

**Shire of Moora
Ordinary Council Meeting
17th August 2016**

NOTICE OF MEETING

Dear Elected Member

The next Ordinary Council Meeting of the Shire of Moora
will be held on **Wednesday 17th August 2016**
in the Council Chambers, 34 Padbury Street, Moora
commencing at **5.30 pm**



AJ Leeson
Chief Executive Officer

12th August 2016

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**WRITTEN DECLARATION OF INTEREST IN MATTER BEFORE COUNCIL**

Chief Executive Officer
Shire of Moora
PO Box 211
MOORA WA 6510

Dear Sir/Madam,

Re: Written Declaration of Interest in Matter Before Council

I, ⁽¹⁾ _____ wish to
declare an interest in the following item to be considered by Council at its meeting to be held on
⁽²⁾ _____.

Agenda Item ⁽³⁾ _____

The type of interest I wish to declare is: ⁽⁴⁾

- Financial pursuant to Section 5.60A of the Local Government Act 1995
- Proximity pursuant to Section 5.60B of the Local Government Act 1995
- Indirect Financial pursuant to Section 5.61 of the Local Government Act 1995
- Impartiality pursuant to Regulation 11 of the Local Government (Rules of Conduct) Regulations 2007.

The nature of my interest is ⁽⁵⁾

The extent of my interest is ⁽⁶⁾

I understand that the above information will be recorded in the Minutes of the meeting and recorded by the Chief Executive Officer in an appropriate Register.

Yours faithfully,

Signed

Date

1. Insert your name.
2. Insert the date of the Council Meeting at which the item is to be considered.
3. Insert the Agenda Item Number and Title.
4. Tick box to indicate type of interest.
5. Describe the nature of your interest.
6. Describe the extent of your interest (if seeking to participate in the matter under S. 5.68 of the Act).

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SHIRE OF MOORA
ORDINARY COUNCIL MEETING AGENDA
17 AUGUST 2016
COMMENCING AT 5.30PM

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- * Separate Attachments
 - 9.1.1 *List of Payments Authorised Under Delegation 1.31*
 - 9.1.2 *Statement of Financial Activity for Period Ended 31 July 2016*
 - 9.1.3 *Attachment A – Proposed Local Laws (to be provided)*
 - 9.2.1 *Plans*

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS**1.1 DECLARATION OF OPENING****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**APPROVED LEAVE OF ABSENCE**

El Hamilton - Councillor

APOLOGIES

DK Trevaskis - Deputy Chief Executive Officer
PR Williams - Manager Development Services

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**4. PUBLIC QUESTION TIME****5. PETITIONS AND PRESENTATIONS****6. APPLICATIONS FOR LEAVE OF ABSENCE****7. ANNOUNCEMENTS BY THE PRESIDING MEMBER****8. CONFIRMATION OF MINUTES****8.1 ORDINARY COUNCIL MEETING - 20 JULY 2016**

That the Minutes of the Ordinary Meeting of Council held on 20 July 2016 be confirmed as a true and correct record of the meeting.

9. REPORTS OF OFFICERS

9.1 GOVERNANCE AND CORPORATE SERVICES

9.1.1 LIST OF PAYMENTS AUTHORISED UNDER DELEGATION 1.31

REPORT DATE: 10 August 2016

OFFICER DISCLOSURE OF INTEREST: Nil

AUTHOR: David Trevaskis, Deputy Chief Executive Officer

SCHEDULE PREPARED BY: Alida Fitzpatrick, Finance 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

RECOMMENDATION

That Council notes and endorses the Payments from the Municipal and Trust Funds made under delegation 1.31

<i>Municipal Fund</i>	<i>Cheques 62169 to 62174</i>	<i>\$20,037.91</i>
	<i>EFT 15948 to 16079</i>	<i>\$499,011.74</i>
	<i>Credit Card 15/06/16 to 14/07/16</i>	<i>\$8,703.82</i>
	<i>Net Pays – PPE 12/07/16</i>	<i>\$91,933.83</i>
	<i>Net Pays – PPE 26/07/16</i>	<i>\$105,056.43</i>
	<i>Direct Debits 10726.1 to 10743.11</i>	<i>\$43,369.58</i>
<i>Trust Fund</i>	<i>Cheques 5203 to 5206</i>	<i>\$2,555.06</i>
<i>Total</i>		<i><u>\$770,668.37</u></i>

9.1.2 STATEMENT OF FINANCIAL ACTIVITY FOR PERIOD ENDED 31 JULY 2016

REPORT DATE: 11 August 2016

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: David Trevaskis, Deputy Chief Executive Officer

ATTACHMENTS: Statement of Financial Activity for the Period Ended 31 July 2016

PURPOSE OF REPORT:

To note and receive the Statement of Financial Activity for the period ended 31 July 2016.

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 2016/17 adopted budget.

VOTING REQUIREMENTS

Simple Majority Required

RECOMMENDATION

That Council notes and receives the Statement of Financial Activity for the period ended 31 July 2016.

9.1.3 ADOPTION OF THE SHIRE OF MOORA WASTE LOCAL LAW 2016, LOCAL GOVERNMENT (COUNCIL MEETINGS) LOCAL LAW 2016, DOGS LOCAL LAW 2016, FENCING LOCAL LAW 2016, ACTIVITIES IN THOROUGHFARES AND PUBLIC PLACES AND TRADING LOCAL LAW 2016, MOORA AMENDMENT LOCAL LAW 2016 & HEALTH LOCAL LAW 2016

FILE REFERENCE: PR/ADVI & PL/LOLI

REPORT DATE: 17 August 2016

APPLICANT/PROPONENT: Shire of Moora

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: 9/12/15 (170/15), 19/06/2013 (86/13) & 17/2/16 (7/16)

AUTHOR: Consultant - Phillip Swain

ATTACHMENTS: Attachment A – Proposed Local Laws (*to be provided*)

PURPOSE OF REPORT:

The purpose of this report is for Council to make, in accordance with the Local Government Act 1995 and other relevant Acts, new and amendment local laws for the Shire of Moora.

BACKGROUND:

The Shire of Moora's existing Local Laws were gazetted on various dates, dating back to 1944. Existing local laws made pursuant to the Local Government Act 1995 were made in the late 1990's. A review of the Shire of Moora Local Laws was undertaken in 2011/12.

Subsequently Council resolved in June 2013 to commence the adoption of six (6) local laws by advertising to seek public comment for the draft local laws. The drafts at that time were as follows;

- . Shire of Moora Waste Local Law 2013;
- . Shire of Moora Health Local Law 2013;
- . Shire of Moora Meeting Procedures Local Law 2013;
- . Shire of Moora Dogs Local Law 2013;
- . Shire of Moora Fencing Local Law 2013; and,
- . Shire of Moora Amendment Local Law 2013;

Since that time and despite initial advertising, that resulted in no submissions, there have been a number of impediments to finalising the local laws. These have included various Act changes, proposed Bills and the Shire Administration exercising some caution due to other local governments experiencing difficulties with enacting new legislation with the intervention of the Joint Standing Committee on Delegated Legislation (JSCDL).

Following substantial delays in the development of the laws and in particular the draft waste local law, the Shire initiated the process of adoption for both the amendments and new local laws by giving local and statewide public notice and seeking comments on the proposed legislation. On the 17 February 2016 at the full Council meeting it was resolved;

That Council authorises Administration to give local and state-wide public notice in accordance with section 3.12 of the Local Government Act 1995, seeking public comment for the following local laws contained in Attachment A;

- a) *the draft Shire of Moora Waste Local Law 2016;*
- b) *the draft Shire of Moora Health Local Law 2016;*
- c) *the draft Shire of Moora Meeting Procedures Local Law 2016;*
- d) *the draft Shire of Moora Dogs Local Law 2016;*
- e) *the draft Shire of Moora Fencing Local Law 2016;*

- f) *the draft Activities in Thoroughfares and Public Places and Trading Local Law 2016;*
and,
- g) *the draft Shire of Moora Amendment Local Law 2016.*

The draft local laws were advertised on 16 March 2016 and comments were sought for the statutory period of six (6) weeks and closed on 6 May 2016. Comments were also sought from the Department of Local Government and relevant State Government departments in relation to the Health Local Laws (Department of Health - DoH & Department of Environmental Regulation - DER) and the Waste Local Laws (DER). In accordance with the Act, the Shire must, after the last day for submissions, consider any submissions made and may make the local law as proposed, or make a local law that is not significantly different from what was proposed.

COMMENT:

No comments were received from local residents or the general public during the discussion period. Comments were received from the Department of Local Government and Communities (DLGC) the Department of Environmental Regulation (DER) and most recently the Department of Health (DoH).

Waste Local Law

The DER has developed guidelines for waste local laws in conjunction with the Western Australian Local Government Association (WALGA) and the Waste Local Law 2016 is based on this model, and the most recent advice on the subject, from the Joint Standing Committee on Delegated Legislation (JSCDL). The Shire received advice from both the DLGC and the DER in relation to the draft and minor amendments, formatting and modifications have been made in line with the most recent advice. Changes have included additional words, definitions, and the removal of some terms to provide clarity.

Health Local Law

Many of the provisions contained in the Health Local Law 2016 serve to maintain basic sanitary conditions for dwellings, establishing maintenance standards and control community nuisance issues. Other provisions assist the Shire in the control of pests and certain noxious trades, as well as provision for the control of certain infectious diseases. Controls include the creation of offences with penalties and licensing and registration of activities such as offensive trades and lodging houses.

The Department of Health has advised Local Governments that the current Act, (Health Act 1911), is likely to be repealed following the development of more modern public health legislation. Whilst the Health Act 2016 has now been granted Royal Assent the existing Act will remain in place while the substantial tasks of creating a new Public Health legislative framework are undertaken. In discussions with the DoH, it is understood that many of the nuisance type provisions in the proposed Health Local Law 2016 will not be adopted under the new Act, as the new Act proposes different mechanisms for the implementation and enforcement of public health policy. Advice to date has confirmed that the various nuisance type provisions will most likely be adopted under the Local Government Act 1995 and that the various licensing and registration provisions will be protected under public health policies or be transferred to other legislation, such as the Food Act 2008. It is likely that the DoH will develop a new model local law in due course but this is likely to take one (1) to three (3) years.

The Shire received advice from both the DLGC and the DoH in relation to the draft and minor amendments, formatting and modifications have been made in line with the most recent advice. Changes have included additional words, definitions, and the removal of some

terms to provide clarity. Additionally, to satisfy the previous requests of the JSCDL clause 5.1.3, now includes the term “reasonable measures” in the text to enable natural justice with respect to nuisance issues and allocation of responsibility.

Local Government (Council Meetings) Local Law 2016

The Local Government (Council Meetings) Local Law 2016 is based on the WALGA Model, which has been subject to continuous improvement since the inception of the 1995 Act. The Shire received advice from the DLGC in relation to the draft and minor amendments, formatting and modifications have been made in line with the most recent advice. Changes have included additional clarification of definitions and the reduction of penalties in line with the advice of the JSCDL and the name being more correctly changed to the current title.

Dogs Local Law 2016

The Dogs Local Law 2016 is based on the WALGA model. This local law has not changed substantially over time. The Shire received advice from the DLGC in relation to the draft and minor amendments, formatting and modifications have been made in line with the most recent advice. Changes have included additional clarification of definitions, reference to new Dog Regulations and the removal of dog exercise area clauses as these can now be established via an “absolute majority” resolution of Council, negating the need to amend the local law whenever a new or modified dog exercise area is proposed.

Fencing Local Law 2016

The draft Shire of Moora Fencing Local Law 2013 is based on a previous WALGA model, which has been used by a number of local governments to provide minimum standards for the construction of fencing within municipalities. Licensing provisions under the proposed model are limited to dangerous fencing such as electric and razor wire fencing. The Shire received advice from the DLGC in relation to the draft and minor amendments, formatting and modifications have been made in line with the most recent advice. Modifications have included clarification of some definitions and the removal of reference to the Dividing Fences Act which the JSCDL has advised makes reference to local laws but does not contain local law making powers.

General Amendment Local Law 2016

The General Amendment Local Law 2016 has been prepared, to undertake repeal of a number of antiquated provisions that are currently empowered within the Shire of Moora and the current Local Government Property Local Law, the provisions of which are being more properly adopted within the Activities in Thoroughfares and Public Places and Trading Local Law 2016. Additionally, minor alterations and changes of local laws relating to Cemeteries are contained within the amendment local law.

One matter raised in consultations with Council has been the issue with respect to plot tenure within the Moora Cemetery. Under the 1986 Cemeteries Act, the maximum guaranteed tenure on any given plot is 50 years although this can be extended for further 25 year periods at the discretion of the Shire. Under the revised 1986 Cemeteries Act, the new stipulated tenure of Grants was 25 years with an automatic option for Grant holders to purchase an additional 25 years either initially or at any time during the first 25 years. The discretion of all cemetery authorities in Western Australia to issue 50 or 99 year Grants was revoked. Extensions can only be in 25 year increments. This set a uniform expiry date for all Grants issued under the 1897 Act and provides Cemetery authorities with the ability to both manage their land holdings and have a known consistency of Grant expiry dates across their cemeteries. Parliament endorsed legislation stipulating that Grants of Rights of Burial issued prior to 1 July 1987, that had not expired by 2 July 2012 would, collectively, expire on 2 July 2012. The Shire cannot legislate to vary these requirements as to do so would override the

State Act, however, does have the right to permit 25 year extensions of a plot during any 25 year term, at the agreement of the grant holder.

The Shire received advice from the DLGC in relation to the draft and minor amendments, formatting and modifications have been made in line with the most recent advice.

Activities in Thoroughfares and Public Places and Trading Local Law 2016

Since the initial advertising of proposed amendments, repeals and new local laws in 2012, the Administration has identified an ongoing need for laws to control street trading. Whilst repeal of the Stalls and Hawkers Bylaws, published in the *Government Gazette* of 19 March 1982 was proposed in the Amendment Local Law, it is now proposed that a new trading local law be adopted in accordance with the current WALGA model and that these provisions include other activities and controls relation to public access ways and local government property.

The Shire received advice from the DLGC in relation to the draft and minor amendments, formatting and modifications have been made in line with the most recent advice.

POLICY REQUIREMENTS:

The following current Council policies relate to the making and/or enforcement of the Shire's existing Local Laws:

3.3 Local Laws (Originally adopted by Council on 20th May 1998)

That Council make, publicise and review its local laws according to the guidelines below:

Guidelines.

1. *That local law making powers be used sparingly and only after applying the following tests:
Can Council achieve the objective without making a law?
Has Council the will and resources to enforce the law?
Will practical benefits result from the law?*
2. *That local laws be worded as simply as possible.*
3. *That where local laws are site specific, e.g. laws relating to the hall, a copy of the laws be posted, where feasible at the site concerned, or where not considered feasible by the CEO, that an abbreviated version be kept posted at the site stating: - offences and penalties; and that the full laws can be inspected at the Shire Office.*
4. *That where registration or licensing of an activity, premises or animal is required, the opportunity be taken to issue a leaflet advising of local laws associated with that activity, premises or keeping of that animal.*
5. *That the President consider making the exercise of the legislative powers by the local government a component of the President's annual report as a means of identifying district problems and steps Council is taking to combat these.*

6.2 Veranda Posts

Council Policy 6.2 – Veranda Posts, supports an intention for parts of the Shire to install or retain veranda posts, and is contrary to the requirements of the local law, which compelled the removal of the same in 1971. Policy 6.2 adequately deals with approval of verandas as it requires the submission of building licence applications for the same.

8.4 Fencing Property Adjoining Shire Land

8.14 Cemetery

Whilst policies 8.4 & 8.14 do not materially affect the current local laws they relate to matters that can be captured the amendments. Policy 3.3 needs to be considered in the

context of any proposed repeals, retention or amendments.

Council Policy 8.4 allows for persons with land adjoining Council property to make claim for 50% of the cost of a dividing fence, which is made as an ex-gratia payment. In this regard, the Dividing Fences Act will continue to apply within the Shire irrespective of whether the Shire has Fencing Local Laws or not. This does however mean that the Shire needs to consider at least basic requirements for fences within the Shire in a new local law.

LEGISLATIVE REQUIREMENTS:

The Shire has given notice in accordance with the requirements of the Local Government Act 1995 of its intention to make:

- a) *the Shire of Moora Waste Local Law 2016;*
- b) *the Shire of Moora Health Local Law 2016;*
- c) *the Shire of Moora Local Government (Council Meetings) Local Law 2016;*
- d) *the Shire of Moora Dogs Local Law 2016;*
- e) *the Shire of Moora Fencing Local Law 2016;*
- f) *the Activities in Thoroughfares and Public Places and Trading Local Law 2016; and,*
- g) *the Shire of Moora Amendment Local Law 2016.*

The Shire has undertaken the necessary advertising and consultation. The purpose and intent of the laws has previously been given but is repeated below for information. The local laws to be made are outlined in **Attachment A**.

The intended Purpose and Effect of the Shire of Moora Waste Local Law 2016 are:

Purpose: The purpose of the local law is to provide for the regulation, control and management of activities and issues relating to waste collection, recycling, reuse and disposal within the district of the Shire of Moora.

Effect: The effect of the local law is to control activities and manage influences on waste collection, recycling, reuse and disposal within the district of the Shire of Moora.

The intended Purpose and Effect of the Shire of Moora Health Local Law 2016 are:

Purpose: The purpose of the local law is to provide for the regulation, control and management of activities and issues relating to public health within the district of the Shire of Moora.

Effect: The effect of the local law is to control activities and manage influences on community public health within the district of the Shire of Moora.

The intended Purpose and Effect of the Shire of Moora Local Government (Council Meetings) Local Law 2016 are:

Purpose: The purpose of the local law is to provide for rules and guidelines which apply to the conduct of meetings of the Council and its Committees and to the meetings of electors within the district of the Shire of Moora.

Effect: The effect of the local law is to establish requirements for better decision making by the Council and Committees, the orderly conduct of meetings, better understanding of the processes of conducting meetings and the more efficient and effective use of time at meetings, within the district of the Shire of Moora.

The intended Purpose and Effect of the Shire of Moora Dogs Local Law 2016 are:

Purpose: The purpose of the local law is to provide for the regulation, control and

management of the keeping of dogs within the district of the Shire of Moora.

Effect: The effect of the local law is to establish the requirements with which owners and occupiers of land within the district of the Shire of Moora must comply in order to keep dogs and provides the means of enforcing the local law.

The intended Purpose and Effect of the Shire of Moora Fencing Local Law 2016 are:

Purpose: The purpose of the local law is to provide for the regulation, control and management of the fencing within the district of the Shire of Moora.

Effect: The effect of this local law is to ensure that fences are constructed and maintained to a satisfactory structural and aesthetic standard throughout the district of the Shire of Moora.

The intended Purpose and Effect of the Shire of Moora Activities in Thoroughfares and Public Places and Trading Local Law 2016 are:

Purpose: The purpose of the local law is to provide for the regulation, control and management of trading and activities on thoroughfares and public places within the district of the Shire of Moora.

Effect: The effect of the local law is to establish the requirements with which persons using public places and thoroughfares for trading and prescribed activities, within the district of the Shire of Moora, must comply with.

The intended Purpose and Effect of the Shire of Moora Amendment Local Law 2016 are:

Purpose: The purpose of the local law is to provide for the repeal and amendment of the Shire of Moora Local Laws to provide for the good governance of the district of the Shire of Moora.

Effect: The effect of the local law is to repeal and amend existing local laws within the district of the Shire of Moora to provide for the good governance of the municipality.

STRATEGIC IMPLICATIONS:

Goal 5: Good governance and an effective and efficient organisation.

Scope: Governance, corporate and administrative services, financial management, statutory compliance and customer services.

SUSTAINABILITY IMPLICATIONS:

➤ **Environment**

There are various environmental implications associated with this proposal, including the ability to provide for refuse and recycling services and to control fencing of private land and various activities on public land. These controls have been publicly advertised and are in the interest of good governance of the community.

➤ **Economic**

All local laws are required to be consistent with the National Competition Policy and, unless justified under the Public Benefit Test, should not contain provisions that restrict competition. The proposed laws are generally based on WALGA model local laws which have been subject to the Public Benefit Test generally demonstrated to not restrict competition.

➤ **Social**

Community consultation has been undertaken in accordance with legislative requirements during the development of the local laws.

FINANCIAL IMPLICATIONS:

The Shire's existing and drafts local laws are based on models, developed by the Western Australian Local Government Association (WALGA) to minimise legal costs and the complications of the Public Benefit Test. With this in mind, minimal amendments and changes to the Shire's local laws have been undertaken to improve the legislative framework, without substantial costs to the Shire.

Direct costs associated with this report are limited to consultant fees to draft the local laws, correspondence and reports, including the preparation of Explanatory Memoranda for each local law. Where amendments of existing local laws have been undertaken consolidation of the amendments for ready use of the local laws, will be undertaken as a component of this project. These costs will be borne via budgeted expenditure.

Once adopted the Shire will incur gazettal costs, as all local laws need to be published in the government gazette. The current gazettal cost is \$101.45 per page for local laws and it is likely that the total gazettal pages will run to approximately 100 pages with an estimated cost of \$10,000. This cost can be negotiated with the State Law Publisher but is a realistic estimate. The Shire must also give local public notice of the adoption in a publication circulating in the Shire to satisfy the Act requirements following the adoption.

VOTING REQUIREMENTS:

Absolute Majority Required

RECOMMENDATION

That, in accordance with section 3.12 of the Local Government Act 1995, Council makes the following local laws as contained in Attachment A;

- a) the Shire of Moora Waste Local Law 2016;*
- b) the Shire of Moora Local Government (Council Meetings) Local Law 2016;*
- c) the Shire of Moora Dogs Local Law 2016;*
- d) the Shire of Moora Fencing Local Law 2016;*
- e) the Activities in Thoroughfares and Public Places and Trading Local Law 2016;*
- f) the Shire of Moora Amendment Local Law 2016; and,*
- g) the Shire of Moora Health Local Law 2016.*

9.1.4 ESTABLISHMENT OF A TOWNSCAPE ADVISORY COMMITTEE

REPORT DATE: 11 August 2016

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Alan Leeson, Chief Executive Officer

ATTACHMENTS: Nil

PURPOSE OF REPORT:

For Council to consider the establishment of a Townscape Advisory Committee for the Shire of Moora.

BACKGROUND:

Council over the past months has discussed a range of issues associated with landscaping and townscape across the Shire, mainly centred on the respective townsites of Moora, Miling and Watheroo. With the objective of strengthening community collaboration, the author sees merit and benefit in the establishment of a Townscape Advisory Committee with a combination of community and council membership.

COMMENT:

Broadly speaking the objectives of a Townscape Advisory Committee could be, but not necessarily limited to;

- To inform and advise Council on the concepts of heritage of the Shire of Moora and to encourage the use of such concepts/ideas that contribute to a sustainable development of the Shires towns;
- To provide an avenue of communication/consultation between Council and the community, in particular the respective community development groups i.e. Watheroo Development Association, Miling Progress Association, Moora Chamber of Commerce;
- To ensure that the social and economic strategic direction of the town is supported by a flexible and relevant Townscape Programme;
- To promote Townscape issues within the wider community with due consideration and respect for the physical environment of the Shire's towns;
- To promote and maintain the Moora CBD area as an attractive and functional regional centre;
- To enhance the living and working lives of the people of the Shire of Moora through provision of safe, comfortable, environmentally sustainable and aesthetically pleasing public open spaces particularly streets throughout the Shires' townsites;
- To ensure that Townscape/Streetscape issues are given due consideration and value by Council in all its planning, design, implementation and maintenance of the built and natural environmental.

POLICY REQUIREMENTS:

Council does not have a policy in relation to this matter

LEGISLATIVE REQUIREMENTS:

Local Government Act 1995

STRATEGIC IMPLICATIONS:

The author views this initiative as strategically important in terms of enhanced community engagement and collaboration.

Outcome 3.2: Attractive townscapes and streetscapes.

Strategy 3.2.1: Manage and maintain the Council's parks, gardens and open space at appropriate standards.

Strategy 3.2.2: Develop, maintain and enhance town streetscapes and public spaces.

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 item.

➤ **Social**

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

FINANCIAL IMPLICATIONS:

There are no known financial implications associated with this item.

SUMMARY:

The suggested membership for the Townscape Advisory Committee is;

- Three elected members from the Shire of Moora;
- Maximum of two members from the Watheroo Development Association;
- Maximum of two members from the Miling Progress Association;
- Maximum of two members from the Moora Chamber of Commerce;
- Chief Executive Officer;
- Community Development Officer

The Presiding person shall be an elected member of the Shire of Moora.

VOTING REQUIREMENTS

Simple Majority Required

RECOMMENDATION

That Council agree to establish a Shire of Moora Townscape Advisory Committee in accordance with the objectives and membership detail set out hereunder;

- *To inform and advise Council on the concepts of heritage of the Shire of Moora and to encourage the use of such concepts/ideas that contribute to a sustainable development of the Shires towns;*
- *To provide an avenue of communication/consultation between Council and the community, in particular the respective community development groups i.e. Watheroo Development Association, Miling Progress Association, Moora Chamber of Commerce;*
- *To ensure that the social and economic strategic direction of the town is supported by a flexible and relevant Townscape Programme;*

- ***To promote Townscape issues within the wider community with due consideration and respect for the physical environment of the Shire's towns;***
- ***To promote and maintain the Moora CBD area as an attractive and functional regional centre;***
- ***To enhance the living and working lives of the people of the Shire of Moora through provision of safe, comfortable, environmentally sustainable and aesthetically pleasing public open spaces particularly streets throughout the Shires' townsites;***
- ***To ensure that Townscape/Streetscape issues are given due consideration and value by Council in all its planning, design, implementation and maintenance of the built and natural environmental.***

9.2 DEVELOPMENT SERVICES

9.2.1 CBH - ADDITIONAL BULKHEADS MOORA GRAIN RECEIVAL CENTRE

FILE REFERENCE: TP/PA04/1617

REPORT DATE: 9 August 2016

APPLICANT/PROPONENT: Cooperative Bulk Handling (CBH)

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Peter Williams, Manager Development Services

ATTACHMENTS: Plans

PURPOSE OF REPORT:

The Shire is in receipt of an application by Cooperative Bulk Handling (CBH) to install extra capacity for grain storage, by installing two extra open bulkheads at the Moora grain receival site.

BACKGROUND:

Due to the amount of grain remaining from the 2015 season and the positive outlook for the 2016 season it is likely that extra storage capacity will be necessary at the Moora grain receival site.

The Moora grain receival site is located on Wheatbin Road off the Moora/Bindoon Road in the Industrial Zone south of the Township of Moora.

This is a low level development not requiring a building application therefore it is only Town Planning consent that is requested.

The Industrial Zone:

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 storm water drainage or the discharge of any deleterious substances into the Moore River;
- (e) To avoid non-industry related uses establishing in the industrial area.

COMMENT:

This application for a low level structure has been inspected by the Shire Building Surveyor who is of the opinion that it is a low level structure and poses no safety issues with the public. The structure is located in the required zone and is therefore recommended for approval by the Manager of Development Services.

POLICY REQUIREMENTS:

There are no known policy requirements for this application.

LEGISLATIVE REQUIREMENTS:

The Building Regulations Part 5 Division 1 Clause 66(2) relates to this item in that it presents a low level of risk to the public.

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

RECOMMENDATION

That Council approve the application from Cooperative Bulk Handling for the installation of two additional open bulkheads at the Moora grain receival site subject to the following conditions:-

- 1. The plans and specifications presented on the application are adhered to;*
- 2. No second hand materials are used in the construction of the bulkhead;*
- 3. Any alteration to the original design presented with this application will require the applicant to contact the Shire of Moora Manager for Development Services to discuss the amendments.*

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

Nil

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

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

13. **CLOSURE OF MEETING**