

SHIRE OF MOORA
MINUTES OF THE ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS, MOORA
17 NOVEMBER 2021

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1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS**1.1 DECLARATION OF OPENING**

The Shire President declared the meeting open at 5.34pm.

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**

TL Lefroy	-	President
SJ Gilbert	-	Deputy President
DV Clydesdale-Gebert	-	Councillor
EI Hamilton	-	Councillor
KM Seymour	-	Councillor
SA Bryan	-	Councillor
TL Errington	-	Councillor
AJ Leeson	-	Chief Executive Officer
G Robins	-	Deputy Chief Executive Officer
NM Beard	-	Manager Community Development & Visitor Servicing
K Dickerson (5.51pm to 6.09pm)-	-	Acting Manager Engineering Services
MM Murray	-	Executive Support Officer (minute taker)

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4. PUBLIC QUESTION TIME

Nil

5. PETITIONS / DELEGATIONS / PRESENTATIONS

Nil

6. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7. **ANNOUNCEMENTS BY THE PRESIDING MEMBER**

The following Council associated engagements were attended:

Cr Lefroy, President

15/11 interview with MarketForce on behalf of WALGA re stakeholder engagement

11/11 interview with Iluka re community engagement

3/11 Visit to Shire of Morawa to meet with Shire President re swimming pool funding and refurbishment

29/10 Meeting with Robert Miles, Noongar Enterprise Development Support program, Moora

27/10 CSRFF site visit with Dept. Sport & Cultural industries representatives Clayton White, Mark Toomath and Jenifer Collins, Moora

Cr Gilbert, Deputy President

16/11 Chaired, Inaugural Sport and Recreation Reference Group meeting

11/11 Remembrance Day wreath laying on behalf of Council, Moora

8/11 Wheatbelt North Regional Road Group, Moora Sub Group meeting, Moora

23/10 Attended Berkshire Valley/Moora Historical Society event launching the book 'The Last Stand' on behalf of Council

Cr Seymour

17/11 WALGA Finance & Services meeting, Perth

Cr Hamilton

28/11 Wildflower Country meeting via Zoom

27/11 Moora CRC AGM

Cr Clydesdale-Gebert

16/11 Inaugural Sport and Recreation Reference Group meeting

5/11 WALGA training - Advanced Planning, Perth

Cr's Bryan and Errington

12/11 WALGA Seminar for new Councillors, Perth

8. **CONFIRMATION OF MINUTES**

8.1 **ORDINARY COUNCIL MEETING - 20 OCTOBER 2021**

COUNCIL RESOLUTION

113/21 Moved Cr Clydesdale-Gebert, seconded Cr Seymour that the Minutes of the Ordinary Meeting of Council held on 20 October 2021 be confirmed as a true and correct record of the meeting.

CARRIED 7/0

8.2 SPECIAL COUNCIL MEETING - 3 NOVEMBER 2021**COUNCIL RESOLUTION**

114/21 Moved Cr Seymour, seconded Cr Clydesdale-Gebert that the Minutes of the Special Meeting of Council held on 3 November 2021 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: 11 November 2021

OFFICER DISCLOSURE OF INTEREST: Nil

AUTHOR: Alan Leeson, Chief Executive Officer

SCHEDULE PREPARED BY: Julie Greatbatch, Creditors 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

115/21 Moved Cr Hamilton, seconded Cr Bryan that Council notes and endorses the Payments from the Municipal and Trust Funds made under delegation 1.31

<i>Municipal Fund</i>	<i>Cheques 62502 to 62504</i>	<i>\$2,773.00</i>
	<i>EFT 26033 to 26238</i>	<i>\$830,331.86</i>
	<i>Direct Debits 14017.1 to 14097.11</i>	<i>\$69,730.12</i>
	<i>(DD14121.1) Credit Card 03/09/21 to 03/10/21</i>	<i><u>\$14,562.95</u></i>
		<i>\$917,397.93</i>
<i>Trust Fund</i>	<i>Cheques 5572 to 5580</i>	<i><u>\$786.60</u></i>
		<i>Subtotal \$918,184.53</i>
<i>Net Pays</i>	<i>PPE 13/10/21</i>	<i>\$150,452.84</i>
	<i>PPE 27/10/21</i>	<i><u>\$102,788.76</u></i>
		<i>\$253,241.60</i>
		<i>Total <u>\$1,171,426.13</u></i>

CARRIED 7/0

9.1.2 STATEMENT OF FINANCIAL ACTIVITY FOR PERIOD ENDED 31 OCTOBER 2021

REPORT DATE: 11 November 2021

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Martin Whitely, LG Corporate Solutions

ATTACHMENTS: Statement of Financial Activity for the Period Ended 31 October 2021

PURPOSE OF REPORT:

To note and receive the Statement of Financial Activity for the period ended 31 October 2021.

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 2021/22 adopted budget.

VOTING REQUIREMENTS

Simple Majority Required

COUNCIL RESOLUTION

116/21 Moved Cr Gilbert, seconded Cr Hamilton that Council endorses the Statement of Financial Activity for the period ended 31 October 2021.

CARRIED 7/0

9.1.3 GRAVEL FOR PUBLIC WORKS - SCALED COMPENSATION POLICY

FILE REFERENCE: S/GPHI & PL/POPI-2
REPORT DATE: 11 November 2021
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: Nil
AUTHOR: Alan Leeson, Chief Executive Officer
ATTACHMENTS: Spreadsheet

PURPOSE OF REPORT:

For Council to consider a scaled compensation policy in relation to sourcing of road building material and compensation paid to the landowner.

BACKGROUND:

Council for many years has paid a royalty more recently defined as **compensation** to rural landowners (mostly farmers). Up until 30 June 2021 the rate of compensation payable by the Shire of Moora was \$0.50 per m³ (ex GST). As part of the 2021/2022 budget the compensation rate payable per m³ of gravel sourced was increased to \$1.20 (ex GST).

The increase of rate in compensation payable per m³ was increased to ease the increasing difficulty in gaining access to suitable gravel for road building. More recently the landscape of compensation paid to some rural landowners has changed markedly because of private civil earthwork contractors paying a significantly higher rate of compensation for gravel.

COMMENT:

The Shire to this juncture has gained access to suitable gravel for road building by way of agreement with respective landowners. A more recent example is that access to gravel has been denied on the basis that the Shire's rate of compensation payable per m³ is not at a level comparable to that recently paid by civil contractors undertaking private civil works.

The CEO has investigated alternative options to gain access to gravel by way of mutual agreement. In the absence of mutual agreement enshrining the compensation rate payable per m³ as determined by Council, Council can gain access by way of compulsory entry to land granted under the Land Administration Act 1997 (section 185). This mechanism has never been utilised by the Shire of Moora in the authors knowledge and is not suggested at this juncture.

POLICY REQUIREMENTS:

There are no known policy requirements related to this matter.

LEGISLATIVE REQUIREMENTS:

Local Government Act 1995
Land Administration Act 1997

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:**Refer to attached spreadsheet.**

The author is recommending that the Shire put in place a scaled rate of compensation payable for road gravel. This scaled rate of compensation considers the overall m³ yield to the Shire as a result of excavation. A quantitative analysis is provided with this item using a recent example of a gravel pit utilised in the construction of Watheroo West Road. This gravel was on the lower end of yield rate (approx..50%). This meant the excavated material was required to be screened which significantly increases the cost of material per m³ (ex-pit).

VOTING REQUIREMENTS:

Simple Majority Required

COUNCIL RESOLUTION

117/21 Moved Cr Seymour, seconded Cr Hamilton that Council;

- 1. Adopt as a matter of Policy a Scaled Schedule of Compensation payable (as per attached schedule dated 11 November 2021) for gravel associated with public works (road maintenance and road construction) recognising and referencing the following variables;*
 - Main Roads W.A. compensation rates payable reviewed annually;*
 - Per m³ yield to the Shire as a result of excavation.*
- 2. Formally note the legislative instrument available to Council under the Land Administration Act 1997 (Section 185) for taking of gravel for repairs / construction of Public Works (Road Maintenance /Road Construction).*
- 3. Note the Scaled Schedule of Compensation shall be reviewed and adopted annually as part of the Shires annual budget deliberation and adoption process.*

CARRIED 7/0

At 5.50pm the CEO left the meeting.

At 5.51pm the CEO rejoined the meeting, and Acting Manager Engineering Services joined the meeting.

9.2 ENGINEERING SERVICES

9.2.1 PLANT REPLACEMENT PROGRAM - 2021-2022 – WALGA PREFERRED SUPPLIER PROGRAM

RFQ 01/2021-2022 – PRIME MOVER

RFQ 02/2021-2022 – SMOOTH STEEL DRUM VIBRATING ROLLER

RFQ 03-2021-2022 – SMALL TIP TRUCK (3 TONNE)

FILE REFERENCE: L/TEP1-2

REPORT DATE: 15 November 2021

APPLICANT/PROPONENT: Acting Manager Engineering Services

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: N/A

AUTHOR: Keith Dickerson, Acting Manager Engineering Services

ATTACHMENTS: Quotation Summary Spreadsheet

PURPOSE OF REPORT:

For Council to consider quotations received through the WALGA Preferred Supplier Program portal for the changeover of three items of heavy plant in accordance the 2021-2022 budget parameters / allocation.

Quotes submitted are for three items;

1. 1 x Prime Mover
2. 1 x Smooth Steel Drum Vibrating Roller
3. 1 x Small Tip Truck (3 tonne)

BACKGROUND:

Council budgeted to change these items over in the 2021-2022 budget. In summary, the budgeted changeover allocations against each are (ex GST);

- Prime Mover - \$185,000
- Smooth Steel Drum Vibrating Roller - \$125,000
- Small Tip Truck (3 tonne) - \$57,000

COMMENT:

In accordance with the Local Government (Functions and General Regulations) 1996, quotations were called through the WALGA Preferred Supplier portal (refer to legislative requirements) process to calling for quotations for the listed machines. Attached with the Agenda Item are scoring matrix tables evaluated by the author and Works Supervisor, Trevor Longman. Scoring is assessed against the following criteria weighted to an overall quotation score out of 10;

- Warranty
- Suitability
- Availability
- Price

Comments in summary regarding respective quotations submissions are provided with individual Scoring Summary Attachments. The author will be in attendance at the meeting to answer any questions from Councillors.

POLICY REQUIREMENTS:

Policy Manual – Section 12, Purchasing and Tender Policy

12.1 OBJECTIVES

- To provide compliance with the Local Government Act, 1995 and the Local Government Act (Functions and General) Regulations, 1996 (as amended in March 2007).
- To deliver a best practice approach and procedures to internal purchasing for the Shire of Moora.
- To ensure consistency for all purchasing activities that integrates within all the Shire of Moora operational areas.

12.2 CONTEXT

Regulation 11A of the Local Government (Functions and General) Regulations 1996 requires a local government to prepare, adopt and implement a purchasing policy in relation to the supply of goods or services where the consideration is expected to be \$250,000 or less. Purchases above \$250,000 must follow the process detailed in Division 2 of the Local Government (Functions and General) Regulations 1996 and requires a local government to invite tenders.

All Purchases by the Shire of Moora shall:

- Comply with relevant legislation, regulations and the Shire's policies and code of conduct;
- Transparent, free from bias and fully documented in accordance with applicable policies and audit requirements; and
- Ensure effective and proper expenditure of public moneys based on achieving value for money.

12.3 ETHICS & INTEGRITY

All officers and employees of the Shire of Moora shall observe the highest standards of ethics and integrity in undertaking purchasing activity and act in an honest and professional manner that supports the standing of the Shire of Moora.

The following principles, standards and behaviours must be observed and enforced through all stages of the purchasing process to ensure the fair and equitable treatment of all parties:

- full accountability shall be taken for all purchasing decisions and the efficient, effective and proper expenditure of public monies based on achieving value for money;
- all purchasing practices shall comply with relevant legislation, regulations, and requirements consistent with the Shire of Moora policies and code of conduct;
- purchasing is to be undertaken on a competitive basis in which all potential suppliers are treated impartially, honestly and consistently;
- all processes, evaluations and decisions shall be transparent, free from bias and fully documented in accordance with applicable policies and audit requirements;
- any actual or perceived conflicts of interest are to be identified, disclosed and appropriately managed; and
- Any information provided to the Shire of Moora by a supplier shall be treated as commercial-in-confidence and should not be released unless authorised by the supplier or relevant legislation.

12.4 VALUE FOR MONEY

Value for money is an overarching principle governing purchasing that allows the best possible outcome to be achieved for the Shire of Moora. It is important to note that compliance with the specification is

more important than obtaining the lowest price, particularly taking into account user requirements, quality standards, sustainability, life cycle costing, service benchmarks and local supply.

An assessment of the best value for money outcome for any purchasing should consider:

- all relevant whole-of-life costs and benefits whole of life cycle costs (for goods) and whole of contract life costs (for services) including transaction costs associated with acquisition, delivery, distribution, as well as other costs such as but not limited to holding costs, consumables, deployment, maintenance and disposal.
- the technical merits of the goods or services being offered in terms of compliance with specifications, contractual terms and conditions and any relevant methods of assuring quality;
- Financial viability and capacity to supply without risk of default. (Competency of the prospective suppliers in terms of managerial and technical capabilities and compliance history);
- A strong element of competition in the allocation of orders or the awarding of contracts. This is achieved by obtaining a sufficient number of competitive quotations wherever practicable.
- Minimising the social, environmental and economic impacts in procurement decision making.

Where a higher priced conforming offer is recommended, there should be clear and demonstrable benefits over and above the lowest total priced, conforming offer.

12.5 SUSTAINABLE PROCUREMENT

Sustainable Procurement is defined as the procurement of goods and services that have less environmental and social impacts than competing products and services.

The Shire of Moora is committed to sustainable procurement and where appropriate shall endeavour to design quotations and tenders to provide an advantage to goods, services and/or processes that minimise environmental and negative social impacts. Sustainable considerations must be balanced against value for money outcomes in accordance with the Shire of Moora's sustainability objectives.

Practically, sustainable procurement means the Shire of Moora shall endeavour at all times to identify and procure products and services that:

- Have been determined as necessary;
- Demonstrate environmental best practice in energy efficiency / and or consumption which can be demonstrated through suitable rating systems and eco-labelling.
- Demonstrate environmental best practice in water efficiency.
- Are environmentally sound in manufacture, use, and disposal with a specific preference for products made using the minimum amount of raw materials from a sustainable resource, that are free of toxic or polluting materials and that consume minimal energy during the production stage;
- Products that can be refurbished, reused, recycled or reclaimed shall be given priority, and those that are designed for ease of recycling, re-manufacture or otherwise to minimise waste.
- For fleet motor vehicles – select vehicles featuring the highest fuel efficiency available, based on vehicle type and within the designated price range (note that fleet vehicles shall be shared as close as possible to 50% / 50% of the total council light fleet between local suppliers Rumbold Ford/Nissan and Moora Toyota). Council notes there is no requirement to obtain quotes from suppliers external to Moora, however the policy does not preclude external supplier quotes from being obtained at the CEO's discretion. Reputable independent trade in valuations e.g., Redbook shall be obtained by staff to validate trade-in prices of fleet vehicles.
- For new buildings and refurbishments – where available use renewable energy and technologies.

12.6 QUOTE, TENDER AND PURCHASE RECORD CAPTURE

Written information and documents associated with quotes and purchases will be captured and

retained as per the requirements of the General Disposal Authority for Local Government Records, under the *State Records Act 2000*.

12.7 QUOTATION AND TENDER EXEMPTION

In the following instances public tenders or quotation procedures are not required (regardless of the value of expenditure):

- An emergency situation as defined by the Local Government Act 1995;
- The supply of the goods or services associated with a state of emergency;
- The purchase is under a contract of WALGA (Preferred Supplier Arrangements), Department of Treasury and Finance (permitted Common Use Arrangements), Regional Council, or another Local Government;
- The purchase is under auction which has been authorised by Council;
- The contract is for petrol, oil, or other liquid or gas used for internal combustion engines;
- Any of the other exclusions under Regulation 11 of the Functions and General Regulations apply.

12.8 PURCHASING THRESHOLDS

Where the value of procurement (excluding GST) for the value of the contract over the full contract period (including options to extend) is, or is expected to be:- Amount of

<u>Amount of Purchase</u>	<u>Policy</u>
Up to \$5,000	Direct purchase from suppliers requiring only one verbal quotation or priced printout from a reputable supplier catalogue or website.
\$5,001 to \$20,000	Obtain up to three* verbal quotations or priced printouts from reputable suppliers' catalogues or websites.
\$20,001 - \$40,000	Obtain at least two* written quotations.
\$40,001 - \$249,999	Obtain at least three* written quotations containing price and specification of goods and services (with procurement decision based on all value for money considerations).
\$250,000 and above	Conduct a public tender process, tender to be awarded by Council.

*A minimum of one quotation may be accepted in place of three at the discretion of the CEO for justifiable reasons consistent with quote and tender exclusions under Regulation 11.

*Councils Works Supervisor is authorised to issue purchase orders for bulk diesel subject to:

- Minimum of two quotes being obtained;
- Providing notice of the lowest quote being accepted, being given to the CEO and Deputy CEO prior to issuing purchase order to the selected supplier of the bulk diesel order.

Where it is considered beneficial, tenders may be called in lieu of seeking quotations for purchases under the \$250,000 threshold (excluding GST). If a decision is made to seek public tenders for Contracts of less than \$250,000, a Request for Tender process that entails all the procedures for tendering outlined in Division 2 of the *Local Government (Functions and General) Regulations 1996* must be followed in full.

LEGISLATIVE REQUIREMENTS:**Local Government (Functions and General) Regulations 1996****Division 2 — Tenders for providing goods or services (s. 3.57)**

[Heading inserted: Gazette 2 Feb 2007 p. 245.]

11. When tenders have to be publicly invited

(1A) In this regulation —

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

(1) Tenders are to be publicly invited according to the requirements of this Division before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than \$250 000 unless subregulation (2) states otherwise.

(2) Tenders do not have to be publicly invited according to the requirements of this Division if —

(a) the supply of the goods or services is to be obtained from expenditure authorised in an emergency under section 6.8(1)(c) of the Act; or

(aa) the supply of the goods or services is associated with a state of emergency; or

(b) the supply of the goods or services is to be obtained through the WALGA Preferred Supplier Program; or

[(ba) deleted]

(c) within the last 6 months —

(i) the local government has, according to the requirements of this Division, publicly invited tenders for the supply of the goods or services but no tender was submitted that met the tender specifications or satisfied the value for money assessment; or

(ii) the local government has, under regulation 21(1), sought expressions of interest with respect to the supply of the goods or services but no person was, as a result, listed as an acceptable tenderer;

or

(d) the contract is to be entered into by auction after being expressly authorised by a resolution of the council of the local government; or

(e) the goods or services are to be supplied by or obtained through the government of the State or the Commonwealth or any of its agencies, or by a local government or a regional local government; or

(ea) the goods or services are to be supplied —

(i) in respect of an area of land that has been incorporated in a district as a result of an order made under section 2.1 of the Act changing the boundaries of the district; and

(ii) by a person who, on the commencement of the order referred to in subparagraph (i), has a contract to supply the same kind of goods or services to the local government of the district referred to in that subparagraph;

or

- (f) the local government has good reason to believe that, because of the unique nature of the goods or services required or for any other reason, it is unlikely that there is more than one potential supplier; or
 - (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 —
 - (I) a person registered on the Aboriginal Business Directory WA published by the Chamber of Commerce and Industry of Western Australia Limited ABN 96 929 977 985; or
 - (II) a person registered with the Australian Indigenous Minority Supplier Office Limited (trading as Supply Nation) ABN 50 134 720 362;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
 - (ja) the contract is a renewal or extension of the term of a contract (the **original contract**) where —
 - (i) the original contract is to expire within 3 months; and
 - (ii) the renewal or extension is for a term of not more than 12 months from the expiry of the original contract; and
 - (iii) the contract for renewal or extension is entered into at a time when there is in force a state of emergency declaration applying to the district, or part of the district, of the local government;or
 - (k) the goods or services are to be supplied by a pre-qualified supplier under Division 3.
- (3) For the purposes of sub- regulation (2)(aa) a supply of goods or services is associated with a state of emergency if —

- (a) the contract for the supply is entered into while there is in force a state of emergency declaration applying to the district, or part of the district, of the local government; and
- (b) the local government considers that the goods or services are required for the purposes of addressing a need arising from the hazard, or from the impact or consequences of the hazard, to which the state of emergency declaration relates.

[Regulation 11 amended: 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; SL 2020/35 r. 8; SL 2020/55 r. 5.]

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.

In a general sense Council should undertake a closer examination of its heavy plant and equipment fleet and look to establish or re-establish outer markers in terms of maximum years/working hours of such items.

It is understood there is always annual budget parameters and it's a difficult task to provide the appropriate fiscal resources to keep up with a plant and equipment replacement program.

In 2021-2022 Council placed a high priority on the Plant Replacement Program including the following items of heavy plant and equipment.

- Road Broom
- Prime Mover
- Small Tip Truck
- Smooth Steel Drum Vibrating Roller
- 3m3 Front End Loader (quotes being finalised)
- Grader – Quotes being finalised

Further quotations will be submitted to Council for consideration over the coming weeks.

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:

Please refer to attached summary of quotations

VOTING REQUIREMENTS

Absolute Majority Required

COUNCIL RESOLUTION

118/21 Moved Cr Hamilton, seconded Cr Gilbert that Council accept the quotations submitted through the WALGA Preferred Supplier Program Portal for the supply of 1 x Prime Mover, 1 x Smooth Drum Vibrating Roller and 1 x Small Tip Truck (3 tonne), noting the summary spreadsheet with Officer recommendations;

RFQ 01/2021-2022 Prime Mover – Quotation VPR481077 – Fuso Truck and Bus – Freightliner Cascadia 116 – Changeover - \$223,713 (Ex GST);

RFQ 02/2021-2022 Smooth Drum Vibrating Roller – Quotation VPR480855 – Westrac Equipment – Caterpillar CS64B – Changeover - \$120,800 (Ex GST);

RFQ 03/2021-2022 Small Tip Truck – Quotation VPR480256 – Fuso Truck and Bus – Fuso Canter 615 – Changeover – \$29,185 (Ex GST);

Further noting that the Shire of Moora 2021-2022 Budget be amended to reflect the accepted quotations.

CARRIED 7/0

At 6.09pm the Acting Manager Engineering Services left the meeting

10. REPORTS OF COMMITTEES

GENERAL PURPOSE COMMITTEE MEETING – 3 NOVEMBER 2021

10.1 SUPERANNUATION PAYMENTS - ELECTED MEMBERS – WALGA ADVOCACY PROPOSAL

FILE REFERENCE: EM/COAI
REPORT DATE: 1st November 2021
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: Nil
AUTHOR: Chief Executive Officer Alan Leeson
ATTACHMENTS: WALGA Draft Policy

PURPOSE OF REPORT:

For Council to advise WALGA of its position in relation to a proposal for the introduction of payments of Superannuation to Elected Members.

BACKGROUND:

WALGA is consulting the broader local government industry seeking feedback on a draft policy proposal (attached). The recommended advocacy approach is to propose that the Local Government Act 1995 be amended to facilitate the payment of superannuation to Elected Members in addition to fees and allowances.

A link to a recent article in the West Australian is provided hereunder which gives some further context in relation to the advocacy proposal.

<https://thewest.com.au/politics/local-government/local-government-minister-john-carey-encourages-councils-to-comment-on-walgas-super-proposal-c-4328918>

COMMENT:

Notwithstanding the existing fees/allowances paid to Shire of Moora elected members, the author is of the view that another layer of payments to Elected members would be better avoided in terms of administration/management/ reporting and compliance.

The author is of the view that the Shire would be better served to proportionately increased current meeting fees and allowances to a level that would otherwise be payable should superannuation payments to elected members be introduced.

POLICY REQUIREMENTS:

There are current policy requirements related to this matter.

LEGISLATIVE REQUIREMENTS:

Current meeting fees and allowances are payable under the Local Government Act 1995 and associated regulations.

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:

Based on budgeted 2021/2022 Meeting Fees and Allowances (excluding travel) payable, if superannuation payments were to be made to elected members this would equate to approximately \$6,000.

SUMMARY:

The author is of the view that the Shire would be better served to proportionately increased current meeting fees and allowances to a level that would otherwise be payable should superannuation payments to elected members be mandated.

VOTING REQUIREMENTS:

Simple Majority Required

**COUNCIL RESOLUTION
(COMMITTEE RECOMMENDATION)**

119/21 Moved Cr Gilbert, seconded Cr Seymour that Council advise WALGA in relation to their advocacy proposal to introduce superannuation payments for Elected members, that Council does not support their advocacy proposal, further providing an outline of Council's position in relation to the matter consistent with the Officers report considered by Council in relation to the matter.

CARRIED 7/0

Resolved that Item 10.2 not be voted on. Refer to Item 9.1.3, Council minute 117/21.

10.2 GRAVEL COMPENSATION POLICY PROPOSAL

FILE REFERENCE: S/GPHI & PL/POPI-2
REPORT DATE: 1st November 2021
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: Nil
AUTHOR: Alan Leeson, Chief Executive Officer
ATTACHMENTS: Nil

PURPOSE OF REPORT:

For Council consider a scaled compensation policy in relation to sourcing of road building material and compensation paid to the landowner.

BACKGROUND:

Council for many years has paid a royalty more recently defined as **compensation** to rural landowners (mostly farmers). Up until 30 June 2021 the rate of compensation payable by the Shire of Moora was \$0.50 per m³ (ex GST). As part of the 2021/2022 budget the compensation rate payable per m³ of gravel sourced was increased to \$1.20 (ex GST).

The increase of rate in compensation payable per m³ was increased to ease the increasing difficulty in gaining access to suitable gravel. More recently the landscape of compensation paid to some rural landowners has changed markedly because of private civil earthwork contractors paying extremely high levels of compensation in comparison to that paid by local government.

COMMENT:

The Shire to this juncture has gained access to suitable gravel for road building by way of agreement with respective landowners. A more recent example is that access to gravel has been denied on the basis that the Shire's rate of compensation payable per m³ is not at a level comparable to that recently paid by civil contractors undertaking storage improvement works at the CBH site in Watheroo.

The CEO has investigated alternative options to gain access to gravel by way of mutual agreement. In the absence of mutual agreement enshrining the compensation rate payable per m³ as determined by Council, Council can gain access by way compulsory entry to land granted under the Land Administration Act 1997 (section 185). This mechanism has never been utilised by the Shire of Moora in the authors knowledge.

POLICY REQUIREMENTS:

There are no known policy requirements related to this matter.

LEGISLATIVE REQUIREMENTS:

Local Government Act 1995
Land Administration Act 1997

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 author is recommending that the Shire put in place a scaled rate of compensation payable for road gravel. This scaled rate of compensation considers the overall m3 yield to the Shire because of excavation. A quantitative analysis is provided with this item using a recent example of the Ward families pit on the Watheroo West Road. This gravel was low yielding on excavation whereby screening was needed. For every m3 excavated approx. 50% was lost in yield through screening.

VOTING REQUIREMENTS:

Simple Majority Required

COMMITTEE RECOMMENDATIONS

That Council;

1. *notes the Officers report, further agreeing in principle to the adoption of scaled schedule of compensation payable for gravel associated with public works (road building) recognising and referencing the following variables;*
 - *Alignment to Main Roads W.A compensation rates payable reviewed annually;*
 - *Per m3 yield to the Shire as a result ex-pit.*
2. *Request the Chief Executive Officer to prepare a report to Council for decision at the Ordinary Meeting of Council on 17 November 2021, with a recommendation premised on scaled rates of compensation payable for gravel associated with public works (road building) factoring in alignment with Main Roads WA (annual review and per m3 yield – ex pit).*

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 Shire President declared the meeting closed at 6.11pm.

CONFIRMED

PRESIDING MEMBER