

**Shire of Moora  
Ordinary Council Meeting  
20<sup>th</sup> February 2019**

**NOTICE OF MEETING**

Dear Elected Member

The next Ordinary Council Meeting of the Shire of Moora  
will be held on **Wednesday 20<sup>th</sup> February 2019**  
in the Council Chambers, 34 Padbury Street, Moora  
commencing at **5.30 pm**



AJ Leeson  
Chief Executive Officer

15<sup>th</sup> February 2019

## **The Shire of Moora Vision and Mission Statement**

### **Vision**

Our vision is that:

***The Moora region will be a place of brilliant opportunity over the next twenty years. Sustainable growth will result in a vibrant, healthy, wealthy and diverse community.***

### **Mission**

Our mission is:

***To identify and stimulate growth through creative leadership and a willingness to get things done.***

**SHIRE OF MOORA****WRITTEN DECLARATION OF INTEREST IN MATTER BEFORE COUNCIL**

Chief Executive Officer  
 Shire of Moora  
 PO Box 211  
 MOORA WA 6510

Dear Sir/Madam,

**Re: Written Declaration of Interest in Matter Before Council**

I, <sup>(1)</sup> \_\_\_\_\_ wish to declare  
 an interest in the following item to be considered by Council at its meeting to be held on <sup>(2)</sup>  
 \_\_\_\_\_.

Agenda Item <sup>(3)</sup> \_\_\_\_\_

The type of interest I wish to declare is: <sup>(4)</sup>

- Financial pursuant to Section 5.60A of the Local Government Act 1995
- Proximity pursuant to Section 5.60B of the Local Government Act 1995
- Indirect Financial pursuant to Section 5.61 of the Local Government Act 1995
- Impartiality pursuant to Regulation 11 of the Local Government (Rules of Conduct) Regulations 2007.

The nature of my interest is <sup>(5)</sup>

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

The extent of my interest is <sup>(6)</sup>

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

I understand that the above information will be recorded in the Minutes of the meeting and recorded by the Chief Executive Officer in an appropriate Register.

Yours faithfully,

\_\_\_\_\_  
 Signed

\_\_\_\_\_  
 Date

1. Insert your name.
2. Insert the date of the Council Meeting at which the item is to be considered.
3. Insert the Agenda Item Number and Title.
4. Tick box to indicate type of interest.
5. Describe the nature of your interest.
6. Describe the extent of your interest (if seeking to participate in the matter under S. 5.68 of the Act).

THIS PAGE HAS BEEN LEFT BLANK INTENTIONALLY.

**SHIRE OF MOORA**  
**ORDINARY COUNCIL MEETING AGENDA**  
**20 FEBRUARY 2019**  
 COMMENCING AT 5.30PM

**TABLE OF CONTENTS**

<b>1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS .....</b>	<b>7</b>
<b>1.1 DECLARATION OF OPENING.....</b>	<b>7</b>
<b>1.2 DISCLAIMER READING .....</b>	<b>7</b>
<b>2. ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE .....</b>	<b>7</b>
<b>3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE .....</b>	<b>7</b>
<b>4. PUBLIC QUESTION TIME .....</b>	<b>7</b>
<b>5. PETITIONS AND PRESENTATIONS.....</b>	<b>7</b>
<b>6. APPLICATIONS FOR LEAVE OF ABSENCE.....</b>	<b>7</b>
<b>7. ANNOUNCEMENTS BY THE PRESIDING MEMBER.....</b>	<b>7</b>
<b>8. CONFIRMATION OF MINUTES .....</b>	<b>7</b>
<b>8.1 ORDINARY COUNCIL MEETING - 12 DECEMBER 2018.....</b>	<b>7</b>
<b>8.2 ELECTORS GENERAL MEETING - 6 FEBRUARY 2019.....</b>	<b>7</b>
<b>9. REPORTS OF OFFICERS.....</b>	<b>8</b>
<b>9.1 GOVERNANCE AND CORPORATE SERVICES.....</b>	<b>8</b>
9.1.1 LIST OF PAYMENTS AUTHORISED UNDER DELEGATION 1.31 .....	8
9.1.2 STATEMENT OF FINANCIAL ACTIVITY FOR PERIOD ENDED 31 DECEMBER 2018 AND 31 JANUARY 2019.....	10
9.1.3 LAND HELD FOR RESALE .....	12
9.1.4 WEST END CROPPING LEASE.....	15
9.1.5 ADOPTION OF THE SHIRE OF MOORA GENERAL AMENDMENT LOCAL LAW 2019 .....	19
<b>9.2 ENGINEERING SERVICES.....</b>	<b>22</b>
9.2.1 NAMING OF STREETS – MILING .....	22

<b>10. REPORTS OF COMMITTEES .....</b>	<b>24</b>
<b>GENERAL PURPOSE COMMITTEE MEETING – 6 FEBRUARY 2019.....</b>	<b>24</b>
10.1 BUDGET REVIEW .....	24
<b>11. ELECTED MEMBER MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN</b>	<b>25</b>
<b>12. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF COUNCIL .....</b>	<b>25</b>
<b>13. MATTERS FOR WHICH THE MEETING MAY BE CLOSED .....</b>	<b>25</b>
<b>14. CLOSURE OF MEETING .....</b>	<b>25</b>

\*

Separate Attachments

- 9.1.1 *List of Payments Authorised Under Delegation 1.31 31 December 2018 and 31 January 2019*
- 9.1.2 *Statement of Financial Activity for Period Ended 31 December 2018 & 31 January 2019*
- 9.1.4 *Lease Submissions*
- 9.1.5 *Attachment A – Shire of Moora General Amendment Local Law 2019*
- 9.2.1 *Map*
- 10.1 *Shire of Moora Budget Review 2018/19*

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

El Hamilton - Councillor  
TG Humphry - Councillor

**3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE****4. PUBLIC QUESTION TIME****5. PETITIONS AND PRESENTATIONS****6. APPLICATIONS FOR LEAVE OF ABSENCE****7. ANNOUNCEMENTS BY THE PRESIDING MEMBER****8. CONFIRMATION OF MINUTES****8.1 ORDINARY COUNCIL MEETING - 12 DECEMBER 2018**

*That the Minutes of the Ordinary Meeting of Council held on 12 December 2018 be confirmed as a true and correct record of the meeting.*

**8.2 ELECTORS GENERAL MEETING - 6 FEBRUARY 2019**

*That Council receives the minutes of the Electors General Meeting held on 6 February 2019, and note the contents.*

## **9. REPORTS OF OFFICERS**

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

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

**REPORT DATE:** 6 February 2019

**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>RECOMMENDATION</b>
-----------------------

***That Council notes and endorses the Payments from the Municipal and Trust Funds made under delegation 1.31***

**DECEMBER 2018**

<b><i>Municipal Fund</i></b>	<b><i>Cheques 62380 to 62383</i></b>	<b><i>\$3,406.70</i></b>
	<b><i>EFT 20627 to 20788</i></b>	<b><i>\$1,450,852.55</i></b>
	<b><i>Credit Card 05/11/18 to 03/12/18</i></b>	<b><i>\$8,599.43</i></b>
	<b><i>DDI2430.1 to DDI2458.12</i></b>	<b><i>\$48,649.79</i></b>
	<b><i>Net Pays – PPE 11/12/18</i></b>	<b><i>\$105,454.51</i></b>
	<b><i>Net Pays – PPE 25/12/18</i></b>	<b><i>\$95,402.22</i></b>
<b><i>Trust Fund</i></b>	<b><i>Cheques 5416 to 5420</i></b>	<b><i>\$3,764.66</i></b>
<b><i>Total</i></b>		<b><i><u>\$1,716,129.86</u></i></b>

**JANUARY 2019**

<b><i>Municipal Fund</i></b>	<b><i>Cheques 62384 to 62385</i></b>	<b><i>\$2,824.00</i></b>
	<b><i>EFT 20789 to 20958</i></b>	<b><i>\$704,597.95</i></b>
	<b><i>Credit Card 04/12/18 to 02/01/19</i></b>	<b><i>\$2,101.92</i></b>
	<b><i>DDI2465.1 to DDI2496.11</i></b>	<b><i>\$68,764.24</i></b>
	<b><i>Net Pays – PPE 08/01/19</i></b>	<b><i>\$84,770.67</i></b>
	<b><i>Net Pays – PPE 22/01/19</i></b>	<b><i>\$88,407.18</i></b>
<b><i>Trust Fund</i></b>	<b><i>Cheques 5421 to 5430</i></b>	<b><i>\$16,288.91</i></b>
<b><i>Total</i></b>		<b><i><u>\$967,754.87</u></i></b>

## **9.1.2 STATEMENT OF FINANCIAL ACTIVITY FOR PERIOD ENDED 31 DECEMBER 2018 AND 31 JANUARY 2019**

**REPORT DATE:** 15 February 2019

**OFFICER DISCLOSURE OF INTEREST:** Nil

**PREVIOUS MEETING REFERENCES:** Nil

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

**ATTACHMENTS:** Statement of Financial Activity for the Period Ended 31 December 2018 and; Statement of Financial Activity for the Period Ended 31 January 2019.

### **PURPOSE OF REPORT:**

To note and receive the Statement of Financial Activity for the period ended 31 December 2018 and 31 January 2019.

### **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 2018/19 adopted budget.

### **VOTING REQUIREMENTS**

Simple Majority Required

**RECOMMENDATION**

***That Council notes and receives the Statement of Financial Activity for the period ended 31 December 2018 and 31 January 2019.***

### 9.1.3 LAND HELD FOR RESALE

**FILE REFERENCE:** PA/ Various

**REPORT DATE:** 15 February 2019

**APPLICANTS/PROPONENT:** Shire of Moora

**OFFICER DISCLOSURE OF INTEREST:** N/A

**PREVIOUS MEETING REFERENCES:** N/A

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

**ATTACHMENTS:**

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

To list for sale with a real estate agent the following vacant blocks currently owned and not used by the Shire ...

- Lot 162 Melbourne Street, Moora (vacant lot – zoned Industrial)
- Lot 163 Melbourne Street, Moora (vacant lot – zoned Industrial)
- Lot 55 Lee Steere Street, Moora (vacant lot – zoned Residential)
- Lot 200 Moore Street, Moora (vacant lot – zoned Town Centre)
- Lot 4 (29) Pryre Street, Coomberdale (vacant lot – zoned Rural Townsite)
- Lot 11 Great Northern Highway, Bindi Bindi– (vacant lot – zoned Rural Townsite).

#### **BACKGROUND:**

The Shire is the owner and title holder of several vacant lots. The ongoing maintenance of these blocks is minimal, however, there is an opportunity to sell the blocks which will generate both sales revenue and future ongoing rates revenue for the Shire.

#### **COMMENT:**

The blocks are surplus to the Shire's land asset requirements. Under section 3.58(2) of the LGA the shire can dispose of property by public auction or through a public tender which may limit the Shire's ability to sell the properties. Alternatively, under section 3.58(3) the Shire can dispose of property by giving public notice of the disposition including details of the sale and invite submissions from the public for a minimum two-week period.

It is proposed the Shire list the properties with a real estate agent for sale at the market value as determined by a land valuer. Conditions of the sale will include that once an offer is made it will be presented to Council to determine that it is an acceptable offer and that the Shire will proceed under section 3.58(3) to advertise details of the disposition inviting public submissions for at least two weeks.

#### **POLICY REQUIREMENTS:**

Nil.

#### **LEGISLATIVE REQUIREMENTS:**

Section 3.58(3) Local Government Act 1995

A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property –

- (a) It gives local public notice of the proposed disposition -
    - (i) describing the property concerned; and
    - (ii) giving details of the proposed disposition; and
    - (iii) inviting submission to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;
- and

(b) it considers any submission made to it before the date specified in the notice and, if its decision is made by the council or committee, the decision and the reason for it are recorded in the minutes of the meeting at which the decision was made.

### 3.58(4)

The details of a proposed disposition that are required by subsection (3)(a)(ii) include –

- (a) the names of all other parties concerned; and
- (b) the consideration to be received by the local government for the disposition; and
- (c) the market value of the disposition –
  - (i) as ascertained by a valuation carried out of not more than 6 months before the proposed disposition; or
  - (ii) as declared by a resolution of the local government on the basis the valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.

### **STRATEGIC IMPLICATIONS:**

Outcome 4.1 of the Shire Community Plan refers to ‘A Strong and diversified economic base’. The sale and provision of residential and commercial land is a strategic strategy of the Shire as detailed in strategy 4.1.4.

### **SUSTAINABILITY IMPLICATIONS:**

- **Environment**  
There are no known significant environmental implications associated with this proposal.
- **Economic**  
Providing serviced industrial lots for sale will help promote the growth of existing business or the establishment of new business operations in Moora.
- **Social**  
Increased supply of affordable residential lots in the Shire.

### **FINANCIAL IMPLICATIONS:**

The Shire has budgeted for the sale proceeds of 162 and 163 Melbourne Street in the 2018/19 adopted budget. Any sale of the other lots will be recognised as unbudgeted capital revenue. Once sold all properties will be subject to annual rates charges. Based on GRV values for 2018/19 all properties would be charged the Shire’s minimum rates of \$656.

### **VOTING REQUIREMENTS**

Simple Majority Required

## **RECOMMENDATION**

### *That Council*

1. *List the following vacant properties for sale by a local real estate agent at their market value as determined by a land valuer...*
  - *Lot 162 Melbourne Street, Moora of title Volume 1049 Folio 481 the subject of Plan P3553.*
  - *Lot 163 Melbourne Street, Moora of title Volume 1049 Folio 481 the subject of Plan P3553.*
  - *Lot 55 Lee Steere Street, Moora of title Volume 546 Folio 198 the subject of Plan P3223.*

- **Lot 200 Moore Street, Moora of title Volume 1727 Folio 822 the subject of DP301586.**
  - **Lot 4 (29) Pryre Street, Coomberdale of title Volume 793 Folio 072 the subject of Plan P3100.**
  - **Lot 11 Great Northern Highway, Bindi Bindi of title Volume 1180 Folio 492 the subject of Diagram D19287.**
- 2. Upon receiving an offer to purchase any of the above listed properties Council will resolve ...**
- (a) to accept or reject the offer to purchase the property, and**
  - (b) Where the offer is accepted, as per section 3.58(3) of the LGA give local public notice of the proposed disposition inviting public submissions for no less than two-weeks.**

**9.1.4 WEST END CROPPING LEASE****FILE REFERENCE:** L/LWEI**REPORT DATE:** 13 February 2019**OFFICER DISCLOSURE OF INTEREST:** The author declares an Impartiality Interest as a current financial Member of Moora Bowling Club**PREVIOUS MEETING REFERENCES:****AUTHOR:** Alan Leeson, Chief Executive Officer**ATTACHMENTS:** Lease submissions**PURPOSE OF REPORT:**

For Council to consider lease submissions received in relation to proposed leasing of West End land. The land was offered for lease in two portions for the purposes of cropping and or grazing;

- Tender 11/2018 – Area 1 - Sewerage Farm Parcel –36 hectares (offered to community and sporting groups and commercial entities)
- Tender 12/2018 – Area 2 - West Side Parcel – 100 hectares (offered to community and sporting groups and commercial entities)

Submissions closed on 4 February 2019.

**BACKGROUND:**

Lease submissions were recently called from local community groups-sporting clubs and commercial entities to lease two parcels of West End Land for the purposes of cropping/grazing as described above. Interested parties were requested to put in a submission on terms of not less than 2 years but not more than 5 years. All up, four submissions were received (all attached under separate cover. A lease rate of \$25 per hectare (ex GST) was set for community groups-sporting clubs with commercial entities to offer on the basis of commercial leases rates (market value).

**COMMENT:**

***Tender 11/2018 – Area 1 - Sewerage Farm Parcel –36 hectares (offered to community and sporting groups and commercial entities)***

- Central Midlands Speedway (Community Sporting Group)
  - Term -3 years - \$25 per hectare
  - Purpose
    - Concrete walls
    - Toilet upgrades
    - Water truck/tank
    - Power upgrades
    - Safety fencing
    - Children’s playground
- Moora Bowling Club (Community Sporting Group)
  - Term - 2 years - \$25 per hectare
  - Purpose – Bowling green surface replacement

***Tender 12/2018 – Area 2 - West Side Parcel – 100 hectares (offered to community and sporting groups and commercial entities)***

- WJ & KM Vanzetti (Commercial Entity)
  - Term 3 years - \$154 per hectare
  - Term 5 years - \$161 per hectare

- Moora Mavericks Football Club (Community Sporting Group)
  - Term 5 years
  - Purpose – Lighting upgrade to Moora Football Oval and Hockey Oval

### **POLICY REQUIREMENTS:**

Council does not have a policy in relation to West End Land Lease.

The key parameter for use of funds raised by community groups is that it goes towards capital projects and not to offset operational/recurrent expenditure.

### **LEGISLATIVE REQUIREMENTS:**

Local Government Act 1995;

Section 3.58

Disposing of property

- (1) In this section —
  - dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not; property includes the whole or any part of the interest of a local government in property, but does not include money.
- (2) Except as stated in this section, a local government can only dispose of property to —
  - (a) the highest bidder at public auction; or
  - (b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.
- (3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —
  - (a) it gives local public notice of the proposed disposition —
    - (i) describing the property concerned; and
    - (ii) giving details of the proposed disposition; and
    - (iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;

and

  - (b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.
- (4) The details of a proposed disposition that are required by subsection (3)(a)(ii) include —
  - (a) the names of all other parties concerned; and
  - (b) the consideration to be received by the local government for the disposition; and
  - (c) the market value of the disposition —
    - (i) as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or
    - (ii) as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.
- (5) This section does not apply to —
  - (a) a disposition of an interest in land under the Land Administration Act 1997 section 189 or 190; or
  - (b) a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59; or
  - (c) anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or



- (d) any other disposition that is excluded by regulations from the application of this section.

### **STRATEGIC IMPLICATIONS:**

Goal 1: A vibrant, healthy and safe community.

### **SUSTAINABILITY IMPLICATIONS:**

- **Environment**  
There are no known significant environmental implications associated with this proposal.
- **Economic**  
In the interim the land is value adding to the community's need and capacity to raise funds for various community projects. The access and capability with respect to community fundraising is expected to continue in the short term at least.
- **Social**  
The opportunity to fundraise from the West End land strongly supports the recreational and social culture of the community. Should various community groups not have the opportunity to raise funds via "community cropping" the sustainability of some clubs would be called into question and the fiscal resources required to fulfil various capital and infrastructure projects would be beyond the capability of most rural sporting groups' memberships.

### **FINANCIAL IMPLICATIONS:**

Funds raised through the cropping/grazing lease goes into Council's Municipal Fund.

### **VOTING REQUIREMENTS**

Simple Majority Required

## **OFFICER RECOMMENDATIONS**

### **I. Tender 11/2018 – Area 1 - Sewerage Farm Parcel – 36 hectares (offered to community and sporting groups and commercial entities)**

That Council accept the tender submission from Central Midlands Speedway and lease portion of the West End land being the Sewerage Paddock (east of river) 36 hectares to the for cropping/grazing in accordance with their submission for a period of 3 years expiring 28 February 2022 at a price of \$25 per hectare (ex GST) subject to the following conditions;

- a. Land cannot be sublet;
- b. Lessees are responsible for upkeep of fire breaks in accordance with the Shire of Moora Fire Break Order. Should the fire breaks be non-compliant they will be made good by Council at the lessees cost;
- c. Lessees are responsible for the upkeep and maintenance of all fencing and gates;
- d. Lessees are responsible for all weed management, of particular note, caltrop and melons over the summer months. If notice is received from the Lessor to make good any poor weed management the lessee will ensure appropriate action is taken with 14 days of the notice given to remedy the situation;
- e. Soil quality shall be maintained to a suitable level commensurate with good farming practices through application of fertiliser and mineral supplements as required. Copies of soil tests shall be supplied to the Council prior to the annual seeding program;

- f. Lessee shall ensure due consideration and consultation occurs with adjoining land holders with respect to ongoing cropping/grazing and land management practices;
- g. Annual lease payment shall be based upon after harvest terms, therefore annual lease payment shall be paid to Council by no later than 28 February of the relevant year;
- h. Council reserves the right to call an end to the lease understanding that it will not be mid-stream in an annual cropping program. Clubs will be given the opportunity to complete their annual cropping program. Cessation of the lease would be on the premise of West End rural/residential development;
- i. Should the lessee wish to cease leasing prior to the expiry of 28 February 2022 the lessor shall be notified by no later than the 31 December of the relevant year i.e. at the completion of the annual cropping program.

**2. Tender 12/2018 – Area 2 - West Side Parcel – 100 hectares (offered to community and sporting groups and commercial entities)**

That Council accept the tender submission from Moora Mavericks Football Club and lease portion of the West End land being the parcel the west side of the river (approx. 100 hectares) for cropping/grazing in accordance with their submission for a period of 5 years expiring 28 February 2024 at a price of \$25 per hectare (ex GST) subject to the following conditions;

- a. Land cannot be sublet;
- b. Lessees are responsible for upkeep of fire breaks in accordance with the Shire of Moora Fire Break Order. Should the fire breaks be non-compliant they will be made good by Council at the lessees cost;
- c. Lessees are responsible for the upkeep and maintenance of all fencing and gates;
- d. Lessees are responsible for all weed management, of particular note, caltrop and melons over the summer months. If notice is received from the Lessor to make good any poor weed management the lessee will ensure appropriate action is taken with 14 days of the notice given to remedy the situation;
- e. Soil quality shall be maintained to a suitable level commensurate with good farming practices through application of fertiliser and mineral supplements as required. Copies of soil tests shall be supplied to the Council prior to the annual seeding program;
- f. Lessee shall ensure due consideration and consultation occurs with adjoining land holders with respect to ongoing cropping/grazing and land management practices;
- g. Annual lease payment shall be based upon after harvest terms, therefore annual lease payment shall be paid to Council by no later than 28 February of the relevant year;
- h. Council reserves the right to call an end to the lease understanding that it will not be mid-stream in an annual cropping program. Clubs will be given the opportunity to complete their annual cropping program. Cessation of the lease would be on the premise of West End rural/residential development;
- i. Should the lessee wish to cease leasing prior to the expiry of 28 February 2022 the lessor shall be notified by no later than the 31 December of the relevant year i.e. at the completion of the annual cropping program.

### **9.1.5 ADOPTION OF THE SHIRE OF MOORA GENERAL AMENDMENT LOCAL LAW 2019**

**FILE REFERENCE:** PR/ADVI & PL/LOLI

**REPORT DATE:** 7 February 2019

**APPLICANT/PROPONENT:** Shire of Moora

**OFFICER DISCLOSURE OF INTEREST:** Nil

**PREVIOUS MEETING REFERENCES:** 19/06/2013 (86/13), 9/12/15 (170/15), 17/2/16 (7/16), 17/8/16 (107/16), 19/10/16 (107/16 – Rescinded), 19/10/16 (141/16), 15/11/2017 (134/17), 20/6/18 (78/18).

**AUTHOR:** Consultant - Phillip Swain

**ATTACHMENTS:** Attachment A – Shire of Moora General Amendment Local Law 2019

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

The purpose of this report is for Council to make, in accordance with the Local Government Act 1995 and other relevant Acts, an amendment local law for the Shire of Moora, as requested by the Joint Standing Committee on Delegated Legislation (JSCDL).

#### **BACKGROUND:**

At its meeting of 20 June 2018, it was resolved;

*That the Council of the Shire of Moora reaffirms its resolve to commence the adoption process of the Local Government (General Amendment) Local Law 2018, as outlined in Attachment A, and directs Administration to give local public notice and state-wide public notice in accordance with section 3.12 of the Local Government Act 1995, seeking public comment for the local law including;*

*Purpose: The purpose of the local law is to provide for the amendment of the Shire of Moora Local Laws to provide for the good governance of the district of the Shire of Moora.*

*Effect: The effect of the local law is to amend existing local laws within the district of the Shire of Moora to provide for the good governance of the municipality.*

#### **COMMENT:**

No comments were received from residents, or the public, during the discussion period. Comments were received from the Department of Local Government and Communities (DLGC) the Department of Water and Environmental Regulation (DWER).

The Shire received advice from the DLGC in relation to the draft and minor amendments and formatting have been made, in line with the most recent advice. Most recently, prior to consent by the CEO of the DWER, the year of the local law has been changed to reflect it being made in 2019.

#### **POLICY REQUIREMENTS:**

There are no current Council policies relating to the two (2) local laws amended by this local law.

#### **LEGISLATIVE REQUIREMENTS:**

The Shire gave notice, in accordance with the requirements of the *Local Government Act 1995*, of its intention to make the *Shire of Moora General Amendment Local Law 2019*. This included state-wide advertising with a submission period of six (6) weeks and referral of the waste local law amendment to the Department of Water and Environmental Regulation for approval, prior to Council adoption of the amendment local law. The Department granted approval for the

local law to be made on 6 February 2019.

The Shire has undertaken the necessary advertising and consultation. The purpose and intent of the laws has previously been given but is repeated below for information. The local law to be made is outlined in **Attachment A**.

The intended Purpose and Effect of the Shire of Moora Amendment Local Law 2019 are:

**Purpose:** The purpose of the local law is to provide for the amendment of the Shire of Moora Local Laws to provide for the good governance of the district of the Shire of Moora.

**Effect:** The effect of the local law is to amend existing local laws within the district of the Shire of Moora to provide for the good governance of the municipality.

Following the making of the local law by Council the final steps for the local law adoption will be its publication in the *Government Gazette*, correspondence and copies of the law being forwarded to the relevant Ministers and the preparation of an Explanatory Memorandum to be forwarded to the JSCDL.

#### **STRATEGIC IMPLICATIONS:**

*Goal 5: Good governance and an effective and efficient organisation.*

*Scope: Governance, corporate and administrative services, financial management, statutory compliance and customer services.*

#### **SUSTAINABILITY IMPLICATIONS**

##### ➤ **Environment**

There are various environmental implications associated with this proposal, including the ability to provide for refuse and recycling services. These controls have been publicly advertised and are in the interest of good governance of the community.

##### ➤ **Economic**

All local laws are required to be consistent with the National Competition Policy and, unless justified under the Public Benefit Test, should not contain provisions that restrict competition. The laws being amended are generally based on WALGA model local laws, which have been subject to the Public Benefit Test generally demonstrated to not restrict competition.

##### ➤ **Social**

Community consultation has been undertaken in accordance with legislative requirements during the development of the local laws.

#### **FINANCIAL IMPLICATIONS:**

Direct costs associated with this report are limited to consultant fees to draft the amendment local law, correspondence and reports, including the preparation of an Explanatory Memorandum for the local law. These costs will be borne via budgeted expenditure.

Once adopted the Shire will incur gazettal costs, as all local laws need to be published in the government gazette. The current gazettal cost is \$272.55 per page for local laws. It is envisaged that the amendment local law will only run to one (1) to two (2) pages within the Gazette. The Shire must also give local public notice of the adoption in a publication circulating in the Shire to satisfy the Act requirements following the adoption.

**VOTING REQUIREMENTS:**

Absolute Majority Required

**RECOMMENDATION**

*That, in accordance with section 3.12 of the Local Government Act 1995, Council makes the Shire of Moora General Amendment Local Law 2019, as contained in Attachment A.*

## **9.2 ENGINEERING SERVICES**

### **9.2.1 NAMING OF STREETS – MILING**

**FILE REFERENCE:** TP/PTMII

**REPORT DATE:** 14 November 2019

**APPLICANT/PROPONENT:** Main Roads WA

**OFFICER DISCLOSURE OF INTEREST:** Nil

**PREVIOUS MEETING REFERENCES:**

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

**ATTACHMENTS:** Map

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

Naming of newly created streets in Miling due to the Miling Bypass.

#### **BACKGROUND:**

Due to the Great Northern Highway upgrade, which has created a bypass around the town-site of Miling, two new streets have now been created that require identification.

#### **COMMENT:**

Council does not have a formal policy position in relation to the naming of streets and roads within the Shire of Moora. The most recent naming of a street was Carnaby Place in Moora. The position taken by Council at that juncture was to name any streets within the Landcorp subdivision after flora, fauna and topographic features of the district

It would seem that any previous road name proposals have not been based upon any themes such as; local flora or fauna features, with the exception of Carnaby Place.

In the authors experience road naming, can potentially be a very delicate issue and the subject of quite some public input and comment, particularly where road names proposed are often after pioneering families in the district. Naming roads after families in the past has been common practice; however, in more recent times (past 20-25 years) naming roads has been based more upon themes. This approach has evolved as public scrutiny and interest of local government has increased significantly, therefore the 'what has been simple process' is no longer, simply because of the societal changes and public interest in what local governments and other tiers of governmental naming of roads is very much a subject of some public interest. It has been difficult to come up with names for these streets and I have avoided using family names as it may not suit everyone within the community. It is therefore proposed that the new street to the north (shown as 1 on the map) be called "Seed Way" – as it goes to the seed cleaners and the other, to the south (shown as 2 on the map) be named "Merino Place". The other roads/streets that are extensions of existing infrastructure retain the same names: -

Numbered 3 on the attached map is Seymour Street

Numbered 4 on the attached map is Miling West Road

Numbered 5 on the attached map is Miling East Road

Numbered 6 on the attached map is Main Street

#### **POLICY REQUIREMENTS:**

There are no known policy implications as there is not a Council policy in place regarding the naming of roads.

#### **LEGISLATIVE REQUIREMENTS:**

Land Administration Act 1997, Part 2 – General Administration, Division 3 – General

When naming roads, Council must have regard for “Geographic Names Committee WA, Principles, Guidelines and Procedures”.

One of the basic guidelines is;

- No duplication of name within adjoining shires where roads are within 50km

**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**

As previously stated, naming of roads can be the subject of some public interest and consternation. Example themes could be but not limited to;

- Local fauna/flora, topography
- Aboriginal culture
- Pioneers of the local district

**FINANCIAL IMPLICATIONS:**

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

**VOTING REQUIREMENTS**

Simple Majority Required

**RECOMMENDATION**

*That Council advise the Geographical Names Committee of their decision in naming the two new streets in the Miling townsite - identified on the attached map as (1) “Seed Lane” and (2) “Merino Place” which has been brought about by the Great Northern Highway bypass of the townsite.*

## **10. REPORTS OF COMMITTEES**

### **GENERAL PURPOSE COMMITTEE MEETING – 6 FEBRUARY 2019**

#### **10.1 BUDGET REVIEW**

**FILE REFERENCE:** F/BUDI  
**REPORT DATE:** 31 January 2019  
**OFFICER DISCLOSURE OF INTEREST:** Nil  
**PREVIOUS MEETING REFERENCES:** Nil  
**AUTHOR:** David Trevaskis, Deputy Chief Executive Officer  
**ATTACHMENTS:** Shire of Moora Budget Review 2018-19

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

To review and discuss the budget review and proposed changes for the period 1 July 2018 to 31 January 2019.

#### **BACKGROUND:**

Local Governments are required to formally conduct a budget review at least once each financial year, between 1 January and 31 March. The budget review allows a detailed comparison of the year to date actual results with the adopted or amended budget.

The budget review is to be submitted to Council within 30 days of the review for Council to consider and determine whether to adopt the review and any recommendations made within the review.

A copy of the review and Council decision is to be provided to the Department of Local Government within 30 days of the decision by Council.

#### **COMMENT:**

The budget review for the period 1 July 2018 to 31 January 2019 has been conducted by management and is provided as a separate attachment to this agenda.

A number of changes to the budget are recommended as part of this budget review to recognise changes to grant revenue received, actual proceeds received, actual costs incurred, projects that should be carried forward to next year's budget and other changes requested by Council.

All budget amendments are shown in the attached Budget Review 2018/19 document which provides a line by line explanation for each change proposed.

The proposed Amended Budget estimates a deficit balance at 30 June 2019 of (\$7,321).

### **COMMITTEE RECOMMENDATION**

*Council receive and endorse the Shire of Moora budget review, noting and approving the revised estimates and allocations for the Shire of Moora Budget 2018-19.*



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

Cr Nixon provided in writing his intention to put the following motion forward at the meeting;

That Peter Browne be formally invited to put a submission to the Council for a review of the education needs and outcomes for our region. The review to include detailed recommendations, a list of Shires that should be involved and the best ways to co-ordinate our approach. An indicative cost also to be provided.

**12. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF COUNCIL****13. MATTERS FOR WHICH THE MEETING MAY BE CLOSED****14. CLOSURE OF MEETING**