



# Ordinary Council Meeting Minutes

**Date: 17 July 2013**

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

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

### **Vision**

Our vision is that:

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

### **Mission**

Our mission is:

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

**SHIRE OF MOORA**  
**MINUTES OF THE ORDINARY MEETING OF COUNCIL**  
**HELD IN COUNCIL CHAMBERS, MOORA**  
**17 JULY 2013**

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- 9.1.2 *Statement of Financial Activity for Period Ended 30 June 2013*
- 9.1.3 *Map/s*
- 9.2.1 *Planning fees*
- 9.2.2 *Traffic Impact Statement Report*

**1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS****1.1 DECLARATION OF OPENING**

*The Shire President declared the meeting open at 5.32pm.*

**1.2 DISCLAIMER READING**

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

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

**2. ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE****ATTENDANCE**

CE Gardiner	-	Shire President / Presiding Member
AR Tonkin	-	Deputy President
SA Bryan	-	Councillor
CD Hawkins	-	Councillor
DV Clydesdale-Gebert	-	Councillor
JW McLagan	-	Councillor
OC Cocking	-	Councillor
TG Humphry	-	Councillor

AJ Leeson	-	Chief Executive Officer
JL Greay	-	Manager Engineering Services
LJ Parola	-	Manager Finance & Corporate Services
PR Williams	-	Manager Development Services

**APOLOGIES**

RL McCall	-	Manager Community & Economic Development
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**LEAVE OF ABSENCE**

R Keamy	-	Councillor
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**3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil

**4. PUBLIC QUESTION TIME**

Nil

**5. PETITIONS AND PRESENTATIONS**

Nil

**6. APPLICATIONS FOR LEAVE OF ABSENCE**

The Shire President advised that he had received a written request for leave of absence from Cr Cocking for the meetings of Council to be held during the period 25 July to 31 August 2013.

**COUNCIL RESOLUTION**

**99/13 Moved Cr Bryan, seconded Cr Tonkin that Cr Cocking be granted leave of absence for the Meetings of Council to be held during the period 25 July to 31 August 2013.**

**CARRIED                      8/0**

**7. ANNOUNCEMENTS BY THE PRESIDING MEMBER**

Attended the following;

- 21/6 Avon-Midland Zone meeting in Dalwallinu
- 25/6 Stakeholders' meeting in relation to Candy's Bush Reserve
- 28/6 Chamber of Commerce Sundowner
- 8/7 Launch of NAIDOC week

Cr's Humphry & Clydesdale-Gebert

- 28/6 Chamber of Commerce Sundowner

Cr Bryan

- 10/7 Community Resource Centre Committee meeting

Cr Tonkin

- 9/7 Exploring Wildflower Country meeting in Three Springs

**8. CONFIRMATION OF MINUTES**

**8.1 ORDINARY COUNCIL MEETING - 19 JUNE 2013**

**COUNCIL RESOLUTION**

**100/13 Moved Cr Hawkins, seconded Cr Bryan that the Minutes of the Ordinary Meeting of Council held on 19 June 2013 be confirmed as a true and correct record of the meeting.**

**CARRIED                      8/0**

## **9. REPORTS OF OFFICERS**

### **9.1 CORPORATE SERVICES**

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

**REPORT DATE:** 8 July 2013

**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</b>
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**101/13 Moved Cr Humphry, seconded Cr Tonkin that Council notes and endorses the Payments from the Municipal and Trust Funds made under delegation 1.31**

<b>Municipal Fund</b>	<b>Cheques 61280 to 61324</b>	<b>\$119,009.85</b>
	<b>EFT 9890 to 10104</b>	<b>\$540,666.00</b>
	<b>Credit Card 16/05/13 to 15/06/13</b>	<b>\$8,288.00</b>
	<b>Net Pays – PPE 18/06/13</b>	<b>\$81,300.46</b>
	<b>Net Pays – PPE 2/07/13</b>	<b>\$76,155.16</b>
<b>Trust Fund</b>	<b>Cheques 4897 to 4904</b>	<b><u>\$322.50</u></b>
<b>Total</b>		<b>\$825,741.97</b>
		 <b><u>CARRIED</u>                      <u>8/0</u></b>

### **9.1.2 STATEMENT OF FINANCIAL ACTIVITY FOR PERIOD ENDED 30 JUNE 2013**

**REPORT DATE:** 10 July 2013

**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 30 June 2013

**PURPOSE OF REPORT:**

To note and receive the Statement of Financial Activity for the period ended 30 June 2013.

**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 2012/13 adopted budget.

**VOTING REQUIREMENTS**

Simple Majority Required

**COUNCIL RESOLUTION**

*102/13 Moved Cr Tonkin, seconded Cr Hawkins that Council notes and receives the Statement of Financial Activity for the period ended 30 June 2013.*

**CARRIED 8/0**

**9.1.3 PROPOSED MANAGEMENT ORDER – RESERVE 46681 – LOT 416 – MOORA TOWNSITE**

**FILE REFERENCE:** P/RES1  
**REPORT DATE:** 9 July 2013  
**APPLICANTS/PROPONENT:** Department of Lands  
**OFFICER DISCLOSURE OF INTEREST:** Nil  
**PREVIOUS MEETING REFERENCES:** 28/2/2007 (38/07)  
**AUTHOR:** Alan Leeson, Chief Executive Officer  
**ATTACHMENTS:** Map/s

**PURPOSE OF REPORT:**

For Council to consider a request the Department of Lands to accept a Management Order over Reserve 46681, Lot 416 Moora. (Refer attached map)

**BACKGROUND:**

This Reserve was created when old lot 114 Long Street was rezoned and subdivided by Owner Mr J.T. Bashford. The lot was subdivided into 9 lots plus Reserve 46681 & Drainage Reserve 45900.

The Reserve starts west of the Moore River and adjoins portion of the West End Property currently used by the Equestrian Club.



Mr J.T. Bashford has leased the Reserve from the Department of Lands (DoL) for many years, who utilises the lot for cropping. We understand that Mr Bashford has maintained the lot with weed control spraying, firebreaks and contributed to the water rates and usage. Mr Bashford has also approached the Department to purchase the lot but without success. The lot is zoned “Recreation & Open Space”.

It would appear that in the past twelve months the issue of the future of the reserve has again come to the fore. DoL and Mr Bashford have been in quite some dialogue without any outcome achieved to agreeable terms. The main sticking point would appear to be the insistence of DoL that the lessor in Mr Bashford, ensure he has Public Liability cover. This is a standard requirement of DoL in terms of lease agreements/management orders.

**COMMENT:**

It would appear that DoL and Mr Bashford will not agree to terms and on that basis the DoL has approached Council as to whether it wishes to accept a management order over the said land.

The CEO met with DoL Officers in Perth recently in order to ascertain what could be progressed in terms of the future tenureship of the land. It was conveyed to DoL at that time that should they not reach terms with Mr Bashford and that should Council not accept a Management order over the land that in all likelihood the land will become unused, non-maintained derelict weed infested piece of land, whereas it is currently well maintained under its current regime of use.

On this basis I suggested that one outcome would possibly be that the land could be green titled and the reservation cancelled. The land would then become part of West End and be part of/extension to the Equestrian Clubs land use/ set up in that area, albeit it the land would be conditionally owned by the Shire of Moora.

One scenario maybe under such an arrangement is that the land is leased to the local Equestrian Club who utilise the land annually for the local equestrian event and under that arrangement they could have a land maintenance agreement with Mr Bashford.

In any event the main concern for Council is to ensure the land is suitably maintained in terms of weeds, fire suppression measures and the like.

The simplest strategy if Council deems there is a community use for the land is for the Shire of Moora to accept and Management Order over the land. The main obligation that comes with this is of course is the maintenance and upkeep, although that would depend on whether or not Council chose to on-lease the land.

In terms of the existing land at West End utilised by the Equestrian Club and affiliates there needs to be a formalisation of “land tenureship” via a formal lease or like management order. Currently Council does not have any such formal structure. The CEO has acquired certificates of currency of the clubs that utilise West End for “horse/equestrian type purposes”, so that has been covered.

**POLICY REQUIREMENTS:**

There are not any policies of Council that directly implicate this proposal.

**LEGISLATIVE REQUIREMENTS:**

Land Administration Act 1997

Option 1 – Section 75

**75. Transfer of Crown land in fee simple subject to conditions**

- (1) The Minister may transfer Crown land in fee simple subject to such conditions concerning the use of the land (the *specified use*) as the Minister determines.
- (2) For the purposes of this section and of section 76, the unimproved value of conditional tenure land must be calculated as if the use of the land were not subject to any conditions.
- (3) The fee simple of conditional tenure land may be transferred under subsection (1) for a nominal price or a discounted price because of the community benefit to be provided by the proposed development of the conditional tenure land for the specified use.
- (4) When conditional tenure land is used in breach of any condition concerning the specified use —
  - (a) the conditional tenure land is liable to be forfeited under section 35; and
  - (b) the Minister may recover from the holder of the freehold in the conditional tenure land —
    - (i) if the fee simple in the conditional tenure land was transferred under subsection (1) for a nominal price, an amount equal to the unimproved value of the conditional tenure land at the time of that recovery; or
    - (ii) if the fee simple in the conditional tenure land was transferred under subsection (1) for a discounted price, an amount calculated using the following formula —
 
$$A = ((P - DP) / P) \times R$$
 where —
      - A is the amount the Minister may recover from the holder of the freehold in the conditional tenure land;
      - P is the unimproved value of the conditional tenure land at the time the discounted price was paid;
      - DP is the discounted price;
      - R is the unimproved value of the conditional tenure land at the time of the recovery,
 by action in a court of competent jurisdiction as a debt due to the Crown.
- (5) Neither the fee simple, nor any other estate or interest, in conditional tenure land can be transferred without the written permission of the Minister, which may be given subject to conditions.
- (6) Conditional tenure land cannot become the subject of any licence, mortgage, charge, security or other encumbrance without the written permission of the Minister, which may be given subject to conditions.
- (7) The Minister may by order, on the application of the holder of the freehold in conditional tenure land accompanied, subject to subsection (7a), by payment to the Minister of the relevant amount referred to in subsection (4)(b)(i) or (ii), cancel the conditions to which the use of the conditional tenure land is subject.
- (7a) The Minister may in prescribed circumstances, with the prior approval of the Treasurer, waive in whole or part the payment of the relevant amount referred to in subsection (4)(b)(i) or (ii), subject to such conditions as the Minister determines.

- (8) The rule against perpetuities does not apply to conditions referred to in subsection (1).

### **STRATEGIC IMPLICATIONS:**

There are no significant strategic implications for Council in considering this matter. All things being equal, it does demonstrate that the Reservation of Public Open Space as a condition of subdivision in many cases in rural and regional areas is impractical and down the track creates headaches and avoidable issues associated with future beneficial use of the land and the upkeep and maintenance of the land.

### **SUSTAINABILITY IMPLICATIONS:**

#### ➤ **Environment**

There are no known strategic implications with this proposal.

#### ➤ **Economic**

Part use of the land associated with the annual equestrian event does have significant economic benefits for the local business community as a result of the number of participants that come to Moora over the Friday, Saturday and Sunday.

#### ➤ **Social**

On an analysis of “social sustainability” this land is put to use annually by the Central Midlands Equestrian Club in the hosting of their annual regional event. I would hazard a guess that in the event of either a Management Order over the land, or Council owning the land freehold, the use of the land on the aforementioned basis would continue.

### **FINANCIAL IMPLICATIONS:**

It is the authors understanding that in the event of seeking the freehold title to the land if it were the preferred option of Council, DoL would put these costs onto the Council. It would however be recommended by the author that the Shire of Moora would request that it would only accept the freehold title of the land if associated conveyancing, advertising and legal costs were met by DoL.

If Council's preferred option was to accept a “Management Order” over the reserve there would be minimal costs associated however, it would be the same recommendation, in that the Lands Department would need to meet all associated costs.

### **SUMMARY:**

It is really a matter of Council determining what would be deemed to be the best long term use of the land, if anything. From the Department of Lands perspective they will only lease or grant a management order if the lessor has appropriate risk management strategies in place, e.g. public liability. The likely scenario is in the event of Council not accepting a management order over the land or seeking an option of acquiring on a freehold basis, the land will effectively become Unallocated Crown Land with no community benefit.

### **VOTING REQUIREMENTS**

Simple Majority Required

## COUNCIL RESOLUTION

***103/13 Moved Cr Tonkin, seconded Cr Hawkins that Council informs the Department of Lands that its preferred option in relation to Reserve 46481, Lot 416 is to have the land vested with the Shire of Moora for the use of “Public Purpose and Recreation”, subject to the following conditions;***

- ***All costs in relation to a Management Order shall be met by the Department of Lands;***
- ***Council is granted the power to sub-lease the land if it so chooses.***

**CARRIED                      8/0**

### **9.1.4 LIVING LONGER LIVING STRONGER FEES & CHARGES**

**FILE REFERENCE:** BA/LLLS1

**REPORT DATE:** 11 July 2013

**APPLICANT/PROPONENT:** Manager Community & Economic Development

**OFFICER DISCLOSURE OF INTEREST:** Nil

**PREVIOUS MEETING REFERENCES:** Nil

**AUTHOR:** Anna Jamieson, Be Active Coordinator

**ATTACHMENTS:** Nil

**PURPOSE OF REPORT:**

To reduce Living Longer Living Stronger (LLLS) participant fees in accordance with Council on the Ageing LLLS Endorsement Agreement.

**BACKGROUND:**

Living Longer Living Stronger is an exercise program delivered at Moora Health and Fitness specifically for community residents over the age of 50 years. The class is delivered by a local qualified fitness instructor and LLLS accredited trainer, and averages nine regular participants on a weekly basis with participation levels continuing to increase.

LLLS is delivered in a group exercise scenario with each participant set up with an exercise program specific to their individual needs and goals. Prior to commencing their exercise program, each participant undergoes a medical clearance and a pre-exercise appraisal to ascertain the most appropriate exercises and any contraindications to exercise. Follow up appraisals are conducted every three months as per LLLS program endorsement regulations.

LLLS is a regular fixture on the Moora Health and Fitness timetable and has proven highly beneficial to the overall health and wellbeing of participants. The initiative is endorsed by Council on the Ageing in a signed agreement with the Shire of Moora to deliver the program within endorsement requirements.

**COMMENT:**

Under the endorsed Living Longer Living Stronger regulations for delivery of the program at a Health and Fitness Centre, the maximum cost of a single class is \$7.00 per person. This maximum cost has been exceeded within the 2013/2014 fees and charges despite a recommendation to maintain the maximum cost of \$7.00 per person per class. Additionally, bulk classes and appraisals have been raised and in some instances no longer comply with the endorsement agreement.

LLLS fees as at 30<sup>th</sup> June 2013 fully covered program costs in all areas. It is recommended to return LLLS fees to the same rate as the 2012/13 financial year in order to comply with the LLLS Endorsement Agreement between the Shire of Moora and Council on the Ageing.

Refer to the table below:

<b>Membership Type - LLLS</b>	<b>2012/13</b>	<b>2013/14</b>	<b>Recommended</b>	<b>Comment</b>
Pay as you Go	\$7 per class \$40 appraisal	\$7.50 /class \$41 appraisal	\$7 per class \$40 appraisal	Maximum class fee. Appraisal cost price and congruent with normal MH&F fitness instruction fees.
3 month pack	\$112	\$116	\$112	Bulk discounted to \$6/class, includes 1x appraisal
6 month pack	\$200	\$206	\$200	Bulk discounted to \$5/class, includes 2x appraisals
12 month pack	\$360	\$373	\$360	Bulk discount to \$4/class, includes 4x appraisals
Appraisal Fee	\$40	\$41	\$40	Cost price. Congruent with MH&F Fitness instruction /appraisal fees.

#### **POLICY REQUIREMENTS:**

Nil

#### **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**

The social implications of the fee increase not only voids the Shire of Moora LLLS Endorsement Agreement with Council on the Ageing to deliver Living Longer Living Stronger at Moora Health and Fitness, it also has financial and therefore social implications on participants. The majority of participants use the Pay as you Go or 3 month Pack LLLS membership for affordability. These participants only use the gym during LLLS classes therefore a full membership is not financially viable for them personally, nor is it affordable for those on pensioner income.

The LLLS class not only provides fully supervised instruction, it also provides a social outlet for participants. Should the fee increase become unaffordable to participants their involvement in the program will cease, becoming detrimental to their own personal health and wellbeing, and creating long term impacts on aged care services

in Moora. Additionally, the fee increase beyond the realms of the LLLS endorsement agreement guidelines jeopardizes the future of the program at Moora Health and Fitness.

**FINANCIAL IMPLICATIONS:**

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

**VOTING REQUIREMENTS:**

Absolute Majority Required

**COUNCIL RESOLUTION**

***104/13 Moved Cr Bryan, seconded Cr Clydesdale-Gebert that Council reduce Living Longer Living Stronger fees and charges as follows:***

<b>Membership Type - LLLS</b>	<b>2013/14 Fee</b>
Pay as you Go	\$7 per class \$40 appraisal
3 month pack	\$112
6 month pack	\$200
12 month pack	\$360
Appraisal Fee	\$40

**CARRIED BY ABSOLUTE MAJORITY 8/0**

**9.2 HEALTH, BUILDING & PLANNING SERVICES**

**9.2.1 2013/2014 PLANNING FEES**

**FILE REFERENCE:** TP/TPS1

**REPORT DATE:** 26 June13

**OFFICER DISCLOSURE OF INTEREST:** Nil

**PREVIOUS MEETING REFERENCES:** Nil

**AUTHOR:** Peter Williams, Manager Development Services

**ATTACHMENTS:** Planning fees

**PURPOSE OF REPORT:**

Council is to consider adoption of new planning fees in accordance with the *Planning and Development Regulations 2009* and Planning Bulletin 93/2013 published by the Western Australian Planning Commission (WAPC).

**BACKGROUND:**

The *Town Planning (Local Government Planning Fees) Regulations 2000* historically 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 were then consolidated into the *Planning and Development Regulations 2009*.

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.

The WAPC has released Planning Bulletin 93/2013 and advises that fees have been increased by 6.25%, being the sum of the Consumer Price Index (CPI) rate for two years as advised by WA Treasury.

It is important to note that the fees outlined in the Planning and Development Regulations 2009 ('the Regulations') are maximums and that Council can choose to adopt a lesser fee or no fee at all for some services.

Copies of the fees are included as an attachment.

**COMMENT:**

The majority of the fees are clear and easy to administer however issues for discussion are highlighted below;

- ***Town Planning Scheme Amendments***

The only fee which is difficult to administer is for town planning scheme amendments.

The Shire has to keep records of the costs of processing a scheme amendment including tasks such as site inspections; reports to Council; advertising, meetings etc.

A table is used to calculate scheme amendment fees based on hourly rates for different officers and the time spent on each 'task' (e.g. maximum hourly rate of \$88.00 per hour for Director/ City / Shire Planner).

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.

It is recommended that Council charge amendment fees based on hourly rates. 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 \$5,000.00 fee be 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 \$5,000.00 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 \$5,000.00 fee can be refunded to the applicant (as per the regulations).
4. The regulations allow a maximum rate of \$88.00 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.

#### **POLICY REQUIREMENTS:**

Nil

#### **LEGISLATIVE REQUIREMENTS:**

- *Local Government Act 1995*

Section 6.16 of the Local Government Act 1995 ('LG Act') covers the imposition of fees and charges and Section 6.17 covers setting the level of fees and charges.

Under Section 6.19 of the LG Act the Shire is required to give public notice of any fees it wishes to impose after the annual budget has been adopted, specifying the date from which the new fees will be effective.

- *Planning and Development Regulations 2009*

Part 7 of the Planning and Development Regulations 2009 ('the Regulations'), outline local government fees and charges. The Regulations limit the maximum fees that can be charged for planning applications and services.

Council can resolve to charge a lesser fee or no fee.

#### **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:**

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.

**VOTING REQUIREMENTS:**

Absolute Majority Required

**COUNCIL RESOLUTION**

*105/13 Moved Cr McLagan, seconded Cr Tonkin that Council:*

- (i) *Adopt the revised fee schedule in accordance with the Planning and Development Regulations 2009 with the exception that no fee will be charged for written planning advice.*
- (ii) *For scheme amendments require;*
  - *Payment of an initial \$5,000.00 fee for all scheme amendment requests prior to referral of a report to Council.*
  - *All fees to be based on the maximum rate of \$88.00 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 \$5,000.00 is utilised.*
  - *All applicants to pay for associated advertising costs of scheme amendments (e.g. notices in the paper).*
- (iii) *Authorise the Chief Executive Officer to publish a public notice with notification that new planning fees will be charged from the 31 July 2013, in accordance with Section 6.19 of the Local Government Act 1995.*
- (iv) *Authorise the Chief Executive Officer to ensure that all relevant documents and checklists are updated to reflect the new fees.*
- (v) *Include the schedule of fees and charges in the Annual Budget.*

**CARRIED BY ABSOLUTE MAJORITY      8/0**

**9.2.2 TRAFFIC IMPACT STATEMENT REPORT – MILING GRAIN RECEIVAL SITE**

**FILE REFERENCE:** TP/23/1213

**REPORT DATE:** 10 July 2013

**APPLICANTS/PROPONENT:** Cooperative Bulk Handling, Colin Tutt General Manager

**OFFICER DISCLOSURE OF INTEREST:** Nil

**PREVIOUS MEETING REFERENCES:** Nil

**AUTHOR:** Alan Leeson, Chief Executive Officer

**ATTACHMENTS:** Traffic Impact Statement Report from CBH prepared by Roadswest Engineering Group

**PURPOSE OF REPORT:**

For Council to consider and provide comment to CBH in reference to the attached report and the recommended strategies and treatments contained within.

**BACKGROUND:**

The proposed development is to upgrade the existing Miling grain handling facility in a staged approach increasing ultimately to a storage capacity of 181,500 tonnes. The existing storage capacity is 111,200 tonnes.

**COMMENT:**

The context of this report is to address the likely road network impacts as a result of the proposal. The main changes recommended are significant alterations to the manner in which trucks coming from Miling from the east are able to gain access into the Receival point.

At this point, trucks from the east enter Miling on the Miling East Road stopping at the junction of the Great Northern Highway, Seymour Street and the unnamed intersection which goes north west of the intersection towards the grain receival point entrance. (Refer to page 32 of 38) in the report for diagram.

Currently trucks go across the intersection on what is shown as hatched on the abovementioned diagram. In accordance with design guidelines this intersection has been recommended for significant alteration, whereby the hatched area will be closed off and the trucks will therefore be turned right onto the Great Northern Highway and then turn them left at the point where trucks currently travelling into Miling from the north currently exit the highway.

From the Manager of Engineering Services, John Greay and the authors perspective the biggest issue in turning the trucks coming into Miling from the east right onto the Great Northern Highway is ensuring there is an adequate slip/turning lane

**POLICY REQUIREMENTS:**

There are not any policies of Council that directly implicate this proposal.

**LEGISLATIVE REQUIREMENTS:**

There are no legislative implications for Council in considering this matter. There is however a range of standards and guidelines factored into the recommended intersection and road treatments by the Roadswest Engineers.

**STRATEGIC IMPLICATIONS:**

There are no significant strategic implications for Council in considering this matter. However the overall objective as previously resolved by Council is to ensure that any growth of the Miling Grain Receival Point shall not encroach any closer to the residential areas of the Miling townsite. The plans of CBH expand further west of the Miling townsite residential area, therefore meeting this obligation.

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

There are no known environmental implications with this proposal.

**➤ Economic**

General agriculture and affiliated businesses are the backbone of the Moora Shire and surrounding districts. The proposal to expand the Miling Grain Receival Point will have minimal impact on the Shire of Moora as a going concern, however the grain growing stakeholders in the district have a significant stake in this proposal. From the authors experience forward capital works such as this project planned by CBH are very much subject to the seasonal outcomes of their constituents.

➤ **Social**

There are no known social implications with this proposal.

**FINANCIAL IMPLICATIONS:**

There will not be any financial implications for Council in relation to this proposal. The cost of any road upgrades/treatments will be borne by either the proponent CBH or the Main Roads Department of W.A.

**SUMMARY:**

The key issue with this report is the treatment of the Miling East Road/Seymour Street and Great Eastern Highway intersection. Councillors should refer to pages 9 to 15 of the circulated report to identify with the key issue, which is the trucks turning right off the Miling East Road onto the Great Northern Highway.

**VOTING REQUIREMENTS**

Simple Majority Required

**COUNCIL RESOLUTION**

***106/13 Moved Cr McLagan, seconded Cr Tonkin that Council provide the following comments to Cooperative Bulk Handling (CBH) in relation to the whole of site development of the Miling Reveal Point in terms of the Traffic Impact Statement Report prepared by Roadswest Engineering Group;***

- ***In altering the intersection of the Miling East Road/Seymour Street and Great Northern Highway, there must be a more significantly widened western shoulder and turning lane between the Miling East Road and Miling West Road alignment in order to satisfactorily mitigate any potential conflict with north bound traffic, more particularly road trains travelling north on the Great Northern Highway to the mining region;***
- ***Council formally notes its concern regarding the intersection treatment of Miling East Road/Seymour Street and Great Northern Highway in that it is of the view the proposed treatment as per the plan titled “Stage 2 Ultimate Development” is a greater risk to road users than what currently exists with the current intersection layout;***
- ***All intersections affecting local shire roads shall be finished with an appropriate graded intersection mix to suit the freight task of the Miling Grain Reveal Point.***

**CARRIED                      8/0**

**9.3 COMMUNITY & ECONOMIC DEVELOPMENT**

Nil

## **9.4 ENGINEERING SERVICES**

### **9.4.1 CALLING OF TENDERS – ROAD SEALING AGGREGATE, BITUMEN PRODUCTS AND ROAD STABILISATION**

**FILE REFERENCE:** L/TERI

**REPORT DATE:** 9 July 2013

**OFFICER DISCLOSURE OF INTEREST:** Nil

**PREVIOUS MEETING REFERENCES:** Nil

**AUTHOR:** John Greay, Manager Engineering Services

**ATTACHMENTS:** Nil

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

Approval for the calling of tenders as per councils policy manual

#### **BACKGROUND:**

Tenders are called throughout the year for various commodities etc. using historic documentation. This year council will, as has been the case in the past, require the services of various companies to assist with their road building activities

To undertake Councils road sealing and road works programme, it is necessary to call tenders for aggregate, bitumen and road stabilising for the current year.

#### **COMMENT:**

It is considered desirable for Council to conform to the WALGA tender proforma when calling tenders for various requirements throughout the year for a value greater than \$100,000 including GST.

Council at the moment needs to call tenders for the supply and delivery of road sealing aggregate, supply and spray of bitumen products and the incorporation of road stabilisation products into the road pavement.

The WALGA proforma tender document will be used for this process

#### **Road Sealing Aggregate**

Council will require approximately 1700 tonne of 14mm, 1600 tonne of 7mm road sealing aggregate for their road programme this year.

#### **Supply and Spray of Bitumen Products**

To carry out the road-sealing programme this year Council requires approximately 230,000 litres of bitumen supplied and sprayed.

#### **Road Stabilising**

To carry our road stabilising to various identified road projects within the budget – approximately 58,000m<sup>2</sup>.

#### **POLICY REQUIREMENTS:**

Nil

#### **LEGISLATIVE REQUIREMENTS:**

Section 3.57 of the Local Government Act 1995

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

**STRATEGIC IMPLICATIONS:**

Council needs to continue with the upgrading and maintenance of their road network.

**SUSTAINABILITY IMPLICATIONS:**

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

**FINANCIAL IMPLICATIONS:**

Allowances have been provided within this year's budget and Works Programme.

**VOTING REQUIREMENTS**

Absolute Majority Required

**COUNCIL RESOLUTION**

***107/13 Moved Cr Cocking, seconded Cr McLagan that pursuant to Regulation 11(1) Local Government (Functions & General) Regulations 1996, Council authorises the calling of tenders for the supply and delivery of road sealing aggregate, supply and spray of bitumen products and road stabilisation which are budgeted for in the 2013-14 financial year, based on the WALGA Proforma Tender documentation.***

**CARRIED BY ABSOLUTE MAJORITY 8/0**

## **10. REPORTS OF COMMITTEES**

### **GENERAL PURPOSE COMMITTEE MEETING - 3 JULY 2013**

#### **10.1 DELEGATIONS REGISTER**

**FILE REFERENCE:** PL/DELI

**REPORT DATE:** 25 June 2013

**OFFICER DISCLOSURE OF INTEREST:** Nil

**PREVIOUS MEETING REFERENCES:** Nil

**AUTHOR:** Alan Leeson, Chief Executive Officer

**ATTACHMENTS:** Draft Delegations Register (previously provided)

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

To allow Elected Members the opportunity to review as required by the Local Government Act 1995 Section 5.46(2) the various delegations made to the Chief Executive Officer.

#### **BACKGROUND:**

The Shire of Moora has delegated certain powers and duties to the Chief Executive Officer.

The Local Government Act 1995 Section 5.46 requires that a register of delegations be kept and that those delegations made must be reviewed at least once every financial year by the delegator (Council).

#### **COMMENT:**

The Shire of Moora Register of Delegations has been reviewed and updated to reflect minor formatting changes, including updating of titles for managers and minor changes as follows:

Section 13 Purchase order Authorisation: Addition of Community Emergency Services Manager and removal of Technical Officer as being an authorised purchasing officer.

Delegations to Committees/Working Groups & Portfolio Group Membership: Minor amendments to titles, as can be seen in red wording.

#### **FINANCIAL IMPLICATIONS:**

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

#### **POLICY REQUIREMENTS:**

Included in Delegation where appropriate.

#### **LEGISLATIVE REQUIREMENTS:**

Local Government Act 1995 Section 5.46

#### **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.

### **VOTING REQUIREMENTS**

Absolute Majority Required

### **COUNCIL RESOLUTION**

***108/13 Moved Cr Hawkins, seconded Cr Tonkin that Council, having reviewed its Delegations as required by the Local Government Act 1995***

***1. Endorse the following as having been reviewed:***

- 1. Payments from trust and municipal funds***
- 2. Investments***
- 3. Hire Fees and Charges – Recreation Centre***
- 4. Rate book***
- 5. Budget implementation***
- 6. Rent/ Leasing or Residential Property Owned By the Shire of Moora***
- 7. Liquor – Sale and Consumption at Recreation Centre***
- 8. Impounding goods – authorised employee***
- 9. Onus of Proof in Vehicle Offences***
- 10. Enforcements and Legal Proceedings***
- 11. Delegation of Power***
- 12. Proceedings under Dog Act***
- 13. Purchase order authorisation***
- 14. Budget expenditure***
- 15. Register of Delegations to Committees***
- 16. Donations of Works to Organisations***
- 17. Private Works***
- 18. Temporary Rural Road Closures***
- 19. Powers of Entry onto Land***
- 20. Approval of Planning Applications***
- 21. Works unlawful***
- 22. Building Licences***
- 23. Private Swimming Pools – Inspections***
- 24. Health Act – Notices and Orders***
- 25. Delegation to Committees/Working Parties***

***2. Further noting the amendments in the delegations register as attached.***

**CARRIED BY ABSOLUTE MAJORITY      8/0**

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

Nil

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

### **COUNCIL RESOLUTION**

***109/13 Moved Cr McLagan, seconded Cr Tonkin that Council consider an item of urgent business raised by the Chief Executive Officer relating to Constitutional Recognition of Local Government in the Australian Federal Constitution.***

**CARRIED                      8/0**

#### **12.1 Constitutional Recognition**

Council moved a resolution in March 2011 to support constitutional recognition. When Allan Middleton Acting CEO at the time put a recommendation to Council in October 2011 the recommendation was voted down in relation to constitutional recognition.

##### March Resolution 2011 Resolution

***18/11 Moved Cr Bryan, seconded Cr Clydesdale-Gebert that Moora Shire Council declares its support for financial recognition of local government in the Australian Constitution so that the Federal Government has the power to fund local government directly and also for inclusion of local government in any new Preamble to the Constitution if one is proposed, and calls on all political parties to support a referendum by 2013 to change the Constitution to achieve this recognition.***

**CARRIED                      5/1**

##### October 2011 Resolution

***133/11 Moved Cr Clydesdale-Gebert, seconded Cr Bryan that the Shire of Moora support the drive to have Local Government recognised in the Australian Constitution and this support to be communicated to the Executive of the Australian Local Government Association and the Western Australian Local Government Association.***

**LOST                              3/6**

There has been dialogue with WALGA who advise that their records indicate that Council's current position is in the affirmative for constitutional recognition of local government in the Australian Federal Constitution as per the March 2011 resolution of Council. For clarity given the intent of the voted down officers recommendation and based on advice from the Department of Local Government, the Chief Executive Officer recommended that Council rescind the March 2011 resolution if in fact the Council does not support constitutional recognition of local government in the Australian Federal Constitution. Furthermore, that Council should move a motion which clearly states and articulates that the Shire of Moora does not support constitutional recognition of local government in the Australian Federal Constitution.

### **COUNCIL RESOLUTION**

***110/13 Moved Cr Tonkin, seconded Cr McLagan that the motion in item 11.1.2 from the Council meeting held on 16<sup>th</sup> March and item 12.1.4 on the 19<sup>th</sup> October 2011 be rescinded.***



**Rescinded motions****16 March 2011 Resolution (Item 11.1.2 - pg 9)**

*18/11 That the Moora Shire Council declares its support for financial recognition of local government in the Australian Constitution so that the Federal Government has the power to fund local government directly and also for inclusion of local government in any new Preamble to the Constitution if one is proposed, and calls on all political parties to support a referendum by 2013 to change the Constitution to achieve this recognition.*

**CARRIED            5/1**

**19 October 2011 Resolution (Item 12.1.4 - pg 16)**

*133/11 That the Shire of Moora support the drive to have Local Government recognised in the Australian Constitution and this support to be communicated to the Executive of the Australian Local Government Association and the Western Australian Local Government Association.*

**LOST                    3/6**

**CARRIED BY ABSOLUTE MAJORITY 8/0**

**MOTION**

*Moved Cr Tonkin, seconded Cr McLagan that the Shire of Moora does not support the constitutional recognition of local government in the Federal Constitution of Australia.*

**COUNCIL RESOLUTION**

*111/13 Moved Cr Hawkins, seconded Cr Bryan that the motion lay on the table until the Ordinary meeting of Council in September.*

**CARRIED                    5/3**

**13. MATTERS FOR WHICH THE MEETING MAY BE CLOSED**

Nil

**14. CLOSURE OF MEETING**

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

**CONFIRMED****PRESIDING MEMBER**