

**SHIRE OF MOORA**  
**MINUTES OF THE ORDINARY MEETING OF COUNCIL**  
**HELD IN THE COUNCIL CHAMBERS, MOORA**  
**15 FEBRUARY 2017**

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

### **1.1 DECLARATION OF OPENING**

*The Shire President declared the meeting open at 5.32pm.*

### **1.2 DISCLAIMER READING**

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

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

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

### **ATTENDANCE**

KM Seymour	-	Shire President / Presiding Member
MR Pond	-	Deputy Shire President
CE Gardiner	-	Councillor
TG Humphry	-	Councillor
DV Clydesdale-Gebert	-	Councillor
MR Holliday	-	Councillor
PF Nixon	-	Councillor
EI Hamilton	-	Councillor
LC House	-	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
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## **3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil

## **4. PUBLIC QUESTION TIME**

Nil

The Shire President congratulated Cynthia McMorran in receiving her Australia Day Honours Award 2017 – Member (AM) in the General Division of the Order of Australia.

**5. PETITIONS AND PRESENTATIONS**

Nil

**6. APPLICATIONS FOR LEAVE OF ABSENCE**

Nil

**7. ANNOUNCEMENTS BY THE PRESIDING MEMBER**

The following engagements were attended;

Shire President, Cr Seymour

26/1 Australia Day celebrations at Apex Park

6/2 Innovations Central Midlands WA meeting, Wongan Hills

6/2 Central Midlands Construction meeting, Wongan Hills

11/2 Inaugural Park Run, Moora

Cr Gardiner

7/2 West Koojan-Gillingarra LCDC meeting

Cr House

Citizenship Ceremony earlier today

Cr Clydesdale-Gebert

26/1 Australia Day celebrations at Apex Park

30/1 Meeting with the Minister for Agriculture, Moora

11/2 Speedway meet, Moora

Cr Holliday

26/1 Australia Day celebrations at Apex Park

11/2 Inaugural Park Run, Moora

Cr Hamilton

25/1 Moora Community Resource Centre meeting

26/1 Australia Day celebrations at Apex Park

11/2 Inaugural Park Run, Moora

Citizenship Ceremony earlier today

Cr Humphry

26/1 Australia Day celebrations at Apex Park

30/1 Meeting with the Minister for Agriculture, Moora

Cr Nixon

30/1 Meeting with the Minister for Agriculture, Moora

**8. CONFIRMATION OF MINUTES****8.1 ORDINARY COUNCIL MEETING - 7 DECEMBER 2016****COUNCIL RESOLUTION**

*7/17 Moved Cr Hamilton, seconded Cr Pond that the Minutes of the Ordinary Meeting of Council held on 7 December 2016 be confirmed as a true and correct record of the meeting.*

**CARRIED 9/0**

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

**REPORT DATE:** 6 February 2017

**OFFICER DISCLOSURE OF INTEREST:** Nil

**AUTHOR:** David Trevaskis, Deputy Chief Executive Officer

**SCHEDULE PREPARED BY:** Alida Fitzpatrick, Finance 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**

**8/17 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 2016

<b>Municipal Fund</b>	<b>Cheques 62215 to 62223</b>	<b>\$8,426.29</b>
	<b>EFT 16740 to 16902</b>	<b>\$475,055.75</b>
	<b>Credit Card 15/11/16 to 14/12/16</b>	<b>\$4,135.09</b>
	<b>Net Pays – PPE 13/12/16</b>	<b>\$108,111.51</b>
	<b>Net Pays – PPE 27/12/16</b>	<b>\$90,161.46</b>
	<b>Direct Debits 10932.1 to 10969.11</b>	<b>\$54,684.39</b>
<b>Trust Fund</b>	<b>Cheques 5233 to 5237</b>	<b>\$624.46</b>
<b>Total</b>		<b><u>\$741,198.95</u></b>

### January 2017

<b>Municipal Fund</b>	<b>Cheques 62224 to 62227</b>	<b>\$6,582.38</b>
	<b>EFT 16906 to 16984</b>	<b>\$153,652.24</b>
	<b>Credit Card 15/12/16 to 15/01/17</b>	<b>\$7,866.45</b>
	<b>Net Pays – PPE 10/01/17</b>	<b>\$92,049.06</b>
	<b>Net Pays – PPE 24/01/17</b>	<b>\$89,689.92</b>
	<b>Direct Debits 10980.1 to 11015.11</b>	<b>\$50,939.43</b>
<b>Trust Fund</b>	<b>Cheques 5238 to 5242</b>	<b>\$203.30</b>
<b>Total</b>		<b><u>\$400,982.78</u></b>

**CARRIED 9/0**

## **9.1.2 STATEMENT OF FINANCIAL ACTIVITY FOR PERIOD ENDED 31 DECEMBER 2016 AND 31 JANUARY 2017**

**REPORT DATE:** 9 February 2017

**OFFICER DISCLOSURE OF INTEREST:** Nil

**PREVIOUS MEETING REFERENCES:** Nil

**AUTHOR:** David Trevaskis, Deputy Chief Executive Officer

**ATTACHMENTS:** Statements of Financial Activity for the Period Ended 31 December 2016 and the Period Ended 31 January 2017.

### **PURPOSE OF REPORT:**

To note and receive the Statement of Financial Activity for the period ended 31 December 2016 and 31 January 2017.

### **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 2016/17 adopted budget.

### **VOTING REQUIREMENTS**

Simple Majority Required

**COUNCIL RESOLUTION**

**9/17 Moved Cr Nixon, seconded Cr Hamilton that Council notes and receives the Statement of Financial Activity for the period ended 31 December 2016 and 31 January 2017.**

**CARRIED 9/0**

**9.1.3 LOCAL GOVERNMENT ORDINARY ELECTIONS: 2017**

**FILE REFERENCE:** EM/ELC6

**REPORT DATE:** 2 February 2017

**OFFICER DISCLOSURE OF INTEREST:** Nil

**PREVIOUS MEETING REFERENCES:** N/A

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

**ATTACHMENTS:** Nil

**PURPOSE OF REPORT:**

For Council to resolve to appoint the Western Australian Electoral Commission to carry out the 2017 Ordinary Election as a Postal Election on 21 October 2017.

**BACKGROUND:**

Council has outsourced the election process since 2009. Many Local Governments utilise the services of the Electoral Office in managing the election process as it streamlines the process and allows staff to progress other priority areas within the organisation.

The Shire of Moora has engaged the Western Australian Electoral Commission to carry out the past three Ordinary Elections as Postal Elections.

**COMMENT:**

Many positive comments were received from Councillors, staff and members of the public in regard to the use of postal voting for the 2009, 2011, 2013 and 2015 Ordinary Elections.

The benefits in utilising the Electoral Commission included:

- Voter turnout increasing from 27.84% in 2007 to 48.75% in 2009 and 43.04% in 2011;
- Less interruptions to the day to day administration of the Shire ;
- Administration processes that were streamlined and more efficient reporting due to standardised processes used;
- Increased perception of independence of the Returning Officer from Council and staff.

The quote obtained from the Electoral Commission as an estimate for the 2017 elections is \$15,500 including GST. This is based on the following assumptions by the Electoral Commission:

- 1,650 electors
- Response rate of 50%
- 5 vacancies
- Count to be conducted at the offices of the Shire of Moora



The quote does not include:

- Non-statutory advertising
- Any legal expenses other than those determined to be borne by the WA Electoral Commission in a Court of Disputed Returns and;
- One Local Government staff member to work in the polling place on Election Day.

A letter of agreement has been obtained from the Electoral Commissioner as per the requirements of the Local Government Act 1995.

#### **POLICY REQUIREMENTS:**

Nil

#### **LEGISLATIVE REQUIREMENTS:**

Requirements of the Local Government Act 1995 section 4.20 (4)

#### **STRATEGIC IMPLICATIONS:**

***Outcome 5.3: Effective and efficient corporate and administrative services.***

Strategy 5.3.1: Provide and promote responsive customer services.

Strategy 5.3.2: Provide a full range of financial services to support the Shire's operations and to meet planning, reporting and accountability requirements.

Strategy 5.3.3: Maximise the financial viability of the Council by pursuing non-rate income.

Strategy 5.3.4: Maintain, develop and monitor rating and property strategies.

Strategy 5.3.5: Provide information and communications technology services.

***Strategy 5.3.6: Ensure Shire's administration and records systems meet compliance requirements.***

***Strategy 5.3.7: Maintain risk management policies and procedures.***

***Strategy 5.3.8: Implement continuous improvement initiatives for services in consultation with the community.***

Strategy 5.3.9: Develop, implement and maintain a Strategic Community Plan, a Corporate Business Plan, a Long Term Financial Plan and a Workforce Plan.

#### **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:**

The quoted estimate from the Electoral Commission is \$15,500 to Council if a postal election is conducted by the Western Australian Electoral Commission for the Ordinary Council election to be held on Saturday the 21<sup>st</sup> October 2017. This would be a budgeted item in 2017/2018 financial year.

#### **VOTING REQUIREMENTS**

Absolute Majority Required

**COUNCIL RESOLUTION****10/17 Moved Cr Nixon, seconded Cr Holliday that Council**

- 1. Declare, in accordance with section 4.20(4) of the Local Government Act 1995, the Electoral Commissioner to be responsible for the conduct of the 2017 ordinary elections together with any other elections or polls which may also be required; and**
- 2. Decide, in accordance with section 4.61(2) of the Local Government Act 1995 that the method of conducting the election will be as a postal election.**

**CARRIED by ABSOLUTE MAJORITY 9/0**

**9.1.4 ALTERATIONS TO SPEED ZONES – MOORA TOWNSITE**

**FILE REFERENCE:** S/MAII-2

**REPORT DATE:** 7 February 2017

**APPLICANT/PROPONENT:** CEO

**OFFICER DISCLOSURE OF INTEREST:** Nil

**PREVIOUS MEETING REFERENCES:** Nil

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

**ATTACHMENTS:** Nil

**PURPOSE OF REPORT:**

Council to consider requesting Main Roads to alter speed zones coming into Moora on the Midlands Road (from Walebing) and Padbury Street (from Bindoon). In essence the intent is to place the 50kph speed zone signs before the commencement of residential areas.

**BACKGROUND:**

Currently the 50 kph signs are past where residential areas commence on the southern end of Moora townsite.

**COMMENT:**

Main Roads administer speed zone signs and will consider request from local government on merit. In this instance the intent is to have consistency where entering residential built up areas.

**POLICY REQUIREMENTS:**

There are no policy implications relevant to this matter

**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 financial implications to Council in relation to this item.

## SUMMARY:

In terms of the Midlands Road, by moving the 50kph speed zone sign further south before the residential built up area begins this will be in keeping with the speed advisory sign before the corner which is 50kph, notwithstanding the safer passage of vehicles entering the residential built up area.

With regard to Padbury Street, moving the 50kph speed zone sign just to the south side of the Drummond Street intersection will ensure consistency of bringing traffic back to 50kph prior to entering the residential built up area.

## VOTING REQUIREMENTS:

Simple Majority Required

## COUNCIL RESOLUTION

***11/17 Moved Cr Holliday, seconded Cr Pond that Council request Main Roads WA to move the 50 kph speed zone signs on Gardiner Street (Midlands Road) and Padbury Street (Bindoon Moora Road) so both signs are located before entering the residential built up areas of the Moora townsite.***

**CARRIED 9/0**

### 9.1.4b **ELECTRONIC SPEED SIGNS – WATHEROO TOWNSITE**

Cr House raised the matter of traffic speeding through the Watheroo Townsite on the Midlands Road. Cr House requested that the Shire write to Main Roads and request the installation of electronic 60 kph speed zone signs, the same as what has been erected in Bindoon

## COUNCIL RESOLUTION

***12/17 Moved Cr House, seconded Cr Gardiner that the Shire write to Main Roads WA and request the installation of electronic 60 kph speed zone signs in the Watheroo Townsite (Midlands Road).***

**CARRIED 9/0**

### **9.1.5 WALEBING ROADHOUSE**

At 5.54pm Cr Nixon declared an indirect financial interest in the item as he is the employer of the affected person and left the meeting.

**FILE REFERENCE:** PA/963-1

**REPORT DATE:** 9 February 2017

**APPLICANT/PROPONENT:** Alan Leeson, Chief Executive Officer

**OFFICER DISCLOSURE OF INTEREST:** Nil

**PREVIOUS MEETING REFERENCES:** Nil

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

**ATTACHMENTS:** Nil

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

Council to consider an email request from Main Roads W.A to advise whether or not Council has any objection “in principle” to Main Roads W.A purchasing the property as part of the Great Northern Highway Project and the subsequent permanent closure of the Walebing Roadhouse.

#### **BACKGROUND:**

Currently the Walebing Roadhouse is closed. The proprietors and owners of the property closed the business a number of months ago.

#### **COMMENT:**

Council does not have any jurisdiction over this property other than the property is rateable. The proposal by Main Roads is a matter of a “commercial nature” and not a concern to Council in the sense of having any sort of entitlement or view. Council has simply been asked to express its “in principle” view on the matter.

Although it is disappointing for both the owners of the property/business and indeed the local community, the fact that the business is closed is a commercial issue of a private nature.

#### **POLICY REQUIREMENTS:**

There are no policy implications relevant to this matter

#### **LEGISLATIVE REQUIREMENTS:**

There are no known legislative requirements relevant to Council in 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:**

The property is currently rateable with outstanding rates owed to Council amounting to approximately \$5,500. Any sale of the property would enable Council to recoup these outstanding rates.

**SUMMARY:**

This is a matter of a commercial nature between Main Roads W.A and the property owners, and in the authors view is not a matter that Council should express any adverse views in regards to the proposed acquisition by Main Roads. It is recommended that Main Roads undertake consultation with relevant stakeholders, however this is a request in principle and not something Council can enforce.

**VOTING REQUIREMENTS:**

Simple Majority Required

**COUNCIL RESOLUTION**

*13/17 Moved Cr Pond, seconded Cr Humphry that the Shire of Moora advise Main Roads W.A in response to their email of 17 January 2017 it has no objection in principle to Main Roads W.A purchasing the Walebing Roadhouse and subsequently closing it on a permanent basis as part of the Great Northern Highway upgrade through the Walebing townsite subject to Main Roads undertaking consultation with relevant stakeholders.*

**CARRIED 8/0**

At 5.55pm Cr Nixon rejoined the meeting.

**9.1.6 LOCAL GOVERNMENT ACT POWER OF SALE – LOT 16 PRYRE (KIAKA) STREET, COOMBERDALE**

**FILE REFERENCE:** PA/1817

**REPORT DATE:** 9 February 2017

**APPLICANTS/PROPONENT:** Nil

**OFFICER DISCLOSURE OF INTEREST:** Nil

**PREVIOUS MEETING REFERENCES:** Nil

**AUTHOR:** David Trevaskis, Deputy Chief Executive Officer

**ATTACHMENTS:** Nil

**PURPOSE OF REPORT:**

Commence proceedings to exercise the Shire's power of sale over Lot 16 Pryre Street (Kiaka St), Coomberdale due to unpaid rates and service charges.

**BACKGROUND:**

1. George Paul Texas May ("**Owner**") is the registered proprietor of Lot 16 on Plan 3010, being the whole of the land contained in Certificate of Title Volume 1506 Folio 543, more commonly known as Lot 16 Kiaka Street, Coomberdale ("**Property**").
2. As at 31 October 2016, the Owner owes the Shire the sum of \$3,280.64 being unpaid rates, service charges, interest and legal costs.
3. A portion of the outstanding rates and charges has been outstanding for over 3 years.

4. CS Legal has previously conducted searches to locate the Owner in relation to the sale of other Properties within the Shire and has identified that the Owner is deceased and that probate of the Owner's estate has not been applied for or granted.

**POLICY REQUIREMENTS:**

Nil

**LEGISLATIVE REQUIREMENTS:**

Part 6 Subdivision 6 of the Local Government Act 1995 (WA).

**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**

*14/17 Moved Cr Humphry, seconded Cr House that pursuant to section 6.68(2)(b) of the Local Government Act 1995 (WA) Council resolves to exercise its power of sale under Part 6 Subdivision 6 of the Local Government Act 1995 (WA) over Lot 16 on Plan 3010, being all that piece of land contained in Certificate of Title Volume 1506 Folio 543, more commonly known as Lot 16 Kiaka Street, Coomberdale, noting that the Shire of Moora has not made any attempt to recover the outstanding money under section 6.56 of the Local Government Act 1995 (WA) because the owner is believed to be deceased and no executor or administrator of the estate can be located.*

**CARRIED 9/0**

### **9.1.7 LOCAL GOVERNMENT ACT SALE – 18225 GREAT NORTHERN HIGHWAY, MILING**

**FILE REFERENCE:** PA/942

**REPORT DATE:** 9 February 2017

**APPLICANTS/PROPONENT:** Nil

**OFFICER DISCLOSURE OF INTEREST:** Nil

**PREVIOUS MEETING REFERENCES:** Nil

**AUTHOR:** David Trevaskis, Deputy Chief Executive Officer

**ATTACHMENTS:** Nil

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

Commence proceedings to exercise the Shire's power of sale over 18225 Great Northern Highway, Miling due to unpaid rates and service charges.

#### **BACKGROUND:**

1. George Horst Kalkowski ("**Owner**") is the registered proprietor of Lot 7 on Plan 5291, being the whole of the land contained in Certificate of Title Volume 1744 Folio 395, more commonly known as 18225 Great Northern Highway, Miling ("**Property**").
2. The owner currently owes the Shire the sum of \$3,943.67 being unpaid rates, service charges, interest and legal costs.
3. The sum of \$1,706.50 has been outstanding for over 3 years.
4. CS Legal conducted a search of the Metropolitan Cemeteries Board website which confirmed that a "George Horst Kalkowski" of Miling was cremated at the Fremantle Cemetery having died on 2 October 2013.
5. CS Legal conducted a probate search which failed to identify any application for a grant of probate or administration in respect of the Owner's estate.

#### **POLICY REQUIREMENTS:**

Nil

#### **LEGISLATIVE REQUIREMENTS:**

Part 6 Subdivision 6 of the Local Government Act 1995 (WA).

#### **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**

*15/17 Moved Cr Hamilton, seconded Cr Pond that pursuant to section 6.68(2)(b) of the Local Government Act 1995 (WA) Council resolves to exercise its power of sale under Part 6 Subdivision 6 of the Local Government Act 1995 (WA) over 18225 Great Northern Highway, Miling, noting that the Shire of Moora has not made any attempt to recover the outstanding money under section 6.56 of the Local Government Act 1995 (WA) because the owner is believed to be deceased and no executor or administrator of the estate can be located.*

**CARRIED 9/0**

**9.2 DEVELOPMENT SERVICES****9.2.1 RELOCATION & RENOVATION OF MOORA CHIROPRACTIC 66 PADBURY STREET, MOORA**

At 5.56pm Cr Clydesdale-Gebert declared a proximity interest in the item as she is operating next to the proponents intended address.

**FILE REFERENCE:** TP/PA20/1617

**REPORT DATE:** 18 January 2017

**APPLICANT/PROPONENT:** Allie Gledhill

**OFFICER DISCLOSURE OF INTEREST:** Nil

**PREVIOUS MEETING REFERENCES:** Nil

**AUTHOR:** Peter Williams, Manager Development Services

**ATTACHMENTS:** Plans

**PURPOSE OF REPORT:**

Town Planning Application received from Proponent Ms Allie Gledhill advising that she is moving her business “Moora Chiropractic” from its present location in Dandaragan Street, to 66 Padbury Street and will be renovating the premises to suit her business.

**BACKGROUND:**

The proponent is currently renting a premises in Dandaragan Street however has recently purchased a premises in Padbury Street where she is aiming to move her business to. No 66 Padbury Street is located in the Town Centre and “Consulting Rooms” as a Chiropractic Clinic is determined under the Shire of Moora Town Planning Scheme Zoning Table as a “P” Permitted Use Classification. The proponent is also looking to display window art in the front window of the property.

**COMMENT:**

The proponent is looking to renovate the new premises to suit her needs by adding three walls and a ceiling which will give her three treatment rooms and a reception area for her business.



This application meets the requirements of the Shire of Moora Town Planning Scheme No 4 (Amendment 11) requirements for Town Centre Zone and is recommended that it be approved.

**POLICY REQUIREMENTS:**

There are no known policy requirements related to this item.

**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 financial implications to Council in relation to this item.

**VOTING REQUIREMENTS**

Simple Majority Required

**COUNCIL RESOLUTION**

***16/17 Moved Cr Humphry, seconded Cr Gardiner that Council approve the application by Ms Allie Gledhill the proponent, to relocate her business “Moora Chiropractic” to the premises located at 66 Padbury Street, Moora, which has been purchased, and carry out renovations to that premises to provide her with three treatment rooms and a reception area subject to the following conditions:***

- ***Treatment room floor surfaces to be of commercial vinyl and wall floor junction coved to 25mm to facilitate cleaning floors.***
- ***Wash hand basins to be fitted to each consulting room.***

**CARRIED 8/0**

At 5.58pm Cr Clydesdale-Gebert rejoined the meeting.

## 9.2.2 CHANGES TO THE HEALTH ACT 1911

**FILE REFERENCE:** GA/HWAI-2

**REPORT DATE:** 18 January 2017

**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:**

The gazettal of the *Public Health Act 2016* represents a significant update and change to the implementation of environmental health legislation, replacing the *Health Act 1911*. As there is a significant amount of work required to transition to the new regulatory framework, the Department of Health (WA) has advised that implementation is to occur in a staged manner over the next 3 to 5 years.

### **BACKGROUND:**

The old Health Act 1911 (which will be known as the Health (Miscellaneous Provisions) Act 1911), and all regulations made under the Health Act, will continue to be the main enforcement tool used by the Shire's Environmental Health Officers (EHOs) until the provisions of the new Act are proclaimed over the coming years.

There are five (5) stages of implementation, of which Stages 1 and 2 are already in effect and have no practical implications for local government. Stage 3 involves key elements of the administrative framework provided by Part 2 of the Public Health Act 2016 coming into operation to replace the equivalent administrative framework provided by Part II of the Health Act 1911. This includes gazettal of Environmental Health Officers to enforce the provisions of the Act within their local government authority and annual reporting requirements. Stage 3 is expected to occur on 24 January 2017, with works needed to be undertaken to effect this transition within the Shire of Moora.

Stage 4 will adopt changes to the Public Health Act 2016 relating to notifiable infectious diseases and related conditions, prescribed conditions of health, serious public health incident powers and public health emergencies. Date for commencement is yet to be determined. No action by local government is expected during this implementation stage.

Stage 5 will be the most significant stage of implementation for enforcement agencies as it represents the point at which they move from the framework provided by the Health (Miscellaneous Provisions) Act 1911 to the Public Health Act 2016. The development of new regulations under the Public Health Act 2016 relating to environmental health matters will commence, and feature provisions for:

- Body Art and personal appearances
- Water
- The built environment
- Pests and vector control

Equivalent provisions in the Health (Miscellaneous Provisions) Act 1911 and regulations and by-laws made under that Act will be repealed.

The following provisions will also commence with the enforcement provisions:

- Public Health Planning
- Public Health Assessments and

- Registration and licensing

Stage 5 will require substantial works by local government to implement this stage. The Department of Health has advised that it will be working closely with Local Government Authorities in the lead up to this stage, including consultation on the development of the required regulations.

All currently employed Environmental Health Officers will automatically be authorised officers and will continue to enforce both the new and the old public health legislation as the transition continues. However, implementation of Stage 3 requires that they must be provided a certificate of authority, to be produced on request. The Shire's authorised delegate is required to sign the certificate.

Using section 21(1)(b)(i) Part 2 of the new Public Health Act 2016, Council may delegate the powers and duties conferred on it to the Chief Executive Officer or an authorised officer of the Local Government. At this time, the effect of the delegation being sought is minor (sign the certificate), however as further provisions are gazetted to expand the powers of the *Public Health Act 2016*, this delegation will provide for the smooth implementation of these provisions as they are implemented.

Precedent for this is already in place for the Health Act (Delegation 30) which enables the CEO to act on behalf of Council in respect to the Act and associated Regulations. This includes initiating legal action on behalf of the Shire for breaches of the *Health Act 1911*. The current delegation will need to remain in place during the transition to the new *Public Health Act 2016*.

**COMMENT:**

The designation of authorised officers and the appointment of EHOs is now the responsibility of Local Government (enforcement agency). The Department of Health no longer has a role in the designation or appointment of EHOs/authorised officers.

Once Stage 3 comes into effect, all designations must be made under the Public Health Act 2016.

Section 17 of the new Public Health Act 2016, provides Council the ability to appoint Environmental Health Officers/Authorised Officers without the need to apply for approval from the Health Department of WA. As such Council will need to provide delegation to the CEO to carry out this new function.

Section 24 of the new Public Health Act 2016 provides Council the ability to designate a person or class of persons as Authorised Officers and to issue authority cards to those officers. This function was previously carried out by the Health Department of WA. Council will now need to provide delegation to the CEO to carry out this new function.

**POLICY REQUIREMENTS:**

There are no known policy requirements related to this item

**LEGISLATIVE REQUIREMENTS:**

Public Health Act 2016

**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**

***17/17 Moved Cr Nixon, seconded Cr House that Council pursuant to Section 21(1)(b)(i) Part 2 of the Public Health Act 2016 resolves to delegate all the powers and duties conferred or imposed on the Shire of Moora by the Public Health Act 2016 to the Chief Executive Officer.***

**CARRIED 9/0**

### **9.2.3 NEW TRANSPORTABLE DWELLING 97 MELBOURNE STREET, MOORA**

**FILE REFERENCE:** TP/PA21/1617

**REPORT DATE:** 20 January 2017

**APPLICANT/PROPONENT:** TR Homes

**OFFICER DISCLOSURE OF INTEREST:** Nil

**PREVIOUS MEETING REFERENCES:** Nil

**AUTHOR:** Peter Williams, Manager Development Services

**ATTACHMENTS:** Plans

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

A Town Planning Development application has been received from proponent TR Homes on behalf of Mr & Mrs Anthonie & Erna Rossouw seeking Councils permission to construct and erect a new steel framed modular transportable dwelling comprising of 4 bedrooms and two bathrooms to be established at Lot 146 Hn 97 Melbourne Street, Moora.

#### **BACKGROUND:**

Lot 146 is located in the Residential Zone identified by the Shire of Moora Town Planning Scheme No 4 (Amendment 11) and is located within the Flood Zone, it has a Residential Design Code rating of R12.5. The property is within 90 metres of the Shire sewerage infrastructure and under the Country Sewerage Policy if a proposed dwelling is within 91m of Local Authority sewerage infrastructure it is required to connect.

The property is not located in an identified bushfire zone therefore is not required to produce a Bushfire Attack Level Assessment (BAL).

#### **COMMENT:**

The Shire's Sewerage Connection Policy 2.7 in relation to the State Government Country Sewerage Policy states that if a new development is within 91 metres of a Local Authorities it is required to connect to that service facility.

The plans of the proposed development meet the requirements of the Shire of Moora Town Planning Scheme No 4 (Amendment 11)

#### **POLICY REQUIREMENTS:**

Shire of Moora Sewerage Policy section 2.7

#### **LEGISLATIVE REQUIREMENTS:**

Shire of Moora Town Planning Scheme No 4  
Residential Design 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:**

The proponent has paid the required Town Planning Fee of \$835.16

**VOTING REQUIREMENTS**

Simple Majority Required

**COUNCIL RESOLUTION**

**18/17 Moved Cr Pond, seconded Cr Clydesdale-Gebert that Council approve the application by proponent TR Homes on behalf of Mr & Mrs Anthonie Rossouw to construct a new Transportable Modular Dwelling and locate it at Lot 146 Hn 97 Melbourne Street, Moora subject to the following conditions:-**

- **Proponent to make application to Shire to connect property to Shire sewerage system. Property is required to connect to the Shire Sewerage System which will require connection fees and contribution to necessary headworks to bring sewerage the necessary 6-10 metres to the property.**
- **A letter is required from the Department of Water identifying the Finished Floor Level whereby the building will be situated at least 300 mm above the highest known water level reached by the 1999 May Flood level.**

**CARRIED 9/0**

**9.2.4 NEW LOTTERYWEST SIGN - NEWSAGENCY 64 PADBURY STREET, MOORA**

**FILE REFERENCE:** TP/PA15/1617

**REPORT DATE:** 8 February 2017

**APPLICANT/PROPONENT:** Kingman Visual

**OFFICER DISCLOSURE OF INTEREST:** Nil

**PREVIOUS MEETING REFERENCES:** Nil

**AUTHOR:** Peter Williams, Manager Development Services

**ATTACHMENTS:** Plans

**PURPOSE OF REPORT:**

Council has received a development application from Kingman Visual on behalf of Lotterywest to construct and install a illuminated sign to be fixed to the shop front of the Moora Newsagency. Proponent is seeking Council permission to erect the sign.

**BACKGROUND:**

The content of the sign consists of white lettering stating “Lotterywest” with the swish logo on a blue background. The acrylic sign is connected to the building with a metal bracket. The Power to Control Advertisements:

- (a) for the purpose of the Scheme, the erection, placement and display of advertisements and the use of land or buildings for that purpose is development within the definition of the Planning and Development Act requiring, except as otherwise provided, the prior approval of the Local government. Planning approval is required in addition to any licence under the Local government’s Laws. AMD 09 GG 11/03/11
- (b) applications for the Local government's planning approval under this clause shall be submitted in accordance with the provisions of the Scheme and shall be accompanied

by a completed Additional Information Form set out in Schedule 7 giving details of the advertisement(s) to be erected placed or displayed on the land.

Consideration of Applications: Without limiting the generality of the matters which may be taken into account when making a decision upon an application for approval to erect, place or display an advertisement, the Local government shall examine each such application in the light of the objectives of the Scheme and with particular reference to the character and amenity of the locality within which it is to be displayed, including its historic or landscape significance and traffic safety, and the amenity of adjacent areas which may be affected.

**COMMENT:**

The sign is located under the canopy overhang so it is not a distraction to traffic or posing a hazard. There is no heritage significance to be considered and is therefore recommended for approval.

**POLICY REQUIREMENTS:**

Shire of Moora Advertising Devices (Signage) Policy

**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 financial implications to Council in relation to this item all fees have been paid.

**VOTING REQUIREMENTS**

Simple Majority Required

**COUNCIL RESOLUTION**

*19/17 Moved Cr Holliday, seconded Cr Humphry that Council approve the application by Kingman Visual on behalf of Lotterywest to install an illuminated acrylic sign fixed to the underneath of the roof overhang of the Moora Newsagency at 64 Padbury Street Moora subject to Shire of Moora Advertising Devices (Signage) Policy.*

**CARRIED 9/0**

## **9.2.5 FUEL DEPOT LOT 231 ROBERTS STREET MOORA**

**FILE REFERENCE:** TP/PA23/1617

**REPORT DATE:** 8 February 2017

**APPLICANT/PROPONENT:** Fuel Distributors of WA

**OFFICER DISCLOSURE OF INTEREST:** Nil

**PREVIOUS MEETING REFERENCES:** 21/9/16 (115/16)

**AUTHOR:** Peter Williams, Manager Development Services

**ATTACHMENTS:** Plans

### **PURPOSE OF REPORT:**

Council is in receipt of a Development Application from Mr Ron Visser of RAV DG Services who is a consultant and Department of Mines and Petroleum Accredited Assessor, who is the originator of the attached plans on behalf of Fuel Distributors of Western Australia (FDWA). Fuel Distributors of WA are leasing the property at Lot 231 Roberts Street from the Shire of Moora and wish to use it as a micro fuel depot. They are seeking Council permission to site a fuel depot at this location.

### **BACKGROUND:**

Council resolved at its meeting of the 21<sup>st</sup> September 2016:-

*115/16 That Council accept Tender 1 submitted from Fuel Distributors W.A for Tender 04/2016 - Lease of Land Portion of Lot 231 Clarke Street, Moora, for a 5 year term, with an option for a further 5 years @ \$20,000 per annum plus GST, subject to the following conditions;*

- *Submission of a formal Local Planning Scheme development application for Council consideration and license approvals from the Department of Mines and Petroleum;*
- *Formal commencement of lease will be determined subsequent to all relative approvals being considered and granted by relevant authorities.*

CARRIED 6/0

Lot 231 Roberts Street is located in the Light Industrial Zone and as such has a “D” Classification in the Shire of Moora Town Planning Scheme Zoning Table which requires Council approval.

The application is for a micro fuel depot and diesel fuel outlet. This will allow FDWA to reduce the number of trucks on the road from Perth delivering fuel into Moora.

Sales at the Bowser will be restricted to diesel fuel only with only a small amount of petrol used for redistribution. Sales through the bowser will be restricted to OPT (Outdoor Payment Terminal) allowing 24 hours access to diesel fuel if/and when required.

The fuel storage and handling system it is advised will be compliant with WA Dangerous Goods & Safety Regulation and Australian Standards. It is also advised that the fuel facility designs have been assessed and a Dangerous Goods Storage and Handling License has been issued by the Department of Mines and Petroleum – Resource Safety Department.

### **COMMENT:**

As mentioned, Council has agreed to lease this property to Fuel Distributors WA and should be looking for assurances that no hydrocarbon contaminations will occur. The design shows that a concrete spill containment slab will be in place that is drained to an oil water separation system. This should contain any accidental spills from public use.



**POLICY REQUIREMENTS:**

There are no known policy requirements related to this item.

**LEGISLATIVE REQUIREMENTS:**

Mining Act 1978

**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:**

Lease of Land Portion of Lot 231 Clarke Street, Moora, for a 5 year term, with an option for a further 5 years @ \$20,000 per annum plus GST.

**VOTING REQUIREMENTS**

Simple Majority Required

**COUNCIL RESOLUTION**

*20/17 Moved Cr Holliday, seconded Cr Clydesdale-Gebert that Council approve the development application by Mr Ron Visser of RAV DG Services on behalf of Fuel Distributors WA noting that Fuel Distributors of WA have provided the License issued by the Department of Mines and Petroleum to the Shire of Moora as requested for the site, as an approval of the design of the plans supplied.*

**CARRIED 9/0**

## 9.2.6 LOT 207 CLARKE STREET MOORA - OVERSIZED SHED

**FILE REFERENCE:** TP/PA24/1617

**REPORT DATE:** 8 February 2017

**APPLICANT/PROPONENT:** Rod Machin on behalf of Robert & Erica Rumbold

**OFFICER DISCLOSURE OF INTEREST:** Nil

**PREVIOUS MEETING REFERENCES:** Nil

**AUTHOR:** Peter Williams, Manager Development Services

**ATTACHMENTS:** Plans

### **PURPOSE OF REPORT:**

Council is in receipt of a development application for an oversized shed from applicant Mr Rod Machin on behalf of Proponent Mr and Mrs Robert Rumbold. The application is seeking Council permission to construct a steel framed and clad shed 20m long x 10m wide x 3.5m high = 200m<sup>2</sup>.

### **BACKGROUND:**

Lot 207 Clarke Street is located in the Rural Residential Zone and is 14,619m<sup>2</sup> in area. This sized shed meets the requirements of Council Outbuilding Policy for maximum sized outbuildings for a 200m<sup>2</sup> and does not exceed maximum outbuilding size for the Lot.



The Lot is located inside the Shire of Moora Boundary and is captured in the Shire Flood Provisions requirements.

Council has discretion in reducing the height of the Finished Floor Level for outbuildings from 300mm above the 1999 May highest flood level to 150mm.

### **Objectives of Rural Residential Zone**

- (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

The shed is required to be constructed within the above setbacks of the property.

**COMMENT:**

There are no issues with the size of the shed provided it complies with the setback requirements for the zoning of the area and the flood provisions are adhered to whereby the Finished Floor Level is at least 150mm above the highest 1999 May Flood Level for that area.

**POLICY REQUIREMENTS:**

Outbuilding Policy

**LEGISLATIVE REQUIREMENTS:**

Shire of Moora Town Planning Scheme No 4 Amendment 11 Flood Provisions

**STRATEGIC IMPLICATIONS:**

There are no known strategic implications associated with this proposal.

**SUSTAINABILITY IMPLICATIONS:**

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

**FINANCIAL IMPLICATIONS:**

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

**VOTING REQUIREMENTS**

Simple Majority Required

**RECOMMENDATION**

*That Council approve the application submitted by Mr Rod Machin on behalf of Robert and Erica Rumbold to construct a steel framed and clad 20m length x 10m width x 3.5m high shed in the Rural Residential Zone at Lot 207 Clarke Street, Moora subject to the following conditions:*

- *No second hand materials are to be used in the construction of the shed;*
- *This development is incorporated in the Shire of Moora Flood Zone and the proponent needs to apply to Department of Water for a Finished Floor Level (FFL);*
- *This building is not to be used for commercial purposes, if this is the case an application for operating a business from home is required by Council;*
- *Setback requirements are to be adhered to:-*
  - The minimum building setbacks shall be:*
    - *Front: 15.0m*
    - *Rear: 15.0m*
    - *Side: 10.0m*

## COUNCIL RESOLUTION

**21/17 Moved Cr Hamilton, seconded Cr Pond that the item lay on the table to allow clarification to be sought as to the intended use of the proposed shed.**

**CARRIED 9/0**

### **9.2.7 LOT 200 LONG STREET MOORA - WORKERS ACCOMMODATION MANAGERS RESIDENCE**

**FILE REFERENCE:** TP/PA03/1213

**REPORT DATE:** 9 February 2017

**APPLICANT/PROPONENT:** Alex Zoch

**OFFICER DISCLOSURE OF INTEREST:** Nil

**PREVIOUS MEETING REFERENCES:** 17/10/2012 (127/12)

**AUTHOR:** Peter Williams, Manager Development Services

**ATTACHMENTS:** Plans

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

Council is in receipt of a development application from proponent Mr Alex Zoch to construct/locate a new manager's residence at Lot 200 Long Street, Moora. Mr Zoch is seeking Council permission to amend the original development plan for the manager's residence, with different plans for the proposed building to that of the original plan submitted and subsequently approved by Council.

#### **BACKGROUND:**

The proposed development is located at Lot 200 Long Street at the property known as the "Workers Accommodation". The original plans for the development show an area where the Managers Residence was proposed to go at a later date with nothing definite as to the design of construction of the building.

The Proponent has now submitted a plan of the proposed building which is in a different location. This requires submission of amended lot plans of the development showing the location of the new building. This has been provided by the proponent. (Refer attached)

The new plans display a new transportable residence that is steel framed and clad with colour bond sheeting on roof and walls. Council's previous approval is below:-

*127/12 That Council approve the development for budget accommodation for Lot 200 Drummond Street, Moora subject to;*

- *compliance with Council resolution 89/12 of 15 August 2012;*
- *the roof structure is to be a gable roof over the entire structure that is to be continued at the front of each building;*
- *to include a veranda that covers the pathway extending along each building; and*
- *the proponent is to lodge a bond of \$10,000.00 to secure completion of all steps necessary to achieve an external appearance of the building in accordance with the planning approval. The following shall apply in relation to the bond:*

*The local government may deposit the bond into an interest bearing account;*

- a) *if in the opinion of the local government the external appearance of the relocated buildings has not been completed in accordance with original Town Planning Conditions No's. 1-12 within 6 months of physical relocation of the building, the local government may by its officers, employees, agents, contractors and subcontractors, carry out such works as the local government may deem necessary, with or without vehicles, machinery, equipment or plant;*

- b) *the local government may, for the purpose of giving effect to subparagraph a) above, draw from the bond;*
- c) *upon all of the external appearance requirements having been satisfied, the local government shall on request from the registered proprietor at the time pay back to the registered proprietor the balance (if any) of the bond and then standing to the credit of the local government. It is the responsibility of the party initially paying the bond to make arrangements with any successor in title if the person initially paying the bond expects that the successor in title to repay some or all of that bond to the original payer.*

CARRIED 7/1

*Note: It was resolved to include a bond condition given that the development proponent has located second hand units at Lot 200 Drummond Street premature to the developer complying with relevant development conditions and submission of building applications for the accommodation units sited on the land.*

**COMMENT:**

This development application is to amend the original plans which included a Manager's residence and to provide plans of the building and where it is to be sited.

**POLICY REQUIREMENTS:**

No known policy requirements related to this item.

**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 financial implications to Council in relation to this item.

**VOTING REQUIREMENTS**

Simple Majority Required

**COUNCIL RESOLUTION**

**22/17 Moved Cr Gardiner, seconded Cr Pond that Council approve the amended plan submitted by the proponent Mr Alex Zoch for the Managers Residence to be constructed/located at Lot 200 Long Street, Moora and subject to the following conditions:**

- *This development is incorporated in the Shire of Moora Flood Zone and the proponent needs to apply to Department of Water for a Finished Floor Level (FFL);*
- *The premises requires either a raised sand pad that is protected by limestone blocks to prevent soil erosion of the sand pad, or built up on metal/timber/concrete supports to allow water to pass under the house as per the Shire of Moora Town Planning Scheme No 4.*

**CARRIED 9/0**

### **9.3 ENGINEERING SERVICES**

#### **9.3.1 CLOSURE OF COUNCIL CONTROLLED ROADS**

**FILE REFERENCE:** S/ROCI

**REPORT DATE:** 7 February 2017

**APPLICANT/PROPONENT:** CPB Contractors

**OFFICER DISCLOSURE OF INTEREST:** Nil

**PREVIOUS MEETING REFERENCES:** N/A

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

**ATTACHMENTS:** Maps

**PURPOSE OF REPORT:**

Application to close roads.

**BACKGROUND:**

CPB Contractors are the company that have been awarded the contract by Main Roads to upgrade the highway north of Miling. To be able to carry out road works at the intersection of Miling North and Golf Club Road they are requesting consideration for the closure of sections of both roads as they realign these council controlled roads into the Great Northern Highway realignment. The aim is to remove the cross road configuration that currently exists and bring both roads into "T" junctions which will improve safety. Whilst these roadworks are happening local traffic will still be able to utilise the roads providing they exercise caution. The redundant sections of both roads, which will occur through the new road alignments, need to be permanently closed. It is their proposal to only close and work on one intersection at a time - being Golf Club Road first.

**COMMENT:**

There may be some small inconvenience to motorists in accessing both of these roads from the highway as intended earthworks will have a possible impact on their travel arrangements.

**POLICY REQUIREMENTS:**

Nil

**LEGISLATIVE REQUIREMENTS:**

Local Government Act S3.50

**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 will be financial implications in regard to this request as the local government involved needs to advertise the intent for a period of 14 days and write to persons who own land that is prescribed for the purposes of this section.

**VOTING REQUIREMENTS**

Absolute Majority Required

**COUNCIL RESOLUTION**

***23/17 Moved Cr Pond, seconded Cr Holliday that Council approve the temporary closure of Golf Club Road between Great Northern Highway and Miling East Road for a period not exceeding four months as part of the Great Northern Highway Miling Pithara Straights Project being undertaken by CPB Contractors, in accordance with the requirements of Section 3.50 Local Government Act 1995, subject to;***

- ***Local Traffic having access to Golf Club Road from Miling East Road;***
- ***CPB Contractors meeting costs associated with advertising and community consultation requirements.***

**CARRIED by ABSOLUTE MAJORITY 9/0**

## **10. REPORTS OF COMMITTEES**

### **MANAGEMENT AND AUDIT COMMITTEE MEETING – 7 DECEMBER 2016**

#### **10.1 CEO – RISK MANAGEMENT REPORT DECEMBER 2016**

**FILE REFERENCE:** F/AUD1-2  
**REPORT DATE:** 2 December 2016  
**OFFICER DISCLOSURE OF INTEREST:**  
**PREVIOUS MEETING REFERENCES:** Nil  
**AUTHOR:** Alan Leeson, Chief Executive Officer  
**ATTACHMENTS:** Risk Management Report 2016

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

Audit Regulations require the CEO to prepare a review system and procedures in relation to risk management, internal controls and legislative compliance for presentation to the Audit Committee every two calendar years.

#### **BACKGROUND:**

The Audit Regulations were amended on the 8th February 2013 to add Regulation 17 as set out below:

- (1) The CEO is to review the appropriateness and effectiveness of a local government's systems and procedures in relation to –
  - (a) Risk management; and
  - (b) Internal control; and
  - (c) Legislative compliance.
- (2) The review may relate to any or all of the matters referred to in subregulation (1)(a), (b) and (c), but each of those matters is to be the subject of a review at least once every 2 calendar years.
- (3) The CEO is to report to the audit committee the results of the review.

To effectively review the appropriateness and effectiveness of procedures and systems requires the establishments of formalised policies and or management procedures by the Shire. It is against these documented procedures that a review will be undertaken.

#### **COMMENT:**

This is the second Risk Management Report prepared by Shire. The report sets out the Shire's approach to the identification, assessment, management, reporting and monitoring of risks. All components of the documents are based on Australia/New Zealand Standard ISO 31000:2009 Risk Management.

Management has identified and reviewed the various risk profiles of the Shire and evaluated these using the risk assessment and acceptance criteria and risk matrix provided in the Risk Management Framework. Please refer to the attached Risk Management Report for the results of this review.

#### **POLICY REQUIREMENTS:**

Risk Management Policy

#### **LEGISLATIVE REQUIREMENTS:**

Local Government Act 1995 and Local Government (Financial Management) Regulations 1996.



**STRATEGIC IMPLICATIONS:**

Risk management forms part of the Strategic, Operational, Project and Line Management responsibilities and where possible, should be incorporated within the Shire's Integrated Planning Framework.

**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:**

Nil

**VOTING REQUIREMENTS:**

Simple Majority Required

**COUNCIL RESOLUTION  
(COMMITTEE RECOMMENDATION)**

***24/17 Moved Cr Clydesdale-Gebert, seconded Cr Humphry that Council receive the Shire of Moora Risk Management Report December 2016 being the CEO's review of the appropriateness and effectiveness of the Shires systems and procedures in regard to risk management, internal control and legislative compliance as per Audit Regulation 17.***

**CARRIED 9/0**

**MANAGEMENT AND AUDIT COMMITTEE MEETING – 1 FEBRUARY 2017****10.2 SHIRE OF MOORA ANNUAL COMPLIANCE AUDIT RETURN FOR 2016****FILE REFERENCE:** GA/SCO1**REPORT DATE:** 12 February 2017**APPLICANT/PROPONENT:** Department of Local Government and Communities**OFFICER DISCLOSURE OF INTEREST:** Nil**PREVIOUS MEETING REFERENCES:** N/A**AUTHOR:** Michelle Murray, Executive Support Officer**ATTACHMENTS:** 2016 Compliance Audit Return**PURPOSE OF REPORT:**

The 2016 statutory Compliance Audit Return (CAR) has been completed for the 2016 calendar year and is being presented to Council for adoption.

**BACKGROUND:**

Section 7.13(i) of the Local Government Act 1995 contains provisions for the making of regulations requiring local governments to carry out, in the manner and form prescribed, an audit of compliance whether of a financial nature or not. Local Government (Audit) Regulations prescribe in more detail the requirements of the compliance audit including the requirement for Council to submit a certified copy of the return by 31 March to the Director General of the Department of Local Government and Communities.

The Return is considered a very useful device for local governments to check their level of compliance with the legislative requirements of the Local Government Act 1995 and other relevant legislation. Also, the Return forms an important part of the Shire's monitoring program. There is a legal requirement to annually complete the Return of which the Councils Audit Committee is required to review and report the results to the Council prior to the CAR's adoption by Council and submission to the Department.

**COMMENT:**

Overall the compliance return requirements have been reduced to that of previous years. There are no areas of non-compliance.

**POLICY REQUIREMENTS:**

Nil

**LEGISLATIVE REQUIREMENTS:**

Local Government Act 1995, Section 7.13(i)

Local Government (Audit) Regulations 13, 14 and 15

**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:**

Nil

**VOTING REQUIREMENTS**

Simple Majority Required

**COUNCIL RESOLUTION  
(COMMITTEE RECOMMENDATION)**

*25/17 Moved Cr Pond, seconded Cr House that Council adopts the attached Compliance Audit Return for the 2016 Calendar Year (1 January 2016 to 31 December 2016) 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 9/0**

**GENERAL PURPOSE COMMITTEE MEETING – 1 FEBRUARY 2017****10.3 DEVELOPMENT ASSESSMENT PANELS – LOCAL GOVERNMENT NOMINATIONS**

**FILE REFERENCE:** TP/TPSI

**REPORT DATE:** 11 January 2017

**APPLICANT/PROPONENT:** N/A

**OFFICER DISCLOSURE OF INTEREST:** Nil

**PREVIOUS MEETING REFERENCES:** 21/5/14 (56/14), 18/5/11(52/11)

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

**ATTACHMENTS:** Nil

**PURPOSE OF REPORT:**

To inform Council that Local Government Development Assessment Panel (DAP) member nominations are due to be reconsidered, and are requested to nominate four elected members to sit on the respective DAP as required.

**BACKGROUND:**

Advice has been received from the Director General of the Department of Planning that Development Assessment Panel (DAP) member appointments expire on the 26<sup>th</sup> April 2017. Once all nominations have been received they will be considered by the Minister for Planning and nominees will then be appointed for up a three-year term expiring on 26 April 2020.

The introduction of Development Assessment Panels (DAP) by way of the Approvals and Related Reforms (No.4) (Planning) Act 2010 occurred on 2 May 2011. DAP are responsible for the determination of all development applications greater than \$10 million in value. Moora is grouped into the Wheatbelt JDAP, Joint Development Assessment Panel. The frequency of DAP meetings vary as to the volume of trigger applications received.

Membership includes two local government representatives with two alternative representatives to attend in lieu as required. Members are now appointed for a three year term, are eligible to be reappointed and are subject to the normal local government criteria for disqualification from office.

Since the introduction of the DAP system on 1 July 2011, the system has developed and grown therefore, a number of increases to DAP member sitting fees have been made;

- Local Government DAP members are required to undergo training organised by the DAP Secretariat, with provision of an allowance of \$400 paid upon completion.
- Fee for re-training for DAP members \$200
- \$425 fee per meeting to determine development applications
- \$425 for attendance at proceedings in the State Administrative Tribunal; and
- \$100 fee per meeting to determine applications to amend or cancel determination.

DAP meetings are conducted during normal weekday business hours. Travel expenses associated with DAP functions will be reimbursed.

The Department of Planning also advised that if, within the 2 year term, a local DAP member is not re-elected, they cannot hold the position of local DAP member. Local government elections may result in a change to local DAP membership if current councillors, who are DAP members, are not re-elected. In this instance, the deputy local DAP members will take the place of the former local DAP members. If both local and alternate (deputy) local members are not re-elected, the local government will need to renominate and the Minister to reappoint.

**COMMENT:**

The Shire's current local government member representative is Councillor Clydesdale-Gebert with Cr Gardiner as the proxy representative.

It is recommended that Council nominate four Councillors as the Shire's representatives to the relevant Development Assessment Panel.

**POLICY REQUIREMENTS:**

There are no policy implications relative to this issue

**LEGISLATIVE REQUIREMENTS:**

Planning and Development Act 2005 and Planning and Development (Development Assessment Panel) Amendment Regulations 2016

**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:**

Fees for members as detailed above.

**VOTING REQUIREMENTS**

Simple Majority Required

<b>COUNCIL RESOLUTION (COMMITTEE RECOMMENDATION)</b>
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*26/17 Moved Cr Pond, seconded Cr Hamilton that the Shire of Moora Council nominate Councillors Clydesdale-Gebert and Humphry as the Local Government Representatives to the Development Assessment Panel, with Councillors Seymour and Gardiner as the Proxy Representatives.*

**CARRIED 9/0**

**10.4 MILING BYPASS PROPOSED AGREEMENT WITH THE SHIRE OF MOORA FOR ACCESS, LAND TRANSFER AND FENCING WORKS IN RELATION TO LOT 1, M2136 AND 100**

**FILE REFERENCE:** S/MA11-2

**REPORT DATE:** 30 January 2017

**OFFICER DISCLOSURE OF INTEREST:** Nil

**PREVIOUS MEETING REFERENCES:** Nil

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

**ATTACHMENTS:** Maps/Draft letter of consent

**PURPOSE OF REPORT:**

Council to authorise the Chief Executive Officer to respond to Main Roads W.A with a letter of consent from the Shire of Moora with respect to land access and transfer dealings associated with the Great Northern Highway Miling By-Pass proposed works.

**BACKGROUND:**

In summary the following represents land dealing concerning the Shire of Moora;

1. Main Roads undertaking the Shires request to supply and install a 1.8metre chain mesh fence for a length of 545 metres along the Great Northern Highway boundary of Lot 1 as per drawing GNH-CN05-EW04-SKT-0003 A.
2. For the combined 1ha required from Lots 100 & M2136 (subject to survey) it is proposed to exchange for 1 ha from Crown Reserve 26010 as indicated in the marked up plan 1560-126-1 provided. Main Roads to pay for and undertake all the necessary actions to formalise the land exchange in terms of legal costs and survey costs.
3. Shire of Moora to grant access to these parcels of land in the coming months to undertake pre-construction works such as fencing and relocation of services and subsequent road construction works.

**COMMENT:**

In effect the fencing around the north eastern side of the Miling Recreation Ground (cost approx. \$20,000, is in lieu of and land acquisition exchange required. The total land taking from Council of approximately 6.6 hectares has been independently valued by Alan Morcombe and Associates at \$11,500.

**POLICY REQUIREMENTS:**

There are no known policy requirements related to this matter.

**LEGISLATIVE REQUIREMENTS:**

Land Administration Act 1997.

**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 for Council in relation to this matter based on the Officers recommendation. If there is a change of strategy then the financial implications will be dependant on the outcome of Councils deliberation.

**VOTING REQUIREMENTS:**

Simple Majority Required

**COUNCIL RESOLUTION  
(COMMITTEE RECOMMENDATION)**

***27/17 Moved Cr Humphry, seconded Cr Holliday that Council authorise the Chief Executive Officer to write a letter of consent from the Shire of Moora to Main Roads W.A with respect to land access and transfer dealings associated with the Great Northern Highway Miling By-Pass proposed works in and surrounding the Miling Townsite in summary;***

- 1. Main Roads undertaking at the Shires request to supply and install a 1.8metre chain mesh fence for a length of 545 metres along the Great Northern Highway boundary of Lot 1 as per drawing GNH-CN05-EW04-SKT-0003 A, in lieu/exchange of 5.6 ha required from Lot 1.***
- 2. For the combined 1ha required from Lots 100 & M2136 (subject to survey) it is proposed to exchange for 1 ha from Crown Reserve 26010 as indicated in the marked up plan 1560-126-1 provided. Main Roads to pay for and undertake all the necessary actions to formalise the land exchange in terms of legal costs and survey costs.***
- 3. Shire of Moora to grant access to these parcels of land in the coming months to undertake pre-construction works such as fencing and relocation of services and subsequent road construction works on the condition that Main Roads provide advanced notification to local residents of works intended which may impact the local residential and business amenity of Miling.***

**CARRIED 9/0**

## **10.5 AMENDMENTS TO HEALTH (ASBESTOS) REGULATIONS 1992**

**FILE REFERENCE:** H/ASBI

**REPORT DATE:** 19 January 2017

**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:**

Due to changes to the Health (Asbestos) Regulations 1992 which will significantly increase penalties for certain offences, requirements of the Public Health Act under which these regulations come under necessitate an Authorised Officer to issue infringement notices and a approved officer to if necessary extend the payment period or withdraw infringements as a result for the purposes of Part 2 of the Criminal Procedure Act 2004.

### **BACKGROUND:**

On 24<sup>th</sup> January 2017 the Health (Asbestos) Regulations will be amended to increase penalties for offences under the Regulations and to enable Local Governments to issue infringement notices for specified offences. This will require the Shire of Moora to have an Authorised Officer to issue infringement notices and an Approved Officer to if necessary to extend the payment period or if required to withdraw an infringement notice.

During the consultation period on the Public Health Act 2016, Local Government indicated to Health Department that the penalties under the Health (Asbestos) Regulations are inadequate and are of particular concern in the context of the management of asbestos where the costs of complying with the Regulations can greatly exceed the penalty for non – compliance. Due to the significant public health risks associated with the mishandling of asbestos cement materials, local governments advocated for higher penalties and the ability to issue infringement notices as an immediate measure to deter unlawful conduct and encourage compliance.

### **Local Government Preparation**

Local Government may appoint a person or class of person to be:

- Authorised Officers; or
- Approved Officers

For the purposes of Part 2 of the Criminal Procedure Act 2004 to allow infringement notices to be issued. This appointment must be in writing.

Authorised Officers for the purposes of Part 2 of the Criminal Procedures Act 2004 are the persons who are authorised to issue infringement notices under the Regulations on behalf of the Local Government. The Local Government must issue a person authorised with a certificate, badge or identity card identifying the officer as a person authorised to issue infringement notices under the regulations.

Approved Officers for the purposes of Part 2 of the Criminal Procedures Act 2004 are the persons authorised to extend the period to pay or withdraw an infringement notice. For example, the Chief Executive Officer of the Local Government may be appointed as the “approved officer”. A person appointed as an approved officer is not eligible to also be appointed as an authorised officer for the purposes of Part 2 of the Criminal Procedure Act 2004.

**COMMENT:**

As the wording in the legislation is Local Government appoint a person Council has a choice whether it wishes to go down this path of appointing an authorised person and an approved person to enforce the Public Health Act 2016 – Health (Asbestos) Regulations 1992 or it does not wish to.

Asbestos is a growing hazardous problem and as at least a third of the premises in the Shire are built of asbestos, procedures will need to be put in place for its removal and disposal. Currently this is enforced by the Building Code of Australia, the Health Act for buildings, the Occupational Safety and Health Act for employers and employees, and the Environmental Protection Act for disposal and landfills. The issue arises when someone does the wrong thing knowingly and the cost to Local Government to clean-up the mess that generally requires a truck and loader in the case of illegal dumping of which the Shire has had three recent episodes one of which was resolved the other two was at considerable cost to the Shire.

**POLICY REQUIREMENTS:**

There are no known policy implications for this item.

**LEGISLATIVE REQUIREMENTS:**

Public Health Act 2016, Health (Asbestos) Regulations 1992

**STRATEGIC IMPLICATIONS:**

There are no known strategic implications for this item.

**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 known financial implications associated with this proposal

**VOTING REQUIREMENTS**

Simple Majority Required

**COUNCIL RESOLUTION  
(COMMITTEE RECOMMENDATION)**

***28/17 Moved Cr Clydesdale-Gebert, seconded Cr Pond that Council appoints the following officers are authorised and approved officers with respect to the Public Health Act 2016, Health (Asbestos) Regulations 1992;***

- ***Authorised Officer: Manager of Development Services;***
- ***Approved Officer: Chief Executive Officer.***

**CARRIED 9/0**



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

Nil

**12. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF COUNCIL****12.1 Edawa Lake**

The CEO advised Council that CPB Contractors were waiting on a formal response in response to their request seeking approval of Council to take water from Edawa Lake for the purposes of road building, Great Northern Highway between Miling and Pithara.

**COUNCIL RESOLUTION**

**29/17 Moved Cr House, seconded Cr Hamilton that Council advise CPB Contractors that it does not support the extraction of water from Edawa Lake for the purpose of road building on Great Northern Highway due to the environmental concerns around the detriment to recreational use of the lake and the lack of support from adjacent landowners / community members.**

**CARRIED 9/0**

Cr Clydesdale-Gebert gave notice of the following motions to be considered at the next Ordinary Meeting of Council on the 15<sup>th</sup> March 2017.

**Development of Apex Park**

*That the Shire of Moora develop Apex Park to include a walking circuit equipped with multiple gym equipment stations to be considered in the up and coming 2017/18 draft budget.*

**Shire of Moora Visionary Statement**

*That the Shire of Moora adopt a long term visionary statement for the type of place Moora aspires to be and then be adopted in the Strategic Planning documentation currently being developed.*

**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 6.25pm.*

**CONFIRMED**

**PRESIDING MEMBER**