

**Shire of Moora
Ordinary Council Meeting
11th November 2009**

NOTICE OF MEETING

Dear Elected Member

The next Ordinary Council Meeting of the Shire of Moora
will be held on **Wednesday 11th November 2009**
in the Performing Arts Centre, Moora
commencing at **3.30pm**

LM O'Reilly
Chief Executive Officer
6th November 2009

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

WRITTEN DECLARATION OF INTEREST IN MATTER BEFORE COUNCIL

Chief Executive Officer
Shire of Moora
PO Box 211
MOORA WA 6510

Dear Sir,

Re: Written Declaration of Interest in Matter Before Council

I, ⁽¹⁾ _____ wish to
declare an interest in the following item to be considered by Council at its
meeting to be held on ⁽²⁾
_____ .

Agenda Item ⁽³⁾

The type of interest I wish to declare is: ⁽⁴⁾

- Financial pursuant to Section 5.60A of the Local Government Act 1995
- Proximity pursuant to Section 5.60B of the Local Government Act 1995
- Indirect Financial pursuant to Section 5.61 of the Local Government Act 1995
- Impartiality pursuant to Regulation 11 of the Local Government (Rules of Conduct) Regulations 2007.

The nature of my interest is ⁽⁵⁾

The extent of my interest is ⁽⁶⁾

I understand that the above information will be recorded in the Minutes of the meeting and recorded by the Chief Executive Officer in an appropriate Register.

Yours faithfully,

Signed

Date

1. Insert your name.
2. Insert the date of the Council Meeting at which the item is to be considered.
3. Insert the Agenda Item Number and Title.
4. Tick box to indicate type of interest.
5. Describe the nature of your interest.
6. Describe the extent of your interest (if seeking to participate in the matter under S. 5.68 of the Act).

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SHIRE OF MOORA
ORDINARY COUNCIL MEETING AGENDA
11 NOVEMBER 2009
COMMENCING AT 3.30PM

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Item 11.1.1 Proposed Schedule of meeting dates for 2010

Item 11.2.1 List of Payments Authorised Under Delegation 1.31

Item 11.2.2 Statement of Financial Activity for the Period Ended 31 October 2009

Item 11.4.1 Draft Townsite Expansion Strategies – Miling and Watheroo

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

“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.

2. **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.

3. **ATTENDANCE**

APOLOGIES

PUBLIC

4. **DECLARATIONS OF INTEREST**

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

6. **RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

7. **APPLICATIONS FOR LEAVE OF ABSENCE**

8. PETITIONS AND MEMORIALS

9. ANNOUNCEMENTS BY THE SHIRE PRESIDENT

10. CONFIRMATION OF MINUTES OF THE PREVIOUS MEETINGS

10.1 ORDINARY COUNCIL MEETING – 21 OCTOBER 2009

That the Minutes of the Ordinary Meeting of Council held on 21 October 2009, be confirmed as a true and correct record of the meeting.

11. REPORTS OF OFFICERS

11.1 ADMINISTRATION

11.1.1 REVIEW OF COUNCIL MEETING SCHEDULES

FILE REFERENCE: EN/COA1

REPORT DATE: 11 November 2009

APPLICANT/PROPONENT: Not Applicable

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

PREVIOUS MEETING REFERENCES: 11 July 2007, 23 January 2008

AUTHOR: Lynnette O'Reilly, Chief Executive Officer

ATTACHMENTS: Proposed Schedule of meeting dates for 2010

PURPOSE OF REPORT:

To provide suggested dates for Council approval for meeting dates for the 2010 year to enable public advertising as required by the Local Government Act 1995.

BACKGROUND:

During 2008 and 2009 monthly Council meetings have been successful in conjunction with two briefing sessions per month. It is considered to be appropriate to continue in this format.

COMMENT:

MANEX's view is that meetings should continue in the current format of one Council meeting, on the third Wednesday of the month and two briefing sessions, one on the first Wednesday of the month and the second one following the Council meeting on the third Wednesday of the month. The time of the Council meeting is to remain at a 3.30pm start.

The schedule of meetings has identified the need to adjust the regular meeting times and it is suggested that no Briefing Session be held at the beginning of August as Local Government week is scheduled to be held from 5–7th August. This week also provides the opportunity for professional development during the week. It is therefore recommended that the Council meeting be held on the 18th August with the briefing session to follow.

It is also suggested that the Council meeting proposed for 17th November be rescheduled to the 24th November due to the Local Government Managers Australia (LGMA) State Conference being held from 3rd – 5th November. This allows Managers who are members of the LGMA to attend without absences impacting on the meeting process. It is therefore recommended that the first briefing session of the month be held on the 10th November and the Council meeting on the 24th with the next briefing session to follow.

POLICY REQUIREMENTS:

There are no Council Policies relative to this matter.

LEGISLATIVE REQUIREMENTS:

Section 5.25 (g) of the Local Government Act 1995 stipulates that Regulations may make provision in relation to the giving of public notice of the date and agenda for Council or committee meetings.

Regulation 12 of the Local Government (Administration) Regulations 1996 states;

1. At least once each year a local government is to give local public notice of the dates on which and the time and place at which –
 - (a) the ordinary council meetings; and
 - (b) the briefing sessions that are required under the Act to be open to members of the public or that are proposed to be

open to members of the public; are to be held in the next 12 months.

Sections 5.98 and 5.99 of the Local Government Act 1995 and Regulation 30 of the Local Government (Administration Regulations) 1996 sets the minimum and maximum amounts for the payment of meeting fees.

STRATEGIC IMPLICATIONS:

Enables Council to provide good local government to the district.

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. The holding of Council meetings including all associated costs is provided in the current budget and will be provided for in future budgets.

VOTING REQUIREMENTS:

Simple Majority Required

MANEX RECOMMENDATIONS

That Council,

- 1. Adopts the meeting schedule for the period January 2010 to December 2010 as attached, based on one Ordinary Meeting of Council per month;*

- 2. Advertises the meeting dates in accordance with section 5.25 of the Local Government Act 1995 and Regulation 12 (1) of the Local Government (Administration) Regulations 1996.*
- 3. Confirms the meeting fees to be paid to Councillors at \$140 per meeting and at \$280 per meeting for the Shire President.*

11.2 FINANCIAL DEVELOPMENT

11.2.1 LIST OF PAYMENTS AUTHORISED UNDER DELEGATION 1.31

REPORT DATE: 5 November 2009
OFFICER DISCLOSURE OF INTEREST: Nil
AUTHOR: Leanne Parola, Manager Finance & Corporate Services
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

MANEX RECOMMENDATION

That Council notes and endorses the Payments from the Municipal and Trust Funds made under delegation 1.31:

<i>Municipal Fund</i>	<i>Chqs 59453 to 59497</i>	<i>\$82,231.30</i>
<i>Direct Debits</i>	<i>EFT 3156 to EFT3244</i>	<i>\$223,662.29</i>
	<i>Net Pays – PPE 28 October</i>	<i>\$76,351.80</i>
<i>Total</i>		<i><u>\$382,245.39</u></i>

11.2.2 STATEMENT OF FINANCIAL ACTIVITY FOR PERIOD ENDED 31 OCTOBER 2009

REPORT DATE: 5 November 2009

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 31 October 2009

PURPOSE OF REPORT:

To note and receive the Statement of Financial Activity for the period ended 31 October 2009.

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 31 October 2009 is provided as a separate attachment in Program format. When adopting the budget, Council agreed to set the materiality threshold for monthly financial reporting at plus or minus 10% at program and category levels. The following programs were outside of this threshold as at 31 October 2009.

General Purpose Funding

Expenditure is approximately \$16,000 under the anticipated year to date figure, largely as journals have yet to be done to transfer reserve interest and recognise bank fees.

Law, Order, Public Safety

Expenditure is currently \$19,000 more than the year to date budget, mostly made up of \$15,000 of Emergency Services Levy Payments from the 2007/08 financial year, and a number of small amounts in the Fire Prevention and Crime and Safety Budgets.

Health

Income is almost \$8,926 less than the year to date budget. This is largely due to rent not having been allocated for the Doctors' Residence,

and income not yet being received for the reimbursement of podiatry services.

Expenditure is currently \$8,000 less than the year to date budget. This is made up of a number of minor amounts, the largest being the maintenance on the Doctor's house (\$3,500) and podiatry expenses (\$1,500).

Housing

Expenditure is \$5,000 less than the anticipated budget. This is largely because the expenditure for loan interest on Loan 317 was evenly spread over the year and no payment has been made yet this financial year.

Community Amenities

Income is approximately \$162,000 over the year to date budget. The reason for this is currently being investigated, as no area of significant additional income has been identified at this stage.

Expenditure is approximately \$54,000 under the year to date budget. This is partly a result of the budget for the Moora Water Management Project being spread evenly over the year whilst no expenditure has taken place and the fact that the Recycling Service hasn't started yet.

Recreation & Culture

The year to date income is less than the year to date budget by some \$77,000. This is largely due to the Lotterywest Grant for \$75,000 the Bindi Bindi Community Centre not having been received in August as expected.

Transport

The year to date income is \$64,000 less than expected as a result of a number of vehicle changeovers not occurring when budgeted.

Economic Services

Income is more than \$237,000 under the year to date budget. This is largely due to the balance of funds from the sale of Lots 404-413 Gardiner Street not being received yet.

Expenditure is under the year to date budget by some \$114,000. This is largely as a result of the Caravan Park Upgrade not being completed yet (\$56,000), savings within the fit out of New Chalets (\$34,000), and delays in the Lifestyle Village Project.

Other Property and Services

Income is \$33,000 less than anticipated, largely because the timing of income from Private Works is not known so it has been spread evenly throughout the year and little income has been received to date.

Expenditure is approximately \$100,000 under the year to date budget, largely for the same reason that income is less than anticipated.

Overall

At the moment income and expenditure are both approximately 88% of the year to date budget.

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 2009/2010 adopted budget.

VOTING REQUIREMENTS

Simple Majority Required

MANEX RECOMMENDATION

That Council notes and receives the Statement of Financial Activity for the period ended 31 October 2009.

11.3 OPERATIONAL DEVELOPMENT

11.3.1 BUDGET ITEM – OUTRIGHT PURCHASE OF TWO NEW ROLLERS

FILE REFERENCE: L/TEPI
REPORT DATE: 19 October 2009
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: Nil
AUTHOR: John Greay, Manager Engineering Services
ATTACHMENTS: Nil

PURPOSE OF REPORT:

Quotations closed on Friday 16th October 2009 and are now presented to council for evaluation.

BACKGROUND:

Council has budgeted this year for the purchase of two new rollers to be used on their road construction and maintenance projects.

COMMENT:

The West Australian Local Government Association (WALGA) provides a Preferred Suppliers list to enable councils to call for quotations for certain items of heavy equipment without going to tender. This obviously speeds up the process and gives council more flexibility in purchasing equipment. All eight of the preferred listed suppliers were contacted to make them aware of council's position and five responded as they were the only ones who dealt with compaction equipment.

The quotations are as follows:-

Single Steel Drum Vibrating Roller (approx.12 tonne capacity)

Company	Make / Model	Price	Shell kit	Total
BT Equipment	Bomag BW211D-4	\$145,000	\$12,925	\$157,925
CJD Equipment	Volvo SD116DX	\$165,000	\$14,200	\$179,200

CJD Equipment	Volvo SD160DX	\$195,000	\$14,200
\$209,200			
Earthwest	Multipac CDM512D	\$140,000	not listed
Westrac	Caterpillar CS 56(2008)	\$157,240	\$16,874
\$174,114			
Westrac	Caterpillar CS 56	\$156,000	\$16,874
\$172,874			
Conplant	Ammann ASC110D	\$136,270	\$10,690
\$146,960			

Multi Tyred Pneumatic Ballasted Roller (approx. 24 tonne)

BT Equipment	Bomag BW25RH	\$154,000
CJD Equipment	Volvo PT240R	\$184,000
Earthwest	Multipac YL25C	\$149,610
Westrac	Caterpillar PS300C	\$175,900
Conplant	Ammann AP240H	\$157,400

The field of companies were narrowed down to two, Westrac and BT Equipment and additional discounts were requested should both machines be purchased from the same company. Westrac offered an additional \$8,000 and BT Equipment offered \$10,000 off of a Bomag BPR65/70D reversible vibratory plate compactor (value \$16,500 + GST). Council has budgeted \$5,000 for a second hand plate compactor this year 2009/2010.

Additional information was also sourced from companies in regard to the supply and installation of a compaction meter on the vibrating steel drum roller. BT Equipment that this can be added to their machine for \$11,800 + GST.

POLICY REQUIREMENTS:

Due to using the WALGA Preferred Suppliers list council is able to call for quotations instead of tenders and therefore the tender policy is not required.

LEGISLATIVE REQUIREMENTS:

Local Government Act 1995 (as amended) 3.57

Regulations 11 (1) of the Local Government (Functions & General)

Regulations 1996

STRATEGIC IMPLICATIONS:

Council's road network is strategically important to the development of the district. Having reliable equipment is essential to keeping the road system in good order. All farm inputs and outputs are delivered by road and it will be evident during the forth coming harvest how important a well maintained road construction and maintenance programme is. These rollers are a valuable component of Council's plant and equipment in developing and maintaining this service.

SUSTAINABILITY IMPLICATIONS:**➤ Environment**

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

➤ Economic

A well maintained road system has economic benefits to all road users

➤ Social

The opportunity exists for greater social interaction if a well maintained and safe road network is available to travel on.

FINANCIAL IMPLICATIONS:

Council has budgeted for the changeover of these items of plant in this current financial year. An amount of \$180,000 ex GST has been allowed for a 12 tonne vibrating roller with bolt on padfoot shells and \$180,000 ex GST has also been allowed for a 16 - 24 tonne multi tyred ballasted roller.

VOTING REQUIREMENTS

Simple Majority Required

MANEX RECOMMENDATIONS***That Council***

- 1. accepts the quotation received from BT Equipment for the supply of one only Bomag BW 211D-4 Single Drum roller for \$145,000 ex GST plus bolt on Padfoot Shell Kit for \$12,925 ex GST and including a factory fitted compaction meter for \$11,800 ex GST totalling \$169,725 ex GST.***

and

- 2. accepts the quotation from BT Equipment for the supply of one only Bomag BW25RH Pneumatic multi tyred roller for \$154,000 ex GST.*

11.4 COMMUNITY DEVELOPMENT

11.4.1 DRAFT TOWNSITE EXPANSION STRATEGIES – MILING AND WATHEROO

FILE REFERENCE: TP/TPS1

REPORT DATE: 3 November 2009

APPLICANT/PROPONENT: N/A

OFFICER DISCLOSURE OF INTEREST: Gray & Lewis receive planning fees for advice to the Shire therefore declare a Financial Interest – Section 5.65 of Local Government Act 1995

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Gray & Lewis Landuse Planners

ATTACHMENTS: Draft Townsite Expansion Strategies – Miling and Watheroo

PURPOSE OF REPORT:

- Council is to consider adopting two Draft Townsite Expansion Strategies for the purpose of initiating public advertising. One strategy is for Miling and the second is for Watheroo.
- This report recommends initial adoption of the Draft Townsite Expansion Strategies without modification.

BACKGROUND:

Workshop

On the 22 September 2008, Gray & Lewis attended a workshop held by Shire staff with Councillors to informally discuss strategic planning issues and an omnibus scheme amendment. The workshop also

identified a general need for townsite expansion strategies for Moora, Miling and Watheroo to provide future planning direction.

The Strategy for Moora has been advertised, adopted by the Shire and lodged with the WA Planning Commission for endorsement.

COMMENT:

The townsite expansion strategies will be used to provide for future growth of the towns and for the assessment of scheme amendments.

- Strategy Format

Gray & Lewis liaised closely with the WAPC in the development of a Townsite Expansion Strategy for the Shire of Williams. As part of that process, the WAPC agreed to a specific format for Expansion Strategies.

This Strategy follows the same format agreed to for the Shire of Williams and is consistent with that of the Moora Strategy. The benefit is that it results in a simple strategic tool and it is a document that is easily understood by the community, service authorities and key stakeholders.

- Strategy Content

From the WAPC perspective one of the main considerations is to ensure that the urban growth of townsites is not unduly constrained, and that there are options for unlimited future urban expansion.

The Strategies each examine areas for future residential and rural residential adjacent to existing established areas, and recognizes that retention of the existing 'rural townsite' zoning applicable to both townsites allows for flexibility.

The Strategies effectively provides a ‘broad’ overview of how the Shire sees future growth being planned for in the short, medium and long term for Miling and Watheroo. Because the Strategies will also be referred to the WAPC for endorsement, they may be useful in pursuing future funding for projects.

- *EPA recommended separation distances*

The Environmental Protection Authority (EPA) has draft guidelines which recommend separation distances between specific industrial landuses (such as CBH) and any sensitive landuse such as residential. A 500 metre distance is recommended between the CBH grain elevators and any new residential uses.

Generally Gray & Lewis (and the WAPC) would endeavor to avoid the creation of new residential or rural residential areas within the 500 metre separation distance. The distances are normally adhered to in order to maintain residential amenity, to protect the industry itself and to minimize any landuse conflict due to potential emissions such as dust and noise.

In Miling this is problematic as virtually the whole townsite and surrounds are affected by the 500 metre distance. In Watheroo a southerly residential expansion is logical however would be within the 500 metre distance.

Rather than pre-empt opposition from the WAPC in regards to new residential and rural areas within the ‘buffers’, it is recommended that the strategies proceed in their current form, and be referred to the EPA as part of advertising. Council however should note that this issue will likely cause some discussion at the state planning level, and modifications to the strategies may need to be contemplated.

- *Process*

The following steps should be taken to implement the Townsite Expansion Strategies:

- (i) Initial adoption of both Townsite Expansion Strategies by the Shire of Moora for the purpose of conducting advertising and consultation (which is the purpose of this report).
- (ii) Advertising of the Strategies to relevant authorities, affected landowners and the wider community. Concurrent advertising will save on advertising costs.
- (iii) Consideration of all public submissions and final adoption of the Townsite Expansion Strategies by the Shire of Moora (with or without modification).
- (iv) Approval of each strategy by the Western Australian Planning Commission (with or without modification).
- (v) Implementation of the strategies and actions contained in the respective Townsite Expansion Strategies.

Council will have another opportunity to review both strategies following advertising, and further changes may be considered as a result of public submissions. In the longer term and as short to medium term areas become more developed, Council may consider pursuing a more comprehensive combined Local Planning Strategy for Moora, Miling and Watheroo.

POLICY REQUIREMENTS:

N/A

LEGISLATIVE REQUIREMENTS:

There are no known legislative requirements related to this item.

STRATEGIC IMPLICATIONS:

The Strategies will give direction to the Shire, the Department for Planning and Infrastructure, Western Australian Planning Commission, the Minister and the State Administrative Tribunal in assessment of amendments, subdivision, development, applications for review and provide strategic planning support for this decision making.

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:

Council will be responsible for paying all costs associated with public advertising of the draft strategies.

VOTING REQUIREMENTS:

Simple Majority

MANEX RECOMMENDATIONS

That Council

1. *Adopt the Draft Townsite Expansion Strategies for Miling and Watheroo respectively for the purpose of initiating public advertising.*

2. *Advertise the Draft Strategies concurrently for a minimum of 42 days through:*
 - (i) *A minimum of 2 adverts in local papers;*
 - (ii) *Letters to all landowners whose land is earmarked on the Strategy map;*
 - (iii) *Consultation with relevant service authorities and the Environmental Protection Authority;*
 - (iv) *Display of the Draft Strategies at the Shire office.*

11.5 ENVIRONMENTAL DEVELOPMENT

Nil

11.6 ECONOMIC DEVELOPMENT

Nil

11.7 SPORT AND RECREATION

Nil

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

Nil

13. MOTIONS OF AN URGENT NATURE INTRODUCED BY DECISION OF COUNCIL**14. NOTICE ON MOTIONS FOR THE NEXT COUNCIL MEETING****15. MATTERS BEHIND CLOSED DOORS****16. CLOSURE OF MEETING**

