

**Shire of Moora  
Ordinary Council Meeting  
7<sup>th</sup> December 2016**

**NOTICE OF MEETING**

Dear Elected Member

The next Ordinary Council Meeting of the Shire of Moora  
will be held on **Wednesday 7<sup>th</sup> December 2016**  
in the Council Chambers, 34 Padbury Street, Moora  
commencing at **5.30 pm**



AJ Leeson  
Chief Executive Officer

2<sup>nd</sup> December 2016

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

### **Vision**

Our vision is that:

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

### **Mission**

Our mission is:

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

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

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

Dear Sir/Madam,

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

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

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

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

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

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

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

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

Yours faithfully,

\_\_\_\_\_  
 Signed

\_\_\_\_\_  
 Date

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

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**SHIRE OF MOORA**  
**ORDINARY COUNCIL MEETING AGENDA**  
**7 DECEMBER 2016**  
COMMENCING AT 5.30PM

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**TABLE OF CONTENTS**

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<b>1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS .....</b>	<b>7</b>
<b>1.1 DECLARATION OF OPENING.....</b>	<b>7</b>
<b>1.2 DISCLAIMER READING .....</b>	<b>7</b>
<b>2. ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE .....</b>	<b>7</b>
<b>3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE .....</b>	<b>7</b>
<b>4. PUBLIC QUESTION TIME .....</b>	<b>7</b>
<b>5. PETITIONS AND PRESENTATIONS.....</b>	<b>7</b>
<b>6. APPLICATIONS FOR LEAVE OF ABSENCE.....</b>	<b>7</b>
<b>7. ANNOUNCEMENTS BY THE PRESIDING MEMBER.....</b>	<b>7</b>
<b>8. CONFIRMATION OF MINUTES .....</b>	<b>7</b>
<b>8.1 ORDINARY COUNCIL MEETING - 16 NOVEMBER 2016.....</b>	<b>7</b>
<b>8.2 ELECTORS GENERAL MEETING - 23 NOVEMBER 2016 .....</b>	<b>7</b>
<b>9. REPORTS OF OFFICERS.....</b>	<b>8</b>
<b>9.1 GOVERNANCE AND CORPORATE SERVICES.....</b>	<b>8</b>
9.1.1 LIST OF PAYMENTS AUTHORISED UNDER DELEGATION 1.31 .....	8
9.1.2 LIST OF PAYMENTS AUTHORISED UNDER DELEGATION 1.31 .....	10
9.1.3 STATEMENT OF FINANCIAL ACTIVITY FOR PERIOD ENDED 30 NOVEMBER 2016.....	12
9.1.4 PROPOSED LEASE – 39 ATBARA STREET, MOORA – COUNCIL RESIDENCE.....	14
9.1.5 BROOKFIELD RAIL INTERFACE AGREEMENT .....	17
<b>9.2 DEVELOPMENT SERVICES.....</b>	<b>20</b>
9.2.1 HOME BUSINESS – DOG GROOMING CANINE CUTZ DOG GROOMING SALON.....	20

**10. ELECTED MEMBER MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN** 22

**11. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF COUNCIL** ..... 22

**12. MATTERS FOR WHICH THE MEETING MAY BE CLOSED** ..... 22

**13. CLOSURE OF MEETING** ..... 22

- \* Separate Attachments
  - 9.1.1 *List of Payments Authorised Under Delegation 1.31*
  - 9.1.2 *List of Payments Authorised Under Delegation 1.31*
  - 9.1.3 *Statement of Financial Activity for Period Ended 30 November 2016*
  - 9.2.1 *Plans*

**1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS****1.1 DECLARATION OF OPENING****1.2 DISCLAIMER READING**

*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.*

**2. ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE****APOLOGIES**

MM Murray - Executive Support Officer

**3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE****4. PUBLIC QUESTION TIME****5. PETITIONS AND PRESENTATIONS****6. APPLICATIONS FOR LEAVE OF ABSENCE****7. ANNOUNCEMENTS BY THE PRESIDING MEMBER****8. CONFIRMATION OF MINUTES****8.1 ORDINARY COUNCIL MEETING - 16 NOVEMBER 2016**

*That the Minutes of the Ordinary Meeting of Council held on 16 November 2016 be confirmed as a true and correct record of the meeting.*

**8.2 ELECTORS GENERAL MEETING - 23 NOVEMBER 2016**

*That the Minutes of the Electors General Meeting of Council held on 23 November 2016 be confirmed as a true and correct record of the meeting.*

## **9. REPORTS OF OFFICERS**

### **9.1 GOVERNANCE AND CORPORATE SERVICES**

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

At the 23<sup>rd</sup> November 2016 meeting Council received the List of Payments late, and therefore requested they have further time to peruse them before endorsing at this meeting.

**REPORT DATE:** 16 November 2016

**OFFICER DISCLOSURE OF INTEREST:** Nil

**AUTHOR:** David Trevaskis, Deputy Chief Executive Officer

**SCHEDULE PREPARED BY:** Alida Fitzpatrick, Finance Creditors Debtors Officer

**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

**RECOMMENDATION**

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

<b>Municipal Fund</b>	<b>Cheques 62193 to 62204</b>	<b>\$18,557.23</b>
	<b>EFT 16351 to 16579</b>	<b>\$866,094.70</b>
	<b>Credit Card 15/09/16 to 14/10/16</b>	<b>\$2,627.38</b>
	<b>Net Pays – PPE 04/10/16</b>	<b>\$94,309.73</b>
	<b>Net Pays – PPE 18/10/16</b>	<b>\$95,042.57</b>
	<b>Direct Debits 10834.1 to 10873.15</b>	<b>\$51,913.60</b>
<b>Trust Fund</b>	<b>Cheques 5216 to 5226</b>	<b>\$1,406.60</b>
<b>Total</b>		<b><u>\$1,129,951.81</u></b>

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

**REPORT DATE:** 2 December 2016

**OFFICER DISCLOSURE OF INTEREST:** Nil

**AUTHOR:** David Trevaskis, Deputy Chief Executive Officer

**SCHEDULE PREPARED BY:** David Trevaskis, Deputy Chief Executive Officer

**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

**RECOMMENDATION**

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

<b><i>Municipal Fund</i></b>	<b><i>Cheques 62205 to 62214</i></b>	<b><i>\$9,230.76</i></b>
	<b><i>EFT 16580 to 16739</i></b>	<b><i>\$606,897.42</i></b>
	<b><i>Credit Card 17/10/2016 to 14/11/2016</i></b>	<b><i>\$6,694.81</i></b>
	<b><i>Net Pays – PPE 02/11/16</i></b>	<b><i>\$93,785.13</i></b>
	<b><i>Net Pays – PPE 16/11/16</i></b>	<b><i>\$95,439.26</i></b>
	<b><i>Net Pays – PPE 30/11/16</i></b>	<b><i>\$94,730.28</i></b>
	<b><i>Direct Debits 10877.1 – 10915.11</i></b>	<b><i>\$54,282.22</i></b>
<b><i>Trust Fund</i></b>	<b><i>Cheques 5227 to 5232</i></b>	<b><i>\$1,422.73</i></b>
<b><i>Total</i></b>		<b><i><u>\$962,482.61</u></i></b>

### **9.1.3 STATEMENT OF FINANCIAL ACTIVITY FOR PERIOD ENDED 30 NOVEMBER 2016**

**REPORT DATE:** 2 December 2016

**OFFICER DISCLOSURE OF INTEREST:** Nil

**PREVIOUS MEETING REFERENCES:** Nil

**AUTHOR:** David Trevaskis, Deputy Chief Executive Officer

**ATTACHMENTS:** Statement of Financial Activity for the Period Ended 30 November 2016

**PURPOSE OF REPORT:**

To note and receive the Statement of Financial Activity for the period ended 30 November 2016.

**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 2016/17 adopted budget.

**VOTING REQUIREMENTS**

Simple Majority Required

**RECOMMENDATION**

***That Council notes and receives the Statement of Financial Activity for the period ended 30 November 2016.***

### 9.1.4 **PROPOSED LEASE – 39 ATBARA STREET, MOORA – COUNCIL RESIDENCE**

**REPORT DATE:** 1 December 2016  
**OFFICER DISCLOSURE OF INTEREST:** Nil  
**PREVIOUS MEETING REFERENCES:** Nil  
**AUTHOR:** Alan Leeson, Chief Executive Officer  
**ATTACHMENTS:** Nil

**PURPOSE OF REPORT:**

For Council to approve the lease of Council residence 39 Atbara Street, Moora and delegate authority to the Chief Executive Officer to execute a formal lease.

**BACKGROUND:**

Over the past couple of years the property has been rented out to school teachers from St Josephs Primary School. It will be vacated at the end of the 2016 school year. Expressions of interest have been received to rent the property from a corporate body and education agency.

**COMMENT:**

It is proposed that Council call for formal expressions of interest to lease/rent the property by way of advertising locally.

**POLICY REQUIREMENTS:**

Council does not have a policy in relation to this matter

**LEGISLATIVE REQUIREMENTS:**

Local Government Act 1995

**3.58. Disposing of property**

- (1) In this section —  
**dispose** includes to sell, lease, or otherwise dispose of, whether absolutely or not;  
**property** includes the whole or any part of the interest of a local government in property, but does not include money.
- (2) Except as stated in this section, a local government can only dispose of property to —
- (a) the highest bidder at public auction; or
  - (b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.
- (3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —
- (a) it gives local public notice of the proposed disposition —
    - (i) describing the property concerned; and
    - (ii) giving details of the proposed disposition; and
    - (iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;

and

- (b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.
- (4) The details of a proposed disposition that are required by subsection (3)(a)(ii) include —
- (a) the names of all other parties concerned; and
  - (b) the consideration to be received by the local government for the disposition; and
  - (c) the market value of the disposition —
    - (i) as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or
    - (ii) as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.
- (5) This section does not apply to —
- (a) a disposition of an interest in land under the *Land Administration Act 1997* section 189 or 190; or
  - (b) a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59; or
  - (c) anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or
  - (d) any other disposition that is excluded by regulations from the application of this section.

**STRATEGIC IMPLICATIONS:****Outcome 4.1: A strong and diversified economic base.****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:**

It is recommended that property be advertised on a weekly rent in the range of \$350 to \$400 per week.

**SUMMARY:**

There is no immediate need for the residence in terms of staff housing requirements.

**VOTING REQUIREMENTS**

Simple Majority Required

**RECOMMENDATION**

*That Council approve the lease of Council residence 39 Atbara Street, Moora for a one year term in the range of \$350 to \$450 per week, and delegate authority to the Chief Executive Officer to advertise the lease by way of tender and execute a lease agreement for the property, further approving the Chief Executive Officer to select the most favourable tender provided it is not less than \$350 per week.*



### **9.1.5 BROOKFIELD RAIL INTERFACE AGREEMENT**

**REPORT DATE:** 1 December 2016

**OFFICER DISCLOSURE OF INTEREST:** Nil

**PREVIOUS MEETING REFERENCES:** Nil

**AUTHOR:** Alan Leeson, Chief Executive Officer

**ATTACHMENTS:** Nil

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

For Council to adopt a Rail Interface Agreement (RIA) with Brookfield Rail.

#### **BACKGROUND:**

Discussions with Brookfield Rail on the interface agreement date back to June 2014. WALGA have been negotiating with Brookfield Rail since that time on behalf on local governments to address a number of issues that were raised by individual local governments at the time. Just over 75% of the 80 Brookfield Rail interface agreements with local governments have now been signed.

Detailed hereunder is a summary which broadly outlines what a RIA is and the need for it. Referenced from the Brookfield Rail website;

<http://www.brookfieldrail.com/work-with-us/level-crossing-interface-agreements/>

#### **What is a Level Crossing Interface Agreement?**

An interface agreement is a written agreement between the road manager and rail infrastructure manager, which details the management of safety risks at locations where road and railway tracks cross. The agreement can cover one or more level crossings.

The Interface Agreement may contain information on:

- Implementing and maintaining measures for managing risks
- The roles and responsibilities of each party to the agreement
- How each party will monitor compliance with their obligations under the agreement
- A process for keeping the agreement under review and how any review will be conducted and implemented.

#### **Why is an Interface Agreement required?**

Interface Agreements are a new legislative requirement under the Rail Safety Act 2010 which comes into effect Saturday **1st February 2014**.

The Act places obligations on road managers and rail infrastructure managers to ensure safety risks at each level crossing are identified, assessed and managed. The Interface Agreement is a formal agreement between both parties on the management of these safety risks.

Parties who unreasonably delay negotiation or refuse to enter an agreement could face penalties from the Rail Safety Regulator.

For more information on the Rail Safety Act 2010, [click here](#).

**Who is required to enter an interface agreement?**

Safety interface agreements involve a range of parties, including:

**Rail Infrastructure Managers**

This includes Brookfield Rail who manage and operate the West Australian freight rail network.

**Road Managers**

Road Managers include private and public road managers.

Private road managers are land owners who use a level crossing to access their property, or different parts of their property located on either side of the track.

Public roads that intersect with the track are generally managed by either Main Roads Western Australia who manage public freeways, major highways and arterial roads, or the Shire/City responsible for roads and footpaths within their Local Government area.

**Important dates**

By **February 2014**, relevant parties should have either entered an Interface Agreement, or be in the process of pursuing negotiations or risk assessments with the intention of entering an Interface Agreement in the near future.

**For more information**

Contact Brookfield Rail at [interface.agreements@brookfieldrail.com](mailto:interface.agreements@brookfieldrail.com) for queries relating to Interface Agreement requirements.

**COMMENT:**

Section 5.2 Page 9 and 10 of the Agreement details respective agency actions and activities;  
Road Manager – Local Government

- Maintain the Road approaches up to three metres (3m) either side from the outside running rail.
- Arrange, undertake and maintain any vegetation clearing and/or removal of other physical obstructions on Roads to provide requisite driver visibility sightlines on the approaches to Level Crossings (including any negotiations with private property owners if required)
- Notify the Rail Infrastructure Manager of any road works planned, either of a temporary or permanent nature, in the vicinity of a crossing. (See section 9 of this Agreement)
- Notify the Rail Infrastructure Manager of any change in land use adjacent to an Interface or any change in Level Crossing use.
- Report to MRWA any damaged and unserviceable line marking and signage associated with a Level Crossing identified during inspection of the local road network in accordance with normal maintenance regimes.

**POLICY REQUIREMENTS:**

Council does not have a policy in relation to this matter

**LEGISLATIVE REQUIREMENTS:**

Rail Safety National Law (WA) Act 2015

**STRATEGIC IMPLICATIONS:**

There are no known strategic implications in reference to this matter.

**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 in consideration of this matter.

**SUMMARY:**

The RIA is in effect prescribed, and on that basis in order to avoid any fines/penalties the Shire of Moora must enter into this RIA.

**VOTING REQUIREMENTS**

Simple Majority Required

**RECOMMENDATION**

*That Council endorse the Rail Interface Agreement between Brookfield Rail, Main Roads W.A and the Shire of Moora as required by Rail Safety National Law (WA) Act 2015 and authorise the Chief Executive Officer to sign the Agreement on Councils behalf.*

## 9.2 DEVELOPMENT SERVICES

### 9.2.1 HOME BUSINESS – DOG GROOMING CANINE CUTZ DOG GROOMING SALON

**FILE REFERENCE:** TP/HB/CCDS1  
**REPORT DATE:** 1 December 2016  
**APPLICANT/PROPONENT:** Rodney & Tammi Leach  
**OFFICER DISCLOSURE OF INTEREST:** Nil  
**PREVIOUS MEETING REFERENCES:** Nil  
**AUTHOR:** Peter Williams, Manager Development Services  
**ATTACHMENTS:** Plans

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

Councils Manager Development Services is in receipt of an application for a dog grooming salon proposed by proponent's Rodney and Tammi Leach of Lot 10/102 Roberts Street Moora; seeking Councils permission to operate a Home Business.

#### **BACKGROUND:**

Lot 10/102 Roberts Street is located in the Residential Zone of the Town of Moora. Under the Shire Town Planning Scheme Zoning Table a Home Business has an "A" Classification which is Use not permitted except with Councils Permission after advertising in a local newspaper for a period of 14 days.



**'Home Business'** means a business, service or profession carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which:-

- (a) does not employ more than 2 people not members of the occupier's household;
- (b) will not cause injury to or adversely affect the amenity of the neighbourhood;
- (c) does not occupy an area greater than 50 square metres;
- (d) does not involve the retail sale, display or hire of goods of any nature;
- (e) in relation to vehicles and parking, does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood, and does not involve the presence, use or calling of a vehicle more than 3.5 tonnes tare weight; and
- (f) does not involve the use of an essential service of greater capacity than normally required in the zone.

The Proponents advise that it will commence as a part time business and involve grooming of dogs including clipping and washing.

The proponents have a rear concrete area at their property for the washing of animals and clipping. There is also an area to be used as a holding pen for the animals.

**COMMENT:**

The proponents have commenced the advertising in the West Australian and an advertisement has been placed on the Shire of Moora web page.

This business will only be dealing with one dog at a time so it should not impinge on neighbours. Letters of consent have been procured from neighbours who are happy for the business to go ahead.

The advertising period is for 14 days, having commenced on 24<sup>th</sup> November 2016. It is recommended that this application be approved however will be subject to no objections being received from the public.

**POLICY REQUIREMENTS:**

Home Occupation & Home Business Policy

**LEGISLATIVE REQUIREMENTS:**

Shire of Moora Town Planning Scheme No 4 (Amendment 10)

**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

**RECOMMENDATION**

*That Council approve subject to there being no objections at the conclusion of the statutory advertising period, the application for a Dog Grooming Home Business by proponents Rodney & Tammi Leach to be located at Lot 10/102 Roberts Street Moora subject to the following conditions:*

- (a) does not employ more than 2 people not members of the occupier's household;*
- (b) will not cause injury to or adversely affect the amenity of the neighbourhood;*
- (c) does not occupy an area greater than 50 square metres;*
- (d) does not involve the retail sale, display or hire of goods of any nature;*

*(e) in relation to vehicles and parking, does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood, and does not involve the presence, use or calling of a vehicle more than 3.5 tonnes tare weight;*

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

11. **NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF COUNCIL**

12. **MATTERS FOR WHICH THE MEETING MAY BE CLOSED**

13. **CLOSURE OF MEETING**