

SHIRE OF MOORA
MINUTES OF THE ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS, MOORA
15 OCTOBER 2014

TABLE OF CONTENTS

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS	3
1.1 DECLARATION OF OPENING.....	3
1.2 DISCLAIMER READING	3
2. ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE	3
3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	3
4. PUBLIC QUESTION TIME	3
5. PETITIONS AND PRESENTATIONS.....	4
6. APPLICATIONS FOR LEAVE OF ABSENCE.....	4
7. ANNOUNCEMENTS BY THE PRESIDING MEMBER.....	4
8. CONFIRMATION OF MINUTES	5
8.1 ORDINARY COUNCIL MEETING - 17 SEPTEMBER 2014	5
9. REPORTS OF OFFICERS.....	5
9.1 GOVERNANCE AND CORPORATE SERVICES.....	5
9.1.1 LIST OF PAYMENTS AUTHORISED UNDER DELEGATION 1.31	5
9.1.2 STATEMENT OF FINANCIAL ACTIVITY FOR PERIOD ENDED 30 SEPTEMBER 2014.....	6
9.1.3 REVIEW OF COUNCIL MEETING SCHEDULES	7
9.1.4 WRITE-OFF OUTSTANDING DEBT	9
9.2 DEVELOPMENT SERVICES.....	11
9.2.1 HOME OCCUPATION – FAMILY DAY CARE	11
9.2.2 REDUCED SETBACK 106 ROBERTS STREET, MOORA.....	13
9.2.3 NUSTEEL DISPLAY SHED	15
9.3 ENGINEERING SERVICES.....	17
10. ELECTED MEMBER MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	17

11. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF COUNCIL.....	17
11.1 CALLING OF TENDERS – ROAD SEALING AGGREGATE, BITUMEN PRODUCTS AND ROAD STABILISATION	18
11.2 CALLING OF TENDERS – GRADER AND FRONT END LOADER – BUDGET ITEMS	19
12. MATTERS FOR WHICH THE MEETING MAY BE CLOSED	22
13. CLOSURE OF MEETING	22

*

Separate Attachments

- 9.1.1 *List of Payments Authorised Under Delegation 1.31*
- 9.1.2 *Statement of Financial Activity for Period Ended 30 September 2014*
- 9.1.3 *Proposed Schedule of Meeting Dates for 2015*
- 9.2.1 *Plan*
- 9.2.2 *Plans*
- 9.2.3 *Plans*

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

The Shire President declared the meeting open at 5.35pm.

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
CD Hawkins	-	Councillor
DV Clydesdale-Gebert	-	Councillor
R Keamy	-	Councillor
MR Pond	-	Councillor
KM Seymour	-	Councillor
MR Holliday	-	Councillor
JW McLagan	-	Councillor

AJ Leeson	-	Chief Executive Officer
DK Trevaskis	-	Deputy Chief Executive Officer
JL Greay	-	Manager Engineering Services
PR Williams	-	Manager Development Services
MM Murray	-	Executive Support Officer (minute taker)

APPROVED LEAVE OF ABSENCE

TG Humphry	-	Councillor
------------	---	------------

PUBLIC

Cynthia McMorran	-	Shire Freeman
------------------	---	---------------

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4. PUBLIC QUESTION TIME

Cynthia McMorran queried whether the classes that were previously run in the gym on Wednesdays from 9am – 10am would be continuing and whether there would be someone in attendance to help / supervise.

The Chief Executive Officer responded advising that in time the expectation will be that circuit classes and the like will get back up and running.

Cynthia commented that the paved footpath adjacent to the Drovers Inn in Moora is very well done.

5. PETITIONS AND PRESENTATIONS

Nil

6. APPLICATIONS FOR LEAVE OF ABSENCE

Cr McLagan requested in writing for a leave of absence for the meetings of Council to be held during the period 5th November to the 19th November 2014.

COUNCIL RESOLUTION

121/14 Moved Cr Seymour, seconded Cr Pond that Cr McLagan be granted leave of absence for the meetings of Council to be held during the period 5th November to 19th November 2014.

CARRIED 8/0

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER

- 20/9 Officially opened the Moora Agricultural Show
- 25/9 Met with Councils Auditors
- 27/9 Attended the official opening of the Western Australian Association of Caravan Clubs state rally at the Moora Recreation Ground
- 10/10 Attended the official opening of the new Community Resource Centre building in Wongan Hills with the Deputy Chief Executive Officer
- 15/10 Officiated the Tidy Towns presentations earlier this afternoon

Cr McLagan

Commented the Agricultural Show in Moora is very well done and is an outstanding event and a credit to all volunteers and organisers.

Cr Holliday

- 8/10 Attended the Moora Community Resource Centre AGM
- 15/10 Attended the Tidy Towns presentations earlier this afternoon

Cr Keamy

Reported he has been inspecting and observing road construction and maintenance methods of other Shires north of Moora.

8. CONFIRMATION OF MINUTES**8.1 ORDINARY COUNCIL MEETING - 17 SEPTEMBER 2014****COUNCIL RESOLUTION**

122/14 Moved Cr Pond, seconded Cr Hawkins that the Minutes of the Ordinary Meeting of Council held on 17 September 2014 be confirmed as a true and correct record of the meeting.

CARRIED 8/0

9. REPORTS OF OFFICERS**9.1 GOVERNANCE AND CORPORATE SERVICES****9.1.1 LIST OF PAYMENTS AUTHORISED UNDER DELEGATION 1.31**

REPORT DATE: 8 August 2014

OFFICER DISCLOSURE OF INTEREST: Nil

AUTHOR: David Trevaskis, Deputy Chief Executive Officer

SCHEDULE PREPARED BY: Alida Fitzpatrick, 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

123/14 Moved Cr Hawkins, seconded Cr Holliday that Council notes and endorses the Payments from the Municipal and Trust Funds made under delegation 1.31

<i>Municipal Fund</i>	<i>Cheques 661882 to 61892</i>	<i>\$14,520.21</i>
	<i>EFT 12459 to 12545</i>	<i>\$725,707.61</i>
	<i>Credit Card 15/08/14 to 14/09/14</i>	<i>\$7,956.55</i>
	<i>Net Pays – PPE 10/09/14</i>	<i>\$81,091.79</i>
	<i>Net Pays – PPE 24/09/14</i>	<i>\$84,619.35</i>
<i>Trust Fund</i>	<i>Cheques 5010 to 5012</i>	<i>\$830.20</i>
<i>Total</i>		<i><u>\$914,725.71</u></i>
		<u>CARRIED 8/0</u>

9.1.2 STATEMENT OF FINANCIAL ACTIVITY FOR PERIOD ENDED 30 SEPTEMBER 2014

REPORT DATE: 9 October 2014

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: David Trevaskis, Deputy Chief Executive Officer

ATTACHMENTS: Statement of Financial Activity for the Period Ended 30 September 2014

PURPOSE OF REPORT:

To note and receive the Statement of Financial Activity for the period ended 30 September 2014.

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 2014/15 adopted budget.

VOTING REQUIREMENTS

Simple Majority Required

COUNCIL RESOLUTION

124/14 Moved Cr Hawkins, seconded Cr Pond that Council notes and receives the Statement of Financial Activity for the period ended 30 September 2014.

CARRIED 8/0

9.1.3 REVIEW OF COUNCIL MEETING SCHEDULES

FILE REFERENCE: EN/COAI

REPORT DATE: 5 September 2014

DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Alan Leeson, Chief Executive Officer

ATTACHMENTS: Proposed Schedule of Meeting Dates for 2015

PURPOSE OF REPORT:

To provide suggested dates for Council approval for meeting dates for the 2015 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 2015 year.

In April 2013 Council commenced a 6 month trial period of General Purpose Committee meetings to be held on the first Wednesday of the month; previously an informal briefing session. In September after the trial period it was resolved to continue on with the structure of the Committee meetings and for the briefing session to remain prior to the Council meetings on the third Wednesday of each month.

The January Council meeting traditionally had few items; the main one was the financial reporting. A number of Councillors and staff take the opportunity to take leave through January so it has been suggested again that no meetings are held in January. 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 Committee meeting be held at the beginning of August as the 2015 Local Government Convention has been scheduled to be held from 5th- 7th 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 19th 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 committee meetings 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

125/14 Moved Cr McLagan, seconded Cr Hawkins that Council;

- 1. Adopts the meeting schedule for the period January 2015 to December 2015 as attached, based on one Ordinary Meeting of Council per month and one General Purpose Committee Meeting;*
- 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 WRITE-OFF OUTSTANDING DEBT

FILE REFERENCE: PA/747

REPORT DATE: 9 October 2014

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: David Trevaskis, Deputy Chief Executive Officer

ATTACHMENTS: Nil

PURPOSE OF REPORT:

Council approval to write-off debt's considered unrecoverable.

BACKGROUND:

Due to an administration error the owners of assessment A747 did not receive their 2013/14 rates assessment notice including the final demand notice for arrears. The owners changed address and correctly provided new details which were incorrectly recorded by staff. As a result rates arrears notices and other correspondence was not received by the owners

including final demand notices. The outstanding amount was referred to our debt collection agency and costs of \$377.10 were on-charged to the owner's assessment.

A payment agreement has been signed to pay the outstanding 2013/14 rates owing including overdue interest charges. The owners otherwise have a good rates payment history with the Shire of Moora and were paid in full immediately prior to the 2013/14 rates being issued. Emails confirm the correct address was supplied by the owners and final demand notices were delivered to the wrong address by administration.

COMMENT:

Council is able to write-off amounts owing including debt collection fees on-charged to a property owner's rates assessment account.

POLICY REQUIREMENTS:

There are no known policy requirements associated with this proposal.

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:

\$377.10 will no longer be collectable by the Shire of Moora and will be written off.

VOTING REQUIREMENTS

Absolute Majority Required

COUNCIL RESOLUTION

126/14 Moved Cr Hawkins, seconded Cr McLagan that Council resolve to write-off legal charges of \$377.10 from the amount owing on assessment A747 due to an administration error.

CARRIED BY ABSOLUTE MAJORITY 8/0

9.2 DEVELOPMENT SERVICES

9.2.1 HOME OCCUPATION – FAMILY DAY CARE

FILE REFERENCE: TP/PA10/1415

REPORT DATE: 3 October 2014

APPLICANT/PROPONENT: Joanne Magry

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Peter Williams, Manager Development Services

ATTACHMENTS: Plan

PURPOSE OF REPORT:

An application has been received from Mrs Joanne Magry (the proponent) seeking permission from Council to operate a Home Occupation, Family Day Care from her home located at Lot 144 Cooper Street Moora.

BACKGROUND:

A Family Day Care Licence allows operation 24/7 and the opening times will be but not limited to Monday – Friday 7.30am – 5.30pm.

The Licence permits care and education for a maximum of seven children, including the proponent's own children, and limited to children under the age of 4 years.

The purpose of Family Day Care is to provide quality care and education to small numbers of children and provide flexibility and availability to working parents and families in need. This will also include before and after school care/pickups, school holidays, pupil free days, public holidays, overnight care and respite care are offered.

The scheme which the proponent is affiliated with is Elite Childcare Solutions and Family Day Care. Mrs Sonya Aylmore is the Director and will organise inspection visits by co-ordinators every four to six weeks.

Lot 144 Cooper Street, Moora is located in the Rural Residential Zone southwest of the Moora Townsite and has a "D" Classification on the Shire of Moora Town Planning Scheme, Zoning Table, which requires Council approval.

COMMENT:

This would be an alternative service to the one the Shire provides though for only up to 7 children at any one time. Competition is good for the Town and keeps everyone on their toes. A Home Occupation is permitted in the Rural Residential Zone with Council approval. The proponent will be required to provide food to her young charges and therefore will be required to be a food premises. If Mrs Joanne Magry has more than 6 children under the age of 4 years for which she prepares food she will be captured under Standard 3.3.1 Food Safety Programs for food service to vulnerable persons which requires food businesses that process food for service to vulnerable persons to implement a documented and audited food safety program.

POLICY REQUIREMENTS:

Shire of Moora Home Occupation & Home Business Policy

LEGISLATIVE REQUIREMENTS:

Food Act 2008, Food Regulations 2009 and Food Safety Standards, Local Planning Scheme 4

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

With additional options for child care working mothers have more options of care for their children which in turn will retain young families in the Moora Community.

➤ Social

More options will be available to working mothers for child care.

FINANCIAL IMPLICATIONS:

A private Family Day Care may impact marginally on Shire Child Care but this is not valid evidence to refuse application

VOTING REQUIREMENTS

Simple Majority Required

COUNCIL RESOLUTION

127/14 Moved Cr McLagan, seconded Cr Clydesdale-Gebert that Council approve the application by Mrs Joanne Magry to establish a Family Day Care Centre at her property located at Lot 144 Cooper Street, Moora subject to the following conditions:

- 1. Application is made to the Shire for a Food Premises;***
- 2. Should more than 6 children be catered for with food preparation then compliance with Food Safety Standard 3.3.1 Food Safety Programs for food service to vulnerable persons will be necessary which will require implementation of a documented and audited food safety program;***
- 3. Councils policy for Home Occupation & Home Business requires an annual registration for the length of time the business operates;***
- 4. 'Home Occupation' means an occupation carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which:-***
 - (a) does not employ any person not a member of the occupier's household;***
 - (b) will not cause injury to or adversely affect the amenity of the neighbourhood;***
 - (c) does not occupy an area greater than 20 square metres;***
 - (d) does not display a sign exceeding 0.2 square metres;***
 - (e) does not involve the retail sale, display or hire of goods of any nature;***
 - (f) in relation to vehicles and parking, does not result in the requirement for a greater number of parking facilities than normally required for a single dwelling or an increase in traffic volume in the neighbourhood, does not involve***

the presence, use or calling of a vehicle more than 2 tonnes tare weight, and does not include provision for the fuelling, repair or maintenance of motor vehicles; and

(g) does not involve the use of an essential service of greater capacity than normally required in the zone.

CARRIED 8/0

9.2.2 REDUCED SETBACK 106 ROBERTS STREET, MOORA

FILE REFERENCE: TP/PA09/1415

REPORT DATE: 6 October 2014

APPLICANT/PROPONENT: Brian & Lynette Joyce

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Peter Williams Manager Development Services

ATTACHMENTS: Plans

PURPOSE OF REPORT:

Council is in receipt of an application which is seeking a reduced setback to enable proponents to construct a bull nose veranda at the front of their property located at 106 Roberts Street Moora.

BACKGROUND:

The proponents property once called “Canary Cottage” is an older style home built prior to the Town Planning Scheme coming into force in the 1920’s therefore the property is set further forward than most other homes. Being built prior to the Shire of Moora Town Planning Scheme, has in the past given the property a Non-Conforming Use category which accounts for the already reduced setback. The proponents now wish to carry out renovations to the property and this will bring the property in line with current legislation for this proposal.

The proposed plans for a bull nosed veranda:

- Is an appropriate design that doesn’t detrimentally impact on the existing house or streetscape;
- It is only a minor projection;
- Positively contributes to the streetscape and the character of the existing building;
- Maintains safety clearances and sight lines;
- Doesn’t impact on current car parking or open space requirements;

And therefore, in accordance with Section 5.1.2 (P2.1 and P2.2) of the Residential Design Codes a reduced front setback from the primary street to the veranda is considered appropriate in this instance.”

COMMENT:

The purpose for building the veranda is to reduce the amount of sun on the front of the house and making front of the house cooler, currently which is very hot in the summer months and to stop the rain coming onto the front windows thus protecting the front of the house.

The Residential Design Code does allow for Council discretion in allowing this development to go ahead in that the addition to the dwelling: -

- Is an appropriate design that doesn't detrimentally impact on the existing house or streetscape;
- It is only a minor projection;
- Positively contributes to the streetscape and the character of the existing building;
- Maintains safety clearances and sight lines;
- Doesn't impact on current car parking or open space requirements.

POLICY REQUIREMENTS:

There are no known policy requirements related to this item

LEGISLATIVE REQUIREMENTS:

Residential Design Codes 5.1.2; Local 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

128/14 Moved Cr Hawkins, seconded Cr McLagan that Council approve the Town Planning Application by proponents Brian and Lynette Joyce to have a reduced setback for the front of their property at 106 Roberts Street Moora, to enable them to construct a bull nose veranda on the front of their house subject to the following conditions:

- ***Drains extending from the house are protected to ensure they can be accessed;***
- ***No second-hand materials to be used;***
- ***All development shall be in accordance with the attached approved plans dated 26 September 2014 and subject to any modifications required as a consequence of any conditions of this approval. The endorsed plans shall not be modified or altered without the prior written approval of the local government.***

CARRIED 8/0

9.2.3 NUSTEEL DISPLAY SHED

Cr Clydesdale declared an impartial interest in the item as she is a director of a company operating in the Moora Light Industrial Area – Melbourne Street.

FILE REFERENCE: TP/PA11/1415

REPORT DATE: 8 October 2014

APPLICANT/PROPONENT: Greg Reilly

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Peter Williams Manager Development Services

ATTACHMENTS: Plans

PURPOSE OF REPORT:

Council is in receipt of a Town planning application from proponent Mr Greg Reilly to construct a “Fair Dinkum” display/storage shed to replace a “Ranbuild” Shed that will be removed on his business premises at Lot 196 Tootra Street, Moora.

BACKGROUND:

The proponent owns and operates the “Nusteel” business located at Lot 196 Tootra Street, Moora, in the Industrial Zone; building sheds and patios. He wishes to construct a steel display shed 12.0m x 25.21m to replace a different franchise shed in which he wishes to store equipment and machinery.

The Industrial Zone objectives include:

Objectives

- (a) to provide for the needs of industry to support the community
- (b) to provide appropriate buffers between industry and adjacent land uses, so as to avoid land use conflicts.
- (c) to provide landscaped buffers along the branch of the Moore River to the established industrial area.
- (d) to avoid direct discharge of stormwater drainage or the discharge of any deleterious substances into the branch of the Moore River.
- (e) to avoid non-industry related uses establishing in the industrial area.

Site Requirements

The minimum building setbacks shall be:

Front: 7.5m

Rear: 7.5m

Side: 5.0m on one side

Development Requirements:

- (a) the first 5 metres of the front setback on any lot shall be landscaped to the satisfaction of the local government. Where a lot has frontage to 2 streets the local government may vary the landscaping requirement only where the setback is reduced in which case the whole of the setback so reduced shall be landscaped to the satisfaction of the local government.
- (b) prior to the issue of planning approval for an industry in the Industrial zone, the local government will ascertain the appropriate buffer for that industry, and such industry may only be granted planning approval if the relevant buffer can be accommodated wholly within the zone.

- (c) in considering proposals for industries which would generate industrial liquid, solid or gaseous wastes the local government may refer such proposals to the Department of Environment and Conservation, and the granting of planning approval for such industries shall be subject to wastes being treated and disposed of in accordance with advice/guidelines received.

COMMENT:

The construction of a steel shed on his property is permitted by the scheme for this particular zone, however should Mr Reilly decide to carry out maintenance to his vehicles and equipment in this shed will change the classification of the shed under the Building Code of Australia. It will also require measures to accommodate waste oil and a wash down bay.

POLICY REQUIREMENTS:

There are no known policy requirements for this development

LEGISLATIVE REQUIREMENTS:

Local 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

129/14 Moved Cr Pond, seconded Cr Holliday that Council approve the development application by the proponent Mr Greg Reilly to construct a steel Display/Storage shed 12.0m x 25.21m on his business property located at Lot 196 Tootra Street Moora in the Industrial Zone of the Town Site of Moora subject to the following conditions:

- 1. No second hand materials are used in the construction of the Shed;***
- 2. The shed is to be used as requested for display and storage purposes, and should machinery maintenance be carried out in the shed then a change in classification to the shed is necessary. It will also require a wash down bay incorporating a petrol & oil separator;***

3. ***All development shall be in accordance with the attached approved plans dated 8 October 2014 and subject to any modifications required as a consequence of any conditions of this approval. The endorsed plans shall not be modified or altered without the prior written approval of the local government.***

CARRIED 8/0

9.3 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

The Chief Executive Officer tabled two items of urgent business titled 'Calling of Tenders – Road Sealing Aggregate, Bitumen Products and Road Stabilisation' and 'Calling of Tenders – Grader and Front End Loader – Budget Items' for Councils consideration.

COUNCIL RESOLUTION

130/14 Moved Cr McLagan, seconded Cr Holliday that Council consider the two items of urgent business as tabled by the Chief Executive Officer titled 'Calling of Tenders – Road Sealing Aggregate, Bitumen Products and Road Stabilisation' and 'Calling of Tenders – Grader and Front End Loader – Budget Items'.

CARRIED 8/0

11.1 CALLING OF TENDERS – ROAD SEALING AGGREGATE, BITUMEN PRODUCTS AND ROAD STABILISATION

FILE REFERENCE: L/TER1
REPORT DATE: 14 October 2014
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: Nil
AUTHOR: John Greay, Manager Engineering Services
ATTACHMENTS: Nil

PURPOSE OF REPORT:

Approval for the calling of tenders as per council's policy manual.

BACKGROUND:

Tenders are called throughout the year for various commodities etc. using historic documentation. This year council will, as has been the case in the past, require the services of various companies to assist with their road building activities.

To undertake Councils road sealing and road works programme, it is necessary to call tenders for aggregate, bitumen and road stabilising for the current year.

COMMENT:

It is considered desirable for Council to conform to the WALGA tender proforma when calling tenders for various requirements throughout the year for a value greater than \$100,000 including GST.

Council at the moment needs to call tenders for the supply and delivery of road sealing aggregate, supply and spray of bitumen products and the incorporation of road stabilisation products into the road pavement.

The WALGA proforma tender document will be used for this process.

Road Sealing Aggregate

Council will require approximately 1500 tonne of 14mm, 650 tonne of 10mm, 1450 tonne of 7mm road sealing aggregate for their road programme this year.

Supply and Spray of Bitumen Products

To carry out the road sealing programme this year Council requires approximately 305,000 litres of bitumen supplied and sprayed.

Road Stabilising

To carry our road stabilising to various identified road projects within the budget – approximately 65,000m².

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

Section 3.57 of the Local Government Act 1995

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

STRATEGIC IMPLICATIONS:

Council needs to continue with the upgrading and maintenance of their road network.

SUSTAINABILITY IMPLICATIONS:

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

FINANCIAL IMPLICATIONS:

Allowances have been provided within this year's budget and Works Programme.

VOTING REQUIREMENTS

Absolute Majority Required

COUNCIL RESOLUTION

131/14 Moved Cr Seymour, seconded Cr Hawkins that pursuant to Regulation 11(1) Local Government (Functions & General) Regulations 1996, Council authorises the calling of tenders for the supply and delivery of road sealing aggregate, supply and spray of bitumen products and road stabilisation which are budgeted for in the 2014-15 financial year, based on the WALGA Proforma Tender documentation.

CARRIED BY ABSOLUTE MAJORITY 8/0

11.2 CALLING OF TENDERS – GRADER AND FRONT END LOADER – BUDGET ITEMS

FILE REFERENCE: L/TEP1
REPORT DATE: 14 October 2014
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: N/A
AUTHOR: John Greay, Manager Engineering Services

PURPOSE OF REPORT:

Approval for the calling of tenders as per council's policy manual.

BACKGROUND:

On the budget this year council has budgeted for the changeover of two of their heavy plant items. One is the oldest of council's three graders and the other is a large front end loader

COMMENT:

The grader recently had a break down and it was thought that the motor had seized. Fortunately it was only an injector that had failed however the motor has done well over

10,000 hours. The loader has done similar hours and is due for replacement and forms part of councils plant replacement programme.

POLICY REQUIREMENTS:

Council Policy 9.12 – Purchasing and Procurement

Adopted by Council 15th March 2000

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

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

Value for money

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

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

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

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

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

- Local Government Act 1995 tender regulations
- National Competition Policy principles
- Trade Practises Act
- The social and economic impact of major contract decisions on local business
- Possible flow on effect to local businesses
- The potential for local product demonstrations and references, which consequently reduced risk in the decision making process
- More convenient communications and liaison
- Local backup, spare parts, warranty and quality 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.

In terms of Councils existing policy the most relevant and critical reference at this juncture is; **“The Shire has a responsibility to achieve value for money in its procurement of goods and services.”** After some detailed analysis Management are of the firm view that notwithstanding Councils Plant Replacement Program, the repairing of the grader given its age and working hours does not represent good value for money.

LEGISLATIVE REQUIREMENTS:

Local Government Act 1995- Division 6 (section 8)

6.8. Expenditure from municipal fund not included in annual budget

- (1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —
- (a) is incurred in a financial year before the adoption of the annual budget by the local government;
 - (b) is authorised in advance by resolution*; or
 - (c) is authorised in advance by the mayor or president in an emergency.

* **Absolute majority required.**

STRATEGIC IMPLICATIONS:

Strategically the appropriate resourcing of heavy plant and equipment should be a priority of Council on an annual basis. Timely changing over of major plant and equipment will generally mitigate against the risk of major repairs and rebuilds as has occurred in the past.

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

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

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 economic implications associated with this proposal.

FINANCIAL IMPLICATIONS:

Council has budgeted for the change over of both machines within the current budget.

VOTING REQUIREMENTS

Absolute Majority Required

COUNCIL RESOLUTION

132/14 Moved Cr McLagan, seconded Cr Hawkins that pursuant to Regulation 11 (1) Local Government (Functions & General) Regulation 1996, Council authorises the calling of tenders for the supply and delivery of one only heavy duty road grader and one only heavy duty front end loader, which are budgeted for in the 2014-15 financial year, by using WALGA's E-Quote system.

CARRIED BY ABSOLUTE MAJORITY 8/0

12. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Nil

The Chief Executive Officer acknowledged and thanked Kevin (Sam) Burnett for his efforts in maintaining and supervising the works crew whilst Manager of Engineering Services John Greay was on Long Service Leave.

13. CLOSURE OF MEETING

There being no further business, the President declared the meeting closed at 6.11pm.

CONFIRMED

PRESIDING MEMBER