

SHIRE OF MOORA
MINUTES OF THE ORDINARY MEETING OF COUNCIL
HELD IN COUNCIL CHAMBERS, MOORA
WEDNESDAY 16 JULY 2008

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1. DECLARATION OF OPENING & WELCOME OF VISITORS

The Shire President declared the meeting open at 3.34pm, welcomed visitors and announced:

“Acknowledging of Country”

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

2. DISCLAIMER READING

To be read by the Shire President should members of the public be present at the meeting.

No responsibility whatsoever is implied or accepted by the Shire of Moora for any act, omission or statement or intimation occurring during this meeting.

It is strongly advised that persons do not act on what is heard at this meeting and should only rely on written confirmation of Council’s decision, which will be provided within fourteen (14) days of this meeting.

3. ATTENDANCE

SA Bryan	-	Presiding Member
SJ Pond	-	Councillor
CE Gardiner	-	Councillor
WA Barrett-Lennard	-	Councillor
CD Hawkins	-	Councillor
AR Tonkin	-	Councillor
JW McLagan	-	Councillor
R Keamy	-	Councillor
D Clydesdale-Gebert (from 3.36pm)	-	Councillor
LM O’Reilly	-	Chief Executive Officer
JL Greay	-	Manager Engineering Services
DA Friend	-	Manager Finance & Corporate Services
GF Bangay	-	Manager Health & Planning Services

APOLOGIES

MJ Prunster	-	Manager Community Services
RL McCall	-	Manager Economic Development

PUBLIC

Mrs Merrel Pond (until 4.10pm)	-	Journalist, Central Midlands Advocate
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4. DECLARATIONS OF INTEREST

Nil

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

Nil

6. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

At 3.36pm Cr Clydesdale-Gebert joined the meeting and declared an interest in item 11.1.2, Yuat Ice Building as she is the owner of a property in close proximity to the said building.

The Shire President read aloud the responses to Ms Lana Kelly's questions taken on notice at the Council Meeting held on 18 June 2008.

The response to each question follows in bold.

Question 1. Has a Drainage and Nutrient Management Plan acceptable to the Council been prepared by a suitably qualified and independent consultant and submitted to the Shire for approval?

We are not yet in receipt of the Drainage and Nutrient Management Plan, but we have been advised that this will be available in the coming weeks.

Question 2. Has a Management Plan acceptable to the Council been prepared by a suitably qualified independent consultant and submitted to the Shire for approval? Does the plan include

*the appropriate measures to avoid nuisance from airborne emissions including but not limited to dust, noise, or odour.

* measures for implementation of the approved Management Plan.

The Management Plan is still to be received, and we have been advised that it will be available in the coming weeks.

Question 3. Has the owner entered into a legal agreement with the Shire prior to commencement of development covenanting to pay all costs to:

(i) repair or resurface any local roads damaged as a result of increased traffic associated with the facility; and

(ii) construct Bulbarnet Road if required by the Shire but only if it is to be used for a period exceeding 12 months.

(A deed of agreement between the owner and the Shire is to be prepared by the Shire's solicitors at the owner's cost, and executed prior to the commencement of development. The agreement will permit the Shire to lodge an absolute caveat against the Certificate of Title for the land to secure the performance of that obligation.)

- (i) Council has agreed with the applicant that in view of the recent upgrade carried out at the Bulbarnet/Bindoon-Moora Road intersection, it is considered satisfactory for the anticipated vehicle bypass and vehicle movements during the trial period. Applicant has been advised that should the trial facility ever be expanded, Council reserves the right to review the adequacy of this intersection at that time.
- (ii) As in (i) above.
- (iii) The applicant has provided information in their letter on the maximum traffic movements proposed.

Based on this the Shire should be able to determine whether upgrading of Bulbarnet Road is required as a direct result of this development within the 18 month approval period, or whether the existing road standard is sufficient.

Should the Shire still be concerned about the potential for road damage following the trial period, the Shire will undertake to discuss this matter further with the Water Corporation at that time with the view of requiring a written agreement or Memorandum of Understanding in lieu of a caveat.

7. APPLICATIONS FOR LEAVE OF ABSENCE

Cr Tonkin applied for leave of absence for the meetings of Council from 5pm, 16th July 2008 to 25th July 2008 inclusive as he would be on vacation.

COUNCIL RESOLUTION

130/08 Moved Cr Pond, seconded Cr McLagan that Cr Tonkin be granted leave of absence for the meetings of Council from 5pm, 16th July 2008 to 25th July 2008 inclusive.

CARRIED 9/0

8. PETITIONS AND MEMORIALS

Nil

9. ANNOUNCEMENTS BY THE SHIRE PRESIDENT

- Attended the Moora Historical Society meeting earlier today. Mr Harry Leaver was elected as Chairman; the other office bearers remain unchanged. The Shire President thanked the Society for their work over the last year in particular the recent 'photo unveiling' function.
- Yesterday Cr's Pond, Keamy, McLagan, the Chief Executive Officer and I attended a meeting with the Department of Local Government & Regional Development to discuss land developments.

- Cr Gardiner and the Manager Engineering Services attended the Regional Roads Sub Group meeting held in Moora on Friday 11th July 2008.
- Cr Pond will be attending a function tomorrow for the winding up of the Zone Control Authority (ZCA). There will be a new body formed which will be government funded however privately run.

10. CONFIRMATION OF MINUTES OF THE PREVIOUS MEETINGS

10.1 ORDINARY COUNCIL MEETING - 18 JUNE 2008

COUNCIL RESOLUTION

131/08 Moved Cr Keamy seconded Cr Pond that the Minutes of the Ordinary Meeting of Council held on 18 June 2008 be confirmed as a true and correct record of the meeting.

CARRIED 9/0

11. REPORTS OF OFFICERS

11.1 ADMINISTRATION

11.1.1 PLAN FOR THE FUTURE 2008-2010

FILE REFERENCE: PD/PLF1
REPORT DATE: 4 July 2008
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: 4/6/08 (118/08), 14/6/6 (90/06)
AUTHOR: Rebecca McCall, Manager Economic Development
ATTACHMENTS: Plan for the Future 2008-2010

PURPOSE OF REPORT:

That Council adopts the Plan for the Future for the Moora District 2008-2010.

BACKGROUND:

The Local Government Act 1995 Section 5.56 requires a Local Government to Plan for the Future of its District. This plan is to be made in accordance with Financial Management Regulation 19C. Council adopted the Plan for the Future of the Moora District 2006-2008 on 14 June 2006.

The adopted Plan for the Future of the Moora District 2006-08 is due for review. The reviewed document included modifications and was considered by Council.

COMMENT:

On 4 June 2008 Council resolved to endorse the Draft Plan for the Future of the District of Moora 2008-2010 and release the plan for Public Comment. Written submissions were accepted up to 4 July 2008. There were no written submissions received.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

Section 5.53 and 5.56 – Local Government Act 1995

Regulation 19C & 19D – Local Government (Financial Management) Regulations 1996

Planning for the future

- *A local government is to make a plan for the future of its district in respect of the period specified in the plan, being at least 2 financial years.*
- *A plan for the future of a district is to set out the broad objectives of the local government for the period specified in the plan.*
- *A local government is to review its current plan for the future of its district every 2 years and may modify the plan including extending the period the plan is made in respect of.*
- *A council is to consider a plan, or modifications, submitted to it and is to determine, by absolute majority, whether or not to adopt the plan, or modifications, as is relevant.*
- *If a plan, or modified plan, is adopted by the council then the plan or modified plan is to apply to the district for the period of time specified in the plan.*
- *A local government is to ensure that the electors and ratepayers of its district are consulted as to the development of a plan for the future of the district, and any modifications of a plan.*
- *A plan for the future of a district is to contain a description of the involvement by the electors and ratepayers in the development of the plan, and any modifications to the plan.*
- *A local government is to ensure that a plan for the future made, applies in respect of each financial year, beginning with the financial year commencing 1 July 2006.*

STRATEGIC IMPLICATIONS:

Planning for the Future of the Moora District will ensure Council, Staff and the Community understand the direction the District is moving towards.

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:

Projects identified in the Plan for the Future should be included in the budget for the year revenues and expenditures as identified.

VOTING REQUIREMENTS

Absolute Majority Required

**COUNCIL RESOLUTION
(MANEX RECOMMENDATION)**

132/08 Moved Cr Clydesdale-Gebert, seconded Cr Keamy that Council adopts the Plan for the Future of the District of Moora 2008-2010, as appended.

CARRIED 9/0

Cr Clydesdale-Gebert declared an interest in item 11.1.2, Yuat Ice Building as she is the owner of a property in close proximity to the said building.

11.1.2 YUAT ICE BUILDING

FILE REFERENCE: CC/WHAI
REPORT DATE: 10 July 2008
APPLICANT/PROPONENT: Shire of Moora
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: 16/3/08 (88/08)
AUTHOR: Lynnette O'Reilly, Chief Executive Officer
ATTACHMENTS: Nil

PURPOSE OF REPORT:

To provide information to Council to make a decision on the future of the Yuat Ice Building.

BACKGROUND:

Pitcher and Partners, Administrators for the Wheatbelt Aboriginal Corporation have requested finalising a 'Formal Proof of Debt or Claim' against the Wheatbelt Aboriginal Corporation. The A/CEO submitted a claim for the recovery of outstanding lease payments and a request as per the lease agreement to bring the building back to an acceptable state by way of repairs, removal or demolition.

A request from an Indigenous Community member was made to the Shire to be able to source funding that would enable the building to be brought back to a safe and useable condition for use for Indigenous programs. A timeframe of 30 June was given for sourcing funding to assist with the restoration costs. A letter was received on 5 June 2008 that funding of \$20,000 had been indicated from the Department of Indigenous Affairs. This figure was well short of the minimum \$100,000 quoted to bring the building back to a safe condition.

Council resolved the following at its Ordinary Meeting of Council on the 16th March 2008:-

'88/08 Moved Cr Gardiner seconded Cr McLagan that Council in accordance with the Local Government Act 1995 Section 5.42 delegates' authority to the Acting Chief Executive Officer to;

- 1. Secure Council's interest in the leased premises, known as the iceworks building, located on pt lot 2089 Padbury Street Moora to ensure that the lease is finalised with the current lessee (Wheatbelt Aboriginal Corporation or its appointed Administrators) and all debts associated with the lease are accounted for.*
- 2. Organise an inspection of the building by Council Officers and the Lessee/Administrators advised of urgent remedial maintenance work to be carried out.*

3. *Provide a further report to Council relating to repairs to the building, payments outstanding and the current arrangement with the third party currently occupying part of the leased area.*

CARRIED BY ABSOLUTE MAJORITY 9/0'

COMMENT:

As the funding was not forthcoming to restore the building to a safe condition, the next option is for the demolition of the building. Under the lease agreement with the Wheatbelt Aboriginal Corporation it was required to bring the building on the land leased to the Corporation back to an acceptable state by way of repairs, removal or demolition. The opportunity is now available for the demolition costs to be claimed through Pitcher and Partners. An estimate of demolition costs has been obtained of approximately \$35,000 to \$40,000. The cost has factored in the presence of asbestos which will be required to be removed.

Although creditors are currently receiving 100% in the dollar for claims made against the Wheatbelt Aboriginal Corporation, there is no guarantee the full debt will be paid.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

There are no known legislative requirements related to this item.

STRATEGIC IMPLICATIONS:

The area will be able to be redeveloped in keeping with the future town centre design, planning and community aspirations.

SUSTAINABILITY IMPLICATIONS:

➤ **Environment**

Demolition requires the use of licensed asbestos operators.

➤ **Economic**

The state of the building requires considerable expenditure to bring it up to a safe standard. It would require additional funding than is budgeted to bring it up to an acceptable standard in keeping with its location within the town centre.

➤ **Social**

The area will be able to be redeveloped in keeping with the future town centre design, planning and community aspirations.

FINANCIAL IMPLICATIONS:

Although creditors are currently receiving 100% in the dollar for claims made against the Wheatbelt Aboriginal Corporation, there is not guarantee the full debt will be paid, therefore the Council may be required to fund the demolition costs out of the 2008/2009 year budget.

To enable this to occur, a change in the purpose of the Administration Building Reserve to Council Buildings Reserve will be necessary as part of the 2008/2009 budget adoption process.

VOTING REQUIREMENTS

Absolute Majority Required

COUNCIL RESOLUTION (OFFICER RECOMMENDATIONS)

133/08 Moved Cr Pond, seconded Cr McLagan that Council

- 1. approves the immediate demolition of the Yuat Ice Building.*
- 2. authorises the Chief Executive Officer to finalise and submit the Shire of Moora 'Formal Proof of Debt or Claim' against the Wheatbelt Aboriginal Corporation to Pitcher and Partners.*
- 3. changes the purpose of the Administration Building Reserve to Council Buildings Reserve in the 2008/2009 budget adoption process.*
- 4. in the event the debt is not paid in full, the funds are to be paid from the Council Buildings Reserve.*

CARRIED 5/4

11.2 FINANCIAL DEVELOPMENT

11.2.1 LIST OF PAYMENTS AUTHORISED UNDER DELEGATION 1.31

REPORT DATE: 10 July 2008
OFFICER DISCLOSURE OF INTEREST: Nil
AUTHOR: Darren Friend, Manager Finance & Corporate Services
ATTACHMENTS: Accounts Paid Under Delegated Authority

PURPOSE OF REPORT

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

BACKGROUND

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

COMMENT

Accounts Paid under delegated authority are periodically presented to Council.

POLICY REQUIREMENTS

Delegation 1.31 – Payments from Municipal and Trust Funds.

LEGISLATIVE REQUIREMENTS:

Local Government Act 1995 - Section 6.10

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

STRATEGIC IMPLICATIONS

There are no known strategic implications associated with this proposal.

SUSTAINABILITY IMPLICATIONS➤ **Environment**

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

➤ **Economic**

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

➤ **Social**

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

FINANCIAL IMPLICATIONS

Payments are in accordance with the adopted budget.

VOTING REQUIREMENTS

Simple Majority Required

**COUNCIL RESOLUTION
(MANEX RECOMMENDATION)**

134/08 Moved Cr McLagan, 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>Chqs 58252 to 58296</i>	
	<i>Chqs 58501 to 58548</i>	<i>\$212,204.73</i>
<i>Trust Fund</i>	<i>Chqs 4224 to 4238</i>	
	<i>Chqs 4501 to 4508</i>	<i>\$24,536.08</i>
<i>Direct Debits</i>	<i>1027 to 1139</i>	<i>\$400,866.13</i>
	<i>Net Pays – PPE 24 June</i>	<i>\$69,833.93</i>
	<i>Net Pays – PPE 9 July</i>	<i>\$67,923.26</i>
<i>Total</i>		<i><u>\$775,364.13</u></i>

CARRIED 9/0

11.2.2 INTERIM STATEMENT OF FINANCIAL ACTIVITY FOR PERIOD ENDED 30 JUNE 2008

REPORT DATE: 11 July 2008

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Darren Friend, Manager Finance & Corporate Services

ATTACHMENTS: Interim Statement of Financial Activity for the Period Ended 30 June 2008

PURPOSE OF REPORT:

To note and receive the Interim Statement of Financial Activity for the period ended 30 June 2008.

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. The statement attached is shown as “interim” and should be viewed as such. A number of Balance Day adjustment transactions are yet to occur and when these are completed, a draft of the 2007/2008 Financial Statements will be available for elected members, prior to completion of the on-site audit, scheduled for 2 & 3 October 2008.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

Local Government Act 1995, Section 6.4

Local Government (Financial Management) Regulations 1996, Clause 34

STRATEGIC IMPLICATIONS:

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

SUSTAINABILITY IMPLICATIONS:

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

FINANCIAL IMPLICATIONS:

Year to date income and expenditure is provided by program to enable comparison to 2007/2008 adopted budget.

VOTING REQUIREMENTS

Simple Majority Required

COUNCIL RESOLUTION (MANEX RECOMMENDATION)
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135/08 Moved Cr Tonkin, seconded Cr McLagan that Council notes and receives the Interim Statement of Financial Activity for the period ended 30 June 2008.

CARRIED 9/0

11.3 OPERATIONAL DEVELOPMENT**11.3.1 CLOSURE OF PORTION OF WATHEROO WEST ROAD**

FILE REFERENCE: S/ROCI
REPORT DATE: 4 July 2008
APPLICANT/PROPONENT: F Rodda
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: Nil
AUTHOR: John Greay, Manager Engineering Services
ATTACHMENTS: Plan Showing Road Closure (6 pgs)

PURPOSE OF REPORT:

Mr Rodda has written requesting consideration to the closure of an unmade portion of road near the Watheroo West Road.

BACKGROUND:

Mr Rodda has been engaged by Mr Rex Spencer to tidy up his land holdings along the Watheroo West Road. The proposed portions of road are all within Mr Spencers current land holdings.

COMMENT:

By agreeing to the closure of the identified section of road we allow this portion of the Watheroo West Road to be incorporated into adjoining lots as they are no longer required for road purposes.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

Section 58 (2) and (3) of the Land Administration Act
 Regulation 9 of the Land Administration Regulations 1998

STRATEGIC IMPLICATIONS:

There are no known strategic implications associated with this proposal.

SUSTAINABILITY IMPLICATIONS:➤ **Environment**

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

➤ **Economic**

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

➤ **Social**

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

FINANCIAL IMPLICATIONS:

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

VOTING REQUIREMENTS

Simple Majority Required

**COUNCIL RESOLUTION
(MANEX RECOMMENDATIONS)**

136/08 Moved Cr Pond, seconded Cr Tonkin that Council

- 1. approves of the closure of part of Watheroo West Road, as shown on the attached plan and this land be incorporated into the adjoining property.*
- 2. advises the Department of Planning & Infrastructure Midland that Council has no objections to the above road closure.*

CARRIED 9/0

11.4 COMMUNITY DEVELOPMENT**11.4.1 TOWN PLANNING SCHEME NO 4 – DELEGATION OF POWERS**

FILE REFERENCE: TP/PTM11
REPORT DATE: 4 July 2008
APPLICANT/PROPONENT: Various
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: Nil
AUTHOR: Glenn Bangay, Manager Health & Planning Services
ATTACHMENTS: Nil

PURPOSE OF REPORT:

To note the town planning applications approved under delegated authority.

BACKGROUND:

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

APPLICANT (S)

The following Town Planning Applications have been approved under this delegated authority for the period ended 4 July 2008.

- **Access Alliance – Lot 41 Drummond Street, Moora – Construction Camp for Upgrade of Muchea to Wubin road works, Zoning – Public Purpose (Ref 30/08)**
- **Bulkwest Engineering – Wheatbin Road, Moora – Grain Handling Facility, Zoning – Public Purpose (Ref 31/08)**
- **Fitzpatrick Family Trust – Lot 1 Moore Street, Moora – Construction of a steel & colourbond single dwelling (Area 184m²) Zoning – Residential, Value \$164,000 (Ref 32/08)**
- **Michael Ralston – Lot 89 Webb Street, Moora – Construction of colourbond shed (Area 54m²) Zoning – Special Rural, Value \$12,000 (Ref 33/08)**
- **Glenn & Jeanette Vanzetti – Lot 79 Roberts Street, Moora – Construct of steel patio (Area 45m²) Zoning – Residential, Value \$11,500 (Ref 34/08)**

POLICY REQUIREMENTS:

Register of Delegations and Shire of Moora Town Planning Scheme No 4 Text.

LEGISLATIVE REQUIREMENTS:

There are no known legislative requirements related to this item.

STRATEGIC IMPLICATIONS:

There are no known strategic implications associated with this proposal.

SUSTAINABILITY IMPLICATIONS:**➤ Environment**

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

➤ Economic

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

➤ **Social**

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

FINANCIAL IMPLICATIONS:

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

VOTING REQUIREMENTS

Simple Majority Required

**COUNCIL RESOLUTION
(MANEX RECOMMENDATION)**

137/08 Moved Cr Hawkins, seconded Cr Tonkin that Council note the town planning applications approved under delegated authority as shown below:-

- ***Access Alliance – Lot 41 Drummond Street, Moora – Construction Camp for Upgrade of Muchea to Wubin road works, Zoning – Public Purpose (Ref 30/08)***
- ***Bulkwest Engineering – Wheatbin Road, Moora – Grain Handling Facility, Zoning – Public Purpose (Ref 31/08)***
- ***Fitzpatrick Family Trust – Lot 1 Moore Street, Moora – Construction of a steel & colourbond single dwelling (Area 184m²) Zoning – Residential, Value \$164,000 (Ref 32/08)***
- ***Michael Ralston – Lot 89 Webb Street, Moora – Construction of colourbond shed (Area 54m²) Zoning – Special Rural, Value \$12,000 (Ref 33/08)***
- ***Glenn & Jeanette Vanzetti – Lot 79 Roberts Street, Moora – Construct of steel patio (Area 45m²) Zoning – Residential, Value \$11,500 (Ref 34/08)***

CARRIED 9/0

11.4.2 SHIRE OF MOORA AMENDMENT NO. 7 (PREVIOUSLY KNOWN AS AMENDMENT 6)

FILE REFERENCE: TP/TPS1
REPORT DATE: 4 July 2008
APPLICANT/PROPONENT: 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: 22/11/06 (246/06), 13/6/07 (11.4.2)
AUTHOR: Gray & Lewis Land Use Planners
ATTACHMENTS: Schedule of Modifications

PURPOSE OF REPORT:

To inform Council of the modifications required to Amendment No. 6 by the Minister for Planning and Infrastructure (as per attachment).

One of the modifications is to change the amendment number to 7. In this report all references to the amendment are to 'Amendment 7'.

BACKGROUND:

Council initiated Amendment No. 7 at their meeting held on 22 November 2006. Amendment 7 proposes to rezone a number of properties on Airstrip, Molloy, Cooper and Dandaragan Road, Moora to 'Development Zone'.

The amendment was adopted by Council on the 13 June 2007 and forwarded to the Western Australian Planning Commission for final approval.

The Western Australian Planning Commission (WAPC) advised that the Minister for Planning and Infrastructure has decided not to approve the above amendment until such time as the modifications set out are effected. The Schedule of Modifications is attached (Attachment 1).

COMMENT:

The modifications required by the Minister for Planning and Infrastructure do not change the intent of the Amendment and mainly involve re-formatting of the text.

The main changes are summarised below:

- Includes objectives for the Development zone which explain the intent to allow for progressive residential development and the requirement for an Outline Development Plan;
- Expands the amendment to state that in addition to Council, the WAPC can also require an Outline Development Plan prior to subdivision and development;
- Increases the advertising period for any ODP from 21 days to 30 days;
- Outlines the required mechanisms for advertising (eg. newspaper, letters to affected landowners);
- Gives the proponent a right of review if aggrieved by refusal of an ODP or conditions placed on an ODP.

Gray & Lewis has modified the amendment document in accordance with the Ministers advice and lodged it with the Shire for execution.

POLICY REQUIREMENTS:

There are policy implications related to this item.

LEGISLATIVE REQUIREMENTS:

Council is required to return the executed modified amendment documents to the WAPC within 42 days of being notified of the Ministers decision – Town Planning Regulations 1967.

STRATEGIC IMPLICATIONS:

The amendment will allow for future residential development. The WAPC has also advised that a Local Planning Strategy should be prepared for Moora.

SUSTAINABILITY IMPLICATIONS:

- **Environment**
The EPA and Water Corporation require a number of environmental issues to be addressed by an Outline Development Plan for the amendment area including minimum floor levels, buffers to Moora River and the Waste water treatment plant.
- **Economic**
There are no known significant economic implications associated with this proposal.
- **Social**
Provision of planned and co-ordinated future residential areas will allow for greater housing choice in the locality.

FINANCIAL IMPLICATIONS:

The Shire pays Gray & Lewis fees for assisting with processing of the amendment.

VOTING REQUIREMENTS:

Simple majority

<p>COUNCIL RESOLUTION (OFFICER RECOMMENDATIONS)</p>
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138/08 Moved Cr Pond, seconded Cr Hawkins that Council;

- 1. Note the Schedule of Modifications in the attachment required by the Minister for Planning and Infrastructure regarding Amendment No. 7;***
- 2. Refer 3 sets of the executed modified amendment documents to Gray & Lewis for lodgement with the WAPC in accordance with the decision of the Minister for Planning and Infrastructure.***

CARRIED 9/0

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

Nil

14. NOTICE ON MOTIONS FOR THE NEXT COUNCIL MEETING

Nil

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

139/08 Moved Cr McLagan, seconded Cr Tonkin that the meeting move behind closed doors to discuss Item 15.1, 'Sale of Lots 404-413 Gardiner Street Moora' as it is a matter affecting a contract pursuant to Section 5.23(2)(c) of the Local Government Act 1995.

CARRIED 9/0

At 4.10pm Mrs Pond retired from the meeting and the meeting moved behind closed doors.

15.1 Sale of Lots 404-413 Gardiner Street Moora

Provided to Councillors under confidential cover.

COUNCIL RESOLUTION (MANEX RECOMMENDATIONS)

140/08 Moved Cr Tonkin, seconded Cr McLagan that Council, having noted the advice received from the Principal of the Living Bread Family Trust declining to enter into a Contract of Sale, in relation to the offer to purchase Lots 404 to 413 Gardiner Street Moora;

- 1. accepts the offer to purchase submitted by Oasis Property (WA) Pty Ltd for the price of \$380,000 inclusive of GST (\$345,452.55 exclusive of GST).***
- 2. authorises the Chief Executive Officer to formalise the sale of the property to the satisfaction of Council's requirements and conditions as set out in the 1/2008 Tender document.***
- 3. advertises publicly the proposed sale for a period of 14 days inviting submissions or comments.***
- 4. authorises the Chief Executive Officer to proceed with the Contract of Sale should there be no submissions or comments received for Council consideration after the expiration of the 14 day advertising period.***

CARRIED 8/1

COUNCIL RESOLUTION

141/08 Moved Cr Tonkin seconded Cr McLagan that the meeting come out from behind closed doors and re-open to the public.

CARRIED 9/0

The meeting reopened to the public at 4.14pm.

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 4.15pm.

CONFIRMED

PRESIDING MEMBER