

**SHIRE OF MOORA**  
**MINUTES OF THE ORDINARY MEETING OF COUNCIL**  
**HELD IN THE COUNCIL CHAMBERS, MOORA**  
**18 OCTOBER 2017**

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## Separate Attachments

- 9.1.1 *List of Payments Authorised Under Delegation 1.31*
- 9.1.2 *Statement of Financial Activity for Period Ended 30 September 2017*
- 9.2.1 *Plans*
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- 10.1 *Site plans*
- 10.2 *Draft Schedule of Meeting Dates for 2018*
- 10.3 *Draft Disability Access & Inclusion Plan 2017-2022*

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

### **1.1 DECLARATION OF OPENING**

*The Shire President declared the meeting open at 5.34pm.*

### **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**

MR Pond	-	Deputy Shire President/ Presiding Member
CE Gardiner	-	Councillor
TG Humphry	-	Councillor
DV Clydesdale-Gebert	-	Councillor
PF Nixon	-	Councillor

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

### **APOLOGIES**

KM Seymour	-	Shire President
LC House	-	Councillor
MR Holliday	-	Councillor
El Hamilton	-	Councillor

### **PUBLIC**

Cynthia McMorran  
Bert Schortinghuis  
Darren West MP

## **3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil

#### **4. PUBLIC QUESTION TIME**

At 5.35pm the Manager Engineering Services and Executive Support Officer joined the meeting.

*Cynthia McMorran*

- There is no longer signage at the entrance to the south end of the carpark into the Moora Swimming Pool, opposite the entrance into IGA.
- Hydrotherapy Pool – has it gone out to tender yet?
- Shire Recycling – is the recycling that is collected still taken to Perth? Yes
- Moora Frail Aged Lodge – advised that their next meeting is to be held on Thursday 16<sup>th</sup> November at 1pm.

#### **5. PETITIONS AND PRESENTATIONS**

Nil

#### **6. APPLICATIONS FOR LEAVE OF ABSENCE**

Nil

#### **7. ANNOUNCEMENTS BY THE PRESIDING MEMBER**

The following Council associated engagements were attended;

**Deputy Shire President, Cr Pond**  
Central Midlands Construction meeting

**Cr Humphry**  
11/10 Link meeting at the Moora Residential College

**Cr Nixon**  
27/9 Heavy Haulage forum, Moora

#### **8. CONFIRMATION OF MINUTES**

**8.1 ORDINARY COUNCIL MEETING - 20 SEPTEMBER 2017**

#### **COUNCIL RESOLUTION**

***108/17 Moved Cr Gardiner, seconded Cr Nixon that the Minutes of the Ordinary Meeting of Council held on 20 September 2017 be confirmed as a true and correct record of the meeting.***

**CARRIED 5/0**

## **9. REPORTS OF OFFICERS**

### **9.1 GOVERNANCE AND CORPORATE SERVICES**

#### **9.1.1 LIST OF PAYMENTS AUTHORISED UNDER DELEGATION 1.31**

**REPORT DATE:** 11 October 2017

**OFFICER DISCLOSURE OF INTEREST:** Nil

**AUTHOR:** David Trevaskis, Deputy Chief Executive Officer

**SCHEDULE PREPARED BY:** Alida Fitzpatrick, Finance Rates Officer

**ATTACHMENTS:** Accounts Paid Under Delegated Authority

#### **PURPOSE OF REPORT**

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

#### **BACKGROUND**

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

#### **COMMENT**

Accounts Paid under delegated authority are periodically presented to Council.

#### **POLICY REQUIREMENTS**

Delegation 1.31 – Payments from Municipal and Trust Funds.

#### **LEGISLATIVE REQUIREMENTS:**

Local Government Act 1995 - Section 6.10

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

#### **STRATEGIC IMPLICATIONS**

There are no known strategic implications associated with this proposal.

#### **SUSTAINABILITY IMPLICATIONS**

##### **➤ Environment**

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

##### **➤ Economic**

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

##### **➤ Social**

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

#### **FINANCIAL IMPLICATIONS**

Payments are in accordance with the adopted budget.

#### **VOTING REQUIREMENTS**

Simple Majority Required

<b>COUNCIL RESOLUTION</b>
---------------------------

**109/17 Moved Cr Humphry, seconded Cr Gardiner that Council notes and endorses the Payments from the Municipal and Trust Funds made under delegation 1.31**

<b>Municipal Fund</b>	<b>Cheques 62291 to 62296</b>	<b>\$10,685.67</b>
	<b>EFT 18115 to 18278</b>	<b>\$355,268.16</b>
	<b>Credit Card 03/08/17 to 03/09/17</b>	<b>\$13,724.23</b>
	<b>Net Pays – PPE 05/09/17</b>	<b>\$97,419.38</b>
	<b>Net Pays – PPE 19/09/17</b>	<b>\$92,860.76</b>
	<b>Direct Debits 11407.1 to 11459.12</b>	<b>\$65,642.08</b>
<b>Trust Fund</b>	<b>Cheques 5284 to 5285</b>	<b>\$442.18</b>
<b>Total</b>		<b><u>\$636,042.46</u></b>

At 5.40pm Darren West joined the meeting

**CARRIED 5/0**

**SUSPENSION OF STANDING ORDERS**

<b>COUNCIL RESOLUTION</b>
---------------------------

**110/17 Moved Cr Gardiner, seconded Cr Humphry that Council suspends Standing Orders to allow Darren West MP to address the Council.**

**CARRIED 5/0**

**RESUMPTION OF STANDING ORDERS**

<b>COUNCIL RESOLUTION</b>
---------------------------

**111/17 Moved Cr Clydesdale-Gebert, seconded Cr Gardiner that Council resumes Standing Orders.**

**CARRIED 5/0**

At 6.00pm Darren West left the meeting and standing orders were resumed.

## **9.1.2 STATEMENT OF FINANCIAL ACTIVITY FOR PERIOD ENDED 30 SEPTEMBER 2017**

**REPORT DATE:** 10 October 2017

**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 2017

### **PURPOSE OF REPORT:**

To note and receive the Statement of Financial Activity for the period ended 30 September 2017.

### **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 2016/17 adopted budget.

### **VOTING REQUIREMENTS**

Simple Majority Required

## COUNCIL RESOLUTION

***112/17 Moved Cr Humphry, seconded Cr Nixon that Council notes and receives the Statement of Financial Activity for the period ended 30 September 2017.***

**CARRIED 5/0**

### **9.1.3 SUNDRY DEBTORS WRITE-OFFS**

**FILE REFERENCE:** F/SUDI

**REPORT DATE:** 11 October 2017

**OFFICER DISCLOSURE OF INTEREST:** Nil

**PREVIOUS MEETING REFERENCES:** N/A

**AUTHOR:** David Trevaskis, Deputy Chief Executive Officer

**ATTACHMENTS:** Nil

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

To request that Council write off the following overdue sundry bad debts.

- Watheroo Shop \$100.00
- Timberden Plant Hire \$68.96
- Country Women's Association – Moora Branch \$418.00

#### **BACKGROUND:**

Watheroo Shop \$100 – “Food premise inspection fee” 27 March 2014

As at 30 September 2017 the debt is 1409 days overdue. The owner of the Shop has since changed and management consider that it is highly unlikely the Shire will ever recover these funds.

Timberden Plant Hire \$68.96 – “Standpipe water charges” 16 December 2015

As at 30 September 2017 the debt is 654 days overdue. The business has been declared bankrupt and no payment towards this debt will be made.

Country Women's Association \$418 – “Annual fees and charges 2015/16” 6 October 2016

As at 30 September 2017 the debt is 359 days overdue. The branch has written to council previously to request that the annual fee for use of the “ballet room” is written off.

#### **POLICY REQUIREMENTS:**

Nil

#### **LEGISLATIVE REQUIREMENTS:**

- 6.12. Power to defer, grant discounts, waive or write off debts (1) Subject to subsection (2) and any other written law, a local government may —
- (a) when adopting the annual budget, grant\* a discount or other incentive for the early payment of any amount of money; or
  - (b) waive or grant concessions in relation to any amount of money; or
  - (c) write off any amount of money, which is owed to the local government.

#### **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:**

A provision for doubtful debts has been provided for in previous financial years for all three amounts meaning the net change to the Shire's net current funding position will be nil.

**VOTING REQUIREMENTS**

Simple Majority Required

**COUNCIL RESOLUTION**

*113/17 Moved Cr Gardiner, seconded Cr Humphry that Council write off the following debts:*

- *Watheroo Shop \$100.00*
- *Timberden Plant Hire \$68.96*
- *Country Women's Association – Moora Branch \$318.00 (reduction in original invoice from \$418.00 by \$100.00)*

**CARRIED 5/0**

**9.2 DEVELOPMENT SERVICES****9.2.1 REDUCED SETBACK - CARPORT 44 LEFROY STREET, MOORA**

**FILE REFERENCE:** TP/PA08/1718

**REPORT DATE:** 12 October 2017

**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 an application from Mr Greg Reilly seeking permission to construct a carport with a reduced setback from the side fence of his property at 44 Lefroy Street Moora.

**BACKGROUND:**

44 Lefroy Street is in the Residential Zone as defined by the Shire of Moora Town Planning Scheme No 4 (Amendment 12) and is covered by the Residential Design Code.

Mr Reilly wishes to construct a carport within 1.00 m of his side boundary using a dogleg design to ensure the gutter of the carport is back 1100mm from the boundary whilst the leg struts are adjacent to the boundary fence. Thus, affording compliance with setback requirements.

The setback requirements for buildings in residential areas from the boundary of the property to the building line is 7.5 metres whereas the setback from this carport is 6.24m thus requiring a reduced setback for the purposes of this application. Sightlines on both sides of the property are good as the carport is open, affording clear vision of the driver in both directions.

The property is within the Shire Town boundary and should therefore comply with the Shire of Moora Flood Provisions. The exception to this is that the house is an older style house which was built prior to the Flood provisions coming into effect, and it would be impractical to build up the finished floor levels as the carport would not be easy to access and would look odd in relation to the house to which it is attached.

**COMMENT:**

Although it is a reduced setback the gutters will not discharge on to the neighbouring property as the gutters are at least 1100mm from the boundary. The front setback of the property is also reduced from the required 7.5 metres to 6.24 metres. The carport is open thus giving an unobstructed view both ways for a car backing out of a drive way.

It is recommended that Council approve the application without the flood provision requirement due to the unsightly vision from the road and the impracticality of access by the vehicle to the carport due to the height difference between the house and the carport.

**POLICY REQUIREMENTS:**

There are no known policy requirements for this application.

**LEGISLATIVE REQUIREMENTS:**

Compliance with Residential Design Codes of 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:**

All planning fees have been paid

**VOTING REQUIREMENTS**

Simple Majority Required

**COUNCIL RESOLUTION**

**114/17 Moved Cr Nixon, seconded Cr Humphry that Council approve the application by Mr Greg Reilly to construct a steel framed and colour bond clad roofed carport on his property at 44 Lefroy Street, Moora with a reduced setback of 1.3 metres, subject to the following conditions: -**

- **Carport is not to be enclosed**
- **No second-hand materials are to be used in the construction of the carport**
- **That Council waver the requirement to raise the finished floor level of the carport due to the House being built prior to the floods, and to build it up would make access to the carport impractical and would not be visually conducive to the area.**

**CARRIED 5/0**

**9.2.2 COVERED PUBLIC AREA FOR SPEEDWAY - WHEATBIN ROAD, MOORA**

**FILE REFERENCE:** TP/PA07/1718

**REPORT DATE:** 13 October 2017

**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 development application from Mr Greg Reilly on behalf of Central Midlands Speedway Association, to construct a steel framed and clad 28.000m x 16.600m x 5.942 metre covered licensed area for the public that will incorporate and cover the existing canteen and toilets and will include a bar area. (Note this will be a Public Building.)

**BACKGROUND:**

The Speedway is in a Recreation and Open Space area south of the Moora Townsite off the Midlands Road, opposite Reserve 28714 on Wheatbin Road Moora. The speedway wish to construct a 28.000 metre x 16.600 metre x 5.942 metre, steel framed and clad shed structure that will enclose the existing canteen and toilets. The construction will also incorporate a bar area which will make the structure a licensed area, and a Public Building. This will require a Public Building application (Form 1) under the Public Building Regulations with plans of the structure. The structure will require to be issued with a Certificate of Accommodation based on the square area of the building and allowing one person per square metre. The Building will require a Certificate of Electrical Compliance signed by the electrician

Under Use and Development of Local Reserves an applicant is to seek permission from Council to develop on a local reserve. As this has previously been carried out and Council permission provided there is no need for this to reoccur.

**COMMENT:**

Central Midlands Speedway Association has made some exciting changes to its facility which have been recognised by its head body, to the extent that last year it hosted the State Titles and will host another speedway title event this year. With the growing population of race goers, it has made Moora a destination for race enthusiasts. Recommended that this application be approved. The accommodation number of the building structure may impinge

on the toilet facilities however there are other toilets which can be accessed by the patrons of the races so it should not cause any concern.

**POLICY REQUIREMENTS:**

There are no known policy requirements related to this item.

**LEGISLATIVE REQUIREMENTS:**

Health (Public Buildings) Regulations 1992 (as amended)

**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**

***115/17 Moved Cr Nixon, seconded Cr Gardiner that Council approve the application by Mr Greg Reilly on behalf of Central Midlands Speedway Association to construct a 28.000 metre x 16.600 metre x 5.942 metre, steel framed and clad structure that will enclose the existing canteen and toilet facility and incorporate a bar area making it a licensed and Public Building. This is to be located at the Moora Speedway track located at Lot R28714-2 Wheatbin Road Moora subject to the following conditions:***

- ***A Public Building Application by way of a Form 1 Health (Public Building) Regulations 1992 be submitted to the Shire along with the Building Application.***
- ***A Certificate of Electrical Compliance be submitted signed by the electrician;***
- ***No second-hand materials to be used in the construction of the building;***
- ***The exhaust extraction flue to be taken to the outside air and not enclosed in the shed structure;***
- ***A Certificate of Accommodation to be displayed prominently inside the building for all patrons to readily view;***
- ***This is not a building approval a separate Building Application is to be submitted to the Shire's Building Surveyor;***
- ***An Evacuation Plan showing assembly areas is to be prominently displayed inside the building;***
- ***Any electrical appliances are to comply with Health (Public Building) Regulation 1992.***

**CARRIED 5/0**

### **9.2.3 LOT 164 MELBOURNE ST, MOORA - LOCATE OFFICE DONGER**

**FILE REFERENCE:** TP/PA 09/1718

**REPORT DATE:** 13 October 2017

**APPLICANT/PROPONENT:** Ms Dixierose Ong

**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 development application from Ms Dixierose Ong requesting Council permission to locate an office donger on her property located at Lot 164 Melbourne Street, Moora.

#### **BACKGROUND:**

Lot 164 Melbourne Street is located in the Town Industrial Zone as indicated on the Shire of Moora Town Planning Scheme No 4 (Amendment 12) of 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, 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:**

At this stage, Ms Ong is only wanting to locate the donger for office purposes, and hopes to eventually develop a business on the property.

**POLICY REQUIREMENTS:**

This is not a sea container so there are no known policy requirements for this item.

**LEGISLATIVE REQUIREMENTS:**

Building Code of Australia.

**STRATEGIC IMPLICATIONS:**

There are no known strategic implications associated with this proposal.

**SUSTAINABILITY IMPLICATIONS:**

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

***116/17 Moved Cr Humphry, seconded Cr Nixon that Council approve the application by Ms Dixierose Ong to locate an office donger on her property located at Lot 164 Melbourne Street Moora subject to the following conditions:***

- ***That the office donger is certified safe to be transported;***
- ***The Donger has no asbestos in its construction prior to transport;***
- ***All buildings are to adhered to minimum setbacks as to their location on the property;***
- ***This is not an approval to build, a separate building application is required to be submitted to the Shire's Building Surveyor prior to any development or earth works can commence;***
- ***The first 5 metres of the property is required to be landscaped from the property line back.***

**CARRIED 5/0**

### **9.3 ENGINEERING SERVICES**

#### **9.3.1 PROPOSED PERMANENT ROAD CLOSURE – UN-NAMED ROAD**

At 6.06pm Cr Nixon declared a proximity and impartiality interest as he is a neighbour who has used and wishes to use this road to access part of his property, and left the meeting.

**As the number of members' present was reduced to 4, a quorum was no longer present. The item will be held over to the next meeting of Council on 15 November 2017.**

At 6.08pm Cr Nixon rejoined the meeting.

**FILE REFERENCE:** S/ROCI

**REPORT DATE:** 6 October 2017

**APPLICANT/PROPONENT:** Shire of Moora

**OFFICER DISCLOSURE OF INTEREST:** Nil

**PREVIOUS MEETING REFERENCES:** N/A

**AUTHOR:** John Greay, Manager Engineering Services

**ATTACHMENTS:** Map

**PURPOSE OF REPORT:**

Council to consider the permanent closure of Un-named Road. (refer map)

**BACKGROUND:**

Council received a letter from Mr David Glasfurd on the 5<sup>th</sup> April 2017 expressing concern regarding access to this un-named road which is a gazetted but an unmade road that runs south of the Midlands Road (between Walebing and Moora) which could be deemed to be an extension of Orton Road which is located to the north.

The road is not constructed and is situated in between farmlands (lots 9 & 2423) owned by Lightform Nominees Pty Ltd. The request is to close the road at the south west corner of lot 2423 as indicated on the attached map.

**COMMENT:**

Council has been in possession of this letter for some time but due to unforeseen circumstances it hasn't been able to be presented before this. Mr Glasfurd is anxious for this matter to be resolved as soon as possible, particularly with the onset of summer approaching.

Mr Glasfurds' request and concerns are outlined below: -

1. The road does not connect to any other roads and is not the sole available access route to any adjoining property.
2. Bio security is a major issue for my farming enterprise and the control of the spread of weeds and noxious plants is both a time consuming and expensive undertaking. It is our considered opinion that unrestricted access through our property (see point 5 below) by third parties put at risk, the success of our ongoing bio-security programs.
3. We store on the property as part of normal farming practices, expensive farming equipment and chemicals. Without access to the road area being controlled and to adjoining parts of the land we have security concerns and concerns for health and welfare of anyone interfering with the chemicals stored.
4. The farming enterprise is mixed cropping and grazing and there is an inherent public safety risk of uncontrolled vehicle access and ongoing livestock grazing if the gazetted road remains accessible to the public.

5. If the gazetted road continues to remain accessible to the public, on the basis of the concerns raised above, the road would need to be fenced and maintained on an ongoing basis by the Shire of Moora.

The historic understanding is that this road has never been developed or used for any purpose and council has no use for it to remain open. Council has numerous unmade gazetted roads throughout the shire which remain in their current state and it is only when someone makes application for closure for such that council has their attention drawn to the situation. It is not

practical to go through the process of investigating the closure of each and every road that falls into that category throughout the shire.

#### **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 borne by the applicant in this regard.

#### **SUMMARY:**

This situation is not new and council occasional get requests for road closures of this nature. The author is of the opinion that the closure of the road will have no impact on any other land owner, who doesn't have ready access to made roads. In the authors view given the history of the road reserve, its current state in being impassable and the fact that it serves no public benefit or use, this unmade road should be permanently closed in accordance with the provisions of the Land Administration Act 1997.

**VOTING REQUIREMENTS**

Simple Majority Required

**RECOMMENDATION**

*That Council acknowledges the correspondence from Mr Glasfurd in relation to the unmade section of road being the south west corner of lot 2423 which he requests to be closed;*

- 1. Agree to give Public Notice of its intent to seek the permanent closure of the unmade and advertise the proposal in accordance with Section 58 of the Land Administration Act 1997 for period of not less than 35 days;*
- 2. Formally advise public service – utility agencies advising them of Councils intended course of action in regards to the unmade road and request them to make public comment/submission back to Council within the 35 day period.*

**Note:** Item to be re-presented to the 15 November 2017 Council meeting.

**9.3.2 RESTRICTED ACCESS VEHICLE MOVEMENT – MOORA TOWNSITE**

**FILE REFERENCE:** S/MA11-3

**REPORT DATE:** 10 October 2017

**APPLICANT/PROPONENT:** Chief Executive Officer

**OFFICER DISCLOSURE OF INTEREST:** Nil

**PREVIOUS MEETING REFERENCES:** Nil

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

**ATTACHMENTS:** RAV Maps for Networks 2 - 7

**PURPOSE OF REPORT:**

For Council to consider requesting Main Roads W.A to upgrade the Restricted Access Vehicle (RAV) ratings for a number of roads / streets that come into Moora and through the Moora townsite itself. Refer to link below and one can click on respective network tabs and zoom in and out to give a clear picture of RAV Network parameters in and around Moora. Click on the tabs that range from N1 through to N10.

**RAV Network Link**

<https://mrapps.mainroads.wa.gov.au/hvsnetworkmap>

**Turning Template Link**

<https://www.mainroads.wa.gov.au/UsingRoads/HeavyVehicles/ravnetworkaccess/Pages/turningtemplates.aspx>

**RAV Network – Vehicle Configurations**

<https://www.mainroads.wa.gov.au/UsingRoads/HeavyVehicles/notices/Pages/pmtc.aspx>

**BACKGROUND:**

Over the past 6 months Council has held two freight forums with freight industry stakeholders with a view to identifying key issues around movement of RAV's in Moora. As Council has been well aware, one of the key concerns has been the movements of RAV's past the Moora Health Precinct and Primary School on Dandaragan Street.

**COMMENT:*****Current Status - Long Street – Brown Street Route***

At this point in time, the only section of Long Street that has any description of RAV rating is between Dandaragan Street and Clinch Street. That section is rated for Network (N) N2, N3 and N4. There is no RAV rating for the section of Long Street from Clinch Street through to Brown Street. Similarly, there is no RAV rating on any of Brown Street.

The intention at the meeting in the first instance at a minimum is to have the Long/Brown Street route rated to RAV 4 in order to allow for the legal movement of heavy vehicles up to RAV 4 on the route with a view to reducing the number of trucks that pass through the centre of town turning at the intersection of;

- Dandaragan/Roberts Streets;
- Roberts/Clinch Streets
- Padbury/Clinch Streets

It was the wish of the meeting to try and get this in place for the coming harvest.

***Current status - Tootra Street/Gardiner Street through to Wheatbin Road***

The main issue with this route is the limitation with the section of Tootra Street from where it intersects with Midlands Road through to Clinch Street is only Rated to RAV 4. The outcome of the Heavy Vehicle Forum expressed a desire to have the limited section upgraded to a Network 7. Realistically the author believes in the short term a more likely outcome would be to have this section upgraded to a minimum of Network 6. As a matter of interest. The author would recommend that Council request this section to be assessed to a minimum of Network 6, preferably to a Network 7. This is premised on the fact Midlands Road north of the Moora Townsite is likely to be rated to a Network 7 in the very near future.

**POLICY REQUIREMENTS:**

Please refer to Council Policy 4.8

**Council's Heavy Transport Vehicle Policy**

Council's Policy which allows various heavy vehicle configurations to travel on designated roads is detailed as under -

The conditions as under form part of the policy

1. The Main Roads issues permits in accordance with this Policy, which means that the contractor/owner does not have to contact the Shire Office.
2. Adjoining landowners to excluded roads may apply to Council for one-off approval to cart to or away from their property.
3. Should heavy seasonal activity or weather conditions cause damage to occur to a Council road then Council retains the right to temporarily remove that road from the list of approved roads.
4. Local vehicles requiring a MRWA permit are allowed access from the contractor's (Moora) depot to the permitted heavy vehicle route by the shortest practical route provided that such access is a bitumen road not less than 6.5 metres wide.

5. The route through Moora for vehicles requiring a MRWA permit must be via Clinch Street from Gardiner Street to Roberts Street, Roberts Street from Clinch Street to Dandaragan Street, Tootra Street to Gardiner Street.
6. Roads on which vehicles requiring a MRWA permit are not allowed to travel are those designated 'light traffic only' i.e., Madgingarra Road, Berkshire Valley Road.  
NOTE: Applicable from 16 July, 1997.

***The WA Local Government Association are currently developing a Uniform Policy that would be consisted across W.A Local Governments. This is currently in draft form.***

#### **LEGISLATIVE REQUIREMENTS:**

Road Traffic (Vehicles) Regulations 2014  
Road Traffic (Vehicles) Act 2012  
Road Traffic (Administration) Act 2008  
Road Traffic (Administration) Regulations 2014  
Road Traffic Code 2000  
Land Administration Act 1997 (Sec 55)  
Local Government Act 1995  
Main Roads Act 1930

#### **STRATEGIC IMPLICATIONS:**

There are no known direct strategic implications for Council in consideration of this matter. Generally, the safe and efficient movement of goods and produce is a key focus for Council when considering issues associated with the freight task throughout the Shire of Moora.

#### **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 social implications associated with this item, in particular for those residential properties adjacent to Long Street between Dandaragan Street and Drummond Street. There will be positive and negative effects for residents and business's depending on what changes occur. In terms of the proposed changes to the Long/Brown Street route there is already a lot of non-compliant RAV movements on this route. Naturally, an upgrade would see an increase in RAV movements along this route. Council in considering this matter will need to balance this current congestion and risk of heavy vehicle movements adjacent to the school and health precinct as against the likely adverse impact on the residential amenity of residences between Dandaragan Street and Drummond Street given the properties in effect front Long Street and only have a minimal setback.

#### **FINANCIAL IMPLICATIONS:**

The financial implications for Council will depend if any road works are required in order to have the requested routes meet the Main Roads assessment requirements e.g. intersection improvement.

**VOTING REQUIREMENTS:**

Simple Majority Required

**COUNCIL RESOLUTION**

*117/17 Moved Cr Gardiner, seconded Cr Nixon that;*

1. **Council direct the Chief Executive Officer to request Main Roads to upgrade the following streets in Moora on the Restricted Access Vehicle Network in accordance with the below;**
  - **Long Street (between Clinch and Brown Streets) – Minimum of Network 4;**
  - **Brown Street (between Long Street and Bindoon Moora Road) – Minimum of Network 4;**
  - **Tootra-Gardiner Street (between Midlands Road/Tootra Street intersection and Clinch Street intersection) – Minimum Network 7;**
2. **Council;**
  - a. **form a Future Roads working group with Council, local industry and independent representation to strategically assess and analyse the feasibility of moving toward upgrading the Shire of Moora local road network to cater for Network 5,6,7 movements (up to 36.5 metres), in consultation with Main Roads; and**
  - b. **the Future Roads working group develop a long term (5-10) year road program for the Shire of Moora with a view to setting out clear strategic direction in terms of;**
    - i. **Road hierarchy**
    - ii. **RAV ratings and movements**
    - iii. **Linkages to strategic grain sites from local roads.**

**CARRIED 5/0**

**9.3.3 TENDER No. 02/17 - SUPPLY OF ROAD STABILISATION SERVICES;**  
**TENDER No. 03/17 - SUPPLY AND DELIVERY OF ROAD SEALING AGGREGATE;**  
**TENDER No. 04/17 - SUPPLY AND SPRAY OF BITUMEN PRODUCTS**

At 6.16pm the Chief Executive Officer declared an impartiality interest as he is a friend of the Manager of BGC whom are one of the tenderers for the supply of aggregate, and left the meeting at this juncture.

**FILE REFERENCE:** S/TER1**REPORT DATE:** 13 October 2017**OFFICER DISCLOSURE OF INTEREST:** Nil**PREVIOUS MEETING REFERENCES:** Nil**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, and 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 along with road stabilisation of some rural roads.

**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 the Old Geraldton, Moora-Miling, Dalwallinu West and Barberton East Roads and therefore tenders were called for the following: -

**Supply of Road Stabilisation Services**

Council will require approximately 57,600m<sup>2</sup> of road pavement to be stabilised this year on the Moora Miling Road and 57,600m<sup>2</sup> on the Barberton East Road.

**Road Sealing Aggregate**

Council will require approximately 5000 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 493,000 litres of bitumen supplied and sprayed at various nominated locations throughout the shire.

**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**

Simple Majority Required

**COUNCIL RESOLUTION**

*118/17 Moved Cr Gardiner, seconded Cr Humphry that*

1. *Tender 02/17 - received from Downer Group be accepted for the supply of road surface stabilisation services, as per the attached rates, for the 2017-18 year.*
2. *Tender 03/17 - received from BGC Transport be accepted for the supply and delivery of road sealing aggregate to nominated dumpsites as per the attached rates for the 2017-18 year by applying the Regional Price Preference;*
3. *Tender 04/17 - received from Bitutek be accepted for the supply and spray of bitumen products, as per the attached rates, for the 2017-18 year.*

**CARRIED 5/0**

At 6.25pm the Chief Executive Officer rejoined the meeting.

**10. REPORTS OF COMMITTEES****GENERAL PURPOSE COMMITTEE MEETING – 4 OCTOBER 2017****10.1 GRANITE EXTRACTION WATHEROO**

**FILE REFERENCE:** TP/PA1460/1718

**REPORT DATE:** 13 September 2017

**APPLICANT/PROPONENT:** Brent Millstead

**OFFICER DISCLOSURE OF INTEREST:** Nil

**PREVIOUS MEETING REFERENCES:** Nil

**AUTHOR:** Peter Williams, Manager Development Services

**ATTACHMENTS:** Site plans

**PURPOSE OF REPORT:**

An application has been received from Mr Brent Millstead (proponent) on behalf of Watheroo Granite Pty Ltd seeking Council approval for the recommencement of quarrying activities for the extraction of granite at Lot 1460 French Road and Lot 2364 Midlands Road in Watheroo.

**BACKGROUND:**

This is a recommencement of activities that have been carried out in the past however a search of a search of Council records has not shown any evidence of a granite quarry at Watheroo This could be due to record damage during the floods or the Shire not able to access old files due to the technology used earlier. Contact with Department Water & Environmental Regulations (DWER) shows they do not have any records of a granite quarry in Watheroo either.

Lots 1460 French Road and 2364 Midlands Road Watheroo are both zoned as General Agriculture, an Extractive Industry has a “D” Classification under the Shire of Moora Town Planning Scheme, Zoning Table. This requires Council approval of the application before commencement of the operations.

The applicant will be required to make application with (DWER) for the processing of granite including crushing and screening.

The proposal is to:

- Extract granite rock by conventional drill & blast method for the crushing and screening into aggregates, subject to EPA Permit. (For 5,000 to 50,000 tonnes requires a registration permit and above 50,000 tonnes require a license)
- The extraction of granite blocks or by close spaced small diameter drilling or by wire sawing for the further off-site processing, similar to the methods used at this site in the past.

Both the above is expected to be on a periodic, relatively small scale basis during normal business hours. Employee numbers will be small, and local suppliers of goods and services will be used where and whenever possible.

Proposed structures for the site:

- Portable site office and mess room;
- Portable ablutions block with enclosed septic tank;
- Storage containers for equipment and minor maintenance work;
- Temporary bunded portable tank for the storage of small volumes of diesel fuel;
- Periodic use of mobile crushing plant;
- Diesel powered electrical generator.

These facilities will be located at one of the two sites only, to service both.

#### **Vehicular Access to the Site**

The proponent understands Main Roads WA approval will be required to access Lot 2364 Midlands Road through the existing access point. Lot 1460 will be accessed through the existing gateway onto French Road.

#### **Visual and Environmental Impact of Proposed Operations**

The existing visual impact of the two sites is unlikely to be significantly altered in the short term. Should this change to the longer term, mitigating measures such as tree planting could possibly be introduced.

Water discharge from the site is expected to be negligible, and any dust generated will be controlled by water sprays during operational periods.

The existing pits are currently acting as a catchment for rain and ground water, this appears to be an ideal end use for agriculture purposes on completion of operations.





**Lot 2364 Midlands Road**



**Lot 1460 French Road**

### **COMMENT:**

This application is subject to DWER conditions and Approval.

Issues that need to be considered and conditions provided include:

- Fire Provisions – a fire unit needs to be onsite and ready to use always
- Effluent disposal – portable ablutions comes with storage tank, so arrangements with the Shire of Moora for emptying must be made;
- "All drainage from the licence area (other than pre-development and existing structure) is required to be held within Property Lot
- Warning signs shall be installed for 'Danger Excavation Keep Out'.
- Public Liability insurance shall be current and evidence of this shall be provided to the Shire of Moora.
- All above-ground fuel storage facilities associated with the fuel dispersal facility shall be bunded in accordance with fuel industry standards.
- All waste from site shall be disposed of in accordance with Shire of Moora waste disposal requirements.

### **POLICY REQUIREMENTS:**

There are no known policy requirements related to this item

### **LEGISLATIVE REQUIREMENTS:**

The Department of Water and Environmental Regulations will provide conditions for this development.

### **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:**

The required \$739.00 application fee has been paid.

**VOTING REQUIREMENTS**

Simple Majority Required

**COUNCIL RESOLUTION  
(COMMITTEE RECOMMENDATION)**

***119/17 Moved Cr Clydesdale-Gebert, seconded Cr Gardiner that Council approve the planning application by proponent Mr Brent Millsted on behalf of Watheroo Granite Pty Ltd for Lots, 2364 Midlands Road and Lot 1460 French Road Watheroo subject to the following conditions:***

- ***Compliance with Department of Water Environmental Regulations site conditions;***
- ***Compliance with Main Roads WA for entry of trucks onto and off Midlands Road;***
- ***No work to be carried out after or prior to the hours of 8.00am and 5.00pm;***
- ***All blasting work to be carried out between 11am and 2.00pm;***
- ***Disposal of effluent from portable ablutions to be by effluent disposal truck in compliance with Control Waste Regulations;***
- ***Site office and mess to have access to potable water for drinking purposes;***
- ***Fire Provisions – a fire unit with a capacity of at least 600 litres needs to be onsite and ready to use always;***
- ***All drainage from the licence area (other than pre-development and existing structure) is required to be held within Lot***
- ***Warning signs shall be installed at Gate entrance to both properties;***
- ***Public Liability insurance shall be current and evidence of this shall be provided to the Shire of Moora;***
- ***All above-ground fuel storage facilities associated with the vehicle and machinery shall be bunded in accordance with fuel industry standards.***
- ***Application to Department of Water and Environmental Regulation for a Crushing and screening License.***

**CARRIED 5/0**

## **10.2 REVIEW OF 2018 COUNCIL MEETING SCHEDULES**

**FILE REFERENCE:** EN/COAI

**REPORT DATE:** 26 September 2017

**DISCLOSURE OF INTEREST:** Nil

**PREVIOUS MEETING REFERENCES:** Nil

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

**ATTACHMENTS:** Draft Schedule of Meeting Dates for 2018

### **PURPOSE OF REPORT:**

To provide suggested dates for Council approval for meeting dates for the 2018 year to enable public advertising as required by the Local Government Act 1995.

### **BACKGROUND:**

From September 2013 monthly Council meetings have been successful in conjunction with a General Purpose Committee meeting held as the first meeting of the month and a briefing session prior to the Council meeting. It is considered appropriate to continue in this format.

### **COMMENT:**

Attached is a draft schedule of proposed dates for Council meetings for the 2018 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 2018 Local Government Convention has been scheduled to be held from the 1<sup>st</sup> – 3<sup>rd</sup> August. This week also provides the opportunity for professional development during the week. It is therefore recommended that during August only, the Council meeting is held on the 15<sup>th</sup> August with the briefing session to precede it.

### **POLICY REQUIREMENTS:**

There are no Council Policies relative to this matter.

### **LEGISLATIVE REQUIREMENTS:**

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

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

- I. At least once each year a local government is to give local public notice of the dates on which and the time and place at which –
  - (a) the ordinary council meetings; and

- (b) the 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  
(COMMITTEE RECOMMENDATION)**

*120/17 Moved Cr Nixon, seconded Cr Humphry that Council;*

- 1. Adopts the meeting schedule for the period February 2018 to December 2018 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 5/0**

### **10.3 DISABILITY ACCESS AND INCLUSION PLAN REVIEW**

**FILE REFERENCE:** GA/DSCI

**REPORT DATE:** 27 September 2017

**APPLICANT/PROPONENT:** Shire of Moora

**OFFICER DISCLOSURE OF INTEREST:** Nil

**PREVIOUS MEETING REFERENCES:** Nil

**AUTHOR:** Peter Williams, Manager Development Services

**ATTACHMENTS:** Draft Disability Access & Inclusion Plan 2017-2022

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

For Council to consider Adopting the review of the Disability Access and Inclusion Plan (DAIP) for the period 2017-2022.

#### **BACKGROUND:**

The Shire Disability Access and Inclusion Plan (DAIP) for the 2012-2017 period has lapsed and therefore required to be reviewed. This review process was carried out recently in the July Period and included a consultation with the community, including various businesses and the local Disability Services Office of which its officers attend and support some 40 families in the region including some 20 families in Moora. One of the persons receiving support from this office carried out an independent audit on a wheelchair and was asked to test Shire buildings and facilities for access.

The review covered areas previously identified in the past (DAIP).

#### **COMMENT:**

The Disability Access and Inclusion Plan was advertised to the local community for comments for the qualifying period and to date have received no comments.

#### **POLICY REQUIREMENTS:**

There are no known policy implications for this item.

#### **LEGISLATIVE REQUIREMENTS:**

There are no known legislative implications for this item.

#### **STRATEGIC IMPLICATIONS:**

There are no known strategic implications for this item.

#### **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 with this proposal.

**VOTING REQUIREMENTS**

Simple Majority Required

**COUNCIL RESOLUTION  
(COMMITTEE RECOMMENDATION)**

*121/17 Moved Cr Clydesdale-Gebert, seconded Cr Humphry that Council adopt the Disability Access and Inclusion Plan for the Shire of Moora for the period 2017-2022.*

**CARRIED 5/0****11. ELECTED MEMBER MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN****11.1 MOORA SWIMMING POOL BLANKET – OUT OF BUDGET REQUEST**

The CEO advised Councils Pool Manager John Main has advised the Pool Blanket at the Moora Shire Pool is in a state of disrepair and requested that Council look at replacing.

**COUNCIL RESOLUTION**

*122/17 Moved Cr Clydesdale-Gebert, seconded Cr Humphry that the Chief Executive Officer prepare a report for Council to include a new swimming pool blanket in the 2017/18 budget as a budget adjustment, to be presented to the General Purpose Committee on 1 November 2017.*

**CARRIED 5/0****12. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF COUNCIL**

The Chief Executive Officer tabled an item of urgent business titled 'Request to have a Third Dog – J Thomas' for Councils consideration.

**COUNCIL RESOLUTION**

*123/17 Moved Cr Gardiner, seconded Cr Clydesdale-Gebert that Council consider the item of urgent business as tabled by the Chief Executive Officer titled 'Request to have a Third Dog – J Thomas'.*

**CARRIED 5/0**

## **12.1 REQUEST TO HAVE A THIRD DOG – J THOMAS**

**FILE REFERENCE:** H/DOC/I

**REPORT DATE:** 17 October 2017

**APPLICANT/PROPONENT:** Julie Thomas

**OFFICER DISCLOSURE OF INTEREST:** Nil

**PREVIOUS MEETING REFERENCES:** Nil

**AUTHOR:** Peter Williams, Manager Development Services

**ATTACHMENTS:** Nil

### **PURPOSE OF REPORT:**

Council is in receipt of an application from Mrs Julie Thomas requesting Council permission to keep 3 dogs at her property at 192 Clarke Street, Moora.

### **BACKGROUND:**

Mrs Thomas advises that she owns 2 Huskies which are aged 9 & 10 this year and now has her 91 year old Mother come to stay with her for health reasons on a permanent basis who also has a dog, a female German Shepard which is desexed and micro chipped. Ms Thomas's mother has had the dog from a pup and is her companion.

Mrs Thomas is seeking permission from Council to allow her mother's dog to stay with them making the number of dogs at the premises 3.

**The Dog Act** allows Local Governments to allow a person to have more than 2 dogs in special circumstances Section 26 of the Dog Act 1976:

- (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.
- (5) Any person who is aggrieved —
  - (a) by the conditions imposed in relation to any exemption from the provisions of a local law placing a limitation on the number of dogs that may be kept on any premises; or
  - (b) by the refusal of a local government to grant such an exemption, or by the revocation of an exemption, may apply to the State Administrative Tribunal for a review of the decision.
- (6) An application under subsection (5) cannot be made later than the expiry of a period of 28 days after the day on which a notice of the decision is served on the person affected by that decision

**Shire of Moora 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:**

Council can allow a person to have more than two dogs at one premises under the Dog Act and Regulations subject to an application to Council requesting Council permission. Issues that Council needs to be aware of are that the approval is only for the Mothers dog and once the dog passes on then the approval ceases. All dogs are to be enclosed within the property and not allowed to roam and when taken out of the property they are to be on leads and under control. There have been several incidents regarding dogs attacking sheep in the Agriculture area to the north of the Town of Moora on the Townsite boundary so control of animals on their property is a necessity.

**POLICY REQUIREMENTS:**

There are no known policy implications associated with this proposal.

**LEGISLATIVE REQUIREMENTS:**

Shire of Moora Local Laws on Dogs

**STRATEGIC IMPLICATIONS:**

There have been two occasions where Council has granted permission for persons to have three (3) dogs and there have been no issues to date.

**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**

*124/17 Moved Cr Humphry, seconded Cr Clydesdale-Gebert that Council approve the application by Ms Julie Thomas to have a third dog at Lot 192 Clarke Street, Moora subject to the following conditions:*

- The dogs are not permitted to roam and they are to be contained within the yard at all times if not on a lead;*
- All dogs are to have a current dog registration with the Shire of Moora;*
- Once a dog has passed on, the permission for three dogs on the property ceases;*
- Council reserves the right to review the approval for a 3<sup>rd</sup> dog at any time if circumstances prevail that the dogs licensed to the property become a nuisance or are in regular contravention of the Dog Act 1976.*

**CARRIED 5/0**

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

Nil

Prior to the meeting closure Cr Colin Gardiner acknowledged and thanked those Councillors and staff who were present, for his time on Council from 2004 to 2017.

**14. CLOSURE OF MEETING**

*There being no further business, the President declared the meeting closed at 6.30pm.*

**CONFIRMED**

**PRESIDING MEMBER**