



Ordinary Council Meeting Minutes

Date: 12 December 2007

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

The Shire of Moora Vision and Mission Statement

Vision

Our vision is that:

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

Mission

Our mission is:

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

SHIRE OF MOORA
MINUTES OF THE ORDINARY MEETING OF COUNCIL
HELD IN COUNCIL CHAMBERS, MOORA
WEDNESDAY 12 DECEMBER 2007

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1. DECLARATION OF OPENING & WELCOME OF VISITORS

The Shire President declared the meeting open at 3.35pm, welcomed visitors and announced:

"Acknowledgment of Country"

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

2. DISCLAIMER READING

The Shire President read the following disclaimer:

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

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

3. ATTENDANCE

SA Bryan	-	Presiding Member
SJ Pond	-	Councillor
CE Gardiner	-	Councillor
CD Hawkins	-	Councillor
JL Craven	-	Councillor
WA Barrett-Lennard	-	Councillor
AR Tonkin	-	Councillor
D Clydesdale-Gebert	-	Councillor
SJ Deckert	-	Chief Executive Officer
JL Greay (from 3.39pm)	-	Operational Development Manager
MJ Prunster	-	Community Development Manager
RL McCall	-	Manager Economic Development
MM Murray (until 6.10pm)	-	Executive Support Officer

PUBLIC

Mrs Cynthia McMorran OAM JP	-	Freeman
Mrs Merrel Pond	-	Editor, Central Midlands & Coastal Advocate
Mr Mike Fitzpatrick	-	LGIS (until 4.08pm)
Mr Mark Pridham	-	DAFWA (from 5.15pm)
Mr Bob Paul	-	DAFWA (from 5.15pm)
Mr Chris Boyes	-	DAFWA (from 5.15pm)
Dr Jeff Turner	-	CSIRO (from 5.15pm)

APOLOGIES

JW McLagan	-	Councillor
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4. DECLARATIONS OF INTEREST

Councillors Pond, Barrett-Lennard, Gardiner, Bryan, Tonkin and Keamy all declared a financial interest in late Item 13.2, Planning Application – C.B.H. Receival Point Moora because they are, or are closely associated with growers who are either shareholders of CBH and/or deliver grain to CBH facilities.

Having declared the financial interest, it was considered that the interest was an interest in common to a significant number of electors or ratepayers in accordance with section 5.63(1)(a) and were therefore not required to leave the meeting and could participate in the decision making process.

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

Mrs McMorran queried the availability of housing for the older generation of the community, the aged care units are full and there a lot of people requiring accommodation and they are concerned there is no construction underway.

The Shire President indicated that the Shire would commence discussions with the Department of Housing and Works.

The Operational Development Manager joined the meeting at 3.39pm.

Mrs McMorran questioned what Councils decision was in respect to purchasing or leasing the Old Tafe Building in Dandaragan Street, Moora?

The Shire President advised that there had been no formal decision, only round table discussion at this stage.

6. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

7. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

8. PETITIONS AND MEMORIALS

- a. Mr Mike Fitzpatrick from LGIS will be in attendance at 3.30pm to provide Council with an overview of his assessment of the Capacity Audit following a number of visits including meeting with staff and the Shire President.
- b. Dr Jeff Turner (CSIRO), Mr Bob Paul (DAFWA), Mr Chris Boyes (DAFWA) and Mr Mark Pridham (DAFWA) will be in attendance at 5.00pm to discuss progress with the Moora Rural Towns – Liquid Assets Project.

The presentation will consist of 2 parts:

1. A briefing by the project team concerning progress with various activities (geophysics, water quality analysis, social survey, surface water assessment, groundwater review) undertaken thus far.
2. A discussion with Council in which feedback will be sought concerning water management priorities and preferences. The priorities and preferences will be checked against those given 2 years ago and if confirmed will be used to guide the direction of the Water Management Plan and on-ground works.

At 3.43pm Mr Fitzpatrick addressed Council.

Mr Fitzpatrick provided Council with an overview of his review of the Capacity Audit prepared by Mrs Di Hull. Mr Fitzpatrick also provided a verbal report on his observations of the Shire of Moora's administration including the organizations culture. Mr Fitzpatrick suggested that the capacity Audit should only be used as a reference document and not be formally adopted. Mr Fitzpatrick added that early in the New Year he would visit Moora to meet with Manex and develop a mini strategic plan covering Manex's major tasks and priorities over the next six months. In conjunction with this he suggested that Council not take on any new major projects during this period.

At 3.45pm the Community Development Manager left the meeting and returned at 3.46pm.

At 4.08pm Mr Fitzpatrick after completing his address, retired from the meeting.

9. ANNOUNCEMENTS BY THE SHIRE PRESIDENT

- I will be attending the Watheroo Primary School Awards Night tonight.
- Tomorrow evening the selection panel for the 2008 Australia Day awards will be meeting to go through all of the nominations received.
- I would like to thank Cr Gardiner for attending the CMSHS Awards night on behalf of Council.
- Attended the St Joseph's Primary School Awards Night.
- Cr Barrett-Lennard advised that the recently scheduled Gingin / Dandaragan Water Resources Management Committee meeting had been cancelled.
- Cr Pond along with the Chief Executive Officer attended the VROC Council Meeting in Wongan Hills on Friday 30 November 2007.
- Cr Pond and the Manager Economic Development participated in a teleconference for Energising the Wheatbelt this morning
- Cr Pond, Cr Keamy the Chief Executive Officer and Manager Economic Development met with Infinity developers in Perth on Friday 7 December 2007.
- Cr Pond & Cr Clydesdale-Gebert attended the Chamber of Commerce Christmas dinner and meeting at the Moora Bowling Club.

10. CONFIRMATION OF MINUTES OF THE PREVIOUS MEETING**10.1 ORDINARY COUNCIL MEETING - 28 NOVEMBER 2007****COUNCIL RESOLUTION**

226/07 Moved Cr Hawkins, seconded Cr Pond that the Minutes of the Ordinary Meeting of Council held on 28 November 2007, be confirmed as a true and correct record of the meeting.

CARRIED 8/0

11. REPORTS OF OFFICERS**11.1 ADMINISTRATION****11.1.1 REVIEW OF THE SHIRE OF MOORA FREEDOM OF INFORMATION (FOI) STATEMENT AND APPOINTMENT OF FOI OFFICER**

FILE REFERENCE: AD/FRI1

REPORT DATE: 5 December 2007

APPLICANT/PROPONENT: Not Applicable

DISCLOSURE OF INTEREST: The author of this report has no financial interest in the matter.

PREVIOUS MEETING REFERENCES: Not Applicable

AUTHOR: Steven Deckert, Chief Executive Officer

ATTACHMENTS: FOI Statement adopted in 2005

Updated FOI Statement with proposed amendments for adoption

PURPOSE OF REPORT:

To review the Shire's Freedom of Information Statement for adoption with or without amendment.

BACKGROUND:

Part 5 of the Freedom of Information Act 1992 requires that government agencies including all local governments to publish an Information Statement which provides information about the Council operations, structure and function and which details ways that the public can gain access to Council documents.

The FOI Act also requires Council to appoint an FOI Officer for the handling of FOI requests. Please note that this cannot be the CEO as the CEO is required to provide an internal appeal mechanism if the applicant is aggrieved with the FOI Officer's decision.

COMMENT:

Council has previously adopted a Freedom of Information Statement in 2005. A copy of the adopted FOI Statement is appended. This Statement should be reviewed every 12 months and therefore a review is now overdue.

The 2005 FOI Statement has been reviewed and updated by Manex and is now presented to Council for adoption, either as presented or amended further as necessary.

POLICY REQUIREMENTS:

There is no policy relative to this matter.

LEGISLATIVE REQUIREMENTS:

Part 5 of the Freedom of Information Act 1992, and Sections 2.7 and 3.1 of the Local Government Act 1995, relating to a local government's general function provisions.

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
(MANEX RECOMMENDATION)**

227/07 Moved Cr Hawkins, seconded Cr Tonkin that Council:

- 1. Having reviewed the Shire of Moora's Freedom of information Statement, adopt the document titled "Shire of Moora Freedom of Information Statement 2007" as appended.***
- 2. Appoint the Community Development Manager, Mr Michael Prunster as the Shire's Freedom of Information Officer.***

CARRIED 8/0

11.1.2 DONATION OF LAND – BINDI BINDI WAR MEMORIAL

FILE REFERENCE: CC/RSLI
REPORT DATE: 5 December 2007
APPLICANT/PROPONENT: RSL WA Branch on behalf of Mr R Wood
DISCLOSURE OF INTEREST: The author of this report has no financial interest in the matter.
PREVIOUS MEETING REFERENCES: Not Applicable
AUTHOR: Steven Deckert, Chief Executive Officer
ATTACHMENTS: Copy of correspondence received from the RSL including a letter from the landowner

PURPOSE OF REPORT:

For Council to consider an offer to transfer the land on which the Bindi Bindi War Memorial is located to the Shire.

BACKGROUND:

The Bindi Bindi War Memorial is located in the Bindi Bindi townsite on land owned by Mr R Wood. Mr Wood has initially written to the Returned and Services League of Australia WA Branch (the RSL) offering to donate the land on which the War Memorial is located. As the RSL does not own war memorials, the RSL has in turn written to the Shire on behalf of Mr Wood, to ascertain if Council is interested in taking over this piece of land.

A copy of the correspondence from the RSL including Mr Woods initial letter to the RSL is appended.

COMMENT:

In keeping with other war memorial sites, the transferring of the Bindi Bindi War Memorial to the Shire would seem appropriate.

There are probably two options available to Council. One would be for Council to purchase the land at minimal cost, which would require the area to be surveyed, creation of a new title and transfer of land carried out. The second option would be to create a reserve with the purpose of “war memorial” over the land and then have a management order established for the reserve in favour of the Shire.

The purchase option may be more favourable as Council then has total control of the land and not be subject to the vagaries of a management order.

At this stage it is not clear whether the War Memorial site is located on a town lot or is in fact on part of the adjoining farm property. This however does not impact on the recommendation of this report and can be clarified in due course.

POLICY REQUIREMENTS:

There are no policies relative to this issue.

LEGISLATIVE REQUIREMENTS:

The Land Act in relation to purchasing or management orders.

Sections 2.7 and 3.1 of the Local Government Act 1995, relating to a local government’s general function provisions.

STRATEGIC IMPLICATIONS:

There are no known strategic implications associated with this proposal.

SUSTAINABILITY IMPLICATIONS:

- **Environment**
There are no known significant environmental implications associated with this proposal.
- **Economic**
There are no known significant economic implications associated with this proposal.
- **Social**
The acquisition of the war memorial site in Bindi Bindi would be considered an appropriate use of Council's resources, as it would ensure that a significant site for the Bindi Bindi community is preserved.

FINANCIAL IMPLICATIONS:

The actual costs are unknown; however if the land is purchased for the minimum consideration of say \$1, then the major costs will be the surveying, creating the title then transfer of the land to the Shire. These costs are not budgeted for in this years budget. Also, if Council does take responsibility for this land, it will have an ongoing responsibility to maintain the War Memorial and surrounding land.

VOTING REQUIREMENTS:

Absolute Majority required because there is no budget provision for the cost of carrying out the recommendation of this report and a delegation is proposed.

**COUNCIL RESOLUTION
(MANEX RECOMMENDATION)**

228/07 Moved Cr Pond, seconded Cr Tonkin that Council:

- 1. Agrees in principle to purchase the site of the Bindi Bindi War Memorial;**
- 2. Delegates authority to the CEO to negotiate the purchase of the site and to carryout the necessary procedures to transfer the site to the Shire of Moora, providing the total of all costs not exceeding \$2,000.**
- 3. Finalise the purchase of the site in the 2008/2009 budget.**

At 4.15pm the Operational Development Manager left the meeting & returned at 4.16pm

CARRIED BY ABSOLUTE MAJORITY 8/0

Note: Council added point 3 to the resolution as the cost associated with this decision has not been budgeted for in this years Adopted Budget.

11.1.3 WHEATBELT HEALTH MEMORANDUM OF UNDERSTANDING

FILE REFERENCE: H/HEG I
REPORT DATE: 6 December 2007
APPLICANT/PROPONENT: Avon Midland Zone of WALGA and WA Country Health Service
DISCLOSURE OF INTEREST: The author of this report has no financial interest in the matter.
PREVIOUS MEETING REFERENCES: Briefing Session 10 May 2006
AUTHOR: Steven Deckert, Chief Executive Officer
ATTACHMENTS: MOU dated 1 May 2006, considered at the Briefing Session held 10 May 2006, and MOU – latest version signed 4 December 2006

PURPOSE OF REPORT:

For Council to reconsider its support or otherwise of a reworded draft of the proposed Memorandum of Understanding between the WALGA Zones covering the Wheatbelt and the WA Country Health Service.

BACKGROUND:

Around March 2006, the WA Country Health Service proposed that a Memorandum of Understanding be entered into between:

- the WA Country Health Service (WACHS),
- the Central Wheatbelt Division of General Practice (CWDGP),
- the Wheatbelt Development Commission (WDC) and
- the Avon-Midland, Central and Great Eastern Country Zones of WALGA.

The purpose of the MOU is “To provide a framework for the parties regarding continual communication/engagement, structures and processes that will enhance health service delivery within the WACHS – Wheatbelt Division.”

Up until now, the Avon-Midland Zone has refused to become a party to the MOU because of ambiguity in the wording of the original MOU relating to the responsibility for the provision of health services in the Wheatbelt.

A copy of the MOU as considered by Council at the Briefing Session on 10 May 2006 is attached. The contentious wording of the MOU is contained in the section 2.2 headed “Principles”. At the Briefing Session on 10 May 2006, Council was supportive of the position being taken by the Avon-Midland Zone, not to sign.

Subsequent to May 2006, the MOU Working Party revised the wording of section 2.2, however the Avon-Midland Zone still chose not to sign. It should be noted that on 4 December 2006 the other two Country Zones (Central and Great Eastern) signed the MOU.

The MOU as signed on 4 December 2006, with the revised wording of section 2.2 was reconsidered by the Avon-Midland Zone at its meeting on 23 November 2007.

A copy of the MOU with the revised wording of section 2.2 is attached.

COMMENT:

At the meeting on 23 November 2007, the Avon-Midland Zone reconsidered the revised MOU as signed by the other Zones on 4 December 2007 and resolved:

- *To rescind its earlier resolutions that it is only prepared to accept a MOU which includes at clause 2.1(c) 'Recognition that it is the primary responsibility of the State to provide health services'.*
- *That the Zone advise WA Country Heath - Wheatbelt that it does support the use of the Wheatbelt Health MOU as a reference for the consultation and development of the Wheatbelt Health Service Plan and the Clinical Services Review, and additional consultancy and recognition of the individual needs of the peri-urban and coastal local government districts such as Chittering, Toodyay and Dandaragan being recognised, subject to all Zone member Councils' endorsement.*

The Zone also resolved that if a majority of its members advise their support for the MOU and that the MOU Group agrees to modify the MOU to include reference to 'additional consultancy and recognition of the individual needs of the peri-urban and coastal local government districts such as Chittering, Toodyay and Dandaragan' that the Zone participate in the MOU and that the President be authorised to sign the MOU.

In light of the foregoing decisions of the Avon-Midland Zone, Council is requested to consider the Zones position and resolve to either support the Zone decision or alternatively not support.

It would seem that the wording of section 2.2 has been revised to acknowledge the concerns originally raised by the Avon-Midland Zone and supported by this Shire. Based on the fact that the Zones, and Council's concerns have been addressed, it is recommended that Council now formally resolve to support the signing of the MOU by the Avon-Midland Zone on behalf of its member Councils.

POLICY REQUIREMENTS:

There is no policy relative to this matter.

LEGISLATIVE REQUIREMENTS:

Sections 2.7 and 3.1 of the Local Government Act 1995, relating to a local government's general function provisions.

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 (MANEX RECOMMENDATION)
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229/07 Moved Cr Pond, seconded Cr Hawkins that Council advises the Avon-Midland Country Zone of WALGA that this Shire supports the signing of the latest draft of the Wheatbelt Health MOU in accordance with the following Zone resolutions of 23 November 2007:

- *To rescind its earlier resolutions that it is only prepared to accept a MOU which includes at clause 2.1(c) 'Recognition that it is the primary responsibility of the State to provide health services'.*
- *That the Zone advise WA Country Heath - Wheatbelt that it does support the use of the Wheatbelt Health MOU as a reference for the consultation and development of the Wheatbelt Health Service Plan and the Clinical Services Review, and additional consultancy and recognition of the individual needs of the peri-urban and coastal local government districts such as Chittering, Toodyay and Dandaragan being recognised, subject to all Zone member Councils' endorsement.*

The Zone also resolved that if a majority of its members advise their support for the MOU and that the MOU Group agrees to modify the MOU to include reference to 'additional consultancy and recognition of the individual needs of the peri-urban and coastal local government districts such as Chittering, Toodyay and Dandaragan' that the Zone participate in the MOU and that the President be authorised to sign the MOU.

At 4.26pm the Operational Development Manager left the meeting and returned at 4.31pm.

At 4.31pm the Manager Economic Development left the meeting and returned at 4.36pm.

CARRIED 7/1

11.2 FINANCIAL DEVELOPMENT

11.2.1 LIST OF PAYMENTS AUTHORISED UNDER DELEGATION 1.31

REPORT DATE: 6 December 2007
OFFICER DISCLOSURE OF INTEREST: Nil
AUTHOR: Michael Prunster, Community Development Manager
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 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 (MANEX RECOMMENDATION)
--

230/07 Moved Cr Pond, seconded Cr Gardiner that Council note and endorse the Payments from Municipal and Trust Funds made under delegation 1.31

<i>Municipal Fund</i>	<i>Chq 57145 - 57402</i>	<i>\$669,892.54</i>
	<i>Direct Debits</i>	<i>324 -357</i>
		<i>\$59,639.54</i>
<i>Total</i>		<u><i>\$729,531.84</i></u>

CARRIED 8/0

11.2.2 MOORA SWIMMING POOL UNBUDGETED EXPENDITURE

FILE REFERENCE: B/MOS I
REPORT DATE: 5 December 2007
APPLICANT/PROPONENT: Not Applicable
DISCLOSURE OF INTEREST: The author of this report has no financial interest in the matter
PREVIOUS MEETING REFERENCES: Not Applicable
AUTHOR: Steven Deckert, Chief Executive Officer
ATTACHMENTS: Australian Government Community Water Grant – Letter of Approval

PURPOSE OF REPORT:

Council is requested to consider and approve two items of expenditure at the Moora Swimming Pool that were not included in the Adopted Budget. These items are the installation of a pool blanket (part funded by a Water Grant) and the employment of a casual kiosk attendant.

BACKGROUND:

Council is aware that we have been successful in obtaining grant funding to install a pool blanket. At the time of preparing the budget, the purchase of the pool blanket was excluded, as the outcome of the grant application was not known. The approved grant is for \$27,789.09 (excl GST), which was based on an estimated project cost of \$30,000. More recent quotes for the pool blanket indicate that the final cost will be in the vicinity of \$34,000 (excl GST). Council therefore needs to consider the shortfall in funding of around \$6,000 and if appropriate approve proceeding with the project. The Pool Managers are of the opinion that they can manage the additional expenditure within their maintenance budget.

Recently the CEO has received a number of complaints about anti-social behaviour at the pool. In discussing this matter, the Pool Managers are of the opinion that they are not aware of this being a greater problem than at any time in the past and that they take appropriate action as necessary. However, they have indicated that there may be instances of anti-social behaviour occurring that they are not aware of due to them having to be located in the kiosk to collect admission fees. A solution that may be worth trying, particularly when the pool is busy, is to have a casual employee located in the kiosk to collect the monies, answer the telephone etc, thereby allowing the Pool Manager to patrol the pool deck and grounds. The cost of employing a casual for 20 hours per week would be around \$300 - \$400 per week. Therefore, to cover the remainder of the summer months, this will cost will be in the vicinity of \$4,000. This amount has not been provided for in the budget, however Council is requested to approve this over-budget initiative to improve the amenity of the swimming pool for all users. It should also be noted that the new signs should be arriving before Christmas.

COMMENT:

Whilst these two initiatives have not been provided for in the budget, the overall cost to Council is manageable and in the view of the positive benefits and outcomes arising from these expenditures, then it is recommended that Council endorse the recommendation of this report.

POLICY REQUIREMENTS:

There are no policies relative to this matter.

LEGISLATIVE REQUIREMENTS:

Sections 2.7 and 3.1 of the Local Government Act 1995, relating to a local government's general function provisions.

STRATEGIC IMPLICATIONS:

There are no known strategic implications associated with this proposal.

SUSTAINABILITY IMPLICATIONS:➤ **Environment**

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

➤ **Economic**

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

➤ **Social**

The provision of an environmentally sustainable swimming pool that provides a safe and family friendly environment is important to our residents.

FINANCIAL IMPLICATIONS:

The total net cost to Council of unbudgeted expenditure is in the order of \$10,000. Around \$6,000 of this can be met through vigilant budget control of the pool maintenance account with the balance of \$4,000 possibly met through savings in other areas. This will be determined at the time of the budget review in January.

VOTING REQUIREMENTS:

Absolute Majority required

**SUBSTANTIVE MOTION
(MANEX RECOMMENDATION)**

Moved Cr Hawkins, seconded Cr Clydesdale-Gebert that Council:

- 1. Approve the installation of a pool blanket at the Moora Swimming Pool at a net cost of around \$6,000 (\$34,000 total estimated cost less Australian Government Water Grant of \$27,789) with the shortfall of funding being managed from the swimming pool operating maintenance account, and*
- 2. Approve the employment of a casual employee to work in the Pool kiosk collecting admission fees during the busy periods, subject to limiting the expenditure for the remainder of the season to \$4,000.*

At 4.45pm the Manager Economic Development left the meeting and returned at 4.46pm.

AMENDMENT MOTION

231/07 Moved Cr Gardiner, seconded Cr Tonkin that an amendment be made to point 2 by amending '\$4,000' to read '\$2,000'.

CARRIED 6/2

THE AMENDMENT BECAME THE MOTION AND WAS PUT**COUNCIL RESOLUTION**

1. *Approve the installation of a pool blanket at the Moora Swimming Pool at a net cost of around \$6,000 (\$34,000 total estimated cost less Australian Government Water Grant of \$27,789) with the shortfall of funding being managed from the swimming pool operating maintenance account, and*
2. *Approve the employment of a casual employee to work in the Pool kiosk collecting admission fees during the busy periods, subject to limiting the expenditure for the remainder of the season to \$2,000.*

CARRIED BY ABSOLUTE MAJORITY 7/1**11.3 OPERATIONAL DEVELOPMENT****11.3.1 TENDER – ROAD STABILISATION – Tender No. 6/2007**

FILE REFERENCE: L/TER1
REPORT DATE: 6 December 2007
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: 25/7/07 (138/07)
AUTHOR: John Greay, Operational Development Manager
ATTACHMENTS: Nil

PURPOSE OF REPORT:

To advise Council of results of recently called tender.

BACKGROUND

Council has budgeted within their road programme this year for road pavement stabilisation on several of their road projects.

COMMENT

Road stabilisation is an accepted practice for dealing with some problem areas that councils have in improving the strength of road pavements. Several road pavement failures namely on the Moora-Miling Road and the Miling East pavement widening is where we will be using this technique this year. It is interesting to note that the company that we have always used was the only one that bothered to tender. Western Stabilisers have had a working relationship with council for well over 12 years and have always produced very good results.

POLICY REQUIREMENTS:

Complying with Councils policy in regard to the calling of tenders.

LEGISLATIVE REQUIREMENTS:

Council is required to call tenders when the value is likely to exceed \$100,000 under regulation s 3.57.

STRATEGIC IMPLICATIONS

Council's road network is under constant stress due to the large configured vehicles that are using our roads. It is imperative that we continue to upgrade our road system to cater for all road users particularly where school buses and heavy vehicles are some of the main road users. It is strategically important that council's road network is designed to cater for the increase in user demands. A regionally significant agricultural area such as Moora needs to retain an efficient and safe road system.

SUSTAINABILITY IMPLICATIONS:

- **Environment**
There will be no known environmental implications with the introduction of the products that are proposed to be used.
- **Economic**
It is important to have a safe and efficient road network.
- **Social**
Social interaction between towns is encouraged with good roads on which to travel.

FINANCIAL IMPLICATIONS:

Within budgeted roadworks programme but as an example we expect to cover approx 15360m² on Miling East and 6510m² on Moora Miling Road with a varying unit rate between \$3.73 and \$4.14 ex GST for an estimated value of \$84,244.

Tendered rates are as displayed;

3.4.2 PRICE SCHEDULE - (WESTERN STABILISERS PTY LTD)

(Supply and Application)

The Principal offers no guarantee of quantities.

Item Description	Unit	Quantity on Demand	Price Tendered (GST Excl.)	GST Component	Price Tendered (GST Incl.)
Supply and mix lime as a road stabilisation product @ 3% volume	Rate \$ /m2	<4999	\$6.67	\$0.67	\$7.34
	\$/m2	4999 – 10,000	\$4.14	\$0.41	\$4.55
	\$/m2	10000-15000	\$3.85	\$0.39	\$4.24
	\$/m2	15000 - 20000	\$3.73	\$0.37	\$4.10
	\$/m2	>20000	\$3.67	\$0.37	\$4.04
Supply and mix <u>lime</u> as a road stabilisation product at 4% volume	Rate \$ /m2	< 4999	\$7.45	\$0.75	\$8.20
	\$/m2	4999-10000	\$4.92	\$0.49	\$5.41
	\$/m2	10000- 15000	\$4.63	\$0.46	\$5.09
	\$/m2	15000 - 20000	\$4.51	\$0.45	\$4.96
	\$/m2	>20000	\$4.45	\$0.44	\$4.89
Supply and mix cement as a road stabilisation product at 3% volume	Rate \$ /m2	<4999	\$6.49	\$0.65	\$7.14
	\$/m2	4999 - 10000	\$3.97	\$0.40	\$4.37
	\$/m2	10000-15000	\$3.67	\$0.37	\$4.04
	\$/m2	15000 - 20000	\$3.55	\$0.35	\$3.90
	\$/m2	>20000	\$3.49	\$0.35	\$3.84
Supply and mix cement as a road stabilisation product at 4% volume	Rate \$ /m2	<4999	\$7.21	\$0.72	\$7.93
	\$/m2	4999 - 10000	\$4.69	\$0.47	\$5.16
	\$/m2	10000- 15000	\$4.40	\$0.44	\$4.84
	\$/m2	15000-20000	\$4.27	\$0.43	\$4.70
	\$/m2	> 20000	\$4.21	\$0.42	\$4.63

VOTING REQUIREMENTS

Simple Majority Required

COUNCIL RESOLUTION (MANEX RECOMMENDATION)

232/07 Moved Cr Gardiner, seconded Cr Tonkin that Council accepts the tender received from Western Stabilisers for the incorporation of pavement stabilisation products as per their tender for a 12 month period commencing February 2008.

CARRIED 8/0

11.4 COMMUNITY DEVELOPMENT

11.4.1 TOWN PLANNING SCHEME NO 4 – DELEGATION OF POWERS

FILE REFERENCE: TP/PTM11
REPORT DATE: 5 December 2007
APPLICANT/PROPONENT: SA & LG McCuish
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: Nil
AUTHOR: Michael Prunster, Community Development Manager
ATTACHMENTS: Nil

PURPOSE OF REPORT:

To note the town planning applications approved under delegated authority.

BACKGROUND:

Council resolved by absolute majority at the Council meeting held on the 25 February 2004, to delegate the Manager Corporate Services (now Community Development Manager) to approve planning applications that meet all the requirements of Councils Town Planning Scheme, for an indefinite period of time and amend its Register of Delegations accordingly, and that Council be provided with a list monthly of planning approvals issued under delegate authority.

APPLICANT (S)

The following Town Planning Applications have been approved under this delegated authority for the period ended 5 December 2007.

- **SA & LG McCuish – Lot 95 Brown Street, Moora – Construction of a 4 x 2 bedroom dwelling (Area 183m²) Zoning – Special Rural, Value \$160,000 (Ref 15/0708)**

POLICY REQUIREMENTS:

Register of Delegations and Shire of Moora Town Planning Scheme No 4 Text.

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 (MANEX RECOMMENDATION)
--

233/07 Moved Cr Clydesdale-Gebert, seconded Cr Barrett-Lennard that Council note the town planning applications approved under delegated authority.

CARRIED 8/0

11.5 ENVIRONMENTAL DEVELOPMENT

Nil.

11.6 ECONOMIC DEVELOPMENT

Nil.

11.7 SPORT AND RECREATION**11.7.1 “BE ACTIVE COORDINATOR” – NOVEMBER REPORT 2007**

FILE REFERENCE: BA/REPI
REPORT DATE: 5 December 2007
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: 28/11/07 (222/07), 24/10/07 (210/07)
AUTHOR: Jenny O'Brien, Be Active Coordinator
ATTACHMENTS: Be Active Report – November 2007

PURPOSE OF REPORT:

Reporting period of November 2007 from the Be Active Coordinator for Council information and acknowledgment.

BACKGROUND:

It is current practice for the Be Active Coordinator to periodically provide Council with a report to date of programmes and activities carried out during the current financial year.

COMMENT:

The report prepared by Ms Jenny O'Brien, Be Active Coordinator, covers programmes and activities that have been carried out within the two participating Shires (Moora and Victoria Plains).

The report has also been provided to the other participating shire.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

There are no known legislative requirements related to this item.

STRATEGIC IMPLICATIONS:

Continued activities through this programme within each participating Council's are of great benefit to the residents and youth of these Districts, which without this sponsorship the projects would not normally be available to them.

SUSTAINABILITY IMPLICATIONS:

- **Environment**
The outdoor activities participants awareness of the environment and creates a better environmental outlook on the life of the people involved.
- **Economic**
Participants contribute to the cost of certain programmes.
- **Social**
The programmes organised by the B.A.C. have a healthy impact on the social and cultural activities of young and old residents of the Shires involved.

FINANCIAL IMPLICATIONS:

The two Shires participating in the programme fund the programmes on a percentage basis.

VOTING REQUIREMENTS

Simple Majority Required

<p>COUNCIL RESOLUTION (MANEX RECOMMENDATION)</p>

234/07 Moved Cr Hawkins, seconded Cr Clydesdale-Gebert that Council note and receive the Be Active Report for the period ended November 2007.

CARRIED 8/0

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

Cr Hawkins tabled the following report at the last Ordinary Meeting of Council on 28 November 2007 in support of his notice of motion.

Please note, this report has been reproduced as tabled by Cr Hawkins and staff have not altered any of the content.

12.1 **RESPONSIBLE FINANCIAL MANAGEMENT FOR COUNCILLORS**

FILE REFERENCE:
 REPORT DATE:
 APPLICANT/PROPONENT: Cr Chris Hawkins
 OFFICER DISCLOSURE OF INTEREST:
 PREVIOUS MEETING REFERENCES:
 AUTHOR: Chris Hawkins
 ATTACHMENTS:

PURPOSE OF REPORT

To provide a process by which Shire Councillors can exercise responsible financial management on behalf of themselves and the community they represent.

BACKGROUND:

Council delegated to manager the authority to make payments on behalf of the Shire, without having the payments reviewed beforehand by council. This delegation was made to enhance the ability of Shire to meet financial commitments in a timely fashion. Under this arrangement, payments are made, and council subsequently reviews the payments. However, under this system, councillors accept responsibility for payments, but are not in a position to adequately fulfill their obligations to the community in this regard.

In addition, Council finds itself in an awkward budget situation, in which a deficit of \$380000 needs to be resolved, further increasing the obligation Councillors have to the community for responsible financial management.

COMMENT:

A simple process needs to be in place to provide Councillors, and through them the Moora Shire community, with adequate confidence in their financial management. Such a process would enhance good governance for Moora Shire. A draft assurance document is attached.

POLICY REQUIREMENTS:

LEGISLATIVE REQUIREMENTS:

Under the Local Government Act 1995, and the 2005 amendments, Councillors have significant responsibilities for good governance both collectively and individually.

STRATEGIC IMPLICATIONS:

Good governance is a key issue for all local governments. In addition, the recognized budgetary deficit facing the Shire of Moora provides additional incentive to address the accountability issue.

SUSTAINABILITY IMPLICATIONS:

Environment

There is no known significant environmental implication associated with this proposal.

Economic

This proposal has significant economic implications for the shire, in that Councillors will be able to provide greater assurance to the community that they are fulfilling their financial obligations, and provide a mechanism to assist with management of the current budgetary issues.

Social

This proposal will strengthen the relationship between Council and the community, through demonstrating greater financial responsibility by councilors.

FINANCIAL IMPLICATIONS:

There are no financial implications of this proposal.

VOTING REQUIREMENTS:

ABSOLUTE MAJORITY REQUIRED: YES/NO

RECOMMENDATION:

That managers provide assurance in writing to council that each month's financial activities have been undertaken as follows:

1. That purchases represent best value for the Shire of Moora; and
2. That purchases have been made in accordance with the approved budget; and
3. That where a purchase has been made outside the budget, funding arrangements are clearly specified; and
4. Such non-budgeted payments are identified each month on the List of Payments presented to Council

This proposal to be implemented for a trial period, and the process reviewed thereafter by Council. The trial period to conclude with the official auditing of the 2007-2008 Shire finances.

ATTACHMENT: Draft assurance document

**Operational Declaration**

for the month of _____

I hereby state that all payments made are purchases that:-

- Represent best value for the Shire of Moora;
- Are in accordance with the approved budget; and/or
- Where not in accordance with the approved budget, the purchase was necessary for the operation of the Shire, have been identified in the List of Payments, and appropriate funding arrangements made to accommodate this purchase.

Signed: _____

Manager: _____

CEO'S COMMENTS

The thrust of Cr Hawkins report and recommendation is in essence along the lines of a 'cheque listing certification' that was required to be presented with the cheques under the Local Government Accounting Directions of many years ago.

The re-introduction of a certification should be implemented. Points 3 and 4 of Cr Hawkins recommendation are technically not required as any purchase not budgeted for requires Council's prior approval, otherwise the expenditure remains unauthorised.

Also, authorised officers comply with points 1 and 2 of Cr Hawkins recommendation in compliance with Council's adopted Purchasing Policy.

CEO'S RECOMMENDATION

That the CEO prepare an appropriate Certification, in consultation with Cr Hawkins, that meets the aims of Cr Hawkins proposal and complies with relevant legislation and policies, for Councils consideration.

COUNCIL RESOLUTION (RECOMMENDATION)

235/07 Moved Cr Hawkins, seconded Cr Clydesdale-Gebert that managers provide assurance in writing to council that each month's financial activities have been undertaken as follows:

- 1. That purchases represent best value for the Shire of Moora; and***
- 2. That purchases have been made in accordance with the approved budget; and***
- 3. That where a purchase has been made outside the budget, funding arrangements are clearly specified; and***
- 4. Such non-budgeted payments are identified each month on the List of Payments presented to Council***

This proposal to be implemented for a trial period, and the process reviewed thereafter by Council. The trial period to conclude with the official auditing of the 2007-2008 Shire finances.

ATTACHMENT: Draft assurance document



Operational Declaration

for the month of _____

I hereby state that all payments made are purchases that:-

- Represent best value for the Shire of Moora;
- Are in accordance with the approved budget; and/or
- Where not in accordance with the approved budget, the purchase was necessary for the operation of the Shire, have been identified in the List of Payments, and appropriate funding arrangements made to accommodate this purchase.

Signed: _____

Manager: _____

CARRIED 5/3

COUNCIL RESOLUTION

236/07 Moved Cr Clydesdale-Gebert, seconded Cr Pond that the meeting suspend standing orders to allow the Moora Rural Towns – Liquid Assets Project presentation to proceed.

CARRIED 8/0

At 5.15pm the Executive Support Officer rejoined the meeting

At 5.25pm Mr Mark Pridham, Dr Jeff Turner, CSIRO, Mr Bob Paul Project Hydrologist and Mr Chris Boise, Surface Water Monitoring provided an overview and update of the Moora Rural Towns – Liquid Assets Project.

At 5.27pm the Community Development Manager rejoined the meeting.

At 6.10pm the Executive Support Officer retired from the meeting.

At 6.55pm the presentation concluded and Council adjourned for dinner.

COUNCIL RESOLUTION

237/07 Moved Cr Tonkin, seconded Cr Clydesdale-Gebert that the meeting resume at 7.50pm

CARRIED 8/0

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

The Chief Executive Officer tabled three late items dealing with:

1. Application to Reduce Setback, and
2. Planning Application – C.B.H. Receiving Point Moora
3. Heads of Agreement Between Infinity International and the Shire Of Moora

for Council's consideration.

COUNCIL RESOLUTION

238/07 Moved Cr Barrett-Lennard, seconded Cr Gardiner that Council consider the three late items as tabled by the CEO titled "Application to Reduce Setback", "Planning Application – C.B.H. Receiving Point Moora" and "Heads of Agreement Between Infinity International and the Shire Of Moora".

CARRIED 8/0

13.1 APPLICATION TO REDUCE SETBACK – MCAULIFFE – PADBURY ST.

LOCATION: Lot 6 Padbury Street Moora
OWNER: Ms Trudy McAuliffe
APPLICANT: Ms Trudy McAuliffe
ZONING: Residential
DISCLOSURE OF INTEREST: Nil
FILE: PA/237-1
PREVIOUS MEETING REFERENCE: Nil
AUTHOR: Michael Prunster, Community Development Manager
REPORT DATE: 8 December 2007
ATTACHMENTS: Submission letter from Builder

PROPOSAL

A planning application has been received from Ms McAuliffe to construct a gable carport at her residence on Lot 6 Padbury Street Moora. Although the building plans submitted meet with the building requirements, the planned setback from the front boundary does not comply with the Town Planning Scheme No 4, and the Residential Design Codes of W.A.

BACKGROUND

The house is one of the earlier residences built in Moora, and is built on a narrow Lot. The letter of submission from the builder states the size of the house does not allow enough room to add the carport adjoining the house because of the very limited width between the house and boundary to house a vehicle. The application is for the Carport to be constructed in front of the residence adjoining the northern boundary, fronting Padbury Street.

The residence is located in a “residential zone” with an “R” code of I2.5/25 and under the scheme requirements, setback regulations are to be in accordance with the Residential Planning Codes. Under these codes the regulation states that acceptable development is: -

- The setting back of carports and garages are not to detract from the streetscape or appearance of dwellings, or obstruct views of dwellings from the street and vice versa.
- Carports located behind street setback line.
- Carports within the street setback area provided that the width of carport does not exceed 50% of the frontage at the building line and construction allows an unobstructed view between the dwelling and street.
- R12.5 code provides for a minimum setback of 7.5m from the front boundary in this zoning, but in the case of an open view carport, this figure may be reduced by 50% to a minimum of 3.75m.

Ms McAuliffe’s application has requested Council to approve the setback of the carport to be at 1.0m from the front boundary to allow for the provision of a suitable construction for the parking of two vehicles. The Carport is to be open sided and would not restrict the view to Padbury Street.

Council has approved reductions in carport setbacks in the past and although the setback request in this application does not conform to the Residential Design Codes the narrow width of the Lot and location of the house would always preclude any construction of a carport within the required setback.

PLANNING FRAMEWORK

The Council having regard to any matter which it is required by the Scheme to consider, to the purpose for which the land is zoned or approved for the use under the Scheme, to the purpose for which land in the locality is used, and to the orderly and proper planning of the locality and the preservation of the amenities of the locality, may refuse to approve any application for planning approval or may grant its approval unconditionally or subject to such conditions as it thinks fit.

PHYSICAL ASSESSMENT

The open carport will not preclude visibility any more than at present.

CONCLUSION

Under the Residential Design Code the minimum setback requirement under these circumstances would be 3.75m (50% of 7.5m). Because of the size of the Lot and with no other alternative choice to locate the Carport, it is recommended that approval be given to reduce the setback to 1m from the front boundary to allow for the complete cover of applicants vehicles, on the condition that the carport remains an open structure.

The plan indicates that the setback from the Northern boundary is .5m whereas it should be 1m. An amendment to the plan will be requested.

VOTING REQUIREMENTS

Simple majority

**COUNCIL RESOLUTION
(OFFICER RECOMMENDATION)**

239/07 Moved Cr Clydesdale-Gebert, seconded Cr Hawkins that Council approves the Planning Application from Ms Trudy McAuliffe to reduce the setback for the location of a double carport at Lot 6 Padbury Street Moora from 3.75m to 1m subject to the following conditions: -

- ***Construction of the carport is in accordance with the plan submitted.***
- ***The carport construction remains an open structure.***
- ***The setback from the northern boundary is to be a minimum of 1m***
- ***A building licence is to be obtained from the Shire of Moora Manager Health & Regulatory services.***

CARRIED 8/0

At the commencement of the meeting, Councillors Pond, Barrett-Lennard, Gardiner, Bryan, Tonkin and Keamy all declared a financial interest in late Item 13.2, Planning Application – C.B.H. Receival Point Moora because they are, or are closely associated with growers who are either shareholders of CBH and/or deliver grain to CBH facilities.

Having declared the financial interest, it was considered that the interest was an interest in common to a significant number of electors or ratepayers in accordance with section 5.63(1)(a) and were therefore not required to leave the meeting and could participate in the decision making process.

13.2 PLANNING APPLICATION – C.B.H. RECEIVAL POINT MOORA

LOCATION: Proposed Lot 200 – Wheatbin Road Moora
OWNER: Co-Operative Bulk Handling Group
APPLICANT: Bulkwest Engineering Pty Ltd on behalf of C.B.H. Group
DISCLOSURE OF INTEREST: Nil
ZONING: Farming
FILE: TP/MO2
AUTHOR: Michael Prunster – Community Development Manager
REPORT DATE: 7 December 2007
ATTACHMENTS: Development Plan and Site Plans (3).

PROPOSAL

Stage 1. - Construction of 3 X 275 metre long Open Bulk Head Storages serviced by 3 new truck discharge grids, conveyor belts and associated mechanical handling equipment capable of processing up to 500 tonnes per hour, including a new “Type 10” sampling office with two hydraulic sampling spears and a 160 tonne weighbridge.

Further stages are planned in the long term to provide increased refinement to suit industry changes and technology advancements at the receival point.

BACKGROUND

Councillors and Staff met with C.B.H. Company representatives in May 2007 to discuss this proposal. The Company advised that they had recently purchased a 36ha portion of adjoining farmland Lot 101 and presented a plan of the proposed development on the site.

A concern raised at that meeting was the anticipated traffic management problems with the entry and exit points from both Moora-Bindoon Road and Moora-Walebing Road. Councillors and Staff raised concern re the problems that could be encountered with larger vehicles using the public railway crossing from Moora-Bindoon Road. It was suggested that a turning lane might need to be created on the western side of the Moora-Bindoon road to make entry by large vehicles a safer alternative should the crossing be busy with rail traffic. It was pointed out that there would possibly not be enough “stack-up” area between the railway crossing and the road reserve. Because of the speed limit on this portion of the road, this could cause a possible traffic hazard for vehicles using the Moora-Bindoon road. Discussion was held on the estimated cost to establish a safer alternative to the present situation and it was pointed out that Council would require comments from the C.B.H. Group in relation to the contribution towards these costs.

As a result of this meeting C.B.H. advised that they would endeavour to arrange a meeting with the Main Roads W.A. and Council to discuss this aspect of the development. This meeting however did not eventuate.

The application has now been received from Bulkwest Engineering Group on behalf of the C.B.H. Group and the application deals only with the development within the site and does not address any of the off-site traffic issues. (eg: increase in traffic using the site and the type of traffic more B doubles and road trains).

Local farmers have raised the issue with Council and C.B.H. over past years re the unloading problems at the Receival bin, and this proposed upgrade will be a large benefit to the district by obviously speeding up the procedure and providing the farmers with vastly improved unloading facilities, thus reducing the waiting time currently being experienced.

PLANNING FRAMEWORK

The proposal has been referred to our Town Planning Consultant, David Gray, and his comments together with the proponents application has been provided to Councillors as a separate confidential attachment.

The current application for the development on proposed Lot 200 may be considered as "industry-rural" under the Shire of Moora's Town Planning Scheme No 4 Zoning Table, lists this type of development as an "AA" use. Schedule I of the Scheme describes this use as follows: -

industry - rural: means an industry handling, treating, processing, or packing primary products grown, reared, or produced in the locality, and a workshop servicing plant or equipment used for rural purposes in the locality.

"AA" means that the use is not permitted unless the Council has granted planning approval.

The following extract from the Scheme relates to Land Development conditions: -

PART 7 - PLANNING APPROVAL

7.1 Development of Land

7.1.1 Subject to sub-clause 7.1.2 a person shall not commence or carry out development of any land zoned or reserved under the Scheme without first having applied for and obtained the planning approval of the Council under the Scheme.

7.1.2 The planning approval of the Council is not required for the following development of land:

- a) the use of land in a reserve, where such land is held by the Council or vested in a public authority;

 - (i) for the purpose for which the land is reserved under the Scheme; or*
 - (ii) in the case of land vested in a public authority, for any purpose for which such land may be lawfully used by that authority.**
- b) except as otherwise provided by the Scheme, the erection on a lot of a single house including ancillary outbuildings in a zone where the use is a permitted ("P") use in the zone in which that land is situated.*
- c) the use of land which is a permitted ("P") use in the zone in which that land is situated provided it does not involve the carrying out of any building or other works.*
- d) the erection of a boundary fence except as otherwise required by the Scheme.*
- e) the carrying out of any works on, in, over or under a street or road by a public authority acting pursuant to the provisions of any Act.*

- f) *the carrying out of works for the maintenance, improvement or other alteration of any building, being works which affect only the interior of the building or which do not materially affect the external appearance of the building.*
- g) *the carrying out of works urgently necessary for public safety or for the safety or security of plant or equipment or for the maintenance of essential services.*

7.3.2 *Where an application is made for planning approval to commence or carry out development which involves an "AA" use, or for any other development which requires the planning approval of the Council, the Council may give notice of the application in accordance with the provisions of sub-clause 7.3.3.*

7.3.3 *Where the Council is required or decides to give notice of an application for planning approval the Council shall cause one or more of the following to be carried out:*

- a) *notice of the proposed development to be served on the owners and occupiers of land within an area determined by the Council as likely to be affected by the granting of planning approval stating that submissions may be made to the Council within twenty-one days of the service of such notice;*
- b) *notice of the proposed development to be published in a newspaper circulating in the Scheme Area stating that submissions may be made to the Council within twenty-one days from the publication thereof;*
- c) *a sign or signs displaying notice of the proposed development to be erected in a conspicuous position on the land for a period of twenty-one days from the date of publication of the notice referred to in paragraph (b) of this clause.*

7.4 **Determination of Application**

7.4.1 *In determining any application for planning approval the Council may consult with any authority, which, in the circumstances, it thinks appropriate.*

Part of the current C.B.H. site is "local reserve for public purpose" and Part 2 of the scheme states the following: -

PART 2 - RESERVES

2.1 **Scheme Reserves:** *The land shown as Scheme Reserves on the Scheme Map, hereinafter called "Reserves", are lands reserved under the Scheme for the purposes shown on the Scheme Map and are listed hereunder.*

*PUBLIC PURPOSE
RECREATION AND OPEN SPACE
RAILWAY
ROAD*

2.2 **Matters to be Considered by the Council:** *Where an application for planning approval is made with respect to land within a reserve, the Council shall have regard to the ultimate purpose intended for the reserve and the Council shall, in the case of land reserved for the purposes of a public authority, confer with that authority before granting its approval.*

2.3 **Compensation**

2.3.1 *Where the Council refuses planning approval for the development of a reserve on the ground that the land is reserved for local authority purposes or for the purposes shown on the Scheme Map, or grants approval subject to conditions that are unacceptable to the applicant the*

owner of the land may, if the land is injuriously affected thereby, claim compensation for such injurious affection.

- 2.3.2 *Claims for such compensation shall be lodged at the office of the Council not later than six months after the date of the decision of the Council refusing planning approval or granting it subject to conditions that are unacceptable to the applicant.*
- 2.3.3 *In lieu of paying compensation the Council may purchase the land affected by such decision of the Council at a price representing the unaffected value of the land at the time of refusal of planning approval or of the grant of approval subject to conditions that are unacceptable to the applicant.*

PHYSICAL ASSESSMENT

The proposed development within the site location will not impose any physical problems

CONCLUSION

The proposed development is estimated to cost \$6,000,000 and will be a major benefit to the grain handling facilities in Moora. The planning fee has been received with the application.

Of major concern is the lack of information provided regarding the impact on traffic management and control. The public railway crossing from Moora-Bindoon road is the responsibility of Council with the current level of protection being Stop Signs. It is believed that the traffic management plan should be dealt with to the satisfaction of Council, prior to approval due to the possible problems that could be created for Council in the future involving roadwork and crossing modifications. The plan indicates that there are separate entry and exits directions to and from the Receiving point, but this would be difficult to police, and it is anticipated that vehicles will enter and exit from both directions at their own discretion.

The subdivision of Lot 101 to create Lot 200 is not yet complete and the land is not owned by C.B.H., therefore the application for planning approval for part Lot 101 should be made by the owner or written evidence from them for C.B.H. to make application for the proposed use.

It is therefore recommended that Council consider the application with the following recommendation (as advised by our Town Planning Consultant).

- THAT the Council receive the application by CBH for planning approval and resolve:
1. to require that the application is made by the owner of the land, or the Council is provided with written evidence of the authority by the owner for CBH to make application for the proposed use;
 2. to endorse referral of the application to the Public Transport Authority of Western Australia and Main Roads WA for recommendations prior to the Council determining the application;
 3. to endorse advertising the application under clause 7.3.2 of Local Planning Scheme 4 by sending written notice to the owners/occupiers of adjoining land;
 4. to advise CBH that whilst the Council supports development for economic activity in the district, it is obliged to ensure that all relevant matters under Local Planning Scheme 4 are properly addressed before the application is determined.

VOTING REQUIREMENTS

Simple Majority

**COUNCIL RESOLUTION
(OFFICER RECOMMENDATIONS)**

240/07 Moved Cr Pond, seconded Cr Hawkins that Council receive the application by CBH for planning approval and resolve:

- 1. to require that the application is made by the owner of the land, or the Council is provided with written evidence of the authority by the owner for CBH to make application for the proposed use;**
- 2. to endorse referral of the application to the Public Transport Authority of Western Australia and Main Roads WA for recommendations prior to the Council determining the application;**
- 3. to endorse advertising the application under clause 7.3.2 of Local Planning Scheme 4 by sending written notice to the owners/occupiers of adjoining land;**
- 4. to advise CBH that whilst the Council supports development for economic activity in the district, it is obliged to ensure that all relevant matters under Local Planning Scheme 4 are properly addressed before the application is determined.**

CARRIED 8/0

13.3 HEADS OF AGREEMENT BETWEEN INFINITY INTERNATIONAL AND THE SHIRE OF MOORA

DISCLOSURE OF INTEREST: Nil
FILE: ED/INF1
PREVIOUS MEETING REFERENCES: 3/5/07(109/07), 14/3/07(55/07), 14/2/07(26/07)
 28/11/07(157/07)
AUTHOR: Rebecca McCall, Manager Economic Development
REPORT DATE: 10 December 2007
ATTACHMENTS:

PROPOSAL

That Council endorse the signing of the Heads of Agreement between Infinity International Enterprises Pty Ltd and the Shire of Moora.

BACKGROUND

The Shire of Moora decided to enable the future expansion of the town of Moora to advertise for developers in Moora. The advertisements were put into the West Australian newspaper and the local Central Midlands and Coastal Advocate on Thursday 22nd March and Saturday 24th March 2007.

Since this advertisement was the previous Enterprise Development Manager sent out 16 information packs to interested developers. Expressions of Interest (EOI) from these developers were due back to the Shire of Moora by Friday 27th April; three were received. The developers that we received interest from were Infinity Developers, AMG Real Estate and Humfrey Land Developments.

All of the EOI's were supplied to each councillor for the Briefing Session on Wednesday 9th May, during that meeting guidance was given to organise a meeting with each developer to further

discuss his or her proposals. A phone call was made followed by a formal letter inviting them to meet with the Shire of Moora on Wednesday 23rd May.

Before this meeting general research has been undertaken by the previous Enterprise Development Manager about each firm that has submitted an EOI. The information gained was supplied to councillors for the Ordinary Council on Wednesday 23rd May.

With the general research and meetings with the interested developers it became apparent that Humfrey Land Developers no longer have the time or interest to develop land in Moora.

Matters behind closed doors during the Ordinary Council Meeting on Wednesday 23rd May resolved:

109/07 “Moved Cr McLagan, seconded Cr Clydesdale-Gebert that a strategic analysis be undertaken by PRACSYS to cost the proposed short list of developers proposals for the West End subdivision in the Shire of Moora” CARRIED 6/1

Following this resolution the Chief Executive Officer and Acting Enterprise Development Manager met with PRACSYS to arrange the strategic analysis of the short list of developers’ proposals.

The Shire of Moora also carried out their own course of due diligence by meeting further with AMG Real Estate and Infinity. This entailed visiting development sites and gathering an understanding of the process each developer took when developing land. Following the inspection of developments developed by both parties it became apparent the AMG Real Estate proposal has a higher financial risk burden for the Shire of Moora, whereas the financial risk is reduced with Infinity’s proposal.

Following these site meetings it had become apparent that the developer best meeting Council’s criteria was Infinity and it was decided to seek further due diligence. Consulting firm, Pracsys, were engaged to carryout due diligence and the report was provided to councillors during the Ordinary Council Meeting on Wednesday 25th July.

Matters behind closed doors during the Ordinary Council Meeting on Wednesday 23rd May resolved:

157/07: Moved Cr Clydesdale-Gebert, seconded Cr Pond that Council,

- 1. having given consideration of the expressions of interest received from developers to develop shire land. The shire selects Infinity Land Developers as its preferred developers for residential land;*
- 2. commence discussions with Infinity Land Developers with the view of negotiating an agreement between both parties for residential development;*
- 3. budget to cover council’s costs for this project including but not limited to risk assessment, legal, town planning, engineering and compliance with the Local Government Act.* CARRIED 8/0

Council and staff representatives met with Infinity on Monday 10th September to discuss what is required to move forward to initiate the residential development planned for Lee Steere Street and West End. It was decided to develop a Memorandum of Understanding between the two parties to begin negotiations in good faith.

The Chief Executive Officer and Acting Enterprise Development Manager have attended meetings with the Department of Local Government seeking advice in addressing the necessary requirements under the Local Government Act 1995.

Council resolution:

220/07: Moved Cr Clydesdale-Gebert, seconded Cr Hawkins,

that Council established a Residential Development Committee of Council for the period necessary to develop parcels of land identified by Council for residential purposes and the following terms and conditions will apply;

Purpose: To appoint a committee of Council to represent Council during the duration of developing West End and Lee Steere Street.

*Membership: Cr Sheryl Bryan
Cr Jim Pond
Cr James McLagan
Cr Robert Keamy
Chief Executive Officer
Manager Economic Development*

Quorum: 4

Delegated Authority: Nil

Meeting Frequency: As and when required

Council's solicitors have developed a Heads of Agreement, which was made available to all Councillors for comment. The only amendment was to 2.1 extending the period of 120 days to 150 days.

COMMENT:

The Residential Development Committee attended a meeting on December 7, 2007 between Infinity International and their legal advisor and Civic Legal.

The outcome of the meeting established that both Infinity International Enterprises Pty Ltd and the Residential Development Committee were happy to sign the Heads of Agreement.

POLICY REQUIREMENTS:

There are no policy implications regarding this matter.

LEGISLATIVE REQUIREMENTS:

Sections 2.7 & 3.1 of the Local Government Act 1995, relating to local government's general function provisions.

STRATEGIC IMPLICATIONS:

The Shire of Moora's Strategic Plan outlines in its mission statement: "To identify and stimulate growth through creative leadership and a willingness to get things done." This motion encompasses everything that the Shire of Moora identifies as its mission.

SUSTAINABILITY IMPLICATIONS:

➤ **Environment**

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

➤ **Economic**

There are potentially economic implications associated with this project including economic growth for local businesses as well as attracting new labour force to Moora. These benefits are in the future for the Shire of Moora but this motion will help set up the basis for this growth to occur.

➤ **Social**

There are many potential social implications that will be created from approving this motion including creation of new a new community located at West End, increase in numbers for existing community groups to enable more achievements at the grassroots level. There is also the potential to increase the skilled labour force and therefore increase the socio-economic status of Moora, which will only enhance it as a choice location to live.

FINANCIAL IMPLICATIONS:

There will be financial implications for lawyer fees and consultants as well as other items to be identified once an agreement has been finalised between the preferred Developer and the Shire of Moora. All of these costs are unknown but an allocation of \$50,000 has been allowed for professional services in the 2007/08 budget.

VOTING REQUIREMENTS

Absolute majority required.

**COUNCIL RESOLUTION
(OFFICER RECOMMENDATION)**

241/07 Moved Cr Barrett-Lennard, seconded Cr Pond that Council endorses the Shire President and Chief Executive Officer to sign and seal the Heads of Agreement as appended between Infinity International Enterprises Pty Ltd and the Shire of Moora.

CARRIED BY ABSOLUTE MAJORITY 8/0

14. NOTICE ON MOTIONS FOR THE NEXT COUNCIL MEETING

Nil

15. MATTERS BEHIND CLOSED DOORS

Nil

16. CLOSURE OF MEETING

There being no further business, the Shire President thanked the members of the public for their attendance and input and invited all to stay for fellowship.

The meeting was declared closed at 8.48pm.

CONFIRMED

PRESIDING MEMBER