

SHIRE OF MOORA
MINUTES OF THE ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS, MOORA
16 FEBRUARY 2022

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Separate Attachments

- 9.1.1 List of Payments Authorised Under Delegation 1.31 December 2021 and January 2022
- 9.1.2 Statement of Financial Activity for Period Ended 31 December 2021
- 9.1.3 Statement of Financial Activity for Period Ended 31 January 2022
- 9.1.5 Policy Manual Section 12 – Purchasing & Tender Policy (Purchase Order Authorisation)
- 9.2.1 Bitumen reseal works Quotations

I. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

I.1 DECLARATION OF OPENING

The Shire President declared the meeting open at 5.34pm and announced:

"Acknowledgment of Country"

I would like to show my respect and acknowledge the traditional owners of this land and acknowledge their contribution to the Shire of Moora as I do for all its people.

I.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
SA Bryan	-	Councillor
TL Errington	-	Councillor
AJ Leeson	-	Chief Executive Officer
NM Beard	-	Manager Community Development & Visitor Servicing
MM Murray	-	Executive Support Officer (minute taker)

PUBLIC

Martin Whitely (until 5.57pm)- LG Corporate Solutions

APOLOGIES

KM Seymour - Councillor

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

- 13/1 meeting with Steve Butler from the West Australian newspaper
- 18/1 meeting with Hon Ken Wyatt OAM, MP, Moora
- 26/1 Australia Day celebrations at the Moora Recreation Centre
- 3/2 WA Country Health and COVID Preparedness meeting via Zoom
- 15/2 meeting with Moora Chamber of Commerce representatives

Cr Gilbert, Deputy President

- 18/1 meeting with Hon Ken Wyatt OAM, MP, Moora
- 26/1 Australia Day celebrations at the Moora Recreation Centre
- 8/2 chaired the meeting of the Sport & Recreation working group
- 15/2 meeting with Moora Chamber of Commerce representatives
- 15/2 meeting of the Wheatbelt North Regional Road Group Moora Subgroup, Moora

Cr Bryan

- 26/1 Australia Day celebrations at the Moora Recreation Centre

8. CONFIRMATION OF MINUTES

8.1 ORDINARY COUNCIL MEETING - 14 DECEMBER 2021

COUNCIL RESOLUTION

3/22 Moved Cr Bryan, seconded Cr Clydesdale-Gebert that the Minutes of the Ordinary Meeting of Council held on 14 December 2021 be confirmed as a true and correct record of the meeting.

CARRIED 6/0

9. REPORTS OF OFFICERS

9.1 GOVERNANCE AND CORPORATE SERVICES

9.1.1 LIST OF PAYMENTS AUTHORISED UNDER DELEGATION 1.31

REPORT DATE: 10 February 2022

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

4/22 Moved Cr Gilbert, seconded Cr Hamilton that Council notes and endorses the Payments from the Municipal and Trust Funds made under delegation 1.31

December 2021

Municipal Fund	Cheques 62511 to 62513	\$2,753.69
	EFT 26401 to 26606	\$752,984.35
	Direct Debits 13510.1 to 14260.13	\$69,921.64
	(DD14261.1) Credit Card 03/11/21 to 02/12/21	\$5,765.78
		\$831,425.46
Trust Fund	Cheques 5584 to 5586	\$1,288.15
		Subtotal \$832,713.61
Net Pays	PPE 08/12/21	\$117,408.40
	PPE 22/12/21	\$114,039.16
		\$231,447.56
		Total <u>\$1,066,489.04</u>

January 2022

Municipal Fund	Cheques 62514 to 62515	\$2,704.00
	EFT 26607 to 26692	\$325,705.58
	Direct Debits 14257.1 to 14336.22	\$101,081.46
	(DD14350.1) Credit Card 03/12/21 to 04/01/22	\$2,837.78
		\$432,328.82
Trust Fund	Cheques 5587 to 5588	\$61.65
		Subtotal \$432,390.47
Net Pays	PPE 04/01/22	\$95,876.51
	PPE 19/01/22	\$114,922.89
		\$219,058.50
		Total <u>\$651,448.97</u>

CARRIED 6/0

9.1.2 STATEMENT OF FINANCIAL ACTIVITY FOR PERIOD ENDED 31 DECEMBER 2021

REPORT DATE: 10 February 2022

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 December 2021

PURPOSE OF REPORT:

To receive and endorse the Statement of Financial Activity for the period ended 31 December 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

5/22 *Moved Cr Gilbert, seconded Cr Errington that Council endorses the Statement of Financial Activity for the period ended 31 December 2021.*

CARRIED 6/0

9.1.3 STATEMENT OF FINANCIAL ACTIVITY FOR PERIOD ENDED 31 JANUARY 2022

REPORT DATE: 10 February 2022

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Martin Whitely, Financial Consultant (LG Corporate Solutions)

ATTACHMENTS: Statement of Financial Activity for the Period Ended 31 January 2022

PURPOSE OF REPORT:

To receive and endorse the Statement of Financial Activity for the period ended 31 January 2022.

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

6/22 Moved Cr Hamilton, seconded Cr Errington that Council endorses the Statement of Financial Activity for the period ended 31 January 2022.

CARRIED 6/0

9.1.4 ELECTRONIC MEETINGS - PROCEDURES AND PROTOCOLS

FILE REFERENCE: EM/COAI

REPORT DATE: 11 February 2022

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:

To advise Council of procedures and protocols, during the COVID-19 pandemic, to facilitate an electronic meeting of Council, and Committees of the Shire should the need to meet electronically be required.

BACKGROUND:

There are several methods whereby Council Members may participate electronically at Council and Committee meetings:

- remote attendance where a Council Member:
 - is more than 150kms away from the place of the meeting
 - is in a recognised townsite, within WA
 - will not attend more than 50% of the meetings in a year by that means (unless disabled)
 - has approval from Council, by absolute majority, to do so
- electronic attendance, after a natural disaster where a Council Member:
 - is preventing from physically attending the meeting
 - has the approval of the Mayor/President, or Council
- electronic attendance, in public health emergency or state of emergency, where:
 - part or all the district is affected by a public health emergency or a state of emergency
 - has the approval of the Mayor/President, or Council

This report focuses on the preconditions, and processes for an electronic meeting.

COMMENT:

Reg 14D of the Local Government (Administration) Regulations permit various meetings to be conducted entirely electronically:

- an Ordinary meeting of the council; or
- a Special meeting of the council; or
- a meeting of a committee of the council; or
- a meeting of an Audit committee of a local government.

but only with the precondition that:

- a public health emergency or a state of emergency exists in the whole or a part of the area of the district of a local government; and
- because of the public health emergency or state of emergency, the mayor, president, or council considers it appropriate for the meeting to be held by electronic means; or
- a direction is issued under the Public Health Act 2016 or the Emergency Management Act 2005 that prevents the meeting from being held in person; and
- the mayor, president or council authorises the meeting to be held by electronic means.

Currently in WA there are both a General State of Emergency and a Public Health State of Emergency, as declared by the WA Government, (although either, or both could be lifted at any time).

The CEO recommends that Council endorse a contingent plan to move to electronic meetings.

The Shire must comply with a direction under the Public Health Act 2016 or the Emergency Management Act 2005 to move to electronic meetings, otherwise it is a decision for the President, or Council to make.

If the pandemic worsens, and it is not appropriate for Council to meet in person, it may not be possible to convene a Council meeting to authorise electronic meetings. In such a situation the Shire President has the authority to do so.

If the President determines to conduct a Council meeting by electronic means, the CEO must be consulted before a decision is made.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

LG (Administration) Regs 14A, 14B, 14C and 14D

STRATEGIC IMPLICATIONS:

Outcome 5.2: Community leadership is encouraged and supported.

Strategy 5.2.2: Ensure there is transparency in all the activities of the elected members of council.

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 in relation to this item.

VOTING REQUIREMENTS:

Simple Majority Required

COUNCIL RESOLUTION

7/22 Moved Cr Clydesdale-Gebert, seconded Cr Bryan that

- 1. Council note the provisions of the relevant legislation regarding convening Council, and Committee meetings by electronic means (in addition to other forms of participation) during a Public Health or General State of Emergency.**
- 2. Council note the Shire President's responsibility to be able to convene Council meetings by electronic means, after consulting with the CEO.**
- 3. the CEO ensure that all Council Members, and executive employees have access to suitable telecommunications equipment to be able to fully participate in any electronic meetings.**

CARRIED 6/0

9.1.5 POLICY MANUAL – SECTION 12 PURCHASING & TENDER POLICY

FILE REFERENCE: PL/POPI-2
REPORT DATE: 11 February 2022
APPLICANT/PROPONENT: Shire of Moora
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: Nil
AUTHOR: Alan Leeson, Chief Executive Officer
ATTACHMENTS: Policy Manual Section 12 – Purchasing & Tender Policy
(Purchase Order Authorisation)

PURPOSE OF REPORT:

This report recommends that Council endorse some minor changes to the purchasing and tender policy. As per attached policy, changes are highlighted in red text. In context it is adding in the Acting Manager of Engineering Services, Keith Dickerson and Manager Corporate Services, Emily Hanson.

BACKGROUND:

Legislative changes implemented in response to the COVID-19 pandemic have now been in place for over 12 months with changes to the Local Government (Functions & General) Regulations 1996 in relation to tenders. The tender threshold was increased from \$150,000 to \$250,000 and tenders do not need to be publicly invited where the supply of the goods or services is associated with a state of emergency.

COMMENT:

Nil

POLICY REQUIREMENTS:

Policy Manual – Section 12 Purchasing & Tender Policy (Purchase Order Authorisation Procedure)

LEGISLATIVE REQUIREMENTS:**Local Government (Functions & General) Regulations 1996****11A – Purchasing Policies for Local Government's**

- (1) A local government is to prepare or adopt, and is to implement, a purchasing policy in relation to contracts for other persons to supply goods or services where the consideration under the contract is, or is expected to be, \$250 000 or less or worth \$250 000 or less.
- (2) A purchasing policy is to make provision for and in respect of the policy to be followed by the local government for, and in respect of, entering into contracts referred to in subregulation (1).
- (3) A purchasing policy must make provision in respect of —
 - (a) the form of quotations acceptable; and
 - (ba) the minimum number of oral quotations and written quotations that must be obtained; and
 - (b) the recording and retention of written information, or documents, in respect of —
 - (i) all quotations received; and
 - (ii) all purchases made.

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 subregulation (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.

STRATEGIC IMPLICATIONS:

There are no known significant Strategic Implications Associated with this item

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:

Nil

VOTING REQUIREMENTS

Simple Majority Required

COUNCIL RESOLUTION

8/22 Moved Cr Hamilton, seconded Cr Clydesdale-Gebert that Council approve the changes to the Shire of Moora Purchasing and Tender Policy Addendum, Purchase Order Authorisation as outlined in attachment number 9.1.5.

CARRIED 6/0

9.2 ENGINEERING SERVICES**9.2.1 BUDGET ITEM – BITUMEN RESEAL WORKS – 2021-2022**

FILE REFERENCE: L/TER1-3
REPORT DATE: 8 February 2022
APPLICANT/PROPONENT: Keith Dickerson, Acting Manager Engineering Services
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: N/A
AUTHOR: Keith Dickerson, Acting Manager Engineering Services
ATTACHMENTS: Bitumen reseal works Quotations

PURPOSE OF REPORT:

For Council to consider the RFQs received for bitumen reseal works.

BACKGROUND:

Council has agreed to re-allocate the 2021/22 Roads to Recovery Program of \$471,070.00 from the reconstruction work on Miling East Road to a resealing program, including sections of Railway, Bindi Bindi-Ballidu, Bindi Bindi-Toodyay and Miling East roads + Ranfurly Street.

COMMENT:

Council management decided to use the WALGA Preferred Supplier process to call for quotations for Bitumen Reseal works, four companies responded. Boral responded after the closing date and resulted in a Non-Compliant Quotation and was not considered, Fulton Hogan were unable to offer pricing due to their current workload, Downer Group offered a price of \$609,016.72 (ex GST) and Bitutek offered a price of \$493,319.30 (Ex GST).

The overall quoted price offered by Bitutek is \$22,249.30 over budget the budgeted allocation.

POLICY REQUIREMENTS:**Council Policy 9.12 – Purchasing and Procurement**

Adopted by Council 15th March 2000

The Shire is committed to maximising opportunities for the economic development of business and industry in the Shire of Moora.

The Shire has a responsibility to achieve value for money in its procurement of goods and services.

Value for money

Is an important consideration in the determining of contracts and purchasing of goods and services. Purchasing decisions will be based on the total cost of the product over its serviced life, considering factors such as quality, service standards, timely delivery, local back up, benefits and risk.

Suppliers within the Shire can actively seek business with the Shire of Moora by:

- Actively promoting goods and services to the Shire of Moora
- Offering competitive prices, the first time
- Supplying quality goods and services
- Seeking information about proposed purchases to be made by the Shire of Moora.

Where practical, the Shire of Moora shall seek to support business and industry with the shire. The Shire of Moora will ensure that business and industry within the shire have every opportunity to bid for and where competitive, supply the required needs. As part of considering the value for money decisions, the benefits of purchasing goods and services for local suppliers shall be considered.

In considering value for money decision, the following considerations will be included when analysing purchasing from local business and industry:

- Local Government Act 1995 tender regulations
- National Competition Policy principles
- Trade Practises Act
- The social and economic impact of major contract decisions on local business
- Possible flow on effect to local businesses
- The potential for local product demonstrations and references, which consequently reduced risk in the decision-making process
- More convenient communications and liaison
- Local backup, spare parts, warranty and quality and cost of servicing
- Ability of local business to the Shire, thereby increasing economic activity
- Conformity with tender bid requirements
- Ability to meet the Shire of Moora's needs

The Shire of Moora will support and assist local business and industry by:

- Recognising the benefits of purchasing from local business and industry
- Where requested, provide feedback to unsuccessful tenderers highlighting how bids can be improved to be more competitive.

In terms of Councils existing policy, the most relevant and critical reference at this juncture is; **“The Shire has a responsibility to achieve value for money in its procurement of goods and services.”**

LEGISLATIVE REQUIREMENTS:

Local Government Act 1995.

STRATEGIC IMPLICATIONS:

Strategically, the appropriate resourcing of contract bitumen resealing work should be a priority of Council on an annual basis.

In a general sense Council should undertake a closer examination of its Road Network and implement a suitable reseal program to prolong the life of sealed roads.

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 required road resealing, however with a program in place this can be better managed.

SUSTAINABILITY IMPLICATIONS:

- **Environment**
There are no known significant environmental implications associated with this proposal.
- **Economic**
The resealing program enables the Shire to maintain and preserve a high standard road network on key strategic roads throughout the Shire of Moora. This in turn is of significant economic benefit to various stakeholders and roads users across the Shire Road network.
- **Social**
There are no known significant social implications associated with this proposal.

FINANCIAL IMPLICATIONS:

Council has agreed to reallocate the Roads to Recovery funds of \$471,070.00 from Miling East Road to the resealing sections of Railway, Bindi Bindi-Ballidu, Bindi Bindi-Toodyay and Miling East roads + Ranfurly Street. Management have recommended the additional \$22,249.30 required to complete the 2021-2022 Road to Recovery Program be funded from Shire Municipal Funds

VOTING REQUIREMENTS

Absolute Majority Required

COUNCIL RESOLUTION

- 9/22** *Moved Cr Gilbert, seconded Cr Hamilton that Council accept the quotation from Bitutek for the resealing of sections of Railway Road, Bindi Bindi-Ballidu Road, Bindi Bindi-Toodyay Road, Miling East Road and Ranfurly Street at a cost of \$493,319.30 (ex GST), further that the Shire of Moora 2021-2022 budget be amended accordingly.*

CARRIED BY ABSOLUTE MAJORITY 6/0

9.3 **DEVELOPMENT SERVICES**

At 5.48pm Cr Lefroy declared a financial interest in item 9.3.1 as she is a shareholder and member of CBH; Cr Hamilton declared a proximity, indirect financial and impartiality interest in item 9.3.1 as she is a shareholder and leases land adjacent to the storage facility in question, and both left the meeting.

Deputy President, Cr Gilbert assumed the chair.

9.3.1 **REQUEST TO AMEND PREVIOUS DEVELOPMENT APPROVAL – PROPOSED UPGRADES AND ADDITIONS TO CBH’S EXISTING GRAIN HANDLING AND STORAGE FACILITIES ON LOTS 250 & 4300 WHEATBIN ROAD, MOORA**

FILE REFERENCE: TP/PA22/1819

REPORT DATE: 10 February 2022

APPLICANT/PROPONENT: Cooperative Bulk Handling Limited (Landowner)

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES:

- i) Council Resolution No.136/19 dated 16 October 2019 (Conditional Approval); and
- ii) Council Resolution No.15/20 dated 19 February 2020 (Amendments to Conditional Approval granted on 16 October 2019).

AUTHOR/S: Mr Joe Douglas, Town Planning Consultant and Alan Leeson, Chief Executive Officer

ATTACHMENTS: CBH advice note (under separate cover)

PURPOSE OF REPORT:

Consideration and final determination of a written request from Cooperative Bulk Handling Limited (CBH) to again amend Condition 8 of a development approval issued by Council in February 2020 as it applies specifically to the proposed upgrades and additions to Cooperative Bulk Handling Limited’s (CBH’s) existing grain handling and storage facilities on Lots 250 & 4300 Wheatbin Road, Moora that was originally approved by Council in October 2019.

BACKGROUND:

In accordance with the rights afforded by clause 77(1) of the Deemed Provisions in Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, CBH has written to the Shire’s CEO asking that Council again amend Condition 8 of a development approval issued by Council in February 2020 for a number of proposed upgrades and additions to its existing grain handling and storage facilities on Lots 250 & 4300 Wheatbin Road, Moora.

Condition 8 of the original development approval issued by Council in October 2019 required CBH to realign Wheatbin Road at its intersection with Midlands Road at CBH’s own cost in accordance with the approved engineering design drawings and specifications by no later than **31 January 2020** unless otherwise approved by Council.

In February 2020 Council considered a further application from CBH to remove Condition 8 from the approval in its entirety. Council did not to support CBH’s request and instead resolved to amend Condition 8 of the approval to read as follows:

*Wheatbin Road shall be realigned at its intersection with Midlands Road in accordance with the approved engineering design drawings and specifications by no later than **31 October 2020** unless otherwise approved by Council. The applicant / landowner shall make a 50% contribution to the required intersection realignment and any associated upgrade works with the Shire of Moora to also*

pay a 50% contribution up to a maximum amount of \$60,000 excluding GST based on the total estimated cost of \$120,000 excluding GST unless otherwise approved by Council.

CBH have provided the following overview in relation to the current status of proposed intersection upgrades. There have been delays in finalising the overall intersection design which has only recently been completed to the 85% status, which is a general benchmark which triggers further action by relevant stakeholders. Detailed hereunder is the email from CBH Manager of Governance and Industry Relations, Mr Rob Dickie, dated 11 February 2022. Further information associated with and supporting Mr Dickie's email is circulated under separate cover:

From: Dickie, Rob <Rob.Dickie@cbh.com.au>
Sent: Friday, 11 February 2022 4:31 PM
To: Alan Leeson <ceo@moora.wa.gov.au>
Cc: Planning Approvals <PlanningApprovals@cbh.com.au>; Ashworth, Bradley <Bradley.Ashworth@cbh.com.au>
Subject: Summary of the status of the Moora intersection redesign project, and request for discussion on timeframe for delivery.

Good afternoon Alan,

Further to our discussions, CBH would like to withdraw its request to Council for an extension of the delivery date for the Moora Wheatbin Rd / Midlands Rd intersection upgrade out to July 2023. CBH makes this request on the basis that it is clear, now that the scale of the project for intersection redesign is clearer, including the need to negotiate land acquisitions with 4 different landowners, on 5 lots, that the previously recommended extension date is no longer achievable.

I have set out a summary of the key issues including the land acquisitions required; the key risks; and a potential timeframe for delivery in the attached document. In this document you will find some notes on the details of the project including the timeframe that we now estimate this project to take, and the challenges that we will be working through as we progress the intersection redesign.

CBH makes the following request of the Shire of Moora:

- **CBH would like to engage with you on a revised timeframe for the delivery of the intersection upgrade, noting the challenges identified in this summary;**
- **Ask to what extent can the Shire assist CBH in regard to land acquisition of all parcels to speed up the process of the intersection delivery; and**
- **Confirm whether the Shire have a vesting order for parcel 3 in the diagram in my attachment.**

CBH are willing to meet with you to discuss this matter with the Shire as required.

Kind Regards

Rob Dickie

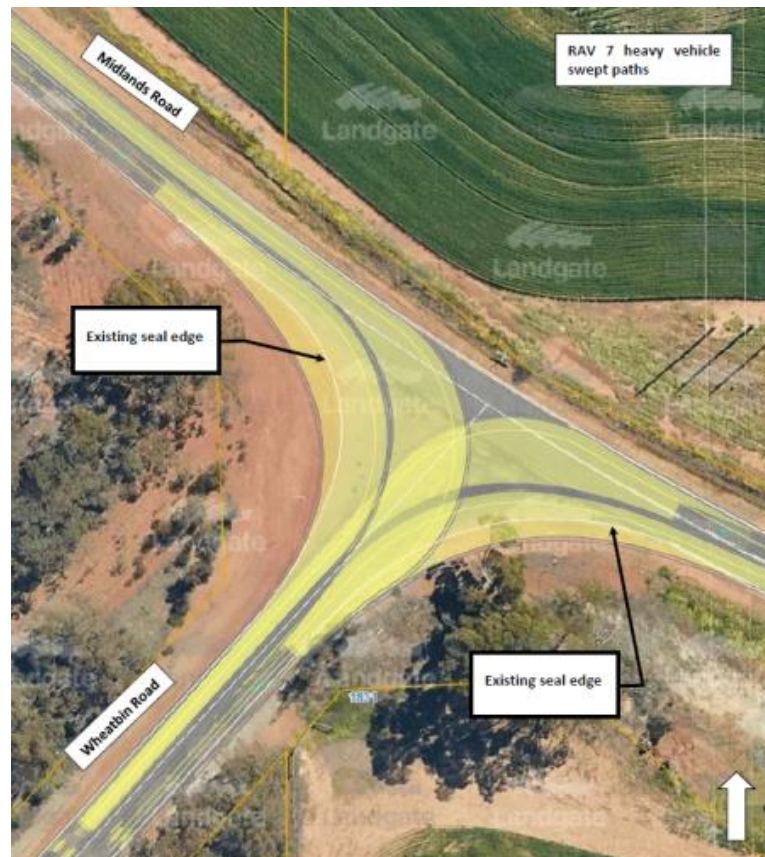
Manager – Government & Industry Relations

Rob.Dickie@cbh.com.au

T (08) 9416 6313 | M 0447 677 887



As Council is aware, the Traffic Impact Assessment submitted in support of the original development application recommended the realignment of Wheatbin Road slightly to the north, including pavement and seal widening in the turning areas on Wheatbin Road, to cater for lane correct RAV 7 turning movements and prevent loose gravel from being swept onto Midlands Road.



Swept Path Analysis Plan (Source: 2019 Traffic Impact Statement by Roadswest Engineering)

This recommendation was fully supported by Main Roads WA and Council and reflected in the conditions of development approval which were the subject of further discussion and negotiation with CBH regarding timeframes and costs.

COMMENT:

Discussions with Main Roads WA have indicated there has been little communication with CBH and its consultants regarding the road upgrade project over the past 12 to 18 months.

In light of the above, it could be argued CBH have not made every endeavour to satisfy the requirements of Condition 8 as it was legally obliged to do and therefore legal action is available to Council should it decide to pursue such in a court of competent jurisdiction.

It must however be acknowledged CBH is an important player in the local economy and maintaining a good working relationship with the organisation is critical to achieving good outcomes for local growers and the community more broadly. As such, the initiation of costly and time-consuming legal proceedings by the Shire and the possible imposition of a hefty fine by a court of competent jurisdiction is not going to benefit anyone and could in fact undermine future discussions and negotiations between the parties.

In the interests of maintaining the current good working relationship the Shire has with CBH and achieving beneficial outcomes for all stakeholders without wasting valuable time and resources, it is recommended that Council:

- i) not pursue legal action for non-compliance with Condition 8 of the relevant development approval at this point in time despite there being a clear case for doing so;
- ii) support CBH's request to extend the timeframe within which the proposed road upgrade works are required to be completed; and
- iii) authorise the Shire's CEO to arrange a meeting with CBH, its consultant engineers McDowell Affleck and Main Roads WA to discuss the suitability of the engineering design work undertaken to date, whether the claims being made by CBH regarding the nature and extent of the proposed works are in fact correct, and what alternative options may be available to ensure the road upgrade works are completed as soon as practicably possible to do so.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

- Planning and Development Act 2005
- Planning and Development (Local Planning Schemes) Regulations 2015
- Shire of Moora Local Planning Scheme No.4

STRATEGIC IMPLICATIONS:

Shire of Moora Strategic Community Plan 2018-2028

SUSTAINABILITY IMPLICATIONS:

➤ **Environment**
Nil

➤ **Economic**
Nil

➤ **Social**
Nil

FINANCIAL IMPLICATIONS:

There are no immediate financial implications arising from CBH's request to extend the timeframe within which the required road upgrade works are required to be completed, aside from the administrative costs associated with processing the request which will be covered by the general allowance already made for town planning services in Council's annual budget for the 2021/22 financial year.

It is understood Council has also made allowance in its current budget to pay a 50% contribution up to a maximum amount of \$60,000 excluding GST for the required road upgrade works based on a previous total estimated project cost of \$120,000 excluding GST unless otherwise approved by Council.

VOTING REQUIREMENTS:

Simple Majority Required

COUNCIL RESOLUTION

10/22 Moved Cr Bryan, seconded Cr Clydesdale-Gebert that Council:

- i) Formally note the correspondence and advice of Cooperative Bulk Handling Limited dated 11 February 2022, that:**
 - a. at this time, CBH's is non-compliant with Condition 8 of the development approval granted in February 2020 concerning the company's existing grain handling and storage facilities on Lots 250 & 4300 Wheatbin Road, Moora;**
 - b. CBH has identified significant delays and complexity in bringing this project to completion; and**
 - c. CBH has requested an extension of time consistent with the parameters of condition (ii) detailed hereunder.**
- ii) Formally delegate to the Chief Executive Officer, authority to work with Cooperative Bulk Handling, Main Roads WA and other relevant stakeholders to finalise an acceptable intersection improvement strategy and design solution with a view to having the subject intersection upgraded as soon as practicably possible;**
- iii) Delegate to the Chief Executive Officer, authority to work with Cooperative Bulk Handling Limited and Main Roads WA to ensure there are adequate Traffic Safety Control measures in place on Midlands Road in the interim period whilst the upgrade to the subject intersection is finalised – (minimum requirement of variable message boards on approach to the subject intersection during the months of October, November, December and January or otherwise defined as active seasonal harvest activity/period); and**
- iv) Cooperative Bulk Handling Limited be required to submit quarterly status reports to the Chief Executive Officer commencing March 2022 for presentation to and consideration by Council regarding progress of meeting the requirements of Condition 8 of the development approval granted in February 2020.**

CARRIED 4/0

At 5.56pm Cr Lefroy and Cr Hamilton rejoined the meeting.

The Deputy President advised the resolution of Council, and the Shire President resumed the chair.

10. REPORTS OF COMMITTEES**GENERAL PURPOSE COMMITTEE MEETING – 2 FEBRUARY 2022****PROCEDURAL MOTION**

11/22 Moved Cr Bryan, seconded Cr Clydesdale-Gebert that Council closes the meeting to members of the public to discuss item 10.1 behind closed doors pursuant to Section 5.23 (2) (c)(e) of the Local Government Act 1995.

CARRIED 6/0

At 5.57pm Martin Whitely left the meeting and the meeting moved behind closed doors.

10.1 MOORA EARLY CHILDHOOD DEVELOPMENT CENTRE – ENGAGEMENT OF CONTRACTORS

FILE REFERENCE: B/CDCI

REPORT DATE: 31 January 2022

APPLICANTS/PROPONENT: Shire of Moora

OFFICER DISCLOSURE OF INTEREST: N/A

PREVIOUS MEETING REFERENCES: 18/8/2021 (85/21) 25/11/2020 (Res. 152/20)

AUTHOR: Gavin Robins, Deputy Chief Executive Officer

ATTACHMENTS: Nil

PURPOSE:

To recommend the appointment of contractors for the construction of the Moora Early Childhood Development Centre (the Centre).

BACKGROUND:

The Shire has secured substantial Commonwealth Government funding that is being applied to the establishment of a regional early childhood development centre. Matthews and Scavelli, Architects were appointed at Councils 18 August 2021 meeting, to undertake the role of architects and project managers for the construction of the Centre. Preliminary design and consultation have advanced to a level of specificity that warrants the formal engagement of a building contractor to refine the final design and initiate construction. This paper recommends the appointment of a construction company to formalise the final building design and undertake its construction.

COMMENT:

The Shire consulted with WALGA regarding the procurement of a construction company to undertake the final design and construction of the Centre. Previous advice regarding the tightening construction market has been confirmed and the more competitive conditions have significantly impacted the Expression of Interest (EOI) process.

A panel of nine construction companies having

- recognised standing in the design and construction of early childhood development and learning centres
- experience in modular building and construction,
- established relationships with architect and project managers who themselves have modular building experience

- ability to:
 - i. Demonstrate recent construction of childcare / disability / aged care facilities
 - ii. Capacity to work towards completion of detailed design by Feb–March 2022
 - iii. Capacity to achieve completion of project documentation by March–April 2022
 - iv. Capacity to undertake construction during May–June 2022
 - v. Capacity to locate buildings on site in July 2022

was assembled and invited to submit an expression of interest to undertake the final design and construction of the Centre.

The panel of construction companies invited to respond to the Expression of Interest invitation is provided under separate cover.

The Expression of Interest invitation was based on the following documents:

- Request for Tender
- Scope of Works
- Design and Specifications Brief
- Government of South Australia *Early Childhood Development (Birth to Age 8) Design Standards and Guidelines 2019*.

Issues

The response from invitees was limited, with commentary and questioning highlighting

- the very tight characteristics of the current construction market and expected further deterioration of conditions prior to any easing of the market;
- conditions of contract, contract margins, availability of finance, shortage of labour and constrained supply chains are factors of concern;
- adverse market conditions have increased risks to contractor profitability and breaches due to potential penalties arising from solvency, delays, and unpredictable conditions in the labour market and supply chains;
- the Shire's loading of accountability and liability elements onto consultants and contractors; and
- prevailing contractor project commitments, funding and margin risk.

The initial project budget was expected to be in the range of \$2M-\$2.1M. Current construction sector advice suggests cost increases of up to 20% should be expected. The project schedule remains within the planned time frame of August 2021 through to the end of December 2022. The finalisation of the design and project construction plan will confirm the expected project budget and completion date.

POLICY REQUIREMENTS:

This proposal is consistent with Council's policy of maximising the use of its real property assets, building a vibrant sustainable community and delivering high quality services within the community.

LEGISLATIVE REQUIREMENTS:

There are no known legislative requirements related to this item at this time.

STRATEGIC IMPLICATIONS:

This proposal is consistent with Council's current strategic objectives.

SUSTAINABILITY IMPLICATIONS:

- **Environment**
There are no known significant environmental implications associated with this proposal.
- **Economic**
There are no significant economic implications beyond those previously noted, associated with this proposal at this time. Additional grant funding is being sought from government agencies and other bodies to offset the costs of this project.
- **Social**
There are no known significant social implications associated with this proposal.

FINANCIAL IMPLICATIONS:

The financial implications associated with this proposal primarily fall within the 2021/2022 and 2022/2023 budgets.

VOTING REQUIREMENTS

Simple Majority Required

COUNCIL RESOLUTION (COMMITTEE RECOMMENDATION)
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12/22 Moved Cr Gilbert, seconded Cr Hamilton that Council adopt the officer's recommendation, in accordance with the provisions of the Local Government Act 1995 Section 5.23 (2) (c) & (e).

CARRIED 6/0

COUNCIL RESOLUTION

13/22 Moved Cr Bryan, seconded Cr Clydesdale-Gebert that the meeting moves out from behind closed doors and reopens to the public.

CARRIED 6/0

At 5.59pm the meeting reopened to the public.

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 6.00pm.

CONFIRMED

PRESIDING MEMBER