



# Ordinary Council Meeting Minutes

**Date: 17 February 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 PERFORMING ARTS CENTRE, MOORA**  
**17 FEBRUARY 2010**

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**TABLE OF CONTENTS**

---

<b>1.</b>	<b><u>DECLARATION OF OPENING &amp; WELCOME OF VISITORS</u></b>	<b>3</b>
<b>2.</b>	<b><u>DISCLAIMER READING</u></b>	<b>3</b>
<b>3.</b>	<b><u>ATTENDANCE</u></b>	<b>3</b>
	<b><u>APOLOGIES</u></b>	<b>3</b>
	<b><u>PUBLIC</u></b>	<b>3</b>
<b>4.</b>	<b><u>DECLARATIONS OF INTEREST</u></b>	<b>3</b>
<b>5.</b>	<b><u>QUESTIONS BY THE PUBLIC IN ACCORDANCE WITH SECTION 5.24 OF THE ACT</u></b>	<b>4</b>
<b>6.</b>	<b><u>RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE</u></b>	<b>6</b>
<b>7.</b>	<b><u>APPLICATIONS FOR LEAVE OF ABSENCE</u></b>	<b>6</b>
<b>8.</b>	<b><u>PETITIONS AND MEMORIALS</u></b>	<b>6</b>
<b>9.</b>	<b><u>ANNOUNCEMENTS BY THE SHIRE PRESIDENT</u></b>	<b>6</b>
<b>10.</b>	<b><u>CONFIRMATION OF MINUTES OF THE PREVIOUS MEETINGS</u></b>	<b>6</b>
	<b>10.1 <u>ORDINARY COUNCIL MEETING - 20 JANUARY 2010</u></b>	<b>6</b>

<b>11.</b>	<b><u>REPORTS OF OFFICERS</u></b>	<b>7</b>
11.1	<b><u>ADMINISTRATION</u></b> Nil	7
11.2	<b><u>FINANCIAL DEVELOPMENT</u></b>	7
	11.2.1 List of Payments Authorised Under Delegation 1.31 *	7
	11.2.2 Statement of Financial Activity - Period Ended 31 January 2010*	8
	11.2.3 Budget Review *	11
11.3	<b><u>OPERATIONAL DEVELOPMENT</u></b> Nil	13
11.4	<b><u>COMMUNITY DEVELOPMENT</u></b>	13
	11.4.1 Townsite Expansion Strategy – Moora *	13
	11.4.2 Moora Airstrip Access – W.J. & K.M. Vanzetti *	15
	11.4.3 Proposed Scheme Amendment No. 9 – Omnibus Amendment to the Shire of Moora Town Planning Scheme No 4 *	18
11.5	<b><u>ENVIRONMENTAL DEVELOPMENT</u></b> Nil	25
11.6	<b><u>ECONOMIC DEVELOPMENT</u></b> Nil	25
11.7	<b><u>SPORT AND RECREATION</u></b> Nil	25
<b>12.</b>	<b><u>ELECTED MEMBER MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN</u></b> Nil	<b>25</b>
<b>13.</b>	<b><u>MOTIONS OF AN URGENT NATURE INTRODUCED BY DECISION OF COUNCIL</u></b>	<b>25</b>
	13.1 Letters of Acknowledgement	25
	13.2 Re-Opening of Swimming Pool on Mondays	26
<b>14.</b>	<b><u>NOTICE ON MOTIONS FOR THE NEXT COUNCIL MEETING</u></b> Nil	<b>26</b>
<b>15.</b>	<b><u>MATTERS BEHIND CLOSED DOORS</u></b>	<b>26</b>
	15.1 Lots 404-413 Gardiner Street Moora	26
<b>16.</b>	<b><u>CLOSURE OF MEETING</u></b>	<b>27</b>

\* Separate Attachments

Item 11.2.1	List of Payments Authorised Under Delegation 1.31
Item 11.2.2	Statement of Financial Activity for the Period Ended 31 January 2010
Item 11.2.3	Budget Review
Item 11.4.1	Townsite Expansion Strategy-Moora
Item 11.4.2	Proposed Airstrip Easement Map
Item 11.4.3	Copy of Full Statutory Text & Table of Submissions

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

*The Shire President declared the meeting open at 3.40pm, 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
CD Hawkins	-	Councillor
R Keamy	-	Councillor
JW McLagan	-	Councillor
DV Clydesdale-Gebert	-	Councillor
OC Cocking	-	Councillor
L J Parola	-	Manager Finance & Corporate Services
J L Greay	-	Manager Engineering Services
M J Prunster	-	Manager Community Services
R L McCall	-	Manager Economic Development
W Zdravec	-	Manager Health, Building & Planning Services
MM Murray (from 4.00pm)	-	Executive Support Officer

### **APOLOGIES:**

LM O'Reilly	-	Chief Executive Officer
AR Tonkin	-	Councillor

### **PUBLIC:**

Mr Stan Lewis (until 4.13pm)	Mrs Ann Lewis (until 4.13pm)
Mr Les Crane (until 4.13pm)	

## **4. DECLARATIONS OF INTEREST**

Nil

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

**Mrs Anne Lewis** raised the following questions for discussion with Council:-

- Difficulty in having access to the plans of the proposed Bindi Bindi Community Centre and Fire Station
- Emailed the CEO to have the plans at the Electors General Meeting (not provided)
- The CEO responded that it would be better to contact the Bindi Bindi Progress Association
- They provided concept plan
- Went to Electors general Meeting, given permission to view at Shire office on 9/2
- 10/2 came in especially to view, told have to have permission from Les Crane
- 17/2 special trip, saw plans, some concerns but they have been approved
- Read out statement detailing history of funding for the project
 

\$30,000	FESA
\$25,000	Council Reserve
\$50,000	Royalties for Regions
\$75,000	Lotterywest
- August 2007 at AGM of Bindi Progress Association, committee given power to go ahead
- Budget of \$180,000 for a fire shed and social area
- 2009 AGM Bindi Progress Association, concept plan shown
- What regulation or approval says we needed Les Crane's approval for them to be reviewed?

**Wolfgang Zadavec responded**

Regulation 12 of the Building Regulations 1989, protect applicants when they submit plans. Building Surveyors at Wongan Hills and Chittering agree with his interpretation.

**Shire President**

Gave an undertaking in all fairness at the Electors General Meeting, found out afterwards that the plans couldn't be viewed without Bindi Progress Association permission.

Know the plans have been seen today, can only apologise for the unnecessary trips to Moora.

**Mrs Lewis**

Plans not detailed in relation to height of windows. Have honour rolls, historical panels, glass fronted cabinets with trophies to display. No room for these things to be displayed.

**Shire President**

Out of our hands, have seen plans. Will work out something for some to be on display.

**Mrs Lewis**

Disappointed if can't show honour roll all the time.

**Shire President**

At the moment will be a shell, the next stage will be to fit it out.

**Mr Les Crane**

The committee is working hard, had come to town to discuss, some money deferred so agreed to a staged process. Expressed gratitude to Council for progress to date. Looking for further funding including a cropping program.

**Mr Stan Lewis**

Distributed a letter he had written stating Council had not approached the issue with enough initiative.

Advised permission to see the plans was refused until they had permission from Les Crane. Permission revolving around protection.

He asked if Council has lost control over its staff? He asked what Council feels.

**Shire President** stated his insinuation was incorrect and that Council had not lost control.

**Cr Gardiner**

What will we do in the future if we have a public group/public funding – who is the proponent? He doesn't know why a Bindi resident can't see the plans.

**Wolfgang Zadravec**

The legislation is/was muddied, Jenny King was the applicant. The Bindi Bindi Progress Association is the proponent. The Bindi Bindi Progress Association is headed by the President, Treasurer and Secretary.

**Shire President**

Believed that Wolfgang Zadravec acted in good faith. Believes this is an argument between the Crane & Lewis families, not the Council.

**Mr Lewis**

Does Council take its instructions from its staff?

**Shire President**

Advised that the Council takes advice from professional staff and the CEO. They are not experts.

**Mr Crane**

Never denied access to the plans, he faxed them the concept plan. The builder is not doing the internal plan which is why it's not on the plan.

**Mr Lewis**

Would it not have been competent for Wolfgang Zadravec to have gotten permission from Mr Crane?

**Wolfgang Zadravec**

Stated that he did ask him.

**Cr Gardiner**

Surprised that Mr Lewis does not know how Local Government works. Will review process after it has finished to see how it can improve.

**Mrs Lewis**

Could not believe her ears when Wolfgang Zadravec said he had been instructed by Mr Crane not to show them the plans.

At 4pm the Executive Support Officer joined the meeting.

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

Nil

**7. APPLICATIONS FOR LEAVE OF ABSENCE**

Cr Hawkins applied in writing for leave of absence for the Ordinary Meeting of Council to be held on the 17<sup>th</sup> March 2010 as he would be away due to work commitments.

**COUNCIL RESOLUTION**

**7/10 Moved Cr McLagan, seconded Cr Gardiner that Cr Hawkins be granted leave of absence for the Ordinary Meeting of Council to be held on the 17<sup>th</sup> March 2010.**

**CARRIED 8/0**

**8. PETITIONS AND MEMORIALS**

Nil

**9. ANNOUNCEMENTS BY THE SHIRE PRESIDENT**

- Earlier this afternoon I attended the opening of the caravan park upgrade along with Cr's Hawkins and Pond, dignitaries Mr Barry Haase MP, Mr Philip Gardiner and council staff. The extensions are a credit to those who worked there. Personally, I sincerely thank Chris Puttick for his efforts with the camp kitchen.
- Following on from that the Federal Member for Moore, Mr Barry Haase MP opened the Stack / Cooper Reserve.
- Tuesday 9<sup>th</sup> February the Chief Executive Officer and I attended the Local Government Forum at Ascot Park.
- Thursday 11<sup>th</sup> February the Chief Executive Officer & I attended the Avon Midland Zone AGM in Wongan Hills. Mr Pat Hooper from York was elected as the Avon Midland Zone President and Mr Steven Pollard from Northam as Deputy President. Mr Lawrie Short from Dandaragan was elected State Council delegate, with Mr Pat Hooper as the deputy delegate.
- Cr Gardiner commented that Mike Prunster's farewell on Friday was well attended.

**10. CONFIRMATION OF MINUTES OF THE PREVIOUS MEETING****10.1 ORDINARY COUNCIL MEETING - 20 JANUARY 2010****COUNCIL RESOLUTION**

**8/10 Moved Cr Cocking, seconded Cr Gardiner that the Minutes of the Ordinary Meeting of Council held on 20 January 2010, be confirmed as a true and correct record of the meeting.**

**CARRIED 8/0**

At 4.13pm Mr & Mrs Lewis and Mr Crane retired from the meeting.

## **II. REPORTS OF OFFICERS**

### **II.1 ADMINISTRATION**

Nil

### **II.2 FINANCIAL DEVELOPMENT**

#### **II.2.1 LIST OF PAYMENTS AUTHORISED UNDER DELEGATION 1.31**

**REPORT DATE:** 8 February 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)**

***9/10 Moved Cr Gardiner, seconded Cr Cocking that Council notes and endorses the Payments from the Municipal and Trust Funds made under delegation 1.31***

<i>Municipal Fund</i>	<i>Cheques 59628 to 59671</i>	<i>\$162,596.78</i>
	<i>Direct Debits EFT3653 to EFT3796</i>	<i>\$727,148.37</i>
	<i>Net Pays – PPE 6/1/10</i>	<i>\$73,982.07</i>
	<i>Net Pays – PPE 20/1/10</i>	<i>\$76,253.49</i>
	<i>Net Pays – PPE 3/2/10</i>	<i>\$81,739.78</i>

***Total*** ***\$1,121,720.40***

**CARRIED 8/0**

### **11.2.2 STATEMENT OF FINANCIAL ACTIVITY FOR PERIOD ENDED 31 JANUARY 2010**

**REPORT DATE:** 8 February 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 31 January 2010

**PURPOSE OF REPORT:**

To note and receive the Statement of Financial Activity for the period ended 31 January 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 31 January 2010 is provided as a separate attachment in Program format. When adopting the budget, Council agreed to set the materiality threshold for monthly financial reporting at plus or minus 10% at program and category levels. At the Ordinary Meeting of Council held 20 January, Council agreed that the materiality threshold remain at plus or minus 10%, but that it be for variations of more than \$5,000 so that relatively minor amounts are not included.

The following programs were outside of the 10% and \$5,000 threshold as at 31 January 2010.

**Governance**

Income is approximately \$12,000 more than the year to date budget as a result of Insurance Bonuses being received. Staff will recommend that this budget be increased as part of the budget review.

**Law, Order, Public Safety**

Income is approximately \$42,000 less than the year to date budget as a journal to recognise the income from the Emergency Services Levy has yet to be carried out.

**Health**

Income is approximately \$18,000 less than the year to date budget. This is largely due to rent not having been allocated for the Doctors' Residence, income not yet being claimed for the reimbursement of podiatry services and rental on the Dentists Surgery.

Expenditure is approximately \$11,000 less than the year to date budget. This is largely because expenditure for the maintenance of the Doctors' Resident has not been allocated and podiatry services are being less used than anticipated.

Staff will recommend that the income and expenditure relating to the Doctors' Residence be shown in the Housing Program as part of the budget review.

**Education and Welfare**

Income is approximately \$26,000 less than the year to date budget as a number of grant payments have not been received as yet.

**Housing**

Expenditure is approximately \$6,000 less than the year to date budget as maintenance staff have been occupied with the construction of the Moora Lifestyle Village.

**Community Amenities**

Expenditure is approximately \$66,000 under the year to date budget. This is partly a result of various refuse costs being \$44,000 less than budget, and a number of Town Planning projects not having been started and the maintenance of the Telecentre being \$16,000 under budget.

Staff will recommend that these expenditure budgets be decreased as part of the budget review.

**Transport**

Income is approximately \$12,000 less than the year to date budget, largely due to the disposal of vehicles not having been achieved or updated in the assets register. This will be addressed in the budget review.

**Economic Services**

Income is approximately \$82,000 less than the year to date budget, largely as a result of the profit on the sale of Lots 410-413 Gardiner Street not being achieved yet, and also because income from the Moora Lifestyle Village has yet to commence.

Expenditure is under the year to date budget by some \$89,000. This is made up of a number of accounts, the larger ones being the allocation of administrative costs (\$24,000), operation of the Lifestyle Village (\$18,000), depreciation (\$12,000), tourism expenses (\$12,000), cost of land sold (\$10,000) and standpipes (\$6,000).

**Other Property and Services**

Income is \$48,000 less than the current budget, largely because the timing of private works is not known so it has been spread evenly throughout the year and little work has been done to date.

Expenditure is some \$87,000 more than the current budget, largely because plant operation costs have not been effectively allocated to jobs.

**Overall**

At the moment operating income and expenditure is within 10% of the year to date budget. A number of amendments to the budget will be recommended by staff as part of the budget review to address areas of significance.

**POLICY REQUIREMENTS:**

Nil

**LEGISLATIVE REQUIREMENTS:**

Local Government Act 1995, Section 6.4

Local Government (Financial Management) Regulations 1996, Clause 34

**STRATEGIC IMPLICATIONS:**

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

**SUSTAINABILITY IMPLICATIONS:**

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

**FINANCIAL IMPLICATIONS:**

Year to date income and expenditure is provided by program to enable comparison to 2009/2010 adopted budget.

**VOTING REQUIREMENTS**

Simple Majority Required

**COUNCIL RESOLUTION  
(MANEX RECOMMENDATION)**

*10/10 Moved Cr Pond, seconded Cr Hawkins that Council notes and receives the Statement of Financial Activity for the period ended 31 January 2010.*

**CARRIED 8/0**

### **11.2.3 BUDGET REVIEW**

**FILE:** F/AUDI  
**REPORT DATE:** 8 February 2010  
**DECLARATION:** Nil  
**AUTHOR:** Leanne Parola, Manager Finance & Corporate Services  
**ATTACHMENTS:** Budget Review

**PURPOSE OF REPORT:**

To consider and adopt the budget review for the Period 1 July 2009 to 31 January 2010.

**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 2009 to 31 January 2010 has been conducted by management and is provided as a separate attachment to this agenda.

Significant changes are recommended to the budget for two main reasons:

**i. Budgeted Deficit**

The adopted budget projected a deficit of \$402,461, which is outside the amount allowed without approval from the Minister for Local Government. This was exacerbated by the estimated carried forward surplus being lowered by \$185,682 when the financial statements for 2008/09 were finalised.

**ii. Country Local Government Fund – Grant Deferred**

The adopted budget included income of \$424,576 from the Country Local Government Fund. Late in December 2009 local governments were advised that the State Government was deferring payment of these funds until July 2010.

As a result, number of capital projects are recommended to be either fully or partially deferred until next financial year. These include:

- Changeover of Five Sedans (to be staged over two years)
- Water Tank Supply - Coomberdale & Round Hill
- Child Care Centre - Fencing
- Storage Shed - Ranger/Maintenance Equipment
- Coomberdale Hall - New Toilets
- Refurbish Hall Tables
- Swimming Pool Development Plan
- Moora Recreation Centre - Refurbish Floors

- Moora Sculptural Park
- Drainage Construction (Melbourne Street – Industrial area)
- Miling Entry Statements
- Industrial Park - Land Extension
- West End Land Development
- Cemetery Extensions (to be staged over two years)
- Bindi Bindi Community Centre (to be staged over two years)
- Carnaby's Cockatoo Trail (to be staged over two years)
- Moora Community Park (to be staged over two years)
- Miling Caravan Park Stopover (to be staged over two years)

The proposed Amended Budget estimates a surplus of \$88,303 as at 30 June 2010. 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.

#### **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

**COUNCIL RESOLUTION  
(MANEX RECOMMENDATION)**

*11/10 Moved Cr Pond, seconded Cr Clydesdale-Gebert that Council, having considered the budget review for the period 1 July 2009 to 31 January 2010 adopts the review as tabled, showing an estimated surplus at 30 June 2010 of \$88,303.*

**CARRIED BY ABSOLUTE MAJORITY 8/0**

**11.3 OPERATIONAL DEVELOPMENT**

Nil

**11.4 COMMUNITY DEVELOPMENT**

**11.4.1 TOWNSITE EXPANSION STRATEGY – MOORA**

**FILE REFERENCE:** TP/TPS1

**REPORT DATE:** 21 January 2010

**APPLICANT/PROPONENT:** N/A

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

**PREVIOUS MEETING REFERENCES:** 20/5/2009 (70/09)

**AUTHOR:** Gray & Lewis Landuse Planners

**ATTACHMENTS:** Townsite Expansion Strategy – Moora

**PURPOSE OF REPORT:**

Council is advised that the Western Australian Planning Commission (WAPC) has noted and endorsed the Townsite Expansion Strategy for Moora subject to a modification.

**BACKGROUND:**

Workshop

On the 22 September 2008, Gray & Lewis attended a workshop held by Shire staff with Councillors to informally discuss strategic planning issues and an omnibus scheme amendment. The workshop also identified a general need for townsite expansion strategies for Moora, Miling and Watheroo to provide future planning direction.

WAPC advice – Amendment 6

On the 6 November 2008, the Western Australian Planning Commission (WAPC) advised that it generally supported Amendment 6 subject to a number of modifications. In the correspondence WAPC 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 wrote to the WAPC and advised that Townsite Expansion Strategies would be pursued and implemented as an interim measure to address immediate strategic planning issues.

Council Adoption

Council adopted a Draft Strategy in February 2009 for the purpose of public consultation/ advertising.

The Strategy was advertised from the 19 March 2009 to 29 April 2009, before being adopted for final approval by Council on the 20 May 2009.

**COMMENT:**

The Strategy was lodged with the Western Australian Planning Commission (WAPC) on the 27 May 2009 seeking endorsement. A number of minor changes were made to the Strategy as a result of various discussions with WAPC.

On the 13 January 2010 the WAPC advised that it notes and endorses the strategy as a strategic landuse guide subject to one modification. The WAPC requested that any reference to replacement of the flexible R12.5/25 code with a flat density code of R25 be deleted.

Gray & Lewis has made the modification requested, and a final copy of the strategy is included as an Attachment.

The WAPC has advised that they endorse the strategy as an interim guide for a period of 2 years, and that a Local Planning Strategy should be prepared for the Shire.

**POLICY REQUIREMENTS:**

N/A

**LEGISLATIVE REQUIREMENTS:**

There are no known legislative requirements related to this item.

**STRATEGIC IMPLICATIONS:**

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

**SUSTAINABILITY IMPLICATIONS:**

➤ **Environment**

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

➤ **Economic**

There are no known significant economic implications associated with this proposal. In the longer term the Shire may consider budgeting for development of a Local Planning Strategy, using the Townsite Strategy as a base.

➤ **Social**

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

**FINANCIAL IMPLICATIONS:**

Council has been responsible for paying all costs associated with development and finalisation of the strategy.

**VOTING REQUIREMENTS:**

Simple Majority

<b>COUNCIL RESOLUTION (MANEX RECOMMENDATION)</b>
--

*12/10 Moved Cr Bryan, seconded Cr McLagan that Council note endorsement of the Townsite Expansion Strategy – Moora by the Western Australian Planning Commission (with modification).*

**CARRIED 8/0**

**11.4.2 MOORA AIRSTRIP ACCESS – W.J. & K.M. VANZETTI**

**FILE REFERENCE:** PA/3225-1

**REPORT DATE:** 21 January 2010

**APPLICANT/PROPONENT:** W.J. & K.M. Vanzetti

**OFFICER DISCLOSURE OF INTEREST:** Author has no interest in this item

**PREVIOUS MEETING REFERENCES:** 19/11/08 (188/08), 23/1/08 (9/08) & 15/7/09 (94/09)

**AUTHOR:** Michael Prunster, Manager Community Services

**ATTACHMENTS:** Proposed Airstrip Easement Map

**PURPOSE OF REPORT:**

Council to approve and adopt the attached detailed Plan of the survey for the proposed easement for the Moora Airstrip located on the property of Messrs W. & K Vanzetti of Lots 1216 & 48 Airstrip Road Moora, and request Messrs F.R. Rodda & Co to prepare a Deposited Plan for lodgement with the Landgate Office.

**BACKGROUND:**

At the Council meeting held on the 13 July 2009, Council passed the following resolution:-

*94/09 Moved Cr Pond, seconded Cr Tonkin and Cr Barrett-Lennard that Council:*

- A. *rescinds the resolution 188/08 passed on the 19<sup>th</sup> November 2008 and*
- B. *adopt the following amended resolution in relation to the use of the Moora Airstrip located on Lots 1216 and 48 Airstrip Road Moora:-*
  1. *Request Surveyor to prepare an easement only deposited plan, and lodge with Landgate.*
  2. *Request Civic Legal to prepare a draft deed of easement containing all the matters required by the parties to give effect to the arrangement.*
  3. *When the deed is finalised, arrange for all parties to sign indicating their consent.*
  4. *The term of the easement is to be for a period of 10 years commencing from 2008-09 financial year, with an option to renew at the expiration of the term.*



5. *Annual airstrip access payment to be the equivalent of the Shire of Moora Rate assessment for Lots 1216 & 48, Melb Loc. 992, Airstrip Road, Moora with an annual review using the movement in C.P.I. and/ or annual rates as an indicator for airstrip access payment.*
6. *Council will be responsible for the maintenance and safety requirements for the airstrip.*
7. *Operation details of the airstrip to be published in the WA Country Airstrip Guide.*
8. *All costs associated with the preparation of the easement, survey plan and legal costs to be borne by the Shire of Moora.*

CARRIED BY ABSOLUTE MAJORITY 6/0

Following adoption of the attached easement plan Messrs F R Rodda & Co, the following procedure will then be commenced:-

- Request the surveyor to prepare an easement only deposited plan and lodge this with Landgate
- Request Civic Legal to prepare a draft deed of easement containing all the matters required by the parties to give effect to the arrangement.
- Following finalisation of the deed all parties to sign together with the owners bank (if applicable) to grant their consent.
- The deed to then be lodged with Landgate and appears on the owners title.

**COMMENT:**

Messrs Rodda & Co advised that the easement has been drawn up to conform to the recommendations provided in the Civil Aviation Authority Guidelines.

The length of the main runway is suitable for most of the light Aircraft that currently use the airstrip, but on occasions the fence located at the 830m mark has to be opened to cater for larger Aircraft. Council will have to make arrangements with the property owners for this section to be made easier to remove when required.

The Moora State Emergency Service has requested that permission be granted to locate a shed of approximately 5m x 4m near the existing sheds for the storage of emergency lighting etc for emergency use. This would alleviate time wasted collecting the items from the Moora Headquarters when required.

**POLICY REQUIREMENTS:**

Nil

**LEGISLATIVE REQUIREMENTS:**

There are no known legislative requirements related to this item.

**STRATEGIC IMPLICATIONS:**

Provision of a suitable airstrip for the future demand for private and recreational flying in and around the Shire of Moora.

**SUSTAINABILITY IMPLICATIONS:**

➤ **Environment**

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

➤ **Economic**

The provision of a managed facility to assist in the development of business and commercial projects.

➤ **Social**

The facility will provide infrastructure in the case of emergency situations – eg; health, flood, fire etc.

**FINANCIAL IMPLICATIONS:**

Surveying and legal costs included in 2009-10 Budget, as per resolution 94/09.

**VOTING REQUIREMENTS**

Simple Majority Required

**COUNCIL RESOLUTION  
(MANEX RECOMMENDATIONS)**

*13/10 Moved Cr McLagan, seconded Cr Hawkins that Council:-*

- 1) Approve and adopt the plan submitted by Messrs F R Rodda & Co for the proposed easement for the Moora Airstrip located on the property of Messrs W. & K Vanzetti at Lots 1216 & 48 Airstrip Road Moora.*
- 2) Request Messrs F R Rodda & Co to prepare an easement only deposited plan and lodge this with Landgate*
- 3) Request Civic Legal to prepare a draft deed of easement containing all the matters required by the parties to give effect to the arrangement.*

**CARRIED 8/0**

### **11.4.3 PROPOSED SCHEME AMENDMENT NO. 9 – OMNIBUS AMENDMENT TO THE SHIRE OF MOORA TOWN PLANNING SCHEME NO 4**

**FILE REFERENCE:** TP/TPS1

**REPORT DATE:** 10 December 2009

**APPLICANT/PROPONENT:** Gray & Lewis on behalf of the Shire of Moora

**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. Copy of full statutory text
2. Table of Submissions

**PURPOSE OF REPORT:**

Council is to consider final adoption of Amendment 9 to the Shire of Moora Town Planning Scheme No 4 (with modification).

Amendment 9 is a consolidated amendment which seeks to correct a number of anomalies in the Scheme text and update / make improvements to the Scheme text.

**BACKGROUND:**

The Shire of Moora Local Planning Scheme No 4 was published in the Government Gazette on 9 June 1998.

Due to the age of the Scheme it is in need of revision and updating which is the purpose of this amendment.

**COMMENT:**

Summary of proposed changes

This report does not propose to replicate the entire list of modifications proposed in Amendment 9 due to the number of items. The resolution includes a summary of changes proposed and a full copy of the statutory text is included as Attachment 1.

A summary of the main changes is included below;

- This amendment will introduce elements of the Model Scheme Text to simplify administration of the Scheme. The Model Scheme text is produced by the Western Australian Planning Commission
- In accordance with the Model Scheme text the terminology used in the Scheme will be updated. For example some 'Special Rural' areas will be referred to as 'Rural Residential' and some will be referred to as 'Rural Small holding'. The main difference is lot size as WAPC policies recognise lots between 1-4 hectares as 'Rural Residential' whereas 'Rural Small Holdings' are larger between 4 and 40 hectares. As an example, the land bound by Cooper/Halligan/Webb/ Molloy Streets, Moora will be changed from 'Special Rural' to 'Rural Small Holdings'.
- Land in the 'Farming' zone will be referred to as 'General Agriculture'. This is only a change of terminology.
- The flexible coded areas zoned Residential will be changed from 'R12.5/25' to 'R25'.

- References in the Scheme will also be updated. A number of state documents referred to in the Scheme have changed – eg. The Scheme will reference the current ‘State Planning Policy 3.1’ instead of the old ‘Statement of Planning Policy No. 1’.
- A home office is included in the list of uses that do not require planning approval.
- The defined landuses in the Scheme will be expanded to include a number of definitions from the model scheme text such as abattoir, ancillary tourist use, constructed road, dog kennels etc.
- There will be a number of zoning changes to single or groups of lots and these are predominantly to better recognise the landuse.
- Currently there is no allocated density code for residential land in the ‘Rural Townsite’ zones which includes Bindu Bindi, Coomberdale, Koojan, Miling and Watheroo. A density of Residential R10 has always been applied so the Scheme will officially recognise that practice and allocate an R10 density for all the townsites.
- CBH sites will be recognised as ‘Industrial’ zones however will have a restricted use for ‘Rural Industry’. This simply ensures there is adequate zoning over all CBH sites and provides better recognition of the existing landuse.
- Introduces flood control areas and ensures that development requires planning approval for land subject to flooding, even a single house. It also makes reference to the flood study and requires a finished floor level not less than 500mm for habitable buildings.

### Advertising

The amendment was advertised between 29 October 2009 and 5 December 2009. A total of 11 submissions were received.

All late submissions (including one from Department of Water received on 21 January 2010), and a recommendation on each submission is included in the Table of Submissions – Attachment 2.

### Proposed Modifications to the Amendment

The Shire can adopt the amendment with, or without modifications. Ultimately the Minister for Planning (on recommendation of the WAPC) will determine the final form of the amendment.

As a result of submissions, a number of modifications are proposed which are detailed in the Table of Submissions. For ease of reference and Councillor discussion, the proposed modifications are explained in detail below.

- *Lots 34 to 42 Gardiner Street Moora (Tennis Club)*

Lots 34 to 42 are developed with the Moora Tennis Club containing a club building and associated tennis courts. Lots 34 to 41 are in a ‘Local Reserve for Recreation and Open Space’ however retention of this reserve is not recommended as;

1. Local Reserves should only be used for land which is owned by the Shire or an agreeable public authority, and not privately owned land.

2. The zoning leaves Council open to claims of compensation in the event that a development is refused on the land, for the reason that it is not consistent with the designated use of the reserve.
3. The Scheme provisions for development of reserves are very broad and do not provide sufficient development control if the lots are ever redeveloped or sold.

Lot 42 is zoned 'Town Centre' so the two zonings over the tennis club facilities are inconsistent and are an anomaly.

The amendment proposed to reclassify Lots 34 to 41 Gardiner Street, Moora from "Local Reserve for Recreation and Open Space" to "Special use" zone, and rezone Lot 42 Gardiner Street, Moora from "Town centre" zone to "Special use" zone, for private recreation (tennis club).

As outlined in the Table of Submissions the Tennis Club has objected to the change of zoning as;

- They want to retain the existing 'Town Centre' zoning on Lot 42 to allow for flexibility should they ever decide to sell the lot.
- They object to any change of zoning for Lots 34-41 as they are concerned it may impact on funding.

Retention of the existing 'Local Reserve for Recreation and Open Space' is not recommended for the reasons outlined above. To address the submission it is recommended that the amendment be modified to re-zone Lots 34-41 from 'Local Reserve for Recreation and Open Space' to 'Town Centre' consistent with the zoning of Lot 42 which also forms part of the tennis club.

The tennis club can continue to operate 'as is' and the zoning will result in one consistent zone over the entire club facilities.

- *Lot 55 Lee Steere Street, Moora*

The amendment proposed to re-zone Lot 55 from 'Residential' to 'Special Use' (SU4 – Motor Vehicle repair) which is consistent with the zoning of adjacent Lot 4 to the immediate north.

The owner of Lot 55 has lodged a submission advising of no objection to the amendment, however has expressed concern that the permissible use is limited to motor vehicle repair. The owner advises that the land is vacant and a buyer may seek to establish a different business.

To provide greater flexibility it is recommended that;

- Lot 55 be given an individual special use zone (SU7) separate from the existing Special use zone (SU4) that applies to Lot 4. Lot 55 and Lot 4 were originally both owned by Mr Jorissen but he advises that the mechanical workshop on Lot 4 is now owned by the Lewis family.
- The allowable landuses for Lot 55 be increased to include caretakers dwelling, light industry, service industry, office or showroom.
- Include conditions in the Scheme outlining matters that Council will have regard for any development of Lot 4 including appropriate landscaping, building height and design, and management of emissions.

- *Department of Water*

The Amendment includes controls for the 'Flood Control Area' and the Department for Water has suggested modifications to some of the proposed clauses which are supported.

The main changes include:

- The amendment currently refers to avoiding inappropriate development of land subject to flooding with an annual exceedance probability (AEP) of 1% and DoW suggest referring instead to the March 1999 event as the designated flood planning level.
- The amendment refers to a habitable building having a finished floor level (FFL) not less 500mm above the 1% AEP, and DoW advise it should refer to a FFL of 300mm above the March 1999 flood level as defined in the Moora Floodplain Definition Study (which is assumed to be the 'SKM – Review of Moora Flood Management Study' as the review maps were attached to the DoW submission).

Note: The change from 500mm to 300 mm is also consistent with a Councils resolution from 18 March 2009 (refer Item 11.5.1) as Council adopted a new FFL of 0.3 above the March 1999 flood levels for new habitable buildings.

- Include some provisions outlining varying of flood protection dependent on the type of development proposed.

Note: This would also be consistent with the 18 March 2009 resolution as Council resolved to adopt a minimum FFL of 0.15m above the March 1999 flood level for non habitable buildings such as sheds, industrial and commercial sites (subject to specific conditions).

- *Map Changes for Lots 37, 38 & 400 Padbury Street*

During advertising of the amendment an anomaly on the proposed scheme amendment map was identified by Council Officers.

Whilst no changes were cited in the Scheme amendment text, the proposed scheme amendment map shows Lots 37, 38 and 400 Padbury Street as 'Residential' instead of the current 'Public Purpose' zoning. It is believed that the lots may have been inadvertently included in the R25 area when the adjacent flexible coded area was changed to R25.



It is proposed to correct the amendment map prior to the documents being lodged with the Western Australian Planning Commission. Map changes are organised through the Department for Planning and Infrastructure.

#### *Conclusion*

The proposed modifications are to address issues raised in the public submissions and therefore no re-advertising of the amendment is recommended. It is recommended that Council adopt the amendment for final approval (with modifications) and seek final approval by the Minister for Planning.

#### **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 having regard to advice from the Western Australian Planning Commission. If the WAPC require major modifications they can require the amendment to be re-advertise.

#### **STRATEGIC IMPLICATIONS:**

The amendment will allow for the Scheme to be administered with greater clarity and better recognises some existing landuses.

#### **SUSTAINABILITY IMPLICATIONS:**

##### ➤ **Environment**

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

##### ➤ **Economic**

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

##### ➤ **Social**

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

#### **FINANCIAL IMPLICATIONS:**

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

#### **VOTING REQUIREMENTS:**

Simple Majority Required

### **COUNCIL RESOLUTION (MANEX RECOMMENDATION)**

***14/10 Moved Cr Pond, seconded Cr Hawkins that Council:***

- A. *Adopt Amendment 9 to the Shire of Moora Town Planning Scheme No. 4 for final approval (with modifications marked in red text) pursuant to Section 75 of the Planning and Development Act 2005 (in accordance with the full statutory changes detailed in (Attachment 1) including;***

- 1. Introducing elements of the Model Scheme Text and other modifications to simplify administration of the Scheme; replacing the dual R12.5/25 with R25 density code for the Residential zone; introducing flood control areas, and amending the Zoning table to require planning approval for a single house in the Residential zone.**
  
- 2. Amending the Scheme Map by:**
  - (a) in the Legend on the Scheme Map including “Rural Smallholding” zone in the list of Zones;**
  - (b) rezoning all of the Lots bounded by Cooper / Halligan / Webb / Molloy Streets, Moora from “Special Rural zone” to “Rural Smallholding” zone;**
  - (c) in the Legend on the Scheme Map replacing “Special rural” zone with “Rural residential” zone in the list of Zones and renaming all remaining Lots in the Scheme Area that are in the “Special Rural” zone as “Rural residential” zone;**
  - (d) in the Legend on the Scheme Map replacing “Farming” zone with “General agriculture” zone in the list of Zones and renaming all Lots in the Scheme Area that are in the “Farming” zone as “General agriculture” zone;**
  - (e) replacing the dual density code R12.5/25 with R25 wherever it occurs;**
  - (f) rezoning Lots 1 and 2 Riley Road, Moora, from “Rural Residential” zone to “Light Industrial” zone;**
  - (g) rezoning Lot 55 Lee Steere Street, Moora, from “Residential” zone to “Special use” zone;**
  - (h) rezoning Lot 2444 Airstrip Road, Moora, from “General Agriculture zone” to “Special use” zone;**
  - (i) rezoning Lot 241 Berkshire Valley Road / Barber Street, Moora, from “Special use” zone to “Rural residential” zone;**
  - (j) reclassifying Lots 34 to 41 inclusive, Gardiner Street, Moora, from “Local Reserve for Recreation and Open Space” to “Town centre” zone;**
  - (k) designating the “Rural Townsite zone” with the R Codes density R10;**
  - (l) reclassifying part of Lot 77 Bindi Bindi - Toodyay Road, Bindi Bindi, from “Local Reserve for Railway” to “Industrial” zone with a Restricted Use for “industry-rural” for a grain depot;**



- (m) **reclassifying part of Railway Reserve Kiaka Road, Coomberdale, from “Local Reserve for Railway” to “Industrial” zone with a Restricted Use for “industry-rural” for a grain depot;**
  - (n) **reclassifying Lot 3967 Miling West Road, and part of Lots 3847, 3954 and 4089 (Reserve 26009), Miling, from “Local Reserve for Railway” to “Special use” zone for grain depot; and rezoning Lot 100 Richardson Street, Miling, from “General agriculture” zone to “Industrial” zone with a Restricted Use for “industry-rural” for a grain depot;**
  - (o) **reclassifying Lot 4300 Findlater Street, and part of Lot 4171 (Reserve 33359) Wheatbin Road, Moora, from “Local Reserve for Public Purpose” to “Industrial” zone with a Restricted Use for “industry-rural” for a grain depot; rezoning part of Lot 101 Findlater Street, Moora, from “General agriculture” zone to “Industrial” zone with a Restricted Use for “industry-rural” for a grain depot; and reclassifying part of Lot 4171 from “Local Reserve for Public Purpose” to “Local Reserve for Railway”;**
  - (p) **rezoning Lot 101 Grain Lane, and Lots 1171, 501, and 502, Watheroo, from “General agriculture” zone to “Industrial” zone with a Restricted Use for “industry-rural” for a grain depot; and reclassifying Lot 4002 (Reserve 34331), Watheroo from “Local Reserve for Railway” to “Industrial” zone with a Restricted Use for “industry-rural” for a grain depot;**
  - (q) **reclassifying Lot 104 (part of Reserve 30131) George Street and Elliot Way, Watheroo, from “Rural townsite” zone to “Local Reserve for Recreation and Open Space”.**
2. **Note the submissions and adopt the recommendations in the Table of Submissions (Attachment 2).**
  3. **Advise all persons and authorities who lodged submissions that Council has finally adopted the amendment and final approval of the amendment is required by the Minister for Planning.**
  4. **Note that the scheme amendment map incorrectly showed Lots 37, 38 and 400 Padbury Street as ‘Residential’ instead of the current ‘Public Purpose’ zoning, and that the map will be corrected to retain the existing ‘Public Purpose’ zone over the Council owned lots prior to lodgement of the documents with the WAPC.**
  5. **Authorise Gray & Lewis to lodge modified amendment documents with the Western Australian Planning Commission (following execution/signing by the Chief Executive Officer and Shire President) seeking Ministerial approval.**

**CARRIED 7/1**

**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**

Cr Hawkins requested Council consider two motions of urgency relating to his intent to put the following motions

1. That Messrs Greay & Zadavec and their teams be congratulated for the excellent work on the Caravan Park and other locations around the Shire.
2. That the Chief Executive Officer take the necessary steps to re-open the Moora Swimming Pool on Mondays for regular weekday hours, until the end of the season.

**COUNCIL RESOLUTION**

***15/10 Moved Cr Hawkins, seconded Cr Pond that Council consider the following two motions as a matter of urgent business.***

**CARRIED 8/0**

**13.1 Letters of Acknowledgement****COUNCIL RESOLUTION**

***16/10 Moved Cr Hawkins, seconded Cr Cocking that Messrs Greay & Zadavec and their teams be congratulated for the excellent work on the Caravan Park and other locations around the Shire.***

**CARRIED 8/0**

**13.2 Re-Opening of Moora Swimming Pool on Mondays****COUNCIL RESOLUTION**

*17/10 Moved Cr Hawkins, seconded Cr Cocking that the Chief Executive Officer take the necessary steps to re-open the Moora Swimming Pool on Mondays for regular weekday hours, until the end of the season.*

**CARRIED 5/3**

**14. NOTICE OF MOTIONS FOR THE NEXT COUNCIL MEETING**

Nil

**15. MATTERS BEHIND CLOSED DOORS****COUNCIL RESOLUTION**

*18/10 Moved Cr McLagan, seconded Cr Hawkins that the meeting move behind closed doors to discuss Item 15.1, “Lots 404-413 Gardiner Street Moora” as it is a matter that if disclosed would reveal the personal affairs of a person/s; pursuant to Section 5.23 (b) of the Local Government Act 1995.*

**CARRIED 8/0**

At 5.04pm the meeting moved behind closed doors.

At 5.05pm Cr Cocking left the meeting and returned at 5.07pm.

**15.1 Lots 404-413 Gardiner Street Moora**

At 5.18pm the Manager Health Building & Planning Services left the meeting.

Provided to Councillors under confidential cover.

**MANEX RECOMMENDATIONS**

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

- 1. extends the settlement date for the purchase of Lots 404-413 Gardiner Street Moora to Monday, 31 May 2010 with no further extensions to be considered.*
- 2. authorises Civic Legal to prepare the deed of variance to the satisfaction of Council’s requirements and conditions.*

At 5.21pm the Executive Support Officer rejoined the meeting.

At 5.23pm the Manager Health Building & Planning Services rejoined the meeting.

**MOTION LOST 4/5**

**NOTE:** As the votes of members present were equally divided, the Presiding Member cast a second vote under the Local Government Act 1995, s. 5.21. (3).

## **REOPENING OF MEETING**

### **COUNCIL RESOLUTION**

*19/10 Moved Cr McLagan seconded Cr Hawkins that the meeting come out from behind closed doors and re-open to the public.*

**CARRIED 8/0**

At 5.26pm the meeting reopened to the public.

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

Prior to the closure, Mike Prunster addressed the meeting and thanked Council for their support over the years. He said that it had been great working with Council and staff and also thanked them for the farewell function held on his behalf on Friday the 12<sup>th</sup> February, it was a most memorable occasion.

## **16. CLOSURE OF MEETING**

*There being no further business, the Shire President declared the meeting closed at 5.27pm.*

**CONFIRMED**

**PRESIDING MEMBER**