

Ordinary Council Meeting Minutes

Date: 18 June 2008

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 COUNCIL CHAMBERS, MOORA WEDNESDAY 18 JUNE 2008

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^{*} 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 May 2008

Item 11.2.3 Schedule of Debtors to be Written-Off

I. <u>DECLARATION OF OPENING & WELCOME OF VISITORS</u>

The Shire President declared the meeting open at 3.35pm, 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 (from 3.45pm) - Councillor
CD Hawkins - Councillor
AR Tonkin - Councillor
D Clydesdale-Gebert (from 3.45pm) - Councillor

LM O'Reilly - Chief Executive Officer

JL Greay - Manager Engineering Services
MJ Prunster - Manager Community Services

DA Friend - Manager Finance & Corporate Services
GF Bangay - Manager Health & Planning Services
RL McCall - Manager Economic Development

APOLOGIES

JW McLagan - Councillor R Keamy - Councillor

PUBLIC

Simon Rogers (until 4pm) - Water Corporation Lana Kelly - Registered Nurse

Cynthia McMorran - Freeman

4. <u>DECLARATIONS OF INTEREST</u>

The Chief Executive Officer declared a financial interest in item 11.4.2, Lot 26 Atbara Street Moora – Proposed Subdivision, as she has ownership of the property.

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

The Shire President invited Ms Lana Kelly to address Council.

Ms Lana Kelly addressed Council in relation to item 11.4.1 Planning Application – Centralised Biosolids Trial Facility of the Council meeting held on 25 July 2007, resolution no. 143/07. Ms Kelly read aloud her questions and then tabled them.

Please note that the questions as listed have been reproduced verbatim from the document tabled by Ms Kelly.

Questions For Moora Shire Meeting 18th June 2008.

(f) A Drainage and Nutrient Management Plan acceptable to the Council shall be prepared by a suitably qualified and independent consultant and submitted to the Shire for approval prior to commencement of development.

The Drainage and Nutrient Management Plan is to include:

- (i) appropriate measures to manage collection and disposal of stormwater onsite including any associated drains, drainage pits and soakwells that shall be maintained in a clean and clear condition free of obstruction from any thing to the satisfaction of the Chief Executive Officer.
- (ii) bunding on the down-slope boundaries of the site to contain any overland flow of stormwater.
- (iii) measures for implementation of the approved Drainage and Nutrient Management Plan.

Question I. 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?

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.

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.)

The Shire President responded that due to the nature of the questions if Ms Kelly was agreeable the questions would be taken on notice and would be responded to as soon as possible.

Ms Kelly was happy with this.

6. <u>RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE</u>

Nil

7. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

8. PETITIONS AND MEMORIALS

Mr Simon Rogers, representative Water Corporation and Mr Rick Bretnall, Department of Water to report to Council on the final flood study report. (Mr Bretnall was unable to attend the meeting.)

Mr Rogers provided a power point presentation to Council on the final flood study report and answered various questions from Councillors.

At 3.45pm Cr's Barrett-Lennard and Clydesdale-Gebert joined the meeting.

The Shire President thanked Mr Rogers for his presentation to Council and Mr Rogers then retired from the meeting at 4pm.

9. ANNOUNCEMENTS BY THE SHIRE PRESIDENT

- Acknowledged the two Shire of Moora OAM recipients Mr Des Seymour and the late Mr Ted Headland.
- Cr Hawkins advised that he had attended the Local Health Advisory Committee meeting.
- Cr Barrett-Lennard advised that he had attended the Gingin / Dandaragan Water Resources Management Committee meeting where a topic of discussion arose concerning the proposed West End development and the potential implication on the annual water allocation for Moora.
- Cr Pond advised that there had been discussion / correspondence received from the Department of Agriculture & Food regarding the winding up of the Zone Control Authority.

10. CONFIRMATION OF MINUTES OF THE PREVIOUS MEETINGS

10.1 ORDINARY COUNCIL MEETING - 21 MAY 2008

COUNCIL RESOLUTION

122/08Moved Cr Hawkins seconded Cr Pond that the Minutes of the Ordinary Meeting of Council held on 21 May 2008 be confirmed as a true and correct record of the meeting.

CARRIED 7/0

10.2 SPECIAL COUNCIL MEETING - 4 JUNE 2008

COUNCIL RESOLUTION

123/08Moved Cr Hawkins seconded Cr Bryan that the Minutes of the Special Meeting of Council held on 4 June 2008 be confirmed as a true and correct record of the meeting.

CARRIED 7/0

II. REPORTS OF OFFICERS

II.I ADMINISTRATION

Nil

11.2 FINANCIAL DEVELOPMENT

11.2.1 LIST OF PAYMENTS AUTHORISED UNDER DELEGATION 1.31

REPORT DATE: 12 June 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)

124/08Moved Cr Tonkin seconded Cr Hawkins that Council notes and endorses the Payments from the Municipal and Trust Funds made under delegation 1.31

Municiþal Fund	Chqs 58167 to 58220	
•	Chqs 58231 to 58251	
	Chq 58500	\$164,339.99
	Chqs 58158 to 58166	
	Chqs 58221 to 58230	\$32,277.99
Direct Debits	46 to 86	
	427 to 455	
	1001 to 1026	\$221,987.06
	Net Pays – PPE 27 May	\$64,587.93
	Net Pays – PPE 10 June	\$69,990.93
Total		<u>\$553,183.90</u>

11.2.2 STATEMENT OF FINANCIAL ACTIVITY - PERIOD ENDED 31MAY 2008

REPORT DATE: 10 June 2008 **OFFICER DISCLOSURE OF INTEREST:** Nil **PREVIOUS MEETING REFERENCES:** Nil

AUTHOR: Darren Friend, Manager Finance & Corporate Services **ATTACHMENTS:** Statement of Financial Activity for the Period Ended 31

May 2008

PURPOSE OF REPORT:

To note and receive the Statement of Financial Activity for the period ended 31 May 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.

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)

125/08Moved Cr Barrett-Lennard seconded Cr Hawkins that Council notes and receives the Statement of Financial Activity for the period ended 31 May 2008.

CARRIED 7/0

11.2.3 WRITE-OFF OF SUNDRY DEBTORS

FILE REFERENCE: F/DECI
REPORT DATE: 10 June 2008
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Darren Friend, Manager Finance & Corporate Services

ATTACHMENTS: Schedule of Debtors to be Written-Off

PURPOSE OF REPORT:

To review outstanding monies within Council's Sundry Debtors System and determine whether each debt is collectible.

BACKGROUND:

Prior to the end of the current financial year, it would be prudent for Council to review its outstanding Sundry Debtors and determine whether all outstanding debts will be recoverable.

COMMENT:

The attached schedule shows outstanding amounts totalling \$4,061.27 which are submitted for Council to write off. Attempts have previously been made by staff to recover the money owing however, these attempts have proved to be unsuccessful.

POLICY REQUIREMENTS:

Council requires that a listing of "uncollectible" debts be presented to each April meeting. This policy is part of the Policy Manual review which is currently being reviewed by staff prior to consideration by Council.

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:

The attached schedule shows a total of\$4,061.27 in outstanding debtors that should be written-off. This will impact on Council's current financial position by that amount.

VOTING REQUIREMENTS

Absolute Majority Required

COUNCIL RESOLUTION (MANEX RECOMMENDATION)

126/08Moved Cr Tonkin seconded Cr Pond that Council writes-off Sundry Debtors totalling \$4,061.27 as shown within the attached schedule.

CARRIED BY ABSOLUTE MAJORITY 7/0

11.3 OPERATIONAL DEVELOPMENT

11.3.1 CLOSURE OF WASS ROAD

FILE REFERENCE: S/ROCI
REPORT DATE: 12 June 2008
APPLICANT/PROPONENT: PF Nixon

OFFICER DISCLOSURE OF INTEREST: Nil PREVIOUS MEETING REFERENCES: Nil

AUTHOR: John Greay, Manager Engineering Services

ATTACHMENTS: Nil

PURPOSE OF REPORT:

Mr Nixon has written requesting consideration to the closure of Wass Road.

BACKGROUND:

Mr Nixon, who is a trustee of the PFN Trust, has recently acquired Melbourne location 3525 and therefore, combined with Fenton Pastoral of which he is the owner, owns all land adjacent to Wass Road. Wass Road is a dead end road and services no other properties owned by others. The road is therefore only used by the Nixon family to access their properties. Mr Nixon is concerned that if the road remains open to the general public that it will allow access to persons of ill intent and his property will be insecure.

COMMENT:

Wass Road is part of Council's road inventory for which Council gets an allowance through the Grants Commission. To close the road completely will remove this road from our inventory. The other matter is that once the road if officially closed it will be difficult to reopen it again should a change of ownership occur. It is therefore proposed that a gate be allowed to be erected across Wass Road at the intersection of Wirrilda Road without the road being officially closed. Council has the authority under the Act to allow the erection of gates across public thoroughfares.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

Local Government Act 1995 – S9.15 – Gates across public thoroughfares.

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

By the road remaining on Council's inventory there will be no adverse implications to the road closure

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)

127/08Moved Cr Pond seconded Cr Hawkins that Council approves the erection of a gate across Wass Road, at the junction of Wirrilda Road and the gate be recorded in our Gates across Public Thoroughfare Register.

CARRIED 7/0

11.4 COMMUNITY DEVELOPMENT

11.4.1 TOWN PLANNING SCHEME NO 4 - DELEGATION OF POWERS

FILE REFERENCE: TP/PTM11

REPORT DATE: 11 June 2008

APPLICANT/PROPONENT: D A Duffield

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 and 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 11 June 2008.

 D A Duffield – Lot 195 Clarke Street, Moora – Construction of a Cabana Changeroom Facility (Area 6.3m²) Zoning – Special Rural, Value \$8,000 (Ref 29/08)

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)

128/08 Moved Cr Hawkins seconded Cr Clydesdale-Gebert that Council note the town planning applications approved under delegated authority.

CARRIED 7/0

At 4.15pm the Chief Executive Officer declared a financial interest in item 11.4.2 as she has ownership of the property in question and left the meeting

11.4.2 LOT 26 ATBARA STREET MOORA – PROPOSED SUBDIVISION

FILE REFERENCE: PA/1098-1 **REPORT DATE:** 12 June 2008

APPLICANT/PROPONENT: Outperform Pty Ltd **OFFICER DISCLOSURE OF INTEREST:** Nil

PREVIOUS MEETING REFERENCES: 28 November 2007 (219/07)

AUTHOR: Michael Prunster, Manager Community Services

ATTACHMENTS: Nil

PURPOSE OF REPORT:

Following the refusal by the W.A. Planning Commission to approve the application for the subdivision of the above Lot, the applicant has requested that Council refer a reconsideration proposal to the W.A.P.C. prepared by Council's Planning Consultant, Messrs Gray & Lewis.

BACKGROUND:

Council considered the application for support of the subdivision at their meeting held on 28 November 2007, and passed the following resolution:

219/07 Moved Cr Gardiner, seconded Cr Barrett-Lennard

- 1. THAT, under Town Planning Scheme 4, the Council adopts the plan of subdivision as the subdivision guide plan for Lots 26 and 4008 Atbara Street, Moora, and advises the Western Australian Planning Commission accordingly.
- 2. THAT the Council advise the Western Australian Planning Commission that:
 - (a) it supports the subdivision of Lots 26 and 4008 as proposed even though the minimum Lot size is contrary to Town Planning Scheme 4, and recommends that the Commission exercise its powers under S 138 (3) of the Planning & Development Act 2005 to conditionally approve the subdivision.

- (b) it acknowledges and accepts that the plan of subdivision as submitted does not allow for a flora corridor linkage to Reserve 40089 as required in item 4 of Schedule 4 of the Scheme.
- 3. THAT the Council recommend to the Western Australian Planning Commission that the application for subdivision of Lots 26 and 4008 be conditionally approved subject to:
 - (a) All Lots to front a constructed public road connected to the constructed sealed public road system to the specifications and standards of the Shire of Moora.
 - (b) All Lots to be connected to the reticulated water supply system.
 - (c) All drainage to be contained on the land to the satisfaction of the Shire.
 - (d) All buildings marked on the plan of subdivision to be removed to be demolished to the satisfaction of the Shire.

CARRIED 8/0

This decision was advised to the Planning Commission on 30 November 2007.

We received advice from the Commission on 18 December 2007 that the subdivision plan had been considered, but they had resolved that the application be refused for the following reasons:-

- The land is zoned "Special Rural" in the Council's Local Planning Scheme which requires a minimum lot size of 2ha for future subdivision of the land. The purpose and intent of this zoning is to preserve the area's current rural use and density of development. Subdivision in the manner proposed would create the potential for additional building development in conflict with the zoning objectives.
- The proposal is not consistent with orderly and proper planning.
- Approval to the subdivision would set an undesirable precedent for the further subdivision of adjoining land.

An additional note advice to the Local Government was added to the foot of the letter:-

 The Local Government is advised that the Commission does not consider the conflict to the Local Planning Scheme as minor and as a reason to approve the application under section 138 of the Planning & Development Act 2005.

We received further contact from the Applicant in March, and following discussions with our Consultant, David Gray, it was decided that a meeting would be arranged with the Commission to discuss the proposal.

A meeting was arranged with Mr Justin Breeze at the Commission on 14 May 2008 and attended by Mr David Gray and Ms Liz Bushby (Gray & Lewis) along with the Manager Community Services & Manager Health & Planning Services. Several matters were discussed, and Mr Breeze suggested we ask the applicant to present a proposal for reconsideration covering the points discussed.

Matters brought up by the Commission at the meeting were:

 A variation to Scheme requirements for Lot sizes is to be determined by the Commission.

- The DPI requires additional information before the reconsideration is submitted to the Commission for determination.
- The Commission will have regard for potential precedent; i.e. will the Council support other owners in Rural Residential areas who want to achieve smaller Lots.
- Commentary on constraints is required for each Rural Residential area in Moora to address the Commission's concerns about precedent. In some cases the potential for smaller Lots is constrained by factors such as the odour buffer from the wastewater treatment plant, or floodways, or poor soil types.
- The Scheme requires that a land capability assessment is required before subdivision in some of the rural residential areas; several assessments have been done but not in all areas.
- Specific comment is required on the need for a flora corridor for the Atbara Street land which is a requirement of the Scheme.
- The land capability assessment done by Lindsay Stephens (Landform Research) (April 2001) for the Atbara Street land is to be updated because it refers to potential for 2 ha lots, not 1 ha. I expect that this will be relatively straightforward as Lindsay will have retained the site information.

The report to the DPI should make reference to an Omnibus Amendment to the Scheme as discussed previously with the Council, and that the Amendment will probably address the Lot size distribution in rural residential areas.

Messrs Gray & Lewis have offered to attend to the Department of Planning & Infrastructure requirements on behalf of the applicant, but because of their conflict of interest (Shire's Consultants), they require authorisation from the Shire of Moora to attend to the matter.

COMMENT:

In view of Council's resolution of 28 November 2007 to support the applicant's proposal for the variation of the subdivision conditions, it is recommended that Council authorise Messrs Gray & Lewis to present documentation to the W.A. Planning Commission for reconsideration based on discussions held on 14 May 2008 with Mr Justin Breeze of the W.A Planning Commission.

All costs involved are to be borne by the applicant.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

Planning & Development Act 2005 Town Planning Regulations 1967 Shire of Moora Town Planning Scheme 4

STRATEGIC IMPLICATIONS:

The subdivision will provide suitable land for lifestyle living and is located high above the Moora Floodplain.

SUSTAINABILITY IMPLICATIONS:

Environment

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

Economic

Provision of suitable building lots for the encouragement of new families to Moora.

Social

There will be lifestyle choice for residents of Moora 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)

129/08Moved Cr Clydesdale-Gebert seconded Cr Tonkin that

- 1. Council acknowledge the request from Outperform Pty Ltd and instruct Messrs Gray & Lewis to correspond with the Department of Planning & Infrastructure on behalf of the applicant, to satisfy Commission requirements to allow the subdivision of Lot 26 Atbara Street to proceed as per Council resolution no. 219/07 of 28 November 2007.
- 2. all costs incurred by Messrs Gray & Lewis during the process are to be borne by Outperform Pty Ltd.

CARRIED 7/0

11.5 ENVIRONMENTAL DEVELOPMENT

Nil

11.6 ECONOMIC DEVELOPMENT

Nil

11.7 SPORT AND RECREATION

12. <u>ELECTED MEMBER MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN</u>

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

Nil

16. CLOSURE OF MEETING

At 4.20pm the Chief Executive Officer rejoined the meeting.

There being no further business, the Shire President thanked those present for attending and declared the meeting closed at 4.20pm.

CONFIRMED

PRESIDING MEMBER