

**Shire of Moora
Ordinary Council Meeting
8th February 2006**

NOTICE OF MEETING

Dear Elected Member

The next Ordinary Council Meeting of the Shire of Moora
will be held on **Wednesday 8th February 2006**
in the Council Chambers, 34 Padbury Street, Moora
commencing at **3.30 pm**

SJ Deckert
Chief Executive Officer
1st February 2006

The Shire of Moora Vision and Mission Statement

Vision

Our vision is that:

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

Mission

Our mission is:

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

SHIRE OF MOORA

WRITTEN DECLARATION OF INTEREST IN MATTER BEFORE COUNCIL

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

Dear Sir,

Re: Written Declaration of Interest in Matter Before Council

I, ⁽¹⁾ _____ wish
to declare an interest in the following item to be considered by Council at
its meeting to be held on ⁽²⁾

Agenda Item ⁽³⁾

_____.

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

The nature of my interest is
⁽⁶⁾ _____

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

The extent of my interest is ⁽⁸⁾

I understand that the above information will be recorded in the minutes
of the meeting and placed in the Financial Interest 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. Delete type of interest not applicable.
5. Delete reference, which is not applicable.
6. Insert the nature of your interest.
7. Insert either "Trivial" or "In common with a significant number of ratepayers or electors".
8. Insert the extent of your interest.

**SHIRE OF MOORA
ORDINARY COUNCIL MEETING AGENDA
8 FEBRUARY 2006
COMMENCING AT 3.30PM**

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* Separate Attachments
Item 11.2.1 - List of Payments Authorised Under Delegation 1.31
Item 11.3.1 – Works Costing 05/06
Item 11.4.2 – Moora Bulk Transport

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

2. **DISCLAIMER READING**

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

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

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

3. **ATTENDANCE**

APOLOGIES

PUBLIC:

4. **DECLARATIONS OF INTEREST**

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

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

7. **APPLICATIONS FOR LEAVE OF ABSENCE**

8. **PETITIONS AND MEMORIALS**

9. **ANNOUNCEMENTS BY THE SHIRE PRESIDENT – WITHOUT DISCUSSION**

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

10.1 **ORDINARY COUNCIL MEETING - 25 JANUARY 2006**

11. REPORTS OF OFFICERS

11.1 ADMINISTRATION

Nil.

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

AUTHOR: Jo-Anne Ellis, Financial Development Manager
REPORT DATE: 2 February 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

Nil.

VOTING REQUIREMENTS

Simple Majority.

OFFICER RECOMMENDATION – ITEM 11.2.1

That Council note and endorse the Payments from Municipal and Trust Funds made under delegation 1.31

<i>Municipal Fund</i>	<i>Direct Debit Payment</i>	<i>\$ 12,048.84</i>
	<i>Chq 54113-54147</i>	<i>\$123,498.52</i>
<i>Trust Fund</i>	<i>Chq 4128-4131</i>	<i>\$ 1,000.00</i>
<i>Total</i>		<i>\$136,547.36</i>

11.3 OPERATIONAL DEVELOPMENT

11.3.1 Works Costing 05/06

AUTHOR: Jo-Anne Ellis, Financial Development Manager
REPORT DATE: 2 February 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.

OFFICER RECOMMENDATION – ITEM 11.3.1

That Council note and receive the Works Program Costings for the period ending 31 January 2006.

11.4 COMMUNITY DEVELOPMENT

11.4.1 Application for Planning Approval – Short Stay Accommodation

LOCATION: Lot 342 Moore Street Moora
OWNER: Mrs Wendy Halpin
APPLICANT: Mrs Wendy Halpin
ZONING: Residential R Code R30
FILE: 7.4
AUTHOR: Michael Prunster, Community Development Manager
REPORT DATE: 1 February 2006
DECLARATION: Author has no interest in application

PROPOSAL

To establish a “short-stay budget accommodation” business at the old Railway Barracks building in Moore Street, Moora. Renovations to 11 existing rooms and existing transportable building are to be carried out to accommodate tenants.

BACKGROUND

Mrs Halpin lodged the application on the 8th December 2005, and Council discussed the proposal on the 14th December as a late item.

Council passed the following resolution at that meeting: -

“That Council receive the application from Ms Wendy Halpin to operate a short-stay accommodation business at Lot 342 Moore Street Moora and authorise staff to:

- 1) Advertise Details of the proposed development in the local newspaper circulating the district stating that submissions may be made to Council within of 21 days of publication.*
- 2) Details to be advised to the adjoining landowners and the Department of the Environment stating that submissions may be made within of 21 days of the notice.*
- 3) Advise applicant that the application is subject to a planning fee of \$250.00 plus advertising costs.*

AND

- 4) Following the expiration of twenty one days of publication and receipt of the planning and advertising fees, Council shall consider and determine the application.”*

The public notice was advertised in the Central Midlands & Coastal advocate on the 22nd December 2005 inviting comments/submissions to Council by the 12th January 2006. The adjoining owners were also advised of the proposal and applicant was advised of Council’s decision.

A letter was also forwarded to the Department of Environment requesting their comments in relation to the floodplain management strategy.

Council did not receive any submissions/comments by the closing date of the 12th January 2006, and the reply from the Department of Environment indicated that they had no concern unless new buildings were being constructed to provide for the accommodation.

PLANNING FRAMEWORK

The Lot is zoned residential with an R code density of R30, which permits single housing or grouped dwellings.

The scheme provides the following interpretation for short-stay accommodation: -

Short-stay accommodation: means the occupation of a chalet, caravan, camp or any other form of accommodation approved by the Council, by persons for a period of not more than a total of three months in any one twelve month period.

PHYSICAL ASSESSMENT

The building has been extensively renovated by the applicant together with landscaping of the frontage of the Lot. This work has improved the aesthetics of the building to a high standard.

With the high demand in Moora for this style of accommodation facility, the project should be very successful, and help meet the demand for this type of accommodation.

CONCLUSION

Under the Town Planning Scheme No 4, Council is to give consideration to the following in determination of the application: -

7.4 Determination of Application

7.4.1 In determining any application for planning approval the Council may consult with any authority, which, in the circumstances, it thinks appropriate.

7.4.2 The Council having regard to any matter which it is required by the Scheme to consider, to the purpose for which the land is zoned or approved for the use under the Scheme, to the purpose for which land in the locality is used, and to the orderly and proper planning of the locality and the preservation of the amenities of the locality, may refuse to approve any application for planning approval or may grant its approval unconditionally or subject to such conditions as it thinks fit.

7.4.3 Where the Council approves an application for planning approval under the Scheme the Council may limit the time for which that approval remains valid.

The proposal has conformed to Town Planning Scheme regulations, and in view that no submissions/comments were received it is recommended that application be approved.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION – ITEM 11.4.1

That Council approve the application from Mrs Wendy Halpin to conduct a “short-stay budget accommodation” business at Lot 342 Moore Street, Moora subject to the following conditions: -

- 1) Payment of planning application fee of \$250 and advertising costs.***
- 2) Occupation of persons (other than owners) not to exceed more than three months in any one twelve month period.***
- 3) Subject to health/building approval by Shire of Moora Environmental Development Manager.***

11.4.2 ITEM NAME: Moora Bulk Transport
LOCATION: Lots 979, 235 & 2461 Dandaragan Road, Moora
OWNER: Moora Bulk Transport
FILE: 7.4
AUTHOR: Michael Prunster, Community Development Manager
REPORT DATE: 2 February 2006
DECLARATION: Nil

BACKGROUND

A letter of request to conduct a transport depot on Lots 979, 235 & 2471 (refer map below) in Dandaragan Road & Ferguson Street Moora was received from Mr Vaughan Franklin and Ms Donna Gallinagh in June 2005. Council considered this request at the Council meeting held on the 13th July, after receiving a delegation from Mr Franklin and Ms Gallinagh.

The Manex Recommendation to Council for the item was: -
That Council

- 1) *adopt the position that it does not favour development of industrial uses in the area close the Moora townsite, west of Ferguson Street.*
- 2) *advise Moora Bulk Transport that:*
 - *Council does not favour development of industrial uses in the area close the Moora townsite, west of Ferguson Street*
 - *They should consider establishment of their proposed trucking depot in existing land zoned for industrial purposes or land adjacent to it.*

Following consideration by Council the Manex Recommendation was amended and Council passed the following resolution:-

COUNCIL RESOLUTION– ITEM 11.4.1 (13 JULY 2005)

143/2005 *Moved Cr Gardiner, seconded Cr Craven*

“That Council adopt a position of support for Moora Bulk Transports proposed truck depot operation west of Moora adjacent to Ferguson and Dandaragan Street, and stipulate a 600m setback from Dandaragan Rd and 250m setback from Ferguson Street for the development.

CARRIED UNANIMOUSLY 9/0

NOTE; Council believed this type of development should be allowed on rural lands.

Unfortunately Mr Franklin and Ms Gallinagh were not advised of Councils decision informing them that whilst Council had supported the application in principal there was still a requirement to complete a formal application to Council for the development.

This was brought to the attention of the Community Development Manager in December and Mr Franklin was written to and advised of Council's decision and outlining to him the necessary requirements for the application namely: -

- a. Formal application required.
- b. Adjoining owners to be advised of the proposed development.
- c. Public notice outlining the proposed development to be published in the newspaper.
- d. After the expiration of 21 days, Council is to consider and determine the application.
- e. Advice that an application fee of \$100 plus advertising costs will be required.

The public notice was placed in the West Australian Newspaper on the 6th January 2006 advising that comments may be submitted to Council on or before the 27th January 2006. Letters were also sent to the four adjoining property owners advising them of the proposed development.

There were no submissions received as at the close of business on the 27th January.

COMMENT

The following is the Town Planning Text for determination of planning applications.

7.4 Determination of Application

7.4.1 In determining any application for planning approval the Council may consult with any authority which, in the circumstances, it thinks appropriate.

7.4.2 The Council having regard to any matter which it is required by the Scheme to consider, to the purpose for which the land is zoned or approved for the use under the Scheme, to the purpose for which land in the locality is used, and to the orderly and proper planning of the locality and the preservation of the amenities of the locality, may refuse to approve any application for planning approval or may grant its approval unconditionally or subject to such conditions as it thinks fit.

7.4.3 Where the Council approves an application for planning approval under the Scheme the Council may limit the time for which that approval remains valid.

Council supported the application at their meeting of the 13 July, and as submissions were not received from either the public notice advertisement or adjoining landowners it is recommended that the application be approved subject to the additional conditions:-

- i. Clarification from Mr Franklin the actual position of his proposed driveway onto Dandaragan Road, (refer attached sketch) to be provided on a map drawn to scale, due to safety concerns with trucks entering and leaving the property.
- ii. Council staff to confirm proposed entry/exit to Dandaragan Road with Main Roads WA.

STATUTORY ENVIRONMENT

Under the Town Planning Scheme text, a transport depot may be permitted subject to zoning table “SA” which “means that the use is not permitted unless the Council has granted planning approval after giving notice in accordance with clause 7.3”.

These requirements have now been met.

POLICY IMPLICATIONS

Nil.

BUDGET IMPLICATIONS

Road safety signs may be required either side of entry/exit to property due to possible use by road trains. This would be absorbed in the road maintenance budget.

STRATEGIC IMPLICATIONS

It is in Council’s strategic interest to encourage business like Moora Bulk Transport.

PRECEDENT

Nil

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION – ITEM 11.4.2

That Council approves the application from Mr Vaughan Franklin and Ms Donna Gallinagh (Moora Bulk Transport) to establish a transport depot on Lots 979, 235 & 2461 subject to the following conditions: -

- I. Clarification from Mr Franklin the actual position of his proposed driveway onto Dandaragan Road to be provided on a map drawn to scale, due to safety concerns with trucks entering and leaving the property.***
- II. Council staff to confirm proposed entry/exit to Dandaragan Road with Main Roads WA.***
- III. That the depot minimum setback to be 600m from Dandaragan Road and 250m from Ferguson Street.***

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

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

14. NOTICE ON MOTIONS FOR THE NEXT COUNCIL MEETING

15. MATTERS BEHIND CLOSED DOORS

16. CLOSURE OF MEETING