



# Ordinary Council Meeting Minutes

**Date: 24 October 2007**

**Please Note: These minutes and the decisions recorded therein have not as yet been confirmed by Council as a true and accurate record of the meeting.**

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

### **Vision**

Our vision is that:

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

### **Mission**

Our mission is:

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

**SHIRE OF MOORA**  
**MINUTES OF THE ORDINARY MEETING OF COUNCIL**  
**HELD IN COUNCIL CHAMBERS, MOORA**  
**WEDNESDAY 24 OCTOBER 2007**

**Declarations by Newly Elected Councillors**

Prior to the commencement of the meeting, those councillors elected at the ordinary election on Saturday 24 October 2007 completed their declarations as required by Section 2.29 of the Local Government Act 1995.

Councillors Robert Keamy, Chris Hawkins, James McLagan and Jim Pond completed their declarations before Mrs Cynthia McMorran OAM, JP in the Council Chambers at 3.00pm.

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### **1. OPENING OF MEETING**

The Chief Executive Officer opened the meeting at 3.53pm and assumed the chair until the election of the Shire President.

### **2. ELECTION OF SHIRE PRESIDENT**

The Chief Executive Officer will conduct an election for the position of Shire President for a term of two years.

The Chief Executive Officer advised that prior to the meeting he received a written nomination for the position of Shire President from Cr Sheryl Bryan.

The Chief Executive Officer then called for further nominations. Cr McLagan nominated Cr Pond in writing. Cr Pond accepted the nomination and confirmed his acceptance in writing

There being no further nominations the Chief Executive Officer closed the nominations and declared an election would be held.

All votes were counted resulting in 5 votes for Cr Bryan and 4 votes for Cr Pond. The Chief Executive officer then declared Cr Bryan elected as Shire President for a term of two years.

Cr Bryan then made the declaration required by Section 2.29 of the Local Government Act 1995 before Mrs Cynthia McMorran, OAM, JP.

Councillor Bryan thanked Councillors for their support and confidence in her as Shire President and assumed the chair.

### **3. ELECTION OF DEPUTY SHIRE PRESIDENT**

The Shire President will conduct an election for the position of Deputy Shire President for a term of two years.

The Shire President advised that prior to the meeting a written nomination had been received for the position of Deputy President from Cr Colin Gardiner.

The Shire President called for further nominations. Cr McLagan nominated Cr Pond in writing. Cr Pond accepted the nomination and confirmed his acceptance in writing

There being no further nominations the Shire President closed the nominations and declared an election would be held. The Shire President requested the Chief Executive Officer to conduct the election.

All votes were counted resulting in 5 votes for Cr Pond and 4 votes for Cr Gardiner. The Chief Executive Officer then declared Cr Pond elected as Deputy President for a term of two years.

Cr Pond then made the declaration required by Section 2.29 of the Local Government Act 1995 before Mrs Cynthia McMorran, OAM, JP.

#### 4. **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.***

#### 5. **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.***

#### 6. **ATTENDANCE**

SA Bryan	-	Presiding Member
SJ Pond	-	Councillor
CE Gardiner	-	Councillor
WA Barrett-Lennard	-	Councillor
CD Hawkins	-	Councillor
AR Tonkin	-	Councillor
JW McLagan	-	Councillor
D Clydesdale-Gebert	-	Councillor
R Keamy	-	Councillor
SJ Deckert	-	Chief Executive Officer
JL Greay	-	Operational Development Manager
MJ Prunster	-	Community Development Manager
ML Rourke	-	Manager Health & Regulatory Services
RL McCall	-	A/Enterprise Development Manager
MM Murray	-	Executive Support Officer

##### **PUBLIC**

Mrs Lorraine Craven (until 5.18pm)	Mrs Glenda Hawkins
Mrs Merrel Pond	Mrs Cynthia McMorran
Mr Doug McGhee (until 4.58pm)	Mr Peter Bourne (until 4.58pm)

##### **APOLOGIES**

Nil

**7. DECLARATIONS OF INTEREST**

Cr Barrett-Lennard declared a financial interest in item 14.3.1, as he is a shareholder in a tendering company.

Cr McLagan declared an impartiality interest in late item 16.3, under Councils Code of Conduct, as he is the President of the Bindi Miling Cricket Club.

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

Nil

**9. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil

**10. APPLICATIONS FOR LEAVE OF ABSENCE**

Nil

**11. PETITIONS AND MEMORIALS**

At 4.30pm the School Chaplain, Mr Doug McGhee gave a power point presentation, providing an overview of YouthCARE in the district.

He then introduced Mr Peter Bourne who is the District Council Chairperson.

Presentation finished 4.56pm

**12. ANNOUNCEMENTS BY THE SHIRE PRESIDENT**

On the morning of Friday the 12<sup>th</sup> October I attended the Moora District Tidy Towns Awards presentation in Miling where I presented the category winners with their awards. The Miling townsite is really looking good and it's a credit to Mr & Mrs Lowe and the community.

Later that afternoon I attended a function at the Moora Performing Arts Centre where I had the honour of bestowing the title of Honorary Freeman of the Shire of Moora upon Mrs Cynthia McMorrان, OAM, JP.

Congratulations to Cr's Pond, Hawkins, & McLagan on being re-elected to Council to represent the Shire and I would also like to welcome our newly elected Councillor Robert Keamy.

On behalf of Council I would like to thank outgoing councillor Lorraine Craven on her contribution to Council & the community for the past 7 years.

At 4.58pm Peter & Doug retired from the meeting.

Congratulations to James Pond in being elected as Deputy Shire President.

On Friday the 19<sup>th</sup> October Cr McLagan attended the dinner celebrating the 100th Anniversary of the Pastoralists & Graziers Association on behalf of Council at the Moora Performing Arts Centre.

Cr Pond advised that he and the CEO attended a regional planning strategy workshop with representatives of the CMVROC, Wheatbelt Development Commission and the Department of Planning and Infrastructure in Bindoon on Monday 15<sup>th</sup> October 2007, and will report on the workshop during the Briefing Session.

### **13. CONFIRMATION OF MINUTES OF THE PREVIOUS MEETING**

#### **13.1 ORDINARY COUNCIL MEETING - 26 SEPTEMBER 2007**

<b>COUNCIL RESOLUTION</b>
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*202/07 Moved Cr Pond, seconded Cr Hawkins that the Minutes of the Ordinary Meeting of Council held on 26 September 2007, be confirmed as a true and correct record of the meeting.*

**CARRIED 9/0**

### **14. REPORTS OF OFFICERS**

#### **14.1 ADMINISTRATION**

##### **14.1.1 CLOSURE OF COUNCIL OFFICE OVER CHRISTMAS PERIOD**

**LOCATION:** Moora  
**FILE:** AD/CPE I  
**AUTHOR:** Steven Deckert, Chief Executive Officer  
**REPORT DATE:** 18 October 2007  
**DECLARATION:** Nil

#### **BACKGROUND**

In past years Council has closed the office between Christmas and New Year without any resulting problems.

#### **COMMENT**

It is proposed to do the same for this Christmas period. Council endorsement is sought so that appropriate community notification of the office closure and rubbish collection arrangements can be advertised. It is proposed that the office close from 3.00pm on Monday 24 December 2007 and re-open Wednesday 2 January 2008.

#### **STATUTORY ENVIRONMENT**

Nil

#### **POLICY IMPLICATIONS**

Nil

#### **BUDGET IMPLICATIONS**

Nil



**STRATEGIC IMPLICATIONS**

Nil

**PRECEDENT**

Closure of the Council Administration Centre during the Christmas period.

**VOTING REQUIREMENTS**

Simple Majority.

<b>COUNCIL RESOLUTION (MANEX RECOMMENDATION)</b>
--

*203/07 Moved Cr Gardiner, seconded Cr McLagan that Council endorse the closure of the administration centre over the Christmas and New Year period. The office will close from 3.00pm on Monday 24 December 2007 and re-open Wednesday 2 January 2008. Whilst the office is closed, some staff will be available for emergencies.*

**CARRIED 9/0**

**14.2 FINANCIAL DEVELOPMENT****14.2.1 LIST OF PAYMENTS AUTHORISED UNDER DELEGATION 1.31**

**REPORT DATE:** 18 October 2007  
**OFFICER DISCLOSURE OF INTEREST:** Nil  
**AUTHOR:** Michael Prunster, Community Development Manager  
**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 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

<b>COUNCIL RESOLUTION (MANEX RECOMMENDATION)</b>
--

***204/07 Moved Cr Tonkin, seconded Cr Hawkins that Council note and endorse the Payments from Municipal and Trust Funds made under delegation 1.31***

<b><i>Municipal Fund</i></b>	<b><i>Chq 56978 - 57144</i></b>	<b><i>\$577,116.83</i></b>
<b><i>Trust Fund</i></b>	<b><i>Chq 4192 – 4200</i></b>	<b><i>\$2,100.00</i></b>
	<b><i>Direct Debits 317-323</i></b>	<b><i>\$28,531.99</i></b>
<b><i>Total</i></b>		<b><u><i>\$607,748.82</i></u></b>

**CARRIED 9/0**

At 5.10pm Cr Barrett-Lennard declared a financial interest in item 14.3.1, as he is a shareholder in a tendering company and left the meeting.

### **14.3 OPERATIONAL DEVELOPMENT**

Please Note: That prior to considering this item, Councillors were provided with an updated report due to printing errors in the first two tables of the circulated agenda item. The following report contained in these minutes is the corrected updated report as circulated.

#### **14.3.1 TENDERS – ROAD SEALING AGGREGATE & BITUMEN**

**FILE REFERENCE:** S/ RORI

**REPORT DATE:** 18 October 2007

**APPLICANT/PROPONENT:** Not Applicable

**OFFICER DISCLOSURE OF INTEREST:** Nil

**PREVIOUS MEETING REFERENCES:** 26/10/05 (256/2005)

**AUTHOR:** John Greay, Operational Development Manager

**ATTACHMENTS:** Tenders – Road Sealing Aggregate & Bitumen (5)

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

To evaluate and accept recently received tenders for the supply and delivery of road sealing aggregate and the supply and spray of hot bitumen for the 2007-08 year.

#### **BACKGROUND**

Council has a number of road projects on their Works Programme this year that require road sealing aggregate and bitumen. Some roads are reseals and others are widening existing narrow sealed roads and constructing new ones. Tenders were called, and closed at 12.00 noon on Tuesday 16<sup>th</sup> October 2007, refer tables below.

#### Road Sealing Aggregate

*Tender – Two Received*

<b>BGC Transport</b>		
Watheroo West Road	350 tonne (14mm) x \$41.09	\$14,381.50
Watheroo West Road	300 tonne (7mm) x \$41.09	\$12,327.00
Moora Miling Road	100 tonne (14mm) x \$39.38	\$3,938.00
Toodyay Bindi Road	100 tonne (14mm) x \$39.60	\$3,960.00
Toodyay Bindi Road	100 tonne (7mm) x \$39.60	\$3,960.00
Miling East Road	250 tonne (7mm) x \$40.70	\$10,175.00
Miling East Road	300 tonne (14mm) x \$40.70	\$12,210.00
Moora Townsite	200 tonne (10mm) x \$35.31	\$7,062.00
Moora Townsite	200 tonne (5mm) x \$35.31	\$7,062.00
	<b>TOTAL</b>	<b>\$75,075.50</b>

<b>Hanson Materials</b>		
Watheroo West Road	350 tonne (14mm) x \$45.15	\$15,802.50
Watheroo West Road	300 tonne (7mm) x \$47.35	\$14,205.00
Moora Miling Road	100 tonne (14mm) x \$43.40	\$4,340.00
Toodyay Bindi Road	100 tonne (14mm) x \$43.29	\$4,329.00
Toodyay Bindi Road	100 tonne (7mm) x \$41.09	\$4,109.00
Miling East Road	250 tonne (7mm) x \$46.75	\$11,687.50
Miling East Road	300 tonne (14mm) x \$44.55	\$13,365.00
Moora Townsite	200 tonne (10mm) x \$39.38	\$7,876.00
Moora Townsite	200 tonne (5mm) x \$41.58	\$8,316.00
	<b>TOTAL</b>	<b>\$84,030.00</b>

Hot Bitumen –200,000Litres Approx

*Tenders – Three Received*

<b>Tenderer</b>	<b>Rate/Litre on 18000 l/day</b>
RNR Contracting	\$0.86
Pioneer Road Services	\$0.88
Boral Asphalt	\$0.88

**COMMENT**

This financial year Council requires somewhere in the vicinity of four and a half thousand tonne of road sealing aggregate of various sizes and approximately 200,000 litres of hot bitumen. All material is to meet Main Roads standards. Due to the pressure on the transport industry with statewide projects there has been some difficulty in attracting companies to tender for the supply and delivery of road sealing aggregate.

There were two tenders that met Councils requirements, whereas Council received three tenders for the supply and spray of hot bitumen.

**POLICY REQUIREMENTS:**

Nil.

**LEGISLATIVE REQUIREMENTS:**

Council is required to call tenders when the value is likely to exceed \$100,000 under regulation s 3.57.

**STRATEGIC IMPLICATIONS**

Council needs to continue to reseal their bitumen roads as well as create new ones. It is of strategic importance that all bitumen roads are preserved and roads of regional significance are maintained and expanded.

**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:**

Built into the Works Programme, there is a road sealing aggregate and bitumen component on those jobs that are to be sealed.

#### **VOTING REQUIREMENTS**

Simple Majority.

### **COUNCIL RESOLUTION (MANEX RECOMMENDATION)**

**205/07 Moved Cr McLagan, seconded Cr Tonkin that**

1. ***the tender received from BGC Transport for the supply and delivery of Councils road sealing aggregate for a tendered price of \$75,075.50 2007-08 be accepted.***
2. ***the tender received from RNR Contracting for the supply and spray of approximately 200,000 litres of hot bitumen for the 2007-08 year be accepted.***

**CARRIED 8/0**

At 5.17pm Cr Barrett-Lennard rejoined the meeting.

## **14.4 COMMUNITY DEVELOPMENT**

### **14.4.1 TOWN PLANNING SCHEME NO 4 – DELEGATION OF POWERS**

**FILE REFERENCE:** TP/PTM11  
**REPORT DATE:** 18 October 2007  
**APPLICANT/PROPONENT:** Various  
**OFFICER DISCLOSURE OF INTEREST:** Nil  
**PREVIOUS MEETING REFERENCES:** Nil  
**AUTHOR:** Michael Prunster, Community Development Manager  
**ATTACHMENTS:** Nil

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

To note the town planning applications approved under delegated authority.

#### **BACKGROUND:**

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

**APPLICANT (S)**

The following Town Planning Applications have been approved under this delegated authority for the period ended 18 October 2007.

- **Jason Todd – 61 Melbourne Street, Moora – Construction of a 5.6m x 7.6m Shed/Garage (Area 42.68m<sup>2</sup>) Zoning – Residential R12.5/25, Value \$1,200 (Ref 6/0708)**
- **Melanie Whittome – 34 Bewsher Street, Moora – Construction of a 6m x 8m Shed (Area 48m<sup>2</sup>) Zoning – Residential, Value \$10,060 (Ref 7/0708)**

**POLICY REQUIREMENTS:**

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

**LEGISLATIVE REQUIREMENTS:**

There are no known legislative requirements related to this item.

**STRATEGIC IMPLICATIONS:**

There are no known strategic implications associated with this proposal.

**SUSTAINABILITY IMPLICATIONS:**

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

**FINANCIAL IMPLICATIONS:**

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

**VOTING REQUIREMENTS**

Simple Majority Required

**COUNCIL RESOLUTION  
(MANEX RECOMMENDATION)**

*206/07 Moved Cr Pond, seconded Cr Hawkins that Council note the town planning application approved under delegated authority.*

**CARRIED 9/0**

## **14.4.2 SUBDIVISION APPLICATION – C.B. & M.R. GEORGY – LOT 3479 GREAT NORTHERN HIGHWAY – BINDI BINDI**

**FILE REFERENCE:** PA/1333-1  
**REPORT DATE:** 28 September 2007  
**APPLICANT/PROPONENT:** C.B. & M.R. Georgy  
**OFFICER DISCLOSURE OF INTEREST:** Nil  
**PREVIOUS MEETING REFERENCES:** Nil  
**AUTHOR:** Michael Prunster, Community Development Manager  
**ATTACHMENTS:** Map of proposed subdivision and re-alignment

### **PURPOSE OF REPORT:**

The W.A. Planning Commission has requested comment from Council for an application received from Mr & Mrs Georgy to subdivide a “Homestead” Lot from Lot 3479 Great Northern Highway, Bindi Bindi. An existing homestead and buildings are currently located on the proposed subdivision, Lot “A”, with the balance (lot “B”) farmed for agriculture.

The application proposes the following: -

- Create a new “Homestead” Lot A fronting Great Northern Highway with an area of 14.83ha
- The balance “Agricultural” area being included in proposed Lot B (810.12ha).

### **BACKGROUND:**

Under the Shire of Moora Town Planning Scheme No4 scheme the objectives of the “Farming” zone are: -

#### **3.12.1 Objectives**

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

#### **3.12.2 Site Requirements: The following minimum building setbacks shall apply:**

Front: 20.0m  
Rear: 15.0m  
Side: 15.0m

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

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

- c) *the lots are for a horticultural or intensive agricultural use and the Council with advice from Agriculture WA is satisfied the lot size is adequate, and there is suitable availability of groundwater supply for the use proposed;*
- 14.4.1 *the lots are for specific uses such as recreation facilities and public utilities; or*
- 14.4.2 *the lots are required for the establishment of uses ancillary to the rural use of the land or are required for the travelling public and tourists.*

The W.A. Planning Commission Policy for consideration of a “Homestead” Lot is: -

- *There has been a declining population over two census periods.*
- *The local planning strategy – settlement strategy and the town planning scheme provide guidance on acceptable minimum lot sizes and servicing requirements and*
- *The creation of “homestead” Lots will not generate any additional needs for the provision of government and community services.*

**COMMENT:**

The Shire of Moora Town Planning Scheme does not specifically refer to homestead lots, and no minimum lot sizes are given. The minimum lot size therefore could be considered on the merits of the application.

All services are currently available at the dwelling located on the proposed homestead lot. The use of the dwelling should therefore not generate the need for any additional government or community services. The property owner’s family currently occupy the residence.

The application appears to meet all of the Shire Town Planning Scheme text and Planning Commission policies, and it is therefore recommended that Council approve this application, subject to the minimum setback requirements being advised to the applicant for any future development of the new Lot “A” subdivision.

**POLICY REQUIREMENTS:**

Nil

**LEGISLATIVE REQUIREMENTS:**

Planning and Development Act 2005

**STRATEGIC IMPLICATIONS:**

There are no known strategic implications associated with this proposal.

**SUSTAINABILITY IMPLICATIONS:**

- **Environment**  
The new lot will continue to be used for farming activities.
- **Economic**  
There are no known significant economic implications associated with this proposal.
- **Social**  
Provision for owners to maintain a separate residential dwelling.



**FINANCIAL IMPLICATIONS:**

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

**VOTING REQUIREMENTS**

Simple Majority Required

<b>COUNCIL RESOLUTION (MANEX RECOMMENDATION)</b>
--

**207/07** Moved Cr Gardiner, seconded Cr McLagan that Council support the application from C.B. & M.R. Georgy for the subdivision of Lot 3479 Great Northern Highway Bindi Bindi to create Lot "A" as a "Homestead" lot and Lot "B" for retention of the "farming" zone, and advise the W.A. Planning Commission that the application is supported subject to the following conditions: -

- 1) Minimum boundary setback requirements for any future development is to be: -
- a) Front – 20m
  - b) Side – 15m
  - c) Rear – 15m

**CARRIED 9/0**

At 5.18pm Mrs Craven retired from the meeting.

#### **14.4.3 TOWN PLANNING APPLICATION - LOT 76 GARDINER STREET MOORA**

**FILE REFERENCE:** PA/522-1  
**REPORT DATE:** 18 October 2007  
**APPLICANT/PROPONENT:** Ms Adrienne D. Dinn  
**OFFICER DISCLOSURE OF INTEREST:** Nil  
**PREVIOUS MEETING REFERENCES:** 26 July 2006 (128/06)  
**AUTHOR:** Michael J Prunster, Community Development Manager  
**ATTACHMENTS:** Site Plan

**PURPOSE OF REPORT:**

For Council to consider an application from Ms Dinn for the relocation of a second hand dwelling to Lot 76 Gardiner Street Moora, and future subdivision of the Lot into two equal Lots of approx 506m<sup>2</sup>. The present size of the Lot is 1012m<sup>2</sup>.

**BACKGROUND:**

An application was approved for Ms Dinn to relocate a second hand transportable dwelling on this Lot on the 26 July 2006. This proposal is to relocate a 3 x 1 bedroom house on the Lot and place it in a position to allow for an application to subdivide the Lot into two titles at a later date.

Although one of the conditions of the previous application was to have the relocated dwelling completed to the satisfaction of Council within the period of 6 months, this has still not been fully achieved. Ms Dinn advises that local builder Mr B. Sansom is expected to complete the renovations within the next few weeks.

**COMMENT:**

The Lot is zoned residential with an 'R code' density of R12.5/25, which permits single housing or grouped dwellings, on a minimum site area of an average of 350m<sup>2</sup>.

Council can make a decision on the current application by approving the application subject to the following conditions: -

- All damaged paintwork of the building exterior to be repainted.
- *Photos of the proposed building to be presented to Council in accordance with Council Policy.*
- *The Lot to be filled to a height of 300mm above the crown of Gardiner /Hamilton Streets.*
- *Subject to a building licence being issued by the Shire of Moora Manager Health & Regulatory Services. The dwelling to be relocated is to be made to comply in all respects with the Building Code of Australia, particularly the section relative to seismic zones.*
- *A report on the dwelling proposed to be transported is to be inspected "in situ" by a Building Surveyor or some other qualified person and the report complete with recommended conditions of approval, photographs etc is to be submitted to Council for consideration, proper plans and specifications are to be duly submitted to the Manager Health & Regulatory Services in order that a building licence can be issued. Any costs so incurred are to be borne by the applicant*
- *The minimum setback from Hamilton Street is to be 7.5m and side boundaries 2m.*
- *The Council shall require all asbestos material be removed from any building prior to transportation*
- *Production of a Termite Treatment Certificate following the location of the building.*
- *All alterations and additional construction to be completed within 6 months from the date of Council approval.*
- *A fidelity bond of \$1500 is to be lodged with Council on the understanding that if the conditions of approval are not completed to Council's satisfaction within the time limit specified, the outstanding conditions will be met from the bond monies held by Council. If all conditions are met to the satisfaction of Council the bond monies will be refunded.*

## OR ALTERNATIVELY

*That Ms Dinn be advised that the application for the relocation of a second dwelling on Lot 76 and support for subdivision of the Lot will be considered following the completion of the current relocated dwelling to the satisfaction of the Shire's Manager Health & Regulatory Services, and compliance with the conditions outlined in the planning approval dated 26 July 2006.*

## AND

*Ms Dinn be advised that the following conditions will need to be addressed prior to Council's re-consideration of the application: -*

- *Photos of the proposed building to be presented to Council in accordance with Council Policy.*
- *A report on the dwelling proposed to be transported is to be inspected "in situ" by a Building Surveyor or some other qualified person and the report complete with recommended conditions of approval, photographs etc is to be submitted to Council for consideration, proper plans and specifications are to be duly submitted to the Manager Health & Regulatory Services in order that a building licence can be issued. Any costs so incurred are to be borne by the applicant*
- *The Council shall require all asbestos material be removed from any building prior to transportation*

Ms Dinn has paid the \$100 planning application fee.

**POLICY REQUIREMENTS:**

The relocation of second hand transportable buildings is allowable under the Council's Town Planning Scheme and Building Policy under certain conditions.

The following are extracts from Council's T.P. Scheme and Building Policy: -

*T.P. Scheme:*

**4.6 Transported Dwellings**

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

*Council Building Policy:*

**6.6 Second-hand Housing Policy.**

That the Second-hand House Policy be as under: -

- (a) The dwelling to be relocated is to be made to comply in all respects with the Building Code of Australia, particularly the section relative to seismic zones;
- (b) All such dwellings proposed to be transported to townsites within the Shire are to be inspected "in situ" by a Building Surveyor or some other qualified person, any costs so incurred are to be borne by the applicant;
- (c) A report on the dwelling complete with recommended conditions of approval, photographs etc is to be submitted to Council for consideration, proper plans and specifications are to be duly submitted to the Building Surveyor in order that a building licence can be issued;

No dwelling is to be relocated upon any lot within the Shire until the building licence has been issued;

- (d) An estimate of the cost of any conditions of approval is to be used as the basis of calculating a Fidelity Bond, which is to be deposited by the applicant with Council. The Bond is to be deposited on the understanding that if the conditions of approval

are not completed to Council's satisfaction within the time limit specified the outstanding conditions will be met from the bond monies held by Council. The remainder, if any, is to be returned to the applicant when all conditions have been completed;

- (e) That in the case of further second-hand houses arriving in Moora without the necessary approvals, immediate prosecution be instigated;
- (f) That if a pine framed second-hand house is transported within the Moora Shire district its installation is to be strictly in accordance with the Australian Standards AS 1694 1974 Code of Practice for physical barriers used in the protection of buildings against subterranean termites.

**PRECEDENT:**

Council has given approval to the relocation of second hand dwellings to Moora over the last few years subject to them meeting the conditions as outlined under the T.P. Scheme and Council's building policy.

In relation to the request to subdivide the Lot to approx two equal 506m<sup>2</sup> Council has not in recent years had an application for a subdivision of this size. The Residential Design Code allows a dwelling to be located on this size lot. The adjoining Lots in the Hamilton and Gardiner Streets area are currently 1012m<sup>2</sup>.

(There are lots in Roberts street (opp. Oval) with area sizes of 549m<sup>2</sup>.)

**LEGISLATIVE REQUIREMENTS:**

Planning and Development Act 2005.

**STRATEGIC IMPLICATIONS:**

Increase in the provision of available accommodation.

**SUSTAINABILITY IMPLICATIONS:**

- **Environment**  
Completed dwelling renovations will match aesthetically with surrounding environment.
- **Economic**  
Provision of suitable accommodation for a family relocating to Moora and an additional rate income for Shire.
- **Social**  
There are no known significant social implications associated with this proposal.

**FINANCIAL IMPLICATIONS:**

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

**VOTING REQUIREMENTS**

Simple Majority Required

**COUNCIL RESOLUTION  
(MANEX RECOMMENDATION)**

**208/07 Moved Cr Gardiner, seconded Cr Hawkins that Ms Dinn be advised that the application for the relocation of a second dwelling on Lot 76 and support for subdivision of the Lot will be re-considered following the completion of the current relocated dwelling to the satisfaction of the Shire's Manager Health & Regulatory Services, and compliance with the conditions outlined in the planning approval dated 26 July 2006.**

**AND**

**Ms Dinn be advised that the following conditions will need to be addressed prior to Council's re-consideration of the application: -**

- **Photos of the proposed building to be presented to Council in accordance with Council Policy.**
- **A report on the dwelling proposed to be transported is to be inspected "in situ" by a Building Surveyor or some other qualified person and the report complete with recommended conditions of approval, photographs etc is to be submitted to Council for consideration, proper plans and specifications are to be duly submitted to the Manager Health & Regulatory Services in order that a building licence can be issued. Any costs so incurred are to be borne by the applicant.**
- **The Council shall require all asbestos material be removed from any building prior to transportation.**

**CARRIED 9/0**

**14.5 ENVIRONMENTAL DEVELOPMENT**

Nil

**14.6 ECONOMIC DEVELOPMENT**

**14.6.1 FRIENDS OF THE MOORA CEMETERY**

**FILE REFERENCE:** CC/FRC I  
**REPORT DATE:** 16 October 2007  
**APPLICANT/PROPONENT:** Nil  
**OFFICER DISCLOSURE OF INTEREST:** Nil  
**PREVIOUS MEETING REFERENCES:** 14/12/05(petitions)  
**AUTHOR:** Rebecca McCall, A/Enterprise Development Manager  
**ATTACHMENTS:** Nil

**PURPOSE OF REPORT:**

To seek Council approval of the plans developed for the Moora Cemetery. The plans are a staged development that include the enhancement of the existing cemetery and the extension of the cemetery to the south.

**BACKGROUND:**

During the Ordinary Council Meeting dated December 14, 2005, the Shire President invited Mrs Verbakel, who was in attendance, to present to Council a petition, requesting Council to erect a public toilet at the Moora Cemetery.

Mrs Verbakel addressed Council and presented the petition to the Shire President.

The Shire President thanked Mrs Verbakel and advised that Council will be giving due consideration to the provision of toilet facilities at the Cemetery during the preparation of the 2006/07 Budget.

The presentation of the petition resulted in the Corporate Services Officer organising for a community committee to be formed to drive the project. A committee was formed, Friends of the Moora Cemetery, under the umbrella of the Moora Rotary Club. The committee consists of local, interested community members.

**COMMENT:**

The committees' agenda was to look at the existing cemetery and evaluate what is required to provide the community with a serviceable facility. Mr John Simpson created plans to enhance the cemetery to include the following:

1. Toilet block
2. Enhancement of main entrance
3. Erection of shade structures
4. Upgrade of carpark
5. Installation of seating
6. Installation of interpretative signage

The enhancement would be funded through money raised through grants and pledges. As part of Council's commitment \$10,000 was allocated towards the project in the 2006/07 budget.

Upon establishing the plans to enhance the cemetery it became apparent the necessity to make provision for the extension of the cemetery. The committee became aware that the availability of plots would be an issue within the next 3 to 4 years. It was also brought to the committees' attention that the niche wall no longer accommodates some ashes as the boxes have increased in size.

To overcome these issues Mr John Greay provided plans to the committee for the southern extension of the cemetery. The plans provide shade and seating, niche walls, memorial gardens, burial plots, landscaping, pathways and parking.

**POLICY REQUIREMENTS:**

Nil

**LEGISLATIVE REQUIREMENTS:**

There are no known legislative requirements related to this item.

**STRATEGIC IMPLICATIONS:**

Outlined within the Shire of Moora's Strategic Plan is the Key Result Area (KRA) of "Infrastructure", under this KRA it is outlined in goal one to maintain, improve and increase community facilities and services.

The Key Result Area of “People”, under this KRA it is outlined in strategy one to support associations, groups and events within the community.

### **SUSTAINABILITY IMPLICATIONS:**

- **Environment**  
There will be significant environmental implications associated with this proposal due to the necessity to clear a portion of the cemetery reserve to develop the southern extension of the cemetery.
- **Economic**  
The Shire of Moora will collect fees for all future burials and interments.
- **Social**  
The enhancement of the cemetery provides a more pleasant environment for family and friends during funeral services and visiting loved ones. The southern extension of the cemetery will ensure the availability of plots for future burials.

### **FINANCIAL IMPLICATIONS:**

Council contributed the sum of \$10,000 towards the Friends of the Moora Cemetery enhancement project in the 2006/07 budget.

Council has allocated a sum of \$40,000 in the 2007/08 budget to begin planning and works for the southern extension of the cemetery.

### **VOTING REQUIREMENTS**

Simple Majority Required

### **COUNCIL RESOLUTION (MANEX RECOMMENDATION)**

*209/07 Moved Cr Pond, seconded Cr McLagan that Council accept the plans developed on the behalf of the Friends of the Moora Cemetery to enhance and extend the Moora Cemetery.*

**CARRIED 9/0**

## **14.7 SPORT AND RECREATION**

### **14.7.1 “BE ACTIVE COORDINATOR” – SEPTEMBER REPORT 2007**

**FILE REFERENCE:** BA/REPI  
**REPORT DATE:** 3 October 2007  
**OFFICER DISCLOSURE OF INTEREST:** Nil  
**PREVIOUS MEETING REFERENCES:** 11 April 2007 (77/07)  
**AUTHOR:** Jenny O’Brien, Be Active Coordinator  
**ATTACHMENTS:** Be Active Report – September 2007

### **PURPOSE OF REPORT:**

Reporting period of September 2007 from the Be Active Coordinator for Council information and acknowledgment.

**BACKGROUND:**

It is current practice for the Be Active Coordinator to periodically provide Council with a report to date of programmes and activities carried out during the current financial year.

**COMMENT:**

The report prepared by Ms Jenny O'Brien, Be Active Coordinator, covers programmes and activities that have been carried out within the two participating Shires (Moora and Victoria Plains).

The report has also been provided to the other participating shire.

**POLICY REQUIREMENTS:**

Nil

**LEGISLATIVE REQUIREMENTS:**

There are no known legislative requirements related to this item.

**STRATEGIC IMPLICATIONS:**

Continued activities through this programme within each participating Council's are of great benefit to the residents and youth of these Districts, which without this sponsorship the projects would not normally be available to them.

**SUSTAINABILITY IMPLICATIONS:**

- **Environment**  
The outdoor activities participants awareness of the environment and creates a better environmental outlook on the life of the people involved.
- **Economic**  
Participants contribute to the cost of certain programmes.
- **Social**  
The programmes organised by the B.A.C. have a healthy impact on the social and cultural activities of young and old residents of the Shires involved.

**FINANCIAL IMPLICATIONS:**

The two Shires participating in the programme fund the programmes on a percentage basis.

**VOTING REQUIREMENTS**

Simple Majority Required

**COUNCIL RESOLUTION  
(MANEX RECOMMENDATION)**

*210/07 Moved Cr Hawkins, seconded Cr Clydesdale-Gebert that Council note and receive the Be Active Report for the period ended September 2007.*

**CARRIED 9/0**



**15. ELECTED MEMBER MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil

**16. MOTIONS OF AN URGENT NATURE INTRODUCED BY DECISION OF COUNCIL**

The Chief Executive Officer tabled three late items dealing with:

1. Planning Application –Family Day Care Centre;
2. Planning Application – St Joseph’s Primary School;
3. Application for Community Facilities Reserve Fund Loan, and
4. Report of the Returning Officer – Ordinary Election held on 20 October 2007

for Council’s consideration.

**COUNCIL RESOLUTION**

**211/07** Moved Cr Hawkins, seconded Cr McLagan that Council consider the four late items as tabled by the CEO titled “Planning Application –Family Day Care Centre”, “Planning Application – St Joseph’s Primary School”, “Application for Community Facilities Reserve Fund Loan”, and “Report of the Returning Officer – Ordinary Election held on 20 October 2007”.

**CARRIED 9/0**

**16.1 PLANNING APPLICATION –FAMILY DAY CARE CENTRE**

<b>FILE REFERENCE:</b>	PA/851-1
<b>LOCATION:</b>	Lot 20 York Street Watheroo
<b>OWNER:</b>	M. W. Scott
<b>APPLICANT:</b>	Mrs T. Scott
<b>ZONING:</b>	Rural Townsite
<b>AUTHOR:</b>	Michael J Prunster – Community Development Manager
<b>REPORT DATE:</b>	19 October 2007
<b>ATTACHMENTS:</b>	Site and location plans

**PROPOSAL**

Application received from Mr M.W. Scott on behalf of his wife Mrs T. Scott to conduct a Family Day Care Centre at her family residence on Lot 20 York Street Watheroo.

**BACKGROUND**

The Watheroo Community do not have a Day Care facility, and Mrs Scott has made enquiries and has established the need for such a facility in the town.

Mrs Scott intends to open the Centre in January/February 2008.

## **PLANNING FRAMEWORK**

The Lot is zoned “Rural Townsite” and as this use is not listed under the Town Planning Scheme Zoning Table it is to be considered as a “use not listed” and the following is an extract from the Scheme text in relation to this category of use: -

- 3.2.5 If the use of land for a particular purpose is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the interpretation of one of the use categories the Council may:
- a) determine that the use is consistent with the objectives and purposes of the particular zone and is therefore permitted; or
  - b) 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; or
  - c) determine that the use is not consistent with the objectives and purposes of the particular zone and is therefore not permitted.

The provision of this facility would be beneficial to the residents of Watheroo and it is recommended that Council consider the application under clause 3.2.5 (b) of the text. And clause 7.3 as under: -

### **7.3 Advertising of Applications**

- 7.3.1 Where an application is made for planning approval to commence or carry out development which involves an "SA" use the Council shall not grant planning approval to that application unless notice of the application is first given in accordance with the provisions of sub-clause 7.3.3.
- 7.3.3 Where the Council is required or decides to give notice of an application for planning approval the Council shall cause one or more of the following to be carried out:
- a) notice of the proposed development to be served on the owners and occupiers of land within an area determined by the Council as likely to be affected by the granting of planning approval stating that submissions may be made to the Council within twenty-one days of the service of such notice;
  - b) notice of the proposed development to be published in a newspaper circulating in the Scheme Area stating that submissions may be made to the Council within twenty-one days from the publication thereof;
  - c) a sign or signs displaying notice of the proposed development to be erected in a conspicuous position on the land for a period of twenty-one days from the date of publication of the notice referred to in paragraph (b) of this clause.
- 7.3.4 After expiration of twenty-one days from the serving of notice of the proposed development, the publication of notice or the erection of a sign or signs, whichever is the later, the Council shall consider and determine the application.

In consideration of the advertising clause, it is recommended that Council initiate advertising under clauses 7.3.1, 7.3.3 (a) & (b).

## **PHYSICAL ASSESSMENT**

The physical appearance of the facility will not change significantly other than the front yard area will no doubt require suitable fencing and exits in accordance with the licensing authority.

**CONCLUSION**

The facility will be a benefit to Watheroo, and it is recommended that approval be given for the Family Day Care Centre subject to Council conditions and also the production of a licence for the centre from the Department for Children and Community Services.

**VOTING REQUIREMENTS**

Simple Majority

<b>COUNCIL RESOLUTION (OFFICER RECOMMENDATION)</b>
--

**212/07 Moved Cr Clydesdale-Gebert, seconded Cr Keamy that Council approve the application from Mrs T. Scott for the operation of a Family Day Care Centre at Lot 20 York Street Watheroo subject to the following conditions: -**

- 1) Payment of \$185.00 home occupation planning fee and thereafter payment of the annual renewal fee of \$62.00 (subject to yearly budget adjustment).**
- 2) notice of the proposed development to be served on the owners and occupiers of land within an area determined by the Council as likely to be affected by the granting of planning approval stating that submissions may be made to the Council within twenty-one days of the service of such notice;**
- 3) notice of the proposed development to be published in a newspaper circulating in the Scheme Area stating that submissions may be made to the Council within twenty-one days from the publication thereof;**
- 4) Production of a copy of the relative licence approved by the Department for Children Services.**
- 5) Written confirmation to Council that all licensing requirements have been completed to the Departments satisfaction.**

**CARRIED 9/0**

## **16.2 PLANNING APPLICATION – ST JOSEPH’S PRIMARY SCHOOL**

<b>FILE REFERENCE:</b>	TP/MO2
<b>LOCATION:</b>	Lots 24,25,26b & 27 Dandaragan Street Moora
<b>OWNER:</b>	Roman Catholic Archbishop Of Perth
<b>APPLICANT:</b>	Slavin Architects Pty Ltd
<b>ZONING:</b>	Special Use – Private School
<b>AUTHOR:</b>	Michael J Prunster – Community Development Manager
<b>REPORT DATE:</b>	19 October 2007
<b>ATTACHMENTS:</b>	Site and location plans

**PROPOSAL**

Alterations to provide new administration and library facilities and construction of two new classrooms at St Joseph’s Primary School Moora.

Relocation of existing bus shed.

**BACKGROUND**

Due to the current increase in student numbers and future growth the School needs to expand the Administration Centre and increase classroom space. The renovations and additions are being

constructed within the existing school grounds, with the existing bus shed being relocated from the Western side of the School to the South Western area of the grounds.

The School currently employs 28 Staff Members.

### **PLANNING FRAMEWORK**

The Lots are Zoned “Special Use – Private School”, and the proposed development is permitted within the Town Planning Scheme Text.

### **PHYSICAL ASSESSMENT**

The proposed development will not detract from the current exterior aesthetics of the School. There will be a noticeable improvement within the School grounds with the additional brick paving adjacent to play areas and new rooms.

### **CONCLUSION**

The renovations and additional classrooms will be a benefit to Moora with increased student and teacher facilities. This will assist with the anticipated growth in Moora and districts over the next few years.

### **VOTING REQUIREMENTS**

Simple Majority

## **OFFICER RECOMMENDATION**

*That Council approve the planning application from Messrs Slavin Architects Pty Ltd on behalf of the Roman Catholic Archbishop of Perth for the alterations, construction of two new classrooms and the relocation of the existing bus shed subject to the following conditions: -*

- (a) Payment of planning application fee of \$2,495*
- (b) The minimum finished floor level (FFL) for all buildings in the proposed development to be 203.15m A.H.D. (ie: 150mm above 1999 flood level)*
- (c) Setback requirements to be in accordance with sketch plan.*
- (d) Building licence application to be approved and issued by the Shire of Moora Manager Health & Regulatory Services.*
- (e) The provision an Acrod parking bay with regulation sign appropriately affixed and bay marked accordingly.*
- (f) Stormwater from the new buildings to be directed into the existing stormwater drainage system.*
- (g) A Demolition Licence to be obtained from the Shire of Moora Health & Regulatory Services for the relocation of the existing bus shed.*

## **SUBSTANTIVE MOTION (OFFICER RECOMMENDATION)**

**213/07 Moved Cr Hawkins, seconded Cr Tonkin that Council approve the planning application from Messrs Slavin Architects Pty Ltd on behalf of the Roman Catholic Archbishop of Perth for the alterations, construction of two new classrooms and the relocation of the existing bus shed subject to the following conditions: -**

- (a) Payment of planning application fee of \$2,495**
- (b) The minimum finished floor level (FFL) for all buildings in the proposed development to be 203.15m A.H.D. (ie: 150mm above 1999 flood level)**
- (c) Setback requirements to be in accordance with sketch plan.**
- (d) Building licence application to be approved and issued by the Shire of Moora Manager Health & Regulatory Services.**

- (e) *The provision an Acrod parking bay with regulation sign appropriately affixed and bay marked accordingly.*
- (f) *Stormwater from the new buildings to be directed into the existing stormwater drainage system.*
- (g) *A Demolition Licence to be obtained from the Shire of Moora Health & Regulatory Services for the relocation of the existing bus shed.*

### **AMENDMENT MOTION**

*Moved Cr Hawkins, seconded Cr Tonkin that point (a) of the recommendation be amended by reducing the planning application fee by 50% to \$1,247.*

**MOTION LOST 5/4**

**WITH THE AMENDMENT MOTION BEING LOST THE SUBSTANTIVE MOTION WAS THEN PUT AND**

**CARRIED 8/1**

Cr McLagan declared an impartiality interest in item 16.3, under Councils Code of Conduct, as he is the President of the Bindi Miling Cricket Club. It was noted that Cr McLagan was not required to leave the meeting as this interest is an exempt interest pursuant to Section 5.63(1)(f) being an office bearer for the non profit making organisation.

### **16.3 APPLICATION FOR COMMUNITY FACILITIES RESERVE FUND LOAN**

**FILE REFERENCE:** CC/CRII  
**REPORT DATE:** 24 October 2007  
**APPLICANT/PROPONENT:** Bindi Miling Cricket Club  
**OFFICER DISCLOSURE OF INTEREST:** Nil  
**PREVIOUS MEETING REFERENCES:** Nil  
**AUTHOR:** Michael Prunster, Community Development Manager  
**ATTACHMENTS:** Practice Cricket wicket net layout plan & Repayment Schedule

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

Cr McLagan has submitted a request on behalf of the Bindi Miling Cricket Club for a loan of \$10,000 from the Shire of Moora Community Development Reserve Fund.

The funding is required for the construction of a Cricket Practice Net at the Miling Sports Oval.

#### **BACKGROUND:**

The Community Facilities Development Reserve (CFDR) was originally set up as a general reserve fund from the sale of the Moora Power Station. In 1995, Council converted the general reserve fund to the CFDR to provide funds to eligible community organisations for approved projects.

The maximum loan amount is \$15,000 repayable over terms of 1 – 7 years with an interest rate of 50% to the nearest whole number of the interest rate quoted to Council from its lending institution. Since the commencement of the fund, loans have been provided to the Moora Tennis Club, Swimming Club, Golf Club, Speedway, Fine Arts Society and Chamber of Commerce.

**COMMENT:**

*The Club has received a quotation for the supply of materials to construct the practice wicket for \$10,120. Club members will supply in-kind work to establish a major proportion of the project, and have requested Council to consider the funding of a C.F.D.R. loan of \$10,000 to cover the cost of the materials.*

The Bindi Miling Cricket Club is strongly supported and they have competed in the Central & South Midlands Cricket Association with success over the years. The practice wicket will provide them with an excellent facility for the players to practice for their sport.

It is recommended that Council approve in principal the application for a loan of \$10,000 over a period of 7 years to the Bindi Miling Cricket Club at an interest rate of 3.5%.

*(The quotation received from the W.A. Treasury for the current Shire Loan lending rate is 6.9%. - Community loan rate to nearest whole number = 3.5%)*

The approval would be subject to the following conditions: -

- Completion of the Loan Fund Application form.
- Provision of the Clubs audited financial statements for the past two years.
- Submission of up to 4 names for guarantors for the loan.
- Entering into a legal agreement for repayment of the loan.
- The location of the practice wicket is to be located in a position at the Oval to the satisfaction of Council's Operational Development Manager.

**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**  
Improved playing conditions for members of the Bindi Miling Cricket Club.

**FINANCIAL IMPLICATIONS:**

The community facilities reserve fund has a balance of \$205,362, allowing sufficient funds for this purpose.

**VOTING REQUIREMENTS**

Simple Majority Required

**COUNCIL RESOLUTION  
(OFFICER RECOMMENDATION)**

**214/07 Moved Cr Clydesdale-Gebert, seconded Cr Hawkins that Council approve the application from the Bindi Miling Cricket Club for a loan of \$10,000 over a period of 7 years @ 3.5% interest to be funded from the Shire of Moora Community Facilities Reserve Fund subject to :-**

- **Completion of the loan Fund application form.**
- **Provision of the Clubs audited financial statements for the past two years.**
- **Submission of up to 4 names for guarantors for the loan.**
- **Entering into a legal agreement for repayment of the loan.**
- **The location of the practice wicket is to be located in a position at the Oval to the satisfaction of Council's Operations Development Manager.**

**CARRIED 9/0**

**16.4 REPORT OF THE RETURNING OFFICER - ORDINARY ELECTION HELD ON 20 OCTOBER 2007**

**FILE REFERENCE:** EM/ELCI

**REPORT DATE:** 23 October 2007

**APPLICANT/PROPONENT:** Not Applicable

**DISCLOSURE OF INTEREST:** The author of this report has no financial interest in the matter

**PREVIOUS MEETING REFERENCES:** Not Applicable

**AUTHOR:** Steven Deckert, Chief Executive Officer

**ATTACHMENTS:** Report on Detailed Results (CountWA)

Form 19 – Results of Election

Form 20 – Report to Minister

**PURPOSE OF REPORT:**

This report is to brief elected members on the conduct of the election held on 20 October 2007 and to provide an overview of statistics that relate to the election.

**BACKGROUND:**

Following amendments to the Local Government Act 1995, the ordinary local government elections which are held every two years were changed from the first Saturday in May to the third Saturday in October.

The process for the conduct of the election commenced about three months prior to the Election Day, which was 20 October 2007. Council determined that it wished to conduct an in-person election with the CEO appointed as Returning Officer rather than a postal election conducted by the WA Electoral Commission.

At the close of nominations on 13 September 2007, five nominations had been received for the four vacancies. As there were more nominations than vacancies, an election was required.

Early, postal and absent voting commenced the week following close of nominations and was available up until 4.30pm on Friday 19 October 2007.

As Returning Officer, I made the decision for the conduct of an efficient election that there would be one Polling Place open on Election Day, being at the Moora Performing Arts Centre. This was determined because of logistics and costs and also on the basis that electors had an extended period of time to take advantage of the early and postal voting mechanisms.

**COMMENT:**

A total of four staff worked on Election Day. The Returning Officer and Deputy Returning Officer worked from 7.00am to 8.00pm following the close of poll. A Presiding Officer and Electoral Officer worked from 8.00am issuing ballot papers and then after the close of polling worked until all ballot papers had been entered into the computer and a result was determined.

This election ran very smoothly and all electoral staff should be commended on their performance and conduct on the day and leading up to Election Day.

**RESULTS AND STATISTICS**

After conducting the count of ballots using the CountWA software, the following candidates were elected:

Robert KEAMY  
Chris HAWKINS  
James McLAGAN  
Jim POND

The unsuccessful candidate was Lorraine Craven.

Please find appended a copy of the Report on Detailed Results generated by the CountWA software. This report provides an overview of the election results, including the first preferences received and distribution of preferences.

Please also find appended Form 19, which is the statutory form for reporting the result of the election along with a copy of Form 20, which has been electronically submitted to the Minister for Local Government and Regional Development.

A summary of the statistics relating to voting follows:

Number of Candidates	Total number eligible voters on roll	Total valid votes cast	Total informal votes	Total votes cast	Percentage turnout
5	1609	443	5	448	27.84%

**POLICY REQUIREMENTS:**

There are no policies relative to this matter.

**LEGISLATIVE REQUIREMENTS:**

For this election the CEO acted as returning officer. The election was conducted on the basis of electors voting in person. Part 4 of the *Local Government Act 1995* and *Local Government (Elections) Regulations 1997* specify the way local government elections are to be conducted.

**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:**

An amount of \$7,000 has been provided for in the Adopted Budget to cover staff payments and advertising. It is expected that this amount will not be exceeded.

**VOTING REQUIREMENTS:**

Simple Majority Required

**COUNCIL RESOLUTION  
(OFFICER RECOMMENDATION)**

*215/07 Moved Cr Tonkin, seconded Cr McLagan that Council receives this report by the Returning Officer on the conduct and results of the 2007 Ordinary Election held on 20 October 2007.*

**CARRIED 9/0**

**17. NOTICE ON MOTIONS FOR THE NEXT COUNCIL MEETING**

Nil

**18. MATTERS BEHIND CLOSED DOORS**

Nil

**19. CLOSURE OF MEETING**

*There being no further business, the Shire President declared the meeting closed at 5.47pm.*

**CONFIRMED**

**PRESIDING MEMBER**