

SHIRE OF MOORA
MINUTES OF THE ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS, MOORA
21 FEBRUARY 2018

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1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

1.1 DECLARATION OF OPENING

The Shire President declared the meeting open at 5.30pm.

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

KM Seymour	-	Presiding Member / President
LC House	-	Councillor / Deputy President
TG Humphry	-	Councillor
DV Clydesdale-Gebert	-	Councillor
PF Nixon	-	Councillor
EI Hamilton	-	Councillor
PJ Bellamy	-	Councillor
JM Thomas	-	Councillor
AJ Leeson	-	Chief Executive Officer
DT Trevaskis	-	Deputy Chief Executive Officer
JL Greay	-	Manager Engineering Services
PR Williams	-	Manager Development Services
MM Murray	-	Executive Support Officer (minute taker)

LEAVE OF ABSENCE

TL Lefroy	-	Councillor
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PUBLIC

Cynthia McMorran AM JP	-	Freeman
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3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4. PUBLIC QUESTION TIME

Mrs Cynthia McMorran: Entrance Sign – Moora Swimming Pool Carpark

Mrs McMorran enquired why there is not an Entrance and Exit Sign into / out of the Moora Swimming Pool Carpark.

John Greay, Manager Engineering Services responded that these signs were not being abided by and were causing conflict, and on that basis the signs were removed.

5. **PETITIONS AND PRESENTATIONS**

Nil

6. **APPLICATIONS FOR LEAVE OF ABSENCE**

The Shire President advised that a written request for leave of absence had been received from Cr House for the meetings of Council to be held on 21st February 2018.

COUNCIL RESOLUTION

7/18 Moved Cr Humphry, seconded Cr Bellamy that Council approve the request for leave of absence received from Cr Lefroy for the meetings of Council to be held on the 21st February 2018.

CARRIED 8/0

7. **ANNOUNCEMENTS BY THE PRESIDING MEMBER**

The following Council associated engagements were attended;

Cr Seymour

- 11/1 Meeting with Rick Mazza MLC, Moora
- 12/1 Meeting with Shane Love MLA, Moora
- 18/1 Phone linkup with Melissa Price MP
- 22/1 Meeting with Minister Ellery, Perth
- 26/1 Australia Day breakfast Apex Park
- 29/1 Interview with SKY news in Perth
- 2/2 Residential College meeting
- 5/2 Phone conference – Agricultural Freight Group
- 13/2 CWA Rally, Perth
- 14/2 Education Forum, Moora
- 19/2 Meeting with Planning Minister Alannah MacTiernan MLC, Perth

Cr House

- 8/12 Watheroo School Presentation evening – presented Shire book award
- 13/2 CWA Rally, Perth
- 14/2 Education Forum, Moora

Cr Thomas

- 15/2 Frail Aged Care meeting, Moora
- 14/2 Education Forum, Moora
- 30/1 Moora Rally re Residential College closure

Cr Clydesdale-Gebert

- 30/1 Moora Rally re Residential College closure
- 14/2 Education Forum, Moora
- 19/2 Chamber of Commerce meeting

Cr Bellamy

- 30/1 Moora Rally re Residential College closure

Cr Hamilton

- 26/1 Australia Day breakfast Apex Park
- 30/1 Moora Rally re Residential College closure

Cr Humphry

- 11/1 Meeting with Rick Mazza MLC, Moora
- 26/1 Australia Day breakfast Apex Park
- 30/1 Moora Rally re Residential College closure
- 13/2 CWA Rally, Perth
- 14/2 Education Forum, Moora
- 15/2 Frail Aged Care meeting, Moora

Cr Nixon

- 11/1 Meeting with Rick Mazza MLC, Moora
- 12/1 Meeting with Shane Love MLA, Moora
- 18/1 Phone linkup with Melissa Price MP
- 26/1 Australia Day breakfast Apex Park
- 14/2 Education Forum, Moora
- 22/2 Meeting with Education Minister Sue Ellery MLC
- 23/2 Meeting with Martin Aldridge MLC
- 14/2 Education Forum, Moora

8. CONFIRMATION OF MINUTES**8.1 ORDINARY COUNCIL MEETING - 13 DECEMBER 2017****COUNCIL RESOLUTION**

8/18 *Moved Cr Hamilton, seconded Cr Bellamy that the Minutes of the Ordinary Meeting of Council held on 13 December 2017 be confirmed as a true and correct record of the meeting.*

CARRIED 8/0**8.2 SPECIAL COUNCIL MEETING - 21 DECEMBER 2017****COUNCIL RESOLUTION**

9/18 *Moved Cr Humphry, seconded Cr Thomas that the Minutes of the Special Meeting of Council held on 21 December 2017 be confirmed as a true and correct record of the meeting.*

CARRIED 8/0

8.3 ELECTORS GENERAL MEETING - 7 FEBRUARY 2018**COUNCIL RESOLUTION**

10/18 Moved Cr Clydesdale-Gebert, seconded Cr Bellamy that Council receives the minutes of the Electors General Meeting held on 7 February 2018, and note the contents.

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: 7 February 2018

OFFICER DISCLOSURE OF INTEREST: Nil

AUTHOR: David Trevaskis, Deputy Chief Executive Officer

SCHEDULE PREPARED BY: Alida Fitzpatrick, Finance 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

11/18 Moved Cr Humphry, seconded Cr Bellamy that Council notes and endorses the Payments from the Municipal and Trust Funds made under delegation 1.31

December 2017

Municipal Fund	Cheques 62315 to 62321	\$8,288.21
	EFT 18658 to 18810	\$442,082.10
	Credit Card 03/11/17 to 03/12/17	\$5,867.69
	Net Pays – PPE 12/12/17	\$104,213.27
	Net Pays – PPE 26/12/17	\$93,121.82
	DD 11635.1 to 11704.16	\$48,991.83
Trust Fund	Cheques 5302 to 5322	\$610.95
Total		<u>\$703,175.87</u>

January 2018

Municipal Fund	Cheques 62322 to 62327	\$5,935.56
	EFT 18811 to 18934	\$305,966.95
	Credit Card 04/12/17 to 02/01/18	\$2,441.86
	Net Pays – PPE 09/01/18	\$92,613.61
	Net Pays – PPE 23/01/18	\$90,495.87
	DD 11698.1 to 11740.14	\$47,793.35
Trust Fund	Cheques 5323 to 5330	\$1,387.15
Total		<u>\$546,634.35</u>

CARRIED 8/0

9.1.2 STATEMENT OF FINANCIAL ACTIVITY FOR PERIOD ENDED 31 DECEMBER 2017 AND 31 JANUARY 2018

REPORT DATE: 15 February 2018

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 December 2017 and 31 January 2018

PURPOSE OF REPORT:

To note and receive the Statement of Financial Activity for the period ended 31 December 2017 and 31 January 2018.

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 2017/18 adopted budget.

VOTING REQUIREMENTS

Simple Majority Required

COUNCIL RESOLUTION

12/18 Moved Cr Hamilton, seconded Cr Humphry that Council notes and receives the Statement of Financial Activity for the period ended 31 December 2017 and 31 January 2018.

CARRIED 8/0

9.1.3 NATURE PLAYGROUND – LOTS 41 & 42 ROBERTS STREET MOORA

Cr Nixon declared an impartiality interest as he is a member of the Church concerned and left the meeting at 5.44pm.

FILE REFERENCE: CC/NPPI

REPORT DATE: 16 February 2018

APPLICANT/PROPONENT: Chief Executive Officer

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Alan Leeson

ATTACHMENTS: Map

PURPOSE OF REPORT:

Council to consider leasing Lots 41 & 42 Roberts Street Moora for the purpose of developing a nature playground.

BACKGROUND:

Anglican Church Diocese of Perth (ACDP) have agreed to conditionally offer Council the said land for an initial lease period of 10 years with an option for a further 10 years for the purpose a developing a nature playground.

COMMENT:

In 2017 Council was approached by a local group of young families to consider procuring suitable land to develop a nature playground. Lots 41 and 42 Roberts Street, Moora were identified as being a suitable location.

The author is of the view that an initial term of two years should be agreed to which would allow time for design/costings/funding to be put in place. Should the project get the go ahead, at that juncture it would then be prudent to enter into a longer term lease.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

Local Government Act 1995

STRATEGIC IMPLICATIONS:

Nil

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 land has been offered for an initial period of 10 years with an option for a further 10 years with special conditions as per the attached letter. The lease price is \$750 per annum linked to CPI annually.

VOTING REQUIREMENTS:

Simple Majority Required

**SUBSTANTIVE MOTION
(RECOMMENDATION)**

13/18 Moved Cr Humphry, seconded Cr House that Council advise the Anglican Church Diocese of Perth that it agrees to lease Lots 41 & 42 Roberts Street, Moora for period of two years at a cost of \$750 per annum plus outgoings commencing from 1 March 2018 for the purpose of designing and costing a “Nature Playground”, further advising of Councils intent, that should the project go ahead Council will enter into a longer term lease agreement (10 years with an option for a further 10 years) as conditionally offered.

AMENDMENT MOTION

Moved Cr Clydesdale-Gebert, seconded Cr Thomas that the item lay on table until the Strategic Plan Community Consultation has been undertaken.

MOTION LOST 2/5

WITH THE AMENDMENT MOTION BEING LOST THE SUBSTANTIVE MOTION WAS PUT AND

CARRIED 5/2

At 5.52pm Cr Nixon rejoined the meeting and advised of Council’s resolution.

9.1.4 BUDGET REVIEW

FILE REFERENCE: F/BUE I

REPORT DATE: 15 February 2018

APPLICANTS/PROPONENT:

OFFICER DISCLOSURE OF INTEREST:

PREVIOUS MEETING REFERENCES:

AUTHOR: David Trevaskis, Deputy Chief Executive Officer

ATTACHMENTS: Shire of Moora Budget Review 2017/18

PURPOSE OF REPORT:

To adopt the budget review for the period 1 July 2017 to 31 January 2018

BACKGROUND:

Local Governments are required to formally conduct a budget review at least once each financial year, between 1 January and 31 March. The budget review allows a detailed comparison of the year to date (YTD) actual results with the adopted or amended budget.

The budget review is to be submitted to Council within 30 days of the review for Council to consider and determine whether or not to adopt the review and any recommendations made within the review.

A copy of the review and Council decision is to be provided to the Department of Local Government and Regional Development within 30 days of the decision by Council.

COMMENT:

The budget review for the period 1 July 2017 to 31 January 2018 has been conducted by management and is provided as a separate attachment to this agenda.

A number of changes to the budget are recommended as part of this budget review to recognise grants that were not received, savings achieved, projects that cannot be achieved this financial year and changes requested by Council.

All budget amendments are shown in the attached Budget Review 2017/18 document.

The proposed Amended Budget estimates a deficit balance at 30 June 2018 of (\$102,432).

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

Regulation 33A - Local Government (Financial Management) Regulations 1996 applies. The proposed estimated surplus is within the allowed maximum allowed (10% of rates raised).

STRATEGIC IMPLICATIONS:

The budget review helps determine and document any projects that are unlikely to be completed during the budget year and new opportunities that have arisen during the year. The review process ensures management and elected members review the performance of the Council for the year to date and apply corrective actions, if required prior to 30 June to ensure proper financial management is maintained

SUSTAINABILITY IMPLICATIONS:

- **Environment**
There are no known significant environmental implications associated with this proposal.
- **Economic**
 - The budget review process provides a timely indication of ability of the local government to achieve the budgeted performance for the year and the timing allows corrective actions if required prior to 30 June.
- **Social**
There are no known significant social implications associated with this proposal.

FINANCIAL IMPLICATIONS:

The budget review enables management to establish whether the local government continues to meet its budget commitments. It enables Council to determine whether income and expenditures are in accordance with the adopted budget.

VOTING REQUIREMENTS

Absolute Majority Required

COUNCIL RESOLUTION

14/18 Moved Cr Bellamy, seconded Cr Hamilton that Council, having considered the budget review for the period 1 July 2017 to 31 January 2018 adopts the review as tabled with a budgeted closing position as of 30 June 2018, of a deficit of \$102,432.

CARRIED by ABSOLUTE MAJORITY 8/0

9.2 ENGINEERING SERVICES**9.2.1 PROPOSED PERMANENT ROAD CLOSURE – ORTON ROAD**

Cr Nixon declared a financial & impartiality interest as he is a neighbour to the Glasfurd 's and left the meeting at 5.54pm

FILE REFERENCE: S/ROCI

REPORT DATE: 5 February 2018

APPLICANT/PROPONENT: Shire of Moora

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: John Greay, Manager Engineering Services

ATTACHMENTS: Correspondence from Mr David Glasfurd
Advertising

Photos of (part of) unmade Orton Road

Correspondence from Mr Andrew Nixon

PURPOSE OF REPORT:

Council to consider the permanent closure of Orton Road – Part of (refer to map).

BACKGROUND:

Council received a letter from Mr David Glasfurd on the 5th April 2017 requesting consideration for the closure of part of Orton Road, south of the Midlands Road which is a gazetted but unmade road.

Mr Glasfurd has expressed a concern regarding the bio security of his property should the road remain available to the public even though there is no access-way through or along the gazetted road. Mr Glasfurd has constructed his own internal farm road adjacent to the gazetted road which allows him to access and service his property.

COMMENT:

The road is not constructed within the road reserve and extensive clearing would be required to build a road within the reserve. I would expect that the Department of Environmental Regulations would not approve should an application be put forward.

Council has advertised the proposed road closure in the West Australian newspaper dated Wednesday 22nd November 2017 – see attached cutting. At the time of closing on the 22nd December 2017 council had not received any objections or queries. Since then, on the 1st February 2018 we have received an objection – refer attached correspondence.

The author is of the opinion that to permanently close Orton Road and have the subject land merged with the adjacent farm land with the proviso that the area be fenced off and not cleared and retained will help preserve a small portion of remnant vegetation. The neighbours who state that they wish to access the road reserve to enter their properties may need to discuss the option of using Mr Glasfurd's already constructed road. It would appear that no farming lots are land locked as they all front onto existing made roads.

POLICY REQUIREMENTS:

Council does not have a policy relevant to this matter. It maybe that a policy be developed, however the merits of individual cases/situations would make it difficult to develop a policy that would have a broad and practical application. The author is of the view that individual cases be considered on their merit.

LEGISLATIVE REQUIREMENTS:

Refer to legislation hereunder;

Land Administration Act 1997 – Section 58**58. Closing roads**

- (1) When a local government wishes a road in its district to be closed permanently, the local government may, subject to subsection (3), request the Minister to close the road.
- (2) When a local government resolves to make a request under subsection (1), the local government must in accordance with the regulations prepare and deliver the request to the Minister.
- (3) A local government must not resolve to make a request under subsection (1) until a period of 35 days has elapsed from the publication in a newspaper circulating in its district of notice of motion for that resolution, and the local government has considered any objections made to it within that period concerning the proposals set out in that notice.

- (4) On receiving a request delivered to him or her under subsection (2), the Minister may, if he or she is satisfied that the relevant local government has complied with the requirements of subsections (2) and (3) —
 - (a) by order grant the request; or
 - (b) direct the relevant local government to reconsider the request, having regard to such matters as he or she thinks fit to mention in that direction; or
 - (c) refuse the request.
- (5) If the Minister grants a request under subsection (4) —
 - (a) the road concerned is closed on and from the day on which the relevant order is registered; and
 - (b) any rights suspended under section 55(3)(a) cease to be so suspended.
- (6) When a road is closed under this section, the land comprising the former road —
 - (a) becomes unallocated Crown land; or
 - (b) if a lease continues to subsist in that land by virtue of section 57(2), remains Crown land.

Land Administration Regulations 1998

9. Local government request to close road permanently (Act s. 58(2)), requirements for

For the purposes of preparing and delivering under section 58(2) of the Act a request to the Minister to close a road permanently, a local government must include with the request —

- (a) written confirmation that the local government has resolved to make the request, details of the date when the relevant resolution was passed and any other information relating to that resolution that the Minister may require; and
- (b) sketch plans showing the location of the road and the proposed future disposition of the land comprising the road after it has been closed; and
- (c) copies of any submissions relating to the request that, after complying with the requirement to publish the relevant notice of motion under section 58(3) of the Act, the local government has received, and the local government's comments on those submissions; and
- (d) a copy of the relevant notice of motion referred to in paragraph (c); and
- (e) any other information the local government considers relevant to the Minister's consideration of the request; and
- (f) written confirmation that the local government has complied with section 58(2) and (3) of the Act.

STRATEGIC IMPLICATIONS:

There are no known relevant strategic considerations in relation to this matter.

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 only financial consideration for Council in relation to this matter is the cost of advertising which is likely to be in the vicinity of \$300.

SUMMARY:

Assuming that council approves of the road closure and knowing that the road reserve is fairly heavily vegetated in some areas and the fact that it serves little, if any broader public benefit or use, Orton Road should be permanently closed in accordance with the provisions of the Land Administration Act 1997.

VOTING REQUIREMENTS

Simple Majority Required

MANEX RECOMMENDATIONS

That Council;

- 1. Acknowledge the correspondence of Mr David Glasfurd in relation to issues concerning Orton Road;*
- 2. Acknowledge the objection of Mr Andrew Nixon and Mr Shane Vanzetti to have Orton Road closed permanently;*
- 3. Proceed to advise the Department of Lands of councils' direction to close the part section of Orton Road that is in question.*

COUNCIL RESOLUTION

15/18 Moved Cr Bellamy, seconded Cr House that Council acknowledge the correspondence of Mr David Glasfurd in relation to issues concerning Orton Road.

CARRIED 7/0

COUNCIL RESOLUTION

16/18 Moved Cr Hamilton, seconded Cr Bellamy that Council acknowledge the objection of Mr Andrew Nixon and Mr Shane Vanzetti to have Orton Road closed permanently.

Cr House requested that it is noted in the minutes that the submissions received by Mr Nixon & Mr Vanzetti were received after the submission closing period.

CARRIED 7/0

COUNCIL RESOLUTION

17/18 Moved Cr Clydesdale-Gebert, seconded Cr Thomas that point 3 of the recommendation of item 9.2.1 lay on the table.

CARRIED 7/0

At 6.12pm Cr Nixon rejoined the meeting and advised of Council's resolution.

10. REPORTS OF COMMITTEES

GENERAL PURPOSE COMMITTEE MEETING – 7 FEBRUARY 2018

10.1 ST JOSEPHS SCHOOL NEW BUS SHELTER

FILE REFERENCE: TP/PA16/1718

REPORT DATE: 23 January 2018

APPLICANT/PROPONENT: St Joseph's School, Moora

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Peter Williams, Manager Development Services

ATTACHMENTS: Plans

PURPOSE OF REPORT:

For Council to consider an application from St Joseph's School to construct a new bus shelter to be located on the school grounds located at Lot 25 Dandaragan Street Moora, to accommodate and protect school children waiting for school bus. This area of land Lots 24-27 Dandaragan Street is zoned as Special Use Zone for the purpose of a Private School.

COMMENT:

The bus shelter is of steel construction and cladding and is to be located just inside the school boundary near the front gate on Kintore Street near where the buses pull in to collect the children. The bus shelter meets the requirements of the Shire of Moora Town Planning Scheme 4 (Amendment 12), Special Purpose Zone for a Private School.

POLICY REQUIREMENTS:

There are no known policy implications for this item.

LEGISLATIVE REQUIREMENTS:

Shire of Moora Town Planning Scheme No 4 (Amendment 12)

STRATEGIC IMPLICATIONS:

There are no known strategic implications for this item.

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 known financial implications associated with this proposal.

VOTING REQUIREMENTS

Simple Majority Required

**COUNCIL RESOLUTION
(COMMITTEE RECOMMENDATION)**

18/18 Moved Cr Hamilton, seconded Cr House that Council approve the application by St Joseph's School to construct and site a new bus shelter on the School property located at 24-27 Dandaragan Street Moora in accordance with the plans submitted to Council.

CARRIED 8/0

10.2 SMALL PRODUCTION BREWERY LOT 212 MELBOURNE STREET MOORA

Cr Clydesdale-Gebert declared a proximity interest as she owns lot 214 Melbourne Street and left the meeting at 6.13pm.

FILE REFERENCE: TP/PA26/1617

REPORT DATE: 31 January 2018

APPLICANT/PROPONENT: Peter Derrick

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: 24/5/17 (67/17)

AUTHOR: Peter Williams, Manager Development Services

ATTACHMENTS: Nil

PURPOSE OF REPORT:

For Council to consider application by Peter & Shirley Derrick (Proponents) to develop a small production brewery at their property located at Lot 212 Melbourne Street, Moora. The Proponents are requesting Council to issue them with a Section 40 under the Liquor Control Act 1988.

BACKGROUND:

Lot 212 Melbourne Street is located in the Industrial Zone for which the Objectives are:

- (a) to provide for the needs of industry to support the community.
- (b) to provide appropriate buffers between industry and adjacent land uses, so as to avoid land use conflicts.
- (c) to provide landscaped buffers along the branch of the Moore River to the established industrial area.
- (d) to avoid direct discharge of stormwater drainage or the discharge of any deleterious substances into the branch of the Moore River.
- (e) to avoid non-industry related uses establishing in the industrial area.

Development Requirements:

- (a) the first 5 metres of the front setback on any lot shall be landscaped to the satisfaction of the local government. Where a lot has frontage to 2 streets the local government may vary the landscaping requirement only where the setback is reduced in which case the whole of the setback so reduced shall be landscaped to the satisfaction of the local government.
- (b) prior to the issue of developmental approval for an industry in the Industrial zone, the local government will ascertain the appropriate buffer for that industry, and such industry may only be granted developmental approval if the relevant buffer can be accommodated wholly within the zone.
- (c) in considering proposals for industries which would generate industrial liquid, solid or gaseous wastes the local government may refer such proposals to the Department of

Environment and Conservation, and the granting of developmental approval for such industries shall be subject to wastes being treated and disposed of in accordance with advice/guidelines received.

Small Production Brewery is a use that is not defined under the Shire of Moora Town Planning Scheme which allows Council discretion to decide whether the use is appropriate for the Industrial Zone. Point to note a Tavern is not permitted in the Industrial Zone

A Local Government Authority's town planning scheme serves as the most important tool in shaping a community's liquor environment outside of the *Liquor Control Act 1988*.

An application for a liquor licence can't be approved by the Department of Racing, Gaming and Liquor if local government planning approval has not been granted, through provision of a Section 40 Approval.

In accordance with sections 39 and 40 of the Act, an applicant for a licence is required to submit local government certificates demonstrating compliance with:

- the Health Act;
- the Local Government Act;
- the Local Government (Miscellaneous Provisions) Act;
- any other written law relating to sewerage and drainage; and
- specific town planning scheme matters.

Section 39 and 40 certificates apply to:

- the granting or removal of a licence;
- the altering or redefinition of a venue;
- an application for an alfresco area; and
- applications for 'liquor without a meal' permits.

The licensing authority has the discretion to waive the requirement for a local government certificates to accompany an application during the licensing process.

However, an applicant would still have to obtain the relevant approvals from the local government authority prior to proceeding with any development and the applicant is still bound by local government authority health and planning requirements.

COMMENT:

The Proponent Mr Derrick requires a Section 40 approval from the Shire of Moora for his development to proceed through the application stage with the Department of Racing, Gaming and Liquor

The Industrial Zone as the zone objectives state is basically for industrial purposes it is not designed for food production. If approval is permitted the proponent would have to be aware of this and take the necessary steps to dust proof any food production area.

Council needs to decide whether this development is appropriate for this Zone.

This development has been advertised to the public and received one objection at the time and which was later withdrawn. No other objections were received.

POLICY REQUIREMENTS:

There are no known policy implications for this item.

LEGISLATIVE REQUIREMENTS:

Liquor Control Act 1988 (Section 40)

Certificate of planning authority as to whether use of premises complies with planning laws

- (1) An application made to the licensing authority for the grant or removal of a licence, or for a change in the use or condition of any premises must be supported by a certificate from the authority responsible for planning matters in the district in which the premises to which the application relates are situated, or are to be situated, unless the licensing authority otherwise determines.
- (2A) The certificate referred to in subsection (1) is not required to be provided at the same time as the application but the application cannot be granted until the certificate has been provided to the licensing authority, unless the licensing authority otherwise determines.
- (2) A certificate referred to in subsection (1) shall state that the proposed use of the premises —
 - (a) will comply with the requirements of the written laws relating to planning specified; or
 - (b) would comply with the requirements specified if consent were to be given by a specified authority, if it is known whether that authority will give the consent, and what specified conditions or specifications should be, or are likely to be, imposed; or
 - (c) will not comply with the requirements specified for the reasons specified.
- (3) In this section —
specified means specified in the planning certificate.
- (4) The licensing authority may, where it is satisfied that it is desirable to do so, impose a condition on a licence relating to the submission, or further submission, to the licensing authority of a certificate referred to in subsection (1).

Shire of Moora Town Planning Scheme No 4 (Amendment 12)

STRATEGIC IMPLICATIONS:

There are no known strategic implications for this item.

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 for this item all fees have been paid

VOTING REQUIREMENTS

Simple Majority Required

**COUNCIL RESOLUTION
(COMMITTEE RECOMMENDATION)**

19/18 Moved Cr Bellamy, seconded Cr Humphry that Council grant planning approval to proponent Mr Peter Derrick to operate a Small Production Brewery at Lot 212 Melbourne Street, Moora in accordance with the requirements of Section 40 of the Liquor Control Act 1988, noting the following conditions /parameters to be met subsequent to consideration of the application to be considered by the Department of Racing, Gaming and Liquor;

Prior to commencement of development, proponent will be required to;

- **Comply with requirements of Section 39 Liquor Control Act 1988;**
- **Comply with all relevant Health, Building and Food legislative requirements.**

CARRIED 7/0

At 6.16pm Cr Clydesdale-Gebert re-joined the meeting.

10.3 TENDER # 01/18 - PROVISION OF SERVICES TO SUPPLY SKIP BINS TO THE MILING TRANSFER STATION

FILE REFERENCE: H/WAMMI

REPORT DATE: 31 January 2018

APPLICANT/PROPONENT: Shire of Moora

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Peter Williams, Manager Development Services

ATTACHMENTS: Nil

PURPOSE OF REPORT:

For Council to consider results of tender 01/18 for the provision of services to supply skip bins to the Miling transfer station and removal of those bins and their contents to Moora landfill site.

BACKGROUND:

Every 4 years the tender for the hire and servicing of skip bins for the Miling transfer station is put out for tender. Tenders were called in December 2017. Avon Waste were the previous successful tender.

The following compliant tenders were received;

	Number of 6.0 m ³ bins	Bin Rental annual fee	Bin Pickup Fee Annual (Frequency - Once per month)	Total Annual Charge
Avon Waste	4	\$2,272.00	\$2,609.09	\$4,881.09
Ajax Contracting	4	\$1,040.00	\$2,880.00	\$3,920.00

COMMENT:

Ajax Contractors, a local business has provided the lowest tender based on an annual figure of \$3,920 (GST Exclusive) to supply 4 x 6m³ skip bins for hire and monthly pickup/servicing Avon Waste tender was \$4,881 per annum.

POLICY REQUIREMENTS:

There are no known policy implications for this item.

LEGISLATIVE REQUIREMENTS:

Section 3.57 of the Local Government Act 1995

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

STRATEGIC IMPLICATIONS:

There are no known strategic implications for this item.

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:

Allowances have been made in this year's budget

VOTING REQUIREMENTS

Simple Majority Required

**COUNCIL RESOLUTION
(COMMITTEE RECOMMENDATION)**

20/18 Moved Cr Hamilton, seconded Cr Bellamy that Council award RFT 01/2018 Provision of Services to Supply Skip Bins to the Miling Transfer Station and the monthly servicing of those bins, to Ajax Contractors for three years from the 6 March 2018; with an option of a further one year of agreeable by both parties.

CARRIED 8/0

10.4 WIDENING AND REALIGNMENT OF THE GREAT NORTHERN HIGHWAY - WALEBING

FILE REFERENCE: S/MA11

REPORT DATE: 5 February 2018

APPLICANT/PROPONENT: Main Roads Western Australia

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: John Greay, Manager Engineering Services

ATTACHMENTS: Maps - drawings

PURPOSE OF REPORT:

As Council would be aware Main Roads are in the process of upgrading the Great Northern Highway and are presently undertaking preliminary work on what is referred to as the Walebing section.

BACKGROUND:

The Highway, through Walebing, at the Midlands Road junction, wasn't upgraded with previous upgrades however will link the two previous sections together once constructed.

COMMENT:

We have recently received correspondence from Main Roads Western Australia (MRWA) requesting council's agreeance with the proposal. In order to dedicate the new roads, close the redundant roads, a council resolution is required pursuant to Section 56 of the Land Administration Act 1997 (LAA). Main Roads therefore requests that the Council pass the following resolution to dedicate the road and road widenings for the Walebing Section – refer attached drawings. These actions will require the gazetting of the relevant sections of the road and are to be in accordance with Section 13 of the Main Roads Act.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

Land Administration Act Section 56 stipulates that the land be dedicated as a road reserve requires the concurrence of the local authority before the dedication can be considered by State Land Services.

STRATEGIC IMPLICATIONS:

There are no known strategic implications associated with this proposal for council.

SUSTAINABILITY IMPLICATIONS:

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

FINANCIAL IMPLICATIONS:

Nil

VOTING REQUIREMENTS:

Simple Majority Required

**COUNCIL RESOLUTION
(COMMITTEE RECOMMENDATION)**

21/18 Moved Cr Nixon, seconded Cr Hamilton that Council at its ordinary meeting held on Wednesday 7th February 2018 passed a resolution for the dedication of the land the subject of Main Roads Land Dealing Plans 1760 – 110 to 1760 – 112 as a road pursuant to Section 56 of the land Administration Act 1997.

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

The Chief Executive Officer tabled an item of urgent business titled 'Road Closures for Miling By-Pass' for Councils consideration.

COUNCIL RESOLUTION

22/18 Moved Cr Humphry, seconded Cr House that Council consider the item of urgent business as tabled by the Chief Executive Officer titled 'Road Closures for Miling By-Pass'.

CARRIED 8/0**12.1 ROAD CLOSURES FOR MILING BY-PASS**

Item withdrawn to allow for clarification relating to position of truck parking bays at the request of Council.

13. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Nil

14. CLOSURE OF MEETING

There being no further business, the President declared the meeting closed at 6.21pm.

CONFIRMED

PRESIDING MEMBER