

Shire of Moora
Ordinary Council Meeting
18th February 2009

NOTICE OF MEETING

Dear Elected Member

The next Ordinary Council Meeting of the Shire of Moora
will be held on **Wednesday 18th February 2009**
in the Council Chambers, 34 Padbury Street, Moora
commencing at **3.30 pm**

LM O'Reilly
Chief Executive Officer
13th February 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
18 FEBRUARY 2009
COMMENCING AT 3.30PM

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Item 11.4.3	Subdivision Guide Plan
Item 11.6.1	Tender Submissions
Item 11.7.1	Moora Health & Fitness Operating Status and Future Options

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**

The Chief Executive Officer declares a proximity interest in item 11.4.2, Proposed Solar Energy Generation Station on a Portion of Lot 25 Miling Moora Road, Moora as she is the owner of an adjoining property.

The Manager Economic Development declares an impartiality interest in item 11.7.1, Moora Health & Fitness as she is a member of Moora Health & Fitness.

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 JANUARY 2009

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

11. REPORTS OF OFFICERS

11.1 ADMINISTRATION

11.1.1 CHIEF EXECUTIVE OFFICER'S LEAVE ARRANGEMENTS AND APPOINTMENT OF AN ACTING CEO

FILE REFERENCE: HR/PERI/LMOI

REPORT DATE: 12 February 2009

APPLICANT/PROPONENT: Lynnette O'Reilly, Chief Executive Officer

DISCLOSURE OF INTEREST: The author is the person referred to within the report and therefore declares a financial interest. The extent of the interest is in relation to the value of the leave to be taken.

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Lynnette O'Reilly, Chief Executive Officer

ATTACHMENTS: Nil

PURPOSE OF REPORT:

To formalise the acting arrangements for Rebecca McCall for the period 30/3/09 to the 16/04/09 during the Chief Executive Officer's leave.

BACKGROUND:

As an employee of Council, the Chief Executive Officer is entitled to annual leave and other approved leave however the granting of leave is somewhat different to other employees.

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

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

COMMENT:

The time period is most appropriate for leave as the ensuing budget and end of financial year requirements will make it more difficult to take leave.

POLICY REQUIREMENTS:

There are no policies relevant to this matter.

LEGISLATIVE REQUIREMENTS:

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

Local Government Officers' (WA) Award 1999

Chief Executive Officer's Employment Contract.

STRATEGIC IMPLICATIONS:

There are no specific strategic implications.

SUSTAINABILITY IMPLICATIONS:

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

FINANCIAL IMPLICATIONS:

There are no financial implications to Council in respect to the leave as all leave entitlements are provided for within the Adopted Budget.

VOTING REQUIREMENTS:

Simple Majority Required

MANEX RECOMMENDATIONS

That Council formally approves the appointment of Rebecca McCall as the Acting Chief Executive Officer from 30 March 2009 until 16 April 2009.

11.2 FINANCIAL DEVELOPMENT

11.2.1 LIST OF PAYMENTS AUTHORISED UNDER DELEGATION 1.31

REPORT DATE: 12 February 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

<i>Municipal Fund</i>	<i>Chqs 58956 to 58999</i>	<i>\$117,441.14</i>
<i>Direct Debits</i>	<i>EFT 1854 to 1989</i>	<i>\$434,021.86</i>
	<i>Net Pays – PPE 20 Jan</i>	<i>\$74,024.48</i>
	<i>Net Pays – PPE 3 Feb</i>	<i>\$70,120.03</i>
<i>Trust Fund</i>	<i>Chqs 4537 to 4538</i>	<i>\$500.00</i>
<i>Total</i>		<i><u>\$696,107.51</u></i>

11.2.2 STATEMENT OF FINANCIAL ACTIVITY FOR PERIOD ENDED 31 JANUARY 2009

REPORT DATE: 12 February 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 31 January 2009

PURPOSE OF REPORT:

To note and receive the Statement of Financial Activity for the period ended 31 January 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 2007/2008 adopted budget.

VOTING REQUIREMENTS

Simple Majority Required

MANEX RECOMMENDATION

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

11.2.3 MOORA & DISTRICTS CHILD CARE CENTRE – FEE AMENDMENTS

FILE REFERENCE: CH/COR-1
REPORT DATE: 8 February 2009
APPLICANT/PROPONENT: Child Care Administration
OFFICER DISCLOSURE OF INTEREST: Author has managerial input to Centre
PREVIOUS MEETING REFERENCES: Budget Adoption 6 August 2008
AUTHOR: Michael Prunster, Manager Community Services
ATTACHMENTS: Nil

PURPOSE OF REPORT:

Council to consider the adoption of a new fee structure for the Moora & Districts Child Care Centre.

BACKGROUND:

Due to an increase in the cost of consumable items used at the Child Care Centre and other associated running costs, it is proposed that the fees at the Moora & Districts Child Care Centre be amended to take effect from the 16th March 2009.

A new fee is also proposed to cater for “after schoolers”.

The current and proposed rates are:-

	CURRENT:	PROPOSED:
Full day	\$50.00	\$52.00
Half day	\$27.00	\$30.00
After School (i.e. 3 to 5pm)	N/A	\$18.00

COMMENT:

With the increase in numbers of children attending the Centre and Staff salary adjustments, it is necessary to review the fee structure of the Centre to offset the running costs incurred.

The fees were previously adjusted with the Budget adoption for the 2008/2009 financial year.

The proposed increased fees are comparable with other Centres in the surrounding Shires.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

L.G.A. 1995 – S6.16 – S6.19 – Fees & Charges

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

Increased income for the Centre to offset increased running costs.

➤ Social

The implication of the new hourly rate fee will provide a new service for working parents and participants in the Moora Gymnasium activities.

FINANCIAL IMPLICATIONS:

Increase in fee revenue.

VOTING REQUIREMENTS

Absolute Majority Required

MANEX RECOMMENDATIONS

That Council, in relation to the fees at the Moora and Districts Child Care Centre:

- 1. endorses staff action in the immediate introduction of an “after school” fee of \$18*
- 2. adopts fee increases effective from the 16th March 2009 as listed:-*

<i>Full Day</i>	<i>\$52.00</i>
<i>Half Day</i>	<i>\$30.00</i>
- 3. gives local public notice of the new fee structure in accordance with S6.19 of the Local Government Act 1995.*

11.2.4 BUDGET REVIEW AS AT 31 DECEMBER 2008

REPORT DATE: 12 February 2009
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: Nil
AUTHOR: Darren Friend, Manager Finance & Corporate Services
ATTACHMENTS: Budget Review as at 31 December 2008

PURPOSE OF REPORT:

To consider and adopt the budget review for the Period 1 July 2008 to 31 December 2008.

BACKGROUND:

Local Governments are required to formally conduct a budget review at least once each financial year, between 1 January and 31 March. The budget review allows a detailed comparison of the year to date (YTD) actual results with the adopted or amended budget.

The budget review is to be submitted to Council within 30 days of the review for Council to consider and determine whether or not to adopt the review and any recommendations made within the review.

A copy of the review and Council decision is to be provided to the Department of Local Government and Regional Development within 30 days of the decision by Council.

COMMENT:

The budget review for the period 1 July 2008 to 31 December 2008 has been conducted by management and is provided as a separate attachment to this agenda. The spreadsheet contents show an estimated deficit of \$81,350 as at 30 June 2009. This figure is just that, an estimate and should in no way be construed as an exact indication of Council's position at Balance Day.

The deficit shown as stated is an estimate and can be managed to a balanced figure through the use of reserves and a change in the executive vehicle changeover policy. Additionally, a number of accounts have small savings within them and, given that the attached spreadsheet has a +/- \$4,000 limit, Council is in a sound financial position.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

Regulation 33A - Local Government (Financial Management) Regulations 1996

STRATEGIC IMPLICATIONS:

The budget review helps determine and document any projects that are unlikely to be completed during the budget year and new opportunities that have arisen during the year. The review process ensures management and elected members review the performance of the Council for the year to date and apply corrective actions, if required prior to 30 June to ensure proper financial management is maintained, leading to a balanced budget position at Balance Day.

SUSTAINABILITY IMPLICATIONS:

- **Environment**
There are no known significant environmental implications associated with this proposal.
- **Economic**
The budget review process provides a timely indication of ability of the local government to achieve the budgeted performance for the year and the timing allows corrective actions if required prior to 30 June.
- **Social**
There are no known significant social implications associated with this proposal.

FINANCIAL IMPLICATIONS:

The budget review enables management to establish whether the local government continues to meet its budget commitments. It enables Council to determine whether income and expenditures are in accordance with adopted budget.

VOTING REQUIREMENTS

Absolute Majority Required

MANEX RECOMMENDATION

That Council, having considered the budget review for the period 1 July 2008 to 31 December 2008 adopts the review as tabled, showing an estimated deficit at 30 June 2009 of \$81,350.

11.3 OPERATIONAL DEVELOPMENT

Nil

11.4 COMMUNITY DEVELOPMENT

11.4.1 TOWN PLANNING SCHEME NO 4 – DELEGATION OF POWERS

FILE REFERENCE: TP/PTM11
REPORT DATE: 12 February 2009
APPLICANT/PROPONENT: Maureen Georgy
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: Nil
AUTHOR: Trevor Brandy, Acting Manager Health & 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 & 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 31 January 2009.

- **Maureen Georgy – Lot 12, Ferguson Street, Miling – Construction of shed with 3 bays to house school bus & other vehicles (Area 1011m²) Zoning – Rural Townsite, Value \$38,000 (Ref 36/08)**

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 application approved under delegated authority as shown below:-

- *Maureen Georgy – Lot 12, Ferguson Street, Miling – Construction of shed with 3 bays to house school bus & other vehicles (Area 1011m²)
Zoning – Rural Townsite, Value \$38,000 (Ref 36/08)*

The Chief Executive Officer declares a proximity interest in item 11.4.2, Proposed Solar Energy Generation Station on a Portion of Lot 25 Miling Moora Road, Moora as she is the owner of an adjoining property.

11.4.2 PROPOSED SOLAR ENERGY GENERATION STATION ON A PORTION OF LOT 25 MILING MOORA ROAD, MOORA

FILE REFERENCE: TP/MO2
REPORT DATE: 15 January 2009; Modified 11 February 2009
APPLICANT/PROPONENT: EMC Solar Pty
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: N/A
AUTHOR: Gray & Lewis Land Use Planners
ATTACHMENTS: Site Plan and Photographs
 Table of Submissions

PURPOSE OF REPORT:

Council is to determine an application for a Solar Energy Generation Station on a portion of Lot 25 Miling Moora Road, Moora.

BACKGROUND:

Previous Council Consideration

A report item on this application was referred to Council on the 19th November 2008 (Item 11.5.2).

Council determined that the proposed Solar Energy Generation Station (private utility) may be consistent with the objectives of the Farming zone in accordance with Clause 3.2.5 b) of the Shire of Moora Town Planning Scheme No 4, and resolved to advertise the proposal.

Description of Application

The application has been lodged by EMC Solar and entails the following;

- 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.

The applicant has submitted a site plan and photographs which are included as attachments.

COMMENT:

Zoning

The subject lot is zoned 'Farming' under the Shire of Moora Town Planning Scheme No 4 ('the Scheme').

The objectives of the Farming zone include:

- ensure the continuation of broad hectare farming as the principal landuse in the District and encouraging where appropriate the retention and expansion of agricultural activities.

- consider non rural uses where they can be shown to be of benefit to the District and not detrimental to the natural resources or the environment.

Landuse Classification – Use Not Listed

Unfortunately Town Planning Schemes cannot list all possible landuses, and therefore the Shire of Moora Town Planning Scheme No 4 ('the Scheme') has no specific provisions or definitions applicable to a solar energy generation station.

As the landuse is not defined or listed in the zoning table under the Scheme, it has been processed as a 'Use Not Listed'.

Advertising

The application was advertised for public comment through letters to surrounding landowners and an advertisement in the local newspaper. Two submissions were received and are summarised in the submission table attached.

The concerns raised by adjacent landowners included impact of dust from existing rural activities on the solar operation, health and safety, visual impact/screening vegetation; and general electricity needs.

The main planning issue raised was visual impact to neighbours which has been addressed through recommended Conditions 1-3. The extent of reasonable screening is dependent on the location and distance of neighbours dwellings, therefore the applicant will need to negotiate with Shire Officers to determine the amount and location of any screening (likely to be in the form of tree belts).

Recommendation

The proposed landuse is passive by nature and is only proposed on a portion of the lot, so it does not prejudice continuation of agricultural activities on the remaining lot area. The matters raised in the submissions can be addressed and it is considered that the development is consistent with the objectives of the zone.

Accordingly, conditional approval of the application is recommended.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

Shire of Moora Town Planning Scheme No 4 – statutory requirements explained in the body of this report.

STRATEGIC IMPLICATIONS:

There are no known strategic implications associated with this proposal.

SUSTAINABILITY IMPLICATIONS:

➤ **Environment**

Photovoltaic solar energy power generation (PV or solar power) is a convenient, sustainable, quiet and environmentally clean form of providing long term electrical power solutions.

- **Economic**
There are potential economic benefits as normally related to new construction and development.

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

FINANCIAL IMPLICATIONS:

The Shire pays Gray & Lewis fees for planning advice. All advertising costs have been borne by the Shire however will be partially covered by the planning application fee.

VOTING REQUIREMENTS:

Simple Majority Required

MANEX RECOMMENDATIONS***That Council:***

1. ***Approve the application for a Solar Energy Generation Station (private utility) as it is consistent with the objectives of the Farming zone in accordance with Clause 3.2.5 b) subject to the following conditions;***
 - i) ***Prior to commencement, the applicant to submit a revegetation plan for written approval by the Shire that includes species capable of providing screening where required for visual amenity of any nearby dwellings to the satisfaction of Council.***
 - ii) ***The applicant to undertake revegetation in accordance with a plan approved by Council, and all vegetation is to be planted within 6 months of operation (unless otherwise agreed to in writing by the Shire).***
 - iii) ***All revegetated areas are to be maintained by the applicant at the all times to the satisfaction of Council.***
 - iv) ***Prior to use of the development, vehicle crossovers shall be constructed to the satisfaction and specification of the Shire.***
 - v) ***All stormwater from structures shall be collected and disposed of on-site.***

2. ***Note the receipt of 2 submissions during advertising, and advise the submitters of the Council decision in writing.***

11.4.3 PROPOSED SCHEME AMENDMENT NO. 8 – RE-ZONING LOT 16 FERGUSON STREET, MOORA FROM ‘FARMING’ TO ‘SPECIAL RURAL’

FILE REFERENCE: PA/1765-1

REPORT DATE: 2 February 2009

APPLICANT/PROPONENT: Land InSights (Planning Consultant)

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: 12/12/06 (Min 259/06) & 22.8.07 (Item 11.4.4)

AUTHOR: Gray & Lewis Land Use Planners

ATTACHMENTS: Subdivision Guide Plan

PURPOSE OF REPORT:

Council is to consider adopting Amendment 8 to the Shire of Moora Town Planning Scheme No 4 (for the purpose of initiating public advertising).

Amendment 8 proposes to re-zone Lot 16 Ferguson Street from ‘Farming’ to ‘Special Rural’. The re-zoning would facilitate subdivision of the land into 24 lots.

BACKGROUND:

- ***Previous Council consideration (December 2006)***

An amendment proposal and a preliminary 13 lot subdivision plan was considered by Council at its meeting held on the 13th December 2006. Council resolved to advise Mr Manning that the proposal for the development of Lot 16 Ferguson Street Moora is supported in principle subject to:

- Approval of the subdivision by the Western Australian Planning Commission.
- Zoning of Lot 16 to be amended to ‘Special Rural’ at developers cost.
- Planning application to be lodged with the Shire of Moora together with a final plan of subdivision.
- A Land Capability Assessment and Fire Management Plan will need to be produced.
- All conditions under the Shire of Moora’s Town Planning Scheme No 4 being met.
- All costs and fees associated with the development to be met by the developer.

- ***Previous Council consideration (August 2007)***

An amended subdivision plan proposing 24 lots was considered by Council at its meeting held on the 22 August 2007. Council resolved to advise planning consultants, Land InSights and Messrs R.R, B.W & G.W Manning that the amended proposal for the development of 24 lots within Ferguson Street Moora is supported in principle subject to:

- Approval of the subdivision plan by the WA Planning Commission.
- Zoning of Lot 16 to be amended to ‘Special Rural’ at developers cost.
- Planning application to be lodged with the Shire of Moora together with a final plan of subdivision.

- A Land Capability Assessment and Fire Management Plan will need to be produced.
- All conditions under the Shire of Moora's Town Planning Scheme No 4 being met.
- All costs and fees associated with the development to be met by developer.
- Clarification for proponents that the Moora Race Club supports the access to the Moora Racecourse.
- Confirmation from the proponents that the 5m width for the horse access to the Racecourse is considered sufficient for horse traffic into a narrow corridor.

COMMENT:

- ***New Information lodged by applicant***

In accordance with the August 2007 resolution, the applicant has lodged the following additional information;

1. A Land Capability Assessment compiled by Bill Lullfitz.
2. A Fire Management Plan
3. A letter confirming that the Moora Race Club approve of the subdivision plan and support the access (dated 18 November 2008 and signed by the Treasurer).
4. A Fire Management Plan compiled by Fireplan (consultant).

The information appears sufficient to allow the amendment to progress.

- ***Proposed Townsite Expansion Strategy***

All Scheme amendments require final approval by the Minister for Planning, based on advice from the Western Australian Planning Commission (WAPC).

When the WAPC issued approval for Amendment 6 (subject to modifications) it advised that *'a local planning strategy should be prepared for Moora as a matter of urgency and should include guidance on future population growth and analysis of demand in regard to lot size, supply and other commercial uses, in the wider context of existing land supply in Moora.'*

Gray & Lewis has written to the WAPC and advised that Townsite Expansion Strategies will be pursued and implemented as an interim measure to address immediate strategic planning issues.

Townsite Expansion Strategies present as a much simpler document and have proved successful as a strategic tool for other local governments. Unlike a Local Planning Strategy, townsite expansion strategies can be implemented in a relatively short time period.

Whilst Council can initiate Amendment 8, it is unlikely final approval will be granted by the WAPC / Minister for Planning unless and until a townsite expansion strategy is adopted by Council and WAPC.

WAPC are generally reluctant to support scheme amendments unless they have an approved Local Planning or Townsite Expansion Strategy. Amendments can then be assessed in accordance with a long term plan.

A Draft Townsite Expansion Strategy has been lodged with the Shire, and Gray & Lewis are of the understanding that copies are being circulated to Councillors for preliminary comment. The Strategy will need to be referred to a formal Council meeting to initiate public advertising.

The amendment has already been supported in principle by Council, and is consistent with the Draft Townsite Expansion Strategy which earmarks the land for 'Rural Residential' (different terminology for Special Rural).

- ***Subdivision Guide Plan***

The applicant has submitted a Subdivision Guide Plan (SGP) proposing 24 lots ranging from 1-5 hectares. The SGP includes two road connections to Ferguson Road (required for emergency fire access).

As lots to the immediate east and north are also earmarked for future 'special rural' development, it is recommended that Council have regard for the need for future road linkages to surrounding lots. Council could require the Subdivision Guide plan to be amended to include road linkages to the north and east (as would be a standard requirement).

As a minimum, it is recommended that the two proposed west-east roads (south of lots 1-3) be extended east to provide a future road link and access to adjacent Lot 2997 and Lot 2662. This is considered reasonable from a strategic planning perspective having regard that;

- Whilst those landowners may not be interested in subdivision in the short term, Council has to consider long term planning to achieve the best development outcome.
- It would be undesirable for each future 'special rural' lot to be subdivided individually with no regard for road connections and co-ordination.
- Access to future 'Special Rural' lots is partially constrained due to the river flood fringe on Lots 2997 and 2662.

This has been included in point 2 of the recommendation and is highlighted for Councillor discussion.

- ***Fire Management Plan***

The applicant has submitted a Fire Management Plan (FMP) in support of the amendment. The main points of the FMP include;

- The developer should provide a 50,000 litre concrete tank in a widened road reserve for fire fighting (with 21 metre radius for emergency vehicle turnaround). Once established, the ongoing maintenance of the tank will be borne by the Shire.
- Individual landowners also need to provide a tank for water supply and at least 10,000 litres needs to be retained at any one time for fire fighting.
- A Section 70 Notification should be placed on the titles of each lot to make landowners aware of the Fire Management Plan and their responsibilities under the FMP.

Gray & Lewis are unaware of whether there are any issues in Moora with ongoing maintenance of fire fighting equipment. Fire Management is handled differently by each local government and is highlighted for Councillor discussion.

In some local governments there have been resource issues in funding and maintaining a series of fire fighting equipment. The Shire of Jerramungup Scheme includes provisions so that landowners contribute annually towards ongoing maintenance costs for fire fighting equipment.

- ***Scheme amendment documents***

The applicant has lodged a report in support of the amendment request and subdivision guide plan. The document provides a list of proposed scheme provisions.

Gray & Lewis has included additional clauses in the proposed Schedule 4 provisions to address matters such as;

- Subdivision to be in accordance with a SGP approved by the WAPC.
- The recommendations of the Fire Management Plan including provision of a water tank and notification advice on title for future landowners.
- Notifications on title to ensure future landowners are aware of the proximity to the racecourse and prohibition of residential development in the flood fringe.

If the amendment is formally initiated by Council, the applicant will need to lodge 5 sets of formal scheme amendment documents that include:

- Statutory signing pages and formal scheme amendment resolution;
- A scheme amendment map;
- Incorporate the land capability report and fire management plan as appendices;
- A modified subdivision guide plan (if Council agrees that access to the east should be provided).

POLICY REQUIREMENTS:

There are no Policy implications associated with this proposal.

LEGISLATIVE REQUIREMENTS:

The statutory requirements for Amendments are controlled by the *Planning and Development Act 2005* and the *Town Planning Regulations 1967*. Only the Council can initiate an Amendment, final approval is granted by the Minister for Planning and Infrastructure having regard to advice from the Western Australian Planning Commission.

It is a statutory requirement that all amendments be referred to the Environmental Protection Authority (EPA) for advice prior to any formal advertising. Advertising can only commence once the EPA confirms that no environmental assessment will be required.

STRATEGIC IMPLICATIONS:

The amendment needs to be assessed in context of strategic planning for Moora. The amendment is consistent with the Draft Townsite Expansion Strategy and whilst the document has not been formally considered by Council, it provides sufficient information that provides assurances that the amendment will not prejudice future planning for the area.

SUSTAINABILITY IMPLICATIONS:

- **Environment**
There are no known significant environmental implications associated with this proposal. The applicant has lodged a Land Capability Assessment demonstrating that the land is capable of supporting Special Rural lots.
- **Economic**
There are no known significant economic implications associated with this proposal.
- **Social**
There are no known significant social implications associated with this proposal. There has been general indications from the Shire that there is a demand for more special rural 'lifestyle' lots in Moora.

FINANCIAL IMPLICATIONS:

The Shire will likely need assistance throughout the amendment process. The Shire pays fees to Gray & Lewis for planning advice.

VOTING REQUIREMENTS:

Simple Majority Required

MANEX RECOMMENDATIONS***That Council:***

1. ***Initiate Amendment 8 to the Shire of Moora Town Planning Scheme No. 4 pursuant to Section 75 of the Planning and Development Act 2005 for the purposes of:***
 - (a) ***Re-zoning Lot 16 Ferguson Road, Moora from 'Farming' to 'Special Rural'.***
 - (b) ***Listing Lot 16 Ferguson Road, Moora in 'Schedule 4' of the Scheme as follows;***

PARTICULARS OF LAND		REQUIREMENTS
SR7	Lot 16 Ferguson Road, Moora	<ol style="list-style-type: none"> 1. Subdivision of the land is to generally accord with a Subdivision Guide Plan certified by the Chief Executive officer and approved by the Western Australian Planning Commission. 2. Notwithstanding Clause 3.11.2, no residential development shall be permitted to occur within the identified Flood Fringe. 3. On-site effluent disposal systems servicing the lots shall be to the specifications and satisfaction of both the Shire and the Health Department of Western Australia and shall be limited to high environmental performance systems that have the ability to attenuate nutrients. 4. The site is within an area of high susceptibility to phosphorus export. Use of fertilisers on the site should therefore be minimised.

		<p>5. Residential dwellings developed on each lot shall incorporate a suitably sized rainwater tank to provide a potable water supply. The minimum tank size shall be 120,000 litres.</p> <p>6. Stocking rates shall not exceed those recommended by the Department of Agriculture and Food.</p> <p>7. Landowners of Lots 2-10 shall be advised that there is neighbouring agricultural land uses.</p> <p>8. The Shire shall recommend that the Western Australian Planning Commission place a condition on subdivision that a Notification or Memorial be placed on the Certificate of Title;</p> <p>(i) For proposed lots 10-12 advising that they may be affected by activities associated with the Moora Racecourse; and</p> <p>(ii) For all lots advising that there is a Fire Management Plan and owners have responsibilities that need to be met in accordance with the approved FMP.</p> <p>(iii) For proposed Lots 10-12 advising that residential development in the flood fringe is prohibited.</p> <p>9. The Shire shall recommend that the Western Australian Planning Commission place a condition on subdivision that the developer provide and construct a 50,000 litre concrete water tank for fire fighting at the developers cost with adequate turning areas.</p>
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2. ***Support the Subdivision Guide Plan in general however request the applicant to include east road linkages to adjacent lots which are also earmarked for 'special rural'.***
3. ***Advise the applicant that 5 hardcopy sets and 2 electronic copies of formal scheme amendment documents should be lodged that include:***
 - ***Statutory signing pages and formal scheme amendment resolution;***
 - ***A scheme amendment map;***
 - ***Incorporate the land capability report and fire management plan as appendices;***
 - ***A modified subdivision guide plan.***
4. ***On receipt of the amendment document, 1 hard and electronic copy be sent to Gray & Lewis for referral to the EPA (which is a statutory requirement) for advice, prior to commencement of formal advertising.***

11.5 ENVIRONMENTAL DEVELOPMENT

Nil

11.6 ECONOMIC DEVELOPMENT

11.6.1 TENDER 9/2008 – CONSTRUCTION AND SUPPLY OF TWO CHALETS

FILE REFERENCE: ED/TODI
REPORT DATE: 11 February 2009
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: 17/12/08 (203/08)
AUTHOR: Rebecca McCall, Manager Economic Development
ATTACHMENTS: Tender Submissions

PURPOSE OF REPORT:

To evaluate and accept recently received tenders for the construction and supply of two chalets.

BACKGROUND:

Council resolved by absolute majority at the Ordinary Council Meeting on the 17th December 2008 to:

203/08 *Moved Cr Clydesdale-Gebert, seconded Cr Gardiner that Council advertise to seek tenders from suitably qualified persons or companies for the construction of two, two-bedroom chalets one of which must include disability access.*

CARRIED BY ABSOLUTE MAJORITY 7/0

COMMENT:

The tender advertising for suitably qualified companies to construct and supply two chalets was placed in the Central Midlands & Coastal Advocate. Tender submissions closed on the 6th February 2009. Two tender submissions were received. Both tenders are compiled on the attached for Council's evaluation.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

Section 3.57 of the Local Government Act 1995 relating to tenders for providing goods and services.

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.

SUSTAINABILITY IMPLICATIONS:

- **Environment**
There are potential environmental implications associated with this proposal with the addition of two new chalets in the Moora Caravan Park which shares a boundary with Apex Park.
- **Economic**
There are potential economic implications associated with this proposal including economic growth for the local business community.

➤ **Social**

There are potential social implications associated with this proposal through providing additional services and encouraging visitors to stay in Moora.

FINANCIAL IMPLICATIONS:

The 2008/09 budget includes the provision of \$180,000 by way of a loan for the construction of two chalet units. The financial implications of this proposal would involve expenditure in the way of a loan for the construction and supply of two, two bedroom chalets for a tendered price of \$185,750 (excluding GST). The discounted price if ordering the two chalets is \$181,106.25 (excluding GST). In addition, there will be cost of approximately \$29,156 for fit-out, \$6,000 earthworks and \$6,000 for landscaping. A total cost of approximately \$41,200. Council does have the option to purchase the two chalets in the 2008/09 budget and make provision for the fit out of the chalets and landscaping in the 2009/10 budget. It is an option to cover the earthworks cost from the Economic Development Reserve Fund.

VOTING REQUIREMENTS

Absolute Majority Required

MANEX RECOMMENDATIONS

That Council;

- 1. accepts the tender received from Austeel Homes & Sheds for tender 1/2009 for the construction and supply of two, two bedroom chalets for a tendered price of \$185,750 (excluding GST). Discounted price \$181,106.25 (excluding GST).*
- 2. authorises that the cost of earthworks be covered by utilising funds in the Economic Development Reserve.*
- 3. makes provision for the fit-out of the two chalets in the 2009/10 budget.*

11.6.2 LEE STEERE STREET BUSINESS PLAN

FILE REFERENCE: TP/LSSI
REPORT DATE: 11 February 2009
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: 26/07/06 (130/06), 14/05/07 (55/07, 17/12/08 (204/08)
AUTHOR: Rebecca McCall, Manager Economic Development
ATTACHMENTS: Nil

PURPOSE OF REPORT:

To consider tendering for the residential development on Lee Steere Street Estate (Lots 18-20 Lee Steers Street, Moora).

BACKGROUND:

Council will be aware of the acute housing shortage in the townsite of Moora and the demand for development and subsequent problems with the floodway area within the Moora townsite.

The development of areas for housing has long been an issue for Moora and this has only increased in the last few years with the rapid growth in our region and the demand for suitable housing in the town of Moora.

In recognition of this issue Council resolved to purchase land at the Ordinary Council meeting on the 26th July 2006;

130/06 Moved Cr Gardiner, seconded Cr McLagan that Council proceeds with the option to purchase Lots 18-21 Lee Steere Street, Moora for \$100,000 and proceed with the transaction before the 31st July 2006.

CARRIED BY ABSOLUTE MAJORITY 9/0

The properties are located outside the flood impact area and as such are an excellent opportunity to assist in the development of Moora in a flood free area.

Concept plans have been developed by Statewest Surveying & Planning for Lot 18-20 Lee Steere Street. The plan provides for 31 blocks and the opportunity for future development in the adjoining privately owned Lots. Lot 21 Lee Steere Street is a wooded area and it is proposed to rezone the lot from 'Special Rural' to a 'Scheme Reserve for Conservation'.

In accordance with the Local Government Act 1995, Section 3.59 (1) determines that this development is a Major Land Transaction as the protected consideration is well in excess of the prescribed amount of \$1,000,000. Section 3.59(2) of the Local Government Act 1995 requires that before a local government enters into a Major Land Transaction it must prepare a business plan.

The prepared business plan for the Lee Steere Street Estate includes an overall assessment of the major land transaction and includes the description of the land, development options, recommendations, timelines, service and facilities, demand and financial implications.

At the Ordinary Council meeting on the 17th December 2008 Council resolved to:

204/08

Moved Cr Gardiner, seconded Cr Bryan that Council;

1. *endorses the Lee Steere Street business plan*
2. *advertises state wide public notice of the business plan in accordance with Section 3.59 of the Local Government Act 1995*

CARRIED BY ABSOLUTE MAJORITY 7/1

COMMENT:

The business plan was advertised in the West Australian on the 27th December 2008 and also the Central Midlands & Coastal Advocate on the 15th January 2009 edition. Submissions on the business plan closed on the 6th February 2009. No submissions were received.

Subsequent to the preparation of the business plan, and calling for submissions, Council can proceed with the development provided it is as proposed and is not significantly different from what was advertised. Council can then proceed to call for developers/contractors to either express their interest via expressions of interest, formal process or proceed direct to tender.

Due to the complexity of the development and the requirements of the Local Government Act 1995 it is recommended that Council has the necessary tender documentation prepared by WALGA and perused by Council's solicitors.

It is suggested that prepared tender documents be presented to Council prior to resolving to advertise to tender.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

Section 3.59 of the Local Government Act 1995 relating to commercial enterprises by local government.

STRATEGIC IMPLICATIONS:

The Shire of Moora's Strategic Plan outlines the Key Result Area 'Infrastructure' the goal to maintain, improve and increase infrastructure. Developing residential areas in Moora is strategically important in the development of the district and will address the current housing issues currently experienced in Moora.

SUSTAINABILITY IMPLICATIONS:

➤ **Environment**

There are environmental implications as an application to rezone Lot 21 Lee Steere Street from 'Special Rural' to 'Scheme Reserve for Conservation' has been submitted to the Western Australian Planning Commission.

➤ **Economic**

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

➤ **Social**

The potential social implications associated with this proposal include the increase of a skilled labour force and therefore increase the socio-economic status of Moora.

FINANCIAL IMPLICATIONS:

The 2008/09 financial budget includes an allocation of \$50,000 for professional fees to further progress the proposed Lee Steere Street residential development. The approximate cost to prepare the tender document through WALGA is \$2,000 with an additional approximate cost of \$1,800 for Council's solicitors to peruse the documents.

VOTING REQUIREMENTS

Simple Majority Required

MANEX RECOMMENDATIONS

That Council;

- 1. endorses the preparation of tender documents for the residential development of Lots 18-20 Lee Steere Street Moora.*
- 2. reviews the prepared tender documents prior to resolving to advertise for tenders.*

11.7 SPORT AND RECREATION

11.7.1 MOORA HEALTH & FITNESS

FILE REFERENCE: BA/MGYI
REPORT DATE: 12 February 2009
OFFICER DISCLOSURE OF INTEREST: The author declares an impartiality interest as she is a member of Moora Health & Fitness.
PREVIOUS MEETING REFERENCES: 28/02/07 (41/07) 28/11/07 (222/07)
AUTHOR: Rebecca McCall, Manager Economic Development
ATTACHMENTS: Moora Health & Fitness Operating Status and Future Options

PURPOSE OF REPORT:

To evaluate and determine the future of Moora Health and Fitness.

BACKGROUND:

Moora Health & Fitness was established as a direct result from community feedback received via a survey in 2005 where 92% of respondents indicated they would like a gym located in Moora. During the Ordinary Council Meeting dated 28th February 2007 Council resolved to:

- 41/07 *Moved Cr Craven, seconded Cr Clydesdale-Gebert that Council agree;*
- a. *In principle to establish a gym (namely Moora Health & Fitness) as a shire facility and service to the community.*
 - b. *For the Moora Health & Fitness centre to be located within the Moora Recreation Centre and delegate authority to the CEO to approve any necessary modifications needed to ensure that Moora Health and Fitness centre can operate to its full potential.*
 - c. *That this proposal be advertised for comment.*

CARRIED BY ABSOLUTE MAJORITY 7/2

During the Ordinary Council Meeting dated 28th November 2007 Council resolved to:

- 222/07 *Moved Cr Hawkins, seconded Cr Clydesdale-Gebert that Council:*
1. *endorses the appointment of a full time Gym Instructor for a period of twelve months on a contract basis*
 2. *endorses the appointment of two casual Fitness Instructors for a period of twelve months on a contract bases;*
 3. *all appointments to be reviewed dependent of the viability of Moora Health and Fitness.*
 4. *adopt the fees and charges in the Schedule of Charges and allow pre Christmas sales of twelve month gym memberships.*

CARRIED BY ABSOLUTE MAJORITY 8/1

COMMENT:

The 12 month contract for the full time Gym Instructor has expired. This contract will not be renewed with the final date of employment being 25 March 2009.

The gym has been in operation for 12 months and has seen a variety of members through its doors including the number of transient population that call Moora home for a short time. These members have included Brierty personnel, Pharmacists,

Doctors, Teachers and BGC workers. The gym has provided a means of recreation during their stay and an opportunity to integrate with the local community. As a means of attracting employees to the town the gym has been promoted through various organisations such as the Health Department and local Pharmacy. Local Doctors, Physiotherapists and the Chiropractor have all referred clients to the facility to assist in their rehabilitation through specialist programs.

The number of members over the age of 50 constitutes 75% of users thus providing an avenue for these community members to integrate and be active in a safe and supervised environment. Studies have shown that there is no age limit to participating in a weight training program and the benefits are numerous including:-

- Increases strength and muscle mass. Muscle loss happens through aging and a lack of regular exercise.
- Increases metabolic rate. Sensible strength training results in the use of more calories during the day and reduces the likelihood of fat accumulation.
- Reduces body fat.
- Increases bone mineral density. Slowing down the rate of bone mineral density loss can decrease chances of osteoporosis in later life.
- Reduces resting blood pressure.
- Improves glucose metabolism. This can assist in the prevention of adult onset diabetes.
- Improves cholesterol levels.

The benefits listed above ultimately reduce the pressure on our health services and stimulates a healthier happier community.

The facility has provided an avenue for people not participating in local community sport to be active.

The attached report details the current membership base and financial situation of Moora Health & Fitness. The report outlines options for the future operations of the gym for Council to evaluate and determine.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

There are no known legislative requirements related to this item.

STRATEGIC IMPLICATIONS:

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

SUSTAINABILITY IMPLICATIONS:

➤ **Environment**

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

➤ **Economic**

The Moora Health & Fitness helps assist attracting highly skilled employees to Moora who are after facilities, such as a gym, that are available to them in larger centres.

➤ **Social**

Increases in physical activity improve both the physical and mental health of the community within the Moora district.

FINANCIAL IMPLICATIONS:

The 2008/09 budget outlined a \$10,933 deficit. After reviewing the operation and revenue figures to date the estimated deficit is \$35,000. This estimated deficit includes the cost involved to install an electronic control access to Moora Health & Fitness. It is an option to utilise the Community Facilities Reserve Fund to pay the residual for the gym equipment after the lease expires in February 2010. The residual payment is \$16,164.

VOTING REQUIREMENTS

Simple Majority Required

MANEX RECOMMENDATION

That Council;

- 1. authorises the installation of an electronic control access to Moora Health & Fitness.*
- 2. continues operations of Moora Health & Fitness without a full-time gym instructor.*

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