



Ordinary Council Meeting Minutes

Date: 27 September 2006

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 AT THE WATHEROO PAVILION, WATHEROO
WEDNESDAY 27 SEPTEMBER 2006

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1. DECLARATION OF OPENING & WELCOME OF VISITORS

In the absence of the Shire President, the Deputy Shire President declared the meeting open at 6.34pm, welcomed visitors and announced:

"Acknowledgment of Country"

I would like to show my respect and acknowledge to 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

The Presiding Member read the following disclaimer:

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

CE Gardiner	-	Presiding Member	-	Moora Town Ward
JL Craven	-	Councillor	-	Moora Town Ward
SJ Pond	-	Councillor	-	Koojan Ward
AR Tonkin	-	Councillor	-	Coomberdale Ward
DV Clydesdale-Gebert	-	Councillor	-	Watheroo Ward
WA Barrett-Lennard	-	Councillor	-	Bindi Bindi Ward
JW McLagan	-	Councillor	-	Miling Ward
SJ Deckert	-	Chief Executive Officer		
JL Greay	-	Operational Development Manager		
MJ Prunster	-	Community Development Manager		
JL Ellis	-	Financial Development Manager		

PUBLIC

Ms Laura Gray, Regional Wheatbelt Heritage Advisor (until 7.52pm)

Mr Brad Millstead	Mr Bruce Crossley	Mr Mike Kenny
Mr Kim Spencer	Mr Brent Millstead	Mr Darren Keefe
Mr Shane Sutherland	Mr John Workman	Mr Ross Riches
Mr Gary Reed	Mr William Workman	Mrs Lee Griffiths
Mrs Jan Millstead		

APOLOGIES

Mr PJ Haas	-	Environmental Development Manager
Mr Richard Crombie		

LEAVE OF ABSENCE

The following Councillor was granted leave of absence for this meeting by Council resolution made at the Ordinary Meeting held on 23 August 2006:

CD Hawkins	-	Councillor	-	Moora Town Ward
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The following Councillor was granted leave of absence for this meeting by Council resolution made at the Ordinary Meeting held on 13 September 2006:

SA Bryan - Councillor - Moora Town Ward

4. DECLARATIONS OF INTEREST

Nil.

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

Mr Shane Sutherland read aloud a list of questions he wanted responses to. The Presiding Member requested Mr Sutherland provide a copy of the written questions to the CEO to enable a written response.

A number of other questions were then raised by members of the public present.

Councillors and staff provided some information in response to the questions raised, however due to the nature of some of the questions, it is appropriate to take these questions on notice in order to provide a properly researched response.

Due to the nature of the questions and the time necessary to research the matters, responses to these questions will be provided at a future meeting of Council.

6. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

7. APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

8. PETITIONS AND MEMORIALS

Ms Laura Gray would like to address Council in her role as Regional Wheatbelt Heritage Advisor.

The Presiding Member invited Ms Gray to address the meeting.

Ms Gray addressed the meeting and spoke on the Shire of Moora's Municipal Heritage Inventory that she originally prepared for Council. Ms Gray advised:

- Council's Municipal Heritage Inventory now needs reviewing as it is nine years old;
- If required, Ms Gray can guide an 'in-house' review of the Inventory at no cost;
- As part of her role, Ms Gray can assist with Grant Funding applications;
- Council and the property owners need to recognise opportunities that come from heritage listings
- Lotterywest funding is open now

At 7.52pm the Presiding Member thanked Ms Gray for her presentation and Ms Gray retired from the meeting.

9. ANNOUNCEMENTS BY THE SHIRE PRESIDENT

In the absence of the Shire President, the Deputy President and Presiding Member, Cr Colin Gardiner announced the following:

- Attended the Moora Show last Friday the 22nd & Saturday the 23rd – very good
- LaLaLuna was a great success with the show being sold out.
- Cr Pond attended the Avon Midland Zone meeting as well as the VROC meeting held in Northam on Friday 22 September 2006.

10. CONFIRMATION OF MINUTES OF THE PREVIOUS MEETING

10.1 ORDINARY COUNCIL MEETING - 13 SEPTEMBER 2006

COUNCIL RESOLUTION

191/06 Moved Cr Barrett-Lennard, seconded Cr Clydesdale-Gebert that the Minutes of the Ordinary Meeting of Council held on 13 September 2006, be confirmed as a true and correct record of the meeting.

CARRIED 7/0

11. REPORTS OF OFFICERS

11.1 ADMINISTRATION

11.1.1 Chief Executive Officers Leave Arrangements

LOCATION: Administration
FILE: Personal File (Deckert)
AUTHOR: Steven Deckert, Chief Executive Officer
REPORT DATE: 19 September 2006
DECLARATION: The author is the person referred to within the report and therefore declares a financial interest. The extent of the interest is in relation to the value of the leave to be taken.

BACKGROUND

As an employee of Council, the Chief Executive Officer is entitled to annual leave and other approved leave, however the granting of leave is somewhat different to other employees. Generally the Divisional Manager or the Chief Executive Officer as the case may be, will consider applications for leave for all other employees.

The Chief Executive Officer's leave is in essence approved by the CEO himself, however it is good practice and courteous to inform Council of leave proposals and seek Council's endorsement.

In the absence of the CEO, Council also needs to appoint an Acting Chief Executive Officer to be responsible for the day-to-day operations as well as the statutory requirements of the position during this period.

COMMENT

I would like to take leave, commencing on Monday 9 October 2006 and ending on Tuesday 17 October 2006. I will recommence duties on Wednesday 18 October 2006.

This period of leave should have no detrimental impact on Council operations, however will coincide with the Ordinary Meeting of Council scheduled for 11 October 2006.

In accordance with the principle of rotating the Acting Chief Executive Officers role between the Divisional Managers, I would like Council to endorse the appointment of Mr Michael Prunster to the position, commencing from 9 October and concluding on 17 October 2006.

STATUTORY ENVIRONMENT

Sections 2.7 and 3.1 of the Local Government Act 1995, relating to the general function provisions.

Local Government Officers (WA) Award 1999
Chief Executive Officer's Employment Contract

POLICY IMPLICATIONS

There are no policies relevant to this matter.

BUDGET IMPLICATIONS

There are no financial implications to Council in respect to the leave as all leave entitlements are provided for with the Adopted Budget and there is no proposal to employ additional replacement staff.

STRATEGIC IMPLICATIONS

There are no specific strategic implications, however, the ability for other staff to gain experience in a more senior position is invaluable to their professional development.

PRECEDENT

The taking of leave by the CEO and appointment of an Acting CEO is an administrative function that is not setting any precedent.

VOTING REQUIREMENTS

Simple Majority decision required

COUNCIL RESOLUTION (MANEX RECOMMENDATIONS) – ITEM 11.1.1

192/06 Moved Cr Tonkin, seconded Cr McLagan that Council

- 1. Note and endorse the Chief Executive Officer's leave from 9 October 2006 to 17 October 2006; and*
- 2. Approve the appointment of Mr Michael Prunster as Acting Chief Executive Officer for the period 9 October 2006 to 17 October 2006, in the absence of the Chief Executive Officer.*

CARRIED 7/0

11.1.2 Central Midlands Business Enterprise Centre – Request for Loan

LOCATION: Administration
FILE: ED/SBC I
AUTHOR: Steven Deckert, Chief Executive Officer
REPORT DATE: 21 September 2006
DECLARATION: The author declares an impartiality interest in accordance with Council's Code of Conduct. Whilst not an official Shire representative on this Committee the author has attended recent Committee meetings to progress the wind-up of the CMBEC. There may be a perception that the author could become liable for part of any shortfall.

BACKGROUND

The CM BEC has written as follows;

“CENTRAL MIDLANDS BEC

At its meeting on Friday 11 August the committee of the Central Midlands BEC resolved the following:

That the association request its five member Councils to provide a potentially non refundable loan of \$1500 (GST free) each on the basis that in the event of surplus funds on wind of the association that the loans be refunded to the extent able.

As your Council would be aware, since being advised of the removal of funding by SBDC last year, the Incorporated Association has been 'winding the association up' pursuant to the Association Incorporations Act. Regretfully, after all costs and asset sales the Association anticipates a shortfall of funds of between \$4,000-\$7,500 depending upon debt recovery, some minor remaining furniture sales and the like.

The Association has written to the SBDC seeking payment of this debt (shortfall) but in the event that they do not the Association will be left in the position it cannot wind up (forever) unless all obligations have been met.

I therefore respectfully seek member Councils consideration to a one-off, potentially not refundable loan of \$1,500 per Council (total \$7,500). The only real alternative that the Committee has in relation to satisfying its debts is to surcharge its members personally. That is, each member in personal capacity would have to fund raise towards minimising the debt of an Association that is simply seeking to wind-up, or to pay up to approximately \$750 each.

The Association undertakes to refund in equal shares any monies left at the conclusion of the dissolution process expected in the next two months. The reason for the contribution being that of a loan (potentially refundable in full or part) is due to our wind-up clause which provides that surplus assets (as opposed to loans) can only be refunded to a like association (such as a BEC).

The proposed final (dissolution) meeting can only proceed after we are satisfied that the association can meet its obligations (legislative requirement).

As the contribution is that of a loan, no GST is payable, regardless of whether the monies, in full or part, is refunded to the grantor.

In closing I would like to thank your Council for supporting the CMBEC and for supporting your representatives who have donated their time to the association over all these years. Should you require further information of clarification, then please contact the undersigned on telephone (08) 0631 3034 or email debbielarkin@westnet.com.au

Yours sincerely

Debbie Larkin

Chair of the Central Midlands Business Enterprise Centre (Inc.)”

COMMENT

The major reason for the shortfall is due to the signing of a long term lease of the office premises in Wongan Hills and now the lessors are not agreeing to an earlier termination without penalty. The CMBEC is seeking external funds from the State Business Development Corporation and if this is approved the Shires requested loan can be repaid, hopefully in full.

Should the participating Shires not agree to make the loans to enable the winding up of the CMBEC, then any shortfall would fall upon the committee members themselves. This seems a harsh outcome, when in fact the winding up of the CMBEC has not been brought about by the Committee Members, rather by the Minister for Small Business deciding to rationalize the number of Business Enterprise Centre’s in the State.

At this stage it is understood that the Shires of Wongan-Ballidu and Dowerin have agreed to the loan, while Dalwallinu and Victoria Plains along with the Shire of Moora have yet to consider it formally.

STATUTORY ENVIRONMENT

Sections 2.7 and 3.1 of the Local Government Act 1995 relating to a local governments general function provisions.

POLICY IMPLICATIONS

There is no known policy or legislative implications associated with the proposal.

BUDGET IMPLICATIONS

The adopted budget for 2006/2007 only contains provision for an annual contribution to the Central Coastal Small Business Centre that now looks after this area. Should the loan be made and not repaid, at year end the Small Business Centre account will indicate an over expenditure of \$1500.

STRATEGIC IMPLICATIONS

Support of the Small Business Centre, including the previous Business Enterprise Centre is consistent with the goals of the Key Result Area of Growth of council’s Strategic Plan.

PRECEDENT

The recommendation of this report is not based on any precedent nor set a precedent.

VOTING REQUIREMENTS

Simple Majority decision required

COUNCIL RESOLUTION (MANEX RECOMMENDATION) – ITEM 11.1.2

193/06 Moved Cr Clydesdale-Gebert, seconded Cr Pond that Council agree to a potentially non-refundable loan to the Central Midlands Business Enterprise Centre (Inc.) of \$1,500.

CARRIED 5/2

11.2 FINANCIAL DEVELOPMENT

11.2.1 Monthly Financial Report – July 2006

AUTHOR: Jo-Anne Ellis, Financial Development Manager
REPORT DATE: 22 September 2006
DECLARATION: Nil

BACKGROUND

Council is provided with monthly financial reports to enable monitoring of revenues and expenditures against the adopted budget.

COMMENT

The July 2006 Monthly Financial Report is provided as a separate attachment.

STATUTORY ENVIRONMENT

Local Government Act 1995, Division 3, Section 6.4
Local Government (Financial Management) Regulations 1996, Sec. 34

POLICY IMPLICATIONS

Nil

BUDGET IMPLICATIONS

Year to date income and expenditure is provided by line item to enable comparison to 2006/075 adopted budget.

STRATEGIC IMPLICATIONS

Monitoring of actual revenues and expenditures against the adopted budget assists Council in being informed as the financial health of the organisation.

PRECEDENT

Monthly reports are to be provided at the second meeting of each month.

VOTING REQUIREMENTS

Simple Majority

MANEX RECOMMENDATION – ITEM 11.2.1

That Council note and receive the Monthly Financial Report for the period ending 31 July 2006.

COUNCIL RESOLUTION – ITEM 11.2.1

194/06 Moved Cr Craven, seconded Cr McLagan that the consideration of the July and August Monthly Financial Reports lay on the table until the next meeting of Council on 11 October 2006.

CARRIED 7/0

Please Note: Council resolved that the consideration of the July and August 2006 Financial Reports “Lay on the Table” until the next meeting to allow Councillors sufficient time to review the documents.

11.2.2 Monthly Financial Report – August 2006

AUTHOR: Jo-Anne Ellis, Financial Development Manager
REPORT DATE: 22 September 2006
DECLARATION: Nil

BACKGROUND

Council is provided with monthly financial reports to enable monitoring of revenues and expenditures against the adopted budget.

COMMENT

The August 2006 Monthly Financial Report is provided as a separate attachment.

STATUTORY ENVIRONMENT

Local Government Act 1995, Division 3, Section 6.4

Local Government (Financial Management) Regulations 1996, Sec. 34

POLICY IMPLICATIONS

Nil

BUDGET IMPLICATIONS

Year to date income and expenditure is provided by line item to enable comparison to 2006/075 adopted budget.

STRATEGIC IMPLICATIONS

Monitoring of actual revenues and expenditures against the adopted budget assists Council in being informed as the financial health of the organisation.

PRECEDENT

Monthly reports are to be provided at the second meeting of each month.

VOTING REQUIREMENTS

Simple Majority

MANEX RECOMMENDATION – ITEM 11.2.2

That Council note and receive the Monthly Financial Report for the period ending 31 August 2006.

Please Note: Council did not consider this recommendation due to the resolution made in respect to Item 11.2.1

11.3 OPERATIONAL DEVELOPMENT

11.3.1 Tenders – Road Sealing Aggregate, Bitumen Products & Grader

LOCATION: Various
FILE: TENI & TEPI
AUTHOR: John Greay, Operational Development Manager
REPORT DATE: 20 September 2006
DECLARATION: The author has no financial interest in this matter

BACKGROUND

Tenders are called throughout the year for various commodities etc using historic documentation. It is important to develop a set of criteria that is consistent with current requirements.

To undertake Councils road sealing and road works programme, it is necessary to call tenders for aggregate, bitumen and grader.

COMMENT

It is considered desirable for Council to conform to the WALGA tender proforma when calling tenders for various requirements throughout the year for a value greater than \$55,000 including GST.

To accept this tender proforma requires council to develop qualitative criteria for the commodities that we are calling tenders for Council at the moment need to call tenders for the supply and delivery of road sealing aggregate, supply and spray of bitumen products and a Class 7 heavy duty grader.

The suggested qualitative criteria, which will form part of the tender documentation, will remain in place for future repeat tenders as outlined in the recommendation.

Road Sealing Aggregate

Council requires approximately 2200 tonne of 14mm, 240 tonne of 10mm, 2080 tonne of 7mm and 120 tonne of 5mm road sealing aggregate for their road programme this year. The qualitative criteria to address these requirements are listed in the recommendation.

Supply and Spray of Bitumen Products

To carry out the road sealing programme this year council requires approximately 331,000 litres of bitumen supplied and sprayed.

In calling tenders council needs to develop a set of qualitative criteria to assist with the compiling of tenders. This is contained in the recommendation to council.

Supply and Delivery of a New Motorised Road Grader

Within councils budget this year is the purchase of a heavy duty Class 7 grader by trading in councils existing 1994 Caterpillar 120 H grader. The following allowances have been made in regard to this purchase. Gross Price \$330,000, trade \$75,000.

Council is also requested to delegate authority to the Chief Executive Officer to accept the most advantageous tenders received for road sealing aggregate & bitumen products so that the sealing works can start as soon as possible. The acceptance of the tender for the grader will be referred to Council for a decision.

STATUTORY ENVIRONMENT

Section 3.57 of the Local Government Act 1995.

Regulations 11 (1) & 18 of the Local Government (Functions & General) Regulations 1996.

POLICY IMPLICATIONS

Nil

BUDGET IMPLICATIONS

Allowances have been provided within this year's budget and Works Programme.

STRATEGIC IMPLICATIONS

Council needs to continue with the upgrading and maintenance of their road network and their operational fleet of road plant and vehicles.

PRECEDENT

Council calls tenders in accordance with the requirements of the Local Government Act and Regulations

VOTING REQUIREMENTS

Absolute Majority

COUNCIL RESOLUTION**(MANEX RECOMMENDATIONS – ITEM 11.3.1)*****195/06 Moved Cr Pond, seconded Cr McLagan***

- 1. That Council adopts the following qualitative criteria for the calling of tenders for***
 - i. Supply and delivery of road sealing aggregate and for the supply and spray of bitumen products***

Description of Qualitative Criteria	Weighting
a) Demonstrated ability to display conformance with the technical specification	15%
b) Demonstrated Safety Management: <ul style="list-style-type: none"> • The provision of a Safety Policy /Management Plan • Confirmation to attend a Council Occupational Safety & Health Induction 	10%
c) Delivery Response Times: Ability to provide the services at the specified/requested times in addition to any existing or future contracts obligated to. Tenderer to supply any previous written contract delivery performance references to other clients.	20%
d) Quality Assurance: Preference will be given to tenderers demonstrating the achievement of, or progress towards, Quality Assurance Certification.	5%
e) References: Supplied references from other organisations the tenderer is or has been contracted to which attest to competent standards of performance.	10%
f) Insurances: Evidence of certificates of currency for public liability, product liability, workers compensation and motor vehicle insurances.	5%
Price Considerations	
Weighted Cost Criteria	Weighting
Tendered Price	35%

ii. Supply of heavy duty plant and road building equipment

Description of Qualitative Criteria	Weighting
a) Demonstrated ability to display conformance with the technical specification	20%
b) References and Local Govt. Client base who are able to attest to the quality of product	15%
c) Product acceptability within the industry	10%
d) Warranties servicing and spare parts availability	15%
e) Company profile indicating long term product association	10%
Price Considerations	
Weighted Cost Criteria	Weighting
Tendered Price	30%

2. *That pursuant to Regulation 11(1) Local Government (Functions & General) Regulations 1996, Council authorises the immediate calling of tenders for the supply and delivery of road sealing aggregate, supply and spray of bitumen products and a heavy duty grader which are budgeted for in the 2006-07 finance year, based on the WALGA Proforma tender documentation.*

3. *That Council delegates to the Chief Executive Officer, the authority to accept the most advantageous tender for the supply & delivery of road sealing aggregate, subject to a maximum amount of \$200,000 and the amount has been provided for in the 2006/07 Adopted Budget.*
4. *That Council delegates to the Chief Executive Officer, the authority to accept the most advantageous tender for the supply & spray of bitumen products, subject to a maximum amount of \$300,000 and the amount has been provided for in the 2006/07 Adopted Budget.*

CARRIED BY ABSOLUTE MAJORITY 7/0

11.4 COMMUNITY DEVELOPMENT

11.4.1 Moora Motel Pty Ltd – Planning Approval Extension

LOCATION: Lot 52 Roberts Street Moora
FILE: PA/52.1
AUTHOR: Michael Prunster, Community Development Manager
REPORT DATE: 18 September 2006
DECLARATION: Author has no financial interest in this matter

BACKGROUND

Council approved an application from the Moora Motel Pty Ltd for the construction of 10 new Motel Units on the existing Motel site at Lot 52 Roberts Street Moora, at the Council meeting held on the 13 October 2004.

Under the Town Planning and Development Act Town Planning approvals are issued subject to the following conditions: -

Note 1: If the development the subject of this approval is not substantially commenced within a period of 2 years, or such other period as specified in the approval after the date of the determination, the approval will lapse and be of no further effect.

Note 2: Where an approval has so lapsed, no development is to be carried out without the further approval of the Council having first been sought and obtained.

Note 3: If an applicant is aggrieved by this determination there is a right of appeal pursuant to the provisions of Part V of the Town Planning & Development Act 1928. An appeal must be lodged within 60 days of the Council's determination.

This approval will expire on the 13 October 2006, and we have received a written request from Ms Lorna Dorsett, Managing Director of Moora Motel Pty Ltd to extend the approval date pending commencement of the project. Ms Dorsett states in her letter that problems have been experienced with the contracting of skilled tradesman to perform the work. (Copy of Ms Dorsett's letter is attached).

COMMENT

The existing Moora Motel Units were constructed in 1967. Additional units were constructed on the same location of the proposed new units, but these were demolished around 8-9 years ago following problems associated with the construction material of the units.

For some years now Moora has been faced with the problem of not being able to provide sufficient suitable accommodation, and has come under criticism on many occasions over this problem.

The details submitted with the original application for the development were: -

- Additional 10 new units located on the northern side of existing units.
- One disabled unit is provided in the plan.
- Units will be provided with timber painted pergolas.
- Construction will be of Colorbond metal roof sheeting, weatherboard cladding to timber framed external walls on the Northern and Southern frontages, rendered and painted brickwork to Eastern and Western walls.
- Relocation of existing Colorbond fence to Western boundary.
- Existing concrete hardstand to be removed and replaced with bitumen in front of new units.
- Provision has been made for landscaping adjacent to Roberts Street in front of new units.

The proposed development of 10 new modern units is an excellent project and will be a great benefit for Moora as the demand for accommodation continues to increase over the coming years.

PLANNING FRAMEWORK

Motel development within the Town Centre Zone is subject to Council planning approval.

STATUTORY ENVIRONMENT

Shire of Moora Town Planning Scheme No 4 text

POLICY IMPLICATIONS

Nil

BUDGET IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

The additional units will enhance the aesthetics of the section of Roberts Street.

The development proposal will complete a long awaited improvement to the accommodation standards in Moora.

Council has advertised for expression of interest in a Motel business plan prepared on their behalf in 2004, but to date we have not received a response.

PRECEDENT

Original application approved by Council on the 13 October 2004. (Council resolution Item 9.6)

VOTING REQUIREMENTS

Simple Majority

**COUNCIL RESOLUTION
(MANEX RECOMMENDATIONS) – ITEM 11.4.1**

196/06 Moved Cr Craven, seconded Cr Clydesdale-Gebert that Council grant an extension of planning approval for a further period of twelve months for the construction of 10 Motel Units on the existing Moora Motel site at Lot 52 Roberts Street Moora, and this approval is subject to the following original conditions as per Council's planning approval resolution passed on the 13 October 2004: -

1. a) ***Building licence application being issued by the Environmental Development Manager.***
- b) ***Setback from the Northern boundary to be no less than 1.5m.***
- c) ***Submission of proposed landscaping plans to the satisfaction of Council, with completion of the landscaping within 3 months of completion of the new units.***
- d) ***The minimum finished floor level to be 203.75 A.H.D.***

AND

2. ***Any changes to the initial planning application and/or plans will require the lodgement of a fresh application for Council consideration.***

CARRIED 7/0

11.4.2 D. & B. Cova – Application to Construct Shed and Horse yard

LOCATION: Lot A of Lot 103 Long Street Moora
FILE: PA/113-1
AUTHOR: Michael Prunster, Community Development Manager
REPORT DATE: 19 September 2006
DECLARATION: Author has no financial interest in this matter

BACKGROUND

Messrs D. & B. Cova recently received approval from the W.A. Planning Commission to subdivide Lot 103 Long Street into two Lots with an area of 1.012ha each. These Lots are currently identified on the new plan as Lot "A" and Lot "B".

The application from Mr & Mrs Cova is to construct a shed and horse yard on Lot "A". The size of the Horse Yard is 6m x 6m and the shed is 18m x 7.5m x 3m. The Zoning of the Lot is "Residential" with a density code of R2.5. Under this code a shed of this size (135m²) is permitted on the Lot.

Whilst the location, area of shed and site setbacks conform with the Shire Town Planning Scheme text, Mr Cova wishes to use zincalume for the wall and roof cladding.

Under the Council's Outbuilding Policy for Cladding and reflectivity the following conditions apply: -

6.8 Outbuilding Policy Conditions - Cladding and Reflectivity.

- (1) *That a zincalume roof be permitted upon a proposed outbuilding on the condition that any complaints from neighbouring properties with relation to reflectivity will require the applicant to immediately paint the roof surface to prevent such reflectivity; and*
- (2) *The "Outbuilding" Policy be amended to require: -*
 - a) *That all outbuildings on residential zoned land be clad with colourbond on all wall surfaces*
 - b) *Any roof pitch for a large outbuilding which exceeds 15 degrees be clad in colourbond*
 - c) *Any justified complaints from neighbouring properties in relation to reflectivity will require the building's owner to immediately paint the reflective surface.*

The Plans submitted by Messrs D. & B. Cova show the pitch of the shed roof to be 11 deg, and wall and roof cladding is to be in zincalume corrugated materials.

Copy of site plan is attached for information.

COMMENT

Mr Cova was advised the contents of this policy but he has objected to cladding the walls with colourbond material mainly due to the additional cost, and he states that other shed buildings in the area surrounding his Lot are of zincalume material. He has requested that Council allow him to use zincalume material contrary to Council's policy.

An inspection of the location by me revealed that only one shed to the north of his Lot was constructed in colourbond whereas all other adjoining properties did have zincalume, and one with the older style galvanised corrugated iron material. These buildings however were constructed prior to the adoption of the current policy (1998).

The current policy will allow for zincalume roofing material, subject to reflectivity conditions, but it is recommended that Mr Cova should be required to meet the policy requirements in relation to the wall cladding.

STATUTORY ENVIRONMENT

Nil.

POLICY IMPLICATIONS

Section 6.8 – Council's Outbuilding policy.

BUDGET IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Meeting the requirements of Council's Outbuilding Policy.

PRECEDENT

Nil

VOTING REQUIREMENTS

Simple Majority

MANEX RECOMMENDATION – ITEM 11.4.2

That Council approve the application by Messrs D. & B. Cova for the construction of a shed and horse yard on Lot “A” of Lot 103 Long Street Moora subject to the following conditions: -

- *Finished Floor Level to be 202.9(150mm above 1999 flood level)*
- *Power points, electrical or data connection outlets should be installed 1.0m above floor level*
- *Windows should be installed no lower than 0.5m above the March 1999 flood level.*
- *Building licence to be issued by Council’s Environmental Development Manager*
- *Zincalume wall cladding to be replaced with colourbond material as per Councils Outbuilding Policy.*
- *That a zincalume roof is permitted upon the proposed shed 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*
- *Minimum setbacks for Shed are: - side boundary 2.5m, rear boundary–9m, to make allowance for the horse yard as per the plan submitted.*
- *Minimum setback for horse yard is - rear boundary – 3m and rear of shed 3m as per plan submitted.*
- *Approval is granted for the keeping of no more than two hooved animals within the Lot, but such approval may be cancelled by the Council in any case where, having regard to the circumstances, it is of the opinion that such cancellation is warranted.*
- *Applicant shall not allow any hooved animal to approach to within 20 metres of any dwelling whatsoever, or other building where food is stored or prepared, or to within 15 metres of any street adjoining such property without having first received the written approval of Council specifying a lesser distance, but such approval may be cancelled by the Council in any case where, having regard to the circumstances, it is of the opinion that such cancellation is warranted.*

COUNCIL RESOLUTION – ITEM 11.4.2

197/06*Moved Cr Pond, seconded Cr McLagan that Council approve the application by Messrs D. & B. Cova for the construction of a shed and horse yard on Lot “A” of Lot 103 Long Street Moora subject to the following conditions: -*

- *Finished Floor Level to be 202.9(150mm above 1999 flood level)*
- *Power points, electrical or data connection outlets should be installed 1.0m above floor level*
- *Windows should be installed no lower than 0.5m above the March 1999 flood level.*
- *Building licence to be issued by Council’s Environmental Development Manager*
- *Zincalume wall cladding to be approved in lieu of colourbond.*
- *That a zincalume roof is permitted upon the proposed shed 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*
- *Minimum setbacks for Shed are: - side boundary 2.5m, rear boundary–9m, to make allowance for the horse yard as per the plan submitted.*
- *Minimum setback for horse yard is - rear boundary – 3m and rear of shed 3m as per plan submitted.*

- *Approval is granted for the keeping of no more than two hooved animals within the Lot, but such approval may be cancelled by the Council in any case where, having regard to the circumstances, it is of the opinion that such cancellation is warranted.*
- *Applicant shall not allow any hooved animal to approach to within 20 metres of any dwelling whatsoever, or other building where food is stored or prepared, or to within 15 metres of any street adjoining such property without having first received the written approval of Council specifying a lesser distance, but such approval may be cancelled by the Council in any case where, having regard to the circumstances, it is of the opinion that such cancellation is warranted.*

CARRIED 7/0

Reason for amending the Manex Recommendation

Council believed that the use of zincalume wall cladding would not be detrimental in this case. Council also acknowledged that a review of the Outbuildings Policy was required.

11.4.3 Town Planning Scheme No 4 – Delegation of Powers

LOCATION: Moora
FILE: TP/PTMOI
AUTHOR: Michael Prunster, Community Development Manager
REPORT DATE: 6 September 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 20 September 2006.

- *Mr P & Mrs L Trealoar – Lot 385 Beasley Street, Moora – replace existing shed (5.7m x 12m) with new shed (6m x 13m) constructed of steel frame & colourbond materials – Zoning Residential – Total Value \$10,358. (Ref 14/0607)*
- *Mr P & Mrs L Trealoar – Lot 385 Beasley Street, Moora – construction of a 48m² open free standing patio adjoining residence – Zoning Residential – Total Value \$8,023. (Ref 15/0607)*

Note: *due to the location of the Lot within the floodway, applications were referred to the Department of Water for their approval to build within the floodway. Approval received from the Department of Water on the 15 September 2006 to construct proposed shed on existing shed footprint and construct patio as per the plan submitted.*

VOTING REQUIREMENTS

Simple Majority

**COUNCIL RESOLUTION
(MANEX RECOMMENDATION) – ITEM 11.4.3**

198/06 Moved Cr Barrett-Lennard, seconded Cr Tonkin that Council note the town planning applications approved under delegated authority.

CARRIED 7/0**11.4.4 Proposed Subdivision – Melbourne Location 3597 – Mr Stephen Hill**

LOCATION: Location 3597 Namban West Road and Prices Road Watheroo
FILE: TP/PTWI
AUTHOR: Michael Prunster, Community Development Manager
REPORT DATE: 20 September 2006
DECLARATION: Author has no financial interest in this matter.

BACKGROUND

A submission has been received from Mr Stephen Hill owner of the property situated on Location 3597 Namban West Road and Prices Road Watheroo, for Council's support for a subdivision application to the W.A. Planning Commission. The submission is to subdivide the existing Location 3597 of 1706ha into 3 separate Lots. The proposal is for Lot 1 – 520ha, Lot 2 - 630ha and Lot 3 - 557ha, two of the lots for "Subdivision for Conservation" with the remaining Lot for agricultural use.

Copy of Mr Hill's letter, submission to the Shire of Moora and proposed plan of the subdivision are attached.

COMMENT

The property is bounded by Namban West Road and an unformed portion of Prices Road. Mr Hill did consult with Mr John Greay, Peter Haas and the Community Development Manager some three years ago regarding a previous subdivision proposal he had in mind, but the unformed portion of the heavily vegetated Prices Road created a problem with the plan. The current plan does not require access from Prices Road.

The current proposal was referred to our Consultant, David Gray, and the following is an extract of his comments contained in his reply:-

"The proponent is obviously aware of the WAPC policy DC 3.4 requirements for conservation lots, but may need to negotiate direct with the officers of the DPI for the creation of 2 conservation lots.

I recommend that the Shire indicate support and that the proponent make application to the WAPC under the relevant provisions of Commission policy DC 3.4."

STATUTORY ENVIRONMENT

Planning and Development Act 2005 – Division 2 – S135

POLICY IMPLICATIONS

Nil

BUDGET IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Conservation of natural bush vegetation

PRECEDENT

Applications are submitted to Council and considered on their particular merits.

VOTING REQUIREMENTS

Simple Majority

COUNCIL RESOLUTION (MANEX RECOMMENDATIONS) – ITEM 11.4.4

199/06 Moved Cr Pond, seconded Cr Tonkin

- 1. That Council supports the application “Subdivision for Conservation” to the Western Australian Planning Commission proposed by Mr Stephen Hill on Location 3597 bounded by Namban West Road and Prices Road Watheroo described in the attached submission and identified location plan provided.*
- 2. The application is to be referred to the W.A. Planning Commission by the proponent under the relevant provisions of the Commission’s policy DC 3.4*

CARRIED 7/0

11.5 ENVIRONMENTAL DEVELOPMENT

11.5.1 Disused Material – 3 Lenane Street, Moora

LOCATION: 3 Lenane Street, Moora
FILE: PA/587-1
AUTHOR: Peter Haas, Environmental Development Manager
REPORT DATE: 20 September 2006
DECLARATION: The author has no financial interest in this item

BACKGROUND

At the Council meeting dated 9 August the above matter was discussed and it was resolved to:

138/06 Moved Cr Gardiner, seconded Cr Pond that the owner be given twenty one (21) days to comply with the original notice and should this not occur then Council authorises staff to enter the property at Lot 11 No. 3 Lenane Street Moora and remove all disused material there upon and that the costs of doing so be invoiced to the owner of the property.

CARRIED 5/2

An inspection of the property carried out on Monday 4 September revealed a small portion of the material has been shifted to a metal bin on site but not sufficient to comply with the original notice.

On the Tuesday 5 September 2006 the owner of the property Mr Murray had a meeting with the CEO and myself regards this matter and requested an extension in time to remove the disused material. Mr Murray has written to Council with his request.

The CEO has also inspected the premises and a copy of Mr Murray's letter is attached for Council's information.

COMMENT

Council has the power under the Local Government Act to enter the premises and remove the disused material and has given the staff direction to do so. Prior to taking action the owner will need to be given Notice and Shire staff will need to be teed up to enter the property to remove the material. The removal of the material will need to be undertaken by hand due to the area the material is deposited. Should Mr Murray not allow staff to enter his property to remove the material a warrant will need to be sought to do so.

Further, the staff will need to be available to undertake the removal and thus will need to be drawn for other activities.

Mr Murray is removing the disused material, albeit very slowly, from his property and thus is endeavouring to comply with the Notice requirements

Mr Murray has not stated in his letter what sort of time frame he would require and he has in the past been given a number of extensions in the past and granting this extension Council would be seen to be granting Mr Murray his natural justice rights.

It would be recommended that after this extension has been granted that no further extensions be given because Mr Murray would have more than enough time to comply with the requirements of the Notice.

Council could also choose not to grant any further extension and thus the wheels will be put in motion for Council staff to remove the disused material from Mr Murray's property.

STATUTORY ENVIRONMENT

Local Government Act 1995 Section 3.25(1)(a) & Schedule 3.1

POLICY IMPLICATIONS

Nil

BUDGET IMPLICATIONS

Costs will be incurred to remove the disused material. Costs are recoverable as a debt from the person who failed to comply with the notice

STRATEGIC IMPLICATIONS

Nil

PRECEDENT

Similar action has been taken by other local authorities in the past

VOTING REQUIREMENTS

Simple Majority

**COUNCIL RESOLUTION
(MANEX RECOMMENDATIONS) – ITEM 11.5.1*****200/06 Moved Cr Pond, seconded Cr Barrett-Lennard***

- 1. That Mr Murray, the owner of Lot 11 No.3 Lenane Street Moora be given a further extension in time to Tuesday 31 October 2006 to remove all disused material from Lot 11 No. 3 Lenane Street Moora as per the Notice dated 19 December 2005.***
- 2. No further extensions to remove the disused material will be granted.***

CARRIED 5/2**11.6 ECONOMIC DEVELOPMENT**

Nil

11.7 SPORT AND RECREATION

Nil.

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

Nil.

13. MOTIONS OF AN URGENT NATURE INTRODUCED BY DECISION OF COUNCIL

Nil.

14. NOTICE ON MOTIONS FOR THE NEXT COUNCIL MEETING

Cr Pond gave notice of his intention to put the following motion at the next Ordinary Meeting of Council;

14.1 Notice of Motion – Flood Mitigation Options for Moora Townsite

“That on-site inspections of the various sites identified in the 2000 Flood Management Report as options for a proposed detention basin be carried out by Councillors and staff.”

15. MATTERS BEHIND CLOSED DOORS

Nil.

16. CLOSURE OF MEETING

There being no further business, the Presiding Member thanked the members of the public for their attendance and input and invited all to stay for fellowship.

The meeting was declared closed at 8.26pm.

CONFIRMED

PRESIDING MEMBER