



Minutes

of the

Special Meeting of Council

held

on

Thursday 5 October
2017

In

The Council Chambers
Honour Avenue Wyalkatchem

Our purpose

The council of Wyalkatchem works with the community to protect and enhance the quality of life for current and future generations

Council's Vision

That Wyalkatchem is an inclusive, dynamic community where all share in a thriving economy and a sustainable, safe and valued environment.

Our Purpose

The Council of Wyalkatchem works with the community to protect and enhance the quality of life for current and future generations.

Our Guiding Principles

Respect for diverse community interests based on active listening and mutual understanding;

Leaving a positive legacy for future generations and Councils;

Balancing a flexible, can-do, innovative and professional approach with achieving outcomes efficiently;

Responsible financial management;

Informed, evidence-based and representative decision making; and

Effective communication and engagement.

Our Goals

Healthy, strong and connected communities

A prosperous and dynamic district

A sustainable natural and built environment

An effective voice

A well-managed and effective organisation

Facilities and assets that are well used and effectively managed

Contents

1	Declaration of opening	4
1.1	The Presiding person will declare the meeting open	4
1.2	The Shire of Wyalkatchem disclaimer will be read aloud	4
2	Public question time	4
2.1	Response to previous questions taken on notice	4
2.2	Declaration of public question time opened	4
2.3	Declaration of public question time closed	4
3	Record of attendance, apologies and approved leave of absence	4
3.1	Present	4
3.2	Apologies	4
3.3	On leave of absence	4
3.4	Staff	4
3.5	Visitors	4
3.6	Gallery	4
3.7	Applications for leave of absence	4
4	Petitions, deputations and presentations	4
4.1	Petitions	4
4.2	Deputations	4
4.3	Presentations	4
5	Confirmation of minutes from previous meeting – Nil	5
6	Announcements by presiding person	5
7	Matters for which meeting may be closed	5
8.1	Land use and planning – Nil	5
8.2	Financials	6
8.2.1	Financial Management – Tendering – 2017/18 Budget Measure – Replacement of Grader – Acceptance of Tender	6-26
8.3	Officer reports to council	27
8.3.1	Personnel – Appointment as Authorised and Approved Officers – Asbestos Regulations	27-29
8.4	Officer Reports to Council - Nil	29
9.	Motions for which previous notice has been given	30
10.	Questions by members of which due notice has been given	30
11.	New business of an urgent nature introduced by the presiding person	30
12.	Matters for which meeting may be closed	30
13.	Closure of meeting	30

CONTENTS

Minutes of the Special Meeting of Council held in Council Chambers, Cnr Honour Avenue and Flint Street, Wyalkatchem held on Thursday 5 October 2017.

1. DECLARATION OF OPENING

1.1 The Shire President declared the Meeting open. 3.29pm

1.2 The Shire of Wyalkatchem disclaimer was read aloud.

"No responsibility whatsoever is implied or accepted by the Shire of Wyalkatchem for any act, omission or statement or intimation occurring during this meeting. It is strongly advised that persons do not act on what is heard at this Meeting and should only rely on written confirmation of Council's decisions, which will be provided within ten days of this meeting".

2 Public question time

2.1 Response to previous questions taken on notice

Not applicable

2.2 Declaration of public question time opened 3.30pm

2.3 Declaration of public question time closed 3.30pm

3 Record of attendance, apologies, and approved leave of absence

3.1 Present: Cr Davies, Cr Gamble, Cr Jones, Cr Butt, Cr Holdsworth

3.2 Apologies: Cr Garner, Cr Gawley

3.3 On leave of absence: Nil

3.4 Staff Ian McCabe, Claire Trenorden, Craig Harris, Ella McDonald

3.5 Visitors: Nil

3.6 Gallery: Nil

3.7 Applications for leave of absence: Nil

4.1 Petitions Nil

4.2 Deputations Nil

4.3 Presentations Nil


5.0 Confirmation of Minutes from Previous Meeting Nil

6.0 Announcements by Presiding Person Nil

7.0 Matters for which meeting may be closed Nil

8.1 Land Use and Planning Nil

8.2.1 FINANCIAL MANAGEMENT – TENDERING – 2017/18 BUDGET
MEASURE – REPLACEMENT OF GRADER – ACCEPTANCE OF TENDER

FILE REFERENCE:	12.24
AUTHOR'S NAME AND POSITION:	Ian McCabe Chief Executive Officer
AUTHOR'S SIGNATURE:	
DATE REPORT WRITTEN:	28 September 2017
DISCLOSURE OF INTEREST:	The author has no financial interest in this matter.

SUMMARY:

That Council resolve the following:

- 1. To accept the tender by Westrac for a 12M Grader;**
- 2. The purchase of the 12M Grader will be financed by draw down from reserves and trade-in as per the 2017/18 budget;**
- 3. Delegation is to be given to the Chief Executive Officer to complete necessary functions to give effect to this decision.**

Appendices:

1. Request for quote and responses;
2. Report by CEO

Comment:

In approving the 2017/18 budget, Council authorised the purchase of a grader to replace the current machine which is a 2010 Westrac 120M with approximately 6,800 Hours. The budget item anticipated a purchase price of \$360,000 and a trade-in of \$125,000 with a changeover cost of \$235,000.

Tenders were sought from the following four suppliers via WALGA's eQuotes procurement system using WALGA's Plant and Equipment preferred supplier panel:

1. Hitachi Construction (John Deere);
2. Komatsu Australia Pty Ltd
3. WesTrac Pty Ltd
4. New Holland and Case
5. Mitsubishi

All potential suppliers other than Mitsubishi responded.

In accordance with Council's Tendering and Evaluation Procedures and Guidelines, a Panel was formed to evaluate these tenders consisting of:

Name	Position
Craig Harris	Works Manager
Ashley Sutherland	Leading Hand
Brett Reid	Operator
Claire Trenorden	Manager Corporate Services
Ian McCabe	Chief Executive Officer

The following machines were evaluated by inspection, testing or research by the Evaluation Panel between closing of the submissions and preparation of this item:

- John Deere 670G
- John Deere 670GP
- Komatsu GD655-5
- Komatsu GD555-5
- Case 865B Motor Grader
- Westrac 12M

An evaluation report was prepared and in addition, finance options were requested and assessed. A supplementary report in regard to the latter and any other relevant detail was prepared by the CEO and was presented in workshop. In preparing this item, the Manager of Works, the Corporate Services Manager and the CEO met to

assess all details against the budget and tender requirements and make the recommendations to Council workshop.

A workshop of all material was held to ensure there is a full understanding of all detail and all issues prior to a Recommendation being provided to Council.

Consultation:

Mrs Claire Trenorden	Senior Finance Officer
Mr Craig Harris	Manger of Works

Statutory Environment:

Local Government Act 1995;

Local Government (Functions and General) Regulations 1996

Policy Implications:

GP2 Purchasing policy

Financial Implications

This item was included in the 2017/18 budget and the tender amount is within budget.

Strategic Plan/Risk Implications

There is no strategic implication.

Voting Requirements Absolute Majority

Council Decision Number 3520

Moved: Cr Holdsworth **Seconded:** Cr Butt

- 1. To accept the tender by Westrac for a 12M Grader;**
- 2. The purchase of the 12M Grader will be financed by draw down from reserves and trade-in as per the 2017/18 budget;**
- 3. Delegation is to be given to the Chief Executive Officer to complete necessary functions to give effect to this decision.**

Vote: 5/0



Shire of Wyalkatchem

Request for :

Shire of Wyalkatchem Grader

Reference Number : VP84353

Opens 25/Aug/17 : Closes 15/Sep/17 04:00 PM

4 Vendor responses as of the 15/Sep/17 04:00 PM

Please select or decline these responses online.

Request created by:

Ian McCabe (ceo@wyalkatchem.wa.gov.au)

You have attached 1 document to this request. You can find it in this zip file under '/RFXDocs/'

[WALGA Preferred Supplier eQuotes Tool](#)

Details of the request

Shire of Wyalkatchem Grader

Expected Value

[REDACTED]

Budget: \$360,000
Trade: \$125,000

Buyer Details

Business: Shire of Wyalkatchem
Location: Cnr Honour Ave/Flint St
WYALKATCHEM
6485, Western Australia, Australia
Web Site: <http://www.wyalkatchem.wa.gov.au>
Business Overview: Shire of Wyalkatchem
Contact:
Contact Name: Ian McCabe
Position: CEO
Main Phone: 08 9681 1166
Mobile Phone: 0427 811 166
Email: ceo@wyalkatchem.wa.gov.au
Local Group: Shire of Wyalkatchem

Changeover: \$235,000

Dates:

Can be responded between: 25/Aug/17 and 15/Sep/17 04:00 PM
Decision Date: 14/Nov/17

What's required

Requirements:

General:

1. Diesel powered; Minimum Power – 100 kw.
2. Turbo timer fitted to ignition.
3. UHF Radio.
4. Two complete set of keys.
5. 14 foot moldboard.
6. Rear mounted scarifier/ripper with ripper tines and scarifier tines.
7. One complete parts and workshop manual, two complete operator manuals.
8. Spare wheel and tyre.
9. List tyre brand fitted.
10. "Shire of Wyalkatchem" Painted onto side of machine.
11. Registration (12 months).
12. Lockable waterproof heavy duty toolbox to be fitted.
13. Delivery to Shire of Wyalkatchem Council Depot.

Cabin:

1. Factory integrated air conditioned lockable ROPS cab.
2. Adjustable high back air suspension seat, cloth covered.
3. UV filter tinting on cabin glass.

4. Retractable seat belt.
5. Heater / Demister.
6. AM/FM Radio.
7. Canvas Seat Covers.
8. Rear view camera.

Safety:

1. Operator training to be provided.
2. 2.5kg dry powder fire extinguisher.
3. Rear mounted reversing alarm.
4. LED Beacon.
5. Battery Isolation switch.
6. Tenderer is to provide a copy of the Manufacturer's Plant Risk Assessment

Trade

Trade in to be included in quotation - CAT 120M Grader, 2010 Model - approximately 6,800 hours

Desired Outcomes ('Nice to haves', Conditions & Warranties, SLA's, Project benefits)

Options (to be individually costed):

- Extended 3 year warranty
- Automatic greaser
- Front blade attachment

Finance

Please provide detailed finance options including but not limited to operating lease

Sent to the following lists

1. Plant Machinery Equipment (Type: Preferred Supplier Panel, Contract Name/Number: NPN2.15)

Information requested by others

None...

Updates made to this request

None...

4 suppliers notified of this request

- 1: Hitachi Construction Machinery (Australia) Pty Ltd via Plant Machinery Equipment
- 2: Komatsu Australia Pty Ltd via Plant Machinery Equipment
- 3: New Holland and Case Ag & Construction via Plant Machinery Equipment
- 4: WesTrac Pty Ltd via Plant Machinery Equipment

Response from:

Response reference: None provided

Response ID: VPR145695

Response via: Plant Machinery Equipment

Business: WesTrac Pty Ltd
ABN 63009342572
Location: 128 Great Eastern Highway
South Guildford
6055, Western Australia, Australia



Contact: *Contact Name:* Samantha Norwood
Position: Customer Engagement Officer
Main Phone: [REDACTED]
Mobile Phone: None Provided
Email: [REDACTED]@westrac.com.au

Web Site: <http://www.westrac.com.au/Pages/default.aspx>

Description: WesTrac has grown to be one of the most exemplary Caterpillar dealers in the world. Established in 1990 and later owned wholly by Kerry Stokes Australian Capital Equity, WesTrac has now merged with the Seven Network to form Seven Group Holdings Ltd. WesTrac is proud to be one of the largest Caterpillar Dealerships in the world, servicing the territories of Western Australia, New South Wales, The Australian Capital Territory and Northern China.

The WA Caterpillar Dealer has played a major role in Local Government, mining, exploration, contracting, construction, agriculture and industrial development in Western Australia and is the market leader in the supply of earthmoving equipment.

WesTrac Pty Ltd and Caterpillar are proud of being able to provide outstanding equipment and the very best of service and support to its Caterpillar customers, be they farmers from the agricultural industry, contractors, local government or from the mining, fishing and forestry industries.

Existing facilities include a huge service workshop and WesTrac Pty Ltd is the largest private employer of apprentices in the industry. Additionally, WesTrac Pty Ltd has 320 tradespersons who work around the clock repairing and rebuilding Caterpillar equipment. All up, WesTrac Pty Ltd employs more than 1500 people at various locations around the state.

Docs attached by the list admin to this supplier:

None...

Compliance Details:

Type: Product Liability Insurance
Policy/Doc #: Various
Coverage Value \$: \$20, 000, 000.00
Issued by : Lloyds Of London
Expiry: 30/Jun/18
Comments: Not provided

Type: Public Liability Insurance
Policy/Doc #: Various
Coverage Value \$: \$20, 000, 000.00
Issued by : Lloyds Of London
Expiry: 30/Jun/18
Comments: Not provided

Type: Workers Compensation Insurance
Policy/Doc #: WCW000958313
Coverage Value \$: \$200,000,000
Issued by : AAI Ltd t/as GIO
Expiry: 30/Jun/18
Comments: Not provided

Selection Status:

Your decision Undecided

Your personal notes:

None added

Your attachments to this response

None provided

Suppliers response:

Please refer to the documents attached.

Supplier provided pricing

Price EXCLUDING Tax: \$ 224,900.00 AUD

Tax component: \$ 22,490.00 AUD

TOTAL PRICE: \$ 247,390.00 AUD

These prices are: Estimated

Comments Price includes the trade in of the 120M please refer to the quote for further details.

Invoicing Details

If successful, the supplier will invoice with the following details

Business Name: WesTrac Pty Ltd
Business Number: 63009342572 (ABN)

Suppliers Attachments

The supplier has attached 16 documents to this response. You can find them in this zip file under
'/Responses/WesTrac_Pty_Ltd/VPR145695/Docs/'

Response from:

Response reference: None provided

Response ID: VPR148030

Response via: Plant Machinery Equipment

Business: Hitachi Construction Machinery (Australia) Pty Ltd

ABN 62000080179

Location: 111 McDowell Street
WELSHPOOL
6106, Western Australia, Australia

Contact: *Contact Name:* Tegan Brown
Position: Sales Administrator
Main Phone: 0893515700
Mobile Phone: None Provided
Email: tegan@hcma.com.au

Web Site: <http://www.hitachi-c-m.com/au/>

Description: HCMA is the official Australian distributor and after market supporter for the following product lines:

- Hitachi Hydraulic Excavators And Mining Shovels, Loaders, Mobile Crushers And Articulated Dump Trucks
- Hitachi/Euclid Mechanical And Electric Drive Rear Dump Trucks
- John Deere Skid Steer Loaders, Backhoes, Wheel Loaders, Tool Carriers, Log Skidders, Graders, Dozers, Crawler Loaders, Scrapers and Forestry Equipment
- Bell Articulated Tractors and Forest And Sugar Cane Equipment
- Donaldson Filtration, Coolant, Air Intake And Exhaust Products
- ITM Italtractor Undercarriage Components
- G.E.T. Ground Engaging Tools And Cutting Edges
- OEM Equipment Parts

The company now has 22 branches throughout Australia, as well as many service outlets and employs around 760 people, making it one of the largest and most successful equipment distributors in the country.

HCMA has been a Quality Endorsed Company since 1994, complying with AS/NZS ISO 9002:1994 under certificate number QEC1003, for the supply, sale, distribution, repair and servicing, sale of spare parts and provision of technical support for a range of new and used mining, construction and forestry equipment.

Docs attached by the list admin to this supplier:

The following document(s) are attached to this supplier by the Plant Machinery Equipment panel administrator. To access, login to VendorPanel.com & view the details for Hitachi Construction Machinery (Australia) Pty Ltd on the Plant Machinery Equipment panel list of suppliers.

- npn 2.15 - hitachi - plant and machinery contract.pdf



Compliance Details:

Type: Product Liability Insurance
Policy/Doc #: 21-1002215-COL
Coverage Value \$: \$30,000,000
Issued by : Sompo Japan Insurance Inc.
Expiry: 01/Mar/18
Comments: Not provided

Type: Public Liability Insurance
Policy/Doc #: 21-1002215-COL
Coverage Value \$: \$30,000,000
Issued by : Sompo Japan Insurance Inc.
Expiry: 01/Mar/18
Comments: Not provided

Type: Workers Compensation Insurance
Policy/Doc #: WAA850694714
Coverage Value \$: Not provided
Issued by : Workcover Queensland
Expiry: 30/Sep/18
Comments: Not provided

Selection Status:

Your decision Undecided

Your personal notes:

None added

Your attachments to this response

None provided

Suppliers response:

Please find attached quotations for a New John Deere 670G (Traditional Grader Controls) and 670GP (Electronic fingertip Controls)

Supplier provided pricing

Price EXCLUDING Tax: \$ 200,000.00 AUD
Tax component: \$ 20,000.00 AUD
TOTAL PRICE: \$ 220,000.00 AUD
These prices are: Estimated
Comments Price listed is change over figure for a 670G
Change Over Figure for a 670GP is \$215,000 + GST

Invoicing Details

If successful, the supplier will invoice with the following details

Business Name: Hitachi Construction Machinery (Australia) Pty Ltd
Business Number: 62000080179 (ABN)

Additional Vendor Comments:

Please note the 60 Month / 5,000 hr Full Machine & Power-Train Warranty. Please note this covers all travel costs in relation to warranty items

Suppliers Attachments

The supplier has attached 8 documents to this response. You can find them in this zip file under '/Responses/Hitachi_Construction/VPR148030/Docs/'

Response from:

Response reference: Case Construction Equipment

Response ID: VPR149045

Response via: Plant Machinery Equipment

Business: **New Holland and Case Ag & Construction**

ABN **76000031130**

Location: 31-53 Kurrajong Rd
St Marys
2760, New South Wales, Australia

Contact: *Contact Name:* Luke Gibson
Position: Product Manager
Main Phone: [REDACTED]
Mobile Phone: None Provided
Email: [REDACTED]

Web Site: <http://www.casece.com>

Description: New Holland Agriculture is a global leader in the design, manufacture and distribution of tractors, hay and harvest equipment to the agricultural, government and corporate sectors. Renowned for its innovative nature and demand for excellence, New Holland provides a full complement of products to suit a variety of applications, and the staff and dealer network to support each of these in the marketplace. Our product range is rigorously tested on a regular basis with continual improvements made ensuring customers across the world receive the best quality and most technologically advanced product available in the market today.

Compact Tractors from 20-50 HP , Tractors from 45 HP to 620 HP, Utility Vehicles, Hay and Harvest Equipment including Round, Small Square, Large Square Balers, Combine Harvesters and Mower conditioners, both pull type and self propelled

Docs attached by the list admin to this supplier:

The following document(s) are attached to this supplier by the Plant Machinery Equipment panel administrator. To access, login to VendorPanel.com & view the details for New Holland and Case Ag & Construction on the Plant Machinery Equipment panel list of suppliers.

- npn 2.15 - new holland agriculture - plant and machinery contract.pdf



Compliance Details:

Type: Product Liability Insurance
Policy/Doc #: Self Insured
Coverage Value \$: Self Insured
Issued by : CNH Industrial
Expiry: 31/Dec/17
Comments: Not provided

Type: Public Liability Insurance
Policy/Doc #: LSB017957911
Coverage Value \$: \$20 million
Issued by : AAI LIMITED TRADING AS VERO INSURANCE ABN: 48 005 297 807
Expiry: 31/Dec/17
Comments: Not provided

Type: Workers Compensation Insurance
Policy/Doc #: WWS002473
Coverage Value \$: \$50 million
Issued by : Allianz
Expiry: 30/Jun/18
Comments: Not provided

Selection Status:

Your decision Undecided

Your personal notes:

None added

Your attachments to this response

None provided

Suppliers response:

Please find attached tender response as prepared by McIntosh and Son, the authorised Case Construction Equipment dealer for Western Australia

Supplier provided pricing

Price EXCLUDING Tax: \$ 131,540.00 AUD
Tax component: \$ 13,154.00 AUD
TOTAL PRICE: \$ 144,694.00 AUD

These prices are: Estimated

Comments Pricing as per tender response for the supply of one NEW Case 865B Motor Grader with trade in of Cat 120M. Additional options have been quoted for Council's consideration

Invoicing Details

If successful, the supplier will invoice with the following details

Business Name: McIntosh and Son
Business Number: 28008675876 (ABN)

Suppliers Attachments

The supplier has attached 3 documents to this response. You can find them in this zip file under '/Responses/New_Holland_and_Case/VPR149045/Docs/'

Response from:

Response reference: None provided

Response ID: VPR149096

Response via: Plant Machinery Equipment

Business: Komatsu Australia Pty Ltd
ABN 0418913135
Location: 94 Sheffield Road
Welshpool
6106, Western Australia, Australia

Contact: *Contact Name:* Lindsay Nelligan
Position: Business Development Manager - Construction
Main Phone: 08 9351 0474
Mobile Phone: [REDACTED]
Email: [REDACTED]

Web Site: <https://www.komatsu.com.au>

Description: Komatsu Australia is a Major supplier of Utility and Construction equipment to Local Government in Western Australia as well as to contractors and the mining industry. Komatsu provides Sales, Service and maintenance support to all Komatsu machines from our Perth, Bunbury, Kalgoorlie, Geraldton, Newman and Port Hedland facilities as well as our national network of Komatsu branches. Komatsu supports Local Government on a nation level, as is committed to provide the best possible level of service, the most durable machines with outstanding re-sale value to Local Government.



Docs attached by the list admin to this supplier:

The following document(s) are attached to this supplier by the Plant Machinery Equipment panel administrator. To access, login to VendorPanel.com & view the details for Komatsu Australia Pty Ltd on the Plant Machinery Equipment panel list of suppliers.

- npn 2.15 - komatsu australia - plant and machinery contract.pdf

Compliance Details:

Type: Product Liability Insurance
Policy/Doc #: 64/1008902 & 5573980012
Coverage Value \$: 20,000,000
Issued by : Tokio Marine & Nichido Fire Insurance C.,Ltd.
Expiry: 01/Apr/18
Comments: 2 policies make up the total of \$20m any one occurrence both CoC attached

Type: Public Liability Insurance
Policy/Doc #: 5573980012
Coverage Value \$: 10,000,000
Issued by : Tokio Marine & Nichido Fire Insurance C.,Ltd.
Expiry: 01/Apr/18
Comments: Not provided

Type: Workers Compensation Insurance
Policy/Doc #: WWH002174 Work Cover number WC09406085
Coverage Value \$: 50,000,000
Issued by : Allianz
Expiry: 30/Sep/17
Comments: Not provided

Selection Status:

Your decision Undecided

Your personal notes:

None added

Your attachments to this response

None provided

Suppliers response:

Craig,

Thank you for the opportunity to quote you for a replacement grader (14ft moldboard) - Komatsu Grader. Within this submission there is 2x quotes for 2x different model graders; GD655-5 and GD555-5.

Included in the quote is ;

- Shire specific local option spec (as per Ref No. VP84353)
- Transport of the new grader to your depot
- Premium Local Government Warranty 60 months/6000hrs

- 60x months warranty travel for Komatsu Field Service to attend Shire of Wyalkatchem

Supplier provided pricing

Price EXCLUDING Tax:	\$ 220,000.00 AUD
Tax component:	\$ 22,000.00 AUD
TOTAL PRICE:	\$ 242,000.00 AUD
These prices are:	Fixed
Comments	New GD655-5 grader (\$330,000), less trade-in (\$110,000), Total = \$220,000 +gst..... New GD555-5 grader (\$320,000), less trade-in (\$110,000), Total = \$210,000 +gst

Invoicing Details

If successful, the supplier will invoice with the following details

Business Name: Komatsu Australia Pty Ltd
Business Number: 0418913135 (ABN)

Additional Vendor Comments:

Please remember that all new Construction graders (GD555-5 & GD655-5) come ex-factory with; dual mode transmission (anti-stall function for slippery/wet conditions), articulation "return to centre", blade lift accumulators, rear view camera, engine turbo timer, battery isolator, window tint & canvas seat cover.

Our Komatsu Operator Trainer – Kim Gilbert will also be able to provide familiarisation/training for your team when the new machine is delivered, as well as post-delivery (should you request it).

Komatsu Finance have also provided 2x finance options; lease and ownership finance.

Suppliers Attachments

The supplier has attached 8 documents to this response. You can find them in this zip file under
'/Responses/Komatsu_Australia_Pt/VPR149096/Docs/'

Shire of Wyalkatchem

WALGA Preferred Supplier eQuotes Tool Request, reference VP84353:

Motor Grader

Briefing for Council Thursday 5 October 2017: Selection of machine.

Summary:

- Budget approved by Council 29 June 2017 for 2017/18 included an allocation for replacement of a grader;
- Request for tender closed 15 September 2017 with four firms and six grader options;
- After non-conforming tenders or tenders excluded for reputation or other reasons, three graders were assessed by staff and management;
- The Westrac Caterpillar 12 M motor grader is recommended as successful tender.

Background:

Council approved the purchase of a new motor grader in the 2017/18 budget. This unit would replace the current 2010 Caterpillar 120M grader which has close to 7,000 hours and has delivered good service. The budgeted amount for the purchase is \$360,000 (draw down on plant reserves \$235,000 and trade-in of \$125,000).

WALGA eQuotes Request for Tender Submissions:

A request for tender was made via WALGA's eQuotes with a request to four suppliers:

- Hitachi Construction Machinery (Australia) Pty Ltd (John Deere);
- Komatsu Australia Pty Ltd;
- New Holland and Case Agriculture and Construction (Case);
- WesTrac Pty Ltd (Caterpillar).

The request for tender closed 15 September 2017 with four suppliers submitting six machine options. The Komatsu units were excluded on multiple criteria (did not have joystick steering, quality and reliability). While not specifically included in the criteria, Komatsu have a lower safety rating than Westrac. The remaining machines were priced between \$271,540 and \$342,900 (average \$317,360 or 88.2% of budget), with trade-in varying between \$110,000 and \$140,000 (average \$124,500 or 99.6%

of budget). The changeover or cash component averaged \$192,860 (82.1% of budget). All of these numbers are skewed by the lower than average cost of the Case machine and the greater than average trade-in offered by Case.

One John Deere machine was excluded as it did not meet the selection criteria (steering, quality and reliability).

The remaining John Deere machine, the Case unit and the offer from Westrac were subjected to testing and evaluation by staff. The John Deere unit is currently used by Mt Marshall and they have reported issues with over-heating issues. Case made a unit available but did not facilitate actual testing. The three remaining machines have been evaluated on seven criteria with the highest rated machine scoring 1.0; the second ranked machine scoring 0.5 and the lowest score being 0.0. The criteria are:

- Price;
- Power and Performance;
- Operator Comfort;
- Build Quality;
- References / Reputation;
- Joystick steering;
- Warranty.

Price:


	Hitachi John Deere	Hitachi John Deere	Case	Westrac	Budget
Price	320,000	335,000	271,540	342,900	360,000
Trade	120,000	120,000	140,000	118,000	125,000
Net Changeover	200,000	215,000	131,540	224,900	235,000

Ratings:

Criteria	Hitachi John Deere	Case	Westrac
Pricing	0.5	1.0	0.0
Power	0.0	0.5	1.0
Operator Comfort	0.5	0.0	1.0
Build Quality	0.5	0.0	1.0
References / reputation	0.0	0.5	1.0
Joystick	0.5	0.0	1.0
Warranty	1.0	0.0	0.5
Totals:	3.0	2.0	5.5

Staff and management have experience with the Cat machines and have found them reliable, safe to use and extremely low level of downtime. In considering safety, trade-in value retention (whole of life costing), reduced training needs and reliability of operations (and the likely cost impact on them), the Evaluation Panel sees less merit in the competitor offers. The Caterpillar 12M motor grader unit is therefore recommended as the successful tender.

8.3.1 PERSONNEL – APPOINTMENT AS APPROVED AND AUTHORISED OFFICERS – ASBESTOS REGULATIONS

FILE REFERENCE:	13.12
AUTHOR'S NAME AND POSITION:	Ella McDonald Administration Officer
AUTHOR'S SIGNATURE:	
NOTIFICATION TO APPLICANT:	Not Applicable
DATE REPORT WRITTEN:	27 September 2017
DISCLOSURE OF INTEREST:	The author has no financial interest in this matter.
STRATEGIC COMMUNITY PLAN REFERENCE	2.6 – Effective enforcement of local laws and regulation

SUMMARY

That Council resolve the following:

1. **Appoint the Chief Executive Officer Ian McCabe as an Approved Officer for the purposes of the Public Health Act 2016; the Health (Asbestos) Regulations 1992; and the Criminal Procedure Act 2004; this appointment will allow the CEO to extend the period to pay or withdraw an infringement notice issued under the legislation; an Approved Officer cannot be an Authorised Officer;**
2. **Appoint the Environmental Health Officer Peter Toboss and the Manager of Works Craig Harris as an Authorised Officer for the purposes of the Public Health Act 2016; the Health (Asbestos) Regulations 1992; and the Criminal Procedure Act 2004; this Approval allows an Authorised Officer to issue an infringement notice under the legislation;**
3. **Authorise the modification of Delegation C19 and the Delegations Register to incorporate these Approvals, make certificates of authority to give effect to this decision and issue any public notice as may be required.**

Appendices:

None

Background:

Council modified the Delegations Register in February 2017 to include amendments to the *Health (Asbestos) Regulations 1992* (Decision 3409, OMC 16 February 2017). This included Delegation C19 which allowed for the issue of Infringement Notices relating to the Asbestos Regulations 1992 and authorised the Environmental Health Officer for this purpose. The supporting commentary to the agenda item also allowed for the modification or rescinding of such notices by an Approved Officer (e.g. the Chief Executive Officer of the

Local Government). To be effective, Council needs to appoint both positions in writing in accordance with the *Criminal Procedure Act 2004*.

With the amendment of the *Health (Asbestos) Regulations 1992* 19 September 2017, the Chief Executive Officer has reviewed the legislation and advises that Delegation C19 as currently written authorises both the EHO and the CEO. Additionally it does not specify the CEO as an Approved Officer. This is not in compliance with legislation.

To ensure compliance with each legislative requirement, it is recommended that the EHO and Manager of Works be Authorised to issue infringements and that the CEO be Approved to withdraw or extend the period of payment. This allows for a separation of powers and increases the flexibility of the local government when the EHO may not be available.

Statutory Environment:

Public Health Act 2016 (Division 4, s.24 Authorised Officers, etc.);

Health (Asbestos) regulations 1992 (in particular, s.15D (5), (6), (7) and (8), as modified 19 September 2017);

Criminal Procedures Act 2004 (Part 2, dealing with offences, infringement notices and authorised and approved officers).

Policy Implications:

There is no council policy relevant to this report

Financial Implications:

There are no financial implications relative to this report

Strategic Plan/Risk Implications:

Without a Council Decision the current Delegation is ineffective due to changes in legislation.

Council Decision Number: 3521

Moved: Cr Jones

Seconded: Cr Holdsworth

Officer Recommendation

That Council resolve the following:

- 1. Appoint the Chief Executive Officer Ian McCabe as an Approved Officer for the purposes of the Public Health Act 2016; the Health (Asbestos) Regulations 1992; and the Criminal Procedure Act 2004; this appointment will allow the CEO to extend the period to pay or withdraw an infringement notice issued under the legislation; an Approved Officer cannot be an Authorised Officer;**

2. Appoint the Environmental Health Officer Peter Toboss and the Manager of Works Craig Harris as an Authorised Officer for the purposes of the Public Health Act 2016; the Health (Asbestos) Regulations 1992; and the Criminal Procedure Act 2004; this Approval allows an Authorised Officer to issue an infringement notice under the legislation;

3. Authorise the modification of Delegation C19 and the Delegations Register to incorporate these Approvals, make certificates of authority to give effect to this decision and issue any public notice as may be required.

Vote: 5/0

8.4 Officer Reports to Council Nil

- 9. Motions of which previous notice has been given Nil**
- 10. Questions by members of which due notice has been given Nil**
- 11. New business of an urgent nature introduced by the presiding person Nil**
- 12. Matters for which the meeting may be closed Nil**
- 13. Closure of Meeting 3.40pm**