

**SHIRE OF MOORA**  
**MINUTES OF THE ORDINARY MEETING OF COUNCIL**  
**HELD IN THE COUNCIL CHAMBERS, MOORA**  
**16 OCTOBER 2019**

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\* Separate Attachments

- 9.1.1 *List of Payments Authorised Under Delegation 1.31*
- 9.1.2 *Statement of Financial Activity for Period Ended 30 September 2019*
- 9.2.1 *Attachments 1 to 4*
- 9.2.2 *Attachment 1 (Quality Builders Pty Ltd)*
- 10.1 *Letter*
- 10.2 *Risk Management Governance Framework*
- 10.3 *CEO Regulation 17 Report 30 June 2019*
- 10.4 *Schedule of Meeting Dates for 2020*
- 12.1 *Matrix of Tenders Received*



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

Nil

### **4. PUBLIC QUESTION TIME**

#### **Alex Zoch, Owner of The Workers Moora**

Mr Alex Zoch introduced himself as owner of the “The Workers Moora” accommodation owner (corner of Drummond and Long Street). He wanted information regarding the Shire’s contract with Big Belly Bus Catering (BBB) and asked why can’t he or anyone else see a copy of the contract other than Alan Leeson and Nigel Claydon?

CEO Alan Leeson responded – council is aware of the contract but has not requested to see a copy. A copy can be circulated to Councillors at their request.

Mr Alex Zoch described an email he sent to Alan 11/11/2017 which raised his concerns that according to a Shire decision and recorded in the minutes of that meeting, the BBB site was to be for Great Northern Highway Road Works Crews accommodation only. However, this isn’t being adhered to by BBB and this is not fair on local business owners. Any contract between the Shire and BBB should stipulate that the accommodation is for “Road Works Crew Only” and should be a temporary fixed contract. Alan responded to this email on 22/11/2017 explaining the contract will be reviewed.... Why has nothing changed since this email was sent to the CEO?

CEO Alan Leeson responded reading aloud a clause from the existing contract: “Use of Leased premises”: 64-person residential accommodation facility with a central mess and thereafter utilise the residential premises for residential accommodation”. Mr Leeson also confirmed he had contacted owner of BBB and asked if he was bringing customers in “off the street”. BBB owner Nigel Claydon responded advising he has not been bringing in customers off the street/overnight bookings.

Mr Alex Zoch referred to the sign that is currently up on Lefroy Street – a photo of the sign was shown/circulated.

Mr Alex Zoch stated that his registered business name is the “The Workers” and the sign from BBB clearly has “Workers Camp” written on it. Mr Zoch expressed concern regarding copyright issues with Business name breaches. Can this be looked at.

CEO Alan Leeson responded, advising registered business names is a matter for the Australian Securities and Investments Commission and is not something the Shire has jurisdiction over. That said, he further advised the BBB owner would be contacted regarding the temporary sign. Mr Leeson further advised that the Shire and BBB would review current terms and definition within the current contract.

#### **Peter Van der Ende, Moora Frail Aged Lodge President**

Mr Van der Ende asked for an update regarding the carpark and associated fencing around the Moora Hydrotherapy Pool and Dental Centre

The CEO advised carpark sealing should occur within the next couple of weeks (scheduled for 24/10/2019) and the fencing will align to the existing footpath around the garage at the rear of the Homes for the Aged.

**Cynthia McMorran – Hydrotherapy / Dental facility**

Queried what plans are in place concerning opening and operation of the Hydrotherapy and Dental Centre. Mrs McMorran expressed concern about local people going elsewhere for dental care.

CEO Alan Leeson responded- advising negotiations with new dentist have progressed and finalisation of contractual arrangements are imminent; further advising that the Shire is working with the Royal Life Saving Society in order to bring together an activation plan for the hydrotherapy pool.

**Cynthia McMorran - Home Community Care**

Expressed concern regarding structure and management of Home Community Care in Moora.

**Peter Van der Ende – Development – Lot 163 Melbourne Street, Moora**

Expressed concern regarding the process of acquiring Lot 163 Melbourne Street, Moora and subsequent issues with planning requirements through the development application process.

**5. PETITIONS AND PRESENTATIONS**

Nil

**6. APPLICATIONS FOR LEAVE OF ABSENCE**

Nil

**7. ANNOUNCEMENTS BY THE PRESIDING MEMBER**

The following Council associated engagements were attended;

Cr Seymour, Shire President

25/9 Met with education consultants Nancy Rees and Peter Browne with the CEO, Perth  
7/10 Wheatbelt North Regional Road Group meeting  
10/10 Chamber of Commerce / Shire sundowner

Cr Lefroy

14/10 Meeting with Steve Mason & Greg McLennan re Sport & Recreation Strategic Plan  
10/10 Chamber of Commerce / Shire sundowner

Cr Thomas

20/9 WALGA WA Regional Health Forum  
10/10 Chamber of Commerce / Shire sundowner

Cr Bellamy

10/10 Chamber of Commerce / Shire sundowner  
15/10 Midlands Biosecurity Group meeting, Coorow

Cr's House, Humphry, Hamilton and Nixon

10/10 Chamber of Commerce / Shire sundowner

**8. CONFIRMATION OF MINUTES****8.1 ORDINARY COUNCIL MEETING - 18 SEPTEMBER 2019****COUNCIL RESOLUTION**

*130/19 Moved Cr Bellamy, seconded Cr Lefroy that the Minutes of the Ordinary Meeting of Council held on 18 September 2019 be confirmed as a true and correct record of the meeting.*

**CARRIED 8/0**

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

**REPORT DATE:** 10 October 2019

**OFFICER DISCLOSURE OF INTEREST:** Nil

**AUTHOR:** David Trevaskis, Deputy Chief Executive Officer

**SCHEDULE PREPARED BY:** Alida Fitzpatrick, Finance Officer

**ATTACHMENTS:** Accounts Paid Under Delegated Authority

**PURPOSE OF REPORT**

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

**BACKGROUND**

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

**COMMENT**

Accounts Paid under delegated authority are periodically presented to Council.

**POLICY REQUIREMENTS**

Delegation 1.31 – Payments from Municipal and Trust Funds.

**LEGISLATIVE REQUIREMENTS:**

Local Government Act 1995 - Section 6.10

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

**STRATEGIC IMPLICATIONS**

There are no known strategic implications associated with this proposal.

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

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

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

### **FINANCIAL IMPLICATIONS**

Payments are in accordance with the adopted budget.

### **VOTING REQUIREMENTS**

Simple Majority Required

## **COUNCIL RESOLUTION**

***131/19 Moved Cr Humphry, seconded Cr House that Council notes and endorses the Payments from the Municipal and Trust Funds made under delegation 1.31***

<b><i>Municipal Fund</i></b>	<b><i>Cheques 62419 to 62425</i></b>	<b><i>\$3,716.67</i></b>
	<b><i>EFT 22045 to 22167</i></b>	<b><i>\$501,659.44</i></b>
	<b><i>Credit Card 05/08/19 to 02/09/19</i></b>	<b><i>\$9,166.70</i></b>
	<b><i>DD 12831.1 to 12883.13</i></b>	<b><i>\$65,259.45</i></b>
	<b><i>Net Pays – PPE 03/09/19</i></b>	<b><i>\$98,864.03</i></b>
	<b><i>Net Pays – PPE 17/09/19</i></b>	<b><i>\$98,051.79</i></b>
<b><i>Trust Fund</i></b>	<b><i>Cheques 5498 to 5507</i></b>	<b><i>\$4,333.30</i></b>
<b><i>Total</i></b>		<b><u><i>\$781,051.38</i></u></b>

**CARRIED 8/0**

### **9.1.2 STATEMENT OF FINANCIAL ACTIVITY FOR PERIOD ENDED 30 SEPTEMBER 2019**

**REPORT DATE:** 11 October 2019

**OFFICER DISCLOSURE OF INTEREST:** Nil

**PREVIOUS MEETING REFERENCES:** Nil

**AUTHOR:** David Trevaskis, Deputy Chief Executive Officer

**ATTACHMENTS:** Statement of Financial Activity for the Period Ended 30 September 2019

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

To note and receive the Statement of Financial Activity for the period ended 30 September 2019.

#### **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 2019/20 adopted budget.

**VOTING REQUIREMENTS**

Simple Majority Required

**COUNCIL RESOLUTION**

*132/19 Moved Cr Bellamy, seconded Cr Hamilton that Council notes and receives the Statement of Financial Activity for the period ended 30 September 2019.*

**CARRIED 8/0**



## **9.2 DEVELOPMENT SERVICES**

### **9.2.1 APPLICATION FOR DEVELOPMENT APPROVAL – PROPOSED UPGRADES AND ADDITIONS TO CBH'S EXISTING GRAIN HANDLING AND STORAGE FACILITIES ON LOTS 250 & 4300 WHEATBIN ROAD, MOORA**

Cr Nixon declared both a financial and proximity interest in the item as his property is a neighbouring property to the CBH facility, as well as cropping some of the CBH unused land, and left the meeting at 6.10pm.

#### **SUSPENSION OF STANDING ORDERS**

#### **COUNCIL RESOLUTION**

*133/19 Moved Cr Bellamy, seconded Cr Thomas that standing orders be suspended at 6.14pm to discuss matters concerning item 9.2.1.*

**CARRIED 7/1**

#### **RESUMPTION OF STANDING ORDERS**

#### **COUNCIL RESOLUTION**

*134/19 Moved Cr Bellamy, seconded Cr Lefroy that standing orders resume at 6.37pm.*

**CARRIED 8/0**

**FILE REFERENCE:** TP/PA22/1819

**REPORT DATE:** 28 August 2019

**APPLICANT/PROPONENT:** Cooperative Bulk Handling Limited (Landowner)

**OFFICER DISCLOSURE OF INTEREST:** Nil

**PREVIOUS MEETING REFERENCES:** 18/9/19 (Item 10.3)

**AUTHOR:** Mr Joe Douglas, Town Planning Consultant

**ATTACHMENTS:** Attachments 1 to 4

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

Consideration and final determination of an Application for Development Approval for a number of proposed upgrades and additions to Cooperative Bulk Handling Limited's (CBH's) existing grain handling and storage facilities on Lots 250 & 4300 Wheatbin Road, Moora.

#### **BACKGROUND:**

The applicant is seeking Council's development approval for a number of proposed upgrades and additions to its existing grain handling and storage facilities on Lots 250 & 4300 Wheatbin Road, Moora including:

- i) widening of the existing truck marshalling area on portion of Lot 250 to incorporate two (2) additional lanes for truck traffic including the clearing of approximately 1,800m<sup>2</sup> of native vegetation and a minor extension to an existing drainage culvert;
- ii) installation of a 36 metre long temporary, portable heavy vehicle weighbridge on portion of Lot 250 immediately adjacent to an existing permanent weighbridge near the main exit point to Bindoon-Moora Road and replacement of this temporary structure with a

- new permanent weighbridge of the same length, including an associated grain sampling hut, in 2020;
- iii) removal of two (2) existing 300 metre long x 35 metre wide open bulkheads from Lot 4300, each comprising 1.2 m high wall frames and a total storage capacity of 25,000 tonnes;
  - iv) removal of two (2) existing 250 metre long x 35 metre wide open bulkheads and associated ground conveyor from Lot 4300, each comprising 1.2 m high wall frames and a total storage capacity of 25,000 tonnes;
  - v) bitumen sealing of the gravel pads beneath all open bulkheads proposed to be removed from Lot 4300;
  - vi) installation of two (2) new 300 metre long x 35 metre wide open bulkheads on Lot 4300 with 1.8 m high wall frames on the new bitumen sealed pad, each comprising a total storage capacity of 36,000 tonnes, and installation of a new and a hopper pit and ground conveyor in between;
  - vii) installation of two (2) new 250 metre long x 35 metre wide open bulkheads on Lot 4300 with 1.8 m high wall frames on the new bitumen sealed pad, each comprising a total storage capacity of 30,000 tonnes, and reinstallation of the ground conveyor between them;
  - viii) a 32,000 tonne increase to the total grain storage capacity of the site from 362,150 tonnes currently to 394,150 tonnes once all new replacement open bulkheads referred to in points vi) and vii) above have been installed;
  - ix) construction of new bitumen sealed vehicle access ways surrounding the new replacement open bulkheads on Lot 4300 referred to in points vi) and vii) above;
  - x) installation of a new 'genset' and compressor pad immediately west of the new replacement open bulkheads on Lot 4300 referred to in point vi) above; and
  - xi) various upgrades and minor additions to existing stormwater drainage infrastructure on both lots, including ongoing maintenance, in accordance with recommendations contained in a stormwater drainage report prepared on behalf of CBH by consulting engineers McDowall Affleck.

CBH has confirmed that despite the proposed increase to the total grain storage capacity on the land, there will be no increase to the total number of people employed at the facility, the specific details of which are as follows:

- There is no one employed on the site permanently;
- Up to 18 staff work on-site during harvest grain receipt up to 7 days a week for 2 months;
- Up to 4 staff work on-site during the out-loading of grain for up to 7 days a week for 6 months;
- The 18 staff work across 2 x 8 hour shifts with most working during 2 shifts between 6am and 10pm. Less staff work a 1 x 12 hour shift during weekends; and
- Other staff will also be on-site intermittently during harvest grain receipt and out-loading to undertake fumigation, pest control and maintenance activities.

A full copy of the development application, including all supporting documentation and plans, is provided in Attachments 1 to 4.

Lots 250 & 4300 are located approximately two (2) kilometres south of the Moora townsite on the eastern side of Bindoon-Moora Road and south of Wheatbin Road and form part of CBH's existing grain handling and storage operations in the Moora locality.

The subject land comprises a total combined area of approximately 52.91 hectares and is gently sloping from east to west with the natural ground level being approximately 205 metres AHD.



*Location & Lot Configuration Plan (Source: Landgate 2019)*

Lot 4300, which comprises a total area of approximately 13.69 hectares, is characterised by large stands of partially disturbed native vegetation across the majority portion of the land, the regional environmental significance of which is not known and hasn't been confirmed in the development application received from CBH. Despite the presence of a significant amount of native vegetation, Lot 250 forms an integral part of CBH's existing operations and contains sealed and drained vehicle access ways including truck marshalling area and an existing heavy vehicle weighbridge, all of which have been developed along the land's eastern and southern boundaries.

Lot 250 is located immediately south of Lot 4300, comprises a total area of approximately 39.22 hectares and has been extensively cleared throughout with the exception of screening-type vegetation along all lot boundaries. This lot contains a number of open grain storage bulkheads and infrastructure associated with CBH's existing operations including hardstand areas, hopper pits and ground conveyors, sealed and unsealed vehicle access ways and stormwater drainage infrastructure including three (3) separate drainage basins in various locations. At present a total of 362,150 tonnes of grain is capable of being stored on Lot 250 using the existing storage facilities on the land.

It is significant to note all vehicle access to Lot 250 is via the adjoining Lot 4300 located immediately north which has direct frontage and access to Wheatbin Road, a sealed and drained local road under the care, control and management of the Shire of Moora. All vehicle access to Wheatbin Road is via Bindoon-Moora Road to the west and Midlands Road to the east, both of which are sealed and drained State Roads under the care, control and management of Main Roads WA.

Immediately adjoining and other nearby land uses are predominantly rural in nature and comprise broadacre agricultural activities (i.e. cropping & grazing) on lots of varying size. There is also an established rural living precinct to the north-west of the subject land as well as the Moora speedway facility to the north-east. The nearest dwelling is located approximately 125 metres west of the boundary to Lot 250 and approximately 460 metres from the latest development proposed by CBH within this lot.

**COMMENT:**

Lots 250 & 4300 are classified 'Industrial' zone in the Shire of Moora Local Planning Scheme No.4 (LPS4).

Council's stated objectives for the development and use of any land classified 'Industrial' zone are as follows:

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

It is significant to note the subject land is also listed in Schedule 3 of LPS4 as being restricted in terms of its future development and usage. Schedule 3 entitled 'Restricted Uses' clearly stipulates the subject land may only be developed and used for 'rural industry' purposes with all other uses that would otherwise be permissible within the 'Industrial' zone not permitted.

Schedule 3 also contains the following conditions which are applicable to any future development and use of the subject land:

- a) Provide for transport infrastructure for storage and or processing of bulk grain including connection to the State rail system; and
- b) Noise, vibration, light, and emissions to the atmosphere are to be managed in accordance with statutory requirements so that the amenity of nearby sensitive uses, including residential development is not adversely affected.

Despite the clear recognition of the existing development and use of the subject land in LPS4, Council's development approval is still required for any further development of the land for 'rural industry' purposes given:

- i) any such development and use is listed as being discretionary (i.e. a 'D' use) in the Zoning Table of LPS4; and
- ii) the land's location within Special Control Area I entitled 'Land Subject to Flooding' and the specific requirements of clause 4.11.2.1 in LPS4.

The application has been assessed with due regard for the specific objectives and standards of the Shire's local planning framework including LPS4 and all relevant local planning policies as well as the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*. This assessment, which included formal consultation with the Department of Water and Environmental Regulation pursuant to the specific requirements of clause 4.11.2.2 of LPS4 as it applies to all land subject to flooding in the Moora townsite, has

confirmed the proposal is generally compliant or capable of compliance with the following requirements:

- Land capability and suitability;
- Lot boundary setbacks;
- Amenity of the locality including potential environmental, visual and social impacts;
- On-site vehicle access and parking;
- Stormwater drainage management; and
- Bushfire and flood risk mitigation.

Notwithstanding the above conclusion Council should note the following issues have been identified during assessment of the application that require consideration:

i) Buffer Separation Distance to Sensitive Land Uses

The Environmental Protection Authority's (EPA's) Guidance Statement No.3 entitled 'Separation Distances between Industrial and Sensitive Land Uses' recommends a minimum buffer separation distance of 500 metres between any sensitive land use (e.g. residential dwellings) and grain elevators such as those currently used at CBH's facility in Moora.

Despite the EPA's buffer distance recommendation, it is significant to note there are four (4) existing dwellings located less than 500 metres from the grain elevators currently used on CBH's land which have not precluded the issuance of development approvals by Council for CBH's existing facilities. Furthermore, it is understood the Shire has no record of any formal complaints from those living or working within 500 metres of the facility. It's fair to say people are generally accepting of such operations in small country towns like Moora given their historic development prior to the introduction of contemporary planning control mechanisms and the significant economic benefits to their local communities.

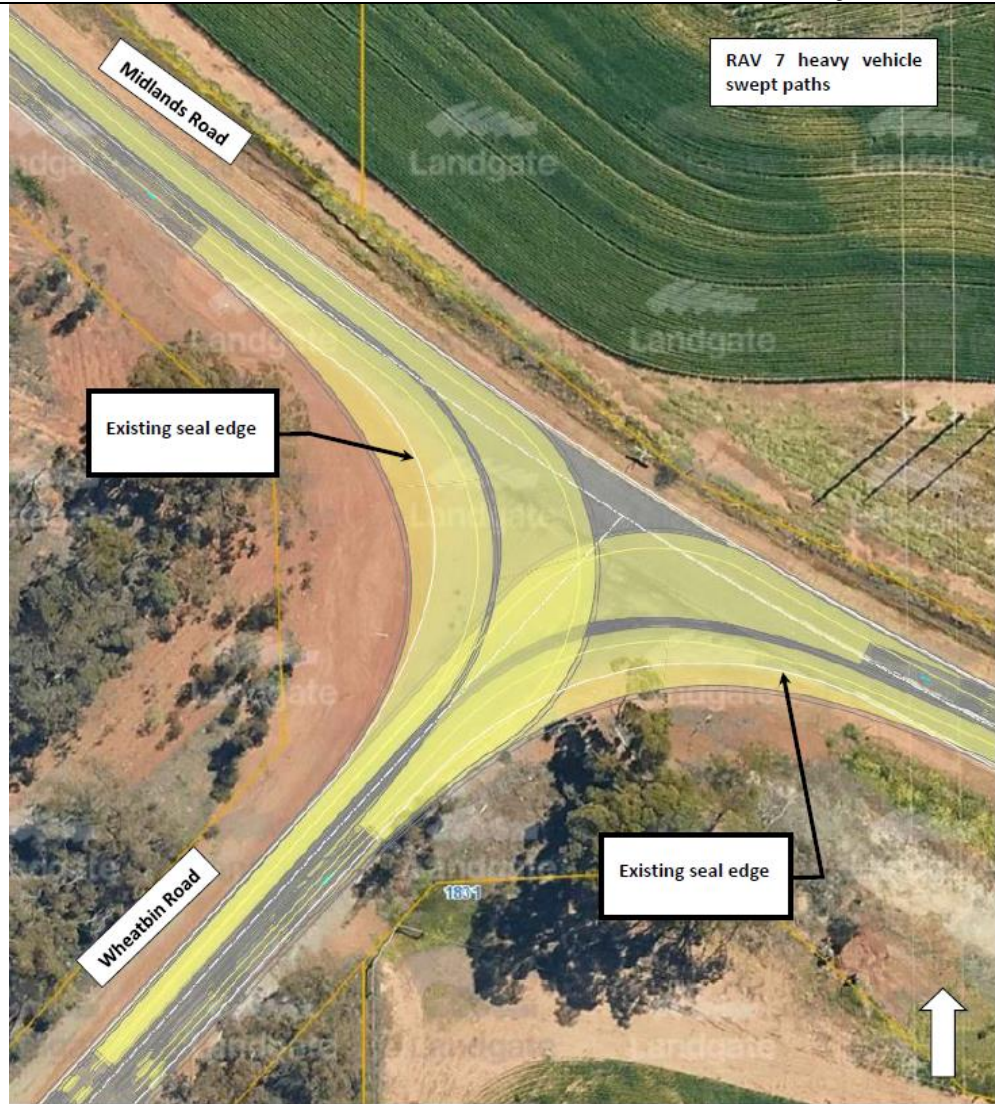
In light of the above conclusion and the fact only one (1) of the four (4) dwellings referred to above will be located within 500 metres of the new grain elevators proposed by this application, it is considered unlikely the proposed development will have any negative impacts on the amenity of that dwelling and give rise to any formal complaints provided the use is managed appropriately and in accordance with the conditions imposed on any approval that may ultimately be granted.

ii) Traffic Impacts

Main Roads WA, in response to the Shire's referral of the application to them for review and comment, has advised as follows:

- i) *The proposed development is not expected to have an adverse impact on the Main Roads network from the additional traffic movements;*
- ii) *The existing seal area at the intersection of Wheatbin Road and Midlands Road (M028) is deficient for the RAV 7 swept paths as identified in the Traffic Impact Statement. It is recommended that Wheatbin Road be realigned to include pavement and seal widening to Wheatbin Road in the turning areas to/from Midlands Road to cater for the RAV 7 turning movements. These improvements are required to be funded by the applicant CBH;*





Swept Path Analysis Plan (Source: 2019 Traffic Impact Statement by Roadwest Engineering)

- iii) *The following maintenance works as recommended in the Traffic Impact Statement should be undertaken by the Shire as custodians/managers of the local road network:*
- *Resealing of the existing bitumen sealed surfaces at the CBH facility entry and exit accesses on Wheatbin Road including portion of this road within the next two (2) year period;*
  - *Repairs to the pavement at both approaches to the existing railway level crossing at the CBH rail loop along Wheatbin Road which is rated as poor and suffering from pavement failures; and*
  - *Clearing of all overhanging trees and vegetation on Wheatbin Road from SLK 0.13 to SLK 0.62 to improve sight distances on the inside of the curve; and*
- iv) *Main Roads is prepared to support the development application on the condition that the improvements identified for Wheatbin Road / Midlands Road (M028) as per the Traffic Impact Statement are completed by the applicant CBH as part of the proposed expansion works. The improvements will be required to be completed to the specifications and satisfaction of both Main Roads and the Shire of Moora.*

The recommendations contained in the Traffic Impact Statement and those provided by Main Roads WA have been the subject of further discussion with the Shire's Chief Executive Officer and Manager Engineering Services as well as CBH. Those discussions have confirmed the Shire is responsible for and will undertake the various maintenance works outlined in point iii) above in due course.

CBH have however argued that the recommended realignment of Wheatbin Road to include pavement and seal widening to this road in the turning areas to/from Midlands Road to adequately cater for heavy vehicle (i.e. RAV 7) turning movements is the responsibility of the Shire and Main Roads WA and not CBH. Furthermore, CBH reiterated its policy position regarding off-site expenditure which doesn't support and allow for works of the type, scale and cost recommended by Main Roads WA.

Given the proposed development will result in a 9% increase to the total grain storage capacity on the subject land (i.e. an increase of 32,000 tonnes), the fact it will lead to an estimated average increase of up to eight (8) heavy vehicle movements per day (i.e. from 86 to 94 movements per day) and the issues raised by Main Roads WA, it is considered reasonable to impose a condition on any development approval that may ultimately be granted by Council requiring CBH to make arrangements to design and construct the recommended upgrades to Wheatbin Road at its intersection with Midlands Road at its own cost to the specifications and satisfaction of the Shire of Moora and Main Roads WA. It is contended the proposed development generates the need for the road upgrade works recommended by Main Roads WA and that the imposition of a condition on any approval granted requiring CBH to fund the design and construction of the required works is consistent with the principles that have been adopted, legally tested and applied by local and State government authorities to development approvals issued throughout Western Australia.

Should Council decide for whatever reason not to impose a condition on any development approval issued requiring CBH to fund the upgrades recommended by Main Roads WA, it could consider the alternative option of requiring ongoing financial contributions from CBH towards general road maintenance and upgrades in accordance with the rating provisions of the Local Government Act.

In light of the above findings it is concluded the proposal for Lots 250 & 4300 is acceptable and unlikely to have any significant negative impacts on the general amenity, character, functionality and safety of the immediate locality subject to compliance with a number of conditions. As such it is recommended Council exercise its discretion and grant conditional approval to the application to ensure the development proceeds in accordance with the information and plans submitted in support of the proposal, the recommendations received from Main Roads WA and the relevant standards and requirements of the Shire's local planning framework.

#### **POLICY REQUIREMENTS:**

- State Planning Policy 3.7 – Planning in Bushfire Prone Areas
- State Planning Policy 4.1 – State Industrial Buffer
- EPA Guidance Statement No.3 – Separation Distances between Industrial and Sensitive Land Uses

#### **LEGISLATIVE REQUIREMENTS:**

- Planning and Development Act 2015
- Planning and Development (Local Planning Schemes) Regulations 2015
- Shire of Moora Local Planning Scheme No.4
- Environmental Protection Act 1986
- Environmental Protection (Clearing of Native Vegetation) Regulations 2004

#### **STRATEGIC IMPLICATIONS:**

Shire of Moora Strategic Community Plan 2012-2022

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

There are no known significant environmental implications associated with this proposal provided it is implemented in accordance with the conditions of any development approval that may ultimately be granted.

➤ **Economic**

The proposed expansion to CBH's existing grain handling and storage facility in Moora could be expected to have ongoing economic benefits for local primary producers and support industries and services.

➤ **Social**

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

**FINANCIAL IMPLICATIONS:**

The proposed expansion to CBH's grain handling and storage facility in Moora will have financial implications for the Shire in terms of the maintenance works recommended in the Traffic Impact Statement submitted in support of the development application. It is understood funds have been allocated in Council's budget for the 2019/20 financial year to undertake some of the required maintenance works with further allocations proposed next financial year to complete any outstanding works.

**VOTING REQUIREMENTS:**

Simple Majority Required

**COUNCIL RESOLUTION**

*135/19 Moved Cr Seymour, seconded Cr Bellamy that the item lay on the table.*

**LOST 3/4**

**COUNCIL RESOLUTION**

*136/19 Moved Cr Hamilton, seconded Cr House that Council **APPROVE** the development application submitted by Cooperative Bulk Handling Limited for a number of proposed upgrades and additions to its existing grain handling and storage facilities on Lots 250 & 4300 Wheatbin Road, Moora subject to the following conditions and advice notes:*

**Conditions**

- 1. The proposed development shall be undertaken strictly in accordance with the final revised information and plans submitted in support of the application subject to any modifications required as a consequence of any condition/s of this approval or otherwise approved by Council.*
- 2. Any additional development which is not in accordance with the application the subject of this approval or any condition of approval will require the further approval of Council.*
- 3. The proposed development shall be substantially commenced within a period of two (2) years from the date of this approval. If the development is not substantially commenced within this period this approval shall lapse and be of no further effect. Where an approval has so lapsed, the proposed development shall not be carried out without the further approval of Council having first being sought and obtained.*



4. ***The applicant/landowner shall continually monitor any dust generated by the works and use approved by this application and implement suitable measures in accordance with any relevant Environmental Protection Authority and Department of Water and Environmental Regulation regulations, policies, guidance statements or guidelines to ensure any dust impacts are appropriately managed and controlled.***
5. ***In the event dust generated by the works and use approved by this application becomes an issue of concern to the local community and/or Council, a dust management plan prepared in accordance with the specific requirements of the Environmental Protection Authority and/or the Department of Water and Environmental Regulation shall be submitted to the Shire for consideration and determination by Council. Upon receipt of notification from the Shire of the need for a dust management plan, the applicant/landowner shall prepare and submit a dust management plan to the Shire within sixty (60) days with the works and/or use hereby approved to cease operation immediately pending approval to that plan and implementation of the required management measures contained therein to the satisfaction of the Shire's Chief Executive Officer.***
6. ***The lots the subject of this approval shall be filled, stabilised, drained and/or graded as required to ensure that:***
  - a) ***lots can accommodate their intended development and use; and***
  - b) ***the finished ground levels at the boundaries of the lot(s) the subject of this approval match or otherwise coordinate with the existing and/or proposed finished ground levels of the land abutting; and***
  - c) ***all stormwater is contained on-site.***
7. ***Engineering design drawings and specifications to provide for the realignment of Wheatbin Road, including pavement and seal widening and stormwater drainage, in the turning areas to/from Midlands Road to cater for RAV 7 heavy vehicle turning movements shall be prepared by the applicant/landowner at its own cost and submitted to the Shire for consideration of approval in consultation with Main Roads WA by no later than 31 October 2019 unless otherwise approved by Council.***
8. ***Wheatbin Road shall be realigned at its intersection with Midlands Road at the applicant's/landowner's cost in accordance with the approved engineering design drawings and specifications required by Condition 7 above by no later than 31 January 2020 unless otherwise approved by Council.***

#### **Advice Notes**

1. ***This approval is not an authority to ignore any constraint to development on the land which may exist through contract or on title, such as an easement, memorial or restrictive covenant. It is the responsibility of the applicant and landowner and not the Shire to investigate any such constraints before commencing development. This approval will not necessarily have regard to any such constraint to development, regardless of whether or not it has been drawn to the Shire's attention.***
2. ***This is a development approval of the Shire of Moora under its Local Planning Scheme No.4. It is not a building permit or an approval to commence or carry out development under any other law. It is the responsibility of the applicant/landowner to obtain any other necessary approvals, consents, permits and licenses required under any other law, and to commence and carry out development in accordance with all relevant laws.***
3. ***The applicant/landowner is reminded of their obligation to ensure a clearing permit approval is obtained from the Department of Water and Environmental Regulation***

**as may be required pursuant to the specific requirements of the Environmental Protection Act 1986 and Environmental Protection (Clearing of Native Vegetation) Regulations 2004 prior to the commencement of any proposed clearing works on Lot 4300 to accommodate the proposed widening of the truck marshalling area and installation of the proposed new temporary and permanent weighbridges.**

- 4. The applicant/landowner is reminded of their obligation to ensure compliance with the following requirements:
  - i) Shire of Moora Annual Firebreak Notice as this applies specifically to all rural land in the Shire to help guard against potential bushfire risk; and**
  - ii) Shire of Moora Health Local Law 2016.****
- 5. In accordance with the Building Act 2011 and Building Regulations 2012, a building permit application must be submitted to and approved by the Shire's Building Surveyor prior to the commencement of any construction or earthworks on the land as may be required.**
- 6. Any proposed new structures on the lots the subject of this approval that require a building permit approval are required to comply in all respects with the National Construction Code of Australia. Plans and specifications which reflect these requirements must be submitted to the Shire in support of any required building permit application.**
- 7. The noise generated by any activities on-site including machinery motors or vehicles shall not exceed the levels as set out under the Environmental (Noise) Regulations 1997.**
- 8. No construction works shall commence on the land prior to 7am without the Shire's written approval. No construction works are permitted to be undertaken on Public Holidays (Good Friday, Easter Sunday, Christmas Day, Boxing Day and New Year's Day).**
- 9. In relation to Condition 8 please note the Shire would be willing to consider undertaking the required road upgrade works as private works on behalf of the landowner/applicant subject to the availability of the required resources and an agreement being reached regarding costs. The Shire's Chief Executive Officer should be contacted should the landowner/applicant wish to explore this option further.**
- 10. Failure to comply with any of the conditions of this development approval constitutes an offence under the provisions of the Planning and Development Act 2005 and the Shire of Moora Local Planning Scheme No.4 and may result in legal action being initiated by the local government.**
- 11. If the applicant/landowner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 Part 14. An application must be submitted within 28 days of the determination.**
- 12. Council note its concern regarding the design/current alignment of access into CBH Moora at the junctions of Midlands/Wheatbin Road and Bindoon-Moora Road/Wheatbin Road and commence discussions with relevant agencies/stakeholders with a view to addressing these current design/alignment issues in the longer term.**

**CARRIED 4/3**

At 6.42pm Cr Nixon rejoined the meeting, and the Presiding Member advised him of the Council decision.

**COUNCIL RESOLUTION**

*137/19 Moved Cr House, seconded Cr Lefroy that Council introduce a procedural policy whereby CBH will be invited to address Council prior to submission of any development applications in relation to upgrade of grain receival points within the Shire of Moora.*

**CARRIED 8/0**

**9.2.2 APPLICATION FOR DEVELOPMENT APPROVAL – ADDITIONAL PROPOSED WORKERS ACCOMMODATION ON LOT 37 (NO.7909) BINDOON-MOORA ROAD, BARBERTON**

**FILE REFERENCE:** TP/DA05/1920

**REPORT DATE:** 9 October 2019

**APPLICANTS/PROPONENT:** Quality Builders Pty Ltd on behalf of Mr Donald McKinley  
(Landowner)

**OFFICER DISCLOSURE OF INTEREST:** Nil

**PREVIOUS MEETING REFERENCES:** Nil

**AUTHOR:** Mr Joe Douglas, Town Planning Consultant

**ATTACHMENTS:** Attachment 1 (Quality Builders Pty Ltd)

**PURPOSE OF REPORT:**

Consideration and final determination of an Application for Development Approval for the placement and use of a new 265m<sup>2</sup> transportable single house on Lot 37 (No.7909) Bindoon-Moora Road, Barberton for farm worker accommodation purposes including a number of associated improvements.

**BACKGROUND:**

The applicant is seeking Council's development approval for the proposed placement and use of a new 265m<sup>2</sup> transportable single house on Lot 37 (No.7909) Bindoon-Moora Road, Barberton for farm worker accommodation purposes including a number of associated improvements (i.e. a new internal driveway and associated on-site parking bays for workers' vehicles, two new water supply tanks for domestic consumption purposes and a new effluent disposal system comprising septic tanks and leach drains).

A full copy of the development application, including all supporting documentation and plans, is provided in Attachment 1.

Lot 37 is located approximately six (6) kilometres south of the Moora townsite on the western side of Bindoon-Moora Road in the locality of Barberton. The subject land comprises a total area of approximately 65.29 hectares and is relatively flat throughout its entire area with the natural ground level being approximately 200 metres AHD.

All vehicle access to/from the land is via its frontage to Bindoon-Moora Road which is a sealed and drained State Road under the care, control and management of Main Roads WA.



*Location & Lot Configuration Plan (Source: Landgate 2019)*

Lot 37 is predominantly cleared with a few small-to-medium sized stands of vegetation remaining in various locations for environmental management purposes. The land has also been extensively developed and used for broadacre agricultural purposes (i.e. cropping and grazing) for many years and contains a number of associated improvements including open paddocks, stock holding yards, an existing dwelling and living quarters for farm worker accommodation purposes, numerous sheds, dams, water storage tanks, grain storage silos, internal driveways, parking/loading areas and boundary firebreaks.

Immediately adjoining and other nearby land uses are predominantly rural in nature and comprise broadacre agricultural activities (i.e. cropping & grazing) on lots of varying size.

It is significant to note the land is not identified in LPS4 as being flood prone and is not therefore included in Special Control Area I entitled 'Land Subject to Flooding'. Furthermore that portion of the land where the new transportable dwelling is proposed to be sited has not been designated by the Fire and Emergency Services Commissioner of Western Australia as being bushfire prone. As such no consultation with the Department of Water and Environmental Regulation or Department of Fire and Emergency Services is required or considered necessary prior to Council's final determination of this application.

**COMMENT:**

Lot 37 is classified 'General Agriculture' zone in the Shire of Moora Local Planning Scheme No.4 (LPS4).

Council's stated objectives for the development and use of any land classified 'General Agriculture' zone are as follows:

- a) To ensure the continuation of broad-hectare farming as the principal land use in the district and encouraging where appropriate the retention and expansion of agricultural activities;
- b) To consider non-rural uses where they can be shown to be of benefit to the district and not detrimental to the natural resources or the environment; and
- c) To allow for facilities for tourists and travellers, and for recreation uses.

The use class 'workers accommodation' or 'workforce accommodation' is not expressly listed in the Zoning Table of LPS4 and must therefore be considered and determined in accordance with clause 3.2.4 of that scheme. As such Council must firstly determine whether the proposed use of Lot 37 for this purpose is:

- a) **consistent** with the objectives of the 'Rural' zone and is therefore a use that may be permitted in this zone subject to conditions imposed by the local government; or
- b) **may be consistent** with the objectives of the 'Rural' zone and advertise the application for public comment for a minimum required period of fourteen (14) days; or
- c) **not consistent** with the objectives of the 'Rural' zone and is therefore not permitted in this zone.

Having regard for:

- i) the nature of the proposed development and use and its likely limited impact on the character and amenity of the immediate locality;
- ii) the fact such use has previously been conducted on the land with no record of any formal complaints having been received by the Shire; and
- iii) the fact the proposed use will support the continuation and future possible expansion of broadacre farming activity on the property being the principal land use in the district, it is contended the proposal **is consistent** with the objectives of the land's current 'General Agriculture' zoning classification and is therefore a use that may be permitted within the zone subject to any conditions Council considers appropriate.

The application has been assessed with due regard for the specific objectives and standards of the Shire's local planning framework including LPS4 and all relevant local planning policies as well as the Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015. This assessment has confirmed the proposal is compliant with the following requirements:

- Land capability and land use compatibility;
- Lot boundary setbacks;
- Amenity of the locality including potential environmental, visual and social impacts;
- On-site vehicle access and parking; and
- Essential services including stormwater drainage, water supply for domestic consumption purposes and effluent disposal.

In light of the above findings it is concluded the proposal for Lot 37 is acceptable and unlikely to have any significant negative impacts on the general amenity, character, functionality and safety of the immediate locality subject to compliance with a number of conditions. As such it is recommended Council exercise its discretion and grant conditional approval to the application to ensure the development proceeds in accordance with the information and plans submitted in support of the proposal and the relevant standards and requirements of the Shire's local planning framework.

#### **POLICY REQUIREMENTS:**

- State Planning Policy 2.5 – Rural Planning

#### **LEGISLATIVE REQUIREMENTS:**

- Planning and Development Act 2015
- Planning and Development (Local Planning Schemes) Regulations 2015
- Shire of Moora Local Planning Scheme No.4

#### **STRATEGIC IMPLICATIONS:**

Shire of Moora Strategic Community Plan 2012-2022

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

There are no known significant environmental implications associated with this proposal provided it is implemented in accordance with the conditions of any development approval that may ultimately be granted.

**➤ Economic**

The proposed development will support the continuation and future possible expansion of broadacre farming activity on the property which could be expected to have economic benefits for both the local economy and State economy more generally.

**➤ Social**

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

**FINANCIAL IMPLICATIONS:**

There are no known financial implications associated with this proposal. All costs associated with the proposed development will be met by the current landowner.

**VOTING REQUIREMENTS**

Simple Majority Required

**COUNCIL RESOLUTION**

***138/19 Moved Cr Bellamy, seconded Cr Nixon that Council:***

- 1. Determine that the proposed placement and use of a new 265m<sup>2</sup> transportable single house on Lot 37 (No.7909) Bindoon-Moora Road, Barberton for farm worker accommodation purposes, including a number of associated improvements, is consistent with the objectives of the land's current 'General Agriculture' zoning classification in the Shire of Moora Local Planning Scheme No.4 and may therefore be permitted in the zone; and***
- 2. APPROVE the development application submitted by Quality Builders Pty Ltd on behalf of Mr Donald McKinley (Landowner) for the placement and use of a new 265m<sup>2</sup> transportable single house on Lot 37 (No.7909) Bindoon-Moora Road, Barberton for farm worker accommodation purposes, including a number of associated improvements, subject to the following conditions and advice notes:***

**Conditions**

- 1. The proposed development shall be undertaken strictly in accordance with the information and final amended plans submitted in support of the application subject to any modifications required as a consequence of any condition/s of this approval or otherwise approved by Council.***
- 2. Any additional development which is not in accordance with the application the subject of this approval or any condition of approval will require the further approval of Council.***
- 3. The proposed development shall be substantially commenced within a period of two (2) years from the date of this approval. If the development is not substantially commenced within this period this approval shall lapse and be of no further effect. Where an approval has so lapsed, the proposed development shall not be carried out without the further approval of Council having first being sought and obtained.***
- 4. The proposed transportable single house shall be provided with an adequate on-site effluent disposal system as determined by the Shire's Environmental Health Officer or Executive Director of Public Health with all such work to be undertaken to the***

- specifications and satisfaction of the Shire's Chief Executive Officer or Executive Director of Public Health prior to its occupation and use.**
- 5. The proposed transportable single house shall be provided with a suitable capacity electricity supply service to the specifications of the relevant service provider prior to its occupation and use.**
  - 6. The proposed transportable single house shall be provided with a potable water supply service comprising an on-site water tank/s with a minimum storage capacity of 92,000 litres for domestic consumption purposes prior to its occupation and use.**
  - 7. All stormwater drainage generated by the proposed development shall be contained and managed on-site to the specifications and satisfaction of the Shire's Chief Executive Officer.**

#### **Advice Notes**

- 1. This approval is not an authority to ignore any constraint to development on the land which may exist through contract or on title, such as an easement, memorial or restrictive covenant. It is the responsibility of the applicant and landowner and not the Shire to investigate any such constraints before commencing development. This approval will not necessarily have regard to any such constraint to development, regardless of whether or not it has been drawn to the Shire's attention.**
- 2. This is a development approval of the Shire of Moora under its Local Planning Scheme No.4. It is not a building permit or an approval to commence or carry out development under any other law. It is the responsibility of the applicant/landowner to obtain any other necessary approvals, consents, permits and licenses required under any other law, and to commence and carry out development in accordance with all relevant laws.**
- 3. The applicant/landowner is reminded of their obligation to ensure compliance with the following requirements:**
  - i) Shire of Moora Annual Firebreak Notice as this applies specifically to all rural land in the Shire to help guard against potential bushfire risk; and**
  - ii) Shire of Moora Health Local Law 2016.**
- 4. An 'Application to Construct or Install an Apparatus for the Treatment of Sewage' prepared pursuant to the specific requirements of the Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974 must be prepared and submitted to the Shire of Moora or the Executive Director of Public Health for consideration and determination prior to preparation and lodgement of a building permit application. Confirmation of the relevant requirements in this regard can be obtained by contacting the Shire's Environmental Health Officer.**
- 5. In accordance with the Building Act 2011 and Building Regulations 2012, a building permit application must be submitted to and approved by the Shire's Building Surveyor prior to the commencement of any construction or earthworks on the land.**
- 6. The proposed transportable single house is required to comply in all respects with the National Construction Code of Australia. Plans and specifications which reflect these requirements are required to be submitted with the building permit application.**
- 7. Failure to comply with any of the conditions of this development approval constitutes an offence under the provisions of the Planning and Development Act 2005 and the Shire of Moora Local Planning Scheme No.4 and may result in legal action being initiated by the local government.**
- 8. If the applicant/landowner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 Part 14. An application must be submitted within 28 days of the determination.**

## **10. REPORTS OF COMMITTEES**

### **MANAGEMENT & AUDIT COMMITTEE MEETING – 4 SEPTEMBER 2019**

#### **10.1 OPERATING SURPLUS RATIO**

**FILE REFERENCE:** GA

**REPORT DATE:** 30 August 2019

**APPLICANT/PROPONENT:** Department of Local Government, Sport & Cultural Industries

**OFFICER DISCLOSURE OF INTEREST:** N/a

**PREVIOUS MEETING REFERENCES:** Nil

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

**ATTACHMENTS:** Letter

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

For Council to consider correspondence from the Department of Local Government, Sport and Cultural Industries in relation for not meeting the required benchmark relevant to Councils Operating Surplus Ration for the three previous financial years

#### **BACKGROUND:**

The Shire of Moora is required to prepare an audited Annual Financial Report each financial year under the Local Government Act 1995.

A legislative change introduced in 2017 passes the responsibility for local government audits to the Officer of Auditor General (OAG) to oversee the audit of every local government in WA either through the OAG itself or through a certified agent. The costs of these audits are to be met by each individual local government.

The Council's current Auditor is RSM Australia, contracted by the OAG for audit services RSM are experienced local government auditors and an accredited agent of the Office of Auditor General.

Following lodgement of the Annual Report to the Department, the Council received correspondence from the Department on the 28 June 2019 advising that the Shire of Moora has not fulfilled its obligations under section 7.12A(4)(5) of the act, which states;

#### **7.12A. Duties of local government with respect to audits**

- (4) A local government must —
  - (a) prepare a report addressing any matters identified as significant by the auditor in the audit report, and stating what action the local government has taken or intends to take with respect to each of those matters; and
  - (b) give a copy of that report to the Minister within 3 months after the audit report is received by the local government.
- (5) Within 14 days after a local government gives a report to the Minister under subsection (4)(b), the CEO must publish a copy of the report on the local government's official website.

In the letter, the Council has been directed to meet the requirements of section 7.12A(4) as a matter of priority and has been given 60 days to comply.



### Operating Surplus Ratio

As per *Local Government Operational Guidelines No. 18 – Financial Ratios* published by the Department in 2015, the Operating Surplus Ratio measure is described as follows.

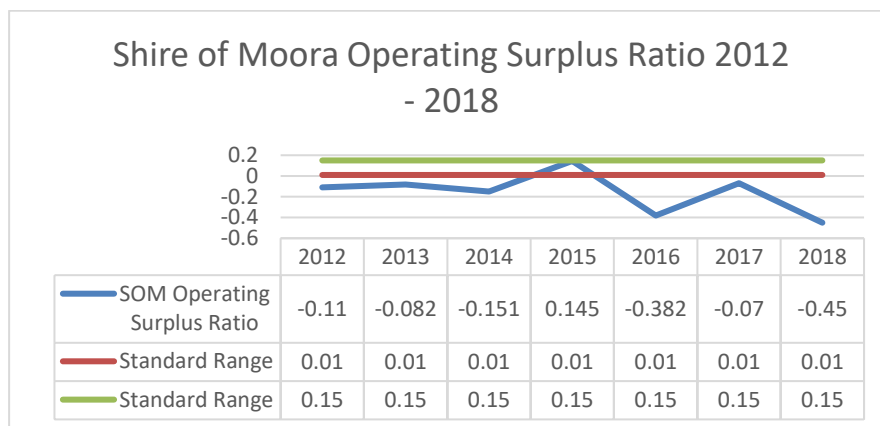
*A key indicator of a local government’s financial performance is measured by the ‘Operating Surplus Ratio’. If a local government consistently achieves a positive operating surplus ratio and has soundly based long term financial plans showing that it can continue to do so in future, having regard to asset management and the community’s service level needs, then it is considered financially sustainable.*

*A positive ratio indicates the percentage of total own source revenue available to help fund proposed capital expenditure, transfer to cash reserves or to reduce debt. A negative ratio indicates the percentage increase in total own source revenue (principally rates) that would have been required to achieve a break-even operating result.*

This measure identifies the Council’s capacity to cover its operational costs and have additional funds available for other purposes including investment in capital projects. The Department considers a “basic” standard to be between 1% and 15% and an “advanced” standard measure of over 15%.

The ratios should be read for what they are, a very simplistic measure which does not take into consideration abnormal “one-off” items of income or expense from year to year or any reclassification of expenses from capital to operating as is required from time to time.

The Shire of Moora’s operating Surplus ratio has traditionally been a negative result as indicated on the following graph.



In order to improve the Operating Surplus Ratio, Council has limited options available to it. The measure could be improved by increasing rates substantially, however this must be balanced with the community’s capacity to pay particularly considering the current economic circumstances for Moora.

### **COMMENT:**

In the authors opinion there needs to be recognition that the vast majority of rural/regional local government are very reliant on grant income which negatively influences the ability to achieve a positive Operating Surplus Ratio. The benchmarking of this ratio needs to reflect this rather than saying one size fits all when clearly it does not.

At the LG Pro Finance Professionals Network Professional Development day held at Kwinana on 23 August a representative from Moore Stephens advised that in Western Australia 109

Local Governments were below the standard, 21 were standard and 9 were above the standard.

**POLICY REQUIREMENTS:**

There are no policy implications associated with this item

**LEGISLATIVE REQUIREMENTS:**

Local Government Act 1995 – Section 7.12A(4)

**STRATEGIC IMPLICATIONS:**

There are no known strategic implications associated with this proposal.

**SUSTAINABILITY IMPLICATIONS:**

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

**FINANCIAL IMPLICATIONS:**

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

**VOTING REQUIREMENTS**

Simple Majority Required

**COMMITTEE RECOMMENDATION**

*That Council receives the letter from the Department of Local Government, Sport and Cultural Industries, and formally advise by correspondence in response that Council will consider options available to it concerning the operating surplus ratio when it next reviews its Long Term Financial Plan in 2020-2021 financial year.*

**COUNCIL RESOLUTION**

***139/19 Moved Cr Humphry, seconded Cr House that Council receives the letter from the Department of Local Government, Sport and Cultural Industries, and formally advise by correspondence in response that Council will consider options available to it concerning the operating surplus ratio when it next reviews its Long Term Financial Plan in 2020-2021 financial year, noting further that Council is of the view that this ratio and its application in terms of compliance with the set benchmark is not realistic or achievable, without there being a significant and unrealistic financial impost on the ratepayers of the Shire of Moora.***

**CARRIED 8/0**

## **10.2 CEO – RISK MANAGEMENT FRAMEWORK REVIEW 2019**

**FILE REFERENCE:** F/AUD1-2  
**REPORT DATE:** 22 August 2019  
**OFFICER DISCLOSURE OF INTEREST:** Nil  
**PREVIOUS MEETING REFERENCES:** Nil  
**AUTHOR:** David Trevaskis, Deputy Chief Executive Officer  
**ATTACHMENTS:** Risk Management Governance Framework

### **PURPOSE OF REPORT:**

For the Audit Committee to review and approve the Risk Management Governance Framework, including Risk Management Policy and Risk Assessment & Acceptance Criteria.

### **BACKGROUND:**

In 2014, the Shire engaged the services of LGIS consultants to help prepare a Risk Management Framework. This includes the preparation of a Risk Management Policy and Risk Management Procedures which sets out the Shire's approach to the identification, assessment, management, reporting and monitoring of risks. All components of the documents are based on Australia/New Zealand Standard ISO 310000:2009 Risk Management. The policy stipulates that it will be reviewed formally by Council every two years (last reviewed December 2016).

### **COMMENT:**

No changes have been proposed.

### **POLICY REQUIREMENTS:**

Risk Management Policy

### **LEGISLATIVE REQUIREMENTS:**

Nil

### **STRATEGIC IMPLICATIONS:**

Risk management forms part of the Strategic, Operational, Project and Line Management responsibilities and where possible, should be incorporated within the Shire's Integrated Planning Framework.

### **SUSTAINABILITY IMPLICATIONS:**

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

### **FINANCIAL IMPLICATIONS:**

Nil

### **VOTING REQUIREMENTS:**

Simple Majority Required

**COUNCIL RESOLUTION  
(COMMITTEE RECOMMENDATION)**

*140/19 Moved Cr Bellamy, seconded Cr Thomas that Council endorse the review and approve the Shire of Moora Risk Management Governance Framework, including Risk Management Policy and Risk Assessment & Acceptance Criteria.*

**CARRIED 8/0**

**10.3 REGULATION 17 – CEO TO REVIEW CERTAIN SYSTEMS AND PROCEDURES**

**FILE REFERENCE:** F/AUD1-2  
**REPORT DATE:** 22 August 2019  
**OFFICER DISCLOSURE OF INTEREST:** Nil  
**PREVIOUS MEETING REFERENCES:** Nil  
**AUTHOR:** David Trevaskis, Deputy Chief Executive Officer  
**ATTACHMENTS:** CEO Regulation 17 Report 30 June 2019

**PURPOSE OF REPORT:**

Regulation 17 of the Local Government (Audit) Regulations 1996 requires local government CEOs' to carry out a review of systems and procedures relating to risk management, internal control and legislative compliance at least once every three financial years and present the results of the review to the audit committee. Regulation 16 (c) requires the audit committee to consider the CEO's review and report the results of the review to Council.

**BACKGROUND:**

Issues that should be considered for inclusion in the CEO's review of risk management, internal control and legislative compliance is detailed in appendix 3 of **The appointment, function and responsibilities of audit committees - Local Government Operational Guideline number 09**. This guide can be viewed by clicking on the below link ...

<https://www.dlgsc.wa.gov.au/department/publications/publication/the-appointment-function-and-responsibilities-of-audit-committees>

**COMMENT:**

To comply with the requirements of regulation 17, the CEO has requested that a review was undertaken for the year financial year ended 30 June 2019. Using the Department's Operational Guidelines, No 9, I have reviewed the Shire's systems and procedures relating to risk management, internal control and legislative compliance and summarised the findings in the attached CEO Regulation 17 Report 30 June 2019.

The review is presented by addressing each requirement from the department guidelines. I then provide details of the applicable Shire system, policy or procedure. These procedures and systems are monitored and tested by four key control groups. Management and executive who provide operational oversight and apply the Risk Management Governance Framework; the Audit Committee/Council; external audit which is completed annually and; an internal audit which is carried out every three years, most recently in June 2019 by AMD chartered accountants. Details of any findings or action points identified from the review is also included.

Based on this review I can report that the Shire's systems and procedures relating to risk management, internal control and legislative compliance are organisation wide, suitable for the

size and scale of the Shire, address all key requirements in the operational guidelines and are regularly reviewed and assessed for continuous improvement.

### **POLICY REQUIREMENTS:**

Nil

### **LEGISLATIVE REQUIREMENTS:**

*Local Government (Audit) Regulations 1996*

#### 17. CEO to review certain systems and procedures

- (1) The CEO is to review the appropriateness and effectiveness of a local government's systems and procedures in relation to —
  - (a) risk management; and
  - (b) internal control; and
  - (c) legislative compliance.
- (2) The review may relate to any or all of the matters referred to in subregulation (1)(a), (b) and (c), but each of those matters is to be the subject of a review not less than once in every 3 financial years.
- (3) The CEO is to report to the audit committee the results of that review

#### 16. Functions of audit committee

An audit committee has the following functions —

....

- (c) to review a report given to it by the CEO under regulation 17(3) (the CEO's report) and is to —
  - (i) report to the council the results of that review; and
  - (ii) give a copy of the CEO's report to the council;

### **STRATEGIC IMPLICATIONS:**

Risk management forms part of the Strategic, Operational, Project and Line Management responsibilities and where possible, should be incorporated within the Shire's Integrated Planning Framework.

### **SUSTAINABILITY IMPLICATIONS:**

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

### **FINANCIAL IMPLICATIONS:**

Nil

### **VOTING REQUIREMENTS:**

Simple Majority Required

**COUNCIL RESOLUTION  
(COMMITTEE RECOMMENDATION)**

***141/19 Moved Cr Lefroy, seconded Cr House that Council receive the Regulation 17 Review Report period ending 30 June 2019, being the CEO's review of the appropriateness and effectiveness of the Shires systems and procedures in regard to risk management, internal control and legislative compliance as per Audit Regulation 17.***

**CARRIED 8/0**

**GENERAL PURPOSE COMMITTEE MEETING – 2 OCTOBER 2019****10.4 REVIEW OF 2020 COUNCIL MEETING SCHEDULES**

**FILE REFERENCE:** EN/COAI

**REPORT DATE:** 19 September 2019

**DISCLOSURE OF INTEREST:** Nil

**PREVIOUS MEETING REFERENCES:** Nil

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

**ATTACHMENTS:** Schedule of Meeting Dates for 2020

**PURPOSE OF REPORT:**

To provide suggested dates for Council approval for meeting dates for the 2020 year to enable public advertising as required by the Local Government Act 1995.

**BACKGROUND:**

From September 2013, monthly Council meetings have been successful in conjunction with a General Purpose Committee meeting held as the first meeting of the month and a briefing session prior to the Council meeting. It is considered appropriate to continue in this format.

**COMMENT:**

Attached is a draft schedule of proposed dates for Council meetings for the 2020 year.

In April 2013 Council commenced a 6 month trial period of General Purpose Committee meetings to be held on the first Wednesday of the month; previously an informal briefing session. In September after the trial period it was resolved to continue on with the structure of the Committee meetings and for the briefing session to remain prior to the Council meetings on the third Wednesday of each month.

The January Council meeting traditionally had few items; the main one was the financial reporting. A number of Councillors and staff take the opportunity to take leave through January, so it has been suggested again that no meetings are held in January. If an item of business arose that required a decision between the December meeting and the February meeting a special meeting could be convened.

As in previous years, the schedule has identified the need to adjust the regular meeting times and it is suggested that no Committee meeting be held at the beginning of August as the 2020 Local Government Convention has been scheduled to be held from the 5<sup>th</sup> – 7<sup>th</sup> August. This week also provides the opportunity for professional development during the week. It is therefore recommended that during August, the Council meeting is held on the 19<sup>th</sup> August with the briefing session to precede it.

NGA in Canberra will be held from 14<sup>th</sup> – 17<sup>th</sup> June 2020.

Local Government Professionals State Conference is held annually in the first week of November.

#### **POLICY REQUIREMENTS:**

There are no Council Policies relative to this matter.

#### **LEGISLATIVE REQUIREMENTS:**

Section 5.25 (g) of the Local Government Act 1995 stipulates that Regulations may make provision in relation to the giving of public notice of the date and agenda for Council or committee meetings.

Regulation 12 of the Local Government (Administration) Regulations 1996 states;

- I. At least once each year a local government is to give local public notice of the dates on which and the time and place at which –
  - (a) the ordinary council meetings; and
  - (b) the committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public,are to be held in the next 12 months.

Sections 5.98 and 5.99 of the Local Government Act 1995 and Regulation 30 of the Local Government (Administration Regulations) 1996 sets the minimum and maximum amounts for the payment of meeting fees.

#### **STRATEGIC IMPLICATIONS:**

Enables Council to provide good local government to the district.

#### **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. The holding of Council meetings including all associated costs is provided in the current budget and will be provided for in future budgets.

#### **VOTING REQUIREMENTS:**

Simple Majority Required

**COUNCIL RESOLUTION  
(COMMITTEE RECOMMENDATIONS)**

*142/19 Moved Cr Humphry, seconded Cr Bellamy that Council;*

- 1. Adopts the meeting schedule for the period February 2020 to December 2020 as attached;*
- 2. Advertises the meeting dates in accordance with section 5.25 of the Local Government Act 1995 and Regulation 12 (1) of the Local Government (Administration) Regulations 1996.*

**CARRIED 8/0**

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

Nil

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

The Chief Executive Officer tabled an item of urgent business titled 'Tender No. 05/19 Supply & Delivery of One only new Smooth Vibrating Drum Roller' for Council consideration.

**COUNCIL RESOLUTION**

*143/19 Moved Cr Bellamy, seconded Cr Lefroy consider the item of urgent business as tabled by the Chief Executive Officer titled 'Tender No. 05/19 Supply & Delivery of One only new Smooth Vibrating Drum Roller'.*

**CARRIED 8/0**

**12.1 TENDER No. 05/19 SUPPLY AND DELIVERY OF ONE ONLY NEW SMOOTH VIBRATING DRUM ROLLER**

**FILE REFERENCE:** L/TEPI

**REPORT DATE:** 14 October 2019

**APPLICANT/PROPONENT:** Nil

**OFFICER DISCLOSURE OF INTEREST:** Nil

**PREVIOUS MEETING REFERENCES:** Nil

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

**ATTACHMENTS:** Matrix of tenders received

**PURPOSE OF REPORT:**

Budgeted item – purchase of additional smooth vibrating drum roller. Council has budgeted \$140,000 ex GST for the purchase of the roller.



**BACKGROUND:**

Quotes were called through the WALGA on-line procurement service. The purchase of the roller will enable council to apply a greater amount of compaction into the roads that they are working on. Previously we have hired rollers in, whenever we can, but this hasn't always been possible due to most other councils and earthmoving contractors needing them at the same time. As an example, with major earthworks and highway projects occurring between Muchea and Wubin, a lot of hired equipment is being used there.

**COMMENT:**

A total of five companies tendered and presented seven machines. These were from Westrac Equipment, Tutt Bryant, CEA, Conplant, and Porter Equipment.

Both Westrac and Tutt Bryant have offered machines that have optional compaction sensors fitted to their machines which is seen as a positive inclusion on the rollers.

Councils current earthmoving equipment consists mostly with caterpillar units of which council has always had a very good run with. Many times, when warranty work is required it has been possible to have more than one machine worked on without additional travel costs.

After some detailed analysis by the Chief Executive Officer and Manager of Engineering Services, it has been concluded that the Caterpillar CS64B complete with compaction sensor represents the best overall value in terms of;

- Specification of machine in terms of horsepower, weight and capacity;
- Caterpillar is a very reputable machine in the roller/earthmoving market;
- Council currently runs numerous Caterpillar products which are serviced by Westrac Equipment who also carry an excellent of spare parts if required.

**POLICY REQUIREMENTS:**

Section 12 – Purchasing & Tender Policy

**LEGISLATIVE REQUIREMENTS:**

Local Government Act 1995

**STRATEGIC IMPLICATIONS:**

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

Pleasingly Council has been able to implement a strong plant replacement programme which will hold it in good stead when other major infrastructure projects come online in future years.

**Outcome 3.5: Sustainable asset and infrastructure base.**

**Strategy 3.5.1: Develop and implement long-term Asset Management Plans for all Council assets.**

Strategy 3.5.2: Maintain Shire drainage systems and undertake appropriate flood mitigation measures.

Strategy 3.5.3: Maintain effective liaison with other levels of government and regional bodies to ensure coordinated provision of regional infrastructure.

Strategy 3.5.4: Lobby for reliable power supply and telecommunication services.

**SUSTAINABILITY IMPLICATIONS:**

- **Environment**  
There are no known significant environmental implications associated with this proposal.
- **Economic**  
It is important that a vibrating drum roller be purchased, to eliminate ongoing hire charges and allow Council flexibility within their ongoing works programme.
- **Social**  
There are no known significant social implications associated with this proposal.

**FINANCIAL IMPLICATIONS:**

Council has allowed a changeover of \$140,000 (ex GST)

**VOTING REQUIREMENTS**

Simple Majority Required

**COUNCIL RESOLUTION**

*144/19 Moved Cr Humphry, seconded Cr Nixon that Council accept Tender 05/19 from Westrac Equipment for the purchase of one Caterpillar CS64B roller with compaction sensor for \$142,300 ex GST which includes 84-month warranty.*

**CARRIED 8/0**

**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 7.01pm.*

**CONFIRMED**

**PRESIDING MEMBER**