

SHIRE OF MOORA
MINUTES OF THE ORDINARY MEETING OF COUNCIL
HELD IN COUNCIL CHAMBERS, MOORA
16 APRIL 2014

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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 March 2014*
- 9.1.5 *Recommended House plans, Price schedule, General tender specification*
- 9.2.1 *Draft Town Planning Policy – Sea Containers*
- 9.2.2 *Plans*

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS**1.1 DECLARATION OF OPENING**

The Shire President declared the meeting open at 1.47pm.

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**ATTENDANCE**

CE Gardiner	-	Shire President / Presiding Member
TG Humphry	-	Deputy President
CD Hawkins	-	Councillor
DV Clydesdale-Gebert	-	Councillor
MR Holliday	-	Councillor
MR Pond	-	Councillor
KM Seymour	-	Councillor
R Keamy	-	Councillor (from 2.06pm)

AJ Leeson	-	Chief Executive Officer
DK Trevaskis	-	Deputy Chief Executive Officer
JL Greay	-	Manager Engineering Services
PR Williams	-	Manager Development Services

APOLOGIES

JW McLagan	-	Councillor
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3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4. PUBLIC QUESTION TIME

Nil

5. PETITIONS AND PRESENTATIONS

Nil

6. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER

The Shire President attended;

- 21/3 - Rotary Meet the Newcomers BBQ
- 28/3 - Frail Aged Lodge Extension signing
- 28/3 - Chamber of Commerce meeting

Cr Humphry attended the 2014 Wheatbelt Conference in York on the 3rd & 4th April.

Cr Hawkins attended the Health Advisory Group meeting on the 15th April.

Chief Executive Officer advised he is attending the LGMA Conference in Melbourne from 26th April – 3rd May.

8. CONFIRMATION OF MINUTES**8.1 ORDINARY COUNCIL MEETING - 19 MARCH 2014****COUNCIL RESOLUTION**

39/14 Moved Cr Hawkins, seconded Cr Pond that the Minutes of the Ordinary Meeting of Council held on 19 March 2014 be confirmed as a true and correct record of the meeting.

CARRIED 7/0

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

REPORT DATE: 9 April 2014

OFFICER DISCLOSURE OF INTEREST: Nil

AUTHOR: Alida Fitzpatrick, Finance 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

40/14 Moved Cr Humphry, seconded Cr Hawkins that Council notes and endorses the Payments from the Municipal and Trust Funds made under delegation 1.31

<i>Municipal Fund Cheques</i>	61650	-	61696	\$560,961.84
<i>EFT</i>	11385	-	11653	\$537,659.04

<i>Credit Card</i>	17/02/2014	16/03/2014	\$4,160.82
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<i>Net Pays - PPE</i>	11/03/2014	\$90,665.90
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<i>Net Pays - PPE</i>	25/03/2014	\$105,410.94
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<i>Trust Fund Cheques</i>	4966	-	4972	\$1,713.52
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TOTAL			\$1,300,572.06
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CARRIED 7/0

9.1.2 STATEMENT OF FINANCIAL ACTIVITY FOR PERIOD ENDED 31 MARCH 2014

REPORT DATE: 9 April 2014

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: David Trevaskis, Deputy Chief Executive Officer

ATTACHMENTS: Statement of Financial Activity for the Period Ended 31 March 2014

PURPOSE OF REPORT:

To note and receive the Statement of Financial Activity for the period ended 31 March 2014.

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

41/14 Moved Cr Hawkins, seconded Cr Pond that Council notes and receives the Statement of Financial Activity for the period ended 31 March 2014.

CARRIED 7/0

9.1.3 NATIVE VEGETATION CLEARING – ENVIROMENTAL PROTECTION ACT 1986

FILE REFERENCE: GA/ENVI & GA/EPA1

REPORT DATE: 9 April 2014

APPLICANT/PROPONENT: Shire of Moora

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Alan Leeson, Chief Executive Officer

ATTACHMENTS: Nil

PURPOSE OF REPORT:

For Council to consider lobbying State and Local Governments with respect to judicial and procedural fairness afforded to affected land holders/owners associated with legal parameters within the Environmental Protection Act 1986.

BACKGROUND:

The author attended the West Midlands Group forum on Tuesday 8 April 2014 with reference to the Environmental Protection Act 1986 (EP ACT) and Environmental Protection (Clearing of Native Vegetation) Regulations 2004.

The forum was very informative and presented the perspective of the Native Vegetation Assessment Branch and that of landowners who have been faced with defending cases brought against them by the Department of Environment Regulation (DER).

COMMENT:

After listening to the presentations of land owners who have been prosecuted by the Department of Environmental Regulation (DER) it was very clear that the system is seriously flawed in that the burden of proof is not on DER, it is in fact on the land owner to provide evidence which is contrary to the DER's allegations/charges.

It is very clear to the author that the system is flawed in that natural justice is not afforded to individuals who are found by the DER executive to be in breach of the relevant legislation, in this particular situation, the issue in hand is land clearing.

To give some perspective the afternoon was attended by approximately 100 people, most of whom had the same grievances issues with the Clearing of Native Vegetation Legislation, EP ACT 1986, and associated procedural inequity within the jurisdiction.

As a local government, if we were to consider charging a person for a breach under the Dog Act as one example, the burden of proof is on the Local Government and the party charged is presumed innocent until proven otherwise. This is certainly not the case with the EP ACT and associated Environmental Protection (Clearing of Native Vegetation) Regulations 2004.

POLICY REQUIREMENTS:

Not applicable

LEGISLATIVE REQUIREMENTS:

Environmental Protection Act 1986

Environmental Protection (Clearing of Native Vegetation) Regulations 2004

STRATEGIC IMPLICATIONS:

Outcome 4.2: A dynamic and resilient business sector.

Strategy 4.2.1: Advocate for increased resources for business development.

Strategy 4.2.2: Identify and attract value adding businesses for agricultural products through monitoring of regional business trends.

Strategy 4.2.3: Advocate for training opportunities and apprenticeship programs to employ local youth.

Strategy 4.2.4: Investigate and attract investors to capitalise on local business opportunities.

SUSTAINABILITY IMPLICATIONS:**➤ Environment**

This report does not seek to lessen the burden of the requirements and the necessity of lawful actions of landholders in accordance with the EP ACT and Environmental Protection (Clearing of Native Vegetation) Regulations 2004 requirements.

In the authors view however, there are some fundamental flaws in the legislative requirements that allows the relevant state departments to act in a manner that puts the burden of proving innocence upon that individual served with a clearing infraction/allegation, rather than the burden of proof being upon the agency seeking to prosecute.

Criminal activity such as assaults, robberies and the like allow and give individuals the benefit of innocence until proven guilty. Under the EP ACT & Environmental Protection (Clearing of Native Vegetation) Regulations 2004 it is entirely the opposite. In the authors view this is fundamentally flawed and certainly not in the interests of the broader regional communities in which we serve.

There were many comments made on the day, that in the vast majority, farmers have a vested interest in ensuring their land is managed in a way that produces sustainable farming practices. This is certainly the case en-balance across the Wheatbelt regions of W.A.

➤ Economic

Farmers/landowners are critical to sustainable rural industry businesses that employ many people in regional/rural communities such as machinery dealers, hardware and grocery stores, banks, medical practitioners to name just a few, who are direct beneficiaries of a sustainable broad acre farming industry.

➤ Social

Sustainable farming does result in positive and significant social benefits through sustaining a demographic which support government services & infrastructure (state & local government; schools; hospitals & the recreational & social clubs that make up all the communities in the rural regions of W.A.

There were examples cited by DER staff at the forum citing situations whereby in the metropolitan area significant decisions of exemption have been granted, allowing clearing of sensitive areas of native vegetation e.g. Airport gateway project, Fiona Stanley Hospital on the principle that the developments defined as being and providing “significant social benefit”. It would appear from the DER’s perspective there is deemed to be little “social benefit” to be derived from sustainable broad acre farming practices, and little value given to ensuring that our farmers have some degree of greater control and autonomy over the land in which they farm.

FINANCIAL IMPLICATIONS:

A sustainable farming industry be that local (Moora) or from a regional perspective is critical to the financial sustainability of the Shire of Moora and majority of rural local governments. It is the author’s view that as a local government we are strategically placed to ensure we can support sustainable farming practices.

SUMMARY

In the authors view primary industry stakeholders just as are community members in our towns deserve the presumption of innocence until proven otherwise.

Currently rural landowners are not afforded this privilege.

To that end the author recommends that the Shire of Moora writes to all State Members of Parliament and WA Local Governments requesting that the Environmental Protection Act 1986 and Environmental Protection (Clearing of Native Vegetation) Regulations 2004 be amended in the first instance in such a manner that places the burden of proof on the Department of Environment Regulation when bringing prosecution action against individual land owners.

VOTING REQUIREMENTS

Simple Majority Required

At 2.06pm Cr Keamy entered the meeting.

COUNCIL RESOLUTION

42/14 Moved Cr Humphry, seconded Cr Hawkins that the Shire of Moora writes to all State Members of Parliament and WA Local Governments requesting that the Environmental Protection Act 1986 and the Environmental Protection (Clearing of Native Vegetation) Regulations 2004 be amended in the first instance in such a manner that places the burden of proof on the Department of Environment Regulation when bringing prosecution action against individual land owners.

CARRIED 8/0

9.1.4 POLICY AMENDMENT – 9.13 MOORA LIFESTYLE VILLAGE RELOCATION COSTS

FILE REFERENCE: PL/POP1

REPORT DATE: 10 April 2014

APPLICANT/PROPONENT: Chief Executive Officer – Alan Leeson

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Alan Leeson, Chief Executive Officer

ATTACHMENTS: Nil

PURPOSE OF REPORT:

To consider amending policy 9.13 in relation to financial assistance offered to new tenants relocating to the Moora Lifestyle Village.

CURRENT POLICY IMPLICATIONS:

9.13 Moora Lifestyle Village Relocation Policy

New Policy. Policy adopted by Council 15th June 2011

PURPOSE

To provide an effective and accountable system for the allocation and use of funds for relocation costs incurred when new tenants relocate to the Moora Lifestyle Village.

POLICY

Council decided that funds should be made available from the Community Facilities Reserve for the purpose of (repayable) loans to residents who have signed a lease with the Shire of Moora and the tenant who will reside at the Moora Lifestyle Village.

PROCEDURE

Scope

1. Relocation assistance will be limited to \$12,000 per tenant;
2. Terms of loan available include
 - a) One Year
 - b) Two Years
 - c) Three Years
 - d) Four Years
3. Monthly repayments interest based on WA Treasury indicative rates at the time of the loan;
4. Funds for the relocation cost will be transferred out of the Community Facilities Fund;
5. A written agreement will be drawn up to include;
 - a) the term of the loan and repayments to be payable by direct debit.
 - b) procedures to be undertaken by the Shire of Moora if repayments are overdue.
 - c) procedures to be undertaken if the tenant lease agreement ceases.

Procedure

1. The **Manager Finance & Corporate Services** is responsible for arranging the loan and is required to be authorised by the Chief Executive Officer.

RESPONSIBILITY

The **Finance Officer** is responsible for:

1. Instigating action required for the establishment of a direct debit facility
2. Overseeing the administration of internal systems and processes relating to the relocation loan, including:
 - Establishing a direct debit facility;
 - Collating and retaining information and appropriate supporting documentation;
 - Collating quarterly statements of loan balances and providing copies to loan recipient.

Loan Recipient is responsible for:

1. Ensuring that funds are available in their nominated account for monthly direct debit payments
2. Ensuring that the loan is paid in full by the end of agreed term

BACKGROUND:

Currently relocation costs have been administered in accordance with Policy 9.13. The author in the past month has been in discussion with a number of tenants who are potentially going to relocate from Rockingham to Moora as a result of the Palm Beach Park being sold.

One person has committed with her unit looking like being relocated by early May.

COMMENT:

The financial situation of prospective tenants varies greatly. Some will most definitely require financial assistance as in cash to meet the costs of relocation to Moora, whereas some do not, however they are seeking some sort of financial assistance, not necessarily assistance with relocation costs.

To that end, the author is recommending amendments to policy 9.13 which will offer one of two things;

- Cash via way of self supporting loan;
- Rental subsidy for a defined period on the weekly rent.

POLICY REQUIREMENTS:

The current policy is detailed above. Hereunder is the recommended amended policy which in effect does a couple of things;

- Is more commercially sustainable from a Council perspective, in that any loan facility provided by Council to the new tenant will be 4% greater than those funds taken by Council from W.A Treasury Corporation;
- Removes any reference to Community Facilities Reserve and is replaced by formal loan debenture through the W. A Treasury Corporation;
- Places a cap of \$20,000 on the loan facility.

9.13 Moora Lifestyle Village Relocation Policy (amended)

Policy adopted by Council 15th June 2011 (amended 16 April 2014)

PURPOSE

To provide an effective and accountable system for financially assisting new tenants relocating to the Moora Lifestyle Village providing relevant incentive whilst ensuring there is a balance of commercial sustainability.

POLICY

Financial assistance will be provided in one of two ways;

- 1 Loan funds provided by Council, executed by way of a legally binding agreement whereby Council will maintain an interests in the tenants property until such time as the loan is repaid in full;
- 2 Offer a weekly rental subsidy of 25% over a two year period commencing from when the first rental payment is due and payable.

PROCEDURE

Scope

1. Relocation assistance will be limited to \$20,000 per tenant to assist with costs of;
 - a) Relocating the living unit to Moora;
 - b) Construction of driveways/patios/sheds and the like;
 - c) Costs of connecting living unit to power, water, sewerage.
2. The term of loan will be by agreement but will not exceed a period of four years, without the special consideration and approval of the Council.
3. Monthly repayments of principal and interest in advance based on the prevailing interest rate of the W.A Treasury Corporation at the time of executing agreement plus 4%;
4. Funds for the relocation costs be facilitated through the W.A Treasury Corporation in accordance with the parameters of the Local Government Act 1995;
5. A written agreement will be drawn up to include;
 - a) the term of the loan and repayments to be payable by direct debit (monthly payments in advance.
 - b) procedures to be undertaken by the Shire of Moora if repayments are overdue
 - c) procedures to be undertaken if the tenant lease agreement ceases.

Procedure

The **Chief Executive Officer** is responsible for arranging the loan and executing agreements in accordance with policy guidelines and legislative requirements.

RESPONSIBILITY

The **Deputy Chief Executive Officer** is responsible for:

1. Instigating action required for the establishment of a direct debit facility
2. Overseeing the administration of internal systems and processes relating to the relocation loan, including:
 - Establishing a direct debit facility;
 - Collating and retaining information and appropriate supporting documentation;
 - Collating quarterly statements of loan balances and providing copies to loan recipient.

LEGISLATIVE REQUIREMENTS:

Local Government Act 1995

STRATEGIC IMPLICATIONS:

Outcome 4.1: A strong and diversified economic base.

Strategy 4.1.5: Promote and market the benefits of working and living in the Shire.

Outcome 5.3: Effective and efficient corporate and administrative services.

Strategy 5.3.3: Maximise the financial viability of the Council by pursuing non-rate income.

Strategy 5.3.7: Maintain risk management policies and procedures.

Strategy 5.3.8: Implement continuous improvement initiatives for services in consultation with the community.

SUSTAINABILITY IMPLICATIONS:

➤ **Environment**
Not applicable.

➤ **Economic**
The financial performance of the Moora Lifestyle Village up until this juncture has been poor. Currently Council is carrying a number of debts associated with previous tenant relocation costs which have simply not stacked up in terms of commercial sustainability. The purpose of this item is to continue to offer some fiscal incentive to prospective/new tenants, but doing so in a manner that reflects a structure of commercial sustainability. The very fact that Council is able to facilitate a flow of cash to assist in meeting relocation costs highly appreciated and valued as it avoids what can sometimes be a discerning experience for elderly people in having to go to a bank and try and arrange finance.

➤ **Social**
No direct social implications with this matter.

FINANCIAL IMPLICATIONS:

As per Policy requirements and guidelines.

VOTING REQUIREMENTS:

Simple Majority Required

COUNCIL RESOLUTION

43/14 Moved Cr Hawkins, seconded Cr Pond that Council amend Policy 9.13 – Moora Lifestyle Village Relocation Policy, in accordance with below;

9.13 Moora Lifestyle Village Relocation Policy (amended)

Policy adopted by Council 15th June 2011 (amended 16 April 2014)

PURPOSE

To provide an effective and accountable system for financially assisting new tenants relocating to the Moora Lifestyle Village providing relevant incentive whilst ensuring there is a balance of commercial sustainability.

POLICY

Financial assistance will be provided in one of two ways;

- 1 Loan funds provided by Council, executed by way of a legally binding agreement whereby Council will maintain an interests in the tenants property until such time as the loan is repaid in full;
- 2 Offer a weekly rental subsidy of 25% over a two year period commencing from when the first rental payment is due and payable.

PROCEDURE

Scope

1. Relocation assistance will be limited to \$20,000 per tenant to assist with costs of;
 - a) Relocating the living unit to Moora;
 - b) Construction of driveways/patios/sheds and the like;
 - c) Costs of connecting living unit to power, water, sewerage.
2. The term of loan will be by agreement but will not exceed a period of four years, without the special consideration and approval of the Council.
3. Monthly repayments of principal and interest in advance based on the prevailing interest rate of the W.A Treasury Corporation at the time of executing agreement plus 4%;
4. Funds for the relocation costs be facilitated through the W.A Treasury Corporation in accordance with the parameters of the Local Government Act 1995;
5. A written agreement will be drawn up to include;
 - a) the term of the loan and repayments to be payable by direct debit (monthly payments in advance.
 - b) procedures to be undertaken by the Shire of Moora if repayments are overdue
 - c) procedures to be undertaken if the tenant lease agreement ceases.

Procedure

The **Chief Executive Officer** is responsible for arranging the loan and executing agreements in accordance with policy guidelines and legislative requirements.

RESPONSIBILITY

The **Deputy Chief Executive Officer** is responsible for:

1. Instigating action required for the establishment of a direct debit facility
2. Overseeing the administration of internal systems and processes relating to the relocation loan, including:
 - Establishing a direct debit facility;
 - Collating and retaining information and appropriate supporting documentation;
 - Collating quarterly statements of loan balances and providing copies to loan recipient.

CARRIED 8/0

9.1.5 NEW TRANSPORTABLE EXECUTIVE RESIDENCE – TENDER 02/2014

FILE REFERENCE: L/TEN2

REPORT DATE: 10 April 2014

APPLICANT/PROPONENT: Chief Executive Officer – Alan Leeson

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Alan Leeson, Chief Executive Officer

ATTACHMENTS: Recommended House plans, Price schedule, General tender specification

PURPOSE OF REPORT:

To accept a tender to facilitate construction of one new transportable residence on Lot 2002 Atbara Street, Moora (new Landcorp Subdivision)

BACKGROUND:

Tenders for the construction of one new residence closed on the 14 March 2014. A tender list has been compiled on both a supplier and price orientation.

COMMENT:

In all 10 tenders were received. (Refer to attached schedule). Cr's Humphry, Hawkins and Pond met with the CEO on Wednesday 9 April 2014 to go over the tenders and plans submitted.

A copy of the general tender specification detailing the scope for the project is circulated with this report, which in effect provides details of what is included / excluded in the base price.

POLICY REQUIREMENTS:

Section 12 – Council purchasing

LEGISLATIVE REQUIREMENTS:

Local Government Act 1995

STRATEGIC IMPLICATIONS:

Outcome 3.4: Council buildings and facilities that meet community needs.

Strategy 3.4.1: Ensure Council buildings, facilities and public amenities are provided and maintained at an appropriate standard.

Strategy 3.4.2: Develop new buildings and facilities in accordance with the Asset Management Policy.

Strategy 3.4.3: Continue to investigate opportunities to rationalise or devolve obsolete buildings and other assets.

SUSTAINABILITY IMPLICATIONS:

➤ **Environment**
Not applicable.

➤ **Economic**
Provision of modern housing is a key strategy in attracting and retaining key personnel to the Shire of Moora. It is anticipated that this residence will be utilised for staff housing.

➤ **Social**

No direct social implications with this matter.

FINANCIAL IMPLICATIONS:

Council has budgeted \$367,000 for the construction of this new residence, funded by Royalties for Regions. The attached schedule details tendered prices. On top of the tendered prices Council is required to provide, earthworks, retaining, paving, fencing, shed, clothesline and utility connections, solar power and landscaping.

VOTING REQUIREMENTS:

Absolute Majority Required

COUNCIL RESOLUTION

44/14 Moved Cr Humphry, seconded Cr Hawkins that Council accept the tender from TR Homes – Design “Echo Beach” at a price of \$287,145 (GST included), noting that variations will be made with respect to, enclosing the carport, enlarging bedroom robes, inclusion of a bath in main bathroom, and increasing the size of bedrooms 2 & 4 to 4.0m x 3.5m.

CARRIED by ABSOLUTE MAJORITY 8/0

9.2 DEVELOPMENT SERVICES**9.2.1 DRAFT TOWN PLANNING POLICY - SEA CONTAINERS**

FILE REFERENCE: PL/POPI

REPORT DATE: 26 March 2014

APPLICANT/PROPONENT: Shire of Moora

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Peter Williams, Manager Development Services

ATTACHMENTS: Draft Town Planning Policy – Sea Containers

PURPOSE OF REPORT:

For Council to consider a policy on the use of Sea Containers used for storage in the Shire and to set conditions for their use and location particularly in the Moora Town Site, Watheroo Town Site and Miling Town Site.

BACKGROUND:

In recent years there has been an increase in the use of Sea Containers for the purpose of storage within the Shire of Moora. Sea Containers can serve as a useful purpose as they are a cheap and secure method of storing goods. They do however have potential to affect the amenity of the area in that they are more in character of the industrial area zone than the residential zone.

A ‘Sea Container’ is considered to be a ‘Transported Building’ and requires the Planning Approval of Council under clause 4.7 of the Scheme.

Whilst sea containers are ‘transported buildings’, the terms of this policy apply exclusively to sea containers used for storage purposes (Class 10A Building) and the Local Planning Policy ‘Shire of Moora Relocated Buildings’ does not apply.

Clause 4.7.1 & 4.7.2 of the Scheme deals with matters Council will consider regarding the appearance of buildings when dealing with applications for planning approval in respect to any building.

A sea container is development and is not exempted from planning approval under clause 8.7 (b) of the Scheme as it is considered to be a transported building.

Clause 7.5 of the Scheme outlines general matters that Council can take into consideration when assessing any application.

This policy expands on and complements the existing Scheme requirements.

This policy applies to all land zoned within the Shire of Moora with the exception of the 'General Agriculture' zone. The policy is aimed at controlling the impact of sea containers used for storage purposes on the amenity of the town-sites within the Shire of Moora.

Town Planning Policy

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.

COMMENT:

The objectives of this policy are as follows:

- To establish clear guidelines for the placement of sea containers used for storage purposes within the Shire;
- To ensure that any sea container does not detract from an existing (or reasonably desired) streetscape;
- To achieve a balance between providing for the legitimate need for sea containers as an affordable and secure storage option, and minimising any adverse impacts on neighbours, streetscape, a neighbourhood or locality, amenity or the Shire as a whole.
- To set out minimum standards and requirements for applications to place sea containers on land within the Scheme area.

FINANCIAL IMPLICATIONS:

There are no known financial implications for this item

POLICY REQUIREMENTS:

There are no known policy implications for this item.

LEGISLATIVE REQUIREMENTS:

There are no known legislative implications for this item.

STRATEGIC IMPLICATIONS:

There are no known strategic implications for this item.

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.

VOTING REQUIREMENTS

Simple Majority Required

COUNCIL RESOLUTION

45/14 Moved Cr Hawkins, seconded Cr Pond that Council receive the draft Town Planning Policy – Sea Containers in accordance with the requirements of the Shire of Moora Local Planning Scheme Number 4.

CARRIED 8/0

9.2.2 GREG REILLY CAR PORT – 36 LEFROY STREET MOORA

FILE REFERENCE: PA/450-1

REPORT DATE: 8 April 2014

APPLICANT/PROPONENT: Greg Reilly

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Peter Williams Manager Development Services

ATTACHMENTS: Plans

PURPOSE OF REPORT:

The proponent Mr Greg Reilly wishes to apply to Council for a reduced setback in order to construct a car port for his property located on the corner of Clinch and Lefroy Street. The house faces onto Clinch Street of which there is a standard set back applied through the Residential Design Code of 7.5 metres. The proponent wishes to construct a car port forward of this setback.

SETBACKS

The Residential Design Codes provides a front street setback for the Moora Residential Zone area of 7.5 metres, 2.0 metres off a secondary Street and 1.5 metres off a rear or side boundary.

BACKGROUND:

The proponent Mr Reilly has recently built a dwelling on the corner of Clinch and Lefroy Street which is located in the Residential Zone in the Town of Moora with a Residential Design Code of R12.5 and wants to construct a free standing steel framed with an iron clad roof car port at the front of his property within 3.0 metres of the front boundary, to allow his tenants to park their car under cover and with easy access to the front door of the premises. The proponent wishes to have a reduced setback of 3.0 metres from their front boundary of which the requirement is 7.5 metres.

DISCRETION TO MODIFY DEVELOPMENT STANDARDS

4.4.1 Clause 4.4.2 shall not apply to:

- a) Development in respect of which the Residential Design Codes apply under the Scheme, or
- b) Development on land abutting an unconstructed road, or
- c) Development on a lot which does not have frontage to a constructed road.

4.4.2 Subject to clause 4.4.1, if a development the subject of an application for planning approval does not comply with a standard prescribed by the Scheme with respect to minimum lot sizes, building height, setbacks site coverage, car parking, landscaping and related matters the Local government may, despite that non-compliance, approve the application unconditionally or subject to such conditions as the Local government thinks fit. The power conferred by this clause may only be exercised if the Local government is satisfied that:

- a) approval of the proposed development would be consistent with the orderly and proper planning of the locality and the preservation of the amenities of the locality;
- b) the non-compliance will not have any adverse effect upon the occupiers or users of the development or the inhabitants of the locality or upon the likely future development of the locality.

COMMENT:

The proponent is constructing a free standing car port that is not enclosed which is necessary due to sightlines when reversing out of the driveway. It is recommended that it be a condition of this application that the proponent not be permitted to enclose the carport at any future stage so as to reduce the sightlines of the person when reversing out the drive way. There have been previous applications that have been approved by Council for a reduced setback.

POLICY REQUIREMENTS:

There are no known policy requirements for this item.

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

46/14 Moved Cr Hawkins, seconded Cr Holliday that Council approve the application submitted by Mr Greg Reilly to construct a steel framed car port with a reduced setback at 36 Lefroy Street Moora subject to the following conditions:

- *The development/land use is to be located entirely within the property boundary.*
- *The use of second hand materials is not permitted.*
- *The development is to comply with the Building Code of Australia.*
- *This Town Planning Approval is not to be seen as a Building Approval to construct, a Building Application is required to be submitted for the construction of the car port.*

CARRIED 8/0

9.3 ENGINEERING SERVICES

Nil

10. REPORTS OF COMMITTEES

GENERAL PURPOSE COMMITTEE MEETING – 2 APRIL 2014

10.1 MOORE CATCHMENT COUNCIL SUPPORT

FILE REFERENCE: AN/MOCI-2

REPORT DATE: 27 March 2014

APPLICANT/PROPONENT: Moore Catchment Council

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Alan Leeson, Chief Executive Officer

ATTACHMENTS: Correspondence

PURPOSE OF REPORT:

To consider a request from Moore Catchment Council (MCC) for Council to increase its contribution to them to \$1,000 per annum from the current contribution of Council being \$500 per annum.

BACKGROUND:

Currently the Shires of Moora, Dalwallinu, Dandaragan, Gingin, Victoria Plains and Perenjori contribute to the Moore Catchment Council. The attached letter and brochure outline the current request and activities of the MCC.

COMMENT:

Council is aware that the office of MCC is located within the office premises of Cunningham Machinery, Padbury Street Moora. They have broadly referenced operating costs associated with their offices. The Shire of Gingin currently contribute \$1,000, with the other Shires being contacted to confirm their ongoing commitment.

POLICY REQUIREMENTS:

None applicable

LEGISLATIVE REQUIREMENTS:

Local Government Act 1995

STRATEGIC IMPLICATIONS:

Outcome 2.1: A protected natural environment.

Strategy 2.1.1: Support the preservation and regeneration of natural habitats including Shire managed reserves in a safe and responsible way.

Strategy 2.1.2: Support community based environmental protection initiatives.

Strategy 2.2.4: Protect and enhance water catchments and waterways.

SUSTAINABILITY IMPLICATIONS:**➤ Environment**

The Moore Catchment Council is a not for profit organisation whose charter is to focus and protect the Moore River and its catchment. To that end they have facilitated many conservation projects, the most recent in the Shire of Moora being works associated with the Candy's Bush Reserve. Moving forward it is hoped that the MCC will assist in the procurement of funding to assist with flood mitigation works associated with the de-silting and removal of bed vegetation with the Moore River (section which passes through the Moora Townsite).

➤ Economic

Relevant to this particular request there are not any significant economic implications associated with this matter.

➤ Social

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

FINANCIAL IMPLICATIONS:

Council currently contributes \$500 toward the MCC operations. The request asks for Council to double its contribution annually to \$1,000.

VOTING REQUIREMENTS:

Simple Majority Required

COUNCIL RESOLUTION

47/14 Moved Cr Pond, seconded Cr Clydesdale-Gebert that Council advise the Moore Catchment Council that it agrees to increase the Shire of Moora Annual contribution to it from \$500 annually to \$1,000 annually; further advising it will receive final deliberations as part of Councils 2014/2015 budget deliberations and adoption.

CARRIED 8/0

10.2 PURCHASE OF UTILITY SPRAY UNIT

FILE REFERENCE: S/PLPI
REPORT DATE: 2 April 2014
APPLICANT/PROPONENT: Chief Executive Officer
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: Nil
AUTHOR: Alan Leeson, Chief Executive Officer
ATTACHMENTS: Photo

PURPOSE OF REPORT:

For Council to consider purchase of a 500 litre utility (skid) mounted spray unit for the purpose of road side spraying.

BACKGROUND:

Currently Council utilises contractors to provide some degree of road side spraying across the shire. It is proposed to restructure this service by carrying it out in-house utilising existing staff e.g. Shire Ranger.

COMMENT:

Through ongoing review of the organisation structure there is capacity within the role of the Shire Ranger, to carry out roadside spraying rather than utilising the services of a contractor. This however requires the purchase of a skid mounted spray unit (approx. 500 litres) (engine driven).

The intention is to instigate a comprehensive roadside spraying program, upon the first seasonal autumn germination, thus better controlling roadside weeds. The program will have multiple benefits for the shires rural constituency;

- Better weed control;
- Reduce risk in terms of lessor fuel loading in fire season;
- Better utilisation of shire assets in ranger utility;
- More efficient and effective use of ranger human resources;
- Will increase effectiveness of road and roadside monitoring for maintenance program.
- Will significantly enhance the vision at intersections through the shires rural road network.

POLICY REQUIREMENTS:

None applicable

LEGISLATIVE REQUIREMENTS:

Council did not budget for the purchase of a roadside spraying unit in 2013/2014.

STRATEGIC IMPLICATIONS:

Outcome 2.1: A protected natural environment.

Strategy 2.1.1: Support the preservation and regeneration of natural habitats including Shire managed reserves in a safe and responsible way.

Outcome 3.3: A safe and reliable transport system.

Strategy 3.3.1: Maintain and further develop roads, bridges and footpaths at appropriate standards.

SUSTAINABILITY IMPLICATIONS:

- **Environment**
Control of weeds within road reserves is an ongoing issue for rural shires. The initiative will bring about better outcomes in this respect.
- **Economic**
The proposal will incorporate a degree of asset management, whereby the role will include data pickup of the road network, which will then feed into the Shires asset management requirements.
- **Social**
There are no known significant social implications associated with this proposal.

FINANCIAL IMPLICATIONS:

The financial implications of this item are approximately \$6,000 (GST included). Council approval is sought (out of budget) in order to initiate this program after the first seed germination in the next month or so.

VOTING REQUIREMENTS:

Absolute Majority Required

COUNCIL RESOLUTION

48/14 Moved Cr Seymour, seconded Cr Pond that Council approves expenditure of up to \$6,000 (GST included) in the Capital Plant & Equipment – Economic Services Budget for the purposes of purchasing a utility (skid) mounted road side spraying unit to enable the initiation of a comprehensive roadside spraying program utilising the resources of the Shire of Moora Ranger.

CARRIED by ABSOLUTE MAJORITY 8/0

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

Nil

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

The Chief Executive Officer tabled an item of urgent business relating to Wheatbelt Timber Pty Ltd - Lot 4144 Coorin Street Coomberdale for Councils consideration.

COUNCIL RESOLUTION

49/14 Moved Cr Humphry, seconded Cr Pond that Council consider the item of urgent business as tabled by the Chief Executive Officer titled Wheatbelt Timber Pty Ltd - Lot 4144 Coorin Street Coomberdale.

CARRIED 8/0

12.1 WHEATBELT TIMBER PTY LTD - LOT 4144 COORIN STREET COOMBERDALE

Cr Clydesdale-Gebert declared an impartiality interest in the item as she owns and operates a Café in the CBD of Moora.

FILE REFERENCE: TP/PA

REPORT DATE: 15 April 2014

APPLICANT/PROPONENT: Phil Bellamy

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Peter Williams, Manager Development Services

ATTACHMENTS: Plans

PURPOSE OF REPORT:

The proponent Mr Phil Bellamy wishes to apply to Council for the purpose of constructing a Café style Food Premises which will be BYO, at Lot 4144 Coorin Street Coomberdale. The hours of the business will be from Friday to Sunday afternoon with hours of operation:

- Friday 1000hrs to 2200hrs
- Saturday 1000hrs to 2300hrs
- Sun 0800hrs to 1630hrs

The new construction has been developed and constructed from which was previously been a shed which has been renovated and redesigned.

BACKGROUND:

The proponent Mr Bellamy has constructed a café where it was mistakenly thought that as there was a previous approval for a café one was not needed for this one. Discussions with the Shire's Planning Consultant advised that as it was a new building it would need Council approval.

The proponent Wheatbelt Timber PTY LTD operated by Mr Bellamy resides at Lot 4144 Coorin Street, Coomberdale, this was previously the old Coomberdale Primary School that was previously sold to Mr Bellamy and his wife by the Shire of Moora.

Town Planning Approval was previously issued by Council to Mr Bellamy and his wife for Lot 4144 Coorin Street Coomberdale for the purpose of Conference/Seminar facilities and catering in 5th February 2007.

The Magpie Café operated from 2007 up until around September 2010 when Mrs Bellamy injured herself and the business stopped operating.

The lot of land is Zoned Special purpose and will in the future require to be rezoned back to Rural Townsite Zone. The objectives of the Moora Town Planning Scheme No 4 - Rural Townsite Zone is:

OBJECTIVES

To allow for a wide range of land uses such as may be found in a small country town, but subject to preservation of the local amenities

SITE REQUIREMENTS

In accordance with the Residential Design Codes.

COMMENT:

The proponent has constructed a café in a building that was previously been a shed which at the time it was advised that planning permission was not necessary due to previous permission being granted, this information has since been seen to be incorrect so the application is before Council for approval. Mr Bellamy and his wife previously ran the Magpie café from the same property but a different location which was very successful and well attended by residents within the Shire of Moora and tourists alike.

The Council is in receipt of a written complaint (circulated under separate cover) from a resident in Coomberdale.

The Café will have to comply with disabled access and egress from the property, car parking provisions which it is advised will be compacted cracker dust with cement dust as a hardener but will be still able to absorb rain water which can be an issue due to the low lying nature of the surface. Compliance will be necessary with the Food Act 2008 and the Food Regulations 2009 and the Food Safety Standards along with Public Building Requirements.

POLICY REQUIREMENTS:

There are no known policy requirements for this item.

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**
As mentioned previously a complaint separately circulated is attached to this document.

FINANCIAL IMPLICATIONS:

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

VOTING REQUIREMENTS

Simple Majority Required

COUNCIL RESOLUTION

50/14 Moved Cr Humphry, seconded Cr Gardiner that Council approve the application submitted by Wheatbelt Timber Pty Ltd operated by Mr Phil Bellamy to construct a building to be used as a Café at Lot 4144 Coorin Street Coomberdale subject to the following conditions:

- **The development/land use is to be located entirely within the property boundary as per land use / planning approval granted to lot 4144 Coorin Street, Coomberdale on 28 February 2007;**
- **The development is to comply with the Building Code of Australia.**
- **Compliance with Disability Access and Egress provisions**
- **Compliance with Public Building requirements**
- **Compliance with Food Act 2008, Food Regulations 2009 and the Food Safety Standards.**
- **Car Parking requirements to be provided for patrons, and to be of a sufficient hardened surface to enable wheelchair access.**
- **Noise levels are to be kept to a minimum of an evening including loud music and patron's behaviour to ensure nearby neighbours are not disturbed.**

Note: This development is subject to prescribed noise levels and the Noise Regulations.

CARRIED 8/0

Note: 'as per land use / planning approval granted to lot 4144 Coorin Street, Coomberdale on 28 February 2007' was added to the end of the first dot point, to ensure the land use remains consistent with the initial planning approval granted.

13. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Nil

14. CLOSURE OF MEETING

There being no further business, the President declared the meeting closed at 3.39pm.

CONFIRMED

PRESIDING MEMBER