

I certify that this copy of the Minutes is a true and correct record of the meeting held on 22 September 2009
Signed:
Presiding Elected Member
Date:.....



**MINUTES OF ORDINARY COUNCIL MEETING
HELD IN THE COUNCIL CHAMBERS ON
TUESDAY, 22 SEPTEMBER 2009
COMMENCING AT 4.00PM**

THERE ARE NO ATTACHMENTS TO THIS COPY OF THE COUNCIL MINUTES. TO VIEW ATTACHMENTS PLEASE CONTACT THE SHIRE OFFICE ON 9927 0000

PRESENT:	President	Cr R K Parsons (Chairperson)
	Councillors	Cr S C Chandler (Deputy Shire President) Cr K J Hepworth Cr R W Roberts Cr L W Wheeler
	Staff	Mr B E Jones – Chief Executive Officer Mr I M Quartermain – Accountant (Minute Taker) Mr F A Neuweiler – Manager, Community Development
	Gallery	Shane Matthews, Margaret Denton (WA Country Health) , Lyn Broad, Jan Gill, Isobelle Cochrane, Bronwen Scott, Kevan Dennis, John Rossiter, Barry Haase (arrived 4.30pm) & Senator Richard Colbeck (arrived 4.30pm)
	Media	Alex McKinnon – Geraldton Guardian
GUESTS:		Mr Mel Congerton, Ms Elizabeth Pettit, Ms Maureen Struckman & Mr Tim Morley (Architect) - Swan Aged Person Homes Trust
APOLOGIES:		Cr R T McClurg
LEAVE OF ABSENCE:		Cr G L Dean-Gundill Cr G C Bass

Prior to the commencement of the meeting the Shire President carried out the draw for the Early Ratepayers prizes.

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Shire President declared the meeting open at 4.00pm and welcomed all those in attendance to the proceedings.

2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

Cr G L Dean-Gundill and Cr G C Bass – Leave of Absence

Cr R T McClurg - Apology

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

4. PUBLIC QUESTION TIME

4.1. Mr John Rossiter asked the following questions:

- a) *“From what I can understand from the information collected from the City of Swan Aged Persons Homes Trust display at the Mingenew Expo, there seems to be no difference between this concept Thungarra Seaside Estate and the previous proposed. What is the difference and what is the maximum amount of houses that can be built?”*

The Shire President advised that both projects are different. The Thungarra Seaside Estate will comprise independent living units and a residential aged care facility.

- b) *“In this paraphernalia there is no mention of an aged care facility being built. If there is a facility to be built what intensity of care would be available, low, medium or high care?”*

The Shire President advised the facility will have up to high care.

- c) *“At the last meeting there were two recommendations presented from the Shire Offices Upgrade committee. Can I and the general public be informed of the content of these recommendations?”*

The Shire President advised that this matter was not dealt with at the last Council meeting.

4.2. Mr Kevan Dennis thanked the outgoing Councillors and the Shire President for their service to the shire.

5. APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

6. PETITIONS

Nil.

7. CONFIRMATION OF MINUTES

7.1 MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 25 AUGUST 2009

A copy of the Minutes of the Ordinary Council Meeting held on 25 August 2009 has been provided to all Councillors under separate cover.

COUNCIL MOTION:

Moved: Cr R Roberts

Seconded: Cr K Hepworth

That the Minutes of the Ordinary Council Meeting, held on 25 August 2009, be confirmed as a true and accurate recording of that meeting, subject to the following amendment to include questions raised at public question time by Mr David Jones, which were not included in the original minutes:

“In light of the recent overall rate hike of 12%, following last year’s 6% hike, does this now infer that this Council considers rate rises of this magnitude to be the norm, and part of what Council considers normal operating revenue?”

The Shire President responded by advising that she had suggested at the 2008 Annual Electors Meeting that rates may increase by approximately 10% in the next year before reverting to more modest increases in following years.

Can Council provide to the community projected revenue figures for the recreation centre detailing those projected returns for the ensuing years? Say 3 years? If so where is the copy of this budgeted projection available, and how close is the actual income to the estimated cash flow generation?

It was advised that the budgeted revenue from the Recreation Centre for previous years totalled approximately \$15,000 to \$20,000 and that for the first six months of operation of the new Centre in 2008/09 revenue received totalled approximately \$60,000.

In question 4.3 b “interest” should be replaced by the word “principal”.”

CARRIED UNANIMOUSLY

VOTING DETAILS:

5/0

8. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

- 8.1.** Barry Haase, MP Kalgoorlie and Senator Richard Colbeck, Shadow Parliamentary Secretary for Agriculture, Fisheries and Forestry will be attending at 5.30pm to meet Councillors.
- 8.2.** Great Gardens Workshop was held at Irwin Rec on 19 September, attracted a large number of participants. Thanks to Felix Neuweiler and Bronwen Scott for their efforts.
- 8.3.** Conducted a citizenship ceremony on 14 September 2009 for a family of 4.
- 8.4.** Swan Aged Persons Homes Trust are making a presentation after the close of council meeting for Councillors and invited guests.
- 8.5.** Farewell, last Council meeting.
Thanked Councillors and Staff for their efforts to make my Presidency memorable.
Thanked Brian Jones for an excellent working relationship.
Wished the incoming Council & President all the best for the future.

9. REPORTS

CEO.431

Subject: Councillor Resignation
Reporting Officer: Chief Executive Officer
File Reference: GV.CO
Date Prepared: 11 September 2009
Voting Requirements: Absolute majority

Issue:

To consider requesting the approval of the Electoral Commissioner to allow the vacancy caused through the resignation of Rob Gillam to remain unfilled in accordance with section 4.17 of the local government act.

Body / Background:

As Council is aware Rob Gillam resigned from Council effective Wednesday 26 August 2009. He was elected in October 2007 for a four year term.

At the ordinary Council meeting held on Tuesday 10 February 2009, following the review of wards and representation, Council unanimously passed the following resolution:

That Council advise the Local Government Advisory Board that Council has undertaken a comprehensive review of our wards and representation and recommends:

- abolishing all wards and having a no ward system,*
- retaining 9 councillors for the 2009 local government elections and reducing to 8 councillors for the 2011 local government elections, and*
- that these changes be implemented without declaring all positions vacant, i.e. those elected members whose term expires in 2011 continue on Council until their terms expire, representing the whole District.*

Note: the reason for retaining 9 councillors for the 2009 elections and reducing to 8 for the 2011 elections is that there are 4 vacancies in 2009 and 5 vacancies in 2011. The number of vacancies in 2011 would be reduced from 5 to 4.

Officers Comment:

Due to the outcome of Council's review of wards and representation the CEO requested advice from the Local Government Advisory Board as to whether the Shire could bring forward the reduction in Council numbers from 9 to 8.

The Department of Local Government has advised that a reduction in councillor numbers cannot be implemented in time for the 2009 local government elections. If council wishes the vacancy to remain unfilled it will need to seek the approval of the Electoral Commissioner.

Reduction in councillor numbers can only occur from the ordinary elections day. This means that should another vacancy occur prior to the 2011 ordinary elections we will fall below the 80% mark and will need to hold an extraordinary election for that vacancy and the one caused by the resignation of Mr Gillam.

Financial Implications:

The cost to hold an extraordinary election if Council wishes to fill the vacancy.

Given the outcomes from the Councils review of wards and representation and the Minister for Local Governments desire to reduce the number of councillors, we have not obtained a quotation from the Electoral Commission for the costs of holding an extraordinary election.

Statutory Environment:

(3) If a councillor's office becomes vacant as a result of a resignation —

(a) in a district that has no wards; and

(b) at least 80% of the number of offices of member of the council in the district are still filled, the council may, with the approval of the Electoral Commissioner, allow the vacancy to remain unfilled and, subject to subsection (4), in that case, the term of the member who held the office is to be regarded as ending on the day on which it would have ended if the vacancy had not occurred.

(4) If an ordinary or an extraordinary election is to be held in a district then an election to fill any vacancy in the office of councillor in that district that was allowed to remain unfilled under subsection (3) is to be held on the same election day and Division 9 applies to those elections as if they were one election to fill all the offices of councillor for the district that need to be filled.

Policy Implications:

Nil

Officers Recommendation:

That Council request the approval of the Electoral Commissioner to allow the vacancy on Council to remain unfilled in accordance with section 4.17 of the local government act.

COUNCIL MOTION:

Moved: Cr S Chandler

Seconded: Cr L Wheeler

That Council request the approval of the Electoral Commissioner to allow the vacancy on Council to remain unfilled in accordance with section 4.17 of the local government act.

CARRIED UNANIMOUSLY

VOTING DETAILS:

5/0

CEO.432

Subject: Local Law Review
Reporting Officer: Chief Executive Officer
File Reference: LE.LO.2 / LE.LO.5 / LE.LO.12
Date Prepared: 14 September 2009
Voting Requirements: Absolute majority

Issue:

To receive a report of the review of the Dogs, Bush Fire Brigades and Fencing local laws.

Body / Background:

At the ordinary Council meeting held on Tuesday 28 July 2009 Council passed the following resolution:

That Council:

- *agree to undertake a review of the Dogs, Bush Fire Brigades and Fencing local laws,*
- *provides Statewide public notice of the proposal to review these local laws,*
- *dedicate the August Forum for the purpose of a preliminary review, and*
- *request the CEO prepare a report of the review which includes consideration of any submissions that may be received.*

Public notice of the review was provided through an advertisement in the West Australian Newspaper and the local Rag on Wednesday 5 August 2009. Submissions closed on Friday 18 September 2009. As at Thursday 17 September 2009 no submissions had been received.

These local laws were reviewed by Council at the Council Forum held on Tuesday 11 August 2009.

Officers Comment:

Dogs Local Law

The Dogs Local Law remains relevant for the Shires current purposes and the review did not identify any issues that would require an amendment.

It is recommended that the Dogs Local Law not be repealed or amended.

Bush Fire Brigades Local Law

The Bush Fire Brigades Local Law remains relevant for the Shires current purposes and the review did not identify any issues that would require an amendment.

It is recommended that the Bush Fire Brigades Local Law not be repealed or amended.

Fencing Local Law

The review of the Fencing Local Law identified an issue with the second schedule "Specifications for a sufficient fence on a large residential lot". It is recommended that the second schedule be deleted and replaced with the following:

A "sufficient fence" on a Large Residential Lot is as follows:

1. any fence constructed in accordance with the first schedule
2. a fence of posts and wire construction, the minimum specifications for which are-

- a) wire shall be high tensile wire and not less than 2.5mm. A minimum of five wires shall be used, generally with the lower wires spaced closer together than the higher wires so as to prevent smaller stock passing through, and connected to posts in all cases;
- b) posts shall be of indigenous timber or other suitable material including -
 - timber impregnated with a termite and fungicidal preservative;
 - standard iron star pickets; or
 - concrete;cut not less than 1800mm long x 50mm diameter at small end if round or 125mm x 60mm if split or sawn. Posts to be set minimum 600mm in the ground and 1200mm above the ground; and
- c) strainer posts shall be not less than 2250mm long and 50mm diameter at the small end (tubular steel to be 50mm in diameter) and shall be cut from indigenous timber or other suitable material. These shall be placed a minimum of 1000mm in the ground.

Financial Implications:

Nil

Statutory Environment:

Section 3.16 of the local government act states:

3.16. Periodic review of local laws

(1) Within a period of 8 years from the day when a local law commenced or a report of a review of the local law was accepted under this section, as the case requires, a local government is to carry out a review of the local law to determine whether or not it considers that it should be repealed or amended.

(2) The local government is to give Statewide public notice stating that —

(a) the local government proposes to review the local law;

(b) a copy of the local law may be inspected or obtained at any place specified in the notice; and

(c) submissions about the local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given.

(2a) A notice under subsection (2) is also to be published and exhibited as if it were a local public notice.

(3) After the last day for submissions, the local government is to consider any submissions made and cause a report of the review to be prepared and submitted to its council.

(4) When its council has considered the report, the local government may determine whether or not it considers that the local law should be repealed or amended.

Policy Implications:

Nil

Officers Recommendation:

That Council:

- Receive this report on the review of the Dogs, Bush Fire Brigades and Fencing local laws, as required by section 3.16(3) of the local government act.
- Agrees that there is no need to either amend or repeal the Dogs Local Laws or Bush Fire Brigades Local Laws, and
- Agree to amend the Fencing Local Law by deleting the second schedule and replacing it with the following:

A “sufficient fence” on a Large Residential Lot is as follows:

1. any fence constructed in accordance with the first schedule
2. a fence of posts and wire construction, the minimum specifications for which are-
 - a) wire shall be high tensile wire and not less than 2.5mm. A minimum of five wires shall be used, generally with the lower wires spaced closer together than the higher wires so as to prevent smaller stock passing through, and connected to posts in all cases;
 - b) posts shall be of indigenous timber or other suitable material including -
 - timber impregnated with a termite and fungicidal preservative;
 - standard iron star pickets; or
 - concrete;cut not less than 1800mm long x 50mm diameter at small end if round or 125mm x 60mm if split or sawn. Posts to be set minimum 600mm in the ground and 1200mm above the ground; and
 - c) strainer posts shall be not less than 2250mm long and 50mm diameter at the small end (tubular steel to be 50mm in diameter) and shall be cut from indigenous timber or other suitable material. These shall be placed a minimum of 1000mm in the ground.

COUNCIL MOTION:

Moved: Cr K Hepworth

Seconded: Cr R Roberts

That Council:

- **Receive this report on the review of the Dogs, Bush Fire Brigades and Fencing local laws, as required by section 3.16(3) of the local government act.**
- **Agrees that there is no need to either amend or repeal the Dogs Local Laws or Bush Fire Brigades Local Laws, and**
- **Agree to amend the Fencing Local Law by deleting the second schedule and replacing it with the following:**

A “sufficient fence” on a Large Residential Lot is as follows:

1. any fence constructed in accordance with the first schedule
2. a fence of posts and wire construction, the minimum specifications for which are-
 - a) wire shall be high tensile wire and not less than 2.5mm. A minimum of five wires shall be used, generally with the lower wires spaced closer together than the higher wires so as to prevent smaller stock passing through, and connected to posts in all cases;
 - b) posts shall be of indigenous timber or other suitable material including -
 - timber impregnated with a termite and fungicidal preservative;
 - standard iron star pickets; or
 - concrete;cut not less than 1800mm long x 50mm diameter at small end if round or 125mm x 60mm if split or sawn. Posts to be set minimum 600mm in the ground and 1200mm above the ground; and
 - c) strainer posts shall be not less than 2250mm long and 50mm diameter at the small

end (tubular steel to be 50mm in diameter) and shall be cut from indigenous timber or other suitable material. These shall be placed a minimum of 1000mm in the ground.

**CARRIED UNANIMOUSLY
5/0**

VOTING DETAILS:

DCS.335

Subject: Accounts for Payment
Reporting Officer: Director Corporate Services
File Reference: Minute Book
Date Prepared: 16 September 2009
Voting Requirements: Normal Majority

Issue:

To receive the list of accounts paid during August 2009.

Background:

A list of accounts paid under delegated authority is attached showing all payments made during the month of August 2009.

Policy Implications:

Under Delegation C3 Council has delegated authority to the Chief Executive Officer to authorise all payments by Council.

Statutory Implications:

13. Lists of accounts
- (1) If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared —
 - (a) the payee's name;
 - (b) the amount of the payment;
 - (c) the date of the payment; and
 - (d) sufficient information to identify the transaction.
 - (3) A list prepared under sub-regulation (1) or (2) is to be —
 - (a) presented to the council at the next ordinary meeting of the council after the list is prepared; and
 - (b) recorded in the minutes of that meeting.

Officer's Recommendation:

That the Accounts paid during August 2009, represented by Municipal Cheque Numbers 27491 - 27514, EFT payment numbers 9150 - 9266 totalling \$478,411.44 & Police Licensing Payment No's PL 030809 – PL260809 totalling \$67,526.30 be received.

COUNCIL MOTION:

Moved: Cr S Chandler

Seconded: Cr K Hepworth

That the Accounts paid during August 2009, represented by Municipal Cheque Numbers 27491 -27514, EFT payment numbers 9150 - 9266 totalling \$478,411.44 & Police Licensing Payment No's PL 030809 – PL260809 totalling \$67,526.30 be received.

VOTING DETAILS:

**CARRIED
5/0**

DCS.336

Subject: Footpath Condition – Brennand Road Subdivision
Reporting Officer: Director Corporate Services
File Reference: WAPC.126873
Date Prepared: 8 September 2009
Voting Requirements: Simple Majority

Issue:

To consider whether to proceed with the condition placed on the developers of the Brennand Road Subdivision to construct a footpath.

Body / Background:

In December 2004 Council advised the WA Planning Commission that it supported the approval of an application by WJ and EA Biggs for the subdivision of Lots 1 and 2 in Brennand Road subject to various conditions. The WA Planning Commission granted approval for the subdivision, with Council's conditions, on 8 February 2005.

The Officer's report noted the following in relation to the zoning of the property at the time:

"The land is zoned 'Special Rural' under the provisions of the Shire of Irwin Town Planning Scheme No. 4. The minimum lot size permitted is one hectare subject to scheme water being provided. Suitable area should be identified on each proposed lot for a building envelope, reflecting the topography and vegetation on a number of the lots. Subdivision should accord wherever possible with the previously prepared concept plan of subdivision for a number of super lots in the locality."

Council Condition 10 included the requirement for a dual use pathway to be constructed along one side of the main distributor road to Council's satisfaction. In support of the condition the Council Officer provided the following information:

"Council has had a lot of requests for pathways to be constructed within the Racecourse Estate. Generally, dual use paths are not a consideration in special rural areas. However, on this occasion, due to the location of the proposed subdivision being in close proximity to the town and the school, there may well be a case to put for the Western Australian Planning Commission to consider such a condition."

The subdivision is located 1,800m from Dongara District High School and 2,000m from the Town Centre.

The Shire of Irwin Bicycle Plan 1999 for Dongara/Port Denison has Tulloch Drive listed due to public concerns and has included the need for the connection in that plan."

Due to the delay in the installation of the power infrastructure to the area the concrete paths could not be constructed and a deposit of \$42,600 from the developers was accepted by the Shire to install the paths at a later date. The funds have since been maintained in the restricted assets account. Provision has been included in this year's budget to construct the path using asphalt, instead of concrete, on the basis that it will provide a suitable pathway surface for the area.

Officers Comment:

Council is requested to consider whether to proceed with the construction of the footpath in Brennand Road on the basis that areas zoned Rural Residential generally have a minimum of one hectare lot size and do not receive services which may be expected in the townsites. Such services

would include sewerage, underground drainage, street lighting, parks and playgrounds, pathways etc.

Brennand Road from Philbey Road north to Francisco Road is zoned Rural Residential with a minimum lot size of 1 hectare if reticulated water is available. It has the same zoning as Springfield where lots are generally 2 hectares because there is no reticulated water.

The bike path plan includes future paths in Tulloch Drive, which finishes at Philbey Road and has a different zoning and lot size, being R2.5 or 4,000 m2 minimum lot size.

An application from residents in Springfield has recently been received for a path to be constructed along Blenheim Road to service Springfield and has received a response that Springfield, because of the large lot sizes and different usage, does not receive the same level of amenity as those in the residential areas of Dongara and Port Denison.

Should Council construct the path on Brennand Road, it will set a new level of service provision to that zoning and may set a precedent for providing that service throughout. The requirement for developers to provide pathways in Rural Residential areas has not been included in the conditions of other subdivision applications for that land use and therefore the requirement for a path in this instance has been inconsistent with other applications.

Financial Implications:

Statutory Environment:

Policy Implications:

Officers Recommendation:

That the amount of \$42,600, being held by Council to construct a concrete path on Brennand Road to satisfy Condition 10 of the subdivision development for WJ and EA Biggs, reference WAPC 126873, be refunded.

COUNCIL MOTION:

Moved: Cr M Wheeler

Seconded: Cr R Roberts

That the amount of \$42,600, being held by Council to construct a concrete path on Brennand Road to satisfy Condition 10 of the subdivision development for WJ and EA Biggs, reference WAPC 126873, be refunded.

**CARRIED UNANIMOUSLY
5/0**

VOTING DETAILS:

F.360

Subject: Financial Statements for the Period ending 31/08/2009
Reporting Officer: Accountant/Senior Administration Officer
File Reference: Minute Book
Date Prepared: 14 September 2009
Voting Requirements: Simple Majority

Issue:

To consider and receive the Monthly Financial Statements for the period 1 July 2009 to 31 August 2009.

Body / Background:

The Monthly Financial Report to the 31 August 2009 is prepared in accordance with the requirements of the Local Government Act and the Local Government (Financial Management) Regulations and includes the following:

- Rate Setting Statement
- Income Statement by Program
- Income Statement by Nature & Type
- Balance Sheet
- Statement of Changes in Equity
- Cash Flow Statement
- Disposal of Assets
- Information on Borrowings
- Reserve Funds
- Net Current Assets
- Rating Information
- Trust Fund Summary
- Statement of Bank Reconciliations
- Capital Works Program
- Restricted Assets Statement
- Schedules 3 – 14 Budget vs Actuals Comparison
- APU Operating Statement

Officers Comment:

Nil.

Financial Implications:

Nil.

Statutory Environment:

The Local Government (Financial Management) Regulations provides as follows:

Section 34. Financial activity statement report

- (1) A local government is to prepare each month a statement of financial activity reporting on the sources and applications of funds, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail -
 - (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c);

- (b) 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.
- (2) Each statement of financial activity 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.
- (3) 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.
- (4) A statement of financial activity, and the accompanying documents referred to in sub-regulation (2), are to be -
- (a) presented to the council -
 - (i) at the next ordinary meeting of the council following the end of the month to which the statement relates; or
 - (ii) if the statement is not prepared in time to present it to the meeting referred to in subparagraph (i), to the next ordinary meeting of the council after that meeting; and
 - (b) recorded in the minutes of the meeting at which it is presented.

Policy Implications:
Nil.

Officers Recommendation:

That the Monthly Financial Statement for the period 1 July 2009 to 31 August 2009 be received.

COUNCIL MOTION:

Moved: Cr R Roberts

Seconded: Cr K Hepworth

That the Monthly Financial Statement for the period 1 July 2009 to 31 August 2009 be received.

VOTING DETAILS:

**CARRIED UNANIMOUSLY
5/0**

W.153:

Subject: Provision Slurry Seal Works 2009/10
Reporting Officer: Works Manager
File Reference: RD.TE
Date of Report: 9 September 2009
Voting Requirements: Simple Majority

Issue:

To consider accepting the quotation from Works Infrastructure for " Slurry Sealing Works", without inviting tenders, on the basis that they are the only supplier of this type of road sealing material within Western Australia.

Body/Background:

Council have, since the mid nineties, generally adopted the use of slurry seals when re-surfacing the residential streets in Dongara and Port Denison.

The use of slurry seals provide a more suitable surface to residential streets than the conventional chip seals that have been used previously. The advantages are a smoother surface and reduced road noise, there is no loose metal to collect and the streets are easier to sweep, while other options such as hot mix provide as good a finish and better life span it also cost substantially more to lay.

The unfortunate aspect of slurry sealing is that there is no competition, with only one supplier being available to us at any given time.

Officer's Comment:

Given the unique nature of the slurry sealing product and the absence of any competition to Works Infrastructure in supplying this product Council is requested to accept the quotation of \$146,576.25 without seeking tenders.

Financial Implications:

Council has made provision of \$177,250 in the 2009/10 budget for slurry seal works and the quotation received, without the use of any corrector, is within the budget allowance.

Statutory Environment:

Local Government (Functions and General) Regulations 1996
Division 2- Tenders for providing goods and services (s.3.57)

. 11A.

Purchasing policies

- (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, \$100 000 or less or worth \$100 000 or less.

Tenders to be invited for certain contracts

- (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 \$100 000 unless subregulation (2) states otherwise.

- (2) Tenders do not have to be publicly invited according to the requirements of this Division if —
- subparagraph;
- (f) the local government has good reason to believe that, because of the unique nature of the goods or services required or for any other reason, it is unlikely that there is more than one potential supplier; or

Policy Implications:

Officer's Recommendation:

That Council does not advertise for tenders for the supply of slurry sealing works on the basis that there is only one tender likely to be received, and accept the quotation from Works Infrastructure to carry out slurry sealing works to various roads as listed in the Road Construction Programme for 2009/10.

COUNCIL MOTION:

Moved: Cr S Chandler

Seconded: Cr L Wheeler

That Council does not advertise for tenders for the supply of slurry sealing works on the basis that there is only one tender likely to be received, and accept the quotation from Works Infrastructure to carry out slurry sealing works to various roads as listed in the Road Construction Programme for 2009/10.

**CARRIED UNANIMOUSLY
5/0**

VOTING DETAILS:

10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

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

Nil.

12. URGENT BUSINESS APPROVED BY PERSON PRESIDING OR BY DECISION

Nil.

13. MATTERS BEHIND CLOSED DOORS

Nil.

14. CLOSURE

There being no further business, the Chairperson declared the meeting closed at 4.12pm.

After the closure of the meeting the guests from the City of Swan Aged Persons Homes Trust gave a presentation and outline as to the time frame for the development of "Thungarra Seaside Estate" aged care facility to be constructed in Dongara.

I certify that this copy of the Minutes is a true and correct record of the meeting held on
22 September 2009

Signed:
Presiding Elected Member

Date:.....