

SHIRE OF MOORA
MINUTES OF THE ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS, MOORA
15 MARCH 2023

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- 9.1.4 Appendix 1 – Draft Local Law, and Appendix 2 – Procedure for Making Local Laws

I. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

I.1 DECLARATION OF OPENING

The Shire President declared the meeting open at 5.30pm and announced:

I would like to acknowledge the traditional custodians of the land we are meeting on today, the Yued people, and pay our respects to Elders past, present, and emerging.

I.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

TL Lefroy	-	President
SJ Gilbert	-	Deputy President
DV Clydesdale-Gebert	-	Councillor
EI Hamilton	-	Councillor
KM Seymour	-	Councillor
SA Bryan	-	Councillor
TL Errington	-	Councillor
GW Robins	-	Acting Chief Executive Officer (until 6.00pm)

PUBLIC

Mrs Cynthia McMorran AM, Shire Freeman (until 6.00pm)

Ms Shannon Jeffers (until 6.00pm)

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4. PUBLIC QUESTION TIME

Mrs Cynthia McMorran requested an update regarding the Early Childhood Development Centre.

The A/CEO advised the Early Childhood Development Centre project has been affected by the same COVID-19, supply chain, specialist resource issues and natural disasters that have impacted other building projects. The building design is complete, materials and plant quantities have been confirmed, funding is secure, and the buildings have been allocated a place

in Fleetwood Australia's construction schedule. Subject to the construction schedule progressing as advised, stage one of the project will be completed and on site in the 3rd or 4th quarter of 2023, and stage two completed and on site in the 2nd quarter of 2024.

5. **PETITIONS / DELEGATIONS / PRESENTATIONS**

Nil

6. **APPLICATIONS FOR LEAVE OF ABSENCE**

Nil

7. **ANNOUNCEMENTS BY THE PRESIDING MEMBER**

The following Council associated engagements were attended:

Cr Lefroy, President

- 2/3 WA Local Government Grants Commission meeting, Moora
- 7/3 Met with CBFCO Brendan Pratt, summary of bush fire season
- 8/3 WA Planning Commission, Wheatbelt regional planning workshop, Northam
- 11/3 Speaking as Shire President at Celebrating Regional Women in Leadership event, Moora
- 12/3 Awarded prizes at the Moora Triathlon
- 13/3 CBH Community Investment Fund review, Dalwallinu

Cr Gilbert, Deputy President

- 20/2 Wheatbelt North Regional Road Group – Moora Subgroup meeting, Moora
- 28/2 Local Emergency Management Committee meeting, Moora
- 7/3 Met with Brendan Pratt (Shire's Chief Bush Fire Control Officer)
- 15/3 Attending the Shire of Moora & Moora Chamber of Commerce Sundowner, Moora

Cr Seymour

- 1/3 WALGA State Council meeting, Perth
- 8/3 WALGA Transport & Roads Forum, Perth
- 13/3 CBH Community Investment Fund review, Dalwallinu

Cr Bryan

- 14/3 Welcomed visiting Medical Students to Moora on behalf of Council.

8. **CONFIRMATION OF MINUTES**

8.1 **ORDINARY COUNCIL MEETING - 15 FEBRUARY 2023**

COUNCIL RESOLUTION

16/23 Moved Cr Clydesdale-Gebert, seconded Cr Gilbert that the Minutes of the Ordinary Meeting of Council held on 15 February 2023 be confirmed as a true and correct record of the meeting.

CARRIED 7/0

9. REPORTS OF OFFICERS

9.1 GOVERNANCE AND CORPORATE SERVICES

9.1.1 LIST OF PAYMENTS AUTHORISED UNDER DELEGATION I.15

REPORT DATE: 9 March 2023

OFFICER DISCLOSURE OF INTEREST: Nil

AUTHOR: Gavin Robins, Acting Chief Executive Officer

SCHEDULE PREPARED BY: Charly Sawyer, 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 I.15 – Making 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

17/23 Moved Cr Seymour, seconded Cr Errington that Council notes and endorses the Payments from the Municipal and Trust Funds made under delegation 1.15.

Municipal Fund	EFT's 28697-28853	-\$1,168,51.90
Municipal Cheque	62551-62552	-\$3,020.00
Credit Card	DD15278.2	-\$3,071.81
Direct Debit	DD15253.1-DD15297.15	<u>-\$75,842.90</u>
		-\$1,250,386.61
Trust Cheque	5629-5629	<u>-\$100.00</u>
		-\$1,250,486.61
Nett Pay	PPE 14/02/2023	-\$120,370.67
Nett Pay	PPE 28/02/2023	<u>-\$128,486.56</u>
	 Total Payments	 <u>-\$1,499,343.84</u>

CARRIED 7/0

9.1.2 STATEMENT OF FINANCIAL ACTIVITY FOR PERIOD ENDED 28 FEBRUARY 2023

The Statement of Financial Activity for the Period Ended 28 February 2023 was held over due to Auditors finalising account balances and reconciliations for the year ending 30 June 2022. The February and March Statements of Financial Activity are expected to be available for presentation at the April Council Meeting.

9.1.3 SHIRE OF MOORA S.33 FIRE HAZARD REDUCTION NOTICE

FILE REFERENCE: LO/BUS2-3 & BC/BALI

REPORT DATE: 6 March 2023

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Nicholas Parry, Community Emergency Services Manager

ATTACHMENTS: Proposed Shire of Moora s.33 Fire Hazard Reduction Notice Option 1
Proposed Shire of Moora s.33 Fire Hazard Reduction Notice Option 2
Department of Fire & Emergency Service Fire Break Guide

PURPOSE

The purpose of this item is to have council endorse one of the two options for the Fire Hazard Reduction Notice under s. 33 of the Bush Fire Act 1954.

BACKGROUND

Under s. 33 of the Bush Fire Act 1954, the Shire has the responsibility to issue a notice to reduce the likely or spread of a bushfire. The bushfire season in the Western Australian Wheatbelt can be severe and devastating as we have seen with previously incidents such as Red Gully and Bruce Rock/Corrigin. It is essential that our residents take measures to reduce fire hazards and prevent bushfires on their own properties as well as ensuring that we provide safe working areas for our volunteer firefighters when attending. The s.33 Notice is aimed at three key areas, fuel reduction, firebreaks, and asset preparedness. This allows a better defensible areas and points where fires can be pulled up.

COMMENT

In the post-2022/2023-season Bush Fire Advisory Committee meeting, the Committee discussed this notice in depth and recommended some changes to Harvest and Agriculture as well as the acceptable distance a fire break must be from a fence.

The Committee also discussed the 3m width requirement and 4m height clearance requirements as some other Local Government require. The committee made up of volunteers who are also farm property owners decided, advised that 3m width was acceptable however a 4m height clearance was not required.

Whilst the committee don't recommend a 4m height clearance, as the Community Emergency Services Manager, I recommend that this be included as a requirement. A firebreak is recommended by the Department of Fire and Emergency Services to be a minimum width clearance of 3-meters and a minimum height clearance of 4-meters, this allows a heavy fire appliance to safely access paddocks without compromising safety for the firefighters and their vehicles from unseen hazards such as rocks, logs, shape objects etc. it also allows a clear point to conduct firefighting operations such as back burning or a safe place of refuge.

Option 1.

Shire of Moora Fire Hazard Reduction Notice as attached version one (1) that includes the requirement for fire breaks to be 3m width clearance and 4m height clearance.

Option 2.

Shire of Moora Fire Hazard Reduction Notice as attached version two (2) that includes the requirements for a fire break to be 3m width clearance only.

CONSULTATION

Shire of Moora Bush Fire Advisory Committee
Department of Fire and Emergency Services

POLICY REQUIREMENTS

NIL

STATUTORY CONTEXT

Bush Fire Act 1954

- s.33 – Local government may require occupier of land to plough or clear firebreak

Bush Fire Act 1954 –

s.33 Local government may require occupier of land to plough or clear fire-break

(1) Subject to subsection (2) a local government at any time, and from time to time, may, and if so required by the Minister shall, as a measure for preventing the outbreak of a bush fire, or for preventing the spread or extension of a bush fire which may occur, give notice in writing to an owner or occupier of land situate within the district of the local government or shall give notice to all owners or occupiers of land in its district by publishing a notice in the Government Gazette and in a newspaper circulating in the area requiring him or them as the case may be within a time specified in the notice to do or to commence to do at a time so specified all or any of the following things —

- (a) to plough, cultivate, scarify, burn or otherwise clear upon the land fire-breaks in such manner, at such places, of such dimensions, and to such number, and whether in parallel or otherwise, as the local government may and is hereby empowered to determine and as are specified in the notice, and thereafter to maintain the fire-breaks clear of inflammable matter;*
- (b) to act as and when specified in the notice with respect to anything which is upon the land, and which in the opinion of the local government or its duly authorised officer, is or is likely to be conducive to the outbreak of a bush fire or the spread or extension of a bush fire, and the notice may require the owner or occupier to do so —*
- (c) as a separate operation, or in co-ordination with any other person, carrying out a similar operation on adjoining or neighbouring land; and*
- (d) in any event, to the satisfaction of either the local government or its duly authorised officer, according to which of them is specified in the notice.*

STRATEGIC IMPLICATIONS

Bushfire Risk Management Plan 2022

Shire Strategic Community Plan 2018-2028

Outcome 1.5: A Safe Community

Strategy 1.5.1: Maintain awareness of government agency connectivity with a view to improving social behaviour across the community.

Strategy 1.5.2: Provide support for mechanisms that can be used to make the community safer.

Outcome 2.1: A Protected Natural Environment

Strategy 2.1.1: Support the preservation and regeneration of natural habitats including Shire managed reserves.

Strategy 2.1.2: Support community based environmental protection initiatives.

Strategy 2.1.3: Collaborate with the state and federal governments.

FINANCIAL IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority Required

COUNCIL RESOLUTION

18/23 Moved Cr Seymour, seconded Cr Hamilton that the Shire of Moora Council move to adopt option one (1) of the Shire of Moora Fire Hazard Reduction Notice and have this Notice gazetted in way of Government Gazette.

CARRIED 7/0

9.1.4 LOCAL LAW IN RESPECT OF UNSIGHTLY LAND AND REFUSE, RUBBISH OR DISUSED MATERIALS ON LAND

FILE REFERENCE: PL/LOLI-2

REPORT DATE: 9 March 2023

APPLICANTS/PROPONENT: Shire of Moora

OFFICER DISCLOSURE OF INTEREST: N/A

PREVIOUS MEETING REFERENCES: N/A

AUTHOR: Gavin Robins, Acting Chief Executive Officer

ATTACHMENTS: Appendix 1 – Draft Local Law
Appendix 2 – Procedure for Making Local Laws

PURPOSE:

To recommend the approval of Local Law making in respect of unsafe and or unsightly land and refuse, rubbish, or disused materials on land within the Shire of Moora.

BACKGROUND:

The Shire has a duty to ensure properties within the Shire of Moora are maintained in a safe, clean and presentable manner. Where land is allowed to become unsafe or unsightly due to the accumulation of refuse, rubbish or disused materials, the Shire must be able to exercise authority to affect the clean-up and removal of accumulated refuse, rubbish or disused material. The inability to act in response to the accumulation of waste and unused materials permits the exacerbation of unsafe and unsightly conditions that affect the amenity and safety of neighbouring properties. An instrument that empowers local authorities to enforce the remedying of unsafe and unsightly property, and the application of consistent policies is an important tool in the functioning and enforcement good local governance across the Shire.

COMMENT:

The Shire has received an increasing number of complaints as to the accumulation of an unreasonable and hazardous quantity of refuse, rubbish and disused materials on some properties in the Shire. In most cases, notices to remove accumulated waste and materials have proven difficult to enforce. Consequently, the volume of accumulated waste and materials has continued to increase. Due to the ineffectual nature of existing consultative and warning approaches, a formalised local law that contains enforceable penalties is considered necessary to effect a sustained change of prevailing attitudes and the removal of the accumulated waste and materials from the relevant properties.

ISSUES

The Shire has drafted a proposed local law for the management and clearing of accumulated waste on relevant properties in the Moora Shire (Appendix 1). The proposed local law is considered to be necessary and proportionate to addressing the problem of accumulating waste on certain properties. Similarly, the proposed conditions and penalties embodied in the

draft law are regarded as balanced and appropriate and fit for purpose in the current circumstances.

Section 3.5 of the Local Government Act 1995 (the Act) provides the power for local governments to make legislatively consistent local laws to facilitate performance of their functions. The procedure for making local laws requires local government to follow steps set out in S3.12 of the Act. These steps are set out in Appendix 2 for Council's information. It is proposed that these steps now be applied to raise the local law as proposed.

POLICY REQUIREMENTS:

This proposal is consistent with Council's policy of preserving the order, function and amenity of the Shire and its environs. It will contribute to the preservation of the value of the Shire's overall amenity and asset values, protect the value of neighbourhood assets, contribute to building a vibrant sustainable community and delivering high quality services within the community.

LEGISLATIVE REQUIREMENTS:

The legislative requirements to making Local Government Authority laws are set out in the Local Government Act 1995.

STRATEGIC IMPLICATIONS:

This proposal is consistent with Council's current strategic objectives of preserving and growing the value of the Shire's overall asset base and protecting community amenity.

SUSTAINABILITY IMPLICATIONS:

➤ **Environment**

This proposed law will promote the retention and preservation of the Shire's environmental safety and amenity.

➤ **Economic**

The proposed law will help preserve the intrinsic value of the Shire of Moora by protecting its local amenity, the value of housing stock and the appeal of the Shire as a place to live, work and invest.

➤ **Social**

The proposed law will address considerable social tensions in the community and communicate the Shire's intent to ensure all members of the community have a safe, clean, and amenable environment in which to live.

FINANCIAL IMPLICATIONS:

The financial implications of the proposed law are limited to any possible enforced clearing of a property.

VOTING REQUIREMENTS

Absolute Majority Required

COUNCIL RESOLUTIONS

19/23 Moved Cr Seymour, seconded Cr Hamilton that Council:

- 1. Approve the draft local law in respect of unsightly land, refuse, rubbish or disused materials on land for community consultation and resolution of issues as required;***

2. **Authorise the CEO to finalise a draft law for final Council endorsement; and**
3. **Authorise the CEO to initiate the steps required by law to have the local law adopted and published in the Government Gazette.**

CARRIED BY ABSOLUTE MAJORITY 7/0

9.1.5 TREASURY LOAN – AGENCY RESIDENTIAL HOUSING

FILE REFERENCE: F/LOFI

REPORT DATE: 9 March 2023

APPLICANTS/PROPONENT: Shire of Moora

OFFICER DISCLOSURE OF INTEREST: N/A

PREVIOUS MEETING REFERENCES: N/A

AUTHOR: Gavin Robins, Acting Chief Executive Officer

ATTACHMENTS: Nil

PURPOSE:

To recommend Council's approval of a WA Treasury Corporation loan application to facilitate the construction of government agency residential accommodation in Moora.

BACKGROUND:

The Shire has been working with government agencies to address the shortage of residential accommodation in Moora. Whilst final details of the proposed projects are nearing completion, it has been confirmed that the Shire will be expected to deliver up to eight duplexes as part of its contribution to the project. In preparation for the finalisation of the MOUs governing the ongoing interagency relationship, the Shire will need to confirm its longer-term funding arrangements.

COMMENT:

The construction costs of the residences, provisionally budgeted at \$3M., will be funded by a self-supporting loan provided through the Western Australian Treasury Corporation. In turn, the loan will be serviced through a committed long-term rental agreement with the relevant government agencies. A number of mandatory steps need to be implemented to enable consideration of a loan application. The first step is a resolution by Council to approve the application for the loan. Following this, the loan approval process is based on a formulaic approach.

POLICY REQUIREMENTS:

The Shire is undertaking this initiative to develop the community, its services and infrastructure. These actions are consistent with the delivery of the Shire's Community Strategic Plan.

LEGISLATIVE REQUIREMENTS:

Council is empowered to raise loans to further its developmental and operating objectives in accordance with the *Local Government (Financial Management) Regulations 1996*. The Shire is also required to account for and report loans in its annual report, any borrowings in a form and manner as specified in the *Local Government (Financial Management) Regulations 1996*.

STRATEGIC IMPLICATIONS:

This project will promote the cohesion of the Moora community, strengthen its ability to support and grow its community services and will promote opportunities for further expansion of the community and services.

SUSTAINABILITY IMPLICATIONS:**➤ Environment**

This proposal will not have any adverse impacts on the environment and may contribute to the development of sustainable energy pilot projects.

➤ Economic

The proposed residences will promote greater confidence among community service staff as to their ability to work and reside in Moora. It will promote Moora as a reliable, quality location that creates a longer-term multiplier effect on which further opportunities may be leveraged.

➤ Social

The project will address considerable community concerns as to residential housing facilitating a slow but steady increase in residential opportunities in Moora.

FINANCIAL IMPLICATIONS:

The financial implications of the project will be cost neutral for the shire.

VOTING REQUIREMENTS

Absolute Majority Required

COUNCIL RESOLUTION

20/23 Moved Cr Seymour, seconded Cr Hamilton that Council approve and authorise the Chief Executive Officer to make an application to the Western Australian Treasury Corporation for a loan of up to \$3M. for the construction of government agency residential housing.

CARRIED BY ABSOLUTE MAJORITY 7/0

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

Nil

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

Nil

12. MATTERS FOR WHICH THE MEETING MAY BE CLOSED**COUNCIL RESOLUTION**

21/23 Moved Cr Seymour, seconded Cr Clydesdale-Gebert that the meeting be closed to members of the public pursuant to Section 5.23(2)(b)(c) of the Local Government Act 1995, as the matter deals with:

- **the personal affairs of any person; and**
- **a contract entered into, or which may be entered into by the local government and which relates to a matter to be discussed at the meeting.**

CARRIED 7/0

At 6.00pm the Acting CEO declared a financial interest in item 12.1 and he and the public in the gallery left the Chamber, and the meeting moved behind closed doors.

PROCEDURAL MOTION / COUNCIL RESOLUTION

22/23 Moved Cr Clydesdale-Gebert, seconded Cr Seymour that the confidential report of the Chief Executive Officer Recruitment Panel be introduced for Council's consideration.

CARRIED 7/0

12.1 CHIEF EXECUTIVE OFFICER APPOINTMENT

Provided to Councillors under confidential cover.

VOTING REQUIREMENTS

Absolute Majority Required

COUNCIL RESOLUTION

23/23 Moved Cr Gilbert, seconded Cr Seymour, that Council:

- 1. Receives the report as prepared by Mr Mike FitzGerald, Principal, FitzGerald Strategies adopting the recommendation of the CEO Recruitment Panel, to appoint Mr Gavin Robins as Chief Executive Officer of the Shire of Moora for a term of 5 years;**
- 2. Approve the making of an Offer of Employment in the position of CEO to the selected applicant in accordance with the terms and conditions as agreed by Council;**
- 3. Resolve that the employment of the CEO was undertaken in accordance with the Shire's Standards for CEO Recruitment – LG (Admin) Regs 18FB (3);**

and

- 4. Resolve that a copy of resolution 3 be provided to the Director General (or such other delegated officer) of the Department of Local Government in accordance with LG (Admin) Regs 18FB (4).**

CARRIED BY ABSOLUTE MAJORITY 7/0

REOPENING OF MEETING TO THE PUBLIC**COUNCIL RESOLUTION**

24/23 Moved Cr Bryan, seconded Cr Clydesdale-Gebert that the meeting moves out from behind closed doors and reopen to the public at this juncture 6.30pm.

CARRIED 7/0

13. CLOSURE OF MEETING

There being no further business, the Shire President declared the meeting closed at 6.31pm.

CONFIRMED

PRESIDING MEMBER