

SHIRE OF MOORA  
MINUTES OF THE ORDINARY MEETING OF COUNCIL  
HELD IN THE COUNCIL CHAMBERS, MOORA  
WEDNESDAY 12 APRIL 2006

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*Item 11.4.3 Moora & Districts Child Care Centre – Mgmt. Comm. Minutes (Mauve)*

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

*The Shire President declared the meeting open at 3.30pm, 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
SJ Pond	-	Councillor	-	Koojan Ward
AR Tonkin	-	Councillor	-	Coomberdale Ward
CD Hawkins	-	Councillor	-	Moora Town Ward
JW McLagan (from 3.41 pm)	-	Councillor	-	Miling Ward
DV Clydesdale-Gebert	-	Councillor	-	Watheroo Ward
	(from 4.00pm)			
SJ Deckert	-	Chief Executive Officer		
JL Gray (from 3.33pm)	-	Operational Development Manager		
PJ Haas (from 3.34pm)	-	Environmental Development Manager		
MJ Prunster (from 3.34pm)	-	Community Development Manager		
MM Murray	-	Executive Support Officer		

**APOLOGIES:**

Nil.

**PUBLIC:**

Mr Stephen Parkin	-	Kormweibel Armstrong Architects
Mr Colin Armstrong	-	Kormweibel Armstrong Architects
Ms Megan Beange	-	Journalist, Central Midlands Advocate
Mrs Marie Carter	-	Representative, Friends of the Moora Woodlands

At 3.32pm The Shire President invited Messrs Steven Parkin and Colin Armstrong from Kormweibel Armstrong Architects to give a presentation to Council on the Project Definition Report that they have been commissioned to complete for the proposed Moora Community Resource Centre.

Messrs Parkin and Armstrong provided an overview of what the Project Definition Report comprised and how it was developed. The main outcome for Council's consideration is that the current building costs exceed the available funding and this will need to be addressed as a matter of urgency.

At 3.33pm the Operational Development Manager joined the meeting.

At 3.34pm the Environmental Development Manager & Community Development Manager joined the meeting.

At 3.41pm Cr McLagan joined the meeting.

At 3.55pm Messrs Steven Parkin and Colin Armstrong concluded their presentation & left the meeting. The meeting then resumed as per the agenda.

**4. DECLARATIONS OF INTEREST**

Cr Pond advised that he will be declaring a financial interest in respect to item 11.5.2 – Main Roads Depot Site as he has written to Council seeking a variation to the contract he has for the demolition of the Main Roads Depot Site.

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

Nil.

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

The following questions were asked by Mr Jeremy Lefroy at the Ordinary Meeting of Council held on 22 March 2006 at Miling and taken on notice. The responses to these questions are now provided.

**Moora – Miling Road Bridges**

Mr Lefroy asked for an update on the bridges on the Moora/Miling Road.

6.1 What was the result of the engineers report?

6.2 Asked whether the Shire has a strategy in place to lobby for additional road funding.

**Response by Operational Development Manager:**

At the previous Council meeting held at Miling, a question was raised regarding the proposed upgrades of two of the bridges numbers 686 and 687, which are along the Moora – Miling Road.

1. Main Roads W.A. has advised that work is proposed to commence early in the financial year. Both will be strengthened by concrete overlays on the current structures. I have made Main Roads aware that they need to endeavour to have this work done prior to harvest.
2. The Shire will continue to lobby for their share of additional road funding which is being generated by the increasing number of vehicle registrations. The Western Australian Local Government Association have signed an agreement with the State Government for 27% of all vehicle license fees which sees an injection of funds into local roads. Council has been successful in the past with additional funds this year being spent on the Bindi Ballidu Road. Additional funding requires Council to contribute one third of the cost of the proposed project. The total project cost of the Bindi Ballidu project this year was \$127,274.

**7. APPLICATIONS FOR LEAVE OF ABSENCE**

Nil

**8. PETITIONS AND MEMORIALS**

Nil

**9. ANNOUNCEMENTS BY THE SHIRE PRESIDENT**

The Shire President's report for the period 22 March 26<sup>th</sup> April 2006 is provided below.

I attended the Commonwealth games in Melbourne during March, which was very enjoyable.

On Friday 24<sup>th</sup> March the Community Development Manager attended the Central Midlands Small School Sports Association Swimming Carnival at the Moora District Swimming Pool. The Shires Perpetual Shield for the winning school was presented to the Dandaragan Primary School.

Congratulations are extended to the Moora Tennis club for winning the A grade pennant competition recently.

10<sup>th</sup> April Cr's Bryan, Barrett-Lennard, Hawkins and Moora Shire attended the WA Local Government Association Road Wise program 2006 Blessing of the roads Campaign. The message is **"Don't Drive Tired this Easter"**

At 4.00pm Cr Clydesdale-Gebert joined the meeting.

11<sup>th</sup> April Cr's Bryan, Gardiner, Hawkins, Craven, Tonkin, and Pond and Moora Shire staff attended the Watheroo Development & Watheroo sports ground committee invitation to meet with the two groups

11<sup>th</sup> April Cr Bryan and the CEO Steve Deckert attended the Shire Of Dandaragan Honorary Freeman function where Mr Frank Creagh & Mr Mike Kenny were conferred with the title of Honorary Freeman. Congratulations to both these wonderful citizens.

12<sup>th</sup> April Cr's and staff attended the Community Resource Project meeting prior to this meeting.

12<sup>th</sup> April Congratulations are extended to Miss Cindi Brassington on her service to the Shire of Moora. We today recognise her 20 years long service There will be function to mark this occasion after today's council meeting.



15<sup>th</sup> April Cr's Bryan, Gardiner and the CEO will attend the function given by Moora Promotions Inc prior to the Moora Country Campout to thank the sponsors of the event.

24<sup>th</sup> April I will attend the Moora Historical Society AGM held at Clinch House at 2pm.

25<sup>th</sup> April Anzac Day ceremony.

Cr Gardiner advised that he and the Operations Development Manager had attended a Roads Workshop in Northam on Monday 27 March 2006.

Cr Tonkin advised that he , the Chief Executive Officer and Operations Development Manager attended the Annual Roads Forum in Geraldton on Tuesday 4 April 2006.

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

### ***10.1 ORDINARY COUNCIL MEETING – 22ND MARCH 2006***

#### **COUNCIL RESOLUTION**

***51/06 Moved Cr Barrett-Lennard, seconded Cr McLagan that the Minutes of the Ordinary Meeting of Council held on 22 March 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 Shire of Moora Code of Conduct***

**AUTHOR:** Rebecca McCall, Executive Support Officer  
**REPORT DATE:** 6 April 2006  
**DECLARATION:** Nil

#### **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. 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 no necessary amendments required.

#### **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

At 4.05pm the Enterprise Development Manager left the meeting & returned at 4.08pm

<p><b>COUNCIL RESOLUTION</b> <b>(MANEX RECOMMENDATION) – ITEM 11.1.1</b></p>
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*52/06 Moved Cr Craven, seconded Cr Pond that the Code of Conduct as appended be adopted and reviewed again before the next ordinary elections.*

**CARRIED 9/0**

## 11.2 FINANCIAL DEVELOPMENT

### 11.2.1 List of Payments Authorised Under Delegation 1.31

**AUTHOR:** Jo-Anne Ellis, Financial Development Manager  
**REPORT DATE:** 31 March, 2006  
**DECLARATION:** Nil

#### **BACKGROUND**

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

#### **COMMENT**

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

#### **STATUTORY ENVIRONMENT**

Local Government Act 1995 – Section 6.10

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

#### **POLICY IMPLICATIONS**

Delegation 1.31 – Payments from Municipal and Trust Funds.

#### **BUDGET IMPLICATIONS**

Payments are in accordance with the adopted budget.

#### **STRATEGIC IMPLICATIONS**

Nil.

#### **PRECEDENT**

Nil.

#### **VOTING REQUIREMENTS**

Simple Majority.

**COUNCIL RESOLUTION  
(MANEX RECOMMENDATION) – ITEM 11.2.1**

*53/06 Moved Cr Gardiner, seconded Cr Barrett-Lennard that Council note and endorse the Payments from Municipal and Trust Funds made under delegation 1.31*

<i>Municipal Fund Direct Debit 55 – 65</i>	<i>\$8,308.69</i>
<i>Chq 54355 – 55000</i>	<i>\$337,820.78</i>
<i>Total</i>	<i>\$346,129.47</i>

**CARRIED 9/0**

**11.3 OPERATIONAL DEVELOPMENT**

**11.3.1 Works Costings 05/06**

**AUTHOR:** Jo-Anne Ellis, Financial Development Manager  
**REPORT DATE:** 31 March, 2006  
**DECLARATION:** Nil

**BACKGROUND**

Council is provided with works program costings on a monthly basis to enable monitoring of expenditure and progress of construction and maintenance within the transport portfolio.

**COMMENT**

The works program costings are provided as an attachment to this agenda.

**STATUTORY ENVIRONMENT**

Nil.

**POLICY IMPLICATIONS**

Nil.

**BUDGET IMPLICATIONS**

Items included in the report are from the 2005/06 Budget.

**STRATEGIC IMPLICATIONS**

Reporting of expenditure relating to construction and maintenance in the transport portfolio enables council to monitor a significant portion of budgeted expenditure and evaluate the progress of a strategically important investment in the Shire of Moora.

#### VOTING REQUIREMENTS

Simple Majority.

#### COUNCIL RESOLUTION (MANEX RECOMMENDATION) – ITEM 11.3.1

*54/06 Moved Cr Tonkin, seconded Cr Pond that Council note and receive the Works Program Costings as at 31 March 2006.*

**CARRIED 9/0**

#### 11.4 COMMUNITY DEVELOPMENT

##### 11.4.1 Application to Reduce Setback – Lot 197 Riley Rd, Moora

FILE: 7.4  
AUTHOR: Michael J. Prunster, Community Development Manager  
REPORT DATE: 30 March 2006  
DECLARATION: Nil

#### PROPOSAL

A planning application has been received from Messrs G.J. Watts & Co to construct a 55.86m<sup>2</sup> patio on Lot 197 Riley Road Moora on behalf of Messrs S.A. & A.K. Vanzetti. The side boundary setback on the plan indicates approval is required to reduce of the minimum setback condition under the Town Planning Scheme Text.

#### BACKGROUND

The dwelling is located on an area of 20,266m<sup>2</sup>. Because of the location of the dwelling on the lot, the construction of the patio will finish at 5.7m from the side boundary adjoining Lot 198. The builder has requested that approval be granted for a reduction in the setback requirements, as it would be impracticable to reduce the area of the patio.

#### PLANNING FRAMEWORK

Under the Shire Town Planning Scheme No 4, section 3.11 states: –

### 3.11 Special Rural Zones

3.11.2                    Site Requirements:    The minimum building setbacks shall be:

Front: 15.0m

Rear: 15.0m

Side: 10.0m

The front and rear setbacks conform to the T.P. scheme, but the side boundary setback is 4.3m short of the minimum requirement.

#### **COMMENT**

It is suggested that the adjoining landowner on Lot 198 be advised of the proposed amendment to the setback and invited to make any comment/submission.

Should the adjoining owners have no objection to the proposal, it is recommended Council approve the application for a reduction in the side setback.

#### **STATUTORY ENVIRONMENT**

Town Planning Scheme No 4

#### **POLICY IMPLICATIONS**

Nil

#### **BUDGET IMPLICATIONS**

Nil

#### **STRATEGIC IMPLICATIONS**

Due to the large size of the lot, the decrease in the setback will not reflect adversely on the existing buildings.

#### **PRECEDENT**

Council has previously allowed a reduction in the rear setback requirements on a "Special Rural" Zone lot at 16 Atbara Street in July 2004.

#### **VOTING REQUIREMENTS**

Simple majority

**COUNCIL RESOLUTION  
(MANEX RECOMMENDATION) – ITEM 11.4.1**

*55/06 Moved Cr Hawkins, seconded Cr Craven that Council approves the application in principle for a reduction to the minimum side setback from 10m to 5.7m for the construction of a patio on Lot 197 Riley Road subject to: –*

- 1. Payment of \$50 planning application fee.*
  - 2. Adjoining owners of Lot 198 being notified of the proposal inviting comments within 21 days.*
  - 3. If after the expiration of 21 days an objection is lodged then the application be referred to Council to consider.*
- OR*
- 4. If after the expiration of 21 days, no objection are received, and subject to all conditions being met Council approves the application*

**CARRIED 9/0**

**11.4.2 Planning Application – Department of Housing – Lot 59 Burns Pl, Moora**

**FILE: 7.4**  
**AUTHOR: Michael J. Prunster, Community Development Manager**  
**REPORT DATE: 31 March 2006**  
**DECLARATION: Nil**

**BACKGROUND**

An application from the Department of Housing and Works for a development of grouped dwellings at Lot 59 Burns Place was considered at the Council meeting held on the 22 February 2006.

Council passed the following resolution at that meeting.

**COUNCIL RESOLUTION – ITEM 11.4.2**

*28/06 Moved Cr Gardiner, seconded Cr Barrett-Lennard that the planning application for construction of grouped dwellings on Lot 59 Burns Place, Moora by Messrs Franco Carozzi Architects Pty Ltd on behalf of the Department of Housing be approved under the R25 density coding subject to the following conditions: –*

- Public Notice of the development to be advertised in the local newspaper and adjoining owners to be notified.*
- Council to give consideration of any submissions received following the advertising period of 21 days.*
- The finished floor level to be 204.7 AHD.*
- Minimum setback from Burns Place to be 6.0m.*
- Minimum Rear & Side boundary setbacks to be 1.5m.*
- Landscaping is to be completed to the street kerbing.*
- New fencing of the lot to be constructed as shown on plan.*
- Subject to building licence issued by Shire Of Moora.*
- Storm water disposal to be to the satisfaction of the Shire's Operational Development Manager.*

*CARRIED 6/0*

#### **COMMENT**

Public notice was given in the local newspaper on the 2 March 2006. Adjoining owners Miss I.A. Brown and Messrs C.G. & T.G. Bein were notified by mail. No submissions or comments were received at the Shire Office by the closing date of 22 March.

Council is now required to give consideration to the application following the expiry of the advertising period in terms of item 2 of the above resolution.

#### **STATUTORY ENVIRONMENT**

Town Planning Scheme No 4 text.

#### **POLICY IMPLICATIONS**

Nil

#### **BUDGET IMPLICATIONS**

Planning application fee received together with advertising costs reimbursed.

#### **STRATEGIC IMPLICATIONS**

Provision of additional G.E.H.A. rental accommodation.



**PRECEDENT**

Previous applications for the Department of Housing & Works approved.

**VOTING REQUIREMENTS**

Simple majority

**COUNCIL RESOLUTION**

**(MANEX RECOMMENDATION) – ITEM 11.4.2**

*56/06 Moved Cr Hawkins, seconded Cr Craven that due to the non receipt of any submissions/comments following the expiration of the public advertising period, Council approve the application from the Department of Housing and Works for the construction of 4 x 2 bedroom units at Lot 59 Burns Place subject to the following conditions: –*

- *The finished floor level to be 204.7 AHD.*
- *Minimum setback from Burns Place to be 6.0m.*
- *Minimum Rear & Side boundary setbacks to be 1.5m.*
- *Landscaping is to be completed to the street kerbing.*
- *New fencing of the lot to be constructed as shown on plan.*
- *Building licence issued by Shire Of Moora*
- *Storm water disposal to be to the satisfaction of the Shire's Operational Development Manager.*

CARRIED 9/0

**11.4.3 Moora & Districts Child Care Centre**

**FILE:** 5.14  
**AUTHOR:** Michael Prunster, Community Development Manager  
**REPORT DATE:** 4 April 2006  
**DECLARATION:** Nil

**BACKGROUND**

Council at their meeting held on the 9th February 2005 adopted the appointment of a management committee for the Moora & Districts Child Care Centre. Part of Council's resolution at this meeting was for the centre to produce a monthly report to Council.

Minutes of the management committee meeting held on the 27 March 2006 are attached for Council's information.

**COMMENT**

A report from the Director indicates that the centre has enjoyed an average of 62% usage since the beginning of year.

**STATUTORY ENVIRONMENT**

LGA 1995 5.8, 5.9 & 5.10 – establishment of committees.

**POLICY IMPLICATIONS**

Nil

**BUDGET IMPLICATIONS**

The centre is currently operating within annual budget. An amount of \$5,500 is held in a Reserve Fund.

**STRATEGIC IMPLICATIONS**

Continuation of quality childcare services.

**PRECEDENT**

Report to Council 25 January 2006.

**VOTING REQUIREMENTS**

Simple majority

**COUNCIL RESOLUTION**

(MANEX RECOMMENDATION) – ITEM 11.4.3

*57/06 Moved Cr Craven, seconded Cr Hawkins that Council note the unconfirmed minutes of the Moora & Districts Child Care Centre Management Committee held on the 27 March 2006, and authorise staff to attend to maintenance items if within budget.*

**CARRIED 9/0**

**11.4.4 Moora & Districts Child Care Centre – Committee Structure**

**FILE:** 5.14

**AUTHOR:** Michael J. Prunster, Community Development Manager

**REPORT DATE:** 4 April 2006

**DECLARATION:** Nil

**BACKGROUND**

Council at their meeting held on the 9 February 2005 adopted the appointment of a management committee for the Moora & Districts Child Care Centre. The Committee was made up of 5 members of the previous Child Care Committee, 3 Child Care Centre staff and two Council representatives, Cr L. Craven and Community Development Manager, M.J. Prunster.

**COUNCIL RESOLUTION****(OFFICER RECOMMENDATION) – ITEM 11.4.1**

*27/2005 Moved Cr Crombie, seconded Cr Hawkins that it be recommended to Council;*

- 1. That the selection of the management committee be noted.*
- 2. That a formal committee of Council be created and called the Moora and Districts Child Care Centre Management Committee.*
- 3. That the following members be appointed to the Moora and Districts Child Care Centre Management Committee*

*Cr. Lorraine Craven – Council representative*

*Michael Prunster – Community Development Manager.*

*Michelle Evans – Centre’s Co-ordinator*

*Margaret Gill – Centre’s Responsible Officer*

*Anke Stoffberg – Past Committee President*

*Daphne Cantrill – Past Committee Treasurer*

*Vicki Camplin – Past Committee Secretary*

*Katie Watkins – Assistant Co-ordinator*

*Raylene Lewis– Parent*

*Debbie Fisher– Parent*

- 4. That a monthly progress report of the Centre be submitted to Council*
- 5. That the following Child Care Centre fees be noted, adopted and included in Council’s Fees and Charges: –*
  - (a) 8.30am – 12.30pm \$22.00*
  - (b) 12.30pm – 5.00pm \$25.00 (extra half hour)*
  - (c) 8.30am – 5.00pm \$45.00 (full day)*

**CARRIED 7/0**

**COMMENT**

Part of Councils resolution at this meeting was for the centre to produce a monthly report to council. During the period of Council control, the committee has held seven meetings, and reports from these meetings were presented to Council.

The committee arrangement was to be evaluated between 6–12 months to gauge its contribution to the administration of the Centre.

The Centre has now completed 14 months under the administration of the Council, and the initial committee set-up proved to be invaluable with the knowledge available to Council staff in running the day-to-day operations of the centre.

The Centre's Director has shown excellent management skills and the attendance and staffing at the Centre is of a high standard. Councils staff is now more conversant with Child Care regulations and I believe that we have now reached the point where we can dissolve the committee of Council, and transfer the running of the Centre over to the Centre Director and the Community Development Manager. Members of the current committee have indicated that they believe they have no more contribution to make, and agree with the suggestion to wind-up the Council committee.

**STATUTORY ENVIRONMENT**

L.G.A. 95 S5.11

**POLICY IMPLICATIONS**

Nil

**BUDGET IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

Continuation of quality Child Care services to the community.

**PRECEDENT**

Council officers manage the Moora Swimming Pool and Caravan Park

**VOTING REQUIREMENTS**

Simple majority

Prior to voting, the CEO advised that as this was a decision in respect to a Council Committee that the decision needed to be carried by absolute majority.

**COUNCIL RESOLUTION  
(MANEX RECOMMENDATION) – ITEM 11.4.4**

*58/06 Moved Cr Craven, seconded Cr Pond that Council*

- 1. acknowledges that the Moora and Districts Child Care Centre Management Committee is no longer required*
- 2. disbands the committee that was formed pursuant to Council resolution 27/2005 adopted at the meeting held on the 9 February 2005*
- 3. implements this decision to take effect from the 30<sup>th</sup> June 2006, at which time the Child Care Centre will become a function of Council.*
- 4. approves the overall Management of the Moora & Districts Child Care Centre will be the responsibility of the Community Development Manager with the day to day operations being taken care of by the Centre Director*
- 5. that a monthly progress report of the Centre continue to be submitted to Council via the Information Bulletin.*

CARRIED BY ABSOLUTE MAJORITY 8/1

Cr Hawkins requested his vote against be recorded.

**11.5 ENVIRONMENTAL DEVELOPMENT**

**11.5.1 Neglected Building Notice – Lots 412 & 413 Gardiner St, Moora**

**FILE:** 12.5  
**AUTHOR:** Peter Haas, Environmental Development Manager  
**REPORT DATE:** 27 March 2006  
**DECLARATION:** Nil

**BACKGROUND**

Notices were served via registered post on Mr & Mrs DeBijl, the owners of the above property declaring the buildings there upon to be in a Neglected condition and requiring them to be repaired.

The Notice was not complied with within the time frame specified and legal action was taken on 2 March 2005 to gain an order from the court ordering the repair of the buildings.

The time frame for compliance with this order expired on 2 March 2006 and the order was not complied with.

A letter was sent to the Clerk of the Courts Moora regarding the disobedience of the court order and any penalty that could be applied through the courts. She has replied that due to the fact that no “springing “ orders were made (ie an order stating that in the event that the order is not complied with that this penalty would apply) there is little that they could do in this matter.

A letter has been sent to the De Bijl’s asking what their intentions are with the building.

With the Court not being obeyed under Section 408 (5) of the Local Government (Miscellaneous Provisions) Act 1960 *“If the order is not obeyed the local government may by its agent, servants, and workmen enter upon the neglected building or land on which it stands and execute the order”*

The Court ordered the following

*“ORDER: That Robert Jean-Marie David De Bijl put buildings situated at Lots 412 and 413 Gardiner Street, Moora into a state of good repair and good condition as is to the satisfaction of the Shire of Moora within 12 months of the date of this order”*. The Magistrate also made the same order on Julie Anne De Bijl.

#### **COMMENT**

As can be seen above if the order is not obeyed the local government may enter the property and execute the order. This would be at a cost to Council although Council can recover the costs from the owner in a court of competent jurisdiction.

I would not recommend this course of action because of the costs to repair the building and the costs of taking the De Bijl’s to court to recover the costs.

I would therefore recommend that Council start the process again in issuing a Notice but this time the Notice would order the building to be taken down.

The disadvantages are the time frame will extend out to get a resolution, that Council may have to take the building down i.e. demolish it and have to recover costs via court action, but an eyesore would in the long term be removed and vacant lots created.

This may encourage development of this site

I have broached this scenario with an officer from the building section of the Dept of Housing and Works. He was not aware of this being done before and would be interested to hear the outcome.

Other options are to make an offer to the De Bijl's to purchase the site or to do nothing.

Should Council wish to reissue the Notice declaring the buildings "Neglected buildings" under Section 408 of the Local Government (Miscellaneous Provisions) Act 1960 and order the buildings to be taken down a report would need to be furnished to the next meeting of Council to get said decision.

#### **STATUTORY ENVIRONMENT**

Local Government (Miscellaneous Provisions) Act 1960 Section 408

#### **POLICY IMPLICATIONS**

Nil

#### **BUDGET IMPLICATIONS**

Costs to budget unknown. Costs will depend on the co-operation of the owner of the property.

#### **STRATEGIC IMPLICATIONS**

The eventual removal of a derelict building in one of the main thoroughfares through town.

#### **PRECEDENT**

Nil

**VOTING REQUIREMENTS**

Simple majority

**COUNCIL RESOLUTION****(MANEX RECOMMENDATION) – ITEM 11.5.1**

*59/06 Moved Cr Craven, seconded Cr Hawkins that Council direct the Environmental Development Manager (Building Surveyor) to furnish a report to the Council on the state of the buildings located on Lots 412 & 413 Gardiner Street Moora.*

**CARRIED 9/0**

At 4.27pm Cr Pond declared a financial interest in item 11.5.2 as the item deals with him being the contractor, contracted to demolish the Main Roads Depot site, he left the meeting.

**11.5.2 Main Roads Depot Site**

**LOCATION:** Moora  
**FILE:** 18.18  
**AUTHOR:** Peter Haas, Environmental Development Manager  
**REPORT DATE:** 5 April 2006  
**DECLARATION:** Nil

**BACKGROUND**

The following letter has been received from the Ivanhoe Pastoral Company Pty Ltd from Mr James Pond regarding the demolition of the Main Roads Depot.



Mr Pond is requesting from Council the waiving of tip fees to dispose of rubble at the Moora Tip and to waive 50% cost of the hire of Council's loader. Mr Pond is requesting this dispensation because of the *"unforeseen hardship caused by excessively lage footings, double floors and concrete blocks not removed from earlier buildings and concealed under sheds and small buildings"*

Mr Pond states that the above conditions were unforeseeable and were not taken into account when he quoted for the demolition of the buildings on the site.

Council tendered the demolition of the Main Roads Site in The West Australian on 22 June 2005 and in the Advocate 30 June 2005 inviting quotations for the Removal of buildings and other infrastructure from the site. The necessary documentation for the quotation was prepared by GHD

Council received three quotations of \$101,200, \$96,800 & \$37,565 which was reported to the Council meeting on 13 July 2005.

Also, it appears that the nomenclature of what was required changed through the process from a quotation to a tender and Mr Pond has advised that a formal contract for the demolition was not signed and the only document is a letter stating that his tender was successful. Ivanhoe Pastoral Co have been paid 80% of the quoted fee as Mr Pond requested progress payments and submitted claims to 80% completion.

#### **COMMENT**

I have inspected the site and have taken photos of some of the items of concern and agree with Mr Pond's assessment with regards to footings. I certainly did not expect the size of the footing that has been provided for the soils laboratory especially with the building being of framed construction.

It could also be argued that with the Main Roads Depot being a government building that it could be expected that the buildings would be over engineered and built to last. It could also be argued that with bigger machinery this would not be a problem.

Mr Pond estimates that he would have 5 loads of rubble that needs to go to the tip and 5 loads of other material. He has also stated that he has two pads that need to be ripped up and that he intends doing this work after seeding and will need to dispose of this material as well.

He has also stated that some of the rubble is being used to build a causeway on a farm close to town thus accounting for some of the rubble currently on the site.

The rubble from the site is currently being used by the Tip Contractor to build up banks along the edge of the tip site or used as cover material if the rubble is small enough to do so.

Currently any clean fill is able to be disposed of at the tip for free because it can be used for cover material and thus I would recommend that if the rubble has been broken into small enough pieces that it can be disposed of free of charge.

It should also be noted that the loader has been used for 8 hours on the site and has suffered three punctured tyres whilst working on the site. The cost to hire the loader is \$100.00 per hour

#### **STATUTORY ENVIRONMENT**

Nil

#### **POLICY IMPLICATIONS**

Nil

#### **BUDGET IMPLICATIONS**

Loss of revenue with regards to rubbish disposal of \$5.00 per cubic metre and \$400.00 for the loader

#### **STRATEGIC IMPLICATIONS**

Nil

#### **PRECEDENT**

Nil

#### **VOTING REQUIREMENTS**

Absolute Majority

**MANEX RECOMMENDATION – ITEM 11.5.2**

*That Council;*

- 1. Allows building rubble from the Main Roads site only, to be disposed of at the Moora Tip free of any rubbish charge. Any other material will attract the normal charge.*
- 2. That the cost of this building rubble disposal be reflected in to total costs of Main Roads site clean up.*
- 3. That the loader hire fee not be waived.*

**COUNCIL RESOLUTION – ITEM 11.5.2**

*60/06 Moved Cr Gardiner, seconded Cr Hawkins that Council allows building rubble from the Main Roads site only, to be disposed of at the Moora Tip free of any rubbish charge. Any other material will attract the normal charge.*

**CARRIED BY ABSOLUTE MAJORITY 8/0**

**NOTE:** Council determined that it wished to deal with point 1 of the MANEX recommendation in the first instance, that point 2 was not relevant and that point 3 would be considered separately.

**COUNCIL RESOLUTION – ITEM 11.5.2b**

*61/06 Moved Cr Craven, seconded Cr Gardiner that Council decline the request to waive any fees.*

**CARRIED BY ABSOLUTE MAJORITY 8/0**

At 4.43pm, after consideration of item 11.5.2, Cr Pond rejoined the meeting.

*The Shire President, upon Cr Ponds return to the meeting read aloud the Council decision.*

Shire of Moora

- 3 APR 2006

Received

Ivanhoe Pastoral Company Pty Ltd  
30 Keane Street  
MOORA WA 6510

3 April, 2006

The Shire President  
Mrs Sheryl Bryan and Councillors  
Shire of Moora  
Padbury Street  
MOORA WA 6510

Dear Sheryl

Re: Main Roads Depot Roberts Street Moora

Due to unforeseen hardship caused by excessively large footings, double floors and concrete blocks not removed from earlier buildings and concealed under sheds and small buildings, I request the following for consideration by council.

1. Waive payment of council tip fees for rubble:
2. Waive fifty percent (50%) of cost for the hire of the shire loader employed to lift concrete.

This additional work that has been created and not in my original quote was unforeseeable above ground owing to the depth of the double foundations. We will be unable to remove the excess foundations without consideration of reduced fees, as the cost of this removal is well in excess of my original quote.

Yours sincerely

James Pond

**11.6 ECONOMIC DEVELOPMENT**

Nil.

**11.7 SPORT AND RECREATION**

Nil.

**12. ELECTED MEMBER MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN****12.1 Revisit Management of Reserves**

Cr Pond advised at the meeting of Council on 22 March 2006 that he would put the following motion:

*‘That the Moora Shire Council revisit the offer to take over caretaking of Stack Street and Walebing Reserves’*

#### **Chief Executive Officer’s Comment**

I have not had the opportunity to research this matter as I am not clear on whether Council has formally considered taking over these reserves. However, if Council passes this resolution, we will then have the opportunity to present Council with a properly researched report for consideration.

**Please Note:** Prior to voting on this matter, the Shire President read aloud two letters of support that had been received after the agenda had been completed, one Cr Pond from Mrs Marie Carter and the second from Mrs Donna Le’Gear.

#### **COUNCIL RESOLUTION – ITEM 12.1**

*62/06 Moved Cr Pond, seconded Cr Craven that the Moora Shire Council revisit the offer to take over caretaking of Stack Street and Walebing Road Reserves.*

**CARRIED 9/0**

**NOTE – The agenda item should have stated Walebing Road Reserve rather than Walebing Reserve.**

#### **12.2 Progress of Westend Development**

Cr Pond advised at the meeting of Council on 22 March 2006 that he would put the following motion:

*‘That Council staff study the following to determine possible development of Westend;*

- 1. Westend pilot energy plant*
- 2. recycled water and energy saving*
- 3. explore all possible grant support eg flood mitigation, energy, help for growth etc*
- 4. cost saving in earthquake zoning and soil classifications*

5. *cost saving in sand pad construction*
6. *explore possible long term loan system with utilities*
7. *explore expanding and borrowing capacity eg sell shares, sell land, rezone land, subdivide land, pre-release sales, partnerships with Homeswest.'*

#### **Chief Executive Officer's Comment**

The general thrust behind Cr Pond's notice of motion is to get things happening with the development of land for release within the Westend area, in an innovative and cost effective manner.

Manex concurs that the sooner we start on this the sooner the land can become available. Now that the new Enterprise Development Manager has been appointed, the development of Westend is a project that the officer can take on as soon as possible.

In addition to residential land being made available at Westend, Council also needs to consider development requirements and demand for industrial land in the Tootra street area and further residential development on the site of the old Main Roads W.A. depot.

These three areas are very significant projects, requiring comprehensive planning, designing and development. A great deal of expertise and experience is required to carryout these projects and is something the Shire will need to seek outside assistance.

The intent of Cr Pond's notice of motion is supported, however Manex is of the opinion that a resolution of Council at this stage needs to be broader, however inclusive of Cr pond's intent.

#### **COUNCIL RESOLUTION (MANEX RECOMMENDATION) – ITEM 12.2**

**63/06** *Moved Cr Pond, seconded Cr McLagan that Council requests the incoming Enterprise Development Manager to give high priority to progressing the planning of the development of Westend, Tootra Street and the old Main Roads W.A. Depot sites, and further requests that appropriate provision be made in the 2006/07 Draft Budget to engage a suitable consultancy to assist Council in the development of business and development plans for the three sites.*

**CARRIED 9/0**

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

The Chief Executive Officer tabled a late item dealing with the establishment of a new Administrative Position for Council's consideration .

## COUNCIL RESOLUTION

*Moved Cr Barrett-Lennard, seconded Cr Tonkin that Council consider the late item as tabled by the CEO titled "Establishment of a New Administrative Position"..*

**CARRIED 9/0**

### 13.1 Establishment of New Administrative Position

**LOCATION:** Shire of Moora Administration Office  
**FILE:** 1.0  
**AUTHOR:** Steven Deckert, Chief Executive Officer  
**REPORT DATE:** 10 April 2006  
**DECLARATION:** The author has no financial interest in this matter

#### **BACKGROUND**

At the Briefing Session held on 22 March 2006, the CEO raised for discussion and Council feedback the proposal to make the Executive Support position a permanent position.

There was a positive response from Council that a formal proposal to Council to endorse the establishment of this position would be given due consideration.

This report now seeks Council's formal endorsement of the proposal.

#### **COMMENT**

Whilst Council does not get involved in the employment of staff other than the CEO or Managers, Council is responsible for ensuring that the Shire is appropriately resourced to meet statutory compliance and community expectations. It is the CEO's role to bring to Council's attention the need for specific resources such as staff and to then employ the best applicant for the position.

The need for this position has arisen due to additional statutory requirements and an increasing workload on all positions within the organisation. Meeting

some areas of statutory compliance have been a challenge and there is now a need to provide consistent corporate support in the areas of human resources, marketing and records management that has not previously been available. This new position will take on a broad range of duties that will require initiative, an understanding of local government and an ability to work as part of the management team. This position will assist the Shire to ultimately be seen as a progressive organisation that operates in a professional manner that meets its statutory obligations. Should this position not be created then it is going to be difficult to meet the expectations of our Strategic Plan if we need to focus on compliance.

Because this position will be working on responsibilities across all divisions, it is suggested that the title of the position be “Corporate Services Officer”.

The appended draft Position Description provides more detail of the roles and responsibilities of the Corporate Services Officer position as well as the suggested salary range of the appointee, which is dependent on qualifications, experience and the level of authority. A salary within Levels 5 to 6 of the Local Government Officer’s Award is commensurate with what is paid within the local government industry for what is expected of this position and the person filling this position.

This position, if approved by Council will be advertised as soon as practicable. Before advertising the CEO will review and update (minor amendments only) the draft Position Description in consultation with the Managers so that the outcomes of this position meet everyone’s expectations.

#### **STATUTORY ENVIRONMENT**

Section 5.36 of the Local Government Act deals with the Council’s role in ensuring that the Shire is appropriately resourced with staff.

#### **POLICY IMPLICATIONS**

There are no policy implications in respect to this matter.

#### **BUDGET IMPLICATIONS**

This position has not been provided for in the current years budget. The temporary position of Executive Support Officer has been covered by the fact that the Enterprise Development Managers position has been vacant for most of the year. The financial cost of employing a person for the remainder of this financial year is in the order of \$6,500 (which would also be covered by the Enterprise Development Managers budget) and from then on appropriate provision can be



made in future budgets. It is estimated that for a full year, this position will cost in the vicinity of \$52,000, which includes salary, and on-costs such as leave, superannuation, insurance etc.

There will also be some administrative support costs required for items such as a computer and desk, though this should not exceed \$2,000.

### STRATEGIC IMPLICATIONS

The appointment of the Corporate Service Officer will greatly assist Council achieve its Vision and Goals as stated in its Strategic Plan.

### PRECEDENT

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

### VOTING REQUIREMENTS

Simple Majority required

### COUNCIL RESOLUTION (MANEX RECOMMENDATION) – ITEM 13.1

**64/06** *Moved Cr Hawkins, seconded Cr Gardiner that Council:*

- 1. Endorses the creation of the new position of Corporate Services Officer, generally in accordance with the Position Description as appended;*
- 2. Acknowledges that the salary of the position will be within the salary range of level 5 to level 6 of the Local Government Officers Award, depending on qualifications and/or relevant experience;*
- 3. Acknowledges that the CEO will advertise the position and appoint the most appropriate person in accordance with open and accountable human resource principles;*
- 4. Notes that the CEO may carryout minor amendments to the Position Description prior to advertising.*

**CARRIED 9/0**

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

Cr Craven gave notice of her intention to put the following motion at the next Ordinary Meeting of Council;

#### **14.1 Motion 1 – 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.

**15. MATTERS BEHIND CLOSED DOORS**

Nil.

**16. CLOSURE OF MEETING**

*There being no further business, the Shire President declared the meeting closed at 5.00pm.*

**CONFIRMED**

**PRESIDING MEMBER**