



Ordinary Council Meeting Minutes

Date: 21 March 2012

Please Note: These minutes and the decisions recorded therein have not as yet been confirmed by Council as a true and accurate record of the meeting.

The Shire of Moora Vision and Mission Statement

Vision

Our vision is that:

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

Mission

Our mission is:

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

SHIRE OF MOORA
MINUTES OF THE ORDINARY MEETING OF COUNCIL
HELD IN THE MILING PAVILION, MILING
21 MARCH 2012

TABLE OF CONTENTS

1.	DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS	3
	1.1 DECLARATION OF OPENING	3
	1.2 DISCLAIMER READING	3
2.	ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE	3
3.	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	3
4.	PUBLIC QUESTION TIME	4
5.	PETITIONS AND PRESENTATIONS	4
6.	APPLICATIONS FOR LEAVE OF ABSENCE	4
7.	ANNOUNCEMENTS BY THE PRESIDING MEMBER	4
8.	CONFIRMATION OF MINUTES	4
	8.1 ORDINARY COUNCIL MEETING - 15 FEBRUARY 2012	4
9.	REPORTS OF OFFICERS	5
	9.1 CORPORATE SERVICES	5
	9.1.1 List of Payments Authorised Under Delegation 1.31 *	5
	9.1.2 Statement of Financial Activity for Period Ended 29 February 2012 *	6
	9.1.3 Request for Reduction of Hire Fee – Relationships Australia (WA) *	7
	9.1.4 Request for Financial Support – Moora Districts Tennis Club *	9
	9.1.5 West End Land – Expressions of Interest – Lease *	12
	9.2 HEALTH, BUILDING & PLANNING SERVICES	16
	9.2.1 Recommendations from Town Planning Committee	16
	- Application to Purchase lot 195 Tootra Street, Moora – Mr Greg Reilly	16
	- W.A Planning Commission - CBH – Application for Subdivision –	
	Miling Lot 100 *	17

9.2.2	Mallee Plantation – Loc M3100 & M3461- French Road, Watheroo *	18
9.2.3	Designation of Authorised Person to Enforce New Building Act 2011, and Delegation of Permit Authority Function	22
9.2.4	Shire of Moora Food Premises – Food Act 2008 Enforcement Procedures *	27
9.3	COMMUNITY & ECONOMIC DEVELOPMENT	29
9.3.1	Shire of Moora Tourism Development Strategy *	29
9.4	ENGINEERING SERVICES	30
	Nil	
10.	ELECTED MEMBER MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	31
11.	NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING	31
12.	MATTERS FOR WHICH THE MEETING MAY BE CLOSED	31
13.	CLOSURE OF MEETING	31

* Separate Attachments

<i>Item 9.1.1</i>	<i>List of Payments Authorised Under Delegation 1.31</i>
<i>Item 9.1.2</i>	<i>Statement of Financial Activity for Period Ended 29 February 2012</i>
<i>Item 9.1.3</i>	<i>Letter</i>
<i>Item 9.1.4</i>	<i>Letter, Map & Engineering quote</i>
<i>Item 9.1.5</i>	<i>MCRC Letter</i>
<i>Item 9.2.1</i>	<i>Letter to WAPC</i>
<i>Item 9.2.2</i>	<i>Map of Mallee Plantation Plan</i>
<i>Item 9.2.4</i>	<i>Shire of Moora Food Premises – Food Act 2008 Enforcement Procedures</i>
<i>Item 9.3.1</i>	<i>Tourism Development Strategy 2012-2016</i>

I. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS**I.1 DECLARATION OF OPENING**

The Shire President declared the meeting open at 6.32pm and welcomed visitors.

I.2 DISCLAIMER READING

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

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

2. ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE**ATTENDANCE**

CE Gardiner	-	Shire President
AR Tonkin	-	Councillor
CD Hawkins	-	Councillor
SA Bryan	-	Councillor
JW McLagan	-	Councillor
DV Clydesdale-Gebert	-	Councillor
OC Cocking	-	Councillor
TG Humphry	-	Councillor
AJ Leeson	-	Chief Executive Officer
JL Greay	-	Manager Engineering Services
LJ Parola	-	Manager Finance & Corporate Services
RL McCall	-	Manager Community & Economic Development
P Williams	-	Manager Health Building & Planning Services

APOLOGIES

R Keamy	-	Councillor
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PUBLIC

Mr Bruce Topham	Mr Wade Pearson	Mr Paul White
Mr Mark McCuish	Mr Richard Topham	Mr Ken Seymour
Mr Ian Seymour	Mr Max Lewis	Mr Neil Pearse (from 6.59pm)
Mr Carlo Galati (from 7.10pm)		

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4. PUBLIC QUESTION TIME

Mr Max Lewis

Questioned whether the recycling that is collected via the kerbside recycling pickup is economically viable to go to a recycling facility.

The Manager Health Building & Planning Services advised that the recycling that is collected is taken to a recycling yard in Perth where it is separated and recycled.

Mr Lewis

Is it value for money?

The Manager Health Building & Planning Services advised that it is reducing the rubbish going to the Moora landfill site.

The Shire President mentioned that it was good environmentally and costs the Shire \$75 / tonne.

5. PETITIONS AND PRESENTATIONS

Nil

6. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER

- Acknowledged the recent passing of former Councillor John Simpson
- 20/2 Attended the Bindi Bindi Progress Association meeting
- 24/2 Attended the Avon Zone meeting in Bindoon
- Congratulations to Bernard Chapman for being awarded the 'Outstanding Service to Rural and Remote Health Award' for 2012 from Rural West Health
- 28/2 & 29/2 Attended the Sport & Recreation Strategic Planning Community Consultations at Miling & Watheroo
- 1/3 Attended the CBH meeting/presentation in the Council Chambers

8. CONFIRMATION OF MINUTES

8.1 ORDINARY COUNCIL MEETING - 15 FEBRUARY 2012

COUNCIL RESOLUTION

15/12 Moved Cr Hawkins, seconded Cr McLagan that the Minutes of the Ordinary Meeting of Council held on 15 February 2012 be confirmed as a true and correct record of the meeting.

CARRIED **8/0**

9. REPORTS OF OFFICERS

9.1 CORPORATE SERVICES

9.1.1 LIST OF PAYMENTS AUTHORISED UNDER DELEGATION 1.31

REPORT DATE: 14 March 2012

OFFICER DISCLOSURE OF INTEREST: Nil

AUTHOR: Katie Bailey, Finance Officer – Creditors and Records

ATTACHMENTS: Accounts Paid Under Delegated Authority

PURPOSE OF REPORT

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

BACKGROUND

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

COMMENT

Accounts Paid under delegated authority are periodically presented to Council.

POLICY REQUIREMENTS

Delegation 1.31 – Payments from Municipal and Trust Funds.

LEGISLATIVE REQUIREMENTS:

Local Government Act 1995 - Section 6.10

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

STRATEGIC IMPLICATIONS

There are no known strategic implications associated with this proposal.

SUSTAINABILITY IMPLICATIONS

➤ **Environment**

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

➤ **Economic**

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

➤ **Social**

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

FINANCIAL IMPLICATIONS

Payments are in accordance with the adopted budget.

VOTING REQUIREMENTS

Simple Majority Required

COUNCIL RESOLUTION

16/12 Moved Cr Hawkins, seconded Cr Bryan that Council notes and endorses the Payments from the Municipal and Trust Funds made under delegation 1.31

Municipal Fund	Cheques 60683 to 60707	\$43,257.96
Trust	Cheques 4751 to 4762	\$1,854.53
Direct Debits	EFT 7520 to 7693	\$483,928.64
	Net Pays – PPE 14 February 2012	\$91,423.28
	Net Pays – PPE 28 February 2012	\$83,073.82
	Net Pays – PPE 13 March 2012	\$82,558.08
	Credit Cards to 14 February 2012	\$3,600.64
Total		<u>\$789,696.95</u>
		<u>CARRIED</u> <u>8/0</u>

9.1.2 STATEMENT OF FINANCIAL ACTIVITY FOR PERIOD ENDED 29 FEBRUARY 2012

REPORT DATE: 7 March 2012

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Leanne Parola, Manager Finance & Corporate Services

ATTACHMENTS: Statement of Financial Activity for the Period Ended 29 February 2012

PURPOSE OF REPORT:

To note and receive the Statement of Financial Activity for the period ended 29 February 2012.

BACKGROUND:

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

COMMENT:

The Statement of Financial Activity for the Period Ended is provided as a separate attachment in Program format.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

Local Government Act 1995, Section 6.4

Local Government (Financial Management) Regulations 1996, Clause 34

STRATEGIC IMPLICATIONS:

Monitoring of actual revenues and expenditures against the adopted budget assists Council in being informed as to the financial health of the organisation.

SUSTAINABILITY IMPLICATIONS:

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

FINANCIAL IMPLICATIONS:

Year to date income and expenditure is provided by program to enable comparison to 2011/12 revised budget.

VOTING REQUIREMENTS

Simple Majority Required

COUNCIL RESOLUTION

17/12 Moved Cr Cocking, seconded Cr Hawkins that Council notes and receives the Statement of Financial Activity for the period ended 29 February 2012.

CARRIED 8/0

9.1.3 REQUEST FOR REDUCTION OF HIRE FEE – RELATIONSHIPS AUSTRALIA (WA)

FILE REFERENCE: AD/CPE1
REPORT DATE: 27 February 2011
APPLICANT/PROPONENT: Relationships Australia (WA)
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: N/A
AUTHOR: Michelle Murray, Executive Support Officer
ATTACHMENTS: Letter

PURPOSE OF REPORT:

For Council to consider a request from Relationships Australia (WA) for a reduction in fees for the hire of the Green Room at the Moora Performing Arts Centre.

BACKGROUND:

Relationships Australia (WA) has requested that Council give consideration to reducing its fee for the hire of the Green Room at the Performing Arts Centre. Counsellor Anne Scully approached the Acting Chief Executive Officer about this matter in November 2011.

It has been explained to Relationships Australia (WA) that Council considers and reviews its fees annually. Fees for community groups are considered as part of that process.

The letter of request from Relationships Australia (WA) is attached.

COMMENT:

The issue is brought to Council attention as Relationships Australia (WA) has specifically requested for that to occur and because the former Acting Chief Executive Officer has considered the issue before.

While in overall terms the amount of funds from user group fees for use of community facilities across the community is low at about \$20,500 (~1% of rate income), regular adjustment or waiving of fees can bring into question the validity of Council's adopted fee structure.

Equity of user group's fees across the community is a vexed issue. In this instance it is considered that the fees for community / not for profit groups are equitable.

There are a number of not for profit groups that currently hire Council facilities. For example Share and Care and Red Cross Australia hire the Ballet Room at a rate of \$15 per hour for a minimum of two hours as set in Council's budget for Community Groups.

Relationships Australia (WA) has requested that they be charged a flat fee of \$30 to use the Green Room each Wednesday. The hours that the room is used by the organisation varies between four and six hours each week.

The former Acting Chief Executive Officer had given Relationships Australia (WA) approval to utilise the Green Room on a fortnightly basis without charge to determine the level of need for the service.

POLICY REQUIREMENTS:

The Chief Executive Officer has delegated authority to adjust recreation centre, Moora Performing Arts Centre, halls, pavilions and oval hire charges as determined in the budget where he considers there is the need due to extenuating circumstances, unusual kind of use etc.

In this instance, the Chief Executive Officer does not consider that there are extenuating circumstances which should result in the reduction of fees for Relationships Australia (WA) over those provided to other community/not for profit organisations.

LEGISLATIVE REQUIREMENTS:

There are no known legislative requirements related to this item.

STRATEGIC IMPLICATIONS:

There are no known strategic implications associated with this proposal.

SUSTAINABILITY IMPLICATIONS:**➤ Environment**

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

➤ Economic

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

➤ **Social**

Relationships Australia (WA) is offering a free counselling service under the Rural Family Support Program.

FINANCIAL IMPLICATIONS:

Reduction in fees for community groups impact on Council's revenue. Fees for community groups and clubs are adjusted from time to time, and Council has set a reduced rate of fees within its fees and charges for community groups.

VOTING REQUIREMENTS

Simple Majority Required

COUNCIL RESOLUTION

18/12 Moved Cr Bryan, seconded Cr Gardiner that Council advise Relationships Australia (WA) that the fees for the hire of the Green Room will be charged at \$15 per hour, with a minimum hire of two hours, to be paid in advance in accordance with Council's fees and charges for 2011/12.

CARRIED 8/0

9.1.4 REQUEST FOR FINANCIAL SUPPORT – MOORA DISTRICTS TENNIS CLUB

Cr Gardiner declared an impartiality interest in item 9.1.4 as he is a Life Member of the Tennis Club.

The Manager Community & Economic Development declared an impartiality interest in item 9.1.4 as she is a financial member of the Moora Districts Tennis Club.

FILE REFERENCE: CC/MTC I
REPORT DATE: 1 March 2012
APPLICANT/PROPONENT: Moora Districts Tennis Club
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: Nil
AUTHOR: Alan Leeson, Chief Executive Officer
ATTACHMENTS: Letter, map & engineering quote

PURPOSE OF REPORT:

For Council to consider a request from the Moora Districts Tennis Club (MDTC) for financial support from the Shire of Moora toward the construction of 4 new synthetic grass courts with lights at the club area located on lots 34 – 39 Gardiner Street, Moora (see attached map). Members of the MDTC verbally advised Council of their proposal and intent in December 2011.

BACKGROUND:

The MDTC have requested assistance from council in the following areas;

- Earthworks
 - boxing out of existing courts;
 - backfilling with suitable material;
 - Acquisition of suitable roadbase (will have to be sourced and purchased externally from Metro area due to plasticity requirements >3%; costs to be obtained;
 - Provision of asphalt or concrete to be laid on top of roadbase

- Fencing – Assistance with erection of new fencing

MDTC expect Councils contribution to be around \$90,000 made up of cash and in-kind works.

COMMENT:

The author has spoken with Sports Surfaces of Perth who are one of the main suppliers of acrylic and synthetic grass sporting surfaces in W.A.

At this early juncture before anything is properly costed, due diligence would require a complete geo technical assessment of the site on which the new synthetic courts are proposed to be laid. Given the site is situated on clay, geo technical advice will be critical to ensure that the base/foundations will be adequate. There are a number of examples in other shires where clubs have simply relied upon input from club members and shire staff with regard to the “earthworks and foundations” only to find there have been significant flaws in the foundations, resulting in significant remediation costs.

The author strongly recommends that the MDTC engage suitably qualified consultants to undertake a geo technical survey of the site and prepare a report that addresses;

- Soil profile
- Water table movements

It may appear that such information is superfluous and over the top, but at the end of the day obtaining the proper specifications as to what sort of foundation the courts should be placed on, guided and formulated as a consequence of a geo technical report will be paramount to mitigating the risk of substantive foundation failure.

An estimated cost of undertaking such works has been obtained from Structerre Consulting Engineers for \$5,940 inclusive of GST (quote attached).

POLICY REQUIREMENTS:

There are not any policies of Council that directly implicate upon this proposal of the MDTC. Council may wish to have regard for Community Budget Submissions called for from Community Groups relative to the 2012/2013 budget, however given the significant capital cost of the proposal the author would view the proposal outside of what would be considered normal parameters of the annual community budget submissions.

As a general rule of thumb, projects of this nature have generally been divided;

- 1/3rd State Government – Community Sport and Recreation Facilities Fund;
- 1/3rd Project Proponent – MDTC
- 1/3rd Shire of Moora

LEGISLATIVE REQUIREMENTS:

There are no known legislative requirements related to this item.

STRATEGIC IMPLICATIONS:

There are no known strategic implications associated with this proposal.

SUSTAINABILITY IMPLICATIONS:**➤ Environment**

Synthetic courts will reduce the impact on environment in terms of water consumption reduction and negation of utilisation of chemicals required to treat grass court surfaces.

➤ Economic

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

➤ Social

Tennis is a well-known and historical recreation activity in the Moora Shire and community abroad. The upgrade of the courts will assist in sustaining the tennis club in future years and alleviate a drain on resources as is currently occurring.

FINANCIAL IMPLICATIONS:

Councils expected financial contribution toward this project should it proceed with the support of Council is likely to be in the vicinity of \$90,000 based upon the MDTC estimated costs. The one area of the cost as per their letter which needs to be refined is the supply and lay of road base and the supply and lay of hot mix which has been estimated at a cost of \$78,500. It is expected that road base (gravel) would need to be sourced external to Councils own resources in order to achieve the necessary plasticity index of less than 3%. On that basis one could reasonable expect Councils contribution if it is to focus on sub base could be in the vicinity of \$100,000 to \$120,000. At this point a decision of Council as to the extent it will afford financial support to the project is not required as there is still some work to be done in firming up costs associated with the project sub base, which will be secondary to the geo technical work to be done.

VOTING REQUIREMENTS

Simple Majority Required

COUNCIL RESOLUTION

19/12 Moved Cr Hawkins, seconded Cr Bryan that Council;

- ***formally note the submission of the Moora Districts Tennis Club with reference to them seeking Council agreement and contribution to the capital project for the supply and laying of four new synthetic grass tennis courts replacing the existing grass courts on the southern side of the existing clubhouse on lots 34-39 Gardiner Street, Moora;***
- ***Offer its “In-principle” support to the project proposal; and***
- ***Advise the Moora Districts Tennis Club that Council will not be in a position to consider the parameters of a financial contribution from the Shire of Moora without the club firstly engaging a suitably qualified consultant/engineer to undertake a geo technical survey of the land on which the new courts are to be built upon, in order to ensure the foundations and earthworks of the project are clearly specified with a view to mitigating the risk of foundation failure given the courts will be constructed in a well-known reactive clay area of the Moora townsite.***

CARRIED 7/1

9.1.5 WEST END LAND – EXPRESSIONS OF INTEREST - LEASE

Cr Gardiner declared an impartiality interest in item 9.1.5 as he is the President of the Moora Bowling Club and the father of the President of the Rovers Football Club.

Cr Bryan declared an indirect financial interest in item 9.1.5 as she is a Bowling Club member.

Prior to Council discussion on the item the Chief Executive Officer tabled the following additional information for Councils consideration.

When writing the agenda item the author was awaiting confirmation from the Rovers Football Club seeking the basis of their submission, whether as “community” or “commercial” as indicated in the COMMENT of the item.

Advice was received on 16 March 2012 from the Rovers Football Club confirming that the Expression of Interest they submitted was as a commercial lease at \$70/ha.

They indicated they ‘would like to lease the entire block West of the river, although would be just as pleased to lease only the Western half of that block (adjoining the golf club house) if another applicant wished to have access to the property as well.’

FILE REFERENCE: ED/WED I
REPORT DATE: 12 March 2012
APPLICANTS/PROPONENT: Moora Districts Bowling Club/Rovers Football Club
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: Nil
AUTHOR: Alan Leeson, Chief Executive Officer
ATTACHMENTS: MCRC Letter

PURPOSE OF REPORT:

For Council to consider expressions of interest received in relation to the potential lease of portion of the West End arable land for the purpose of cropping or grazing in the 2012 grain growing season.

Two expressions of interest have been received, one from the Moora Bowling Club and one from the Rovers Football Club, both seeking to crop portion of the West End land, copies of both letters have previously been provided to Councillors.

BACKGROUND:

In previous years the administration of the West End Land has been administered by the Moora Community Recreation Council (MCRC). As of May 2011 the MCRC have relinquished the management of the West End land, to be effective from March 2012.

COMMENT:

Both submissions have been submitted on the basis of ‘community cropping’. The Moora Bowling Club is fundraising to cater for future upgrades of the club house. They have requested a long term lease in the vicinity of 5 – 10 years, subject to the lease fee to be negotiated.

The Rovers Football Club has been less specific with their submission, other than asking to crop half of West End. They have indicated that funds raised would go toward the running costs of the club. Previously under the management of the MCRC those submissions from

community groups who indicated they were meeting club operating/recurrent costs with funds raised from the cropping would have their submission denied on the basis the expectation is funds are required to go toward capital projects/infrastructure.

At the time of advertising there was not a brief sent out to those groups who submitted an expression of interest, therefore Rovers FC may not have been aware of this requirement. At the time of writing this agenda item the author was checking with the Rovers FC to make sure their submission was on the basis of community group and not a full commercial lease proposal.

POLICY REQUIREMENTS:

There are not any policies of Council that directly implicate this proposal in relation to leasing the West End land. It is recommended however that Council give serious consideration to developing a guideline which sets out respective parties responsibilities in terms of land tenureship, fences, weed control, fertiliser treatment and transparent conditions as to how funds raised should be used by community groups.

At the moment the only real guideline is the understanding/expectation that community groups will use funds raised for capital projects.

LEGISLATIVE REQUIREMENTS:

In accordance with Section 3.58 of the Local Government Act 1995 certain requirements must be met in relation to how land which the council owns is treated.

In accordance with the relevant provisions of the Act, Council is in effect disposing of property, as it is proposing to lease land to respective parties. See legislative requirements hereunder.

On the basis of Section 3.58 of the Act Council will be required to advertise its intention to lease the various sections of the West End land before formally agreeing to dispose of the land.

In terms of obtaining a current valuation for the land, the author has discussed the context of Section 3.58 (4) in respect of “market valuation”. To that end, Management have requested an assessment of the likely lease value from rural agencies in Moora. Council is then able to use this assessment as a guide in determining the market lease value of the arable portions of West End land. The lease valuation will be an assessment on the basis of normal commercial lease conditions. Council can then use this as a baseline in determining a “community group lease value” which in the past has been considerably less than that of commercial lease values.

3.58. Disposing of property

(1) In this section —

dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not;

property includes the whole or any part of the interest of a local government in property, but does not include money.

(2) Except as stated in this section, a local government can only dispose of property to —

(a) the highest bidder at public auction; or

(b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.

- (3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —
- (a) it gives local public notice of the proposed disposition —
 - (i) describing the property concerned; and
 - (ii) giving details of the proposed disposition; and
 - (iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;

and
 - (b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.
- (4) The details of a proposed disposition that are required by subsection (3)(a)(ii) include —
- (a) the names of all other parties concerned; and
 - (b) the consideration to be received by the local government for the disposition; and
 - (c) the market value of the disposition —
 - (i) as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or
 - (ii) as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.
- (5) This section does not apply to —
- (a) a disposition of an interest in land under the *Land Administration Act 1997* section 189 or 190; or
 - (b) a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59; or
 - (c) anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or
 - (d) any other disposition that is excluded by regulations from the application of this section.

[Section 3.58 amended by No. 49 of 2004 s. 27; No. 17 of 2009 s. 10.]

STRATEGIC IMPLICATIONS:

There are no known strategic implications associated with this proposal.

SUSTAINABILITY IMPLICATIONS:

➤ **Environment**

The West End land has been set aside by Council for future residential development, with the majority of the land outside of the flood zone of the Moora townsite.

➤ **Economic**

In the interim the land is value adding to the community's need and capacity to raise funds for various community projects as described by the attached correspondence by the MCRC. The access and capability with respect to community fundraising is expected to continue in the short term at least.

➤ **Social**

The opportunity to fund raise from the West End land strongly supports the recreational and social culture of the community. Should various community groups not have the opportunity to raise funds via “community cropping” the sustainability of some clubs would be called into question and the fiscal resources required to fulfil various capital and infrastructure projects would be beyond the capability of most rural sporting groups’ memberships.

FINANCIAL IMPLICATIONS:

Depending on the final assessment of lease valuations to be determined by Council, it can be reasonably expected based on historical lease arrangements the rates for land lease of West End will be in the vicinity of;

Community Group Cropping Lease - \$25 - \$30 per hectare

Commercial Cropping Lease - \$70 - \$80 per hectare

The Moora Bowling Club has indicated a wish to lease approx. 36 ha with the Rovers Football Club wishing to lease about half of the remaining land which is in the vicinity of 70 to 80 hectares.

SUMMARY:

Council has indicated a wish to seek out potential for commercial lease proponents should there be arable West End land remaining after the take up from community groups. Given the timing of the imminent cropping season balanced with the fact that Council is required to advertise any proposal to lease land it would not seem to be feasible to advertise further for commercial expressions of interest, as by the time it comes back to Council (April) and then the proposal to lease is advertised and considered it will be too late. Ideally in future years Council should be commencing this process in December of each year with a view to finalising in February/March of each year.

The Moora Bowling Club has asked for a longer term of 5 to 10 years, which requires Council consideration. In granting a short to medium term lease Council should have regard for its aspirations in terms of the West End land future residential infill. Any term beyond one year should be on the condition that Council reserves the right to call an end to the lease understanding that it will not be mid-stream in an annual cropping program. Clubs will be given the opportunity to complete their annual cropping program.

VOTING REQUIREMENTS

Simple Majority Required

OFFICER RECOMMENDATIONS

That Council;

- 1. Advertise its intent to lease portion of the West End Land being the Sewerage Paddock (east of river) 36 hectares to the Moora Bowling Club for the purpose of cropping in accordance with their submission to Council for a period of 3 years with an option for extension for a further two years to be finalised no later than December 2015 at a price of \$30 per hectare;*
- 2. That Council decline to lease the remaining portion of the West End arable land for the purpose of cropping in 2012.*

COUNCIL RESOLUTION

20/12 Moved Cr McLagan, seconded Cr Tonkin that Council;

- 1. Advertise its intent to lease portion of the West End Land being the Sewerage Paddock (east of river) 36 hectares to the Moora Bowling Club for the purpose of cropping in accordance with their submission to Council for a period of 1 year at a price of \$30 per hectare.**
- 2. That Council advertise the intention to lease for a period of one year all or part of the western portion of the West End arable land for the purpose of cropping in 2012 to the Rovers Football Club for \$70 per hectare.**

CARRIED 8/0

Reason for changes to recommendation:

1. Council wished to retain flexibility with regard to West End Land Development by not leasing land over a term greater than one year, notwithstanding the Moora Bowling Club only wished to go beyond one year if the Community Resource Centre co-location project proceeded.
2. Council felt that due to the seasonal 'window of opportunity' being as reduced as it is in regard to cropping programmes and the fact that the Rovers Football Club were prepared to accept a commercial lease arrangement council were in agreeance with making the land available for a one year period only.

9.2 HEALTH, BUILDING & PLANNING SERVICES

9.2.1 RECOMMENDATIONS FROM TOWN PLANNING COMMITTEE

Councillors have previously been provided with copies of the minutes of the Town Planning Occasional Committee meeting held on the 10th February 2012.

COUNCIL RESOLUTION

21/12 Moved Cr Cocking, seconded Cr Hawkins that the minutes of the Town Planning Occasional Committee meeting held on 10 February 2012 be received.

CARRIED 8/0

The following are recommendations from the meeting held on 10 February 2012:-

APPLICATION TO PURCHASE LOT 195 TOOTRA STREET, MOORA – MR GREG REILLY

Application has been received from Mr Greg Reilly of Moora to purchase the land. Mr Reilly has offered \$10,000 for the land.

Lot 195 Tootra is situated just to the north of the Tootra Street / Moore River crossing. It is effectively a vegetated block which falls away on the north east side part of which is river bank.

COUNCIL RESOLUTION

22/12 Moved Cr Cocking, seconded Cr Tonkin that Council decline Mr Greg Reilly's offer to purchase Lot 195 Tootra Street, Moora based upon

- **Poor topographies of land given proximity to the Moore River**
- **Tootra Street alignment goes through the actual lot**
- **Lot is not zoned for development in accordance with current Town Planning Scheme provisions.**

CARRIED 8/0

W.A PLANNING COMMISSION - CBH – APPLICATION FOR SUBDIVISION – MILING LOT 100

At 7.10pm Cr McLagan declared an indirect financial interest in the item as he is a CBH shareholder and left the meeting.

Council is in receipt of an application to subdivide land adjacent to the sou-western sector of the CBH precinct in Miling. The application has been forwarded from the W.A. Planning Commission (WAPC). Council was required to respond within 42 days from receipt of the W.A planning correspondence. To that end management have responded to the WAPC advising of conditional support to the application guided by Councils Town Planning Committee input. (Refer to letter attached)

A letter of concern was also received from local residents S & T Galbraith who strongly oppose any future expansion of CBH in Miling adjacent to the residential area, namely Lots 13 & 14 Richardson Street, Miling. This was also taken into consideration in formulating the response to the WAPC.

COUNCIL RESOLUTION

23/12 Moved Cr Cocking, seconded Cr Bryan that Council endorse the Managers response to the W.A Planning Commission (Application No. 145357) advising that CBH's application for subdivision is supported however notes in their assessment that;

- **Council does not support any further infrastructure development by C.B.H. on land on the eastern side of the railway line. The land on the eastern side of the railway line is in close proximity and adjacent to a number of residential properties.**
- **On that basis Councils subdivision support is conditional on noting there will be no further infrastructure development by C.B.H. on the eastern side of the railway line due to the potential for significant degradation to the residential amenity of the adjacent residential properties.**

CARRIED 7/0

At 7.13pm Cr McLagan re-entered the meeting

9.2.2 MALLEE PLANTATION – LOC M3100 & M3461 - FRENCH ROAD, WATHEROO

FILE REFERENCE: PA08/1112

REPORT DATE: 12 March 2012

APPLICANT/PROPONENT: Carbon Conscious Limited

LAND OWNER: Mark Mailey

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Peter Williams, Manager Health, Building and Planning Services

ATTACHMENTS: Map of Mallee Plantation Plan

PURPOSE OF REPORT:

Carbon Conscious Limited have made a Planning Application seeking approval for an Agroforestry project, planting Mallee trees on an area of land, Location M3100 and M3461 French Road, Watheroo (Property Assessment No. 116-1).

BACKGROUND:

Mr Mark Mailey and his father have been farming most of their lives and bought into this property in 1980. The area of land that this proposal relates to has been trialed for a number of different farming activities, none of which have succeeded due to the poor quality and nature of the soil. Mr Mailey is looking to sell Loc M3100 and M3461 to Carbon Conscious Limited.

Carbon Conscious Limited wishes to establish the project in the following timelines once gaining Council Approval:-

1. Wishes to establish approximately 324ha of Mallee plantation in 2012 in the locality of Watheroo on Loc M3100 and M3461 which abuts the Watheroo National Park.
2. The location is predominantly fragile deep sandy soil. The Company is looking at deep ripping the soil and planting the trees into the rips to give the trees the best possible chance of survival.
3. Planting will commence in the winter of 2012 and be completed by spring 2012.
4. Rabbit baiting is completed in February/March using trails or bait stations, depending deemed need. Bait stations may be maintained for 24 months if rabbit invasion is evident
5. The establishment program involves ripping of the site to 450mm, at 2-4m intervals prior to planting and this is normally completed in the autumn prior to planting. Agriculture equipment and a tractor driver are required for this operation.
6. Planting is by mechanical planter with a small scalping blade to remove any immediate weed burden. Planting involves agriculture equipment, 7 persons for a two shift operation and should be completed at a rate of 70 hectares per day.
7. Mallee plantations are established without irrigation and water requirements and are confined to the need for weed, pest and fire control.
8. Regular inspections are conducted post planting regarding weed competition and insect and pest activity.
9. Fire breaks are completed and fire fighting water supplies are provided in advance of the fire season in accord with Shire Regulations and FESA's Guidelines for Plantation Fire Protection.
10. Livestock are excluded from the site for a minimum of 3 years but in reality, there will be no grazing for livestock in Mallee plantations as the trees will out compete other plant growth.
11. Carbon Conscious establishes Mallee plantations for the purpose of sequestering carbon for large greenhouse emitters. Carbon Conscious does not propose to

harvest the Mallee plantations, however provision is made through lodgement of a Tree Plantation Agreement on the title of the land to exercise a harvest option in the future should the carbon market disappear.

COMMENT:

The Shire of Moora's Town Planning Scheme Zoning Table shows the Mailey farm as being zoned as general agriculture and permits "Agriculture Extensive and Agriculture Intensive", it also allows for Rural Pursuit activities.

Objectives of the general Agriculture Zone:

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

The Zoning Table in the Shire of Moora Town Planning Scheme makes no provision for agroforestry or plantations.

Under the Shire of Moora Local Planning Scheme No 4 (the scheme) planning approval is required for any proposed agroforestry or plantations. Shire of Moora, Local Planning Policy – Agroforestry and Plantations which was adopted to give guidance in considering any planning application relating to this type of application sets a number of policy objectives:

- 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 landuse 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 high quality fire management plans (FMP) 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.

After a visit to Mr Mailey's farm by Councillors and staff it was determined that:

- The area of land in question was of poor quality, fragile and could not sustain general farming practices;
- Traditional agriculture practices were not being impinged upon as this activity is ancillary to the general farm practices that are currently being conducted.
- The owner is selling off the poorest part of his land and using the proceeds of the sale to supplement and divert into making his farm viable in other areas of the farm.
- This development will not lead to any reduction in population; it is advised that it will provide employment to farmers in the area and persons in the town site of Watheroo.
- The trees that will be grown are "Mallee Trees" which are a native tree.
- The area of land to be planted with Mallee is some 15-20% of the overall property so it is within the 30-35% maximum planting requirements required by the Shire's Agroforestry and Plantations Policy.

PART VII – Planning Approval

7.1 Development of Land

7.1.1

Subject to clause 7.1.2 a person shall not commence or carry out development of any land zoned or reserved under the scheme without first having applied for and obtained the planning approval of the Local Government under the scheme.

The predominant use of the surrounding land is general sheep and wheat farming with the exception of this piece of land which is of little use to the farmer so to better utilise his land has had the land put up for sale to be used for Agroforestry and the farming of Mallee trees.

An area of concern with this development is that of fire control for the plantation and general fire protection measures for the plantation. The Bush Fire and Environmental protection Branch in association with FESA have put out Guidelines for Plantation Fire Protection that in association with the Fire Plan identified in Carbon Conscious Town Planning Application are to be adhered to. Another concern of Council was that of the introduction of noxious weeds with the planting of trees and providing habitat for vermin i.e. rabbits.

The area of land is proposed to be sown with Mallee trees is on the poorest country on the farm being deep white/yellow sand which is fragile in nature and due to the sand's plasticity and poor water retention is not viable for cultivation and has little value in sheep grazing due to its friable and fragile nature which makes this proposal ideal due to the deep ripping required for the planting of Mallee trees as this will allow the trees to get down to the moisture.

Location and Compatibility with Adjacent Land Uses

The area to be tree farmed is not visible from the roadside or the town site of Watheroo so there will be no visual impact. The land use is zoned as General Agriculture and tree farming could be seen as extensive agriculture and therefore falls into this category. There should be no impact on any tourist and recreation use for the area. The area to be planted with trees is not near an airstrip so there should be no danger to aircraft. If anything, the use proposed should enhance the land use by dropping the water table and reducing the risk to the area of rising salinity.

The two lots of land in question are adjacent to Reserve No 24491 which is vested in the Department of Environment and Conservation (DEC) and as per the Shire's Agroforestry Policy a letter has been sent to DEC on 11/01/2012 seeking their comments on this proposal.

The property next door has a Mallee plantation where the trees are at least two years old.

POLICY REQUIREMENTS:

Local Planning Policy – Agroforestry and Plantations will be governing this project

LEGISLATIVE REQUIREMENTS:

Compliance with Department of Environmental and Conservation 'Clearing of Native Vegetation Legislation';

Compliance with protection of endangered species particularly nesting Carnaby Cockatoos; Adhesion to the Shire of Moora Policy – Agro-forestry and Plantations.

STRATEGIC IMPLICATIONS:

Nil

SUSTAINABILITY IMPLICATIONS:

➤ **Environment**

Possible benefits of an environmental nature could be provided by the plantation in helping to stabilise the area and provide habitat to bird life.

The DEC has replied to the Shire's request to look at the proposal and in their reply have advised that:-

- there is to be no clearing to be carried out without a clearing permit,
- any habitat that supports the Carnaby Cockatoo is not to be disturbed
- the project shall have a fire management plan
- a Pest Management Program is to be implemented and maintained.

➤ **Economic**

There are no known significant economic implications associated with this proposal other than the proposed development will provide income for people in the area assisting with the preparation and planting of the Mallee Plantation.

➤ **Social**

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

FINANCIAL IMPLICATIONS:

There are no financial implications

VOTING REQUIREMENTS:

Simple Majority Required

COUNCIL RESOLUTION

24/12 Moved Cr Cocking, seconded Cr Hawkins that the Shire of Moora hereby grants planning approval to Carbon Conscious (subject to the purchase of the mentioned property) to develop an agro-forestry, plantation and tree crop industry on Loc M3100 and M3461 subject to the following conditions:-

- **That the development (Mallee plantation) complies with the Shire's Agroforestry Policy and its conditions.**
- **Compliance with the Guidelines for Plantation Fire Protection put out by FESA and Department of Environment and Conservation (DEC) in that they**

undertake a bushfire hazard assessment in conjunction with a fire management plan -

- *ensuring that there is a detailed analysis of the risk ignition; and*
- *incorporate fire breaks, five metres in width, constructed on the external boundaries of the property.*
- *Compliance with the DEC Clearing of Native Vegetation Legislation and where necessary obtain a clearing permit;*
- *Compliance with protection of endangered species particularly nesting Carnaby Cockatoos.*
- *Development and maintenance of a pest control program in conjunction with the Department of Agriculture and Food that includes rabbits; removal of any noxious weed species that are introduced to the area through the planting of Mallee trees.*

CARRIED 8/0

9.2.3 DESIGNATION OF AUTHORISED PERSON TO ENFORCE NEW BUILDING ACT 2011, AND DELEGATION OF PERMIT AUTHORITY FUNCTION

FILE REFERENCE: BC/GEN1

REPORT DATE: 12 March 2012

APPLICANT/PROPONENT: WA Building Commission

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Peter Williams, Manager Health, Building & Planning Services

ATTACHMENTS: Nil

PURPOSE OF REPORT:

The Manager Health, Building & Planning Services requests Council designate an Authorised Person for the enforcement of the new Building Act 2011 and to delegate the Permit Authority function as required under the Act.

BACKGROUND:

The Building Act 2011 (Assented to 11 July 2011) enacted by The Parliament of Western Australia is likely to come into effect on or about 2 April 2012.

The introduction of the Building Act 2011 will change the way building regulation is performed in comparison with past history.

The Local Government in the majority of cases will become a Permit Authority which will continue to issue permits (not licenses) for the various categories of building activity as defined within the Building Act 2011 and supported by the draft Building Regulations 2012.

Copies of both the Building Act 2011 and the draft Building Regulations 2012 are being studied by the Manager Health, Building & Planning Services to be aware of the significant changes to procedures and to be ready for the responsibilities the Permit Authority will undertake.

The seamless transition from the way Council's building department operates currently to the new requirements involved under the Building Act 2011 is of significant importance to ensure a smooth continuation of customer services under the new Act.

The revised processes need to be established within a very short time-frame as there will be no transitional savings period allowed for with the introduction of the new Building Act 2011 and supporting Regulations.

It is likely that further approaches to Council will be required to obtain recognition of various modified Permit Authority functions however, the subject of this application to Council is important to be established in accordance with the requirements of the new Building Act 2011.

The overlap between the introduction of the new Building Act 2011 and the scheduled timetable for Council meetings dates requires attention to the subject matter of this application to be complete prior to the expected adoption date of 2 April 2012 for the Building Act 2011 and the Building Regulations

COMMENT:

The Building Act 2011 is an Act to provide for the following-

- Permits for building work and demolition work;
- Standards for the construction and demolition of buildings and incidental structures;
- The use and maintenance of, and requirements in relation to, existing buildings and incidental structures;
- Work affecting land other than land on which the work is done;
- The amendment of the Local Government (Miscellaneous Provisions) Act 1960 and various other Acts;
- The repeal of the Building Regulations 1989 and the Local Government (Prohibition on Dealings in Land) Regulations 1973; and
- Related matters.

Applications may be lodged as Certified Applications or Uncertified Applications for buildings of certain classes.

A Permit Authority must refer to a building surveyor an uncertified application if the application complies with the provisions prescribed in the Building Act 2011.

This service allows the community to make applications to the Permit Authority directly, and is suited to smaller communities, or the option of a private certifier is equally available.

Division 2 – Authorised Persons of the Building Act 2011 provides, under sections 95 and 96 in this division, the following;

Section 95 Term used: designating permit authority, in relation to an authorised person, means the permit authority that designated the person as an authorised person.

Section 96 Authorised Persons

- 1) If the State is a permit authority for a building or incidental structure it may, by instrument in writing, designate a public service officer as an authorised person for the purposes of this Act in relation to the building or incidental structure.
- 2) If a special permit authority is a permit authority for a building or an incidental structure it may, by instrument in writing, designate an employee of the special permit authority, or an employee of one of the legal entities that comprise the special permit authority, as an authorised person for the purposes of this Act in relation to the building or incidental structure.
- 3) The local government may, by instrument in writing, designate a person employed by the local government under the *Local Government Act 1995* section 5.36, as an

authorised person for the purposes of this Act in relation to buildings and incidental structures located, or proposed to be located, in the district of the local government.

- 4) The regulations may limit to persons belonging to prescribed classes of public service officers or employees the persons who may be designated as authorised persons under subsection (1), (2) or (3).
- 5) A person may be designated to be an authorised person for a fixed or indefinite period.
- 6) A permit authority may, by instrument in writing, revoke a designation at any time.

Section 97 Identity cards

- 1) A permit authority must give an identity card to each person designated by it as an authorised person
- 2) An identity card must-
 - a) Identify the person as an authorised person; and
 - b) contain a recent photograph of the person.
- 3) A person must, within 14 days of ceasing to be an authorised person, return the person's identity card to the designating permit authority.
Penalty: a fine of \$5 000

Subsection (3) does not apply if the person has a reasonable excuse.

- 4) An authorised person must carry his or her identity card at all times when exercising powers or performing functions as an authorised person.

Section 127 Delegation: special permit authorities and local governments

- 1) A special permit authority or a local government may delegate any of its powers or duties as a permit authority under another provision of this Act.
- 2) A delegation of a special permit authority's powers or duties may only be to an employee of the special permit authority, or to an employee of one of the legal entities that comprise the special permit authority.
- 3) A delegation of a local government's powers or duties may be only to a person employed by the local government under the Local Government Act 1995 section 5.36
- 4) The delegation must be in writing executed by or on behalf of the special permit authority or by the local government.
- 5) A person to whom a power or duty is delegated under this section cannot delegate that power or duty.
- 6) A person exercising or performing a power or duty that has been delegated to a person under this section is taken to do so in accordance with the terms of delegation unless the contrary is shown.
- 7) Nothing in this section limits the ability of the permit authority to perform a function through an officer or agent.

(Section 5.36 of the Local Government Act 1995 is inserted for reference.)

Division 4 – Local government employees.

Subsection (3) – A person is not to be employed by a local government in any other position unless the CEO -

believes that the person is suitably qualified for the position; and
is satisfied with the proposed arrangements relating to the person's employment.

POLICY REQUIREMENTS:

The appointment of Authorised persons is provided for under section 96 of the Building Act 2011.

The Permit Authority delegation is provided for in section 127 of the Building Act 2011.

LEGISLATIVE REQUIREMENTS:

The appointment of Authorised persons is provided for under section 96 of the Building Act 2011.

The Permit Authority delegation is provided for in section 127 of the Building Act 2011.

STRATEGIC IMPLICATIONS:

The Building Act 2011 and the supporting Building Regulations 2012 will introduce changes to the manner in which building regulation and the provision of services to the public have been provided in the past.

The procedures will involve a totally new way of receiving applications, providing building and demolition permits, and performing the regulatory and compliance requirements of the Permit Authority.

SUSTAINABILITY IMPLICATIONS:➤ **Environment**

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

➤ **Economic**

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

➤ **Social**

The general public will be advised of the changes to the Building Act prior to legislation coming into force

FINANCIAL IMPLICATIONS:

Building Fees will change, refer following table

Building Regulations 2012**Schedule Fees – Division 1 - Applications for Building Permits, demolition permits.**

Item	Application	Fee 2012	Fee 2011
1	<i>Certified application for a building permit (s.16(1))</i>		
a	<i>For building work for a Class 1 or Class 10 building or incidental structure</i>	<i>0.19% of the estimated value of the building work as determined by the relevant permit authority, but not less than \$90.00</i>	
b	<i>For building work for a Class 2 to Class 9 building or incidental structure</i>	<i>0.09% of the estimated value of the building work as determined by the relevant permit authority, but not less than \$90.00</i>	
2	<i>Uncertified application for a building permit (s.16(1))</i>		
a	<i>For building work for a Class 1 or Class 10 building or incidental structure</i>	<i>0.32% of the estimated value of the building work as determined by the relevant permit authority, but not less than \$90.00</i>	<i>Declared value x 0.35% x 10/11, but not less than \$85.00</i>
b	<i>For building work for a Class 2 to Class 9 building or incidental structure</i>	<i>0.32% of the estimated value of the building work as determined by the relevant permit authority, but not less than \$90.00</i>	<i>Declared value x 0.20% x 10/11, but not less than \$85.00</i>
3	<i>Demolition Permit (s.16(1))</i>		

a	For demolition work in respect of a Class 1 or Class 10 building or incidental structure	\$90.00	\$51.50
b	For demolition work in respect of a Class 2 to Class 9 building	\$90.00 for each storey of the building	\$51.50
4	Application to extend the time during which a building or demolition permit has effect (s.32(3)(f))	\$90.00	

Schedule Fees – Division 2 – Application for Occupancy permits, building approval certificates

Item	Application	Fee 2012	Fee 2011
1	Application for an occupancy permit for a completed building (s. 46)	\$90.00	
2	Application for a temporary occupancy permit for an incomplete building (s. 47)	\$90.00	
3	Application for modification of an occupancy permit for additional use of a building on a temporary basis (s. 48)	\$90.00	
4	Application for a replacement occupancy permit for permanent change of the buildings use, classification (s. 49)	\$90.00	
5	Application for an occupancy permit or building approval certificate for registration of strata scheme, plan re-subdivision (s. 50(1) and (2))	\$10.00 for each strata unit covered by the application, but not less than \$100.00	
6	Application for an occupancy permit for a building in respect of which unauthorized work has been done (s. 51(2))	0.18% of the estimated value of the unauthorized work as determined by the relevant permit authority, but not less than \$90.00	
7	Application for a building approval certificate for a building in respect of which unauthorized work has been done (s.51(3))	0.38% of the estimated value of the unauthorized work as determined by the relevant permit authority, but not less than \$90.00	
8	Application to replace an occupancy permit for an existing building (s. 52(1))	\$90.00	
9	Application for a building approval certificate for an existing building where unauthorized work has not been done (s. 52(2))	\$90.00	
10	Application to extend the time during which an occupancy permit or building approval certificate has effect (s. 65(3)(a))	\$90.00	

Schedule Fees - Division 3 – Other Applications

Item	Application	Fee 2012	Fee 2011
1	Application as defined in regulation 31 (for each building standard in respect of which a declaration is sought)	\$2,000.00	

There could be financial implications regarding extra fees that could be charged by Mr Len de Grussa via Shire of Wongan-Ballidu. Building inspections are to be carried out by the builder and the onus will be on them to ensure that the building is built to the requirements of the BCA so basically self-certifying.

- The costs for Council to print new forms and documents to facilitate the requirements of a Permit Authority under the Building Act 2011 are unknown at this stage.
- Fee structures will be required to be examined for services provided by a Permit Authority and new information brochures may be required.

VOTING REQUIREMENTS

Absolute Majority Required

COUNCIL RESOLUTION

25/12 Moved Cr Hawkins, seconded Cr Tonkin that Council

1. ***pursuant to Sections 95 and 96 of the Building Act 2011 grants approval for the designation, by instrument in writing, to the Manager Health, Building & Planning Services (Len de Grussa) as an authorised person within the meaning of the Act in relation to buildings and incidental structures located, or proposed to be located, in the district of the Shire of Moora.***
2. ***delegate the powers and duties of a Permit Authority under the provisions of the Building Act 2011 to the Manager Health, Building & Planning Services (Peter Williams) pursuant to Section 127 of the Building Act 2011 in relation to buildings or incidental structures located, or proposed to be located, in the district of the Shire of Moora, to be ready to continue Council's services as the Permit Authority from the date of commencement of the Building Act 2011 and the Building Regulations 2012.***

CARRIED BY ABSOLUTE MAJORITY 8/0

9.2.4 SHIRE OF MOORA FOOD PREMISES - FOOD ACT 2008 ENFORCEMENT PROCEDURES

FILE REFERENCE: H/FOPI

REPORT DATE: 14 March 2012

APPLICANT/PROPONENT: Food Act 2008, Food Regulations 2009 & Food Safety Standards

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Peter Williams, Manager Health, Building & Planning Services

ATTACHMENTS: Shire of Moora Food Premises Enforcement Procedures

PURPOSE OF REPORT:

To supplement the Principles of Enforcement for Health Services activities, with specific regard to the Food Safety Program Area.

BACKGROUND:

The introduction of the *Food Act 2008* and *Food Regulations 2009* and revocation of the food provisions of the *Health Act 1911* and *Health (Food Hygiene) Regulations 1993* has seen a significant change to the food enforcement including the introduction of new enforcement tools and a new system for food business notification and registration. The *Health Act 1911* and *Health (Food Hygiene) Regulations 1993* generally empowered local authorities to undertake legal action, seizure and closure of an entire food premises as enforcement tools.

The new legislation, in addition to being outcomes based rather than prescriptive, has seen the introduction of additional enforcement tools, including improvement notices, prohibition notices and infringement notices, in addition to a significant increase in the financial penalties associated with non-compliance. This document outlines the manner with which the Shire of Moora Health Service will apply the enforcement tools provided within the *Food Act 2008* and *Food Regulations 2009*.

COMMENT:

The Health Service aims to assist local food businesses to ensure that only safe and suitable food is sold, handled, prepared or sold within the Shire of Moora, by enforcing the relevant legislation. Little change in the food safety requirements occurred as a result of the introduction of the *Food Act 2008*, as the Shire's Health Service has applied the requirements of Chapter 3 of the Food Standards Code (the Food Safety Standards) during routine food safety assessments for a number of years prior to the introduction of the new Act.

This attached procedure has been written with regard to the content and spirit of the Shire's Health Service's Principles of Enforcement and the Shire's Customer Service Charter, and with a view to ensuring consistency, where possible, with the '*Australia New Zealand Food Regulation Enforcement Guideline*' prepared by the Implementation Sub-Committee Enforcement Guideline Working Group.

The procedure will be used as guidance for food premises enforcement. This procedure is not particular only to the Shire of Moora as it is based on the State Department of Health Enforcement Policy.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

Food Act 2008, Food Regulations 2009 and the ANZ Food Standards Code

STRATEGIC IMPLICATIONS:

There are no known strategic implications associated with this proposal.

SUSTAINABILITY IMPLICATIONS:

➤ **Environment**

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

➤ **Economic**

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

➤ **Social**

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

FINANCIAL IMPLICATIONS:

There are no financial implications to Council in relation to this item. Infringement fee structure is provided associated with the Food Act and the Food Regulations and will be taken into consideration at the time and depending on the serious of the offence.

VOTING REQUIREMENTS

Simple Majority Required

COUNCIL RESOLUTION

26/12 Moved Cr Hawkins, seconded Cr Cocking that Council adopt the Shire of Moora Food Act 2008 Enforcement Procedures, as attached, as the process for enforcing warranted action necessary in the case of a Food Act violation.

CARRIED 8/0

9.3 COMMUNITY & ECONOMIC DEVELOPMENT**9.3.1 SHIRE OF MOORA TOURISM DEVELOPMENT STRATEGY**

At 7.17pm Cr Tonkin declared a financial & proximity interest in item 9.3.1 as he is part owner in a tourist related business and left the meeting.

FILE REFERENCE: PD/STPI

REPORT DATE: 12 March 2012

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Rebecca McCall, Manager Community & Economic Development

ATTACHMENTS: Tourism Development Strategy 2012-2016

PURPOSE OF REPORT:

For Council to endorse the Shire of Moora Tourism Development Strategy 2012-2016.

BACKGROUND:

The Tourism Development Strategy 2012-2016 (the Strategy) is intended as a framework for the Shire of Moora to contribute, influence and assist in developing tourism in the shire and the wider region.

COMMENT:

The Strategy has been developed in close consultation with tourism businesses and the community as well as neighbouring, regional and state tourism interest.

A literature review complemented the consultation including a review of Tourism Western Australia's Australia's Golden Outback Tourism Development Priorities 2012-2015 and a number of strategy documents from a range of tourism interests nationally.

The Strategy reflects and builds upon the Shire of Moora's commitment to economic, social and environmental sustainability and has been developed to acknowledge the importance of tourism as a potential economic driver for the Shire. It is intended as a working document that sets out the goals. Proposed actions to meet those goals and key performance indicators to assist in developing a level of style of tourism that:

- Protects and enhances the natural and built features upon which tourism in the Shire is based.
- Is consistent with community values and aspirations both now and over the long-term and contributes to community development and wellbeing.
- Increases the contribution of tourism in the local and regional economy and promotes long-term viability and diversification.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

There are no known legislative requirements related to this item.

STRATEGIC IMPLICATIONS:

The Shire of Moora's Strategic Plan outlines tourism as a strategic priority. Key result area community and economic development outlines to attract increased population and investment to realise our brilliant opportunities and diversify our regional employment and economic base.

SUSTAINABILITY IMPLICATIONS:➤ **Environment**

There are possible significant environmental implications associated with this proposal with the future development of interpretative signage, walk and self-drive trails that promote the Shire's natural and built features.

➤ **Economic**

There are significant economic implications associated with this proposal with the possibility of tourism becoming an economic driver for the Shire in the future.

➤ **Social**

There are possible significant social implications associated with this proposal with improving the level of understanding, respect and pride within the community.

FINANCIAL IMPLICATIONS:

There are no financial implications to Council in relation to this item for the 2011/12 budget other than the adopted budgeted operational and capital allocations. The plan includes operational and capital expenditure over a five year period. The expenditure is subject to future external funding and Council budget approvals.

VOTING REQUIREMENTS

Simple Majority Required

COUNCIL RESOLUTION

27/12 Moved Cr Cocking, seconded Cr Gardiner that Council adopts the Tourism Development Strategy 2012-2016.

CARRIED 7/0

At 7.19pm Cr Tonkin re-entered the meeting.

9.4 ENGINEERING SERVICES

Nil

10. ELECTED MEMBER MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

11. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF COUNCIL

Nil

12. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Nil

13. CLOSURE OF MEETING

There being no further business, the Shire President thanked the members of the public for their attendance and input and invited all to stay for fellowship.

The meeting was declared closed at 7.20pm.

CONFIRMED

PRESIDING MEMBER