

SHIRE OF MOORA  
MINUTES OF THE ORDINARY MEETING OF COUNCIL  
HELD IN THE COUNCIL CHAMBERS, MOORA  
WEDNESDAY 26 JULY 2006

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\* Separate Attachments

*Item 11.1.1 Copy of Dept. Letter & Report + MANEX Report*

*Item 13.1 Builders Report & Photo's*

**1. DECLARATION OF OPENING & WELCOME OF VISITORS**

*The Shire President declared the meeting open at 3.35pm, welcomed visitors and announced:*

***"Acknowledgment of Country"***

*I would like to show my respect and acknowledge to the traditional owners of this land and acknowledge their contribution to the Shire of Moora as I do for all its people.*

**2. DISCLAIMER READING**

The Shire President read the following disclaimer:

*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.*

**3. ATTENDANCE**

SA Bryan	-	Shire President	-	Moora Town Ward
CE Gardiner	-	Deputy President	-	Moora Town Ward
WA Barrett-Lennard	-	Councillor	-	Bindi Bindi Ward
JL Craven	-	Councillor	-	Moora Town Ward
CD Hawkins	-	Councillor	-	Moora Town Ward
SJ Pond	-	Councillor	-	Koojan Ward
AR Tonkin	-	Councillor	-	Coomberdale Ward
JW McLagan	-	Councillor	-	Miling Ward
DV Clydesdale-Gebert	-	Councillor	-	Watheroo Ward

SJ Deckert	-	Chief Executive Officer
JL Greay	-	Operational Development Manager
PJ Haas (until 5.18pm)	-	Environmental Development Manager
MJ Prunster	-	Community Development Manager
JL Ellis	-	Financial Development Manager
BR Williams	-	Enterprise Development Manager
MM Murray	-	Executive Support Officer

**PUBLIC**

Mr Jim Kelly (until 4.49pm)	Farmer, Deputy Pres. Shire of Victoria Plains
Ms Lana Kelly (until 4.49pm)	Farmer
Mr Brian Kelly (until 4.49pm)	Farmer

Ms Bev Port–Louis (until 4.49pm) Yued Representative  
Ms Megan Beange (until 5.30pm) Journalist, Central Midlands & Coastal  
Advocate

**APOLOGIES**

Nil

**4. DECLARATIONS OF INTEREST**

Nil.

**5. QUESTIONS BY THE PUBLIC IN ACCORDANCE WITH SECTION 5.24 OF THE ACT**

Nil.

**6. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil.

**7. APPLICATIONS FOR LEAVE OF ABSENCE**

Cr's Hawkins & McLagan applied in writing for leave of absence for the Ordinary Meeting of Council to be held on 9<sup>th</sup> August 2006, as they would be out of the state on work related business.

**COUNCIL RESOLUTION**

***123/06 Moved Cr Pond, seconded Cr Tonkin that Cr Hawkins & Cr McLagan be granted leave of absence for the Ordinary Meeting of Council to be held on 9<sup>th</sup> August 2006.***

**CARRIED 9/0**

**8. PETITIONS AND MEMORIALS**

Delegates from the Central West Reference and Action Group will be attending the meeting to make a presentation to Council in relation to the Centralised Biosolids Facility at Annandale Farm in Gillingarra.

The Shire President invited members of the Central West Reference and Action Group to address the meeting.

Mr Jim Kelly, Ms Lana Kelly, Ms Bev Port-Louis and Mr Brian Kelly then addressed Council raising their concerns with the transport, storage and spreading of biosolids in the Moora Shire and raising allegations of breaches of the Department of Environment's guidelines in respect to biosolids.

During the presentation, Mr Jim Kelly read and then tabled a letter from Mrs Margaret and Mr Terry Murray objecting to the spreading of biosolids within half a mile of their home. The Shire President accepted Mr and Mrs Murray's letter.

At 4.42pm the Shire President thanked the group for their presentation.

At 4.49pm the delegation & the Enterprise Development Manager left the meeting.

#### **9. ANNOUNCEMENTS BY THE SHIRE PRESIDENT**

On the 21<sup>st</sup> July Cr's Hawkins, Gardiner and Craven and the Enterprise Development Manager attended the VROC meeting in Chittering.

At 4.51pm the Enterprise Development Manager rejoined the meeting.

Cr McLagan attended the World Merino Conference from the 12<sup>th</sup> – 14<sup>th</sup> July, which was held at Upper Swan & Burswood. It was well attended & there were approximately 200 International Delegates. Past Shire President, Mr Glen Keamy was relected World President.

Cr Pond advised he would be attending the ZCR Meeting on the 4<sup>th</sup> August.

On Friday 28<sup>th</sup> July Cr Bryan, Pond, and the Chief Executive Officer will be attending the Avon Midland Zone Meeting in Calingiri.

The AGM of Moora Promotions will be held on Monday 31<sup>st</sup> July at 8pm in the Moora Performing Arts Centre.

The AGM of the Moora Youth Group will be held on Thursday 3<sup>rd</sup> August.

Congratulations to the 3 young hockey players, Kassie Marwood, Clare Harrington & Amy Henderson on being selected to represent WA in the Country Championships in Bendigo.

***10. CONFIRMATION OF MINUTES OF THE PREVIOUS MEETING***

***10.1 ORDINARY COUNCIL MEETING – 12TH JULY 2006***

**COUNCIL RESOLUTION**

***124/06 Moved Cr McLagan, seconded Cr Pond that the Minutes of the Ordinary Meeting of Council held on 12 July 2006, be confirmed as a true and correct record of the meeting.***

**CARRIED 9/0**

***11. REPORTS OF OFFICERS***

## **11.1 ADMINISTRATION**

### **11.1.1 Department of Local Government and Regional Development – 2005 Compliance Audit Report**

**LOCATION:** Administration  
**FILE:** GA/LGR1  
**AUTHOR:** Steven Deckert, Chief Executive Officer  
**REPORT DATE:** 18 July 2006  
**DECLARATION:** The author has no financial interest in this matter, however declares an impartiality/conflict interest pursuant to Council’s Code of Conduct arising from the author’s statutory compliance responsibilities as CEO. The author declares that he will put aside the interest and consider the matter without bias.

#### **BACKGROUND**

At the Ordinary Meeting of Council held on 28 June 2006, Council received and endorsed the Annual Compliance Return for 2005. This Return was prepared by Officers of the Department of Local Government and Regional Development (the Department) on behalf of Council. There were 37 (out of 195) areas of non-compliance identified in the Return.

In addition to completing the Statutory Return, the Department also provided an additional report, titled “2005 Compliance Audit Report” containing a more comprehensive summary of the non-compliances and 12 recommendations on correcting the more significant areas of non-compliance. The Department has written to Council requesting that Council consider the Report and respond to the Department on what action Council intends to take in order to implement the recommendations.

A copy of the Departments letter and report are enclosed with this Agenda for Councillors reference.

#### **COMMENT**

The CEO, in conjunction with MANEX, has prepared a report addressing the non-compliances as reported in the Compliance Audit Return taking into account the recommendations and comments contained in the Department’s report, “2005 Compliance Audit Report”. The attached MANEX Report, if adopted by Council, will be provided to the Department to indicate the corrective actions proposed by Council.



The structure of the MANEX Report is based on the Addendum to the Department's Report, listing all areas of non-compliance. The Department's twelve recommendations have been inserted into the Addendum where appropriate and the CEO/Manex have made comment (in shaded boxes) on proposed corrective actions.

#### **STATUTORY ENVIRONMENT**

- Section 7.13 (i) of the Local Government Act 1995 requires the local government to conduct an audit of compliance in the manner prescribed by the Minister in accordance with Regulations; and
- Local Government (Audit) Regulations 13, 14 and 15 prescribe the detail of the audit of compliance.

#### **POLICY IMPLICATIONS**

There is no Council Policy relative to this issue.

#### **BUDGET IMPLICATIONS**

The adoption of the recommendation in itself does not impose budget or financial implications on Council, however, in carrying out the proposed actions to resolve non-compliances, there may be additional administrative costs that will be identified at the appropriate time.

#### **STRATEGIC IMPLICATIONS**

Council's compliance with its legislative responsibilities is essential in providing a sound base on which to pursue the key result areas of its Strategic Plan.

#### **PRECEDENT**

The adoption of the recommendation of this report does not set a precedent.

#### **VOTING REQUIREMENTS**

Simple majority decision required

**COUNCIL RESOLUTION  
(MANEX RECOMMENDATION) – ITEM 11.1.1**

*125/06 Moved Cr Hawkins, seconded Cr Tonkin that Council*

- 1. Receives the report from the Department of Local Government and Regional Development titled “2005 Compliance Audit Report”, and notes its contents;*
- 2. Receives and adopts the report prepared by Manex (as appended) addressing the non-compliances as reported in Council’s 2005 Compliance Audit Return; and*
- 3. Reviews the progress of the implementation of the proposals to address the non-compliances when considering the adoption of the 2006 Compliance Audit Return in March 2007.*

CARRIED 9/0

## 11.2 FINANCIAL DEVELOPMENT

Nil.

## 11.3 OPERATIONAL DEVELOPMENT

Nil.

## 11.4 COMMUNITY DEVELOPMENT

Nil.

## 11.5 ENVIRONMENTAL DEVELOPMENT

Nil.

## 11.6 ECONOMIC DEVELOPMENT

### 11.6.1 Town Centre Revitalisation Project

**LOCATION:** Moora Town Centre  
**FILE:** ED/TOC1  
**AUTHOR:** Bronwyn Williams, Enterprise Development Manager  
**REPORT DATE:** 19 July 2006  
**DECLARATION:** Nil

### **BACKGROUND**

On the 12<sup>th</sup> and 13<sup>th</sup> July 2006, Mr Greg Davis of Taktics4 gave a presentation to Council and the Chamber of Commerce at two different venues to gauge interest in developing a town centre revitalisation plan to enhance the economic sustainability in the Moora town centre.

### **COMMENT**

The response from the community was quite good in the meetings and Mr Davis was impressed with the positive nature that questions were raised in. I expect there to be some community opposition to this process but the benefits for the local businesses should be emphasised.

The next step in progressing this project is to engage a consultant to carry out an economic analysis that outlines the potential markets that are available in the catchment for the town of Moora. This will enable businesses to see whether they are capturing the entire possible market and whether there are some gaps that represent an opportunity. This process will be communicated to the businesses in a workshop session facilitated by the consultant.

The final stage will be to carry out a planning process in consultation with all interested parties. This will develop future plans for the town centre and how to make it more vibrant using the economic figures as a basis.

At this point in time, Council needs to determine whether it wishes to proceed with the second stage ie the economic analysis based on Council's response to the initial presentation and who it would like to carryout this aspect. Based on the fact that Mr Davis has run the first workshop and has gained a good understanding of what is expected, it is recommended that he be appointed to conduct this next stage.

### **STATUTORY ENVIRONMENT**

Sections 2.7 and 3.1 of the Local Government Act 1995 relating to the general function provisions.

**POLICY IMPLICATIONS**

There are no policies relative to this issue.

**BUDGET IMPLICATIONS**

The economic analysis will cost in the vicinity of \$5,000, and the final planning stage will also cost around \$5,000. Should Council adopt the recommendation of this report, appropriate provision will need to be made in the 2006/07 Budget. The total project cost would need to be provided, as at this time it is uncertain if there will be any other sources of funding to offset the expenditure. Staff can pursue other avenues of funding during the course of the project.

**STRATEGIC IMPLICATIONS**

The proposed outcomes of the Town Centre Revitalisation Project directly support the Key Result Area of “Growth” within Council’s Strategic Plan. The final product of this project will be a document that provides a blueprint for the town centre development with an aim of providing a vibrant town centre.

**PRECEDENT**

Nil

**VOTING REQUIREMENTS**

Simple Majority

**MANEX RECOMMENDATION – ITEM 11.6.1**

*That Council appoints Mr Greg Davis, of Taktics4 to carry out the second stage of the town centre revitalisation project, which includes economic analysis of the consumer market of the Moora town catchment area, at a cost not to exceed \$5,000.*

**COUNCIL RESOLUTION – ITEM 11.6.1**

***126/06 Moved Cr Hawkins, seconded Cr Clydesdale–Gebert that Council appoints Mr Greg Davis, of Taktics4 to carry out the second stage of the town centre revitalisation project, which includes economic analysis of the consumer market of the Moora catchment area, at a cost not to exceed \$5,000.***

At 5.18pm the Environmental Development Manager retired from the meeting.

**CARRIED 8/1**

Note: Council felt ‘town’ needed to be deleted from the resolution to make it clear that the Moora catchment area also covers the surrounding towns in the Shire.

#### **11.7 SPORT AND RECREATION**

Nil.

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

Nil.

#### **13. MOTIONS OF AN URGENT NATURE INTRODUCED BY DECISION OF COUNCIL**

The Chief Executive Officer tabled two late items dealing with:

1. Town Planning Application – Lot 76 Gardiner Street Moora, and
2. Lots 18–21 Lee Steere Street Housing Development, which is of a confidential nature and if Council decides to deal with it at this meeting, should be done so behind closed doors

for Council’s consideration.

#### **COUNCIL RESOLUTION**

***127/06 Moved Cr Barrett–Lennard, seconded Cr McLagan that Council consider the two late items as tabled by the CEO titled “Town Planning Application – Lot 76 Gardiner Street Moora” and “Lots 18–21 Lee Steere Street Housing Development”,***

*and that the “Lots 18–21 Lee Steere Street Housing Development” item be considered later in the meeting when the meeting moves behind closed doors.*

CARRIED 9/0

### **13.1 Town Planning Application – Lot 76 Gardiner Street Moora**

**OWNER:** Messrs T. W. Saleeba, C.L. Saleeba & G.R. Saleeba  
**APPLICANT:** Mr Barry Sansom–Baysan Constructions  
**ZONING:** Residential R Code R12.5/25  
**FILE:** PA/522–1  
**AUTHOR:** Michael Prunster, Community Development Manager  
**REPORT DATE:** 24 July 2006  
**DECLARATION:** Author has no interest in application

#### **PROPOSAL**

An application has been received from Mr Saleeba for the relocation of a second hand transportable dwelling to vacant Lot 76 Gardiner Street Moora. The dwelling is approximately 5 years old and the application also includes a proposal to construct a carport and verandah attached to the dwelling.

Mr Saleeba is currently a joint owner of Lot 76 Gardiner Street and the owners are in the process of selling the Lot to Ms Adrienne Dinn. Ms Dinn has signed an offer and acceptance to purchase the property, however the purchase is subject to planning approval for the relocation of the transportable dwelling being granted by the Shire of Moora. Mr Saleeba has signed the planning application on behalf of the owners of the property acknowledging they are aware of the proposal. This allows Council to consider the application prior to settlement of the property.

#### **PLANNING FRAMEWORK**

The Lot is zoned residential with an R code density of R12.5/25, which permits single housing or grouped dwellings.

The relocation of second hand transportable buildings is allowable under the Council’s Town Planning Scheme and Building Policy under certain conditions.

The following are extracts from Council’s T.P. scheme and Building Policy: –

*T.P. Scheme:*

#### 4.6 Transported Dwellings

4.6.1 Within the Scheme Area a building shall not be placed on a lot and occupied as a dwelling following transportation as a whole or as parts of a building unless the transported buildings has been specifically constructed as a transportable dwelling and, in the opinion of the Council, such building is in a satisfactory condition and will not detrimentally affect the amenity of the area.

4.6.2 An applicant for a building licence for a transported dwelling may be required by the Council to enter into a contract and provide a bond to reinstate the building to an acceptable standard of presentation within a period of twelve months from the issue of a building licence for such a dwelling.

4.6.3 The development of any land with a second-hand dwelling shall have due regard to the Council's Planning Policy "Development of Second-Hand Buildings".

4.6.4 The Council shall require all asbestos material be removed from any building prior to transportation.

*Council Building Policy:*

#### **6.6 Second-hand Housing Policy.**

That the Second-hand House Policy be as under: –

- (a) The dwelling to be relocated is to be made to comply in all respects with the Building Code of Australia, particularly the section relative to seismic zones;
- (b) All such dwellings proposed to be transported to townsites within the Shire are to be inspected "in situ" by a Building Surveyor or some other qualified person, any costs so incurred are to be borne by the applicant;
- (c) A report on the dwelling complete with recommended conditions of approval, photographs etc is to be submitted to Council for consideration, proper plans and specifications are to be duly

submitted to the Building Surveyor in order that a building licence can be issued;

No dwelling is to be relocated upon any lot within the Shire until the building licence has been issued;

- (d) An estimate of the cost of any conditions of approval is to be used as the basis of calculating a Fidelity Bond, which is to be deposited by the applicant with Council. The Bond is to be deposited on the understanding that if the conditions of approval are not completed to Council's satisfaction within the time limit specified the outstanding conditions will be met from the bond monies held by Council. The remainder, if any, is to be returned to the applicant when all conditions have been completed;
- (e) That in the case of further second-hand houses arriving in Moora without the necessary approvals, immediate prosecution be instigated;
- (f) That if a pine framed second-hand house is transported within the Moora Shire district its installation is to be strictly in accordance with the Australian Standards AS 1694 1974 Code of Practice for physical barriers used in the protection of buildings against subterranean termites.

Local qualified builder Baysan Constructions has inspected the building "in situ" and the report together with photographs is provided as a separate attachment.

#### **PHYSICAL ASSESSMENT**

The photographs indicate the building is similar to other residences located throughout Moora and with the completed verandah and carport construction will present an acceptable standard of presentation.

#### **PRECEDENT**

Council has approved the relocation of second-hand transportable's in the past, with the most recent in 2005.

#### **CONCLUSION**



The report, photographs and details presented comply with Council's town planning scheme and building policy. The Environmental Development Manager has indicated that the building meets building standards.

It is recommended that Council approve the planning application subject to the following conditions: –

- Payment of \$100 planning application fee
- All damaged paintwork of the building exterior to be repainted.
- The Lot to be filled to a height of 300mm above the crown of Gardiner Street.
- Subject to a building licence being issued by the Shire of Moora Environmental Development Manager.
- The minimum setback from Gardiner Street is to be 7.5m and Hamilton Street 2m.
- Production of a Termite treatment certificate following the location of the building.
- All alterations and additional construction to be completed within 6 months from the date of Council approval.
- A fidelity bond of \$500 is to be lodged with Council on the understanding that if the conditions of approval are not completed to Council's satisfaction within the time limit specified, the outstanding conditions will be met from the bond monies held by Council. If all conditions are met to the satisfaction of Council the bond monies will be refunded.

#### VOTING REQUIREMENTS

Simple majority

<b>COUNCIL RESOLUTION (OFFICER RECOMMENDATION) – ITEM 13.1</b>
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*128/06 Moved Cr Gardiner, seconded Cr Tonkin that Council approve the application from Mr T.W. Saleeba for the relocation of a second-hand transportable dwelling to Lot 76 Gardiner Street Moora subject to the following conditions: –*

- *Payment of \$100 planning application fee*
- *All damaged paintwork of the building exterior to be repainted.*
- *The Lot to be filled to a height of 300mm above the crown of Gardiner Street.*
- *Subject to a building licence being issued by the Shire of Moora Environmental Development Manager.*

- *The minimum setback from Gardiner Street is to be 7.5m and Hamilton Street 2m.*
- *Production of a Termite treatment certificate following the location of the building.*
- *All alterations and additional construction to be completed within 6 months from the date of Council approval.*
- *A fidelity bond of \$500 is to be lodged with Council on the understanding that if the conditions of approval are not completed to Council's satisfaction within the time limit specified, the outstanding conditions will be met from the bond monies held by Council. If all conditions are met to the satisfaction of Council the bond monies will be refunded.*

CARRIED 9/0

**14. NOTICE ON MOTIONS FOR THE NEXT COUNCIL MEETING**

Nil.

**15. MATTERS BEHIND CLOSED DOORS**

<b>COUNCIL RESOLUTION</b>
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**129/06** *Moved Cr Hawkins, seconded Cr McLagan that the meeting move behind closed doors to discuss Item 13.2, 'Lots 18–21 Lee Steere Street Housing Development'*

*that if disclosed would reveal:*

- *the personal affairs of a person/s;*
- *information that has a commercial value to a person/s; and*
- *information about the business, professional, commercial or financial affairs of a person/s,*

*pursuant to Section 5.23(2)(b); 5.23(2)(e)(ii) and 5.23(2)(e)(iii) of the Local Government Act 1995.*

CARRIED 9/0

At 5.30pm Ms Megan Beange retired from the Chambers and the meeting moved behind closed doors.

**15.1 Lots 18–21 Lee Steere Street Housing Development**

Provided to Councillors under confidential cover.

**COUNCIL RESOLUTION  
(OFFICER RECOMMENDATION) – ITEM 15.1**

*130/06 Moved Cr Gardiner, seconded Cr McLagan that Council proceeds with the option to purchase Lots 18–21 Lee Steere Street, Moora for \$100,000 and proceed with the transaction before the 31<sup>st</sup> July 2006.*

**CARRIED BY ABSOLUTE MAJORITY 9/0**

**COUNCIL RESOLUTION**

*131/06 Moved Cr McLagan, seconded Cr Pond that the meeting come out from behind closed doors and re-open to the public.*

**CARRIED**

The meeting reopened to the public at 5.34pm.

On reopening the meeting to the public, there were no public present therefore the decisions made behind closed doors were not read aloud.

**16. CLOSURE OF MEETING**

*There being no further business, the Shire President declared the meeting closed at 5.35pm.*

**CONFIRMED**

**PRESIDING MEMBER**