

**Shire of Moora
Ordinary Council Meeting
19th April 2017**

NOTICE OF MEETING

Dear Elected Member

The next Ordinary Council Meeting of the Shire of Moora
will be held on **Wednesday 19th April 2017**
in the Council Chambers, 34 Padbury Street, Moora
commencing at **5.30 pm**



DK Trevaskis
Deputy Chief Executive Officer

13th April 2017

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
19 APRIL 2017
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 March 2017*
- 9.2.1 *Plans*
- 9.2.2 *Plans*
- 9.2.3 *Plans*
- 10.1 *Copy of new scheme text*

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**

MR Pond - Deputy Shire President

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 - 15 MARCH 2017**

That the Minutes of the Ordinary Meeting of Council held on 15 March 2017 be confirmed as a true and correct record of the meeting.

8.2 SPECIAL COUNCIL MEETING - 21 MARCH 2017

That the Minutes of the Special Meeting of Council held on 21 March 2017 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: 4 April 2017

OFFICER DISCLOSURE OF INTEREST: Nil

AUTHOR: David Trevaskis, Deputy Chief Executive Officer

SCHEDULE PREPARED BY: Alida Fitzpatrick, Finance Creditor/Debtor Rates 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 62238 to 62249</i>	<i>\$25,015.38</i>
	<i>EFT 17170 to 17343</i>	<i>\$873,095.86</i>
	<i>Credit Card 15/02/17 to 14/03/17</i>	<i>\$5,615.00</i>
	<i>Net Pays – PPE 07/03/17</i>	<i>\$103,393.17</i>
	<i>Net Pays – PPE 21/03/17</i>	<i>\$98,550.54</i>
	<i>Direct Debits 11083.2 to 11111.10</i>	<i>\$42,438.09</i>
<i>Trust Fund</i>	<i>Cheques 5251 to 5253</i>	<i>\$429.90</i>
<i>Total</i>		<i><u>\$1,148,537.94</u></i>

9.1.2 STATEMENT OF FINANCIAL ACTIVITY FOR PERIOD ENDED 31 MARCH 2017

REPORT DATE: 12 April 2017

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 March 2017

PURPOSE OF REPORT:

To note and receive the Statement of Financial Activity for the period ended 31 March 2017.

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 March 2017.

9.2 DEVELOPMENT SERVICES

9.2.1 LOT 215 CARRICK STREET MOORA – NEW TRANSPORTABLE DWELLING

FILE REFERENCE: TP/PA27/1617

REPORT DATE: 16 March 2017

APPLICANT/PROPONENT: Juanita C. Farley

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: 21/09/16

AUTHOR: Peter Williams, Manager Development Services

ATTACHMENTS: Plans

PURPOSE OF REPORT:

The Shire of Moora is in receipt of a Town Planning application by TR Homes on behalf of Juanita Farley seeking Council permission to construct and locate a new Transportable dwelling on the property located at Lot 215 Carrick Street, Moora.

BACKGROUND:

In September 2016 Council approved for a dwelling that had been de-clad with asbestos to be transported to Lot 3 /29 Clinch Street a property that Mrs Farley owned. This new transportable dwelling is to replace that dwelling from where it was taken in Carrick Street Moora.

Lot 215 Carrick Street is located in the Rural Residential Zone 3 (RR3) and is of 1.237 hectares the objectives of which are:-

Objectives

- (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.

3.13.2 Site Requirements:

The minimum building setbacks shall be:

Front: 15.0m

Rear: 15.0m

Side: 10.0m

The proposed new transportable is a 4 bedroom 3 bathroom steel framed and colour bond clad dwelling of modular design and will incorporate a new effluent disposal system.

COMMENT:

The new premise is required to comply with the Building Code of Australia, Health (Treatment of Sewerage and Disposal of Effluent and Liquid Waste) Regulations 1974, Shire of Moora Town Planning Scheme No 4 Flood provisions.

POLICY REQUIREMENTS:

There are no known policy requirements relating to this item.

LEGISLATIVE REQUIREMENTS:

The new premise is required to comply with the Building Code of Australia, Health (Treatment of Sewerage and Disposal of Effluent and Liquid Waste) Regulations 1974, Shire of Moora Town Planning Scheme No 4 Flood provisions.

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 all necessary fees have been paid.

VOTING REQUIREMENTS

Simple Majority Required

RECOMMENDATION

That Council approve the application submitted by TR Homes on behalf of Juanita Farley to construct and locate new modular steel framed and colour bond clad transportable dwelling at Lot 215 Carrick Street Moora subject to the following conditions:

- *Development requires a effluent disposal system the composition of which will be determined by soil type*
- *The premises requires either a raised sand pad that is protected by limestone blocks to prevent soil erosion of the sand pad, or built up on metal/timber/concrete supports to allow water to pass under the house.*
- *This development is incorporated in the Shire of Moora Flood zone and proponent needs to apply to Department of Water for a Finished Floor Level (FFL).*

9.2.2 LOT 92 WEBB STREET, MOORA - NEW DWELLING

FILE REFERENCE: TP/PA28/1617

REPORT DATE: 6 April 2017

APPLICANT/PROPONENT: Total Home Frames on behalf of Todd & Narelle Bein

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Peter Williams, Manager Development Services

ATTACHMENTS: Plans

PURPOSE OF REPORT:

A development application has been received by the Shire's Development Services Department from Total Home Frames on behalf of the owner/proponent Todd & Narelle Bein, seeking Council permission to construct a 3 bedroom, 2 bathroom timber framed, pole house which is weatherboard clad and custom orb roof.

BACKGROUND:

The property is located in the Rural Residential 2 (RR2) zone on the southern boundary of the Town of Moora. The entry to the property is to be via Long Street.

The property has the basic services of power and water but they will have to provide effluent disposal for the house as there is no sewerage.

There is a creek running through the property from North to South and near to where the location of the house is planned.

The property is within the Town boundary and therefore is required to meet the requirements of the Town of Moora flood provisions however being a pole house this will negate having to build up the site.

The objectives of the Rural Residential Zone includes:-

Objectives

- (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

COMMENT:

The plans supplied by the proponent meet the requirements of the Shire of Moora Town Planning Scheme No 4 (Amendment 11) for the Rural Residential Zone 2. The proponent will be required to adhere to building setbacks and provide an effluent disposal system that meets Health Department requirements

POLICY REQUIREMENTS:

There are no known policy requirements for this item

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

RECOMMENDATION

That Council approve the application submitted by Total Home Frames on behalf of Todd & Narelle Bein to construct and locate a 3 bedroom new timber framed pole home dwelling, weather board clad with a custom orb roof at Lot 92 Webb Street Moora subject to the following conditions:

- ***Development requires a effluent disposal system the composition of which will be determined by soil type***
- ***Situation of the dwelling is to comply with setback requirements of:***
 - ***Front 15 metres***
 - ***Rear 15 metres***
 - ***Side 10 metres***
- ***Proponent is to contact the Shire for a house number,***
- ***Should the proponent need a constructed drive way they are to contact the Shire's Manager of Engineering.***

9.2.3 LOT 51 BEASLEY ST, MOORA - SHED

FILE REFERENCE: TP/PA29/1617

REPORT DATE: 12 April 2017

APPLICANT/PROPONENT: Action Outdoors Moora on behalf of Wayne Stevens

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Peter Williams, Manager Development Services

ATTACHMENTS: Plans

PURPOSE OF REPORT:

Council is in receipt of a development application from Action Outdoors Moora on behalf of Wayne Stevens. Mr Stevens (the proponent) is seeking Council permission to construct a zincalume 16m x 8m steel framed and clad shed for the purpose of storing a caravan and general purpose household storage on his property located at Lot 51 Beasley Street, Moora.

BACKGROUND:

The property Lot 51 Beasley Street is located in the Residential Zone to the north of Dandaragan Street and is constrained by the Residential Design Code. The property is 6489m² and is located on the corner of Beasley and Bishop Streets in Moora.

The property is located within the Moora Flood Plain and is therefore subject to the conditions set by the Department of Water requiring the finished floor level to be above the highest known flood level for that area. Council may give dispensation to reduce the Finished floor level by 150mm as the building is a Class 10a and non inhabitable.

The Shire of Moora Outbuilding Policy requires any outbuilding in the Residential Zone shall comply with the requirements of this policy.

Outbuilding Policy - Maximum Size Of-

The Council's current outbuilding policy referring to square metreage of land and maximum size of outbuildings for the following sized lots;

R2 - 5,000m² Lots - maximum size of outbuildings equals 200m²

R2.5 - 4,000m² Lots - maximum size of outbuildings equals 200m²

R5 - 2,000m² Lots - maximum size of outbuildings equals 150m²

R12.5 - 800m² Lots maximum size of outbuildings equals 100m²

R25/R30 - 320m² to 300m² Lots - maximum size of outbuildings at Council's discretion.

The proponent has recently bought the property and is looking to retire in Moora and eventually operate a sign printing business from the current shed. The couple have a large caravan which will not fit in the current shed and so they are requesting permission to build another shed to house their caravan and also general storage.

COMMENT:

The size of this property as per the Shire Property System, Synergy, is 6489m² to which it is allowed a total area for outbuildings of 200m². The size of the shed is 128m² and is within the requirements of the Shire Outbuilding Policy. There is a shed already on the property of

162m² making the total area of outbuildings 290m². This is in excess to Shire policy which allows 200m². The current shed is proposed to be used for the proponents' future business of printing and sign writing.

POLICY REQUIREMENTS:

Shire of Moora Outbuilding 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

RECOMMENDATION

That Council approve the application by Action Outdoors Moora on behalf of proponent Wayne Stevens to construct an 8m x 16m zincalume shed on his property located at Lot 51 Beasley Street Moora, subject to the following conditions:

- *No second hand materials are to be used in the construction of the shed;*
- *This development is within the boundaries of the Shire of Moora Flood Zone and the proponent needs to apply to Department of Water for a Finished Floor Level (FFL);*
- *This building is not to be used for commercial purposes, if this is the case an application for operating a business from home is required by Council; The shed is not to be inhabited;*
- *Should there be any changes to the building that do not conform to the plans submitted and are subject to this planning application, contact is to be made to the Shire's Manager Development Services to discuss the issues;*
- *Setback requirements are to be adhered to:-
The minimum building setbacks shall be:
1.0m from rear and side boundary and 7.5 metres from front building line.*

10. REPORTS OF COMMITTEES

GENERAL PURPOSE COMMITTEE MEETING – 5 APRIL 2017

10.1 TOWN PLANNING SCHEME NO 4 AMENDMENT 12 NEW SCHEME TEXT

FILE REFERENCE: TP/TPS4-12

REPORT DATE: 22 March 2017

APPLICANT/PROPONENT: Shire of Moora

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Peter Williams, Manager Development Services

ATTACHMENTS: Copy of new scheme text

PURPOSE OF REPORT:

For Council to consider proposed Amendment No.12 to Local Planning Scheme No.4 to align the scheme with the deemed provisions contained in Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the regulations) and to provide an overview of the regulations.

BACKGROUND:

Section 256 of the Planning and Development Act provides for the Minister for Planning to make regulations in regard to planning schemes.

Planning and Development (Local Planning Schemes) Regulations 2015 (the regulations) came into effect on 19 October 2015. They replace the *Town Planning Regulations 1967* and associated Model Scheme Text (MST). The regulations are a major part of the planning reform agenda being undertaken by the State Government.

The regulations consist of three elements being:

- Regulations that govern the preparation and amendment of local planning strategies and schemes, and the review of local planning schemes;
- Model Scheme Provisions (Schedule 1) that should be followed in all local planning schemes; and
- Deemed Provisions (Schedule 2) that automatically apply in every operational local planning scheme in Western Australia.

Local Planning Strategies and Schemes

The processes for adopting local planning strategies and schemes are consistent with those contained in the previous regulations.

Scheme amendments

The regulations introduce a track based approach to local planning scheme amendments that enables amendments to be classified as either a basic, standard or complex amendment.

The amendment types are defined in r34, and can be summarised as follows:

Basic: an amendment of an administrative nature including:

- correction of an administrative error
- incorporating model provisions
- compliance with the deemed provisions
- compliance with an Act or State Planning Policy

- zoning of land that is consistent with an approved structure plan, where the zones exist within the schemes

Standard: an amendment that is:

- consistent with a zone or reserve
- consistent with a local planning strategy
- consistent with a structure plan but the zones do not exist within the scheme
- considered to have minimal impact on surrounding land
- not basic or complex

Complex: an amendment that is:

- not consistent with a local planning strategy
- not addressed in a local planning strategy
- to be made at the direction of the Minister
- for a development contribution area or development contribution plan
- of a scale that is significant relative to development in the locality.

The classification of an amendment in turn influences the consultation requirements and timeframes in which the amendment must be dealt with. The public consultation requirements have been amended, in addition to timeframes now being imposed on both the local government and WAPC for processing of the amendment, as outlined in the table below:

Scheme Amendment type	Advertising	Local government consideration period (post advertising)	WAPC timeframe to make recommendation to Minister
Basic	No advertising required Amendment to be provided to WAPC within 21 days of Council resolution to prepare or adopt	N/A	42 days
Standard	42 days	60 days post end date of submission period	60 days
Complex	60 days *WAPC approval required prior to advertising	90 days post end date of submission period	90 days

A local government can apply to the WAPC for an extension of the consideration period. The WAPC can extend their timeframe to make a recommendation to the Minister subject to the approval of the Minister or an authorised person. There are no timeframes imposed on the Minister to make a decision.

A Council resolution will still be required to prepare or adopt a scheme amendment and the resolution will need to specify the classification of the amendment and an explanation as to why the amendment type is appropriate.

Model Provisions

The model provisions are to be used when new planning schemes are being prepared. They contain the scheme provisions in regard to matters such as the zones and reserves,

objectives, land use permissibility, development standards and special control areas. The model provisions can be varied, subject to the approval of the Minister.

Deemed Provisions

Section 257B of the *Planning and Development Act 2005* provides the ability for deemed provisions to be enforced as part of each local planning scheme to which they apply.

From the 19 October 2015, the deemed provisions contain in Schedule 2 of the regulations, form part of Scheme No.4. Where there is a conflict or inconsistency between the provisions of Scheme No.4 and the deemed provisions, the deemed provisions prevail. The Shire is required to comply with, and where appropriate, enforce the deemed provisions, as they form part of the Scheme.

The deemed provisions deal primarily with administrative matters of the scheme, including information to be submitted with a development application, advertising of applications, matters to be considered when determining applications and the determination of development applications.

The deemed provisions do also detail when development approval is not required (exempt development).

The deemed provisions cannot be varied. Supplemental provisions can be approved by the Minister, including additional exemptions from development approval.

Amendment No. 12 proposes to delete provisions which are inconsistent with the prevailing deemed provisions and amend others to ensure consistency with the deemed provisions.

Amendment Classification

In respect to Amendment No. 12 it is recommended that it be classified by Council as a basic amendment pursuant to Regulation 34 (c), given that it proposes to delete provisions of the Scheme which have been superseded by the deemed provisions.

In respect to the form which Council's resolution to prepare the amendment must take, new regulation 35 (1) requires that this be in a form approved by the WAPC. The DoP has published a Form 2A for this purpose, and this report's recommendation is provided to be consistent with this form.

The next steps in the procedure for a basic amendment requires:

- the amendment to be forwarded to the WAPC within 21 days of passing of the resolution to prepare the amendment;
- the amendment to be referred to the Environmental Protection Authority to determine whether it needs to be assessed under the Environmental Protection Act.

COMMENT:

Planning and Development (Local Planning Schemes) Regulations 2015 (the regulations) came into effect on 19 October 2015. They replace the *Town Planning Regulations 1967* and associated Model Scheme Text (MST). The regulations are a major part of the planning reform agenda being undertaken by the State Government.

In 2015 the introduction of the (Planning and Development) Local Planning Schemes Regulations 2015 were gazetted and also introduced the Deemed Provisions which echoed a lot of the scheme text which has and will be removed due to it being superfluous. This then

made the old scheme text outdated and in need of changing. The definitions of the new Model Scheme Text are more in line with current industry requirements and give more scope to what can be approved and a better description of those industries.

The new Model Scheme Text now brings the Town Planning Scheme in to line with the latest legislation requirements.

POLICY REQUIREMENTS:

There are no known policy implications for this item.

LEGISLATIVE REQUIREMENTS:

(Planning and Development) Local Planning Schemes Regulations 2014

STRATEGIC IMPLICATIONS:

There are no known strategic implications for this item.

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 associated with this proposal

VOTING REQUIREMENTS

Simple Majority Required

COMMITTEE RECOMMENDATION

That Council pursuant to Section 75 of the Planning and Development Act 2005, amend the Shire of Moora Local Planning Scheme No. 4 by:

- I. Inserting reference to the deemed provisions and supplemental provisions in Part 1.5 by inserting new sub-clauses (b) and (c) and renumbering the sub-clauses accordingly:
 - 1.5 (b) the deemed provisions (set out in the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2;
 - 1.5 (c) the supplemental provisions contained in Schedule A; and
 - 1.5 (d) the Scheme Maps (Sheets 1-8)
- I.1 Deleting the following text from clause 1.6:
 - Part 5 - Heritage Protection Amd 09 GG 11/03/11
 - Part 7 - Planning Approval

- **Part 8 - Administration**

1.2 Inserting clause 18(7) of the Model Provisions as new clause 3.2.5 of the model provisions to ensure guidance is provided for when considering application within a Development Zone:

3.2.5 If the Zoning table does not identify any permissible uses for land in a zone, the local government may, in considering an application for development approval for land within the zone, have due regard to any of the following plans that apply to the land;

- (a) a structure plan;
- (b) an activity centre plan;
- (c) a local development plan

1.3 Modifying the zoning table to update the following Use Class names to correspond with the appropriate definition within the Schedule 1 Part 6 Model Provisions for Local Planning Schemes:

- **Aged or dependent persons dwelling: Residential aged care facility**
- **Education Establishment: Educational Establishment**
- **Industry - General: Industry**
- **Restaurant: Restaurant/cafe**
- **Rural Pursuit: Rural Pursuit/hobby farm**
- **Short-stay accommodation: Bed and breakfast**
- **Showroom: Bulky goods showroom**

1.4 Modifying the zoning table to update the permissibility of 'Ancillary Accommodation' from 'D' use class to 'P' use to make it consistent with clause 61(1)(d) of the deemed provisions.

1.5 Modifying the zoning table to update the permissibility for 'Development' zone to 'in accordance with Clause 3.2.5' for all use classes, in line with clause 18(7) of the model provisions.

1.6 Modifying the zoning table to update the permissibility for the 'Industry-Mining' zone from 'A' to 'D' in the 'General Agriculture' zone to trigger Section 120 of the Mining Act 1978

1.7 Deleting the following clauses from the Scheme Text, as they have been superseded by the deemed provisions set out in the Planning and Development (Local Planning Scheme) Regulations 2015 Schedule 2:

- **Parts 5, 7, 8 in their entirety;**
- **Clause 2.4, 3.12.3, 4.7, 4.12.1, 4.12.3-4.12.9, 4.13 in its entirety;**

- **Schedules 6, 7, 8 and 9 in their entirety;**

I.8 Inserting the following provisions into Schedule A - Supplemental Provisions:

61(1)(k) the erection or installation of a sign or advertisement of a class specified in Schedule 5 of this Scheme that applies in respect of the sign unless the sign is to be erected or installed –

- (i) on a place included on a heritage list prepared in accordance with this Scheme; or**
- (ii) on land located within an area designated under this Scheme as a heritage area.**

61(1)(l) the erection or extension of a single house on a lot if a single house is a permitted (“P”) use in the zone (where the R Codes do not apply) in which that lot is located, where the development standards set out in the scheme for that particular zone (including boundary setbacks) are satisfied, unless the development is located in a place that is:

- (i) entered in the Register of Heritage Places under the Heritage of Western Australia Act 1990; or**
- (ii) the subject of an order under Part 6 of the Heritage of Western Australia Act 1990; or**
- (iii) included on a heritage list prepared in accordance with this Scheme; or**
- (iv) within an area designated under the Scheme as a heritage area; or**
- (v) the subject of a heritage agreement entered into under the Heritage of Western Australia Act 1990 section 29;**
- (vi) on a lot which abuts an unconstructed road or a lot which does not have frontage to a constructed road, and which is not within a gazetted townsite;**
- (vii) the proposal requires the discretion of by the local government under the Scheme to vary the provisions of the Residential Design Codes;**
- (viii) is located on land that is subject to flooding in Special Control Area I as designated on the Scheme Map and/or on land that is subject to flooding as outlined on the Floor Zone Classifications Map contained in Schedule 8 of the Scheme;**

61(1)(m) the erection or extension of an outbuilding, external fixture, boundary wall or fence, patio, pergola, veranda, garage, carport or

swimming pool on the same lot as a single house if a single house is a permitted (“P”) in the zone (where the R Codes do not apply) where the development standards set out in the scheme for that particular zone (including boundary setbacks) are satisfied, unless the development is located in a place that is:

- (i) entered in the Register of Heritage Places under the *Heritage of Western Australia Act 1990*; or
- (ii) the subject of an order under Part 6 of the *Heritage of Western Australia Act 1990*; or
- (iii) included on a heritage list prepared in accordance with this Scheme; or
- (iv) within an area designated under the Scheme as a heritage area; or
- (v) the subject of a heritage agreement entered into under the *Heritage of Western Australia Act 1990* section 29;
- (vi) on a lot which abuts an unconstructed road or a lot which does not have frontage to a constructed road, and which is not within a gazetted townsite;
- (vii) the proposal requires the discretion of by the local government under the Scheme to vary the provisions of the Residential Design Codes;
- (viii) is located on land that is subject to flooding in Special Control Area I as designated on the Scheme Map and/or on land that is subject to flooding as outlined on the Floor Zone Classifications Map contained in Schedule 8 of the Scheme.

1.9 Amend the following clauses by removing the cross reference to the clause deleted by the amendment and replace them with cross reference to the deemed provisions set out in the Planning and Development (Local Planning Scheme) Regulations 2015 Schedule 2:

- Clause 2.3.1 (b): Part 7 of the deemed provisions
- Clause 2.3.2(a): clause 67 of the deemed provisions
- Clause 3.2.2 "A": clause 64 of the deemed provisions
- Clause 3.2.4(b): clause 64 of the deemed provisions
- Clause 3.12.2(a) outline development plan: Part 4 of the deemed provisions
- Clause 3.13.3 (d): Schedule 6
- Clause 3.13.4 (a): Part 8 of the deemed provisions
- Clause 3.14.2 (d): Schedule 7

- **Clause 4.11.4.1 (b)(iii)-(v): Schedule 8**
- **Clause 4.11.4.1 (c)(i)(ii): Schedule 8**
- **Clause 4.11.4.1 (d): Schedule 8**
- **Clause 4.11.4.2: Schedule 8**
- **Clause 4.11.4.3: Clause 67 of the deemed provisions**
- **Clause 4.11.4.4: Schedule 8**
- **Clause 4.11.6.1: Schedule 8**
- **Clause 4.11.6.2: Schedule 8**
- **Clause 6.1(c): Clause 80 of the deemed provisions**
- **Clause 6.2.2: Clause 64 of the deemed provisions**
- **Schedule 10 – Rural Residential zones, No 7, Clause 7(iii): Schedule 8**

1.10 Delete reference to the following terms and replace them with the corresponding term throughout the scheme:

- **'planning approval' replaced with 'development approval';**
- **'council' replaced with 'local government';**
- **'outline development plan' replaced with 'structure plan';**
- **'subdivision guide plan' replaced with 'structure plan';**
- **'Commission' with 'Western Australian Planning Commission'.**

1.11 Modify first two paragraphs in Schedule 1 as follows:

'The general definitions in Schedule 1 Part 6 of the *Planning and Development (Local Planning Schemes) Regulations 2015* as current including any amendments apply.

The land use definitions in Schedule 1 Part 6 of the *Planning and Development (Local Planning Schemes) Regulations 2015* as current including any amendments apply with the following exceptions:

1.12 Delete the following definitions into Schedule 1 - Definitions

- **Abattoir**
- **Grain depot**
- **Produce store**
- **Short-term accommodation**
- **Stockyard**

1.14 Insert the following definitions into Schedule 1 – Definitions and reorder alphabetically.

Industry - Cottage:- means a trade or light industry producing arts and crafts which does not fall within the definition of a home occupation which:

- (a) does not cause injury to or adversely affect the amenity of the neighbourhood;
- (b) where operated in a residential zone, does not employ any person other than a member of the occupier's household;
- (c) is conducted in an out-building which is compatible with the principal uses to which land in the zone in which it is located may be put;
- (d) does not occupy an area in excess of 50 square metres; and
- (e) does not display a sign exceeding 0.2 square metres in area.

Industry – Service: - means

- (a) an industry – light carried out from premises which may have a retail shop front and from which goods manufactured on the premises may be sold: or
- (b) premises which have a retail shop front and used as depot for receiving goods to be serviced.

Industry - Mining: - means land used commercially to extract minerals from the land.

Residential aged care facility:- means a residential facility providing personal and/or nursing care primarily to people who are frail and aged and which, as well as accommodation, includes appropriate staffing to meet the nursing and personal care needs of residents; meals and cleaning services; furnishings, furniture and equipment. May also include residential respite (short term) care but does not include a hospital or psychiatric facility.

Motel: means premises used to accommodate patrons in a manner similar to a hotel but in which specific provision is made for the accommodation of patrons with motor vehicles and may comprise premises licensed under the Liquor Licensing Act 1988.

Hotel: means premises providing accommodation the subject of a hotel license under the Liquor Licensing Act 1988, and may include a betting agency on those premises, but does not include a tavern or motel.

1.15 In Schedule 10 – Rural Residential Zones:

- No 1, Requirements 1) and 2) replace the text “adopted by the local government” with “approved by the Western Australian Planning Commission”;

- **No 6, Requirements 1)** replace the text “local government’ with “Western Australian Planning Commission”.

1.16 In Schedule 11 – Rural Smallholding Zones:

- **No 1(i):** “Insert Western Australian Planning” before “Commission”;
 - **No 1(ii):** Replace “approval by the local government and the” and replace with “approval of the Western Australian Planning”.
2. *Renumber the remaining scheme provisions and schedules sequentially and update any cross referencing to the new clause numbers as required.*
 3. *Resolves, pursuant to the Regulation 35(2) of the Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations), that Amendment 1 is a basic amendment in accordance with r.34(c) of the Regulations as it proposes to amend the Scheme text to delete provisions that have been superseded by the deemed provisions in Schedule 2 of the Regulations.*
 4. *Authorise Council officers to prepare the scheme amendment documentation.*
 5. *Authorise the affixing of the common seal to and endorse the signing of the amendment documentation.*
 6. *Pursuant to Section 81 of the Planning and Development Act 2005, refers Amendment 1 to the Environmental Protection Authority.*
 7. *Pursuant to r.58 of the Regulations, provides Amendment 12 to the Western Australian Planning Commission.*
 8. *That a copy of the new Model Scheme Text be presented to the Environmental protection Authority for their approval and endorsement.*

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

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

13. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

14. CLOSURE OF MEETING