



# Ordinary Council Meeting Minutes

**Date: 15 June 2011**

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

## **The Shire of Moora Vision and Mission Statement**

### **Vision**

Our vision is that:

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

### **Mission**

Our mission is:

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

**SHIRE OF MOORA**  
**MINUTES OF THE ORDINARY MEETING OF COUNCIL**  
**HELD IN THE COUNCIL CHAMBERS, MOORA**  
**15 JUNE 2011**

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## **1. DECLARATION OF OPENING & WELCOME OF VISITORS**

*The Shire President declared the meeting open at 5.40pm, welcomed visitors and announced:*

*"Acknowledgment of Country"*

*I would like to show my respect and acknowledge to the traditional owners of this land and acknowledge their contribution to the Shire of Moora as I do for all its people.*

## **2. DISCLAIMER READING**

The Shire President read the following disclaimer:

*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.*

## **3. ATTENDANCE**

SA Bryan	-	Shire President
CE Gardiner	-	Councillor
AR Tonkin	-	Councillor
SJ Pond	-	Councillor
DV Clydesdale-Gebert	-	Councillor
R Keamy	-	Councillor
OC Cocking	-	Councillor
LM O'Reilly	-	Chief Executive Officer
L J Parola	-	Manager Finance & Corporate Services
JL Greay	-	Manager Engineering Services
R L McCall	-	Manager Community & Economic Development
E N Ross	-	Manager Health, Building & Planning Services

### **APOLOGIES:**

CD Hawkins	-	Councillor
JW McLagan	-	Councillor

### **PUBLIC:**

Cynthia McMorran	-	Shire Freeman
Mike Prunster	-	Ratepayer

## **4. DECLARATIONS OF INTEREST**

Cr Clydesdale-Gebert declared a proximity interest in item 11.2.3 '2011/2012 Draft Budget', as she is a director in the company that owns lot 213 Melbourne Street, Moora.

Cr Bryan declared an impartiality interest in item 11.2.3 '2011/2012 Draft Budget', as she is a member of the Moora Historical Society and Moora Fine Arts Gallery, is a Coomberdale resident/ratepayer and works at the hospital.

The Chief Executive Officer declared a proximity interest in item 11.2.3 '2011/2012 Draft Budget', as she has ownership of property on the corner of Drummond and Lefroy Street, Moora.

The Manager Engineering Services declared a proximity interest in item 11.2.3 '2011/2012 Draft Budget', as he has property in the locality of proposed works programme in Bewsher & Glasfurd Streets, Moora.

Cr Clydesdale-Gebert declared a financial interest in item 11.4.2 'Planning Fees', as she is seeking a section 40 certificate (+ section 39) – an amended certificate.

## **5. QUESTIONS BY THE PUBLIC IN ACCORDANCE WITH SECTION 5.24 OF THE ACT**

### **Cynthia McMorran**

Congratulated the Chief Executive Officer and Manager Community & Economic Development on their scholarships.

Has Council heard any news about super towns, and if it had received the 'frequently asked questions' document in this regard.

*Chief Executive Officer advised that nothing had been received.*

Questioned whether there was a 'light industrial area' in Gardiner Street or whether it was still zoned 'town centre'. If it is zoned 'town centre' then there appears to be some non conforming use.

*The Manager Health Building Planning Services advised that he could not comment however will investigate the situation.*

Could Council look at the large paved area under the trees on the west side of the Community Resource Centre, could it be removed to allow more parking spaces?

*The Manager Engineering Services agreed to investigate the situation.*

## **6. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil

## **7. APPLICATIONS FOR LEAVE OF ABSENCE**

Nil

## **8. PETITIONS AND MEMORIALS**

Nil

## **9. ANNOUNCEMENTS BY THE SHIRE PRESIDENT**

- Extended congratulations to the Chief Executive Officer and Manager Community & Economic Development on their recent scholarship awards.
- Congratulations to Mr Glen Keamy & Mrs Merle Isbister on being awarded Medals of the Order of Australia in the Queen's Birthday Honours for 2011. Congratulations also go to Mr James McNamara for being awarded the Australian Fire Service Medal.
- Letter received from the Community Resource Centre

### **Cr Pond**

Commented on the content of the Avon-Midland Zone meeting minutes held on 20<sup>th</sup> May 2011  
 Attended the Chamber of Commerce sundowner on 27<sup>th</sup> May and spoke on behalf of Council regarding super towns.

### **Cr Clydesdale-Gebert**

Attended the Chamber of Commerce sundowner on 27<sup>th</sup> May.

### **Cr Tonkin**

Attended the recent West Koojan-Gillingarra LCD meeting.

### **Cr Gardiner**

Attended the Central Midlands Development Foundation meeting on 14<sup>th</sup> June which was called to discuss the winding up of the foundation. It was decided that a caretaker committee will operate for a 12 month period to assess the continuation of the group.

## **10. CONFIRMATION OF MINUTES OF THE PREVIOUS MEETING**

### **10.1 ORDINARY COUNCIL MEETING - 18 MAY 2011**

#### **COUNCIL RESOLUTION**

***58/11 Moved Cr Pond, seconded Cr Clydesdale-Gebert that the Minutes of the Ordinary Meeting of Council held on 18 May 2011, be confirmed as a true and correct record of the meeting.***

**CARRIED      7/0**

## **II. REPORTS OF OFFICERS**

### **II.1 ADMINISTRATION**

#### **II.1.1 MOORA LIFESTYLE VILLAGE RELOCATION POLICY**

**FILE REFERENCE:** ED/MLV1

**REPORT DATE:** 8 June 2011

**OFFICER DISCLOSURE OF INTEREST:** Nil

**PREVIOUS MEETING REFERENCES:** Nil

**AUTHOR:** Rebecca McCall, Mgr Community & Economic Development

**ATTACHMENTS:** Moora Lifestyle Village Relocation Policy

#### **PURPOSE OF REPORT:**

For Council to endorse the Moora Lifestyle Village Relocation Policy.

#### **BACKGROUND:**

At its Ordinary Council meeting on 17<sup>th</sup> December 2008 Council resolved to develop stage one of the Moora Lifestyle Village. Development of stage one is almost complete with the installation of a meeting room and community shed.

Currently seven residents reside in the Village under a legal tenant agreement. To attract additional residents a marketing campaign was launched.

Marketing and promotion of the Moora Lifestyle Village has included print material and radio campaigns which have generated a small, but positive response from the public.

#### **COMMENT:**

Many park home facilities within the metropolitan area are closing for redevelopment purposes. This trend means many residents of metropolitan based park homes facilities are looking for alternative residential arrangements.

Financing relocation for park homes can be costly and in some cases a barrier for some potential residents selecting the Moora Lifestyle Village as their preferred location to reside.

To break down the financial barrier of the relocation cost it is proposed to introduce a relocation policy for new residents to the value of \$12,000.

The policy provides an effective and accountable system for the allocation and use of funds for relocation costs incurred when new tenants relocate to the Moora Lifestyle Village.

Funds will be made available from the Community Facilities Reserve for the purpose of (repayable) loans to residents who have signed a lease with the Shire of Moora and the tenant who will reside at the Moora Lifestyle Village.

The scope of the policy will include the following:

1. Relocation assistance will be limited to \$12,000 per tenant;
2. Terms of loan available include
  - a) One Year
  - b) Two Years

- c) Three Years, or
  - d) Four Years;
3. Monthly repayments interest based on WA Treasury indicative rates at the time of the loan;
  4. Funds for the relocation cost will be transferred out of the Community Facilities Fund;
  5. A written agreement will be drawn up to include;
    - a) the term of the loan and repayments to be payable by direct debit.
    - b) procedures to be undertaken by the Shire of Moora if repayments are overdue.
    - c) procedures to be undertaken if the tenant lease agreement ceases.

**POLICY REQUIREMENTS:**

Nil

**LEGISLATIVE REQUIREMENTS:**

Nil

**STRATEGIC IMPLICATIONS:**

The Shire of Moora's Strategic Plan outlines the key strategic priority 'Planning for Growth'. The goal of this priority is to plan and develop the Moora region through positive community and economic development to attract and retain people and businesses enabling sustainable growth.

**SUSTAINABILITY IMPLICATIONS:**➤ **Environment**

There are potential environmental implications associated with this proposal including infrastructure and population growth.

➤ **Economic**

There are potential economic implications associated with this proposal including economic and population growth.

➤ **Social**

There are potential social implications associated with this proposal through encouraging new investment and growth which benefits the community at large.

**FINANCIAL IMPLICATIONS:**

The financial implications to Council include the draw down of funds available in the Community Reserves Fund for the purpose of a relocation loan and the income generated by loan repayments outlined in the loan agreement.

**VOTING REQUIREMENTS**

Absolute Majority Required

<b>COUNCIL RESOLUTION (OFFICER RECOMMENDATION)</b>
--------------------------------------------------------

***59/11 Moved Cr Gardiner, seconded Cr Tonkin that Council adopts the Moora Lifestyle Village Relocation Policy as attached for inclusion in the Shire of Moora Policy Manual.***

**CARRIED BY ABSOLUTE MAJORITY 7/0**



## **11.2 FINANCIAL DEVELOPMENT**

### **11.2.1 LIST OF PAYMENTS AUTHORISED UNDER DELEGATION 1.31**

**REPORT DATE:** 9 June 2011  
**OFFICER DISCLOSURE OF INTEREST:** Nil  
**AUTHOR:** Leanne Parola, Manager Finance & Corporate Services  
**ATTACHMENTS:** Accounts Paid Under Delegated Authority

#### **PURPOSE OF REPORT**

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

#### **BACKGROUND**

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

#### **COMMENT**

Accounts Paid under delegated authority are periodically presented to Council.

#### **POLICY REQUIREMENTS**

Delegation 1.31 – Payments from Municipal and Trust Funds.

#### **LEGISLATIVE REQUIREMENTS:**

Local Government Act 1995 - Section 6.10

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

#### **STRATEGIC IMPLICATIONS**

There are no known strategic implications associated with this proposal.

#### **SUSTAINABILITY IMPLICATIONS**

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

#### **FINANCIAL IMPLICATIONS**

Payments are in accordance with the adopted budget.

#### **VOTING REQUIREMENTS**

Simple Majority Required

<b>COUNCIL RESOLUTION (MANEX RECOMMENDATION)</b>
------------------------------------------------------

***60/11 Moved Cr Gardiner, seconded Cr Bryan that Council notes and endorses the Payments from the Municipal and Trust Funds made under delegation 1.31***

<i>Municipal Fund</i>	<i>Cheques 60338 to 60377</i>	<i>\$304,466.69</i>	
<i>Direct Debits</i>	<i>EFT 6116 to 6284</i>	<i>\$345,073.42</i>	
	<i>Net Pays – PPE 10<sup>th</sup> May 2011</i>	<i>\$69,286.38</i>	
	<i>Net Pays – PPE 24<sup>th</sup> May 2011</i>	<i>\$67,778.35</i>	
	<i>Credit Cards to 15<sup>th</sup> May 2011</i>	<i>\$1,808.24</i>	
<i>Trust Fund</i>	<i>Cheques 4703 to 4704</i>	<i>\$41.00</i>	
	<i>Total</i>	<i><u>\$788,454.08</u></i>	
		<b><u>CARRIED</u></b>	<b><u>7/0</u></b>

### **11.2.2 STATEMENT OF FINANCIAL ACTIVITY FOR PERIOD ENDED 31 MAY 2011**

**REPORT DATE:** 7 June 2011

**OFFICER DISCLOSURE OF INTEREST:** Nil

**PREVIOUS MEETING REFERENCES:** Nil

**AUTHOR:** Leanne Parola, Manager Finance & Corporate Services

**ATTACHMENTS:** Statement of Financial Activity for the Period Ended 31 May 2011

**PURPOSE OF REPORT:**

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

**BACKGROUND:**

Council is provided with monthly financial reports to enable monitoring of revenues and expenditures against the adopted budget.

**COMMENT:**

The Statement of Financial Activity for the Period Ended is provided as a separate attachment in Program format.

**POLICY REQUIREMENTS:**

Nil

**LEGISLATIVE REQUIREMENTS:**

Local Government Act 1995, Section 6.4

Local Government (Financial Management) Regulations 1996, Clause 34

**STRATEGIC IMPLICATIONS:**

Monitoring of actual revenues and expenditures against the adopted budget assists Council in being informed as to the financial health of the organisation.

**SUSTAINABILITY IMPLICATIONS:**

➤ **Environment**

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

➤ **Economic**

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

➤ **Social**

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

**FINANCIAL IMPLICATIONS:**

Year to date income and expenditure is provided by program to enable comparison to 2010/11 adopted budget.

**VOTING REQUIREMENTS**

Simple Majority Required

**COUNCIL RESOLUTION  
(MANEX RECOMMENDATION)**

*61/11 Moved Cr Gardiner, seconded Cr Bryan that Council notes and receives the Statement of Financial Activity for the period ended 31 May 2011.*

**CARRIED      7/0**

Cr Clydesdale-Gebert declared a proximity interest in item 11.2.3 '2011/2012 Draft Budget', as she is a director in the company that owns lot 213 Melbourne Street, Moora.

Cr Bryan declared an impartiality interest in item 11.2.3 '2011/2012 Draft Budget', as she is a member of the Moora Historical Society and Moora Fine Arts Gallery, is a Coomberdale resident/ratepayer and works at the hospital.

The Chief Executive Officer declared a proximity interest in item 11.2.3 '2011/2012 Draft Budget', as she has ownership of property on the corner of Drummond and Lefroy Street, Moora.

The Manager Engineering Services declared a proximity interest in item 11.2.3 '2011/2012 Draft Budget', as he has property in the locality of proposed works programme in Bewsher & Glasfurd Streets, Moora.

**11.2.3 ADOPTION OF 2011/2012 BUDGET**

**FILE REFERENCE:** F/BUAI

**REPORT DATE:** 8 June 2011

**OFFICER DISCLOSURE OF INTEREST:** Nil

**PREVIOUS MEETING REFERENCES:** Nil

**AUTHOR:** Leanne Parola, Manager Finance and Corporate Services

**ATTACHMENTS:** 2011/2012 Draft Budget

**PURPOSE OF REPORT:**

For Council to adopt the 2011/2012 Budget.

**COMMENT:**

The 2011/2012 draft Budget is circulated as an attachment to this report. As per the requirements of the Local Government Act 1995, Local Government (Financial Management) Regulations 1996, Australian Accounting Standards (AAS) and Australian International Reporting Financial Standards (AIFRS) the document has been prepared in its statutory format.

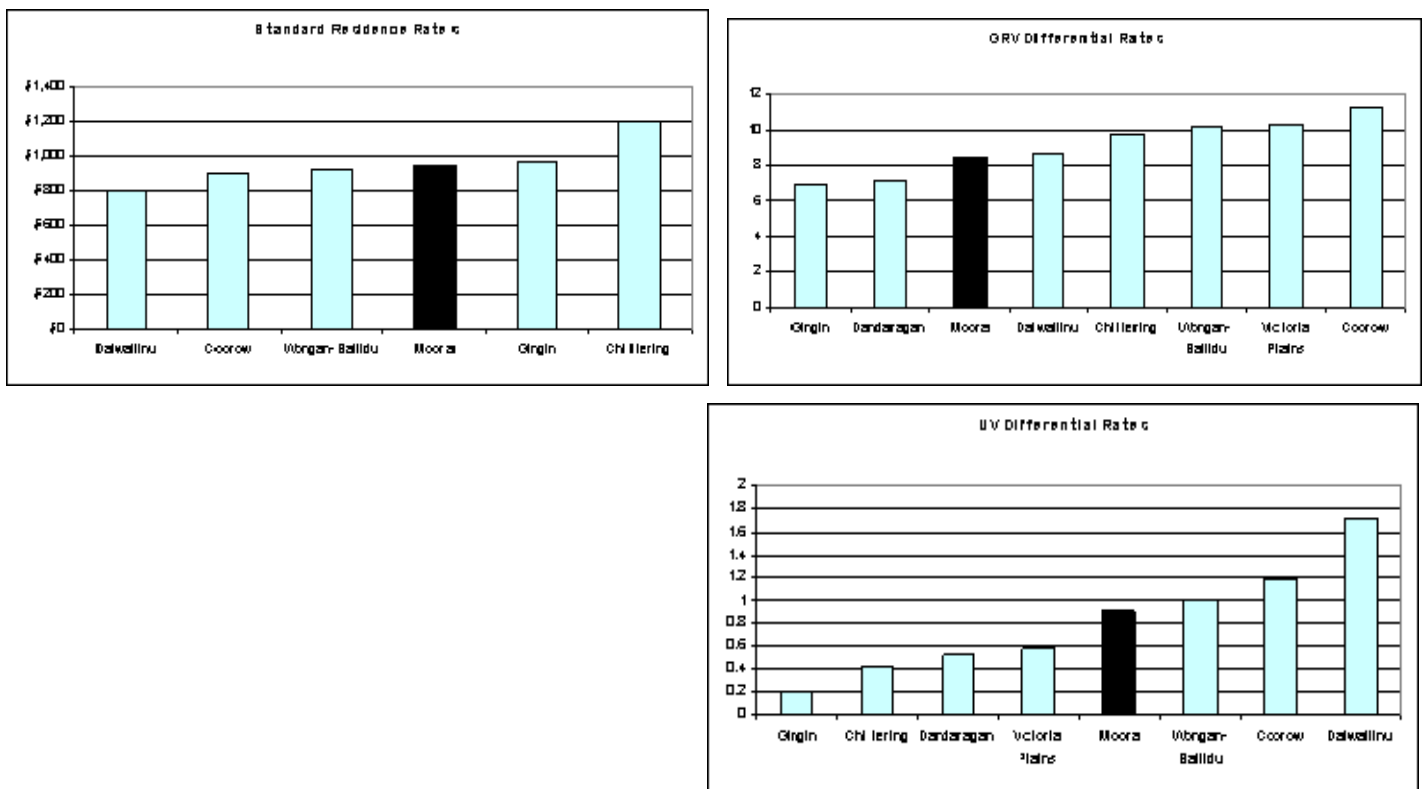
The draft Budget for the 2011/12 financial year includes the following information:

- Statement of Comprehensive Income by Nature or Type
- Statement of Comprehensive Income by Program
- Cash Flow Statement
- Rates Setting Statement
- Other Notes and Disclosures
- Schedule of Fees & Charges

Over the past few months Councillors have had the opportunity to raise queries and have input into the draft budget and fees and charges at a number of Councillor Information Briefings. Since the last briefing on 1 June 2011, a small number of changes have been made and were communicated to Councillors in the Councillor Briefing Session Agenda papers for 15 June 2011.

The change of most interest to a number of ratepayers is the reduction of the proposed rates increase to 4.7% from the Manex recommendation of 5% as a result of feedback from Councillors in attendance at the Councillors Briefing Session held 1 June 2011. This has resulted in a reduction in municipal rates of \$41,074 and assuming increases of 5% over the next five years, has a compounding effect of \$226,960 for that period.

The Rates Review accepted by Council at its Ordinary Meeting of 20 April 2011 demonstrated that the rate in the dollar applied by the Shire of Moora in 2010/11 was in the lower third of properties for GRV and the middle two for UV. The rates on a standard residence are also in the middle two as indicated on the following graphs.



Budgets have yet to be set by surrounding Councils for 2011/12, however it is expected that their staff will recommend the following increases:

- Coorow 6%
- Dalwallinu between 4.5-5.5%
- Dandaragan 5%
- Victoria Plains around 5%

This will mean that by adopting a 4.7% increase, Moora is likely to fall behind the surrounding Councils in their collective goal to be able to manage their assets sustainably.

Also of interest within the draft Budget are a number of projects that are reliant on applications for grant funding being successful. If the full amount of funding budgeted for is not received, a report will be put to Council to amend the budget accordingly.

### **POLICY REQUIREMENTS:**

The draft Budget is consistent with adopted Council policies and the Shire of Moora Rating Strategy. This strategy is available on the Shire's webpage ([www.moorawa.gov.au](http://www.moorawa.gov.au)).

### **LEGISLATIVE REQUIREMENTS:**

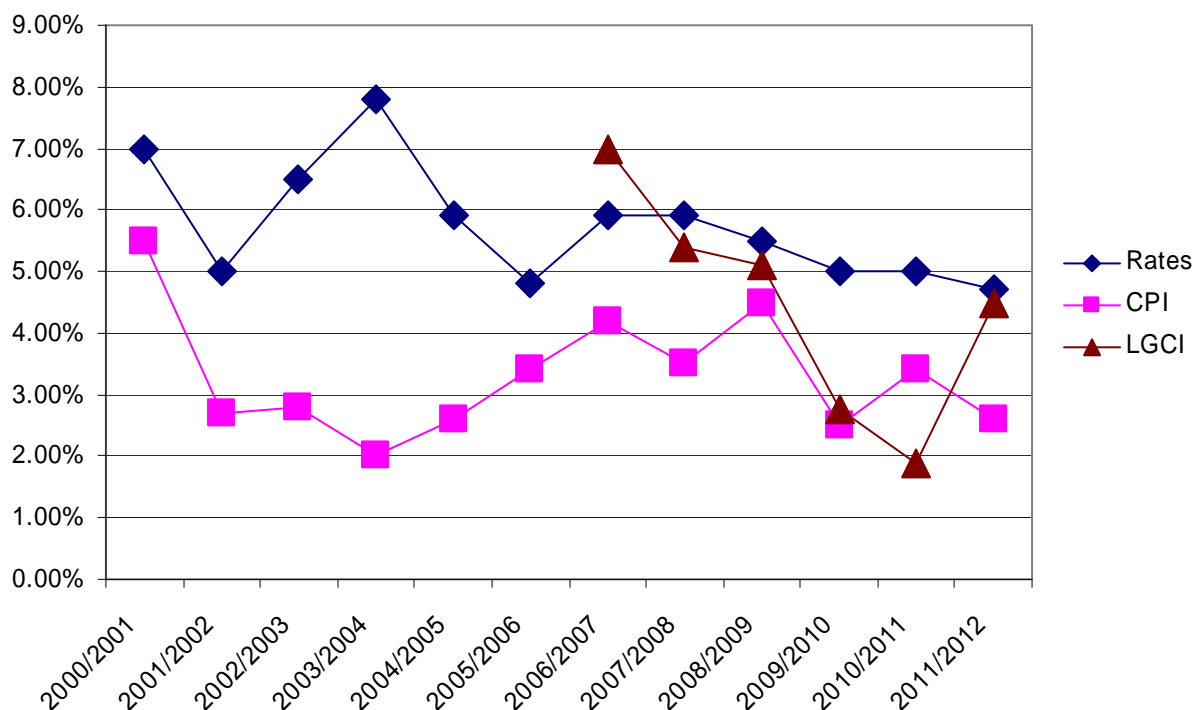
Section 6.2 of the Local Government Act 1995 requires Council to adopt its Annual Budget in the form and manner prescribed no later than 31 August in any financial year, subject to any extension past this date with Ministerial approval. The draft Budget, as presented to Council is prepared in the statutory format required.

Within thirty (30) days of the adoption of the Budget, a copy must be forwarded to the Director General, Department of Local Government and Regional Development as provided by Regulation 33 of the Local Government (Financial Management) Regulations 1996.

### **STRATEGIC IMPLICATIONS:**

A balanced budget enables Council to progress its strategic plan in a sustainable manner. The draft budget includes a number of operating and capital projects which will help Council deliver the priorities it has identified in its draft strategic plan, ie regional cooperation, planning for growth and existing asset renewal including the sewerage scheme.

The budget is based on an overall rate increase of 4.7%. While this increase exceeds the estimated CPI and Local Government Cost Index, if Council wants to achieve the desired priorities in its Strategic Plan, a minimum increase of 4.7% is necessary. Rate rises in previous years have been:



If Council chooses a rate increase of less than 4.7%, this will result in a deficit instead of a balanced budget. For example, the following rate increases will result in the adjacent deficit:

Rate of Increase	Rates Raised	GRV/UV RID	Deficit
4.0%	\$3,108,101	8.8386/0.9131	\$67,044
4.5%	\$3,122,470	8.8811/0.9176	\$52,675

### SUSTAINABILITY IMPLICATIONS:

#### ➤ Environment

The proposed budget contains a number of initiatives that will enhance and support the environment within the Shire.

#### ➤ Economic

The proposed budget contains a number of initiatives that will enhance and support economic development within the Shire.

#### ➤ Social

The proposed budget contains a number of initiatives that will enhance and support social development within the Shire.

### FINANCIAL IMPLICATIONS:

The result of the following resolutions will be the adoption of the 2011/12 Budget.

### VOTING REQUIREMENTS

Absolute Majority Required

### SUBSTANTIVE MOTION (MANEX RECOMMENDATIONS)

**62/11 Moved Cr Bryan, seconded Cr Tonkin that Council adopts the 2011/12 Budget including the following matters:**

- (1) Imposing General Rate for Gross Rental Value (GRV) properties to achieve a general rate increase of 4.7% – the general rate be set at 8.8981 cents in the dollar on Gross Rental Values for all rateable land within the district;**
- (2) Imposing General Rate for Unimproved Value (UV) properties to achieve a general rate increase of 4.7% – the general rate be set at 0.9375 cents in the dollar on Unimproved Values for all rateable land within the district;**
- (3) Imposing Minimum Payment (Rates) for Gross Rental Value (GRV) properties to achieve a general rate increase of 4.7% – the Minimum Payment (Rates) be set at \$520 per assessment for GRV properties;**
- (4) Imposing Minimum Payment (Rates) for Unimproved Value (UV) properties to achieve a general rate increase of 4.7% – the Minimum Payment (Rates) be set at \$520 per assessment for all UV properties in the Shire of Moora;**
- (5) Imposing Sewerage Rate – the sewerage rate in the dollar be set at 7.9801 cents in the dollar, and that the following apply:**

- a. **That the minimum annual sewerage rates be as follows;**
- |                                                   |                 |
|---------------------------------------------------|-----------------|
| <b>Residential properties</b>                     | <b>\$315.00</b> |
| <b>Commercial properties</b>                      | <b>\$700.00</b> |
| <b>Vacant Land properties</b>                     | <b>\$210.00</b> |
| <b>Ex-Gratia Commercial/Industrial properties</b> | <b>\$795.00</b> |
- b. **That the maximum annual sewerage rate be as follows;**
- |                               |                 |
|-------------------------------|-----------------|
| <b>Residential properties</b> | <b>\$790.00</b> |
| <b>Vacant Land properties</b> | <b>\$758.00</b> |
- c. **Non Rateable Properties connected to sewer**
- |                |                                                                                |
|----------------|--------------------------------------------------------------------------------|
| <b>Class 1</b> | <b>Institutional/Public &amp; Charitable Purpose <u>for each property</u>:</b> |
|                | <b>First major fixture \$198.00 per annum</b>                                  |
|                | <b>Each additional major fixture \$83.00 per annum</b>                         |
| <b>Class 2</b> | <b>State and Local Government properties of a commercial nature:</b>           |
|                | <b>\$1,100.00 per Connection</b>                                               |
- (6) **Imposing Service Charge – Gardiner Street power – The non-residential and residential properties that benefited directly from the upgrade to the power supply in Gardiner Street in 2006/2007 pay the following annual charge:**
- |                        |                 |
|------------------------|-----------------|
| <b>Non-Residential</b> | <b>\$339.32</b> |
| <b>Residential</b>     | <b>\$169.66</b> |
- (7) **Rubbish Removal Charges (per annum) – be set at;**
- |                                        |                                                                           |
|----------------------------------------|---------------------------------------------------------------------------|
| <b>(i) Residential – Non-pensioner</b> | <b>\$315 per 240-litre bin (weekly) &amp; recycling bin (fortnightly)</b> |
| <b>(ii) Residential– Pensioner</b>     | <b>\$230 per 240-litre bin (weekly) &amp; recycling bin (fortnightly)</b> |
| <b>(iii) Non-Residential</b>           | <b>\$315 per 240-litre bin (weekly)</b>                                   |
- (8) **Incentive for Early Payment of Rates – to use the incentive prize offered by:**  
**– \$500 Cash - Shire of Moora**  
**as the prize for payment of rates, rubbish charges and arrears in full within 21 days from the issue date of the rate notice;**
- (9) **Instalment Plan – The following options be made available to ratepayers:-**
- a. **To pay in full within 35 days of service of the rates notice.**
- b. **To pay by 2 equal instalments as under.**
- |             |                                                |
|-------------|------------------------------------------------|
| <b>(i)</b>  | <b>50% of the rates within 35 days</b>         |
| <b>(ii)</b> | <b>50% of the rates within 2 months of (i)</b> |
- c. **To pay by 4 equal instalments as under.**
- |              |                                                                                                                                                                                   |
|--------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>(i)</b>   | <b>25% of the rates within 35 days</b>                                                                                                                                            |
| <b>(ii)</b>  | <b>25% of the rates within 2 months of (i)</b>                                                                                                                                    |
| <b>(iii)</b> | <b>25% of the rates within 2 months of (ii)</b>                                                                                                                                   |
| <b>(iii)</b> | <b>25% of the rates within 2 months of (iii) being 6 months from the expiration of the initial 35 day period and 6 months and 35 days from the date of service of the notice.</b> |

- (10) **Instalment Plan Interest Rate – a charge be set at 5.5% per annum calculated by simple interest method and applied to Rates and Rubbish Removal Charge;**
- (11) **Instalment Plan Administration Charge – a charge of \$5 per instalment excluding the first instalment and applied to Rates and Rubbish Removal Charge;**
- (12) **Late Payment Interest Rate – (Rates and Rubbish Removal Charge) - a charge be set at 11% per annum, calculated by simple interest method, be applied for instalments past the due date, or where the instalment option is not in place, 35 days after the date of issue of the rate notice;**
- (13) **Late Payment Interest Rate – (Sundry Debtors Charges) - a charge be set at 11% per annum, calculated by simple interest method, be applied for outstanding sundry debtors past the due date, 30 days after the date of issue of the invoice;**
- (14) **Schedule of Fees and Charges – adopt the Schedule of Fees and Charges within the 2011/2012 Budget document;**
- (15) **Reserve Accounts – Council confirms the names and purposes of its Reserve Accounts as listed within the 2011/2012 draft Budget;**
- (16) **Materiality Threshold – that the materiality threshold for monthly financial reporting (Statement of Financial Activity – Program) be set at plus or minus 10% and greater than \$5,000 at Program and Category levels.**

### **AMENDMENT MOTION**

*Moved Cr Gardiner, seconded Cr Clydesdale-Gebert that the item lay on the table as the final position is not known and that a Special Budget meeting be called for Wednesday 13 July 2011.*

**MOTION LOST 2/5**

**WITH THE AMENDMENT MOTION BEING LOST THE SUBSTANTIVE MOTION WAS THEN PUT, WITH THE ADDITION OF ‘TO ACHIEVE A GENERAL RATE INCREASE OF 4.7%’ TO POINTS (1– 4) AND**

**CARRIED BY ABSOLUTE MAJORITY 6/1**

Note: The figures at point (7) were amended due to a miscalculation (now corrected) which was advised during discussion of the item.

### **11.3 OPERATIONAL DEVELOPMENT**

Nil



## 11.4 COMMUNITY DEVELOPMENT

### 11.4.1 WHEATBELT STRATEGY

**FILE REFERENCE:**

**REPORT DATE:** 7 June 2011

**APPLICANT/PROPONENT:** N/A

**OFFICER DISCLOSURE OF INTEREST:** Nil

**PREVIOUS MEETING REFERENCES:** N/A

**AUTHOR:** Ewen Ross, Mgr Health, Building and Planning Services

**ATTACHMENTS:**

1. Sub Region Profile
2. Wheatbelt Strategic Plan

**PURPOSE OF REPORT:**

Council is to consider the opportunity to make comments and a submission on a Draft Wheatbelt Land Use Planning Strategy released by the Western Australian Planning Commission (WAPC) April 2011. (Available [www.planning.wa.gov.au](http://www.planning.wa.gov.au) consultation documents)

**BACKGROUND:**

The Western Australian Planning Commission (WAPC) has released a Draft Wheatbelt Land Use Planning Strategy which is available for public comment until 19 August 2011.

The Wheatbelt region as defined by the Planning and Development Act 2005 includes 43 local governments bounded by West Arthur in the south-west, Dandaragan in the north-west, Lake Grace in the south-east and Yilgarn in the north-east.

The Strategy is a guidance document for the Wheatbelt region that aims to guide land use planning decision-making. The strategy plans for people and population in the region, seeks to protect the region's natural and cultural environment, facilitates economic development across the region, considers settlements and land supply needs.

**COMMENT:**

The Draft Wheatbelt Land Use Planning Strategy is divided into two parts.

Part 1 of the Strategy includes background information such as population statistics, assessment of required housing supply, information on existing subdivision approvals for residential land in the Wheatbelt, and provides the rationale for Part 2.

The Strategy states that *“the Wheatbelt region has a relatively small population which is hosted in more than 40 towns and more than 210 villages, townsites and settlements. Half the Wheatbelt population lives in the towns, and the largest regional centre is Northam, with a population of 6009 people and other regional centres include Narrogin (4238), Merredin (2550) and sub-regional centres including Moora (1605), Toodyay (1069), Wagin (1427) and York (2008).”*

Under Part 1 the broad wheatbelt area is divided into a number of sub regions – Attachment 1.

Moora is included in the ‘Outer Arc’ sub region along with the Shires of Quairading, Cunderdin, Dowerin, Goomalling, Victoria Plains, and Wongan Ballidu.

The Strategy anticipates that the most growth will occur in the Avon Arc subregion, and identifies the major growth areas as Chittering, Toodyay, Northam and York. The Strategy

states that the Avon Arc sub region is expected to accommodate nearly half the growth in the Wheatbelt. Significant growth is also anticipated in the Coastal region which includes Lancelin.

The 'Outer Arc' sub region which includes Moora generally fringes the Avon Arc, and is predicted to have slight, but steady growth over the next 20 years. The Strategy projects that the 'Avon Arc' sub region will accommodate an additional 1650 people, which is approximately 10 per cent of the region's growth.

Growth is predicted around the sub-regional centre of Moora, but towns like Wongan Hills, Dowerin, Goomalling and Cunderdin are experiencing steady activity, which is expected to continue.

Part 1 examines existing residential subdivision approvals, likely population growth and concludes that existing subdivision approvals will provide adequate residential land supply for the next 14 years in the wheatbelt.

It should be noted that existing subdivision approvals are not an accurate indication of ultimate lots to be created. There is no guarantee that approvals will be acted upon and this is acknowledged by the Strategy.

Part 2 of the Draft Wheatbelt Land Use Planning Strategy comprises of a report supported by two key maps:

- A Strategic Plan which provides an overview to supplement the strategies and policy positions that guide the use, development and management of land in the Wheatbelt (refer Attachment 2).
- A Regional Conservation Priorities plan maps the local natural areas for conservation in the Wheatbelt. Local natural areas are 'unprotected' areas of native vegetation that exist outside of formal reserves.

The Strategy Plan recognises Northam as the largest urban centre and Moora, Merredin and Narrogin as other major settlements (sub regional centres).

The Strategy focus on analysing existing subdivision approvals and is a practical approach as it examines potential lot supply to service future demand. There are concerns however that the Strategy does not offer a high level of support to stimulate further development and growth of existing smaller established towns, particularly those that have steady or declining populations.

Part 2 of the Strategy text includes specific sections on:

- Community;
- Economy and Regional Development;
- Environment;
- Infrastructure and ;
- Governance.

Under each of these sections the Strategy outlines principles, objectives, strategies and actions, and a WAPC Policy position.

For example,

The 'Community' section has the principle:

*“When enabling land supply, support the lifestyle values of the region by recognising the cultural significance of the land and the unique character and identity of Wheatbelt communities’.*

The Strategy has several Community objectives including *“To promote a settlement hierarchy based on economic opportunities and existing and planned services (including suitable water supplies), that are capable of sustaining future growth.”*

Under ‘Community’ one of the strategies is *“Consider revitalisation of underutilised, serviced towns to provide for future populations.”*

The WAPC Policy position on ‘Community’ includes *“Consolidate development in and around existing settlements that can be serviced and expanded with existing infrastructure.”*

The Strategy is relatively broad however identifies a general hierarchy of towns, and seems to place a higher emphasis on areas recognised as regional and subregional centres such as Northam, York, Narrogin, Toodyay and Moora.

It includes a map showing those local government areas under growth pressure, such as Shire of Northam, Shire of York, Shire of Toodyay, Shire of Chittering, Shire of Gingin, and Shire of Dandaragan – all are generally located in closer proximity to Perth or the coast.

There are concerns that there is an inference that almost no growth will occur in smaller areas with the emphasis that growth will only occur in the higher hierarchy centres and areas closer to Perth.

The main focus of Part 2 of the Strategy appears to be;

1. Identifying and establishing a hierarchy (of regional centres, sub-regional centres, rural town, rural villages and settlements) to be reflected in local planning strategies.
2. Ensuring urban and population growth is maximised in towns that are already serviced or planned to be serviced. There is an increased focus on aligning populations with services and infrastructure as well as ensuring growth is consolidated in existing areas.
3. Reiterating the WAPC position that all lots must have access to reliable water supply, and rainwater tanks for residential, rural residential or rural living will not be supported for areas with a rainfall less than 550mm per year. This is reflecting the requirements of Draft State Planning Policy 2.5 and WAPC DC 3.4 Policy also being advertised for public comment (preventing any new rural residential areas without reticulated water supply).
4. The strategy identifies a range of issues that would need to be recognised by any local planning strategy such as regional industrial areas, regional locations for waste management, areas for high conservation etc.

The specific mentions of Moora are summarised below:

- 1.1 *“Half the Wheatbelt population is spread across more than 30 towns, the largest urban centre is Northam and other major settlements include Moora, Merredin and Narrogin”.*
- 2.2.4 *“Spatial arrangement - such as centring sub regions on the four regional centres of Moora, Northam, Merredin and Narrogin;”*

- 4.2 *“Half the Wheatbelt population lives in the towns, and the largest regional centre is Northam, with a population of 6009 people and other regional centres include Narrogin (4238), Merredin (2550) and sub-regional centres including Moora (1605), Toodyay (1069), Wagin (1427) and York (2008)”.*

*“Growth in the Outer Arc subregion is predicted to be steady, and likely to accommodate 10 per cent of the total growth predicted for the Wheatbelt, with activity shared across the towns of Moora, Wongan Hills, Goomalling, Cunderdin and Dowerin”.*

- 4.3.5 *“Growth is predicted around the sub-regional centre of Moora, but towns like Wongan Hills, Dowerin, Goomalling and Cunderdin are experiencing steady activity, which is expected to continue”.*

- 4.6.3 *“The activity is predominantly occurring in Dalwallinu, Dandaragan (Jurien Bay), Northam, Moora, Wandering”.*

- 5.2.2 *“The Department of Agriculture and Food is progressing a number of mid-sized feedlots primarily through the western shires (Dandaragan, North Gingin, Moora, Victoria Plains and Toodyay), and there is the possibility that a mega feedlot facility (> 50 000 head) may be developed.”*

*The primary land use planning implication for the animal industry is the location of DAFWA’s identified agribusiness precincts, including intensive animal production, buffers and essential service needs of the industry, and secondary processing (food or other) from intensive animal farming. This is expected to impact Dandaragan, North Gingin, Moora, Victoria Plains and Toodyay.*

- 5.2.3 *“DAFWA is working towards establishing strategic horticulture precincts in areas north of Wanneroo (Gingin, Dandaragan, Moora and Victoria Plains). The strategy for these precincts is scheduled for release in the next two to three years”.*

- 5.8 *“There is a wide scope for other emerging or niche industries in the Wheatbelt. For example organic farming, DAFWA has produced “strategic opportunities” in WA plus a suite of supporting documents. The areas identified in the Wheatbelt for emerging and niche industries include Moora, along the Darling Scarp from Gingin to Harvey and the Perth Hills (west of York)’.*

- 6.2 *“In 1999, three significant flood events occurred in the town of Moora, situated alongside the Moore River, which resulted in massive flood damage and social disruption within the town”.*

*“Mapping of floodplains within the region is available for the Moore River in the townsite of Moora, and for the Avon River in the townsites of Beverley, York, Northam and Toodyay as well as some rural locations. The mapping identifies floodway and flood-fringe areas”.*

- 6.3.2 *“There are a number of examples of community projects to manage townsite salinity watertable, the majority of which have been funded through DAFWA’s Rural Towns - Liquid Assets program. The table below lists those towns within the region that are part of this program”. (Includes Moora)*

- 7.1 *Figure 35: Registered heritage places in the Wheatbelt - 5*

- 8.2.1 *“The significant land use planning implications for the availability of water supply in the short-term are Gingin, York and Moora. Water Corporation has identified these capacity issues and acknowledges that further investigation is required.”*

- 8.2.2 *“While the Water Corporation is the largest wastewater license holder in the State, several Wheatbelt shires of Brookton, Dalwallinu, Dowerin, Dumbleyung, Goomalling, Koorda, Lake Grace, Moora, Victoria Plains, Wickopin and Yilgarn also hold sewerage and non-potable water licenses (Figure 38).”*

- 8.5.2 *“The hubs are the existing large schools at Merredin, Narrogin, Northam and Central Midlands (Moora), the spokes being the smaller schools which effectively act as a campus associated with the larger schools. Therefore, it is the intention of DEd to retain as many viable school sites as possible as close as possible to the students, and the maximum catchment radius for access is a 1.5 hour bus ride*

*from home to school. Some towns may have schools amalgamated, for example, there are plans to amalgamate the north and south primary schools in Merredin”.*

8.6 *“Strategic waste management plans have been prepared for all Wheatbelt local governments and approved by DEC. Eight plans cover 42 local governments and a further two plans have been developed for individual shires according to the following groupings:*

- *Central Midlands Regional Organisation of Councils - Shires of Chittering, Dalwallinu, Moora, Victoria Plains (lead), Wongan-Ballidu”.*

*“The Shires of Chittering, Dalwallinu, Moora, Victoria Plains, Wongan-Ballidu, Goomalling, Toodyay, Northam and Dowerin have formed a regional council for the purpose of owning and running a regional waste site. Investigations have begun identifying a suitable site within the shires, initially focusing on a site on land west of Calingiri”.*

Appendix B *Regional centres Northam\* Narrogin\* Merredin\* Moora\* Jurien Bay (future)*

It should be noted that due to the extent of the wheatbelt area covered, the Strategy by its very regional nature can only be a broad planning document. Notwithstanding the above, there is concern that the Strategy seeks to provide a metropolitan ‘consolidate’ solution to population growth.

The Strategy includes an action to *“Consider revitalisation of underutilised, serviced towns to provide for future populations”* however there is concern that this will be used to promote increased population growth only in those major towns closer to Perth, already identified as being under growth pressure.

The resulting impact is the Strategy may limit growth or expansion opportunities for other ‘lower hierarchy’ regional areas. Whilst it may not be intentional, the Strategy implies a bleak outlook for smaller towns and projects a negative perception for any future expansion or growth, failing to recognise local opportunities and characteristics.

The Strategy focuses on using existing services and consolidation in existing areas, however fails to recognise the need to protect a towns character and ideals of individual local communities.

Whilst some consolidation (of residential areas) may be required, many people living in rural towns place a high value on retaining large lots, and do not seek to replicate higher densities or duplicate attributes of Perth urban suburbs.

There is no major objections to the main strategy, however consider it unclear as to the extent that the strategy will interfere with future local government strategic planning. Part 2 of the Strategy is relatively ambiguous, non specific and seems to focus on identifying a hierarchy. It is important that the WAPC does not utilise the hierarchy in the strategy as a mechanism to restrict future planning and local planning strategies for smaller areas. Whilst there may overall be sufficient subdivision approvals to cater for future residential growth (of Perth), this does not translate to meeting the growth needs of local communities in outer rural towns.

The Strategy should not capitalise on using existing approval statistics to conclude that growth is not required in other regional towns. Approvals for rural residential lots in Chittering and residential in Lancelin do not diminish that future growth may occur in other locations. The Strategy does not recognise that all regional towns may seek to offer a range of lifestyle lots and housing choices to attract new residents, regardless of population numbers.

The positive outcomes of the strategy for Moora is the recognition of a “regional centre” and it provides increased justification for future urban growth, employment opportunities, and new industries to locate in larger identified ‘regional’ and ‘subregional’ towns. There is reservation that this will be a basis for resources to be only directed to projected growth areas, whereas resources need to be allocated to support smaller regional rural towns.

The Strategy fails to substantially address the difficult issues faced throughout wheatbelt towns including challenges in providing services and employment opportunities for established smaller communities, local characteristics, higher development and subdivision costs, lack of future planning for infrastructure, limitations in resources and budget, lack of technical support, difficulties in attracting developers (with increasing ‘up front’ requirements such as urban water management plans), and higher construction costs.

### **COMMUNITY CONSULTATION:**

No consultation has been undertaken with the local community in the Shire.

As a precursor to the preparation of the regional strategy, the WAPC released a ‘Towards a Wheatbelt Regional Strategy Directions Paper’ in 2009 for early community input on issues relating to land use planning in the Wheatbelt. It was advertised to 120 organisations between September to December 2009, and 41 written submissions were lodged. The submissions are discussed in a March 2010 ‘Report on Consultation’.

Separate State Planning 2.5 and WAPC DC 3.4 rural policies are also being advertised until the end of June 2011.

### **POLICY REQUIREMENTS:**

The Shire already has a townsites expansion strategy endorsed by the WAPC and a key amendment 9. Any future Local Planning Strategy developed by the Shire would need to recognise new WAPC Policies and strategies.

### **LEGISLATIVE REQUIREMENTS:**

Planning & Development Act 2005

### **STRATEGIC IMPLICATIONS:**

Although the Wheatbelt strategy is a guiding planning document it will guide decisions by the WAPC should Shires deviate from the intent of the strategy.

### **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

**OFFICER RECOMMENDATION**

*That Council lodge a submission to the Western Australian Planning Commission advising of the following concerns over the Draft Wheatbelt Land Use Planning Strategy;*

- 1. It is noted that Moora is included in the 'Outer Arc' sub region along with the Shires of Cunderdin, Dowerin, Quairading, Goomalling, Victoria Plains, and Wongan Ballidu.*
- 2. The Strategy is relatively broad however identifies a general hierarchy of towns, and seems to place a higher emphasis on areas recognised as regional and subregional centres such as Northam, York, Narrogin, Toodyay and Moora.*
- 3. Moora is recognised as a subregional centre in the Strategy hierarchy.*
- 4. There is an inference that almost no growth will occur in rural areas and will only occur in the higher hierarchy centres and areas closer to Perth.*
- 5. The resulting impact is the Strategy may limit growth or expansion opportunities for other 'lower hierarchy' regional areas. This negative perception may limit any future expansion or growth, failing to recognise local opportunities and characteristics. Areas such as Watheroo and Miling may be impacted.*
- 6. The Strategy includes an action to "Consider revitalisation of underutilised, serviced towns to provide for future populations" however there is concern that this will be used to promote increased population growth only in those major towns closer to Perth, already identified as being under growth pressure.*
- 7. The Strategy focuses on using existing services and consolidation in existing areas, however fails to recognise the need to protect a towns character and ideals of individual local communities. Whilst some consolidation (of residential areas) may be required, many people living in outer rural towns place a high value on retaining large lots, and do not seek to replicate higher densities or duplicate attributes of Perth urban suburbs. It is the rural character of areas that are highly valued by local rural communities.*
- 8. The specific mention of Moora relates to being a major town and a sub regional centre. This is supported and the growth expected in Moora should be identified in the strategy.*
- 9. The Strategy map examines locations of CBH "receival" bins, airports, and ports. It should also examine areas which have medical facilities such as hospitals.*
- 10. There is concern that the Strategy seeks to provide a metropolitan 'consolidate' solution to population growth. The document needs to recognise that planning should provide increased flexibility for outer regional towns to take advantage of opportunities as they arise, capitalise on building and strengthening local communities by catering for growth.*
- 11. It is unclear as to the extent that the strategy will interfere with future local government strategic planning. Part 2 of the Strategy is relatively ambiguous, non specific and seems to focus on identifying a hierarchy. This may prove advantageous to Moora, being recognised as a subregional town.*
- 12. Existing subdivision approvals are not an accurate indication of ultimate lots to be created. There is no guarantee that approvals will be acted upon and this is acknowledged by the*

*Strategy. Whilst there may overall be sufficient subdivision approvals to cater for future residential growth (of Perth), this does not translate to meeting the growth needs of local communities in Moora or other outer rural towns, Watheroo and Miling.*

- 13. The Strategy should not capitalise on using existing approval statistics to conclude that growth is not required in other regional towns. Approvals for rural residential lots in Chittering and residential in Lancelin do not diminish that future growth may occur in other locations. The Strategy does not recognise that all regional towns may seek to offer a range of lifestyle lots and housing choices to attract new residents, regardless of population numbers.*
- 14. The positive outcomes of the strategy for Moora, is that it provides increased justification for future urban growth, employment opportunities, and new industries to locate in larger identified 'regional' and 'subregional' towns. If this is a basis for resources to be directed to projected growth areas, Moora is likely to benefit, which is strongly supported.*
- 15. The Strategy does not offer a high level of support to stimulate further development and growth of existing smaller established towns, particularly those that have steady or declining populations.*
- 16. The Strategy fails to substantially address the difficult issues faced throughout wheatbelt towns including challenges in providing services and employment opportunities for established smaller communities, local characteristics, higher development and subdivision costs, lack of future planning for infrastructure, limitations in local government resources and budget, lack of technical support, difficulties in attracting developers (with increasing 'up front' requirements such as urban water management plans), and higher construction costs.*
- 17. Whilst the WAPC has examined the wheatbelt region at a broad level, there is concern the document diminishes recognition of established outer regional towns, may contribute towards further population decline in existing communities, and only promotes growth in areas already under pressure. The strategy does not provide any substantial support for smaller regional rural towns.*

## **COUNCIL RESOLUTION**

**63/11 Moved Cr Bryan, seconded Cr Gardiner that the item 11.4.1 lay on the table.**

**CARRIED 6/0**



Cr Clydesdale-Gebert declared a financial interest in item 11.4.2, as she is seeking a section 40 certificate (+ section 39) – an amended certificate and left the meeting at 6.38pm.

### **11.4.2 PLANNING FEES**

<b>FILE REFERENCE:</b>	F/BUDI
<b>REPORT DATE:</b>	7 June 2011
<b>APPLICANT/PROPONENT:</b>	Health, Building and Town Planning
<b>OFFICER DISCLOSURE OF INTEREST:</b>	N/A
<b>PREVIOUS MEETING REFERENCES:</b>	
<b>AUTHOR:</b>	Ewen Ross, Mgr Health, Building and Planning Services
<b>ATTACHMENTS:</b>	1. WAPC Bulletin 93/2010, List of fees – extract from the <i>Planning and Development Regulations 2009</i> . 2. Current Fee Schedule

#### **SUMMARY:**

Council is to consider adoption of new planning fees in accordance with the *Planning and Development Regulations 2009*.

This report recommends;

- Repeal current fees
- Adoption of all of the fees outlined in the regulations (with separate advertising costs charged for scheme amendments);
- Development of an information sheet by administration staff on the new fees to provide to customers/applicants;
- Development of an information sheet on 'Requests for Planning Advice' by Gray & Lewis;
- Adoption of procedures in dealing with written planning advice requests; and
- A public notice to advertise adoption of the new fees.

#### **BACKGROUND:**

The *Town Planning (Local Government Planning Fees) Regulations 2000* previously provided the regulatory framework for local government fees and charges for planning services and include details of the fees to be levied. The Shire previously adopted fees generally as per the regulations.

These regulations have now been consolidated into the *Planning and Development Regulations 2009*. The fees are increased by the Consumer Price Index (CPI) rate and as of 1<sup>st</sup> July 2010 are as attachment 1. These are likely to be increased as of 1<sup>st</sup> July 2011, however to date no fees have been advised by WAPC.

The Regulations provided fees for a range of planning applications including;

- development applications;
- extractive industry;
- subdivision clearances;
- local planning scheme amendments;
- adoption of structure plans;
- home occupations;
- change of use;
- zoning certificates;
- property settlement questionnaire;
- questionnaires; and
- written planning advice.

It is important to note that the fees under the new Regulations are **maximums** and that Council can choose to adopt a lesser fee or no fee at all for some services.

**COMMENT:**

The majority of fees outlined in the Regulations are clear and easy to administer.

It is recommended that the schedule of fees contained within the Planning and Development Regulations 2009 (as amended by WAPC) Attachment I, be adopted however issues for discussion are highlighted below;

- ***Town Planning Scheme Amendments***

The only fee which is more difficult to administer is for town planning scheme amendments. Fees can only be charged where the amendment has been initiated by an applicant.

The Regulations include a table listing the 'tasks' associated with processing a scheme amendment (refer Part 2 of the attachment). The table is used to calculate scheme amendment fees based on hourly rates for different officers and the time spent on each 'task'.

This system of calculating Scheme Amendment Fees is cumbersome especially as some 'tasks' are completed by Gray & Lewis, and other 'tasks' are completed by Shire staff (e.g. advertising).

For ease of administration some Shires still charge a 'flat fee' for all scheme amendments, however technically the list of tasks / timesheet is still to be made available to applicants on request. Therefore the task list is required to be maintained in order to comply with the regulations.

The Shire has previously charged a flat fee for scheme amendments for ease of administration, however Gray & Lewis is concerned that;

- Some scheme amendments pose a significant cost to the Shire where it involves ongoing applicant discussions.
- Each scheme amendment varies in complexity and a flat fee does not recognise this. Assessment times for each amendment vary significantly.
- More recent scheme amendments have involved lengthy assessments and liaison due to fire management issues.

Whilst a 'flat fee' is less administrative, it is recommended that Council charge amendment fees based on hourly rates – especially as records have to be kept on scheme amendments anyway in order to comply with the regulations. The use of the hourly rate maximises the Shires cost recovery, and ensures that there are higher fees for those amendments which involve a greater level of assessment.

The following is recommended;

1. An initial \$3,000.00 fee is charged on lodgement of any formal scheme amendment request. This would not be a flat fee and the total fee will be based on the hourly rates.
2. Gray & Lewis are to co-ordinate and keep records on each scheme amendment. Once the \$3,000.00 is used, additional invoices will be sent to the applicant for payment through the Shire.
3. If the amendment is not initiated by the Shire then a portion of the \$3,000.00 fee can be refunded to the applicant (as per the regulations).

4. The regulations allow a maximum rate of \$79.00 per hour to be charged for 'Director/City/Shire Planner'. It is recommended that this maximum rate be charged for all planning assessment work completed by Gray & Lewis and any meetings/ discussions by the Chief Executive Officer.
5. Additional advertising costs should also be charged to the applicant. In addition to application fees, the *Regulations* provide local governments with the discretion to charge applicants for costs and expenses associated with advertising.

- **Written Planning advice**

Council traditionally has not charged fees for written planning advice however this needs to be reconsidered. Historically the Shire employed an Environmental Health Officer who also dealt with most planning matters, and specific items were referred to Gray & Lewis for advice on an 'as needs' basis.

In the past few years Gray & Lewis has taken a significant role of shire planner and also become more known to local real estate agents, consultants and general customers.

Whilst Gray & Lewis has a general arrangement to only deal with enquiries referred by the Chief Executive Officer or Manager Health, Building and Planning Services, customers who contact the Shire by phone are often verbally redirected to Gray & Lewis. In many cases customers also contact Gray & Lewis direct.

In the past few years there has been an increase in the number of general enquiries being referred to Gray & Lewis and there is concern that represents costs to the Shire.

Whilst it is recognised that provision of general planning advice is part of local government service, this has to be balanced with the need to ensure some cost recovery. Whilst planning advice is an important service it is recognised that the Shire relies on external consultant advice, and also has other financial commitments.

It is therefore recommended that Council charge for written planning advice as permitted by the regulations (\$67.00 fee). To ensure that fees are paid 'up front' it is recommended that the following procedure be adopted;

1. All requests for planning information or zoning advice are lodged in writing directly to the Shire via an email, facsimile or letter.
2. These requests be directed to Council administration officers. If the fee of \$67.00 has not been paid, then officers are to contact the writer and request the fee.
3. Planning enquiries/ letters only to be referred to Gray & Lewis if a fee has been paid (unless otherwise directed by the Chief Executive Officer).

Gray & Lewis consider that in the majority of cases the \$67.00 would cover the Shires costs for general planning advice.

- **Information Sheets**

It is recommended that a general information sheet be developed on planning fees to give to customers and potential applicants. The information sheet will effectively be a list of the adopted fee schedule and can be made available on the Shires website.

It is also recommended that a separate information sheet be developed to explain to customers the need for written requests and payment of a fee for planning advice.

**Current Fees:** The current fees are as **Attachment 2** and reflect fees under the “*The Town Planning (Local Government Planning Fees) Regulations 2000*” previously provided the regulatory framework for local government fees and charges for planning services and include details of the fees to be levied. The Shire previously adopted fees generally as per the regulations.

These regulations have now been consolidated into the *Planning and Development Regulations 2009*.

The main area that there will be a reduction in fees is the area that annual fees are charged. These can not be charged under the *Planning and Development Regulations 2009* and Council would need to consider if it needs to make provisions for annual licences under the Local Government (Miscellaneous Provisions) Act 1960. The general test for justifying a fee, is “receiving an application for approval, granting an approval, making an inspection and issuing a license, permit, authorisation of certificate”.

To continue to make annual charges for Home Occupation Council would need to confirm the current charges plus 3.2% CPI under the Local Government (Miscellaneous Provisions) Act 1960. This is not supported as there is no evidence that the Shire has been carrying out annual inspections.

There is no provision in the current fees and charges to charge for section 40 certificates under the Liquor Act. There is a fee for section 39 certificates under the Liquor Act of \$100. It is recommended that either the standard fee for planning application of \$137 or for written planning advice fee of \$67 be applied. As a planning approval is not issued, instead it is a certificate the fee for written planning advice is applicable, \$67.

#### **POLICY REQUIREMENTS:**

Nil

#### **LEGISLATIVE REQUIREMENTS:**

- *Local Government Act 1995:* Section 6.16 of the Local Government Act covers the imposition of fees and charges and Section 6.17 covers setting the level of fees and charges.
- *Planning and Development Regulations 2009:* The Regulations limit the maximum fees that can be charged for planning applications and services. Councils can resolve to charge a lesser fee or no fee.

#### **STRATEGIC IMPLICATIONS:**

This will bring Councils fees and charges into line with the *Planning and Development Regulations 2009*.

##### ➤ **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:**

Council will generate revenue from all fees. The level of income being budgeted as a result of these fees and charges will be reflected in the Annual Budget.

It should be noted that planning fees are exempt from GST, and this is explained in the WAPC Planning Bulletin 93/2010.

The revenue from home occupation would be lost currently less than \$1,000.

**VOTING REQUIREMENTS:**

Absolute Majority Required

**COUNCIL RESOLUTION  
(OFFICER RECOMMENDATIONS)**

**64/11 Moved Cr Tonkin, seconded Cr Keamy that:**

- 1. Council adopt the revised fee schedule in accordance with the Planning and Development Regulations 2009 as amended from time to time.**
- 2. Council for scheme amendments require;**
  - Payment of an initial \$3,000.00 fee for all scheme amendment requests prior to referral of a report to Council.**
  - All fees to be based on the maximum rate of \$79.00 per hour to be charged for ‘Director/City/Shire Planner’ for all planning assessment work completed by Gray & Lewis and any meetings/ discussions by the Chief Executive Officer.**
  - Gray & Lewis to keep records of all costs associated with the processing of a scheme amendment (including time spent by administrative officers) and co-ordinate the issue of invoices once the initial \$3,000.00 is utilised.**
  - All applicants to pay for associated advertising costs of scheme amendments (e.g. notices in the paper).**
- 3. Council adopt the following internal procedure for all future planning enquiries and request the Chief Executive Officer to brief all relevant Shire officers;**
  - All requests for planning information or zoning advice be lodged in writing directly to the Shire via an email, facsimile or letter. Requests are to be accompanied by the required \$67.00 fee.**
  - These requests are directed to Council administration officers. If the fee of \$67.00 has not been paid, then officers are to contact the writer and request the fee.**
  - Planning enquiries/ letters only to be referred to Manager Health, Building and Planning Services or Gray & Lewis if a fee has been paid (unless otherwise directed by the Chief Executive Officer).**
- 4. Council request Gray & Lewis develop an information sheet on ‘Requests for Planning Advice’ to be approved by the Chief Executive Officer for use by administrative officers. The information sheet is to explain the procedure and need for fees.**

5. ***A general information sheet on the new planning fee schedule (including the \$3,000.00 initial amendment fees) is developed.***
6. ***The Chief Executive Officer ensures that all relevant documents and checklists are updated to reflect the new fees.***
7. ***The schedule of fees and charges is included in the Annual Budget.***
8. ***Pursuant to Section 6.19 of the Local Government Act 1995, public notice is given of the revised planning fees to apply from 1 July 2011.***
9. ***Gray & Lewis and Council Officers record all time spent on the tasks for a Local Planning Scheme Amendment.***
10. ***A fee of \$67 is charged for section 40 certificates under the Sale of Liquor as “written planning advice”.***

**CARRIED BY ABSOLUTE MAJORITY 5/1**

At 7.46pm Cr Clydesdale-Gebert rejoined the meeting.

#### **11.5 ENVIRONMENTAL DEVELOPMENT**

Nil

#### **11.6 ECONOMIC DEVELOPMENT**

Nil

#### **11.7 SPORT AND RECREATION**

Nil

#### **12. ELECTED MEMBER MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil

#### **13. MOTIONS OF AN URGENT NATURE INTRODUCED BY DECISION OF COUNCIL**

Nil

#### **14. NOTICE OF MOTIONS FOR THE NEXT COUNCIL MEETING**

Nil

**15. MATTERS BEHIND CLOSED DOORS**

Nil

**16. CLOSURE OF MEETING**

*There being no further business, the Shire President declared the meeting closed at 6.55pm.*

**CONFIRMED**

**PRESIDING MEMBER**