

SHIRE OF MOORA
MINUTES OF THE ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS, MOORA
16 MAY 2018

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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 April 2018*
- 9.1.4 *Investment Policy*
- 9.2.1 *Plans*
- 10.1 *Display home design and elevations*
- 12.1 *Photos of (part of) unmade Orton Road*

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

The Shire President declared the meeting open at 5.30pm.

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
LC House	-	Deputy Shire President
TG Humphry	-	Councillor
DV Clydesdale-Gebert	-	Councillor
PF Nixon	-	Councillor
EI Hamilton	-	Councillor
PJ Bellamy	-	Councillor
TL Lefroy	-	Councillor
JM Thomas	-	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)

PUBLIC

Cynthia McMorran OAM	-	Shire Freeman
Millie Milligan	-	Chair, Chamber of Commerce

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

The following Council associated engagements were attended;

Cr Seymour

- 20/4 Avon-Midland Zone meeting, Calingiri
- 25/4 ANZAC Day services
- 27/4 Luncheon – State Government Opposition – Moora College visit
- 29/4 Federal Senator Bridget McKenzie – Moora College visit
- 29/4 Moora Horse Trials
- 3/5 Introduction of new Rural Fire Division with Minister for Emergency Services Fran Logan, Moora VFRS
- 15/5 Meeting with Federal Senator Peter Georgiou, Council Chambers

Cr House

- 25/4 ANZAC Day services
- 27/4 Luncheon – State Government Opposition – Moora College visit
- 29/4 Federal Senator Bridget McKenzie – Moora College visit
- 8/5 Moora Chamber of Commerce meeting
- 16/5 Watheroo townsite landscape meeting

Cr's Clydesdale-Gebert, Nixon and Thomas

- 25/4 ANZAC Day services
- 27/4 Luncheon – State Government Opposition – Moora College visit
- 3/5 Introduction of new Rural Fire Division with Minister for Emergency Services Fran Logan, Moora VFRS

Cr's, Lefroy and Bellamy

- 25/4 ANZAC Day services
- 27/4 Luncheon – State Government Opposition – Moora College visit

Cr Hamilton

- 25/4 ANZAC Day services
- 26/4 Wildflower Country meeting, Three Springs
- 27/4 Luncheon – State Government Opposition – Moora College visit
- 3/5 Introduction of new Rural Fire Division with Minister for Emergency Services Fran Logan, Moora VFRS

Cr Humphry

- 27/4 Luncheon – State Government Opposition – Moora College visit
- 29/4 Federal Senator Bridget McKenzie – Moora College visit

- 3/5 Introduction of new Rural Fire Division with Minister for Emergency Services Fran Logan, Moora VFRS

8. CONFIRMATION OF MINUTES

8.1 ORDINARY COUNCIL MEETING - 18 APRIL 2018

COUNCIL RESOLUTION

59/18 Moved Cr Bellamy, seconded Cr Lefroy that the Minutes of the Ordinary Meeting of Council held on 18 April 2018 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: 11 May 2018

OFFICER DISCLOSURE OF INTEREST: Nil

AUTHOR: David Trevaskis, Deputy Chief Executive Officer

SCHEDULE PREPARED BY: Alida Fitzpatrick, Finance Debtors Officer

ATTACHMENTS: Accounts Paid Under Delegated Authority

PURPOSE OF REPORT

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

BACKGROUND

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

COMMENT

Accounts Paid under delegated authority are periodically presented to Council.

POLICY REQUIREMENTS

Delegation 1.31 – Payments from Municipal and Trust Funds.

LEGISLATIVE REQUIREMENTS:

Local Government Act 1995 - Section 6.10

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

STRATEGIC IMPLICATIONS

There are no known strategic implications associated with this proposal.

SUSTAINABILITY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

Payments are in accordance with the adopted budget.

VOTING REQUIREMENTS

Simple Majority Required

COUNCIL RESOLUTION

60/18 Moved Cr Humphry, seconded Cr Bellamy that Council notes and endorses the Payments from the Municipal and Trust Funds made under delegation 1.31

Municipal Fund	Cheques 62340 to 62344	\$3,282.75
	EFT 19293 to 19473	\$383,670.18
	Credit Card 16/03/18 to 15/04/18	\$6,729.67
	Direct Debits 11867 – 11905	\$53,957.29
	Net Pays – PPE 03/04/18	\$97,836.50
	Net Pays – PPE 17/4/18	\$105,642.15
Trust Fund	Cheques 5351 to 5357	\$1,189.42
Total		<u>\$ 652,307.96</u>

CARRIED 9/0

9.1.2 STATEMENT OF FINANCIAL ACTIVITY FOR PERIOD ENDED 30 APRIL 2018

REPORT DATE: 10 May 2018

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 April 2018

PURPOSE OF REPORT:

To note and receive the Statement of Financial Activity for the period ended 30 April 2018.

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 2017/18 adopted budget.

VOTING REQUIREMENTS

Simple Majority Required

COUNCIL RESOLUTION

61/18 Moved Cr House, seconded Cr Humphry that Council notes and receives the Statement of Financial Activity for the period ended 30 April 2018.

CARRIED 9/0

9.1.3 WA LOCAL GOVERNMENT ASSOCIATION – 2018 ANNUAL GENERAL MEETING VOTING DELEGATES

FILE REFERENCE: GA/WAL3-2
REPORT DATE: 30 April 2018
APPLICANT/PROPONENT: WA Local Government Association
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: Not Applicable
AUTHOR: Michelle Murray, Executive Support Officer
ATTACHMENTS: Nil

PURPOSE OF REPORT:

To consider nominating two Elected Members as Council's voting delegates at the 2018 Annual General Meeting (AGM) of the Western Australian Local Government Association (WALGA).

BACKGROUND:

Correspondence has been received from WALGA requesting two voting delegates and two proxy delegates for the WALGA AGM to be held on Wednesday 1st August at the commencement of the WALGA Convention.

COMMENT:

Council can nominate either Elected Members or the Chief Executive Officer to act as voting delegates. It is normal practice to nominate the President and Deputy President as the voting delegates or if they are unable to attend another Elected Member.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

There are no known legislative requirements related to this item.

STRATEGIC IMPLICATIONS:

There are no strategic implications related to 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 related to this item.

VOTING REQUIREMENTS

Simple Majority Required

COUNCIL RESOLUTION

62/18 Moved Cr Clydesdale-Gebert, seconded Cr Thomas Council advise the Western Australian Local Government Association that Cr Ken Seymour and Cr Louise House are the AGM voting delegates, and Cr Humphry is the Proxy voting delegate representing the Shire of Moora at the 2018 WALGA Convention.

CARRIED 9/0

9.1.4 REVIEW OF INVESTMENT POLICY

FILE REFERENCE: PL/POPI
REPORT DATE: 1 May 2018
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: Nil
AUTHOR: David Trevaskis, Deputy Chief Executive Officer
ATTACHMENTS: Investment Policy

PURPOSE OF REPORT:

This report is to review Council's investment policy which provides guidelines for the management of the Shire's cash and investment portfolio.

COMMENT:

The policy has not been reviewed by Council in the past 12 months. Local governments can now invest in fixed term deposits of up to three years under section 19C(2)(b) of the *Local Government (Financial Management) Amendment Regulations 2017*. This amendment allows local governments to optimise their investment returns in fixed term deposits until the funds are required.

The Shire's current policy restricts investments of Municipal funds for a period of 6 months without Council approval and Reserve funds are restricted to 12 month investments without Council approval.

It is recommended that Council approve to amend the policy to extend the period of maturity for municipal fixed term deposits to 12 months without Council approval.

It is recommended that Council approve to amend the policy to extend the period of maturity for reserve fixed term deposits to 3 years without Council approval.

POLICY REQUIREMENTS:

Policy to be reviewed annually.

LEGISLATIVE REQUIREMENTS:

Local Government Act 1995, Section 6.14;
Trustees Act 1962, Part III Investments;
Local Government (Financial Management Regulations) 1996 – Regulations 19, 19C, 28 and 49.

STRATEGIC IMPLICATIONS:

An objective of managing investments to maximise return within agreed risk parameters will assist Council in achieving its strategic objective as earnings from investments are utilised as Municipal Revenue or increase the value of Reserves.

SUSTAINABILITY IMPLICATIONS:

- **Environment**
There are no known significant environmental implications associated with this proposal.
- **Economic**
Prudent but effective investment of funds not required for immediate use provides additional funds for Council operations or increases value of Reserves.
- **Social**
There are no known significant social implications associated with this proposal.

FINANCIAL IMPLICATIONS:

Revenues from investments are included in the annual budget. This policy formalises the investment of these funds. Other than this there are no financial implications to Council in relation to this item.

VOTING REQUIREMENTS:

Simple Majority Required

COUNCIL RESOLUTION

63/18 Moved Cr Bellamy, seconded Cr Humphry that Council acknowledge review of the Investment Policy and resolve to amend the Investment Policy as attached in the Shire of Moora Policy Manual.

CARRIED 9/0

9.2 DEVELOPMENT SERVICES**9.2.1 SMALL PRODUCTION BREWERY BEER GARDEN – LOT 212 MELBOURNE ST, MOORA**

Cr Clydesdale-Gebert declared a proximity interest as is the owner of Lot 213 Melbourne Street Moora and left the meeting at 5.43pm.

FILE REFERENCE: TP/PA26/1617

REPORT DATE: 9 May 2018

APPLICANT/PROPONENT: Peter Derrick

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: 21/02/2018 (19/18) and 24/5/17 (67/17)

AUTHOR: Peter Williams, Manager Development Services

ATTACHMENTS: Plans

PURPOSE OF REPORT:

Further to Council approval of a section 40 pertaining to usage of land at Lot 212 Melbourne Street Moora, for a small production brewery. The proponent Mr Peter Derrick seeks approval for a beer garden and toilets on the property as part of the small brewery operations previously approved at the Ordinary meeting of Council on 21 February 2018.

BACKGROUND:

The proponent owns land in the Industrial Zone located at Lot 212 Melbourne Street in Moora.



This land is located in the Industrial Zone in the Townsite of Moora where the proponent has an existing shed which he wishes to use for his small production brewery and beer garden and is seeking approval from Council. Apart from the beer produced, there will be no prepared food sold to patrons.

The Industrial Zone objectives are:

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 developmental 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 developmental 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 developmental approval for such

industries shall be subject to wastes being treated and disposed of in accordance with advice/guidelines received.

COMMENT:

Once building approval (refer attached plans) has been granted the proponent will apply to Department of Racing Gaming & Liquor with the plans for the development which will then, if approved, be granted a licensed area which is the area where alcohol can be consumed. The number of patrons will be based on the number of toilets i.e. 25 persons per WC, male and female.

Once approval is issued by Racing Gaming and Liquor, Mr Derrick will need to apply to the Shire's Manager for Development Services for a Section 39 which will include Public Buildings, Food i.e. manufacturing of food which needs to meet the Food Standards Code of Australia.

POLICY REQUIREMENTS:

There are no known policy requirements related to this item.

LEGISLATIVE REQUIREMENTS:

Racing Gaming and Liquor Act and Regulations, Shire of Moora Town Planning Scheme, Public Health Act 2016.

STRATEGIC IMPLICATIONS:

There are no known strategic implications associated with this proposal.

SUSTAINABILITY IMPLICATIONS:

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

FINANCIAL IMPLICATIONS:

There are no financial implications to Council in relation to this item, all fees have been paid by the proponent.

VOTING REQUIREMENTS

Simple Majority Required

COUNCIL RESOLUTION

64/18 Moved Cr Humphry, seconded Cr Lefroy Council grant planning approval for applicant Mr Peter Derrick to operate a beer garden at the business premise located at Lot 212 Melbourne Street Moora as part of the proposed Small Production Brewery conditional upon:

- 1. Compliance with all requirements of the Department of Racing, Gaming and Liquor;**
- 2. Erection of a 2100mm non-permeable colour bond fence (excluding top 300mm) on the southern side of the proposed beer garden.**

CARRIED 8/0

At 5.53pm Cr Clydesdale-Gebert rejoined the meeting.

9.3 ENGINEERING SERVICES

9.3.1 CONCESSIONAL LOADING APPLICATION – SIMCOA MINE OPERATIONS

FILE REFERENCE: S/MA11-2

REPORT DATE: 11 May 2018

APPLICANT/PROPONENT: Various

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHORS: Alan Leeson CEO and John Greay, Manager Engineering Services

ATTACHMENTS: Nil

PURPOSE OF REPORT:

For Council to consider granting additional mass loading capacity for heavy haulage requirements out of the Simcoa Mine Operation north of the Moora townsite, and also consider if speed restrictions are warranted as a result of the additional heavy haulage through the centre business district adjacent to Gardiner Street, Moora.

BACKGROUND:

Over the past two weeks Council management have received numerous requests from transport operators, for Council to approve additional loading capacity as part of moving product from Simcoa Operations (Kiaka Road) to Kemerton in the south west of W.A

COMMENT:

Discussions have been held between senior staff regarding the current conditions that apply to heavy haulage operators as they move through the Moora townsite. Most are requesting an increase to their concessional loading permits from AMM1 to AMM3.

Enquiries have been in regards to the calling of tenders by Simcoa Operations for the transportation of silica from Kiaka Road to Kemerton – south of Bunbury.

The preferred route operators wish to use is;

Route (network 4 task limitation)

- Kiaka Road onto Midland Road; Network, N 4
- Turn left of Midlands Road into Tootra Street, N7
- Transition into Gardiner Street, N7
- Transition back onto Midlands Road, N7
- Moora out to Walebing, N7
- Turn onto Great Northern Highway N7

Most operators enquiring were seeking to have Kiaka Road upgraded to a Network 7, from Network 4, which notwithstanding gross vehicle mass (GVM) increases vehicle movement length from a maximum of 27.5 metres (N4) to a maximum of 36.5 metres (N7). We have had to advise this isn't possible because of the stacking distance between the eastern edge of Midlands Road and the railway line is not sufficient.

From that point operators requested concessional loading on a Network 4 heavy vehicle configuration (maximum of 27.5 metres) under the Australian Mass Management Scheme (AMMS).

The Midlands Road route through Moora is approved as a N7 with a standard maximum gross vehicle mass of 107.5 tonne without concessional loading.

With the rail crossing limitations on Kiaka Road / Midlands Road junction operators have requested concessional loading be granted in excess of the standard N4 maximum gross vehicle mass of 87.5 tonne.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

Guides, Regulations and Acts

- Load Restraint Guide (Second Edition 2004 - applicable in WA)
- Road Traffic (Vehicles) Regulations 2014
- Road Traffic (Administration) Regulations 2014
- Road Traffic (Authorisation to Drive) Regulations 2014
- Road Traffic (Repeals and Amendments) Regulations 2014
- State Law Publisher - Road Traffic (Administration) Act 2008
- State Law Publisher - Road Traffic Vehicles Act 2012

STRATEGIC IMPLICATIONS:

There are no known strategic implications associated with this proposal.

SUSTAINABILITY IMPLICATIONS:

➤ **Environment**

The main issue with this route being a heavy vehicle route is in relation to increased congestion of vehicles and pedestrians in the central business area of Gardiner Street Moora. To that end the author commissioned a small survey on the 10th May 2018 across the community in relation to speed limits in the said area. Regardless of the type of vehicle the author is of the view that consideration should be given to permanent speed reduction to 40 kph in this area (Seaforth Street to Atbara Street), or at the very least a condition be place of the RAV network for all heavy vehicles limiting them to 40 kph in this area of the Moora townsite.

➤ **Economic**

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

➤ **Social**

Anecdotally there has been a fair amount of discussion at a community level regarding increased traffic and heavy vehicle movements in this area of town expressing some degree of concern regarding congestion, speeding vehicles and the like. There have been a number of near misses with the mix of vehicles and pedestrians in the area.

FINANCIAL IMPLICATIONS:

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

VOTING REQUIREMENTS

Simple Majority Required

COUNCIL RESOLUTION

65/18 Moved Cr Humphry, seconded Cr Bellamy Council

- 1. approve Restricted Access Vehicle Network 4 gross vehicle mass concessional loading not exceeding 100 tonne on the routes from the Simcoa Mine operation north of Moora namely;**

Designated Route (network 4 task limitation)

- **Kiaka Road onto Midland Road; Network, N 4**
- **Turn left off Midlands Road into Tootra Street, N7**
- **Transition into Gardiner Street, N7**
- **Transition back onto Midlands Road, N7**
- **Moora out to Walebing, N7**
- **Turn onto Great Northern Highway N7**

and request Main Roads to upgrade the Restricted Access Heavy Vehicle Network for all heavy vehicles utilising this route to a maximum speed limit of 40 kph associated with this freight task within the Moora townsite;

- 2. engage with Main Roads W.A with a view to permanently reducing the speed limit speed from 50 kph to 40 kph on two sections of road within the Moora townsite, both of which are heavy haulage routes on the Restricted Access Vehicle Network;**
 - a. Gardiner Street, Moora (between Seaforth Street and Atbara Street)**
 - b. Roberts Street, Moora (from the Moore River Bridge to Clinch Street, Moora).**

CARRIED 9/0

10. REPORTS OF COMMITTEES

GENERAL PURPOSE COMMITTEE MEETING – 2 MAY 2018

10.1 MOORA LIFESTYLE VILLAGE – DISPLAY RESIDENCE

Quotations were called for a two-bedroom small display home to be located in the Moora Lifestyle Village. On calling quotations, prospective companies were advised of Councils budget of \$100,000 (ex GST).

One quotation was received from “Your Home Builder W.A” with the display specification coming in at \$103,200 (ex GST). Refer to attached display home design and elevations. There will be some additional costs associated with landscaping and air conditioning / cooling.

With cooling and landscaping final costs will be approx. \$109,000 (ex GST), which is 9% over budget.

Council budgeted \$38,000 (ex GST) for marketing and operational management of the Village by H & H Developments (Mike Hollett and Chris Harrison). By the 30th June 2018 this account will have incurred expenditure of \$25,000 leaving it \$13,000 under budget.

It is recommended that Council approve a reallocation of \$10,000 (ex GST) from General Ledger Account LMLV2 – Marketing and Promotion – Moora Lifestyle Village to the Display Home Project taking that project to an overall budget Ex GST of \$110,000.

VOTING REQUIREMENTS:

Absolute Majority Required

**COUNCIL RESOLUTION
(COMMITTEE RECOMMENDATION)**

66/18 Moved Cr House, seconded Cr Nixon that Council approve a reallocation of \$10,000 Ex GST from General Ledger Account LMLV2 – Marketing and Promotion – Moora Lifestyle Village to the Display Home Project at the Moora Lifestyle Village, increasing that project budget from \$100,000 to \$110,000 ex GST, further that the budget be amended accordingly.

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

Cr Nixon declared an indirect and impartiality interest in the item as he has used the road in the past and wishes to continue using it in the future, and left the meeting at 5.58pm.

The Chief Executive Officer tabled an item of urgent business titled 'Proposed Permanent Road Closure – Un-named Road' for Councils consideration.

COUNCIL RESOLUTION

67/18 Moved Cr House, seconded Cr Clydesdale-Gebert that Council consider the item of urgent business as tabled by the Chief Executive Officer titled 'Proposed Permanent Road Closure – Un-named Road'.

CARRIED 8/0

12.1 PROPOSED PERMANENT ROAD CLOSURE – UN-NAMED ROAD

FILE REFERENCE: S/ROCI

REPORT DATE: 16 February 2018

APPLICANT/PROPONENT: Shire of Moora

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: 21/2/18 (15-17/18), 15/11/17 (135/17), 18/10/17
(Item 9.3.1)

AUTHOR: John Greay, Manager Engineering Services

ATTACHMENTS: Photos 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 David Glasfurd on the 5th April 2017 requesting consideration for the closure of part of Orton Road, south of the Midlands Road which is a gazetted but unmade road.

Mr Glasfurd has expressed a concern regarding the bio security of his property should the road remain available to the public even though there is no access-way through or along the gazetted road. Mr Glasfurd has constructed his own internal farm road adjacent to the gazetted road which allows him to access and service his property.

COMMENT:

Subsequent to an inspection by Council earlier today, the item is being reintroduced for consideration.

The road is not constructed within the road reserve and extensive clearing would be required to build a road within the reserve. I would expect that the Department of Environmental Regulations would not approve should an application be put forward.

Council has advertised the proposed road closure in the West Australian newspaper dated Wednesday 22nd November 2017. At the time of closing on the 22nd December 2017 council had not received any objections or queries. Since then, on the 1st February 2018 an objection was received, which was outside the submission period.

The author is of the opinion that to permanently close Orton Road and have the subject land merged with the adjacent farm land with the proviso that the area be fenced off and not cleared and retained will help preserve a small portion of remnant vegetation. The neighbours who state that they wish to access the road reserve to enter their properties may need to discuss the option of using Mr Glasfurd's already constructed road. It would appear that no farming lots are land locked as they all front onto existing made roads.

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 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.

SUMMARY:

Assuming that council approves of the road closure and knowing that the road reserve is fairly heavily vegetated in some areas and the fact that it serves little, if any broader public benefit or use, the un-named part section of Orton Road should be permanently closed in accordance with the provisions of the Land Administration Act 1997.

VOTING REQUIREMENTS

Simple Majority Required

MANEX RECOMMENDATION

That Council proceed to advise the Department of Lands of councils' direction to close the un-named part section of Orton Road, which is directly south of Midlands Road.

COUNCIL RESOLUTION

68/18 Moved Cr Bellamy, seconded Cr Humphry that Council decline the application by Mr David Glasfurd to close the unmade part section of Orton (immediately south of the Midlands Road).

CARRIED 8/0

At 6.02pm Cr Nixon rejoined the meeting.

13. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Nil

14. CLOSURE OF MEETING

There being no further business, the President thanked the members of the public for their attendance and declared the meeting closed at 6.02pm.

CONFIRMED

PRESIDING MEMBER