

**Shire of Moora
Ordinary Council Meeting
20th March 2013**

NOTICE OF MEETING

Dear Elected Member

The next Ordinary Council Meeting of the Shire of Moora
will be held on **Wednesday 20th March 2013**
in the **Miling Pavilion, Miling**
commencing at **6.30 pm**

AJ Leeson
Chief Executive Officer



14th March 2013

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

WRITTEN DECLARATION OF INTEREST IN MATTER BEFORE COUNCIL

Chief Executive Officer
Shire of Moora
PO Box 211
MOORA WA 6510

Dear Sir/Madam,

Re: Written Declaration of Interest in Matter Before Council

I, ⁽¹⁾ _____ wish to
declare an interest in the following item to be considered by Council at its meeting to be held on
⁽²⁾ _____.

Agenda Item ⁽³⁾ _____

The type of interest I wish to declare is: ⁽⁴⁾

- Financial pursuant to Section 5.60A of the Local Government Act 1995
- Proximity pursuant to Section 5.60B of the Local Government Act 1995
- Indirect Financial pursuant to Section 5.61 of the Local Government Act 1995
- Impartiality pursuant to Regulation 11 of the Local Government (Rules of Conduct) Regulations 2007.

The nature of my interest is ⁽⁵⁾

The extent of my interest is ⁽⁶⁾

I understand that the above information will be recorded in the Minutes of the meeting and recorded by the Chief Executive Officer in an appropriate Register.

Yours faithfully,

Signed

Date

1. Insert your name.
2. Insert the date of the Council Meeting at which the item is to be considered.
3. Insert the Agenda Item Number and Title.
4. Tick box to indicate type of interest.
5. Describe the nature of your interest.
6. Describe the extent of your interest (if seeking to participate in the matter under S. 5.68 of the Act).

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SHIRE OF MOORA
ORDINARY COUNCIL MEETING AGENDA
20 MARCH 2013
COMMENCING AT 6.30PM

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* Separate Attachments

<i>Item 9.1.1</i>	<i>List of Payments Authorised Under Delegation 1.31</i>
<i>Item 9.1.2</i>	<i>Statement of Financial Activity for the Period Ended 28 February 2013</i>
<i>Item 9.1.3</i>	<i>2012/13 Budget Review</i>
<i>Item 9.2.1</i>	<i>Plans</i>
<i>Item 9.2.2</i>	<i>Plans</i>
<i>Item 9.2.3</i>	<i>Plans</i>
<i>Item 9.2.4</i>	<i>Plans</i>
<i>Item 9.2.5</i>	<i>Plans</i>
<i>Item 9.4.1</i>	<i>Heavy Duty Truck Quotation Matrix</i>

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS**1.1 DECLARATION OF OPENING****1.2 DISCLAIMER READING**

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

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

2. ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE**3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE****4. PUBLIC QUESTION TIME****5. PETITIONS AND PRESENTATIONS****6. APPLICATIONS FOR LEAVE OF ABSENCE****7. ANNOUNCEMENTS BY THE PRESIDING MEMBER****8. CONFIRMATION OF MINUTES****8.1 ORDINARY COUNCIL MEETING - 20 FEBRUARY 2013**

That the Minutes of the Ordinary Meeting of Council held on 20 February 2013 be confirmed as a true and correct record of the meeting.

9. REPORTS OF OFFICERS

9.1 CORPORATE SERVICES

9.1.1 LIST OF PAYMENTS AUTHORISED UNDER DELEGATION 1.31

REPORT DATE: 12 March 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

MANEX RECOMMENDATION

That Council notes and endorses the Payments from the Municipal and Trust Funds made under delegation 1.31

<i>Municipal Fund</i>	<i>Cheques 61123 to 61155</i>	<i>\$127,622.74</i>
	<i>EFT 9358 to EFT 9463</i>	<i>273,007.86</i>
	<i>Credit Card 16/1/13 to 15/2/13</i>	<i>1,443.24</i>
	<i>Net pays - PPE 13/2/13</i>	<i>79,249.62</i>
	<i>Net pays - PPE 27/2/13</i>	<i>79,091.05</i>
<i>Trust Fund</i>	<i>Cheques 4840 to 4849</i>	<i><u>4,608.00</u></i>
<i>Total</i>		<i>\$560,414.51</i>

9.1.2 STATEMENT OF FINANCIAL ACTIVITY FOR PERIOD ENDED 28 FEBRUARY 2013

REPORT DATE: 14 March 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 28 February 2013

PURPOSE OF REPORT:

To note and receive the Statement of Financial Activity for the period ended 28 February 2013.

BACKGROUND:

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

COMMENT:

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

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

Local Government Act 1995, Section 6.4

Local Government (Financial Management) Regulations 1996, Clause 34

STRATEGIC IMPLICATIONS:

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

SUSTAINABILITY IMPLICATIONS:

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

FINANCIAL IMPLICATIONS:

Year to date income and expenditure is provided by program to enable comparison to 2012/13 adopted budget.

VOTING REQUIREMENTS

Simple Majority Required

MANEX RECOMMENDATION

That Council notes and receives the Statement of Financial Activity for the period ended 28 February 2013.

9.1.3 2012/13 BUDGET REVIEW

FILE REFERENCE: F/BUE I

REPORT DATE: 6 March 2012

AUTHOR: Leanne Parola, Manager Finance & Corporate Services

ATTACHMENTS: 2012/13 Budget Review

PURPOSE OF REPORT:

To consider and adopt the budget review for the period 1 July 2012 to 31 January 2013.

BACKGROUND:

Local Governments are required to formally conduct a budget review at least once each financial year, between 1 January and 31 March. The budget review allows a detailed comparison of the year to date (YTD) actual results with the adopted or amended budget.

The budget review is to be submitted to Council within 30 days of the review for Council to consider and determine whether or not to adopt the review and any recommendations made within the review.

A copy of the review and Council decision is to be provided to the Department of Local Government and Regional Development within 30 days of the decision by Council.

COMMENT:

The budget review for the period 1 July 2012 to 31 January 2013 has been conducted by management and is provided as a separate attachment to this agenda.

A number of changes to the budget are recommended as part of this budget review to recognise grants that were not received, savings achieved and changes requested by Council.

The changes are shown in the attached review document, the most significant of them in the following areas:

- Increase of \$37,887 in operating income for Governance, predominately as a result of a back log of insurance claims being paid.
- Increase of \$5,730 in housing rent as a result of the Doctor paying additional rent of \$50 per week to cover the cost of garden maintenance.
- Decrease in operating expenditure in Education and Welfare of \$777,501. This is largely because the funding of \$760,402 for the Frail Aged Lodge Extension has been received however will not be required until 2013/14 financial year. It will therefore be transferred into the Council Buildings Reserve for the balance of 2012/13. This will have no impact on the bottom line, but will ensure that it is quarantined until it is required for the project.
- Increase in capital expenditure of \$18,446 on Furniture & Equipment, largely as a result of two additional items, a 'Smart Board' for the Meeting Room and portable Projector.
- Decrease in capital expenditure of \$26,914 in Infrastructure Assets – Other, largely as a result of the removal of the Street Lighting Upgrade project (\$35,000) for which no grant has been received.

The proposed Amended Budget estimates a surplus balance at 30 June 2013 of \$60,564. This figure is just that, an estimate, and should in no way be construed as an exact indication of Council's position at Balance Day.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

Regulation 33A - Local Government (Financial Management) Regulations 1996 applies. The proposed estimated surplus is within the allowed maximum of \$334,558 (10% of rates).

STRATEGIC IMPLICATIONS:

The budget review helps determine and document any projects that are unlikely to be completed during the budget year and new opportunities that have arisen during the year. The review process ensures management and elected members review the performance of the Council for the year to date and apply corrective actions, if required prior to 30 June to ensure proper financial management is maintained.

SUSTAINABILITY IMPLICATIONS:

- **Environment**
There are no known significant environmental implications associated with this proposal.
- **Economic**
The budget review process provides a timely indication of ability of the local government to achieve the budgeted performance for the year and the timing allows corrective actions if required prior to 30 June.
- **Social**
There are no known significant social implications associated with this proposal.

FINANCIAL IMPLICATIONS:

The budget review enables management to establish whether the local government continues to meet its budget commitments. It enables Council to determine whether income and expenditures are in accordance with adopted budget.

VOTING REQUIREMENTS

Absolute Majority Required

MANEX RECOMMENDATION

That Council, having considered the budget review for the period 1 July 2012 to 31 January 2013 adopts the review as tabled, showing an estimated surplus at 30 June 2013 of \$60,564.

9.1.4 APPOINTMENT OF COMMITTEES OF COUNCIL

FILE REFERENCE: EM/COAI
REPORT DATE: 12 March 2013
APPLICANTS/PROPONENT: Chief Executive Officer
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: 19/10/2011(124/11)
AUTHOR: Alan Leeson, Chief Executive Officer
ATTACHMENTS: Nil

PURPOSE OF REPORT:

For Council to consider formalising a of Council Committees structure as against having a more informal structure as is currently in place in “Portfolio Working Groups”.

In accordance with the Local Government Act 1995 s 5.8 **Establishment of Committees** and s 5.10 **Appointment of Committee Members** Council may appoint 3 or more persons to a committee to assist the Council to exercise the duties of the local government that can be delegated to committees. Currently the structure of committees / portfolio groups is as follows;

Council Meeting 19 October 2011;

124/11 Moved Cr McLagan, seconded Cr Bryan that the document titled Delegations to Committees / Working Groups, showing the appointment of members and representatives be adopted.

(1) Audit Committee

Membership: 9 Councillors

(2) Management Review Committee

Membership: Shire President, Deputy Shire President, Cr Bryan and the Chief Executive Officer.

(3) Town Planning Occasional Committee

Membership: Cr Cocking, Cr Hawkins, Cr Keamy, Chief Executive Officer, Manager Community & Economic Development, Manager Engineering Services

(4) Avon Zone Cr Gardiner, Cr Tonkin

(5) CMVROC Cr Gardiner, Cr Tonkin

PORTFOLIO GROUPS**(6) Business Development Group**

Membership: Manager Economic & Community Development, Cr Bryan, Cr Clydesdale-Gebert, Cr Tonkin, Cr Humphry

(7) Operational Development Group

Membership: Manager Engineering Services, Cr Gardiner (Chair), Cr McLagan, Cr Humphry.

(8) Financial Development Group

Membership: Manager Finance and Corporate Services, Cr Keamy (Chair) Cr Bryan, Cr Gardiner, Cr Cocking, Cr Clydesdale-Gebert.

(9) Indigenous & Youth Community Group

Membership: Chief Executive Officer, Manager Economic & Community Development, Be Active Coordinator, Youth Coordinator, Cr Bryan, Cr McLagan, Cr Hawkins, Cr Clydesdale-Gebert, Freeman Mrs Cynthia McMorran plus representatives from Central Midlands Senior High School and Education Department, plus four nominated representatives from the Moora Aboriginal Progress Association (2 male and 2 female representatives)

(10) Local Emergency Management Committee (LEMC)

Membership: Cr Gardiner (Chair), Chief Executive Officer, Manager Engineering Services, Manager Health, Building & Planning Services and Community Emergency Services Manager plus representatives appointed by the LEMC Committee

(11) Council Membership to other Committees

- St James Residential College Board	Cr Bryan
- Landcare Groups (Rural Water Council / West Koojan-Gillingarra Land Conservation Committee)	Cr Tonkin
- Australia Day Awards Committee	Cr Bryan
- Community Resource Centre Management Committee	Cr Gardiner
- Aged Care Steering Committee	Cr Gardiner

CARRIED 9/0

BACKGROUND:

As a result of the recent Chief Executive Officer Performance Review expressed implicitly that it was the wish of the majority of Councillors that they would like a formal committee structure in place. It was resolved that the CEO prepare a report on establishing formal committees of council as against having working groups who have been meeting infrequently. The main difference proposed under this new regime is to put in place a more structured format and regular meeting schedule. Each of the committees will have set terms of reference/framework under which they will work. Committee meetings will have formal minutes recorded with recommendations to flow from these meetings to full Council for consideration.

COMMENT:

All Committees are established under the provisions of Sections 5.8 to 5.18 of the Local Government Act 1995.

Council is able to establish Committees of 3 or more by ABSOLUTE MAJORITY vote of the Council (all Committees whether new or re-established ones must be created by absolute majority) and committees may comprise:-

- a. Councillors only,
- b. Councillors and employees,
- c. Councillors, employees and other persons,
- d. Councillors and other persons,
- e. Employees and other persons,
- f. Other persons only.

When creating Committees of (a) and or (b) type above, the Committees are to have as its members-

- i. Persons appointed by ABSOLUTE MAJORITY of the Council,
- ii. The Shire President if he/she advises the Council at the time of the appointment of the Committee his/her wish to be a member of the committee,
- iii. The Chief Executive officer or his representative if at the time of appointing the Committee of the Council decides that it wants to have employees as members of the Committee and it is the Chief Executive Officers wish to be a member of the Committee.

At any given time each Councillor is entitled to be a member of at least one Committee of the (a) or (b) type mentioned above and if a Councillor nominates him/herself to be a member of such a committee or committees, the Council is to appoint that Councillor to at least one of the Committees as the Council decides.

To have a committee system or not to have a committee system is the subject of much consternation of many local governments. The composition of the individual committees in terms of number or persons to be nominated also requires resolution. In terms of the Shire of Moora the following Committees are recommended to be established which will in effect take the place of the Working /Portfolio Groups;

- Finance and Community Services Committee; Monthly – Up to 5 Councillors
- Works and Infrastructure Committee; Monthly– Up to 5 Councillors
- Town Planning & Economic Development Committee; Monthly– Up to 5 Councillors
- Governance and Audit Committee; Occasional – 9 Councillors

In terms of the time commitment of individual Councillors the author is of the view that if a formal committee system is to be put in place which would require a commitment of scheduled monthly meetings, then the first briefing session of each month should be disbanded, retaining one briefing session per month prior to the ordinary monthly meeting of the Council.

In a general sense if the new system is to work it requires a 100% commitment from all Councillors. However it also needs to be taken on board that the work of the respective committees is to provide “recommendations only” and that there should be absolutely no expectation from committee members that the recommendations will not be;

1. Amended;
2. Rejected in their entirety.

Previous observations of the author concluded there were considerable frustration and disappointment of individual working group members that recommendations to Council were amended or rejected. The Committees will not have delegated authority, and on that

basis full Council is reserving its right to give final assessment and decision on any recommendations that arise. If the work of the committees is considered and balanced then it is extremely likely that on average the majority of recommendations to flow through will naturally be approved by the Council.

POLICY REQUIREMENTS:

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

LEGISLATIVE REQUIREMENTS:

Subdivision 2 — Committees and their meetings

5.8. Establishment of committees

A local government may establish* committees of 3 or more persons to assist the council and to exercise the powers and discharge the duties of the local government that can be delegated to committees.

* *Absolute majority required.*

5.9. Committees, types of

(1) In this section —

other person means a person who is not a council member or an employee.

(2) A committee is to comprise —

- (a) council members only; or
- (b) council members and employees; or
- (c) council members, employees and other persons; or
- (d) council members and other persons; or
- (e) employees and other persons; or
- (f) other persons only.

5.10. Committee members, appointment of

(1) A committee is to have as its members —

- (a) persons appointed* by the local government to be members of the committee (other than those referred to in paragraph (b)); and
- (b) persons who are appointed to be members of the committee under subsection (4) or (5).

* *Absolute majority required.*

(2) At any given time each council member is entitled to be a member of at least one committee referred to in section 5.9(2)(a) or (b) and if a council member nominates himself or herself to be a member of such a committee or committees, the local government is to include that council member in the persons appointed under subsection (1)(a) to at least one of those committees as the local government decides.

(3) Section 52 of the *Interpretation Act 1984* applies to appointments of committee members other than those appointed under subsection (4) or (5) but any power exercised under section 52(1) of that Act can only be exercised on the decision of an absolute majority of the local government.

- (4) If at a meeting of the council a local government is to make an appointment to a committee that has or could have a council member as a member and the mayor or president informs the local government of his or her wish to be a member of the committee, the local government is to appoint the mayor or president to be a member of the committee.
- (5) If at a meeting of the council a local government is to make an appointment to a committee that has or will have an employee as a member and the CEO informs the local government of his or her wish —
- (a) to be a member of the committee; or
 - (b) that a representative of the CEO be a member of the committee,
- the local government is to appoint the CEO or the CEO's representative, as the case may be, to be a member of the committee.

5.11A. Deputy committee members

- (1) The local government may appoint* a person to be a deputy of a member of a committee and may terminate such an appointment* at any time.

** Absolute majority required.*

- (2) A person who is appointed as a deputy of a member of a committee is to be —
- (a) if the member of the committee is a council member — a council member; or
 - (b) if the member of the committee is an employee — an employee; or
 - (c) if the member of the committee is not a council member or an employee — a person who is not a council member or an employee; or
 - (d) if the member of the committee is a person appointed under section 5.10(5) — a person nominated by the CEO.
- (3) A deputy of a member of a committee may perform the functions of the member when the member is unable to do so by reason of illness, absence or other cause.
- (4) A deputy of a member of a committee, while acting as a member, has all the functions of and all the protection given to a member.

[Section 5.11A inserted by No. 17 of 2009 s. 20.]

5.11. Committee membership, tenure of

- (1) Where a person is appointed as a member of a committee under section 5.10(4) or (5), the person's membership of the committee continues until —
- (a) the person no longer holds the office by virtue of which the person became a member, or is no longer the CEO, or the CEO's representative, as the case may be; or
 - (b) the person resigns from membership of the committee; or
 - (c) the committee is disbanded; or
 - (d) the next ordinary elections day,
- whichever happens first.
- (2) Where a person is appointed as a member of a committee other than under section 5.10(4) or (5), the person's membership of the committee continues until —
- (a) the term of the person's appointment as a committee member expires; or

- (b) the local government removes the person from the office of committee member or the office of committee member otherwise becomes vacant; or
 - (c) the committee is disbanded; or
 - (d) the next ordinary elections day,
- whichever happens first.

5.12. Presiding members and deputies, election of

- (1) The members of a committee are to elect a presiding member from amongst themselves in accordance with Schedule 2.3, Division 1 as if the references in that Schedule —
 - (a) to “office” were references to “office of presiding member”; and
 - (b) to “council” were references to “committee”; and
 - (c) to “councillors” were references to “committee members”.
- (2) The members of a committee may elect a deputy presiding member from amongst themselves but any such election is to be in accordance with Schedule 2.3, Division 2 as if the references in that Schedule —
 - (a) to “office” were references to “office of deputy presiding member”; and
 - (b) to “council” were references to “committee”; and
 - (c) to “councillors” were references to “committee members”; and
 - (d) to “mayor or president” were references to “presiding member”.

5.13. Deputy presiding members, functions of

If, in relation to the presiding member of a committee —

- (a) the office of presiding member is vacant; or
- (b) the presiding member is not available or is unable or unwilling to perform the functions of presiding member,

then the deputy presiding member, if any, may perform the functions of presiding member.

5.14. Who acts if no presiding member

If, in relation to the presiding member of a committee —

- (a) the office of presiding member and the office of deputy presiding member are vacant; or
- (b) the presiding member and the deputy presiding member, if any, are not available or are unable or unwilling to perform the functions of presiding member,

then the committee members present at the meeting are to choose one of themselves to preside at the meeting.

5.15. Reduction of quorum for committees

The local government may reduce* the number of offices of committee member required for a quorum at a committee meeting specified by the local government if there would not otherwise be a quorum for the meeting.

* Absolute majority required.

5.16. Delegation of some powers and duties to certain committees

- (1) Under and subject to section 5.17, a local government may delegate* to a committee any of its powers and duties other than this power of delegation.

* Absolute majority required.

- (2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.
- (3) Without limiting the application of sections 58 and 59 of the *Interpretation Act 1984* —
- (a) a delegation made under this section has effect for the period of time specified in the delegation or if no period has been specified, indefinitely; and
- (b) any decision to amend or revoke a delegation under this section is to be by an absolute majority.
- (4) Nothing in this section is to be read as preventing a local government from performing any of its functions by acting through another person.

5.17. Limits on delegation of powers and duties to certain committees

- (1) A local government can delegate —
- (a) to a committee comprising council members only, any of the council's powers or duties under this Act except —
- (i) any power or duty that requires a decision of an absolute majority or a 75% majority of the local government; and
- (ii) any other power or duty that is prescribed;
- and
- (b) to a committee comprising council members and employees, any of the local government's powers or duties that can be delegated to the CEO under Division 4; and
- (c) to a committee referred to in section 5.9(2)(c), (d) or (e), any of the local government's powers or duties that are necessary or convenient for the proper management of —
- (i) the local government's property; or
- (ii) an event in which the local government is involved.
- (2) A local government cannot delegate any of its powers or duties to a committee referred to in section 5.9(2)(f).

[Section 5.17 amended by No. 49 of 2004 s. 16(2).]

5.18. Register of delegations to committees

A local government is to keep a register of the delegations made under this Division and review the delegations at least once every financial year.

STRATEGIC IMPLICATIONS:

There are no known strategic implications associated with this proposal.

SUSTAINABILITY IMPLICATIONS:➤ **Environment**

There are no known strategic implications with this proposal.

- **Economic**
There are no known Economic implications with this proposal.
- **Social**
There are no known Social implications with this proposal.

FINANCIAL IMPLICATIONS:

The financial implications with setting up a formal committee structure are relevant to the payment of travel and the payment of a meeting fee. Council has not set a meeting fee for attending committee meetings. In the authors view the payment of meeting fees in this regard should not be a determining factor in the establishment of committees as against having an informal structure of working groups.

Local Government Administration Regulations

30. Meeting attendance fees (Act s. 5.98(1) and (2A))

- (1) For the purposes of section 5.98(1), subject to subregulation (3) —
 - (a) the minimum fee for a council member other than —
 - (i) the mayor or president; or
 - (ii) in the case of a regional local government, the chairman, attending a council meeting is \$60 for each meeting; and
 - (b) the maximum fee for a council member other than —
 - (i) the mayor or president; or
 - (ii) in the case of a regional local government, the chairman, attending a council meeting is \$140 for each meeting.
- (2) *For the purposes of section 5.98(1), subject to subregulation (3) or (5), as the case requires —*
 - (a) *the minimum fee for a council member attending a meeting of a committee of which he or she is also a member is \$30 for each meeting; and*
 - (b) *the maximum fee for a council member attending a meeting of a committee of which he or she is also a member is \$70 for each meeting.*
- (3A) Each of the following meetings is a meeting of a prescribed type for the purposes of section 5.98(2A) —
 - (a) meeting of a WALGA Zone, where the council member is representing a local government as a delegate elected or appointed by the local government;
 - (b) meeting of a Regional Road Group established by Main Roads Western Australia, where the council member is representing a local government as a delegate elected or appointed by the local government;
 - (c) council meeting of a regional local government where the council member is the deputy of a member of the regional local government and is attending in the place of the member of the regional local government;
 - (d) meeting other than a council or committee meeting where the council member is attending at the request of a Minister of the Crown who is attending the meeting;
 - (e) meeting other than a council meeting or committee meeting where the council member is representing a local government as a delegate elected or appointed by the local government.

- (3B) For the purposes of section 5.98(2A), subject to subregulation (3C), and subregulation (3) or (5) as the case requires —
- (a) the minimum fee for a council member attending a meeting of a type referred to in subregulation (3A) is \$30 for each meeting; and
 - (b) the maximum fee for a council member attending a meeting of a type referred to in subregulation (3A) is \$70 for each meeting.
- (3C) A council member is not entitled to be paid a fee for attending a meeting of a type referred to in subregulation (3A) if —
- (a) the person who organises the meeting pays the council member a fee for attending the meeting; or
 - (b) the council member is paid an annual fee in accordance with section 5.99; or
 - (c) if the meeting is a meeting referred to in subregulation (3A)(c), the member of the regional local government is paid an annual fee in accordance with section 5.99.
- (3) The total of fees paid to a council member other than —
- (a) the mayor or president; or
 - (b) in the case of a regional local government, the chairman,
- for attending meetings (whether of the council, of any committee or a meeting of a type referred to in subregulation (3A)) in each year is not to exceed \$7 000.
- (4) For the purposes of section 5.98(1), subject to subregulation (5) —
- (a) the minimum fee —
 - (i) for the mayor or president; or
 - (ii) in the case of a regional local government, for the chairman, attending a council meeting is \$120 for each meeting; and
 - (b) the maximum fee —
 - (i) for the mayor or president; or
 - (ii) in the case of a regional local government, for the chairman, attending a council meeting is \$280 for each meeting.
- (5) The total of fees paid —
- (a) to the mayor or president; or
 - (b) in the case of a regional local government, to the chairman,
- for attending meetings (whether of the council, of any committee or a meeting of a type referred to in subregulation (3A)) in each year is not to exceed \$14 000.

[Regulation 30 amended in Gazette 23 Apr 1999 p. 1719; 31 Mar 2005 p. 1034; 3 May 2011 p. 1595-6.]

On this basis Council if it is to formally establish a committee system shall set a Meeting Attendance Fee in accordance with the highlighted parameters somewhere in the range of \$30 to \$70 per meeting. A financial scenario on the basis of having three Standing Committees with 5 members on each;

- Finance and Community Services Committee; Monthly – Up to 5 Councillors – 11 meetings per annum; \$1,650 per annum up to \$3,850 per annum
- Works and Infrastructure Committee; Monthly – Up to 5 Councillors – 11 meetings per annum; \$1,650 per annum up to \$3,850 per annum

- Town Planning & Economic Development Committee; Monthly – Up to 5 Councillors
– 11 meetings per annum; \$1,650 per annum up to \$3,850 per annum

Therefore with a fully-fledged committee system the minimum and maximum cost depending on the meeting fee set will be \$4,950 per annum up to \$11,550 per annum. If agreed to establish committees, a resolution of Council by absolute majority is required to set a meeting fee.

SUMMARY:

A resolution of Council is not required to establish an Audit Committee, however it is recommended that the title of the committee be amended to “Governance and Audit”. This committee will meet as required in accordance with its charter.

The establishment of the other committees and subsequent appointments of committee members will require resolution of Council by absolute majority.

In terms of timing and scheduling depending on the agreement of respective committee members, as a guide it is recommended that each committee meet each month of the year (excluding January) by no later than the second Wednesday of each month. In order to keep some structure to the meetings it’s also recommended that as a base each committee meeting set an outer time limit of two hours per committee meeting. It is also recommended as a guide that each committee meeting shall commence no earlier than 4.00pm.

As stated above the author envisages the committee system taking the place of the first briefing session of each month. It would seem there would be limited benefit on continuing with both, notwithstanding the time involved in attending the meetings by Councillors. The committee meetings can either be on the same day with a view to minimising the impact of travel for Councillors, but bear in mind it is likely that it will require a greater commitment in terms of time from individual Councillors and it’s also likely to involve more travelling dependant on the membership of the respective committees if they do not meet on the same day. This is a serious consideration i.e. the scheduling as the system will not work without a 100% commitment to the schedule which is resolved by agreement.

There is also the option of having one full committee (9 Councillors) of Council to meet once a month which could work across the various portfolio areas. There are some Council’s such as Wangan-Ballidu who have taken this approach. This would have commensurate benefits in terms of lessening the financial impact of a committee system as against a three committee system. In essence this would be formalising the less informal process of the briefing session. The author doesn’t believe there is a majority appetite for this option, hence the main frame of the report does not reflect this, but never the less it is an option.

VOTING REQUIREMENTS

Absolute Majority Required

OFFICER RECOMMENDATIONS

Finance and Community Services Committee

That Council by absolute majority:-

- 1. In accordance with provisions of Section 5.8 of the Local Government Act 1995 Council establishes a Finance and Community Services Committee;*

2. ***In accordance with provisions of Section 5.9 of the Local Government Act 1995, resolves that the Committee is to comprise of Councillors;***
3. ***In accordance with provisions of Section 5.10(1) (a) of the Local Government Act 1995 resolves that the Committee shall have as its members;***
 - i. Cr _____
 - ii. Cr _____
 - iii. Cr _____
 - iv. Cr _____
 - v. Cr _____

Works and Infrastructure Committee

That Council by absolute majority:-

1. ***In accordance with provisions of Section 5.8 of the Local Government Act 1995 Council establishes a Works and Infrastructure Committee;***
2. ***In accordance with provisions of Section 5.9 of the Local Government Act 1995 resolves that the Committee is to comprise of Councillors;***
3. ***In accordance with provisions of Section 5.10(1) (a) of the Local Government Act 1995 resolves that the Committee shall have as its members;***
 - i. Cr _____
 - ii. Cr _____
 - iii. Cr _____
 - iv. Cr _____
 - v. Cr _____

Town Planning and Economic Development Committee

That Council by absolute majority:-

1. ***In accordance with provisions of Section 5.8 of the Local Government Act 1995 Council establishes a Town Planning and Economic Development Committee;***
2. ***In accordance with provisions of Section 5.9 of the Local Government Act 1995 resolves that the Committee is to comprise of Councillors;***
3. ***In accordance with provisions of Section 5.10(1) (a) of the Local Government Act 1995 resolves that the Committee shall have as its members;***
 - i. Cr _____
 - ii. Cr _____
 - iii. Cr _____
 - iv. Cr _____
 - v. Cr _____

Setting of Committee Meeting fee

That Council by absolute majority in accordance with the Local Government Administration Regulations s 30 (2) set a meeting fee of \$30 per meeting for attendance and committee meetings and that the budget be amended to reflect the meeting schedule of 3 committee meetings per month (excluding January of each year);

Changing of name – Audit Committee

That Council amend the name of the Audit Committee to the Governance and Audit Committee.

Scheduling of Committees

That Council set a schedule of meetings on the basis of meeting every month of the year other than January, further that each committee shall meet no later than the second Wednesday of each month to be determined on consensus basis by the membership of the respective committees.

9.2 HEALTH, BUILDING & PLANNING SERVICES

9.2.1 EXTENSION TO MOORA BARRACKS

FILE REFERENCE: TP/PA22/1213

REPORT DATE: 27 February 2013

APPLICANT/PROPONENT: George & Lyn Newport

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Peter Williams, Manager Health Building & Planning Services

ATTACHMENTS: Plans

PURPOSE OF REPORT:

The proponents George and Lyn Newport seek planning approval to add another 4 rooms including ensuites to their development at Lot 342 Moore Street, Moora.

BACKGROUND:

Council approved the development for the Moora Barracks back in 8 February 2006 and this will be an extension to that development. The proponents advise that more accommodation is required due to their senior clientele demands for more accommodation with ensuite facilities.

The units will be modular and constructed of fire resistant composite sandwich material which is advertised to be energy and environmentally friendly. The building will be supplied through Austrans Modular Buildings located in York.

The Shire of Moora Town Planning scheme No 4 (Amendment 10) identifies this property to be in the Residential Area Zone with a Residential Design Code of R30 of Medium Density.

The Objectives of the Residential Zone:

- a. To provide for the predominant form of residential development to be single houses whilst providing for diversity with higher density close to the Town Centre.
- b. To provide for diversity of lifestyle choice with a range of residential densities.
- c. To allow for the establishment of non-residential uses which are not compatible with the predominant residential use and which will not adversely affect local amenities.

This type of development meets the objectives of the Town Planning Scheme No 4 (Amendment 10) for the Residential Zone.

COMMENT:

The development the Moora Barracks has previous Town Planning approval for this area and it meets the objectives of the Residential Zone in that it provides a diversity of lifestyle. The additions to this development will only enhance the development and make it a more attractive business for the town in providing accommodation in Town with alternatives in living standard.

POLICY REQUIREMENTS:

No policy requirements

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

OFFICER RECOMMENDATION

That Council grant planning approval for the development of 4 rooms including ensembles as an extension to the Moora Barracks at Lot 342 Moore Street, Moora subject to the following conditions:

- *The development shall be consistent or complementary in colour with the existing building to the approval of the local government.*
- *The use of second hand materials is not permitted.*
- *All parking of vehicles such as boats and trailers associated with the guests to be provided for within the property boundary and the street verge area is to be kept free of such vehicles.*
- *Vehicle access roads and designated car parking areas shall be constructed and drained to a compacted gravel standard, and thereafter maintained to the approval of the local government.*
- *The proponent is responsible to ensure the installation and maintenance at all times of a drainage system for the disposal of surface water which:*
 - *conveys water to an appropriate outfall;*
 - *avoids the entry of water into a building; and*
 - *avoids water damaging the building.*
- *The proponent is responsible to ensure the provision of reticulated sewerage to the development/land use.*
- *The development is to comply with the Building Code of Australia.*
- *Plans and specifications for the project must be deposited with the Fire and Rescue Service of Western Australia to enable them to assess their compliance with the fire requirements of the Building Code of Australia (Postal Address: PO Box P1174, Perth WA 6844).*
- *Access for people with disabilities must be provided at all times to the building and internally throughout the building in accordance with AS1428.1 2009.*

9.2.2 JEAN BORWICK HOME BUSINESS NAMBAN WEST ROAD

FILE REFERENCE: TP/PA24/1213

REPORT DATE: 11 March 2013

APPLICANT/PROPONENT: Jean Borwick

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Peter Williams, Manager Health Building & Planning Services

ATTACHMENTS: Plans

PURPOSE OF REPORT:

Ms Borwick seeks Council's approval to operate an Arts and Craft business which will include a lavender maze and flower gardens. She also wishes to bring up two transportable units to live in.

BACKGROUND:

The development is located on the Namban West Road in Namban at Lot 2385 and is in the General Agriculture Zone. The objectives of the General Agriculture Zone are:-

- 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 of the environment;
- c) To allow for facilities for tourists and travellers, and for recreation uses.

COMMENT:

This development meets the objectives of the General Agriculture Zone in that the business provides for tourists and travellers. There is an arts and craft business down the road in Coomberdale so there is a precedent for arts and crafts in the area.

Ms Borwick advises that she wishes to bring in a transportable dwelling and an ablution unit for her development to facilitate her own requirements Public Building requirements as her development will be inviting the general public to her property to explore a maze and gardens. In the future she will be looking at a tearoom to serve refreshments but that is in the future and not part of this application. The two transportable units are for her and her daughter to live in.

The transportable is a donga unit and it is concerning that the standard of dwellings coming into the Shire is being lowered. All transportable dwelling units are required to comply with the Shire of Moora policy for relocated buildings.

POLICY REQUIREMENTS:**Relocated Buildings Policy - Section 4.5 Bonds / Guarantees**

Prior to the issue of any building licence for a relocated building the local government shall require the lodging of

- a. a bond amount equivalent to 20% of the estimated value of the approved works to be undertaken to ensure the building presentation is of an acceptable standard, with a minimum amount of \$5,000 for residential houses;
- b. a bond amount equivalent to 10% of the estimated value of the approved works to be undertaken to ensure the building presentation is of an acceptable standard, with a minimum amount of \$1,000 for other buildings (such as sheds or the like); and

- c. a legal agreement stating that the bond will be forfeited if the approved works are not carried out within the approved timeframe.

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**

Although not a specific environmental issue, it is likely there may be a conflict of land use given the proponent is situated next to a broad acre farming operation. There is real potential for conflict in terms of normal broad acre farming practices e.g. spraying of crops and the potential to adversely impact on the proponents development. Council needs to ensure through this application, the broad acre farming operations are not compromised through the approval of a land use which is not commensurate with surrounding land use.

➤ Economic

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

➤ Social

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

FINANCIAL IMPLICATIONS:

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

VOTING REQUIREMENTS:

Simple Majority Required

OFFICER RECOMMENDATION

That Council grant planning approval for the establishment of an “Arts and Crafts Business” on Lot 2385 Namban West Road, Namban, subject to the following conditions:

- 1. Compliance with Shire of Moora Policy on Relocated Buildings;***
- 2. Planning approval specifically excludes the proposal for a lavender maze and flower gardens on the basis such use is in direct conflict with broad hectare farming as the principal land use adjacent to Lot 2385 Namban West Road, Namban;***
- 3. Compliance with Public Buildings Legislation;***
- 4. Compliance with Building Code of Australia;***
- 5. Compliance with the Food Act 2008, Food Regulations 2009 and the Food Safety Standards if a Food Business;***
- 6. Vehicle access roads and designated car parking areas shall be constructed and drained to a compacted gravel standard, and thereafter maintained to the approval of the local government;***
- 7. Crossing place/s are required to be installed to the approval of the local government;***
- 8. This planning approval is valid for a period of 12 months from the date of determination, after which the further renewal of the planning approval by the***

local government is required after two years. It is the responsibility of the operator to apply in good time before expiration, and the local government will not automatically re-issue planning approvals;

- 9. A certificate of currency in respect of public liability insurance cover of \$10 million, including reference to the Shire of Moora as an interested party or within the definition of the insured;**
- 10. Prior to the building being relocated, the proponent is to lodge a bond of \$5,000 to secure completion of all steps necessary to achieve an external appearance of the building in accordance with the planning approval. The following shall apply in relation to the bond:
 - the local government may deposit the bond into an interest bearing account;****
- 11. If in the opinion of the local government the external appearance of the relocated building has not been completed in accordance with Shire of Moora Policy for Relocated Buildings within 6 months of physical relocation of the building, the local government may by its officers, employees, agents, contractors and subcontractors, carry out such works as the local government may deem necessary, with or without vehicles, machinery, equipment or plant;**
- 12. The space between the ground level and the floor level shall be suitably enclosed to the approval of the local government (e.g. brick, masonry, timber, textured fibrous cement sheeting or similar);**
- 13. Access for people with disabilities must be provided at all times to the Public Building once the development is operational and internally throughout the building in accordance with AS1428.1 2009.**

9.2.3 STEVEN AND BELINDA BROWN REQUEST TO LIVE IN A SHED - LOT 94 BROWN STREET MOORA

FILE REFERENCE: TP/PA02/1213

REPORT DATE: 13 March 2013

APPLICANT/PROPONENT: Steven and Belinda Brown

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Peter Williams, Manager Health Building & Planning Services

ATTACHMENTS: Plans

PURPOSE OF REPORT:

Request from Steven and Belinda Brown for permission from Council for the couple and their children to construct a house on their property and live in a shed whilst their house is being built.

BACKGROUND:

The Browns have been living in the shed for some time until it was brought to the notice of the Health Department WA by way of a complaint concerning effluent which turned out to be malicious. This resulted in an investigation by the Manager Health Building & Planning Services who advised the family that they were required to get Council permission to live in the shed whilst their house was being built.

A bank loan has since been acquired along with house plans and the family are ready to proceed with the building of their house and are now seeking permission to build.

Lot 94 Brown Street is located in a Rural Residential Zone of which the objectives are:-

- (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.

Development Requirements

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

- (a) planning approval is required for all development including a single house and such application shall be made in writing to the local government and be subject to the provisions of clause 7.2.
- (b) not more than 1 dwelling shall be erected on a lot but the local government may, at its discretion, approve ancillary accommodation.
- (c) when the first application for planning approval is made for building on a lot under clause 3.13.4 (a) the applicant shall nominate for the local government's approval a building envelope of regular shape and not exceeding 4000 square metres in area and which complies with minimum building setbacks in clause 3.13.2. All buildings(s) including the building(s) subject of the first application shall be contained within the building envelope approved by the local government.
- (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 local government.
- (e) in order to enhance the rural amenity of the land in areas the local government 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 local government.

- (f) a 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

7.6 Temporary Accommodation Policy - Special Rural and General Farming Zones

Originally adopted by Council on 18th March 1998

That, under the provision of Section 144 of the Health Act 1911 as amended, the Manager Health, Building & Planning Services is delegated authority by Council to implement the following policy on temporary accommodation:-

- Sheds or outbuildings may be licensed as temporary accommodation during the building of a house.
- The following criteria are to be met at the time of approval:-
 - a) building plans must have been approved and a building license issued-
 - b) the house pad must be laid within twelve months or the Manager Health, Building & Planning Services must be satisfied that any delay is justifiable;
 - c) adequate sanitary conveniences are provided to the satisfaction of the Manager Health, Building & Planning Services;
 - d) Council must be satisfied that there will be no undue delay in the completion of building a residence which must be completed within two years.
 - e) a potable water supply must be available.

Temporary accommodation permits be granted for 12 months. At the completion of 12 months it will be necessary to reapply to Council for permission to live on site; in temporary accommodation subject to satisfactory progress of the building as determined by the Manager Health, Building & Planning Services.

COMMENT:

The shed that the Browns are living in is completely renovated and lined incorporating a living area, bathroom with a working toilet attached to a septic tank and two leach drains, three bedrooms, lounge and storage area. The house that they are building is a Ross Squire home.

POLICY REQUIREMENTS:

Temporary Accommodation Policy

LEGISLATIVE REQUIREMENTS:

Health Act 1911 as amended Division 4 SS 99 Buildings to have sanitary 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

OFFICER RECOMMENDATION***That Council***

- 1. approve Steven and Belinda Brown to live in their shed located at Lot 94 Brown Street Moora for a 12 month period whilst their house is being constructed; and***
- 2. grant in principle planning approval for the the construction of a residential dwelling on the property located at Lot 94 Brown Street Moora in accordance with relevant development requirements under the Shire of Moora Local Planning Scheme No 4.***

9.2.4 LEANNE PEARSE ANCILLARY DWELLING TO PROPERTY FOR FAMILY USE - LOT 1661 RICHARDSON ROAD, MILING

FILE REFERENCE: TP/PA25/1213

REPORT DATE: 13 March 2013

APPLICANT/PROPONENT: Leanne Pearse

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Peter Williams, Manager Health Building & Planning Services

ATTACHMENTS: Plans

PURPOSE OF REPORT:

Leanne Pearse requests Council permission to construct an ancillary dwelling (Family Activities) approximately 8m x 5m. This will be a free standing building to be used for family activities.

BACKGROUND:

The proponent's development is located at Lot 1661 Rural Road Address No 457 Richardson Road Miling in the General Agriculture Zone. An ancillary dwelling has a "D" classification in Table 1 of the Zoning Table which means that the use is not permitted unless the local government has exercised its discretion by granting approval.

The objectives of the General Agriculture Zone are:

- 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 of the environment;
- c) To allow for facilities for tourists and travellers, and for recreation uses.

COMMENT:

The proposal is for an activity multipurpose room that can be used for visiting family and friends should there be insufficient room. The proposal meets the objectives of the General Agriculture Zone subject to it meeting the requirements of the Building Code of Australia.

POLICY REQUIREMENTS:

No policy requirements

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

OFFICER RECOMMENDATION

That Council grant planning approval for the construction of an ancillary dwelling located at Lot 1661 Richardson Road Miling subject to the following conditions:

- *Compliance with the Building Code of Australia and the submission of a Building Application.*
 - a. *That the ancillary dwelling will not be used for commercial hospitality/accommodation without first applying to Council.*

9.2.5 BILL LULLFITZ EXTENSION TO OUTBUILDING LOT 69 Hn 29 LEFROY STREET, MOORA

FILE REFERENCE: TP/PA21/1213

REPORT DATE: 13 March 2013

APPLICANT/PROPONENT: William Lullfitz

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: 20/2/2013 (18/13)

AUTHOR: Peter Williams, Manager Health Building & Planning Services

ATTACHMENTS: Plans

PURPOSE OF REPORT:

Bill Lullfitz the proponent seeks Council permission to construct an extension to his outbuilding after reducing the size of the shed and removing the carport extension to the side of the shed. Mr Lullfitz has previously made application to Council and it was not approved due to the area of outbuildings exceeding the allowed area for the area and the size of the block.

BACKGROUND:

The outbuilding/shed as mentioned is 9,000m x 5,000m being a total square area of 45m² plus the existing outbuilding of 8m x 6m is a total area of outbuildings for the property of 93m². The Residential Design Codes provides criteria for outbuildings which are as follows:

Outbuildings that do not detract from the street scape or the visual amenity of residents or neighbouring properties: Outbuildings that -

- *Are not attached to a dwelling*
- *Are non-habitable;*
- *Collectively do not exceed 60m² in area or 10% in aggregate of the site area whichever is the lesser;*
- *Do not exceed a wall height of 2.4m;*
- *Do not exceed a ridge height of 4.2m;*
- *Are not within the primary setback boundary;*
- *Do not reduce the amount of open space required in Table 1; and*
- *Comply with the siting and design requirements for the dwelling, but do not need to meet rear setback requirements of table 1*

The area of land that encompasses the property is 2000m² of which 10% of that property is 200m².

Outbuilding Policy

Council's current outbuilding policy referring to square metreage of land and maximum size of outbuildings be partly amended in the following manner:

R2 – 5,000 m² lots – Maximum size 200m²

R2.5 – 4,000m² lots – Maximum size 200m²

R5 -2,000m² lots – Maximum size 150m²

R12.5 – 800m² lots – Maximum size 100m²

R25/R30 – 320m² to 300m² lots Maximum size at Council discretion case by case.

COMMENT:

The outbuilding due to its reduced size is now allowable according to the Shire Policy and therefore can be recommended for approval.

POLICY REQUIREMENTS:

Shire Policy – Outbuildings Maximum Size of Section 6.10

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

OFFICER RECOMMENDATION

That Council grant planning approval to Mr Bill Lullfitz for the construction of a shed extension (outbuilding) at Lot 69 Street number 29 Lefroy Street, Moora subject to the following conditions:

- 1. The use of second hand materials is not permitted;*
- 2. Compliance with the Building Code of Australia and the submission of a Building Application;*
- 3. Structures are not permitted to be erected above any septic tank, aerobic treatment unit or drainage line if that structure:
 - a) obstructs free access to the septic tank, aerobic treatment unit or drainage line; or has walls on more than three sides.**

9.3 COMMUNITY & ECONOMIC DEVELOPMENT

9.3.1 MOORA DISTRICTS TENNIS CLUB – SYNTHETIC COURTS PROJECT

FILE REFERENCE: CC/MTCI

REPORT DATE: 12 March 2013

APPLICANT/PROPONENT: Moora Districts Tennis Club

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: 19/9/12 (114/12), 18/7/12 (82/12), 21/3/12 (19/12)

AUTHOR: Rebecca McCall, Manager Community & Economic Development

ATTACHMENTS: Nil

PURPOSE OF REPORT:

For Council to endorse its financial contribution towards the synthetic court project at the Moora Districts Tennis Club to be expended in the 2012/13 budget.

BACKGROUND:

Moora Districts Tennis Club Incorporated has been fundraising for a number of years to replace four of the existing eight grass tennis courts with synthetic turf – the remaining four grass courts will be omitted from use. Currently the costs associated with maintaining four grass courts and the large scale volunteer hours required exceeds the capacity of the club and is no longer sustainable in the longer term. The Moora Districts Tennis was successful in its application for financial assistance through the Department of Sport and Recreation for under the Community Sport and Recreation Facilities Fund in the 2012 funding round. Along with tennis club fundraising amounts, funding will be used to resurface four grassed courts with synthetic turf, install adequate lighting to promote evening tennis, and to replace the fence surrounding the tennis court facility.

At Ordinary Council dated September 19, 2012 it was endorsed to:

114/12 Moved Cr Bryan, seconded Cr McLagan that Council support the Moora Districts Tennis Club to secure financial assistance through the Department of Sport and Recreation Community Sport and Recreation Facilities Fund for upgrades to the Moora Tennis Facility in accordance with the below financial parameters:

Project Description (detailed breakdown of project to be supplied)	\$ Cost ex GST	\$ Cost inc GST	Quote Used (list company name and quote no)
Excavation – boxing out	6,363	7,000	Shire of Moora
Sand – supply, fill and compact	16,363	18,000	Shire of Moora
Earthworks – remove fencing, supply & lay geofab, supply & lay base	45,455	50,000	Moora Metals
Fencing – supply & erect	20,000	22,000	Moora Metals
Lighting – supply & install	70,910	78,000	Moora Metals
Synthetic Grass – supply	44,545	49,000	Moora Metals
Synthetic Grass – prepare base, compact & lay	45,455	50,000	
Miscellaneous – freight, compacting, accommodation	10,000	11,000	Moora Metals
Project Signage	1,500	1,650	Allow \$1,500 ex GST if your project exceeds \$250,000
Sub Total	260,591	286,650	
a) Total project expenditure	260,591	286,650	

PROJECT FUNDING

Source of funding	\$ Amount ex GST	\$ Amount inc GST		Funding confirmed Y / N	Comments to support claim (please attach relevant support)
Local government	45,000	49,500	LGA cash (\$20,000) LGA in-kind (\$25,000)	Y	Resolution 82/12
Applicant cash	128,727	141,600	Organisation's cash	Y	Financial Statements
Volunteer labour	6,000	600	Cannot exceed applicant cash and LGA contribution – max \$50,000	Y	Research and Project management
CSRFF requested	86,864	95,550	up to 1/3 project cost	N	
b) Total project funding	260,591	286,150			

FINANCIAL SUMMARY

a) Total project expenditure (ex GST)	260,591
b) Total project funding (ex GST)	260,591
c) Project variance*	0

CARRIED 4/2**COMMENT:**

The Moora Districts Tennis Club would like to commence the project to ensure the new courts are ready for the 2013/14 tennis season commencing in early October 2013. For this to eventuate works need to commence prior to June 30, 2013. The works undertaken by the Shire of Moora as its contribution towards the project will occur between existing scheduled programs. The likely timeframe to commence the project, weather permitting, will be mid-April.

Although not confirmed to date, Council's in-kind contributions will be the removal of the existing grass, levelling and preparing drainage. The installation of a retaining wall may also take place. The scope of works undertaken from the Shire of Moora will not exceed the outlined financial parameters endorsed by Council.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

There are no known legislative requirements related to this item.

STRATEGIC IMPLICATIONS:

This project is listed as a priority in the Shire of Moora Sport and Recreation Strategic Plan 2012-2016. The project also relates to outcomes 1.1: strategy 1.1.1 and 1.1.4 in the Shire of Moora Strategic Community Plan 2012-2021.

SUSTAINABILITY IMPLICATIONS:➤ **Environment**

The project will significantly reduce water usage by the Moora Districts Tennis Club.

➤ **Economic**

Installation of lighting and reduced reliance on volunteers for court maintenance will have a direct and positive impact on memberships thus ensuring the future existence of the Moora Districts Tennis Club. Maintaining sporting clubs is proven to aid in recruitment and retention of skilled personnel, families, and individuals in rural and regional communities and so continued operation of Moora Districts Tennis Club will be beneficial.

➤ **Social**

By reducing the level of volunteer burn out through replacement of grass courts with synthetic turf the club will attract both past and new members. Participation in sport and recreation through club and social sport is proven to have significant individual and community outcomes relative to physical and mental health, reduced burden on health care services, reduced crime and anti-social behaviour within the community, increased engagement of young people and families deemed to be at risk, increased sense of community pride and belonging. Through this project the capacity of the Moora Districts Tennis Club to host social daytime and evening tennis, local competitions, pennants tennis, regional tournaments, and coaching clinics will be increased. With a greater capacity to deliver more sport it is anticipated that the project will engage a greater number of community members in evening social tennis, corporate tennis, junior tennis, and the like. Evening tennis will also promote sun safety and will engage a greater number of community members, many of whom choose not to play tennis due to the heat of summer.

FINANCIAL IMPLICATIONS:

There are financial implications to Council in relation to this item. Council supported the project through a notional allocation of \$20,000 cash and \$25,000 in-kind (earthworks).

SUMMARY

Council is now required to formalise its notional allocation to the project. It is recommended Council approve the in-kind works of \$25,000 to be included in the 2012/13 current budget cycle with the \$20,000 cash contribution to be set aside in the 2013/14.

VOTING REQUIREMENTS

Absolute Majority Required

OFFICER RECOMMENDATION

That Council formally notes the successful funding application of the Moora Tennis Club from the Department of Sport and Recreation to construct four new synthetic tennis courts on Lots 36, 37 and 38 Gardiner Street, Moora in accordance with the below mentioned financial parameters; further that Council approve the in-kind works of \$25,000 as an amendment to the 2012/13 budget and the contribution of \$20,000 in cash to be included in the 2013/14 budget:

Source of funding	\$ Amount ex GST	\$ Amount inc GST		Funding confirmed Y / N	Comments to support claim (please attach relevant support)
Local government	45,000	49,500	LGA cash (\$20,000) LGA in-kind (\$25,000)	Y	Resolution 82/12
Applicant cash	128,727	141,600	Organisation's cash	Y	Financial Statements

Volunteer labour	6,000	600	Cannot exceed applicant cash and LGA contribution – max \$50,000	Y	Research and Project management
CSRFF requested	86,864	95,550	up to 1/3 project cost	Y	
b) Total project funding	260,591	286,150			

9.4 ENGINEERING SERVICES

9.4.1 BUDGET ITEM - NEW HEAVY DUTY TIP TRUCK

FILE REFERENCE: L/TEPI
REPORT DATE: 12 March 2013
APPLICANT/PROPONENT: John Greay, Manager Engineering Services
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: N/A
AUTHOR: Manager of Engineering Services, John Greay
ATTACHMENTS: Heavy Duty Truck Quotation Matrix

PURPOSE OF REPORT:

For Council to consider the changeover of one of its heavy duty truck fleet being a 2005 International Powerstar Tip Truck. The current truck has approximately 280,000kms. (Rego # M446)

BACKGROUND:

Council has a 15 year plant replacement programme and it has been identified at the beginning of the financial year that this truck was due for replacement.. It was previously decided that quotations wouldn't be sought until early in the financial year. Also these would be delayed until March and was dependant on council obtaining some external funding in the form of private works. This has been forthcoming as council have been engaged to carry our work on Kiaka Road on behalf of Simcoa who mine silica at Cairn Hill and transport out via Kiaka Road. Work here is due to commence within the next six weeks.

COMMENT:

Council management decide to use the WALGA Preferred tenderer process to call for quotations for this truck in all, six companies responded and offered nine trucks for consideration. These are attached for council's consideration.

POLICY REQUIREMENTS:

Council Policy 9.12 – Purchasing and Procurement

Adopted by Council 15th March 2000

The Shire is committed to maximising opportunities for the economic development of business and industry in the Shire of Moora.

The Shire has a responsibility to achieve value for money in its procurement of goods and services.

Value for money

Is an important consideration in the determining of contracts and purchasing of goods and services. Purchasing decisions will be based on the total cost of the product over its serviced life, considering factors such as quality, service standards, timely delivery, local back up, benefits and risk.

Suppliers within the Shire can actively seek business with the Shire of Moora by:

- Actively promoting goods and services to the Shire of Moora
- Offering competitive prices the first time

- Supplying quality goods and services
- Seeking information about proposed purchases to be made by the Shire of Moora.

Where practical, the Shire of Moora shall seek to support business and industry within the shire. The Shire of Moora will ensure that business and industry within the shire have every opportunity to bid for and where competitive, supply the required needs. As part of considering the value for money decisions, the benefits of purchasing goods and services from local suppliers shall be considered.

In considering value for money decision, the following considerations will be included when analysing purchasing from local business and industry:

- Local Government Act 1995 tender regulations
- National Competition Policy principles
- Trade Practices Act
- The social and economic impact of major contract decisions on local business
- Possible flow on effect to local businesses
- The potential for local product demonstrations and references, which consequently reduced risk in the decision making process
- More convenient communications and liaison
- Local backup, spare parts, warranty and quality of servicing
- Ability of local business to the Shire, thereby increasing economic activity
- Conformity with tender bid requirements
- Ability to meet the Shire of Moora's needs

The Shire of Moora will support and assist local business and industry by:

- Recognising the benefits of purchasing from local business and industry
- Advertising all tenders and expressions of interest in the Central Midlands and Coastal Advocate
- Where requested, provide feedback to unsuccessful tenderers highlighting how bids can be improved to be more competitive.

In terms of Councils existing policy the most relevant and critical reference at this juncture is; **“The Shire has a responsibility to achieve value for money in its procurement of goods and services.”**

LEGISLATIVE REQUIREMENTS:

Council has budgeted for the changeover of this vehicle in this financial year

STRATEGIC IMPLICATIONS:

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

In a general sense Council should undertake a closer examination of its heavy plant and equipment fleet a look to establish or re-establish outer markers in terms of maximum years/working hours of such items.

It is understood there is always annual budget parameters and it's a difficult task to provide the appropriate fiscal resources to keep up with a plant and equipment replacement program.

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 economic implications associated with this proposal.

FINANCIAL IMPLICATIONS:

Within the budget, the following allowances have been made under:-

Transport item # 34010 = \$280,000 gross price

Minus item #24007 (profit on sale of Inter-Powerstar tip truck) = \$45,000. Changeover \$235,000 ex GST.

VOTING REQUIREMENTS

Simple Majority Required

OFFICER RECOMMENDATION

That Council accept the quotation from Truck Centre for the purchase of one new Mack Granite (model Rigid 500 MP8) tip truck as per council requirements, on the basis of trading one Inter-Powerstar Tip Truck (Rego #M446, Eng. #B314067936, at a net changeover of \$217,875 (GST Excluded)).

10. **ELECTED MEMBER MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**
11. **NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF COUNCIL**
12. **MATTERS FOR WHICH THE MEETING MAY BE CLOSED**
13. **CLOSURE OF MEETING**