



Ordinary Council Meeting Minutes

Date: 18 September 2013

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

The Shire of Moora Vision and Mission Statement

Vision

Our vision is that:

Shire of Moora - a vibrant, affordable Regional Centre with a growing, caring community.

Mission

Our mission is:

To provide the leadership, services and infrastructure that will meet the needs of the community and surrounds.

SHIRE OF MOORA
MINUTES OF THE ORDINARY MEETING OF COUNCIL
HELD IN THE WATHEROO PAVILION, WATHEROO
18 SEPTEMBER 2013

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* Separate Attachments

- 9.1.1 *List of Payments Authorised Under Delegation 1.31*
- 9.1.2 *Statement of Financial Activity for Period Ended 31 August 2013*
- 9.1.4 *Draft Enterprise Midlands Inc. Constitution*
- 9.2.1 *Plans*
- 9.2.2 *Plans*
- 9.2.3 *Proposal*
- 9.4.1 *Quotation from E & MJ Rosher Pty Ltd*

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

The Presiding Member declared the meeting open at 6.37pm.

I.2 DISCLAIMER READING

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

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

2. ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE**ATTENDANCE**

AR Tonkin	-	Deputy President / Presiding Member
SA Bryan	-	Councillor
CD Hawkins	-	Councillor
R Keamy	-	Councillor
TG Humphry	-	Councillor

AJ Leeson	-	Chief Executive Officer
JL Greay	-	Manager Engineering Services
LJ Parola	-	Manager Finance & Corporate Services
RL McCall	-	Manager Community & Economic Development
P Williams	-	Manager Development Services

APOLOGIES

DV Clydesdale-Gebert	-	Councillor
JW McLagan	-	Councillor
OC Cocking	-	Councillor

LEAVE OF ABSENCE

CE Gardiner	-	Shire President
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PUBLIC

Mr Richard Crombie	Mrs Jan Millstead	Mr Brent Millstead
Mr John Barber	Mr Max Lewis	Mr Phil Martin
Mrs Kate Keamy		

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4. PUBLIC QUESTION TIME

Nil

5. PETITIONS AND PRESENTATIONS

Nil

6. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER

Nil

8. CONFIRMATION OF MINUTES**8.1 ORDINARY COUNCIL MEETING - 21 AUGUST 2013****COUNCIL RESOLUTION**

131/13 Moved Cr Hawkins, seconded Cr Humphry that the Minutes of the Ordinary Meeting of Council held on 21 August 2013 be confirmed as a true and correct record of the meeting.

CARRIED 5/0

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

REPORT DATE: 12 September 2013

OFFICER DISCLOSURE OF INTEREST: Nil

AUTHOR: Dawn Ardley, Creditors Officer

ATTACHMENTS: Accounts Paid Under Delegated Authority

PURPOSE OF REPORT

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

BACKGROUND

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

COMMENT

Accounts Paid under delegated authority are periodically presented to Council.

POLICY REQUIREMENTS

Delegation 1.31 – Payments from Municipal and Trust Funds.

LEGISLATIVE REQUIREMENTS:

Local Government Act 1995 - Section 6.10

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

STRATEGIC IMPLICATIONS

There are no known strategic implications associated with this proposal.

SUSTAINABILITY IMPLICATIONS➤ **Environment**

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

➤ **Economic**

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

➤ **Social**

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

FINANCIAL IMPLICATIONS

Payments are in accordance with the adopted budget.

VOTING REQUIREMENTS

Simple Majority Required

COUNCIL RESOLUTION

132/13 Moved Cr Hawkins, seconded Cr Bryan that Council notes and endorses the Payments from the Municipal and Trust Funds made under delegation 1.31

Municipal Fund	Cheques 61360-61393	\$116,914.04
	EFT 10263 to 10430	\$439,557.25
	Credit Card 16/07/13 to 15/08/13	\$11,658.01
	Net Pays – PPE 13/08/13	\$88,390.50
	Net Pays – PPE 27/08/13	\$75,347.42
	Net Pays – PPE 10/09/13	\$77,915.85
Trust Fund	Cheques 4907 to 4911	<u>\$110.00</u>
Total		\$ 809,893.07

CARRIED 5/0

9.1.2 STATEMENT OF FINANCIAL ACTIVITY FOR PERIOD ENDED 31 AUGUST 2013

REPORT DATE: 11 September 2013

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Leanne Parola, Manager Finance & Corporate Services

ATTACHMENT: Statement of Financial Activity for period ended 31 August 2013

PURPOSE OF REPORT:

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

BACKGROUND:

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

COMMENT:

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

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

Local Government Act 1995, Section 6.4

Local Government (Financial Management) Regulations 1996, Clause 34

STRATEGIC IMPLICATIONS:

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

SUSTAINABILITY IMPLICATIONS:

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

FINANCIAL IMPLICATIONS:

Year to date income and expenditure is provided by program to enable comparison to 2013/14 adopted budget.

VOTING REQUIREMENTS

Simple Majority Required

COUNCIL RESOLUTION

133/13 Moved Cr Hawkins, seconded Cr Humphry that Council notes and receives the Statement of Financial Activity for the period ended 31 August 2013.

CARRIED 5/0

9.1.3 CONSTITUTIONAL RECOGNITION OF LOCAL GOVERNMENT

FILE REFERENCE: GA/ALG1

REPORT DATE: 12 September 2013

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: 17/7/13 (110/13), 19/10/11 (133/11), 16/3/11 (18/11)

AUTHOR: Alan Leeson, Chief Executive Officer

ATTACHMENTS: Nil

PURPOSE OF REPORT:

For Council to affirm its position in relation to the constitutional recognition of local government.

BACKGROUND:

Over the past couple of years the Western Australian Local Government Association (WALGA) and the Australian Local Government Association (ALGA) have engaged with local governments across the nation to seek their support to have local government officially recognised in the Australian Federal Constitution.

Council moved a resolution in March 2011 to support constitutional recognition. When Allan Middleton Acting CEO at the time put a recommendation to Council in October 2011 the recommendation was voted down in relation to constitutional recognition.

March Resolution 2011 Resolution

18/11 Moved Cr Bryan, seconded Cr Clydesdale-Gebert that Moora Shire Council declares its support for financial recognition of local government in the Australian Constitution so that the Federal Government has the power to fund local government directly and also for inclusion of local government in any new Preamble to the Constitution if one is proposed, and calls on all political parties to support a referendum by 2013 to change the Constitution to achieve this recognition.

CARRIED 5/1

October 2011 Resolution

133/11 Moved Cr Clydesdale-Gebert, seconded Cr Bryan that the Shire of Moora support the drive to have Local Government recognised in the Australian Constitution and this support to be communicated to the Executive of the Australian Local Government Association and the Western Australian Local Government Association.

LOST 3/6

There has been dialogue with WALGA who advise that their records indicate that Council's current position is in the affirmative for constitutional recognition of local government in the

Australian Federal Constitution as per the March 2011 resolution of Council. For clarity given the intent of the voted down officers recommendation and based on advice from the Department of Local Government, the Chief Executive Officer recommended that Council rescind the March 2011 resolution if in fact the Council does not support constitutional recognition of local government in the Australian Federal Constitution. Furthermore, that Council should move a motion which clearly states and articulates that the Shire of Moora does not support constitutional recognition of local government in the Australian Federal Constitution.

COMMENT:

The dynamics of this issue recently changed with the federal election being held earlier than was otherwise required to have a referendum included as part of the election. To that end the push for constitutional recognition of local government has fallen off the radar.

Notwithstanding the above it is the authors' view that Council should resolve in the affirmative that it either;

- Does not support the constitutional recognition of local government; or
- Does support the constitutional recognition of local government.

In terms of how Management have administered the issue when it has been raised and industry meetings, the position articulated has been not to support the constitutional recognition of local government.

At the 17 July 2013 Council meeting the following resolution was laid on the table to be considered at the September Council meeting;

MOTION

Moved Cr Tonkin, seconded Cr McLagan that the Shire of Moora does not support the constitutional recognition of local government in the Federal Constitution of Australia.

COUNCIL RESOLUTION

11/13 Moved Cr Hawkins, seconded Cr Bryan that the motion lay on the table until the Ordinary meeting of Council in September.

CARRIED 5/3

POLICY REQUIREMENTS:

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

LEGISLATIVE REQUIREMENTS:

Local Government Act 1995

STRATEGIC IMPLICATIONS:

There are no significant strategic implications for Council in considering this matter.

SUSTAINABILITY IMPLICATIONS:

➤ **Environment**

There are no known environmental implications associated with this proposal.

➤ **Economic**

There are no known economic implications associated with this proposal.

➤ **Social**

There are no known social implications associated with this proposal.

FINANCIAL IMPLICATIONS:

There are no immediate financial implications to Council in relation to this item, however the context of the WALGA and ALGA agenda has to been to see that the Federal Government is empowered to directly fund local government, which in a general sense has been opposed by the W.A State Government who are of the view that as Local Government is a creature of the State the State Government should be directly responsible for funding local government.

In the authors view, the status quo should remain based simply on the premise that there are many unanswered questions, and in a sense don't ask the question if you don't know what the answer may be. As an industry we broadly understand the implications of being constitutionally recognised, however we don't know what the full implications will be.

VOTING REQUIREMENTS

Simple Majority Required

MOTION as laid on the table & OFFICER'S RECOMMENDATION

That the Shire of Moora does not support the constitutional recognition of local government in the Federal Constitution of Australia.

COUNCIL RESOLUTION

134/13 Moved Cr Bryan, seconded Cr Keamy that in view of the lack of clarity on this issue, the Shire of Moora does not support the constitutional recognition of local government in the Federal Constitution of Australia.

CARRIED 5/0

9.1.4 REGIONAL HOUSING ALLIANCE

FILE REFERENCE: ED/RHA I
REPORT DATE: 12 September 2013
APPLICANTS/PROPONENT: Shires of Moora, Wongan-Ballidu and Dalwallinu
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: 15/5/13 (62/13)
AUTHOR: Alan Leeson, Chief Executive Officer
ATTACHMENTS: Draft Enterprise Midlands Inc. Constitution

PURPOSE OF REPORT:

To consider endorsing the constitution for the proposed Enterprise Midlands Inc. association and confirming participation in the regional association.

BACKGROUND:

On 26 March 2013, Mr Ray Davy made a presentation to the Shires of Dalwallinu, Moora and Wongan-Ballidu regarding the intricacies involved in setting up a regional association (or trust) for the purpose of economic development (including the development of housing in the region). The matter was put before the Shires of Wongan-Ballidu and Dalwallinu at their recent Council meetings. The following resolutions were carried. In essence Wongan Hills voted for the recommendation as presented today. Dalwallinu however laid the matter on the table, pending an independent legal opinion on the formation of Enterprise Midlands Inc.

COMMENT:

Since this time the Chief Executive Officers from the Shires of Dalwallinu, Moora and Wongan-Ballidu have been meeting with Ray Davy from Conway Highbury Consulting with the objective of drafting a “Regional Housing Alliance” agreement.

The principle aim of this concept is to continue precipitation of Federal and State Government investment throughout the shires toward infrastructure development; however it was primarily aimed at the Department of Regional Development and Lands (RDL) Country Local Government Fund (CLGF) ‘Regional Component’ funding.

Since the budget announcement that the CLGF has been removed, it may appear that the initial need for the association has lessened. This is not necessarily the case, with the objectives of the association being very wide ranging. Should the association decide to set up a specialist subsidiary, each individual Shire could be given a chance to participate but there is no obligation that requires this participation. This would provide the greatest level of flexibility with how each subsidiary could be run (e.g. a subsidiary could be set up to maintain Medical facilities and services, roadworks, waste management just to mention a few).

An association is eligible to be incorporated if it has more than 5 members and is formed for a defined purpose including “promoting the interests of a local community”. An incorporated association cannot itself be established for the purpose of generating profits for its members, but it may own a trading subsidiary (which could be an incorporated company) that is revenue-generating and profitable, with those profits in whole or in part flowing to the association. While the association is barred from then distributing any part of those profits to its members, they can of course be reinvested in new ventures within the overall purpose of the association.

The incorporated association model envisages equal rights to all participating members and makes no allowance for differential participation by members.

Specific project ownership and delivery would either remain within the association or be placed in project-specific subsidiary entities.

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

Once all Councils have agreed to the constitution it can then be setup and incorporated.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

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

STRATEGIC IMPLICATIONS:

The incorporation of a regional association would enable further options for use of available funding and could result in a significant increase in outcomes and a decrease in the compliance required under the existing Local Government Act.

SUSTAINABILITY IMPLICATIONS:

- **Environment**
There are no known significant environmental implications associated with this proposal.
- **Economic**
The successful implementation of a regional association would result in many economic benefits for members within the region. The initial purpose is to enable a greater emphasis on housing investment in the region and placing the three shires on a stronger position strategically in leveraging grants funds on a regional basis if and when available..
- **Social**
There has been no community consultation at this point but the objectives of the association are in alignment with the objectives of the community.

FINANCIAL IMPLICATIONS:

The setup and running of the association will be funded from the remaining Central Midlands Voluntary Regional Organisation of Councils funds.

VOTING REQUIREMENTS

Simple Majority Required

RECOMMENDATION

That the Shire of Moora approves the Enterprise Midlands Inc. Constitution (as attached) and confirms their agreement to continue with the setup of this association.

COUNCIL RESOLUTION

135/13 Moved Cr Hawkins, seconded Cr Bryan that the motion lay on the table until the Ordinary meeting of Council in November.

CARRIED 5/0

9.2 HEALTH, BUILDING & PLANNING SERVICES

9.2.1 LOT 3498 BINDI BINDI EAST ROAD APPLICATION TO CONSTRUCT DWELLING

FILE REFERENCE: TP/PA08/2013

REPORT DATE: 10 September 2013

APPLICANT/PROPONENT: The Rural Building Co

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Peter Williams, Manager Development Services

ATTACHMENTS: Plans

PURPOSE OF REPORT:

The Rural Building Co on behalf of Hassad Australia seek Council permission to build an ancillary dwelling on their property located at Lot 3498 Bindi Bindi East Road.

BACKGROUND:

Lot 3498 Bindi Bindi East road is in the General Agriculture Zone the objectives of which 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 or the environment.
- (c) to allow for facilities for tourists and travellers, and for recreation uses.

In the Shire of Moora Town Planning Scheme No 4 (Amendment 10) the Zoning Table provides a "D" Classification which requires that the use is not permitted unless the Local Government has exercised its discretion by granting planning approval after giving special notice in accordance with clause 7.3

7.3 ADVERTISING OF APPLICATIONS

AMD 09 GG 11/03/11

7.3.1 Where an application is made for planning approval to commence a use or commence or carry out development which involves a use which is:

(a) an 'A' use as referred to in clause 3.2.2; or

(b) a use not listed in the Zoning Table

the local government is not to grant approval to that application unless notice is given in accordance with clause 7.3.3

- 7.3.2 Despite clause 7.3.1, where application is made for a purpose other than a purpose referred to in that clause, the local government may require notice to be given in accordance with clause 7.3.3
- 7.3.3 The local government may give notice or require the applicant to give notice of an application for planning approval in one or more of the following ways:
- (a) notice of the proposed use or development served on nearby owners and occupiers who, in the option of the local government, are likely to be affected by the granting of planning approval, stating that submissions may be made to the local government by a specific date being not less than 14 days from the day the notice is served;
 - (b) notice of the proposed use or development published in a newspaper circulating in the Scheme area stating that submissions may be made to the local government by a specified day being not less than 14 days from the day the notice is published;
 - (c) a sign or signs displaying notice of the proposed use or development to be erected in a conspicuous position on the land for a period of not less than 14 days from the day the notice is erected.
- 7.3.4 The notice referred to in clauses 7.3.3 (a) and (b) is to be in the form prescribed in Schedule 8 with such modifications as are considered appropriate by the local government.
- 7.3.5 Any person may inspect the application for planning approval referred to in the notice and the material accompanying that application at the offices of the local government.
- 7.3.6 After the expiration of the specified period from the serving of notice of the application for planning approval, the publication of the notice or the erection of a sign or signs, whichever is the later, the local government is to consider and determine the application.

The proponent Hassad Australia already has one house on the property so the second house will be ancillary to the already established house.

COMMENT:

The second house is ancillary to an already established house on the property and as the property is owned by a Company “Hassad Australia” based in NSW it is assumed to be worker accommodation.

The Town Planning Scheme allows for ancillary accommodation but this is considered to be used for family members. The New R Codes description of ancillary accommodation is that it is a second property on the same parcel of land.

The Shire of Moora Town Planning Scheme Zoning Table provides a “D” Classification which means that the use is not permitted unless the Local government has exercised its discretion by granting approval.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

Shire of Moora Town Planning Scheme No 4 (Amendment 10) Residential Design Codes – Ancillary Buildings

STRATEGIC IMPLICATIONS:

There are no known strategic implications associated with this proposal.

SUSTAINABILITY IMPLICATIONS:

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

FINANCIAL IMPLICATIONS:

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

VOTING REQUIREMENTS

Simple Majority Required

COUNCIL RESOLUTION

136/13 Moved Cr Keamy, seconded Cr Hawkins that Council permit The Rural Building Co to construct an ancillary dwelling at Lot 3498 Bindi Bindi East Road for worker accommodation subject to the proponent receiving no objections to the proposed application after the Shire advising the surrounding neighbours and placing a notice on the front external fence of the property and subject to the following conditions:

- 1. This Planning Approval is permission to allow you to construct a second dwelling it is not a building permit. The proponent is to provide to the Shire a Building Application ensuring that the Dwelling meets the requirements of the Building Code of Australia, associated Australian Standards and compliance with the Building Act of WA.***
- 2. The proponent is advised that the development will require the installation of a septic tank, which requires the approval of the local government pursuant to the Health (Treatment of Sewerage and Disposal of Effluent and Liquid Waste) Regulations 1974. The proponent is advised that septic tanks will not be approved closer than 1.2m to the foundations of any building, or the boundary of any lot. Disposal systems (i.e. leach drain) are not to be closer than 1.8m to any boundary of a lot, building, septic tank or disposal system.***

CARRIED 5/0

9.2.2 MAX LEWIS OVERSIZED SHED LOT 22 FERGUSON ST, MILING

FILE REFERENCE: TP/PA09/1314

REPORT DATE: 6 September 2013

APPLICANT/PROPONENT: Max Lewis

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Peter Williams, Manager Development Services

ATTACHMENTS: Plans

PURPOSE OF REPORT:

Mr Lewis the proponent seeks Council permission to operate a business from home and to construct an oversized shed 21m x 20 x 6m on his property located at Lot 22 Ferguson Street Miling to house a large tractor and spraying equipment used for his business. Mr Lewis operates a herbicide spraying business and also a rock crushing machine that turns reef rock in paddocks into arable soil.

BACKGROUND:

Mr Lewis currently has all his equipment parked on and around his two adjacent properties and on clients' farms. He wishes to construct a shed that will house all his equipment and hobby equipment so that it tidies up his property and provides security for his equipment and so it is not an eyesore to surrounding properties.

The zoning for the property is Rural Town-site and the objectives are:

Shire of Moora Town Planning Scheme No 4, Section 3.8.1 states that: allow for a wide range of land uses such as may be found in a small country town, but subject to preservation of local amenities.

Site Requirements

In accordance with the Residential Design Codes.

There will be no shadows created to discomfort neighbours as the sun when in the northern solstice trajectory in the winter time will only throw a shadow onto Mr Lewis's own property, and when the sun is in the summer solstice trajectory again will only throw a shadow onto Mr Lewis's own house which he is happy about.

The site will be cleaned up and fenced with Neeta screen fencing that will enhance the area.

Section 6.7 of the Council Policy Manual relates to Cladding and Reflectivity.

- I. That a zincalume roof be permitted upon a proposed outbuilding on the condition that any complaint from neighbouring properties with relation to reflectivity will require the proponent to immediately paint the roof surface to prevent such reflectivity; and
 - (a) That all outbuildings on residential zoned land be clad with colour-bond on all wall surfaces.
 - (b) Any roof pitch for a large outbuilding which exceeds 15 degrees be clad in colour bond.
 - (c) Any justified complaints from neighbouring properties in relation to reflectivity will require the building's owner to immediately paint the reflective surface.

COMMENT:

Mr Lewis, the proponent requires the height of the shed to enable his tractor to be housed as it is larger than regular sized tractors.

Mr Lewis has tried to find property in Miling that he can build his shed on however due to the lack of properties for sale and there being no industrial sites in Miling he is resigned to having to utilise the property next door that he owns. The tidy-up of the area will make it more pleasant to the eye when viewed from the up stairs of the hotel.

POLICY REQUIREMENTS:

6.7 Outbuildings Policy Condition-Cladding and Reflectivity

LEGISLATIVE REQUIREMENTS:

Residential Design Code – Outbuilding size requires Council permission

STRATEGIC IMPLICATIONS:

There are no known strategic implications associated with this proposal.

SUSTAINABILITY IMPLICATIONS:

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

FINANCIAL IMPLICATIONS:

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

VOTING REQUIREMENTS

Simple Majority Required

COUNCIL RESOLUTION

137/13 Moved Cr Humphry, seconded Cr Hawkins that Council permit Mr Max Lewis to construct an oversized shed (22 metres x 20 metres) on his property at Lot 22 Ferguson Street, Miling subject to No Objections being received from neighbours after the Shire of Moora Development Services Department writes to neighbours in the area advising them of the application and asking if there are any objections to the proposal and also subject to the following conditions:

- 1. This Planning Approval is permission to allow the proponent to construct an oversized shed; it is not a building permit. The proponent is to provide to the Shire a Building Application ensuring that the Outbuilding meets the requirements of the Building Code of Australia, associated Australian Standards and compliance with the Building Act of WA.***
- 2. The use of second hand materials is not permitted.***
- 3. During construction, access to the site shall be at the location of the rear vehicle crossover only. No material or vehicles associated with construction shall be allowed on the back lane area that will cause obstruction to other users and without the prior written approval from the local government.***
- 4. The proponent is responsible to ensure the installation and maintenance at all times of a drainage system for the disposal of surface water which:***

- a) **conveys water to an appropriate outfall or rainwater tank;**
 - b) **avoids the entry of water into other buildings in the area; and**
 - c) **avoids water damaging other buildings.**
5. **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**
 - (b) **has walls on more than three sides.**
 6. **A fire rated wall / separation is required between the buildings in accordance with the Building Code of Australia should the rear of the building be constructed on the boundary.**
 7. **This planning approval for a Home Occupation 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.**
 8. **No vehicle parts, equipment, machinery, tools of trade, goods or materials connected with the development/land use being stored (either temporarily or permanently) on any part of the lot other than within the building(s) or its service yard(s).**
 9. **All loading and unloading associated with the development/land use is to take place within the boundaries of the premises and undertaken in a manner so as to cause minimum interference with other vehicular traffic.**
 10. **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.**
 11. **All operations upon this site are to comply with the requirements of the Environmental Protection (Noise) Regulations 1997 and the Environmental Protection Act in respect to noise emissions, dust, vibration and Contaminated Sites requirements.**

CARRIED 5/0

9.2.3 PROPOSAL TO PREPARE SEWERAGE ASSET MANAGEMENT PLAN

FILE REFERENCE: H/SWSI-2

REPORT DATE: 10 September 2013

APPLICANT/PROPONENT: Core Business Australia

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: 20/2/13 (Item 9.2.1)

AUTHOR: Peter Williams, Manager Development Services

ATTACHMENT: 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 infrastructures, 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.

This has now become a priority as the Shire has been advised by the ERA that we have until the 31st December to have our Asset Management Plan in place otherwise we will face the possibility of a fine of not more than \$100,000.

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 – Spread sheet tool for assessing flows in network - \$2,860.00
 - Task 6 – Presentation results \$1,890.90
- 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:

Section 39 Notice being served on the Shire of Moora, 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 town-site. It is considered to be a significant advantage and attraction in the goal in leveraging new 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

RECOMMENDATION

That Council approve the engagement of Core Business Australia to prepare an Asset Management Plan for the Moora Sewerage Scheme in accordance with the requirements of the

Economic Regulation Authority and in accordance with the proposed scope of works as detailed hereunder;

The project will be based on six tasks that will together make up the Asset Register, these being;

- | | |
|--|--------------------------|
| ○ <i>Task 1- Project Establishment & Mobilisation -</i> | <i>\$2,077.90</i> |
| ○ <i>Task 2 – Asset Data Collection -</i> | <i>\$21,340.00</i> |
| ○ <i>Task 3 – Database Compilation -</i> | <i>\$9,988.00</i> |
| ○ <i>Task 4 – Prepare Asset Management plan -</i> | <i>\$12,848.00</i> |
| ○ <i>Task 5 – Spread sheet tool for assessing flows in network -</i> | <i>\$2,860.00</i> |
| ○ <i>Task 6 – Presentation results</i> | <i><u>\$1,890.90</u></i> |

<i>Total project estimate</i>	<i>\$51,004.80</i>
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COUNCIL RESOLUTION

138/13 Moved Cr Humphry, seconded Cr Bryan that Council approve the engagement of appropriately qualified consultants to prepare an Asset Management Plan for the Moora Sewerage Scheme in accordance with the requirements of the Economic Regulation Authority and in accordance with the proposed scope of works as detailed hereunder;

The project will be based on six tasks that will together make up the Asset Register, these being;

- ***Task 1- Project Establishment & Mobilisation***
- ***Task 2 – Asset Data Collection***
- ***Task 3 – Database Compilation***
- ***Task 4 – Prepare Asset Management plan***
- ***Task 5 – Spread sheet tool for assessing flows in network***
- ***Task 6 – Presentation results***

Total project budget not to exceed \$65,000.

CARRIED BY ABSOLUTE MAJORITY 5/0

9.2.4 ANGLICAN CHURCH OPPORTUNITY SHOP LOCATED ANGLICAN PARISH BUILDINGS ROBERTS STREET, MOORA

FILE REFERENCE: TP/PA07/1314

REPORT DATE: 10 September 2013

APPLICANT/PROPONENT: Anglican Church

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Peter Williams, Manager Development Services

ATTACHMENTS: Nil

PURPOSE OF REPORT:

The Church Council of the Moora Anglican Church seeks Council approval to operate a Second-hand Op Shop from the Parish Room located in the Anglican Church Premises located at Lot 44 Roberts Street in Moora. The Anglican Parish also seeks approval from Council to waive the Town Planning Fee as they are a Not for Profit Organisation.

BACKGROUND:

The Church Council has been looking for a suitable property for over 12 months to operate a second hand Opportunity Shop so they can sell second hand clothes, books and bric-a-brac. The land is a reserve used for Public Purpose and under the Shire of Moora Town Planning Scheme No 4 Section 2.3 requires Council Approval prior to any development taking Place.

Section 7.4 of the Shire of Moora TPS No 4 requires Council Approval for any development to take place.

COMMENT:

The Council of the Anglican Church have been looking at a number of properties to establish this type of development but cost has been a major factor in their decision making process. The Church Council ladies have carried out a feasibility study within the community and all reports indicate that this type of business will be very well patronised and accordingly will be required to comply with the Health (Cloths, Materials) Regulations 1985.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

Health (Cloths, Materials) Regulations 1985

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:

Parish Council seeks to have the Planning Fees Waived.

VOTING REQUIREMENTS

Absolute Majority Required

COUNCIL RESOLUTION

139/13 Moved Cr Hawkins, seconded Cr Keamy that Council approve the Anglican Parish of Moora to operate a second hand business from the Parish Room located on the Parish grounds to sell quality second hand goods from their property at Lot 44 Roberts Street, Moora subject to compliance with the Health (Cloths, Materials) Regulations 1985 and furthermore that council Waives the Planning Fees due to them being a Not for Profit Organisation.

CARRIED BY ABSOLUTE MAJORITY 5/0

9.3 COMMUNITY & ECONOMIC DEVELOPMENT

Nil

9.4 ENGINEERING SERVICES**9.4.1 BUDGET ITEM – RIDE ON MOWER**

FILE REFERENCE: L/TEPI

REPORT DATE: 11 September 2013

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Budget adoption

AUTHOR: John Greay, Manager Engineering Services

ATTACHMENT: Quotation from E & MJ Rosher Pty Ltd

PURPOSE OF REPORT:

Within the budget this year an allowance has been made for the purchase of a ride on mower with attachments - \$16,000 less \$2,000 trade leaving a changeover of \$14,000. Since the adoption of the budget a better option has been identified with the release of a Amazone Profihopper. E & MJ Rosher Pty Ltd have a demonstration unit that has only done 15 hours' work, for sale for \$40,000. This is an excellent unit and is approximately \$26,000 more than was budgeted however savings have been identified elsewhere to offset this.

BACKGROUND:

All grassed surfaces need vertimowing each year to provide excellent playing services and recreational facilities. Council staff has endeavoured to maintain all grassed surfaces at a high level. A more efficient way of mowing and collecting the grass was required instead of manual labour. The small ride on John Deere tractor with mowing deck did not have the capacity to pick up the grass when mowed or vertimowed.

COMMENT:

The need to be able to do this mechanically and not manually was most evident last year when vertimowing around the office in the middle of summer when the temperature was very high which was very demanding on staff. Due to the requirement of removing the thatch from the lawn to reduce sponginess and improve growth it was only physically possible to do this once per year instead of on a more regular basis.

This machine will be used at all grassed surface locations including our satellite towns.

POLICY REQUIREMENTS:

Council's purchasing policy will not be impacted upon as the item is less than the maximum threshold.

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:

The financial implications will be contained within the current budget by the savings that have been made with the purchase of the small tip truck (Budget item 34025). The following budget figures were used to identify the changeover of the small truck – Gross price \$85,000 less trade \$10,000 = \$75,000 changeover. Prices for the changeover of this truck have come in very favourable with a gross price of \$50,457 less trade of \$16,000 = \$34,457 changeover. Funding for this Amazone Profihopper may be obtained from here.

VOTING REQUIREMENTS

Absolute Majority Required

COUNCIL RESOLUTION

140/13 Moved Cr Hawkins, seconded Cr Keamy that Council approve of the purchase of a Amazone Profihopper from E & MJ Rosher Pty Ltd for \$40,000 ex GST and the additional financial implication be funded by the savings made from the purchase of the small tip truck as outlined above, further that the budget be amended accordingly.

CARRIED BY ABSOLUTE MAJORITY 5/0

10. REPORTS OF COMMITTEES

GENERAL PURPOSE COMMITTEE MEETING - 4 SEPTEMBER 2013

10.1 REVIEW OF GENERAL PURPOSE COMMITTEE TRIAL PERIOD

FILE REFERENCE: EM/COAI
REPORT DATE: 27 August 2013
APPLICANTS/PROPONENT: Chief Executive Officer
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: 20/3/2013 (23/13)
AUTHOR: Alan Leeson, Chief Executive Officer
ATTACHMENTS: Nil

PURPOSE OF REPORT:

For Council to review the establishment of the General Purpose Committee following the trial period.

BACKGROUND:

At the Ordinary Meeting of Council held 20 March 2013, Council resolved to trial the establishment of a General Purpose Committee as follows:

Moved Cr McLagan seconded Cr Tonkin that Council by absolute majority:-

- 1. In accordance with provisions of Section 5.8 of the Local Government Act 1995 Council establishes a General Purpose Committee to work across the following portfolio's
 - a. Finance and Community Services*
 - b. Works and Infrastructure*
 - c. Town Planning, Health and Economic Development;**
- 2. In accordance with provisions of Section 5.9 of the Local Government Act 1995 resolves that the Committee is to comprise of all nine (9) Councillors;
Further that the committee shall meet on the first Wednesday of each month excluding January, taking the place of the existing briefing session, to be trialled up to September 2013.*

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.

COMMENT:

The General Purpose Committee has been operating since April 2013 and has met four times. There was no meeting in August to accommodate attendance at the WALGA Local Government Convention.

Scrutiny of the minutes of these meetings has revealed the following:

Month of Meeting	Agenda Items	Cr's in Attendance	Recommendations to Council	Council adoption of Committee Recommendation
April	8	6	3	2
May	8	5	3	2
June	7	6	7	7
July	3	7	1	1
	Total of 26	Average of 6	Total of 14	86% Consistency

One of the most significant benefits from holding General Purpose Committee Meetings instead of Councillors' Briefing Sessions is that there are now Minutes produced whereas no summary of discussions at Councillor Briefing Sessions were/are publicised. There is still a Councillors Briefing Session held immediately prior to Ordinary Council Meetings.

From the CEO's perspective the two week period between the recommendation and the consideration by full Council allows some time for further due diligence and reflection as appropriate. On occasions it has and will allow staff to obtain further clarification thus following up on any matters that Councillors have queried or seek further information.

From the authors perspective the formulation of the General Purpose Committee has provided greater transparency and outcomes for the benefit of the community and governance functions of the Council.

POLICY REQUIREMENTS:

There are no known policy requirements related to this matter.

LEGISLATIVE REQUIREMENTS:

In accordance with the Local Government Act 1995 s5.8 *Establishment of Committees* and s5.10 *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.

The General Purpose Committee was established with all nine Councillors being members and having no delegated authority.

STRATEGIC IMPLICATIONS:

There are no known strategic implications associated with this proposal.

SUSTAINABILITY IMPLICATIONS:

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

FINANCIAL IMPLICATIONS:

The 2013/14 Budget includes an amount of \$9,306 for Committee Meeting Fees and \$3,168 for Councillors' travel to Committee Meetings.

VOTING REQUIREMENTS:

Simple Majority Required

COUNCIL RESOLUTION

141/13 Moved Cr Humphry, seconded Cr Hawkins that the structure of the General Purpose Committee be continued on with, on a permanent basis under the current membership in accordance with the relevant provisions of the Local Government Act 1995.

CARRIED 5/0

10.2 TENDER – CONSTRUCTION OF SYNTHETIC TURF TENNIS COURTS RFT 04/2013

The Manager Community & Economic Development declared an impartiality interest in the item as she is a member of the Moora District Tennis Club.

FILE REFERENCE: CC/MTCI & L/TENI

REPORT DATE: 27 August 2013

APPLICANT/PROPONENT: Chief Executive Officer on behalf of the Moora District 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: Alan Leeson, Chief Executive Officer

ATTACHMENTS: Nil

PURPOSE OF REPORT:

For Council to consider tenders submitted for the construction of four new synthetic turf tennis courts at the Moora District Tennis Club.

BACKGROUND:

Council on behalf of the Moora District Tennis Club (MDTC) was allocated \$86,363 plus GST from the Community Sport and Recreation Facilities Fund (CSRFF) (State Government) toward the construction of four new synthetic turf tennis courts including lighting and fencing.

Subsequently Council put together a tender package with tenders closing on the 26th July 2013. Two tenders were received;

Green Planet Grass and;
Sport Surfaces.

COMMENT:

As part of developing the tender specification parts of the scope of works were reserved in order to allow the cost benefit or otherwise of Council / MDTC completing works directly. Such examples were;

- Asphalt on which the synthetic turf is laid;

- Supply and erection of perimeter fencing;
- Supply and erection of lighting and associated electrical work via local electrical contractor.

FINANCIAL IMPLICATIONS:

The overall scope of the project has been in the vicinity of \$300,000 including shire in kind works. Please refer table provided under separate cover for financial implications. As part of considering this item, Council may request the raising of a self-supporting loan on behalf of the Moora District Tennis Club. The funds are secured through the W.A Treasury Corporation. Also attached to the report is the most recent copy of interest rates available through WA Treasury Corporation. Alternatively Council may choose to fund the shortfall via an agreed repayment schedule to Council via the Community Facilities Reserve Fund which has a balance of \$188,299 at the time of adopting the 2013/2014 budget. This would be an easier method of financing and would enable an easier transition onto the project administratively. It is recommended that the current interest rate being received on the Shire of Moora's Term Deposits would form part of the repayment agreement (4.25%).

The Moora District Tennis Club executive met with Council Managers John Greay and Rebecca McCall last Thursday 22 August 2013. It was the preference as a result of that committee's deliberations to recommend the accepting of the tender from Green Plant Grass. The Green Planet Grass tender is some \$15,746 more than the tender from Sports Surfaces but is attributable mostly to the Green Planet Grass tender including limestone retaining as against kerbing by Sports Surfaces.

In terms of Council's financial commitment Council resolved to commit \$25,000 in earthworks and \$20,000 cash toward the project as part of its 2013/2014 budget adoption.

POLICY REQUIREMENTS:

There are no known policy implications for this item.

LEGISLATIVE REQUIREMENTS:

Local Government Act 1995

6.20. Power to borrow

- (1) Subject to this Act, a local government may —
 - (a) borrow or re-borrow money; or
 - (b) obtain credit; or
 - (c) arrange for financial accommodation to be extended to the local government in ways additional to or other than borrowing money or obtaining credit,

to enable the local government to perform the functions and exercise the powers conferred on it under this Act or any other written law.
- (2) Where, in any financial year, a local government proposes to exercise a power under subsection (1) (*power to borrow*) and details of that proposal have not been included in the annual budget for that financial year —
 - (a) unless the proposal is of a prescribed kind, the local government must give one month's local public notice of the proposal; and
 - (b) the resolution to exercise that power is to be by absolute majority.
- (3) Where a local government has exercised a power to borrow and —
 - (a) it does not wish to proceed with the performance of the function or the exercise of the power for which the power to borrow was exercised; or

- (b) after having completed the performance of the function or the exercise of the power for which the power to borrow was exercised, any part of the money borrowed, credit obtained or financial accommodation arranged has not been expended or utilized,

the local government may resolve* to expend the money or utilize the credit or financial accommodation for another purpose if one month's local public notice is given of the proposed change of purpose.

* Absolute majority required.

- (4) A local government is not required to give local public notice under subsection (3) —
- (a) where the change of purpose has been disclosed in the annual budget of the local government for the relevant financial year; or
- (b) in such other circumstances as are prescribed.
- (5) A change of purpose referred to in subsection (3) is to be disclosed in the annual financial report for the year in which the change occurs.

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**
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 Moora Tennis Club is a major focal point of recreation and social activities throughout the spring/summer and autumn months.

SUMMARY

In conclusion it is recommended that Council accepts the tender from Green Planet Grass subject to certain facets being locked away in terms of the Moora District Tennis Clubs commitment to meeting the shortfall of funding to be facilitated by a self-supporting loan.

VOTING REQUIREMENTS

Absolute Majority Required

COMMITTEE RECOMMENDATION (MOTION)

Moved Cr Keamy, seconded Cr Bryan that Council in relation to the construction of four synthetic turf tennis courts at the Moora District Tennis Club and in accordance with the provisions of the Local Government Act 1995;

1. *Agree to offer the Moora District Tennis Club a self - supporting loan facility of up to \$65,000 repayable over 10 years, to be funded from the Shire of Moora Community*

Facilities Reserve Fund, with the formal loan deed to include interest calculated based on the current interest rate being received on the Shire's Term Deposits;

2. *Accepts the tender of Green Planet Grass Reference RFT 04/2013 as detailed in the financial report provided to Council, noting that the authorisation of works to the successful tenderer shall not be issued until all funds required for the project are officially committed.*

AMENDMENT

142/13 Moved Cr Hawkins, seconded Cr Bryan that Point 1 of the motion be amended by deleting 'the current interest rate being received on the Shire's Term Deposits' and replacing it with 'half the WA Treasury Borrowing Rate for a 10 year term'.

CARRIED 5/0

SUBSTANTIVE COUNCIL RESOLUTION

143/13 That Council in relation to the construction of four synthetic turf tennis courts at the Moora District Tennis Club and in accordance with the provisions of the Local Government Act 1995;

1. ***Agree to offer the Moora District Tennis Club a self - supporting loan facility of up to \$65,000 repayable over 10 years, to be funded from the Shire of Moora Community Facilities Reserve Fund, with the formal loan deed to include interest calculated based on half the WA Treasury Borrowing Rate for a 10 year term;***
2. ***Accepts the tender of Green Planet Grass Reference RFT 04/2013 as detailed in the financial report provided to Council, noting that the authorisation of works to the successful tenderer shall not be issued until all funds required for the project are officially committed.***

CARRIED BY ABSOLUTE MAJORITY 5/0

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

Nil

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

COUNCIL RESOLUTION

144/13 Moved Cr Bryan, seconded Cr Humphry that Council consider an item of urgent business raised by the Chief Executive Officer relating to a Temporary Accommodation Camp - Lot 101 Lefroy Street, Moora "Ertech Pty Ltd".

CARRIED 5/0

12.1 TEMPORARY ACCOMMODATION CAMP - LOT 101 LEFROY STREET, MOORA “ERTECH PTY LTD”

FILE REFERENCE: TP/PA10/1314

REPORT DATE: 17 September 2013

APPLICANT/PROPONENT: BBB Remote Site Services on behalf of Ertech Pty Ltd

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Peter Williams, Manager Development Services

ATTACHMENTS: Plan

PURPOSE OF REPORT:

The proponent BBB Remote Site Services is seeking a provisional decision from Council to permit the use of the old Brierty site located at Lot 101 Lefroy Street corner of Drummond Street, Moora as a construction camp. The camp is proposed to be operational by mid to late October 2013.

BBB Remote Site Services propose to meet all Council requirements concerning:

- Building Licence
- Town Planning Approval
- Approval of temporary marquee structure
- Approved bolt or leg structure
- And the provision of a Emergency management plan
- BBB Remote Site Services preferred policy is to purchase goods from local suppliers.

The proponent plans to use a similar plan configuration for the camp as the previous camp used in 2008.

BACKGROUND:

The area has previously been used as a construction camp by Brierty Contractors and they brought in a series of habitation units, kitchen and dining room, ablution units and laundry facility. The Company leased the land from Council for a two year period at an annual fee of \$12,000 and included a Public Risk Policy of \$10,000,000 to cover possible damage.

BBB Remote Site Services wish to use the site for a similar purpose whilst undertaking work on the Great Northern Highway, Bindi Bindi bends.

They are proposing to locate part of the camp (two office units, a crib room and a toilet facility), on one of the properties that land has been resumed by the Government so the work can be carried out. An old farmhouse has been demolished and they have applied to use the septic tanks for the ablution unit. Application is with the Health Department.

The employees of Ertech are proposed to be accommodated in Moora at the old Brierty Site corner Lefroy and Drummond Streets. This site is zoned as Public Purpose and therefore the proponent needs Council permission to use the area for whatever purposes they require.

The proponent will need to install a grease trap for the kitchen to save grease going into the sewer.

COMMENT:

Lot 101 Lefroy Street has been used for this same purpose in the past so there is a precedent for this type of development on this lot. The term of the temporary occupation is likely to be in the vicinity of 80 weeks.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

Requirement to comply with Construction Camp Regulations
Section 3.58 of the Local Government Act 1995 Disposing of property

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

In housing approximately 60 workers in Moora there are significant economic benefits that come to the district with such a development for many retail premises operating within the shire.

➤ Social

The social implications in consideration of this item are ensuring that there is maintenance of lifestyle and amenity in terms of the adjacent Moora Lifestyle Village. Conditions in terms of loud music and appropriate curfews and the like would need to be put in place from the outset.

FINANCIAL IMPLICATIONS:

This development will be subject to a lease on Lot 101 Lefroy Street, Moora. The Chief Executive Officer has indicated a fee of \$1,000 per week plus GST to Ertech Pty Ltd.

VOTING REQUIREMENTS:

Absolute Majority Required

COUNCIL RESOLUTION***145/13 Moved Cr Hawkins, seconded Cr Keamy that Council***

1. Issue provisional approval to BBB Remote Site Services to commence construction of the Camp located on Lot 101 Lefroy Street, Moora subject to the following conditions:

- This approval is for Planning purposes, a Building Application will need to be submitted to the Shire Building Department which will require compliance with the Building Code of Australia, Building Act 2011 and the Building Regulations.***
- Compliance with Construction Camp Regulations requirements.***
- Compliance with the Food Act 2008, Food Regulations 2009 and the Food Standards Code.***
- No Loud music to be played after 10:00pm.***

- *Camp Manager to be responsible for maintaining an order in the camp to ensure that neighbours are not unduly disturbed.*
 - *Adopt a rental fee of \$1,000 per week plus GST for the use of the Temporary Accommodation site.*
2. *Advertise locally its intention to lease the property in accordance with Section 3.58 of the Local Government Act 1995.*

CARRIED BY ABSOLUTE MAJORITY 5/0

13. **MATTERS FOR WHICH THE MEETING MAY BE CLOSED**

Nil

14. **CLOSURE OF MEETING**

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

The meeting was declared closed at 7.37pm.

CONFIRMED

PRESIDING MEMBER