

**Shire of Moora
Ordinary Council Meeting
15th November 2017**

NOTICE OF MEETING

Dear Elected Member

The next Ordinary Council Meeting of the Shire of Moora
will be held on **Wednesday 15th November 2017**
in the Council Chambers, 34 Padbury Street, Moora
commencing at **5.30pm**



AJ Leeson
Chief Executive Officer

13th November 2017

The Shire of Moora Vision and Mission Statement

Vision

Our vision is that:

The Moora region will be a place of brilliant opportunity over the next twenty years. Sustainable growth will result in a vibrant, healthy, wealthy and diverse community.

Mission

Our mission is:

To identify and stimulate growth through creative leadership and a willingness to get things done.

SHIRE OF MOORA**WRITTEN DECLARATION OF INTEREST IN MATTER BEFORE COUNCIL**

Chief Executive Officer
 Shire of Moora
 PO Box 211
 MOORA WA 6510

Dear Sir/Madam,

Re: Written Declaration of Interest in Matter Before Council

I, ⁽¹⁾ _____ wish to declare
 an interest in the following item to be considered by Council at its meeting to be held on ⁽²⁾
 _____ .

Agenda Item ⁽³⁾ _____

The type of interest I wish to declare is: ⁽⁴⁾

- Financial pursuant to Section 5.60A of the Local Government Act 1995
- Proximity pursuant to Section 5.60B of the Local Government Act 1995
- Indirect Financial pursuant to Section 5.61 of the Local Government Act 1995
- Impartiality pursuant to Regulation 11 of the Local Government (Rules of Conduct) Regulations 2007.

The nature of my interest is ⁽⁵⁾

The extent of my interest is ⁽⁶⁾

I understand that the above information will be recorded in the Minutes of the meeting and recorded by the Chief Executive Officer in an appropriate Register.

Yours faithfully,

 Signed

 Date

1. Insert your name.
2. Insert the date of the Council Meeting at which the item is to be considered.
3. Insert the Agenda Item Number and Title.
4. Tick box to indicate type of interest.
5. Describe the nature of your interest.
6. Describe the extent of your interest (if seeking to participate in the matter under S. 5.68 of the Act).

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SHIRE OF MOORA
ORDINARY COUNCIL MEETING AGENDA
15 NOVEMBER 2017
 COMMENCING AT 5.30PM

TABLE OF CONTENTS

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS	7
1.1 DECLARATION OF OPENING.....	7
1.2 DISCLAIMER READING	7
2. ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE	7
3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	7
4. PUBLIC QUESTION TIME	7
5. PETITIONS AND PRESENTATIONS.....	7
6. APPLICATIONS FOR LEAVE OF ABSENCE.....	7
7. ANNOUNCEMENTS BY THE PRESIDING MEMBER.....	7
8. CONFIRMATION OF MINUTES	7
8.1 ORDINARY COUNCIL MEETING - 18 OCTOBER 2017.....	7
8.2 SPECIAL COUNCIL MEETING - 1 NOVEMBER 2017.....	7
9. REPORTS OF OFFICERS.....	8
9.1 GOVERNANCE AND CORPORATE SERVICES.....	8
9.1.1 LIST OF PAYMENTS AUTHORISED UNDER DELEGATION 1.31	8
9.1.2 STATEMENT OF FINANCIAL ACTIVITY FOR PERIOD ENDED 31 OCTOBER 2017	10
9.1.3 LOCAL GOVERNMENT ACT SALES (14072, 15264, 16457, 16475)	11
9.1.4 APPOINTMENT TO COMMITTEES / WORKING GROUPS.....	13
9.2 DEVELOPMENT SERVICES.....	15
9.2.1 COMMENCE AMENDMENTS OF THE SHIRE OF MOORA WASTE LOCAL LAW 2016 AND DOGS LOCAL LAW 2016 AS REQUESTED BY THE JOINT STANDING COMMITTEE ON DELEGATED LEGISLATION	15

9.3 ENGINEERING SERVICES	19
9.3.1 PROPOSED PERMANENT ROAD CLOSURE – UN-NAMED ROAD	19
10. REPORTS OF COMMITTEES	23
GENERAL PURPOSE COMMITTEE MEETING – 1 NOVEMBER 2017	23
10.1 SHIRE OF MOORA SWIMMING POOL – POOL BLANKETS REPLACEMENT	23
10.2 SELF CONTAINED ACCOMMODATION – MOORA CARAVAN PARK.....	25
11. ELECTED MEMBER MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	28
12. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF COUNCIL	28
13. MATTERS FOR WHICH THE MEETING MAY BE CLOSED	28
14. CLOSURE OF MEETING	28

* Separate Attachments

- 9.1.1 *List of Payments Authorised Under Delegation 1.31*
- 9.1.2 *Statement of Financial Activity for Period Ended 31 October 2017*
- 9.2.1 *Attachment A – Draft Amendment Local Law*
- 9.3.1 *Map*
- 10.1 *Quotations*

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS**1.1 DECLARATION OF OPENING****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**3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE****4. PUBLIC QUESTION TIME****5. PETITIONS AND PRESENTATIONS****6. APPLICATIONS FOR LEAVE OF ABSENCE****7. ANNOUNCEMENTS BY THE PRESIDING MEMBER****8. CONFIRMATION OF MINUTES****8.1 ORDINARY COUNCIL MEETING - 18 OCTOBER 2017**

That the Minutes of the Ordinary Meeting of Council held on 18 October 2017 be confirmed as a true and correct record of the meeting.

8.2 SPECIAL COUNCIL MEETING - 1 NOVEMBER 2017

That the Minutes of the Special Meeting of Council held on 1 November 2017 be confirmed as a true and correct record of the meeting.

9. REPORTS OF OFFICERS

9.1 GOVERNANCE AND CORPORATE SERVICES

9.1.1 LIST OF PAYMENTS AUTHORISED UNDER DELEGATION 1.31

REPORT DATE: 8 November 2017

OFFICER DISCLOSURE OF INTEREST: Nil

AUTHOR: David Trevaskis, Deputy Chief Executive Officer

SCHEDULE PREPARED BY: Alida Fitzpatrick, Finance Rates 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

RECOMMENDATION

That Council notes and endorses the Payments from the Municipal and Trust Funds made under delegation I.31

<i>Municipal Fund</i>	<i>Cheques 62296 to 62307</i>	<i>\$8,297.84</i>
	<i>EFT 18277 to 18438</i>	<i>\$535,431.58</i>
	<i>Credit Card 04/09/17 to 02/10/17</i>	<i>\$3,027.68</i>
	<i>DD 11459.1 to 11522.12</i>	<i>\$66,042.73</i>
	<i>Net Pays – PPE 03/10/17</i>	<i>\$110,856.29</i>
	<i>Net Pays – PPE 17/10/17</i>	<i>\$96,412.70</i>
<i>Trust Fund</i>	<i>Cheques 5286 to 5289</i>	<i>\$183.30</i>
<i>Total</i>		<i><u>\$820,252.12</u></i>

9.1.2 STATEMENT OF FINANCIAL ACTIVITY FOR PERIOD ENDED 31 OCTOBER 2017

REPORT DATE: 7 November 2017

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 31 October 2017

PURPOSE OF REPORT:

To note and receive the Statement of Financial Activity for the period ended 31 October 2017.

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

RECOMMENDATION

That Council notes and receives the Statement of Financial Activity for the period ended 31 October 2017.

9.1.3 LOCAL GOVERNMENT ACT SALES (14072, 15264, 16457, 16475)**FILE REFERENCE:** PA/1817, PA/16, PA931 and PA/942**REPORT DATE:** 13 November 2017**APPLICANT/PROPONENT:** Shire of Moora**OFFICER DISCLOSURE OF INTEREST:** N/A**PREVIOUS MEETING REFERENCES:** Nil**AUTHOR:** David Trevaskis, Deputy Chief Executive Officer**ATTACHMENTS:** Nil**PURPOSE OF REPORT:**

For Council to authorise the Chief Executive Officer, Alan Leeson and / or the Deputy Chief Executive Officer, David Trevaskis to enter into contracts for sale for the properties listed below.

BACKGROUND:

Under section 6.64 of the *Local Government Act 1995 (WA)*, as rates and service charges have been owing for a period of at least 3 years the Shire of Moora has taken possession of, and is to offer for sale by public auction, the following properties:

Auction Location	6 Pryre Street, Coomberdale	72 Padbury Street, Moora	Lot 20 Ferguson Street, Miling	18225 Great Northern Highway, Miling
Time & Date of Auction:	11:00AM, 16 November 2017	1:00PM, 16 November 2017	11:00AM, 17 November 2017	1:00PM on 17 November 2017
Description of land and lot or location number	Lot 16	Lot 20	Lot 20	Lot 7
Plan or Diagram Number	Plan 3010	Diagram 44654	Plan 4871	Plan 5291
Title Reference	Volume 1506 Folio 543	Volume 1348 Folio 466	Volume 1191 Folio 307	Volume 1744 Folio 395
Area	1007m ²	2268m ²	635m ²	961m ²
Street	Pryre Street	Padbury Street	Ferguson Street	Great Northern Highway
Description of improvement, if any	Nil	Commercial Building	Residential Building	Residential Building
Name of Owner	George Paul Texas May	Central Midlands Aboriginal Progress Association Inc	Lorraine Smith of Lot 20 Ferguson Street, Miling	George Horst Kalkowski
Names of other persons appearing to have an estate or interest	Nil	Nil	Shire of Moora of 34 Padbury Street, Moora WA 6510	Water Corporation of 240 Balcatta Road, Balcatta WA 6021
Rates/service charges outstanding	\$3,706.33	\$22,229.22	\$9,156.46	\$4,852.81
Other charges due on the land	\$404.79 – Emergency Services Levy and interest; \$1,349.50 – Legal Charges.	\$742.44 - Emergency Services Levy and interest; \$10,177.90 - Sewerage Levy; \$5,616.99 – Rubbish Levy;	\$599.76 - Emergency Services Levy and interest; \$4,806.00 – Rubbish Levy; \$7,979.24 – Legal Charges.	\$457.82 - Emergency Services Levy and interest; \$748.00 - Rubbish Levy; \$1,370.45 – Legal Charges.

		\$3,240.95 – Legal Charges; \$36.00 – Instalment Plan – Admin Fee.		
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LEGISLATIVE REQUIREMENTS:

9.49A of the Local Government Act 1995 (WA)

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

RECOMMENDATION

That pursuant to section 9.49A of the Local Government Act 1995 (WA) Council resolves to authorise David Trevaskis and/or Alan Leeson either jointly or severally to enter into, perform, execute and carry out on behalf of the Shire any contracts and/or auction particulars and conditions of sale of freehold property for any of the properties listed above as they think fit and to rescind or vary any of those contracts as and when they think fit.

9.1.4 **APPOINTMENT TO COMMITTEES / WORKING GROUPS**

The Local Government Act 1995 Section 5.46 requires that a register of delegations be kept and that those delegations made must be reviewed at least once every financial year by the delegator (Council).

Now is the opportune time given the recent election to review the 'Delegations to Committee's/Working Groups' section of the Delegations Register.

A list of the current delegations with proposed changes follows to be reviewed by Councillors and updated accordingly.

Management & Audit Committee

Membership: 9 Councillors

General Purpose Committee

Membership: 9 Councillors

Avon-Midland Country Zone WALGA

Membership: Shire President & Deputy President

Development Assessment Panel

Membership: Cr Humphry and Cr Clydesdale-Gebert

Alternate members: Cr and Cr (*new Councillor nominations*)

Meets: On demand / when required by Department of Planning

Portfolio Groups

Local Emergency Management Committee (LEMC)

Membership: Shire President (Chair), Chief Executive Officer, Manager Engineering Services, Manager Development Services & Community Emergency Services Manager plus representatives appointed by the LEMC Committee

Meets: Quarterly

Council Membership to other Committees

Moora Residential College Linc Advisory Committee - Cr Humphry

Meets: Quarterly at the College

Community Resource Centre Mgmt. Committee - Cr Hamilton with proxy (*new Councillor nomination*)

Meets: Monthly (2nd Wednesday)

Landcare Groups (Rural Water Council / West Koojan-Gillingarra LCDC) -

Cr (*new Councillor nomination*)

Meets: Bi Monthly in Gillingarra

Wildflower Country Inc. Committee - Cr with proxy (*new Councillor nomination*)

Meets: Bi Monthly in Three Springs

Wheatbelt North Regional Road Group - Shire President, Cr Seymour with proxy
Cr Nixon

Meets: Half Yearly in Northam

Moora Sub Regional Road Group - Shire President, Cr Seymour with proxy Cr Nixon

Meets: On demand / when required in Moora

Innovation Central Midlands WA Inc. - Cr Seymour, Merrel Pond and Peta Thorniley

Meets: Monthly

VOTING REQUIREMENTS

Absolute Majority Required

RECOMMENDATION

That the 'Delegations to Committee's/Working Groups' section of the Delegations Register as reviewed be updated to reflect the delegations as listed.

9.2 DEVELOPMENT SERVICES

9.2.1 COMMENCE AMENDMENTS OF THE SHIRE OF MOORA WASTE LOCAL LAW 2016 AND DOGS LOCAL LAW 2016 AS REQUESTED BY THE JOINT STANDING COMMITTEE ON DELEGATED LEGISLATION

FILE REFERENCE: PR/ADVI & PL/LOLI

REPORT DATE: 7 November 2017

APPLICANT/PROPONENT: Shire of Moora

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: 20/9/17 (101/17)

AUTHOR: Phil Swain, Consultant

ATTACHMENTS: Attachment A – Draft Amendment Local Law

PURPOSE OF REPORT:

The purpose of this report is for Council to commence the adoption process for necessary amendments to the recently adopted Dogs Local Law 2016 and Waste Local Law 2016, as requested by the Joint Standing Committee on Delegated Legislation (JSCDL).

BACKGROUND:

At its meeting of 20 September 2017 Council resolved;

That the Council of the Shire of Moora;

1. *undertakes to within six months, amend the Shire of Moora Waste Local Law 2016 to include an “Objection and appeal rights clause” as per the corrected Western Australian Local Government Association Model template;*
2. *undertakes to within six months, amend the Shire of Moora Waste Dogs Local Law 2016 in the following manner:*
 - *Amend clause 4.11(2) so that the reference to clause 4.10(2) is 4.9(2)*
 - *Amend clause 4.13(1)(d)(ii) so that the reference to clause 4.10(3) is 4.9(3)*
 - *Amend clause 4.13(4) so that the reference to clause 4.15(b) is 4.14(b)*
 - *Amend clause 4.14(c) so that the reference to clause 4.13(1) is 4.12(1)*
 - *Amend clause 4.140 so that the reference to clause 4.13(2)(a) is 4.12(2)(a)*
 - *Amend clause 4.14(g) so that the reference to clause 4.13(2) is 4.12(2)*
 - *Amend clause 5.6(2) so that the reference to clause 7.3 is 5.3*
 - *Amend the reference to clause 7.2 on the right hand side of the Schedule to 5.2*
 - *Delete Schedule 3 and insert a rectified Schedule 3.*
3. *resolves that in relation to the undertakings described in 1. & 2. above*
 - *That all consequential amendments arising from the undertakings will be made;*
 - *That the Local Laws will not be enforced in a manner contrary to the undertakings given;*
 - *That the undertakings will be completed within six months of the date of the letter giving the undertaking;*
 - *That the Shire will provide a copy of the finalised Minutes of this meeting after they are confirmed to the Joint Standing Committee on Delegated Legislation; and*
 - *That until the relevant amendments are finalised, whenever the Local Law is made publicly available, whether in hard copy or electronic form, it will be accompanied by a copy of the relevant undertaking.*

The Laws had been developed following an initial review of the Shire's Local Laws in 2013/14 and were finally gazetted on 27 March 2017. There had been several impediments to finalising the Local Laws, including 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 JSCDL.

Following the Committee's review of the Shire's Local Laws, it has requested amendments to the Waste Local Law 2016 and the Dogs Local Law 2016.

COMMENT:

The advice from the JSCDL has highlighted the following problems with two (2) Local Laws:

Waste Local Law

The Department of Environmental Regulation (now known as the Department of Water and Environmental Regulation) developed a template waste local laws in conjunction with the Western Australian Local Government Association (WALGA), with advice from the Joint Standing Committee on Delegated Legislation (JSCDL). The Committee was extensively involved with inquiring into WALGA's (then) proposed Waste Local Law template in September 2014.

Although the Shire of Moora Waste Local Law 2016 is based on this model, the WALGA had circulated a version of the local law, as template, which has been amended after final advice from the JSCDL. The removal of provisions which explicitly outline appeal rights was not in accordance with the Committees agreed template as the following appeal clause had been removed;

5.1 Objection and appeal rights

Division 1 of Part 9 of the LG Act applies to a decision under the local law to grant, renew, vary or cancel -

- (a) an approval under clause 27(b);*
- (b) an exemption under clause 2.8(2);*
- (c) an approval under clause 2.10(1);*
- (d) an authorisation under clause 3.2(1)(c);*
- (e) an approval under clause 3.2(2); and*
- (f) an approval under clause 3.3.*

The view of the Committee is that, although Part 9, Division 1 of the Act applies to any decision made by a local government, it (the Committee) prefers that statutory appeal rights be expressly provided for in the body of a local law. The Committee has advised that by including it in this Local Law there is an 'effective', highly visible mechanism for review of an administrative decision, rather than an implicit review.

The JSCDL has further advised that due to the Committee's extensive participation in developing excellence in the template, it would be inappropriate for clause 5.1 to remain omitted until the Shire's Local Law is next reviewed which will be due in 2021-22. The Committee has indicated that it has no objection to the inclusion of the appeal provision as a new Clause 6 to simplify the amendment of the existing local law.

Dogs Local Law 2016

The Shire of Moora Dogs Local Law 2016 is based on the WALGA model. The Shire received advice from the DLGC in relation to the original draft of its Local Law and minor amendments, formatting and modifications were made in line with advice, at the time of adoption. Changes included additional clarification of definitions, references and the removal of some clauses due to changes to the Act and Regulations. This included Clause 4.9 titled “compliance with conditions of approval” because compliance with conditions of approval and penalties are now contained in the Dog Act 1976 and the Dog Regulations 2013. Inadvertently, this omission has led to numbering errors in several clauses in the adopted local law and the Schedule of penalties at the end of the law.

The Committee requested that the Council of the Shire of Moora provide undertakings to make amendments to the Dogs Local Law 2016 as outlined above and as agreed by the resolution of 20 September 2017.

It is proposed that the Shire now progress a general amendment local law (Attachment A) to rectify the matters raised by the JSCDL.

POLICY REQUIREMENTS:

There are no current Council policies relating to the two (2) Local Laws.

LEGISLATIVE REQUIREMENTS:

The Shire needs to give notice, in accordance with the requirements of the Local Government Act 1995, of its intention to make an amendment local law to rectify the matters, and that local law will have to be adopted in accordance with the Act requirements. This will include state wide advertising with a submission period of six (6) weeks and referral of the waste local law amendment to the Department of Environmental Regulation for approval, prior to Council adoption of the amendment local law.

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.

➤ **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.

➤ **Social**

Community consultation will need to be undertaken in accordance with legislative requirements during the development of the amendment local law.

FINANCIAL IMPLICATIONS:

Direct costs associated with this report are limited to consultant fees to draft the amendment Local Law, advertising, correspondence and reports, including the preparation of an Explanatory Memoranda for the amendment Local Law. 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 for bulk notices is \$268.50 per page, however, as an amendment only, the total gazettal pages will be small. 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.

VOTING REQUIREMENTS

Absolute Majority Required

RECOMMENDATION

That the Council of the Shire of Moora resolves to commence the adoption process of the Local Government (General Amendment) Local Law 2018, as outlined in Attachment A, and directs Administration to give local public notice and state-wide public notice in accordance with section 3.12 of the Local Government Act 1995, seeking public comment for the local law.

9.3 ENGINEERING SERVICES

9.3.1 PROPOSED PERMANENT ROAD CLOSURE – UN-NAMED ROAD

Item carried over from 18 October 2017 meeting, as a quorum was not met due to the number of members' present being reduced to 4.

FILE REFERENCE: S/ROCI

REPORT DATE: 6 October 2017

APPLICANT/PROPONENT: Shire of Moora

OFFICER DISCLOSURE OF INTEREST: Cr P Nixon

PREVIOUS MEETING REFERENCES: 18/10/17

AUTHOR: John Greay, Manager Engineering Services

ATTACHMENTS: Map

PURPOSE OF REPORT:

Council to consider the permanent closure of Un-named Road. (refer map)

BACKGROUND:

Council received a letter from Mr David Glasfurd on the 5th April 2017 expressing concern regarding access to this un-named road which is a gazetted but an unmade road that runs south of the Midlands Road (between Walebing and Moora) which could be deemed to be an extension of Orton Road which is located to the north.

The road is not constructed and is situated in between farmlands (lots 9 & 2423) owned by Lightform Nominees Pty Ltd. The request is to close the road at the south west corner of lot 2423 as indicated on the attached map.

COMMENT:

Council has been in possession of this letter for some time but due to unforeseen circumstances it hasn't been able to be presented before this. Mr Glasfurd is anxious for this matter to be resolved as soon as possible, particularly with the onset of summer approaching.

Mr Glasfurds' request and concerns are outlined below: -

1. The road does not connect to any other roads and is not the sole available access route to any adjoining property.
2. Bio security is a major issue for my farming enterprise and the control of the spread of weeds and noxious plants is both a time consuming and expensive undertaking. It is our considered opinion that unrestricted access through our property (see point 5 below) by third parties put at risk, the success of our ongoing bio-security programs.
3. We store on the property as part of normal farming practices, expensive farming equipment and chemicals. Without access to the road area being controlled and to adjoining parts of the land we have security concerns and concerns for health and welfare of anyone interfering with the chemicals stored.
4. The farming enterprise is mixed cropping and grazing and there is an inherent public safety risk of uncontrolled vehicle access and ongoing livestock grazing if the gazetted road remains accessible to the public.
5. If the gazetted road continues to remain accessible to the public, on the basis of the concerns raised above, the road would need to be fenced and maintained on an ongoing basis by the Shire of Moora.

The historic understanding is that this road has never been developed or used for any purpose and council has no use for it to remain open. Council has numerous unmade gazetted roads throughout the shire which remain in their current state and it is only when someone makes application for closure for such that council has their attention drawn to the situation. It is not

practical to go through the process of investigating the closure of each and every road that falls into that category throughout the shire.

POLICY REQUIREMENTS:

Council does not have a policy relevant to this matter. It maybe that a policy be developed, however the merits of individual cases/situations would make it difficult to develop a policy that would have a broad and practical application. The author is of the view that individual cases be considered on their merit.

LEGISLATIVE REQUIREMENTS:

Refer to attached guideline.

Also, refer to actual legislation hereunder;

Land Administration Act 1997 – Section 58

58. Closing roads

- (1) When a local government wishes a road in its district to be closed permanently, the local government may, subject to subsection (3), request the Minister to close the road.
- (2) When a local government resolves to make a request under subsection (1), the local government must in accordance with the regulations prepare and deliver the request to the Minister.
- (3) A local government must not resolve to make a request under subsection (1) until a period of 35 days has elapsed from the publication in a newspaper circulating in its district of notice of motion for that resolution, and the local government has considered any objections made to it within that period concerning the proposals set out in that notice.
- (4) On receiving a request delivered to him or her under subsection (2), the Minister may, if he or she is satisfied that the relevant local government has complied with the requirements of subsections (2) and (3) —
 - (a) by order grant the request; or
 - (b) direct the relevant local government to reconsider the request, having regard to such matters as he or she thinks fit to mention in that direction; or
 - (c) refuse the request.
- (5) If the Minister grants a request under subsection (4) —
 - (a) the road concerned is closed on and from the day on which the relevant order is registered; and
 - (b) any rights suspended under section 55(3)(a) cease to be so suspended.
- (6) When a road is closed under this section, the land comprising the former road —
 - (a) becomes unallocated Crown land; or
 - (b) if a lease continues to subsist in that land by virtue of section 57(2), remains Crown land.

Land Administration Regulations 1998

9. *Local government request to close road permanently (Act s. 58(2)), requirements for*

For the purposes of preparing and delivering under section 58(2) of the Act a request to the Minister to close a road permanently, a local government must include with the request —

- (a) written confirmation that the local government has resolved to make the request, details of the date when the relevant resolution was passed and any other information relating to that resolution that the Minister may require; and
- (b) sketch plans showing the location of the road and the proposed future disposition of the land comprising the road after it has been closed; and
- (c) copies of any submissions relating to the request that, after complying with the requirement to publish the relevant notice of motion under section 58(3) of the Act, the local government has received, and the local government's comments on those submissions; and
- (d) a copy of the relevant notice of motion referred to in paragraph (c); and
- (e) any other information the local government considers relevant to the Minister's consideration of the request; and
- (f) written confirmation that the local government has complied with section 58(2) and (3) of the Act.

STRATEGIC IMPLICATIONS:

There are no known relevant strategic considerations in relation to this matter.

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 only financial consideration for Council in relation to this matter is the cost of advertising which is likely to be in the vicinity of \$300. The cost could be borne by the applicant in this regard.

SUMMARY:

This situation is not new and council occasional get requests for road closures of this nature. The author is of the opinion that the closure of the road will have no impact on any other land owner, who doesn't have ready access to made roads. In the authors view given the history of the road reserve, its current state in being impassable and the fact that it serves no public benefit or use, this unmade road should be permanently closed in accordance with the provisions of the Land Administration Act 1997.

VOTING REQUIREMENTS

Simple Majority Required

RECOMMENDATION

That Council acknowledges the correspondence from Mr Glasfurd in relation to the unmade section of road being the south west corner of lot 2423 which he requests to be closed;

- 1. Agree to give Public Notice of its intent to seek the permanent closure of the unmade and advertise the proposal in accordance with Section 58 of the Land Administration Act 1997 for period of not less than 35 days;***
- 2. Formally advise public service – utility agencies advising them of Councils intended course of action in regards to the unmade road and request them to make public comment/submission back to Council within the 35 day period.***

10. REPORTS OF COMMITTEES

GENERAL PURPOSE COMMITTEE MEETING – 1 NOVEMBER 2017

10.1 SHIRE OF MOORA SWIMMING POOL – POOL BLANKETS REPLACEMENT

FILE REFERENCE: B/MOSI-2
REPORT DATE: 27 October 2017
APPLICANT/PROPONENT: Alan Leeson, Chief Executive Officer
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: Nil
AUTHOR: Alan Leeson, Chief Executive Officer
ATTACHMENTS: Quotations

PURPOSE OF REPORT:

For Council to consider amending its 2017/2018 budget to include the purchase of new pool blankets for Councils 50 metre main pool located adjacent to Roberts Street, Moora CBD.

BACKGROUND:

Pool Manager Mr John Main has advised that the existing pool cover is in a state of disrepair. During the pool season the pool blankets are rolled out to cover the water in order to maintain a more comfortable water temperature of approximately 19 °.

COMMENT:

Three quotations have been received (refer to attached) (GST Included)

1. Daisy Pool Covers and Rollers - \$22,652.70
2. Sunbather Solar Pool Heating & Covers - \$32,736.00
3. Elite Pool Covers - \$24,420.00

It is unfortunate and somewhat disappointing this matter wasn't brought forward for Councils attention at the conclusion of last pool season. Council staff have received a number of comments/complaints about the cold water temperature, in particular from early morning lap swimmers as a result of the pool blankets not being in working condition.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

Local Government Act 1995

STRATEGIC IMPLICATIONS:

Nil

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 financial implications for Council with respect to this matter will be in the vicinity of \$22,000 once Council claims back its 10% GST. The matter is unbudgeted and therefore if to be approved required an Absolute Majority of Council votes i.e. no less than 5 out of 9 possible votes.

VOTING REQUIREMENTS:

Absolute Majority Required

COMMITTEE RECOMMENDATION

That Council approve expenditure of \$22,000 plus GST for the purchase of new pool blankets and rollers if required for the Moora Shire Swimming Pool, further that Councils 2017/2018 budget be amended accordingly.

10.2 SELF CONTAINED ACCOMMODATION – MOORA CARAVAN PARK

FILE REFERENCE: B/MCP1-2

REPORT DATE: 13 November 2017

APPLICANT/PROPONENT: Chief Executive Officer

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Alan Leeson, Chief Executive Officer

ATTACHMENTS: Nil

PURPOSE OF REPORT:

Council over past months has been discussing the possibility of purchasing a two-story accommodation unit for the Moora Caravan Park (MCP). This has evolved from the availability of a display unit at Fleetwood Homes in Perth.

BACKGROUND:

Local Government procurement requirements require that any purchases in excess of \$150,000 plus GST must comply with the requirements of the Local Government Function and General Regulations 1996.

COMMENT:

Council is aware of a reasonably high demand for quality short term self-contained accommodation. Part of this need is being met by Councils 8 self-contained chalets at the MCP.

The self-contained two story unit at Fleetwood is on the market with offers of above \$150,000 being considered. Procurement requirements for Local Government prohibit the Shire of Moora from making any sort of offer. It must either call public tenders or have granted express authority to acquire via auction.

On inquiry to Fleetwood Homes they have confirmed the display accommodation unit will not be placed on the market via auction. Given this, the author is not recommending Council proceed with the expressed interest in purchasing the unit from Fleetwood given the requirement given associated legal requirements of Council in relation to procurement.

POLICY REQUIREMENTS:

Purchasing Policy: Section 12.6 - Purchasing Thresholds

LEGISLATIVE REQUIREMENTS:

Local Government (Function and General) Regulations 1996

11. When tenders have to be publicly invited

- (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 \$150,000 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

- (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

- (g) the goods to be supplied under the contract are —

- (i) petrol or oil; or
- (ii) any other liquid, or any gas, used for internal combustion engines;

or

- (h) the following apply —

- (i) the goods or services are to be supplied by a person registered on the Aboriginal Business Directory WA published by the Small Business Development Corporation established under the *Small Business Development Corporation Act 1983*; and
- (ii) the consideration under the contract is \$250 000 or less, or worth \$250 000 or less; and
- (iii) the local government is satisfied that the contract represents value for money;

or

- (i) the goods or services are to be supplied by an Australian Disability Enterprise; or
- (j) the contract is a renewal or extension of the term of a contract (the **original contract**) where —

- (i) the original contract was entered into after the local government, according to the requirements of this Division, publicly invited tenders for the supply of goods or services; and
 - (ii) the invitation for tenders contained provision for the renewal or extension of a contract entered into with a successful tenderer; and
 - (iii) the original contract contains an option to renew or extend its term; and
 - (iv) the supplier's tender included a requirement for such an option and specified the consideration payable, or the method by which the consideration is to be calculated, if the option were exercised;
- or
- (k) the goods or services are to be supplied by a pre-qualified supplier under Division 3.

[Regulation 11 amended in Gazette 29 Apr 1997 p. 2145; 26 Jun 1998 p. 3447; 25 Feb 2000 p. 970-1; 29 Jun 2001 p. 3130; 31 Mar 2005 p. 1054-5; 2 Feb 2007 p. 245-6; 18 Sep 2015 p. 3804-6.]

STRATEGIC IMPLICATIONS:

Nil

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 unit is available by way of offer's in excess of \$150,000. Local government procurement requirements prohibit Council from this option.

SUMMARY:

Moving forward the author recommends Council undertake a detailed analysis of the Moora Caravan Park and future potential expansion of self-contained accommodation at the park. The terms of reference for this may be but not necessarily limited to;

- Examination of taking out caravan bays in lieu of additional chalet space. This review would be timely in terms of evidence that RV's and caravans are more often not staying in RV overnight areas as against booking into a park;
- Look at potential/opportunity and the cost and benefit of enlarging the area of the Moora Caravan Park;
- Examine occupancy rates associated with RV's / Chalets / Caravans and identify what a commensurate level of investment is in relation to additional investment into more self-contained accommodation at the Moora Caravan Park.

VOTING REQUIREMENTS:

Simple Majority Required

RECOMMENDATION

That Council commence a review and detailed analysis of the Moora Caravan Park and future potential expansion of self-contained accommodation at the park. The terms of reference for this may be but not necessarily limited to;

- *Examination of taking out caravan bays in lieu of additional chalet space;*
- *Look at the potential/opportunity and the cost and benefit of enlarging the area of the Moora Caravan Park;*
- *Examine occupancy rates associated with RV's / Chalets / Caravans and identify what a commensurate level of investment is in relation to additional investment into more self-contained accommodation at the Moora Caravan Park.*

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

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

13. **MATTERS FOR WHICH THE MEETING MAY BE CLOSED**

14. **CLOSURE OF MEETING**