



Ordinary Council Meeting Minutes

Date: 21 August 2013

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

The Shire of Moora Vision and Mission Statement

Vision

Our vision is that:

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

Mission

Our mission is:

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

SHIRE OF MOORA
MINUTES OF THE ORDINARY MEETING OF COUNCIL
HELD IN COUNCIL CHAMBERS, MOORA
21 AUGUST 2013

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Separate Attachments

- 9.1.1 *List of Payments Authorised Under Delegation 1.31*
- 9.1.2 *Statement of Financial Activity for Period Ended 31 July 2013*
- 9.2.1 *Plans*
- 9.2.4 *Shed diagrams*
- 9.4.1 *Spread sheets showing all tenders received*

I. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

I.1 DECLARATION OF OPENING

The Shire President declared the meeting open at 5.30 pm.

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 President
SA Bryan	-	Councillor
CD Hawkins	-	Councillor
DV Clydesdale-Gebert	-	Councillor
JW McLagan	-	Councillor
TG Humphry	-	Councillor
R Keamy	-	Councillor
OC Cocking	-	Councillor
AJ Leeson	-	Chief Executive Officer
JL Greay (until 6.42pm)	-	Manager Engineering Services
LJ Parola (until 6.29pm)	-	Manager Finance & Corporate Services
RL McCall (until 6.42pm)	-	Manager Community & Economic Development

APOLOGIES

PR Williams	-	Manager Development Services
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PUBLIC

Mr Stewart Ridgway	Dr Bernard Chapman
Mr Marcus Holliday	Mrs Joley Holliday

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4. PUBLIC QUESTION TIME

Nil

5. PETITIONS AND PRESENTATIONS

Mr Stewart Ridgway, Moora St John Ambulance and Dr Bernard Chapman will address Council in relation to issues with street addressing in the Moora townsite when emergency services are required.

At the conclusion of their discussion Mr Ridgway and Dr Chapman left the meeting at 5.50pm.

6. APPLICATIONS FOR LEAVE OF ABSENCE

The Chief Executive Officer advised that he had received a written request for leave of absence from Cr Gardiner for the meetings of Council to be held during the period 1 September to 1 October 2013.

COUNCIL RESOLUTION

113/13 Moved Cr Bryan, seconded Cr McLagan that Cr Gardiner be granted leave of absence for the meetings of Council to be held during the period 1 September to 1 October 2013.

CARRIED 9/0

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER

22/7 Regional Road Group meeting with the Manager Engineering Services
26/7 Community Resource Centre meeting with the Chief Executive Officer
30/7 and 19/8 Sister Kate meeting with Chief Executive Officer
9/8 Airstrip consultation
10/8 WAFL game and luncheon
13/8 LEMC exercise and meeting

Cr Hawkins

20/8 Local Health Advisory Group meeting – Patient Assistance Travel Scheme is an issue for local residents, whereby local residents are having difficulties accessing a level of assistance commensurate with their medical requirements.

Cr Bryan

14/8 Community Resource Centre Committee meeting with Manager Community & Economic Development

Cr McLagan

Attended Local Government Convention

10/8 WAFL game and luncheon – great job done by the Chief Executive Officer and Manager Engineering Services and his staff.

Cr Clydesdale-Gebert

Attended Local Government Convention

Cr Tonkin

19/8 Sister Kate meeting

8. CONFIRMATION OF MINUTES**8.1 ORDINARY COUNCIL MEETING - 17 JULY 2013****COUNCIL RESOLUTION**

114/13 Moved Cr Bryan, seconded Cr Tonkin that the Minutes of the Ordinary Meeting of Council held on 17 July 2013 be confirmed as a true and correct record of the meeting.

CARRIED 9/0

8.2 SPECIAL MEETING OF COUNCIL - 31 JULY 2013**COUNCIL RESOLUTION**

115/13 Moved Cr Hawkins, seconded Cr Humphry that the Minutes of the Special Meeting of Council held on 31 July 2013 be confirmed as a true and correct record of the meeting.

CARRIED 9/0

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

REPORT DATE: 13 August 2013

OFFICER DISCLOSURE OF INTEREST: Nil

AUTHOR: Dawn Ardley, Creditors Officer

ATTACHMENTS: Accounts Paid Under Delegated Authority

PURPOSE OF REPORT

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

BACKGROUND

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

COMMENT

Accounts Paid under delegated authority are periodically presented to Council.

POLICY REQUIREMENTS

Delegation 1.31 – Payments from Municipal and Trust Funds.

LEGISLATIVE REQUIREMENTS:

Local Government Act 1995 - Section 6.10

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

STRATEGIC IMPLICATIONS

There are no known strategic implications associated with this proposal.

SUSTAINABILITY IMPLICATIONS➤ **Environment**

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

➤ **Economic**

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

➤ **Social**

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

FINANCIAL IMPLICATIONS

Payments are in accordance with the adopted budget.

VOTING REQUIREMENTS

Simple Majority Required

COUNCIL RESOLUTION

116/13 Moved Cr Cocking, seconded Cr Tonkin that Council notes and endorses the Payments from the Municipal and Trust Funds made under delegation 1.31

<i>Municipal Fund</i>	<i>Cheques 61325 to 61360</i>	<i>\$124,639.94</i>
	<i>EFT 10105 to 10263</i>	<i>\$428,670.21</i>
	<i>Credit Card 16/05/13 to 15/06/13</i>	<i>\$6,068.28</i>
	<i>Net Pays – PPE 2/07/13</i>	<i>\$76,155.16</i>
	<i>Net Pays – PPE 16/07/13</i>	<i>\$78,193.75</i>
	<i>Net Pays – PPE 30/7/13</i>	<i>\$79,243.51</i>
<i>Trust Fund</i>	<i>Cheques 4905 to 4907</i>	<i>\$60.00</i>
<i>Total</i>		<i><u>\$793,030.85</u></i>
		<i><u>CARRIED 9/0</u></i>

9.1.2 STATEMENT OF FINANCIAL ACTIVITY FOR PERIOD ENDED 31 JULY 2013

REPORT DATE: 13 August 2013

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Leanne Parola, Manager Finance & Corporate Services

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

PURPOSE OF REPORT:

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

BACKGROUND:

Council is provided with monthly financial reports to enable monitoring of revenues and expenditures against the adopted budget.

COMMENT:

The Statement of Financial Activity for the Period Ended is provided as a separate attachment in Program format.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

Local Government Act 1995, Section 6.4

Local Government (Financial Management) Regulations 1996, Clause 34

STRATEGIC IMPLICATIONS:

Monitoring of actual revenues and expenditures against the adopted budget assists Council in being informed as to the financial health of the organisation.

SUSTAINABILITY IMPLICATIONS:

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

FINANCIAL IMPLICATIONS:

Year to date income and expenditure is provided by program to enable comparison to 2013/14 adopted budget.

VOTING REQUIREMENTS

Simple Majority Required

COUNCIL RESOLUTION

117/13 Moved Cr Hawkins, seconded Cr Tonkin that Council notes and receives the Statement of Financial Activity for the period ended 31 July 2013.

CARRIED 9/0

9.2 HEALTH, BUILDING & PLANNING SERVICES

9.2.1 DEAN VAN DER ENDE OVERSIZED SHED 34 BEWSHER STREET MOORA

FILE REFERENCE: TP/PA01/1314

REPORT DATE: 1 August 2013

APPLICANT/PROPONENT: Dean Van Der Ende

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Peter Williams, Manager Development Services

ATTACHMENTS: Plans

PURPOSE OF REPORT:

The proponent Mr Dean Van Der Ende of 34 Bewsher Street is making application to seek Councils approval to construct an over-sized 12m x 8m steel constructed/clad shed for the purpose of storage, small workshop and carport on his property Lot 21/Hn 34 Bewsher Street Moora. The shed is 12m length x 8m width x 4.4m height with an area of 96m² for the purpose of housing two vehicles, storage and a small workshop, is to be accessed from the rear lane way.

BACKGROUND:

The outbuilding/shed as mentioned is 8,000mm x 12,000mm being a total square area of 96m². The Residential Design Codes provides criteria for outbuildings which are as follows:

Outbuildings that do not detract from the street scape or the visual amenity of residents or neighbouring properties: Outbuildings that -

- *Are not attached to a dwelling*
- *Are non-habitable;*
- *Collectively do not exceed 60m² in area or 10% in aggregate of the site area whichever is the lesser;*
- *Do not exceed a wall height of 2.4m;*
- *Do not exceed a ridge height of 4.2m;*
- *Are not within the primary setback boundary;*
- *Do not reduce the amount of open space required in Table 1; and*
- *Comply with the siting and design requirements for the dwelling, but do not need to meet rear setback requirements of table 1*

Outbuilding Policy

Council's current outbuilding policy referring to square metreage of land and maximum size of outbuildings is:

R2 – 5,000 m² lots – Maximum size 200m²

R2.5 – 4,000m² lots – Maximum size 200m²

R5 -2,000m² lots – Maximum size 150m²

R12.5 – 800m² lots – Maximum size 100m²

R25/R30 – 320m² to 300m² lots Maximum size at Council discretion case by case.

COMMENT:

Mr Van Der Ende's proposed shed is 96m² and meets the requirements of the Shire's Outbuilding policy for the size of his block and it is recommended that his application be approved subject to conditions. The height of the building also meets the R Codes which allows for a ridge height of 6 metres.

POLICY REQUIREMENTS:

Policy Manual – Out Buildings Policy

LEGISLATIVE REQUIREMENTS:

Shall meet the requirements of the Building Code of Australia and Building Act 2011

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

118/13 Moved Cr Hawkins, seconded Cr Humphry that Council approve the application by Mr Dean Van Der Ende to construct an oversized shed on his property located at 32 Bewsher Street Moora as it complies with the Shire's Policy for oversized sheds; and it is to comply with the following conditions:

- 1. This approval is not an approval to construct a shed in that a Building Application on the approved form is required and subject to adherence to the Building Act 2011 and Building Code of Australia is also required.***
- 2. The use of second hand materials is not permitted.***
- 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 local government.***
- 4. Structures are not permitted to be erected above any septic tank, aerobic treatment unit or deep sewerage drainage line if that structure:***
- 5. This planning approval is valid for a period of 12 months from the date of determination, after which the further renewal of the planning approval by the local government is required annually. It is the responsibility of the operator to***

apply in good time before expiration, and the local government will not automatically re-issue planning approvals.

6. *The approved outbuilding is only to be used for general storage purposes associated with the predominant use of the land and shall not be used for habitation, commercial or industrial purposes.*

CARRIED 9/0

9.2.2 JUDITH LOWRY APPLICATION TO HAVE A THIRD DOG ON THE PROPERTY

FILE REFERENCE: TP/PA02/1314

REPORT DATE: 7 August 2013

APPLICANT/PROPONENT: Judith Lowry

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Peter Williams, Manager Development Services

ATTACHMENTS: Nil

PURPOSE OF REPORT:

The proponent, Mrs Judith Lowry of lot 346 Lee Steere Street wishes to apply to Council to keep a third dog on the above premises which belongs to her daughter who is in her personal care

BACKGROUND:

The proponent Mrs Lowry has two dogs of her own which are both about 10 years of age, Mrs Lowry is also her daughter's Personal Carer who also has a dog and is applying to keep a third dog on the premises.

Dog Act Regulation 26

Limitation as to numbers

- (1) The provisions of this Part shall not operate to prevent the keeping on any premises of 2 dogs over the age of 3 months and the young of those dogs under that age.
- (2) Subject to subsection (1), a local government, pursuant to local laws, may limit the number of dogs over the age of 3 months, or the number of such dogs of any specified breed or kind, that may be kept on any premises situate in a specified area to which those local laws apply unless those premises are licensed as an approved kennel establishment or are exempt.
- (3) Where by a local law under this Act a local government has placed a limit on the keeping of dogs in any specified area but the local government is satisfied in relation to any particular premises that the provisions of this Act relating to approved kennel establishments need not be applied in the circumstances, the local government may grant an exemption in respect of those premises but any such exemption —
 - (a) may be made subject to conditions, including a condition that it applies only to the dogs specified therein;
 - (b) shall not operate to authorise the keeping of more than 6 dogs on those premises; and
 - (c) may be revoked or varied at any time.
- (4) Subject to the provisions of subsection (3), a person who keeps on any premises, not being premises licensed as an approved kennel establishment, dogs over the age of

3 months in numbers exceeding any limit imposed in relation to those dogs by a local law made under subsection (2) commits an offence.

Penalty: \$1 000 and a daily penalty of \$100.

Moora Shire Dog Local Law

3.2 Limitation on the number of dogs

- (1) This clause does not apply to premises which have been -
 - (a) licensed under Part 4 as an approved kennel establishment; or
 - (b) granted an exemption under section 26(3) of the Act.

- (2) The limit on the number of dogs which may be kept on any premises is, for the purpose of section 26(4) of the Act -
 - (a) 2 dogs over the age of 3 months and the young of those dogs under that age if the premises are situated within a townsite; or
 - (b) 4 dogs over the age of 3 months and the young of those dogs under that age if the premises are situated outside a townsite.

COMMENT:

Mrs Lowry currently has two dogs registered at Lot 346 Lee Steere Street in Moora, a terrier cross and a Rottweiler; Mrs Lowry has been spoken to by the Shire Ranger regarding the keeping of more than the permissible number of dogs at her property and has also been sent a letter regarding the keeping of more than the permitted number of dogs.

It is relevant to say her daughter has needs and her dog could well be part of her therapy however the Shire does not want to send a message out to the community that they can keep any number of dogs on their property. Currently the Shire Ranger spends close to 60% of his time chasing dogs throughout Moora.

Should Council agree to Mrs Lowry's request then there needs to be fairly stringent conditions on the keeping of three dogs at one premise.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

Dog Act 1976, Shire of Moora Dog Local Laws

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**

The keeping of more than two dogs can lead to excessive barking and annoyance to the neighbours

FINANCIAL IMPLICATIONS:

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

VOTING REQUIREMENTS

Simple Majority Required

ALTERNATIVE RECOMMENDATION

Should Council agree to allow Mrs Judith Lowry to have a third dog the following conditions should apply:

- 1. The third dog is to be registered and all dogs are to be maintained registered whilst they are alive and the requirements Dog Act 1976 is complied with at all times.*
- 2. All dogs are to be contained in the property of Lot 346 Lee Steere Street at all times except when they are exercised and then they are required to be constrained on a lead as per the requirements of the Dog Act 1976.*
- 3. Should one of the dogs die it is not to be replaced so that will ensure that there are only two licensed dogs at the property.*

COUNCIL RESOLUTION

119/13 Moved Cr Cocking, seconded Cr McLagan that Council not approve the request of Mrs Judith Lowry of Lot 346 Lee Steere Street Moora to have a third registered dog at her property belonging to her daughter Miss A M Tidman, currently not registered as it contravenes the Shire's Dog Local Laws and the Dog Act on the basis of precedent.

CARRIED 6/3

9.2.3 FOOD PREMISES REGISTRATION FEES

Cr Clydesdale-Gebert declared a financial interest as she owns a business directly affected by the fees. Cr Tonkin declared a financial interest as he is part owner of a business that occasionally serves food to tourists, both left the meeting at 6.14pm.

FILE REFERENCE: H/FOPI
REPORT DATE: 7 August 2013
APPLICANT/PROPONENT: Shire of Moora
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: 19 June 2013 (90/13)
AUTHOR: Peter Williams, Manager Development Services
ATTACHMENTS: Nil

PURPOSE OF REPORT:

Request from Council that the fees charged by surrounding Councils be looked at in relation to the fees proposed by the Shire of Moora. The following is a list of Shires and the fees that they charge their food premises as reported by the Manager Development Services as requested by Council at the July Meeting.

BACKGROUND:

The Manager of Development Services proposed that the Shire charge food premises in the Shire of Moora the following charges, Registration a once off fee of \$100.00 to cover the costs associated with registering a food premises, \$100.00 as an annual surveillance fee to cover the costs associated with inspection of premises.

Food Premises it has been discovered are not registered with the Local Authority in their area as required by the Food Act 2008 due to them being overlooked due to the number of changes in the position of Manager Development Services over the past few years.

COMMENT:

When the Food Act 2008 (Commonwealth legislation) was first promulgated in 2008 all business premises who prepare and sell food for profit or reward were given 12 months to register with their Local Authority as a Food Premises, and so be risk assessed by the local Authorised Officer in the categories of High Risk, Medium Risk and Low risk according to their level of risk and what food preparation they carry out. Apparently this only happened to only one or two food premises in Moora the rest of the premises are operating illegally and not as required by the Food Act 2008. When this was discovered by the manager Development Services a package including a letter and application form was sent out to all food premises advising them of the requirement to register. Also included in that package were the registration papers.

This is the result of the survey that was carried out by Development Services of surrounding Shires and beyond to give an overall view of what Shires have charged Food Premises in their area.

Shire	Registration	High	Medium	Low	Community	Sporting
Three Springs	0	200	100	50	Exempt	Seasonal Hire charge
Coorow	0	50	50	50	0	
Dalwallinu	110	0	0	0	0	Seasonal Hire charge

Carnamah	0	0	0		0	Seasonal Hire charge
Chittering	140	300	175	50	0	Seasonal Hire charge
Dandaragan	0	90	90	90	0	0
Gingin	0	400	270	135	0	0
Goomalling	0	0	0	0	0	0
Wongan Hills	0	0	0	0	0	0
Merredin	0	200	150	100	50 Trading Fee	50 Trading Fee
York	200	154	154	154	154	0
Corrigin	50	0	0	0	0	0
Northam	208 New	260	187	105	0	0
Northam Supermarkets	1040	0	0	0	0	0
Narrogin	50	0	0	0	0	0
Cranbrook	50	0	0	0	0	0
Dumbleyung	50	100	100	100	0	0
Lake Grace	50	0	0	0	0	0
Woodanilling	50	0	0	0	0	0
Dowerin	0	0	0	0	0	0
Mingenew	0	0	0	0	0	0
Morawa	0	0	0	0	0	0
Toodyay	0	250	180	100	0	0

As you can see from the above information the fees are varied and in most cases this is dependent on the size of the Shire and some Shires being part of a scheme also share the same Environmental Health Officer who has a one fee charge for all Shires in that scheme. Most Shires charge a seasonal fee to sporting groups and the Food Premises Inspection is part of that fee.

All Food Premises whether Community, Sporting or Business have to submit registration forms so that the amount of food preparation can be risk assessed even though the premises is exempt from fees.

It is recommended that Community Organisations are not charged fees and are exempt. Sporting Organisations if they carry out community catering should be registered and charged surveillance fees due to them being a high/medium risk food premises. Caterers are classified as High Risk due to the fact that food is transported and usually cooked at home cooled down and then brought to the venue and reheated. There is also the transportation aspect and the possibility of contamination.

It recommended that the Shire not charge registration fees to existing food premises but new premises wanting to establish in Moora will be charged \$50.00.

A High Risk Food Premises will be charged \$200.00 due to the need to inspect 4 times a year there are currently no High Risk Food Premises in Moora. High Risk Food Premises are usually where food is prepared for vulnerable people (very young and the aged) Meals on wheels, hospitals (Moora Hospital is exempt as is covered by the State Health Department) and Nursing Homes, Child Care Centres that prepare food and Caterers.

Medium Risk Food Premises be charged \$100.00 annually due to the need to inspect twice annually and Low Risk Food Premises be charged \$50.00 annually.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

Food Act 2008 and Food Regulations 2009

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

It is recommended that Community Organisations are not charged fees and are exempt. Sporting Organisations if they carry out community catering should be registered and charged surveillance fees due to them being a high/medium risk food premises.

FINANCIAL IMPLICATIONS:

It is recommended that fees charged to Food Premises should at least cover costs.

VOTING REQUIREMENTS

Absolute Majority Required

COUNCIL RESOLUTION

120/13 Moved Cr Hawkins, seconded Cr Humphry that Council not charge Registration Fees to existing premises however any new premises wishing to open pay a \$50.00 Registration Fee.

- ***High Risk Food Premises pay a \$200.00 Annual Fee;***
- ***Medium Risk Food Premises pay and annual fee of \$100.00; and***
- ***Low Risk Food Premises pay \$50.00.***
- ***Community and Sporting Groups will be exempt from fees however noting that a food safety inspection regime will be implemented.***

CARRIED BY ABSOLUTE MAJORITY 7/0

At 6.18pm Cr's Tonkin and Clydesdale-Gebert returned to the meeting.

9.2.4 **GEOFFREY WYATT OVERSIZED SHED 20 GARDINER STREET MOORA**

FILE REFERENCE: TP/PA03/1314

REPORT DATE: 13 August 2013

APPLICANT/PROPONENT: Geoffrey Wyatt

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Peter Williams, Manager Development Services

ATTACHMENTS: Shed drawings

PURPOSE OF REPORT:

The proponent Mr Geoffrey Wyatt of 20 Gardiner Street, Moora is making application to seek Councils approval to approve a zincalume shed that has already been constructed. The shed is over-sized 9m x 9m steel constructed/clad shed and is used for the purpose of small workshop and carport for disabled van on his property located at 20 Gardiner Street Moora. The shed is 9m length x 9m width x 5.4m height with an area of 81m² for the purpose of housing one disabled vehicle, and a small workshop, and is to be accessed from the front of the property.

BACKGROUND:

The outbuilding/shed was discovered by the Shire's Building Inspector and Mr Wyatt was advised that the shed needed to have a building licence which he duly applied for, and it was also discovered that it was over sized and required council approval. As mentioned the shed is 9,000mm x 9,000mm being a total area of 81m² it is of timber and zincalume construction. The Residential Design Codes provides criteria for outbuildings which are as follows:

Outbuildings that do not detract from the street scape or the visual amenity of residents or neighbouring properties: Outbuildings that -

- *Are not attached to a dwelling*
- *Are non-habitable;*
- *Collectively do not exceed 60m² in area or 10% in aggregate of the site area whichever is the lesser;*
- *Do not exceed a wall height of 2.4m;*
- *Do not exceed a ridge height of 4.2m;*
- *Are not within the primary setback boundary;*
- *Do not reduce the amount of open space required in Table 1; and*
- *Comply with the siting and design requirements for the dwelling, but do not need to meet rear setback requirements of table 1*

Outbuilding Policy

Council's current outbuilding policy referring to square metreage of land and maximum size of outbuildings is;

R2 – 5,000 m² lots – Maximum size 200m²

R2.5 – 4,000m² lots – Maximum size 200m²

R5 -2,000m² lots – Maximum size 150m²

R12.5 – 800m² lots – Maximum size 100m²

R25/R30 – 320m² to 300m² lots Maximum size at Council discretion case by case.

Outbuilding Policy Conditions – Cladding and Reflectivity

- (1) That all outbuildings on residential zoned land be clad with colour bond on all wall surfaces;
- (2) Any roof pitch for a large outbuilding which exceeds 15° degrees be clad in colour bond

- (3) Any justified complaints from neighbouring properties in relation to reflectivity will require the building's owner to immediately paint the reflective surface.

COMMENT:

The proponent, Mr Wyatt's already constructed shed is 81 m² and meets the requirements of the Shire's Outbuilding policy for the size of his block R12.5 Maximum Size 100m², however it does not meet the requirements of Councils Outbuilding Policy – Cladding and Reflectivity in that it is covered in zincalume. This will require the proponent to paint his shed in a colour bond colour so that the reflectivity of the shed is reduced.

POLICY REQUIREMENTS:

Policy Manual – Out Buildings Policy & Outbuilding Policy – Cladding and Reflectivity

LEGISLATIVE REQUIREMENTS:

Shall meet the requirements of the Building Code of Australia and Building Act 2011

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 potential social implications due to the current reflectivity of the shed cover material and this will be amended when the shed is painted.

FINANCIAL IMPLICATIONS:

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

VOTING REQUIREMENTS

Simple Majority Required

COUNCIL RESOLUTION

121/13 Moved Cr Cocking, seconded Cr Keamy that Council grant planning approval to Mr Geoffrey Wyatt to retain an already constructed oversized shed on his property located at 20 Gardiner Street Moora as it complies with the Shire's Policy for oversized sheds; and it is to comply with the following conditions:

- 1. This approval is not an approval to construct a shed in that a Building Application on the approved form is required and adheres to the Building Act 2011 and Building Code of Australia;***
- 2. Structures are not permitted to be erected above any septic tank, aerobic treatment unit or deep sewerage drainage line of that structure;***
- 3. The approved outbuilding is only to be used for general storage purposes associated with the predominant use of the land and shall not be used for habitation, commercial or industrial purposes.***

- 4. *The Shed is to be painted in accordance with the Shire's Policy for Outbuilding Policy Conditions – Cladding and Reflectivity so that it is not of a reflective nature. Paint to be used to be of the colour bond variety by 31/12/13.***

CARRIED 9/0

9.2.5 SECTION 39 MILING HOTEL

The Manager Finance & Corporate Services declared an indirect financial interest as she may work for the applicant in the future and left the meeting at 6.20pm.

Cr Clydesdale-Gebert declared an impartiality interest as she has a liquor licence.

FILE REFERENCE: TP/PA05/1314

REPORT DATE: 14 August 2013

APPLICANT/PROPONENT: Gordon Burns

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Peter Williams, Manager Development Services

ATTACHMENTS: Nil

PURPOSE OF REPORT:

The proponent Mr Gordon Burns of Lot 101 Great Northern Highway, Miling has made an application seeking Councils approval for a Section 39 in accordance with Liquor Licensing Authority for his Hotel so that he can open his premises.

BACKGROUND:

The Hotel was purchased by Mr Gordon Burns in early 2012 which was in a rundown state and has been carrying out renovations so he can get it operating. The Hotel has to comply with the Health Act 1911 (as amended) and associated Regulations and the Food Act 2008 and its subsidiary legislation. The Shire's Manager Development Services has been visiting the premises over a period of time and providing advice as to what is required with kitchen, toilets, and Public Building requirements.

COMMENT:

The Shire's Manager Development Services in the company of the CEO Mr Alan Leeson carried out an inspection of the property on Monday 12th August 2013 and found the premises to comply with the required legislation. A Section 39 has been issued as part of the Manager Development Services delegated authority as per Register of Delegations, Health Act Notices and Orders

POLICY REQUIREMENTS:

Policy Manual – Delegated Authority

LEGISLATIVE REQUIREMENTS:

Shall meet the requirements of the Building Code of Australia and Building Act 2011; Health Act 1911 (as amended) and the Food Act 2008

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

122/13 Moved Cr McLagan, seconded Cr Hawkins that Council acknowledge the Manager Development Services issuing a Section 39 to Mr Gordon Burns for the Miling Hotel on lot 101 Great Northern Highway, Miling.

CARRIED 9/0

The Manager Finance & Corporate Services returned to the meeting at 6.21 pm

9.3 COMMUNITY & ECONOMIC DEVELOPMENT

Nil

9.4 ENGINEERING SERVICES

**9.4.1 TENDER No. 05/13 SUPPLY AND SPRAY OF BITUMEN PRODUCTS
TENDER No. 06/13 SUPPLY AND DELIVERY OF ROAD SEALING AGGREGATE
and TENDER No. 07/13 SUPPLY OF ROAD STABILISATION SERVICES**

FILE REFERENCE: S/TER1

REPORT DATE: 14 August 2013

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: 17/7/13 (107/13)

AUTHOR: John Greay, Manager Engineering Services

ATTACHMENTS: Spread sheets showing all tenders received

PURPOSE OF REPORT:

Council calls tenders in accordance with the requirements of the Local Government Act and Regulations for the value of services over \$100,000.

BACKGROUND

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

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

COMMENT

Within councils road programme this year there are several projects that require the engagement of external service providers to assist with councils programme of works.

This will be on Wirrilda Road, Moora-Miling Road and Tootra Street etc., therefore tenders were called for the following:-

Road Sealing Aggregate

Council will require approximately 3600 tonne of 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 200,000 litres of bitumen supplied and sprayed.

Supply of road stabilisation Services

Council will require approximately 58000m² of road pavement to be stabilised this year at various locations.

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

RECOMMENDATION

1. *Tender 05/13 - received from Bitutek for the supply and spray of bitumen products, as per the attached rates, for the 2013-14 year be accepted;*
2. *Tender 06/13 - received from BGC Transport Moora for the supply and delivery of road sealing aggregated to nominated dumpsites as per the attached rates for the 2013-14 year be accepted by applying the Regional Price Preference; and*
3. *Tender 07/13 - received from Western Stabilisers for the supply of road stabilisation services, as per the attached rates, for the 2013-14 year be accepted.*

Additional information was provided in relation to Tender No. 07/13 Supply of Road Stabilisation Services.

Further investigation of the Road Stabilising Tenders has provided council with more detail than what was posted out with the agenda. It is important to evaluate this information before making a decision.

To meet mail out deadlines the previous information was provided in good faith with a recommendation that doesn't provide council with the best value for money once tenders were more thoroughly investigated. Once all tenders were compiled into the spread sheet it was obvious that there is a far better alternative to that which was originally recommended. The author of this item therefore apologises for this error however wishes for it to be corrected before council vote on the tender before them and has therefore provided a replacement recommendation for the item.

COUNCIL RESOLUTION

123/13 Moved Cr Hawkins, seconded Cr McLagan that

1. ***Tender 05/13 - received from Bitutek for the supply and spray of bitumen products, as per the attached rates, for the 2013-14 year be accepted;***
2. ***Tender 06/13 - received from BGC Transport Moora for the supply and delivery of road sealing aggregated to nominated dumpsites as per the attached rates for the 2012-13 year be accepted by applying the Regional Price Preference; and***
3. ***Tender 07/13 - received from Timberden Plant Hire for the supply of road stabilisation services, as per the attached rates, for the 2013-14 year be accepted.***

CARRIED BY ABSOLUTE MAJORITY 9/0

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**

COUNCIL RESOLUTION

124/13 Moved Cr McLagan, seconded Cr Clydesdale-Gebert that the meeting move behind closed doors to discuss item 12.1, 'Rates Write Off – Lots 2 & 71 Richardson Street and Lot 70 Great Northern Highway, Miling' as it is a matter affecting the personal affairs of a person pursuant to Section 5.23(2)(b) of the Local Government Act 1995; and item 12.2 'Finalisation of Chief Executive Officer's Performance Review' as it is a matter affecting an employee pursuant to Section 5.23(2)(a) of the Local Government Act 1995.

CARRIED 9/0

The Manager Finance & Corporate Services declared an indirect financial interest in item 12.1 as she may work for the potential purchaser of the blocks in the future and left the meeting at 6.29pm. Members of the public also left the meeting and the meeting moved behind closed doors.

Cr Clydesdale-Gebert declared an impartiality interest in the item as she has a liquor licence.

12.1 **Rates Write Off – Lots 2 & 71 Richardson Street and Lot 70 Great Northern Highway, Miling**

Provided to Councillors under confidential cover.

COUNCIL RESOLUTION

125/13 Moved Cr McLagan, seconded Cr Hawkins that Council write off a portion of the rates owing on Assessments A839 and A905 to bring the balance of each block back to \$6,000.

CARRIED BY ABSOLUTE MAJORITY 8/1

At 6.42pm Council management retired from the meeting.

Mr Alan Leeson declared a financial interest in item 12.2 as he is employed as the Chief Executive Officer and also left the meeting.

12.2 **Finalisation of Chief Executive Officer's Performance Review**

Provided to Councillors under confidential cover.

COUNCIL RESOLUTION

126/13 Moved Cr Clydesdale-Gebert, seconded Cr McLagan that Council adopt the outcome of the CEO's annual performance review and the recommendation contained therein as conducted and prepared by Fitz Gerald Strategies and presented to Council on the 21st August 2013, noting the extension of the CEO's contract for a period of 5 years commencing 26 August 2013 expiring on 25 August 2018 and noting the following amendments in relation to termination clauses of the contract;

- 9.2.1 The Council may terminate this Contract at any time for any reason and when so doing shall pay the CEO in lieu of notice in the sum equivalent to six months of the total remuneration package.**
- 9.2.2 The CEO may terminate this contract by giving no less than three months' notice to the Council. The CEO may elect to make a payment in lieu of any portion of the notice period. The payment in lieu of notice shall be calculated on the total value of the remuneration package.**
- 9.2.3 The Council may approve a payment to the Chief Executive Officer of up to the value of one year's salary if the contract has one year or more to run, or, if the contract has less than one year to run, a payment not exceeding the value of salary the Chief Executive Officer would have received if the contract had been completed.**

CARRIED BY ABSOLUTE MAJORITY 9/0

REOPENING OF MEETING**COUNCIL RESOLUTION**

127/13 Moved Cr Hawkins, seconded Cr Tonkin that the meeting move out from behind closed doors and re-open to the public.

CARRIED 9/0

At 7.26pm the meeting reopened and the Chief Executive Officer rejoined the meeting.

On reopening the meeting, there were no public present therefore the Shire President did not read aloud the decision made behind closed doors.

13. CLOSURE OF MEETING

There being no further business, the President declared the meeting closed at 7.27pm.

CONFIRMED

PRESIDING MEMBER