



Ordinary Council Meeting Minutes

Date: 15 August 2012

Please Note: These minutes and the decisions recorded therein have not as yet been confirmed by Council as a true and accurate record of the meeting.

The Shire of Moora Vision and Mission Statement

Vision

Our vision is that:

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

Mission

Our mission is:

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

SHIRE OF MOORA
MINUTES OF THE ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS, MOORA
15 AUGUST 2012

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I. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS**I.1 DECLARATION OF OPENING**

The Shire President declared the meeting open at 5.30pm.

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**

CE Gardiner	-	Shire President
AR Tonkin	-	Deputy Shire President
SA Bryan	-	Councillor
DV Clydesdale-Gebert	-	Councillor
TG Humphry	-	Councillor
CD Hawkins	-	Councillor
AJ Leeson	-	Chief Executive Officer
JL Greay	-	Manager Engineering Services
LJ Parola	-	Manager Finance & Corporate Services
RL McCall	-	Manager Community & Economic Development
PR Williams	-	Manager Health, Building & Planning Services

APOLOGIES

R Keamy	-	Councillor
JW McLagan	-	Councillor

APPROVED LEAVE OF ABSENCE

OC Cocking	-	Councillor
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PUBLIC

Mr Alex Zoch	(until 5.57pm) -	Contractor
Ms Catrin Evans	(until 5.57pm) -	Operations Manager, Moora Citrus
Ms Suzie Ellis Jones	(until 5.57pm) -	Marketing Officer, Moora Citrus

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4. PUBLIC QUESTION TIME

Nil

5. PETITIONS AND PRESENTATIONS

Nil

6. APPLICATIONS FOR LEAVE OF ABSENCE

The Presiding member advised that Cr Clydesdale-Gebert had applied in writing for leave of absence for the Meetings of Council to be held in September 2012, as she would be away from the district on leave.

COUNCIL RESOLUTION

86/12 Moved Cr Tonkin, seconded Cr Humphry that Cr Clydesdale-Gebert be granted leave of absence for the Meetings of Council to be held in September 2012.

CARRIED 6/0

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER

Cr Gardiner attended

- Lions Changeover night
- Shire / Chamber of Commerce sundowner
- Health Aged Care workshop
- Local Government Week Convention
- NBN Rollout information session
- LEMC meeting

Cr Hawkins & Cr Humphry attended

- Local Government Week Convention

Cr Clydesdale-Gebert attended

- Local Government Week Convention
- Shire / Chamber of Commerce sundowner

Cr Tonkin attended

- The Wildflower Country meeting in Three Springs with the Manager Community & Economic Development

8. CONFIRMATION OF MINUTES**8.1 ORDINARY COUNCIL MEETING - 18 JULY 2012****COUNCIL RESOLUTION**

87/12 Moved Cr Humphry, seconded Cr Bryan that the Minutes of the Ordinary Meeting of Council held on 18 July 2012 be confirmed as a true and correct record of the meeting.

CARRIED 6/0

NOTATION

It was noted that as a result of the running of the rates program in levying the 2012/2013 rates the actual increase in rates was;

UV - Increase 4.43% as against budget minute of 3.9%

GRV – Increase of 6.41% as against budget minute of 6.5%

Overall rates levied 4.93% as against budget minute of 5.5%

Equating to an overall split of rates raised in 2012/2013;

Gross Rental Value: 26%

Unimproved value: 74%

SUSPENSION OF STANDING ORDERS**COUNCIL RESOLUTION**

88/12 Moved Cr Hawkins, seconded Cr Bryan that the meeting suspend standing orders at 5.37pm to allow item 9.2.3 Budget Accommodation - Lot 200 Drummond Street, Moora to be considered prior to item 9.1.1.

CARRIED 6/0

9. REPORTS OF OFFICERS**9.2.3 BUDGET ACCOMMODATION - LOT 200 DRUMMOND STREET, MOORA**

FILE REFERENCE: TP/P03/1213

REPORT DATE: 1 August 2012

APPLICANT/PROPONENT: Alex Zoch

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Peter Williams, Manager Health Building & Planning Services

ATTACHMENTS: Plans

PURPOSE OF REPORT:

Mr Alex Zoch seeks Council permission to construct a Budget Accommodation development at Lot 200 Drummond Street. The proposal is seeking to construct Budget Accommodation to provide accommodation for workers associated with citrus production within the surrounding area.

BACKGROUND:

The Budget Accommodation is to provide accommodation for citrus workers from the citrus plantations located in the district and it is believed Moora is the most appropriate location

for this type of development. The accommodation is also required to attract workers into the area due to a lack of cheap accommodation in Moora and in turn will support the local economy of the district. The proposed development is to be located on land currently owned by Mrs T Wheeler on the corner of Long and Drummond Streets which encompasses an area of approximately 2 hectares.

In addition the proposal is seen to enhance the management practices for the district's Citrus production by these accommodation facilities being provided. It is advised that the facilities will in no way adversely affect the amenity of the surrounding area.

This type of accommodation is seen to be necessary for the citrus industry in the area and a number of properties have been looked at however due to their zoning or location and restrictions and due to no sewer availability have been dismissed.

COMMENT:

Under the Shire of Moora Town Planning Scheme Lot 200 Drummond Street is zoned as Rural Residential for which the objectives of the zone are:-

- a) To select areas wherein closer subdivision will be permitted to provide for such uses as hobby farms, horse breeding, rural-residential retreats.
- b) To make provision for retention of the rural landscape and amenity in a manner consistent with the orderly and proper planning of such areas.

This zoning description "Rural Residential" does not lend itself to this type of development, however the scheme, through section 3.2.4 states:- If the use of land for a particular purpose is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the interpretation of one of the use categories the Local Government may:

- a) Determine that the use is consistent with the objectives and purposes of the particular zone and is therefore permitted; or
- b) Determine that the proposed use may be consistent with the objectives and purposes of the zone and thereafter follow the "A" advertising procedures of clause 7.3 considering an application for planning approval; or
- c) Determine that the use is not consistent with the objectives and the purposes of the particular zone and is therefore not permitted.

From this, Council has the options to approve the development as short term accommodation as a use that is permitted subject to advertising for a period of 14 days and letters being sent to neighbours to see if they have any objections to the proposal; Health Department to see if they have any issues relating to sewerage requirements and the Water Corporation to see if there is the capacity in the water mains to service this type of development; Council also has the capacity to not approve the development as it is but approve the development subject to the land being rezoned and require that the development is rezoned as "Special Use" before the development can go ahead.

After having spoken to the Shire's Planning Consultant it is advised that the Shire has a number of alternatives for this development, as mentioned above the most favoured one is for the approval as a short stay accommodation use and advertise the development in the local paper and send letters out to neighbours to see if there are any objections.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

Depending on the classification set by the Department of Environmental Health there may be some legislative requirements.

STRATEGIC IMPLICATIONS:

The Shire of Moora's Strategic Plan outlines 'Planning for Growth' as a strategic priority.

SUSTAINABILITY IMPLICATIONS:**➤ Environment**

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

➤ Economic

This type of development will increase sewerage income and add to rubbish charges.

➤ Social

This type of development may impact on the social fabric of the community by bringing in different nationalities to the town.

FINANCIAL IMPLICATIONS:

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

VOTING REQUIREMENTS

Simple Majority Required

COUNCIL RESOLUTION

89/12 Moved Cr Hawkins, seconded Cr Tonkin that Council approve Mr Alex Zoch's application for budget accommodation for Lot 200 Drummond Street, Moora subject to:

- 1. The development is advertised in the Advocate;**
- 2. Letters are sent to neighbouring properties asking if there are any objections to the application;**
- 3. Approval is sought from the Department of Environmental Health;**
- 4. Water Corporation agrees that there is the capacity to supply sufficient water to the development;**
- 5. That the development if approved is manned by an onsite manager during the period workers are in residence to ensure no unruly behaviour disturbs neighbours;**
- 6. That landscaping of the property is carried out and screening trees are planted so as to screen the property;**
- 7. That the development is maintained in a clean and well maintain condition at all times;**
- 8. The land use hereby permitted shall not cause injury to or prejudicially affect the amenity of the locality by reason of the emission of smoke, dust, fumes, odour, noise, vibration, waste product or otherwise;**
- 9. Vehicle access roads and designated car parking areas shall be constructed and drained to a compacted gravel standard then sealed to the satisfaction of the Shire's Manager Engineering Services, and thereafter maintained to the approval of the local government;**

- 10. Prior to the commencement of the approved use a detailed design of stormwater collection and system of disposal from the developed areas is to be submitted to and approved by the local government. The approved detailed design is to be implemented in full prior to the commencement of the approved use and maintained thereafter to the approval of the local government, with all stormwater to be disposed of on-site to the approval of the local government;**
- 11. The proponent is responsible to ensure the provision of reticulated sewerage to the development/land use and to provide engineer designed plans for a pumping station which incorporates prevention backflow valves to pump sewerage from the development into the Shire's rising main running along Drummond Street and the reticulated sewerage system.**
- 12. Verandahs to be erected on the front of the accommodation units to ensure the developments visual amenity is in keeping with the visual amenity of adjacent residential area.**

ADVICE NOTE:

With regard to Condition No. 11 the proponent is required to make arrangements accordingly to the approval of the Water Corporation.

CARRIED 6/0

Note: Dot point 12 was added to preserve the amenity of the area.

RESUMPTION OF STANDING ORDERS

COUNCIL RESOLUTION

90/12 Moved Cr Hawkins, seconded Cr Bryan that Council resumes Standing Orders at 5.57pm.

CARRIED 6/0

At 5.57pm the three members of the public retired from the meeting

9.1 CORPORATE SERVICES

9.1.1 LIST OF PAYMENTS AUTHORISED UNDER DELEGATION 1.31

REPORT DATE: 6 August 2012

OFFICER DISCLOSURE OF INTEREST: Nil

AUTHOR: Leanne Parola, Manager Finance & Corporate Services

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

91/12 Moved Cr Tonkin, seconded Cr Bryan that Council notes and endorses the Payments from the Municipal and Trust Funds made under delegation 1.31

<i>Municipal Fund</i>	<i>Chqs 60854 to 60883</i>	<i>\$121,266.01</i>
	<i>EFT 8306 to 8435</i>	<i>\$416,404.83</i>
	<i>Credit Card From 15/6/12 to 15/7/12</i>	<i>\$4,065.82</i>
	<i>Net Pays – PPE 17/7/12</i>	<i>\$83,402.54</i>
	<i>Net Pays – PPE 31/7/12</i>	<i>\$78,889.16</i>
<i>Trust Account</i>	<i>Chqs 4797 - 4800</i>	<i><u>\$101.00</u></i>
<i>Total</i>		<i>\$704,129.36</i>
		<u>CARRIED</u> <u>6/0</u>

9.1.2 STATEMENT OF FINANCIAL ACTIVITY FOR PERIOD ENDED 31 JULY 2012

REPORT DATE: 8 August 2012

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Leanne Parola, Manager Finance & Corporate Services

ATTACHMENTS: Statement of Financial Activity for the Period Ended 31 July 2012

PURPOSE OF REPORT:

To note and receive the Statement of Financial Activity for the period ended 31 July 2012.

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 2012/13 adopted budget.

VOTING REQUIREMENTS

Simple Majority Required

COUNCIL RESOLUTION

92/12 Moved Cr Hawkins, seconded Cr Humphry that Council notes and receives the Statement of Financial Activity for the period ended 31 July 2012.

CARRIED 6/0

9.1.3 APPOINTMENT OF AUDITORS - 1 JULY 2012 THROUGH TO 30 JUNE 2015

FILE REFERENCE: F/AUDI

REPORT DATE: 7 August 2012

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Alan Leeson, Chief Executive Officer

ATTACHMENTS: Copies of audit quotes circulated to audit committee.

BACKGROUND

The Audit Committee is required to make a recommendation to Council on the appointment of an auditor. The audit committee recommendation/s is required to be considered by Council and voted upon.

COMMENT

The Shire's current auditor, UHY Haines Norton was last appointed by Council for three years for the period ending 1 July 2009 through to 30 June 2012.

A request for a Quotation document for the provision of audit services for the next three years was sent to three companies, with responses received from two businesses so far. The two quotations received are included as a confidential attachment for Councillors. At the time of preparing the agenda the quote from RSM Bird Cameron had not been received.

The cheaper quotation of the two received thus far was from Byfields Accountants by approximately \$3,400 per annum. Byfields Accountants currently audit five rural local governments including the Shire of Dandaragan.

UHY Haines Norton provided the other quotation, and are considered one of the leading companies in local government auditing and advice. They have been auditing the Shire of Moora's accounts for the past seven years.

UHY Haines Norton also offer a suite of additional products which have been used by the Shire over this period, including template budgets and annual reports and annual workshops to bring finance staff up to date with the current issues and changes to requirements. These services are available to all local government practitioners, whether they are audit clients or not.

STATUTORY ENVIRONMENT

Local Government Act 1995 and Local Government (Financial Management) Regulations 1996.

POLICY IMPLICATIONS

Quotations were sought in accordance with Council's Purchasing and Procurement Policy.

BUDGET IMPLICATIONS

The 2012/13 Budget has an amount of \$23,000 for audit services, including \$18,000 for audit fees.

STRATEGIC IMPLICATIONS

The thoroughness and appropriateness of the audit process used to report to the Audit Committee assists to improve the governance role of Council.

VOTING REQUIREMENTS

Absolute Majority

COUNCIL RESOLUTION

93/12 Moved Cr Tonkin, seconded Cr Clydesdale-Gebert that Byfields be appointed as Councils auditors for the three year period for the provision of audit services to the Shire of Moora from 1 July 2012 to 30 June 2015.

CARRIED BY ABSOLUTE MAJORITY 6/0

9.2 HEALTH, BUILDING & PLANNING SERVICES**9.2.1 CBH REPLACEMENT AND UPGRADE OF INFRASTRUCTURE**

FILE REFERENCE: TP/P20/1112

REPORT DATE: 26 July 2012

APPLICANT/PROPONENT: Cooperative Bulk Handling (CBH)

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Peter Williams, Manager Health Building & Planning Services

ATTACHMENTS: Site development plan

PURPOSE OF REPORT:

Cooperative Bulk Handling (CBH) are requesting permission from Council to refurbish the infrastructure at the Moora grain receival site. The proposed development includes the removal of two existing grain hoppers and the installation of a new grain hopper, site works and pavement, new ground conveyor to replace existing, adjust and extend the two existing open bulkheads.

BACKGROUND:

The area is located at Lot 4300 Wheatbin Road, Moora and under the Shire of Moora Town Planning Scheme No 4 (Amendment 10) the area is zoned as Industrial Zone.

Section 3.11- Industrial Zone provides objectives for the type of industry that can occur in this zone of the Town Planning Scheme and includes:-

- a) To provide for the needs of industry to support the community.
- b) To provide appropriate buffers between industry and adjacent land uses, so far as to avoid land use conflicts.
- c) To provide landscape buffers along the branch of the Moore River to the established industrial area.

- d) To avoid direct discharge of stormwater drainage or the discharge of deleterious substances into the branch of the Moore River.
- e) To avoid non-industry related uses establishing in the industrial area.

This development application meets the objectives of the Moora Shire Town Planning Scheme No 4 (Amendment 10).

COMMENT:

CBH provide a service to the farming community of the region and from time to time require to upgrade and modify their equipment and infrastructure and what they are proposing meets the requirements of the Town Planning Scheme of the Shire of Moora.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

All buildings and structures are required to meet the necessary building standards and Building Code of Australia requirements.

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

94/12 Moved Cr Tonkin, seconded Cr Hawkins that the Town Planning Application from Cooperative Bulk Handling (CBH) for replacement and upgrade of infrastructure be approved by Council in accordance with the provisions of Councils Local Planning Scheme, subject to compliance with the necessary structural standards for the Building Code of Australia and any applicable Australian Standards and engineer specifications.

CARRIED

6/0

9.2.2 HOME OCCUPATION – NINGALOO REEF CREATIONS

Mr John Greay declared a financial interest in the item as he is the owner of the property and left the meeting at 6.04pm.

FILE REFERENCE: TP/PA22/1213

REPORT DATE: 30 July 2012

APPLICANT/PROPONENT: Sue Brooks

OFFICER DISCLOSURE OF INTEREST: John Greay, MES – owner of property

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Peter Williams, Manager Health Building & Planning Services

ATTACHMENTS: Nil

PURPOSE OF REPORT:

Proponent Sue Brooks seeks permission from Council to operate a business from home similar to a business that she previously ran in Carnarvon prior to moving to Moora.

BACKGROUND:

The Home Occupation is an embroidery and dye sublimation operation where the proponent sews business logos onto clothing and the dye sublimation transfers prints onto various objects such as mugs, tee-shirts and a wide range of articles that can be used for tourism souvenirs. The operation is completely contained and operates through a computer and printer.

Dye Sublimation is a method of applying an image to specially coated ceramics, metals, and polyester fabric. Sublimation ink is unique in its ability to convert from a solid to a gas without going through a liquid form. The conversion is initiated by heat and controlled with pressure and time. The high temperature – from a heat transfer press – opens the pores of the polymer and allows the gas to enter. When the temperature drops the pores close and the gas reverts to a solid state. The print then becomes part of the polymer.

A Home Based Business requires Council Approval due to it being a “D” Classification on the Zoning Table in the Residential Zone. This application also requires notification of the adjoining properties and asking them if they have any objections to a business being operated next door.

“A Home Occupation” means an occupation carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which:-

- (a) Does not employ any person not a member of the of the occupiers household;
- (b) Will not cause injury to or adversely affect the amenity of the neighbourhood;
- (c) Does not occupy an area greater than 20 square metres
- (d) Does not display a sign exceeding 0.2 square metres.
- (e) Does not involve the retail sale, display or hire of goods of any nature;
- (f) In relation to vehicles and parking, does not result in the requirement for a greater number of parking facilities than normally required for a single dwelling or an increase in traffic volume in the neighbourhood, does not involve the presence, or use or calling of a vehicle more than two tonnes tare weight, and does not include provision for fuelling, repair or maintenance of motor vehicles; and
- (g) Does not involve the use of an essential service of greater capacity than normally required for that zone.

Requirements of this application advise that the adjoining neighbours be invited to comment as to their approval of the application going ahead; this was duly carried out.

The Shire of Moora Town Planning Scheme No 4 (Amendment 10) Section 4.5 HOME OCCUPATION: An approval to conduct a home occupation is issued to a specific occupier of a particular parcel of 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 of the occupier of the land in respect of which a home occupation approval is issued the approval is cancelled.

COMMENT:

The proponent Sue Brooks has previously run this business very successfully in Carnarvon where she still has many current customers who value her business. This business is unique in Moora and will be an asset to the Town. Mrs Brooks has permission from both neighbours and the owner of the property which she and her husband are renting.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

There are no known legislative requirements related to this item other than the Shire of Moora Town Planning Scheme No 4 (amendment 10).

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

- 95/12 Moved Cr Hawkins, seconded Cr Tonkin that Council approve Mrs Sue Brooks application for a home occupation to be conducted at Lot 10 / street no. 27 Bewsher Street, Moora subject to the following conditions:-**
- (a) Does not employ any person not a member of the of the occupiers household;**
 - (b) Will not cause injury to or adversely affect the amenity of the neighbourhood;**
 - (c) Does not occupy an area greater than 20 square metres**

- (d) *Does not display a sign exceeding 0.2 square metres.*
- (e) *In relation to vehicles and parking: That this does not result in the requirement for a greater number of parking facilities than normally required for a single dwelling or an increase in traffic volume in the neighbourhood, does not involve the presence, or use or calling of a vehicle more than two tonnes tare weight, and does not include provision for fuelling, repair or maintenance of motor vehicles; and*
- (f) *Does not involve the use of an essential service of greater capacity than normally required for that zone.*
- (g) *That an application fee of \$200.00 and an annual fee of \$67.00 be paid prior to a license being issued.*

CARRIED 6/0

At 6.10pm Mr Greay rejoined the meeting.

9.2.3 BUDGET ACCOMMODATION - LOT 200 DRUMMOND STREET, MOORA

Item 9.2.3 was considered after item 8.1.

9.2.4 INSTALLATION OF ADVERTISING SIGN AT WATHEROO – LOT 47 GEORGE STREET WATHEROO

FILE REFERENCE: TP/PA04/1213

REPORT DATE: 8 August 2012

APPLICANT/PROPONENT: Paramount Australia

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Peter Williams, Manager Health Building & Planning Services

ATTACHMENTS: Sign location map

PURPOSE OF REPORT:

Application received from Paramount Australia to erect an advertising sign at Lot 47 (Deposited Plan No. 162739) George Street, Watheroo and that the sign have a reduced setback of only two (2) metres opposed to 7.5m as required under the Residential Design Codes.

BACKGROUND:

It is requested that the sign be 2 metres in from the boundary of the property, this lot under the Shire of Moora Town Planning Scheme No 4 (Amendment 10) is zoned as “Rural Townsite” and has a R10 zoning. This requires a 7.5 metre set back from the main road.

The sign is proposed to be erected to the northern portion of the subject site. The sign comprises a double sided advertising sign atop two (2) poles, which is encased within a sheet of metal cladding.

The sign has a clearance of two (2) metres from the ground and has dimensions of eight metres (8), and two (2) metres. The advertising material will change as required based on the campaigns, and supply of advertising material. It is advised that the client of Paramount is prepared to negotiate with the Shire as to the content to ensure that the Shire is happy with the content of the advertising material.

It is advised that the proposed sign is considered to conform to commonly accepted safety measures with respect to advertising signs. The proposed sign does not incorporate any moving parts or mechanism, and contains static illumination, with no parts of the sign flashing or pulsating. The proposed sign will be set back 2 metres from the street Eastern Boundary, and 10 metres from the northern boundary, in a clearly visible section of the subject site, so as to avoid any concerns relating to vehicle safety. It is proposed to position the sign perpendicular to the road reserve, so that the sign would not be difficult to view, thus avoiding the potential for traffic hazards.

Under the Shire of Moora Town Planning Scheme No 4 (Amendment 10) this lot is within the Watheroo Townsite and fronts onto the main road which is George Street.

COMMENT:

The property is owned by S Mungar, is currently vacant land and as mentioned previously is zoned as “Rural Townsite” with a R10 zoning. This type of sign requires approval from Main Roads and possibly could be seen in two ways.

The proposed advertising sign may not be beneficial for the locality of Watheroo however it may be commercially profitable for the land owner. However, this sort of venture may attract other land owners to do the same and may result in more signs of similar nature being placed in the townsite. This sign is not in keeping with the amenity of the Watheroo townsite in the view of Council Management.

The objectives of the Rural Townsite Zone are:

- To allow for a wide range of land uses such as may be found in a small country town but subject to preservation of the Local Amenities.

Previous signs have been located in the General Agriculture Zone and this could be seen to be where they should be located.

There is a sign in Moora of similar dimensions so there has been a precedent already set however the Moora Townsite is a lot larger and can absorb signs into its fabric and is accepted more readily by the public due to the size of the shopping precinct.

POLICY REQUIREMENTS:

There is currently no Town Planning policy regarding signs within the Shire of Moora Town Planning Scheme.

LEGISLATIVE REQUIREMENTS:

There are Regulations that cover signage on our main roads “Main Roads (Control of Advertisements) Regulations 1996”, these are controlled by Main Roads.

STRATEGIC IMPLICATIONS:

Council possibly needs to look at a signage policy to give guidance for these types of advertisements and signage in general.

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

RECOMMENDATIONS

That Council has two options for this development application:

1. Approve the application for a reduced setback and allow the sign to be situated in the town of Watheroo on Lot 47 George Street, Watheroo subject to Main Roads approval, and that
 - a. The development being in accordance with the approved plans.
 - b. A sign license application being submitted to and approved by the Shire's Building Officer.
 - c. The signage being maintained to the satisfaction of the Local Government. Should the sign fall into disrepair or become unsightly, the Local Government may require its replacement or removal.
 - d. Sign shall only be used to advertise content that is approved by Council.
 - e. Council grant a reduced setback subject to sign not being a traffic hazard and it not blocking sight lines from driveways entering onto George Street.
 - f. The building application is required prior to the erection of the advertising sign.
 - g. The application being accompanied by a certificate from a structural engineer certifying that the structure is in all respects of sufficient strength to support the sign under all conditions; that the sign itself is of structurally sound design; and its construction meeting the Building Construction Code of Australia for Class 10B construction.
 - h. The sign not exceeding a maximum height of 6 six metres.
 - i. The erection of the sign is subject to the approval of Main Roads.
2. That Council does not approve the development application received from Paramount Australia for the installation of an advertising sign on Lot 47 George Street, Watheroo due to the development conforming with the Residential Design Codes of Western Australia and due to the advertising sign detracting from the rural amenity of the Watheroo Townsite.

STAFF RECOMMENDATION

That Council does not approve the development application received from Paramount Australia for the installation of an advertising sign on Lot 47 George Street, Watheroo due to the development not conforming with the Residential Design Codes of Western Australia and due to the advertising sign detracting from the rural amenity of the Watheroo Townsite.

COUNCIL RESOLUTION

96/12 Moved Cr Bryan, seconded Cr Tonkin that item 9.2.4 Installation of Advertising Sign at Watheroo – Lot 47 George Street Watheroo lay on the table, pending direction from Main Roads W.A, development of a council policy subsequent to advice from Main Roads W.A, and appropriate consultation with the Watheroo Development Association.

CARRIED 6/0

9.2.5 DRAFT WASTE LOCAL LAWS

FILE REFERENCE: PL/LOLI

REPORT DATE: 8 August 2012

APPLICANT/PROPONENT: Shire of Moora

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Peter Williams, Manager Health Building & Planning Services

ATTACHMENTS: Waste Local Law

PURPOSE OF REPORT:

To introduce Waste Local Laws to cover the control of waste pick up and disposal of waste

BACKGROUND:

Currently the Shire has no Local Law that covers the pick-up and disposal of waste from premises throughout the Shire Townships. These Local Laws set out the obligations and responsibilities to owners of properties and the Shire on the ownership of mobile rubbish bins, what can be placed in them and when then are removed. These Local Laws refer to owner/occupier of dwellings, business premises and building sites.

COMMENT:

These Local Laws will assist the shire in controlling the rubbish removal from all premises and sets out what the obligations and responsibilities are for owners and occupiers of premises. These Local Laws will be necessary should the Shire look at a contractor taking over the waste removal contract and gives definition to what can and can't be done when staff are handling customer complaints.

POLICY REQUIREMENTS:

The shire currently has no policy on waste removal.

LEGISLATIVE REQUIREMENTS:

In the Waste Avoidance and Resource Recovery Act 2007 and the Local Government Act currently control waste removal.

STRATEGIC IMPLICATIONS:

There are no known strategic implications associated with this proposal.

SUSTAINABILITY IMPLICATIONS:

➤ **Environment**

To minimisation negative impacts on the environment overall.

➤ **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

97/12 Moved Cr Bryan, seconded Cr Hawkins that Council include the draft Waste Local Laws as part of its overall review of the Shire of Moora Local Laws currently being undertaken by Phil Swain Consulting.

CARRIED 6/0

9.3 COMMUNITY & ECONOMIC DEVELOPMENT

Nil

9.4 ENGINEERING SERVICES

9.4.1 CALLING OF TENDERS – ROAD SEALING AGGREGATE, BITUMEN PRODUCTS AND ROAD STABILISATION

FILE REFERENCE: S/TERI

REPORT DATE: 4 August 2012

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: John Greay, Manager Engineering Services

ATTACHMENTS: Nil

BACKGROUND

Tenders are called throughout the year for various commodities etc. using historic documentation.

To undertake Councils road sealing and road works programme, it is necessary to call tenders for aggregate, bitumen and road stabilising for the current year.

COMMENT

It is considered desirable for Council to conform to the WALGA tender proforma when calling tenders for various requirements throughout the year for a value greater than \$100,000 including GST.

Council at the moment needs to call tenders for the supply and delivery of road sealing aggregate, supply and spray of bitumen products and the incorporation of road stabilisation products into the road pavement.

The WALGA proforma tender document will be used for this process.

Road Sealing Aggregate

Council will require approximately 1450 tonne of 14mm, 1350 tonne of 7mm road sealing aggregate for their road programme this year.

Supply and Spray of Bitumen Products

To carry out the road-sealing programme this year Council requires approximately 200,000 litres of bitumen supplied and sprayed.

Road Stabilising

To carry our road stabilising to various identified road projects within the budget – approximately 36,000m².

STATUTORY ENVIRONMENT

Section 3.57 of the Local Government Act 1995

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

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

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

PRECEDENT

Council calls tenders in accordance with the requirements of the Local Government Act and Regulations.

FINANCIAL IMPLICATIONS

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

VOTING REQUIREMENTS

Absolute Majority

COUNCIL RESOLUTION

98/12 Moved Cr Tonkin, seconded Cr Humphry that pursuant to Regulation 11(1) Local Government (Functions & General) Regulations 1996, Council authorises the calling of tenders for the supply and delivery of road sealing aggregate, supply and spray of bitumen products and road stabilisation which are budgeted for in the 2012-13 financial year, based on the WALGA Proforma Tender documentation.

CARRIED BY ABSOLUTE MAJORITY 6/0

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

99/12 Moved Cr Bryan, seconded Cr Hawkins that the meeting move behind closed doors to discuss four items;

- **Item 12.1, ‘Proposal to Award Title of Honorary Freeman of the Shire of Moora’; and**
- **Item 12.2, ‘Recovery Action for Outstanding Rates’ because they are matters dealing with the personal affairs of a person pursuant to Section 5.23(2)(b) of the Local Government Act 1995;**
- **Item 12.3, ‘Miling Oval & Town Maintenance – Tender # 01/2012-2013’ because it is a matter dealing with 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 pursuant to Section 5.23(2)(c) of the Local Government Act 1995; and**
- **Item 12.4, ‘Performance Review – Chief Executive Officer’ as it is a matter affecting employees pursuant to Section 5.23(2)(a) of the Local Government Act 1995.**

CARRIED 6/0

12.1 Proposal to Award Title of Honorary Freeman of the Shire of Moora

Provided to Councillors under confidential cover.

COUNCIL RESOLUTION

100/12 Moved Cr Humphry, seconded Cr Clydesdale-Gebert that Council

- 1. Recognises the past distinguished local government service of Mr Francis Jeffrey Lewis and acknowledges the long history of his community service and dedication to the Shire of Moora and its residents. In honour of his achievements, Council bestows the honorary title of “Freeman of the Shire of Moora” upon Mr Francis Jeffrey Lewis, which will be formally presented to him at a future Council function.**
- 2. Review Council policy 3.8 – Freeman with respect to limitations of the policy in order to reflect that any nomination for Freeman received will be considered on merit on the basis of the contribution to the Moora Shire community by the nominated person.**

CARRIED 6/0

12.2 Recovery Action for Outstanding Rates

Provided to Councillors under confidential cover.

COUNCIL RESOLUTION

101/12 Moved Cr Tonkin, seconded Cr Hawkins that Council's Legal Representative be instructed to take possession of the following properties and sell the land in accordance with Sections 6.64, 6.68 and Schedule 6.3 of the Local Government Act 1995:

Assessment	Registered Owner	Property Address
A839	James Cameron	Lot 70 Great Northern Highway Miling
A1093	James Cameron	Lot 2 Richardson Street Miling
A905	James Cameron	Lot 71 Richardson Street Miling

as Council believes that the owner of the properties, the administrator of his estate Mr Dougald Cameron and the administrator of the administrator's estate, Lady Barbara Murdoch, are deceased and therefore any attempt at legal proceedings would be futile and the cost of court proceedings to recover outstanding rates would outweigh the value of each of the properties.

CARRIED 6/0

12.3 Miling Oval & Town Maintenance – Tender # 01/2012-2013

Provided to Councillors under confidential cover.

COUNCIL RESOLUTION

102/12 Moved Cr Hawkins, seconded Cr Bryan

- 1. That Council not accept the tender submitted by Party 'A' for Tender # 01/2012-2013, due to the tender being 30% greater than Councils 2012/2013 budget allocation; and***
- 2. The Chief Executive Officer and the Manager of Engineering Services re-examine the service with a view to achieving an outcome that is commensurate with Councils 2012/2013 budget allocation for the Miling Oval and Town Maintenance and the expectant level of service from both a Council and Community perspective, further that the unsuccessful tenderer be consulted with as part of the process.***

CARRIED 6/0

12.4 Performance Review – Chief Executive Officer

At 6.25pm all Shire management left the meeting and Mr Alan Leeson declared a financial interest in the item as he is employed as the Chief Executive Officer and also left the meeting.

Provided to Councillors under confidential cover.

COUNCIL RESOLUTION

103/12 Moved Cr Gardiner, seconded Cr Bryan that Council;

- 1. endorse the Fitz Gerald Strategies final report in relation to the Performance Review of Chief Executive Officer Mr Alan Leeson dated 25 July 2012;*
- 2. formally acknowledge Mr Leeson's satisfactory performance in the 6 month period from 16 January 2012 and the completion of the probationary period as per the contract of employment;*
- 3. adopt the modified recommendations from Fitz Gerald Strategies in the final report pertaining to the Chief Executive Officers remuneration package as*
 - accept the motor vehicle recommendation upgrading the Chief Executive Officer vehicle from a Holden Caprice to a Toyota Prado;*
 - an increase of the cash component of the package from \$115,000 to \$125,000 per annum and its flow on effect in superannuation;*
 - increase to professional development allowance from \$2,000 to \$3,000 per annum;*
 - Option 1 be accepted as the Key Performance Indicators for the ensuing 12 month period from 16 July 2012.*

CARRIED BY ABSOLUTE MAJORITY 6 / 0

REOPENING OF MEETING**COUNCIL RESOLUTION**

104/12 Moved Cr Bryan, seconded Cr Tonkin that the meeting move out from behind closed doors and re-open to the public.

CARRIED 6/0

At 6.28pm the meeting reopened and the Chief Executive Officer and all Shire management rejoined the meeting.

On reopening the meeting, there were no public present therefore the Shire President did not read aloud the decision made behind closed doors.

13. CLOSURE OF MEETING

There being no further business, the Shire President declared the meeting closed at 6.28pm.

CONFIRMED

PRESIDING MEMBER