

**Shire of Moora  
Ordinary Council Meeting  
20<sup>th</sup> February 2013**

**NOTICE OF MEETING**

Dear Elected Member

The next Ordinary Council Meeting of the Shire of Moora  
will be held on **Wednesday 20<sup>th</sup> February 2013**  
in the Council Chambers, 34 Padbury Street, Moora  
commencing at **5.30 pm**

AJ Leeson  
Chief Executive Officer



14<sup>th</sup> February 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, <sup>(1)</sup> \_\_\_\_\_ wish to  
 declare an interest in the following item to be considered by Council at its meeting to be held on  
<sup>(2)</sup> \_\_\_\_\_.

Agenda Item <sup>(3)</sup> \_\_\_\_\_

The type of interest I wish to declare is: <sup>(4)</sup>

- 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 <sup>(5)</sup>

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The extent of my interest is <sup>(6)</sup>

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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 FEBRUARY 2013**  
**COMMENCING AT 5.30PM**

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**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****APOLOGIES**

SA Bryan - Councillor

Rebecca McCall - Mgr Community & Economic Development - Professional Development

Peter Williams - Mgr Health Building & Planning Services - Professional Development

**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 - 12 DECEMBER 2012**

*That the Minutes of the Ordinary Meeting of Council held on 12 December 2012 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 February 2012

**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 61045 to 61122</i>	<i>\$142,426.33</i>
	<i>EFTs 9057 to 9357</i>	<i>675,543.15</i>
	<i>Credit Card Payments</i>	<i>7,448.05</i>
	<i>Net Pays - PPE 19/12/12</i>	<i>84,177.26</i>
	<i>Net Pays - PPE 2/1/13</i>	<i>73,473.40</i>
	<i>Net Pays – PPE 16/1/13</i>	<i>77,160.16</i>
	<i>Net Pays – PPE 30/1/13</i>	<i>77,051.47</i>
<i>Trust Account</i>	<i>Cheques 4830 to 4839</i>	<i><u>290.00</u></i>
	<i>Total</i>	<i>\$1,137,569.82</i>

## **9.1.2 STATEMENT OF FINANCIAL ACTIVITY FOR PERIOD ENDED 31 DECEMBER 2012**

**REPORT DATE:** 6 February 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 31 December 2012

### **PURPOSE OF REPORT:**

To note and receive the Statement of Financial Activity for the period ended 31 December 2012.

### **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 31 December 2012.*

### **9.1.3 WEST END LAND – EXPRESSIONS OF INTEREST - LEASE**

**FILE REFERENCE:** ED/WEDI  
**REPORT DATE:** 12 February 2013  
**APPLICANTS/PROPONENT:** Moora Districts Bowling Club/Moora Football Club  
**OFFICER DISCLOSURE OF INTEREST:** Impartiality – CEO Mr Alan Leeson – Acting Secretary – Moora Football Club  
**PREVIOUS MEETING REFERENCES:** Nil  
**AUTHOR:** Alan Leeson, Chief Executive Officer  
**ATTACHMENTS:** Letters from Moora Bowling Club and Moora Football Club

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

For Council to consider expressions of interest received in relation to the potential lease of portion of the West End arable land for the purpose of cropping or grazing in the 2013 grain growing season.

Two expressions of interest have been received, one from the Moora Bowling Club and one from the Moora Football Club, both seeking to crop portion of the West End land, copies of both letters attached with agenda papers.

#### **BACKGROUND:**

In previous years the administration of the West End land has been administered by the Moora Community Recreation Council (MCRC). As of May 2011 the MCRC have relinquished the management of the West End land, to be effective from March 2012. 2012 was the first year that Council controlled the lease of the land. Moora Bowling Club had a lease on some of the land and the Moora Rovers Football Club leased the larger portion on the west side of the Moore River.

#### **COMMENT:**

Both submissions have been submitted on the basis of 'community cropping'. The Moora Bowling Club is fundraising to cater for future upgrades of the club house. They have requested a long term lease in the vicinity of 5 – 10 years, subject to the lease fee to be negotiated.

The Moora Football Club requested a lease of a 3 year period for the purpose of raising funds for capital infrastructure, namely renovations and improvements to change rooms, club facilities i.e. lighting towers, scoreboard and the like. Previously under the management of the MCRC those submissions from community groups who indicated they were meeting club operating/recurrent costs with funds raised from the cropping would have their submission denied on the basis the expectation is funds are required to go toward capital projects/infrastructure.

Last year the Moora Rovers Football Club chose to lease on a commercial basis to fund recurrent expenses of the club. Based on submissions this year the lease figure would reflect a subsidise rate on the basis that both clubs are raising funds for capital initiatives.

#### **POLICY REQUIREMENTS:**

There are no policies of Council that directly implicate this proposal in relation to leasing the West End land. It is recommended however that Council give serious consideration to developing a guideline which sets out respective parties responsibilities in terms of land tenureship, fences, weed control, fertiliser treatment and transparent conditions as to how funds raised should be used by community groups.

At the moment the only real guideline is the understanding/expectation that community groups will use funds raised for capital projects.

### **LEGISLATIVE REQUIREMENTS:**

In accordance with Section 3.58 of the Local Government Act 1995 certain requirements must be met in relation to how land which the council owns is treated.

In accordance with the relevant provisions of the Act, Council is in effect disposing of property, as it is proposing to lease land to respective parties. See legislative requirements hereunder.

On the basis of Section 3.58 of the Act Council will be required to advertise its intention to lease the various sections of the West End land before formally agreeing to dispose of the land.

In terms of obtaining a current valuation for the land, the author has discussed the context of Section 3.58 (4) in respect of “market valuation”. To that end, Management have requested an assessment of the likely lease value from rural agencies in Moora. Council is then able to use this assessment as a guide in determining the market lease value of the arable portions of West End land. The lease valuation will be an assessment on the basis of normal commercial lease conditions. Council can then use this as a baseline in determining a “community group lease value” which in the past has been considerably less than that of commercial lease values.

### **3.58. Disposing of property**

- (1) In this section —
  - dispose** includes to sell, lease, or otherwise dispose of, whether absolutely or not;
  - property** includes the whole or any part of the interest of a local government in property, but does not include money.
- (2) Except as stated in this section, a local government can only dispose of property to —
  - (a) the highest bidder at public auction; or
  - (b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.
- (3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —
  - (a) it gives local public notice of the proposed disposition —
    - (i) describing the property concerned; and
    - (ii) giving details of the proposed disposition; and
    - (iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;

and
  - (b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.
- (4) The details of a proposed disposition that are required by subsection (3)(a)(ii) include —
  - (a) the names of all other parties concerned; and
  - (b) the consideration to be received by the local government for the disposition; and

- (c) the market value of the disposition —
  - (i) as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or
  - (ii) as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.
- (5) This section does not apply to —
  - (a) a disposition of an interest in land under the *Land Administration Act 1997* section 189 or 190; or
  - (b) a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59; or
  - (c) anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or
  - (d) any other disposition that is excluded by regulations from the application of this section.

[Section 3.58 amended by No. 49 of 2004 s. 27; No. 17 of 2009 s. 10.]

### **STRATEGIC IMPLICATIONS:**

There are no known strategic implications associated with this proposal.

### **SUSTAINABILITY IMPLICATIONS:**

#### ➤ **Environment**

The West End land has been set aside by Council for future residential development, with the majority of the land outside the flood zone of the Moora townsite.

#### ➤ **Economic**

In the interim the land is value adding to the community's need and capacity to raise funds for various community projects. The access and capability with respect to community fundraising is expected to continue in the short term at least.

#### ➤ **Social**

The opportunity to fundraise from the West End land strongly supports the recreational and social culture of the community. Should various community groups not have the opportunity to raise funds via "community cropping" the sustainability of some clubs would be called into question and the fiscal resources required to fulfil various capital and infrastructure projects would be beyond the capability of most rural sporting groups' memberships.

### **FINANCIAL IMPLICATIONS:**

Depending on the final assessment of lease valuations to be determined by Council, it can be reasonably expected based on historical lease arrangements the rates for land lease of West End will be in the vicinity of;

Community Group Cropping Lease - \$25 - \$30 per hectare

Commercial Cropping Lease - \$70 - \$80 per hectare

The Moora Bowling Club has indicated a wish to lease approx. 36 ha with the Moora Football Club wishing to lease the remaining land which is in the vicinity of 100 to 115 hectares. It may be that some of the sandier country is not cropped, however the

expectation would be that the land would be maintained appropriately in terms of weed management.

### **SUMMARY:**

The Moora Bowling Club has asked for a longer term of 5 to 10 years and the Moora Football Club 3 years, which requires Council consideration. In granting a short to medium term lease Council should have regard for its aspirations in terms of the West End land future residential infill. Any term beyond one year should be on the condition that Council reserves the right to call an end to the lease understanding that it will not be mid-stream in an annual cropping program. Clubs will be given the opportunity to complete their annual cropping program.

### **VOTING REQUIREMENTS**

Simple Majority Required

### **OFFICER RECOMMENDATIONS**

*That Council advertise its intent to lease portion of the West End land being the Sewerage Paddock (east of river) 36 hectares to the Moora Bowling Club for the purpose of cropping/grazing in accordance with their submission and (west of river) 100 to 115 hectares to the Moora Football Club for the purpose of cropping/grazing for a maximum period of 5 years expiring 28 February 2018 at a price of \$30 per hectare (indexed at 3% per annum) subject to the following conditions;*

- a. Land cannot be sublet;*
- b. Lessees are responsible for upkeep of fire breaks in accordance with the Shire of Moora Fire Break Order. Should the fire breaks be non-compliant they will be made good by Council at the lessees cost;*
- c. Lessees are responsible for the upkeep and maintenance of all fencing and gates;*
- d. Lessees are responsible for all weed management, of particular note, caltrop and melons over the summer months. If notice is received from the Lessor to make good any poor weed management the lessee will ensure appropriate action is taken with 14 days of the notice given to remedy the situation;*
- e. Soil quality shall be maintained to a suitable level commensurate with good farming practices through application of fertiliser and mineral supplements as required. Copies of soil tests shall be supplied to the Council prior to the annual seeding program;*
- f. Lessee shall ensure due consideration and consultation occurs with adjoining land holders with respect to ongoing cropping/grazing and land management practices;*
- g. Annual lease payment shall be based upon after harvest terms, therefore annual lease payment shall be paid to Council by no later than 28 February of the relevant year;*
- h. Council reserves the right to call an end to the lease understanding that it will not be mid-stream in an annual cropping program. Clubs will be given the opportunity to complete their annual cropping program. Cessation of the lease would be on the premise of West End rural/residential development;*
- i. Should the lessee wish to cease leasing prior to the expiry of 28 February 2018 the lessor shall be notified by no later than the 31 December of the relevant year i.e. at the completion of the annual cropping program.*

**9.1.4 STATEMENT OF FINANCIAL ACTIVITY FOR PERIOD ENDED 31 JANUARY 2013**

**REPORT DATE:** 12 February 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 31 January 2013

**PURPOSE OF REPORT:**

To note and receive the Statement of Financial Activity for the period ended 31 January 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 31 January 2013.*

### **9.1.5 CHANGING METHODS OF VALUATION OF LAND**

**FILE REFERENCE:** F/RBU1-2  
**REPORT DATE:** 11 December 2012  
**OFFICER DISCLOSURE OF INTEREST:** Nil  
**PREVIOUS MEETING REFERENCES:** Nil  
**AUTHOR:** Leanne Parola, Manager Finance & Corporate Services

**PURPOSE OF REPORT:**

For Council to consider changing the method of valuation of land within the Moora Townsite.

**BACKGROUND:**

Staff have identified a number of properties that are within the Moora Townsite that are currently rated on a UV basis. This is inconsistent with other properties with similar uses that are rated using GRV.

**COMMENT:**

Municipal rates are calculated by multiplying the valuation of a property by the adopted rate in the dollar. Property valuations are set by the Valuer General's Office and will be either the Unimproved Valuation (UV), for properties that are used predominately for rural purposes, or a Gross Rental Valuation (GRV) which applies to properties that are used predominately for non-rural purposes.

It is up to each local government to determine the predominant use of each parcel of land and to ensure that rating principles are applied fairly and equitably, and that there is consistency between like properties.

At the moment, there are a number of properties within the Moora Townsite boundary that are rated using their Unimproved Value, whereas similar properties are rated using their Gross Rental Value. This results in significant discrepancies between the rates paid by these property owners.

For example, Lot 214 Long Street is valued and rated using GRV and their total rates for 2012/13 were \$1,450.38. An adjoining property, Lot 213 Long Street is valued using UV and GRV and were levied using the UV Urban Farmland rate so they were only charged \$932.00 in the same year. Both properties have a Gross Rental Value of \$10,660.

The Department of Local Government has developed guidelines regarding “Changing Methods of Valuation of Land” which says that local governments are able to review and request a change in the method of valuation on properties based on the following methods:

- a) By portion of a lot (split valuation)
- b) By individual lot (spot valuation)
- c) By subdivision
- d) By townsite or land outside the townsite

The Guidelines state that a number of local governments have defined their method of valuation based on whether land is within a townsite or land outside a townsite. This is a simple approach which in a district like Moora appears to be quite fair and equitable. The townsite boundaries are reflected in the Town Planning Scheme and any changes to the boundaries within the Scheme will be advertised publically.

**POLICY REQUIREMENTS:**

This proposal is in keeping with the Shire of Moora's Rating Strategy.

**LEGISLATIVE REQUIREMENTS:**

Local Government Act

**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 in the 2012/13 year.

**VOTING REQUIREMENTS**

Simple Majority Required

**OFFICER RECOMMENDATION**

*That the Minister for Local Government be requested to change the method of valuation for properties within the Moora Townsite to be based on GRV, effective from 1 July 2013.*

### **9.1.6 SHIRE OF MOORA ANNUAL COMPLIANCE AUDIT RETURN FOR 2012**

**FILE REFERENCE:** GA/SCO1

**REPORT DATE:** 13 February 2013

**APPLICANT/PROPONENT:** Department of Local Government and Regional Development

**OFFICER DISCLOSURE OF INTEREST:** The author has no financial or other interest in this matter.

**PREVIOUS MEETING REFERENCES:** N/A

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

**ATTACHMENTS:** 2012 Compliance Audit Return

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

The 2012 statutory Compliance Audit Return has been completed for the 2012 calendar year and is being presented to Council for adoption.

#### **BACKGROUND:**

Section 7.13(i) of the Local Government Act 1995 contains provisions for the making of regulations requiring local governments to carry out, in the manner and form prescribed, an audit of compliance whether of a financial nature or not. Local Government (Audit) Regulations prescribe in more detail the requirements of the compliance audit including the requirement for Council to submit a certified copy of the return by 31 March to the Executive Director of the Department of Local Government.

The Return is considered a very useful device for local governments to check their level of compliance with the legislative requirements of the Local Government Act 1995 and other relevant legislation. Also, the Return forms an important part of the Shire's monitoring program. There is a legal requirement to annually complete the Return.

#### **COMMENT:**

Overall the compliance return requirements have been significantly reduced to that of previous years. There are not any areas of non-compliance. On page 6 of the return the question is asked ***“Did the local government approve the selection process to be used for the selection and appointment of the CEO before the position of CEO was advertised”***.

I have ticked “Yes” for this, although I could not identify a formal resolution of Council. Naturally Council selected the recruiting consultant and were conversant with the process prior to formally embarking on the recruiting of the CEO. I believe this satisfies the requirements in the context of the question asked in the return.

#### **POLICY REQUIREMENTS:**

Nil

#### **LEGISLATIVE REQUIREMENTS:**

Local Government Act 1995, Section 7.13(i)

Local Government (Audit) Regulations 13, 14 and 15

#### **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:**

Where items are required to be rectified, for example completion of Local Law review, further funding may be required to be budgeted in the 13/14 budget.

**VOTING REQUIREMENTS**

Simple Majority Required

**OFFICER RECOMMENDATION**

*That Council adopts the attached Compliance Audit Return for the 2012 Calendar Year (1 January 2012 to 31 December 2012) and forward with the duly signed Joint Certification by the President and Chief Executive Officer, to the Executive Director of the Department of Local Government.*

### 9.1.7 **ABOLITION OF THE MILING LAND CONSERVATION DISTRICT COMMITTEE**

**FILE REFERENCE:** AN/LCOI

**REPORT DATE:** 23 January 2013

**APPLICANT/PROPONENT:** Department of Agriculture and Food

**OFFICER DISCLOSURE OF INTEREST:** Nil

**PREVIOUS MEETING REFERENCES:** 21/11/12 (133/12)

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

**ATTACHMENTS:** Nil

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

That Council not object to the winding-up of the Miling Land Conservation District Committee (LCDC).

#### **BACKGROUND:**

Advice has been received from Gail Arnold at the Department of Agriculture and Food that the Department intends to abolish both the Miling LCDC.

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

#### **COMMENT:**

We are advised that the LCDC ceased to exist when their term of appointment expired on the 30<sup>th</sup> September 2001. Since that time the LCDC's had no authority to operate and it is apparent that there is now a lack of interest in continuing with it.

The Moora Miling Pastoralist Improvement Group is active in the area.

#### **POLICY REQUIREMENTS:**

There are no policy requirements in relation to this item.

#### **LEGISLATIVE REQUIREMENTS:**

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

#### **STRATEGIC IMPLICATIONS:**

There are no known strategic implications associated with this proposal.

#### **SUSTAINABILITY IMPLICATIONS:**

##### ➤ **Environment**

The proposal to abolish the LCDC may have an adverse impact on raising awareness and on ground land care activities unless a regional or whole of Shire approach can redress the situation.

##### ➤ **Economic**

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

##### ➤ **Social**

The proposal has the potential to affect the interaction of localities and the way farmers and farming families socialise. The advice of the LCDC is probably an indicator of reduced farming families (declining rural population), volunteer burnout,

farmers doing their own thing in respect to land care practices and disinterest due to frustration at processes and lack of funding.

**FINANCIAL IMPLICATIONS:**

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

**VOTING REQUIREMENTS**

Absolute Majority Required

**OFFICER RECOMMENDATION**

*That Council advise the Department of Agriculture and Food that it holds no objection to the abolition of the Miling Land Conservation District Committee.*

### **9.1.8 ADOPTION OF SHIRE OF MOORA STRATEGIC COMMUNITY PLAN 2012-2021**

**FILE REFERENCE:** PD/STPI

**REPORT DATE:** 11 February 2013

**OFFICER DISCLOSURE OF INTEREST:** Nil

**PREVIOUS MEETING REFERENCES:** Nil

**AUTHOR:** Rebecca McCall, Manager Community Economic Development

**ATTACHMENTS:** Shire of Moora Strategic Community Plan 2012-2021

**PURPOSE OF REPORT:**

For Council to adopt the Shire of Moora Strategic Community Plan 2012-2021.

**BACKGROUND:**

This 10 year Strategic Community Plan has been developed to ensure that a clear strategic direction is mapped out which will lead to improved services and outcomes for the people of the Shire of Moora, and to ensure that the Council will provide a planned approach to leadership in a challenging and changing environment.

The Strategic Community Plan is a requirement under the Local Government Act 1995 and is designed to connect community aspirations with long term Local Government strategies and resourcing.

The Strategic Community Plan 2012–2021 has been developed with reference to all the plans and strategies of the Shire, with relevant regional and state plans, and with input from community consultation.

The Shire has undertaken extensive community and stakeholder consultation between 2011-2012 in association with the following Shire plans and strategies:

Community Safety & Crime Prevention Plan 2011-2016

Community Cultural Plan 2012-2016

Moora Youth Centre Strategic Plan 2012-2016

Moora District Child Care Centre Strategic Plan 2012-2016

Sport & Recreation Strategic Plan 2012-2016

Tourism Development Strategy 2012-2016

Economic Development Strategy 2012-2016

Asset Management - Service Delivery

Strategic Community Plan 2012-2021

This consultation, together with that for the Age-Friendly Communities Study in 2011, involved some 415 community participants.

**COMMENT:**

The Strategic Community Plan provides a high level, aspirational vision statement, together with an organisational mission statement (why we exist, whom we serve, what we deliver). These high level statements provide a context for goals (high level outcomes linked to achieving the vision), which have in turn provided the strategic framework for the outcomes (to attain goals) and strategies (specific activities to achieve the outcomes).

Specific actions and projects to implement the Plan Strategies are developed through the Shire's Business Planning process. These are defined at the Business Unit level and link the



Strategic Plan to Council operations, services and resources. The diagram below illustrates the interrelationship of these parts of the Strategic Community Plan.



The Shire of Moora's Strategic Community Plan drives the development of the Corporate Business Plan and is integrated with the Council's Asset Management, Workforce and Long Term Financial Plans. The integration of asset, service and financial plans means the Shire's resource capabilities are matched to the Moora community's needs.

Implementation of the Strategic Plan is achieved through the development of priority actions and projects as part of the Corporate Business Planning process. Key Performance indicators at the strategic and operational levels provide valuable information on how efficiently the Shire is delivering its services, actions and projects and how successful it is in achieving its outcomes and goals set out in the Strategic Community Plan.

#### **POLICY REQUIREMENTS:**

Nil

#### **LEGISLATIVE REQUIREMENTS:**

All local governments are required to produce a plan for the future under Section 5.56 (1) of the Local Government Act 1995. The Integrated Planning and Reporting Framework has been introduced in Western Australia as part of the State Government's Local Government Reform Program. There is a requirement to complete the process by June 30, 2013.

#### **STRATEGIC IMPLICATIONS:**

This document will be the guide and set the strategic direction for the Shire for the next Ten Years.

#### **SUSTAINABILITY IMPLICATIONS:**

##### ➤ **Environment**

There are known environmental implications associated with this Plan as there is a strategic focus to protect and enhance the natural environment.

##### ➤ **Economic**

There are known economic implications associated with this Plan as there is a strategic focus to develop a thriving and diverse local economy and further enhance the built environment that supports economic and community growth.

➤ **Social**

There are known social implications associated with this Plan as there is a strategic focus to build a vibrant, healthy and safe community.

**FINANCIAL IMPLICATIONS:**

There are financial implications to Council in relation to this item as the Strategic Plan Framework outlines goals and outcomes. To achieve these outcomes necessary resources will be identified in the Shire of Moora's Ten Year Financial Plan and determined during annual budget deliberations.

**VOTING REQUIREMENTS**

Simple Majority Required

**OFFICER RECOMMENDATION**

*That Council adopts the Shire of Moora Strategic Community Plan 2012-2021.*

**9.1.9 PROPOSAL TO INSTALL A MOBILE PHONE BASE STATION - WIRRILDA ROAD**

**FILE REFERENCE:** TP/1213

**REPORT DATE:** 14 February 2013

**APPLICANT/PROPONENT:** Mark and Peter Nixon

**OFFICER DISCLOSURE OF INTEREST:** Nil

**PREVIOUS MEETING REFERENCES:** Nil

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

**ATTACHMENTS:** Proposal & Diagram of coverage

**PURPOSE OF REPORT:**

Applicants Mark and Peter Nixon seek Councils endorsement of the proposal to locate a new Telstra Next G Mobile Phone Tower south east of Moora adjacent to Wirrilda Road / Barberton East Road intersection. It is proposed to submit the proposal to the Wheatbelt Development Commission for consideration to be funded under the Royalties for Regions scheme – Regional Mobile Communications Program. Currently there is not a funding round, however the intention is to have the submission lodged for consideration of and when another funding round occurs.

**BACKGROUND:**

The applicants have been liaising with Telstra for some time. Telstra have endorsed the project as it would improve the mobile phone coverage in that area. Please refer to attached with reference to specific comments in relation to network coverage improvements.

**COMMENT:**

A mobile telecommunication base station meets the requirements of the Shire of Moora Town Planning Scheme No 4 (Amendment 10) for the General Agriculture Zone. It will also facilitate coverage of what was previously a black spot in telecommunications for the area.

**POLICY REQUIREMENTS:**

Nil

**LEGISLATIVE REQUIREMENTS:**

There are no known legislative requirements related to this item.

**STRATEGIC IMPLICATIONS:**

There are no known strategic implications associated with this proposal.

**SUSTAINABILITY IMPLICATIONS:**

➤ **Environment**

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

➤ **Economic**

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

➤ **Social**

This facility will enhance social communications for the communities that have previously been affected by lack of mobile and broadband coverage.

**FINANCIAL IMPLICATIONS:**

There are no financial implications to Council in relation to this item. If constructed it would be funded via an external funding program to Councils Municipal Fund.

**SUMMARY:**

This report seeks only to obtain Councils “in principle support” to submit the proposal to the Wheatbelt Development Commission. Any improvements to the mobile network across the Shire of Moora will provide significant and economic benefits to the local community and regional alike.

**VOTING REQUIREMENTS**

Simple Majority Required

**OFFICER RECOMMENDATION**

*That Council endorse the development of a new Next G Mobile phone tower as detailed in the proposal submitted by Mark and Peter Nixon proposed to be constructed on the corner of Wirrilda Road and Barberton East Road, further that the proposal be submitted to the Wheatbelt Development Commission to be considered under future rounds of the Royalties for Regions – Regional Mobile Communications Program.*

### **9.1.10 MINUTES OF ANNUAL GENERAL MEETING OF ELECTORS HELD ON 12 DECEMBER 2012**

**FILE:** EM/ANMI  
**AUTHOR:** Alan Leeson, Chief Executive Officer  
**REPORT DATE:** 13 February 2013  
**DECLARATION:** The author has no financial interest in this matter  
**ATTACHMENTS:** Minutes of Electors Meeting held 12 December 2012

#### **BACKGROUND**

The Annual General Meeting of Electors, in respect to the year ended 30 June 2012, was held in the Moora Performing Arts Centre on Wednesday 12 December 2012.

The provisions of the Local Government Act 1995 require that the minutes of the Electors Meeting must be presented to Council for consideration at the next available Ordinary Meeting.

The minutes of the meeting are now presented to Council and are appended for reference.

#### **COMMENT**

The minutes of the Annual Electors meeting contain a number of procedural resolutions that do not require any further action by Council.

#### **STATUTORY ENVIRONMENT**

Sections 5.32 and 5.33 of the Local Government Act 1995, deal with the recording of Minutes of the Annual Electors Meeting and the requirement for Council to consider any decisions made.

#### **POLICY IMPLICATIONS**

There are no policy implications in respect to the recommendation of this report.

#### **BUDGET IMPLICATIONS**

Nil

#### **STRATEGIC IMPLICATIONS**

Demonstrating to the electors that Council has listened to their request enhances Council's standing and respect within the community.

#### **PRECEDENT**

The adoption of the recommendation of this report does not set a precedence.

#### **VOTING REQUIREMENTS**

Simple Majority Required

#### **OFFICER RECOMMENDATION**

*That Council receives the minutes of the Annual General Meeting of Electors for the Year Ended 30 June 2012 held on 12 December 2012, and note the contents.*

## 9.2 HEALTH, BUILDING & PLANNING SERVICES

### 9.2.1 PROPOSAL TO PREPARE SEWERAGE ASSET MANAGEMENT PLAN

**FILE REFERENCE:** HSWSI-2

**REPORT DATE:** 7 February 2013

**APPLICANT/PROPONENT:** Core Business Australia

**OFFICER DISCLOSURE OF INTEREST:** Nil

**PREVIOUS MEETING REFERENCES:** 16/01/2013

**AUTHOR:** Peter Williams, Manager Health Building & Planning Services

**ATTACHMENTS:** Proposal

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

The purpose of this report is to advise Council of the proposal to engage Core Business Australia to carry out an investigation to collect data of the Shire's Sewerage Assets to enable a comprehensive asset register to be developed. This is so the Shire can determine what assets it has, the condition of those assets so future budgeting can be carried out for asset replacement so the program can be better managed, and reporting requirements can be followed.

#### **BACKGROUND:**

The Shire currently has some 17.6 kilometres of gravity fed sewer pipes to drain both residential and commercial connections, seven (7) pumping stations with various infrastructure, a number of rising mains transporting sewerage under pressure from six pumping stations to No 1 Pumping station. Sewerage is then pumped into the Shire's primary sewerage dam and subsequently through 5 secondary dams and eventually sewerage is then pumped to the Shire's middle dam where it is chlorinated and reticulated onto the Shire oval and parks.

Currently the maintenance and operations of the sewerage system is carried out by the Water Corporation through an agreement that has expired at a cost to the Shire of \$120,000 – \$140,000 a year. The current process is not satisfactory as the Water Corporation will not provide any information on the asset or the condition of the assets which is very frustrating particularly when the ERA expects the Shire to provide a condition and maintenance report on the Shires pumping stations.

#### **COMMENT:**

The information the Shire requires includes:

- An accurate Sewer Asset Register, covering pipes, pumps, rising mains, man holes ponds etc. and containing information about
  - Material types
  - Locations
  - Dimensions
  - Conditions
- The asset register will allow replacement values and remaining lives of the assets to be determined.
- Housing the Asset Register in the Shire's present Building Database supplied by Core Business. The database will be adapted so that a new introductory screen provides a clear choice between managing the sewerage assets and managing the building assets
- The project will be based on six tasks that will together make up the Asset Register, these being;
  - Task 1- Project Establishment & Mobilisation - \$2,077.90

○ Task 2 – Asset Data Collection -	\$21,340.00
○ Task 3 – Database Compilation -	\$9,988.00
○ Task 4 – Prepare Asset Management plan -	\$12,848.00
○ Task 5 – Spreadsheet tool for assessing flows in network	\$2,860.00
○ Task 6 – Presentation results	<u>\$1,890.90</u>

Total project estimate \$51,004.80

The information that Core Business Australia will provide will be advantageous to the Shire in that we will have an asset register and condition report on all the Shire assets which amount into hundreds of thousands of Dollars.

#### **POLICY REQUIREMENTS:**

Nil

#### **LEGISLATIVE REQUIREMENTS:**

DEC License Conditions and Economic Regulatory Authority requirements

#### **STRATEGIC IMPLICATIONS:**

Nil

#### **SUSTAINABILITY IMPLICATIONS:**

##### ➤ **Environment**

The scheme is managed in accordance with the relevant environmental requirements. Annually Council is required to report the operations, maintenance and enhancement of the scheme to the W.A. Economic Regulation Authority.

##### ➤ **Economic**

The Sewerage Scheme is important to the fabric of the residential and commercial amenity of the Moora townsite. It is considered to be a significant advantage and attraction in the goal in leveraging news residents and businesses to Moora.

##### ➤ **Social**

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

#### **FINANCIAL IMPLICATIONS:**

The cost of this important initiative will be met through the Sewerage Reserve Fund and it will therefore have no impact on the Municipal Fund Budget of Council.

#### **VOTING REQUIREMENTS**

Simple Majority Required

#### **OFFICER RECOMMENDATION**

*That Council agree to the Sewerage Asset Management Plan proposal by Core Business Australia to collect data and prepare an asset management plan for the Shire of Moora so that the Shire has an Asset Register that is representative of the sewerage system that is currently in place.*

**9.2.2 ALAN ANDREWS – STORAGE SHED I McKEEVER STREET, MOORA****FILE REFERENCE:** PA18/2013**REPORT DATE:** 5 February 2013**APPLICANT/PROPONENT:** Alan Andrews**OFFICER DISCLOSURE OF INTEREST:** Nil**PREVIOUS MEETING REFERENCES:** Nil**AUTHOR:** Peter Williams, Manager Health Building & Planning Services**ATTACHMENTS:** Plans**PURPOSE OF REPORT:**

Mr Alan Andrews seeks Council approval to construct a steel framed, steel clad shed 8.000mm x 9.000mm on his property located at I McKeever Street Moora which has an area of 1.0117Ha (refer attached plan). The size of the shed according to the Residential Design Codes is over sized as it is larger than 62m<sup>2</sup>.

**BACKGROUND:**

The outbuilding/shed as mentioned is 8,000m x 9,000m being a total square area of 72m<sup>2</sup>. 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 60m<sup>2</sup> 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*

**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 m<sup>2</sup> lots – Maximum size 200m<sup>2</sup>R2.5 – 4,000m<sup>2</sup> lots – Maximum size 200m<sup>2</sup>R5 -2,000m<sup>2</sup> lots – Maximum size 150m<sup>2</sup>R12.5 – 800m<sup>2</sup> lots – Maximum size 100m<sup>2</sup>R25/R30 – 320m<sup>2</sup> to 300m<sup>2</sup> lots Maximum size at Council discretion case by case.**COMMENT:**

Mr Andrews proposed shed is 72m<sup>2</sup> and meets the requirements of the Shire's Outbuilding policy for the size of his block and it is recommended that his application be approved subject to conditions.

**POLICY REQUIREMENTS:**

Section 6.10 Shire Policy Manual on Outbuildings

**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 approve Mr Alan Andrews's application for an oversized shed on his property at I McKeever Street, Moora subject to the following conditions:*

- *A building application is required to be submitted to the Shire's Building Department and approved by the Shire's Building Officer prior to building commencement. This planning approval is not a permission to construct.*
- *The Use of Second-hand Materials is not permitted*
- *During construction, access to the site shall be at the location of the vehicle crossover only. No material or vehicles associated with construction shall be allowed on the verge without the prior written approval from the local government.*
- *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 annually. 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.*
- *No activities associated with the construction, establishment or installation of the development/land use shall take place between the hours of 5:00pm and 7:00am unless otherwise approved in writing by the local government.*
- *The approved outbuilding is only to be used for general storage purposes associated with the predominant use of the land and shall not be used for habitation, commercial or industrial purposes.*

### 9.2.3 **ADVERTISING SIGN - BETHANY FARMS**

**FILE REFERENCE:** TP/PA191213

**REPORT DATE:** 12 February 2013

**APPLICANT/PROPONENT:** Paramount Australia

**OFFICER DISCLOSURE OF INTEREST:** Nil

**PREVIOUS MEETING REFERENCES:** Nil

**AUTHOR:** Peter Williams, Manager Health Building & Planning Services

**ATTACHMENTS:** Plans

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

Paramount Australia on behalf of Bethany Farms are seeking Council approval to install an advertising sign on the property of Bethany Farm of Lot 200 (No 18017) Great Northern Highway which is south of the townsite of Miling with a reduced setback being only two (2) metres from the front boundary. The sign is in close proximity to the highway where it is visible.

#### **BACKGROUND:**

Paramount Australia has entered into an agreement with Bethany Farms which allows Paramount Australia to erect a sign for advertising purposes on the Bethany Farm property at Lot 200 Great Northern Highway. Paramount Australia advises that their company builds signs of this nature in various parts of Metropolitan and Regional Western Australia and strives to provide signage that is built to a high quality finish, maintained to the standard that is built to display tasteful forms of advertising, strike and develop close relationships with the Local Authority, and to, where possible, coordinate the display of community based messages, including the Office of Road Safety, Local Tourism and Shire Events.

The proposed development comprises one (1) advertising sign, proposed to be erected to the Northern portion of the proposed site. The sign comprises a double sided advertising sign atop two poles which is encased within a sheet metal cladding. The sign has a clearance of two (2) metres from the ground, and has dimensions of 8 metres, and two (2) metres. The advertising material will change as required based on the campaigns, and display of the advertising material.

The proposed sign is considered to conform to commonly accepted safety measures with respect to advertising signs. The proposed sign does not incorporate any moving parts or mechanisms, and contain static illumination, with no parts of the sign flashing or pulsating. The proposed sign will be setback two (2) metres from the road (eastern) boundary and 250 metres from the northern boundary, in a clearly visible section of the proposed subject site, so as to avoid any concerns relating to vehicle safety. It is also proposed to position the sign perpendicular to the road reservation so that the sign would not be difficult to view, thus avoiding the potential for traffic hazards.

#### **COMMENT:**

Under the provisions of the Shire of Moora Town Planning Scheme No 4 Amendment 10, the subject site is zoned "General Agriculture". The objectives of the General Agriculture Zone, as stated in TPS 4 include:

- (a) To ensure the continuation of broad acre farming as the principle 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 recreational uses.

#### Site Requirements

The following minimum building setbacks shall apply:

Front: 20.0m

Rear: 15.0m

Side: 15.0m

Paramount Australia are asking for a reduced setback to two (2) metres off the front boundary which would be less restrictive than the twenty metres which would place the sign in the middle of the paddock, which would make it awkward for sowing and harvesting.

It is advised that as the sign will be located in the northern portion of the subject site, it is anticipated that the sign would limit the use of the balance of the site for its zoned purpose. In addition, the proposed site would have no detrimental impacts with respect to the site, or surrounding area, as it would not encourage subdivision of the site, and would not alter sustainable farming practices.

The sign meets the requirements of the Zoning of the area for “General Agriculture” however Main Roads W.A. will have the final say as to whether the sign is approved being adjacent to the road reserve.

#### **POLICY REQUIREMENTS:**

##### **DEFINITION:**

Detached or detachable structure other than a pylon sign that is erected for the sole purpose of displaying a sign or signs and includes a poster panel or an illuminated panel.

##### **REQUIREMENTS:**

The applicant is required to provide adequate justification for the use of a hoarding sign.

##### **APPLICATION:**

Requires Planning Approval (Council approval).

#### **LEGISLATIVE REQUIREMENTS:**

Main Roads Control of Advertising Regulations 1996

Road Traffic Code 2000 – Section 297

297. Power to erect traffic control signals and road signs

- (1) The Commissioner of Main Roads may erect, establish or display, and may alter or take down any road sign, road marking or traffic control signal.
- (2) The Commissioner of Main Roads may allow an authorised body to erect, establish, display, alter or take down any particular road sign, road marking or traffic control signal, or road signs, road markings or traffic control signals of a class or type of classes or types, and in the circumstances (if any), specified in the instrument of authorisation.
- (3) Where an authorised body is causing work to be undertaken or responsible for a survey, that authorised body may erect, establish, display, alter or take down any particular road sign or traffic control signal, or road signs or traffic control signals of a class or type of classes or types approved by the Commissioner of Main Roads so as to only apply to one lane, or one direction of, the carriageway to which the work or the survey relates.

- (4) A person shall not, without the consent of the Commissioner of Main Roads, remove, take down, damage, deface or interfere with any road sign, road marking or traffic control signal.
- (4a) A person shall not erect, establish, place, maintain or display —
- (a) a traffic sign; or
  - (b) a traffic control signal; or
  - (c) a road marking,  
on a road, unless that person —
  - (d) is authorised to do so by the Commissioner of Main Roads; or
  - (e) has the consent of the Commissioner of Main Roads to do so under this regulation; or
  - (f) is otherwise entitled to do so under a written law of the State.
- Modified penalty: 1 PU
- (5) A person shall not erect, establish, place, maintain or display, on a road, anything that —
- (a) is a false representation of, or a colourable imitation of, a traffic sign or traffic control signal; or
  - (b) interferes with the effectiveness of, or of any part of, a traffic sign or traffic control signal; or
  - (c) prevents an approaching driver from clearly distinguishing the whole, or part, of a traffic sign or traffic control signal; or
  - (d) distracts a driver's attention from a traffic sign or traffic control signal; or
  - (e) not being a traffic sign, displays a word or direction ordinarily associated with a traffic sign.
- Modified penalty: 1 PU
- (6) Despite these regulations, a traffic sign or traffic control signal that was erected prior to the coming into operation of these regulations, shall be a valid and effective traffic sign or traffic control signal for the purposes of these regulations.
- (7) The provisions of this regulation do not apply to the erection of road signs by any duly incorporated association or union of motorists approved by the Minister.
- (8) Unless otherwise stated by the Commissioner of Main Roads, an authorised body may delegate the responsibility for the erection, establishment, display, alteration or the taking down of road signs in the circumstances set out in subregulation (2) or (3).
- (9) Despite this regulation, where, for the purpose of temporarily controlling traffic it is expedient to do so, a member of the Police Force (including a warden), may erect or cause to be erected, road signs regulating the parking or stopping of vehicles and any sign so erected shall be a valid and effective traffic sign for the purposes of these regulations.

*[Regulation 297 amended in Gazette 23 Sep 2003 p. 4172 3; 6 Apr 2004 p. 1135 6.]*

#### **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 tone of the signs will need to be agreeable to the community

**FINANCIAL IMPLICATIONS:**

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

**VOTING REQUIREMENTS**

Simple Majority Required

**OFFICER RECOMMENDATION**

*That Council approve reduced setback and the installation of the advertising sign on the property of Bethany Farm of Lot 200 (No 18017) Great Northern Highway Miling subject to:*

- *Approval by Main Roads W.A., and compliance with regulation 297 of the Road Traffic Code 2000;*
- *Sign does not obstruct sight lines from roads entering the highway;*
- *Sign is installed as per engineer requirements;*
- *Sign shall not contain any offensive material or be discriminating.*

#### **9.2.4 MILING CBH EXTENSION**

**FILE REFERENCE:** TP/PTM11

**REPORT DATE:** 13 February 2013

**APPLICANT/PROPONENT:** Cooperative Bulk Handling (CBH)

**OFFICER DISCLOSURE OF INTEREST:** Nil

**PREVIOUS MEETING REFERENCES:** Nil

**AUTHOR:** Peter Williams, Manager Health Building & Planning Services

**PURPOSE OF REPORT:**

CBH seeks formal comment from Council as to the proposed future development of the CBH Receival Site in Miling.

**BACKGROUND:**

Information for future whole of the site development of Miling grain receival site Existing Development on site is as follows:

- Accommodation Hut
- 1 x 18metre long, 60 tonne capacity weigh bridge and hut
- Grain sampling platform/hut and two spears
- Two horizontal grain silos with an aggregate capacity of 31,000 tonnes
- Five rail loading silos with an aggregate capacity of 1,165 tonnes
- Five grain hopper pits and elevators and two ground conveyors
- Two open bulkheads with an aggregate capacity of 51,000 tonnes.

Property acquisitions and amalgamation in progress as follows:

- Acquisition of 2.5 ha of adjoining Lot 200, all of lots UCL 501 and UCL 3967 and 2.7 ha of Lot M1643
- Future amalgamation of 2.5 ha of adjoining Lot 200 into CBH Lot 100

Proposed development on site as follows:

- Relocate the existing accommodation hut and new septic tanks and leach drains
- Remove existing septic tanks and leach drains
- Remove existing weighbridge and hut, grain sampling platform/hut and two spears
- Turning pocket on and new entry from Miling West Road and new internal Road between existing and to the current site entry and exit and associated stormwater drainage
- New truck marshalling area for approximately 24 medium combination vehicles
- New grain sampling platform/hut and two sampling spears
- Two new 36 metre, 160 tonne capacity weighbridges and one hut
- Relocate three and two grain hopper pits and elevators
- Relocate one and upgrade existing and three ground conveyors
- Five new open bulkheads with an aggregate capacity of 91,500 tonnes

Plans of the Proposal were circulated to Elected Members at their Briefing Session held on 6 February 2013.

**COMMENT:**

Comment sought from Mr Ken Seymour spokesperson for the Miling Progress Association advised that he and other farmers in Miling had been in frequent communication with CBH on this subject and everyone was in favour of the project going ahead in its entirety rather than the project being done piece meal.

**POLICY REQUIREMENTS:**

Nil

**LEGISLATIVE REQUIREMENTS:**

Town Planning Act

**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**

This project would be of significant importance to the farmers in Miling and surrounding districts.

**➤ 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 advise Cooperative Bulk Handling it approves in principle the expansion of the Miling Grain Receival Site subject to the following issues being resolved in consultation with the Shire of Moora and Main Roads W.A;*

- Road access's into the receival site are designed and constructed to a standard that allows safe passage of vehicles into and out of the site, for both the Miling West Road and the Great Northern Highway;*
- There is to be absolutely no encroachment of any infrastructure to the east of existing infrastructure adjacent to the most western residential area of the townsite.*

## 9.2.5 **ANTHONY ARKELL HOME BUSINESS APPLICATION**

**FILE REFERENCE:** TP/PA20/2013

**REPORT DATE:** 12 February 2013

**APPLICANT/PROPONENT:** Anthony Arkell

**OFFICER DISCLOSURE OF INTEREST:** Nil

**PREVIOUS MEETING REFERENCES:** Nil

**AUTHOR:** Peter Williams, Manager Health Building & Planning Services

**ATTACHMENTS:** Nil

### **PURPOSE OF REPORT:**

Mr Arkell seeks permission from Council to carry out a home business being a book keeping business from his home located at 9 Stafford Street Moora.

### **BACKGROUND:**

Mr Arkell seeks to operate a book keeping business from his home at 9 Stafford Street where he anticipates the operating hours to be between 08:30 and 17:00hours. No clients are expected to visit the property as most of the business will be carried out at the client's business premises. This address will only be used for the storage of business records and a computer from which invoices will be issued and some computer work.

### **COMMENT:**

An approval to conduct a Home Occupation is issued to a specific occupier of a particular parcel of land, it shall not be transferred or assigned to any other person, and shall not be transferred from the land in respect of which it is granted. Should there be a change of the occupier of the land in respect of which a home occupation approval is issued the approval is cancelled. In the Shire Town Planning Scheme No 4 (Amendment No 10) Zoning Table, Home Occupation has a "D" Classification which means that the use is not permitted unless the Local Government has exercised its discretion by granting approval.

Being a home office and having no clients visiting the premises poses no real threat to any of the neighbours, on this basis it is recommended that the application be approved.

### **POLICY REQUIREMENTS:**

Nil

### **LEGISLATIVE REQUIREMENTS:**

There are no known legislative requirements related to this item.

### **STRATEGIC IMPLICATIONS:**

There are no known strategic implications associated with this proposal.

### **SUSTAINABILITY IMPLICATIONS:**

#### ➤ **Environment**

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

#### ➤ **Economic**

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



➤ **Social**

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

**FINANCIAL IMPLICATIONS:**

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

**VOTING REQUIREMENTS**

Simple Majority Required

**OFFICER RECOMMENDATION**

*That the application by Mr Anthony Arkell to operate a Home Occupation Book Keeping Business be approved subject to:*

- *Payment of \$140 being the balance of the determination of a new Home Occupation that has not commenced;*
- *A suitable fire extinguisher shall be located in the main storage area of the records area and is regularly maintained;*
- *That the business is operated as advised in the Planning Application so that it does not operate in a manner to the detriment of the residential amenity of the area.*

## 9.2.6 ADOPTION OF TOWN PLANNING POLICIES

**FILE REFERENCE:** PL/POPI

**REPORT DATE:** 8 February 2013

**APPLICANT/PROPONENT:** Shire of Moora

**OFFICER DISCLOSURE OF INTEREST:** Nil

**PREVIOUS MEETING REFERENCES:** 21/11/2012 (141/12, 142/12, 143/12)

**AUTHOR:** Peter Williams, Manager Health Building & Planning Services

**ATTACHMENTS:** Advertising Devices Policy; Relocated Buildings Policy; Temporary Accommodation (Construction) Camps Policy

### **PURPOSE OF REPORT:**

On the 21<sup>st</sup> November 2012 Council agreed for the following draft Town Planning Policies Advertising Devices Policy; Relocated Buildings Policy; Temporary Accommodation (Construction) Camps Policy to be adopted subject to them being advertised to the general public in the local paper the Midlands Advocate and them being published on the Shire's Webb Page for the public to read and download. The time period has now closed and no submissions were received regarding the policies.

### **BACKGROUND:**

#### Section 8.7 LOCAL PLANNING POLICIES

States that the Local Government may prepare a Local Planning Policy in respect of any matter related to the planning and development of the Scheme area so as to apply:

- (a) generally or for a particular class or classes of matters; and
- (b) throughout the Scheme area or in one or more parts of the Scheme area, and may amend or add to or rescind the local planning policy.

Note: Local planning policies are guidelines used to assist the local government in making decisions under the Scheme. Although local planning policies are not part of the Scheme they must be consistent with, and cannot vary, the intent of the Scheme provisions, including the Residential Design Codes. In considering a Shire of Moora TPS 4 Page No. 45 application for planning approval, the local government must have due regard to relevant local planning policies as required under clause 7.5.

#### 8.7.1 Relationship of local planning policies to scheme

- (a) If a provision of a local planning policy is inconsistent with the Scheme, the Scheme prevails.
- (b) A local planning policy is not part of the Scheme and does not bind the local government in respect of any application for planning approval but the local government is to have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its determination.

#### 8.7.2 Procedure for making or amending a local planning policy

If a local government resolves to prepare a local planning policy, the local government:

- (a) is to publish a notice of the proposed Policy once a week for 2 consecutive weeks in a newspaper circulating in the Scheme area, giving details of:
  - (i) where the draft local planning policy may be inspected;
  - (ii) the subject and nature of the draft local planning policy; and

- (iii) in what form and during what period (being not less than 21 days from the day the notice is published) submissions may be made;
- (b) may publish a notice of the proposed local planning policy in such other manner and carry out such other consultation as the local government considers appropriate.
- 8.7.3 After the expiry of the period within which submissions may be made, the local government is to:
- (a) review the proposed local planning policy in the light of any submissions made; and
- (b) resolve to adopt the local planning policy with or without modification, or not to proceed with the Policy.
- 8.7.4 If the local government resolves to adopt the local planning policy, the local government is to:
- (a) publish notice of the local planning policy once in a newspaper circulating in the Scheme area; and
- (b) if, in the opinion of the local government, the local planning policy affects the interests of the Commission, forward a copy of the local planning policy to the Commission.
- 8.7.5 A local planning policy has effect on publication of a notice under clause 8.7.4(a).
- 8.7.6 A copy of each local planning policy, as amended from time to time, is to be kept and made available for public inspection during business hours at the offices of the local government.
- 8.7.7 Clauses 8.7.1 to 8.7.6, with any necessary changes, apply to the amendment of a local planning policy.

## **8.8 REVOCATION OF LOCAL PLANNING POLICY**

*AMD 09 GG 11/03/11*

A local planning policy may be revoked by:

- (a) the adoption by a local government of a new Policy under clause 8.7.2 of the Shire of Moora Town Planning Scheme No 4 (Amendment 10) (SMTPS4/10) that is expressed to supersede the existing local planning policy; or Shire of Moora TPS 4;
- (b) publication of a notice of revocation by the local government once a week for 2 consecutive weeks in a newspaper circulating in the Scheme area.

A similar policy is being developed by the shire of Dandaragan who is having similar issues with many different signs popping up advertising businesses. The Moora Town Planning Scheme provides some guidance for signs but not to the level that this policy does. This will also provide guidance to the community wishing to utilise advertising and it will provide consistent management whereby placing the Shire's Town Planning policies on the website will make it readily accessible to all concerned.

### **COMMENT:**

All three policies have been advertised as per the requirements of the Shire of Moora Town Planning Scheme No 4 Amendment 10 and there have been no inquiries or objections to any of the 3 Policies mentioned being:-

- Advertising Devices Policy;
- Relocated Buildings Policy;
- Temporary Accommodation (Construction) Camps Policy

It is therefore recommended that Council approve all three policies for adoption and inclusion into the Shire's Policy Manual.

**POLICY REQUIREMENTS:**

That the following three policies be adopted as Town Planning Policies:

- Advertising Devices Policy;
- Relocated Buildings Policy;
- Temporary Accommodation (Construction) Camps Policy

**LEGISLATIVE REQUIREMENTS:**

Shire of Moora Town Planning Scheme No 4 (Amendment 10)

**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 adopt the three Town Planning Policies as advertised;*

- *Advertising Devices Policy;*
  - *Relocated Buildings Policy;*
  - *Temporary Accommodation (Construction) Camps Policy*
- and include in the Shire of Moora Policy Manual.*

**9.2.7 BILL LULLFITZ – GARAGE AT 29 LEFROY STREET, MOORA****FILE REFERENCE:** TP/PA 21/1213**REPORT DATE:** 13 February 2013**APPLICANT/PROPONENT:** William Lullfitz**OFFICER DISCLOSURE OF INTEREST:** Nil**PREVIOUS MEETING REFERENCES:** Nil**AUTHOR:** Peter Williams, Manager Health Building & Planning Services**ATTACHMENTS:** Plans of Proposal**PURPOSE OF REPORT:**

Mr Lullfitz seeks Council permission to construct an 8.000m x 9.000m oversized shed to be used as a hobby and storage shed at his property located at Lot 69 (Hn 29) Lefroy Street Moora.

**BACKGROUND:**

The outbuilding/shed as mentioned is 8,000m x 9,000m being a total square area of 72m<sup>2</sup>. 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 60m<sup>2</sup> 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*

**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 m<sup>2</sup> lots – Maximum size 200m<sup>2</sup>

R2.5 – 4,000m<sup>2</sup> lots – Maximum size 200m<sup>2</sup>

R5 -2,000m<sup>2</sup> lots – Maximum size 150m<sup>2</sup>

R12.5 – 800m<sup>2</sup> lots – Maximum size 100m<sup>2</sup>

R25/R30 – 320m<sup>2</sup> to 300m<sup>2</sup> lots Maximum size at Council discretion case by case.

**COMMENT:**

Mr William Lullfitz property at Lot 69 is a 2023m<sup>2</sup> lot and according to the Shire's Policy is permitted to have a total area of outbuildings of 100m<sup>2</sup> on his property. With this shed and the existing 48m<sup>2</sup> shed and carport will total 120m<sup>2</sup> which is 20m<sup>2</sup> in excess of the Shire's policy.

The existing shed is built over the sewer main so to allow another shed to be built in the same area cannot be condoned therefore the development cannot be approved.

**POLICY REQUIREMENTS:**

Shire Policy - Outbuildings

**LEGISLATIVE REQUIREMENTS:**

Residential Design Codes and Shire of Moora Town Planning Scheme No 4 (Amendment 10)

**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 decline the planning application by Mr Bill Lullfitz to construct a 8.0 metre x 9.0 metre shed proposed to be used as a hobby and storage shed at his property located at Lot 69 (Street No 29) Lefroy Street Moora on the basis;*

- *The shed is oversized and the maximum area of the outbuildings on the property exceeds Shire's Policy 6.9 Maximum Size of Outbuildings for R12.5 being 100m<sup>2</sup>;*
- *The proposed location of the shed sits over a sewer main.*

**9.3 COMMUNITY & ECONOMIC DEVELOPMENT**

Nil

**9.4 ENGINEERING SERVICES**

Nil

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

Nil

**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**