Shire of Moora Ordinary Council Meeting 15th October 2014

NOTICE OF MEETING

Dear Elected Member

The next Ordinary Council Meeting of the Shire of Moora will be held on **Wednesday 15**th **October 2014** in the Council Chambers, 34 Padbury Street, Moora commencing at **5.30 pm**

AJ Leeson Chief Executive Officer

10th October 2014

The Shire of Moora Vision and Mission Statement

Vision

Our vision is that:

The Moora region will be a place of brilliant opportunity over the next twenty years. Sustainable growth will result in a vibrant, healthy, wealthy and diverse community.

Mission

Our mission is:

To identify and stimulate growth through creative leadership and a willingness to get things done.

SHIRE OF MOORA

WRITTEN DECLARATION OF INTEREST IN MATTER BEFORE COUNCIL

Chief Executive Officer Shire of Moora PO Box 211 MOORA WA 6510

Dear Sir/Madam, Re: Written Declaration of Interest in Matter Before Council			
. (I)			
	wish to		
declare an interest in the following item to be considered by Con	<u> </u>		
(2)	·		
Agenda Item (3)			
The type of interest I wish to declare is: (4)			
Financial pursuant to Section 5.60A of the Local Government	nent Act 1995		
Proximity pursuant to Section 5.60B of the Local Govern			
☐ Indirect Financial pursuant to Section 5.61 of the Local G			
Impartiality pursuant to Regulation 11 of the Local G Regulations 2007.	overnment (Rules of Conduct)		
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 N recorded by the Chief Executive Officer in an appropriate Registe			
Yours faithfully,			
Signed	Date		

- I. 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 \$. 5.68 of the Act).

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SHIRE OF MOORA

ORDINARY COUNCIL MEETING AGENDA 15 OCTOBER 2014

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 September 2014
 - 9.1.3 Proposed Schedule of Meeting Dates for 2015
 - 9.2.1 Plan
 - 9.2.2 Plans
 - 9.2.3 Plans

I. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

I.I DECLARATION OF OPENING

1.2 DISCLAIMER READING

No responsibility whatsoever is implied or accepted by the Shire of Moora for any act, omission or statement or intimation occurring during this meeting.

It is strongly advised that persons do not act on what is heard at this meeting and should only rely on written confirmation of Council's decision, which will be provided within fourteen (14) days of this meeting.

2. ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE

APPROVED LEAVE OF ABSENCE

TG Humphry - Councillor

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

- 4. **PUBLIC QUESTION TIME**
- 5. <u>PETITIONS AND PRESENTATIONS</u>
- 6. <u>APPLICATIONS FOR LEAVE OF ABSENCE</u>
- 7. ANNOUNCEMENTS BY THE PRESIDING MEMBER
- 8. CONFIRMATION OF MINUTES
- 8.1 ORDINARY COUNCIL MEETING 17 SEPTEMBER 2014

That the Minutes of the Ordinary Meeting of Council held on 17 September 2014 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: 8 August 2014

OFFICER DISCLOSURE OF INTEREST: Nil

AUTHOR: David Trevaskis, Deputy Chief Executive Officer **SCHEDULE PREPARED BY:** Alida Fitzpatrick, Finance Debtors Officer

ATTACHMENTS: Accounts Paid Under Delegated Authority

PURPOSE OF REPORT

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

BACKGROUND

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

COMMENT

Accounts Paid under delegated authority are periodically presented to Council.

POLICY REQUIREMENTS

Delegation 1.31 – Payments from Municipal and Trust Funds.

LEGISLATIVE REQUIREMENTS:

Local Government Act 1995 - Section 6.10

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

STRATEGIC IMPLICATIONS

There are no known strategic implications associated with this proposal.

SUSTAINABILITY IMPLICATIONS

Environment

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

Economic

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

Social

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

FINANCIAL IMPLICATIONS

Payments are in accordance with the adopted budget.

VOTING REQUIREMENTS

Simple Majority Required

RECOMMENDATION

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

Municipal Fund	Cheques 66 882 to 6 892	\$14,520.21
-	EFT 12459 to 12545	\$725,707.61
	Credit Card 15/08/14 to 14/09/14	\$7,956.55
	Net Pays – PPE 10/09/14	\$81,091.79
	Net Pays - PPE 24/09/14	\$84,619.35
Trust Fund	Cheques 5010 to 5012	\$830.20
Total		<u>\$914,725.71</u>

9.1.2 <u>STATEMENT OF FINANCIAL ACTIVITY FOR PERIOD ENDED 30 SEPTEMBER 2014</u>

REPORT DATE: 9 October 2014

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 30 September

2014

PURPOSE OF REPORT:

To note and receive the Statement of Financial Activity for the period ended 30 September 2014.

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 2014/15 adopted budget.

VOTING REQUIREMENTS

Simple Majority Required

RECOMMENDATION

That Council notes and receives the Statement of Financial Activity for the period ended 30 September 2014.

9.1.3 REVIEW OF COUNCIL MEETING SCHEDULES

FILE REFERENCE: EN/COAI

REPORT DATE: 5 September 2014 **DISCLOSURE OF INTEREST:** Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Alan Leeson, Chief Executive Officer

ATTACHMENTS: Proposed Schedule of Meeting Dates for 2015

PURPOSE OF REPORT:

To provide suggested dates for Council approval for meeting dates for the 2015 year to enable public advertising as required by the Local Government Act 1995.

BACKGROUND:

From 2008 - 2012 monthly Council meetings have been successful in conjunction with two briefing sessions per month. It is considered appropriate to continue in this format.

COMMENT:

Attached is a draft schedule of proposed dates for Council meetings for the 2015 year.

In April 2013 Council commenced a 6 month trial period of General Purpose Committee meetings to be held on the first Wednesday of the month; previously an informal briefing session. In September after the trial period it was resolved to continue on with the structure of the Committee meetings and for the briefing session to remain prior to the Council meetings on the third Wednesday of each month.

The January Council meeting traditionally had few items; the main one was the financial reporting. A number of Councillors and staff take the opportunity to take leave through January so it has been suggested again that no meetings are held in January. If an item of business arose that required a decision between the December meeting and the February meeting a special meeting could be convened.

As in previous years, the schedule has identified the need to adjust the regular meeting times and it is suggested that no Committee meeting be held at the beginning of August as the 2015 Local Government Convention has been scheduled to be held from 5th- 7th August. This week also provides the opportunity for professional development during the week. It is therefore recommended that during August only, the Council meeting be held on the 19th August with the briefing session to precede it.

POLICY REQUIREMENTS:

There are no Council Policies relative to this matter.

LEGISLATIVE REQUIREMENTS:

Section 5.25 (g) of the Local Government Act 1995 stipulates that Regulations may make provision in relation to the giving of public notice of the date and agenda for Council or committee meetings.

Regulation 12 of the Local Government (Administration) Regulations 1996 states;

- 1. At least once each year a local government is to give local public notice of the dates on which and the time and place at which
 - (a) the ordinary council meetings; and

(b) the committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public,

are to be held in the next 12 months.

Sections 5.98 and 5.99 of the Local Government Act 1995 and Regulation 30 of the Local Government (Administration Regulations) 1996 sets the minimum and maximum amounts for the payment of meeting fees.

STRATEGIC IMPLICATIONS:

Enables Council to provide good local government to the district.

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. The holding of Council meetings including all associated costs is provided in the current budget and will be provided for in future budgets.

VOTING REQUIREMENTS:

Simple Majority Required

RECOMMENDATION

That Council;

- 1. Adopts the meeting schedule for the period January 2015 to December 2015 as attached, based on one Ordinary Meeting of Council per month and one General Purpose Committee Meeting;
- 2. Advertises the meeting dates in accordance with section 5.25 of the Local Government Act 1995 and Regulation 12 (1) of the Local Government (Administration) Regulations 1996.

9.1.4 WRITE-OFF OUTSTANDING DEBT

FILE REFERENCE: PA/747

REPORT DATE: 9 October 2014

OFFICER DISCLOSURE OF INTEREST: Nil PREVIOUS MEETING REFERENCES: Nil

AUTHOR: David Trevaskis, Deputy Chief Executive Officer

ATTACHMENTS: Nil

PURPOSE OF REPORT:

Council approval to write-off debt's considered unrecoverable.

BACKGROUND:

Due to an administration error the owners of assessment A747 did not receive their 2013/14 rates assessment notice including the final demand notice for arrears. The owners changed address and correctly provided new details which were incorrectly recorded by staff. As a result rates arrears notices and other correspondence was not received by the owners including final demand notices. The outstanding amount was referred to our debt collection agency and costs of \$377.10 were on-charged to the owner's assessment.

A payment agreement has been signed to pay the outstanding 2013/14 rates owing including overdue interest charges. The owners otherwise have a good rates payment history with the Shire of Moora and were paid in full immediately prior to the 2013/14 rates being issued. Emails confirm the correct address was supplied by the owners and final demand notices were delivered to the wrong address by administration.

COMMENT:

Council is able to write-off amounts owing including debt collection fees on-charged to a property owner's rates assessment account.

POLICY REQUIREMENTS:

There are no known policy requirements associated with this proposal.

LEGISLATIVE REQUIREMENTS:

Local Government Act 1995.

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:

\$377.10 will no longer be collectable by the Shire of Moora and will be written off.

VOTING REQUIREMENTS

Absolute Majority Required

RECOMMENDATION

That Council resolve to write-off legal charges of \$377.10 from the amount owing on assessment A747 due to an administration error.

9.2 **DEVELOPMENT SERVICES**

9.2.1 HOME OCCUPATION - FAMILY DAY CARE

FILE REFERENCE: TP/PA10/1415 **REPORT DATE:** 3 October 2014

APPLICANT/PROPONENT: Joanne Magry OFFICER DISCLOSURE OF INTEREST: Nil PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Peter Williams, Manager Development Services

ATTACHMENTS: Plan

PURPOSE OF REPORT:

An application has been received from Mrs Joanne Magry (the proponent) seeking permission from Council to operate a Home Occupation, Family Day Care from her home located at Lot 144 Cooper Street Moora.

BACKGROUND:

A Family Day Care Licence allows operation 24/7 and the opening times will be but not limited to Monday – Friday 7.30am – 5.30pm.

The Licence permits care and education for a maximum of seven children, including the proponent's own children, and limited to children under the age of 4 years.

The purpose of Family Day Care is to provide quality care and education to small numbers of children and provide flexibility and availability to working parents and families in need. This will also include before and after school care/pickups, school holidays, pupil free days, public holidays, overnight care and respite care are offered.

The scheme which the proponent is affiliated with is Elite Childcare Solutions and Family Day Care. Mrs Sonya Aylmore is the Director and will organise inspection visits by co-ordinators every four to six weeks.

Lot 144 Cooper Street, Moora is located in the Rural Residential Zone southwest of the Moora Townsite and has a "D" Classification on the Shire of Moora Town Planning Scheme, Zoning Table, which requires Council approval.

COMMENT:

This would be an alternative service to the one the Shire provides though for only up to 7 children at any one time. Competition is good for the Town and keeps everyone on their toes. A Home Occupation is permitted in the Rural Residential Zone with Council approval. The proponent will be required to provide food to her young charges and therefore will be required to be a food premises. If Mrs Joanne Magry has more than 6 children under the age of 4 years for which she prepares food she will be captured under Standard 3.3.1 Food Safety Programs for food service to vulnerable persons which requires food businesses that process food for service to vulnerable persons to implement a documented and audited food safety program.

POLICY REQUIREMENTS:

Shire of Moora Home Occupation & Home Business Policy

LEGISLATIVE REQUIREMENTS:

Food Act 2008, Food Regulations 2009 and Food Safety Standards, Local Planning Scheme 4

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

With additional options for child care working mothers have more options of care for their children which in turn will retain young families in the Moora Community.

> Social

More options will be available to working mothers for child care.

FINANCIAL IMPLICATIONS:

A private Family Day Care may impact marginally on Shire Child Care but this is not valid evidence to refuse application

VOTING REQUIREMENTS

Simple Majority Required

RECOMMENDATION

That Council approve the application by Mrs Joanne Magry to establish a Family Day Care Centre at her property located at Lot 144 Cooper Street, Moora subject to the following conditions:

- 1. Application is made to the Shire for a Food Premises;
- 2. Should more than 6 children be catered for with food preparation then compliance with Food Safety Standard 3.3.1 Food Safety Programs for food service to vulnerable persons will be necessary which will require implementation of a documented and audited food safety program;
- 3. Councils policy for Home Occupation & Home Business requires an annual registration for the length of time the business operates;
- 4. 'Home Occupation' means an occupation carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which:-
 - (a) does not employ any person not a member of the occupier's household;
 - (b) will not cause injury to or adversely affect the amenity of the neighbourhood;
 - (c) does not occupy an area greater than 20 square metres;
 - (d) does not display a sign exceeding 0.2 square metres;
 - (e) does not involve the retail sale, display or hire of goods of any nature;
 - (f) in relation to vehicles and parking, does not result in the requirement for a greater number of parking facilities than normally required for a single dwelling or an increase in traffic volume in the neighbourhood, does not involve the presence, use or calling of a vehicle more than 2 tonnes tare weight, and

does not include provision for the fuelling, repair or maintenance of motor vehicles; and

(g) does not involve the use of an essential service of greater capacity than normally required in the zone.

9.2.2 REDUCED SETBACK 106 ROBERTS STREET, MOORA

FILE REFERENCE: TP/PA09/1415 **REPORT DATE:** 6 October 2014

APPLICANT/PROPONENT: Brian & Lynette Joyce **OFFICER DISCLOSURE OF INTEREST:** Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Peter Williams Manager Development Services

ATTACHMENTS: Plans

PURPOSE OF REPORT:

Council is in receipt of an application which is seeking a reduced setback to enable proponents to construct a bull nose veranda at the front of their property located at 106 Roberts Street Moora.

BACKGROUND:

The proponents property once called "Canary Cottage" is an older style home built prior to the Town Planning Scheme coming into force in the 1920's therefore the property is set further forward than most other homes. Being built prior to the Shire of Moora Town Planning Scheme, has in the past given the property a Non-Conforming Use category which accounts for the already reduced setback. The proponents now wish to carry out renovations to the property and this will bring the property in line with current legislation for this proposal.

The proposed plans for a bull nosed veranda:

- Is an appropriate design that doesn't detrimentally impact on the existing house or streetscape;
- It is only a minor projection;
- Positively contributes to the streetscape and the character of the existing building;
- Maintains safety clearances and sight lines;
- Doesn't impact on current car parking or open space requirements;

And therefore, in accordance with Section 5.1.2 (P2.1 and P2.2) of the Residential Design Codes a reduced front setback from the primary street to the veranda is considered appropriate in this instance."

COMMENT:

The purpose for building the veranda is to reduce the amount of sun on the front of the house and making front of the house cooler, currently which is very hot in the summer months and to stop the rain coming onto the front windows thus protecting the front of the house.

The Residential Design Code does allow for Council discretion in allowing this development to go ahead in that the addition to the dwelling: -

- Is an appropriate design that doesn't detrimentally impact on the existing house or streetscape;
- It is only a minor projection;
- Positively contributes to the streetscape and the character of the existing building;
- Maintains safety clearances and sight lines;
- Doesn't impact on current car parking or open space requirements.

POLICY REQUIREMENTS:

There are no known policy requirements related to this item

LEGISLATIVE REQUIREMENTS:

Residential Design Codes 5.1.2; Local Planning Scheme No 4 (Amendment 10)

STRATEGIC IMPLICATIONS:

There are no known strategic implications associated with this proposal.

SUSTAINABILITY IMPLICATIONS:

Environment

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

Economic

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

Social

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

FINANCIAL IMPLICATIONS:

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

VOTING REQUIREMENTS

Simple Majority Required

RECOMMENDATION

That Council approve the Town Planning Application by proponents Brian and Lynette Joyce to have a reduced setback for the front of their property at 106 Roberts Street Moora, to enable them to construct a bull nose veranda on the front of their house subject to the following conditions:

- Drains extending from the house are protected to ensure they can be accessed;
- No second-hand materials to be used;
- All development shall be in accordance with the attached approved plans dated 26 September 2014 and subject to any modifications required as a consequence of any conditions of this approval. The endorsed plans shall not be modified or altered without the prior written approval of the local government.

9.2.3 NUSTEEL DISPLAY SHED

FILE REFERENCE: TP/PA11/1415
REPORT DATE: 8 October 2014
APPLICANT/PROPONENT: Greg Reilly
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Peter Williams Manager Development Services

ATTACHMENTS: Plans

PURPOSE OF REPORT:

Council is in receipt of a Town planning application from proponent Mr Greg Reilly to construct a "Fair Dinkum" display/storage shed to replace a "Ranbuild" Shed that will be removed on his business premises at Lot 196 Tootra Street, Moora.

BACKGROUND:

The proponent owns and operates the "Nusteel" business located at Lot 196 Tootra Street, Moora, in the Industrial Zone; building sheds and patios. He wishes to construct a steel display shed $12.0m \times 25.21m$ to replace a different franchise shed in which he wishes to store equipment and machinery.

The Industrial Zone objectives include:

Objectives

- (a) to provide for the needs of industry to support the community
- (b) to provide appropriate buffers between industry and adjacent land uses, so as to avoid land use conflicts.
- (c) to provide landscaped buffers along the branch of the Moore River to the established industrial area.
- (d) to avoid direct discharge of stormwater drainage or the discharge of any deleterious substances into the branch of the Moore River.
- (e) to avoid non-industry related uses establishing in the industrial area.

Site Requirements

The minimum building setbacks shall be:

Front: 7.5m Rear: 7.5m

Side: 5.0m on one side

Development Requirements:

- (a) the first 5 metres of the front setback on any lot shall be landscaped to the satisfaction of the local government. Where a lot has frontage to 2 streets the local government may vary the landscaping requirement only where the setback is reduced in which case the whole of the setback so reduced shall be landscaped to the satisfaction of the local government.
- (b) prior to the issue of planning approval for an industry in the Industrial zone, the local government will ascertain the appropriate buffer for that industry, and such industry may only be granted planning approval if the relevant buffer can be accommodated wholly within the zone.
- (c) in considering proposals for industries which would generate industrial liquid, solid or gaseous wastes the local government may refer such proposals to the Department of Environment and Conservation, and the granting of planning

approval for such industries shall be subject to wastes being treated and disposed of in accordance with advice/guidelines received.

COMMENT:

The construction of a steel shed on his property is permitted by the scheme for this particular zone, however should Mr Reilly decide to carry out maintenance to his vehicles and equipment in this shed will change the classification of the shed under the Building Code of Australia. It will also require measures to accommodate waste oil and a wash down bay.

POLICY REQUIREMENTS:

There are no known policy requirements for this development

LEGISLATIVE REQUIREMENTS:

Local Planning Scheme No 4 (Amendment 10)

STRATEGIC IMPLICATIONS:

There are no known strategic implications associated with this proposal.

SUSTAINABILITY IMPLICATIONS:

Environment

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

Economic

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

Social

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

FINANCIAL IMPLICATIONS:

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

VOTING REQUIREMENTS

Simple Majority Required

RECOMMENDATION

That Council approve the development application by the proponent Mr Greg Reilly to construct a steel Display/Storage shed 12.0m x 25.21m on his business property located at Lot 196 Tootra Street Moora in the Industrial Zone of the Town Site of Moora subject to the following conditions:

- 1. No second hand materials are used in the construction of the Shed;
- 2. The shed is to be used as requested for display and storage purposes, and should machinery maintenance be carried out in the shed then a change in classification to the shed is necessary. It will also require a wash down bay incorporating a petrol & oil separator;
- 3. All development shall be in accordance with the attached approved plans dated 8 October 2014 and subject to any modifications required as a consequence of any conditions of this approval. The endorsed plans shall not be modified or altered without the prior written approval of the local government.

9.3 **ENGINEERING SERVICES**

Nil

10. <u>ELECTED MEMBER MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN</u>
<u>GIVEN</u>

Nil

- II. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF COUNCIL
- 12. MATTERS FOR WHICH THE MEETING MAY BE CLOSED
- 13. CLOSURE OF MEETING