South and Wheatbelt North Regional Road Groups at their July 2020 Meetings as follows:-

<b>Route</b>	<b>Priority 1 - Budget</b>
1. Lancelin to Meckering	\$ 26,000,000
2. Dumbleyung to Nyabing	\$ 3,900,000
3. Cuballing to Wickepin	\$ 4,800,000
4. Dowerin to Dalwallinu	\$ 25,000,000
5. Merredin to Kondinin	\$ 15,300,000
6. Jurien Bay to Dalwallinu	\$ 25,600,000
7. Corrigin to Katanning	\$ 16,400,000
8. Cunderdin to Quairading (Pilot)	\$ 1,600,000
<b>PRIORITY 1 TOTAL</b>	<b>\$ 118,600,000</b>

Capital works for projects along these routes commenced in the 2021/22 financial year. Over the course of the 2020/21 financial year the respective Councils developed a WSNF Priority 1 - 5 Year Delivery Plan (the Plan) of specific projects each year for the total project duration of 5 years along

their nominated route. The overall WSFN Priority 1 - 5 Year Delivery Plan and each Council's suite of projects was endorsed by WSFN Steering Committee and approved by the RRG in March 2021.

The specific routes, roads and individual projects approved for funding under the WSFN 5-Year Delivery Plan are included as Attachment 1 WSFN Priority 1 - 5 Year Delivery Plan.

The WSFN Steering Committee is in the process of presenting this information to Main Roads WA for inclusion in the WSFN Project Planning Report (PPR) due for update for projects commencing 1 July 2021. The Plan envisages completion of Priority 1 Routes by end 2024 / 25 Financial Year.

Moving forward the WSFN Steering Committee is working with the relevant individual Councils verifying their commitment to the WSFN Priority 1 – 5 Year Delivery Plan for incorporation within their future capital works budgets. The funding break-down for each project is 80% Federal Government, 13.3% State Government and 6.7% Local Government. Claims are to be submitted to Main Roads WA Wheatbelt Region in a similar manner to RRG claims on a 40:40:20 basis. The final 20% claim will only be approved following WSFN Project Manager sign off.

It should be noted that as per RRG projects there is no process for variations, however any savings made in any individual year may be carried over as contingency for future years.

Further work is currently being undertaken with relevant LGs to determine routes for Priority 2 funding. This includes development of individual projects with detailed scope of works and budgets for inclusion in WSFN Priority 2 - 5 Year Delivery Plan. It is envisaged this will be presented to Steering Committee and RRG in July 2021, with works commencing in the financial year 2022/23 and completion 2026/27.

The Priority 2 Routes would entail the remaining approximately \$67M of the \$187M. The nominal Priority 2 Routes have been identified in Attachment 2 WSFN MCA Priority 2 Route Commentary. The initial total cost estimate of Priority 1 and 2 Routes is \$184M, however the Steering Committee believe it prudent to determine detailed project budgets before ultimately approved Priority 2 Routes.

#### **COMMENT:**

That Council in accordance with previously endorsed WSFN Governance Plan:

1. Receives the WSFN Priority 1 – 5-Year Delivery Plan Program;
2. Formalise their commitment to delivering Council's identified projects in the WSFN Priority 1 – 5- Year Delivery Plan; and
3. Commit to considering Council's identified projects in their future Capital Works Budgets as outlined in the WSFN Priority 1 – 5-Year Delivery Plan as part of annual budget development and adoption processes.

#### **POLICY REQUIREMENTS:**

Nil.

#### **LEGISLATIVE REQUIREMENTS:**

*Local Government Act 1995*  
Section 3.18 Performing Executive Functions

#### **STRATEGIC IMPLICATIONS:**

Officers from local governments with prioritised projects will be essential to ensure successful delivery of individual projects. This will provide a great opportunity for knowledge sharing and

collaboration across the region. It will allow members of the PTT to undertake both informal and formal training of LGA staff to upskill and improve their technical capacity. Where possible neighbouring LGs will be encouraged to share technical, workforce and plant resources to assist in the efficient on-ground delivery of individual projects.

Individual Shires have already provided the following to the Steering Committee for approval before any funding will be released:

- Scope
- Budget
- Methodology

#### **COMMUNITY CONSULTATION:**

WSFN Steering Committee  
WSFN Technical Committee  
WSFN Project Technical Director  
WSFN Project Manager  
WS and WN RRG

#### **SUSTAINABILITY IMPLICATIONS:**

- **Environment**  
There are no known environmental implications associated with this item.
- **Economic**  
There are no known economic implications associated with this proposal.
- **Social**  
There are no known social implications associated with this item.

#### **FINANCIAL IMPLICATIONS:**

Local Governments with projects approved over the course of the WSFN program will be required to contribute approximately 7% of each individual project's total cost. The remaining funding will be provided by Federal Government 80% and State Government 13%.

- Councils are to incorporate the relevant projects from **WSFN Priority 1 - 5 Year Delivery Plan** into their LTFFP.
- Individual Councils to incorporate into Council Budgets annually.
- Funding will be distributed to LGs via MRWA in accordance with Governance Plan.

**VOTING REQUIREMENTS:** Majority  
**ABSOLUTE MAJORITY REQUIRED:** No

**MOVED: Cr Tunstill**

**SECONDED: Cr Boekeman**

**That Council in accordance with previously endorsed WSFN Governance Plan:**

- 1. RECEIVES the WSFN Priority 1 -5 Year Delivery Plan Program.**
- 2. FORMALISES their commitment to delivering Council's identified projects in the WSFN Priority 1 – 5 Year Delivery Plan.**
- 3. COMMITS to considering Council's identified projects in their future Capital Works Budgets as outlined in the WSFN Priority 1 – 5 Year Delivery Plan as part of annual budget development and adoption processes.**

**CARRIED: 6/0**  
**RESOLUTION: 050521**

## 9.4 HEALTH, BUILDING AND PLANNING

### 9.4.1 UNMADE ROAD CLOSURE STATE LOT 251 ON P220267

FILE REFERENCE:	D9.2
REPORT DATE:	18 May 2021
APPLICANT/PROPONENT:	Melissa Marcon – Manager of Regulatory Services
OFFICER DISCLOSURE OF INTEREST:	Nil
PREVIOUS MEETING REFERENCES:	Nil
AUTHOR:	Melissa Marcon – Manager of Regulatory Services
ATTACHMENTS:	Nil

#### **PURPOSE OF REPORT:**

To seek Council's approval to formally request the Minister for Lands and Heritage to close a portion of unmade road reserve approx. 0.4415 ha located between Cooperative Bulk Handling Group's (CBH) Freehold Lot 249 (CT2540/848) and adjoining Lot 1276 (CT1368/443) at the Ballidu CBH Site.

#### **BACKGROUND:**

The Shire of Wongan-Ballidu received correspondence from CBH Group to request the closure of a portion of unmade road reserve at the Ballidu CBH Site.

#### **COMMENT:**

During the past three years CBH have expanded their operations and installed two new open bulk heads on land adjoining Lot 1276 in Ballidu.

The installation of these open bulk heads has created increased traffic movements on Ballidu South East Road and Townsend Road.

The closure of the unmade road reserve will give CBH the option for access to adjoining Lot 1276 as part of future 'whole of site' design.

Access to this road will reduce the impact on Shire road infrastructure on Ballidu South East Road and Townsend Road.

CBH intend to purchase and amalgamate a portion of the closed road into CBH owned adjoining Lot 249 on P220267 held on Certificate of Title 2540/848.

At the November 2019 Council meeting, Council approved to advertise a notice of road closure. Submissions closed on Monday 6 January and no submissions were received.

Correspondence between Public Transport Authority, Western Australia Planning Commission and the Shire of Wongan-Ballidu requested that the neighbouring property be approached to purchase the portion of unmade road reserve. The property owner did not wish to purchase this land and in turn offered it to CBH.

#### **POLICY REQUIREMENTS:**

There are no policy requirements in relation to the item.

#### **LEGISLATIVE REQUIREMENTS:**

*Land Administration Act 1997* Section 58: Road Closure (3)

*A Local Government must not resolve to make a request under subsection (1) until a period of 35 days has elapsed from the publication in a newspaper circulating in its district of notice of motion for that resolution, and the Local Government has considered any objections made to it within that period concerning the proposals set out in that notice.*

*Land Administration Regulations 1998*

*Section 9 Provides the procedure for a Local Government to request the permanent closure of a road.*

**STRATEGIC IMPLICATIONS:**

There are no immediate strategic implications particular to the Shire.

**SUSTAINABILITY IMPLICATIONS:**

➤ **Environment**

There are no known environmental implications associated with this proposal.

➤ **Economic**

There are no known economic implications associated with this proposal.

➤ **Social**

There are no known social implications associated with this item.

**FINANCIAL IMPLICATIONS:**

There are no known financial implications associated with this item.

**VOTING REQUIREMENTS:**

**ABSOLUTE MAJORITY REQUIRED: No**

**MOVED: Cr Ganzer**

**SECONDED: Cr West**

**That Council REQUESTS the Minister for Lands and Heritage to close the portion of unmade road reserve approx. 0.4415 ha located between Cooperative Bulk Handling Groups (CBH) Freehold Lot 249 (CT2540/848) and adjoining Lot 1276 (CT1368/443) at the Ballidu CBH Site.**

**CARRIED: 6/0  
RESOLUTION: 060521**



Cr Ganzer declared an Interest in the item and left the Meeting at 3.46pm

*Cr Eion Ganzer left the Meeting at 3.46pm*

#### **9.4.2 TENDER RFT 02/2021 – SUPPLY OF SERVICES TO MANAGE THE WONGAN HILLS WASTE FACILITY**

FILE REFERENCE:	CA1.2.1
REPORT DATE:	18 May 2021
APPLICANT/PROPONENT:	Melissa Marcon – Manager of Regulatory Services
OFFICER DISCLOSURE OF INTEREST:	Cr Eion Ganzer
PREVIOUS MEETING REFERENCES:	Nil
AUTHOR:	Melissa Marcon – Manager of Regulatory Services
ATTACHMENTS:	Summary of Tenders Received, Tenderers Offers

#### **PURPOSE OF REPORT:**

To award a contract to the successful tender to manage and operate the Wongan Hills Waste Facility for a three (3) year period from 1 July 2021 to 30 June 2024.

#### **BACKGROUND:**

The Shire requires a Contractor to operate the facility for a three (3) year contract and as such are obligated to call for tenders for the service as the contract price would exceed \$250,000.

The successful tenderer will collect tip fees on behalf of the Shire.

The successful tenderer will supply their own front-end loader, at no expense to the Shire.

The successful tenderer will have the salvage rights to all waste deposited at the site.

The Shire has advertised in the 'West Australian' and the 'Wonga-Balli Boomer' newspapers for interested parties to submit a tender for the position with the end result being one (1) received tender.

#### **COMMENT:**

The tender received was from PJ & WD Newins for the three (3) year period.

The tenderer quoted one (1) price schedule (excluding GST) –

- a) Fixed price \$75,000 per year for three years with Shire loader all-inclusive servicing, breakdowns, diesel and tyres from Friday afternoon to Sunday.

The tenderer does not want CPI added each year.

PJ & WD Newins are the current Contractors of the Waste Facility. The annual price for the last three (3) years has been \$64,920 per year (excluding GST).

The cost of providing a loader to the tenderer with conditions listed would be approximately \$49,764 per year for the next three years.

The tenderers were contacted and offered an increase of \$10,000 plus GST above the submitted tender price to cover the cost of the tenderer providing their own loader for use during the term of the contract.

The tenderers have agreed to provide their own loader for the term of the contract.

## **POLICY REQUIREMENTS:**

There are no policy requirements in relation to the item.

## **LEGISLATIVE REQUIREMENTS:**

*Local Government Act 1995 – Part 3, Division 3, s3.57 (1)*

*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.*

## **STRATEGIC IMPLICATIONS:**

There are no immediate strategic implications particular to the Shire.

## **SUSTAINABILITY IMPLICATIONS:**

### ➤ **Environment**

The operator is obliged to maintain the facility in accordance with guidelines contained in Licence No. L6953/1997/8 issued by Department of Water and Environment Regulation.

### ➤ **Economic**

There are no known economic implications associated with this proposal.

### ➤ **Social**

There are no known social implications associated with this item.

## **FINANCIAL IMPLICATIONS:**

The cost of Management of the Waste Facility will be included in the annual budget.

## **VOTING REQUIREMENTS:**

**ABSOLUTE MAJORITY REQUIRED: No**

**MOVED: Cr Falconer**

**SECONDED: Cr Tunstill**

**That Council ACCEPTS the tender of \$85,000 per year excluding GST from PJ & WD Newins to operate the Wongan Hills Waste Management facility for the three (3) year period from 1 July 2021 to 30 June 2024 with the tenderer to supply their own loader for the term of the contract at not further financial impact to the Shire.**

**CARRIED: 6/0  
RESOLUTION: 070521**

### 9.4.3 TENDER RFT 01/2021 – SALE OF CWA BUILDING, LOT 94 FAIRBANKS ST, BALLIDU

FILE REFERENCE:	A1140
REPORT DATE:	18 May 2021
APPLICANT/PROPONENT:	Melissa Marcon – Manager Regulatory Services
OFFICER DISCLOSURE OF INTEREST:	Nil
PREVIOUS MEETING REFERENCES:	Nil
AUTHOR:	Melissa Marcon – Manager Regulatory Services
ATTACHMENTS:	Nil

#### PURPOSE OF REPORT:

To accept a successful tender for the sale of the CWA Building, Lot 94 Fairbanks Street, Ballidu.

#### BACKGROUND:

Council resolved to advertise the sale of the CWA Building, Ballidu at the March 2021 meeting of Council.

The Shire advertised in the 'West Australian', the 'Wonga-Balli Boomer' newspapers, on the Shire website and Facebook for interested parties to submit a tender for the purchase of the building with the end result being two (2) tenders received.

#### COMMENT:

Two (2) tenders were received, details listed below –

	<b>Tenderer One (1)</b>	<b>Tenderer Two (2)</b>
<b>Name</b>	Hendrikus and Vilailuk De Jong	Tracey Lee-Anne de Grussa
<b>Price inc GST</b>	\$5,100	\$2,200.00
<b>Proposal</b>	Residential Housing	Nyungar Cultural Centre

#### Tenderer One

The proposed use for the building will be residential housing.

The proposed development will consist of landscaping the surrounding grounds, renovate the building as a residence. Upgrade and beautify but keep the integrity of the structure as part of the historical heritage of Ballidu.

The proposed start date will be after settlement with internal works completed within 2 months, other works have not time frame.

The benefit to the community is an upgrade to a historic building that can be used as residential or rental accommodation.

#### Tenderer two

The proposed use for the building will be a central point to promote Nyungar/Aboriginal culture and heritage to all members of the Shire and broader community. The centre will provide the space for display of Aboriginal artwork, tools etc.

The proposed development will consist of the removal of front fence, carpet in front yard, cleaning of open land around building, repair and patch structural cracks to building, carry out any necessary maintenance to building, repaint, construct a fire pit and meeting area in back yard.

The proposed start date will be immediately after settlement and is anticipated to be completed within 2 years and open to the public there after.

The benefit of a cultural centre of this nature is that it will be the first for the Shire of Wongan Ballidu and surrounding towns. It will provide an insight to Nyungar/Aboriginal culture and heritage to all people as well as being a focal point to meet.

There is no financial assistance required from the Shire of Wongan Ballidu for this project.

There will be no one living on the property, it will be used as a display centre.

There is not a centre of this nature located near the Shire of Wongan Ballidu and this would be the first in our area. The centre would be open to everyone not just Aboriginal people.

Although not the highest tender received the Nyungar Cultural Centre will provide a social and cultural benefit to the community. It is recommended that Tracey Lee-Anne de Grussa be the successful tender to purchase the CWA Building, Lot 94 Fairbanks Street, Ballidu.

#### **POLICY REQUIREMENTS:**

There are no policy requirements in relation to the item.

#### **LEGISLATIVE REQUIREMENTS:**

The *Local Government Act 1995* and the Local Government Function and General Regulations apply in this instance.

#### *3.58. Disposing of property*

*(1) In this section —*

*dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not.*

*property includes the whole or any part of the interest of a local government in property, but does not include money.*

*(2) Except as stated in this section, a local government can only dispose of property to —*

*(a) the highest bidder at public auction; or*

*(b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.*

#### *18. Rejecting and accepting tenders*

*(1) A tender is required to be rejected unless it is submitted at a place, and within the time, specified in the invitation for tenders.*

*(2) A tender that is submitted at a place, and within the time, specified in the invitation for tenders but that fails to comply with any other requirement specified in the invitation may be rejected without considering the merits of the tender.*

*(3) If, under regulation 23(4), the CEO has prepared a list of acceptable tenderers for the supply of goods or services, a tender submitted by a person who is not listed as an acceptable tenderer is to be rejected.*

*(4) Tenders that have not been rejected under subregulation (1), (2), or (3) are to be assessed by the local government by means of a written evaluation of the extent to which each tender satisfies the criteria for deciding which tender to accept and it is to decide which of them (if any) it thinks it would be most advantageous to the local government to accept.*

(4a) To assist the local government in deciding which tender would be the most advantageous to it to accept, a tenderer may be requested to clarify the information provided in the tender.

(5) The local government may decline to accept any tender.

(6) If a local government has accepted a tender but acceptance of the tender does not create a contract and within 6 months of the day on which the tender was accepted the local government and the successful tenderer agree not to enter into a contract in relation to the tender, the local government may accept from the other tenders the tender which it thinks it would be most advantageous to the local government to accept.

(7) If a local government has accepted a tender and acceptance of the tender creates a contract and within 6 months of the day on which the tender was accepted the local government and the successful tenderer agree to terminate the contract, the local government may accept from the other tenders the tender which it thinks it would be most advantageous to the local government to accept.

#### **STRATEGIC IMPLICATIONS:**

There are no known Strategic implications associated with this item.

#### **SUSTAINABILITY IMPLICATIONS:**

➤ **Environment**

There are no known environmental implications associated with this item.

➤ **Economic**

A centre of this nature would provide more visitors to the town of Ballidu providing economic benefit to local businesses.

➤ **Social**

A centre of this nature would provide cultural and social benefit to the local and broader community.

#### **FINANCIAL IMPLICATIONS:**

There will be long term savings to Council as a result of the sale of this property.

All costs associated with the proposed sale is the responsibility of and will be met by the successful tenderer.

#### **VOTING REQUIREMENTS:**

**ABSOLUTE MAJORITY REQUIRED:** No

**MOVED: Cr Ganzer**

**SECONDED: Cr West**

**That Council ACCEPTS the Tender submitted by Tracey Lee-Ann de Grussa for the purchase of the CWA Building, Lot 94 Fairbanks Street, Ballidu for the purchase price of \$2,200 including GST and in accordance with conditions set in the tender.**

**CARRIED: 6/0  
RESOLUTION: 080521**

**9.5 COMMUNITY SERVICES**

No items.

**Item 10. QUESTIONS FROM MEMBERS WITHOUT NOTICE**

**Item 11. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING**

**Item 12. MATTERS FOR WHICH THE MEETING MAY BE CLOSED**

**Item 13. CLOSURE**

There being no further business, the Shire President, declared the meeting closed at 3.53pm.

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Signed by:  
Cr Mandy Stephenson  
SHIRE PRESIDENT