

10.2.3. PROPOSED LEASE OF COUNCIL PROPERTY – HANGER 1 WYALKATCHEM AERODROME (REPRESENTED)

Applicant:	Bruce Eckersley
Location:	Hanger 1 on portion of Lot 500 on deposited plan 68673 Wyalkatchem Aerodrome
Date:	20 August 2020
Reporting Officer:	Stephen Tindale, Acting Chief Executive Officer
Disclosure of Interest:	No interest to disclose
File Number:	5.19.06C
Attachment Reference:	Attachment 10.2.3.1 - Draft Lease for Hanger 1 Lot 500, Wyalkatchem Aerodrome Attachment 10.2.3.2 - Property Valuation Report

SUMMARY

Council to consider entering into a lease with Mr Bruce Eckersley for Hangar 1 located on portion of Lot 500 on deposited plan 68673 Wyalkatchem for a term of five years.

BACKGROUND

The Shire of Wyalkatchem owns Lot 500 on deposited plan 68673 freehold, with the land being used for the purpose of an Aerodrome. Included on this parcel of land are three airplane hangars.

Hanger one is currently vacant and Mr Eckersley has approached the Shire to lease the vacant hangars for recreational use.

COMMENT

This matter is represented to Council on the basis that a report to Council in May 2020 erred in that;

- there was no requirement to consider the matter behind closed doors,
- the report failed to address a statutory requirement to publicly advertise the proposed disposition of property, and
- the CEO inappropriately sought delegated authority to enter into a confidential agreement with Mr Eckersley thereby frustrating the requirement to publicly advertise the proposed disposition of property.

Mr Eckersley is also prepared to pay \$2,500 per annum (which matches the market valuation) for a five year lease rather than the previously offered \$2,000 per annum for a three year lease.

A draft lease has been prepared (refer Attachment No. 10.2.3.1) incorporating an annual lease amount of \$2,500 for a five year term, other conditions in accordance with existing hangar lease agreements, with the exception that Public Liability insurance has been reduced from \$20 million to \$10 million. The reduction was a result of Mr Eckersley's request to make the lease of the facility affordable as well as seeking advice from Council's insurers. Mr Eckersley has considered the lease documentation and is willing to accept the terms of the lease.

The proposed annual lease amount of \$2,500 is consistent with the market valuation.

Section 3.58 of the *Local Government Act 1995* provides that the Shire may dispose of property (this includes leasing) by one of three methods, each with varying compliance requirements:

- Public Tender,
- Public Auction; or
- Private Treaty.

Regulation 30 of the *Local Government (Functions and General) Regulations 1996* provides that a disposal of property may be exempt from compliance with the s.3.58 requirements if the market value is less than \$5,000 and the Shire does not consider that the ownership (possession) of the land would be of significant benefit to anyone other than the transferee.

The value of the proposed lease is \$12,500 (\$2,500 per annum over a 5 year lease term) and therefore the Shire is required to comply with the s.3.58 requirements.

In this instance, Mr Eckersly has approached the Shire directly to acquire the lease and therefore the disposal method will be private treaty, which requires the Shire to comply with the following:

- Provide public notice of the proposed lease, calling for public submissions, for a period of not less than 2 weeks.
- The public notice is required to include:
 - A description of the property;
 - The names of all parties concerned;
 - The consideration to be received by the Shire; and
 - The market value of the disposition

The Shire has therefore obtained a market valuation from Urban and Rural Valuations, which states the current valuation for leasing of Hangar 1 is \$2,500 per annum.

Council is required to consider any submissions made and, if a decision is made by Council in regard to the submissions, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.

This report recommends that Council authorise the Shire President and the CEO to execute the lease agreement following the public submission period, provided that no public submissions are received.

If however a public submission or submissions are received, then the CEO will provide a further report to Council that enables consideration of the submission/s and provides further recommendations on how any matters raised in submissions may impact the finalisation of proposed lease agreement.

If the officer recommendation is supported then a public notice will be placed as soon as practicable.

STATUTORY ENVIRONMENT

Local Government Act 1995, section 3.58 – Disposing of Property.

Local Government (Functions and General) Regulations 1996 – regulation 30 Disposition of property excluded from Act s.3.58

POLICY IMPLICATIONS

There are no direct policy implications in relation to this item.

FINANCIAL IMPLICATIONS

Annual lease income of \$2,500 per annum for the next five years.

COMMUNITY & STRATEGIC OBJECTIVES

The matter before Council generally accords with the following Shire desired outcome as expressed in the Shire of Wyalkatchem Strategic Community Plan.

Objective: Healthy, Strong and connected communities

Outcome No.	Outcome	Action No.	Actions
1.4	A diverse and inclusive community	1.4.1	Promote intergenerational activities and spaces

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council:

- 1. Notes the market valuation of \$2,500 per annum dated 17 April 2020 for disposal of Lot 500 Deposited plan 68673, Hangar 1, obtained in accordance with section 3.58(4)(c)(ii) of the Local Government Act 1995;*
- 2. Endorses for public notice purposes the proposed draft lease agreement between the Shire of Wyalkatchem and Mr Bruce Eckersley, as detailed in Attachment No.10.2.3.1, to dispose of a portion of Shire land being Lot 500 , Deposited plan 68673, hangar one, for a term of five years at a consideration of \$2,500 per annum.*
- 3. Authorises the Shire President and CEO to execute the proposed lease agreement as detailed in Attachment No. 10.2.3.1 by affixing the Common Seal of the Shire of Wyalkatchem, subject to no public submissions having been received at the close of the public notice period in accordance with s.3.58(3) of the Local Government Act 1995.*

10.2.4. REGISTER OF POLICIES – 2.1 PURCHASING POLICY

Applicant:	Shire of Wyalkatchem
Location:	Shire of Wyalkatchem
Date:	20 August 2020
Reporting Officer:	Stephen Tindale – Acting Chief Executive Officer
Disclosure of Interest:	No interest to disclose
File Number:	4.14.01
Attachments:	Nil

SUMMARY

Council’s approval is sought for changes to the current Finance Policy – 2.1 Purchasing Policy, section 2. Purchasing Practice Purchasing Value Thresholds.

BACKGROUND

The *Local Government Act 1995* empowers Council in the determination of policy under section 2.7 Role of Council - “(2) (b) determine the local government’s policies.”

Council Policies

Council policies set governing principles and guide the direction of the organisation to align with community values and aspirations. These policies have a strategic, external focus and align with the mission, vision and strategic direction of the Shire.

Council Policies are developed to further the achievement of the Shire’s strategic goals or contribute to outcomes relating to mandatory obligations. They are defined courses of action related to particular circumstances which guide staff in what is permissible when dealing with related matters.

Purpose of Council Policies

Council Policies provide guidance for future decisions and behaviour and the achievement of rational outcomes. Council policies show the approach that the Council intends to be taken in a particular issue and:

1. Support consistency and equity in decision making,
2. Facilitate prompt responses to customer requirements; and
3. Promote operational efficiency.

COMMENT

The current adopted Purchasing Policy (see table below) sets out the requirements for obtaining quotes in either written or verbal form.

Staff have experienced significant delays in approving works of an urgent nature due to the limitations of the current policy.

Due to the limited availability of suppliers within the region, obtaining three quotes can often be difficult because of supplier perceptions that;

1. the Shire will ordinarily choose ‘resident’ rather than ‘regional’ suppliers and/or
2. the relatively low dollar value of the goods or services does not encourage the supplier’s investment of time in preparing a quote and/or

3. any travel requirement to Wyalkatchem acts as a discouragement in providing a competitive quote – again for the relatively low dollar values involved.

At the same time the existing policy allows verbal quotes to be obtained which may be open to abuse if “friendly” suppliers have knowledge of the contents of written quotes received.

The proposed changes to the purchasing policy are shown in the table below.

Purchase Value Threshold (exc GST)	Purchasing Practice Required
Less than \$3,000 <i>(ex GST)</i>	No quotations required. Officers are to use professional judgment and discretion to determine if prices or rates are value for money.
\$3,001 to \$5,000 \$10,000 <i>(ex GST)</i>	Obtain at least one (1) verbal or two written quotations from a suitable supplier in accordance with the Supplier Order of Priority detailed in clause 1.4.2(1). The purchasing decision is to be evidenced in accordance with the Shire’s Record Keeping Plan.
From \$5,001 and up to \$20,000 <i>(ex GST)</i>	Seek at least three (3) verbal or written quotations from suitable suppliers in accordance with the Supplier Order of Priority detailed in clause 1.4.2(1). If purchasing from a WALGA PSA, CUA or other tender exempt arrangement, a minimum of one (1) written quotation is to be obtained. The purchasing decision is to be based upon assessment of the suppliers response to: <ul style="list-style-type: none"> • a brief outline of the specified requirement for the goods; services or works required; and • Value for Money criteria, not necessarily the lowest price. The purchasing decision is to be evidenced using the Brief Evaluation Report Template retained in accordance with the Shire’s Record Keeping Plan.
\$20,001 \$10,001 and up to \$50,000 <i>(ex GST)</i>	Seek at least three (3) written quotations from suitable suppliers in accordance with the Supplier Order of Priority detailed in clause 1.4.2(1) except if purchasing from a WALGA PSA, CUA or other tender exempt arrangement, where a minimum of one (1) written quotation is to be obtained. The purchasing decision is to be based upon assessment of the suppliers’ responses to:

Purchase Value Threshold (exc GST)	Purchasing Practice Required
	<ul style="list-style-type: none"> • a brief outline of the specified requirement for the goods; services or works required; and • Value for Money criteria, not necessarily the lowest quote. <p>The purchasing decision is to be evidenced using the Brief Evaluation Report Template retained in accordance with the Shire’s Record Keeping Plan.</p>
<p>\$50,001 and up to \$250,000 <i>(ex GST)</i></p>	<p>Seek at least three (3) written responses from suppliers by invitation under a formal Request for Quotation in accordance with the Supplier Order of Priority detailed in clause 1.4.2(1).</p> <p>The purchasing decision is to be based upon assessment of the suppliers response to:</p> <ul style="list-style-type: none"> • a detailed written specification for the goods, services or works required; and • pre-determined selection criteria that assesses all best and sustainable value considerations. <p>The procurement decision is to be evidenced using the Evaluation Report template retained in accordance with the Shire’s Record Keeping Plan.</p>
<p>Over \$250,000 <i>(ex GST)</i></p>	<p>Tender Exempt arrangements (i.e. WALGA PSA, CUA or other tender exemption under <i>F&G Reg.11(2)</i>) require at least three (3) written responses from suppliers by invitation under a formal Request for Quotation in accordance with the Supplier Order of Priority detailed in clause 1.4.2(1).</p> <p><u>OR</u></p> <p>Public Tender undertaken in accordance with the <i>Local Government Act 1995</i> and relevant Shire Policy and procedures.</p> <p>The Tender Exempt or Public Tender purchasing decision is to be based on the suppliers response to:</p> <ul style="list-style-type: none"> • A detailed specification; and • Pre-determined selection criteria that assesses all best and sustainable value considerations. <p>The purchasing decision is to be evidenced using the Evaluation Report template retained in accordance with the Shires Record Keeping Plan.</p>

STATUTORY ENVIRONMENT

Regulation 11A. of the *Local Government (Functions and General) Regulations 1996* requires that:

- (1) A local government is to prepare or adopt, and is to implement, a purchasing policy in relation to contracts for other persons to supply goods or services where the consideration under the contract is, or is expected to be, \$250 000 or less or worth \$250 000 or less.
- (2) A purchasing policy is to make provision for and in respect of the policy to be followed by the local government for, and in respect of, entering into contracts referred to in subregulation (1).
- (3) A purchasing policy must make provision in respect of —
 - (a) the form of quotations acceptable; and
 - (ba) the minimum number of oral quotations and written quotations that must be obtained; and
 - (b) the recording and retention of written information, or documents, in respect of —
 - (i) all quotations received; and
 - (ii) all purchases made.

POLICY IMPLICATIONS

This report seeks a change to current policy.

FINANCIAL IMPLICATIONS

There are no direct financial implications in relation to this item.

COMMUNITY & STRATEGIC OBJECTIVES

The matter before Council generally accords with the following Shire desired outcome as expressed in the revised Shire of Wyalkatchem Strategic Community Plan.

Objective: A well-managed and effective Council organisation

Outcome No.	Outcome	Action No.	Actions
5.1	A well-governed, efficient and responsive organisation	5.1.1	Implement effective governance structures
		5.1.2	Embed sound risk management frameworks to mitigate council's strategic and operational risk
		5.1.3	Deliver open and transparent Council decision-making and reporting
		5.1.4	Implement systems and processes to enhance organisational capability
5.2	A customer focussed organisation	5.2.1	Improve awareness of Council's services, activities and performance

5.3	An organisation that demonstrates community inspired leadership	5.3.3	Enhance the delivery of service and advice that meets compliance and best practice
		5.3.6	Implement best practice people management policies and practices.

VOTING REQUIREMENT

Absolute majority

OFFICER'S RECOMMENDATION

That Council, by absolute majority, approves the revision of Finance Policy – 2.1 Purchasing Policy, section 2. 'Purchasing Practice - Purchasing Value Thresholds', as presented in the proposed revised table.

10.3. WORKS AND SERVICES

10.3.1. MANAGER OF WORKS REPORT – JULY / AUGUST 2020

Applicant:	Not Applicable
Location:	Shire of Wyalkatchem
Date:	18 August 2020
Reporting Officer:	Keith Mills – Manager of Works
Disclosure of Interest:	No interest to disclose
File Number:	13.09
Attachment Reference:	Nil

SUMMARY

Council is to consider and accept the Manager of Works report for the month of July / August 2020.

BACKGROUND

To inform Council of the activities of the Works and Services team during the month of July / August 2020.

COMMENT

Manager of Works

I Keith Mills, started in post on the 17th august 2020.

Road Crew

Maintenance grading:

Yearly maintenance grading has occurred on the following sector: Nearly all the roads in the South East corner of the Shire between Tammin-Wylie Rd & Nembudding South Rd have been completed with approx. 4 weeks to go for a total maintenance grade of the shires network.

Works crew will be commencing the Shires RRG program around late September early October starting on the Cunderdin/Wyalkatchem Rd for the Shoulder Reconditioning project from SLK 17.85 – SLK 24.18 = 6.33km.

Parks / Town Services Crew

Town street verge maintenance, brush cutting and weed spraying.

Shire Admin garden maintenance.

Admin park mowing.

Town Hall garden maintenance.

Railway Barracks grounds maintenance.

Road House gardens maintenance.

Buildings

43 Wilson Street has been completed with new renovations and maintenance.

Waste Management

Weekly push up of deposited waste at Wyalkatchem's Landfill.

Plant – Servicing and Repairs

New Holland Tractor - WM005 has been diagnosed with an oil leak and leaky radiator.
2500hr Cat Grader service completed by Westrac on 24/08/2020.

Vehicle/Plant – replacement quotations

Quotations for CEO, MCS, MOW & Doctors vehicles currently being sourced, along with quotes for Crew Cab tipper truck & Town ute.

These will be presented at the September meeting with recommendations for council approval.

Private works

Nil

General

Town Beautification plan - Turf and reticulate 3 areas in the main street (Tidy Town = 243sqm, Old Play Ground = 170sqm, Museum = 110sqm). Total Eden have supplied a pricing for the supply of the reticulation and will also supplied a DIY reticulation set out, this would be completed by the gardening crew.

Discussion encouraged.

OSH

MOW to update SWMS for all machines, develop a SWMS for job specific and will be presented and implemented at the next Toolbox Meeting.

Staff

Dale Stone (New Employee) has joined the roads crew, he has come from 8yrs on the Dowerin Shire with vast experience on all machines (except grader).

Full Time Handyman position to be advertised.

STATUTORY ENVIRONMENT

There are no statutory environment implications in relation to this item.

POLICY IMPLICATIONS

There are no direct policy implications in relation to this item.

FINANCIAL IMPLICATIONS

There are no financial implications in relation to this item.

COMMUNITY & STRATEGIC OBJECTIVES

The list before Council is generally in accordance with the desired outcome as expressed in the Shire of Wyalkatchem Strategic Community Plan.

Objective: A prosperous and dynamic district

Outcome No.	Outcome	Action No.	Actions
2.5	Functional roads, traffic management and transport links	2.5.1	Long term functional roads, traffic management and transport strategy

Objective: Well utilised and effectively managed facilities and assets

Outcome No.	Outcome	Action No.	Actions
6.1	Assets are well managed and used to meet the needs of current and future generations	6.1.1	Provide ongoing management of existing assets
6.3	Parks, playgrounds and reserves meet community needs	6.3.1	Develop and implement master plan for parks, playgrounds and reserves

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council accept the Manager of Work's report for the month of July / August 2020.

10.4. PLANNING AND BUILDING

10.4.1. BUILDING PERMIT APPLICATION – 49 FLINT STREET

Applicant:	Rod Lawson Kerr
Location:	Lot No 201 (49) Flint Street
Date:	17 August 2020
Reporting Officer:	Stephanie Elvidge, Governance Executive Officer
Disclosure of Interest:	No interest to disclose
File Number:	7.02 – 49 Flint
Attachment Reference:	Attachment 10.4.1.1 – Application for Building Permit Attachment 10.4.1.2 – Certificate of Design Compliance

SUMMARY

To consider an application for a Certified Building Permit for a detached shed at Lot 201, 49 Flint Street Wyalkatchem.

BACKGROUND

The owners and occupiers of Lot 201 (49) Flint Street have requested a permit to build and erect an additional shed to the property. The property totals 1012 m².

Plans and documentations relating to the proposal are attached to this item in attachment 10.4.1.1 and 10.4.1.2.

COMMENT

The application has been provided to Council's Shire Planning consultant – Mr Paul Bashall from Planwest who has provided the following comments;

- Part 5.4.3 of the R-Codes applies. The shed is larger than the R-Codes allow as 'deemed to comply' requirements (60m²).
- The proposed shed may impact on neighbour's visibility.

Mr Bashall has recommended that Council supports the application, pending consultation with neighbours.

STATUTORY ENVIRONMENT

Planning and Development Act 2005

POLICY IMPLICATIONS

There are no direct policy implications in relation to this item.

FINANCIAL IMPLICATIONS

There are no financial implications in relation to this item.

COMMUNITY & STRATEGIC OBJECTIVES

The matter before Council generally accords with the following Shire desired outcome as expressed in the revised Shire of Wyalkatchem Strategic Community Plan

Objective: A sustainable natural and built environment

Outcome No.	Outcome	Action No.	Actions
3.1	A sustainable natural and built environment	3.1.1	Maintain an effective Local Planning Scheme

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council:

- 1. supports the building application lots no 201, 49 Flint Street, Wyalkatchem, as provided in attachment 10.4.1.1 and 10.4.1.2, and*
- 2. advises the neighbouring properties for comment prior to Permit issue.*

11.MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

12.QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

13.URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION

14.MATTERS BEHIND CLOSED DOORS

OFFICER'S RECOMMENDATION

That Council suspends Standing Orders and moves behind closed doors in accordance with Section 5.23 (2)(b) and 5.23 (2)(c) of the Local Government Act 1995, to deal with matters that relate to:

- *the personal affairs of a person and*
- *matters of a contract which may be entered into, by the local government*

14.1. CEO RECRUITMENT PROCESS

Applicant:	Shire of Wyalkatchem
Location:	Shire of Wyalkatchem
Date:	21 August 2020
Reporting Officer:	Stephen Tindale, Acting Chief Executive Officer
Disclosure of Interest:	The Acting CEO has a direct Financial Interest in the matter
File Number:	22.23.07
Attachment Reference:	Nil

Reason for Confidentiality

The Appointment of a Chief Executive Officer is confidential in accordance with section 5.23(2) (b) of the Local Government Act because it deals with matters affecting the personal affairs of a person and 5.23(2)(c) of the Local Government Act because it deals with matters of a contract which may be entered into, by the local government.

STATUTORY ENVIRONMENT

Sections 5.36, 5.39 and 5.40 of the *Local Government Act 1995*.

COMMUNITY & STRATEGIC OBJECTIVES

The matter before Council generally accords with the following Shire desired outcome as expressed in the revised Shire of Wyalkatchem Strategic Community Plan.

Aspiration: Accountable, effective and engaged leaders

Goal No.	Strategies	Actions
10	Transparent, accountable and effective governance	<ul style="list-style-type: none"> • Ensuring a well-informed Council makes good decisions for the community • Ensuring sound financial management and plans for the Shire’s long term financial sustainability • High quality corporate governance, accountability and compliance • Maintaining Integrated Strategic and Operational plans

VOTING REQUIREMENT

Simple Majority

OFFICER’S RECOMMENDATION

That Council suspends Standing Orders and moves behind closed doors in accordance with Section 5.23 (2)(b) and 5.23 (2)(c) of the Local Government Act 1995, to deal with matters that relate to:

- *the personal affairs of a person and*
- *matters of a contract which may be entered into, by the local government*

VOTING REQUIREMENT

Simple Majority

OFFICER’S RECOMMENDATION

Option 1

That Council conduct the recruitment of a CEO in-house and approve the following process for the selection and appointment of a CEO:

- *Shire President and Acting CEO to review the CEO position description and selection criteria and amend where appropriate.*
- *Shire President and Acting CEO to develop an Information Package*
- *Shire President and Acting CEO to develop a job advertisement for placement in the West Australian newspaper as required by legislation*
- *Shire President and Acting CEO to place vacancy details on relevant on-line platforms (Seek, Local Government Jobs WA)*
- *Applications to be received in confidence by the Shire President. Applications received that do not meet the basic criteria are to be declined*
- *All other applications are to be shared with all Councillors after the closing date.*
- *Full Council to assess all applications and determine a short list of candidates for interview*
- *Interview questions to be prepared by Shire President and Acting CEO*
- *Interviews arranged by Shire President with the assistance of the Acting CEO*
- *Preferred candidate to be selected by full Council*
- *Shire President to undertake reference checks*

- *Employment contract to be negotiated by the Shire President, using the model contract of employment for CEO's as endorsed by WALGA.*

Option 2

That Council engage a suitably qualified recruitment consultant to assist in the recruitment process of a Chief Executive Officer. The recruitment consultant to undertake the following tasks, in consultation with the Shire President and Council:

- *Review CEO position description and selection criteria*
- *Draft Job Advertisement*
- *Develop Information Package*
- *Conduct Executive Search*
- *Perform Preliminary Assessments and Background Checks*
- *Assist Council develop interview questions and prepare for conduct of interviews*
- *Guide Council in interview process and selection process*
- *Conduct referee checks*
- *Prepare a Contract of Employment for the successful candidate.*

15. INFORMATION BULLETIN

15.1. Information Bulletin

The information bulletin has been provided as an attachment (Attachment 15.1)

15.2. Business Arising from the Information Bulletin

16. CLOSURE OF THE MEETING