



Ordinary Council Meeting Minutes

Date: 15 May 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
15 MAY 2013

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- 9.1.1 *List of Payments Authorised Under Delegation 1.31*
- 9.1.2 *Statement of Financial Activity for Period Ended 30 April 2013*
- 9.1.5 *Papers "Formation of a Subregional Entity", "Enterprise Midlands – A Subregional Vehicle for Local Infrastructure" and Power Point Presentation presented to a joint meeting of Shires of Wongan-Ballidu, Dalwallinu and Moora in Dalwallinu on 26 March 2013*
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- 9.4.1 *Maps*

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

The Deputy President declared the meeting open at 5.36pm.

COUNCIL RESOLUTION

56/13 Moved Cr Clydesdale-Gebert, seconded Cr Hawkins that the Deputy President Cr Tonkin preside over the meeting at the request of Cr Gardiner.

CARRIED 8/0

I.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**

AR Tonkin	-	Deputy President / Presiding Member
CE Gardiner	-	Shire 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
RL McCall	-	Manager Community & Economic Development
P Williams	-	Manager Development Services

APOLOGIES

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

Nil

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER

Deputy President is chairing the meeting today due to the passing of the Shire President's mother, Mrs Betty Gardiner and the wish of Cr Gardiner not to preside over this meeting.

8. CONFIRMATION OF MINUTES**8.1 ORDINARY COUNCIL MEETING - 17 APRIL 2013****COUNCIL RESOLUTION**

57/13 Moved Cr Humphry, seconded Cr Hawkins that the Minutes of the Ordinary Meeting of Council held on 17 April 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: 7 May 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

COUNCIL RESOLUTION

58/13 Moved Cr Hawkins, seconded Cr Cocking that Council notes and endorses the Payments from the Municipal and Trust Funds made under delegation 1.31

Municipal Fund	Cheques 61193 to 61234	\$165,125.45
	EFT 9590 to EFT 9753	406,443.88
	Credit Card 16/3/13 to 15/4/13	5,064.57
	Net pays – PPE /4/13	74,949.05
	Net pays - PPE 23/4/13	72,320.77
Trust Fund	Cheques 4858 to 4860	<u>104.13</u>
Total		\$724,007.85

CARRIED 8/0

9.1.2 STATEMENT OF FINANCIAL ACTIVITY FOR PERIOD ENDED 30 APRIL 2013

REPORT DATE: 8 May 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 April 2013

PURPOSE OF REPORT:

To note and receive the Statement of Financial Activity for the period ended 30 April 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 2013/14 adopted budget.

VOTING REQUIREMENTS

Simple Majority Required

COUNCIL RESOLUTION

59/13 Moved Cr Hawkins, seconded Cr Humphry that Council notes and receives the Statement of Financial Activity for the period ended 30 April 2013.

CARRIED 8/0

9.1.3 ABOLITION OF THE EAST GILLINGARRA AND NINAN LAND CONSERVATION DISTRICT COMMITTEES

FILE REFERENCE: AN/LCOI

REPORT DATE: 23 April 2013

APPLICANT/PROPONENT: Department of Agriculture and Food

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Alan Leeson, Chief Executive Officer

ATTACHMENTS: Nil

PURPOSE OF REPORT:

That Council not object to the winding-up of the East Gillingarra and Ninan Land Conservation District Committees (LCDC).

BACKGROUND:

Advice has been received from Andrew Watson at the Department of Agriculture and Food that the Department intends to abolish both the East Gillingarra and Ninan LCDC's.

Before presenting their recommendation to the Minister the Department requires Councils support for abolition.

COMMENT:

We are advised that the LCDC's ceased to exist when their term of appointment expired; East Gillingarra LCDC on the 29th March 1999 and Ninan LCDC on the 30th September 1999. Since that time the LCDC's had no authority to operate and it is apparent that there is now a lack of interest in continuing with them.

The West Koojan-Gillingarra LCDC is active in the area.

POLICY REQUIREMENTS:

There are no policy requirements in relation to this item.

LEGISLATIVE REQUIREMENTS:

The power for LCDC's comes from the Soil and Land Conservation Act 1945 and the Minister for Agriculture and Food.

STRATEGIC IMPLICATIONS:

There are no known strategic implications associated with this proposal.

SUSTAINABILITY IMPLICATIONS:

- **Environment**
The proposal to abolish the LCDC's may have an adverse impact on raising awareness and on ground land care activities unless a regional or whole of Shire approach can redress the situation.
- **Economic**
There are no known significant economic implications associated with this proposal.
- **Social**
The proposal has the potential to affect the interaction of localities and the way farmers and farming families socialise. The advice of the LCDC's is probably an indicator of reduced farming families (declining rural population), volunteer burnout, farmers doing their own thing in respect to land care practices and disinterest due to frustration at processes and lack of funding.

FINANCIAL IMPLICATIONS:

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

VOTING REQUIREMENTS

Absolute Majority Required

COUNCIL RESOLUTION

60/13 Moved Cr Hawkins, seconded Cr Bryan that Council advise the Department of Agriculture and Food that it holds no objection to the abolition of the East Gillingarra and the Ninan Land Conservation District Committees.

CARRIED BY ABSOLUTE MAJORITY 8/0

9.1.4 FINANCIAL SUPPORT FOR CEO HOSPITALITY

The Chief Executive Officer left the meeting at 5.48pm

FILE REFERENCE: F/BUD I
REPORT DATE: 7 May 2013
DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: Nil
AUTHOR: Councillor Chris Hawkins
ATTACHMENTS: Nil

PURPOSE:

To formally recognise that the Chief Executive Officer has hospitality responsibilities, and ensure that an adequate budget is provided.

BACKGROUND:

The Chief Executive Officer is required to provide hospitality to a range of visitors, state, national, and international, and other people in the course of his duties.

COMMENT:

The Shire has been funding such hospitality in the past, but has neither formally recognised the importance of this, nor included a budget item for this purpose. In providing a budget, the Shire has the opportunity to more effectively support the Chief Executive Officer, and take accounting responsibility for hospitality expenditure.

An estimate has been provided by the Manager, Finance and Corporate Services for the forthcoming budget.

POLICY REQUIREMENTS:

There are no policy requirements in this regard.

LEGISLATIVE REQUIREMENTS:

There are no legislative requirements in this regard.

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:

Recommended budgetary allocation is based on previous hospitality spending, and should not impact on the overall finances of the Shire.

VOTING REQUIREMENTS

Simple Majority Required

COUNCIL RESOLUTION**61/13 Moved Cr Hawkins, seconded Cr Cocking that**

1. *the Shire of Moora allocates a sum of \$5,000 in the 2013-2014 budget and subsequent budgets for the express purpose of Chief Executive Officer hospitality; and*
2. *the expenditure of this hospitality allowance be reviewed each year to assess the adequacy and effectiveness of this item.*

CARRIED 8/0

The Chief Executive Officer rejoined the meeting at 5.55pm

9.1.5 REGIONAL HOUSING ALLIANCE PROPOSAL

FILE REFERENCE: ED/RHA1

REPORT DATE: 7 May 2013

APPLICANTS/PROPONENT: Shires of Moora, Wongan-Ballidu and Dalwallinu

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Alan Leeson, Chief Executive Officer

ATTACHMENTS: Papers “Formation of a Subregional Entity”, “Enterprise Midlands – A Subregional Vehicle for Local Infrastructure” and Power Point Presentation presented to a joint meeting of Shires of Wongan-Ballidu, Dalwallinu and Moora in Dalwallinu on 26 March 2013, all authored by Ray Davy of Conway Highbury Consulting

PURPOSE OF REPORT:

For Council to consider entering into a Regional Housing Alliance with the Shire's of Wongan-Ballidu and Dalwallinu.

BACKGROUND:

For some months Chief Executive Officers from the Shires of Wongan-Ballidu, Dalwallinu and Moora have been meeting with Conway Highbury Consulting with the objective of drafting a “Regional Housing Alliance” agreement. The principle aim of this concept is to continue precipitation of Federal and State Government investment throughout the shires toward infrastructure development; however it is primarily aimed at the Department of Regional Development and Lands (RDL) Country Local Government Fund (CLGF) ‘Regional Component’.

To that end, it is clearly apparent the Royalties for Regions future allocations to local governments across the state will be assessed on a competitive basis in accordance with far tighter guidelines and conditions. The funding is no longer going to be an automatic “ex gratia” type payment that will allow local government to expend the funds as they so wish, as has been the case generally up to this point since the CLGF inception in 2008/2009.

RDL has advised that the distribution of funds will be formulae of regional and local component, which at this point will be on a 50/50 split. The catch however, is that in order to continue to qualify in the future for the regional component of the CLGF, which across the Shires of Wongan-Ballidu, Dalwallinu and Moora amounts to approximately \$1,200,000 per annum, projects, must be of regional benefit. To have the funds distributed proportionally on the basis of a 1/3rd, 1/3rd, 1/3rd will no longer be acceptable and will not qualify for funding.

To that end a common theme across the three shires had to evolve that would meet the criteria of the RDL but primarily be of substance that would bring about significant regional benefit. The concept and common theme agreed upon is “Housing”.

COMMENT:

In order to progress this matter each shire is considering the concept on a “in principle basis”. Should there be agreement in principle across the three shires the concept will be fleshed out in far greater detail over the next 6 months, which will address legislative, policy, constitutional and fiscal details in far greater depth.

In broad terms, in order for this concept to evolve from a embryotic “in principle” concept the three shires will need to coordinate and come to agreement on a number of matters which have been touched on in the business paper by Conway Highbury Consulting, some of which are but not necessarily limited to;

- Genuine willingness to enter into such an arrangement looking at housing on a regional / as needs basis as against each shire continuing to expect a “slice of the pie” each and every year, which is no longer sustainable;
- Agreement of “Equity Contributions” to the scheme. Initial thoughts are that each shire will contribute one executive house (est. value “\$400,000) and a cash contribution of \$100,000 per annum over a period to be agreed upon. This will be if the business case of the alliance is to evolve;
- What will be the “claw back” provisions of each shire in the event that the alliance wound up at some stage in the future;
- What are the “opt out provisions” should a shire wish to withdraw;
- Composition of “Alliance Board” membership.

The aforementioned would be worked through over the coming months which would in effect become the “Corporate Business Plan”, so at this juncture coming to an “in principle position of agreement” will simply enable the business case of the proposal to be further developed.

The key to the entire concept is the quantification of a need for housing in the respective shires. The need however must be qualified with prospective tenants in terms of what the financial parameters will be of any “housing lease” that may be taken up. In broader terms the expectation at this juncture is that for the alliance to succeed the lease terms will need to reflect the capital financing costs of the housing. On that basis the expectation is that any lessee would need to accept that any “housing subsidy” will be offered by the lessee to the tenant as the Alliance will not subsidise the housing.

POLICY REQUIREMENTS:

There are not any policies of Council that directly implicate this proposal. We are simply seeking a “in principle” position in order to move forward with a more forensic examination of the concept and development of a business case, which will address governance and policy issues.

LEGISLATIVE REQUIREMENTS:

Existing local government governance models (including individual local governments, ROCs, VROC and regional local governments) do not adequately address the issues identified above, and will be unable to do so without significant statutory reform.

In establishing any new model, regard needs to be had to Section 3.60 of the Local Government Act 1995 which provides that a local government **“cannot form or take part in forming, or acquire an interest giving it the control of, an incorporated Company or any other body corporate ... unless it is permitted to do so by regulation”**. **Regulation 32 of the Local Government (Finance and General) Regulations 1996 explicitly provides however that a local government may participate in an incorporated association.**

An incorporated association is established under the provisions of the Associations Incorporation Act 1987. An association is eligible to be incorporated if it has more than 5 members and is formed for a defined purpose including “promoting the interests of a local community”. An incorporated association cannot itself be established for the purpose of generating profits for its members, but it may own a trading subsidiary (which could be an incorporated company) that is revenue-generating and profitable, with those profits in whole or in part flowing to the association. While the association is barred from then distributing any part of those profits to its members, they can of course be reinvested in new ventures within the overall purpose of the association. The incorporated association model envisages equal rights to all participating members and makes no allowance for differential participation by members.

Consideration is being given to the establishment of an incorporated association involving the local governments of CMVROC, together with other entities such as including the Wheatbelt Development Commission, local Chambers of Commerce or community groups and possibly neighbouring local governments, as a first step towards a broader infrastructure investment entity. The association would pool certain grant funding and equity contributions from the members, and act as a “parent” entity to promote and prioritise local infrastructure projects. Specific project ownership and delivery could then either remain within the association or be placed in project-specific subsidiary entities.

Once established, an incorporated association may conduct itself in a normal commercial manner without the constraints placed on local governments acting alone. In doing so, it is largely unconstrained (subject only to solvency and the limits of its constituent constitution) in its activities. The incorporated association, or its subsidiary entities, can form joint ventures with local governments or similar entities outside the membership of the association, or with the private sector. By this means, individual local governments can participate in some ventures but not others, according to their own priorities and needs.

While the initial focus will be on housing, it is suggested that the constitution of the association be drafted in a manner that would allow it to perform a broader role over time as its capacity and competence expanded, and as the member organisations and their communities developed greater confidence in the governance model.

STRATEGIC IMPLICATIONS:

Strategically the primary objective with this matter is to secure a vehicle which will continue to facilitate the investment of external grant funds into the Shires of Wongan-Ballidu, Dalwallinu and Moora. Without such a vehicle the opportunities of continued access to external funding regimes such as the “Regional Component of the Country Local Government Fund” will diminish.

SUSTAINABILITY IMPLICATIONS:

- **Environment**
There are no known strategic implications with this proposal.
- **Economic**
To be examined through the progression from an “in principle” position to development of a formal business case.
- **Social**
Housing development to support economic growth and employment is a cornerstone of many communities. There is a need for further housing development across the three shires thus facilitating an environment that will be conducive to attracting and retaining skilled labour within the respective communities

FINANCIAL IMPLICATIONS:

There are not any direct financial implications to Council in consideration of this item at this juncture. The premise of the “in principle position” however will be to proceed with the formation of a constitution and business plan on the basis of each shire contributing one executive house to the value of approximately \$400,000 and a cash contribution of \$100,000 each year for a period of 5 years.

SUMMARY:

The sole objective in relation to this matter is to sustain an investment vehicle addressing regional infrastructure needs across the Shires of Wongan-Ballidu, Dalwallinu and Moora. It is a means to an end which will continue to avail the three shires to continued investment from the Royalties for Regions Country Local Government Fund: Regional Component”.

At this juncture all that is required is an “in principle” agreement which will in effect trigger a forensic and detailed examination and development of;

- Framework/constitution/governance/policies
- Ingoing contribution to alliance;
- Business case / Need: taking account of expected housing lease terms from the lessor balanced against those of the prospective lessee.

VOTING REQUIREMENTS

Simple Majority Required

MANEX RECOMMENDATION

Moved Cr Hawkins, seconded Cr Bryan that the Shire of Moora agree in principle to the formulation of “Enterprise Midlands” and a drafting of a Incorporated Associations constitution for the initial purpose of facilitating investment into housing infrastructure across the Shires of Wongan-Ballidu, Dalwallinu and Moora subject to the following broad parameters;

- ***Business case to be modelled on ingoing contributions from each Shire of one executive home (approximate value of \$400,000) and a cash contribution of \$100,000 per annum over a five year period;***
- ***Board membership to comprise of one Councillor from each shire along with one other member from each shire e.g. Chamber of Commerce or other like organisations;***

- ***Proposed body to be incorporated in accordance with the Associations and Incorporations Act 1987 for the defined purpose of “promoting the interest of the local community”;***
- ***Claw back clauses to be drafted and agreed upon by each Shire in the event of the incorporated body being wound up e.g. return of initial asset contribution to each local government.***

AMENDMENT MOTION

Moved Cr Gardiner that the cash contribution at dot point 1 be reduced from \$100,000 to \$50,000 per annum.

THE AMENDMENT MOTION LAPSED FOR WANT OF A SECONDER

The substantive motion was put

COUNCIL RESOLUTION (MANEX RECOMMENDATION)

62/13 Moved Cr Hawkins, seconded Cr Bryan that the Shire of Moora agree in principle to the formulation of “Enterprise Midlands” and a drafting of a Incorporated Associations constitution for the initial purpose of facilitating investment into housing infrastructure across the Shires of Wongan-Ballidu, Dalwallinu and Moora subject to the following broad parameters;

- ***Business case to be modelled on ingoing contributions from each Shire of one executive home (approximate value of \$400,000) and a cash contribution of \$100,000 per annum over a five year period;***
- ***Board membership to comprise of one Councillor from each shire along with one other member from each shire e.g. Chamber of Commerce or other like organisations;***
- ***Proposed body to be incorporated in accordance with the Associations and Incorporations Act 1987 for the defined purpose of “promoting the interest of the local community”;***
- ***Claw back clauses to be drafted and agreed upon by each Shire in the event of the incorporated body being wound up e.g. return of initial asset contribution to each local government.***

CARRIED 7/1

9.2 HEALTH, BUILDING & PLANNING SERVICES

9.2.1 CBH MILING – REPLACEMENT OF GROUND CONVEYOR

FILE REFERENCE: TP/PA27/1213

REPORT DATE: 29 April 2013

APPLICANT/PROPONENT: Colin Tutt, Cooperative Bulk Handling Ltd

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Peter Williams, Manager Development Services

ATTACHMENTS: Plans

PURPOSE OF REPORT:

A request has been received from the proponent Cooperative Bulk Handling Ltd (CBH) to Council to apply to remove existing and replace a ground conveyor at the CBH grain receivable bin located in Miling.

BACKGROUND:

The CBH bin is located on Westrail lease No 6627 being Reserve 26009 and the area is zoned as Industrial.

The objectives of the Industrial Zone include:

- 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 avoid non-industry related uses establishing in the industrial area.

This development application meets the requirements of the objectives of the Shire of Moora Town Planning Scheme No 4 (Amendment 10) in that this application is for a replacement of the existing ground conveyor.

CBH have been having ongoing communication with the farming community and have been made aware of the issues with access and egress by trucks to the site.

COMMENT:

The harvest of grain is one of the biggest products of primary industry to come out of Miling and the replacement of the ground conveyor will only enhance and speed up the operations of grain receivable. It is therefore recommended that this application be approved.

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**
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

COUNCIL RESOLUTION

63/13 Moved Cr McLagan, seconded Cr Clydesdale-Gebert that Council approve the development application by Cooperative Bulk Handling Ltd to replace the existing conveyor with a new ground conveyor system at the Miling CBH grain receivable centre located at the site on Westrail lease No 6627 being Reserve 26009 Miling.

CARRIED 8/0

9.2.2 ROBIN MILLARD - OVER SIZED SHED LOT 4 SEYMOUR STREET MOORA

Cr Hawkins declared a proximity interest to the item as he owns land adjacent to the applicant.

FILE REFERENCE: TP/PA29/1213

REPORT DATE: 7 May 2013

APPLICANT/PROPONENT: Robin Millard

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Peter Williams, Manager Development Services

ATTACHMENTS: Plans

PURPOSE OF REPORT:

Mr Millard the proponent who is the owner of the property located at Lot 4 Seymour Street (off Atbara) wishes to make an application to Council to construct an oversized shed on his property to house his trucks and to install two rainwater tanks for the capture of rain water.

BACKGROUND:

The property Lot 4 Seymour on Plan P003223 Folio 668 is located in the Rural Residential 3 Zone. The Objectives of the Rural Residential 3 Zone

Objectives

- a) to select areas wherein closer subdivision will be permitted to provide for such uses as hobby farms, horse breeding, rural-residential retreats.
- b) to make provision for retention of the rural landscape and amenity in a manner consistent with the orderly and proper planning of such areas.
- c) having regard for the size of the District, and the difficulties faced by the Council in providing services away from Moora, the Council will generally favour Special Rural zones be located within a 10 km radius of Moora.

Development Requirements:

Development in a Special Rural zone shall comply with the requirements of the following:

- a) in addition to a building licence, the Council's planning approval is required for all development including a single house and such application shall be made in writing to the Council and be subject to the provisions of clause 7.2 of the Scheme.
- b) not more than one dwelling per lot shall be erected but the Council may, at its discretion, approve ancillary accommodation.
- c) when the first application for planning approval is made for building on a lot pursuant to paragraph (a) of this sub-clause the applicant shall nominate for the Council's approval a building envelope of regular shape and not exceeding 4000 square metres in area and which complies with minimum building setbacks in sub-clause 3.11.2. All buildings(s) including the building(s) subject of the first application shall be contained within the building envelope approved by the Council.
- d) in order to conserve the rural environment or features of natural beauty all trees shall be retained unless their removal is authorised by the Council.
- e) in order to enhance the rural amenity of the land in areas the Council considers deficient in tree cover it may require as a condition of any planning approval the planting of such trees and/or groups of trees and species as specified by the Council.
- f) any person who keeps an animal or animals or who uses any land for the exercise or training of an animal or animals shall be responsible for appropriate measures to prevent noise, odour, or dust pollution or soil erosion to the satisfaction of the Council. With the intention of preventing overstocking, erosion and any other practice detrimental to the amenity of a Special Rural zone, the Council may take any action which in the opinion of the Council is necessary to reduce or eliminate adverse effects on the environment caused wholly or partly by the stocking of animals and any costs incurred by the Council in taking such action shall be recoverable by the Council from the landowner.
- g) the Council may require provision to be made for bush fire control.

Shire Policy allows for an Outbuilding Policy – Maximum size

Council's current outbuilding policy referring to square metreage of land and maximum size of outbuildings;

R2 - 5,000m² Lots - maximum size of outbuildings equals 200m²

R2.5 - 4,000m² Lots - maximum size of outbuildings equals 200m²

R5 - 2,000m² Lots - maximum size of outbuildings equals 150m²

R12.5 - 800m² Lots maximum size of outbuildings equals 100m²

R25/R30 - 320m² to 300m² Lots - maximum size of outbuildings at Council's discretion.

COMMENT:

The application is only at this stage for a shed so that the proponent's trucks can be placed undercover and for two rainwater tanks to allow rain water catchment to be achieved.

The objectives of the Rural Residential 3 have been complied with; the development requirements will be required to be met. A building envelope meeting the requirements of the scheme setbacks is to be issued and landscaping of the block is to be achieved as required by the scheme development requirements. Subject to these conditions being met it is recommended that this application be approved.

Councils policy for maximum area of outbuildings allows for 200m² for a 5,000m² block this application is for in excess of that size being 288m² to be able to accommodate his trucks.

POLICY REQUIREMENTS:

6.10 Outbuilding Policy - Maximum Size Of-

Council's current outbuilding policy referring to square metreage of land and maximum size of outbuildings;

R2 - 5,000m² Lots - maximum size of outbuildings equals 200m²

R2.5 - 4,000m² Lots - maximum size of outbuildings equals 200m²

R5 - 2,000m² Lots - maximum size of outbuildings equals 150m²

R12.5 - 800m² Lots maximum size of outbuildings equals 100m²

R25/R30 - 320m² to 300m² Lots - maximum size of outbuildings at Council's discretion.

LEGISLATIVE REQUIREMENTS:

There are no known legislative requirements related to this item.

STRATEGIC IMPLICATIONS:

There are no known strategic implications associated with this proposal.

SUSTAINABILITY IMPLICATIONS:

➤ **Environment**

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

➤ **Economic**

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

➤ **Social**

There are no known significant social implications associated with this proposal

FINANCIAL IMPLICATIONS:

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

VOTING REQUIREMENTS:

Simple Majority Required

COUNCIL RESOLUTION

64/13 Moved Cr Cocking, seconded Cr Bryan that the application for the construction of a shed by Mr Robin Millard at Lot 4 Seymour Street, Moora be approved subject to the following conditions:-

- **Building plans for the development located at Lot 4 Seymour Street belonging to Mr Robin Millard and meeting Councils Building Department's approval be submitted for the construction of the oversized shed 12.0m x 24.0m.**
- **not more than one dwelling per lot shall be erected but the Council may, at its discretion, approve ancillary accommodation.**
- **when the first application for planning approval is made for building on a lot pursuant to paragraph (a) of this sub-clause the applicant shall nominate for the Council's approval a building envelope of regular shape and not exceeding 4000m² in area and which complies with minimum building setbacks in sub-clause 3.11.2. All buildings(s) including the building(s) subject of the first application shall be contained within the building envelope approved by the Council.**
- **in order to conserve the rural environment or features of natural beauty all trees shall be retained unless their removal is authorised by the Council.**
- **in order to enhance the rural amenity of the land in areas the Council considers deficient in tree cover it may require as a condition of any planning approval the planting of such trees and/or groups of trees and species as specified by the Council.**
- **any person who keeps an animal or animals or who uses any land for the exercise or training of an animal or animals shall be responsible for appropriate measures to prevent noise, odour, or dust pollution or soil erosion to the satisfaction of the Council. With the intention of preventing overstocking, erosion and any other practice detrimental to the amenity of a Special Rural zone, the Council may take any action which in the opinion of the Council is necessary to reduce or eliminate adverse effects on the environment caused wholly or partly by the stocking of animals and any costs incurred by the Council in taking such action shall be recoverable by the Council from the landowner.**
- **the Council may require provision to be made for bush fire control.**
- **the land use hereby permitted shall not cause injury to or prejudicially affect the amenity of the locality by reason of the emission of smoke, dust, fumes, odour, noise, vibration, waste product or otherwise.**
- **the use of second hand materials is not permitted.**
- **all development shall be located within the building envelope as shown on the attached approved plan(s).**
- **crossing place/s are required to be installed to the approval of the local government.**

CARRIED**8/0**

9.2.3 ALLAN HUEPPAUFF - CONSTRUCTION OF SHED LOT 153 STACK STREET MOORA

FILE REFERENCE: TP/PA28/1213

REPORT DATE: 7 May 2013

APPLICANT/PROPONENT: Allan Hueppauff

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Peter Williams, Manager Development Services

ATTACHMENTS: Plans

PURPOSE OF REPORT:

Mr Allan Hueppauff requests Councils permission for a reduced setback and to construct an open fronted shed on his property at Lot 153 Stack Street to house his caravan and horse float.

BACKGROUND:

Lot 153 Stack Street is located in the General Agriculture Zone and the objectives of which are:-

Objectives:

- (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.
- (c) to allow for facilities for tourists and travellers, and for recreation uses.

Site Requirements:

The following minimum building setbacks shall apply:

Front: 20.0m

Rear: 15.0m

Side: 15.0m

COMMENT:

This lot is located in the general farming zone and also the site is in a buffer zone for the Public Purpose Area of the sewerage farm to prevent development in this area and to prevent a conflict due to the sewerage farm and housing development as a number of similar lots in this area.

The application has an issue with the setback from the side of the shed which is only 9.8 metres and is supposed to be (15.0) metres from the eastern boundary of the property. Under PART IV of the Town Planning Scheme Council 4.4.2 gives Council discretion to modify development standards and it is recommended in this case that this discretion is utilised.

This development application is located in a general agricultural zone. Mr Allan Hueppauff wants to construct an open front shed to house his caravan and horse float and due to his location requires Council permission for a reduced setback to allow his shed to go ahead. A precedent has been set with this property as the house which was built earlier must also have had a reduced setback permitted as the house appears to be closer than 15 metres to the eastern boundary.

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

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

COUNCIL RESOLUTION

65/13 Moved Cr McLagan, seconded Cr Humphry that Council grant planning approval for a reduced setback for Mr Allan Hueppauff of Lot 153 Stack Street, Moora to enable him to construct an open fronted shed 12.0 metres x 7.5 metres subject to the following conditions:

- Building plans for the development located at Lot 153 Stack Street belonging to Mr Allan Hueppauff and meeting Councils Building Department's approval be submitted for the construction of the oversized shed 12.0m x 24.0m.***
- The land use hereby permitted shall not cause injury to or prejudicially affect the amenity of the locality by reason of the emission of smoke, dust, fumes, odour, noise, vibration, waste product or otherwise.***
- The use of second hand materials is not permitted.***
- All development shall be located within the building envelope as shown on the attached approved plan(s).***

CARRIED 8/0

9.2.4 BGC TRANSPORT EXTENSION OF EXISTING TRUCK SHED LOT 207 TOOTRA STREET MOORA

FILE REFERENCE: TP/PA30/1213

REPORT DATE: 9 May 2013

APPLICANT/PROPONENT: Joe Fitzpatrick, BGC Transport

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Peter Williams, Manager Development Services

ATTACHMENTS: Plans

PURPOSE OF REPORT:

Mr Joe Fitzpatrick of BGC Transport the proponent located at Lot 207 Tootra Street Moora seeks Council permission to extend an open existing structure so as to provide shelter to loaded road trains i.e. with fertiliser during inclement weather.

BACKGROUND:

The Shire of Moora Town Planning Scheme No 4 (Amendment 10) shows Lot 207 Tootra Street to be located in the Industrial Zone of the Moora Town Site, the Objectives of which are:

Objectives

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

COMMENT:

BGC Transport is located in the industrial area of Moora and is a concrete batching and trucking company that carries various loads of fertiliser, lime sand for the farming community and construction material for roads and building industry.

BGC Transport wishes to extend the open end of the shed next to the maintenance shed by extending the concrete floor, roof and wall line so as to accommodate a loaded road train and protect the load from inclement weather such as we are currently experiencing.

The development application meets the requirements and the objectives of the Moora Town Planning Scheme No 4 (Amendment 10).

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**

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

COUNCIL RESOLUTION

66/13 Moved Cr McLagan, seconded Cr Cocking that Council grant planning approval to BGC Transport for an extension to the existing truck shed located at Lot 207 Tootra Street Moora subject to the following conditions:

- **Building plans for the development located at Lot 207 Tootra Street belonging to BGC and meeting Councils Building Department's approval be submitted for the construction of the shed extension 9.0m x 9.5m.**
- **The land use hereby permitted shall not cause injury to or prejudicially affect the amenity of the locality by reason of the emission of smoke, dust, fumes, odour, noise, vibration, waste product or otherwise.**
- **The use of second hand materials is not permitted.**

CARRIED 8/0

9.2.5 TIM HIGGINS - REDUCED SETBACK FOR CARPORT 46 KEANE STREET MOORA

FILE REFERENCE: TP/PA31/1213

REPORT DATE: 9 May 2013

APPLICANT/PROPONENT: Tim Higgins

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: 15/02/12 (Item 11.1-14/12)

AUTHOR: Peter Williams, Manager Development Services

ATTACHMENTS: Plans

PURPOSE OF REPORT:

Mr Higgins seeks council approval for a reduced setback to construct a 9057mm x 5718mm carport to house his vehicles.

BACKGROUND:

Mr Higgins made an application on 15 February 2012 for an enclosed shed on the same location and Council at that time chose to not approve the application due to the development needing to comply with the setback requirements for the Shire of Moora Town Planning Scheme No 4 and the Residential Design Codes.

The proponent Mr Higgins is requesting a reduced setback from the front boundary which the required setback is 7.5 metres and he wishes to construct the front of his carport only 1.2 metres from the front boundary and 500mm from the side boundary of which the required setback is 1.0 metre. The reason for his setback request is due to the swimming pool which is behind the existing shed structure.

Mr Higgins has made this application based on a carport rather than an enclosed shed and he intends to remove the existing structure which is an eyesore to the street and replace it with a colour bond/custom orb gabled carport. Mr Higgins will be replacing the north facing wall of the current structure which has been acting as a boundary fence and in its place construct a colour bond side boundary fence 900mm high to improve sight lines when reversing and to facilitate neighbours sight lines also.

According to the Shire of Moora Town Planning Scheme No 4, No 46 Keane Street is in the Residential Zone of the Town Site of Moora and the setbacks according to the Residential Design Codes are:

- Front: 7.5 metres
- Secondary Street: 2.0 metres

Side and rear varies according to the height of the wall and whether any openings are present i.e. windows: with a wall less than 3.5 metres: 1.0 metre.

Site Requirements

In accordance with the Residential Design Codes

RESIDENTIAL DEVELOPMENT: RESIDENTIAL DESIGN CODES

- 4.1.1 For the purpose of the Scheme “Residential Design Codes” means the Residential Design Codes set out in Appendix 2 to the State Planning Policy No. 3.1, together with any amendments thereto (“R Codes”).
- 4.1.2 A copy of the R Codes shall be kept and made available for public inspection at the offices of the Local government.
- 4.1.3 Unless otherwise provided for in the Scheme the development of land for any of the residential purposes dealt with by the R Codes shall conform to the provisions of the R Codes.
- 4.1.4 The Residential Design Codes density applicable to land within the Scheme area is to be determined by reference to the Residential Design Codes density number superimposed on the particular areas contained within the borders shown on the Scheme Map or where such an area abuts another area having a Residential Design Code density, as being contained within the area defined by the centre-line of those borders.

Within areas with split coding the local government may permit development above the lower code (R12.5) to a maximum density of the higher code (R25) specified on the Scheme map, provided that the development is consistent with the Scheme, the Residential Design Codes and it can be connected to reticulated sewerage.

Section 6.2.3 of the Residential Design Codes relates to setbacks of garages and carports.

A3.4 of the Residential Design Codes allows carports within the street setback area provided that the width of the carport does not exceed 50% of the frontage at the building line and the construction allows an unobstructed view between the dwelling and the street, right of way or equivalent.

COMMENT:

The Residential Design Codes does give Council discretion with regards to carports and reduced setbacks so long as they are open at the sides giving clear view through the sides and they are not over 50% of frontage at the building line.

Councils concern previously was the setback and the appearance of the shed not being within the amenity of the area. The carport will not be as intrusive as the previous application (an enclosed shed) and there are other properties in the area that have reduced setbacks for carports.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

Setback requirements are set down in the Residential Design Codes along with performance criteria and acceptable development.

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

COUNCIL RESOLUTION

67/13 Moved Cr Cocking, seconded Cr McLagan that Council grant planning approval to Mr Tim Higgins of 46 Keane Street Moora for construction of a colourbond and custom orb carport with a reduced setback subject to the following conditions:

- ***Building plans for the development located at 46 Keane Street belonging to Mr Higgins and meeting Councils Building Department's approval be submitted for the construction of the 9057mm x 5718mm colour bond and custom orb carport***
- ***The land use hereby permitted shall not cause injury to or prejudicially affect the amenity of the locality by reason of the emission of smoke, dust, fumes, odour, noise, vibration, waste product or otherwise.***
- ***The use of second hand materials is not permitted.***

- *The carport is to be constructed in accordance with the setback requirements of 1200mm from the front boundary, 500mm from the side boundary ensuring that water from runoff does not enter the property next door.*
- *The Carport is to have a gabled roof with gutters back and front to capture storm water which is to be channelled via a pipe underground and through the kerb to the street stormwater system.*

CARRIED 8/0

9.3 COMMUNITY & ECONOMIC DEVELOPMENT

Nil

9.4 ENGINEERING SERVICES

9.4.1 REALIGNMENT OF GREAT NORTHERN HIGHWAY BETWEEN BINDI BINDI AND LYONS ROAD EAST

FILE REFERENCE: S/MAIL

REPORT DATE: 7 May 2013

APPLICANT/PROPONENT: Main Roads Western Australia

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: John Greay, Manager Engineering Services

ATTACHMENTS: Maps

PURPOSE OF REPORT:

As council would be aware the Main Roads are upgrading the Great Northern Highway between Bindi Bindi and Lyons East road.

BACKGROUND:

The sections of road between the two locations previously mentioned are well overdue for an upgrade. Several unfortunate deaths and accidents have occurred here over the years and the upgrade is long overdue. Tenders are currently being called for this work to take place and it is expected that once the contract is awarded that the project will run for around eighty weeks.

COMMENT:

The upgrade will be mostly on a new alignment which will allow for traffic to continue to travel, mostly uninterrupted, on the existing road pavement. The Toodyay – Bindi and Bindi–Ballidu road intersections will need to be realigned with the highway at the Bindi Bindi end of the project. This will impact on local traffic when these alignments are tied into the existing road but disruptions will be minimal.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

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

STRATEGIC IMPLICATIONS:

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

SUSTAINABILITY IMPLICATIONS:➤ **Environment**

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

➤ **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

COUNCIL RESOLUTION

68/13 Moved Cr McLagan, seconded Cr Hawkins that Council at their meeting of Wednesday 15th May 2013 concur to the dedication of the land, the subject of Main Roads Drawings numbered 1060-105, 1060-106, 1060-107, 1060-108, 1060-109, and 1060-110 as road under Section 56 of the Land Administration Act.

CARRIED 8/0

10. REPORTS OF COMMITTEES**GENERAL PURPOSE COMMITTEE MEETING - 1 MAY 2013****10.1 Review Policy 9.7 – Outstanding Debtors**

FILE REFERENCE: F/SUDI

REPORT DATE: 18 April 2013

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Item 9.1.4 OCM 17 April 2013

AUTHOR: Leanne Parola, Manager Finance & Corporate Services

ATTACHMENTS: Nil

PURPOSE OF REPORT:

For the Committee to review Policy 9.7 – Outstanding Debtors to remove it from the Shire's Policy Manual.

BACKGROUND:

Council currently has a policy which requires a detailed listing of all outstanding debtors to be presented to its Ordinary Council Meeting in April. When considering this item at the 17 April 2013 Ordinary Meeting of Council, Councillors indicated that they did not feel this level of detail was required.

COMMENT:

Current Council policy requires staff to provide a listing of all debts that are 90 days or over to the Ordinary Meeting of Council each April, including the following information:

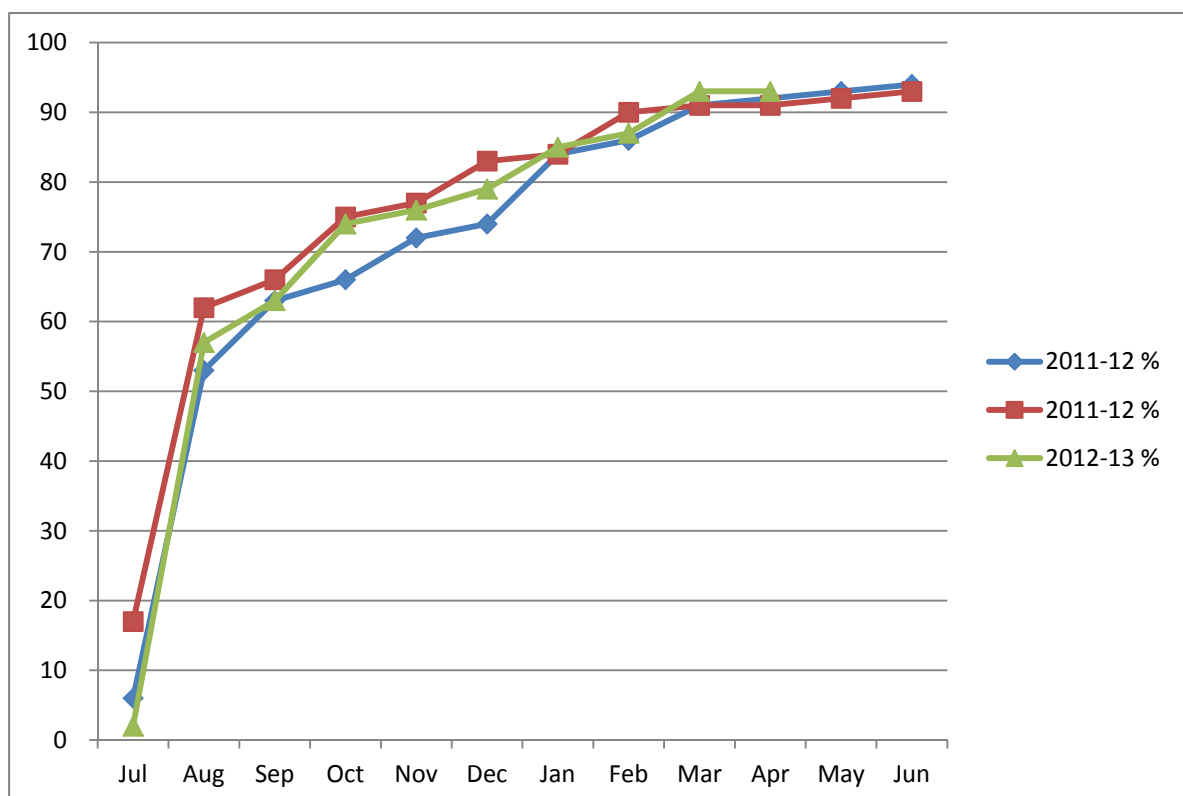
- Name of debtor (rates need only show assessment number)
- Nature of debt
- Age of debt
- Action that has been taken to date

Feedback from the 17 April 2013 Ordinary Meeting of Council was that this information should be confidential and not publically available. There is no need for Councillors to know who has outstanding debts only that staff are endeavouring to recover the amounts owed.

Council has another policy, 9.6 – Rates Collection Procedure, which states that the Chief Executive Officer will issue a final notice for recovery of outstanding rates and service charges, allowing 7 days for payment and that legal action will be taken after that time, to the extent allowed in the Act.

This policy is carried out by staff and every effort is made to ensure ratepayers and debtors pay their debts. Rather than using a Debt Collection Agency which had been done in the past, this year staff have engaged a legal practice which specialises in Local Government Rates. This has resulted in savings as lawyers are unable to charge a commission, and streamlined the legal process.

As a result, improvements have been made in the recovery rate and legal action is currently being taken on a number of ratepayers. The following graph demonstrates the improvements in the percentage of rates that had been recovered at 30 April over the past few years. It should be noted that at the time of writing this report, there were still twelve days left in April, and that the rates for 2012/13 were due three weeks later than those last year.



The problem of Sundry Debtors is being addressed as much as possible by the use of the lawyers for debt collection, and by limiting the number of services which can be invoiced. For example, bookings for facilities in the townsite of Moora (including the chalets) are now only taken on payment in full, as are requests for septic tank pump outs/clean outs.

The major areas of risk for non-payment for Sundry Debtors are for private works, use of facilities outside of Moora and infringements.

POLICY REQUIREMENTS:

Policy 9.6 – Rates Collection Procedure

Policy 9.7 – Outstanding Debtors

LEGISLATIVE REQUIREMENTS:

Part 6, Division 6 — Rates and service charges, Subdivisions 5 & 6 apply

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:

The recovery of rates and sundry debtors has an impact on the cash flow of the organisation. Income is also derived from interest which is raised on unpaid rates.

Expenditure incurred through legal action for the recovery of rates is charged against the rates assessment.

VOTING REQUIREMENTS:

Simple Majority Required

**COUNCIL RESOLUTION
(COMMITTEE AND MANEX RECOMMENDATION)**

69/13 Moved Cr Clydesdale-Gebert, seconded Cr Humphry that Policy 9.7 – Outstanding Debtors be deleted from the Shire of Moora Policy Manual.

CARRIED 5/3

10.2 Moora Industrial Subdivision – Melbourne / Ranfurly Streets, Moora

Cr Clydesdale-Gebert declared a proximity interest in the item as she has interests in land directly across from the proposed subdivision.

Prior to Council discussion on the item the Chief Executive Officer tabled the following additional information as an alternative scenario and subsequent recommendation for Councils consideration.

Since the previous General Purpose Committee Meeting held on 1 May 2013, the CEO has been examining alternatives in order to minimise the cost to Council whilst also trying to cater for opening up some industrial land.

The best alternative at this juncture would be to forgo the actual subdividing of the six lots into nine lots and simply deal with the individual titles as acquired. By going with this strategy the conditions of development become far less stringent as there is not an onus on Council to service every lot as per the subdivision plan thus meeting all the conditions set out by the Department of Water and the Department of Planning in terms of servicing every lot with power, water and Telstra.

Based on this scenario an application would be sent into utility providers to provide power, water and phone to two to three lots. The rationale behind this scenario is that eventually there will be a tipping point whereby the capacity of utilities to the overall industrial area will be exceeded and Western Power and the like will thereby be required to upgrade the service to the area. It hopefully will not be at the overall expense of Council as would be the case in proceeding with the nine lot subdivision in its current form. The strategy here would be to install services to up to three existing titled lots. My advice through our consultant engineers is that it is possible under this strategy that the likes of Western Power would have to meet the upgrade cost out of supply and service obligations to existing customers in the industrial area. This is not proven in fact at this juncture, however it is a strategy worth pursuing when balanced against the shortfall we have identified in the scenario of subdividing the six lots into nine lots.

I have spoken to the Wheatbelt Development Commission in terms of how this impacts on their approved grant funding, advising them that the initial proposal of opening up nine lots is far beyond the \$251,000 they had approved to provide headworks to the subdivision. I discussed the amended strategy of expanding the industrial area on the basis of servicing existing titled lots which I estimated would be up to three lots. I also discussed the notion that by servicing two to three new lots in Melbourne / Woolawa Streets this would satisfy any short to medium term need for industrial land in Moora. Similarly that in the longer term the Council and community would be far better serviced utilising those funds in the vicinity of \$500,000 that would otherwise be funding the shortfall in the nine lot subdivision, in acquiring land to the south of the Moora townsite outside of the floodplain, that as a consequence would be far more likely to attract LandCorp funding.

FILE REFERENCE: ED/TS11

REPORT DATE: 23 April 2013

APPLICANT/PROPONENT: Alan Leeson, Chief Executive Officer

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Alan Leeson, Chief Executive Officer

ATTACHMENTS: Tender Summary (previously provided)

PURPOSE OF REPORT:

For Council to consider future direction of the subdivision development on the basis of costs submitted as a result of the recent tender for the construction of a water main, power and telecommunications. Tenders closed on Tuesday 9 April 2013. Refer to attached summary information provided by Porter Consulting Engineers.

BACKGROUND:

Council completed drainage works along Woolawa and Melbourne Streets for the subdivision in the 2011/12 financial year as per its budget allocation. The major test for the project was always to be the final costs of constructing the power, water and telecommunications infrastructure and associated headworks charges. The preferred tender (see attached) has come in at \$790,989 (plus GST). Council in its 2012/13 budget has set aside \$480,066, which is obviously well short of the tendered submission. Of the \$480,066 allocation year to date Council has expended \$37,316 leaving remaining funds of \$442,750.

In order to complete construction of the subdivision the following costs are expected to be incurred;

Outstanding Items to complete construction	\$
Construction of water, power, communcations (as per tender)	-\$ 790,989
Telstra Design	-\$ 22,900
Water Corporation Headworks	-\$ 42,000
Western Power Headworks	-\$ 50,000
Engineer fees	-\$ 25,000
Surveying/Diagram Issues	-\$ 15,000
Other	-\$ 5,000
	-\$ 950,889

Therefore the fund summary to see the project come to fruition is;

Municipal Funds 2012/13	\$229,066	
Wheatbelt Development Commission	\$251,000	\$480,066
Municipal Funds 2013/14		\$511,090

COMMENT:

It is now at the point whereby Council must either increase its financial allocation to the project to bring it to fruition, or alternatively forego the \$251,000 grant funds from the Wheatbelt Development Regional Grants Scheme approved for the project and walk away from it.

In the view of the author the development of further industrial land in Moora will be critical if Moora is to continue to expand/diversify its industry base. Although it would appear a significant amount of funding shortfall at this juncture the benefits of the development will be there for decades for the wider benefit of the community. It's now a matter of financial strategy that will enable the project to commence and then enable the land to go on the market.

FINANCIAL IMPLICATIONS:

As stated, Council budgeted \$480,066 in the 2012/2103 financial year in order to progress provision of headwork infrastructure for the subdivision, of which \$251,000 comes from Wheatbelt Development Commission Grant Funding. There is a shortfall of approximately \$511,000 based on the preferred tender submitted along with other outstanding costs such as

headworks charges, engineering costs and the like. In terms of direct input costs for the subdivision thus far the following detail is provided;

- Acquisition of land \$153,605
- Engineering costs (Design/survey/urban water management/tender documentation and compilation) \$34,189

The estimated final cost of the subdivision which will spread out over a number of financial years from the time the land was acquired in all likelihood, will be in the parameters of the following table;

Cost Generating Activities	Capital or Operating	2012 & Prior	2012/2013
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EXPENDITURE

<i>Design and development and construction</i>			
<i>Purchase of land</i>	Cap	-\$153,605	\$0
<i>Consulting Engineer Design</i>	Cap		-\$54,489
<i>Construction of power, water, telstra</i>	Cap		-\$790,989
<i>Telstra design</i>	Cap		-\$22,900
<i>Water Corporation Headworks</i>	Cap		-\$42,000
<i>Western Power Headworks</i>	Cap		-\$50,000
<i>Surveying Clearances</i>	Cap		-\$22,700
<i>Other</i>	Cap		-\$7,988
Total		-\$153,605	-\$991,066

There are nine lots within the subdivision to be serviced as per the details provided hereunder;

Lot 1/2	9,332m ²
Lot 3	4,050m ²
Lot 4	4,050m ²
Lot 5	4,050m ²
Lot 6	4,050m ²
Lot 7	4,050m ²
Lot 8	4,050m ²
Lot 9	5,748m ²
Total	39,380m² @ \$29.06 per m²

The author has had some dialogue with local estate agents and it has been concluded a realistic list price for the lots would be in the vicinity of \$50,000 to \$60,000. This conclusion is based upon sales evidence in the past twelve months of other industrial properties. The net investment overall from Council is \$1,144,671 - \$251,000 = \$893,670. This includes the purchase of the land.

In terms of expected return on investment the author believes the margins will be similar to those expected by LandCorp with the Lee Steere Street subdivision which will be approximately 50% of the input costs. LandCorp Lee Steere land was around the \$100,000 per lot in cost and is on the market for around the \$50,000 mark. The author believes in accordance with current market estimates it could be expected if all industrial blocks were sold a gross income of \$500,000 could be expected to be realised.

In terms of what strategy Council may need to put in place to fund the shortfall, there are a few;

- Loan funds – not recommended
- Profits from private works Simcoa (Kiaka Road intersection);
- Committing the balance from Municipal Funds to be funded in the 2013/2014 financial year. This may well require delaying some of the Plant Replacement Program, in the vicinity of \$200,000 and perhaps the sale of an older asset i.e. Lefroy Street residence which is valued at approximately \$200,000.

POLICY REQUIREMENTS:

There are no known policy implications for this item.

LEGISLATIVE REQUIREMENTS:

3.59. Commercial enterprises by local governments

(1) In this section —

acquire has a meaning that accords with the meaning of *dispose*;

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

land transaction means an agreement, or several agreements for a common purpose, under which a local government is to —

- (a) acquire or dispose of an interest in land; or
- (b) develop land;

major land transaction means a land transaction other than an exempt land transaction if the total value of —

- (a) the consideration under the transaction; and
- (b) anything done by the local government for achieving the purpose of the transaction, is more, or is worth more, than the amount prescribed for the purposes of this definition;

major trading undertaking means a trading undertaking that —

- (a) in the last completed financial year, involved; or
- (b) in the current financial year or the financial year after the current financial year, is likely to involve,

expenditure by the local government of more than the amount prescribed for the purposes of this definition, except an exempt trading undertaking;

trading undertaking means an activity carried on by a local government with a view to producing profit to it, or any other activity carried on by it that is of a kind prescribed for the purposes of this definition, but does not include anything referred to in paragraph (a) or (b) of the definition of *land transaction*.

(2) Before it —

- (a) commences a major trading undertaking; or
- (b) enters into a major land transaction; or
- (c) enters into a land transaction that is preparatory to entry into a major land transaction, a local government is to prepare a business plan.

(3) The business plan is to include an overall assessment of the major trading undertaking or major land transaction and is to include details of —

- (a) its expected effect on the provision of facilities and services by the local government; and
- (b) its expected effect on other persons providing facilities and services in the district; and
- (c) its expected financial effect on the local government; and

- (d) its expected effect on matters referred to in the local government's current plan prepared under section 5.56; and
 - (e) the ability of the local government to manage the undertaking or the performance of the transaction; and
 - (f) any other matter prescribed for the purposes of this subsection.
- (4) The local government is to —
- (a) give State wide public notice stating that —
 - (i) the local government proposes to commence the major trading undertaking or enter into the major land transaction described in the notice or into a land transaction that is preparatory to that major land transaction; and
 - (ii) a copy of the business plan may be inspected or obtained at any place specified in the notice; and
 - (iii) submissions about the proposed undertaking or transaction may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given;
 - and
 - (b) make a copy of the business plan available for public inspection in accordance with the notice.
- (5) After the last day for submissions, the local government is to consider any submissions made and may decide* to proceed with the undertaking or transaction as proposed or so that it is not significantly different from what was proposed.
- * Absolute majority required.*
- (5a) A notice under subsection (4) is also to be published and exhibited as if it were a local public notice.
- (6) If the local government wishes to commence an undertaking or transaction that is significantly different from what was proposed it can only do so after it has complied with this section in respect of its new proposal.
- (7) The local government can only commence the undertaking or enter into the transaction with the approval of the Minister if it is of a kind for which the regulations require the Minister's approval.
- (8) A local government can only continue carrying on a trading undertaking after it has become a major trading undertaking if it has complied with the requirements of this section that apply to commencing a major trading undertaking, and for the purpose of applying this section in that case a reference in it to commencing the undertaking includes a reference to continuing the undertaking.
- (9) A local government can only enter into an agreement, or do anything else, as a result of which a land transaction would become a major land transaction if it has complied with the requirements of this section that apply to entering into a major land transaction, and for the purpose of applying this section in that case a reference in it to entering into the transaction includes a reference to doing anything that would result in the transaction becoming a major land transaction.
- (10) For the purposes of this section, regulations may —
- (a) prescribe any land transaction to be an exempt land transaction;
 - (b) prescribe any trading undertaking to be an exempt trading undertaking.

8A. Amount prescribed for major land transactions; exempt land transactions prescribed (Act s. 3.59)

- (1) The amount prescribed for the purposes of the definition of *major land transaction* in section 3.59(1) of the Act is —
- (a) if the land transaction is entered into by a local government the district of which is in the metropolitan area or a major regional centre, the amount that is the lesser of —
- (i) \$10 000 000; or
 - (ii) 10% of the operating expenditure incurred by the local government from its municipal fund in the last completed financial year;
- or
- (b) if the land transaction is entered into by any other local government, the amount that is the lesser of —
- (i) \$2 000 000; or
 - (ii) 10% of the operating expenditure incurred by the local government from its municipal fund in the last completed financial year.

Moora Shires 2011-12 financial years' operating expenditure totalled \$7,562,845. On that basis 10% of that is \$756,284 and on that basis a Major Land Transaction Business Plan will be required.

STRATEGIC IMPLICATIONS:

The strategic implications for the Shire of Moora are significant in relation to this item. Philosophically it's a matter of the Council determining whether or not they see it as part of the Councils economic and social responsibility to have land available within the shire that can provide for opportunities of greater economic growth thorough industry expansion. It is the authors view that Council must put in place the necessary financial strategy to ensure this development proceeds, understanding though that the expected return is likely to take 10 to 20 years. It would be reasonable to expect that there would be one parcel of land taken up and developed every 18 months to 3 years as an average.

SUSTAINABILITY IMPLICATIONS:

- **Environment**
The development is designed and compliant with the relevant environmental provisions associated with the Moora Floodplain with significant input from the Department of Water.
- **Economic**
Please refer to attached schedule which has been compiled to demonstrate an estimated cash flow.
- **Social**
Over time the subdivision will provide greater opportunities of strengthening the social fabric of the Moora Shire, through industry expansion and increased employment.

SUMMARY

At this juncture Council is required to determine if in fact it agrees in principle to progressing the subdivision around the financial parameters provided. The shortfall of around \$500,000 will need to be found from Municipal Funds, which could only be facilitated through some adjustment to future capital works programs such as the Plant Replacement Program/Housing Program.

Given Council has invested over \$150,000 in the land and completed drainage works which not only service existing businesses in the precinct but also the proposed new subdivision, it would be somewhat of a backward step not to push on, provided the financing can be done within existing budget parameters which may mean the delaying of certain asset programs or part thereof.

Whether industrial land is developed in Melbourne/Woolawa/Ranfurlly Streets or whether in the future Council moves to a greenfield site, the facts remain that development costs will not get any cheaper.

VOTING REQUIREMENTS

Simple Majority Required

COMMITTEE RECOMMENDATION

Council agree in principle to moving forward with the construction of the Moora Industrial Park Expansion subject to;

- a. Redrafted business plan be put forward to Council and advertised in accordance with the provisions of the Local Government Act 1995, of which part of will be the identification of a suitable financial strategy to fund the construction cost shortfall;*
- b. That the redrafted business plan be presented to Council for consideration at the May 2013 Ordinary Meeting of Council;*
- c. Advise tenderers that Complete Underground Power are the preferred tenderer, however no decision will be made on acceptance or rejection of the tender until such time as Council completes a reassessment of the financial parameters of the project given the construction costs are well in excess of preliminary budget estimates.*

COUNCIL RESOLUTION (CHIEF EXECUTIVE OFFICER'S RECOMMENDATION)

70/13 Moved Cr Cocking, seconded Cr McLagan that Council;

- 1. Advise the Wheatbelt Development Commission that as a result of tenders being far in excess of headwork construction cost estimates for the construction of the Moora Industrial Park Subdivision/Expansion, Council requests an extension in time in order to develop a strategy that will meet industrial land demands in the short to medium term through servicing two to three existing title lots;**
- 2. Examine the feasibility of servicing additional industrial land in the Melbourne / Woolawa precinct, Moora on the basis of providing headworks to the existing individual titled lots owned by the Shire of Moora as against the alternative of proceeding with the subdivision construction as per Western Australian Planning Application 141220 and costings provided to Council detailing a funding shortfall of approximately \$500,000, further that Lots 162,163 and 169 be the prioritised lots in terms of serving under an alternative strategy.**

CARRIED 8/0

****Note:** Chief Executive Officer's recommendation was adopted as against that of the General Purpose Committee on the basis that the subdivision as proposed is beyond the financial capacity of the Shire, furthermore the margin between input costs as against what could realistically be gained through sale of the land was too great.

10.3 **Strategic Mapping**

At the General Purpose Committee Meeting held 3 April 2013 Councillor Clydesdale-Gebert requested that strategic mapping be listed in the next Agenda of the General Purpose Committee.

Under the last review of the Business Development Group the only item of contention were the colours of the maps. It is management's recommendation that the maps be adopted as presented.

To date six maps have been developed:

- Transport Links
- Service Infrastructure
- Agriculture Industry
- Export
- Mining
- Tourism

The format of the files allows the maps to be updated easily without a huge cost. As individual files the maps can be utilised in many formats to include reports, feasibility studies, project plans, information packages, marketing publications, web downloads. The files can also be enlarged for displays. A number of the maps will be used on pull-up banners for display purposes.

The maps will be reviewed annually to make any required amendments to ensure the data is up to date and relevant.

VOTING REQUIREMENTS

Simple Majority Required

COUNCIL RESOLUTION (COMMITTEE RECOMMENDATION)
--

71/13 Moved Cr Clydesdale-Gebert, seconded Cr Hawkins that the strategic maps, with an amendment to the Agriculture Industry Map to combine the grain/livestock areas, and inclusion of the Watheroo West Road and Carot Well Road, be adopted.

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**12.1 Condolences to Shire President****COUNCIL RESOLUTION**

72/13 Moved Cr McLagan, seconded Cr Humphry that Council extends their condolences to Cr Gardiner and his family on the passing of Cr Gardiner's mother, Mrs Betty Gardiner.

CARRIED 8/0

13. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Nil

14. CLOSURE OF MEETING

There being no further business, the Deputy President declared the meeting closed at 6.45pm.

CONFIRMED

PRESIDING MEMBER