

SHIRE OF MOORA
MINUTES OF THE ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS, MOORA
20 OCTOBER 2021

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- 11.1.1 List of Payments Authorised Under Delegation 1.31
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I. DECLARATION OF OPENING

The Chief Executive Officer officially declared the meeting open at 5.30pm welcomed the visitor and assumed the chair until the election of the President.

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. ELECTION OF PRESIDENT

The procedure for electing a President is set out in Schedule 2.3, Division 1, of the Local Government Act 1995. The election is to be conducted as the first matter at the first meeting of the Council following an ordinary election.

Nominations for the office are to be received in writing to the Chief Executive Officer before the meeting, or during the meeting before the close of nominations. Nominations close at the meeting at a time announced by the Chief Executive Officer.

Councillors are to vote on the matter by secret ballot as if they were electors voting at an election. The votes cast are to be counted, and the successful candidate determined in accordance with Schedule 4.1.

If two or more candidates receive the same number of votes, so that no candidate has the greatest number of votes, the count is to be discontinued and the meeting is to be adjourned for not more than seven days. Should this occur, it is intended to initially adjourn the meeting for ten minutes, and then resume the meeting. Any nomination for the office may be withdrawn, and further nominations may be made, before or when the meeting resumes. When the meeting resumes the councillors are to vote again.

The Chief Executive Officer is to declare and give notice of the result in accordance with regulation 11F of the Local Government (Constitution) Regulations 1998.

The Chief Executive Officer conducted an election for the position of Shire President for a term of two years.

The Chief Executive Officer advised that prior to the meeting he had received one written nomination for the position of Shire President from Cr Tracy Lefroy.

There being no further nominations the Chief Executive Officer closed the nominations and declared Cr Lefroy elected as Shire President for a term of two years expiring in October 2023.

SWEARING IN OF PRESIDENT

Section 2.29 of the Local Government Act 1995 requires a person who has been elected as the Shire President to make a declaration in the prescribed form before acting in the office. The declaration is to be made before a person before whom a statutory declaration can be made under the Oaths, Affidavits and Statutory Declarations Act 2005. Mrs Cynthia McMorran AM JP officiates for this purpose.

Cr Lefroy made the declaration required by Section 2.29 of the Local Government Act 1995 before Mrs Cynthia McMorran, AM JP.

Councillor Lefroy as Shire President assumed the chair, congratulated those Councillors re-elected and welcomed newly elected Councillor Bryan.

3. ELECTION OF DEPUTY PRESIDENT

The Deputy President needs to be elected from within Council for a two-year term, as the first course of business, with the appointment expiring at the October 2023 Ordinary Election.

Schedule 2.3, Division 2 of the Local Government Act 1995 sets out a procedure, which is essentially the same as that for electing the President. The election is to be conducted as the next matter following the election of the President, at the first meeting of the Council after an ordinary election.

The President will act as the Returning Officer for this election. Nominations for the office are to be received in writing to the President before the meeting, or during the meeting before the close of nominations. Nominations close at the meeting at a time announced by the President.

If, when the votes cast are counted, there is an equality of votes between two or more candidates who are the only candidates in, or remaining in, the count, the count is to be discontinued and, not more than seven days later, a Special meeting of the Council is to be held. Should this occur, it is intended that a Special meeting be held 10mins after the closure of this meeting. Any nomination for the office may be withdrawn and further nominations may be made, before or when the Special meeting is held. When the Special meeting is held, the Councillors are to vote again on the matter by secret ballot as if they were voting at an election.

The Shire President conducted an election for the position of Deputy President for a term of two years. She advised that the Chief Executive Officer had received a written nomination from Cr Gilbert prior to the meeting.

The Shire President called for any further nominations. There being no further nominations, the Shire President closed the nominations and declared Cr Gilbert elected as Deputy President for a term of two years expiring in October 2023.

SWEARING IN OF DEPUTY PRESIDENT

Section 2.29 of the Local Government Act 1995 requires a person who has been elected as the Deputy President to make a declaration in the prescribed form before acting in the office. The declaration is to be made before a person before whom a statutory declaration can be made under the Oaths, Affidavits and Statutory Declarations Act 2005. Mrs Cynthia McMorran AM JP officiates for this purpose.

Cr Gilbert made the declaration required by Section 2.29 of the Local Government Act 1995 before Mrs Cynthia McMorran, AM JP.

4. **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
AJ Leeson	-	Chief Executive Officer
G Robins	-	Deputy Chief Executive Officer
NM Beard	-	Manager Community Development & Visitor Servicing
MM Murray	-	Executive Support Officer (minute taker)

PUBLIC

Cynthia McMorran AM JP Shire Freeman

APOLOGIES

Cr Elect Tracey Errington

5. **RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil

6. **PUBLIC QUESTION TIME**

Cynthia McMorran

Advised that the Moora Performing Arts Centre needs to display signage on Padbury Street, Moora.

7. **PETITIONS / DELEGATIONS / PRESENTATIONS**

Nil

8. **APPLICATIONS FOR LEAVE OF ABSENCE**

Nil

9. **ANNOUNCEMENTS BY THE PRESIDING MEMBER**

The following Council associated engagements were attended:

Cr Lefroy, President

- 19/9 WA Local Government Mayors and President's forum, Perth
- 20/9 WA Local Government Conference, Perth
- 20/9 ABC radio interview re electoral reform
- 30/9 Meeting with Noongar Enterprise Development Support coordinator, Robert Miles
- 4/10 ICMI board meeting, Moora
- 19/10 Moora Residential College awards afternoon

Cr Seymour

- 19/9 WA Local Government Mayors and President's forum as State Councillor, Perth
- 19-21/9 WA Local Government Conference, Perth
- 1/10 WALGA Special Council meeting, Perth

Cr's Clydesdale-Gebert and Gilbert

- 19-21/9 WA Local Government Conference, Perth

10. **CONFIRMATION OF MINUTES**

10.1 **ORDINARY COUNCIL MEETING - 15 SEPTEMBER 2021**

COUNCIL RESOLUTION

99/21 Moved Cr Gilbert, seconded Cr Clydesdale-Gebert that the Minutes of the Ordinary Meeting of Council held on 15 September 2021 be confirmed as a true and correct record of the meeting.

CARRIED 6/0

11. **REPORTS OF OFFICERS**

11.1 **GOVERNANCE AND CORPORATE SERVICES**

11.1.1 **LIST OF PAYMENTS AUTHORISED UNDER DELEGATION 1.31**

REPORT DATE: 14 October 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

100/21 Moved Cr Gilbert, 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 62499 to 62501</i>	<i>\$5,607.47</i>
	<i>EFT 25963 to 26032</i>	<i>\$366,716.69</i>
	<i>Direct Debits 13996.1 to 14034.19</i>	<i>\$94,129.67</i>
	<i>(DD14051.1) Credit Card 03/08/21 to 02/09/21</i>	<i><u>\$7,210.33</u></i>
		<i>\$473,664.16</i>
<i>Trust Fund</i>	<i>Cheques 5569 to 5571</i>	<i><u>\$1,886.40</u></i>
		<i>Subtotal \$475,550.56</i>
<i>Net Pays</i>	<i>PPE 01/09/21</i>	<i>\$118,818.37</i>
	<i>PPE 15/09/21</i>	<i>\$108,998.26</i>
	<i>PPE 29/09/21</i>	<i><u>\$115,509.76</u></i>
		<i>\$343,326.39</i>
	<i>Total</i>	<i><u>\$818,876.95</u></i>

CARRIED 6/0

11.1.2 STATEMENT OF FINANCIAL ACTIVITY FOR PERIOD ENDED 30 SEPTEMBER 2021

REPORT DATE: 14 October 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 30 September 2021

PURPOSE OF REPORT:

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

101/21 Moved Cr Seymour, seconded Cr Hamilton that Council notes and receives the Statement of Financial Activity for the period ended 30 September 2021.

CARRIED 6/0

11.1.3 DELEGATED AUTHORITY – MOORA INDUSTRIAL PRECINCT (MELBOURNE/ WOOLAWA/ RANFURLY STREETS)

At 5.50pm Cr Clydesdale-Gebert declared an indirect financial interest in the item as she is a Director in Clean Grain Australia P/L t/as Harvest Clean and owns Lot 213 Melbourne Street and left the meeting.

FILE REFERENCE: ED/TS11-2

REPORT DATE: 14 October 2021

APPLICANTS/PROPONENT: Chief Executive Officer

OFFICER DISCLOSURE OF INTEREST: N/A

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Alan Leeson, Chief Executive Officer

ATTACHMENTS: Map of Land within precinct

PURPOSE OF REPORT:

For Council to delegate authority to the Chief Executive Officer to dispose of land within the Moora Industrial Precinct in accordance with defined parameters, specifically;

Lots 161 and 162 Melbourne Street;

Lots 165, 166, 167 and 168 Woolawa Street;

Lots 169, 170 and 171 Ranfurly Street.

BACKGROUND:

The described land is owned by Council on a freehold basis located within the Moora Industrial Precinct. From time-to-time expressions of interest to purchase the land are received at the Office of Council. This report recommends Council delegate authority to the Chief Executive Officer to transact sale of land in this precinct provided certain legislative requirements and conditions are met. and

COMMENT:

Council must dispose of land under Section 3.58 of the Local Government Act 1995. The methods of disposal are by way of Public Auction, Public Tender or by way of Private Treaty. This proposed delegation is framed on the basis of Council delegating authority to the Chief Executive Officer to dispose of land in accordance with the following parameters;

- Meeting requirements of Section 3.58 (3) of the Local Government Act 1995 (private treaty) – details hereunder;
- Prohibiting any disposal where the offer is less than 10% of the current market valuation;
- Limited to land where the market value of individual titles is less than \$75,000;
- Delegation must not be exercised by Chief Executive Officer where any public submissions are received after required statutory advertising of proposed disposition.

POLICY REQUIREMENTS:

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

LEGISLATIVE REQUIREMENTS:

Local Government Act 1995 - Section 3.58

3.58. Disposing of property

- (1) In this section —
dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not;
property includes the whole or any part of the interest of a local government in property but does not include money.
- (2) Except as stated in this section, a local government can only dispose of property to —
- (a) the highest bidder at public auction; or
 - (b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.
- (3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —
- (a) it gives local public notice of the proposed disposition —
 - (i) describing the property concerned; and
 - (ii) giving details of the proposed disposition; and
 - (iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;and
 - (b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.
- (4) The details of a proposed disposition that are required by subsection (3)(a)(ii) include —
- (a) the names of all other parties concerned; and
 - (b) the consideration to be received by the local government for the disposition; and
 - (c) the market value of the disposition —
 - (i) as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or
 - (ii) as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.

STRATEGIC IMPLICATIONS:**Outcome 4.1: A strong and diversified economic base.**

Strategy 4.1.4: Support new and existing local businesses and employment.

Strategy 4.1.5: Pursue the provision of serviced commercial, industrial and residential land.

SUSTAINABILITY IMPLICATIONS:

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

FINANCIAL IMPLICATIONS:

The only financial implications for Council in relation to this matter aside from revenue from sale, is the cost of conveyancing and advertising. Advertising costs would be met by the purchaser and conveyancing costs would be shared proportionately in accordance with normal conveyancing arrangements.

VOTING REQUIREMENTS

Absolute Majority Required

COUNCIL RESOLUTION

***102/21 Moved Cr Seymour, seconded Cr Gilbert that Council delegate authority to the Chief Executive Officer to dispose of land within the Moora Industrial Precinct in accordance with defined parameters, specifically;
Lots 161 and 162 Melbourne Street;
Lots 165, 166, 167 and 168 Woolawa Street;
Lots 169, 170 and 171 Ranfurly Street;***

In accordance with the following parameters/conditions;

- ***Meeting requirements of Section 3.58 (3) of the Local Government Act 1995 (private treaty);***
- ***Prohibiting any disposal where the offer is less than 10% of the current market valuation;***
- ***Limited to land where the market value of individual titles is less than \$75,000;***
- ***Delegation must not be exercised by Chief Executive Officer where any public submissions are received after required statutory advertising of proposed disposition.***

CARRIED BY ABSOLUTE MAJORITY 6/0

At 5.53pm Cr Clydesdale-Gebert rejoined the meeting and was advised of the Council decision.

11.1.4 STRATEGIC COMMUNITY PLAN – MAJOR REVIEW INITIATION

FILE REFERENCE: PD/STP1

REPORT DATE: 14 October 2021

APPLICANTS/PROPONENT: Chief Executive Officer

OFFICER DISCLOSURE OF INTEREST: N/A

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Alan Leeson, Chief Executive Officer

ATTACHMENTS: Existing Strategic Community Plan

PURPOSE OF REPORT:

For Council to approve the initiation of a major review of its Strategic Community Plan (2018-2028) and subsequent review of the current Corporate Business Plan (2019-2024).

BACKGROUND:

The Strategic Community Plan (SCP) 2018-2028 (previously approved May 2019) - is the overarching plan to guide the Shire over the next 10 years. The SCP is broad with a long-term focus and strong emphasis on the community's aspirations, priorities and vision for the future.

Reviewed in 2018, the SCP was initially formulated through a community consultation process which documented the Shire's community's priorities, aspirations and vision.

COMMENT:

Given significant recent intensive industry development adjoining the Shire of Moora, for example (Koojan Downs) and (Westpork) it is an opportune time to revisit the SCP and Corporate Business Plan (CBP – previously approved September 2019) and initiate a comprehensive review of both plans.

Currently the key priority and strategy areas within the existing 2018/2028 plan are grouped into five broad categories to inform the strategic direction of the Shire:

- Community
- Natural Environment
- Built Environment:
- Local Economy and Business
- Governance and Organisation

POLICY REQUIREMENTS:

Not applicable

LEGISLATIVE REQUIREMENTS:

The proposed review of the SCP fits within the Integrated Planning Framework set down by the State Government (Department of Local Government, Sport and Cultural Industries).

Integrated Planning and Reporting

Integrated planning and reporting gives local governments a framework for establishing local priorities and to link this information to operational functions.

Three major parties are involved in the development of an integrated plan: the local government administration, the Council and the community. Each party has a unique role

and responsibilities for effective and sustainable integrated planning and reporting, with the Local Government (Administration) Regulations 1996 requiring each local government to adopt a Strategic Community Plan and a Corporate Business Plan.

A successful integrated planning and reporting process will deliver the following outcomes:

- a Strategic Community Plan that clearly links the community's aspirations with the Council's vision and long term strategy
- a Corporate Business Plan that integrates resourcing plans and specific council plans with the Strategic Community Plan, and
- a clearly stated vision for the future viability of the local government area.

The Integrated Planning and Reporting Framework and Guidelines have been developed as part of the State Government's Local Government Reform Program. They reflect a nationally consistent approach to integrated planning as expressed by the Council of Australian Governments' Local Government Planning Ministers' Council.

The framework:

- recognises that planning for a local government is holistic in nature and driven by the community
- builds organisational and resource capability to meet community need
- optimises success by understanding the integration and interdependencies between the components, and
- emphasises performance monitoring so that local governments can adapt and respond to changes in community needs and the business environment.

The framework and guidelines provide a process to:

- ensure community input is explicitly and reliably generated
- provide the capacity for location-specific planning where appropriate
- update long term objectives with these inputs
- identify the resourcing required to deliver long-term objectives, and
- clearly convey long term financial implications and strategies.

Legislation

All local governments are currently required to produce a plan for the future under S5.56 (1) of the Local Government Act 1995. Regulations have been made under S5.56(2) of the Act to briefly outline the minimum requirements to achieve this.

The minimum requirement to meet the intent of the plan for the future is the development of a Strategic Community Plan and a Corporate Business Plan.

STRATEGIC IMPLICATIONS:

As outlined above.

SUSTAINABILITY IMPLICATIONS:

➤ **Environment**

There are no known direct environmental implications as a result of Council considering this report.

- **Economic**
There are no known direct economic implications as a result of Council considering this report.
- **Social**
There are no known direct social implications as a result of Council considering this report.

FINANCIAL IMPLICATIONS:

The author recommends Council call for expressions of interest from appropriately qualified and or experienced persons / companies to assist Council facilitate a major review of the SCP and BCP. The costs of this will not be known until Council receives expressions of interests and quotes. Included in Council's 2021/2022 budget is \$28,000 (ex GST) aligned to an Education Review / Programs. The author recommends these funds be re-purposed toward a review of Council's SCP and CBP.

VOTING REQUIREMENTS

Absolute Majority Required

COUNCIL RESOLUTION

103/21 Moved Cr Hamilton, seconded Cr Clydesdale-Gebert that Council initiates a major review of its Strategic Community Plan and Corporate Business Plan, further;

- ***the Chief Executive Officer call for Expressions of Interest from suitably qualified and experienced persons / companies to assist Council facilitate the major review in accordance with relevant legislative requirements and Integrated Planning and Reporting Framework.***
- ***Expressions of interests shall be presented to Council at its Ordinary meeting on 17 November 2021.***

CARRIED BY ABSOLUTE MAJORITY 6/0

11.1.5 PURCHASE OF ADDITIONAL MOSQUITO FOGGING MACHINE AND TRAILER

FILE REFERENCE: H/MQT1-2

REPORT DATE: 14 October 2021

APPLICANTS/PROPONENT: Chief Executive Officer

OFFICER DISCLOSURE OF INTEREST: N/A

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Alan Leeson, Chief Executive Officer

ATTACHMENTS: Nil

PURPOSE OF REPORT:

For Council approve the purchase of an additional mosquito fogging machine and trailer

BACKGROUND:

Currently Council has one operational mosquito fogging machine and trailer. This unit used by Shire Ranger. The report recommends that a second unit and trailer be purchased with a view to strengthening the capacity of the Shire to affect an effective mosquito fogging program across the Shire of Moora. The second unit will also lessen the burden on Shire Ranger.

COMMENT:

Over the past few months, the Shire has received a lot of phone calls from shire residents concerned about the prevalence of mosquitoes. It is expected these calls will only increase as we enter the warmer months with the amount of water lying around as a result of a reasonable wet winter.

POLICY REQUIREMENTS:

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

LEGISLATIVE REQUIREMENTS:

Local Government Act 1995

STRATEGIC IMPLICATIONS:

There are no known direct Strategic Implications associated with this matter.

SUSTAINABILITY IMPLICATIONS:

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

FINANCIAL IMPLICATIONS:

The cost of an additional fogging and trailer unit is anticipated to be in the range of \$17,000.
- Fogging machine \$13,500 (ex GST)
- Trailer \$3,500 (ex GST)

The CEO has been in discussion with a local licensed pest control contractor who could undertake fogging to assist in meeting the community demands for this service. The cost of this including travel and own vehicle is \$75 per hour (ex GST). Budgeting on approximately 200 hours this would equate to \$15,000 (ex GST). Additional chemical for the second unit will be in the vicinity of \$8,500 per annum.

VOTING REQUIREMENTS

Absolute Majority Required

COUNCIL RESOLUTION

104/21 Moved Cr Bryan, seconded Cr Hamilton that Council amends its 2021/2022 budget and include additional capital expenditure for the purchase of an additional fogging machine and trailer (capital cost \$17,000 ex GST) and an additional \$23,500 ex GST per annum for contractor and chemical costs.

CARRIED BY ABSOLUTE MAJORITY 6/0

12. REPORTS OF COMMITTEES

GENERAL PURPOSE COMMITTEE MEETING – 6 OCTOBER 2021

12.1 INDUSTRIAL AREA BLOCKS - MOORA

The CEO recently engaged an Independent Licensed Valuer to undertake a formal market valuation of industrial land blocks in Moora bounded by Woolawa/Melbourne and Ranfurly Streets.

Under section 3.58 of the Local Government Act 1995 Council has three ways it can legally dispose of land;

3.58. **Disposing of property**

- (1) In this section —
dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not;
property includes the whole or any part of the interest of a local government in property, but does not include money.
- (2) Except as stated in this section, a local government can only dispose of property to —
 - (a) the highest bidder at public auction; or
 - (b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.
- (3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —
 - (a) it gives local public notice of the proposed disposition —
 - (i) describing the property concerned; and
 - (ii) giving details of the proposed disposition; and
 - (iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;and
 - (b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.
- (4) The details of a proposed disposition that are required by subsection (3)(a)(ii) include —
 - (a) the names of all other parties concerned; and
 - (b) the consideration to be received by the local government for the disposition; and
 - (c) the market value of the disposition —
 - (i) as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or
 - (ii) as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.

The CEO sought direction from the Committee as to which method of disposal would be favoured.

COMMITTEE RECOMMENDATION

That Lot 169 Ranfurly Street, Moora be offered for sale on the basis of a Private Treaty.

Note: Council did not action the Committee recommendation given the authorised delegation instrument granted to the Chief Executive Officer as per Council minute number 102/21 at Item 11.1.3.

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

Nil

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

The Chief Executive Officer presented an item of urgent business which relates to Tenders for Councils Roads Programme titled;
'Request for Tender No. 01/2021 - Supply and Spray of Bitumen Products; Request for Tender No. 02/2021 - Supply and Delivery of Road Sealing Aggregate; and Request for Tender No. 03/2021 - Supply of Road Stabilisation Services' for Council consideration.

COUNCIL RESOLUTION

105/21 Moved Cr Bryan, seconded Cr Seymour that Council consider the item of urgent business provided by the Chief Executive Officer titled 'Request for Tender No. 01/2021 - Supply and Spray of Bitumen Products; Request for Tender No. 02/2021 - Supply and Delivery of Road Sealing Aggregate; and Request for Tender No. 03/2021 - Supply of Road Stabilisation Services'.

CARRIED 6/0

14.1 REQUEST FOR TENDER No. 01/2021 - SUPPLY AND SPRAY OF BITUMEN PRODUCTS;

REQUEST FOR TENDER No. 02/2021 - SUPPLY AND DELIVERY OF ROAD SEALING AGGREGATE;

REQUEST FOR TENDER No. 03/2021 - SUPPLY OF ROAD STABILISATION SERVICES

FILE REFERENCE: S/TER1

REPORT DATE: 19 October 2021

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Alan Leeson, Chief Executive Officer

ATTACHMENTS: Tenders received

PURPOSE OF REPORT:

Council calls tenders in accordance with the requirements of the Local Government Act and Regulations for the value of services over \$250,000.

BACKGROUND

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

Councils Regional Price Preference for locally produced goods and services will apply to all goods and services for which tenders are let, unless the Shire of Moora determines otherwise, and is to be:

Up to 10% when the contract is for goods and services, up to a maximum price reduction of \$50,000.

Up to 5% when the contract is for construction (building) services, up to a maximum price reduction of \$50,000.

Up to 10% when the contract is for goods and services, including construction (building) services, up to a maximum price reduction of \$500,000 if the local government is seeking tenders from the private sector for the provision of those goods and services for the first time. That is when a function is being outsourced by the Shire.

To undertake Councils Road sealing and road works programme, it is necessary to call tenders for the supply of aggregate (blue metal), bitumen and stabilisation services.

COMMENT

In summary tenders were called for the following quantities across the following roads;

- Watheroo West Road
- Carot Well Road
- Railway Road

- Miling North Road
- Miling West Road

Supply and Spray of Bitumen Products

Council will require approximately 410,000 litres of bitumen for the 2021-2022 road programme.

Road Sealing Aggregate

Council will require approximately 4,600 tonne of road sealing aggregate for the 2021-2022 road programme.

Supply of Road Stabilisation Services

Council will require approximately 153,000 m² of stabilisation services for the 2021-2022 road programme.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

Section 3.57 of the Local Government Act 1995

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

STRATEGIC IMPLICATIONS:

Outcome 3.3: A safe and reliable transport system.

Strategy 3.3.1: Enhance the transport infrastructure in the Shire. Council needs to continue with the upgrading and maintenance of their road network.

SUSTAINABILITY IMPLICATIONS:

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

FINANCIAL IMPLICATIONS:

The purchase of various services and products as per this item are within the budgeted allocations for the Shire's 2021-2022 Roadworks Programme, adopted on the 18th August 2021.

VOTING REQUIREMENTS

Simple Majority Required

COUNCIL RESOLUTION

106/21 Moved Cr Seymour, seconded Cr Gilbert that Council accepts

- 1. Tender RFT 01/2021 - received from Bitutek for the supply and spray of bitumen products, as per the attached rates;***
- 2. Tender RFT 02/2021 - received from BGC Transport for the supply and delivery of road sealing aggregate to nominated dumpsites as per the attached rates, by applying the Regional Price Preference reduction \$10,156 or 3.93%;***
- 3. Tender RFT 03/2021 - received from WCP Civil for the supply of road surface stabilisation services, as per the attached rates.***

CARRIED 6/0

15. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Nil

16. CLOSURE OF MEETING

There being no further business, the Shire President declared the meeting closed at 6.08pm.

CONFIRMED

PRESIDING MEMBER