

SHIRE OF MOORA
MINUTES OF THE ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS, MOORA
18 MAY 2022

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I. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

I.1 DECLARATION OF OPENING

The Shire President declared the meeting open at 5.32pm and announced:

I would like to acknowledge the traditional custodians of the land we are meeting on today, the Yued people, and pay our respects to Elders past, present and emerging.

I.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

ATTENDANCE

TL Lefroy	-	President
SJ Gilbert	-	Deputy President
DV Clydesdale-Gebert	-	Councillor
EI Hamilton	-	Councillor
KM Seymour	-	Councillor
SA Bryan	-	Councillor
TL Errington	-	Councillor
GW Robins (until 5.52pm)	-	Deputy Chief Executive Officer
NM Beard (until 5.50pm)	-	Manager Community Development & Visitor Servicing
MM Murray (until 5.50pm)	-	Executive Support Officer (minute taker)
Martin Whitely (until 5.50pm)	-	LG Corporate Solutions

APOLOGIES

AJ Leeson	-	Chief Executive Officer
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3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4. PUBLIC QUESTION TIME

Nil

5. PETITIONS / DELEGATIONS / PRESENTATIONS

Nil

6. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER

The following Council associated engagements were attended;

Cr Lefroy, President

25/4 Attended ANZAC day service and laid wreath on behalf of Council

27/4 Zoom meeting with Emma Everett of Local Jobs Program

6/5 WALGA Heads of Agencies Breakfast, Perth

6/5 Mayors and Presidents Forum, Perth

9/5 Iluka – Shire of Moora stakeholder engagement meeting

13/5 Leadership Matters - State Budget Breakfast with Hon Mark McGowan MLA, Perth

Cr Gilbert, Deputy President

25/4 Attended ANZAC day service and laid wreath on behalf of Council

Cr Seymour

22/4 Chaired the Avon-Midland Country Zone of WALGA meeting, Dalwallinu

4/5 WALGA State Council meeting, City of Cockburn

8. CONFIRMATION OF MINUTES**8.1 ORDINARY COUNCIL MEETING - 20 APRIL 2022****COUNCIL RESOLUTION**

35/22 Moved Cr Seymour, seconded Cr Gilbert that the Minutes of the Ordinary Meeting of Council held on 20 April 2022 be confirmed as a true and correct record of the meeting.

CARRIED 7/0

9. REPORTS OF OFFICERS

9.1 GOVERNANCE AND CORPORATE SERVICES

9.1.1 LIST OF PAYMENTS AUTHORISED UNDER DELEGATION 1.31

REPORT DATE: 6 May 2022

OFFICER DISCLOSURE OF INTEREST: Nil

AUTHOR: Alan Leeson, Chief Executive Officer

SCHEDULE PREPARED BY: Charly Sawyer, Creditors 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

COUNCIL RESOLUTION

36/22 Moved Cr Bryan, seconded Cr Gilbert that Council notes and endorses the Payments from the Municipal and Trust Funds made under delegation 1.15

EFT's	27118-27264	-\$1,240,172.30
Muni Cheque	62522-62525	-\$3,229.05
Credit Card	DD14621.3	-\$2,656.53
Direct Debit	DD14481.7-DD14633.13	-\$68,738.77
		-\$1,314,796.65
Trust Cheque	5606-5608	-\$554.66
		-\$1,315,351.31
Nett Pay	PPE 12/4/2022	-\$107,386.76
Nett Pay	PPE 26/4/2022	-\$110,912.06
		-\$218,298.82
	Payment Total	-\$1,533,650.13

CARRIED 7/0

9.1.2 STATEMENT OF FINANCIAL ACTIVITY FOR PERIOD ENDED 30 APRIL 2022

REPORT DATE: 12 May 2022

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Martin Whitely, LG Corporate Solutions

ATTACHMENTS: Statement of Financial Activity for the Period Ended 30 April 2022

PURPOSE OF REPORT:

To receive and endorse the Statement of Financial Activity for the period ended 30 April 2022.

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 2021/22 adopted budget.

VOTING REQUIREMENTS

Simple Majority Required

COUNCIL RESOLUTION

37/22 Moved Cr Seymour, seconded Cr Hamilton that Council endorses the Statement of Financial Activity for the period ended 30 April 2022.

CARRIED 7/0

9.1.3 RATING STRATEGY – METHOD OF VALUATION – REVIEW AND UPDATE

FILE REFERENCE: F/BUA1
REPORT DATE: 12 May 2022
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES:
AUTHOR: Alan Leeson, Chief Executive Officer
ATTACHMENTS: Rating Strategy

PURPOSE OF REPORT:

For Council to endorse a Rating Strategy and initiate a review of method of valuation of rateable properties across the Shire of Moora.

BACKGROUND:

For many local governments, in particular rural and regional, rates are a significant source of revenue. With limited alternatives, local governments need to optimise the revenue source to generate sufficient revenue in which to meet operational service requirements and asset maintenance, renewal and growth requirements across the Shire.

A key to optimising the rating system is to ensure the appropriate method of land valuation is used as the basis for rates. Land will be rated on one of two methods;

- GRV – Gross Rental Value – use predominantly rural purposes
- UV – Unimproved Value – use predominantly non-rural purposes

A review of method of valuation applied to rateable land across the Shire is a tool which enables local government to ensure its rating system is optimal whilst also ensuring land is rated in such a way that reflects predominant use of the land.

COMMENT:

The Rating Strategy is a framework which provides guidance in levying rates annually through to the formation of annual budgets and longer-term financial plans. The document also provides a sufficient level of transparency to ratepayers, community members and stakeholders.

POLICY REQUIREMENTS:

Inherent within the Rating Strategy (attached)

LEGISLATIVE REQUIREMENTS:

Local Government Act 1995 – Section 6

Local Government (Financial Management) Regulations

STRATEGIC IMPLICATIONS:

Rates are a principal source of revenue which provide the Shire with the resources in which to meet the needs and requirements of the community through services, amenities and infrastructure. Complementing rate revenue in meeting these needs and requirements other revenue sources include but are not necessarily limited to;

- Operating grant revenue
- Capital grant revenue
- Fees and Charges

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 item. It is possible that individual properties may be affected as a result of a method of valuation review. This is yet to be determined and unknown at this juncture.

➤ 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 for the current financial year, however it will impact on future budgets.

VOTING REQUIREMENTS

Simple Majority Required

COUNCIL RESOLUTION

38/22 Moved Cr Gilbert, seconded Cr Errington that Council;

- **Adopt the Rating Strategy as attached (to be reviewed annually in May);**
- **Initiate a review of Method of Valuation across rateable properties in the Shire of Moora in accordance with Section 6.28 Local Government Act 1995 having regard to the general principle that the basis for a rate on any land is to be;**
 - **where the land is used predominantly for rural purposes the method of valuation shall be Unimproved Value (UV)**
 - **where the land is used predominantly for nonrural purposes the method of valuation shall be Gross Rental Value (GRV).**

CARRIED 7/0

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

Nil

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

The Deputy Chief Executive Officer presented an item of urgent business titled 'Application for Development Approval – Proposed Motor Vehicle Sales on Lot 202 Tootra Street, Moora' for Council consideration.

COUNCIL RESOLUTION

39/22 Moved Cr Bryan, seconded Cr Clydesdale-Gebert that Council considers the item of urgent business provided by the Deputy Chief Executive Officer titled 'Application for Development Approval – Proposed Motor Vehicle Sales on Lot 202 Tootra Street, Moora', Item 11.1.

CARRIED 7/0

COUNCIL RESOLUTION

40/22 Moved Cr Seymour, seconded Cr Hamilton that item 11.1 'Application for Development Approval – Proposed Motor Vehicle Sales on Lot 202 Tootra Street, Moora' be laid on the table to allow more time to investigate the proposal, and be considered at the June meeting of Council.

CARRIED 7/0

11.1 APPLICATION FOR DEVELOPMENT APPROVAL – PROPOSED MOTOR VEHICLE SALES ON LOT 202 TOOTRA STREET, MOORA

FILE REFERENCE: TP/DA14/2122
REPORT DATE: 17 May 2022
APPLICANT/PROPONENT: Mr Mervyn Lowther (Applicant) under the authority of Mr Ross Phillips (Landowner)
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: 19/9/2012 (Resolution 112/12) - Conditional development approval for a new storage shed and second-hand transportable office building; and
17/6/2020 (Resolution 77/20) – Conditional Development Approval (Retrospective) - Proposed Change of Use from Ancillary Office to Caretaker’s Dwelling.
AUTHOR: Mr Joe Douglas, Town Planning Consultant
ATTACHMENTS: Attachment 1

PURPOSE OF REPORT:

Consideration and final determination of a development application for the establishment and operation of a motor vehicle sales outlet on portion of Lot 202 Tootra Street, Moora.

BACKGROUND:

The applicant is seeking Council’s development approval to establish and operate a motor vehicle sales outlet on portion of Lot 202 Tootra Street, Moora.

Lot 202 is located in the north-eastern part of the Moora townsite on the western edge of a designated industrial precinct and comprises a total area of approximately 4,047m². The subject land is generally flat throughout its entire area with the natural ground level being approximately 203.5 metres AHD.

The property has direct frontage and access to Tootra Street along its western boundary which is a sealed and drained local road under the care, control and management of the Shire of Moora. It is also served by key essential service infrastructure including power, water, telecommunications and stormwater drainage. As the land is not connected to the town’s reticulated sewerage disposal scheme, all effluent disposal is undertaken on-site using septic tanks and leach drains previously approved by the Shire’s Environmental Health Officer.

Lot 202 has been extensively cleared and developed for industrial purposes and contains a number of associated improvements including a 381m² shed in its front portion facing Tootra Street which is currently being used to store and sell second-hand household items (i.e. a ‘bulky goods showroom’) pursuant to a conditional development approval granted by the Shire in July 2021.

The property also contains a 108m² second-hand transportable building immediately behind the existing shed which is currently being used as a caretaker’s dwelling. Other notable improvements include a patio and carport structure, vehicle accessways, parking / loading / unloading areas and landscaping, all of which are the subject of previous approvals. Council should note all the existing approved improvements and uses on the land will remain unchanged if the proposed motor vehicle sales outlet the subject of this latest application is ultimately approved.



Location & Lot Configuration Plan (Source: Landgate 2022)

Immediately adjoining and other nearby land uses include a range of well-established general and light industry-type uses immediately north, east and south, Tootra Street immediately west with an operational railway reserve, the Moora Sports Ground and Moora Primary School beyond.

COMMENT:

Lot 202 is classified 'Industrial' zone under the Shire of Moora Local Planning Scheme No.4 (LPS4).

Council's stated objectives for the development and use of any land classified 'Industrial' zone are as follows:

- (a) To provide for the needs of industry to support the community;
- (b) To provide appropriate buffers between industry and adjacent land uses so as to avoid land use conflicts.
- (c) To provide landscaped buffers along the branch of the Moore River to the established industrial area;
- (d) To avoid direct discharge of stormwater drainage or the discharge of any deleterious substances into the branch of the Moore River; and
- (e) To avoid non-industry related uses establishing in the industrial area.

Under the terms of LPS4 the development of any land classified 'Industrial' zone for the purposes of 'motor vehicle, boat or caravan sales' is listed as being a discretionary (i.e. 'D') use which means it's not permitted without Council's formal development approval. Council's development approval is also required given the subject land's location within Special Control Area I of LPS4 entitled 'Land Subject to Flooding'.

The application has been assessed with due regard for the specific objectives and standards of the Shire's local planning framework including LPS4 and all relevant local planning policies as well as the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*. This assessment, which included formal consultation with the Department of Water and Environmental Regulation (DWER) pursuant to the specific requirements of clause 4.11.2.2 of LPS4 as it applies to all land subject to flooding in the Moora townsite, has confirmed the proposal is acceptable and capable of being supported and approved for the

following reasons:

- i) It is broadly consistent with and unlikely to compromise the objectives of the land's current 'Industrial' zoning classification;
- ii) The proposed use is capable of being approved under Local Planning Scheme No.4 due to it being discretionary in nature;
- iii) It will provide for the productive use of vacant, undeveloped portions of the land and could be expected to make a positive contribution to local economic development;
- iv) It will not compromise the continued use of other 'Industrial' zoned properties in the immediate locality;
- v) It will not compromise the continued use of the land for the purposes of a 'bulky good showroom' and 'caretaker's dwelling' in accordance with previous approvals granted by Council due to its significant size and the configuration of all existing improvements;
- vi) The DWER has confirmed the proposed development is acceptable from a flood risk perspective with no need to change the land's natural ground levels to accommodate it due to the nature of the proposed use (i.e. the parking of vehicles with no built form improvements proposed); and
- vii) It is unlikely to have any negative impact on the general amenity, character, functionality and safety of the immediate locality subject to compliance with a number of conditions.

In light of the above findings and conclusions, it is recommended Council exercise its discretion and grant conditional approval to the application.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

- Planning and Development Act 2015
- Planning and Development (Local Planning Schemes) Regulations 2015
- Shire of Moora Local Planning Scheme No.4

STRATEGIC IMPLICATIONS:

- Moora Flood Management Strategy 2000
- Shire of Moora Strategic Community Plan 2012-2022

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 immediate financial implications for the Shire aside from the administrative costs associated with processing the application which are provided for in Council's annual budget and have been offset in part by the development application fee paid by the applicant. All costs associated with the proposed development will be met by the applicant.

It is significant to note should the applicant/landowner be aggrieved by Council's final decision in this matter, they have the right seek a formal review of that decision by the State Administrative Tribunal. Should this occur for whatever reason, which is considered highly unlikely in this particular instance, the Shire would need to respond. The cost to respond to an appeal cannot be determined at this preliminary stage but could be expected, based on the recent experience of other local government authorities in Western Australia, to range anywhere from \$5,000 to \$60,000 excluding GST depending upon how far the matter proceeds through the review process.

VOTING REQUIREMENTS:

Simple Majority Required

OFFICER RECOMMENDATION

That Council APPROVE the development application submitted by Mr Mervyn Lowther (Applicant) under the authority of Mr Ross Phillips (Landowner) to establish and operate a motor vehicle sales outlet on portion of Lot 202 Tootra Street, Moora subject to the following conditions and advice notes:

Conditions

- 1. The proposed development shall be undertaken strictly in accordance with all information and plans submitted in support of the application subject to any modifications required as a consequence of any condition/s of this approval or otherwise approved by the Shire of Moora.*
- 2. Any additional development which is not in accordance with the application the subject of this approval or any condition of approval will require the further approval of the local government.*
- 3. The proposed development shall be substantially commenced within a period of two (2) years from the date of this approval. If the development is not substantially commenced within this period this approval shall lapse and have no further effect. Where an approval has so lapsed, the proposed development shall not be carried out without the further approval of the local government having first being sought and obtained.*
- 4. Any proposed new advertising signage shall be in accordance with the requirements of Schedule 5 of the Shire of Moora Local Planning Scheme No.4 as it applies specifically to 'Industrial and Warehouse Premises' unless otherwise approved by the local government.*

Advice Notes

- 1. This approval is not an authority to ignore any constraint to development on the land which may exist through contract or on title, such as an easement, memorial or restrictive covenant. It is the responsibility of the applicant and landowner and not the Shire to investigate any such constraints before commencing development. This approval will not necessarily have regard to any such constraint to development, regardless of whether or not it has been drawn to the Shire's attention.*
- 2. This is a development approval of the Shire of Moora under its Local Planning Scheme No.4. It is not a building permit or an approval to commence or carry out development under any other law. It is the responsibility of the applicant/landowner to obtain any other necessary approvals, consents, permits and licenses required under any other law, and to commence and carry out development in accordance with all relevant laws.*
- 3. The applicant/landowner is reminded of their obligation to ensure compliance with the following requirements:*
 - i) Shire of Moora Annual Firebreak Notice as this applies specifically to land within the Moora townsite comprising an area of 3,000m² or more to help guard against any potential bushfire risk; and*

ii) *Shire of Moora Health Local Law 2016.*

4. *In relation to Condition 4, please note Schedule 5 of the Shire of Moora Local Planning Scheme No.4 as it applies specifically to 'Industrial and Warehouse Premises' provides details of the type and size of all advertising signage on the land that is exempt from the need for development approval. If any proposed new advertising signage for the use hereby approved does not comply with the deemed-to-comply requirements of Schedule 5, a suitable development application for the proposed new signage must be prepared and submitted to the local government for consideration and determination.*
5. *The noise generated by any activities on-site including machinery motors or vehicles shall not exceed the levels as set out under the Environmental (Noise) Regulations 1997.*
6. *Failure to comply with any of the conditions of this development approval constitutes an offence under the provisions of the Planning and Development Act 2005 and the Shire of Moora Local Planning Scheme No.4 and may result in legal action being initiated by the local government.*
7. *If the applicant/landowner is aggrieved by this determination, there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 Part 14. An application must be submitted within 28 days of the determination.*

12. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

COUNCIL RESOLUTION

41/22 Moved Cr Bryan, seconded Cr Clydesdale-Gebert that Council closes the meeting to members of the public to discuss a matter behind closed doors that is a matter affecting an employee pursuant to Section 5.23(2)(a) of the Local Government Act 1995.

CARRIED 7/0

At 5.50pm all staff bar the Deputy CEO retired from the meeting, and the meeting moved behind closed doors.

At 5.52pm the Deputy CEO retired from the meeting.

12.1 CONFIDENTIAL ITEM

Provided to Councillors under confidential cover.

COUNCIL RESOLUTION

42/22 Council endorsed the recommendation in the confidential minute attachment 12.1.

CARRIED BY ABSOLUTE MAJORITY 7/0

COUNCIL RESOLUTION

43/22 Moved Cr Bryan, seconded Cr Clydesdale-Gebert that the meeting move out from behind closed doors and reopen to the public at this juncture 6.12pm.

CARRIED 7/0

13. CLOSURE OF MEETING

There being no further business, the Shire President declared the meeting closed at 6.12pm.

CONFIRMED

PRESIDING MEMBER