

**Shire of Moora
Ordinary Council Meeting
13th December 2017**

NOTICE OF MEETING

Dear Elected Member

The next Ordinary Council Meeting of the Shire of Moora
will be held on **Wednesday 13th December 2017**
in the Council Chambers, 34 Padbury Street, Moora
commencing at **5.30 pm**



AJ Leeson
Chief Executive Officer

8th December 2017

The Shire of Moora Vision and Mission Statement

Vision

Our vision is that:

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

Mission

Our mission is:

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

SHIRE OF MOORA**WRITTEN DECLARATION OF INTEREST IN MATTER BEFORE COUNCIL**

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

Dear Sir/Madam,

Re: Written Declaration of Interest in Matter Before Council

I, ⁽¹⁾ _____ wish to declare
 an interest in the following item to be considered by Council at its meeting to be held on ⁽²⁾
 _____ .

Agenda Item ⁽³⁾ _____

The type of interest I wish to declare is: ⁽⁴⁾

- Financial pursuant to Section 5.60A of the Local Government Act 1995
- Proximity pursuant to Section 5.60B of the Local Government Act 1995
- Indirect Financial pursuant to Section 5.61 of the Local Government Act 1995
- Impartiality pursuant to Regulation 11 of the Local Government (Rules of Conduct) Regulations 2007.

The nature of my interest is ⁽⁵⁾

The extent of my interest is ⁽⁶⁾

I understand that the above information will be recorded in the Minutes of the meeting and recorded by the Chief Executive Officer in an appropriate Register.

Yours faithfully,

 Signed

 Date

1. Insert your name.
2. Insert the date of the Council Meeting at which the item is to be considered.
3. Insert the Agenda Item Number and Title.
4. Tick box to indicate type of interest.
5. Describe the nature of your interest.
6. Describe the extent of your interest (if seeking to participate in the matter under S. 5.68 of the Act).

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SHIRE OF MOORA
ORDINARY COUNCIL MEETING AGENDA
13 DECEMBER 2017
 COMMENCING AT 5.30PM

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* Separate Attachments

- 9.1.1 *List of Payments Authorised Under Delegation 1.31*
- 9.1.2 *Statement of Financial Activity for Period Ended 30 November 2017*
- 9.1.3 *Map*
- 9.1.4 *Delegations Register*
- 9.1.5 *Letter*
- 9.2.1 *Policy*
- 9.2.2 *Plan*
- 10.1 *Plan*
- 10.2 *Plans*

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS**1.1 DECLARATION OF OPENING****1.2 DISCLAIMER READING**

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

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

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

JL Greay

- Manager Engineering Services

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**4. PUBLIC QUESTION TIME****5. PETITIONS AND PRESENTATIONS****6. APPLICATIONS FOR LEAVE OF ABSENCE****7. ANNOUNCEMENTS BY THE PRESIDING MEMBER****8. CONFIRMATION OF MINUTES****8.1 ORDINARY COUNCIL MEETING - 15 NOVEMBER 2017**

That the Minutes of the Ordinary Meeting of Council held on 15 November 2017 be confirmed as a true and correct record of the meeting.

9. REPORTS OF OFFICERS

9.1 GOVERNANCE AND CORPORATE SERVICES

9.1.1 LIST OF PAYMENTS AUTHORISED UNDER DELEGATION 1.31

REPORT DATE: 8 December 2017

OFFICER DISCLOSURE OF INTEREST: Nil

AUTHOR: David Trevaskis, Deputy Chief Executive Officer

SCHEDULE PREPARED BY: Alida Fitzpatrick, Finance Rates Officer

ATTACHMENTS: Accounts Paid Under Delegated Authority

PURPOSE OF REPORT

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

BACKGROUND

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

COMMENT

Accounts Paid under delegated authority are periodically presented to Council.

POLICY REQUIREMENTS

Delegation 1.31 – Payments from Municipal and Trust Funds.

LEGISLATIVE REQUIREMENTS:

Local Government Act 1995 - Section 6.10

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

STRATEGIC IMPLICATIONS

There are no known strategic implications associated with this proposal.

SUSTAINABILITY IMPLICATIONS

➤ Environment

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

➤ Economic

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

➤ Social

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

FINANCIAL IMPLICATIONS

Payments are in accordance with the adopted budget.

VOTING REQUIREMENTS

Simple Majority Required

RECOMMENDATION

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

<i>Municipal Fund</i>	<i>Cheques 62308 to 62314</i>	<i>\$7,926.30</i>
	<i>EFT 18439 to 18657</i>	<i>\$711,792.44</i>
	<i>Credit Card 03/10/17 to 02/11/17</i>	<i>\$10,059.68</i>
	<i>Net Pays – PPE 31/10/17</i>	<i>\$94,529.13</i>
	<i>Net Pays – PPE 15/11/17</i>	<i>\$98,404.19</i>
	<i>Net Pays – PPE 28/11/17</i>	<i>\$97,924.76</i>
	<i>Direct Debits 11549.1 to 11596.13</i>	<i>\$45,538.96</i>
<i>Trust Fund</i>	<i>Cheques 5290 to 5301</i>	<i>\$1,232.10</i>
<i>Total</i>		<i><u>\$1,067,407.56</u></i>

9.1.2 STATEMENT OF FINANCIAL ACTIVITY FOR PERIOD ENDED 30 NOVEMBER 2017

REPORT DATE: 8 December 2017

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: David Trevaskis, Deputy Chief Executive Officer

ATTACHMENTS: Statement of Financial Activity for the Period Ended 30 November 2017

PURPOSE OF REPORT:

To note and receive the Statement of Financial Activity for the period ended 30 November 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

RECOMMENDATION

That Council notes and receives the Statement of Financial Activity for the period ended 30 November 2017.

9.1.3 LEASE OF LAND PORTION OF LOT 231 CLARKE STREET, MOORA

REPORT DATE: 7 December 2017

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Alan Leeson, Chief Executive Officer

ATTACHMENTS: Map

PURPOSE OF REPORT:

For Council to consider leasing portion of Lot 231 Clarke Street to “Lendlease” whom are the recently appointed contractor for road maintenance on Main Roads W.A Roads in the Wheatbelt.

BACKGROUND:

Lendlease have taken over the Rural Network Road Maintenance contract from DownerMouchel. They wish to set up a work base in Moora from which two fulltime employees will operate from. Lendlease’s contract with Main Roads goes for a period of 5 years with an option for a further 2 years. They have expressed an interest in leasing portion of Lot 231 Clarke Street, Moora from Council for a period of 5 years from November 2017 with an option for a further 5 years.

COMMENT:

Council acquired the said land for potential expansion of the Moora Recreation Grounds precinct in future years. In the interim period the land is a viable commercial lease option. Council has already leased another portion of Lot 231 Clarke Street, Moora to Fuel Distributors for a period of 5 years from November 2017 with an option for a further 5 years.

POLICY REQUIREMENTS:

Council does not have a policy in relation to this matter.

LEGISLATIVE REQUIREMENTS:

Local Government Act 1995 – Section 3.58

DISPOSING OF PROPERTY

(1) In this section —

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

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

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

(a) the highest bidder at public auction; or

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

(3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —

(a) it gives local public notice of the proposed disposition —

(i) describing the property concerned; and

(ii) giving details of the proposed disposition; and

- (iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given; and
 - (b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.
- (4) The details of a proposed disposition that are required by subsection (3)(a)(ii) include —
- (a) the names of all other parties concerned; and
 - (b) the consideration to be received by the local government for the disposition; and
 - (c) the market value of the disposition —
 - (i) as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or
 - (ii) as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.
- (5) This section does not apply to —
- (a) a disposition of an interest in land under the *Land Administration Act 1997* section 189 or 190; or
 - (b) a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59; or
 - (c) anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or
 - (d) any other disposition that is excluded by regulations from the application of this section.

STRATEGIC IMPLICATIONS:

Council acquired the land in order to give long term flexibility to it in relation to future planning for recreation and associated infrastructure that is not currently located at the Moora Recreation Grounds, namely bowls, tennis and swimming. In the medium term i.e. 10 years there will not be any pressing need for the land to be development and on that basis a commercial lease would make economic sense.

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:

Lendlease have expressed an interest in leasing the land for \$450 per week. They anticipate a term of approx. 5 years with an option for two years. Lendlease would be responsible for security fencing, crossovers, gates and hard stand areas. There are no services (power, water, sewer) to that area.

SUMMARY

It is recommended that Council lease the land to Lendlease for an initial term of 5 years with a condition that either party (Shire of Moora or Lendlease) reserve the right to cancel the lease at the 30th June of the relevant financial year.

VOTING REQUIREMENTS

Simple Majority Required

RECOMMENDATION

That Council advertise its intent to lease portion of Lot 231 Clarke Street, Moora to Lendlease for the purposes of operating their road works and maintenance depot in Moora as part of their road network maintenance contract with Main Roads for a period of 5 years from 1 January 2018 at a rate of \$450 per week indexed annually to CPI Perth June Quarter, noting the conditions;

- *Either party may cancel the lease effective 30th June of each financial year by giving 60 days prior notice;*
- *Lendlease is responsible for all fencing/security/crossover/hardstand area costs;*
- *Lendlease to return land to original condition on expiration of lease/vacation of land.*

9.1.4 DELEGATIONS REGISTER REVIEW

FILE REFERENCE: PL/DELI

REPORT DATE: 30 November 2017

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Alan Leeson, Chief Executive Officer

ATTACHMENTS: Delegations Register

PURPOSE OF REPORT:

To allow Elected Members the opportunity to review as required by the Local Government Act 1995 Section 5.46(2) the various delegations made to the Chief Executive Officer.

BACKGROUND:

The Shire of Moora has delegated certain powers and duties to the Chief Executive Officer.

The Local Government Act 1995 Section 5.46 requires that a register of delegations be kept and that those delegations made must be reviewed at least once every financial year by the delegator (Council).

COMMENT:

The Register of Delegations is reviewed once annually. In effect, it covers a wide range of operational functions and activities administered by Shire Management. (Please reference separate document/file for the actual "Register of Delegations").

It was last reviewed on the 18th November 2015 however due to the recent Council elections it is the ideal time to review with the new members. The 'Delegations to Committees/Working Groups' along with membership to other Committees was reviewed on the 15th November 2017.

The only section requiring amendment is;

Section 13 Purchase Order Authorisation:

Function to be performed:

Second paragraph, increased the authorisation for the CEO to accept tenders for purchase from \$100,000 to \$150,000 as per legislative changes.

On delegated to:

Amended the previous Level 4 officer 'Asset Management and Supervisor of Sewerage Operations & Maintenance' to Level 3 Manager Assets & Wastewater Services which has greater purchasing power, and reflects the change in title to the position.

This change now adequately reflects the level of purchasing required for the position.

FINANCIAL IMPLICATIONS:

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

POLICY REQUIREMENTS:

Referenced in delegation where appropriate and applicable.

LEGISLATIVE REQUIREMENTS:

Local Government Act 1995 Section 5.46

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.

VOTING REQUIREMENTS

Absolute Majority Required

RECOMMENDATION

That it be recommended Council, having reviewed its Delegations as required by the Local Government Act 1995

1. Endorse the following as having been reviewed:

- 1. Payments from trust and municipal funds***
- 2. Investments***
- 3. Hire Fees and Charges – Recreation Centre***
- 4. Rate book***
- 5. Budget implementation***
- 6. Rent/ Leasing or Residential Property Owned By the Shire of Moora***
- 7. Liquor – Sale and Consumption at Recreation Centre***
- 8. Impounding goods – authorised employee***
- 9. Onus of Proof in Vehicle Offences***
- 10. Enforcements and Legal Proceedings***
- 11. Delegation of Power***
- 12. Proceedings under Dog Act***
- 13. Purchase order authorisation***
- 14. Budget expenditure***
- 15. Register of Delegations to Committees***
- 16. Donations of Works to Organisations***
- 17. Private Works***
- 18. Temporary Rural Road Closures***
- 19. Powers of Entry onto Land***
- 20. Approval of Planning Applications***
- 21. Works unlawful***
- 22. Building Licences***
- 23. Private Swimming Pools – Inspections***
- 24. Health Act – Notices and Orders***
- 25. Treatment of Sewerage and Disposal of Liquid Waste***

9.1.5 SELF SUPPORTING LOAN PROPOSAL – CENTRAL MIDLANDS SPEEDWAY ASSOCIATION – CONSTRUCTION OF NEW CLUBROOMS

FILE REFERENCE: CC/CSP1

REPORT DATE: 8 December 2017

APPLICANT/PROPONENT: Central Midlands Speedway Association Inc.

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Alan Leeson, Chief Executive Officer

ATTACHMENTS: Letter/finance statement/project budget/loan schedule

PURPOSE OF REPORT:

Council to consider approving a request from the Central Midlands Speedway Association (CMSA) for a self-supporting loan from Council for the construction of new clubrooms.

BACKGROUND:

Please refer to letter attached.

COMMENT:

As stated in the CMSA letter. The project involves construction of purpose built clubrooms incorporating a canteen, storage, ablutions and a meeting room. The overall project budget is \$190,000 which consists of \$150,000 from Royalties for Regions and \$10,000 from Tronox. Speedway wish to fund the remaining \$30,000 via self-supporting loan from Council

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

Local Government Act 1995

STRATEGIC IMPLICATIONS:

Outcome 1.1: A healthy community through participation in sport, recreation and leisure opportunities.

Strategy 1.1.1: Provide and promote sport, recreation and leisure facilities and programs.

Strategy 1.1.2: Plan for the co-location of sports and recreational facilities.

Strategy 1.1.3: Assist sport and recreation clubs and groups.

Strategy 1.1.4: Develop and implement an overarching trails 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:

As Council has offered in the past two to three years to the Moora District Tennis Club and the Moora Bowling Club self-supporting loans, management recommend Council support the CMSA application under the same financial conditions, which is loaning of a principle amount as nominated i.e. \$30,000 over a nominated term i.e. 5 years at 50% of the prevailing interest rate i.e. 3.21% equating to a borrowing rate of approximately 1.60% based on interest rates as at 6 December 2017 through the WA Treasury Corporation.

It is recommended Council fund the borrowing through the Community Facilities Reserve Fund which has a current balance of \$137,000.

SUMMARY:

The CMSA are a very strong and successful club with a proven record of success and participation. They are one of the largest clubs in the Shire of Moora, and likely the largest club in terms of participation from regions outside of the Shire of Moora.

VOTING REQUIREMENTS

Absolute Majority Required

RECOMMENDATION

That Council approve a \$30,000 self-supporting loan request from the Central Midlands Speedway Association for the construction of new clubrooms as detailed in their submission of 5 November 2017, further that the request be funded from Councils Community Facilities Reserve Fund under the following terms;

- *Term of Borrowing; 5 years*
- *Interest Rate: 50% of the prevailing 5 year term interest rate set by the W.A Treasury Corporation, furthermore*
- *that a formal Loan Deed be put in place in accordance with the aforementioned terms*

further that Councils 2017/2018 budget be amended accordingly.

9.2 DEVELOPMENT SERVICES

9.2.1 HERITAGE POLICY

FILE REFERENCE: TP/TPMO3-3

REPORT DATE: 7 December 2017

APPLICANT/PROPONENT: Shire of Moora

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES:

AUTHOR: Peter Williams Manager Development Services

ATTACHMENTS: Policy

PURPOSE OF REPORT:

Council to approve the Shire of Moora Heritage Policy thus providing guidance to Council when dealing with applications regarding heritage properties on the Heritage list.

BACKGROUND:

The Heritage Committee recently completed the Shire Heritage Policy, which was then, after being presented to Council, advertised to the Moora Community through the Northern Valleys News, the Shire Web page and copies were available at the Shire front counter for viewing.

The Heritage Policy was put together by the Heritage Committee consisting of Mrs Kaye Lewis, Mrs Maureen Tonkin, Mrs Dianna Adams, Mrs June Headland, Cr Lyn Hamilton, Cr Louise House and the Shire Manager Development Services.

The Committee attended a workshop by Mr Cullum Crofton of the Heritage Council on the Shire Municipal Inventory and the production of a Heritage List. After which the committee gradually put together the policy.

The Heritage Committee is currently working on the production of the Shire Heritage List which is a condensing of the Shire of Moora Municipal Heritage Inventory of those premises that are deemed worth preserving from demolition. Once decided upon, this list of premises will be advertised to the community for comment and once settled will become the Shire Heritage List.

The Heritage Policy will provide guidance to Council and Management staff when dealing with building applications if the property is on the Heritage List and the application is for the premises to be altered or demolished.

COMMENT:

The Heritage Policy will provide guidance to Management and Council when making decisions on building applications if on the Heritage List.

POLICY REQUIREMENTS:

There are no known Policies implication

LEGISLATIVE REQUIREMENTS:

Planning and Development (Local planning Schemes) 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

Possible implications regarding owners of properties on Heritage List. All property owners will have the opportunity to have a say once the list is established and community have had their say. All owners on the list will be written to explaining the list and their rights.

➤ Social

There are possible social implications associated with this proposal however there have been no comments reported to the Shire over the advertising period.

FINANCIAL IMPLICATIONS:

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

VOTING REQUIREMENTS

Simple Majority Required

RECOMMENDATION

Council approve the Heritage Policy as drafted, to be included in the Shire policy manual to provide guidance to Management and Council when making decisions on building matters of premises that are requested to be altered or demolished that are on the Heritage List.

9.2.2 CONSTRUCTION OF CONCRETE BUND AND RELOCATION OF OIL RECEIVAL RECEPTACLE AT WATHEROO TRANSFER STATION

FILE REFERENCE: H/WAMI-2

REPORT DATE: 8 December 2017

APPLICANT/PROPONENT: Shire of Moora

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Peter Williams, Manager Development Services

ATTACHMENTS: Plan

PURPOSE OF REPORT:

Construction of a concrete bund under the oil receptacle at the Watheroo Transfer Station.

BACKGROUND:

The Shire recently had an inspection of the Watheroo Landfill/Transfer Station by the Department of Water and Environmental Regulation (DWER). An infringement was issued therefore the Shire is looking to relocate the oil receptacle onto a concrete bund at the front of the site near the gate.

The inspection noted two issues at the time of inspection; windblown litter in the bush area to the east of the site requiring weekly litter collection, and waste oil causing soil contamination around the waste oil disposal receptacle.

The litter is historical and a result of previous layout of the site when landfill and litter escaped the site due to lack of regular coverage not since site has been changed to a transfer station. The notice by the DWER and the condition of the site is that litter be collected on a weekly basis.

The oil waste contamination can be remedied by moving the oil receptacle onto a concrete bund (see attached plan) which could be located at the front of the site where easily accessible by the public and the banded area will hopefully stop any future spills at the site. The contaminated soil from the current position area requires to be spread over an area at the Moora site where the hydrocarbon can be oxidised by the sun then soil can be used as soil cover for the tip dumping area.

The costing for the works including the materials for the concrete bund incorporating a septic tank for spill and rain collection is \$2,066.60 with labour \$3,500 (4 workers over 4 days) making a total of \$5,566.60 allowing possible \$6,000 for including contingency.

The site currently has been maintained very clean and dumping has been carried out as required by the locals of Watheroo which has been a credit to them.

COMMENT:

The concrete bund has incorporated a septic tank to capture any spills and any rainwater that becomes contaminated with oil when it falls onto the site.

The Manager of the Inspection Branch is meeting with the Shire CEO and Manager Development Services as to the inspection of both Landfills and the infringements issued, with a view to changing the Shire's Landfill conditions.

POLICY REQUIREMENTS:

No policy requirements related to this item

LEGISLATIVE REQUIREMENTS:

Rural Landfill Regulations.

STRATEGIC IMPLICATIONS:

There are no known strategic implications associated with this proposal.

SUSTAINABILITY IMPLICATIONS:**➤ Environment**

There is an amount of litter in the bush area to the east of the Watheroo Landfill site

➤ Economic

The proposed cost associated with this item is \$6,000.00

➤ Social

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

FINANCIAL IMPLICATIONS:

Cost is estimated to be \$6,000.00 for the project. It is recommended this project be funded from the Waste Management Reserve which has a current balance of \$130,000.

VOTING REQUIREMENTS

Absolute Majority Required

RECOMMENDATION

That Council approve expenditure of \$6,000.00 for the construction of concrete bund for the Oil Receptacle at the Watheroo Landfill Site to be funded from the Shire of Moora Waste Management Reserve Fund, further that the Shire of Moora 2017/2018 budget be amended accordingly.

10. REPORTS OF COMMITTEES

GENERAL PURPOSE COMMITTEE MEETING – 6 DECEMBER 2017

10.1 ANCILLARY DWELLING & TRANSFER OF DONGER & SEA CONTAINER TO LOT 71 BROWN STREET, MOORA

FILE REFERENCE: TP/PA11/1718

REPORT DATE: 14 November 2017

APPLICANT/PROPONENT: Edward McVee

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Peter Williams, Manager Development Services

ATTACHMENTS: Plan

PURPOSE OF REPORT:

An application has been received from Mr Edward McVee “the proponent” who is seeking Council permission to relocate a donger and sea container from his daughter’s property in Moora, to his sisters’ property at Lot 71 Brown Street where he wishes to take up residence.

BACKGROUND:

Mr McVee wishes to relocate his donger and sea container to his sister’s property at Lot 71 Padbury Street Moora which he intends to set up as an ancillary dwelling on the property. This is located in the Rural Residential Zone 2 (RR2) which has a “D” classification under the Shire Town Planning Scheme No 4 (Amendment 12); which means that the use is not permitted unless the Local Government has exercised its discretion by granting approval. The sea container contains his equipment saved from a farm he used to own.

The following are excerpts from the Shire of Moora Town Planning Scheme No 4 Amendment 12: -

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

Development Standards

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

(a) developmental 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 Part 8 of the deemed provisions AMD 12 GG 18/8/17

(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 developmental approval is made for building on a lot under clause 3.13.4

(i) 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) 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) 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 developmental 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:

The proponent will be required to obtain a structural certificate for the donger to ensure it is safe to transport; and has no asbestos in the building. The buildings and effluent disposal system will be required to be in the building envelope that will be described by the setbacks for the property. The donger will be made to look like a dwelling that is acceptable to Council so it will require verandas and some landscaping. One condition will be that another access to the property will be required. This Lot is within the Shire flood provision boundary and therefore shall comply with the requirements of having the Finished Floor Level (FFL) being 300mm above the highest known flood level for that area. Letter from Department of Water stating Finished Floor Level is required.

POLICY REQUIREMENTS:

Shire policy on sea containers requires that they be located behind the house so as not to be blatantly obvious from the road.

LEGISLATIVE REQUIREMENTS:

Planning & Development (Local Planning Schemes) Regulations 2015 relating to Deemed Provisions

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:

All fees and charges have been paid

VOTING REQUIREMENTS:

Simple Majority Required

COMMITTEE RECOMMENDATION

Council approve the application by Mr Edward McVee to transport a donger and sea container from his daughters' property in Moora to Lot 71 Padbury Street Moora so the donger can be used as an ancillary dwelling subject to the following conditions;

- *Donger to be made to look like a house with verandas and screening underneath the dwelling;*
- *Approval to transport donger be obtained from a structural engineer as to its soundness;*
- *All buildings and effluent disposal system to be contained within building envelope as defined by zoning setbacks:*
 - *Front Boundary 15m*
 - *Rear Boundary 15m*
 - *Side Boundary 10m*
- *Another access from Brown Street is to be made to accommodate access to ancillary dwelling;*
- *Tree planting and landscaping to be carried out to assist with screening of sea container;*
- *Letter required from Department of Water advising of Finished Floor Level for the area and to be 300mm above highest known flood level for that area.*

10.2 HOME OCCUPATION BEAUTY SALON

FILE REFERENCE: TP/PA12/1718

REPORT DATE: 30 November 2017

APPLICANT/PROPONENT: Stephanie Emery

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Peter Williams, Manager Development Services

ATTACHMENTS: Plans

PURPOSE OF REPORT:

The Shire of Moora is in receipt of an application from Ms Stephanie Emery (Proponent), seeking Council permission to establish a Home Occupation at her premises located at 183 Clarke Street in Moora.

BACKGROUND:

The property 183 Clarke Street is located in the Residential Zone. Home Occupation has a “D” classification in this zone which means that the use is not permitted unless the Local Government has exercised its discretion by granting approval.

Home Occupation

An approval to conduct a home occupation is issued to a specific occupier of a particular parcel of land, it shall not be transferred or assigned to any other person, and shall not be transferred from the land in respect of which it was granted. Should there be a change of the occupier of the land in respect of which a home occupation approval is issued the approval is cancelled.

A home occupation is:

'the carrying on of any business, profession or trade by the owner or occupier of a residential property, conducted in a dwelling or within the boundaries of the property but does not include the sale or hire of any goods' (Town Planning Scheme No.1).

COMMENT:

The proponent currently operates a beauty salon in a premise in the Moora CBD however due to increases in rent is looking to convert a disused carport at her property at 183 Clarke Street Moora, into a beauty salon. The Shire Building Surveyor and Manager Development Services have inspected the property and are satisfied with the area to be converted and the facilities to be provided.

POLICY REQUIREMENTS:

Home Occupation and Home Business Policy

LEGISLATIVE REQUIREMENTS:

Shire of Moora Town Planning Scheme No 4 (Amendment 12)

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

COMMITTEE RECOMMENDATION

Council approve the application by Ms Stephanie Emery of Lot 183 Clarke Street to construct and operate a home business from her premises located at Lot 183 Clarke Street Moora subject to the following conditions:

- *No second-hand materials to be used in the construction of the beauty salon;*
- *Compliance with Health provisions for Beauty Salons and associated Beauty Therapy Industry;*
- *Wall and Floor junction to be provided with a 25mm cove to ensure there is no right angle to this joint;*
- *Hand-wash basin to be installed with hot and cold running water, single use hand towels and disinfectant hand wash;*
- *Beauty salon to continue to be included on Shire Health Inspection regime and registration;*
- *The Beauty Salon is permitted a directional sign on Clarke Street for signage.*

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

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

13. **MATTERS FOR WHICH THE MEETING MAY BE CLOSED**

14. **CLOSURE OF MEETING**