

SHIRE OF MOORA
MINUTES OF THE ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS, MOORA
18 NOVEMBER 2015

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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 October 2015*
- 9.1.3 *Attachment A – Draft Local Laws (to be circulated)*
- 9.1.4 *Shire of Moora Financial Management Review November 2015*
- 9.1.5 *Quote – Lewis Motors Moora*
- 9.3.1 *Correspondence from PW Gardiner & Correspondence from Peter Nixon & Phil Manning*
- 10.1 *Schedule of Meeting Dates for 2016*
- 10.2 *Delegations Register*

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

1.1 DECLARATION OF OPENING

The Shire President declared the meeting open at 5.40pm.

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

KM Seymour	-	Shire President / Presiding Member
MR Pond	-	Deputy Shire President
CE Gardiner	-	Councillor
TG Humphry	-	Councillor
DV Clydesdale-Gebert	-	Councillor
MR Holliday	-	Councillor
PF Nixon	-	Councillor
EI Hamilton	-	Councillor
LC House	-	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)

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

Shire President

- 9/11 Wheatbelt North Moora Subgroup meeting, Moora
- 9/11 Childcare shade shelter official opening
- 17/11 Northern Valley News meeting, Moora

Cr Pond

- 22/10 St James Residential College award presentation & graduation
- 29/10 Candy's Bush Track – official unveiling of interpretive signage
- 30/10 WALGA Training
- 5/11 Wildflower Country meeting, Three Springs
- 6/11 WALGA Training
- 10/11 Central Midlands Construction meeting, Wongan Hills
- 11/11 Remembrance Day ceremony, War Memorial
- 13/11 Chamber of Commerce sundowner
- 17/11 Northern Valley News meeting, Moora

Cr House

- 11/11 Wheatbelt Development Assoc. Watheroo Pavilion extension meeting

Cr Clydesdale-Gebert

- City of Perth - Open house program
- 17/11 WALGA Training

Cr Holliday

- 29/10 Candy's Bush Track – official unveiling of interpretive signage
- 9/11 Childcare shade shelter official opening

Cr Hamilton

- 13/11 Chamber of Commerce sundowner

Cr Humphry

- 13/11 Chamber of Commerce sundowner

8. CONFIRMATION OF MINUTES**8.1 ORDINARY COUNCIL MEETING - 21 OCTOBER 2015****COUNCIL RESOLUTION**

148/15 Moved Cr Pond, seconded Cr Holliday that the Minutes of the Ordinary Meeting of Council held on 21 October 2015 be confirmed as a true and correct record of the meeting.

CARRIED 9/0

9. REPORTS OF OFFICERS

9.1 GOVERNANCE AND CORPORATE SERVICES

9.1.1 LIST OF PAYMENTS AUTHORISED UNDER DELEGATION 1.31

REPORT DATE: 3 November 2015

OFFICER DISCLOSURE OF INTEREST: Nil

AUTHOR: David Trevaskis, Deputy Chief Executive Officer

SCHEDULE PREPARED BY: Alida Fitzpatrick, Finance 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

149/15 Moved Cr Humphry, seconded Cr Pond that Council notes and endorses the Payments from the Municipal and Trust Funds made under delegation 1.31

<i>Municipal Fund</i>	<i>Cheques 62077 - 62088</i>	<i>\$13,751.55</i>
	<i>EFT 14435 - 14603</i>	<i>\$672,566.93</i>
	<i>Credit Card 15/09/15 to 14/10/15</i>	<i>\$2,320.78</i>
	<i>Net Pays – PPE 06/10/15</i>	<i>\$88,343.85</i>
	<i>Net Pays – PPE 20/10/15</i>	<i>\$88,174.64</i>
<i>Trust Fund</i>	<i>Cheques 5119-5135</i>	<i>\$1,211.65</i>
<i>Total</i>		<i><u>\$886,369.40</u></i>

CARRIED 9/0

9.1.2 STATEMENT OF FINANCIAL ACTIVITY FOR PERIOD ENDED 31 OCTOBER 2015

REPORT DATE: 10 November 2015

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 31 October 2015

PURPOSE OF REPORT:

To note and receive the Statement of Financial Activity for the period ended 31 October 2015.

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 2015/16 adopted budget.

VOTING REQUIREMENTS

Simple Majority Required

COUNCIL RESOLUTION

150/15 Moved Cr Pond, seconded Cr Holliday that Council notes and receives the Statement of Financial Activity for the period ended 31 October 2015, noting the omission of page 6. Statement of Financial Activity.

CARRIED 9/0

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

Item withdrawn

9.1.4 CEO FINANCIAL MANAGEMENT REVIEW

REPORT DATE: 10 November 2015

APPLICANTS/PROPONENT: Alan Leeson, Chief Executive Officer

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: David Trevaskis, Deputy Chief Executive Officer

ATTACHMENTS: Shire of Moora Financial Management Review November 2015

PURPOSE OF REPORT:

To report to Council the results of the CEO's financial management review November 2015.

BACKGROUND:

Regulation 5(2)(C) of the Local Government (Financial Management) Regulation 1996 requires that the Chief Executive Officer is to undertake reviews of the appropriateness and effectiveness of the financial management systems and procedures of the local government regularly (and not less that once in every four financial years) and report to the local government the results of those reviews.

Regulation 5(1) of the Local Government (Financial Management) Regulations 1996 requires that the Chief Executive Officer establish efficient systems and procedures:

- (a) For the proper collection of money owing to the local government;
- (b) For the safe custody and security of all money collected or held by the local government;
- (c) For the proper maintenance and security of the financial records of the local government (whether maintained in written form or by electronic or other means or process);
- (d) To ensure proper accounting for municipal or trust:
 - (I) Income received or receivable;
 - (II) Expenses paid or payable; and
 - (III) Assets and liabilities;
- (e) To ensure proper authorisation for the incurring of liabilities and the making of payments;
- (f) For the maintenance of payroll, stock control and costing records; and
- (g) To assist in the preparation of budgets, accounts and reports required by the Act or these regulations.

COMMENT:

During October 2015 a detailed review of the Shire's financial management systems and procedures was carried out including examination of a number of financial transactions, records, registers, policies and month end reconciliations. The findings and recommendations resulting from this review are included in the attached Shire of Moora Financial Management Review November 2015.

It is the author's opinion that the overall effectiveness of the financial management systems and procedures in place are appropriate and adequate for the scope of the Shire of Moora's activities.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

Local Government (Financial Management) Regulations 1996 s 5(2)

STRATEGIC IMPLICATIONS:

Nil

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

151/15 Moved Cr Holliday, seconded Cr Humphry that Council accept the attached Shire of Moora Financial Management Review November 2015, to be utilised by the CEO to manage his obligations in relation to his financial management duties in accordance with Local Government (Financial Management) Regulation 1996 s 5(2).

CARRIED 9/0

9.1.5 CEO VEHICLE – 2015/16 BUDGET AMENDMENT

At 5.54pm the Chief Executive Officer declared a financial interest as the item relates to his salary package and left the meeting.

At 5.55pm all remaining staff left the meeting.

REPORT DATE: 11 November 2015

APPLICANT/PROPONENT: Chief Executive Officer, Alan Leeson

OFFICER DISCLOSURE OF INTEREST: Chief Executive Officer (Financial)

PREVIOUS MEETING REFERENCES: 16/9/15 (136/15)

AUTHOR: David Trevaskis, Deputy Chief Executive Officer

ATTACHMENTS: Quote – Lewis Motors Moora

PURPOSE OF REPORT:

Council to consider a 2015/16 budget amendment to include change-over of CEO vehicle as per council resolution 136/15 “CEO Performance Review”.

BACKGROUND:

At Councils 16th September 2015 meeting it was resolved;

136/15 Moved Cr McLagan, seconded Cr Pond that;

1. Council congratulates the CEO for achieving an excellent outcome in the 2015 Performance review.
2. Council accepts the 2015 Review Survey Document as a true reflection of the Council’s view of the CEO’s performance for the period under review.
3. Council authorises the CEO to upgrade his CEO Motor Vehicle to a Series 200 Toyota Landcruiser when the vehicle is next changed over noting that the remuneration package is within the parameters of Band 3 of the Salaries and Allowances Tribunal Determination 17 June 2015 set by the Salaries and Allowances Tribunal Total Reward Package Range (\$154,045 - \$252,917) with an increase in the annual package value of the vehicle of \$7,805 per annum increasing the annual motor vehicle value to \$26,555 and the overall remuneration package to \$226,055
4. Council and the CEO adopt the KPIs for the 2015/2016 financial year as detailed to Council in the report prepared by FitzGerald Strategies.
5. That the parameters of the Remuneration Package (excluding annual Consumer Price indexation of Salary) be set as negotiated (Performance Review 2015) until the performance review of July/August 2017.

COMMENT:

As per Local Government Act 1995 and associated regulations...

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; or
 - (b) *is authorised in advance by resolution**; or
 - (c) is authorised in advance by the mayor or president in an emergency.

* *Absolute majority required.*

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

Local Government Act 1995 6.8

STRATEGIC IMPLICATIONS:

Nil

SUSTAINABILITY IMPLICATIONS:

➤ **Environment**

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

➤ **Economic**

As per attached quote, an unbudgeted amount of \$32,280 (GST excl) will be expensed from the Shire's municipal funds during the 2015-16 financial year.

➤ **Social**

There are no known social implications associated with this proposal.

FINANCIAL IMPLICATIONS:

Amending the 2015-16 budget to increase the Shire's 2015-16 plant and equipment capital expense figure will reduce the estimated operating surplus at 30 June 2016 to \$7,321.

VOTING REQUIREMENTS:

Absolute Majority Required

COUNCIL RESOLUTION

152/15 Moved Cr Humphry, seconded Cr Holliday that Council amend its 2015/2016 municipal budget to include the acquisition of a new Toyota Landcruiser 200 Series, estimated changeover cost not exceeding \$32,280 plus GST, in accordance with the quote provided by Moora Toyota.

CARRIED BY ABSOLUTE MAJORITY 9/0

At 6.00pm the Chief Executive Officer and staff rejoined the meeting.

9.1.6 LOCAL GOVERNMENT SALE DUE TO UNPAID RATES – 12 LEFROY STREET MOORA

FILE REFERENCE: PA/373

REPORT DATE: 12 November 2015

APPLICANT/PROPONENT: Shire of Moora

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: David Trevaskis, Deputy Chief Executive Officer

ATTACHMENTS: Nil

PURPOSE OF REPORT:

To exercise Councils power of sale to recover outstanding rates due on the property 12 Lefroy Street, Moora.

BACKGROUND:

1. Liam Gerald Clampett (“Owner”) is the registered proprietor of 12 Lefroy Street, Moora and currently owes the Shire the sum of \$14,967.25 being unpaid rates, service charges, interest and legal costs.
2. The sum of \$2,301.03 has been outstanding for over 3 years.
3. The Shire of Moora commenced proceedings against the Owner in the Magistrates Court of Western Australia on 24 October 2012 for the sum of \$6,007.21 and default judgement was entered by the Court on 2 January 2013 for the sum of \$6,337.14 (“**Judgement Debt**”).
4. The Shire has made the following attempts at enforcing the judgement debt under the *Civil Proceedings Act 2004 (WA)*:
 - (a) Means Inquiry Summons issued 15 February 2013;
 - (b) further Means Inquiry Summons issued 28 March 2013;
 - (c) further Means Inquiry Summons issued 10 May 2013; and
 - (d) Property (Seizure and Sale) Order from 8 July 2013 which was extended and continued until around March 2015.
5. On 14 April 2014, the Owner paid the sum of \$4,000.00 but has failed to pay the balance of the Judgement Debt or any further rates and service charges.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

Section 6.68(2)(b) of the Local Government Act 1995 (WA)

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:

Recovery of unpaid rates and charges. Associated legal costs can be recovered from the proceeds of sale of the property.

VOTING REQUIREMENTS

Simple Majority Required

COUNCIL RESOLUTION

153/15 Moved Cr Holliday, seconded Cr Humphry that to section 6.68(2)(b) of the Local Government Act 1995 (WA) Council resolves to exercise its power of sale under Part 6 Subdivision 6 of the Local Government Act 1995 (WA) over 12 Lefroy Street, Moora, noting that the Shire of Moora has attempted to recover the outstanding money by commencing proceedings in the Magistrates Court of WA under section 6.56 of the Local Government Act 1995 (WA).

CARRIED 9/0

9.2 DEVELOPMENT SERVICES

9.2.1 KEVIN & JULIE KRAMER – SIMMO'S ICE CREAM VAN

FILE REFERENCE: H/HEG I

REPORT DATE: 10 November 2015

APPLICANT/PROPONENT: Kevin & Julie Kramer

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Peter Williams, Manager Development Services

ATTACHMENTS: Nil

PURPOSE OF REPORT:

An application has been received from Mr Kevin and Mrs Julie Kramer (Proponents) seeking Council approval to operate an ice cream van (Simmo's Ice Cream) in the Shire of Moora at various locations mainly in the Town centre.

BACKGROUND:

The Shire of Moora currently has no "Activities in Thoroughfares and Public Places and Trading Local laws", these Local Laws are in the process of being developed by Councils Local Law Consultant Mr Phillip Swain.

It has recently been identified that the Shire of Moora has a bylaw that is still in force Stalls and Hawkers 1960 – 1981 which is being used in this instance as guidance and can be used for other traders.

It is a requirement that Prospective traders make application to Council requesting permission to trade in the Shire of Moora. The application is to contain the area where these traders wish to operate, the times of trading of their operation and what wares they wish to sell. Council will determine whether there is a potential conflict and whether fixed retail traders in the Moora Town Centre will be disadvantaged. Council is to determine the appropriate fee to charge for these traders.

Mr Kramer lodged an application with the Shire back in September and the Chief Executive Officer subsequently requested that the proponent undertake a trial 5 week period of trading. This was after a letter was written to all retail traders who sold ice-cream asking if they had any objections to Mr Kramer trading at the following locations:

- Swimming Pool Car Park
- Carpark across from the Bakery in Padbury Street
- Car Park across from the Shire Office
- Gardiner Street Bus Car Park

One objection was received from the Bakery and the conditions imposed on Mr Kramer reflected that Mr Kramer could only operate from the Car park opposite on weekends when the bakery was not open.

Mr and Mrs Kramer were sent a letter granting them a 5 week trial to operate in the above mentioned areas subject to no objections being received by the Shire.

The 5 week period has passed and no objections have been received by the Shire at the conclusion of the trial period.

COMMENT:

Nil

POLICY REQUIREMENTS:

No known policy requirements related to this item.

LEGISLATIVE REQUIREMENTS:

Stalls and Hawkers 1960 – 1981 By 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

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

FINANCIAL IMPLICATIONS:

Trading in Thoroughfares annual Registration fee is \$1,050.00

VOTING REQUIREMENTS

Simple Majority Required

COUNCIL RESOLUTION

154/15 Moved Cr Pond, seconded Cr Holliday that Council approve Mr and Mrs Kramer to operate “Simmo’s Ice-cream Van” subject to the following conditions:

- *Ongoing compliance with Food Act 2008, Food Regulations 2009, Food Safety Standards;*
- *Annual inspection of van by Shire Environmental Health Officer*
- *Payment of annual registration/renewal fee of \$1,050.00*
- *Operate Simmo’s Ice cream van up to 10 days a month at the following locations:*
 - *Swimming Pool Car Park*
 - *Car Park across from the bakery in Padbury Street, Moora only on weekends and not when the Bakery is open*
 - *Car Park across the road from Shire Office in Padbury Street*
 - *Gardiner Street Bus car park*

CARRIED 9/0

9.3 ENGINEERING SERVICES

9.3.1 PROPOSED PERMANENT ROAD CLOSURE – ORTON ROAD

At 6.10pm Cr Nixon declared a financial interest as he is the adjacent land owner seeking closure of the road and left the meeting.

Cr Gardiner declared an impartiality interest as he is related to the farmer who wishes to use “the road”.

FILE REFERENCE: S/ROCI

REPORT DATE: 9 November 2015

APPLICANT/PROPONENT: Shire of Moora

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Alan Leeson, Chief Executive Officer

ATTACHMENTS: Correspondence from PW Gardiner
Correspondence from Peter Nixon & Phil Manning
Photo's of (part of) unmade Orton Road

PURPOSE OF REPORT:

Council to consider the permanent closure of Orton Road – Part of (refer to map)

BACKGROUND:

Council received a letter from Mr Philip Gardiner on the 6 October 2015 expressing concern regarding access to Orton Road which is a gazetted but unmade road which runs between the Moora Miling Road and the Midlands Road (between Walebing and Moora).

Mr Gardiner has expressed an interest to move stock from his farm “Edale” on Cattady Road, Moora to a property to the east of Koojan. The road is not constructed and is situated in between farmlands owned by Jetlight Holdings and PM Manning Nominees and Manning and Sons. There is also one parcel on the south east corner of Orton Road where it intersects with the Midlands Road owned by the Glasfurd family.

COMMENT:

The author has sought comment and feedback from Nixon's and Manning's and is of the view that the most reasonable way forward given the “road” is not constructed, and has been fenced off in sections albeit without authorisation as part of the farming operations, is to permanently close Orton Road and have subject land merged with adjacent farming land.

The historic use around Orton Road has been very infrequent of any use as a public thoroughfare. There are a number of un-made public gazetted roads across the State and it is rare to have an issue of this nature forthcoming, whereby Council in effect is required to arbitrate over usage of a public road/thoroughfare.

There are a number of considerations around this issue;

- Council could request/direct the adjacent land owners (farmers) to Orton Road to fence the road reserve off, thus allowing public use of the road reserve for the purpose of stock movement. This would negate any issues bio-security around animal health that might otherwise occur on adjacent farmland as a result of straying stock that may otherwise occur if the road reserve was not fenced. The author would contend at this juncture that there would not be any intention from Council's perspective to have the

road reserve constructed to a gravel road standard. It would simply allow for use around stock movement a request by Mr Gardiner.

- Should Council compel the adjacent farmers to fence off the road reserve it is likely that they may expect a better standard of access and maintenance of the road reserve. A lot of the road is impassable to not only vehicles but also stock with vegetation, weeds, rocks and even creeks. (refer to photos)

To bring the road reserve to a passable state there would be significant earthworks involved not withstanding clearing permits.

POLICY REQUIREMENTS:

Council does not have a policy relevant to this matter. It maybe that a policy be developed, however the merits of individual cases/situations would make it difficult to develop a policy that would have a broad and practical application. The author is of the view that individual cases be considered on their merit.

LEGISLATIVE REQUIREMENTS:

Refer to attached guideline.

Also refer to actual legislation hereunder;

Land Administration Act 1997 – Section 58

58. Closing roads

- (1) When a local government wishes a road in its district to be closed permanently, the local government may, subject to subsection (3), request the Minister to close the road.
- (2) When a local government resolves to make a request under subsection (1), the local government must in accordance with the regulations prepare and deliver the request to the Minister.
- (3) A local government must not resolve to make a request under subsection (1) until a period of 35 days has elapsed from the publication in a newspaper circulating in its district of notice of motion for that resolution, and the local government has considered any objections made to it within that period concerning the proposals set out in that notice.
- (4) On receiving a request delivered to him or her under subsection (2), the Minister may, if he or she is satisfied that the relevant local government has complied with the requirements of subsections (2) and (3) —
 - (a) by order grant the request; or
 - (b) direct the relevant local government to reconsider the request, having regard to such matters as he or she thinks fit to mention in that direction; or
 - (c) refuse the request.
- (5) If the Minister grants a request under subsection (4) —
 - (a) the road concerned is closed on and from the day on which the relevant order is registered; and
 - (b) any rights suspended under section 55(3)(a) cease to be so suspended.
- (6) When a road is closed under this section, the land comprising the former road —
 - (a) becomes unallocated Crown land; or

- (b) if a lease continues to subsist in that land by virtue of section 57(2), remains Crown land.

Land Administration Regulations 1998

9. Local government request to close road permanently (Act s. 58(2)), requirements for

For the purposes of preparing and delivering under section 58(2) of the Act a request to the Minister to close a road permanently, a local government must include with the request —

- (a) written confirmation that the local government has resolved to make the request, details of the date when the relevant resolution was passed and any other information relating to that resolution that the Minister may require; and
- (b) sketch plans showing the location of the road and the proposed future disposition of the land comprising the road after it has been closed; and
- (c) copies of any submissions relating to the request that, after complying with the requirement to publish the relevant notice of motion under section 58(3) of the Act, the local government has received, and the local government's comments on those submissions; and
- (d) a copy of the relevant notice of motion referred to in paragraph (c); and
- (e) any other information the local government considers relevant to the Minister's consideration of the request; and
- (f) written confirmation that the local government has complied with section 58(2) and (3) of the Act.

STRATEGIC IMPLICATIONS:

There are no known relevant strategic considerations in relation to this matter.

SUSTAINABILITY IMPLICATIONS:

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

FINANCIAL IMPLICATIONS:

The only financial consideration for Council in relation to this matter is the cost of advertising which is likely to be in the vicinity of \$300. The cost could be apportioned to the adjacent land owners a 50/50 basis.

SUMMARY:

This situation is somewhat unusual. In the authors view given the history of the road reserve, its current state in being impassable in some locations and the fact that it serves little, if any broader public benefit or use, Orton Road should be permanently closed in accordance with the provisions of the Land Administration Act 1997.

VOTING REQUIREMENTS

Simple Majority Required

RECOMMENDATIONS*That Council;*

1. *Acknowledge the correspondence of Messrs PW & JI Gardiner in relation to issues concerning Orton Road;*
2. *Acknowledge the application from Manning's and Nixon's to have Orton Road closed permanently;*
3. *Agree to give Public Notice of its intent to seek the permanent closure Orton Road and advertise the proposal in accordance with Section 58 of the Land Administration Act 1997 for period of not less than 35 days;*
4. *Formally advise correspondents, applicants, affected land owners and public service – utility agencies advising them of Councils intended course of action in regards to Orton Road as request them to make public comment/submission back to Council within the 35 day period.*

COUNCIL RESOLUTION

155/15 Moved Cr Pond, seconded Cr Gardiner that the item relating to the Proposed Permanent Road Closure – Orton Road lay on the table, pending further discussion with correspondents/applicant and receipt of legal advice from Civic Legal.

CARRIED 8/0

At 6.27pm Cr Nixon rejoined the meeting.

9.3.2 RESEALS**FILE REFERENCE:** S/ROGI-2**REPORT DATE:** 11 November 2015**OFFICER DISCLOSURE OF INTEREST:** Nil**PREVIOUS MEETING REFERENCES:** Nil**AUTHOR:** John Greay, Manager Engineering Services**ATTACHMENTS:** Nil**PURPOSE OF REPORT:**

Adjustment to works programme project.

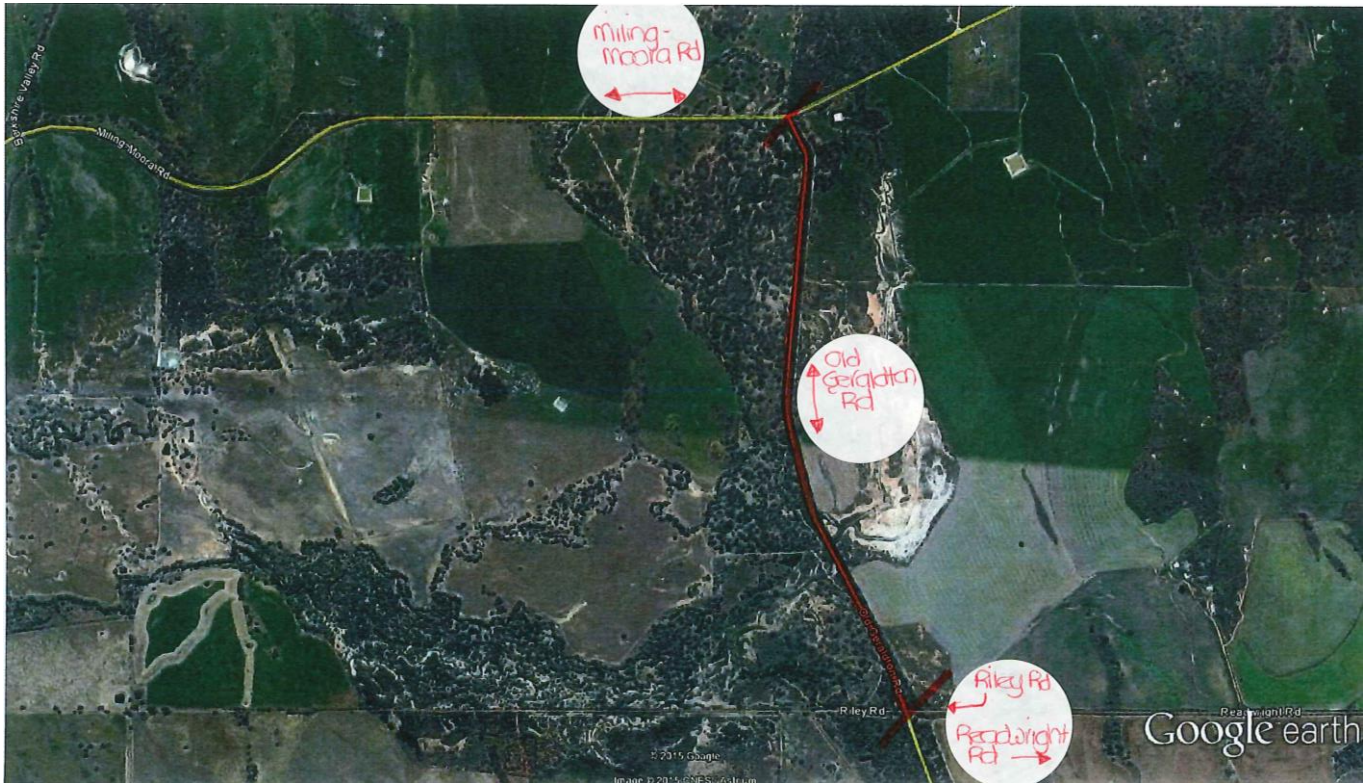
BACKGROUND:

Within the Programme of works this year we have provided funding for reseal work on part of our sealed rural road system.

COMMENT:

Within the road programme of works, this year we have around \$300,000 earmarked for reseals. Reseals can only be carried out if the pavement is sound and is not badly rutted, cracked or potholed. Any roads that fall into this category need mostly reconstruction.

Three roads were evaluated as requiring strong consideration and they were Namban West, Old Geraldton – South and Barberton West. Traffic count data that relates to these roads are as follows;



Road Name	VPD	ESA
Old Geraldton	22	10.20
Namban West	20	7.19
Barberton East	25	5.30

All of the roads have a 3.7 metre wide seal with gravel shoulders and are showing signs of pavement failure. Of the three the Old Geraldton road is fairing the worst and has the heavier mix of traffic on it with equivalent standard axles of 10.20. It is suggested that the funds that are earmarked for reseals be used to upgrade the section of the Old Geraldton road from the Moora-Miling road to Readwright road – a distance of approximately 3.7 kilometres. This would allow for a 7.0 metre wide bitumen two coat seal pavement.



POLICY REQUIREMENTS:

There are no policy requirements that effect this proposal.

LEGISLATIVE REQUIREMENTS:

There are no known legislative requirements related to this item.

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 additional financial implications to Council in relation to this item.

VOTING REQUIREMENTS

Absolute Majority Required

COUNCIL RESOLUTION

156/15 Moved Cr Hamilton, seconded Cr Humphry that the funds allocated for rural reseals within the 2015-16 budget be used to reconstruct and seal the pavement on the Old Geraldton South Road between the Moora-Miling and Readwright Road intersections.

CARRIED BY ABSOLUTE MAJORITY 9/0

10. REPORTS OF COMMITTEES**GENERAL PURPOSE COMMITTEE MEETING – 4 NOVEMBER 2015****10.1 REVIEW OF COUNCIL MEETING SCHEDULES****FILE REFERENCE:** EN/COAI**REPORT DATE:** 26 October 2015**DISCLOSURE OF INTEREST:** Nil**PREVIOUS MEETING REFERENCES:** Nil**AUTHOR:** Alan Leeson, Chief Executive Officer**ATTACHMENTS:** Schedule of Meeting Dates for 2016**PURPOSE OF REPORT:**

To provide suggested dates for Council approval for meeting dates for the 2016 year to enable public advertising as required by the Local Government Act 1995.

VOTING REQUIREMENTS:

Simple Majority Required

COUNCIL RESOLUTION

157/15 Moved Cr Gardiner, seconded Cr Pond that Council;

- 1. Adopts the meeting schedule for the period February 2016 to December 2016 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 9/0

10.2 DELEGATIONS REGISTER REVIEW**FILE REFERENCE:** PL/DELI**REPORT DATE:** 2 November 2015**OFFICER DISCLOSURE OF INTEREST:** Nil**PREVIOUS MEETING REFERENCES:** Nil**AUTHOR:** Alan Leeson, Chief Executive Officer**ATTACHMENTS:** Delegations Register**PURPOSE OF REPORT:**

To allow Elected Members the opportunity to review as required by the Local Government Act 1995 Section 5.46(2) the various delegations made to the Chief Executive Officer.

VOTING REQUIREMENTS

Absolute Majority Required

COUNCIL RESOLUTION

158/15 Moved Cr Holliday, seconded Cr Humphry that Council, having reviewed its Delegations as required by the Local Government Act 1995

Endorse the following as having been reviewed:

1. *Payments from trust and municipal funds*
2. *Investments*
3. *Hire Fees and Charges – Recreation Centre*
4. *Rate book*
5. *Budget implementation*
6. *Rent/ Leasing or Residential Property Owned By the Shire of Moora*
7. *Liquor – Sale and Consumption at Recreation Centre*
8. *Impounding goods – authorised employee*
9. *Onus of Proof in Vehicle Offences*
10. *Enforcements and Legal Proceedings*
11. *Delegation of Power*
12. *Proceedings under Dog Act*
13. *Purchase order authorisation*
14. *Budget expenditure*
15. *Register of Delegations to Committees*
16. *Donations of Works to Organisations*
17. *Private Works*
18. *Temporary Rural Road Closures*
19. *Powers of Entry onto Land*
20. *Approval of Planning Applications*
21. *Works unlawful*
22. *Building Licences*
23. *Private Swimming Pools – Inspections*
24. *Health Act – Notices and Orders*
25. *Treatment of Sewerage and Disposal of Liquid Waste*

Delegations to Committees/Working Groups

(6) Council Membership to other Committees

- St James Residential College Board: Cr Humphry with proxy Cr House

- **Community Resource Centre Management Committee: Cr Hamilton with proxy Cr Holliday**
- **Landcare Groups (Rural Water Council / West Koojan-Gillingarra Land Conservation Committee): Cr Gardiner**
- **Wildflower Country Inc. Committee: Cr Pond with proxy Cr House**
- **Local Health Advisory Group: Cr Holliday**
- **Wheatbelt North Regional Road Group: Cr Seymour with proxy Cr Nixon**
- **Moora Sub Regional Road Group: Cr Seymour with proxy Cr Nixon**
- **Development Assessment Panel: Members - Cr Humphry and Cr Clydesdale-Gebert and Alternate members – Cr Pond and Cr Gardiner**
- **Innovation Central Midlands WA Inc.: Shire President Cr Seymour, Deputy Shire President Cr Pond and Chief Executive Officer Alan Leeson**
- **Central Midlands Construction: Deputy Shire President Cr Pond**

CARRIED BY ABSOLUTE MAJORITY 9/0

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

Nil

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

The Chief Executive Officer raised four items of urgent business relating to;

1. CMSHS Scholarship
 2. Fluoridation of Moora Townsite Water
 3. Damon Brown – Lot 198 Tootra Street New Shed with Reduced Setback; and
 4. Transfer of Funds from Central Midlands Voluntary Regional Organisation of Councils (Dalwallinu-Wongan Hills-Moora) to Innovation Central Midlands Inc.
- for Councils consideration.

COUNCIL RESOLUTION

159/15 Moved Cr Gardiner, seconded Cr Clydesdale-Gebert that Council considers the items of urgent business as tabled by the Chief Executive Officer titled; ‘CMSHS Scholarship’; ‘Fluoridation of Moora Townsite Water’, ‘Damon Brown – Lot 198 Tootra Street New Shed with Reduced Setback’; and ‘Transfer of Funds from Central Midlands Voluntary Regional Organisation of Councils (Dalwallinu-Wongan Hills-Moora) to Innovation Central Midlands Inc.’

CARRIED 9 / 0

12.1 CMSHS SCHOLARSHIP

Ilona Jachmann, Principal of the Central Midlands Senior High School addressed Council at their Briefing Session prior to the Council meeting requesting Council support in the way of an annual scholarship to pay for the school fees of a year 7 student going into year 8.

COUNCIL RESOLUTION

160/15 Moved Cr House, seconded Cr Holliday that Council support Central Midlands Senior High School by offering an annual Scholarship for a year 7 student going into year 8 to cover their school fees.

CARRIED BY ABSOLUTE MAJORITY 9/0

12.2 FLUORIDATION OF MOORA TOWNSITE WATER

Richard Theobald, Manager Water Section, WA Environmental Health Department addressed Council at their Briefing Session prior to the Council meeting discussing the proposed fluoridation of Moora mains water scheme in 2016.

COUNCIL RESOLUTION

161/15 Moved Cr Holliday, seconded Cr House that Council write to the Minister of Health requesting that he immediately put on hold the decision to proceed with the addition of fluoride into the Moora townsite water supply. This is in light of recent research and reviews of existing evidence questioning the efficiency of this initiative, as well as the pending outcome of the National Medical and Health Research Council's review of their recommendations of the water fluoridation practice.

CARRIED 9 / 0

12.3 DAMON BROWN – LOT 198 TOOTRA STREET NEW SHED WITH REDUCED SETBACK

FILE REFERENCE: TP/PA16/1516

REPORT DATE: 13 November 2015

APPLICANT/PROPONENT: Damon Brown

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Peter Williams, Manager Development Services

ATTACHMENTS: Plans

PURPOSE OF REPORT:

An application has been received from Mr Damon Brown (Proponent) to construct a steel framed and clad 24m x 15m shed with a reduced setback for the purpose of housing his new front lifter rubbish truck on his property located at Lot 198 Tootra Street, Moora.

BACKGROUND:

Lot 198 Tootra Street is located in the Industrial Zone which the objectives are:

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.

The proponent has requested a reduced setback to 1 metre on either side of his shed to allow for ease of access for the truck to park in the shed and necessary turning circles.

COMMENT:

The reduced setback is to allow for ease of access to the shed for the equipment. The setbacks from rear, side and front boundaries has been set down in in the Town Planning Scheme to allow for vehicle movement but for some vehicles these are not sufficient for the areas they have to move in.

Mr Brown the Proponent runs a commercial waste collection business and has just purchased a new front lifter rubbish truck which he wishes to house under cover as well as his other machinery. It is recommended that this application be approved.by Council.

POLICY REQUIREMENTS:

No known policy requirements related to this issue.

LEGISLATIVE REQUIREMENTS:

There are no known legislative requirements related to this item.

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

162/15 Moved Cr Pond, seconded Cr Holliday that Council approve the application for proponent Mr Damon Brown to construct a steel framed and clad shed with a reduced setback to allow for ease of vehicle movement at Lot 198 Tootra Street, Moora subject to the following conditions:

- ***This is not a Building approval; separate plans will need to be lodged with a building application to the Shire for approval of the construction of the shed.***
- ***Town Planning Scheme flood provisions affect this property, minimum flood provisions apply to this location of 0.15m above the 1999 flood level. These Finished Floor levels can be sought from the Department of Water.***
- ***No second hand materials are to be used in the construction of the shed.***
- ***Should washing of vehicles and/or mechanical work be carried out on vehicles a wash down bay with a petrol and oil trap shall be necessary to be installed for this purpose.***
- ***No storage of recycling material with the exception of steel is to be carried out on the property so as to create a fire hazard.***

CARRIED 9 / 0

12.4 TRANSFER OF FUNDS FROM CENTRAL MIDLANDS VOLUNTARY REGIONAL ORGANISATION OF COUNCILS(DALWALLINU-WONGAN HILLS-MOORA) TO INNOVATION CENTRAL MIDLANDS INC.

FILE REFERENCE: AD/CMVI-4
REPORT DATE: 18 November 2015
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: Nil
AUTHOR: Alan Leeson, Chief Executive Officer
ATTACHMENTS: Nil

PURPOSE OF REPORT:

To seek Council agreement to transfer funds held by Central Midlands Voluntary Region Organisation of Councils to the newly formed Innovations Central Midlands WA Inc. (ICMWA).

BACKGROUND:

The Shire of Moora together with the Shires of Dalwallinu and Wongan-Ballidu are members of CMVROC and over the years have received grants and contributed various funds towards regional initiatives.

Today that role is now being undertaken by Innovations Central Midlands WA Inc.

COMMENT:

A bank account exists with \$12,743.00 and was used by CMVROC for various projects and operational expenditure. As these functions are now being undertaken by ICMWA it seems appropriate to transfer the funds from CMVROC to ICMWA.

POLICY REQUIREMENTS:

There are no known policy requirements related to this item.

LEGISLATIVE REQUIREMENTS:

There are no known legislative requirements related to this item.

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

163/15 Moved Cr Humphry, seconded Cr Holliday that Council agree to transfer the funds held by CMVROC to the newly formed Innovations Central Midlands WA Inc.

CARRIED 9 / 0

13. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Nil

14. CLOSURE OF MEETING

There being no further business, the President declared the meeting closed at 6.40pm.

CONFIRMED**PRESIDING MEMBER**