



Ordinary Council Meeting Minutes

Date: 17 February 2016

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:

Shire of Moora - a vibrant, affordable Regional Centre with a growing, caring community.

Mission

Our mission is:

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

SHIRE OF MOORA
MINUTES OF THE ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS, MOORA
17 FEBRUARY 2016

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I. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

I.1 DECLARATION OF OPENING

The Shire President declared the meeting open at 5.35pm.

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

KM Seymour	-	Shire President / Presiding Member
MR Pond	-	Deputy Shire President
CE Gardiner	-	Councillor
TG Humphry	-	Councillor
MR Holliday	-	Councillor
PF Nixon	-	Councillor
EI Hamilton	-	Councillor
DV Clydesdale-Gebert (from 5.40pm)-	-	Councillor

AJ Leeson	-	Chief Executive Officer
DK Trevaskis	-	Deputy Chief Executive Officer
JL Greay	-	Manager Engineering Services
PR Williams	-	Manager Development Services
MM Murray	-	Executive Support Officer (minute taker)

PUBLIC

Cynthia McMorran, Shire Freeman

APOLOGIES

LC House	-	Councillor
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3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4. PUBLIC QUESTION TIME

Cynthia McMorran – application for funding for the hydrotherapy pool.

Chief Executive Officer advised that we all need to speak to our local members to keep them well informed. The Shire will be requesting a renewal of the letters of support. Believes the addition of the dental colocation may be beneficial.

Cynthia – Southern Inland Health Initiative (SIHI) funding. A meeting will be held tomorrow and asked whether the Shire had anything they would like raised.

At 5.40pm Cr Clydesdale-Gebert entered the meeting.

5. PETITIONS AND PRESENTATIONS

Nil

6. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER

Attended the following;

Shire President

1/2 Grain Freight Network meeting

9/2 Moora Mens Shed meeting

9/2 LEMC meeting (Chaired)

15/2 Moora Subgroup of the Wheatbelt North Regional Road Group meeting

Cr Pond

10/12 Wildflower Country meeting

15/1 Jacobs meeting

19/1 Central Midlands Construction meeting

9/2 Moora Mens Shed meeting

9/2 LEMC meeting

9/2 Central Midlands Construction meeting, Wongan Hills

Cr Humphry

10/2 NACC Productive forum, Coorow

Cr Nixon

17/2 Moora Mens Shed

Advised of the upcoming rededication of the Anglican Church on the 28th February. Provided Council with a history of the Church and its significance to the area.

8. CONFIRMATION OF MINUTES

8.1 ORDINARY COUNCIL MEETING - 9 DECEMBER 2015

COUNCIL RESOLUTION

2/16 Moved Cr Pond, seconded Cr Hamilton that the Minutes of the Ordinary Meeting of Council held on 9 December 2015 be confirmed as a true and correct record of the meeting.

CARRIED 8/0

8.2 SPECIAL COUNCIL MEETING - 18 DECEMBER 2015**COUNCIL RESOLUTION**

3/16 Moved Cr Humphry, seconded Cr Pond that the Minutes of the Ordinary Meeting of Council held on 18 December 2015 be confirmed as a true and correct record of the meeting.

CARRIED 8/0

9. REPORTS OF OFFICERS**9.1 GOVERNANCE AND CORPORATE SERVICES****9.1.1 LIST OF PAYMENTS AUTHORISED UNDER DELEGATION 1.31**

REPORT DATE: 4 February 2016

OFFICER DISCLOSURE OF INTEREST: Nil

AUTHOR: David Trevaskis, Deputy Chief Executive Officer

SCHEDULE PREPARED BY: Alida Fitzpatrick, Finance Creditors Officer

ATTACHMENTS: Accounts Paid Under Delegated Authority

PURPOSE OF REPORT

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

BACKGROUND

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

COMMENT

Accounts Paid under delegated authority are periodically presented to Council.

POLICY REQUIREMENTS

Delegation 1.31 – Payments from Municipal and Trust Funds.

LEGISLATIVE REQUIREMENTS:

Local Government Act 1995 - Section 6.10

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

STRATEGIC IMPLICATIONS

There are no known strategic implications associated with this proposal.

SUSTAINABILITY IMPLICATIONS**➤ Environment**

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

➤ Economic

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

➤ **Social**

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

FINANCIAL IMPLICATIONS

Payments are in accordance with the adopted budget.

VOTING REQUIREMENTS

Simple Majority Required

COUNCIL RESOLUTION

4/16 Moved Cr Humphry, seconded Cr Holliday that Council notes and endorses the Payments from the Municipal and Trust Funds made under delegation 1.31

DECEMBER 2015

Municipal Fund	Cheques 62108 to 62116	\$16,393.18
	EFT 14761 to 14922	\$721,763.79
	Credit Card 16/11/15 to 14/12/15	\$8,834.61
	Net Pays – PPE 01/12/15	\$88,159.36
	Net Pays – PPE 15/12/15	\$97,820.38
	Net Pays – PPE 24/12/15	\$86,086.35
Trust Fund	Cheques 5142 to 5149	\$1,253.20
Total		<u>\$1,020,310.87</u>

JANUARY 2016

Municipal Fund	Cheques 62117 to 62126	\$33,536.25
	EFT 14923 to 15027	\$263,279.61
	Credit Card 15/12/15 to 14/01/16	\$3,350.37
	Net Pays – PPE 12/01/16	\$88,745.22
	Net Pays – PPE 26/01/16	\$87,868.72
Trust Fund	Cheques 5150 to 5159	\$1,416.60
Total		<u>\$478,196.77</u>

CARRIED 8/0

At 5.58pm the Executive Support Officer left the meeting & returned at 6.00pm

9.1.2 STATEMENT OF FINANCIAL ACTIVITY FOR PERIOD ENDED 31 DECEMBER 2015

REPORT DATE: 8 January 2016

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: David Trevaskis, Deputy Chief Executive Officer

ATTACHMENTS: Statement of Financial Activity for the Period Ended 31 December 2015

PURPOSE OF REPORT:

To note and receive the Statement of Financial Activity for the period ended 31 December 2015.

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 2015/16 adopted budget.

VOTING REQUIREMENTS

Simple Majority Required

COUNCIL RESOLUTION

5/16 Moved Cr Holliday, seconded Cr Hamilton that Council notes and receives the Statement of Financial Activity for the period 31 December 2015.

CARRIED 8/0

9.1.3 STATEMENT OF FINANCIAL ACTIVITY FOR PERIOD ENDED 31 JANUARY 2016

REPORT DATE: 5 February 2016

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: David Trevaskis, Deputy Chief Executive Officer

ATTACHMENTS: Statement of Financial Activity for the Period Ended 31 January 2016.

PURPOSE OF REPORT:

To note and receive the Statement of Financial Activity for the period ended 31 January 2016.

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 2015/16 adopted budget.

VOTING REQUIREMENTS

Simple Majority Required

COUNCIL RESOLUTION

6/16 Moved Cr Gardiner, seconded Cr Pond that Council notes and receives the Statement of Financial Activity for the period ended 31 January 2016.

CARRIED 8/0

9.1.4 ADVERTISING OF THE SHIRE OF MOORA DRAFT AMENDMENT LOCAL LAW 2016, DRAFT HEALTH LOCAL LAW 2016, DRAFT WASTE LOCAL LAW 2016, DRAFT MEETING PROCEDURES LOCAL LAW 2016, DRAFT FENCING LOCAL LAW 2016 DRAFT ACTIVITIES IN THOROUGHFARES AND PUBLIC PLACES AND TRADING LOCAL LAW 2016 & DRAFT DOGS LOCAL LAW 2016

FILE REFERENCE: PR/ADVI & PL/LOLI

REPORT DATE: 4 December 2015

APPLICANT/PROPONENT: Shire of Moora

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: 9/12/15 (170/15) & 19/06/2013 (86/13)

AUTHOR: Consultant, Phillip Swain

ATTACHMENTS: Attachment A – Draft Local Laws (previously circulated-uploaded)

PURPOSE OF REPORT:

For Council to progress, in accordance with the Local Government Act 1995 and other relevant Acts, local law adoption of new and amendment local laws for the Shire of Moora.

BACKGROUND:

The Shire of Moora's existing Local Laws were gazetted on various dates, dating back to 1944. Existing local laws made pursuant to the Local Government Act 1995 were made in the late 1990's. A review of the Shire of Moora Local Laws was commenced following the resolution of Council in July 2011. In February 2012, in relation to the review, Council resolved the following;

That Council:

1. *Receives the report of review in relation to the Shire of Moora local laws as advertised on 17 August 2011, and following the closure of the submission period on the 29 September 2011;*
2. *Resolves to retain the following local laws*
 - a) *Local Government Property Local Law*
 - b) *Cemeteries Local Law*
3. *Directs Administration to prepare the necessary amendments for the following local laws;*
 - a) *Local Government Property Local Law*
 - b) *Cemeteries Local Law*

4. *Directs Administration to prepare the necessary amendments to repeal for the following local laws;*
 - a) *Parking Bylaws*
 - b) *TV Masts and Antennae*
 - c) *Obstructing Animals and Vehicles Draft Model by-law No. 7*
 - d) *Stalls & Hawkers*
 - e) *Prevention of Damage to Streets – Draft Model by-law No15*
 - f) *Bylaws Relating to Verandas and Removal Thereof*

5. *Directs Administration to prepare draft local laws to replace the following existing local laws;*
 - a) *Fencing Local Law*
 - b) *Standing Orders Local Law*
 - b) *Dogs Local Law (Dog Act 1976)*
 - c) *Model By-Laws Series A (Health Act 1911)*

6. *Directs Administration to prepare a new draft Waste Local Law*

Subsequently Council resolved in June 2013 to commence the adoption of six (6) local laws by advertising to seek public comment for the draft local laws. The drafts at that time were as follows;

- a) Shire of Moora Waste Local Law 2013;
- b) Shire of Moora Health Local Law 2013;
- c) Shire of Moora Meeting Procedures Local Law;
- d) Shire of Moora Dogs Local Law 2013;
- e) Shire of Moora Fencing Local Law 2013; and,
- f) Shire of Moora Amendment Local Law 2013;

Since that time and despite initial advertising, that resulted in no submissions, there have been a number of impediments to finalising the local laws, including various Act changes and proposed Bills, other local governments experiencing difficulties with enacting new legislation with the intervention of the Joint Standing Committee on Delegated Legislation (JSCDL).

COMMENT:

All local laws are required to be consistent with National Competition Policy and unless justified, under the Public Benefit Test, should not contain provisions that restrict competition. Generally new local laws are adopted following models developed by the Western Australian Local Government Association (WALGA) to minimise legal costs and the complications of the benefit tests. The proposed local laws, (Attachment A) where possible, have been based on the various WALGA models.

The current drafts have been improved, following comments from the Department of Local Government and Communities (DLGC). The current proposed local laws are as follows;

- a) Shire of Moora Waste Local Law 2016;
- b) Shire of Moora Health Local Law 2016;
- c) Shire of Moora Meeting Procedures Local Law 2016;
- d) Shire of Moora Dogs Local Law 2016;
- e) Shire of Moora Fencing Local Law 2016; and,
- f) Shire of Moora Amendment Local Law 2016;
- g) Shire of Moora Activities in Thoroughfares and Public Places and Trading Local Law 2016

To progress this matter the Shire needs to again give local public and state-wide public notice, seeking comments on the proposed legislation.

Waste Local Law

Waste provisions now require adoption pursuant to the Waste Avoidance and Resource Recovery Act 2007. Hence, adoption of a Waste Local Law in accordance with the requirements of the Department of Environment and Conservation will be required. Administration had prepared a draft Waste Local Law for consultation, based on similar legislation, adopted by other local governments. The Department of Environmental regulation and WALGA have recently released a Model Local Law and hence re-advertising the draft on the basis of the model is proposed.

Health Local Law

The Shire has previously adopted various versions of the Model Bylaws series A, which were the basis of Health Act bylaws up until the early 1990's. Contemporary health local laws typically utilised by local governments were the result of a significant consolidation, led by the City of Perth, and undertaken by local governments in the late 1990's, to modernise health local laws. Many of the provisions serve to maintain basic sanitary conditions for dwellings, establishing maintenance standards and control community nuisance issues. Other provisions assist the City in the control of pests and certain noxious trades, as well as provision for the control of certain infectious diseases. Controls include the creation of offences with penalties and licensing and registration of activities such as offensive trades and lodging houses. At the February meeting Council resolved to repeal the historic model bylaws series A and adopt a new local law

The Department of Health has advised Local Governments that the current Act, (Health Act 1911), is likely to be repealed following the development of more modern public health legislation. Whilst the progress of a new Bill has been repeatedly delayed it has been highlighted in discussions with the Department, that many of the nuisance type provisions in the current Health Local Laws will not be adopted under the new Act. The new Act proposes different mechanisms for the implementation and enforcement of public health policy. Advice to date has confirmed that the various nuisance type provisions will most likely be adopted under the Local Government Act 1995 and that the various licensing and registration provisions will be protected under public health policies or be transferred to other legislation, such as the recently adopted Food Act. Irrespective of this it will be advantageous to the Shire to have adopted a contemporary health local law such that those provisions will be preserved under any transitional arrangements when the Bill is adopted. The Bill is currently before Parliament.

Following initial advertising there was some doubt regarding the notifications that should have gone to both the Department of Health and the Department of Environmental Regulation. Consequently, it is recommended that the draft Local Law be re-advertised.

Meeting Procedure Local Law

The draft meeting procedures local law is based on the WALGA Model, which has been subject to continuous improvement since the inception of the 1995 Act. The local laws address those matters not already dealt with under the Act and Regulations in relation to Committees, Council meeting procedures and the preparation of agendas and minutes. Once adopted the local law will be formatted including all the relevant Act and Regulation provisions to assist Councillors to comply with the relevant governance requirements at all times. Since original advertising the draft has required minor amendments only and Council could adopt the local law in its current draft. However, recent advice from the Department

of Local Government and Communities (DLGC) has indicated that where a draft local law has exceeded a period of 12 months since advertising and not been adopted, the JSCDL has taken the view that the draft law should be re-advertised. As the Council will not meet again until February 2016 it is proposed to re-advertise all draft local laws in December with a view to adoption early in the New Year.

Dogs Local Law

The Draft Dogs Local Law is based on the WALGA model. This local law has not changed substantially over time. Other than affirming provisions relating to dangerous dogs and areas prohibited for dogs as well as exercise areas, there are no substantial changes to the Shire's existing local law. Since original advertising the draft has required minor amendments however, re-advertising is proposed to ensure no disallowance results from the position of the JSCDL.

Fencing Local Law

The draft Shire of Moora Fencing Local Law 2013 is based on a previous WALGA model, which has been used by a number of local governments to provide minimum standards for the construction of fencing within municipalities. Licensing provisions under the proposed model are limited to dangerous fencing such as electric and razor wire fencing. It is proposed that the local law be adopted utilising the Shire of Murray Fencing Local Law 2012, adopted by reference. The local law is predominantly design and construction standards for fencing that have been uniformly applied in most circumstances throughout the state. Since original advertising the draft has required minor amendments however, re-advertising is proposed to ensure no disallowance results from the position of the JSCDL.

Amendment Local Law

An amendment local law has been prepared, to undertake repeal of a number of antiquated provisions that are currently empowered within the Shire of Moora. Additionally, minor alterations and changes of local laws relating to Cemeteries and Local Government Property are contained within the amendment local law.

One matter raised in consultations with Council is the issue with respect to the plot tenure within the Moora Cemetery. Under the 1986 Cemeteries Act, the maximum guaranteed tenure on any given plot is 50 years although this can be extended for further 25 year periods at the discretion of the Shire. Under the revised 1986 Cemeteries Act, the new stipulated tenure of Grants was 25 years with an automatic option for Grant holders to purchase an additional 25 years either initially or at any time during the first 25 years. The discretion of all cemetery authorities in Western Australia to issue 50 or 99 year Grants was revoked. Extensions can only be in 25 year increments. So as to set a uniform expiry date for all Grants issued under the 1897 Act and provide Cemetery authorities with the ability to both manage their land holdings and have a known consistency of Grant expiry dates across their cemeteries, Parliament endorsed legislation stipulating that Grants of Rights of Burial issued prior to July 1 1987 that had not expired by July 2 2012 would, collectively, expire on July 2 2012. The Shire can not legislate to vary these requirements as to do so would override the state Act, however, have the right to permit 25 year extensions of a plot during any 25 year term, at the agreement of the grant holder.

Since original advertising the draft local law has required minor amendments however, re-advertising is proposed to ensure no disallowance results from the position of the JSCDL.

Activities in Thoroughfares and Public Places and Trading Local Law 2016

Since the initial advertising of proposed amendments, repeals and new local laws in 2012, the Administration has identified an ongoing need for laws to control street trading. Whilst

repeal of the Stalls and Hawkers Bylaws, published in the *Government Gazette* of 19 March 1982 was proposed in the Amendment Local Law, it is now proposed that a new trading local law be adopted in accordance with the current WALGA model;

Council is therefore requested to resolve to re-advertise the local laws, as outlined in Attachment A, by giving state-wide public and local notice of the same and to advertise the draft Activities in Thoroughfares and Public Places and Trading Local Law 2016. The proposed local laws and amendments and copies of the report of the review are to be made available, upon request, to members of the public.

Whilst the *Shire of Moora General Amendment Local Law 2016*, the draft *Shire of Moora Dogs Local Law 2016*, the draft *Shire of Moora Meeting Procedures Local Law 2016* and the draft *Shire of Moora Fencing Local Law 2016* have not changed substantially since initial advertising re-advertising is proposed, in accordance with the advice from the DLGC.

POLICY REQUIREMENTS:

The following current Council policies relate to the making and/or enforcement of the Shire's existing Local Laws:

3.3 Local Laws (Originally adopted by Council on 20th May 1998)

That Council make, publicise and review its local laws according to the guidelines below: -

Guidelines.

1. *That local law making powers be used sparingly and only after applying the following tests:-*
 - Can Council achieve the objective without making a law?*
 - Has Council the will and resources to enforce the law?*
 - Will practical benefits result from the law?*
2. *That local laws be worded as simply as possible.*
3. *That where local laws are site specific, e.g. laws relating to the hall, a copy of the laws be posted, where feasible at the site concerned, or where not considered feasible by the CEO, that an abbreviated version be kept posted at the site stating: - offences and penalties; and that the full laws can be inspected at the Shire Office.*
4. *That where registration or licensing of an activity, premises or animal is required, the opportunity be taken to issue a leaflet advising of local laws associated with that activity, premises or keeping of that animal.*
5. *That the President consider making the exercise of the legislative powers by the local government a component of the President's annual report as a means of identifying district problems and steps Council is taking to combat these.*

6.2 Veranda Posts

Council Policy 6.2 – Veranda Posts, supports an intention for parts of the Shire to install or retain veranda posts, and is contrary to the requirements of the local law, which compelled the removal of the same in 1971. Policy 6.2 adequately deals with approval of verandas as it requires the submission of building licence applications for the same.

8.4 Fencing Property Adjoining Shire Land

8.14 Cemetery

Whilst policies 8.4 & 8.14 do not materially affect the current local laws they relate to matters that can be captured the amendments. Policy 3.3 needs to be considered in the

context of any proposed repeals, retention or amendments.

Council Policy 8.4 allows for persons with land adjoining Council property to make claim for 50% of the cost of a dividing fence, which is made as an ex-gratia payment. In this regard, the Dividing Fences Act will continue to apply within the Shire irrespective of whether the Shire has Fencing Local Laws or not. This does however mean that the Shire needs to consider at least basic requirements for fences within the Shire in a new local law.

LEGISLATIVE REQUIREMENTS:

It is a requirement of the Local Government Act that at a council meeting the person presiding is to give notice to the meeting of the purpose and effect of any proposed local law including any amendment. The Local Government (Functions and General) Regulations 1996 Part 1A-Local Laws, prescribe the following:

Notice of purpose and effect of proposed local law - s. 3.12(2)

For the purpose of section 3.12, the person presiding at a council meeting is to give notice of the purpose and effect of a local law by ensuring that -

- (a) the purpose and effect of the proposed local law is included in the agenda for that meeting; and
- (b) the minutes of the meeting of the council include the purpose and effect of the proposed local law.

The intended Purpose and Effect of the Shire of Moora Amendment Local Law 2016 are:

Purpose: The purpose of the local law is to provide for the repeal and amendment of the Shire of Moora Local Laws to provide for the good governance of the district of the Shire of Moora.

Effect: The effect of the local law is to repeal and amend existing local laws within the district of the Shire of Moora to provide for the good governance of the municipality.

The intended Purpose and Effect of the Shire of Moora Fencing Local Law 2016 are:

Purpose: The purpose of the local law is to provide for the regulation, control and management of the fencing within the district of the Shire of Moora.

Effect: The effect of this local law is to ensure that fences are constructed and maintained to a satisfactory structural and aesthetic standard throughout the district of the Shire of Moora.

The intended Purpose and Effect of the Shire of Moora Meeting Procedures Local Law 2016 are:

Purpose: The purpose of the local law is to provide for rules and guidelines which apply to the conduct of meetings of the Council and its Committees and to the meetings of electors within the district of the Shire of Moora.

Effect: The effect of the local law is to establish requirements for better decision making by the Council and Committees, the orderly conduct of meetings, better understanding of the processes of conducting meetings and the more efficient and effective use of time at meetings, within the district of the Shire of Moora.

The intended Purpose and Effect of the Shire of Moora Dogs Local Law 2016 are:

Purpose: The purpose of the local law is to provide for the regulation, control and management of the keeping of dogs within the district of the Shire of Moora.

Effect: The effect of the local law is to establish the requirements with which owners and

occupiers of land within the district of the Shire of Moora must comply in order to keep dogs and provides the means of enforcing the local law.

The intended Purpose and Effect of the Shire of Moora Health Local Law 2016 are:

Purpose: The purpose of the local law is to provide for the regulation, control and management of activities and issues relating to public health within the district of the Shire of Moora.

Effect: The effect of the local law is to control activities and manage influences on community public health within the district of the Shire of Moora.

The intended Purpose and Effect of the Shire of Moora Waste Local Law 2016 are:

Purpose: The purpose of the local law is to provide for the regulation, control and management of activities and issues relating to waste collection, recycling, reuse and disposal within the district of the Shire of Moora.

Effect: The effect of the local law is to control activities and manage influences on waste collection, recycling, reuse and disposal within the district of the Shire of Moora.

The intended Purpose and Effect of the Shire of Moora Activities in Thoroughfares and Public Places and Trading Local Law 2016 are:

Purpose: The purpose of the local law is to provide for the regulation, control and management of trading and activities on thoroughfares and public places within the district of the Shire of Moora.

Effect: The effect of the local law is to establish the requirements with which persons using public places and thoroughfares for trading and prescribed activities, within the district of the Shire of Moora, must comply with.

Where Council has determined that a local law should be adopted or amended, a local government is required give state-wide notice of the proposed local law. Submissions must be accepted for a period of six (6) weeks. The Council must consider any submissions made before making or amending a local law. In some cases such as a, waste local law, health local Law or dogs local law

The adoption and amendment of the Shire of Moora Local Laws is both a legislative and consultative process.

STRATEGIC IMPLICATIONS:

Goal 5: Good governance and an effective and efficient organisation.

Scope: Governance, corporate and administrative services, financial management, statutory compliance and customer services.

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:

Direct costs associated with this report will be limited to consultant fees to draft the local laws and reports. These costs will be borne via budgeted expenditure. Where a draft Amendment local laws and new local laws will attract additional advertising costs associated with the State-wide and local public notice of the same. Following the discussion period, and depending upon any submissions, further amendment review and legal advice may be incurred. Once the local law adoption has been finalised by Council, there will be gazettal costs in due course. Fees will be incurred for any gazettal.

VOTING REQUIREMENTS

Absolute Majority Required

COUNCIL RESOLUTION

7/16 Moved Cr Humphry, seconded Cr Holliday that Council authorises Administration to give local and state-wide public notice in accordance with section 3.12 of the Local Government Act 1995, seeking public comment for the following local laws contained in Attachment A;

- a) **the draft Shire of Moora Waste Local Law 2016;**
- b) **the draft Shire of Moora Health Local Law 2016;**
- c) **the draft Shire of Moora Meeting Procedures Local Law 2016;**
- d) **the draft Shire of Moora Dogs Local Law 2016;**
- e) **the draft Shire of Moora Fencing Local Law 2016;**
- f) **the draft Activities in Thoroughfares and Public Places and Trading Local Law 2016; and,**
- g) **the draft Shire of Moora Amendment Local Law 2016.**

CARRIED by ABSOLUTE MAJORITY 8/0

9.1.5 MOKARDY HILL PROJECT

FILE REFERENCE: CC/MLII
REPORT DATE: 10 February 2016
APPLICANTS/PROPONENT: Lions Club of Moora Inc.
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: N/A
AUTHOR: Alan Leeson, Chief Executive Officer
ATTACHMENTS: Site map

PURPOSE OF REPORT:

Correspondence received from Moora Lions seeking Councils support for a proposal to construct a lookout / BBQ & toilets on Mokardy Hill (refer attachment).

BACKGROUND:

The Lions Club also seek Council support by way of maintaining the upkeep of constructed infrastructure on an ongoing basis, in addition to initial construction earthworks.

COMMENT:

The Lions Club are seeking Royalties for Regions funding to implement the project. However, Councils in principle support and agreement to the requested contribution is required to proceed. The Lions Club are also seeking the support of the Water Corporation as it is on their Reserve No: 40089.

I believe the project has merit and would be a welcome addition to visitor / tourism in the district. My only concern is the ongoing maintenance costs of the area in terms of toilets / BBQ / refuse and the like. This is the main consideration for Council.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

Local Govt. Act 1995

STRATEGIC IMPLICATIONS:

Goal 4: A thriving and diverse local economy

Outcome 4.3 Recognition and realisation of local tourism opportunities

Strategy 4.3.1 Support initiative to build and strengthen local and regional tourism

SUSTAINABILITY IMPLICATIONS:

➤ **Environment**

Nil

➤ **Economic**

Enhancement of the local tourism opportunities; weighted against the ongoing maintenance costs.

➤ **Social**

Nil

FINANCIAL IMPLICATIONS:

These are somewhat of an unknown at this juncture. In terms of earthworks given the close proximity to Moora these can be provided for in-kind without too much of a problem.

VOTING REQUIREMENTS

Simple Majority Required

COUNCIL RESOLUTION

8/16 Moved Cr Gardiner, seconded Cr Holliday that Council offer the Lions Club of Moora Inc. its in principle support for the establishment of a “Lookout and public amenities” on Mokardy Hill located on Reserve 40089 vested with the Water Corporation, noting that Council agrees to provide earthworks as required for construction of the project.

CARRIED 8/0

9.1.6 NOVICE DRIVERS MENTOR PROGRAM

FILE REFERENCE: GA/ROSI-2
REPORT DATE: 10 February 2016
APPLICANTS/PROPONENT: Office of Road Safety Wheatbelt North Region
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES:
AUTHOR: Alan Leeson, Chief Executive Officer
ATTACHMENTS: Nil

PURPOSE OF REPORT:

For Council to consider addressing the proponents request for Council support of the project through effectively being the “project owner/administrator”.

BACKGROUND:

Council received a formal presentation from Kaye McGlew & Cliff Simpson on the 3rd February 2016 in relation to the Novice Drivers Mentor Program. Individual Councillors also received the formal business plan.

COMMENT:

In line with sentiment expressed by Councillors subsequent to the presentation, this report recommends that it offer its strong support for the program and accede to the request for Council to in effect, be the Banker (Project Owner) and also offer to house the vehicle to be used for the driving lessons and minimal office space as required from time to time.

POLICY REQUIREMENTS:

Nil

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

FINANCIAL IMPLICATIONS:

There are no direct financial implications to Council in relation to this matter. There will be minimal overhead costs associated with being the Banker-Project Owner. Councils support is conditional on the “Project Coordinator” being responsible for all administration / financial management associated with the implementation of the project.

VOTING REQUIREMENTS

Simple Majority Required

COUNCIL RESOLUTION

9/16 Moved Cr Nixon, seconded Cr Holliday that Council offer its formal support to the Novice Drivers Mentor Program in accordance with the Business Plan presented to Council on the 3rd February 2016 and note the following;

- Council agrees to house the vehicle
- Council agrees to provide in-kind support by way of;
 - Being project owner / banker
 - Providing office space (limited)

further noting that the Project Coordinator will be responsible for the programs administration / financial reporting and reporting associated with any grant funding agreements that may be forthcoming.

CARRIED 8/0

9.1.7 WRITE-OFF OVERDUE INTEREST CHARGE

FILE REFERENCE: PA1475
REPORT DATE: 11 February 2016
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: Nil
AUTHOR: David Trevaskis, Deputy Chief Executive Officer
ATTACHMENTS: Nil

PURPOSE OF REPORT:

Write-off overdue interest charge incorrectly charged on assessment A1475.

BACKGROUND:

\$62.36 of overdue interest was incorrectly charged on assessment A1475 despite payment of rates being received in full by the due date due to a system generated administration error.

COMMENT:

As per Local Government Act 1995 6.12(c) a local government may “write off any amount of money owing”.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

Local Government Act 1995 6.12 (c)

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:

\$62.36 overdue interest owed to the Shire will be written-off.

VOTING REQUIREMENTS

Absolute Majority Required

COUNCIL RESOLUTION

10/16 Moved Cr Humphry, seconded Cr Pond that Council write off \$62.36 overdue interest charges from rates assessment A1475.

CARRIED by ABSOLUTE MAJORITY 8/0

9.1.8 BUDGET REVIEW

FILE REFERENCE: F/BUE I
REPORT DATE: 11 February 2016
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: N/A
AUTHOR: David Trevaskis, Deputy Chief Executive Officer
ATTACHMENTS: Shire of Moora Budget Review 2015/16

PURPOSE OF REPORT:

To consider and adopt the budget review for the period 1 July 2015 to 31 January 2016.

BACKGROUND:

Local Governments are required to formally conduct a budget review at least once each financial year, between 1 January and 31 March. The budget review allows a detailed comparison of the year to date (YTD) actual results with the adopted or amended budget.

The budget review is to be submitted to Council within 30 days of the review for Council to consider and determine whether or not to adopt the review and any recommendations made within the review.

A copy of the review and Council decision is to be provided to the Department of Local Government and Regional Development within 30 days of the decision by Council.

COMMENT:

The budget review for the period 1 July 2015 to 28 February 2016 has been conducted by management and is provided as a separate attachment to this agenda.

A number of changes to the budget are recommended as part of this budget review to recognise grants that were not received, savings achieved, projects that cannot be achieved this financial year and changes requested by Council.

All budget amendments are shown in the attached Budget Review 2014/15 document.

The proposed Amended Budget estimates a surplus balance at 30 June 2016 of \$82,386.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

Regulation 33A - Local Government (Financial Management) Regulations 1996 applies. The proposed estimated surplus is within the allowed maximum allowed (10% of rates raised).

STRATEGIC IMPLICATIONS:

The budget review helps determine and document any projects that are unlikely to be completed during the budget year and new opportunities that have arisen during the year. The review process ensures management and elected members review the performance of the Council for the year to date and apply corrective actions, if required prior to 30 June to ensure proper financial management is maintained.

SUSTAINABILITY IMPLICATIONS:

- **Environment**
There are no known significant environmental implications associated with this proposal.
- **Economic**
The budget review process provides a timely indication of ability of the local government to achieve the budgeted performance for the year and the timing allows corrective actions if required prior to 30 June.
- **Social**
There are no known significant social implications associated with this proposal.

FINANCIAL IMPLICATIONS:

The budget review enables management to establish whether the local government continues to meet its budget commitments. It enables Council to determine whether income and expenditures are in accordance with the adopted budget.

VOTING REQUIREMENTS

Absolute Majority Required

COUNCIL RESOLUTION

11/16 Moved Cr Nixon, seconded Cr Pond that Council, having considered the budget review for the period 1 July 2015 to 31 January 2016 adopts the review as tabled, showing an estimated surplus at 30 June 2016 of \$82,386.

CARRIED by ABSOLUTE MAJORITY 8/0

9.2 **DEVELOPMENT SERVICES**

9.2.1 **NEW TRANSPORTABLE HOUSE 17 SALEEBA ST, MOORA**

FILE REFERENCE: TP/PA22/1516

REPORT DATE: 6 January 2016

APPLICANT/PROPONENT: John & Elwyn Joyce

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Peter Williams, Manager Development Services

ATTACHMENTS: Plans

PURPOSE OF REPORT:

Council is in receipt of an application to construct a new dwelling by J & E Joyce for 17 Saleeba Street, Moora.

BACKGROUND:

17 Saleeba Street, Cnr Atbara Street Moora is located in the Rural Residential Zone of which the objectives, Site Requirements & Development Requirements are:

Objectives

- (a) to select areas wherein closer subdivision will be permitted to provide for such uses as hobby farms, horse breeding, rural-residential retreats.
- (b) to make provision for retention of the rural landscape and amenity in a manner consistent with the orderly and proper planning of such areas.

Site Requirements:

The minimum building setbacks shall be:

Front: 15.0m

Rear: 15.0m

Side: 10.0m

Shire of Moora Town Planning Scheme No 4 Amendment 10 provides site requirements, for each of the Zonings within the scheme of which setback provisions determines a building envelope for the property within which all buildings are to be constructed including effluent disposal system.

Development Requirements

Development in a Rural Residential zone shall comply with the requirements of the following:

- (a) Planning approval is required for all development including a single house and such application shall be made in writing to the local government and be subject to the provisions of clause 7.2.
- (b) Not more than 1 dwelling shall be erected on a lot but the local government may, at its discretion, approve ancillary accommodation.
- (c) When the first application for planning approval is made for building on a lot under clause 3.13.4 (a) the applicant shall nominate for the local government's approval a building envelope of regular shape and not exceeding 4000 square metres in area and which complies with minimum building setbacks in clause 3.13.2. All buildings(s) including the building(s) subject of the first application shall be contained within the building envelope approved by the local government.
- (d) In order to conserve the rural environment or features of natural beauty all trees shall be retained unless their removal is authorised by the local government.
- (e) In order to enhance the rural amenity of the land in areas the local government considers deficient in tree cover it may require as a condition of any planning approval the planting of such trees and/or groups of trees and species as specified by the local government.

- (f) a person who keeps an animal or animals or who uses any land for the exercise or training of an animal or animals shall be responsible for appropriate measures to prevent noise, odour, or dust pollution or soil erosion to the satisfaction of the local government.
- (g) with the intention of preventing overstocking, erosion and any other practice detrimental to the amenity of a Rural Residential zone, the local government may take any action which in the opinion of the local government is necessary to reduce or eliminate adverse effects on the environment caused wholly or partly by the stocking of animals and any costs incurred by the local government in taking such action shall be recoverable by the local government from the landowner.
- (h) The local government may require provision to be made for bush fire control.

COMMENT:

Development being within the town boundary requires it to comply with flood provisions in that finished floor level of the building shall be required to be at least 300mm above the March 1999 flood level.

All development is to be contained within the building envelope which is set by the setback provisions.

POLICY REQUIREMENTS:

There are no known policy requirements related to this item.

LEGISLATIVE REQUIREMENTS:

Building Code of Australia and Shire of Moora Planning Scheme No 4

STRATEGIC IMPLICATIONS:

There are no known strategic implications associated with this proposal.

SUSTAINABILITY IMPLICATIONS:

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

FINANCIAL IMPLICATIONS:

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

VOTING REQUIREMENTS

Simple Majority Required

COUNCIL RESOLUTION

12/16 Moved Cr Pond, seconded Cr Holliday that Council approve the application by Mr and Mrs John Joyce to construct a new transportable dwelling on their property located at Lot 17 Atbara Street Moora subject to the following conditions:

- 1. All construction is to be contained within the building envelope which is set by the setback provisions for Rural Residential Zone which includes, Front 15.0 metres, Rear 15 Metres and Side 10 metres.**
- 2. Finished Floor Level is to be 300mm above the March 1999 flood level for the area. This information can be obtained by contacting Department of Water by phone on 63647600.**
- 3. This location is not covered by the Shire of Moora Sewerage infill program so an effluent disposal system will need to be provided which incorporates a fully inverted leach drain system and three septic tanks, the last being a pump and sump tank.**
- 4. If plans are to be changed substantially from those submitted with this application a new application will be required.**
- 5. This application is not a building application therefore a separate building application will be required to be submitted to the Shire's Building Surveyor for approval.**

CARRIED 8/0

9.2.2 ANCILLARY DWELLING LOT 106 LONG STREET, MOORA

FILE REFERENCE: TP/PA24/1516

REPORT DATE: 13 January 2016

APPLICANT/PROPONENT: Tony Streppel

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Peter Williams, Manager Development Services

ATTACHMENTS: Plans

PURPOSE OF REPORT:

Applicant Mr Tony Streppel has submitted a Town Planning Application on behalf of Mrs Wendy Dunn to construct an ancillary dwelling on her premises located at Lot 160 Long Street, Moora. The application seeks Councils permission to construct an ancillary dwelling a shed with an open veranda.

BACKGROUND:

Lot 160 is located on Long Street and the corner of Fry Street and is situated in the Rural Residential Zone the objectives, site requirements and Development requirements of which are:

Objectives

- (a) to select areas wherein closer subdivision will be permitted to provide for such uses as hobby farms, horse breeding, rural-residential retreats.
- (b) to make provision for retention of the rural landscape and amenity in a manner consistent with the orderly and proper planning of such areas.

Site Requirements:

The minimum building setbacks shall be:

Front: 15.0m

Rear: 15.0m

Side: 10.0m

Shire of Moora Town Planning Scheme No 4 Amendment 10 provides site requirements, for each of the Zonings within the scheme of which setback provisions determines a building envelope for the property within which all buildings are to be constructed including effluent disposal system.

Development Requirements

Development in a Rural Residential zone shall comply with the requirements of the following:

- (a) Planning approval is required for all development including a single house and such application shall be made in writing to the local government and be subject to the provisions of clause 7.2.
- (b) Not more than 1 dwelling shall be erected on a lot but the local government may, at its discretion, approve ancillary accommodation.
- (c) When the first application for planning approval is made for building on a lot under clause 3.13.4 (a) the applicant shall nominate for the local government's approval a building envelope of regular shape and not exceeding 4000 square metres in area and which complies with minimum building setbacks in clause 3.13.2. All buildings(s) including the building(s) subject of the first application shall be contained within the building envelope approved by the local government.
- (d) In order to conserve the rural environment or features of natural beauty all trees shall be retained unless their removal is authorised by the local government.
- (e) In order to enhance the rural amenity of the land in areas the local government considers deficient in tree cover it may require as a condition of any planning approval the planting of such trees and/or groups of trees and species as specified by the local government.
 - (f) a person who keeps an animal or animals or who uses any land for the exercise or training of an animal or animals shall be responsible for appropriate measures to prevent noise, odour, or dust pollution or soil erosion to the satisfaction of the local government.
- (g) with the intention of preventing overstocking, erosion and any other practice detrimental to the amenity of a Rural Residential zone, the local government may take any action which in the opinion of the local government is necessary to reduce or eliminate adverse effects on the environment caused wholly or partly by the stocking of animals and any costs incurred by the local government in taking such action shall be recoverable by the local government from the landowner.
- (h) The local government may require provision to be made for bush fire control.

COMMENT:

Mrs Dunn wishes to live in the area behind the shed previously used as an office with some changes to the building i.e. additional window, relining room, addition of a ensuite/toilet and small kitchen area also an attached open veranda to the west of ancillary dwelling and shed to which building is attached.

The shed and the area attached, previously used as an office is already constructed but as Council records have been somewhat compromised due to the flood where a lot of records were lost and some difference of opinion by owner and builder; this development is covered by this application and a subsequent building application to ensure Council records are complete for this building.

The Moora Town Planning Scheme No 4 Amendment 10 (TPS No 4) allows for an ancillary building for this area subject to Council permission to be constructed and there are no issues with neighbours as far as sight lines go. The area is included in the flood zone area of the map of Moora but as the building was constructed prior to Flood provision amendment therefore has a non-conforming use according to the TPS No 4.

POLICY REQUIREMENTS:

There are no known policies related to this particular type of development.

LEGISLATIVE REQUIREMENTS:

There are no known legislative requirements related to this item apart from Shire of Moora Town Planning Scheme No 4 (amendment 10) and the Building Code of Australia.

STRATEGIC IMPLICATIONS:

There are no known strategic implications associated with this proposal.

SUSTAINABILITY IMPLICATIONS:**➤ Environment**

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

➤ Economic

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

➤ Social

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

FINANCIAL IMPLICATIONS:

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

VOTING REQUIREMENTS

Simple Majority Required

COUNCIL RESOLUTION

13/16 Moved Cr Hamilton, seconded Cr Holliday that Council approve the application by Mr Tony Streppel on behalf of Mrs Wendy Dunn for her development to construct an Ancillary Dwelling and a steel framed shed and veranda to the south side of the shed to which it is attached at Lot 160 Long Street, Moora subject to the following conditions:

- Toilet to ensuite to have a separate effluent disposal system which will include fully inverted leach drains and a pump & sump tank to pump liquid effluent into leach drains.***
- This is not a Building approval a separate Building Application for the Shed, attached dwelling and veranda will need to be submitted to the Shire's Building Surveyor for approval.***
- If plans are to be changed substantially from those submitted with this application a new application will be required.***

CARRIED 8/0

9.2.3 **BUSHFIRE ATTACK LEVEL ASSESSMENT**

FILE REFERENCE: BC/GEN 1-2

REPORT DATE: 4 February 2016

APPLICANT/PROPONENT: Shire of Moora

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Peter Williams, Manager Development Services

ATTACHMENTS: Nil

PURPOSE OF REPORT:

To advise Council of the requirements of the Bushfire Attack Level requirements as of the 8th April 2016 when the regulations will come in to force.

BACKGROUND:

A package of bushfire planning reforms were announced on the 6 December 2015, and include the following documents:

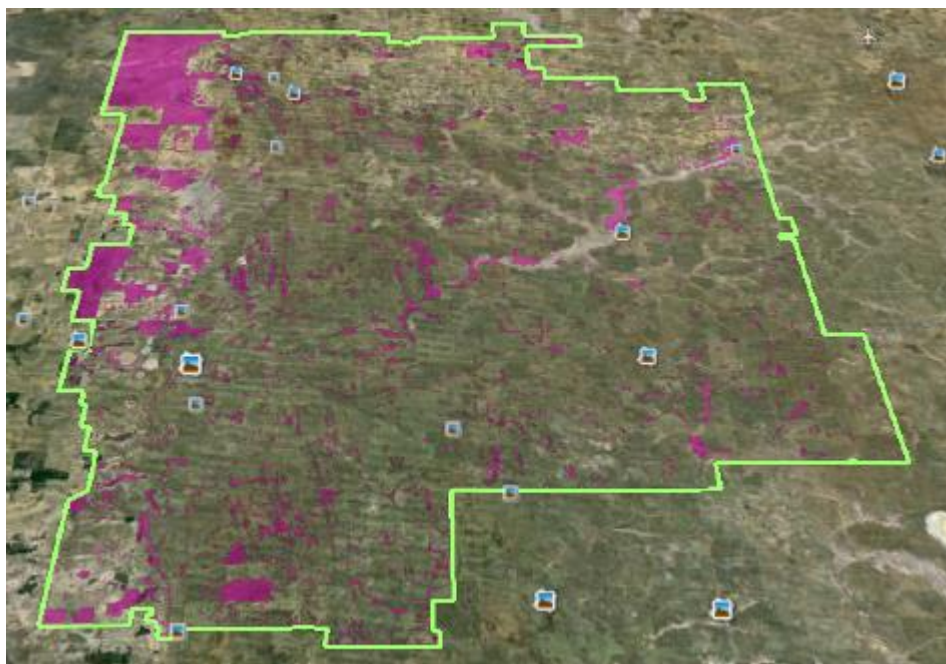
1. Planning and Development (Local Planning Schemes) Amendment Regulations 2015;
2. *State Planning Policy 3.7 Planning in Bushfire Prone Areas (SPP 3.7)*;
3. *Guidelines for Planning in Bushfire Prone Areas (the Guidelines)*;
4. Planning Bulletin No 111/2015 Planning in Bushfire Prone Areas;
5. Fact Sheets to assist in implementation of the reforms;
6. Creation of bushfire prone mapping by order of the Fire and Emergency Services (FES) Commissioner.

The designated bushfire prone areas trigger the bushfire construction requirements of the Building Code of Australia, commencing 8 April 2016.

• ***Bush Fire Prone Mapping***

There is on line mapping which identifies all land in bushfire prone areas for the whole of Western Australia – available on www.dfes.wa.gov.au

An extract of the map (Attachment 1) as it applies to Moora is below.



COMMENT:

The bush fire prone areas have been designated by the Fire and Emergency Services Commissioner.

Council should note as follows:

- The maps have been prepared in accordance with a mapping standard. Generally it identifies any land within 100 metres of any bushfire prone vegetation, particularly where the vegetated area is one hectare or greater.
- Under the mapping standards the only vegetation that is not considered bushfire prone is 'managed grasslands'.
- The maps will be updated annually.

There are a number of areas within the Shire that have been identified as being bushfire prone (See areas in pink)

- ***Bush Fire Prone Mapping Review***

The Shire has received correspondence from the Department of Fire and Emergency Services (DFES) inviting comments on the next edition of the Map of Bushfire Prone Mapping scheduled for release in early May 2016 – Attachment I.

Comments to DFES are due by the 18 March 2016. It is recommended that Council authorise the Shire's manager Development Services in conjunction with the Shire's Manager Emergency Services to provide comment on the draft new mapping.

DFES has indicated they can offer technical support as the mapping is available for viewing online.

- ***State Planning Policy 3.7 Planning in Bushfire Prone Areas (SPP 3.7)***

A new State Planning Policy, *State Planning Policy 3.7 Planning in Bushfire Prone Areas (SPP 3.7)* was gazetted on Monday 7 December 2016 and is effective now.

SPP 3.7 directs how land use should address bushfire risk management in Western Australia. It applies to all land which has been designated as bushfire prone by the Fire and Emergency Services (FES) Commissioner as highlighted on the Map of Bush Fire Prone Areas.

It applies to all higher order strategic planning documents, strategic planning proposals, subdivision and development applications located in designated bushfire prone areas (unless exemptions apply).

The accompanying *Guidelines for Planning in Bushfire Prone Areas* provide supporting information to assist in the interpretation of the objectives and policy measures outlined in SPP 3.7. They provide advice on how bushfire risk is to be addressed when planning, designing or assessing a planning proposal within a designated bushfire prone area.

- **Bushfire Attack Level (BAL) assessment and BAL ratings**

A Bushfire Attack Level assessment is a site specific assessment which takes into account the lot location, types of vegetation within 100 metres, distance to vegetation, slope, and sets a BAL rating in accordance with Australian Standard 3959.

The assigned BAL determines the level of bush fire resistant construction required for the building. There are six BAL ratings that can be applied as follows:

Table 2: BAL and corresponding descriptions of the predicted levels of exposure and heat flux exposure thresholds

BAL	DESCRIPTION (Source: AS 3959-2009, Appendix G)
BAL-LOW	The risk is considered to be VERY LOW. There is insufficient risk to warrant any specific construction requirements but there is still some risk.
BAL-12.5	The risk is considered to be LOW. There is a risk of ember attack. The construction elements are expected to be exposed to a heat flux not greater than 12.5kW/m ² .
BAL-19	The risk is considered to be MODERATE. There is a risk of ember attack and burning debris ignited by wind-borne embers and a likelihood of exposure to radiant heat. The construction elements are expected to be exposed to a heat flux not greater than 19kW/m ² .
BAL-29	The risk is considered to be HIGH. There is an increased risk of ember attack and burning debris ignited by wind-borne embers and a likelihood of exposure to an increased level of radiant heat. The construction elements are expected to be exposed to a heat flux not greater than 29kW/m ² .
BAL-40	The risk is considered to be VERY HIGH. There is a much increased risk of ember attack and burning debris ignited by wind-borne embers, a likelihood of exposure to a high level of radiant heat and some likelihood of direct exposure to flames from the fire front. The construction elements are expected to be exposed to a heat flux not greater than 40kW/m ² .
BAL-Flame Zone (FZ)	The risk is considered to be EXTREME. There is an extremely high risk of ember attack and burning debris ignited by wind-borne embers, and a likelihood of exposure to an extreme level of radiant heat and direct exposure to flames from the fire front. The construction elements are expected to be exposed to a heat flux greater than 40kW/m ² .

- **Key planning and building issues**

The key issues for planning and building in bushfire prone areas include:

- Owners/applicants seeking to construct a new dwelling or ancillary outbuilding/deck on a lot identified as 'bush fire prone' will have to provide a Bushfire Attack Level (BAL) assessment either as part of a planning or building application.
- Australian Standard AS 3959 - Construction of buildings in bushfire-prone areas provides methods for measuring the severity of the building's potential exposure to ember attack, radiant heat and direct flame contact
- Where a BAL rating between 12.5 and 29 is identified, there may also be a requirement for a Bushfire Management Plan to be endorsed jointly by the Shire and state authority for emergency services.
- The BAL determines the construction standard required. The higher the BAL, the higher the construction standard (and cost of construction).

- e. The Building Code of Australia (BCA) contains bushfire construction requirements for most classes of residential buildings (Class 1, 2, 3 and associated Class 10a outbuildings and decks).
- f. There are guidelines that will apply to vulnerable land uses (such as nursing homes and tourist accommodation) which present evacuation challenges, and high risk land uses such as service stations and landfill sites. A Bushfire Management Plan will be required for these types of land uses.
- g. In remote areas where a proposed new single house or ancillary dwelling will be located outside a 50 km radius of a gazetted Townsite, a property owner may be able to complete their own BAL assessment.

- **BAL Assessors**

The Fire Protection Association Australia (FPA Australia) is the first training and currently only accrediting body for Level I BAL Assessors recognised by the State Government.

One of the issues for Shark Bay (and other regional areas) is the lack of available BAL assessors working in this region. Only a limited number of training courses have been held this year. The next training course for a Level I BAL assessor is scheduled for March 2016 and is already full.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

Building regulations 2012

Planning regulations 2015

STRATEGIC IMPLICATIONS:

There are no known strategic implications associated with this proposal.

SUSTAINABILITY IMPLICATIONS:

➤ **Environment**

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

➤ **Economic**

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

➤ **Social**

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

FINANCIAL IMPLICATIONS:

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

VOTING REQUIREMENTS

Simple Majority Required

COUNCIL RESOLUTIONS**14/16 Moved Cr Humphry, seconded Cr Gardiner that Council:**

1. **Note that there are a number of planning reform documents that will introduce new planning and building requirements for dwellings, habitable buildings and associated outbuildings/decks on lots identified as being in a Bush Fire prone area.**
2. **Authorise the Manager Development Services to publish general information on the new fire requirements in a local newsletter to increase public awareness that new building requirements will commence on 8 April 2016.**
3. **Authorise the Manager Development Services and Building Surveyor to attend a two day training course which is a condensed version of the 5 Day BAL assessor course which will enable the assessment of any BAL's submitted by persons other than a BAL competent assessor. Cost of course is \$600.00 per person.**

CARRIED 8/0

9.3 ENGINEERING SERVICES**9.3.1 REALIGNMENT OF GREAT NORTHERN HIGHWAY – MILING STRAIGHT REALIGNMENT**

FILE REFERENCE: S/MAIL

REPORT DATE: 17 December 2015

APPLICANT/PROPONENT: Main Roads Western Australia

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: John Greay, Manager Engineering Services

ATTACHMENTS: Maps

PURPOSE OF REPORT:

As council would be aware the Main Roads are upgrading the Great Northern Highway north of Miling, towards Pithara, which is referred to as the Miling Straights.

BACKGROUND:

The sections of road between the two locations previously mentioned are well overdue for an upgrade. Several unfortunate deaths and accidents have occurred here over the years and the upgrade is long overdue. Tenders are currently being called for this work to take place and it is expected that once the contract is awarded that the project will run for a lengthy duration.

COMMENT:

The upgrade will be mostly on a new alignment which will allow for traffic to continue to travel, mostly uninterrupted, on the existing road pavement. The Miling North and Golf Club road along with Arkells and Richardson road intersections will need to be realigned with the highway between Miling and the Shire boundary with Dalwallinu. This will impact on local

traffic when these alignments are tied into the existing road but disruptions will be controlled and are expected to be minimal.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

Land Administration Act Section 56 stipulates that the land to be dedicated as a road reserve requires the concurrence of the local authority before the dedication can be considered by State Land Services.

STRATEGIC IMPLICATIONS:

There are no known strategic implications associated with this proposal for council.

SUSTAINABILITY IMPLICATIONS:

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

FINANCIAL IMPLICATIONS:

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

VOTING REQUIREMENTS:

Simple Majority Required

COUNCIL RESOLUTION

15/16 Moved Cr Humphry, seconded Cr Pond that Council at their meeting of Wednesday 17th February 2016 concur to the dedication of the land, the subject of Main Roads Drawings numbered 1560-127-1, 1560-128, 1560-129, 1560-130, 1560-131 and 1560-132 as road under Section 56 of the Land Administration Act.

CARRIED 8/0

9.3.2 **ELECTRONIC ROAD SIGNAGE**

FILE REFERENCE: L/TEP-2
REPORT DATE: 3 December 2015
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: N/A
AUTHOR: John Greay, Manager Engineering Services
ATTACHMENTS: Two quotes

PURPOSE OF REPORT:

To improve safety for shire road workers within open work zones.

BACKGROUND:

We have witnessed, whilst working on the Moora Miling Road, some driver behaviour that at times puts our workers lives at risk. Vehicular traffic tends to speed through the work zone and ignores the posted signs which are to bring traffic down to 40 kilometres per hour. On some occasions we have had to man the site with traffic controllers to stop and reduce the speed.

COMMENT:

To improve safety it is proposed to man either end of the work zone with electronic message boards that will alert motorists of the posted speed limit and the fact that there are roadworks ahead which requires them to reduce speed as static signage does not appear to be effective. In addition to the electronic sign trailer being used for this purpose there will be times that it could provide the general public of other important information such as upcoming events, fire indexes on extreme days, storm warning etc. We have been able to obtain pricing from Artcraft Solutions regarding these units at \$26,250 plus GST for the VTS –C-5 Color and from Deering Autronics a Bartco Premium C size at \$24,500 plus radar display, freight and licensing and on board PC to allow remote control of unit at \$4,930 = \$29,430 plus GST.

POLICY REQUIREMENTS:

Occupational, Health and Safety 2:10

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

FINANCIAL IMPLICATIONS:

There are financial implications to Council in relation to this item.

Council allowed, when budgeting this year for an excavator - \$ 330,000 ex GST. As council may recall we were well under budget with this item with savings around \$59,000.

VOTING REQUIREMENTS

Absolute Majority Required

At 6.25pm the Executive Support Officer left the meeting & returned at 6.29pm

COUNCIL RESOLUTION

16/16 Moved Cr Pond, seconded Cr Humphry that through savings made with the budgeted excavator (budget \$330,000 - \$270,100= \$59,900) council purchases two Bartco Premium” C” electronic message board trailers from Deering Autronics for \$29,430 each.

CARRIED by ABSOLUTE MAJORITY 5/3

10. REPORTS OF COMMITTEES**MANAGEMENT & AUDIT COMMITTEE MEETING – 3 FEBRUARY 2016****10.1 SHIRE OF MOORA ANNUAL COMPLIANCE AUDIT RETURN FOR 2015**

FILE REFERENCE: GA/SCO1

REPORT DATE: 1 February 2016

APPLICANT/PROPONENT: Department of Local Government

OFFICER DISCLOSURE OF INTEREST: The author has no financial or other interest in this matter.

PREVIOUS MEETING REFERENCES: N/A

AUTHOR: Alan Leeson, Chief Executive Officer

ATTACHMENTS: 2015 Compliance Audit Return

PURPOSE OF REPORT:

The 2015 statutory Compliance Audit Return (CAR) has been completed for the 2015 calendar year and is being presented to Council for adoption.

VOTING REQUIREMENTS

Simple Majority Required

COUNCIL RESOLUTION

17/16 Moved Cr Gardiner, seconded Cr Clydesdale-Gebert that Council adopts the attached Compliance Audit Return for the 2015 Calendar Year (1 January 2015 to 31 December 2015) and forward with the duly signed Joint Certification by the President and Chief Executive Officer, to the Director General of the Department of Local Government and Communities.

CARRIED 8/0

GENERAL PURPOSE COMMITTEE MEETING – 3 FEBRUARY 2016**10.2 BUSHFIRE APPEAL****VOTING REQUIREMENTS**

Absolute Majority Required

COUNCIL RESOLUTION

18/16 Moved Cr Gardiner, seconded Cr Clydesdale-Gebert that \$5,000 be donated to the Lord Mayor's Distress Relief Fund - Waroona & District Fires Appeal.

CARRIED by ABSOLUTE MAJORITY 8/0

10.3 CROPPING OF WESTEND – REQUEST FOR EXTENSION TO LEASE**FILE REFERENCE:** CC/MOB I**APPLICANT/PROPONENT:** Moora Bowling Club**OFFICER DISCLOSURE OF INTEREST:** Nil**PREVIOUS MEETING REFERENCES:** 20/2/13 (4/13)**AUTHOR:** Michelle Murray, Executive Support Officer**ATTACHMENTS:** Nil

The Moora Bowling Club has requested an extension to their lease for cropping of West End which is due to expire at the end of February. Refer following letter.

The lease of the 36 hectare section of west end to the east of the river (sewerage dam paddock) for 'cropping / grazing' was taken out with the aim of the cropping to cater for future upgrades of the club house. The current lease is for a 3 year term expiring on 28 February 2016.

VOTING REQUIREMENTS

Simple Majority Required

COUNCIL RESOLUTION

19/16 Moved Cr Gardiner, seconded Cr Holliday that the Chief Executive Officer be directed to arrange public advertising of the Westend (Sewerage dam paddock) cropping lease as per Section 3.58 (3) of the Local Govt. Act 1995.

CARRIED 8/0

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

Nil

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

The Chief Executive Officer raised an item of urgent business titled A985 Lot 4 Kiaka Street, Coomberdale - Power of Sale Proceedings for Councils consideration.

COUNCIL RESOLUTION

20/16 Moved Cr Gardiner, seconded Cr Holliday that Council consider the item of urgent business as tabled by the Chief Executive Officer titled 'A985 Lot 4 Kiaka Street, Coomberdale - Power of Sale Proceedings'.

CARRIED 8 / 0

12.1 A985 LOT 4 KIAKA STREET, COOMBERDALE - POWER OF SALE PROCEEDINGS

REPORT DATE: 17 February 2016

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: David Trevaskis, Deputy Chief Executive Officer

ATTACHMENTS: NIL

PURPOSE OF REPORT:

To instruct CS Legal to commence proceedings for the recovery of unpaid rates and service charges due on the property Lot 4 Kiaka Street, Coomberdale by exercising its power of sale under 6.68(2)(b) of the Local Government Act.

BACKGROUND:

1. The registered proprietor of the property located at 4 Kiaka Street, Coomberdale ("**Property**") is Lindsay Alan McQueen ("**Owner**").
2. The Owner died on 1 September 1995.
3. By the will of the Owner dated 25 August 1977, the owner appointed Perpetual Executors Trustees and Agency Company (W.A.) Limited (now Perpetual Trustees W.A. Ltd) to be the executor and trustee of the will and his estate.
4. Perpetual Trustees W.A. Ltd renounced probate of the said will and on 11 October 1995 letters of administration were granted by the Supreme Court to the Owner's friend, Rodney David Clarke ("**Administrator**").
5. On or around 3 October 2013, CS Legal issued a letter of demand to the Administrator for recovery of the outstanding rates and charges and did not receive a response.
6. In or around October 2013, the Shire of Moora engaged negotiations with Charles Hegarty for the sale of the Property but could not reach an agreement as to payment of the outstanding rates and charges.
7. As at 31 December 2015, the Administrator owes the sum of \$5,281.68 being unpaid rates, services charges, interest and legal costs.
8. The rates and service charges that have been outstanding on the Property for a period of three (3) years is \$634.45.

9. Within the last (3) years the Shire has not attempted to recover the outstanding rates and service charges through legal proceedings.
10. Based on recent sales of similar properties in Coomberdale in which the Shire engaged CS Legal to act, the neighbouring properties have sold for amounts between \$5,000 and \$15,000.
11. If the Shire was to instruct CS Legal to commence proceedings against the Administrator and those proceedings were defended, CS Legal's fees, which they estimate between \$10,000 and \$30,000 could exceed the estimated value of the Property.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

Local Government Act 1995, Section 6.68(2)(b)

STRATEGIC IMPLICATIONS:

Nil

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:

Anticipated payment of outstanding rates owed to the Shire from the proceeds of sale of the Property.

VOTING REQUIREMENTS

Simple Majority Required

COUNCIL RESOLUTION

21/16 Moved Cr Humphry, seconded Cr Hamilton that Pursuant to section 6.68(2)(b) of the LGA, the Shire resolves to exercise its power of sale over the Property noting that the Shire of Moora has not made any attempt to recover the outstanding money under 6.56 of the Local Government Act 1995 (WA) because we reasonably believe that the costs of proceedings under that section will equal or exceed the value of the Property.

CARRIED 8 / 0

13. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Nil

14. CLOSURE OF MEETING

There being no further business, the President declared the meeting closed at 6.49pm.

CONFIRMED

PRESIDING MEMBER