



Ordinary Council Meeting Minutes

Date: 19 October 2016

Please Note: These minutes and the decisions recorded therein have not as yet been confirmed by Council as a true and accurate record of the meeting.

The Shire of Moora Vision and Mission Statement

Vision

Our vision is that:

Shire of Moora - a vibrant, affordable Regional Centre with a growing, caring community.

Mission

Our mission is:

To provide the leadership, services and infrastructure that will meet the needs of the community and surrounds.

SHIRE OF MOORA
MINUTES OF THE ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS, MOORA
19 OCTOBER 2016

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- 9.1.1 List of Payments Authorised Under Delegation 1.31
- 9.1.2 Statement of Financial Activity for Period Ended 30 September 2016
- 9.1.3 Draft Fit for Work Policy
- 9.1.4 Draft Schedule of Meeting Dates for 2017
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1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

1.1 DECLARATION OF OPENING

The Shire President declared the meeting open at 5.33pm.

1.2 DISCLAIMER READING

No responsibility whatsoever is implied or accepted by the Shire of Moora 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 decision, which will be provided within fourteen (14) days of this meeting.

2. ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE

ATTENDANCE

KM Seymour	-	Shire President / Presiding Member
MR Pond	-	Deputy Shire President
CE Gardiner	-	Councillor
TG Humphry	-	Councillor
MR Holliday	-	Councillor
PF Nixon	-	Councillor
El Hamilton	-	Councillor
AJ Leeson	-	Chief Executive Officer
DK Trevaskis	-	Deputy Chief Executive Officer
JL Greay	-	Manager Engineering Services
PR Williams	-	Manager Development Services
MM Murray	-	Executive Support Officer (minute taker)

APPROVED LEAVE OF ABSENCE

LC House	-	Councillor
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APOLOGIES

DV Clydesdale-Gebert	-	Councillor
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PUBLIC

Cynthia McMorran	-	Shire Freeman
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3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4. PUBLIC QUESTION TIME

Nil

5. PETITIONS AND PRESENTATIONS

Nil

6. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER

The following engagements were undertaken;

Shire President, Cr Seymour

10/10 Radio interview with the ABC

14/10 Meeting with Dept. of Local Government & Communities representatives, the Principal of Moora Primary School and the Chief Executive Officer re Best Start.

Cr Hamilton

12/10 Moora Community Resource Centre AGM

Cr Nixon

12/10 Chamber of Commerce meeting

8. CONFIRMATION OF MINUTES

8.1 ORDINARY COUNCIL MEETING - 21 SEPTEMBER 2016

COUNCIL RESOLUTION

130/16 Moved Cr Gardiner, seconded Cr Holliday that the Minutes of the Ordinary Meeting of Council held on 21 September 2016 be confirmed as a true and correct record of the meeting.

CARRIED 7/0

9. REPORTS OF OFFICERS

9.1 GOVERNANCE AND CORPORATE SERVICES

9.1.1 LIST OF PAYMENTS AUTHORISED UNDER DELEGATION 1.31

REPORT DATE: 12 October 2016

OFFICER DISCLOSURE OF INTEREST: Nil

AUTHOR: David Trevaskis, Deputy Chief Executive Officer

SCHEDULE PREPARED BY: Alida Fitzpatrick, Finance Creditors/Debtors Officer

ATTACHMENTS: Accounts Paid Under Delegated Authority

PURPOSE OF REPORT

Payments have been made under delegated authority and a listing of these payments is attached for Council to note and endorse.

BACKGROUND

At the December 2005 Ordinary Meeting of Council resolution 276/2005 delegated the authority of payments from Municipal and Trust Funds to the Chief Executive Officer.

COMMENT

Accounts Paid under delegated authority are periodically presented to Council.

POLICY REQUIREMENTS

Delegation 1.31 – Payments from Municipal and Trust Funds.

LEGISLATIVE REQUIREMENTS:

Local Government Act 1995 - Section 6.10

Local Government (Financial Management) Regulations 1996 – Regulations 12 & 13.

STRATEGIC IMPLICATIONS

There are no known strategic implications associated with this proposal.

SUSTAINABILITY IMPLICATIONS

➤ Environment

There are no known significant environmental implications associated with this proposal.

➤ Economic

There are no known significant economic implications associated with this proposal.

➤ Social

There are no known significant social implications associated with this proposal.

FINANCIAL IMPLICATIONS

Payments are in accordance with the adopted budget.

VOTING REQUIREMENTS

Simple Majority Required

COUNCIL RESOLUTION

131/16 Moved Cr Holliday, seconded Cr Pond that Council notes and endorses the Payments from the Municipal and Trust Funds made under delegation 1.31

<i>Municipal Fund</i>	<i>Cheques 62187 to 62192</i>	<i>\$7,396.50</i>
	<i>EFT 16216 to 16350</i>	<i>\$349,169.05</i>
	<i>Credit Card 15/08/16 to 14/09/16</i>	<i>\$8,532.15</i>
	<i>Net Pays – PPE 06/09/16</i>	<i>\$95,546.69</i>
	<i>Net Pays – PPE 20/09/16</i>	<i>\$94,371.93</i>
	<i>Direct Debits 10799.1 to 10820.11</i>	<i>\$63,980.74</i>
<i>Trust Fund</i>	<i>Cheques 5211 to 5215</i>	<i>\$10,388.25</i>
<i>Total</i>		<u><i>\$629,385.31</i></u>

CARRIED 7/0

9.1.2 STATEMENT OF FINANCIAL ACTIVITY FOR PERIOD ENDED 30 SEPTEMBER 2016

REPORT DATE: 12 October 2016

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: David Trevaskis, Deputy Chief Executive Officer

ATTACHMENTS: Statement of Financial Activity for the Period Ended 30 September 2016.

PURPOSE OF REPORT:

To note and receive the Statement of Financial Activity for the period ended 30 September 2016.

BACKGROUND:

Council is provided with monthly financial reports to enable monitoring of revenues and expenditures against the adopted budget.

COMMENT:

The Statement of Financial Activity for the Period Ended is provided as a separate attachment in Program format.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

Local Government Act 1995, Section 6.4

Local Government (Financial Management) Regulations 1996, Clause 34

STRATEGIC IMPLICATIONS:

Monitoring of actual revenues and expenditures against the adopted budget assists Council in being informed as to the financial health of the organisation.

SUSTAINABILITY IMPLICATIONS:

- **Environment**
There are no known significant environmental implications associated with this proposal.
- **Economic**
There are no known significant economic implications associated with this proposal.
- **Social**
There are no known significant social implications associated with this proposal.

FINANCIAL IMPLICATIONS:

Year to date income and expenditure is provided by program to enable comparison to 2016/17 adopted budget.

VOTING REQUIREMENTS

Simple Majority Required

COUNCIL RESOLUTION

132/16 Moved Cr Pond, seconded Cr Holliday that Council notes and receives the Statement of Financial Activity for the period ended 30 September 2016.

CARRIED 7/0

9.1.3 FIT FOR WORK POLICY

FILE REFERENCE: PL/FIFI1

REPORT DATE: 12 October 2016

APPLICANT/PROPONENT: Shire of Moora

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: 1/06/16

AUTHOR: Peter Williams, Manager Development Services

ATTACHMENTS: Draft Fit for Work Policy

PURPOSE OF REPORT:

To ensure obligations of both employer and employee are clear in terms of being “Fit for Work”.

BACKGROUND:

On the 1st June a Fit 2 Work Procedure was put to Council which Council decided was too wordy and wished to have a more open policy that would not place too many obligations on Council. As a result of this WALGA and LGIS were contacted looking for a policy that was in use and had been put to the test.

WALGA proposed a policy that they have had their lawyers look at and have given their nod of approval to. LGIS have also proposed a policy that they have recommended and have approved the wording. It is these two policies that are being presented to Council.

COMMENT:

The WALGA policy is more succinct than the LGIS policy which also tends to be a bit more complicated as it leads to self testing using the Shire testing equipment which is not an issue but leads to more grey areas. Recommended that the WALGA policy be implemented.

POLICY REQUIREMENTS:

Shire policy for OH&S

LEGISLATIVE REQUIREMENTS:

Occupational Health & Safety Act and Regulations, Road Traffic Act

STRATEGIC IMPLICATIONS:

There are no known strategic implications associated with this proposal.

SUSTAINABILITY IMPLICATIONS:

- **Environment**
There are no known significant environmental implications associated with this proposal.
- **Economic**
There are no known significant economic implications associated with this proposal.
- **Social**
There are no known significant social implications associated with this proposal.

FINANCIAL IMPLICATIONS:

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

VOTING REQUIREMENTS

Simple Majority Required

COUNCIL RESOLUTION

133/16 Moved Cr Hamilton, seconded Cr Pond that Council adopt the Fit for Work Policy as presented at the Ordinary Meeting of Council dated 19 October 2016.

CARRIED 7/0

9.1.4 REVIEW OF 2017 COUNCIL MEETING SCHEDULES

FILE REFERENCE: EN/COAI

REPORT DATE: 14 October 2016

DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Alan Leeson, Chief Executive Officer

ATTACHMENTS: Draft Schedule of Meeting Dates for 2017

PURPOSE OF REPORT:

To provide suggested dates for Council approval for meeting dates for the 2017 year to enable public advertising as required by the Local Government Act 1995.

BACKGROUND:

From September 2013 monthly Council meetings have been successful in conjunction with a General Purpose Committee meeting held as the first meeting of the month and a briefing session prior to the Council meeting. It is considered appropriate to continue in this format.

COMMENT:

Attached is a draft schedule of proposed dates for Council meetings for the 2017 year.

In April 2013 Council commenced a 6 month trial period of General Purpose Committee meetings to be held on the first Wednesday of the month; previously an informal briefing session. In September after the trial period it was resolved to continue on with the structure of the Committee meetings and for the briefing session to remain prior to the Council meetings on the third Wednesday of each month.

The January Council meeting traditionally had few items; the main one was the financial reporting. A number of Councillors and staff take the opportunity to take leave through January so it has been suggested again that no meetings are held in January. If an item of business arose that required a decision between the December meeting and the February meeting a special meeting could be convened.

As in previous years, the schedule has identified the need to adjust the regular meeting times and it is suggested that no Committee meeting be held at the beginning of August as the 2017 Local Government Convention has been scheduled to be held from the 2nd – 4th August. This week also provides the opportunity for professional development during the week. It is therefore recommended that during August only, the Council meeting is held on the 16th August with the briefing session to precede it.

POLICY REQUIREMENTS:

There are no Council Policies relative to this matter.

LEGISLATIVE REQUIREMENTS:

Section 5.25 (g) of the Local Government Act 1995 stipulates that Regulations may make provision in relation to the giving of public notice of the date and agenda for Council or committee meetings.

Regulation 12 of the Local Government (Administration) Regulations 1996 states;

1. At least once each year a local government is to give local public notice of the dates on which and the time and place at which –
 - (a) the ordinary council meetings; and

- (b) the committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public,
are to be held in the next 12 months.

Sections 5.98 and 5.99 of the Local Government Act 1995 and Regulation 30 of the Local Government (Administration Regulations) 1996 sets the minimum and maximum amounts for the payment of meeting fees.

STRATEGIC IMPLICATIONS:

Enables Council to provide good local government to the district.

SUSTAINABILITY IMPLICATIONS:

- **Environment**
There are no known significant environmental implications associated with this proposal.
- **Economic**
There are no known significant economic implications associated with this proposal.
- **Social**
There are no known significant social implications associated with this proposal.

FINANCIAL IMPLICATIONS:

There are no financial implications to Council in relation to this item. The holding of Council meetings including all associated costs is provided in the current budget and will be provided for in future budgets.

VOTING REQUIREMENTS:

Simple Majority Required

COUNCIL RESOLUTION

134/16 Moved Cr Holliday, seconded Cr Pond that Council;

- 1. Adopts the meeting schedule for the period February 2017 to December 2017 as attached, based on one Ordinary Meeting of Council per month and one General Purpose Committee Meeting;*
- 2. Advertises the meeting dates in accordance with section 5.25 of the Local Government Act 1995 and Regulation 12 (1) of the Local Government (Administration) Regulations 1996.*

Noting that the 19 July 2017 meeting is to be changed to 26 July 2017 to allow sufficient time to close off end of financial year position before adopting the annual budget.

CARRIED 7/0

9.1.5 PENATLY INTEREST WRITE-OFF A1015

REPORT DATE: 14 October 2016

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: David Trevaskis, Deputy Chief Executive Officer

ATTACHMENTS: Nil

PURPOSE OF REPORT:

For Council to approve the write-off of \$7,345.20 of late penalty interest charges on assessment A1015.

BACKGROUND:

The owner of the property's late husband qualified for the deferment of rates due to his status as an eligible pensioner. At the time of his death \$7,714.82 of unpaid rates were being deferred for payment. As per the pensioner rules this amount can continue to be deferred by the spouse until such time as she pays the amount in full, sells the property or ceases to 'reside' at the property.

During the period 2007 to December 2016 this amount was treated as deferred and this arrangement was communicated by the Shire to the ratepayer. In February 2016 it was brought to administration's attention that Water Corporation (whom provide guidance on pensioner eligibility) had stopped the deferment of the ratepayers rates in 2010 due to their assessment being that the ratepayer had ceased to 'reside' at the property. On this advice the ratepayer's records were updated and accordingly system generated interest charges of \$7,345.20 were calculated on the outstanding deferred rates for the period 2010 – 2016.

The ratepayer is currently in dialogue with Water Corporation to confirm the basis of their determination that she no longer 'resides' at the property. The ratepayer has for a number of years made regular and increasing payments to reduce her outstanding liability.

COMMENT:

Staff's view is that whilst potentially some of the interest charges are payable by the owner, the advice provided by staff during the period that the interest charges relate was that the outstanding amount was to continue to be deferred and will not generate interest penalties. The ratepayer during this period entered into a payment arrangement in good faith and on the understanding that this was the case. The system generated interest charges calculated by updating the ratepayers records are not in-line with the guidance and communication provided to the property owner for a number of years.

It is staffs intention that from 30 September 2016 the deferred portion will become due and payable by the property owner and treated as per council policy and subject to 11% pa penalty interest until paid in full.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

Local Government Act WA 1995 (s6.12(c))

STRATEGIC IMPLICATIONS:

There are no known strategic implications associated with this proposal.

SUSTAINABILITY IMPLICATIONS:

- **Environment**
There are no known significant environmental implications associated with this proposal.
- **Economic**
There are no known significant economic implications associated with this proposal.
- **Social**
There are no known significant social implications associated with this proposal.

FINANCIAL IMPLICATIONS:

The Shire's outstanding rates owed and net current funding position will be reduced by \$7,345.20

VOTING REQUIREMENTS

Absolute Majority Required

COUNCIL RESOLUTION

135/16 Moved Cr Holliday, seconded Cr Hamilton that Council write off \$7,345.20 of penalty interest charges imposed on rate assessment A1015 on the amount of \$7,714.82 of overdue rates during the period August 2007 and September 2016.

CARRIED BY ABSOLUTE MAJORITY 7/0

9.2 DEVELOPMENT SERVICES

9.2.1 LOT 82 # 1 GARDINER STREET MOORA - BOUNDARY FENCE

Cr Holliday declared a proximity interest in the item as the applicant is his neighbour.

FILE REFERENCE: TP/PA11/1617

REPORT DATE: 30 September 2016

APPLICANT/PROPONENT: Mr Walter Respondek

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Peter Williams, Manager Development Services

ATTACHMENTS: Plans & photos

PURPOSE OF REPORT:

The Shire of Moora is in receipt of a Town Planning application seeking Councils permission to construct a second hand fence in part rear boundary and side boundary, and a Neeta-screen for part side and front boundary.

BACKGROUND:

The proponent, Mr Respondek is having issues with youth cutting across his property on motorbikes, quad bikes and on foot and stealing and damaging new fruit trees that he has planted. To prevent this behaviour the Proponent wishes to construct a rear boundary fence and part side boundary fence of painted second hand corrugated iron sheets and pine poles (post and rail). The forward section of the side boundary fence is to be new Neeta-screen which will continue around the front boundary thus enclosing the Block.

Lot 82 Gardiner Street is the first block of land after Candy's Bush coming into Town on the east side of Gardiner Street.

Shire of Moora Fencing Local Law 2013 Schedule 2 for a Residential Lot:

(B) CORRUGATED FENCE

A fence constructed of corrugated fibre-reinforcing pressed cement or steel-sheeting constructed to manufacturers specifications or which otherwise satisfies the following specifications –

- (a) millimetres Length: minimum in ground length of 25 percent of the total length of the sheet depth: minimum in ground depth of 600;
- (b) Total height and depth of fence to consist of a single continuous fibre re-enforced cement or steel sheet;
- (c) Corrugated sheets to be lapped and capped with extruded snap-fit type capping in accordance with the manufacturers written instructions; and
- (d) Height: 1800mm except with respect to the front setback; minimum height: subject to requirements and standards of local planning scheme.

COMMENT:

The proponent's application meets these requirements with the exception of a 100mm gap underneath the fence to assist potential flood waters to move underneath.

Recommended that this proposal be accepted by Council on the grounds that it meets the requirements of Shire of Moora current Fencing Local Law 2013

POLICY REQUIREMENTS:

There are no known policy requirements related to this item.

LEGISLATIVE REQUIREMENTS:

There are no known legislative requirements related to this item.

STRATEGIC IMPLICATIONS:

There are no known strategic implications associated with this proposal.

SUSTAINABILITY IMPLICATIONS:**➤ Environment**

There are no known significant environmental implications associated with this proposal.

➤ Economic

There are no known significant economic implications associated with this proposal.

➤ Social

There are no known significant social implications associated with this proposal.

FINANCIAL IMPLICATIONS:

There are no financial implications to Council in relation to this item. Proponent has paid Planning fee.

VOTING REQUIREMENTS

Simple Majority Required

COUNCIL RESOLUTION

136/16 Moved Cr Hamilton, seconded Cr Gardiner that Council accept the application by proponent Mr Walter Respondek to construct a boundary fence on his property located at Lot 82 Gardiner Street Moora subject to the following conditions: -

- ***Fence to follow the boundary dimensions of the lot;***
- ***Height of the fence at the rear and side boundary to be no higher than 1800mm, except at the building line, 7 metres in from the front boundary where the fence shall slope down to a height of 1.2 metres at the front of the property.***
- ***A gap at the bottom of the fence of 100mm is required as required by Shire of Moora Flood provisions to allow in the event of a flood for waters to pass under.***
- ***All fencing to be of a uniform colour.***

CARRIED 7/0

9.2.2 **RSM 4965 MIDLANDS ROAD NAMBAN - HOME BUSINESS**

FILE REFERENCE: TP/PA12/1617

REPORT DATE: 30 September 2016

APPLICANT/PROPONENT: Ms Elizabeth Easton

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Peter Williams, Manager Development Services

ATTACHMENTS: Plans

PURPOSE OF REPORT:

Shire of Moora is in receipt of an application for a home business from proponent Ms Elizabeth Easton of RSM 4965 Midlands Road, Namban to establish a Kinesiology Home Business.

BACKGROUND:

Under the Shire of Moora Local Planning Scheme No4 (LPS No 4) RSM 4965 Midlands Road is located in General Agriculture Zone. Under the LPS No 4 Zoning Table a Home business located in this area has a "D" Classification which requires Council approval.

'Home Occupation' means an occupation carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which:-

- (a) does not employ any person not a member of the occupier's household;
- (b) will not cause injury to or adversely affect the amenity of the neighbourhood;
- (c) does not occupy an area greater than 20 square metres;
- (d) does not display a sign exceeding 0.2 square metres;
- (e) does not involve the retail sale, display or hire of goods of any nature;
- (f) in relation to vehicles and parking, does not result in the requirement for a greater number of parking facilities than normally required for a single dwelling or an increase in traffic volume in the neighbourhood, does not involve the presence, use or calling of a vehicle more than 2 tonnes tare weight, and does not include provision for the fuelling, repair or maintenance of motor vehicles; and
- (g) does not involve the use of an essential service of greater capacity than normally required in the zone.

The proponent wishes to establish a Kinesiology business which is a non evasive complementary health modality which helps clients to reduce and mitigate stress and pain in their lives. She is looking at operating Monday to Friday 9am to 4pm. Initially she is looking at 2 – 6 patients a week which may increase at a later date.

Objectives of the Agricultural Zone

- (a) to ensure the continuation of broad-hectare farming as the principal land use in the district and encouraging where appropriate the retention and expansion of agricultural activities.
- (b) to consider non-rural uses where they can be shown to be of benefit to the district and not detrimental to the natural resources or the environment.
- (c) to allow for facilities for tourists and travellers, and for recreation uses.

An approval to conduct a home occupation is issued to a specific occupier of a particular parcel of land, it shall not be transferred or assigned to any other person, and shall not be transferred from the land in respect of which it was granted. Should there be a change of the occupier of the land in respect of which a home occupation approval is issued the approval is cancelled.

COMMENT:

With Councils permission this is an acceptable business under the Shire's in this zone as it would have limited impact to neighbours and would be a welcome service to the community. Ms Easton will be dedicating a room in her house to interview clients which is within the requirements of the Shire's Policy for Home Business and Home Occupation.

POLICY REQUIREMENTS:

Home Occupation and Home Business Policy

LEGISLATIVE REQUIREMENTS:

There are no known legislative requirements related to this item.

STRATEGIC IMPLICATIONS:

There are no known strategic implications associated with this proposal.

SUSTAINABILITY IMPLICATIONS:

- **Environment**
There are no known significant environmental implications associated with this proposal.
- **Economic**
There are no known significant economic implications associated with this proposal.
- **Social**
There are no known significant social implications associated with this proposal.

FINANCIAL IMPLICATIONS:

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

VOTING REQUIREMENTS

Simple Majority Required

COUNCIL RESOLUTION

137/16 Moved Cr Holliday, seconded Cr Pond that Council approve this application by the proponent Ms Elizabeth Easton to establish a Kinesiology Home Business from her home located at RSM 4965 Midlands Road Namban subject to the following conditions:

- ***Does not employ anybody not of the occupiers household***
- ***will not cause injury to or adversely affect the amenity of the neighbourhood;***
- ***does not occupy an area greater than 20 square metres;***
- ***does not display a sign exceeding 0.2 square metres;***

- *does not involve the retail sale, display or hire of goods of any nature;*
- *in relation to vehicles and parking, does not result in the requirement for a greater number of parking facilities than normally required for a single dwelling or an increase in traffic volume in the neighbourhood, does not involve the presence, use or calling of a vehicle more than 2 tonnes tare weight, and does not include provision for the fuelling, repair or maintenance of motor vehicles; and*
- *does not involve the use of an essential service of greater capacity than normally required in the zone.*

CARRIED 7/0

9.2.3 TENDER No. 02/16 SUPPLY OF SERVICES TO TRANSPORT WASTE FROM WATHEROO TO MOORA

FILE REFERENCE: S/WRS1

REPORT DATE: 12 October 2016

APPLICANT/PROPONENT: Shire of Moora

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Peter Williams, Manager Development Services

ATTACHMENTS: Spreadsheet

PURPOSE OF REPORT:

Council called tenders for services to transport waste from Watheroo Transfer Station and the hire of skip bins to ensure the best possible price and service.

BACKGROUND:

With the imminent opening of the Watheroo Transfer Station tenders were called for hire of skip bins and transport of waste from the Watheroo site to Moora.

Tenders were opened on the 4th October 2016 revealing 3 qualified tenders being from Avon Waste; Ajax Contractors and JJ Richards.

Avon Waste is a contractor who currently collects waste from Miling on Shire Contract.

Ajax Contractors is a local contractor who collects waste from local businesses.

JJ Richards & Sons Pty Ltd is a new entity in the WA waste business looking for a toe hold in the industry. They are a major contractor in QLD, NSW & VIC.

COMMENT:

From the 3 tenders received Avon Waste is 37% less cost than the next tenderer.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

There are no known legislative requirements related to this item.

STRATEGIC IMPLICATIONS:

There are no known strategic implications associated with this proposal.

SUSTAINABILITY IMPLICATIONS:**➤ Environment**

There are no known significant environmental implications associated with this proposal.

➤ Economic

There are no known significant economic implications associated with this proposal.

➤ Social

There are no known significant social implications associated with this proposal.

FINANCIAL IMPLICATIONS:

Avon Waste is 37% less expensive than the next tender, Ajax Contracting. Council would normally allow 10% variation under Local Purchasing Preference. Cost disparity exceeds this allowance.

VOTING REQUIREMENTS

Simple Majority Required

COUNCIL RESOLUTION

138/16 Moved Cr Nixon, seconded Cr Holliday that Council accept Tender 02/16 from Avon Waste for the supply of services to transport waste from Watheroo to Moora, as per the attached rates, for a three year period, commencing 1 November 2016.

CARRIED 7/0

10. REPORTS OF COMMITTEES

GENERAL PURPOSE COMMITTEE MEETING – 5 OCTOBER 2016

10.1 MIDLANDS CENTRES AGED HOUSING DEVELOPMENT BUSINESS CASE

REPORT DATE: 14 September 2016

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: 21/09/16

AUTHOR: Alan Leeson, Chief Executive Officer

ATTACHMENTS: Email/business case

PURPOSE OF REPORT:

For some months Innovation Central Midlands W.A Inc. (ICMI) and Central Midlands Construction have been working collaboratively with the Executive of the Shires of Dalwallinu, Moora and Wongan-Ballidu and the Wheatbelt Development Commission. The business case seeks to address three key interconnected issues;

- An ageing population profile;
- Outward population migration, and
- A lack of appropriate and affordable housing options for older residents in the Central Midlands.

BACKGROUND:

The business case is in its very final stages in readiness for submission to the Department of Regional Development “Growing the South Fund”. It is intended to deliver 26 independent living units (ILU’s) to three local governments in the Central Midlands as detailed above.

Dalwallinu - 9 Units

Moora – 9 units

Wongan Hills – 8 units

COMMENT:

Some of the key issues/considerations in the formulation of the business case have been;

- Sparse and geographically dispersed ageing populations;
- Aged services under pressure;
- Aged and homecare workforce issues, and
- Significant sustained growth in demand for aged and home care services.

In terms of Moora’s proposed units, provision of land will be the key issue. The business case has been formulated on the speculation of trying to secure suitable land within the Moora Health Precinct. Other alternatives include land adjacent to the Moora Lifestyle Village or even land in the Lee-Steere - Carnaby Place area (near the LandCorp subdivision)

POLICY REQUIREMENTS:

Council does not have a policy in relation to this matter.

LEGISLATIVE REQUIREMENTS:

Local Government Act 1995 – Section 3.58

STRATEGIC IMPLICATIONS:

Aged Care, Aged Housing and Aged Care Services are an area requiring more time, more resources and more attention, not only in the region but the nation. Contemporary business cases across all facets have identified the social and economic benefits of “Aging in Place”.

Outcome 1.2: Health, education and family support services that are accessible and meet community needs.

Strategy 1.2.1: Monitor and respond to the level of health service provision.

Strategy 1.2.2: Promote and advocate for programs and services for families.

Strategy 1.2.3: Ensure the provision of childcare services.

Strategy 1.2.4: Advocate for appropriate education facilities and services.

Strategy 1.2.5: Advocate for the implementation of the Master Plan for Aged Care facilities and services.

This proposal most certainly complements all the achievements of the Moora Shire and Moora Community over the past 20 years in terms of development of a true “Health Precinct”.

SUSTAINABILITY IMPLICATIONS:➤ **Environment**

There are no known significant environmental implications associated with this proposal.

➤ **Economic**

The economic implications of this project through the construction phase are estimated to be in excess of \$22,000,000 into the local Central Midlands economies.

Other key benefits identified but not limited to are;

Population increase through retention of older residents;

Increase in use of town amenities and businesses;

Increase of approx. 5.1 FTE's

➤ **Social**

Social implications associated with this proposal are;

Housing allowing older residents to age in place with and around friends and family;

Increase in volunteerism

FINANCIAL IMPLICATIONS:

The financial implications for the project are outlined on pages 40 and 41 of the Business Plan. Specifically for the Shire of Moora the implications are detailed hereunder;

SHIRE	ITEM	Cost Per Unit	Year 1	Year 2	Year 3	COST (\$)	RESPONSIBILITY
Number of Units			9	0	0		
Moora	Site works	\$20,000	\$180,000	\$0	\$0	\$180,000	Council
	Survey/Design	\$10,000	\$90,000	\$0	\$0	\$90,000	Council
	Services	\$30,000	\$270,000	\$0	\$0	\$270,000	Council
	9 ILUs @\$202K/unit	\$202,000	\$1,818,000	\$0	\$0	\$1,818,000	RFR

Driveways/Paving	\$10,000	\$90,000	\$0	\$0	\$90,000	Council
Footpaths	\$8,000	\$72,000	\$0	\$0	\$72,000	Council
Fencing	\$5,000	\$45,000	\$0	\$0	\$45,000	Council
Landscaping	\$8,000	\$72,000	\$0	\$0	\$72,000	Council
Communal areas	\$2,775	\$24,975	\$0	\$0	\$24,975	Council
Land Provision	\$30,000	\$270,000	\$0	\$0	\$270,000	Council
Project Management	\$10,413	\$93,717	\$0	\$0	\$93,717	RFR/ICMI
Audit	\$178	\$1,602	\$0	\$0	\$1,602	ICMI
TOTAL	\$336,366	\$3,027,294	\$0	\$0	\$3,027,294	

VOTING REQUIREMENTS

Simple Majority Required

COUNCIL RESOLUTION (COMMITTEE RECOMMENDATION)

139/16 Moved Cr Gardiner, seconded Cr Holliday that Council formally endorse the Midlands Centres Aged Housing Development Business Case 2018-2021 prepared on behalf of Innovation Central Midlands W.A Incorporated in partnership and collaboration with the Shires of Dalwallinu, Moora and Wongan-Ballidu and the Wheatbelt Development Commission.

CARRIED 7/0

10.2 RESCISSION OF COUNCIL RESOLUTION 107/2016 – LOCAL LAWS

FILE REFERENCE: PR/ADVI & PL/LOLI

REPORT DATE: 30 September 2016

APPLICANT/PROPONENT: Shire of Moora

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: 17/8/16 (107/16), 17/2/16 (7/16), 9/12/15 (170/15) & 19/06/2013 (86/13)

AUTHOR: Consultant - Phillip Swain

ATTACHMENTS: Nil

Due to an Administrative error, on the part of the Shire's Consultant, the draft Shire of Moora Waste Local Law 2016 and the draft Shire of Moora Health Local Law 2016 were made prematurely. The Waste Local Law 2016 and the Health Local Law 2016 local laws are made pursuant to the Environmental Protection Act 1986 and the Health Act 1911 respectively, in addition to the Local Government Act 1995. The Waste Local Law 2016 needs the consent of the CEO of the Department of Environmental Regulation pursuant to the Waste Avoidance and Resource Recovery Act and the Health Local Law needs the approval of the Executive Director Public Health pursuant to the Health Act 1911, prior to being made by Council. Council's consultant has apologised for this error in process

and accepts full responsibility for the same, however, in order to progress the local law project the resolution of 17 August 2016 needs to be rescinded. The resolution was as follows;

107/16 Moved Cr House, seconded Cr Clydesdale-Gebert that, in accordance with section 3.12 of the Local Government Act 1995, Council makes the following local laws as contained in Attachment A;

- a) the Shire of Moora Waste Local Law 2016;*
- b) the Shire of Moora Local Government (Council Meetings) Local Law 2016;*
- c) the Shire of Moora Dogs Local Law 2016;*
- d) the Shire of Moora Fencing Local Law 2016;*
- e) the Activities in Thoroughfares and Public Places and Trading Local Law 2016;*
- f) the Shire of Moora Amendment Local Law 2016; and, g) the Shire of Moora Health Local Law 2016.*

CARRIED by ABSOLUTE MAJORITY 7/0

VOTING REQUIREMENTS:

Absolute Majority Required

<p>COUNCIL RESOLUTION (COMMITTEE RECOMMENDATION)</p>

140/16 Moved Cr Pond, seconded Cr Hamilton that resolution 107/16 from the Council meeting held on the 17th August 2016 detailed hereunder be rescinded;

That, in accordance with section 3.12 of the Local Government Act 1995, Council makes the following local laws as contained in Attachment A;

- a) the Shire of Moora Waste Local Law 2016;*
- b) the Shire of Moora Local Government (Council Meetings) Local Law 2016;*
- c) the Shire of Moora Dogs Local Law 2016;*
- d) the Shire of Moora Fencing Local Law 2016;*
- e) the Activities in Thoroughfares and Public Places and Trading Local Law 2016;*
- f) the Shire of Moora Amendment Local Law 2016; and,*
- g) the Shire of Moora Health Local Law 2016.*

CARRIED BY ABSOLUTE MAJORITY 7/0

10.3 SEEKING CONSENT FOR ADOPTION OF THE SHIRE OF MOORA WASTE LOCAL LAW 2016 AND HEALTH LOCAL LAW 2016

FILE REFERENCE: PR/ADVI & PL/LOLI

REPORT DATE: 30 September 2016

APPLICANT/PROPONENT: Shire of Moora

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: 17/8/16 (107/16), 17/2/16 (7/16), 9/12/15 (170/15) & 19/06/2013 (86/13)

AUTHOR: Consultant - Phillip Swain

ATTACHMENTS: Nil

PURPOSE OF REPORT:

The purpose of this report is for Council to authorise administration to seek consent from the Department of Environmental Regulation and Department of Health to make new Waste Local Laws and Health Local Laws 2016.

BACKGROUND:

The Shire of Moora's existing Local Laws were gazetted on various dates, dating back to 1944. Existing local laws made pursuant to the Local Government Act 1995 were made in the late 1990's. A review of the Shire of Moora Local Laws was undertaken in 2011/12.

Subsequently Council resolved in June 2013 to commence the adoption of six (6) local laws by advertising to seek public comment for the draft local laws. The drafts at that time were as follows;

- . Shire of Moora Waste Local Law 2013;
- . Shire of Moora Health Local Law 2013;
- . Shire of Moora Meeting Procedures Local Law 2013;
- . Shire of Moora Dogs Local Law 2013;
- . Shire of Moora Fencing Local Law 2013; and,
- . Shire of Moora Amendment Local Law 2013;

Since that time and despite initial advertising, that resulted in no submissions, there have been a number of impediments to finalising the local laws. These have included various Act changes, proposed Bills and the Shire Administration exercising some caution due to other local governments experiencing difficulties with enacting new legislation with the intervention of the Joint Standing Committee on Delegated Legislation (JSCDL).

Following substantial delays in the development of the laws and in particular the draft waste local law, the Shire initiated the process of adoption for both the amendments and new local laws by giving local and state wide public notice and seeking comments on the proposed legislation. On the 17 February 2016 at the full Council meeting it was resolved;

That Council authorises Administration to give local and state-wide public notice in accordance with section 3.12 of the Local Government Act 1995, seeking public comment for the following local laws contained in Attachment A;

- a) *the draft Shire of Moora Waste Local Law 2016;*
- b) *the draft Shire of Moora Health Local Law 2016;*
- c) *the draft Shire of Moora Meeting Procedures Local Law 2016;*
- d) *the draft Shire of Moora Dogs Local Law 2016;*
- e) *the draft Shire of Moora Fencing Local Law 2016;*
- f) *the draft Activities in Thoroughfares and Public Places and Trading Local Law*

- g) *2016; and,
the draft Shire of Moora Amendment Local Law 2016.*

The draft local laws were advertised on 16 March 2016 and comments were sought for the statutory period of six (6) weeks and closed on 6 May 2016. Comments were also sought from the Department of Local Government and relevant State Government departments in relation to the Health Local Laws (Department of Health - DoH & Department of Environmental Regulation - DER) and the Waste Local Laws (DER). In accordance with the Act, the Shire must, after the last day for submissions, consider any submissions made and may make the local law as proposed, or make a local law that is not significantly different from what was proposed.

COMMENT:

No comments were received from local residents or the general public during the discussion period. Comments were received from the Department of Local Government and Communities (DLGC) the Department of Environmental Regulation (DER) and most recently the Department of Health (DoH).

Waste Local Law

The DER has developed guidelines for waste local laws in conjunction with the Western Australian Local Government Association (WALGA) and the Waste Local Law 2016 is based on this model, and the most recent advice on the subject, from the Joint Standing Committee on Delegated Legislation (JSCDL). The Shire received advice from both the DLGC and the DER in relation to the draft and minor amendments, formatting and modifications have been made in line with the most recent advice. Changes have included additional words, definitions, and the removal of some terms to provide clarity.

Health Local Law

Many of the provisions contained in the Health Local Law 2016 serve to maintain basic sanitary conditions for dwellings, establishing maintenance standards and control community nuisance issues. Other provisions assist the Shire in the control of pests and certain noxious trades, as well as provision for the control of certain infectious diseases. Controls include the creation of offences with penalties and licensing and registration of activities such as offensive trades and lodging houses.

The Department of Health has advised Local Governments that the current Act, (Health Act 1911), is likely to be repealed following the development of more modern public health legislation. Whilst the Health Act 2016 has now been granted Royal Assent the existing Act will remain in place while the substantial tasks of creating a new Public Health legislative framework are undertaken. In discussions with the DoH, it is understood that many of the nuisance type provisions in the proposed Health Local Law 2016 will not be adopted under the new Act, as the new Act proposes different mechanisms for the implementation and enforcement of public health policy. Advice to date has confirmed that the various nuisance type provisions will most likely be adopted under the Local Government Act 1995 and that the various licensing and registration provisions will be protected under public health policies or be transferred to other legislation, such as the Food Act 2008. It is likely that the DoH will develop a new model local law in due course but this is likely to take one (1) to three (3) years.

The Shire received advice from both the DLGC and the DoH in relation to the draft and minor amendments, formatting and modifications have been made in line with the most recent advice. Changes have included additional words, definitions, and the removal of some terms to provide clarity. Additionally, to satisfy the previous requests of the JSCDL clause

5.1.3, now includes the term “reasonable measures” in the text to enable natural justice with respect to nuisance issues and allocation of responsibility.

The Shire received advice from the DLGC in relation to the draft and minor amendments, formatting and modifications have been made in line with the most recent advice.

POLICY REQUIREMENTS:

The following current Council policies relate to the making and/or enforcement of the Shire’s existing Local Laws:

3.3 Local Laws (Originally adopted by Council on 20th May 1998)

That Council make, publicise and review its local laws according to the guidelines below:

Guidelines.

1. *That local law making powers be used sparingly and only after applying the following tests:
Can Council achieve the objective without making a law?
Has Council the will and resources to enforce the law?
Will practical benefits result from the law?*
2. *That local laws be worded as simply as possible.*
3. *That where local laws are site specific, e.g. laws relating to the hall, a copy of the laws be posted, where feasible at the site concerned, or where not considered feasible by the CEO, that an abbreviated version be kept posted at the site stating: - offences and penalties; and that the full laws can be inspected at the Shire Office.*
4. *That where registration or licensing of an activity, premises or animal is required, the opportunity be taken to issue a leaflet advising of local laws associated with that activity, premises or keeping of that animal.*
5. *That the President consider making the exercise of the legislative powers by the local government a component of the President's annual report as a means of identifying district problems and steps Council is taking to combat these.*

6.2 Veranda Posts

Council Policy 6.2 – Veranda Posts, supports an intention for parts of the Shire to install or retain veranda posts, and is contrary to the requirements of the local law, which compelled the removal of the same in 1971. Policy 6.2 adequately deals with approval of verandas as it requires the submission of building licence applications for the same.

8.4 Fencing Property Adjoining Shire Land

8.14 Cemetery

Whilst policies 8.4 & 8.14 do not materially affect the current local laws they relate to matters that can be captured the amendments. Policy 3.3 needs to be considered in the context of any proposed repeals, retention or amendments.

Council Policy 8.4 allows for persons with land adjoining Council property to make claim for 50% of the cost of a dividing fence, which is made as an ex-gratia payment. In this regard, the Dividing Fences Act will continue to apply within the Shire irrespective of whether the Shire has Fencing Local Laws or not. This does however mean that the Shire needs to consider at least basic requirements for fences within the Shire in a new local law.

LEGISLATIVE REQUIREMENTS:

The Shire has given notice in accordance with the requirements of the Local Government Act 1995 of its intention to make:

- a) *the Shire of Moora Waste Local Law 2016;*
- b) *the Shire of Moora Health Local Law 2016;*
- c) *the Shire of Moora Local Government (Council Meetings) Local Law 2016;*
- d) *the Shire of Moora Dogs Local Law 2016;*
- e) *the Shire of Moora Fencing Local Law 2016;*
- f) *the Activities in Thoroughfares and Public Places and Trading Local Law 2016; and,*
- g) *the Shire of Moora Amendment Local Law 2016.*

The Shire has undertaken the necessary advertising and consultation. The purpose and intent of the laws has previously been given but is repeated below for information. The local laws to be made are outlined in **Attachment A**.

The intended Purpose and Effect of the **Shire of Moora Waste Local Law 2016** are:

Purpose: The purpose of the local law is to provide for the regulation, control and management of activities and issues relating to waste collection, recycling, reuse and disposal within the district of the Shire of Moora.

Effect: The effect of the local law is to control activities and manage influences on waste collection, recycling, reuse and disposal within the district of the Shire of Moora.

The intended Purpose and Effect of the **Shire of Moora Health Local Law 2016** are:

Purpose: The purpose of the local law is to provide for the regulation, control and management of activities and issues relating to public health within the district of the Shire of Moora.

Effect: The effect of the local law is to control activities and manage influences on community public health within the district of the Shire of Moora.

The intended Purpose and Effect of the **Shire of Moora Local Government (Council Meetings) Local Law 2016** are:

Purpose: The purpose of the local law is to provide for rules and guidelines which apply to the conduct of meetings of the Council and its Committees and to the meetings of electors within the district of the Shire of Moora.

Effect: The effect of the local law is to establish requirements for better decision making by the Council and Committees, the orderly conduct of meetings, better understanding of the processes of conducting meetings and the more efficient and effective use of time at meetings, within the district of the Shire of Moora.

The intended Purpose and Effect of the **Shire of Moora Dogs Local Law 2016** are:

Purpose: The purpose of the local law is to provide for the regulation, control and management of the keeping of dogs within the district of the Shire of Moora.

Effect: The effect of the local law is to establish the requirements with which owners and occupiers of land within the district of the Shire of Moora must comply in order to keep dogs and provides the means of enforcing the local law.

The intended Purpose and Effect of the **Shire of Moora Fencing Local Law 2016** are:

Purpose: The purpose of the local law is to provide for the regulation, control and management of the fencing within the district of the Shire of Moora.

Effect: The effect of this local law is to ensure that fences are constructed and maintained to a satisfactory structural and aesthetic standard throughout the district of the Shire of Moora.

The intended Purpose and Effect of the **Shire of Moora Activities in Thoroughfares and Public Places and Trading Local Law 2016** are:

Purpose: The purpose of the local law is to provide for the regulation, control and management of trading and activities on thoroughfares and public places within the district of the Shire of Moora.

Effect: The effect of the local law is to establish the requirements with which persons using public places and thoroughfares for trading and prescribed activities, within the district of the Shire of Moora, must comply with.

The intended Purpose and Effect of the **Shire of Moora Amendment Local Law 2016** are:

Purpose: The purpose of the local law is to provide for the repeal and amendment of the Shire of Moora Local Laws to provide for the good governance of the district of the Shire of Moora.

Effect: The effect of the local law is to repeal and amend existing local laws within the district of the Shire of Moora to provide for the good governance of the municipality.

STRATEGIC IMPLICATIONS:

Goal 5: Good governance and an effective and efficient organisation.

Scope: Governance, corporate and administrative services, financial management, statutory compliance and customer services.

SUSTAINABILITY IMPLICATIONS:

➤ **Environment**

There are various environmental implications associated with this proposal, including the ability to provide for refuse and recycling services and to control fencing of private land and various activities on public land. These controls have been publicly advertised and are in the interest of good governance of the community.

➤ **Economic**

All local laws are required to be consistent with the National Competition Policy and, unless justified under the Public Benefit Test, should not contain provisions that restrict competition. The proposed laws are generally based on WALGA model local laws which have been subject to the Public Benefit Test generally demonstrated to not restrict competition.

➤ **Social**

Community consultation has been undertaken in accordance with legislative requirements during the development of the local laws.

FINANCIAL IMPLICATIONS:

The Shire's existing and drafts local laws are based on models, developed by the Western Australian Local Government Association (WALGA) to minimise legal costs and the complications of the Public Benefit Test. With this in mind, minimal amendments and changes to the Shire's local laws have been undertaken to improve the legislative framework, without substantial costs to the Shire.

Direct costs associated with this report are limited to consultant fees to draft the local laws, correspondence and reports, including the preparation of Explanatory Memoranda for each local law. Where amendments of existing local laws have been undertaken consolidation of the amendments for ready use of the local laws, will be undertaken as a component of this project. These costs will be borne via budgeted expenditure.

Once adopted the Shire will incur gazettal costs, as all local laws need to be published in the government gazette. The current gazettal cost is \$101.45 per page for local laws and it is likely that the total gazettal pages will run to approximately 100 pages with an estimated cost of \$10,000. This cost can be negotiated with the State Law Publisher but is a realistic estimate. The Shire must also give local public notice of the adoption in a publication circulating in the Shire to satisfy the Act requirements following the adoption.

SUMMARY:

Therefore in summary at this juncture, Council awaits the formal consent from the Department of Environmental Regulation and the Department of Health before formally resolving to make the following local laws cumulatively;

- a) the Shire of Moora Waste Local Law 2016;
- b) the Shire of Moora Local Government (Council Meetings) Local Law 2016;
- c) the Shire of Moora Dogs Local Law 2016;
- d) the Shire of Moora Fencing Local Law 2016;
- e) the Activities in Thoroughfares and Public Places and Trading Local Law 2016;
- f) the Shire of Moora Amendment Local Law 2016; and,
- g) the Shire of Moora Health Local Law 2016.

VOTING REQUIREMENTS:

Absolute Majority Required

COUNCIL RESOLUTION (COMMITTEE RECOMMENDATION)

141/16 Moved Cr Hamilton, seconded Cr Holliday that Council of the Shire of Moora;

- 1. having considered all submissions/feedback following the advertising of the draft Shire of Moora Waste Local Law 2016 and the draft Shire of Moora Health Local Law 2016 from the Department of Environmental Regulation and Department of Health respectively in accordance with Section 3.12 of the Local Government Act 1995, determines that it wishes to make both local laws, which are not significantly different from the Draft Local Laws advertised by the Shire of Moora on 16 March 2016;***
- 2. directs Administration to forward a copy of the final version of the proposed Waste Local Law 2016 to the CEO of the Department of Environmental Regulation for consent to make the local law; and***
- 3. directs Administration to forward a copy of the final version of the proposed Health Local Law 2016 to the Executive Director Public Health for consent to make the local law.***

CARRIED BY ABSOLUTE MAJORITY 7/0

10.4 TENDER No. 05/16 SUPPLY OF ROAD STABILISATION SERVICES; TENDER No. 07/16 SUPPLY AND SPRAY OF BITUMEN PRODUCTS; and TENDER NO. 08/16 MICROSURFACING TOWN STREETS

FILE REFERENCE: S/TER1

REPORT DATE: 21 September 2016

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: John Greay, Manager Engineering Services

ATTACHMENTS: Spreadsheets showing all tenders received

PURPOSE OF REPORT:

Council calls tenders in accordance with the requirements of the Local Government Act and Regulations for the value of services over \$150,000.

BACKGROUND

Each year tenders are called for the supply and spray of bitumen products and road stabilisation services and micro surfacing. To assist with the tender process the WALGA Proforma tender document is used to simplify tenderers understanding of council requirements. Within the document under Appendix D there is a reference to a Regional Price Preference.

To undertake Councils road sealing and road works programme, it is necessary to call tenders for bitumen for the current year along with road stabilisation and micro surfacing of some town streets.

COMMENT

Within councils road programme this year there are several projects that require the engagement of external service providers to assist with councils programme of works.

This will be on the Old Geraldton, Moora-Miling, Dalwallinu West and Airstrip Roads and therefore tenders were called for the following:-

Supply of road stabilisation Services

Council will require approximately 59000m² of road pavement to be stabilised this year on the Moora Miling Road.

Supply and Spray of Bitumen Products

To carry out the road-sealing programme this year Council requires approximately 360,000 litres of bitumen supplied and sprayed.

Micro surfacing Town Streets

Supply and lay approximately 31,000m² of product over nominated streets.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

Section 3.57 of the Local Government Act 1995

Regulations 11 (1) & 18 of the Local Government (Functions & General) Regulations 1996

STRATEGIC IMPLICATIONS:

Council needs to continue with the upgrading and maintenance of their road network.

SUSTAINABILITY IMPLICATIONS:

- **Environment**
There are no known significant environmental implications associated with this proposal.
- **Economic**
There are no known significant economic implications associated with this proposal.
- **Social**
There are no known significant social implications associated with this proposal.

FINANCIAL IMPLICATIONS:

Allowances have been provided within this year's budget and Works Programme.

VOTING REQUIREMENTS

Simple Majority Required

**COUNCIL RESOLUTION
(COMMITTEE RECOMMENDATION)**

142/16 Moved Cr Gardiner, seconded Cr Pond that

- 1. Tender 05/16 - received from Stabilised Pavements of Australia be accepted for the supply of road surface stabilisation services, as per the attached rates, for the 2016-17 year;*
- 2. Tender 07/16 - received from Bitutek be accepted for the supply and spray of bitumen products, as per the attached rates, for the 2016-17 year; and*
- 3. Tender 8/16 – received from Roads 2000 – alternative option be accepted for the supply and lay of micro surfacing Moora town streets, as per the attached rates, for the 2016-17 year.*

CARRIED 7/0

10.5 TENDER No. 09/16 SUPPLY AND DELIVERY OF ONE ONLY HEAVY DUTY ROAD GRADER

FILE REFERENCE: L/TEPI
REPORT DATE: 29 September 2016
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: Nil
AUTHOR: John Greay, Manager Engineering Services
ATTACHMENTS: Schedule of tenders received

PURPOSE OF REPORT:

Budgeted item – replacement of existing Caterpillar 12 H Grader. Council has budgeted \$300,000 ex GST for the changeover of this grader.

BACKGROUND:

Quotes were called through the WALGA E-Quote/on-line procurement service. All tenders received were based on trading in councils current 12H grader. This grader has accumulated over 13,000 hours and is 10 years old and is due for replacement.

COMMENT:

After some detailed analysis by the Chief Executive Officer and Manager of Engineering Services, it has been concluded that the Caterpillar 12M grader represents the best overall value in terms of;

- Specification of machine in terms of horsepower, features and capacity outstrips those graders within the similar mark of specification from other suppliers;
- Caterpillar is a very reputable machine in the Grader market. The “M” series grader has the Joystick control which is the best in the market in terms of operator control/ergonomics. Councils most recent purchase in 2012 was a “M series – Joystick control”;
- The increased capacity of the grader in terms of weight and horsepower will provide for a more efficient operation in terms of machine performance;
- Reference checks across Shires whom have recently purchased the Caterpillar 12 M grader are very positive.

Pleasingly, Councils budget allocation is within market parameters.

POLICY REQUIREMENTS:

Section 12 – Purchasing & Tender Policy

LEGISLATIVE REQUIREMENTS:

Local Government Act 1995

STRATEGIC IMPLICATIONS:

Strategically the appropriate resourcing of heavy plant and equipment should be a priority of Council on an annual basis. Timely changing over of major plant and equipment will generally mitigate against the risk of major repairs and rebuilds.

Pleasingly Council has been able to implement a strong plant replacement programme which will hold it in good stead when other major infrastructure projects come online in future years.

Outcome 3.5: Sustainable asset and infrastructure base.**Strategy 3.5.1: Develop and implement long-term Asset Management Plans for all Council assets.**

Strategy 3.5.2: Maintain Shire drainage systems and undertake appropriate flood mitigation measures.

Strategy 3.5.3: Maintain effective liaison with other levels of government and regional bodies to ensure coordinated provision of regional infrastructure.

Strategy 3.5.4: Lobby for reliable power supply and telecommunication services.

SUSTAINABILITY IMPLICATIONS:**➤ Environment**

There are no known environmental implications associated with this proposal.

➤ Economic

It is important that this grader be replaced, due to its age and the number of hours that it has performed (approx. 13,000)

➤ Social

There are no known social implications associated with this proposal.

FINANCIAL IMPLICATIONS:

Council has allowed a changeover of \$300,000 (ex GST). The preferred quote is \$280,500 (ex GST), some \$19,500 under budget allocation. Gross price ex GST of \$355,500 with trade of \$75,000 ex GST.

VOTING REQUIREMENTS:

Simple Majority Required

**COUNCIL RESOLUTION
(COMMITTEE RECOMMENDATION)**

143/16 Moved Cr Nixon, seconded Cr Pond that Council accept Tender 09/16 from Westrac Equipment for the purchase of one Caterpillar 12 M Grader on the basis of trading Councils 2006 Caterpillar 12H at a changeover price of \$280,500 (ex GST).

CARRIED 7/0

10.6 TENDER No. 10/16 SUPPLY AND DELIVERY OF ONE ONLY HEAVY DUTY FRONT END LOADER

FILE REFERENCE: L/TEPI

REPORT DATE: 29 September 2016

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: John Greay, Manager Engineering Services

ATTACHMENTS: Schedule of tenders received

PURPOSE OF REPORT:

Budgeted item – replacement of existing Caterpillar IT24 Loader. Council has budgeted \$175,000 ex GST for the changeover of this loader.

BACKGROUND:

Quotes were called through the WALGA on-line procurement service. The loader that is due for replacement is currently used at the Moora refuse site on a regular basis and is of 1999 vintage. The existing Caterpillar IT14 will replace this machine at the refuse site and the new loader will replace the Caterpillar IT14 which is a medium size machine complete with interchangeable attachments. All tenders received were based on trading in the Caterpillar IT24.

COMMENT:

After some detailed analysis by the Chief Executive Officer and Manager of Engineering Services, it has been concluded that the Caterpillar 914M machine with interchangeable attachments represents the best overall value in terms of;

- Specification of machine in terms of horsepower, weight and capacity;
- Caterpillar is a very reputable machine in the loader market;
- Council currently runs several Caterpillar products which are serviced by Westrac Equipment who also carry an excellent of spare parts if required.

Pleasingly Councils budget allocation is within market parameters

POLICY REQUIREMENTS:

Section 12 – Purchasing & Tender Policy

LEGISLATIVE REQUIREMENTS:

Local Government Act 1995

STRATEGIC IMPLICATIONS:

Strategically the appropriate resourcing of heavy plant and equipment should be a priority of Council on an annual basis. Timely changing over of major plant and equipment will generally mitigate against the risk of major repairs and rebuilds.

Pleasingly Council has been able to implement a strong plant replacement programme which will hold it in good stead when other major infrastructure projects come online in future years.

Outcome 3.5: Sustainable asset and infrastructure base.

Strategy 3.5.1: Develop and implement long-term Asset Management Plans for all Council assets.

Strategy 3.5.2: Maintain Shire drainage systems and undertake appropriate flood mitigation measures.

Strategy 3.5.3: Maintain effective liaison with other levels of government and regional bodies to ensure coordinated provision of regional infrastructure.

Strategy 3.5.4: Lobby for reliable power supply and telecommunication services.

SUSTAINABILITY IMPLICATIONS:

➤ **Environment**

There are no known significant environmental implications associated with this proposal.

➤ **Economic**

It is important that this loader be replaced, due to its age and the number of hours that it has performed.

➤ **Social**

There are no known significant social implications associated with this proposal.

FINANCIAL IMPLICATIONS:

Council has allowed a changeover of \$175,000 (ex GST)

VOTING REQUIREMENTS:

Simple Majority Required

<p>COUNCIL RESOLUTION (COMMITTEE RECOMMENDATION)</p>

144/16 Moved Cr Pond, seconded Cr Nixon that Council accept Tender 10/14 from Westrac Equipment for the purchase of one Caterpillar 914M loader on the basis of trading Councils 1999 Caterpillar IT24 at a changeover price of \$173,022 (ex GST).

CARRIED 7/0

11. ELECTED MEMBER MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

12. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF COUNCIL

Nil

13. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Nil

14. CLOSURE OF MEETING

There being no further business, the President declared the meeting closed at 5.55pm.

CONFIRMED

PRESIDING MEMBER