



8 June 2021

**SPECIAL MEETING OF COUNCIL
MINUTES**

CONTENTS

1. OPENING	1
2. ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE	1
2.1 Members Present.....	1
2.2 Staff In Attendance	1
2.3 Observers And Visitors	1
2.4 Apologies and Approved Leave of Absence	1
3. DECLARATIONS OF INTEREST	1
4. PUBLIC QUESTION TIME	1
5. OFFICER REPORTS	2
5.1 Vincent Street Streetscape Project – Undergrounding of Power.....	2
5.2 Land Purchase – 57 and 59 John Street Beverley.....	6
6. NEW BUSINESS ARISING BY ORDER OF THE MEETING	11
7. CLOSURE	11

1. OPENING

The Chairperson declared the meeting open at 10:00am

2. ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE

2.1 Members Present

Cr DW Davis Shire President
Cr CJ Pepper Deputy President
Cr CJ Lawlor
Cr SW Martin
Cr TF McLaughlin
Cr P Gogol
Cr TWT Seed
Cr DC White

2.2 Staff In Attendance

Mr SP Gollan Chief Executive Officer
Mr SK Marshall Deputy Chief Executive Officer
Mr BS de Beer Manager of Planning and Development Services
Mrs A Lewis Executive Assistant
Ms A Waight Project Officer

2.3 Observers And Visitors

Nil

2.4 Apologies and Approved Leave of Absence

Mr SP Vincent Manager of Works

3. DECLARATIONS OF INTEREST

Nil

4. PUBLIC QUESTION TIME

Nil

5. OFFICER REPORTS

5.1 Vincent Street Streetscape Project – Undergrounding of Power

Submission To:	Special Meeting of Council 8 June 2021
Report Date:	2 June 2021
Applicant:	N/A
File Reference:	ADM 0570
Author and Position:	Stephen Gollan, Chief Executive Officer
Previously Before Council:	Most recent 23 March 2021 and 22 September 2020
Disclosure(s) Of Interest:	Nil
Attachments:	WPC Underground Power Design

SUMMARY

Council to consider progressing the Underground Power component of the Vincent Street Streetscape Project.

BACKGROUND

Council was awarded \$1,534,122 through the Federal Governments Building Better Regions Fund (BBRF) to complete the Vincent Street Streetscape Project (the project) in June 2020.

\$1,187,750.00 of the BBRF funding is allocated to the undergrounding of power.

The whole project is expected to see the upgrade of the section of Vincent Street from the state highway to Forrest Street and will include the undergrounding of power, the reconstruction and resurfacing of the road, renewal of the kerbing and footpaths, the installation of pedestrian friendly crossings, the upgrade of the town square area at the front of the Old School Building and the general beautification of the street through the introduction of street trees and garden beds.

There are two parts to the project being, undergrounding of power contract; and the civil contract (roads, footpaths, lighting, seating, gardens etc.).

The undergrounding of power contract is designed and managed through Western Power Corporation (WPC). The designs are provided under separate cover.

The civil contract will be managed the GHD Woodhead. The tender for the civil contract closed on Friday 21 May and is currently being assessed by the evaluation panel.

COMMENT

In relation to the undergrounding of power, WPC called for quotes based on their estimation (E30) of \$1,122,534.00 to complete the works. Unfortunately, due to various COVID stimulus projects the market was not competitive and the quotes received ranged between \$1.7M and \$1.9M.

To reduce costs, a 'descoping' exercise by WPC and Shire Staff saw the following components removed from the design scope:

- *Undergrounding of HV cable at Forrest Street – moving pole only, no RMU;*

- *Undergrounding of LV cables at Hunt Road intersection*

The new design is complete and the E10 Cost from Western Power is \$1,147,345.00.

An E10 means the final cost may be plus or minus 10%.

WPC are now ready to have the Business Case and Relocation Works Contract signed by the Shire of Beverley. Once the Relocation Works Contract is signed off, Council cannot rescind any decision to move forward with the undergrounding of the power.

STATUTORY ENVIRONMENT

Local Government Act 1995

3.57 Tenders for providing goods or services

- (1) A local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services.
- (2) Regulations may make provision about tenders.

Division 2 — Tenders for providing goods or services (s. 3.57)

11. When tenders have to be publicly invited

- (1A) In this regulation —

state of emergency declaration has the meaning given in the *Emergency Management Act 2005* section 3.

- (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 \$250 000 unless subregulation (2) states otherwise.
- (2) Tenders do not have to be publicly invited according to the requirements of this Division if —
 - (a) the supply of the goods or services is to be obtained from expenditure authorised in an emergency under section 6.8(1)(c) of the Act; or
 - (aa) the supply of the goods or services is associated with a state of emergency; or
 - (b) the supply of the goods or services is to be obtained through the WALGA Preferred Supplier Program; or
 - ~~[(ba) deleted]~~
 - (c) within the last 6 months —
 - (i) the local government has, according to the requirements of this Division, publicly invited tenders for the supply of the goods or services but no tender was submitted that met the tender specifications or satisfied the value for money assessment; or

- (ii) the local government has, under regulation 21(1), sought expressions of interest with respect to the supply of the goods or services but no person was, as a result, listed as an acceptable tenderer;
- or
- (d) the contract is to be entered into by auction after being expressly authorised by a resolution of the council of the local government; or
- (e) the goods or services are to be supplied by or obtained through the government of the State or the Commonwealth or any of its agencies, or by a local government or a regional local government; or
- (ea) the goods or services are to be supplied —
 - (i) in respect of an area of land that has been incorporated in a district as a result of an order made under section 2.1 of the Act changing the boundaries of the district; and
 - (ii) by a person who, on the commencement of the order referred to in subparagraph (i), has a contract to supply the same kind of goods or services to the local government of the district referred to in that subparagraph;
- or
- (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

CONSULTATION

Extensive community and local business consultation 2013 – 2021.
Western Power 2020 – 2021

FINANCIAL IMPLICATIONS

\$1,147,345.00 Undergrounding of Power +/- 10%
Civil tender unknown

STRATEGIC IMPLICATIONS

This project aligns with the Shire's Strategic Community Plan 2017 – 2027:

Goal 4 - Vincent Street is activated and aesthetically improved.

Strategy 4.1 - Following consultation and planning with businesses, key stakeholders and the community develop a main street activation plan.

Vincent street upgraded (from Hunt Rd to Lukin St) with underground power, semi mountable kerbing and place activation.

Goal 12 – Council leads the organisation and engages with the community in an accountable and professional manner.

POLICY IMPLICATIONS

AF007 Purchasing and Procurement

\$250,000.00 and above – conduct a public tender process (process completed by Western Power Corporation)

RISK IMPLICATIONS

There are various risks to take into consideration:

Progressing (Medium 8) – Short term disruption to local business, short term disruption to pedestrians and traffic; vitalisation of streetscape.

Not Progressing (High 15) – An incomplete grant project or attempt to change the scope will severely damage the Shire’s pristine reputation to complete funded projects and will likely deter any further successful grant funding opportunities.

Consequence Likelihood	Insignificant	Minor	Moderate	Major	Catastrophic
Almost Certain	Medium (5)	High (10)	High (15)	Severe (20)	Severe (25)
Likely	Low (4)	Medium (8)	High (12)	High (16)	Severe (20)
Possible	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

Risk Rating	Action
Low	Monitor for ongoing improvement.
Medium	Comply with risk reduction measures to keep risk as low as reasonably practical.
High	Review the risk and take additional measures to ensure risk is low as reasonably achievable.
Severe	Unacceptable risk level, reduction measures must be introduced before proceeding.

VOTING REQUIREMENTS

Absolute Majority

OFFICER’S RECOMMENDATION

That Council;

1. Agree to the undergrounding of power on Vincent Street as per the Western Power Corporation design and E10 quote;
2. Authorise the Chief Executive Officer and Shire President to sign the Business Case and Relocation Works Contract; and
3. Keep the community informed through various Western Power announcements and Shire of Beverley announcements.

COUNCIL RESOLUTION

MSP1/0621

Moved Cr White

Seconded Cr Seed

That Council;

1. **Agree to the undergrounding of power on Vincent Street as per the Western Power Corporation design and E10 quote;**
2. **Authorise the Chief Executive Officer and Shire President to sign the Business Case and Relocation Works Contract; and**
3. **Keep the community informed through various Western Power announcements and Shire of Beverley announcements.**

CARRIED BY ABSOLUTE MAJORITY 8/0

5.2 Land Purchase – 57 and 59 John Street Beverley

Submission To:	Special Meeting of Council 8 June 2021
Report Date:	28 May 2021
Applicant:	N/A
File Reference:	ADM 0203
Author and Position:	Simon Marshall, Deputy Chief Executive Officer
Previously Before Council:	N/A
Disclosure(s) Of Interest:	N/A
Attachments:	57 & 59 John Street Land – Promotional Flyer

SUMMARY

Council to consider submitting an offer to purchase 57 and 59 John Street Beverley.

BACKGROUND

Council has previously considered a residential housing plan as part of the long term financial planning process.

57 and 59 John Street blocks were identified in this plan as desirable blocks to purchase and develop as part of Council’s housing strategy.

The purchase of the blocks is not intended to be speculative, rather it is to provide land to refresh Council’s housing stock and increase the housing stock available in the Beverley townsite by sale of Council’s older housing assets.

COMMENT

York Real Estate agents are handling the sale of 57 and 59 John Street. The asking price for the blocks has recently reduced significantly to \$29,900 per block.

The blocks are zoned R40 with power, water and deep sewer services available, but currently not servicing the blocks.

The blocks may require some fill as they are currently sloping slightly south away from John Street.

STATUTORY ENVIRONMENT

The intended purchase of 57 and 59 John Street does not meet the criteria of a major land transaction.

Section 6.8 (1) of the *Local Government Act 1995* allows the following in relation to unbudgeted expenditure:

6.8. Expenditure from municipal fund not included in annual budget

- (1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —
 - (a) is incurred in a financial year before the adoption of the annual budget by the local government; or

- (b) is authorised in advance by resolution*; or
- (c) is authorised in advance by the mayor or president in an emergency.

* Absolute majority required.

CONSULTATION

Michael Bawden, York Real Estate – Land Sale information.

Stefan De Beer, Shire of Beverley Planner – Land zoning and available services information.

FINANCIAL IMPLICATIONS

\$59,800 plus settlement costs estimated to be approximately \$2,000.

The 2020/21 Budget does not include a provision to purchase land.

The Building Reserve could be utilised to fund the purchase.

STRATEGIC IMPLICATIONS

Goal 1– Shire Infrastructure is prepared for economic gains and an increase in our population.

Goal 3 – To have land available for domestic and commercial growth.

Goal 12 – Council leads the organisation and engages with the community in an accountable and professional manner.

POLICY IMPLICATIONS

Housing Development Plan

AF007 Purchasing and Procurement

RISK IMPLICATIONS

Low (4) - There is a minimal risk attributed to the purchase of land given Council is the buyer and the land is vacant.

It is considered that the transaction will be orderly in line with legislative requirements of the transfer of land.

Consequence	Insignificant	Minor	Moderate	Major	Catastrophic
Likelihood					
Almost Certain	Medium (5)	High (10)	High (15)	Severe (20)	Severe (25)
Likely	Low (4)	Medium (8)	High (12)	High (16)	Severe (20)
Possible	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

Risk Rating	Action
Low	Monitor for ongoing improvement.
Medium	Comply with risk reduction measures to keep risk as low as reasonably practical.
High	Review the risk and take additional measures to ensure risk is low as reasonably achievable.
Severe	Unacceptable risk level, reduction measures must be introduced before proceeding.

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION

That Council;

1. approve the submission of a cash offer to purchase 57 and 59 John Street for consideration of \$29,900 per block, \$59,800 total, to York Real Estate Agents with a settlement date of 15 July 2021 and, appoint Gibson and Raison Conveyancers to act as Council's settlement agents.
2. Provide a budget allocation in the 2021/22 Budget for \$62,000 (land purchase price plus settlement fees) fully funded from the Building Reserve.

COUNCIL RESOLUTION

MSP2/0621

Moved Cr Pepper

Seconded Cr Lawlor

That Council;

1. **approve the submission of a cash offer to purchase 57 and 59 John Street for consideration of \$29,900 per block, \$59,800 total, to York Real Estate Agents with a settlement date of 15 July 2021 and, appoint Gibson and Raison Conveyancers to act as Council's settlement agents.**
2. **Provide a budget allocation in the 2021/22 Budget for \$62,000 (land purchase price plus settlement fees) fully funded from the Building Reserve.**

CARRIED BY ABSOLUTE MAJORITY 8/0

Attachment 5.2

-- Map Viewer Plus --



© Copyright Western Australia Land Information Authority. No part of this document or any content appearing on it may be reproduced or published without the prior written permission of Landgate. Disclaimer: The accuracy and completeness of the information on this document is not guaranteed and is supplied by Landgate 'as is' with no representation or warranty, as to its reliability, accuracy, completeness, or fitness for purpose. Please refer to original documentation for all legal purposes.

Attachment 5.2

York Estate Agents

0403 268 158
www.yorkfn.com.au





57 JOHN STREET, BEVERLEYFOR SALE

VACANT BUILDING 829M2 BLOCK

Check out this opportunity Vacant 829m2 Building Block great location in Beverley with an opportunity to also purchase the adjoining 829m2 Building Block. Both blocks have been priced to meet the market dont hesitate if you want both blocks call Mike 0403268158 for further information and viewing inspection.

Each block has own Certificate of Title therefore you can purchase 1 block instead of 2 if you prefer.

Scheme Water and Power pass by however neither are connected.

 0  0  0

PRICE \$65,000

CONTACT

Michael Bawden
0403 268 158
yorkfn@westnet.com.au

6. NEW BUSINESS ARISING BY ORDER OF THE MEETING

Nil

7. CLOSURE

The Chairman declared the meeting closed at 10:09am