



# Ordinary Council Meeting Minutes

**Date: 17 October 2012**

**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:

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

### **Mission**

Our mission is:

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

**SHIRE OF MOORA**  
**MINUTES OF THE ORDINARY MEETING OF COUNCIL**  
**HELD IN THE COUNCIL CHAMBERS, MOORA**  
**17 OCTOBER 2012**

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

*The Shire President declared the meeting open at 5.38pm.*

**I.2 DISCLAIMER READING**

*No responsibility whatsoever is implied or accepted by the Shire of Moora for any act, omission or statement or intimation occurring during this meeting.*

*It is strongly advised that persons do not act on what is heard at this meeting and should only rely on written confirmation of Council's decision, which will be provided within fourteen (14) days of this meeting.*

**2. ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE****ATTENDANCE**

CE Gardiner	-	Shire President / Presiding Member
AR Tonkin	-	Deputy Shire President
SA Bryan	-	Councillor
DV Clydesdale-Gebert	-	Councillor
CD Hawkins	-	Councillor
R Keamy	-	Councillor
OC Cocking	-	Councillor
TG Humphry	-	Councillor
AJ Leeson	-	Chief Executive Officer
JL Greay	-	Manager Engineering Services
LJ Parola	-	Manager Finance & Corporate Services
PR Williams	-	Manager Health, Building & Planning Services
RL McCall	-	Manager Community & Economic Development

**APOLOGIES**

JW McLagan	-	Councillor
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**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**

Nil

**7. ANNOUNCEMENTS BY THE PRESIDING MEMBER**

9/10 attended LEMC meeting

12/10 attended the Community meeting on Law & Order at the MPAC

Cr Cocking & Cr Humphry

12/10 attended the Bindi Bindi Fire Shed & Community Centre official opening

Cr Bryan

12/10 attended the Bindi Bindi Fire Shed & Community Centre official opening

12/10 attended the Community meeting on Law & Order at the MPAC

17/10 attended Crime & Safety meeting

22/10 will be attending the St James College Board meeting

Cr Clydesdale-Gebert

12/10 attended the Community meeting on Law & Order at the MPAC

Cr Tonkin

Attended the West Koojan-Gillingarra LCDC meeting

**8. CONFIRMATION OF MINUTES****8.1 ORDINARY COUNCIL MEETING - 19 SEPTEMBER 2012****COUNCIL RESOLUTION**

*117/12 Moved Cr Cocking, seconded Cr Bryan that the Minutes of the Ordinary Meeting of Council held on 19 September 2012 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:** 11 October 2012

**OFFICER DISCLOSURE OF INTEREST:** Nil

**AUTHOR:** Nicole Chappell, Finance Creditors & Records 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

<b>COUNCIL RESOLUTION</b>
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**118/12 Moved Cr Hawkins, seconded Cr Cocking that Council notes and endorses the Payments from the Municipal and Trust Funds made under delegation 1.31**

<b>Municipal Fund</b>	<b>Chqs 60927 to 60960</b>	<b>\$61,100.02</b>
	<b>EFT 8592 to 8724</b>	<b>\$346,327.35</b>
<b>Trust</b>	<b>Chqs 4801 to 4809</b>	<b>\$827.01</b>
<b>Credit Card Direct Debit</b>		<b>\$5,503.46</b>
<b>Net Pays – PPE</b>	<b>12 Sept 2012</b>	<b>\$76,340.78</b>
	<b>26 Sept 2012</b>	<b>\$78,889.25</b>
	<b>10 Oct 2012</b>	<b>\$78,572.43</b>
<b>Total</b>		<b><u>\$647,560.30</u></b>

**CARRIED                      8/0**

**9.1.2 STATEMENT OF FINANCIAL ACTIVITY FOR PERIOD ENDED 30 SEPTEMBER 2012**

**REPORT DATE:** 10 October 2012

**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 30 September 2012

**PURPOSE OF REPORT:**

To note and receive the Statement of Financial Activity for the period ended 30 September 2012.

**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**

*119/12 Moved Cr Hawkins, seconded Cr Tonkin that Council notes and receives the Statement of Financial Activity for the period ended 30 September 2012.*

**CARRIED                      8/0**

**9.1.3 REVIEW OF COUNCIL MEETING SCHEDULES**

**FILE REFERENCE:** EN/COAI

**REPORT DATE:** 3 September 2012

**DISCLOSURE OF INTEREST:** Nil

**PREVIOUS MEETING REFERENCES:** Nil

**AUTHOR:** Alan Leeson, Chief Executive Officer

**ATTACHMENTS:** Proposed Schedule of Meeting Dates for 2013

**PURPOSE OF REPORT:**

To provide suggested dates for Council approval for meeting dates for the 2013 year to enable public advertising as required by the Local Government Act 1995.

**BACKGROUND:**

From 2008 - 2012 monthly Council meetings have been successful in conjunction with two briefing sessions per month. It is considered appropriate to continue in this format.

**COMMENT:**

Attached is a draft schedule of proposed dates for Council meetings for the 2013 year. It is suggested the briefing on the first Wednesday of the month remain as is.



The January council meeting traditionally has few items, the main one being the financial reporting. A number of Councillors and staff take the opportunity to take leave through January so it has been suggested the January meeting and briefing be cancelled. If an item of business arose that required a decision between the December meeting and the February meeting a special meeting could be convened.

As in previous years, the schedule has identified the need to adjust the regular meeting times and it is suggested that no Briefing Session be held at the beginning of August as the Local Government Convention is scheduled to be held from 7<sup>th</sup>- 9<sup>th</sup> August. This week also provides the opportunity for professional development during the week. It is therefore recommended that during August only, the Council meeting be held on the 21<sup>st</sup> August with the briefing session to precede it.

### **POLICY REQUIREMENTS:**

There are no Council Policies relative to this matter.

### **LEGISLATIVE REQUIREMENTS:**

Section 5.25 (g) of the Local Government Act 1995 stipulates that Regulations may make provision in relation to the giving of public notice of the date and agenda for Council or committee meetings.

Regulation 12 of the Local Government (Administration) Regulations 1996 states;

- I. At least once each year a local government is to give local public notice of the dates on which and the time and place at which –
  - (a) the ordinary council meetings; and
  - (b) the briefing sessions that are required under the Act to be open to members of the public or that are proposed to be open to members of the public; are to be held in the next 12 months.

Sections 5.98 and 5.99 of the Local Government Act 1995 and Regulation 30 of the Local Government (Administration Regulations) 1996 sets the minimum and maximum amounts for the payment of meeting fees.

### **STRATEGIC IMPLICATIONS:**

Enables Council to provide good local government to the district.

### **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. The holding of Council meetings including all associated costs is provided in the current budget and will be provided for in future budgets.

**VOTING REQUIREMENTS:**

Simple Majority Required

**COUNCIL RESOLUTION**

*120/12 Moved Cr Bryan, seconded Cr Hawkins that Council;*

- 1. Adopts the meeting schedule for the period January 2013 to December 2013 as attached, based on one Ordinary Meeting of Council per month;*
- 2. Advertises the meeting dates in accordance with section 5.25 of the Local Government Act 1995 and Regulation 12 (1) of the Local Government (Administration) Regulations 1996.*

**CARRIED                      8/0**

**9.1.4 CHILDCARE SERVICE – PROPOSAL TO OUTSOURCE**

**FILE REFERENCE:** CH/REOI

**REPORT DATE:** 11 October 2012

**OFFICER DISCLOSURE OF INTEREST:** Nil

**PREVIOUS MEETING REFERENCES:** Nil

**AUTHOR:** Alan Leeson, Chief Executive Officer

**ATTACHMENTS:** Financial Report  
(Childcare Service Submission Circulated under separate cover)

**PURPOSE OF REPORT:**

Council for some months has expressed a strong desire to examine the feasibility of placing the childcare service provided by the shire in Moora in the hands of private enterprise. To that end expressions of interest were called in late August 2012 with submissions closing on the 24<sup>th</sup> September 2012.

**BACKGROUND:**

Council is of the view that the service should be cost neutral to Council, which is a sentiment the author concurs with. There has been a fairly close examination of the financial performance of the childcare service over the past 6 months, which is around the break even mark. This result or conclusion can be materially affected on the level of overheads that can be attributed to the service in terms of “governance” i.e. time in managing the service by the Manager of Community and Economic Development. The author is of the view that the level of management overheads attributable to the childcare service are higher than what is reflected as a result of formula or percentage allocations currently reflected in the financial performance of the services’ operations.

**COMMENT:**

There is absolutely no doubting that childcare services are critical to the economic fabric of the Moora district, with many working families utilising the service. Be it the Shire of Moora

or another provider operating the service, the bottom line is the service should stand financially on its own feet.

The sole purpose of this current strategy is to examine if there is another provider that can provide the service which would allow the Council to lessen the financial burden to the Shire of Moora.

As a result of calling expressions of interest from suitably qualified, experienced and accredited parties to manage and operate the Moora and District Child Care Centre, one expression of interest was received from the Children's Services Support Unit Inc. (CSSU) who are a not for profit organisation who specialise in the governance and management of childcare services. **The submission is circulated under separate cover.**

## **POLICY REQUIREMENTS:**

### **9.12 Purchasing and Procurement**

*New Policy. Adopted by Council 15<sup>th</sup> March 2000*

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

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

#### Value for money

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

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

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

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

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

- Local Government Act 1995 tender regulations
- National Competition Policy principles
- Trade Practises Act
- The social and economic impact of major contract decisions on local business
- Possible flow on effect to local businesses

- The potential for local product demonstrations and references, which consequently reduced risk in the decision making process
- More convenient communications and liaison
- Local backup, spare parts, warranty and quality of servicing
- Ability of local business to the Shire, thereby increasing economic activity
- Conformity with tender bid requirements
- Ability to meet the Shire of Moora's needs

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

- Recognising the benefits of purchasing from local business and industry
- Advertising all tenders and expressions of interest in the Central Midlands and Coastal Advocate
- Where requested, provide feedback to unsuccessful tenderers highlighting how bids can be improved to be more competitive.

### **LEGISLATIVE REQUIREMENTS:**

Outside of operational licensing requirements and general financial management of the centre there are no known legislative requirements related to the operation of the service.

Given the annual turnover of the service being in excess of \$400,000 any move to outsource the service requires Council to tender the service in accordance with the Local Government Act and Associated Regulations.

### **Local Government Act 1995**

#### **Tenders for providing goods or services**

- (1) A local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services.
- (2) Regulations may make provision about tenders.

#### **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.
- (5) This section does not apply to —
- (a) a disposition of an interest in land under the *Land Administration Act 1997* section 189 or 190; or
  - (b) a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59; or
  - (c) anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or
  - (d) any other disposition that is excluded by regulations from the application of this section.

[Section 3.58 amended by No. 49 of 2004 s. 27; No. 17 of 2009 s. 10.]

## **Local Government Function and General Regulations 1996**

### **Part 4 — Provision of goods and services**

[Heading inserted in Gazette 2 Feb 2007 p. 244.]

#### **Division 1 — Purchasing policies**

[Heading inserted in Gazette 2 Feb 2007 p. 244.]

##### **1 I A. Purchasing policies for local governments**

- (1) A local government is to prepare or adopt, and is to implement, a purchasing policy in relation to contracts for other persons to supply goods or services where the consideration under the contract is, or is expected to be, \$100 000 or less or worth \$100 000 or less.
- (2) A purchasing policy is to make provision for and in respect of the policy to be followed by the local government for, and in respect of, entering into contracts referred to in subregulation (1).
- (3) A purchasing policy must make provision in respect of —
- (a) the form of quotations acceptable; and
  - (b) the recording and retention of written information, or documents, in respect of —
    - (i) all quotations received; and
    - (ii) all purchases made.
- (4) Different requirements may be imposed under a purchasing policy in respect of different classes, or types, of any of the following —
- (a) goods and services;
  - (b) suppliers;
  - (c) contracts;
  - (d) any other thing that the local government considers appropriate.

[Regulation 1 I A inserted in Gazette 2 Feb 2007 p. 245.]

#### **Division 2 — Tenders for providing goods or services (s. 3.57)**

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

**II. When tenders have to be publicly invited**

- (1) Tenders are to be publicly invited according to the requirements of this Division before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than \$100 000 unless subregulation (2) states otherwise.
- (2) Tenders do not have to be publicly invited according to the requirements of this Division if —
- (a) the supply of the goods or services is to be obtained from expenditure authorised in an emergency under section 6.8(1)(c) of the Act; or
- (b) the supply of the goods or services is to be obtained through the Council Purchasing Service of WALGA; or
- (ba) the local government intends to enter into a contract arrangement for the supply of goods or services where —
- (i) the supplier is either —
- (I) an individual whose last employer was the local government; or
- (II) a group, partnership or company comprising at least 75% of persons whose last employer was that local government;
- and
- (ii) the contract —
- (I) is the first contract of that nature with that individual or group; and
- (II) is not to operate for more than 3 years;
- and
- (iii) the goods or services are —
- (I) goods or services of a type; or
- (II) (in the opinion of the local government) substantially similar to, or closely related to, goods or services of a type, that were provided by the individual (or persons) whilst employed by the local government;
- or
- (c) within the last 6 months —
- (i) the local government has, according to the requirements of this Division, publicly invited tenders for the supply of the goods or services but no tender was submitted that met the tender specifications; or
- (ii) the local government has, under regulation 21(1), sought expressions of interest with respect to the supply of the goods or services but no person was, as a result, listed as an acceptable tenderer;
- or
- (d) the contract is to be entered into by auction after being expressly authorised by a resolution of the council of the local government; or
- (e) the goods or services are to be supplied by or obtained through the government of the State or the Commonwealth or any of its agencies, or by a local government or a regional local government; or
- (ea) the goods or services are to be supplied —
- (i) in respect of an area of land that has been incorporated in a district as a result of an order made under section 2.1 of the Act changing the boundaries of the district; and
- (ii) by a person who, on the commencement of the order referred to in subparagraph (i), has a contract to supply the same kind of goods or services to the local government of the district referred to in that subparagraph;
- or
- (f) the local government has good reason to believe that, because of the unique nature of the goods or services required or for any other reason, it is unlikely that there is more than one potential supplier;
- or

- (g) the goods to be supplied under the contract are —
  - (i) petrol or oil; or
  - (ii) any other liquid, or any gas, used for internal combustion engines.

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

## **12. Anti-avoidance provision for r. 11(1)**

If a local government enters into 2 or more contracts in circumstances such that the desire to avoid the requirements of regulation 11(1) is a significant reason for not dealing with the matter in a single contract, tenders are to be publicly invited according to the requirements of this Division before entering into any of the contracts regardless of the consideration.

*[Regulation 12 amended in Gazette 2 Feb 2007 p. 245-6.]*

## **13. Requirements when local government invites tenders though not required to do so**

If a local government, although not required by this Division to invite tenders before entering into a contract for another person to supply goods or services, decides to invite tenders, the tenders are to be publicly invited according to the requirements of this Division.

*[Regulation 13 amended in Gazette 2 Feb 2007 p. 245-6.]*

## **14. Publicly inviting tenders, requirements for**

- (1) When regulation 11(1), 12 or 13 requires tenders to be publicly invited, Statewide public notice of the invitation is to be given.
- (2) If the CEO has, under regulation 23(4), prepared a list of acceptable tenderers, instead of giving Statewide public notice the CEO is required to give notice of the invitation to each acceptable tenderer listed.
- (2a) If a local government —
  - (a) is required to invite a tender; or
  - (b) not being required to invite a tender, decides to invite a tender,

the local government must, before tenders are publicly invited, determine in writing the criteria for deciding which tender should be accepted.
- (3) The notice, whether under subregulation (1) or (2), is required to include —
  - (a) a brief description of the goods or services required; and
  - (b) particulars identifying a person from whom more detailed information as to tendering may be obtained; and
  - (c) information as to where and how tenders may be submitted; and
  - (d) the date and time after which tenders cannot be submitted.
- (4) In subregulation (3)(b) a reference to detailed information includes a reference to —
  - (a) such information as the local government decides should be disclosed to those interested in submitting a tender; and
  - (b) detailed specifications of the goods or services required; and
  - (c) the criteria for deciding which tender should be accepted; and
  - (d) whether or not the local government has decided to submit a tender; and
  - (e) whether or not the CEO has decided to allow tenders to be submitted by facsimile or other electronic means, and if so, how tenders may so be submitted.
- (5) After a notice has been given under subregulation (1) or (2), a local government may vary the information referred to in subregulation (3) by taking reasonable steps to give each person who has sought copies of the tender documents or each acceptable tenderer, as the case may be, notice of the variation.

*[Regulation 14 amended in Gazette 29 Jun 2001 p. 3130.]*

**15. Minimum time to be allowed for submitting tenders**

- (1) If the notice is published in the newspaper as part of giving Statewide public notice, the time specified in the notice as the time after which tenders cannot be submitted has to be at least 14 days after the notice is first published in the newspaper as part of giving Statewide public notice.
- (2) If the notice is given to a person listed as an acceptable tenderer, the time specified in the notice as the time after which tenders cannot be submitted has to be at least 14 days after the notice is given.

**16. Receiving and opening tenders, procedure for**

- (1) The CEO is responsible for keeping any tender submitted including a tender submitted by facsimile or other electronic means in safe custody, and for ensuring that it remains confidential.
- (2) Tenders are not to be opened, examined, or assessed until the time after which further tenders cannot be submitted.
- (3) When tenders are opened —
  - (a) at least one and, if practicable, more than one employee of the local government or one person authorised by the CEO to open tenders and, if practicable, one or more other persons, is required to be present; and
  - (b) members of the public are entitled to be present; and
  - (c) details of the tenders (other than the consideration sought in the tender) are to be immediately recorded in a register to be known as the tenders register.

*[Regulation 16 amended in Gazette 29 Jun 2001 p. 3131; 31 Mar 2005 p. 1055.]*

**17. Tenders register**

- (1) The CEO is responsible for keeping the tenders register and making it available for public inspection.
- (2) The tenders register is to include, for each invitation to tender —
  - (a) a brief description of the goods or services required; and
  - (b) particulars of the making of —
    - (i) the decision to invite tenders; and
    - (ii) if applicable, the decision to seek expressions of interest under regulation 21(1);and
  - (c) particulars of —
    - (i) any notice by which expressions of interests from prospective tenderers was sought; and
    - (ii) any person who submitted an expression of interest; and
    - (iii) any list of acceptable tenderers that was prepared under regulation 23(4);and
  - (d) a copy of the notice of the invitation to tender; and
  - (e) the name of each tenderer whose tender has been opened; and
  - (f) the name of any successful tenderer.
- (3) The tenders register is to include for each invitation to tender the amount of the consideration or a summary of the amount of the consideration sought in the tender accepted by the local government.

*[Regulation 17 amended in Gazette 29 Jun 2001 p. 3131.]*

**18. Rejecting and accepting tenders**

- (1) A tender is required to be rejected unless it is submitted at a place, and within the time, specified in the invitation for tenders.



- (2) A tender that is submitted at a place, and within the time, specified in the invitation for tenders but that fails to comply with any other requirement specified in the invitation may be rejected without considering the merits of the tender.
- (3) If, under regulation 23(4), the CEO has prepared a list of acceptable tenderers for the supply of goods or services, a tender submitted by a person who is not listed as an acceptable tenderer is to be rejected.
- (4) Tenders that have not been rejected under subregulation (1), (2), or (3) are to be assessed by the local government by means of a written evaluation of the extent to which each tender satisfies the criteria for deciding which tender to accept and it is to decide which of them it thinks it would be most advantageous to the local government to accept.
- (4a) To assist the local government in deciding which tender would be the most advantageous to it to accept, a tenderer may be requested to clarify the information provided in the tender.
- (5) The local government may decline to accept any tender.
- (6) If a local government has accepted a tender but acceptance of the tender does not create a contract and within 6 months of the day on which the tender was accepted the local government and the successful tenderer agree not to enter into a contract in relation to the tender, the local government may accept from the other tenders the tender which it thinks it would be most advantageous to the local government to accept.
- (7) If a local government has accepted a tender and acceptance of the tender creates a contract and within 6 months of the day on which the tender was accepted the local government and the successful tenderer agree to terminate the contract, the local government may accept from the other tenders the tender which it thinks it would be most advantageous to the local government to accept.

*[Regulation 18 amended in Gazette 29 Jun 2001 p. 3131-2.]*

#### **19. Tenderers to be notified of outcome**

The CEO is to give each tenderer notice in writing containing particulars of the successful tender or advising that no tender was accepted.

*[Regulation 19 amended in Gazette 29 Jun 2001 p. 3132.]*

#### **20. Variation of requirements before entry into contract**

- (1) If, after it has invited tenders for the supply of goods or services and chosen a successful tenderer but before it has entered into a contract for the supply of the goods or services required, the local government wishes to make a minor variation in the goods or services required, it may, without again inviting tenders, enter into a contract with the chosen tenderer for the supply of the varied requirement subject to such variations in the tender as may be agreed with the tenderer.
- (2) If —
  - (a) the chosen tenderer is unable or unwilling to enter into a contract to supply the varied requirement;  
or
  - (b) the local government and the chosen tenderer cannot agree on any other variation to be included in the contract as a result of the varied requirement,

that tenderer ceases to be the chosen tenderer and the local government may, instead of again inviting tenders, choose the tenderer, if any, whose tender the local government considered it would be the next most advantageous to it to accept.
- (3) In subregulation (1) —

**minor variation** means a variation that the local government is satisfied is minor having regard to the total goods or services that tenderers were invited to supply.

**21. Limiting who can tender, procedure for**

- (1) If a local government thinks that there is good reason to make a preliminary selection from amongst prospective tenderers, it may seek expressions of interest with respect to the supply of the goods or services.
- (2) There is good reason to make a preliminary selection if, because of —
  - (a) the nature of the goods or services required; or
  - (b) the cost of preparing plans, specifications or other information for the purpose of adequately describing the goods or services required,it would be advantageous to the local government if tenders were invited only from persons it considers to be capable of satisfactorily supplying the goods or services.
- (3) If a local government decides to seek expressions of interest before inviting tenders, Statewide public notice that expressions of interest are sought is to be given.
- (4) The notice is required to include —
  - (a) a brief description of the goods or services required; and
  - (b) particulars identifying a person from whom more detailed information may be obtained; and
  - (c) information as to where and how expressions of interest may be submitted; and
  - (d) the date and time after which expressions of interest cannot be submitted.

**22. Minimum time to be allowed for submitting expressions of interest**

The time specified in the notice as the time after which expressions of interest cannot be submitted has to be at least 14 days after the notice is first published in the newspaper as part of giving Statewide public notice.

**23. Rejecting and accepting expressions of interest to be acceptable tenderer**

- (1) An expression of interest is required to be rejected unless it is submitted at a place, and within the time, specified in the notice.
- (2) An expression of interest that is submitted at a place, and within the time, specified in the notice but that fails to comply with any other requirement specified in the notice may be rejected without considering its merits.
- (3) Expressions of interest that have not been rejected under subregulation (1) or (2) are to be considered by the local government and it is to decide which, if any, of those expressions of interest are from persons who it thinks would be capable of satisfactorily supplying the goods or services.
- (4) The CEO is to list each of those persons as an acceptable tenderer.

*[Regulation 23 amended in Gazette 29 Jun 2001 p. 3132.]*

**24. People who submitted expression of interest to be notified of outcome**

The CEO is to give each person who submitted an expression of interest notice in writing —

- (a) containing particulars of the persons the CEO has listed under regulation 23(4) as acceptable tenderers; or
- (b) advising that the local government has decided not to invite tenders because no expression of interest that it considered was from a person who it thinks would be capable of satisfactorily supplying the goods or services; or
- (c) informing the person of any other outcome if neither paragraph (a) nor (b) is appropriate.

*[Regulation 24 amended in Gazette 29 Jun 2001 p. 3133.]*

**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**

Childcare service is a critical ingredient in the economic makeup of the district. There are numerous businesses within the Moora district that would be significantly adversely affected if there was not a childcare service provided in Moora. This is the most significant implication in terms of managing and mitigating risks associated with any potential change to the service model.

**➤ Social**

The childcare service is an important service also in social terms providing families with a service which allows them to shop in town with some respite or simply utilise the service giving their children additional social and development opportunities.

**FINANCIAL IMPLICATIONS:**

Refer to attached financial report to period ending 30 June 2012 and also to relevant sections of monthly financial report.

**VOTING REQUIREMENTS**

Simple Majority Required

**COUNCIL RESOLUTION**

***121/12 Moved Cr Cocking, seconded Cr Hawkins that Council formally invite Children's Services Support Unit (Inc.) to tender for the provision of childcare services from the Moora Childcare Building located at Lot 16 Keane Street, Moora in accordance with specifications detailed by Council to include but not limited to;***

- Accreditations/Insurances;***
- Transition into and out of service;***
- Detail of fees to be charged;***
- Places to be made available and guaranteed;***
- Assessment and overview of building and expectations in terms of tenureship;***
- Contract Service Period to be 3 years with an option for a further 3, formal review after 12 months.***

**CARRIED                      8/0**

### 9.1.5 **DELEGATIONS REGISTER – PROPOSED AMENDMENT**

**FILE REFERENCE:** PL/DELI  
**REPORT DATE:** 11 October 2012  
**OFFICER DISCLOSURE OF INTEREST:** Nil  
**PREVIOUS MEETING REFERENCES:** Nil  
**AUTHOR:** Alan Leeson, Chief Executive Officer  
**ATTACHMENTS:** Nil

**PURPOSE OF REPORT:**

To amend the delegation 3 of Councils delegation register to more accurately reflect the intent of Councils delegation in relation to halls, recreations centres and the Moora Performing Arts Centre.

**BACKGROUND:**

The current delegation is;

**03 HIRE FEES & CHARGES – RECREATION CENTRE / MOORA PERFORMING ARTS CENTRE**

**Function to be performed:** Council delegates its authority and power to the Chief Executive Officer to adjust recreation centre, Moora Performing Arts Centre, halls, pavilions and oval hire charges as determined in the budget where he considers there is the need due to extenuating circumstances, unusual kind of use, etc.

**Delegated to:** Chief Executive Officer

**On delegated to:** *The Chief Executive Officer in exercising authority, under Section 5.44 of the Local Government Act, 1995, has delegated this power and power to the Manager Finance and Corporate Services*

**Conditions:** Regulations 5, 8 and 10 of the Local Government (Financial Management) Regulations 1996.

**Record of Use:** Electronic copy of receipts to be archived and kept in accordance with records to be kept under the provisions of **General Disposal Authority for Local Government Records** Legislation.

**Reference:** S5.42, S6.10 Local Government Act (As Amended).

**Council Policy:**

**Date Adopted:**

**Date Reviewed:** 20 June 2012

**Date Reviewed and Amended:** 16 June 2010

**COMMENT:**

The amended delegation will reflect a change to the title of the delegation and changes to the function;

## **HIRE FEES & CHARGES – SHIRE RECREATION CENTRES/COMMUNITY CENTRES/TOWN HALLS AND PERFORMING ART CENTRES**

**Function to be performed:** Council delegates its authority and power to the Chief Executive Officer to adjust fees and charges where he/she considers there is a need due to extenuating circumstances e.g. community fundraising event, charitable cause and the like. The authority and power shall be applicable to;

- Moora Performing Arts Centre;
- Moora Recreation Centre;
- Miling Hall;
- Miling Recreation Centre;
- Watheroo Hall;
- Watheroo Recreation Centre;
- Coomberdale Hall;
- Bindi-Bindi Fire Shed and Community Centre.

**Delegated to:** Chief Executive Officer

**On delegated to:** *The Chief Executive Officer in exercising authority, under Section 5.44 of the Local Government Act, 1995, has delegated this power and power to the Manager Finance and Corporate Services*

**Conditions:** Regulations 5, 8 and 10 of the Local Government (Financial Management) Regulations 1996.

**Record of Use:** Electronic copy of receipts to be archived and kept in accordance with records to be kept under the provisions of **General Disposal Authority for Local Government Records** Legislation.

**Reference:** S5.42, S6.10 Local Government Act (As Amended).

**Council Policy:**

**Date Adopted:**

**Date Reviewed:** 17 October 2012

**Date Reviewed and Amended:** 17 October 2012

### **POLICY REQUIREMENTS:**

Nil

### **LEGISLATIVE REQUIREMENTS:**

Local Government Act 1995.

### **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:**

In a general sense the use of such authority by the Chief Executive Officer is very infrequent and as such the impact for Council financially would not materially affect the annual budget forecast and operating result pertaining to income derived.

**VOTING REQUIREMENTS**

Simple Majority Required

**COUNCIL RESOLUTION**

***122/12 Moved Cr Hawkins, seconded Cr Tonkin that Council delegation 03 – be amended to reflect the following;***

**HIRE FEES & CHARGES – SHIRE RECREATION CENTRES/COMMUNITY CENTRES/TOWN HALLS AND PERFORMING ART CENTRES**

***Function to be performed:*** Council delegates its authority and power to the Chief Executive Officer to adjust fees and charges where he/she considers there is a need due to extenuating circumstances e.g. community fundraising event, charitable cause and the like. The authority and power shall be applicable to;

- Moora Performing Arts Centre;
- Moora Recreation Centre;
- Miling Hall;
- Miling Recreation Centre;
- Watheroo Hall;
- Watheroo Recreation Centre;
- Coomberdale Hall;
- Bindi-Bindi Fire Shed & Community Centre.

***Delegated to:*** Chief Executive Officer

***On delegated to:*** *The Chief Executive Officer in exercising authority, under Section 5.44 of the Local Government Act, 1995, has delegated this power and power to the Manager Finance and Corporate Services*

***Conditions:*** Regulations 5, 8 and 10 of the Local Government (Financial Management) Regulations 1996.

***Record of Use:*** Electronic copy of receipts to be archived and kept in accordance with records to be kept under the provisions of **General Disposal Authority for Local Government Records** Legislation.

***Reference:*** S5.42, S6.10 Local Government Act (As Amended).

***Council Policy:***

***Date Adopted:***

***Date Reviewed:*** 17 October 2012

***Date Reviewed and Amended:*** 17 October 2012

**CARRIED**

**8/0**

## **9.2 HEALTH, BUILDING & PLANNING SERVICES**

### **9.2.1 ADRIENNE DINN – TRANSPORTABLE HOUSE 2 HAMILTON STREET, MOORA**

**FILE REFERENCE:** TP/PA10/1213

**REPORT DATE:** 4 October 2012

**APPLICANT/PROPONENT:** Ms Adrienne Dinn

**OFFICER DISCLOSURE OF INTEREST:** Nil

**PREVIOUS MEETING REFERENCES:** Nil

**AUTHOR:** Peter Williams, Manager Health Building & Planning Services

**ATTACHMENTS:** Plans

#### **PURPOSE OF REPORT:**

Ms Adrienne Dinn through her Town Planning Application requests Council approval to locate a second hand transportable dwelling on 501/Hn 2 Hamilton Street in Moora. The transportable dwelling will be reclad with new colourbond material and reroofed with new corrugated iron. The dwelling will be sited on stumps above a gravel pad. Ms Dinn advises that she will be adding a porch to the front of the dwelling.

#### **BACKGROUND:**

This property is zoned Residential and is subject to the Residential Design Codes.

The proposed development is zoned as Residential with a Residential Design Code of R12.5.

The objectives of the Residential Zone are:

- a) To provide for the predominant form of residential development to be single houses whilst providing for diversity with higher density close to the centre of Town.
- b) To provide for diversity of lifestyle choice with a range of residential densities.
- c) To allow for the establishment of non-residential uses which are compatible with the predominant residential use and which will not adversely affect the amenity of the area. Site requirements are in accordance with the residential Design Codes.

The Shire of Moora Town Planning Scheme (TPS) No 4 states:-

#### **4.7 TRANSPORTABLE DWELLINGS**

4.7.1 A building shall not be placed on a lot and occupied as a dwelling following transportation as a whole or as parts of a building unless the transportable building has been specifically constructed as a transportable dwelling and, in the opinion of the Local Government, such building is in satisfactory condition and will not detrimentally affect the amenity of the area.

4.7.2 An applicant for planning approval for a transported dwelling may be required by the Local Government to enter into a contract and provide a bond to reinstate the building to an acceptable standard of presentation within the period specified by the Local Government.

#### **Shire Policy Manual on Transportable homes:**

That Council retain the option to require homes of a certain standard (e.g. Transportable Homes) in newly created subdivisions or areas where currently no homes.

### Shire Policy Manual - Second Hand Housing Policy

That the second hand house policy be as:

1. The dwelling to be relocated is to be made to comply in all respects of the Building code of Australia, particularly the section relative to seismic zones.
2. All such dwellings proposed to be transported to town-sites within the Shire are to be inspected “in-situ” by a Building Surveyor or some other qualified person, any costs so incurred are to be borne by the applicant;
3. A report on the dwelling complete with recommended conditions of approval, photographs etc. are to be submitted to the Building Surveyor for consideration, proper plans and specifications are to be duly submitted to the Building Surveyor in order that a building Permit can be issued.

No dwelling is to be relocated upon any lot within the Shire until the Building Permit has been issued.

4. An estimated cost of any conditions of approval is to be used as a basis of calculating a Fidelity Bond, which is to be deposited by the applicant with Council. The bond is to be deposited with the understanding that if the conditions of approval are not completed to Councils satisfaction within the time limit specified the outstanding conditions will be met from the bond monies held by Council. The remainder, if any, is to be returned to the applicant when all the conditions have been completed.
5. That in the case of a second hand house arriving in any town site or rural area of the Shire without the necessary approvals, immediate prosecution is instigated.
6. That if a pine framed second-hand house is transported within the Moora Shire Districts its installation is to be strictly in accordance with the Australian Standards AS 1694 – 1974 Code of Practice for Physical Barriers used in protection of buildings against subterranean termites.

#### **COMMENT:**

The proposed dwelling does look like a box with the 5° degree pitch roof adding to the boxed nature of the building. It is recommended that the gable pitch of the roof be increased to at least 15° degrees.

The area of Lot 501 Hamilton Street as mentioned is zoned as Residential with a Residential Design Code of R12.5. Subject to the building not reflecting the amenity of the area, which can be ensured by the provision of a fidelity bond of \$10,000.00 to ensure that the finish and landscaping is carried out the design and construction of the building can be ensured by visiting and inspecting the building prior to it leaving Perth to ensure that it meets the necessary standards required by the Moora Shire Council.

The building is currently a metal frame that it is advised is going to be treated and constructed with new materials to the finished product as shown in the plan attached. The proposed development is a second hand frame only and this will be treated prior to work being commenced on it. All other materials shall be as advised new materials. The proposed property is a 5° degree pitched roofed dwelling and will be requested to have verandahs to break the profile of the property. It is suggested that the property have a gabled roof of at



least 15° degree pitch which will also change the profile looking from the road at the property. The Building will have to comply with the Building Code of Australia and Department of Water requirements as to the height of the finished floor level and this will be requested to be retained.

At 6.15pm the Manager Finance & Corporate Services left the meeting.

The accompanying floor plan shows a steel framed, 5° degree gabled steel colourbond roof, covered with colourbond wall sheeting, two bedroom, bath, laundry & toilet with an open planned kitchen and living area internally lined with gyprock.

#### **POLICY REQUIREMENTS:**

Shire of Moora's Policy 6.4 Transportable Homes & 6.5 Second hand Housing

#### **LEGISLATIVE REQUIREMENTS:**

Planning and Development Act 2005, Shire of Moora Town Planning Scheme No 4 (Amendment 10); Building Code of Australia.

#### **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**

Provision of new dwellings in Moora would contribute to the economic growth of the town regarding land and sewerage rates.

##### ➤ **Social**

The addition of housing within Moora is a positive however increasing the number of low cost housing may contribute to possible social implications long term.

#### **FINANCIAL IMPLICATIONS:**

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

#### **VOTING REQUIREMENTS**

Simple Majority Required

### **COUNCIL RESOLUTION**

***123/12 Moved Cr Humphry, seconded Cr Keamy that Council approve Ms Adrienne Dinn's planning application for a transportable house on 2 Hamilton Street, Moora subject to the following conditions:***

- 1. The use of second hand materials apart from the frame work is not permitted to be used on the refit of the dwelling frame.***
- 2. The dwelling is to be subject to a Building License and compliance with the Building Act 2011, Building Regulations 2012 and the Building Code of Australia applicable to Western Australian Conditions.***
- 3. During construction, access to the site shall be at the location of the vehicle crossover only. No material or vehicles associated with construction shall be***

- allowed on the verge without the prior written approval from the Shire Engineering Department.*
- 4. Fences located on the front boundary over 750mm high shall incorporate a 1.5 metre truncation on both sides of every driveway.*
  - 5. The development/land use approved (the “New Development”) must be constructed by no later than 2 years following the date of approval.*
  - 6. The roof of the proposed building is to be a gabled roof pitched no less than 15°degrees.*
  - 7. The front of the property is to incorporate a substantial verandah to break the front façade of the building so it is not box shaped and this is to be at the Approval of the Shire’s Manager of Development Services.*
  - 8. Prior to the commencement of the development/land use a landscaping plan shall be submitted to and approved by the local government. The approved landscaping plan is to be implemented in full prior to the commencement of the approved use and maintained thereafter to the approval of the local government.*
  - 9. The roof and walls of the building being clad of new non-reflective materials consistent or complimentary in colour with the surrounding natural landscape features or desired streetscape to the approval of the local government.*
  - 10. The development is to be undertaken and thereafter maintained according to the colour scheme set out in the application, with any variations to be the subject of specific written approval of the local government.*

*Note for Officer: Where it is desired to impose a colour scheme, a colour scheme should be sought as part of the planning approval details and the above condition imposed accordingly.*

- 11. Prior to the building being relocated, the proponent is to lodge a bond of \$10,000.00 to secure completion of all steps necessary to achieve an external appearance of the building in accordance with the planning approval. The following shall apply in relation to the bond:  
The local government may deposit the bond into an interest bearing account;*
  - a) if in the opinion of the local government the external appearance of the relocated building has not been completed in accordance with Condition No. 2 within 6 months of physical relocation of the building, the local government may by its officers, employees, agents, contractors and subcontractors, carry out such works as the local government may deem necessary, with or without vehicles, machinery, equipment or plant;*
  - b) the local government may, for the purpose of giving effect to subparagraph b) above, draw from the bond;*
  - c) upon all of the external appearance requirements having been satisfied, the local government shall on request from the registered proprietor at the time pay back to the registered proprietor the balance (if any) of the bond and then standing to the credit of the local government. It is the responsibility of the party initially paying the bond to make arrangements with any successor in title if the person initially paying the bond expects that the successor in title to repay some or all of that bond to the original payer.*

**CARRIED** 7/1

## **9.2.2 DISABILITY ACCESS & INCLUSION PLAN 2012-17**

Prior to the commencement of discussion on the item an updated draft copy of the Disability Access & Inclusion Plan was distributed to all at the meeting.

**FILE REFERENCE:** BC/DAII

**REPORT DATE:** 10 October 2012

**OFFICER DISCLOSURE OF INTEREST:** Nil

**PREVIOUS MEETING REFERENCES:** Nil

**AUTHOR:** Peter Williams, Manager Health Building & Planning Services

**ATTACHMENTS:** Draft Copy of Disability Access & Inclusion Plan

### **PURPOSE OF REPORT:**

Request for Council to approve the revision of the Disabilities Services Access and Inclusion Plan.

### **BACKGROUND:**

The Disabilities Services Access and Inclusion Plan is required to be revised every 5 years and the last time it was revised was 2007. The Shire is required by law to have an current Disability Services Access and Inclusion Plan that has been consulted to the Community and staff to identify areas that need attention so that people with disabilities are not disadvantaged in sustaining a normal life standard within the community.

### **COMMENT:**

The Community was consulted with advertisement being placed in the Advocate, a survey form was placed on the Shire's Web Site and also posted out to all the service organisations throughout the Shire. 10 Survey forms were returned and are noted in the Plan. A copy was sent to the Department of Disability Services and advised that it was very comprehensive and met all the requirements of the Department of Disability Services.

### **POLICY REQUIREMENTS:**

Form part of the Shire's responsibility to provide services for the disabled within the Shire of Moora.

### **LEGISLATIVE REQUIREMENTS:**

Meets the requirements of the Disability Services Act 1993.

### **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 may be budget obligations for next year

#### ➤ **Social**

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

**FINANCIAL IMPLICATIONS:**

There may be budget obligations for next year.

**VOTING REQUIREMENTS**

Simple Majority Required

**COUNCIL RESOLUTION**

***124/12 Moved Cr Clydesdale-Gebert, seconded Cr Bryan that Council approve the Disability Services Access and Inclusion Plan for the Shire of Moora 2012-2017; noting that the inclusion of provision of a pool hoist at the Moora Public Pool is in the Plan.***

**CARRIED                      8/0**

**9.2.3 GREG REILLY – TRANSPORTABLE HOUSE LOT 6 LEFROY STREET, MOORA**

**FILE REFERENCE:** TP/PA11/1213

**REPORT DATE:** 10 October 2012

**APPLICANT/PROPONENT:** Greg Reilly

**OFFICER DISCLOSURE OF INTEREST:** Nil

**PREVIOUS MEETING REFERENCES:** Nil

**AUTHOR:** Peter Williams, Manager Health, Building & Planning Services

**ATTACHMENTS:** House Photos & Plans

**PURPOSE OF REPORT:**

Mr Greg Reilly requests Council approval to install a 3 year old Fleetwood transportable 2 Bedroom House and a shed on Lot 6 Lefroy Street cnr Clinch Street in Moora.

**BACKGROUND:**

The House construction comprises a steel framed, hardiplank rusticated weatherboard wall clad and colourbond custom orb roof covering which will be sited on a precast transportable concrete pad. The house was constructed in 2009 and was lived in by a previous resident for 18 months.

The Shire of Moora Town Planning Scheme (TPS) No 4 states:-

**4.7 TRANSPORTABLE DWELLINGS**

4.7.1 A building shall not be placed on a lot and occupied as a dwelling following transportation as a whole or as parts of a building unless the transportable buildings has been specifically constructed as a transportable dwelling and, in the opinion of the Local Government, such building is in satisfactory condition and will not detrimentally affect the amenity of the area.

4.7.2 An applicant for planning approval for a transported dwelling may be required by the Local Government to enter into a contract and provide a bond to reinstate the building to an acceptable standard of presentation within the period specified by the Local Government.

### Shire Policy Manual on Transportable homes:

That Council retain the option to require homes of a certain standard (e.g. Transportable Homes) in newly created subdivisions or areas where currently no homes.

### Shire Policy Manual - Second Hand Housing Policy

That the second hand house policy be as:

1. The dwelling to be relocated is to be made to comply in all respects of the Building code of Australia, particularly the section relative to seismic zones.
2. All such dwellings proposed to be transported to townsites within the Shire are to be inspected “in-situ” by a Building Surveyor or some other qualified person, any costs so incurred are to be borne by the applicant;
3. A report on the dwelling complete with recommended conditions of approval, photographs etc. are to be submitted to the Building Surveyor for consideration, proper plans and specifications are to be duly submitted to the Building Surveyor in order that a building Permit can be issued.

No dwelling is to be relocated upon any lot within the Shire until the Building Permit has been issued.

4. An estimated cost of any conditions of approval is to be used as a basis of calculating a Fidelity Bond, which is to be deposited by the applicant with Council. The bond is to be deposited with the understanding that if the conditions of approval are not completed to Councils satisfaction within the time limit specified the outstanding conditions will be met from the bond monies held by Council. The remainder, if any, is to be returned to the applicant when all the conditions have been completed.
5. That in the case of a second hand house arriving in any town site or rural area of the Shire without the necessary approvals, immediate prosecution is instigated.
6. That if a pine framed second-hand house is transported within the Moora Shire Districts its installation is to be strictly in accordance with the Australian Standards AS 1694 – 1974 Code of Practice for Physical Barriers used in protection of buildings against subterranean termites.

### **COMMENT:**

The area Lot 6 Lefroy Street is only 613.6 m<sup>2</sup> is zoned as residential R12.5 and is too small for grouped dwellings where the minimum is 700m<sup>2</sup>. There has been one other potential buyer of the lot wishing to site two units on the block but the block was too small for the proposed development.

The property next door in Clinch Street is a prefabricated transportable and No 47 Lefroy Street opposite and down a few doors is also prefabricated transportable, so this is not lowering the amenity of the area and is in line with other houses in the area.

The Shire of Moora Town Planning Scheme No 4 (Amendment 10) Residential Zone Objectives states:-

- (a) To provide for the predominant form of residential development to be single houses whilst providing for diversity with higher density close to Town centre.
- (b) To provide for diversity of lifestyle choice with a range of residential densities.
- (c) To allow for the establishment of non-residential uses which are compatible with the predominant residential use and which will not adversely affect local amenities.

From this the proposed development meets the objectives of the Shire's Town Planning Scheme No 4 (Amendment 10).

#### **POLICY REQUIREMENTS:**

Shire of Moora's Policy 6.4 Transportable Homes & 6.5 Second hand Housing

#### **LEGISLATIVE REQUIREMENTS:**

Shire of Moora Town Planning Scheme No 4 (Amendment 10).

#### **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

#### **ORIGINAL MOTION (OFFICER RECOMMENDATION)**

*Moved Cr Tonkin, seconded Cr Hawkins that Council approve the development application for a transportable house on Lot 6 Lefroy Street, Moora subject to the following conditions:-*

1. *The dwelling is to be subject to a Building License and compliance with the Building Act 2011, Building Regulations 2012 and the Building Code of Australia applicable to Western Australian Conditions.*
2. *During construction, access to the site shall be at the location of the vehicle crossover only. No material or vehicles associated with construction shall be allowed on the verge without the prior written approval from the Shire Engineering Department.*
3. *Fences located on the front boundary over 750mm high shall incorporate a 1.5 metre truncation on both sides of every driveway.*
4. *The development/land use approved (the "New Development") must be constructed by no later than 2 years following the date of approval.*

5. *The existing dwelling appearance to be externally upgraded to an equivalent maintenance standard as the rest of the development. In this regard a schedule indicating design, colour and materials of the proposed dwelling and any screen walls are to be submitted and approved by the local government prior to the granting of a building licence.*
6. *The development shall be consistent or complementary in colour with the existing building to the approval of the local government.*
7. *The use of second hand materials is not permitted.*
8. *The proponent at the time shall be responsible to compensate the local government for the repair of (or shall if the local government so agrees repair) any facility existing on the road reserve adjacent to the site which is damaged in the process of construction, establishment or installation of the development/land use.*
9. *The proponent is responsible to ensure the installation and maintenance at all times of a drainage system for the disposal of surface water which:*
  - *conveys water to an appropriate outfall;*
  - *avoids the entry of water into a building; and*
  - *avoids water damaging the building.*

### **AMENDMENT**

***125/12 Moved Cr Keamy, seconded Cr Cocking that the motion be amended to include dot point 10:***

10. ***The proponent is to lodge a bond of \$10,000.00 to secure completion of all steps necessary to achieve an external appearance of the building in accordance with the planning approval. The following shall apply in relation to the bond:  
The local government may deposit the bond into an interest bearing account;***
  - a) ***if in the opinion of the local government the external appearance of the relocated building has not been completed in accordance with Condition No. 1 within 6 months of physical relocation of the building, the local government may by its officers, employees, agents, contractors and subcontractors, carry out such works as the local government may deem necessary, with or without vehicles, machinery, equipment or plant;***
  - b) ***the local government may, for the purpose of giving effect to subparagraph b) above, draw from the bond;***
  - c) ***upon all of the external appearance requirements having been satisfied, the local government shall on request from the registered proprietor at the time pay back to the registered proprietor the balance (if any) of the bond and then standing to the credit of the local government. It is the responsibility of the party initially paying the bond to make arrangements with any successor in title if the person initially paying the bond expects that the successor in title to repay some or all of that bond to the original payer.***

The amendment was put and **CARRIED 7/1**

The President then put the amended motion, which became the substantive motion;

### **COUNCIL RESOLUTION**

***126/12 Council approve the development application for a transportable house on Lot 6 Lefroy Street, Moora subject to the following conditions:-***

1. ***The dwelling is to be subject to a Building License and compliance with the Building Act 2011, Building Regulations 2012 and the Building Code of Australia applicable to Western Australian Conditions.***

2. ***During construction, access to the site shall be at the location of the vehicle crossover only. No material or vehicles associated with construction shall be allowed on the verge without the prior written approval from the Shire Engineering Department.***
3. ***Fences located on the front boundary over 750mm high shall incorporate a 1.5 metre truncation on both sides of every driveway.***
4. ***The development/land use approved (the “New Development”) must be constructed by no later than 2 years following the date of approval.***
5. ***The existing dwelling appearance to be externally upgraded to an equivalent maintenance standard as the rest of the development. In this regard a schedule indicating design, colour and materials of the proposed dwelling and any screen walls are to be submitted and approved by the local government prior to the granting of a building licence.***
6. ***The development shall be consistent or complementary in colour with the existing building to the approval of the local government.***
7. ***The use of second hand materials is not permitted.***
8. ***The proponent at the time shall be responsible to compensate the local government for the repair of (or shall if the local government so agrees repair) any facility existing on the road reserve adjacent to the site which is damaged in the process of construction, establishment or installation of the development/land use.***
9. ***The proponent is responsible to ensure the installation and maintenance at all times of a drainage system for the disposal of surface water which:***
  - ***conveys water to an appropriate outfall;***
  - ***avoids the entry of water into a building; and***
  - ***avoids water damaging the building.***
10. ***The proponent is to lodge a bond of \$10,000.00 to secure completion of all steps necessary to achieve an external appearance of the building in accordance with the planning approval. The following shall apply in relation to the bond: The local government may deposit the bond into an interest bearing account;***
  - a) ***if in the opinion of the local government the external appearance of the relocated building has not been completed in accordance with Condition No. 1 within 6 months of physical relocation of the building, the local government may by its officers, employees, agents, contractors and subcontractors, carry out such works as the local government may deem necessary, with or without vehicles, machinery, equipment or plant;***
  - b) ***the local government may, for the purpose of giving effect to subparagraph b) above, draw from the bond;***
  - c) ***upon all of the external appearance requirements having been satisfied, the local government shall on request from the registered proprietor at the time pay back to the registered proprietor the balance (if any) of the bond and then standing to the credit of the local government. It is the responsibility of the party initially paying the bond to make arrangements with any successor in title if the person initially paying the bond expects that the successor in title to repay some or all of that bond to the original payer.***

**CARRIED                      7/1**

**Note:** Dot point 10 was added to the recommendation to reflect a consistent application of conditions with reference to second hand building developments.



## **9.2.4 BUDGET ACCOMMODATION - LOT 200 DRUMMOND STREET, MOORA**

**FILE REFERENCE:** TP/PA03/1213

**REPORT DATE:** 11 October 2012

**APPLICANT/PROPONENT:** Alex Zoch

**OFFICER DISCLOSURE OF INTEREST:** Nil

**PREVIOUS MEETING REFERENCES:** 15/08/12 (89/12)

**AUTHOR:** Peter Williams, Manager Health Building & Planning Services

**ATTACHMENTS:** Letter of approval & Partial objection letter

### **PURPOSE OF REPORT:**

The proponent is seeking Councils' final approval for the Budget Accommodation project at Lot 200 Drummond Street, Moora.

### **BACKGROUND:**

The Budget Accommodation is to provide accommodation for citrus workers from the citrus plantations located in the district and it is believed Moora is the most appropriate location for this type of development. The accommodation is also required to attract workers into the area due to a lack of cheap accommodation in Moora and in turn will support the local economy of the district. The proposed development is to be located on land that has since been purchased by Mr Zoch on the corner of Long and Drummond Streets which encompasses an area of approximately 2 hectares.

In addition the proposal is seen to enhance the management practices for the district's Citrus production by these accommodation facilities being provided. It is advised that the facilities will in no way adversely affect the amenity of the surrounding area.

### **COMMENT:**

Since the proposal was submitted to council in August letters have been sent to the Water Corporation and Health Department as well as all surrounding neighbours. The Health Department and Water Corporation have given approval. There has been one letter of approval and one letter partly objecting, saying they are not happy but as long as the caretakers are there 24/7 to control people; as long as there is landscaping & buffer screening and all roads & parking are sealed to prevent dust they are happy but if they do not go ahead they will object. This was the only objection (refer attachment).

### **POLICY REQUIREMENTS:**

No Policy requirements

### **LEGISLATIVE REQUIREMENTS:**

Health Public Buildings Regulations;

Country Sewerage Regulations;

Water Authority Legislation;

Shire of Moora Town Planning Scheme No 4 (Amendment 10)

### **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**

***127/12 Moved Cr Gardiner, seconded Cr Bryan that Council approve the development for budget accommodation for Lot 200 Drummond Street, Moora subject to;***

- ***compliance with Council resolution 89/12 of 15 August 2012;***
- ***the roof structure is to be a gable roof over the entire structure that is to be continued at the front of each building;***
- ***to include a verandah that covers the pathway extending along each building; and***
- ***the proponent is to lodge a bond of \$10,000.00 to secure completion of all steps necessary to achieve an external appearance of the building in accordance with the planning approval. The following shall apply in relation to the bond:***  
***The local government may deposit the bond into an interest bearing account;***
  - a) ***if in the opinion of the local government the external appearance of the relocated buildings has not been completed in accordance with original Town Planning Conditions No's. 1-12 within 6 months of physical relocation of the building, the local government may by its officers, employees, agents, contractors and subcontractors, carry out such works as the local government may deem necessary, with or without vehicles, machinery, equipment or plant;***
  - b) ***the local government may, for the purpose of giving effect to subparagraph a) above, draw from the bond;***
  - c) ***upon all of the external appearance requirements having been satisfied, the local government shall on request from the registered proprietor at the time pay back to the registered proprietor the balance (if any) of the bond and then standing to the credit of the local government. It is the responsibility of the party initially paying the bond to make arrangements with any successor in title if the person initially paying the bond expects that the successor in title to repay some or all of that bond to the original payer.***

**CARRIED 7/1**

**Note:** It was resolved to include a bond condition given that the development proponent has located second hand units at Lot 200 Drummond Street premature to the developer complying with relevant development conditions and submission of building applications for the accommodation units sited on the land.

**9.3 COMMUNITY & ECONOMIC DEVELOPMENT**

Nil

**9.4 ENGINEERING SERVICES**

Nil

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

Nil

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

Nil

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

Nil

**13. CLOSURE OF MEETING**

*There being no further business, the Shire President declared the meeting closed at 6.54pm.*

**CONFIRMED**

**PRESIDING MEMBER**