

SHIRE OF MOORA
MINUTES OF THE ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS, MOORA
WEDNESDAY 24 MAY 2006

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Item 11.1.1 Chief Executive Officer's Determination Pursuant to S5.93(3)(b)

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Item 11.3.1 Works Costings 05/06

1. DECLARATION OF OPENING & WELCOME OF VISITORS

The Shire President declared the meeting open at 3.35pm, 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 Shire President 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

SA Bryan	-	Shire President	-	Moora Town Ward
CE Gardiner	-	Deputy President	-	Moora Town Ward
WA Barrett-Lennard	-	Councillor	-	Bindi Bindi Ward
JL Craven	-	Councillor	-	Moora Town Ward
AR Tonkin	-	Councillor	-	Coomberdale Ward
CD Hawkins	-	Councillor	-	Moora Town Ward
JW McLagan	-	Councillor	-	Miling Ward
DV Clydesdale-Gebert	-	Councillor	-	Watheroo Ward
SJ Deckert	-	Chief Executive Officer		
MJ Prunster	-	Community Development Manager		
JL Ellis	-	Financial Development Manager		
BR Williams	-	Enterprise Development Manager		
PJ Haas	-	Environmental Development Officer		
JL Greay (from 3.49pm)	-	Operational Development Manager		
MM Murray	-	Executive Support Officer		

APOLOGIES

SJ Pond – Councillor – Koojan Ward

PUBLIC

Nil

4. DECLARATIONS OF INTEREST

Nil

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

Nil

6. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

7. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

8. PETITIONS AND MEMORIALS

Nil

9. ANNOUNCEMENTS BY THE SHIRE PRESIDENT

The Shire President's report for the period ended 24th May 2006 is provided below.

- 11th May WALGA Executives met with Council and management to provide an overview of WALGA services.

- 19th May Cr's Pond, Clydesdale–Gebert & the Financial Development Manager attended the CMVROC meeting at Wongan Hills.
- 22nd May the Shire President attended the official unveiling of the Moora Hospital Leadlight Window Community Arts Project.
- This Friday the 26th May there is an Avon Midland Zone meeting at 9am in Northam.
- Also on Friday is a Wheatbelt Development Commission Board meeting in Moora.
- 31st May – the public meeting for the 'Plan for the Future' will be held at 8pm at the MPAC
- On Monday 22nd May the Water Corporation made an announcement that Annadale Farm had been selected as the preferred site for a Biosolid storage facility trial.
- 1st June the shadow cabinet will be visiting Council and management at noon at the MPAC.
- Messrs Rick Bretnall & Peter Muirden will be addressing Council on Wednesday 12th July at 2pm to discuss issues such as floodplain mgmt etc.
- Cr Barrett–Lennard attended the Gingin/Dandaragan Water Resources Management meeting at Gingin on the 17th May.

At 3.49pm the Operational Development Manager joined the meeting.

At 3.52pm the Operational Development Manager left the meeting and rejoined at 3.55pm.

10. CONFIRMATION OF MINUTES OF THE PREVIOUS MEETING

10.1 ORDINARY COUNCIL MEETING – 10TH MAY 2006

COUNCIL RESOLUTION

79/06 Moved Cr Clydesdale–Gebert, seconded Cr Barrett–Lennard that the Minutes of the Ordinary Meeting of Council held on 10 May 2006, be confirmed

as a true and correct record of the meeting.

CARRIED 8/0

11. REPORTS OF OFFICERS

11.1 ADMINISTRATION

11.1.1 Consideration of Confidentiality of Item 11.1.1 of the Ordinary Meeting of Council Held 13 July 2005

LOCATION: Moora
FILE: 18.15
AUTHOR: Steven Deckert, Chief Executive Officer
REPORT DATE: 18 May 2006
DECLARATION: The author has no financial interest in this matter

BACKGROUND

At the Ordinary Meeting of Council held on 13 July 2005, Council considered the item, "11.1.1 Mr & Mrs Peter and Terry Ackland Land Enquiry". This item was considered during that part of the meeting that was open to the public. As a consequence the Agenda report and minute plus any relevant attachments and information become part of the public record.

As CEO, I have considered whether this matter should have in fact been considered confidentially behind closed doors owing to the nature of the subject of the report.

I have determined that in my opinion the subject of Item 11.1.1 was such that it should have been considered behind closed doors. Accordingly I have prepared the attached determination recording my decision for Councils information.

COMMENT

In reviewing the subject matter of the report that was presented to Council on 13 July 2005, I formed the view that it should have been considered behind closed doors because it:

1. Dealt with the personal affairs of a person (S5.23(2)(b))
2. Raised contractual matters (S5.23(2)(c))
3. Would reveal information of a commercial nature (S5.23(2)(e) (ii)),
and
4. Would reveal information about a persons business and financial
affairs (S5.23(2)(e)(iii)).

The effect of the attached determination is that Item “11.1.1 Mr & Mrs Peter and Terry Ackland Land Enquiry” will be considered to have been held behind closed doors. Agendas and minutes of the meeting will be amended to remove everything printed in respect to this matter, other than the item heading and the decision made by Council. Also, any documentation relevant to the matter will no longer be available for public inspection.

STATUTORY ENVIRONMENT

Section 5.23 of the Local Government Act 1995 prescribes the circumstances in which a Council meeting may be closed to the public; Section 5.95 of the Local Government Act 1995 provides then limitations on the inspection of local government information including the ability for the CEO to determine whether a matter should have been held behind closed doors.

POLICY IMPLICATIONS

There are no policies or policy implications in respect to the recommendation of this report.

BUDGET IMPLICATIONS

There are no budget or financial implications resulting from the adoption of this recommendation.

STRATEGIC IMPLICATIONS

Reviewing Council’s agendas and minutes to ensure that all matters before Council are appropriately handled would be considered good governance.

PRECEDENT

The adoption of the recommendation of this report does not set a precedent, however indicates that the Shire is prepared to take the necessary corrective action to ensure matters are dealt with appropriately.

VOTING REQUIREMENTS

Simple majority required

COUNCIL RESOLUTION**(MANEX RECOMMENDATION) – ITEM 11.1.1**

80/06 Moved Cr Craven, seconded Cr Clydesdale–Gebert that Council receives and notes the report of the CEO, in which the CEO has determined, in accordance with Section 5.95(3)(b) of the Local Government Act 1995, that the section of the Ordinary Meeting of Council held on 13 July 2005 pertaining to Item 11.1.1, titled “Mr and Mrs Peter & Terry Ackland Land Enquiry” should have been closed to members of the public but was not closed, and as a result, the detail of this matter will be removed from public record under the exemption from public inspection provided by Section 5.95(6)(a) of the Local Government Act 1995.

CARRIED 8/0

At 3.59pm the Environmental Development Manager left the meeting.

11.2 FINANCIAL DEVELOPMENT**11.2.1 List of Payments Authorised Under Delegation 1.31**

AUTHOR: Jo–Anne Ellis, Financial Development Manager

REPORT DATE: 18 May 2006

DECLARATION: Nil

BACKGROUND

At the December Ordinary Meeting of Council resolution 276/2005 delegated the authority of payments from Municipal and Trust Funds to the Chief Executive Officer.

COMMENT

Payments have been made under this delegated authority and a listing of these payments is attached for Council to note and endorse.

STATUTORY ENVIRONMENT

Local Government Act 1995 – Section 6.10

Local Government (Financial Management) Regulations 1996 – Regulations 12 & 13.

POLICY IMPLICATIONS

Delegation 1.31 – Payments from Municipal and Trust Funds.

BUDGET IMPLICATIONS

Payments are in accordance with the adopted budget.

STRATEGIC IMPLICATIONS

Nil.

PRECEDENT

Accounts Paid under delegated authority are periodically presented to Council.

VOTING REQUIREMENTS

Simple Majority.

COUNCIL RESOLUTION

(MANEX RECOMMENDATION) – ITEM 11.2.1

81/06 *Moved Cr Barrett-Lennard, seconded Cr Tonkin that Council note and endorse the Payments from Municipal and Trust Funds made under delegation 1.31*

<i>Municipal Fund</i>	<i>Direct Debit 66-86</i>	<i>17,874.49</i>
	<i>Chq 400221-400279</i>	<i>320,481.14</i>
	<i>Chq 54501-54606</i>	<i>162,318.31</i>
<i>Total</i>		<i>\$500,673.94</i>

CARRIED 8/0

At 4.01 the Environmental Development Manager rejoined the meeting.

11.3 OPERATIONAL DEVELOPMENT

11.3.1 Works Costings 05/06

AUTHOR: Jo-Anne Ellis, Financial Development Manager

REPORT DATE: 18 May 2006

DECLARATION: Nil

BACKGROUND

Council is provided with works program costings on a monthly basis to enable monitoring of expenditure and progress of construction and maintenance within the transport portfolio.

COMMENT

The works program costings are provided as an attachment to this agenda.

STATUTORY ENVIRONMENT

Nil.

POLICY IMPLICATIONS

Nil.

BUDGET IMPLICATIONS

Items included in the report are from the 2005/06 Budget.

STRATEGIC IMPLICATIONS

Reporting of expenditure relating to construction and maintenance in the transport portfolio enables council to monitor a significant portion of budgeted expenditure and evaluate the progress of a strategically important investment in the Shire of Moora.

VOTING REQUIREMENTS

Simple Majority.

COUNCIL RESOLUTION

(MANEX RECOMMENDATION) – ITEM 11.3.1

82/06 Moved Cr Tonkin, seconded Cr Gardiner that Council note and receive the Works Program Costings as at 18 May 2006.

CARRIED 8/0

At 4.08 the Enterprise Development Manager left the meeting and rejoined the meeting at 4.10pm.

11.4 COMMUNITY DEVELOPMENT

11.4.1 Planning Application – Lot 103 Long Street Moora

LOCATION: Lot 103 Long Street Moora
OWNER: Phillip R. Ward
APPLICANT: Phillip R. Ward
ZONING: Residential (R5)
FILE: 7.4
AUTHOR: Michael Prunster, Community Development Manager
REPORT DATE: 9 May 2006
DECLARATION: Nil

PROPOSAL

Planning application received for the construction of a 144m² “barn style” storage/garage shed at the rear of Lot 103.

BACKGROUND

Mr Ward has recently purchased the dwelling on Lot 103 Long Street. He wishes to construct a “Barn style” shed to house some vintage Motor Vehicles and Motor Bikes, which he restores as a hobby. The shed will also be used for storage of tools etc for use in his contracting work.

PLANNING FRAMEWORK

The lot is zoned Residential with residential design code of R5. Council’s Outbuilding policy conditions in relation to the maximum size of such buildings are as follows: –

6.10 Outbuilding Policy – Maximum Size Of–

That Council's current outbuilding policy referring to square metres of land and maximum size of outbuildings be partly amended in the following manner;

R2 – 5,000m² Lots – maximum size of outbuildings equals 150m²

R2.5 – 4,000m² Lots – maximum size of outbuildings equals 150m²

R5 – 2,000m² Lots – maximum size of outbuildings equals 100m²

R12.5 – 800m² Lots maximum size of outbuildings equals 72m²

R25/R30 – 320m² to 300m² Lots – maximum size of outbuildings at Council's discretion.

Mr Ward's application is for a 144m² shed and the policy states the maximum size in this zoning is 100m².

Planning application fee of \$100 has been collected from Mr Ward.

The application therefore needs Council's approval to build in excess of the policy recommendation.

PHYSICAL ASSESSMENT

The size of the lot is 5,946m² and the site plan indicates that the shed will not "overcrowd" the lot. Although the shed will not be completely visible from the street frontage, the style of the shed is quite attractive and will not affect the aesthetics of the area. The roof cladding is to be constructed of Zinalume Corodek whilst the wall cladding is to be of Colorbond Corodek.

Materials used will be colorbond corrugated iron with a roller door entrance. The new shed will improve the physical appearance of the lot.

Council's policy for outbuilding cladding and reflectivity is: –

6.8 Outbuilding Policy Conditions – Cladding and Reflectivity.

- (1) That a zinalume 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 colorbond on all wall surfaces
 - b) Any roof pitch for a large outbuilding which exceeds 15 degrees be clad in colorbond
 - c) Any justified complaints from neighbouring properties in relation to reflectivity will require the building’s owner to immediately paint the reflective surface.

The height of the shed at its apex is 5.01m and the eaves are 4.2m high. Because of the possibility of the reflectivity of the roof material, it is recommend that item “1” and “2c” of the policy be included in the conditions of a planning approval.

CONCLUSION

The overall area of the proposed shed is 44m² larger than Council policy permits. The house located on the lot was constructed in 1997 and is a 4 x 2 brick veneer dwelling. Because of the size of the lot the shed will not detract from the surrounds.

It is recommended that the application be approved.

VOTING REQUIREMENTS

Simple Majority

MANEX RECOMMENDATION – ITEM 11.4.1

That Council approve the planning application from P.R. Ward for the construction of a storage shed/garage with an area of 144m² and waive the Council policy condition of the maximum area for outbuildings of 100m² subject to the following conditions: –

- *Side and rear boundary setbacks to be a minimum of 1.5m.*
- *That a zincalume roof be permitted upon the proposed outbuilding on the condition that any complaints from neighbouring properties with relation to reflectivity will require the applicant to immediately paint the roof surface to prevent such reflectivity;*

- *Wall cladding to be constructed of colorbond material as per the plan submitted.*
- *Building licence to be issued by Shire's Environmental Development Manager.*

COUNCIL RESOLUTION – ITEM 11.4.1

83/06 *Moved Cr Hawkins, seconded Cr McLagan that Council approve the planning application from P.R. Ward for the construction of a storage shed/garage with an area of 144m² and waive the Council policy condition of the maximum area for outbuildings of 100m² subject to the following conditions: –*

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

CARRIED 8/0

Note: The Manex recommendation was amended in dot point 2 to include the words 'substantiated' before complaints and replace 'with' with 'in' relation to, as Council believed

- 1) there needed to be a differentiation between legitimate and vexatious complaints
- 2) a correction of grammar was needed.

11.4.2 Town Planning Scheme No 4 – Delegation of Powers

LOCATION: Moora
FILE: 7.4
AUTHOR: Michael Prunster, Community Development Manager
REPORT DATE: 17 May 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 Application has been approved under this delegated authority for the period ended 17 May 2006.

- *Mr B.R. Jeapes – Construction of a shed/garage on Lot 269, Loc 39 Clinch Street Moora. Area 54m²*
- *Austeel Homes & Sheds on Behalf of;*
 - *J H Murray – Construction of a shed/garage on Lot 149 Stack Street Moora. Area 81m²*
 - *M & K Deane – Construction of a patio on Lot 208 Riley Road Moora. Area 41m²*
 - *C R Farber – Construction of a shed/garage on Lot 143 Cooper Street Moora. Area 108m²*

VOTING REQUIREMENTS

Simple Majority

COUNCIL RESOLUTION (MANEX RECOMMENDATION) – ITEM 11.4.2
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84/06 Moved Cr Gardiner, seconded Cr Tonkin that Council note the town planning application approved under delegated authority.

CARRIED 8/0

11.5 ENVIRONMENTAL DEVELOPMENT

Nil.

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

Cr McLagan requested that Council consider a motion he intended to put dealing with safety at the intersection of the Great Northern Highway and the Miling North Road.

COUNCIL RESOLUTION

85/06 Moved Cr Tonkin, seconded Cr Barrett-Lennard that Council agrees to consider a motion put by Cr McLagan and allow the motion to be discussed.

CARRIED 8/0

13.1 Motion – Intersection Safety – Great Northern Hwy & Miling North Road

Cr McLagan requested that the following motion be put as it is of an urgent nature;

'That the Operational Development Manager be officially authorised to write to Main Roads WA to investigate the intersection of the Great Northern Highway and the Miling North Road with the view to installing turning lanes on the highway to allow safe exit/entry'.

COUNCIL RESOLUTION – ITEM 13.1

86/06 *Moved Cr McLagan, seconded Cr Tonkin that the Operational Development Manager be officially authorised to write to Main Roads WA to investigate the intersection of the Great Northern Highway and the Miling North Road with the view to installing turning lanes on the highway to allow safe exit/entry.*

CARRIED 8/0

14. NOTICE ON MOTIONS FOR THE NEXT COUNCIL MEETING

Nil.

15. MATTERS BEHIND CLOSED DOORS

Cr Gardiner requested the meeting move behind closed doors as he wished to update Council on confidential discussions that he, Councillor Bryan and the CEO, representing Council, have had with Mr Peter and Mrs Terry Ackland.

COUNCIL RESOLUTION

87/06 *Moved Cr Gardiner, seconded Cr Tonkin that the meeting move behind closed doors to discuss matters that if disclosed would reveal:*

- *the personal affairs of a person/s;*
- *information that has a commercial value to a person/s;*
- *information about the business, professional, commercial or financial affairs of a person/s, and*
- *a matter affecting an employee or employees, pursuant to Section 5.23(2)(a); 5.23(2)(b); 5.23(2)(e)(ii) and 5.23(2)(e)(iii) of the Local Government Act 1995.*

CARRIED 8/0

Their being no public in the Council Chambers the meeting moved behind closed doors at 4.20pm.

COUNCIL RESOLUTION

88/06 Moved Cr Tonkin, seconded Cr McLagan that the meeting come out from behind closed doors and re-open to the public.

CARRIED 8/0

The meeting reopened to the public at 4.44pm.

On re-opening the meeting, the President advised that Council had made no decisions while behind closed doors.

16. CLOSURE OF MEETING

There being no further business, the Shire President declared the meeting closed at 4.45pm.

CONFIRMED

PRESIDING MEMBER