

**Shire of Moora
Ordinary Council Meeting
18th June 2014**

NOTICE OF MEETING

Dear Elected Member

The next Ordinary Council Meeting of the Shire of Moora
will be held on **Wednesday 18th June 2014**
in the Council Chambers, 34 Padbury Street, Moora
commencing at **5.30 pm**

AJ Leeson
Chief Executive Officer



13th June 2014

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**WRITTEN DECLARATION OF INTEREST IN MATTER BEFORE COUNCIL**

Chief Executive Officer
 Shire of Moora
 PO Box 211
 MOORA WA 6510

Dear Sir/Madam,

Re: Written Declaration of Interest in Matter Before Council

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

Agenda Item ⁽³⁾ _____

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

- Financial pursuant to Section 5.60A of the Local Government Act 1995
- Proximity pursuant to Section 5.60B of the Local Government Act 1995
- Indirect Financial pursuant to Section 5.61 of the Local Government Act 1995
- Impartiality pursuant to Regulation 11 of the Local Government (Rules of Conduct) Regulations 2007.

The nature of my interest is ⁽⁵⁾

The extent of my interest is ⁽⁶⁾

I understand that the above information will be recorded in the Minutes of the meeting and recorded by the Chief Executive Officer in an appropriate Register.

Yours faithfully,

 Signed

 Date

1. Insert your name.
2. Insert the date of the Council Meeting at which the item is to be considered.
3. Insert the Agenda Item Number and Title.
4. Tick box to indicate type of interest.
5. Describe the nature of your interest.
6. Describe the extent of your interest (if seeking to participate in the matter under S. 5.68 of the Act).

THIS PAGE HAS BEEN LEFT BLANK INTENTIONALLY.

SHIRE OF MOORA
ORDINARY COUNCIL MEETING AGENDA
18 JUNE 2014
COMMENCING AT 5.30PM

TABLE OF CONTENTS

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS	7
1.1 DECLARATION OF OPENING.....	7
1.2 DISCLAIMER READING	7
2. ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE	7
3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	7
4. PUBLIC QUESTION TIME	7
5. PETITIONS AND PRESENTATIONS.....	7
6. APPLICATIONS FOR LEAVE OF ABSENCE.....	7
7. ANNOUNCEMENTS BY THE PRESIDING MEMBER.....	7
8. CONFIRMATION OF MINUTES	7
8.1 ORDINARY COUNCIL MEETING - 21 MAY 2014	7
9. REPORTS OF OFFICERS.....	8
9.1 GOVERNANCE AND CORPORATE SERVICES.....	8
9.1.1 LIST OF PAYMENTS AUTHORISED UNDER DELEGATION 1.31	8
9.1.2 STATEMENT OF FINANCIAL ACTIVITY FOR PERIOD ENDED 31 MAY 2014.....	10
9.1.3 LOCAL GOVERNMENT CONVENTION - ATTENDANCE	11
9.1.4 BUSH FIRES ACT - FIRE CONTROL OFFICERS.....	14
9.1.5 TENDER – SALE OF NO 6 (LOT 38) LEFROY STREET, MOORA BY PUBLIC TENDER 03/2014	16
9.1.6 SALE OF NO 6 (LOT 38) LEFROY STREET, MOORA BY PROPOSED PRIVATE TREATY	18
9.1.7 COMMUNITY SPORT AND RECREATION FACILITIES FUND – SMALL GRANTS PROGRAM 2014/2015 – MILING TENNIS CLUB COURTS RESURFACING	21
9.2 DEVELOPMENT SERVICES.....	23
9.2.1 PIONEER BAKERY RECONSTRUCTION 50 PADBURY STREET MOORA.....	23
9.2.2 PROPOSED SHIRE OF MOORA SEWERAGE CONNECTION POLICY	25

9.3 ENGINEERING SERVICES.....	27
9.3.1 LAND RESUMPTIONS – GABALONG WEST ROAD.....	27
10. ELECTED MEMBER MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	28
11. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF COUNCIL.....	28
12. MATTERS FOR WHICH THE MEETING MAY BE CLOSED	28
13. CLOSURE OF MEETING	28

*

Separate Attachments

- 9.1.1 *List of Payments Authorised Under Delegation 1.31*
- 9.1.2 *Statement of Financial Activity for Period Ended 31 May 2014*
- 9.1.3 *Bush Fire Advisory Committee minutes*
- 9.1.7 *Application*
- 9.2.1 *Plans*
- 9.2.2 *Draft Sewerage Connection Policy*
- 9.3.1 *Realignment Maps showing adjustments to Location 3 Gabalong West Road*

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS**1.1 DECLARATION OF OPENING****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**3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE****4. PUBLIC QUESTION TIME****5. PETITIONS AND PRESENTATIONS****6. APPLICATIONS FOR LEAVE OF ABSENCE**

Cr Hawkins has requested in writing for a leave of absence for the meetings of Council to be held during the period 2nd July to the 16th July 2014.

RECOMMENDATION

That Cr Hawkins be granted leave of absence for the meetings of Council to be held during the period 2nd July to 16th July 2014.

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER**8. CONFIRMATION OF MINUTES****8.1 ORDINARY COUNCIL MEETING - 21 MAY 2014**

That the Minutes of the Ordinary Meeting of Council held on 21 May 2014 be confirmed as a true and correct record of the meeting.

9. REPORTS OF OFFICERS

9.1 GOVERNANCE AND CORPORATE SERVICES

9.1.1 LIST OF PAYMENTS AUTHORISED UNDER DELEGATION 1.31

REPORT DATE: 10 June 2014

OFFICER DISCLOSURE OF INTEREST: Nil

AUTHOR: 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

RECOMMENDATION

That Council notes and endorses the Payments from the Municipal and Trust Funds made under delegation 1.31

<i>Municipal Fund</i>	<i>Cheques 61734 to 61786</i>	<i>\$97,872.99</i>
	<i>EFT 11781 to 11993</i>	<i>\$838,075.77</i>
	<i>Credit Card 15/04/14 – 14/05/14</i>	<i>\$2,928.25</i>
	<i>Net Pays – PPE 06/05/14</i>	<i>\$79,052.61</i>
	<i>Net Pays – PPE 20/05/14</i>	<i>\$81,948.14</i>
<i>Trust Fund</i>	<i>Cheques 4975 to 4983</i>	<i>\$575.50</i>
<i>Total</i>		<i><u>\$1,100,453.26</u></i>

9.1.2 STATEMENT OF FINANCIAL ACTIVITY FOR PERIOD ENDED 31 MAY 2014

REPORT DATE: 9 June 2014

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 May 2014

PURPOSE OF REPORT:

To note and receive the Statement of Financial Activity for the period ended 31 May 2014.

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 2013/14 adopted budget.

VOTING REQUIREMENTS

Simple Majority Required

RECOMMENDATION

That Council notes and receives the Statement of Financial Activity for the period ended 31 May 2014.

9.1.3 LOCAL GOVERNMENT CONVENTION - ATTENDANCE

FILE REFERENCE: EM/SUC1-2

REPORT DATE: 27 May 2014

APPLICANT/PROPONENT: WA Local Government Association

OFFICER DISCLOSURE OF INTEREST: The author of this report declares a financial interest in the matter, as he would normally attend the Convention. The extent of the interest is to the value of the associated attendance costs.

PREVIOUS MEETING REFERENCES: Not Applicable

AUTHOR: Alan Leeson, Chief Executive Officer

ATTACHMENTS: Nil

PURPOSE OF REPORT:

To make Elected Members aware of the timing of the 2014 Local Government Convention, and establish attendance numbers and voting delegates.

BACKGROUND:

Each year local governments from around the State gather in Perth to attend the Annual Local Government Convention.

The Western Australian Local Government Association (WALGA) is holding the Local Government Convention from Wednesday 6 August to Friday 8 August 2014 at the Perth Convention Exhibition Centre (PCEC). The WALGA AGM will again be held at the commencement of the convention on Wednesday 6 August.

COMMENT:

This convention is an opportunity for Elected Members and management to network with other Local Government Members and management and discuss different approaches to sometimes common problems/issues.

This year six (6) double rooms at the Citadel Apartments in St Georges Terrace have been booked from Wednesday 7 August to Friday 9 August 2014 inclusive to allow elected members the opportunity to mix with other Councils.

Council needs to confirm attendees to the Convention and who the Shire's voting delegates will be. A voting delegate can be either Elected Members or serving officers. Each Local Government is restricted to two (2) voting delegates.

Part of the Convention is a series of delegate concurrent sessions and those attending must nominate their preferred Sessions for both Thursday & Friday from the following options:

- Planning for Generation Z
- Transforming Caravanning & Camping

- A Matter of Ethics
- Spotlight on Social Media
- Trust in Transformation
- Too Toxic to Talk
- Vitalising Vibrant Town Centres

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

There are no known legislative requirements related to this item.

STRATEGIC IMPLICATIONS:

Attendance at Elected Member Convention Sessions allows Elected Members to become more familiar with their responsibilities and duties.

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 draft 2014/15 Budget currently includes an amount of \$20,715 for Conference Expenses.

The following costs are applicable:-

Delegate	Registration	Accommodation	Sundry	Cost / Delegate
Cr Gardiner	1,475	980	550	3,005
Cr Humphry	1,475	980	770	3,225
Cr Hawkins	1,475	735	500	2,710
Cr Clydesdale-Gebert	1,475	735	200	2,410
Cr McLagan	1,475	-	400	1,875
Cr Pond	1,475	735	600	2,810
Cr Seymour	1,475	-	100	1,575
CEO Alan Leeson	1,475	980	650	3,105

The Sundry amount (for the provisions of meals, parking and other incidentals) is estimation only and may not be fully utilised.

The estimated total cost for Councillors and the Chief Executive Officer to attend the 2014 Local Government Convention is \$20,715.

VOTING REQUIREMENTS

Simple Majority Required

RECOMMENDATION

That Council authorise the Chief Executive Officer in relation to attendance at the 2014 Western Australian Local Government Convention to be held at the Perth Convention and Exhibition Centre,

- i. to register the following to attend the Convention and selected Elected Member Convention Sessions***
 - Cr Colin Gardiner – President***
 - Cr Tracy Humphry – Deputy President***
 - Cr Chris Hawkins***
 - Cr James McLagan***
 - Cr Denise Clydesdale-Gebert***
 - Cr Merrel Pond***
 - Cr Ken Seymour***
 - Mr Alan Leeson – Chief Executive Officer***

- ii. to register the following as voting delegates representing the Shire of Moora for any vote taken at the convention***
 - 1. Cr Colin Gardiner***
 - 2. Cr Tracy Humphry***

- iii. to include an agenda item on Council's first Briefing Session after the conference.***

9.1.4 BUSH FIRES ACT - FIRE CONTROL OFFICERS

FILE REFERENCE: LO/BUFI

REPORT DATE: 15 May 2014

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Vicki Booth, Community Emergency Services Manager

ATTACHMENTS: Bush Fire Advisory Committee minutes

PURPOSE OF REPORT:

Confirmation of the appointment of the Shire of Moora Bush Fire Control Officers 2014/2015.

BACKGROUND:

A Local Government may from time to time appoint such persons as it thinks necessary to be its Bush Fire Control Officers under and for the purposes of the Bush Fire Act 1954, and those officers shall appoint the Chief Bush Fire Control Officer and two (2) Deputy Bush Fire Control Officers who shall be first and second in seniority of the other bush fire control officers, and subject thereto may determine the respective seniority of the other bush fire control officers appointed by it.

The Local Government shall cause notice of appointment under the provisions of the Act to be published at least once in a newspaper circulating the district.

COMMENT:

Below is a list of appointed Fire Control Officers for the year 2014/2015 for the Shire of Moora District Bush Fire Brigade network.

Council is required to adopt this list and authorise the publishing of the names in the Central Midlands Advocate for public information.

POLICY REQUIREMENTS:

Shire of Moora Bush Fire Policy 2.1 adopted 18 May 2009

LEGISLATIVE REQUIREMENTS:

Bush Fires Act 1954 - (with amendments) and Regulations – Section 38 (1) & (2a).

STRATEGIC IMPLICATIONS:

Experienced Fire Control Officers throughout the Shire of Moora district for the protection of rural property

SUSTAINABILITY IMPLICATIONS:

➤ **Environment**

Efficient fire control and enforcement for fire breaks protects the natural environment and cereal crops.

➤ **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:

Funding for the Bush Fire Brigades operations is funded from the ESL levy Grant.

VOTING RECOMMENDATIONS:

Simple Majority required

RECOMMENDATION

That the Shire of Moora adopt the following list of current Bush Fire Control Officers for the 2014/2015 season and that Council authorise the publishing of the list in the Central Midlands & Coastal Advocate for public information.

Chief Bush Fire Control Officer	Brendan Pratt
Deputy Chief Bush Fire Control Officer	Derek Stewart
Community Emergency Services Manager	Vicki Booth
Fire Weather Officer	Hugh Bryan
Deputy Fire Weather Officers	Brendan Pratt
	Derek Stewart

Fire Control Officers

Toby Ellis (Bindi Bindi)
Les Crane (Bindi Bindi)
Brad Tonkin (Coomberdale)
David McLean (Coomberdale)
Jaden Cocking (Koojan)
Glen Vanzetti (Koojan)
Terry Murray (Koojan)
Tom Sayers (Miling)
Mark Harrington (Miling)
Brad Millstead (Watheroo)
Len Mitchell (Watheroo)
Neil Martin (VFRS)

Fire Permits Only

Sean Harris (Ranger)

9.1.5 TENDER – SALE OF NO 6 (LOT 38) LEFROY STREET, MOORA BY PUBLIC TENDER 03/2014

FILE REFERENCE: B/LEF1 & L/TEN2-2

REPORT DATE: 12 June 2014

APPLICANTS/PROPONENT: Chief Executive Officer – Alan Leeson

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Alan Leeson, Chief Executive Officer

ATTACHMENTS: Tenders received (under separate cover)

PURPOSE OF REPORT:

To consider tenders received for the sale of Lot 38 Lefroy Street, Moora.

BACKGROUND:

Council budgeted in 2013/2014 \$200,000 for the sale of the aforementioned property.

COMMENT:

Managed by Professionals Moora, tenders were called for the sale of the property with a list price of \$210,000. Two tenders were received (circulated under separate cover).

1. \$135,000
2. \$122,500

POLICY REQUIREMENTS:

Not applicable

LEGISLATIVE REQUIREMENTS:

Section 3.58 of the Local Government Act 1995 states;

(1) In this section —

dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not;

property includes the whole or any part of the interest of a local government in property, but does not include money.

(2) Except as stated in this section, a local government can only dispose of property to —

- (a) the highest bidder at **public auction**; or
- (b) the person who at **public tender** called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.

Private Treaty

(3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —

- (a) it gives local public notice of the proposed disposition —
 - (i) describing the property concerned; and
 - (ii) giving details of the proposed disposition; and
 - (iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;

and

- (b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.
- (4) The details of a proposed disposition that are required by subsection (3)(a)(ii) include —
- (a) the names of all other parties concerned; and
 - (b) the consideration to be received by the local government for the disposition; and
 - (c) the market value of the disposition —
 - (i) as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or
 - (ii) as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.
- (5) This section does not apply to —
- (a) a disposition of an interest in land under the *Land Administration Act 1997* section 189 or 190; or
 - (b) a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59; or
 - (c) anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or
 - (d) any other disposition that is excluded by regulations from the application of this section.

[Section 3.58 amended by No. 49 of 2004 s. 27; No. 17 of 2009 s. 10.]

STRATEGIC IMPLICATIONS:

Outcome 3.4: Council buildings and facilities that meet community needs.

Strategy 3.4.1: Ensure Council buildings, facilities and public amenities are provided and maintained at an appropriate standard.

Strategy 3.4.2: Develop new buildings and facilities in accordance with the Asset Management Policy.

Strategy 3.4.3: Continue to investigate opportunities to rationalise or devolve obsolete buildings and other assets.

Strategy 3.4.4: Plan for the funding and development of a new Shire administration centre to suit regional needs.

Strategy 3.4.5: Relocate and develop a new Shire depot.

Strategy 3.4.6: Promote and maintain the Moora Lifestyle Village at an appropriate standard.

Strategy 3.4.7: Develop a new collocated community resource centre to facilitate regional needs.

SUSTAINABILITY IMPLICATIONS:

➤ **Environment**
Not applicable.

➤ **Economic**
The sale of the property is part of Councils strategy of renewing its older buildings. The funds from the sale will offset Councils new residence being constructed in Atbara Street, Moora.

➤ **Social**
No direct social implications with this matter.

FINANCIAL IMPLICATIONS:

The market appraisal of this property was deemed to be around the \$200,000. On weight of tenders received the market value of the property will be somewhat short of that.

VOTING REQUIREMENTS

Simple Majority Required

RECOMMENDATION

That Council not accept either of the two tenders received for tender 03/2014 for the sale of No 6, (lot 38) Lefroy Street, Moora.

9.1.6 SALE OF NO 6 (LOT 38) LEFROY STREET, MOORA BY PROPOSED PRIVATE TREATY

FILE REFERENCE: B/LEFI

REPORT DATE: 12 June 2014

APPLICANTS/PROPONENT: Chief Executive Officer – Alan Leeson

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Alan Leeson, Chief Executive Officer

ATTACHMENTS: Offer received by private treaty (under separate cover)

PURPOSE OF REPORT:

To consider selling Lot 38 Lefroy Street, Moora by private treaty in accordance with section 3.58 of the Local Government Act 1995.

BACKGROUND:

Council budgeted in 2013/2014 \$200,000 for the sale of the aforementioned property.

COMMENT:

Managed by Professionals Moora, tenders were called for the sale of the property with a list price of \$210,000. Two tenders were received (circulated under separate cover) which were recommended not to be accepted.

1. \$135,000
2. \$122,500

The offer for sale by private treaty has been submitted at a price of \$185,000 which is more in line with the initial market appraisal when the property was listed for sale by tender.

POLICY REQUIREMENTS:

Not applicable

LEGISLATIVE REQUIREMENTS:

Section 3.58 of the Local Government Act 1995 states;

(1) In this section —

dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not;

property includes the whole or any part of the interest of a local government in property, but does not include money.

- (2) Except as stated in this section, a local government can only dispose of property to —
- (a) the highest bidder at **public auction**; or
 - (b) the person who at **public tender** called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.

Private Treaty

- (3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —
- (a) it gives local public notice of the proposed disposition —
 - (i) describing the property concerned; and
 - (ii) giving details of the proposed disposition; and
 - (iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;and
 - (b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.
- (4) The details of a proposed disposition that are required by subsection (3)(a)(ii) include —
- (a) the names of all other parties concerned; and
 - (b) the consideration to be received by the local government for the disposition; and
 - (c) the market value of the disposition —
 - (i) as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or
 - (ii) as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.
- (5) This section does not apply to —
- (a) a disposition of an interest in land under the *Land Administration Act 1997* section 189 or 190; or
 - (b) a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59; or
 - (c) anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or
 - (d) any other disposition that is excluded by regulations from the application of this section.

[Section 3.58 amended by No. 49 of 2004 s. 27; No. 17 of 2009 s. 10.]

STRATEGIC IMPLICATIONS:

Outcome 3.4: Council buildings and facilities that meet community needs.

Strategy 3.4.1: Ensure Council buildings, facilities and public amenities are provided and maintained at an appropriate standard.

Strategy 3.4.2: Develop new buildings and facilities in accordance with the Asset Management Policy.

Strategy 3.4.3: Continue to investigate opportunities to rationalise or devolve obsolete buildings and other assets.

Strategy 3.4.4: Plan for the funding and development of a new Shire administration centre to suit regional needs.

Strategy 3.4.5: Relocate and develop a new Shire depot.

Strategy 3.4.6: Promote and maintain the Moora Lifestyle Village at an appropriate standard.

Strategy 3.4.7: Develop a new collocated community resource centre to facilitate regional needs.

SUSTAINABILITY IMPLICATIONS:

- **Environment**
Not applicable.
- **Economic**
The sale of the property is part of Councils strategy of renewing its older buildings. The funds from the sale will offset Councils new residence being constructed in Atbara Street, Moora.
- **Social**
No direct social implications with this matter.

FINANCIAL IMPLICATIONS:

The market appraisal of this property was deemed to be around the \$200k when listed. On weight of tenders received and the offer submitted, the offer for purchase reflects a sound sale price for the property.

VOTING REQUIREMENTS

Simple Majority Required

RECOMMENDATION

That Council advertise its intent to sell No 6 (lot 38) Lefroy Street, Moora for sale by private treaty in accordance with the parameters of the offer submitted to Council of \$185,000 and in accordance with the provisions of the Local Government Act 1995.

9.1.7 COMMUNITY SPORT AND RECREATION FACILITIES FUND – SMALL GRANTS PROGRAM 2014/2015 – MILING TENNIS CLUB COURTS RESURFACING

FILE REFERENCE: CC/MTCBI
REPORT DATE: 15 May 2014
APPLICANT/PROPONENT: Miling Tennis Club
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: Nil
AUTHOR: Alan Leeson, Chief Executive Officer
ATTACHMENTS: Application

PURPOSE OF REPORT:

To consider support and endorsement of an application from Miling Tennis Club to resurface their tennis courts which are currently in a dilapidated state of repair.

BACKGROUND:

The Miling Tennis Club have prepared an application for submission to the Department of Sport and Recreation Community Sport and Recreation Facilities Fund Small Grants Program to resurface two courts and repair the other two with second hand turf which they have sourced from a tennis club in Perth.

COMMENT:

The courts are currently in very poor condition. Their application details the scope of works, and financial parameters of which they are seeking Council support for their application.

POLICY REQUIREMENTS:

Not applicable

LEGISLATIVE REQUIREMENTS:

Local Government Act 1995

STRATEGIC IMPLICATIONS:

Outcome 1.1: A healthy community through participation in sport, recreation and leisure opportunities.

Strategy 1.1.1: Provide and promote sport, recreation and leisure facilities and programs.

Strategy 1.1.2: Plan for the co-location of sports and recreational facilities.

Strategy 1.1.3: Assist sport and recreation clubs and groups.

Strategy 1.1.4: Develop and implement an overarching trails plan.

SUSTAINABILITY IMPLICATIONS:

➤ **Environment**
Not applicable.

➤ **Economic**
Not applicable

➤ **Social**
The Miling Tennis Club enjoy a relatively strong membership (refer to application). As with most sporting clubs in rural communities the tennis club is an important facet of the community of Miling and surrounds.

FINANCIAL IMPLICATIONS:

The requested cash contribution from Council is 1/3rd of the cost being \$18,786 plus GST.

The proposed break up of funding is proposed to be;

Shire of Moora (cash)	\$18,786
Miling Tennis Club (Cash)	\$10,468
Miling Tennis Club (in-kind)	\$ 8,320
Dep't of Sport and Recreation (cash)	\$18,786
Total Estimated Project Cost	\$56,360

VOTING REQUIREMENTS:

Simple Majority Required

RECOMMENDATION

That Council support the application of the Miling Tennis Club to resurface their four tennis court to the Department of Sport and Recreation Community Sport and Recreation Facilities Fund Small Grants Program and include in the 2014/2015 Budget a cash contribution from the Shire of Moora of \$18,786.

9.2 DEVELOPMENT SERVICES

9.2.1 PIONEER BAKERY RECONSTRUCTION 50 PADBURY STREET MOORA

FILE REFERENCE: TP/PA30/1314

REPORT DATE: 30 May 2014

APPLICANT/PROPONENT: David Wills & Associates

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Peter Williams, Manager Development Services

ATTACHMENTS: Plans

PURPOSE OF REPORT:

David Wills & Associates on behalf of the proponent Lars & Mellissa Jacobsen are making application to Council for permission to reconstruct the Moora Pioneer Bakery located at 50 Padbury Street Moora after it was burnt down.

BACKGROUND:

The Pioneer Bakery is located at Lot 28 Street Number 50 Padbury Street Moora, in the Town Centre Zone and is subject to the Objectives, Site requirements and Development Requirements of that Zone. The application is also subject to compliance with current Shire of Moora Town Planning Scheme No 4 (Amendment 10) insofar as Flood requirements and height of finished floor level; Food Act requirements and the Food Safety Standards and the Building Code of Australia.

Objectives of the Shire of Moora Town Planning Scheme

- (a) To ensure the town centre remains the principal place for retail, commercial, civic, and administrative functions within the district.
- (b) To encourage development will not adversely affect local amenities, and will enhance the character of the town centre.
- (c) To provide sufficient parking spaces for vehicles without compromising pedestrian movements through the town centre.
- (d) To provide an increased level of public amenities including public toilets, shaded areas, and street furniture.

Site Requirements – Is to be at the discretion of the local government.

Development Requirements

- (a) Development shall not exceed 2 stories in height except where the local government considers that particular circumstances may warrant an exception being made and provided the local government's objectives are not compromised.
- (b) In considering an application for planning approval for a proposed development (including additions and alterations to existing development) the local government shall have regard to:
 - (i) the colour and texture of external building materials; the local government may require the building facade and side walls to be constructed in masonry;
 - (ii) building size, height, bulk, roof pitch;
 - (iii) setback and location of the building on its lot;
 - (iv) architectural style and design details of the building;
 - (v) function of the building;

- (vi) relationship to surrounding development; and
- (vii) other characteristics considered by the local government to be relevant.
- (c) Landscaping shall be provided to complement the appearance of the proposed development and the town centre.
- (d) The layout of car parking shall have regard for traffic circulation in existing car parking areas and shall be integrated with any existing and adjoining car park.

The premise is also a Food Premises and is therefore subject to compliance with the Food Act 2008, Food Regulations 2009 and the Food Safety Standards as well as being a food manufacturer also incorporates the Food Standards Code.

COMMENT:

The Pioneer Bakery is an important retail premises in the Town of Moora as it supplies not only the community but also many visitors to Town. It was recently subject to fire damage and as a result is being rebuilt, and as such subject to compliance to current Town Planning conditions and current Building Act, Building Code of Australia and Food Legislation.

POLICY REQUIREMENTS:

There is 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

RECOMMENDATION

That Council approve the application by David Wills & Associates on behalf of the proponents Lars & Mellissa Jacobsen to rebuild the Pioneer Bakery subject to the following conditions:

1.0 Compliance with the Shire of Moora Town Planning Scheme requirements for the Town Centre Zone and Department of Water Finished Floor Level height (FFL);

- 2.0 Building to comply with the Food Act 2008 requirements and the Food Safety Standards in particular Standard 3.2.3 Food Premises & Equipment provision of foot operated Hand Wash Basin to be located in the Food Preparation area.**
- 3.0 Building to comply with the Building Code of Australia specifications for a Class 8 Building**
- 4.0 Town Planning Approval is not a permission to construct applicant to submit a Building Application pursuant to Building Commission requirements.**

9.2.2 PROPOSED SHIRE OF MOORA SEWERAGE CONNECTION POLICY

FILE REFERENCE: PL/POPI

REPORT DATE: 5 June 2014

APPLICANT/PROPONENT: Shire of Moora

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Peter Williams, Manager Development Services

ATTACHMENTS: Draft Sewerage Connection Policy

PURPOSE OF REPORT:

The Manager Development Services proposes a Sewerage Connection Policy for the Shire of Moora to give grounds for responsibility for sewerage connection to properties and decisions regarding responsibilities of property owners and Shire responsibilities

BACKGROUND:

The Shire of Moora took over the operation and maintenance of the Moora Sewer Scheme from January 1st 2014. As this is new for the Shire there are a number of issues that arise from time to time and one of which is a process for new properties being connected to the Town Sewerage of which there is no process and no definition of responsibilities. This Policy sets out the responsibilities of owners and the Shire so as to give definition to disputes as they may arise.

COMMENT:

The Shire of Moora Sewerage Connection Policy will give clear definition as to requirements for land owners to connect to sewerage should they be within the acceptable range of Shire sewer gravity system and define the responsibilities as to clearing of blockages in the sewer line.

POLICY REQUIREMENTS:

Draft Country Sewerage Policy relating to Developments

LEGISLATIVE REQUIREMENTS:

Health Act 1911, Water Services Act 2012

STRATEGIC IMPLICATIONS:

There are no known strategic implications associated with this proposal.

SUSTAINABILITY IMPLICATIONS:

- **Environment**
This Policy when implemented will assist in maintaining a clean environment

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

FINANCIAL IMPLICATIONS:

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

VOTING REQUIREMENTS

Simple Majority Required

RECOMMENDATION

That Council endorse the Shire of Moora Draft Sewerage Connection Policy and proceed with public advertising.

9.3 ENGINEERING SERVICES

9.3.1 LAND RESUMPTIONS – GABALONG WEST ROAD

FILE REFERENCE: S/ROAI

REPORT DATE: 10 June 2014

APPLICANT/PROPONENT: Shire of Moora

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: John Greay, Manager of Engineering Services

ATTACHMENTS: Realignment Maps showing adjustments to Location 3 Gabalong West Road

PURPOSE OF REPORT:

A proposed road upgrade along Gabalong West Road requires Councils confirmation / recommendation to the Department of Regional Development and Lands for the realignment of the roads through Mr Bill Waters' property for the purpose of road improvements.

BACKGROUND:

Within councils budgeted road programme this year is a staged project that will flow over into next year. This project has been identified as being a Blackspot which has the potential to cause serious injury should an accident occur. A Safety Audit was carried out last year and an application for funding was listed with Main Roads for consideration. Council were successful and Stage one funding was made available in the current year with Stage two receiving a funding allocation in 2014-15. The truncation is at the intersection of Gabalong West and Clarke Roads, Gabalong. At this intersection there is a substandard curve that requires improvement. We have engaged FM Surveys to carry out the necessary survey work in identifying the new road centre line and new fence locations that impact on Loc.3.

COMMENT:

For this project to proceed approval was sought and granted by the existing land owner, Mr Bill Waters. Land resumption compensation will apply here and this involves approximately one hectare.

Service providers (e.g. Western Power, Telstra) will be notified in due course advising them of the realignment of the road.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

Local Government Act 1995 – S168

Land Administrative Act 1997 – (part 5)

STRATEGIC IMPLICATIONS:

Nil

SUSTAINABILITY IMPLICATIONS:

- **Environment**
There are no known significant economic 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:

This project is being funded through Main Roads - Blackspot Funding

A total allocation of \$149,652 has been allowed for with \$41,652 in this year's budget and the balance in 2014-15.

VOTING REQUIREMENTS

Simple Majority Required

RECOMMENDATIONS*That Council*

1. *agrees to initiate road closures, land resumptions and amalgamations to allow for the realignment of Gabalong West Road through Lot 3 which is currently owned by Mr Bill Waters; and*
2. *advertise in the Central Midlands Coastal Advocate for a period of 35 days indicating councils intent as indicated on plans submitted, with the boundaries of the truncated portions from Lot 3 to the north east of the new road alignment; and*
3. *Clarke Road intersection be incorporated into the road reserve and the truncated portion to the north west of the Clarke Road intersection along with the portion of closed road be incorporated into the western section of Lot 3.*

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

Nil

11. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF COUNCIL**12. MATTERS FOR WHICH THE MEETING MAY BE CLOSED****13. CLOSURE OF MEETING**