



Ordinary Council Meeting Minutes

Date: 21 November 2012

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 COUNCIL CHAMBERS, MOORA
21 NOVEMBER 2012

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I. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

I.1 DECLARATION OF OPENING

The Shire President declared the meeting open at 5.30pm.

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

CE Gardiner	-	Shire President / Presiding Member
AR Tonkin	-	Deputy Shire President
SA Bryan	-	Councillor
DV Clydesdale-Gebert	-	Councillor
CD Hawkins	-	Councillor
R Keamy	-	Councillor
OC Cocking	-	Councillor
TG Humphry	-	Councillor
AJ Leeson	-	Chief Executive Officer
JL Greay	-	Manager Engineering Services
LJ Parola	-	Manager Finance & Corporate Services
RL McCall	-	Manager Community & Economic Development

APOLOGIES

JW McLagan	-	Councillor
PR Williams	-	Manager Health, Building & Planning Services

PUBLIC

Mrs Carmel Murray, Moora Swimming Club (until 6.12pm)
 Mr Paull Brown, Moora Swimming Club (until 6.12pm)
 Mrs Cynthia McMorran, Freeman

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4. PUBLIC QUESTION TIME

Mrs Cynthia McMorran – dongas at the corner of Long and Drummond Streets – will they be lived in?

Shire President advised it was in the development stage, it will provide short term accommodation, expects it to be completed in 2 – 3 months.

The Chief Executive Officer advised that the Building Surveyor has inspected the buildings. Plans for refurbishment have been provided by the owner however the Shire requires more detail. Council is conscious that they do not present well at the moment, and an article was placed in the Advocate to explain the proposed use.

Mrs McMorran asked if the term 'non-conforming use' was still in the Town Planning Scheme?

Shire President advised yes it was.

5. PETITIONS AND PRESENTATIONS

Nil

6. APPLICATIONS FOR LEAVE OF ABSENCE

The Presiding member advised that Cr Bryan had applied in writing for leave of absence for the Meetings of Council to be held on 12 December 2012.

COUNCIL RESOLUTION

128/12 Moved Cr Hawkins, seconded Cr Tonkin that Cr Bryan be granted leave of absence for the Meetings of Council to be held on 12 December 2012.

CARRIED **8/0**

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER

17/11 Gave an interview on 6PR radio with Steve Gordon on Saturday evening
21/11 Met with the Superintendent & Inspector of Police along with the CEO

Cr Hawkins attended

12/11 Local Health Advisory Committee meeting

Cr Bryan attended

6/11 St James Residential College Board meeting

Cr Keamy announced that former Shire President, Glen Keamy had been awarded with the French decoration of the National Order of Agricultural Merit which will be bestowed upon him at a ceremony early next year. It is given to reward services rendered by individuals who, by their actions, have benefited French agriculture and products.

8. CONFIRMATION OF MINUTES**8.1 ORDINARY COUNCIL MEETING - 17 OCTOBER 2012****COUNCIL RESOLUTION**

129/12 Moved Cr Hawkins, seconded Cr Clydesdale-Gebert that the Minutes of the Ordinary Meeting of Council held on 17 October 2012 be confirmed as a true and correct record of the meeting.

CARRIED 8/0

9. REPORTS OF OFFICERS**9.1 CORPORATE SERVICES****9.1.1 LIST OF PAYMENTS AUTHORISED UNDER DELEGATION 1.31**

REPORT DATE: 14 November 2012

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.

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

130/12 Moved Cr Hawkins, seconded Cr Bryan that Council notes and endorses the total payments of \$795,537.06 from the Municipal and Trust Funds made under delegation 1.31, however does not endorse the actual payments list due to errors whereby the creditors title was not in sync with the correct description or payment amount due an error with the electronic file when printed.

<i>Municipal Fund</i>	<i>Cheques 60961 to 61018</i>	<i>\$134,370.37</i>
	<i>EFT 8757 to 8949</i>	<i>500,654.18</i>
	<i>Net Pays – PPE 23/10/12</i>	<i>80,676.28</i>
	<i>Net Pays – PPE 6/11/12</i>	<i>78,888.16</i>
<i>Trust Fund</i>	<i>Cheques</i>	<i><u>948.07</u></i>
	<i>Total</i>	<i>\$795,537.06</i>
		<i><u>CARRIED</u> <u>8/0</u></i>

Note: The payments were accepted on the understanding that a replacement attachment be provided to Councillors prior to the 12 December 2012 Council meeting.

9.1.2 STATEMENT OF FINANCIAL ACTIVITY FOR PERIOD ENDED 31 OCTOBER 2012

REPORT DATE: 10 November 2012

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 31 October 2012

PURPOSE OF REPORT:

To note and receive the Statement of Financial Activity for the period ended 31 October 2012.

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 2012/13 adopted budget.

VOTING REQUIREMENTS

Simple Majority Required

COUNCIL RESOLUTION

131/12 Moved Cr Bryan, seconded Cr Gardiner that Council notes and receives the Statement of Financial Activity for the period ended 31 October 2012.

CARRIED **8/0**

9.1.3 **BUDGET VARIATIONS**

FILE REFERENCE: F/BUAI

REPORT DATE: 14 November 2012

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Leanne Parola, Manager Finance & Corporate Services

ATTACHMENTS: Proposed Budget Variations

PURPOSE OF REPORT:

For Council to make adjustments to the adopted budget as a result of grant income being less than anticipated and a number of other decisions made which have an impact on the 2012/13 Budget.

BACKGROUND:

Council adopted its 2012/13 Annual Budget on Wednesday 18 July 2012 with an estimated deficit at the year-end of \$45,380.

COMMENT:

Since the adoption of the budget the Western Australian Local Government Grants Commission has advised that Moora would be receiving approximately \$53,000 less than budgeted.

The Fire and Emergency Services Authority has also advised that Moora would be receiving less than budgeted for the operation of the brigades and SES, and that a grant application for a Fire Shed at Coomberdale was unsuccessful.

Also since the adoption of the budget, a number of issues have arising which will have an impact on the adopted budget. As a result, the attached budget variations are required/ recommended which will result in an estimated deficit of \$50,348.

POLICY REQUIREMENTS:

Nil

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 several projects relating to business and economic development which will not be carried out this year as a result of the proposed budget variations.

➤ **Social**

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

FINANCIAL IMPLICATIONS:

The proposed budget variations will result in an estimated operating deficit at 30 June 2013 of \$50,348 which will have repercussions for the following budget.

VOTING REQUIREMENTS

Absolute Majority Required

COUNCIL RESOLUTION

132/12 Moved Cr Hawkins, seconded Cr Bryan that the proposed budget variations, as attached, be adopted.

CARRIED BY ABSOLUTE MAJORITY 8/0

9.1.4 ABOLITION OF THE WEST BALLIDU AND WATHEROO-COOMBERDALE LAND CONSERVATION DISTRICT COMMITTEES

FILE REFERENCE: AN/LCOI

REPORT DATE: 29 October 2012

APPLICANT/PROPONENT: Department of Agriculture and Food

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Alan Leeson, Chief Executive Officer

ATTACHMENTS: Nil

PURPOSE OF REPORT:

That Council not object to the winding-up of the West Ballidu and the Watheroo-Coomberdale Land Conservation District Committees (LCDC).

BACKGROUND:

Advice has been received from Gail Arnold at the Department of Agriculture and Food that the Department intends to abolish both the West Ballidu and the Watheroo-Coomberdale LCDC.

Before presenting their recommendation to the Minister the Department requires Councils support for abolition.

COMMENT:

We are advised that the LCDC's ceased to exist when their term of appointment expired; Watheroo-Coomberdale LCDC on the 30th September 2004 and West Ballidu LCDC on 31st December 2006. Since that time the LCDC's had no authority to operate and it is apparent that there is now a lack of interest in continuing with them.

POLICY REQUIREMENTS:

There are no policy requirements in relation to this item.

LEGISLATIVE REQUIREMENTS:

The power for LCDC's comes from the Soil and Land Conservation Act 1945 and the Minister for Agriculture and Food.

STRATEGIC IMPLICATIONS:

There are no known strategic implications associated with this proposal.

SUSTAINABILITY IMPLICATIONS:➤ **Environment**

The proposal to abolish the LCDC's may have an adverse impact on raising awareness and on ground land care activities unless a regional or whole of Shire approach can redress the situation.

➤ **Economic**

There are no known significant economic implications associated with this proposal.

➤ **Social**

The proposal has the potential to affect the interaction of localities and the way farmers and farming families socialise. The advice of the LCDC's is probably an indicator of reduced farming families (declining rural population), volunteer burnout, farmers doing their own thing in respect to land care practices and disinterest due to frustration at processes and lack of funding.

FINANCIAL IMPLICATIONS:

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

VOTING REQUIREMENTS

Absolute Majority Required

COUNCIL RESOLUTION

133/12 Moved Cr Tonkin, seconded Cr Humphry that Council advise the Department of Agriculture and Food that it holds no objection to the abolition of the West Ballidu and the Watheroo-Coomberdale Land Conservation District Committees.

CARRIED BY ABSOLUTE MAJORITY 8/0

9.1.5 FINANCIAL REPORT AND INDEPENDENT AUDIT REPORT FOR THE YEAR ENDED 30 JUNE 2012

FILE: F/AUDI
REPORT DATE: 15 November 2012
DECLARATION: Nil
AUTHOR: Leanne Parola, Manager Finance & Corporate Services
ATTACHMENTS: Independent Audit Report for the Year Ended 30 June 2012

BACKGROUND

At the completion of the annual audit, an audit report detailing the scope, audit opinion and statutory compliance is issued and forms part of the audited financial statements of the Shire. Section 7 of the Local Government Act 1995 requires the Audit Committee to consider results of the Audit and the audit report.

The Audit Committee considered the Audit Report at a meeting held 7 November 2012 where it resolved to recommend Council note and receive the report.

COMMENT

The Financial Report for the Year Ended 30 June 2012 forms part of the 2011/2012 Annual Report and Annual Financial Report.

The Independent Audit Report to the Electors of the Shire of Moora is attached and is included in the 2011/2012 Annual Report and Annual Financial Statements/Report as required under the Act.

The Audit Opinion found that there were two matters indicating non-compliance with Part 6 of the Local Government Act 1995, and Local Government (Financial Management) Regulations 1996 or applicable financial controls of any other written law as follows:

Annual Statutory Budget

The annual statutory budget for the year ended 30 June 2012 did not include information in relation to unspent debentures as required by Financial Management Regulation 29(a).

Annual Financial Report

The annual financial report for the year ended 30 June 2011 was not submitted to the Department of Local Government within 30 days of receiving the auditor's report as required by Financial Management Regulation 51(2).

STATUTORY ENVIRONMENT

Local Government Act 1995 and Local Government (Financial Management) Regulations 1996.

POLICY IMPLICATIONS

Nil

BUDGET IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority Required

COUNCIL RESOLUTION

134/12 Moved Cr Hawkins, seconded Cr Cocking that Council note and receive the Independent Audit Report for the year ended 30 June 2012.

CARRIED 8/0

9.1.6 AUDIT MANAGEMENT REPORT FOR THE YEAR ENDED 30 JUNE 2012

FILE: F/AUDI
AUTHOR: Leanne Parola, Manager Finance & Corporate Services
REPORT DATE: 15 November 2012
DECLARATION: Nil
ATTACHMENTS: Management Report for the Year Ended 30 June 2012

BACKGROUND

At the completion of the annual audit a management report is issued, addressed to the Shire President. This letter presents the results of the audit not included in the independent audit report. The Management Report may include comments relating to processes and procedures, Council's financial position or suggestions for improvement in areas of non-compliance found during the audit process.

COMMENT

Section 7 of the Local Government Act 1995 requires the Audit Committee to consider results of the Audit and the audit report, including the management report. The management report for the year ended 30 June 2012 is attached and the Audit Committee resolved to recommend that Council note and receive the report.

There was only one matter raised within the Audit Management Report as follows:

Meeting with Auditor

The local government has not met with the auditor during this financial year as required by Section 7.12A(2) of the Local Government Act.

To help ensure compliance with the Act, Council should meet with the auditor at least once in each financial year.

STATUTORY ENVIRONMENT

Local Government Act 1995 and Local Government (Financial Management) Regulations 1996.

POLICY IMPLICATIONS

Nil

BUDGET IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority Required

COUNCIL RESOLUTION

135/12 Moved Cr Hawkins, seconded Cr Cocking that Council note and receive the Management Report for the year ended 30 June 2012.

CARRIED

8/0

9.1.7 RECEIPT AND ACCEPTANCE OF 2011/2012 ANNUAL REPORT

FILE REFERENCE: F/AUDI
REPORT DATE: 1 November 2011
APPLICANT/PROponent: Nil
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: Nil
AUTHOR: Leanne Parola, Manager Finance & Corporate Services
ATTACHMENTS: 2011/12 Annual Report

PURPOSE OF REPORT:

To receive and consider the 2011/2012 Annual Report and to adopt the report, with or without amendment.

Once the Annual Report has been adopted, Council is to confirm the date for the Electors General Meeting.

BACKGROUND:

Council is required by the Local Government Act 1995 to accept the annual report for the financial year no later than 31 December each year [Section 5.54 (1)] unless the audit report is not received prior to 31 December.

Section 5.55 of the Act requires the CEO to give local public notice of the availability of the annual report as soon as practicable after the report has been accepted by Council.

Section 5.27(2) requires a general electors meeting to be held not more than 56 days after the local government has accepted the annual report.

A copy of the Annual Report for 2011/2012 is circulated with the agenda.

COMMENT:

The acceptance of the Annual Report, either in its current form or as amended by Council at this meeting, requires Council to set a date for the Electors General Meeting. This must be held within 56 days of acceptance of the Annual Report.

As Council has previously indicated its desire to hold the Electors' meeting on 12 December 2012, Council is to confirm the Electors General Meeting to be held on Wednesday 12 December 2012 at 7.30 pm in the Moora Performing Arts Centre. Notice will be given to comply with the statutory advertising period giving local public notice of 14 days minimum.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

Local Government Act 1995, Sections 5.27, 5.54, & 5.55

STRATEGIC IMPLICATIONS:

The Annual Report is a public document that can be used to promote the Shire of Moora and the principal activities being undertaken by 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:

There are no financial implications to Council in relation to this item as costs associated with the printing of the Annual Report and holding of the Electors General Meeting are provided for in the Adopted Budget each year.

VOTING REQUIREMENTS

Simple Majority Required

COUNCIL RESOLUTION

136/12 Moved Cr Hawkins, seconded Cr Cocking that Council:

1. ***accepts the 2011/2012 Annual Report as amended.***
2. ***confirms the date of the Electors General Meeting to be held on Wednesday, 12 December 2012, commencing at 7.30pm at the Moora Performing Arts Centre.***

CARRIED 8/0

9.1.8 MOORA SWIMMING CLUB – FEE WAIVURE

FILE REFERENCE: CC/MSWI

REPORT DATE: 13 November 2012

APPLICANT/PROPONENT: Moora Swimming Club

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: 20/6/12 (57/12)

AUTHOR: Alan Leeson, Chief Executive Officer

ATTACHMENTS: Information from Moora Swim Club

PURPOSE OF REPORT:

Council for some time has been considering the matter of annual fees levied to the Moora Swimming Club. The purpose of this report is to write off some of the fees levied to the Moora Swimming Club in order to resolve the ongoing issue.

BACKGROUND:

The issue was considered and voted on at the June 2012 meeting of Council. The following resolution was carried;

Moved Cr Cocking, seconded Cr Tonkin Council:

- 1) *Note the attached tables of outstanding rates and outstanding debtors as at 10 June 2012.*
- 2) *Write off the following sundry debts:*
 - a) *Kim Borovina – dog infringements from September 2007 totalling \$300.00*
 - b) *Adsley Holdings – private works from March 2008 totalling \$1,656.60*
 - c) *Versatile Home Improvement – chalet charges from June 2008 totalling \$176.00*
 - d) *Moora Swimming Club – exclusive use of swimming pool during 2010/11 season \$1,534.95.*

CARRIED 8/0

COMMENT:

After further dialogue it was evident there was still some distance between the Shire of Moora in the fees levied and what the Moora Swimming Club believed to be the appropriate level of fees. The more time that this matter has been left unresolved the muddier the waters have become.

The Moora Swimming Club has provided information as to their current bank balance (\$866.36), and annual income and expenditure as attached.

POLICY REQUIREMENTS:

Council does not have a policy relative to this matter and it should be resolved on merit without prejudice or any notion of precedent being set.

LEGISLATIVE REQUIREMENTS:

Local Government Act 1995

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**

The Moora Swimming Club is a very active club and provides a good outlet for social and recreational interaction. It currently has 45 members, of which 24 have been new (and potentially one off) ones as a result of 'Kidsport Funding'.

FINANCIAL IMPLICATIONS:

The Moora Swimming Club currently have outstanding some \$5,754.95 in levied fees. The point of contention has been the separate fee for lane hire.

The reality of the current predicament is that the Swimming Club have less than \$900 in the bank. I have concluded that their ability to pay the outstanding account is negligible. Because the matter has been left unresolved for so long the matter has simply got out of hand.

It is therefore my recommendation that Council write off all outstanding fees of the Moora Swimming Club other than the current 2012/2013 annual levy of \$1,500.

VOTING REQUIREMENTS

Absolute Majority Required

OFFICER RECOMMENDATION

That the debtor account for the Moora Swimming Club be written down to an outstanding amount of \$1,500.00 leaving due the 2012/2013 usage fees including lane use for training.

COUNCIL RESOLUTION

137/12 Moved Cr Keamy, seconded Cr Hawkins that the debtor account for the Moora Swimming Club be written down to an outstanding amount of \$1,500.00 leaving due the 2012/2013 Annual Fee. The Annual fee is to be paid in two payments; \$750 on or before 31st December and \$750 on or before the 31st March of each relevant financial year.

CARRIED BY ABSOLUTE MAJORITY 8/0

At 6.12pm Carmel Murray, Paull Brown & the Manager Finance & Corporate Services left the meeting.

9.2 HEALTH, BUILDING & PLANNING SERVICES

9.2.1 FOOD VAN - LOT 8 GT NORTHERN HIGHWAY, MILING

The Manager Finance & Corporate Services, Leanne Parola declared an indirect financial interest in the item as she has a financial relationship with another food premise in Miling.

FILE REFERENCE: TP/PA15/1213

REPORT DATE: 24 October 2012

APPLICANT/PROPONENT: Warren Patterson

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Peter Williams, Manager Health Building & Planning Services

ATTACHMENTS: Location Plan

PURPOSE OF REPORT:

Mr Warren Patterson seeks Council approval to operate a food van to sell fast food takeaway, from his property located at Lot 8 Gt Northern Hwy in Miling.

BACKGROUND:

The proponent wishes to site a converted caravan at the front of their property at Lot 8 Gt Northern Highway Miling that has been set up as a food van for the cooking and serving of fast foods.

Lot 8 Gt Northern Hwy is located in the townsite of Miling, the second last block heading out of town on the right hand side and zoned as "Rural Townsite Zone".

3.8.1 Moora Town Planning Scheme No 4 (Amendment 10) - the objectives of the Rural Townsite Zone are as follows: To allow for a wide range of land uses such as may be found in a small country town, but subject to preservation of local amenities.

3.8.2 Site requirements: In accordance with the residential Design Codes.

The proposed development can be seen to meet the objectives of the zoning for a small rural town site.

COMMENT:

The issues that this type of development presents include:

- Off street parking, and should the proponent provide parking on their property for stopping travellers wishing to purchase snacks and the probability of trucks stopping particularly during wheat carting period and also long haulage trucks their size and stopping may cause a traffic hazard.
- Signage and what type and quality of signage will be permitted for the business this is presuming that he will require advertising on either end of town.
- The storage of frozen, fresh chilled food and dry food and how and where it will be stored. This will require a storage facility/building that complies with the Food Standards Code for Standard 3.2.3 Food Premises and equipment. This appears to be the least of the problems this business may present.
- Due to the nature of the business and the possible impact on other businesses in the town an advertising period may be appropriate

That the food safety requirements are only a small issue and much larger concerns relate to off street parking, advertising, possible lighting of the area so with this in mind recommended that the proposal is not permitted.

A preliminary inspection has been carried out on the van and it will comply with the Food safety Standards subject to altering the exhaust flume hood so it covers all the hot plate and the deep fryers with a 150mm overhang to ensure capture of any fugitive dissolved fat gaseous emissions.

Should Council decide to consider this proposal the following conditions would need to be adhered to;

- Any advertising will be subject to Council Approval and Main Roads approval;
- The Food Van and any operators shall be required to comply with Food Act 2008, Food Regulations 2009 and the Food Safety Standards;
- A Food Storage area compliant with the above legislation in particular Standard 3.2.3 Food Premises and Equipment is required and that area is considered to be a wet area and therefore requires a floor waste be installed to facilitate washing of the floor;
- That Off Street Parking be made available for stopping vehicles in particular trucks;
- The development be approved by Main Roads to ensure that this development does not present a road traffic hazard;
- This development application be advertised in the Central Midlands & Coastal Advocate newspaper and letters sent to existing food premises to see if there are any objections to this development;
- Any building that is constructed meets the requirements of the Building Code of Australia and is subject to a building application and a building permit;
- That the van be set up so it is visually amenable to the area;
- Or, should Council offer as an alternative to licence the van as an Itinerate Vendor to operate only between certain hours.

POLICY REQUIREMENTS:

The Shire currently has no advertising policy.

LEGISLATIVE REQUIREMENTS:

Shire of Moora Town Planning Scheme No 4 (Amendment 10), Food Act 2008, Food Regulations 2009 and the Food Safety Standards, Main Roads Control of Advertisements Regulations 1996.

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:

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

VOTING REQUIREMENTS

Simple Majority Required

COUNCIL RESOLUTION

138/12 Moved Cr Humphry, seconded Cr Bryan that Council not approve the application to set up a Food Van located at Lot 8 Great Northern Highway, Miling due to issues relating to Street Parking, lighting and that the Food Van detracts from the commercial amenity of the Miling townsite.

CARRIED 7/1

At 6.18pm the Manager Finance & Corporate Services rejoined the meeting.

9.2.2 TELSTRA CORPORATION – PROPOSAL TO INSTALL A MOBILE PHONE BASE STATION AT LOT M1487 MILING EAST ROAD

FILE REFERENCE: TP/PA14/1213

REPORT DATE: 25 October 2012

APPLICANT/PROPONENT: Planning Solutions

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Peter Williams, Manager Health Building & Planning Services

ATTACHMENTS: Location Plan & Plan Diagram of Mast

PURPOSE OF REPORT:

Planning Solutions on behalf of Telstra Corporation Limited seek Council's permission to install a Mobile Base Station tower for its 3rd and 4th generation mobile phone network on Lot M1487 located on Miling East Road. The proposed telecommunications infrastructure will facilitate the Western Australian State Government's Regional Mobile Communications Project Network, which has been established to deliver terrestrial mobile, voice and high speed wireless data broadband to improve highway and town to town coverage in regional, rural and remote communities of the State. The project is being administered by the Department of Commerce in consultation with the Department of Regional Development and Lands.

BACKGROUND:

The proposed location is located in the General Agriculture Zone as described in the Shire of Moora Town Planning Scheme of which the objectives of the zone are:

- a) To ensure the continuation of broad hectare farming as the principal land use in the district and encouraging where appropriate the retention and expansion of agricultural activities.
- b) To consider non-rural uses where they can be shown to be of benefit to the district and not detrimental to the natural resources of the environment.
- c) To allow for facilities for tourists and travellers, and for recreation uses.

This proposal meets the requirements of the Town Planning Scheme objectives for the "General Agriculture Zone"

COMMENT:

The mobile telecommunication base station meets the requirements of the Shire of Moora Town Planning Scheme No 4 (Amendment 10) for the General Agriculture Zone. It will also facilitate coverage of what was previously a black spot in telecommunications for the area as well as facilitating State Emergency Services such as Police, Bush Fire Brigades, ambulance and SES.

POLICY REQUIREMENTS:

Nil

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**

This facility will enhance social communications for the communities that have previously been affected by lack of mobile and broadband coverage.

FINANCIAL IMPLICATIONS:

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

VOTING REQUIREMENTS

Simple Majority Required

COUNCIL RESOLUTION

139/12 Moved Cr Bryan, seconded Cr Cocking that Council approve the development application for a Telstra Tower to be constructed and located at Lot M1487 located on Miling East Road.

CARRIED **8/0**

9.2.3 APPLICATION TO CONSTRUCT A SHED - LOT 232 CLARKE STREET, MOORA

FILE REFERENCE: TP/PA13/1213

REPORT DATE: 25 October 2012

APPLICANT/PROPONENT: Rob Hamilton

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Peter Williams, Manager Health Building & Planning Services

ATTACHMENTS: Location Plan & Plan Diagram of Shed

PURPOSE OF REPORT:

Proponent Mr Rob Hamilton requests approval from Council to construct a 10m depth x 24m width x 4m high steel framed and corrugated galvanised steel covered shed to house his trucks and machinery.

BACKGROUND:

The area opposite the hockey ground on the corner of Clarke and Roberts Street Moora is zoned as light industrial of which 3.10.1 objectives include:

- 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;
- c) To ensure appropriate buffers are provided and maintained between the light industrial uses and adjacent uses, so as to avoid land use conflicts.

3.10.2 SITE SETBACKS

The minimum building setbacks shall be:

Front: 7.5 metres

Rear: 7.5 metres

Side: 5.0 metres on one side

3.10.3 Development requirements

- a) The first 5 metres of the front setback on any lot shall be landscaped to the satisfaction of the Local government. Where the lot has frontage to 2 streets the Local government may vary the landscaping requirement only where the setback is reduced in which case the whole of the setback so reduced shall be landscaped to the satisfaction of the Local government.
- b) The whole of any wall or building facing any street shall be constructed in brick, concrete or masonry, provided however, that an owner may apply the Local Government for permission to use materials other than those prescribed and the Local Government may permit the use of such other materials where it is satisfied that such use will not detract from the amenity of the area.
- c) Each open yard shall be screened from any street by a closed fence or wall not less than 1.8 metres high unless exempted by the Local Government of the need to comply with this requirement.

COMMENT:

The development proposal meets the requirements of the Shire of Moora Town Planning Scheme No 4 (Amendment 10), it is noted with concern that no landscaping has been carried out for this development to the block next door in the past and which is owned by the same owner. As per the Development requirements it is necessary that landscaping be required to this development proposal.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

Building Code of Australia, Building Act 2011 and Regulations 2012; Shire of Moora Town Planning Scheme No 4 (Amendment 10).

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:

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

VOTING REQUIREMENTS

Simple Majority Required

COUNCIL RESOLUTION

140/12 Moved Cr Cocking, seconded Cr Hawkins that the Town Planning development application by Mr Rob Hamilton to construct a shed at Lot 232 Clarke Street, Moora be approved by Council subject to the following conditions:

- *Prior to the commencement of the development/land use, a plan incorporating a landscaping/screening area along the front boundary of the property is to be submitted to and approved by the local government. The approved plan is to be implemented in full and maintained thereafter to the approval of the local government.*
- *No activities associated with the construction, establishment or installation of the development/land use shall take place between the hours of 5:00pm and 7:00am unless otherwise approved in writing by the local government.*
- *Access to the property on which the commercial vehicle is to be parked shall be via a crossover which has been constructed to the specifications of the local government. The parking of the commercial vehicle is not to preclude domestic vehicles from parking at the property.*
- *The proponent is required to submit, along with a Building Permit Application, the soil classification of the subject property and construction is to achieve the requirements of the Building Code of Australia and Australian Standard AS2870 with regard to the soil classification for the subject property.*
- *Any washing of trucks is to be carried out over a purpose built wash down bay with a centrally graded waste point that incorporates a petrol oil trap and all vehicle maintenance is to be carried out in a purpose built shed incorporating a concrete floor to capture any oil spills to the requirements of the Environmental Protection Act 1985 Contaminated Sites legislation.*

CARRIED 8/0

9.2.4 ADVERTISING DEVICES POLICY

FILE REFERENCE: PL/POPI

REPORT DATE: 26 October 2012

APPLICANT/PROPONENT: Shire of Moora

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Peter Williams, Manager Health Building & Planning Services

ATTACHMENTS: Advertising Devices Policy

PURPOSE OF REPORT:

To seek approval from Council of the policy regarding advertising devices which will provide guidance to the community, Council and its officers in determining appropriate and consistent advertising standards throughout the Shire of Moora.

BACKGROUND:**Section 8.7 LOCAL PLANNING POLICIES**

States that the Local Government may prepare a Local Planning Policy in respect of any matter related to the planning and development of the Scheme area so as to apply:

- (a) generally or for a particular class or classes of matters; and
- (b) throughout the Scheme area or in one or more parts of the Scheme area, and may amend or add to or rescind the local planning policy.

Note: Local planning policies are guidelines used to assist the local government in making decisions under the Scheme. Although local planning policies are not part of the Scheme they must be consistent with, and cannot vary, the intent of the Scheme provisions, including the Residential Design Codes. In considering a Shire of Moora TPS 4 Page No. 45 application for planning approval, the local government must have due regard to relevant local planning policies as required under clause 7.5.

8.7.1 Relationship of local planning policies to scheme

- (a) If a provision of a local planning policy is inconsistent with the Scheme, the Scheme prevails.
- (b) A local planning policy is not part of the Scheme and does not bind the local government in respect of any application for planning approval but the local government is to have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its determination.

8.7.2 Procedure for making or amending a local planning policy

If a local government resolves to prepare a local planning policy, the local government:

- (a) is to publish a notice of the proposed Policy once a week for 2 consecutive weeks in a newspaper circulating in the Scheme area, giving details of:
 - (i) where the draft local planning policy may be inspected;
 - (ii) the subject and nature of the draft local planning policy; and
 - (iii) in what form and during what period (being not less than 21 days from the day the notice is published) submissions may be made;
- (b) may publish a notice of the proposed local planning policy in such other manner and carry out such other consultation as the local government considers appropriate.

8.7.3 After the expiry of the period within which submissions may be made, the local government is to:

- (a) review the proposed local planning policy in the light of any submissions made; and
- (b) resolve to adopt the local planning policy with or without modification, or not to proceed with the Policy.

8.7.4 If the local government resolves to adopt the local planning policy, the local government is to:

- (a) publish notice of the local planning policy once in a newspaper circulating in the Scheme area; and
- (b) if, in the opinion of the local government, the local planning policy affects the interests of the Commission, forward a copy of the local planning policy to the Commission.

8.7.5 A local planning policy has effect on publication of a notice under clause 8.7.4(a).

8.7.6 A copy of each local planning policy, as amended from time to time, is to be kept and made available for public inspection during business hours at the offices of the local government.

8.7.7 Clauses 8.7.1 to 8.7.6, with any necessary changes, apply to the amendment of a local planning policy.

8.8 REVOCATION OF LOCAL PLANNING POLICY

AMD 09 GG 11/03/11

A local planning policy may be revoked by:

- (a) the adoption by a local government of a new Policy under clause 8.7.2 of the Shire of Moora Town Planning Scheme No 4 (Amendment 10) (SMTPS4/10) that is expressed to supersede the existing local planning policy; or Shire of Moora TPS 4;
- (b) publication of a notice of revocation by the local government once a week for 2 consecutive weeks in a newspaper circulating in the Scheme area.

A similar policy is being developed by the shire of Dandaragan who is having similar issues with many different signs popping up advertising businesses. The Moora Town Planning Scheme provides some guidance for signs but not to the level that this policy does. This will also provide guidance to the community wishing to utilise advertising and it will provide consistent management whereby placing the Shire's Town Planning policies on the website will make it readily accessible to all concerned.

COMMENT:

It is proposed to adopt this policy subject to it being advertised in the Central Midlands & Coastal Advocate on two consecutive weeks and after a 21 day period, subject to no objections then the policy be adopted by Council to supersede the existing local planning policy.

POLICY REQUIREMENTS:

Local Planning Policies

LEGISLATIVE REQUIREMENTS:

Shire of Moora Town Planning Scheme No 4 (Amendment 10)

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:

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

VOTING REQUIREMENTS

Simple Majority Required

COUNCIL RESOLUTION

141/12 Moved Cr Humphry, seconded Cr Gardiner that Council approve the draft Advertising Devices Policy subject to it to being advertised in the Central Midlands & Coastal Advocate on two consecutive weeks and it being placed on Councils Webpage for viewing by the general public as per Section 8.7 and 8.8 of the Local Planning Scheme requirements, and sent to the Chamber of Commerce for their comment.

CARRIED 7/1**9.2.5 RELOCATED BUILDINGS POLICY****FILE REFERENCE:** PL/POPI**REPORT DATE:** 26 October 2012**APPLICANT/PROPONENT:** Shire of Moora**OFFICER DISCLOSURE OF INTEREST:** Nil**PREVIOUS MEETING REFERENCES:** Nil**AUTHOR:** Peter Williams, Manager Health Building & Planning Services**ATTACHMENTS:** Relocated Buildings Policy**PURPOSE OF REPORT:**

To provide Council with a policy that will provide guidance so as to effectively manage relocated buildings within the Shire and to provide Council with a means to charge a bond for these types of premises. This policy is to replace the current policy which is less descriptive.

BACKGROUND:

The current Transportable Homes policy originally adopted in 1998 has not been reviewed since 2009 and is as follows:

Second hand Housing Policy

Originally adopted by Council on 20th May 1998 (Subsequently reviewed and amended)

That the Second hand House Policy be as under-

1. The dwelling to be relocated is to be made to comply in all respects of the Building Code of Australia, particularly the section relative to seismic zones.
2. All such dwellings proposed to be transported to town sites' within the Shire are to be inspected "in situ" by a Building Surveyor or some qualified person, any costs so incurred are to be borne by the applicant;
3. A report on the dwelling complete with recommended conditions of approval, photographs etc. are to be submitted to Building Surveyor for consideration, proper plans and specifications are to be duly submitted to the Building Surveyor in order that a building licence can be issued. No dwelling is to be relocated upon any lot within the Shire until the building licence has been issued;

4. An estimate of the cost of any conditions of approval is to be used as the basis of calculating a Fidelity Bond, which is to be deposited by the applicant with Council. The bond is to be deposited on the understanding that if the conditions of approval are not completed to Council's satisfaction within the time limit specified the outstanding conditions will be met from the bond monies held by Council. The remainder, if any, is to be returned to the applicant when all conditions have been completed.
5. That in the case of second hand houses arriving in any town site or rural area of the Shire without the necessary approvals, immediate prosecution be instigated.
6. That if a pine framed second hand house is transported within the Moora Shire district its installation is to be strictly in accordance with the Australian Standards AS 1694 1974 Code of Practice for physical barriers used in the protection of buildings against subterranean termites.

Should Council wish to replace this policy with the proposed policy on Relocated Buildings Policy Section 8.7 of the Shire of Moora Town Planning Scheme is required to be enforced.

Section 8.7 (SMTPS4/10) LOCAL PLANNING POLICIES

States that the Local Government may prepare a Local Planning Policy in respect of any matter related to the planning and development of the Scheme area so as to apply:

- (a) generally or for a particular class or classes of matters; and
- (b) throughout the Scheme area or in one or more parts of the Scheme area, and may amend or add to or rescind the local planning policy.

Note: Local planning policies are guidelines used to assist the local government in making decisions under the Scheme. Although local planning policies are not part of the Scheme they must be consistent with, and cannot vary, the intent of the Scheme provisions, including the Residential Design Codes. In considering an Shire of Moora TPS 4 Page No. 45 application for planning approval, the local government must have due regard to relevant local planning policies as required under clause 7.5.

8.7.1 (SMTPS4/10) Relationship of local planning policies to scheme

- (a) If a provision of a local planning policy is inconsistent with the Scheme, the Scheme prevails.
- (b) A local planning policy is not part of the Scheme and does not bind the local government in respect of any application for planning approval but the local government is to have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its determination.

8.7.2 (SMTPS4/10) Procedure for making or amending a local planning policy

If a local government resolves to prepare a local planning policy, the local government:

- (a) is to publish a notice of the proposed Policy once a week for 2 consecutive weeks in a newspaper circulating in the Scheme area, giving details of:
 - (i) where the draft local planning policy may be inspected;
 - (ii) the subject and nature of the draft local planning policy; and
 - (iii) in what form and during what period (being not less than 21 days from the day the notice is published) submissions may be made;

- (b) may publish a notice of the proposed local planning policy in such other manner and carry out such other consultation as the local government considers appropriate.
- 8.7.3 After the expiry of the period within which submissions may be made, the local government is to:
- (a) review the proposed local planning policy in the light of any submissions made; and
 - (b) resolve to adopt the local planning policy with or without modification, or not to proceed with the Policy.
- 8.7.4 If the local government resolves to adopt the local planning policy, the local government is to:
- (a) publish notice of the local planning policy once in a newspaper circulating in the Scheme area; and
 - (b) if, in the opinion of the local government, the local planning policy affects the interests of the Commission, forward a copy of the local planning policy to the Commission.
- 8.7.5 A local planning policy has effect on publication of a notice under clause 8.7.4(a).
- 8.7.6 A copy of each local planning policy, as amended from time to time, is to be kept and made available for public inspection during business hours at the offices of the local government.
- 8.7.7 Clauses 8.7.1 to 8.7.6, with any necessary changes, apply to the amendment of a local planning policy.

8.8 REVOCATION OF LOCAL PLANNING POLICY

AMD 09 GG 11/03/11

A local planning policy may be revoked by:

- (a) the adoption by a local government of a new Policy under clause 8.7.2 that is expressed to supersede the existing local planning policy; or Shire of Moora TPS 4
- (b) publication of a notice of revocation by the local government once a week for 2 consecutive weeks in a newspaper circulating in the Scheme area.

COMMENT:

The Shire does have a policy for relocated buildings but is open and not too prescriptive; the bond is better described in the new proposed policy and offers more options regarding the cost of the development.

Council has recently been presented with a number Planning Applications for buildings that have been second hand transportables and have required the owners to provide the shire with a bond to ensure that the required work is carried out to the satisfaction of the Local Government. This policy shall give guidance in the management of relocated buildings and to give Council the power to require a bond that reflects the cost of the development.

Should Council agree to adopt the proposed policy then the requirements of Section 8.7 and 8.8 of the Shire of Moora Town Planning Scheme are required to be adhered to.

It is proposed to adopt this policy subject to it being advertised in the Central Midlands & Coastal Advocate on two consecutive weeks and after a 21 day period, subject to no objections then the policy be adopted by Council to supersede the existing local planning policy.

POLICY REQUIREMENTS:

Current second hand housing policy and Transportable Homes policy is proposed to be replaced by Relocated Buildings Policy.

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:

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

VOTING REQUIREMENTS

Simple Majority Required

COUNCIL RESOLUTION

142/12 Moved Cr Keamy, seconded Cr Hawkins that Council approve the draft Relocated Buildings Policy subject to it to being advertised in the Central Midlands & Coastal Advocate for two consecutive weeks and it being placed on Councils Webpage for viewing by the general public as per Section 8.7 and 8.8 of the Local Planning Scheme requirements.

CARRIED 8/0

9.2.6 TEMPORARY ACCOMMODATION (CONSTRUCTION) CAMPS POLICY

FILE REFERENCE: PL/POPI

REPORT DATE: 29 October 2012

APPLICANT/PROPONENT: Shire of Moora

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Peter Williams, Manager Health Building & Planning Services

ATTACHMENTS: Temporary Accommodation (Construction) Camps Policy

PURPOSE OF REPORT:

To provide Council with a policy that will provide guidance so as to effectively manage Temporary Accommodation and Construction Camps within the Shire and to provide Council and management staff with a means to have guidance for these types of premises.

BACKGROUND:

With the changing nature of our environment and businesses looking outside the norm, Mining Camps and Construction Camps together with Citrus Growers and wildflower businesses require short term and medium term accommodation for workers.

Should Council wish to adopt this policy Section 8.7 of the Shire of Moora Town Planning Scheme No 4 (Amendment 10) (SMTPS4/10) is required to be complied with.

Section 8.7 (SMTPS4/10) LOCAL PLANNING POLICIES

States that the Local Government may prepare a Local Planning Policy in respect of any matter related to the planning and development of the Scheme area so as to apply:

- (a) generally or for a particular class or classes of matters; and
- (b) throughout the Scheme area or in one or more parts of the Scheme area, and may amend or add to or rescind the local planning policy.

Note: Local planning policies are guidelines used to assist the local government in making decisions under the Scheme. Although local planning policies are not part of the Scheme they must be consistent with, and cannot vary, the intent of the Scheme provisions, including the Residential Design Codes. In considering an Shire of Moora TPS 4 Page No. 45 application for planning approval, the local government must have due regard to relevant local planning policies as required under clause 7.5.

8.7.1 (SMTPS4/10) Relationship of local planning policies to scheme

- (a) If a provision of a local planning policy is inconsistent with the Scheme, the Scheme prevails.
- (b) A local planning policy is not part of the Scheme and does not bind the local government in respect of any application for planning approval but the local government is to have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its determination.

8.7.2 (SMTPS4/10) Procedure for making or amending a local planning policy

If a local government resolves to prepare a local planning policy, the local government:

- (a) is to publish a notice of the proposed Policy once a week for 2 consecutive weeks in a newspaper circulating in the Scheme area, giving details of:
 - (i) where the draft local planning policy may be inspected;
 - (ii) the subject and nature of the draft local planning policy; and
 - (iii) in what form and during what period (being not less than 21 days from the day the notice is published) submissions may be made;
- (b) may publish a notice of the proposed local planning policy in such other manner and carry out such other consultation as the local government considers appropriate.

8.7.3 After the expiry of the period within which submissions may be made, the local government is to:

- (a) review the proposed local planning policy in the light of any submissions made; and
- (b) resolve to adopt the local planning policy with or without modification, or not to proceed with the Policy.

- 8.7.4 If the local government resolves to adopt the local planning policy, the local government is to:
- (a) publish notice of the local planning policy once in a newspaper circulating in the Scheme area; and
 - (b) if, in the opinion of the local government, the local planning policy affects the interests of the Commission, forward a copy of the local planning policy to the Commission.
- 8.7.5 A local planning policy has effect on publication of a notice under clause 8.7.4(a).
- 8.7.6 A copy of each local planning policy, as amended from time to time, is to be kept and made available for public inspection during business hours at the offices of the local government.
- 8.7.7 Clauses 8.7.1 to 8.7.6, with any necessary changes, apply to the amendment of a local planning policy.

COMMENT:

The Shire does not have a policy for Temporary Accommodation (Construction) Camps and requires some guidance for management and the public when looking at this type of development.

It is proposed to adopt this policy subject to it being advertised in the local Central Midlands & Coastal Advocate on two consecutive weeks and after a 21 day period, subject to no objections then the policy be adopted by Council supersede the existing local planning policy.

POLICY REQUIREMENTS:

To comply with Section 8.7 of the Town Planning Scheme

LEGISLATIVE REQUIREMENTS:

Compliance with Shire of Moora Town Planning Scheme No 4 (Amendment 10)

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:

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

VOTING REQUIREMENTS

Simple Majority Required

COUNCIL RESOLUTION

143/12 Moved Cr Clydesdale-Gebert, seconded Cr Tonkin that Council approve the draft Temporary Accommodation (Construction) Camps Policy subject to it to being advertised in the Central Midlands & Coastal Advocate on two consecutive weeks and it being placed on Councils Webpage for viewing by the general public as per the Section 8.7 and 8.8 requirements.

CARRIED 8/0

9.2.7 PLANNING APPLICATION - TRANSPORTABLE HOUSE COOMBERDALE – JOHN MINTY ON BEHALF OF QUENTON EKRON

FILE REFERENCE: TP/PA16/1213

REPORT DATE: 8 November 2012

APPLICANT/PROPONENT: John Minty & Quenton Ekron

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Peter Williams, Manager Health Building & Planning Services

ATTACHMENTS: Map Showing Location of Property

PURPOSE OF REPORT:

Mr Minty and Mr Ekron seek Council permission to install a transportable house at Lot 7 Kiaka Street, Coomberdale for a residence for Mr Ekron.

BACKGROUND:

The dwelling has been sited on the block of land for storage only and was identified back in June when a letter was sent to Mr Ekron to explain what was going on. Mr Minty contacted the Manager Health Building & Planning Services and advised that the house was for his farm worker and was purchased with the intention of applying to Council for permission to install the dwelling. Due to the supermarket taking up all of his time he overlooked the house and has apologised for not corresponding to the Shire previously about the provisions of seeking Council approval. The dwelling has since been sited at the block for storage purposes only as nothing is connected and nobody has been living at the property.

The Shire of Moora Town Planning Scheme (TPS) No 4 states:-

4.7 TRANSPORTABLE DWELLINGS

- 4.7.1 A building shall not be placed on a lot and occupied as a dwelling following transportation as a whole or as parts of a building unless the transportable building has been specifically constructed as a transportable dwelling and, in the opinion of the Local Government, such building is in satisfactory condition and will not detrimentally affect the amenity of the area.
- 4.7.2 An applicant for planning approval for a transported dwelling may be required by the Local Government to enter into a contract and provide a bond to reinstate the building to an acceptable standard of presentation within the period specified by the Local Government.

Shire Policy Manual on Transportable homes:

That Council retain the option to require homes of a certain standard (e.g. Transportable Homes) in newly created subdivisions or areas where there are currently no homes.

COMMENT:

In relation to the above Section 4.7 of the Shire of Moora Town Planning Scheme No 4 Transportable Dwellings, the building has been placed on the lot without approval but it has not been lived in only stored on the block. The building appearance could be seen as being completed though that is a Council decision and the Manager Health Building & Planning Services will be guided by Council's decision should Council decide to impose a Fidelity Bond.

Apart from that, the building will be subject to a building application and a effluent disposal application as well as a cross over application.

POLICY REQUIREMENTS:

Council Policy for Transportable houses

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:

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

VOTING REQUIREMENTS

Simple Majority Required

COUNCIL RESOLUTION

144/12 Moved Cr Hawkins, seconded Cr Tonkin that the planning application for a transportable house at Lot 7 Kiaka Street, Coomberdale – by Mr John Minty on behalf of Mr Quenton Ekron be approved by Council subject to the following conditions:

- 1. The use of second hand materials apart from the frame work is not permitted to be used on the refit of the dwelling frame.***
- 2. The dwelling is to be subject to a Building License and compliance with the Building Act 2011, Building Regulations 2012 and the Building Code of Australia applicable to Western Australian Conditions.***

3. *During construction, access to the site shall be at the location of the vehicle crossover only. No material or vehicles associated with construction shall be allowed on the verge without the prior written approval from the Shire Engineering Department.*
4. *Fences located on the front boundary over 750mm high shall incorporate a 1.5 metre truncation on both sides of every driveway.*
5. *The development/land use approved (the “New Development”) must be constructed by no later than 2 years following the date of approval.*
6. *The proponent is advised that the development will require the installation of two septic tanks and two 9 metre leach drains connected via a diversion pit, which requires the approval of the local government pursuant to the Health (Treatment of Sewerage and Disposal of Effluent and Liquid Waste) Regulations 1974. The proponent is advised that septic tanks will not be approved closer than 1.2m to the foundations of any building, or the boundary of any lot. Disposal systems (i.e. leach drains) are not to be closer than 1.8m to any boundary of a lot, building, septic tank or disposal system.*

CARRIED **8/0**

9.3 COMMUNITY & ECONOMIC DEVELOPMENT

Nil

9.4 ENGINEERING SERVICES

Nil

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 6.36pm.

CONFIRMED

PRESIDING MEMBER