

SHIRE OF MOORA
MINUTES OF THE ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS, MOORA
16 SEPTEMBER 2020

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- 9.1.2 Statement of Financial Activity for Period Ended 31 August 2020
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1. **DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS**

1.1 **DECLARATION OF OPENING**

The Shire President declared the meeting open at 5.33pm.

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 / President
TL Lefroy	-	Councillor / Deputy President
DV Clydesdale-Gebert	-	Councillor
EI Hamilton	-	Councillor
JM Thomas	-	Councillor
SJ Gilbert	-	Councillor
MR Holliday	-	Councillor
TG Humphry	-	Councillor
PF Nixon	-	Councillor
AJ Leeson	-	Chief Executive Officer
G Robins	-	Deputy Chief Executive Officer
JL Greay	-	Manager Engineering Services
NM Beard	-	Manager Community Development & Visitor Servicing
MM Murray	-	Executive Support Officer (minute taker)(from 5.41 pm)

PUBLIC

Cynthia McMorran Shire Freeman

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

Nil

4. **PUBLIC QUESTION TIME**

Mrs Cynthia McMorran

Questioned when the house at 24 Padbury Street, formerly owned by Henry Mickan would be demolished.

CEO replied it would be before the end of the 2020 calendar year.

Mrs McMorran asked when the new dentist would be commencing.

CEO commented that Dr Faisal Syed had advised the 1st November as his anticipated commencement date.

5. PETITIONS / DEPUTATIONS / PRESENTATIONS

Nil

6. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER

The following Council associated engagements were attended;

Cr Seymour, Shire President

21/8 Avon-Midland Zone WALGA meeting, York

11/9 Met with Hon Mick Murray MLA at Moora Speedway site

Cr Lefroy, Deputy President

21/8 Avon-Midland Zone WALGA meeting, York

1/9 Childcare working group meeting

3/9 meeting with Perth Symphony Orchestra CEO Bourby Webster

8/9 Em'powering' Moora project reveal

9/9 meeting with allied health stakeholders re Hydrotherapy facility

Cr Humphry

20/8 Hydrotherapy Pool open day

9/9 Sport & Rec working group

Cr Hamilton

20/8 Frail Aged Lodge Committee meeting

20/8 Hydrotherapy Pool open day

1/9 Childcare working group meeting

3/9 meeting with Perth Symphony Orchestra CEO Bourby Webster

Cr Holliday

20/8 Hydrotherapy Pool open day

9/9 meeting with allied health stakeholders re Hydrotherapy facility

Cr Gilbert

9/9 Sport & Rec working group

Cr Nixon

1/9 Childcare working group meeting

Cr Thomas

20/8 Hydrotherapy Pool open day

At 5.41pm the ESO joined the meeting

8. CONFIRMATION OF MINUTES

8.1 ORDINARY COUNCIL MEETING - 19 AUGUST 2020

COUNCIL RESOLUTION

113/20 Moved Cr Gilbert, seconded Cr Hamilton that the Minutes of the Ordinary Meeting of Council held on 19 August 2020 be confirmed as a true and correct record of the meeting.

CARRIED 9/0

8.2 SPECIAL COUNCIL MEETING - 26 AUGUST 2020

COUNCIL RESOLUTION

114/20 Moved Cr Lefroy, seconded Cr Clydesdale-Gebert that the Minutes of the Special Meeting of Council held on 26 August 2020 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 September 2020

OFFICER DISCLOSURE OF INTEREST: Nil

AUTHOR: Alan Leeson, Chief Executive Officer

SCHEDULE PREPARED BY: Alida Fitzpatrick, Creditors Officer

ATTACHMENTS: Accounts Paid Under Delegated Authority

PURPOSE OF REPORT

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

BACKGROUND

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

COMMENT

Accounts Paid under delegated authority are periodically presented to Council.

POLICY REQUIREMENTS

Delegation 1.31 – Payments from Municipal and Trust Funds.

LEGISLATIVE REQUIREMENTS:

Local Government Act 1995 - Section 6.10

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

STRATEGIC IMPLICATIONS

There are no known strategic implications associated with this proposal.

SUSTAINABILITY IMPLICATIONS➤ **Environment**

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

➤ **Economic**

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

➤ **Social**

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

FINANCIAL IMPLICATIONS

Payments are in accordance with the adopted budget.

VOTING REQUIREMENTS

Simple Majority Required

COUNCIL RESOLUTION

115/20 Moved Cr Humphry, seconded Cr Gilbert that Council notes and endorses the Payments from the Municipal and Trust Funds made under delegation 1.31

<i>Municipal Fund</i>	<i>Cheques 62456 to 62458</i>	<i>\$3,638.00</i>
	<i>EFT 23771 to 23859</i>	<i>\$438,984.98</i>
	<i>Direct Debits 13293.1 to 13303.10</i>	<i>\$48,395.33</i>
	<i>(DD13314.1) Credit Card 03/07/20 to 02/08/20</i>	<i><u>\$4,144.22</u></i>
		<i>\$495,162.53</i>

<i>Trust Fund</i>	<i>Cheques NIL</i>	<i><u>\$0.00</u></i>
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Subtotal \$495,162.53

<i>Net Pays</i>	<i>PPE 04/08/20</i>	<i>\$93,916.68</i>
	<i>PPE 18/08/20</i>	<i><u>\$92,756.60</u></i>
		<i>\$186,673.28</i>

Total \$681,835.81

CARRIED 9/0

9.1.2 STATEMENT OF FINANCIAL ACTIVITY FOR PERIOD ENDED 31 AUGUST 2020

REPORT DATE: 11 September 2020

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Martin Whitely, LG Corporate Solutions

ATTACHMENTS: Statement of Financial Activity for the Period Ended 31 August 2020

PURPOSE OF REPORT:

To note and receive the Statement of Financial Activity for the period ended 31 August 2020.

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:9

➤ **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 2019/20 adopted budget.

VOTING REQUIREMENTS

Simple Majority Required

COUNCIL RESOLUTION

116/20 Moved Cr Hamilton, seconded Cr Gilbert that Council notes and receives the Statement of Financial Activity for the period ended 31 August 2020.

CARRIED 9/0

9.1.3 **LOCAL GOVERNMENT REVIEW PANEL FINAL REPORT**

FILE REFERENCE: GA/WAL3-2 & GA/DLGI-3

REPORT DATE: 11 September 2020

APPLICANTS/PROPONENT: Shire of Moora

OFFICER DISCLOSURE OF INTEREST:

PREVIOUS MEETING REFERENCES: 2/9/2020 General Purpose Committee meeting

AUTHOR: Alan Leeson, Chief Executive Officer

ATTACHMENTS: Table of recommendations

PURPOSE OF REPORT:

The report details the Shire of Moora comments to be submitted in response to the Local Government Review Panel's recommendations relating to the review of the Local Government Act 1995.

BACKGROUND:

In 2017 the State Government announced a review of the Local Government Act 1995. The Department of Local Government carried out a consultation process in 2018/2019 throughout the industry. The Minister for Local Government appointed an Independent Panel to consider the submissions. The Panel's report has made 65 recommendations.

Click to view the final report;

https://www.dlgsc.wa.gov.au/docs/default-source/local-government/local-government-review-panel-final-report.pdf?sfvrsn=acefce14_1

COMMENT:

The Minister for Local Government has not considered the panel's recommendations at this stage and has not requested a consultation process. The Western Australian Local Government Association is seeking feedback from the sector.

POLICY REQUIREMENTS:

There are no policy implications associated with this item.

LEGISLATIVE REQUIREMENTS:

Local Government Act 1995

STRATEGIC IMPLICATIONS:

There are no known strategic implications associated with this item.

SUSTAINABILITY IMPLICATIONS:

➤ **Environment**

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

➤ **Economic**

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

➤ **Social**

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

FINANCIAL IMPLICATIONS:

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

VOTING REQUIREMENTS

Simple Majority Required

COUNCIL RESOLUTION

117/20 Moved Cr Clydesdale-Gebert, seconded Cr Thomas that Council;

- *Notes the Local Government Act Review Panel recommendations and the Western Australian Local Government Associations responses to the recommendations;*
- *Direct the CEO to provide the Shire of Moora's comments/responses to the Western Australian Local Government Association;*
- *Authorise the CEO to make any final adjustments to the Shire of Moora comments/responses in consultation with the Shire President and Deputy Shire President;*
- *Write to the Minister for Local Government and directly oppose recommendation 26a (i) and recommend - Populations up to 5,000 be a minimum of 7 councillors and a maximum of 9 councillors (including Shire President).*

CARRIED 9/0

9.1.4 CARNABY'S COCKATOO SCULPTURE PROPOSAL – MOORA TOWN CENTRE

FILE REFERENCE: CC/CCG1

REPORT DATE: 10 September 2020

APPLICANTS/PROPONENT: Shire of Moora

OFFICER DISCLOSURE OF INTEREST: N/A

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Alan Leeson, Chief Executive Officer

ATTACHMENTS: Correspondence / Diagrams / Map

PURPOSE OF REPORT:

For Council to consider a request from the Kerkhoff Carnaby Group (KCG) Incorporated to approve in principle the erection of a pair of Carnaby's Cockatoo Sculptures in the Moora Business District.

BACKGROUND:

Correspondence received by the Shire (attached) outlines clearly the proposal of the KCG. Agreement in sought from Council in principle for the proposal on the basis of;

- Overall concept;
- Location of the sculptures;
- Financial contribution from the Shire, specifically – Costs of any permits required, site preparation, ongoing maintenance and upkeep costs of the sculptures and any other incidental costs attributable to processing/permitting by the Shire.

COMMENT:

Information regarding the Carnaby's Cockatoo and its endemicity can be found at;

<https://www.environment.gov.au/biodiversity/threatened/publications/factsheet-carnabys-black-cockatoo-calyptorhynchus-latiostris>

POLICY REQUIREMENTS:

Council does not have a policy position in relation to this matter.

LEGISLATIVE REQUIREMENTS:

There are no known legislative requirements that directly relate to this request from the KCG.

STRATEGIC IMPLICATIONS:

Carnaby's Cockatoo are endemic across wide parts of the Wheatbelt. That said the KCG's profile has gained a degree of notoriety in recent years as a result of the Carnaby nest making initiative of Mr Walter Kerkhof.

SUSTAINABILITY IMPLICATIONS:**➤ Environment**

Please refer to attached information

➤ Economic

The proposal of the KCG proposal aims to strengthen the economic fabric of Moora through increased visitors and tourism through Moora. Defined project outcomes detailed in the submission include;

- Increased tourism;
- Increased education and awareness of importance of conservation of the Carnaby's Cockatoo;
- Recognise the efforts of the KCG with their nesting / breeding program;
- Increased cultural awareness in the community as a result of local Yued Noongar people's history associated with the Carnaby's Cockatoo and other natural features throughout the community and region.

➤ Social

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

FINANCIAL IMPLICATIONS:

Financial support through the planning and construction phase of the project from Council is requested to be in-kind associated with permits and earthworks. From the construction phase of the project Council has been requested to meet the ongoing maintenance costs associated with the sculptures. This cost is unknown.

VOTING REQUIREMENTS

Simple Majority Required

RECOMMENDATION

That Council agree in principle to the proposal of the Kerkhof Carnaby Group Incorporated for construction of two large Carnaby's Cockatoo Sculptures in Moora on the premise of;

- *Location of sculptures will be as per map provided to Council as part of the proposal/submission;*
- *Shire will meet costs associated with required permits, site preparation and any other incidental costs attributable to permit process for the construction of the sculptures;*
- *Shire acknowledges ongoing maintenance and upkeep costs of the sculptures will be met by the Shire of Moora.*

COUNCIL RESOLUTION

118/20 Moved Cr Nixon, seconded Cr Humphry that the Carnaby's Cockatoo Sculpture Proposal lay on the table, further that the item be represented to the 7 October 2020 General Purpose Committee meeting.

CARRIED 9/0

9.1.5 HYDROTHERAPY POOL - FEES AND CHARGES 2020/2021

FILE REFERENCE: B/HYDI
REPORT DATE: 10 September 2020
APPLICANT/PROPONENT: Alan Leeson, Chief Executive officer
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: Nil
AUTHOR: Alan Leeson, Chief Executive Officer
ATTACHMENTS: Draft: Fees and Charges Schedule

PURPOSE OF REPORT:

For Council to adopt the Fees and Charges Schedule associated with use and patronage of the Central Midlands Hydrotherapy Pool in Moora. The fees and charges were not included in the 2020/2021 adopted budget.

BACKGROUND:

As part of activating the hydrotherapy pool, fees and charges have been drafted by Manager, Heather Preston in consultation with the Chief Executive Officer.

POLICY REQUIREMENTS:

Nil.

LEGISLATIVE REQUIREMENTS:

Local Government Act 1995 (Act) - Sec 6.16 of the Act covers the imposition of fees and charges and sec 6.17 covers setting the level of fees and charges.

6.16 (1) A local government may impose and recover a fee or charge for any goods or service it provides or proposes to provide, other than a service for which a service charge is imposed.*

**Absolute majority required.*

6.17 (1) In determining the amount of a fee or charge for a service or for goods a local government is required to take into consideration the following factors –

- (a) the cost to the local government of providing the service or goods;*
- (b) the importance of the service or goods to the community; and*
- (c) the price at which the service or goods could be provided by an alternative provider.*

STRATEGIC IMPLICATIONS:

Nil.

SUSTAINABILITY IMPLICATIONS:

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

FINANCIAL IMPLICATIONS:

Council will generate revenue from all fees. The level of income being budgeted as a result of these fees will be reflected in the Annual Budget.

SUMMARY:

It is expected the fees and charges for the hydrotherapy pool may require some changes as we learn more of community patronage, need and expectation. The draft schedule we believe is very modest and balanced in order to strike the correct balance in weighing up operating costs and encouraging as much patronage of the facility as possible.

VOTING REQUIREMENTS

Absolute Majority Required

COUNCIL RESOLUTION

119/20 Moved Cr Lefroy, seconded Cr Holliday that Council adopt the 2020/2021 Fees and Charges Schedule for the Central Midlands Hydrotherapy Pool as circulated with the addition of

- *Spectator fee – single entry - \$1*
- *Spectator fee – 10 entry pass - \$9*
- *Aqua Playgroup – Single entry - \$6*
- *Aqua Playgroup – 10 entry pass - \$54*

CARRIED by ABSOLUTE MAJORITY 9/0

9.2 DEVELOPMENT SERVICES

9.2.1 APPLICATION FOR DEVELOPMENT APPROVAL – PROPOSED HOME BUSINESS ON LOT 11 (NO.1) MELBOURNE STREET, MOORA

FILE REFERENCE: TP/DA03/2021

REPORT DATE: 9 September 2020

APPLICANT/PROPONENT: Ms Coral Ralph (Landowner)

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Mr Joe Douglas, Town Planning Consultant

ATTACHMENTS: Attachments 1 & 2

PURPOSE OF REPORT:

Consideration and final determination of an Application for Development Approval to establish and operate a home business on Lot 11 (No.1) Melbourne Street, Moora.

BACKGROUND:

The applicant is seeking Council's development approval to establish and operate a home business on Lot 11 (No.1) Melbourne Street, Moora.

Under the terms of the application the proposed home business will be conducted by the applicant who is the owner/occupier of the existing single house on the land and will involve the growing and cultivation of culinary herbs on a 50m² portion of the property, for sale and delivery directly to customers (i.e. no direct sales will occur from the property). A full copy of the development application, including supporting documentation and plans, is provided in Attachment 1. A copy of the one and only submission received during the mandatory public advertising process is also provided in Attachment 2.

Lot 11 is located in the south-eastern part of the Moora townsite in a well-established residential area and has direct frontage and access to Atbara Street along its southern boundary and Melbourne Street along its western boundary, both of which are local roads under the care, control and management of the Shire of Moora.



Location & Lot Configuration Plan (Source: Landgate 2020)

Lot 11 comprises a total area of approximately 711m² and has been extensively developed and used for low density residential purposes over a number of years. The land contains an existing centrally located single house, a 67m² domestic storage shed/garage along its Atbara Street frontage as well as areas set aside for open space/landscaping, vehicle access and parking.

Immediately adjoining and other nearby land uses are predominantly residential in nature comprising single houses on lots of varying size.

COMMENT:

Lot 11 is classified 'Residential' zone in the Shire of Moora Local Planning Scheme No.4 (LPS4) with a density coding of R12.5.

Council's stated objectives for the development and use of any land classified 'Residential' zone are as follows:

- 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; and
- 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.

Under the terms of the Zoning Table in LPS4 the development and/or use of any land classified 'Residential' zone for the purposes of a 'home business' is listed as being discretionary (i.e. an 'A' use) which means it is not permitted unless the local government has exercised its discretion by granting development approval following public advertising for a minimum required period of fourteen (14) days. Council's development approval is also required due to the land's location within Special Control Area 1 of LPS4 entitled 'Land Subject to Flooding'.

The application has been assessed with due regard for the specific objectives and standards of the Shire's local planning framework including LPS4 and all relevant local planning policies, clause 67 of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* as well as the outcomes from the recently completed public advertising process during which no objections were received. This assessment, which included formal consultation with the Department of Water and Environmental Regulation as required, has confirmed the proposal is compliant with the parameters within which a home business is required to be undertaken on any land classified 'Residential' zone and is therefore unlikely to have any negative impact on the general amenity, character, functionality and safety of the immediate locality provided it is operated and managed appropriately.

In light of the above findings and conclusion it is recommended Council exercise its discretion and grant conditional approval to the application to ensure the development proceeds in accordance with the information and plans submitted in support of the proposal and the relevant standards and requirements of the Shire's local planning framework.

POLICY REQUIREMENTS:

Shire of Moora Policy 7.11 – 'Home Occupations' which includes home businesses.

LEGISLATIVE REQUIREMENTS:

- Planning and Development Act 2015
- Planning and Development (Local Planning Schemes) Regulations 2015
- Shire of Moora Local Planning Scheme No.4

STRATEGIC IMPLICATIONS:

Moora Flood Management Strategy 2000
Shire of Moora Strategic Community Plan 2012-2022

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 immediate financial implications for the Shire aside from the administrative costs associated with processing the application which are provided for in Council's annual budget. All costs associated with the proposed development will be met by the applicant/landowner.

It is significant to note that should the applicant/landowner be aggrieved by Council's final decision in this matter, they have the right to seek a formal review of that decision by the State Administrative Tribunal. Should this occur for whatever reason, which is considered highly unlikely in this particular instance, the Shire would need to respond. The cost to respond to an appeal cannot be determined at this preliminary stage but could be expected, based on the recent experience of other local government authorities in Western Australia, to range anywhere from \$5,000 to \$60,000 excluding GST depending upon how far the matter proceeds through the review process.

VOTING REQUIREMENTS:

Simple Majority Required

COUNCIL RESOLUTION

120/20 Moved Cr Nixon, seconded Cr Humphry that Council APPROVE the development application submitted by Ms Coral Ralph (Landowner) to establish and operate a home business on Lot 11 (No.1) Melbourne Street, Moora subject to the following conditions and advice notes:

Conditions

- 1. The proposed development shall be substantially commenced within a period of two (2) years from the date of this approval. If the development is not substantially commenced within this period, this approval shall lapse and be of no further effect. Where an approval has so lapsed, the use shall not be carried out without the further approval of Council having first being sought and obtained.***
- 2. The proposed development shall be undertaken strictly in accordance with the information and plans submitted in support of the application subject to any modifications required as a consequence of any condition/s of this approval or otherwise approved by Council.***

3. ***Any additional development which is not in accordance with the application the subject of this approval or any condition of approval will require the further approval of Council.***
4. ***This approval is issued to the current owner/occupier of the land. It shall not be transferred or assigned to any other person and shall not be transferred from the land in respect of which it is granted. Should there be a change in the owner or occupier of the land in respect of which this approval is granted, this approval is immediately cancelled and has no further affect.***
5. ***The proposed use shall not occupy an area greater than 50m².***
6. ***The retail sale, display or hire of any goods from the land is not permitted.***
7. ***Business customers / clients may only visit the premises to inspect the goods being produced and place orders. No more than two (2) business customers / clients are permitted at any one time with all visitation to occur from 9:00am to 5:00pm weekdays and Saturdays with no visitation permitted on Sundays or public holidays as per Council's policy requirements.***
8. ***The storage of any non-organic chemicals on the floor of the existing shed/garage on the land is not permitted to help guard against the risk of contamination/pollution in the event of a major flood event.***
9. ***The storage and/or blending of animal manure on the land is not permitted.***
10. ***If in the opinion of Council, the home business is causing a nuisance or annoyance to the owners or occupiers of other land in the immediate locality, the local government may rescind this approval by issuing a notice in writing.***
11. ***Any future proposed advertising signage shall be provided in accordance with the specific requirements of the Shire of Moora Local Planning Scheme No.4 and Local Planning Policy No.7.9 entitled 'Advertising Devices' unless otherwise approved by Council.***

Advice Notes

1. ***This approval is not an authority to ignore any constraint to development on the land which may exist through contract or on title, such as an easement, memorial or restrictive covenant. It is the responsibility of the applicant and landowner and not the Shire to investigate any such constraints before commencing development. This approval will not necessarily have regard to any such constraint to development, regardless of whether or not it has been drawn to the Shire's attention.***
2. ***This is a development approval of the Shire of Moora under its Local Planning Scheme No.4. It is not a building permit or an approval to commence or carry out development under any other law. It is the responsibility of the applicant/landowner to obtain any other necessary approvals, consents, permits and licenses required under any other law, and to commence and carry out development in accordance with all relevant laws.***
3. ***The applicant/landowner is reminded of their obligation to ensure compliance with any relevant requirements of the Shire of Moora Health Local Law 2016.***
4. ***The noise generated by any activities on the land shall not exceed the levels as set out under the Environmental (Noise) Regulations 1997.***
5. ***Failure to comply with any of the conditions of this development approval constitutes an offence under the provisions of the Planning and Development Act 2005 and the Shire of Moora Local Planning Scheme No.4 and may result in legal action being initiated by the local government.***

6. *If the applicant/landowner is aggrieved by this determination, there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 Part 14. An application must be submitted within 28 days of the determination.*

CARRIED 9/0

9.3 ENGINEERING SERVICES

9.3.1 TENDER No. 01/20 - SUPPLY AND SPRAY OF BITUMEN PRODUCTS; TENDER No. 02/20 - SUPPLY AND DELIVERY OF ROAD SEALING AGGREGATE; TENDER No. 03/20 - SUPPLY OF ROAD STABILISATION SERVICES

FILE REFERENCE: S/TERI

REPORT DATE: 7 September 2020

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: John Greay, Manager Engineering Services

ATTACHMENTS: Tenders received

PURPOSE OF REPORT:

Council calls tenders in accordance with the requirements of the Local Government Act and Regulations for the value of services over \$250,000.

BACKGROUND

Each year tenders are called for the supply of road sealing aggregate, supply and spray of bitumen products and road stabilisation services. To assist with the tender process the WALGA Proforma tender document is used to simplify tenderers understanding of council requirements. Within the document under Appendix D there is a reference to a Regional Price Preference.

To undertake Councils road sealing and road works programme, it is necessary to call tenders for aggregate and bitumen for the current year along with road stabilisation of some rural roads.

COMMENT

Within councils' road programme this year there are several projects that require the engagement of external service providers to assist with councils' programme of works.

This will be on the Watheroo West, Watheroo-Miling and Toodyay-Bindi Roads and therefore tenders were called for the following: -

Supply and Spray of Bitumen Products

To carry out the road-sealing programme this year Council requires approximately 242,000 litres of bitumen supplied and sprayed at various nominated locations throughout the shire.

Road Sealing Aggregate

Council will require approximately 2600 tonne of road sealing aggregate for their road programme this year.

Supply of Road Stabilisation Services

Council will require approximately 106,000m² of road pavement to be stabilised this year on the Watheroo West - approximately 39,000m², Watheroo-Miling - approximately 20,160m² and Toodyay-Bindi - approximately 46,200m³. In regard to the stabilising rates...once you calculate in the mobilisation / demobilisation and the pavement design we find that Downer EDI Works are the most affordable over the three job sites.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

Section 3.57 of the Local Government Act 1995

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

STRATEGIC IMPLICATIONS:

Council needs to continue with the upgrading and maintenance of their road network.

SUSTAINABILITY IMPLICATIONS:

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

FINANCIAL IMPLICATIONS:

Allowances have been provided within this year's budget and Works Programme.

VOTING REQUIREMENTS

Simple Majority Required

COUNCIL RESOLUTION

121/20 Moved Cr Humphry, seconded Cr Thomas that Council accepts

- 1. Tender 01/20 - received from Bitutek for the supply and spray of bitumen products, as per the attached rates, for the 2020-21 year;***
- 2. Tender 02/20 - received from BGC Transport for the supply and delivery of road sealing aggregated to nominated dumpsites as per the attached rates for the 2020-21 year by applying the Regional Price Preference;***
- 3. Tender 03/20 - received from Downer EDI Works for the supply of road surface stabilisation services, as per the attached rates, for the 2020-21 year.***

CARRIED 9/0

10. REPORTS OF COMMITTEES

GENERAL PURPOSE COMMITTEE MEETING – 2 SEPTEMBER 2020

10.1 REVIEW OF OCCUPATIONAL SAFETY AND HEALTH POLICY

FILE REFERENCE: PL/POPI-2 & H/OSHI-2

REPORT DATE: 2 September 2020

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Alan Leeson, Chief Executive Officer

ATTACHMENTS: Nil

PURPOSE OF REPORT:

To review and update Councils Occupational Safety and Health Policy.

COMMENT:

Policy updated to now be inclusive of contractors engaged by the Shire of Moora as recommended by Council's insurer.

POLICY REQUIREMENTS:

Shire of Moora Policy 2.10, to be reviewed Bi-Annually

LEGISLATIVE REQUIREMENTS:

Occupational Safety and Health Act 1984 and Occupational Safety and Health Regulations 1996

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
(COMMITTEE RECOMMENDATION)**

122/20 Moved Cr Lefroy, seconded Cr Holliday that the review of the Occupational Safety and Health Policy item lay on the table with a report to be presented for consideration to the 21 October 2020 Council meeting.

CARRIED 9/0

10.2 REVIEW OF 2021 COUNCIL MEETING SCHEDULE

FILE REFERENCE: EN/COAI

REPORT DATE: 24 August 2020

DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Michelle Murray, Executive Support Officer

ATTACHMENTS: Schedule of Meeting Dates for 2021

PURPOSE OF REPORT:

To provide suggested dates for Council approval for meeting dates for the 2021 year to enable public advertising as required by the Local Government Act 1995.

BACKGROUND:

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

COMMENT:

Attached is a draft schedule of proposed dates for Council meetings for the 2021 year.

In April 2013 Council commenced a 6 month trial period of General Purpose Committee meetings to be held on the first Wednesday of the month; previously an informal briefing session. In September after the trial period it was resolved to continue on with the structure of the Committee meetings and for the briefing session to remain prior to the Council meetings on the third Wednesday of each month.

The January Council meeting traditionally had few items; the main one was the financial reporting. A number of Councillors and staff take the opportunity to take leave through January, so it has been suggested again that no meetings are held in January. If an item of business arose that required a decision between the December meeting and the February meeting a special meeting could be convened.

As in previous years, the schedule has identified the need to adjust the regular meeting times and it is suggested that no Committee meeting be held at the beginning of August as the 2021 Local Government Convention has been scheduled to be held from the 4th – 6th August. This week also provides the opportunity for professional development during the week. It is therefore recommended that during August, the Council meeting is held on the 18th August with the briefing session to precede it.

NGA in Canberra is scheduled to be held from 21st – 24th June 2021.

Local Government Professionals State Conference is held annually in the first week of November.

POLICY REQUIREMENTS:

There are no Council Policies relative to this matter.

LEGISLATIVE REQUIREMENTS:

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

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

- I. At least once each year a local government is to give local public notice of the dates on which and the time and place at which –
 - (a) the ordinary council meetings; and
 - (b) the committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public,are to be held in the next 12 months.

Sections 5.98 and 5.99 of the Local Government Act 1995 and Regulation 30 of the Local Government (Administration Regulations) 1996 sets the minimum and maximum amounts for the payment of meeting fees.

STRATEGIC IMPLICATIONS:

Enables Council to provide good local government to the district.

SUSTAINABILITY IMPLICATIONS:

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

FINANCIAL IMPLICATIONS:

There are no financial implications to Council in relation to this item. The holding of Council meetings including all associated costs is provided in the current budget and will be provided for in future budgets.

VOTING REQUIREMENTS:

Simple Majority Required

COUNCIL RESOLUTION (COMMITTEE RECOMMENDATIONS)

123/20 Moved Cr Nixon, seconded Cr Clydesdale-Gebert that the Council;

- 1. Adopts the meeting schedule for the period February 2021 to December 2021 as attached;**
- 2. Advertises the meeting dates in accordance with section 5.25 of the Local Government Act 1995 and Regulation 12 (1) of the Local Government (Administration) Regulations 1996.**

CARRIED 9/0

10.3 2020-2021 COMMUNITY BUDGET SUBMISSIONS

Cr Lefroy declared an impartiality interest as she is a board member of Gardiner Street Arts Collective.

Cr Humphry declared an indirect financial interest as she is a Gardiner Street Arts Collective member.

FILE REFERENCE: F/BUD1-2

REPORT DATE: 10 September 2020

APPLICANT/PROPONENT: Various

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Alan Leeson, CEO / Nicole Beard, Manager Community Development

ATTACHMENTS: Nil

PURPOSE OF REPORT:

For Council to approve the 2020/2021 community budget submissions.

BACKGROUND:

As part of the annual budget process Council invited community groups to submit applications for funding of various projects. A total of \$49,060.19 cash and in-kind contributions has been requested. The submission period closed on 12 June 2020 with 13 submissions being received.

Supporting community groups and clubs through community grants aligns with Shire Strategic Corporate Plan

Outcome 1.1 *A healthy community through participation in sport, recreation, arts, culture and leisure opportunities,*

Strategy 1.1.3 *Support and assist community clubs and groups.*

Application guidelines required for consideration of submissions are;

Examples of what will be considered:

✓ *Capital projects;*

✓ *Repairs and maintenance to Council owned/ managed facilities;*

✓ *Improvements to community facilities;*

✓ *Donations, sponsorship and waivers of fees and charges for Council owned/ managed facilities;*

✓Shire in-kind support. This is an in-kind allocation, not a cash payment.

INELIGIBLE project costs include:

- × Operational expenditure;
- × Deficit funding or retrospective funding;
- × Fundraising or political activities;
- × Alcohol;
- × Development or improvement to school facilities, or costs associated in delivering the normal curriculum;
- × Projects not delivered in the Shire of Moora;
- × Projects that have already commenced;
- × Projects that duplicate an existing or similar project/service within the community;
- × Items benefiting an individual; or
- × A project that may cause offence to others or cause the Shire's name to be in disrepute.

A breakdown of the 2020/2021 Community Budget submissions received follows;

1. Watheroo Development Association

Are seeking a Turbo oven, supplementary to the existing electric oven. The Turbo oven will sit on a bench. (Quotes have been supplied.)

Total Project cost	\$2,857.80
Turbo Oven	\$2,857.80
<i>Total requested Shire contribution</i>	<u>\$2,857.80</u>

2. Watheroo Development Association

Are seeking additional oven trays, cutting boards and baking dishes
(* No quotes have been supplied.)

Total Project cost	\$173.66
- Shire- Kitchen supplies	\$173.66
<i>Total requested Shire contribution</i>	<u>\$173.66</u>

BOTH APPROVED

3. Moora Lions Inc

Are seeking funding to improve the viability of the Moora Lions food van by repairing the four axles (one is bent), four tables, 16 stackable chairs and a deep fryer. (Quotes have been supplied.)

Total Project Cost	\$5,196.23
- Shire - 4 x Alko Axles	\$2,036.23
- Lions - Fitting Axles (Lions sourcing funding)	\$1,200.00
- Shire - 4 Tables	\$228.00
- Shire - 16 Chairs	\$720.00
- Shire - MacDonalds Deep Fryer	\$1,012.00
<i>Total requested Shire contribution</i>	<u>\$3,996.23</u>

APPROVED

4. Central Midlands YouthCARE

Central Midlands YouthCARE Council (CMYCC) fundraising to provide school chaplaincy for government schools within the Central Midlands Region.

Total Project Cost	\$79,279.00
- MCYCC/ YouthCARE -3 days/wk chaplaincy @ CMSHS	\$36,217.00
- MCYCC/ YouthCARE – in-kind 3 days/wk chaplaincy @ CMSHS	\$8,000.00
- Shire of Moora- 3 days/wk chaplaincy @ CMSHS	\$1,750.00
- MCYCC/ YouthCARE -2 days/wk chaplaincy @ MPS	\$24,562.00
- MCYCC/ YouthCARE - in-kind 2 days/wk chaplaincy @ MPS	\$8,000.00
- Shire of Moora- 2 days/wk chaplaincy @ MPS	\$750.00

Total requested Shire contribution \$2,500.00

APPROVED

5. Moora Primary School

Waiver of fees for school events in 2020-2021:

December 2020	MPAC	Half day rehearsal for award and concert night	\$180
December 2020	MPAC	Evening hire for school awards & concert	\$180
December 2020	MPAC	Assistance to set up lights & sound system	Tech fee
March 2021	Pool	Half day for practice swim prior to Carnival	\$196
March 2021	Pool	Full day hire for swimming carnival	\$392
May 2021	Oval/ Courts	Winter Carnival	\$356
June 2021	MPAC	Performing Arts Festival	\$526

Total requested Shire contribution (less Tech fee) \$1,830

6. Moora Darts Association

Requires a place to play darts and are seeking assistance with 6 free standing dart board frames.
(One quote has been supplied.)

Total Project Cost	\$7,000.00
- Shire - Dart board frames \$1,170 each (plus GST)	\$5,000.00
- Other cash funding	\$2,000.00

Total requested Shire contribution \$5,000.00

APPROVED

7. Moora Historical Society

Museum improvements including: building a veranda off existing new shed (APEX shed), various maintenance, painting, and veranda blinds. (*Quotes have been supplied.*)

Total Project Cost	\$11,920.10
- Shire of Moora in-kind request	\$5,000.00
- Shire of Moora – blinds	\$2,245.10
- Shire of Moora- veranda on APEX shed	\$4,675.00

Total requested Shire contribution \$11,920.10

APPROVED

8. Rotary Club of Moora

Purchase 2 x 6m x 3m portable marquees for the use of the Moora Rotary Club events such as Australia Day, ANZAC day, Moora Show. (*Quotes have been supplied.*)

Total Project Cost	\$7,465.98
- Shire of Moora - Marquees	\$4,000.00
- Moora Rotary Club contribution	\$3,465.98

Total requested Shire contribution \$ 4,000.00

APPROVED

9. Local Drug Action Group – Moora

Cash contribution to support the annual bed race. The rides and activities are becoming a bigger part of the bed race event.

Total Project Cost	\$7,400.00
- LDAG – Promotion / activities	\$3,900.00
- Shire – Promotion and activities	\$3,500.00

Total requested Shire contribution \$3,500.00

APPROVED

10. Miling Community Christmas Tree

Miling Pavilion hire for the Miling Community Christmas Tree

Total Project Cost	\$571.00
- Shire of Moora - In-kind	\$171.00
- Miling Community Fundraising- Entertainment	\$350-400

Total requested Shire contribution \$171.00

APPROVED

11. Moora School of Music

Requesting to use the MPAC twice for concerts and cash contribution for the purchase of sheet music, assorted instrument strings and a cabinet for storage. (* No quotes supplied.)

Total Project Cost	\$4,901.40
- Moora School of Music Contribution	\$400.00
- Shire of Moora- In-kind request	\$1,348.00
- Shire of Moora – Sheet Music & strings	\$2,500.00
- Shire of Moora – Cabinet	\$653.40

Total requested Shire contribution \$4,501.40

APPROVED**12. Gardiner Street Arts Collective**

Gardiner Street Arts Collective is planning to create a community garden located at the rear of the premises. (Quotes supplied.)

Budget Items	Shire of Moora Funding	Other Cash Funding Amount	In-kind support	Source of Other cash or In-kind
Ballet Barre - relocate from Rec Centre	In-kind			Pending Approval
Mirror in dance room		\$3,388		CBH Group Grass Roots funding- Completed
Timber Dance Floor		\$16,500	\$1,970	Donations from local business- Completed
Planning & design of community garden			\$1,500	Community Garden Guru's – confirmed
Plants	\$910	\$710		Cash Reserves
Citrus & Shade plants	\$240			
Pots			\$1,000 (donated)	Community – confirmed
Raised Garden Beds			\$1,000 (donated)	Community - confirmed
Shade Cloth	\$790 (materials only)		\$1,200	Donation of labour- confirmed
Steel Structure for shade	\$2,500		\$3,000	Donation of labour- confirmed
Garden Soil (500L Soil)	\$750 (\$15 per 50L bag)			
Communal long table for workshop	\$2,500 (materials only)	\$500	\$2,000	Donation of labour- in process
Storage cabinet and display unit	\$950		\$500	Donation of construction furniture (approx.. 10 hrs) confirmed
Total	\$8,640	\$21,098	\$12,170	

APPROVED

13. Moora Youthcare Council

Community Barn Dance is an alcohol-free event with a sausage sizzle. The Barn Dance shows that fun and entertainment can be had without drugs & alcohol. Youthcare were seeking waiver of MPAC hire fees.

Due to COVID restrictions Youthcare cancelled their 2020 event, the submission was therefore removed.

POLICY REQUIREMENTS:

There are no known policy implications related to this item.

LEGISLATIVE REQUIREMENTS:

Local Government Act 1995

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:

Council has allocated \$60,000 in the 2020/2021 to fund community budget submissions.

VOTING REQUIREMENTS

Absolute Majority Required

COUNCIL RESOLUTION (COMMITTEE RECOMMENDATION)
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124/20 Moved Cr Hamilton, seconded Cr Gilbert that the 2020/2021 Community Budget submissions as per the table below be approved, noting that Council approve a 50% subsidy of all hire/booking fees of shire facilities/amenities for any Shire of Moora schools for the 2020/2021 financial year associated school-based activities;

	Cash	In-kind	Status
Watheroo Development Association – Oven	\$2,857.80		Approved
Watheroo Development Association- Utensils	\$173.66		Approved
Moora Lions	\$3,996.23		Approved
Central Midlands YouthCARE	\$2,500.00		Approved
Moora Primary School		\$1,830.00	50% Approved
Moora Darts	\$5,000.00		Approved

Moora Historical Society	\$6,920.10	\$5,000.00	Approved
Rotary Club of Moora	\$4,000.00		Approved
Local Drug Action Group	\$3,500.00		Approved
Miling Christmas Tree		\$171.00	Approved
Moora School of Music	\$3,153.40	\$1,348.00	Approved
Gardiner Street Arts Collective	\$8,640.00		Approved
Moora Youthcare Council	-	-	Withdrawn- COVID-19
TOTAL	\$40,741.19	\$8,349.00	

CARRIED by ABSOLUTE MAJORITY 9/0

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

Nil

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

The Shire President raised an item of urgent business relating to the finalisation of the Chief Executive Officer's Performance review and Contract of Employment.

COUNCIL RESOLUTION

125/20 Moved Cr Seymour, seconded Cr Hamilton that the item of urgent business be introduced relating to the finalisation of the Chief Executive Officer Performance review and Contract of Employment.

CARRIED 9/0

At 5.57pm the Chief Executive Officer Alan Leeson left the meeting after declaring a financial interest in the matter as it relates to his Contract of Employment with the Shire of Moora

12.1 FINALISATION OF CHIEF EXECUTIVE OFFICER'S 2020 PERFORMANCE REVIEW AND CONTRACT OF EMPLOYMENT WITH THE SHIRE OF MOORA

The Shire President referenced completion of the Chief Executive Officers' performance review in June 2020 and subsequent discussions between Shire Councillors and the Chief Executive Officer at the Councillors Briefing Session on the afternoon of 16 September 2020. In summary, conclusion of discussions noted the satisfactory performance of the Chief Executive Officer for the review period and the agreement of the Shire Councillors and the Chief Executive Officer to renew Mr Alan Leeson's contract of employment for 5 years from 1 July 2021.

COUNCIL RESOLUTION

126/20 Moved Cr Lefroy, seconded Cr Hamilton that Council note and endorse the June 2020 satisfactory performance review of Chief Executive Officer Mr Alan Leeson and note and formally authorise the Shire President to execute a new contract of employment between the Shire of Moora and Mr Alan Leeson for a 5 year period from 1 July 2021 in accordance with agreed outcomes discussed at the Councillors Briefing Session on 16 September 2020.

CARRIED 9/0

13. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Nil

At 5.59pm the Executive Support Officer and CEO re-entered the meeting.

14. CLOSURE OF MEETING

There being no further business, the President declared the meeting closed at 6.00pm.

CONFIRMED

PRESIDING MEMBER