

**Shire of Moora
Ordinary Council Meeting
28th March 2007**

NOTICE OF MEETING

Dear Elected Member

The next Ordinary Council Meeting of the Shire of Moora
will be held on **Wednesday 28th March 2007**
in the Miling Pavilion, Miling
commencing at **6.30 pm**

SJ Deckert
Chief Executive Officer
23rd March 2007

COUNCIL MEETING DAY PROGRAMME

- 2.15pm Shire vehicles depart Shire office (please advise if you require a lift)
- 3.00pm Afternoon tea at the Miling Pavilion
- 3.30pm Briefing Session commences
- 6pm Short break
- 6.30pm Council Meeting commences
- 8pm approx Council Meeting concludes followed by supper & fellowship

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 / Proximity / Indirect Financial /
 Conflict (impartiality) pursuant to ⁽⁵⁾ Section 5.65 of the Local Government Act 1995 /
 Clause 1.3 of Councils Adopted Code of Conduct.

The nature of my interest is ⁽⁶⁾ _____

I wish to be present and participate in any discussion and/or decision making procedure
 relating to the item and therefore would like Council to declare that my interest in the
 matter is ⁽⁷⁾ _____

The extent of my interest is ⁽⁸⁾ _____

I understand that the above information will be recorded in the minutes of the meeting
 and placed in the Financial Interest 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. Delete type of interest not applicable.
5. Delete reference, which is not applicable.
6. Insert the nature of your interest.

Please note: The section pertaining to the following notes should only be completed if the Councillor
 making the declaration requires a Council decision to participate in the matter.

7. Insert either "Trivial" or "In common with a significant number of ratepayers or electors".
8. Insert the extent of your interest.

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SHIRE OF MOORA
ORDINARY COUNCIL MEETING AGENDA
28 MARCH 2007
COMMENCING AT 6.30PM

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Item 11.1.2 2006 Compliance Audit Return

Item 11.1.3 Common Seal Proof

Item 11.2.1 Statement of Financial Activity for the Period Ended 28 February 2007

Item 11.2.2 Draft Investment Policy

Item 11.2.3 Delegation 1.32 Investment of Municipal Funds and Reserve Funds

Item 11.3.1 MRWA Realignment Maps

Item 11.4.2 Location/position map

Item 11.7.1 Be Active Report – February 2007

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 - 14 MARCH 2007

That the Minutes of the Ordinary Meeting of Council held on 14 March 2007, be confirmed as a true and correct record of the meeting.

11. REPORTS OF OFFICERS

11.1 ADMINISTRATION

11.1.1 ADOPTION OF NEW POLICY – PURCHASING AND TENDER POLICY

FILE REFERENCE: PL/POPI
REPORT DATE: 22 March 2007
APPLICANT/PROPONENT: Nil
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: Nil
AUTHOR: Jo-Anne Ellis, Financial Development Manager
ATTACHMENTS: Draft Purchasing and Tender Policy

PURPOSE OF REPORT:

To consider and adopt a Purchasing and Tender Policy to deliver a best practice approach and procedures to purchasing in the Shire of Moora and to ensure consistency for all purchasing activities within the Shire of Moora.

BACKGROUND:

A 2007 amendment to the Local Government (Functions and General) Regulations 1996 now require all Local Governments to have a purchasing policy in relation to contracts for other persons to supply goods or services where the consideration is, or is expected to be, \$100,000 or less.

COMMENT:

A model Purchasing Policy was developed by WALGA and distributed to member councils as a template to assist with meeting the new requirements. This policy has been reviewed and adapted to be relevant and appropriate for the Shire of Moora.

All Councils policies require reviewing and updating. As part of this process a new numbering system is suggested. The policy number recommended for this policy is FIN 002.

POLICY REQUIREMENTS:

Adoption of this draft policy will create a new policy requirement.

LEGISLATIVE REQUIREMENTS:

Local Government Act 1995, Section 3.57

Local Government (Functions and General) Regulations 1996

Local Government (Functions and General) Amendment Regulations 2007

STRATEGIC IMPLICATIONS:

Council's role is to adopt policy for officers to follow to ensure functions are being carried out within the intention of Council.

SUSTAINABILITY IMPLICATIONS:**➤ Environment**

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

➤ Economic

Although there are no known significant economic implications associated with this proposal the policy may improve purchasing practices and result in cost savings and/or purchase of a more appropriate good/service.

➤ 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 adopts the attached document "Draft Purchasing and Tender Policy" and the policy becomes Policy FIN 002 – Purchasing and Tender Policy.

11.1.2 SHIRE OF MOORA ANNUAL COMPLIANCE AUDIT RETURN FOR 2006

FILE REFERENCE: GA/SCO1
REPORT DATE: 22 March 2007
APPLICANT/PROPONENT: Department of Local Government & Regional Development
DISCLOSURE OF INTEREST: The author has no financial interest in this matter, however declares an impartiality/conflict interest pursuant to Council's Code of Conduct arising from the author's statutory compliance responsibilities as CEO. The author declares that he will put aside the interest and consider the matter without bias.
PREVIOUS MEETING REFERENCES: Not Applicable
AUTHOR: Steven Deckert, Chief Executive Officer
ATTACHMENTS: 2006 Compliance Audit Return

PURPOSE OF REPORT:

The 2006 statutory Compliance Audit Return has been completed for the 2006 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:

Last year, Council engaged the services of the Department of Local Government and Regional Development to conduct the 2005 compliance audit. This resulted in a detailed report identifying a number of non-compliances. Subsequently, Manex prepared a report to Council outlining how these non-compliances were to be addressed. The timeframes in the Manex Report indicated that the non-compliances would be addressed by the end of the first quarter of 2007. Whilst some non-compliances have been resolved a number are still outstanding and it is anticipated that these will be progressively addressed during the remainder of 2007. The March 2007 deadline has not been possible due to staff vacancies and other priorities resulting from a high workload.

The 2006 Compliance Audit has been completed by staff and a copy of the Return is enclosed with this agenda. As a consequence of not being able to address all non-compliances of 2005, Council will note that there are still a number of non-compliances. In fact, as these will only be addressed this financial year, the

Compliance Audit for 2007 will also report a number of non-compliances, with 2008 being the year that our Return should demonstrate a positive improvement.

Council is now required to consider the enclosed Compliance Audit Return and adopt the Return either with or without modification. Once adopted by Council, the Shire President and the Chief Executive Officer can sign the certification and submit the Return to the Executive Director.

POLICY REQUIREMENTS:

There is no Council Policy relative to this issue.

LEGISLATIVE REQUIREMENTS:

- Section 7.13 (i) of the Local Government Act 1995; and
- 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:

There are no budget or financial implications relative to this issue, though staff resources will be required to implement improvements to rectify non-compliances

VOTING REQUIREMENTS:

Simple Majority Required

MANEX RECOMMENDATION

That Council adopts the attached Compliance Audit Return as the official Return of the Council for the period 1 January 2006 to 31 December 2006 and forward it, along with the signed Joint Certification by the President and CEO, to the Executive Director of the Department of Local Government.

11.1.3 ADOPTION OF SHIRE OF MOORA COMMON SEAL

REPORT DATE: 22nd March 2007
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: Nil
AUTHOR: Rebecca McCall, Corporate Services Officer &
Michelle Murray, Executive Support Officer
ATTACHMENTS: Common Seal Proof

PURPOSE OF REPORT:

For Council to adopt the new Common Seal for the Shire of Moora.

BACKGROUND:

On 14th April 2004 Council adopted a new brand for the Shire of Moora. A new common seal needs to be adopted incorporating the new brand to replace the previous seal, which is now obsolete due to the adoption of council's current brand.

COMMENT:

A quote has been received for an official seal for the Shire of Moora designed to incorporate council's new brand.

Under the Local Govt. Act Council must adopt any new seal that is to be in sole use of that Council.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

Section 2.5(2) of the Local Govt. Act 1995 requires Local Governments to have a common seal.

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:

Cost to Council for producing the self-inking Common Seal is \$37.95.

VOTING REQUIREMENTS

Simple Majority Required

OFFICERS RECOMMENDATION

That Council adopt the replacement Shire of Moora Common Seal as attached.

11.2 FINANCIAL DEVELOPMENT

11.2.1 STATEMENT OF FINANCIAL ACTIVITY FOR PERIOD ENDED 28 FEBRUARY 2007

REPORT DATE: 23 March 2007
OFFICER DISCLOSURE OF INTEREST: Nil
AUTHOR: Jo-Anne Ellis, Financial Development Manager
ATTACHMENTS: Statement of Financial Activity for the Period Ended 28 February 2007

PURPOSE OF REPORT:

To note and receive the Statement of Financial Activity for the period ended 28 February 2007.

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 28 February 2007 is provided as a separate attachment.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

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

STRATEGIC IMPLICATIONS:

Monitoring of actual revenues and expenditures against the adopted budget assists Council in being informed as 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 line item to enable comparison to 2006/07 adopted budget.

VOTING REQUIREMENTS

Simple Majority Required

OFFICER RECOMMENDATION

That Council note and receive the Statement of Financial Activity for the period ended 28 February 2007.

11.2.2 ADOPTION OF NEW POLICY – FIN 001 - INVESTMENT POLICY

FILE REFERENCE: PL/POPI
REPORT DATE: 22 March 2007
APPLICANT/PROPONENT: N/A
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: Nil
AUTHOR: Jo-Anne Ellis, Financial Development Manager
ATTACHMENTS: Draft Investment Policy

PURPOSE OF REPORT:

This report is to consider adoption of an investment policy to provide guidelines for investment of Municipal Funds, which are surplus to immediate requirements, and for the investment of Reserve Funds.

BACKGROUND:

During the 2005/06 audit process it was raised by audit that the Shire of Moora did not have a current investment policy. On recommendation of the audit committee Council resolved by decision 264/06 that a draft investment policy be presented to the March 2007 Council meeting.

COMMENT:

A draft policy is attached for Councils consideration.

The requirements under this policy will involve increased reporting to Council to enable better monitoring and oversight of investments.

All Councils policies require reviewing and updating. As part of this process a new numbering system is suggested. The policy number recommended for this policy is FIN 001.

POLICY REQUIREMENTS:

Adoption of this draft policy will create a new policy requirement.

LEGISLATIVE REQUIREMENTS:

Local Government Act 1995, Section 6.15

Trustees Act 1962, Section 18 (1)

STRATEGIC IMPLICATIONS:

An objective of managing investments to maximise return within agreed risk parameters will assist Council in achieving its strategic objective as earnings from investments are utilised as Municipal Revenue or increase the value of Reserves.

SUSTAINABILITY IMPLICATIONS:

➤ Environment

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

➤ **Economic**

Prudent but effective investment of funds not required for immediate use provides additional funds for Council operations or increases value of Reserves.

➤ **Social**

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

FINANCIAL IMPLICATIONS:

Revenues from investments are included in the annual budget. This policy formalises the investment of these funds. Other than this there are no financial implications to Council in relation to this item.

VOTING REQUIREMENTS

Simple Majority Required

MANEX RECOMMENDATION

That Council adopts the attached document “Draft Investment Policy” and the policy becomes Policy FIN 001 – Investment Policy.

11.2.3 DELEGATION 1.32 INVESTMENT OF MUNICIPAL FUNDS AND RESERVE FUNDS

FILE REFERENCE: PL/POPI
REPORT DATE: 22nd March 2007
APPLICANT/PROPONENT: N/A
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: Nil
AUTHOR: Jo-Anne Ellis, Financial Development Manager
ATTACHMENTS: Delegation 1.32 Investment of Municipal Funds and Reserve Funds

PURPOSE OF REPORT:

To delegate the power to invest Municipal Funds which are surplus to immediate requirements and for the investment of Reserve Funds.

BACKGROUND:

A draft Investment Policy is included in this agenda at item 11.2.2. This policy refers to delegations of authority at section 1.3. A current delegation is required for this policy to operate as intended.

COMMENT:

Council has the power to delegate the powers to invest surplus funds to the Chief Executive Officer. The Chief Executive Officer has the power to Sub-Delegate this power to another officer.

The intention of the Chief Executive Officer is to sub-delegate this authority to the Financial Development Manager.

POLICY REQUIREMENTS:

Policy FIN 001 – Investment Policy will apply should the recommendation at item 11.2.2 be adopted.

LEGISLATIVE REQUIREMENTS:

Local Government Act 1995, Section 5.42 & 5.44

STRATEGIC IMPLICATIONS:

There are no known strategic implications associated with this proposal.

SUSTAINABILITY IMPLICATIONS:

➤ **Environment**

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

➤ **Economic**

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

➤ **Social**

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

FINANCIAL IMPLICATIONS:

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

VOTING REQUIREMENTS

Absolute Majority Required

MANEX RECOMMENDATION

That pursuant to Section 5.42 of the Local Government Act Council delegates the power to invest Municipal Funds and Reserve Funds to the Chief Executive Officer in accordance with attached delegation DA 1.32

11.3 OPERATIONAL DEVELOPMENT

11.3.1 GREAT NORTHERN HIGHWAY PROPOSED ROAD UPGRADES – LAND RESUMPTIONS BETWEEN WALEBING AND BINDI BINDI

FILE REFERENCE: S/ROGI
REPORT DATE: 21st March 2007
APPLICANT/PROPONENT: Main Roads Western Australia
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: Nil
AUTHOR: John Greay, Operational Development Manager
ATTACHMENTS: Realignment Maps (8)

PURPOSE OF REPORT:

To advise council of Main Roads Western Australia (MRWA) roadwork's proposals.

BACKGROUND:

Several months ago Mr Norm Fox MRWA Projects Director visited council and discussed possible upgrades on the Gt Northern Highway, particularly between Walebing and Bindi Bindi.

COMMENT:

Land resumptions are required from property owners to enable the proposed work to be undertaken. A total of 15 parcels of land will be impacted upon ranging in size from 632m² to 17.3159ha.

The Shire of Moora Road network will also be impacted upon where the Great Northern Highway intersects with Edibegebege, Cranmore and Indarrie Roads. Road lengths within our ROMANS System may require slight adjustments to overall lengths. Also at the intersection of Edibegebege and Cranmore Roads there is a concrete block entrance at one intersection and a gate and cattle grid at another. These two structures have been in place for well over 40 years and no one would know if council ever approved both structures. The MRWA need to move at least one of these structures and are prepared to reconstruct it at no cost to council or the current landowner.

Council will need to develop a policy and a register of all of these types of structures throughout the shire and have agreements with the landowners who have constructed them in case there is a liability issue at a later date.

POLICY REQUIREMENTS:

Need to develop a policy in regard to structures such as cattle grids and gateways across public roads.

LEGISLATIVE REQUIREMENTS:

Under the Local Government Act 1995 schedule 9.1. It is required to have a register of gates across thoroughfares.

STRATEGIC IMPLICATIONS:

These roads that have these types of structures across them could have a strategic implication in the event of an emergency.

SUSTAINABILITY IMPLICATIONS:**➤ Environment**

In regard to the proposed upgrades along the highway MRWA will be responsible for any environmental impacts.

➤ Economic

MRWA will again address those issues but it is logical that there will be some economic benefits in having a better highway to travel on.

➤ Social

In regard to social implications it is fair to assume that there will be the opportunity for greater social interaction between regions due to major highway improvements.

FINANCIAL IMPLICATIONS:

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

VOTING REQUIREMENTS

Simple Majority Required

MANEX RECOMMENDATIONS

That

- (1) *the land resumptions detailed in attached realignment maps (8) required by Main Roads WA for the proposed upgrades on the Great Northern Highway between Walebing and Bindi Bindi be approved.***
- (2) *Main Roads WA be requested to meet the cost of any adjustments to councils ROMANS system should there be any alteration to the road length of any of the intersecting roads that would normally come under the control of the Shire of Moora.***
- (3) *Council advise Main Roads WA that it has no objections to the construction of a new concrete block entrance at the intersection of Edibegebe road and Great Northern Highway subject to council being indemnified.***
- (4) *Council develop a policy and a register in regard to gateways and structures across council controlled road and thoroughfares by 30th June 2007.***

11.4 COMMUNITY DEVELOPMENT

11.4.1 TOWN PLANNING SCHEME NO 4 – DELEGATION OF POWERS

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

PURPOSE OF REPORT:

To note the town planning applications approved under delegated authority.

BACKGROUND:

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

APPLICANT (S)

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

- **W & S Waters on behalf of Megan James (Tenant) – Loc 195 Indarrie Road, Bindi Bindi – Operate a Home Occupation (Cottage Industry) in preparing Jams, Relish's, Cakes etc for sale at Craft Fairs & Markets subject to approval by the Manager of Health & Regulatory Services Zoning – Farming (Ref 34/0607)**
- **Dept. of Housing & Works on behalf of the CMSHS – Reserve 29962 Ranfurly Street, Moora – Placement of a Temporary Transportable Classroom at the Central Midlands Senior High School, Moora Zoning – Public Purpose (Ref 35/0607)**

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 KEEPING HORSES – RURAL TOWNSITE – J. & L. TIMMINS

FILE REFERENCE: PA/857-1
REPORT DATE: 21 March 2007
APPLICANT/PROPONENT: J. & L. Timmins
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: Nil
AUTHOR: Michael Prunster, Community Development Manager
ATTACHMENTS: Copy of map indicating position of Lot

PURPOSE OF REPORT:

Request received from Mrs Timmins for permission to keep a Horse on their Lot 90 York Street Watheroo.

BACKGROUND:

Lot 90 York Street Watheroo is zoned “ Rural Townsite”.

Council does not have a current local law provision for keeping of horses, but there is a Council Policy in relation to the keeping of Horses and Hooved Animals on Residential and other categories of zoning.

The following is an extract of this policy No 7.7: -

7.7 Keeping Horses and Hooved Animals on Residential Zoned Land.

That the following policy applies to the Keeping of Horses and other Hooved Animals on Residential Zoned Land as defined by the Moora Town Planning Scheme.

1. In respect to a residential lot of land having an area of 4,000 square metres or less, a person shall not keep, or permit to be kept thereon, any hooved animal being horses, cows, sheep, goats, donkey or such.
2. In respect to a residential lot of land exceeding 4,000 square metres in area, a person shall not keep any more that two such hooved animals without having first received written approval of the Council specifying the number of such animals that may be kept thereon, but such approval may be cancelled by the Council in any case where, having regard to the circumstances, it is of the opinion that such cancellation is warranted.
3. A person shall not allow any hooved animal to approach to within 20 metres of any dwelling whatsoever, or other building where food is stored or prepared, or to within 15 metres of any street adjoining such property without having first received the written approval of Council specifying a lesser distance, but such approval may be cancelled by the Council in any case where, having regard to the circumstances, it is of the opinion that such cancellation is warranted.

NOTE:

This policy shall apply to any land within the townsite zoned Single Residential, Group Residential, and Rural Residential under the Moora Town Planning Scheme No 3.

A lot of land means any land area having individual Certificate of Title.

COMMENT:

The note to this policy does not indicate “Rural Townsite” zoning although it does refer to “Rural Residential” land, which is analogous with this zoning. Under the policy it does not permit the keeping of hooved animals within an area of less than 4,000m² and lot 90 has an area of only 2151m².

Council can consider an application under clause 3.2.5 of the Town Planning Scheme text No 4 which reads: -

- 3.2.5 If the use of land for a particular purpose is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the interpretation of one of the use categories the Council may:
- a) determine that the use is consistent with the objectives and purposes of the particular zone and is therefore permitted; or
 - b) determine that the proposed use may be consistent with the objectives and purposes of the zone and thereafter follow the “SA” advertising procedures of clause 7.3 in considering an application for planning approval; or
 - c) determine that the use is not consistent with the objectives and purposes of the particular zone and is therefore not permitted.

Lot 90 is located on the southern most end of York Street and the adjacent southern area of land is zoned “Farming”.

Other sections of York Street adjacent to lot 90 are residential lots, some vacant and others with dwellings.

Council has the power under the Town Planning Scheme to consider the application for approval under section 3.2.5 of the scheme, but the area of lot 90 is 2151m² and under Council Policy 7.7 this does not meet the conditions for keeping a horse on the property. If permission was granted, it could create future health/social problems with complaints from nearby residents because of the small area.

POLICY REQUIREMENTS:

Council Policy 7.7 – Keeping Horses and Hooved Animals on Residential Land.

LEGISLATIVE REQUIREMENTS:

Local Government Health Regulations

STRATEGIC IMPLICATIONS:

There are no known strategic implications associated with this proposal.

SUSTAINABILITY IMPLICATIONS:➤ **Environment**

Approval of the application may create future health/environment problems within the small area of land available.

➤ **Economic**

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

➤ **Social**

Approval may have future adverse effects on social relations with adjoining neighbours.

FINANCIAL IMPLICATIONS:

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

VOTING REQUIREMENTS

Simple Majority Required

MANEX RECOMMENDATION

That Council refuse the application from Messrs J. & L. Timmins to keep a horse on lot 90 York Street Watheroo, as the area of the lot does not meet the criteria for keeping a horse under the conditions outlined in Council's "Keeping Horses and Hooved Animals on Residential Zoned Land" policy.

11.5 ENVIRONMENTAL DEVELOPMENT

Nil

11.6 ECONOMIC DEVELOPMENT

Nil

11.7 SPORT AND RECREATION

11.7.1 “BE ACTIVE COORDINATOR” – FEBRUARY REPORT 2007

FILE REFERENCE: BA/REPI
REPORT DATE: 21st March 2007
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: 13 September 2006 (187/06)
AUTHOR: Angela Murray, Be Active Coordinator &
Michael Prunster, Community Development Manager
ATTACHMENTS: Be Active Report – Feb 2007

PURPOSE OF REPORT:

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

BACKGROUND:

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

COMMENT:

The report prepared by Ms Angela Murray, Be Active Coordinator, covers programmes and activities that have been carried out within the four participating Shires (Moora, Chittering, Victoria Plains and Dandaragan).

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

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

There are no known legislative requirements related to this item.

STRATEGIC IMPLICATIONS:

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

SUSTAINABILITY IMPLICATIONS:

➤ **Environment**

The outdoor activities participants awareness of the environment and creates a better environmental outlook on the life of the people involved.

➤ **Economic**

Participants contribute to the cost of certain programmes.

➤ **Social**

The programmes organised by the B.A.C. have a healthy impact on the social and cultural activities of young and old residents of the Shires involved.

FINANCIAL IMPLICATIONS:

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

VOTING REQUIREMENTS

Simple Majority Required

MANEX RECOMMENDATION

That Council note and receive the Be Active Report for the period ended February 2007.

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**