

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

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1. DECLARATION OF OPENING & WELCOME OF VISITORS

In the absence of the Shire President, the Deputy Shire President, Cr Colin Gardiner assumed the Chair and declared the meeting open at 3.43pm.

The Deputy President welcomed visitors and Council's new Enterprise Development Manager, Ms Bronwyn Williams and then 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 Deputy 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 (from 3.58pm)	–	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
SJ Pond	–	Councillor	–	Koojan Ward
AR Tonkin	–	Councillor	–	Coomberdale Ward
CD Hawkins	–	Councillor	–	Moora Town Ward
JW McLagan	–	Councillor	–	Miling Ward
DV Clydesdale–Gebert	–	Councillor	–	Watheroo Ward

SJ Deckert	–	Chief Executive Officer	
JL Greay	–	Operational Development Manager	
MJ Prunster (from 3.56pm)	–	Community Development Manager	
BR Williams	–	Enterprise Development Manager	
MM Murray	–	Executive Support Officer	

APOLOGIES:

Nil.

PUBLIC:

Ms Megan Beange – Journalist, Central Midlands Advocate

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

Nil.

8. PETITIONS AND MEMORIALS

Nil.

9. ANNOUNCEMENTS BY THE SHIRE PRESIDENT

The Deputy Shire President noted the following events that had occurred since the previous meeting:

- Very successful ANZAC Day ceremonies held yesterday.
- Councillors have been advised by the owner of Jetway Holdings that they have been given approval for the Feedlot.
- Concillors Bryan, Hawkins, Barrett-Lennard, the CEO, Operations Development Manager and Enterprise Development Manager met with the owner of Jetway Holdings on Monday 24 April 2006 on-site at the owners invitation;
- A number of Councillors and staff had a meeting with Planning Commission representatives and Council's Town Planning consultant on Thursday 20 April 2006 to discuss the preparation of a longer term planning strategy and a review of Council's Town Planning Scheme.

10. CONFIRMATION OF MINUTES OF THE PREVIOUS MEETING

10.1 ORDINARY COUNCIL MEETING – 12TH APRIL 2006

COUNCIL RESOLUTION

65/06 Moved Cr Clydesdale-Gebert, seconded Cr Barrett-Lennard that the Minutes of the Ordinary Meeting of Council held on 12 April 2006, be confirmed as a true and correct record of the meeting.

CARRIED 8/0

11. REPORTS OF OFFICERS

11.1 ADMINISTRATION

11.1.1 FUNDING OPTIONS FOR THE MOORA COMMUNITY RESOURCE CENTRE

LOCATION: Central Midlands Senior High School
FILE: 16.47
AUTHOR: Steven Deckert, Chief Executive Officer
REPORT DATE: 19 April 2006
DECLARATION: The author has no financial of or conflict of interest in this matter.

BACKGROUND

At the previous Council Meeting, Council received a presentation by Kornweibel Armstrong Architects, outlining their Draft Project Definition Report for the proposed Moora Community Resource Centre.

The draft report indicated that the cost of the project based on the minimum needs and requirements of the various stakeholders was in the order of \$1.9M, which is some \$700,000 more than the current available funds. Of this shortfall, the Shire is responsible for around \$600,000.

Council discussed this situation further at the Briefing Session following the Council Meeting and requested that the CEO investigate the options available to Council and report back to the next Council Meeting.

This report is a result of Councils request.

COMMENT

It is hoped that the final “Project Definition Report” will be available to be tabled at the Council Meeting. Should the final report not arrive in time, the draft report will be available for information. The Project Definition Report provides the most detailed information to date on what the project will look like based on stakeholders needs and has been arrived at following stakeholder consultation, site inspections, input from hydraulics and services engineers and engaging external quantity surveyors to cost the project.

The final plan contained within the Project Definition Report indicates the minimum requirements and specifications for the project to meet the concept principles that were originally proposed. The Report highlights

that the cost of the minimum specification is \$1,947,610, which is \$712,610 greater than the funding available of \$1,235,000. The Shire (or community) component of the funding amounts to \$560,000 from four funding partners, being:

Dept. of Local Govt & Regional Development (DLGRD)	\$100,000
Dept. of Transport & Regional Services (DOTARS)	\$250,000
Tourism WA	\$10,000
Shire of Moora	\$200,000

The Report also apportions costs and short-fall between the Department of Education and Training's (DET) areas and the Shire's (Community's) areas, and based on this, the Shire funding is \$594,933 short.

There are a number of options that Council could consider to keep this project alive. However, these options need to be considered in terms of the Department of Education and Training's requirements, in that should DET want to progress their part of the project (School library) immediately, then this almost certainly precludes the Shire from participation. On the other hand, should DET be amenable to an extension of time, allowing Council to investigate all possible funding avenues, then there is a possibility for the project to eventuate.

The following options are only applicable if DET agrees to an appropriate extension of time. The only option available should DET wish to proceed immediately is for the Shire to pull out of the project. These options also take into account that the project will span two financial years and therefore the costs can be spread over two years causing less impact (though still significant) on any one financial years budget.

The options are:

1. Reduce the scope of works of the Shire's portion to fit within budget
2. Increase the Shire's commitment to meet the shortfall
3. Increase funding from the various other funding bodies and seek new funding partners to meet the shortfall
4. An option consisting of elements of 1,2 and 3
5. Do nothing and hope the Department of Education and Training meet the shortfall
6. Make a conscious decision to pull out of the project now and consider other like projects that deliver a comparable outcome such as a new

Civic Centre and Shire Administration including library, Telecentre, Toy library, other government and/or business offices.

These options are discussed in more detail following.

1. It is acknowledged that the final plan in the Project Definition Report represents the minimum requirements of the stakeholders. To bring the cost of the project within the available funds would require a reduction in floor area by at least one third. This would result in a floor area only capable of housing the joint library. If this were considered then the funding from DLGRD and DOTARS would automatically be lost as they are only funding the Telecentre/toy library component. As a result the Shire would then need to fund around \$500,000 of the joint library.
2. The Shire has committed \$200,000 (by way of loan funds) to the current proposal. It is also assumed that all the excluded costs were to be met by Council as an in-kind contribution, however have been overlooked and not accounted for. These costs could be in the order of \$200,000. Based on this, Council's commitment was more like \$400,000. If this is taken into account the shortfall remaining is around \$400,000, which could be funded as cash from municipal monies over two years. The resultant Shire Commitment totalling \$800,000 would then comprise:
 - \$200,000 Loan funds (raise loan when required, say 2007/08).
 - \$200,000 In-kind. These costs are still actual costs that need to be accounted for, probably \$100,000 in 2006/07 and \$100,000 in 2007/08.
 - \$400,000 Cash. \$200,000 in 2006/07 and \$200,000 in 2007/08.

Alternatively, some of the cash component could come from the sale of under-utilised or unwanted assets such as buildings and land.

3. DLGRD has indicated that there is very little likelihood of their funding increasing. DOTARS has advised that if the Shire wants to apply for an increase in funding that the best way would be to withdraw the current application for \$250,000 and submit a new application for a greater grant, say \$500,000. DOTARS cannot give

an undertaking that a new application would be successful, only indicating that the success of the previous application demonstrated that the Federal Government supported the original proposal. Tourism WA funding is negligible in this context and has not been approached at this stage. Should a new DOTARS application be successful and DLGRD and Tourism WA funding remains constant, the Shire would need to find other funding opportunities totalling nearly \$350,000. It is unknown at this stage if there are other major funding bodies to which the Shire could apply to make up the \$350,000.

4. An option taking elements of the foregoing 3 options could also be considered. For example, the size of the project could be reduced by \$50,000 by reducing the size of the conference room and store. The Shire could commit to an extra \$250,000 in cash and in-kind. If successful, an extra \$200,000 could come from DOTARS and the balance of \$100,000 could come from a combination of new funding opportunities and selling unnecessary assets. Council needs to be mindful that in this scenario, the Shire is committing between \$450,000 and \$550,000 (plus ongoing operational costs) to a facility it will never own.
5. Council could put the ball back in the court of DET by saying that our position is that we have \$560,000 for the project (as per the Project Definition Report), take it or leave it. This would then require DET to make a decision whether to find all the extra funding themselves or to quash the proposal and go it alone as just a school library. However, this option would not be recommended as it would be seen as being unfair and unreasonable and more than likely get DET completely offside with the Shire at a time when we should be building partnerships.
6. If Council was to decide to pull out of the project now, it is almost certain that DET will still proceed with a new school library. It is also almost certain that the Shire would come under some criticism from residents because the broader community project would not happen. This is manageable and in the end would hopefully be viewed that the Council of the day made the most appropriate decision it could based on all the information (and funding) that was available at the time. Another aspect of this approach is that Council could then start planning the redevelopment of the current administration building as

a community project comprising a Civic Centre (Council Chambers), administration offices, public library, videoconference facility, Telecentre, Toy Library and other offices that could be leased. The added advantage is that this facility would be on land that Council owns and ultimately the town is better off as it gets two new developments rather than one.

This is obviously a complicated predicament that the Shire finds itself in. It is very unfortunate that at the 11th hour a lack of funding could ultimately cause the project to stall. However, Council is better informed as to the project details at this time and can therefore make a better-informed decision. There is still some uncertainty as to the timing of the project from the Department of Education and Training's perspective as well as not knowing the outcome should a new funding application be submitted to the Department of Transport and Regional Development.

The recommendation of this report has attempted to take into account all known variables at the time of writing this report, however may need to be reviewed on meeting day should additional information come to hand.

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

There are no policies or policy implications in respect to this matter.

BUDGET IMPLICATIONS

The Shire's commitment to date of \$200,000 by way of loan funds to this project has been provided for in the current Budget. Any increase in Council's contribution will need to be considered in the adoption of future budgets.

STRATEGIC IMPLICATIONS

The development of the Moora Community Resource Centre is aligned with the Goals and Strategies of the Infrastructure Key Result Area of Council's Strategic Plan.

PRECEDENT

The development of major infrastructure needs to be determined on a case by case basis and therefore the adoption of the recommendation of this

report should not be considered to set a precedent nor should any previous decision be taken as a precedent in determining this matter.

VOTING REQUIREMENTS

Simple majority required

At 3.56pm the Community Development Manager joined the meeting.

At 3.58pm the Shire President joined the meeting.

Please Note: During discussion on this matter the CEO tabled a copy of an email received prior to the meeting from the Department of Education and Training advising that the Department is not agreeable to an extension of time to provide Council with an opportunity to try and secure additional funding to meet the shortfall.

OFFICER RECOMMENDATION – ITEM 11.1.1

- 1. That Council, subject to point 2 below, commits to the proposed Moora Community Resource Centre project, as outlined in the Project Definition Report as tabled at this meeting, subject to:*
 - i. Council's financial commitment to the project be increased and is not to exceed \$400,000, comprising \$200,000 in loan funds and \$200,000 in cash and/or in-kind;*
 - ii. The sourcing of additional grant funds or other funding is confirmed and in place no later than the agreed date with the Department of Education and Training, and*
 - iii. Re-assessment of Council's participation in the project should the required funding not be in place by the date agreed with the Department of Education and Training.*

- 2. Should the Department of Education and Training not agree to an extension of time in which Council can secure additional funding, then Council withdraw from the project with the view to commence planning for an alternative community resource facility on shire owned land.*

COUNCIL RESOLUTION – ITEM 11.1.1

66/06 *Moved Cr Clydesdale–Gebert, seconded Cr Hawkins that because the Department of Education and Training has not agreed to an extension of time in which Council can secure additional funding, then Council withdraw from the project with the view to commence planning for an alternative community resource facility.*

CARRIED 9/0

Reason for amendment to the recommendation

In light of further information being provided to Council by the Chief Executive Officer in the form of an email from the Department of Education and Training, Council was able to determine that part one of the recommendation was no longer relevant due to the Department's advice that an extension of time was not permitted.

At 4.08pm after consideration of Item 11.1.1 the Shire President assumed the chair.

11.2 FINANCIAL DEVELOPMENT

11.2.1 Budget Review

AUTHOR: Jo-Anne Ellis, Financial Development Manager
REPORT DATE: 20 April 2006
DECLARATION: Nil

BACKGROUND

Local Governments are required to conduct a budget review between 1 January and 31 March each financial year. This is a new requirement due to amendments to Financial Reporting Regulations. A budget review is a detailed comparison of the year to date actual results with the adopted or amended budget.

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

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

COMMENT

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

STATUTORY ENVIRONMENT

Regulation 33A – Local Government (Financial Management) Regulations 1996

POLICY IMPLICATIONS

Nil

BUDGET IMPLICATIONS

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

STRATEGIC IMPLICATIONS

The budget review helps determine and document any projects that are unlikely to be completed during the budget year and new opportunities that have arisen during the year. The review provides a timely indication of ability of the local government to achieve the budgeted performance for the year and the timing allows corrective actions if required prior to 30 June.

VOTING REQUIREMENTS

Absolute Majority

MANEX RECOMMENDATION – ITEM 11.2.1

That Council having considered the budget review for the period 1 July to 31 March adopts the review as tabled.

COUNCIL RESOLUTION – ITEM 11.2.1

67/06 Moved Cr Hawkins, seconded Cr Barrett-Lennard that Council receives the budget review for the period 1 July to 31 March 2006 as tabled, and requests that this item be placed on the agenda of the next Ordinary Meeting for further discussion.

CARRIED 9/0**Reason for amendment to the recommendation**

Council amended the Manex recommendation, as Council wished to discuss the Budget Review in more detail with the Financial Development Manager once she returned from leave.

11.3 OPERATIONAL DEVELOPMENT

Nil.

11.4 COMMUNITY DEVELOPMENT**11.4.1 Town Planning Scheme No 4 – Delegation of Powers**

LOCATION: Moora
FILE: 7.4
AUTHOR: Michael Prunster, Community Development Manager
REPORT DATE: 20 April 2006
DECLARATION: Nil

BACKGROUND

Council resolved by absolute majority at the Council meeting held on the 25 February 2004, to delegate the Manager Corporate Services (now Community Development Manager) to approve planning applications that meet all the requirements of Councils Town Planning Scheme, for an indefinite period of time and amend its Register of Delegations

accordingly, and that Council be provided with a list monthly of planning approvals issued under delegate authority.

APPLICANT (S)

The following Town Planning Application has been approved under this delegated authority for the period ended 20 April 2006.

Mr KT & Mrs JE. Main - Construction of a covered patio on Lot 1, loc. 2 Fry Street Moora. Area 63m²

VOTING REQUIREMENTS

Simple Majority

COUNCIL RESOLUTION (OFFICER RECOMMENDATION) - ITEM 11.4.1
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68/06 Moved Cr Hawkins, seconded Cr Tonkin that Council note the town planning application approved under delegated authority.

CARRIED 9/0

11.5 ENVIRONMENTAL DEVELOPMENT

Nil.

11.6 ECONOMIC DEVELOPMENT

Nil.

11.7 SPORT AND RECREATION

Nil.

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

At the previous meeting, Cr Craven gave notice that she will put the following motion to this Ordinary Meeting of Council;

Motion – Funding Assistance for Friends of the Moora Woodlands

‘That the “Friends of the Woodlands” group be invited to come under the auspices of the Shire of Moora for the purpose of accessing funding.’

Cr Craven’s Comment:

The group would otherwise have to become an incorporated body and this would be both cost and time prohibitive.

MANEX Comment:

MANEX is of the opinion that the ideals, aims and goals of the Friends of the Moora Woodlands are more closely aligned with those of the NRM and Moore Catchment Council and should therefore seek this type of assistance from these organisations. The adoption of this motion would be setting a precedent for any group of like-minded people to come to Council for assistance. Council needs to be mindful of the impact on our already stretched resources in taking on this type of role and how it may affect our ability to complete other tasks.

MANEX recommends that this motion not be put and that we continue to provide in-kind support to the Friends of the Moora Woodlands as previously resolved.

COUNCIL DECISION – ITEM 12.1

Moved Cr Craven, seconded Cr Pond that the “Friends of the Woodlands” group be invited to come under the auspices of the Shire of Moora for the purpose of accessing funding.

MOTION LOST 6/3

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

Nil.

14. NOTICE ON MOTIONS FOR THE NEXT COUNCIL MEETING

Nil.

15. MATTERS BEHIND CLOSED DOORS

Nil.

16. CLOSURE OF MEETING

There being no further business, the Shire President declared the meeting closed at 4.37 pm.

CONFIRMED

PRESIDING MEMBER