

Shire of Moora
Ordinary Council Meeting
19th November 2008

NOTICE OF MEETING

Dear Elected Member

The next Ordinary Council Meeting of the Shire of Moora
will be held on **Wednesday 19th November 2008**
in the Council Chambers, 34 Padbury Street, Moora
commencing at **3.30 pm**

LM O'Reilly
Chief Executive Officer
14th November 2008

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
22 OCTOBER 2008
COMMENCING AT 3.30PM

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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**

R Keamy - Councillor

PUBLIC**LEAVE OF ABSENCE**

The following Councillor was granted leave of absence for this meeting by Council resolution made at the Ordinary Meeting held on 22 August 2008:

CD Hawkins - Councillor

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 - 22 OCTOBER 2008**

That the Minutes of the Ordinary Meeting of Council held on 22 October 2008, be confirmed as a true and correct record of the meeting.

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/PERI/LMOI

REPORT DATE: 13 November 2008

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 the previous acting arrangements for Mr Michael Prunster for the period 30/10/08 to the 7/11/08 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 which was advised at the Briefing Session on 22 October 2008.

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. Advice received had indicated that for less than a two week period formal approval was not required. However, advice received since has indicated acting arrangements need to be approved by Council no matter what the length of absence of the CEO.

COMMENT:

Leave was taken from the afternoon of Thursday 30 October 2008 through until Friday 7 November 2008. Mr Michael Prunster acted in the position of CEO during this period.

Advice has been received that a policy can be established to allow for the delegation to the CEO to appoint an Acting CEO which would streamline the process. This would also be developed to include any remuneration during the acting period.

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***

- 1. formally approves the appointment of Mr Michael Prunster as the Acting Chief Executive Officer from 30 October 2008 until 7 November 2008; and***
- 2. directs staff to develop a delegation policy for the CEO to appoint an Acting CEO in their absence and present this to Council for consideration.***

11.2 FINANCIAL DEVELOPMENT

11.2.1 LIST OF PAYMENTS AUTHORISED UNDER DELEGATION 1.31

REPORT DATE: 12 November 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

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>Chqs 58751 to 58819</i>	<i>\$166,827.26</i>
<i>Direct Debits</i>	<i>EFT 1478 to 1594</i>	<i>\$233,154.08</i>
	<i>Net Pays – PPE 28 Oct</i>	<i>\$67,501.42</i>
	<i>Net Pays – PPE 11 Nov</i>	<i>\$68,629.03</i>
<i>Trust Fund</i>	<i>Chqs 4523 to 4530</i>	<i>\$1,653.00</i>
<i>Total</i>		<i><u>\$537,764.79</u></i>

11.2.2 STATEMENT OF FINANCIAL ACTIVITY FOR PERIOD ENDED 31 OCTOBER 2008

REPORT DATE: 12 November 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 October 2008

PURPOSE OF REPORT:

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

MANEX RECOMMENDATION

That Council notes and receives the Statement of Financial Activity for the period ended 31 October 2008.

11.2.3 MOORA ARTS AND CRAFTS SOCIETY INC – REQUEST FOR DONATION FOR 2008/2009 GENERAL RATES – 45 ROBERTS STREET MOORA – ASSESS # A1040

FILE REFERENCE: CC/MCFI
REPORT DATE: 8 November 2008
APPLICANT/PROPONENT: Secretary, Moora Arts and Crafts Society Inc
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: 21/5/08 (103/08) & 16/4/08 (87/08)
AUTHOR: Darren Friend, Manager Finance & Corporate Services
ATTACHMENTS: Nil

PURPOSE OF REPORT:

To consider an application by the Moora Arts and Crafts Society Inc for a donation equivalent to the General Rates levied for 2008/2009 on its property at 45 Roberts Street, Moora.

BACKGROUND:

At its meeting held on 21 May 2008 Council resolved -

103/08 Moved Cr Pond seconded Cr Hawkins that Council, in relation to the property at lot 407, 45 Roberts Street Moora owned and occupied by the Moora Arts and Crafts Society Inc

- 1) *advises the Moora Arts and Crafts Society Inc that*
 - *it will not grant exemption from General Rates*
 - *it will consider, on application by the Moora Arts and Crafts Society Inc, a donation of the equivalent value of the General Rates or other amount as determined by Council at the time.*
- 2) *donates to the Moora Arts and Crafts Society Inc an amount of \$1,576.83 being the equivalent value of General Rates for 2007-08 provided the arrears and current balance against Assessment # A1040 are paid in full.*
- 3) *writes off the interest raised against Assessment # A1040 totalling \$115.26 as at 6 April 2008 in recognition of the non action by officers in dealing with the application for exemption.*

CARRIED BY ABSOLUTE MAJORITY 8/0

COMMENT:

The proponent has written requesting that Council donates the equivalent value of the general rates levied on their property at 45 Roberts Street, Moora for 2008/2009, an amount of \$600.14.

The proponent has paid all other rates and charges in full on A1040.

Council will note that the rates levied for 2008/2009 are substantially less than previous years due to the general revaluation and the property no longer being used as a commercial premise.

POLICY REQUIREMENTS:

Nil

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 cost to Council is the equivalent value of the rates levied for 2008/2009, an amount of \$600.14.

VOTING REQUIREMENTS

Absolute Majority Required

MANEX RECOMMENDATIONS

That Council;

- 1. donates to the Moora Arts & Crafts Society Inc. an amount of \$600.14 representing the general rates levied on A1040 – 45 Roberts Street Moora; and*
- 2. advises the proponent that all future requests should be submitted as part of Council's annual Community Budget Submissions process.*

11.2.4 MILING GOLF CLUB – REQUEST FOR COMMUNITY FACILITIES RESERVE LOAN

FILE REFERENCE: CC/GOLI
REPORT DATE: 12 November 2008
APPLICANT/PROPONENT: Miling Golf Club
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: Nil
AUTHOR: Darren Friend, Manager Finance & Corporate Services
ATTACHMENTS: Nil

PURPOSE OF REPORT:

To consider an application from the Miling Golf Club for a loan from Council's Community Facilities Reserve for up to \$10,000 to assist in the purchase of a self-propelled mower for course maintenance.

BACKGROUND:

The proponent has written requesting that Council, via its Community Facilities Reserve, assist in the purchase of a self-propelled mower prior to the start of the 2009 golf season.

The total cost of the acquisition is anticipated to be \$25,000 of which the Golf Club can fund \$15,000. Both amounts are indicative at present however, the request states "up to \$10,000...repayable over five years" in relation to the loan.

COMMENT:

The Shire of Moora has a cashed backed Reserve titled "Community Facilities Reserve", the purpose of which is to provide funds to eligible community organisations for approved projects. Maximum Loan is \$15,000 repayable over terms of 3-7 years under certain conditions.

As the request falls within the purpose/guidelines it is recommended that Council approves the loan.

As the Miling Golf Club have yet to source a suitable machine, funding of the loan may not be required for some months.

POLICY REQUIREMENTS:

Each application for funding via Council's Community Facilities Reserve is treated on its individual merits.

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 significant financial implications to Council in relation to this item. The current Budget shows an opening balance of \$171,044 in the Reserve so funding of the requested loan can be accommodated.

VOTING REQUIREMENTS

Absolute Majority Required

MANEX RECOMMENDATION

That Council agrees to the request by the Miling Golf Club for a loan of up to \$10,000 from the Community Facilities Reserve, repayable over five years in accordance with the guidelines and provisions set up for the Reserve.

11.2.5 RECEIPT OF 2007/2008 ANNUAL REPORT

FILE REFERENCE: PD/ARNI
REPORT DATE: 14 November 2008
APPLICANT/PROPONENT: Nil
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: Nil
AUTHOR: Darren Friend, Manager Finance & Corporate Services
ATTACHMENTS: Draft 2007/2008 Annual Report

PURPOSE OF REPORT:

To receive and consider the 2007/2008 draft Annual Report and to adopt the report, with or without amendment.

Once the Annual Report has been adopted, Council is to set the date for the Annual Electors Meeting.

BACKGROUND:

Council is required by the Local Government Act 1995 to accept the annual report for the financial year no later than 31 December each year [Section 5.54 (1)] unless the audit report is not received prior to 31 December.

Section 5.55 of the Act requires the CEO to give local public notice of the availability of the annual report as soon as practicable after the report has been accepted by Council.

Section 5.27(2) requires a general electors meeting to be held not more than 56 days after the local government has accepted the annual report.

A copy of the draft Annual Report for 2007/2008 is circulated with the agenda.

COMMENT:

The Audit Report and audited financial statements relating to the year ended 30 June 2008 were received via e-mail on 14 November 2008 and are being presented to Council as a separate agenda item to this Council Meeting. The Audit Report and audited financial statements form part of the Annual Report.

The acceptance of the Annual Report, either in its current form or as amended by Council at this meeting, then requires Council to set a date for the Annual Electors Meeting. This must be held within 56 days of acceptance of the Annual Report.

As Council has previously indicated its desire to hold the Electors' meeting as early as practicable it is recommended that the Annual Electors Meeting be held on Wednesday 17 December 2008 at 7.30pm in the Moora Performing Arts Centre, following the Ordinary Council meeting and Briefing Session. This date allows for the statutory advertising period giving local public notice of 14 days minimum.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

Local Government Act 1995, Sections 5.27, 5.54, & 5.55

STRATEGIC IMPLICATIONS:

The Annual Report is a public document that can be used to promote the Shire of Moora and the principal activities being undertaken by the Shire.

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 as costs associated with the printing of the Annual Report and holding of the Annual Electors Meeting are provided for in the Adopted Budget each year.

VOTING REQUIREMENTS

Simple Majority Required

MANEX RECOMMENDATIONS***That Council:***

- 1. Accepts the 2007/2008 Annual Report as presented.***
- 2. Sets the date of the Annual Electors Meeting to be held on Wednesday, 17 December 2008, commencing at 8.00pm at the Moora Performing Arts Centre.***

11.2.6 AUDIT REPORT AND MANAGEMENT LETTER – 2007/2008 ANNUAL FINANCIAL STATEMENTS

FILE REFERENCE: F/AUDI
REPORT DATE: 14 November 2008
APPLICANT/PROPONENT: Nil
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: Nil
AUTHOR: Darren Friend, Manager Finance & Corporate Services
ATTACHMENTS: 2007/2008 Annual Financial Statements incorporating the Audit Report.
2008 Management Letter

PURPOSE OF REPORT:

For Council to receive the 2007/2008 Annual Financial Statements, Audit Report and Management Reports.

BACKGROUND:

Following the completion of the annual audit, an audit report detailing the scope, audit opinion and statutory compliance is issued and forms part of the Annual Financial Statements and Annual Report of the Shire.

Additionally a management letter is issued. This letter presents the results of the audit and may include suggestions for improvement of processes and procedures to assist in reducing areas of non-compliance found during the audit process.

COMMENT:

The 2007/2008 Audit Report has now been received and is shown as a separate attachment to this report. Once again there were substantial difficulties experienced in the compilation of the Annual Financial Statements and the subsequent audit due to staff turnover and the substantial “knowledge bleed” as a result. A further report concerning the 2008 Audit and Management reports will be presented to Council via the Audit Committee at the earliest available opportunity.

The Local Government Act requires the Audit Committee to consider the results of the Audit including the Management Letter. It is recommended that an Audit Committee Meeting be held prior to the Briefing Session scheduled for 3 December 2008.

The Audit Report contains two qualifications. Council is aware of both matters having been advised previously. Both matters are procedural in nature and of no major concern to Council.

STATUTORY ENVIRONMENT

Part 7 of the Local Government Act 1995 and associated regulations.

7.12A. Duties of local government with respect to audits

- (2) Without limiting the generality of subsection (1), a local government is to meet with the auditor of the local government at least once in every year.

POLICY IMPLICATIONS

Nil

BUDGET IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Presentation of the management report to the Audit Committee improves the governance role of Council.

PRECEDENT

An independent audit report and management letter is received at the completion of each annual audit.

VOTING REQUIREMENTS

Simple Majority Required

MANEX RECOMMENDATIONS

That Council;

- 1. Receives the Independent Audit Report from UHY Haines Norton for the year ended 30 June 2008; and*
- 2. Convenes an Audit Committee Meeting at 3.30pm prior to the Briefing Session scheduled for Wednesday 3 December 2008 to consider the Management Letter relating to the Annual Financial Report for the Year Ended 30 June 2008.*

11.3 OPERATIONAL DEVELOPMENT

11.3.1 STANDPIPE CONTROLLERS

FILE REFERENCE: W/STSI
REPORT DATE: 13 November 2008
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: Nil
AUTHOR: John Greay, Manager of Engineering Services
ATTACHMENTS: Quote from Waterman Irrigation

PURPOSE OF REPORT:

To consider the purchase of two solar powered standpipe controllers with the purpose of achieving better cost recovery for water taken from a Council provided facility.

BACKGROUND:

Within Council's budget this year there has been provision of water via Council controlled standpipes at a cost of \$18,000 with revenue of \$4,000 thus creating a loss of \$14,000.

COMMENT:

A company by the name of Waterman Irrigation have designed and manufactured a solar powered standpipe controller which is operated by a swipe card. The information is then stored within the controller and downloaded via a laptop computer from which accounts can be generated once back in the office. Council has a standpipe in each of its townsites plus one on the Old Geraldton Road and one on Nadjimia Road, a total eight standpipes.

The cost of each solar powered unit is \$2,820 plus 100 swipe cards at \$15 each and an installation fee of \$500 per unit plus GST. It is recommended that we purchase two units plus 100 swipe cards and fit one unit to the standpipe in Moora and the other unit in Miling. The total cost for the supply and installation of the two units including 100 swipe cards is \$8,140 plus GST.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

Local Government Act 1995 S6.8

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**

It is anticipated that an increase in revenue will be received once the standpipes are fully operational.

➤ **Social**

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

FINANCIAL IMPLICATIONS:

Unbudgeted expenditure. An outlay of \$8,140 is required to purchase the two standpipe controllers and 100 swipe cards however, this cost will be partly offset by water being charged to those persons who obtain water from these standpipes.

VOTING REQUIREMENTS:

Absolute Majority Required

MANEX RECOMMENDATIONS

That Council

- 1. purchases two standpipe controllers and 100 swipe cards for the combined cost of \$8,140 plus GST, and that one of the controllers is installed at Moora and the other at Miling; and*
- 2. charges a refundable deposit of \$50.00 per swipe card with the exception of Volunteer Bush Fire Brigades and advertises the new fee / charge in accordance with the provisions of the Local Government Act 1995.*

11.4 COMMUNITY DEVELOPMENT

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

FILE REFERENCE: PA/3225-1
REPORT DATE: 11 November 2008
APPLICANT/PROPONENT: W.J. & K.M. Vanzetti
OFFICER DISCLOSURE OF INTEREST: Author has no interest in this item
PREVIOUS MEETING REFERENCES: 23/1/08 (9/08)
AUTHOR: Michael Prunster, Manager Community Services
ATTACHMENTS: Civil Aviation Authority Guidelines – 92-1(1)

PURPOSE OF REPORT:

Consideration of approval to continue with the proposal to lease the use of the Moora Airstrip located on their Lot 48, Melb. Loc 1216 and Melb. Loc 992, owned by Messrs W.J. & K.M. Vanzetti Airstrip Road, Moora.

BACKGROUND:

Council discussed this proposal at the Council meeting held on 23 January 2008 and passed the following resolution:-

<p><i>COUNCIL RESOLUTION (MANEX RECOMMENDATION)</i></p>

9/08 *Moved Cr Pond, seconded Cr Gardiner that Council supports a lease arrangement with Mr & Mrs W.J. Vanzetti over the Moora Airstrip, assessment number A3225, located on Lot 48 Melbourne Location 1216, 2 of Melbourne Location 992, Airstrip Road Moora and authorises the Chief Executive Officer to arrange negotiations with Mr & Mrs Vanzetti for an agreement to:-*

1. *Arrange a lease payment amount agreeable to both parties with an annual review using the C.P.I. as an indicator for lease payment increases.*
2. *Arrange for the Shire of Moora Solicitors to prepare a suitable legal lease agreement to be executed by both parties.*
3. *Obtain a quotation for the cost of public liability insurance to cover the use of the Airstrip.*
4. *Investigate conditions that may apply from other air controlling authorities.*
5. *Refer results of these negotiations to Council for final consideration.*

CARRIED BY ABSOLUTE MAJORITY 5/0

At this point items 1, 3 and 4 have been investigated and the following information is provided for Council's consideration:-

Item 1 – The Chief Executive Officer and Manager Community Services met with Mr & Mrs Vanzetti in August to negotiate an annual lease rental for the Airstrip. The Vanzetti's will only accept the equivalent of their annual rates for the property involved (ie; Lot 1216 & Lot 48). Current rates charged for 2008-09 are \$3,361.19 which equates to \$64.63 per week. The estimated cost of maintaining the strip annually is \$7,000, although this may vary depending on the use of the strip.

Item 3 – Our Insurers have advised that the current public liability policy will cover the airstrip lease.

Item 4 – Advice from Mr Bill Deuchar, Aerodrome Inspector, Perth Office has indicated that the location and ownership of the Airstrip is classed as an

aeroplane landing area (ALA), and his advice is that "These places can be used provided the pilot has done two things:-

1. sought permission to land
2. is satisfied the place is safe to use – by asking all the right questions and being given accurate and honest responses by a representative of the operator – (this is not necessarily the owner of the land).

The ALA operator's representative has to have a reasonable idea of what makes a ALA suitable and safe for use, information guidelines are included in the attached extract of Civil Aviation Advisory (CAA) Publication No 92-1 (1).

Mr Steve Kox from Forte Airport Management also advised the following information:-

"Please find attached information that should help you with your decisions on leasing the local airfield. For your purposes an ALA is suffice however it is recommended that you follow the guidelines set by CASA in their publication CAAP 92-1(1). If you decide to step up a notch I have also attached the relevant doc MOS 139 Chapter 13."

COMMENT:

The negotiated lease payment and annual maintenance estimate were discussed at the Council Briefing Session held on 20 August 2008 and it was indicated to staff that this arrangement would be suitable for the proposal. Staff were instructed to continue investigations with Items 2, 3, & 4.

Arrangements have not been made with Council's solicitors to draw up a suitable lease, until Council has considered this agenda item. The Manager Operations Department has provided the following brief report in relation to the CAA conditions outlined in the publication 92-1(1) :-

"To the best of my knowledge we can meet all of these requirements. An inspection regarding long grass will be required along with a roughness assessment. I believe that we comply with everything else"

An Airport Master Plan conducted for the Shire of Moora by Airport Assist Pty Ltd in 2004 advised that the Airstrip was constructed by the Army during the 1940's with a gravel surface 20metres wide and positioned within a grass strip 60metres wide marked by white cones. The runway alignment is 12/30 with a runway length of 910 metres. However, by removal of the agricultural fence located across its eastern end, the runway length can be extended to approximately 1500metres.

There are no records of air traffic on the airstrip, but it is known that it is used by agricultural contract crop sprayers, R.F.D.S., Department of Environment (fires), and private charters including Government Ministers.

It is important that Moora maintains an airstrip for future use, bearing in mind that the three horticultural projects will be in production within the next few years together with proposed mining operations within and adjoining the Shire.

It is recommended that Council approves the request from Mr & Mrs Vanzetti to enter into a lease arrangement for the negotiated amount and also appoint Mrs Vanzetti as the contact person for landing permission from pilots wishing to use the airstrip.

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 an 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:

Annual lease 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 lease payment increases.

Rate charge for the current year 2008-09 is \$3,361.19, and future estimated maintenance costs of \$7,000 per year (although this cost may vary depending on the use of the strip).

A Budget for the current year lease payment has not been provided and current year's payment would need to be adjusted to the rate income.

VOTING REQUIREMENTS

Absolute Majority Required

MANEX RECOMMENDATION

That Council agree to the request from Mr & Mrs W.J. Vanzetti to enter into a lease arrangement for the Moora Airstrip located on Lots 1216 and 48 Airstrip Road, Moora under the following terms and conditions:-

- 1) The term of the lease 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.*
- 2) Annual lease 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 lease payment increases.***
- 3) Council will be responsible for the maintenance and safety requirements for the airstrip.***
 - 4) Operation details of the airstrip to be published in the WA Country Airstrip Guide.***
 - 5) Staff to arrange the preparation of a lease document through Council's Solicitors with Council funding the cost.***

11.4.2 WATHEROO RAILWAY STATION YARD – GOODS SHED

FILE REFERENCE: TP/PTWI
REPORT DATE: 10 November 2008
APPLICANT/PROPONENT: Public Transport Authority
OFFICER DISCLOSURE OF INTEREST: Author has not interest in this item
PREVIOUS MEETING REFERENCES: 23/5/07 (105/07)
AUTHOR: Michael Prunster, Manager Community Services
ATTACHMENTS: Locomotive Shed Photo

PURPOSE OF REPORT:

Request from the Public Transport Authority (P.T.A.) to assist with joint funding conjointly with the Watheroo Community Co-operative to replace the asbestos roof sheeting on the Watheroo Locomotive Shed.

The Public Transport Authority has indicated a commitment of up to \$30,000 for their share of the costs.

BACKGROUND:

The Goods Shed is currently leased to the Watheroo Community Co-Operative, and it is believed that the building is not currently being utilised. Visibly the shed is in a poor state of repair, with broken windows and other damage to the walls of the building. The overall framing structure is thought to be sound. The building was constructed as a “loco shed” during the Second World War and used for loco maintenance during the war for special trains that were run for the army base at Mingenew. The shed with concrete structural frame delineates the five bays infilled with face red bricks. The roof is a low pitched gable structure and is covered with corrugated fibro cement sheeting.

The building is not listed on the State Register of Significant Sites but is listed on the Municipal Inventory of Heritage Places under Category 2. Category 2 buildings are described as: -

“A place of considerable cultural heritage significance, provide an appropriate level of recognition and protection. Recommend that maximum encouragement is provided to the owner to conserve the significance of the place. Nomination to the National Trust Classified List is recommended, to afford protection by means of moral persuasion. (TPS procedure also relevant)”

The statement of significance included in the Municipal Inventory describes the building as – *“The place represents a pivotal element in the development of Watheroo and demonstrates associations with war time Australia, and changes in rail transport technology.”*

The future of the shed was discussed at the Council meeting held on 23 May 2007 following correspondence from the P.T.A. requesting Council’s comments on its future. The P.T.A. stated that they had three options to deal with the shed, namely:

1. *“Having the building demolished, but to pursue this option, the PTA would require the support of both the Shire and the Watheroo Community Co-Op. They have stated that they would be in a position to fully fund this option.*

2. *Set up a joint funding arrangement between the three groups to enable the roof to be re-sheeted. The lease and use of the building would thus be able to continue as is. They have limited funding for this option.*
3. *The building to be fenced off and access restricted once the roofing material becomes a hazard to human health. This option is the least acceptable to the PTA.”*

Council resolved the following decision at the meeting of 23 May 2007:-

**COUNCIL RESOLUTION
(MANEX RECOMMENDATIONS)**

105/07 Moved Cr Clydesdale-Gebert, seconded Cr McLagan that Council:

- 1) *Contact the Watheroo Community Co-Operative Ltd and seek their comments on either option 1 or 2*
- 2) *Obtain estimates for the removal or remediation of the asbestos roofing;*
- 3) *Investigate funding avenues for the refurbishment of the building*
- 4) *Reconsider future options for the shed based on additional information obtained.*

CARRIED 7/0

COMMENT:

We received a reply from the Watheroo Community Co-operative in September 2008 advising that the shed's future had been discussed amongst the Directors, and the community is keen to retain the building. They are to appoint a sub committee to pursue grant funding availability to pursue a joint refurbishment arrangement for the shed to maintain its historic significance. They believe it could be used as a historical Museum.

The Heritage Council of W.A. wrote to Council on 24 September 2008 regarding the proposal and conveyed the following comment:-

“As the precinct has been identified as having potential heritage significance, if the disposal of the precinct, or any part of it, is proposed for the near future, PTA will need to commission a heritage assessment of the precinct, according to the provisions of the Government Heritage Disposal Process. Disposal incorporates leasing, selling and demolition.”

Mr M. Nielsen of the P.T.A. advised by phone that the Heritage Council had been in contact with the P.T.A. and advised that they will be arranging for one of their consultants to inspect the building and provide an estimate of the cost of proposed works. He will forward the report to us when completed.

Further discussions with Mr Nielsen revealed that the P.T.A. has included their funding in the 2008-09 budget, and they would like to complete the works this financial year. I explained that Council did not have a budget for the project, and that it may have to be carried forward to the next financial year. He was non committal that this could be arranged. We will need to obtain confirmation from the P.T.A. that they can carry the funding forward to the next financial year.

Council's previous discussions and resolution indicates support for retaining the building as a Museum because of its historical and heritage significance. It is recommended that Council resolves to match the contribution amount of \$30,000 pledged by the P.T.A. for the removal of the asbestos roofing.

It should however be noted that the removal of the roof sheeting will only be one stage of the refurbishment. The remainder of the building will require considerable attention to bring it up to an acceptable standard. Further funding will be required from grants, Shire and the Community to complete the project. Planning and budget requirements will be more achievable following costing estimates.

POLICY REQUIREMENTS:

Council Policy requirements – Nil

Council Municipal Inventory of Heritage Places - Category 2.

LEGISLATIVE REQUIREMENTS:

There are no known legislative requirements related to this item.

STRATEGIC IMPLICATIONS:

The preservation of an important building of cultural and historical significance.

SUSTAINABILITY IMPLICATIONS:

➤ **Environment**

The removal of the asbestos sheeting will diminish the threat of asbestos fibres.

➤ **Economic**

Creation of a Tourist attraction for Watheroo townsite that will benefit the town's economy.

➤ **Social**

The establishment of a historical Museum will provide a social point for the Watheroo Community.

FINANCIAL IMPLICATIONS:

Initial contribution of \$30,000 to be included in the 2009-10 Budget. Full cost unknown, pending report from Heritage Consultant.

Other stages of the refurbishment will require funding from Shire and other sources.

VOTING REQUIREMENTS

Absolute Majority Required

MANEX RECOMMENDATIONS

That Council:-

- 1) *Confirm the acceptance of the offer from the Public Transport Authority to provide \$30,000 towards the cost of the removal of the asbestos roofing from the Watheroo Locomotive Shed, under advice that the Shire will not be in a position to undertake the project until 2009-10 financial year.*
- 2) *Include a provision of \$30,000 in the 2009-10 Budget to match the contribution from the Public Transport Authority for the establishment of a historical Museum within the Watheroo Locomotive Shed, and Council staff to investigate further funding*

opportunities to assist with restoration costs following the Heritage Consultants report.

- 3) Acknowledge and support the Watheroo Community Co-Operative's request to retain the Watheroo Locomotive Shed as a Museum because of its historical significance.***
- 4) Confirm with the W.A. Heritage Council the decision of Council to retain the building as a historical Museum.***

11.4.3 CONSERVATION AND PRESERVATION OF VALUED FLORA – “CANDY’S BUSH RESERVE” GARDINER STREET MOORA – AMALGAMATION OF VARIOUS LOTS

FILE REFERENCE: P/MKRI
REPORT DATE: 11 November 2008
APPLICANT/PROPONENT: Friends of the Moora Woodlands
OFFICER DISCLOSURE OF INTEREST: Author has no interest in this item
PREVIOUS MEETING REFERENCES: 23/8/06 (150/06)
AUTHOR: Michael Prunster, Manager Community Services
ATTACHMENTS: Map “A” proposed fence, & Map “B” Creek/Drain edge + Lots 356 & 372

PURPOSE OF REPORT:

Approval of temporary fencing of the “Candy’s Bush” Reserve Gardiner Street Moora., including the following Lots/Reserves: for the preservation and conservation of native flora: -

- Reserve 32329 Saleeba Road
- Lots 354, 322 and 321 bounded by Seymour Street and unmade portion of Lee Steere Street.
- Lots 28-37 and 355, 356, 357 and 40 bounded by unmade portions of Lee Steere, Keamy and Seymour Streets.
- Lots 88-98, 320, 319, 372, & 2 UCL lots bounded by Gardiner Street, Drainage Reserve and Seymour Street;

Council is also requested to consider the approval of closure of portion of Lee Steere Street from the boundary of Lot 24 Lee Steere Street to Seymour Road and Keamy Road which are both within the proposed amalgamation.

BACKGROUND:

The initial request from the Friends of the Moora Woodlands was discussed at the Council meeting held on 23 August 2006 and the following resolution was passed:-

*COUNCIL RESOLUTION
(MANEX RECOMMENDATIONS) – ITEM 11.5.1*

150/06 Moved Cr Hawkins, seconded Cr Craven that Council support in principle the request from the Friends of Moora Woodlands, however further research be carried out on the following before further consideration by Council;

1. *Apply for a management order from the Department of Planning and Infrastructure over the following locations for the preservation and conservation of native flora: -*
 - *Reserve 28287 bounded by Stack and Cooper Streets Moora.*
 - *Reserve 32329 Saleeba Road*
 - *Lots 354, 322 and 321 bounded by Seymour Street and unmade portion of Lee Steere Street.*
 - *Lots 28-37 and 355, 356, 357 and 40 bounded by unmade portions of Lee Steere, Keamy and Seymour Streets.*
 - *Lots 88-98, 320, 319, 372, & 2 UCL lots bounded by Gardiner Street, Drainage reserve and Seymour Street;*
2. *Staff discuss with Department for Planning and Infrastructure (State Land Services) for agreement to include the Unallocated Crown Land and existing Reserves in the proposed new Reserve;*

3. *Staff investigate the amalgamation all of the lots fronting Lee Steere and Gardiner Streets and Lot 354 Saleeba Road as one lot, pending closure of the sections of roads and rights of way. The land to be re-vested as a Reserve for Conservation of Flora;*
4. *Initiate closure of the roads and rights of way, for inclusion in the Reserve;*
5. *Consolidate all of the parcels into a single Reserve, for issue of a Management Order.*
6. *Any other matter relevant to this matter such as legislative responsibilities, ongoing costs etc.*

CARRIED 9/0

Council were advised at the Briefing Session held on 20 August 2008 that a request had been received from the Friends of the Moora Woodlands to fence the proposed Reserve to protect the native orchids and other remnant vegetation. Arrangements were in hand for the fence is to be erected by Waratah Fencing manufacturers in the form of a field day in November, funding for the fence is to be provided by N.A.C.C.

We have obtained comment from the Department for Planning and Infrastructure regarding the erection of the fence, and they advised that they would prefer it to be done after the new reserve is created, but it could be facilitated by applying for a licence under a Land Administration Act Licence at an earlier stage once the boundaries are determined but before the process has run its full course.

The boundaries for the temporary fencing have been surveyed by Messrs F.R. Rodda & Co and markers have been put in place. (See attached map “A”)

COMMENT:

Over the past two years contact has been made with the Department for Planning & Infrastructure with various information being provided to staff. Two of the Lots included in the resolution of 23 August 2006, namely Lot 372 and 356 are reserved for “Native Housing”. Lot 372 has a Management Order to the Minister for Native Welfare who in current times is associated with the Department of Indigenous Affairs (D.I.A). Lot 356 has the State Housing Commission (now Department of Housing & Works) (D.H.W.) as the listed responsible agency. The Department for Planning & Infrastructure has had contact with both the D.H.W. and D.I.A., and they indicated that they want to retain the reserve they control. They will therefore have to be excluded from the proposed reservation.

The Department for Planning and Infrastructure have indicated that in their opinion the edge of the creek/drain line will make a good “boundary edge” for the proposed reserve.

The Department (DPI) has suggested that it would be easier to transfer the Shire Lots, namely Lots 40 & 41, to the Crown and include them within the reserve.

The following action is suggested by the (DPI) at the present time:-

1. *Apply to us for a s91 LAA licence to fence the designated area of Crown land, and at the same time*
2. *Advertise road closures for the designated 35 days and seek comments from Water Corp. Western Power and Telstra to the proposed closures. Then put the matter to Council for a resolution to close the relevant areas of road; and*
3. *Initiate the action under 6.74 and Reg 78(2) of the LG (Financial Management) Regs for Lot 89;and*
4. *Prepare a T2 (Transfer of Land Act) transfer form for the freehold lots owned by Council and have the President and CEO execute the Transfer and send that to us*

together with the duplicate certificates of title for the lots together with a letter confirming that that the land has not been used and accordingly contains no contamination.

An application has been submitted to the Department for a licence to erect the temporary fence prior to the creation of the reserve. Indications are that this will be issued. (Item 1). The licence will be replaced by a Management Order to the Shire on completion of the amalgamation process which is estimated to take about 12 months.

Council is to provide risk warning signs at points of the reserve prohibiting vehicles from entering the Reserve, and to warn people of the general risks of driving vehicles on the Reserve.

Council is also aware that Lot 89 is privately owned, but have been unable to locate the owner or relatives to date. This Lot will be rated as from this year, and if after the three year period, rates are still outstanding we will proceed to have the lot transferred to the Reserve under the LGA 1995. (Item 3).

It is recommended that Council confirm staff actions in relation to items 1 & 3, and authorise the commencement of procedures to implement the closure of the portion of Lee Steere Street from the boundary of Lot 24 (approx 150m) and Keamy Road (Item 2) and arrange for the preparation of the Transfer Of Land Act transfer form for of Lots 40 & 41 to be transferred to the Crown. (Item 4).

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

Local Government Act 1995 - S3.54
Land Administration Act 1997.

STRATEGIC IMPLICATIONS:

Preservation and conservation of rare West Australian Floral and natural native bush.

SUSTAINABILITY IMPLICATIONS:

- **Environment**
Provision of protection of rare floral and native bush.
- **Economic**
Conservation of an attractive bushland reserve for visiting tourists and travellers.
- **Social**
Conservation and preservation of natural bush and flora for future generations.

FINANCIAL IMPLICATIONS:

Survey and Transfer of Land costs estimated to be approximately \$4,500 from Parks & Gardens Budget.

VOTING REQUIREMENTS

Absolute Majority Required

MANEX RECOMMENDATIONS***That Council:-***

- 1) Confirms staff action in applying for a S91 Land Administration Act Licence to erect a fence around the proposed remnant Vegetation Reserve located on Reserve 32329 Saleeba Road, Lots 354, 322 and 321 bounded by Seymour Street and unmade portion of Lee Steere Street. Lots 28-37 and 355, 356, 357 and 40 bounded by unmade portions of Lee Steere, Keamy and Seymour Streets. Lots 88-98, 320, 319, 372, & 2 UCL lots bounded by Gardiner Street, Drainage Reserve and Seymour Street;***
- 2) Authorise staff to proceed with the procedure to close portion of Lee Steere Street from the boundary of Lot 24 to Seymour Road (approx 150metres) and Keamy Road, including public advertising and seek comments from the Government utilities.***
- 3) Authorise staff to arrange for the preparation of a Transfer of Land Act form to transfer Lots 40 and 41 Lee Steere Street Moora to the Crown for inclusion within the proposed reserve.***

11.5 TOWN PLANNING

11.5.1 MICRO CHLORINATION PLANT BINDI BINDI – WAR MEMORIAL

FILE REFERENCE: TP/PTBI
REPORT DATE: 7 November 2008
APPLICANT/PROPONENT: Water Corporation
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: Nil
AUTHOR: Glenn Bangay, Manager Health, Building & Planning Services
ATTACHMENTS: Document from Water Corporation detailing history and need for the treatment plant.
2 local resident objection letters

PURPOSE OF REPORT:

To evaluate information supplied by Water Corporation and provide Council support for the proposal or offer an alternative site for the location of the treatment plant.

BACKGROUND:

Maintaining satisfactory disinfection of the towns' water supply in Bindi Bindi is difficult because the town is at the end of a scheme with low and irregular consumption. The towns' storage tank being 3km north of the town serves to exacerbate the water management problems in Bindi Bindi.

To improve water quality and management in Bindi Bindi the Water Corporation propose to install a disinfection system and a reticulation loop within the town. The disinfection equipment and recirculation pumps will be contained within an 8 metre long x 3 metre wide x 2.7 metre high forest green module. The recirculation loop will keep water in the town moving around the loop with new water being allowed as required. The recirculation loop will also facilitate increased and more consistent water pressures.

COMMENT:

Water Corporation has previously identified several sites that may have been suitable for the location of the treatment plant but due to unsafe access to the Great Northern Highway these were deemed not acceptable by Water Corporation and the Main Roads Department. The currently proposed site provides safe access and will be situated off the Great Northern Highway.

Water Corporation have made arrangements to purchase the land off Mr R. Wood and subdivide the War Memorial site off the overall lot, transferring this title to the Shire of Moora, and have asked Council to contribute 40% of the cost of the subdivision. Council has a budget allocation of \$3,000.00 to subdivide the War Memorial site off the current lot, owned by Mr. R. Wood.

The siting of the treatment plant behind the War Memorial will provide a visual buffer from the Great Northern Highway, trenches and other services will be situated well away from the existing retaining wall and trees that have been planted. (Minimum of 2.5m from the retaining wall)

It has been suggested that the Council owned lot where the Community Hall was situated, and the new Fire Shed and Community Meeting Room are to be constructed would be a better alternative for the siting of the treatment plant, there is insufficient space behind the ablution block, the playground is situated to the south/west corner and there will be very little available land left when the new buildings are constructed and commissioned.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

There are no known legislative requirements related to this item.

STRATEGIC IMPLICATIONS:

Council was to begin the process of subdividing the War Memorial site off the original lot, Water Corporation will now undertake the subdivision, and Council can contribute the \$3,000.00 that was allocated in the 2008/2009 Budget towards Water Corporation's costs.

The installation of this treatment plant will provide the town of Bindi Bindi with increased and consistent water pressure and a safe water supply.

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 has been one objection to the siting of the treatment plant received (Copy attached), the objections are the aesthetic appearance of the treatment plant and potential damage to trees previously planted on the War Memorial Site.

The Micro Chlorination Plant will provide the town of Bindi Bindi with more consistent water pressure and a better quality water supply than is currently received.

FINANCIAL IMPLICATIONS:

Council has a \$3,000.00 provision in the 2008/2009 Budget for this project.

VOTING REQUIREMENTS:

Simple Majority Required

MANEX RECOMMENDATIONS

That Council;

- 1. Endorses the siting of the treatment plant on the proposed lot to the rear of the War Memorial Site in Bindi Bindi as per the plans and details presented; and***
- 2. On completion and final approval of the subdivision by the Western Australian Planning Commission, Council contributes up to \$3,000.00 towards the cost of the subdivision costs, upon presentation of a Tax Invoice from Water Corporation.***

11.5.2 SOLAR ENERGY GENERATION STATION

FILE REFERENCE: TP/MO2
REPORT DATE: 12 November 2008
APPLICANT/PROPONENT: EMC Solar Pty
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: N/A
AUTHOR: Gray & Lewis Landuse Planners
ATTACHMENTS: Site Plan and Photographs

PURPOSE OF REPORT:

For Council to consider an application for a Solar Energy Generation Station on a portion of Lot 25 Miling Moora Road, Moora.

BACKGROUND:

Description of Application

The application has been lodged by EMC Solar and entails the following;

- Using an 8 hectare portion of the lot for a Solar Energy Generation Station.
- Initially a 30KW station will be installed and once up and running, the remainder of the site will be completed.

The applicant has submitted a site plan and photographs which are included as attachments.

COMMENT:

Zoning

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

The objectives of the Farming zone include:

- 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.
- 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.

Landuse Classification – Use Not Listed

Unfortunately Town Planning Schemes cannot list all possible landuses, and therefore the Shire of Moora Town Planning Scheme No 4 ('the Scheme') has no specific provisions or definitions applicable to a solar energy generation station.

As the landuse is not defined or listed in the zoning table under the Scheme, it has to be processed as a 'Use Not Listed'.

In accordance with Clause 3.2.5 of the Scheme, Council has three options in processing any 'Use Not listed' as detailed below;

Option 1 - Determine that the use is consistent with the objectives and purposes of the particular zone and is therefore permitted.

- Option 2 Determine that the proposed use may be consistent with the objectives and purposes of the zone and thereafter follow the 'SA' advertising procedures of clause 7.3 in considering an application for planning approval.
- Option 3 Determine that the use is not consistent with the objectives and purposes of the particular zone and is therefore not permitted.

Recommendation

Whilst the proposed landuse is generally supported and is recognised as being passive by nature, Option 1 is not recommended as it will essentially set a precedent for all Solar Energy Generation Stations to be treated as a permitted use on any land in the Farming zone (regardless of landuse capability, scale or location). In some cases the location may not be desirable and each application should be assessed on merit.

It is recommended that Council pursue Option 2 and determine that the use may be consistent with the Farming zone objectives, and advertise the application for public comment.

For this application, the station is only proposed on a portion of the lot, so it is ancillary and does not prejudice continuation of agricultural activities on the remaining lot area. It is not considered that the use undermines the objective to allow for continuation of broad acre farming.

There are obvious environmental benefits to the proposal as the landuse essentially results in sustainable solar energy power. The developed station could become a marketing point for the Shire and is likely to attract some interest by visitors as a landmark development.

The proposed use will visually change the rural landscape and therefore it considered appropriate that surrounding landowners be advised of the proposal. In examining visual amenity it is noted that the plant will be substantially setback from Miling Road as it will be located behind the existing Western Power substation. The rows of panels are low to the ground and non reflective.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

Shire of Moora Town Planning Scheme No 4 – statutory requirements explained in the body of this report.

STRATEGIC IMPLICATIONS:

There are no known strategic implications associated with this proposal.

SUSTAINABILITY IMPLICATIONS:

➤ **Environment**

Photovoltaic solar energy power generation (PV or solar power) is a convenient, sustainable, quiet and environmentally clean form of providing long term electrical power solutions.

➤ **Economic**

There are potential economic benefits as normally related to new construction and development.

➤ **Social**

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

FINANCIAL IMPLICATIONS:

The Shire pays Gray & Lewis fees for planning advice. All advertising costs will be borne by the Shire however will be partially covered by the planning application fee.

VOTING REQUIREMENTS:

Simple Majority Required

MANEX RECOMMENDATIONS

That Council:

1. *Determine that the proposed Solar Energy Generation Station (private utility) may be consistent with the objectives of the Farming zone in accordance with Clause 3.2.5 b) of the Shire of Moora Town Planning Scheme No 4.*
2. *Advertise the application in accordance with Clause 7.3.3 of the Scheme for 21 days by;*
 - *Writing to immediate surrounding landowners and inviting their comments.*
 - *Publishing a notice in the local newspaper inviting public comment.*
3. *At the close of advertising, refer a report back to Council for determination of the application and consideration of any submissions.*

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****16. CLOSURE OF MEETING**