

**Shire of Moora  
Ordinary Council Meeting  
18<sup>th</sup> March 2009**

**NOTICE OF MEETING**

Dear Elected Member

The next Ordinary Council Meeting of the Shire of Moora  
will be held on **Wednesday 18<sup>th</sup> March 2009**  
in the Miling Pavilion, Miling  
commencing at **6.30 pm**

LM O'Reilly  
Chief Executive Officer  
13<sup>th</sup> March 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, <sup>(1)</sup> \_\_\_\_\_ wish to  
 declare an interest in the following item to be considered by Council at its meeting to be held on  
<sup>(2)</sup> \_\_\_\_\_.

Agenda Item <sup>(3)</sup> \_\_\_\_\_

The type of interest I wish to declare is: <sup>(4)</sup>

- 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 <sup>(5)</sup>

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The extent of my interest is <sup>(6)</sup>

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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**  
**18 MARCH 2009**  
**COMMENCING AT 6.30PM**

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\* Separate Attachments

Item 11.1.1 2008 Compliance Audit Return

Item 11.2.1 List of Payments Authorised Under Delegation 1.31

Item 11.2.2 Statement of Financial Activity for the Period Ended 28 February 2009

Item 11.2.3 Letter from Steven Grant

**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 - 18 FEBRUARY 2009**

*That the Minutes of the Ordinary Meeting of Council held on 18 February 2009, be confirmed as a true and correct record of the meeting.*

**10.2 SPECIAL COUNCIL MEETING - 4 MARCH 2009**

*That the Minutes of the Special Meeting of Council held on 4 March 2009, be confirmed as a true and correct record of the meeting.*

**10.3 SPECIAL COUNCIL MEETING - 4 MARCH 2009**

*That the Minutes of the Special Meeting of Council held on 4 March 2009, be confirmed as a true and correct record of the meeting.*

## **II. REPORTS OF OFFICERS**

### **II.1 ADMINISTRATION**

#### **II.1.1 SHIRE OF MOORA ANNUAL COMPLIANCE AUDIT RETURN FOR 2008**

**FILE REFERENCE:** GA/SCO1  
**REPORT DATE:** 13 March 2009  
**APPLICANT/PROPONENT:** Department of Local Government and Regional Development  
**OFFICER DISCLOSURE OF INTEREST:** The author has no financial or other interest in this matter.  
**PREVIOUS MEETING REFERENCES:** N/A  
**AUTHOR:** Lynnette O'Reilly, Chief Executive Officer  
**ATTACHMENTS:** 2008 Compliance Audit Return

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

The 2008 statutory Compliance Audit Return has been completed for the 2008 calendar year and is being presented to Council for adoption.

#### **BACKGROUND:**

Section 7.13(i) of the Local Government Act 1995 contains provisions for the making of regulations requiring local governments to carry out, in the manner and form prescribed, an audit of compliance whether of a financial nature or not. Local Government (Audit) Regulations prescribe in more detail the requirements of the compliance audit including the requirement for Council to submit a certified copy of the return by 31 March to the Executive Director of the Department.

The Return is considered a very useful device for local governments to check their level of compliance with the legislative requirements of the Local Government Act 1995 and other relevant legislation. Also, the Return forms an important part of the Shire's monitoring program. There is a legal requirement to annually complete the Return.

#### **COMMENT:**

The Compliance Audit has been completed and overall processes and procedures have been effective in ensuring a majority of the requirements have been met. The audit has highlighted a number of areas in need of improvement. On some occasions there have been minor lapses of the Local Government Act 1995 requirements and in other cases work to date has not resulted in the completion of some of the requirements such as the review of Local Laws. These areas will be rectified as soon as practicable.

The areas that were not fully compliant include:

- Lodgement of annual returns by the due date
- Plans for levels and alignments of all public thoroughfares
- Review of all local laws as required

#### **POLICY REQUIREMENTS:**

Nil

**LEGISLATIVE REQUIREMENTS:**

Local Government Act 1995, Section 7.13(i)  
Local Government (Audit) Regulations 13, 14 and 15

**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:**

Where items are required to be rectified, for example completion of Local Law review, further funding may be required to be budgeted in the 09/10 budget.

**VOTING REQUIREMENTS**

Simple Majority Required

**MANEX RECOMMENDATION**

*That Council adopts the attached Compliance Audit Return for the 2008 Calendar Year (1 January 2008 to 31 December 2008) and forward with the duly signed Joint Certification by the President and Chief Executive Officer, to the Executive Director of the Department of Local Government and Regional Development.*

## **11.1.2 SHIRE OF MOORA – INDIGENOUS REFERENCE GROUP**

**FILE REFERENCE:** CC/MAB1  
**REPORT DATE:** 13 March 2009  
**OFFICER DISCLOSURE OF INTEREST:** Nil  
**PREVIOUS MEETING REFERENCES:** Nil  
**AUTHOR:** Lynnette O'Reilly, Chief Executive Officer  
**ATTACHMENTS:** Nil

### **PURPOSE OF REPORT:**

To nominate an Elected Member to the Moora Aboriginal Committee.

### **BACKGROUND:**

The Moora Shire Council has been closely involved with the Aboriginal Community and other agencies in supporting actions to address social and other issues within the Moora community. Council has been requested to provide the opportunity for the Moora Aboriginal Committee to have representation through the Council with a Council representative on the Moora Aboriginal Committee.

### **COMMENT:**

At the Aboriginal Committee Meeting held on 6 March 2009 it was requested that the Committee provide an advisory capacity to Council with the opportunity to represent issues of concern from within the community as well as providing a more effective and formal channel of communication from the Aboriginal community to Council.

It should be noted that meetings are held on an as needs basis, with the next meeting being held on Friday 20 March 2009 at 10.30am.

### **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**

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

**OFFICER RECOMMENDATION**

*That Council advise the Chairperson of the Moora Aboriginal Committee that its representative will be Cr \_\_\_\_\_ for the year to 31 December 2009.*

## **11.2 FINANCIAL DEVELOPMENT**

### **11.2.1 LIST OF PAYMENTS AUTHORISED UNDER DELEGATION 1.31**

**REPORT DATE:** 11 March 2009  
**OFFICER DISCLOSURE OF INTEREST:** Nil  
**AUTHOR:** Darren Friend, 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***

<b><i>Municipal Fund</i></b>	<b><i>Chqs 59000 to 59049</i></b>	<b><i>\$31,412.64</i></b>
<b><i>Direct Debits</i></b>	<b><i>EFT 1990 to EFT 2062</i></b>	<b><i>\$223,110.50</i></b>
	<b><i>Net Pays – PPE 17 Feb</i></b>	<b><i>\$70,519.90</i></b>
	<b><i>Net Pays – PPE 3 Mar</i></b>	<b><i>\$71,218.83</i></b>
<b><i>Total</i></b>		<b><i><u>\$396,261.87</u></i></b>

## **11.2.2 STATEMENT OF FINANCIAL ACTIVITY FOR PERIOD ENDED 28 FEBRUARY 2009**

**REPORT DATE:** 10 March 2009  
**OFFICER DISCLOSURE OF INTEREST:** Nil  
**PREVIOUS MEETING REFERENCES:** Nil  
**AUTHOR:** Darren Friend, Manager Finance & Corporate Services  
**ATTACHMENTS:** Statement of Financial Activity for the Period Ended 28 February 2009

### **PURPOSE OF REPORT:**

To note and receive the Statement of Financial Activity for the period ended 28 February 2009.

### **BACKGROUND:**

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

### **COMMENT:**

The Statement of Financial Activity for the Period Ended is provided as a separate attachment in Program format.

### **POLICY REQUIREMENTS:**

Nil

### **LEGISLATIVE REQUIREMENTS:**

Local Government Act 1995, Section 6.4  
Local Government (Financial Management) Regulations 1996, Clause 34

### **STRATEGIC IMPLICATIONS:**

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

### **SUSTAINABILITY IMPLICATIONS:**

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

### **FINANCIAL IMPLICATIONS:**

Year to date income and expenditure is provided by program to enable comparison to 2008/2009 adopted Budget.

**VOTING REQUIREMENTS**

Simple Majority Required

**MANEX RECOMMENDATION**

*That Council notes and receives the Statement of Financial Activity for the period ended 28 February 2009.*

### **11.2.3 WRITE-OFF OF LONG-TERM CARAVAN PARK RENTAL**

**FILE REFERENCE:** F/DECI & B/MCPI  
**REPORT DATE:** 10 March 2009  
**APPLICANT/PROPONENT:** Steven Grant  
**OFFICER DISCLOSURE OF INTEREST:** Nil  
**PREVIOUS MEETING REFERENCES:** Nil  
**AUTHOR:** Darren Friend, Manager Finance & Corporate Services  
**ATTACHMENTS:** Letter from Steven Grant

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

To consider a request to write-off a debt incurred for long term rental of a caravan site.

#### **BACKGROUND:**

Mr William (Bill) Grant occupied a site at the Moora Caravan Park for from just after the 1999 floods until leaving in September 2008. Mr Grant is now in care and is suffering from dementia. Mr Grant was somewhat erratic in his payment of rent for the site and staff followed him up from time to time in an effort to ensure that his debts were paid. Unfortunately this practice did not always result in the debt being maintained at a minimal level.

His sons are in the process of sorting out Mr Grant's affairs and Steven Grant has enduring power of attorney (EPA) on behalf of his father. The attached letter outlines the current situation concerning Bill Grant and requests that Council writes-off the balance (\$2,486.80) owing for long-term Caravan Park rent.

In addition, an offer is extended to use any proceeds from the sale of Mr Grant's utility, currently stored in the Sheep Pavilion, towards the outstanding debt.

#### **COMMENT:**

The offer made of \$2,500 in full settlement of the outstanding long-term Caravan Park rental is, on face value insufficient however, given the circumstances outlined in the letter from Steven Grant, Council may have little chance of securing additional monies.

Bill Grant's disposable income after aged care fees amounts to \$40 to \$45 per week. This amount may be used to service the outstanding debt over a long period however, Mr Grant would have little left over for personal use.

At present, \$1,193.40 has been raised within the debtors system with the balance of \$3,793.40 yet to be raised. Tracking of long-term Caravan Park residents is via a file kept at the front counter and an "honour system" with the residents themselves. This is to be reviewed to ensure that this matter is not duplicated.

#### **POLICY REQUIREMENTS:**

Council requires that a listing of "uncollectible" debts be presented to each April meeting. This policy is part of the Policy Manual review which is currently being finalised by staff prior to consideration by Council.

#### **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:**

The impact on Council's current financial position will be the \$2,486.80 to be written off.

**VOTING REQUIREMENTS**

Absolute Majority Required

**MANEX RECOMMENDATIONS*****That Council:***

- 1. accepts the amount of \$2,500.00 in full settlement of outstanding long-term Caravan Park rental from Mr William Grant;***
- 2. writes off the balance of \$2,486.80 in outstanding long-term Caravan Park rental for Mr William Grant; and***
- 3. sells the utility surrendered by Mr William Grant and uses any proceeds from the sale as long-term Caravan Park rental.***

## **11.2.4 DONATION – VICTORIAN BUSH FIRES AND QUEENSLAND FLOOD APPEALS**

**FILE REFERENCE:** F/DON1  
**REPORT DATE:** 13 March 2009  
**OFFICER DISCLOSURE OF INTEREST:** Nil  
**PREVIOUS MEETING REFERENCES:** Nil  
**AUTHOR:** Darren Friend, Manager Finance & Corporate Services  
**ATTACHMENTS:** Nil

### **PURPOSE OF REPORT:**

To consider Council assisting both the Local Government's in Victoria and Queensland by way of a donation in the aftermath of bush fires and widespread flooding in the respective states.

### **BACKGROUND:**

The state of Victoria was subjected to a number of bush fires in early February 2009 which resulted in the loss of over 200 lives, at least 2,000 homes and a significant amount of infrastructure. At the same time some 50% of Queensland was subject to flooding which resulted in the loss of homes, livestock and infrastructure.

Following the February Council meeting, several Councillors raised the issue of assistance to these states by way of a donation from Council. An amount of \$5,000 was suggested for each State.

### **COMMENT:**

Council has several options in making donations to the appeals set up for these two disasters:

- Make an unbudgeted donation from the Municipal Fund
- Use Reserve funds from the Community Facilities Reserve
- Reallocate funds from within the 2008/2009 Budget

All of these options have some merit however, the use of funds from the Community Facilities Reserve has the most merit and the least impact on Council's financial position.

Whilst the funds will not be utilised in the manner for which the reserve was established (i.e. within the Shire of Moora), the donations will assist communities in other states with rebuilding their communities which were subjected to the devastation of fire and flood.

Council must advertise its intentions to use the reserve funds in accordance with Section 6.11 (2) of the Local Government Act 1995 however, this should not delay the payment of the donations, subject to Council approval.

As Moora is about to acknowledge the 10<sup>th</sup> Anniversary of the 1999 floods that caused significant damage to personal and community property, perhaps it is timely for Council to repay some of the assistance received across Australia ten years ago.

There has been several appeals established in each state and Council may direct to which appeal its donation is made or delegate authority to the Chief Executive Officer.

**POLICY REQUIREMENTS:**

Nil

**LEGISLATIVE REQUIREMENTS:**

Section 6.11 (2) of the Local Government Act 1995

**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:**

Subject to the resolution of Council, there are no financial implications to Council in relation to this item.

**VOTING REQUIREMENTS**

Absolute Majority Required

**OFFICER RECOMMENDATIONS**

*That Council:*

- 1. Makes a \$5,000 donation to both disaster appeals in Victoria and Queensland on behalf of the Shire of Moora;*
- 2. Utilises funds totalling \$10,000 from the Community Facilities Reserve;*
- 3. Advertises its intentions by way of one month's notice in a local newspaper in accordance with Section 6.11 (2) of the Local Government Act 1995; and*
- 4. Delegates authority to the Chief Executive Officer to determine the appeal receives the money in each state.*

## **11.3 OPERATIONAL DEVELOPMENT**

### **11.3.1 ROBERTS STREET, MOORA - PARKING**

**FILE REFERENCE:** S/ROTI  
**REPORT DATE:** 11 March 2009  
**APPLICANT/PROPONENT:** Cr Colin Gardiner  
**OFFICER DISCLOSURE OF INTEREST:** Nil  
**PREVIOUS MEETING REFERENCES:** Notice of Motion 18<sup>th</sup> February 2009  
**AUTHOR:** John Greay, Manager Engineering Services  
**ATTACHMENTS:** Nil

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

To ease the congestion on Roberts Street for pedestrians, shoppers and motorists.

#### **BACKGROUND:**

When Mr Bob Ritchie (Ganthian Bay Nominees) were given approval to build a new Foodland Store (now IGA) in Roberts Street, opposite the swimming pool, there were two supermarkets in town which effectively meant that traffic was halved. At that time Mr Ritchie also owned Melrose Hardware and Melrose Liquor. Also the Checkpoint Café was then located in Gardiner Street, next to Rumbold Ford which again reduced the traffic parking volume in Roberts Street.

#### **COMMENT:**

The traffic movements and customer parking in Roberts street are making crossing Roberts Street, a shopper or pedestrian physical hazard. With limited shopper parking at IGA it is necessary that as many cars as possible park in the swimming pool carpark and wheel shopping trolleys back and forth. We as Council are currently upgrading the swimming pool carpark hence encouraging or accommodating this pedestrian crossing. Older shoppers and mothers with children at hand are most vulnerable. Ideally a crosswalk would give legal safety to the pedestrians and also temper speed and size of current Roberts Street traffic because of crosswalk inconvenience. Main Roads however are not in favour of this solution. To put this thought forward might gain another insight into this problem. A visit and consultation with Main Roads would be advantageous to all, highlighting the responsibility of Main Roads and Local Government to find a safer solution.

#### **POLICY REQUIREMENTS:**

Nil

#### **LEGISLATIVE REQUIREMENTS:**

There are no known legislative requirements related to this item.

#### **STRATEGIC IMPLICATIONS:**

The known strategic implications associated with this proposal are related to safety of the community within the CBD.

#### **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 will be some financial implications in this years budget should council wish to proceed with a final on ground solution before the 30<sup>th</sup> June 2009.

**VOTING REQUIREMENTS**

Simple Majority Required

**MANEX RECOMMENDATION**

*That Council issue an invitation to Main Roads WA to visit Moora and meet with Council, at a time mutually convenient to both parties, with an aim of finding a solution to the parking problems that currently exist in front of the IGA Store in Roberts Street, Moora.*

## **11.4 COMMUNITY DEVELOPMENT**

### **11.4.1 TOWN PLANNING SCHEME NO 4 – DELEGATION OF POWERS**

**FILE REFERENCE:** TP/PTM11  
**REPORT DATE:** 11 March 2009  
**APPLICANT/PROPONENT:** Various  
**OFFICER DISCLOSURE OF INTEREST:** Nil  
**PREVIOUS MEETING REFERENCES:** Nil  
**AUTHOR:** Trevor Brandy, Acting Manager of Health/ Building & Planning Services  
**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 Manager Health/Building & Planning Services) 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 11 March 2009.

- **A & J Woodward, Lot 810 Cooper Street Moora – Construction of a Steel framed Dwelling (95m<sup>2</sup>) zoning – Special Rural, value \$150,000 (ref 57/09)**
- **Mr J C Timmins, Lot 90 York Street Watheroo - Construction of timber framed Dwelling (98m<sup>2</sup>) zoning – Farming, value \$150,000 (ref 58/09)**
- **Mr & Mrs Broad, Lot 238 McKinley Street Moora - Construction of steel framed Dwelling (156m<sup>2</sup>) zoning – Special Rural, value \$233,361 (ref 59/09)**

#### **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

**MANEX RECOMMENDATION**

*That Council note the town planning applications approved under delegated authority.*

## **11.4.2 APPLICATION TO REDUCE SETBACK**

**FILE REFERENCE:** PA/237-1  
**REPORT DATE:** 24 February 2009  
**APPLICANT/PROPONENT:** Mrs Ingrid McCuish  
**OFFICER DISCLOSURE OF INTEREST:** Nil  
**PREVIOUS MEETING REFERENCES:** Nil  
**AUTHOR:** Trevor Brandy, Acting Manager of Health/Building & Planning Services  
**ATTACHMENTS:** Nil

### **PROPOSAL**

A planning application has been received from Mrs McCuish to construct a carport at her residence on Lot 29 (44) Keane Street Moora. Although the building plans submitted meet with the building requirements, the planned setback from the front boundary does not comply with the Town Planning Scheme No 4, and the Residential Design Codes of W.A.

### **BACKGROUND**

The residence is located in a “residential zone” with an “R” code of 12.5/25 and under the scheme requirements, setback regulations are to be in accordance with the Residential Planning Codes. Under these codes the regulation states that acceptable development is: -

- The setting back of carports and garages are not to detract from the streetscape or appearance of dwellings, or obstruct views of dwellings from the street and vice versa.
- Carports located behind street setback line.
- Carports within the street setback area provided that the width of carport does not exceed 50% of the frontage at the building line and construction allows an unobstructed view between the dwelling and street.
- R12.5 code provides for a minimum setback of 7.5m from the front boundary in this zoning, but in the case of an open view carport, this figure may be reduced by 50% to a minimum of 3.75m.

Mrs McCuish’s application has requested Council to approve the setback of the carport to be at 2.0m from the front boundary to allow for the provision of a suitable construction for the parking of two vehicles. The carport is to be open sided and would not restrict the view to Keane Street.

Council has approved reductions in carport setbacks in the past and although the setback request in this application does not conform to the Residential Design Codes Councils Manager of Health/Building and Planning Services can see no adverse effect on the amenity of the area.

### **PLANNING FRAMEWORK**

The Council having regard to any matter which it is required by the Scheme to consider, to the purpose for which the land is zoned or approved for the use under the Scheme, to the purpose for which land in the locality is used, and to the orderly and proper planning of the locality and the preservation of the amenities of the locality, may refuse to approve any application for planning approval or may grant its approval unconditionally or subject to such conditions as it thinks fit.

**PHYSICAL ASSESSMENT**

The open carport will not preclude visibility any more than at present.

**CONCLUSION**

Under the Residential Design Code the minimum setback requirement under these circumstances would be 3.75m (50% of 7.5m). It is recommended that approval be given to reduce the setback to 2m from the front boundary to allow for the complete cover of applicants vehicles, on the condition that the carport remains an open structure.

**VOTING REQUIREMENTS**

Simple Majority

**MANEX RECOMMENDATION**

*That Council approves the Planning Application from Mrs Ingrid McCuish to reduce the setback for the location of a double carport at Lot 29(44) Keane Street Moora from 3.75m to 2m subject to the following conditions: -*

- *Construction of the carport is in accordance with the plan submitted.*
- *The carport construction remains an open structure.*
- *The setback from the front boundary is to be a minimum of 2 metres.*
- *A building licence is to be obtained from the Manager Health/Building and Planning Services.*

### **11.4.3 PLANNING APPLICATION - EXTENSION TO DEPARTMENT FOR CHILD PROTECTION – REGIONAL OFFICE**

**FILE REFERENCE:** TP/TCD I  
**REPORT DATE:** 3 March 2009  
**APPLICANT/PROPONENT:** Bateman Grundman Architects  
**OFFICER DISCLOSURE OF INTEREST:** Nil  
**PREVIOUS MEETING REFERENCES:** Nil  
**AUTHOR:** Trevor Brandy, Acting Manager of Health/Building and Planning Services  
**ATTACHMENTS:** Nil

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

Council is to consider an application from Bateman Grundman Architects on behalf of the Department for Child Protection for an extension to the existing building on Lot 49 corner Dandaragan/Roberts Street Moora.

#### **BACKGROUND:**

The development proposes an extension to the existing Department for Child Protection office building, to allow for additional staffing requirements. The existing building comprises the original Court House and Gaol (included on the Shires Municipal Inventory) and a weather board extension.

The proposed development occurs at the same floor level as the existing building. The proposed materials to be used are weatherboard external cladding with custom orb roofing sheets.

A Conservation Officer, from the Heritage Council of Western Australia, has assessed the development referral in the context of the identified heritage significance of the place and offers the following comments regarding the proposal.

“Attempts should be made to create a bigger differentiation between the old fabric of the heritage building and the new fabric and design elements of the proposed addition to the place, however, the new fabric should be carried out in a sympathetic manner.”

A 10 year memorandum of understanding has been established between the WA Police and Department for Child Protection.

#### **COMMENT:**

Lots 49, 50 and 51 Roberts Street Moora are zoned Public Purpose under the Shire of Moora Town Planning Scheme No 4.

The context of the proposal complies with the amenity of the scheme.

#### **POLICY REQUIREMENTS:**

The proposal complies with Council’s Municipal Inventory.

#### **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:**

Council Town Planning and Building fees will apply

**VOTING REQUIREMENTS**

Simple Majority Required

**MANEX RECOMMENDATIONS*****That Council:***

- 1. grants planning approval to Bateman Grundmann Architects to proceed to the Building Licence stage of the proposed development at Lot 49 corner Dandaragan/Roberts Street Moora; and***
- 2. consideration be given to the Review of Moora Flood Management Study dated 30 December 2008 when dealing with floor levels and electrical installations.***

## **11.5 ENVIRONMENTAL DEVELOPMENT**

### **11.5.1 REVIEW OF MOORA FLOODPLAIN MINIMUM FINISHED FLOOR LEVEL**

**FILE REFERENCE:** TP/PTMO2  
**REPORT DATE:** 13 March 2009  
**APPLICANT/PROPONENT:** Sinclair Knight Merz (SKM)  
**OFFICER DISCLOSURE OF INTEREST:** Nil  
**PREVIOUS MEETING REFERENCES:** 27/9/2000  
**AUTHOR:** Trevor Brandy Acting Manager Health/Building and Planning Services  
**ATTACHMENTS:** Nil

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

To consider a reduction in the minimum finished floor level (FFL) from 0.5m above the March 1999 flood level to 0.3m above the 1 in a 100 year ARL flood level.

#### **BACKGROUND:**

Council resolved at its Special Meeting on the 27<sup>th</sup> September 2000, the following Building Control Strategies

1. *Any proposed development within the high hazard (floodway) areas should have a hydraulic assessment to determine its impact on flood flows and flood levels. Any development proposal found to have an adverse impact on peak flood at neighbouring properties should not be accepted. A suitably qualified neutral person such as a representative of WRC should make this assessment.*
2. *A minimum finished floor level (FFL) of new buildings should be set at 0.5m above the March 1999 food level.*
3. *For non habitable buildings such as sheds, industrial and commercial sites;*
  - 3.1 *The minimum FFL to be 0.15m above the March 1999 flood level.*
  - 3.2 *Power points, electrical or data connections outlets to be installed 1.0m above floor level.*
  - 3.3 *Windows to be installed no lower than 0.5m above the March 1999 flood level.*
  - 3.4 *Septic tank disposal of waste not to be allowed when connection to the sewer is available.*
  - 3.5 *Chemical storage areas to have a minimum FFL of 0.3m above the March 1999 flood level.*
  - 3.6 *Breather inlets to underground storage tanks to be 0.5m above the March 1999 flood level.*

#### **COMMENT:**

The last 10 years working with this resolution has created problems with the Residential Planning Codes in that privacy consideration to neighbouring properties has been compromised and water flow issues to pre 1999 buildings being disadvantaged.

The 0.5m level was set by the WRC as a 1 in 200 year ARI flood level. The new level has been assessed using the 1 in 100 year ARL and is more acceptable under the R Codes when dealing with privacy issues.

**POLICY REQUIREMENTS:**

Changes to Council Policy will need to be made, subject to Council adopting the recommendations.

**LEGISLATIVE REQUIREMENTS:**

There are no known legislative requirements related to this item.

**STRATEGIC IMPLICATIONS:**

A reduction in FFL from 0.5m to 0.3m will alleviate some of the privacy issues that conflict with the Residential Planning Codes and not adversely affect the amenity of the area.

**SUSTAINABILITY IMPLICATIONS:**

- **Environment**  
Lower FFL will lessen the impact regarding water flow to adjoining properties should there be a recurrence of flooding similar to that experienced in 1999.
- **Economic**  
The costs associated with building in Moora Flood Plain will reduce.
- **Social**  
Privacy to adjoining properties will be more acceptable

**FINANCIAL IMPLICATIONS:**

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

**VOTING REQUIREMENTS:**

Absolute Majority Required

**OFFICER RECOMMENDATIONS**

*That Council:*

- 1. rescinds its resolution passed at its Special Meeting held on the 27<sup>th</sup> of September 2000;*
- 2. adopts the new FFL of 0.3m for new habitable buildings above the March 1999 flood level; and*
- 3. for non habitable buildings such as sheds, industrial and commercial sites, adopts the following;*
  - 3.1 The minimum FFL to be 0.15m above the March 1999 flood Level*
  - 3.2 Power points, electrical or data connections outlets to be installed 1.0m above floor level.*
  - 3.3 Windows to be installed no lower than 0.5m above the March 1999 flood level*
  - 3.4 Septic tank disposal of waste not to be allowed when connection to the sewer is available*
  - 3.5 Chemical storage areas to have a minimum FFL of 0.3m above the March 1999 flood level.*
  - 3.6 Breather inlets to underground storage tanks to be 0.5m above the March 1999 flood level.*

## **11.6 ECONOMIC DEVELOPMENT**

### **11.6.1 INDUSTRIAL LAND ACQUISITION**

**FILE REFERENCE:** ED/TS11  
**REPORT DATE:** 9 March 2009  
**OFFICER DISCLOSURE OF INTEREST:** Nil  
**PREVIOUS MEETING REFERENCES:** 22/10/08  
**AUTHOR:** Rebecca McCall, Manager Economic Development  
**ATTACHMENTS:** Nil

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

For Council to consider formalising an offer to purchase Lots 161-163 Melbourne Street, Lots 169-171 Ranfurly Street and Lots 165-168 Woolawa Street Moora. The land acquisition would create the opportunity to develop land for industry and increase the capacity of the existing industrial park.

#### **BACKGROUND:**

Council has identified the need to increase the existing industrial park within the Moora townsite as currently there is no land available on the market for potential industry-based businesses to establish.

The Shire of Moora initially established the existing industrial park and has recently sold the last Council owned lot within the park. All lots are now privately owned with the majority having a variety of operating businesses established.

There have been significant enquiries over a two-year period with businesses expressing interest for land availability with the intent to relocate or create sister companies in Moora. Enquiries indicate that their preference is to purchase serviced lots.

Council has allocated funds by way of a loan in the 2008/09 Budget to acquire land to develop additional industrial lots. This was considered necessary as there are limited lots available to attract new industries to Moora.

Council has also identified its intention to zone the area surrounding the existing industrial park to 'light industrial' during recent town planning workshops. The proposed industrial park expansion allows for the relocation of the Council Depot which was also identified in the town planning workshops.

The current opportunity to purchase land that is ideal to develop as an extension to the industrial park will ensure the availability of land so future economic growth is not restricted.

At the Ordinary Council Meeting on 22 October 2008 the following motion was put forward:

*Moved Cr Gardiner, seconded Cr Pond that Council;*

- 1. delegates authority to the Chief Executive Officer to secure Lots 161-163 Gardiner Street and Lots 169-171 Ranfurly Street Moora to not exceed the value of \$90,000 for the purpose to develop the land for industry.*

2. *delegates authority to the Chief Executive Officer to secure Lots 165-168 Woolawa Street Moora to not exceed the value of \$56,000 for the purpose to develop the land for industry.*
3. *advertises the proposed loan in accordance with Section 6.20 (2) of the Local Government Act 1995, given the total loan proposed exceeds the 2008/09 Budget provision of \$100,000.*

MOTION LOST 3/5

NOTE: *Point 3 was added to the Manex recommendation as the proposed loan was \$46,000 in excess of the 2008/09 Budget provision for this project.*

NOTE: *Council resolved not to proceed with purchase of the land due to the current world wide economic climate.*

Although this motion was lost Council instructed that the item be revisited in February 2009.

**COMMENT:**

At the Briefing Session on 18 February 2009 Council instructed the Manager Economic Development to progress the land acquisition. An offer to purchase (subject to Council's approval) was submitted for:

Lots 161, 162, 163 Melbourne Street Moora & Lots 169, 170, 171 Ranfurly Street Moora

- \$84,000

Lots 165, 166, 167, 168 Woolawa Street Moora

- \$52,000

There is opportunity for Council to access available funding through LandCorp and the Wheatbelt Regional Grants Scheme to assist with developing services to the lots.

**POLICY REQUIREMENTS:**

There are no policy requirements.

**LEGISLATIVE REQUIREMENTS:**

Section 3.55 and 6.20(2) of the Local Government Act 1995

**STRATEGIC IMPLICATIONS:**

The Shire of Moora's Strategic Plan outlines in the Key Result Area 'Infrastructure' the goal to maintain, improve and increase community facilities and services and identify opportunities for development.

**SUSTAINABILITY IMPLICATIONS:**

➤ **Environment**

There are potential environmental implications associated with this item with the proposed development of industrial land.

➤ **Economic**

There are potential economic implications associated with this proposal including increased investment, diversifying our regions employment and economic base.

➤ **Social**

There are potential social implications associated with this proposal through encouraging new investment and growth which benefits the region.

**FINANCIAL IMPLICATIONS:**

The financial implications will involve a new loan for the amount of \$136,000 which exceeds the \$100,000 allocated in the 2008/09 Budget. Repayments for the loan will need to be included in the 2009/10 Budget.

**VOTING REQUIREMENTS:**

Absolute Majority Required

<b>MANEX RECOMMENDATIONS</b>
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*That Council:*

- 1. delegates authority to the Chief Executive Officer to purchase Lots 161-163 Melbourne Street and Lots 169-171 Ranfurly Street Moora for the sum of \$84,000 for the purpose of developing the land for industry; and*
- 2. delegates authority to the Chief Executive Officer to purchase Lots 165-168 Woolawa Street Moora for the sum of \$52,000 for the purpose of developing the land for industry.*

**11.6.2 MOORA LIFESTYLE VILLAGE**

**FILE REFERENCE:** ED/MRDI  
**REPORT DATE:** 13 March 2009  
**OFFICER DISCLOSURE OF INTEREST:** Nil  
**PREVIOUS MEETING REFERENCES:** 17/12/08 (205/08)  
**AUTHOR:** Rebecca McCall, Manager Economic Development  
**ATTACHMENTS:** Nil

**PURPOSE OF REPORT:**

For Council to consider the development of the Lifestyle Village.

**BACKGROUND:**

At its Ordinary Council meeting on 17<sup>th</sup> December 2008 Council resolved to:

*205/08 Moved Cr Pond, seconded Cr Clydesdale-Gebert that Council;*

- 1. develops stage one of the Moora Gardens Lifestyle Village in accordance with the attached business plan and to include the relocation expenses for interested residents subject to a minimum of 15 residents formally agreeing to relocate their park home to the proposed site.*
- 2. advertises the proposed loan of \$1.135 million in accordance with Section 6.20(2) of the Local Government Act 1995*
- 3. authorises unbudgeted expenditure to be incurred in 2008/09 to commence development in accordance with Section 6.8 of the Local Government Act 1995.*

CARRIED BY ABSOLUTE MAJORITY 8/0

**COMMENT:**

Council staff have been working closely with Civic Legal (Council's Solicitors) in the development of the lease agreement for the Moora Lifestyle Village. The agreement is not yet finalised however is near completion.

To date Council has received fourteen (14) deposits:

- 9 x \$100      \$900 (balance due 9<sup>th</sup> April 2009)
- 2 x \$480      \$960 (paid in full)
- 2 x \$500      \$1,000 (balance due 9<sup>th</sup> April 2009)

Out of the original seventeen expressions of interest received, three have pulled out. The three who no longer wish to relocate to Moora have expressed their gratitude however, due to family and health reasons have decided to remain in Perth and seek alternative accommodation. This outcome has therefore meant that there are now only fourteen residents who wish to relocate to Moora and take advantage of the relocation assistance.

In consideration of the fourteen residents who have committed to the proposal, Council should reconsider the conditions that formed part of its December 2008 resolution. In light of the current growing market for lifestyle living, the development of the Moora Lifestyle Village still remains a worthwhile and viable project that will provide a passive income for Council in future years.

It is the opinion of staff that, once the lifestyle village development commences, more current Kingsway residents will commit to relocating.

Additionally, Council must advertise its proposal in accordance with Section 3.59 of the Local Government Act 1995 as the Moora Lifestyle Village is a major land transaction.

**POLICY REQUIREMENTS:**

Nil

**LEGISLATIVE REQUIREMENTS:**

Section 3.59 of the Local Government Act 1995

**STRATEGIC IMPLICATIONS:**

The Shire of Moora's Strategic Plan outlines in the Key Result Area 'Infrastructure' the goal to maintain, improve and increase community facilities and services. In addition, Key Result Area 'Growth' outlines the goal to attract increased population and investment, to realise our brilliant opportunities and diversify our regions employment and economic base.

**SUSTAINABILITY IMPLICATIONS:**

➤ **Environment**

There are potential environmental implications associated with this proposal with the enhancement of vacant land within Moora.

➤ **Economic**

There are potential economic implications associated with this proposal including economic growth.

➤ **Social**

There are potential social implications associated with this proposal through encouraging new investment and growth which benefits the community at large.

**FINANCIAL IMPLICATIONS:**

The financial implications to Council in relation to this item include unbudgeted expenditure for the development of this proposal. The implications will involve expenditure by way of a loan.

**VOTING REQUIREMENTS:**

Absolute Majority Required

**OFFICER RECOMMENDATIONS**

*That Council:*

- 1. confirms its intentions to develop the Moora Lifestyle Village, subject to no less than 14 residents formally agreeing in writing to relocate their park home to the proposed site;*
- 2. gives State wide public notice of its proposal in accordance with Section 3.59 of the Local Government Act 1995; and*

3. *upon commencement of the development, promotes the Village through marketing strategies.*

## **11.7 SPORT AND RECREATION**

Nil

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

Refer to item 11.3.1.

### **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**