

**NOTICE OF AN ORDINARY MEETING OF COUNCIL**

Dear Council Member

The next Ordinary Meeting of the Shire of Bridgetown-Greenbushes will be held on **Thursday, 26 October 2017** in the Council Chambers, commencing at 5.30pm.

Signed by T Clynch, CEO



Date

19 October 2017

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## **AGENDA**

For an Ordinary Meeting of Council to be held in the Council Chambers on Thursday, 28 September 2017 commencing at 5.30pm

*Meeting to be opened by the Presiding Member*

### **Acknowledgment of Country – Presiding Member**

*On behalf of the Councillors, staff and gallery, I acknowledge the Noongar People, the Traditional Owners of the Land on which we are gathered, and pay my respects to their Elders both past and present.*

### **Attendance, Apologies and Leave of Absence**

- |               |  |
|---------------|--|
| Councillors   | - D Mackman  |
|               | - J Moore  |
|               | - J Nicholas   |
|               | - A Pratico  |
|               | - P Scallan  |
|               | - Cr .....   |
|               | - Cr .....   |
|               | - Cr .....   |
|               | - Cr .....   |
| In Attendance | - T Clynch, CEO                                      |
|               | - M Larkworthy, Executive Manager Corporate Services |
|               | - E Dennis, Executive Manager Community Services     |
|               | - T Lockley, Executive Assistant                     |

*Please note: This Agenda was prepared prior to the Local Government Elections and the following Special Meeting of Council called for the Swearing in of New Councillors and the Election of President and Deputy President. The position of President and names of newly elected Councillors will be updated in the Agenda once they are known.*

### **Attendance of Gallery**

### **Responses to Previous Questions Taken on Notice**

### **Public Question Time**

### **Petitions/Deputations/Presentations**

### **Comments on Agenda Items by Parties with an Interest**

### **Applications for Leave of Absence**

## **Confirmation of Minutes**

### **C.01/1017 Ordinary Meeting held 28 September 2017**

*A motion is required to confirm the Minutes of the Ordinary Meeting of Council held 28 September 2017 as a true and correct record.*

## **Announcements by the Presiding Member Without Discussion**

### **Notification of Disclosure of Interest**

Section 5.65 or 5.70 of the Local Government Act requires a Member or Officer who has an interest in any matter to be discussed at a Committee/Council Meeting that will be attended by the Member or Officer must disclose the nature of the interest in a written notice given to the Chief Executive Officer before the meeting; or at the meeting before the matter is discussed.

A Member who makes a disclosure under Section 5.65 or 5.70 must not preside at the part of the meeting relating to the matter; or participate in; or be present during any discussion or decision making procedure relating to the matter, unless allowed by the Committee/Council. If Committee/Council allows a Member to speak, the extent of the interest must also be stated.

Name	T Clynch
Type of Interest	Impartiality & Financial
Item No.	C.05/1017 - Appointment of Consultant to Facilitate 2017/18 CEO Performance Review
Nature of Interest	The Items subject matter concerns his forthcoming performance review

## **Questions on Agenda Items by Elected Members**

### **Consideration of Motions of which Previous Notice has been Given - Nil**

### **Reports of Officers**

Reports of Officers have been divided into Departments as follows:

- CEO's Office
- Finance & Administration
- Planning & Environmental Services
- Works & Services
- Community Services

## CEO's Office

<b>ITEM NO.</b>	C.02/1017	<b>FILE REF.</b>	
<b>SUBJECT</b>	Reclassification of Taxi Bay to Taxi/Community Bus Parking Bay		
<b>PROPONENT</b>	Community Home Care Bridgetown		
<b>OFFICER</b>	Chief Executive Officer		
<b>DATE OF REPORT</b>	17 October 2017		

*OFFICER RECOMMENDATION that Council amend the designation of the existing taxi bay on Hampton Street to a taxi/community bus parking bay with any community bus or van used for the conveyance of passengers permitted to park in this bay.*

### Summary/Purpose

A request has been received from Community Home Care Bridgetown for the tax parking bay on Hampton Street to be reclassified to allow it to park its 'BATS' van. Under Council's Parking and Parking Facilities Local Law a Council resolution is required to amend the permitted class of vehicles which may park in a parking bay.

### Background

Community Home Care Bridgetown has requested the taxi bay located on Hampton Street be reclassified to allow it to park its 'BATS' (Bridgetown Area Transport Service) van in the bay. The dimensions of normal car parking bays are insufficient to allow parking of the van. The BATS van could park in the community bus bay outside the Shire administration office on Steere Street but this bay is also designated as a loading bay and therefore is often unavailable for bus parking.

The Bridgetown taxi service has ceased to operate therefore the taxi bay isn't required. In any case even if a taxi service was to be re-established the need for a dedicated bay is questioned and taxis could share use of the bay with community buses or vans.

The BATs van has a side sliding door and a rear door for use by wheelchair users.

### Statutory Environment

Clause 2.2(d) of the Parking and Parking Facilities Local Law allows a local government, by resolution, to constitute, determine and vary and also indicate by signs the permitted classes of vehicles which may park in parking stalls and parking stations. A parking stall is a section or part of a thoroughfare or of a parking station which is marked or defined for the purpose of indicating where a vehicle may be parked.

### Integrated Planning

- Strategic Community Plan
  - Key Goal 4 - A community that is friendly and welcoming
  - Objective 4.3 - Appropriate community led local transport systems
  - Strategy 4.3.1 - Investigate improvements to local transport systems
  - Objective 4.7 – a safe area
  - Strategy 4.7.2 - Improve parking and pedestrian accessibility in town centres

Key Goal 5 - Our leadership will be visionary, collaborative and accountable

Objective 5.1 - Our community actively participates in civic life

Strategy 5.1.5 - Support groups that deliver programs, activities and services for the benefit of the community

- Corporate Business Plan - Nil
- Long Term Financial Plan - Nil
- Asset Management Plans - Nil
- Workforce Plan – Not Applicable
- Other Integrated Planning - Nil

Policy - Nil

Budget Implications

Account 1411520 'Parking Signs & Marking bays' has salaries, overheads and materials allocations to cover costs of line marking and replacement signage for parking bays. The cost of a new sign is estimated at \$50.

Fiscal Equity

Subsidised access to the BATS van is determined by specific criteria. Also if room is available on the bus users not eligible for a subsidy can use the bus at a specific fee.

Whole of Life Accounting – Not Applicable

Social Equity – Not Applicable

Ecological Equity – Not Applicable

Cultural Equity – Not Applicable

Risk Management

The length of the existing taxi bay is sufficient to allow separation from adjacent parked vehicles for access to the rear door for wheelchair users.

Continuous Improvement – Not Applicable

Voting Requirements – Simple Majority

<b>ITEM NO.</b>	C.03/1017	<b>FILE REF.</b>	
<b>SUBJECT</b>	Waiving of Stallholder Fee for Blues Festival		
<b>PROPONENT</b>	Blues at Bridgetown		
<b>OFFICER</b>	Chief Executive Officer		
<b>DATE OF REPORT</b>	17 October 2017		

*OFFICER RECOMMENDATION that Council waives/exempts the requirement for existing shops within the street festival area to pay a stallholder permit fee for stalls adjacent to their place of business during the Blues at Bridgetown Festival.*

#### Summary/Purpose

Blues at Bridgetown has requested Council consider waiving or exempting the payment of a stallholder fee where a local business within the street festival area seeks to have a stall on the road or footpath adjacent to their business premises.

#### Background

Blues at Bridgetown has approached the Shire requesting Council consider waiving or exempting the fee levied on existing businesses/shops within the street festival area for having a stall on the footpath or road outside their business on the Saturday of the festival.

Blues at Bridgetown has been encouraging businesses to have a street presence during the Saturday street party as it believes this adds greatly to the atmosphere of the street party and helps local businesses maximise returns during the festival. Blues at Bridgetown however has advised that a number of businesses have expressed some reluctance in participating in this initiative due to the costs of staffing the outside stall and the need to pay a separate fee to the Shire. Blues at Bridgetown has requested Council consider exempting the businesses from having to pay a fee for this initiative.

#### Officer Comment

Council's 'Blues Festival Trading Policy states:

*All stallholders or traders (including extensions of trading of existing business out onto the adjacent footpath unless an annual permit for such use has already been granted by the Shire) will require a permit from the Shire of Bridgetown-Greenbushes.*

All stallholders, be it stalls operated by local businesses or outside stallholders, are required to obtain a permit. Associated with that permit is the payment of a specific fee.

Council's 2017/18 Schedule of Fees & Charges sets the following fees for single day stallholder permits during the Blues Festival:

- Food Stallholder - \$90.35
- Non-food Stallholder - \$32.05

Any business that wishes to sell food from a stall outside its business must already be registered as a food business. Such businesses have already been subject to the inspection and other regulatory requirements for registration as a food business and

the addition of an external stall for one day of the year is unlikely to trigger any additional inspection requirements by the Shire’s health officer unless there were concerns with the business itself – in which case the health officer would have the authority to refuse to issue a permit for the proposed stall.

Non-food merchandise stalls are not generally inspected by the health officer unless issues such as canopy tethering, signage, etc. are deemed to pose a risk to the public.

For the Saturday street party 110 stallholders are proposed (26 food and 84 non-food merchandise) of which 14 (8 food and 6 non-food merchandise) are existing shops having a stall at the front of their business premises. If Council was to endorse the officer recommendation prospective fee income of \$915.10 would be waived, assuming these businesses would have proceeded with their stall proposals if fees weren’t waived. Feedback from Blues at Bridgetown is that some of these businesses wouldn’t proceed with the stall concept if a fee was charged.

In addition to paying stallholder fees to the Shire of Bridgetown-Greenbushes stallholders pay a fee to Blues at Bridgetown. In the case of local business having a stall in front of their premises a discounted fee is charged by Blues at Bridgetown.

Statutory Environment - Nil

Integrated Planning

- Strategic Community Plan  
Key Goal 1: Our economy will be strong, diverse and resilient  
Objective 1.2 - A proactive approach to business development  
Strategy 1.2.1 - Embrace a “can-do” approach to development  
Strategy 1.2.2 - Design and implement business retention strategies and initiatives for support of existing and potential new businesses
- Corporate Business Plan - Nil
- Long Term Financial Plan  
The Long Term Financial Plan contains forward estimates of revenue, including revenue from stallholder fees. The waiving or exempting of the above fees wouldn’t significantly impact these forward estimates
- Asset Management Plans – Not Applicable
- Workforce Plan – Not Applicable
- Other Integrated Planning - Nil

Policy

Blues Festival Trading Policy

Budget Implications

At the time the annual budget is prepared details on the number of stallholders proposed for the Blues Festival are unknown so an estimate based on the previous year’s festival is made. Waiving or exempting the 14 local business stallholders from



having to pay the stallholder fee would potentially decrease revenue by up to \$915.10.

Fiscal Equity

It is only recommended that the stallholder fee be waived or exempted for stalls operated as an extension of an existing business within the street festival area. All other stallholders will still be required to pay the applicable fee. In the case of local food businesses seeking to operate a food stall at the front of their business they have already been approved as food business by the Shire of Bridgetown-Greenbushes and been subject to health controls administered by the Shire.

Whole of Life Accounting – Not Applicable

Social Equity – Not Applicable

Ecological Equity – Not Applicable

Cultural Equity – Not Applicable

Risk Management

The same controls would exist and be applied to all stalls regardless of whether a fee is paid.

Continuous Improvement – Not Applicable

Voting Requirements – Simple Majority

<b>ITEM NO.</b>	C.04/1017	<b>FILE REF.</b>	
<b>SUBJECT</b>	Trotting Stalls Upgrade		
<b>PROPONENT</b>	Bridgetown Harness Racing Club		
<b>OFFICER</b>	Chief Executive Officer		
<b>DATE OF REPORT</b>	17 October 2017		

Attachment 1      Photograph of Horse Stalls

*OFFICER RECOMMENDATION that Council:*

- 1. Accept the offer of \$20,000 from the Bridgetown Harness Racing Club to be put towards an upgrade and/or reconstruction of damaged horse stalls in the stable area of the Bridgetown Sportsground.*
- 2. Provide a financial contribution of \$10,000 towards the project with these funds being drawn from the Matched Grants Reserve.*
- 3. Authorise unbudgeted expenditure of \$30,000 (\$20,000 + \$10,000) for upgrade and/or reconstruction of damaged horse stalls in the stable area of the Bridgetown Sportsground and amend the budget accordingly.*
- 4. Direct the CEO to consider the upgrade of any remaining horse stalls in the next annual review of the 4 Year Building Capital and Maintenance Plan.*

### Summary/Purpose

The condition of many of the horse stalls (stables) at the Bridgetown Sportsground is poor and poses some threat to the ongoing viability of harness racing meetings being held at that venue. The Bridgetown Harness Racing Club has offered to provide \$20,000 funding towards upgrading of the most damaged stalls on the proviso that Council provide a sum of \$10,000. It is recommended Council support this project and draw its \$10,000 contribution from the Matched Grants Reserve.

### Background

In October 2016 significant storm damage occurred to the trotting stalls located at the Bridgetown Sportsground. A total of 22 stalls were destroyed by high wind gusts, and these were subsequently rebuilt in January 2017, funded by an insurance payout received by the Shire for the damage to the stalls.

Although not significantly damaged by the 2016 storm there remain 34 stalls in a poor condition, with rotting stumps and degraded timber cladding. A further group of 20 stalls at the southern end are in a better condition but will eventually require replacement.

The Bridgetown Harness Racing Club has been in communication with Shire staff regarding a plan for upgrading of the horse stalls. The Club is required to meet safety standards specified by Racing and Wagering Western Australia and serious breaches of these standards can place at threat a club's ability to host harness race meetings.

Racing and Wagering Western Australia has provided a capital infrastructure grant of \$10,000 to the Bridgetown Harness Racing Club and the Club has determined that it wishes to allocate these funds to improving the condition of the horse stalls. In addition to the grant, the Club is prepared to contribute an additional \$10,000 of its own funds to the project if the Shire was to contribute an equal amount of \$10,000. If all contributions are secured a sum of \$30,000 would be available for the project.

A sum of \$30,000 would allow for reconstruction of 11 horse stalls and adjoining shed at the north-western end of the stable area, significant repairs/upgrade of a further 4 stalls, and temporary leveling and stabilization of other stalls that have sagged due to rotting stumps.

The Bridgetown Harness Racing Club has offered to provide voluntary labour to assist any contractor appointed to carry out the work and depending upon the extent of such labour any savings would be used to carry out additional work on the remaining stalls.

The Bridgetown Harness Racing Club hosts two race meetings per annum and advice from the Club is that it is considering seeking a third race meeting in 2018 as part of the Bridgetown 150 year anniversary celebrations.

In addition to the stalls being used for race meetings they are also used by local harness racing trainers when working horses on the trotting track, generally on a daily basis.

### Officer Comment

Council's 2017/18 budget doesn't contain any funding for this project. All the revenue received in 2016/17 from the insurance payout for the storm damaged horse stalls was expended on repairs in that year.

As the Bridgetown Harness Racing Club has offered to provide \$20,000 funding towards the project if the Shire was to provide \$10,000 Council could consider allocating its \$10,000 contribution from its Matched Grants Reserve. Alternatively as the stalls are Shire assets any contribution could be made from the Building Maintenance Reserve.

The purpose of the Matched Grants Reserve is "to provide a funding mechanism for grants that require a matched funding component".

The purpose of the Building Maintenance Reserve is "to be used to fund capital improvements to council buildings and facilities".

The officer recommendation is to:

- Accept the need to carry out some improvements to the damaged and degraded horse stalls and accordingly accept the offer from the Bridgetown Harness Racing Club of \$20,000 funding towards immediate upgrade of the worst of the damaged horse stalls;
- Council to match the \$20,000 offer with an allocation of \$10,000 Shire funds towards the project;
- Draw the \$10,000 contribution from the Matched Grants Reserve rather than the Building Maintenance Reserve as the Shire funding is partially matching the funding being provided by the Bridgetown Harness Racing Club; and
- Direct the CEO to ensure that the upgrade of any remaining horse stalls be assessed as part of the next annual review of the 4 Year Building Capital and Maintenance Plan.

### Statutory Environment

The horse stalls, like all infrastructure and buildings at the Bridgetown Sportsground are listed on the Shire's asset register and therefore are the property of the Shire.

The works are not funded in Council's 2017/18 budget. Section 6.8 of the Local Government Act requires an absolute majority decision for expenditure not included in the annual budget.

### Integrated Planning

- Strategic Community Plan
  - Key Goal 3 - Our built environment is maintained, protected and enhanced
  - Objective 3.2 - Outdoor spaces, places and buildings are fit for purpose
  - Strategy 3.2.2 - Social and recreation programs make the most of existing built facilities
  - Strategy 3.2.5 - Provide and maintain a range of facilities that cater for the community's needs
  - Strategy 3.2.6 - Develop new facilities that provide for the identifiable needs of the community

Key Goal 4 - A community that is friendly and welcoming  
Objective 4.1 - A cohesive community with a sense of pride  
Strategy 4.1.1 - Deliver and support a wide range of community activities, events and associated infrastructure

➤ Corporate Business Plan

Strategy 3.2.2 - Social and recreation programs make the most of existing built facilities

Action 3.2.2.1 - Work in partnership with clubs to ensure sporting facilities are fit for purpose and improved based on need/funding (2017/18 and onwards)

Strategy 3.2.5 - Provide and maintain a range of facilities that cater for the community's needs

Action 3.2.5.1 - Maintain the Shire's building inventory (as per 4 year Building Capital and Maintenance Plan)

Action 3.2.5.2 - Upgrade where required the Shire's buildings where a demonstrated need is identified as per 4 year Building Capital and Maintenance Plan)

➤ Long Term Financial Plan

An allocation of \$10,000 per year into the Matched Grants Reserve is provided for over the 15 year coverage of the Long Term Financial Plan.

➤ Asset Management Plans

Renewal and replacement expenditure is major work which does not increase the asset's design capacity but restores, rehabilitates, replaces or renews an existing asset to its original or lesser required service potential. Work over and above restoring an asset to original service potential is upgrade/expansion or new works expenditure.

➤ Workforce Plan – Not Applicable

➤ Other Integrated Planning

Building Capital and Maintenance Plan 2017/18 to 2020/21 – no expenditure is allocated for works on the stables complex at the Bridgetown Sportsground as at the time of preparing this plan the extent of the repair/replacement works hadn't been determined. There was a view that these works would have to be accommodated in future reviews of the 4 Year Plan.

Policy - Nil

Budget Implications

The Matched Grants Reserve has a budgeted balance of \$30,351. The Building Maintenance Reserve has a budgeted balance of \$148,063.

Fiscal Equity

The horse stalls (stables area) at the Bridgetown Sportsground are a Shire asset not the asset of the Bridgetown Harness Racing Club. The facilities can be used by any member of the public or for other events where clashes with the needs of the harness racing club doesn't occur. The race meetings held by the Club are well attended by locals and visitors.

Whole of Life Accounting

A historical review of Shire expenditure indicates that until the last 5-7 years very little expenditure occurred on maintenance of the horse stalls. The stables area and other harness racing infrastructure is now listed with a separate job number in Council's annual budget and Building Capital and Maintenance Plan and this ensures that the facilities are maintained under a managed program.

Social Equity – Not Applicable

Ecological Equity – Not Applicable

Cultural Equity – Not Applicable

Risk Management

Racing and Wagering Western Australia conducts regular audits of racecourse infrastructure and if infrastructure poses a risk to users or patrons the future use of a racecourse can be reviewed. The provision of the \$10,000 grant by Racing and Wagering Western Australia has been made to all race clubs in Western Australia in recognition that improvements to infrastructure remains a critical issue in the racing industry.

Continuous Improvement – Not Applicable

Voting Requirements – Absolute Majority

*The CEO, being the author of this report declares an impartiality and financial interest with the nature of the interest being that its subject matter concerns his forthcoming performance review*

<b>ITEM NO.</b>	C.05/1017	<b>FILE REF.</b>	
<b>SUBJECT</b>	Appointment of Consultant to Facilitate 2017/18 CEO Performance Review		
<b>OFFICER</b>	Chief Executive Officer		
<b>DATE OF REPORT</b>	18 October 2017		

*OFFICER RECOMMENDATION That Dillinger Group Development be appointed to facilitate the CEO Performance Review for the period 1 July 2016 to 30 June 2017.*

Summary/Purpose

The CEO Performance Review Committee is recommending the appointment of Dillinger Group Development to facilitate the upcoming performance review of the CEO.

Background

Council for many years has engaged an external consultant to assist the CEO Performance Review Committee. For the six years (reviews) between 2010 and 2015 Council's industrial relations advisor/consultant, Fitz Gerald Strategies was appointed by Council to carry out this task. Last year for the 2016/17 review (completed in February 2017) Mr Joe Radici of Dillinger Group Development Pty Ltd was appointed.

In February 2017, at the conclusion of the 2016/17 CEO performance review process the CEO Performance Review Committee indicated its satisfaction with the performance of Mr Radici and indicated it would be seeking a quote from him to conduct the 2017/18 CEO performance review.

The CEO Performance Review Committee, at its meeting held on 16 October 2017 determined the following recommendations for presentation to Council:

*CPRC.01/1017 That Mr Joe Radici of Dillinger Group Development Pty Ltd be appointed to facilitate the 2017 CEO Performance Review subject to his revised proposal/quote being acceptable.*

*CPRC.02/1017 That the process for the upcoming CEO Performance Review be:*

- 1. Same form to be used as last year.*
- 2. Consultant to send out form to councillors and three executive managers with request that these be completed and emailed back to consultant within 2 weeks deadline.*
- 3. Consultant to send completed forms to members of Committee together with preliminary summary of patterns or trends.*
- 4. Consultant to attend meeting in Bridgetown to meet with Committee to go through completed forms, identify patterns or trends and identify any recommendations for inclusion in final report to be presented to Council.*
- 5. Consultant to write draft report and email to committee members and CEO for feedback.*
- 6. Depending on whether any feedback has been received Consultant to finalise report and email to Committee members and CEO.*
- 7. Entire process to be conducted in November with form to be sent out 1<sup>st</sup> week of November and final report completed by end of November.*
- 8. The consultant is to revise his quote taking into account the process described above. The quote is to allow for only a single visit to Bridgetown with a price variation referenced if any additional visits are required.*

The process to be followed for the performance review is similar to the last performance review however savings will be made as the consultant/facilitator will not be required to meet with the committee to the same extent as last year. Only one visit to Bridgetown has been factored into the quote.

Based on the above process Mr Radici has tendered a quote of \$4,753 ex GST to undertake the work. Outside of the meeting all three members of the CEO Performance Review Committee have indicated support for this quote and presentation to Council for acceptance.

#### Statutory Environment

Clause 5.38 of the Local Government Act requires an annual performance assessment to be undertaken. The performance review process for the position of CEO is set out in that officer's Contract of Employment.

Under the terms of the CEO's Contract of Employment the selection of a consultant for the performance review must be to the satisfaction of both parties. Based on past performance the CEO has no objection to the appointment of Mr Radici for this

task but reserves his right to review proposals from other providers/facilitators before indicating acceptance or not.

Policy – Nil

Integrated Planning

- Strategic Community Plan - Nil
- Corporate Business Plan - Nil
- Long Term Financial Plan - Nil
- Asset Management Plans – Not Applicable
- Workforce Plan - Nil
- Other Integrated Planning - Nil

Budget Implications

The draft 2016/17 budget allows for an amount of \$6,160 ex GST for the services of a consultant to assist with the CEO performance review. The quote of \$4,753 ex-GST from Mr Radici therefore represents a budget saving.

Fiscal Equity – Not Applicable

Whole of Life Accounting – Not Applicable

Social Equity – Not Applicable

Ecological Equity – Not Applicable

Cultural Equity – Not Applicable

Risk Management

The CEO is the only employee the Council is able to direct. Therefore the review of the performance of that employee is of critical importance to the performance and direction of the whole organisation.

Continuous Improvement

Engaging the services of a consultant lessens the volume of work to be undertaken by committee members as well as providing the Committee with specific expertise in the area of local government CEO performance review and management.

Voting Requirements – Simple Majority

<b>ITEM NO.</b>	C.06/1017	<b>FILE REF.</b>	
<b>SUBJECT</b>	Review of the Local Government Act Discussion Paper.		
<b>PROPONENT</b>	Western Australian Local Government Association (WALGA)		
<b>OFFICER</b>	Chief Executive Officer		
<b>DATE OF REPORT</b>	19 October 2017		

Attachment 2      WALGA Review of the Local Government Act Discussion Paper  
Attachment 3      Draft Submission on WALGA Discussion Paper

*OFFICER RECOMMENDATION That Council adopt Attachment 3 as its submission to the Western Australian Local Government Association Review of the Local Government Act Discussion Paper.*

#### Summary/Purpose

The State Government has announced a review of the Local Government Act 1995 in two phases. The Western Australian Local Government Association (WALGA) has produced a discussion paper for Phase 1 and has welcomed comments or submissions from the local government sector on the issues raised in the discussion paper. A draft submission responding to the issues raised in the discussion paper has been prepared for Council consideration.

#### Background

In June 2017, the Minister for Local Government, Hon David Templeman wrote to the Western Australian Local Government Association (WALGA) announcing the commencement of the review of the Local Government Act 1995.

The Minister has indicated that the review would consist of two stages comprising:

#### Phase 1: 'Modernising local government' – 2017

- Increasing participation in local government elections
- Strengthening public confidence in local government elections
- Making information available online
- Restoring public confidence (includes the gift provisions)
- Reducing red tape
- Regional Subsidiaries

#### Phase 2: 'Services for the community' - 2018

- Increasing community participation
- Improving financial management
- Improving behaviour and relationships
- Reducing red tape

WALGA has identified the following key as priorities:

#### a) Gifts

- Exempt gifts received in a genuinely personal capacity
- Gift declarations threshold to commence at \$500.00 with no upper limit
- Gift provisions to apply to Elected Members and CEO only.



- b) Regional Subsidiaries
  - Amend Regulations to permit borrowings
  - Amend Regulations to permit dealing in land transactions
  - Amend Regulations to permit trading undertakings.
  
- c) Rating Exemptions:
  - Charitable Purposes provisions
  - Rate Equivalency Payments of Government Trading entities.
  
- d) Financial Management Issues:
  - Borrowings
  - Investments
  - Fees and Charges
  - Financial ratios.
  
- e) Administration:
  - Electors' General Meetings to be optional
  - Designated Senior Officer section to be reviewed
  - Public Notices (modernisation of the Act to acknowledge electronic means)
  
- f) Functions of Local Governments:
  - Tender Thresholds
  - Establish Council Controlled Organisations (Local Government Enterprises)
  - Regional Council provisions (review of compliance requirements)
  
- g) Poll Provisions relating to amalgamations and boundary adjustments.
  - The poll provisions contained in Schedule 2.1 of the Local Government Act should be extended to provide any community whose Local Government is undergoing a boundary change or amalgamation with the opportunity to demand a binding poll of electors.
  
- h) Sector Principles
  - Key foundations of the Act, which the sector would like considered, relate to the retention of the 'general competence' principle and consideration of a size and scale compliance regime. The Act review will incorporate regulatory amendments.

WALGA have produced a discussion paper for Phase 1 based on existing policy position plus new proposals and have circulated to all Local Government organisations for comment by 20 October 2017.

The comments and positions taken by WALGA in the discussion paper have been made with regard to established WALGA policy which is typically based on feedback from the local government sector, either from the WALGA AGM, zone meetings, State council or from other individual Council advocacy.

A total of 41 proposals/issues are contained in the discussion paper. Of these 41, 35 of the WALGA positions have been endorsed, 3 not supported and 3 conditionally supported. Reasons for this are provided in the draft submission.

During August and September WALGA engaged with the sector via its zone meetings and all local governments have been encouraged to lodge a submission on the issues raised in the discussion paper.

The final collated feedback will be prepared as a State Council Agenda Item for Zone consideration during the November/December 2017 round of Zone meetings. State Council will ultimately determine its position at its meeting of 6 December 2017.

As the Council meeting is held after the closing date for submissions the CEO has forwarded the attached submission to WALGA with an explanation that the submission may be subject to change by Council and if that is so the Shire of Bridgetown-Greenbushes retains the right to make these changes.

#### Statutory Environment

Local Government Act 1995

Local Government (Functions and General) Regulations 1996

Local Government (Regional Subsidiaries) Regulations 2017

Local Government (Administration) Regulations 1996

Local Government (Rules of Conduct) Regulations 2007

Local Government (Financial Management) Regulations 1996

#### Integrated Planning

➤ Strategic Community Plan

Key Goal 5 - Our leadership will be visionary, collaborative and accountable

Objective 5.2 - We maintain high standards of governance, accountability and transparency

Strategy 5.2.3 - Ensure organisational capability

Strategy 5.2.6 - Ensure the future financial sustainability of the organisation

➤ Corporate Business Plan - Nil

➤ Long Term Financial Plan

Depending on the level of changes agreed to by the State Government from the discussion paper there is the potential for both positive and negative long term financial implications such as reduced advertising costs, reduced administration costs if the tender threshold is raised, regular review of statutory fees, establishment of Council Controlled Organisations, review of constraints inhibiting the establishment of regional subsidiaries, introducing a competitive element into postal elections and introducing compulsory training for councillors.

➤ Asset Management Plans – Not Applicable

➤ Workforce Plan – Not Applicable

➤ Other Integrated Planning - Nil

Policy - Nil

Budget Implications - Nil

Fiscal Equity – Not Applicable

Whole of Life Accounting – Not Applicable

Social Equity – Not Applicable

Ecological Equity – Not Applicable

Cultural Equity – Not Applicable

Risk Management – Not Applicable

Continuous Improvement – Not Applicable

Voting Requirements – Simple Majority

### **Corporate Services**

<b>ITEM NO.</b>	C.07/1017	<b>FILE REF.</b>	131
<b>SUBJECT</b>	September 2017 Financial Activity Statements and List of Accounts Paid in September 2017		
<b>OFFICER</b>	Senior Finance Officer		
<b>DATE OF REPORT</b>	18 October 2017		

Attachment 4      September 2017 Financial Activity Statements

Attachment 5      List of Accounts Paid in September 2017

#### ***OFFICER RECOMMENDATIONS***

- 1. That Council receives the September 2017 Financial Activity Statements as presented in Attachment 4.*
- 2. That Council receives the List of Accounts Paid in September 2017 as presented in Attachment 5.*

#### **Summary/Purpose**

Regulation 34 of the Local Government (*Financial Management*) Regulations 1996 (the Regulations) requires a local government to prepare each month a statement of financial activity reporting on the sources and applications of its funds. Further, where a local government has delegated to the Chief Executive Officer the exercise of its power to make payments from the municipal and trust funds, a list of those accounts paid in a month are to be presented to the council at the next ordinary meeting (see Reg 13 of the Regulations).

#### **Background**

In its monthly Financial Activity Statement a local government is to provide the following detail:

- annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c) of the Local Government Act;
- budget estimates to the end of the month to which the statement relates;

- (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;
- (d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and
- (e) the net current assets at the end of the month to which the statement relates.

Each of the Financial Activity Statements is to be accompanied by documents containing:

- (a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets;
- (b) an explanation of each of the material variances referred to in sub-regulation (1)(d); and
- (c) such other supporting information as is considered relevant by the Local Government.

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

- (a) according to nature and type classification;
- (b) by program; or
- (c) by business unit.

The Financial Activity Statement and accompanying documents referred to in sub-regulation 34(2) are to be:

- (a) presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and
- (b) recorded in the minutes of the meeting at which it is presented.

#### Statutory Environment

Section 6.4 (Financial Report) and Section 6.8 (Expenditure from municipal fund not included in annual budget) of the Local Government Act 1995, and Regulations 13 (List of Accounts) and 34 (Financial activity statement report) of the Local Government (*Financial Management*) Regulations 1996 apply.

#### Integrated Planning

- Strategic Community Plan  
Key Goal 5: Our leadership will be visionary, collaborative and accountable  
Objective 5.2: We maintain high standards of governance, accountability and transparency  
Strategy 5.2.8: Ensure all legislative responsibilities and requirements are met
- Corporate Business Plan - Nil
- Long Term Financial Plan - Nil
- Asset Management Plans - Nil
- Workforce Plan – Nil
- Other Integrated Planning - Nil

#### Policy

F.6. Purchasing Policy - To ensure purchasing is undertaken in an efficient, effective, economical and sustainable manner that provides transparency and accountability.

F.7. Reporting Forecast Budget Variations Policy - To set a level of reporting detail (in Financial Activity Statement) that ensures that the council is satisfied with the implementation of its annual budget.

Budget Implications

Expenditure incurred in September 2017 and presented in the list of accounts paid, was allocated in the 2017/18 Budget as amended.

Fiscal Equity – Not applicable

Whole of Life Accounting – Not applicable

Social Equity – Not applicable

Ecological Equity – Not applicable

Cultural Equity – Not applicable

Risk Management – Not Applicable

Continuous Improvement – Not applicable

Delegated Authority – Not Applicable

Voting Requirements – Simple Majority

**Planning & Environmental Services** - Nil

## Works & Services

<b>ITEM NO.</b>	C.08/1017	<b>FILE REF.</b>	
<b>SUBJECT</b>	Proposal to invite Tenders for 3 year Construction Grader Operator Services		
<b>OFFICER</b>	Executive Manager Works & Services and Chief Executive Officer		
<b>DATE OF REPORT</b>	19 October 2017		

*OFFICER RECOMMENDATION that Council endorses the proposal to publicly invite tenders for a three year construction grader operator services contract and delegate authority to the Chief Executive Officer to:*

- 1. Reject, assess, decline to accept any tender or decide which tender to accept/award subject to the selected response being within existing budget allocations.*
- 2. Enter into a contract with the successful respondent subject to the contract being within existing budget allocations.*

### Summary/Purpose

The Construction Grader Operator position on the Shire's works crew has been vacant since March 2017 and despite several attempts at recruitment a suitable candidate hasn't been identified.

It is recommended that Council invite tenders for a 3 year construction operator grader service contract at 850 to 900 hours per annum which includes a mentoring and training role/commitment to existing works staff so that a succession plan can be put in place for internal filling of the construction grader operator position after 3 years.

### Background

During the 2017/18 budget deliberations the issue and implications of the inability to recruit a construction grader operator was discussed with Council and it was determined that the CEO and Executive Manager Works & Services would pursue two options to obtain a suitable construction grader operator.

In order these options were:

- Option A - Significantly increase the remuneration for the position and advertise widely; and
- Option B – (only to proceed if Option A is unsuccessful) – Investigate provision of contract services for a 2 year period after which revert back to a staff position.

Council included additional funding in its 2017/18 budget to cover both options with the direction to the CEO being that draw down on the additional funding couldn't occur until further discussion with Council had occurred.

The position has been advertised on three separate occasions, locally, regionally (south-west) and State-wide (online employment site) however no suitable (experienced) candidates were identified. It is now recommended that the

recruitment option be discontinued and that Option B be proceeded with – that is calling tenders for the provision of contracted construction grader operator services.

Although the Council discussions on a contractor option had indicated a maximum two year contract period it is recommended that the tender be structured on a three year contract period so that mentoring of current works staff can occur so that at the end of the three year contract period at least one staff member would have skills to be promoted to the construction grader operator position and another staff member would be further skilled up in maintenance grading and also obtain sufficient skills in construction grading to relieve or assist in that position.

The request for tender would seek proposals from contractors with suitable local government road construction experience for between 850 and 900 hours work per annum, during a period from mid-October to the end of April excepting the first year when due to the tendering process a later commencement date would be determined. Included in these hours is the requirement for the contractor to provide on-job mentoring and training to relevant Shire employees.

The contractor would provide a grader and operator on a fully self-contained basis, which means:

- Provided with a suitably qualified and experienced operator.
- Must be able to provide sufficient fuels and oils for the terms of its use.
- Must be responsible for own maintenance and servicing.
- Must include full accommodation cost for operator(s) and any service staff.
- Must be fully insured to indemnify the Shire of Bridgetown-Greenbushes from loss or damage.

The selection criteria to be built into the request for tender document will state that the contract may be awarded to a Respondent that best demonstrates the ability to provide quality products and/or services at a competitive price. The quoted price will be assessed together with the qualitative and compliance criteria to determine the most advantageous outcome to the Principal (Shire). A best value for money approach is proposed to be used in this Request for Tender. This means that although price is considered, the response containing the lowest price will not necessarily be accepted, nor will the offer ranked the highest on the qualitative criteria. Price is not a weighted criterion. Once the responses have been ranked, the evaluation panel will make a value judgment as to the cost affordability, qualitative ranking and risk of each response, in order to determine the response which is most advantageous to the Shire.

Qualitative criteria will focus on organizational capacity and local government experience.

Assuming Council endorses the officer recommendation the request for tender would be advertised in early November with a closing date in late November. Tender assessment would occur so that a contract could be awarded in December and the successful respondent would commence the contract in January upon return of the works crew from Christmas/New Year leave.

The CEO already has delegated authority to prepare the request for tender documentation, to publicly invite tenders, determine the criteria for deciding which

tenders should be accepted, give (advertise) State wide public notice and give notice to each tenderer of the tender outcome.

For this Request for Tender it is recommended that Council increase the delegated authority to the CEO to award the tender and enter into a contract subject to the selected response being within budget allocations. This would allow the contract to be awarded well prior to the Christmas shut down and would enable the successful respondent to gear up to commence work for the Shire in January.

The 2017/18 budget allows for full-time employment of a construction grader operator (1,976 hours) plus the additional funds included for Options A and B as previously described.

### Statutory Environment

#### LOCAL GOVERNMENT ACT 1995 – SECTION 3.57

##### **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 ACT – SECTIONS 5.42, 5.43

##### **5.42 Delegation of some powers and duties to CEO**

- (1) A local government may delegate\* to the CEO the exercise of any of its powers or the discharge of any of its duties under —
  - (a) this Act other than those referred to in section 5.43; or
  - (b) the *Planning and Development Act 2005* section 214(2), (3) or (5).

\* *Absolute majority required.*

- (2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.

##### **5.43. Limits on delegations to CEO**

A local government cannot delegate to a CEO any of the following powers or duties —

- (a) any power or duty that requires a decision of an absolute majority or a 75% majority of the local government;
- (b) accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;
- (c) appointing an auditor;
- (d) acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;
- (e) any of the local government's powers under section 5.98, 5.98A, 5.99, 5.99A or 5.100;
- (f) borrowing money on behalf of the local government;
- (g) hearing or determining an objection of a kind referred to in section 9.5;
- (ha) the power under section 9.49A(4) to authorise a person to sign documents on behalf of the local government;
- (h) any power or duty that requires the approval of the Minister or the Governor;
- (i) such other powers or duties as may be prescribed.

#### LOCAL GOVERNMENT (FUNCTIONS AND GENERAL) REGULATIONS 1996 – REGULATION 11(1)

##### **11. When tenders have to be publicly invited**

- (1) Tenders are to be publicly invited according to the requirements of this Division before a local government enters into a contract for another person to supply goods or services if the



consideration under the contract is, or is expected to be, more, or worth more, than \$150 000 unless subregulation (2) states otherwise.

LOCAL GOVERNMENT (FUNCTIONS AND GENERAL) REGULATIONS 1996 – REGULATION 14(2A)  
(3)(4)(5)

**14. Publicly inviting tenders, requirements for**

- (2a) If a local government —
- (a) is required to invite a tender; or
  - (b) not being required to invite a tender, decides to invite a tender, the local government must, before tenders are publicly invited, determine in writing the criteria for deciding which tender should be accepted.
- (3) The notice, whether under subregulation (1) or (2), is required to include —
- (a) a brief description of the goods or services required; and
  - (b) particulars identifying a person from whom more detailed information as to tendering may be obtained; and
  - (c) information as to where and how tenders may be submitted; and
  - (d) the date and time after which tenders cannot be submitted.
- (4) In subregulation (3)(b) a reference to detailed information includes a reference to —
- (a) such information as the local government decides should be disclosed to those interested in submitting a tender; and
  - (b) detailed specifications of the goods or services required; and
  - (c) the criteria for deciding which tender should be accepted; and
  - (d) whether the local government has decided to submit a tender.
- (5) After a notice has been given under subregulation (1) or (2), a local government may vary the information referred to in subregulation (3) by taking reasonable steps to give each person who has sought copies of the tender documents or each acceptable tenderer, as the case may be, notice of the variation.

LOCAL GOVERNMENT (FUNCTIONS AND GENERAL) REGULATIONS 1996 – REGULATION 18

**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.

### Integrated Planning

➤ Strategic Community Plan

Key Goal 3 - Our built environment is maintained, protected and enhanced  
Objective 3.3 - Maintain an appropriate standard of transport networks, roads and pathways

Strategy 3.3.1 - A well maintained local and regional transport network

Strategy 3.3.2 - Maximise funding opportunities to improve road safety

Key Goal 5 - Our leadership will be visionary, collaborative and accountable

Objective 5.2 - We maintain high standards of governance, accountability and transparency

Strategy 5.2.3 - Ensure organisational capability

➤ Corporate Business Plan

Strategy 3.3.1 - A well maintained local and regional transport network

Action 3.3.1.2 - Renew roads and drainage as identified under the 10 year strategic road works plan

Action 3.3.1.3 - Upgrade roads and drainage as identified under the 10 year strategic road works plan

Action 5.2.3 - Ensure organisational capability

Action 5.2.3.1 - Implement succession planning in key parts of the organisational structure

➤ Long Term Financial Plan

The proposed contract is for a three year period and the value of the contract will be factored into the next review of the Long Term Financial Plan.

➤ Asset Management Plans

The annual road works program is derived from the 10 year strategic works program which is compiled having regard to the renewal and upgrade requirements of the Shire's road and drainage networks.

➤ Workforce Plan

Succession planning and knowledge management is identified as an ongoing strategy to pursue where organisational benefits can be readily identified.

➤ Other Integrated Planning - Nil

### Policy

#### Policy F.6 – Purchasing

Section 1.7 “Regulatory Compliance” of this Policy sets out processes and procedures for the calling, advertising, administration and assessment of tenders.

This policy doesn't prevent Council granting delegated authority to the CEO to accept or award a tender.

### Policy F.5 – Regional Price Preference

Under this policy the following price preference will be applied to eligible tenders:

*Goods and Services – up to a maximum price reduction of \$50,000 unless a lesser amount is stipulated in the tender document.*

#### Stipulated Area

10% up to \$10,000 to all suppliers located within the Shire of Bridgetown – Greenbushes.

5% above \$10,000 to all suppliers located within the Shire Bridgetown-Greenbushes.

*Regional Price Preference will only be given to suppliers located within the stipulated areas for more than 6 months prior to the advertising date of the tender.*

*Located within the area stipulated is defined as having a supplier having a physical presence in the way of a shop, depot, outlet, headquarters or other premises where the goods or services specifically being provided are supplied from. This does not exclude suppliers whose registered business is located outside the stipulated area but undertake the business from premises within the stipulated area. An example is a franchisee of a multinational company.*

*Only those good and services identified in the tender, as being from a source located within the stipulated area will have the price preference applied when assessing the tender.*

#### Budget Implications

The officer recommendation limits the delegated authority to the CEO for awarding the tender and entering into a contract to an amount within the current budget allocations.

Fiscal Equity – Not Applicable

Whole of Life Accounting – Not Applicable

Social Equity – Not Applicable

Ecological Equity – Not Applicable

Cultural Equity – Not Applicable

#### Risk Management

Obtaining the services of an experienced and capable construction grader operator will ensure that Council's road construction program will be completed to a high standard. Despite undertaking a recruitment process on three occasions a suitable candidate for employment as a permanent staff member to the position of construction grader operator wasn't able to be identified.

#### Continuous Improvement

Building the mentoring and training role into the contract will ensure that succession planning is undertaken and that after three years the level of in-house skills should be sufficient to allow for an internal promotion of a staff member to the position of construction grader operator.

### Delegated Authority

Delegation F.5 – ‘Tenders for Providing Goods & Services’ gives delegated authority to the CEO to publicly invite tenders for the supply of goods and services expected to be worth more than \$150,000, determine the criteria for deciding which tenders should be accepted, give (advertise) State wide public notice and give notice to each tenderer of the tender outcome. This delegation doesn’t give the CEO the authority to award a tender – hence in this instance the officer recommendation is for Council to resolve such a delegation for this tender.

### Voting Requirements – Absolute Majority

<b>ITEM NO.</b>	C.09/1017	<b>FILE REF.</b>	
<b>SUBJECT</b>	Budget Amendment – Roads to Recovery Expenditure		
<b>PROPONENT</b>	Commonwealth Department of Infrastructure and Regional Development		
<b>OFFICER</b>	Executive Manager Works & Services and Chief Executive Officer		
<b>DATE OF REPORT</b>	17 October 2017		

*OFFICER RECOMMENDATION that Council amends the 2017/18 budget by:*

1. *Increasing Account 1381630 ‘Roads to Recovery Grant’ from \$360,808 to \$721,616.*
2. *Adding new job numbers for the following works and expenditure:*
  - (i) *Tweed Road – reconstruct remaining narrow section - \$136,100*
  - (ii) *Glentulloch Road – reconstruct from South Western Highway onwards - \$141,600*
  - (iii) *Nelson Street – asphalt overlay Brand Street to Bussell Street Stage 1 - \$83,108*

### Summary/Purpose

Advice from the Commonwealth Department of Infrastructure and Regional Development has identified a requirement to expend additional Roads to Recovery grant funding than is provided for in the 2017/18 budget. Essentially the Roads to Recovery grant funding earmarked for expenditure in 2018/19 needs to be brought forward to 2017/18 thus Council needs to determine how these additional funds should be expended.

### Background

The Department of Infrastructure and Regional Development has recently forwarded advice to the Shire that as the current Roads to Recovery program is in its final two years that each local governments should be budgeting in 2017/18 to spend its remaining allocations in 2017/18.

Council’s 2017/18 budget allows for revenue of \$360,808 Roads to Recovery (R2R) funding with this funding allocated to the following jobs:

- Hampton Street – reconstruct between John Street and Walter Street (\$34,000)

- John Street – reconstruct between Coronation Street and Hampton Street (\$38,000)
- Kendall Road – 2<sup>nd</sup> coat seal (\$53,000)
- Gommes Lane – reconstruct low section near SLK1.70 (\$25,000)
- Padbury Road – 2<sup>nd</sup> coat seal (\$5,000)
- Hester Road – 2<sup>nd</sup> coat seal (\$7,500)
- Huitson Road – gravel sheeting (\$39,608)
- Winnejup Road – reconstruct between SLK 16.51 and SLK17.95 (\$75,000)
- Palmers Road drainage works (\$58,700)
- Dusting drive drainage works (\$25,000)

An additional \$360,808 was earmarked for expenditure in 2018/19 but with the direction given by the Department of Infrastructure and Regional Development this expenditure should be brought forward to the current financial year. It is therefore proposed to bring forward the following jobs from Year 2 of the current 10 Year Strategic Works Program:

- Tweed Road – reconstruct remaining narrow section - \$136,100
- Glentulloch Road – reconstruct from South Western Highway onwards - \$141,600
- Nelson Street – asphalt overlay Brand Street to Bussell Street Stage 1 - \$83,108

Note the 10 Year Strategic Works Program doesn't stipulate which jobs are to be funded by Roads to Recovery or Council's own funds as those decisions are made in the annual budget once more specific cost estimates are known. The above jobs have been selected in order to minimise the number of jobs to be brought forward and also for the type of work involved.

The Nelson Street asphalt overlay job is costed at \$115,000 in the 10 Year Strategic Works Program so the intention is to split the asphalt overlay into two separate jobs with the western section (top of hill) to be asphalted in 2017/18 and the eastern section (bottom of hill) deferred until 2018/19. This will allow monitoring of some drainage issues at the eastern end and if necessary minor rectifications to drainage before that section is asphalted.

Due to the size of the 2017/18 works program there isn't a guarantee that all of the additional works will be completed by 30 June 2018 but as long as some works have occurred by this time carry-forward of the jobs to 2018/19 would be approved. As the Nelson Street asphalt overlay job is a contractor job this should be completed by 30 June 2018.

#### Statutory Environment

Despite the additional works being fully funded by Roads to Recovery funding the expenditure is still outside the existing budget. Section 6.8 of the Local Government Act requires an absolute majority decision for expenditure not included in the annual budget.

## Integrated Planning

- Strategic Community Plan  
Key Goal 3 - Our built environment is maintained, protected and enhanced  
Objective 3.3 - Maintain an appropriate standard of transport networks, roads and pathways  
Strategy 3.3.1 - A well maintained local and regional transport network  
Strategy 3.3.2 - Maximise funding opportunities to improve road safety  
  
Key Goal 5 - Our leadership will be visionary, collaborative and accountable  
Objective 5.2 - We maintain high standards of governance, accountability and transparency  
Strategy 5.2.3 - Ensure organisational capability
- Corporate Business Plan  
Strategy 3.3.1 - A well maintained local and regional transport network  
Action 3.3.1.2 - Renew roads and drainage as identified under the 10 year strategic road works plan  
Action 3.3.1.3 - Upgrade roads and drainage as identified under the 10 year strategic road works plan  
Action 5.2.3 - Ensure organisational capability  
Action 5.2.3.1 - Implement succession planning in key parts of the organisational structure
- Long Term Financial Plan  
The Long term Financial Plan will require amending at its next review to amend the Roads to Recovery funding for 2018/19.
- Asset Management Plans  
The annual road works program is derived from the 10 year strategic works program which is compiled having regard to the renewal and upgrade requirements of the Shire's road and drainage networks.
- Workforce Plan - Nil
- Other Integrated Planning  
The three jobs recommended to be brought forward to 2017/18 are identified in year 2 (2018/19) of the 10 Year Strategic Works program.

Policy - Nil

### Budget Implications

The additional expenditure of \$360,808 is fully funded by Roads to Recovery grant funding.

Fiscal Equity – Not Applicable

Whole of Life Accounting – Not Applicable

Social Equity – Not Applicable

Ecological Equity – Not Applicable

Cultural Equity – Not Applicable

Risk Management – Not Applicable

Continuous Improvement – Not Applicable

Voting Requirements – Absolute Majority

### **Community Services**

<b>ITEM NO.</b>	C.10/1017	<b>FILE REF.</b>	228
<b>SUBJECT</b>	ACROD Parking		
<b>PROPONENT</b>	Access and Inclusion Advisory Committee		
<b>OFFICER</b>	Grants and Services Manager		
<b>DATE OF REPORT</b>	October 2017		

*OFFICER RECOMMENDATION that Council:*

- 1. Notes the additional cost of approximately \$2,500 associated with installing an ACROD parking bay located next to Howard Evans Legal Office.*
- 2. Directs the CEO to enter into agreements with the owners of land identified for installation of ACROD bays (land adjacent to Howard Evans office and Bridgetown Post Office Car Park) with the agreement confirming that all maintenance responsibilities for the ACROD bays rest with the Shire of Bridgetown-Greenbushes.*
- 3. Subject to completion of Part 2 above, direct the CEO to carry out the necessary works to ensure the proposed ACROD parking bay located next to Howard Evans Legal Office meets the relevant Australian Standard.*

### **Summary/Purpose**

The recommendation seeks to note the additional costs associated with the installation of the ACROD parking bay located next to Howard Evans Legal Office to level the area and provide a barrier to meet the requirements of the Australian Standard (AS2890.6) for disability parking dimensions, kerb sizes and gradient ratios (Accessible Parking for People with Disabilities). It has always been accepted that the Shire will be responsible for maintenance of the ACROD bays on private property and an agreement should be entered into to confirm that before the required works are commenced.

### **Background**

In September 2016 (C.10/0916) Council determined, in part, to:

- 1. Direct the CEO to investigate and negotiate a lease agreement with 'Australia Post' and 'TGC and KPC Pty Ltd' for the purpose of installing Australian Council for Rehabilitating of Disabled (ACROD) parking bays in the Bridgetown Post Office car park and on the southern side of Howard Evans Legal Office.*

2. *Direct the CEO to install an ACROD parking bay in the Shire Administration Building car park near the Lesser Hall external public toilet.*
3. *Direct the CEO to revert all infirm parking bays in the town centre - outside the Bridgetown Bakery, IGA and the Post Office - back to general use parking bays.*

Essentially the above resolution endorsed a proposal to remove the “infirm” bays from within the road reserve on Hampton Street and replace these with fully compliant ACROD parking bays on private property with excellent access to the footpaths on Hampton Street and Steere Street.

In June 2017 (C.16/0617) Council decided to;

1. *Note the correspondence received from Maurice Owen, Director of The Stables IGA, Bridgetown on behalf of TGC and KPC PTY LTD;*
2. *Direct the CEO to install an ACROD parking bay on the southern side of Howard Evans Legal Office in place of 2 existing car parking bays.*
3. *Note the loss of 2 parking bays currently servicing Stables IGA (one restricted) to be replaced by one restricted ACROD parking bay and this is taken into consideration when Council are assessing the number of parking bays/payment in lieu required for any future planning applications submitted by Stables IGA.*
4. *Note the request by Maurice Owen to cover costs associated with the installation of kerbing at the location of the planned ACROD parking bay on the southern side of the building occupied by Howard Evans and authorize the CEO to approve a contribution towards this expense from the proposed budget allocation for the ACROD bays in the 2017/18 budget.*

#### Officer Comment

The budgeted allocation under Parking Facility Non-recurrent Projects (1410060) for the installation of three ACROD parking bays including line painting, signage and kerbing is \$2,500. The predominant purpose of this expenditure is for signage and line marking.

Upon closer inspection of the double bay beside Howard Evans Legal Office it became apparent that further works would be required to bring the identified area within the requirements of the Australian Standard (AS2890.6) and to ensure the safety of the ACROD parking bay users. This is largely due to the gradient of the site and the adjacent drop to the lower car park. This bay will require leveling, a retaining wall and a barrier on the western side of the parking bay.

The estimated cost of this is estimated at \$2,500 which includes removing the bitumen, leveling with gravel and surfacing with hotmix, retaining the new level and installing kerbing, a bollard and barrier on the western side of the parking bay. To fund these additional works the budget allocation for this project is recommended for increase from \$2,500 to \$5,000.

The importance of ensuring people with mobility challenges due to disability, age or illness are afforded access to the amenities offered in the town centre is widely



accepted by Council. However, this should be achieved with minimum risk to both Council and the user of the parking bays. By moving parking for people with disability away from on road parking and ensuring the designated parking bays meet the minimum Australian Standard for parking for people with disability Council are ensuring the safety of ACROD bay users.

#### Statutory Environment -

- Local Government Act 1998 (section 5.9)
- Equal Opportunity Act (1984) WA
- Disability Discrimination Act (1992) WA
- Disability Services Act (1993)
- Local Government (Parking for People with Disabilities) Regulation 2014
- Australian Standard AS/NZS2890.6-2009

#### Integrated Planning Implications

##### ➤ Strategic Community Plan (Draft SCP 2017)

Key Goal 4 - A community that is friendly and welcoming

Objective 4.2 - Programs and facilities that encourage community resilience

Strategy 4.2.9 - Improve services and facilities for seniors and people with a disability

Objective 4.7 – a safe area

Strategy 4.7.1 - A functional and safe Hampton Street

Strategy 4.7.2 - Improve parking and pedestrian accessibility in town centres

##### ➤ Corporate Business Plan

The draft Corporate Business Plan presented to Council this June meeting does contain an action (4.7.2.2) proposing the development of new ACROD parking bays in the CBD.

##### ➤ Long Term Financial Plan

The draft Long Term Financial Plan incorporates the expenditure identified under the Corporate Business Plan.

##### ➤ Asset Management Plans

The principles of asset management would need to be addressed in the conversion and ongoing maintenance of the ACROD parking bays.

##### ➤ Workforce Plan – Not Applicable

##### ➤ Other Integrated Planning

Council's Age Friendly Communities Plan Priority Objectives are –

- Outdoor Spaces and Buildings -  
Outcome 2 - relocate the infirm bay from front of Bridgetown Bakery to more suitable location without drain.

Disability Access and Inclusion Plan –

- Outcome 1 - equal opportunities for people with disabilities to access Shire of Bridgetown-Greenbushes' services and events.

### Budget Implications

The 2017/18 budget includes an amount of \$2,500 for the installation of ACROD bays. The increase costs associated with the installation of one of the designated ACROD parking bay would be reflected in the 2017-18 budget by approximately \$2,500 to bring the ACROD parking bay installation costs to approximately \$5,000.

Fiscal Equity - Not Applicable

Whole of Life Accounting - Not Applicable

### Social Equity

The aim of the recommendations is to ensure equal access to the town centre for people with disability and mobility challenges in a safe and responsible manner, thereby achieving social equity principles.

Ecological Equity – Not Applicable

Cultural Equity – Not Applicable

### Risk Management

There has been an inherent risk in providing “disabled” (infirm) parking that does not meet the Australian Standard required to ensure the safety of the person using the parking bay. By providing Australian Standard ACROD bays in the locations identified close to the town centre will offer people with disability/mobility challenges access to parking with the safety parameters inherent in the requirements of ACROD bays and therefore reduce Council’s risk associated with the potential injury incurred through the use of non-standard infirm bays.

### Continuous Improvement

Council can achieve continuous improvement in service provision by considering and implementing the recommendations identified in the Age Friendly Communities Plan and the Disability Access and Inclusion Plan. Principles of continuous improvement are also achieved by considering Council’s (and the community’s) exposure to risk and mitigating that risk by implementing changes to ensure compliant service provision.

Voting Requirements - Simple Majority

**Consideration of Standing Committee Recommendations** - Nil

**Receival of Minutes from Management Committees** – Nil

**Urgent Business Approved by Decision**

**Responses to Elected Member Questions Taken on Notice** - Nil

**Elected Members Questions With Notice**

**Notice of Motions for Consideration at the Next Meeting**


**Matters Behind Closed Doors (Confidential Items)**

**Closure**

*The President to close the Meeting*

**List of Attachments**

Attachment	Item No.	Details
1	C.04/1017	Photographs of Horse Stalls
2	C.06/1017	WALGA Review of the Local Government Act Discussion Paper
3	C.06/1017	Draft Submission - WALGA Review of the Local Government Act Discussion Paper
4	C.07/1017	September 2017 Financial Activity Statements
5	C.07/1017	List of Accounts Paid in September 2017

Agenda Papers checked and authorised by T Clynch, CEO		19.10.17
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