



Ordinary Council Meeting Minutes

Date: 20 October 2010

Please Note: These minutes and the decisions recorded therein have not as yet been confirmed by Council as a true and accurate record of the meeting.

The Shire of Moora Vision and Mission Statement

Vision

Our vision is that:

The Moora region will be a place of brilliant opportunity over the next twenty years. Sustainable growth will result in a vibrant, healthy, wealthy and diverse community.

Mission

Our mission is:

To identify and stimulate growth through creative leadership and a willingness to get things done.

SHIRE OF MOORA
MINUTES OF THE ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS, MOORA
20 OCTOBER 2010

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1. DECLARATION OF OPENING & WELCOME OF VISITORS

The Shire President declared the meeting open at 3.42pm, welcomed visitors and announced:

"Acknowledgment of Country"

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

2. DISCLAIMER READING

The Shire President read the following disclaimer:

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

SA Bryan	-	Shire President
CE Gardiner	-	Councillor
SJ Pond	-	Councillor
AR Tonkin	-	Councillor
CD Hawkins	-	Councillor
R Keamy	-	Councillor
DV Clydesdale-Gebert	-	Councillor
JW McLagan	-	Councillor
LM O'Reilly	-	Chief Executive Officer
JL Greay (until 5.31pm)	-	Manager Engineering Services
R L McCall (until 5.31pm)	-	Manager Community & Economic Development
L J Parola (until 5.31pm)	-	Manager Finance & Corporate Services
E N Ross (until 5.31pm)	-	Manager Health, Building & Planning Services

APOLOGIES:

OC Cocking	-	Councillor
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PUBLIC:

Mr Stan Lewis (until 3.48pm)

4. DECLARATIONS OF INTEREST

The Chief Executive Officer, Lynnette O'Reilly declared a financial interest in item 15.1 'Chief Executive Officer's Annual Performance Review - Ms Lynnette O'Reilly for the Year Ended 14th May 2010', as she is the officer under review.

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

Mr Stan Lewis

Mr Lewis advised that he was authorised on behalf of the Moora Historical Society to float the concept to the Shire of a museum for Moora as the centre of an enormous catchment. The idea of a museum has been raised from time to time. He can't imagine in 20 years time where Moora's history will be held without having a museum. He then suggested that a motion be put at the Electors meeting to canvas the wider community. He couldn't imagine this being completed in a few years but a site could be selected and held by the Shire and could be used for other purposes until it proved worthy.

There a number of 'field' pieces on many local farms that CY O'Connor Tafe / Central Midlands Senior High School & machinery dealerships may be interested in restoring.

At 3.48pm Mr Lewis retired from the meeting.

6. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

7. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

8. PETITIONS AND MEMORIALS

Nil

9. ANNOUNCEMENTS BY THE SHIRE PRESIDENT

- Advice received today that the venue for the NACC Workshop & AGM scheduled for Tuesday 26th October has changed to the Moora Bowling Club. The workshop commences at 11.30am with the AGM after lunch.
- Tomorrow night Thursday 21st - representing the Shire at the St James Residential College Year 12 Awards Night presentations.
- Monday 25th – will be attending the Central Midlands Senior High School Year 12 Awards Night at the MPAC.
- Attended the Local Government Leaders Forum in Perth with the Chief Executive Officer earlier today. The aim was for the State Government to hear Local Government representatives' views on Structural Reform. Minister Castrilli gave an overall progress to date on the process.
Integrated planning & reporting now have to comply – we are already heading in that direction.
- Advised that the Tidy Towns judging had been completed and the announcement & presentations were undertaken in Miling earlier today.

The winners of the competition were;

Best Private Residential Garden	-	Frank & Kaye Lewis
Most Improved Garden	-	Chris & Nicole Glover
Best Water Wise Residential Garden	-	Greg & Debbie Aisthorpe
Best BROH Residential Garden	-	(Joint winners) Jason Todd & Kyle Walker
Best Homeswest Residential Garden	-	Dianne Maher
Best Business & Shop Front Presentation	-	Moora B&B
Best Government & Local Government Building Presentation	-	Moora Hospital
Best Educational Institution	-	Watheroo Primary School
Best Street Presentation	-	Myles Place, Moora

Cr Gardiner

- Advised that he and the Manager Engineering Services had attended the National Road Congress last week in Bunbury. The main thrust of the conference was to discuss the identified \$1.2B annual shortfall of expenditure on local roads. This was to retain the road network in its current condition with no improvements for the next 15 years!

The Federal Government were also looking to introduce a new source of revenue by charging heavy vehicle operators a mass-distance-location charging fee which included local roads.

Federal Member for Fremantle, Melissa Parke delivered an address on behalf of the Minister for Regional Australia, Regional Development & Local Government, Simon Crean urged councils to 'embrace the regional paradigm' and think collaboratively, regionally & strategically. She gave Councils the opportunity to discuss issues with her in the foyer of the venue after her address; so the opportunity was taken to discuss the condition of the Great Northern Highway particularly through the Shire of Moora.

Cr Clydesdale-Gebert declared an impartiality interest in item 13.1 'Appointment of Authorised Officers – Food Act 2008 and Food Regulation 2009' as she owns a business that may be affected by the appointment.

10. CONFIRMATION OF MINUTES OF THE PREVIOUS MEETING

10.1 ORDINARY COUNCIL MEETING - 15 SEPTEMBER 2010

COUNCIL RESOLUTION

105/10 Moved Cr Hawkins, seconded Cr Pond that the Minutes of the Ordinary Meeting of Council held on 15 September 2010, be confirmed as a true and correct record of the meeting.

CARRIED 8/0

II. REPORTS OF OFFICERS

II.1 ADMINISTRATION

II.1.1 REVIEW OF COUNCIL MEETING SCHEDULES AND COUNCIL SITTING FEES

FILE REFERENCE: EN/COAI
REPORT DATE: 13 October 2010
APPLICANT/PROPONENT: Not Applicable
DISCLOSURE OF INTEREST: The author of this report has no financial interest in the matter.
PREVIOUS MEETING REFERENCES: Nil
AUTHOR: Lynnette O'Reilly, Chief Executive Officer
ATTACHMENTS: Proposed Schedule of meeting dates for 2011

PURPOSE OF REPORT:

To provide suggested dates for Council approval for meeting dates for the 2011 year to enable public advertising as required by the Local Government Act 1995.

BACKGROUND:

From 2008 - 2010 monthly Council meetings have been successful in conjunction with two briefing sessions per month. It is considered to be appropriate to continue in this format with a slight adjustment to the order on Council meeting days.

COMMENT:

Attached is a draft schedule of proposed dates for Council meetings for the 2011 year. It is suggested the briefing on the first Wednesday of the month remain as is, however, the second briefing, rather than following the Council meeting, it is recommended it precede the Council meeting starting at 3.30pm. This would allow for clarifications to occur on any items included in the Council agenda and would also allow for greater opportunity for the public to attend a Council meeting that was scheduled to start at 5.30pm.

The January council meeting traditionally has few items, the main one being the financial reporting. A number of Council and staff take the opportunity to take leave through January so it has been suggested the January meeting and briefing be cancelled. If an item of business arose that required a decision between the December meeting and the February meeting a special meeting could be convened.

As in previous years, the schedule has identified the need to adjust the regular meeting times and it is suggested that no Briefing Session be held at the beginning of August as Local Government Week is scheduled to be held from 5-7th August. This week also provides the opportunity for professional development during the week. It is therefore recommended that during August only the Council meeting be held on the 17th August with the briefing session to precede it.

It is also suggested that the Council meeting proposed for 16th November be rescheduled to the 23rd November due to the Local Government Managers Australia (LGMA) State Conference being held from 2nd – 4th November. This allows Managers who are members of the LGMA to attend without absences impacting on the meeting process and agenda preparation. During November, it is therefore recommended that the first Briefing Session of the month be held on the 9th November and the Council meeting on the 23rd with the Briefing Session prior.

As per previous practice, the associated meeting fees are to be set in line with the requirements of the Local Government Act and Regulations for sitting fees that are paid on a meeting by meeting basis. The fees have been set at the maximum fee (refer section 5.25 (g) of the Local Government Act 1995).

POLICY REQUIREMENTS:

There are no Council Policies relative to this matter.

LEGISLATIVE REQUIREMENTS:

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

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

- I. At least once each year a local government is to give local public notice of the dates on which and the time and place at which –
 - (a) the ordinary council meetings; and
 - (b) the briefing sessions that are required under the Act to be open to members of the public or that are proposed to be open to members of the public; are to be held in the next 12 months.

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

STRATEGIC IMPLICATIONS:

Enables Council to provide good local government to the district.

SUSTAINABILITY IMPLICATIONS

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

FINANCIAL IMPLICATIONS:

There are no financial implications to Council in relation to this item. The holding of Council meetings including all associated costs is provided in the current budget and will be provided for in future budgets.

VOTING REQUIREMENTS:

Simple Majority Required

COUNCIL RESOLUTION (MANEX RECOMMENDATIONS)

106/10 Moved Cr Pond, seconded Cr Hawkins that Council,

- 1. Adopts the meeting schedule for the period January 2011 to December 2011 as attached, based on one Ordinary Meeting of Council per month;*
- 2. Advertises the meeting dates in accordance with section 5.25 of the Local Government Act 1995 and Regulation 12 (1) of the Local Government (Administration) Regulations 1996.*
- 3. Confirms the meeting fees to be paid to Councillors at \$140 per meeting and at \$280 per meeting for the Shire President.*

CARRIED 8/0

11.2 FINANCIAL DEVELOPMENT

11.2.1 LIST OF PAYMENTS AUTHORISED UNDER DELEGATION 1.31

REPORT DATE: 12 October 2010
OFFICER DISCLOSURE OF INTEREST: Nil
AUTHOR: Leanne Parola, Manager Finance & Corporate Services
ATTACHMENTS: Accounts Paid Under Delegated Authority

PURPOSE OF REPORT

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

BACKGROUND

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

COMMENT

Accounts Paid under delegated authority are periodically presented to Council.

POLICY REQUIREMENTS

Delegation 1.31 – Payments from Municipal and Trust Funds.

LEGISLATIVE REQUIREMENTS:

Local Government Act 1995 - Section 6.10

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

STRATEGIC IMPLICATIONS

There are no known strategic implications associated with this proposal.

SUSTAINABILITY IMPLICATIONS

➤ Environment

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

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

FINANCIAL IMPLICATIONS

Payments are in accordance with the adopted budget.

VOTING REQUIREMENTS

Simple Majority Required

COUNCIL RESOLUTION (MANEX RECOMMENDATION)

107/10 Moved Cr Hawkins, seconded Cr Tonkin that Council notes and endorses the Payments from the Municipal and Trust Funds made under delegation 1.31

<i>Municipal Fund</i>	<i>Cheques 60019 to 60061</i>	<i>\$143,787.63</i>
	<i>Credit Card Expenditure</i>	<i>5,626.05</i>
	<i>EFT 4956 to 5083</i>	<i>415,449.69</i>
	<i>Net Pays PPE 15/9/10</i>	<i>78,614.49</i>
	<i>Net Pays PPE 29/9/10</i>	<i>79,043.09</i>
<i>Trust Fund</i>	<i>Cheques 4621 to 4652</i>	<i><u>3,584.00</u></i>
<i>Total</i>		<i>\$726,104.95</i>

CARRIED 8/0

11.2.2 STATEMENT OF FINANCIAL ACTIVITY FOR PERIOD ENDED 30 SEPTEMBER 2010

REPORT DATE: 13 October 2010

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Leanne Parola, Manager Finance & Corporate Services

ATTACHMENTS: Statement of Financial Activity for the Period Ended 30 September 2010

PURPOSE OF REPORT:

To note and receive the Statement of Financial Activity for the period ended 30 September 2010.

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 2010/2011 adopted budget.

VOTING REQUIREMENTS

Simple Majority Required

**COUNCIL RESOLUTION
(MANEX RECOMMENDATION)**

108/10 Moved Cr Bryan, seconded Cr Pond that Council notes and receives the Statement of Financial Activity for the period ended 30 September 2010.

CARRIED 8/0

11.3 OPERATIONAL DEVELOPMENT

Nil

The Manager Health, Building & Planning Services provided an attachment of additional information to the meeting which adds two extra dot points (7 & 8) to the recommendation, as further consultation with Manex was had and it was agreed that it was important they be included.

11.4 COMMUNITY DEVELOPMENT

11.4.1 PROPOSED SUBDIVISION GUIDE PLAN – LOTS 85- 94 WEBB & BROWN STREETS, MOORA

FILE REFERENCE: PA/6066-1

REPORT DATE: 14 October 2010

APPLICANT/PROPONENT: Geraldton Independent Planners

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:

AUTHOR: Gray & Lewis Landuse Planners

ATTACHMENTS:

1. Original Subdivision Guide Plan
2. Revised Subdivision Guide Plan (October 2009)
3. Summary of Draft modifications by WAPC

PURPOSE OF REPORT:

Council is to consider a modified Subdivision Guide Plan and provide comments to the Western Australian Planning Commission (WAPC).

BACKGROUND:

Zoning

The subject land is zoned 'Special Rural' under the Shire of Moora Town Planning Scheme No 2 ('the Scheme').

Scheme Requirements

One of the objectives of the Special Rural zone under the Scheme is 'to select areas wherein closer subdivision will be permitted to provide for such uses as hobby farms, horse breeding and rural residential retreats.'

Clause 3.11.3.2 of the Scheme requires a Plan of Subdivision that shows amongst other things (a) the proposed subdivision including lot sizes and dimensions; (b) areas to be set aside for public open space, pedestrian accessways, horse trails, community facilities etc as may be considered appropriate and (c) those physical features it is intended to conserve.

Specific requirements are applicable to the land (as Special Rural Area 2) under Schedule 4 to the Scheme as follows;

1. *The minimum lot size should be no less than 2.0 hectares for subdivision but any subdivision shall be subject to the following first being satisfied:*
 - (i) *The preparation by the proponent of a land capability assessment to the satisfaction of Council and the Commission; and*

- (ii) *The approval by the Council and the Commission of a Subdivision Guide Plan prepared by the proponent in accordance with the findings of the land capability assessment; and*
- (iii) *Arrangements to the satisfaction of the Council for drainage and on-site effluent disposal. ‘*

History of applications and requirement for a Subdivision Guide Plan

In 2009, the owners of Lot 91 Brown Street lodged a formal subdivision application with the WAPC to create four lots ranging size from 2,023m² to 4,047m² (WAPC Reference: I337761).

The Commission undertook a preliminary assessment and identified a number of issues that required resolution including;

1. Consideration of a land capability assessment to the satisfaction of the Council and Commission; and
2. Approval by the Council and Commission of a Subdivision Guide Plan prepared by the proponent in accordance with the findings of the land capability report.

Gray & Lewis was contacted by the applicant (with approval of the Shire) early 2009 as the WAPC had sought to defer determination of the subdivision application until the above matters had been addressed.

At that time Gray & Lewis undertook the following actions;

- Liaised with the WAPC who advised that they wanted a Subdivision Guide Plan (SGP) for the street block surrounding Lot 91. At that time Gray & Lewis expressed an opinion that a SGP should be developed for Lot 91 in isolation as surrounding landowners may not wish to subdivide, and it would be onerous to require detailed land capability for a wider area.
- Referred a land capability report received for Lot 91 to the Shire. It was assessed by Trevor Brandy and Mike Prunster who confirmed acceptance of its findings.
- Liaised with the applicant to explain the WAPC process, and recommended that they engage a planning consultant to develop a SGP.
- Gray & Lewis also suggested that the owners obtain comments by an engineer on any SGP as drainage was considered an issue for the site.

Format of Subdivision Guide Plans

Subdivision Guide Plans are used as a tool to guide future subdivision for an area where it is desirable for subdivision to be co-ordinated and to address issues that may traverse several lots (such as drainage/floodways).

There is no set format for SGP's however they tend to be similar to a subdivision plan, and provide guidance on lot sizes, building areas, road layout and requirements for future subdivision.

The Scheme requires the SGP to be endorsed by both the Shire and WAPC. In many cases, notes are included on Guide Plans to specify scheme requirements or issues that may need to be further addressed at the more detailed subdivision stage.

Once a Subdivision Guide Plan has been endorsed by the WAPC, then landowners can lodge subdivision applications for individual lots to the WAPC for approval. The SGP is then used to assess any subdivision applications and future development applications.

Previous Council consideration

A Subdivision Guide Plan was lodged directly with the Shire in 2009 and processed by Council officers – refer **Attachment 1**. It should be noted that Gray & Lewis was not involved in assessment of the original SGP.

The Subdivision Guide Plan was advertised for public comment and a report item on this matter was considered by Council on the 19 August 2009 (Item 11.4.2).

Council resolved as follows;

1. *That the proposed Subdivision Plan Guide requires further modifications with regard to building envelopes, setback clearances to existing watercourses, road access, acid-sulphate soil study, and approval from the Department of Water on floodway development.*
2. *That approval for the proposed subdivision for Lot 91 be withheld subject to a revised Subdivision Plan Guide satisfying the WA Planning Commission concerns. “*

COMMENT:

A Subdivision Guide Plan has not been endorsed by the Council. A revised SGP has been lodged (dated October 2009) and the WAPC is seeking Council consideration and comments on the revised SGP.

Description of Application

The revised SGP proposes 25 lots ranging from approximately 2 hectares to 4.45 hectares. The SGP covers the street block generally bound by Halligan Street, Brown Street, Webb Street and lots both west and east on Long Street.

A summary of the existing lots, sizes, and proposed lots are included in the table below;

Existing Lot	Existing Lot size (approximate)	Proposed number of lots	Proposed lot sizes (approximate)
85	12.4 ha	0	0
86	11.8 ha	0	0
87	10.7 ha	4	2.17 to 3.01 ha
88	11.2 ha	0	0
89	11.2 ha	3	3.12 to 4.45 ha
90	10.7 ha	4	2.17 to 3 ha
91	11.8 ha	4	2.02 to 4 ha
92	12.4 ha	4	Lot sizes unclear on plan – hidden by map layers All lots exceed 2 hectares.
93	8.3 ha	3	Lot sizes unclear on plan – hidden by map layers All lots exceed 2 hectares.
94	7.9 ha	3	2 to 3.9 ha

The modified Subdivision Guide Plan (October 2009) is included as **Attachment 2**.

Compliance with Scheme requirements

The existing zoning and Scheme provisions allow for potential for 2 hectare lots, however a minimum of 2 hectares is not automatically approved. The onus is on the applicant to demonstrate that the lot sizes are sufficient through land capability assessment, a subdivision guide plan, suitable drainage and adequate capability for on site effluent disposal.

These issues are discussed individually below:-

- Land Capability

The applicant has lodged a Land Capability Assessment for the SGP area which has been examined by the WAPC. Gray & Lewis only has a copy of the original Land Capability Assessment for Lot 91 which was accepted by Council officers in 2009, however understands through discussions with WAPC that land capability throughout the SGP area is relatively consistent. Some lots have higher constraints largely due to location of the floodway.

- SGP

Council can endorse the (revised) SGP as submitted, however Gray & Lewis recommends that further modifications need to be undertaken as outlined throughout the body of this report, and summarised in the recommendation.

Whilst Council may seek to assist to facilitate subdivision, it is important to recognise that subdivision of this area will likely occur over a long time period. It is therefore essential to ensure that a quality SGP be achieved and all issues are adequately addressed at this early planning stage. This minimises potential for issues to occur at subdivision stage and when new lots are created.

It is recommended that the WAPC be advised that the Shire generally supports the Subdivision Guide Plan subject to modifications. The WAPC can then also consider the modifications they will agree to and provide final advice to the Shire and applicant.

- Drainage

The Land Capability Assessment identifies that all areas experience waterlogging of 'some soil areas at least' and the greatest risk of flooding is during storm events (which they propose can be addressed by sand pads). It also identifies that the area is poorly drained, particularly in lower elevations and depressions.

Ultimately Council will be responsible for any drainage of surrounding roads, and implementation of drainage as subdivision occurs. Council may be satisfied that drainage is not a major concern due to the large lot sizes proposed.

If Council has concerns that some preliminary drainage information is necessary at the broader Subdivision Guide Plan stage (to identify any need for drainage basins/ locations or to co-ordinate an overall drainage plan to apply to future individual lot subdivision applications) then it can request some 'up front' engineering advice from the applicant or a Water Management Strategy prior to subdivision.

Gray & Lewis is reasonably satisfied that drainage is not an impediment to the SGP as the WAPC has liaised with the Department of Water, and Council did not identify drainage as an issue in dealing with the original SGP. If drainage was a major concern, then the Department of Water would have requested a Water Management Strategy.

Notwithstanding the above, Gray & Lewis does not have the engineering expertise or local knowledge to fully assess drainage therefore has highlighted this issue for the Shires consideration.

At subdivision stage, the Shire can impose conditions relating to drainage and fill but they can only relate to the individual lot / application area, and not the wider SGP area.

- Effluent Disposal

The original land capability report identifies that the lots are suitable for on-site effluent disposal and states *'Conventional septic systems are only acceptable if installed to Shire of Moora requirements, otherwise alternative effluent waste water systems are required. Limited by low microbial purification and water logging.'*

Gray & Lewis has liaised with WAPC and the subdivision application for Lot 91 was referred to the Department for Health who did not have any objections to the proposal.

It is recommended that the WAPC separately refer the Land Capability Report and SGP to the Department of Health for formal advice as;

- The Shire does not have the qualified staff to be able to design or assess an alternative on site disposal system.
- Shire approvals are limited to soils of sand, loam and sand and loam. Specific design is required for disposal in clay and would require Department for Health approval.
- Whilst the Health Department has commented on subdivision of Lot 91, they should be consulted with for advice on the land capability assessment and broader SGP.

Flood Study

The Flood Study Review shows almost all of the existing (and proposed lots) in the flood fringe and portions of Lots 85, 86, 87, 88, 89, 92 and 93 are affected by Floodway. The flood study identifies the floodway as 'high' and 'extreme' flood risk.

The Study recommends the use of minimum habitable floor levels of 0.3 metres above the March 1999 flood level for dwellings.

It is understood that the WAPC has liaised with the Department of Water regarding the SGP, and that they have no major objections.

In order to ensure that any prospective purchasers of lots are aware of the Flood Fringe and Floodway, it is recommended that the SGP include a notation that *'The Shire shall recommend that the WAPC place a condition on any future subdivision that a Notification be placed on the Certificate of Titles of any new lots to alert purchasers that; (i) portions of lots*

are affected by floodway and flood fringe (ii) all development requires planning approval in addition to a building licence and (iii) applicants should liaise with Department of Water for minimum FFL as substantial fill may be required for new dwellings.'

Gray & Lewis has reservations over proposed Lots 92 and 93 due to the extent that they are affected by floodway, and whether adequate setbacks to the floodway can be achieved. It is recommended that WAPC be advised of these concerns.

Road Access

All proposed lots will have direct road frontage to Brown Street, Web Street and Long Street. The SGP proposes two battleaxe lots on existing Lots 87 and 90.

At subdivision stage, Council will need to consider whether to require any upgrading of existing roads. Street corner truncations should be shown on the SGP (to be ceded to the crown at subdivision stage).

Fire Management

A Fire Management Plan has not been lodged in support of the SGP, however it includes strategic fire breaks (in red) around the perimeter of the plan area. The majority of the lots are cleared therefore fire risk is likely to be low.

It is not likely that strategic fire breaks will be required for the majority of the SGP area as once the land is subdivided every lot will be required to have 2.7 metre firebreaks around their boundaries.

The length of the battle-axe legs (driveways) are unknown as Gray & Lewis could not accurately scale the map provided, however it appears they may exceed 600 metres (which is the maximum length permissible for fire safety under the Fire and Emergency Services Association (FESA) 'Planning for Bushfire Protection'). If that's the case, then strategic firebreaks may be required to provide a secondary emergency egress for the battleaxe lots however this would be resolved through a Fire Management Plan which can be considered prior to subdivision.

As the strategic fire breaks shown on the SGP are incorrect it is recommended that:

- Strategic firebreaks be deleted from the SGP;
- A note be included on the SGP to require an overall Fire Management Plan for the SGP area prior to any subdivision to comply with 'Planning for Bushfire Protection' requirements. Any strategic firebreaks need to be co-ordinated and locations identified before subdivisions proceed.

Building Envelopes

The SGP shows nominated building envelopes however it is recommended that these be refined as;

- No setbacks are shown. The Scheme requires minimum building setbacks of 15 metres front and rear, and 10 metres to the side.
- The building envelope for the western proposed 4.4 hectare lot on existing Lot 89 relies on a crossing over the floodway if access from Webb Street is proposed, which is undesirable.
- Adequate setbacks to the floodway need to be confirmed through liaison with Department of Water.

In addition, it is considered desirable that building envelopes be identified at the SGP level for ease of administration. If they are established at subdivision stage then the Shire will not have one concise plan for the assessment of future dwelling applications.

Geotechnical Report and filling / future consideration

The Land Capability Report recommends 'For brick dwellings sand fill of 800mm is recommended on areas formed by the removal of small ridges, but not using the removed soil as fill.'

Council may require future dwelling applications to be accompanied by geotechnical reports or engineering certification depending on the nature and extent of fill and / or retaining walls.

Draft WAPC Modifications

The WAPC is assessing the Subdivision Guide Plan and proposes a number of draft modifications to the notes, which are mainly administrative. Gray & Lewis would normally provide comments on modifications directly to the WAPC.

In this case, the modifications are being referred formally to Council as Council has not yet considered the revised SGP. Gray & Lewis has summarised the modifications in a table (refer Attachment 3) and made comments and recommendations.

Conclusion

It is recommended that proposed Subdivision Guide Plan be generally supported however not be formally endorsed until modifications are undertaken.

POLICY REQUIREMENTS:

N/A

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**

As outlined in this report, parts of the land are located in a floodway and the flood fringe.

➤ **Economic**

There are no known significant economic implications associated with this proposal unless drainage is not adequately addressed

➤ **Social**

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

FINANCIAL IMPLICATIONS:

The Shire pays planning fees to Gray & Lewis. If subdivision occurs there is potential for additional rates.

VOTING REQUIREMENTS:

Simple Majority Required

**COUNCIL RESOLUTION
(MANEX RECOMMENDATIONS)**

109/10 Moved Cr Gardiner, seconded Cr Hawkins that Council;

- I. **Write directly to the Western Australian Planning Commission advising that it generally supports the proposed Subdivision Guide Plan subject to modifications as follows;**
 - (i) **The lot sizes and dimensions to be clearly shown on the SGP as required by Clause 3.11.3.2 of the Shire of Moora Local Planning Scheme No 4 (‘the Scheme’). Some of the lot sizes are not readable as they sit behind other layers on the plan (eg on Lots 92 and 93).**
 - (ii) **An additional note to be included on the SGP as follows;
“The Shire shall recommend that the WAPC place a condition on any future subdivision that a Notification be placed on the Certificate of Titles of any new lots to alert purchasers that; (i) portions of lots are affected by floodway and flood fringe (ii) all development requires planning approval in addition to a building licence and (iii) applicants should liaise with Department of Water for minimum FFL as substantial fill may be required for new dwellings.”**
 - (iii) **An additional note to be included on the SGP as follows;
“An overall Fire Management Plan for the SGP area is to be lodged with the Shire prior to the approval of any subdivision, and shall clearly identify required lot fire breaks, strategic fire breaks and demonstrate compliance with the FESA ‘Planning for Bushfire Protection’ (Edition 2) requirements.”**
 - (iv) **All strategic fire breaks should be deleted (as they are incorrectly located).**
 - (v) **Street corner truncations should be shown (to be ceded to the crown at subdivision stage).**
 - (vi) **Building envelopes should be determined at this early planning stage and shown on the SGP. The envelopes need to reflect the Scheme setbacks, and provide for adequate setbacks to the floodway. This issue was already identified by Council in August 2009 and still needs to be addressed.**
 - (vii) **The building envelope for the western proposed 4.4 hectare lot on existing Lot 89 relies on a crossing over the floodway if access from Webb Street is proposed, which is undesirable. Consideration of relocation to the south is recommended.**
 - (viii) **The SGP should include a scale ruler and north point.**
2. **Note the suggested WAPC modifications and adopt the recommendations in Attachment 3 (to be forwarded to the WAPC).**
3. **The WAPC also be advised (for explanation purposes) that:**
 - (i) **The SGP shows strategic fire breaks however the Shire will require 2.7 metre firebreaks around the perimeter of each proposed lot. It is**

- therefore unlikely that strategic fire breaks will be required for the majority of the SGP area.**
- (ii) An overall Fire Management Plan should be required for the SGP so that any need for strategic fire breaks (and their locations) can be identified and fire management is co-ordinated (rather than dealt with on an individual lot basis). The battleaxe legs in the SGP may require second emergency egress if they exceed the permissible 600 metre lengths (under Planning for Bushfire Protection), which could be achieved by use of strategic fire breaks (with public easements in gross).**
 - (iii) It is considered desirable that building envelopes be identified at the SGP level for ease of administration. If they are established at subdivision stage then the Shire will not have one concise plan for the assessment of future dwelling applications.**
 - (iv) The existing zoning and Scheme provisions allow potential for 2 hectare lots, however a minimum of 2 hectares is not automatically approved. The omnibus amendment allows for potential for 1 hectare lots with reticulated water, however 1 hectare lots will not automatically be approved. To pursue one hectare lots an applicant should be required to modify the SGP and demonstrate compliance with the schedule requirements of the Scheme.**
 - (v) Council has reservations over proposed Lots 92 and 93 due to the extent that they are affected by floodway, and whether adequate setbacks to the floodway can be achieved.**
 - (vi) Council recommended that the WAPC separately refer the Land Capability Report and SGP to the Department of Health for formal advice as;
 - The Shire does not have the qualified staff to be able to design or assess an alternative on site disposal system.**
 - Shire approvals are limited to soils of sand, loam and sand and loam. Specific design is required for disposal in clay and would require Department for Health approval.**
 - Whilst the Health Department has commented on subdivision of Lot 91, they should be consulted with for advice on the land capability assessment and broader SGP, especially due to the extent of floodway on some of the proposed lots.****
- 4. Authorise Gray & Lewis to provide comments on behalf of the Shire for any refinement of modifications to the SGP notes suggested or recommended by the WAPC.**
- 5. Advise the WAPC that Council seeks a modified SGP prior to providing any formal endorsement or signature endorsement by the Shire President and Chief Executive Officer.**
- 6. Provide a copy of this report (minutes) and Attachment 3 to the WAPC with correspondence as a record of the Shires assessment and comments.**
- 7. Advise the WAPC that the road verge contains significant stands of Eucalyptus Salmonophloia (Salmon Gum) which needs to be preserved. Utility providers should be advised that Council will not approve clearing of road reserve verge.**

8. **Advise the WAPC that the proponent should make provision for a 5 metre wide service easement at the front of each lot.**

CARRIED 8/0

11.5 ENVIRONMENTAL DEVELOPMENT

Nil

11.6 ECONOMIC DEVELOPMENT

Nil

11.7 SPORT AND RECREATION

Nil

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

Nil

13. MOTIONS OF AN URGENT NATURE INTRODUCED BY DECISION OF COUNCIL

The Chief Executive Officer tabled two late items dealing with the “Appointment of Authorised Officers – Food Act 2008 and Food Regulation 2009” and “Condition of Miling North Road” for Council’s consideration.

COUNCIL RESOLUTION

110/10 Moved Cr McLagan, seconded Cr Tonkin that Council consider the late items as tabled by the Chief Executive Officer titled “Appointment of Authorised Officers – Food Act 2008 and Food Regulation 2009” and “Condition of Miling North Road”.

CARRIED 8/0

Cr Clydesdale-Gebert declared an impartiality interest in item 13.1 'Appointment of Authorised Officers – Food Act 2008 and Food Regulation 2009' as she owns a business that may be affected by the appointment.

13.1 APPOINTMENT OF AUTHORISED OFFICERS – FOOD ACT 2008 AND FOOD REGULATION 2009

FILE REFERENCE: H/HEG1
REPORT DATE: 19 October 2010
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: N/A
AUTHOR: Ewen Ross, Manager Health, Building & Planning Services
ATTACHMENT: Nil

PURPOSE OF REPORT:

1. To advise Council on the requirements for the appointment of officers under the Food Act 2008 and Food Regulations 2009.
2. To appoint Mr Ewen Ross to enable compliance with legislative requirements.

BACKGROUND:

Previously Environmental Health Officers were appointed by the Department of Health of Western Australia under the Health Act 1911. With the new legislation "Food Act 2008" and "Food Regulations 2009", as of the 31st December 2009 Environmental Health Officers are to be appointed by the Local Governments.

COMMENT:

Under s8 of the "Food Act 2008" an "enforcement agency" means — "(b) a local government; accordingly, the Shire of Moora can appoint "authorised officers" (Environmental Health Officers). The guidelines provided from the Department of Health of Western Australia has advised that an enforcement agency may appoint a person to be an authorised officer for the purpose of the Act if – "The person holds or is suitable to be appointed to a position as an environmental health officer under the Health Act 1991."

Mr Ewen Ross has satisfied the Department of Health of Western Australia that they have the prerequisite qualifications for appointment as an Environmental Health Officer in Western Australia and has been previously appointed as Environmental Health Officers under the Health Act 1911.

POLICY REQUIREMENTS:

Ensures compliance with legislative requirements and those officers can enforce the legislation as required.

LEGISLATIVE REQUIREMENTS:

Food Act 2008 and Food Regulations 2009

STRATEGIC IMPLICATIONS:

Local Government becoming more accountable for food legislation.

SUSTAINABILITY IMPLICATIONS:

➤ **Environment**

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

- **Economic**
Implementation of the legislation will incur some cost to Councils subject to the cost recovery policies adopted with regards fees for notifications/registration and annual inspections.
- **Social**
There are no known significant social implications associated with this proposal.

FINANCIAL IMPLICATIONS:

There are no financial implications to Council in relation to appointment of officers.

VOTING REQUIREMENTS:

Simple Majority Required

**COUNCIL RESOLUTION
(OFFICER RECOMMENDATION)**

111/10 Moved Cr McLagan, seconded Cr Hawkins that Council in accordance with legislation appoint Mr Ewen Neil Ross as an “Authorised Officer” (Environmental Health Officer) for the Shire of Moora for the period 26 August 2010 until he ceases employment with the Shire.

CARRIED 8/0

13.2 CONDITION OF MILING NORTH ROAD

FILE REFERENCE: S/ROTI
REPORT DATE: 20 October 2010
APPLICANT/PROPONENT: Michael Pearse, Wubin
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: Nil
AUTHOR: John Greay, Manager Engineering Services
ATTACHMENTS: Petition

PURPOSE OF REPORT:

Petition received concerning the condition of the Miling North Road.

BACKGROUND:

Grain carting is about to commence and there is concern about the road shoulders on the far end of the Miling North Road within the Shire of Moora.

The section of road that is referred to has a narrow sealed pavement of approximately 3.7 metres wide with 1.5 metre wide gravel shoulders.

The rest of the road has a sealed pavement width of approximately 6.2-7.0 metres with 1.5 metre wide gravel shoulders.

Most of the grain cartage along this road will be via road train type vehicles to the grain receival facility in Miling. Due to the cheaper freight rate out of Cooperative Bulk Handling at Miling, farmers west of Wubin are encouraged to cart into that facility. Due to this a lot of freight, from out of the district comes down the Miling North Road.

The need to widen the pavement out to 7.0 metres has been recognised and on the 21st September 2010 an application was put forward to the Regional Road Moora Sub Group for an allocation of funds for this purpose for the 2011-12 year. The Miling North Road is a recognised Road of Regional Significance and consequently is eligible for two third funding.

To improve the road shoulder crossfall in various sections along the road as an interim measure whilst awaiting our application to be assessed it would be suggested that the Coomberdale East road regravelling, \$56,451 for this year, be reduced from 3.5 kilometres to 1.5 kilometres and the balance of funds of approximately \$32,258 be used for the above purpose.

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**

The economic implication will be that Coomberdale East proposed works will be reduced this year and will require reconsidering in the new financial year, whilst any additional work on the Miling North Road will not be lost due to the application for funding for next year.

➤ **Social**

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

FINANCIAL IMPLICATIONS:

There are no external financial implications only the transfer of funds from one project to another.

VOTING REQUIREMENTS

Simple Majority Required

OFFICER RECOMMENDATION

That Council authorise \$32,258 be expended from the Coomberdale East Road project for 2010/11 budget year and transfer to reshouldering various sections of the Miling North Road between 0.00 – 5.2 SLK.

COUNCIL RESOLUTION

112/10 Moved Cr McLagan, seconded Cr Hawkins that Council authorise \$32,258 be expended from the rural regravelling budget project for 2010/11 and transfer to reshouldering various sections of the Miling North Road between 0.00 – 5.2 SLK.

CARRIED 6/2

Note: Council amended the Officer recommendation to spread the cost over more regravelling projects instead of impacting on only the Coomberdale East Road.

14. NOTICE OF MOTIONS FOR THE NEXT COUNCIL MEETING

Nil

15. MATTERS BEHIND CLOSED DOORS

COUNCIL RESOLUTION

113/10 Moved Cr Bryan, seconded Cr McLagan that the meeting move behind closed doors to discuss Item 15.1, “Chief Executive Officer’s Annual Performance Review - Ms Lynnette O’Reilly for the Year Ended 14th May 2010” as it is a matter affecting employees pursuant to Section 5.23(2)(a) of the Local Government Act 1995.

CARRIED 8/0

At 5.31pm the Chief Executive Officer, Lynnette O’Reilly declared a financial interest in item 15.1 ‘Chief Executive Officer’s Annual Performance Review - Ms Lynnette O’Reilly for the Year Ended 14th May 2010’, as she is the officer under review and left the meeting.

At 5.31pm the Manager Engineering Services, Manager Finance & Corporate Services, Manager Community & Economic Development and Manager Health, Building & Planning Services retired from the meeting and the meeting moved behind closed doors.

15.1 Chief Executive Officer’s Annual Performance Review - Ms Lynnette O’Reilly for the Year Ended 14th May 2010

Provided to Councillors under confidential cover.

**COUNCIL RESOLUTION
(MANAGEMENT REVIEW COMMITTEE RECOMMENDATIONS)**

114/10 Moved Cr Bryan, seconded Cr McLagan that Council amend the CEO’s current contract to:

- 1. increase the accommodation allowance by \$200 per week commencing from 1 July 2010 and ceasing when the Keane Street Moora house becomes available; and*
- 2. increase the current annual clothing allowance by \$500.*

MOTION LOST 1/7

At 6.00pm the Chief Executive Officer rejoined the meeting.

REOPENING OF MEETING**COUNCIL RESOLUTION**

115/10 Moved Cr Pond, seconded Cr McLagan that Council the meeting move out from behind closed doors and re-open to the public.

CARRIED 8/0

The meeting reopened to the public at 6.09pm.

On reopening the meeting, there were no public present therefore the Shire President did not read aloud the decision made behind closed doors.

16. CLOSURE OF MEETING

There being no further business, the Shire President declared the meeting closed at 6.10pm.

CONFIRMED

PRESIDING MEMBER