



# POLICY MANUAL

**POLICY MANUAL IS CURRENTLY UNDER REVIEW:**

**SECTION 1 – POLICIES THAT HAVE BEEN REVIEWED IN 2025**

**SECTION 2 - POLICIES YET TO BE REVIEWED**

**(Please ignore page numbering)**

# **The Shire of Moora Vision and Mission Statement**

## **Vision**

**A vibrant, affordable Regional Centre with a growing, caring community.**

## **Mission**

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

# **TABLE OF CONTENTS**

## **POLICIES THAT HAVE BEEN REVIEWED**

### **ELECTED MEMBERS/COUNCIL MEETINGS**

Code of Conduct

Elected Member Training and Professional Development

Attendance at Events – Elected Members and CEO

Reimbursement of Elected Member Expenses

Caretaker Period for Shire Elections

Public Question Time at Meetings

### **ADMINISTRATION/CORPORATE**

Standards for CEO Recruitment and Performance Management

Appointment of Acting or Temporary CEO

Designated Senior Employees

Workplace Health & Safety

Honourary Freeman of the Shire

Fraud & Misconduct

Complaint Management

Acquisition and Use of Council Vehicles

Private Works

### **FINANCE**

Purchasing and Tenders

Rating Policies:

- Rate Payment Incentive Prizes & Eligibility
- Properties Exempt from Rating
- Rate Collection Procedure
- Small Rate Balance Write-Off

Corporate Credit and Other Transaction Cards

Investments

Recognition and Depreciation of Assets

Portable and Attractive Items

## **BUILDING**

Building Near Sewers

Outbuildings: Cladding and Reflectivity

Maximum Sizes

Construction Prior to Construction of Residential Buildings

Town Centre Zones

Land Fill

Heritage

## **PLANNING**

Planning across a Cadastral Boundary

Keeping Horses and Hoofed Animals within Townships

Temporary Accommodation Facilities

Building Development Control Strategies

Agroforestry and Plantations

Relocated Buildings

Advertising Devices

Sea Containers

# **POLICIES YET TO BE REVIEWED**

## **2. STAFF**

### **2.1 19 Day Month**

- 2.2 Service Pay Scheme
- 2.3 Sick Pay Bonus Scheme
- 2.4 Relocation & Removal Expenses
- 2.6 Long Service Recognition
- 2.8 Staff Rental Conditions
- 2.9 Transport for Workmen
- 2.14 Telephones, Staff
- 2.15 Gratuity Payments - Section 5.50 of the Act
- 2.16 Loan/Use of Council Plant/Equipment by Staff Members
- 2.17 Leave Management – Annual & Long Service
- 2.18 Council Employees – Own Housing
- 2.19 Council Employees – Accommodation Allowance
- 2.20 Council Employees – Admission to Moora Swimming Pool
- 2.21 Council Employees – Shire owned Gym Membership

### 3. COUNCIL MEMBERS / MEETING

- 3.1 Presentation to Retired / retiring Councillors
- 3.7 Media

### 4. WORKS AND PLANT

- 4.1 Farm Drainage
- 4.2 Crossover Policy
- 4.3 Plant
- 4.4 Wildflower Picking
- 4.5 Brick Paved Footpaths
- 4.6 Donations of Work to Organisations
- 4.8 Council's Heavy Transport Vehicle Policy
- 4.9 Use of Council Plant at Fires

#### 4.10 Loan/Use of Council Plant/Equipment by Staff Members

### 5. HEALTH

#### 5.1 Food Sampling Policy

#### 5.2 Sewer Connection Policy

#### 5.3 Home and Farm Stay Accommodation - Cottage Industries Policy

#### 5.5 Mobile and Itinerant Vendors and Commercial Activities on Council Land

### 8. COUNCIL PROPERTY/FACILITIES

#### 8.1 Council Housing

#### 8.2 Housing Inspections

#### 8.3 Housing Bonds

#### 8.4 Fencing Property Adjoining Shire Land

#### 8.5 Future Buildings - Plans and Specifications

#### 8.6 Council Sand and Gravel Supplies

#### 8.7 Moora Recreation Ground and Oval – Circuses

#### 8.8 Ovals - Sponsorship Banners

#### 8.9 Moora Recreation Centre and Ovals – Liquor

#### 8.10 Rubbish Tips - Chemical Drums

#### 8.11 Smoking in Council Buildings

#### 8.12 Nature Strip Landscaping

### 9. FINANCE

#### 9.2 Reserve Fund Interest

#### 9.4 Payment of Accounts

#### 9.6 Loans

#### 9.9 Moora Lifestyle Village Relocation Policy

## 10. COMMUNITY RELATIONS AND GENERAL

10.1 Preservation of Shire Records

10.2 Recognition of Achievements

10.3 Railway Box Carriages

10.4 Election Advertising Material

10.5 Policy Change and Review

10.6 Use of Council's Seal

10.7 Communications Policy

## 13. BUSH FIRE CONTROL

# POLICIES THAT HAVE BEEN REVIEWED

## ELECTED MEMBERS/COUNCIL MEETINGS

### Code of Conduct for Council Members, Committee Members and Candidates

**Statutory context** Sections of the Acts, Regulations and/or Local laws that apply to this item include:

- Local Government Act 1995
- Local Government (model Code of Conduct) Regulations 2021

**Corporate context** None

**History**  
Adopted 14 June 2021  
Reviewed 27 August 2025  
Review Period Every 3 years or when legislation changes

### Purpose

This Policy is adopted in accordance with section 5.104 of the Local Government Act 1995 which requires a Code be prepared and adopted according to the Model Code, and may be amended, must be by Absolute Majority.

### Division 1—Preliminary provisions

#### 1. Citation

This is the *Shire of Moora* Code of Conduct for Council Members, Committee Members and Candidates.

#### 2. Terms used

- (1) In this code —  
*Act* means the *Local Government Act 1995*;  
*candidate* means a candidate for election as a council member;  
*complaint* means a complaint made under clause 11(1);  
*publish* includes to publish on a social media platform.
- (2) Other terms used in this code that are also used in the Act have the same meaning as they have in the Act, unless the contrary intention appears.

### Division 2 — General principles

#### 3. Overview of Division

This Division sets out general principles to guide the behaviour of Council Members, Committee Members and Candidates.



#### **4. Personal integrity**

- (1) A council member, committee member or candidate should —
  - (a) act with reasonable care and diligence; and
  - (b) act with honesty and integrity; and
  - (c) act lawfully; and
  - (d) identify and appropriately manage any conflict of interest; and
  - (e) avoid damage to the reputation of the local government.
- (2) A council member or committee member should —
  - (a) act in accordance with the trust placed in Council Members and committee members; and
  - (b) participate in decision-making in an honest, fair, impartial, and timely manner; and
  - (c) actively seek out and engage in training and development opportunities to improve the performance of their role; and
  - (d) attend and participate in briefings, workshops and training sessions provided or arranged by the local government in relation to the performance of their role.

#### **5. Relationship with others**

- (1) A council member, committee member or candidate should —
  - (a) treat others with respect, courtesy, and fairness; and
  - (b) respect and value diversity in the community.
- (2) A council member or committee member should maintain and contribute to a harmonious, safe, and productive work environment.

#### **6. Accountability**

A council member or committee member should —

- (a) base decisions on relevant and factually correct information; and
- (b) make decisions on merit, in the public interest and in accordance with statutory obligations and principles of good governance and procedural fairness; and
- (c) read all agenda papers given to them in relation to council or committee meetings; and
- (d) be open and accountable to, and represent, the community in the district.

### **Division 3 — Behaviour**

#### **7. Overview of Division**

This Division sets out —

- (a) requirements relating to the behaviour of Council Members, committee members and candidates; and
- (b) the mechanism for dealing with alleged breaches of those requirements.

#### **8. Personal integrity**

- (1) A council member, committee member or candidate —

- (a) must ensure that their use of social media and other forms of communication complies with this code; and
  - (b) must only publish material that is factually correct.
- (2) A council member or committee member —
  - (a) must not be impaired by alcohol or drugs in the performance of their official duties; and
  - (b) must comply with all policies, procedures, and resolutions of the local government.

## **9. Relationship with others**

A council member, committee member or candidate —

- (a) must not bully or harass another person in any way; and
- (b) must deal with the media in a positive and appropriate manner and in accordance with any relevant policy of the local government; and
- (c) must not use offensive or derogatory language when referring to another person; and
- (d) must not disparage the character of another council member, committee member or candidate or a local government employee in connection with the performance of their official duties; and
- (e) must not impute dishonest or unethical motives to another council member, committee member or candidate or a local government employee in connection with the performance of their official duties.

## **10. Council or committee meetings**

When attending a council or committee meeting, a council member, committee member or candidate —

- (a) must not act in an abusive or threatening manner towards another person; and
- (b) must not make a statement that the member or candidate knows, or could reasonably be expected to know, is false or misleading; and
- (c) must not repeatedly disrupt the meeting; and
- (d) must comply with any requirements of a local law of the local government relating to the procedures and conduct of council or committee meetings; and
- (e) must comply with any direction given by the person presiding at the meeting; and
- (f) must immediately cease to engage in any conduct that has been ruled out of order by the person presiding at the meeting.

## **11. Complaint about alleged breach**

- (1) A person may make a complaint, in accordance with subclause (2), alleging a breach of a requirement set out in this Division.
- (2) A complaint must be made —
  - (a) in writing in the form approved by the local government; and
  - (b) to a person authorised under subclause (3); and
  - (c) within 1 month after the occurrence of the alleged breach.
- (3) The local government must, in writing, authorise 1 or more persons to receive complaints and withdrawals of complaints.

## **12. Dealing with complaint**

- (1) After considering a complaint, the local government must, unless it dismisses the complaint under clause 13 or the complaint is withdrawn under clause 14(1), make a finding as to whether the alleged breach the subject of the complaint has occurred.
- (2) Before making a finding in relation to the complaint, the local government must give the person to whom the complaint relates a reasonable opportunity to be heard.
- (3) A finding that the alleged breach has occurred must be based on evidence from which it may be concluded that it is more likely that the breach occurred than that it did not occur.
- (4) If the local government makes a finding that the alleged breach has occurred, the local government may —
  - (a) take no further action; or
  - (b) prepare and implement a plan to address the behaviour of the person to whom the complaint relates.
- (5) When preparing a plan under subclause (4)(b), the local government must consult with the person to whom the complaint relates.
- (6) A plan under subclause (4)(b) may include a requirement for the person to whom the complaint relates to do 1 or more of the following —
  - (a) engage in mediation;
  - (b) undertake counselling;
  - (c) undertake training;
  - (d) take other action the local government considers appropriate.
- (7) If the local government makes a finding in relation to the complaint, the local government must give the complainant, and the person to whom the complaint relates, written notice of —
  - (a) its finding and the reasons for its finding; and
  - (b) if its finding is that the alleged breach has occurred — its decision under subclause (4).

## **13. Dismissal of complaint**

- (1) The local government must dismiss a complaint if it is satisfied that —
  - (a) the behaviour to which the complaint relates occurred at a council or committee meeting; and
  - (b) either —
    - (i) the behaviour was dealt with by the person presiding at the meeting; or
    - (ii) the person responsible for the behaviour has taken remedial action in accordance with a local law of the local government that deals with meeting procedures.
- (2) If the local government dismisses a complaint, the local government must give the complainant, and the person to whom the complaint relates, written notice of its decision and the reasons for its decision.

## **14. Withdrawal of complaint**

- (1) A complainant may withdraw their complaint at any time before the local government makes a finding in relation to the complaint.
- (2) The withdrawal of a complaint must be —
  - (a) in writing; and
  - (b) given to a person authorised under clause 11(3).

## 15. Other provisions about complaints

- (1) A complaint about an alleged breach by a candidate cannot be dealt with by the local government unless the candidate has been Council as a council member.
- (2) The procedure for dealing with complaints may be determined by the local government to the extent that it is not provided for in this Division.

## Division 4 — Rules of conduct

## 16. Overview of Division

- (1) This Division sets out rules of conduct for Council Members and candidates.
- (2) A reference in this Division to a council member includes a council member when acting as a committee member.

## 17. Misuse of local government resources

- (1) In this clause —  
***electoral purpose*** means the purpose of persuading electors to vote in a particular way at an election, referendum or other poll held under the Act, the *Electoral Act 1907* or the *Commonwealth Electoral Act 1918*;  
**resources** of a local government includes —
  - (a) local government property; and
  - (b) services provided, or paid for, by a local government.
- (2) A council member must not, directly or indirectly, use the resources of a local government for an electoral purpose or other purpose unless authorised under the Act, or by the local government or the CEO, to use the resources for that purpose.

## 18. Securing personal advantage or disadvantaging others

- (1) A council member must not make improper use of their office —
  - (a) to gain, directly or indirectly, an advantage for the council member or any other person; or
  - (b) to cause detriment to the local government or any other person.
- (2) Subclause (1) does not apply to conduct that contravenes section 5.93 of the Act or *The Criminal Code* section 83.

## 19. Prohibition against involvement in administration

- (1) A council member must not undertake a task that contributes to the administration of the local government unless authorised by the local government or the CEO to undertake that task.
- (2) Subclause (1) does not apply to anything that a council member does as part of the deliberations at a council or committee meeting.

## 20. Relationship with local government employees

- (1) In this clause —  
***local government employee*** means a person —
  - (a) employed by a local government under section 5.36(1) of the Act; or
  - (b) engaged by a local government under a contract for services.
- (2) A council member or candidate must not —
  - (a) direct or attempt to direct a local government employee to do or not to do anything in their capacity as a local government employee; or

- (b) attempt to influence, by means of a threat or the promise of a reward, the conduct of a local government employee in their capacity as a local government employee; or
  - (c) act in an abusive or threatening manner towards a local government employee.
- (3) Subclause (2)(a) does not apply to anything that a council member does as part of the deliberations at a council or committee meeting.
- (4) If a council member or candidate, in their capacity as a council member or candidate, is attending a council or committee meeting or other organised event (for example, a briefing or workshop), the council member or candidate must not orally, in writing or by any other means —
  - (a) make a statement that a local government employee is incompetent or dishonest; or
  - (b) use an offensive or objectionable expression when referring to a local government employee.
- (5) Subclause (4)(a) does not apply to conduct that is unlawful under *The Criminal Code* Chapter XXXV.

## 21. Disclosure of information

- (1) In this clause —
 

***closed meeting*** means a council or committee meeting, or a part of a council or committee meeting, that is closed to members of the public under section 5.23(2) of the Act;

***confidential document*** means a document marked by the CEO, or by a person authorised by the CEO, to clearly show that the information in the document is not to be disclosed;

***document*** includes a part of a document;

***non-confidential document*** means a document that is not a confidential document.
- (2) A council member must not disclose information that the council member —
  - (a) derived from a confidential document; or
  - (b) acquired at a closed meeting other than information derived from a non-confidential document.
- (3) Subclause (2) does not prevent a council member from disclosing information —
  - (a) at a closed meeting; or
  - (b) to the extent specified by the council and subject to such other conditions as the council determines; or
  - (c) that is already in the public domain; or
  - (d) to an officer of the Department; or
  - (e) to the Minister; or
  - (f) to a legal practitioner for the purpose of obtaining legal advice; or
  - (g) if the disclosure is required or permitted by law.

## 22. Disclosure of interests

- (1) In this clause —
 

***interest*** —

  - (a) means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest; and

- (b) includes an interest arising from kinship, friendship or membership of an association.
- (2) A council member who has an interest in any matter to be discussed at a council or committee meeting attended by the council member must disclose the nature of the interest —
  - (a) in a written notice given to the CEO before the meeting; or
  - (b) at the meeting immediately before the matter is discussed.
- (3) Subclause (2) does not apply to an interest referred to in section 5.60 of the Act.
- (4) Subclause (2) does not apply if a council member fails to disclose an interest because the council member did not know —
  - (a) that they had an interest in the matter; or
  - (b) that the matter in which they had an interest would be discussed at the meeting and the council member disclosed the interest as soon as possible after the discussion began.
- (5) If, under subclause (2)(a), a council member discloses an interest in a written notice given to the CEO before a meeting, then —
  - (a) before the meeting the CEO must cause the notice to be given to the person who is to preside at the meeting; and
  - (b) at the meeting the person presiding must bring the notice and its contents to the attention of the persons present immediately before any matter to which the disclosure relates is discussed.
- (6) Subclause (7) applies in relation to an interest if —
  - (a) under subclause (2)(b) or (4)(b) the interest is disclosed at a meeting; or
  - (b) under subclause (5)(b) notice of the interest is brought to the attention of the persons present at a meeting.
- (7) The nature of the interest must be recorded in the minutes of the meeting.

## 23. Compliance with plan requirement

If a plan under clause 12(4)(b) in relation to a council member includes a requirement referred to in clause 12(6), the council member must comply with the requirement.

## Elected Member Training & Continuing Professional Development

**Statutory context**      Local Government Act 1995  
                                  s.5.126 – Training for Council Members  
                                  s.5.127 – Report on Training  
                                  s.5.128 – Council must prepare and adopt, and may amend, a Policy for continuing Professional Development (must be by Absolute Majority)  
                                  Local Government (Administration) Regulation 1996 Part 10

## **Corporate Context**

**History**                      Adopted              17 March 2021  
                                  Reviewed            27 August 2025  
                                  Review Period Every 3 years or when legislation changes

## OBJECTIVE

To comply with the legislated requirement for elected Members to undertake ongoing professional development and to provide Council Members an opportunity to request consideration to attend a conference or meeting that affords individual development or value to the community.

## POLICY STATEMENT

### Compulsory Newly Elected Council Member Training

There are 5 mandatory modules, pursuant to the Local Government Act 1995:

- Understanding Local Government
- Conflicts of Interest
- Serving on Council
- Meeting Procedures and Debating
- Understanding Financial Report and Budgets

It is the preferred approach that such training be undertaken as online training, however if a newly elected Council Member prefers in person training, the Shire President, in conjunction with the CEO will evaluate and determine such a request and may approve it.

All unit fees and associated costs will be paid for by the Shire.

### Continuing Professional Development (CPD)

Generally, preference will be given to the delivery of relevant training for Council Members at the Shire of Moora, and for all Council Members.

However, it is recognised that some Council Members may wish to avail specialised training which is not available to be delivered at the Shire of Moora, nor of interest to all Council Members - examples might include specialised training for the Shire President on meeting procedures and chairing meetings or to an individual Council Member on town planning laws and procedures.

Council Members are encouraged to identify their CPD preferences to the CEO as early as possible, to ensure that the CEO can monitor training opportunities as they arise, and which may be relevant to a Council Member's needs.

In such cases application must be made to the Shire President, who in conjunction with the CEO, will evaluate the request, considering:

- The costs of attendance including registration, travel, and accommodation, if required
- The Budget provisions allowed and the uncommitted or unspent funds remaining
- Any justification provided by the applicant when the training is submitted for approval
- The benefits to the Shire of the person attending
- Identified skills gaps of elected members both individually and as a collective
- Alignment to the Shire's Strategic Objectives
- The number of Shire representatives already approved to attend

If a request is refused, the Council Member may request that Council consider the matter, and in such an event the decision of Council shall be final.

Proposals for professional development for the Shire President must be considered and approved by the Deputy Shire President, in conjunction with the CEO.

### Reporting

The Shire will publish, on the Shire's website, training undertaken by all Council Members within one month after the end of the financial year pursuant to the *Local Government Act 1995*.

### Retiring Elected Members

The intent of providing training and CPD for is to develop the capabilities of the members elected by the community. On that basis, it is generally inappropriate for community resources to be allocated to training, CPD or conference attendance after an elected member has determined their intention to resign from Council or, within 90 days of the end of their term, when it is their intention not to nominate as a candidate at the next election.

Elected members, in those circumstances, should not nominate for CPD or conference attendance and should discuss cancelling attendance with the Shire President & CEO of any such attendance arrangements in progress.

### Attendance at Events – Elected Members & CEO

<b>Statutory context</b>	Local Government Act 1995 – s.5.90A – Council must prepare and adopt, and may amend, a policy for attendance at events for Council Members and the CEO, must be by Absolute Majority
--------------------------	---

<b>Corporate Context</b>	Council Policy Manual – 1.1 Code of Conduct 1.3 Training and Continuing Professional Development of Council Members
--------------------------	---

<b>History</b>	Adopted      17 March 2021 Reviewed     27 August 2025 Review Period – every 3 years or when legislation changes
----------------	--

### Purpose

This Policy meets the requirement of the Local Government Act to manage attendance at events as Shire representatives and this applies to Elected Members and the Chief Executive Officer (CEO)

In accordance with section 5.90A of the Local Government Act 1995, event includes:



- a concert,
- a conference,
- a function,
- a sporting event; and
- an occasion prescribed for the purposes of this definition by the Local Government (Administration) Regulations 1996.

This is not an exhaustive list, and this policy also applies to agricultural shows, cultural events and festivals etc.

Council acknowledges that it is an important function for Council Members and the CEO to represent their local government and fulfil their leadership role in the community.

Council's accountability to the community requires it to ensure that tangible benefits from spending ratepayers' money can be identified and that there is no perception of bias from accepting complimentary tickets when matters affecting the donor come before Council.

It is important that Council Members and the CEO make decisions – and are seen to be making decisions – free from influence and in the best interests of the community.

Attendance at an event, whether as a representative of the Shire of Moora, or otherwise as a Council Member or CEO, where the Council Member or CEO has not paid for the ticket or hospitality, is a gift and must be disclosed if the gift is valued over \$300 (either one gift or cumulative over 12 months from the same donor).

However, attendance at an event in accordance with this policy will exclude the recipient of complimentary tickets from the requirement to disclose an interest if the ticket is over \$300 and the donor has a matter before Council. Any gift received that is less than \$300 (either one gift or cumulative over 12 months from the same donor) also does not need to be disclosed as an interest.

### **Provision of Tickets to Events**

The following principles and procedures apply:

- All invitations for a Council Member or CEO to attend an event must be addressed in writing to the Shire of Moora
- Invitations addressed to Council Members or the CEO, but not submitted in writing to the Shire, are not captured by this policy and must be disclosed in accordance with the gift and interest provisions in the Act

Events for Council Members and the CEO authorised in advance of the event by this Policy are:

- Shire hosted or sponsored ceremonies, functions and events
- Meetings and events hosted by clubs and not-for-profit organisations in the shire
- Any free events held in the shire

- Cultural events or festivals in the shire
- Events run by schools within the shire
- Events for which representation by the Shire President or the CEO has been requested
- Events run by other local governments, WALGA and Local Government Professionals Australia

### **Approval of attendance**

In deciding on attendance at an event, Council will consider:

- who is providing the ticket to the event
- the location of the event i.e. whether in the district or out of the district
- the role of the Council Member or CEO when attending the event, i.e. participant, observer, presenter, and the value of their contribution
- whether the event is sponsored by the Shire
- the benefit of Shire representation at the event
- the number of invitations or tickets received
- the cost to attend the event, including the cost of the ticket and any other expenses such as travel and accommodation

Decisions to attend events in accordance with this policy will be made by simple majority and may be delegated.

### **Payments in respect of attendance**

Where an invitation or ticket to an event outside the Shire is provided free of charge, the Shire may contribute to appropriate expenses for attendance, such as travel and accommodation, if Council determines attendance to be of public value.

Unless otherwise listed, for any events where generally members of the public are required to pay, Council will determine whether it is in the best interests of the Shire for a Council Member or the CEO to attend on behalf of Council.

If Council determines that a Council Member or CEO should attend a paid event, the Shire will pay the cost of attendance and appropriate expenses, such as travel and accommodation, for events outside the Shire and the cost of attendance for events within the Shire.

Where partners of an authorised Shire representative attend an event, any tickets for that person, if paid for by the Shire, must be reimbursed by the representative.

### **Reimbursement of Elected Members' Expenses**

<b>Statutory context</b>	Local Government Act 1995 Section 5.98 (2)(a)(b)
	Local Government (Administration) Regulations 1996 –
	r.30 – Meeting attendance fees
	r.31 & 32 – Expenses that may be approved for reimbursement

<b>Corporate Context</b>	Training and Continuing Professional Development Policy
--------------------------	---

## Code of Conduct

<b>History</b>	Reviewed	20 April 2016
	Reviewed	27 August 2025
	Review Period Every 3 years or if legislation changes	

### POLICY STATEMENTS

1. The Shire will consider reimbursing all reasonable expenses Council Members incurred in performing their role, which are not prescribed expenses, and which are not otherwise recoverable under an insurance policy.
2. Such expenses may include –
  - Accommodation
  - Meals
  - Refreshment
  - Travel
  - Other expenses related to the elected members' fulfilling their role, subject to budget allocations and prior approval by the CEO
3. Eligible conferences, training, meetings etc  
Elected Members are to be paid travel costs for the use of private vehicles at the rates determined by the Salaries and Allowance Tribunal determination each year for any travel to and from Council whilst attending any of the following, as provided by Regulation r.30 –
  - Council meetings (Ordinary and special)
  - Meetings of Council appointed committees
  - Annual and Special Meetings of Electors
  - Officially called Civic Receptions
  - Visits by Ministers of the Crown
  - Council authorised meetings of Elected members and staff
  - Meetings where the elected member is representing the Shire of Moora.
4. Accommodation  
Expenses automatically met by Council are limited to accommodation in single/twin or double room, registration fees, meals associated with registration, parking and breakfasts for elected members only.
5. Travel  
Unless otherwise authorised by Council, travel expenses will only be paid where:
  - The elected member is the appointed delegate to the organisation
  - To an appointed deputy delegate, where the delegate is unable to attend, and the deputy is performing functions consistent with the principles of section 5.11A(3) and (4) of the Act
6. Other expenses  
  
Unless otherwise authorised by Council or the CEO, meals, non-alcoholic refreshments, parking, taxi or other out-of-pocket expenses will be reimbursed to:

- Persons authorised to attend by Council
- Delegate appointed by Council to the meeting or organisation
- Deputy delegate appointed by Council, only when attending in the place of the appointed delegate

## 7. Carer expenses

Care and other related expenses are childcare expenses and/or the care of elderly, disabled and/or sick immediate family members of Councillors and relates to costs that are incurred directly because of the elected member's attendance at an approved meeting. Childcare expenses will only be reimbursed in relation to children of the Councillor that are up to and including the age of 16 years. The cost of care arrangements will be reimbursed subject to lodgement of a completed Claim Form supported by valid receipts and details of the Council related activity that was attended. Expenses are not reimbursable if care is provided by an immediate family member, spouse or partner or someone who ordinarily resides with the Councillor.

## 8. Accompanying person

Only at the WALGA Annual Convention, or similar event where the elected member's partner is reasonably expected to attend, will the reasonable additional costs incurred by a partner accompanying an elected member at the event, such as breakfasts, attending the official conference dinner, official sundowners, or Shire President or CEO convened dinners, be met by the Shire. All other partner costs, such as lunches, tours or evening meals not convened with the Shire President or CEO will be met or reimbursed by the elected member or employee.

### Note:

The reimbursement of actual expenses incurred are to be verified by sufficient information (i.e. tax invoices, receipts, etc). In the absence of these documents, a statutory declaration will be required.

## Caretaker Period for Shire Elections

<b>Statutory context</b>	Local Government Act 1995 –	
	<ul style="list-style-type: none"> <li>• s. 3.73 – Caretaker period</li> </ul>	
	Local Government (Elections) Regulations 1997 –	
	<ul style="list-style-type: none"> <li>• Reg 3A &amp; 3B – Caretaker Period</li> </ul>	
<b>Corporate context</b>	Code of Conduct for Council Members, Committee Members and Candidates	
<b>History</b>	Adopted	27 August 2025
	Review Period	Every 3 years or when legislation changes

## **Purpose**

The primary objective of this Caretaker Policy is to:

- ensure the Shire of Moora makes no major decisions prior to an election, that would bind an incoming Council
- prevent the use of public resources in ways that are seen as advantageous to, or promoting Council Members who are seeking re-election
- recognising the requirement for the Shire of Moora administration to act impartially in relation to all candidates.

## **POLICY STATEMENT**

This policy applies during a 'Caretaker Period' (defined below) to cover:

- Decisions that are made by the Council
- Materials published by the Shire
- Attendance and participation in functions and events
- Use of the Shire's resources
- Access to information held by the Shire

This policy applies to Council Members, candidates, employees and volunteers, and contractors of the Shire of Moora.

Caretaker Period - means the period when the caretaker practices are in place prior to the election. The caretaker practices will apply from the close of nominations (37 days prior to the election day) – s4.49(a) of the Local Government Act 1995) until 6.00pm on election day.

Election Day – means the day fixed under the Local Government Act 1995 for the holding of any poll needed for an election but excludes an extraordinary election other than an extraordinary election to elect a new Shire President.

Electoral Material - means any advertisement, handbill, pamphlet, notice, letter, or article that is intended or calculated to affect the result in an election but does not include:

- An advertisement in a newspaper announcing the holding of a meeting (s4.87(3) of the Moora Shire Council
- Any materials exempted under Reg 78 of the Local Government (Elections) Regulations 1997
- Any materials produced by the Shire relating to the election process by way of information, education or publicity, or materials produced by or on behalf of the Returning Officer for the purposes of conducting an election

Extraordinary Circumstances – means a situation that requires a major policy decision of the Council because:

- In the CEO's opinion the urgent of the issue is such that it cannot wait until after the election
- Of the possibility of legal and/or financial repercussions if a decision is deferred
- In the CEO's opinion it is in the best interests of the Council and/or the Shire of Moora for the decision to be made as soon as possible.

Major Policy Decision – means:

- Decisions relating to the employment, termination or remuneration of the CEO or any other designated senior employee, other than a decision to appoint an Acting CEO, or

suspend the current CEO (in accordance with the terms of their contract) pending the election

- Decisions relating to the Shire entering a sponsorship arrangement with a total Shire contribution that would constitute substantial expenditure unless that sponsorship arrangement has previously been granted 'in principle' support by the Council and sufficient funds have been included in the Council's annual budget to support the project
- Decisions relating to the Shire entering a commercial enterprise as defined by s3.59 of the LGA
- Decisions that would commit the Shire to substantial expenditure or actions that, in the CEO's opinion are significant, such as that which might be brought about through a Notice of Motion
- Decisions that, in the CEO's opinion, will have a significant impact on the Shire or the community
- Reports requested or initiated by a Council Member, candidate, or member of the public that, in the CEO's opinion could be perceived within the general community as an electoral issue with the potential to call into question whether decisions are soundly based and in the best interests of the community

Public Consultation – means a process which involves an invitation to individuals, groups or organisations or the community generally to comment on an issue, proposed action or proposed policy but does not include consultation requirement to be undertaken to comply with a written law.

Substantial Expenditure – means expenditure that exceeds 0.1% of the Shire's annual budgeted revenue (inclusive of GST) in the relevant financial year.

#### Scheduling Major Policy Decisions

So far as is reasonably practicable, the CEO should avoid scheduling major policy decisions for consideration during a Caretaker Period, and instead ensure that such decisions are either:

- Considered by the Council prior to the caretaker period; or
- Scheduled for determination by the incoming Council.

Where extraordinary circumstances prevail, the CEO may submit a major policy decision to the Council.

#### Decisions made prior to Caretaker Period

This policy only applies to decisions made during a Caretaker Period, not the announcement of decisions made prior to the Caretaker Period. Whilst announcements of earlier decisions may be made during a caretaker period, as far as practicable any such announcements should be made before the caretaker period begins or after it has concluded.

#### Implementation of Caretaker Practices - Role of the CEO in Implementing Caretaker Practices

The role of the CEO in implementing the caretaker practices outlined in this policy is as follows:

- The CEO will ensure as far as possible, that all Council Members and employees are aware of the Caretaker Policy and practices at least 30 days prior to the start of the caretaker period.
- The CEO will ensure, as far as possible, that any major policy or significant decisions required to be made by the Council are scheduled for Council resolution prior to the caretaker period or deferred where possible for determination by the incoming Council.
- The CEO will endeavour to make sure all announcements regarding decisions made by the Council, are made prior to the caretaker period.
- The CEO will provide guidelines for all relevant employees on the role and responsibilities of employees in the implementation of this policy.

#### Extraordinary circumstances requiring exemption

Despite other provisions in this Policy, the CEO may, where extraordinary circumstances exist, permit a matter defined as a 'major policy decision' to be submitted to the Council for determination during the caretaker period.

Whilst the definitions above establishes that a CEO may not be appointed or dismissed during a caretaker period, the Council may, where the substantive employee is on leave, appoint an Acting CEO, or in the case of an emergency, suspend the current CEO (in accordance with the terms of their contract) and appoint a person to act in the position of CEO pending the election, after which date a permanent decision can be made.

#### Caretaker Statement

To assist the Council to comply with its commitment to appropriate decision making during the caretaker period, a caretaker statement will be included in each report submitted to the Council where the Council's decision would, or could, be a major policy decision.

The caretaker statement will state: "The decision the Council may make in relation to this item could constitute a Major Policy Decision within the context of the Shire of Moora Caretaker Policy, however, an exemption should be made because (insert the circumstances for making the exemption....)"

#### Shire of Moora Website

During the caretaker period the Shire's website will not contain any material which is precluded by this policy.

Information about Council Members will be restricted to names, contact details, titles, membership of special committees and other bodies to which they have been appointed by the Council.

#### Public consultation during the caretaker period

It is prohibited under this policy for public consultation to be undertaken during the caretaker period (either new consultation or existing) on an issue which, in the CEO's opinion could be perceived as intended or calculated to affect the result of an election, unless authorised by the CEO.

This policy does not prevent any mandatory public consultation required by the Local Government Act 1995 or any other relevant Act which is required to be undertaken to enable the Shire to fulfil its functions.

#### Approval for Public Consultation

Given the general prohibition above, the Council should not commission or approve any public consultation where it is likely that such consultation will continue into the caretaker period.

Where public consultation is approved to occur during the caretaker period, the results of that consultation will not be reported to the Council until after the caretaker period, except where otherwise approved by the CEO or necessary for the performance of the Shire's functions as prescribed in the Local Government Act 1995 or any other relevant Act.

#### Attendance and participation at events and functions

##### Public Events Hosted by External Bodies

Council Members may continue to attend events and functions hosted by external bodies during the caretaker period.

##### Shire of Moora Organised Civic Events/Functions

Events and/or functions organised by the Shire and held during the caretaker period will be limited to only those that the CEO considers essential to the operation of the Shire and should not in any way be associated with any issues that in the CEO's opinion, are considered relevant to, or likely to influence the outcome of an election. All known candidates are to be invited to civic events/functions organised by the Shire during the caretaker period.

##### Addresses by Council Members

Excluding the Shire President and Deputy Shire President fulfilling their functions as prescribed by s2.8, 2.9 of the Local Government Act 1995, respectively, Council Members that are also candidates should not, without the prior approval of the CEO, be permitted to make speeches or addresses at events/functions organised or sponsored by the Shire during the caretaker period.

##### Use of Shire resources

The Shire of Moora's Code of Conduct provides that the Shire's resources are only to be utilised for authorised activities (e.g. no use of employees for personal tasks or no use of equipment, stationery, or hospitality for non-Council business).

This includes the use of resources for electoral purposes. It should be noted that the prohibition on the use of the Shire's resources for electoral purposes is not restricted to the caretaker period.

The Shire's employees must not be asked to undertake any tasks connected directly or indirectly with an election campaign and should avoid assisting Council Members in ways that could create a perception that they are being used for electoral purposes. In any circumstances where the use of Shire resources might be construed as being related to a candidate's election campaign, advice is to be sought from the CEO.

##### Access to Shire information and assistance



## Electoral Information and Assistance

All candidates will have equal rights to access public information, such as the electoral rolls (draft or past rolls), monthly enrolment details, and information relevant to their election campaigns from the Shire's administration.

Any assistances and advice provided to candidates as part of the conduct of the Council election will be provided equally to all candidates.

## Media Advice

Any requests for media advice or assistance from Council Members during the caretaker period will be referred to the CEO. No media advice will be provided in relation to election issues or regarding publicity that involves specific Council Members. If satisfied that advice sought by a Council Member during the caretaker period does not relate to the election or publicity involving any specific Council Member/s, the CEO may authorise the provision of a response to such a request.

## Publicity Campaigns

During the caretaker period, publicity campaigns, other than for the purpose of conducting (and promoting) the election will be avoided wherever possible. Where a publicity campaign is deemed necessary for a Shire activity, it must be approved by the CEO. In any event, the Shire's publicity during the caretaker period will be restricted to communicating normal Shire activities and initiatives.

## Media Attention

Council Members will not use or access Shire employees or resources to gain media attention in support of their or any other candidate's election campaign.

## Election Process Enquiries

All election process enquiries from candidates, whether current Council Members or not, will be directed to the Returning Officer, or where the matter is outside of the responsibilities of the Returning Officer, to the CEO.

## Public Question Time at Meetings

### **Statutory context**

Local Government Act 1995

- S.5.24 – requirement for public question time

Local Government (Administration) Regulations 1996

- R.5 – meetings where public question time is required
- R.6 – minimum time for public question time
- R.7 – procedure for public question time

Shire of Moora Local Government (Council Meetings) Local Law 2016

- Cl 6.7 – Other procedures for question time for the public
  - (1) Questioner to state name and address
  - (2) Question may be taken on notice

- (3) If on notice, response to be in writing and a summary in next agenda
- (4) Any interest is to be declared if question is directed to a relevant person
- (5) Two minutes to submit question or questions, unless extended
- (6) All members of the public to ask their questions before additional questions
- (7) Where submitted in writing, the presiding member may direct it is to be considered as correspondence
- (8) Circumstances in which the presiding member may direct no response is to be given – same question, a statement, offensive or defamatory
- (9) Presiding member may extend public question time, but is not obliged to
- (10) Summary of response to question to be in minutes

**Corporate Context**    None

**History**                      Reviewed      20 April 2016  
                                      Reviewed      21 May 2025  
                                      Review Period Every 3 years

## **OBJECTIVES**

To establish guidelines for the use of persons presiding at Council and committee meetings for the conduct of Question Time and to inform members of the public.

## **POLICY STATEMENT/S**

Public question time will be in accordance with the Local Government (Administration) Regulations 1996 and the Shire of Moora Meeting Procedures Local Law.

The Presiding Member may extend Public Question Time at their discretion, with the following guidelines:

1. Members of the public to be given a warm and friendly welcome.
2. Each member of the public must be given the opportunity to ask a question.
3. At Council meetings, a question must relate to a matter affecting the local government.
4. At a special Council meeting, a question must relate to the purpose of the meeting.
5. At a committee meeting, a question must relate to the purpose of the meeting. (Appropriate only where Committees have delegated powers)
6. If a member of the public asks if they may make a statement to the Council (or makes a statement to the Council) this be accepted provided within the ambit of 3, 4, 5.
7. If a member of the public asks if they may comment on an item on the agenda when this is discussed later in the meeting, this be accepted.

8. Answers to questions to be kept brief and businesslike and where questioner seeks to protract discussion, discretion be used by the person presiding.
9. Questions may be taken on notice for later response.
10. If (9) applies, the questioner, if unknown, be asked to provide his/her name and means of contact on a piece of paper to the CEO.

## ADMINISTRATION/CORPORATE

### Standards for CEO Recruitment and Performance Management

**Statutory context**      Local Government Act 1995, Section 5.39B  
                                 Local Government (Administration) Regulations 1996

#### **Corporate context**

**History**                      Adopted              17 March 2021  
                                 Reviewed            27 August 2025  
                                 Review Period Every 3 years or when legislation changes

#### **Statutory Requirement –**

The Local Government Act requires that the standards must be prepared and adopted that incorporate the Model Standards and may only be adopted or amended by Absolute Majority.

#### **Purpose**

To comply with legislation in adopting Standards for the Recruitment and Performance Management of the Chief Executive Officer (CEO)

### Division I — Preliminary provisions

#### **1. Citation**

These are the Shire of Moora *Standards for CEO Recruitment, Performance and Termination*.

#### **2. Terms used**

(1) In these standards —

***Act*** means the *Local Government Act 1995*

***additional performance criteria*** means performance criteria agreed by the local government and the CEO under clause 16(1)(b)

***applicant*** means a person who submits an application to the local government for the position of CEO

***contract of employment*** means the written contract, as referred to in s5.39 of the Act, that governs the employment of the CEO

***contractual performance criteria*** means the performance criteria specified in the CEO's contract of employment as referred to in s5.39(3)(b) of the Act

***job description form*** means the job description form for the position of CEO approved by the local government under clause 5(2)

***local government*** means the Shire of Moora

***selection criteria*** means the selection criteria for the position of CEO determined by the local government under clause 5(1) and set out in the job description form

***selection panel*** means the selection panel established by the local government under clause 8 for the employment of a person in the position of CEO

- (2) Other terms used in these standards that are also used in the Act have the same meaning as they have in the Act unless the contrary intention appears.

## Division 2 — Standards for recruitment of CEOs

### **3. Overview of Division**

This Division sets out standards to be observed by the local government in relation to the recruitment of CEOs.

### **4. Application of Division**

(1) Except as provided in subclause (2), this Division applies to any recruitment and selection process carried out by the local government for the employment of a person in the position of CEO.

(2) This Division does not apply —

- (a) if it is proposed that the position of CEO be filled by a person in a class prescribed for the purposes of s5.36(5A) of the Act; or
- (b) in relation to a renewal of the CEO's contract of employment, except in the circumstances referred to in clause 13(2).

### **5. Determination of selection criteria and approval of job description form**

(1) The local government must determine the selection criteria for the position of CEO, based on the local government's consideration of the knowledge, experience, qualifications and skills necessary to effectively perform the duties and responsibilities of the position of CEO of the local government.

(2) The local government must, by resolution of an absolute majority of the council, approve a job description form for the position of CEO which sets out —

- (a) the duties and responsibilities of the position; and
- (b) the selection criteria for the position determined in accordance with

subclause (1).

### **6. Advertising requirements**

(1) If the position of CEO is vacant, the local government must ensure it complies with s5.36(4) of the Act and the Local Government (Administration) Regulations 1996 regulation 18A.

(2) If clause 13 applies, the local government must advertise the position of CEO in the manner referred to in the Local Government (Administration) Regulations 1996 regulation 18A as if the position was vacant.

### **7. Job description form to be made available by local government**

If a person requests the local government to provide to the person a copy of the job description form, the local government must —

- (a) inform the person of the website address referred to in the *Local Government (Administration) Regulations 1996* regulation 18A(2)(da); or
- (b) if the person advises the local government that the person is unable to access that website address —
  - (i) email a copy of the job description form to an email address provided by the person; or
  - (ii) mail a copy of the job description form to a postal address provided by the person.

## **8. Establishment of selection panel for employment of CEO**

(1) In this clause —

***independent person*** means a person other than any of the following —

- (a) a council member;
  - (b) an employee of the local government;
  - (c) a human resources consultant engaged by the local government.
- (2) The local government must establish a selection panel to conduct the recruitment and selection process for the employment of a person in the position of CEO.
- (3) The selection panel must comprise —
- (a) Council Members (the number of which must be determined by the local government); and
  - (b) at least 1 independent person.

## **9. Recommendation by selection panel**

(1) Each applicant's knowledge, experience, qualifications and skills must be assessed against the selection criteria by or on behalf of the selection panel.

(2) Following the assessment referred to in subclause (1), the selection panel must provide to the local government —

- (a) a summary of the selection panel's assessment of each applicant; and
- (b) unless subclause (3) applies, the selection panel's recommendation as to which applicant or applicants are suitable to be employed in the position of CEO.

(3) If the selection panel considers that none of the applicants are suitable to be employed in the position of CEO, the selection panel must recommend to the local government —

- (a) that a new recruitment and selection process for the position be carried out in accordance with these standards; and
- (b) the changes (if any) that the selection panel considers should be made to the duties and responsibilities of the position or the selection criteria.

(4) The selection panel must act under subclauses (1), (2) and (3) —

- (a) in an impartial and transparent manner; and
- (b) in accordance with the principles set out in s5.40 of the Act.

(5) The selection panel must not recommend an applicant to the local government under subclause (2)(b) unless the selection panel has —

- (a) assessed the applicant as having demonstrated that the applicant's knowledge, experience, qualifications and skills meet the selection criteria; and
  - (b) verified any academic, or other tertiary level, qualifications the applicant claims to hold; and
  - (c) whether by contacting referees provided by the applicant or making any other inquiries the selection panel considers appropriate, verified the applicant's character, work history, skills, performance and any other claims made by the applicant.
- (6) The local government must have regard to, but is not bound to accept, a recommendation made by the selection panel under this clause.

**10. Application of cl. 5 where new process carried out**

- (1) This clause applies if the local government accepts a recommendation by the selection panel under clause 9(3)(a) that a new recruitment and selection process for the position of CEO be carried out in accordance with these standards.
- (2) Unless the local government considers that changes should be made to the duties and responsibilities of the position or the selection criteria —
  - (a) clause 5 does not apply to the new recruitment and selection process; and
  - (b) the job description form previously approved by the local government under clause 5(2) is the job description form for the purposes of the new recruitment and selection process.

**11. Offer of employment in position of CEO**

Before making an applicant an offer of employment in the position of CEO, the local government must, by resolution of an absolute majority of the council, approve —

- (a) the making of the offer of employment to the applicant; and
- (b) the proposed terms of the contract of employment to be entered into by the local government and the applicant.

**12. Variations to proposed terms of contract of employment**

- (1) This clause applies if an applicant who is made an offer of employment in the position of CEO under clause 11 negotiates with the local government a contract of employment (the negotiated contract) containing terms different to the proposed terms approved by the local government under clause 11(b).
- (2) Before entering into the negotiated contract with the applicant, the local government must, by resolution of an absolute majority of the council, approve the terms of the negotiated contract.

**13. Recruitment to be undertaken on expiry of certain CEO contracts**

- (1) In this clause —  
**commencement day** means the day on which the Local Government (Administration) Amendment Regulations 2021 regulation 6 comes into operation.
- (2) This clause applies if —

- (a) upon the expiry of the contract of employment of the person (the incumbent CEO) who holds the position of CEO —
    - (i) the incumbent CEO will have held the position for a period of 10 or more consecutive years, whether that period commenced before, on or after commencement day; and
    - (ii) a period of 10 or more consecutive years has elapsed since a recruitment and selection process for the position was carried out, whether that process was carried out before, on or after commencement day,
  - and
  - (b) the incumbent CEO has notified the local government that they wish to have their contract of employment renewed upon its expiry.
- (3) Before the expiry of the incumbent CEO's contract of employment, the local government must carry out a recruitment and selection process in accordance with these standards to select a person to be employed in the position of CEO after the expiry of the incumbent CEO's contract of employment.
- (4) This clause does not prevent the incumbent CEO's contract of employment from being renewed upon its expiry if the incumbent CEO is selected in the recruitment and selection process referred to in subclause (3) to be employed in the position of CEO.

#### 14. Confidentiality of information

The local government must ensure that information provided to, or obtained by, the local government during a recruitment and selection process for the position of CEO is not disclosed, or made use of, except for the purpose of, or in connection with, that recruitment and selection process.

### Division 3 — Standards for review of performance of CEOs

#### 15. Overview of Division

This Division sets out standards to be observed by the local government in relation to the review of the performance of CEOs.

#### 16. Performance review process to be agreed between local government and CEO

- (1) The local government and the CEO must agree on —
  - (a) the process by which the CEO's performance will be reviewed; and
  - (b) any performance criteria to be met by the CEO that are in addition to the contractual performance criteria.
- (2) Without limiting subclause (1), the process agreed under subclause (1)(a) must be consistent with clauses 17, 18 and 19.
- (3) The matters referred to in subclause (1) must be set out in a written document.

#### 17. Carrying out a performance review

- (1) A review of the performance of the CEO by the local government must be carried out in an impartial and transparent manner.
- (2) The local government must —

- (a) collect evidence regarding the CEO's performance in respect of the contractual performance criteria and any additional performance criteria in a thorough and comprehensive manner; and
- (b) review the CEO's performance against the contractual performance criteria and any additional performance criteria, based on that evidence.

**18. Endorsement of performance review by local government**

Following a review of the performance of the CEO, the local government must, by resolution of an absolute majority of the council, endorse the review.

**19. CEO to be notified of results of performance review**

After the local government has endorsed a review of the performance of the CEO under clause 18, the local government must inform the CEO in writing of —

- (a) the results of the review; and
- (b) if the review identifies any issues about the performance of the CEO — how the local government proposes to address and manage those issues.

**Division 4 — Standards for termination of employment of CEOs**

**20. Overview of Division**

This Division sets out standards to be observed by the local government in relation to the termination of the employment of CEOs.

**21. General principles applying to any termination**

- (1) The local government must make decisions relating to the termination of the employment of a CEO in an impartial and transparent manner.
- (2) The local government must accord a CEO procedural fairness in relation to the process for the termination of the CEO's employment, including —
  - (a) informing the CEO of the CEO's rights, entitlements, and responsibilities in relation to the termination process; and
  - (b) notifying the CEO of any allegations against the CEO; and
  - (c) giving the CEO a reasonable opportunity to respond to the allegations; and
  - (d) genuinely considering any response given by the CEO in response to the allegations.

**22. Additional principles applying to termination for performance-related reasons**

- (1) This clause applies if the local government proposes to terminate the employment of a CEO for reasons related to the CEO's performance.
- (2) The local government must not terminate the CEO's employment unless the local government has —
  - (a) in the course of carrying out the review of the CEO's performance referred to in subclause (3) or any other review of the CEO's performance, identified any issues (the *performance issues*) related to the performance of the CEO; and
  - (b) informed the CEO of the performance issues; and



- (c) given the CEO a reasonable opportunity to address, and implement a plan to remedy, the performance issues; and
  - (d) determined that the CEO has not remedied the performance issues to the satisfaction of the local government.
- (3) The local government must not terminate the CEO's employment unless the local government has, within the preceding 12-month period, reviewed the performance of the CEO under s5.38(1) of the Act.

## **23. Decision to terminate**

Any decision by the local government to terminate the employment of a CEO must be made by resolution of an absolute majority of the council.

## **24. Notice of termination of employment**

- (1) If the local government terminates the employment of a CEO, the local government must give the CEO notice in writing of the termination.
- (2) The notice must set out the local government's reasons for terminating the employment of the CEO.

### **Appointment of Acting or Temporary CEO**

**Statutory context** Local government Act 1995 – s.5.37 – senior employee or class of employee may be designated  
 Local Government Act 1995, Section 5.39C requires Council to prepare and adopt, and may amend, a Policy for the Appointment of an Acting or Temporary CEO and this must be by Absolute Majority  
 Local Government Act 1995 s5.39(1a) and 5.36(2)  
 Local Government Act 1995 (Administration) Amendment Regulation 2021.

**Corporate Context** Designated Senior Employees Policy

**History** Reviewed 20 April 2016  
 Reviewed 21 May 2025  
 Review Period Every 3 years or when legislation changes

### **Purpose**

To establish a Policy, in accordance with Section 5.39C of the Local Government Act, that details the Shire of Moora's processes for appointing an Acting or Temporary Chief Executive Officer (CEO) for periods of less than 12 months of planned or unplanned leave or a temporary vacancy in the substantive office.

## **POLICY STATEMENT**

### **Appointment of an Employee**

For the purposes of Section 5.36(2) of the Local Government Act 1995, the Council has determined that the following employees as suitably qualified to be appointed as Acting CEO by the CEO, from time to time, when the CEO is on periods of leave:

- Any of the Designated Senior Employees
- CEO will make this selection based on the availability of the employee; the length of the appointment; skills and experience of the employee, and, to provide an opportunity for professional development for an employee

Subject to the following conditions:

- The CEO is to make the appointment which is to be confirmed in writing for a defined period which may be extended
- The CEO is to advise the Shire President and Councillors of any appointments under this Policy as soon as practicable
- The CEO who is an interim CEO or Acting in the position may not appoint an Acting CEO
- The term of appointment including any extension is no longer than 20 working days consecutive; an appointment for any greater period is to be made by Council
- That the employee's employment conditions are not varied other than the employee is entitled at the CEO's discretion, no greater than the salary equivalent to that of the CEO during the Acting period

Should the CEO become incapacitated and unable to appoint an officer to the role of Acting CEO, the DCEO is to take on the role of Acting CEO. If the DCEO is unavailable, the Designated Senior Employee with greatest length of local government experience, who is available, is to take on the role.

#### Appointment of Other than an Employee

The process to be followed in relation to the appointment of a person to the position of Acting CEO, for a term not exceeding one year, other than to an existing employee as outlined above, is:

- Where the appointment is for a period of four weeks or less, invitations are sought from at least two suitably qualified persons, the appointment is at the discretion of the CEO
- Where the appointment is for a period of four to 26 weeks, invitations are sought from at least four suitably qualified persons, the appointment is made by Council
- Where the appointment is to be made for a period greater than 26 weeks and where time reasonably permits, public invitations for applications are to be sought

Subject to relevant advice, Council retains the right to terminate or change, by resolution, any Acting or Temporary CEO appointment.

## **Designated Senior Employees**

**Statutory context**      Local Government Act 1995 –  
s.5.37 – senior employees or class of employee may be designated

### **Corporate Context**

**History**                      Reviewed      20 April 2016  
Reviewed      21 May 2025  
Review Period Every 3 Years

### **Purpose**

To identify positions designated as Senior Employee positions in the Shire of Moora

## **POLICY STATEMENT/S**

Pursuant to Section 5.37 of the Local Government Act 1995, the following employees are designated as senior employees –

- Deputy Chief Executive Officer
- Manager Corporate Services
- Manager Financial Services
- Manager Community Development
- Manager Infrastructure Services
- Manager Engineering Services

## **Workplace Health and Safety**

**Statutory context**              Work Health and Safety Act 2020  
Work Health and Safety (General) Regulations 2022  
Local Government Act 1995

**Corporate context**              Procedures: Workplace Health & Safety  
Fit to Work  
Disciplinary  
Discrimination, Harassment, Victimisation &  
Bullying  
Grievance Resolution  
Uniform  
Code of Conduct – Employees  
WHS – Manuals, Requirements, Standards and  
Procedures

**History**                              Reviewed                      20 April 2016  
Reviewed                      21 May 2025  
Review frequency              Every 2 years

## PURPOSE

This Policy outlines the Shire of Moora's recognition of its moral, legal obligations and its commitment to continuously improve the Work Health and Safety Standards to reduce the hazards and subsequent incidents in the workplace for all employees and the public.

## POLICY STATEMENT

The Shire of Moora shall plan and conduct works to the highest level of protection in such a manner that the health, safety and welfare of persons, so reasonably practicable, including for:

- Any members of the community, or other persons, who may be affected by works undertaken;
- All workers, whilst engaged in the performance of works; and
- All visitors to our workplace.

The Shire of Moora accepts and understands the responsibilities imposed under the Work health and Safety legislation and is committed to providing healthy and safe working conditions. And are aimed at the prevention of work-related injuries or ill health

The Shire of Moora will, so far as reasonably practicable, meet our objectives by:

- Provide and maintain a safe working environment through proactive identification of work-related hazards and mitigate the risk to employees, contractors and the public;
- Providing such information, instruction, and training to, and supervision of, workers as is necessary to enable them to perform their work in such a manner that they are not exposed to hazards;
- Consulting and cooperating with Work Health and Safety duty holders, including workers and their representatives, so as to ensure that everyone within the workplace is offered the opportunity to participate in the ongoing development of a healthy and safe workplace;
- Enhancing and recognising the importance of mental health and psychosocial wellbeing in the workplace by providing access to resources and support and destigmatising mental health issues through awareness campaigns and education.
- Ensure that all workers, are fully aware of their responsibility to take reasonable care to safeguard their own health and safety at work and to avoid adversely affecting the health or safety of others through any act or omission at work and report hazards, accidents, incidents and near misses to their supervisor; and
- Comply with all applicable legislation and requirements.

Copies of policies and procedures shall be made readily available to all workers and any other interested parties, including through display within the workplace.

## Honorary Freeman of the Shire

**Statutory context** s.5.93(3) of the Local Government Act 1995

**Corporate context** None

<b>History</b>	Reviewed	20 April 2016
	Reviewed	27 August 2025
	Review Period	Every 3 years

### **Purpose**

To detail the process for nominating and awarding the honorary “Freeman of the Shire of Moora”.

## **POLICY STATEMENT**

The awarding of the honorary “Freeman of the Shire of Moora” is to honour those exceptional individuals, who through their personal endeavours and commitment have made an outstanding contribution to the Shire of Moora and community.

### Nomination for Freeman

Council encourages the community to nominate people for consideration as Freeman at any time. Nominations must be in writing addressed confidentially to the Chief Executive Officer (CEO) and justify in chronological order the actions/endeavours of nominees. Nominees must not be consulted or advised of nominations.

Council may also wish to nominate any person for the award who have rendered exceptional service to the Shire of Moora community.

### Eligibility Criteria for ‘Freeman of the Shire’

A person may be nominated for the honorary award ‘Freeman of the Shire of Moora’ if they meet all the following:

- Minimum service of 12 years to the Moora community in any capacity
- Resident of the district (lived, worked and served) for all or most of the period
- Have identifiable and long-standing connections with the community
- Not a currently serving Elected member or employee

### Consideration by Council

From time-to-time Council may receive a nomination for the prestigious award of “Honorary Freeman of the Shire of Moora”. The nomination and consideration of proposal to award the title of “Freeman of the Shire of Moora” shall be dealt with in the strictness of confidence.

When Council meets to consider the nomination, the meeting shall be closed to the public and reports concerning the nomination procedure shall be deemed to be a confidential item pursuant to s.5.93(3) of the Local Government Act.

Council may bestow the honorary title of Freeman of the Shire of Moora on a person who has served the community in an outstanding and meritorious manner that stands above the service and contribution of most other persons in advancing the districts strategic interest and in the provision of benefits for the greater community. Council will consider nominations in a confidential "in-camera" setting in accordance with the principles detailed in the Eligibility Criteria.

A decision by Council to award the title is to be by absolute majority.

#### Entitlement of Freeman

Any person who has the honour of Freemanship bestowed may refer to themselves as Freeman of the Shire of Moora.

Freeman will be presented with a special badge and certificate at a function to be hosted by Council to acknowledge their Freemanship.

The Freeman shall be invited at no cost to formal civic functions by Council.

A photograph and plaque of the Freeman is to be displayed in the Moora Performing Arts Centre

Freemen shall be included on the Shire of Moora Honour Board.

#### Awarding the Titles

The formal conferring of these titles is to be carried out at a civic reception held by Council which may be a special reception for this purpose or form a focal point of any other suitable Council reception.

The decision on the occasion and format of the ceremony is to rest with the Shire President in consultation with the CEO.

The successful nominee is to receive a certificate (presented in a quality frame) and an official name badge (of a similar design to Council Member badges) which confirms his or her status.

#### Fraud and Misconduct Policy

<b>Statutory context</b>	Local Government (Audit) Regulations 1996 –	
	• r.17 – CEO to review certain systems and procedures	
	Local Government (Financial Management) Regulations 1996 –	
	• r.5 – CEO's duties as to financial management	
<b>Corporate context</b>	Elected Member Code of Conduct Employees Code of Conduct	
<b>History</b>	Adopted	27 August 2025
	Review Period	Every 2 Years

### Policy Objective

To articulate the Shire of Moora's (Shire) commitment to a zero-tolerance approach to fraud, misconduct, bribery and corruption (Fraud and Misconduct) and to building resilience through the identification and implementation of strategies to prevent, detect and respond to Fraud and Misconduct.

### Policy Statement

The Shire adopts a zero-tolerance approach to Fraud and Misconduct and will appropriately deal with all allegations and suspected instances of Fraud and Misconduct. This includes notifying, reporting or referring any such instances to the appropriate authority for investigation and possible prosecution. The Shire will seek to recover any losses incurred after considering all relevant issues.

### Policy Scope

The management of Fraud and Misconduct is a collective responsibility of all persons engaged or closely associated with the Shire in any capacity.

The Shire's Values, its Code of Conduct for Council Members, Committee Members, and Candidates and Code of Conduct (Employees) outlines the integrity and ethical standards expected by the Shire to ensure business relationships between the Shire (and its Employees), suppliers and/or service providers exhibit the highest standards of integrity when conducting business.

### Implementation

This policy along with the Shire's two separate codes of conduct, the Shire's values and culture and Internal controls together operate to prevent, detect and respond to potential or actual fraud and misconduct.

This Policy confirms the intent of Council that any fraudulent activities identified through internal control processes or information received from internal or external sources will be thoroughly investigated, treated seriously and promptly and appropriately dealt with.

### Reporting Serious or Minor Misconduct

A Public Officer or any other person may report to the Corruption & Crime Commission or the Public Sector Commission any matter which that person suspects on reasonable grounds concerns or may concern serious or minor misconduct. Information on reporting to the appropriate authority is available on the Shire's public website.

### Public Interest Disclosure

Any person may make an appropriate disclosure of public interest information to the Shire, including anonymously. If disclosures are made in accordance with the PID Act, the person making them is protected from reprisal. This means that the person enjoys immunity from civil or criminal liability, disciplinary action or dismissal.

The PID Act requires local governments to appoint a PID Officer to whom disclosures may be made. The PID Officer may be consulted when considering whether to make a disclosure. Information on disclosures and the Shire's PID Officer are maintained on the Shire's public website.

### Disciplinary and Recovery Action

The Shire will respond to all instances of Fraud and Misconduct which may lead to termination, in accordance with its disciplinary process. The Shire will also seek to recover any losses it may have suffered through Fraud and Misconduct.

### Complaint Management

**Statutory context** Nil

**Corporate context** Code of Conduct – Elected Members, Committee Members & Candidates  
Code of Conduct – Employees

<b>History</b>	Adopted	21 May 2025
	Review Period	Every 3 years

### **Purpose**

To establish clear principles and direct the establishment of processes for the lodging, investigation, resolution, reporting back and implementation of decisions relating to complaints made to the Shire of Moora.

### **POLICY STATEMENT**

From the Australian Standards, a complaint is *“an expression of dissatisfaction made to or about an organisation, related to its products, services, staff or the handling of a complaint, where a response or resolution is explicitly or implicitly expected or legally required.”*

The Shire of Moora aspires to provide a high level of service to its residents and ratepayers, to provide them with accessible and inclusive democratic services and to do so in a manner that is positive and respectful of members of the community.

The Shire recognises that from time-to-time members of the community may not be satisfied with Shire services, processes, and decisions and recognises that there needs to be a clear, simple, and accountable process available for people to lodge any complaint they may wish to make which provides assurance that responses will be considered objectively, and a positive outcome actively sought.

The Shire also takes the view that complaints can provide useful information and insights into community aspirations about future levels of service and into how existing processes, delivery, and communication to the community about services can be improved.

### Principles



- a. A complaint is not a request for a service or a new level of service but is an expression of dissatisfaction about a Shire service or action, accompanied by a request for redress. This redress might take the form of a seeking particular outcome for the individual making the complaint, or a more general desire to see a change to Shire services and procedures.
- b. Members of the Shire of Moora community will have access to a simple, accountable, and transparent complaints response service.
- c. Complaints will be regarded as a positive source of information for continuous improvement of Shire services and procedures.
- d. Complaints will be taken seriously and anyone approaching the Shire with a complaint will be listened to, understood and respected. The matter will be dealt with fairly and properly.
- e. Action will be taken to address their concern or fix the problem.
- f. Complaints will be dealt with quickly and in a manner that provides the complainant with a clear decision as soon as possible.
- g. Complainants will be given information about the process and progress on dealing with the matter raised. Regular updates on progress about their complaints will be provided until a decision is made. An explanation will be given about the process and any decisions made.
- h. Any response to a complaint received from a member of the Shire of Moora community will seek positive outcomes which accommodate as much as possible the concerns of the complainant, if response can be delivered in a way that is consistent with Shire budget decisions and approved annual programmes, and regulatory accountabilities.
- i. If required, an apology in relation to the matter raised will be given.
- j. Complainants will always be informed of further mechanisms available to them for redress if they do not agree with decisions made.
- k. Responses to external statutory bodies investigating complaints will be undertaken in a positive, open, and timely manner.

The confidentiality of complainants will be protected according to statutory standards and requirements.

### **Acquisition and Use of Shire Vehicles**

**Statutory context**      Work Health and Safety Act 2020

**Corporate context**      Code of Conduct – Employees  
                                      Code of Conduct – Elected members

                                     Procedure – Use of Shire Vehicles

**History**                      Reviewed                      20 April 2016

Reviewed  
Review Period

27 August 2025  
Every 3 years

## OBJECTIVES

To provide guidelines on the selection, allocation and use of vehicles in the Shire of Moora fleet.

## POLICY STATEMENT/S

### Acquisition

The purpose of the Shire's vehicle fleet is to service the operational objectives of the various management, administration and works positions within Council. Vehicles will be purchased with this as the primary consideration.

Apart from this primary consideration, other factors that should be considered:

- Appropriately sharing purchases as equally as possible between motor vehicle dealerships established within Moora Shire.
- Whole of life cost
- Safety factors, e.g. ANCAP rating
- Sustainability factors – where possible, vehicles should be selected with the least environmental impact

### Allocation

CEO is to ensure vehicles are provided appropriately to meet the operational requirements of the Shire.

Provision is to be in accordance with conditions of employment, including contractual arrangements, where applicable.

### Use

CEO is to ensure appropriate controls and processes are developed and implemented to ensure the safe use of Council vehicles and minimise whole of life costs.

All drivers of Council vehicles must be appropriately licensed and provide Council with such evidence as requested, prior to driving the vehicle.

Subject to any restrictions implemented by the CEO, vehicles may be driven by the following persons:

- an authorised employee of the Shire
- Elected Members when travelling to or from meetings or events when designated by Council as its representative outside of normal working hours by the spouse or partner of the employee allocated the use of the vehicle
- Other such persons as are authorised by the Chief Executive Officer.

## **Private Works Policy**

**Statutory context**      None

**Corporate context**      None

<b>History</b>	Reviewed	20 April 2016
	Reviewed	23 July 2025
	Review	Every 3 years

## **Purpose**

To provide guidelines of the undertaking of Private Works

## **Policy Statement**

That Private Works only be carried out where :

- The Works and maintenance program will not be adversely affected unless it is determined that the advantages of carrying out the private works justifies some reassessment of the works program.
- Full costs including supervision and administration costs are recovered through private works charge rates to be set annually in the budget.
- Agreements for private works are made in writing and signed by the person requesting the works. Where deemed necessary prepayment may be required before the commencement of work

# **FINANCE**

## **Purchasing and Tenders**

**Statutory context**      Local Government (functions and General) Regulations 1996-  
• R.I I A – purchasing policy required, and matters to be addressed

**Corporate context**      Code of Conduct – Employees  
Procedure - Purchase Orders

<b>History</b>	Adopted	15 September 2021
	Reviewed	27 August 2025
	Review Period	Every 2 years or if legislation changes

## **OBJECTIVES**

To provide compliance with relevant legislation and deliver an ethical and sustainable approach to procurement with appropriate internal controls

## **POLICY STATEMENT**

### Context

Reg 11A of the Local Government (Functions and General) Regulations 1996 requires a local government to prepare, adopt and implement a purchasing policy in relation to the supply of goods or services where the consideration is expected to be \$250,000 or less. Purchases above \$250,000 must follow the process detailed in Division 2 of the Local Government (Functions and General) Regulations 1996 and requires a local government to invite tenders.

All Purchases by the Shire of Moora shall:

- Comply with relevant legislation, regulations and the Shire's Policies, Procedures and Code of Conduct
- Be transparent, free from bias and fully documented in accordance with applicable policies and audit requirements
- Ensure effective and proper expenditure of public moneys based on achieving value for money.

### Ethics and Integrity

All employees of the Shire of Moora shall observe the highest standards of ethics and integrity in undertaking purchasing activity and act in an honest and professional manner that supports the standing of the Shire of Moora. The following principles, standards and behaviours must be observed and enforced through all stages of the purchasing process to ensure the fair and equitable treatment of all parties:

- full accountability shall be taken for all purchasing decisions and the efficient, effective, and proper expenditure of public monies based on achieving value for money
- all purchasing practices shall comply with relevant legislation, regulations, and requirements consistent with the Shire of Moora policies and code of conduct
- purchasing is to be undertaken on a competitive basis in which all potential suppliers are treated impartially, honestly, and consistently
- all processes, evaluations and decisions shall be transparent, free from bias and fully documented in accordance with applicable policies and audit requirements,
- any actual or perceived conflicts of interest are to be identified, disclosed, and appropriately managed
- Any information provided to the Shire of Moora by a supplier shall be treated as commercial-in-confidence and should not be released unless authorised by the supplier or relevant legislation.

### Value for money

Value for money is an overarching principle governing purchasing that allows the best possible outcome to be achieved for the Shire of Moora. It is important to note that compliance with the specification is more important than obtaining the lowest price, particularly considering

user requirements, quality standards, sustainability, life cycle costing, service benchmarks and local supply.

An assessment of the best value for money outcome for any purchasing should consider:

- all relevant whole-of-life costs and benefits whole of life cycle costs (for goods) and whole of contract life costs (for services) including transaction costs associated with acquisition, delivery, distribution, as well as other costs such as but not limited to holding costs, consumables, deployment, maintenance, and disposal
- the technical merits of the goods or services being offered in terms of compliance with specifications, contractual terms and conditions and any relevant methods of assuring quality
- the financial viability and capacity to supply without risk of default. (Competency of the prospective suppliers in terms of managerial and technical capabilities and compliance history)
- A strong element of competition in the allocation of orders or the awarding of contracts. This is achieved by obtaining enough competitive quotations wherever practicable
- Minimising the social, environmental, and economic impacts in procurement decision making

Where a higher priced conforming offer is recommended, there should be clear, demonstrable and documented benefits over and above the lowest total priced, conforming offer

### Sustainable Procurement

Sustainable Procurement is defined as the procurement of goods and services that have less environmental and social impacts than competing products and services.

The Shire of Moora is committed to sustainable procurement and where appropriate shall endeavour to design quotations and tenders to provide an advantage to goods, services and/or processes that minimise environmental and negative social impacts.

Sustainable considerations must be balanced against value for money outcomes in accordance with the Shire of Moora's sustainability objectives.

Practically, sustainable procurement means the Shire of Moora shall always endeavour to identify and procure products and services that:

- Have been determined as necessary
- Demonstrate environmental best practice in water efficiency, energy efficiency / and or consumption which can be demonstrated through suitable rating systems and eco-labelling,
- Are environmentally sound in manufacture, use, and disposal with a specific preference for products made using the minimum amount of raw materials from a sustainable resource, that are free of toxic or polluting materials and that consume minimal energy during the production stage,

- that can be refurbished, reused, recycled, or reclaimed - these shall be given priority and/or those that are designed for ease of recycling, re-manufacture or otherwise to minimise waste
- For fleet motor vehicles – vehicles featuring the highest fuel efficiency available, based on vehicle type and within the designated price range (note that fleet vehicles shall be shared as close as possible to 50% / 50% of the total council light fleet between local suppliers). Council notes there is no requirement to obtain quotes from suppliers external to Moora, however the policy does not preclude external supplier quotes from being obtained at the CEO's discretion. Reputable independent trade in valuations e.g., Redbook shall be obtained by staff to validate trade-in prices of fleet vehicles,
- For new buildings and refurbishments – where available use renewable energy and technologies.

#### Quote, tender and purchase record capture

Written information and documents associated with quotes and purchases will be captured and retained as per the requirements of the General Disposal Authority for Local Government Records, under the State Records Act 2000.

#### Quotation and tender exemption

In the following instances public tenders or quotation procedures are not required (regardless of the value of expenditure):

- An emergency as defined by the Local Government Act 1995
- The supply of the goods or services associated with a state of emergency
- The purchase is under a contract of WALGA (Preferred Supplier Arrangements), Department of Treasury and Finance (permitted Common Use Arrangements), Regional Council, or another Local Government
- The purchase is under auction which has been authorised by Council
- The contract is for petrol, oil, or other liquid or gas used for internal combustion engines
- Any of the other exclusions under Reg 11 of the Functions and General Regulations apply.

#### Purchasing thresholds

Where the value of procurement (excluding GST) for the value of the contract over the full contract period (including options to extend) is, or is expected to be:

Amount of Purchase	Required Quotation/s or Tender
Up to \$5,000	Direct purchase from suppliers requiring only one verbal quotation or priced printout from a reputable supplier catalogue or website.
\$5,001 to \$20,000	Obtain up to three* verbal quotations or priced printouts from reputable suppliers' catalogues or websites.
\$20,001 - \$40,000	Obtain at least two* written quotations.

\$40,001 - \$249,999	Obtain at least three* written quotations containing price and specification of goods and services (with procurement decision based on all value for money considerations).
\$250,000 and above	Conduct a public tender process, tender to be awarded by Council.

\*A minimum of one quotation may be accepted at the discretion of the CEO for justifiable reasons consistent with quote and tender exclusions under Regulation 11.

## Rating Policies

### Rate Payment Incentive Prizes and Eligibility

**Statutory context** Local Government Act 1995 – s6.46

**Corporate context** None

**History** Reviewed 21 May 2025  
Review Period Every two years

**Purpose** To detail the setting and drawing of and eligibility for Rate Payment Incentive Prizes

## **POLICY STATEMENT**

- To qualify for rates incentive prize, payment of rates must be processed prior to close of business on the due date.
- Entry to the prize draw will not be allowed after this time and date in any circumstances.
- The monetary value of the rates incentive prizes, if offered, will be determined in the relevant Budget.
- The prizes are to be drawn by the Shire President or their nominee
- The date and time of the prize draw will be set each year by Council but will generally be within 2 weeks of the due date.
- Prizes as adopted by Council will be awarded to entries drawn at random.
- One entry per assessment notice (not rate payer) is to be entered into the draw.
- The Shire reserves the right to decide, in its absolute discretion whether the entry requirements have been fulfilled (for example, if the payment of rates was processed prior to close of business on the due date).
- The Shire may seek sponsorship for the provision of rate payment incentive prizes.

- Those not eligible to participate, are Key Management Personnel as defined in for Related Party Disclosures purposes and State or Commonwealth Government agencies.

### **Properties Exempt from Rating**

<b>Statutory context</b>	Local Government Act 1995 – s6.47	
<b>Corporate context</b>	None	
<b>History</b>	Reviewed	20 April 2016
	Reviewed	21 May 2025
	Review Period	Every two years

**Purpose** To Identify properties that Council has determined as being exempt from rating.

That the following land be recorded as exempt from rating -

- (a) Moora Frail Aged Lodge, lot 394 Dandaragan Street, Moora (GG 8 Dec 1989)
- (b) Moora Tennis Club Inc lots M34, 35, 36, 37, 38, 39 Gardiner Street, Moora, while used as a Tennis Club, as tennis courts.
- (c) Moora Lakeview Golf Club Loc 2444, Loc 966 Lot 1.
- (d) Miling Golf Club Loc 3813.
- (e) Moora Race Club, lot 200 Riley Road, Moora.
- (f) Moora Arts & Crafts Society, lot 407 Roberts Street, Moora.

### **Rates Collection Procedure**

<b>Statutory context</b>	Local Government Act 1995 – s6.54-6.82	
<b>Corporate context</b>	None	
<b>History</b>	Reviewed	20 April 2016
	Reviewed	21 May 2025
	Review Period	Every two years

**Purpose** To outline expectations for the collection of overdue rates

(1) That as soon as practicable after 7 days following any rates or service charges falling due for payment, the CEO may issue a final notice for recovery of outstanding rates and service charges, allowing 14 days for payment.

(2) That action for recovery be taken after that time, to the extent allowed in the Act.



## **9.8 Small Rates Balance Write Offs**

**Statutory context**      Local Government Act 1995

**Corporate context**      None

<b>History</b>	Reviewed	20 April 2016
	Reviewed	21 May 2025
	Review Period	Every two years

**Purpose**                      Authorising that small amounts of rates debt may appropriately be managed by staff rather than Council

The CEO or their delegate are authorised to write off rates balances up to and including \$20.00. All amounts over \$20.00 should be referred to Council for consideration.

## **Corporate Credit and Other Transaction Cards**

<b>History</b>	Adopted	15 September 2021
	Reviewed	21 May 2025
	Review Period	Every three years

### **Policy Objective:**

To provide for the Shire to maximise the benefits of the use of Corporate Credit/Transaction Cards while managing the risks.

### **Legislative Context:**

The Local Government (Financial Management) Regulation 11(1)(a) requires local governments to develop procedures for the authorisation and payment of accounts to ensure that there is effective security and appropriate authorisations in place for the use of credit cards.

### **Policy Scope:**

It is understood that, in very many instances, Credit Cards can provide the most convenient and appropriate medium for procurement and in some few instances, may be the only form of payment acceptable to a supplier.

On that basis, the CEO is authorised to obtain Corporate Credit Cards with the following limitations:

Chief Executive Officer                      Credit Limit \$20,000

Only Designated Senior Officers as identified as appropriate Credit Card Holders by the CEO with Credit Limits up to \$15,000 as identified as appropriate by the CEO.

## **Credit Card Management**

The CEO will develop and implement appropriate controls for the management of the use of Corporate Credit Cards that will include:

### **Credit Card Usage**

Credit Cards:

- are only to be used for the purchase of goods and services on behalf of the Shire such as, but not limited to, accommodation, meals, travel expenses, conference/seminar fees, subscriptions to professional memberships, journals/publications and activity cost charges where purchase orders are not appropriate and/or use of credit cards is most appropriate
- shall not be used for cash advances
- shall be subject to all existing legislation, Policies and Procedures, including but not limited to Codes of Conduct, Purchasing and Tenders Policy and Procedure for Purchase Orders and subject to the adopted Budget of Council.
- shall not be used for expenditure on personal items or services.
- shall not be tied to any type of reward system that provides cardholders with any personal benefit or reward.

### **Credit Card Issues/Acquittals**

The CEO will ensure that issue of credit cards includes appropriate controls and documentation. Further, a system of ensuring regular and documented acquittal of all payments by Credit Card holders including appropriate procedures for review.

### **Other Transaction Cards**

The CEO may also implement the issue and control of other transaction cards as may be appropriate for the procurement of specific goods and services, including but not limited to Fuel Cards and Store Cards.

Issue and use of any transaction cards will be subject to the implementation of appropriate regimes of control including processes for issue, use and acquittals.

### **Reporting**

All transactions undertaken by use of Transactions Cards, whether Corporate Credit Cards or Other Transaction Cards, shall be reported in the List of Payments presented to each Ordinary Monthly Meeting of Council.

### **Investments**

<b>Statutory context</b>	Local Government Act 1995 s6.14 Trustees Amendment Act 1997 Local Government (Financial Management) Regulations 1996 R19 & 19C
--------------------------	--

## **Corporate context    Code of Conduct – Employees**

<b>History</b>	Adopted	20 April 2016
	Reviewed	21 May 2025
	Review Period Every 2 years or if legislation changes	

### **POLICY OBJECTIVE**

To undertake the authorised investment of the Shire's surplus funds, with consideration of risk at the most favourable rate of interest available to it at the time, for that investment type, while ensuring that its liquidity requirements are met.

### **POLICY STATEMENT**

While exercising the power to invest, consideration needs to be given to preservation of capital, liquidity, and the return on investment.

Preservation of capital is the principal objective of the investment portfolio. Investing activities are to be performed in a manner that seeks to ensure the security and safeguarding of the investment portfolio. This includes managing credit and interest rate risk within specified limits and parameters.

The investment portfolio will ensure there is sufficient liquidity to meet all reasonably anticipated cash flow requirements, as and when they fall due, without incurring significant costs due to the unanticipated realisation of an investment.

#### **Authority for Investment**

The Chief Executive Officer (CEO) is authorised to implement this policy. The CEO may in turn delegate the day-to-day management of the Shire's investments in accordance with the provisions of the Local Government Act 1995.

#### **Prudent Person Standard**

Investments will be managed with the care, diligence and skill that a prudent person would exercise. Officers delegated with authority to manage investments are to safeguard the portfolios in accordance with the substance of this policy, and not for speculative or any other purposes.

#### **Authorised Investments**

Without Direct approvals from Council, Investments are limited to:

- Bank Accepted/Endorsed Bank Bills
- Bank Negotiable Certificates of Deposit
- Bank Interest Bearing Deposits
- State/Commonwealth Government Bonds

#### **Prohibited Investments**

The investment policy strictly prohibits any investment carried out for speculative purposes including:

- Derivative or derivative based instruments and or structured products
- Principal only investments or securities that provide potentially nil or negative cash flow
- Stand-alone securities issued that have underlying futures, options, forwards contracts, swaps of any kind
- Any form of investment that risks the loss of the initial capital outlay in anticipation of significant gain that may arise from expected changes in future economic conditions.

This policy also prohibits the use of leveraging (borrowing to invest) of an investment.

### **Recognition and Depreciation of Assets Policy**

**Statutory context**      Local Government (Financial Management) Regulations 1993 s17A

#### **Corporate Context**

<b>History</b>	Adopted	23 July 2025
	Review Period	Every 3 years

### **OBJECTIVE**

To determine the parameters for the recognition and depreciation of non-financial non-current assets

### **POLICY STATEMENT**

#### **Fixed Assets**

Each class of fixed assets within either plant and equipment or infrastructure, is carried at cost or fair value less, where applicable, any accumulated depreciation and impairment losses.

#### **Recognition of Assets**

Assets for which the fair value as at the date of acquisition is under \$5,000 are not recognised as an asset in accordance with Financial Management Regulation 17A (5 ). These assets are expensed immediately.

Where multiple individual low value assets are purchased together as part of a larger asset or collectively forming a larger asset exceeding the threshold, the individual assets are recognised as one asset and capitalised.

#### **Gains and Losses on Disposal**

Gains and losses on disposals are determined by comparing proceeds with the carrying amount. These gains and losses are included in profit or loss in the period which they arise.

#### **Depreciation of Non-current Assets**

The depreciable amount of fixed assets included in buildings but excluding freehold land, are depreciated on a straight-line basis over the individual asset's useful life from the time the asset is held ready for use. Leasehold improvements are depreciated over the shorter of either the unexpired period of the lease or the estimated useful life of the improvements.

The assets residual values and useful lives are reviewed and adjusted if appropriate, at the end of each reporting period.

An asset's carrying amount is written down immediately to its recoverable amount if the asset's carrying amount is greater than its estimated recoverable amount.

Major depreciation periods used for each class of depreciable asset are:

Asset	Years
Buildings	8 to 60 years
Furniture and equipment	4 to 20 years
Plant and equipment	3 to 50 years
Infrastructure - Roads Pavement & Surface	50 to 56 years
Infrastructure - Roads Subgrade	not depreciated
Infrastructure - Footpaths	60 years
Infrastructure - Drainage	73 years
Infrastructure - Parks and Ovals	14 to 65 years
Infrastructure - Bridges	80 to 100 years
Infrastructure - Street Furniture & Lighting	10 to 50 years
Infrastructure - Sewerage	50 to 80 years
Infrastructure - WIP	not depreciated

### **Portable and Attractive Items Policy**

**Statutory context**      Local Government (Financial Management) Regulations 1993 s17B

### **Corporate Context**

<b>History</b>	Adopted	23 July 2025
	Review Period	Every 3 years

### **OBJECTIVE**

To set guidelines for the management of Portable and Attractive Items

### **POLICY STATEMENT**

The policy relates to all employees (full-time, part-time or casual) and temporary staff of the Shire, as well as Elected Members.

This policy applies to all items defined as portable and attractive. A portable and attractive item is an item purchased by the Shire, with Shire funds, irrespective of the funding source, and includes items gifted or donated to the Shire. The item is of a non-consumable nature, such as a portable plant, laptop computer, tablet, desktop computer, mobile phone or portable business/consumer electronic device of any value less than the adopted asset capitalisation threshold.

CEO will designate an Accountable Officer to maintain a register to record the receipt, movement and disposal of portable and attractive items with description, location and custodian details. The Accountable Officer will undertake a stocktake of portable and attractive items at least annually.

Users of items, whether employees, contractors, volunteers or elected members are responsible for their appropriate use and documentation of the status of the item. Responsibility for the control and safe custody of a portable and attractive item remains with the manager/supervisor responsible for that area or the worker who has control and use of the portable and attractive item.

The Shire will retain ownership of the portable and attractive item at all times.

Any disposal will be appropriately authorised and documented, compliant with all policies and procedures and ensure the management and security of any data/records.

Any breach of this Policy will be subject to disciplinary action as per Council's adopted Policies and Procedures.

## **BUILDING**

### **Building near Sewers**

That Council adopt WA Water Corporation policy regarding buildings in close proximity to sewers where all buildings are not to be built over sewers and are required to be maintained at least two metres from any sewer main whether it is Council sewer or private sewer.

### **Outbuildings - Cladding and Reflectivity**

1. That a zincalume roof be permitted upon a proposed outbuilding on the condition that any complaints from neighbouring properties with relation to reflectivity will require the applicant to immediately paint the roof surface to prevent such reflectivity; and

2. The "Outbuilding" Policy require

- a) That all outbuildings on residential zoned land be clad with Colourbond on all wall surfaces
- b) Any roof pitch for a large outbuilding which exceeds 15 degrees be clad in Colourbond
- c) Any justified complaints from neighbouring properties in relation to reflectivity will require the building's owner to immediately paint the reflective surface.

### **Outbuildings - Maximum Sizes**

That Council's current outbuilding policy referring to square metreage of land and maximum size of outbuildings be partly amended in the following manner:

R2 - 5,000m<sup>2</sup> Lots - maximum size of outbuildings equals 200m<sup>2</sup>

R2.5 - 4,000m<sup>2</sup> Lots - maximum size of outbuildings equals 200m<sup>2</sup>

R5 - 2,000m<sup>2</sup> Lots - maximum size of outbuildings equals 150m<sup>2</sup>

R12.5 - 800m<sup>2</sup> Lots maximum size of outbuildings equals 100m<sup>2</sup>

R25/R30 - 320m<sup>2</sup> to 300m<sup>2</sup> Lots - maximum size of outbuildings at Council's discretion.

### **Outbuildings – Construction prior to Construction of Residential Buildings**

No outbuildings are to be constructed on residential zoned land prior to the construction of a Class 1A or 1B building

and

That a Class 1A or 1B residence is to be completed to lock up stage prior to Council approving plans for a Class 10 outbuilding on the same lot.

### **Town Centre Zones**

1. Any roof pitch for a large building that exceeds 15 degrees to be clad in Colourbond to decrease reflectivity.

2. Frontages to main entrance to building are to be covered by a verandah with Colourbond roofing or other structure approved by Council.

3. Car parking areas for developments in the Town Centre area to be concrete, bitumen sealed or paved to enable parking and disabled bays to be identified.

4. Landscaping plans are required to be presented with Development Applications.

5. Non-solid fencing to street frontages and side boundaries in line and parallel with the front of the building. Non-solid fencing is preferred by Council.

Council may require screen fencing for rear of premises consistent with the type of activity being carried out.

## **Land Fill**

### **SITE FILL HEIGHT AND DIMENSIONS**

1. HEIGHT OF FILL - To comply with Shire of Moora Town Planning Scheme (Amendment 10) Flood provision requirements. All footing trenches must be retained solely within the prepared sand pad and all footings must remain a minimum of 100mm from natural soil base. The finished height of any sand pad must be such that when completed it remains at least level with the maximum height of any established road access, but other factors which have to be considered are:

- a) Whether or not there is an established road, if not a level should be decided which will allow for the height of any road subsequently constructed,
- b) Future possible extension to the building,
- c) Installation of a Septic Tank/Leach Drain or connection to sewer.

2. DIMENSIONS OF FILL - All sand pads for all habitable buildings must be extended and compacted to an area at least 2m beyond that overall floor area of the proposed building(s), except that where the minimum distance between the edge of the floor (building extremity) is less than 2 metres that distance - the distance between the building extremity and the boundary shall be filled and compacted as stated previously.

Blocks in Excess of 800m<sup>2</sup> - All building sites in excess of 800m<sup>2</sup> in area must be filled to an area of at least 2m beyond the overall building floor area. The fill must slope from the established sand pad height away from the habitable building at a gradient of around 1 in 6.

3. The suitability and dimensions of fill remain at the discretion of the Building Surveyor. All stormwater runoff must also be retained onsite or directed into Council's drainage system.

Before commencing any filling of a block or preparation of sand pad for a habitable building, levels must be established and verified by the Building Surveyor individual cases will vary and in certain instances engineer's certifications may be necessary.

## **Heritage Policy**

### **Objectives**

- 1. To explain the Shire's approach to and expectations for development affecting heritage buildings and places;
- 2. To facilitate continued use and appreciation of all heritage buildings and places within the Shire of Moora;



3. To preserve the amenity, character and cultural values of heritage buildings and places;
4. To enable adaptive reuse through appropriate additions or modifications; and
5. To set out potential planning conditions for the retention, restoration, recording and interpretation of heritage places.

## PURPOSE

The Shire of Moora Town Planning Scheme prevails should there be any conflict between this Policy and the Scheme. It is not intended that a policy be applied rigidly, but each application be examined on its merits, with the objectives and intent of the policy the key for assessment.

The Shire encourages applicants to produce innovative ways of achieving the stated objectives and acknowledges that these may sit outside the more traditional planning and architectural approaches.

The Shire of Moora shall have due regard to the outcome of any public consultation undertaken and the orderly and proper planning of the locality.

## SCOPE

This policy relates to planning proposals for places included on a Heritage List adopted under the Shire's Local Planning Scheme No. 4, or included in the Municipal Heritage Inventory in accordance with the Heritage of Western Australia Act 1990.

This policy provides guidance in relation to the development of heritage places as well as detailing procedures for making applications for heritage related development

The policy does not relate to sites listed under the Aboriginal Heritage Act 1972, unless specific sites are also included in the Municipal Heritage Inventory or on the Heritage List.

## BACKGROUND

The history of the Shire is visible through settlement patterns of early pioneers throughout the Shire and all high social, cultural, aesthetic or historical significance are listed within a Heritage List. These places are assets that contribute to the identity and appeal of their localities for both residents and visitors, and changes to heritage places must be carefully managed to retain or enhance their heritage values. This list has been put together by a committee consisting of Shire Staff, Shire Councillors and Members of the public involved in the History of the Shire. (i.e. Historical Society)

The Heritage of Western Australia Act 1990 requires each local government to maintain a Municipal Heritage Inventory (MHI). The Shire of Moora MHI lists many places that contribute to the history and character of the local area and classifies them according to the degree of significance.

The Heritage List is derived from the MHI to provide a higher level of protection for the most significant local places and buildings. Modification of a place on the Heritage List is not permitted without planning approval.

Extensions and modern facilities can often be accommodated if they are designed carefully with minimal disturbance to the original structure. Detailed schedules of materials and finishes will generally be required.

Additional information including specialist studies, heritage impact assessments and street elevations may be required based on the level of significance of the place and the scale and nature of the proposed changes, additional information may be required. This may include specialist studies, street elevations and/or a heritage impact assessment.

#### 4.0 LEVELS OF SIGNIFICANCE

Level of Significance	Description	Expectations
Exceptional Significance Heritage List and State Heritage listed places	Rare or outstanding example: essential to the heritage of the locality	The place should be retained and conserved. Any alterations or extensions should reinforce the significance of the place and be in accordance with a Conservation Plan
Considerable significance (Heritage List)	High degree of integrity/ authenticity; very important to the heritage of the locality	Conservation of the place is highly desirable. Any alterations or extensions should minimise impacts on the original site or building and reinforce the significance of the place
Moderate significance (Municipal Heritage Inventory)	May have some altered or modified elements, not necessarily detracting from the overall significance; contributes to the heritage of the locality.	Conservation of the place is desirable. Any alterations or extensions should reinforce the significance of the place and retain original fabric where feasible.
Some significance (Municipal Heritage Inventory)	Lower degree of integrity/authenticity but contributes to the heritage of the locality.	Retain elements of the place where feasible. Photographically record prior to major development or demolition.

Heritage places often include the setting or landscape features as well as buildings. Not all buildings within a heritage place will be considered as a heritage building. This will be determined by referring to the 80 place record, together with the heritage assessment where one is required at the time of proposed development.

#### 5.0 MANAGEMENT OF HERITAGE PLACES

The development approval procedure provides the opportunity to fully inform the property owners of the heritage value of the place and provide specialist conservation advice when dealing with listings on the Municipal Inventory recommended for the Town Planning Scheme protection.

Views of the State Heritage Council, other relevant bodies and community consultation shall be considered when determining the application. The importance of community views needs to be reflected in the planning processes.

Owners of heritage places are also to be fully informed of the implications of heritage recognition of their property.

## 5.1 HERITAGE ASSESSMENT

The Moora Shire may determine that a heritage assessment of the place which is the subject of the application, may be necessary prior to the development proceeding. Should the application be for a demolition order, the relevant bodies have the opportunity to photograph and document the place prior to the demolition.

## 5.2 HERITAGE APPLICATION FOR APPROVAL

The importance of the community views need to be reflected in the planning processes which affect places of heritage value. The owners of heritage places are to be fully informed of the implications of heritage recognition of their property. Every effort shall be made to inform the community and the land owners in particular of the implications of heritage recognition.

A development application when dealing with any places on the Municipal Inventory list recommended for Town Planning Scheme protection, it may be necessary for Council to solicit the views of the Heritage Council or other relevant bodies including a community consultation to take their views into account when determining the application.

## 5.3 SIGNAGE ON PLACES OF HERITAGE & CULTURAL SIGNIFICANCE

Appropriate signage may be required in accordance with the Shire of Moora Advertising devices Policy.

## 5.4 PROPOSED DEMOLITION

Structural Condition Assessment (in case of Demolition)

If structural failure is cited as a justification for the demolition of a building in the Shire of Moora Municipal Inventory (MMI), evidence should be provided from a registered structural engineer that the structural integrity of the building has failed, to the point where it cannot be rectified without removal of a of a majority of its significant fabric and/or prohibitive costs.

If a proposal is for the demolition or the substantial redevelopment of a building or place in the (MMI), the Local Government may require as a condition of approval, the preparation of an archival recording of the place, prior to the demolition or commencement of development.

## 6.0 ASSESSMENT CRITERIA

The criteria outlined below are to be read in conjunction with the Precinct Plan where one applies; State Planning Policy 3.5 - Historic Heritage Conservation; and the specific place record.

6.1 Buildings and structures on the Heritage List should not be demolished or their heritage values diminished by development. Where (in the opinion of the Shire) demolition or substantial change is necessary and unavoidable, then detailed recording in the form of archival record and appropriate interpretation of the site must be undertaken.

6.2 Designs for alterations/additions to heritage places should minimise disturbance to the original landscape setting and structure as much as possible and seek to maintain or enhance the specific heritage values identified for that place.

6.3 Additions to heritage buildings should be located towards the rear of the property with little or no alteration to elevations facing streets or public land, thereby maintaining the appearance from the public road or approach to the building.

6.4 External additions to heritage buildings must reflect the scale and character of the original structure, but be subtly identifiable as later additions.

6.5 Internal modifications to heritage buildings should be designed to minimise disturbance to the original structure and fabric, and leave visible traces of the original floor plan and function.

6.6 No outbuildings shall be located in the front setback area. Carports and garages must be detached and located to the side or rear of the heritage building, in order to minimise changes to the appearance from the public road or approach to the building.

6.7 Driveways and crossovers should generally avoid concrete and bitumen and make use of natural or earth coloured materials appropriate to the setting (such as compacted gravel or red-brown asphalt).

6.8 Earthworks should be minimised. Where retaining is necessary, it should be terraced to respond to the natural contours of the land and completed in natural or earth coloured materials appropriate to the setting.

6.9 Fences and walls should be reflective of the surrounding landscape and maintain clear and open sightlines between the public road and the heritage place.

6.10 Modifications to public buildings to provide modern facilities or improve access for people with disabilities must be sensitively designed to minimise disturbance to the original structure and external appearance.

6.11 The Shire will take into account the public benefit of proposed modifications, including adaptation that enables continued access, visitor use and appreciation of the history and significance of the site.

6.12 Solar panels, antennas and air conditioning units must be selected carefully, located unobtrusively and painted, finished or framed to minimise the impact on the external appearance of the place.

6.13 Where a proposal has been referred to the State Heritage Office the Shire shall have due regard to their advice and recommendations.

6.14 Where external modifications or extensions are proposed to a heritage building in a bushfire prone area, the Building Code of Australia will require construction to the relevant Australian Standard (AS3959).

The Shire will pay particular attention to the degree to which non-combustible building materials can be adapted and finished to complement the existing structure; the aesthetic

impact of the modifications; and the impact of any clearing proposed in order to reduce the bushfire hazard. In some cases the modifications or extensions will not be supported, or the Shire may recommend a reduced or semi-detached addition to minimise the impacts on the heritage values of the original building.

## 7.0 CONDITIONS

Where conditional approval is granted for all or part of the proposal, one or more of the following conditions may be applied in addition to any other planning conditions:

- a) This site is identified as historically significant and a comprehensive series of colour photographs shall be submitted to the Shire on a digital source (i.e. thumb drive), recording the present appearance of buildings and surrounds, before applying for a building permit or undertaking any works.
- b) A detailed archival record is to be made and submitted to the Shire prior to any works being undertaken. This record shall be based on State Heritage Office guidance for preparing archival records and include a site plan at 1:200 scale; a floor plan and elevations at 1:100 scale; and photographs of both the interior and exterior (clear of furnishings or debris).
- c) Detailed plans shall be submitted to the Shire with the application for a building permit, demonstrating how the chosen construction methods will minimise impacts on the existing fabric of the building. The work shall be undertaken in accordance with these plans and using practices that minimise disturbance and damage to the existing structure.
- d) A detailed heritage impact statement shall be submitted to the satisfaction of the Shire before applying for a building permit or undertaking any works, clearly documenting potential impacts and providing specific recommendations to minimise those impacts on the significance of the place. The work shall then be carried out in accordance with the recommendations of the approved heritage impact statement.
- e) Should an additional structure be constructed it shall be freestanding and not cause or require any modification to buildings of heritage significance.
- f) Any additions shall be completed and maintained in materials and colours that are consistent with or complementary to adjacent buildings of heritage significance.
- g) On the completion of building and works, landscaping is to be established or reinstated and then maintained to the satisfaction of the Shire, consistent with the existing grounds and landscaping

## PLANNING

### Development across a Cadastral Boundary

That Council only give a development approval on more than one lot where the separate lots are amalgamated as a condition of planning consent, unless each of the separate lots can be independently developed without there being any inter dependence on any aspect.

### **Keeping Horses and Hoofed Animals within Townsites**

That the following policy applies to the Keeping of Horses and other Hoofed Animals on land within townsites in the Moora Shire.

1. In respect to a lot of land having an area of 10,000 square metres or less, a person shall not keep, or permit to be kept thereon, any hoofed animal being horses, cows, sheep, goats, donkey or such.
2. In respect to a lot of land exceeding 10,000 square metres in area, a person shall not keep any more than two such hoofed animals without having first received written approval of the Council specifying the number of such animals that may be kept thereon, but such approval may be cancelled by the Council in any case where, having regard to the circumstances, it is of the opinion that such cancellation is warranted.
3. A person shall not allow any hoofed animal to approach to within 20 metres of any dwelling whatsoever, or other building where food is stored or prepared, or to within 15 metres of any street adjoining such property without having first received the written approval of Council specifying a lesser distance, but such approval may be cancelled by the Council in any case where, having regard to the circumstances, it is of the opinion that such cancellation is warranted.

### **Temporary Accommodation Policy - Special Rural and General Farming Zones**

That, under the provision of Section 144 of the Health Act 1911 as amended, the Manager Development Services is delegated authority by Council to implement the following policy on temporary accommodation:-

- Sheds or outbuildings may be licensed as temporary accommodation during the building of a house.
- The following criteria are to be met at the time of approval:-
  - a) building plans must have been approved and a building license issued-,
  - b) the house pad must be laid within twelve months or the Manager Development Services must be satisfied that any delay is justifiable;
  - c) adequate sanitary conveniences are provided to the satisfaction of the Manager Development Services;
  - d) Council must be satisfied that there will be no undue delay in the completion of building a residence which must be completed within two years.

e) a potable water supply must be available.

Temporary accommodation permits be granted for 12 months. At the completion of 12 months it will be necessary to reapply to Council for permission to live on site; in temporary accommodation subject to satisfactory progress of the building as determined by the Manager Development Services.

### **Building and Development Control Strategies**

1. Any proposed development within the high hazard (floodway) areas should have a hydrology assessment to determine its impact on flood flows and flood levels. Any development proposal found to have an adverse impact on peak flood levels at neighbouring properties should not be accepted. A suitably qualified neutral person such as a representative of Department of Water should make this assessment.

2. A letter from the Department of Water is required for each building approval within the flood zone (as depicted on the Town Planning map) with a Finished Floor Level (FFL) measurement.

3. For non-habitable dwellings such as sheds, industrial and commercial sites;

a) The minimum FFL should be 0.15m above the March 1999 Flood level.

b) Power points, electrical or data connections outlets should be installed 0.5m above floor level.

c) Windows should be installed no lower than 0.5m above the March 1999 flood level.

d) Septic tank disposal of waste should not be allowed when a connection sewer is available.

e) Chemical storage areas should have a minimum FFL of 0.5m above the March 1999 flood level.

f) Breather inlets to underground storage tanks should be 0.5m above the March 1999 flood level.

### **Agroforestry and Plantations**

#### **Background**

Under the Shire of Moora Local Planning Scheme No. 4 ('the Scheme') planning approval is required for any proposed agroforestry or plantations; therefore this Policy has been developed as a guide for applicants and Council.

It should be noted that Council will have significant regard for the provisions of the Local Planning Policy however it is a guideline only.

#### **Policy Basis**

Clauses 8.7 of the Scheme provide for the preparation of Local Planning Policies. This Policy has been prepared in accordance with the Scheme.

### Scheme Requirements

The Scheme does not specifically mention 'agroforestry' or 'plantations' however Council does, under Clause 7.1.1 of the Scheme, require planning approval for development of any land zoned or reserved.

It should be noted that the Scheme contains statutory requirements, and this Policy expands on and complements the existing Scheme requirements. The Policy cannot override any aspect of the Scheme.

### Policy Statement

This Policy applies to all 'General Agriculture' zoned land in the Shire of Moora.

### Policy Objective

- To actively encourage the integration of agroforestry and plantations with existing agricultural uses over the Shire as a complementary and ancillary use.
- To facilitate retention of traditional agriculture as the predominant use on the land.
- To support applications that actively integrates agroforestry or plantations with farms in recognition of the economic, environmental and social benefits.
- To encourage planting areas with linkages to existing remnant vegetation on the same lot or adjacent lots. Where appropriate encourage linkages with vegetation on adjacent reserves however consult with the relevant reserve authority or manager.
- To protect and enhance native vegetation, wetlands and water courses and assist in the reduction of salinity, waterlogging and erosion.
- To support continuing broad acre agriculture and production as the primary and priority land use in the Agriculture zone.
- To generally discourage the use of whole farms for plantations (particularly where it contains a dwelling) unless the applicant has clearly demonstrated extenuating circumstances or provided significant justification warranting support for a variation to any aspect of the Policy.
- To achieve agroforestry and plantation designs which do not compromise the fire safety of the local community or of biodiversity conservation and management of reserves.
- To minimise the potential for any loss of population or agricultural land through the use of whole farms for plantations and encourage agroforestry or plantations that provide a supplementary income to farmers.
- To achieve agroforestry and plantation designs which do not compromise the fire safety of the local community or of biodiversity conservation and management of reserves.



- To achieve high quality fire management plans which are independent and self-sufficient unless the relevant authority managing land outside of the application has endorsed a FMP which relies on external fire management methods (such as major protective burning of adjacent reserves).
- To encourage the selection of tree species that are complimentary to native remnant vegetation will assist in maintaining landscape function.

#### Policy Aim

- To clearly outline the existing Scheme requirements, land use definitions and assist applicants by providing general guidelines.
- To assist Council in determining applications for agroforestry and plantations by setting out matters Council will have regard for in assessing applications.
- To streamline the planning process in the longer term for applications that propose integration of plantings with existing farms / agricultural uses and that comply with the Scheme and local planning policy.

#### Planning Approval

#### Need for Planning Controls

- 1) There has been some concern raised by key stakeholders that landowners should be able to pursue agroforestry and/or plantations on their land without interference by local governments as they would normally do for any cropping or revegetation for land rehabilitation.
- 2) Whilst 'Extensive' Agriculture is a permitted use in the 'Agriculture' zone, there are planning controls over other rural uses including and not limited to Rural Industry. This is appropriate so that the Shire can examine relevant planning considerations such as the objectives of the zone, land use compatibility, buffers, amenity and other relevant planning issues.
- 3) There are land use and community implications associated with agroforestry and plantation uses that are controlled through the planning process such as impacts on local roads for harvesting plantations, fire management, visual impact on any scenic routes, social impacts and concern over potential loss of prime agricultural land. These are valid planning issues which are also recognised by the Western Australian Planning Commission (WAPC) in Planning Bulletin No. 56 (although this WAPC Policy is outdated as it does not specifically deal with carbon sequestration plantations which can represent a more permanent land use change).
- 4) With new emerging plantations for carbon sequestration there has been Council and community concern over the potential to develop significant areas or whole farms. Some applicants propose long term harvesting whilst other may not nominate to harvest at all (means the land may never revert back to agricultural uses.)

5) While no wide general community consultation has been undertaken by the Shire, there has been mixed views within Council and there is clear concern over the need for a local planning policy and the general issue of any potential for loss of population.

6) Whilst some of the issues are difficult to quantify this policy aims to encourage an integrated approach of plantings with more traditional farming or agricultural uses.

### Statutory Requirements

1) Under Clause 7.1.1 of the Scheme all development on zoned land requires prior approval of the local government, unless specifically exempted under Clause 7.1.2

2) A planning application is required to be lodged for any proposed planting of trees for commercial use exceeding a one hectare area and would be construed as 'agroforestry', regardless of whether the trees are proposed to be harvested or not.

3) A planning application is also required for any plantations (involving planting areas of 10 hectares or more). This Policy proposes to process 'carbon sequestration plantations' the same as the more traditional 'plantations', as both are almost identical, and the only difference is that some applicants may not propose harvesting or may only propose harvesting in the longer term (so it may be a more permanent land use change).

4) Planning approval is not required for the planting of trees for land rehabilitation, salinity affected area, wind belts etc. which are not proposed to be used for any commercial use, production or carbon sequestration.

### Definitions and Explanations of Landuse

Landuse definitions are contained in the Shires Scheme and are repeated in this Policy for ease of reference.

### Agroforestry

1) Agroforestry is defined as:

a. "means land used commercially for tree production and agriculture where trees are planted in blocks of more than one hectare".

2) Agroforestry is the combining of agriculture and tree growing, to produce both agricultural products and tree products on a commercial basis. In some areas it is also known as 'farm forestry'.

3) Australian agroforestry produces a wide range of products, including energy, wood and fibre, eucalyptus oil and oil products, food, fodder and ecosystem services. It is considered that the carbon from tree planting for sequestration could also be reasonably considered as a 'tree product' and certainly the trees are used for commercial purposes.

4) Agroforestry by its very definition is a combination of commercial tree growing in addition to agricultural practices. This integrated approach is considered the most beneficial as;

- Many forms of agroforestry result in the production of a wide range of products which in turn has economic benefits and can generate employment.

- The use is compatible with continuing agriculture.
- There are environmental benefits, and the planting areas can be used to mitigate salinity, prevent wind erosion etc.
- The planting areas are robust if harvested and land can be used for other forms of agriculture in the long term.
- It provides alternative income sources and diversification of land use for farmers.

## Plantation

Plantation is defined in the Scheme as:

“has the same meaning as in the Code of Practice for Timber Plantations in Western Australia (1997) published by the Department of Conservation and Land Management and the Australian Forest Growers”.

Plantation is defined in the Code of Practice as:

“a stand of trees of ten hectares, or larger, that has been established by sowing or planting of either native or exotic tree species selected and managed intensively for their commercial and/or environmental value. A plantation includes roads, tracks, firebreaks and small areas of native vegetation surrounded by plantation. Implicit in this definition is the recognition that plantations will be harvested.”

It is recognised that technically plantations involve the harvesting of trees. There are emerging new trends for plantations for carbon sequestration which may or not be planned to be harvested. Often applicants seek to keep their options for future harvesting open as part of applications.

In the absence of any other suitable land use definition, plantations for carbon sequestration will be processed as ‘plantations’ as it is essentially the closest definition to describe the use, and both have to comply with the ‘Code of Practice for Timber Plantations in Western Australia’.

This approach will allow for flexibility in the future if sequestration plantings are harvested in the longer term. It also allows the Shire to include appropriate conditions on any development to require a future harvesting plan.

Plantations also have economic and environmental benefits similar in parts to agroforestry. Where harvesting occurs, there are economic benefits associated with the timber industry, the creation of products and employment.

Even with carbon sequestration planting there is some employment associated with preparation, planting and ongoing monitoring. Farmers can receive economic benefits as these types of land uses provide an alternative income opportunity.

There are also environmental benefits similar to agroforestry such as salinity mitigation, reduction of water logging etc.

## Existing Scheme Requirements

The Shires' Scheme is a legal document which already lists some matters to be considered when considering an application for planning approval.

When assessing a planning application for the development for 'agroforestry' or 'plantation' Council will have regard for the following matters:

- The Code of Practice for Timber Plantations in Western Australia 2006 as amended ('Code of Practice').
- Submission of a plantation management plan in accordance with the protocol in the Code of Practice.
- The need to encourage the commercial production of trees which is of significance to the national, regional, and local economy.
- The benefits of agroforestry and plantations in addressing land degradation including soil erosion and salinity.
- The role of agroforestry and plantations in protecting water quality and preventing adverse effects on groundwater recharge.
- The location of the land in relation to land zoned for residential, industrial and commercial uses.
- The suitability of the current and future road systems.

#### Policy Requirements

In assessing any application for agroforestry or plantations Council will have regard for the following matters;

#### Continuing Agricultural Activities

Traditional agricultural activities such as cropping, grazing and food production should generally remain the predominant land use with agroforestry or plantations as an ancillary and complementary use.

This Policy does not attempt to introduce maximum planting areas by means of a percentage of the lot area, simply because some flexibility needs to be afforded. As a general rule the Shire will assess if a plantation area is 'ancillary' having regard for;

The area of each lot;

- 1) The proportion or percentage of the plantation area on a lot by lot basis. Generally a 30-35% maximum planting area is encouraged, although each application will be assessed on its merits on a 'case by case' basis;
- 2) The extent of existing remnant vegetation areas; and
- 3) Whether a significant portion of each lot can continue to be used for agriculture.

4) Council will be able to clearly identify whether agriculture remains as the primary use, simply because detailed site plans are lodged for all applications and show the extent of planting areas.

This Policy aims to actively encourage the integration of tree planting with agricultural farms. Whilst there are other factors contributing towards reductions of rural population, the Shire wishes to ensure that new land uses do not exacerbate an existing ongoing problem.

Council will not generally support the planting of whole lots or farms for tree planting due to the potential for the displacement of agricultural pursuits and loss of agricultural land.

#### Variations

In dealing with this matter Council will have regard for any specific circumstances where a variation to this criteria 10.1 may be warranted, however in those cases the onus will be on the applicant to demonstrate the particular merits of a proposal or justification for an assessment on a 'whole farm' basis.

If an applicant seeks any variation or support for plantation areas on a 'whole farm' basis then the application should be accompanied by justification such as;

- Land Capability Studies;
- Farm Management Plan;
- Soil or water test results demonstrating areas not suitable for agriculture;
- Photographs showing shallow soils or rocky areas which visually demonstrate that the land is not suitable for agriculture.
- Demonstration that planting areas will have local environmental benefits for the specific location (refer 10.3). For example, larger planting areas may be warranted as block planting adjacent to a creek line, or for salinity prone areas.

More detailed information would be required to be submitted to justify such an application.

#### Location and Compatibility with Adjacent Land Uses

The larger scale plantations are encouraged to locate in rural areas located away from any main townsites, areas with smaller lot sizes that have potential for dwellings, and rural residential / lifestyle lots. Plantations should avoid locations near areas earmarked for future residential or rural development.

To reduce potential adverse impacts from inappropriate siting and development of agroforestry and plantations, Council will consider the following matters;

- 1) The proximity to any land zoned or earmarked for residential development, rural residential development or smaller lots with potential for dwelling development.
- 2) Separation distances between the proposed use and any commercial properties, or other areas such as public reserves, which may be sensitive to the exposure of pesticides (mainly if any aerial spraying is proposed).

3) Where harvesting is proposed, the suitability of the location in terms of the road network capabilities.

4) The visual impact if the plantation has potential to interrupt scenic views (particularly along main tourist routes). Scenic views should be protected, particularly along tourist routes or of specific landscape features.

5) Any strategic plan contained in a planning strategy or town site expansion strategy.

6) Impact on any tourist and recreation uses.

7) Proximity to any airstrips.

Proximity to conservation areas and reserves. Any plantation in close proximity to a reserve under the care and management of an authority (such as the Water Corporation, Department for Environment and Conservation or the like) will be referred to the relevant authority for comment. Council will have regard for the advice of the relevant authority.

#### Economic Benefits

Council will have regard for the economic benefits associated with agroforestry and plantations. Most tree planting ventures are commercial propositions therefore the majority will result in some economic benefits.

It is often difficult to quantify the extent of any economic benefits or long term local economic impact. It is also impractical to assess in a balanced way the economic benefits of a large plantation versus the economic benefits of a continued agricultural/ farm use.

It is a complex issue due to the many influencing factors such as type of products produced, prices available for products, changing economic climate, demand, expenditure in the local area, extent or use of local persons for employment, how much employment is generated by a use, whether local suppliers are used, extent of employment (may be for short specific periods), transport etc.

Detailed business plans, clear measurable evidence of economic benefits or expert economic analysis are generally not provided to the Shire.

The Shire can only consider economic benefits in the broader sense and an integration of land uses will likely maximise potential for retention of farmers/population, diversification of rural land uses, assist agricultural productivity and often provide a secondary income to farmers.

#### Environmental Benefits

Council recognises that there are a variety of broad environmental benefits associated with tree planting that have the potential to contribute to the security and quality of water resources and salinity management.

Agroforestry and plantations can benefit water resources by improving water quality in catchments affected by saline surface water, reversing dryland salinity and water logging by controlling groundwater levels and assisting in the control of soil erosion.

In considering and any variation to the Policy, Council will have positive regard for any specific environmental benefits to the development land and any application that;

1) Uses plantings on site to assist to mitigate salinity affected areas and demonstrates through soil analysis/mapping that there are salinity affected areas on the application land.

2) The use of native species is encouraged.

It is recognised that species that are native to Australia are often used (such as Mallee's) for carbon sequestration, due to their growth rates, stock resistance, ability to survive in medium to low rainfall areas and minimal ongoing management needs.

Where feasible (taking into account continuing agricultural activities), the incorporation of some endemic local species plantings is encouraged particularly in areas such as;

- Along watercourses including natural drainage lines and creeks.
- For rehabilitation of land unsuitable for agriculture, or to provide connections between existing remnant vegetation areas remaining on site.
- As a buffer or to expand / complement native vegetation corridors along Rivers.
- Along plantation edges adjoining conservation reserves or other Crown land.

The use of local native species is not compulsory however the Shire actively encourages applicants to look for opportunities to introduce species endemic to the area, especially for rehabilitation of creek line and watercourses. Where feasible, the introduction of some areas of local native vegetation is also encouraged as part of each application.

3) The use of planting areas to provide vegetation corridors, linkages to remnant vegetation or assist to protect remaining cropping/grazing areas on the same property from wind erosion.

4) The use of planting areas to protect or enhance water courses, reduce water logging in affected areas and improvements to an existing situation (such as fencing of watercourses from stock).

5) The identification and protection of any existing local native vegetation.

6) Where commercially possible a mixture of planting species is encouraged even if it is only for a portion of the overall planting area. For example, the predominant planting areas may be Mallee's but a mixture of local native species may be used along a creek line, as a wind break or adjacent to conservation / reserves areas.

Code of Practice for Timber Plantations in Western Australia (as amended)

In accordance with the Scheme Council will have regard for compliance with the Code of Practice for Timber Plantations in WA ('the Code') which sets out goals and guidelines for specific areas, including management plans, planning and design, plantation roads, weed and pest control, waterway protection, drainage, harvesting, fire prevention and control, research and development, safety and investment.

This Policy does not attempt to reiterate all of the requirements in the Codes of Practice however they should be addressed by each applicant.

All plantation applications will be required to meet the minimum standards as outlined in the Code of Practice. All applications will be assessed having regard for the general principles of the Code.

### Fire Management Plans

Fire Management is an important issue which needs to be addressed as part of any new proposal, and applicants need to recognise that the Shire has limited resources when dealing with strategic Fire Management.

In accordance with the Timber Code of Practice a Fire Management Plan (FMP) will be required for all agroforestry and plantation applications.

Historically, there has been some 'generic' Fire Management Plans lodged with plantation applications and some have included information which is not relevant to the site (such as details for eastern states contacts). There is concern that each FMP needs to be written and tailored specifically for the property subject of an application.

As a minimum all Fire Management Plans shall be compiled by a suitable qualified or experienced fire consultant and;

1) Address the Bushfires Act (1954), the FESA Guidelines for Plantation Fire Protection 1998 (as amended)\* and the local government firebreak notices.

2) Generally follow the format of the 'Model Fire Management Plan' contained in the FESA Guidelines however also include;

- A bush fire hazard assessment using the methodology of 'Planning for Bushfire Protection' or detailed analysis of the risk of ignition.
- A fire suppression response examining the ability of the local fire brigade to respond to a fire on the property, having regard for distance, existing available local equipment and the location of on site water supply.
- Outline the owner's responsibilities, neighbour responsibilities, applicant responsibilities and Shire responsibilities.
- Where land is owned by an 'absentee owner', implementation of the fire management plan needs to be addressed.
- Owners may need to consider providing on site water trucks for use in the event of a fire having regard for the property location, and realistic fire suppression response.

3) Include a location/ context plan examining the surrounding land uses and identifying;

- Other existing or approved plantations within the immediate vicinity.
- Any significant surrounding industries or land uses which may impact on fire management such as Rural Industry (hay storage), wood stockpiling, fuel storage etc.



- Identify any residential, rural residential or built up town sites located within one kilometre.
- Identify nearby well vegetated areas or sources which may increase the risk of fire.

4) Include a Fire Management Plan (site plan) addressing the guidelines for 'fire prevention and suppression' contained in the Code and clearly show;

- Compartments and compartment sizes.
- Water supply / points
- Location of any powerlines passing through planting areas or in close proximity to planting areas and / or proposed firebreaks.
- Location of fire breaks. The site plan is to clearly distinguish between boundary firebreaks, strategic firebreaks, compartment breaks, fire breaks along public roads and fire breaks along powerlines using a colour coded legend.
- Turnaround areas for emergency vehicles.
- Location for emergency signage. All signage to be in accordance with the specifications / sizes outlined in 'Planning for Bushfire Protection' – AS 3.4.3(x).
- Emergency access / egress points and internal access ways.
- Existing or proposed gates where firebreaks/emergency accesses intersect with fencing that can accommodate a 3.4 fire appliance.

5) Identify the location of any existing structures and need for low fuel areas. FESA guidelines recommend;

- A 50 metre distance between a planted area any structure
- A further 50 metre pruned area and reduced ground fuel levels for 100 metres.
- These are to be clearly shown in the FMP or on the site plan.

6) Comply with the minimum fire break standards outlined in the existing FESA 'Guidelines for Plantation Fire Protection' which are outlined below;

- (i) 15 metres on the boundary of plantations
- (ii) 6 metres between compartments of up to 30 hectares
- (iii) 10 metres for compartments over 30 hectares
- (iv) 15 metres for firebreaks adjoining public roads
- (v) Fire breaks adjacent to powerlines to meet Western Power specifications.

7) Involve consultation with the relevant authority (such as Department of Environmental and Conservation; Water Corporation, the Shire or the like) where the land is adjacent to a reserve, conservation area or crown land. Fire Management Plans should be independently managed unless there is a formal written agreement from an adjacent reserve owner over issues such as major burning of land outside of the application.

It is recognised that many agroforestry applications are of a substantially smaller scale than plantations; therefore it may be onerous to rigidly apply the same firebreak specifications. The existing FESA Guidelines are orientated towards harvesting plantations and are under review. For any agroforestry application variations to the fire break requirements/widths can be considered if justified in a comprehensive Fire Management Plan.

Where an agroforestry applicant seeks to vary a firebreak width requirement, they should provide an explanation and justification as part of the application. In these cases the Shire will act on the advice of the local Chief Fire Brigade Officer and / or DFES.

\*Note 1: DFES is currently reviewing the Guidelines for Plantation Fire Protection 1998.

#### Water Quality and Buffers to Water Bodies (creek lines)

Adequate buffers are required between any plantation and watercourses on private land where the end use is not for public water supply. Buffers play an important role in maintaining water quality, protecting ecological values of waterways and preventing erosion or sediment movement.

The Timber Code of Practice recognises the need to protect water quality and cites that non planted buffers of 6 metres should be maintained from the edge of a watercourse. A 6 metre buffer is relatively minimal and is not considered adequate. The Timber Code of Practice also refers to the Department of Water's Water Quality Protection note however it is only in reference to public drinking water course areas.

The Department of Water (DoW) has a Water Quality Protection Note on 'Vegetation buffers to sensitive water resources' which recommends the following minimum buffers;

- 50 metres for permanent water or greater ephemeral streams (intermittent) which can be reduced to 30 metres where the landowner uses a combination of practices (multiple contaminant barriers) to protect water quality.
- 30 metres for ephemeral streams and margins of water supply / drainage which can be reduced to 20 metres where the landowner uses a combination of practices (multiple contaminant barriers) to protect water quality.

The types of 'multiple contaminant barriers' listed by DoW include effectively trained operators, regular supervision of activities, quality assured contaminant processes etc. Copies of the DoW note can be obtained on [www.water.wa.gov.au](http://www.water.wa.gov.au)

Council will have regard for the recommended buffers by Department of Water and may refer any applications to DoW for advice where deemed appropriate. Examples of where referrals will occur include;

- 1) Any application proposing a buffer less than the generic 50 metres or 30 metres. This will allow DoW to consider lesser setbacks based on the nature of the watercourse, and any multiple contaminant barriers proposed by the applicant.
- 2) Any application where there is ambiguity on the plans over the exact buffer distances, or that does not clearly comply with the 50 and 30 metre generic buffers respectively.

3) Any application where the nature of the watercourse is unclear and it is considered advice is required from Department for Water for Council to make an informed decision and assessment.

Ultimately Council is the determining authority and can consider lesser buffers where sufficient justification is provided by the applicant. In considering buffers Council will also have regard for;

- The recommendations and advice of the Department of Water.
- Whether the development will result in significant revegetation of creekline using local native species or upgrading of existing vegetation corridors using local species and;
- The creekline and remnant vegetation along a creek is fenced for protection against grazing animals; and
- The applicant demonstrates significant environmental benefits which improve an existing situation such as combating erosion, mitigating salinity, stabilising banks etc. and;
- Whether the proposal substantially improves an existing situation and has an aerial spray application management plan.

#### Plantation Management Plan

The Council requires the preparation of a Plantation Management Plan to accompany applications in accordance with the protocol of the Code of Practice.

Appendix 1 of the Code of Practice provides a detailed description of matters to be addressed so will not be replicated in this policy (e.g. establishment and maintenance plan, fire management plan, weed control, planting details, native vegetation management etc.).

#### The Suitability of the Current and Future Road Systems (for harvesting only)

Council needs to consider the adequacy of the existing road infrastructure to service any future harvest and will require the applicant to outline the preferred haulage routes to be used on public roads as part of the planning application.

In accordance to Appendix 3 of the Code of Practice, a Plantation Harvest Plan is generally produced in accordance with the haulage-management notification.

Council may also require a report on the general pre-condition of the main haulage roads as part of a Plantation Harvest Plan, and payment of a bond to cover any potential road damage.

In considering adequacy of the existing road structure and harvest plan, applicants and the Council shall have regard for any proposed use of Restricted Access Vehicles (larger than 19 metre semi-trailer, 42.5 ton). Main Roads WA has advised that roads not currently permitted for this type of vehicle will be required to be at a standard in conformance to Main Roads 'Guidelines for Assessing the Suitability of Routes for Restricted Access Vehicles' before MRWA can allow access by this type of vehicle.

Any application or Harvesting Plan with land parcels totalling 1000 hectares or greater and located within 10 kilometres of a state controlled road (refer Attachment 1) will be referred to Main Roads WA for comment, prior to determination.

#### Vermin and Weed Control

Council is mindful of the impact of agroforestry and plantation on neighbouring and surrounding property owners in relation to the possible spread of noxious and declared weeds, and invasion of native and feral animals.

The applicant is to prepare in consultation with the Department of Agriculture and Food WA and Department of Environment and Conservation a weed, native and feral animal control plan that will ensure that noxious and declared weeds are effectively managed on the property so that pests, weeds and native or feral animals are not invasive to adjoining properties.

#### Applications – Minimum Requirements

All agroforestry and plantation applications require planning approval under the requirements of the Scheme.

An application checklist has been developed for all agroforestry or plantation applications, and must be lodged with all application forms – Attachment 2.

#### Attachment 1

Plan showing areas where referral to Main Roads WA will be required

(For land parcels totalling 1000 hectares or greater and within 10 kilometres of a state controlled road)

## **Attachment 2**

**Application Form to be lodged  
With the Application Checklist**

**Shire of Moora**  
**APPLICATION CHECKLIST FOR AGROFORESTRY OR PLANTATION APPLICATIONS**

<b>FORMS</b>	<b>Applicant to tick</b>	<b>Office Use Only</b>														
<p>A formal application must be lodged and signed by;</p> <p>1. The owner of the land as registered on the Certificate of Title.</p> <p>2. If the land is owned by a company, then it needs a minimum of one Director signature and company seal (if a sole Director); or a minimum of 2 Director signatures.</p>	<p>1. <input type="checkbox"/></p> <p><b>OR</b></p> <p>2. <input type="checkbox"/></p>	<input type="checkbox"/>														
<b>CERTIFICATE OF TITLE</b>	<b>Applicant to tick</b>															
<p>If there are any encumbrances registered on the Certificate of Title, then a copy of the Certificate of Title must be lodged with the Form 1 application. Encumbrances may include conservation covenants, easements, rights of carriageway, and reciprocal rights of access, caveats and notifications. Titles can be obtained from Landgate.</p>	<input type="checkbox"/>															
<b>PLANNING APPLICATION FEES (IN ADDITION TO BUILDING APPLICATION FEES)</b>	<b>Applicant to tick</b>	<b>Office Use Only</b>														
<table border="0"> <thead> <tr> <th><i>Estimated Cost</i></th> <th><i>Planning Fee</i></th> </tr> </thead> <tbody> <tr> <td>Not more than \$50,000.....</td> <td>\$132.00</td> </tr> <tr> <td>More than \$50,000 but not more than \$500,000.....</td> <td>\$0.30% of estimated cost of development</td> </tr> <tr> <td>More than \$500,000 but not more than \$2.5 million.....</td> <td>\$1500+0.24% for every \$1 in excess of \$500,000</td> </tr> <tr> <td>More than \$2.5 million but not more than \$5 million .....</td> <td>\$6300+0.20% for every \$1 in excess of \$2.5 million</td> </tr> <tr> <td>More than \$5 million but not more than \$21.5 million .....</td> <td>\$11300+0.12% for every \$1 in excess of \$5 million</td> </tr> <tr> <td>More than \$21.5 million.....</td> <td>\$31,100</td> </tr> </tbody> </table>	<i>Estimated Cost</i>	<i>Planning Fee</i>	Not more than \$50,000.....	\$132.00	More than \$50,000 but not more than \$500,000.....	\$0.30% of estimated cost of development	More than \$500,000 but not more than \$2.5 million.....	\$1500+0.24% for every \$1 in excess of \$500,000	More than \$2.5 million but not more than \$5 million .....	\$6300+0.20% for every \$1 in excess of \$2.5 million	More than \$5 million but not more than \$21.5 million .....	\$11300+0.12% for every \$1 in excess of \$5 million	More than \$21.5 million.....	\$31,100	<input type="checkbox"/>	<input type="checkbox"/>
<i>Estimated Cost</i>	<i>Planning Fee</i>															
Not more than \$50,000.....	\$132.00															
More than \$50,000 but not more than \$500,000.....	\$0.30% of estimated cost of development															
More than \$500,000 but not more than \$2.5 million.....	\$1500+0.24% for every \$1 in excess of \$500,000															
More than \$2.5 million but not more than \$5 million .....	\$6300+0.20% for every \$1 in excess of \$2.5 million															
More than \$5 million but not more than \$21.5 million .....	\$11300+0.12% for every \$1 in excess of \$5 million															
More than \$21.5 million.....	\$31,100															

**PLAN REQUIREMENTS**

<b>LOCATION / CONTEXT PLAN (Applicant to tick Left Hand side boxes)</b>	<b>Office Use Only</b>
<p>Four (4) copies of a location plan which clearly shows;</p> <p><input type="checkbox"/> The boundaries of all lots included in the application with an overlay of the existing lot number.</p> <p><input type="checkbox"/> If the lot is used in combination with other lots as one farm operation, then the plan should outline the whole farm boundary and the written submission should list all the lots included in the farm.</p> <p><input type="checkbox"/> All existing roads abutting the lot and the names of the roads.</p> <p><input type="checkbox"/> A north point.</p>	

<input type="checkbox"/> Identification of any major landuses such as airstrips, rural industries, residential, townsites within 1 kilometre, other plantations or any commercial landuses that are sensitive to fertiliser application.	
--	--

<b>FOUR COPIES OF AN A3 SITE PLAN</b>	<b>Applicant to tick</b>	<b>Office Use Only</b>
Four (4) copies of a site plan drawn to scale. All plans to be a minimum of A3 size.	<input type="checkbox"/>	<input type="checkbox"/>
If the lot(s) contain any water feature then the plan must include Clear dimensions / setbacks between plantation areas and creekline, swamps or watercourses. This can be an enlargement detail on the plan.	<input type="checkbox"/>	<input type="checkbox"/>

<b>SITE PLAN REQUIREMENTS – DETAILS TO BE SHOWN ON THE SITE PLAN</b> <b>(Applicant to tick Left Hand side boxes)</b>	<b>Office Use Only</b>
<p>The site plan is to show;</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> The boundaries of all lots included in the application with an overlay of the existing lot number.</li> <li><input type="checkbox"/> If the lot is used in combination with other lots as one farm operation, then this should be reflected on the plan or explained in the written submission.</li> <li><input type="checkbox"/> The dimension of each lot boundary to be clearly marked in metres.</li> <li><input type="checkbox"/> The site plan to clearly show all existing roads abutting the lot and the names of the roads.</li> <li><input type="checkbox"/> A north point.</li> <li><input type="checkbox"/> Contours at such intervals to adequately depict the landform of the area overlaid on aerial photography. A separate contour plan can be lodged if they will be difficult to read on a combined map.</li> <li><input type="checkbox"/> Existing physical features such as rock outcrops, watercourses etc.</li> <li><input type="checkbox"/> All existing trees or groups of trees with a clear indication of retention or proposed clearing.</li> <li><input type="checkbox"/> The location and type of all existing structures such as dwellings and sheds (and clearly marked 'existing' or 'to be removed').</li> <li><input type="checkbox"/> An indication of the different existing agricultural pursuits operating on the land (e.g. Existing grazing area to be retained – 500 cattle, existing olive tree plantation to be retained – 100 trees). If this cannot be shown on the plan it should be explained in the written information.</li> <li><input type="checkbox"/> Existing and proposed driveway location and all proposed internal access ways. (must show trafficable access to water points, turnaround bay for fire access and gates for firebreaks crossing any fencing)</li> <li><input type="checkbox"/> Existing and proposed crossovers.</li> <li><input type="checkbox"/> All proposed compartments are to be clearly numbered on the plan with a legend listing the total planting area in each compartment. The plans to</li> </ul>	

clearly show the form of planting (i.e. block or belts).	
<input type="checkbox"/> All existing dams, watercourses, main drainage lines or areas subject to inundation.	

## WRITTEN INFORMATION

DETAILED SUBMISSION	Applicant to tick	Office Use Only
<p>A detailed written submission or covering letter in support of the proposed application. The detailed submission should include information on;</p> <p><input type="checkbox"/> Description of existing agricultural activities conducted on the land, explanation of how the proposed planting areas have been selected and details on how the application complements continued agricultural activities.</p> <p><input type="checkbox"/> Address the objectives of the Shires Town Planning Scheme applicable to Rural zoned land.</p> <p><input type="checkbox"/> Explanation of how the application complies with the Shires Local Planning Policy and the Code of Practice for Timber Plantations in WA</p> <p><input type="checkbox"/> If proposing any variation to the Policy, Code of Practice or FESA Guidelines, detail the proposed variation and explain why the Shire should support a variation / provide justification.</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p><input type="checkbox"/> A detailed land capability report (only for proposals to develop a whole farm or substantial portion of a farm) or sufficient information such as photographs, soil analysis / mapping, water analysis etc.</p> <p><b>OR</b></p> <p><input type="checkbox"/> A report by a suitably qualified farm management consultant demonstrating why the land is preferred for plantation as opposed to ongoing agricultural uses. This should be accompanied by soil analysis / mapping.</p> <p><b>This is not relevant for applications which comply with the Shires Local Planning Policy and integrate plantings with agricultural uses.</b></p>	<p><input type="checkbox"/> Yes</p> <p><b>OR</b></p> <p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> N/A Incidental Use</p>	<p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p>



<b>DETAILED SUBMISSION</b>	<b>Applicant to tick</b>	<b>Office Use Only</b>
<input type="checkbox"/> A Plantation Management Plan that complies with Appendix I of the Code of Practice for Timber Plantations in WA (e.g. establishment and maintenance plan, fire management plan, weed control, planting details, native vegetation management etc.).	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> A Plantation Harvest Plan including a clear map of the preferred haulage route. If harvesting is proposed as a long term option, then submission of a harvesting plan may be included as a condition at Councils discretion.	<input type="checkbox"/>	<input type="checkbox"/>

<b>Photographs of the site (Optional)</b>	<b>Applicant to tick</b>	<b>Office Use Only</b>
<p>General photographs of the existing agricultural areas, proposed planting areas, main access in and water sources for fire fighting.</p> <p>Whilst photographs are optional they assist in the assessment of the application and provide a visual image of the property. Photographs also assist Councillors to gain a visual understanding of the property as site inspections to each lot are not feasible.</p> <p><b>Applications are dealt with in the date order that they are submitted, however generally it is easier to assess an application which includes photographs.</b></p>	<input type="checkbox"/>	<input type="checkbox"/>

If an application is lodged which is incomplete, the application will be placed on hold and additional information requested in writing.

Please lodge this checklist with your application. Applications lodged without a checklist may be returned to the applicant.

_____ <b>Name of person who completed checklist</b>	_____ <b>Date</b>
_____ <b>Name of Council Officer who certified the checklist complete</b>	_____ <b>Date</b>



## **Relocated Buildings**

### **Purpose**

Local Planning Policies are guidelines used to assist the local government in making decisions under the Scheme. The Scheme prevails should there be any conflict between this Policy and the Scheme.

### **Scope**

A Local Planning Policy is not part of the Scheme and does not bind the local government in respect of any application for planning approval but the local government is to have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its determination.

### **Objective**

- 1) To ensure the relocated building presentation is of an acceptable standard to that of the locality.
- 2) To ensure that any relocated buildings does not detract from an existing (or reasonably desired) streetscape.
- 3) To enable the local government to retain such monies (bonds) to ensure the desired standard of development is achieved.

### **Policy Statement**

### **Definitions**

- 1) For the purposes of this policy a “Relocated Building” means a dwelling or outbuilding that has been previously constructed/located on a different property yet has the ability to be dismantled in whole (or in part) for the purpose of being transported and sited on another property.
- 2) A purpose designed, new transportable building (e.g. a “kit home”) is not considered a relocated building when first being located on a lot. Subsequent moving of the building is subject to this policy.

### **Location**

In general, relocated buildings are not considered appropriate in the “Urban Precinct” areas of the Town Planning Scheme as they would be contrary to the objectives of those areas. In addition, in newly created subdivisions, it is often the case that design guidelines are attached to the sale of the land which may prohibit the placement of a relocated building on the property. The onus is on the applicant to source this information if this is the case, as the local government does not administer these types of guidelines.

### **Cladding**

All external asbestos cladding shall be removed from the relocated building prior to it being transported, and (unless specific approval is given otherwise) be replaced with new material.

## Conditions

Buildings that are relocated are often in poor condition and as such the local government may impose conditions to ensure the building presentation is of an acceptable standard to enhance the streetscape appearance. Such conditions may include (but are not limited to) the following:

- 1) need for additional setbacks over and above the prescribed minimum and the need for screening/landscaping;
- 2) a bond/bank guarantee and legal agreement to ensure the external appearance of the relocated building has completed to the approval of the local government;
- 3) the space between the ground level and the floor level being suitably enclosed; and
- 4) the roof and/or walls being clad of non-reflective materials and be consistent or complimentary in colour with the surrounding natural landscape features or desired streetscape.

## Bonds/Guarantees

Prior to the issue of any building licence for a relocated building the local government shall require the lodging of

- 1) a bond amount equivalent to 20% of the estimated value of the approved works to be undertaken to ensure the building presentation is of an acceptable standard, with a minimum amount of \$5,000 for residential houses;
- 2) a bond amount equivalent to 10% of the estimated value of the approved works to be undertaken to ensure the building presentation is of an acceptable standard, with a minimum amount of \$1,000 for other buildings (such as sheds or the like); and
- 3) a legal agreement stating that the bond will be forfeited if the approved works are not carried out within the approved timeframe.

## Application Requirements

- 1) Photographs will need to be submitted that clearly illustrate the in-situ condition and appearance of the entire building (all sides and roof).
- 2) Clear and concise details of proposed works to be undertaken to ensure the relocated building presentation is of an acceptable standard to that of the locality. This will generally include elevations of the proposed finished works.
- 3) A clear timeframe for the completion of the above works, with such time frame to be as short as practicable and a maximum of 12 months.
- 4) Any other additional information required to demonstrate that the building will be aesthetically acceptable and comply with the objectives of this policy.

## Consultation

The local government may choose to advertise an application should it be concerned at the appearance or proposed location of the relocated dwelling.

## **Advertising Devices**

### **Purpose**

The purpose of this Policy is to ensure that the display of advertisements within the Shire of Moora does not adversely impact on the amenity of surrounding land while providing appropriate exposure for businesses, activities or services.

For the purposes of this Policy, the erection, placement and display of any advertisement (other than an exempted advertisement) and the use of land, buildings or vehicles for that purpose is classed as development requiring the approval of Council.

The erection, placement and display of any proposed hoardings or advertising structures, on or in the vicinity of a State road, will also require approval in accordance with the Main Roads Act 1930, in addition to the approval required by Council.

This Policy should be read in conjunction with “Shire of Moora Local Government Property Local Law” and the “Shire of Moora Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law”, both made pursuant to the Local Government Act 1995.

### **Objective**

- To enable businesses and community groups to effectively advertise goods, services and events in a way that safeguards the visual amenity of the district and meets the safety and amenity needs of the general public.
- To ensure that the display of advertisements does not adversely impact on the amenity of surrounding land;
- To avoid a proliferation of signs on individual sites and buildings;
- To improve the streetscape of major roads;
- Encourage the rationalisation of advertising signs on individual premises;
- Encourage the consideration of advertising signs as part of the design of buildings;
- To ensure that signs are not discriminatory or offensive; and
- To provide valuable information for travellers and tourists that will be easily understood while ensuring the safety of all road users is maintained.

### **Sign types not listed**

If a Sign Type or a particular advertisement sign is not mentioned in this Policy or the Scheme, then the sign shall be assessed on its individual merits in accordance with the objectives of the Shire of Moora’s Local Planning Scheme.

## Exempt signs

An exempt sign for the purpose of this Policy is:

- 1) any sign which is classified as exempt under Schedule 5 of Local Planning Scheme;
- 2) any sign which is the subject of an existing approval made prior to the date of effect of this Policy;
- 3) any advertisement affixed to or painted on a shop window by the occupier of the shop and relating to the business carried on in the shop;
- 4) any sign within a building;
- 5) any building name sign on residential flats or home units which has a single line of letters not exceeding 300mm in height, fixed to the facade of the building;
- 6) any newspaper poster;
- 7) one freestanding sign. The sign is to be placed or erected only to direct attention to a place, activity or event during the hours of that activity or event.

A SIGN placed on or in front of a property advertising the sale or lease of a building, property or business, providing;

- the aggregate area of such onsite signage does not exceed 3m<sup>2</sup> in area;
- the signage is contained within the property boundary, unless in the instance that the sign will be substantially obstructed, in which case the sign can be located on the road reserve providing it does not obstruct public visibility or access; and
- the signage does not protrude above surrounding elements of the landscape.
- a flag sign associated with a commercial property, where;
- the aggregate area of surfaces that provide advertising is 0.2m<sup>2</sup> per 1m of street frontage of the subject tenancy (max aggregate area of 2m<sup>2</sup>);
- minimum ground clearance of 2.4m
- maximum height is less than 3m above ground level; and
- project less than 0.6m from the façade of building.

- 8) a banner used for a temporary period

## Policy Statement

### Standards common to all signs

All signage within the Shire of Moora must consider the following general requirements.

### Design and Amenity

- 1) A sign shall be designed and located so as to not significantly obstruct or impede all or part of a view of a river, or other place or feature which in Council's opinion is of significance to the district.
- 2) Every sign attached to buildings shall be incorporated into the architectural features of the building in placement, style, proportions, materials and finish and shall be designed, constructed, finished, installed and professionally maintained.
- 3) The design, number or variety of signs within an area shall not be injurious to the amenity or natural beauty of the locality.
- 4) All signs shall be simple and provide for instant recognition.
- 5) A sign shall not contain any discriminatory or offensive material.
- 6) All signs shall have sign writing, design work, lettering and colouring carried out in a professional and competent manner.
- 7) Materials of construction and placement should bear consideration of long term maintenance and repairs.
- 8) All signs shall be maintained in good order and clean condition.
- 9) Every sign shall be designed to utilise colour schemes and materials that fit in with the overall style of the surrounding development and/or precinct. (size, placement / location and style)

#### Safety

A sign shall:

- 1) be securely fixed to the structure by which it is supported, without affecting the stability of the building or structure to which it is affixed. Alternatively, a sign must be designed such that it maintains structural integrity in its own right;
- 2) be structurally sound and capable of withstanding any forces to which it would be reasonably subjected to without collapsing, deforming or moving from the position on which it was erected or displayed.
- 3) Be constructed and erected to the satisfaction of the Shire of Moora
- 4) not obstruct the passage of or so as to create a hazard for vehicles or pedestrians;
- 5) not be located such that it obscures or is likely to be confused with traffic signals or signs;
- 6) not obstruct access to or from any door, fire escape or window;
- 7) not be constructed of readily combustible material including but not limited to paper, cardboard or cloth, except in the case of posters securely affixed to a signboard or other structure.

#### Siting

- 1) Unless expressly permitted within this policy, signs shall not be supported on private land that is not associated with the goods and services advertised on the sign.
- 2) Unless expressly permitted within this policy, permanent signs shall not be located on land that is zoned or used for residential purposes.

#### Content

Every sign will be limited to the following content:

- 1) the name of the occupier;
- 2) the business carried on in the premises;
- 3) the occupier's telephone number, web or email address
- 4) a description of the goods sold or offered for sale in the premises to which the sign is affixed or to which it relates;
- 5) graphics relating directly to the effective advertising of the business, product or event; and
- 6) any other matter specifically approved by the Shire.

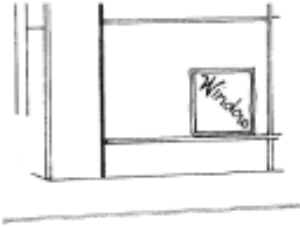
Council reserves the right to refuse any sign in which the content of the advertisement:

- 1) could harm or cause detriment to the State;
- 2) make reference to a product which is unsafe, or is otherwise unsuitable to be referred to in the advertisement;
- 3) contains confusing, misleading, political, religious, offensive or objectionable information; and
- 4) would breach any provision of the Trade Practices Act or any other State or Commonwealth legislation.

## Requirements for particular signs

### Bill / Fly Posting

(Shopfront Window)



#### **DEFINITION:**

An advertisement affixed to, or painted on a shop window by the occupier of the shop that relates to the business carried on in the shop. (any sign within a building)

#### **REQUIREMENTS:**

Shall not Cover more than 50% of the glazed area of any one window or exceed 10.0m<sup>2</sup> in area in aggregate per tenancy per lot.

#### **APPLICATION:**

Exempted from planning approval providing it complies with the requirements.

### Bunting



#### **DEFINITION:**

A thin strip of plastic or material used for decorative purposes or to highlight a location.

#### **REQUIREMENTS:**

Not encouraged as device creates visual clutter.

Approvals will be on a temporary basis, no longer than 4 weeks in a 3 month period to ensure the objectives of this policy are achieved; objective 2 of this policy and 1.1.3 of the policy statement.

#### **APPLICATION:**

Requires Planning Approval (Council approval)

Note: In the application an overall signage plan has to be submitted explaining its benefit for the business and justification for the use of this sign.

## Development Sign



### DEFINITION:

A sign to facilitate the sale, auction or leasing of a group of housing or building sites

### REQUIREMENTS:

- a) Shall not exceed 32m<sup>2</sup> in area;
- b) Displayed at the entrance to the subdivision and not remote from the lots being sold unless special approval is granted by Council; and
- c) Shall be removed within 2 years from the date of approval or when 80% of lots have been sold, whichever is the sooner, unless Council approval has been granted for a longer period.

### APPLICATION:

Requires Planning Approval (Under Delegation of the Manager of Development Services)

## Flag Sign (B)



### REQUIREMENTS:

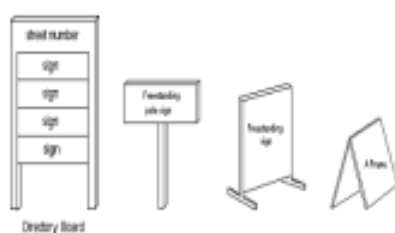
- a) Max 2 flag poles per lot (where not considered superfluous or unnecessary);
- b) Max height of 6m;
- c) Each flag no greater than 4.0sqm (with a pole of a size to satisfactorily support the flag under all conditions).

### APPLICATION:

Requires planning approval (Under Delegation of the Manager of Planning)

## Freestanding Signs

(Inc. A – frame, pole sign, board directory)



### DEFINITION:

A portable sign that is displayed on a sign structure that is mounted on the ground on one or more supports.

### REQUIREMENTS:

- a) Max 1m in height;
- b) Max area of 1m<sup>2</sup> on each side;
- c) Erected immediately adjacent to building or business sign relates;
- d) Removed each day at close of business and erected next trading day.

### APPLICATION:

Exempted from planning approval providing it complies with the requirements.



## Hoarding



### **DEFINITION:**

Detached or detachable structure other than a pylon sign that is erected for the sole purpose of displaying a sign or signs and includes a poster panel or an illuminated panel.

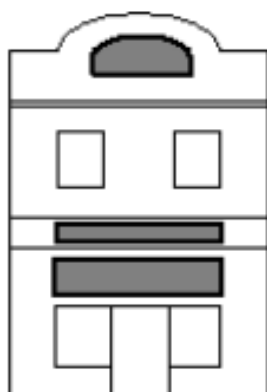
### **REQUIREMENTS:**

The applicant is required to provide adequate justification for the use of a hoarding sign. Refer to Appendix I.

### **APPLICATION:**

Requires Planning Approval (Council approval).

## Horizontal Sign



### **DEFINITION:**

A sign fixed parallel to the wall of a building to which it is attached and with its largest dimensions being horizontal.

### **REQUIREMENTS:**

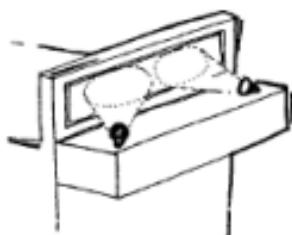
- a) To be fixed parallel to the wall of the building to which it is attached;
- b) not project more than 150mm from the wall to which it is attached;
- c) afford a minimum headway of 2.27m where the sign projects more than 12mm into pedestrian thoroughfare;
- d) not exceed 5m<sup>2</sup> in area; and
- e) conforms to the following table:

Min distance of sign above street	Max depth of sign
Less than 7.5m	600mm
7.5m to 9m	750mm
9m to 12m	1,000mm

### **APPLICATION:**

Requires Planning Approval (Under Delegation of the Manager of Planning).

## Illuminated Sign



### **DEFINITION:**

A sign which can be lighted either from within or without the sign by artificial light provided, or mainly provided for that purpose and which does not emit a flashing light.

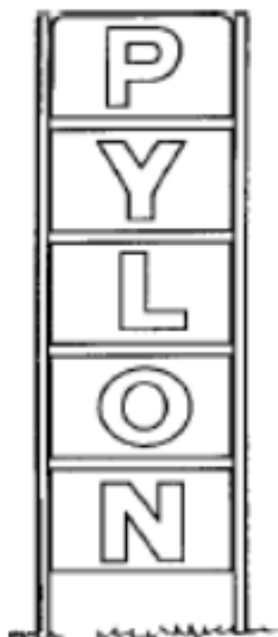
### **REQUIREMENTS:**

- a) be constructed entirely of non-flammable materials;
- b) be maintained to operate as an illuminated sign;
- c) not be displayed where may be confused with or mistaken for the stop or tail light of a vehicle;
- d) no encouraged to be of flashing, pulsating, chasing or running lights; and
- e) Use a low level of illumination.

### **APPLICATION:**

Requires Planning Approval (Council Approval).

## Pole or Pylon Sign



### **DEFINITION:**

A sign supported by one or more piers and not attached to a building and includes a detached sign framework supported by one or more piers to which sign infills may be added.

### **REQUIREMENTS:**

- a) Max 6m above the level of the ground immediately below it;
- b) Not exceed 4m<sup>2</sup> in area unless approved by the Shire;
- c) Be supported on one or more piers or columns of brick, stone, concrete, timber or steel of sufficient size and strength to support the sign under all conditions;
- d) Not within 2m of side boundaries of the lot on which is it erected unless the lot abuts an intersecting street or right-of-way, where the Shire may authorise the erection of the sign at a distance less than 2m;
- e) Not be within 6m of another sign erected on the same lot;

Where pylon signs are to be erected on a lot on which a factory tenement building or small shops are erected or are to be erected the Shire may require all pylon signs to be incorporated into one sign in which case:

- a) All of the constituent or infill signs are of an equal size; and
- b) One constituent or infill sign is provided for each business, shop or unit on the lot.

### **APPLICATION:**

Requires Planning Approval (Council Approval).

## Roof Sign



### **DEFINITION:**

An advertising sign which is fixed to or painted on a fascia, or to the roof itself, or which forms part of a projection above the eaves, or ceiling of the subject building.

### **REQUIREMENTS:**

A roof sign shall comply with the following table:

Height of building where sign is to be fixed	Maximum height of sign
4m and under 5m	1,250mm
5m and under 6m	1,800mm
6m and under 12m	3,000mm

### **APPLICATION:**

Requires Planning Approval (Under Delegation of the Manager of Planning).

## Rural Producer Sign

### **DEFINITION:**

A sign erected on land zoned rural under the Local Planning Scheme indicating the products grown, reared or produced on the property.

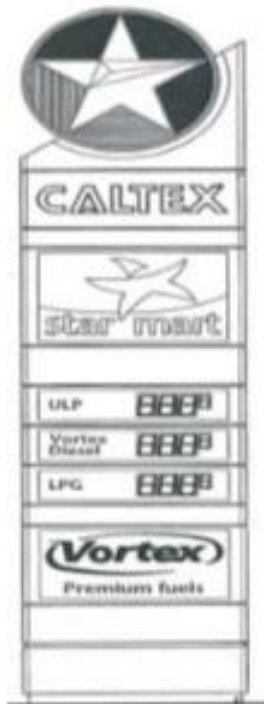
### **REQUIREMENTS:**

- Not indicate or display any matter otherwise than for the purpose of indicating the products grown, reared or produced on the property on which the sign is erected;
- Be erected within the boundaries of the property; and
- Not exceed 2m<sup>2</sup> in area.

### **APPLICATION:**

Requires Planning Approval (Under Delegation of the Manager of Planning).

## Service Station Sign



### **DEFINITION:**

A sign or signs used solely for the purpose of advertising the price of petrol, diesel, gas or other fuels and products sold from the premises.

### **REQUIREMENTS:**

The following types of business identification signs will be permitted for service stations:

- i. Fascia signs;
  - ii. Top hamper signs;
  - iii. A pole / pylon sign;
  - iv. A wall sign; and
  - v. Entry / Exit signage.
1. Only one (1) pole / pylon sign permitted along the public road frontage;
    - a. Max height shall be 8 metres for sites located within a townsite;
    - b. Max height for sites within rural zone shall be 2 metres;
  2. The face of the pole / pylon sign should include a display of the current price of fuel for the service station operation.

### **APPLICATION:**

Planning Approval Required (Under Delegation of the Manager of Planning).

*Note: a service station sign application is to be submitted as part of an overall sign strategy for the site. Refer to Appendix 1*

## Signs on Fences

### **DEFINITION:**

Any advertising painted or attached to a fence of a property.

### **REQUIREMENTS:**

Signs on fences shall not be permitted, except in designated industrial areas.

Free standing signs adjacent to the fence line are permitted elsewhere.

### **APPLICATION**

Requires Planning Approval (Under Delegated Authority of the Manager of Planning).

## Signs on Vehicles



### **DEFINITION:**

An advertising sign which is applied to, or attached to, or placed on a vehicle. This excludes sign writing on the side of a registered vehicle and/or any form of advertising that does not alter the shape of the vehicle body and/or the advertisement on the vehicle relates to the registered business of which the vehicle owner operates.

### **REQUIREMENTS:**

No permitted to park on any thoroughfare (other than within an approved car park) without a Shire permit.

Display signs shall:

- a) Have no moving parts;
- b) Have a maximum vertical or horizontal dimensions of 2.0m; and
- c) Limited to a maximum of one sign per street frontage on any one lot.

**APPLICATION:**

Exempted from planning approval providing it complies with the requirements

**Tethered Signs**



**DEFINITION:**

Advertising sign which is suspended from, or tethered (tied) to any structure, or tree or pole (with or without supporting framework) and made of paper, plastic, fabric or of similar material. The term includes lighter than air aerial devices, inflatables, bunting, banners, flags and kites.

**REQUIREMENTS:**

Not encouraged as device creates visual clutter.

Approvals will be on a temporary basis, no longer than 4 weeks in a 3 month period to ensure the objectives of this policy are achieved; objective 2 of this policy and 1.1.3 of the policy statement.

**APPLICATION:**

Requires Planning Approval (Council approval)

Note: In the application an overall signage plan has to be submitted explaining its benefit for the business and justification for the use of this sign.

**Verandah Signs**

(Awning)



**DEFINITION:**

An advertising sign fixed to the outer or return fascia of an awning or verandah associated with a commercial building, and includes signs on blinds, sunshades and similar structures.

**REQUIREMENTS:**

- a) only one such sign per street frontage of the subject tenancy;
- b) It has an area of 0.4m<sup>2</sup> per 1m of street frontage of the subject tenancy (max are of 10m<sup>2</sup>); and
- c) Is contained within the width of the building.

**APPLICATION:**

Exempted from planning approval providing it complies with the requirements.

## Remote Advertising

- 1) Council will generally not support remote advertising or advance warning signs (other than a service or tourist sign), as this may lead to an undesirable precedent and proliferation of signage to the detriment of the amenity of the Shire.
- 2) All signage within road reserves must be co-located to maintain the visual amenity of the area.
- 3) All signage within road reserves shall be assessed in accordance with the proposed sign type requirements and clause 1 and 2 of this policy.

Should any conflict arise between the provisions of the Shire of Moora's 'Activities on Thoroughfares and Trading in Thoroughfares and Public Places' Local Law, then the local law is to prevail.

## Signage within Road Reserves inside Moora Townsite

- 1) Notwithstanding any provisions in this policy, no signage other than that erected by the Shire of Moora is to be approved within the road reserve on Robert's Street, Gardiner Street, Tootra Street, Dandaragan Street and part of Berkshire Valley Road and Dandaragan Road inside the 50k/h and 60k/h speed limit zones.
- 2) The Shire may provide signage of varying sizes and charge fees for the inclusion of advertisements in such signs.
- 3) The Shire is responsible for the approval, installation and routine maintenance of these signs. In all cases the Shire retains ownership of the signs and the right to relocate, modify or remove them as necessary.
- 4) Signage will be required to be co-located by the Shire and therefore any further advertisements may be required to use existing signage infrastructure.

## Signage within Road Reserves outside Moora Townsite, Watheroo Townsite and Miling Townsite

- 1) Council may consider a planning application for a development sign (given that the development is within close proximity to the sign), a sign advertising a tourist attraction, community association or not for profit organisation on properties, buildings or reserves that are not directly related to that sign outside the 50km/hr and 60km/hr speed zones in Moora, Watheroo and Miling in the following circumstances:

Where the proponent can prove to Council that there is a need from an economic view to have such a sign or advertising;

Where the sign falls within the definition of 'Special Events Sign', and will be only placed on the property, buildings or reserves for the period that the special event is being run; and

In any other situations that Council sees fit.

- 2) Applicants are advised that signage within Road Reserves may require the dual approval of Council and Main Roads WA. In most instances Main Roads WA require the approval of

Council before an application for signage can be considered. The requirement for Main Roads WA approval is only a requirement on roads under the care, control and responsibility of Main Roads WA.

3) Council in considering applications may have regard to Main Roads WA Guidelines 'Guide to the Management of Roadside Advertising'.

#### Signage Register

Council will maintain a register of approved signs on Public Land.

#### Sign Liability

1) Council takes no responsibility for any damage to, theft of or claims arising from a sign within the road reserve.

2) It is the applicant's responsibility to ensure that a private sign on the road reserve is insured against any claims arising from the public.

3) Where a sign / advertisement will be placed in, or overhang, a public place or street, the owner of the property / applicant will be required where appropriate, to provide a public liability insurance policy indemnifying the Shire against all actions, suits, claims, damages, losses and expenses made against or incurred by the Shire arising from the approval. The applicant and/or landowner may be required by the Shire to –

- take out a public liability insurance policy in the name of the owner or applicant and the Shire, for a minimum value of \$10 million or such other amount as considered appropriate to the risk involved;
- keep that insurance policy current for the duration of the approval; include a clause in the policy which prevents the policy from being cancelled without the written consent of the Shire;
- include a clause in the public liability insurance policy, which requires the owner or applicant and the insurance company, to advise the Shire if the policy lapses, is cancelled or is no longer in operation;
- on the request of an authorised person, provide for the inspection of a certificate of currency for the required insurance policy.

#### Variations of Standards

1) All proposals that do not conform to the standards prescribed in this policy and the applicable Local Planning Scheme shall be referred to the Council for determination.

2) If it is established to the satisfaction of the Council that a particular standard or provision contained within this Policy is unreasonable or undesirable in the particular circumstances of the case, the Council may at its discretion, vary the standard or provision.

3) The Council may only vary a standard or provisions where it is satisfied that:

- Approval of the variation will not set an undesirable precedent;



- The applicant demonstrates exceptional circumstances warranting support for a variation;
- Approval of the application is in accordance with variations to site and development

requirements contained within the Shire of Moora's Local Planning Scheme (Section 5.6).

4) Any request by an applicant to vary a standard within the Scheme or this policy shall cause the Council to require a sign strategy to be developed and submitted by the applicant as part of the submission.

### Signage Strategy

1) A "signage strategy" means an overall plan of the whole of the subject site showing the location and size of all advertisement signs proposed for the site, as well as the outline of any buildings, car parking areas, vehicular access points to the site, etc. Any existing signs must also be included on the plan and clearly delineated.

2) All subsequent applications for an advertisement sign on the subject lot must be in accordance with the approved sign strategy. If not, a new sign strategy will be required by Council.

### Control of Advertisement Signs

1) The erection, placement or display of advertisements signs and the use of land or buildings for that purpose requires the prior approval of the Council (except where the advertisement signs are exempted as outlined in this policy).

2) An application for planning approval shall be accompanied by a duly completed 'Additional Information for Advertisements', as set out in Schedule 7 of the Shire of Moora's Local Planning Scheme.

- Any signs, with the exception of exempted advertisements outlined in this policy, erected on a property or reserve prior to obtaining a formal planning approval would be in breach of the Shire of Moora's Local Planning Scheme.
- With exception to requirements provided for in this policy, an approval granted pursuant to this policy remains valid until an alteration is proposed to be made to the structure or area of the sign in respect of which an approval has been issued and in such event the applicant shall apply for a new planning approval.
- The Council may impose any conditions it thinks fit to an approval pursuant to this policy.

## Sea Containers

### Background

In recent years, there has been an increased use of sea containers for storage within the Shire. Sea containers can serve a useful purpose as they are a cheap and secure method of storing goods. However, they have the potential to adversely affect the amenity of an area being more industrial in character and often poorly located and maintained.



## Purpose

The purpose of this policy is to provide guidance for landowners, developers and Council as to where sea containers are acceptable within the Shire.

## Policy Basis

Clause 8.7 of the Shire of Moora Town Planning Scheme No.4 ('the Scheme') provides for the preparation of Local Planning Policies. This Policy has been prepared in accordance with the Scheme.

The Policy does not bind the local government in respect of any application for development approval but the local government is to have due regard to the provisions of this Policy and the objectives which the Policy is designed to achieve before making its determination.

## Scheme Requirements

A 'Sea Container' is considered to be a 'Transported Building' and requires the Planning Approval of Council under clause 4.7 of the Scheme.

Whilst sea containers are 'transported buildings', the terms of this policy apply exclusively to sea containers used for storage purposes (Class 10A Building) and Local Planning Policy 'Shire of Moora Relocated Buildings' does not apply.

Clause 4.7.1 & 4.7.2 of the Scheme deals with matters Council will consider regarding the appearance of buildings when dealing with applications for planning approval in respect to any building.

A sea container is development and is not exempted from planning approval under clause 8.7 (b) of the Scheme as it is considered to be a transported building.

Clause 7.5 of the Scheme outlines general matters that Council can take into consideration when assessing any application.

This policy expands on and complements the existing Scheme requirements.

## Policy Statement

This policy applies to all land zoned within the Shire of Moora with the exception of the 'General Agriculture' zone. The policy is aimed at controlling the impact of sea containers used for storage purposes on the amenity of the town-sites within the Shire of Moora.

## Objectives

The objectives of this policy are as follows:

To establish clear guidelines for the placement of sea containers used for storage purposes within the Shire;

To ensure that any sea container does not detract from an existing (or reasonably desired) streetscape;

To achieve a balance between providing for the legitimate need for sea containers as an affordable and secure storage option, and minimising any adverse impacts on neighbours, streetscape, a neighbourhood or locality, amenity or the Shire as a whole.

To set out minimum standards and requirements for applications to place sea containers on land within the Scheme area.

## Requirements

### Temporary storage of materials on a building site

In all zones, a sea container may be placed on a property to store building materials while construction of a house or commercial building is being carried out on the property, without requiring town planning approval or a building licence. A sea container must not be placed on the property prior to the issue of a building licence and must be removed immediately upon completion of construction or expiry of the building licence.

### Approval Requirements

Planning approval is required for all sea containers used for storage purposes in the Residential, Rural Residential, Rural Small Holding Zone Town Centre, Rural Townsite, Industrial and Light Industrial Zones.

### Location Requirements

All sea containers are to be located in the following manner:

- i) Located at the rear of the property and suitably screened and/or fenced from the road frontage and neighbouring properties;
- ii) Shall be screened by landscaping, fencing or other means acceptable to Council, to ensure that storage areas are not exposed to view from nearby roads or other public places. If the container cannot be placed so as to be generally concealed from the street then the Shire will require the installation of screening to a minimum height equal to that of the container.
- iii) The normal Scheme setback requirements for the zone are applicable.

### General Conditions and Requirements

Sea containers proposed for habitation are to be assessed against LPP – Relocated Buildings and are to be modified to meet the requirements of the Building Code of Australia. Once a sea container is modified to a habitable standard it is no longer considered to be a 'sea container' for the purposes of this Policy.

A maximum of one (1) sea container will be permitted per property in the "Rural Residential" and "Residential Zones.

Sea containers shall not to be located over septic tanks, leach drains or utilities.

Sea containers shall be located on a flat, compacted area to the satisfaction of the Shire of Moora Building Surveyor or Manager Development services.

Sea containers shall be adequately ventilated to the satisfaction of the Shire of Moora.

The sea container must be in good repair with no visible rust marks, a uniform colour to compliment the building to which it is ancillary and be appropriately screened (vegetation or otherwise), where considered necessary by Council.

The placement of any sea container in non-conformity with this policy may result in enforcement action being taken by the Shire that could involve removal and impoundment of the sea container at the cost to the landowner.

The Council reserves the right to rescind a planning approval and instruct a landowner to remove a sea container from land in the district if any or all of the conditions stipulated in this Policy are not carried out to the satisfaction of the Shire of Moora.

#### Application Requirements

An application is required for Planning Scheme Consent prior to siting a sea container on a property, and the following details shall be submitted:

- a) A completed Application for Planning Consent and payment of the appropriate fee.
- b) A scaled site plan showing the proposed location of the sea container and detailing setbacks to boundaries. The site plan shall also include other buildings, access ways, watercourses and vegetation on the property.
- c) The proposed size and use of the sea container.
- d) Evidence by photos that the sea container will be adequately screened from view and shall not be easily seen from nearby roads, other public places, or adjoining properties.

#### Advice to Applicant

A sea container is regarded as a building by the Building Code of Australia and therefore a building licence is required prior to the placement of the sea container.

## **SECTION 2**

### **STAFF**

#### **2.1 19 Day Month**

That the principles for operation of a 38 hour week / 19 day month be as follows--

1. RDO arrangements shall apply to ASU, MEU and LGIA staff
2. One RDO shall apply in every four-week period. RDO is achieved by working 8 hours a day for 19 days (i.e., 152 hours work equivalent to 4 weeks x 38 hours).
3. The pool manager is excluded from the RDO arrangements due to the nature of his work.
4. The CEO and Acting CEO will not take any rostered days off while the CEO is on annual leave.
5. 13 rostered days off per year will be allocated. Annual leave is to be 20 days, including one of the rostered days off. (Effectively reducing RDO's to 12 per year).
6. Hours of Duty (Admin staff)

Commence	8.00am
Finish	5.00pm
Lunch	60 min
Length of Day	8 hours

(Full RDO document held by CEO and issued to newly appointed staff)

#### **2.2 Service Pay Scheme**

The arrangements for the service pay scheme are as under -

This is based on sliding scale with the maximum of \$37.50 per week being paid after five years service as under.

1. Service pay would be paid in addition to existing wages / salary currently paid i.e., in addition to any over-award, machine bonus etc.
2. After the completion of -

ONE YEAR SERVICE - additional per week	\$ 7.50
TWO YEARS SERVICE - additional per week	\$15.00
THREE YEARS SERVICE - additional per week	\$22.50
FOUR YEARS SERVICE - additional per week	\$30.00
FIVE YEARS SERVICE - additional per week	\$37.50
3. Maximum service pay - per week \$37.50

4. For part time officers the service pay is rounded off to the nearest 1/4 and paid accordingly i.e., a 1/2 time officer would receive \$3.75 increment as against a full time officer receiving \$7.50.

This scheme does not apply to casual employees.

### **2.3 Sick Pay Bonus Scheme**

This operates as under, and applies to the Shire of Moora Municipal Employees Union Collective Agreement 2008 staff and Council's Caretakers.

Council will pay up to 5 days untaken sick leave at Christmas each year. These 5 days are the first 5 days due each year. The first 5 days sick leave taken will be deducted from the 5 days Council will pay. So a person who has taken no sick days gets 5 days paid, a person who has taken one sick day gets 4 days paid, a person who has taken five sick days gets no days paid.

This scheme will not affect an employee's entitlement to sick leave under any award.

### **2.4 Relocation & Removal Expenses**

That the policy relating to removal assistance for newly appointed Senior staff is as follows:-

1. An amount of \$10,000 or 50% of the actual, whichever is the lesser, be paid towards the costs of relocation & removal expenses on the following basis – 50% on arrival and 50% after 1 year service.
2. Relocation expenses to be refunded in full if the Officer leaves of their own accord within the first 12 months.

### **2.5 Corporate Wardrobe**

#### **CORPORATE UNIFORM SCHEME - GUIDELINES**

1. A 'Corporate Wardrobe' subsidy will only be available to permanent full time, part time and contracted officers, after a qualifying period of 3 months for new employees.
2. Contributions by Council will be up to a maximum of \$500 per year per employee by Council for replacement/new items. Any cost above this will be met by the employee.
3. Staff transferring to another Local Authority or terminating with Council will be required to repay any outstanding balance of their contribution upon termination through a payroll deduction, but will not be required to reimburse Council any portion of its contribution.
4. Staff transferring from another Local Authority and already having corporate wardrobe clothing will be provided with a top-up issue at the discretion of the CEO in accordance with Clause 2.

5. Staff should make every endeavour to maintain the corporate clothing in a clean and tidy condition and to wear such clothing as a complete outfit and not mix with personal clothing.
6. Staff shall not wear the uniform other than for work related purposes. These guidelines may vary at the discretion of Chief Executive Officer.

## **2.6 Long Service Recognition**

That to recognise long serving staff:-

An appropriate gift is presented to long serving staff in Council's employ on the following basis, and that the presentation is at a suitable function attended by full Council.

- 10 years service \$250
- 20 years service \$500
- 30 years service \$1,000
- 40 years service \$2,000

## **2.8 Staff Rental Conditions**

That the following terms and conditions apply to housing premises made available on a rental basis by Council.

1. Garden, surrounds and yard to be maintained to a good standard and the building to be kept clean to normal standard.
2. Council will pay for utility costs in accordance with relevant employment contracts/conditions.
3. 4 weeks bond at market rental value shall be paid by the employee upon commencement of employment and retained in Council's Trust Fund to cover any damage to the residence required on the vacation of the premises.
4. Occupation of the residence to cease at any time employment with the Council ceases.
5. On vacating the premises the carpets are to be cleaned by a professional carpet cleaner at the cost of the employee and a copy of receipt provided to Human Resources.
6. Gutters to be kept free of leaves and debris.
7. Council reserves the right to inspect the residence at reasonable times. (See also Policy 8.2)

## **2.9 Transport for Workmen**

1. Within a 10 kilometre radius of Moora start and finish at the depot in Council time.
2. Between 10-24 kilometre radius travel to and from the job in a Council provided vehicle in employee's time for which each person is paid 1/2hour extra per day.
3. Between 24-40 kilometre radiuses, with the same arrangement as above each employee is paid 1 hour per day travelling.
4. Beyond 40 kilometre radius is by arrangement. In past times this has resulted in employees being paid up to 1 1/2hours (in total) per day for travelling.

5. The person driving the vehicle gets paid overtime rates. The employees being transported get paid standard time. Driving is on a rotational basis.



## **2.14 Telephones - staff**

Council identifies that there will be occasions where Senior Officers make and receive telephone calls from their private residence. In recognising this and the expectation that the officers will respond positively to the concerns of the public concerns or an emergency. Council has the following policy:-

1. That telephones be installed at residences occupied by the Senior Officers and Operations Supervisor.
2. That the official positions and telephone numbers of the above officers be listed in the telephone book under Shire of Moora.
3. Officers covered under this policy will be entitled to reimbursement for the telephone rental, service and maintenance charges and the cost of the first \$25.00 of telephone calls made each month.
4. Telephones installed in staff housing owned by the Shire of Moora will be transferred into the name of the Shire of Moora upon the officer vacating the residence to remove the associated connection fees. The officer will remain liable for any cost in excess of the amounts reimbursable under this policy.
5. All telephones in staff residences currently billed to the Shire of Moora are transferred into the Officers name.

## **2.15 Gratuity Payments - Section 5.50 of the Act**

The Act reads -

- 5.50 (1) A local government is to prepare a policy in relation to employees whose employment with the local government is finishing, setting out;
- (a) The circumstances in which the local government will pay an employee an amount in addition to any amount to which the employee is entitled under a contract of employment or award relating to the employee- and
  - (b) The manner of assessment of the additional amount, and cause local public notice to be given in relation to the policy.
- (2) A local government may make a payment -
- (a) To an employee whose employment with the local government is finishing; and
  - (b) that is more than the additional amount set out in the policy prepared by the local government under subsection (1),

But local public notice is to be given in relation to the payment made."

That for the purpose of Section 5.50 (1) of the Act, the following approximate amounts be spent on presentations made to employees who retire or resign after a period of satisfactory service of;

5 years	\$ 250
10 years	\$ 500
15 years	\$ 750
20 years	\$1,000
25 years	\$1,250
30 years	\$1,500
35 years	\$1,750
40 years	\$2,000
45 years	\$2,500

## **2.16 Loan/Use of Council Plant/Equipment by Staff Members**

(See Policy 4.10)

## **2.17 Leave Management – Annual & Long Service**

This policy applies to all employees who are employed on a full time or part time basis, but does not apply to employees employed on a casual basis.

1. All employees shall take annual leave in the year which it is accrued unless deferral has been arranged through their line manager and been approved by the CEO.
2. All employees shall take long service leave within three years of the date it becomes due unless deferral has been arranged and approved by the CEO.

#### Reimbursement of Fees

1. An employee who undertakes an approved course of study may apply to the Chief Executive Officer to have compulsory fees (other than for supplementary examinations and late enrolment or late entry fees) reimbursed after completion of the semester/term.
2. Employees shall provide as much notice as possible to their Line Manager when seeking leave of any type.
3. Emergency Service, study leave and jury leave shall be paid normal rates from the time of absent from work to the total of ordinary time usually worked in that day, but not including time in excess of ordinary working hours, weekends or public holiday rates.
4. Emergency service, jury and study leave does not accrue.

### **2.18 Council Employees – Own Housing**

Council provides a \$500 annual allowance on rates to full time employees (pro rata for part time employees) who own and live in their own home in the Shire of Moora.

Only one allowance per residence to apply where there is more than one employee living in the same home.

### **2.19 Council Employees – Accommodation Allowance**

Council provides an accommodation allowance of \$10 per week to all employees who own and live in their homes within the Shire of Moora.

Only one allowance per residence to apply where there is more than one employee living in the same home.

### **2.20 Council Employees – Admission to Moora Swimming Pool**

That Council offers each employee who holds a permanent position at the start of the pool season a non-transferable, non-redeemable family/adult pass for the Moora Swimming Pool.

### **2.21 Council Employees – Shire owned Gym Membership**

That Council offers each employee the opportunity to become a member of the Shire owned 'Moora Health & Fitness' at no cost.

# **SECTION 3**

## **COUNCIL MEMBERS / MEETINGS**

### **3.1 Presentation to Retired / retiring Councillors**

#### **Purpose**

To establish appropriate guidelines for the purchase of gifts for retiring Councillors leaving council's service as a gesture of appreciation for dedicated service.

#### **Policy**

1. The Shire of Moora will only pay a gratuity to those councillors whose service to the shire is finishing and have completed at least one 4 year term (or a continuous 4 year period).
2. A certificate of appreciation;
3. The gratuity may be in cash or as a gift.
4. In special circumstances, the council may consider it appropriate to make a payment greater than that specified by this policy; in which case local public notice is required to be given in relation to the proposed gratuity in accordance with the Local Government Act s.5.50(2)
5. The exercise of this policy is at the sole discretion of the council.
6. The gratuity will be set annually as part of the fees and charges considerations.

#### **Councillors Gratuity**

Per year of service:	\$100
Maximum	\$1,000

### **3.5 Media**

1. Staff and Councillors are encouraged to undertake relevant training in the use of the media.
2. Staff and Councillors are encouraged to meet regularly and develop relationships with local press and radio media personnel.
3. Staff responsible for their areas of work have first responsibility for drafting press releases or media statements.
4. All press releases drafted by staff are to be sanctioned by the Chief Executive Officer and authorised by the Shire President prior to release.
5. Copies of all press releases or media statements will be kept in the Shire Press Release Register.
6. Councillors will only comment in the media on the portfolios they hold and after consultation with the Shire President.
7. All press Releases by Councillors or staff are to be listed on Councils website.

# **SECTION 4**

## **WORKS AND PLANT**

### **4.1 Farm Drainage**

That Council's Policy on farm drainage within the rural area of the Shire, as under be adopted.

It is the responsibility of a land owner to advise the Shire of any earthworks near or adjacent to a gazetted road such that a water hazard could arise due to an increased flow of water.

Where such earthworks are likely to create the need for one or more culverts or floodways to alleviate water hazard, Council will only permit the construction of those earthworks provided:-

1. That such earthworks have been designed as part of an overall plan under the auspices of the appropriate Land Conservation District group involved,
2. Written consent is received by the Shire Office from the owner of the land down stream including his willingness to accept water that may cross the road as a result of such earthworks;
3. The upstream land holder agrees to meet all costs associated with the provision of the materials for and the construction of such floodways or culverts as the Council shall deem to be necessary;
4. Construction of the culverts or floodways is carried out to an approved design, at Council's convenience, and if by the landowner, under Council's supervision.

### **4.2 Crossover Policy**

#### **Statutory Obligations:**

The legislation that governs crossovers or crossings from a public thoroughfare to private land or a private thoroughfare is:

- Local Government Act 1995, Schedule 9.1 (7)
- Local Government (Uniform Local Provisions) Regulation 1996, Sections 12,13,14,15 and 16.

The legislation describes requirements to construct or repair crossovers and Council's contribution (subsidy) towards the cost of crossovers. Copies are available from Council.

#### **Objectives:**

To provide a set of criteria by which to assess requests for the construction of new and upgrading of existing crossovers across the shire.

**Standards of crossings:****Rural Crossover – Maximum Specification**

Maximum width of 7.32 metres x 5 metres, provision of 375mm drainage pipe and headwalls. Material finish shall be bound gravel.

**Townsite Residential Crossover – Maximum Specification**

Maximum width of 5.0 metres x 5 metres;

Constructed with a cross fall back towards the road and with the finished surface flush with adjacent road carriageway;

Finished surface shall be approved with the agreement of Council. A standard surface shall be of composition to provide a hard trafficable surface that is not hazardous to pedestrians;

Council's maximum standard contribution is based upon a finished surface of concrete.

**Townsite Commercial Crossover – Maximum Specification**

Maximum width of 6.5metres x 5.0 metres;

Constructed with a cross fall back towards the road and with the finished surface flush with adjacent road carriageway;

Finished surface shall be approved with the agreement of Council. A standard surface shall be of composition to provide a hard trafficable surface that is not hazardous to pedestrians;

Council's maximum standard contribution is based upon a finished surface of concrete.

**Policy Limitations:**

Council will only contribute to one crossing per property;

That the 50% calculation of the Council subsidy toward the cost of the standard crossing shall be in accordance with the quantity calculation adopted by Council annually and listed in its fees and charges schedule detailing Councils maximum standard contribution;

Crossing subsidy cannot be applied for retrospectively.

Crossings subsidies are not relevant to renewal or upgrading of existing cross overs.

**Legislative Requirements:**

Local Government (Uniform Local Provisions) Regulation 1996

**Financial Parameters:**

Standard Installation Cost of which Landowner must pay half as per current fees and charges

Non Standard Installation – Cost less Council contribution.

Council will contribute up to half with a maximum of \$360.00

**4.3 Plant****I. Replacement of Council light fleet motor vehicles**

That quotations be sought from local car dealers Rumbold Ford-Nissan and Lewis Motors, for the replacement of Council light fleet vehicles. Management shall ensure that base pricing is in accordance with the State Government Light Fleet Vehicle Pricing.

2. Council shall review its light vehicle replacement program annually to ensure it fits within the parameters of Councils Long Term Financial Plan and Asset Management Plan.
3. Tenders for the Replacement of Plant

That Council make recommendations relating to the calling of tenders for the replacement of budgeted plant and road building material for value greater than \$150,000 (as per tender guidelines) at a time that is suitable to the finances of Council. Council shall review its plant and equipment replacement program annually to ensure it fits within the parameters of Councils Long Term Financial Plan and Asset Management Plan.

#### **4.4 Wildflower Picking**

That Council's Policy of Wildflower Picking be as under:-

##### **Shire Road Works**

- I. Native flora to be preserved wherever practicable.

##### **Fire Control and Clearing and Spraying**

- I. Council to discourage the indiscriminate spraying/ploughing and burning of fire breaks outside the boundary line.
2. No clearing on road reserve without approval from Council. Any persons wishing to clear the road reserve adjacent to their property should first make application to Council for permission to do so.

##### **Picking**

- I. No picking of blooms or seeds to be permitted on any road verge under the control of the Council or any reserves in or under the control of Council, without Council permission.

(Note- Uniform Local Provisions Regulation 5 provides:

##### **Disturbing local government land or anything on it**

- I. A person who, without lawful authority -
  - (a) interferes with the soil of, or anything on, land that is local government property; or
  - (b) takes anything from land that is local government property, commits an offence the penalty for which is a fine of \$1,000)



## 4.5 Brick Paved Footpaths

That the policy of Council be that where the upgrading of footpaths in the commercial area in Moora become necessary any new surface be in brick paving.

### Footpaths

#### OBJECTIVE

To provide for the effective management of the Shire's town footpath network including:

- The provision of universal access for pedestrians along all streets and public spaces in the Shire in accordance with the Disability Discrimination Act where possible and financially feasible.
- Ensuring that footpaths are designed and constructed in accordance with Australian Standards and the relevant industry best practice
- The provision of footpaths that are safe to use and conducive to the streetscape environment
- Supporting the Shire's dual use footpath strategy to encourage walking cycling in the townsites through the provision of a safe interconnected network linking community facilities
- To provide safe temporary passage for pedestrians whilst footpath construction or upgrading works are in progress

#### LEGISLATIVE FRAMEWORK

The following legislation applies to requirements for access and inclusion:

- Commonwealth Disability Discrimination Act (1992)
- Disability Services Act of WA (1993, amended 2004)
- Building Codes of Australia
- WA Equal Opportunities Act (1984, amended 1988)

In order to comply with this legislation the Shire of Moora developed a Disability Service Plan 2012 – 2017.

#### DECISION MAKER

Chief Executive Officer

#### DELEGATION OF DECISION-MAKING

The Manager of Engineering Services has delegated responsibility to implement this policy

#### POLICY

##### 1. Background

This policy applies to all areas in and outside the Central Business District. The Central Business District is defined as Town Centre in Councils Town Planning Scheme

**See Appendix C**

##### 2. Relevant Standards & Guidelines

In general, the following standards and guidelines have been considered in establishing this policy:

- **AS 1428.1** Design for access and mobility: General requirements for access – New building work
- **AS 1428.1** Enhanced and additional requirements – buildings & facilities
- **AS 1428.3** Requirements for children and adolescents with physical disabilities

- **AS 1428.4** Tactile ground surface indicators for the orientation of people with a vision impairment
- **AS 3661.1** Slip resistance of pedestrian surfaces
- **AS 3727** Guide to Engineering Practice – Part 13 – Pedestrians
- **Austrroads** Guide to Engineering Practice – Part 14 – Bicycles
- **Liveable Neighbourhoods** – A WA Government Sustainable Cities Initiative
- **Utility Providers Code of Practice**
- **Utility Providers** Restoration and Reinstatement Specifications

**NB.** Definitions used within this policy are in accordance with the protocols used in *Austrroads – Guide to Traffic Engineering Practice Part 13* and *Australian Standards*

### 3. Footpath Construction

Where reasonably practicable on the grounds of sustainability and physical space, footpaths are to be constructed on both sides of the street. If they meet the following circumstances:

- Where the road is designated as local, district or primary distributor
- Where a footpath is needed on both sides to provide for safe universal access to schools, community centres, local centres, public facilities and public open spaces
- Where a footpath currently exists on both sides of the street

Any maintenance or upgrade works should also be carried out to the footpath on both sides of the road at the same time if required and dependant on the hazard identification rating priority list.

Ideally, a footpath should be provided on at least one side of all local access streets throughout the municipality in order to enable universal access. Where a footpath exists on both sides of the street, at least one footpath (preferably both) must comply with the universal access requirements as laid out in AS 1428 and current disability access legislation.

**Exceptions** – Footpaths may be omitted from one side of the street where:

- There is no development fronting the part of the street
- Topography or vegetation precludes provision for a footpath (i.e. tree avenues, power poles)
- Vehicle speeds are low – less than 40km/h
- Future traffic volumes will be less than 300vpd
- Where the street does not connect or contain land uses which generate high levels of pedestrian activity

Footpaths are to be continuous and connected across roads via kerb ramps and break in median islands where they exist. Footpath design and location should be considered in terms of linkages to public facilities requiring pedestrian's access including schools, bus stops, post boxes and public telephones. Consideration is to be given to issues related to stormwater drainage, e.g. Avoiding the positioning of gully grates in front of pram ramps.

Footpaths should be free of obstructions wherever possible. Poles and planting should be located in the verge area, unless pre-existing within the footpath alignment and relocation cannot be achieved. Street furniture must be located in a widened section of footpath and out of the direction of the trafficable walkway.

Where obstructions cannot be removed they should be contained within a consistent line for the benefit of visually impaired pedestrians.

Ideally, the minimum clearance from obstructions along the footpath should be 1200mm to ensure universal access is maintained.

Where possible, footpaths are to be constructed to ensure they are clearly differentiated from non accessible areas such as roadways, car parks or wide crossovers. This is to be achieved by using a different surface treatment and a clearly defined edge.

In order to minimise maintenance requirements, where a narrow strip of soft verge (nature strip) less than 500mm wide exists on either side of the footpath, this strip shall be sealed with a hard surface (pavers, concrete, etc.). For the same reasons, footpaths in roads under the management and care of Main Roads Western Australia shall be negotiated with Main Roads WA regarding its width and ongoing maintenance.

#### 4. Temporary Pathways

A safe passage of movement is to be provided where footpaths are obstructed as a result of public or private construction works. This may be achieved in the following ways:

- In accordance with Main Roads Traffic Management at Roadworks guidelines and Australian Standards 1742.3
- Where possible, temporary is to be constructed in accordance with the access requirements contained within this policy, including the provision of continuous and level routes, kerb ramps and minimum clearances

Adequate warning regarding any obstruction must be provided.

#### 5. Tactile Ground Surface Indicators – (TGSI)

Tactile pavement markers are to be installed on new kerb ramps and median island crossings at the following locations:

- Local centres, shopping precincts, community centres and adjacent to seniors residential centres, schools and colleges
- On all major routes leading to these centres

Retrospective installations will occur where a request has been made by a member of the community and budget allocation allowance.

Tactile indicators are to be accurately aligned to direction of travel for pedestrians, and not aligned with the adjacent kerb paving pattern.

Tactile indicators should be installed in a contrasting colour to the adjacent footpath.

#### 6. Vehicle Crossovers

Crossovers are to be installed in accordance with council policy “4.2 Entries to Properties” which sets out the funding and construction arrangements.

#### 7. Technical

Technical Notes and specifications should be prepared as appropriate to provide specific design and construction requirements for the following elements within the scope of a project:

- Kerb
- Pedestrian kerb ramps
- Vehicle crossover
- Service Pit covers

- Drainages grates & pits if within the footpath
- Tree pits and garden beds
- Existing trees within the verge area
- Development assessments
- Heritage

#### 8. Footpath standards for Moora CBD

Street Type	Criteria	Recommended Material
Special use local centres	High volume and frequency of pedestrian traffic The need to present a differing product and high quality presentation for special areas	To be designed as part of a Local Centre master plan and may include: <ul style="list-style-type: none"> <li>• High quality pavers</li> </ul>
Residential Streets	Provide a connecting network of footpaths consistent with use	<ul style="list-style-type: none"> <li>• In-situ concrete brush finish</li> </ul>
Cycle Routes	Meet the requirements of the Shire of Moora Bicycle Network Strategy Plan	<ul style="list-style-type: none"> <li>• Ideally 2500mm – 3000mm wide in-situ concrete – brush surface finish</li> <li>• Minimum 1800mm wide</li> <li>• Asphalt – where already existing</li> </ul>
Parks & Recreation	Pedestrian volumes and types Park character – to enhance a special feature within the park	<ul style="list-style-type: none"> <li>• In-situ concrete with brush surfaced finish</li> </ul>
Development Sites	Non standards materials – approval is subject to individual project assessments. An appropriate maintenance and material replacement bond, an agreed maintenance and auditing programs will need to be provided and Differential or Specified Area Rates will apply	

## 9. Intervention Levels

Footpaths are condition rated, a risk and deterioration based assessment. Where the condition rating of a footpath falls between 6 and 10 on the ten point footpath condition rating scale, it will be placed on the Planned Replacement Programme

**See Appendix B for the Condition Rating Scale**

## 10. Specified Precincts

For areas where there are narrow streets and footpaths in place, a holistic approach is taken. An area may be mapped out and designated as a Specified Precinct, and disability access provisions are made for the one route running North to South, and one route running East to West. The remainder of the narrow pathways can be kept or renewed in their current form as appropriate, and so as to be sympathetic to the surroundings.

## **Appendix A**      Heritage considerations

This Appendix is specifically designed for suburban streets or areas where heritage considerations may apply, particularly within the Central Business District.

An assessment will be conducted noting:

- Number of places listed on the Municipal Heritage Inventory
- Whether any other aspects of the visual setting exist, such as bulk, form, character, colour etc.
- Whether any characteristics consistent with the heritage setting exist such as trees, kerbing or wide verges

Based on the above criteria, a recommendation will be made in regards to the footpath width and footpath materials.

Only new footpath replacement projects will be considered under the Heritage Considerations (Appendix A).

Existing concrete footpaths will not be replaced unless they have been identified for replacement in accordance with the priorities outlined in the footpath replacement program.

Where a heritage street section has been identified then one side of the street may still contain a footpath with a minimum width of 1500mm. the other side may be constructed at 1200mm as identified by the criteria.

## Heritage Considerations (Appendix A) – Footpath Assessment Form

Street Name: \_\_\_\_\_ Direction \_\_\_\_\_  
(Direction – North/South/East/West)

Between: \_\_\_\_\_ & \_\_\_\_\_

1. Are more than 50% of the properties within the street section listed on the Municipal Heritage Inventory?  
YES ☐ NO ☐
2. Describe any other aspects of the visual setting such as siting, bulk, form, scale, character, colour, texture and materials that support the features listed on the Municipal Heritage Inventory

---

---

---

---

3. Describe any other characteristics that are consistent with the heritage setting such as trees, kerbing and wide verges

---

---

---

---

I have inspected the footpath on \_\_\_\_\_ and have ascertained that the criteria **IS / IS NOT** consistent for the Heritage considerations for the purpose of upgrading the footpath. The footpath treatment (based on the Suburban Footpath Policy) for this street section is: \_\_\_\_\_

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

Print Name: \_\_\_\_\_

## Appendix B

### Footpath Condition Rating Scale

Status	Grading			Description
<b>Monitor</b>	0%	<b>0</b>	<b>New</b>	New footpath installed, or recent rehabilitated to new condition
	10%	<b>1</b>	<b>Near New</b>	Near new footpath, with no observed defects. Footpath designed to meet current standards, well maintained, no maintenance required. Often moved to Condition 1 status based upon the time since construction, rather than observed condition decline
	20%	<b>2</b>	<b>Excellent</b>	Excellent footpath, only very slight condition decline visible, but obvious that the asset is no longer in new condition
	30%	<b>3</b>	<b>Very Good</b>	Very Good footpath, but with some early signs of deterioration evident. Deterioration to footpath still very minor in nature and causing no serviceability problems. Designed to current standards
	40%	<b>4</b>	<b>Good</b>	Good overall footpath condition but with some obvious deterioration evident, slight impairment to serviceability
	50%	<b>5</b>	<b>Fair</b>	Fair overall condition of footpath, but with obvious deterioration and some loss to serviceability
<b>Replacement Programme</b>	60%	<b>6</b>	<b>Fair to Poor</b>	Fair to poor overall condition, with obvious deterioration, affecting the serviceability of the footpath. Maintenance cost increasing
	70%	<b>7</b>	<b>Poor</b>	Poor overall condition, severe deterioration starting to limit the serviceability of the footpath, with high maintenance costs
	80%	<b>8</b>	<b>Very Poor</b>	Very Poor overall condition with serviceability being heavily impacted upon by the poor condition. Maintenance costs are very high, and the footpath needs rehabilitation
	90%	<b>9</b>	<b>Extremely Poor</b>	Extremely Poor overall condition, with severe serviceability problems, footpath requires immediate rehabilitation. Could be a risk if it remains in service
	100%	<b>10</b>	<b>Failed</b>	An asset that has Failed, is no longer serviceable and should not remain in service. There would be an extreme risk in leaving the footpath in service

#### **4.6 Donations of Work to Organisations**

1. Council plant and equipment may be used by sporting organisations and other local non - profit organisations/clubs at the discretion of the CEO, free of charge, including fuel, outside normal working hours where the plant and a Council operator are available. The borrowers are required to arrange remuneration of the operator if required (Council is making the plant available which must be operated by a Council operator while the plant is being made available)
2. the value of the Council in-kind donation of plant (plant hire) be accounted for in the usual way and charged to donations.

#### **4.8 Council's Heavy Transport Vehicle Policy**

Council's Policy which allows various heavy vehicle configurations to travel on designated roads is detailed as under -

The conditions as under form part of the policy

1. The Main Roads issues permits in accordance with this Policy, which means that the contractor/owner does not have to contact the Shire Office.
2. Adjoining landowners to excluded roads may apply to Council for one-off approval to cart to or away from their property.
3. Should heavy seasonal activity or weather conditions cause damage to occur to a Council road then Council retains the right to temporarily remove that road from the list of approved roads.
4. Local vehicles requiring a MRWA permit are allowed access from the contractor's (Moora) depot to the permitted heavy vehicle route by the shortest practical route provided that such access is a bitumen road not less than 6.5 metres wide.



5. The route through Moora for vehicles requiring a MRWA permit must be via Clinch Street from Gardiner Street to Roberts Street, Roberts Street from Clinch Street to Dandaragan Street, Tootra Street to Gardiner Street.
6. Roads on which vehicles requiring a MRWA permit are not allowed to travel are those designated 'light traffic only' i.e., Madgingarra Road, Berkshire Valley Road.  
NOTE: Applicable from 16 July, 1997.

#### **4.9 Use of Council Plant at Fires**

1. Requests for assistance and instructions can only come from the Fire Control Officer in charge of the fire.
2. Front end loaders and graders (which are not licensed to be driven on the road after sundown) can only be used for fire control during daylight hours.
3. Loaders and graders (which are machines with hydraulic controls) can only be used in open paddock situations which mean they cannot be driven into rocky, hilly bushland.
4. Shire water tankers must be parked in a safe area and used only for back up water supplies.
5. An operator has the right to refuse any instructions, which he feels would put himself and his machine at risk. Each machine shall be accompanied by a fire fighting unit when on the fire ground cutting breaks or carrying out other fire mitigation works.

#### **4.10 Loan/Use of Council Plant/Equipment by Staff Members**

1. No right exists for staff to borrow or use Council plant or equipment for non-Council or personal use.
2. On occasions it may be possible for Council to assist an employee by making an item of Council equipment available for a limited period for personal or community pursuits or purposes.
3. Use of any item of Council equipment for any non-Council activity without proper authority is not to occur.
4. Any such arrangement must be made through the Council Officer responsible for that item of equipment. This does not imply that every request will be granted. The authority and discretion in relation to making any item of equipment available rests with the officer in charge of that item of equipment.
5. Compliance with this direction by all staff members is essential.

# **SECTION 5**

## **HEALTH**

### **5.1 Food Sampling Policy**

THAT the Food Sampling Policy be adopted as under-

1. In cases where foreign objects are discovered in the food the proprietor be given one warning, with all other cases of foreign objects being found in that premise's manufactured food resulting in automatic prosecution under the Health Act.
2. In all cases when an analyst's report indicates that meat (or other food) is substandard the owner or occupier of the food premises be given one warning with all future cases of substandard foods being subject to prosecution.
3. That a Register be kept recording all foreign objects found in food and all substandard food samples.

### **5.2 Sewer Connection Policy**

That where a septic tank system or leach drain serving a property within the Moora Sewerage Area is in the opinion of the Manager Development Services defective or unable to handle the sewage produced on the property the owner be required to connect to the sewer forthwith.

#### **Introduction/Background**

Wastewater in the Moora Township is managed, treated and disposed of by Shire of Moora (SOM), in accordance to legislation. The Moora sewerage system consists of a combination of old and new assets with some dating back to the 1970's. The Shire of Moora operates and maintains its system of Pumping Stations, gravity mains and pressure mains; sewerage collection ponds and Reuse scheme. The Shire OF Moora will ensure that its dealings with the public are open and transparent. It is therefore required that a policy must be designed to manage and protect these essential assets and to comply with best practise management guidelines to ensure a high level of service for Moora residents.

Connecting to the reticulated sewerage system can reduce environmental and health risks to the community as they create less diffuse pollution of soils, ground waters and surface waterways than on-site septic systems particularly as Moora Townsite has a history of being flood prone. This policy will outline Council's steps towards maintaining its sewerage system at optimal conditions in order to provide high standard services. It will also provide alternative options for accessing to our services, in order to satisfy the needs of the whole community of the Townsite of Moora.

## **Our commitment to service**

The SOM has a duty to provide a sewerage service to the community and will provide its service in a manner, which is fair, courteous and timely – with a focus on consultation with our customers, respecting your rights, and meeting your reasonable expectations.

### **Service we provide**

The SOM will use its best endeavors to provide a service to collect, treat and dispose of domestic sewage discharged from each customers' property to the SOM sewer system. In addition, the Shire of Moora shall provide other services on terms agreed upon between the customer and the SOM.

The areas of operation of the Shire of Moora sewer scheme are as follows:

- Lots serviced by reticulated sewer mains in the town site of Moora. The area of operation of the Shire of Moora is as indicated on Office of Water Regulation Plan Number OWR-OA-058/2 (B), as issued by the Economic Regulation Authority. The plan is available for inspection at the Office of the Economic Regulation Authority Level 6, 197 St Georges Terrace Perth and the Shire of Moora Administration Offices 34 Padbury Street Moora.

## **How to contact us**

### Account and General Enquiries (including application for connections)

Postal Address: PO Box 211, Moora WA 6510

Office Hours: 8.00am to 4.30pm

Telephone number: (08) 9651 0000

Facsimile number: (08) 9651 1722

Sewerage Maintenance Supervisor (08) 9651 0088 – To report a sewerage blockage.

Contact officer: Manager Development Services

Email: [mds@moora.wa.gov.au](mailto:mds@moora.wa.gov.au)

## **Faults and Emergency assistance**

The Shire of Moora maintains a 24-hour emergency service for emergency events, such as an overflow from a sewer. The fault reporting and emergency customer service telephone number is (08) 9651 0088.

Note: Blockages and faults which occur inside the property line and before the connection point are the responsibility of the landowner/occupier of the property.

## **Purpose/Objectives/Contact Details & Methods of Payment**

Shire of Moora's policy objectives are:

- To protect Public Health
- To guarantee that appropriate and reliable sewerage services are properly looked after, maintained and provided in order to protect the health and amenity of our shire residents.
- To provide the basic requirements for connections applicable to residential dwellings and subdivisions, as well as commercial and industrial buildings.

- To ensure that appropriate sewerage main connection and/or sewerage bacteriolytic disposal requirements as approved by the WA Health Department are put in place to all properties in the shire.

### **Your rights to industrial and commercial wastewater service**

Industrial and commercial wastewater may be accepted for discharge to the SOM's wastewater system subject to compliance with the SOM requirements. An agreement with a customer for industrial and wastewater services to be provided by the SOM shall be documented in an industrial waste permit issued by the SOM.

### **Your rights in relation to sewage spills**

If a sewer overflow occurs on your property due to failure of the Shire of Moora's sewer scheme, representatives of the SOM shall be on site as soon as possible and within two hours of being notified. Action shall be taken to restore the service, clean up the affected area and minimize any damage or inconvenience.

### **Your rights to consultation and information**

The SOM is committed to involving its customers in issues relating to its programmes and services. Community involvement in the SOM's service planning and decision making processes will be sought through forums such as focus groups, customer surveys, and displays at local functions. The SOM will use local media bulletins to advise customers of any system change that may result in significant variation in its service levels.

The SOM will publish, and make available at its premises, information on matters relating to its wastewater services and on other aspects such as charging and complaints handling. Information regarding these matters can be obtained from the SOM's business office at 34 Padbury Street Moora.

The SOM's representatives will provide identification, their name and section when engaged in business discussions with customers.

### **Your rights to assistance, redress and compensation**

If the SOM's activities have caused damage to your property or disruption to you, such as a sewer overflow, the SOM shall deal with the matter in a fair and business-like manner, whether or not a complaint is received. The SOM may rectify damage and, as necessary and reasonable, compensate you subject to any relevant Act.

### **Charges and accounts**

Statements of account for outstanding charges are issued on a regular basis. In addition the SOM shall supply additional statements of account on request and a fee is charged for this service.

Utility service availability and other charges are made against the owner of the land to which services are available or supplied and are the responsibility of the property owner. A property owner is responsible for payment of the charges set by the SOM as applicable to the property.

An account shall be regarded as having been delivered when it is transmitted to a property owner at the address notified to the SOM by the property owner or the property owner's agent. It is the property owner's responsibility to notify the SOM of any change of address.

If an error is made in the charges which results in a customer paying less than the correct amount, the customer may be required to pay the correct amount upon request.

The SOM may charge interest on overdue accounts as prescribed by By-laws made under the Water Agencies (Charges) By-laws 1987. Also, if a customer's cheque is not honoured for any reason, the SOM may pass on any costs incurred.

The SOM can make special financial arrangements to assist customers experiencing hardship in the payment of their accounts (Refer Shire of Moora Financial Hardship Policy). Information on these options is available from the SOM's offices or by calling the telephone numbers shown on your account.

If an error is made resulting in a customer paying more than the correct amount, the excess amount shall be held in credit for a future charge, or refunded, at the direction of the customer.

The SOM has the discretion to make refunds, adjustments and waive or defer payments.

### **Connecting to our services**

Applications for wastewater service connections should be made at the SOM's business office. These applications must be accompanied by the related building plans. Single applications for approval shall be processed on receipt at the SOM business office. Multiple applications shall be processed with 14 business days of receipt.

Where the SOM wastewater reticulation main is available to your land and has the capacity for the required service, the SOM shall, on application by you, approve connection to the wastewater system, under the terms and conditions set out in this Policy, the Operating License and the Water Services Act 2012 or other relevant Acts.

Where a junction to an available sewer does not exist, a junction may be provided by the SOM, by arrangement with the licenced plumber installing the property sewer. No fee applies where a service availability charge has been applied to a property, except for property subject to redevelopment.

If the SOM wastewater system is available to a property i.e. within 91 metres of that property, which produces or has capacity to produce wastewater, it is a requirement for the property owner to connect to the system.

## **Disconnection**

If the wastewater service is no longer required by you, a disconnection from the SOM service may be approved provided that;

- The SOM is first notified of the intention, and
- A fee is paid to the SOM which shall arrange the disconnection, and
- The property has no further wastewater disposal requirement and
- The disconnection is carried out by a licensed plumber

In most circumstances, disconnection of a wastewater service does not terminate this Policy. The SOM is required under 'the Water Services Act 2012 and Operating License to levy a service availability charge to the owner of land (including vacant land) where wastewater services are available for connection. The Policy is void if there were no services available and no charges levied.

## **Enquiries, suggestions, complaints and disputes**

The Shire of Moora values your enquiries and suggestions on ways it can improve its services. If you have an enquiry or suggestion you can telephone the Shire of Moora on 08 96510000 during business hours. You will receive prompt, courteous and helpful reply and will be told who is handling your enquiry.

Telephone calls to the emergency numbers shall be answered promptly and advice of action to be taken and timing given within one hour of your call. General written correspondence will be replied to as soon as possible within 10 business days. Over the counter and telephone enquiries will be responded to within 48 hours.

When you lodge a complaint, (either in writing or verbally) the SOM shall address the issue in a timely and efficient manner. A representative of the Utility shall respond in person within 5 business days of a complaint being lodged. Where this response advises the need for further assessment you shall receive a written reply within 10 business days.

If the matter has not been resolved to your satisfaction within 21 days, you may refer the matter to the Department of Water. The Department of Water will seek a detailed explanation of the nature of the complaint, the solutions or actions offered by the SOM and the reasons why these are not acceptable to you. The Department of Water will respond with its opinion on the matter and suggest a solution to the parties involved. Contact details for the Department of Water are as follows:

Department of Water  
The Atrium 168 St Georges Terrace  
PO Box K822, PERTH WA 6842  
Tel: (08) 6364 7600 Fax: (08) 6364 7601  
[www.water.wa.gov.au](http://www.water.wa.gov.au)

If you remain dissatisfied with the outcome, you may submit the matters to arbitration by Energy & Water Ombudsman Arbitrator operated by the Economic Regulation Authority. The Arbitrator's decision,

including award of costs, shall be binding on both parties and will preclude further action on the matter. You may elect to bypass the arbitration process and take legal action to resolve the matter.

### **Service we provide**

Subject to the Water Services Act 2012 and the Water Agencies (Power) Act 1984 ('The Water Acts') the SOM shall provide a service for the removal, treatment and disposal of wastewater under the terms set out in this Policy and the Operating License. In certain circumstances, the Shire of Moora may supply water for purposes other than drinking (e.g.; treated effluent) in a manner agreed with the customer.

The SOM shall test and dispose of wastewater in an environmentally responsible manner. All wastewater treatment plants shall operate in accordance with the license conditions set by, and or agreements with, the Department of Environment and Conservation.

Occasionally some odours occur in the treatment plant and these may affect nearby residents. The SOM shall respond to complaints of odours by investigating the report and advising the customer of the outcome within one day.

The SOM will use its best endeavors to provide a service to collect, treat and dispose of domestic sewage discharged from each customers' property to the SOM sewer system. In addition, the Shire of Moora shall provide other services on terms agreed upon between the customer and the SOM.

The areas of operation of the Shire of Moora sewer scheme are as follows:

- Lots serviced by reticulated sewer mains in the town site of Moora. The area of operation of the Shire of Moora is as indicated on Office of Water Regulation Plan Number OWR-OA-058/2 (B), as issued by the Economic Regulation Authority. The plan is available for inspection at the Office of the Economic Regulation Authority Level 6, 197 St Georges Terrace Perth and the Shire of Moora Administration Offices 34 Padbury Street Moora.

### **How to Contact Us**

Account and General Enquiries (including application for connections)

Postal Address: PO Box 211, Moora WA 6510

Office Hours: 8.00am to 4.30pm

Telephone number: (08) 9651 0000

Facsimile number: (08) 9651 1722

Sewerage Maintenance Supervisor (08)96510088 – To report a sewerage blockage.

Contact officer: Manager Development Services

Email: [mds@moora.wa.gov.au](mailto:mds@moora.wa.gov.au)

### **Methods of Payment**

Payments can be made by all normal methods of payment e.g. EFT, Cash, Direct Debit, Credit Card & B Point. Payments in advance will be accepted upon request. Accounts will in the event of hardship be redirected to address of choice.

## **Financial Hardship Policy**

Shire of Moora has a financial hardship policy to facilitate owners having problems paying accounts. Please ask for information.

## **Complaints Policy**

SOM has a Complaints Policy for dealing with complaints regarding sewerage. Policy is available for download on its web site [www.moora.wa.gov.au](http://www.moora.wa.gov.au)

## **STATEMENT**

Shire of Moora as the owner of the sewerage system is responsible for the condition of its gravity and pressure sewerage system and it has a duty to provide a sewerage service to the public of the Town Site that is economical, cost effective and at a price to the user that is not too onerous.

The public of the Town of Moora is entitled to have a sewerage service that is well maintained, operates free of obstructions and blockages and is reliable throughout the year. Moora Shire is developing projects to identify and address critical unsewered areas as well, proposed areas for developments, where access to the sewer main is currently difficult and unfeasible.

The Health Act 1911 Section 81.1, states that properties located within ninety one (91) metres to the Shire sewer main, are liable to pay connected sewer rates and can be forced to connect to the reticulated sewerage system. In order to diminish and eliminate any harm to public health, safety and the environment risks associated with sewerage connection as well as to comply with relevant legislation, Council therefore will:

- a) Monitor and maintain Shire of Moora sewerage system as well as undertake the treatment and disposal of waste water for the community.
- b) Undertake upgrades to sewerage system management assets, to ensure continuous improvement to the sewerage system. It is council's endeavour to achieve standards specified by legislation.
- c) Gradually and if viable serve areas that are currently not connected to its sewer system. Priority would be given to areas with public health or environmental risks as well as areas with future potential for expansion and development.
- d) Once approval for sewerage connection has been given, it is the property owner or developer's (applicant) responsibility to contact Moora Shire Council, prior to construction of the works to arrange for sewerage connection points to be established.
- e) Where physically feasible, all applications for connection will be required to meet Plumbing Code of Australia requirements and the requirements of this policy.

## **Our Powers**

### **Entry to your property**

The circumstances in which the SOM's representatives may enter your property to carry out investigations and/or work on the SOM wastewater system, are set out in the Health Act 1911, Water Service Licensing Act (1995) or other relevant Acts. Any such entry shall normally occur during business



hours, except in cases of emergency. For planned work within a property, the SOM or its representatives shall advise the occupier in advance. In cases of emergency, the occupier, if present, shall be informed of the repairs to be undertaken and the anticipated length of time for the work.

### **Rectifying defective work**

If the Shire of Moora becomes aware of the presence of any defective or improper work forming part of your wastewater pipes and fittings which may impair the effective operation of the SOM's system, it may serve a notice requiring you to remedy any such defect or improper work within a specified time.

If the terms of the notice are not followed, the SOM may enter the customer's property to remedy the defective or improper work. This action, if taken, shall be in accordance with the relevant Acts and the full costs of any remedial work shall be charged to the customer.

### **Service interruptions**

The Shire of Moora wastewater services are designed to be available 24 hours a day. However, the SOM may interrupt, postpone or limit its wastewater services to customers:

- If any part of works is damaged, for example, by bursting, blockages or breakdowns; or
- If it is necessary to inspect, maintain, repair or replace any part of works; or
- For connection of new works or services; or
- If an event occurs beyond the SOM's control, including acts by others, sabotage, flood, earthquake, power or water shortage or industrial action.

The SOM will endeavour to limit the length and occurrence of disruption of services. Except in emergencies, the SOM shall give notice to you of its intention to interrupt, postpone or limit the supply of services for the purpose of regular maintenance or works programs. Unless interruptions are limited to a few minutes, notification shall be given to domestic customers - at least 24 hours prior, and for commercial and industrial customers – at least 7 days prior or by agreement.

### **Maintenance**

The SOM's wastewater services are provided from the point where the pipes serving your property connect to the SOM's wastewater reticulation main.

Wastewater reticulation mains (sewers) and associated fittings remain the property of the Shire of Moora whether or not they are located within private property. The location of these structures may be obtained from the SOM office. You are required to ensure that the SOM's pipeline and structures are reasonably accessible, are not interfered with, covered, built close to, built over, or damaged.

Prior to undertaking building or construction activity on land connected or capable of being connected, it is a requirement to gain the SOM's approval. In the first instance, you should contact the SOM office. Unauthorised property improvements that interfere with the Shire of Moora's assets may be required to be removed at your cost.

The SOM is responsible for the maintenance of sewer property connections where they are unable to be cleared or repaired from the inspection shaft – provided that the depth of the repair job is 2.5 metres or more, and/or the fault in the property connection is outside the property concerned.

You are responsible for all plumbing, pipes and fixtures on or serving your property to the point where pipe connect to the SOM's sewer property connection. Where the sewer property connection is at a depth of less than 2.5 metres and is situated within the property boundary, you are responsible for maintenance of the property sewer connection.

### **Discharge of Unauthorised substances**

It is your responsibility to ensure that storm water (including roof runoff) and other unauthorised substances are not discharged into the SOM's sewers. Certain waste products are not suitable for disposal in the SOM's wastewater system because of their nature and ability to pollute. Some substances will damage the ability of the sewerage ponds to operate. Specialised procedures for disposal are required for substances such as:

- Cooking oil and grease – these should be placed in a container or wrapped and placed in the rubbish bin;
- Paint, paint thinners, dry cleaning fluids, engine oil, solvents, acids, alkalis, laboratory chemicals, kerosene, garden poisons, polishes or cleaning products – such substances should be recycled through the Industrial Waste Exchange (the Office of Waste Management, Department of Environment) or be deposited at a local council collection point for these materials; and
- Products like disposable nappies, panty hose, sanitary napkins, tampons, cotton buds, syringes, toilet deodorant packs and razors – these should be wrapped and placed in the rubbish bin.

### **Liability**

The Shire of Moora is liable for any loss or damage that you may suffer:

- As a result of a breach of this Charter by the Shire of Moora, its servants or agents; and
- As the result of a negligent act or omission by the SOM, its servants or agents;
- As a result of the failure to meet standards prescribed by its Operating License or Water Services Regulations 2013.

## **POLICY**

### **General**

This following policy requires that all developments that have access to reticulated sewer be connected. Based on the premise above, all connections to Council's reticulated system will be approved and provided, subject to the following conditions:

- I. Connections to the sewerage system shall be in accordance with the requirements of:-
  - Plumbing Code of Australia 2012
  - Section 81.1 of the Health Act 1911 which states - Subject to the express provisions of section 72, when there exists in any district any sewer (whether constructed by or under the control of the local government or not) ready for use and suitable for the removal of sewage on the water-carriage system, then the local government may, by notice in writing, require the owner of any house or land situated in the district within 91 m of the sewer, and capable, in the opinion of the local government, of being drained into such sewer, to provide for the removal of sewage from such house or land, and for that purpose to construct and provide, within a time specified in the notice, such drains and fittings as the authority having control of such sewer shall deem necessary, and to connect such drains with the sewer.

- All applications: residential, commercial and industrial properties, for connections to, and extensions to the sewer mains, shall be dealt with by Council's Department of Development Services' authorised personnel.
- A sewerage main connection form is completed and signed by both parties and the appropriate payment is made in accordance with Council's fees and charges.
- No connection to Council's sewerage system is to be made until the house drainage is completed and sealed to ensure that there is no ingress of waste and/or storm water.
- Council require one sewer connection to each property.
- All new developments, within areas designated for future extension to sewer or close to such areas, shall be connected to sewer unless it can be shown that it is impractical or economically unfeasible to do so. Such developments shall only be allowed to proceed without connection to sewer when it can be clearly demonstrated that:
  - a) An alternative can be suitably provided (PSS, Septic tanks) at the cost of developer.
  - b) Council may accept the alternative proposal, only if the developer has the resources to properly manage such an installation.
  - c) The developer enters into an agreement (which is necessary on any subsequent owners) that the facility must be converted to full sewer service, when this becomes available and all of the appropriate contributions made.

## **Responsibilities**

The property owner will be responsible for ensuring that:

- a) No trade waste enters Council's sewer system, without Council's approval (refer to the *Discharge of Liquid Trade Waste Policy*).
- b) Stormwater does not enter Council's sewer system.
- c) Seepage and subsoil water does not enter Council's system.
- d) The sewer main connection as well as appropriate pipe work and fittings are adequately protected.
- e) The inspection opening (IO) is readily accessible at all times and covered by a commercially available screw cap fitted proud of the ground level.
- f) Council will recover from the property owners any costs that Council incurs as a result of the following:
  - i) The property owner damaging any pipe work owned by Council.
  - ii) Council having to locate IOs that are not readily accessible.
  - iii) Council having to clear above ground obstructions located above a sewer connection point on private property.
  - iv) Council having to clear its sewerage system as a result of debris cleared from a property owners blocked pipeline and that debris being the result of damage from tree roots or other causes emanating from the property. The property owner will be required to adjust their own pipework at their own cost.

## **Blockages**

- Where a private line has been cut into the Shire of Moora gravity main or Pressure main, any pipes and fittings on the owner's side of the cut in point of the Moora Shire Council sewer connection point including the Boundary Trap (BT) and the Inspection Opening (IO) are the responsibility of the property owner. This means any repairs, replacement or maintenance costs associated with these pipes and fittings are the responsibility of the property owner.

- Council will not be responsible to clear blockages in connections between the main and property boundaries.
- Residents are required to engage a private plumber to clear blockages on the property side of the connection point into Shire Gravity Sewer line.
- Where a Council tree is discovered or suspected to be the cause of a blockage, or is in such proximity as to be the possible cause of a blockage, the property owner shall refer the matter to Council.
- Shire of Moora will not accept automatic liability for either sewer pipeline clearing or pipeline replacement, and will investigate any claims that roots from trees that belong to Council may be blocking a line.

### **On Site Septic tanks**

Council will only consider applications for the use of an appropriate on-site Septic Tank in areas where access to gravity reticulation main is not feasible.

### **Pressure Sewerage Systems (PSS)**

Council will only consider applications for the use of an appropriate PSS in areas where access to the gravity reticulation main is not feasible.

### **Sewer Main Availability**

Once sewerage service lines become available all existing 'Approval to Operate' on-site sewerage management systems have to be withdrawn from properties and disposed of as required by legislation.

If a property owner fails to make a commitment to connect to Moora's sewerage system the following forms of action may be taken by Council:

- a) A notice may be issued under the Health Act, requiring the owner of the property to connect to the sewer.
- b) An order, notice may be issued under the Health Act 1911, requiring the property owner to connect to Council's sewer main.

### **RELATED LEGISLATION**

*Health Act 1911*

*Draft Country Sewerage Policy*

*Water Services Act 2012*

*Environmental Protection Act 1986*

*Plumbing Code of Australia 2012*

*Local Government Act 1995.*

## **SEWERAGE CONNECTION CONDITIONS**

- All applicable fees and charges for the connection works shall be paid prior to application processing, or commencement of any works.
- The owner or the owner's agent (plumber) shall provide a minimum of five (5) working days notice of intention to commence sewer construction / alteration works. Major projects or complicated connections will require additional time.
- Connection is not permitted until after the completion of all underfloor / underground sewer drains.
- The plumber shall ensure that there is no damage to Shire of Moora's connection point and / or sewer, and that approved backfill is used and compacted within 150mm of the pipework.
- An inspection shaft shall be provided in accordance with Shire of Moora's standard plan. The inspection shall terminate at ground level and shall be finished with approved cover.
- Where a new point of connection is requested / required, Shire of Moora's operations will complete the connection to the sewer main.

### Proposed Plans are required for;

- 1) Single Residential & Multiple residential occupancies (units etc.). A detailed plan of plumbing installations showing location of pipes, inspection openings etc.
- 2) Commercial / Industrial – A clear site plan of the proposed works to scale is required.
- 3) All operations are carried out in accordance with Australian Standards Plumbing Code.

### Plans should include:

- 1) measurements and ties
- 2) Inspection openings and shafts
- 3) Underfloor drains
- 4) Location of existing sewer mains
- 5) Location of Man holes
- 6) Overflow relief gullies
- 7) North point & road names
- 8) Outline of block and buildings.

## SEWERAGE CONNECTION APPLICATION

### PROPERTY DETAILS

Street No: \_\_\_\_\_ Lot No: \_\_\_\_\_ Street: \_\_\_\_\_ Town \_\_\_\_\_  
 Assess No: \_\_\_\_\_ Section \_\_\_\_\_

**PROPOSED WORK :** (Initial sewer plan required to be lodged for commercial & multi-units) Please tick all applicable boxes

Residential (Single) ☐ ☐ Residential (multi-unit)  
 Commercial / Industrial \* ☐ ☐ Commercial / Industrial \* (multiple occupancy)  
 Detail Type of Business (i.e. hairdresser motel etc.) \_\_\_\_\_

**Type of Work (Please tick applicable)** New Connection ☐

### PROPERTY OWNER DETAILS

Name \_\_\_\_\_

Postal Address \_\_\_\_\_

Ph: \_\_\_\_\_ Mb: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: \_\_\_\_\_

I hereby make an application to the Shire of Moora for consent to connect / alter/ disconnect on site sewerage plumbing at the property described above.

Signature of Owner (or Agent) \_\_\_\_\_ Date \_\_\_\_/\_\_\_\_/\_\_\_\_

### PLUMBER DETAILS

Name: \_\_\_\_\_ License No: \_\_\_\_\_

Business Name: \_\_\_\_\_ Ph: \_\_\_\_\_ Fax: \_\_\_\_\_

Postal: \_\_\_\_\_ Email: \_\_\_\_\_

### FEES and CHARGES

Wastewater / Drainage Headwork's Contribution Charges (no GST)	\$1,954.00
Connection Fee (no GST)	\$TBA

**CONSENT:** Consent is given to the Owner for the undertaking of the work described above.

Name of Authorised Officer \_\_\_\_\_ Date \_\_\_\_/\_\_\_\_/\_\_\_\_

Signature: \_\_\_\_\_

### COMMENTS:

\_\_\_\_\_  
 \_\_\_\_\_

Completed Forms can be emailed to: [mds@moora.wa.gov.au](mailto:mds@moora.wa.gov.au) or [projects@moora.wa.gov.au](mailto:projects@moora.wa.gov.au)

### **5.3 Home and Farm Stay Accommodation-Cottage Industries Policy**

That the following policy be adopted for Home and Farm Stay accommodation and Cottage Industries in residential premises.

1. That all Home and Farm Stays, which can accommodate up to four people must register with the Shire.
2. That all Home and Farm Stays which can accommodate more than six people must be registered as a 'Lodging House'.
3. Cottage Industries, which produce food to comply with the Food Hygiene Regulations 1993. Cottage Industries, which are deemed to be Home Occupations, are required to obtain Town Planning Approval.
4. The following condition will apply to food preparation in residential premises--
  - All food handling shall be in accordance with the Food Hygiene Regulations 1993-I

## **5.5 Mobile and Itinerant Vendors and Commercial Trading Activities on Council Land**

### **OBJECTIVE**

- To allow for the operation of trading activities in such manner that they do not conflict with or prejudice the Shire's permanent retail and service base, or other normal functions of the Shire;
- To protect existing levels of public amenity and safety from the impact of trading activities by adequately addressing potential risk management issues;



- Set appropriate minimum standards in the interest of public safety, environmental protection and social amenity;
- Identify specific locations for activities and cap the number of activities weighted against the environment, conflict of use and broader public interest to accessibility;
- To ensure that commercial activities on Council land do not diminish the recreational amenity of residents or visitors who are attracted to the Shire for its environment.

## POLICY STATEMENT

This Policy has been developed to provide clarity and guidance on the preparation and assessment of stallholder / mobile and itinerant vendor applications including commercial activities on Council land within the Shire of Moora. Each application is assessed on its merits. The Shire encourages applications that are creative and innovative that would support the attraction of the Shire as a tourist destination and the enjoyment of the public of the Shire of Moora.

*With the introduction of the Food Act 2008 and associated legislation, all regulation of Itinerant Vendors (e.g. Food Vans) was repealed, necessitating these businesses being considered 'traders' and therefore captured by the Trading in Public Places Local Law*

### 1.0 Definition

- 1.1 The main difference between an "Itinerant Vendor" and a "Mobile Vendor" is that a mobile vendor can solicit business from a parked location whereas an itinerant vendor has to be stopped by customers (an ice cream van is an itinerant vendor whereas a vehicle parked selling fresh flowers or produce is a mobile vendor).

For the purposes of this Policy:

**"Mobile"** means working in one place for a short period of time and then moving on to operate in another place.

**"Itinerant"** means a person who travels along a road looking for customers and who sells, hires or provides a product or service from a vehicle which is parked temporarily to customers who stop the vendor or come to the vendor while the vehicle is parked

**"Vendor"** means someone who promotes, exchanges or hires goods or services for money.

**"Public Place"** includes a road or place which the public are allowed to use, whether or not the road or place is on private property.

### 2.0 Licensing

The following conditions apply to all **itinerant and mobile food vendors** operating or intending to operate within land under the management, care and control of Shire of Moora'. Trading on land not vested with the Shire will require the applicant to seek the necessary statutory approvals from the managing authority.

- 2.1 All food vendors must have a health clearance certificate issued under the Food Act and Regulations.
- 2.2 Vendors must be present to receive the licence and vehicles must have received a health clearance certificate (see 6.2).
- 2.3 The approval period will be from 1<sup>st</sup> July each year to 30<sup>th</sup> June the following year.
- 2.4 Approvals are not transferable.
- 2.5 A separate approval must be obtained for each vehicle.
- 2.6 Employees of the applicant must be nominated on the licence application form.
- 2.7 An approval fee will exist as specified in Council's fees and charges policy.
- 2.8 All vendors shall be limited to the supply of products and services approved by the Shire.
- 2.9 In response to an issue of public safety (as determined by the Chief Executive Officer) all operations shall cease until the matter has been resolved to the satisfaction of the local government.

### **3.0 General**

- 3.1 The use of mechanical chimes or amplified music which could cause a noise nuisance is not permitted unless otherwise approved by the Shire.
- 3.2 Itinerant vendors are to move on when all customers at a particular location have been satisfied when operating within the Town sites of Moora, Watheroo and Miling (refer to Clause 1.1 for definitions).
- 3.3 Public liability insurance cover of \$20 million is required where an activity occurs on local government managed land.
- 3.4 The local government may seek contribution towards the upgrading and/or construction of a site.
- 3.5 An approval to operate may be cancelled by Council at its discretion due to non-compliance with any of the requirements outlined in this policy or if a reasonable complaint is received by Council.
- 3.6 A vehicle, cart, stall or the type of food sold etc., cannot be altered without consulting Councils Environmental Health or Planning Officers for approval.
- 3.7 No animal is to be used as part of the vehicle, cart or stall etc. without Shire approval.
- 3.8 No additional flashing or rotating lights, except that required under the Motor Traffic Act, are permitted.
- 3.9 All vehicles must be registered as per the requirements of the Motor Traffic Act.
- 3.10 Trading within a reserve controlled by Main Roads WA will not be permitted unless permission is received from Main Roads WA.
- 3.11 Vendors shall not obstruct traffic, pedestrians, entrance ways to shops and laneways.

- 3.12 Illegal, dangerous or offensive goods are not to be sold by the vendor.
- 3.13 No direct soliciting or collecting of donations will be permitted without approval by the Shire.
- 3.14 Banners, signs, bunting and the like are not permitted to be erected without approval.
- 3.15 The vendor's operation must not unduly disrupt normal business activities nor unduly disturb the ambience of both residents and passers-by.
- 3.16 Persons granted approval shall comply with the requirements of this code and such licences must be available to be shown on demand by an authorised officer.
- 3.17 All elements of the stall / vehicle will need to be of a high standard and maintained as to not detract, damage, or lead to the degradation of the natural environment or Town sites. In the case of such an event occurring, The Shire is to be notified immediately.
- 3.18 Approval for Trading in Public Places Licence is strictly limited to one-year. Inspections and reviews of the service may be conducted by the Shire of Moora. The Shire of Moora reserves the right to decline the renewal of, or amend the conditions of all Trading in Public Places Licence in the future.

#### **4.0 Application of Policy**

- 4.1 Vendors are not permitted to operate within 100m of an outlet selling a similar product if that outlet is open.
- 4.2 Vendors are required to obtain permission from event organisers when attending events (For example festivals, charity markets and sporting events).
- 4.3 Trading on Gardiner Street and Padbury Street North of Clinch Streets is prohibited.
- 4.4 Any rubbish or waste associated with the business is the responsibility of the Vendor. If not complied to, Council may revoke the licence to operate or an infringement will be issued.

#### **5.0 Legislative Requirements**

- 5.1 A vendor's operation, including the vehicle, cart or stall, must be in accordance with the requirements of the Food Act 2008.
- 5.2 A vendor's operation must be in accordance with the Environmental Protection Noise Regulations.
- 5.3 Inspections
  - 5.3.1 Regular Food Inspections will be carried out by Council's Manager of Development Services at random. A fee will be charged if the vendor's operation is unsatisfactory in accordance with the Shire's schedule of fees and charges.

5.3.2 A vendor's vehicles, carts, stalls, etc., must be made available for inspection by the Manager of Development Services for a health clearance certificate which is required to obtain approval.

## **6.0 Commercial Recreational Tourism Activity on Crown Land**

- 6.1 If local government roads, car parks or dual use paths are to be used, then the activity will be assessed in terms of whether it will create a danger or obstruct other uses, or result in a major loss of car parking spaces.
- 6.2 Activities are to be ancillary and beneficial to the designated purpose of the reserve or local government property. In the event of damage to infrastructure or the environment the Shire may seek costs for repair and restoration works.
- 6.3 All activities are to demonstrate that they will not create a public nuisance to adjacent residential areas in context of noise, traffic, etc. and not create a conflict with the informal users of the reserves.
- 6.4 Where appropriate, activities should be located adjacent to constructed public car parking areas and public conveniences (within 100 metres). The applicant may be required to contribute towards the construction of the public facilities. Approved applications may be required to contribute towards the upkeep of the local public infrastructure and facilities if considered necessary because of that activity.
- 6.5 In response to an issue of public safety (as determined by the Chief Executive Officer) all operations shall cease until the matter has been resolved to the satisfaction of the local government.

## **7.0 Specific Restrictions**

- 7.1 Based on the experience of the impacts of previous/similar activities (within or outside the Shire), the Shire is of the view that a restriction on the number and type of certain activities in these areas should be prescribed.
- 7.2 These restrictions (if any) are part of this policy and are based on the knowledge and experience now and may be amended from time to time by the local government as further knowledge and experience is accumulated.

### **Specific Location and Activity Restrictions**

<b>Location</b>	<b>Restriction</b>
Recreation Ground Roberts Street	By application to Council
Apex Park	By Application to Council
Padbury Street North of Clinch Street	By Application to Council
Swimming Pool Car Park	By application to CEO
Moora Horse and Pony Club	By application to CEO

## **8.0 Application for Approval**

8.1 Applicants should address the criteria as outlined in Clause 9.2 and provide the local government with the following information:

- a) Full details of type of service to be operated;
- b) Previous relevant experience of the applicant(s);
- c) Appropriate level of knowledge and understanding of local conditions, natural and cultural history, ecological process and possible constraints;
- d) capability to promote interpretive and educational information that ensures clients are receiving instructions in minimal impact techniques, environmental protection and ethics of appropriate behavior;
- e) Preferred location of operation;
- f) Hours and dates of operation;
- g) Method of operation, e.g. hourly hire, 15 minute rides;
- h) Type and numbers of equipment to be hired/used including details of make, age, special features;
- i) A cover note or similar statement from an insurance company indicating a willingness to promote insurance coverage (minimum \$20 million public liability coverage required and must be held in Australia);
- j) Any additional information specific to the individual service to be provided.

8.2 Applicants are to provide a Plan/Diagram of layout of operation upon the Reserve showing location of equipment, trailers, signs, operators table, what areas are to be used and the like. This needs to be of a scale that demonstrates the location clearly and should not be indicated as being for the entire reserve.

## **9.0 General Agreement Terms**

9.1 The local government will prepare all agreements.

9.2 For land not under the care, control and management of the local government, a draft agreement will be forwarded to the relevant statutory authority for consent prior to execution.

9.3 Copies of the agreement will be prepared and stamped with one (1) copy to be forwarded to the applicant, one (1) copy to be forwarded to the Department of Lands to be endorsed and one (1) copy to be retained by the local government.

9.4 The agreement should be signed prior to the commencement of the permitted period to which the agreement relates.

- 9.5 The agreement will include an automatic termination clause, if the activity is found to breach any of the conditions of the agreement.
- 9.6 The agreement is with the individual parties and is non-transferable.
- 9.7 All agreements and Permits are non-exclusive and do not grant the proponent the right to a portion of the reserve. The proponent will need to renegotiate access with the Shire and/or event organisers when events are scheduled on Shire Reserves.
- 9.8 All agreements are for one year and subject to review after the first year. The Shire reserves the right to decline the renewal of, or amend the conditions of the agreement in the future.

## **10.0 Fees**

- 10.1 The Chief Executive Officer can grant exemption to charges if in their opinion the charges should be waived.
- 10.2 Not-for-profit community groups and charities are exempt from fees and charges.

Planning Approval by way of a Traders Permit	\$147
Agreement preparation fees	\$150
Reserve User fee	\$500
Itinerant Food Vendors Permit / Trading in Public Places Permit	
Daily	\$ 80.00
Weekly	\$250.00
12 month	\$750.00

- 10.3 Agreement Preparation Fees and other costs - \$150.00 (GST inclusive)
- 10.4 Fees are set by Council and are subject to change annually due to CPI
- 10.5 Yearly license is to be at a set location determined by Council to ensure there is no direct competition with local traders.
- 10.5.1 Standard 'template' Agreement should cover most 'simple' applications however, should the local government consider that an application is 'complex' and warrants legal preparation of the Agreement then these additional legal costs will be charged to the applicant.
- 10.6 Reserve User Fee - \$500 (per year, GST inclusive)

- 10.7 As commercial activity will increase the number of visitors on reserves, and as these commercial operators will benefit by commercial gain from the use of the reserve or UCL, it is considered appropriate to charge a fee for the use of the land. (Circuses etc.)
- 10.8 Revenue collected from these fees will be used for management, including the improvement of visitor services and facilities and the protection of the natural environment.

# **SECTION 8**

## **COUNCIL PROPERTY/FACILITIES**

### **8.1 Council Housing**

#### **Staff Housing Policy**

That Council's Housing Policy be as under:-

- a) That Council maintain ownership of a minimum of four high quality houses for senior staff;
- b) Other staff housing requirements be leased. Lease arrangements to be delegated to the Chief Executive Officer to arrange if required for staff positions.
- c) Leasing of excess or not used Council housing to be delegated to the Chief Executive Officer to arrange for management through a local real estate agent.

### **8.2 Housing Inspections**

That Manager Development Services be required to inspect all Shire owned/leased houses prior to tenancy and when vacated as part of the annual budget process and other interim inspections be carried out at their discretion or as deemed necessary.

### **8.3 Housing Bonds**

That the bond on Council owned/leased premises be the equivalent of 4 weeks full rent as new tenants occupy Council owned or leased residences.

### **8.4 Fencing Property Adjoining Shire Land**

That the Policy in regard to fencing property adjoining land be as under -

- 1. The reasonable cost of erecting a standard (1.8m) colorbond or similar fence shall be determined.
- 2. The Shire will contribute one half of the cost so determined as an ex gratia payment.
- 3. The property owner must arrange quotes, organise construction of the fence and submit a paid account. An officer of the Shire will inspect and authorise payment if the fence so erected is approved.



4. This policy does not apply to fences dividing private land from rights of way, public open space, drainage, Council reserves and roadways.

## **8.5 Future Buildings - Plans and Specifications**

That the policy for future shire contracted building (building construction not supervised by Architects) be to engage the services of a reputable architectural firm to draw up the necessary plans and specifications for the building in order that Council's Manager Health, Building & Planning Services (who would supervise the construction of the building) has full and detailed plans/specifications to require the builder to work to.

## **8.6 Council Sand and Gravel Supplies**

Council does not pay royalties for road building material e.g. gravel, sand to landowners in developing their road network but in turn will undertake work for the landowners, upon his land, from which the material was removed, for a maximum value of \$1.00 per metre squared (currently Main Roads Western Australia pay bitumen \$0.50-\$1.20 per metre squared)

1. That Council's sand and gravel pits be closed to the public.
2. That a per cubic metre royalty apply to sand removed on application from Council's sand pits, such royalty to be set annually in the budget-
3. Appropriate signs be erected.

## **8.7 Moora Recreation Ground and Oval – Circuses**

That visiting circuses be permitted to occupy the Recreation Ground and Grandstand facilities and the caravans, trucks/vehicles, animal pens, tethered animals and the big top (tent) be placed on sites approved by senior officers, and the bond and fees payable be as determined from time to time in the budget.

## **8.8 Ovals - Sponsorship Banners**

That permanent signs of dimensions no longer than 2.1m by 0.5m in width be permitted to be attached to the pipe rail fencing forming the perimeter fencing of Moora Oval subject to the following conditions;

1. Any additional pipe fixtures required for the support of such signage be supplied at the proponents cost.
2. Sign is to be affixed in such a manner as to eliminate any sharp edges or other sharp projections that are likely to cause injury to the public

3. That the proponent of the sign be totally responsible for the maintenance for such sign and that the Council reserves the right to remove any sign on the oval at any time for any reason.
4. All such signs must be from organisations that sponsor sporting groups that utilise the Moora Recreational Oval.
5. When sponsorship ceases the sign is to be removed and the fence left in the same condition as existed prior to the sign being installed.
6. Such signs permitted around the perimeter of the oval except for the sections in front of the Recreation Centre and the Grandstand.

## **8.9 Moora Recreation Centre and Ovals - Liquor**

Liquor at Sporting fixtures

Consumption of Liquor at the Recreation Centre:-

- I. That liquor is permitted to be served at the Recreation centre and grounds during sporting fixtures provided that the club/applicant has either;
  - i. A valid liquor license from the Department of Gaming and Liquor; and or/
  - ii. Approval from the Shire of Moora Chief Executive Officer to consume alcohol within a specified area detailing specific times for commencement and completion.

## **8.10 Rubbish Tips - Chemical Drums**

1. That Council's refuse sites be closed to the receipt of empty chemical drums with all drums only to be accepted at DrumMUSTER compounds in Moora & Watheroo;
2. That the public be advised of Council's action in respect to chemical drums and rubbish tips by advertising in the local paper and newsletter advising that used chemical drums should not be dumped into water courses on their properties and further that they should immediately contact their chemical supplier regarding a solution to the problem, e.g. returnable containers and further that appropriate signs be erected at all Shire tips advising that no chemical drums/containers are to be dumped/deposited at Council tips.

## **8.11 Smoking in Council Buildings**

1. Smoking is prohibited in all Council owned and any building located on Council owned or leased property.
2. Smoking is permitted in all out door areas at Council venues but not adjacent to doorways or windows.

3. It is the responsibility of the hirer of the building and venue to enforce this policy.
4. Council maintain appropriate no smoking signage at its venues.
5. Smoking is banned in the Council swimming pool facility and receptacles be provided outside the premises for the disposal of cigarette butts etc.

### **8.12 Nature Strip Landscaping**

Council will permit residents to plant the nature strip in the front or rear of their residence, subject to receiving a Nature strip Landscaping Permit.

#### Rationale

Council support residents providing an alternative to a gravel Nature strip, at their own cost, because:

- It encourages the community to think about the standard of the Shire of Moora Nature strips and the presentation of our community
- Encourage people to take responsibility and a sense of ownership for their Nature strip
- Provide residents with a choice of landscape options on their Nature strip
- Validate those in the community who have already taken the initiative and landscaped their Nature strip
- Aim to ultimately develop a culture of pride within the community about the towns overall presentation
- There are some social advantages of a planted Nature strip

#### Nature strip Landscaping Guidelines

The policy provides guidelines of residents wanting to plant out the Nature strip in front of their property.

#### Planting Details

Residents will be able to plant out their Nature strips with turf, ground cover plants and a range of low growing shrubs.

Council will permit a wide range of plants and grasses, however Council will not permit the use of plants that are woody plants, shrubs grown to 1m or higher which hide line of sight and weed species.

Residents will be required to plant ground cover only, on the kerb side (to 1 metre from back of kerb), in order to make provision for the opening of car doors. Corner block planting will be limited to ground cover plants only to ensure a good line of sight for motorists and pedestrians.

Planted Nature strips must provide suitable space for the provision of refuse and future recycling bins.

In all cases, due consideration will be given for the need to provide safe and suitable access to the footpath for people exiting a parked car.

Residents are not permitted to plant or remove a street tree unless done in consultation with Council. Pruning of street trees will remain the responsibility of council.

### Mulch Details

Fine non-organic mulches (75mm depth) and organic mulches such as wood chips will be allowed. Mulches and garden debris can be the cause of storm water blockages therefore planted Nature strips must be well maintained.

Lawns are encouraged as they contain the soil and give a clean fresh appearance in an otherwise harsh environment.

Council at its discretion can supply garden mulch and lawn thinning at particular times of the year to Shire residents. Please note that these products will not be delivered to the premises.

### Paving Details

Any paving or stepping stones will need to be non slip surface. No tripping hazards are permitted.

### Irrigation Systems

Council will permit and encourage irrigation systems to be installed in the Nature strips to maintain the grassed or planted Nature strip to an attractive standard. Reticulation equipment must be below ground level (pop up sprinkler) to avoid pedestrian injury.

### Rocks and Retaining Walls not permitted

Council will not permit rocks, bluestone pitchers, railway sleepers or retaining walls to be installed in Nature strips. These items are all potentially tripping hazards so cannot be included in the Nature strip.

### Excavation & Cultivation

Residents will be permitted to use mechanical means of excavation (bobcat/dingo) or cultivation (rotary hoe) however due to the infrastructure that may be underground or the damage that may occur to street trees, the owner/occupier is advised to contact "Dial Before You Dig" Tel 1100.

The owner/ occupier is responsible for repairing any damage to infrastructure caused by any landscaping works.

### Utilities and Maintenance Work

Organisations that supply water, gas, electricity and telecommunications may require access to the Nature strip to do the maintenance work. The utility organisations are required to reinstate the Nature strip following their maintenance work. However, council cannot guarantee that any of the maintenance contractors will replace plants and mulch in the same condition as prior to the maintenance work.

### Public Liability

Residents are reminded that they plant the Nature strip at their own expense and own risk.

Owner/occupier will be responsible for any damage caused to infrastructure by the works; digging may expose some underground services therefore owner/occupiers are required to contact Dial Before You Dig" Council require the owner/occupier to provide a plan showing all infrastructures and proposed landscaping details.

### Maintenance Responsibilities

Residents are required to keep the Nature strip in a well- maintained and safe condition at all times including:

- Plants are to be pruned to a height of no more than 1 metre at all times.
- Any mulch cover is to be maintained over the Nature strip.
- No mulch is allowed on the footpath, driveways or in the curb, channel and road surface.
- The Nature strip is to be free of any tripping hazards and any protruding objects.

#### Approval Process for Nature strip Landscaping Permit

1. Residents will be required to complete a Nature strip Landscaping Permit application form, including:
  - Provide a list of plants to be used;
  - Mulch to be used;
  - Other details; and
  - A Nature strip Landscaping Permit fee does not apply;
4. On receipt of relevant fees a Council officer will assess and approve the Nature strip Landscaping Permit, provided it conforms to the above conditions
5. Residents must commence the nature strip works within one month and complete the works within 3 months
6. A Council officer will inspect completed Nature strip Landscape works and confirm that a nature strip is safe
5. A register of Nature strip Landscaping Permit will be kept.

#### Non Compliance of Nature strip Landscaping/Maintenance Process

Council will take action to rectify problems in relation to tripping hazards or safety issues.

Council Officer (s) will write to the relevant property owner requesting that they attend to the problem.

Preferred material for town site nature strips is blue metal dust, all future works including driveways, drainage, footpaths and curbing undertaken on nature strips are reinstated using blue metal dust.

Where existing gravel surfaces remain only small maintenance tasks be carried out using the gravel.

All nature strips excluding owner/occupier planted nature strips continue to be sprayed for weeds each year.

## **SECTION 9**

### **FINANCE**

## **9.2 Reserve Fund Interest**

That reserve fund interest earnings in any year be transferred from the municipal fund to the reserve account in which the interest was earned.

(Reserve Fund interest is deemed part of the municipal fund under the Financial Management Regulations.)

## **9.4 Payment of Accounts**

That the systems and procedures for the payment of accounts be as follows -

- (a) That an order form be issued for the purchase of goods and services except in the case of small purchases from petty cash;
- (b) That where feasible and practical, price be negotiated in advance of purchase and recorded on the order form;
- (c) That invoices - where practicable be certified by the person who placed the order so as to indicate -
  - (i) that the purchase was duly authorised- and
  - (ii) that the goods and services were received in a satisfactory condition, or to a satisfactory standard, and the price and computations on the invoice are correct;
- (d) Only payments approved by Council within the current year operating budget be authorised.
- (e) That two signatories be required to all cheques and EFT payments

## **9.6 Loans**

That in relation to loan raising Council's policy (first introduced in the 1976/77 year) be that all loans are rated over the whole Shire (no differential rating on account of loans).



## **9.9 Moora Lifestyle Village Relocation Policy**

### **Purpose**

To provide an effective and accountable system for financially assisting new tenants relocating to the Moora Lifestyle Village providing relevant incentive whilst ensuring there is a balance of commercial sustainability.

### **Policy**

Financial assistance will be provided in one of two ways;

- 1 Loan funds provided by Council, executed by way of a legally binding agreement whereby Council will maintain an interests in the tenants property until such time as the loan is repaid in full;
- 2 Offer a weekly rental subsidy of 25% over a two year period commencing from when the first rental payment is due and payable.

### **Procedure**

### **Scope**

- I. Relocation assistance will be limited to \$20,000 per tenant to assist with costs of;
  - a) Relocating the living unit to Moora;
  - b) Construction of driveways/patios/sheds and the like;

- c) Costs of connecting living unit to power, water, sewerage.
- 2. The term of loan will be by agreement but will not exceed a period of four years, without the special consideration and approval of the Council.
- 3. Monthly repayments of principal and interest in advance based on the prevailing interest rate of the W.A Treasury Corporation at the time of executing agreement plus 4%;
- 4. Funds for the relocation costs be facilitated through the W.A Treasury Corporation in accordance with the parameters of the Local Government Act 1995;
- 5. A written agreement will be drawn up to include;
  - a) the term of the loan and repayments to be payable by direct debit (monthly payments in advance.
  - b) procedures to be undertaken by the Shire of Moora if repayments are overdue
  - c) procedures to be undertaken if the tenant lease agreement ceases.

### **Procedure**

The **Chief Executive Officer** is responsible for arranging the loan and executing agreements in accordance with policy guidelines and legislative requirements.

### **Responsibility**

The **Deputy Chief Executive Officer** is responsible for:

- 1. Instigating action required for the establishment of a direct debit facility
- 2. Overseeing the administration of internal systems and processes relating to the relocation loan, including:
  - Establishing a direct debit facility;
  - Collating and retaining information and appropriate supporting documentation;
  - Collating quarterly statements of loan balances and providing copies to loan recipient.

**Loan Recipient** is responsible for:

- 1. Ensuring that funds are available in their nominated account for monthly direct debit payments
- 2. Ensuring that the loan is paid in full by the end of agreed term

# **SECTION 10**

## **COMMUNITY RELATIONS AND GENERAL**

### **10.1 Preservation of Shire Records**

That Council records be maintained in accordance with the State Records Act 2000

### **10.2 Recognition of Achievements**

- (1) That a letter of congratulations be sent to any resident of the Shire who obtains State Selection in a team or individual event, and that a Certificate of Merit be issued to any such person who, as a result of such selection achieves a medal or an award and further that such letters or certificates be presented on return to the district by the individuals involved, at a function in the Council Chambers.
- (2) That where school students are concerned the Certificates of Merit be presented at school assembly functions.

### **10.3 Railway Box Carriages**

That as a Policy the relocation of old railway box carriages in townsites within the Shire of Moora not be permitted. (To be included in Building or Planning Section in final document)

### **10.4 Election Advertising Material**

The Policy of Council in relation to election advertising is as under -

- (a) No political/election material or advertising to be erected or attached to any tree, fence or building on any road, road reserve or road verge or any other reserve area throughout the Shire.
- (b) Political/election material or advertising permitted on private property with the permission of the owner subject to (c) below
- (c) Where political/election material or advertising is erected on private property where the material or advertisement is visible from a road under the control of Main Roads WA the permission of the MRWA to be obtained.
- (d) Any political/election material to be completely taken down and /or removed within seven days of the election or poll to which the material relates.

## **10.5 Policy Change and Review**

That policies of Council be fully reviewed biennially in December.

## **10.6 Use of Council's Seal**

Council's Common Seal may be used to finalise or formalise documents in conjunction with the signature(s) of the Shire President and/or the CEO and such uses shall be reported to Council each month for Council endorsement.

## **10.7 Communications Policy**

### **INTRODUCTION**

The Shire of Moora's Communications Policy provides a framework for communication between Council and its stakeholders. The effective dissemination of information and communication is a vital element in building a positive identity for Council through the greater community awareness of its services, activities, achievements and resources.

Successful communication will be achieved through the distribution of regular, consistent and truthful information in partnership with productive community consultation on key issues. All Departments of Council must be committed to the Policy.

### **PURPOSE**

- Provide regular and consistent communication on Council's projects and activities to all stakeholders
- Create a positive and professional image for the Shire of Moora through open communication and increased awareness of Council's activities and projects
- Foster meaningful community consultation process in Council's activities
- Effectively manage negative issues
- Ensure that internal communication is a key factor in all communication
- Develop a strong customer service focus within the Shire of Moora

### **Benefits of effective communication**

- Assists in building a positive reputation
- Strengthens relationships with key stakeholders
- The strengthened link with stakeholders helps develop the most appropriate products and services
- Enables Council to deal with crises from a position of strength
- Improves employees' morale and job satisfaction
- Helps attract and retain better employees

### **Communication Stakeholders**

The Shire of Moora's 'communication stakeholders' include:

- Ratepayers and residents
- Potential residents of the Shire of Moora
- Shire of Moora Councillors

- Employees of the Shire of Moora
- Business and Progress Associations of the Shire of Moora
- Visitors to the Shire of Moora
- Investors, developers and individuals with business interests within the Shire of Moora
- Customers who seek products or services or information from Council
- Community and government organisations
- Neighbouring local governments
- Local, regional and national media

When developing communication strategies and key messages the target audience must be determined which may consist of one, several or all of the stakeholders identified above. The characteristics of each stakeholder must be considered including their needs, wants, attitudes and perceptions of Council in addition to how they get their information.

## **POLICY**

### **Community Consultation**

Consultation with the community is seen as vital as it provides Council with an opportunity to impart information to key stakeholders and in turn receive feedback from the community. Community consultation is a process by seeking the views, opinions, concerns and reactions from the community as individuals or groups. By involving the community, community consultation enables people to understand issues and to have a sense of ownership in a project. For the community to truly feel involved with Council, it must be regularly given the opportunity to input their ideas into Council's activities. This is achieved by Council in the following ways:

- Public invitation to make submissions regarding important documents (such as the Management Policy and other strategies and policies)
- Community forums
- One to one consultation with the Shire President, Councillors, management and staff
- Generally unrestricted access to the Shire President, Councillors and Staff

In order for the community consultation process to be considered effective, the public must feel as though they have the opportunity to air an opinion or make a submission and must have the assurance that this will be properly considered.

### **Crisis Communication Strategy**

Advance preparation is critical when dealing with potential crises or controversies.

To prevent the likelihood of controversies, management in consultation with employees need to identify, in advance issues that may impact significantly on the community. Such issues may be identified internally or through the monitoring of media and correspondence. Council must be proactive in communicating to the community the key facts of the issue in a positive manner, ensuring that the issue does not become a crisis. Appropriate communication methods may be the distribution of a media release, an interview with the media or communication directly with the effected parties - depending on the situation. All media and correspondence must be monitored to gauge public feeling and highlight any further issues.

Occasionally an unforeseen crisis occurs and the following steps may help management to deal with the issue in an effective way.

- Identify a single spokesperson, usually Shire President or Chief Executive Officer, and ensure that they are available to talk to the media and are well briefed on the issue.
- Be prepared and forthright. Be prepared with a response to media inquiries with all facts and figures ready. If Council is unable to respond to media inquiries, let the media know when an answer will be available.
- Never say 'no comment' as this equals guilty in the eye of the public. Develop a response that puts the public first, takes responsibility, is honest, shows genuine sympathy (if applicable) and states the who, when, what, where and why of the situation. Outline the steps that have been taken to rectify the situation and promise a full inquiry into the situation if it is applicable.
- Provide a constant flow of information to key stakeholders, most importantly employees.
- Be accessible and familiar with media needs and deadlines.
- Monitor media coverage and correspondence.

### **Customer Service**

The way in which Council receives, answers and responds to phone calls, letters, faxes and emails combined with its face to face contact with customers, has the greatest impact on how Council is perceived in the community. It is vital that Council ensures that correct, effective, efficient and customer orientated responses are generated to develop and maintain a positive reputation for Council.

### **Employee Relations**

Council's elected Councillors and employees are its most effective public relations ambassadors. It is vital that all employees and Councillors receive timely, relevant, consistent and user friendly information to ensure that they are adequately informed on Council's activities, minimising the likelihood of misinformation. Effective internal communication also encourages a participatory approach to change management, increases employees' morale and encourages more effective communication between employees across department and management levels.

Strategies encouraged by Council to ensure adequate communication to its employees include:

- Employee induction process ensures a full understanding of the workings of Council
- Fortnightly Senior Staff meetings (Manex)
- Access to Council documents including policies and procedures and minutes in each department and on Council's website and server
- Key messages posted on staff notice boards
- Disseminate Council actions to staff after each meeting
- Utilisation of group emails to quickly distribute key messages
- End of year function

### **Events**

Council manages or supports a variety of Council and community events including:

- Australia Day celebrations
- Clean Up Australia Day
- Christmas Street Festival
- Sporting Events

- Fund Raising Events
- Be Active Events
- Moora Performing Arts Events

One off events may be managed by Council to introduce new products, bring attention to an organisation or individual, make an announcement or to celebrate a special occasion. Events play an important role in community life as a means of entertainment, social interaction and source of pride and sense of place. Council events are commonly staged to celebrate and recognise achievements within the Community and/or to promote a specific key message or interest.

Council also provides financial or in-kind support to community events to establish mutually beneficial partnerships between Council and the community; to raise the profile of the Council within the community; to provide opportunities for project development and skill development of members involved in events; to create pride in the local community; and to generate income and employment opportunities.

### **Media Relations**

Council will endeavour to establish and maintain a good working relationship with local and regional media outlets. It is necessary for Council to provide accurate, timely and cost effective information to media outlets that promotes Council in a positive way.

Media activities carried out by Council are predominately undertaken by the Shire President and/or Chief Executive Officer including the distribution of media releases, organisation of photo opportunities, contacting the media with the intent of gaining new publicity about, or originated by Council and responding to media requests for information.

Council issues media releases on occasions. Media releases must be authorised by the Chief Executive Officer prior to distribution. All media releases should be submitted to the Chief Executive Officer for distribution and must be presented on the media release template.

It is strongly encouraged that non-verbal resources are sourced to complement media releases such as photographs, images, graphs and maps to strengthen messages. The supply of images to the media can assist in the explanation of a difficult situation and greatly increase the likelihood of the media using the story.

The Shire President and the Chief Executive Officer are Council's official spokespeople. The spokespersons are to make public comments at public speaking engagements; on radio and television; and views expressed in letters to newspapers or in books, journals and notices where it might be expected that the publication or circulation of the comment will spread to the community at large. Staff should only talk to the media on behalf of the Council on matters of factual information only. Staff must not discuss sensitive, confidential or political matters with the media, in particularly current court cases or confidential legal advice. The Shire President may ask other Councillors to speak to the media. The Deputy Shire President, for example, is often asked to comment.

### **Website**

Council must ensure that an up to date, clear and concise website on Council and its activities is maintained as a convenient information source and valuable customer service tool for its stakeholders. The website is a cost effective information source which can be accessed by anyone, anywhere, at a time

that is convenient to the user. Council's website usage is continuously increasing as stakeholder's awareness of and accessibility of the Internet improves. Regular communications and marketing initiatives must be maintained by Council to encourage stakeholders to use the website for Council and community information.

## **Reporting**

### **Monitoring and Evaluation**

The effectiveness of Council's communication tools must be monitored to ensure that Council's stakeholders are adequately aware of and informed of Council's activities and services.

A number of tools are utilised by Council to monitor its communication activities, including the following:

- Monitoring of media coverage occurs on an as need basis. Clippings and DVD's are collected by the Corporate Services Department to monitor the frequency of media coverage and analyse content.
- Council is to survey customer attitudes and opinions with a major survey to be conducted annually. The aim of the survey is to monitor community attitudes and satisfaction on a broad range of issues to assist Council in Policy creation for future developments and activities including customer service and communications activities.
- Stakeholder correspondence and behaviour provides an indication of the effectiveness of Council's communication activities. Stakeholder's awareness, knowledge, opinions, and behaviours related to Council are most apparent through their actions such as participation/ customer levels and feedback received.

Monitoring and evaluation must occur on a regular basis to ensure that Council is achieving its communication objectives and so that Council can modify, amend or continue communication programs as needs be.



# **SECTION 13**

## **BUSH FIRE CONTROL**

### **BUSHFIRE POLICIES**

### **PROCEDURES/BY LAWS**

## SHIRE OF MOORA

# BUSH FIRE POLICY

### **POLICY STATEMENT:**

IT SHALL BE THE POLICY OF THE COUNCIL OF THE SHIRE OF MOORA TO ESTABLISH AND MAINTAIN A BUSH FIRE CONTROL ORGANISATION IN ACCORDANCE WITH PART V (67) OF THE BUSH FIRES ACT 1954 IN ORDER TO PROVIDE ADEQUATE FIRE DISTRICT AND TO CARRY OUT AN ONGOING PROGRAMME OF HAZARD REDUCTION HAVING DUE REGARD AT ALL TIMES FOR THE PRESERVATION OF THE NATURAL ENVIRONMENTAL.

THIS POLICY TO BE REVIEWED ANNUALLY

## **I. FIRE MANAGEMENT**

Council will form a Bush Fire Advisory Committee to administer Council's Policies, on matters relating to bush fire prevention, control and extinguishments, as provided for by Section 67 of the Bush Fires Act 1954.

I.1 The Bush Fire Advisory Committee shall represent each Brigade as follows;

- ONE CHIEF FIRE CONTROL OFFICER
- DEPUTY CHIEF FIRE CONTROL OFFICERS
- COMMUNITY EMERGENCY SERVICES MANAGER
- FIVE FIRE CONTROL OFFICERS, at least one of the Committee persons shall be a Councillor, the remaining members of the Committee shall be;
- ONE COUNCIL ADMINISTRATION OFFICER
- ONE DEPARTMENT OF FIRE & EMERGENCY SERVICES REPRESENTATIVE

I.2 The Chief Bush Fire Control Officer and two Deputy Chief Bush Fire Control Officers are elected by majority at the Annual General Meeting of Bush Fire Advisory Committee meeting and the Fire Control Officers are also to be elected at the Annual General Meeting.

I.3 The Bush Fire Advisory Committee will meet at least in March and prior to the AGM of Bush Fire Brigades each year. Other meetings will be held as deemed necessary. Guests, relevant to discussions to take place, may be invited to attend and address these meetings.

I.4 The number of members required to form a quorum of the Management Committee is;

- (a) Where the total number of members of the Committee is an even number, one half of that total;
- (b) Where the total number of members of the Committee is an odd number, the integer nearest to but greater than one half of that total.

I.5 Recommendations from the Bush Fire Advisory Committee will be presented to Council as soon as practical after each meeting.

## **2. BUSH FIRE CONTROL OFFICERS:**

### **2.1 APPOINTMENT**

- (a) At the Annual General Meeting of Bush Fire Advisory Committee, Brigade members may be nominated to Council to serve as Bush Fire Control Officers until reviewed at the next following Annual General Meeting.
- (b) The Council may appoint Bush Fire Control Officers in accordance with section 38 of the Bush Fires Act 1954 and such officers shall be issued with a certificate of Appointment by the Council.
- (c) At the AGM of Bush Fire Advisory Committee, the Members present shall elect a Chief Fire Control Officer, two Deputy Chief Fire Control Officers, a Fire Weather Officer, and Deputy Fire Weather Officers who shall be nominated to Council for appointment until the next following Annual General Meeting.

### **2.2 POWERS**

The Council retains the express authority to appoint, determine and restrict the powers of Bush Fire Control Officers. Such appointment will be in accordance with the requirement of the district and may prescribe an area over which the Bush Fire Control Officer shall have jurisdiction. Each Fire Control Officer so appointed shall be supplied with a copy of the Act and Regulations.

## **3. DUTIES OF A FIRE CONTROL OFFICER:**

The Fire Control Officer is a person who has been nominated by a Brigade and appointed by Council.

The appointment must be advertised in the Shire.

He has wide powers and is not liable for any damage, loss or injury caused as a result of the exercise of these powers, provided they are carried out in good faith.

He is a voluntary worker who gives his time in furthering the aims of fire prevention and control within the Shire.

The only reward is the satisfaction gained in performing a service of the greatest importance to the individual and community.

His duties may range quite considerably from time to time, but the following is an outline of the duties he is expected to carry out.

- 3.1 Carry out inspections of firebreaks in his Brigade area, and advise the Chief Bush Fire Control Officer or Chief Executive Officer of any non-compliance with the Firebreak By-Laws.

- 3.2 To prevent Bush Fires and protect life and property in the case of an outbreak of a bush fire.
- 3.3 To demand the name and address of any person committing an offence against the Act and to report to the Chief Executive Officer. Any persons refusing his name to a Bush Fire Control Officer may be arrested without warrant, under Section 56(2) of the Bush Fire Act 1954.
- 3.4 Other Bush Fire Control related matters as directed by Council.

#### **4. VOLUNTEER BUSH FIRE BRIGADE:**

Bush Fire Brigades will be established and maintained in the various fire areas providing proper and adequate fire protection.

- 4.1 The Shire will encourage members of the Volunteer Brigades to participate in training programmes offered by the Shire and the Department of Fire & Emergency Services (See Training Policy Appendix).
- 4.2 The Chief Executive Officer be authorised to approve and record applications submitted by Brigades for enrolments as Fire Fighting members, without reference to the Bush Fire Advisory Committee.

#### **5. HAZARD REDUCTION OPERATIONS:**

All hazard reduction operations undertaken by a Bushfire Brigade shall be authorised by the Shire, in accordance with the Committees Policy.

#### **6. ADMINISTRATION:**

- 6.1 The Shire of Moora shall enforce the requirements of the Bush Fires Act 1954.
- 6.2 The Bush Fire Advisory Committee shall be responsible for administering the provisions of the Bush Fires Act 1954 and the Shire Bush Fire Policy,
- 6.3 The Council shall authorise the Chief Executive Officer, Deputy Chief Executive Officer Manager Engineering Services or Works Supervisor, upon request from the Officer-in Charge of the Bush Fire to;

Call out or authorise the use of Shire vehicles, plant and equipment other than the normally used exclusively for fire fighting or control. These are to be operated by Council Staff,

The conditions applicable to use of Council plant are;

- a) Request for assistance and instructions can only come from the Fire Control Officer-in-Charge of the fire.
- b) Shire water tankers must be parked in a safe area and used only for back up water supplies.

- c) An operator has the right to refuse any instruction which he feels would put himself and his machine at risk. All Council machinery shall be accompanied by the fire fighting unit.

6.4 INFRINGEMENT NOTICES - Only persons authorised to do so by the Shire may issue Infringement Notices for Offences under the Bush Fires Act 1954 and that authority once given, shall remain in force until such time as it is revoked by the Shire.

6.5 FIREBREAK BY-LAW NOTICES - The Council will forward a copy of its Firebreak By-laws Notice no later than 30th September each year to all owners and occupiers of land within its district.

Council will thereafter not be required to give further notice of its firebreak requirements.

An Infringement Notice carrying a penalty as per Section 33 of the Bush Fires Act 1954 may be served on owners or occupiers of land who have not complied with the Shire's firebreak requirements and compulsory firebreaks may be installed at the owners or occupiers expense. (See appendix).

## **7. BUSH FIRE CONTROL:**

7.1 ROADSIDE BURNING - Persons wishing to carry out roadside burning on roads under Council control must make application to the Chief Executive Officer who will arrange for an inspection to be carried out by a Brigade Fire Control Officer and the applicant, permit to be issued by that Fire Control Officer.

All roadside burns are to be the direct responsibility of the Bush Fire Brigade or Fire Control Officer in the area.

Signs indicating a "Roadside Burning Ahead" are to be erected both ends of the controlled burn.

Approval to burn on the Great Northern Highway and Midlands Road and Moora-Bindoon Road are to be given only after consultation between the Main Roads Western Australia and Council.

7.2 PROHIBITED AND RESTRICTED BURNING TIMES -

- (a) RESTRICTED BURNING PERIODS - the restricted burning periods within the Shire are;  
19<sup>TH</sup> SEPTEMBER TO 31<sup>ST</sup> OCTOBER  
15<sup>TH</sup> FEBRUARY TO 29<sup>TH</sup> MARCH
- (b) PROHIBITED BURNING PERIODS- the prohibited burning period within the Shire is;  
1<sup>ST</sup> NOVEMBER TO 14<sup>TH</sup> FEBRUARY

Variations to either prohibited or restricted burning times or conditions may be authorised by the Chief Bush Fire Control Officer and the Chief Executive Officer. In addition to the statutory requirements of Sections 17 and 18 of the Bush Fires Act 1954 the Chief Executive Officer shall notify the Council and the Fire Control Officers of any such variations as well as advising the public through the local paper and ABC Regional Radio Geraldton.

### 7.3 BURNING OF RUBBISH TIPS -

- (a) **BURNING DURING PROHIBITED BURNING TIMES** - The Moora rubbish disposal site situated on Melbourne Location 1239 Lot 1 and also Reserve 34278 may be burned during the Prohibited Burning Time subject to the conditions as presented in the Notice of Suspension of Section 25 of the Bush Fires Act 1954.
- (b) **BURNING AT OTHER TIMES** - The Moora and other rubbish tips may be burnt only when conditions are suitable. The burns are to be under the direction of a Senior Council Officer or an appointed Fire Control Officer, Chief Bush Fire Control Officer to be informed prior to burning.

### 7.4 PROSECUTIONS AND FIRE REPORTS - Fire Control Officers may recommend prosecution where considered desirable when submitting Fire Reports, with the knowledge they will be called upon to give evidence.

### 7.5 FIREBREAKS - The Chief Executive Officer and the Chief Bush Fire Control Officer are authorised to approve or reject applications from landowners for reasonable extensions of time in which firebreaks are to be provided and to approve or reject requests for approval to provide firebreaks in alternative positions.

Fire Control Officers are to notify the Chief Executive Officer or Chief Bush Fire Control Officer if it has been observed that firebreaks have not been constructed in accordance with Council's Firebreak By-Laws.

### 7.6 BURNING OFF -

- (a) **SUNDAY BURNING** - burning of bush is not permitted on any Sunday occurring during the Restricted or Prohibited Burning time.
- (b) **PUBLIC HOLIDAYS** - burning of bush is not permitted to be carried out on any Public Holiday occurring during the Restricted or Prohibited Burning times.

NOTE: Bush is defined as including trees, bushes, plants, stubble, scrub and undergrowth.

### 7.7 PERMITS TO BURN BUSH -

- (a) Authorised Permit Issuing Officers are the only persons allowed to issue permits; such persons are named in a list which is reviewed annually.

- (b) Permits to burn are for a maximum of seven (7) days only. Sundays and Public Holidays are excluded.
- (c) The permit issuer may vary conditions 2, 3, 4, 5 & 6 of regulations 15(b) but not 7, 8 & 9. Any variations must be in writing and clearly stated on the permit.
- (d) The Permit Issuing Officers are limited to three per Brigade and a mandatory condition of any permit is that the Permit holder is to notify the Brigade Captain in the first instance that he intends to burn on that day before 8.00am. The Chief Bush Fire Control Officer is authorised to issue "Special" Permits to Burn clover and/or rye grass.

## **8. HARVESTING**

- 8.1 HARVEST BANS - Harvest Bans can only be placed by the Chief Executive Officer, Deputy Chief Executive Officer, Chief Bush Fire Control Officer or Chief Weather Officer. The Regional ABC is to be advised for broadcasting to the public. (See appendix)
- 8.2 HARVESTING ON SUNDAYS AND PUBLIC HOLIDAYS - Harvesting is permitted on all Sundays and Public Holidays excepting Christmas Day, Boxing Day and New Year's Day in accordance with conditions set by Council in its separate Policy relative to the matter, included in appendix.

## **9. VEHICLES**

- 9.1 The Shire to provide and maintain firefighting appliances and equipment pursuant to the powers conferred under Section 36 of the Bush Fires Act 1954.
- 9.2 Maintenance and repair of these Shire owned equipment will be the responsibility of Council and all maintenance or repairs will be carried out with the knowledge and consent of Council.
- 9.3 All replacement parts or equipment will be purchased on an Official Shire Purchase Order.
- 9.4 Any damage to Shire appliances or equipment shall be reported to the Council as soon as practicable after the damage has occurred.
- 9.5 The Council will be responsible for maintaining the fire fighting appliances in a roadworthy condition.
- 9.6 The Brigade Captains will be responsible for;
  - (a) Ensuring that the Brigade appliances are serviced and checked on a regular basis.
  - (b) Ensuring that the battery, tyres, water, oil and fuel of the Shire Fire Fighting appliances are checked at least once a week.
- 9.7 The fire appliances at Bindi Bindi, Coomberdale, Koojan, Miling and Watheroo are to be used to control fires occurring within the town or threatening the town with the understanding



that whether or not the Shire's fire appliances are used away from the townsite is at the discretion of the Brigade Captain.

- 9.8 Fire fighting appliances allocated to Volunteer Bush Fire Brigades will be stationed at the designated fire shed or other locations nominated in writing by the Brigades and agreed to by Council.
- 9.9 No fire fighting appliance shall be removed from the designated fire shed or other nominated location by any persons without the Brigade Captain or another Officer of the Brigade being advised either verbally or in writing of the intended location of appliances.
- 9.10 The Brigade Captain will at all times keep the Council informed of any charges of the day to day location and operational status of the brigades appliances.
- 9.11 The driver of any Shire fire fighting appliances will hold a current drivers licenses of the class appropriate for the appliance being driven and be either;
- A COUNCIL EMPLOYEE
  - A REGISTERED MEMBER OF THE VOLUNTEER BUSH FIRE BRIGADE
  - ANY PERSONS AUTHORISED BY THE CHIEF EXECUTIVE OFFICER, COMMUNITY EMERGENCY SERVICES MANAGER OR FIRE CONTROL OFFICER TO DO SO.
- 9.12 The driver of a Shire fire fighting appliance shall at all times observe the provisions of the Road Traffic Code, in particular those applying to emergency vehicles. The WA Road Traffic Code 2000, *Regulation 18* removes exemptions under Regulation 281 to drive at speed if that driving is deemed careless, reckless or at a speed, or in a manner, that is dangerous to the public.

## **10. EQUIPMENT AND TOOLS:**

Each fire unit shall be supplied with such equipment and tools as deemed necessary.

## **11. SAFETY CLOTHING AND FOOTWEAR:**

Registered Brigade Personnel on the fire grounds must be dressed in accordance with the Department of Fire & Emergency Services recommended industry standard or equivalent. Personnel turning up to fires without the minimum standards will be advised to dress properly or asked to leave the fire ground.

(Minimum Standard) - Is cotton or woollen long trousers, cotton or woollen long sleeve shirt and safety boots and leather gloves.

## **12. COMMUNICATIONS:**

- 12.1 An efficient two-way radio network will be established and maintained for fire fighting communications.
- 12.2 Western Australian Emergency Radio Network (WAERN) sets to be located within all Brigade areas to the best advantage and such location are decided by;

- CHIEF BUSHFIRE CONTROL OFFICER
- COMMUNITY EMERGENCY SERVICES MANAGER
- SHIRE COUNCIL REPRESENTATIVE

after consultation with Area Brigade Captain.

### **13. INSURANCE:**

The Shire will obtain and keep a policy of insurance for fire fighters and equipment as provided pursuant to Section 37 of the Bush Fires Act 1954, which will cover personnel, equipment and vehicles whilst engaged on authorised activities.

### **14. SUBDIVISIONS:**

Conditions of approval for all subdivisions within the Moora Shire will be as per the Rural Subdivision Policy Statement.

# SHIRE OF MOORA

## **POLICY ON SAFETY AND HEALTH RELATIVE TO VOLUNTEER, BUSH FIRE FIGHTERS**

The Council of the Shire of Moora recognises the extremely valuable contribution to the community by the Bush Fire Volunteers.

It is the policy of Council to ensure that Bush Fire Volunteers are provided with safe working equipment, the safest work systems practical, and to minimise the frequency of accidents and injury.

Council recognises that both the Shire and Bush Fire Brigade Volunteers have a responsibility for safety and health.

### **COUNCIL RESPONSIBILITIES:**

All practical efforts will be made to;

- Instruct Bush Fire Brigade Volunteers in safe working practices
- Ensure that brigade owned equipment is in safe working order
- Require the use of protective clothing and equipment appropriate to the task
- Ensure that volunteers have ready access to first aid facilities
- Investigate accidents and possible safety and health risks and take appropriate remedial action
- Provide a mechanism for joint Shire/Bush Fires Board Volunteer consultation on safety matters; and
- Review the effectiveness of Bush Fire Brigade Volunteer training, safety and health policies as necessary

### **VOLUNTEER RESPONSIBILITIES:**

- To maintain a reasonable standard of physical fitness
- To acquaint themselves with safe working procedures
- To identify safety and health hazards and report these to senior officers
- To observe safe working practices and avoid unnecessary risks and be responsible for their own safety
- To ensure that they present themselves dressed appropriately for fire fighting and make proper use of personal protective equipment whenever necessary and when required to do so.

Council acknowledges that the occupational risks inherent in fire fighting and other emergency duties undertaken by Bush Fire Brigade Volunteers are significant and the possibility of serious injury is high. Strict adherence to safety guidelines and procedures in these circumstances is not always possible, however, it is the intention of Council to develop and implement safety and training policies to minimise the occurrence of injury to Bush Fire Brigade Volunteers, both on the fire ground, and in the performance of all other duties.

## **RESPONSE TO HAZARDOUS MATERIAL FIRES**

A Bush Fire Brigade when required shall;

- Provide an initial report of the incident to the local authority
- Extinguish bush fires that are associated with the incident if it is safe to do so.
- Assist Volunteer Fire & Rescue Service (VFRS), where possible, to render the situation safe
- Provide fire protection in the recovery phase.
- To provide a fire report on the incident at the conclusion.

Reports are important and must be furnished without delay so that specialist advice on how the incident must be handled with safety can be obtained.

Reports must contain information of the location of the fire, volume and direction of the smoke plume, suspected hazardous material involved, details of fire fighting equipment available on site.

Department of Fire & Emergency Services (DFES) is the designated Hazard Management Agency for all hazardous materials emergencies in Western Australia and Volunteer Fire & Rescue Service (VFRS) is the combat agency where a DFES brigade is established.

**IT CANNOT BE STRESSED TOO STRONGLY THAT TO ACT WITHOUT SPECIALIST ADVICE IS DANGEROUS!!**

## **SHIRE OF MOORA BUSH FIRE TRAINING POLICY**

### **I. TRAINING AND THE BUSH FIRE ORGANISATION**

Council recognises that Volunteer Bush Fire Fighters must be properly trained to perform their tasks in a safe and efficient manner.

Responsibilities differ at various levels in the fire Organisation and accordingly the level of skills required to perform related tasks varies also.

Council recognises that a basic level of skill is required for all fire fighters.

To ensure that fire fighters are adequately skilled to fulfil these tasks, Council adopts a Training Policy and supports its brigade officers in the implementation of the same.

### **2. TRAINING FIRE FIGHTERS:**

THAT IT BE COUNCIL POLICY THAT;

- 2.1 The Community Emergency Services Manager oversee training of Council volunteer fire fighters

OR

That a bush fire brigade appoints an officer or a member of the brigade as the Brigade Training Officer.

It will be these Officers' responsibility to ensure that all fire fighters are skilled in basic fire fighting procedures the, efficient and safe operation of the brigade's equipment and that Council is informed of local training standards.

- 2.2 Council will encourage members of brigades to participate in the training programmes offered by the Department of Fire & Emergency Services.

- 2.4 All Training Officers appointed by Council and/or brigades will be required to present training to fire fighters throughout the Shire.

- 2.5 SAFETY OF PERSONNEL - the person in charge of training shall at all time keep the safety of these personnel under his/her direction as a primary consideration.

- 2.6 Serving brigade members who have not already undertaken formal training courses must satisfy their brigade Training Officer that they have a level of knowledge and skills at least equal to the Basic Training Officer that they have a level of knowledge and skills at least equal to the basic training level set by the Department of Fire & Emergency Services

- 2.7 The promotion within the Brigade should be based on experience.

- 2.8 Council will require its Fire Officers to be trained to a level consistent with rank and role within the bush fire Organisation.

### **PROFILE OF A FIRE FIGHTER:**

1. At all times, Brigade members engaged in training, fire suppression, hazard reduction or any authorised activity must be acting in accordance with the Brigades constitution/objectives and Local Authority Policy.
2. The Brigade member has a responsibility not only to themselves in the manner they present, conduct or represent themselves or their Local Authority, but to their fellow members, their families and members' families.
3. All Brigade members have a duty of care to their fellow member to ensure they are in good health and physically fit to carry out the task allocated to them and their actions will not jeopardise the safety of fellow members.
4. They will carry out any instructions given to them by a Brigade Officer, if it is safe to do so.
5. They will endeavour to promote the Brigades objectives, to participate in fuel reduction and training programmes to the desired level within the Brigades and in accordance with their role in the Brigade.
6. Brigade members should set an example to their community by their dedication to fire protection and their home/land should be an example to the community.
7. The Bush Fire Brigade member has a valuable contribution to make to the Brigade the community and thus has a commitment/responsibility to local and district fire protection.
8. All Brigade members must acquaint themselves with Council's Bush Fire By-Laws Policy and Protection Plans.

### **PROFILE OF BUSH FIRE BRIGADE OFFICERS:**

#### **The Captain**

1. Is in charge of all fire fighters and members of the Brigade.
2. Is responsible for the safety and well being of all personnel under his control at any time when involved in any activities while representing the Brigade and the Local Authority.
3. Has a responsibility to ensure the operation of equipment is maintained at a high level of proficiency and in a safe manner.
4. Shall be responsible for the co-ordination of Brigade Resources in fire related matters.

5. Shall be seen as a leader with demonstrated skills with the capability to delegate tasks to ensure the proper running, maintenance of the Brigade and its objectives.
6. Be required to have an intimate knowledge of the Brigades area of responsibility, the high-risk areas, firebreaks access, water supplies, major landowners and land vesting's.
7. To have a knowledge of the Brigade members special abilities and be able to co-ordinate these skills and abilities to the benefit of the Brigade and its members.
8. Shall have a demonstrative ability, to liaise with adjoining Brigades and to operate the Brigade under the direction of the FCO to ensure best use of the Brigade and its resources.
9. To assume the duties and responsibilities of a FCO
10. To co-ordinate the Brigades roster systems.
11. Be responsible for adequate training of members as per Council's Training Policy.

### **Lieutenants**

1. Are responsible for the crew and fire equipment in their charge.
2. Will assume the duties and responsibilities of the Captain in order of seniority in the Captain's absence.
3. To carry out any instruction given directly by the Captain or in the Captain's absence, the FCO.
4. To ensure the crew present themselves in a safe manner and act in a safe manner so as to not endanger members of the crew.

## **PROFILE OF A BUSH FIRE CONTROL OFFICER:**

### **Duties**

The main duties of a Bush Fire Control Officer relate to fire prevention. The FCO is officer through whom Local Government works to control the use of fire and certain machinery and operations at such times of the year as these could lead to bush fires.

In all cases, the FCO works in close contact with the public and frequently in an enforcement role. At other times the FCO imposes conditions on activities, which as a result may become more onerous to carry out. The FCO has an advisory function on general fire safety also.

In carrying out an FCO's duties, they have the power of entry on land or into buildings, an activity which may be construed by some as in invasion of privacy.

In fire suppression, the duties involve the direction of volunteers and brigades the FCO is responsible for practical decisions, which would involve life and property and has wide powers when involved in fire fighting.

In all duties, they are subject to Council direction, control and possible limitation of power conferred by the Bush Fires Act.

### **Experience and Temperament**

Bush Fire Control Officers must therefore have experience in dealing with the public from the aspect that they are in charge of the situation and issues may be contentious.

To maintain their position, they must have a good working knowledge of bush fire legislation, the fundamentals of bush fire prevention-work and fire behaviour.

An FCO must have even temperament as they may be called to deal with provocative situations, but at the same time they must have sufficient strength of character to maintain their ground.

In fire suppression a working knowledge of legislation as it relates to powers of Bush Fire Control Officers is essential as is knowledge of fire suppression techniques, preferably gained by experience from the grassroots upwards.

They must be trusted and respected by brigade personnel, and be their leaders.

They must command obedience and respect and must be capable of positive action.

They must have a clear understanding of their role of their relationship to Council, ie; they are responsible to Council to carry out fire protection work as they direct.

In looking for a Fire Control Officer, you would look for;

- A person of integrity
- Steady and reliable
- A person willing to take as well as give orders
- A high sense of responsibility
- Relevant fire experience

The persons to be selected for a Fire Control Officer, particularly if there is to be an accent of fire suppression, must be physically fit.



# **PROFILE OF A CHIEF BUSH FIRE CONTROL OFFICER**

## **DUTIES:**

The Chief Bush Fire Control Officer (CBFCO) is the most senior Fire Control Officer appointed by a Shire. He has all the powers and responsibilities conferred on Bush Fire Control Officers by the Bush Fires Act and regulations (see profile of a Bush Fire Control Officer).

As the most senior member of a Local Authority bush fire Organisation, he may take overall charge of fire fighting in the Shire. The Chief Bush Fire Control Officer is expected to assume the role of leader, guide and mentor to more junior Bush Fire Control Officers and the bush fire Organisation in his area.

He provides co-ordination between the various parts of his Organisation as well as coordination between municipalities and other fire suppression agencies.

## **Experience and Skills**

The qualifications relevant to Bush Fire Control Officers apply equally to the Chief.

As the Senior Officer his leadership skills must be recognised and accepted by his peers. He must command their respect.

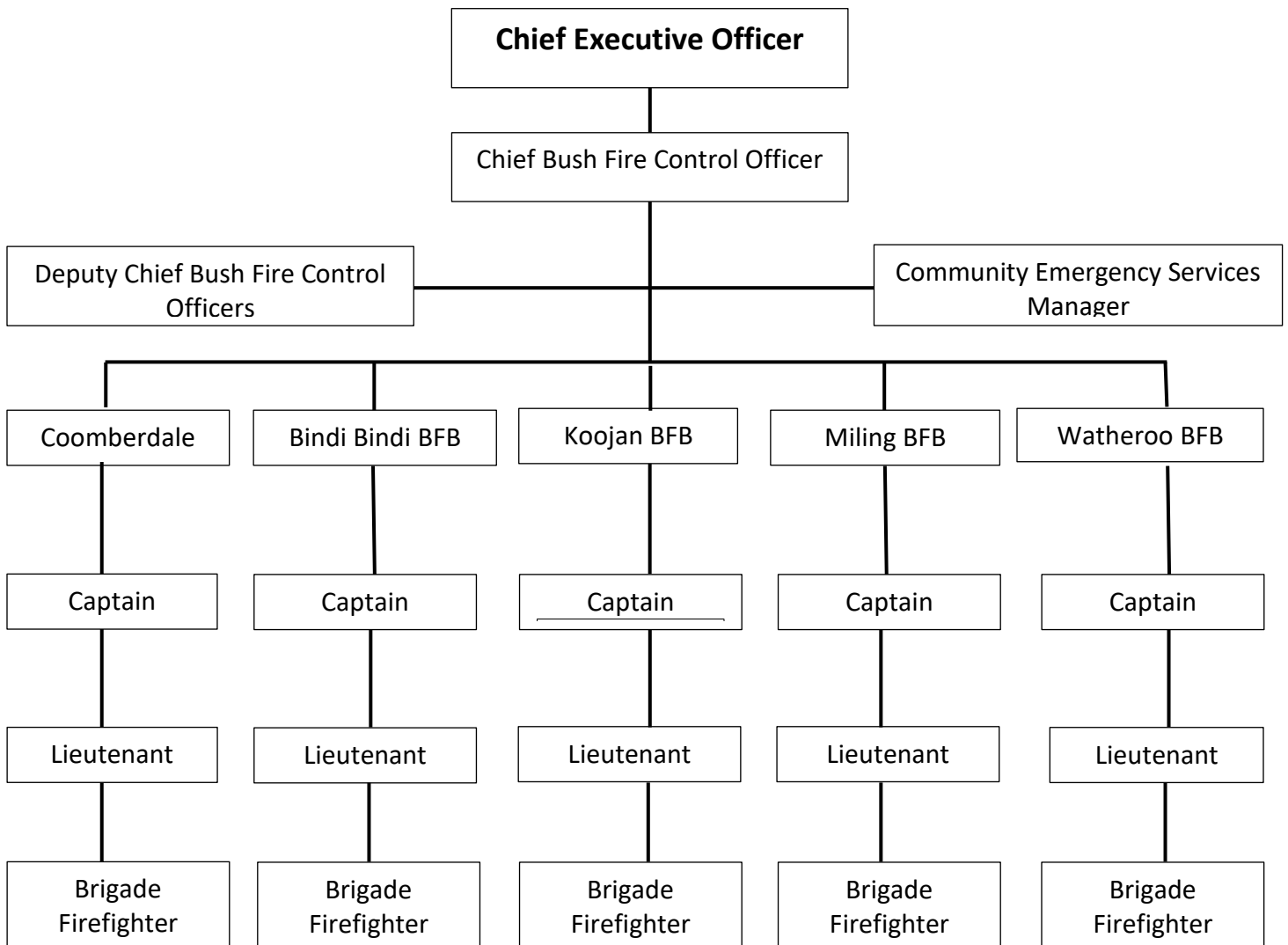
In effect he is the Manager of the local bush fire Organisation and as such must have managerial skills and a wide knowledge of the fire Organisation in his municipality.

## **Relationship with the Authority**

The Chief Bush Fire Control Officer must enjoy the confidence of his Local Authority and have adequate authority (or access to it) to use Council resources and/or funds when fires may warrant such action.

While the choice of Bush Fire Control Officers can be influenced to a large degree by brigades and volunteers, the choice of Chief is an important decision which property lies with Council.

# BUSH FIRE CONTROL ORGANISATION STRUCTURE



# RURAL SUBDIVISION POLICY STATEMENT

Council recognises the need to address the level of protection, where life, properties and values would be threatened by bush fires in rural subdivisions which may develop.

Consultation with DFES will assist in compatibility of conditions of approval being set by both instrumentalities.

The following issues shall be addressed when setting the standard of fire protection in new developments.

These issues will be assessed by Council, Fire Control Officers, and appropriate recommendations made to Council for inclusion in their submissions to the WA Planning Commission.

## **ACCESS:**

To avoid the possibility of residents being trapped by fire, the question of fire fighters access and residents egress will be addressed.

- (a) All created lots to be provided with road access.
- (b) Cul-de-sacs and battle-axe lots are to be assessed where alternative access is limited for resident escape routes and fire fighting access.

## **STRATEGIC FIRE BREAKS:**

Strategic firebreaks provide access for fire units, and in some cases buffers between fuel areas and the subdivisions.

In some situations it may be necessary to require strategic firebreaks in addition to Council's firebreak notice to provide adequate protection to residents.

- a) Where strategic firebreaks are required around the subdivisions perimeter on any part there of, the standard specifications shall be 6 metres in width with a 4 metre trafficable surface for fire units.
- b) The Council shall address the continuing access for fire units which may require property easement and appropriate gates on fence lines and the ongoing maintenance of any strategic firebreak.

## **PUBLIC OPEN SPACE:**

Public open space is to be vested with an authority having a land management capability to ensure fire management of reserves is an ongoing commitment.

## **WATER SUPPLY:**

A suitable permanent supply of water is essential for effective fire suppression.

- (a) Where a reticulated water mains are provided, fire hydrants will be installed to the DFES standard i.e.; maximum 200 metres intervals for residential and 100 metres intervals for commercial/industrial.

- (b) In areas of no water mains system, an acceptable supply of permanent water needs to be available for fire unit refilling. This water supply needs to be within a 20 minute turn-around time frame for vehicle refilling. Water supplies, tanks and soaks, hardstands, plumbing outlets, filling mechanisms to be to the satisfaction of the Shire in consultation with the Department of Fire & Emergency Services.

## **SHIRE OF MOORA**

### **FIRE REPORTING PROCEDURE**

#### **REPORTING A FIRE:**

The procedure to be used to report a fire is;

1. For all fires ring 000, contact to be made with the Brigade Captain and then neighbours.
2. Contact the shire administration and Community Emergency Services Manager

NOTE: Printed information cards to be arranged which detail the above procedure and also telephone number/radio call signs of; Brigade Captains.

# POLICY

## HARVESTING SUNDAYS AND PUBLIC HOLIDAYS:

Council's policy allows harvesting on Sundays and Public Holidays - subject to the undermentioned conditions:-

1. Two people must be in attendance while harvesting operations are taking place.
2. A fire unit must be situated within or adjacent to the paddock being harvested.
3. No movement of vehicles in paddocks while a harvesting and vehicle movement ban is in place other than carting of water, any other instances where vehicles are required to move in paddocks during a harvest ban to require prior authorisation from a fire control officer.

Persons harvesting contrary to this policy risk voiding their insurance cover.

### Harvesting during Christmas and New Year:

It is hereby notified for public information that Council has in accordance with the Bush Fires Act Regulations, amended the general approval for harvesting on Sundays and public holidays for the Christmas and New Year holiday period as under –

<b>CHRISTMAS DAY</b>	-	<b>HARVESTING NOT PERMITTED</b>
<b>BOXING DAY</b>	-	<b>HARVESTING NOT PERMITTED</b>
<b>NEW YEARS DAY</b>	-	<b>HARVESTING NOT PERMITTED</b>

A HARVEST & VEHICLE MOVEMENT BAN - which may be applied due to extreme weather conditions, takes precedence over any approval for harvesting on Sunday or public holidays.

BROADCASTING OF HARVEST & VEHICLE & MOVEMENT BANS - ABC Regional Radio will broadcast notice of Harvest & Vehicle Movement bans and the community will be notified via Messaging System (SMS) if registered.

The assistance of all Fire Control Officers and the Public in reducing the risk of fires and suppressing any fires that may occur is appreciated by Council.

## **FIRE BREAK INSPECTION PROCEDURE TO BE CARRIED OUT BY FIRE CONTROL OFFICERS**

1. An inspection of fire breaks to take place as soon as possible after the 4th Saturday in October, each year, such dates to be decided annually,
2. Notice of any inadequate breaks to be notified to the Chief Executive Officer in writing as soon as possible after the 31<sup>st</sup> October. The Notice is to contain name of owner or occupier, date and time of inspection; location of break and who carried out the inspection.
3. Shire Office to issue a reminder notice to any land holder who, in the opinion of the Bush Fire Control Officer, has not complied with Council's Fire Break Notice (inadequate break etc.) as soon as possible after notification by a Bush Fire Control Officer.
4. Where a notice has been issued, the Fire Control Officer who made the report will automatically carry out a further inspection as soon as possible after a date decided which is 14 days after the 31<sup>st</sup> day of October, which is the date Fire Break Notice requires fire breaks to be provided by.
5. Where a fire break is found to be inadequate on or after the date of such inspection and this is reported to the Shire Office in writing by a Fire Control Officer a Bush Fire Infringement Notice will be issued from the Shire Office imposing a fine of \$250 or as amended, for non-compliance with the Fire Break Notice.

### **FIRE BREAK REQUIREMENTS - RURAL AND TOWNSITE:**

#### **Rural Land**

On or before the 31<sup>st</sup> day of October firebreaks must be provided not less than 2.7metre in width inside and along the whole of the external boundaries of the properties owned or occupied, where this is not practicable the firebreaks must be provided as near as possible to, and within, such boundaries with the exception that firebreaks can be modified or not required if after consultation with the Brigade Captain and neighbours it is decided that a natural barrier or man made structure will act as a firebreak and maintained free of inflammable material until the 29<sup>th</sup> day of March.

#### **Townsites**

On or before the 31<sup>st</sup> day in October all town lots within the townsite of Moora, Watheroo, Bindi Bindi, and Coomberdale are required to be treated as follows -

**Land 2032m<sup>2</sup> (half an acre) or less** - Do not require fire breaks, but are required to follow **General Fire Hazard Reduction**. (e.g. *slashed/mowed*).

**GENERAL FIRE HAZARD REDUCTION-** All property owners are required to reduce fire hazards on their property prior to the summer season, by maintaining grassed areas as far as is reasonably practicable, to 50mm in height over the entire area, by slashing, mowing, application of chemical or stock. Hazard Reduction orders will be issued where landowners have failed to reduce fire hazards.

**Land is 2,032m<sup>2</sup> (half an acre) or more** -A firebreak must be provided not less than 2.7 metres in width inside and along the whole of the external boundaries of the properties owned or occupied and all flammable material must be cleared 2.7m distance from all buildings and/or haystacks situated on the land and maintained free of such material until the 29<sup>th</sup> day of March.

## **DUTIES OF CHIEF/DEPUTY BUSH, FIRE CONTROL OFFICER**

### **ACTION PROCEDURES:**

#### **I. CONTROL**

- I.1 Co-ordinate and control operations in the field.
- I.2 Take charge of the fire situation if necessary.
- I.3 Establish a control and communication point at or near the fire ensure establishment of assembly area for incoming assistance.
- I.4 Carry out a reconnaissance and access PRIORITIES and decide tactics.
- I.5 Allocate sectors of responsibility; brief and allocate resources as required to sectors.
- I.6 Forecast fire spread and assess potential needs request mutual aid.
- I.7 Roster relief personnel.

#### **2. REPORTING**

- 2.1 Furnish situation reports to Council Office at regular intervals.
- 2.2 In multiple fire situations the Department of Fire & Emergency Services to be advised.

# BUSH FIRES ACT 1954

## **SHIRE OF MOORA:**

Local Laws relating to the establishment, maintenance and equipment of Bush Fire Brigades.

In pursuance of the power conferred upon it by the abovementioned Act, the Council of the abovementioned Municipality hereby records having resolved on the 21st July, 1993, to make and submit for confirmation by the Governor By-laws relating to the establishment, maintenance and equipment of the Bush Fire Brigades of the Shire of Moora.

1. The By-laws relating to the establishment, maintenance and equipment of Bush Fire Brigades for the Municipal District or any part of the Municipal District of Moora gazetted on 9th January, 1942, and as amended on 16th May 1965 are hereby repealed.

## **2. Bush Fire Brigades**

### **2.1 ESTABLISHMENT OF BRIGADES**

- (a) By resolution, the Council may establish, maintain and equip a Bush Fire Brigade under the provisions of the Bush Fires Act 1954 (as amended), and Regulations there under. The Brigade shall be formed in accordance with these By-laws and a name shall be given to the Brigade. Details of the Bush Fire Brigade shall be held by the Council,
- (b) A Bush Fire Brigade may be established for the whole of the Shire or any specified area thereof.

### **2.2 APPOINTMENT OF BRIGADE OFFICERS**

Each Brigade shall hold an Annual General Meeting at which a Captain, First Lieutenant, Second Lieutenant, Secretary and/or Treasurer and such additional officers as deemed necessary shall be elected. The Council shall be notified annually of the names of officers elected.

### **2.3 DUTIES OF OFFICERS**

Duties of all Brigade Officers and Members shall be as detailed in the Provisions of the Bush Fires Act 1954 (and amended).

#### **(a) Captains and Lieutenants**

The Captain shall have full control over the members of the brigades whilst engaged in fire fighting and shall issue instructions as to the methods to be adopted by the fire fighters. In the absence of the Captain, the 1st Lieutenant, the 2nd Lieutenant or Senior Officer of the Brigade present at the fire, shall exercise all the powers and duties of the Brigade Captain.



(b) **Secretary and/or Treasurer**

Shall be responsible for administration in accordance with section 2.5 of the By-laws.

(c) **Equipment**

The Captain shall be responsible for the custody and maintenance in good order and condition of all equipment and appliances acquired by the Council for the purpose of the Brigade. The equipment shall be kept at a depot approved by the Brigade Captain where, if possible, fire units can easily be called upon. If there is more than one such depot in the area, the Captain shall appoint at each depot a person to look after the equipment and have it ready for immediate use when required.

## 2.4 BRIGADE MEMBERSHIP

- (a) The membership of the Bush Fire Brigade consists of fire fighting members.
- (b) Fire fighting members shall be those persons being members of either sex and being (16) years of age and over, and willing to render service when possible at any bush fire and who sign an undertaking in the form contained in the First Schedule of these By-laws.
- (c) The enrolment of persons as fire fighting members shall in every case be subject to the approval of the Council.

## 2.5 ADMINISTRATION RESPONSIBILITIES

(a) **Meetings**

- i) Brigade meetings shall be held as required, with a minimum quorum of 3 Brigade members to be present. The minutes of such meeting to be tabled at the next following Fire Advisory Committee Meeting.
- ii) The Brigade Secretary shall provide the Chief Executive Officer with advice of meetings at least seven days prior to the date of the meeting in case there is any matter which the Chief Executive Officer thinks should be addressed.

(b) **Membership**

The Brigade Secretary shall maintain a register of all members and resignations of such members from the Brigade.

(c) **Secretary and/or Treasurer**

Is responsible for all Brigade Administration matters which will include the following

- i) Taking of Brigade Minutes.
- ii) Maintaining of Brigade Membership records.
- iii) Detailing revenue from all sources and expenditure made by the Brigades.
- iv) Receiving and answering correspondence as necessary.

**3. Finance:**

The expenditure incurred by Council in the purchase of equipment, payment for services and generally for the purpose of the Act, shall be a charge on the ordinary revenue of the Council and records of such expenditure shall be maintained in accordance with municipal audit requirements.

~ ~ ~