

**Shire of Moora  
Ordinary Council Meeting  
29<sup>th</sup> July 2020**

**NOTICE OF MEETING**

Dear Elected Member

The next Ordinary Council Meeting of the Shire of Moora  
will be held on **Wednesday 29<sup>th</sup> July 2020**  
in the Council Chambers, 34 Padbury Street, Moora  
commencing at **5.30 pm**



AJ Leeson  
Chief Executive Officer

24<sup>th</sup> July 2020

## **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, <sup>(1)</sup> \_\_\_\_\_ wish to declare an interest in the following item to be considered by Council at its meeting to be held on <sup>(2)</sup> \_\_\_\_\_.

Agenda Item <sup>(3)</sup> \_\_\_\_\_

The type of interest I wish to declare is: <sup>(4)</sup>

- 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 <sup>(5)</sup>

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

The extent of my interest is <sup>(6)</sup>

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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**  
**29 JULY 2020**  
 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 30 June 2020
- 9.1.4 Shire of Moora s.33 Notice 2020/2021
- 9.2.1 Attachment 1
- 9.3.1 Maps showing extent of requested road closure
- 10.1 Letter

**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 - 17 JUNE 2020**

*That the Minutes of the Ordinary Meeting of Council held on 17 June 2020 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:** 16 July 2020

**OFFICER DISCLOSURE OF INTEREST:** Nil

**AUTHOR:** Alan Leeson, Chief Executive Officer

**SCHEDULE PREPARED BY:** Alida Fitzpatrick, 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



<b>RECOMMENDATION</b>
-----------------------

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

<b>Municipal Fund</b>	<b>Cheques 62449 to 62453</b>	<b>\$19,204.18</b>
	<b>EFT 23501 to 23651</b>	<b>\$425,045.41</b>
	<b>Direct Debits 13191.1 to 13243.11</b>	<b>\$50,172.16</b>
	<b>[DD13243.10] Credit Card 04/05/20 to 02/06/20</b>	<b><u>\$1,114.05</u></b>
		<b>\$495,535.80</b>
<b>Trust Fund</b>	<b>Cheques 5534 to 5538</b>	<b><u>\$995.06</u></b>
		<b>Subtotal \$496,530.86</b>
<b>Net Pays</b>	<b>PPE 09/06/20</b>	<b>\$90,124.43</b>
	<b>PPE 23/06/20</b>	<b><u>\$90,957.58</u></b>
		<b>\$181,082.01</b>
		<b>Total <u>\$677,612.87</u></b>

**9.1.2 DRAFT STATEMENT OF FINANCIAL ACTIVITY FOR PERIOD ENDED 30 JUNE 2020**

**REPORT DATE:** 23 July 2020

**OFFICER DISCLOSURE OF INTEREST:** Nil

**PREVIOUS MEETING REFERENCES:** Nil

**AUTHOR:** Martin Whitely, LG Corporate Solutions

**ATTACHMENTS:** Draft Statement of Financial Activity for the Period Ended 30 June 2020

**PURPOSE OF REPORT:**

To note and receive the Draft Statement of Financial Activity for the period ended 30 June 2020.

**BACKGROUND:**

Council is provided with monthly financial reports to enable monitoring of revenues and expenditures against the adopted budget.

**COMMENT:**

The Draft Statement of Financial Activity for the Period Ended is provided as a separate attachment in Program format. The financials are currently in draft format as the final position is likely to change slightly with additional year end adjustments still to be completed.

**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 2019/20 adopted budget.

**VOTING REQUIREMENTS**

Simple Majority Required

**RECOMMENDATION**

*That Council notes and receives the Statement of Financial Activity for the period ended 30 June 2020.*

### **9.1.3 BUSH FIRES ACT – FIRE CONTROL OFFICERS**

**FILE REFERENCE:** LO/BUF1

**REPORT DATE:** 22 July 2020

**OFFICER DISCLOSURE OF INTEREST:** Nil

**PREVIOUS MEETING REFERENCES:** Nil

**AUTHOR:** Nicholas Parry, Community Emergency Services Manager

**ATTACHMENTS:** Nil

#### **PURPOSE OF REPORT:**

Confirmation of the appointment of the Shire of Moora Bush Fire Control Officers 2020/2021.

#### **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 2020/2021 for the Shire of Moora.

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 Local Government area for the protection of life and 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

**RECOMMENDATION**

***That the Shire of Moora adopt the following list as the current Bush Fire Control Officers for the 2020/2021 season, and that Council authorise the publishing of the list in the Northern Valleys News and Shire of Moora website for public information;***

<b>Rank</b>	<b>Name</b>	<b>Number</b>
Chief Bush Fire Control Officer	Brendon Pratt	0427 541 086
Deputy Chief Bush Fire Control Officer	Jim McNamara	0427 541 083
Fire Weather Officer	Hugh Bryan	0427 542 007
Fire Control Officer 1 – Shire of Moora CESM	Nicholas Parry	0409 137 645
Fire Control Officer 2 – Shire of Moora	Derek Stewart	0428 549 074
Fire Control Officer 3 – Miling	Gary Bailey	0429 648 948
Fire Control Officer 4 – Watheroo	Brad Millstead	0429 008 750
Fire Control Officer 5 – Watheroo	Len Mitchell	0429 373 247
Fire Control Officer 6 – Bindi Bindi	Toby Ellis	0417 990 504
Fire Control Officer 7 – Bindi Bindi	Stephen Turner	0427 545 073
Fire Control Officer 8 – Coomberdale	Brad Tonkin	0427 518 011
Fire Control Officer 9 – Coomberdale	David McLean	0427 518 013
Fire Control Officer 10 – Koojan	Brendan Van Beek	0428 359 076
Fire Control Officer 11 – Koojan	Glenn Vanzetti	0407 446 265
Fire Control Officer 12 – Ranger	Sean Harris	0408 511 709

**9.1.4 FIREBREAK REQUIREMENTS 2020/2021 - BUSH FIRES ACT (1954)****FILE REFERENCE:** LO/BUFI**REPORT DATE:** 22 July 2020**OFFICER DISCLOSURE OF INTEREST:** Nil**PREVIOUS MEETING REFERENCES:** 15/7/2015 – Item #10.2**AUTHOR** Nicholas Parry, Community Emergency Services Manager**ATTACHMENTS:** Shire of Moora s.33 Notice 2020/2021**PURPOSE OF REPORT:**

To implement revised s.33 Fire Hazard Notice for the 2020/2021 Bushfire season.

**BACKGROUND:**

A review of the Shire of Moora Fire Break Notice was undertaken by the Community Emergency Services Manager in conjunction with the Bush Fire Advisory Committee in an effort to clear up the requirements for landowners/occupiers and ensure the notice is relevant to the current climate. The last notice was reviewed in the 2015/16 season.

The notice has been written in line with the DFES strategic control priorities;

- Protection and preservation of life
- Community warnings and information
- Protection of critical infrastructure and community assets
- Protection of residential property
- Protection of assets supporting individual livelihood and community financial sustainability
- Protection of environmental and heritage values

Feedback from residents and stakeholders in the past is that the fire notice looked like a bit of advertising material and did not understand it as requirement, others thought because of the name that all that was required were fire breaks. This year we have renamed the notice 'Fire Hazard Notice', this is to reflect all the requirements. We have also decided to reduce the notice to two categories (under 4000m<sup>2</sup> and over 4000m<sup>2</sup>), have reduced the notice to one piece of paper front and back and will print on green paper to be eye catching.

**COMMENT:**

When issuing a s.33 notice under the Bush Fires Act 1954, the number one priority is the safety of the volunteer firefighters and community. A clear and concise notice will improve the compliance rate within the local government and in turn increase the safety of the community.

**POLICY REQUIREMENTS:**

Shire of Moora Bush Fire Policy 2.1 (adopted 18 May 2009)

**LEGISLATIVE REQUIREMENTS:**

*Bush Fires Act 1954* - (with amendments) and Regulations

**STRATEGIC IMPLICATIONS:**

Town and Rural resident's awareness to Fire Prevention and Safety

**SUSTAINABILITY IMPLICATIONS:****➤ Environment**

Efficient fire mitigation in the way of fire breaks and fuel management protects the biodiversity of the area.

**➤ Economic**

Effective fire mitigation in the way of fire breaks and fuel load management reduces the spread of fire that may damage infrastructure, livelihoods and environment. The economic impact of a significant fire will significantly affect local business, tourism and overall economic growth.

**➤ Social**

The impacts of a large-scale fire such as Yarloop, Roleystone, Parkerville and recently over in the eastern states have proven monumental impacts to the social fabric of the communities, without effective preparedness the local government increases the likelihood of these devastating events.

**FINANCIAL IMPLICATIONS:**

Cost of printing the notice to accompany the rates.

**VOTING RECOMMENDATIONS:**

Simple Majority required

**RECOMMENDATIONS*****That Council***

- 1. adopts the 2020/2021 Fire Hazard Reduction Notice in full.***
- 2. Authorise the publishing of the Shire of Moora Fire Hazard Reduction Notice in the Northern Valley News and WA Government Gazette.***

**9.1.5 DELEGATION – DOG ACT 1976****FILE REFERENCE:** PL/DELI**REPORT DATE:** 24 July 2020**APPLICANTS/PROPONENT:****OFFICER DISCLOSURE OF INTEREST:****PREVIOUS MEETING REFERENCES:****AUTHOR:** Alan Leeson, Chief Executive Officer**ATTACHMENTS:****PURPOSE OF REPORT:**

For Council to consider delegating authority to the Chief Executive Officer to determine applications to keep more than the prescribed number of dogs under the Dog Act 1976 and Shire of Moora Local Law 2016.

**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:**

Not applicable

**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 are no known strategic implications associated with this proposal.



**SUSTAINABILITY IMPLICATIONS:**

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

**FINANCIAL IMPLICATIONS:**

There are no financial implications to Council in relation to this item.

**VOTING REQUIREMENTS**

Absolute Majority Required

**RECOMMENDATION**

*That Council delegate authority to the Chief Executive Officer to determine applications to keep more than the prescribed number of dogs in the Shire of Moora under the provisions of the Dog Act 2016 and Shire of Moora Dog Local Law 2016*

## 9.2 **DEVELOPMENT SERVICES**

### 9.2.1 **APPLICATION FOR DEVELOPMENT APPROVAL – PROPOSED DOMESTIC OUTBUILDING (STORAGE SHED) ON LOT 1 MIDLANDS ROAD, MOORA**

**FILE REFERENCE:** TP/DA04/1920  
**REPORT DATE:** 15 July 2020  
**APPLICANT/PROPONENT:** Mr Walter I. Kerkhoff (Landowner)  
**OFFICER DISCLOSURE OF INTEREST:** Nil  
**PREVIOUS MEETING REFERENCES:** Nil  
**AUTHOR:** Mr Joe Douglas, Town Planning Consultant  
**ATTACHMENTS:** Attachment 1

#### **PURPOSE OF REPORT:**

Further consideration and final determination of a development application received from Mr Walter Kerkhoff (Landowner) for the construction and use of a proposed new domestic outbuilding (i.e. storage shed) on Lot 1 Midlands Road, Moora.

In considering this report Council should note the following key points:

1. At its Ordinary Meeting on 11 December 2019 Council resolved that final determination of the application be deferred pending the outcome of a Fauna Disturbance Application (Bird Feeding) by Mr W Kerkhoff to the Department of Biodiversity, Conservation and Attractions (i.e. Motion No. 173/19); and
2. That component of the application in which approval was sought for the continued operation of an existing unauthorised ancillary tourist use (bird watching) on the subject land cannot be approved and has therefore been withdrawn as it is based and reliant upon the applicant's active luring of Carnaby's Black Cockatoo to the subject land on a daily basis by offering food and water. By email correspondence dated 9 July 2020 the Parks and Wildlife Service Division of the Department of Biodiversity, Conservation and Attractions advised the Shire that the applicant's application to that agency for a license to feed native fauna from the property has been refused. As such Council is unable to grant approval to the ancillary tourist use as it would be contrary to the specific requirements of the *Biodiversity Conservation Act of WA 2016* and *Biodiversity Conservation Regulations 2018*.

#### **BACKGROUND:**

The applicant is seeking Council's development approval for the construction and use of a new 60.5m<sup>2</sup> zincalume outbuilding (i.e. shed) adjacent to the subject land's southern boundary for domestic storage purposes as well as the small-scale production/manufacturing of bird nesting boxes for fauna conservation purposes.

A full copy of the development application, including all supporting documentation and plans, is provided in Attachment 1.

Lot 1 is located in the northern extremities of the Moora townsite, comprises a total area of approximately 3,212m<sup>2</sup> and is relatively flat throughout with the natural ground level being approximately 203.5 metres AHD.

The subject land is bounded by Midlands Road to the east, McKinley Street to the north and Roberts Street to the west. Midlands Road is a sealed and drained State Road under the care, control and management of Main Roads WA. McKinley and Roberts Streets are sealed and

drained Local Roads under the care, control and management of the Shire of Moora. All vehicle access to/from the land is provided via an existing driveway crossover along its McKinley Street frontage.



Location & Lot Configuration Plan (Source: Landgate 2019)

Lot I has been extensively developed and used for residential purposes and contains a two-storey single detached dwelling located centrally on the land. The property also contains a small shed, seven (7) aviary structures, above and below ground water storage tanks for stormwater drainage management purposes, a small unsealed vehicle access and parking area adjacent to its McKinley Street frontage and various landscaped areas throughout comprising mature trees and shrubs.

It is understood the applicant has owned and lived on the subject land for many years and is currently using it to pursue his interest in the conservation of Carnaby's Black Cockatoo which is listed as an endangered fauna species by the Federal and Western Australian governments.

Immediately adjoining and other nearby land uses are quite varied and include:

- Rural living type development to the north on the opposite side of McKinley Street with broadacre agriculture (i.e. cropping & grazing) beyond;
- A concrete batching and manufacturing facility to the east, including caretaker's dwelling, on the opposite side of Midlands Road (i.e. General Industry) with an operational railway reserve and broadacre agriculture (i.e. cropping & grazing) beyond;
- Small scale light industrial development and associated caretaker's dwellings immediately south and beyond; and
- Low density special residential type development to the west on the opposite side of Roberts Street with rural living type development beyond.

#### **COMMENT:**

Lot I is classified 'Light Industrial' 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 'Light Industrial' zone are as follows:

- a) To provide for the needs of light and service industries and showroom uses to support the community;

- b) to achieve and maintain a high standard of presentation to Moora-Dongara Road (i.e. Midlands Road) at the northern entry and to the Bindoon-Moora Road at the southern entry to Moora; and
- c) to ensure appropriate buffers are provided and maintained between the light industrial uses and adjacent uses so as to avoid land use conflicts.

Under the terms of LPS4 the development and use of a single house as well as the erection or extension of an outbuilding on the same lot as a single house are expressly prohibited on any land classified 'Light Industrial' zone. Notwithstanding this fact, the subject land contains a previously approved single house and a number of associated outbuildings which enjoy what is legally known as a 'non-conforming' use right.

Clause 6.2.1 of LPS4 expressly states a person must not:

- a) alter or extend a non-conforming use;
- b) erect, alter or extend a building used in conjunction with or in furtherance of a non-conforming use; or
- c) change the use of land from a non-conforming use to another non-conforming use, without first having applied for and obtained Council's development approval.

Clause 6.2.2 of LPS4 requires any development application received to alter, extend or change any non-conforming use of land within the Shire to be advertised for public comment for a minimum required period of fourteen (14) days.

In addition to all of the above 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'. Clause 4.11.2.1 of LPS4 expressly states Council's developmental approval is required for all use or development of any land within or partially within Special Control Area 1 including fill, excavation, a single house and any ancillary development and/or usage.

The application has been assessed with due regard for the following:

- a) the specific objectives and standards of the Shire's local planning framework including LPS4 and all relevant local planning policies;
- b) the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*;
- c) advice received from the Department of Water and Environmental Regulation which was sought and provided pursuant to the specific requirements of clause 4.11.2.2 of LPS4 as it applies to all land subject to flooding in the Moora townsite;
- d) advice received from the Shire's Building Surveyor and Environmental Health Officer; and
- e) three (3) written submissions and one (1) petition received during the required fourteen (14) day public advertising process, none of which raised any objections to the proposed new outbuilding.

It is concluded from this assessment that the proposal to construct a new 60.5m<sup>2</sup> zincalume outbuilding (i.e. shed) adjacent to the subject land's southern boundary for domestic storage purposes as well as the small-scale production/manufacturing of bird nesting boxes for fauna conservation purposes is generally compliant or capable of compliance with the following requirements:

- Land capability and suitability;
- Land use compatibility including buffer separation requirements;
- Lot boundary setbacks including fire separation requirements;

- Amenity of the locality including potential environmental, visual and social impacts;
- On-site landscaping, vehicle access and parking;
- Stormwater drainage management; and
- Bushfire and flood risk mitigation.

Notwithstanding the above conclusion Council should note clause 3.10.3(b) of LPS4 as it applies to the development of any land classified 'Light Industrial' zone requires the whole of any wall or building facing any street to be constructed using brick, concrete or masonry. Under the terms of the application received the new shed on Lot 1 is proposed to be orientated towards Midlands Road with a 900mm high masonry wall constructed from the land's natural ground level and zincalume steel wall sheeting above ranging in height from 3.5 to 3.9 metres (i.e. the proposed new shed's front facade is not compliant).

Clause 3.10.3(b) states Council may permit the use of other materials on the external façade of a new building facing a street in the 'Light Industrial' zone where it is satisfied that such materials will not detract from the amenity of the area. In this particular instance it is concluded the proposed use of zincalume steel wall sheeting on the shed's front façade facing Midlands Road is acceptable and may be approved for the following reasons:

- i) The shed will have an average setback of approximately 18.8 metres to the land's boundary to Midlands Road which is far greater than that required by LPS4 (i.e. 7.5 metres) and will help mitigate any negative visual impacts when viewed from this road;
- ii) There is a significant amount of mature vegetation comprising large trees and shrubs along the land's Midlands Road frontage and southern side boundary which will help screen the proposed shed from public view; and
- iii) No objections regarding the location, orientation, dimensions or appearance of the proposed shed were raised by adjoining landowners or other members of the local community during public advertising of the development application.

In light of the above findings it is concluded the proposal to construct a new 60.5m<sup>2</sup> zincalume outbuilding (i.e. shed) adjacent to the subject land's southern boundary for domestic storage purposes as well as the small-scale production/manufacturing of bird nesting boxes for fauna conservation purposes is acceptable having regard for the land's current 'Light Industrial' zoning classification and non-conforming use provisions of LPS4 and may therefore be conditionally approved on the same terms as other similar residential outbuildings in the Moora townsite.

#### **POLICY REQUIREMENTS:**

- Shire of Moora Policy No.6.5 - Outbuilding Policy Conditions (Cladding and Reflectivity)
- Shire of Moora Policy No.6.7 - Outbuilding Policy (Maximum Size)
- Shire of Moora Policy No.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:**

- Shire of Moora Strategic Community Plan 2018-2028

**SUSTAINABILITY IMPLICATIONS:**

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

**FINANCIAL IMPLICATIONS:**

There are no known 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 applicant/landowner.

**VOTING REQUIREMENTS:**

Simple Majority Required

**OFFICER RECOMMENDATIONS**

1. *That Council grant development approval to Mr Walter I. Kerkhoff (Landowner) for the construction and use of a new 60.5m<sup>2</sup> zincalume outbuilding (i.e. shed) on Lot 1 Midlands Road, Moora for domestic storage purposes as well as the small-scale production/manufacturing of bird nesting boxes for fauna conservation purposes subject to the following conditions and advice notes:*

**Conditions**

- i) *The proposed outbuilding (i.e. shed) shall be constructed 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.*
- ii) *Any additional development which is not in accordance with the application the subject of this approval or any condition of approval will require the further approval of Council.*
- iii) *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, this approval shall lapse and be of no further effect. Where an approval has so lapsed, the proposed development shall not be carried out without the further approval of Council having first being sought and obtained.*
- iv) *The minimum final finished floor level of the proposed new outbuilding shall be 204.3 metres AHD (i.e. 800mm above the land's natural ground level of 203.5 metres AHD).*
- v) *Power points, electrical or data connection outlets in the proposed new outbuilding shall be installed a minimum of 0.5 metres above the structure's final finished floor level.*
- vi) *All external surfaces of the proposed new outbuilding shall be clad with new materials only.*

- vii) All stormwater drainage generated by the proposed new outbuilding shall be managed and disposed of on-site using the existing underground stormwater storage tanks on the land (i.e. no stormwater is permitted to be directed and disposed of via any immediately adjoining property).**
- viii) All breather inlets to the underground stormwater storage tanks on the land shall be 0.5m above the March 1999 flood level of 204 metres AHD.**
- ix) The proposed new outbuilding shall only be used for the stated and approved purposes unless otherwise approved by the local government.**
- x) The storage of any dangerous and/or toxic chemicals on the floor of the proposed new outbuilding is not permitted.**

#### **Advice Notes**

- i) 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.**
- ii) 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.**
- iii) The applicant/landowner is reminded of their obligation to ensure compliance with the following requirements:**
  - a) Shire of Moora Annual Firebreak Notice as this applies specifically to land within the Moora townsite comprising an area of 3,000m<sup>2</sup> or more to help guard against potential bushfire risk; and**
  - b) Shire of Moora Health Local Law 2016.**
- iv) 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.**
- v) The proposed new 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.**
- vi) 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.**
- vii) 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.**
- viii) 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.**

**ix) 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.**

- 2. That Council advise Mr Walter I. Kerkhoff (Landowner) that the existing unauthorised ancillary tourist use (bird watching) on Lot 1 Midlands Road, Moora cannot be approved as it is based and reliant upon the active luring of Carnaby's Black Cockatoo to the property on a daily basis by offering food and water which is contrary to the specific requirements of the Biodiversity Conservation Act of WA 2016 and Biodiversity Conservation Regulations 2018 as well as a recent decision by the Parks and Wildlife Service Division of the Department of Biodiversity, Conservation and Attractions to refuse his application for a license to feed native fauna from the property.**



### **9.3 ENGINEERING SERVICES**

#### **9.3.1 LAND RESUMPTIONS – UNMADE PORTION FINDLATER STREET, MOORA**

**FILE REFERENCE:** S/ROAI

**REPORT DATE:** 8 July 2020

**APPLICANT/PROPONENT:** Cooperative Bulk Handling

**OFFICER DISCLOSURE OF INTEREST:** Nil

**PREVIOUS MEETING REFERENCES:** Nil

**AUTHOR:** John Greay, Manager Engineering Services

**ATTACHMENTS:** Maps showing extent of requested road closure

#### **PURPOSE OF REPORT:**

We have received correspondence from Cooperative Bulk Handling (CBH) requesting the closure of part of an unmade portion of Findlater Street, Moora for the purpose of expanding their operational facility.

#### **BACKGROUND:**

Cooperative Bulk Handling with their facility upgrade are looking to expand into the Findlater road reserve which in turn will assist with their proposed future rail connectivity.

#### **COMMENT:**

The area of land, in question is 626.65metres long x 20.12metre wide = 1.26ha which is to be amalgamated into CBH's freehold Lot 8.

The value of the closed portion of land will be dealt with by the Department of Planning, Lands and Heritage on behalf of the Crown.

#### **POLICY REQUIREMENTS:**

Nil

#### **LEGISLATIVE REQUIREMENTS:**

Local Government Act 1995- s 168

Land Administration Act 1997 – (part5)

#### **STRATEGIC IMPLICATIONS:**

There are no known strategic implications associated with this proposal.

#### **SUSTAINABILITY IMPLICATIONS:**

##### ➤ **Environment**

The area needs assessment to ensure that all aspects of the natural environment are considered. Carnaby Cockatoos are known to frequent the area and the area may contain nesting hollows in the larger mature trees

##### ➤ **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:**

Cost of advertising.  
Officers time in compiling report  
Cost of seeking valuation

**VOTING REQUIREMENTS**

Simple Majority Required

**RECOMMENDATIONS*****That Council***

- 1. approves of Cooperative Bulk Handling's request to close a portion of the unmade Findlater Street – 626.65m long x 20.12m wide = 1.26ha and for it to be amalgamated into Lot 8 on DP419100.***
- 2. advertise in the West Australian Newspaper for a period of 35 days indicating CBH's proposal and council's agreeance to the road closure and amalgamation.***

## **10. REPORTS OF COMMITTEES**

### **GENERAL PURPOSE COMMITTEE MEETING – 1 JULY 2020**

#### **10.1 REQUEST TO HAVE A THIRD DOG – B KELDERMAN**

**FILE REFERENCE:** PA/168 (Brassington)

**REPORT DATE:** 23 June 2020

**APPLICANTS/PROPONENT:** B Kelderman

**OFFICER DISCLOSURE OF INTEREST:** Nil

**PREVIOUS MEETING REFERENCES:** Nil

**AUTHOR:** Alan Leeson, Chief Executive Officer

**ATTACHMENTS:** Letter

#### **PURPOSE OF REPORT:**

Council is in receipt of an application from Brent Kelderman requesting Council permission to keep 3 dogs at his rental property situated at corner King Street and Standen Place, Moora.

#### **BACKGROUND:**

Correspondence from Mr Kelderman states that the third dog was being used as a working dog out of town, however, change of circumstances has brought him into town. The applicant has stated that he will be moving house between now and September. The other two dogs at the property are registered.

#### **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 four 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

## **COMMITTEE RECOMMENDATION**

***That Council approve the application by Mr Brent Kelderman residing at 39 King Street, Moora to have a third dog at the property subject to the following conditions:***

- ***The dogs are not permitted to roam, and they are to be contained within the yard at all times if not on a lead;***
- ***All dogs are to have a current dog registration with the Shire of Moora;***
- ***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;***
- ***The approval for the third dog at the property is permitted until 31 October 2020;***
- ***Council reserves the right to review the approval for a 3<sup>rd</sup> 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.***

## **10.2 APPOINTMENT/NOMINATIONS TO COMMITTEES / WORKING GROUPS**

**FILE REFERENCE:** PL/DELI

**REPORT DATE:** 11 June 2020

**OFFICER DISCLOSURE OF INTEREST:** Nil

**AUTHOR:** Alan Leeson, Chief Executive Officer

**ATTACHMENTS:** Nil

### **BACKGROUND:**

Council last reviewed its appointments to Committees/Working Groups in November 2019. There has been changes to the membership of Council as a result of Mr Phil Bellamy's resignation from the office of Council and the fact that Mr Michael Monaghan did not take up of the Office of Councillor. An extra Ordinary election was scheduled for 28th February 2020 to fill the two vacancies. At the close of nominations on the 22 January 2020 Peter Nixon and Tracy Humphry were elected to the office of council unopposed. It is recommended Council review the 'Appointments/Nominations to Committee's/Working Groups'. A list of the current appointments/nominations is below for review.

Council at their 17 June meeting resolved that the review of Appointments/ Nominations to Committee's/Working Groups lay on the table and be referred back to the General Purpose Committee meeting on 1 July 2020.

### **Management & Audit Committee**

Membership - 9 Councillors

### **General Purpose Committee**

Membership - 9 Councillors

### **Avon-Midland Country Zone WALGA**

Appointees - Shire President & Deputy President

### **Local Government Grain Freight Group**

Appointee - Currently Cr Seymour as Avon Midland Zone delegate

Meets: Quarterly at WALGA

### **Development Assessment Panel**

Appointees - Clydesdale-Gebert and Cr Thomas

Alternate members: Cr Lefroy and Cr Gilbert

Meets: On demand / when required by Department of Planning

### **Local Emergency Management Committee (LEMC)**

Membership - Shire President (Chair), Chief Executive Officer, Manager Engineering Services, Community Emergency Services Manager plus representatives appointed by the LEMC Committee

Meets: Quarterly

### **Moora Residential College Linc Advisory Committee**

Appointee - Cr Hamilton

Meets: On demand / when required

### **Community Resource Centre Mgmt. Committee**

Appointees - Cr Hamilton with proxy Cr (to be appointed)

Meets: Monthly (2<sup>nd</sup> Wednesday)

**Landcare Groups (Rural Water Council / West Koojan-Gillingarra LCDC)**

Appointees - Cr (to be appointed) with proxy Cr Thomas

Meets: 3 monthly in Northam and Bi Monthly in Gillingarra

**Wildflower Country Inc. Committee**

Appointees - Cr Hamilton with proxy Cr (to be appointed)

Meets: Bi Monthly in Three Springs

**Wheatbelt North Regional Road Group**

Appointees - Shire President with proxy Cr Gilbert

Meets: Half Yearly in Northam

**Moora Sub Regional Road Group**

Appointees - Shire President with proxy Cr Gilbert

Meets: On demand / when required in Moora

**Innovation Central Midlands WA Incorporated**

Appointees - Cr Seymour, Cr Lefroy, Michael Monaghan

Meets: Monthly

**Bushfire Advisory Committee**

Appointee – Cr (to be appointed)

**Education Training Strategy / Education Liaison Group**

Appointees – Cr Hamilton with proxy Cr (to be appointed)

Community representative Peter Nixon

Meets: On demand / when required in Moora

**VOTING REQUIREMENTS**

Absolute Majority Required

**COMMITTEE RECOMMENDATION**

*That Councils review of Appointments/ Nominations to Committee's/Working Groups be endorsed and updated as detailed;*

**Audit Committee**

Membership - 9 Councillors

**General Purpose Committee**

Membership - 9 Councillors

**Avon-Midland Country Zone WALGA**

Appointees - Shire President & Deputy President

**Local Government Grain Freight Group**

Appointee - Cr Seymour as Avon Midland Zone delegate, with proxy Cr Gilbert

Meets: Quarterly at WALGA

**Development Assessment Panel**

Appointees - Clydesdale-Gebert and Cr Thomas

Alternate members: Cr Lefroy and Cr Gilbert

Meets: On demand / when required by Department of Planning

**Local Emergency Management Committee (LEMC)**

Membership - Shire President (Chair), Chief Executive Officer, Manager Engineering Services, Community Emergency Services Manager plus representatives appointed by the LEMC Committee

Meets: Quarterly

**Moora Residential College Linc Advisory Committee**

Appointee - Cr Humphry

Meets: On demand / when required

**Community Resource Centre Mgmt. Committee**

Appointees - *to be appointed*

Meets: Monthly (2<sup>nd</sup> Wednesday)

**Landcare Groups (Rural Water Council / West Koojan-Gillingarra LCDC)**

Appointees - Cr Thomas

Meets: 3 monthly in Northam and Bi Monthly in Gillingarra

**Wildflower Country Inc. Committee**

Appointees - Cr Hamilton *with a proxy to be appointed*

Meets: Bi Monthly in Three Springs

**Wheatbelt North Regional Road Group**

Appointees - Shire President with proxy Cr Gilbert

Meets: Half Yearly in Northam

**Moora Sub Regional Road Group**

Appointees - Shire President with proxy Cr Gilbert

Meets: On demand / when required in Moora

**Innovation Central Midlands WA Incorporated**

Appointees - Cr Seymour, Cr Lefroy

*Community representative Michael Monaghan*

Meets: Monthly

**Bushfire Advisory Committee**

Appointee – Cr Humphry with proxy Cr Lefroy

**Education Training Strategy / Education Liaison Group**

Appointees – Cr Hamilton and Cr Nixon

Meets: On demand / when required in Moora

**Moora Community Wellness Plan Group**

Appointee – Cr Humphry

Meets: Bi Monthly in Moora



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**