



Ordinary Council Meeting Minutes

Date: 20 July 2011

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 THE COUNCIL CHAMBERS, MOORA
20 JULY 2011

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I. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

I.1 DECLARATION OF OPENING

The Deputy President declared the meeting open at 5.34pm, welcomed visitors and announced:

"Acknowledgment of Country"

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

I.2 DISCLAIMER READING

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

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

2. ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE

ATTENDANCE

CE Gardiner	-	Deputy President
AR Tonkin	-	Councillor
SJ Pond	-	Councillor
CD Hawkins	-	Councillor
DV Clydesdale-Gebert	-	Councillor
R Keamy	-	Councillor
JW McLagan (from 5.52pm)	-	Councillor

LJ Parola	-	Manager Finance & Corporate Services
E N Ross	-	Manager Health, Building & Planning Services

APOLOGIES

OC Cocking	-	Councillor
SA Bryan	-	President
LM O'Reilly	-	Chief Executive Officer
JL Greay	-	Manager Engineering Services
RL McCall	-	Manager Community & Economic Development

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4. PUBLIC QUESTION TIME

Nil

5. PETITIONS AND PRESENTATIONS

Nil

6. APPLICATIONS FOR LEAVE OF ABSENCE

The Presiding member advised that Cr Cocking had applied in writing for leave of absence for the Ordinary Meetings of Council to be held on 17th August 2011 and 21st September 2011, as he would be away from the district for this period.

COUNCIL RESOLUTION

65/11 Moved Cr Pond, seconded Cr Tonkin that Cr Cocking be granted leave of absence for the Ordinary Meetings of Council to be held on 17th August 2011 and 21st September 2011.

CARRIED 6/0

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER

Cr Gardiner attended a Health Strategy group meeting and advised that the committee will be applying for Regional Development and Lands funding for the Moora Frail Aged Lodge.

Cr Tonkin attended the Rural Water Council of WA meeting in Lake Grace on 15 July 2011. He advised that;

- \$600,000 funding remained available to Local Governments for water tanks and that the closing date for applications had been extended to 31 August 2011.
- the proposed changes by the Water Corporation to the minimum flow measures and service standard measures for farmland services and rural water supply schemes was not supported by the Rural Water Council.

Cr Keamy attended a PGA meeting in Perth on 14 July 2011.

8. CONFIRMATION OF MINUTES**8.1 ORDINARY COUNCIL MEETING - 15 JUNE 2011****COUNCIL RESOLUTION**

66/11 Moved Cr Hawkins, seconded Cr Tonkin that the Minutes of the Ordinary Meeting of Council held on 15 June 2011, be confirmed as a true and correct record of the meeting.

CARRIED 6/0

9. REPORTS OF OFFICERS

9.1 CORPORATE SERVICES

9.1.1 LIST OF PAYMENTS AUTHORISED UNDER DELEGATION 1.31

REPORT DATE: 14 July 2011

OFFICER DISCLOSURE OF INTEREST: Nil

AUTHOR: Katie Bailey, Acting Senior Finance Officer

ATTACHMENTS: Accounts Paid Under Delegated Authority

PURPOSE OF REPORT

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

BACKGROUND

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

COMMENT

Accounts Paid under delegated authority are periodically presented to Council.

POLICY REQUIREMENTS

Delegation 1.31 – Payments from Municipal and Trust Funds.

LEGISLATIVE REQUIREMENTS:

Local Government Act 1995 - Section 6.10

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

STRATEGIC IMPLICATIONS

There are no known strategic implications associated with this proposal.

SUSTAINABILITY IMPLICATIONS

➤ Environment

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

➤ Economic

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

➤ Social

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

FINANCIAL IMPLICATIONS

Payments are in accordance with the adopted budget.

VOTING REQUIREMENTS

Simple Majority Required

COUNCIL RESOLUTION (MANEX RECOMMENDATION)
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67/11 Moved Cr Tonkin, seconded Cr Pond that Council notes and endorses the Payments from the Municipal and Trust Funds made under delegation 1.31

Municipal Fund	Cheques 60378 to 60429	\$162,674.35
Direct Debits	EFT 6285 to 6505	\$596,437.36
	Net Pays – PPE 7th June 2011	\$66,441.22
	Net Pays – PPE 21st June 2011	\$74,449.93
	Credit Cards to 13th June 2011	\$5,455.28
Trust Fund	Cheques 4705 to 4709	\$5,797.19
	Total	<u>\$911,255.33</u>

CARRIED 6/0

At 5.52pm Cr McLagan joined the meeting.

9.1.2 STATEMENT OF FINANCIAL ACTIVITY FOR PERIOD ENDED 30 JUNE 2011

REPORT DATE: 13 July 2011

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Leanne Parola, Manager Finance & Corporate Services

ATTACHMENTS: Statement of Financial Activity for the Period Ended 30 June 2011

PURPOSE OF REPORT:

To note and receive the Statement of Financial Activity for the period ended 30 June 2011.

BACKGROUND:

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

COMMENT:

The Statement of Financial Activity for the Period Ended is provided as a separate attachment in Program format. It should be noted that this Statement should not be relied on as an accurate financial statement for the year ended 30 June 2011 as a number of end of year adjustments will need to be made before the Annual Statements can be compiled.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

Local Government Act 1995, Section 6.4

Local Government (Financial Management) Regulations 1996, Clause 34

STRATEGIC IMPLICATIONS:

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

SUSTAINABILITY IMPLICATIONS:

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

FINANCIAL IMPLICATIONS:

Year to date income and expenditure is provided by program to enable comparison to 2010/11 adopted budget.

VOTING REQUIREMENTS

Simple Majority Required

**COUNCIL RESOLUTION
(MANEX RECOMMENDATION)**

68/11 Moved Cr Hawkins, seconded Cr McLagan that Council notes and receives the Statement of Financial Activity for the period ended 30 June 2011.

CARRIED 7/0

9.1.3 LOCAL LAW REVIEW

FILE REFERENCE: PL/LOLI

REPORT DATE: 13 July 2011

APPLICANT/PROPONENT: N/A

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Philip Swain, Philip Swain Consulting

ATTACHMENTS: Nil

PURPOSE OF REPORT:

To obtain Councils approval to initiate a review of the Shire's existing Local Laws, as is required by, and in accordance with, Section 3.16 of the Local Government Act 1995.

BACKGROUND:

Pursuant to Section 3.16 of the Western Australian Local Government Act 1995, a Local Government is required to periodically review its local laws. The review should be undertaken within 8 years from the time of the gazettal of the local law or acceptance of a report of a review of the local law. The aim of a review is to determine whether or not a

Local Government considers that a local law should be retained unchanged, be repealed or be amended. In accordance with guidelines issued by the Western Australian Local Government Association the review process also has the following objectives:

- a) the use of plain English in all local laws that they are easy to read and readily understandable to both the public and the members of Administration;
- b) relevance of any existing local law to the needs of the Shire of Moora;
- c) compliance with the *Local Government Act 1995 (WA)* and other legislation;
- d) deletion of legislative duplication;
- e) avoidance of legislative inconsistency between other local laws, State and Federal legislation;
- f) the creation of laws that are able to stand alone without the need to be cross-referenced.

Furthermore, all local laws are required to be consistent with the National Competition Policy and, unless justified under the Public Benefit Test, should not contain provisions that restrict competition.

The Shire of Moora's Local Laws are overdue for review. Several local laws were gazetted during 1999 and a number of by-laws predating the 1995 Local Government Act are still empowered. Current laws are listed below with the title of the relevant Act they were made pursuant to;

Local Government Act 1995

- 1 Parking By-laws (Gazetted 14/10/1949)
- 2 By-laws for the Control and Management of Town Hall, Moora; Amenities Hall, Moora; Miling Hall, Miling; Watheroo Hall, Watheroo; Bindi Bindi Hall, Bindi Bindi; Coomberdale Hall, Coomberdale; and Round Hill Hall, Round Hill (Gazetted 25 March 1960)
- 3 TV Masts & Antennae (08/04/1960)
- 4 Obstructing Animals and Vehicles Draft Model by-law No. 7 (Gazetted 16/12/1963)
- 5 Stalls & Hawkers (Gazetted 19/03/1982)
- 6 Cemeteries (Gazetted 29/11/1999)
- 7 Prevention of Damage to Streets – Draft Model by-law No. 15 (Gazetted 19/08/1965)
- 8 Fencing (Gazetted 12/10/1967)
- 9 Bylaws Relating to Verandahs and Removal Thereof (Gazetted 04/06/1970)
- 10 Standing Orders (Gazetted 04/07/1997)
- 11 Local Government Property Local Law (Gazetted 29/11/1999)

Dog Act 1976

- 12 Dogs Local Law (Gazetted 29/11/1999)

Health Act 1911

- 13 Model By-Laws Series A (Originally Gazetted 29/12/1944 and subsequently amended and reprinted)

It is important to note that local laws made under Acts other than the Local Government Act are also subject to review and the procedures outlined in the Local Government Act 1995. As potentially there are significant cost savings in undertaking the review of local laws collectively this report proposes the commencement of the procedures described in the Act,

through the advertising of the Shire's intent to review existing Local Laws. The purpose of advertising is to seek comment from the general public relating to the Local Laws.

COMMENT:

The advertisement of the intention to review local laws is the first step in the process set out in section 3.16 of the Local Government Act 1995. It is likely that the Shire will need to pursue amendments to and undertake at least minor alterations and changes of some of its local laws. Some older local laws may warrant repeal.

Additionally, some local laws will need to be considered at the end of the submission period in relation to legislation changes over time. For example there have been, in recent years, significant changes to legislation relating to waste management. The Health Act 1911 had been the legislative head of power controlling the provision of Local Government waste services for many years. The Shire of Moora's Health By-laws (Model By-laws Series A) contain specific provisions relating to the provision of waste services. The development and subsequent adoption of the Waste Avoidance and Resource Recovery Act 2007 (WARR Act), has changed the legislative provisions relating to the Shire's waste services. Whilst transitional provisions have allowed for the empowerment of the existing provisions under the WARR Act the review will highlight the need to remove those provisions from the existing by-laws.

Under transitional provisions within the Local Government Act 1995 a written law that was already in force before being continued as a local law is to be regarded as having commenced when it became a local law. Consequently all Bylaws administered by the Shire prior to the Local Government Act 1995 were continued as Local Laws and are subject to section 3.16 review.

Following the closure of submissions, Administration will produce a report of the review of the local laws and submit the same to Council. In the event that Council decides to repeal or amend any of the local laws, state-wide public notice will again need to be given and copies of the report of the review and any draft amendments are to be made available.

POLICY REQUIREMENTS:

The following current Council policies relate to the making and/or enforcement of the Shire's existing Local Laws;

3.3 Local Laws

That Council make, publicise and review its local laws according to the guidelines below:-
Guidelines.

1. That local law making powers be used sparingly and only after applying the following tests:-
 - Can Council achieve the objective without making a law?
 - Has Council the will and resources to enforce the law?
 - Will practical benefits result from the law?
2. That local laws be worded as simply as possible.
3. That where local laws are site specific, e.g. laws relating to the hall, a copy of the laws be posted, where feasible at the site concerned, or where not considered feasible by the CEO, that an abbreviated version be kept posted at the site stating:-
 - offences and penalties; and
 - that the full laws can be inspected at the Shire Office.
4. That where registration or licensing of an activity, premises or animal is required, the opportunity be taken to issue a leaflet advising of local laws associated with that activity, premises or keeping of that animal.

5. That the President consider making the exercise of the legislative powers by the local government a component of the President's annual report as a means of identifying district problems and steps Council is taking to combat these.

8.4 Fencing Property Adjoining Shire Land

That the Policy in regard to fencing property adjoining land be as under -

1. The reasonable cost of erecting a standard (1.8m) colorbond or similar fence shall be determined.
2. The Shire will contribute one half of the cost so determined as an ex gratia payment.
3. The property owner must arrange quotes, organise construction of the fence and submit a paid account. An officer of the Shire will inspect and authorise payment if the fence so erected is approved.
4. This policy does not apply to fences dividing private land from rights of way, public open space, drainage, Council reserves and roadways.

8.14 Cemetery

That the Catholic and Aboriginal sections at the Moora Cemetery be confirmed as closed and also that re openings in the Aboriginal section are not permitted due to incomplete records.

Whilst policies 8.4 & 8.14 do not materially affect the outcome of the review they relate to matters that could be captured in any amendments if these are proposed as an outcome of the review. Policy 3.3 needs to be considered in the context of any proposed repeals, retention or amendments following the review.

LEGISLATIVE REQUIREMENTS:

In undertaking a review of the local laws, Section 3.16 of the Local Government Act 1995 compels that a Local Government give state-wide and local public notice and make copies of the local laws available to the public. The Council must then consider any submissions made and other administrative issues to determine if a local law should be repealed amended or remain unchanged.

If it is determined by Council that a local law should be amended, a local government is required to again give state-wide notice of the proposed amendment local law. Submissions must be accepted for a period of six (6) weeks. The Council must consider any submissions made before making the amendment local law.

STRATEGIC IMPLICATIONS:

The Shire of Moora Community Strategic Plan includes a Governance and management Goal which the review will contribute to the compliance aspects of, viz;

Review and revise organisational policies and procedures

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:

Direct costs associated with this report will be limited to advertising fees to give state-wide public notice. The preparation of any draft amendment will be undertaken via budgeted expenditure. Following the discussion period, and depending upon any submissions, further amendment review and legal advice may be incurred. If a draft amendment local law is required, and its adoption has been finalised by Council, there will be gazettal costs in due course.

VOTING REQUIREMENTS

Absolute Majority Required

**COUNCIL RESOLUTION
(MANEX RECOMMENDATION)**

69/11 Moved Cr Hawkins, seconded Cr Keamy that Council; give state-wide and local public notice of its intention to review the following Local Laws pursuant to section 3.16 of the Local Government Act 1995 and the principles of National Competition Policy;

Local Government Act 1995

- 1 Parking By-laws (Gazetted 14/10/1949)***
- 2 By-laws for the Control and Management of Town Hall, Moora; Amenities Hall, Moora; Miling Hall, Miling; Watheroo Hall, Watheroo; Bindi Bindi Hall, Bindi Bindi; Coomberdale Hall, Coomberdale; and Round Hill Hall, Round Hill (Gazetted 25 March 1960)***
- 3 TV Masts & Antennae (08/04/1960)***
- 4 Obstructing Animals and Vehicles Draft Model by-law No. 7 (Gazetted 16/12/1963)***
- 5 Stalls & Hawkers (Gazetted 19/03/1982)***
- 6 Cemeteries (Gazetted 29/11/1999)***
- 7 Prevention of Damage to Streets – Draft Model by-law No.15 (Gazetted 19/08/1965)***
- 8 Fencing (Gazetted 12/10/1967)***
- 9 Bylaws Relating to Verandahs and Removal Thereof (Gazetted 04/06/1970)***
- 10 Standing Orders (Gazetted 04/07/1997)***
- 11 Local Government Property Local Law (Gazetted 29/11/1999)***

Dog Act 1976

- 12 Dogs Local Law (Gazetted 29/11/1999)***

Health Act 1911

- 13 Model By-Laws Series A (Originally Gazetted 29/12/1944 and subsequently amended and reprinted)***

CARRIED BY ABSOLUTE MAJORITY 7/0

9.2 HEALTH, BUILDING & PLANNING SERVICES

9.2.1 WAPC 144310 LOTS 404 TO 413 SUBDIVISION - AMALGAMATION

FILE REFERENCE: A54 & A55

REPORT DATE: 23 June 2011

APPLICANT/PROPONENT: Jurien Surveys – Minty Nominees (WA) Pty Ltd

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: 18/5/11 (46/11)

AUTHOR: Ewen Ross, Manager Health, Building and Planning Services

ATTACHMENTS: Application WAPC 114310

PURPOSE OF REPORT:

To advise Council of the planned amalgamation of Lots 404 to 413 Gardiner Street into one lot and obtain Council resolution to advise the Western Australian Planning Commission (WAPC).

BACKGROUND:

The land in question was owned by the Council and has been sold to a developer and subsequent approval of the development application for Lots 404-413 Gardiner Street, Moora subject to conditions. Condition number 7 required “*Amalgamation of the lots 404 to 413*”. In order to clear condition number 7, the applicant has initiated an application for subdivision – amalgamation.

COMMENT:

Council is committed to supporting this application as the requirement was initiated by Council as a condition of the planning approval. Council as the owner of Lot 500 that will be adjacent to the proposed lot 419 is a 5 metre strip that allows the continuation of the right of way from Berkshire Valley Road and Dargai Street. As the applicant intends to use this ROW as access to the new lot, consideration as to placing the condition that Lot 500 is sealed and widened to permit two-way access, particularly to the car park could be considered. However, as this was not a condition placed on the planning approval, it would be inconsistent to now require this ROW to be sealed and widened as part of the amalgamation.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

Planning and Development Act 2005

STRATEGIC IMPLICATIONS:

The amalgamation would support the development of a large “shopping facility” within the Townsite of Moora.

SUSTAINABILITY IMPLICATIONS:

➤ **Environment:**

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

- **Economic:**
The larger lot size would permit the developer to construct a large shopping facility and provided for employment opportunities to support the development of Moora.
- **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)**

70/11 Moved Cr Hawkins, seconded Cr McLagan that Council supports the application WAPC 144310 to amalgamate Lots 404 to 413 Gardiner Street, Moora and advise the Western Australian Planning Commission accordingly.

CARRIED 7/0

9.2.2 EMC SOLAR PLANNING APPROVAL EXTENSION

FILE REFERENCE: A1743 / TP/MO2

REPORT DATE: 12 July 2011

APPLICANT/PROPONENT: EMC Solar

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: 18/2/09 (20/09)

AUTHOR: Ewen Ross Manager Health, Building and Planning Services

ATTACHMENTS: 1. Letter EMC Solar dated 15 June 2011
2. 11.4.2 (18 Feb 09) Report date 15 Jan 09; modified 11 Feb 09

PURPOSE OF REPORT:

To advise Council of an application for an extension of planning approval dated 9 April 2009.

BACKGROUND:

EMC Solar Pty Ltd made application for a planning approval to; “Using an 8 hectare portion of the lot for a Solar Energy Generation Station, Initially a 30KW station will be installed and once up and running, the remainder of the site will be completed.” Council in its approval granted approval subject to conditions including the note as per the Planning and Development Act 2005, that the approval was valid for 2 years. This approval therefore expired on 9 April 2011. EMC Solar now wishes to extend the planning approval for a further 2 years.

COMMENT:

Under the Planning and Development Act 2005, unless specified the normal validity of a planning approval is 2 years. In this case the project has not commenced and the planning approval has lapsed. Council is not able to extend the planning approval as under the Town Planning Scheme No4 clause 7.8.2 it states that;

A written request may be made to the local government for an extension of the term of a planning approval at any time prior to the expiry of the approval period in clause 7.8.1.

In this case the approval has lapsed therefore the Council has no alternative than to advise the applicant that a new application for planning approval is required. Council may consider reduced fees as the application has been considered previously, but in this case there has been a scheme amendment, the use is deemed a “use not listed” and there will be a requirement for public consultation, therefore the cost will need to be assessed at the time of application.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

Planning and Development Act 2005. Town Planning Scheme No4.

STRATEGIC IMPLICATIONS:

The strategic implications of Moora having a solar energy source is it would contribute to overall environmental sustainability, should the application be resubmitted and approved.

SUSTAINABILITY IMPLICATIONS:

➤ **Environment:**

The implications would be vegetation loss and visual impact should a further application be made.

➤ **Economic:**

The provision of solar power would contribute to sustainability and provide for employment opportunities in the construction stage should a further application be made.

➤ **Social:**

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

FINANCIAL IMPLICATIONS:

The financial implications to Council would relate to application for planning approval fee.

VOTING REQUIREMENTS

Simple Majority Required

**COUNCIL RESOLUTION
(OFFICER RECOMMENDATION)**

71/11 Moved Cr Pond, seconded Cr Hawkins that council advises EMC Solar that as their planning approval dated 9 April 2009 has lapsed under the Town Planning Scheme No4, they are required to resubmit an application for planning approval.

CARRIED 7/0

9.2.3 **DRAFT WHEATBELT LAND USE AND PLANNING STRATEGY**

FILE REFERENCE: GA/PLI
REPORT DATE: 12 July 2011
APPLICANT/PROPONENT: N/A
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: 15/6/11 (Item 11.4.1)
AUTHOR: Ewen Ross, Mgr Health, Building and Planning Services
ATTACHMENTS: Nil

PURPOSE OF REPORT:

Council is to consider the opportunity to make comments and a submission on a Draft Wheatbelt Land Use Planning Strategy released by the Western Australian Planning Commission (WAPC) April 2011. (Available www.planning.wa.gov.au consultation documents)

BACKGROUND:

Council considered the report at the last meeting and asked that the document lay on the table. Subsequent to the meeting I have received comments from one Councillor and their comments have been incorporated into the document. Submissions are required by the 19th August 2011.

COMMENT:

Additional comments have been added to the recommendation as requested.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

Planning & Development Act 2005

STRATEGIC IMPLICATIONS:

Although the Wheatbelt strategy is a guiding planning document it will guide decisions by the WAPC should Shires deviate from the intent of the strategy.

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
(OFFICER RECOMMENDATION)**

72/11 Moved Cr Pond, seconded Cr Hawkins that Council lodge a submission to the Western Australian Planning Commission advising of the following observations on the Draft Wheatbelt Land Use Planning Strategy;

- 1. It is noted that Moora is included in the ‘Outer Arc’ sub region along with the Shires of Cunderdin, Dowerin, Quairading, Goomalling, Victoria Plains, and Wongan Ballidu.**
- 2. The Strategy is relatively broad however identifies a general hierarchy of towns, and seems to place a higher emphasis on areas recognised as regional and subregional centres such as Northam, York, Narrogin, Toodyay and Moora.**
- 3. Moora is recognised as a subregional centre in the Strategy hierarchy.**
- 4. There is an inference that almost no growth will occur in rural areas and will only occur in the higher hierarchy centres and areas closer to Perth. The resulting impact is the Strategy may limit growth or expansion opportunities for other ‘lower hierarchy’ regional areas. This negative perception may limit any future expansion or growth, failing to recognise local opportunities and characteristics. Areas such as Watheroo and Miling may be impacted.**
- 5. The Strategy includes an action to “Consider revitalisation of underutilised, serviced towns to provide for future populations” however there is concern that this will be used to promote increased population growth only in those major towns closer to Perth, already identified as being under growth pressure.**
- 6. The Strategy focuses on using existing services and consolidation in existing areas, however fails to recognise the need to protect a towns character and ideals of individual local communities. Whilst some consolidation (of residential areas) may be required, many people living in outer rural towns place a high value on retaining large lots, and do not seek to replicate higher densities or duplicate attributes of Perth urban suburbs. It is the rural character of areas that are highly valued by local rural communities.**
- 7. The specific mention of Moora relates to being a major town and a sub regional centre. This is supported and the growth expected in Moora should be identified in the strategy.**
- 8. The Strategy map examines locations of CBH “receival” bins, airports, and ports. It should also examine areas which have medical facilities such as hospitals, secondary and post secondary education facilities.**
- 9. There is concern that the Strategy seeks to provide a metropolitan ‘consolidate’ solution to population growth. The document needs to recognise that planning should provide increased flexibility for outer regional towns to take advantage of opportunities as they arise, capitalise on building and strengthening local communities by catering for growth.**

10. ***It is unclear as to the extent that the strategy will interfere with future local government strategic planning. Part 2 of the Strategy is relatively ambiguous, non specific and seems to focus on identifying a hierarchy. This may prove advantageous to Moora, being recognised as a subregional town.***
11. ***Existing subdivision approvals are not an accurate indication of ultimate lots to be created. There is no guarantee that approvals will be acted upon and this is acknowledged by the Strategy. Whilst there may overall be sufficient subdivision approvals to cater for future residential growth (of Perth), this does not translate to meeting the growth needs of local communities in Moora or other outer rural towns, Watheroo and Miling.***
12. ***The Strategy should not capitalise on using existing approval statistics to conclude that growth is not required in other regional towns. Approvals for rural residential lots in Chittering and residential in Lancelin do not diminish that future growth may occur in other locations. The Strategy does not recognise that all regional towns may seek to offer a range of lifestyle lots and housing choices to attract new residents, regardless of population numbers.***
13. ***The positive outcome of the strategy for Moora, is that it provides increased justification for future urban growth, employment opportunities, and new industries to locate in larger identified 'regional' and 'subregional' towns. If this is a basis for resources to be directed to projected growth areas, Moora is likely to benefit, which is strongly supported.***
14. ***The Strategy does not offer a high level of support to stimulate further development and growth of existing smaller established towns, particularly those that have steady or declining populations.***
15. ***The Strategy fails to substantially address the difficult issues faced throughout Wheatbelt towns including challenges in providing services and employment opportunities for established smaller communities, local characteristics, higher development and subdivision costs, lack of future planning for infrastructure, limitations in local government resources and budget, lack of technical support, difficulties in attracting developers (with increasing 'up front' requirements such as urban water management plans), and higher construction costs.***
16. ***Whilst the WAPC has examined the wheatbelt region at a broad level, there is concern the document diminishes recognition of established outer regional towns, may contribute towards further population decline in existing communities, and only promotes growth in areas already under pressure. The strategy does not provide any substantial support for smaller regional rural towns.***
17. ***Although a planning strategy, it is felt that the purpose should also reflect the financial support by State Government for service, business, industry and population expansion. It may also include direction as to strategies and funding to research key infrastructure such as energy supply, alternative fertilisers and fuel, waste recycling, food production and marketing.***
18. ***The Strategy needs to be strengthened to reflect joint venture initiatives between all Shires to ensure growth is spread evenly.***

19. *The Strategy is considered negative in that it is reflecting “negative” on “no growth” areas. It would be a stronger document if it addressed the no growth areas, provided possible solutions such as;*
- *Identifying areas that industry and people can be relocated from.*
 - *Offering assistance for existing industry, commercial and business undertakings to expand.*
 - *Identifying assets and promote how they may be improved and expanded.*
20. *The Strategy could be expanded to detail administrative process to ensure clear pathways for Commonwealth, State and Local Government planning procedures that reduce time and costs to applicants.*
21. *The Strategy could be strengthened by including reference to water supplies particularly water capture and storage.*
22. *The Strategy could be strengthened by including more on the development of our natural features and promoting tourism in particular strategic sites, heritage sites, local sites, environmental features and recreation infrastructure.*

CARRIED 7/0

9.3 COMMUNITY & ECONOMIC DEVELOPMENT

Nil

9.4 ENGINEERING SERVICES

Nil

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

Nil

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

The Manager Finance & Corporate Services tabled two confidential items;

1. “Offer for the Purchase of Round Hill Hall”; and
2. “Application for Leave – Chief Executive Officer” for Council’s consideration.

COUNCIL RESOLUTION

73/11 Moved Cr McLagan, seconded Cr Tonkin that Council consider the late items as tabled by the Manager Finance & Corporate Services titled “Offer for the Purchase of Round Hill Hall” and “Application for Leave – Chief Executive Officer”.

CARRIED 7/0

CLOSURE OF MEETING TO THE PUBLIC**COUNCIL RESOLUTION**

74/11 Moved Cr McLagan, seconded Cr Keamy that the meeting move behind closed doors to discuss:

- **Item 11.1, ‘Offer for the Purchase of Round Hill Hall’ as it is a matter which includes information that has a commercial value to a person pursuant to Section 5.23(2)(e)(ii) of the Local Government Act 1995**
- **Item 11.2, ‘Application for Leave – Chief Executive Officer’ as it is a matter affecting employees pursuant to Section 5.23(2)(a) of the Local Government Act 1995.**

CARRIED 7/0

At 6.18pm the meeting moved behind closed doors.

11.1 OFFER FOR THE PURCHASE OF ROUND HILL HALL

Provided to Councillors under confidential cover.

**COUNCIL RESOLUTION
(OFFICER RECOMMENDATION)**

75/11 Moved Cr Keamy, seconded Cr Tonkin that Council advertise its intention to dispose of Lot 50 Moora-Miling Road, Round Hill (the Round Hill Hall) to Mr Gordon Kenneth Whitford for the sum of \$10,000.

CARRIED 5/2

Cr’s McLagan and Gardiner requested their votes against be noted.

At 6.23pm the Manager Finance & Corporate Services and Manager Health, Building & Planning Services left the meeting prior to discussion of item 11.2.

11.2 APPLICATION FOR LEAVE – CHIEF EXECUTIVE OFFICER

Provided to Councillors under confidential cover.

**COUNCIL RESOLUTION
(OFFICER RECOMMENDATION)**

76/11 Moved Cr Hawkins, seconded Cr Gardiner that Council:

- 1) **Approve unpaid leave for the Chief Executive Officer from 8 August 2011 to 8 February 2012.**
- 2) **Agree that Manager Community and Economic Development and Manager Finance and Corporate Service be offered the Acting Chief Executive Officer position for three months each, and that additional resources be put into their departments to backfill them.**

- 3) ***Lease the Chief Executive Officer's Holden Caprice to the Department of Regional Development and Lands for \$800 per month.***

LOST 1/6

REOPENING OF MEETING

COUNCIL RESOLUTION

77/11 Moved Cr Clydesdale-Gebert, seconded Cr Pond that the meeting move out from behind closed doors and re-open to the public.

CARRIED 7/0

At 7.05pm the meeting reopened to the public at which time the Manager Finance & Corporate Services and Manager Health, Building & Planning Services rejoined the meeting.

On reopening the meeting, the Presiding Member read aloud the decision made behind closed doors.

12. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

COUNCIL RESOLUTION

78/11 Moved Cr McLagan, seconded Cr Keamy that the meeting move behind closed doors to discuss:

- ***Item 12.1, 'Legal Action – Outstanding Rates' as it is a matter which includes information about the financial affairs of a person pursuant to Section 5.23(2)(e)(iii) of the Local Government Act 1995; and***
- ***Item 12.2, 'GHD Quote – Contaminated Land' as it is a matter which includes information that has a commercial value to a person pursuant to Section 5.23(2)(e)(ii) of the Local Government Act 1995***

CARRIED 7/0

At 7.06pm the meeting moved behind closed doors.

12.1 LEGAL ACTION – OUTSTANDING RATES

Provided to Councillors under confidential cover.

COUNCIL RESOLUTION (OFFICER RECOMMENDATION)

79/11 Moved Cr McLagan, seconded Cr Pond that Council; in regard to Lot 6, Great Northern Highway, Miling:

- 1) **Exercise its power of sale pursuant to section 6.68(3A) of the Local Government Act 1995, despite not attempting to recover the rates pursuant to section 6.56 of the Local Government Act 1995;**
- 2) **Note that the reason for not commencing proceedings is because the registered proprietor is a deregistered company, and therefore cannot be located; and**
- 3) **Authorise the Chief Executive Officer to take any additional legal action required to recover the outstanding rates.**

CARRIED 7/0

12.2 GHD QUOTE – CONTAMINATED LAND

Provided to Councillors under confidential cover.

COUNCIL RESOLUTION

80/11 Moved Cr Hawkins, seconded Cr Pond that item 12.2 GHD Quote – Contaminated Land lay on the table pending further information.

CARRIED 7/0

REOPENING OF MEETING

COUNCIL RESOLUTION

81/11 Moved Cr Hawkins, seconded Cr McLagan that the meeting move out from behind closed doors and re-open to the public.

CARRIED 7/0

The meeting reopened to the public at 7.24pm.

On reopening the meeting, there were no public present therefore the Presiding Member did not read aloud the decisions made behind closed doors.

13. CLOSURE OF MEETING

There being no further business, the Presiding Member declared the meeting closed at 7.24pm.

CONFIRMED

PRESIDING MEMBER