



Ordinary Council Meeting Minutes

Date: 28 November 2007

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:

The Moora region will be a place of brilliant opportunity over the next twenty years. Sustainable growth will result in a vibrant, healthy, wealthy and diverse community.

Mission

Our mission is:

To identify and stimulate growth through creative leadership and a willingness to get things done.

SHIRE OF MOORA
MINUTES OF THE ORDINARY MEETING OF COUNCIL
HELD IN COUNCIL CHAMBERS, MOORA
WEDNESDAY 28 NOVEMBER 2007

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Item 12.2.1	Extract of Briefing Session Item 1 14/11/07
Item 12.3.1	Spread sheet showing all tenders received
Item 12.4.2	House photo's and Builders Inspection Report
Item 12.4.3	Site location maps for proposed development
Item 12.4.6	Site Plan, house photo and Builders Report
Item 12.4.7	Plan of Subdivision
Item 12.7.1	Be Active Report – October 2007
Item 16.1	Confidential Contract Of Employment

1. OPENING OF MEETING**2. DECLARATION OF OPENING & WELCOME OF VISITORS**

The Shire President declared the meeting open at 3.35pm, welcomed visitors and announced:

“Acknowledging of Country”

I would like to show my respect and acknowledge the traditional owners of this land and acknowledge their contribution to the Shire of Moora as I do for all its people.

3. DISCLAIMER READING

To be read by the Shire President should members of the public be present at the meeting.

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.

4. ATTENDANCE

SA Bryan	-	Presiding Member
SJ Pond	-	Councillor
CE Gardiner	-	Councillor
WA Barrett-Lennard	-	Councillor
CD Hawkins	-	Councillor
AR Tonkin	-	Councillor
R Keamy	-	Councillor
D Clydesdale-Gebert	-	Councillor (from 3.42pm)
JW McLagan	-	Councillor (from 4.37pm)
SJ Deckert	-	Chief Executive Officer
JL Greay	-	Operational Development Manager
MJ Prunster	-	Community Development Manager
RL McCall	-	A/Enterprise Development Manager
MM Murray	-	Executive Support Officer

APOLOGIES

Nil

PUBLIC

Nil

5. DECLARATIONS OF INTEREST

Cr Pond declared an indirect financial interest in Item 16.1, as the applicant is his daughter.
Cr Hawkins declared an impartiality interest in Item 12.4.7 pursuant to Council's Code of Conduct as the development was in the same street as he resides.

6. QUESTIONS BY THE PUBLIC IN ACCORDANCE WITH SECTION 5.24 OF THE ACT

Nil

7. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

8. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

9. PETITIONS AND MEMORIALS

Nil

10. ANNOUNCEMENTS BY THE SHIRE PRESIDENT

On Tuesday 13th November the Community Development Manager and I attended a Crime & Safety meeting in the Chambers.

On Friday 23rd November Cr Pond, the Chief Executive Officer & I attended the Avon Midland Zone meeting in Lancelin.

Cr Pond will be attending the CMVROC meeting next Friday 30th November.

Cr Keamy advised that he had attended a newly elected members seminar held by WALGA in South Fremantle Oval on 19th November. Cr Keamy noted that the seminar was high quality and well worth attending.

11. CONFIRMATION OF MINUTES OF THE PREVIOUS MEETINGS**11.1 ORDINARY COUNCIL MEETING - 24 OCTOBER 2007****COUNCIL RESOLUTION**

216/07 Moved Cr Hawkins, seconded Cr Bryan that the Minutes of the Ordinary Meeting of Council held on 24 October 2007, be confirmed as a true and correct record of the meeting.

CARRIED 7/0

12. REPORTS OF OFFICERS

12.1 ADMINISTRATION

12.1.1 CHIEF EXECUTIVE OFFICER'S LEAVE ARRANGEMENTS

FILE REFERENCE:	HR/PER1/SJD1
REPORT DATE:	20 November 2007
APPLICANT/PROPONENT:	Steven Deckert, Chief Executive Officer
DISCLOSURE OF INTEREST:	The author is the person referred to within the report and therefore declares a financial interest. The extent of the interest is in relation to the value of the leave to be taken.
PREVIOUS MEETING REFERENCES:	Not Applicable
AUTHOR:	Steven Deckert, Chief Executive Officer
ATTACHMENTS:	Nil

PURPOSE OF REPORT:

To inform Council of the CEO's leave arrangements over the Christmas/New Year period and to appoint an Acting CEO for this period.

BACKGROUND:

As an employee of Council, the Chief Executive Officer is entitled to annual leave and other approved leave, however the granting of leave is somewhat different to other employees. Generally the Divisional Manager or the Chief Executive Officer as the case may be, will consider applications for leave for all other employees.

The Chief Executive Officer's leave is in essence approved by the CEO himself, however it is good practice and courteous to inform Council of leave proposals and seek Council's endorsement.

In the absence of the CEO, Council also needs to appoint an Acting Chief Executive Officer to be responsible for the day-to-day operations as well as the statutory requirements of the position during this period.

COMMENT:

I would like to take leave from Monday 17 December 2007 (effectively from 15 December 2007) and ending on Friday 4 January 2008. I will recommence duties on Monday 7 January 2008.

This period of leave should have no detrimental impact on Council operations and does not conflict with any Council meetings.

In accordance with the principle of rotating the Acting Chief Executive Officers role between the Divisional Managers, I would like Council to endorse the appointment of Mrs Rebecca McCall to the position, commencing from 15 December 2007 and concluding on 6 January 2008.

POLICY REQUIREMENTS:

There are no policies relevant to this matter.

LEGISLATIVE REQUIREMENTS:

Sections 2.7 and 3.1 of the Local Government Act 1995, relating to a local government's general function provisions.

Local Government Officers (WA) Award 1999.
Chief Executive Officer's Employment Contract.

STRATEGIC IMPLICATIONS:

There are no specific strategic implications, however, the ability for other staff to gain experience in a more senior position is invaluable to their professional development.

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 respect to the leave as all leave entitlements are provided for with the Adopted Budget and there is no proposal to employ additional replacement staff.

VOTING REQUIREMENTS:

Simple Majority Required

**COUNCIL RESOLUTION
(MANEX RECOMMENDATIONS)**

217/07 Moved Cr Hawkins, seconded Cr Tonkin that Council:

- 1. Note and endorse the Chief Executive Officer's leave from 17 December 2007 to 4 January 2008 ; and**
- 2. Approve the appointment of Mrs Rebecca McCall as Acting Chief Executive Officer for the period 15 December 2007 to 6 January 2008, in the absence of the Chief Executive Officer.**

CARRIED 7/0

12.1.2 APPOINTMENT OF COMMITTEES AND DELEGATES FOR PERIOD ENDING OCTOBER 2009

FILE REFERENCE: EM/COUI

REPORT DATE: 20 November 2007

APPLICANT/PROPONENT: Not applicable

DISCLOSURE OF INTEREST: The author of this report has no financial interest in the matter.

PREVIOUS MEETING REFERENCES: Not Applicable

AUTHOR: Steven Deckert, Chief Executive Officer

ATTACHMENTS: Nil

PURPOSE OF REPORT:

To appoint committees of Council and delegates to represent Council on external bodies for the next two years.

BACKGROUND:

As soon as practicable following every Ordinary Election, Council is required to consider the establishment of committees including committee membership and to consider the appointment of delegates and if required deputies to represent Council on external bodies or organisations.

Council has previously established an Audit Committee (28/2/05) and a Management Review Committee (25/5/05) that are still relevant. Previous Committees such as the Westrac Committee and Child Care Management Committee are no longer necessary and have either been disbanded or have become obsolete.

Council has previously appointed delegate/deputies to both the Central Midlands Voluntary Regional Organisation of Councils and Avon Midland Zone of WALGA, which need to be considered again at this time.

The Portfolio Groups previously established by Council will also need to be reviewed again at this time.

It should be noted that Council has also appointed representatives to other external organisations and bodies that need reviewing, however at the time of preparing this report, these had not been fully researched. It is proposed that as the research is conducted that there will be preliminary discussion through the Briefing Session process before being presented to Council.

COMMENT:

Council Committees

The Local Government Act provides the legislative background for the establishment of committees. In establishing a committee, Council is required to give consideration to matters such as purpose of the committee, membership, size of the committee, quorum of the committee, delegation of authority, meeting frequency etc. Decisions in respect to committees need to be carried by absolute majority.

The details of the previously established committees are;

Audit Committee

Purpose:	To fulfil Councils statutory requirements pursuant to the Local Government (Audit) Regulations
Membership:	All elected members
Quorum:	5 (same as Council)
Delegation of Authority:	Nil
Meeting Frequency:	Meets as and when required

Management Review Committee

Purpose:	Essentially to review the performance of the CEO and provide support to the CEO in employment related matters in respect to other staff.
Membership:	Cr Sheryl Bryan Cr Bill Barrett-Lennard Cr Colin Gardiner Chief Executive Officer
Quorum:	3 (half plus 1)
Delegated Authority:	Nil
Meeting Frequency:	As and when required – determined by Shire President for CEO performance review or CEO for other staffing matters

Portfolio Groups

Portfolio Groups have been established in order to provide a forum for staff and councillors interested in particular aspects of the Shire's operations to get together to discuss those areas of interest. These discussions can cover future projects and initiatives and budget formulation however decision-making is not possible. The portfolio groups established previously are:

Environmental Development Group

Membership:	Manager Health and Regulatory Services Cr Lorraine Craven Cr Jim Pond Cr Arthur Tonkin
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Economic Development Group

Membership:	Enterprise Development Manager Cr Chris Hawkins Cr Denise Clydesdale-Gebert Cr Bill Barrett-Lennard
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Community Development Group

Membership:	Community Development Manager Cr James McLagan Cr Sheryl Bryan Cr Lorraine Craven
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Operational Development Group

Membership:	Operations Development Manager Operations Supervisor Cr James McLagan Cr Colin Gardiner Cr Arthur Tonkin
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Financial Development Group

Membership: Financial Development Manager
 Cr Bill Barrett-Lennard
 Cr Sheryl Bryan
 Cr Chris Hawkins

Sport and Recreation Group

Membership: Be Active Coordinator
 Cr Jim Pond
 Cr Colin Gardiner
 Cr Denise Clydesdale-Gebert
 Cr James McLagan

Moora Performing Arts Management - has voluntarily disbanded

Council Delegates and Deputies

Council, from time to time, appoints delegates and deputies to the delegates to represent Council on external bodies. Current appointments requiring review at this time are:

Avon Midland Zone of WALGA

Delegate: Cr Jim Pond
 Deputies: Cr Sheryl Bryan
 Cr Denise Clydesdale-Gebert

Central Midlands Voluntary Regional Organisation of Councils

Delegate: Cr Jim Pond
 Deputies: Cr Sheryl Bryan
 Cr Denise Clydesdale-Gebert

POLICY REQUIREMENTS:

There are no policy implications in respect to this matter.

LEGISLATIVE REQUIREMENTS:

Sections 2.7 and 3.1 of the Local Government Act 1995, relating to a local government's general function provisions.

Division 2, subdivision 2 of the Local Government Act 1995 and the Local Government (Administration) Regulations 1996 dealing with matters pertaining to Committees;
 Local Government (Audit) Regulations 1996 dealing with matters pertaining to Audit Committees.

STRATEGIC IMPLICATIONS:

There are no known strategic implications associated with this proposal.

SUSTAINABILITY IMPLICATIONS:➤ **Environment**

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

➤ **Economic**

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

➤ **Social**

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

FINANCIAL IMPLICATIONS:

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

VOTING REQUIREMENTS:

Absolute Majority required in respect to committees. Simple Majority required in respect to other appointments.

Cr Clydesdale-Gebert joined the meeting at 3.42pm

**COUNCIL RESOLUTION
(MANEX RECOMMENDATION)**

218/07 Moved Cr Gardiner, seconded Cr Pond

- 1. That Council dissolves all committees previously established and establishes the following Committees of Council for the period ended October 2009 on the following terms and conditions:**

a. Audit Committee

Purpose: To fulfil Councils statutory requirements pursuant to the Local Government (Audit) Regulations
Membership: All elected members
Quorum: 5 (same as Council)
Delegated Authority: Nil
Meeting Frequency: Meets as and when required

b. Management Review Committee

Purpose: Essentially to review the performance of the CEO and provide support to the CEO in employment related matters in respect to other staff.
Membership: Cr Bryan
 Cr Pond
 Cr Gardiner
 Chief Executive Officer
Quorum: 3 (half plus 1)
Delegated Authority: Nil
Meeting Frequency: As and when required – determined by Shire President for CEO performance review or CEO for other staffing matters

CARRIED BY ABSOLUTE MAJORITY 8/0

Note: Council added the words 'dissolves all committees previously established' to point 1 after the word That & before and, to clearly record the dissolution of all previous committees.

**COUNCIL RESOLUTION
(MANEX RECOMMENDATION)**

219/07 Moved Cr Hawkins, seconded Cr Pond

2. That Council establishes the following Portfolio Groups (for discussion purposes only – with no decision making ability) for the period ended October 2009:

Environmental Development Group

Membership: Manager Health and Planning Services
Cr Pond
Cr Tonkin
Cr Hawkins
Cr Bryan

Economic Development Group

Membership: Manager Economic Development
Cr Hawkins
Cr Clydesdale-Gebert
Cr Barrett-Lennard

Community Development Group

Membership: Manager Community Services
Cr McLagan
Cr Bryan
Cr Gardiner

Operational Development Group

Membership: Manager Engineering Services
Operations Supervisor
Cr McLagan
Cr Gardiner
Cr Tonkin

Financial Development Group

Membership: Manager Finance and Corporate Services
Cr Barrett-Lennard
Cr Bryan
Cr Keamy

Sport and Recreation Group

Membership: Manager Community Services
Be Active Coordinator
Cr Pond
Cr Gardiner
Cr Clydesdale-Gebert
Cr McLagan

CARRIED 8/0

**COUNCIL RESOLUTION
(MANEX RECOMMENDATION)**

210/07 Moved Cr Tonkin, seconded Cr Hawkins

3. That Council makes the following appointments as Council's Delegate and deputies for the period ended October 2009:

Avon Midland Zone of WALGA

Delegate: Cr Pond

Deputies: Cr Bryan
Cr Gardiner

Central Midlands Voluntary Regional Organisation of Councils

Delegate: Cr Pond

Deputies: Cr Bryan
Cr Gardiner

CARRIED 8/0

12.2 FINANCIAL DEVELOPMENT

12.2.1 2007/08 ADOPTED BUDGET - SHORTFALL IN REVENUE

FILE REFERENCE:	F/BUD I
REPORT DATE:	20 November 2007
APPLICANT/PROPONENT:	Not Applicable
DISCLOSURE OF INTEREST:	The author of this report as the officer responsible to Council for the preparation of the Adopted Budget declares an impartiality interest under the Code of Conduct. I declare that I will put aside this interest and consider the matter without bias.
PREVIOUS MEETING REFERENCES:	Briefing Session held 14 November 2007
AUTHOR:	Steven Deckert, Chief Executive Officer
ATTACHMENTS:	Extract of Briefing Session Item 1, 14/11/07

PURPOSE OF REPORT:

To bring to Council's attention the shortfall in revenue in the 2007/08 Adopted Budget due to an error in the accounting of Road to Recovery Additional grant funding, and to consider the most appropriate method of dealing with the shortfall.

BACKGROUND:

Attached to this agenda is an extract from the Briefing Session agenda item of 14 November 2007, where Council was initially alerted to the shortfall in funding. This has arisen due to an error in the way road grant funding, received in the prior year had been accounted for. Essentially, the funding, in the order of \$380,000 forms part of the surplus brought forward, however was also incorrectly included as grant revenue in the Capital Projects section of the Budget. The net result is that Council has \$380,000 less to spend this year than originally estimated.

COMMENT:

This error has placed Council in an unfortunate position in that Council now needs to consider how to handle the shortfall in funds. At the Briefing Session on 14 November 2007, the CEO put forward a proposal to manage this process in the interim, which essentially requires that certain major expenditure items be deferred until a budget review is carried out at the end of January 2008. At this time Council will have a better understanding of the net effect of the error, taking into account 2006/07 year end adjustments and actual performance for 2007/08 in order to make informed decisions.

POLICY REQUIREMENTS:

There are no policies relative to this matter.

LEGISLATIVE REQUIREMENTS:

Sections 2.7 and 3.1 of the Local Government Act 1995, relating to a local government's general function provisions.

STRATEGIC IMPLICATIONS:

There are no known strategic implications associated with this proposal.

SUSTAINABILITY IMPLICATIONS:➤ **Environment**

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

➤ **Economic**

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

➤ **Social**

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

FINANCIAL IMPLICATIONS:

There are no financial implications to Council in relation to the recommendation of this item, however Council's ability to carryout all the initiatives and projects contained within the 2007/08 Adopted Budget may be compromised.

VOTING REQUIREMENTS:

Simple Majority Required

COUNCIL RESOLUTION (MANEX RECOMMENDATIONS)

211/07 Moved Cr Hawkins, seconded Cr Barrett-Lennard that Council:

1. **Acknowledges that an error has occurred in which road funding has been double counted, resulting in a shortfall of revenue in the 2007/08 Adopted Budget in the order of \$380,000.**
2. **Requires the following actions to be implemented:**

	- Kawasaki 60VZ articulated loader
T&H Walton	-JCB 416 HT articulated loader.
	- Ranger 938 articulated loader.
Cunninghams	- Hyundai HL 730 TM-7 articulated loader

Refer attached tenders for evaluation.

POLICY REQUIREMENTS:

Complying with Councils policy in regard to the replacement of plant.

LEGISLATIVE REQUIREMENTS:

Council is required to call tenders when the value is likely to exceed \$100,000 under regulation s 3.57.

STRATEGIC IMPLICATIONS

Council needs to retain a good road network and require efficient machinery to be able to do this. This loader will mainly be used for smaller projects where larger equipment can't be used such as footpaths and town street maintenance, in parks and gardens, townscaping and streetscaping The Shire of Moora remains strategically placed for some major developments north of the metropolitan area and their road network along with an attractive regional centre in which to live will enhance our prospects of attracting people to our region which in turn will strongly support any major projects that develop.

SUSTAINABILITY IMPLICATIONS:

➤ **Environment**

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

➤ **Economic**

It is important to have reliable and efficient plant and machinery for Council to be able to maintain their road network and town facilities.

➤ **Social**

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

FINANCIAL IMPLICATIONS:

Within budgeted changeover.

VOTING REQUIREMENTS

Simple Majority Required

COUNCIL RESOLUTION (MANEX RECOMMENDATION)

212/07 Moved Cr Pond, seconded Cr Hawkins that Council accepts the tender received from Westrac Equipment for the supply of a new Caterpillar IT14G Articulated loader by trading in their existing loader for a changeover price of \$155,078.

CARRIED 6/2

12.4 COMMUNITY DEVELOPMENT

12.4.1 TOWN PLANNING SCHEME NO 4 – DELEGATION OF POWERS

FILE REFERENCE: TP/PTM11
REPORT DATE: 20 November 2007
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: Nil
AUTHOR: Michael Prunster, Community Development Manager
ATTACHMENTS: Nil

PURPOSE OF REPORT:

To note the town planning applications approved under delegated authority.

BACKGROUND:

Council resolved by absolute majority at the Council meeting held on the 25 February 2004, to delegate the Manager Corporate Services (now Community Development Manager) to approve planning applications that meet all the requirements of Councils Town Planning Scheme, for an indefinite period of time and amend its Register of Delegations accordingly, and that Council be provided with a list monthly of planning approvals issued under delegate authority.

APPLICANT (S)

The following Town Planning Applications have been approved under this delegated authority for the period ended 20 November 2007.

- **12/0807 - Phil Trealoar - 25 Beasley Street Moora – Construction of a 32m2 open carport adjacent to East side of residence – Zoning – Residential, value \$4,400.**
- **14/0807 – N.R. Topham – Lot 87 Brown Street Moora – Zoning Special Rural - construction of a 4 x 2 bedroom dwelling – value \$200,000**

POLICY REQUIREMENTS:

Register of Delegations and Shire of Moora Town Planning Scheme No 4 Text.

LEGISLATIVE REQUIREMENTS:

There are no known legislative requirements related to this item.

STRATEGIC IMPLICATIONS:

There are no known strategic implications associated with this proposal.

SUSTAINABILITY IMPLICATIONS:

➤ **Environment**

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

➤ **Economic**

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

➤ **Social**

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

FINANCIAL IMPLICATIONS:

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

VOTING REQUIREMENTS

Simple Majority Required

COUNCIL RESOLUTION (MANEX RECOMMENDATION)
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213/07 Moved Cr Hawkins, seconded Cr Tonkin that Council note the town planning applications approved under delegated authority.

CARRIED 8/0

12.4.2 TOWN PLANNING APPLICATION - LOT 59 YORK STREET WATHEROO

OWNER: John Beer
APPLICANT: J. Beer & R. Grant
ZONING: Rural Townsite
FILE: PA/889-1
AUTHOR: Michael Prunster, Community Development Manager
REPORT DATE: 16 November 2007
DECLARATION: Author has no interest in application
ATTACHMENTS: House photos & Builders Inspection report

PROPOSAL

An application has been received from Mr Beer and Ms Grant for the relocation of a second hand transportable dwelling to vacant Lot 59 York Street Watheroo. The dwelling is estimated to be around 20 - 25 years old and the application also includes a proposal to construct a 12m x 7.5m Shed and the construction of two patios.

PLANNING FRAMEWORK

The Lot is zoned "Rural Townsite" with an R code density of R10, which permits single housing on a minimum of 875m². The area of the proposed Lot is 1012m².

The following are extracts from Council's T.P. scheme and Building Policy: -

T.P. Scheme:**4.6 Transported Dwellings**

- 4.6.1 Within the Scheme Area a building shall not be placed on a lot and occupied as a dwelling following transportation as a whole or as parts of a building unless the
- 4.6.2 transported buildings has been specifically constructed as a transportable dwelling and, in the opinion of the Council, such building is in a satisfactory condition and will not detrimentally affect the amenity of the area.
- 4.6.2 An applicant for a building licence for a transported dwelling may be required by the Council to enter into a contract and provide a bond to reinstate the building to an acceptable standard of presentation within a period of twelve months from the issue of a building licence for such a dwelling.

- 4.6.3 The development of any land with a second-hand dwelling shall have due regard to the Council's Planning Policy "Development of Second-Hand Buildings".
- 4.6.4 The Council shall require all asbestos material be removed from any building prior to transportation.

Council Building Policy:

6.6 Second-hand Housing Policy.

That the Second-hand House Policy be as under: -

- (a) The dwelling to be relocated is to be made to comply in all respects with the Building Code of Australia, particularly the section relative to seismic zones;
- 12.1.1 All such dwellings proposed to be transported to townsites within the Shire are to be inspected "in situ" by a Building Surveyor or some other qualified person, any costs so incurred are to be borne by the applicant;
- (c) A report on the dwelling complete with recommended conditions of approval, photographs etc is to be submitted to Council for consideration, proper plans and specifications are to be duly submitted to the Building Surveyor in order that a building licence can be issued;
- No dwelling is to be relocated upon any lot within the Shire until the building licence has been issued;
- (d) An estimate of the cost of any conditions of approval is to be used as the basis of calculating a Fidelity Bond, which is to be deposited by the applicant with Council. The Bond is to be deposited on the understanding that if the conditions of approval are not completed to Council's satisfaction within the time limit specified the outstanding conditions will be met from the bond monies held by Council. The remainder, if any, is to be returned to the applicant when all conditions have been completed;
- (e) That in the case of further second-hand houses arriving in the Shire of Moora without the necessary approvals, immediate prosecution be instigated;
- (f) That if a pine framed second-hand house is transported within the Moora Shire district its installation is to be strictly in accordance with the Australian Standards AS 1694 1974 Code of Practice for physical barriers used in the protection of buildings against subterranean termites.

Local qualified builder J.G. Brassington Building Services has inspected the building "in situ" and the report together with photographs is provided as a separate attachment.

The applicant has provided the following documentation to comply with Council's Planning & Building policies.

- Inspection report supplied by Mr Glen Flockton Builders Reg No 18667
- Termite Inspection Report completed by Budget Termite Inspection
- Several photos of exterior of the dwelling.
- Several photos of exterior and interior of the dwelling.
- Written undertaking to replace present roof covering with colorbond material.

All reports indicate the dwelling is in good condition and is suitable for relocation.

PHYSICAL ASSESSMENT

The photographs indicate the building is in reasonable condition and with patio construction will present an acceptable standard of presentation.

The site and setback plan indicates the location of the proposed shed will meet Council planning/building conditions.

PRECEDENT

Council has approved the relocation of second-hand transportables in the past, with the most recent in 2007.

CONCLUSION

The report, photographs and details presented comply with Council's town planning scheme and building policy for the relocation of transportable buildings.

It is recommended that Council approve the planning application for the relocation of the transportable dwelling and construction of the 90m² shed subject to the following conditions:-

- Payment of \$150 planning application fee
- All damaged paintwork of the building exterior to be repainted.
- All asbestos material to be removed from building prior to relocation.
- The Lot to be filled to a height of 300mm above the crown of York Street.
- Subject to a building licence being issued by the Shire of Moora Manager Health & Regulatory Services.
- The minimum setback from York Street is to be 7.5m and 1.5m from rear and side boundaries.
- All alterations and additional construction to be completed within 6 months from the date of Council approval.
- Landscaping to be completed to street kerbing
- A fidelity bond of \$1,000 is to be lodged with Council on the understanding that if the conditions of approval are not completed to Council's satisfaction within the time limit specified, the outstanding conditions will be met from the bond monies held by Council. If all conditions are met to the satisfaction of Council the bond monies will be refunded.

VOTING REQUIREMENTS

Simple majority

COUNCIL RESOLUTION (MANEX RECOMMENDATION)

214/07 Moved Cr Pond, seconded Cr Tonkin that Council approve the application from Mr J. Beer and Ms R. Grant for the relocation of a transportable dwelling to be situated at Lot 59 York street Watheroo together with the construction of two patios and a 90m² Shed subject to the following conditions: -

- ***Payment of \$150 planning application fee***
- ***All damaged paintwork of the building exterior to be repainted.***
- ***All asbestos material to be removed from building prior to the relocation.***
- ***The Lot to be filled to a height of 300mm above the crown of York Street.***

- **Subject to a building licence being issued by the Shire of Moora Manager Health & Regulatory Services.**
- **The minimum setback from York Street is to be 7.5m and 1.5m from rear and side boundaries.**
- **All alterations to the dwelling and additional construction of patios to be completed within 6 months from the date of Council approval.**
- **Landscaping to be completed to street kerbing.**
- **A fidelity bond of \$1,000 is to be lodged with Council on the understanding that if the conditions of approval are not completed to Council's satisfaction within the time limit specified, the outstanding conditions will be met from the bond monies held by Council. If all conditions are met to the satisfaction of Council the bond monies will be refunded.**
- **The roof and wall materials of the proposed shed to be constructed with colorbond material.**

CARRIED 8/0

12.4.3 APPLICATION FOR PLANNING APPROVAL – TRANSPORT DEPOT LOT 50 BINDI BINDI

FILE REFERENCE: TP/BTBI
REPORT DATE: 19 November 2007
APPLICANT/PROPONENT: Messrs A. & J. Taylor
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: 265/06 – 13/12/06, 45/07 - 28/2/07,
 99/07-9/5/07, 140/07 – 25/7/07
AUTHOR: Michael Prunster, Community Development Manager
ATTACHMENTS: Site location maps for proposed development.

PURPOSE OF REPORT:

Council to consider an application from Messrs A & J Taylor of Bindi Bindi to operate a Transport Depot from the recently purchased Lot 50 Great Northern Highway Bindi Bindi.

BACKGROUND:

Lot 50 Great Northern Highway was previously owned by the Shire of Moora, and in years passed it was used as a Sport & Recreation Oval.

Council recently agreed to sell the Lot to Mr & Mrs Taylor by private treaty, and settlement for the sale of the property has now been finalised.

Mr Taylor's initial plan is to use the lot for operating his transport business, and eventually constructing a dwelling on the Lot to house he and his family. The first stage of the development will involve erecting a dome shelter for his vehicles and also building a small storage shed. The area of the Lot is 5.0408ha.

During Council's consideration of the sale by private treaty at the meetings held on the 9 May 2007 and 25 July 2007, the following extracts relate to a planning application from Mr & Mrs Taylor: -

9 May 2007

99/07 Moved Cr Barrett-Lennard, seconded Cr McLagan that Council accept and adopt the fair market valuation provided by both Landgate and PRP Valuers & Consultants and: -

4) In reference to the planning application enquiry, it is recommended that Council support the enquiry for the operation of a Transport Depot at Lot 50 Great Northern Highway Bindi Bindi in principle, subject to: -

- A planning application is to be lodged with the Shire for the proposed transport development.
- An application fee of \$150.00 to be paid with the application fee.
- Should the application meet the requirements of the Town Planning Scheme, public notice is to be given for a period of 21 days inviting submissions/comments. Following the expiration of 21 days, if no submissions/comments are received for Council consideration, the Chief Executive Officer is delegated to approve the application subject to the normal conditions involved with the operation of a Transport Depot, with the inclusion of the Progress Association request to minimise the clearing of the native plants

25 July 2007**COUNCIL RESOLUTION**

147/07 Moved Cr Barrett-Lennard, seconded Cr Gardiner that Council

2. Subject to clarification of transfer and having complied with the requirements of the Local government Act 1995 in respect to the disposal of property by private treaty, and after giving due consideration of the submissions received, agrees to sell Lot 50 Great Northern Hwy, Bindi Bindi to Mr & Mrs Taylor on the terms and conditions as advertised, namely;

“The Shire of Moora will sell Lot 50 Great Northern Highway, Bindi Bindi (“the Property”) to Mr A and Mrs J Taylor for the consideration of \$25,000 (excl GST), which is conditional on:

- (a) the Purchaser is to complete a ‘proposed development’ (“the Development”) as approved by the Shire within two years of the purchase of the Property;
- (b) a building application for a residence at the Property (“the Residence”) must be
- (c) approved by the Shire within a two year period following the purchase of the Property; construction of the Residence must be completed within the timeframe provided for by the relevant building licence;
- (d) if the Property is sold prior to the completion of the Development or the Residence, the Shire will have the first option to purchase the Property; and
- (e) if the Shire purchases the Property pursuant to the option, the price is to be the original purchase price plus the depreciated value of any improvements.”

CARRIED BY ABSOLUTE MAJORITY 7/1

The operation of a transport depot under “farming” zoning is an “SA” use under the Town Planning Scheme Zoning Table, which means that the use is not permitted unless the Council has granted planning approval after giving notice in accordance with clause 7.3.

The following is an extract of clause 7.3 from the T.P. scheme text: -

7.3 Advertising of Applications

- 7.3.1 Where an application is made for planning approval to commence or carry out development which involves an “SA” use the Council shall not grant planning approval to that application unless notice of the application is first given in accordance with the provisions of sub-clause 7.3.3.
- 7.3.2 Where an application is made for planning approval to commence or carry out development which involves an “AA” use, or for any other development which requires the planning approval of the Council, the Council may give notice of the application in accordance with the provisions of sub-clause 7.3.3.
- 7.3.3 Where the Council is required or decides to give notice of an application for planning approval the Council shall cause one or more of the following to be carried out:
- a) notice of the proposed development to be served on the owners and occupiers of land within an area determined by the Council as likely to be affected by the granting of planning approval stating that submissions may be made to the Council within twenty-one days of the service of such notice;
 - b) notice of the proposed development to be published in a newspaper circulating in the Scheme Area stating that submissions may be made to the Council within twenty-one days from the publication thereof;
 - c) a sign or signs displaying notice of the proposed development to be erected in a conspicuous position on the land for a period of twenty-one days from the date of publication of the notice referred to in paragraph (b) of this clause.
- 7.3.4 After expiration of twenty-one days from the serving of notice of the proposed development, the publication of notice or the erection of a sign or signs, whichever is the later, the Council shall consider and determine the application.

COMMENT:

Following the public advertising of the sale by private treaty of Lot 50, 30 submissions/comments were received at the end of the advertising period. 28 of these submissions supported the sale and also were in support the establishment of a new business in Bindi Bindi. Mr & Mrs Taylor are a young energetic couple with a young family and their successful transport business has been operating from the Bindi Bindi area for several years. They currently reside on Mrs Taylor’s parents farm, but are keen to establish their own independent residence and depot facility.

The Payment of the planning application fee of \$150.00 has been received.

It is recommended that Council support the application subject to the following conditions: -

- the proposed development as approved by the Shire is to be completed within two years of the purchase of the Property;
- The construction of the proposed Shed, Shelters and Residence are subject to the lodgment of a building application for approval by the Shire’s Manager Health & Regulatory Services, and must be completed within the timeframe provided for by the relevant building licence;

- notice of the proposed development to be served on the owners and occupiers of land within an area determined by the Council as likely to be affected by the granting of planning approval stating that submissions may be made to the Council within twenty-one days of the service of such notice;
- The proposal is to be advertised in the Central Midlands and Coastal Advocate inviting submission from the public within twenty-one days of publication
- Applicant is responsible for payment of advertising costs.
- Following the expiration of 21 days, if no submissions/comments are received for Council consideration, the Chief Executive Officer is delegated to approve the application subject to the normal conditions involved with the operation of a Transport Depot,
- The minimum setback requirements for buildings constructed on the lot is: -
 - Front 20m
 - Rear 15m
 - Side 15m
- There is to be minimum clearance of Native Vegetation from the Lot.
- Washing of stock crates is not permitted on the site.
- Unwashed stock crates are not to be stored on site.
- There is to be no disposal of manure waste on site.
- Noise and dust levels to be kept to a minimum to reduce impact of activities on neighbouring residents.
- Storage of fuel and construction of adequate Bunding in accordance with the requirements, or the approval of, the Department of Mineral and Petroleum Resources.
- that all access and egress should be designed and constructed in accordance with Main Roads WA specifications.
- that signage needs to be erected in accordance with Main Roads policy, of the Lot entry and exit locations to the property to ensure road safety
- requirements on entering and exiting the highway. This should be undertaken at the applicant's cost.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

There are no known legislative requirements related to this item.

STRATEGIC IMPLICATIONS:

Establishment of a new business venture within the town of Bindi Bindi

SUSTAINABILITY IMPLICATIONS:

- **Environment**
Minor environmental implications associated with this proposal are referred to in the conditions of approval.
- **Economic**
New business identified in the town of Bindi Bindi
- **Social**
Support for a young family and business.

FINANCIAL IMPLICATIONS:

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

VOTING REQUIREMENTS

Simple Majority Required

COUNCIL RESOLUTION (MANEX RECOMMENDATION)
--

215/07 Moved Cr Gardiner, seconded Cr Barrett-Lennard that Council approve the planning application from Messrs A. & J. Taylor for the operation of a transport business from Lot 50 Great Northern Highway Bindi Bindi subject to the following conditions: -

- the proposed development as approved by the Shire is to be completed within two years of the purchase of the Property;
- The construction of the proposed Shed, Shelters and Residence are subject to the lodgment of a building application for approval by the Shire's Manager Health & Regulatory Services, and must be completed within the timeframe provided for by the relevant building licence;
- notice of the proposed development to be served on the owners and occupiers of land within an area determined by the Council as likely to be affected by the granting of planning approval stating that submissions may be made to the Council within twenty-one days of the service of such notice;
- The proposal is to be advertised in the Central Midlands and Coastal Advocate inviting submission from the public within twenty-one days of publication.
- Applicant is responsible for payment of advertising costs.
- Following the expiration of 21 days, if no submissions/comments are received for Council consideration, the Chief Executive Officer is delegated to approve the application subject to the normal conditions involved with the operation of a Transport Depot,
- The minimum setback requirements for buildings constructed on the lot is:-
 - Front 20m
 - Rear 15m
 - Side 15m
- There is to be minimum clearance of Native Vegetation from the Lot.
- Washing of stock crates is not permitted on the site.
- Unwashed stock crates are not to be stored on site.
- There is to be no disposal of manure waste on site.
- Noise and dust levels to be kept to a minimum to reduce impact of activities on neighbouring residents.
- Storage of fuel and construction of adequate Bunding in accordance with the requirements, or the approval of, the Department of Mineral and Petroleum Resources.
- that all access and egress should be designed and constructed in accordance with Main Roads WA specifications.
- that signage needs to be erected in accordance with Main Roads policy, of the Lot entry and exit locations to the property to ensure road safety requirements on entering and exiting the highway. This should be undertaken at the applicant's cost.

CARRIED 8/0

12.4.4 DEPARTMENT OF HOUSING & WORKS – EXTENSION OF TOWN PLANNING APPROVAL

FILE REFERENCE: TP/PTMO2
REPORT DATE: 19 November 2007
APPLICANT/PROPONENT: Department of Housing & Works
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: Nil
AUTHOR: Michael Prunster, Community Development Manager
ATTACHMENTS: Nil

PURPOSE OF REPORT:

Request to Council for an extension of Town Planning Approval for the construction of 3 X 2 bedroom units at Lot 145 Long Street Moora.

BACKGROUND:

An application from the Department of Housing & Works for Town Planning approval to develop 3 X 2 bedroom units at Lot 145 Long Street Moora for Seniors, was considered and approved by Council at their meeting held on the 10 August 2005.

The Town Planning approval expired on the 10 August 2007, and development has not yet commenced. The Department for Housing & Works has written and requested an extension of time to enable them to complete the project. They have indicated that they will be calling tenders for the works within the next weeks.

COMMENT:

These units will be the second of their type constructed by the Department, and will provide modern accommodation for Seniors. Moora is currently experiencing a housing shortage, and these units will contribute towards this shortage.

There is no indication of any changes to the original plans, and Council was asked for comment at the 24 October briefing session on extending the approval for a further two years expiring on the 31 August 2009. The Department requested an answer by the 6 November because they wished to call new tenders. Council indicated approval, so the Department was advised that the approval is extended until the 31 August 2009.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

There are no known legislative requirements related to this item.

STRATEGIC IMPLICATIONS:

There are no known strategic implications associated with this proposal.

SUSTAINABILITY IMPLICATIONS:

➤ **Environment**

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

- **Economic**
Increase in rateable property.
- **Social**
Provision of much needed housing for Seniors.

FINANCIAL IMPLICATIONS:

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

VOTING REQUIREMENTS

Simple Majority Required

COUNCIL RESOLUTION (MANEX RECOMMENDATION)
--

216/07 Moved Cr Gardiner, seconded Cr Hawkins that Council confirm Staff action in advising the Department of Housing & Works that the planning approval for the construction of 3 X 2 bedroom Seniors Units at Lot 145 Long street Moora is extended until the 31 August 2009.

CARRIED 8/0

12.4.5 TOWN PLANNING SCHEME AMENDMENT No 7

FILE REFERENCE: Amend 7

REPORT DATE: 20 November 2007

APPLICANT/PROPONENT: Town Planning Scheme Amendment No 7

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: 246/06 – 22/11/06, 196/07 26/09/07

AUTHOR: Michael Prunster, Community Development Manager

ATTACHMENTS: Nil

PURPOSE OF REPORT:

A request has been received from the Department for Planning and Infrastructure for Council adopt the resolution for the West End Amendment in accordance with regulations 17(2) and 25 with the wording “adopt the amendment with or without modification” in order to be compliant.

BACKGROUND:

Council considered the amendment at their meeting held on the 26 September 2007 and passed the following resolution: -

COUNCIL RESOLUTION (MANEX RECOMMENDATIONS)

196/07 Moved Cr Hawkins, seconded Cr McLagan that Council:

- 1) *Receives the schedule of submissions received during the advertising period for the proposed Town Planning Scheme No 4, Amendment No 7 for the West End property and adopts the responses therein, as per attached schedule;*
- 2) *Having complied with the requirements of the Town Planning Scheme No 4 in respect to Scheme amendments, and after giving due consideration of the submissions received, agrees to Instruct Messrs Gray & Lewis to continue with the process of the rezoning of the West End Property as per the Scheme Amendment Map.*

CARRIED BY ABSOLUTE MAJORITY 9/0

COMMENT:

The resolution of the 27 September does not include the phrase requested, so Council will need to pass an additional resolution to the above including the wording required to satisfy the regulations.

Council did not make any modification to the amendment, so It is recommended that the following resolution be adopted in addition to the resolution 196/07 of the 27 September: -

“That Council confirms it has resolved to continue the amendment No 7 process as per the Council resolution of the 27 September 2007, and adopts the amendment without modification”.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

Town Planning Scheme No 4 & Planning Regulations 1967, S17 (2) and 25.

STRATEGIC IMPLICATIONS:

Provision of a large number of suitable residential lots.

SUSTAINABILITY IMPLICATIONS:

- **Environment**
Environmental issues will be incorporated in future development plans.
- **Economic**
Following the completion of the development, Council will receive a considerable profit from sale of lots.
- **Social**
Provision of suitable residential lots away from the floodway and flood fringe.

FINANCIAL IMPLICATIONS:

Provision for the costs of the amendment are provided for in the 2007-2008 budget.

VOTING REQUIREMENTS

Absolute Majority Required

**COUNCIL RESOLUTION
(MANEX RECOMMENDATION)**

217/07 Moved Cr Hawkins, seconded Cr Bryan that Council confirms it has resolved to continue the amendment No 7 process as per the Council resolution of the 27 September 2007, and adopts the amendment without modification.

CARRIED BY ABSOLUTE MAJORITY 8/0

12.4.6 TOWN PLANNING APPLICATION – RELOCATION OF TRANSPORTABLE DWELLING

FILE REFERENCE: PA/504-1
REPORT DATE: 21 November 2007
APPLICANT/PROPONENT: Brenda Wilson
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: 129/07 – 11 July 2007
AUTHOR: Michael Prunster, Community Development Manager
ATTACHMENTS: Site Plan, house photo & builders report

PURPOSE OF REPORT:

An application has been received from Ms Brenda Wilson for the relocation of a second hand 4 X 2 dwelling to the vacant Lot 74 Gardiner Street Moora. The dwelling is approximately 40-50 years old and approximate 133m². The application also includes a proposal to construct a double garage of 36m² and perform other internal renovations to the building. The building will be located on the lot in a [position that will allow for another building to be relocated to the rear half of the lot in the future

BACKGROUND:

The Lot is zoned residential with an R code density of R12.5/25, which permits single housing or grouped dwellings.

The relocation of second hand transportable buildings is allowable under the Council's Town Planning Scheme and Building Policy under certain conditions.

The following are extracts from Council's T.P. scheme and Building Policy: -

T.P. Scheme:

4.6 Transported Dwellings

4.6.1 Within the Scheme Area a building shall not be placed on a lot and occupied as a dwelling following transportation as a whole or as parts of a building unless the transported buildings has been specifically constructed as a transportable dwelling and, in the opinion of the Council, such building is in a satisfactory condition and will not detrimentally affect the amenity of the area

4.6.2 An applicant for a building licence for a transported dwelling may be required by the Council to enter into a contract and provide a bond to reinstate the building to an acceptable standard of presentation within a period of twelve months from the issue of a building licence for such a dwelling.

4.6.3 The development of any land with a second-hand dwelling shall have due regard to the Council's Planning Policy "Development of Second-Hand Buildings".

4.6.4 The Council shall require all asbestos material be removed from any building prior to transportation.

Council Building Policy:

6.6 Second-hand Housing Policy.

That the Second-hand House Policy be as under: -

- (a) The dwelling to be relocated is to be made to comply in all respects with the Building Code of Australia, particularly the section relative to seismic zones;
- (b) All such dwellings proposed to be transported to townsites within the Shire are to be inspected "in situ" by a Building Surveyor or some other qualified person, any costs so incurred are to be borne by the applicant;
- (c) A report on the dwelling complete with recommended conditions of approval, photographs etc is to be submitted to Council for consideration, proper plans and specifications are to be duly submitted to the Building Surveyor in order that a building licence can be issued;
No dwelling is to be relocated upon any lot within the Shire until the building licence has been issued;
- (d) An estimate of the cost of any conditions of approval is to be used as the basis of calculating a Fidelity Bond, which is to be deposited by the applicant with Council. The Bond is to be deposited on the
- (e) understanding that if the conditions of approval are not completed to Council's satisfaction within the time limit specified the outstanding conditions will be met from the bond monies held by Council. The remainder, if any, is to be returned to the applicant when all conditions have been completed;
- (f) That in the case of further second-hand houses arriving in Moora without the necessary approvals, immediate prosecution be instigated;
- (g) That if a pine framed second-hand house is transported within the Moora Shire district its installation is to be strictly in accordance with the Australian Standards AS 1694 1974 Code of Practice for physical barriers used in the protection of buildings against subterranean termites.

A qualified builder Glen Flockton Builders Reg. No 18667 has inspected the buildings "in situ" and the reports together with photographs are provided as a separate attachment.

Under the Residential Design Codes WA, the minimum site area for group dwellings zoned R12.5 is 800m². The total area of Lot 75 is 1012m².

COMMENT:

Ms Wilson is currently relocating two dwellings on the adjacent Lot 75 under Council planning approval dated 10 August 2007. Under this approval Ms Wilson was given a period of 6 months to complete the alterations and additional construction, landscaping etc. This work has commenced but is not due to be completed until February 2008.

Council recently considered a similar application for the additional relocation of a dwelling on lot 76 Gardiner St Moora, and because the initial relocated dwelling on that lot had still not been completed, Council passed the following resolution: -

COUNCIL RESOLUTION

208/07 Moved Cr Gardiner, seconded Cr Hawkins that Ms Dinn be advised that the application for the relocation of a second dwelling on Lot 76 and support for subdivision of the Lot will be re-considered following the completion of the current relocated dwelling to the satisfaction of the Shire's Manager Health & Regulatory Services, and compliance with the conditions outlined in the planning approval dated 26 July 2006.

In view of this precedent it is recommended that Council pass a similar resolution relation to this application from Ms Wilson.

POLICY REQUIREMENTS:

Town Planning Scheme No 4 Text 4.6
Council Building policy Section 6.6

LEGISLATIVE REQUIREMENTS:

Planning and Development act 2005.

STRATEGIC IMPLICATIONS:

Provision of additional accommodation facilities.

SUSTAINABILITY IMPLICATIONS:

- **Environment**
Completed dwelling renovations will match aesthetically with surrounding environment.
- **Economic**
Provision of suitable accommodation for a family relocating to Moora and an additional rate income for Shire.
- **Social**
There are no known significant social implications associated with this proposal.

FINANCIAL IMPLICATIONS:

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

VOTING REQUIREMENTS:

Simple majority

MANEX RECOMMENDATION

That Council refuse the planning application Ms Wilson be advised that the application for the relocation of a second hand dwelling on Lot 74 Gardiner will be re-considered following the completion of the current relocated dwellings on Lot 75 to the satisfaction of the Shire's Manager Health & Regulatory Services, and compliance with the conditions outlined in the planning approval dated 10 August 2007.

COUNCIL RESOLUTION

218/07 Moved Cr Clydesdale-Gebert, seconded Cr Hawkins that that Council approve the application from Ms Wilson for the relocation of a second hand dwelling to be situated at Lot 74 Gardiner Street, Moora subject to the following conditions: -

- **Payment of \$100 planning application fee**
- **All damaged paintwork of the building exterior to be repainted.**
- **All asbestos material to be removed from building prior to the relocation.**
- **The Lot to be filled to a height of 300mm above the crown of Gardiner Street.**
- **Subject to a building licence being issued by the Shire of Moora Manager Health & Regulatory Services.**
- **The minimum setback from Gardiner Street is to be 7.5m and 1.5m from rear and side boundaries.**
- **All alterations to the dwelling and additional construction of patios to be completed within 6 months from the date of Council approval.**
- **Landscaping to be completed to street kerbing.**
- **A fidelity bond of \$1,000 is to be lodged with Council on the understanding that if the conditions of approval are not completed to Council's satisfaction within the time limit specified, the outstanding conditions will be met from the bond monies held by Council. If all conditions are met to the satisfaction of Council the bond monies will be refunded.**
- **Certification that there is no evidence of the presence of European house borer in the building.**
- **The House is to be inspected on completion by the Shire Manager Health & Regulatory Services prior to habitation.**

CARRIED 8/0

Note: Council decided approve the application subject to conditions so that the applicant could proceed without undue delays or additional costs.

Cr Hawkins declared an impartiality interest in Item 12.4.7 pursuant to Council's Code of Conduct as the development was in the same street as he resides.

12.4.7 TOWN PLANNING – SUBDIVISION APPLICATION LOT 26 ATBARA STREET

FILE REFERENCE: P/A/ - 1098-1
REPORT DATE: 21 November 2007
APPLICANT/PROPONENT: Outperform Pty Ltd
OFFICER DISCLOSURE OF INTEREST: Gray & Lewis receive planning fees for advice to the Shire therefore declares a Financial Interest – Section 5.65 of the *Local Government Act 1995*.
PREVIOUS MEETING REFERENCES: 13 October 2004.
AUTHOR: Gray & Lewis Land Use Planners & Michael Prunster – Community Development Manager
ATTACHMENTS: Plan of subdivision

PURPOSE OF REPORT:

An application for approval to subdivide Lots 26 and 4008 Atbara Street, Moora, ("the land") has been submitted to the Western Australian Planning Commission. The Council has been asked by the Commission for any objections or recommendations.

BACKGROUND:

The land has frontage of about 172 m on the northern side of Atbara Street, in the form of a battleaxe Lot. Lot 26 has an area of approximately 46.4641 ha and Lot 4008 is approximately 405 m². The land is in a Special Rural Zone under the Shire's Town Planning Scheme 4 ("the Scheme").

Crown Reserve 40089 (Lot 4091) between part of the land and Atbara Street is managed by the Water Corporation for the purpose of 'water supply'. In 2005 the (then) Department of Environment advised the Shire that the eastern wellfield area will be managed on the basis that it is not required for potable supply. Development constraints will therefore not apply.

Schedule 4 of the Scheme includes provisions relating to subdivision and development of the land; they are:

PARTICULARS OF LAND	REQUIREMENTS
Part Lot 26 and Lot 4008 Atbara Street Moora	<p>1 Land Subdivision</p> <p>Subdivision of the land is to generally accord with a subdivision guide plan approved for the land by the Council. The minimum lot size should be no less than 2.0 hectares. Lot boundaries should be laid out clear of areas of remnant vegetation.</p> <p>2 Land Development</p> <p>Notwithstanding the site requirements set out in clause 3.11.2 of this scheme, all proposed buildings are to be setback a minimum of 50 metres from the perimeter lot boundary of Part Lot 26. Reduced setbacks will be favourably considered where sufficient vegetated buffers are proposed along the perimeter boundary of Part Lot 26.</p>

3	Land Clearing
	In addition to the requirement set out in clause 3.11.4 (d) of this scheme, areas of remnant vegetation are to be retained, and fenced if stock is to be grazed on lots containing the remnant vegetation.
4	Flora Corridor
	In addition to the requirement set out in clause 3.11.4 (e) of this scheme, a flora corridor is to be provided linking the remnant vegetation on the central ridge to the adjoining 'Water Supply' reserve (Lot 4091).
5	Drainage
	All surface water drainage is to be contained within the lot.
6	Effluent Disposal
	No on-site effluent disposal systems are to be located within the areas of remnant vegetation.
7	Keeping of Animals
	Stocking rates are to accord with Agriculture WA recommendations.
8	Effluent Ponds Former Piggery
	A programme for decommissioning and removal of the effluent ponds associated with the former piggery is to be approved by Council and implemented as a condition of any future subdivision or development of the land.

The plan of subdivision (see attached) proposes 38 Lots that range between 1.0 ha and 2.8 ha. The average Lot size is approximately 1.12 ha.

Provisions of the Scheme include subdivision to be in accordance with a subdivision guide plan certified by the Chief Executive Officer, and that the minimum lot size is 2 ha.

COMMENT:

Landowners have made enquiry in the past about subdividing the land into 1 ha lots, contrary to the provisions of the Scheme (Schedule 4). Until it was revoked on 6 April 2006, the *Town Planning & Development Act 1928* provided that the Western Australian Planning Commission was not fettered by a local government Scheme when determining an application for subdivision. The Commission was therefore not bound to comply with the 2 ha minimum lot size in the Scheme and advice to landowners at the time would have reflected this provision.

Section 138 (3) of the *Planning & Development Act 2005* (proclaimed on 6 April 2006) requires that the Commission have regard to various criteria before determining an application that is contrary to a Scheme. The relevant provisions of the Act are:

- (3) *The Commission may give an approval under section 135 or 136 that conflicts with the provisions of a local planning scheme if—*
- (a) *the local planning scheme was not first published, or a consolidation of the local planning scheme has not been published, in the preceding 5 years and the approval is consistent with a State planning policy that deals with substantially the same matter;*
 - (b) *the approval is consistent with a region planning scheme that deals with substantially the same matter;*
 - (c) *in the opinion of the Commission—*

- (i) the conflict is of a minor nature; or*
- (ii) the approval is consistent with the general intent of the local planning scheme;*
- (d) the local planning scheme includes provisions permitting variation of the local planning scheme that would remove the conflict;*
- (e) in the case of an application under section 135, the local government responsible for the enforcement of the observance of the scheme has been given the plan of subdivision, or a copy, under section 142 and has not made any objection under that section; or*
- (f) the approval is given in circumstances set out in the regulations.*

The current application for subdivision of the land into 1 ha minimum lot sizes (contrary to the Scheme) may be approved by the Commission having regard to S 138 (3) of the Act. It is a better use of resources and infrastructure, and will enable more people to enjoy a particular lifestyle close to the town.

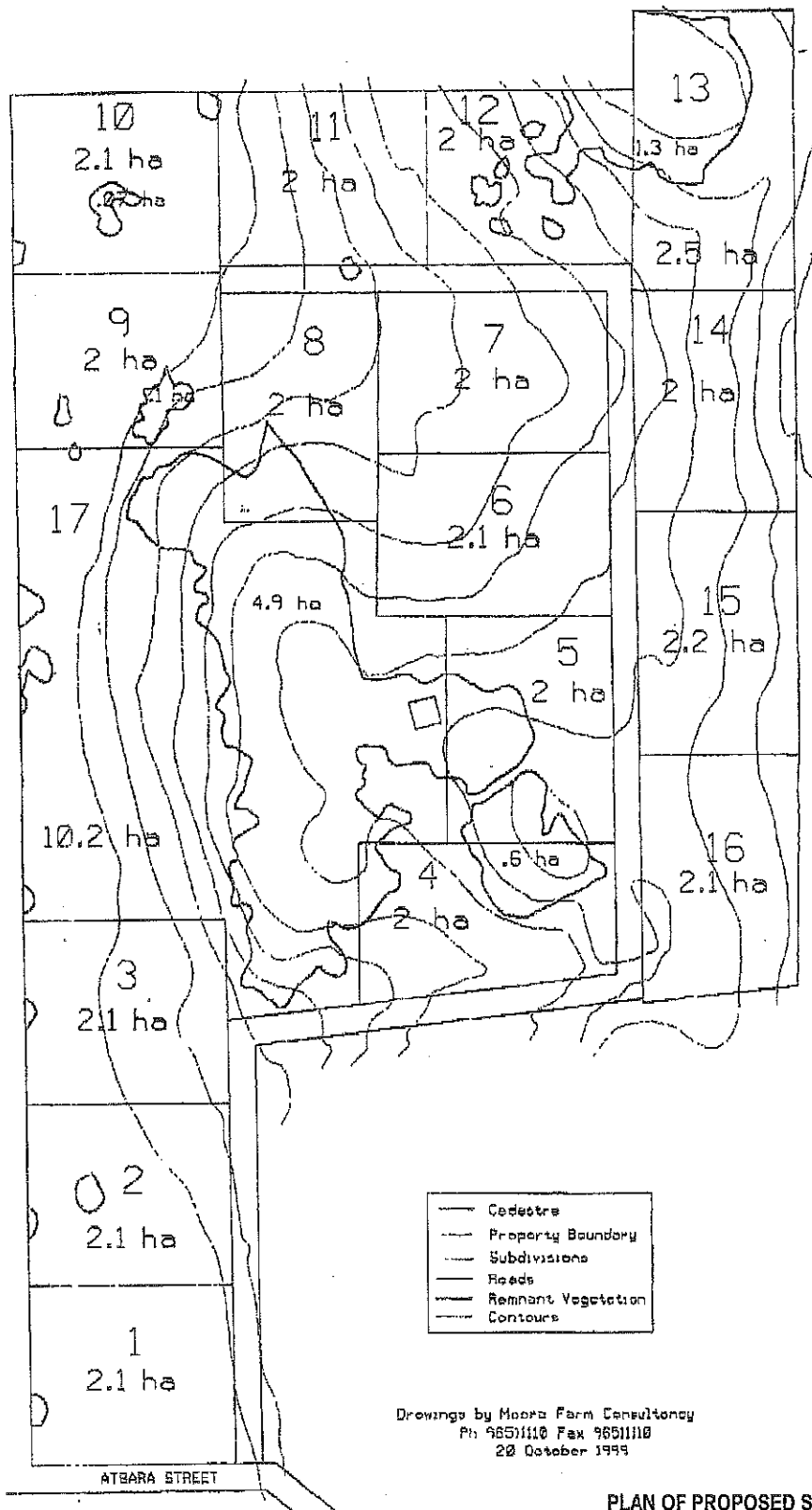
The Council may recommend to the Commission that the subdivision be approved subject to conditions including relevant matters in Schedule 4 of the Scheme.

A particular issue is item 4 in Schedule 4 that requires a flora corridor linking the remnant vegetation on the central ridge to the adjoining 'water supply' Reserve (Lot 4091). The plan of subdivision does not provide for such a corridor, but arguably the value will be removed by smaller lot sizes than those proposed in the preliminary subdivision guide plan when the Scheme was amended to include the land in the Special Rural Zone.

A copy of the 1999 subdivision guide plan is attached and shows a large lot (approximately 10.2 ha) on the vegetated ridge, with potential for linking to Reserve 40089.

If the Council is to support the current plan of subdivision for Lots 26 and 4008 it should adopt the plan as the subdivision guide plan under Schedule 4 (item 1) of the Scheme.

SUBDIVISION GUIDE PLAN ATTACHED TO THE REZONING OF THE LAND



Decommissioning and removal of effluent ponds associated with the former piggery use (item 8 in Schedule 4) has already been completed to the Shire's satisfaction).

Other conditions may include boundary clearance for existing buildings from new boundaries, road construction, and Notification on the new Titles under the *Transfer of Land Act 1893* drawing attention to the provisions of the Scheme relating to the Special Rural Zone (including external materials for buildings).

POLICY REQUIREMENTS:

Nil.

LEGISLATIVE REQUIREMENTS:

Planning & Development Act 2005

Town Planning Regulations 1967.

Shire of Moora Town Planning Scheme 4.

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 will be lifestyle choice for residents of Moora associated with this proposal.

FINANCIAL IMPLICATIONS:

The Shire will benefit from more intensive use of land for rural – residential purposes close to the town.

VOTING REQUIREMENTS:

Simple majority

**COUNCIL RESOLUTION
(MANEX RECOMMENDATIONS)****219/07 Moved Cr Gardiner, seconded Cr Barrett-Lennard**

1. **THAT, under Town Planning Scheme 4, the Council adopts the plan of subdivision as the subdivision guide plan for Lots 26 and 4008 Atbara Street, Moora, and advises the Western Australian Planning Commission accordingly.**
2. **THAT the Council advise the Western Australian Planning Commission that:**
 - (a) **it supports the subdivision of Lots 26 and 4008 as proposed even though the minimum Lot size is contrary to Town Planning Scheme 4, and recommends that the Commission exercise its powers under S 138 (3) of the Planning & Development Act 2005 to conditionally approve the subdivision.**
 - (b) **it acknowledges and accepts that the plan of subdivision as submitted does not allow for a flora corridor linkage to Reserve 40089 as required in item 4 of Schedule 4 of the Scheme.**
3. **THAT the Council recommend to the Western Australian Planning Commission that the application for subdivision of Lots 26 and 4008 be conditionally approved subject to:**

- (a) *All Lots to front a constructed public road connected to the constructed sealed public road system to the specifications and standards of the Shire of Moora.*
- (b) *All Lots to be connected to the reticulated water supply system.*
- (c) *All drainage to be contained on the land to the satisfaction of the Shire.*
- (d) *All buildings marked on the plan of subdivision to be removed to be demolished to the satisfaction of the Shire.*

CARRIED 8/0

Note: Council added the word 'sealed' to point 3 (a), after the word constructed & before public, to clarify the type of road to be constructed.

12.5 ENVIRONMENTAL DEVELOPMENT

Nil.

12.6 ECONOMIC DEVELOPMENT

12.6.1 APPOINTMENT OF RESIDENTIAL DEVELOPMENT COMMITTEE

FILE REFERENCE: ED/INFI
REPORT DATE: 20 November 2007
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: 23/5/07(109/07), 14/3/07(55/07), 14/2/07(26/07)
AUTHOR: Rebecca McCall, Manager Economic Development
ATTACHMENTS: Nil

PURPOSE OF REPORT:

To appoint a committee of Council to represent Council during the duration of developing West End and Lee Steere Street.

BACKGROUND:

The Shire of Moora decided to enable the future expansion of the town of Moora to advertise for developers in Moora. The advertisements were put into the West Australian newspaper and the local Central Midlands and Coastal Advocate on Thursday 22nd March and Saturday 24th March 2007.

Since this advertisement was the previous Enterprise Development Manager sent out 16 information packs to interested developers. Expressions of Interest (EOI) from these developers were due back to the Shire of Moora by Friday 27th April; three were received. The developers that we received interest from were Infinity Developers, AMG Real Estate and Humfrey Land Developments.

All of the EOI's were supplied to each councillor for the Briefing Session on Wednesday 9th May, during that meeting guidance was given to organise a meeting with each developer to further discuss his or her proposals. A phone call was made followed by a formal letter inviting them to meet with the Shire of Moora on Wednesday 23rd May.

Before this meeting general research has been undertaken by the previous Enterprise Development Manager about each firm that has submitted an EOI. The information gained was supplied to councillors for the Ordinary Council on Wednesday 23rd May.

With the general research and meetings with the interested developers it became apparent that Humfrey Land Developers no longer have the time or interest to develop land in Moora.

Matters behind closed doors during the Ordinary Council Meeting on Wednesday 23rd May resolved:

COUNCIL RESOLUTION

109/07 "Moved Cr McLagan, seconded Cr Clydesdale-Gebert that a strategic analysis be undertaken by PRACSYS to cost the proposed short list of developers proposals for the West End subdivision in the Shire of Moora"

CARRIED 6/1

Following this resolution the Chief Executive Officer and Acting Enterprise Development Manager met with PRACSYS to arrange the strategic analysis of the short list of developers' proposals.

The Shire of Moora also carried out their own course of due diligence by meeting further with AMG Real Estate and Infinity. This entailed visiting development sites and gathering an understanding of the process each developer took when developing land. Following the inspection of developments developed by both parties it became apparent the AMG Real Estate proposal has a higher financial risk burden for the Shire of Moora, whereas the financial risk is reduced with Infinity's proposal.

Following these site meetings it had become apparent that the developer best meeting Council's criteria was Infinity and it was decided to seek further due diligence. Consulting firm, Pracsys, were engaged to carryout due diligence and the report was provided to councillors during the Ordinary Council Meeting on Wednesday 25th July.

Matters behind closed doors during the Ordinary Council Meeting on Wednesday 23rd May resolved:

COUNCIL RESOLUTION

- 157/07: Moved Cr Clydesdale-Gebert, seconded Cr Pond that Council,*
- 1. having given consideration of the expressions of interest received from developers to develop shire land. The shire selects Infinity Land Developers as its preferred developers for residential land;*
 - 2. commence discussions with Infinity Land Developers with the view of negotiating an agreement between both parties for residential development;*
 - 3. budget to cover council's costs for this project including but not limited to risk assessment, legal, town planning, engineering and compliance with the Local Government Act.*

CARRIED 8/0

Council and staff representatives met with Infinity on Monday 10th September to discuss what is required to move forward to initiate the residential development planned for Lee Steere Street and West End. It was decided to develop a Memorandum of Understanding between the two parties to begin negotiations in good faith.

Currently a draft Heads of Agreement has been developed by Council's solicitors and will be made available to Infinity for their perusal.

The Chief Executive Officer and Acting Enterprise Development Manager have attended meetings with the Department of Local Government seeking advice in addressing the necessary requirements under the Local Government Act 1995.

COMMENT:

The Local Government Act 1995 provides the legislative background for the establishment of committees.

To ensure that the project progresses into residential land release it is recommended that a committee of Council be appointed to represent Council. It is suggested to select four councillors and two staff members to represent the Residential Development Committee. The committee will act in an advisory capacity to Council and will not hold any delegations of powers.

The establishment of the Committee will require complying under S5.22 of the Local Government Act 1995 in accordance to submitting minutes of all committee meetings to Ordinary Meetings of Council.

POLICY REQUIREMENTS:

There are no policy implications regarding this matter.

LEGISLATIVE REQUIREMENTS:

Section 5.1, Division 2 & S5.22 of the Local Government Act 1995, relating to local government's administration function provisions.

STRATEGIC IMPLICATIONS:

The Shire of Moora's Strategic Plan outlines in its mission statement: "To identify and stimulate growth through creative leadership and a willingness to get things done." This motion encompasses everything that the Shire of Moora identifies as its mission.

SUSTAINABILITY IMPLICATIONS:

➤ **Environment**

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

➤ **Economic**

There are potentially economic implications associated with this project including economic growth for local businesses as well as attracting new labour force to Moora. These benefits are in the future for the Shire of Moora but this motion will help set up the basis for this growth to occur.

➤ **Social**

There are many potential social implications that will be created from approving this motion including creation of new a new community located at West End, increase in numbers for existing community groups to enable more achievements at the grassroots level. There is also the potential to increase the skilled labour force and therefore increase the socio-economic status of Moora, which will only enhance it as a choice location to live.

FINANCIAL IMPLICATIONS:

There will be financial implications for lawyer fees and consultants as well as other items to be identified once an agreement has been finalised between the preferred Developer and the Shire of Moora. All of these costs are unknown but an allocation of \$50,000 has been allowed for professional services in the 2007/08 budget.

VOTING REQUIREMENTS

Absolute majority required.

COUNCIL RESOLUTION (MANEX RECOMMENDATION)
--

220/07 Moved Cr Clydesdale-Gebert, seconded Cr Hawkins that Council establishes a Residential Development Committee of Council for the period necessary to develop parcels of land identified by Council for residential purposes and the following terms and conditions will apply;

<i>Purpose:</i>	<i>To appoint a committee of Council to represent Council during the duration of developing West End and Lee Steere Street.</i>
<i>Membership:</i>	<i>Cr Sheryl Bryan Cr Jim Pond Cr James McLagan Cr Robert Keamy Chief Executive Officer Manager Economic Development</i>
<i>Quorum:</i>	<i>4</i>
<i>Delegated Authority:</i>	<i>Nil</i>
<i>Meeting Frequency:</i>	<i>As and when required</i>

CARRIED BY ABSOLUTE MAJORITY 8/0

At 4.37pm Cr McLagan joined the meeting.

At 4.37pm the Enterprise Development Manager left the meeting.

12.7 SPORT AND RECREATION

12.7.1 “BE ACTIVE COORDINATOR” – OCTOBER REPORT 2007

FILE REFERENCE: BA/REPI
REPORT DATE: 1 November 2007
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: 24/10/07 (210/07), 11/4/07 (77/07)
AUTHOR: Jenny O’Brien, Be Active Coordinator
ATTACHMENTS: Be Active Report – October 2007

PURPOSE OF REPORT:

Reporting period of October 2007 from the Be Active Coordinator for Council information and acknowledgment.

BACKGROUND:

It is current practice for the Be Active Coordinator to periodically provide Council with a report to date of programmes and activities carried out during the current financial year.

COMMENT:

The report prepared by Ms Jenny O’Brien, Be Active Coordinator, covers programmes and activities that have been carried out within the two participating Shires (Moora and Victoria Plains).

The report has also been provided to the other participating shire.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

There are no known legislative requirements related to this item.

STRATEGIC IMPLICATIONS:

Continued activities through this programme within each participating Council’s are of great benefit to the residents and youth of these Districts, which without this sponsorship the projects would not normally be available to them.

SUSTAINABILITY IMPLICATIONS:

- **Environment**
The outdoor activities participants awareness of the environment and creates a better environmental outlook on the life of the people involved.
- **Economic**
Participants contribute to the cost of certain programmes.
- **Social**
The programmes organised by the B.A.C. have a healthy impact on the social and cultural activities of young and old residents of the Shires involved.

FINANCIAL IMPLICATIONS:

The two Shires participating in the programme fund the programmes on a percentage basis.

VOTING REQUIREMENTS

Simple Majority Required

**COUNCIL RESOLUTION
(MANEX RECOMMENDATION)**

221/07 Moved Cr Hawkins, seconded Cr Clydesdale-Gebert that Council note and receive the Be Active Report for the period ended October 2007.

CARRIED 9/0

At 4.38pm the Enterprise Development Manager rejoined the meeting along with the Be Active Coordinator.

12.7.2 APPOINTMENT OF GYM INSTRUCTOR

FILE REFERENCE: BA/MGYI
REPORT DATE: 20 November 2007
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES:
AUTHOR: Jenny O'Brien, Be Active Coordinator
 Rebecca McCall, Manager Economic Development
ATTACHMENTS: Nil

PURPOSE OF REPORT:

This report is to gain support from the Shire of Moora Council to employ a full time Gym Instructor for the Moora Health and Fitness Centre and allocate funds towards the remuneration package. The employment conditions will be a twelve-month contract.

BACKGROUND:

There is a large need for Moora Health and Fitness Centre to be established to provide gym facilities for the community in the Moora District. The Moora Gym Survey was carried out in 2005 and respondents gave an overwhelming 96% yes response to wanting a gym in Moora. The sport and recreation facilities section of the Plan for the Future for the Moora District – 2006-2008 outlines the inclusion of a gym as desirable for any upgrades that occur at the Moora Recreation Centre.

Community members in the Moora District lead a very active lifestyle by using sporting facilities and though involvement in Be Active programs initiated by the Shire of Moora. However, recent studies show that lifestyles diseases such as diabetes, heart diseases etc are increasing in rural Western Australia. The increase in lifestyle diseases is a result of rising levels of obesity and sedentary lifestyles. The Moora Health and Fitness Centre will work towards reducing this trend in the Moora District.

Currently the Moora Recreation Centre is under utilised compared to what it was designed for. The inclusion of the gym at this centre will increase the usage of this facility.

The benefits of the employment of a full time gym instructor are outlined below:

- **Security**
The gym instructor will oversee the equipment making sure that it is being treated and handled correctly. The presence of a staff member will deter theft and vandalism of the gym equipment.
- **Sense of security for novice gym members**
Ensuring that members feel a sense of security and comfort knowing that a fully qualified gym instructor is supervising their workout. Novice / older gym members will benefit from knowing that they are being given attentive service and guided through their workouts thus increasing customer satisfaction.
- **Assistance**
The gym instructor will provide immediate assistance to anyone that requires whether asked for or if they feel they need to step in if they observe that someone has the wrong technique.
- **Safety**
The gym instructor will provide extra safety in numbers when working out after dark especially to women.
- **Administration**
Can complete administrative tasks, which will ease the workload for Customer Service Officers and the Be Active Coordinator at the Shire office.
- **Promote additional services**
Will be able to promote extra services and be the first line of contact for the gym members. Members will see the interaction between the gym instructor and customers and be inspired and motivated to want the same.
- **Take bookings**
Can take bookings for fitness appraisals when requested.
- **OH & S**
Will have a current senior first aid certificate. The Shire will provide a Duty of Care to its gym members by having a qualified instructor available at all times. The instructors training will ensure that the members are using the correct technique on all equipment, observing anyone that is over extending themselves and be able to render immediate assistance to anyone that requires it.
- **Marketing & Promotion**
Renewal of memberships is important for the sustainability of the gym. The gym instructor will provide exception customer service and assist in maintaining client relationships.

COMMENT:

The estimated costs for set up of Moora Health and Fitness in the original Business Plan was \$40,325 (this included two months of ongoing costs), with ongoing costs of \$5,868 per month. It was predicted to have a monthly income of \$7,340 to offset the monthly costs.

Since the original Business Plan we have further investigated the monthly costs of the Moora Health & Fitness Centre and have come up with ongoing costs per month of \$9000. The details of how these figures have been calculated are outlined in Table I.

Table 1: Monthly costs for Moora Health & Fitness

ITEM	DESCRIPTION	COST PER MONTH
Equipment Lease		\$1900
Cleaning	Toilets/bins daily 1 hr @ \$40	\$800
Gym Instructor	12 month contract @ \$35,000	\$2900
Casuals	\$35 per class 2 classes per day = \$350 per week	\$1400
Creche Attendant	\$25 per hour 3 hours per week	\$300
Advertising	Directory & The Advocate	\$84
Maintenance	Equipment \$1000 every 3 months	\$400
Insurance	Public Liability	-
Power, Water	Absorbed by Recreation Centre	-
Water	Refill containers	\$120
Phone		\$100
Admin	One hour @\$40 per hour	\$800
Equipment Replacement		\$200
TOTAL		\$9000

We would put a clause in the contracts for the casual staff that should no one turn up for any classes then they will only be entitled to half the prescribed pay rate. We feel by offering half keeps our casual staff happy considering they still have to turn up to take the classes and the lack of qualified people available to fill the positions.

A crèche facility will be further investigated once the gym is in operation. We have not included the cost of an additional casual attendant to supervise the crèche. The ballet room is the area we have set aside for this service and it would be packed up and set up before and after each session. Thus not limiting the rooms usage and availability to the public. We are happy to work with mothers should they require the service of a crèche to come up with some alternatives for child minding.

To offset these costs the Moora Health & Fitness Centre will need to generate enough income to support these costs. We have structured the membership prices as follows.

One month gym	\$65.00
One month group fitness	\$45.00
Combination	\$90.00
Three month gym	\$156.00
Three month group fitness	\$108.00
Combination	\$216.00
Six month gym	\$273.00
Six month group fitness	\$189.00
Combination	\$378.00
Twelve month gym	\$468.00
Twelve month group fitness	\$324.00
Combination	\$648.00

Casual Use (per visit)	
Gym	\$12.00
Group Fitness	\$10.00

The variety offered in the memberships will promote more sales. Giving members an alternative to memberships i.e. gym only, group fitness only or full memberships including both gym usage and group fitness classes, rather than the one membership in the original Business Plan.

Additional services, such as fitness assessments and personal training will be additional costs. The three month memberships and onwards will include the assessment fee. The one month membership fee will not include this charge. The additional costs are itemised below: -

Fitness appraisals	\$25.00
Personal training	\$40.00 per hour

Club memberships will be offered to all sporting clubs within the Shire. These memberships will be paid up front and will entitle all members season memberships at a reduced rate. These costs are as follows.

Football Membership \$4000.00
(Based on 18 members and a seven month season this averages \$223.00 per member)

Hockey Memberships \$4000.00
(Based on 18 members and a seven month season this averages \$223.00 per member)

From the original survey conducted it has been estimated that the gym will attract 85 ongoing members, these will include twelve, six, three and one month memberships as well as 20 casual attendees.

Table 2: Monthly income for Moora Health & Fitness

ITEM	<u>NUMBER</u>	INCOME PER MONTH
Memberships		
One month group fitness	6	\$240.00
One month combinations	4	\$340.00
Three month group fitness	6	\$576.00
Six month combination	5	\$1785.00
Six month gym	5	\$1260.00
Twelve month gym	4	\$2448.00
Additional		
Casual Gym	20	\$240.00
Personal Training 3 hours per week	3	\$480.00
Fitness Assessments	5	\$125.00
TOTAL		\$7494.00

The above table is conservative as it does not include any Club Memberships and includes memberships on 30 people and not the expected 85. The memberships are based only on covering costs so have not included the potential to sell other memberships available. Additionally, we have 44 letters of support received in August 2007.

It is proposed that the Shire of Moora contribute towards the set up and ongoing costs as a commitment to improved access to health and fitness facilities in the shire.

Below is an outline of the proposed shire contribution:

- Insurance – to be covered by the Shire of Moora's current policy
- Lease – to waive the cost of the \$100 per month lease for the carpeted area of the Moora Recreation Centre
- Staff – to employ one full time and two casual staff members, including all advertising and administration costs for appointment. It is anticipated these costs will be covered by the income generated from memberships.
- Gyprock wall – construction of a permanent wall to separate the carpeted area from the bar area for the gym.
- Signage
- First Aid – supply a full first aid kit for the gym as well as ongoing training for staff members
- Office expenses – such as photocopying, office equipment, stationary, phone. It is anticipated that these costs will be covered by the income generated from memberships (\$800).
- Cleaning Services – in-kind contribution as part of the day to day duties of the Shire of Moora cleaners (\$800).

Table 3: Revised Monthly costs for Moora Health & Fitness

ITEM	DESCRIPTION	COST PER MONTH
Equipment Lease		\$1900
Cleaning	Toilets/bins daily 1 hr @ \$40	-
Gym Instructor	12 month contract @ \$35,000	\$2900
Casuals	\$35 per class 2 classes per day = \$350 per week	\$1400
Advertising	Directory & The Advocate	\$84
Maintenance	Equipment \$1000 every 3 months	\$400
Power, Water	Absorbed by Recreation Centre	-
Water	Refill containers	\$120
Phone		\$100
Admin	One hour @\$40 per hour	-
Equipment Replacement		\$200
TOTAL		\$7,100

The gym instructor will be required to promote memberships and additional services. The service and professionalism they display will be a major selling and promotional feature of the gym. The OH & S and safety benefits will be a feature that will promote the Shires commitment to the community to provide safe environments to recreate in.

It is envisaged that Moora Health and Fitness will grow into a sustainable and profitable business, this will create further employment on top of the one gym instructor and three group fitness staff members that Moora Health and Fitness will initially employ.

The proposed opening times of the Moora Health & Fitness Centre are as follows: -
Monday – Friday 6.30am – 10.30am 5.00pm – 8.30pm
Saturday 8.30am – 11.30am

This will be reviewed after the first three months.

After six months of operation we will be able to provide more accurate breakdown of the monthly costs and can incorporate cleaning, lease etc costs into the budget.

In anticipation of Council approval an Expression of Interest notice has been placed in the local Advocate calling for qualified professionals to register their interest in the proposed position. Interested parties are to submit a copy of their resume and a completed Expression of Interest form. The notice will go into the paper on the 8 November 2007 and the 15 November 2007.

We would like to run a pre Christmas campaign to sell memberships as Christmas presents. The campaign will only be on full gym memberships for 12 months. The prices being as follows:

	NORMAL PRICE	CHRISTMAS PRICE
Twelve month gym	\$468.00	\$421.00
Twelve month group fitness	\$324.00	\$292.00
Combination	\$648.00	\$583.00

RECOMMENDATION

We recommend that at the ordinary Council meeting due 28 November 2007 Council endorse the employment of a gym instructor and two casual instructors on a contract basis, adopt the fees and charges in the Schedule of Charges and allow pre Christmas sales of gym memberships.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

There are no known legislative requirements related to this item.

STRATEGIC IMPLICATIONS:

In accordance with Moora's Strategic Plan under the Key Result Area of "In structure", goal one outlines maintain, improve and increase community facilities and services. This item relates to increasing community facilities and services.

In accordance to Moora's Strategic Plan under Key Result Area of "Growth", strategy one outlines foster community commitment to growth. This item relates to allocating resources to support growth.

SUSTAINABILITY IMPLICATIONS:

➤ **Environment**

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

➤ **Economic**

Economic implications include the income generated through gym membership and casuals users. Creating new business offering employment and trainee opportunities.

➤ **Social**

The development of Moora Health and Fitness will create more value and opportunities to the community. The wellbeing of community members will be enhanced by the services provided by the facility.

The location of Moora Health and Fitness facility will be in the Moora Recreation Centre. This facility will utilise a community building currently under serviced.

The location of the facility will interfere with two community groups that utilise this space for their respective annual events. Consultation with these groups has resulted in working towards alternative arrangements.

FINANCIAL IMPLICATIONS:

There is an allocation of \$40,325 in the 2007/08 financial budget for the outfitting of Moora Health & Fitness. Financial commitments include the appointment of a Gym Instructor for a twelve-month contract at a cost of \$35,000 (\$2,900 per month). Additional costs would include casual appointments for Fitness Instructors of \$16,800 (\$1,400 per month).

Estimated Operational Cost of Gym:

Monthly Expenses	\$7,100 (Table 3)
Monthly Income	\$7,494 (Table 2)

VOTING REQUIREMENTS

Absolute Majority Required

**COUNCIL RESOLUTION
(MANEX RECOMMENDATION)**

222/07 Moved Cr Hawkins, seconded Cr Clydesdale-Gebert that Council;

- 1. endorses the appointment of a full time Gym Instructor for a period of twelve months on a contract basis**
- 2. endorses the appointment of two casual Fitness Instructors for a period of twelve months on a contract basis;**
- 3. all appointments to be reviewed dependent of the viability of Moora Health and Fitness.**
- 4. adopt the fees and charges in the Schedule of Charges and allow pre Christmas sales of twelve month gym memberships.**

CARRIED BY ABSOLUTE MAJORITY 8/1

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

Nil

14. MOTIONS OF AN URGENT NATURE INTRODUCED BY DECISION OF COUNCIL

Nil

15. NOTICE ON MOTIONS FOR THE NEXT COUNCIL MEETING

Cr Hawkins proposed to put the following motion at the next Ordinary Meeting of Council.

Responsible Financial Management For Councillors

“That managers provide assurance in writing to council that each month’s financial activities have been undertaken as follows:

- 1. That purchases represent best value for the Shire of Moora; and*
- 2. That purchases have been made in accordance with the approved budget; and*
- 3. That where a purchase has been made outside the budget, funding arrangements are clearly specified; and*
- 4. Such non-budgeted payments are identified each month on the List of Payments presented to Council*

This proposal to be implemented for a trial period, and the process reviewed thereafter by Council. The trial period to conclude with the official auditing of the 2007-2008 Shire finances”.

16. MATTERS BEHIND CLOSED DOORS**COUNCIL RESOLUTION**

223/07 Moved Cr Barrett-Lennard, seconded Cr McLagan that the meeting move behind closed doors to discuss Item 16.1, Appointment of Manager Economic Development - a matter affecting an employee pursuant to Section 5.23(2)(a) of the Local Government Act 1995.

CARRIED 9/0

At 4.50pm Cr Pond Cr Pond declared an indirect financial interest in Item 16.1, as the applicant is his daughter and he left the meeting.

At 4.50pm the Acting Enterprise Development Manager left the meeting and the meeting moved behind closed doors.

16.1 APPOINTMENT OF MANAGER ECONOMIC DEVELOPMENT

FILE REFERENCE:	HR/PERI/RLM1
REPORT DATE:	20 November 2007
APPLICANT/PROPONENT:	Not Applicable
DISCLOSURE OF INTEREST:	The author of this report has no financial interest in the matter.
PREVIOUS MEETING REFERENCES:	Not Applicable
AUTHOR:	Steven Deckert, Chief Executive Officer
ATTACHMENTS:	Contract of Employment

PURPOSE OF REPORT:

To report to Council on the outcome of the interview process for the position of Manager Economic Development and to seek Council's ratification of the appointment of the Selection Panel's preferred applicant.

BACKGROUND:

Council has appointed councillors Gardiner and McLagan along with the Manager Community Development to assist the CEO in the selection of the preferred applicant to be appointed as Manager Economic Development. More recently, the Shire President has been included in this group.

Advertising for the vacancy of Enterprise Development Manager originally commenced in April 2007, with only three applications being received. At that time it was decided not to proceed and instead await the outcome of a capacity audit being conducted by LGIS Risk Management, which would ascertain if the position remained as is or was in some way changed. While the Capacity Audit is still undergoing a review, the general thrust was that the position would in all intents and purposes remain unchanged, though a name change to Manager Economic Development was agreed to.

Having reached this conclusion, the CEO recommended that rather than re-advertising the position, the original three applicants be considered. On making enquiries with the three applicants and reassessing the applications, Mrs Rebecca McCall was short-listed for interview.

The Selection Panel (excluding the CDM) conducted the interview on Wednesday 14 November 2007 and as a result, Mrs McCall is the preferred applicant for the position.

COMMENT:

As this is a Senior Position as determined by Council Policy in accordance with the Local Government Act, Council is required to endorse the appointment.

Selection Panel members can expand on their decision at the Council Meeting if required.

Also appended to the agenda is a confidential attachment containing the proposed contract of Employment detailing the employment conditions and in particular the proposed salary package.

POLICY REQUIREMENTS:

There are no policy implications in respect to this matter.

LEGISLATIVE REQUIREMENTS:

Section 5.37 of the Local Government Act 1995 and Council Policy 1.5 “Senior Employees”, relates to the appointment of designated senior employees; and Section 5.36 of the Act deals with the Council’s role in ensuring that the Shire is appropriately resourced with staff.

STRATEGIC IMPLICATIONS:

The appointment of the Manager Economic Development is essential in assisting Council achieve its Vision and Goals as stated in its Strategic Plan.

SUSTAINABILITY IMPLICATIONS:➤ **Environment**

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

➤ **Economic**

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

➤ **Social**

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

FINANCIAL IMPLICATIONS:

The position of Manager Economic Development has been provided for in the 2007/08 adopted Budget.

VOTING REQUIREMENTS:

Simple Majority Required

COUNCIL RESOLUTION (MANEX RECOMMENDATION)
--

224/07 Moved Cr McLagan, seconded Cr Keamy that Council:

1. *Endorses the appointment of Mrs Rebecca McCall as Manager Economic Development effective from 28 November 2007;*
2. *Endorses the Contract of Employment as tabled at this meeting and dated 28 November 2007 as the terms and conditions of Mrs McCall’s employment with the Shire.*

CARRIED 8/0

COUNCIL RESOLUTION

225/07 Moved Cr Barrett-Lennard, seconded Cr McLagan that the meeting come out from behind closed doors and re-open to the public.

CARRIED 8/0

The meeting reopened to the public at 5.02pm.

At 5.03pm Cr Pond & the Manager Economic Development rejoined the meeting.

On reopening the meeting to the public, the Shire President read aloud the decision made behind closed doors.

17. CLOSURE OF MEETING

There being no further business, the Shire President declared the meeting closed at 5.06pm.

CONFIRMED

PRESIDING MEMBER