



Ordinary Council Meeting Minutes

Date: 19 June 2013

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

The Shire of Moora Vision and Mission Statement

Vision

Our vision is that:

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

Mission

Our mission is:

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

SHIRE OF MOORA
MINUTES OF THE ORDINARY MEETING OF COUNCIL
HELD IN COUNCIL CHAMBERS, MOORA
19 JUNE 2013

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* Separate Attachments

- 9.1.1 *List of Payments Authorised Under Delegation 1.31*
- 9.1.2 *Statement of Financial Activity for Period Ended 30 April 2013*
- 9.1.3 *Attachment A – Draft Local Laws*
- 9.1.4 *Letter from DFES*
- 9.1.5 *Draft Occupational Safety & Health Policy*
- 10.1 *Draft 2013/14 Fees & Charges*

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

The Shire President declared the meeting open at 5.30pm.

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**

CE Gardiner	-	Shire President / Presiding Member
AR Tonkin	-	Deputy President
SA Bryan	-	Councillor
CD Hawkins	-	Councillor
DV Clydesdale-Gebert	-	Councillor
JW McLagan	-	Councillor
OC Cocking	-	Councillor
TG Humphry	-	Councillor
AJ Leeson	-	Chief Executive Officer
JL Greay	-	Manager Engineering Services
RL McCall	-	Manager Community & Economic Development
P Williams	-	Manager Development Services

APOLOGIES

R Keamy	-	Councillor
LJ Parola	-	Manager Finance & Corporate Services

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4. PUBLIC QUESTION TIME

Nil

5. PETITIONS AND PRESENTATIONS

Nil

6. APPLICATIONS FOR LEAVE OF ABSENCE

The Shire President advised that he had received a written request for leave of absence from Cr Keamy for the meetings of Council to be held in July & August 2013.

COUNCIL RESOLUTION

82/13 Moved Cr Hawkins, seconded Cr Cocking that Cr Keamy be granted leave of absence for the meetings of Council to be held in July and August 2013.

CARRIED 8/0

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER

14/6 Attended the Lions Changeover night where a 'Community Service Award' was awarded to the Shire of Moora. Cr Gardiner tabled the award.

Cr Hawkins

18/6 Attended the Local Health Advisory Group meeting

Cr Cocking

6/6 Attended the meeting with W & K Vanzetti to discuss the airstrip

14/6 Attended a meeting at the Cataby Abattoir with CEO

Cr Bryan

12/6 Community Resource Centre Committee meeting

18/6 Attended the Local Health Advisory Group meeting

19/6 Attended the St James Residential College Board meeting

Lin Bell is retiring after 29 years of service – all agreed that a letter of thanks and best wishes be written to Mrs Bell on behalf of the Shire of Moora.

Cr Tonkin

19/6 Attended the Moore Catchment Council meeting earlier today. Items discussed/raised were the threat of limited funding available to the group. Cr Tonkin also advised the Moore Catchment Council (MCC) has enough funding to go on for another 12 months. It may be that the MCC will be relocating their offices to the Department of Agriculture and Food building in Moora.

8. CONFIRMATION OF MINUTES

8.1 ORDINARY COUNCIL MEETING - 15 MAY 2013

COUNCIL RESOLUTION

83/13 Moved Cr Bryan, seconded Cr Hawkins that the Minutes of the Ordinary Meeting of Council held on 15 May 2013 be confirmed as a true and correct record of the meeting.

CARRIED 8/0

9. REPORTS OF OFFICERS

9.1 CORPORATE SERVICES

9.1.1 LIST OF PAYMENTS AUTHORISED UNDER DELEGATION 1.31

REPORT DATE: 12 June 2013

OFFICER DISCLOSURE OF INTEREST: Nil

AUTHOR: Rebecca Elliot, Finance Debtors Officer

ATTACHMENTS: Accounts Paid Under Delegated Authority

PURPOSE OF REPORT

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

BACKGROUND

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

COMMENT

Accounts Paid under delegated authority are periodically presented to Council.

POLICY REQUIREMENTS

Delegation 1.31 – Payments from Municipal and Trust Funds.

LEGISLATIVE REQUIREMENTS:

Local Government Act 1995 - Section 6.10

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

STRATEGIC IMPLICATIONS

There are no known strategic implications associated with this proposal.

SUSTAINABILITY IMPLICATIONS

➤ Environment

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

➤ Economic

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

➤ Social

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

FINANCIAL IMPLICATIONS

Payments are in accordance with the adopted budget.

VOTING REQUIREMENTS

Simple Majority Required

COUNCIL RESOLUTION

84/13 Moved Cr Cocking, seconded Cr Tonkin that Council notes and endorses the Payments from the Municipal and Trust Funds made under delegation 1.31

Municipal Fund	Cheques 61235 to 61279	\$50,661.71
	EFT 9754 to 9889	\$203,043.42
	Credit Card 16/04/13 to 15/05/13	\$6,370.01
	Net Pays – PPE 07/05/13	\$72,444.90
	Net Pays – PPE 21/05/13	\$75,655.62
	Net Pays – PPE 04.06.13	\$77,399.82
Trust Fund	Cheques 4861 to 4896	\$5,291.80
Total		<u>\$ 490,867.28</u>
		 <u>CARRIED</u> <u>8/0</u>

9.1.2 STATEMENT OF FINANCIAL ACTIVITY FOR PERIOD ENDED 31 MAY 2013

REPORT DATE: 13 June 2013

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Leanne Parola, Manager Finance & Corporate Services

ATTACHMENTS: Statement of Financial Activity for the Period Ended 31 May 2013

PURPOSE OF REPORT:

To note and receive the Statement of Financial Activity for the period ended 31 May 2013

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 2012/13 adopted budget.

VOTING REQUIREMENTS

Simple Majority Required

COUNCIL RESOLUTION

85/13 *Moved Cr Tonkin, seconded Cr Hawkins that Council notes and receives the Statement of Financial Activity for the period ended 31 May 2013.*

CARRIED 8/0

9.1.3 COMMENCEMENT OF THE ADOPTION OF SHIRE OF MOORA AMENDMENT LOCAL LAW 2013, HEALTH LOCAL LAW 2013, WASTE LOCAL LAW 2013, MEETING PROCEDURES LOCAL LAW 2013, FENCING LOCAL LAW 2013 & DOGS LOCAL LAW 2013

FILE REFERENCE: PL/LOLI

REPORT DATE: 14 November 2012

APPLICANT/PROPONENT: N/A

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: 15/2/2012 (9.1.5-6/12), 20/7/2011 (9.1.3-69/11)

AUTHOR: Consultant - Philip Swain

ATTACHMENTS: Attachment A – Draft Local Laws

PURPOSE OF REPORT:

The purpose of this report is for Council to commence, in accordance with the Local Government Act 1995 and other relevant Acts, local law adoption of new and amendment local laws for the Shire of Moora.

BACKGROUND:

The Shire of Moora's existing Local Laws were gazetted on various dates, dating back to 1944. Whilst the local laws made pursuant to the Local Government Act 1995 were made in the late 1990's. A review of the Shire of Moora Local Laws was commenced following the resolution of Council in July 2011. In February 2012, in relation to the review, Council resolved the following;

That Council:

1. *Receives the report of review in relation to the Shire of Moora local laws as advertised on 17 August 2011, and following the closure of the submission period on the 29 September 2011;*
2. *Resolves to retain the following local laws*
 - a) *Local Government Property Local Law*
 - b) *Cemeteries Local Law*
3. *Directs Administration to prepare the necessary amendments for the following local laws;*
 - a) *Local Government Property Local Law*
 - b) *Cemeteries Local Law*
4. *Directs Administration to prepare the necessary amendments to repeal for the following local laws;*
 - a) *Parking Bylaws*
 - b) *TV Masts and Antennae*
 - c) *Obstructing Animals and Vehicles Draft Model by-law No. 7*
 - d) *Stalls & Hawkers*
 - e) *Prevention of Damage to Streets – Draft Model by-law No 15*
 - f) *Bylaws Relating to Verandahs and Removal Thereof*
5. *Directs Administration to prepare draft local laws to replace the following existing local laws;*
 - a) *Fencing Local Law*
 - b) *Standing Orders Local Law*
 - c) *Dogs Local Law (Dog Act 1976)*
 - d) *Model By-Laws Series A (Health Act 1911)*
6. *Directs Administration to prepare a new draft Waste Local Law*

COMMENT:

In accordance with guidelines issued by the Western Australian Local Government Association (WALGA) the Shire's local laws should aim to satisfy the following objectives:

- a) the use of plain English in all local laws that they are easy to read and readily understandable to both the public and the members of Administration;
- b) relevance to the needs of the Shire of Moora;
- c) compliance with the *Local Government Act 1995 (WA)* and other legislation;
- d) deletion of legislative duplication;
- e) avoidance of legislative inconsistency between other local laws, State and Federal legislation;
- f) the creation of laws that are able to stand alone without the need to be cross-referenced.

Furthermore, all local laws are required to be consistent with the National Competition Policy and unless justified under the Public Benefit Test, should not contain provisions that restrict competition. Generally new local laws are adopted following models developed by the WALGA to minimise legal costs and the complications of the benefit tests.

The Shire needs to initiate the process of adoption for both the amendments and new local laws by giving local public and state-wide public notice and seeking comments on the proposed legislation.

Waste Local Law

Waste provisions now require adoption pursuant to the Waste Avoidance and Resource Recovery Act 2007. Hence, adoption of a Waste Local Law in accordance with the requirements of the Department of Environment and Conservation will be required. Administration has prepared a draft Waste Local Law for consultation, based on similar legislation, adopted by other local governments.

Health Local Law

The Shire has previously adopted various versions of the Model Bylaws series A, which were the basis of Health Act bylaws up until the early 1990's. Contemporary health local laws typically utilised by local governments were the result of a significant consolidation, led by the City of Perth, and undertaken by local governments in the late 1990's, to modernise health local laws. Many of the provisions serve to maintain basic sanitary conditions for dwellings, establishing maintenance standards and control community nuisance issues. Other provisions assist the City in the control of pests and certain noxious trades, as well as provision for the control of certain infectious diseases. Controls include the creation of offences with penalties and licensing and registration of activities such as offensive trades and lodging houses. At the February meeting Council resolved to repeal the historic model bylaws series A and adopt a new local law

The Department of Health has advised Local Governments that the current Act, (Health Act 1911), is likely to be repealed following the development of more modern public health legislation at some time in the future. Whilst the progress of a new Bill has been repeatedly delayed it has been highlighted in discussions with the Department, that many of the nuisance type provisions in the current Health Local Laws will not be adopted under the new Act. The new Act proposes different mechanisms for the implementation and enforcement of public health policy. Advice to date has confirmed that the various nuisance type provisions will most likely be adopted under the Local Government Act 1995, and that the various licensing and registration provisions will be protected under public health policies or be transferred to other legislation, such as the recently adopted Food Act. Irrespective of this it will be advantageous to the Shire to have adopted a contemporary health local law such that those provisions will be preserved under any transitional arrangements should the Bill be adopted.

Meeting Procedure Local Law

The draft meeting procedures local law is based on the WALGA Model, which has been subject to continuous improvement since the inception of the 1995 Act. The local laws address those matters not already dealt with under the Act and Regulations in relation to Committees, Council meeting procedures and the preparation of agendas and minutes. Once adopted the local law will be formatted including all the relevant Act and Regulation provisions to assist Councillors to comply with the relevant governance requirements at all times.

Dogs Local Law

The Draft Dogs Local Law is based on the WALGA model. This local law has not changed substantially over time. Other than affirming provisions relating to dangerous dogs and areas prohibited for dogs as well as exercise areas, there are no substantial changes to the Shire's existing local law.

Fencing Local Law

The draft Shire of Moora Fencing Local Law 2013 is based on a previous WALGA model, which has been used by a number of local governments to provide minimum standards for the construction of fencing within municipalities. Licensing provisions under the proposed

model are limited to dangerous fencing such as electric and razor wire fencing. It is proposed that the local law be adopted utilising the Shire of Murray Fencing Local Law 2012, adopted by reference. The local law is predominantly design and construction standards for fencing that have been uniformly applied in most circumstances throughout the state.

Amendment Local Law

An amendment local law has been prepared, to undertake repeal of a number of antiquated provisions that are currently empowered within the Shire of Moora. Additionally, minor alterations and changes of local laws relating to Cemeteries and Local Government Property are contained within the amendment local law.

The local government property local law amendments are limited to the updating of the modified penalties while the Cemeteries Local Law requires a series of amendments to rectify the previous adoption of a Model Local Law.

One matter raised in consultations with Council is the issue with respect to the plot tenure within the Moora Cemetery. Under the 1986 Cemeteries Act, the maximum guaranteed tenure on any given plot is 50 years although this can be extended for further 25 year periods at the discretion of the Shire. Under the revised 1986 Cemeteries Act, the new stipulated tenure of Grants was 25 years with an automatic option for Grant holders to purchase an additional 25 years either initially or at any time during the first 25 years. The discretion of all cemetery authorities in Western Australia to issue 50 or 99 year Grants was revoked. Extensions can only be in 25 year increments. So as to set a uniform expiry date for all Grants issued under the 1897 Act and provide Cemetery authorities with the ability to both manage their land holdings and have a known consistency of Grant expiry dates across their cemeteries, Parliament endorsed legislation stipulating that Grants of Rights of Burial issued prior to July 1 1987 that had not expired by July 2 2012 would, collectively, expire on July 2 2012. The Shire cannot legislate to vary these requirements as to do so would override the state Act, however, have the right to permit 25 year extensions of a plot during any 25 year term, at the agreement of the grant holder.

Council is therefore requested to resolve the commencement of adoption of the draft amendment local law, the various replacement local laws and a new waste local law for the Shire and give state-wide public and local notice of the same. The proposed local laws and amendments and copies of the report of the review and the draft amendment are to be made available upon request to members of the public.

POLICY REQUIREMENTS:

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

3.3 Local Laws

Originally adopted by Council on 20th May 1998.

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

1. That local law making powers be used sparingly and only after applying the following tests:-
 - Can Council achieve the objective without making a law?
 - Has Council the will and resources to enforce the law?
 - Will practical benefits result from the law?
2. That local laws be worded as simply as possible.

3. That where local laws are site specific, e.g. laws relating to the hall, a copy of the laws be posted, where feasible at the site concerned, or where not considered feasible by the CEO, that an abbreviated version be kept posted at the site stating:-
offences and penalties; and
that the full laws can be inspected at the Shire Office.
4. That where registration or licensing of an activity, premises or animal is required, the opportunity be taken to issue a leaflet advising of local laws associated with that activity, premises or keeping of that animal.
5. That the President consider making the exercise of the legislative powers by the local government a component of the President's annual report as a means of identifying district problems and steps Council is taking to combat these.

6.2 Verandah Posts

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

8.4 Fencing Property Adjoining Shire Land

8.14 Cemetery

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

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

LEGISLATIVE REQUIREMENTS:

It is a requirement of the Local Government Act that at a council meeting the person presiding is to give notice to the meeting of the purpose and effect of any proposed local law including any amendment. The Local Government (Functions and General) Regulations 1996 Part 1A-Local Laws, prescribe the following:

Notice of purpose and effect of proposed local law - s. 3.12(2)

For the purpose of section 3.12, the person presiding at a council meeting is to give notice of the purpose and effect of a local law by ensuring that -

- (a) *the purpose and effect of the proposed local law is included in the agenda for that meeting; and*
- (b) *the minutes of the meeting of the council include the purpose and effect of the proposed local law.*

The intended Purpose and Effect of the Shire of Moora Amendment Local Law 2013 are:

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

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

The intended Purpose and Effect of the Shire of Moora Fencing Local Law 2013 are:

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

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

The intended Purpose and Effect of the Shire of Moora Meeting Procedures Local Law 2013 are:

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

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

The intended Purpose and Effect of the Shire of Moora Dogs Local Law 2013 are:

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

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

The intended Purpose and Effect of the Shire of Moora Health Local Law 2013 are:

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

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

The intended Purpose and Effect of the Shire of Moora Waste Local Law 2013 are:

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

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

Where Council has determined that a local law should be adopted or amended, a local government is required give state-wide notice of the proposed local law. Submissions must be accepted for a period of six (6) weeks. The Council must consider any submissions made

before making or amending a local law. In some cases such as a, waste local law, health local Law or dogs local law

The adoption and amendment of the Shire of Moora Local Laws is both a legislative and consultative process.

STRATEGIC IMPLICATIONS:

The Shire of Moora Community Strategic Plan includes a Governance and management Goal, which the review will contribute to the compliance aspects of, viz;

Review and revise organisational policies and procedures

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:

Direct costs associated with this report will be limited to consultant fees to draft the local laws and reports. These costs will be borne via budgeted expenditure. Where a draft Amendment local laws and new local laws will attract additional advertising costs associated with the State-wide and local public notice of the same. Following the discussion period, and depending upon any submissions, further amendment review and legal advice may be incurred. Once the local law adoption has been finalised by Council, there will be gazettal costs in due course. Fees will be incurred for any gazettal.

VOTING REQUIREMENTS

Absolute Majority Required

COUNCIL RESOLUTION

86/13 Moved Cr Hawkins, seconded Cr Tonkin that Council directs Administration to give local public notice and state-wide public notice in accordance with section 3.12 of the Local Government Act 1995, seeking public comment for the following local laws contained in Attachment A;

- a. **the draft Shire of Moora Waste Local Law 2013 (Waste Avoidance & Resource Recovery Act 2007);**
- b. **the draft Shire of Moora Health Local Law 2013 (Health Act 1911);**
- c. **the draft Shire of Moora Meeting Procedures Local Law;**
- d. **the draft Shire of Moora Dogs Local Law 2013 (Dog Act 1976);**
- e. **the draft Shire of Moora Fencing Local Law 2013; and,**
- f. **the draft Shire of Moora Amendment Local Law 2013;**

subject to the Fencing Local Law being changed so there is no “adoption by reference” to the Shire of Murray.

CARRIED BY ABSOLUTE MAJORITY 6/2

9.1.4 DEPARTMENT OF FIRE AND EMERGENCY SERVICES (DFES) – OPTION TO TRANSFER LOCAL BUSH FIRE BRIGADES IMPACT ASSESSMENT

FILE REFERENCE: LO/FIE2-2
REPORT DATE: 13 June 2013
APPLICANTS/PROPONENT: Department of Fire & Emergency Services
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: Nil
AUTHOR: Alan Leeson, Chief Executive Officer
ATTACHMENTS: Letter from DFES

PURPOSE OF REPORT:

For Council to consider a request from DFES asking local governments across the state to consider the option for local governments to transfer the responsibility for bush fire brigade operations and administration to DFES.

BACKGROUND:

The Department of Fire and Emergency Services (DFES) has for a number of years been conducting a review of Emergency Services legislation.

The 2006 Community Development and Justice Standing Committee – Inquiry into Fire and Emergency Services Legislation, provided the following recommendations.

Recommendation 55

- *The emergency services legislation is to provide for FESA (now DFES) and local government to enter into an agreement for the purpose of local government transferring the following responsibilities to FESA on a permanent basis:*
 - *Emergency Incident Control;*
 - *Bushfire Brigade operations and administration;*
 - *The determination and administration of ESL (Emergency Services Levy), in relation to the capital and recurring costs associated with Bushfire Brigades.*

Recommendation 56

- *Such an agreement is only to be entered into if both FESA and the local government agree to terms and conditions.*

Recommendation 58

- *Any additional costs of transfer of Bushfire Brigades from local government to FESA, apart from those normally funded under the Emergency Services Levy, are to be borne by the State.*

As a result of the aforementioned Recommendations, DFES has corresponded to all local governments seeking a response in relation to the following question:

If future legislation provided the option for local governments to transfer the responsibility for bush fire brigade operations and administration to DFES, would your local government be likely to retain or transfer the responsibility?

This is a very open ended question and implies that DFES will take over full control of the local government bush fire brigade activities, including personnel, infrastructure and vehicles, etc.

The correspondence, dated 23 May 2013 and received on 28 May 2013, required a response by 10 June 2013. However the Chief Executive Officer contacted DFES via email and advised that a matter such as this will require Council consideration and a response will not be available until after the June 19 Council Meeting. DFES have acknowledged this.

COMMENT:

It should be noted that DFES already provides a great deal of assistance to local government with emergency services operations and functions such as provision of training (at no cost), and through the emergency services levy. Also DFES provides 70% of the funding for the Community Emergency Services Manager programs.

As a department DFES would need to be suitably resourced to meet the new proposed requirements and employ additional personnel to satisfactorily manage what is being proposed.

The proposal would have impact on the local volunteers as they would no longer be able to simply request certain activities and materials from the local Shire and all requests would need to go through the State Government bureaucracy process. Also volunteer training standards and requirements will be substantially upgraded to meet DFES requirements.

The proposal needs to be more carefully considered prior to Council being in a position to provide a response in the affirmative. Far more details are required in relation to:

- Actual impact on volunteers and their current operations, including brigade infrastructure and machinery etc.
- Greater detail, information, clarification and direction on what is actually being proposed and how it is proposed to work.

This type of information would enable Council to make a far more informed decision.

Whilst this type of proposal is already happening in other Australian States (ACT, New South Wales, Queensland, South Australia, Tasmania & Victoria) and will most probably eventually be introduced and accepted in Western Australia, the concept needs to be better researched and resourced prior to being afforded serious consideration.

POLICY REQUIREMENTS:

There are not any policies of Council that directly implicate this proposal.

LEGISLATIVE REQUIREMENTS:

Review of Emergency Services Legislation. To give some further context to the overall review the following is provided from the Volunteer Association of the State Emergency Service (SESVA);

REVIEW OF EMERGENCY SERVICES ACTS

As DFES have now extended the membership of the Inter-Agency Working Group (IWG) on the **review of the Emergency Services Acts to include the Volunteer Associations**, the dynamics of this group will change and at the same time the Volunteer Associations will be able to bring to the table a wealth of underpinning knowledge to assist the review process.

The purpose of the IWG is to provide a strategic oversight into the development of the Fire and Emergency legislation.

DFES have administrative responsibility in managing the following legislation, the Fire Brigades act of 1942, the Bush Fires act of 1954 and the Fire and Emergency Act of 1998. The Community Development Justices Standing

Committee 2006 recommended that the three Acts be amalgamated, however since that time much has changed in the environment and the review of legislation provides us the opportunity to look at not only the recommendations made in these various reviews but more practically in the way we do our business to ensure that we have legislation that assists us in doing our roles.

The terms of reference of the IWG are;

1. The means by which legislation adequately addresses prompt and coordinated organisation of fire and emergency management in the state;
2. The means by which adequate consultation in the development of the legislation has occurred;
3. The inter relations between the Acts and other legislation;
4. The strategic inter-operability of the various emergency service organisations within the State;
5. Risks associated with the development and implementation of the consolidated Act and how these will be addressed, and;
6. Any major issues that emerge that the IWG considers should be examined.

At the recent meeting of the IWG a number of matters were discussed and in particular;

1. The extension of the time for formal submissions which will assist in formulating the draft options paper will now be the end of April;
2. Provision of feedback from the road-show briefings to be shared so the Associations can get an understanding of the issues being raised at these sessions;
3. The importance of providing formal submissions on legislative requirements, or otherwise, by the end of April.

The State Emergency Service Volunteers Association will be making a submission based on feedback received so far. After the formal submissions have been received by DFES, a draft Options Paper will be developed and circulated for comment.

To assist the SES Volunteers, especially those that cannot access the DFES portal, the Association can provide a feedback sheet and guidance on making a submission.

Gordon Hall

SESVA Secretary and IWG Member

STRATEGIC IMPLICATIONS:

Strategically emergency services are critical to rural and regional communities and are run by "Volunteers". The main issue the author sees with the question from DFES and the proposed changes as the question is broadly framed, is the risk to volunteer structures in terms of turning out in the event of an emergency. Volunteers need to be able to identify with the volunteer organisation they are part of, and the fear would be that this would be put at risk with a ramping up of bureaucratic structures that are proposed to underpin the Bush Fire Brigades.

SUSTAINABILITY IMPLICATIONS:

- **Environment**
There are no known strategic implications with this proposal.
- **Economic**
There are no known economic implications with this item as presented.
- **Social**
Volunteering is a major part of the way of life in rural and regional communities. The proposal as framed in the view of the author would be detrimental to the social structures and benefits of volunteerism.

FINANCIAL IMPLICATIONS:

Without knowing the finer detail, there doesn't appear to be any direct financial implications for Council in considering this matter. However, it would be logical to conclude there would be an increase in the Emergency Services Levy if there were to be major changes to the structures of Bush Fire Brigades as proposed.

VOTING REQUIREMENTS

Simple Majority Required

COUNCIL RESOLUTION

87/13 Moved Cr Cocking, seconded Cr Tonkin that Council informs the Department of Fire and Emergency Services that it does not support “in principle” the proposal /option for local governments to transfer the responsibility for bush fire brigades operations and administration to Department of Fire and Emergency Services, based on the lack of detail provided and evidence of the potential impacts on local communities and local bush fire brigades, in particular the impact on volunteerism which is the life blood of rural and regional communities in terms of provision of emergency services and associated infrastructure.

CARRIED 8/0

9.1.5 OCCUPATIONAL SAFETY & HEALTH POLICY

FILE REFERENCE: HR/OCHI/1213

REPORT DATE: 13 June 2013

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Peter Williams, Manager Development Services

ATTACHMENTS: Draft Occupational Safety & Health Policy

PURPOSE OF REPORT:

Council is requested to adopt the Shire Occupational Safety & Health Policy that has been approved by the workforce to enable it to become part of the Occupational Safety & Health Fabric of Moora and the guidance of occupational safety in the Shire of Moora.

BACKGROUND:

The Shire currently has a Safety Policy but it does not meet the requirements of the Occupational Safety & Health Act 1984 which requires a safety policy to describe how the organisation is going to achieve an accident free workplace, how the organisation is going to ensure the safety of the workforce; someone in the organisation has to assume responsibility for Occupational Safety and that has to be shown in the policy usually in the signing of the Policy by the CEO and that the organisation will adhere to the legislation applicable to Occupational Safety including Australian Standards. The policy also needs to show that there is communication between management and the workforce.

COMMENT:

This policy will replace the current safety policy that is distributed to new inductees into the organisation. It meets all the necessary requirements of a safety policy under the Occupational Safety & Health Act.

POLICY REQUIREMENTS:

This policy will become part of the Occupational safety & Health Management Plan

LEGISLATIVE REQUIREMENTS:

This policy meets the requirements of the Occupational Safety & Health Act 1984 and the Occupational Safety and health Regulations 1996

STRATEGIC IMPLICATIONS:

There are no known strategic implications associated with this proposal.

SUSTAINABILITY IMPLICATIONS:**➤ Environment**

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

➤ Economic

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

➤ Social

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

FINANCIAL IMPLICATIONS:

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

VOTING REQUIREMENTS

Simple Majority Required

COUNCIL RESOLUTION

88/13 Moved Cr Bryan, seconded Cr McLagan that Council adopt the draft Occupational Safety & Health Policy and that it becomes the guidance of Occupational Safety within the Shire of Moora.

CARRIED 8/0

9.2 HEALTH, BUILDING & PLANNING SERVICES

9.2.1 ADOPTION OF ENVIRONMENTAL WASTE MANAGEMENT PLAN

FILE REFERENCE: H/WAMI/1

REPORT DATE: 12 June 2013

APPLICANT/PROPONENT: Shire of Moora

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Peter Williams, Manager Development Services

ATTACHMENTS: Previously Distributed to Councillors

PURPOSE OF REPORT:

The purpose of this report is to have the Environmental Waste Management Plan document formally adopted by Council to show commitment by the Shire as to its obligations under the Environmental Protection Act, the Waste Avoidance & Resource Recovery Act & Regulations, Contaminated Sites Regulations 2006 and the Rural Landfill Regulations 2002.

BACKGROUND:

The Shire of Moora recently had an audit carried out on both its landfills and one of the items that was seen to be lacking was the Shire had no Environmental Waste Management Plan that showed how the Shire was going to handle its environmental responsibilities concerning its landfill sites.

The Shire is required under its licence conditions to report on how it handles environmental issues such as dust from the site, water runoff, reporting of fires, complaints of odour, pest management, land management of the site and how the site is to be operated, underground water monitoring.

COMMENT:

The Environmental Waste Management Plan is anticipated to provide guidance to Shire Officers in what is to be carried out at the Landfill site in order to manage environmental issues as they arise. It will also provide direction to Shire contractors at the Moora Landfill site in fulfilling their duties at the site.

POLICY REQUIREMENTS:

Waste provisions now require adoption pursuant to the Waste Avoidance and Resource Recovery Act 2007. Hence, adoption of a Waste Local Law in accordance with the requirements of the Department of Environment and Conservation will be required. Administration has prepared a draft Waste Local Law for consultation, based on similar legislation, adopted by other local governments.

LEGISLATIVE REQUIREMENTS:

Waste provisions now require adoption pursuant to the Waste Avoidance and Resource Recovery Act 2007.

STRATEGIC IMPLICATIONS:

There are no known strategic implications associated with this proposal.

SUSTAINABILITY IMPLICATIONS:

- **Environment**
There is an obligation by the Shire to ensure that environmental issues are considered at the Shires landfill sites to ensure that no environmental conflicts arise and should they then there is a reporting requirement to the appropriate authority.
- **Economic**
There are no known significant economic implications associated with this proposal.
- **Social**
There are no known significant social implications associated with this proposal.

FINANCIAL IMPLICATIONS:

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

VOTING REQUIREMENTS

Simple Majority Required

COUNCIL RESOLUTION

89/13 *Moved Cr Tonkin, seconded Cr Bryan that Council adopts the Environmental Waste Management Plan and that it forms part of the landfill management fabric of the Shire to ensure compliance with licencing conditions.*

CARRIED 8/0

9.3 COMMUNITY & ECONOMIC DEVELOPMENT

Nil

9.4 ENGINEERING SERVICES

Nil

10. REPORTS OF COMMITTEES

GENERAL PURPOSE COMMITTEE MEETING - 5 JUNE 2013

10.1 DRAFT 2013/14 FEES & CHARGES

FILE REFERENCE: F/BUDI

REPORT DATE: 16 May 2013

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Leanne Parola, Manager Finance & Corporate Services

ATTACHMENTS: Draft 2013/14 Fees & Charges

PURPOSE OF REPORT:

For the Committee to consider the Draft 2013/14 Fees & Charges for recommendation to Council.

BACKGROUND:

Each year Council must adopt its Fees and Charges as part of the budget process. Staff generally provides Councillors with an opportunity to provide informal feedback on the draft Fees & Charges before the draft Budget is referred to Council formally. The Draft 2013/14 Fees and Charges were referred to a Councillors' Briefing Session on 15 May 2013 for feedback after which an annual fee for "Eating House Renewal" of \$100 was added.

COMMENT:

The draft 2013/14 Fees and Charges have been formulated based on a 3.25% increase on the 2012/13 Fees and Charges wherever appropriate. This is to reflect the Western Australian Local Government Association's advice that CPI is estimated to be 3.25% in 2013/14.

There are several areas where the increase has been based on something other than CPI being:

- Where fees and charges are set by legislation
- MPAC Fees – restructure of current fee regime to make easier for charging hirers
- Health – some fees increased to more closely reflect staff time in processing applications
- Plant & equipment rates – amended to ensure that they are similar to industry standard
- Sanitation – septic tank, portaloos and grease trap pump outs and travelling outside the shire have been increased to more closely reflect cost of service so that it is not being subsidised by sewerage rates

New fees:

- Invoice Fee – where customers insist on an invoice before payment
- Gymnasium – 10 Session Pass, Fitness Instruction, Personal Training, outlining specials
- Moora Lifestyle Village – inspection fee for second hand dwellings prior to relocation

Delete fees:

- Rubbish Collection & Tip Fees – remove key charge for Miling Transfer Station to reflect free use of tips by local residents.

It is possible for Council to adopt the 2013/14 Fees and Charges before the adoption of the 2013/14 Budget which would allow the fees to be implemented from 1 July 2013 and for advance notification of increases to be given to regular users and via advertising.

POLICY REQUIREMENTS:

There are no known policy requirements related to this item.

LEGISLATIVE REQUIREMENTS:

Section 6.16 of the Local Government Act 1995 allows a local government to impose and recover fees and charges for any goods or services it provides or proposes to provide.

Section 6.17 of the Local Government Act 1995 requires that in setting a fee or charge for a service or goods, a local government must take into consideration the following factors:

- (a) the cost to the local government of providing the service or goods; and*
- (b) the importance of the service or goods to the community; and*
- (c) the price at which the service or goods could be provided by an alternative provider.*

A higher fee or charge or additional fee or charge may be imposed for an expedited service or supply of goods if it is requested that the service or goods be provided urgently.

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 a number of fees and charges within the draft schedule which are significantly less than it costs to provide the good/service, however in the past Council has decided that it is important to the social wellbeing of the community and provides a heavily subsidised price, particularly in regard to sport and recreational facilities.

FINANCIAL IMPLICATIONS:

The Schedule of Fees and Charges adopted for the 2013/14 Budget will have an impact on the budget for that financial year.

VOTING REQUIREMENTS:

Absolute Majority of Council

**COUNCIL RESOLUTION
(COMMITTEE RECOMMENDATION)**

90/13 Moved Cr Tonkin, seconded Cr Hawkins that Council adopt the 2013/14 Fees and Charges as amended; that they are to be implemented from 1 July 2013 and that the new fees/charges be advertised as soon as possible.

CARRIED by ABSOLUTE MAJORITY

8/0

10.2 2012/13 – 2017/18 FORWARD CAPITAL WORKS PLAN

FILE REFERENCE: PD/STPI

REPORT DATE: 21 May 2013

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Leanne Parola, Manager Finance & Corporate Services

ATTACHMENTS: Draft 2012/13 – 2017/18 Forward Capital Works Plan

PURPOSE OF REPORT:

For the Committee to consider the Draft 2012/13 – 2017/18 Forward Capital Works Plan for recommendation to Council.

BACKGROUND:

The current Forward Capital Works Plan was adopted by Council on 16 March 2011, despite having the required commitment to an annual review.

A Draft Forward Capital Works Plan was referred to the Councillors' Briefing Session of 4 April 2012, however Councillors present indicated that they were not willing to adopt a draft Forward Capital Works Plan at that time.

COMMENT:

The Department of Regional Development and Lands requires that local governments adopt a Forward Capital Works Plan and that it be reviewed each year to be eligible for grant funding from the Country Local Government Fund.

This requirement was imposed before the Local Government Act 1995 was amended to include the new 'integrated planning and reporting' requirements which are a much more comprehensive, long term statutory requirement that Council must comply with prior to 30 June 2013.

The attached draft Forward Capital Works Plan is consistent with the content of the recently adopted Community Strategic Plan, and the draft Long Term Financial Plan and draft Corporate Business Plan.

It will need to be reviewed annually if the Shire wishes to receive Country Local Government Funding.

POLICY REQUIREMENTS:

There are no known policy requirements related to this item.

LEGISLATIVE REQUIREMENTS:

While the Forward Capital Works Plan is not a legislative requirement, it does comply with the standard specified by the Department of Regional Development and Lands for Forward Capital Works Plans.

STRATEGIC IMPLICATIONS:

The draft Forward Capital Works Plan reflects the content of the recently adopted Shire of Moora Community Strategic Plan, and the draft Long Term Financial Plan and draft Corporate Business Plan.

SUSTAINABILITY IMPLICATIONS:➤ **Environment**

The Draft Forward Capital Works Plan includes several projects that will have positive environmental implications including the installation of solar power to one of the Executive Homes and implementation of a trails program.

➤ **Economic**

There are significant economic implications of some projects within the Forward Capital Works Plan including the extension of the Moora Industrial Park and townscape and lighting projects within the Moora CBD.

➤ **Social**

There are many social implications associated with this proposal as the result of improving or renewal social infrastructure such as recreation facilities.

FINANCIAL IMPLICATIONS:

The Forward Capital Works Plan will have long term financial implications for the Shire of Moora and assists in its long term financial planning.

VOTING REQUIREMENTS:

Simple Majority Required

**COUNCIL RESOLUTION
(COMMITTEE AND OFFICER RECOMMENDATION)**

91/13 Moved Cr Cocking, seconded Cr Bryan that Council adopt the attached 2012/13 – 2017/18 Forward Capital Works Plan.

CARRIED 8/0

10.3 DRAFT CORPORATE BUSINESS PLAN 2012/13 TO 2015/16

FILE REFERENCE: PD/STPI

REPORT DATE: 21 May 2013

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: 17 April 2013

AUTHOR: Leanne Parola, Manager Finance & Corporate Services

ATTACHMENTS: Draft Corporate Business Plan 2012/13 to 2015/16

PURPOSE OF REPORT:

For the General Purpose Committee to recommend to Council that it adopt the Shire of Moora Corporate Business Plan 2012/13 to 2015/16.

BACKGROUND:

Changes to the Local Government 1995 have meant that local governments in Western Australia must develop a suite of integrated planning and reporting documents. One of these is the Corporate Business Plan, which is required to be adopted prior to 30 June 2013.

COMMENT:

The Shire of Moora adopted the required Strategic Community Plan at its Ordinary Meeting of Council held 17 April 2013.

The Strategic Community Plan provides a high level, aspirational vision statement, together with an organisational mission statement (why we exist, whom we serve, what we deliver). These high level statements provide a context for goals (high level outcomes linked to achieving the vision), which have in turn provided the strategic framework for the outcomes (to attain goals) and strategies (specific activities to achieve the outcomes).

Specific actions and projects to implement the Plan Strategies are developed through the Shire's Business Planning process. These are defined at the Business Unit level and link the Strategic Plan to Council operations, services and resources. The diagram below illustrates the interrelationship of these parts of the Strategic Community Plan.



The Shire of Moora's Strategic Community Plan drives the development of the Corporate Business Plan and is integrated with the Council's Asset Management, Workforce and Long Term Financial Plans. The integration of asset, service and financial plans means the Shire's resource capabilities are matched to the Moora community's needs.

Implementation of the Strategic Plan is achieved through the development of priority actions and projects as part of the Corporate Business Planning process. Key Performance indicators at the strategic and operational levels provide valuable information on how efficiently the Shire is delivering its services, actions and projects and how successful it is in achieving its outcomes and goals set out in the Strategic Community Plan.

Staff have drafted the attached Corporate Business Plan with the assistance of CAM Management Group. It reflects the contents of the Community Strategic Plan and a number of supporting plans and strategies, be they adopted or currently in draft form. Where informing strategies have yet to be adopted, they will be integrated to meet the actions within this Corporate Business Plan.

POLICY REQUIREMENTS:

There are no known policy requirements related to this item.

LEGISLATIVE REQUIREMENTS:

Section 5.56 of the Local Government Act 1995 states that:

(1) *A local government is to plan for the future of the district.*

- (2) *A local government is to ensure that plans made under subsection (1) are in accordance with any regulations made about planning for the future of the district.*

The Local Government (Administration) Regulations 1996 include the following requirements for Corporate Business Plans:

- (1) *A local government is to ensure that a corporate business plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.*
- (2) *A corporate business plan for a district is to cover the period specified in the plan, which is to be at least 4 financial years.*
- (3) *A corporate business plan for a district is to —*
- (a) *set out, consistently with any relevant priorities set out in the strategic community plan for the district, a local government’s priorities for dealing with the objectives and aspirations of the community in the district; and*
 - (b) *govern a local government’s internal business planning by expressing a local government’s priorities by reference to operations that are within the capacity of the local government’s resources; and*
 - (c) *develop and integrate matters relating to resources, including asset management, workforce planning and long-term financial planning.*
- (4) *A local government is to review the current corporate business plan for its district every year.*
- (5) *A local government may modify a corporate business plan, including extending the period the plan is made in respect of and modifying the plan if required because of modification of the local government’s strategic community plan.*
- (6) *A council is to consider a corporate business plan, or modifications of such a plan, submitted to it and is to determine* whether or not to adopt the plan or the modifications.*
- (7) *If a corporate business plan is, or modifications of a corporate business plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.*

**Absolute majority required.*

STRATEGIC IMPLICATIONS:

Implementation of the Strategic Plan is achieved through the development of priority actions and projects as part of the Corporate Business Planning process. Key Performance indicators at the strategic and operational levels provide valuable information on how efficiently the Shire is delivering its services, actions and projects and how successful it is in achieving its outcomes and goals set out in the Strategic Community Plan.

SUSTAINABILITY IMPLICATIONS:

➤ **Environment**

There are known environmental implications associated with this Plan as it includes activities to protect and enhance the natural environment.

➤ **Economic**

There are known economic implications associated with this Plan as it includes activities to develop a thriving and diverse local economy and further enhance the built environment that supports economic and community growth.

➤ **Social**

There are known social implications associated with this Plan as it includes activities to build a vibrant, healthy and safe community.

FINANCIAL IMPLICATIONS:

There are financial implications to Council in relation to this item as the Corporate Business Plan outlines actions to be funded. To achieve these outcomes necessary resources will be identified in the Shire of Moora's Ten Year Financial Plan and determined during annual budget deliberations.

SUMMARY:

Summarily the Corporate Business Plan effectively is a snap shot of what Council does on a day to day basis with the addition of forecast capital expenditure. The plan is not binding, rather it provides a guide to the community as to what Council sees as its key focus and services areas and what it sees as key areas for capital investment into assets and infrastructure.

Although a guide, the pointy end of the entire process in terms of resource allocation is what Council allocates and includes in its annual budget which is voted on each year. The Corporate Business Plan is a "Guide" to Council and ultimately the community.

VOTING REQUIREMENTS:

Absolute Majority of Council

**COUNCIL RESOLUTION
(COMMITTEE AND OFFICER RECOMMENDATION)**

92/13 Moved Cr Denise Clydesdale-Gebert, seconded Cr Hawkins that Council adopt the Shire of Moora Corporate Business Plan 2012/13 to 2015/16 as attached and amended as noted.

CARRIED BY ABSOLUTE MAJORITY 8/0

10.4 LOCAL GOVERNMENT CONVENTION - ATTENDANCE

FILE REFERENCE: EM/SUC1-2

REPORT DATE: 22 May 2012

APPLICANT/PROPONENT: WA Local Government Association

OFFICER DISCLOSURE OF INTEREST: The author of this report declares a financial interest in the matter, as he would normally attend the Convention. The extent of the interest is to the value of the associated attendance costs.

PREVIOUS MEETING REFERENCES: Not Applicable

AUTHOR: Alan Leeson, Chief Executive Officer

ATTACHMENTS: Nil

PURPOSE OF REPORT:

To make Elected Members aware of the timing of Local Government Convention and establish attendance numbers.

BACKGROUND:

Each year local governments from around the State gather in Perth to attend the Annual Local Government Convention.

The Western Australian Local Government Association (WALGA) is holding the Local Government Convention from Wednesday 7 August to Friday 9 August 2013 at the Perth

Convention Exhibition Centre (PCEC). The WALGA AGM will again be held at the commencement of the convention on Wednesday 9 August.

COMMENT:

This convention is an opportunity for Elected Members and management to network with other Local Government Members and management and discuss different approaches to sometimes common problems.

This year five (5) double rooms at the Somerset Hotel in St Georges Terrace have been booked from Wednesday 7 August to Friday 9 August 2013 inclusive to allow elected members the opportunity to mix with other Councils.

The Council needs to indicate who will attend the Convention and who the Shire's voting delegates will be. A voting delegate can be either Elected Members or serving officers. Each Local Government is restricted to two (2) voting delegates.

Part of the Convention is a series of delegate concurrent sessions and those attending must nominate their preferred Sessions for both Thursday & Friday.

The Sessions and Timings are as follows:

Wed 1	** WALGA Annual General Meeting **	1.30pm – 5.30pm
Thurs 2	Sessions 1-5 Convention Sessions Sessions Choice of the following:	9.00am – 5.00pm
	<ul style="list-style-type: none"> • Focus on Metropolitan Reform • Focus on Relationship Management • Focus on Regional Airports • Focus on Active Ageing 	
Fri 3	Sessions 6-8 Convention Sessions Sessions Choice of the following:	9.00am – 4.00pm
	<ul style="list-style-type: none"> • Focus on Relationship Management • Focus on Integrated Planning • Focus on Community Disaster Resilience • Focus on Native Title 	

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

There are no known legislative requirements related to this item.

STRATEGIC IMPLICATIONS:

Attendance at Elected Member Convention Sessions allows Elected Members to become more familiar with their responsibilities and duties.

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 draft 2013/14 Budget currently includes an amount of \$15,000 for Conference Expenses.

The following costs are applicable:-

	Cr Gardiner	Cr McLagan	Cr Hawkins	Cr Clydesdale-Gebert	Cr Humphry	CEO
Registration	1,375	1,375	1,375	1,375	1,375	1,375
Various speaker events	380	-	-	333	556	380
Accommodation (\$225pn)	675	-	450	675	675	900
Convention Sessions	Inc.	Inc.	Inc.	Inc.	Inc.	Inc.
* Sundry	250	200	250	150	400	400
Cost / Delegate	2,680	1,575	2,075	2,533	3,006	3,005

The Sundry amount (for the provisions of meals, parking and other incidentals) is estimation only and may not be fully utilised. *Attendance to the partner programs would be additional to the above.*

The estimated total cost for Councillors & the Chief Executive Officer to attend the 2013 Local Government Convention is \$14,874.

VOTING REQUIREMENTS

Simple Majority Required

COUNCIL RESOLUTION (COMMITTEE AND OFFICER RECOMMENDATION)
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93/13 Moved Cr Bryan, seconded Cr McLagan that Council authorise the Chief Executive Officer in relation to attendance at the 2013 Western Australian Local Government Convention to be held at the Perth Convention and Exhibition Centre,

i. to register the following to attend the Convention and selected Elected Member Convention Sessions

- **Cr Colin Gardiner - President**
- **Cr James McLagan**
- **Cr Chris Hawkins**
- **Cr Denise Clydesdale-Gebert**
- **Cr Tracy Humphry**
- **Mr Alan Leeson – Chief Executive Officer**

ii. to register the following as voting delegates representing the Shire of Moora for any vote taken at the convention

- 1. Cr Colin Gardiner**
- 2. Cr Denise Clydesdale-Gebert**

iii. to include an agenda item on Council's first Briefing Session after the conference.

CARRIED **8/0**

10.5 LOCAL EMERGENCY MANAGEMENT COMMITTEE (LEMC) MINUTES

FILE REFERENCE: LO/LOE2
REPORT DATE: 27 May 2013
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: Nil
AUTHOR: Vicki Booth, Community Emergency Services Manager
ATTACHMENTS: LEMC Minutes 14 May 2013

BACKGROUND

The Local Emergency Management Committee (LEMC) convened a meeting on 14th May 2013 in the Moora Council Chambers. The minutes of the meeting are submitted as a separate attachment for Council's consideration.

COMMENT

Emergency Management and risk management of communities is fast becoming a core role of local government. It is now commonly accepted that local governments play a pivotal role in the recovery process of emergencies, as well as the preparation and prevention processes.

Moora has accepted this role with vigour since the 1999 floods, with the current LEMC being chaired by the Shire President, Councillor Colin Gardiner. Changes to policy frameworks and procedures, as well as imminent emergency management legislation, have seen the LEMC progressively become more active. This level of activity is likely to be maintained and Council will be provided copies of minutes of each meeting for its consideration.

The LEMC enjoys a strong membership and active participation from community and government agencies.

POLICY REQUIREMENTS:

There are no known policy requirements related to this matter.

LEGISLATIVE REQUIREMENTS:

There are no known legislative requirements related to this matter.

The State Emergency Management Committee (SEMC) Policy Statement's No.3 & No.7 provide the framework for the administration and operation of Local Emergency Management Committees.

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.

POLICY REQUIREMENTS

Nil

STRATEGIC IMPLICATIONS

Nil

PRECEDENT

The Shire of Moora has had a strong involvement with Emergency Management for many years.

FINANCIAL IMPLICATIONS:

Nil

VOTING REQUIREMENTS

Simple Majority

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

94/13 Moved Cr Hawkins, seconded Cr Cocking that Council receive and note the minutes of the Local Emergency Management Committee meeting held on Tuesday 14th May 2013 in the Moora Council Chambers.

CARRIED 8/0

10.6 TENDER 02/2013 - STOCKPILING OF ROAD BUILDING MATERIAL, BULLDOZING AND EARTHMOVING SERVICES

FILE REFERENCE: L/TERI

REPORT DATE: 28 May 2013

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: 17/4/13 (50/13)

AUTHOR: John Greay, Manager Engineering Services

ATTACHMENTS: Nil

PURPOSE OF REPORT:

To advise Council of results of recently called tender.

BACKGROUND:

Tenders were recently called for a three year period for the stockpiling of gravel and bulldozing and closed at 4.00pm on Friday 17 May 2013.

COMMENT:

A fair amount of interest was shown by individual companies who requested tender documents. It was surprising that only one tender was received but this may be due to the current resources boom within the state. The only company that tendered within the given period was BEM Pty Ltd, Pinjarra with a late tender received from Ingora Pty Ltd, Moora.

Unfortunately the tendered rate is outside of budget estimates and the late tender cannot be received.

The tender that was received within the tender period is as follows:

Price Schedule for 2013-14 Year

BEM Pty Ltd rates;

Line No.	Description	Tender Unit	Estimated Usage	Place of Origin	Price Tendered (ex GST)	GST Component	Price Tendered (inc GST)
1	Rate/ M ³ Loose Pushed	M ³	62,000 M ³	Pinjarra	\$15.15	\$1.51	\$16.66
2	Hourly rate for work outside tender	Per hour			\$427	\$42.70	\$469.70

The Principal offers no guarantee as to the quantity of the services required.

Price Schedule for 2014-15 Year

BEM Pty Ltd rates;

Line No.	Description	Tender Unit	Estimated Usage	Place of Origin	Price Tendered (ex GST)	GST Component	Price Tendered (inc GST)
1	Rate/ M ³ Loose Pushed	M ³	62,000 M ³	Pinjarra	\$15.90	\$1.59	\$17.49
2	Hourly rate for work outside tender	Per hour			\$427	\$42.70	\$469.70

The Principal offers no guarantee as to the quantity of the services required.

Price Schedule for 2015-16 Year

BEM Pty Ltd rates;

Line No.	Description	Tender Unit	Estimated Usage	Place of Origin	Price Tendered (ex GST)	GST Component	Price Tendered (inc GST)
1	Rate/ M ³ Loose Pushed	M ³	62,000 M ³	Pinjarra	\$16.69	\$1.66	\$18.35
2	Hourly rate for work outside tender	Per hour			\$427	\$42.70	\$469.70

The Principal offers no guarantee as to the quantity of the services required.

POLICY REQUIREMENTS:

Calling of tenders or quotations, as per councils purchasing thresholds, for the supply and delivery of services as per the regulations.

LEGISLATIVE REQUIREMENTS:

Council is required to call tenders of the works when the value is likely to exceed \$100,000 under regulation s3.57.

STRATEGIC IMPLICATIONS:

Council needs to maintain their road network to a good standard. All road freight movements are currently undertaken by large heavy vehicles particularly during seasonal

activities, which impact substantially on our road network. Any new developments within our district and region will depend on the ability to access their projects via the road system. The Shire of Moora remains strategically placed for some major developments north of the metropolitan area and their road network will strongly support any major projects that develop.

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 as allowances have been made within the budget for this roadwork component.
- **Social**
There are no known significant social implications associated with this proposal.

FINANCIAL IMPLICATIONS:

Allowance has been made within the road programme of works for the stockpiling of road building material and bulldozer work.

VOTING REQUIREMENTS

Simple Majority Required

COUNCIL RESOLUTION (COMMITTEE AND OFFICER RECOMMENDATION)

95/13 Moved Cr McLagan, seconded Cr Tonkin that Council does not accept any tender in regard to the Stockpiling of Gravel and Bulldozing – Tender No. 2/2013 for the financial years 2013-14, 2014-15 and 2015 - 16.

CARRIED 8/0

10.7 REFUSE AND RECYCLING COLLECTION SERVICES – REQUEST FOR TENDER 06/2012

FILE REFERENCE: L/TEN2 & S/WRS1

REPORT DATE: 31 May 2013

APPLICANTS/PROPONENT: Alan Leeson, Chief Executive Officer

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Alan Leeson, Chief Executive Officer

ATTACHMENTS: Waste Management 5yr Financial Analysis spread sheet
(Refuse tender submitted by Avon Waste previously circulated to all Councillors)

PURPOSE OF REPORT:

For Council to consider contracting out its refuse and recycling collection service as against continuing to provide the service “in-house”.

BACKGROUND:

Over the past few months Council has been considering the possible introduction of contractors to undertake the task of waste collection for refuse and recycling within the Shire of Moora. Currently Council operates the service “in-house” and owns its own refuse collection truck.

The basis of the tender was called on continuing to provide a weekly refuse pickup of mobile garbage bins and a fortnightly pickup of recycling bins.

COMMENT:

One tender was received from Avon Waste who are the main contractor operating throughout the Wheatbelt. In the Avon – Midlands region Avon Waste operate in the following shires;

- Dalwallinu;
- Dandaragan;
- Gingin;
- Goomalling;
- Northam;
- Toodyay;
- Victoria Plains;
- Wongan-Ballidu;
- York.

A full list is provided on page 25 of the tender document. Avon Waste is a highly professional and reputable company with the capacity to operate the waste collection service in the Shire of Moora in an efficient, effective and timely manner.

The financial analysis and comparison between operating the service in house as against going contract is marginal at best. The author was of the view in the initial stages of analysis that contracting out would by far be a stronger financial result for the Council. However on the basis of the tender there is a minimal difference in terms of the cost of the collection service.

The detail of the annual cost of the collection service to be provided by Avon Waste is; \$241,000 (GST Exclusive).

On that basis, it would not be wise in the author’s decision to contract out the service at this juncture. There will be some continued closer examination of our current operational practices in terms of the recycling. It may be that the service could possibly be split with Council continuing to do the household putrescible waste, with Avon Waste undertaking the recycling. This however will be examined over the coming months.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

Environmental Protection (Rural Landfill) Regulations 2002
Local Government Act 1995

STRATEGIC IMPLICATIONS:

Strategically service provision is core to the existence of the Council and the community. Refuse collection is a basic but core service required to maintain a functional community. It is

however incumbent on Council to assess and analyse costs of service provision, to ascertain if in fact it is operating as efficiently and effectively as possible.

SUSTAINABILITY IMPLICATIONS:

- **Environment**
There are no known strategic implications with this proposal.
- **Economic**
As per the attached spread sheet and summarised within the report.
- **Social**
Given the minor margins between contracting out versus continuing to provide the service in house, the benefits of local employment and the associated spin offs are justification in itself to retaining the service “in house”. Council does not have any social obligations to maintain employment, however it can in the overall analysis give some weighting to it when the overall financial analysis is one versus the other is extremely marginal.

FINANCIAL IMPLICATIONS:

As per attached spread sheet, Council moving forward needs to operate “Waste Management” in a more financially responsible manner. In future budgets it will be recommended that any surplus in the waste management portfolio be set aside for provide for costs of plant and equipment and refuse site upgrade and maintenance. Based on the model this will be in the vicinity of \$80,000 to \$90,000 per annum.

VOTING REQUIREMENTS

Simple Majority Required

COUNCIL RESOLUTION (COMMITTEE AND OFFICER RECOMMENDATION)
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96/13 Moved Cr Hawkins, seconded Cr Bryan that;

- *the Refuse and Recycling Collection service be retained and provided in house;*
- *Council advise Avon Waste it does not accept its tender 06/2012;*
- *Council in future budgets as a matter of financial policy operate the Waste Management Service in the context of a business unit to ensure future asset replacement associated with the service is provided for from annual operational surpluses.*

CARRIED 5/4

NOTE: As the votes of members present were equally divided, the Presiding Member cast a second vote under the Local Government Act 1995, s. 5.21. (3) voting for the motion.

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

Nil

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

Nil

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

Nil

14. **CLOSURE OF MEETING**

There being no further business, the President declared the meeting closed at 6.29pm.

CONFIRMED

PRESIDING MEMBER