



Ordinary Council Meeting Minutes

Date: 15 April 2015

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:

Shire of Moora - a vibrant, affordable Regional Centre with a growing, caring community.

Mission

Our mission is:

To provide the leadership, services and infrastructure that will meet the needs of the community and surrounds.

SHIRE OF MOORA
MINUTES OF THE ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS, MOORA
15 APRIL 2015

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1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

1.1 DECLARATION OF OPENING

The Shire President declared the meeting open at 5.35pm.

1.2 DISCLAIMER READING

No responsibility whatsoever is implied or accepted by the Shire of Moora for any act, omission or statement or intimation occurring during this meeting.

It is strongly advised that persons do not act on what is heard at this meeting and should only rely on written confirmation of Council's decision, which will be provided within fourteen (14) days of this meeting.

2. ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE

ATTENDANCE

CE Gardiner	-	Shire President / Presiding Member
TG Humphry	-	Deputy President
CD Hawkins	-	Councillor
DV Clydesdale-Gebert	-	Councillor
R Keamy	-	Councillor
MR Pond	-	Councillor
KM Seymour	-	Councillor
JW McLagan	-	Councillor

AJ Leeson	(until 6.14pm) -	Chief Executive Officer
DK Trevaskis	(until 6.14pm) -	Deputy Chief Executive Officer
JL Greay	(until 6.14pm) -	Manager Engineering Services
PR Williams	(until 6.14pm) -	Manager Development Services
MM Murray	(until 6.14pm) -	Executive Support Officer (minute taker)

PUBLIC

Cynthia McMorran (until 6.14pm) - Shire Freeman

APOLOGIES

MR Holliday - Councillor

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4. PUBLIC QUESTION TIME

Cynthia McMorran

Do we have a used car lot at 16 Lefroy Street?

Chief Executive Officer advised, no.

5. PETITIONS AND PRESENTATIONS

Nil

6. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER

Acknowledged the passing of Council's first female Shire Freeman Mrs Edna Brown.

- 23/3 Meeting in Perth with potential residents for Moora Lifestyle Village
- 25/3 attended the Main Roads WA Miling Community meeting in Miling
- 26/3 attended the joint Shire / Rotary Meet the Newcomers BBQ
- 9/4 attended the Launch of Water for Food program at the Bowling Club

Cr Pond

9 & 10/4 attended WALGA training courses – Land Use Planning; and Strategy and Risk Management in Merredin

Cr Seymour

- 25/3 attended the Main Roads WA Miling Community meeting in Miling
- 9/4 attended the Launch of Water for Food program at the Bowling Club
- 13/4 attended the Miling Progress Association meeting

Cr Humphry

- 23 & 24/3 attended WALGA training courses – Land Use Planning; and Strategy and Risk Management in Toodyay
- 9/4 attended the Launch of Water for Food program at the Bowling Club

Cr Keamy

March met with delegates of the Bindoon Men's shed in Bindoon

8. CONFIRMATION OF MINUTES

8.1 ORDINARY COUNCIL MEETING - 18 MARCH 2015

COUNCIL RESOLUTION

35/15 Moved Cr Hawkins, seconded Cr Humphry that the Minutes of the Ordinary Meeting of Council held on 18 March 2015 be confirmed as a true and correct record of the meeting.

CARRIED 8/0

8.2 SPECIAL COUNCIL MEETING - 27 MARCH 2015**COUNCIL RESOLUTION**

36/15 Moved Cr Hawkins, seconded Cr Pond that the Minutes of the Ordinary Meeting of Council held on 27 March 2015 be confirmed as a true and correct record of the meeting.

CARRIED 8/0

9. REPORTS OF OFFICERS**9.1 GOVERNANCE AND CORPORATE SERVICES****9.1.1 LIST OF PAYMENTS AUTHORISED UNDER DELEGATION 1.31**

REPORT DATE: 8 April 2015

OFFICER DISCLOSURE OF INTEREST: Nil

AUTHOR: David Trevaskis, Deputy Chief Executive Officer

SCHEDULE PREPARED BY: Alida Fitzpatrick, Finance Debtors Officer

ATTACHMENTS: Accounts Paid Under Delegated Authority

PURPOSE OF REPORT

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

BACKGROUND

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

COMMENT

Accounts Paid under delegated authority are periodically presented to Council.

POLICY REQUIREMENTS

Delegation 1.31 – Payments from Municipal and Trust Funds.

LEGISLATIVE REQUIREMENTS:

Local Government Act 1995 - Section 6.10

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

STRATEGIC IMPLICATIONS

There are no known strategic implications associated with this proposal.

SUSTAINABILITY IMPLICATIONS**➤ Environment**

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

➤ Economic

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

➤ **Social**

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

FINANCIAL IMPLICATIONS

Payments are in accordance with the adopted budget.

VOTING REQUIREMENTS

Simple Majority Required

COUNCIL RESOLUTION

37/15 Moved Cr Humphry, seconded Cr Pond that Council notes and endorses the Payments from the Municipal and Trust Funds made under delegation 1.31

<i>Municipal Fund</i>	<i>Cheques 61974 to 61989</i>	<i>\$36,130.34</i>
	<i>EFT 13376 to 13508</i>	<i>\$779,308.19</i>
	<i>Credit Card 16/02/15 to 15/03/15</i>	<i>\$3,898.86</i>
	<i>Net Pays – PPE 10/03/15</i>	<i>\$92,008.40</i>
	<i>Net Pays – PPE 24/03/15</i>	<i>\$88,070.48</i>
<i>Trust Fund</i>	<i>Cheques 5066 to 5075</i>	<i>\$977.57</i>
<i>Total</i>		<i><u>\$1,000,393.84</u></i>

CARRIED 8/0

9.1.2 STATEMENT OF FINANCIAL ACTIVITY FOR PERIOD ENDED 31 MARCH 2015

REPORT DATE: 8 April 2015

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: David Trevaskis, Deputy Chief Executive Officer

ATTACHMENTS: Statement of Financial Activity for the Period Ended 31 March 2015

PURPOSE OF REPORT:

To note and receive the Statement of Financial Activity for the period ended 31 March 2015.

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 2014/15 adopted budget.

VOTING REQUIREMENTS

Simple Majority Required

COUNCIL RESOLUTION

38/15 Moved Cr Hawkins, seconded Cr Pond that Council notes and receives the Statement of Financial Activity for the period ended 31 March 2015.

CARRIED 8/0

9.1.3 LGA SALE – 1 MOORE STREET, MOORA

FILE REFERENCE: PA/524

REPORT DATE: 10 April 2015

APPLICANT/PROPONENT: Shire of Moora

AUTHOR: David Trevaskis, Deputy Chief Executive Officer

ATTACHMENTS: Statutory Declaration and Certificate of Title

PURPOSE OF REPORT:

To pursue recovery of outstanding rates and charges on the Property.

BACKGROUND:

1. The registered proprietor of the property located at 1 Moore Street, Moora, more particularly described as Lot 200 on Plan 3011586 contained in Certificate of Title Volume 1727 Folio 822 (“**Land**”) is Estelle May Smith of 82 Padbury Street, Moora (“**Proprietor**”).
2. The rates and service charges that have been outstanding on the Land for a period of three years total **\$3,914.80** which consists of the rates and service charges for the 2006/2007, 2007/2008, 2009/2010, 2010/2011 and 2011/2012 financial years.

3. Proceedings were commenced in 2010 against an Estelle May Smith of Unit 2, 84 Murray Road, Bicton, who was believed to be the Proprietor of the Land, to recover the outstanding rates and charges.
4. In 2010, the Shire of Moora was contacted by Brian Smith, the son of the Estelle May Smith of Bicton who advised the Shire that his mother did not own the Land and Estelle May Smith has sworn a statutory declaration stating the she does not own the Land.
5. On the Shire's instructions, CS Legal conducted searches to ascertain the location of the Proprietor or to confirm her death. Those searches did not return any results.
6. The Shire of Moora may waive the requirement to commence proceedings pursuant to section 6.68 (2)(b) of the Local Government Act 1995 (WA) as it has made reasonable efforts to locate the owner of the Land but has been unable to do so.

COMMENT:

All efforts have been made to locate the owner and exercising the Shire's power of sale over the Property is recommended to recover the outstanding rates and charges.

POLICY REQUIREMENTS:

9.6 – Rates Collection Procedure

LEGISLATIVE REQUIREMENTS:

Section 6.56 and 6.68(2)(b) of the Local Government Act 1995 (WA)

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**
Local Government Sale of the Land to recover rates and charges owed to the Shire of Moora.
- **Social**
There are no known significant social implications associated with this proposal.

FINANCIAL IMPLICATIONS:

Recovery of unpaid rates and charges.

VOTING REQUIREMENTS

Simple Majority Required

COUNCIL RESOLUTION

39/15 Moved Cr Hawkins, seconded Cr Keamy that pursuant to section 6.68 (2)(b) of the Local Government Act (WA) 1995, the Shire resolves to execute its power of sale over the Land noting that the Shire of Moora has made an attempt to recover the outstanding money under 6.56 of the Local Government Act 1995 (WA) against an "Estelle May Smith" who has sworn that she is not the Proprietor, but that the Proprietor of the Land cannot be located.

CARRIED 8/0

9.1.4 LGA SALE – LOT 89 GARDINER STREET, MOORA

FILE REFERENCE: PA/6140

REPORT DATE: 10 April 2015

APPLICANT/PROPONENT: Shire of Moora

AUTHOR: David Trevaskis, Deputy Chief Executive Officer

ATTACHMENTS: Nil

PURPOSE OF REPORT:

To pursue recovery of outstanding rates and charges on the Property.

BACKGROUND:

1. The registered proprietor of the property located at Lot 89 Gardiner Street, Moora, more particularly described as Lot 89 on Plan 3166 obtained in Certificate of Title Volume 547 Folio 29 (“**Land**”) is Jane Robinson Moora (“**Proprietor**”).
2. The Proprietor was registered on the certificate of title in 1913.
3. The rates and service charges that have been outstanding on the Land for a period of three years total **\$1,573** which consists of the rates and service charges for the 2006/2007, 2007/2008, 2009/2010, 2010/2011 and 2011/2012 financial years.
4. A probate research has revealed that a Jane Anne Robinson is the registered proprietor of a property in Greenwood.
5. On the Shire of Moora’s instructions, CS Legal contacted the executor of the Estate of Jane Anne Robinson to ascertain whether the Land formed part of the Estate.
6. The executor, John Alfred Robinson, has confirmed to CS Legal that the Land does not form part of the Estate of Jane Anne Robinson and that Jane Anne Robinson did not live in Moora or own land in Moora.
7. On the Shire’s instructions, CS Legal conducted searches to ascertain the location of the Proprietor or to confirm her death. Those searches did not return any conclusive results of the whereabouts nor did they confirm the death of a Jane Anne in Western Australia.
8. The Shire of Moora may waive the requirement to commence proceedings pursuant to section 6.68(2)(b) of the Local Government Act 1995 (WA) as it has made reasonable efforts to locate the owner of the Land but has been unable to do so.

COMMENT:

All efforts have been made to locate the owner and exercising the Shire’s power of sale over the Property is recommended to recover the outstanding rates and charges.

POLICY REQUIREMENTS:

9.6 – Rates Collection Procedure

LEGISLATIVE REQUIREMENTS:

Section 6.56 and 6.68(2)(b) of the Local Government Act 1995 (WA)

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**
Local Government Sale of the Land to recover rates and charges owed to the Shire of Moora.

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

FINANCIAL IMPLICATIONS:

Recovery of unpaid rates and charges.

VOTING REQUIREMENTS

Simple Majority Required

COUNCIL RESOLUTION

40/15 Moved Cr Humphry, seconded Cr Pond that pursuant to section 6.68 (2)(b) of the Local Government Act (WA) 1995, the Shire resolves to execute its power of sale over the Land noting that the Shire of Moora has made an attempt to recover the outstanding money under 6.56 of the Local Government Act 1995 (WA) as the Proprietor of the Land cannot be located.

CARRIED 8/0

9.1.5 OUTSTANDING SUNDRY DEBTORS & RATES AS AT 31 MARCH 2015**FILE REFERENCE:** F/SUDI**REPORT DATE:** 8 April 2015**OFFICER DISCLOSURE OF INTEREST:** Nil**PREVIOUS MEETING REFERENCES:** N/A**AUTHOR:** David Trevaskis, Deputy Chief Executive Officer**ATTACHMENTS:** Tabled**PURPOSE OF REPORT:**

To provide Council with a Debt Profile Summary of all debts that have been outstanding effective to the period ending 31 March 2015 and to recommend an amount to be written off. The balance to be written off is in relation to outstanding legal costs not paid by the previous owner of the property and not paid out on settlement of the property.

BACKGROUND:

Council policy requires a detailed listing of all outstanding debtors to be presented to Council at the April Council Meeting.

The below listings of overdue sundry debtors and rates are current as at 31 March 2013.

COMMENT:

The percentage of rates outstanding at the end of March and for the previous two years is as follows:

March 2015	11.69%
March 2014	8.02%
March 2013	7.68%

A summary of the outstanding rates as at 31 March 2015 is to be tabled for Council information as well as a schedule of outstanding debtors as at 31 March 2015.

POLICY REQUIREMENTS:**9.7 Outstanding Debtors Policy**

At each April meeting of Council a detailed listing of all outstanding debtors will be presented. All debts that are 90 days or over shall be listed...

Further, at the April meeting of Council a listing of proposed debt write - offs will be presented for Council consideration.

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**
Local Government Sale of the Land to recover rates and charges owed to the Shire of Moora.
- **Social**
There are no known significant social implications associated with this proposal.

FINANCIAL IMPLICATIONS:

There is a significant amount of outstanding rates and debtors which Council needs to be aware of as it has an impact on the cash flow of the organisation.

Debt summary provided hereunder;

Rates

Watheroo Town Rate Ward - 18 Properties - \$47,023.56
 Moora Town Rate Ward – 141 Properties - \$284,373.66
 Coomberdale Town Rate Ward – 14 Properties - \$55,264.84
 Miling Town Rate Ward – 11 Properties - \$73,537.15
 Koojan Town Rate Ward - \$0
 Walebing Town Rate Ward - \$0
 Bindi Bindi Town Rate Ward - \$0
 Rural (General Farming Rate Ward) - \$51,739.14
Total Rates Outstanding - \$511,938.35

General Debtors

Current - \$208,045.75
 30 days - \$10,871.37
 60 days - \$2,134.28
 90 days + - \$49,514.43
Total General Debtors Outstanding - \$269,968.13

VOTING REQUIREMENTS

Simple Majority Required

COUNCIL RESOLUTION

41/15 Moved Cr Hawkins, seconded Cr McLagan that Council write off the following bad debt:

Beverley Kathleen Stirling \$421.92

CARRIED 8/0

9.1.6 DEVELOPMENT ASSESSMENT PANEL – COUNCILLOR NOMINATIONS

FILE REFERENCE: GA/PL12

REPORT DATE: 10 April 2015

APPLICANT/PROPONENT: Department of Planning

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: 18/5/11(52/11)

AUTHOR: Alan Leeson, Chief Executive Officer

ATTACHMENTS: Nil

PURPOSE OF REPORT:

To consider a request from the Department of Planning to nominate two local government members and two alternate local government members to the Development Assessment Panel (DAP) due to the expiry of all current DAP members terms of appointment.

BACKGROUND:

Correspondence has been received from the Department of Planning advising that current appointments of all local government DAP members expire on 26 April 2015.

Current members are;

Cr Denise Clydesdale-Gebert and Cr James McLagan as DAP members

and

Cr Colin Gardiner as alternate DAP member

The introduction of Development Assessment Panels (DAPs) by way of the Approvals and Related Reforms (No.4) (Planning) Act 2010 occurred on 2 May 2011. DAPs are responsible for the determination of all development applications greater than \$7 million in value and may optionally determine applications between \$3 million and \$7 million in value and any other category of application delegated to the DAP by a local government. Membership includes two local government representatives with two alternative representatives to attend in lieu as required.

The Minister for Planning established 15 different DAPs across the state, the majority of which comprise groupings of multiple local government authorities. Moora is grouped into the Wheatbelt JDAP, Joint Development Assessment Panel. The frequency of DAP meetings vary as to the volume of trigger applications received and the DAPs commenced operation on 1 July 2011.

Nominated local government representatives are required to undergo training organised by the DAP Secretariat with provision of an allowance of \$400 paid upon completion. Members are appointed for a two year term, are eligible to be reappointed and are subject to the normal local government criteria for disqualification from office. Members will receive a \$400 fee for each DAP meeting attended and \$100 for the determination of an amendment or cancellation of an existing approved application.

Members will be required to attend proceedings in the State Administrative Tribunal with respect to determination of applications made by the DAP and are eligible for a fee of \$400 for such attendance. DAP meetings, as with SAT attendances, are conducted during normal weekday business hours. Travel expenses associated with DAP functions will be reimbursed.

The Department of Planning also advised that if, within the 2 year term, a local DAP member is not re-elected, they cannot hold the position of local DAP member. Local government elections may result in a change to local DAP membership if current councillors, who are DAP members, are not re-elected. In this instance, the deputy local DAP members will take the place of the former local DAP members. If both local and alternate (deputy) local members are not re-elected, the local government will need to renominate and the Minister to reappoint.

COMMENT:

DAP regulations prevent a DAP member from attending a meeting without first completing mandatory training. As soon as DAP members are appointed training will commence. DAP members who successfully complete the training are entitled to the payment of \$400 from the Department.

POLICY REQUIREMENTS:

There are no policy implications relative to this issue.

LEGISLATIVE REQUIREMENTS:

Planning and Development Act 2005 (Part IIA)

Planning and Development (Development Assessment Panels) Regulations 2011

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 associated with this proposal.

VOTING REQUIREMENTS

Simple Majority Required

COUNCIL RESOLUTION

**42/15 Moved Cr McLagan, seconded Cr Seymour that Council resolves to advise the Minister for Planning that it nominates;
Councillors Tracy Humphry and Denise Clydesdale-Gebert as DAP members
and
Councillors Merrel Pond and Colin Gardiner as alternate DAP members.**

CARRIED 8/0

9.2 **DEVELOPMENT SERVICES**

9.2.1 **OVERSIZED SHED 97 MELBOURNE STREET, MOORA**

FILE REFERENCE: TP/PA25/1415

REPORT DATE: 19 March 2015

APPLICANT/PROPONENT: A & E Rossouw

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Peter Williams, Manager Development Services

ATTACHMENTS: Plans

PURPOSE OF REPORT:

Mr and Mrs Anton Rossouw request Councils approval to construct a steel framed and covered 14m length x 6m width x3m high shed with a 3m x 14m attached lean-to which gives a total area of 126m² on his property located at 97 Melbourne Street, Moora.

BACKGROUND:

Lot 146/Hn 97 Melbourne Street is in the Residential Area and has a R12.5 rating under the Residential Design Code. For a R12.5 block the Shire of Moora Policy Manual allows for a maximum size for out buildings of 100m² (see below).

That Council's current outbuilding policy referring to square metreage of land and maximum size of outbuildings be partly amended in the following manner;

R2 - 5,000m² Lots - maximum size of outbuildings equals 200m²

R2.5 - 4,000m² Lots - maximum size of outbuildings equals 200m²

R5 - 2,000m² Lots - maximum size of outbuildings equals 150m²

R12.5 - 800m² Lots maximum size of outbuildings equals 100m²

R25/R30 - 320m² to 300m² Lots - maximum size of outbuildings at Council's discretion.

Mr Rossouw and his wife are looking to use the shed for storage purposes whilst he is building his home on the lot.

With regards to cladding of the building the Shire of Moora Policy Manual required for sheds in the residential area to be clad in colour bond due to reflectivity. (Refer Policy below)

Outbuilding Policy Conditions- Cladding and Reflectivity

Originally adopted by Council on 20th May 1998

1. That a zincalume roof be permitted upon a proposed outbuilding on the condition that any complaints from neighbouring properties with relation to reflectivity will require the applicant to immediately paint the roof surface to prevent such reflectivity; and
2. The "Outbuilding" Policy be amended to require
 - a) That all outbuildings on residential zoned land be clad with colour bond on all wall surfaces;
 - b) Any roof pitch for a large outbuilding which exceeds 15 degrees be clad in colour bond;

- c) Any justified complaints from neighbouring properties in relation to reflectivity will require the building's owner to immediately paint the reflective surface.

COMMENT:

This shed is over the maximum size allowable for this property and therefore requires Council's permission to construct this shed.

The shed is in the residential area and the Shire Policy Manual requires all sheds constructed in the Residential area to be colour bond coated due to Shire Policy requirements and reflectivity of the sun.

POLICY REQUIREMENTS:

Shire of Moora Policy Manual requirements are to be adhered to for this construction regards to maximum size allowable and reflectivity requirements.

LEGISLATIVE REQUIREMENTS:

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

43/15 Moved Cr McLagan, seconded Cr Seymour that Council approve this application by Mr and Mrs Anton Rossouw to construct an oversized shed at their property located at Lot 146/ Street no 97 Melbourne Street Moora, subject to the following conditions:

- 1. No second-hand materials are to be used in the construction of the shed;***
- 2. The shed is to be covered in colour bond sheeting so as to reduce glare and reflectivity;***
- 3. Setbacks for the property are to be adhered to;***
- 4. Should any substantial changes be made to the design of the shed or size of the shed to which has been proposed to Council a new application shall be required;***

- 5. Shed is to conform to the Shire of Moora Flood requirements for finished floor level (FFL) as required by the Department of Water. Please contact Mr Simon Rodgers on 6364 6923.**

CARRIED 8/0

9.2.2 SEWERAGE POLICY

FILE REFERENCE: PL/POPI

REPORT DATE: 8 April 2015

APPLICANT/PROPONENT: Shire of Moora

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: 18/2/15 (18/15)

AUTHOR: Peter Williams, Manager Development Services

ATTACHMENTS: Sewerage Policy

PURPOSE OF REPORT:

The Shire's Sewerage Policy has been updated due to the recent sewerage audit carried out by Cardno and authorised by the Economic Regulatory Authority (ERA). This policy has now completed its advertising period.

BACKGROUND:

The Shire Sewerage Policy was approved by Council in June 2014 and at the time was designed to provide guidance on responsibilities regarding connections and works carried out on the Shire's sewerage system, as in what was the Shire's responsibility and what was the public's responsibility.

During the recent sewerage audit that was carried out by Cardno a number of areas were highlighted where written procedures were deemed to be lacking. The Shire of Moora Sewerage Policy will address these shortcomings and will clearly outline Council's service obligations.

This policy was put to the February 18 Council Meeting with a view to it being adopted by Council. Part of that process was to advertise the policy and to see if any objections were received. That advertising period has now passed and there were no comments or objections from the public.

COMMENT:

The ERA has recently issued the Shire with a new license and with this there are new obligations imposed on the Shire of Moora which are more onerous and require a lot more consideration than previously incurred, the penalties are also more severe as the Shire has experienced with a Section 39 being issued against them.

As a result the Shire of Moora will need to look at its policies and procedures and ensure that they are up to date and relevant. The Shire has to look proactively at these demands and ensure that we have the necessary procedures and policies in place to protect the Shire in case there is a complaint against the Shire which could be taken to the Water Ombudsman.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

Water Act 2012, Shire of Moora Water Services Operating License 23

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

44/15 *Moved Cr Humphry, seconded Cr Hawkins that Council adopt the updated Sewerage Policy as circulated.*

CARRIED 8/0

9.2.3 COMPLAINTS POLICY & PROCEDURE

FILE REFERENCE: PL/POPI

REPORT DATE: 8 April 2015

APPLICANT/PROPONENT: Shire of Moora

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: 18/2/2015 (13/15)

AUTHOR: Peter Williams, Manager Development Services

ATTACHMENTS: Complaints Policy

PURPOSE OF REPORT:

To develop a Complaints Policy and Procedure for the Shire of Moora to satisfy the needs of the Shire residents and to incorporate a sewerage complaints procedure that complies with AS ISO 10002 as required by the Economic Regulatory Authority (ERA) and the Shire's Water Services Operating Licence 23.

BACKGROUND:

The Shire of Moora has recently been audited by a representative of Cardno who were contracted by the ERA to carry out audits of sewerage systems of Local Authorities in Western Australia. During the audit it was noted that the Shire of Moora did not have a Complaints Policy and Procedure in accordance with AS ISO 10002. This policy was written to incorporate all of the Shire areas whereby providing a Complaints Policy and Procedure outlining procedures for dealing with complaints received by the Shire of Moora not only for the sewerage but the entire Shire as was recommended.

COMMENT:

This policy is for the whole of Shire and will facilitate the complaints process for the Sewerage Scheme. This policy once adopted will form part of the Shires complaint process.

This policy has now completed its advertising period as required for the introduction of new policies. There have been no comments nor objections received for the policy and its adoption.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

This policy is required under the Water services Act 2012 and the Water Ombudsman.

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

45/15 Moved Cr Hawkins, seconded Cr Seymour that Council adopt the Complaints Policy as circulated.

CARRIED 8/0

9.3 ENGINEERING SERVICES

9.3.1 TENDER NO. 13/15 SUPPLY AND DELIVERY OF WASTE WATER TRUCK

FILE REFERENCE: L/TEPI
REPORT DATE: 12 March 2015
APPLICANT/PROPONENT: John Greay, Manager Engineering Services
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: N/A
AUTHOR: Manager of Engineering Services, John Greay
ATTACHMENTS: Waste Water Truck Quotation Matrix

PURPOSE OF REPORT:

For Council to consider the changeover of its waste water truck, currently one only Mitsubishi FM658 rego (#M10362) and has travelled approximately 127,000 kms.

BACKGROUND:

Council has a 15 year plant replacement programme and it has been identified at the beginning of the financial year that this truck was due for replacement. This truck is used every week with grease trap cleanouts, septic tank pump outs and currently the servicing of the two Ertech and Brierty camp sites along the new Great Northern Highway alignments

COMMENT:

Council management decide to use the WALGA Preferred tenderer process to call for quotations for this truck in all, four companies responded and offered several options in regard to the supply of the sullage tank and associated equipment on the trucks that they are tendering.

POLICY REQUIREMENTS:

Council Policy 9.12 – Purchasing and Procurement

Adopted by Council 15th March 2000

The Shire is committed to maximising opportunities for the economic development of business and industry in the Shire of Moora.

The Shire has a responsibility to achieve value for money in its procurement of goods and services.

Value for money

Is an important consideration in the determining of contracts and purchasing of goods and services. Purchasing decisions will be based on the total cost of the product over its serviced life, considering factors such as quality, service standards, timely delivery, local back up, benefits and risk.

Suppliers within the Shire can actively seek business with the Shire of Moora by:

- Actively promoting goods and services to the Shire of Moora
- Offering competitive prices the first time
- Supplying quality goods and services
- Seeking information about proposed purchases to be made by the Shire of Moora.

Where practical, the Shire of Moora shall seek to support business and industry within the shire. The Shire of Moora will ensure that business and industry within the shire have every opportunity to bid for and where competitive, supply the required needs. As part of considering the value for money decisions, the benefits of purchasing goods and services for local suppliers shall be considered.

In considering value for money decision, the following considerations will be included when analysing purchasing from local business and industry:

- Local Government Act 1995 tender regulations
- National Competition Policy principles
- Trade Practises Act
- The social and economic impact of major contract decisions on local business
- Possible flow on effect to local businesses
- The potential for local product demonstrations and references, which consequently reduced risk in the decision making process
- More convenient communications and liaison
- Local backup, spare parts, warranty and quality of servicing
- Ability of local business to the Shire, thereby increasing economic activity
- Conformity with tender bid requirements
- Ability to meet the Shire of Moora's needs

The Shire of Moora will support and assist local business and industry by:

- Recognising the benefits of purchasing from local business and industry
- Advertising all tenders and expressions of interest in the Central Midlands and Coastal Advocate
- Where requested, provide feedback to unsuccessful tenderers highlighting how bids can be improved to be more competitive.

In terms of Councils existing policy the most relevant and critical reference at this juncture is; **“The Shire has a responsibility to achieve value for money in its procurement of goods and services.”**

LEGISLATIVE REQUIREMENTS:

Council has budgeted for the changeover of this vehicle in this financial year

STRATEGIC IMPLICATIONS:

Strategically the appropriate resourcing of heavy plant and equipment should be a priority of Council on an annual basis. Timely changing over of major plant and equipment will generally mitigate against the risk of major repairs and rebuilds.

In a general sense Council should undertake a closer examination of its heavy plant and equipment fleet a look to establish or re-establish outer markers in terms of maximum years/working hours of such items.

It is understood there is always annual budget parameters and it's a difficult task to provide the appropriate fiscal resources to keep up with a plant and equipment replacement program.

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:

Within the budget, the following allowances have been made under:-

Transport item # 34063 = \$262,500 gross price

Minus (profit on sale of Mitsubishi Waste Water Truck) = \$21,000 Changeover \$241,500 ex GST

VOTING REQUIREMENTS

Simple Majority Required

COUNCIL RESOLUTION

46/15 Moved Cr McLagan, seconded Cr Seymour that Council accept the quotation for tender 13/15 from WA Hino for the purchase of one new Hino 500 Series 2628 Med FM8JLMM-VHU Auto cab chassis tandem equipped with a 12,000 litre sullage tank and associated equipment from ATM Stalwart as per council requirements, on the basis of trading one only Mitsubishi FM658 rego (#M10362), at a net changeover of \$197,721 (GST Included).

CARRIED 8/0

9.3.2 TENDER NO. 14/15 SUPPLY AND DELIVERY OF ONE ONLY ROAD MAINTENANCE TRUCK

FILE REFERENCE: L/TEP1
REPORT DATE: 12 March 2015
APPLICANT/PROPONENT: John Greay, Manager Engineering Services
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: N/A
AUTHOR: Manager of Engineering Services, John Greay
ATTACHMENTS: Road Maintenance Truck Quotation Matrix

PURPOSE OF REPORT:

For Council to consider the changeover of its road maintenance truck, currently one only Isuzu FRR 500 long wheelbase tip truck (Rego # M10502) which has travelled approximately 227,000kms.

BACKGROUND:

Council has a 15 year plant replacement programme and it was identified at the beginning of the financial year that this truck was due for replacement. This truck is used every week for road maintenance on council's road network and is used for pothole repair, pavement edge breaks, guide post and sign replacement etc.

COMMENT:

Council management decided to use the WALGA Preferred tenderer process to call for quotations for this truck, in all four companies responded and all trucks are fitted with the Flocon unit attached as there is no other company offering this type of road patching unit.

POLICY REQUIREMENTS:

Council Policy 9.12 – Purchasing and Procurement

Adopted by Council 15th March 2000

The Shire is committed to maximising opportunities for the economic development of business and industry in the Shire of Moora.

The Shire has a responsibility to achieve value for money in its procurement of goods and services.

Value for money

Is an important consideration in the determining of contracts and purchasing of goods and services. Purchasing decisions will be based on the total cost of the product over its serviced life, considering factors such as quality, service standards, timely delivery, local back up, benefits and risk.

Suppliers within the Shire can actively seek business with the Shire of Moora by:

- Actively promoting goods and services to the Shire of Moora
- Offering competitive prices the first time
- Supplying quality goods and services
- Seeking information about proposed purchases to be made by the Shire of Moora.

Where practical, the Shire of Moora shall seek to support business and industry within the shire. The Shire of Moora will ensure that business and industry within the shire have every opportunity to bid for and where competitive, supply the required needs. As part of considering the value for money decisions, the benefits of purchasing goods and services for local suppliers shall be considered.

In considering value for money decision, the following considerations will be included when analysing purchasing from local business and industry:

- Local Government Act 1995 tender regulations
- National Competition Policy principles
- Trade Practises Act
- The social and economic impact of major contract decisions on local business
- Possible flow on effect to local businesses
- The potential for local product demonstrations and references, which consequently reduced risk in the decision making process
- More convenient communications and liaison
- Local backup, spare parts, warranty and quality of servicing
- Ability of local business to the Shire, thereby increasing economic activity
- Conformity with tender bid requirements
- Ability to meet the Shire of Moora's needs

The Shire of Moora will support and assist local business and industry by:

- Recognising the benefits of purchasing from local business and industry
- Advertising all tenders and expressions of interest in the Central Midlands and Coastal Advocate
- Where requested, provide feedback to unsuccessful tenderers highlighting how bids can be improved to be more competitive.

In terms of Councils existing policy the most relevant and critical reference at this juncture is; **“The Shire has a responsibility to achieve value for money in its procurement of goods and services.”**

LEGISLATIVE REQUIREMENTS:

Council has budgeted for the changeover of this vehicle in this financial year

STRATEGIC IMPLICATIONS:

Strategically the appropriate resourcing of heavy plant and equipment should be a priority of Council on an annual basis. Timely changing over of major plant and equipment will generally mitigate against the risk of major repairs and rebuilds.

In a general sense Council should undertake a closer examination of its heavy plant and equipment fleet a look to establish or re-establish outer markers in terms of maximum years/working hours of such items.

It is understood there is always annual budget parameters and it's a difficult task to provide the appropriate fiscal resources to keep up with a plant and equipment replacement program.

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:

Within the budget, the following allowances have been made under:-

Transport item # 34064 = \$225,000 gross price

Minus (profit on sale of Isuzu Road Maintenance Truck) = \$15,000 Changeover \$210,000 ex GST

VOTING REQUIREMENTS

Simple Majority Required

COUNCIL RESOLUTION

47/15 Moved Cr McLagan, seconded Cr Pond that Council accept the quotation for tender 14/15 from WA Hino for the purchase of one new Hino 500 Series 1628 Medium Six FG8JIM-QHU complete with Flocon Body as per council requirements, on the basis of trading one only Isuzu FRR 500 long wheelbase tip truck (Rego # M10502) for a changeover of \$192,000 (GST Included).

CARRIED 8/0

10. REPORTS OF COMMITTEES**GENERAL PURPOSE COMMITTEE MEETING – 1 APRIL 2015****10.1 REVIEW OF INVESTMENT POLICY****VOTING REQUIREMENTS:**

Simple Majority Required

COUNCIL RESOLUTION

48/15 Moved Cr McLagan, seconded Cr Clydesdale-Gebert that Council acknowledge review of the Investment Policy in the Shire of Moora Policy Manual and amend the policy to restrict the investment of Council funds to those banks with a credit rating of not less than AA.

CARRIED 8/0

10.2 MILING TOWNSITE – GREAT NORTHERN HIGHWAY BYPASS**VOTING REQUIREMENTS:**

Simple Majority Required

COUNCIL RESOLUTION

49/15 Moved Cr Gardiner, seconded Cr McLagan that Council endorse the Chief Executive Officer's actions in advising and encouraging the Miling Progress Association to undertake a survey of the membership of the Miling Progress Association concerning the proposed bypass routes of the Great Northern Highway adjacent to the Miling townsite subject to;

- *Any ballot to be conducted would be a secret ballot;*
- *Shire management offer to assist with compilation and planning of the survey and conduction of the ballot;*
- *Ballot to be conducted on a in person basis at the Miling Recreation/Community Centre on a Saturday morning to be nominated, 9.00am to 12.00pm;*
- *Eligibility to vote is limited to those current members of the Miling Progress Association in accordance with provisions of the Miling Progress Association constitution.*

CARRIED 8/0**11. ELECTED MEMBER MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil

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

Nil

13. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

The Shire President directed officers and members of the public leave the meeting to allow Council to discuss a matter in accordance with the Local Government Act 1995 Section 5.23 (2e).

At 6.10pm all officers left the meeting and the meeting moved behind closed doors.

COUNCIL RESOLUTION

50/15 Moved Cr McLagan, seconded Cr Seymour that the meeting move behind closed door at this juncture 6.10pm.

CARRIED 8/0

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

51/15 Moved Cr Humphry, seconded Cr Clydesdale-Gebert that the meeting come out from behind closed doors and reopen to the public at this juncture 6.16pm.

CARRIED 8/0

14. CLOSURE OF MEETING

There being no further business, the President declared the meeting closed at 6.16pm.

CONFIRMED

PRESIDING MEMBER