

SHIRE OF MOORA
MINUTES OF THE ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS, MOORA
20 JUNE 2018

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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 May 2018*
- 9.1.3 *Bush Fire Advisory AGM Minutes*
- 9.2.1 *Plans*
- 10.1 *Policy*
- 10.3 *Plans*
- 12.1 *Attachment A – Draft Amendment Local Law*

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

1.1 DECLARATION OF OPENING

The Deputy President declared the meeting open at 5.32pm.

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

| | | |
|----------------------|---|--|
| LC House | - | Presiding Member / Deputy President |
| TG Humphry | - | Councillor |
| DV Clydesdale-Gebert | - | Councillor |
| PF Nixon | - | Councillor |
| El Hamilton | - | Councillor |
| PJ Bellamy | - | Councillor |
| TL Lefroy | - | Councillor |
| JM Thomas | - | Councillor |
| DK Trevaskis | - | Deputy Chief Executive Officer |
| JL Greay | - | Manager Engineering Services |
| PR Williams | - | Manager Development Services |
| MM Murray | - | Executive Support Officer (minute taker) |

APOLOGIES

| | | |
|------------|---|-------------------------|
| KM Seymour | - | Shire President |
| AJ Leeson | - | Chief Executive Officer |

PUBLIC

| | | | |
|---------------|---------------|---------------|----------------|
| Mavis Blowers | Duncan Peter | Lloyd Baugh | Colin Headland |
| Kaye Lewis | Frank Lewis | Wes Porter | Jarrad Thomas |
| Jim Kelly | Janine Varley | Arie de Vries | Roger Chapman |
| June Headland | | | |

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4. PUBLIC QUESTION TIME

Nil

5. **PETITIONS AND PRESENTATIONS**

At 5.34pm Duncan Peter on behalf of Members of the Frack Free Central Midlands group introduced himself and commenced his presentation. Following this, copies of the groups' submissions, which had been presented to the WA Fracking Inquiry as well as extracts of Council minutes from Chittering & Carnamah were tabled for Council.

At 5.44pm the public left the meeting

6. **APPLICATIONS FOR LEAVE OF ABSENCE**

Nil

7. **ANNOUNCEMENTS BY THE PRESIDING MEMBER**

The following Council associated engagements were attended;

Cr House, Deputy Shire President

- 18/5 Sundowner Walkabout Physiotherapy
- 21/5 Strategy meeting for development of education strategies for draft proposal, CEO's office
- 1 /6 Convened meeting of Save Moora College
- 6/6 Bus handover to Moora Mens Shed members
- 7/6 BankWest, Chamber of Commerce - assisted in formulation of questions for the State Conference
- 11/6 Meeting with Donna Vanzetti re tourism opportunities for Moora including Indigenous inclusion, astronomy and art, CEO Office
- 11/6 Meeting with new Principal of CMSHS re college, education opportunities, how to progress, CEO Office
- 12/6 Chamber of Commerce breakfast meeting
- 12/6 Participated in WA focussed 'what can government do for regional, rural and remote Australia' conversations. Document prepared by Australian Rural Leadership Foundation. An interview of about 1 ½ hrs on our own issues here in Moora with Lachie McDonald of ARLF - education, biosecurity, regional development, basic services
- 13/6 Shire Governance Review
- 14/6 State Regional Chamber of Commerce sundowner and networking, Perth
- 15/6 Meeting with Minister MacTiernan, the Shire President and CEO
- 15/6 Chamber of Commerce sundowner at Lewis Motors with Minister MacTiernan as guest.

Cr Thomas

- 6/6 Bus handover to Moora Mens Shed members
- 13/6 Shire Governance Review

Cr Clydesdale-Gebert

- 6/6 Bus handover to Moora Mens Shed members
- 13/6 Shire Governance Review
- 15/6 Chamber of Commerce sundowner at Lewis Motors with Minister MacTiernan as guest

Cr Lefroy

- 6/6 Innovations Central Midlands Inc board meeting
- 13/6 Shire Governance Review
- 15/6 Chamber of Commerce sundowner at Lewis Motors with Minister MacTiernan as guest

Cr Bellamy

- 21/5 Strategy meeting for development of education strategies for draft proposal, CEO's office
- 22/5 Corella Control Information and demonstration session with Dept. of Biodiversity, Conservation and Attractions, Kensington
- 24/5 National Volunteers Day luncheon at the Moora Performing Arts Centre
- 13/6 Shire Governance Review
- 15/6 Chamber of Commerce sundowner at Lewis Motors with Minister MacTiernan as guest

WALGA Training undertaken (Understanding Local Government and Conflicts of Interest)

Cr Hamilton

- 6/6 Bus handover to Moora Mens Shed members
- 24/5 National Volunteers Day luncheon at the Moora Performing Arts Centre
- 13/6 Shire Governance Review
- 15/6 Chamber of Commerce sundowner at Lewis Motors with Minister MacTiernan as guest

Cr Humphry

- 6/6 Bus handover to Moora Mens Shed members
- 15/6 Chamber of Commerce sundowner at Lewis Motors with Minister MacTiernan as guest
- 7/6 Moora Community Wellbeing Plan Development Workshop, Moora

Cr Nixon

- 11/6 Shire Governance Review
- 18/6 Regional Road Group meeting, Moora

8. CONFIRMATION OF MINUTES**8.1 ORDINARY COUNCIL MEETING - 16 MAY 2017****COUNCIL RESOLUTION**

69/18 Moved Cr Hamilton, seconded Cr Bellamy that the Minutes of the Ordinary Meeting of Council held on 16 May 2018 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: 12 June 2018

OFFICER DISCLOSURE OF INTEREST: Nil

AUTHOR: David Trevaskis, Deputy Chief Executive Officer

SCHEDULE PREPARED BY: Alida Fitzpatrick, Finance Creditor/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 |
|---------------------------|

70/18 Moved Cr Humphry, seconded Cr Nixon that Council notes and endorses the Payments from the Municipal and Trust Funds made under delegation 1.31

| | | |
|-----------------------|---|-------------------------------|
| Municipal Fund | Cheques 62345 to 62349 | \$4,920.35 |
| | EFT 19474 to 19638 | \$729,432.27 |
| | Credit Card 03/05/18 to 03/06/18 | \$6,310.15 |
| | DD 11938.1 to 11996.13 | \$85,948.32 |
| | Net Pays – PPE 15/05/18 | \$96,181.77 |
| | Net Pays – PPE 29/05/18 | \$105,404.38 |
| | | |
| Trust Fund | Cheques 5358 to 5362 | \$103.00 |
| | | |
| Total | | <u>\$ 1,028,300.24</u> |

CARRIED 8/0

9.1.2 STATEMENT OF FINANCIAL ACTIVITY FOR PERIOD ENDED 31 MAY 2018

REPORT DATE: 12 June 2018

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 May 2018

PURPOSE OF REPORT:

To note and receive the Statement of Financial Activity for the period ended 31 May 2018.

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 2017/18 adopted budget.

VOTING REQUIREMENTS

Simple Majority Required

COUNCIL RESOLUTION

71/18 Moved Cr Bellamy, seconded Cr Thomas that Council notes and receives the Statement of Financial Activity for the period ended 31 May 2018.

CARRIED 8/0

9.1.3 BUSH FIRES ACT – FIRE CONTROL OFFICERS

FILE REFERENCE: LO/BUFI

REPORT DATE: 11 June 2018

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Vicki Booth, Community Emergency Services Manager

ATTACHMENTS: Bushfire Advisory Committee Minutes

PURPOSE OF REPORT:

Confirmation of the appointment of the Shire of Moora Bush Fire Control Officers 2018/2019.

BACKGROUND:

A Local Government may from time to time appoint such persons as it thinks necessary to be its Bush Fire Control Officers under and for the purposes of the Bush Fire Act 1954, and those officers shall appoint the Chief Bush Fire Control Officer and two (2) Deputy Bush Fire Control Officers who shall be first and second in seniority of the other bush fire control officers, and subject thereto may determine the respective seniority of the other bush fire control officers appointed by it.

The Local Government shall cause notice of appointment under the provisions of the Act to be published at least once in a newspaper circulating the district.

COMMENT:

Below is a list of appointed Fire Control Officers for the year 2018/2019 for the Shire of Moora District Bush Fire Brigade network.

Council is required to adopt this list and authorise the publishing of the names in the Northern Valley News and Shire of Moora website for public information.

POLICY REQUIREMENTS:

Shire of Moora Bush Fire Policy 2.1 adopted 18 May 2009

LEGISLATIVE REQUIREMENTS:

Bush Fires Act 1954 - (with amendments) and Regulations – Section 38 (1) & (2a).

STRATEGIC IMPLICATIONS:

Experienced Fire Control Officers throughout the Shire of Moora district for the protection of rural property

SUSTAINABILITY IMPLICATIONS:

- **Environment**
Efficient fire control and enforcement for fire breaks protects the natural environment and cereal crops.
- **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:

Funding for the Bush Fire Brigades operations is funded from the Local Government Grants Scheme (ESL).

VOTING REQUIREMENTS

Simple Majority Required

COUNCIL RESOLUTION

72/18 Moved Cr Humphry, seconded Cr Lefroy that the Shire of Moora adopt the following list of current Bush Fire Control Officers for the 2018/2019 season, and that Council authorise the publishing of the list in the Northern Valley News and on the Shire of Moora website for public information;

**Chief Bush Fire Control Officer
Deputy Chief Bush Fire Control Officer
Deputy Chief Bush Fire Control Officer
Community Emergency Services Manager
Fire Weather Officer
Deputy Fire Weather Officers**

Fire Control Officers

**Fire Permits Only
Fire Permits Only**

**Brendan Pratt
Derek Stewart
James (Jimmy) McNamara
Vicki Booth
Hugh Bryan
Brendan Pratt
Derek Stewart
James (Jimmy) McNamara**

**Toby Ellis (Bindi Bindi)
Les Crane (Bindi Bindi)
Brad Tonkin (Coomberdale)
David McLean (Coomberdale)
Jaden Cocking (Koojan)
Glen Vanzetti (Koojan)
Ian McGillivray (Koojan)
Tom Sayers (Miling)
Brad Millsteed (Watheroo)
Len Mitchell (Watheroo)**

**John Limacher (VFRS)
Sean Harris (Ranger)**

CARRIED 8/0

9.2 DEVELOPMENT SERVICES

9.2.1 LOT 151/126 GARDINER STREET, MOORA - COMMERCIAL SHED

FILE REFERENCE: TP/PA31/1718

REPORT DATE: 8 June 2018

APPLICANT/PROPONENT: Ruralco Holdings Limited

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 by proponent Ruralco Holdings Limited who are seeking permission to construct a 32m x 15m x 4.9m bunded steel framed and clad commercial shed at Lot 151/ 126 Gardiner Street Moora.

BACKGROUND:

Lot 151 Gardiner Street is located within the Town Centre Zone and is currently an established retail rural merchandising business called Primaries CRT. They are looking to construct a 32m x 15m x 4.9m bunded steel framed and clad shed to store their agricultural chemicals sold through the business which are currently being stored in the open; replace the boundary fence with a 2.5m high cyclone fence and provide an asphalt seal to the internal perimeter of the business.

The objectives for the Town Centre Zone: -

Objectives

- (a) to ensure the town centre remains the principal place for retail, commercial, civic, and administrative functions within the district.
- (b) to encourage development will not adversely affect local amenities, and will enhance the character of the town centre.
- (c) to provide sufficient parking spaces for vehicles without compromising pedestrian movements through the town centre.
- (d) to provide an increased level of public amenities including public toilets, shaded areas, and street furniture.

Primaries is an established expanding rural merchandising business to the farming community that has ample parking at the front of the business and is looking to ensure its chemical storage area meets the requirements of Agsafe and to protect the products from the elements and meet packaging and compatibility storage requirements for classes of chemicals.

COMMENT:

There is an issue regarding water run off with the sealing of the of the internal parameter of the property however this can be managed by an internal holding tank and pumping into the Shire stormwater system. Agsafe manages the storage of agricultural chemicals to ensure chemicals are stored in accordance with their compatibility with other chemical of the same type, class and packaging requirements for dangerous goods. This is to prevent possible combustion and fire issues and ensure evacuation procedures are in place.

The shed meets the requirements of the Town Centre Zone in that it is for storage of retail goods.

The property is located within the Shire flood plain and is subject to its conditions in that the Finished Floor Level (FFL) is required to be at least 150mm above the highest known flood level of the May 1999 Flood for a non-habitable building.

POLICY REQUIREMENTS:

There are no known policy requirements related to this item.

LEGISLATIVE REQUIREMENTS:

Shire of Moora Town Planning Scheme No 4 (Amendment 12)

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 fees have been paid by the proponent.

VOTING REQUIREMENTS

Simple Majority Required

COUNCIL RESOLUTION

73/18 Moved Cr Nixon, seconded Cr Humphrey that Council approve the application by proponent Ruralco Holdings Limited to construct a 32m x 15m x 4.9m steel framed and clad bunded shed for the storage of agriculture chemicals to the specification of Agsafe; replace the external fence with a 2.5m high cyclone fence; and to asphalt seal the internal area of the of the property subject to the following conditions:

- 1. Shed specifications meet the requirements of Agsafe for the storage of agriculture chemicals and their particular type, class and packaging requirements;***
- 2. Shed not to be constructed of second hand materials;***
- 3. Stormwater runoff to be contained on the property then pumped into Shire's Stormwater system; specification information can be obtained by contacting Shire's Manager for Engineering Services;***
- 4. The finished floor level to meet the requirements of the Shire of Moora Flood provisions it that the (FFL) is 150mm above the highest known flood level for that area. Finished Floor Level information can be obtained from Department of Water.***

CARRIED 8/0

10. REPORTS OF COMMITTEES

GENERAL PURPOSE COMMITTEE MEETING – 6 JUNE 2018

10.1 POLICY - TRADING IN PUBLIC THOROUGHFARES

At 5.57pm Cr Clydesdale-Gebert declared an indirect financial interest as she owns a café in the Moora townsite and left the meeting.

FILE REFERENCE: H/TPPI

REPORT DATE: 23 May 2018

APPLICANT/PROPONENT: Shire of Moora

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Peter Williams, Manager Development Services

ATTACHMENTS: Policy

PURPOSE OF REPORT:

For Council to look at adopting a policy relating to Street Traders (i.e. Itinerant Traders) who come into Town wishing to trade, at times in competition to established business traders in Town.

BACKGROUND:

Recently, an Itinerant Trader/Mobile Vendor requested to come into Town and sell baked Potatoes that had various fillings. They appeared to be popular with the public. This raised the question regarding Itinerant Traders and possibly the need for a policy. The Shire of Dandaragan was contacted to provide a copy of their policy as it was seen to be beneficial to have consistency with neighbouring Shires and their policy with some slight remodelling seemed to best fit the Shire of Moora.

COMMENT:

This policy will meet most if not all situation that could arise regarding mobile and itinerant traders, recommended that Council adopt this policy.

POLICY REQUIREMENTS:

There are no known policy requirements related to this matter.

LEGISLATIVE REQUIREMENTS:

There are no known legislative requirements related to this matter.

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 known financial implications associated with this proposal.

VOTING REQUIREMENTS:

Simple Majority Required

| |
|---|
| <p>COUNCIL RESOLUTION (COMMITTEE RECOMMENDATION)</p> |
|---|

74/18 Moved Cr Humphry, seconded Cr Bellamy that Council adopt the “Mobile and Itinerant Vendors and Commercial Activities and Trading on Thoroughfares Public Places and Council Land” policy as attached subject to all applications for mobile vendors and Itinerant Traders being presented to Council.

CARRIED 7/0

At 5.58pm Cr Clydesdale-Gebert rejoined the meeting.

10.2 CONTRACT TO OPERATE MOORA LANDFILL – TENDER 02/18

FILE REFERENCE: H/WAMI-2

REPORT DATE: 22 May 2018

APPLICANT/PROPONENT: Shire of Moora

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Peter Williams, Manager Development Services

ATTACHMENTS: Nil

PURPOSE OF REPORT:

The Shire recently called for tenders to Operate the Moora landfill. The Shire only received one tender; from the incumbent operators Damian and Lisa Marshall.

BACKGROUND:

The contract is to operate and manage the Moora Landfill site for a period of 4 years, three years with an option upon agreement to a 4th year. The cost to the Shire is \$95,000 per annum.

COMMENT:

Because of the new contract, the proposed operators have requested that opening and closing times of the landfill be brought forward an hour from 1.00pm to 5.00pm and from 8.00am to 5.00pm weekends. This is due to during the winter months and most summer evenings either it is too dark for safety concerns and rarely are there any public who visit after 5.00pm. The operating dates have also been changed due to the Shire receiving a breach of its license conditions for not covering waste deposited on rubbish collection day which is Tuesday. Previously the tip has not been open on Tuesdays so the tip operating days are to be Tuesdays, Wednesdays and Fridays and weekends.

POLICY REQUIREMENTS:

There are no known policy implications for this item.

LEGISLATIVE REQUIREMENTS:

There are no known legislative implications for this item.

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:

The Shire will pay an annual figure of \$95,000 per annum for the contract and for the 4-year period \$380,000. Under Council Purchasing Policy this requires Council to be notified

VOTING REQUIREMENTS

Simple Majority Required

**COUNCIL RESOLUTION
(COMMITTEE RECOMMENDATION)**

75/18 Moved Cr Bellamy, seconded Cr Clydesdale-Gebert that Council accept the tender submission from Damian and Lisa Marshall for Tender 02/18 Provision of Services to Manage Moora Landfill Site at \$95,000 per annum (including GST) for a period of 3 years, with an option of extending for an additional year.

CARRIED 8/0

10.3 ST JOSEPH'S SCHOOL - ATTACHED GABLE PATIO

FILE REFERENCE: TP/PA27/1718

REPORT DATE: 28 May 2018

APPLICANT/PROPONENT: True Blue Outdoor Designs WA on behalf of St Joseph's School

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 an application from proponent True Blue Outdoor Designs WA seeking approval to construct an attached gabled patio spanning between the existing hall and Year 5 class room at St Joseph's School, Lot 25 Dandaragan Street (cnr Kintore Street) Moora.

BACKGROUND:

Lot 24-27 Dandaragan Street is zoned as Special Use Zone for a Private School:

A person must not use any land, or any structure or buildings on land, in a special use zone except for the purpose set out against that land in Schedule 4 and subject to compliance with any conditions set out in Schedule 4 with respect to that land.

Special use zones are set out in Schedule 4 and are in addition to the zones in the Zoning Table. Schedule 4 Shire of Moora Town Planning Scheme No 4 (Amendment 12) shows: -

Lots 24-27 Dandaragan Street/Kintore, Long, Clinch Streets - Private School

The attached gabled patio meets the requirements of the objectives for the Special Use Zone for a Private School.

Lots 24-27 Dandaragan Street are within the Shire's Flood Plain area but as the development is a minor extension to an existing building and the development will not impede the flow of flood waters, the Flood Provisions are waived;

Shire of Moora Town Planning Scheme No 4 (Amendment 12) Special Control Area 1, Local government has discretion to consider a minimum finished floor level less than 300mm above the March 1999 flood levels where the local government determines that:

(i) The non-habitable buildings and structures are infill development in the Town Centre zone (with a minimum FFL of 0.15 metres above the March 1999 flood levels); or

The proposed development is a minor extension to an existing building or structure already approved and constructed; or

(i) The non-habitable building or structure is ancillary development to a dwelling on the same lot inclusive of a carport, garage, patio, pergola, gazebo, and outbuilding; and

(ii) The local government considers fill is impractical and/or will have a negative impact on an established streetscape.

COMMENT:

The development meets the requirements of the Special Use Zone for a Private School, and the Shire scheme text advises: The non-habitable building or structure is ancillary development to a dwelling on the same lot inclusive of a carport, garage, patio, pergola, gazebo, and outbuilding; and

(ii) The local government considers fill is impractical and/or will have a negative impact on an established streetscape. Recommended that Council approve this development.

POLICY REQUIREMENTS:

There are no known policy implications for this item.

LEGISLATIVE REQUIREMENTS:

Shire of Moora Town Planning Scheme No 4 (Amendment 12) Special Control Area 1

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 known financial implications associated with this proposal. All fees for this development have been paid by the proponent.

VOTING REQUIREMENTS

Simple Majority Required

**COUNCIL RESOLUTION
(COMMITTEE RECOMMENDATION)**

76/18 Moved Cr Lefroy, seconded Cr Hamilton that Council approve the development application by proponent True Blue Outdoor Designs WA on behalf of St Joseph's School to construct an attached gabled steel framed and clad patio spanning between the existing hall and Year 5 class room at St Joseph's School located at Lots 24-27 Dandaragan Street (cnr Kintore Street) Moora subject to the following conditions:

1. **No second-hand materials are to be used in the construction of the patio;**
2. **That Council uses its discretion to not enforce the requirements of the Flood provision for reasons that:**
 - a. **The non-habitable building or structure is ancillary development to a dwelling on the same lot inclusive of a carport, garage, patio, pergola, gazebo, and outbuilding; and**
 - b. **The local government considers fill is impractical and/or will have a negative impact on an established streetscape.**

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 Deputy Chief Executive Officer tabled an item of urgent business titled 'Amendments of the Shire of Moora Waste Local Law 2016 and Dogs Local Law 2016 as Requested by the Joint Standing Committee on Delegated Legislation' for Councils consideration.

COUNCIL RESOLUTION

77/18 Moved Cr Bellamy, seconded Cr Clydesdale-Gebert that Council consider the item of urgent business as tabled by the Deputy Chief Executive Officer titled 'Amendments of the Shire Of Moora Waste Local Law 2016 and Dogs Local Law 2016 as Requested by the Joint Standing Committee on Delegated Legislation'.

CARRIED 8/0

12.1 AMENDMENTS OF THE SHIRE OF MOORA WASTE LOCAL LAW 2016 AND DOGS LOCAL LAW 2016 AS REQUESTED BY THE JOINT STANDING COMMITTEE ON DELEGATED LEGISLATION

FILE REFERENCE: PR/ADVI & PL/LOLI

REPORT DATE: 19 June 2018

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), 17/8/16 (107/16), 19/10/16 (107/16 – Rescinded), 19/10/16 (141/16), 7 December 2016 (171/16), 20 September 2017 (101/17), 15 November 2017 (134/17).

AUTHOR: Consultant - Phillip Swain

ATTACHMENTS: Attachment A – Draft Amendment Local Law

PURPOSE OF REPORT:

The purpose of this report is for Council to rectify an Administrative error relating to Councils previous resolution on this matter and thereby commence the adoption process for necessary amendments to the recently adopted Dogs Local Law 2016 and Waste Local Law 2016, as requested by the Joint Standing Committee on Delegated Legislation (JSCDL).

BACKGROUND:

At its meeting of 15 November 2017, it was resolved;

That the Council of the Shire of Moora resolves to commence the adoption process of the Local Government (General Amendment) Local Law 2018, as outlined in Attachment A, and directs Administration to give local public notice and state-wide public notice in accordance with section 3.12 of the Local Government Act 1995, seeking public comment for the local law.

COMMENT:

The advice from the JSCDL has highlighted problems with two (2) Local Laws adopted by the Shire, with several other laws in late 2016, and which were gazetted in early 2017. The JSCDL has sought changes to the same, the details of which were outlined in the report submitted to Council in November 2017. Unfortunately, the report did not outline the Purpose and Effect of the proposed local law, which is a requirement of Section 3.12 of the Local Government Act 1995, irrespective of the fact that the law is an amendment.

With the inclusion of the Purpose and Effect in this report, (as outlined in the Legislative Requirements below), it is proposed that the Shire reaffirm its resolution of 15 November 2017 to progress a general amendment local law (Attachment A) to rectify the matters raised by the JSCDL.

POLICY REQUIREMENTS:

There are no current Council policies relating to the two (2) Local Laws.

LEGISLATIVE REQUIREMENTS:

The Shire needs to give notice, in accordance with the requirements of the Local Government Act 1995, of its intention to make an amendment local law to rectify the matters, and that local law will have to be adopted in accordance with the Act requirements. This will include state wide advertising with a submission period of six (6) weeks and referral of the waste local law amendment to the Department of Environmental Regulation for approval, prior to Council adoption of the amendment local law.

The Agenda and Minutes relating to the commencement of adoption of a local law must also state the Purpose and Effect of the Local Law and this was unfortunately omitted from the previous report. The purpose and effect of the amendment local law are as follows;

Purpose: The purpose of the local law is to provide for the 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 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.

➤ **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.

➤ **Social**

Community consultation will need to be undertaken in accordance with legislative requirements during the development of the amendment local law.

FINANCIAL IMPLICATIONS:

Direct Consultant costs associated with this report will be nil. Costs associated with the adoption of the local law will include consultant fees to prepare correspondence and reports for and after the advertising period, advertising, and documentation including the preparation of an Explanatory Memoranda for the amendment Local Law. 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 for bulk notices is \$268.50 per page, however, as an amendment only, the total gazettal pages will be small. 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

COUNCIL RESOLUTION

78/18 Moved Cr Bellamy, seconded Cr Lefroy that the Council of the Shire of Moora reaffirms its resolve to commence the adoption process of the Local Government (General Amendment) Local Law 2018, as outlined in Attachment A, and directs Administration to give local public notice and state-wide public notice in accordance with section 3.12 of the Local Government Act 1995, seeking public comment for the local law including;

Purpose: The purpose of the local law is to provide for the 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 amend existing local laws within the district of the Shire of Moora to provide for the good governance of the municipality.

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 Deputy President declared the meeting closed at 6.06pm.

CONFIRMED

PRESIDING MEMBER