



Ordinary Council Meeting Minutes

Date: 23 November 2011

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
23 NOVEMBER 2011

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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, welcomed visitors and announced:

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	-	Councillor
SA Bryan	-	Councillor
CD Hawkins	-	Councillor
DV Clydesdale-Gebert	-	Councillor
R Keamy	-	Councillor
OC Cocking	-	Councillor
TG Humphry	-	Councillor
AJ Middleton	-	Acting Chief Executive Officer
LJ Parola	-	Manager Finance & Corporate Services
JL Greay	-	Manager Engineering Services
RL McCall (from 5.34pm)	-	Manager Community & Economic Development

APOLOGIES

JW McLagan	-	Councillor
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PUBLIC

C McMorran OAM JP	-	Freeman
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3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4. PUBLIC QUESTION TIME

Cynthia McMorran

Questioned how many blocks would be developed at the Lee Steere Street subdivision?

The Shire President advised that 8 blocks would be initially developed.

Attended a doctors meeting on 30th November in Northam which was also attended by Mr David Norton and Mr Tim Free. If Dr Chapman can't get any doctors for his practice, do we have to go down the same road as other Councils?

Shire President advised that we wouldn't be eligible for funding as it is a private practice and has its own doctor.

At 5.34pm the Manager Community & Economic Development joined the meeting.

5. PETITIONS AND PRESENTATIONS

Nil

6. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER

- Attended the official opening of 'Liberal House'
- Attended the CLGF workshop in New Norcia
- Attended the Regional Community Awards night
- Attended a workshop in Northam on the Southern Inland Health Initiative planning

Cr Tonkin

- Attended the VROC meeting in Wongan Hills on 10th October

8. CONFIRMATION OF MINUTES

8.1 ORDINARY COUNCIL MEETING - 19 OCTOBER 2011

COUNCIL RESOLUTION

143/11 Moved Cr Humphry, seconded Cr Cocking that the Minutes of the Ordinary Meeting of Council held on 19 October 2011, be confirmed as a true and correct record of the meeting.

CARRIED 8/0

9. REPORTS OF OFFICERS

9.1 CORPORATE SERVICES

9.1.1 LIST OF PAYMENTS AUTHORISED UNDER DELEGATION 1.31

REPORT DATE: 14 November 2011

OFFICER DISCLOSURE OF INTEREST: Nil

AUTHOR: Katie Bailey, Finance Officer – Records & Creditors

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 (MANEX RECOMMENDATION)
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144/11 Moved Cr Cocking, seconded Cr Tonkin that Council notes and endorses the Payments from the Municipal and Trust Funds made under delegation 1.31

<i>Municipal Fund</i>	<i>Cheques 60524 to 60581</i>	<i>\$153,789.15</i>
<i>Direct Debits</i>	<i>EFT 6902 to 7136</i>	<i>\$816,498.79</i>
	<i>Net Pays – PPE 11th October 2011</i>	<i>\$84,147.17</i>
	<i>Net Pays – PPE 25th October 2011</i>	<i>\$82,503.88</i>
	<i>Net Pays – PPE 8th November 2011</i>	<i>\$84,363.44</i>
	<i>Credit Cards to 16th October 2011</i>	<i>\$2,858.35</i>
<i>Trust Fund</i>	<i>Cheques 4734 to 4742</i>	<i>\$3,176.76</i>
	<i>Total</i>	<i><u>\$1,227,337.54</u></i>
		<u>CARRIED</u> <u>8/0</u>

9.1.2 STATEMENT OF FINANCIAL ACTIVITY FOR PERIOD ENDED 31 OCTOBER 2011

REPORT DATE: 11 November 2011

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 October 2011

PURPOSE OF REPORT:

To note and receive the Statement of Financial Activity for the period ended 31 October 2011.

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 2011/12 adopted budget.

VOTING REQUIREMENTS

Simple Majority Required

**COUNCIL RESOLUTION
(MANEX RECOMMENDATION)**

145/11 Moved Cr Hawkins, seconded Cr Bryan that Council notes and receives the Statement of Financial Activity for the period ended 31 October 2011.

CARRIED 8/0

9.1.3 REVIEW OF COUNCIL MEETING SCHEDULES

FILE REFERENCE: EN/COAI
REPORT DATE: 10 November 2011
APPLICANT/PROPONENT: Not Applicable
DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: Nil
AUTHOR: Allan Middleton, Acting Chief Executive Officer
ATTACHMENTS: Proposed Schedule of Meeting Dates for 2012

PURPOSE OF REPORT:

To provide suggested dates for Council approval for meeting dates for the 2012 year to enable public advertising as required by the Local Government Act 1995.

BACKGROUND:

From 2008 - 2011 monthly Council meetings have been successful in conjunction with two briefing sessions per month. It is considered appropriate to continue in this format.

COMMENT:

Attached is a draft schedule of proposed dates for Council meetings for the 2012 year. It is suggested the briefing on the first Wednesday of the month remain as is.

The January council meeting traditionally has few items, the main one being the financial reporting. A number of Council and staff take the opportunity to take leave through January so it has been suggested the January meeting and briefing be cancelled. 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 Briefing Session be held at the beginning of August as Local Government Week is scheduled to be held from 2nd- 4th August. This week also provides the opportunity for professional development during the week. It is therefore recommended that during August only, the Council meeting be held on the 15th August with the briefing session to precede it.

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 briefing sessions 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.

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
(MANEX RECOMMENDATION)**

146/11 Moved Cr Bryan, seconded Cr Clydesdale that Council;

- 1. Adopts the meeting schedule for the period January 2012 to December 2012 as attached, based on one Ordinary Meeting of Council per month;***
- 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 7/1

9.1.4 FINANCIAL REPORT AND INDEPENDENT AUDIT REPORT FOR THE YEAR ENDED 30 JUNE 2011

FILE: F/AUDI
REPORT DATE: 14 November 2011
DECLARATION: Nil
AUTHOR: Leanne Parola, Manager Finance & Corporate Services
ATTACHMENTS: Independent Audit Report for the Year Ended 30 June 2011

BACKGROUND

At the completion of the annual audit, an audit report detailing the scope, audit opinion and statutory compliance is issued and forms part of the audited financial statements of the Shire. Section 7 of the Local Government Act 1995 requires the Audit Committee to consider results of the Audit and the audit report.

COMMENT

The Financial Report for the Year Ended 30 June 2011 forms part of the 2010/2011 Annual Report and Annual Financial Report.

The Independent Audit Report to the Electors of the Shire of Moora is provided as a separate attachment to this agenda and is included in the 2010/2011 Annual Report and Annual Financial Statements/Report as required under the Act.

The Audit Opinion is unqualified in terms of the financial report and there were no matters indicating non-compliance with Part 6 of the Local Government Act 1995, and Local Government (Financial Management) Regulations 1996 or applicable financial controls of any other written law. This is the first time that the Shire has a 'clean' audit report since 2002/2003.

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

Nil

BUDGET IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Presentation of the audit report to the Audit Committee assists to improve the governance role of Council.

VOTING REQUIREMENTS

Simple Majority

**COUNCIL RESOLUTION
(MANEX RECOMMENDATION)**

147/11 Moved Cr Bryan, seconded Cr Cocking that Council note and receive the Independent Audit Report for the year ended 30 June 2011.

CARRIED 8/0

9.1.5 AUDIT MANAGEMENT REPORT FOR THE YEAR ENDED 30 JUNE 2011

FILE: F/AUDI
AUTHOR: Leanne Parola, Manager Finance & Corporate Services
REPORT DATE: 14 November 2011
DECLARATION: Nil
ATTACHMENTS: Management Report for the Year Ended 30 June 2011

BACKGROUND

At the completion of the annual audit a management report is issued, addressed to the Shire President. This letter presents the results of the audit not included in the independent audit report. The Management Report may include comments relating to processes and procedures, Council's financial position or suggestions for improvement in areas of non-compliance found during the audit process.

COMMENT

Section 7 of the Local Government Act 1995 requires the Audit Committee to consider results of the Audit and the audit report, including the management report. The management report for the year ended 30 June 2011 is provided as a separate attachment.

The following matters were raised within the Audit Management Report. The author's comments are provided below each heading:

Current and Untied Cash to Trade Creditors Ratios

Council's current ratio and untied cash to trade creditors ratios are 0.572 and 0.004 respectively. The benchmark for both ratios is 1, when less than one this may indicate the Shire has a short term funding issue.

It was noted that there was a timing issue regarding the Country Local Government Fund projects for 2010/11 in that some \$250,000 had been spent on projects, however the income was not recognised until the following financial year. This would improve the ratios to 0.839 and 0.631.

Comment

While the ratios would still have been under the benchmark of 1 at 30 June 2011, they are a marked improvement on the previous year which was 0.548 and 0.002 respectively.

Depreciation of Infrastructure

The calculation of depreciation on roads was again performed using a weighted average methodology (as in previous years). The auditors recommend implementing a system that will allow each road to be dissected into its component parts for depreciation.

Comment

This has been an item raised in previous Management Reports and should be addressed when the new ROMAN II program is operating and the WAAMI program is implemented which will allow further work to be completed within the Asset Register to ensure that the description of the road “component” reflects accurately what it is.

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

Nil

BUDGET IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Presentation of the audit and management reports to the Audit Committee assists to improve the governance role of Council.

VOTING REQUIREMENTS

Simple Majority

**COUNCIL RESOLUTION
(MANEX RECOMMENDATION)**

148/11 Moved Cr Cocking, seconded Cr Bryan that Council note and receive the Management Report for the year ended 30 June 2011 and that Council respond to its Auditors UHY Haines Norton advising of the Officer’s comments.

CARRIED 8/0

9.2 HEALTH, BUILDING & PLANNING SERVICES

9.2.1 RECOMMENDATIONS FROM TOWN PLANNING COMMITTEE

Councillors have previously been provided with copies of the minutes of the Town Planning Occasional Committee meetings held on the 21st October and 2nd November 2011.

COUNCIL RESOLUTION

149/11 Moved Cr Cocking, seconded Cr Humphry that the minutes of the Town Planning Occasional Committee meetings held on 21 October and 2 November 2011 be received.

CARRIED 8/0

The following are recommendations from the meeting held on 2 November 2011:-

LEASE OF RESERVE 28673 WATHEROO – CROSSLEY

Council is aware of the request from Mr and Mrs Crossley to acquire part of Reserve 28673 to provide space for the parking of their trailers. The following recommendation is submitted for Council's consideration. All details considered by the committee have been forward to councillors.

COUNCIL RESOLUTION (COMMITTEE RECOMMENDATION)

150/11 Moved Cr Cocking, seconded Cr Tonkin that Subject to the Department of Regional Development & Lands / Landgate supporting the Shire of Moora request to change the vesting order on Reserve 28673, providing the power to lease; Council, subject to Section 3.59 of the Local Government Act and the Local Government (Functions & General) Regulations, undertake to lease the land to Mr & Mrs Crossley under the following conditions:-

- 1. An area within the four hectares to be pegged and identified for parking purposes.***
- 2. Removal of invasive plants and levelling of dumped material to be the responsibility of the lessee.***
- 3. Any large dead and unwanted vegetation to be stock piled and burnt during winter or remove to selected site.***
- 4. All rubbish (iron etc) to be removed by the lessee.***
- 5. All native vegetation identified and marked on the lease shall be preserved.***
- 6. The leased site be maintained and any erosion to be corrected and land reinstated.***
- 7. No chemicals, lubricants or fuel is to be deposited or stored on the site.***
- 8. No mechanical repairs whatsoever to be undertaken on the leased site.***

- 9. No washing of trailers or other vehicles is to be under taken on the site.**
- 10. No trailer/vehicle shall be parked or stored on the site that has stock onboard.**
- 11. Any lease entered into shall be for a period of five years with an option of renewal of five years.**
- 12. The lessee shall be responsible for all costs associated with the drawing up of the lease.**
- 13. An annual lease of \$2,000 shall be payable by the lessee and reviewed each five years.**
- 14. Council rates calculated by the Shire of Moora based on unimproved value.**

CARRIED 8/0

MOTEL DEVELOPMENT – MR. DUNN LOT 185 ROBERTS STREET MOORA

The Town Planning Committee has considered an application from Mr. Dunn to construct motel type accommodation behind his shop situated on Lot 185, Roberts Street Moora. All relevant material has been circulated to councillors.

**COUNCIL RESOLUTION
(COMMITTEE RECOMMENDATION)**

151/11 Moved Cr Cocking, seconded Cr Hawkins that Council support the planning application submitted by Mr Ted Dunn to develop 10 motel type units and a caretakers dwelling on lot 185, Roberts Street, Moora subject to the following conditions being met :-

- a) Full plans and specifications of building to be submitted and approved**
- b) Pathways to be constructed of concrete or paving bricks or a suitable material approved by Council**
- c) Parking area to be sealed, kerbed and drained to Councils satisfaction**
- d) A comprehensive garden plan to be submitted**
- e) External lighting to be erected / installed and to be approved by Council**
- f) The applicant to comply with all statutory authorities in regards to building compliance i.e. Fire & Emergency Authority (Hydrants) Western Power, Department of Water etc.**
- g) Engineering advice is to be obtained on the drainage and disposal of storm water off the site.**

CARRIED 8/0

C.B.H. WORKERS ACCOMMODATION - LOT 4171 (RESERVE 33359) WHEATBIN ROAD, MOORA

The Town Planning Committee has considered the application from CBH to erect worker accommodation on Lot 4171 Wheatbin Road and as no submissions have been received for or against the proposal has recommended as follows :-

COUNCIL RESOLUTION (COMMITTEE RECOMMENDATION)

152/11 Moved Cr Cocking, seconded Cr Hawkins that as there were no submissions received for the construction and establishment of workers accommodation on Lot 4171 the Shire of Moora hereby grants planning approval to CBH to construct six accommodation and one amenity unit on the site. The approval is subject to the necessary building plans being approved by council's building officer.

CARRIED 8/0

9.2.2 DEVELOPMENT APPLICATION LOTS 404-413 GARDINER STREET MOORA

FILE REFERENCE: A54 & A55
REPORT DATE: 8 November 2011
APPLICANT/PROPONENT: Ian & John Minty
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: 17/8/11 (104/11), 20/7/11(70/11), 18/5/11 (46/11),
 16/2/11 (14/11)
AUTHOR: Allan Middleton, Acting Chief Executive Officer
ATTACHMENTS: Nil

PURPOSE OF REPORT:

To determine what agreement has been reached with the developer of the proposed supermarket in regards to car parking, fencing and water discharge.

BACKGROUND:

Council has considered planning application for a supermarket to be established on the corner of Gardiner Street and Berkshire Valley Road.

Planning approval has been granted and plans approved for the building and development of the site.

In researching the approvals two points did not coincide with the plans and approvals shown in the minutes.

The minutes of 18 May 2011 require 51 car parking bays to be provided however, in discussions with Mr John Minty he understands Council, after representation by him, agreed the number of car parking bays was to be 44 inclusive of disabled parking.

There appears to no application for the erection of a fence around the property, again Mr Minty believes Council was aware and approved the cyclone fence as it currently stands. Council has Local Laws covering fencing within the townsite. A retaining wall is constructed on the Gardiner Street side and the retaining wall forms part of the fencing structure.

There appears to be no agreement on the disposal of rainwater from the lot and building although plans show storm water being discharged to Council's storm water gully situated either side of the entrance to the car park.

COMMENT:

It appears some discussions may have been held during briefing sessions and Council has not ratified agreements made. There is no reason to assume Mr Minty is mistaken in his understanding of what was agreed and discussions with some councillors appear to support his understanding.

It is important the details are correctly recorded otherwise the incoming C.E.O. will be in a similar position as the relieving C.E.O. and more importantly Mr Minty will need to go through the whole process again. We need to have our house in order.

POLICY REQUIREMENTS:

There are no known policy requirements related to this item.

LEGISLATIVE REQUIREMENTS:

There are no known legislative requirements related to this item.

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
(MANEX RECOMMENDATIONS)**

153/11 Moved Cr Hawkins, seconded Cr Tonkin

- 1. Planning approval for the new supermarket be amended to clearly show that condition (2) appearing in the minutes dated 18 May 2011 is amended to 44 car parking bays including the two disabled bays.*
- 2. The developer to make application and submit for Council consideration plans of the link mesh fence erected around the property.*

- 3. Council gives conditional approval to allow the storm water collected from the roof to be discharged directly into Councils drainage system. An engineering report be provided at the applicant's expense confirming Councils drainage system will adequately cater for what the engineer assess to be an industry standard rainfall occurrence for the Moora townsite taking into consideration the water collected off the property and the water collected within the townsite drainage catchment area. Should any upgrading be required, as a result of the 'Supermarket' development, this will need to be undertaken at the developers cost.**

CARRIED 7/1

Note: Council added the words 'at the applicant's expense' to point 3 so it was clear that the applicant was aware that the engineering report was to be undertaken at their expense.

9.2.3 AGROFORESTRY – LOCATION M2022 LOT 500

FILE REFERENCE: PA/1207
REPORT DATE: 17 October 2011
APPLICANT/PROPONENT: Carbon Conscious
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: Nil
AUTHOR: Allan Middleton, Acting Chief Executive Officer
ATTACHMENTS: Letter

PURPOSE OF REPORT:

To determine land use approval for an agro-forestry use to be establish on rural land within the Moora district.

BACKGROUND:

The applicant is seeking planning approval to establish agro-forestry on Location M2022 Lot 500 within the Miling area. The applicant has an offer on the land; however, the offer is subject to planning approval being obtained from the Shire of Moora.

The proposal is to establish 1100 hectares of Mallee plants in 2012.

COMMENT:

Agro-forestry is not a use defined within the Shire of Moora Town Planning Scheme no 9 and therefore needs to be treated under clause 3.2.4. which reads:-

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:

1. Determine that the use is consistent with the objectives and purpose of the particular zone and is therefore permitted
2. Determine that the purposed use may be consistent with the objectives and purposes of the zone and therefore follow the 'A' advertising procedure of clause 7.3 in considering an application fore planning approval. Or
3. Determine that the use is not consistent with the objectives and purpose of the particular zone and is therefore not permitted.

7.3 provides as follows:

- 7.3.1 Where an application is made for planning approval to commence a use or commence or carry out development which involves a use which is:
- (a) an 'A' use as referred to in clause 3.2.2; or
 - (b) a use not listed in the Zoning Table.

The local government is not to grant approval to that application unless notice is given in accordance with clause 7.3.3

- 7.3.2 Despite clause 7.3.1, where application is made for a purpose other than a purpose referred to in that clause, the local government may require notice to be given in accordance with clause 7.3.3

- 7.3.3 The local government may give notice or require the applicant to give notice of an application for planning approval in one or more of the following ways:
- (a) notice of the proposed use or development served on nearby owners and occupiers who, in the option of the local government, are likely to be affected by the granting of planning approval, stating that submissions may be made to the local government by a specific date being not less than 14 days from the day the notice is served;
 - (b) notice of the proposed use or development published in a newspaper circulating in the Scheme area stating that submissions may be made to the local government by a specified day being not less than 14 days from the day the notice is published;
 - (c) a sign or signs displaying notice of the proposed use or development to be erected in a conspicuous position on the land for a period of not less than 14 days from the day the notice is erected.

The Town Planning Committee at a meeting held on 21st October 2011 resolved as follows:-

- i. notice of the proposed use or development to be served on nearby owners and occupiers who, in the option of the local government, are likely to be affected by the granting of planning approval, stating that submissions may be made to the local government by a specific date being not less than 14 days from the day the notice is served;*
- ii. notice of the proposed use or development published in a newspaper circulating in the Scheme area stating that submissions may be made to the local government by a specified day being not less than 14 days from the day the notice is published.*

The statutory requirements have been completed with the submission period closing on the 9th November.

SUBMISSION

A submission has been received from Mr Craig Sutherland expressing some concern at the proposal. These concerns are as follows:-

- Control of vermin.

Should approval be granted a condition needs to be imposed requiring a vermin management plan being prepared and submitted for Council's approval?

- Noxious weed control.

Mr Sutherland has commented the property is subject to skeleton weed quarantine.

Likewise, should planning approval proceed a noxious and nuisance weed management plan needs to be prepared and approved by Council.

- Effect on eco-system

No documentation has been supplied to support the submission on the number of turtles or if they would be endangered, should the project proceed.

- The proposal may dry up the local water table.

The land prior to settlement was obviously vegetated and settlement has changed the landscape. Re-vegetation may have a positive effect on the land and have little effect on the water table. If there are grounds for concern a hydrology, report may be advisable.

- Believes the good land should remain for cropping.

Landuse, subject to conditions within the town planning scheme, should be left to the owner of the land and providing there is no injurious effect to neighbours and the district and the product farmed is legal; property owners should have the right to farm as they choose. The applicant has reserved the right to harvest in the future. The land it appears has areas of land degradation and revegetation may be in the best interests of the property.

POLICY REQUIREMENTS:

There are no known legislative requirements related to this item.

LEGISLATIVE REQUIREMENTS:

The legislation applicable to this application is contained within the Shire of Moora Town Planning Scheme.

STRATEGIC IMPLICATIONS:

There are no known strategic implications associated with this proposal.

SUSTAINABILITY IMPLICATIONS:

➤ **Environment**

Refer to applicant's letter wherein the last dot point where it is the company's purpose of sequestering carbon for large greenhouse gas emitters.

➤ **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
(MANEX RECOMMENDATIONS)**

154/11 Moved Cr Hawkins, seconded Cr Humphry that the Shire of Moora hereby grants planning approval to Carbon Conscious (subject to the purchase of the mentioned property) to develop an agro-forestry, plantation and tree crop industry on lot 500, M2022 for the purpose of planting Mallee on the following conditions :-

- 1. A vermin control plan to be completed and submitted for Council's approval. The plan to be undertaken in conjunction with the Department of Agriculture and Food.***
- 2. A noxious weed control plan to be undertaken in conjunction with the Department of Agriculture and Food and submitted for Council's approval.***
- 3. Fire breaks, five metres in width, to be constructed on the external boundaries of the property and adjacent to any public road. A fire management plan is to be produced in conjunction with the Fire and Emergency Services Authority. The plan is to identify any additional firebreaks that need to be constructed to compartment areas of the plantation into identified hectares.***
- 4. A bushfire hazard assessment to be undertaken with the fire management plan, using the methodology of "Planning for Bushfire Protection" ensuring there is a detailed analysis of the risk ignition.***
- 5. If the plantation is to be run by an absentee owner the fire management plan is to be done in conjunction with the Fire and Emergency Service Authority, the local bush fire brigade and neighbouring land owners.***
- 6. Identify any structures and infrastructure on the land to ensure they are adequately protected.***
- 7. Identify and ensure any existing native vegetation is adequately protected.***

CARRIED 6/2

9.3 COMMUNITY & ECONOMIC DEVELOPMENT

9.3.1 DISCOVERING GOLDEN HORIZONS SIGNAGE ACTION PLAN

FILE REFERENCE: AD/CMVI-2
REPORT DATE: 15 November 2011
PREVIOUS MEETING REFERENCES: Nil
AUTHOR: Rebecca McCall, Manager Community Economic Development
ATTACHMENTS: Discovering Golden Horizons Signage Action Plan

PURPOSE OF REPORT:

For Council to endorse the Discovering Golden Horizons Signage Action Plan.

BACKGROUND:

Discovering Golden Horizons is a regional tourism group consisting of the Shires of Chittering, Dalwallinu, Moora, Victoria Plains and Wongan-Ballidu. It is the group's intention to promote the new entity through printed material, online and signage. An audit of existing signage was conducted to identify and list what currently exists and to plan for the new brand on future signage. This audit was conducted by Kirkgate Consulting and a copy of the report was previously provided to Council.

The tourism signage audit identified and listed all tourism related signage, commented on the suitability of the current signage and made recommendations where signs should be changed or removed. Recommendations for new branded tourism signage as well as directional signage were also included in the audit.

COMMENT:

An action plan has been developed addressing the recommendations put forward by Kirkgate Consulting. The action plan addresses the removal of unnecessary signage, updating existing signage and the development of new signage and trails. The action plan outlines the proposed budget and timeframe for each component.

The adopted action plan will be integrated into a regional action plan incorporating all members of the regional tourism group, Discovering Golden Horizons.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

There are no known legislative requirements related to this item.

STRATEGIC IMPLICATIONS:

The Shire of Moora's Strategic Plan outlines key result area community and economic development; *attract increased population and investment to realise our brilliant opportunities and diversify our regions employment and economic base. Improve the level of understanding, respect and pride within the community.*

SUSTAINABILITY IMPLICATIONS:

➤ **Environment**

There are potential significant environmental implications associated with this proposal with the planned aesthetic improvements to existing and new signage.

➤ **Economic**

There are potential significant economic implications associated with this proposal with increased tourism trade improving the economic base of local and regional businesses.

➤ **Social**

There are potential social implications associated with this proposal with increased respect and pride within the community.

FINANCIAL IMPLICATIONS:

There are no financial implications to Council in relation to this item within the 2011/12 budget as planned activities outlined in the action plan can be undertaken within the existing budgetary allocations.

There are financial implications to Council in relation to developing new signage and trails for future budgets in the vicinity of \$15,000 spread over two financial years.

VOTING REQUIREMENTS

Absolute Majority Required

**COUNCIL RESOLUTION
(MANEX RECOMMENDATION)**

155/11 Moved Cr Hawkins, seconded Cr Tonkin that Council adopts the Discovering Golden Horizons Signage Action Plan.

CARRIED BY ABSOLUTE MAJORITY 7/1

9.3.2 AGED FRIENDLY COMMUNITY STUDY

FILE REFERENCE: CC/AFC I

REPORT DATE: 15 November 2011

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Rebecca McCall, Manager Community Economic Development

ATTACHMENTS: Nil

PURPOSE OF REPORT:

For Council to endorse the Aged Friendly Communities Study.

BACKGROUND:

The Shire of Moora has partnered with the Department of Communities to integrate the World Health Organisation's Aged Friendly Cities Guide. The Guide identifies that there are several aspects of the makeup of an Aged Friendly Community.

Moora's Aged Friendly Community Study was developed during 2010-2011 and involved over 60 community members aged over 55, as well as carers and service providers. The process was headed by an external consultant and guided by the Shire of Moora's Community and Economic Development team.

COMMENT:

The findings outlined from the Study will formulate the cornerstone to identify strategies to develop the Shire of Moora Aged Friendly Community Plan 2012-18. Audits and assessments will be undertaken in early 2012 to establish the current aged friendly services and facilities

within the Shire of Moora. The findings will identify any gaps or opportunities to develop to ensure that the Shire of Moora remains an aged friendly community well into the future.

The Study and future Aged Friendly Community Plan will incorporate aged friendly access requirements, accommodation needs and service requirements.

POLICY REQUIREMENTS:

There are no policy requirements related to this item.

LEGISLATIVE REQUIREMENTS:

There are no known legislative requirements related to this item.

STRATEGIC IMPLICATIONS:

The Shire of Moora's Strategic Plan outlines the goal to maintain, improve and increase community facilities and services within budget and practicability.

SUSTAINABILITY IMPLICATIONS:

➤ **Environment**

There are potential significant environmental implications associated with this proposal which is dependent on the future development and endorsement of the Shire of Moora's Aged Friendly Community Plan.

➤ **Economic**

There are potential significant economic implications associated with this proposal which is dependent on the future development and endorsement of the Shire of Moora's Aged Friendly Community Plan.

➤ **Social**

There are potential significant social implications associated with this proposal which is dependent on the future development and endorsement of the Shire of Moora's Aged Friendly Community Plan.

FINANCIAL IMPLICATIONS:

There are no financial implications to Council in relation to this item for the 2011/12 budget.

VOTING REQUIREMENTS

Simple Majority Required

**COUNCIL RESOLUTION
(MANEX RECOMMENDATIONS)**

156/11 Moved Cr Bryan, seconded Cr Hawkins that Council adopts the Aged Friendly Community Study.

CARRIED 8/0

9.3.3 NAMING OF COMMUNITY PLAYGROUND LOCATED ON LOT 2 RANFURLY STREET, MOORA

FILE REFERENCE: P/MKRI
REPORT DATE: 15 November 2011
PREVIOUS MEETING REFERENCES: Nil
AUTHOR: Rebecca McCall, Mgr Community & Economic Development
ATTACHMENTS: Nil

PURPOSE OF REPORT:

For Council to endorse the naming of the community playground located on Lot 2 Ranfurly Street.

BACKGROUND:

During the 2008/09 budget the Shire of Moora utilised funds allocated through the Country Local Government Fund to develop a community playground on Lot 2 Ranfurly Street Moora. It was identified that there was no park or playground facilities located on the east side of the railway line to service families and children living within this proximity. This proposal was supported and welcomed by local community. The playground is well used by children living within the vicinity of the playground.

The playground was further developed in 2010/11 in partnership with the Central Midlands Senior High School Cadets and CY O'Connor Industry Skill students with the installation of outdoor gym equipment. Funding for the apparatus was made available through Lotterywest with installation undertaken by the industry skills students and the Shire of Moora.

COMMENT:

There is indication from the community that there is confusion as to who owns and operates the community playground located on Lot 2 Ranfurly Street Moora. As the playground neighbours the local Baptist Church there has being instances where the community has thought that the responsibility of the playground falls upon the parish.

To rectify this matter it is proposed to formally name the playground and install adequate signage to indicate that the playground is owned by the community and maintenance is the responsibility of the Shire of Moora.

The signage will include the Shire of Moora's brand plus a name for the playground. As the playground is located on Ranfurly Street it is proposed that the name "**Ranfurly Playground**" is considered by Council.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

There are no known legislative requirements related to this item.

STRATEGIC IMPLICATIONS:

The Shire of Moora's Strategic Plan outlines key result area community and economic development; *improve the level of understanding, respect and pride within the community.*

SUSTAINABILITY IMPLICATIONS:➤ **Environment**

There are potential environmental implications associated with this proposal with the installation of an aesthetically pleasing sign to name the playground.

➤ **Economic**

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

➤ **Social**

There are potential social implications associated with this proposal as the playground will be named to indicate that the facility is community owned for the purpose of servicing the local community.

FINANCIAL IMPLICATIONS:

There are financial implications to Council in relation to this item. The cost of installing appropriate signage at the playground is estimated to be \$800.

VOTING REQUIREMENTS:

Simple Majority Required

**COUNCIL RESOLUTION
(OFFICER RECOMMENDATION)**

157/11 Moved Cr Humphry, seconded Cr Hawkins that Council adopts to name the park located on Lot 2 Ranfurly Street “Ranfurly Playground”.

CARRIED 8/0

9.4 ENGINEERING SERVICES**9.4.1 BLACKSPOT PROJECT – RILEY ROAD**

FILE REFERENCE: S/MAIL
REPORT DATE: 15 November 2011
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: Nil
AUTHOR: John Greay, Manager Engineering Services
ATTACHMENTS: Nil

PURPOSE OF REPORT:

Main Roads Western Australia has advised council of surplus funds that they have which they are making available to council for their previously nominated Blackspot project.

BACKGROUND:

Council, this year, made application for Blackspot funding after identifying a dangerous intersection on the Moora Miling Road where Riley Road intersects.

At the time of applying, Main Roads had more applications than the funding would accommodate. Council’s application, from memory, was ninth and the funding cut off was at eight.

Our project total cost was \$74,460 of which Main Roads would fund two thirds, Council's contribution was therefore to be \$24,820. We have been advised that Main Roads are now in a position to fund their portion (\$49,640) and have asked Council if they wish to proceed with this project in this financial year.

This intersection has been recognised as having potential to cause serious injury should vehicles collide which is exacerbated by the oblique angle of the Riley road approach to the Moora Miling road.

COMMENT:

Council's roadwork's programme is fairly tight this year however funding of this project has been investigated within the programme to enable it to go ahead. It has been identified that \$21,900 has been allocated to the extension of the Roberts Street Footpath – north of last years project. This project could be put on hold and reconsidered next year, as there is no external funding commitment to it and these funds be used to finance the above. This will leave a shortfall of \$2,920 which could be funded out of Road Maintenance.

To reject the offer may not see this project come to fruition in the near future.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

There are no known legislative requirements related to this item.

STRATEGIC IMPLICATIONS:

It would be strategically important to remove an identified Blackspot from council's road network. The Moora Miling road is a road of regional significance which is an east- west link that links the Midlands to the eastern agricultural hinterland which carries high volumes of traffic including school buses and heavy haulage vehicles.

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:

The financial implication is contained within this year's budget as outlined above.

VOTING REQUIREMENTS

Simple Majority Required

**COUNCIL RESOLUTION
(MANEX RECOMMENDATION)**

158/11 Moved Cr Tonkin, seconded Cr Hawkins that Council accepts the additional funds offered by Main Roads Western Australia to remove an identified Blackspot from councils road network and councils one third contribution of the project cost be by delaying the Roberts Street footpath project (\$21,900) this year and apply the funds to this project along with the shortfall (\$2,920) coming from councils Road Maintenance programme.

CARRIED 8/0

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

Nil

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

The Acting Chief Executive Officer tabled a late item dealing with “Loader - 3.0 Cubic Metre Bucket Capacity - Tender # 4/2011” for Council’s consideration.

COUNCIL RESOLUTION

159/11 Moved Cr Bryan, seconded Cr Tonkin that Council consider the late item as tabled by the Acting Chief Executive Officer titled “Loader - 3.0 Cubic Metre Bucket Capacity - Tender # /2011”.

CARRIED 8/0

11.1 LOADER - 3.0 CUBIC METRE BUCKET CAPACITY - TENDER # 4/2011

FILE REFERENCE: L/TEPI
REPORT DATE: 21 November 2011
OFFICER DISCLOSURE OF INTEREST: Officer owns a Caterpillar product
PREVIOUS MEETING REFERENCES: Nil
AUTHOR: John Greay, Manager Engineering Services
ATTACHMENTS: Loader Comparison Sheet

PURPOSE OF REPORT:

Budgeted item – replacement of existing 1998 Caterpillar front end loader – which has a bucket capacity of 2.2m³.

BACKGROUND:

Councils aging 1998 Caterpillar loader, which has compiled around 12000 hrs of operation is over due for replacement. This machine is used extensively in councils Construction Team and continues to be the loader that is accumulating the greatest number of hours per year in comparison with the other loaders that council owns. It is the loader designed to provide the highest production out put in loading council’s three trucks which pull three trailers.

COMMENT:

Due to the need to retain and improve loading cycle times it is important that council purchases a machine that has the capacity to undertake this task with ease. Council has, due to financial constraints, now retained their heavy duty fleet of equipment for longer periods of time than they have previously done. Changeovers in the past were at 10 years. Should this be the path into the future then buying a quality product that will last for an extended period and retain some resale value is imperative.

POLICY REQUIREMENTS:

That tenders be called for items of plant with a value greater than \$100,000.

LEGISLATIVE REQUIREMENTS:

That tenders be called for items of plant with a value greater than \$100,000.

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**

It is important that this loader be replaced, due to its age and the number of hours that it has performed. The machine due to its condition and possible brand has attracted a fair and reasonable price and needs to be changed as it is expected that on average this machine will becoming due for a major overhaul should it continue to accumulate the hours that it is currently being worked.

➤ **Social**

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

FINANCIAL IMPLICATIONS:

Council has allowed for this changeover in this years budget. An estimate of gross price \$270,000 is identified in the budget under (34018 = \$202,500 and 34007 = \$67,500)

A trade value of \$50,000 has been allowed for leaving a changeover of \$220,000 plus GST = \$242,000.

VOTING REQUIREMENTS:

Simple Majority Required

COUNCIL RESOLUTION (OFFICER RECOMMENDATION)
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160/11 Moved Cr Hawkins, seconded Cr Tonkin that Council shortlist the Komatsu WA320PZ-6 and the Caterpillar 938H from Tender # 4/2011 for further evaluation by councils "Operational Development Group" and councils plant operators.

CARRIED 8/0

COMMUNITY RESOURCE CENTRE PROJECT

A presentation was made at Councils briefing session prior to this meeting by the Chairman, Mr Dave Stribley, Coordinator, Mrs Kate Pustkuchen and members of the Moora Community Resource Centre Committee in which the Community Resource Centre Project was thoroughly explained including the associated cost. After general discussions Council proposed the following.

COUNCIL RESOLUTION

161/11 Moved Cr Bryan, seconded Cr Clydesdale-Gebert that Council consider the Community Resource Centre Project.

CARRIED 8/0

11.2 PARTNERSHIP IN MOORA COMMUNITY RESOURCE CENTRE PROJECT**COUNCIL RESOLUTION**

162/11 Moved Cr Clydesdale-Gebert, seconded Cr Bryan that the Shire of Moora, in addition to “in principle” support given by Council at its meeting held 17 August 2011, (resolution no. 98/11) Council now agree to be a formal partner in the Community Resource Centre project.

CARRIED 8/0

12. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Nil

13. CLOSURE OF MEETING

There being no further business, the Shire President declared the meeting closed at 7.12pm.

CONFIRMED

PRESIDING MEMBER