

SHIRE OF MOORA
MINUTES OF THE ORDINARY MEETING OF COUNCIL
HELD IN THE MILING PAVILION, MILING
21 MARCH 2018

TABLE OF CONTENTS

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS	3
1.1 DECLARATION OF OPENING.....	3
1.2 DISCLAIMER READING	3
2. ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE	3
3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	3
4. PUBLIC QUESTION TIME	3
5. PETITIONS AND PRESENTATIONS.....	4
6. APPLICATIONS FOR LEAVE OF ABSENCE.....	5
7. ANNOUNCEMENTS BY THE PRESIDING MEMBER.....	5
8. CONFIRMATION OF MINUTES	6
8.1 ORDINARY COUNCIL MEETING - 21 FEBRUARY 2018	6
8.2 SPECIAL COUNCIL MEETING - 2 MARCH 2018.....	6
9. REPORTS OF OFFICERS.....	7
9.1 GOVERNANCE AND CORPORATE SERVICES.....	7
9.1.1 LIST OF PAYMENTS AUTHORISED UNDER DELEGATION 1.31	7
9.1.2 STATEMENT OF FINANCIAL ACTIVITY FOR PERIOD ENDED 28 FEBRUARY 2018.....	8
9.1.3 SHIRE OF MOORA ANNUAL COMPLIANCE AUDIT RETURN FOR 2017	9
9.1.4 LOCAL GOVERNMENT ACT POWER OF SALE – 9 COOMBERDALE EAST ROAD, COOMBERDALE AND 27 PRYRE STREET, COOMBERDALE	11
9.2 DEVELOPMENT SERVICES.....	13
9.2.1 LOT 146 MELBOURNE STREET ROSSOUW - NEW DWELLING	13
9.2.2 PROPOSED WRECKING BUSINESS LOT 164 MELBOURNE STREET	15
9.3 ENGINEERING SERVICES.....	18
9.3.1 TENDER 04/18 - DUAL CAB TRUCK	18
9.3.2 TENDER 05/18 - 2 ONLY 4 TONNE TIP TRUCKS.....	19

9.3.3	TENDER 06/18 – 11m ³ TIP TRUCK	20
10.	REPORTS OF COMMITTEES	22
	GENERAL PURPOSE COMMITTEE MEETING – 7 MARCH 2018	22
10.1	ROAD CLOSURES FOR MILING BYPASS	22
10.2	ST JOSEPHS SCHOOL NEW STAFF ROOM	23
11.	ELECTED MEMBER MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	25
12.	NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF COUNCIL	25
12.1	SHIRE OF MOORA SUPPORTS THE CONTINUATION OF THE MOORA RESIDENTIAL COLLEGE	26
13.	MATTERS FOR WHICH THE MEETING MAY BE CLOSED	26
14.	CLOSURE OF MEETING	26

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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 28 February 2018*
- 9.1.3 *2017 Compliance Audit Return*
- 9.2.1 *Plans*
- 9.2.2 *Plans*
- 9.3.1 *Tender Summary Matrix 04/18*
- 9.3.2 *Tender Summary Matrix 05/18*
- 9.3.3 *Tender Summary Matrix 06/18*
- 10.1 *Maps*
- 10.2 *Plans*

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

1.1 DECLARATION OF OPENING

The Shire President declared the meeting open at 6.30pm.

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	-	Presiding Member / Shire President
TG Humphry	-	Councillor
DV Clydesdale-Gebert	-	Councillor
PF Nixon	-	Councillor
El 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

PUBLIC

Richard Topham	Hugh Bryan	Bruce Topham	Ian Seymour
Lindsay Radomiljac	Steve Antonio	Jane Antonio	Hannah Seymour
Mark McCuish	Tony White	Neil Pearse	Ian White

APOLOGIES

LC House	-	Deputy Shire President
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3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4. PUBLIC QUESTION TIME

Ian Seymour

Madgingarra Road (School Bus Route) - in dire need of vegetation clearing and grading.

Manager Engineering Services advised that maintenance grading would be carried out.

Bruce Topham

Road damage is because there is no v drain off roads. Why aren't they put in? Is it cost saving?
Manager Engineering Services: no not a cost saving measure, we will inspect these.

Tony White

Thanks for upgrade to the Pavilion. Miling Progress Association (MPA) is proposing a new park in town as a feature piece once the bypass is put in. Can a community development officer help with grant funding and co-ordinating possibly \$250 - \$300 k project?

Tony White Q2

What is Councils position with the Great Northern Highway, once the bypass is complete. What condition will it be left in.

Chief Executive Officer response - This has been discussed with Main Roads a number of times, it is the Shires expectation it will be reconstructed/upgraded as part of the overall Miling Bypass Project.

Tony White Q3

Can Council continue to provide good support with contractors such as WATPAC working in Miling?

Shire President: On this, WATPAC have asked (officially in the last two days) if they can set up on the old bowling ground at the Miling sports ground due to good access to power and water. Any feedback concerns from the community?

Tony White: - on behalf of the MPA - we as a community are against WATPAC being at the sports ground. There are other options in town.

Steve Antonio supports Tony, does not want WATPAC setting up here and intruding on the local sporting fields due to the likely extended period of their stay.

Neil Pearse

Why can't WATPAC fit into the CPB site once CPB are finished?

Neil Pearse Q2

Advised the local cooperative are having issues with access conditions being stipulated by Main Roads as part of their Planning Application to amalgamate Cooperative Land in Miling.

CEO response: This is a matter for Main Roads. Council has no issue with Cooperatives Planning application. Will follow up with Main Roads.

Lindsay Radomiljac

Questioned whether the land between Miling townsite and Miling Seed Works is Shire Land or Crown Land.

CEO unsure, taken on notice.

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

- 27/2 CMSHS Teachers & Shire sundowner, Moora
- 2/3 Meeting with Clontarf Foundation representatives, Moora
- 6/3 WALGA Mayor's & President's meeting, Perth
- 8/3 Meeting with Hon. Martin Aldridge MLC, Bindoon
- 13/3 Moora College Rally, Parliament House Perth
- 13/3 Meeting with Premier McGowan
- 15/3 Rotary/Shire Welcome to Moora Newcomers sundowner
- 19/3 Meeting with AFGRI representatives, Shire office
- 19/3 Chamber of Commerce AFGRI /TAFE sundowner, Moora
- 20/3 Main Roads, Miling

Cr Humphry

- 28/2 Entry Statement meeting
- 8/3 International Women's Day assembly & afternoon tea, Central Midlands SHS
- 13/3 Moora College Rally, Parliament House Perth
- 16/3 ICPA WA State Conference, Fremantle
- 20/3 Moora Primary School Board meeting

Cr Clydesdale-Gebert

- 27/2 CMSHS Teachers & Shire sundowner, Moora
- 28/2 Entry Statement sub committee
- 2/3 Meeting with Clontarf Foundation representatives, Moora
- 13/3 Moora College Rally, Parliament House Perth
- 15/3 Rotary/Shire Welcome to Moora Newcomers sundowner
- 20/3 Chamber of Commerce meeting

Cr Nixon

- 27/2 CMSHS Teachers & Shire sundowner, Moora
- 2/3 Meeting with Clontarf Foundation representatives, Moora
- 13/3 Moora College Rally, Parliament House Perth
- 13/3 Meeting with Premier McGowan
- 19/3 Meeting with AFGRI representatives, Shire office
- 19/3 Chamber of Commerce AFGRI /TAFE sundowner, Moora

Cr Hamilton

- 22/2 Wildflower Country meeting, Three Springs
- 27/2 CMSHS Teachers & Shire sundowner, Moora
- 2/3 Meeting with Clontarf Foundation representatives, Moora
- 8/3 International Women's Day assembly, Central Midlands SHS
- 13/3 Moora College Rally, Parliament House Perth
- 15/3 Rotary/Shire Welcome to Moora Newcomers sundowner
- 19/3 Chamber of Commerce AFGRI /TAFE sundowner, Moora

Cr Lefroy

- 13/3 Moora College Rally, Parliament House Perth
- 15/3 WALGA Effective Community Leadership/Managing Conflict training, Jurien
- 18/3 Presentation of Awards at the Moora Triathlon
- 21/3 Speaking to senior room students at St Joseph's School regarding the closure of the Moora Residential College

Cr Thomas

- 8/3 International Women's Day assembly, Central Midlands SHS
- 15/3 WALGA Effective Community Leadership/Managing Conflict training, Jurien

Cr Bellamy

- 27/2 CMSHS Teachers & Shire sundowner, Moora
- 13/3 Moora College Rally, Parliament House Perth
- 19/3 Chamber of Commerce AFGRI /TAFE sundowner, Moora

8. CONFIRMATION OF MINUTES

8.1 ORDINARY COUNCIL MEETING - 21 FEBRUARY 2018

COUNCIL RESOLUTION

30/18 Moved Cr Bellamy, seconded Cr Humphry that the Minutes of the Ordinary Meeting of Council held on 21 February 2018 be confirmed as a true and correct record of the meeting.

CARRIED 8/0

8.2 SPECIAL COUNCIL MEETING - 2 MARCH 2018

COUNCIL RESOLUTION

31/18 Moved Cr Humphry, seconded Cr Lefroy that the Minutes of the Special Meeting of Council held on 2 March 2018 be confirmed as a true and correct record of the meeting subject to the addition of the word "two" before community members to Motion 1, resolution 23/18 of Item 4.

CARRIED 8/0

9. REPORTS OF OFFICERS

9.1 GOVERNANCE AND CORPORATE SERVICES

9.1.1 LIST OF PAYMENTS AUTHORISED UNDER DELEGATION 1.31

REPORT DATE: 14 March 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

32/18 Moved Cr Bellamy, seconded Cr Humphry that Council notes and endorses the Payments from the Municipal and Trust Funds made under delegation 1.31

Municipal Fund	Cheques 62329 to 62332	\$7,031.40
	EFT 18935 to 19079	\$556,067.72
	Credit Card 05/01/18 to 04/02/18	\$2,492.80
	Net Pays – PPE 07/02/18	\$94,835.68
	Net Pays – PPE 21/02/18	\$94,903.10
	Direct Debit Payments	\$43,620.35
Trust Fund	Cheques 5331 to 5343	\$910.45
Total		<u>\$ 799,861.50</u>

CARRIED 8/0

9.1.2 STATEMENT OF FINANCIAL ACTIVITY FOR PERIOD ENDED 28 FEBRUARY 2018

REPORT DATE: 15 March 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 28 February 2018

PURPOSE OF REPORT:

To note and receive the Statement of Financial Activity for the period ended 28 February 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

33/18 Moved Cr Bellamy, seconded Cr Hamilton that Council notes and receives the Statement of Financial Activity for the period ended 28 February 2018.

CARRIED 8/0

9.1.3 SHIRE OF MOORA ANNUAL COMPLIANCE AUDIT RETURN FOR 2017

FILE REFERENCE: GA/SCO1

REPORT DATE: 15 March 2018

APPLICANT/PROPONENT: Department of Local Government and Communities

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: N/A

AUTHOR: Alan Leeson, Chief Executive Officer

ATTACHMENTS: 2017 Compliance Audit Return

PURPOSE OF REPORT:

The 2017 statutory Compliance Audit Return (CAR) has been completed for the 2017 calendar year and is being presented to Council for adoption.

BACKGROUND:

Section 7.13(i) of the Local Government Act 1995 contains provisions for the making of regulations requiring local governments to carry out, in the manner and form prescribed, an audit of compliance whether of a financial nature or not. Local Government (Audit) Regulations prescribe in more detail the requirements of the compliance audit including the requirement for Council to submit a certified copy of the return by 31 March to the Director General of the Department of Local Government.

The Return is considered a very useful device for local governments to check their level of compliance with the legislative requirements of the Local Government Act 1995 and other relevant legislation. Also, the Return forms an important part of the Shire's monitoring program. There is a legal requirement to annually complete the Return of which the Councils Audit Committee is required to review and report the results to the Council prior to the CAR's adoption by Council and submission to the Department.

COMMENT:

Overall the compliance return requirements have been reduced to that of previous years. There are no areas of non-compliance.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

Local Government Act 1995, Section 7.13(i)

Local Government (Audit) Regulations 13, 14 and 15

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:

Nil

VOTING REQUIREMENTS

Simple Majority Required

COUNCIL RESOLUTION

34/18 Moved Cr Hamilton, seconded Cr Lefroy that Council adopts the attached Compliance Audit Return for the 2017 Calendar Year (1 January 2017 to 31 December 2017) and forward with the duly signed Joint Certification by the President and Chief Executive Officer, to the Director General of the Department of Local Government.

CARRIED 8/0

9.1.4 LOCAL GOVERNMENT ACT POWER OF SALE – 9 COOMBERDALE EAST ROAD, COOMBERDALE AND 27 PRYRE STREET, COOMBERDALE

FILE REFERENCE: PA/6376 and PA/986

REPORT DATE: 14 March 2018

APPLICANTS/PROPONENT: Nil

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: David Trevaskis, Deputy Chief Executive Officer

ATTACHMENTS: Nil

PURPOSE OF REPORT:

Commence proceedings to exercise the Shire's power of sale over 9 Coomberdale East Road, Coomberdale and 27 Pryre Street, Coomberdale due to unpaid rates and service charges.

BACKGROUND:

1. Freerk Dirk Penning ("**Owner**") is the registered proprietor of:
 - a. Lot 11 on Plan 3100, being the whole of the land contained in Certificate of Title Volume 2773 Folio 346, more commonly known as 9 Coomberdale East Road, Coomberdale; and
 - b. Lot 5 on Plan 3100, being the whole of the land contained in Certificate of Title Volume 1854 Folio 869, more commonly known as 27 Pryre Street, Coomberdale.
("**Properties**")
2. The owner died on 11 March 2013 and probate of his Estate was granted to Margot Therese Sales and Allan James Sales on 12 July 2013 ("**Executors**");
3. On or around 21 February 2017 the Shire entered into a payment arrangement with Lucas Penning, which has been in arrears since April 2017;
4. Rates and service charges have been outstanding on the Properties since 4 August 2013.
5. The Shire may now take possession and sell the Properties under section 6.68(2) of the Local Government Act 1995 (WA) for non-payment of rates and services charges.
6. The Shire may forgo commencing proceedings if it reasonably believes that the cost of proceeding will likely exceed or equal the value of the Properties.
7. The Shire's executive staff reasonably believe that the cost of any potential proceedings to recover the Outstanding Rates will likely outweigh the value of the Properties on the basis that:
 - a. It is estimated the cost of attempting to recover the outstanding rates in the Magistrates Court of Western Australia would be between \$2,100 and \$3,500.
 - b. The Executors of the estate confirmed by phone 14 March they have no objection to the Shire proceeding with a public auction to sell the Properties to recover some of the outstanding fees and charges. Prior to the payment arrangement entered into by Lucas Penning the Executors were in the process of transferring the Properties to the Shire in lieu of the rates and service charges outstanding.

- c. The Shire has conducted three LGA public auctions for vacant lots in Coomberdale since October 2015. There was little public interest with one lot being passed in with no bid being placed. It reasonable to assume that the Properties will be passed in at auction or receive bids that do not meet the reserve price set.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

Part 6 Subdivision 6 of the Local Government Act 1995 (WA).

STRATEGIC IMPLICATIONS:

There are no known strategic implications associated with this proposal.

SUSTAINABILITY IMPLICATIONS:

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

FINANCIAL IMPLICATIONS:

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

VOTING REQUIREMENTS

Simple Majority Required

COUNCIL RESOLUTION

35/18 Moved Cr Hamilton, seconded Cr Thomas that pursuant to section 6.68(2)(b) of the Local Government Act 1995 (WA), Council resolves to exercise its power of sale under Part 6 Subdivision 6 of the Local Government Act 1995 (WA) over:

- 1. Lot 11 on Plan 3100, being all that piece of land contained in Certificate of Title Volume 2773 Folio 346, more commonly known as 9 Coomberdale East Road, Coomberdale; and***
- 2. Lot 5 on Plan 3100, being all that piece of land contained in Certificate of Title Volume 1854 Folio 869, more commonly known as 27 Pryre Street, Coomberdale.***

It is noted that the Shire has not made any attempt to recover the outstanding money under section 6.56 of the Local Government Act 1995 (WA) as the Shire reasonably believes that the costs of proceedings to recover the Outstanding Rates will likely equal or exceed the value of the Properties.

CARRIED 8/0

9.2 DEVELOPMENT SERVICES

9.2.1 LOT 146 MELBOURNE STREET ROSSOUW - NEW DWELLING

Cr Phil Bellamy declared an impartiality interest as he is friend of the proponent and left the meeting at 7.03pm.

FILE REFERENCE: TP/PA20/1718

REPORT DATE: 7 March 2018

APPLICANT/PROPONENT: Anton Rossouw

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Peter Williams, Manager Development Services

ATTACHMENTS: Plans

PURPOSE OF REPORT:

Shire's Department Development Services is in receipt of an application from proponent Mr Anton Rossouw to construct a new steel framed and clad dwelling 2 bedrooms, 2 bathrooms dwelling to be located on his property located at Lot 146/97 Melbourne Street, Moora.

BACKGROUND:

Lot 146 Melbourne Street is in the Residential Zone of the Townsite of Moora. The proponent Mr Anton Rossouw wishes to construct a steel frame and clad 2 bedrooms x 2 bathrooms dwelling. The objectives of the Residential Zone are:

Objectives

- (a) to provide for the predominant form of residential development to be single houses whilst providing for diversity with higher density close to the town centre.
- (b) to provide for diversity of lifestyle choice with a range of residential densities.
- (c) to allow for the establishment of non-residential uses which are compatible with the predominant residential use and which will not adversely affect local amenities.

Site Requirements

In accordance with the Residential Design Codes.

The lot is located within the Moora Flood Plain and therefore is required to comply with the Shire of Moora Town Planning Scheme No 4 (amendment 12) Flood Provisions

Any development or landuse including but not limited to construction of a new building, structure, fill, excavation, external storage, trade display, stockpiling of materials or any other development and/or use of the land shall not be permitted in Special Control Area I unless:

- (i) The local government considers the proposed development to be a minor extension to an existing building or structure already approved and constructed; or
- (ii) The building or structure is non-habitable and replacing an existing building or structure already approved and constructed, and is of a similar floor area, size and location as the building or structure being replaced; or
- (iii) The development is a single house within a Residential zone or Rural Residential zone with a finished floor level not less than 300mm above the March 1999 flood level as outlined on the Flood Zone Classifications map (contained in Schedule 8 of the Scheme); or

(iv) The applicant demonstrates a building, structure, development and/or landuse is wholly located outside of both the High Flood Hazard area and the Floodplain area as outlined on the Flood Zone Classifications map (contained in Schedule 12 of the Scheme); or

(v) The development is of a commercial or industrial nature with a finished floor level not less than 300mm above the March 1999 flood level as outlined on the Flood Zone Classifications map (contained in Schedule 12 of the Scheme) unless Local government has exercised discretion in accordance with Clause 4.11.4.1 (e); or

(vi) The development will not detrimentally obstruct the free passage of floodwater to the satisfaction of the Department of Water and the local government; and

(vii) The applicant demonstrates that the design of any new development and/or nature of the landuse will not detrimentally impact, alter or modify the extent of flood impact and existing flooding regime (as defined in the Moora Floodplain Definition Study) to the satisfaction of the Department of Water and the local government.

COMMENT:

The building plans meet the requirements of the Residential Design Code and the Shire of Moora Town Planning Scheme No 4 (amendment 12) for the objectives of the Residential Zone.

The development is within the flood plain, it is residential and therefore shall conform with the provisions of the Shire of Moora Town Planning Scheme Flood Provisions in that the Finished Floor Level shall be at least 300mm above the highest known flood level for that area of the May 1999 flood of the Town Site of Moora.

LEGISLATIVE REQUIREMENTS:

Shire of Moora Town Planning Scheme No 4 (Amendment 12)

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 fees have been paid in relation to this item.

VOTING REQUIREMENTS

Simple Majority Required

COUNCIL RESOLUTION

36/18 Moved Cr Nixon, seconded Cr Clydesdale-Gebert that Council approve the application by proponent Anton Rossouw to construct a two bedroom, two-bathroom steel framed and clad dwelling on his property located at Lot 146, 97 Melbourne Street, Moora subject to the following conditions:

- 1. This is not a building approval a separate building application is required to be submitted to the Shire Building Surveyor for approval;**
- 2. The property shall be connected to the Shire of Moora Sewerage Scheme, an application for connection can be made to the Shire Department for Development Services.**
- 3. Building shall conform to the Shire of Moora Flood Plain requirements in that the finished floor level shall require to be at least 300mm above the highest known flood water level for that area pertaining to the May 1999 Flood of Moora.**

CARRIED 7/0

At 7.04pm Cr Bellamy rejoined the meeting.

9.2.2 PROPOSED WRECKING BUSINESS LOT 164 MELBOURNE STREET

Cr Clydesdale-Gebert declared an indirect financial interest as is a director of a business on lot 213 Melbourne Street and left the meeting at 7.04pm.

FILE REFERENCE: TP/PA21/1718

REPORT DATE: 9 March 2018

APPLICANT/PROPONENT: Dixierose Ong

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: 18/10/2017 (116/17)

AUTHOR: Peter Williams, Manager Development Services

ATTACHMENTS: Site plan

PURPOSE OF REPORT:

Council is in receipt of a development application from proponent Ms Dixierose Ong requesting Council permission to establish a wrecking and scrap metal business on her property located at Lot 164 Melbourne Street Moora. This will involve the siting of a 40 foot and a 20-foot sea container alongside the office already established on site over which a metal roof will be constructed.

BACKGROUND:

Lot 164 Melbourne Street is in the Industrial Zone on the corner of Melbourne and Woolawa Streets, a wrecking business and scrap metal yard is a use not defined under the Shire Town Planning Scheme, Zoning Table and therefore requires Council approval.

If the use of land for a purpose is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the interpretation of one of the use categories, the Local government may: AMD 09 GG 11/03/11

- a) determine that the use is consistent with the objectives and purposes of the zone and is therefore permitted; or

- b) determine that the proposed use may be consistent with the objectives and purposes of the zone and thereafter follow the 'A' advertising procedures of clause 64 of the deemed provisions in considering an application for developmental approval; or
AMD 09 GG 11/03/11; AMD 12 GG 18/8/17
- c) determine that the use is not consistent with the objectives and purposes of the zone and is therefore not permitted.

The wrecking business will involve storing vehicles that will be appropriated and if in reasonable condition will be used for spare parts to be available for purchase. Those bodies not useful will be sent to Perth as scrap. The business will have a tow truck and be available to remove abandoned vehicles.

This application also involves the siting of a 20-foot sea container alongside the existing office and a 40-foot sea container adjacent to enable a metal curved roof to be constructed over the sea containers and office unit to provide cover to those working under. (see photo)



Dome Shelters



COMMENT:

The block is already built up so to be above the flood Plain for this area so flood provisions do not apply. There is no such business in Town so this business will be seen to be a great asset to the Town of Moora as already, proponent and her partner have been able to assist in removing several vehicles in yards where the owners have had no means to remove and that have been an eyesore in the past.

POLICY REQUIREMENTS:

There are no known policy requirements related to this item

LEGISLATIVE REQUIREMENTS:

Shire of Moora Town Planning Scheme No 4

STRATEGIC IMPLICATIONS:

There are no known strategic implications associated with this proposal.

SUSTAINABILITY IMPLICATIONS:

➤ **Environment**

There are no known significant environmental implications associated with this proposal. All oils from vehicles will be captured in tanks after being sucked out of vehicles

- **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 fees have been paid by proponent

VOTING REQUIREMENTS

Simple Majority Required

COUNCIL RESOLUTION

37/18 Moved Cr Bellamy, seconded Cr Thomas that Council approve the application by Ms Dixierose Ong to locate two sea containers on her property located in the Industrial Zone at Lot 164 Melbourne Street, Moora. One next to existing office donger and the other adjacent so as to allow for a curved metal roof to be constructed over to form a working area protected from elements; and to establish a wrecking and scrap metal business on the property subject to the following conditions:

- 1. This is not a building approval a separate building application will be required to be provided to the Shire's Building Surveyor for approval.**
- 2. An application for a crossover will be required to be made to the Shire's Engineering Department for the two cross overs on plan;**
- 3. Oil from vehicles is not permitted to contaminate any soil on the property and is required to be stored in containers located above ground and bunded to prevent any spillage on ground.**
- 4. The site shall be fenced to a minimum 1.8m opaque requirement in order to maintain a satisfactory aesthetic amenity in the light industrial area.**
- 5. The first five metres of the property from the frontage boundary is required to be landscaped and trees/shrubs are required to be planted on the Northern boundary as a screen for the property.**

CARRIED 7/0

At 7.05pm Cr Clydesdale-Gebert rejoined the meeting.

9.3 ENGINEERING SERVICES

9.3.1 TENDER 04/18 - DUAL CAB TRUCK

FILE REFERENCE: L/TEPI

REPORT DATE: 12 March 2018

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: John Greay, Manager Engineering Services

ATTACHMENTS: Tender Summary Matrix 04/2018

PURPOSE OF REPORT:

Tenders closed on Wednesday 28th February 2018 and are now presented to Council for evaluation.

BACKGROUND:

Council has budgeted this year for the replacement of their 2009 Isuzu dual cab truck.

COMMENT:

Council's existing dual cab truck is now 9 years old and is in need of replacement. Tenders were called by using the WALGA Vendor panel of acquisition and were advertised, via this process, for the allotted period of time being 14 days. At the time of closing we had received tenders from three companies. All tenders received are compiled on the attached sheet for Council's evaluation.

POLICY REQUIREMENTS:

Council has exceeded their requirement to abide by their policy of calling tenders for items of plant with a value greater than \$100,000, as in this case, the total value is less.

LEGISLATIVE REQUIREMENTS:

Local Government Act 1995 (as amended) 3.57

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

STRATEGIC IMPLICATIONS:

The upgrading of the dual cab truck is timely as we are starting to experience various issues with it. Also, the recommended truck is slightly larger than the existing one with an extra 1 tonne payload.

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:

Budgeted changeover of \$32,034

Recommended changeover price of \$37,170.90

VOTING REQUIREMENTS

Simple Majority Required

COUNCIL RESOLUTION

38/18 Moved Cr Humphry, seconded Cr Lefroy that Council accept the quotation for tender 04/18 from WA Hino for the supply and delivery of one only, new 2018 plated Hino 300-917 dual cab truck for a change over price of \$37,170.90 ex GST.

CARRIED 8/0

9.3.2 TENDER 05/18 - 2 ONLY 4 TONNE TIP TRUCKS

FILE REFERENCE: L/TEPI

REPORT DATE: 12 March 2018

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: John Greay, Manager Engineering Services

ATTACHMENTS: Tender Summary Matrix 05/2018

PURPOSE OF REPORT:

Tenders closed on Wednesday 28th February 2018 and are now presented to Council for evaluation.

BACKGROUND:

Council has budgeted this year for the replacement of two of their small 3 tonne tip trucks.

COMMENT:

Councils existing small tip trucks are now 7 and 9 years old and are in need of replacement. Tenders were called by using the WALGA Vendor panel of acquirement and were advertised, via this process, for the allotted period of time being 14 days. At the time of closing we had received tenders from three companies. All tenders received are compiled on the attached sheet for Council's evaluation.

POLICY REQUIREMENTS:

Council has exceeded their requirement to abide by their policy of calling tenders for items of plant with a value greater than \$100,000, as in this case, the total value is less.

LEGISLATIVE REQUIREMENTS:

Local Government Act 1995 (as amended) 3.57

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

STRATEGIC IMPLICATIONS:

The upgrading of the two small tip trucks important as we are starting to experience various issue with these vehicles as well and it is important to change them over whilst they have some reasonable resale value. Also, the recommended truck is slightly larger than the existing one with an extra 1 tonne payload.

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:

Budgeted changeover of \$53,613

Recommended changeover price of \$58,269.38

VOTING REQUIREMENTS

Simple Majority Required

COUNCIL RESOLUTION

39/18 Moved Cr Hamilton, seconded Cr Bellamy that Council accept the quotation for tender 05/18 from WA Hino for the supply and delivery of two only, new 2018 plated Hino 300 -917 tip trucks for a change over price of \$58,269.38 ex GST.

CARRIED 8/0

9.3.3 TENDER 06/18 – 11m³ TIP TRUCK

FILE REFERENCE: L/TEPI

REPORT DATE: 12 March 2018

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: John Greay, Manager Engineering Services

ATTACHMENTS: Tender Summary Matrix 06/2018

PURPOSE OF REPORT:

Tenders closed on Wednesday 28th February 2018 and are now presented to Council for evaluation.

BACKGROUND:

Council has budgeted this year for the replacement of one of their large 11m³ tip trucks.

COMMENT:

Council's existing Hino 11m³ tip truck is now 9 years old and is in need of replacement. Tenders were called by using the WALGA Vendor panel of acquisition and were advertised, via this process, for the allotted period of time being 14 days. At the time of closing we had received tenders from six companies. All tenders received are compiled on the attached sheet for Council's evaluation.

POLICY REQUIREMENTS:

Council has abided by their policy of calling tenders for items of plant with a value greater than \$100,000.

LEGISLATIVE REQUIREMENTS:

Local Government Act 1995 (as amended) 3.57

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

STRATEGIC IMPLICATIONS:

The upgrading of this 11m³ tip truck is important as we are starting to experience various issues with this vehicle as well and it is important to change them over whilst they have some reasonable resale value. The recommended truck is of the same make as the current one and fits well with our current fleet of vehicles. Its main use is in the construction gang and is used exclusively for gravel carting and water binding.

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:

Budgeted changeover of \$208,182

Recommended changeover price of \$153,674.54

VOTING REQUIREMENTS

Simple Majority Required

COUNCIL RESOLUTION

40/18 Moved Cr Humphry, seconded Cr Nixon that Council accept the quotation for tender 06/18 from WA Hino for the supply and delivery of one only, new 2018 plated Hino FS2848AMT tip truck for a change over price of \$153,674.54.

CARRIED 8/0

10. REPORTS OF COMMITTEES

GENERAL PURPOSE COMMITTEE MEETING – 7 MARCH 2018

10.1 ROAD CLOSURES FOR MILING BYPASS

FILE REFERENCE: S/ROCI

REPORT DATE: 20 February 2018

APPLICANT/PROPONENT: Main Roads Western Australia

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: N/A

AUTHOR: John Greay, Manager Engineering Services

ATTACHMENTS: Maps

PURPOSE OF REPORT:

Application to close roads.

BACKGROUND:

The upgrading of the Great Northern Highway has been an undertaking of Main Roads Western Australia (MRWA) for some time now. We have noted the upgrades from New Norcia north to Pithara over the past 8 years or so. With these upgrades, we have seen some major improvements to the road network with two major town bypasses still to take place. Currently MRWA are working on land resumptions for the bypass around the Miling Townsite. As a result of this and for this to proceed we have received correspondence from MRWA indicating that certain procedures are required to close sections of road in relation to the Great Northern Highway By-Pass around the Miling Townsite.

COMMENT:

The formal process of closing roads within a municipality requires the Local Government to advertise the intent for 35 days in a paper that circulates within the district to allow for public comment.

Prior to this happening Council needs to be in agreeance and pass the resolution as outlined within the recommendation.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

Local Government Act S3.50

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 will be a small financial implication regarding this request as the local government involved needs to advertise the intent for a period of 35 days.

VOTING REQUIREMENTS

Absolute Majority Required

**COUNCIL RESOLUTION
(COMMITTEE RECOMMENDATION)**

41/18 Moved Cr Hamilton, seconded Cr Bellamy that the Shire of Moora advertise the proposal to close the roads depicted on Main Roads WA drawing numbers 1660-056-1, 1660-059-1, 1660-059-1, 1560-126-2, 1560-127-2;

and

Following the advertising period, if no objections are received, request the Department of Planning, Lands and Heritage (on behalf of the Minister for Lands) to close the roads pursuant to Section 58 of the Lands Administration Act 1997.

CARRIED by ABSOLUTE MAJORITY 8/0

10.2 ST JOSEPHS SCHOOL NEW STAFF ROOM

FILE REFERENCE: TP/PA19/1718

REPORT DATE: 28 February 2018

APPLICANT/PROPONENT: Roman Catholic Archbishop of Perth

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Peter Williams, Manager Development Services

ATTACHMENTS: Plans

PURPOSE OF REPORT:

The Shire's Development Services Department is in receipt of a development application from the Roman Catholic Archbishop of Perth to construct a new staff room at St Joseph's Primary School located at Lot 25/1 Kintore Street in Moora.

BACKGROUND:

This lot 24-27 Dandaragan Road Kintore/Clinch/Long Streets is zoned as Special Use (Private School) for which this development meets these requirements.

Schedule 4 of the Shire of Moora Town Planning Scheme No 4 (Amendment 12) relates to Special Use Zones in the Town of Moora of which Lots 24-27 Dandaragan Street are zoned as a Private School. There are no conditions attached.

A person must not use any land, or any structure or buildings on land, in a special use zone except for the purpose set out against that land in Schedule 4 and subject to compliance with any conditions set out in Schedule 4 with respect to that land.

This building is covered under the Shire of Moora Flood Provisions but as this building is attached to an existing building it could be seen to be unreasonable as:

- (i) the building is non-habitable,
 - (ii) The building could be seen to have a negative impact on the established landscape
 - (iii) and it would be impracticable.
- (a) Council has discretion to consider a minimum finished floor level less than 300mm above the March 1999 flood levels where the local government determines that:
- (iv) The non habitable buildings and structures are infill development in the Town Centre zone (with a minimum FFL of 0.15 metres above the March 1999 flood levels); or
 - (v) The proposed development is a minor extension to an existing building or structure already approved and constructed; or
 - (vi) The non-habitable building or structure is ancillary development to a dwelling on the same lot inclusive of a carport, garage, patio, pergola, gazebo, and outbuilding; and
 - (vii) The local government considers fill is impractical and/or will have a negative impact on an established streetscape.
- (b) The minimum finished floor levels outlined in Clause 4.11.4.1 (d) and Clause 4.11.4.1 (e) are not a standard or requirement for the purpose of Clause 4.4.2.

COMMENT:

The school staff room meets the requirements of the Special Use Zone as it relates to operations of a school recommended that this application be approved.

This building is covered under the Shire of Moora Flood Provisions but as the rest of the buildings are not raised to meet the Flood Provisions and this building is attached to the existing staff room it is recommended that Council approve this application and waive the flood provision for this application due to it being unreasonable to raise the floor level of this building.

POLICY REQUIREMENTS:

There are no known policy implications for this item.

LEGISLATIVE REQUIREMENTS:

Schedule 4 Town Planning Scheme No 4 (Amendment 12)

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**
This application shows that the school is growing

FINANCIAL IMPLICATIONS:

All application fees have been paid

VOTING REQUIREMENTS

Simple Majority Required

**COUNCIL RESOLUTION
(COMMITTEE RECOMMENDATION)**

42/18 Moved Cr Lefroy, seconded Cr Hamilton that Council approve the application by the Roman Catholic Archbishop of Perth to construct a new staff room at St Joseph's School in Moora located at Lots 24-27 Dandaragan Street subject to the following conditions:

- 1. This is not approval for a Building Permit a separate application is required to be made to the Shire Building Surveyor for building approval;**
- 2. This building is covered under the Shire of Moora Flood Provisions however as the rest of the buildings are not raised to meet the Flood Provisions and this building is attached to the existing staff room it is recommended that Council approve the application and waive the flood provision for this application due to it being unreasonable to raise the floor level of the building, as the building is non-habitable and it would have a negative impact on the streetscape.**

CARRIED 8/0

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 Clydesdale Gebert requested the introduction of an urgent item of business concerning the Moora Residential College Closure.

COUNCIL RESOLUTION

43/18 Moved Cr Clydesdale-Gebert, seconded Cr Humphry that Council introduce an urgent item of business concerning the Moora Residential College Closure.

CARRIED 8/0

12.1 SHIRE OF MOORA SUPPORTS THE CONTINUATION OF THE MOORA RESIDENTIAL COLLEGE**COUNCIL RESOLUTION**

44/18 Moved Cr Clydesdale-Gebert, seconded Cr Hamilton that the Shire of Moora supports the retention and continued operation of the Moora Residential College attached to the Central Midlands Senior High School for the long term within the town site of Moora.

CARRIED 8/0

13. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Nil

14. CLOSURE OF MEETING

There being no further business, the Shire President thanked the members of the public for their attendance and input and invited all to stay for fellowship.

There being no further business, the President declared the meeting closed at 7.10pm.

CONFIRMED

PRESIDING MEMBER