

**Shire of Moora
Ordinary Council Meeting
17 February 2010**

NOTICE OF MEETING

Dear Elected Member

The next Ordinary Council Meeting of the Shire of Moora
will be held on **Wednesday 17 February 2010**
in the Moora Performing Arts Centre, Padbury Street, Moora
commencing at **3.30 pm**

LM O'Reilly
Chief Executive Officer
12 February 2010

**** PLEASE NOTE ****

Schedule for the day

- 12.30pm Opening of the Moora Caravan Park Upgrade**
- 1.00pm Sausage Sizzle Lunch**
- 2.15pm Opening of the Stack Cooper Reserve**

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,

Re: Written Declaration of Interest in Matter Before Council

I, ⁽¹⁾ _____ wish to
declare an interest in the following item to be considered by Council at its meeting to be held on
⁽²⁾ _____.

Agenda Item ⁽³⁾ _____

The type of interest I wish to declare is: ⁽⁴⁾

- 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 ⁽⁵⁾

The extent of my interest is ⁽⁶⁾

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
17 FEBRUARY 2010
COMMENCING AT 3.30 PM

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Item 11.2.3	Budget Review
Item 11.4.1	Townsite Expansion Strategy-Moora
Item 11.4.2	Proposed Airstrip Easement Map
Item 11.4.3	Copy of Full Statutory Text & Table of Submissions

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

LM O’Reilly - Chief Executive Officer

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 JANUARY 2010**

That the Minutes of the Ordinary Meeting of Council held on 20 January 2010 be confirmed as a true and correct record of the meeting.

11. REPORTS OF OFFICERS**11.1 ADMINISTRATION**

Nil

11.2 FINANCIAL DEVELOPMENT**11.2.1 LIST OF PAYMENTS AUTHORISED UNDER DELEGATION 1.31**

REPORT DATE: 8 February 2010

OFFICER DISCLOSURE OF INTEREST: Nil

AUTHOR: Leanne Parola, Manager Finance & Corporate Services

ATTACHMENTS: Accounts Paid Under Delegated Authority

PURPOSE OF REPORT

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

BACKGROUND

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

COMMENT

Accounts Paid under delegated authority are periodically presented to Council.

POLICY REQUIREMENTS

Delegation 1.31 – Payments from Municipal and Trust Funds.

LEGISLATIVE REQUIREMENTS:

Local Government Act 1995 - Section 6.10

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

STRATEGIC IMPLICATIONS

There are no known strategic implications associated with this proposal.

SUSTAINABILITY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

Payments are in accordance with the adopted budget.

VOTING REQUIREMENTS

Simple Majority Required

MANEX RECOMMENDATION

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

<i>Municipal Fund</i>	<i>Cheques 59628 to 59671</i>	<i>\$162,596.78</i>
	<i>Direct Debits EFT3653 to EFT3796</i>	<i>\$727,148.37</i>
	<i>Net Pays – PPE 6/1/10</i>	<i>\$73,982.07</i>
	<i>Net Pays – PPE 20/1/10</i>	<i>\$76,253.49</i>
	<i>Net Pays – PPE 3/2/10</i>	<i>\$81,739.78</i>
Total		\$1,121,720.40

11.2.2 STATEMENT OF FINANCIAL ACTIVITY FOR PERIOD ENDED 31 JANUARY 2010

REPORT DATE: 8 February 2010
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: Nil
AUTHOR: Leanne Parola, Manager Finance & Corporate Services
ATTACHMENTS: Statement of Financial Activity for the Period Ended 31 January 2010

PURPOSE OF REPORT:

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

BACKGROUND:

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

COMMENT:

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

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

Governance

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

Law, Order, Public Safety

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

Health

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

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

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

Education and Welfare

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

Housing

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

Community Amenities

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

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

Transport

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

Economic Services

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

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

Other Property and Services

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

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

Overall

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

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

Local Government Act 1995, Section 6.4

Local Government (Financial Management) Regulations 1996, Clause 34

STRATEGIC IMPLICATIONS:

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

SUSTAINABILITY IMPLICATIONS:

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

FINANCIAL IMPLICATIONS:

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

VOTING REQUIREMENTS

Simple Majority Required

MANEX RECOMMENDATION

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

11.2.3 BUDGET REVIEW

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

PURPOSE OF REPORT:

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

BACKGROUND:

Local Governments are required to formally conduct a budget review at least once each financial year, between 1 January and 31 March. The budget review allows a detailed comparison of the year to date (YTD) actual results with the adopted or amended budget.

The budget review is to be submitted to Council within 30 days of the review for Council to consider and determine whether or not to adopt the review and any recommendations made within the review.

A copy of the review and Council decision is to be provided to the Department of Local Government and Regional Development within 30 days of the decision by Council.

COMMENT:

The budget review for the period 1 July 2009 to 31 January 2010 has been conducted by management and is provided as a separate attachment to this agenda.

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

i. Budgeted Deficit

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

ii. Country Local Government Fund – Grant Deferred

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

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

- Changeover of Five Sedans (to be staged over two years)
- Water Tank Supply - Coomberdale & Round Hill
- Child Care Centre - Fencing
- Storage Shed - Ranger/Maintenance Equipment
- Coomberdale Hall - New Toilets

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

The proposed Amended Budget estimates a surplus of \$88,303 as at 30 June 2010. This figure is just that, an estimate and should in no way be construed as an exact indication of Council's position at Balance Day.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

Regulation 33A - Local Government (Financial Management) Regulations 1996

STRATEGIC IMPLICATIONS:

The budget review helps determine and document any projects that are unlikely to be completed during the budget year and new opportunities that have arisen during the year. The review process ensures management and elected members review the performance of the Council for the year to date and apply corrective actions, if required prior to 30 June to ensure proper financial management is maintained, leading to a balanced budget position at Balance Day.

SUSTAINABILITY IMPLICATIONS:

- **Environment**
There are no known significant environmental implications associated with this proposal.
- **Economic**
The budget review process provides a timely indication of ability of the local government to achieve the budgeted performance for the year and the timing allows corrective actions if required prior to 30 June.
- **Social**
There are no known significant social implications associated with this proposal.

FINANCIAL IMPLICATIONS:

The budget review enables management to establish whether the local government continues to meet its budget commitments. It enables Council to determine whether income and expenditures are in accordance with adopted budget.

VOTING REQUIREMENTS

Absolute Majority Required

MANEX RECOMMENDATION

That Council, having considered the budget review for the period 1 July 2009 to 31 January 2010 adopts the review as tabled, showing an estimated surplus at 30 June 2010 of \$88,303.

11.3 OPERATIONAL DEVELOPMENT

Nil

11.4 COMMUNITY DEVELOPMENT

11.4.1 TOWNSITE EXPANSION STRATEGY – MOORA

FILE REFERENCE: TP/TPS1

REPORT DATE: 21 January 2010

APPLICANT/PROPONENT: N/A

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

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

AUTHOR: Gray & Lewis Landuse Planners

ATTACHMENTS: Townsite Expansion Strategy – Moora

PURPOSE OF REPORT:

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

BACKGROUND:

Workshop

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

WAPC advice – Amendment 6

On the 6 November 2008, the Western Australian Planning Commission (WAPC) advised that it generally supported Amendment 6 subject to a number of modifications. In the correspondence WAPC advised that 'a local planning strategy should be prepared for Moora as a matter of urgency and should include guidance on future population growth and analysis of demand in regard to lot size, supply and other commercial uses, in the wider context of existing land supply in Moora.'

Gray & Lewis wrote to the WAPC and advised that Townsite Expansion Strategies would be pursued and implemented as an interim measure to address immediate strategic planning issues.

Council Adoption

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

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

COMMENT:

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

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

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

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

POLICY REQUIREMENTS:

N/A

LEGISLATIVE REQUIREMENTS:

There are no known legislative requirements related to this item.

STRATEGIC IMPLICATIONS:

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

SUSTAINABILITY IMPLICATIONS:

➤ **Environment**

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

➤ **Economic**

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

➤ **Social**

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

FINANCIAL IMPLICATIONS:

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

VOTING REQUIREMENTS:

Simple Majority

MANEX RECOMMENDATION

That Council note endorsement of the Townsite Expansion Strategy – Moora by the Western Australian Planning Commission (with modification).

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

FILE REFERENCE: PA/3225-1
REPORT DATE: 21 January 2010
APPLICANT/PROPONENT: W.J. & K.M. Vanzetti
OFFICER DISCLOSURE OF INTEREST: Author has no interest in this item
PREVIOUS MEETING REFERENCES: 19/11/08 (188/08), 23/1/08 (9/08) & 15/7/09 (94/09)
AUTHOR: Michael Prunster, Manager Community Services
ATTACHMENTS: Proposed Airstrip Easement Map

PURPOSE OF REPORT:

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

BACKGROUND:

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

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

- A. *rescinds the resolution 188/08 passed on the 19th November 2008 and*
- B. *adopt the following amended resolution in relation to the use of the Moora Airstrip located on Lots 1216 and 48 Airstrip Road Moora:-*
 1. *Request Surveyor to prepare an easement only deposited plan, and lodge with Landgate.*
 2. *Request Civic Legal to prepare a draft deed of easement containing all the matters required by the parties to give effect to the arrangement.*
 3. *When the deed is finalised, arrange for all parties to sign indicating their consent.*
 4. *The term of the easement is to be for a period of 10 years commencing from 2008-09 financial year, with an option to renew at the expiration of the term.*
 5. *Annual airstrip access payment to be the equivalent of the Shire of Moora Rate assessment for Lots 1216 & 48, Melb Loc. 992, Airstrip Road, Moora with an annual review using the movement in C.P.I. and/ or annual rates as an indicator for airstrip access payment.*
 6. *Council will be responsible for the maintenance and safety requirements for the airstrip.*
 7. *Operation details of the airstrip to be published in the WA Country Airstrip Guide.*
 8. *All costs associated with the preparation of the easement, survey plan and legal costs to be borne by the Shire of Moora.*

CARRIED BY ABSOLUTE MAJORITY 6/0

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

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

COMMENT:

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

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

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

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

There are no known legislative requirements related to this item.

STRATEGIC IMPLICATIONS:

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

SUSTAINABILITY IMPLICATIONS:

- **Environment**
There are no known significant environmental implications associated with this proposal.
- **Economic**
The provision of a managed facility to assist in the development of business and commercial projects.
- **Social**
The facility will provide infrastructure in the case of emergency situations – eg; health, flood, fire etc.

FINANCIAL IMPLICATIONS:

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

VOTING REQUIREMENTS

Simple Majority Required

MANEX RECOMMENDATIONS

That Council:-

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

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

FILE REFERENCE: TP/TPS1
REPORT DATE: 10 December 2009
APPLICANT/PROPONENT: Gray & Lewis on behalf of the Shire of Moora
OFFICER DISCLOSURE OF INTEREST: Gray & Lewis receive planning fees for advice to the Shire therefore declare a Financial Interest – Section 5.65 of *Local Government Act 1995*
PREVIOUS MEETING REFERENCES:
AUTHOR: Gray & Lewis Landuse Planners
ATTACHMENTS: 1. Copy of full statutory text
 2. Table of Submissions

PURPOSE OF REPORT:

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

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

BACKGROUND:

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

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

COMMENT:

Summary of proposed changes

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

A summary of the main changes is included below;

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

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

Advertising

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

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

Proposed Modifications to the Amendment

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

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

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

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

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

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

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

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

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

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

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

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

- *Lot 55 Lee Steere Street, Moora*

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

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

To provide greater flexibility it is recommended that;

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

- *Department of Water*

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

The main changes include:

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

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

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

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

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

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

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



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

Conclusion

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

POLICY REQUIREMENTS:

There are no Policy implications associated with this proposal.

LEGISLATIVE REQUIREMENTS:

The statutory requirements for Amendments are controlled by the *Planning and Development Act 2005* and the *Town Planning Regulations 1967*. Only the Council can initiate an Amendment, final approval is granted by the Minister for Planning having regard to advice from the Western Australian Planning Commission. If the WAPC require major modifications they can require the amendment to be re-advertise.

STRATEGIC IMPLICATIONS:

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

SUSTAINABILITY IMPLICATIONS:

➤ **Environment**

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

➤ **Economic**

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

➤ **Social**

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

FINANCIAL IMPLICATIONS:

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

VOTING REQUIREMENTS:

Simple Majority Required

MANEX RECOMMENDATION

That Council:

- A. ***Adopt Amendment 9 to the Shire of Moora Town Planning Scheme No. 4 for final approval (with modifications marked in red text) pursuant to***

Section 75 of the Planning and Development Act 2005 (in accordance with the full statutory changes detailed in (Attachment 1) including;

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

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

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 OF MOTIONS FOR THE NEXT COUNCIL MEETING****15. MATTERS BEHIND CLOSED DOORS****RECOMMENDATION**

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

15.1 Lots 404-413 Gardiner Street Moora

Provided to Councillors under confidential cover.

16. CLOSURE OF MEETING