



Ordinary Council Meeting Minutes

Date: 18 March 2015

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 MILING PAVILION, MILING
18 MARCH 2015

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

The Shire President declared the meeting open at 6.30pm.

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 Pond	-	Councillor
KM Seymour	-	Councillor
MR Holliday	-	Councillor
JW McLagan	-	Councillor

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

APOLOGIES

R Keamy	-	Councillor
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PUBLIC

Ian Seymour	Jim Lowe	Bruce Topham
Vikki Harrington	Adam Martin	Tony White
John Wallis	Ryan Mackintosh	

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4. **PUBLIC QUESTION TIME**

Wade Pearson

Expressed concerns of the process of planning for a realignment of the Great Northern Highway in or around Miling townsite, believed there had been, limited feedback from Main Roads and opportunity to consult with Main Roads.

Mr Pearson believes that to date there has been limited input from Miling residents and they have had no consultation apart from one meeting from the Progress Association meeting. Specific routes were not discussed. Have only received a brief media release regarding the meeting between Main Roads, Miling Progress and Council in February with no details of decisions made or minutes of the meeting provided.

The Miling residents were not privy to this meeting and the Miling Progress Association members that were present have not revealed any specific details of the meeting.

Limited feedback from Council.

What is the Council's involvement with proposed routes?

What discussions have Main Roads and Council had and what are the proposed routes?

Shire President

The process has been very consultative; there is no set proposed route. It is a Main Roads decision. Council's position is that this is an opportunity to improve the main road through the town and the Miling community.

Full support for individuals affected will be provided and their best interests defended to the best of Council's ability.

Chief Executive Officer

Consultation process is only in preliminary stage, and the meeting next week in Miling on the 25th March 2015 is an important part of this process.

Shire President

Will the Miling community be unanimous in their thoughts on proposed routes?

Wade Pearson

No.

Chief Executive Officer

No information has been held back from the community, the opportunity for community input is at the meeting to be convened on the 25th March. No preferences have been discussed by Council or decided on one route or another.

Tony White

Thanks for getting the Miling Tennis courts contribution arranged. Miling is committed to the Tidy Towns competition.

5. **PETITIONS AND PRESENTATIONS**

Nil

6. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER

17/3 Attended the Mens Shed visit in Bindoon

Cr Humphry

27/2 Attended the Avon-Midland Zone meeting in Gingin

Cr Hawkins

17/3 Attended the Mens Shed visit in Bindoon

8. CONFIRMATION OF MINUTES**8.1 ORDINARY COUNCIL MEETING - 18 FEBRUARY 2015****COUNCIL RESOLUTION**

26/15 Moved Cr Hawkins, seconded Cr Pond that the Minutes of the Ordinary Meeting of Council held on 18 February 2015 be confirmed as a true and correct record of the meeting.

CARRIED 8/0

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

REPORT DATE: 10 March 2015

OFFICER DISCLOSURE OF INTEREST: Nil

AUTHOR: David Trevaskis, Deputy Chief Executive Officer

SCHEDULE PREPARED BY: Alida Fitzpatrick, Finance Debtors 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

27/15 Moved Cr Hawkins, seconded Cr Pond that Council notes and endorses the Payments from the Municipal and Trust Funds made under delegation 1.31

Municipal Fund	Cheques 61964 - 61973	\$1,013,472.85
	EFT 13196 - 13375	\$801,654.85
	Credit Card 15/01/15 to 15/02/15	\$5,634.90
	Net Pays – PPE 10/02/15	\$86,021.42
	Net Pays – PPE 24/02/15	\$99,244.78
Trust Fund	Cheques 5059 - 5065	\$1,772.80
Total		<u>\$2,007,801.60</u>

CARRIED 8/0

9.1.2 STATEMENT OF FINANCIAL ACTIVITY FOR PERIOD ENDED 28 FEBRUARY 2015

REPORT DATE: 12 March 2015

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 28 February 2015

PURPOSE OF REPORT:

To note and receive the Statement of Financial Activity for the period ended 28 February 2015.

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 2014/15 adopted budget.

VOTING REQUIREMENTS

Simple Majority Required

COUNCIL RESOLUTION

28/15 Moved Cr Humphry, seconded Cr Clydesdale-Gebert that Council notes and receives the Statement of Financial Activity for the period ended 28 February 2015.

CARRIED 8/0

9.1.3 MOORA HISTORICAL SOCIETY

FILE REFERENCE: CC/MHII
REPORT DATE: 11 February 2015
APPLICANT/PROPONENT: Moora Historical Society
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: Nil
AUTHOR: Alan Leeson, Chief Executive Officer
ATTACHMENTS: Letter

PURPOSE OF REPORT:

To formally receive the request from Moora Historical Society (MHS) in relation to their concerns with security of the ex-playgroup building on Clinch Street.

BACKGROUND:

MHS have raised concerns in relation to security of their buildings and have requested Council consider installation of chain link mesh fencing extensions with barbed wire as well as some new fencing. MHS quote several instances of vandalism and the like.

COMMENT:

Vandalism is nothing new to Council owned buildings but is clearly a constant frustration to affected parties, in addition to the cost of repairing, insurance claim excesses and the like.

LEGISLATIVE REQUIREMENTS:

Local Government Act 1995

STRATEGIC IMPLICATIONS:

Outcome 1.4: A strong and supportive community.

Strategy 1.4.1: Partner with the Moora Community Resource Centre to develop a co-located facility.

Strategy 1.4.2: Support appropriate community initiated and owned projects.

Strategy 1.4.3: Promote and support cultural and community events.

Strategy 1.4.4: Work in partnership with community groups to encourage a culture of volunteerism.

Strategy 1.4.5: Support the development of a Mens Shed in Moora.

Strategy 1.4.6: Support arts and culture facilities and services in the community.

SUSTAINABILITY IMPLICATIONS:

- **Environment**
Nil

- **Economic**
Nil

- **Social**
Nil

FINANCIAL IMPLICATIONS:

The cost of fencing improvements is yet to be determined. An option rather than more physical infrastructure/barriers such as security fencing may be to install security cameras around the Historical Precinct. The author believes this would be a more sustainable and effective strategy, notwithstanding the better aesthetic amenity of security camera's as against increased security fencing.

SUMMARY:

Council management are meeting with Lotterywest in the next week or so, therefore it would be opportune to discuss with them what grant funding may be available to assist with such an initiative.

VOTING REQUIREMENTS:

Simple Majority Required

COUNCIL RESOLUTION

29/15 Moved Cr Clydesdale-Gebert, seconded Cr McLagan that Council;

- 1. Receive the correspondence from the Moora Historical Society;**
- 2. Investigate costs associated with provision of additional security fencing around the Moora Historical Society Precinct as detailed in their correspondence dated 7 March 2015;**
- 3. Investigate costs associated with provision of security camera's around the Moora Historical Society Precinct as an alternative to additional security fencing;**
- 4. Investigate grant funding that may be available to assist with the costs of either option of fencing or security camera's.**

CARRIED 8/0

9.1.4 RECEIPT AND ACCEPTANCE OF 2013/2014 ANNUAL REPORT

FILE REFERENCE: F/AUDI
REPORT DATE: 11 March 2015
APPLICANT/PROPONENT: Nil
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: Nil
AUTHOR: David Trevaskis, Deputy Chief Executive Officer
ATTACHMENTS: 2013/14 Annual Report (to be circulated)

PURPOSE OF REPORT:

To receive and consider the 2013/2014 Annual Report and to adopt the report, with or without amendment.

Once the Annual Report has been adopted, Council is to confirm the date for the Electors General Meeting.

BACKGROUND:

Council is required by the Local Government Act 1995 to accept the annual report for the financial year no later than 31 December each year [Section 5.54 (1)] unless the audit report is not received prior to 31 December.

Section 5.55 of the Act requires the CEO to give local public notice of the availability of the annual report as soon as practicable after the report has been accepted by Council.

Section 5.27(2) requires a general electors meeting to be held not more than 56 days after the local government has accepted the annual report.

A copy of the Annual Report for 2013/2014 is to be circulated.

COMMENT:

The acceptance of the Annual Report, either in its current form or as amended by Council at this meeting, requires Council to set a date for the Electors General Meeting. This must be held within 56 days of acceptance of the Annual Report.

Notice will be given to comply with the statutory advertising period giving local public notice of 14 days minimum.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

Local Government Act 1995, Sections 5.27, 5.54, & 5.55

STRATEGIC IMPLICATIONS:

The Annual Report is a public document that can be used to promote the Shire of Moora and the principal activities being undertaken by the Shire.

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 as costs associated with the printing of the Annual Report and holding of the Electors General Meeting are provided for in the Adopted Budget each year.

VOTING REQUIREMENTS

Simple Majority Required

OFFICER RECOMMENDATIONS

That Council:

1. *accepts the 2013/2014 Annual Report as circulated.*
2. *confirms the date of the Electors General Meeting to be held on....*

Moved Cr Gardiner, seconded Cr Pond...

1. *accepts the 2013/2014 Annual Report as circulated.*

Cr Hawkins spoke against the motion – due to the Annual Report not being presented with enough notice, allowing insufficient time to read.

COUNCIL RESOLUTION

30/15 Moved Cr Hawkins, seconded Cr McLagan the motion lay on the table and a Special Meeting of Council be convened in accordance with Section 5.5 Local Government Act 1995, due to Councillors not having sufficient time to read the report.

CARRIED 8/0

9.1.5 2014/15 BUDGET REVIEW

FILE REFERENCE: F/BUDI
REPORT DATE: 11 March 2015
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: Nil
AUTHOR: David Trevaskis, Deputy Chief Executive Officer
ATTACHMENTS: 2014/15 Budget Review

PURPOSE OF REPORT:

To consider and adopt the budget review for the period 1 July 2014 to 28 February 2015.

BACKGROUND:

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

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

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

COMMENT:

The budget review for the period 1 July 2014 to 28 February 2015 has been conducted by management and is provided as a separate attachment to this agenda.

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

All budget amendments are shown in the attached Budget Review 2014/15 document. The most significant adjustments are as follows:

- Governance –
 - GL 20401 – Sundry Income – Other Revenue – increase by \$34,500 for LGIS insurance premiums reimbursed
- Education & Welfare –
 - GL 23397 – Grant Youth Program – Operating Grants – decrease by \$80,000 as will not be paid in 2014/15.
 - GL 23398 – Grant Youth Activities – Operating Grants – decrease by \$14,000 as will not be paid in 2014/15.
 - GL 16697 – Youth Program – Materials and Contracts – decrease by \$14,000 as not funded by Shire of Moora.
 - GL 16698 – Avon Youth Contribution – Materials and Contracts – decrease by \$50,000 as not funded by Shire of Moora.

- Housing –
 - GL 32306 – Land Purchases 2014/15 – decrease by \$102,780
 - GL 32304 – Executive Home Construction – increase by \$23,000
- Recreation & Culture
 - GL 23204 – DRS Swimming Pool Grant – Operating Grant increase of \$30,000, Grant approved after 2014/15 budget adopted.
 - GL 23355 – Grants Kidsports – Operating Grant – increase \$37,127 for unbudgeted funds received 2014/15.
 - GL 13333 – Kidsports Program – Materials and Contracts – increase by \$30,000 as previously not included as budget item.
 - GL 33327 – Community Van – increase by \$50,300 as per Council resolution.
 - GL 49510 – Transfer from Reserves – increase by \$50,300 for purchase of new community van as per Council resolution.
- Transport
 - GL 43805 – Grant Bridge Renewal – Non-operating Grants – reduce by \$182,000 for unbudgeted reimbursement of unspent 2013/14 funds received.
 - GL 34064 – Patching Truck – reduce by \$225,000 item not to be purchased.
- Economic Services
 - GL 34612 – Caravan Park Upgrade – increase by \$180,000 for the purchase of additional Chalets
 - GL 63111 - Debenture – Chalets Loan – increase by \$180,000 to finance the purchase of additional Chalets

The proposed Amended Budget estimates a surplus balance at 30 June 2015 of \$60,290.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

Regulation 33A - Local Government (Financial Management) Regulations 1996 applies. The proposed estimated surplus is within the allowed maximum of \$362,170 (10% of rates).

STRATEGIC IMPLICATIONS:

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

SUSTAINABILITY IMPLICATIONS:

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

FINANCIAL IMPLICATIONS:

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

VOTING REQUIREMENTS

Absolute Majority Required

COUNCIL RESOLUTION

31/15 Moved Cr Hawkins, seconded Cr Holliday that Council, having considered the budget review for the period 1 July 2014 to 28 February 2015 adopts the review as tabled, showing an estimated surplus at 30 June 2015 of \$60,290.

CARRIED BY ABSOLUTE MAJORITY 8/0

9.1.6 PROPOSED HEADS OF AGREEMENT – RABOBANK AUSTRALIA LTD AND SHIRE OF MOORA

Cr Gardiner and CEO Alan Leeson declared an impartiality interest as they are members of the Moora Bowling Club.

FILE REFERENCE: L/LEAI
REPORT DATE: 11 March 2015
APPLICANT/PROPONENT: Rabobank Australia Limited
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: Nil
AUTHOR: Alan Leeson, Chief Executive Officer
ATTACHMENTS: Draft Heads of Agreement – Cashflow Projection – Circulated under separate cover

PURPOSE OF REPORT:

To authorise the Chief Executive Officer to enter into and sign a formal Heads of Agreement (HOA) in relation to the proposed construction of a Bank Building on Lot 123 Gardiner Street, Moora (old bowling green site) and authorise the CEO to proceed and engage a suitably qualified and experienced design company to design the site plan, building façade and structural building requirements in accordance with the requirements of Rabobank Australia Limited (RABO).

BACKGROUND:

As Council is aware there have been ongoing negotiations over the past few months between the Chief Executive Officer and RABO subsequent to Council receiving an expression of interest to enter into a lessee arrangement with the Shire of Moora (proposed lessor) to construct a new bank building on Gardiner Street, Moora.

In effect the HOA will authorise the CEO to proceed with further planning based around quantitative estimates as circulated to Council under separate cover.

COMMENT:

At this juncture, Council is required to invest \$28,000 plus GST as per the work stages detailed in the fee proposal up to and including “Construction Documentation” in order to progress the initial site meetings, concept design, schematic design, detail design development and construction documentation. Goldmanor Design was intrinsically involved in the Moora Frail Aged Lodge Extension design.

LEGISLATIVE REQUIREMENTS:

Local Government Act 1995

There are a number of provisions of the Local Government Act that will potentially be relevant to this proposal, if the commercial arrangement proceeds to a point where Council and RABO agree to proceed and go ahead with the actual build and lease. There are likely to be relevant statutory requirements associated with;

- Disposal of property as leasing is defined as a method of disposal;
- Major land transaction as the estimated cost of the build along with the terms of the proposed lease are likely to exceed the parameters of what triggers a “Major land transaction”.

Detailed hereunder are some the relevant provisions and what they entail.

3.58. Disposing of property

(1) In this section —

dispose includes to sell, **lease**, or otherwise dispose of, whether absolutely or not; **property** includes the whole or any part of the interest of a local government in property, but does not include money.

(2) Except as stated in this section, a local government can only dispose of property to —

- (a) the highest bidder at public auction; or
- (b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.

(3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —

- (a) it gives local public notice of the proposed disposition —
 - (i) describing the property concerned; and
 - (ii) giving details of the proposed disposition; and
 - (iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;

and

- (b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.

- (4) The details of a proposed disposition that are required by subsection (3)(a)(ii) include —
- (a) the names of all other parties concerned; and
 - (b) the consideration to be received by the local government for the disposition; and
 - (c) the market value of the disposition —
 - (i) as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or
 - (ii) as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.
- (5) This section does not apply to —
- (a) a disposition of an interest in land under the *Land Administration Act 1997* section 189 or 190; or
 - (b) a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59; or
 - (c) anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or
 - (d) any other disposition that is excluded by regulations from the application of this section.

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

3.59. Commercial enterprises by local governments

(1) In this section —

acquire has a meaning that accords with the meaning of **dispose**;

dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not;

land transaction means an agreement, or several agreements for a common purpose, under which a local government is to —

- (a) acquire or dispose of an interest in land; or
- (b) develop land;

major land transaction means a land transaction other than an exempt land transaction if the total value of —

- (a) the consideration under the transaction; and
- (b) anything done by the local government for achieving the purpose of the transaction, is more, or is worth more, than the amount prescribed for the purposes of this definition;

major trading undertaking means a trading undertaking that —

- (a) in the last completed financial year, involved; or
- (b) in the current financial year or the financial year after the current financial year, is likely to involve,

expenditure by the local government of more than the amount prescribed for the purposes of this definition, except an exempt trading undertaking;

trading undertaking means an activity carried on by a local government with a view to producing profit to it, or any other activity carried on by it that is of a kind

prescribed for the purposes of this definition, but does not include anything referred to in paragraph (a) or (b) of the definition of **land transaction**.

- (2) Before it —
- (a) commences a major trading undertaking;
 - (b) enters into a major land transaction; or
 - (c) enters into a land transaction that is preparatory to entry into a major land transaction,
- a local government is to prepare a business plan.
- (3) The business plan is to include an overall assessment of the major trading undertaking or major land transaction and is to include details of —
- (a) its expected effect on the provision of facilities and services by the local government;
 - (b) its expected effect on other persons providing facilities and services in the district;
 - (c) its expected financial effect on the local government;
 - (d) its expected effect on matters referred to in the local government's current plan prepared under section 5.56;
 - (e) the ability of the local government to manage the undertaking or the performance of the transaction; and
 - (f) any other matter prescribed for the purposes of this subsection.
- (4) The local government is to —
- (a) give Statewide public notice stating that —
 - (i) the local government proposes to commence the major trading undertaking or enter into the major land transaction described in the notice or into a land transaction that is preparatory to that major land transaction;
 - (ii) a copy of the business plan may be inspected or obtained at any place specified in the notice; and
 - (iii) submissions about the proposed undertaking or transaction may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given;
- and
- (b) make a copy of the business plan available for public inspection in accordance with the notice.
- (5) After the last day for submissions, the local government is to consider any submissions made and may decide* to proceed with the undertaking or transaction as proposed or so that it is not significantly different from what was proposed.

* Absolute majority required.

(5a) A notice under subsection (4) is also to be published and exhibited as if it were a local public notice.

(6) If the local government wishes to commence an undertaking or transaction that is significantly different from what was proposed it can only do so after it has complied with this section in respect of its new proposal.

(7) The local government can only commence the undertaking or enter into the transaction with the approval of the Minister if it is of a kind for which the regulations require the Minister's approval.

(8) A local government can only continue carrying on a trading undertaking after it has become a major trading undertaking if it has complied with the requirements of this section that apply to commencing a major trading undertaking, and for the purpose of applying this section in that case a reference in it to commencing the undertaking includes a reference to continuing the undertaking.

(9) A local government can only enter into an agreement, or do anything else, as a result of which a land transaction would become a major land transaction if it has complied with the requirements of this section that apply to entering into a major land transaction, and for the purpose of applying this section in that case a reference in it to entering into the transaction includes a reference to doing anything that would result in the transaction becoming a major land transaction.

(10) For the purposes of this section, regulations may —

- (a) prescribe any land transaction to be an exempt land transaction;
- (b) prescribe any trading undertaking to be an exempt trading undertaking.

[Section 3.59 amended by No. 1 of 1998 s. 12; No. 64 of 1998 s. 18(1) and (2).]

Local Government (Functions and General) Regulations 1996

8A. Amount prescribed for major land transactions; exempt land transactions prescribed (Act s. 3.59)

(1) The amount prescribed for the purposes of the definition of *major land transaction* in section 3.59(1) of the Act is —

(a) if the land transaction is entered into by a local government the district of which is in the metropolitan area or a major regional centre, the amount that is the lesser of —

- (i) \$10 000 000; or
- (ii) 10% of the operating expenditure incurred by the local government from its municipal fund in the last completed financial year;

or

(b) if the land transaction is entered into by any other local government, the amount that is the lesser of —

- (i) \$2 000 000; or
- (ii) 10% of the operating expenditure incurred by the local government from its municipal fund in the last completed financial year.

(2) A land transaction is an exempt land transaction for the purposes of section 3.59 of the Act if —

- (a) the total value of —
 - (i) the consideration under the transaction; and
 - (ii) anything done by the local government for achieving the purpose of the transaction,

is more, or is worth more, than the amount prescribed under subregulation (1); and

(b) the Minister has, in writing, declared the transaction to be an exempt transaction because the Minister is satisfied that the amount by which the total value exceeds the amount prescribed under subregulation (1) is not significant taking into account —

- (i) the total value of the transaction; or
- (ii) variations throughout the State in the value of land.

[Regulation 8A inserted in Gazette 27 Sep 2011 p. 3844.]

STRATEGIC IMPLICATIONS:

This proposal sits well with the Economic Development aspirations of the Shire of Moora. The fact that RABO are looking to sustain them in Moora for the long term is of benefit to the Shire of Moora community and surrounding region. It provides a sustainable and diverse business banking sector whilst potentially giving Council the opportunity to diversify and strengthen its non-rateable income stream.

Outcome 4.1: A strong and diversified economic base.

Strategy 4.1.1: Facilitate the development and implementation of a regional economic development strategy, thus ensuring Moora is positioned strongly to service the region.

Strategy 4.1.2: Promote and support local industry development initiatives.

Strategy 4.1.3: Facilitate affordable housing and accommodation initiatives.

Strategy 4.1.4: Ensure the provision of serviced commercial, industrial and residential land.

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

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**

Nil

➤ **Economic**

As per the proposed business model prepared by management on the basis of a number of assumptions, the financial business case stacks up well.

➤ **Social**

As part of the overall design process there will naturally be extensive consultation with the Moora Bowling Club in terms of where the building envelope for the development would be located and the actual amenity of the design and how this will flow into the existing infrastructure of the Moora Bowling Club.

FINANCIAL IMPLICATIONS:

The final fiscal outcomes will not be known until the process of design and build is completed and the actual cost of building is known after tender submissions are received. Suffice to say as per the spreadsheet circulated under separate cover, the business arrangement effectively becomes cumulatively cashflow positive after the first term of the proposed lease which is

nine years. In terms of annual cashflow impact, the greatest negative annual cashflow in any one of the nine years amounts to less than 0.9% of the estimated capital build.

In signing the HOA, this will obligate Council to expenditure of \$28,000 plus GST associated with initial site meetings, concept design, schematic design, detail design development and construction documentation.

SUMMARY:

Therefore in summary, to proceed, the HOA needs to be formally endorsed by Council thus authorising the CEO to proceed with the design and costings (tenders). Subsequent to that Council will assess the tender submissions and analyse if the preferred tender (if any) is commensurate with the Heads of Agreement and draft fiscal parameters – cashflow model.

The parameters of the proposed business arrangement are financially sound and will diversify Council's cashflow, strengthen its asset base and sustain the commercial banking base in Moora as a regional centre and improve the amenity of the Gardiner Street business sector within the Moora townsite.

VOTING REQUIREMENTS:

Absolute Majority Required

COUNCIL RESOLUTION

32/15 Moved Cr McLagan, seconded Cr Seymour that Council;

- 1. Endorse the parameters of the formal Heads of Agreement between Rabobank Australia Limited and the Shire of Moora;**
- 2. Authorise expenditure in accordance with the fee proposal from Goldmanor Design associated with initial site meetings, concept design, schematic design, detail design development and construction documentation;**
- 3. Invite the Moora Bowling Club Executive to take part in the initial site meetings associated with the concept and schematic design;**
- 4. Direct the Chief Executive Officer to bring back final design documentation and elevations for endorsement by Council prior to going to tender.**

CARRIED BY ABSOLUTE MAJORITY 8/0

9.2 DEVELOPMENT SERVICES

9.2.1 WATHEROO LANDFILL SITE

FILE REFERENCE: H/WAMI

REPORT DATE: 11 March 2015

APPLICANT/PROPONENT: Shire of Moora

OFFICER DISCLOSURE OF INTEREST: NIL

PREVIOUS MEETING REFERENCES: 17/9/14 (113/14)

AUTHOR: Peter Williams, Manager Development Services

ATTACHMENTS: Watheroo Transfer Station public consultation paper

PURPOSE OF REPORT:

To progress planning and community consultation in relation to the future of the Watheroo Landfill Site.

BACKGROUND:

In the 17 September 2014 Council meeting held at Watheroo a proposal was raised by the Manager of Development Services to turn the Watheroo Landfill site into a transfer station. At the time Council voted to:-

113/14 Moved Cr Hawkins, seconded Cr Holliday that Council agree in principal to the establishment of a transfer station in Watheroo and direct the Manager of Development Services to prepare a detailed costing and a public consultation paper to be made available to the local community outlining Councils plans.

CARRIED 5/0

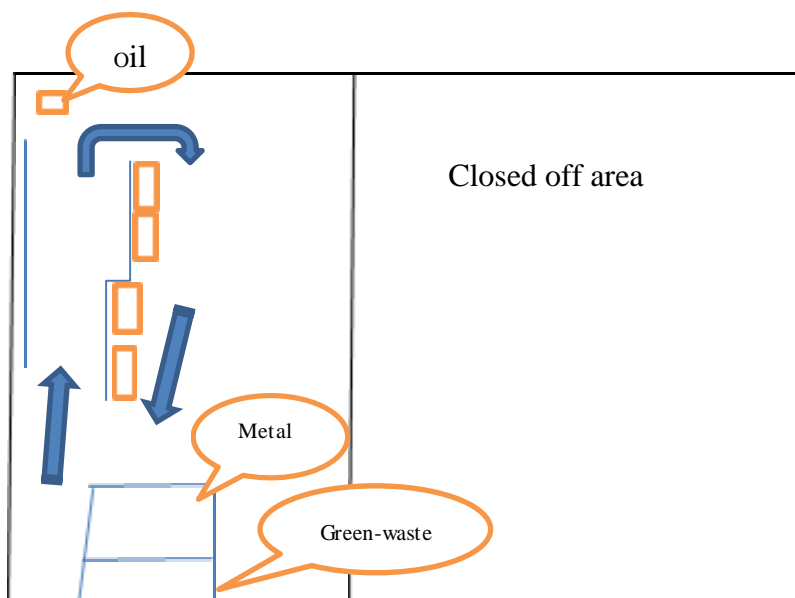
At Councils Committee Meeting held on the 4th March 2015 Council considered a Waste review which looked at Waste in General including Watheroo:-

Watheroo Landfill

Watheroo Landfill is a Class II putrescible landfill site with an acceptance of 600 tonnes per annum it also accepts waste oil.

Watheroo landfill site is presenting an issue to neighbouring properties with fugitive windblown litter, large plastic litter has blown against road boundary fence and has caused damage to eastern roadside boundary fence. This landfill has been burnt from time to time by persons unknown, to reduce the amount of litter. Litter screens were erected but were then stolen.

It is proposed to turn Watheroo into a Transfer station by cleaning up and levelling the site. It is proposed to fence off half of the site reducing access to the site to only the transfer area and recycling area. The transfer station development projected cost is \$20,000.



Again this did not look at closing the Watheroo Landfill site but due to fugitive windblown litter causing issues to the surrounding farm land it strengthened the proposal to turn the site into a transfer station.

COMMENT:

A Transfer Station by definition is a facility with a designated receiving area where waste collection vehicles and/or small self-haul customers discharge their waste. The waste is then loaded into larger vehicles for long haul transport to a final disposal site.

Waste is contained so it reduces windblown waste litter, it still allows recycling at the site as long as it is managed properly i.e. separated so not to be contaminated with other waste.

This proposal is for an area to be set aside for metal waste which when full allows for the likes of Sims Metal to come and crush and load metal waste and pay by weight a cash value of \$60.00 per tonne to the Watheroo Development Association.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

Environmental Protection Act, Country Landfill Regulations

STRATEGIC IMPLICATIONS:

There are no known strategic implications associated with this proposal.

SUSTAINABILITY IMPLICATIONS:

- **Environment**
This proposal would reduce windblown litter at the site and make the site easier to manage.
- **Economic**
There are no known significant economic implications associated with this proposal.
- **Social**
The community would get the benefit of recycling proceeds to benefit the Townsite of Watheroo.

FINANCIAL IMPLICATIONS:

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

VOTING REQUIREMENTS

Simple Majority Required

COUNCIL RESOLUTION

33/15 Moved Cr McLagan, seconded Cr Seymour that Council formally endorse the Public Consultation paper pertaining to the proposal to change the Watheroo Landfill site to a Transfer Station and direct the Manger of Development Services to circulate the paper to the broader Watheroo Community.

CARRIED 8/0

9.3 ENGINEERING SERVICES

Chief Executive Officer advised reports 9.3.1 and 9.3.2 were withdrawn from agenda due to further research being required on the tender submissions prior to bringing to Council for consideration.

9.3.1 TENDER NO. 13/15 SUPPLY AND DELIVERY OF WASTE WATER TRUCK

Withdrawn

9.3.2 TENDER NO. 14/15 SUPPLY AND DELIVERY OF ONE ONLY ROAD MAINTENANCE TRUCK

Withdrawn

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

Nil

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

Nil

12. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Nil

13. CLOSURE OF MEETING

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

The meeting was declared closed at 7.25pm.

CONFIRMED

PRESIDING MEMBER