

**Shire of Moora
Ordinary Council Meeting
17th April 2019**

NOTICE OF MEETING

Dear Elected Member

The next Ordinary Council Meeting of the Shire of Moora
will be held on **Wednesday 17th April 2019**
in the Council Chambers, 34 Padbury Street, Moora
commencing at **5.30 pm**



AJ Leeson
Chief Executive Officer

12th April 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
17 APRIL 2019
 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 2019*
- 9.2.2 *Attachment 1*
- 9.2.3 *Attachment 2*
- 9.2.4 *Attachment 3*
- 10.1 *Attachment 2*
- 10.3 *Bushfire Advisory Committee Minutes*

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**3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE****4. PUBLIC QUESTION TIME****5. PETITIONS AND PRESENTATIONS****6. APPLICATIONS FOR LEAVE OF ABSENCE****7. ANNOUNCEMENTS BY THE PRESIDING MEMBER****8. CONFIRMATION OF MINUTES****8.1 ORDINARY COUNCIL MEETING - 20 MARCH 2019**

That the Minutes of the Ordinary Meeting of Council held on 20 March 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: 11 April 2019

OFFICER DISCLOSURE OF INTEREST: Nil

AUTHOR: David Trevaskis, Deputy Chief Executive Officer

SCHEDULE PREPARED BY: Alida Fitzpatrick, Finance Creditors 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 62389 to 62391</i>	<i>\$3,240.70</i>
	<i>EFT 21081 to 21230</i>	<i>\$428,746.50</i>
	<i>Credit Card 04/02/19 to 03/03/19</i>	<i>\$5,592.31</i>
	<i>Net Pays – PPE 05/03/2019</i>	<i>\$90,046.13</i>
	<i>Net Pays – PPE 19/03/2019</i>	<i>\$88,477.94</i>
	<i>Direct Debits - 12557.1 to 12591.15</i>	<i>\$63,614.23</i>
<i>Trust Fund</i>	<i>Cheques 5438 to 5441</i>	<i>\$1,605.86</i>
<i>Total</i>		<i><u>\$681,323.67</u></i>

9.1.2 STATEMENT OF FINANCIAL ACTIVITY FOR PERIOD ENDED 31 MARCH 2019

REPORT DATE: 11 April 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 31 March 2019

PURPOSE OF REPORT:

To note and receive the Statement of Financial Activity for the period ended 31 March 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 31 March 2019.

9.1.3 REFUSE AND RECYCLING COLLECTION SERVICES – REQUEST FOR TENDER

FILE REFERENCE: L/TEN2 & S/WRS1
REPORT DATE: 10 April 2019
APPLICANTS/PROPONENT: Alan Leeson, Chief Executive Officer
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: Nil
AUTHOR: Alan Leeson, Chief Executive Officer
ATTACHMENTS: Nil

PURPOSE OF REPORT:

For Council to approve the calling of tenders for the provision of Waste Collection Services for the Shire of Moora.

BACKGROUND:

In 2012/2013 Council called tenders for the service and received one tender from Avon Waste. The author recommends Council once again calls tenders for the provision of waste collection services in order to analyse the cost/benefit of continuing to provide collection services in house versus that of outsourcing to a contractor.

The basis of the tender will be premised on continuing to provide a weekly refuse pickup of green 240 litre receptacles and a fortnightly pickup of 240 litre recycling receptacles.

COMMENT:

Over the past 18 months Councils existing rubbish truck has had a range of issues which has resulted in Council having to hire a rubbish truck while its own rubbish truck is repaired.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

Environmental Protection (Rural Landfill) Regulations 2002
Local Government Act 1995

STRATEGIC IMPLICATIONS:

Strategically, service provision is core to the existence of the Council and the community. Refuse collection is a basic however core service required to maintain a functional community. It is however incumbent on Council to assess and analyse costs of service provision, to ascertain if in fact it is operating as efficiently and effectively as possible.

SUSTAINABILITY IMPLICATIONS:

- **Environment**
There are no known strategic implications with this proposal.
- **Economic**
The Economic Sustainability Implications will be assessed as Council goes through the tender assessment process.
- **Social**
Given the minor margins between contracting out versus continuing to provide the service in house, the benefits of local employment and the associated spin offs are

justification in itself to retaining the service “in house”. Council does not have any social obligations to maintain employment, however it can in the overall analysis give some weighting to it when the overall financial analysis is one versus the other is extremely marginal.

FINANCIAL IMPLICATIONS:

The financial implications of the two options of maintaining the service inhouse or outsourcing the service will be a measurable outcome at the end of the tender process, which Council will have the opportunity to review and consider the financial implications of either option. Detailed hereunder are the repair and hire costs to the Council rubbish truck over the previous 4 financial years.

	Rubbish Truck Repair Costs	Hire of Rubbish Truck
2015/2016	\$ 38,000	\$ 15,920
2016/2017	\$ 13,794	\$ 16,390
2017/2018	\$ 45,479	\$ -
2018/2019	\$ 14,106	\$ 25,006
	\$ 111,379	\$ 57,316

VOTING REQUIREMENTS

Simple Majority Required

OFFICER RECOMMENDATION

That Council call tenders for the provision of Waste Collection Services for a period of 5 years (60 months) in order to enable Council to assess the cost/benefit of continuing to provide Shire of Moora kerbside Waste Collection Services in house in comparison to outsourcing kerbside Waste Collection Services.

9.2 DEVELOPMENT SERVICES

9.2.1 CAMPING ON LAND WHILST INSTALLING A BUILDING ON LAND ZONED RURAL RESIDENTIAL

FILE REFERENCE: TP/PA24/1819

REPORT DATE: 20 March 2019

APPLICANT/PROPONENT: Ms Juanita Farley

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Felix Neuweiler, Principal Environmental Health Officer

ATTACHMENTS: Letter of Application

PURPOSE OF REPORT:

For Council to consider a request to camp on land while a submission to relocate a transportable dwelling to the applicant's property is pending.

BACKGROUND:

The subject lot is zoned 'Rural Residential'; is located outside a bushfire prone area; and is 12,000 square metres in size. The property currently features two sheds.

Originally a transportable dwelling was also located on the property. The owner moved this building to a vacant lot in town with the aim to replace it with a new dwelling. Due to several circumstances, this hasn't eventuated.

In order to establish a habitable building on the property the owner has now decided to move the original dwelling back to its previous location.

The proponent made an application to Council to camp on her land for up to 3 months whilst waiting on planning and building approvals (please refer to the attachment). The application is made in accordance with Regulation 11 of the Caravan Parks and Camping Grounds Regulations 1997.

COMMENT:

Whilst camping on the land the owner is providing amenities similar to the conveniences that can be found at a caravan park; i.e. kitchen, toilet, shower and laundry facility. Hot water is delivered by an electric instant hot water system.

All amenities, with the exception of the toilet, are located in the larger of the two sheds. Both power and treated town water are available and in use at the property.

An outdoor toilet was installed near the existing septic tanks/leach drain system. The toilet drains into this facility, which is serviceable. It will be a condition of approval, if granted, that the toilet be enclosed and provided with a lockable door.

The occupiers will be sleeping in a caravan and a converted bus. Smoke alarms are installed in both to ensure the safety of the occupants.

Neighbours are not negatively affected by this land use due to the size of the property and distance to adjacent occupiers.

It is recommended that Council approve the application subject to plumbing to be inspected and rectified by a licensed plumber and that the toilet be enclosed and a lockable door be installed.

POLICY REQUIREMENTS:

There are no known policy requirements related to this item.

LEGISLATIVE REQUIREMENTS:

Caravan Parks and Camping Grounds Regulations 1997

11. Camping other than at Caravan Park or camping ground

(1) A person may camp for up to 3 nights in any period of 28 consecutive days on land which he or she owns or has a legal right to occupy, and may camp for longer than 3 nights on such land if he or she has written approval under subregulation (2) and is complying with that approval;

(2) Written approval may be given for a person to camp on land referred to in subregulation (1) for a period specified in the approval which is longer than 3 nights by the local government of the district where the land is situated, if such approval will not result in the land being camped on for longer than 3 months in any period of 12 months.

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, planning and building fees will be paid by the proponent.

VOTING REQUIREMENTS

Simple Majority Required

RECOMMEDATION

That Council approve the application submitted by Ms Juanita Farley to camp with her family on Lot 215 Carrick Street, Moora for up to two (2) months, commencing from the date of this Council meeting, being the 17th of April 2019 until the 17th of June 2019, subject to:

- *All plumbing to be checked and certified by a licensed plumber within seven (7) days of the date of this Council meeting; and*
- *Toilet to be enclosed and provided with a lockable door.*

9.2.2 APPLICATION FOR DEVELOPMENT APPROVAL – PROPOSED NEW SINGLE HOUSE ON LOT 11 BEASLEY STREET, MOORA

FILE REFERENCE: TP/PA21/1819
REPORT DATE: 9 April 2019
APPLICANT/PROPONENT: TR Homes on behalf of G & C Poole (Landowners)
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: Nil
AUTHOR: Mr Joe Douglas, Town Planning Consultant
ATTACHMENTS: Attachment 1

PURPOSE OF REPORT:

Consideration and final determination of an Application for Development Approval for the construction and use of a new single house on Lot 11 Beasley Street, Moora.

BACKGROUND:

The applicant is seeking Council's development approval for the construction and use of a new steel framed modular dwelling (i.e. single house) on Lot 11 Beasley Street, Moora.

Lot 11 is located in the north-western part of the Moora townsite and has direct frontage and access to Beasley Street along its northern 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.



Location & Lot Configuration Plan (Source: Landgate 2019)

Lot 11 comprises a total area of approximately 1.0117 hectares and is generally flat throughout its entire area with the natural ground level being approximately 202.5 metres AHD. The subject land has been extensively cleared and contains a few small stands of native vegetation in its western half. The land is currently vacant, does not contain any built form improvements of any sort (except boundary fencing and firebreaks) and is not being used for any specific purpose/s. Immediately adjoining and other nearby land uses are essentially residential in nature comprising single houses and outbuildings (i.e. sheds) on larger sized lots.

In December 2018 Council granted conditional approval for the construction and use of a new steel framed, colorbond clad outbuilding in the south-eastern corner of Lot 11 for domestic storage purposes including a new 2.5 metre wide gravel driveway for vehicle access purposes to the outbuilding and a future proposed dwelling. That dwelling is the subject of this application, the receipt of which is consistent with commitments made by the landowners when Council considered and granted approval to the new outbuilding.

A full copy of the development application is provided in Attachment 1.

COMMENT:

Lot 11 is classified 'Residential' zone in the Shire of Moora Local Planning Scheme No.4 (LPS4) with a residential density coding of R12.5.

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

- (a) To provide for the predominant form of residential development to be single houses whilst providing for diversity with higher density close to the town centre;
- (b) To provide for diversity of lifestyle choice with a range of residential densities;
- (c) To allow for the establishment of non-residential uses which are compatible with the predominant residential use and which will not adversely affect local amenities.

Under the terms of the Zoning Table in LPS4 the development of a single house is listed as being a permitted (i.e. 'P') use on any land classified 'Residential' zone provided it complies with all relevant development standards and requirements. Despite the permissibility of the proposed new single house on Lot 11, Council's development approval is required due to the land's location within Special Control Area 1 of LPS4 entitled 'Land Subject to Flooding'.

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, the Residential Design Codes and the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*. This assessment, which included 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, has confirmed the proposal is generally compliant or capable of compliance with the following requirements:

- Land use compatibility;
- Lot boundary setbacks;
- Building size, height, bulk, scale, orientation and appearance;
- Amenity of the locality including potential environmental, visual and social impacts;
- Vehicle access and parking;
- Essential services including provision of a reticulated potable water supply, on-site effluent disposal and stormwater drainage management; and
- Bushfire and flood risk.

In light of the above findings it is concluded the proposal for Lot 11 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:

- State Planning Policy 3.1 – Residential Design Codes

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 development 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 landowners.

VOTING REQUIREMENTS:

Simple Majority Required

OFFICER RECOMMENDATION

That Council APPROVE the Development Application submitted by TR Homes on behalf of G & C Poole (Landowners) for the construction and use of a new steel framed modular dwelling (i.e. single house) on Lot 11 Beasley Street, Moora subject to 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 final finished floor level of the proposed dwelling shall be a minimum of 203.3 metres AHD (i.e. 300mm above the March 1999 flood level of 203 metres AHD for Lot 11 which equates to a total minimum required build-up of 800mm above the land's natural ground level of 202.5 metres AHD).**
- 4. The edges of the sand pad foundation for the proposed dwelling shall slope away from the dwelling at a minimum gradient of 1 in 6 and stabilised to avoid any dust or erosion.**
- 5. The proposed dwelling shall be provided with an adequate on-site effluent disposal system as determined by the Shire's Environmental Health Officer with all such work to be undertaken to the specifications and satisfaction of the Shire's Chief Executive Officer prior to its occupation and use.**
- 6. The proposed dwelling shall be provided with a reticulated potable water supply service and a suitable capacity electricity supply service to the specifications of the relevant service providers prior to its occupation and use.**
- 7. All stormwater drainage generated by the proposed dwelling shall be contained and managed on-site to the specifications and satisfaction of the Shire's Chief Executive Officer.**

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 dwelling 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. An 'Application to Construct or Install an Apparatus for the Treatment of Sewage' prepared pursuant to the specific requirements of the Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974 must be prepared and submitted to the Shire or the Executive Director of Public Health for consideration and determination prior to preparation and lodgement of a building permit application.**

- 7. 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.**
- 8. 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.**
- 9. 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.**
- 10. 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.**

9.2.3 APPLICATION FOR DEVELOPMENT APPROVAL – PROPOSED RELOCATED SINGLE HOUSE ON LOT 215 CARRICK STREET, MOORA

FILE REFERENCE: TP/PA23/1819
REPORT DATE: 9 April 2019
APPLICANT/PROPONENT: Ms Juanita Farley (Landowner)
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: Nil
AUTHOR: Mr Joe Douglas, Town Planning Consultant
ATTACHMENTS: Attachment 2

PURPOSE OF REPORT:

Consideration and final determination of an Application for Development Approval for the placement and use of a second-hand relocated single house on Lot 215 Carrick Street, Moora.

BACKGROUND:

The applicant is seeking Council's development approval for the placement and use of a second-hand, relocated transportable dwelling (i.e. single house) on Lot 215 Carrick Street, Moora.

Lot 215 is located in the northern extremities of the Moora townsite and has direct frontage and access to Carrick Street along its northern boundary which is a sealed and drained local road under the care, control and management of the Shire of Moora.



Location & Lot Configuration Plan (Source: Landgate 2019)

Lot 215 comprises a total area of approximately 1.2369 hectares and is generally flat throughout its entire area with the natural ground level where the second-hand dwelling is proposed to be sited being approximately 203 metres AHD. The subject land has been extensively cleared and contains a few small stands of native and managed vegetation throughout.

The land has previously been developed and used for rural living-type purposes and contains a number of associated improvements including numerous centrally located outbuildings used for domestic storage purposes as well as vehicle accessways including two (2) driveway crossovers to Carrick Street, on-site parking areas, boundary fencing and firebreaks. Council should note the proposed dwelling was originally placed on the land in the mid 1970's and then relocated some years later to 29 Clinch Street, Moora. This application seeks Council's approval to again relocate the dwelling back to its original position on Lot 215 Carrick Street to enable it to continue to be used for residential purposes.

Immediately adjoining and other nearby land uses include rural living-type development to the east, west and south and broadacre agriculture (i.e. cropping & grazing) to the north on the opposite side of Carrick Street.

A full copy of the development application is provided in Attachment 2.

COMMENT:

Lot 215 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, including a single house, requires Council's development approval. Council's development approval is also required due to the land's location within Special Control Area 1 of LPS4 entitled 'Land Subject to Flooding'.

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 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, has confirmed the proposal is generally compliant or capable of compliance with the following requirements:

- Land use compatibility;
- Lot boundary setbacks;
- Building size, height, bulk, scale, orientation and appearance;
- Amenity of the locality including potential environmental, visual and social impacts;
- Vehicle access and parking;
- Essential services including potable water supply, effluent disposal and stormwater drainage management; and
- Bushfire and flood risk.

In light of the above findings it is concluded the proposal for Lot 215 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:

- State Planning Policy 3.1 – Residential Design Codes
- Shire of Moora Policy 7.8 – Relocated Buildings

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 development 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 landowners.

VOTING REQUIREMENTS:

Simple Majority Required

OFFICER RECOMMENDATION

That Council APPROVE the Development Application submitted by Ms Juanita Farley (Landowner) for the placement and use of a second-hand, relocated transportable dwelling (i.e. single house) on Lot 215 Carrick Street, Moora subject to the following conditions and advice notes:

Conditions

- 1. The proposed development shall be completed in its entirety within one (1) year from the date of this approval as per the timeframe requirements of Council's Policy 7.8 entitled 'Relocated Buildings'. 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 final finished floor level of the proposed dwelling shall be a minimum of 203.5 metres AHD (i.e. 300mm above the March 1999 flood level of 203.2 metres AHD for Lot 215 which equates to a total minimum required build-up of 500mm above the land's natural ground level of 203 metres AHD).**
- 4. The edges of any proposed sand pad foundation for the proposed dwelling shall slope away from the dwelling at a minimum gradient of 1 in 6 and stabilised to avoid any dust or erosion.**
- 5. Any external defects on the proposed dwelling shall be rectified within six (6) months of the building being positioned on the land including any external painting that may be required.**
- 6. The sub-floor area around the periphery of the proposed dwelling shall be enclosed with brick, stone, vermin proof battens or other means acceptable to the Shire's Chief Executive Officer within six (6) months of the building being positioned on the land.**
- 7. The proposed dwelling shall be provided with an adequate on-site effluent disposal system as determined by the Shire's Environmental Health Officer with all such work to be undertaken to the specifications and satisfaction of the Shire's Chief Executive Officer prior to its occupation and use.**
- 8. The proposed dwelling shall be provided with a reticulated potable water supply service and a suitable capacity electricity supply service to the specifications of the relevant service providers prior to its occupation and use.**
- 9. All stormwater drainage generated by the proposed dwelling shall be contained and managed on-site to the specifications and satisfaction of the Shire's Chief Executive Officer.**

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 dwelling 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. An 'Application to Construct or Install an Apparatus for the Treatment of Sewage' prepared pursuant to the specific requirements of the Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974 must be prepared and submitted to the Shire or the Executive Director of Public Health for consideration and determination prior to preparation and lodgement of a building permit application.**
- 7. 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.**
- 8. 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.**
- 9. 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.**
- 10. 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.**

9.2.4 APPLICATION FOR DEVELOPMENT APPROVAL – PROPOSED NEW SINGLE HOUSE ON LOT M166 BULBARNET ROAD, KOOJAN WITH ACCESS VIA THE ADJOINING LOTS M167 & M1406

FILE REFERENCE: TP/PA25/1819
REPORT DATE: 9 April 2019
APPLICANT/PROPONENT: Mr Kyle Stacey of Litehouse Pty Ltd on behalf of Junex Nominees Pty Ltd (Landowner)
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: Nil
AUTHOR: Mr Joe Douglas, Town Planning Consultant
ATTACHMENTS: Attachment 3

PURPOSE OF REPORT:

Consideration and final determination of an Application for Development Approval for the construction and use of a new single house on Lot M166 Bulbarnet Road, Koojan with access via the adjoining Lots M167 & M1406.

BACKGROUND:

The applicant is seeking Council's development approval for the construction and use of a new brick, stone and steel clad dwelling (i.e. single house) on Lot M166 Bulbarnet Road, Koojan with all vehicle access via the adjoining Lots M167 & M1406. A full copy of the development application is provided in Attachment 3.

Lot M166 is located approximately 20 kilometres south-south-east of the Moora townsite in the locality of Koojan, comprises a total area of approximately 241.45 hectares and has direct frontage to Bulbarnet Road along its northern boundary which is a sealed and drained local road under the care, control and management of the Shire of Moora. The land is currently vacant, moderate to steeply sloping and has been extensively cleared as a result of its historical development and use for broadacre agricultural purposes (i.e. cropping & grazing). Notwithstanding the extensive clearing works previously undertaken, the land contains a number of large stands of native vegetation, some of which is proposed to be cleared to accommodate the proposed new dwelling in its south-western portion.

Lot M167 is located immediately east of Lot M166, comprises a total area of approximately 225.96 hectares and has direct frontage and constructed access to Bulbarnet Road along its northern boundary. This lot is also being used for broadacre agricultural purposes and has been extensively cleared as a consequence of that use.

Lot M1406 is located immediately south of Lots M166 & M167 and comprises a total area of approximately 683.66 hectares. This lot has been extensively cleared, is also used broadacre agricultural purposes and contains a number of built form improvements including a dwelling, farm sheds, dams and vehicle accessways, one of which is connected to an existing gravel access road down the eastern boundary of Lot M167 which provides a direct connection to Bulbarnet Road to the north.



Location & Lot Configuration Plan (Source: Landgate 2019)

With the exception of a State owned jarrah forest located immediately west of Lot M166, all properties surrounding the subject land have also been extensively cleared, developed and used for broadacre agricultural purposes.

COMMENT:

Lots M166, M167 and M1406 are all classified 'General Agriculture' 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 'General Agriculture' zone are as follows:

- a) to ensure the continuation of broadacre farming as the principal land use in the district and encouraging where appropriate the retention and expansion of agricultural activities;
- b) to consider non-rural uses where they can be shown to be of benefit to the district and not detrimental to the natural resources or the environment; and
- c) to allow for facilities for tourists and travellers, and for recreation uses.

Under the terms of the Zoning Table in LPS4 the development of a single house is listed as being a permitted (i.e. 'P') use on any land classified 'General Agriculture' zone provided it complies with all relevant development standards and requirements. Despite the permissibility of the proposed new single house on Lot M166, Council's development approval is required due to the bushfire attack level rating of that portion of the land where the dwelling is proposed to be sited being 'BAL – Flame Zone' and the landowner's intention to access the proposed dwelling via the adjoining Lots M167 & M1406.

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 as well as the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*. This assessment, which included formal consultation with the Department of Fire and Emergency Services, has confirmed the proposal is generally compliant or capable of compliance with the following requirements:

- Land use compatibility including the preservation of productive agricultural land and continuation of broadacre farming;
- Lot boundary setbacks;
- Amenity of the locality including potential environmental, visual and social impacts;
- On-site parking;
- Essential services including potable water supply, effluent disposal and stormwater drainage management; and
- Bushfire risk management.

Notwithstanding the above conclusion Council should note the proposal to access the new dwelling on Lot M166 via the adjoining Lots M167 & M1406 could prove problematic in the future in the event one or both of these adjoining lots are sold to another party in the future. The new owner/s of Lots M167 and/or M1406 could seek to prohibit access through these lots to the proposed dwelling on Lot M166 giving rise to a legal dispute, including claims of trespass, and restrictions to any further access until the matter is resolved. It is therefore recommended a number of conditions be imposed on any development approval issued to ensure access to the proposed new dwelling on Lot M166 via the adjoining lots is maintained in perpetuity. This could be achieved through the preparation and registration of a suitable right-of-carriageway easement on the certificates of title of all three lots the subject of the application in the event of and prior to their sale or, where agreement can't be reached between the parties, the construction of a new separate accessway from Bulbarnet Road through Lot M166 to the proposed new dwelling on this lot.

In light of the above findings it is concluded the proposal for Lots M166, M167 and M1406 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:

- State Planning Policy 2 – Environment and Natural Resources
- State Planning Policy 2.5 – Rural Planning
- State Planning Policy 3.7 – Planning in Bushfire Prone Areas

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:

- 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 development 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 Council APPROVE the Development Application submitted by Mr Kyle Stacey of Litehouse Pty Ltd on behalf of Junex Nominees Pty Ltd (Landowner) for the construction and use of a new single house on Lot M166 Bulbarnet Road, Koojan with access via the adjoining Lots M167 & M1406 subject to 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 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 proposed dwelling shall be provided with an adequate on-site effluent disposal system as determined by the Shire's Environmental Health Officer with all such work to be undertaken to the specifications and satisfaction of the Shire's Chief Executive Officer prior to its occupation and use.*
- 4. The proposed dwelling shall be provided with a potable water supply service comprising a rainwater storage tank with a minimum capacity of 120,000 litres and a suitable capacity electricity supply service prior to its occupation and use.*
- 5. The proposed development shall be undertaken and maintained in perpetuity in accordance with the acceptable solutions of the Bushfire Protection Criteria in Appendix 4 of the Guidelines for Planning in Bushfire Prone Areas (WAPC 2017, as amended) and the final amended Bushfire Attack Level Assessment and Conditional BAL report dated 27 February 2019 prepared by Bushfire Prone Planning as they*

apply specifically to location, siting and design, vehicular access and water supply for firefighting purposes prior to occupation and use of the proposed dwelling.

- 6. A BAL Compliance Report prepared by a suitably qualified bushfire planning practitioner shall be submitted to the local government for review, assessment and on-site checking following completion of all works required pursuant to Condition No.5 above and prior to occupation and use of the proposed dwelling.**
- 7. In the event of any future sale of Lot M166 or Lot M167 or Lot M1406 to another party the current landowner shall, prior to settlement, arrange for the preparation and registration of a suitable right-of-carriageway easement on the certificates of title of the relevant lot/s to ensure access to the proposed new dwelling on Lot M166 via the adjoining Lots M167 and Lot M1406 is maintained in perpetuity.**
- 8. If agreement cannot be reached with any future prospective purchaser of the subject land regarding the registration of the right-of-carriageway easement required by Condition No.7 above, the current landowner shall construct a new separate accessway from Bulbarnet Road through Lot M166 to the new dwelling on this lot. The new accessway required by this condition shall be constructed prior to settlement of any sale and in accordance with the acceptable solutions of the Bushfire Protection Criteria in Appendix 4 of the Guidelines for Planning in Bushfire Prone Areas (WAPC 2017, as amended) as they apply specifically to vehicular access. A BAL Compliance Report specific to this new accessway shall also be prepared by a suitably qualified bushfire planning practitioner and submitted to the local government for review, assessment and on-site checking prior to settlement.**

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 rural land and all buildings thereon 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 dwelling is required to comply in all respects with the National Construction Code of Australia and Australian Standard AS3959-2009 entitled 'Construction of Buildings in Bushfire-Prone Areas'. Plans and specifications which reflect these requirements must be submitted to the Shire with the building permit application.**

- 6. An 'Application to Construct or Install an Apparatus for the Treatment of Sewage' prepared pursuant to the specific requirements of the Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974 must be prepared and submitted to the Shire or the Executive Director of Public Health for consideration and determination prior to preparation and lodgement of a building permit application.**
- 7. 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.**
- 8. 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.**

10. REPORTS OF COMMITTEES

GENERAL PURPOSE COMMITTEE MEETING – 3 APRIL 2019

10.1 APPLICATION FOR DEVELOPMENT APPROVAL – PROPOSED NEW OUTBUILDING (SHED) & CARPORT (AWNING) ON LOTS 14 & 15 (NO.30) GARDINER STREET, MOORA

FILE REFERENCE: TP/PA19/1819
REPORT DATE: 18 March 2019
APPLICANT/PROPONENT: Mr Rod Machin – Action Outdoors on behalf of Mr Steven King (Landowner)
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: Nil
AUTHOR: Mr Joe Douglas – Town Planning Consultant
ATTACHMENTS: Attachment 2

PURPOSE OF REPORT:

Consideration and final determination of an Application for Development Approval to construct and use a new outbuilding (i.e. shed) and carport (i.e. awning) on Lot 14 (No.30) Gardiner Street, Moora for domestic storage purposes and private vehicle parking with all access via the adjoining Lot 15 located immediately south.

BACKGROUND:

The applicant is seeking Council's development approval to construct a new 96m² outbuilding (i.e. shed) and 72m² carport (i.e. awning) on Lot 14 (No.30) Gardiner Street, Moora for domestic storage purposes and private vehicle parking with all access via the adjoining Lot 15 located immediately south.



Location & Lot Configuration Plan (Source: Landgate 2018)

Lots 14 and 15 are located in the south-eastern part of the Moora townsite and have direct frontage and access to Gardiner Street along their eastern boundary and Findlater Street along their western boundary. Both streets are local roads under the care, control and management

of the Shire of Moora with Gardiner Street having been constructed to a sealed and drained urban standard and Findlater Street being an unsealed gravel road.

Lots 14 and 15 comprise a total combined area of approximately 1,518m² and are generally flat throughout their entire area with the natural ground level being approximately 203.5 metres AHD. The subject land has been extensively cleared and has historically been developed and used for low density residential purposes. It contains an older style single detached dwelling located in its front half which traverses the common boundary between the two lots and a small outbuilding towards the rear of Lot 14 that will be removed to accommodate the proposed new structures.

Immediately adjoining and other nearby land uses include vacant, undeveloped 'Residential' zoned lots to the north, south and east with low density residential development beyond and the Findlater Street road reserve to the west with an operational railway corridor and light industrial development beyond.

A full copy of the development application including the latest revised plans is provided in Attachment 2. The applicant has also provided the following additional information in support of the proposal:

- i) The proposed shed will be constructed on the rear portion of Lot 14 with a setback of 3 metres to this lot's rear boundary to provide adequate clearance to an existing sewer main and inspection opening, 1 metre to its northern side boundary and 0.09 metres to the common boundary with the adjoining Lot 15 immediately south;
- ii) The new shed will be sited on a new sand pad which will extend 0.5 metres around the edges of the structure with a 100mm concrete slab on top within the confines of the structure's external walls. The final finished floor level of the shed is proposed to be 0.15 metres above the March 1999 flood level to help guard against any future potential flooding;
- iii) The proposed new carport (i.e. awning) will be attached to the southern side of the proposed new shed on Lot 14 with a setback of 0.09 metres to the common boundary with the adjoining Lot 15 immediately south;
- iv) All vehicle access to/from the new shed and carport on Lot 14 will be via the existing driveway on Lot 15 which provides direct access from both Gardiner and Findlater Streets. Access to the carport and shed behind it will be ramped to account for the difference in ground levels that will result due to the sand pad build-up required to satisfy the flood protection requirements of the Shire's local planning framework;
- v) The external surfaces of the proposed shed and carport will be finished using zincalume wall and roof sheeting and matching trims;
- vi) All stormwater drainage from the new structures will be directed to Findlater Street for discharge into the Shire's local drainage system; and
- vii) Once constructed the new shed and carport will be used to store the landowner's personal vehicles and other household items.

COMMENT:

Lots 14 and 15 are classified 'Residential' zone in the Shire of Moora Local Planning Scheme No.4 (LPS4) with a density coding of R12.5.

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

- (a) To provide for the predominant form of residential development to be single houses whilst providing for diversity with higher density close to the town centre;
- (b) To provide for diversity of lifestyle choice with a range of residential densities; and
- (c) To allow for the establishment of non-residential uses which are compatible with the predominant residential use and which will not adversely affect local amenities.

Under the terms of the Zoning Table in LPS4 the development of a single house, including any associated outbuilding and/or carport, is listed as being a permitted (i.e. 'P') use on any land classified 'Residential' zone provided it complies with all relevant development standards and requirements. Despite the permissibility of the proposed development, Council's planning approval is required due to the land's location within Special Control Area 1 of LPS4 entitled 'Land Subject to Flooding' and the fact the proposed shed and carport do not comply with the deemed-to-comply requirements of the Residential Design Codes (i.e. the R-Codes) as they apply to the minimum required side boundary setbacks and maximum permitted floor area, wall height and roof ridge height of all outbuildings on 'Residential' zoned land.

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, the Residential Design Codes and the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*. This assessment, which included 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, has confirmed the proposal is generally compliant or capable of compliance with the following requirements:

- Land use compatibility;
- Building orientation and appearance;
- Amenity of the locality including potential environmental, visual and social impacts;
- Vehicle access and parking; and
- Bushfire, flood risk and stormwater drainage management.

Notwithstanding the above conclusion, Council is required to exercise its discretion in relation to the proposal's non-compliance with the following deemed-to-comply requirements of the R-Codes and Local Planning Policy No.6.5 entitled 'Outbuildings: Cladding & Reflectivity':

i) Side Boundary Setbacks

The new shed and carport on Lot 14 are proposed to have a setback of 1.0 metre from this lot's northern side boundary and a 0.09 metre setback from its southern side boundary. Under the terms of the deemed-to-comply requirements of element 5.4.3 and Table 2A of the R-Codes the proposed structures are required to have a minimum setback of 1.5 metres to both side boundaries.

ii) Floor Area

The proposed new outbuilding will comprise a total floor area of 96m². Under the terms of the deemed-to-comply requirements of element 5.4.3 of the R-Codes the total permitted floor area for all outbuildings on any 'Residential' zoned lot is 60m² or 10 per cent of the total site area of Lot 14 (i.e. 75.9m²), whichever is the lesser. In this case the maximum allowable floor area is 60m².

It is noted Council's Policy 6.7 entitled 'Outbuilding Policy - Maximum Sizes' states that the maximum permitted floor area of any outbuilding on 'Residential' zoned land in the Shire with a density coding of R12.5 shall be 100m² however there is no evidence of that policy having

been endorsed by the Western Australian Planning Commission as is required by clause 7.3.2 of the R-Codes. As such the requirements of this policy have not been applied to this assessment and will need to be formalised through further discussion with the Department of Planning, Lands & Heritage.

iii) Wall Height

The new outbuilding is proposed to have a wall height ranging from 3.5 to 4.2 metres. Under the terms of the deemed-to-comply requirements of element 5.4.3 of the R-Codes the outbuilding is only permitted to have a maximum wall height of 2.4 metres.

iv) Roof Ridge Height

The new outbuilding is proposed to have a roof ridge height of 4.205 metres. Under the terms of the deemed-to-comply requirements of element 5.4.3 of the R-Codes the outbuilding is only permitted to have a maximum roof ridge height of 4.2 metres.

v) Wall Cladding

The walls of the new outbuilding are proposed to be clad with zincalume sheeting. Under the terms of Local Planning Policy No.6.5 the external walls of all new outbuildings on 'Residential' zoned land are required to be clad with colorbond sheeting unless otherwise approved by Council.

In considering whether or not to approve these proposed variations to the deemed-to-comply requirements of the R-Codes and Local Planning Policy No.6.5 Council must decide whether such variations are likely to have a detrimental impact upon the amenity and character of the immediate locality or any immediately adjoining or other nearby properties.

It is concluded following detailed assessment of the application that the proposed variations to the relevant standards are:

- i) unlikely to have any adverse impacts in terms of the overshadowing of or access to light and ventilation for any future dwellings on the immediately adjoining properties to the north and south or give rise to any overlooking and resultant loss of privacy for the future occupants of those dwellings;
- ii) unlikely to give rise to any significant negative visual impacts when viewed from Gardiner Street, the land's primary street frontage, given the proposed structures' location at the rear of the property, or compromise the visual amenity of surrounding properties with the possible exception of the currently vacant, undeveloped 'Residential' zoned lot located immediately north, the development of which could be designed to mitigate any potential negative visual impacts; and
- iii) unlikely to set an undesirable precedent for the future development of residential outbuildings in the Moora townsite given approvals have previously been granted by Council for a number of other oversize outbuildings for domestic storage purposes, none of which have given rise to any known formal complaints.

In light of the above findings it is concluded the proposal for Lots 14 and 15 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

COMMITTEE RECOMMENDATION

That the Application for Development Approval submitted by Mr Rod Machin – Action Outdoors on behalf of Mr Steven King (Landowner) to construct and use a new outbuilding (i.e. shed) and carport (i.e. awning) on Lot 14 (No.30) Gardiner Street, Moora for domestic storage purposes and private vehicle parking with all access via the adjoining Lot 15 located immediately south 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 amended plans submitted in support of the application dated 17 February 2019 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 and carport shall be 203.65 metres AHD (i.e. 0.15 metres above the land's natural ground level of 203.5 metres AHD).**
4. **The edges of the sand pad foundation for the proposed outbuilding and carport shall slope away from these structures at a gradient of 1 in 6 and stabilised to avoid any dust or erosion. Where a gradient of 1 in 6 cannot be achieved, suitable retaining works shall be undertaken as required.**
5. **Power points, electrical or data connection outlets in the proposed outbuilding and carport shall be installed 1.0 metre above the structure's final finished floor level.**
6. **All external surfaces of the proposed outbuilding and carport shall be clad with new materials only.**
7. **In the event any valid complaint is received from the owner of any immediately adjoining property regarding the reflectivity of the proposed outbuilding and carport due to their zincalume wall and roof cladding, the landowner shall paint the external surfaces of both structures within sixty (60) days of being formally notified by the Shire's Chief Executive Officer of the requirement to do so.**
8. **All stormwater drainage generated by the proposed outbuilding and carport shall be managed and disposed of to the specifications and satisfaction of the Shire's Chief Executive Officer.**
9. **The proposed outbuilding shall be used for domestic storage / hobby and vehicle parking purposes only unless otherwise approved by Council.**
10. **The storage of any chemicals on the floor of the proposed outbuilding and carport is not permitted.**

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 less 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 and carport are 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. It is recommended the landowner make application to the Western Australian Planning Commission to amalgamate Lots 14 & 15 into one (1) new separately titled lot to address the issues associated with the existing dwelling on the land traversing the common boundary between the two lots which could potentially delay the processing of any future development and/or building permit applications for the land.**
- 9. 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.**
- 10. 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.**

10.2 LOCAL GOVERNMENT ORDINARY ELECTIONS: 2019

FILE REFERENCE: EM/ELC6

REPORT DATE: 21 March 2019

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: N/A

AUTHOR: David Trevaskis, Deputy Chief Executive Officer

ATTACHMENTS: Nil

PURPOSE OF REPORT:

For Council to resolve to appoint the Western Australian Electoral Commission to carry out the 2019 Ordinary Election as a Postal Election on 19 October 2019.

BACKGROUND:

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

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

COMMENT:

Many positive comments were received from Councillors, staff and members of the public in regard to the use of postal voting for the 2009, 2011, 2013, 2015 and 2017 Ordinary Elections.

The benefits in utilising the Electoral Commission included:

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

The quote obtained from the Electoral Commission as an estimate for the 2019 elections is \$16,000 including GST. This is based on the following assumptions by the Electoral Commission:

- 1,650 electors
- Response rate of 50%
- 4 vacancies
- Count to be conducted at the offices of the Shire of Moora
- Appointment of a local Returning Officer

The quote does not include:

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

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

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

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

STRATEGIC IMPLICATIONS:

Outcome 5.3: Effective and efficient corporate and administrative services.

Strategy 5.3.1: Provide and promote responsive customer services.

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

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

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

Strategy 5.3.5: Provide information and communications technology services.

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

Strategy 5.3.7: Maintain risk management policies and procedures.

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

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

SUSTAINABILITY IMPLICATIONS➤ **Environment**

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

➤ **Economic**

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

➤ **Social**

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

FINANCIAL IMPLICATIONS:

The quoted estimate from the Electoral Commission is \$16,000 to Council if a postal election is conducted by the Western Australian Electoral Commission for the Ordinary Council election to be held on Saturday the 19th October 2019. This would be a budgeted item in 2018/2019 financial year.

VOTING REQUIREMENTS

Absolute Majority Required

COMMITTEE RECOMMENDATIONS*That Council*

1. **Declare, in accordance with section 4.20(4) of the Local Government Act 1995, the Electoral Commissioner to be responsible for the conduct of the 2019 ordinary elections together with any other elections or polls which may be required; and**
2. **Decide, in accordance with section 4.61 (2) of the Local Government Act 1995 that the method of conducting the election will be as a postal election.**

10.3 BUSH FIRES ACT – FIRE CONTROL OFFICERS

FILE REFERENCE: LO/BUFI

REPORT DATE: 25 March 2019

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: John Brennan, Acting 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 2019/2020.

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 2019/2020 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 Valleys 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

COMMITTEE RECOMMENDATION

That the Shire of Moora adopt the following list as the current Bush Fire Control Officers for the 2019/2020 season, and that Council authorise the publishing of the list in the Northern Valleys News and on the Shire of Moora website for public information;

Chief Bush Fire Control Officer	Brendan Pratt
Deputy Chief Bush Fire Control Officer	Derek Stewart
Deputy Chief Bush Fire Control Officer	James (Jim) McNamara
Acting Community Emergency Services Manager	John Brennan
Fire Weather Officer	Hugh Bryan
Deputy Fire Weather Officers	Derek Stewart
	James (Jim) McNamara

Fire Control Officers

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

Fire Permits Only
 Fire Permits Only

Jamie Mullins (VFRS)
 Sean Harris (Ranger)

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**