

**Shire of Moora  
Ordinary Council Meeting  
23<sup>rd</sup> August 2006**

**NOTICE OF MEETING**

Dear Elected Member

The next Ordinary Council Meeting of the Shire of Moora  
will be held on **Wednesday 23<sup>rd</sup> August 2006**  
in the Council Chambers, 34 Padbury Street, Moora  
commencing at **3.30 pm**

SJ Deckert  
Chief Executive Officer  
18<sup>th</sup> August 2006

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

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

The type of interest I wish to declare is: <sup>(4)</sup> Financial / Proximity / Indirect  
Financial / Conflict (impartiality) pursuant to <sup>(5)</sup> Section 5.65 of the Local  
Government Act 1995 / Clause 1.3 of Councils Adopted Code of Conduct.

The nature of my interest is  
<sup>(6)</sup> \_\_\_\_\_

I wish to be present and participate in any discussion and/or decision  
making procedure relating to the item and therefore would like Council to  
declare my interest<sup>(7)</sup>  
\_\_\_\_\_

The extent of my interest is <sup>(8)</sup>  
\_\_\_\_\_  
\_\_\_\_\_

I understand that the above information will be recorded in the minutes  
of the meeting and placed in the Financial Interest Register.

Yours faithfully,

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Signed

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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. Delete type of interest not applicable.
5. Delete reference, which is not applicable.
6. Insert the nature of your interest.
7. Insert either "Trivial" or "In common with a significant number of ratepayers or electors".
8. Insert the extent of your interest.

THIS PAGE HAS BEEN LEFT BLANK  
INTENTIONALLY.

**SHIRE OF MOORA**  
**ORDINARY COUNCIL MEETING AGENDA**  
**23 AUGUST 2006**  
**COMMENCING AT 3.30PM**

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- \* Separate Attachments
- Item 11.5.1 Maps of Reserve 28287 & Walebing Road Reserve

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

*“Acknowledging of Country”*

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

2. **DISCLAIMER READING**

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

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

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

3. **ATTENDANCE**

**APOLOGIES**

**PUBLIC**

4. **DECLARATIONS OF INTEREST**

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

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

**7. APPLICATIONS FOR LEAVE OF ABSENCE**

**8. PETITIONS AND MEMORIALS**

Ms Kylie Coman, Project Manager with Landcorp, will make a presentation to Council outlining the role of Landcorp and how they may be able to assist in the development of residential and industrial land in Moora.

**9. ANNOUNCEMENTS BY THE SHIRE PRESIDENT**

**10. CONFIRMATION OF MINUTES OF THE PREVIOUS MEETINGS**

**10.1 ORDINARY COUNCIL MEETING – 9 August 2006**

*That the Minutes of the Ordinary Meeting of Council held on 9 August 2006, be confirmed as a true and correct record of the meeting.*

**11. REPORTS OF OFFICERS**

**11.1 ADMINISTRATION**

Nil

**11.2 FINANCIAL DEVELOPMENT**

Nil

**11.3 OPERATIONAL DEVELOPMENT**

**11.3.1 CBH Group Harvest Mass Management Scheme**

**LOCATION:** Receival Points Throughout Shire  
**FILE:** AN/CBH1  
**AUTHOR:** John Greay, Operational Development Manager  
**REPORT DATE:** 17<sup>th</sup> August 2006  
**DECLARATION:** Nil

### **BACKGROUND**

The Cooperative Bulk Handling (CBH) Group is introducing the Harvest Mass Management Scheme this year. The scheme is designed to help alleviate the problem of overloaded grain trucks on the road network with the aim to make roads safer and to reduce damage to road pavements.

All growers and transporters will need to register with CBH for the delivery of grain this harvest. As part of the scheme, once registered you will be able to access some concessions with Extra Mass Tolerance but will be subject to Non-Compliance Limits. The Extra Mass Tolerance will allow operators a 10% concessional margin with a maximum overload of 10 tonnes on appropriate sized vehicle combinations. Any vehicle loaded outside of these tolerances will be asked to alter their load away from CBH premises and represent themselves for weighing or forfeit the overload. Should the grain be forfeited it is then placed in a pool and sold by CBH post harvest with proceeds going to participating shires. For Councils to participate in the scheme and become beneficiaries of the forfeited grain they need to participate in a MOU with CBH.

### **COMMENT**

The scheme is designed to be self-regulatory within the grain industry with CBH working towards the soon to be enacted "Chain of Responsibility" model legislation. Under their proposed scheme you are allowed eight strikes before your delivery vehicle becomes ineligible for further deliveries for that year's harvest. This would allow an offending vehicle to leave the CBH site and pose a possible hazard to other road uses on another eight occasions.

My greatest concern with the scheme is the option of the operator to leave the CBH facility should his load be rejected. This allows an illegally loaded vehicle to re-enter the road network and cause further damage to road pavements. This could also mean exposing other road users to a hazard that you have approved of by signing the MOU. There could be ramifications should any injury occur if this was allowed to happen. I would suggest that the grain transporter be allowed to deliver the first load without penalty irrespective of the size of his load. Consequent loads after that would be treated quite differently with the appropriate forfeiture applying. There comes an issue if a vehicle is overloaded and the grain is also rejected through maybe moisture etc and the truck has to leave the CBH site. However, I believe that operators will learn very quickly once penalties start to apply, so there shouldn't be very many trucks being rejected for other reasons and be overloaded as well.

#### **STATUTORY ENVIRONMENT**

Nil

#### **POLICY IMPLICATIONS**

Nil

#### **BUDGET IMPLICATIONS**

Likelihood of additional revenue, the value, if any, is unknown.

#### **STRATEGIC IMPLICATIONS**

Should this become a substantial source of revenue or it has a positive impact on less damage to road pavements then it is feasible to suggest that road pavements should last longer before major upgrades are required.

#### **PRECEDENT**

Nil

#### **VOTING REQUIREMENTS**

Simple Majority

#### **MANEX RECOMMENDATIONS – ITEM 11.3.1**

*That Council*

- 1. agree in principle with Cooperative Bulk Handlings (CBH) conceptual MOU but has reservations in regard to the option of overloaded grain transporters leaving the CBH facility and re-presenting their load due to the adverse impact that it will have on the road network and the approval of an illegal operation; and*
- 2. it be recommended to CBH that the first overload be accepted and future overloads be forfeited into the scheme as outlined in their MOU.*

#### 11.4 COMMUNITY DEVELOPMENT

##### 11.4.1 Town Planning Scheme No 4 – Delegation of Powers

LOCATION: Moora  
 FILE: TP/PTM11  
 AUTHOR: Michael Prunster, Community Development

Manager

REPORT DATE: 16 August 2006  
 DECLARATION: Nil

#### **BACKGROUND**

Council resolved by absolute majority at the Council meeting held on the 25 February 2004, to delegate the Manager Corporate Services (now 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 16 August 2006.

- *Mr M & Mrs K Deane – Lot 208 Riley Road, Moora – establishment of home occupation ‘Cottage Industry’ business – Zoning Special Rural, Flood Fringe. (Ref 7/0607)*

- *Mr DJ & Mrs ME Pond – 29 Stafford Street, Moora – establishment of home occupation ‘consultancy’ business – Zoning Residential, Flood Fringe. (Ref 8/0607)*
- *Mr G Maley & Ms D Lowden – Lot 14 Atbara Street, Moora – construction of an open structure, freestanding, gable roof double carport at the front of the residence – Area 42m<sup>2</sup>– Zoning Residential, Flood Fringe – Value \$4,000. (Ref 9/0607)*

#### VOTING REQUIREMENTS

Simple Majority

#### MANEX RECOMMENDATION – ITEM 11.4.1

*That Council note the town planning applications approved under delegated authority.*

**11.4.2      Construction of Carport & Garage – D. & A. Gibsone**

**LOCATION:**            Lot 145 Melbourne Street Moora  
**FILE:**                PA/126-1  
**AUTHOR:**            Michael Prunster, Community Development

**Manager**

**ZONING:**            Residential R12.5/25  
**REPORT DATE:**    16 August 2006  
**DECLARATION:**    The author has no financial interest in this matter.

**BACKGROUND**

A planning application has been received from Mr & Mrs Gibsone for the construction of a Shed/Garage with Carport attached. The total area of the building is 98m<sup>2</sup>. Under the Shire of Moora outbuilding policy section 6.10, it states the maximum size of an outbuilding for R12.5 lots is 72m<sup>2</sup>.

Under this policy the construction of an outbuilding larger in area is required to be referred to Council for consideration.

**COMMENT**

The Council Policy refers to building lots sized 800m<sup>2</sup> in R12.5/25 zones. Lot 145 Melbourne Street has a total area of 2772m<sup>2</sup>, which is over three times larger in size.

The overall area of the proposed shed/garage carport is 26m<sup>2</sup> larger than the permissible limit. Due to the lot area (2772m<sup>2</sup>) it is recommended that the request for the increased size be granted.

**STATUTORY ENVIRONMENT**

Nil

**POLICY IMPLICATIONS**

Outbuilding Policy section 6-10

**BUDGET IMPLICATIONS**

Town planning fee receipt \$75

**STRATEGIC IMPLICATIONS**

Nil

**PRECEDENT**

Council has approved similar applications in March and June of the current year whereby the size of the buildings were in excess of Council policy condition by 38m<sup>2</sup> and 28m<sup>2</sup> respectively on similar size lots.

**VOTING REQUIREMENTS**

Simple majority

**MANEX RECOMMENDATION – ITEM 11.4.2**

*That Council approve the application from Mr & Mrs D. & A. Gibsone for the erection of a shed/garage and carport on Lot 145 Melbourne Street Moora with a total area of 98m<sup>2</sup> and waive Council outbuilding policy condition for a maximum outbuilding area size of 72m<sup>2</sup> subject to the following conditions: –*

- *Side and rear boundary setbacks to be a minimum of 1.5m.*
- *That a zincalume roof be permitted upon the proposed outbuilding on the condition that any substantiated complaints from neighbouring properties in relation to reflectivity will require the applicant to immediately paint the roof surface to prevent such reflectivity;*
- *Wall cladding to be constructed of colorbond material as per the plan submitted.*
- *Building licence to be issued by Shire's Environmental Development Manager.*

## 11.5 ENVIRONMENTAL DEVELOPMENT

### 11.5.1 Conservation and Preservation of Valued Flora – “Walebing Road Reserve” Moora & Reserve 28287 Stack Street Moora

FILE: P/MKR1

AUTHOR: Michael Prunster, Community Development

Manager REPORT DATE: 17 August 2006

DECLARATION: Author has no financial interest in this matter

**BACKGROUND**

In May 2004 Council received a letter from the Department of Planning and Infrastructure requesting if the Shire would like to execute a management order over Reserve 28287 Stack Street Moora. Council made a decision to advise the Department that they would consider the management order subject to the Department providing suitable fencing, adequate signage identifying the reserve and suitable barriers to the entries of the reserve to prohibit vehicular traffic. The offer for a management order was also offered to CALM at the same time.

In August 2004 advice was received that neither CALM nor the department were interested in funding the fencing etc requested by Council, but they stated that they did have the ability to create a management order in favour of an interested group, provided they were an incorporated body. This letter was addressed to Mrs Marie Carter of Moora who had originally raised the matter with the Department of Planning and Infrastructure. Mrs Carter and other Community members then proceeded to form the Friends of Moora Woodlands Committee who have since discussed the proposal with Council and Staff on several occasions. The Friends of Moora Woodlands are not an incorporated body, so have requested Council to apply for a management order in favour of the Shire, and create reserves for the protection and conservation of flora at the Stack Street and Walebing Road bush reserve.

Following a letter received in April 2006 from the Friends of Moora Woodlands making a further request to Council for management of the locations, Council passed the following resolution at their meeting of the 12 April 2006.

**Revisit Management of Reserves**

*Cr Pond advised at the meeting of Council on 22 March 2006 that he would put the following motion:*

*'That the Moora Shire Council revisit the offer to take over care taking of Stack Street and Walebing Reserves'*

***Chief Executive Officer's Comment***

*I have not had the opportunity to research this matter as I am not clear on whether Council has formally considered taking*

*over these reserves. However, if Council passes this resolution, we will then have the opportunity to present Council with a properly researched report for consideration.*

***Please Note:*** *Prior to voting on this matter, the Shire President read aloud two letters of support that had been received after the agenda had been completed, one Cr Pond from Mrs Marie Carter and the second from Mrs Donna Le'Gear.*

### COUNCIL RESOLUTION – ITEM 12.1

62/06        *Moved Cr Pond seconded Cr Craven that the Moora Shire Council revisits the offer to take over care taking of Stack Street and Walebing Road Reserves.*

CARRIED

9/0

*NOTE – The agenda item should have stated Walebing Road Reserve rather than Walebing Reserve.*

Maps of both locations are provided as a separate attachment.

#### COMMENT

Letters of support have also been received from the W.A. Native Orchid Study and Conservation Group and the Moore Catchment Council.

The Stack Street Reserve 28287 is vested in the Shire of Moora and designated as “parklands” with a zoning of “recreation & open space”.

The “Walebing Road Reserve” (or “Candy’s Bush Track” as known to the locals) consists of some 28 subdivided lots fronting Gardiner Street and part of the unformed Lee Steere St, bounded by a drain reserve, Seymour Street and unmade portion of Saleeba Road. The Crown owns six of these lots and the remaining 20 are in the name of the Shire of Moora. The balance of the reserve is made up of Lots 321, 322 & 354 all of which are Crown land and Reserve 32329 that is vested in the Shire of Moora.

Information and comments have been obtained from our Town Planning Consultant, David Gray and he has advised as follows: –

*'It will be necessary to leave portion of Lee Steere Street for frontage to Lot 24, perhaps corresponding to the width of Lot 37 opposite.*

*The steps will be:*

- 1. Resolution of Council to seek to have the defined area vested/re-vested as a Reserve with a Management Order to issue to the Shire of the purpose of Conservation of Flora. (I suggest that the area be bounded by the broken red line as on the attached plan which includes most of the remnant vegetation.)*
- 2. 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. Amalgamate 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. (I have included the land on the opposite side of Keamy Road because it has remnant vegetation and is Unallocated Crown Land.)*
- 4. Initiate closure of the roads and rights of way, for inclusion in the Reserve. (If the roads and rights of way are not closed any of the service providers may use them for locating services. And the integrity of the proposed Reserve cannot be protected.*
- 5. Consolidation of all of the parcels into a single Reserve, for issue of a Management Order.*

*I believe that it will be necessary to apply to the WAPC for approval to amalgamate (step 3), but you should discuss this with the Department for Planning and Infrastructure (State Land Services) as there may be a way of re-vesting under the Land Administration Act.*

*Some survey will be required and the DPI (SLS) will issue survey instructions as State Land is involved. I expect that survey will be the major cost item incurred by the Shire to create the Reserve.*

*A Town Planning Scheme Amendment may be initiated later, but is not a critical element. It could be part of an Amendment initiated for another purpose.'*

## **STATUTORY ENVIRONMENT**

LGA S3.54 – Reserves under control of a local government.

## **POLICY IMPLICATIONS**

Nil

### **BUDGET IMPLICATIONS**

The actual costs are unknown at this point, but the estimated cost for Amalgamation, Road Closures, Surveys and Advertising procedures and processes is estimated at \$5,000.

The Moore Catchment Council have indicated in a letter to the Friends of Moora Woodlands, that they will assist in obtaining funding for fencing and signage.

Should Council agree to a management order, there will be ongoing annual maintenance costs in the upkeep of the reserve.

### **STRATEGIC IMPLICATIONS**

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

### **PRECEDENT**

Nil

### **VOTING REQUIREMENTS**

Simple majority

### **MANEX RECOMMENDATIONS – ITEM 11.5.1**

*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.*

#### 11.6 ECONOMIC DEVELOPMENT

Nil

#### 11.7 SPORT AND RECREATION

Nil

#### 12. ELECTED MEMBER MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

At the previous meeting, Cr Craven gave notice that she will put the following motion to this Ordinary Meeting of Council;

##### 12.1 Motion – Flying of Flags

*'That Council considers having*

- a) the Australian Flag at full mast 365 days per year, and*
- b) it accompanied by the Indigenous flag on a separate flag pole...'*

**Cr Craven's comment:**

Believe this will respect to community pride, also the ownership and esteem of all sectors of the Shire of Moora. .

**MANEX Comment:**

In considering this matter Council needs to take into account the views of the community at large and the cost implications of providing additional flagpoles.

**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****15.1 Moora Dental Clinic**

A late item will be provided prior to the Council Meeting.

**16. CLOSURE OF MEETING**