



Ordinary Council Meeting Minutes

Date: 21 October 2009

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 IN THE WATHEROO PAVILION, WATHEROO
WEDNESDAY 21 OCTOBER 2009

Declarations by Newly Elected Councillors

Prior to the commencement of the meeting, those Councillors elected at the Ordinary Election on Saturday 17 October 2009 completed their declarations as required by Section 2.29 of the Local Government Act 1995.

Councillors Sheryl Bryan, Denise Clydesdale-Gebert, Owen Cocking, Colin Gardiner and Arthur Tonkin completed their declarations before Mrs Debbie Fisher, JP in the Watheroo Pavilion at 6.35pm.

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Item 13.4.1 Shire of Moora's Submission

1. OPENING OF MEETING

The Chief Executive Officer declared the meeting open at 6.45pm, welcomed visitors and assumed the chair until the election of the Shire President.

The Chief Executive Officer announced:

“Acknowledging of Country”

I would like to show my respect and acknowledge the traditional owners of this land and acknowledge their contribution to the Shire of Moora as I do for all its people.

2. ELECTION OF SHIRE PRESIDENT

The Chief Executive Officer conducted an election for the position of Shire President for a term of two years.

The Chief Executive Officer advised that prior to the meeting she had received written nominations for the position of Shire President from Cr Sheryl Bryan and Cr Jim Pond.

There being no further nominations the Chief Executive Officer closed the nominations and declared an election would be held.

All votes were counted resulting in 6 votes for Cr Bryan and 3 votes for Cr Pond. The Chief Executive officer then declared Cr Bryan elected as Shire President for a term of two years.

Cr Bryan made the declaration required by Section 2.29 of the Local Government Act 1995 before Mrs Debbie Fisher, JP.

Councillor Bryan thanked Councillors for their support and for re-electing her as Shire President and assumed the chair.

3. ELECTION OF DEPUTY SHIRE PRESIDENT

The Shire President conducted an election for the position of Deputy Shire President for a term of two years. She advised that written nominations had been received for Councillors Pond and Gardiner prior to the meeting.

The Shire President called for nominations. Cr Clydesdale–Gebert nominated Cr Keamy in writing. Cr Keamy accepted the nomination and confirmed his acceptance in writing.

There being no further nominations the Shire President closed the nominations and declared an election would be held. The Shire President requested the Chief Executive Officer to conduct the election.

All votes were counted resulting in 4 votes for Cr Gardiner, 3 votes for Cr Keamy and 2 votes for Cr Pond. The Chief Executive Officer then declared Cr Gardiner elected as Deputy President for a term of two years.

Cr Gardiner then made the declaration required by Section 2.29 of the Local Government Act 1995 before Mrs Debbie Fisher, JP.

4. DECLARATION OF OPENING, WELCOME OF VISITORS & 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.

5. ATTENDANCE

SA Bryan	–	Councillor
SJ Pond	–	Councillor
CE Gardiner	–	Councillor
AR Tonkin	–	Councillor

CD Hawkins	–	Councillor
R Keamy	–	Councillor
DV Clydesdale–Gebert	–	Councillor
JW McLagan	–	Councillor
OC Cocking	–	Councillor
L M O'Reilly	–	Chief Executive Officer
L J Parola	–	Manager Finance & Corporate Services
J L Greay	–	Manager Engineering Services
M J Prunster	–	Manager Community Services
R L McCall	–	Manager Economic Development
W Zadavec	–	Manager Health, Building & Planning Services

APOLOGIES

Nil

PUBLIC

Mr Bradley Millstead	Mr Brent Millstead	Mr Richard Crombie
Mr David McLean	Mr John Barber	Mrs Lyn Barber
Mrs Jan Millstead	Mr Gary Reed	Mr Bill Scott
Mr Brad Tonkin	Mrs Natalie Tonkin	Mrs Merrel

Pond

6. DECLARATIONS OF INTEREST

Nil

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

- Mr Richard Crombie commented on there being a lot of waste oil in drums at the Watheroo Rubbish Tip site which have been there for around 5 months and that they are a fire hazard. He queried Council on when they would be removed.

The Manager Health, Building & Planning Services advised that he was of the understanding that they had recently been picked up however he will investigate.

- Mr Crombie asked whether it was Councils intention to inform the public on Structural Reform.

Shire President advised yes and it will be discussed following questions from the public.

- Mr Brad Millsted congratulated the Shire on the postal voting and asked what the percentage turnout was?

The Shire President advised that there had been 46.9% participation which is quite high.

- Mr Millsted expressed concern at the lack of information to community groups advising the outcome of their community budget submissions; it took 5 – 6 weeks therefore made it too late to complete some projects. The budget submission process is good however faster feedback is needed.

The Shire President took the comments on board and assured that it will be improved next year. Cr Bryan commented that the new Watheroo visitors rest park looks fantastic.

- Mr Brad Tonkin stated that there was an inequitable collecting of rates across the community. The rural ratepayers make up a small part of the population but pay the most rates. He questioned whether the rates could be spread more evenly throughout the Shire.

Shire President said that council will continue to look at alternative rating methods however there is no real solution at this time.

Cr Gardiner agreed saying he would like the extra increase to be a set \$ levy, but this is not legal. The current approximate breakup of rates is 72% from UV, 28% GRV's. Cr Gardiner advised he would like to reduce the % of rates from the rural area as farmers are not as affluent as they used to be. He would put a proposal to council in this regard.

- Mrs Merrel Pond advised that some rural shires were looking at levying differential rating on commercial properties within the towns.

The Shire President advised that this was discussed a number of years ago, it could be reviewed. Council does try to be mindful when setting rates with care and due diligence.

Shire President – the Shire of Moora’s Structural Reform Submission was recently published in the Central Midlands Advocate. The proposal was submitted as a joint submission with the Shires of Dandaragan and Irwin, with Moora, Jurien and Dongara proposed as regional centres and any new shires to be formed around them.

Council representatives and the Chief Executive Officer met with the Shire’s of Victoria Plains, Wongan–Ballidu, Dalwallinu, Coorow and Dandaragan and the other Shire Presidents were phoned.

In the early meetings most other Councils did not want to amalgamate with Moora, with the main reasons being rates and a high level of debt, that’s why Council then chose to go regional. Council now has to wait until January to see what the Local Government Advisory Board and Minister decides.

Some south east Coorow and north Victoria Plains ratepayers have supported the concept.

The Shires of Coorow, Victoria Plains and Dalwallinu were identified by the Minister as having to make changes.

8. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

9. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

10. PETITIONS AND MEMORIALS

Nil

11. ANNOUNCEMENTS BY THE SHIRE PRESIDENT

- 13 October – attended the LEMC desktop exercise at the MPAC in which the situation was that there was a fire at the Riverside Units and the residents had to be evacuated. The exercise did highlight the need for the Local Emergency Management Plan to be updated with current contacts.
- 15 October – attended the Western Plains CWA Conference – 80th Anniversary. The CWA have made a wonderful difference in the Shire of Moora, and nationally and will continue doing so.
- 19 October – attended the St James Residential College board meeting. Enrolments are down for the year and unfortunately due to advertising budget cuts are unable to advertise. Currently working with the Central Midlands Senior High School to advertise in their newsletter. The college can accommodate 50 students and are currently boarding some TAFE students.
- Attended the TAFE Governing Body board meeting – there is an issue with student accommodation.

12. CONFIRMATION OF MINUTES OF THE PREVIOUS MEETINGS**12.1 ORDINARY COUNCIL MEETING – 16 SEPTEMBER 2009**

COUNCIL RESOLUTION

123/09 Moved Cr Pond, seconded Cr McLagan that the Minutes of the Ordinary Meeting of Council held on 16 September 2009, be confirmed as a true and correct record of the meeting.

CARRIED

9/0

13. REPORTS OF OFFICERS

13.1 ADMINISTRATION

Nil

13.2 FINANCIAL DEVELOPMENT

13.2.1 LIST OF PAYMENTS AUTHORISED UNDER DELEGATION 1.31

REPORT DATE: 16 October 2009

OFFICER DISCLOSURE OF INTEREST: Nil

AUTHOR: Leanne Parola, Manager Finance & Corporate
Services

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. The list of cheques and electronic funds transfers provides the description of the first invoice for a creditor, while there may be more than one invoice being paid for a creditor.

Sometime this can appear misleading, particularly if the first invoice is for an amount substantially less than other invoices being paid. If Councillors or members of the public have any queries about the list of payments, they are encouraged to contact the Manager Finance & Corporate Services before the meeting for more specific information.

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
(MANEX RECOMMENDATION)**

124/09 Moved Cr Tonkin, seconded Cr Gardiner that Council notes and endorses the Payments from the Municipal and Trust Funds made under delegation 1.31

<i>Municipal Fund</i>	<i>Chqs 59385 to 59452</i>	<i>\$155,758.12</i>
<i>Direct Debits</i>	<i>EFT 2982 to EFT 3155</i>	<i>\$642,713.73</i>
	<i>Net Pays – PPE 16 September</i>	<i>\$69,965.28</i>
	<i>Net Pays – PPE 30 September</i>	<i>\$73,182.89</i>
	<i>Net Pays – PPE 14 October</i>	<i>\$74,831.11</i>
<i>Total</i>		<i><u>\$1,016,541.10</u></i>

CARRIED**9/0**

13.2.2 STATEMENT OF FINANCIAL ACTIVITY FOR PERIOD ENDED 30 SEPTEMBER 2009

REPORT DATE: 14 October 2009

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Leanne Parola, Manager Finance & Corporate Services

ATTACHMENTS: Statement of Financial Activity for the Period Ended 30 September 2009

PURPOSE OF REPORT:

To note and receive the Statement of Financial Activity for the period ended 30 September 2009.

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 30 September 2009 is provided as a separate attachment in Program format. When adopting the budget, Council agreed to set the materiality threshold for monthly financial reporting at plus or minus 10% at program and

category levels. The following programs were outside of this threshold as at 30 September 2009.

There are a number of cases where the budget profile code, which determines the year to date budget, has not worked. Staff have contacted the provider of the accounting software to try and resolve this issue for future reports.

Governance

Income is approximately \$15,000 less than the year to date budget because the timing of the turn over of vehicles was not known when setting the budget profile codes, so the trade in of vehicles was spread evenly over the financial year. As at 30 September, no vehicles had been traded, however one has since then for an amount of \$20,000.

General Purpose Funding

Income is showing as some \$2,000,000 more than the year to date budget. Unfortunately the budget profile code for the rates income does not appear to be working, the year to date budget should be some \$2,183,000 higher which would mean income would be within the 10% variance.

Expenditure is approximately \$11,500 under the anticipated year to date figure, largely because the Rate Incentive Scheme payments have not appeared on the report yet.

Law, Order, Public Safety

Income is \$76,000 less than anticipated at this stage of the year, this is because a number of grants and contributions have not yet been received in the Fire Prevention program and their income was spread evenly throughout the budget.

Expenditure is currently \$11,000 more than the year to date budget, mostly made up of small amounts in the Fire Prevention and Crime and Safety Budgets.

Health

Income is almost \$6,000 less than the year to date budget. This is largely due to rent not having been allocated for the Doctors' Residence,

and minor amounts of income in a number of smaller budgets not been achieved to date.

Expenditure is currently \$5,000 less than the year to date budget. This is made up of a number of minor amounts, the largest being the maintenance on the Doctor's house (\$2,500).

Housing

Income is almost \$3,000 over the anticipated budget. This is because the income from the doctor's rental premises has not been allocated to the correct budget yet.

Expenditure is \$2,000 less than the anticipated budget. This is largely because the expenditure for loan interest on Loan 317 was evenly spread over the year and no payment has been made yet this financial year.

Community Amenities

Income is approximately \$215,000 over the year to date budget. This is again because the budget profile codes do not appear to be working properly.

Expenditure is approximately \$63,000 under the year to date budget. This is a result of under expenditure in a number of accounts including the Moora Tip Site Maintenance, Sewerage Collection and Drum Muster Collection, plus the fact that the Recycling Service hasn't started yet.

Recreation & Culture

The year to date income is currently less than the year to date budget by \$34,000. This is largely due to the Lotterywest Grant for \$75,000 the Bindi Bindi Community Centre not having been received as expected, while some grants were received earlier than anticipated (ie Swimming Pool Subsidy, Be Active, Youth Holiday Program).

Economic Services

Income is more than \$200,000 under the year to date budget. This is due to the budget profile codes for the Industrial Park Extension Grant and Sale of Lots 404-413 Gardiner Street not applying correctly.

Expenditure is under the year to date budget by some \$95,000. This is largely as a result of the Caravan Park Upgrade not being completed yet (\$60,000) and savings within the fit out of New Chalets (\$34,000).

Other Property and Services

Income is \$12,000 less than anticipated, largely because the timing of income from Private Works is not known so it has been spread evenly throughout the year and little income has been received to date.

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 report.
- **Economic**
There are no known significant economic implications associated with this report.
- **Social**
There are no known significant social implications associated with this report.

FINANCIAL IMPLICATIONS:

Year to date income and expenditure is provided by program to enable comparison to 2009/2010 adopted budget.

VOTING REQUIREMENTS

Simple Majority Required

**COUNCIL RESOLUTION
(MANEX RECOMMENDATION)**

125/09 Moved Cr Hawkins, seconded Cr McLagan that Council notes and receives the Statement of Financial Activity for the period ended 30 September 2009.

CARRIED

9/0

13.3 OPERATIONAL DEVELOPMENT

13.3.1 ACCESS ALLIANCE – GREAT NORTHERN HIGHWAY UPGRADES

FILE REFERENCE: S/ROAI
REPORT DATE: 21 September 2009
APPLICANT/PROPONENT: Access Alliance
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: N/A
AUTHOR: John Greay, Manager of Engineering Services
ATTACHMENTS: Proposed Land Resumption Map

PURPOSE OF REPORT:

Access alliance is progressing on with the upgrade of the Great Northern Highway between Muchea and Wubin and has made application for land resumption from Lot 2698.

BACKGROUND:

As council would be aware the upgrading of Great Northern Highway is continuing and consequently there is a requirement occasionally for the taking of land for the purpose of these road upgrades. The Great Northern Highway is part of highway one that circumnavigates the nation and has been in urgent need of the upgrades that are now being delivered.

COMMENT:

As an example, recent upgrades between Walebing and Bindi Bindi, resulted in a number of land resumptions being required to realign the new highway which has provided a greatly improved service for all road users. It is not always possible to remain on the existing road alignment and to upgrade the pavement to current day standards without land resumptions. Concurrence of council is required for the taking of land from Lot No 2698, currently held by Acedale Investments Pty Ltd and the dedication of such land within the existing road reserve for the purpose of road improvements.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

Land Administrative Act 1997 – (section 56)

STRATEGIC IMPLICATIONS:

Upgrading of one of the nations most important highways is strategically important to the freight industry and the safety of all users of this highway.

SUSTAINABILITY IMPLICATIONS:

➤ **Environment**

There are no known significant environmental implications associated with this proposal that impact on council.

➤ **Economic**

There are no known significant economic implications associated with this proposal that impact on council.

➤ **Social**

There are no known significant social implications associated with this proposal for council.

FINANCIAL IMPLICATIONS:

There are no financial implications to Council in relation to this item.

VOTING REQUIREMENTS:

Simple Majority Required

**COUNCIL RESOLUTION
(MANEX RECOMMENDATION)**

126/09 Moved Cr Tonkin, seconded Cr Keamy that Council concur to the dedication of land being Lot No 2698 held by Acedale Investments Pty Ltd and shown on Main Roads Drawing No 0460 – 077, as road under Section 56 of the Land Administration Act which is, as indicated on their plan, to be incorporated into the existing road reserve for the purpose of road improvements.

CARRIED

9/0

13.3.2 TENDERS – ROAD SEALING AGGREGATE #04/09, BITUMEN, #03/09

FILE REFERENCE: L/TER1
REPORT DATE: 15 October 2009
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: Nil
AUTHOR: John Greay, Manager Engineering Services
ATTACHMENTS: Tenders – Supply and Delivery of Road Sealing Aggregate and Supply and Spray of Hot Bitumen

PURPOSE OF REPORT

To evaluate and accept recently received tenders for the supply and delivery of road sealing aggregate and the supply and spray of hot bitumen services for the 2009–10 year.

BACKGROUND

Council has a number of road projects on their Works Programme this year that require road sealing aggregate and bitumen services. Some

roads are widening existing narrow sealed roads and others are constructing new ones. Tenders were called, and closed at 12.00pm on Wednesday 16th September 2009, refer to tables below.

Road Sealing Aggregate

Tender – four Received

The following tenders were received from the following companies for the supply and delivery of road sealing aggregate to nominated dump sites throughout the Shire as requested by Council.

Crossley Contracting	\$143,027 inc GST
Hanson	\$159,555 inc GST
WA Blue Metal	\$185,185 inc GST
BGC Transport	\$185,961.20 inc GST

Hot Bitumen – 232,000 Litres Approx

Tenders – Seven Received

Tenders for the supply and spray of 232,000 litres of bitumen products were received from the following companies and figures are based on spraying over 18,600 litres of hot bitumen per day

Downer EDI	\$357,280 inc GST
Bitumen Surfaces	\$243,600 inc GST
Boral	\$247,544 inc GST
Boral (alternative)	\$242,440 inc GST
RNR	\$273,760 inc GST
RNR (alternative)	\$248,240 inc GST
Pioneer Road Surfaces	\$285,360 inc GST

COMMENT

This financial year Council requires somewhere in the vicinity of 3350 tonne of road sealing aggregate of various sizes and approximately 232,000 litres of hot bitumen. All material is to meet Main Roads standards.

POLICY IMPLICATIONS

Nil.

LEGISLATIVE REQUIREMENTS

Council is required to call tenders when the value is likely to exceed \$100,000 under regulation S3.57.

STRATEGIC IMPLICATIONS

Council needs to continue to reseal their bitumen roads as well as create new ones. It is of strategic importance that all bitumen roads are preserved and roads of regional significance are maintained and expanded.

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 social economic implications associated with this proposal.

FINANCIAL IMPLICATIONS

Built into the Works Programme, there is a road sealing aggregate and bitumen component on those jobs that are to be sealed.

VOTING REQUIREMENTS

Simple Majority

<p>COUNCIL RESOLUTION (MANEX RECOMMENDATIONS)</p>
--

127/09 Moved Cr Pond, seconded Cr McLagan that Council

1. *accepts the tender received from Crossley Contracting for tender #04/09 for the supply and delivery of Councils road sealing aggregate for a tendered price of \$143,027 for the 2009–10 year inclusive of GST.*
2. *accepts the tender received from RNR Contracting for tender #03/09 for their alternative priced tender for the supply and spray of approximately 232,000 litres of hot bitumen for the sum of \$248,240 inclusive of GST for 2009–10 year based on the attached rates.*

CARRIED

9/0

13.4 COMMUNITY DEVELOPMENT

13.4.1 DEVELOPMENT AND ASSESSMENT PLANS SUBMISSION

FILE REFERENCE: GA/PLI2
REPORT DATE: 16 October 2009
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: N/A
AUTHOR: Lynnette O'Reilly, Chief Executive Officer
ATTACHMENTS: Shire of Moora's Submission

PURPOSE OF REPORT:

To formalise Council's response to the proposed changes to the approval process for developments above \$1 million with the introduction of Development and Assessment Panels.

BACKGROUND:

A paper *Implementing Development and Assessment Panels in Western Australia* Discussion Paper, September 2009 sets out the requirements of the proposed changes.

Public submissions may be made on the discussion paper.

An information forum was held in Geraldton on the 1 October which was attended by the Shire President and CEO. The forum was well attended by representatives from Council's, elected members and staff

and private industry. The presentation was given by the Department of Planning with questions and answers.

Discussions were held at the Avon Zone meeting in York on 25 September to the State Council Agenda item. Clarification and discussion was based around feedback from Councils that had attended a forum and a discussion paper from the Shire of Dandaragan.

The attached “draft” submission has been developed in response to the paper.

COMMENT:

Feedback at the various forums was negative regarding the introduction of Development and Assessment Panels. Although the panels may provide greater objectivity in the decision making process, there is much criticism as to why they have been developed, in addition to the additional costs and time that will be imposed on local government.

A summary of the issues include:

- Delays and inconsistency in current planning processes.
- Lack of transparency and decision making processes of current system which may not consistently clarify where the decision making process responsibility is held.
- Balance of professional advice and local representation in the decision making process.
- Panels made up of professional planners who will be paid and elected members who will not be paid.
- Nominated elected members required to be trained in planning and the law.
- Mandatory use of the panels differ for values over \$1 million for regional areas and \$2 million for metropolitan areas.
- Inconsistency of value of development between metropolitan and regional areas.
- Decisions of the DAP may still be referred to SAT.

POLICY REQUIREMENTS:

There are no known policy requirements related to this item at this stage as it is a submission.

LEGISLATIVE REQUIREMENTS:

There are no known legislative requirements related to this item.

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:

Implications are that Council will need to either source additional service fees from developers to fund the Development and Assessment Panels. There will be additional costs to cover time and travel for elected members and staff to attend panels if introduced.

VOTING REQUIREMENTS

Simple Majority Required

OFFICER RECOMMENDATIONS

That Council

- 1. endorse the submission to the WA Department of Planning outlining Councils concerns and position on the proposed Development and Assessment Panels as detailed in the discussion paper on Implementing Development and Assessment Panels in Western Australia, September 2009.*

2. *authorise the Chief Executive Officer to submit Council's submission to the Government of Western Australia's Department of Planning prior to 2 November 2009.*

COUNCIL RESOLUTION

128/09 *Moved Cr Clydesdale–Gebert, seconded Cr Pond that Council*

1. *endorse the submission to the WA Department of Planning outlining Councils concerns and position on the proposed Development and Assessment Panels as detailed in the discussion paper on Implementing Development and Assessment Panels in Western Australia, September 2009, subject to Council's opposition to the proposal being re-iterated at the conclusion of the submission.*
2. *authorise the Chief Executive Officer to submit Council's submission to the Government of Western Australia's Department of Planning prior to 2 November 2009.*

CARRIED

9/0

Note: The addition to the end of point 1 was because Council wanted their opposition to the proposal emphasised.

13.5 ENVIRONMENTAL DEVELOPMENT

Nil

13.6 ECONOMIC DEVELOPMENT

Nil

13.7 SPORT AND RECREATION

Nil

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

Nil

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

The Chief Executive Officer tabled a late item dealing with Town Planning Scheme No 4 – Setback Variation for Council’s consideration.

COUNCIL RESOLUTION

129/09 Moved Cr Hawkins, seconded Cr Gardiner that Council consider the late item as tabled by the Chief Executive Officer titled “Town Planning Scheme No 4 – Setback Variation”.

CARRIED

9/0

15.1 TOWN PLANNING SCHEME NO 4 – SETBACK VARIATION

FILE REFERENCE: TP/PTMO3
REPORT DATE: 21 October 2009
APPLICANT/PROPONENT: Mr Paull & Mrs Tracy Brown
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: Nil
AUTHOR: Wolfgang Zadavec, Manager of Health/ Building & Planning Services
ATTACHMENTS: Nil

PURPOSE OF REPORT:

A planning application has been received from Mr & Mrs Brown to construct a carport and verandah extension at their residence on Lot 18 (26) Bewsher Street Moora. Although no building plans have yet been submitted to determine compliance with the building requirements, the planned setback from the front boundary does not comply with the Town Planning Scheme No 4, and the Residential Design Codes of W.A.

BACKGROUND:

The residence is located in a “residential zone” with an “R” code of 12.5/25 and under the scheme requirements, setback regulations are to be in accordance with the Residential Planning Codes. Under these codes the regulation states that acceptable development is: –

- The setting back of carports and garages are not to detract from the streetscape or appearance of dwellings, or obstruct views of dwellings from the street and vice versa.
- Carports located behind street setback line.
- Carports within the street setback area provided that the width of carport does not exceed 50% of the frontage at the building line and construction allows an unobstructed view between the dwelling and street.
- R12.5 code provides for a minimum setback of 7.5m from the front boundary in this zoning, but in the case of an open view carport, this figure may be reduced by 50% to a minimum of 3.75m.

Mr & Mrs Brown’s application has requested Council to approve the setback of the carport to be at 1.7m from the front boundary to allow for the provision of a suitable construction for the parking of two vehicles. The carport is to be open-sided and would not restrict the view to Bewsher Street.

On inspection there are existing encroachments within the street with the house next door (28) located only 3m from the front boundary. On the other side (24) existing fence and vegetation provides natural screening for any additions proposed at 26 Bewsher Street.

Council has approved reductions in carport setbacks in the past and although the setback request in this application does not conform to the Residential Design Codes Council’s Manager of Health/Building and Planning Services can see no adverse effect on the amenity of the area.

PLANNING FRAMEWORK

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.

PHYSICAL ASSESSMENT

The open carport will not preclude visibility any more than at present.

CONCLUSION

Under the Residential Design Code the minimum setback requirement under these circumstances would be 3.75m (50% of 7.5m). It is recommended that approval be given to reduce the setback to 2m from the front boundary to allow for the complete cover of applicants vehicles, on the condition that the carport and the verandah remain open structures.

VOTING REQUIREMENTS

Simple Majority Required

COUNCIL RESOLUTION (OFFICER RECOMMENDATION)
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130/09 Moved Cr Pond, seconded Cr Bryan that Council approve the Planning Application from Mr Paull & Mrs Tracy Brown to reduce the setback for the location of a double carport at Lot 18 (26) Bewsher Street Moora from 3.75m to 2m subject to the following conditions: -

- Construction of the carport and verandah is to be in accordance with the building requirements following submission of a building application.***
- The carport and veranda constructions remain open structures.***
- The encroachment to the front boundary is to be a minimum of 2m.***
- A building licence is to be obtained from the Manager Health/Building and Planning Services before construction.***

CARRIED

9/0

16. NOTICE ON MOTIONS FOR THE NEXT COUNCIL MEETING

Nil

17. MATTERS BEHIND CLOSED DOORS

Nil

18. CLOSURE OF MEETING

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

The meeting was declared closed at 7.40pm.

CONFIRMED

PRESIDING MEMBER