

**Shire of Moora**  
**Ordinary Council Meeting**  
**24<sup>th</sup> November 2010**

**NOTICE OF MEETING**

Dear Elected Member

The next Ordinary Council Meeting of the Shire of Moora  
will be held on **Wednesday 24<sup>th</sup> November 2010**  
in the Council Chambers, 34 Padbury Street, Moora  
commencing at **3.30 pm**

LM O'Reilly  
Chief Executive Officer  
19<sup>th</sup> November 2010

## **The Shire of Moora Vision and Mission Statement**

### **Vision**

Our vision is that:

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

### **Mission**

Our mission is:

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

**SHIRE OF MOORA****WRITTEN DECLARATION OF INTEREST IN MATTER BEFORE COUNCIL**

Chief Executive Officer  
 Shire of Moora  
 PO Box 211  
 MOORA WA 6510

Dear Sir/Madam,

**Re: Written Declaration of Interest in Matter Before Council**

I, <sup>(1)</sup> \_\_\_\_\_ wish to  
 declare an interest in the following item to be considered by Council at its meeting to be held on  
<sup>(2)</sup> \_\_\_\_\_.

Agenda Item <sup>(3)</sup> \_\_\_\_\_

The type of interest I wish to declare is: <sup>(4)</sup>

- Financial pursuant to Section 5.60A of the Local Government Act 1995
- Proximity pursuant to Section 5.60B of the Local Government Act 1995
- Indirect Financial pursuant to Section 5.61 of the Local Government Act 1995
- Impartiality pursuant to Regulation 11 of the Local Government (Rules of Conduct) Regulations 2007.

The nature of my interest is <sup>(5)</sup>

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The extent of my interest is <sup>(6)</sup>

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I understand that the above information will be recorded in the Minutes of the meeting and recorded by the Chief Executive Officer in an appropriate Register.

Yours faithfully,

\_\_\_\_\_  
 Signed

\_\_\_\_\_  
 Date

1. Insert your name.
2. Insert the date of the Council Meeting at which the item is to be considered.
3. Insert the Agenda Item Number and Title.
4. Tick box to indicate type of interest.
5. Describe the nature of your interest.
6. Describe the extent of your interest (if seeking to participate in the matter under S. 5.68 of the Act).

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**SHIRE OF MOORA**  
**ORDINARY COUNCIL MEETING AGENDA**  
**24 NOVEMBER 2010**  
**COMMENCING AT 3.30PM**

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Item 11.2.4 Draft Forward Capital Works Plan

Item 11.4.1 1. Letter by applicant, 2. Enlargement of proposed Lot 101 showing access issues

Item 11.4.2 1. Location map, 2. MJB Payne Consultants report 7 Dec 09, 3. Floor plan

**1. DECLARATION OF OPENING & WELCOME OF VISITORS*****“Acknowledging of Country”***

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

**2. DISCLAIMER READING**

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

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

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

**3. ATTENDANCE****APOLOGIES****PUBLIC****4. DECLARATIONS OF INTEREST****5. QUESTIONS BY THE PUBLIC IN ACCORDANCE WITH SECTION 5.24 OF THE ACT****6. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE****7. APPLICATIONS FOR LEAVE OF ABSENCE****8. PETITIONS AND MEMORIALS****9. ANNOUNCEMENTS BY THE SHIRE PRESIDENT**

**10. CONFIRMATION OF MINUTES OF THE PREVIOUS MEETINGS****10.1 ORDINARY COUNCIL MEETING - 20 OCTOBER 2010**

*That the Minutes of the Ordinary Meeting of Council held on 20 October 2010, be confirmed as a true and correct record of the meeting subject to the background of the report on pg 12, size from 2.023m<sup>2</sup> to 4.047m<sup>2</sup> being amended to read size from 2,023m<sup>2</sup> to 4,047m<sup>2</sup>.*

**11. REPORTS OF OFFICERS****11.1 ADMINISTRATION****11.1.1 CHIEF EXECUTIVE OFFICER'S LEAVE ARRANGEMENTS AND APPOINTMENT OF AN ACTING CEO**

**FILE REFERENCE:** HR/PER1/LMO1

**REPORT DATE:** 17 November 2010

**APPLICANT/PROPONENT:** Lynnette O'Reilly, Chief Executive Officer

**DISCLOSURE OF INTEREST:** The author is the person referred to within the report and therefore declares a financial interest. The extent of the interest is in relation to the value of the leave to be taken.

**PREVIOUS MEETING REFERENCES:** Nil

**AUTHOR:** Lynnette O'Reilly, Chief Executive Officer

**ATTACHMENTS:** Nil

**PURPOSE OF REPORT:**

To formalise acting arrangements for Ms Leanne Parola for the period 4/1/11 to the 7/1/11 during the Chief Executive Officer's leave.

**BACKGROUND:**

As an employee of Council, the Chief Executive Officer is entitled to annual leave and other approved leave however the granting of leave is somewhat different to other employees.

The Chief Executive Officer's leave is in essence approved by the CEO, however it is good practice and courteous to inform Council of leave proposals and seek Council's endorsement.

In the absence of the CEO, Council also needs to appoint an Acting CEO to be responsible for the day-to-day operations as well as the statutory requirements of the position during leave.

**COMMENT:**

The acting requirements do not cover the 2 week close down period from the 27/12/10 to 31/12/10 as a minimum level of staff have been rostered on duty to carry out appropriate activities during this period and the CEO will still be available by phone.



The acting period will cover the period commencing the 4/1/11 to the 7/1/11.

**POLICY REQUIREMENTS:**

There are no policies relevant to this matter.

**LEGISLATIVE REQUIREMENTS:**

Sections 2.7 and 3.1 of the Local Government Act 1995, relating to a local government's general function provisions.

Local Government Officers' (WA) Award 1999

Chief Executive Officer's Employment Contract.

**STRATEGIC IMPLICATIONS:**

There are no specific strategic implications.

**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 respect to the leave as all leave entitlements are provided for within the Adopted Budget.

**VOTING REQUIREMENTS:**

Simple Majority Required

**MANEX RECOMMENDATIONS**

*That Council approves the appointment of Ms Leanne Parola as the Acting Chief Executive Officer from 4 January 2011 until 7 January 2011.*

## **11.2 FINANCIAL DEVELOPMENT**

### **11.2.1 LIST OF PAYMENTS AUTHORISED UNDER DELEGATION 1.31**

**REPORT DATE:** 17/11/2010

**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

**MANEX RECOMMENDATION**

***That Council notes and endorses the Payments from the Municipal and Trust Funds made under delegation 1.31***

<b><i>Municipal Fund</i></b>	<b><i>Chqs 60062 to 60106</i></b>	<b><i>\$173,569.84</i></b>
<b><i>Direct Debits</i></b>	<b><i>EFT 5084 to 5204</i></b>	<b><i>\$269,421.58</i></b>
	<b><i>Net Pays – PPE 10/11/2010</i></b>	<b><i>\$242,146.85</i></b>
<b><i>Trust Cheques</i></b>	<b><i>Chqs 4653 to 4657</i></b>	<b><i>\$641.00</i></b>
<b><i>Credit Card</i></b>	<b><i>To 16 October 2010</i></b>	<b><i>\$4,883.15</i></b>
<b><i>Total</i></b>		<b><i><u>\$690,662.42</u></i></b>

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

**REPORT DATE:** 17 November 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 October 2010

### **PURPOSE OF REPORT:**

To note and receive the Statement of Financial Activity for the period ended 31 October 2010.

### **BACKGROUND:**

Council is provided with monthly financial reports to enable monitoring of revenues and expenditures against the adopted budget.

### **COMMENT:**

The Statement of Financial Activity for the Period Ended is provided as a separate attachment in Program format.

### **POLICY REQUIREMENTS:**

Nil

### **LEGISLATIVE REQUIREMENTS:**

Local Government Act 1995, Section 6.4

Local Government (Financial Management) Regulations 1996, Clause 34

### **STRATEGIC IMPLICATIONS:**

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

### **SUSTAINABILITY IMPLICATIONS:**

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

### **FINANCIAL IMPLICATIONS:**

Year to date income and expenditure is provided by program to enable comparison to 2010/2011 adopted budget.

**VOTING REQUIREMENTS**

Simple Majority Required

**MANEX RECOMMENDATION**

*That Council notes and receives the Statement of Financial Activity for the period ended 31 October 2010.*

### 11.2.3 BUDGET VARIATIONS

**REPORT DATE:** 2 November 2010

**OFFICER DISCLOSURE OF INTEREST:** Nil

**AUTHOR:** Leanne Parola, Manager Finance & Corporate Services

**ATTACHMENTS:** Nil

#### **PURPOSE OF REPORT**

For Council to consider variations to the budget for unanticipated income and expenditure, and to amend the allocation of overheads to the Education and Welfare Program.

#### **BACKGROUND**

Additional income and expenditure has occurred in relation to the payment of a grant and refund of grant money. The two amounts cancel each other out in terms of impact on the operating budget.

The final payment for the decking for the Council Chambers was not included in the 2010-11 budget, but can be offset by reducing the budget purchase of computing equipment.

Income and expenditure was incurred in relation to the folding doors at the Recreation Centre after a break in last financial year that was not included in the budget.

In the past the income and expenditure in the Education and Welfare budget was largely for the Child Care Centre. This financial year the Youth Program has been included in this area. The allocation of administration salaries and overheads has been reviewed to ensure that the appropriate level of expenditure is being recognised in this program.

#### **COMMENT**

The following budget variations are recommended to address the additional income and expenditure in relation to the indigenous trainees and recreation centre:

<b>Account</b>	<b>Current Budget</b>	<b>Amended Budget</b>	<b>Impact</b>
20406 – Subsidy for Trainee Wages	17,000	23,000	6,000
10418 – Sundry Expenses Other	(2,000)	(8,000)	(6,000)
30402 – Purchase Computing Equipment	(20,000)	(15,760)	4,240
30410 – Admin Building Redevelopment	0	(4,240)	(4,240)
20401 – Sundry Income	15,000	33,300	18,300
33306 – Recreation Centre – Furniture & Equipment	0	(18,300)	(18,300)
<b>TOTAL</b>	<b>10,000</b>	<b>10,000</b>	<b>0</b>

The following budget variations are recommended to create new expenditure accounts for the youth program, and to reduce the allocation of administration salaries and overheads to the Child Care Centre:

<b>Account</b>	<b>Current Budget</b>	<b>Amended Budget</b>	<b>Impact</b>
16703 – Admin Salaries Allocated – Youth Program	0	(6,669)	(6,669)
16704 – Admin Salaries Overheads Allocated – Youth Program	0	(1,191)	(1,191)
11796 – Admin Salaries Allocated – Care of Families and Children	(24,798)	(11,564)	13,234
10496 – Admin Salaries Allocated – Other Governance	(315,656)	(316,930)	(1,274)
10196 – Admin Salaries Allocated- Rates	(42,750)	(43,761)	(1,011)
13396 – Admin Salaries Allocated – Other Recreation and Sport	(29,897)	(31,647)	(1,750)
14696 – Admin Salaries Allocated – Tourism and Area Promotion	(43,463)	(45,993)	(2,530)
10497 – Admin Salaries Overheads Allocated – Other Governance	(44,544)	(44,699)	(155)
10197 – Admin Salaries Overheads Allocated – Rates	(5,562)	(5,686)	(124)
11797 – Admin Salaries Overheads Allocated – Care of Families and Children	(3,602)	(1,606)	1,996
13397 – Admin Salaries Overheads Allocated – Other Recreation and Sport	(4,912)	(5,127)	(215)
14697 – Admin Salaries Overheads Allocated – Tourism and Area Promotion	(5,262)	(5,573)	(311)
10498 – Allocation Office Administration Overheads – Other Governance	(50,042)	(52,167)	(2,125)
10198 - Allocation Office Administration Overheads – Rates	(13,224)	(13,624)	(400)
11798 – Allocation Office Administration Overheads – Care of Families and Children	(5,254)	(1,614)	3,640
13361 – Allocation of Office Administration Overheads – Be Active Coordinator	(6,640)	(7,005)	(365)
13357 – Office Expenses – Be Active Coordinator	(1,650)	(2,800)	(1,150)
11756 – Child Care Centre – Utilities (Water, Power, Phone)	(4,800)	(3,600)	1,200
12602 – Sewerage Collection	(31,800)	(32,600)	(800)
<b>TOTAL</b>	<b>(633,856)</b>	<b>(633,856)</b>	<b>0</b>

**POLICY REQUIREMENTS**

Nil

**LEGISLATIVE REQUIREMENTS:**

Nil

**STRATEGIC IMPLICATIONS**

Nil

## 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 will be no impact to the bottom line.

## VOTING REQUIREMENTS

Simple Majority Required

## MANEX RECOMMENDATION

*That Council approve the following budget variations:*

Account	Current Budget	Amended Budget	Impact
20406 – Subsidy for Trainee Wages	17,000	23,000	6,000
10418 – Sundry Expenses Other	(2,000)	(8,000)	(6,000)
30402 – Purchase Computing Equipment	(20,000)	(15,760)	4,240
30410 – Admin Building Redevelopment	0	(4,240)	(4,240)
20401 – Sundry Income	15,000	33,300	18,300
33306 – Recreation Centre – Furniture & Equipment	0	(18,300)	(18,300)
16703 – Admin Salaries Allocated – Youth Program	0	(6,669)	(6,669)
16704 – Admin Salaries Overheads Allocated – Youth Program	0	(1,191)	(1,191)
11796 – Admin Salaries Allocated – Care of Families and Children	(24,798)	(11,564)	13,234
10496 – Admin Salaries Allocated – Other Governance	(315,656)	(316,930)	(1,274)
10196 – Admin Salaries Allocated- Rates	(42,750)	(43,761)	(1,011)
13396 – Admin Salaries Allocated – Other Recreation and Sport	(29,897)	(31,647)	(1,750)
14696 – Admin Salaries Allocated – Tourism and Area Promotion	(43,463)	(45,993)	(2,530)
10497 – Admin Salaries Overheads Allocated – Other Governance	(44,544)	(44,699)	(155)
10197 – Admin Salaries Overheads Allocated – Rates	(5,562)	(5,686)	(124)
11797 – Admin Salaries Overheads	(3,602)	(1,606)	1,996



Allocated – Care of Families and Children			
13397 – Admin Salaries Overheads Allocated – Other Recreation and Sport	(4,912)	(5,127)	(215)
14697 – Admin Salaries Overheads Allocated – Tourism and Area Promotion	(5,262)	(5,573)	(311)
10498 – Allocation Office Administration Overheads – Other Governance	(50,042)	(52,167)	(2,125)
10198 - Allocation Office Administration Overheads – Rates	(13,224)	(13,624)	(400)
11798 – Allocation Office Administration Overheads – Care of Families and Children	(5,254)	(1,614)	3,640
13361 – Allocation of Office Administration Overheads – Be Active Coordinator	(6,640)	(7,005)	(365)
13357 – Office Expenses – Be Active Coordinator	(1,650)	(2,800)	(1,150)
11756 – Child Care Centre – Utilities (Water, Power, Phone)	(4,800)	(3,600)	1,200
12602 – Sewerage Collection	(31,800)	(32,600)	(800)
<b>TOTAL</b>	<b>(618,856)</b>	<b>(618,856)</b>	<b>0</b>

### **11.2.4 ADOPTION OF FORWARD CAPITAL WORKS PLAN**

**REPORT DATE:** 18 November 2010  
**OFFICER DISCLOSURE OF INTEREST:** Nil  
**PREVIOUS MEETING REFERENCES:** Nil  
**AUTHOR:** Leanne Parola, Manager Finance & Corporate Services  
**ATTACHMENTS:** Draft Forward Capital Works Plan

**PURPOSE OF REPORT:**

To adopt the Shire of Moora Forward Capital Works Plan for 2010/11 to 2014/15.

**BACKGROUND:**

The Shire of Moora is required to adopt a Forward Capital Works Plan and submit it to the Department of Regional Development and Lands by 31 December 2010 to be eligible for future funding under the Country Local Government Fund.

**COMMENT:**

Funding of \$35,000 was received from the Country Local Government Fund for the purpose of developing a forward capital works plan. The Shire of Moora used its grant funding for a combination of consulting fees and staff time.

The draft Forward Capital Works Plan was developed using projects from within the current budget, Strategic Plan and projects that were unable to be included in the 2010/11 budget.

Once adopted by Council, the attached Forward Capital Works Plan will meet the requirements of the department, ie:

- Covers expenditure over five years, commencing 2010/11
- Approved by Council, with evidence of approval
- Include information on capital works expenditure for 2009/10
- Contain an opening statement including confirmation of Council approval and a commitment to review the plan annually (to be signed by Chief Executive Officer and President)
- Include the following information for each project:
  - Purpose of project
  - Project background
  - Linkage to Strategic Plan
  - Expenditure
  - Risk assessment regarding Country Local Government funding
  - Project Composition (renewal, new, expansion or upgrade)
- Identification of any funding gaps (if applicable)
- Prioritisation of projects for 2010/11
- Relevant contact details

Councillors have been offered opportunities to discuss the Draft Forward Capital Works Plan with staff before it has been presented for adoption, with the majority of Councillors having attended a meeting in this regard.

An abridged version of the draft Forward Capital Works Plan is provided as an attachment. The full version will be available at the Council Meeting, and on the Shire of Moora Website once it is adopted.

**POLICY REQUIREMENTS:**

Nil

**LEGISLATIVE REQUIREMENTS:**

There are currently no legislative requirements for local governments to adopt a forward capital works plan, however the Shire of Moora has signed a funding agreement in relation to the \$35,000 grant to develop the plan.

**STRATEGIC IMPLICATIONS:**

The Forward Capital Works Plan will be an important tool for the Shire of Moora to prioritise its capital works program over the next five years and beyond. It is linked to the Strategic Plan adopted by Council on 15 September 2010.

**SUSTAINABILITY IMPLICATIONS:**

- **Environment**  
There are a number of projects within the Forward Capital Works Plan that will have a positive impact on the Shire's environmental sustainability
- **Economic**  
There are a number of projects within the Forward Capital Works Plan that will have a positive impact on the Shire's economic sustainability
- **Social**  
There are a number of projects within the Forward Capital Works Plan that will have a positive impact on the Shire's social sustainability

**FINANCIAL IMPLICATIONS:**

The 2010/11 budget includes income of \$435,000 from the Council Local Government Fund. The Department of Regional Development will only approve funding for infrastructure asset renewal and/or infrastructure asset creation for local governments who have an approved Forward Capital Works Plan.

**VOTING REQUIREMENTS**

Simple Majority Required

**MANEX RECOMMENDATION**

*That Council adopts the attached Forward Capital Works Plan for 2010-11 to 2014-15, and that the Chief Executive Officer and Shire President sign it before it is forwarded to the Department of Regional Development and Lands.*

**11.3 OPERATIONAL DEVELOPMENT**

Nil

## **11.4 COMMUNITY DEVELOPMENT**

### **11.4.1 SUBDIVISION APPLICATION WAPC 143005 LOT 1189 EMU PARADE ROAD, WATHEROO**

**FILE REFERENCE:** WAPC 143005  
**REPORT DATE:** 16 November 2010  
**APPLICANT/PROPONENT:** Plan Check (consultants)  
**OFFICER DISCLOSURE OF INTEREST:** Nil  
**PREVIOUS MEETING REFERENCES:** Nil  
**AUTHOR:** Gray & Lewis Landuse Planners  
**ATTACHMENTS:** 1. Letter by applicant  
 2. Enlargement of proposed Lot 101 showing access issues

#### **PURPOSE OF REPORT:**

Council is to provide a recommendation and comments to the Western Australian Planning Commission (WAPC) on an application to subdivide Lot 1189 Emu Parade Road, Watheroo into two Lots of approximately 60 hectares and 1.3 hectares respectively.

#### **SUMMARY:**

The WAPC has referred the application to the Council for comment and is the determining authority.

This report recommends that Council not support the application.

#### **BACKGROUND:**

##### Zoning & Zone Objectives

The subject land is zoned 'Farming' under the Shire of Moora Town Planning Scheme No. 4 ('the Scheme').

Under the Scheme the objectives of the 'Farming' zone are:

- a) *to ensure the continuation of broad-hectare farming as the principal landuse in the District and encouraging where appropriate the retention and expansion of agricultural activities.*
- b) *to consider non-rural uses where they can be shown to be of benefit to the District and not detrimental to the natural resources or the environment.*
- c) *to allow for facilities for tourists and travellers, and for recreation uses."*

##### Scheme requirements

Clause 3.12.3 of the Scheme sets out circumstances where Council may consider subdivision in the Farming zone. One of the criteria allows subdivision where there is 'significant physical division' as follows;

*"Having regard to the prime agricultural importance of land in the zone the Council will only recommend to the Commission support for further subdivision of existing lots where:*

a) *the lots have already been physically divided by significant natural or man-made features which preclude the continued operation of a farming property as a single unit (unless adjoining land could be similarly subdivided and thereby, by the process of precedent, lead to an undesirable pattern of landuse in the area or in lots too small for uses compatible with the prevailing use in the area or in ribbon development alongside roads).*”

Council can also support subdivision under Clause 3.12.3 e) where “*the lots are required for establishment of uses ancillary to the rural use of the land or are required for the travelling public and tourists.*”

### **COMMENT:**

#### Description of application

The existing Lot 1189 has an approximate area of 61.256 hectares. The application proposes as follows;

- (i) To excise a south east portion of Lot 1189 to enable it to be developed for future rural industry. The lot has an approximate area of 1.3 hectares with direct access from Emu Parade.
- (ii) The balance of the land (approximately 60 hectares) would remain as farming.

The applicant has lodged a subdivision plan and supporting information – Attachment I.

The crux of the applicants justification is that the subdivision should be supported as the proposed 1.3 hectare lot is severed from the balance of Lot 1189 by 2 Mile Brook, and that the Brook cannot be crossed with heavy farming machinery.

The applicant also suggests that the subdivision should be supported to allow proposed Lot 101 to be developed for a Rural Industry, and indicates that a future agricultural machinery workshop is proposed.

#### Assessment

The Shire has to have regard for the requirements of the Scheme, so in the first instance would need to be satisfied as to whether Two Mile Brook does constitute a ‘significant physical division’.

In assessing the application, Council also has to have regard for any relevant State Planning Policy. The WAPC Policy DC 3.4 sets out the requirements for subdivision of Rural land, and allows for subdivision where there is ‘significant physical division’.

Clause 4.3 of the WAPC Policy states that:

*“The existing physical division of a lot by a significant natural or constructed feature may be formalised through subdivision. A significant physical division generally does not include rural roads or creeks that are commonly crossed for farm management purposes”.*

Whilst Gray & Lewis cannot inspect the site, aerial photography suggests that Two Mile Creek is not a particularly significant waterway. Whilst the WAPC Policy does not define 'significant physical division' it generally would not include minor creeks, and would normally be based on more major natural or man made features such as significant watercourses (which flow all year round), rivers or sealed roads.

Gray & Lewis recommend that Council not support the application for the following reasons;

- A. Two Mile Brook is not a significant water course warranting a classification as 'significant physical division'.
- B. Support for the application would set a precedent for subdivision of other lots in the 'Farming' zone which contain minor creeks or brooks.
- C. The applicant has indicated that the proposed 1.3 hectare lot will be developed for Rural Industry. This only has limited relevance for the application assessment as;
  - (i) The use would require planning approval and no such approval has been granted. The Shire has not received any formal application to establish any Rural Industry on the land.
  - (ii) The applicant cannot assume that Council would support a Rural Industry use on the land. Rural Industry is a discretionary use in the Farming zone and is not permitted unless Council has granted specific planning approval. If an application is lodged and then not supported by Council, the created Lot 101 may be developed for residential.
  - (iii) No Rural Industry has been developed on the proposed lot, and there is no guarantee that the development would proceed. Once the 1.3 hectare lot is created it can be on sold for residential use.
  - (iv) WAPC Policy does have some allowance for subdivision to recognise public utilities and significant uses. The WAPC Policy discusses uses such as quarries, abattoirs and canning works. In the absence of any planning approval or commencement of works, the relevance of any possible future rural industry is largely diminished.

#### Access

The legal access to the existing Lot 1189 is Emu Parade which is largely unconstructed.

CBH Grain Group has constructed a bitumen road from the corner of Emu Parade and Grain Road – this diverts outside of the legal road reserve and encroaches into a portion of the battleaxe leg to Lot 102.

Access to proposed Lot 101 (1.3 hectares) is partially constructed on adjacent Lot 102. In the event that Council overturns the officer recommendation, and supports the application, it is recommended that conditions be imposed to require the applicant to re-align and extend a section of Emu Parade within the road reserve to service proposed Lot 101.

The upgrading to Councils requirements of Emu Parade to the crossover constructed to proposed Lot 101 should be at the applicants cost. This will need to be aligned within the road reserve and address access and traffic safety issues with the adjoining Lots 101 and 102 - Attachment 2.

Buffers and Land Use Compatibility

The railway and CBH grain transfer facilities are located to the immediate south of existing Lot 1189 and proposed Lot 101 (1.3 hectare lot). As explained above, once proposed Lot 101 is approved and created there is no guarantee that it would be developed with any Rural Industry (and no application for Rural Industry has been presented to the Shire or issued with planning approval).

The construction of any residential dwelling on proposed Lot 101 would be incompatible with the existing CBH activities as;

- (i) The CBH operation may give rise to environmental hazards to residential dwellings, in the form of noise and dust.
- (ii) The operation in season will operate extended hours, give rise to grain dust, machinery noise, traffic noise and general road dust from their yard. In land use planning there should be segregation of land uses conflicts.
- (iii) The Environmental Protection Authority (EPA) 'Guidelines for the Assessment of Environmental Factors – Separation Distances between Industrial and Sensitive Landuses' recommend a buffer of 500 metres between any grain elevator and sensitive use (such as a residential dwelling).
- (iv) If proposed Lot 101 was developed with a residence, it may impede future opportunities for expansion of CBH, and could result in noise complaints to the Shire.

**POLICY REQUIREMENTS:**

The main WAPC Policy requirements are discussed in the body of this report.

**LEGISLATIVE REQUIREMENTS:**

Planning and Development Act 2005

Shire of Moora Town Planning Scheme No 4

**STRATEGIC IMPLICATIONS:**

Watheroo Townsite Expansion Strategy – there are no specific recommendations for the subject land in the Strategy. The Strategy does identify a buffer to be maintained to CBH.

If Council supports the application based on Two Mile Brook being a 'significant division' it could set a precedent for subdivision of other lots in the Farming zone that traverse the Brook.

**SUSTAINABILITY IMPLICATIONS:**➤ **Environment**

Any possible future residential development of proposed Lot 101 may be affected by emissions associated with normal CBH activities.

If any future application is lodged for a Rural Industry on the existing or proposed lots, Council would have to consider any environmental impact, and normal planning considerations such as buffers, amenity, ability to support on site effluent disposal and impact on the nearby Brook.

➤ **Economic**

There are no significant economic implications associated with this item.

➤ **Social**

There are no significant social implications associated with this item (unless the application is approved as there is potential for a dwelling to be located on proposed Lot 101).

**FINANCIAL IMPLICATIONS:**

The Shire pays planning fees to Gray & Lewis for planning advice.

**VOTING REQUIREMENTS**

Simple Majority Required

**MANEX RECOMMENDATIONS**

*That Council*

**A. recommend that the Western Australian Planning Commission refuse the application (WAPC 143005) to subdivide Lot 1189 Emu Parade, Watheroo into two lots for the following reasons:**

- 1. Two Mile Brook is not a significant water course warranting classification as ‘significant physical division’ that justifies subdivision. It is a relatively minor brook and the proponent has not provided significant evidence that it substantially interferes with continuation of agricultural activities on existing Lot 1189.**
- 2. Support for the application would set a precedent for subdivision of other lots in the ‘Farming’ zone which contain minor creeks or brooks.**
- 3. The applicant has indicated that the proposed 1.3 hectare lot will be developed for Rural Industry. This only has limited relevance for the application assessment as;**
  - (i) The use would require planning approval and no such approval has been granted. The Shire has not received any formal application to establish any Rural Industry on the land. Any application would have to be assessed having regard for normal planning considerations such as buffers, environmental impact, impact on the Brook (liaison with Department for Water), ability of the site to support on site effluent disposal, drainage, amenity, traffic etc.**
  - (ii) The applicant cannot assume that Council would support a Rural Industry use on the land. Rural Industry is a discretionary use in the Farming zone and is not permitted unless Council has granted specific planning approval. If an application is lodged and then not supported by Council, proposed Lot 101 may be developed for residential or other purposes.**
  - (iii) No Rural Industry has been developed on the proposed lot, and there is no guarantee that the development would proceed even if a planning approval was secured. Once the 1.3 hectare lot is created it could be on sold for**



**residential use (which would be undesirable given that CBH operates to the immediate south).**

- (iv) It is noted that WAPC Policy DC 3.4 has some allowance for subdivision to recognise public utilities and significant uses. The WAPC Policy discusses uses such as quarries, abattoirs and canning works. In the absence of any planning approval or commencement of works, the relevance of any possible future rural industry is largely diminished as being relevant to the subdivision assessment.**

**B. also advise the WAPC as follows;**

- 1. The legal access to the existing Lot 1189 is Emu Parade which is largely unconstructed. CBH Grain Group has constructed a bitumen road from the corner of Emu Parade and Grain Road – this diverts outside of the legal road reserve and encroaches into a portion of the battleaxe leg to Lot 102.**

**Access to proposed Lot 101 (1.3 hectares) is partially constructed on adjacent Lot 102. In the event that WAPC supports the application, then access issues need to be considered with the view of requiring the applicant to re-align and extend a section of Emu Parade within the road reserve to service proposed Lot 101.**

- 2. CBH operates to the immediate south of existing Lot 1189. Any residential development or sensitive landuse on proposed Lot 101 would be undesirable and incompatible with CBH activities. The proposed Lot 101 may be impacted upon by noise, dust, traffic and the like.**
- 3. Due to the proximity of proposed Lot 101 to Two Mile Brook, it is recommended that the Commission liaise with Department for Water and the Department for Health in regards to issues such as buffers to the Brook and on site effluent disposal.**

## **11.4.2 TRANSPORTABLE BUILDING LOT 1 BERKSHIRE VALLEY ROAD, MOORA**

**FILE REFERENCE:** PA/017  
**REPORT DATE:** 18 November 2010  
**APPLICANT/PROPONENT:** Pavlovic Mato  
**OFFICER DISCLOSURE OF INTEREST:** Nil  
**PREVIOUS MEETING REFERENCES:** Nil  
**AUTHOR:** Ewen Ross, Manager Health, Building & Planning Services  
**ATTACHMENTS:**

1. Location map
2. MJB Payne Consultants report 7 Dec 09
3. Floor plan

### **PURPOSE OF REPORT:**

Under the Town Planning Scheme No4 (TPS N04) s4.6 “Transportable Buildings” s4.6.1 requires Council opinion as to the proposal to locate such a building within the Shire. This report is to advise Council of the application for planning approval and to obtain Councils approval.

### **BACKGROUND:**

The TPS No 4 states:

#### **“4.6 Transported Dwellings**

- 4.6.1 Within the Scheme Area a building shall not be placed on a lot and occupied as a dwelling following transportation as a whole or as parts of a building unless the transported buildings has been specifically constructed as a transportable dwelling and, in the opinion of the Council, such building is in a satisfactory condition and will not detrimentally affect the amenity of the area.*
- 4.6.2 An applicant for a building licence for a transported dwelling may be required by the Council to enter into a contract and provide a bond to reinstate the building to an acceptable standard of presentation within a period of twelve months from the issue of a building licence for such a dwelling.*
- 4.6.3 The development of any land with a second-hand dwelling shall have due regard to the Council’s Planning Policy “Development of Second-Hand Buildings”.*
- 4.6.4 The Council shall require all asbestos material be removed from any building prior to transportation.”*

The applicant has provided an engineers report (Attachment 1) which indicates that “Overall, the building is in a satisfactory condition and subject to the floor repairs mentioned, I certify that it is structurally adequate to resist wind loadings as specified in AS/NZS 1170.2:2002 for Region A1, Terrain Category 3. It is also structurally adequate to resist seismic loading applicable to the Moora area as specified in AS 1170.4-2007.” This report would appear to address the requirements of cl 4.6.1 with regards to structural requirements.

The photographs indicate that the building has galvanised wall cladding and roof which is of a minimum pitch. The building is a standard rectangle, 11M x 8M providing a floor area of 88m<sup>2</sup> which is above that of a minimum dwelling (55m<sup>2</sup>). From an aesthetic or landscaping perspective the transportable building would present as such, a low cost transportable building. With addition of landscaping the building could be improved. However, the visual aspect is not dissimilar to low cost housing already within Moora.

The accompanying floor plan indicates the construction of three bedrooms (3), Kitchen/Meals area, Living area and a bathroom/laundry which would be assessed at the building permit stage for compliance with the Building Code of Australia (BCA). (It appears compliant).

With regards cl 4.6.1 *“will not detrimentally affect the amenity of the area”* this is a subjective call. It is noted that it would not be dissimilar to existing dwellings in Moora, but it is less than the now expected standard as indicated in the lifestyle village and the new dwellings being constructed in Moora.

The Council also has the “Shire of Moora Policy Manual” which refers to *“transportable homes and second hand Housing Policy.”* However, the policy has not been brought in as a planning policy under TPS No4 and the legislative head of power for the document is unclear.

With regards to transportable homes cl6.4 refers, *“That the Council retain the option to require homes of a certain standard (eg transportable homes) in newly created subdivisions or areas where currently no homes exist.”*

With regards cl 6.5 Second hand House Policy” this policy requires that the building complies with BCA, inspected by a Building Surveyor, report provided including photographs, that a building permit is required to be issued, a fidelity bond to be deposited with Council.

With regards the zoning of the land, the two lots on the west of Melbourne Street, Lot 59 Moora Engineering and Lot 56 McIntosh & Sons are zoned “Town Centre” whilst the two on the east Lot 11 Country Wide and Lot 1 Applicant is zoned “Residential”. Directly to the north is UCL and Lot 2 Berkshire Valley Road is vacant.

With regards the amenity of the area, the “Town Centre” lots detract from the residential area. The houses in the area range from an extensive dwelling with business (Country Wide) and detached dwellings of the older era with some newer dwellings inter-mixed. There is a dwelling in Melbourne Street that resembles a “transportable”.

The lot is within the “Floodway” and there will need to be a report from the Applicant indicating the Department of Waters requirements and the finished floor level being no less than the 1999 flood level plus 300mm.

**COMMENT:**

The Applicant engineers report would suffice the report requirements of Council and the requirement to obtain a building permit will ensure that the dwelling complies with the BCA and flooding requirements. What is not addressed is the

detraction from the amenities as there appears no decking or landscaping information provided.

Inclusion in the planning approval conditions that a veranda and decking be provided to the dwelling to enhance its aesthetics and that gardens and trees be established to ensure that the dwelling is within the amenities of the surrounding area.

The provision of a fidelity bond based on the work required would place this in the order of \$40,000. It is suggested that this bond be limited to \$10,000 as a sign of faith in the Applicant that the fit out of the dwelling and requisite landscaping will be carried out.

As condition to the planning approval, the requirement to submit full drawings for building permit, report on the flooding requirements and finished floor level, addition of veranda and decking together with landscaping, connection to services (power, water & sewerage), any asbestos be removed and payment of a bond would be recommended.

Although from a planning perspective the acceptance of transported dwellings are not ideal and constructed dwellings offer a long term solution that improves the amenity value of the town, it would be difficult to refuse the application. "Transported Dwellings are not excluded from the existing area of Moora and the amenity value of the corner of Melbourne and Birkshire Valley Road is mixed.

**POLICY REQUIREMENTS:**

Shire of Moora's Policy Manual 18 May 09

**LEGISLATIVE REQUIREMENTS:**

Planning and Development Act 2005 and Shire of Moora's, Town Planning Scheme No 4

**STRATEGIC IMPLICATIONS:**

The increasing of dwellings within the Shire would be within the Strategic Plan major priority of planning for growth.

**SUSTAINABILITY IMPLICATIONS:**

➤ **Environment**

Low cost transportable housing can reduce the amenity value of the environment if no provision for landscaping is included.

➤ **Economic**

The provision of new dwellings in Moora would contribute to economic growth of the town.

➤ **Social**

The addition of housing within Moora is a positive however increasing low cost housing may contribute to social implications long term.

**FINANCIAL IMPLICATIONS:**

Should the Applicant fail to complete the project the fidelity bond will not cover completion of the required work.

**VOTING REQUIREMENTS**

Simple Majority Required

**MANEX RECOMMENDATION**

***That Council approve the transportable dwelling at Lot 1 Berkshire Valley Road subject to the following conditions:***

- 1. Compliance with the engineer report dated 7 December 2009, in that the steel chasis and floor joist are to be free of rust and treated, repair/replace damaged floor joist, repair/replace damaged floor and repair ceiling lining and confirmation from an engineer that this work has been carried out.***
- 2. An application for a building permit is to be submitted and approval obtained before any construction is to occur. (Building plans comprising site, floor and elevation plans and a septic tank application will be required).***
- 3. Siting requirements in accordance with Town Planning Scheme No4 and Residential Guide Codes for R12.5/25 will apply.***
- 4. The building finished floor level is to be as advised by the Department of Water and as approved under TPS No4.***
- 5. The dwellings shall be designed to reflect the existing character of development surrounding the subject site.***
- 6. The void area between floor and ground levels is to be enclosed by brickwork or other materials to the satisfaction of the Shire.***
- 7. Verandas and decks to be erected and painting shall be undertaken to enhance the dwelling.***
- 8. Landscaping shall be undertaken around the dwelling to ensure it blends into the character of the special mixed residential zone.***
- 9. Payment of a \$10,000 bond/bank guarantee to ensure that such works are completed.***
- 10. Any additional materials to be used are to be new.***
- 11. Asbestos will not be permitted and confirmation as such is required.***
- 12. A potable water supply is to be provided.***
- 13. Connection to Western Power.***
- 14. Connection to the sewer.***

**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****14. NOTICE ON MOTIONS FOR THE NEXT COUNCIL MEETING****15. MATTERS BEHIND CLOSED DOORS****RECOMMENDATION**

*That the meeting move behind closed doors to discuss:*

*Item 15.1, 'Appointment of Manager Health, Building and Planning Services' as it is a matter affecting employees pursuant to Section 5.23(2)(a) of the Local Government Act 1995.*

**15.1 Appointment of Manager Health, Building and Planning Services**

Provided to Councillors under confidential cover.

**16. CLOSURE OF MEETING**