

**SHIRE OF MOORA**  
**MINUTES OF THE ORDINARY MEETING OF COUNCIL**  
**HELD IN THE COUNCIL CHAMBERS, MOORA**  
**20 MAY 2020**

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

### **1.1 DECLARATION OF OPENING**

*The Shire President declared the meeting open at 5.31pm and welcomed those in attendance via videoconference.*

### **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**

KM Seymour	-	Presiding Member / President
TL Lefroy	-	Councillor / Deputy President (from 5.47pm)
DV Clydesdale-Gebert	-	Councillor
EI Hamilton	-	Councillor
SJ Gilbert	-	Councillor
TG Humphry	-	Councillor
PF Nixon	-	Councillor
JM Thomas	-	Councillor (via videoconference)
AJ Leeson	-	Chief Executive Officer
G Robins	-	Deputy Chief Executive Officer
JL Greay	-	Manager Engineering Services (via videoconference)
NM Beard	-	Manager Community Development & Visitor Servicing (via videoconferencing)
MM Murray	-	Executive Support Officer (minute taker) (via videoconference)

### **PUBLIC**

Sonja O'Driscoll  
Rebecca Kelly (via videoconference)

### **APOLOGIES**

MR Holliday - Councillor

## **3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil

#### **4. PUBLIC QUESTION TIME**

Sonja O’Driscoll, Big Bird’s Cafe tabled a letter with several questions concerning the approval granted by Council at their 18 March 2020 meeting for a mobile food van to operate in Moora. Ms O’Driscoll’s questions as follows were taken on notice (replicated verbatim);

- Why was there zero consultation with the local businesses like mine and other commercial entities in town that the application would affect when it first arrived for consideration?
- Moora Shire has its own policy with regard to Outside Vendors coming to towns in the Moora Shire. How often is this updated to stay current with legislation?
- Is this ruling in your existing policy from 2013 that prevents a Vendor from operating within a specified distance from an existing permanent business of the same nature.
- Where did you get information from to set the hours of trade you attached to the Permit considering the hours are in opposition to all of the existing businesses opening at some time over any weekend?
- Do you all truly believe that it is fair on all Cafes and eating houses that this Vendor is allowed to come when all of your businesses are struggling to stay afloat. The Coronavirus has only exacerbated this problem.

#### **5. PETITIONS AND PRESENTATIONS**

Nil

#### **6. APPLICATIONS FOR LEAVE OF ABSENCE**

Nil

#### **7. ANNOUNCEMENTS BY THE PRESIDING MEMBER**

The following Council associated engagements were attended;

Cr Seymour, Shire President

- 1/5 Avon-Midland Zone meeting via videoconference
- 6/5 WALGA State Council meeting via videoconference in response to COVID-19
- 13/5 oversee finalisation of completion of road, Miling

Cr Lefroy, Deputy President

- 30/4 Local Government Emergency Management Services webinar
- 1/5 Avon-Midland Zone WALGA meeting via videoconference
- 7/5 meeting with new WDC Chair Rob Cossart (along with Gavin Robins)
- 13/5 meeting with Miling seed works re road access for trucks

Cr Hamilton

- 30/4 Wildflower Country meeting via videoconference

Cr Clydesdale-Gebert  
Chamber of Commerce meeting

## 8. **CONFIRMATION OF MINUTES**

### 8.1 **ORDINARY COUNCIL MEETING - 22 APRIL 2020**

#### **COUNCIL RESOLUTION**

*53/20 Moved Cr Lefroy, seconded Cr Gilbert that the Minutes of the Ordinary Meeting of Council held on 22 April 2020 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:** 14 May 2020

**OFFICER DISCLOSURE OF INTEREST:** Nil

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

**SCHEDULE PREPARED BY:** Alida Fitzpatrick, 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

**54/20 Moved Cr Nixon, seconded Cr Hamilton that Council notes and endorses the Payments from the Municipal and Trust Funds made under delegation 1.31**

<i>Municipal Fund</i>	<i>EFT 23233 to 23332</i>	<b>\$201,376.33</b>
	<i>Cheques 62444 to 62446</i>	<b>\$4,551.00</b>
	<i>Direct Debits 13156.1 to 13163.12</i>	<b>\$43,849.91</b>
	<i>Credit Card [DD13193.1]</i>	<b><u>\$9,875.95</u></b>
		<b>\$259,653.19</b>
<i>Trust Fund</i>	<i>Cheques 5529 to 5531</i>	<b><u>\$1,155.69</u></b>
		<b>Subtotal \$260,808.88</b>
<i>Net Pays</i>	<i>PPE 14/04/20</i>	<b>\$85,203.58</b>
	<i>PPE 28/04/20</i>	<b><u>\$88,628.33</u></b>
		<b>\$173,831.91</b>
	<b>Total</b>	<b><u>\$434,640.79</u></b>

**CARRIED 7/0**

**9.1.2 STATEMENT OF FINANCIAL ACTIVITY FOR PERIOD ENDED 30 APRIL 2020**

**REPORT DATE:** 14 May 2020

**OFFICER DISCLOSURE OF INTEREST:** Nil

**PREVIOUS MEETING REFERENCES:** Nil

**AUTHOR:** Martin Whitely, LG Corporate Solutions

**ATTACHMENTS:** Statement of Financial Activity for the Period Ended 30 April 2020

**PURPOSE OF REPORT:**

To note and receive the Statement of Financial Activity for the period ended 30 April 2020.

**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 2019/20 adopted budget.

**VOTING REQUIREMENTS**

Simple Majority Required

**COUNCIL RESOLUTION**

**55/20 Moved Cr Gilbert, seconded Cr Hamilton that Council notes and receives the Statement of Financial Activity for the period ended 30 April 2020.**

**CARRIED 7/0**

### 9.1.3 LAND HELD FOR RESALE

**FILE REFERENCE:** PA/461 & PA/524  
**REPORT DATE:** 15 February 2019  
**APPLICANTS/PROPONENT:** Shire of Moora  
**OFFICER DISCLOSURE OF INTEREST:** N/A  
**PREVIOUS MEETING REFERENCES:** 20/2/2019 (10/19)  
**AUTHOR:** Alan Leeson, Chief Executive Officer  
**ATTACHMENTS:** Titles/ Contract for Sale (under separate cover)

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

For Council to approve the sale of:

- Lot 55 Lee Steere Street, Moora (vacant lot – zoned Residential 1,012m<sup>2</sup>) – Offer: \$10,000 (Appraisal valuation range (\$10,000 to \$15,000))
- Lot 200 Moore Street, Moora (vacant lot – zoned Town Centre 556 m<sup>2</sup>) – Offer: \$7,000 (Appraisal valuation range (\$8,000 - \$10,000))

#### **BACKGROUND:**

Please refer to previous minutes 20/2/2019, Council Agenda Item 9.1.3 detailed hereunder;

#### LAND HELD FOR RESALE

**FILE REFERENCE:** PA/ Various  
**REPORT DATE:** 15 February 2019  
**APPLICANTS/PROPONENT:** Shire of Moora  
**OFFICER DISCLOSURE OF INTEREST:** N/A  
**PREVIOUS MEETING REFERENCES:** N/A  
**AUTHOR:** David Trevasakis, Deputy Chief Executive Officer  
**ATTACHMENTS:** Nil

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

To list for sale with a real estate agent the following vacant blocks currently owned and not used by the Shire ...

- Lot 162 Melbourne Street, Moora (vacant lot – zoned Industrial)
- Lot 163 Melbourne Street, Moora (vacant lot – zoned Industrial)
- Lot 55 Lee Steere Street, Moora (vacant lot – zoned Residential)
- Lot 200 Moore Street, Moora (vacant lot – zoned Town Centre)
- Lot 4 (29) Pryre Street, Coomberdale (vacant lot – zoned Rural Townsite)
- Lot 11 Great Northern Highway, Bindi Bindi– (vacant lot – zoned Rural Townsite).

#### **BACKGROUND:**

The Shire is the owner and title holder of several vacant lots. The ongoing maintenance of these blocks is minimal, however, there is an opportunity to sell the blocks which will generate both sales revenue and future ongoing rates revenue for the Shire.

#### **COMMENT:**

The blocks are surplus to the Shire's land asset requirements. Under section 3.58(2) of the LGA the shire can dispose of property by public auction or through a public tender which may limit the Shire's ability to sell the properties. Alternatively, under section 3.58(3) the Shire can dispose of property by giving public notice of the disposition including details of the sale and invite submissions from the public for a minimum two-week period.

It is proposed the Shire list the properties with a real estate agent for sale at the market value as determined by a land Valuer. Conditions of the sale will include that once an offer is made it will be presented to Council to determine that it is an acceptable offer and that the Shire will proceed under section 3.58(3) to advertise details of the disposition inviting public submissions for at least two weeks.

#### **POLICY REQUIREMENTS:**

Nil.

#### **LEGISLATIVE REQUIREMENTS:**

Section 3.58(3) Local Government Act 1995

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 submission 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 submission made to it before the date specified in the notice and, if its decision is made by the council or committee, the decision and the reason for it are recorded in the minutes of the meeting at which the decision was made.

#### 3.58(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 of not more than 6 months before the proposed disposition; or
  - (ii) as declared by a resolution of the local government on the basis the 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.

#### **STRATEGIC IMPLICATIONS:**

*Outcome 4.1 of the Shire Community Plan refers to 'A Strong and diversified economic base'. The sale and provision of residential and commercial land is a strategic strategy of the Shire as detailed in strategy 4.1.4.*

#### **SUSTAINABILITY IMPLICATIONS:**

- **Environment**  
*There are no known significant environmental implications associated with this proposal.*
- **Economic**  
*Providing serviced industrial lots for sale will help promote the growth of existing business or the establishment of new business operations in Moora.*
- **Social**  
*Increased supply of affordable residential lots in the Shire.*

#### **FINANCIAL IMPLICATIONS:**

*The Shire has budgeted for the sale proceeds of 162 and 163 Melbourne Street in the 2018/19 adopted budget. Any sale of the other lots will be recognised as unbudgeted capital revenue. Once sold all properties will be subject to annual rates charges. Based on GRV values for 2018/19 all properties would be charged the Shire's minimum rates of \$656.*

#### **VOTING REQUIREMENTS**

*Simple Majority Required*

#### **COUNCIL RESOLUTION**

##### **10/19 Moved Cr Bellamy, seconded Cr Thomas that Council**

1. **List the following vacant properties for sale by a local real estate agent at their market value as determined by a land Valuer...**
  - Lot 162 Melbourne Street, Moora of title Volume 1049 Folio 481 the subject of Plan P3553.
  - Lot 163 Melbourne Street, Moora of title Volume 1049 Folio 481 the subject of Plan P3553.
  - Lot 55 Lee Steere Street, Moora of title Volume 546 Folio 198 the subject of Plan P3223.
  - Lot 200 Moore Street, Moora of title Volume 1727 Folio 822 the subject of DP301586.
  - Lot 4 (29) Pryre Street, Coomerdale of title Volume 793 Folio 072 the subject of Plan P3100.
  - Lot 11 Great Northern Highway, Bindi Bindi of title Volume 1180 Folio 492 the subject of Diagram D19287.
2. **Upon receiving an offer to purchase any of the above listed properties Council will resolve ...**
  - (a) to accept or reject the offer to purchase the property, and
  - (b) Where the offer is accepted, as per section 3.58(3) of the LGA give local public notice of the proposed disposition inviting public submissions for no less than two-weeks.

**CARRIED 7/0**

#### **COMMENT:**

The blocks are surplus to the Shire's land asset requirements and as such were listed with Central Midlands Realty in February/March 2019. Under section 3.58 of the LGA the shire can dispose of property by public auction or through a public tender which may limit the Shire's ability to sell the properties. Alternatively, under section 3.58(3) the Shire can dispose of property by giving public notice of the disposition including details of the sale and invite submissions from the public for a minimum two-week period.

Conditions of the sale will include that once an offer is made it must be presented to Council to determine that it is an acceptable offer and that the Shire will proceed under section 3.58(3) to advertise details of the disposition inviting public submissions for at least two weeks.

#### **POLICY REQUIREMENTS:**

Nil.

#### **LEGISLATIVE REQUIREMENTS:**

Section 3.58(3) Local Government Act 1995

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 submission 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 submission made to it before the date specified in the notice and, if its decision is made by the council or committee, the decision and the reason for it are recorded in the minutes of the meeting at which the decision was made.

#### **3.58(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 of not more than 6 months before the proposed disposition; or
  - (ii) as declared by a resolution of the local government on the basis the 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.

#### **STRATEGIC IMPLICATIONS:**

Outcome 4.1 of the Shire Community Plan refers to 'A Strong and diversified economic base'. The sale and provision of residential and commercial land is a strategic strategy of the Shire as detailed in strategy 4.1.4.

#### **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 rates outstanding on either of these properties. The assessed market valuation of the properties has been assessed at:

- Lot 55 Lee Steere Street, Moora - \$ 10,000 - \$15,000
- Lot 200 Moore Street, Moora - \$ 6,000 - \$10,000

### **VOTING REQUIREMENTS**

Simple Majority Required

### **COUNCIL RESOLUTION**

**56/20 Moved Cr Nixon, seconded Cr Gilbert that Council accept the offers to purchase Lot 55 Lee Steere Street, Moora and Lot 200 Moore Street, Moora for sale by private treaty and advertise the proposed disposition of the properties in accordance with Section 3.58 of the Local Government Act 1995.**

**CARRIED 7/0**

### **9.1.4 CHILDCARE CENTRE RENEWAL PROJECT - EARLY CHILDHOOD CENTRE - DROUGHT COMMUNITIES PROGRAMME - EXTENSION GRANTS**

**FILE REFERENCE:** ED/CCR1

**REPORT DATE:** 14 May 2020

**APPLICANTS/PROPONENT:** Shire of Moora

**OFFICER DISCLOSURE OF INTEREST:** No interest to declare

**PREVIOUS MEETING REFERENCES:** 22/4/2020, 18/3/20 (34/20)

**AUTHOR:** Gavin Robins, Deputy Chief Executive Officer

**ATTACHMENTS:** Nil

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

To recommend that Council endorse the submission of an application, in the amount of \$1,000,000, to the Drought Communities Programme - Extension Grants, for the construction of a childcare centre in Moora.

#### **BACKGROUND:**

The Shire has been invited to apply for a Drought Communities Programme – Extension grant of up to \$1.0M. If successful, the grant is intended to be awarded by 30 June 2020 and is expected to be expended by 30 June 2021. A submission is nearing completion and anchors the funding application on a childcare centre that embodies a strong regionally focussed early childhood development service. Preparations are being made to engage the Department of Child Protection and Western Australian Country Health Services in discussions regarding a partnership approach to early childhood development services in the region. There is the potential to engage the National Disability Insurance Scheme in the future delivery of individualised service delivery programmes under this proposal.

#### **COMMENT:**

Nil.

#### **POLICY REQUIREMENTS:**

To be defined according to the development of the proposal.

#### **LEGISLATIVE REQUIREMENTS:**

To be defined according to the development of the proposal.

**STRATEGIC IMPLICATIONS:**

The proposal expands the nature and scope of Council's current strategy, the detail of which will need to be considered if the proposal is developed as envisaged.

**SUSTAINABILITY IMPLICATIONS:**

- **Environment**  
There are no known significant environmental implications associated with this proposal.
- **Economic**  
There will be future economic implications associated with this proposal. They will be subject to the success of the application and discussions with other agencies.
- **Social**  
There are no known significant social implications associated with this proposal at this juncture.

**FINANCIAL IMPLICATIONS:**

The financial implications of the proposal will evolve through the planning and design phase of the project noting that expenditure will be capped at \$1,000,000 in terms of funds available through Drought Communities Extension programme.

**VOTING REQUIREMENTS**

Simple Majority Required

**COUNCIL RESOLUTION**

***57/20 Moved Cr Hamilton, seconded Cr Gilbert that Council endorse the application to the Australian Government Drought Communities Extension Programme to construct a new Childcare Centre in Moora, with the grant application to be submitted by 31 May 2020, noting that the location of the new childcare centre will be assessed and finalised through the planning and design phase of the project.***

**CARRIED 7/0**

At 5.47pm Cr Tracy Lefroy joined the meeting.

### 9.1.5 INNOVATION CENTRAL MIDLANDS WA INC

**FILE REFERENCE:** ED/ICMI  
**REPORT DATE:** 14 May 2020  
**OFFICER DISCLOSURE OF INTEREST:** Nil  
**AUTHOR:** Alan Leeson, Chief Executive Officer  
**ATTACHMENTS:** Correspondence from Innovation Central Midlands WA Inc, Presentation

**PURPOSE OF REPORT:**

Council to consider correspondence received from Innovation Central Midlands WA Inc (ICMWA) requesting Council to approve further funding to the Association over the next three financial years;

- 2020/2021 \$30,000 Plus GST
- 2021/2022 \$30,000 Plus GST
- 2022/2023 \$30,000 Plus GST

**BACKGROUND:**

Innovation Central Midlands W.A. Incorporated was established as an Economic Development Alliance between the Shires of Moora, Wongan-Ballidu and Dalwallinu.

The current objectives of the Association are:

- To create an environment of sustainable growth in the Central Midlands Region;
- To identify the economic needs of the Central Midlands Region and make these needs known to key decision makers in Government and private enterprise;
- To foster cooperative and joint venturing initiatives between Member Organisations and appropriate partners on projects of mutual benefit or to further joint interests
- To concentrate available resources on seeking solutions to identified mutual problems and achieve savings in resources that can be gained through cooperative effort
- To promote economic development within the Central Midlands Region.

**COMMENT:**

Council received a presentation from ICMWA Inc Chief Executive Officer Steve Mason on Wednesday 6 May 2020. A range of priorities were identified within that presentation (attached) which underpins the request for further financial contributions to ICMWA Inc from the Shires of Dalwallinu, Wongan-Ballidu and Moora.

A key project detailed within that presentation was WA SuperNet which is ongoing. WA SuperNet is a planned enterprise-grade, affordable broadband service project along 4000km of WA's grain railway line. This project proposal has been developed by ICMWA Inc in partnership with Arc Infrastructure, Department of Primary Industry and Regional Development and until recent times Cooperative Bulk Handling (CBH) whom have recently withdrawn from the project.

**POLICY REQUIREMENTS:**

There are no known policy requirements related to this matter.

**LEGISLATIVE REQUIREMENTS:**

There are no known legislative requirements related to this matter.

**STRATEGIC IMPLICATIONS:****Outcome 4.1: A strong and diversified economic base.**

Strategy 4.1.1: Support the implementation of the Midlands Centres Economic Development Strategy, thus ensuring Moora is positioned to lead the region.

Strategy 4.1.2: Promote and support local industry development initiatives through the Shire's Economic Growth Plan.

Strategy 4.1.3: Continue to support Innovation Central Midlands Inc with a view to facilitating private investment towards key infrastructure and community projects.

Strategy 4.1.4: Support new and existing local businesses and employment.

Strategy 4.1.5: Pursue the provision of serviced commercial, industrial and residential land.

Strategy 4.1.6: Pursue opportunities to develop affordable accommodation options to house residents within the town sites of the shire

Strategy 4.1.7: Promote and market the benefits of working and living in the Central Midlands Region.

Strategy 4.1.8: Suggest innovative ways to develop a broader economic base through the establishment of an investment think tank.

**SUSTAINABILITY IMPLICATIONS:****➤ Environment**

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

**➤ Economic**

The justification for this request is as stated above. It is simply to place the Association in the strongest position possible to be eligible to leverage external funding, if and when those opportunities arise.

**➤ Social**

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

**FINANCIAL IMPLICATIONS:**

ICMWA Inc have requested \$30,000 from the Shire of Moora per annum over the next three financial years | July 2020 through to 30 June 2023.

**SUMMARY:**

In effect ICMWA Inc was established as an economic development alliance between the Shires of Dalwallinu, Wongan-Ballidu and Moora. To date it is unfortunate that some key projects have not come to fruition. Such an example was the Aged Housing Development previously approved by the State Coalition Government in 2016, to build 26 independent living units across the three member shires. Funding for this ICMWA Inc project was subsequently withdrawn by the incumbent WA Government in 2017 upon Labor's State election win.

This type of project remains a key focus of ICMWA Inc and the three member shires in fitting with the objects of the Association.

**VOTING REQUIREMENTS:**

Simple Majority Required

**COUNCIL RESOLUTION**

**58/20 Moved Cr Clydesdale-Gebert, seconded Cr Gilbert that the Shire of Moora allocate a financial contribution of \$30,000 per annum (plus GST) to Innovation Central Midlands W.A. Incorporated over the 2020/2021, 2021/2022 and 2022/2023 financial years in keeping with the objects of the Association;**

- **To create an environment of sustainable growth in the Central Midlands Region;**
- **To identify the economic needs of the Central Midlands Region and make these needs known to key decision makers in Government and private enterprise**
- **To foster cooperative and joint venturing initiatives between Member Organisations and appropriate partners on projects of mutual benefit or to further joint interests**
- **To concentrate available resources on seeking solutions to identified mutual problems and achieve savings in resources that can be gained through cooperative effort**
- **To promote economic development within the Central Midlands Region.**

**Noting the conditions that the Shire of Moora contribution is subject to;**

- **the Shires of Dalwallinu and Wongan Ballidu also approving the same financial contribution over the same period as the Shire of Moora;**
- **provision of a 3-year futures paper/strategic plan with operational forward financial projections to the member Councils prior to 30 June 2020 detailing;**
  - **priority projects / key focus areas**
  - **key performance measure and outcome areas**
- **execution of a Financial Assistance Agreement between the Shires of Dalwallinu, Moora and Wongan-Ballidu and ICMWA Inc for the period 1 July 2020 to 30 June 2023.**

**CARRIED 8/0**

## 9.2 DEVELOPMENT SERVICES

### 9.2.1 APPLICATION FOR DEVELOPMENT APPROVAL (RETROSPECTIVE) – PROPOSED CHANGE OF USE FROM ANCILLARY OFFICE TO CARETAKER'S DWELLING, LOT 202 TOOTRA STREET, MOORA

At 5.48pm Cr Clydesdale-Gebert declared a proximity interest as is involved with the adjoining block (Lot 213 Tootra Street Moora) and left the meeting.

**FILE REFERENCE:** TP/DA25/1920  
**REPORT DATE:** 14 May 2020  
**APPLICANT/PROPONENT:** Mr Alan J. Phillips (Landowner)  
**OFFICER DISCLOSURE OF INTEREST:** Nil  
**PREVIOUS MEETING REFERENCES:** 19/9/2012 (Resolution 112/12) - Conditional development approval for a new storage shed and second-hand transportable office building.  
**AUTHOR:** Mr Joe Douglas, Town Planning Consultant  
**ATTACHMENTS:** Attachment I

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

Consideration and final determination of a development application to change the current approved use of an existing transportable building on Lot 202 Tootra Street, Moora from 'office' to 'caretaker's dwelling'.

#### **BACKGROUND:**

The applicant is seeking Council's development approval to change the current approved use of an existing transportable building on Lot 202 Tootra Street, Moora from 'office' to 'caretaker's dwelling'.

On 19 September 2012 Council considered and granted conditional development approval for the placement of a second-hand transportable office building on Lot 202 to support the continued use of the land for industrial purposes by the previous owners Gregory & Helen Reilly.

The applicant purchased the property in December 2016. In July 2019 the Shire Administration became aware of, and subsequently wrote to the applicant regarding the unauthorised use of the transportable office building for residential purposes. The applicant has now submitted a development application seeking Council's approval to change the use of the building from 'office' to caretaker's dwelling'. A full copy of the development application, including supporting documentation and plans, is provided in Attachment I.

Lot 202 is located in the north-eastern part of the Moora townsite on the western edge of a designated industrial precinct and comprises a total area of approximately 4,047m<sup>2</sup>. The subject land is generally flat throughout its entire area with the natural ground level being approximately 203.5 metres AHD.

The property has direct frontage and access to Tootra Street along its western boundary which is a sealed and drained local road under the care, control and management of the Shire of Moora. It is also served by key essential service infrastructure including power, water, telecommunications and stormwater drainage. As the land is not connected to the town's reticulated sewerage disposal scheme, all effluent disposal is undertaken on-site using septic tanks and leach drains previously approved by the Shire's Environmental Health Officer.



Lot 202 has been extensively cleared and developed for industrial purposes and contains a number of associated improvements including a 381m<sup>2</sup> shed in its front portion facing Tootra Street and a 108m<sup>2</sup> second-hand transportable office building immediately behind. Other notable improvements include a patio and carport structure, vehicle accessways, parking / loading / unloading areas and landscaping, all of which are understood to be the subject of previous approvals.



Location & Lot Configuration Plan (Source: Landgate 2020)

Immediately adjoining and other nearby land uses include a range of well-established general and light industry-type uses immediately north, east and south, Tootra Street immediately west with an operational railway reserve, the Moora Sports Ground and Moora Primary School beyond.

#### **COMMENT:**

Lot 202 is classified 'Industrial' zone under the Shire of Moora Local Planning Scheme No.4 (LPS4).

Council's stated objectives for the development and use of any land classified 'Industrial' zone are as follows:

- (a) To provide for the needs of industry to support the community;
- (b) To provide appropriate buffers between industry and adjacent land uses so as to avoid land use conflicts.
- (c) To provide landscaped buffers along the branch of the Moore River to the established industrial area;
- (d) To avoid direct discharge of stormwater drainage or the discharge of any deleterious substances into the branch of the Moore River; and
- (e) To avoid non-industry related uses establishing in the industrial area.

Under the terms of LPS4 the development and/or use of any land classified 'Industrial' zone for the purposes of a caretaker's dwelling is listed as being a discretionary (i.e. 'D') use which means it's not permitted without Council's formal development approval. Council's development approval is also required given the subject land's location within Special Control Area 1 of LPS4 entitled 'Land Subject to Flooding'.

The application has been assessed with due regard for the specific objectives and standards of the Shire's local planning framework including LPS4 and all relevant local planning policies as well as the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*. This assessment, which included formal consultation with the Department of Water and Environmental Regulation pursuant to the specific requirements of clause 4.11.2.2 of LPS4 as it applies to all land subject to flooding in the Moora townsite, has confirmed the proposal is generally compliant or capable of compliance with all relevant requirements.

Notwithstanding the above conclusion, Council should note the following issues have been identified which require consideration when finally determining the application:

i) Minimum Required Finish Floor Level for Flood Protection Purposes

The transportable office building proposed to be converted for use as a caretaker's dwelling does not strictly comply with the minimum required finished floor level recommended by the Department of Water and Environmental Regulation (DWER) to provide adequate protection during extreme flood events. The DWER has confirmed a minimum finished floor level of 204.56 metres AHD is recommended to help guard against any future potential flood risk. The building's finished floor level is 204.42 metres AHD which is 0.14 metres less than that recommended by the DWER.

Given the nature of the proposed development, the existing improvements on the land and the impracticality and cost of raising the building's current finished floor level to the recommended height, the DWER has confirmed the building will still provide protection against any future possible major flooding similar to that experienced in May 1999 provided all electrical installations are located above 204.56 metres AHD and suitably insulated.

Having regard for the DWER's advice and the discretion afforded by clause 4.11.3.1(e) of LPS4, it is recommended Council support a slight reduction to the minimum required finished floor level for the proposed caretaker's dwelling and advise the applicant of the potential risks and obligations.

ii) Land Use Permissibility

Under the terms of LPS4 a caretaker's dwelling is defined as a dwelling on the same site as a building, operation or plant used for industry, and occupied by a supervisor of that building, operation or plant.

It is significant to note Lot 202 is not currently being used for industrial purposes of any sort which raises questions as to the permissibility of the proposed 'caretaker's dwelling' use. Strictly speaking, without there being an existing industrial use on the land, it could be argued the proposal to convert and use the existing transportable office building for caretaker purposes does not accord with the above definition and that the proposed use of the building for residential purposes should in fact be classified as a 'single house' which is listed in LPS4 as being prohibited on any land classified 'Industrial' zone.

The applicant has clearly stated his family's intention to look at establishing some sort of industrial use on the land in the near future either themselves or by leasing it to others to ensure compliance with the specific requirements of LPS4. The applicant has requested that Council take a lenient, empathetic view of his family's current needs and intentions when considering the application.

Given the current COVID-19 pandemic, the significant difficulties many people are currently experiencing and the State Government's recent response to the crisis which allows local governments across the State to exercise greater flexibility and discretion when dealing with planning and development related matters, it is considered reasonable to consider granting conditional approval to this application. In doing so however it is recommended that any approval granted be time limited for a maximum period of two (2) years after which a new development application will be required to allow for its continuation. This approach is consistent with the guidance provided by the State Government and will give the applicant sufficient time to establish some type of industrial use on the land to legitimise the 'caretaker's dwelling' use. Should an industrial use not be established on the land by the end of the two (2) year approval period as proposed, the approval for the 'caretaker's dwelling' use will lapse and have no further affect (i.e. a new development application will be required at which point Council can decide whether or not to allow it to continue having regard for the circumstances at the time).

In light of the above findings, it is concluded the proposal for Lot 202 is acceptable and unlikely to have any negative impact on the general amenity, character, functionality and safety of the immediate locality. As such it is recommended Council exercise its discretion and grant conditional approval to the application.

#### **POLICY REQUIREMENTS:**

Nil. The requirements of Council's Policy No.7.6 entitled 'Building and Development Control Strategies' and Policy No.7.8 entitled 'Relocated Buildings' were considered and addressed in September 2012 when Council approved a development application for the existing storage shed and second-hand transportable office building on the land.

#### **LEGISLATIVE REQUIREMENTS:**

- Planning and Development Act 2015
- Planning and Development (Local Planning Schemes) Regulations 2015
- Shire of Moora Local Planning Scheme No.4

#### **STRATEGIC IMPLICATIONS:**

- Moora Flood Management Strategy 2000
- Shire of Moora Strategic Community Plan 2018-2028

#### **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 known financial implications to Council in relation to this item. All costs associated with the proposed development are the responsibility of and will be met by the applicant/ landowner.

**VOTING REQUIREMENTS:**

Simple Majority Required

**OFFICER RECOMMENDATION**

Moved Cr Lefroy, seconded Cr Hamilton that Council APPROVE the development application submitted by Mr Alan J. Phillips (Landowner) to change the current approved use of an existing transportable building on Lot 202 Tootra Street, Moora from 'office' to 'caretaker's dwelling' subject to the following conditions and advice notes:

Conditions

1. The proposed development shall be undertaken strictly in accordance with the information and plans submitted in support of the application subject to any modifications required as a consequence of any condition/s of this approval or otherwise approved by Council.
2. Any additional development which is not in accordance with the application the subject of this approval or any condition of approval will require the further approval of Council.
3. All electrical installations for the second-hand transportable building to be converted for use as a caretaker's dwelling shall be located at least 0.15 metres above the building's final finished floor level of 204.42 metres AHD and suitably insulated to help guard against any future flood risk during extreme rainfall events.
4. This approval is temporary and limited to a maximum period of two (2) years only. Should an approved industrial use not be established on the land by the end of the two (2) year approval period as proposed, this approval for the 'caretaker's dwelling' use will lapse in its entirety and have no further affect (i.e. a new development application is required to allow for its continuation regardless of an industrial use being established on the land or not, approval for which will be at Council's discretion at that time).

Advice Notes

1. This approval is not an authority to ignore any constraint to development on the land which may exist through contract or on title, such as an easement, memorial or restrictive covenant. It is the responsibility of the applicant and landowner and not the Shire to investigate any such constraints before commencing development. This approval will not necessarily have regard to any such constraint to development, regardless of whether or not it has been drawn to the Shire's attention.
2. This is a development approval of the Shire of Moora under its Local Planning Scheme No.4. It is not a building permit or an approval to commence or carry out development under any other law. It is the responsibility of the applicant/landowner to obtain any other necessary approvals, consents, permits and licenses required under any other law, and to commence and carry out development in accordance with all relevant laws.
3. The applicant/landowner is reminded of their obligation to ensure compliance with the following requirements:
  - i) Shire of Moora Annual Firebreak Notice as this applies specifically to land within the Moora townsite comprising an area of 3,000m<sup>2</sup> or more to help guard against any potential bushfire risk; and
  - ii) Shire of Moora Health Local Law 2016.
4. An 'Application to Construct or Install an Apparatus for the Treatment of Sewage' prepared pursuant to the specific requirements of the Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974 may be required and must be prepared and submitted to the Shire or the Executive Director of Public Health for consideration and

determination prior to preparation and lodgement of a building permit and/or building approval certificate application. Confirmation of the relevant requirements in this regard can be obtained by contacting the Shire's Environmental Health Officer.

5. In accordance with the Building Act 2011 and Building Regulations 2012, a building approval certificate application for the existing unauthorised caretaker's dwelling on the land the subject of this approval must be submitted to and approved by the Shire's Building Surveyor.
6. The proposed caretaker's dwelling is required to comply in all respects with the National Construction Code of Australia. Plans and specifications which reflect these requirements must be submitted to the Shire with the required building approval certificate application.
7. The Department of Water and Environmental Regulation (DWER) has advised a minimum habitable floor level of 204.56 metres AHD (i.e. 0.3 metres above the relevant March 1999 flood level) is recommended for the proposed caretaker's dwelling to ensure adequate flood protection. The DWER has confirmed the proposed dwelling's existing finished floor level of 204.42 metres AHD, which is 0.14 metres less than that recommended, will still provide protection against any future possible major flooding similar to that experienced in May 1999 provided all electrical installations are located above 204.56 metres AHD and suitably insulated hence the requirements stipulated in Condition 3 of this approval. The local government accepts no responsibility whatsoever for any damage and/or injury caused in the event of a major flood event due to the finished floor level being below that recommended by the DWER. All responsibility in this regard rests with the applicant / landowner or any future owner of the property.
8. The applicant / landowner should note the proposed development is located in close proximity to a number of existing established industrial uses as well as an operational railway line which may give rise to noise, dust and/or odour impacts that could be beyond the local government's ability to control.
9. No construction works shall commence on the land prior to 7am without the Shire's written approval. No construction works are permitted to be undertaken on Sundays or Public Holidays.
10. Failure to comply with any of the conditions of this development approval constitutes an offence under the provisions of the Planning and Development Act 2005 and the Shire of Moora Local Planning Scheme No.4 and may result in legal action being initiated by the local government.
11. If the applicant/landowner is aggrieved by this determination, there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 Part 14. An application must be submitted within 28 days of the determination.

## COUNCIL RESOLUTION

**59/20 Moved Cr Nixon, seconded Cr Humphry that the item lay on the table to be listed for the General Purpose Committee meeting on 3 June 2020, in order to confirm detail in relation to noise restrictions associated with caretaker dwellings in industrial / commercial areas.**

**CARRIED 7/0**

At 5.56pm Cr Clydesdale-Gebert rejoined the meeting.

### **9.3 ENGINEERING SERVICES**

#### **9.3.1 WHEATBELT SECONDARY FREIGHT NETWORK – SHIRE OF MOORA**

**FILE REFERENCE:** S/MAGI

**REPORT DATE:** 12 May 2020

**APPLICANT/PROPONENT:** N/A

**OFFICER DISCLOSURE OF INTEREST:** N/A

**PREVIOUS MEETING REFERENCES:** 17/10/18 (131/18)

**AUTHORS:** Alan Leeson, CEO and John Greay, Manager Engineering Services

**ATTACHMENTS:** Notional spreadsheets of Shire of Moora allocation/program

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

For Council to formalise its inclusion and participation in the Wheatbelt Secondary Freight Network (WSFN) Program. Over the 2020 to 2025 period \$12,590,000 has been allocated to the Shire of Moora to upgrade the following Shire roads on the Agricultural Lime Route 4 which are located in the northern sector of the Shire;

- Watheroo West Road
- Carot Well Road
- Railway Road

#### **BACKGROUND:**

The WSFN project was added to the Federal Government Infrastructure priority list in February 2020. The WSFN is a priority initiative of national significance which will facilitate major economic and social outcomes for the Wheatbelt region.

The WSFN comprises local government roads in the WA Wheatbelt region that Restricted Access Vehicles are permitted to use. Most of these roads are narrow, unsealed and unsuited to large volumes of freight vehicles. Of the 80 secondary freight routes, with a combined length of 4,400 kms, the program's proposed works have prioritised 2,850 kms (65%) for upgrades.

The WSFN program of works is a result of a collaborative approach between RDA Wheatbelt, the Wheatbelt Development Commission, Main Roads WA and WA Local Government Association representatives, and has the full support of all 42 Wheatbelt Shires. The size of the collaboration has seen it recognised as the biggest local government collaboration in Australia.

In 2019, the Australian Government announced a \$70 million commitment through the Roads of Strategic Importance initiative for the WSFN. The WA Government and the 42 Shires across the Wheatbelt have committed \$17.5 million. Inclusion in the Infrastructure Priority List is considered to be a vital step for future funding opportunities for the balance of the WSFN program.

The first roadworks in this program were officially launched on 19 February 2020 by the Deputy Prime Minister and Minister for Infrastructure, Transport and Regional Development, the Hon Michael McCormack MP, with the Hon Melissa Price MP, Minister for Defence Industry, the WA Minister for Transport, the Hon Rita Saffioti MLA, and invited guests travelling to Mogumber to celebrate the commencement of on ground works.

#### **COMMENT:**

This indicative funding to the Shire of Moora is over a six-year period. The financial contribution/commitment required from the Shire of Moora over the program is 6.7% equating to \$843,530 of the overall program cost of \$12,590,000.

The program will deliver works such as road realignments, road sealing, strengthening and widening, flood immunity, pavement rehabilitation and bridge and culvert upgrades, creating a more reliable and safer road network and improve access for higher capacity vehicles.

### **POLICY REQUIREMENTS:**

Nil

### **LEGISLATIVE REQUIREMENTS:**

There are no known legislative requirements related to this item.

### **STRATEGIC IMPLICATIONS:**

These roads form part of a whole of network approach in improving freight productivity in the Wheatbelt region and enabling vital agricultural commodities to access domestic markets and international markets via key WA ports.

Upgrades will be prioritised based on linkages to state and national roads and highways and the rail network. Consideration will also be given to links to six ports and two livestock centres, as well as regional and metro grain receival sites, accessed by the producers of the Wheatbelt region.

### **Benefits**

The project will:

- improve road safety
- improve freight efficiency, connectivity and travel time
- ensure consistent Restricted Access Vehicles (RAVs) ratings across the network, which will provide improved access for agricultural and mining regions to transport hubs

### **SUSTAINABILITY IMPLICATIONS:**

#### ➤ **Environment**

There will be some minor adjustments to roadside vegetation as road pavement needs to be wider to accommodate an 8.0m wide seal.

#### ➤ **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:**

Road Name	2019/2020	2020/2021	2021/2022	2022/2023	2023/2024	2024/2025
Watheroo West	\$ 40,000	\$ 1,170,000	\$ 1,034,000	\$ 1,044,500	\$ 1,135,500	\$ 450,000
Carot Well	\$ -	\$ 63,000	\$ 881,000	\$ 2,038,000	\$ 2,122,000	\$ 2,102,000
Railway Road	\$ -	\$ 30,000	\$ 480,000	\$ -	\$ -	\$ -
	<b>\$ 40,000</b>	<b>\$ 1,263,000</b>	<b>\$ 2,395,000</b>	<b>\$ 3,082,500</b>	<b>\$ 3,257,500</b>	<b>\$ 2,552,000</b>
<b>Shire of Moora - Contribution</b>	<b>\$ 2,680</b>	<b>\$ 84,621</b>	<b>\$ 160,465</b>	<b>\$ 206,528</b>	<b>\$ 218,253</b>	<b>\$ 170,984</b>
<b>Overall WSNF Funding to Shire of Moora</b>	<b>\$ 12,590,000</b>					

**VOTING REQUIREMENTS**

Simple Majority Required

**COUNCIL RESOLUTION**

*60/20 Moved Cr Lefroy, seconded Cr Hamilton that Council formally notes the Shire of Moora's allocation from the Wheatbelt Secondary Freight Network Program of \$12,590,000 and include this into future annual road programs and budgets, noting an overall financial commitment from the Shire of Moora of 6.7% of the overall program costs/funding.*

**CARRIED 8/0**

**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 President declared the meeting closed at 5.58pm.*

**CONFIRMED**

**PRESIDING MEMBER**