

**Shire of Moora
Ordinary Council Meeting
20th March 2019**

NOTICE OF MEETING

Dear Elected Member

The next Ordinary Council Meeting of the Shire of Moora
will be held on **Wednesday 20th March 2019**
in the Miling Pavilion, Miling
commencing at **6.30 pm**



AJ Leeson
Chief Executive Officer

15th March 2019

The Shire of Moora Vision and Mission Statement

Vision

Our vision is:

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

Mission

Our mission is:

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

SHIRE OF MOORA**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
20 MARCH 2019
COMMENCING AT 6.30PM

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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**

LC House - Councillor / Deputy President
PF Nixon - Councillor

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 FEBRUARY 2019**

That the Minutes of the Ordinary Meeting of Council held on 15 February 2019 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: 12 March 2019

OFFICER DISCLOSURE OF INTEREST: Nil

AUTHOR: David Trevaskis, Deputy Chief Executive Officer

SCHEDULE PREPARED BY: Alida Fitzpatrick, Finance Debtors Officer

ATTACHMENTS: Accounts Paid Under Delegated Authority

PURPOSE OF REPORT

Payments have been made under delegated authority and a listing of these payments is attached for Council to note and endorse.

BACKGROUND

At the December 2005 Ordinary Meeting of Council resolution 276/2005 delegated the authority of payments from Municipal and Trust Funds to the Chief Executive Officer.

COMMENT

Accounts Paid under delegated authority are periodically presented to Council.

POLICY REQUIREMENTS

Delegation 1.31 – Payments from Municipal and Trust Funds.

LEGISLATIVE REQUIREMENTS:

Local Government Act 1995 - Section 6.10

Local Government (Financial Management) Regulations 1996 – Regulations 12 & 13.

STRATEGIC IMPLICATIONS

There are no known strategic implications associated with this proposal.

SUSTAINABILITY IMPLICATIONS

➤ Environment

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

➤ Economic

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

➤ Social

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

FINANCIAL IMPLICATIONS

Payments are in accordance with the adopted budget.

VOTING REQUIREMENTS

Simple Majority Required

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 62386 to 62388</i>	<i>\$2,944.00</i>
	<i>EFT 20959 to 21080</i>	<i>\$556,200.28</i>
	<i>Credit Card 03 Jan to 03 Feb</i>	<i>\$3,740.70</i>
	<i>Direct Debits 12519.1 to 12540.11</i>	<i>\$41,060.67</i>
	<i>Net Pays – PPE 05/02/19</i>	<i>\$87,814.22</i>
	<i>Net Pays – PPE 20/02/19</i>	<i>\$87,134.74</i>
<i>Trust Fund</i>	<i>Cheques 5431 to 5437</i>	<i>\$241.65</i>
	<i>Total</i>	<i><u>\$ 779,136.36</u></i>

9.1.2 STATEMENT OF FINANCIAL ACTIVITY FOR PERIOD ENDED 28 FEBRUARY 2019

REPORT DATE: 12 March 2019

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 28 February 2019

PURPOSE OF REPORT:

To note and receive the Statement of Financial Activity for the period ended 28 February 2019.

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 2018/19 adopted budget.

VOTING REQUIREMENTS

Simple Majority Required

RECOMMENDATION

That Council notes and receives the Statement of Financial Activity for the period ended 28 February 2019.

9.1.3 REQUEST TO HAVE A THIRD DOG – B & N MCLEAN

FILE REFERENCE: PA400

REPORT DATE: 13 March 2019

APPLICANTS/PROPONENT: B & N McLean

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Alan Leeson, Chief Executive Officer

ATTACHMENTS: Nil

PURPOSE OF REPORT:

Council is in receipt of an application from Brendan and Nicole McLean requesting Council permission to keep 3 dogs at their rental property situated at 20 Bewsher Street, Moora. An email of support from the property owner has been received.

BACKGROUND:

The correspondence from Mr & Mrs McLean details the history of how the keeping of three dogs at the property evolved. The applicants have stated that it was a matter of family circumstance whereby their mother returned to New Zealand and therefore they kept her dog with them.

COMMENT:

Council can allow a person to have more than two dogs at one premises under the Dog Act and Regulations subject to an application to Council requesting Council permission.

Criteria which must be met are;

- Two of the dogs must be currently registered, with the third dog, if approved, to be registered within 14 days of the approval being given;
- The dogs are not to be used for breeding purposes;
- The dogs are not of a restricted breed or declared a dangerous dog;
- Where the applicant does not own the property, a letter of support is required from the owner of the property for the application to be assessed.

POLICY REQUIREMENTS:

There are no known policy implications associated with this proposal.

LEGISLATIVE REQUIREMENTS:**Shire of Moora Dog Local Law 2016****3.2 Limitation on the number of dogs**

- (1) This clause does not apply to premises which have been -
 - (a) licensed under Part 4 as an approved kennel establishment; or

- (b) granted an exemption under section 26(3) of the Act.
- (2) The limit on the number of dogs which may be kept on any premises is, for the purpose of section 26(4) of the Act -
 - (a) 2 dogs over the age of 3 months and the young of those dogs under that age if the premises are situated within a Townsite; or
 - (b) 4 dogs over the age of 3 months and the young of those dogs under that age if the premises are situated outside a Townsite.

Dog Act 1976 –

Part V — The keeping of dogs

26. Limitation as to numbers

- (1) A local government may, by a local law under this Act —
 - (a) limit the number of dogs that have reached 3 months of age that can be kept in or at premises in the local government's district; or
 - (b) limit the number of dogs of a breed specified in the local law that can be kept in or at premises in the local government's district.
- (2) A local law mentioned in subsection (1) —
 - (a) may limit the number of dogs that can be kept in or at premises to 2, 3, 4, 5 or 6 only; and
 - (b) cannot prevent the keeping in or at premises of one or 2 dogs that have reached 3 months of age and any pup of either of those dogs under that age; and
 - (c) cannot apply to dogs kept at premises that are licensed under section 27 as an approved kennel establishment; and
 - (d) cannot apply to dangerous dogs (declared) or dangerous dogs (restricted breed).
- (3) Where by a local law under this Act a local government has placed a limit on the keeping of dogs in any specified area but the local government is satisfied in relation to any particular premises that the provisions of this Act relating to approved kennel establishments need not be applied in the circumstances, the local government may grant an exemption in respect of those premises but any such exemption —
 - (a) may be made subject to conditions, including a condition that it applies only to the dogs specified in the exemption; and
 - (b) cannot authorise the keeping in or at those premises of —
 - (i) more than 6 dogs that have reached 3 months of age; or
 - (ii) a dog under that age unless it is a pup of a dog whose keeping is authorised by the exemption;and
 - (c) may be revoked or varied at any time.
- (4) A person must not keep in or at any premises, not being licensed under section 27 as an approved kennel establishment —

- (a) in the case of dogs that have reached 3 months of age, other than dangerous dogs (declared) or dangerous dogs (restricted breed), more than the number of dogs than the limit imposed under —
 - (i) a local law mentioned in subsection (1); or
 - (ii) an exemption granted under subsection (3);
 or
- (b) more than —
 - (i) 2 dangerous dogs (declared); or
 - (ii) 2 dangerous dogs (restricted breed); or
 - (iii) one of each of those kinds of dangerous dogs, that have reached 3 months of age; or
- (c) any pup, of a dangerous dog (restricted breed), that is under 3 months of age.

Penalty:

- (a) for an offence relating to a dangerous dog —
 - (i) a fine of \$10 000, but the minimum penalty is a fine of \$500;
 - (ii) for each separate and further offence committed by the person under the *Interpretation Act 1984* section 71, a fine of \$500;

STRATEGIC IMPLICATIONS:

There have been three past occasions where Council has granted permission for persons to have three (3) dogs and there have been no issues to date.

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

OFFICER RECOMMENDATION

That Council approve the application by Mr & Mrs B & N McLean residing at 20 Bewsher Street, Moora to have a third dog at the property subject to the following conditions:

- ***Two of the three dogs must have a current registration, with the third dog to be registered within 14 days of the approval;***

- ***In the event that any of the registered dogs at the property, approved by the Shire, become deceased or are relocated on a permanent basis to another property, such additional dog or dogs shall not be replaced at the approved property unless a new application is submitted to Council for consideration;***
- ***Council reserves the right to review the approval for a 3rd dog at any time if circumstances prevail that the dogs licensed to the property become a nuisance or are in regular contravention of the Dog Act 1976.***

9.2 DEVELOPMENT SERVICES

9.2.1 APPLICATION FOR DEVELOPMENT APPROVAL – PROPOSED NEW OUTBUILDING (SHED) & COMMERCIAL VEHICLE PARKING ON LOT 2 RILEY ROAD, MOORA

FILE REFERENCE: TP/PA17/1819

REPORT DATE: 7 March 2019

APPLICANT/PROPONENT: Ms Melanie Machin – Action Outdoors on behalf of Mr Gordon Wyatt (Landowner)

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Mr Joe Douglas – Town Planning Consultant

ATTACHMENTS: Attachment I

PURPOSE OF REPORT:

Consideration and final determination of an Application for Development Approval to construct and use a new outbuilding (i.e. shed) on Lot 2 Riley Road, Moora for domestic storage purposes and commercial vehicle parking.

BACKGROUND:

The applicant is seeking Council's development approval to construct and use a new 150m² shed in the south-eastern portion of Lot 2 Riley Road, Moora for domestic storage purposes and commercial vehicle parking including a number of changes to the existing vehicle access arrangements to / from the land.



Location & Lot Configuration Plan (Source: Landgate 2018)

Lot 2 is located in the north-western part of the Moora townsite and has direct frontage and access to Riley Road along its southern boundary and Long Street along its western boundary, both of which are sealed and drained local roads under the care, control and management of the Shire of Moora.

Lot 2 comprises a total area of approximately 5,862m² and is generally flat throughout its entire area with the natural ground level being approximately 203 metres AHD. The subject land has been extensively cleared and contains a few small stands of native vegetation in various parts.

The land has historically been developed and used for rural living purposes and contains a single detached dwelling and a number of existing outbuildings located centrally behind the dwelling.

Immediately adjoining, and other nearby land uses are also rural residential in nature comprising single houses and outbuildings (i.e. sheds) on larger sized lots.

A full copy of the development application including plans is provided in Attachment I. The applicant has also provided the following additional information in support of the proposal:

- i) The proposed new shed will be constructed on the western side of the existing dwelling on the land on a 50mm high sand pad which will extend 1,000mm around the edges of the structure with a 150mm concrete slab on top (i.e. the final finished floor level of the shed will be 200mm above the natural ground level);
- ii) The existing horse-shoe shaped driveway and two (2) associated crossovers which provide direct access to/from Riley Road will be decommissioned with new landscaping installed along the land's front boundary to prevent any further vehicle access and help minimise the total number of access points to the adjoining roadway;
- iii) A new gravel driveway will be constructed with two (2) new replacement crossovers along the land's Riley Street frontage to provide access to the proposed shed and existing carport on the western side of the dwelling. An older style shed located centrally on the property will be removed to accommodate the new driveway which has been designed to allow for the free passage of a prime mover associated with the landowner's transport contracting business;
- iv) New ring lock fencing and native vegetation comprising Wattles and Eucalypts will be installed along a portion of the land's front boundary to help define and contain the new crossover and driveway that provides direct access to the new shed and existing dwelling;
- v) The external surfaces of the proposed shed will be finished using zincalume wall and roof sheeting and matching trims;
- vi) All stormwater drainage will be contained and managed on-site using a suitable capacity rainwater tank to be installed on the western side of the proposed shed;
- vii) Once constructed the new shed will mainly be used to store the landowner's personal vehicles and other household items. It will also be used to accommodate the occasional parking of the landowner's prime mover (i.e. commercial vehicle); and
- viii) The applicant has confirmed all maintenance, servicing and general storage of the truck and associated trailers will be undertaken at existing transport depots in Moora and Piawaning and not on the subject land.

COMMENT:

Lot 2 is classified 'Rural Residential' zone in the Shire of Moora Local Planning Scheme No.4 (LPS4).

Council's stated objectives for the development and use of any land classified 'Rural Residential' zone are as follows:

- (a) To select areas wherein closer subdivision will be permitted to provide for such uses as hobby farms, horse breeding, rural-residential retreats; and
- (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.

Under the terms of clause 3.13.4(a) of LPS4 the development and/or use of any land classified 'Rural Residential' zone requires Council's development approval.

The application has been assessed with due regard for the specific objectives and standards of the Shire's local planning framework including LPS4 and all relevant local planning policies and the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*. This assessment, which included:

- a) formal consultation with the Department of Water and Environmental Regulation pursuant to the requirements of clause 4.11.2.2 of LPS4 as it applies to all land subject to flooding in the Moora townsite; and
- b) public advertising for the minimum required period of fourteen (14) days to obtain feedback and comment regarding the suitability / acceptability of the proposal by the local community,

has confirmed it is generally compliant with the following requirements:

- Land use compatibility;
- Lot boundary setbacks;
- Building size, height, bulk, scale, roof pitch, orientation and appearance;
- Land fill and landscaping;
- Vehicle access and parking;
- Amenity of the locality including potential environmental, visual and social impacts; and
- Bushfire, flood risk and stormwater drainage management.

Council should note during assessment of the application some concerns were raised with the applicant regarding the location, size and external finish of the proposed new shed and its potential visual impact on the immediate locality. The applicant advised of the landowner's strong desire to construct the shed in the proposed location for both ease of access and security purposes and to use zincalume wall and roof cladding given the significant cost savings and their limited budget.

Given the landowner's intention to install new landscaping along the land's front boundary to help screen the proposed shed from public and the fact Council has previously granted approval to other sheds of similar size, finish and location in the immediate area, the proposed structure is considered unlikely to have any significant detrimental visual impact that would be of major concern to the local community or set an undesirable precedent for the development of other similar outbuildings within the 'Rural Residential' zone in the future.

In light of the above findings it is concluded the proposal for Lot 2 is acceptable and unlikely to have any negative impact on the general amenity, character, functionality and safety of the immediate locality subject to compliance with a number of conditions. As such it is recommended Council exercise its discretion and grant conditional approval to the application to ensure the development proceeds in accordance with the information and plans submitted in support of the proposal and the relevant standards and requirements of the Shire's local planning framework.

POLICY REQUIREMENTS:

- Shire of Moora Policy 6.5 – Outbuildings: Cladding & Reflectivity
- Shire of Moora Policy 6.7 - Outbuilding Policy - Maximum Sizes
- Shire of Moora Policy 7.6 - Building and Development Control Strategies

LEGISLATIVE REQUIREMENTS:

- Planning and Development Act 2015
- Planning and Development (Local Planning Schemes) Regulations 2015
- Shire of Moora Local Planning Scheme No.4

STRATEGIC IMPLICATIONS:

- Moora Flood Management Strategy 2000
- Shire of Moora Strategic Community Plan 2012-2022

SUSTAINABILITY IMPLICATIONS:**➤ Environment**

There are no known significant environmental implications associated with this proposal provided it is implemented in accordance with the conditions of any planning approval that may ultimately be granted.

➤ 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 costs associated with the proposed development are the responsibility of and will be met by the current landowner.

VOTING REQUIREMENTS:

Simple Majority Required

OFFICER RECOMMENDATION

That the Application for Development Approval submitted by Ms Melanie Machin – Action Outdoors on behalf of Mr Gordon Wyatt (Landowner) to construct and use a new outbuilding (i.e. shed) on Lot 2 Riley Road, Moora for domestic storage purposes and commercial vehicle parking including a number of proposed changes to the existing vehicle access arrangements to / from the land be APPROVED subject to compliance with the following conditions and advice notes:

Conditions

- 1. The proposed development shall be completed within a period of two (2) years from the date of this approval. If the development is not completed within this period the approval will lapse and be of no further effect. Where an approval has lapsed, no development shall be carried out without the further approval of the Shire of Moora having first been sought and obtained.*
- 2. The proposed development shall be undertaken strictly in accordance with the information and plans submitted in support of the application subject to any modifications required as a consequence of any condition/s of this approval or otherwise approved by Council.*
- 3. The minimum final finished floor level of the proposed outbuilding shall be 203.15 metres AHD (i.e. 150mm above the land's natural ground level of 203 metres AHD).*

4. ***The edges of the sand pad foundation for the proposed outbuilding shall slope away from the outbuilding at a gradient of 1 in 6 and stabilised to avoid any dust or erosion.***
5. ***Power points, electrical or data connection outlets in the proposed outbuilding shall be installed 1.0 m above the structure's final finished floor level.***
6. ***All external surfaces of the proposed outbuilding shall be clad with new materials only.***
7. ***All stormwater drainage generated by the proposed outbuilding shall be contained and managed on-site using a suitable capacity rainwater tank to be sited immediately adjacent to the proposed outbuilding.***
8. ***The existing horse-shoe shaped driveway and two (2) associated crossovers which provide direct access to/from Riley Road shall be decommissioned upon completion of construction of the proposed outbuilding with new landscaping installed along the relevant portion of the land's front boundary to prevent any further vehicle access.***
9. ***The two (2) proposed new crossovers to Riley Road shall be constructed and maintained to the specifications and satisfaction of the Shire's Chief Executive Officer.***
10. ***All proposed new fencing and landscaping shall be installed within six (6) months of the date of issuance of this approval and maintained thereafter to the specifications and satisfaction of the Shire's Chief Executive Officer.***
11. ***The proposed outbuilding shall be used for domestic storage / hobby and vehicle parking purposes only unless otherwise approved by Council.***
12. ***This approval allows for the parking of one (1) commercial vehicle only (i.e. a prime mover) on the land by the current landowner and is not transferable or assignable to any other person or property. The parking of any other commercial vehicle on the land including trailers is not permitted unless otherwise approved by Council.***
13. ***No maintenance including servicing, repair and/or wash down of the commercial vehicle to be parked on the land is permitted.***
14. ***The storage of any chemicals on the floor of the proposed outbuilding is not permitted.***
15. ***The storage of any goods, machinery, plant or vehicles on any open areas of the land is not permitted unless otherwise approved by Council.***

Advice Notes

1. ***This approval is not an authority to ignore any constraint to development on the land which may exist through contract or on title, such as an easement, memorial or restrictive covenant. It is the responsibility of the applicant and landowner and not the Shire to investigate any such constraints before commencing development. This approval will not necessarily have regard to any such constraint to development, regardless of whether or not it has been drawn to the Shire's attention.***
2. ***This is a development approval of the Shire of Moora under its Local Planning Scheme No.4. It is not a building permit or an approval to commence or carry out development under any other law. It is the responsibility of the applicant/landowner to obtain any other necessary approvals, consents, permits and licenses required under any other law, and to commence and carry out development in accordance with all relevant laws.***

- 3. The applicant/landowner is reminded of their obligation to ensure compliance with the following requirements:**
 - i) Shire of Moora Annual Firebreak Notice as this applies specifically to land within the Moora townsite comprising an area of 3,000m² or more to help guard against potential bushfire risk; and**
 - ii) Shire of Moora Health Local Law 2016.**
- 4. In accordance with the Building Act 2011 and Building Regulations 2012, a building permit application must be submitted to and approved by the Shire's Building Surveyor prior to the commencement of any construction or earthworks on the land.**
- 5. The proposed outbuilding is required to comply in all respects with the National Construction Code of Australia. Plans and specifications which reflect these requirements must be submitted to the Shire with the building permit application.**
- 6. The noise generated by any activities on-site including machinery motors or vehicles shall not exceed the levels as set out under the Environmental (Noise) Regulations 1997.**
- 7. No construction works shall commence on the land prior to 7am without the Shire's written approval. No construction works are permitted to be undertaken on Sundays or Public Holidays.**
- 8. Failure to comply with any of the conditions of this development approval constitutes an offence under the provisions of the Planning and Development Act 2005 and the Shire of Moora Local Planning Scheme No.4 and may result in legal action being initiated by the local government.**
- 9. If the applicant/landowner is aggrieved by this determination, there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 Part 14. An application must be submitted within 28 days of the determination.**

9.2.2 LIQUOR LICENSING AND NEW ADVERTISEMENT SIGNS AT THE MOORA CLUB BUILDING, 103 GARDINER ST, MOORA

FILE REFERENCE: TP/PA20/1819

REPORT DATE: 14 March 2019

APPLICANT/PROPONENT: Marie and Craig Williamson

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Felix Neuweiler, Principal Environmental Health Officer

ATTACHMENTS: Signage

PURPOSE OF REPORT:

For Council to consider issuing a 'Section 40' certificate and to provide approvals for three advertisement signs.

BACKGROUND:

Council received an application for a Section 40 certificate and an application for development approval for advertisements from the owners of a local business. The proponents currently operate a café/gift shop, 'Jeanne d'Moore', in Gardiner Street. They recently purchased the 'Moora Club' building located next door to their business at 103 Gardiner Street, Moora. The property in question is located in an area zoned 'Town Centre'.

A Liquor Licence from the Department of Racing, Gaming and Liquor is required to be obtained for the sale of liquor from a premise. Prior to submitting an application for a Liquor Licence, the applicant must seek a Section 40 Certificate from the relevant local government. Section 40 certificates are required for all new liquor licensing applications and applications for any alterations to existing licensed premises, including hotels, taverns, cabarets, liquor stores, special facility licenses, restaurants and club licences.

COMMENT:

The building was previously operated as a licensed facility and the Moora Club maintained the building to a high standard. The property features ample parking at the back of the building.

The proponents plan to operate a café/bistro with an emphasis on home-style French cuisine. The eatery will be open from 6am until midnight most days. Considering the zoning of the property and its history there is no problem with issuing the section 39 and 40 certificates.

The applicants propose to install three signs on the building; one wall sign over the main entrance; a second wall sign on the front of the northern section of the building; and one wall mounted projecting sign (please refer to the attachments).

The signs are designed in good taste and will fit in well with the general street scape of the area. It is therefore recommended to approve the application.

POLICY REQUIREMENTS:

There are no known policy requirements related to this item.

LEGISLATIVE REQUIREMENTS:

Liquor Control Act and Regulations: -

A Local Government Authority's town planning scheme serves as the most important tool in shaping a community's liquor environment outside of the *Liquor Control Act*.

In essence, the Department of Racing, Gaming and Liquor supports local government authorities shape the way liquor is sold and supplied in their communities.

An application for a liquor licence can't be approved by the Department if local government planning approval has not been granted.

In accordance with sections 39 and 40 of the Act, an applicant for a licence is required to submit local government certificates demonstrating compliance with:

- the Health Act;
- the Local Government Act;
- the Building Act;
- any other written law relating to sewerage and drainage; and
- specific town planning scheme matters.

Section 39 and 40 certificates apply to:

- the granting or removal of a licence;
- the altering or redefinition of a venue;
- an application for an alfresco area; and
- applications for 'liquor without a meal' permits.

Shire of Moora Local Planning Scheme excerpt: -

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 that 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.

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**

The proposal represents an opportunity for an existing regional enterprise to grow and create additional employment opportunities. The owners plan to collaborate with tour operators and tourism businesses in the region to provide meals and a potential stop-over for tour busses and visitors.

➤ **Social**

There is a potential to link in with the existing Chittering food trail and wildflower tours. There should be no negative social impact as the main focus is on fine food and the service of alcohol is supplementary to this objective.

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

RECOMMEDATIONS***That Council***

- 1. Authorise the CEO to issue a 'Section 40' certificate for the proposed Café/Bistro 'Jeanne d'Moore' located on 103 Gardiner Street, Moora; and***
- 2. Issue approval for the installation of three advertising signs at this property, subject to the signs being installed in accordance with the submitted documentation and with the Shire of Moora Scheme requirements.***

10. REPORTS OF COMMITTEES

AUDIT COMMITTEE MEETING – 6 MARCH 2019

10.1 SHIRE OF MOORA ANNUAL COMPLIANCE AUDIT RETURN FOR 2018

FILE REFERENCE: GA/SCO1

REPORT DATE: 13 February 2019

APPLICANT/PROPONENT: Department of Local Government, Sport and Cultural Industries

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: N/A

AUTHOR: Alan Leeson, Chief Executive Officer

ATTACHMENTS: 2018 Compliance Audit Return

PURPOSE OF REPORT:

The 2018 statutory Compliance Audit Return (CAR) has been completed for the 2018 calendar year and is being presented to Council for adoption.

BACKGROUND:

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

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

COMMENT:

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

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

Local Government Act 1995, Section 7.13(i)

Local Government (Audit) Regulations 13, 14 and 15

STRATEGIC IMPLICATIONS:

There are no known strategic implications associated with this proposal.

SUSTAINABILITY IMPLICATIONS:

- **Environment**
There are no known significant environmental implications associated with this proposal.
- **Economic**
There are no known significant economic implications associated with this proposal.
- **Social**
There are no known significant social implications associated with this proposal.

FINANCIAL IMPLICATIONS:

Nil

VOTING REQUIREMENTS

Simple Majority Required

COMMITTEE RECOMMENDATION

Recommended Council adopts the Compliance Audit Return for the 2018 Calendar Year (1 January 2018 to 31 December 2018) as attached, and forward with the duly signed Joint Certification by the President and Chief Executive Officer, to the Department of Local Government, Sport and Cultural Industries.

GENERAL PURPOSE COMMITTEE MEETING – 6 MARCH 2019**10.2 INNOVATION CENTRAL MIDLANDS WA INC**

FILE REFERENCE: ED/ICMI
REPORT DATE: 27 February 2019
OFFICER DISCLOSURE OF INTEREST: Nil
AUTHOR: Alan Leeson, Chief Executive Officer
ATTACHMENTS: Letter

PURPOSE OF REPORT:

Council is requested to consider correspondence received from Innovation Central Midlands WA Inc (ICMIWA) requesting Council to allocate any future funding to ICMIWA and not Central Midlands Construction (CMC).

BACKGROUND:

Correspondence has been received from ICMIWA requesting that any future funding be allocated to ICMIWA and not Central Midlands Construction (CMC). Their correspondence states: -

“It has become apparent that private entities and companies are not eligible for the majority of funding made available by the West Australian and Australian governments. That observation as well as the ongoing investigation (by the Department of Local Government, Sport and Cultural Industries) of the Shire of Moora regarding its purchase of shares in CMC, has prompted the Board of CMC to recommend to ICMI that all future funding be directed to the Association. By adopting

this strategy, it allows the Association to engage the company as and when appropriate to deliver the required outcomes and indeed, for a number of planned projects to proceed.'

COMMENT:

Innovation Central Midlands W.A. Incorporated was established as an Economic Development Alliance between the Shires of Moora, Wongan Hills and Dalwallinu.

The current objects of the Association are:

- To create an environment of sustainable growth in the Central Midlands Region
- To identify the economic needs of the Central Midlands Region and make these needs known to key decision makers in Government and private enterprise
- To foster cooperative and joint venturing initiatives between Member Organisations and appropriate partners on projects of mutual benefit or to further joint interests
- To concentrate available resources on seeking solutions to identified mutual problems and achieve savings in resources that can be gained through cooperative effort
- To promote economic development within the Central Midlands Region.

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**
The justification for this request is as stated above. It is simply to place the Association in the strongest position possible to be eligible to leverage external funding if and when those opportunities arise.
- **Social**
There are no known significant social implications associated with this proposal.

FINANCIAL IMPLICATIONS:

There are no immediate financial implications associated with consideration of this item. Any further request for funding from ICMWA Inc from the membership Shires would be considered individually on the merit of the proposal/business case presented by ICMWA Inc.

VOTING REQUIREMENTS:

Simple Majority Required

COMMITTEE RECOMMENDATION

That Council accede to the request from Innovation Central Midlands W.A. Incorporated to allocate any future funding to Innovation Central Midlands W.A. Incorporated in keeping with the objects of the Association;

To create an environment of sustainable growth in the Central Midlands Region;

- *To identify the economic needs of the Central Midlands Region and make these needs known to key decision makers in Government and private enterprise*
- *To foster cooperative and joint venturing initiatives between Member Organisations and appropriate partners on projects of mutual benefit or to further joint interests*
- *To concentrate available resources on seeking solutions to identified mutual problems and achieve savings in resources that can be gained through cooperative effort*
- *To promote economic development within the Central Midlands Region.*

Further noting that any future funding to the Association would be considered by Council on the merit of the business case presented in support of the funding request forthcoming.

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**