

SHIRE OF MOORA



ORDINARY COUNCIL MEETING

UNCONFIRMED MINUTES

ORDINARY COUNCIL MEETING
TO BE HELD IN THE
Council Chambers, 34 Padbury Street, Moora
Wednesday 23 July 2025 at 5.30pm

Shire of Moora

ORDINARY COUNCIL MEETING

Notice is hereby given that the next Ordinary Council Meeting will be held in the Council Chambers, 34 Padbury Street, Moora on **Wednesday 23 July 2025** commencing at **5.30pm**.

Yours faithfully,



GW Robins
Chief Executive Officer

20 July 2025

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Members of the public should note that no action should be taken on any application or item discussed at a council meeting prior to written advice on the resolution of Council being received.

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Agenda and minutes are available on the Shire's website www.moora.wa.gov.au

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, ⁽¹⁾ _____ wish to declare an interest in the following item to be considered by Council at its meeting to be held on ⁽²⁾ _____.

Agenda Item & Title ⁽³⁾ _____

The type of interest I wish to declare is: ⁽⁴⁾

- ☐ 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
- ☐ Shire of Moora Code of Conduct for Council Members, Committee Members and Candidates.

The nature of my interest is ⁽⁵⁾

The extent of my interest is ⁽⁶⁾

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).

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I. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

I.1 DECLARATION OF OPENING

The Shire Deputy President declared the meeting open at 5.30pm.

The Shire of Moora acknowledges the traditional custodians of the land we are meeting on, the Yued people, and pay our respects to Elders past, present, and emerging.

I.2 DISCLAIMER

The Presiding Member directed the public's attention to the Disclaimer and the paragraph that advises that formal meetings of Council will be audio visually recorded.

2. ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE

ATTENDANCE

SJ Gilbert	-	Deputy President
DV Clydesdale-Gebert	-	Councillor
KM Seymour	-	Councillor
SA Bryan	-	Councillor
TL Errington	-	Councillor
TW Dugan	-	Councillor
GW Robins	-	Chief Executive Officer
B Hoogland	-	Deputy Chief Executive Officer
T Bate	-	Accountant RSM

APOLOGIES

TL Lefroy	-	President
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3. DECLARATIONS OF INTEREST

Where a member has disclosed a financial or proximity interest in an item, they must leave the Chamber for consideration of that item.

Where a member has disclosed an impartiality interest in an item, they may remain in the Chamber. The member is required to bring an independent mind to the item and decide impartially on behalf of the Shire of Moora and its community.

4. PUBLIC QUESTION TIME**4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

NIL

4.2 PUBLIC QUESTIONS**4.2.1 Mr Flynn Daffen**

Mr Daffen lodged a complaint with Council regarding the length of time and delays experienced in securing the subdivision of Lot 93 Dookling Drive Miling to support his business development proposal. The Shire acknowledged the issues and long delays associated with the project. Council and the Shire assured Mr Daffen of their best endeavours to expedite the project and the steps necessary to ensure a successful conclusion is achieved at the earliest possible time. The Shire formally apologised to Mr Daffen for the delay and frustration caused by the problems over the past 24 months.

5. PETITIONS / DEPUTATIONS / PRESENTATIONS

NIL

6. APPLICATIONS FOR LEAVE OF ABSENCE

NIL

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER**7.1 DELEGATE REPORTS**

Cr Clydesdale-Gebet - Childcare Centre Opening
- Moora Chamber of Commerce and Industry AGM
Cr Errington - Childcare Centre opening
Cr Seymour - Childcare Centre opening

8. CONFIRMATION OF MINUTES**8.1 ORDINARY COUNCIL MEETING - 18 JUNE 2025**

31/25 Moved Cr Bryan, seconded Cr Clydesdale-Gebet that the minutes of the Ordinary Council Meeting of 18 June 2025 be accepted as true and correct record of the meeting.

CARRIED 6/0

FOR: Cr's Gilbert, Bryan, Clydesdale-Gebet, Dugan, Errington, Seymour.

9. REPORTS OF OFFICERS**9.1 GOVERNANCE AND CORPORATE SERVICES****9.1.1 LIST OF PAYMENTS AUTHORISED UNDER DELEGATION 1.15**

REPORT DATE: 15 July 2025

OFFICER DISCLOSURE OF INTEREST: Nil

AUTHOR: Gavin Robins, Chief Executive Officer

SCHEDULE PREPARED BY: Charlene Sawyer, Creditors Officer

ATTACHMENTS: Accounts Paid Under Delegated Authority

PURPOSE OF REPORT

For Council to note and endorse the payments made under delegated authority for June 2025. and a listing of these payments is attached.

BACKGROUND

Council has delegated authority to the Chief Executive Officer to exercise the power to make payments from Municipal and Trust Funds. The Chief Executive Officer is required to present a list to Council of those payments made since the last payment list was submitted.

COMMENT

Accounts Paid under delegated authority are periodically presented to Council.

All invoices have been verified, and all payments have been duly authorised in accordance with Council's procedures. The payment schedules are included as an attachment to this report.

POLICY REQUIREMENTS

Delegation 1.15 – Making Payments from Municipal and Trust Funds

LEGISLATIVE REQUIREMENTS:

Local Government Act 1995 – Section 6.10 Financial Management Regulations

Local Government (Financial Management) Regulations 1996 – Reg.12,13 and 13A.

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

OFFICER RECOMMENDATION

32/25 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 Funds

EFT's 33630-33850

-\$ 2,282,656.99

Municipal Cheque	62670-62675	-\$ 7,043.50
Credit Card	DD166885.14	-\$ 5,111.72
Direct Debit	DD16829.1-DD16885.19	-\$ 115,582.06
NETT Pay	3/6/2025	-\$ 134,837.70
NETT Pay	17/06/2025	-\$ 121,326.31
PAYMENT TOTAL FOR JUNE 2025		<u>-\$ 2,666,558.28</u>

CARRIED 6/0

For Cr's: Seymour, Errington, Gilbert, Clydesdale-Gebet, Dugan, Errington

9.1.2 STATEMENT OF FINANCIAL ACTIVITY FOR PERIOD ENDED 31 MAY 2025**REPORT DATE:** 8 JULY 2025**OFFICER DISCLOSURE OF INTEREST:** Nil**PREVIOUS MEETING REFERENCES:** Nil**AUTHOR:** Travis Bate, Financial Accountant (RSM Australia)**ATTACHMENTS:** Statement of Financial Activity for the Period Ended 31 May 2025**PURPOSE OF REPORT**

To receive and endorse the Statement of Financial Activity for the period ended 31 May 2025.

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 2024/25 adopted budget.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

33/25 Moved Cr Errington, seconded Cr Bryan that Council endorses the Statement of Financial Activity for the period ended 31 May 2025.

CARRIED

6/0

For Cr's: Errington, Bryan, Gilbert, Clydesdale-Gebet, Dugan, Seymour

9.1.3 STATEMENT OF FINANCIAL ACTIVITY FOR PERIOD ENDED 30 JUNE 2025

REPORT DATE: 15 JULY 2025

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Travis Bate, Financial Accountant (RSM Australia)

ATTACHMENTS: Statement of Financial Activity for the Period Ended 30 June 2025

PURPOSE OF REPORT

To receive and endorse the Statement of Financial Activity for the period ended 30 June 2025.

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 2024/25 adopted budget.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

34/25 Moved Cr Errington, seconded Cr Seymour that Council endorses the Statement of Financial Activity for the period ended 30 June 2025.

CARRIED

6/0

For Cr's: Errington, Bryan, Gilbert, Clydesdale-Gebet, Dugan, Seymour

9.1.4 REVIEW OF COUNCIL ASSET MANAGEMENT POLICIES

FILE REFERENCE: PL/POPI-2
 REPORT DATE: 6 June 2025
 APPLICANT/PROPOSER: Shire of Moora
 OFFICER DISCLOSURE OF INTEREST: Nil
 PREVIOUS MEETING REFERENCES: Nil
 AUTHOR: Bob Hoogland, Deputy CEO
 ATTACHMENTS:

PURPOSE OF REPORT:

This report recommends that Council replace the existing Asset Management Policies with updated versions.

BACKGROUND:

The Local Government Act identifies one of the functions of a local government is to determine its policies, which need to be reviewed. There is no legislated time frame for the frequency of review of policies and this is always a balance between the risk of outdated and ineffective or inappropriate policies and appropriate use of the resources of Council.

As well as reviewing existing policies, management will be recommending new Policies if there is perceived to be a significant requirement.

COMMENT:

Management has reviewed the existing Policies relating to management of assets which are Asset Management and Significant Accounting Policies.

It is recommended that these be replaced with:

- Asset Management – a similar policy that is less procedural and more principle based and identifying responsibilities
- Recognition and Depreciation of Assets – describes more correctly the asset management actions, aligned with current processes
- Portable and Attractive Assets – Provides guidance for the management of assets below the asset recognition threshold

POLICY REQUIREMENTS:

The report relates directly to the identified Asset Management Policies.

LEGISLATIVE REQUIREMENTS:

Local Government Act 1995 – s2.7 (2) (b) Identifies one of the roles of Council is to determine the policies of the local government

The specific Policies identify any relevant legislation.

STRATEGIC IMPLICATIONS:

Strategic Community Plan 2018-2028:

Outcome 3.3: Sustainable Council Buildings, Assets and Infrastructure, Town- and Street-scapes and Facilities that meet community needs

SUSTAINABILITY IMPLICATIONS:

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

FINANCIAL IMPLICATIONS:

Nil

VOTING REQUIREMENTS

Simple Majority Required

RECOMMENDATION

35/25 Moved Cr Bryan, seconded Cr Dugan that Council delete the current Asset Management and Significant Accounting Policies adopt the proposed Asset Management, Recognition and Depreciation of Assets and Portable and Attractive Asset Policies.

CARRIED

6/0

For Cr's: Errington, Bryan, Gilbert, Clydesdale-Gebet, Dugan, Seymour

9.1.5 REVIEW PRIVATE WORKS POLICY

FILE REFERENCE:

PL/POPI-2

REPORT DATE:

30 June 2025

APPLICANT/PROPONENT: Shire of Moora
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: Nil
AUTHOR: Bob Hoogland, Deputy CEO
ATTACHMENTS: Private Works Policy for review

PURPOSE OF REPORT:

This report recommends that Council adopt the proposed Private Works Policy

BACKGROUND:

The Local Government Act identifies one of the functions of a local government is to determine its policies, which need to be reviewed. There is no legislated time frame for the frequency of review of policies and this is always a balance between the risk of outdated and ineffective or inappropriate policies and appropriate use of the resources of Council.

As well as reviewing existing policies, management will be recommending new Policies if there is perceived to be a significant requirement.

COMMENT:

The existing Private Works Policy was reviewed by management. It was identified that the existing Policy is still appropriate and fit for the purpose of guiding Private Works decisions.

POLICY REQUIREMENTS:

The report relates directly to the Private Works Policy.

LEGISLATIVE REQUIREMENTS:

Local Government Act 1995 – s2.7 (2) (b) Identifies one of the roles of Council is to determine the policies of the local government

STRATEGIC IMPLICATIONS:

Strategic Community Plan 2018-2028:

Strategy 5.2.1: Elected members and staff develop and implement governance processes to achieve and communicate legislative compliance.

SUSTAINABILITY IMPLICATIONS:

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

FINANCIAL IMPLICATIONS:

Nil

VOTING REQUIREMENTS

Simple Majority Required

RECOMMENDATION

36/25 Moved Cr Seymour, seconded Cr Bryan that Council adopt the Private Works Policy as proposed.

CARRIED

6/0

For Cr's: Errington, Bryan, Gilbert, Clydesdale-Gebet, Dugan, Seymour

9.1.6 APPLICATION TO KEEP DOGS

FILE REFERENCE:

REPORT DATE: 18 July 2025

APPLICANT/PROPONENT:

Ms Claire Van Beek - in attendance for this item and spoke in support of her application.

OFFICER DISCLOSURE OF INTEREST: NIL

PREVIOUS MEETING REFERENCES: 9 July 2025

AUTHOR: Chief Executive Officer

ATTACHMENTS:

Ms Van Beek was

PURPOSE OF REPORT

To consider a recommendation to decline an application to keep up to 6 dogs at 88 Gardiner Street, Moora.

BACKGROUND

On 2 July, 2025, Ms Van Beek requested that Council grant permission for her to keep 3-6 dogs at her two properties at 88 Gardiner Street, Moora. Later that day, Ms Van Beek provided evidence confirming her registration as a dog breeder. On 9 July, Ms Van Beek emailed the Shire indicating that after further research, she was seeking an exemption under section 26 of the *Dog Act* 1976 to keep up to six dogs at the address. Although she did not specify the exemption she was seeking, S26 deals with *Limitations as to Numbers* of dogs that may be kept at a premises.

COMMENT

Ms Van Beek has sought Council exemption under s26 of the *Dog Act* 1976 to keep up to six dogs at her nominated address. Section 26 states, at sub-sections (1) and (2) that:

- (1) *A local government may, by a local law under this Act —*
 - (a) *limit the number of dogs that have reached 3 months of age that can be kept in or at premises in the local government's district; or*
 - (b) *limit the number of dogs of a breed specified in the local law that can be kept in or at premises in the local government's district.*
- (2) *A local law mentioned in subsection (1) —*
 - (a) *may limit the number of dogs that can be kept in or at premises to 2, 3, 4, 5 or 6 only; and*
 - (b) *cannot prevent the keeping in or at premises of one or 2 dogs that have reached 3 months of age and any pup of either of those dogs under that age; and*
 - (c) *cannot apply to dogs kept at premises that are licensed under section 27 as an approved kennel establishment; and*

(d) *cannot apply to dangerous dogs (declared) or dangerous dogs (restricted breed)*

Council has exercised its local law-making authority under the *Dogs Local Law Act 2016* at s3.2 by limiting to two, the number of dogs, over the age of 3 months, that can be kept at a premises in the Moora district.

Section 26 (3) states;

(3) *Where by a local law under this Act a local government has placed a limit on the keeping of dogs in any specified area but the local government is satisfied in relation to any particular premises that the provisions of this Act relating to approved kennel establishments need not be applied in the circumstances, the local government may*

grant an exemption in respect of those premises but any such exemption —

- (a) *may be made subject to conditions, including a condition that it applies only to the dogs specified in the exemption; and*
- (b) *cannot authorise the keeping in or at those premises of —*
 - (i) *more than 6 dogs that have reached 3 months of age; or*
 - (ii) *a dog under that age unless it is a pup of a dog whose keeping is authorised by the exemption;*
- and*
- (c) *may be revoked or varied at any time.*

The Shire of Moora in Local Planning Scheme No 4, identified Gardiner Street, between Seaforth and Tirah Streets, as the town centre zone. Kennels are not an approved land use in the town centre.

Ms Van Beek has sought Council consent to keep six dogs at 88 Gardiner Street, a single property that she says is two properties. The residence in question occupies Lots 6 & 7 Gardiner Street. The house was built in 1926 over lots 6 & 7. The 2 parcels of land have been treated as one property, and rated as one assessment (A302), from the time Council records are available in respect of the property. The land is not amalgamated as it comprises 2 parcels of land on the same certificate of title but with individual lot numbers. It is described as a group rated property, a common feature of very old house developments. If the property were to be subdivided into 2 separate properties, a complex subdivision requiring firstly, the amalgamation of the land and subsequently, the subdivision of the land and an assessment of the existing house be undertaken due to its positioning on both lots. The subdivision of these lots was unlikely to have ever been contemplated. The Shire continues to consider 88 Gardiner Street to be a single property.

The Shire does not support this application for an exemption because:

- The existing local law is explicit and treats dog owners equally – creating a precedent would result in the Shire facing additional demands
- LPS No 4 does not create a land use option that would allow an approved kennel to be established in the zone
- Defending Shire policies and laws in the face of further similar applications would become increasingly difficult
- Creating an exemption will likely lead to the need to develop additional policies to manage exemptions.
- Approving an exemption would increase the burden of compliance and enforcement.

POLICY REQUIREMENTS

Local Planning Scheme No 4 – sets zoning and land uses across the Shire.

LEGISLATIVE REQUIREMENTS

Dogs Local Law Act 2016 – imposes the rules by which dogs may be kept in the Shire.

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

RECOMMENDATION

37/25 Moved Cr Seymour, seconded Cr Bryan that Council,

- 1. Reaffirm the application of s 3.2 of the Dogs Local Law Act 2016 and decline the exemption from this section as requested by Ms Van Beek.*

And

- 2. Note the limitations on land uses in the Town Centre as set out in Local Planning Scheme No 4.*

Carried 4/3

For Cr's: Seymour, Bryan, Gilbert with Cr Gilbert as Presiding Officer casting vote in Favour of motion

Against: Cr's Clydesdale-Gebet, Dugan

Abstained: Cr. Errington.

9.2 DEVELOPMENT SERVICES

Nil

9.3 ENGINEERING SERVICES

NIL

10. REPORTS OF COMMITTEES

GENERAL PURPOSE COMMITTEE MEETING – 9 July 2025

Nil

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

Nil

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

Nil

13. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Nil

14. CLOSURE OF MEETING

The Presiding Member closed the meeting at 6.05PM.

UNCONFIRMED