



Ordinary Council Meeting Minutes

Date: 16 March 2011

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

The Shire of Moora Vision and Mission Statement

Vision

Our vision is that:

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

Mission

Our mission is:

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

SHIRE OF MOORA
MINUTES OF THE ORDINARY MEETING OF COUNCIL
HELD IN THE MILING PAVILION, MILING
16 MARCH 2011

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1. DECLARATION OF OPENING & WELCOME OF VISITORS

The Shire President declared the meeting open at 6.37pm, 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
CE Gardiner	-	Councillor
AR Tonkin	-	Councillor
DV Clydesdale-Gebert	-	Councillor
JW McLagan	-	Councillor
R Keamy	-	Councillor
LM O'Reilly	-	Chief Executive Officer
JL Greay	-	Manager Engineering Services
L J Parola	-	Manager Finance & Corporate Services
R L McCall	-	Manager Community & Economic Development
E N Ross	-	Manager Health, Building & Planning Services

APOLOGIES:

CD Hawkins	-	Councillor
OC Cocking	-	Councillor
SJ Pond	-	Councillor
Terry Reynolds	-	Ratepayer

PUBLIC:

Mr Des Seymour (Freeman of the Shire)	Mr Ken Seymour	Mr Richard Topham
Mr Neil Pearse	Mr Bruce Topham	Mr Ian Seymour
Mr Malcolm Seymour	Mrs Germaine Seymour	Mr Jim Lowe
Mr Les Crane	Mrs Ann Crane	Ms Kathleen Leahy
Mr Max Lewis	Mr Terry Martin	Mr Tony White
Mr Simon Hart	Ms Terri Matthews	Mr Ian Walton
Mr Stan Lewis (from 6.45pm)	Mrs Ann Lewis (from 6.45pm)	

4. **DECLARATIONS OF INTEREST**

Cr Clydesdale-Gebert declared a proximity interest in item 11.6.2 'Landcorp Application: Development of Industrial Park Extension' as she is a director in a company that owns lot 213 Melbourne Street, Moora.

The Manager Community & Economic Development declared a financial interest in item 15.1 'Appointment of Manager Community and Economic Development' as she was an applicant for the advertised position.

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

Mr Ken Seymour spoke in relation to the recent Queensland floods.

Moora flooded in 1999. A flood management study was undertaken and he felt that due to the change of councillors & staff it was important that they make themselves familiar with it.

Shire President advised that Cr Clydesdale-Gebert had a notice of motion before council for consideration at the meeting today regarding contour banks surrounding Moora & the riverbed / flow efficiency.

Mr Des Seymour stated that this year is the first time that there has been no outside equipment purchased.

Shire President advised that it had been discussed earlier today at Councils briefing session and the road group would meet soon to consider plant & equipment for the coming year and would develop a policy to clearly define plant replacement for the future.

Mr Ian Seymour – are there any State or Federal grants forecast knowing that there are major issues in Queensland?

Shire President replied it was business as usual, grants are not straight forward and a lot of time is required to write and acquit grants.

Mr Ian Walton questioned whether Council had heard of payments being made in 2009 to victims of the 1999 Moora flood. Why has it taken so long to get compensation?

Shire President was unaware of any recent payments made and that those effected in 1999 received a one off payment of \$1,000 compensation not long after the flood.

Mr Simon Hart partner of Ms Terri Matthews the applicant in item 11.4.1 explained that they had made an application to Council to relocate a second hand school building to Coomberdale. They felt that the \$5,000 bond was excessive and the building licence period of 12months for completion of the modifications to that of a residence was too short and would prefer 24months.

They felt that a potable water supply to be provided via a rainwater tank of 35,000L storage capacity wasn't necessary as the Coomberdale townsite has reticulated scheme water.

Shire President advised that the item would be considered by Council later in the meeting.

Mr Stan Lewis gave notice of questions, mailed a week ago. Does the Shire approve that the Chief Executive Officer failed to answer a direct question at the Bindi Bindi Progress Association meeting and did your officer announce to the shire that Les Crane instructed the Health Inspector to prevent access to Mr & Mrs Lewis from viewing the plans of the Bindi Hall.

The **Shire President** advised that she was unaware of any mailed questions. These issues have been previously discussed on a number of occasions and thought had been resolved, however the questions would be taken on notice and answered in writing.

Mr Lewis – the Bindi Hall project has dragged on for 4 years and there appears to be no money to move forward and no progress has been evident for the past 6 months. Has the project been handed over to the shire for completion?

Shire President – Yes, the shire is looking after the project and is underway for completion and then asked the Manager Health, Building and Planning Services to respond further.

The **Manager Health, Building and Planning Services** advised the meeting that the project was scheduled for completion by 30 June 2011. A contract to John Brassington had been let to complete the outstanding work in relation to the building and engaged local plumbers and electricians to complete that work as well. There was a budget of \$75,000 available to complete all works.

6. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

7. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

8. PETITIONS AND MEMORIALS

Nil

9. ANNOUNCEMENTS BY THE SHIRE PRESIDENT

On Friday 11th March attended the Community Resource Centre rebranding along with Councillors Gardiner, Tonkin, McLagan, Clydesdale-Gebert, Keamy and members of staff.

10. CONFIRMATION OF MINUTES OF THE PREVIOUS MEETING**10.1 ORDINARY COUNCIL MEETING - 16 FEBRUARY 2011****COUNCIL RESOLUTION**

16/11 Moved Cr Clydesdale-Gebert, seconded Cr Tonkin that the Minutes of the Ordinary Meeting of Council held on 16 February 2011, be confirmed as a true and correct record of the meeting subject to the following amendment

- *Pg 22, Item 15.1, council resolution 14/11 insertion of (W.A.) between Minty Nominees and Pty Ltd.*

CARRIED 6/0

11. REPORTS OF OFFICERS**11.1 ADMINISTRATION****11.1.1 REVIEW OF SHIRE OF MOORA CODE OF CONDUCT**

FILE REFERENCE: HR/COCI
REPORT DATE: 8 March 2011
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: N/A
AUTHOR: Lynnette O'Reilly, Chief Executive Officer
ATTACHMENTS: Reviewed Code of Conduct

BACKGROUND

In accordance with Section 5.103 of the Local Government Act 1995, the Shire of Moora's Code of Conduct has been reviewed. This Code of Conduct is still relevant and addresses the issues of ethical responsibility and accountability at both the administration and elected member levels. The Code provides elected members and staff with consistent guidelines for an acceptable standard of professional conduct.

COMMENT

In reviewing the Code of Conduct and complying with the Local Government Act 1995 there are two areas requiring minor amendments which are points 2.4 *Gifts and Bribery* sections (a) & (b) point 3.3 *Performance of Duties* section (c).

Point 2.4 *Gifts and Bribery*, section (a) increase the amount from \$200 to \$300 that members and staff are not to accept a gift, other than a gift of or below and Section (b) changing the gift of or below \$200 to gift of or between \$50 and \$300 to bring in line with the amounts specified in the Local Government Act requirements.

Point 3.3 *Performance of Duties*, section (c) for staff wishing to undertake employment additional to duties performed for the Shire of Moora should obtain approval from the Chief Executive Officer rather than Council, annually; as it is a governance related item. This would only apply to staff as managers activities are addressed through their annual reporting requirements.

STATUTORY ENVIRONMENT

The Local Government Act 1995, Section 5.103 requires Council to adopt a Code of Conduct, and review this within twelve months of the ordinary elections.

POLICY IMPLICATIONS

Nil

BUDGET IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

PRECEDENT

Nil

VOTING REQUIREMENTS

Simple Majority Required

COUNCIL RESOLUTION (MANEX RECOMMENDATION)
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17/11 Moved Cr Gardiner, seconded Cr Bryan that the Code of Conduct as appended with updates to points 2.4 Gifts and Bribery sections (a) & (b) and 3.3 Performance of Duties section (c) be adopted and scheduled for review bi-annually after each ordinary election.

CARRIED 6/0

11.1.2 CONSTITUTIONAL RECOGNITION OF LOCAL GOVERNMENT

FILE REFERENCE: GA/ALG1

REPORT DATE: 8 March 2011

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Lynnette O'Reilly, Chief Executive Officer

ATTACHMENTS: Nil

PURPOSE OF REPORT:

The purpose of the report is to present the case for the inclusion of Local Government in the constitution and to establish the level of Council support for lobbying the Government to have a referendum.

BACKGROUND:

The following is information provided by ALGA:

Following the 2010 Federal Election, Prime Minister Gillard committed to holding a dual referendum on the constitutional recognition of local government and the recognition of Indigenous Australians. The referendum will most likely be held in conjunction with the 2013 Federal Election. The challenge for local government is threefold: to ensure the referendum is held; to ensure that the type of recognition sought meets local

government requirements; and to make sure there is a positive result in the referendum itself.

ALGA has devoted considerable resources over the past three years to developing the case for constitutional reform and the need for reform. That need was highlighted in stark terms in 2009 by the decision of the High Court in *Pape v Federal Commissioner of Taxation*. In that case the High Court set out the limitations of the Australian Government's powers and, in doing so, clearly indicated that the Australian Government does not have the power to fund local government directly.

It is obviously in the best interests of local communities that Federal Governments, whatever their political persuasion, have the capacity to fund councils directly to achieve national objectives. This is why our preference is for a pragmatic and simple change to the Constitution (most likely to Section 96) which would allow direct funding to continue. ALGA's research shows that this simple and pragmatic change is most likely to garner the necessary public support. ALGA has not ruled out recognition of local government in a Preamble to the Constitution if one is proposed but such limited recognition alone would not meet local government's requirements and address the uncertainty highlighted by the *Pape* case.

The form of financial recognition of local government proposed by ALGA, which will not impact on the relationship between councils and state governments, has been endorsed by your local government association and all other state and territory local government associations. ALGA believes it is now important that this position also be endorsed by all councils to demonstrate to Federal and state governments, oppositions and political parties that the position has widespread support within local government.

ALGA is requesting all councils to pass a resolution in council chambers in the first few months of 2011 endorsing the position that a referendum be held by 2013 to change the Constitution to allow direct funding of local government bodies by the Commonwealth Government and also to include local government in any new Preamble to the Constitution if one is proposed. I have attached the draft text of a possible resolution for your assistance.

COMMENT:

The greater the support and pressure placed on the Government by the industry the greater the opportunity that Local Government will be formally recognised.

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, however, if successful the benefits gained will be positive for the ongoing sustainability of all councils.

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
(OFFICER RECOMMENDATION)**

18/11 Moved Cr Bryan, seconded Cr Clydesdale-Gebert that Moora Shire Council declares its support for financial recognition of local government in the Australian Constitution so that the Federal Government has the power to fund local government directly and also for inclusion of local government in any new Preamble to the Constitution if one is proposed, and calls on all political parties to support a referendum by 2013 to change the Constitution to achieve this recognition.

CARRIED 5/1

11.2 FINANCIAL DEVELOPMENT

11.2.1 LIST OF PAYMENTS AUTHORISED UNDER DELEGATION 1.31

REPORT DATE: 9 March 2011

OFFICER DISCLOSURE OF INTEREST: Nil

AUTHOR: Leanne Parola, Manager Finance & Corporate Services

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
(MANEX RECOMMENDATION)**

19/11 Moved Cr Tonkin, seconded Cr McLagan that Council notes and endorses the Payments from the Municipal and Trust Funds made under delegation 1.31

<i>Municipal Fund</i>	<i>Cheques 60231 to 60252</i>	<i>\$43,484.60</i>
<i>Direct Debits</i>	<i>EFT 5685 to 5815</i>	<i>\$282,211.18</i>
	<i>Net Pays – PPE 1 February 2011</i>	<i>\$75,096.52</i>
	<i>Net Pays – PPE 15 February 2011</i>	<i>\$78,011.59</i>
	<i>Net Pays – PPE 1 March 2011</i>	<i>\$79,718.41</i>
	<i>Credit Cards to 16/2/11</i>	<i>\$1,533.60</i>
<i>Trust Fund</i>	<i>Cheques 4673 to 4682</i>	<i>\$386.00</i>
<i>Total</i>		<i><u>\$560,441.90</u></i>

CARRIED 6/0

11.2.2 STATEMENT OF FINANCIAL ACTIVITY FOR PERIOD ENDED 28 FEBRUARY 2011

REPORT DATE: 8 March 2011

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Leanne Parola, Manager Finance & Corporate Services

ATTACHMENTS: Statement of Financial Activity for the Period Ended 28 February 2011

PURPOSE OF REPORT:

To note and receive the Statement of Financial Activity for the period ended 28 February 2011.

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 2010/11 revised budget.

VOTING REQUIREMENTS

Simple Majority Required

**COUNCIL RESOLUTION
(MANEX RECOMMENDATION)**

20/11 Moved Cr Bryan, seconded Cr Gardiner that Council notes and receives the Statement of Financial Activity for the period ended 28 February 2011.

CARRIED 6/0

11.2.3 FORWARD CAPITAL WORKS PLAN – 2011/12 TO 2015/16

REPORT DATE: 9 March 2011

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Leanne Parola, Manager Finance & Corporate Services

ATTACHMENTS: Forward Capital Works Plan – 2011/12 to 2015/16

PURPOSE OF REPORT:

To adopt the Shire of Moora Forward Capital Works Plan for 2011/12 to 2015/16.

BACKGROUND:

Council adopted its Forward Capital Works Plan for 2010/11 to 2014/15 on 24 November 2010 and submitted it to the Department of Regional Development and Lands to be eligible for funding under the Country Local Government Fund.

COMMENT:

The current Forward Capital Works Plan was developed using projects from within the current budget, Strategic Plan and projects that were unable to be included in the 2010/11 budget.

The Shire of Moora Forward Capital Works Plan for 2011/12 to 2015/16 has been developed by reviewing the projects that were deferred as part of the 2010/11 Budget Review and taking into consideration additional projects that have been identified and communicated to Councillors in recent Councillors Briefing Sessions.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

There are currently no legislative requirements for local governments to adopt a forward capital works plan, however it is understood that regulations will be made under Section 5.56(2) of the Local Government Act 1995 which will require local governments to adopt as a minimum 10 year Strategic Community Plans.

This Forward Capital Works Plan is a useful first step towards meeting this future legislative requirement.

STRATEGIC IMPLICATIONS:

The Forward Capital Works Plan will be an important tool for the Shire of Moora to prioritise its capital works program over the next five years and beyond. It is linked to the Strategic Plan adopted by Council on 15 September 2010.

SUSTAINABILITY IMPLICATIONS:

- **Environment**
There are a number of projects within the Forward Capital Works Plan that will have a positive impact on the Shire's environmental sustainability
- **Economic**
There are a number of projects within the Forward Capital Works Plan that will have a positive impact on the Shire's economic sustainability
- **Social**
There are a number of projects within the Forward Capital Works Plan that will have a positive impact on the Shire's social sustainability

FINANCIAL IMPLICATIONS:

The Shire of Moora Forward Capital Works Plan for 2011/12 to 2015/16 will have a major impact on the 2011/12 Budget as it identifies all major capital projects to be included.

VOTING REQUIREMENTS

Simple Majority Required

**COUNCIL RESOLUTION
(MANEX RECOMMENDATION)**

21/11 Moved Cr Tonkin, seconded Cr McLagan that Council adopts the Shire of Moora Forward Capital Works Plan for 2011/12 to 2015/16 as attached.

CARRIED 6/0

11.3 OPERATIONAL DEVELOPMENT

Nil

11.4 COMMUNITY DEVELOPMENT

11.4.1 TRANSPORTABLE BUILDING LOT 3964 KIAKA STREET, COOMBERDALE - CT 2220/775

FILE REFERENCE: PA/6166
REPORT DATE: 24 February 2011
APPLICANT/PROPONENT: Terri Matthews
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: Nil
AUTHOR: Ewen Ross, Manager Health, Building & Planning Services
ATTACHMENTS:

1. Location map
2. Application
3. Photographs Coomberdale
4. Letter T Matthews dated 2 Mar 11

PURPOSE OF REPORT:

Under the Town Planning Scheme No4 (TPS N04) s4.6 “Transportable Buildings” s4.6.1 requires Council opinion as to the proposal to locate such a building within the Shire. This report is to advise Council of the application for planning approval and to obtain Councils approval.

BACKGROUND:

The application is for a transportable building to be located in the Coomberdale Rural Townsite as per attachment 1.

The TPS No 4 states:

“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.”*

The applicant has provided an engineers report (attachment 2) which indicates that “*have assessed this building for suitability for relocation..... We are pleased to be able to report that we consider the building to be structurally adequate and suitable for relocation....*”

The report confirms that the building is timber frame construction clad with Hardiflex and lined with gyprock with a gable roof (Photographs as per application attachment 2).

The building is a standard rectangle, 10m x 7.2m providing a floor are of 72m² which is above that of a minimum for a dwelling (55m²). From an aesthetic or landscaping perspective the transportable building would present as such, a low cost transportable building. With addition of decking and landscaping the building will be improved.

The application indicates that a one (1) bedroom, bathroom, laundry and kitchen will be constructed together with an open plan living area. Timber decking is to be constructed to the front and rear. The fit out would be assessed at the building permit stage for compliance with the Building Code of Australia (BCA). (It appears compliant).

With regards cl 4.6.1 “*will not detrimentally affect the amenity of the area*” this is a subjective call. The building with addition of verandahs, rails and steps being constructed, making good all damage and painting of the building together with landscaping would not be a detraction to the amenity value of the area. At attachment 3 are photographs of existing dwellings in Coomberdale.

The Council also has the “Shire of Moora Policy Manual” which refers to “*transportable homes and second hand Housing Policy.*” However, the policy has not been brought in as a planning policy under TPS No4 and the legislative head of power for the document is unclear.

With regards to transportable homes cl6.4 refers, “*That the Council retain the option to require homes of a certain standard (e.g. transportable homes) in newly created subdivisions or areas where currently no homes exist.*”

With regards cl 6.5 Second hand House Policy” this policy requires that the building complies with BCA, inspected by a Building Surveyor, report provided including photographs, that a building permit is required to be issued, a fidelity bond to be deposited with Council.

The zoning of the land is “rural townsite” with R-Code not specified. R12.5 has been applied which the proposed setbacks are compliant.

COMMENT:

The Applicant engineers report would suffice the report requirements of Council and the requirement to obtain a building permit will ensure that the dwelling complies with the BCA. The provision of wooden decks would ensure that the structure would not detract from the amenities, and the inclusion of landscaping requirements would improve the project.

Inclusion in the planning approval conditions that gardens and trees be established to ensure that the dwelling is within the amenities of the surrounding area.

The provision of a fidelity bond based on the work required would place this in the order of \$20,000. It is suggested that this bond be limited to \$5,000 as a sign of faith in the Applicant that the fit out of the dwelling and requisite landscaping will be carried out.

As a condition to the planning approval, the requirement to submit full drawings for building permit, report on the flooding requirements and finished floor level, inclusion of verandah and decking together with landscaping, connection to services (power, water & sewerage), any asbestos be removed and payment of a bond would be recommended.

Although from a planning perspective the acceptance of transported dwellings are not ideal and constructed dwellings offer a long term solution that improves the amenity value of the town, it would be difficult to refuse the application. “Transported Dwellings are not excluded from Moora’s townsites. The amenity value would not be affected by this building and photographs of existing buildings are as at attachment 3.

Coomberdale has no town water supply and on-site roof collection would require storage of approximately 135,000 litres.

Consultation has occurred with the applicant and their comments are as at attachment 4.

POLICY REQUIREMENTS:

Shire of Moora’s Policy Manual 18 May 09

LEGISLATIVE REQUIREMENTS:

Planning and Development Act 2005 and Shire of Moora’s, Town Planning Scheme No 4

STRATEGIC IMPLICATIONS:

The increasing of dwellings within the Shire would be within the Strategic Plan major priority of planning for growth.

SUSTAINABILITY IMPLICATIONS:

➤ **Environment**

Low cost transportable housing can reduce the amenity value of the environment if no provision for landscaping is included.

➤ **Economic**

The provision of new dwellings in Moora would contribute to economic growth of the town.

➤ **Social**

The addition of housing within Moora is a positive however increasing low cost housing may contribute to social implications long term.

FINANCIAL IMPLICATIONS:

Should the Applicant fail to complete the project the fidelity bond will not cover completion of the required work.

VOTING REQUIREMENTS

Simple Majority Required

The Manager Health, Building & Planning Services advised that there had been an oversight at condition 11 as he was now aware that there is scheme water available.

MANEX RECOMMENDATION

That Council approve the transportable dwelling at Lot 3964 KIAKA STREET, COOMBERDALE, subject to the following conditions:

1. *Payment of a \$5,000 bond/bank guarantee to ensure that such works are completed.*

2. An application for a building permit is to be submitted and approval obtained before any construction is to occur. (Building plans comprising site, floor and elevation plans and a septic tank application will be required).
3. Siting requirements in accordance with Town Planning Scheme No4 and Residential Guide Codes for R12.5 will apply.
4. The building finished floor level is to be as advised by the Department of Water and as approved under TPS No4, being 1999 flood level plus 300mm.
5. The dwelling shall be designed to reflect the existing character of development surrounding the subject site.
6. The void area between floor and ground levels is to be enclosed by brickwork or other materials to the satisfaction of the Shire.
7. Verandahs and decks to be erected with all damaged repaired and painting undertaken to enhance the dwelling.
8. Landscaping shall be undertaken around the dwelling to ensure it blends into the character of the rural townsite zone.
9. Any additional materials to be used are to be new.
10. Asbestos will not be permitted and confirmation as such is required.
11. A potable water supply is to be provided and a roof supply requires a 135,000 litre storage tank with 25% retained for fire fighting.
12. Connection to Western Power.
13. Onsite sewage disposal to comply with the relevant legislation.

AMENDMENT MOTION

Moved Cr McLagan, seconded Cr Clydesdale-Gebert that the \$5,000 bond at condition 1. be waived and that point 11 reads 'A potable water supply is to be provided through connection to the Coomberdale townsite reticulated scheme.'

THE MOTION WAS NOT PUT

AMENDMENT to AMENDMENT

COUNCIL RESOLUTION

22/11 Moved Cr Gardiner, seconded Cr Bryan that

1. condition 1 stipulates 'Payment of a \$1,000 bond/bank guarantee to ensure that such works are completed.'
2. condition 11 reads 'A potable water supply is to be provided through connection to the Coomberdale townsite reticulated scheme.'

CARRIED 5/1

THE AMENDED MOTION BECAME THE SUBSTANTIVE MOTION AND WAS PUT

COUNCIL RESOLUTION

23/11 That Council approve the transportable dwelling at Lot 3964 KIAKA STREET, COOMBERDALE, subject to the following conditions:

1. Payment of a \$1,000 bond/bank guarantee to ensure that such works are completed.

2. ***An application for a building permit is to be submitted and approval obtained before any construction is to occur. (Building plans comprising site, floor and elevation plans and a septic tank application will be required).***
3. ***Siting requirements in accordance with Town Planning Scheme No4 and Residential Guide Codes for R12.5 will apply.***
4. ***The building finished floor level is to be as advised by the Department of Water and as approved under TPS No4, being 1999 flood level plus 300mm.***
5. ***The dwelling shall be designed to reflect the existing character of development surrounding the subject site.***
6. ***The void area between floor and ground levels is to be enclosed by brickwork or other materials to the satisfaction of the Shire.***
7. ***Verandahs and decks to be erected with all damaged repaired and painting undertaken to enhance the dwelling.***
8. ***Landscaping shall be undertaken around the dwelling to ensure it blends into the character of the rural townsite zone.***
9. ***Any additional materials to be used are to be new.***
10. ***Asbestos will not be permitted and confirmation as such is required.***
11. ***A potable water supply is to be provided through connection to the Coomberdale townsite reticulated scheme.***
12. ***Connection to Western Power.***
13. ***Onsite sewage disposal to comply with the relevant legislation.***

CARRIED 5/1

Reason for amendment:

To encourage future development in the region Council agreed a minimal bond of \$1,000 was appropriate.

11.5 ENVIRONMENTAL DEVELOPMENT

Nil

11.6 ECONOMIC DEVELOPMENT

11.6.1 LANDCORP APPLICATION: DEVELOPMENT OF LOT 18 LEE STEERE STREET MOORA

FILE REFERENCE: ED/HSD I

REPORT DATE: 10 March 2011

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: 17/12/08 (204/08), 12/12/07 (241/07),
28/11/07(157/07), 14/05/07 (55/07), 3/5/07(109/07),
14/3/07(55/07), 14/2/07(26/07), 26/07/06 (130/06)

AUTHOR: Rebecca McCall, Manager Community Economic
Development

ATTACHMENTS: Nil

PURPOSE OF REPORT:

For Council to support and endorse the funding application to be submitted to Landcorp proposing a partnership to develop Lot 18 Lee Steere Street, Moora into residential lots.

BACKGROUND:

Council purchased Lots 18-20 Lee Steere Street, Moora in August 2008 for a sum of \$100,000. The purpose of the acquisition was to develop the lots for residential use.

A valuation was undertaken in August 2008 by Australian Property Consultants who valued the lots at \$140,000. In preparation to develop lots for residential purposes the properties were rezoned to residential R12.5/25.

Council adopted a business plan for the Lee Steere Street Estate and has explored a number of options to progress residential development but to date to no avail.

Funds of approximately \$108,423 has been expended on Lots 18-20 Lee Steere Street Moora to date.

COMMENT:

An opportunity to develop residential lots has become available through Landcorp's Regional Development Assistance Program. An application will be completed and submitted to Landcorp outlining the following project proposal:

1. The Shire of Moora in partnership with Landcorp develop a minimum of 5 residential lots on 18 Lee Steere Street, Moora (frontage facing Atbara Street) with further residential lots developed as demand requires.
2. Contributing partners include:

<i>Shire of Moora</i>	Provision of Lot 18 Lee Steere Street, Moora Approximate value \$37,100
<i>Landcorp</i>	Provision of development costs and project management Approximate value \$325,000 (Based on \$65,000/lot development cost)
3. The proposal includes Landcorp being responsible for the project and retaining any profit made through sales and include responsibility for:

- Project Management and Development
- Project Costs
- Project Marketing and Sales

Future benefits of the project for the Shire of Moora include:

- Future Rates: Possible 5 Residential Lots

Minimum Rates	\$500	\$2,500/annum
Developed Approx	\$1,480	\$7,400/annum (includes sewer rates)
- The project will meet current demand with potential future demand on an as needs basis

Benefits of Landcorp managing the project include:

- Level of risk will be reduced significantly
- Financial contribution is reduced
- Human resources freed up to concentrate on other projects
- Opportunity for Council to request that the Shire of Moora is contracted to complete any road construction or infill for the project, generating income and employing road construction crew

Potential loss of opportunity for the Shire of Moora:

- Opportunity for return on original investment

Conditions to be included in proposal to Landcorp:

- A minimum of 5 residential lots are developed with additional lots developed at a later stage dependent on demand
- Local planning conditions are adhered to
- Shire of Moora be contracted to construct roads (if any) and infill
- Land is marketed and sold as affordable residential lots acknowledging partnership

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

Section 3.59 of the Local Government Act 1995 relating to major land transactions.

STRATEGIC IMPLICATIONS:

The Shire of Moora's Strategic Plan outlines planning for growth as a key strategic priority. In the Key Result Area 'Community and Economic Development' the goal to attract increased population and investment, to realise our brilliant opportunities and diversify our region's employment and economic base.

The disposal of an asset for the purpose of residential land development will assist in meeting the demand for housing lots.

SUSTAINABILITY IMPLICATIONS:

➤ **Environment**

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

➤ **Economic**

There are potential economic implications associated with this item including economic growth for the local community as well as attracting a possible population growth for Moora.

➤ **Social**

There are potential social implications associated with this proposal through encouraging potential new housing investment and population growth, which benefit the community at large.

FINANCIAL IMPLICATIONS:

The financial implications to Council involve contributing the land component to Landcorp for the purpose of developing residential lots. The approximate financial contribution is \$37,100.

VOTING REQUIREMENTS

Simple Majority Required

**COUNCIL RESOLUTION
(OFFICER RECOMMENDATIONS)**

24/11 Moved Cr McLagan, seconded Cr Bryan that Council:

- a) *supports the development of Lot 18 Lee Steere Street, Moora for residential purposes to be undertaken by Landcorp; and*
- b) *submits an application to Landcorp requesting funding assistance through the Regional Development Assistance Program for the purpose of developing residential lots on Lot 18 Lee Steere Street Moora.*

CARRIED 6/0

At 7.15pm Cr Clydesdale-Gebert declared a proximity interest in item 11.6.2 'Landcorp Application: Development of Industrial Park Extension' as she is a director in a company that owns lot 213 Melbourne Street, Moora and left the meeting.

11.6.2 LANDCORP APPLICATION: DEVELOPMENT OF INDUSTRIAL PARK EXTENSION

FILE REFERENCE: ED/TS11

REPORT DATE: 10 March 2011

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: 18/3/09 (47/09)

AUTHOR: Rebecca McCall, Manager Community Economic Development

ATTACHMENTS: Nil

PURPOSE OF REPORT:

For Council to support and endorse the funding application to be submitted to Landcorp proposing a partnership to develop 161, 162 and 163 Melbourne Street Moora and Lots 169, 170 and 171 Ranfurly Street, Moora into industrial lots.

BACKGROUND:

In 2009 Council purchased the land for \$136,000 for the purposes of extending the industrial park. The acquisition included:

Lots 161, 162, 163 Melbourne Street - Lots 169, 170, 171 Ranfurly Street	\$84,000
Lots 165, 166, 167, 198 Woolawa Street	\$52,000

Council engaged the services of FR Rodda & Co to survey the Melbourne and Ranfurly Street lots for subdivision of ten industrial lots. An application was submitted to the WA Planning Commission which was approved with conditions.

To progress the project the Shire of Moora submitted an application for funding through the Wheatbelt Regional Development Scheme winning \$251,475 for headwork costs.

COMMENT:

The opportunity to submit an application to Landcorp involving another partner along with the Wheatbelt Development Commission.

The proposed application to be put forward to Landcorp, upon Council's endorsement, will achieve the positive outcome of having land developed within Moora whilst reducing Council's financial commitment and risk.

Attached financials propose that Landcorp take on the development and risk for the entire project. If this submission is successful it would mean that the Shire of Moora's objectives for planning for growth are achieved but the return in the original investment of purchasing land is reduced.

The proposal includes Landcorp to be responsible for the project and retaining any profit made through sales:

- Project Management and Development
- Project Costs
- Project Marketing and Sales

Commitment from involved partners include:

Wheatbelt Regional Development Scheme	\$251,475	Secured Funding
Landcorp	\$838,200	Unsecured Funding
Shire of Moora	\$457,772	

A breakdown of the Shire of Moora's commitment includes:

Upgrade of existing road infrastructure (drainage, kerbing & lighting)	\$311,772
Purchase of land and planning preliminaries	\$146,000

The future benefits of the project for Moora include:

- Future Rates: Possible 10 Industrial Lots

Minimum Rates	\$500	\$5,000/annum
Developed Approx	\$1,400	\$14,000/annum
- The project will meet current demand with potential future demand on an as needs basis

The benefits of Landcorp managing the project include:

- Risk level reduced significantly
- Financial contribution is reduced by \$838,200

- Human resources freed to concentrate of other projects
- Opportunity for Council to request that the Shire of Moora is contracted to completed the road construction for the project generating income and employing road construction crew

The potential opportunities loss for the Shire of Moora includes:

- Opportunity for return on original investment lost

The conditions to be included in the proposal to Landcorp include:

- A minimum of 8 industrial lots are developed with a preference of 10
- Planning conditions are adhered to
- The Shire of Moora be contracted to construct roads
- Land is marketed and sold as affordable lots to attract industry and acknowledging partnership

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

Section 3.59 of the Local Government Act 1995 relating to major land transactions.

STRATEGIC IMPLICATIONS:

The Shire of Moora's Strategic Plan outlines planning for growth as a key strategic priority. In the Key Result Area 'Community and Economic Development' the goal to attract increased population and investment, to realise our brilliant opportunities and diversify our region's employment and economic base.

The disposal of an asset for the purpose of industrial land development will assist in meeting the demand for industrial lots.

SUSTAINABILITY IMPLICATIONS:

➤ **Environment**

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

➤ **Economic**

There are potential economic implications associated with this item including economic growth for the local community as well as attracting possible new investment and business growth for Moora.

➤ **Social**

There are potential social implications associated with this proposal through encouraging potential new investment and population growth, which benefit the community at large.

FINANCIAL IMPLICATIONS:

The financial implications to Council involve contributing the land component to Landcorp for the purpose of developing industrial lots. The approximate financial contribution is \$146,000. The upgrade of existing road infrastructure (drainage, kerbing & lighting) has been indentified in the Shire of Moora's Forward Capital Works Plan.

VOTING REQUIREMENTS

Simple Majority Required

**COUNCIL RESOLUTION
(OFFICER RECOMMENDATIONS)****25/11 Moved Cr McLagan, seconded Cr Bryan that Council:**

- a) *supports the development of Lots 161, 162 and 163 Melbourne Street, Moora and Lots 169, 170 and 171 Ranfurly Street, Moora for industrial purposes to be undertaken by Landcorp; and*
- b) *submits an application to Landcorp requesting funding assistance through the Regional Development Assistance Program for the purpose of developing industrial lots on Lots 161, 162 and 163 Melbourne Street Moora and Lots 169, 170 and 171 Ranfurly Street Moora.*

CARRIED 5/0

At 7.16pm Cr Clydesdale-Gebert rejoined the meeting and the Shire President read aloud the Council decision.

11.7 SPORT AND RECREATION

Nil

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

The following were put forward as motions of notice by Cr Clydesdale-Gebert at the last meeting of Council on 16 February 2011.

12.1 Supertown “blueprint”

“The Shire of Moora liaise with the Department of Regional Development and Lands in a bid to formulate / outline a “blueprint” for the town of Moora to become a “supertown”.

Background

On February 10th, 2011, The West Australian reported “Grylls floats supertown plan to revive the bush”. In this article, the press reported that “small towns such as Moora.... would be turned into thriving “supertowns” where tens of thousands of residents enjoyed city standard facilities under a State Government plan which would relieve pressure of Perth”.

The report goes on to state a policy called “supertowns” and reportedly looks at places such as Moora. The report also refers to “government investment in key services and infrastructure would be used as a carrot to lure private business”. Mr Grylls as was quoted as saying “economic projects... like intensive horticulture in Moora....were not enough by themselves to draw in and retain residents”. Mr Grylls is reported as saying “.....there are too many gaps”.

The West Australian subsequently reported on February 11, 2011 “Supertowns plan won’t work, says opposition”, the premise of which was “jobs and real economic activity were the drivers of regional population, not Government spending”. The Opposition was reported as saying “the fundamental thing Mr Grylls is missing is that employment economic activity has to be the basis of expansion”, further adding “You need to have an actual economic basis for doing it”.

On February 15th, 2011 The West Australian reported “WA told to populate for the nation’s sake” which demographer Bernard Salt was reported as saying “WA should double its citizens to 5 million by 2050 with aggressive growth in the north”.

Moora has the regional hub infrastructure which has potential to support a greater population. Its close proximity to the centre of Perth makes it, as reported, a suitable site for future development.

What is required is support and enhancement of the existing infrastructure by the State Government (The Department of Regional Development and Lands) in key areas. This would require an audit and planned upgrade to power, water, telecommunications and land (residential and industrial) with the aim to create a blueprint for Moora’s strategic growth over 10-15 years. This would in turn be a blueprint for other potential supertowns to also develop on a similar basis (with localized/regional changes).

Ultimately this would boost economic development by providing confidence in the private investment market of future sustainability in a region, which is vital for both business and financial institutions which support them.

Recommendation;

A formal approach be made to the Department of Regional Lands and Development with the aim to create a Memorandum of Understanding on such a blueprint which maps out the process. In addition, a joint committee be formed which consists of community, business, councillors and Development Commissions with the State Government to oversee this process.

**COUNCIL RESOLUTION
(COUNCILLOR RECOMMENDATION)**

26/11 Moved Cr Clydesdale-Gebert, seconded Cr Bryan that a formal approach be made to the Department of Regional Development and Lands with the aim to create a Memorandum of Understanding on such a blueprint which maps out the process. In addition, a joint committee be formed which consists of community, business, councillors and Development Commissions with the State Government to oversee this process.

CARRIED 6/0

12.2 Flood Mitigation Review

“The Shire of Moora review its flood mitigation plans by liaising with the Department of Water to assess the current contour banks surrounding Moora and the riverbed / flow efficiency in the Moore River townsite.”

Background

Since the floods that have occurred in Queensland recently and the subsequent enquiries into the floods, it is suggested that the Shire of Moora, with due diligence, work with the Department of Water on any potential outcomes from the enquiries and whether they could be applied to Moora, including any new applications to improve flood mitigation, review existing contour banks and reassess obstructions to river flow in light of the recent events as applied to Queensland.

<p>COUNCIL RESOLUTION (COUNCILLOR RECOMMENDATION)</p>
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27/11 Moved Cr Clydesdale-Gebert, seconded Cr Tonkin that the Shire of Moora review its flood mitigation plans by liaising with the Department of Water to assess the current contour banks surrounding Moora and the riverbed / flow efficiency in the Moore River townsite.

CARRIED 6/0

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

Nil

14. NOTICE OF MOTIONS FOR THE NEXT COUNCIL MEETING

Nil

15. MATTERS BEHIND CLOSED DOORS

<p>COUNCIL RESOLUTION</p>

28/11 Moved Cr McLagan, seconded Cr Tonkin that the meeting move behind closed doors to discuss Item 15.1, ‘Appointment of Manager Community & Economic Development’ as it is a matter affecting employees pursuant to Section 5.23(2)(a) of the Local Government Act 1995.

CARRIED 6/0

At 7.22pm the Manager Community & Economic Development, Manager Finance & Corporate Services, Manager Engineering Services, Manager Health, Building & Planning Services and members of the public left the meeting and the meeting moved behind closed doors.

15.1 APPOINTMENT OF MANAGER COMMUNITY & ECONOMIC DEVELOPMENT

Provided to Councillors under confidential cover.

COUNCIL RESOLUTION (CEO & SELECTION PANEL'S RECOMMENDATIONS)

29/11 Moved Cr McLagan, seconded Cr Bryan that Council endorse the appointment of Mrs Rebecca McCall as Manager Community & Economic Development effective from 30 March 2011.

CARRIED 4/2

Cr Clydesdale-Gebert requested her vote against be noted.

COUNCIL RESOLUTION (CEO & SELECTION PANEL'S RECOMMENDATIONS)

30/11 Moved Cr McLagan, seconded Cr Bryan that Council endorse the Contract of Employment as tabled at this meeting dated 16 March 2011 as the terms and conditions of Mrs Rebecca McCall's employment with the Shire.

MOTION LOST 1/5

Cr Clydesdale-Gebert requested her vote against be noted.

REOPENING OF MEETING

COUNCIL RESOLUTION

31/11 Moved Cr Tonkin, seconded Cr McLagan that Council the meeting move out from behind closed doors and re-open to the public.

CARRIED 6/0

At 8.15pm the meeting reopened to the public at which time the Manager Community & Economic Development, Manager Finance & Corporate Services, Manager Engineering Services & Manager Health, Building & Planning Services rejoined the meeting.

On reopening the meeting, the Shire President advised that the position of Manager Community & Economic Development had been endorsed and that Mrs Rebecca McCall had been appointed.

16. CLOSURE OF MEETING

There being no further business, the Shire President invited all to stay for fellowship.

The meeting was declared closed at 8.17pm

CONFIRMED

PRESIDING MEMBER