

**SHIRE OF MOORA**  
**MINUTES OF THE ORDINARY MEETING OF COUNCIL**  
**HELD IN THE COUNCIL CHAMBERS, MOORA**  
**19 AUGUST 2020**

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Separate Attachments

- 9.1.1 List of Payments Authorised Under Delegation 1.31
- 9.1.2 Statement of Financial Activity for Period Ended 31 July 2020
- 9.2.1 Attachment 1 – Schedule of Submissions
- 9.3.1 Map; and Miling Progress Association Minutes 23/7/2020

## **I. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS**

### **I.1 DECLARATION OF OPENING**

*The Shire President declared the meeting open at 5.33pm welcomed Cr Thomas in attendance via videoconference and the public in the gallery, and then read aloud the Shire Vision & Mission statements.*

#### *Vision*

Shire of Moora - a vibrant, affordable Regional Centre with a growing, caring community.

#### *Mission*

To provide the leadership, services and infrastructure that will meet the needs of the community and surrounds.

### **I.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**

KM Seymour	-	Presiding Member / President
TL Lefroy	-	Councillor / Deputy President
DV Clydesdale-Gebert	-	Councillor
El Hamilton	-	Councillor
SJ Gilbert	-	Councillor
MR Holliday	-	Councillor
TG Humphry	-	Councillor
PF Nixon	-	Councillor
JM Thomas	-	Councillor (via video conference)
AJ Leeson	-	Chief Executive Officer
G Robins	-	Deputy Chief Executive Officer
JL Greay	-	Manager Engineering Services
NM Beard	-	Manager Community Development & Visitor Servicing
MM Murray	-	Executive Support Officer (minute taker)

### **PUBLIC**

Cynthia McMorran	-	Shire Freeman	(until 6.12pm)
Anthony Ryan	-	McIntosh & Son	(until 6.12pm)

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

Nil

**4. PUBLIC QUESTION TIME**

Nil

At 5.35pm Cr Clydesdale-Gebert left the meeting and returned at 5.36pm

**5. PETITIONS / DEPUTATIONS / PRESENTATIONS**

Anthony Ryan, Dealer Principal of McIntosh and Sons machinery dealership outlined to the meeting their requirements for land in relation to the Local Planning Scheme Amendment item before Council; Item 9.2.1.

**6. APPLICATIONS FOR LEAVE OF ABSENCE**

Nil

**7. ANNOUNCEMENTS BY THE PRESIDING MEMBER**

The following Council associated engagements were attended;

**Cr Seymour, Shire President**

19/8 Finance & Services meeting with WALGA

**Cr Lefroy, Deputy President**

30/7 CAP Working Group

5/8 & 6/8 CAP Working Group met

**Cr Humphry**

12/8 Sport & Rec Working Group

**Cr Hamilton**

30/7 CAP Working Group

30/7 Chamber business forum

**Cr Clydesdale-Gebert**

12/8 Sport & Recreation Working Group

30/7 Chamber business forum

11/8 Chamber AGM

**Cr Gilbert**

30/7 Chamber Business Forum

6/8 Flag raising ceremony at Moora Police Station

12/8 Sport & Rec Working Group

**Cr Nixon**

30/7 Chamber Business Forum

30/7 CAP Working Group

5/8 &amp; 6/8 CAP Working Group met

**8. CONFIRMATION OF MINUTES****8.1 ORDINARY COUNCIL MEETING - 29 JULY 2020****COUNCIL RESOLUTION**

*99/20 Moved Cr Lefroy, seconded Cr Gilbert that the Minutes of the Ordinary Meeting of Council held on 29 July 2020 be confirmed as a true and correct record of the meeting.*

**CARRIED 9/0**

**9. REPORTS OF OFFICERS****9.1 GOVERNANCE AND CORPORATE SERVICES****9.1.1 LIST OF PAYMENTS AUTHORISED UNDER DELEGATION 1.31****REPORT DATE:** 15 August 2020**OFFICER DISCLOSURE OF INTEREST:** Nil**AUTHOR:** Alan Leeson, Chief Executive Officer**SCHEDULE PREPARED BY:** Alida Fitzpatrick, 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 1.31 – 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

***100/20 Moved Cr Humphry, seconded Cr Nixon that Council notes and endorses the Payments from the Municipal and Trust Funds made under delegation 1.31***

<b>Municipal Fund</b>	<b>Cheques 62454 to 62455</b>	<b>\$3,614.00</b>
	<b>EFT 23652 to 23770</b>	<b>\$293,392.53</b>
	<b>Direct Debits 13264.1 to 13275.10</b>	<b>\$63,210.82</b>
	<b>[DD13287.3] Credit Card 03/06/20 to 02/07/20</b>	<b><u>\$5,109.28</u></b>
		<b>\$365,326.63</b>
<b>Net Pays</b>	<b>PPE 07/07/20</b>	<b>\$92,348.48</b>
	<b>PPE 21/07/20</b>	<b><u>\$90,592.06</u></b>
		<b>\$182,940.54</b>
<b>Total</b>		<b><u>\$548,267.17</u></b>

**CARRIED 9/0**

### **9.1.2 STATEMENT OF FINANCIAL ACTIVITY FOR PERIOD ENDED 31 JULY 2020**

**REPORT DATE:** 15 August 2020

**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 July 2020

**PURPOSE OF REPORT:**

To note and receive the Statement of Financial Activity for the period ended 31 July 2020.

**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.

It should be noted that at the time of preparing the monthly financials the 2020/21 Annual Budget has not been adopted so all budget comparatives shown in the report are for reporting purposes only.

**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 2019/20 adopted budget.

**VOTING REQUIREMENTS**

Simple Majority Required

**COUNCIL RESOLUTION**

***101/20 Moved Cr Holliday, seconded Cr Gilbert that Council notes and receives the Statement of Financial Activity for the period ended 31 July 2020.***

**CARRIED 9/0**

**9.2 DEVELOPMENT SERVICES****9.2.1 PROPOSED AMENDMENT NO.13 TO SHIRE OF MOORA LOCAL PLANNING SCHEME NO.4 – REZONING OF LOT 115 PADBURY STREET, MOORA FROM ‘RURAL RESIDENTIAL RR2’ TO ‘INDUSTRIAL’**

Cr Lyn Hamilton declared a financial, proximity and impartiality interest as the farming business of which she is a partner, has a business relationship with McIntosh and Son, as well as leasing the land in question from MT & PB Ackland and left the meeting at 5.44pm

Cr Lefroy declared an impartiality interest as Cranmore Farming of which she is a partner has business dealings with McIntosh Holdings Pty Ltd

Cr Steve Gilbert declared an impartiality due to association with the landowner with insurance from WFI Insurance Limited

Cr Ken Seymour declared an impartiality interest as his farming business utilises the services of McIntosh Holdings Pty Ltd

Cr Peter Nixon declared an impartiality interest as a customer of McIntosh Holdings Pty Ltd

Cr Marcus Holliday declared a proximity interest as his residence is adjacent to the parcel of land in question, across the Bindoon Moora Road and the railway line

Cr Tracy Humphry declared an impartiality interest as a partner of G.M Humphry & Co whom utilise McIntosh Holdings Pty Ltd from time to time for provision of farm machinery, repairs and servicing

**FILE REFERENCE:** TP/TPS4-13

**REPORT DATE:** 13 August 2020

**APPLICANT/PROPONENT:** Statewest Planning on behalf of McIntosh Holdings Pty Ltd and MT & PB Ackland (Landowners)

**OFFICER DISCLOSURE OF INTEREST:** Nil

**PREVIOUS MEETING REFERENCES:** Item No.9.2.3 on 18/3/2020 – Initiation of Scheme Amendment Proposal (Resolution No. 29/20)

**AUTHOR:** Mr Joe Douglas, Town Planning Consultant

**ATTACHMENTS:** Attachment 1 – Schedule of Submissions

**PURPOSE OF REPORT:**

Consideration of all submissions received during public advertising of Amendment No.13 to the Shire of Moora Local Planning Scheme No.4 to rezone Lot 115 Padbury Street, Moora from ‘Rural Residential RR2’ to ‘Industrial’ including recommendations in respect of each and the scheme amendment proposal as a whole.

**BACKGROUND:**

At its Ordinary Meeting held on 18 March 2020 Council considered and unanimously resolved



to initiate a standard amendment to the Shire of Moora Local Planning Scheme No.4 (LPS4) to rezone Lot 115 Padbury Street, Moora from 'Rural Residential RR2' to 'Industrial' to enable the land to be acquired, developed and used by McIntosh & Son for the purposes of an agricultural and construction machinery dealership.

The scheme amendment proposal was subsequently referred to the Environmental Protection Authority (EPA) for review in accordance with the specific requirements of section 81 of the *Planning and Development Act 2005*.

On 17 April 2020 the EPA determined and subsequently advised that the scheme amendment proposal is unlikely to have a significant effect on the environment and does not warrant formal assessment under Part IV of the *Environmental Protection Act 1986*. The EPA confirmed all potential impacts can be managed through the Shire's local planning scheme controls and that any future development will also be required to comply with the *Environmental Protection (Noise) Regulations 1997*.

Pursuant to the specific requirements of section 84 of the *Planning and Development Act 2005* and section 47 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the scheme amendment proposal was then advertised for public comment for the minimum required period of forty two (42) days which included:

- i) publication of notices in local and state-wide newspapers (i.e. the Northern Valley News and West Australian) as well as the Shire's Facebook page;
- ii) public display of the advertising notice and scheme amendment documentation at the Shire administration centre;
- iii) correspondence to all adjoining and other nearby landowners;
- iv) correspondence to a number of public authorities considered likely to be affected by the proposed amendment; and
- v) publication of the advertising notice and scheme amendment documentation on the Shire's website.

At the conclusion of public advertising on Friday 19 June 2020 a total of fifteen (15) submissions had been received by the Shire, seven (7) of which were from public authorities with the remaining eight (8) submissions being from adjoining and other nearby landowners. A summary of all submissions received and a recommendation in respect of each is provided in Attachment I.

Under the terms of section 50 of the *Planning and Development (Local Planning Schemes) Regulations 2015* Council is now required to consider all submissions received and determine whether to:

- a) support the amendment without modification; or
- b) support the amendment with proposed modifications to address any issues raised in the submissions; or
- c) not support the amendment.

#### **COMMENT:**

The submissions received from public authorities were generally supportive however concerns were raised in relation to the following matters:

- i) the need to demonstrate the subject land is suitable for on-site effluent disposal;

- ii) the potential flood risk and the need to provide adequate protection against a future event similar in magnitude to the March 1999 flood event;
- iii) the significance of and need to protect the existing vegetation located in the land's north-eastern corner which has been identified as comprising Eucalypt Woodland of the Western Australian Wheatbelt and is classified as a Priority 3 (Critically Endangered) Threatened Ecological Community; and
- iv) the need to limit the number of vehicle access points to Bindoon-Moora Road / Padbury Street for road safety and efficiency purposes.

It is significant to note none of the issues raised by public authorities are considered fatal to the scheme amendment proposal and can be suitably addressed during subsequent stages of the planning and development process where more detail is required to be provided by the proponent in order to secure the necessary approvals.

Of the eight (8) submissions received from adjoining and other nearby landowners four (4) were supportive with one suggesting that the amendment be modified to only provide for the rezoning of the eastern portion of the subject land from 'Rural Residential RR2' to 'Industrial' zone with the remaining balance portion of the land to the west retained for rural residential purposes (i.e. no zoning change) to help minimise any future potential negative impacts on existing rural residential properties in the immediate locality.

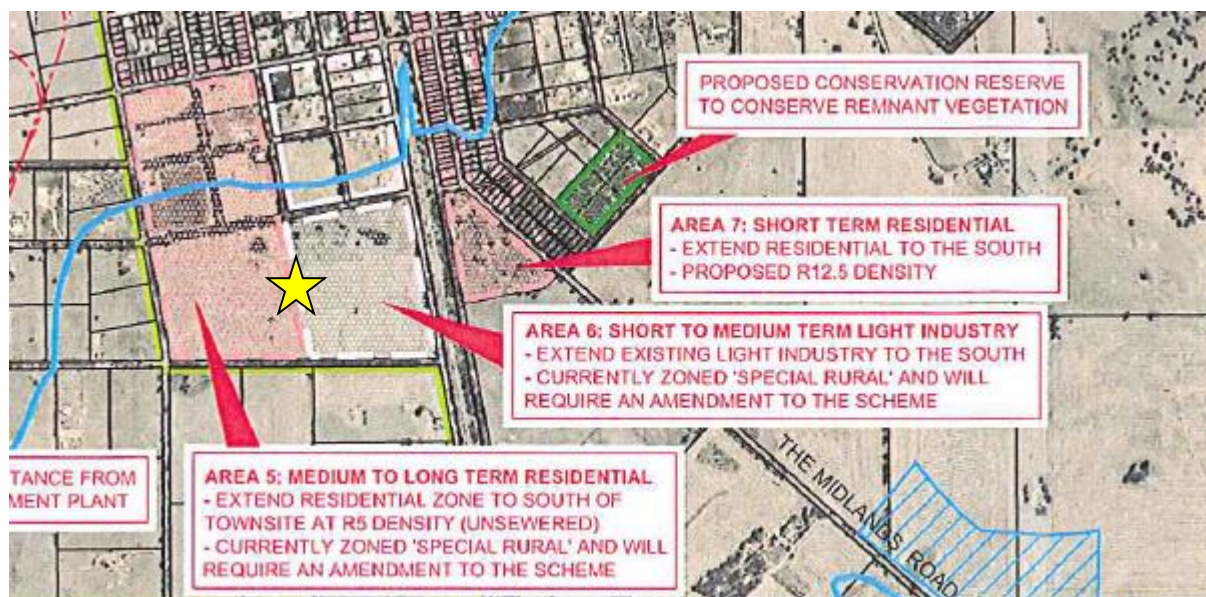
The remaining four (4) submissions from adjoining and other nearby landowners raised concerns with or objected to the rezoning proposal in its entirety for the following reasons:

- potential negative impacts on existing rural residential properties in the immediate locality including noise, dust and visual amenity;
- the availability of suitably zoned land in other parts of the Moora townsite to accommodate the proposed development;
- uncertainty surrounding the future possible subdivision and/or development of the balance portion of the land by the proponent and/or other parties and a belief that other landowners in the immediate locality will have limited opportunity to comment;
- the possible rezoning and development of other adjoining and nearby properties for general industrial purposes as well;
- the potential removal of existing mature trees along the subject land's Padbury Street frontage which are considered to be significant for economic, environmental and social reasons; and
- inconsistency with previous strategic planning for the Moora townsite as it applies specifically to the subject land.

It is significant to note all four (4) submissions that expressed concern with or objected to the proposal indicated they would be prepared to support the following alternative option to enable McIntosh & Son to develop and use the land for the intended purpose:

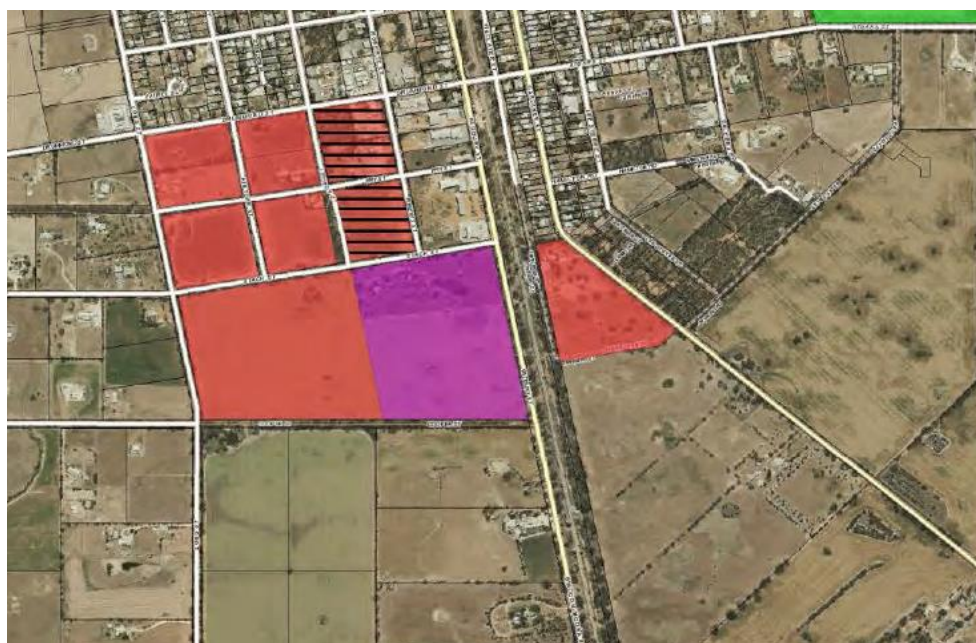
- a) rezoning the eastern portion of the subject land from 'Rural Residential RR2' to 'Light Industrial' zone in accordance with the strategic guidance provided by the '*Moora Townsite Expansion Strategy*' endorsed by the WAPC on 12 January 2010 as well as the '*Economic Development and Implementation Strategy for Midlands Centres*' published by Landcorp and the Wheatbelt Development Commission in May 2016; and
- b) retention of the current 'Rural Residential RR2' zoning over the remaining western portion of the property.

The following plan extracts illustrate the extent of the future 'Light Industrial' zoning of the subject land as shown in the strategic planning documents referred to in point a) above:



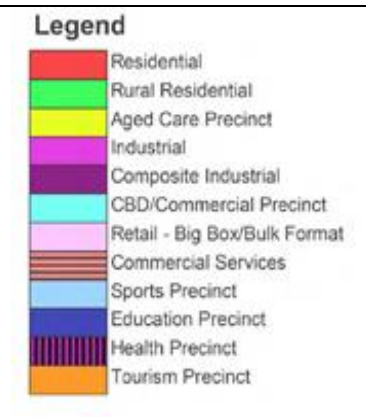
### SUBJECT LAND

Extracts from 'Moora Townsite Expansion Strategy' (Source: DPLH/WAPC)



### SUBJECT LAND

Extracts from 'Economic Development and Implementation Strategy for Midlands Centres' (Source: WDC)



In considering the feasibility of the suggested alternative rezoning proposal for the subject land Council should note the following key points:

1. Rezoning the eastern portion to 'Light Industrial' is consistent with previously approved strategic plans for the Moora townsite which were formulated and endorsed by all relevant authorities following a significant amount of consultation, including the local community.
2. Rezoning the eastern portion to 'Light Industrial' represents a logical extension to the existing 'Light Industrial' zoning classification applicable to all land located immediately north bounded by Stack, Lefroy, Drummond and Padbury Streets.
3. Rezoning the eastern portion to 'Light Industrial' provides greater certainty in terms of future potential buffer impacts to existing and future potential sensitive land uses in the immediate locality and will allow for the integration of suitable low impact industrial uses with the surrounding rural residential development and any future possible urban development.
4. Initially McIntosh & Son's activities were considered to fall within the use class 'industry' which is defined by reference in LPS4 as follows:

**industry** means premises used for the manufacture, dismantling, processing, assembly, treating, testing, servicing, maintenance or repairing of goods, products, articles, materials or substances and includes facilities on the premises for any of the following purposes:

- a) the storage of goods;
- b) the work of administration or accounting;
- c) the selling of goods by wholesale or retail;
- d) the provision of amenities for employees;
- e) incidental purposes.

5. Subsequent investigations by the reporting officer and discussions with Shire staff and the Department of Planning, Lands and Heritage suggest McIntosh & Son's business activities could reasonably be determined as falling within the interpretation of the use class 'industry-light' which is defined by reference in LPS4 as follows:

**industry — light** means premises used for an industry where impacts on the amenity of the area in which the premises is located can be mitigated, avoided or managed.

The reasons for this conclusion include:

- The ability to site and design the proposed development in a manner that minimises any negative impacts on the amenity of the immediate locality;
- The ability to impose conditions on any development approval/s granted requiring the preparation of site and use specific management plans to address any potential amenity impacts of concern; and

- Confirmation in the acoustic report submitted in support of the rezoning proposal that the normal operational noise levels likely to be generated by the proposed use of the land (i.e. the activities associated with the workshop and equipment movements) would comply with the relevant regulatory criteria during the proposed operating hours (i.e. 07:30 and 17:00 weekdays) and that noise associated with the use/demonstration of a seed destructor would comply during the daytime period if this machine is operated within the proposed shed with the doors closed.
6. McIntosh & Son's proposed development on the subject land is considered capable of satisfying the following objectives in clause 3.10.1 of LPS4 as they apply specifically to any land classified 'Light Industrial' zone:
    - a) *to provide for the needs of light and service industries, and showroom uses to support the community;*
    - b) *to achieve and maintain a high standard of presentation to the Midlands Road at the northern entry and to the Bindoon-Moora Road at the southern entry to Moora; and*
    - c) *to ensure appropriate buffers are provided and maintained between the light industrial uses and adjacent uses, so as to avoid land use conflicts.*
  7. In light of points 1 to 6 above it is suggested McIntosh and Son's proposed development could be accommodated under a 'Light Industrial' zoning classification as a permitted use (i.e. 'industry-light') and that rezoning the subject land accordingly would receive greater support from the local community, particularly nearby and adjoining landowners, and would be viewed more favourably by the Department of Planning, Lands and Heritage, the Western Australian Planning Commission and the Hon. Minister for Planning.
  8. Retaining the current 'Rural Residential RR2' zoning over the remaining western portion of the subject land is not considered to be an impediment to McIntosh and Son's proposed development for the following reasons:
    - i) Dual zoning classifications over one individual lot are considered acceptable and have historically been supported by the Western Australian Planning Commission and approved by the Hon. Minister for Planning;
    - ii) The current use of the western portion of the land for extensive agricultural purposes (i.e. cropping and/or grazing) can continue as proposed by McIntosh & Son, including machinery demonstrations over cropped areas, without the need for development approval despite such use being listed in the Zoning Table of LPS4 as being prohibited on any land classified 'Rural Residential' zone (i.e. this portion of the land enjoys and will continue to enjoy the benefit of the current non-conforming use right); and
    - iii) There will still be significant area available in the eastern portion of the land to accommodate the proposed development including buildings, vehicle accessways, parking, loading bays and machinery displays.
  9. Retaining the current 'Rural Residential RR2' zoning over the remaining western portion of the subject land will remove the opportunity and therefore risk of it being subdivided, sold and developed for industrial purpose/s that may have potential to negatively impact upon the amenity and character of the immediate locality.

Details of the outcomes from public advertising were provided to the applicant/proponent for review and comment to assist the Shire's consideration and assessment of the key issues raised. The following provides details of the key points submitted to the Shire in response:

1. *Whilst some neighbours had no objection to the whole of the site being zoned 'Industrial', some raised concerns that having the whole site zoned as proposed would reduce their amenity. McIntosh & Son are seeking to establish a next generation agricultural machinery sales and service site. This will include a machinery demonstration area behind the proposed sales, service and storage building/s. The area will need to be behind the building/s because the front half of Lot 115 is restricted due to the remnant vegetation in the N-E corner and the potential flood path in the S-E corner (refer DWER submission). Whilst the vast majority of activity will happen at the front of the site, demonstration of some machines*



*will be needed in the rear half of the property. Acknowledging that some residents have raised concerns, McIntosh & Son would be prepared to install a 5m wide screening landscape buffer inside the western boundary of the property to complement the existing verge vegetation;*

2. *'Industrial' zoning provides flexibility for McIntosh & Son to provide a wider range of services to the local community both now and into the future. Any off-site impacts are still able to be controlled through Planning and Environmental legislation. Planning approvals will still be required for any buildings or use of the land at the rear, or indeed any portion, of the site. Clause 67 of the Planning & Development (Local Planning Schemes) Regulations 2015 requires assessment of these applications to take into account a wide range of matters including all potential environmental impacts, impacts on the amenity of the locality and the like;*
3. *The development application can be designed to minimize any loss of verge vegetation; and*
4. *There are no lots of sufficient size in the northern industrial area with the largest lot being just under 3.6ha.*

The response provided by the applicant/proponent is acknowledged however the reporting officer has formed the view, given the various concerns raised by landowners during public advertising, that the proposed 'Industrial' zoning of the land in its entirety is a step too far and that a precautionary approach needs to be taken in trying to integrate any form of industrial development into an existing rural residential and future possible urban (i.e. residential) environment.

Modifying the scheme amendment proposal to only allow the eastern portion of the subject land to be rezoned 'Light Industrial' is considered to be a more balanced outcome with a greater chance of success in terms of securing the final approval required from the Hon. Minister for Planning as it is more consistent with previously endorsed strategic plans for the immediate locality, addresses the various concerns raised during public advertising and also provides McIntosh & Son with the opportunity to develop and use the land in its entirety for the intended purposes. Any effort to pursue the proposed 'Industrial' zoning over the entire property could also be viewed unfavourably by the WAPC and the Hon. Minister for Planning on the basis it is premature to preparation and final endorsement of the Shire's proposed new Local Planning Strategy and may therefore result in significant delays to the proposed rezoning and any future development and use of the land by McIntosh & Son for the intended purpose thereafter.

For these reasons it is recommended that Council support the proposed amendment to LPS4 subject to it being modified so that only the eastern portion of the subject land is classified 'Light Industrial' zone in accordance with the current and previous strategic guidance with the balance western portion of the land to retain its current 'Rural Residential RR2' zoning classification.

Council should note the rezoning proposal will be subject to further detailed assessment at State government level with significant scope for further discussion and negotiation with the applicant/proponent and the Shire. For now, however Council is required to follow due process and make a determination regarding final adoption of the scheme amendment proposal to enable it to be formally referred to the Western Australian Planning Commission for further consideration and final determination by the Hon. Minister for Planning thereafter. The recommendation provided in this report enables the proposal to proceed to the final stage of the statutory planning process without delay.

#### **POLICY REQUIREMENTS:**

The scheme amendment proposal will be assessed and determined with due regard for all relevant elements of the State Planning Framework including, but not limited to, the following:

- State Planning Policy 2.0 – Environment and Natural Resources Policy

- State Planning Policy 3.4 - Natural Hazards and Disasters
- State Planning Policy 4.1 – State Industrial Buffer
- State Planning Policy 5.4 - Road and Rail Noise
- Government Sewerage Policy 2019
- WAPC Development Control Policy 5.1 - Regional Roads (Vehicular Access)

**LEGISLATIVE REQUIREMENTS:**

- Planning and Development Act 2015
- Environmental Protection Act 1986
- Planning and Development (Local Planning Schemes) Regulations 2015
- Shire of Moora Local Planning Scheme No.4

**STRATEGIC IMPLICATIONS:**

- Shire of Moora Strategic Community Plan 2018-2028
- Economic Development and Implementation Strategy for Midlands Centres 2016
- Moora Townsite Expansion Strategy 2010
- Wheatbelt Regional Planning and Infrastructure Framework 2015

**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. It is consistent with the economic development objectives prescribed in several strategic planning documents and has potential to be of significant benefit to the local economy.

➤ **Social**

There are no known significant social implications associated with this proposal if it is amended as recommended.

**FINANCIAL IMPLICATIONS:**

There are no known financial implications in relation to this matter. All costs associated with the scheme amendment process and any future development of the land as proposed will be the responsibility of and will be met by the proponent.

**VOTING REQUIREMENTS:**

Simple Majority Required

**OFFICER RECOMMENDATIONS**

*That Council resolve to:*

1. *Acknowledge receipt of and determine each submission received in respect of Amendment No.13 to the Shire of Moora Local Planning Scheme No.4 during public advertising in accordance with the recommendations contained in the Schedule of Submissions provided in Attachment 1 to this report;*

2. *Support Amendment No.13 to the Shire of Moora Local Planning Scheme No.4 subject to the following proposed modifications:*
  - a) *rezoning the eastern portion of Lot 115 Padbury Street, Moora from 'Rural Residential RR2' to 'Light Industrial' zone in accordance with the strategic guidance provided by the 'Moora Townsite Expansion Strategy' endorsed by the Western Australian Planning Commission on 12 January 2010 as well as the 'Economic Development and Implementation Strategy for Midlands Centres' published by Landcorp and the Wheatbelt Development Commission in May 2016; and*
  - b) *retaining the current 'Rural Residential RR2' zoning over the balance western portion of the subject land; and*
3. *Authorise the Shire Administration to refer the scheme amendment proposal to the Western Australian Planning Commission confirming Council's resolution and requesting the Honourable Minister for Planning's favourable consideration and final approval, including endorsement of all revised documentation required to be prepared in due course by affixing the Shire's common seal and authorising the Shire President and Chief Executive Officer to sign the documentation accordingly.*

## **COUNCIL RESOLUTION**

**102/20 Moved Cr Nixon, seconded Cr Humphry that Council resolve to:**

1. **Acknowledge receipt of and determine each submission received in respect of Amendment No.13 to the Shire of Moora Local Planning Scheme No.4 during public advertising in accordance with the recommendations contained in the Schedule of Submissions provided in Attachment 1 to this report;**
2. **Support Amendment No.13 to the Shire of Moora Local Planning Scheme No.4 subject to the following proposed modifications:**
  - a) **rezoning that portion of Lot 115 Padbury Street, Moora in a line from the intersection of Stack and Kintore Streets down to Cooper Street where the eastern boundary of Lot 66 on Plan 222819 intersects with the Cooper Street road reserve area through to Padbury Street from 'Rural Residential RR2' to 'Light Industrial' zone as per the details shown on the following plan; and**





- b) retaining the current 'Rural Residential RR2' zoning over the balance western portion of the subject land; and
3. Authorise the Shire Administration to refer the scheme amendment proposal to the Western Australian Planning Commission confirming Council's resolution and requesting the Honourable Minister for Planning's favourable consideration and final approval, including endorsement of all revised documentation required to be prepared in due course by affixing the Shire's common seal and authorising the Shire President and Chief Executive Officer to sign the documentation accordingly.

**CARRIED 9/0**

At 5.55.pm Mr Ryan left the meeting.

At 5.56pm Cr Hamilton rejoined the meeting and the Presiding read aloud the resolution made by Council.

## **9.3 ENGINEERING SERVICES**

### **9.3.1 DOOKLING DRIVE, MILING - ASPHALT THRESHOLDS – (SPEED HUMPS)**

**FILE REFERENCE:** PA/ Various

**REPORT DATE:** 14 August 2020

**APPLICANTS/PROPONENT:** Miling Progress Association

**OFFICER DISCLOSURE OF INTEREST:** N/A

**PREVIOUS MEETING REFERENCES:** Nil

**AUTHOR:** Alan Leeson, Chief Executive Officer

**ATTACHMENTS:** Map; and Miling Progress Association Minutes 23/7/2020

#### **PURPOSE OF REPORT:**

For Council to consider a request from the Miling Progress Association to have the asphalt thresholds (aka) speed humps removed from Dookling Drive, Miling.

#### **BACKGROUND:**

The asphalt thresholds were included in the overall design of the upgrade of the Miling Main Street, now known as Dookling Drive. The thresholds were included in the design in order to alert road users they are entering the Miling town centre area whilst also having a traffic calming effect as a result of the raised profile. Initially the thresholds were to be brick paved, however the end result was the thresholds being constructed with asphalt.

Council is in receipt of the previous minutes of the Miling Progress Association dated 23 July 2020. Council also received a deputation from MPA President, Mr Tony White on 29 July 2020.

#### **COMMENT:**

Subsequently the Chief Executive Officer spoke with and emailed Tom Loudon Moora Police Officer in Charge in regard to the request from the Miling Community to have the thresholds removed. Mr Loudon was requested to visit Miling in light of the request from the Miling Progress Association.

In terms of the evolution of the Miling main street upgrade as part of the Great Northern Highway bypass of Miling, a lot of planning focussed on minimising the number of trucks entering the Miling main street, however encouraging trucks to utilise the Miling West Road and Richardson Street. (refer to map). This was a primary reason why Council lobbied to ensure that the Miling West Road / Richardson Street intersection remained open rather than terminating Richardson Street before the junction of Miling West Road which was what was initially proposed by Main Roads as part of the overall project.

As part of this issue it has been requested that if Council were to agree to remove the thresholds, that electronic reduce speed signs be installed in their place. The author has contacted Main Roads to ascertain a price for these signs.

#### **POLICY REQUIREMENTS:**

Council does not have a policy position in relation to this matter.

#### **LEGISLATIVE REQUIREMENTS:**

There are no known legislative requirements that directly relate to this request from the Miling Progress Association.

#### **STRATEGIC IMPLICATIONS:**

**Outcome 3.3: A safe and reliable transport system.**

Strategy 3.3.1: Enhance the transport infrastructure in the Shire.

**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:**

The cost of removing the thresholds has not been ascertained at this juncture. As stated above the cost of new electronic signs is not known, as we await advice from Main Roads.

**SUMMARY:**

In the authors view in summary, it would be premature to remove the thresholds at this juncture given how short a time they have been installed and the limited time to assess the affect and performance of the thresholds. The overall design methodology, overall design community consultation and final outcomes of including the thresholds in the construction design was arrived at after extensive discussions and consultations.

**VOTING REQUIREMENTS**

Simple Majority Required

**COUNCIL RESOLUTION**

*103/20 Moved Cr Lefroy, seconded Cr Hamilton that Council;*

- Acknowledge the request of the Miling Progress Association to have the traffic thresholds on Dookling Drive removed and have electronic speed reduction signs erected in their place;*
- Decline the request of the Miling Progress Association, noting that Council will monitor the performance of the traffic thresholds on Dookling Drive over the coming 12 months.*

**CARRIED 8/1**

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

Nil

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

The Chief Executive Officer tabled an item of urgent business titled 'Property Assessment A1779 – Lot 3870 Koojan West Road, Koojan 6510' for Councils consideration.

**COUNCIL RESOLUTION**

*104/20 Moved Cr Hamilton, seconded Cr Clydesdale-Gebert consider the item of urgent business as tabled by the Chief Executive Officer titled 'Property Assessment A1779 – Lot 3870 Koojan West Road, Koojan 6510'.*

**CARRIED 9/0**

**12. MATTERS FOR WHICH THE MEETING MAY BE CLOSED****COUNCIL RESOLUTION**

*105/20 Moved Cr Humphry, seconded Cr Clydesdale-Gebert that Council close the meeting to members of the public to discuss the item behind closed doors, as the matter is related to a contract that may be entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting under the Local Government Act 1995, s 5.23(2)(c).*

**CARRIED 9/0**

At 6.12pm the member of the public in the gallery retired from the meeting and the meeting moved behind closed doors.

**12.1 PROPERTY ASSESSMENT A1779 – LOT 3870 KOOJAN WEST ROAD, KOOJAN 6510****COUNCIL RESOLUTION**

*105-1/20 Moved Cr Humphry, seconded Cr Nixon that Council decline the request of the Ms RI Kay part owner of Lot 3870 Koojan West Road, Koojan to refund rates paid on the property claimed to be \$8,600 as per the submission of Ms Kays tabled at the Council briefing session dated 29 July 2020.*

**Advisory Note - Options**

*Provided to Ms Kay & Ms Green on the understanding that they no longer want to pay annual shires rates for Lot 3870 Koojan West Road, Koojan*

**Option one**

*Agree to transfer the land to NC McGillivray & Sons whereby Lot 3870 would form part of the surrounding farmlands as was the original intent of the sale of land in the late 1960's. As such Lot 3870 would form part of NC McGillivray and Sons farm and not be separately rated (subject to agreement of NC McGillivray and Sons);*

**Or**

**Option Two**

*Ms Kay and Ms Green agree to relinquish the land to the Shire of Moora or the Crown of Western Australian whereby the land would in effect become non rateable as a land holding of a Local Government Authority or the Crown of Western Australia.*

*further, noting that should Ms Kay and Ms Green not agree to either advisory options as described, Lot 3870 Koojan West Road, Koojan will continue to be rated in accordance with the provisions of the Local Government Act 1995.*

**CARRIED 9/0**

**COUNCIL RESOLUTION**

*106/20 Moved Cr Clydesdale-Gebert, seconded Cr Holliday that the meeting come out from behind closed doors at 6.15pm*

**CARRIED 9/0**

**13. CLOSURE OF MEETING**

*There being no further business, the President declared the meeting closed at 6.16pm.*

**CONFIRMED**

**PRESIDING MEMBER**