

SHIRE OF MOORA
MINUTES OF THE ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS, MOORA
15 JUNE 2022

TABLE OF CONTENTS

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS	3
1.1 DECLARATION OF OPENING.....	3
1.2 DISCLAIMER READING	3
2. ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE.....	3
3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	3
4. PUBLIC QUESTION TIME.....	3
5. PETITIONS / DELEGATIONS / PRESENTATIONS.....	3
6. APPLICATIONS FOR LEAVE OF ABSENCE.....	4
7. ANNOUNCEMENTS BY THE PRESIDING MEMBER.....	4
8. CONFIRMATION OF MINUTES	4
8.1 ORDINARY COUNCIL MEETING - 18 MAY 2022	4
9. REPORTS OF OFFICERS.....	5
9.1 GOVERNANCE AND CORPORATE SERVICES.....	5
9.1.1 LIST OF PAYMENTS AUTHORISED UNDER DELEGATION 1.31	5
9.1.2 STATEMENT OF FINANCIAL ACTIVITY FOR PERIOD ENDED 31 MAY 2022.....	6
9.2 DEVELOPMENT SERVICES.....	8
9.2.1 APPLICATION FOR DEVELOPMENT APPROVAL – PROPOSED MOTOR VEHICLE SALES ON LOT 202 TOOTRA STREET, MOORA.....	8
9.3 ENGINEERING SERVICES.....	13
9.3.1 ROAD UPGRADE GARDINER STREET FROM THE TOWN BOUNDARY TO DARGAI STREET	13
10. ELECTED MEMBER MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	14

11. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF COUNCIL 14

12. MATTERS FOR WHICH THE MEETING MAY BE CLOSED 14

13. CLOSURE OF MEETING 14

* Separate Attachments
9.1.1 *List of Payments Authorised Under Delegation 1.31*
9.1.2 *Statement of Financial Activity for Period Ended 31 May 2022*
9.2.1 *Attachment 1*

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS**1.1 DECLARATION OF OPENING**

The Shire President declared the meeting open at 5.32pm

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

1.2 DISCLAIMER READING

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

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

2. ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE**ATTENDANCE**

TL Lefroy	-	President
SJ Gilbert	-	Deputy President
DV Clydesdale-Gebert	-	Councillor
EI Hamilton	-	Councillor
KM Seymour	-	Councillor
SA Bryan	-	Councillor
TL Errington	-	Councillor
GW Robins	-	Acting Chief Executive Officer
NM Beard	-	Manager Community Development & Visitor Servicing
MM Murray	-	Executive Support Officer (minute taker)

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4. PUBLIC QUESTION TIME

Nil

5. PETITIONS / DELEGATIONS / PRESENTATIONS

Nil

6. APPLICATIONS FOR LEAVE OF ABSENCE

A written request for leave of absence has been received from Cr Hamilton for the meetings of Council to be held during the period 6 July – 19 August 2022.

COUNCIL RESOLUTION

46/22 Moved Cr Bryan, seconded Cr Seymour that a leave of absence be granted to Cr Hamilton for the meetings of Council to be held during the period 6 July – 19 August 2022.

CARRIED 7/0

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER

The following Council associated engagements were attended;

Cr Lefroy, President

19/5 meeting with CMSHS Principal, Trish Hewitt, and Director of Education Wheatbelt, Douglas Cook

25/5 National Simultaneous Story Time at Moora Child Care Centre

Cr Gilbert, Deputy President

27/5 Revitalisation of Apex Park meeting with Community Representatives

8/6 meeting with RDA Wheatbelt

9/6 meeting with Hon. Steve Martin MLC

Cr Hamilton

13/6 Moora Chamber of Commerce meeting

Cr's Bryan and Clydesdale-Gebert

27/5 Revitalisation of Apex Park meeting with Community Representatives

9/6 Revitalisation of Apex Park meeting with Community Representatives

8. CONFIRMATION OF MINUTES

8.1 ORDINARY COUNCIL MEETING - 18 MAY 2022

COUNCIL RESOLUTION

47/22 Moved Cr Gilbert, seconded Cr Bryan that the Minutes of the Ordinary Meeting of Council held on 18 May 2022 be confirmed as a true and correct record of the meeting.

CARRIED 7/0

9. REPORTS OF OFFICERS

9.1 GOVERNANCE AND CORPORATE SERVICES

9.1.1 LIST OF PAYMENTS AUTHORISED UNDER DELEGATION 1.31

REPORT DATE: 8 June 2022

OFFICER DISCLOSURE OF INTEREST: Nil

AUTHOR: Gavin Robins, Acting Chief Executive Officer

SCHEDULE PREPARED BY: Charly Sawyer, Creditors Officer

ATTACHMENTS: Accounts Paid Under Delegated Authority

PURPOSE OF REPORT

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

BACKGROUND

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

COMMENT

Accounts Paid under delegated authority are periodically presented to Council.

POLICY REQUIREMENTS

Delegation 1.15 – Making 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

48/22 Moved Cr Hamilton, seconded Cr Gilbert that Council notes and endorses the Payments from the Municipal and Trust Funds made under delegation 1.15

<i>EFT's</i>	27265-27403	-\$1,087,776.29
<i>Muni Cheque</i>	62526-62528	-\$22,285.30
<i>Credit Card</i>	DD114695.1	-\$5,387.09
<i>Direct Debit</i>	DD14623.2-DD14703.1	<u>-\$101,716.99</u>
		<u>-\$1,217,165.67</u>
<i>Nett Pay</i>	<i>PPE 10/5/2022</i>	-\$118,995.76
<i>Nett Pay</i>	<i>PPE 24/5/2022</i>	-\$119,332.76
	 <i>Payment Total</i>	 <u>-\$1,455,494.19</u>

CARRIED 7/0

9.1.2 STATEMENT OF FINANCIAL ACTIVITY FOR PERIOD ENDED 31 MAY 2022

REPORT DATE: 7 June 2022

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Martin Whitely, LG Corporate Solutions

ATTACHMENTS: Statement of Financial Activity for the Period Ended 31 May 2022

PURPOSE OF REPORT:

To receive and endorse the Statement of Financial Activity for the period ended 31 May 2022.

BACKGROUND:

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

COMMENT:

The Statement of Financial Activity for the Period Ended is provided as a separate attachment in Program format.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

Local Government Act 1995, Section 6.4

Local Government (Financial Management) Regulations 1996, Clause 34

STRATEGIC IMPLICATIONS:

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

SUSTAINABILITY IMPLICATIONS:

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

FINANCIAL IMPLICATIONS:

Year to date income and expenditure is provided by program to enable comparison to 2021/22 adopted budget.

VOTING REQUIREMENTS

Simple Majority Required

COUNCIL RESOLUTION

49/22 Moved Cr Errington, seconded Cr Gilbert that Council endorses the Statement of Financial Activity for the period ended 31 May 2022.

CARRIED 7/0

9.2 DEVELOPMENT SERVICES

Cr Clydesdale-Gebert declared a proximity interest in item 9.2.1 as is a Director of Lot 213 Melbourne Street which backs onto the property and left the meeting at 5.40pm

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

FILE REFERENCE: TP/DA14/2122

REPORT DATE: 17 May 2022

APPLICANT/PROPONENT: Mr Mervyn Lowther (Applicant) under the authority of Mr Ross Phillips (Landowner)

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: 19/9/2012 (Resolution 112/12) - Conditional development approval for a new storage shed and second-hand transportable office building; and

17/6/2020 (Resolution 77/20) – Conditional Development Approval (Retrospective) - Proposed Change of Use from Ancillary Office to Caretaker's Dwelling.

AUTHOR: Mr Joe Douglas, Town Planning Consultant

ATTACHMENTS: Attachment I

PURPOSE OF REPORT:

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

BACKGROUND:

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

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

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

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

The property also contains a 108m² second-hand transportable building immediately behind the existing shed which is currently being used as a caretaker's dwelling. Other notable improvements include a patio and carport structure, vehicle accessways, parking / loading /

unloading areas and landscaping, all of which are the subject of previous approvals. Council should note all the existing approved improvements and uses on the land will remain unchanged if the proposed motor vehicle sales outlet the subject of this latest application is ultimately approved.



Location & Lot Configuration Plan (Source: Landgate 2022)

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

COMMENT:

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

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

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

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

The application has been assessed with due regard for the specific objectives and standards of the Shire's local planning framework including LPS4 and all relevant local planning policies as

well as the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*. This assessment, which included formal consultation with the Department of Water and Environmental Regulation (DWER) pursuant to the specific requirements of clause 4.11.2.2 of LPS4 as it applies to all land subject to flooding in the Moora townsite, has confirmed the proposal is acceptable and capable of supported and approved for the following reasons:

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

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

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

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

STRATEGIC IMPLICATIONS:

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

SUSTAINABILITY IMPLICATIONS:

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

FINANCIAL IMPLICATIONS:

There are no immediate financial implications for the Shire aside from the administrative costs associated with processing the application which are provided for in Council's annual budget and have been offset in part by the development application fee paid by the applicant. All costs associated with the proposed development will be met by the applicant.

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

VOTING REQUIREMENTS:

Simple Majority Required

COUNCIL RESOLUTION

50/22 Moved Cr Seymour, seconded Cr Gilbert that Council APPROVE the development application submitted by Mr Mervyn Lowther (Applicant) under the authority of Mr Ross Phillips (Landowner) to establish and operate a motor vehicle sales outlet on portion of Lot 202 Tootra Street, Moora subject to the following conditions and advice notes:

Conditions

- 1. The proposed development shall be undertaken strictly in accordance with all information and plans submitted in support of the application subject to any modifications required because of any condition/s of this approval or otherwise approved by the Shire of Moora.**
- 2. Any additional development which is not in accordance with the application the subject of this approval or any condition of approval will require the further approval of the local government.**
- 3. The proposed development shall be substantially commenced within a period of two (2) years from the date of this approval. If the development is not substantially commenced within this period, this approval shall lapse and have no further effect. Where an approval has so lapsed, the proposed development shall not be carried out without the further approval of the local government having first being sought and obtained.**
- 4. The approved days and hours of operation are Monday to Friday from 8am to 5pm (excluding Public Holidays) and Saturdays from 8am to midday unless otherwise approved by the local government.**
- 5. All areas proposed to be used for the parking and display of vehicles offered for sale from the land shall be solely within the fenced perimeter of the land and which shall be sealed and drained to the specifications and satisfaction of the local government's Chief Executive Officer in consultation with the Manager Engineering Services prior to establishment and operation of the use hereby approved.**
- 6. The dismantling of motor vehicles, the sale of spare parts, the storage of broken down or wrecked vehicles, and automotive repairs including panel beating, spray painting or chassis reshaping are not permitted on the land unless otherwise approved in writing in advance by the local government.**

7. ***A dedicated washdown bay shall be provided in a suitable location on the land and constructed to the specifications and satisfaction of the local government's Chief Executive Officer in consultation with the Principal Environmental Health Officer if any minor vehicle repairs and maintenance works are undertaken on the land that require wastewater facilities of this type.***
8. ***Any proposed new advertising signage shall be in accordance with the requirements of Schedule 5 of the Shire of Moora Local Planning Scheme No.4 as it applies specifically to 'Industrial and Warehouse Premises' unless otherwise approved by the local government.***

Advice Notes

1. ***This approval is not an authority to ignore any constraint to development on the land which may exist through contract or on title, such as an easement, memorial, or restrictive covenant. It is the responsibility of the applicant and landowner and not the Shire to investigate any such constraints before commencing development. This approval will not necessarily have regard to any such constraint to development, regardless of whether or not it has been drawn to the Shire's attention.***
2. ***This is a development approval of the Shire of Moora under its Local Planning Scheme No.4. It is not a building permit or an approval to commence or carry out development under any other law. It is the responsibility of the applicant/landowner to obtain any other necessary approvals, consents, permits, and licenses required under any other law, and to commence and carry out development in accordance with all relevant laws.***
3. ***The applicant/landowner is reminded of their obligation to ensure compliance with the following requirements:***
 - i) ***Shire of Moora Annual Firebreak Notice as this applies specifically to land within the Moora townsite comprising an area of 3,000m² or more to help guard against any potential bushfire risk; and***
 - ii) ***Shire of Moora Health Local Law 2016.***
4. ***In relation to Condition 8, please note Schedule 5 of the Shire of Moora Local Planning Scheme No.4 as it applies specifically to 'Industrial and Warehouse Premises' provides details of the type and size of all advertising signage on the land that is exempt from the need for development approval. If any proposed new advertising signage for the use hereby approved does not comply with the deemed-to-comply requirements of Schedule 5, a suitable development application for the proposed new signage must be prepared and submitted to the local government for consideration and determination.***
5. ***The noise generated by any activities on-site including machinery motors or vehicles shall not exceed the levels as set out under the Environmental (Noise) Regulations 1997.***
6. ***Failure to comply with any of the conditions of this development approval constitutes an offence under the provisions of the Planning and Development Act 2005 and the Shire of Moora Local Planning Scheme No.4 and may result in legal action being initiated by the local government.***
7. ***If the applicant/landowner is aggrieved by this determination, there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 Part 14. An application must be submitted within 28 days of the determination.***

CARRIED 6/0

At 5.44pm Cr Clydesdale-Gebert rejoined the meeting and was advised of the Council decision.

9.3 ENGINEERING SERVICES

9.3.1 ROAD UPGRADE GARDINER STREET FROM THE TOWN BOUNDARY TO DARGAI STREET

FILE REFERENCE: S/RSP1

REPORT DATE: 8 June 2022

APPLICANT/PROPONENT: Shire of Moora

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Keith Dickerson, Manager of Engineering Services

ATTACHMENTS: Nil

PURPOSE OF REPORT:

To inform Council that Main Roads WA are proposing the upgrade and asphalt overlay of Gardiner Street from the town boundary to Dargai Street.

BACKGROUND:

The surface of Gardiner Street and the concrete kerbing is in and has been in a very poor and unsafe condition for several years due to encroachment of sub surface tree roots. This situation will only worsen unless the introduced trees are not removed, and the road surface is upgraded.

The trees through the section have been assessed by Main Roads, the assessment highlighted that the trees are introduced, therefore can be removed without the need for a clearing permit.

Main Roads have advised that any re-vegetation in the area is the responsibility of the Shire, however Main Roads vegetation management division are happy to assist the shire with the re-vegetation program.

COMMENT:

Main Roads have made it very clear that the removal of the trees on the verges and in the median is essential to achieve the proposed construction technique and if the trees are not removed then the road surface project will not proceed.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

There are no known legislative requirements related to this item.

STRATEGIC IMPLICATIONS:

Gardiner Street through this section forms part of the Shire's Heavy Vehicle Network that requires a specific standard to maintain a safe route for heavy vehicles.

SUSTAINABILITY IMPLICATIONS:

➤ Environment

As the trees on the verges and in the median are introduced there is no requirement for a clearing permit.

- **Economic**
If this project does not proceed during the Main Roads proposed upgrade, then it will create a huge cost to the Shire at a later stage.
- **Social**
There are no known significant social implications associated with this proposal.

FINANCIAL IMPLICATIONS:

There will be financial implications to Council, the cost will be quantified at a later date following ongoing project costings and council will be advised of the cost in due course.

VOTING REQUIREMENTS

Simple Majority Required

COUNCIL RESOLUTION

51/22 Moved Cr Hamilton, seconded Cr Seymour that Council notes the Scope of Works and endorse the surface and concrete kerbing upgrade on Gardiner Street from the town boundary to Dargai Street, Moora.

CARRIED 7/0

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

Nil

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

Nil

12. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Nil

13. CLOSURE OF MEETING

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

CONFIRMED

PRESIDING MEMBER