



Ordinary Council Meeting Minutes

Date: 18 February 2015

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:

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

Mission

Our mission is:

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

SHIRE OF MOORA
MINUTES OF THE ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS, MOORA
18 FEBRUARY 2015

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- 9.1.1 *List of Payments Authorised Under Delegation 1.31*
- 9.1.2 *Statement of Financial Activity for Periods Ended 31 December 2014 and 31 January 2015*
- 9.1.4 *Loan maintenance schedule*
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- 9.2.6 *Plans*
- 9.2.7 *Draft Policy*

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

1.1 DECLARATION OF OPENING

The Shire President declared the meeting open at 5.37pm.

1.2 DISCLAIMER READING

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

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

2. ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE

ATTENDANCE

CE Gardiner	-	Shire President / Presiding Member
CD Hawkins	-	Councillor
DV Clydesdale-Gebert	-	Councillor
R Keamy	-	Councillor
MR Pond	-	Councillor
KM Seymour	-	Councillor
MR Holliday	-	Councillor
JW McLagan	-	Councillor
AJ Leeson	-	Chief Executive Officer
DK Trevaskis	-	Deputy Chief Executive Officer
JL Greay	-	Manager Engineering Services
PR Williams	-	Manager Development Services
MM Murray	-	Executive Support Officer (minute taker)

APOLOGIES

TG Humphry	-	Deputy President
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3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4. PUBLIC QUESTION TIME

Nil

5. PETITIONS AND PRESENTATIONS

Nil

6. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER

Attended the following;

26/1 Australia Day celebrations in Apex Park

5/2 Shire of Dandaragan Freeman celebration in honour of Gary Snook in Jurien Bay

10/2 Aged Friendly Communities forum at the Moora Recreation Centre

14/2 Meeting of the Yued people with Cr Hawkins & the CEO

16/2 Wheatbelt North Moora Sub Group meeting

17/2 Local Emergency Management Committee meeting

Cr Hawkins

17/2 First meeting of the Health Advisory Group

Cr Seymour

Miling Progress Association meeting

Cr Holliday

26/1 Australia Day celebrations in Apex Park

10/2 Aged Friendly Communities forum at the Moora Recreation Centre

Cr Keamy

26/1 Australia Day celebrations in Apex Park

8. CONFIRMATION OF MINUTES

8.1 ORDINARY COUNCIL MEETING - 10 DECEMBER 2014

COUNCIL RESOLUTION

6/15 *Moved Cr Holliday, seconded Cr McLagan the Minutes of the Ordinary Meeting of Council held on 10 December 2014 be confirmed as a true and correct record of the meeting.*

CARRIED 8/0

9. REPORTS OF OFFICERS

9.1 GOVERNANCE AND CORPORATE SERVICES

9.1.1 LIST OF PAYMENTS AUTHORISED UNDER DELEGATION 1.31

REPORT DATE: 3 February 2015

OFFICER DISCLOSURE OF INTEREST: Nil

AUTHOR: David Trevaskis, Deputy Chief Executive Officer

SCHEDULE PREPARED BY: Alida Fitzpatrick, Finance Debtors 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

7/15 Moved Cr Hawkins, seconded Cr Pond that Council notes and endorses the Payments from the Municipal and Trust Funds made under delegation 1.31

Municipal Fund	Cheques 61925 to 61963	\$50,722.51
	EFT 12877 to 13195	\$2,343,578.85
	Credit Cards 15/11/14 to 14/01/15	\$17,450.92
	Net Pays – PPE 02/12/2014	\$84,583.60
	Net Pays – PPE 16/12/2014	\$94,956.55
	Net Pays – PPE 30/12/2014	\$81,354.33
	Net Pays – PPE 13/01/2015	\$83,966.56
	Net Pays – PPE 27/01/2015	\$83,901.28
Trust Fund	Cheques 5035 to 5058	\$945.00
Total		<u>\$ 2,841,459.60</u>

CARRIED 8/0

9.1.2 STATEMENT OF FINANCIAL ACTIVITY FOR PERIODS ENDED 31 DECEMBER 2014 AND 31 JANUARY 2015

REPORT DATE: 13 February 2015

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: David Trevaskis, Deputy Chief Executive Officer

ATTACHMENTS: Statement of Financial Activity for the Periods Ended 31 December 2014 and 31 January 2015

PURPOSE OF REPORT:

To note and receive the Statement of Financial Activity for the period ended 31 December 2014 and 31 January 2015.

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 2014/15 adopted budget.

VOTING REQUIREMENTS

Simple Majority Required

COUNCIL RESOLUTION

8/15 *Moved Cr Pond, seconded Cr Gardiner that Council notes and receives the Statement of Financial Activity for the periods ended 31 December 2014 and 31 January 2015.*

CARRIED 8/0

9.1.3 LOT 15, AND 17 PRYRE STREET, COOMBERDALE - RECOVERY OF UNPAID RATES

FILE REFERENCE: PA/1817

REPORT DATE: 13 February 2015

APPLICANT/PROPONENT: Shire of Moora

OFFICER DISCLOSURE OF INTEREST:

PREVIOUS MEETING REFERENCES:

AUTHOR: David Trevaskis, Deputy Chief Executive Officer

ATTACHMENTS: Nil

PURPOSE OF REPORT:

To pursue recovery of outstanding rates and charges on the Properties.

BACKGROUND:

1. The registered proprietor of the properties located at:
 - 1.1 Lot 15 Pryre Street, Coomberdale, being Lot 15 on Plan 3010 contained in Certificate of Title Volume 1506 Folio 542 (“Lot 15”); and
 - 1.2 Lot 17 Pryre Street, Coomberdale, being Lot 17 on Plan 3010 contained in Certificate of Title Volume 1168 Folio 662 (“Lot 17”).
Is George Paul Texas May of Coomberdale (“Owner”).
2. The rates and service charges that have been outstanding on Lot 15 for a period of three years total \$2,346.00 which consists of the rates and service charges for the 2006/2007, 2007/2008, 2008/2009, 2009/2010 and 2011/2012 financial years.
3. The rates and service charges that have been outstanding on Lot 17 for a period of three years total \$2,346.00 which consists of the rates and service charges for the 2006/2007, 2007/2008, 2008/2009, 2009/2010 and 2011/2012 financial years.
4. The Owner is deceased and a probate search conducted on 11 December 2014 confirms that probate has not been granted in respect of the Owner’s estate.
5. As the Owner is deceased and there is no executor of the estate of the Owner, it would be reasonable for the Shire to conclude that the Owner cannot be located for the purposes of section 6.68(2)(b) of the LGA.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

Section 6.68(2)(b) of the LGA

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:

Recovery of unpaid rates and charges.

VOTING REQUIREMENTS

Simple Majority Required

COUNCIL RESOLUTION

9/15 Moved Cr Clydesdale-Gebert, seconded Cr Pond pursuant to section 6.68(2)(b) of the LGA, the Shire resolves to exercise its power of sale over the Properties noting that the Shire of Moora has not made any attempt to recover the outstanding money under 6.56 of the Local Government Act 1995 (WA) because in this case the Owner is deceased and therefore cannot be located.

CARRIED 8/0

9.1.4 NEW FUEL MANAGEMENT SYSTEM – MOORA SHIRE DEPOT

FILE REFERENCE: S/PLPI
REPORT DATE: 11 February 2015
APPLICANTS/PROPONENT: Chief Executive Officer Alan Leeson
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: Nil
AUTHOR: Alan Leeson, Chief Executive Officer
ATTACHMENTS: Loan maintenance schedule

PURPOSE OF REPORT:

To formally consider purchase of a new automated fuel management system for the Shire of Moora Works Depot and mobile plant fleet.

BACKGROUND:

As Council is aware bulk fuel storage within the works area of Council has been an issue of concern for some time. This started when an underground fuel tank leaked and caused contamination issues approximately 3 years ago. This issue has now been resolved although Council continues to be obligated to undertake stringent monitoring of ground contamination which will continue on for years.

COMMENT:

There is minimal storage currently over head at the depot (10,000 litres) and the slow filling capability which does take up a lot of staff time that could be better used. The issue of most concern however is the fuel allocation recording/management system which is entirely manual and is very cumbersome and inaccurate. It has been and remains to be a very difficult task to keep track of all shire fuel usage/allocation, particularly when it comes to heavy plant filling up from the mobile fuel tankers that are regularly taken out onto the job.

The automated system takes out all manual entry and recording by staff and electronically logged. Each machine/vehicle is allocated a tag which is required to access the fuel bowser/s. It is not entirely fool proof but is substantively better probity wise.

POLICY REQUIREMENTS:

Not applicable

LEGISLATIVE REQUIREMENTS:

Local Government Act 1995

6.20. Power to borrow

- (1) Subject to this Act, a local government may —
 - (a) borrow or re borrow money; or
 - (b) obtain credit; or
 - (c) arrange for financial accommodation to be extended to the local government in ways additional to or other than borrowing money or obtaining credit, to enable the local government to perform the functions and exercise the powers conferred on it under this Act or any other written law.
- (2) Where, in any financial year, a local government proposes to exercise a power under subsection (1) (power to borrow) and details of that proposal have not been included in the annual budget for that financial year —
 - (a) unless the proposal is of a prescribed kind, the local government must give one month's local public notice of the proposal; and
 - (b) the resolution to exercise that power is to be by absolute majority.

STRATEGIC IMPLICATIONS:**Outcome 5.3: Effective and efficient corporate and administrative services.**

Strategy 5.3.1: Provide and promote responsive customer services.

Strategy 5.3.2: Provide a full range of financial services to support the Shire's operations and to meet planning, reporting and accountability requirements.

Strategy 5.3.3: Maximise the financial viability of the Council by pursuing non-rate income.

Strategy 5.3.4: Maintain, develop and monitor rating and property strategies.

Strategy 5.3.5: Provide information and communications technology services.

Strategy 5.3.6: Ensure Shire's administration and records systems meet compliance requirements.

Strategy 5.3.7: Maintain risk management policies and procedures.

Strategy 5.3.8: Implement continuous improvement initiatives for services in consultation with the community.

Strategy 5.3.9: Develop, implement and maintain a Strategic Community Plan, a Corporate Business Plan, a Long Term Financial Plan and a Workforce Plan.

SUSTAINABILITY IMPLICATIONS:**➤ Environment**

Nil

➤ Economic

Fuel is a very fluid and easily accessed commodity utilised by Council. Council's annual fuel cost is approximately \$300,000. The current management system is very inefficient and fuel allocation recording is inaccurate due mostly to human error with missing fuel sheets and disparities between fuel ordered/utilised/allocated. This has been highlighted over the last 12 months or so and raised by Council's auditors as well as management.

➤ Social

Nil

FINANCIAL IMPLICATIONS:

The cost of installing a fully automated system is estimated to be not more \$80,000 plus GST. This entails a 55,000 litre aboveground bulk diesel tank along with a high flow automated bowser system which records all incoming and outgoing fuel electronically and is then monitored from the Shire administration centre. It basically will reconcile itself each day electronically, but still needs dipping manually which will be done weekly. It is also proposed to operate a solar panel/3G system off the main mobile fuel tanker which will ensure the risk of major disparity is minimised.

It is proposed that Council borrow the funds required for such a system of which Council can access funds through WA Treasury at a rate of 3.0% currently over a ten year period. See attached schedule detailing proposed loan.

In addition it is estimated that with greater purchasing power in ordering bulk will save Council approximately \$1,000 every time a bulk order is put through. Taking this into account and taking into account the savings through minimising disparities in fuel ordered/allocated/recorded, the proposed system will more than pay for itself.

VOTING REQUIREMENTS

Absolute Majority Required

COUNCIL RESOLUTION

10/15 Moved Cr McLagan, seconded Cr Clydesdale-Gebert that Council approves the purchase of a bulk diesel fuel aboveground automated fuel system in accordance with the financial and technical parameters outlined to Council at its meeting on 18 February 2015, and give Local Public Notice in accordance with Section 6.20(2) of the Local Government Act 1995 of its intention to borrow not more than \$80,000 over ten years through the W.A Treasury Corporation to fund the purchase of the new fuel system.

CARRIED BY ABSOLUTE MAJORITY 8/0

9.1.5 AMENDMENT TO DELEGATION REGISTER – HIRE FEES AND CHARGES – SHIRE RECREATION CENTRES/COMMUNITY CENTRES AND PERFORMING ARTS CENTRES

FILE REFERENCE: PL/DELI

REPORT DATE: 11 February 2015

APPLICANT/PROPONENT: Chief Executive Officer Alan Leeson

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Alan Leeson, Chief Executive Officer

ATTACHMENTS: Nil

PURPOSE OF REPORT:

To amend delegation 03 - as detailed above to authorise the Chief Executive Officer to waive fees at Council buildings for those activities associated with ‘Be Active’ classes/circuits.

BACKGROUND:

The Be Active Scheme has been through a significant transformation as a result of Healthway withdrawing their sponsorship in 2014. Subsequent to that there have been a couple of attempts to fill the position, taken on by the Shire of Moora on the basis of 3 days per week.

There are currently a number of community members that run fitness classes and the like that were previously run under the umbrella of the Be Active Scheme. They will generally utilise Council facilities/buildings such as the Gymnasium, Recreation Centres, Community Centres and Public Pool.

In order to continue to encourage the philosophy of the “Be Active Scheme” this report recommends that Council authorise the Chief Executive Officer to waive hire fees to instructors who are running fitness classes, gym classes, and aqua aerobics from Council buildings.

COMMENT:

It is therefore recommended Council amend Delegation 03 – to reflect the following;

03 HIRE FEES & CHARGES – SHIRE RECREATION CENTRES/COMMUNITY CENTRES/TOWN HALLS AND PERFORMING ART CENTRES

- Function to be performed:** Council delegates its authority and power to the Chief Executive Officer to adjust fees and charges where he/she considers there is a need due to extenuating circumstances e.g. community fundraising event, charitable cause, **Be Active Activities (Aqua Aerobics, Fitness Classes, Gym Circuits/Classes** and the like. The authority and power shall be applicable to;
- Moora Performing Arts Centre;
 - Moora Recreation Centre;
 - Miling Hall;
 - Miling Recreation Centre;
 - Watheroo Hall;
 - Watheroo Recreation Centre;
 - Coomberdale Hall;
 - Bindi-Bindi Fire Shed and Community Centre.
- Delegated to:** Chief Executive Officer
- On delegated to:** *The Chief Executive Officer in exercising authority, under Section 5.44 of the Local Government Act, 1995, has delegated this power and power to the Deputy Chief Executive Officer*
- Conditions:** Regulations 5, 8 and 10 of the Local Government (Financial Management) Regulations 1996.
- Record of Use:** Electronic copy of receipts to be archived and kept in accordance with records to be kept under the provisions of **General Disposal Authority for Local Government Records** Legislation.
- Reference:** S5.42, S6.10 Local Government Act (As Amended).

LEGISLATIVE REQUIREMENTS:

Local Government Act 1995 S5.42, S6.10 Local Government Act (As Amended)

STRATEGIC IMPLICATIONS:

Outcome 1.1: A healthy community through participation in sport, recreation and leisure opportunities.

Strategy 1.1.1: Provide and promote sport, recreation and leisure facilities and programs.

Strategy 1.1.2: Plan for the co-location of sports and recreational facilities.

Strategy 1.1.3: Assist sport and recreation clubs and groups.

*Strategy 1.1.4: Develop and implement an overarching trails plan.

Outcome 1.2: Health, education and family support services that are accessible and meet community needs.

Strategy 1.2.1: Monitor and respond to the level of health service provision.

Strategy 1.2.2: Promote and advocate for programs and services for families.

Strategy 1.2.3: Ensure the provision of childcare services.

Strategy 1.2.4: Advocate for appropriate education facilities and services.

Strategy 1.2.5: Advocate for the implementation of the Master Plan for Aged Care facilities and services.

SUSTAINABILITY IMPLICATIONS:➤ **Environment**

Nil

➤ **Economic**

Nil

➤ **Social**

The “Be Active” theme and programs has really become enshrined in the social and recreational fabric of the Shire of Moora Community. On that basis a notion of philosophical support from Council in allowing the use of shire property for no charge for those “Be Active” activities sustains this philosophy and supports those community members who run fitness classes, aqua aerobics and the like.

FINANCIAL IMPLICATIONS:

There are minimal financial implications for Council in authorising this delegation. It is estimated to be under \$1,000 per annum. Given that there are savings in the Wages areas of the Be Active position there will not be any overall effect on Councils budget.

VOTING REQUIREMENTS:

Absolute Majority Required

COUNCIL RESOLUTION

11/15 Moved Cr Hawkins, seconded Cr Holliday that Council amend Delegation 03 – Hires Fees and Charges – Shire Recreation Centres/Town Halls/Aquatic Centres and Performing Arts Centres to include and authorise the Chief Executive Officer to waive hire fees for those activities associated with the Be Active Scheme e.g. (Aqua Aerobics, Fitness Classes, Gym Circuits/Classes).

CARRIED BY ABSOLUTE MAJORITY 8/0

9.2 DEVELOPMENT SERVICES

9.2.1 NEW RESIDENCE LOT 196 RILEY ROAD, MOORA

FILE REFERENCE: TP/PA19/1415

REPORT DATE: 22 January 2015

APPLICANT/PROPONENT: J & D Hamilton

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Peter Williams, Manager Development Services

ATTACHMENTS: Plans

PURPOSE OF REPORT:

Town Planning application request received from James and Davina Hamilton seeking Council approval to construct a dwelling on their property located at 196 Riley Road, Moora.

BACKGROUND:

Lot 196 Riley Road Moora is located on the corner of Riley Road and Ferguson Street, in the Rural Residential Zone 3 (RR3) opposite the racecourse. There is currently a fibro 2 bedroom house and a small shed on the property that is proposed to be demolished. The lot is in an area where the flood was at deeper than a lot of areas.

Objectives of the Rural Residential Zone

- (a) to select areas wherein closer subdivision will be permitted to provide for such uses as hobby farms, horse breeding, rural-residential retreats.
- (b) to make provision for retention of the rural landscape and amenity in a manner consistent with the orderly and proper planning of such areas.

Site Requirements:

The minimum building setbacks shall be:

Front: 15.0m

Rear: 15.0m

Side: 10.0m

Development Requirements

Development in a Rural Residential zone shall comply with the requirements of the following:

- (a) Planning approval is required for all development including a single house and such application shall be made in writing to the local government and be subject to the provisions of clause 7.2.
- (b) Not more than 1 dwelling shall be erected on a lot but the local government may, at its discretion, approve ancillary accommodation.
- (c) When the first application for planning approval is made for building on a lot under clause 3.13.4 (a) the applicant shall nominate for the local government's approval a building envelope of regular shape and not exceeding 4000 square metres in area and which complies with minimum building setbacks in clause 3.13.2. All buildings(s) including the building(s) subject of the first application shall be contained within the building envelope approved by the local government.

- (d) In order to conserve the rural environment or features of natural beauty all trees shall be retained unless their removal is authorised by the local government.
- (e) In order to enhance the rural amenity of the land in areas the local government considers deficient in tree cover it may require as a condition of any planning approval the planting of such trees and/or groups of trees and species as specified by the local government.
- (f) A person who keeps an animal or animals or who uses any land for the exercise or training of an animal or animals shall be responsible for appropriate measures to prevent noise, odour, or dust pollution or soil erosion to the satisfaction of the local government.
- (g) With the intention of preventing overstocking, erosion and any other practice detrimental to the amenity of a Rural Residential zone, the local government may take any action which in the opinion of the local government is necessary to reduce or eliminate adverse effects on the environment caused wholly or partly by the stocking of animals and any costs incurred by the local government in taking such action shall be recoverable by the local government from the landowner.
- (h) The local government may require provision to be made for bush fire control.

COMMENT:

The proposed house is a 4 bedroom timber framed weather board clad dwelling, with a custom orb roof. The house is built up on stilts or pine poles similar to a Queenslander which will need to comply with the Department of Water Finished Floor Level (FFL) height requirements. The existing fibro dwelling is proposed to be demolished along with the existing shed. Current requirements require that septic tanks are not permitted so an Aerobic Treatment Unit is required to treat household effluent.

The design of the property is of a recommended design which will allow flood water to pass unobstructed under the house.

The proposal meets all requirements of the Town Planning Scheme No 4 (Amendment 10).

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

Town Planning Scheme No 4

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

12/15 Moved Cr McLagan, seconded Cr Seymour that Council approve the application by the proponents James & Davina Hamilton to construct a 4 bedroom timber framed, weather board clad & custom orb roofed dwelling on their property located at 196 Riley Road, corner Ferguson Street, Moora subject to the following conditions:

1. **Applications for demolition are forwarded to the Shire of Moora for approval;**
2. **Application for an Aerobic Treatment Unit is required by the Shire of Moora for the disposal of household effluent;**
3. **Should there be substantial alteration to the plans submitted the proposal will be subject to another Town Planning Application.**
4. **No second-hand materials to be used in the construction of the dwelling.**
5. **In order to conserve the rural environment or features of natural beauty all trees shall be retained unless their removal is authorised by the local government.**
6. **Not more than 1 dwelling shall be erected on a lot but the local government may, at its discretion, approve ancillary accommodation.**

CARRIED 8/0

9.2.2 COMPLAINTS POLICY & PROCEDURE

FILE REFERENCE: PL/POPI

REPORT DATE: 22 January 2015

APPLICANT/PROPONENT: Shire of Moora

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: NIL

AUTHOR: Peter Williams, Manager Development Services

ATTACHMENTS: Draft Policy

PURPOSE OF REPORT:

To develop a Complaints Policy and Procedure for the Shire of Moora to satisfy the needs of the Shire residents and to incorporate a sewerage complaints procedure that complies with AS ISO 10002 as required by the Economic Regulatory Authority (ERA) and the Shire's Water Services Operating Licence 23.

BACKGROUND:

The Shire of Moora has recently been audited by a representative of Cardno who were contracted by the ERA to carry out audits of sewerage systems of Local Authorities in Western Australia. During the audit it was noted that the Shire of Moora did not have a Complaints Policy and Procedure in accordance with AS ISO 10002. This policy was written to incorporate all of the Shire areas whereby providing a Complaints Policy and Procedure

outlining procedures for dealing with complaints received by the Shire of Moora not only for the sewerage but the entire Shire as was recommended.

COMMENT:

This policy is for the whole of Shire and will facilitate the complaints process for the Sewerage Scheme. This policy once acknowledged by Council will be advertised for comment to the Public.

POLICY REQUIREMENTS:

Once acknowledged by Council Complaints Policy and Procedure shall be advertised to the public seeking objections to the 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

13/15 Moved Cr Hawkins, seconded Cr Holliday that Council receive the draft Complaints Policy and proceed to advertising for public comment in the Central Midlands Advocate and Shire Web Site prior to being adopted by Council.

CARRIED 8/0

9.2.3 VISION STREAM (OPTUS) MOORA/MILING ROAD

FILE REFERENCE: TP/PA20/1415

REPORT DATE: 27 January 2015

APPLICANT/PROPONENT: Vision Stream

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: 18/8/10 (90/10)

AUTHOR: Peter Williams, Manager Development Services

ATTACHMENTS: Plans

PURPOSE OF REPORT:

Vision Stream on behalf of OPTUS have resubmitted a Town Planning application to erect a 60 metre guyed telecommunications tower with 6 new panel antennae measuring 2.490m height x 0.244m depth on a triangular head frame at an elevation of 60 metres; and one parabolic dish antennae measuring 1.200 metres in diameter at an elevation of 50 metres, and associated ancillary equipment including 15 new remote radio units (RRU)s, new amplifiers, combiners in a shelter at the base that is not more than 3m in height with a base area of not more than 7.5m on Ron Manning's property located at RSM 3339 that previously expired on the 12 August 2012. The colour of the mast shall be shale grey (colour bond) in colour to blend in with the sky.

BACKGROUND:

The proposed Location of the Telecommunications Tower is Lot 3339 Moora Miling Road, Moora and is located in the General Agriculture Zone on Ron Manning's property. Council previously approved this development:

90/10 That Council –

- (a) grant planning consent for the installation of a mobile phone base station at Lot 25 (3339) Miling-Moora Road, Moora;**
- (b) request a development application be submitted.**

CARRIED 9/0

The application was advertised prior to the Council Meeting in August 2010 with no objections.

Section 4.10 of the Shire of Moora Town Planning Scheme No 4 (Amendment 10) (SOM TPS No 4) – Radio Masts, Television Antennae and Satellite Dishes whether for commercial or domestic purposes shall be located so that in the opinion of the Local Government they do not detract from or adversely affect local amenities.

SOM TPS No 4 Zoning table does not identify Radio Mast, Television Antennae and Satellite Dishes so it is a discretionary activity in the General Agriculture Zone.

The Objectives of the General Agriculture Zone:

- (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 or the environment.
- (c) to allow for facilities for tourists and travellers, and for recreation uses.

COMMENT:

This development application has been previously approved by Council and is a renewal of that same development application. This is a proposed use that will benefit the community and meets the SOM TPS No 4 requirements, it is therefore recommended for approval.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

Shire of Moora Town Planning Scheme No 4.

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

14/15 Moved Cr Clydesdale-Gebert, seconded Cr Holliday that Council approve the application by Vision Stream to construct a 60 metre guyed Telecommunications Tower with associated telecommunications antennae and parabolic dish and shelter at the base of the tower at Lot 3339 Moora Miling Road, Moora subject to compliance with the Federal Telecommunications Act 1997 and Telecommunications Code of Practice, WA Planning and Development Act 2005 and the Shire of Moora Town Planning Scheme No 4, on the condition Vision Stream have the written consent of the Land Owners – Glengarrie Farm – Ron Manning.

CARRIED 8/0

9.2.4 NEW WORKSHOP WITH REDUCED SETBACK LOT 210 MELBOURNE STREET, MOORA

Cr Clydesdale-Gebert declared an impartiality interest as she is a director in a company with land owned in Lot 213, Melbourne Street.

FILE REFERENCE: TP/PA 21/1415

REPORT DATE: 2 February 2015

APPLICANT/PROPONENT: Robert Nothdurft

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Peter Williams, Manager Development Services

ATTACHMENTS: Plans

PURPOSE OF REPORT:

A Town Planning application has been received from Mr Robert (Stretch) Nothdurft (Proponent) seeking Councils permission to construct a new steel framed and clad workshop in front of his original workshop with a reduced setback at Lot 210 Melbourne Street, Moora.

BACKGROUND:

The proponent is the owner of Straightline Welding located at Lot 210 Melbourne Street which is located in the Industrial Zone in Moora. The proponent wishes to construct a new steel framed and steel clad shed in front of his original workshop which will bring the shed within a metre of the front boundary fronting on Woolawa Street, Moora.

Objectives

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

Site Requirements

The minimum building setbacks shall be:

Front: 7.5m

Rear: 7.5m

Side: 5.0m on one side

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 a 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) Prior to the issue of planning approval for an industry in the Industrial zone, the local government will ascertain the appropriate buffer for that industry, and such industry may only be granted planning approval if the relevant buffer can be accommodated wholly within the zone.

- (c) In considering proposals for industries which would generate industrial liquid, solid or gaseous wastes the local government may refer such proposals to the Department of Environment and Conservation, and the granting of planning approval for such industries shall be subject to wastes being treated and disposed of in accordance with advice/guidelines received.



COMMENT:

As Council can see the proponent is looking to construct a new workshop to facilitate expanding his business and in doing so requires a reduced setback for his new workshop. The normal setback for this area is 7.5 metres and with a reduced setback will bring the building within a metre of the front boundary.

The issue with this development is the requirement for landscaping and due to the reduced setback only leaves a metre to the front boundary excluding access to the shed. Normally the first 5 metres of the front of the property is set aside for landscaping. It is however possible to landscape the frontage to the boundary of Melbourne Street. Fencing and car parking will also need to be addressed.

POLICY REQUIREMENTS:

Nil

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

15/15 Moved Cr McLagan, seconded Cr Hawkins that Council approve the application by the Proponent Mr Robert Nothdurft, to construct a steel framed and clad shed with dimensions 14m W x 30m L x 8m H with a reduced setback at Lot 210 Woolawa Street, Moora subject to the following conditions:

- **No second hand materials are used in the construction of the shed;**
- **In lieu of the reduced setback, the frontage of Melbourne Street is to be landscaped from front boundary for a distance of 5 metres across the block to the satisfaction of the Shire of Moora and Manager Development Services;**
- **The provision of customer parking suitable drained and located to the satisfaction of the Manager of Development Services and Manager of Engineering Services with the bounds of Lot 210;**
- **Sand pad for new shed to be retained to prevent erosion to the satisfaction of Council.**

CARRIED 8/0

9.2.5 ANCILLARY BUILDING LOT 103 LONG STREET, MOORA

FILE REFERENCE: TP/PA22/1415

REPORT DATE: 11 February 2015

APPLICANT/PROPONENT: Rod & Melanie Machin

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Peter Williams, Manager Development Services

ATTACHMENTS: Plans

PURPOSE OF REPORT:

A Town Planning application has been received from Proponents Rod and Melanie Machin seeking Councils permission for a second hand ancillary dwelling for their property located at Lot 103 Long Street, Moora.

BACKGROUND:

Lot 103 Long Street is located in the Residential Zone as described in the Shire of Moora Town Planning Scheme No 4 (Amendment 10) and is coded as R2.5 under the Residential Design Code. The new Residential Design Code allows for an ancillary dwelling to be constructed in the Residential Zone.

Shire of Moora Town Planning Policy for Relocated Buildings advises the following:

Buildings that are relocated are often in poor condition and as such the local government may impose conditions to ensure the building presentation is of an acceptable standard to enhance the streetscape appearance. Such conditions may include (but are not limited to) the following:

- a). need for additional setbacks over and above the prescribed minimum and the need for screening/landscaping;
- b). a bond/bank guarantee and legal agreement to ensure the external appearance of the relocated building has completed to the approval of the local government;
- c). the space between the ground level and the floor level being suitably enclosed; and
- d). the roof and/or walls being clad of non-reflective materials and be consistent or complimentary in colour with the surrounding natural landscape features or desired streetscape.

Bonds

Prior to the issue of any building licence for a relocated building the local government shall require the lodging of:

- a). a bond amount equivalent to 20% of the estimated value of the approved works to be undertaken to ensure the building presentation is of an acceptable standard, with a minimum amount of \$5,000 for residential houses;
- b). a bond amount equivalent to 10% of the estimated value of the approved works to be undertaken to ensure the building presentation is of an acceptable standard, with a minimum amount of \$1,000 for other buildings (such as sheds or the like); and
- c). a legal agreement stating that the bond will be forfeited if the approved works are not carried out within the approved timeframe.

COMMENT:

The Proponents are looking to purchase and site a second-hand ancillary dwelling to facilitate Mr Machin's mother living with them on their property located at Lot 103 Long Street, Moora. The sewerage from the building will be going into the existing drainage system.

The dwelling will be required to comply with the Shire's flood level requirements, in that finished floor levels are to comply with Department of Water requirements; the underneath of the dwelling is to be chained down and the area covered with slatted timbers.

The building is to be designed to fit into the surroundings and the amenity of the area as shown on plans presented, so that it does not look like a donger.

POLICY REQUIREMENTS:

Shire of Moora Town Planning Policy for Relocated Buildings

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:

The proponents will be required to pay a \$5,000.00 bond that will be returned on completion of works to the satisfaction of Council.

VOTING REQUIREMENTS

Simple Majority Required

COUNCIL RESOLUTION

16/15 Moved Cr McLagan, seconded Cr Holliday that Council approve the application submitted by proponents Rod and Melanie Machin to install a second hand transportable dwelling to facilitate Mr Machin's Mother living with them at their property located at Lot 103 Long Street, Moora subject to the following conditions:

- *A bond of \$5,000.00 is to be paid to the Shire of Moora which will be returned once the building has been completed to the satisfaction of Council;*
- *Building plans are submitted to Council showing tie down and footing details and necessary compliance with the Building Code of Australia;*
- *Building is to be fitted with a front veranda as per plans submitted to Council to disguise appearance of donger;*
- *Any substantial deviation to plans submitted to Council will require a separate Planning approval.*

CARRIED 8/0

9.2.6 SHOWROOM EXTENSION ERICH'S MECHANICAL – LOT 205 TOOTRA STREET, MOORA

Cr Clydesdale-Gebert declared an impartiality interest as she is a director in a company with land owned at Lot 213, Melbourne Street.

FILE REFERENCE: TP/PA23/1415

REPORT DATE: 11 February 2015

APPLICANT/PROPONENT: Mr Erich Juhren, Erich's Mechanical

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Peter Williams, Manager Development Services

ATTACHMENTS: Plans

PURPOSE OF REPORT:

A Town Planning application has been received from proponent Mr Erich Juhren seeking Councils approval to add an extension to his business located at Lot 205 Tootra Street, Moora.

BACKGROUND:

Lot 205 Tootra Street is located in the Industrial Zone of the Town Site of Moora which is a mechanical business.

Objectives of the Industrial Zone

- (a) To provide for the needs of industry to support the community.
- (b) To provide appropriate buffers between industry and adjacent land uses, so as to avoid land use conflicts.

- (c) To provide landscaped buffers along the branch of the Moore River to the established industrial area.
- (d) To avoid direct discharge of stormwater drainage or the discharge of any deleterious substances into the branch of the Moore River.
- (e) To avoid non-industry related uses establishing in the industrial area.

Site Requirements

The minimum building setbacks shall be:

Front: 7.5m

Rear: 7.5m

Side: 5.0m on one side

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 a 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) prior to the issue of planning approval for an industry in the Industrial zone, the local government will ascertain the appropriate buffer for that industry, and such industry may only be granted planning approval if the relevant buffer can be accommodated wholly within the zone.

COMMENT:

The proponent Mr Juhren is seeking to add an extension to the front of his business in Tootra Street to facilitate extra storage for spare parts to cater for a growing need of his business. The property currently has no landscaping as required by the development requirements of this zoning area and as this is a condition that has not previously been complied with it will be necessary to install landscaping to the first 5 metres of the frontage of this development. Other than that this application appears to meet necessary setback requirements and is recommended for approval.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

Shire of Moora Town Planning Scheme No 4.

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

17/15 Moved Cr McLagan, seconded Cr Pond that Council approve the application by proponent Mr Erich Juhren to add an extension to the front of his business located at Lot 205 Tootra Street, Moora subject to the following conditions:

- *Proponent is to install landscaping to the first 5 metres of the frontage setback of the property in accordance with Town Planning Scheme requirements;*
- *Building plans required to be submitted in compliance with the Building Code of Australia.*

CARRIED 8/0

9.2.7 SEWERAGE POLICY AMENDED

FILE REFERENCE: LSEWI/POLICY

REPORT DATE: 12 February 2015

APPLICANT/PROPONENT: Shire of Moora

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: NIL

AUTHOR: Peter Williams, Manager Development Services

ATTACHMENTS: Draft Policy

PURPOSE OF REPORT:

The Shire's Sewerage Policy has been amended due to the recent sewerage audit carried out by Cardno and authorised by the Economic Regulatory Authority (ERA).

BACKGROUND:

The Shire Sewerage Policy was approved by Council in June 2014 and at the time was designed to provide guidance on responsibilities regarding connections and works carried out on the Shire's sewerage system, as in what was the Shire's responsibility and what was the public's responsibility.

During the recent sewerage audit that was carried out by Cardno a number of areas were highlighted where written procedures were deemed to be lacking. The Shire of Moora Sewerage Policy will address these short comings and will clearly outline Councils service obligations.

COMMENT:

The ERA has recently issued the Shire with a new license and with this there are new obligations imposed on the Shire of Moora which are more onerous and require a lot more consideration than previous incurred, the penalties are also more severe as the Shire has experienced with a Section 39 being issued against them.

As a result the Shire of Moora will need to look at its policies and procedures and ensure that they are up to date and relevant. The Shire has to look proactively at these demands and

ensure that we have the necessary procedures and policies in place to protect the Shire in case there is a complaint against the Shire which could be taken to the Water Ombudsman.

POLICY REQUIREMENTS:

Shire of Moora Sewerage Policy, Shire of Moora Hardship Policy, Shire of Moora Customer Service Charter

LEGISLATIVE REQUIREMENTS:

Water Act 2012, Shire of Moora Water Services Operating License 23

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

At 6.25pm Cr McLagan left the meeting & returned at 6.28pm

COUNCIL RESOLUTION

18/15 Moved Cr Holliday, seconded Cr Hawkins that Council receive the draft Sewerage Policy and proceed to advertising for public comment in the Central Midlands Advocate and on the Shire Web Site prior to being adopted by Council.

CARRIED 8/0

9.2.8 PROPOSED SCHEME AMENDMENT NO. 11 – SHIRE OF MOORA TOWN PLANNING SCHEME NO 4

FILE REFERENCE: TP/TPS5
REPORT DATE: 12 February 2015
APPLICANT/PROPONENT: Gray & Lewis on behalf of the Shire of Moora
OFFICER DISCLOSURE OF INTEREST: Gray & Lewis receive planning fees for advice to the Shire therefore declare a Financial Interest – Section 5.65 of *Local Government Act 1995*
PREVIOUS MEETING REFERENCES: 17/9/14 (112/14)
AUTHOR: Gray & Lewis Planners
ATTACHMENTS: Nil

PURPOSE OF REPORT:

Council is to consider final adoption of Amendment 11 to the Shire of Moora Town Planning Scheme No 4 ('the Scheme') with or without modification.

BACKGROUND:

Council initiated Amendment No 11 to the Shire of Moora Town Planning Scheme No 4 at the Ordinary Meeting held on the 17 September 2014. The amendment introduces appropriate zoning changes associated with the local airstrip and proposed 'land swap' with the owners of Lot 1216 Airstrip Road, Moora.

The amendment has been advertised for 42 days in accordance with statutory requirements. Advertising closed on the 22nd December 2014.

COMMENT:

Environmental Issues

The amendment was referred to the Environmental Protection Authority (EPA), who confirmed in writing that no environmental assessment is required.

Submissions

The Shire only received submissions from government agencies and no objections have been lodged. Council has to consider each submission, and determine whether to modify the amendment as a result of any issue raised in any submission.

All submissions are summarised below with an officer recommendation:

Submitter	Summary of submission	Officer Comment	Officer Recommendation
1. Department of Agriculture and Food WA PO Box 432 Merredin WA 6415	DAFWA does not object to the proposal.	Noted	That Council note the submission and resolve not to modify the amendment as a result of the submission.
Submitter	Summary of submission	Officer Comment	Officer Recommendation
2. Department of Transport GPO Box R1290	The Department does not have a regional office in the Wheatbelt area. Given I am not familiar with the locations I am not in a position to	Noted	That Council note the submission and resolve not to modify the amendment as a result of the submission.

Perth WA 6844	provide any formal comment on behalf of DoT on this matter.		
3. Western Power 363 Wellington Street, Perth	Western Power will review the proposal with respect to any impact on its network and respond within an appropriate timeframe if required. Where additional investigations are needed we will advise the Shire within the advertising period.	Noted. Western Power did not lodge any further correspondence.	That Council note the submission and resolve not to modify the amendment as a result of the submission.
4. Civil Aviation Safety Authority GPO Box 2005 Canberra ACT 2601	CASA has reviewed the scheme amendment and the aerodrome referred to is an aeroplane landing area and not a certified or registered aerodrome and therefore not regulated by CASA.	Noted.	That Council note the submission and resolve not to modify the amendment as a result of the submission.
5. Department of Mines and Petroleum 100 Plain Street East Perth WA 6004	The Geological Survey of Western Australia (GSWA) after assessing this proposal on behalf of DMP has no comment to make.	Noted	That Council note the submission and resolve not to modify the amendment as a result of the submission.
6. Department of Fire and Emergency Services WA PO Box 284 Geraldton	DFES requests the following condition be imposed: 'That the proponent provide evidence that the requirements of 'Planning for Bushfire Protection' have been met to the satisfaction of the WAPC.'	Noted. The lots affected by this amendment are already used for farming, gravel extraction and an airstrip. There are no fire management implications associated with the amendment as it simply recognises existing landuses.	That Council note the submission and resolve not to modify the amendment as a result of the submission.

No issues have been raised during formal advertising. The amendment is straightforward and it is recommended that Council adopt the amendment without modification.

POLICY REQUIREMENTS:

There are no Policy implications associated with this proposal.

LEGISLATIVE REQUIREMENTS:

The statutory requirements for Amendments are controlled by the *Planning and Development Act 2005* and the *Town Planning Regulations 1967*.

The amendment has been advertised for public comment in accordance with legislative requirements.

Final approval of the amendment is required by the Minister for Planning and is subject to final assessment by the WAPC.

SUSTAINABILITY IMPLICATIONS:

➤ **Environment**

There are no known environmental implications associated with this amendment.

- **Economic**
Aviation industries are a potential growth area and establishing the airfield as a public airstrip under local government control may have future economic benefits.
- **Social**
There are no known significant social implications associated with this proposal.

FINANCIAL IMPLICATIONS:

The Shire pays fees to Gray & Lewis for planning advice.

VOTING REQUIREMENTS:

Simple Majority Required

COUNCIL RESOLUTION

19/15 Moved Cr McLagan, seconded Cr Pond that Council:

- A. Adopt Amendment 11 to the Shire of Moora Town Planning Scheme No. 4 for final approval (without modification) pursuant to Section 75 of the Planning and Development Act 2005 for the purpose of:**
 - 1. Rezoning a portion of Lot 965 Cooper Street, Moora from ‘Development’ zone to ‘General Agriculture’ zone as depicted on the Scheme Amendment map.**
 - 2. Rezoning a portion of Lot 1216 Airstrip Road and Lot 48 on an unnamed road, Moora from ‘General Agriculture’ zone to ‘Special Use’ zone (SU8) as depicted on the Scheme Amendment map.**
 - 3. Listing a portion of Lot 1216 Airstrip Road and Lot 48 on an unnamed road, Moora in ‘Schedule 4 – Special Use zones’ as Special Use No. 8 (SU8) for ‘airfield’.**
 - 4. Inserting a definition for ‘airfield’ in ‘Schedule 1 Dictionary of defined words and expressions’ under ‘3. Land Use Definitions’.**
- B. Adopt the recommendations in the ‘Table of Submissions’ by noting each submission and resolving not to modify the amendment as a result of the submission.**
- C. Authorise the Chief Executive Officer and Shire President to sign the Amendment 11 documents and apply the Shire seal.**
- D. Request the Chief Executive Officer to return three (3) signed hardcopy sets of Amendment 11 documents to Gray & Lewis Landuse Planners.**
- E. Authorise Gray & Lewis Landuse Planners to lodge the signed Amendment 11 documents with the Western Australian Planning Commission (WAPC) seeking final approval by the Minister for Planning with required information including the WAPC amendment checklist, copies of all submissions, advertising details and copies of all Council reports.**

CARRIED 8/0

9.3 ENGINEERING SERVICES

Nil

10. REPORTS OF COMMITTEES

MANAGEMENT AND AUDIT COMMITTEE MEETING – 4 FEBRUARY 2015

10.1 SHIRE OF MOORA ANNUAL COMPLIANCE AUDIT RETURN FOR 2014

FILE REFERENCE: GA/SCO1

REPORT DATE: 3 February 2015

APPLICANT/PROPONENT: Department of Local Government and Communities

OFFICER DISCLOSURE OF INTEREST: The author has no financial or other interest in this matter.

PREVIOUS MEETING REFERENCES: N/A

AUTHOR: Alan Leeson, Chief Executive Officer

ATTACHMENTS: 2014 Compliance Audit Return

PURPOSE OF REPORT:

The 2014 statutory Compliance Audit Return (CAR) has been completed for the 2014 calendar year and is being presented to Council for adoption.

BACKGROUND:

Section 7.13(i) of the Local Government Act 1995 contains provisions for the making of regulations requiring local governments to carry out, in the manner and form prescribed, an audit of compliance whether of a financial nature or not. Local Government (Audit) Regulations prescribe in more detail the requirements of the compliance audit including the requirement for Council to submit a certified copy of the return by 31 March to the Director General of the Department of Local Government and Communities.

The Return is considered a very useful device for local governments to check their level of compliance with the legislative requirements of the Local Government Act 1995 and other relevant legislation. Also, the Return forms an important part of the Shire's monitoring program. There is a legal requirement to annually complete the Return of which the Councils Audit Committee is required to review and report the results to the Council prior to the CAR's adoption by Council and submission to the Department.

COMMENT:

Overall the compliance return requirements have been reduced to that of previous years. There are no areas of non-compliance.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

Local Government Act 1995, Section 7.13(i)

Local Government (Audit) Regulations 13, 14 and 15

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:

Nil

VOTING REQUIREMENTS

Simple Majority Required

COUNCIL RESOLUTION

20/15 Moved Cr Hawkins, seconded Cr McLagan that Council adopts the attached Compliance Audit Return for the 2014 Calendar Year (1 January 2014 to 31 December 2014) and forward with the duly signed Joint Certification by the President and Chief Executive Officer, to the Director General of the Department of Local Government and Communities.

CARRIED 8/0

GENERAL PURPOSE COMMITTEE MEETING – 4 FEBRUARY 2015**10.2 LOTS 71 RICHARDSON STREET AND LOT 70 GREAT NORTHERN HIGHWAY, MILING**

Provided under confidential cover.

VOTING REQUIREMENTS

Absolute Majority Required

COUNCIL RESOLUTION

21/15 Moved Cr Seymour, seconded Cr McLagan;

- 1. That Council rescinds resolution of 21 August 2013 125/13; that Council write off a portion of the rates owing on Assessments A839 and A905 to bring the balance of each block back to \$6,000;*
- 2. That Council write to CS Legal and offer to the Estate of James Cameron to acquire Lot 70 Great Northern Highway, Miling and Lot 71 Richardson Street, Miling on a freehold basis providing the said lots are unencumbered on the condition that the sale/transfer would take place for \$0 in lieu of outstanding rates owing to the Shire of Moora totalling \$23,248 as at 3 February 2015.*

CARRIED BY ABSOLUTE MAJORITY 8/0

10.3 LEASED HOUSING - DOCTORS

As Councillors are aware, over the Christmas New Year period, we received notification from Bernard Chapman that he had a requirement for an additional house for a new doctor in Moora. As a result of that the CEO contacted the Shire President and individual Councillors with respect to housing, furnishing and what degree of rental subsidy could be contributed by Council.

There were also negotiations and some lobbying with the WA Country Health Service as there was doubt as to whether the Southern Inland Health Service would continue to support the Moora Practice with costs of relocating and housing new doctors. Pleasingly these negotiations finished positively. On that basis a house at 6 Dix Street, Moora was signed up on a lease for a 12 month period, furniture and the like was purchased at a cost of around \$13,000. The cost of the furnishing; \$13,000 and the lease/rent cost being \$350 per week will be repaid to Council from the SIHI money, other than \$120 per week which Council will contribute towards a rental subsidy of \$120 per week.

This has been a great outcome for the Community and the Moora Health Centre and demonstrates good cohesion between Shire Management, Shire Councillors and Dr Chapman and the Moora Health Centre.

COUNCIL RESOLUTION

22/15 Moved Cr Clydesdale-Gebert, seconded Cr McLagan that Council formally endorse the Chief Executive Officers actions in leasing a residence at 6 Dix Street, Moora for a doctor working at the Moora Health Centre in consultation and negotiation with Dr Bernard Chapman for 12 Months and also the purchase of furniture with the expenses to be offset by funding from the Southern Inland Health Initiative, resulting in a contribution (housing subsidy) from Council of \$125 per week over that 12 month period.

CARRIED 8/0

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

Nil

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

The Chief Executive Officer tabled an item of urgent business titled 'Local Government Ordinary Elections: 2015' for Councils consideration.

COUNCIL RESOLUTION

23/15 Moved Cr McLagan, seconded Cr Holliday that Council consider the item of urgent business as tabled by the Chief Executive Officer titled 'Local Government Ordinary Elections: 2015'.

CARRIED 8/0

12.1 LOCAL GOVERNMENT ORDINARY ELECTIONS: 2015

FILE REFERENCE: EM/ELC6

REPORT DATE: 18 February 2015

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: N/A

AUTHOR: Chief Executive Officer, Alan Leeson

ATTACHMENTS: Nil

PURPOSE OF REPORT:

For Council to resolve to appoint the Western Australian Electoral Commission to carry out the 2015 Ordinary Election as a Postal Election on 17 October 2015.

BACKGROUND:

Council has outsourced the election process since 2009. Many Local Governments utilise the services of the Electoral Office in managing the election process as it streamlines the process and allows staff to progress other priority areas within the organisation.

The Shire of Moora has engaged the Western Australian Electoral Commission to carry out the past three Ordinary Elections as Postal Elections.

COMMENT:

Many positive comments were received from Councillors, staff and members of the public in regard to the use of postal voting for the 2009, 2011 and 2013 Ordinary Elections.

The benefits in utilising the Electoral Commission included:

- Voter turnout increasing from 27.84% in 2007 to 48.75% in 2009 and 43.04% in 2011;
- Less interruptions to the day to day administration of the Shire ;
- Administration processes that were streamlined and more efficient reporting due to standardised processes used;
- Increased perception of independence of the Returning Officer from Council and staff.

The quote obtained from the Electoral Commission as an estimate for the 2015 elections is \$13,000 including GST. This is based on the following assumptions by the Electoral Commission:

- 1,550 electors
- Response rate of 50%
- 4 vacancies
- Count to be conducted at the offices of the Shire of Moora

The quote does not include:

- Non-statutory advertising
- Any legal expenses other than those determined to be borne by the WA Electoral Commission in a Court of Disputed Returns and
- One Local Government staff member to work in the polling place on election day

A letter of agreement has been obtained from the Electoral Commissioner as per the requirements of the Local Government Act 1995.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

Requirements of the Local Government Act 1995 section 4.20 (4)

STRATEGIC IMPLICATIONS:

Outcome 5.3: Effective and efficient corporate and administrative services.

Strategy 5.3.1: Provide and promote responsive customer services.

Strategy 5.3.2: Provide a full range of financial services to support the Shire's operations and to meet planning, reporting and accountability requirements.

Strategy 5.3.3: Maximise the financial viability of the Council by pursuing non-rate income.

Strategy 5.3.4: Maintain, develop and monitor rating and property strategies.

Strategy 5.3.5: Provide information and communications technology services.

Strategy 5.3.6: Ensure Shire's administration and records systems meet compliance requirements.

Strategy 5.3.7: Maintain risk management policies and procedures.

Strategy 5.3.8: Implement continuous improvement initiatives for services in consultation with the community.

Strategy 5.3.9: Develop, implement and maintain a Strategic Community Plan, a Corporate Business Plan, a Long Term Financial Plan and a Workforce Plan.

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 quoted estimate from the Electoral Commission is \$13,000 to Council if a postal election is conducted by the Western Australian Electoral Commission for the Ordinary Council election to be held on Saturday the 17th October 2015. This would be a budgeted item in 2015/2016 financial year.

VOTING REQUIREMENTS

Absolute Majority Required

COUNCIL RESOLUTION

24/15 Moved Cr McLagan, seconded Cr Seymour that Council

- 1. Declare, in accordance with section 4.20(4) of the Local Government Act 1995, the Electoral Commissioner to be responsible for the conduct of the 2015 ordinary elections together with any other elections or polls which may also be required; and*
- 2. Decide, in accordance with section 4.61(2) of the Local Government Act 1995 that the method of conducting the election will be as a postal election.*

CARRIED BY ABSOLUTE MAJORITY 8/0

13. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Nil

14. CLOSURE OF MEETING

There being no further business, the President declared the meeting closed at 6.40pm.

CONFIRMED

PRESIDING MEMBER