



SHIRE OF YORK

**MINUTES OF THE SPECIAL
MEETING OF THE COUNCIL
HELD ON 9 MAY, 2012
COMMENCING AT 4.40pm
IN COUNCIL CHAMBERS,
YORK TOWN HALL, YORK**

SHIRE OF YORK
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RAY HOOPER
CHIEF EXECUTIVE OFFICER

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SHIRE OF YORK

THE SPECIAL MEETING OF THE COUNCIL
HELD ON WEDNESDAY, 9 MAY 2012, COMMENCING AT
4.40PM IN COUNCIL CHAMBERS, YORK TOWN HALL, YORK

The York Shire Council acknowledges the traditional owners of the land on which this meeting will be held.

1. OPENING

- 1.1 Declaration of Opening
Cr Tony Boyle - Shire President, declared the meeting open at 4.40pm
- 1.2 Chief Executive Officer to read the disclaimer
Taken as Read
- 1.3 Announcement of Visitors
Nil
- 1.4 Announcement of any Declared Financial Interests
Nil

2. ATTENDANCE

- 2.1 Members
*Cr Tony Boyle, Shire President
Cr Brian Lawrance; Cr Denese Smythe; Cr Mark Duperouzel*
- 2.2 Staff
Ray Hooper, Chief Executive Officer; Gordon Tester; Manager of Health & Building Services; Jacky Jurmann, Manager Planning Services; Glen I Jones – Manager Works & Projects; Helen D'Arcy-Walker, Executive Support Officer
- 2.3 Apologies
Cr Roy Scott
- 2.4 Leave of Absence Previously Approved
Cr Pat Hooper
- 2.5 Number of People in Gallery at Commencement of Meeting
There were no people in the Gallery at the commencement of the meeting.

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

3.1 Previous Public Questions Taken on Notice
Nil

3.2 Written Questions
Nil

4. PUBLIC QUESTION TIME
Nil

5. APPLICATIONS FOR LEAVE OF ABSENCE
Cr Denese Smythe – Ordinary Council Meeting - 21st May, 2012

RESOLUTION
010512

Moved: Cr Duperouzel

Seconded: Cr Lawrance

“That Council grant a leave of absence to Cr Denese Smythe for the Council Meeting scheduled for 21st May, 2012.”

CARRIED: 4/0

6. PETITIONS / PRESENTATIONS / DEPUTATIONS
Nil

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETING
Nil

8. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION
Nil

9. OFFICER’S REPORTS

9.1 Development Services

9.2 Administration Reports

9. OFFICER'S REPORTS
9.2 ADMINISTRATION REPORTS
9.2.1 Appointment of Authorised Officers Under the Building Act 2011 and Regulations 2011

FILE NO: OR.CMA.1
COUNCIL DATE: 9 May 2012
REPORT DATE: 3 May 2012
LOCATION/ADDRESS: Not applicable
APPLICANT: Not applicable
SENIOR OFFICER: Ray Hooper, CEO
REPORTING OFFICER: Gordon Tester, MHB
DISCLOSURE OF INTEREST: Nil
APPENDICES: Nil
DOCUMENTS TABLED: Nil

Summary:

This report requests that Council directly appoint Authorised Officers under the provisions of the Building Act 2011 and Building Regulations 2011.

Existing Delegations De 4 and De 12 require review to reflect the changes required in Council Directly Appointing Authorised Officers under the Building Act 2011 and Building Regulations 2011.

Background:

To allow for the Shire of York Officers to undertake statutory duties and implement the *Building Act 2011* and the *Building Regulations 2011*, the local government needs to delegate Authorised Officers. Unfortunately the present delegation of Authorised Officers D.4 – Appointment of Authorised Officers, which enables the Chief Executive Officer to appoint officers, cannot be amended to enable the appointment of Authorised Officers under the *Building Act 2011*. The reason for this is Council must delegate to persons to carry out such duties directly.

Consultation:

Nil

Statutory Environment:

Under the provisions of the *Building Act 2011* a Local Government is a "Permit Authority" within its municipality. Local Governments need to appoint suitably qualified persons to administer the Building Act and Regulations. Section 96 of the Act states:

"A Local Government may by instrument in writing designate a person employed by the local government under the Local Government Act 1995 section 5.36, as an authorised person for the purposes of this Act in relation to buildings and incidental structures located, or proposed to be located, in the district of the local government. "

The permit authority (Shire of York) must give an identity card to each person designated by it as an authorised person in accordance with the provisions of section 97 of the Act.

Under the provisions of section 99 of the Building Act an authorised officer must act in accordance with the directions of the permit authority and subject to any limitations imposed by regulation or the permit authority.

The current delegations as indicated below require Delegation DE4 to be amended to include reference to direct delegation from Council to the Authorised Officer under the Building Act 2011 and associated Regulations and the deletion of references to the Local Government (Miscellaneous Provisions Act) 1995.

Delegation DE 12 is to be deleted as it refers to repealed legislation.

DE4 Appointment of Authorised Officers

Legislation

Local Government Act

5.42. Delegation of Some Powers and Duties to CEO

The Council resolved that the following delegations be approved:

TO: Chief Executive Officer

DELEGATIONS: The power to appoint authorised officers to carry out the statutory duties of the local government.

GUIDELINES OR CONDITIONS:

The appointment of officers shall be limited to those carrying out the local government duties in respect to the following statutory provisions:

- Local Government Act 1995
- Local Government (Miscellaneous Provisions Act) 1995
- Litter Act

DE12 Issue of Notices

Legislation

Local Government Act 1995

5.42. Delegation of Some Powers and Duties to CEO

Local Government (Miscellaneous Provisions) Act 1960

374AAB Delegation of authority to approve plans of buildings or unauthorized building work

The Council resolved that the following delegations be approved:

TO: The Chief Executive Officer

DELEGATIONS: To issue notice under the following sections of the Local Government (Miscellaneous Provisions) Act.

- | | |
|-------------|-------------------------------|
| Division 9 | Notice of Required Alteration |
| Division 9a | Unlawful Works |
| Division 11 | Dangerous Buildings |

The Chief Executive Officer may sub delegate this approval to the appropriate officer eg: Manager Environmental Health and Building Services, Building Officer.

GUIDELINES OR CONDITIONS: Nil

Policy Implications:

Nil

Financial Implications:

Nil

Strategic Implications:

Nil

Voting Requirements:

Absolute Majority Required: Yes

Site Inspection:

Site Inspection Undertaken: No

Triple bottom Line Assessment:

Economic Implications:

Not applicable

Social Implications:

To ensure that building standards are maintained it is essential that Council delegates authority to appoint Authorised Officers under the *Building Act* and *Building Regulations 2011* once they come into effect.

Environmental Implications:

Nil

Officers Comment:

Delegations

The enforcement of the *Building Act 2011* requires Authorised Officers to be appointed directly (not by delegation from the CEO) to implement the provisions of the Act and Regulations. The current Delegation DE4 – Appointment of Authorised Officers, provides for delegation by the CEO to the Officers to issue building licenses and other statutory functions under the former building legislation. This needs to be updated, to give the appropriate powers for the appropriate Authorised Officers to carry out the duties of the new Act. Because the *Building Act* and *Regulations 2011* deals exclusively with building control activities the amended delegation does not need to specify specific sections /clauses (unlike the former Local Government Miscellaneous Provisions Act 1960).

Whilst the Act refers to delegation being to a person under Sections 96 and 127 of the Act, the provisions of the Interpretation Act 1984 make it clear this can also mean a “position” as well as an individual person. It is therefore appropriate to include the following positions in Council’s delegation: Manager Health Building, Senior Building Surveyor, Building Surveyor and Assistant Building Surveyor.

It is important to note that the exercise of this delegation is limited by the qualifications of the person holding any of the positions under the Building Regulations and any such person must also act under the directions of the Local Authority.

Under the Regulations there are three distinct levels of qualifications listed nominated as levels 1, 2 and 3. Each of these levels which are obtained through training and experience give differing levels of authority to act under the Act and Regulations. Level 1 is only limited by the authority to act given by any specific local authority. Level 2 adds a restriction on authority to act based on the size and number of storeys in a building. Level 3 limits the authority on officer to act based on further size and height restrictions and then further again limits this to only being able to deal with domestic structures.

Whilst this means a qualified Building Surveyor (depending on qualification level) can exercise a wide range of powers under the Act (such as the issue of Certificates of Design Compliance, Uncertified Building Permits, Occupancy Permits and the like) any other person delegated as an Authorized Officer would be very limited in how he or she could use the same legislation provisions. One example of an authority that an unqualified Authorized Officer could be given is the issuing of Building Permits for Certified applications. This can be carried out by a person considered "suitable" under the legislation.

As the new legislation has been enacted on 2 April 2012 it is important that the delegations are updated at this stage

**RESOLUTION
020512**

Moved: Cr Duperouzel

Seconded: Cr Smythe

"That Council:

It is recommended that:

- 1. Council amend delegation D.4 – Appointment of Authorised Officers as the Building Act, and Regulations 2011 are proclaimed and in force as, to enable the Appointment of Authorised Officers - Manager Health Building Gordon Tester (Level 1 Building Surveyor) and Senior Building Surveyor Timothy Jurmann (Level 1 Building Surveyor) directly by Council, under the provisions of the Building Act 2011 and;***
- 2. Council delete Delegation D 12 issue of Notices under repealed Local Government (Miscellaneous Provisions Act) 1960."***

CARRIED: 4/0

9.3 Works Reports

9.4 Financial Reports

9. OFFICER'S REPORTS

9.4 FINANCE REPORTS

9.4.1 Tender 03-1112 – Shire of York Works – Purchase of Replacement Grader

FILE NO: AS.TEN.29
COUNCIL DATE: 07 May 2012
REPORT DATE: 03 May 2012
LOCATION/ADDRESS: N/A
APPLICANT: N/A
SENIOR OFFICER: Ray Hooper
REPORTING OFFICER: Glen I Jones
DISCLOSURE OF INTEREST: Nil
APPENDICES: Tender Schedule
DOCUMENTS TABLED: Yes

Summary:

Council is to consider the tender recommendation for the replacement of Council's Volvo G710 motor grader

Background:

In line with Councils Plant Replacement program, documentation was drawn up for the replacement and trade-in of Councils Volvo G710 motor grader. Tenders were advertised on 30th march, 2012 and were open for four (4) weeks, closing on Tuesday 24th April, 2012 at 4:00 pm. Tenders were for the supply of replacement and trade-in of old only.

Seven tenders were received from five suppliers:

McIntosh & Sons
Hitachi Construction Machinery (Aust) Pty Ltd
Komatsu Australia Pty Ltd
WesTrac Pty Ltd
CJD Equipment

Appendix A summarises pricing and change-over for each tender.

Consultation:

Shire of York Construction Supervisor
Killarnee Civil and Concreting Contractors

Statutory Environment:

Local Government Act 1995 (as amended) S3.57

Policy Implications:

Purchase in accordance with Local Government Tender Regulations. Tender 03-1112 was a public tender.

Financial Implications:

The 2011/12 budget has an allocation of \$340000.00 for expenditure on a replacement grader and estimated income of \$130000.00 for the trade-in of existing. This equates to a net change-over figure of \$210000.00.

CJD Equipment offer a Volvo G930 motor grader at the change-over price of \$205700.00 (incl GST) and is within budget estimates.

Strategic Implications:

Shire of York Strategic Community Plan
Governance: Strengthen Shire Leadership
Outcome – Sustainable resource management
Objective – Ensure resources are managed effectively.

Voting Requirements:

Absolute Majority Required: Yes

Site Inspection:

Site Inspection Undertaken: Not applicable

Triple bottom Line Assessment:

Economic Implications:

Council maintains a Plant Replacement program to ensure that its mechanical resources are at peak effectiveness.

The recommended tender offers a 5yr/6000 hr warranty which will ensure that Council is protected over the life of the machine. CJD Equipment also offers full servicing and has previously given Council a high degree of customer satisfaction.

Social Implications:

Reliable, modern machinery ensure that the community is serviced to best practice standards.

Environmental Implications:

All tenders offered machinery that complies with the highest current emissions standards (Tier III).

Comment:

All tenders were assessed in accordance with Councils tender assessment policy.

The tender from McIntosh & Sons did not include a trade-in price. The machine offered by McIntosh & Sons is a LuiGong grader which is relatively new to the Australian civil field. Referees report that the LuiGong grader had some “teething problems” to begin with, mainly in poorly machined housings, but that the grader now works well. Although the purchase price of the LuiGong is lower than the recommended tender, it is recommended that Council does not consider this product at this stage but waits for further proving in field operation and reliability.

All other tenders complied with the tender requirements.

RESOLUTION

030512

Moved: Cr Lawrance

Seconded: Cr Boyle

“That Council:

Accept the tender from CJD Equipment for the supply of a Volvo G930 motor grader at the price tendered of \$338800.00 (incl GST) and the trade-in price of \$133100.00 (incl GST) for the Volvo G710 motor grader.”

CARRIED: 4/0

Item 9.4.1 - Appendices

TENDERS - Shire of York - April 2012
Purchase of Replacement Grader
Tender Number: 03-1112

Provider	Model No. / Description (Replacement Grader)	Machine Price (new)	Trade In Valuation	Net Changeover	Comments
McIntosh & Sons	LiuGong CLG418III	\$ 250,800	TBA	TBA	Warranty = 12 mths/2000 hrs
Hitachi Construction Machinery (Aust) Pty Ltd	Hitachi 670G - 2012	\$ 335,500	\$104,500	\$ 231,000	Warranty = 60mths/5000 hrs
Hitachi Construction Machinery (Aust) Pty Ltd	Hitachi 670GP - 2012	\$ 357,500	\$104,500	\$ 253,000	Warranty = 60 mths/5000 hrs
Komatsu Australia Pty Ltd	Komatsu GD555-5	\$ 348,579	\$ 79,200	\$ 269,379	Warranty = 36 mths/6000 hrs
WesTrac Pty Ltd	Caterpillar 12M	\$ 342,100	\$ 74,800	\$ 267,300	Warranty = 36 mths/6000 hrs
WesTrac Pty Ltd	Caterpillar 120M	\$ 304,700	\$ 74,800	\$ 229,900	Warranty = 36 mths/6000 hrs
CJD Equipment	Volvo G930	\$ 338,800	\$133,100	\$ 205,700	Warranty = 60 mths/6000 hrs

9. OFFICER'S REPORTS
9.4 FINANCE REPORTS
**9.4.2 Tender 04-1112 – Shire of York Works –
Purchase of Replacement Multi Tyred Roller**

FILE NO: AS.TEN.30
COUNCIL DATE: 07 May 2012
REPORT DATE: 03 May 2012
LOCATION/ADDRESS: N/A
APPLICANT: N/A
SENIOR OFFICER: Ray Hooper
REPORTING OFFICER: Glen I Jones
DISCLOSURE OF INTEREST: Nil
APPENDICES: Tender Schedule
DOCUMENTS TABLED: Yes

Summary:

Council is to consider the tender recommendation for the replacement of Council's Amman Multi Tyred Roller.

Background:

In line with Councils Plant Replacement program, documentation was drawn up for the replacement and trade-in of Councils Multi Tyred Roller. Tenders were advertised on 30th march, 2012 and were open for four (4) weeks, closing on Tuesday 24th April, 2012 at 4:00 pm. Tenders were for the supply of replacement and trade-in of old only.

Five tenders were received from five suppliers:

GCM Agencies Pty Ltd
Wertgen Australia
DYNAPAC
WesTrac Pty Ltd
Conplant

Appendix A summarises pricing and change-over for each tender.

Consultation:

Shire of York Construction Supervisor
ERS Equipment Sales
Shire of Kojonup

Statutory Environment:

Local Government Act 1995 (as amended) S3.57

Policy Implications:

Purchase in accordance with Local Government Tender Regulations. Tender 04-1112 was a public tender.

Financial Implications:

The 2011/12 budget has an allocation of \$190000.00 for expenditure on a replacement multi-tyred roller and estimated income of \$75000.00 for the trade-in of existing. This equates to a net change-over figure of \$115000.00.

GCM Agencies offer a Multipac SPR250 series 3 multi tyred roller at the change-over price of \$98000.00 (incl GST) and is within budget estimates.

Strategic Implications:

Shire of York Strategic Community Plan
Governance: Strengthen Shire Leadership
Outcome – Sustainable resource management
Objective – Ensure resources are managed effectively.

Voting Requirements:

Absolute Majority Required: Yes

Site Inspection:

Site Inspection Undertaken: Not applicable

Triple bottom Line Assessment:

Economic Implications:

Council maintains a Plant Replacement program to ensure that its mechanical resources are at peak effectiveness.

The recommended tender offers a 2yr/2000 hr warranty, and a 4yr/4000 hr warranty on hydraulic pumps and engine, which will ensure that Council is protected over the life of the machine. All parts and filters are supplied by Coventrys and DCM Agencies maintains service agencies within WA.

Social Implications:

Reliable, modern machinery ensure that the community is serviced to best practice standards.

Environmental Implications:

All tenders offered machinery that complies with the highest current emissions standards (Tier III).

Comment:

All tenders were assessed in accordance with Councils tender assessment policy.

G.C.M Agencies have agencies in WA through ERS Equipment Sales. ERS Equipment Sales advise that both they and Coventrys hold spare parts and filters for the Multipac roller.

Referee reports (Shire of Kojonup) were contacted and have been very happy with both the Multipac roller and with the service back-up provided by G.C.M Agencies.

All other tenders complied with the tender requirements.

RESOLUTION

040512

Moved: Cr Duperouzel

Seconded: Cr Lawrance

“That Council:

Accept the tender from G.C.M. Agencies Pty Ltd for the supply of a Multipac SPR250 series 3 multi-tyred roller at the price tendered of \$143000.00 (incl GST) and the trade-in price of \$45000.00 (incl GST) for the Ammann multi-tyred roller.”

CARRIED: 4/0

Item 9.4.2 - Appendices

TENDERS - Shire of York - April 2012
Purchase of Replacement Multi Tyred Roller
Tender Number: 04-1112

Provider	Model No. / Description	Machine Price (new)	Trade In Valuation	Net Changeover	Comments
GCM Agencies Pty Ltd	Multipac SPR250 series 3	\$ 143,000	\$ 45,000	\$ 98,000	Warranty = 24 mth/2000 hr
Wertgen Australia	HAMM GRW280	\$ 159,500	\$ 49,500	\$ 110,000	Warranty = 12 mth/1000 hr
DYNAPAC	Dynapac CP224W	\$ 177,650	\$ 52,800	\$ 124,850	Warranty = 12 mth
WesTrac Pty Ltd	Caterpillar PF-300C	\$ 204,600	\$ 34,100	\$ 170,500	Warranty = 36 mth/6000 hr
Conplant	Amman AP240 T3	\$ 152,020	\$ 44,000	\$ 108,020	Warranty = 24 mth/2000 hr

9. OFFICER'S REPORTS
9.4 FINANCE REPORTS
**9.4.3 Tender 05-1112 – Shire of York Works –
Purchase of Replacement Light Truck**

FILE NO: AS.TEN.31
COUNCIL DATE: 07 May 2012
REPORT DATE: 03 May 2012
LOCATION/ADDRESS: N/A
APPLICANT: N/A
SENIOR OFFICER: Ray Hooper
REPORTING OFFICER: Glen I Jones
DISCLOSURE OF INTEREST: Nil
APPENDICES: Tender Schedule
DOCUMENTS TABLED: Yes

Summary:

Council is to consider the tender recommendation for the replacement of Council's Canter light truck (Y4099).

Background:

In line with Councils Plant Replacement program, documentation was drawn up for the replacement and trade-in of one of Councils light trucks (Y4099). Tenders were advertised on 30th march, 2012 and were open for four (4) weeks, closing on Tuesday 24th April, 2012 at 4:00 pm. Tenders were for the supply of replacement and trade-in of old only.

Three tenders were received from three suppliers:

WA Hino
Daimler Trucks Perth
Major Motors Pty Ltd

Appendix A summarises pricing and change-over for each tender.

Consultation:

Shire of York Construction Supervisor

Statutory Environment:

Local Government Act 1995 (as amended) S3.57

Policy Implications:

Purchase in accordance with Local Government Tender Regulations. Tender 05-1112 was a public tender.

Financial Implications:

The 2011/12 budget has an allocation of \$60000.00 for expenditure on a replacement light truck and estimated income of \$17000.00 for the trade-in of existing. This equates to a net change-over figure of \$43000.00.

Daimler Trucks Perth offer a Fuso/Canter FEC71ER4SFC light truck at the change-over price of \$47498.00 (incl GST). This change-over price is \$4498.00 above Councils estimate but will be covered by savings made on the replacement of the motor grader and the multi-tyred roller.

Strategic Implications:

Shire of York Strategic Community Plan
Governance: Strengthen Shire Leadership
Outcome – Sustainable resource management
Objective – Ensure resources are managed effectively.

Voting Requirements:

Absolute Majority Required: Yes

Site Inspection:

Site Inspection Undertaken: Not applicable

Triple bottom Line Assessment:

Economic Implications:

Council maintains a Plant Replacement program to ensure that its mechanical resources are at peak effectiveness.
The recommended tender offers a 3yr/100000km/2000 hr warranty and has stock on hand for immediate delivery.

Social Implications:

Reliable, modern machinery ensure that the community is serviced to best practice standards.

Environmental Implications:

All tenders offered machinery that complies with the highest current emissions standards (Tier III).

Comment:

All tenders were assessed in accordance with Councils tender assessment policy.

WA Hino did not offer a trade-in price and was discounted from further assessment.

Council has had good service from the previous Canter light truck and expects such from the new replacement.

All other tenders complied with the tender requirements.

RESOLUTION

050512

Moved: Cr Lawrance

Seconded: Cr Duperouzel

“That Council:

Accept the tender from Daimler Trucks Perth for the supply of a Fuso/Canter FEC71ER4SFAC at the price tendered of \$83501.00 (incl GST) and the trade-in price of \$36003.00 (incl GST) for the Canter light truck Y4099.”

CARRIED: 4/0

Item 9.4.3 - Appendices

TENDERS - Shire of York - April 2012
Purchase of Replacement Light Truck
Tender Number: 05-1112

Provider	Model No. / Description (Replacement Grader)	Machine Price (new)	Trade In Valuation	Net Changeover	Comments
WA Hino	300 Series 717 Medium Model: XZU710R - HKFOTO3	\$ 81,959	TBA	TBA	Warranty = not documented
Daimler Trucks Perth	Fuso/Canter FEC71ER4SFAC	\$ 83,501	\$ 36,003	\$ 47,498	Warranty = 36 mth/100000 km/2000 hrs
Major Motors Pty Ltd	2012 Isuzu NPR 300 Medium (NPR-CB-G11)	\$ 85,921	\$ 23,500	\$ 62,421	Warranty = 36 mth/100000 km/2000 hr

9.5 Late Reports

9.6 Confidential Reports

10. NEXT MEETING

**RESOLUTION
060512**

Moved: Cr Lawrance

Seconded: Cr Duperouzel

“That Council:

hold the next Ordinary Meeting of the Council on May 21, 2012 at 3.00pm in the Talbot Hall, Talbot.”

CARRIED: 4/0

11. CLOSURE

Cr Boyle thanked everyone for their attendance and declared the meeting closed at 5.14pm.