

SHIRE OF MOORA  
MINUTES OF THE ORDINARY MEETING OF COUNCIL  
HELD IN THE MILING PAVILION, MILING  
WEDNESDAY 22 MARCH 2006

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TABLE OF CONTENTS

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1.	<u>DECLARATION OF OPENING &amp; WELCOME OF VISITORS</u>	3
2.	<u>DISCLAIMER READING</u>	3
3.	<u>ATTENDANCE</u>	3
	<u>APOLOGIES</u>	3
	<u>PUBLIC</u>	4
4.	<u>DECLARATIONS OF INTEREST</u>	4
5.	<u>QUESTIONS BY THE PUBLIC IN ACCORDANCE WITH SECTION 5.24 OF THE ACT</u>	4
6.	<u>RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE</u>	5
7.	<u>APPLICATIONS FOR LEAVE OF ABSENCE</u>	5
8.	<u>PETITIONS AND MEMORIALS</u>	5
9.	<u>ANNOUNCEMENTS BY THE SHIRE PRESIDENT</u>	5

**10. CONFIRMATION OF MINUTES OF THE PREVIOUS MEETINGS 6**

**10.1 ORDINARY COUNCIL MEETING – 8 MARCH 2006 6**

<b><i>11. <u>REPORTS OF OFFICERS</u></i></b>	<b>6</b>
<b><u>11.1 ADMINISTRATION</u></b>	<b>6</b>
11.1.1 Annual General Meeting of Electors *	
6	
11.1.2 Appointment of Shire Representatives on Resource Centre Project Consultation Group (PCG)	
7	
<b><u>11.2 FINANCIAL DEVELOPMENT</u></b>	<b>9</b>
Nil	
<b><u>11.3 OPERATIONAL DEVELOPMENT</u></b>	<b>9</b>
Nil	
<b><u>11.4 COMMUNITY DEVELOPMENT</u></b>	<b>9</b>
11.4.1 Town Planning Scheme No 4 – Delegation of Powers	
9	
<b><u>11.5 ENVIRONMENTAL DEVELOPMENT</u></b>	<b>10</b>
<b>11.5.1</b> Regional Tip – Concept Proposal	
10	
11.5.2    Local Government (Miscellaneous Provisions) Amendment Bill 2005 *	
	<b>11</b>
<b><u>11.6 ECONOMIC DEVELOPMENT</u></b>	<b>13</b>
Nil	
<b><u>11.7 SPORT AND RECREATION</u></b>	<b>13</b>
Nil	
<b><i>12. <u>ELECTED MEMBER MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN</u></i></b>	<b>13</b>
<b><i>13. <u>MOTIONS OF AN URGENT NATURE INTRODUCED BY DECISION OF COUNCIL</u></i></b>	<b>13</b>

<b>14.</b>	<b><u>NOTICE ON MOTIONS FOR THE NEXT COUNCIL MEETING</u></b>	<b>14</b>
14.1	Revisit Management of Reserves	
	14	
14.2	Progress of Westend Development	14
<b>15.</b>	<b><u>MATTERS BEHIND CLOSED DOORS</u></b>	<b>14</b>
15.1	Appointment of Enterprise Development Manager	
	15	
<b>16.</b>	<b><u>CLOSURE OF MEETING</u></b>	
	15	

\* Separate Attachments

*Item 11.1.1 Annual General Meeting of Electors (Blue)*

*Item 11.5.2 Local Government (Miscellaneous Provisions) Amendment Bill 2005*

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

*In the absence of the Shire President on approved leave of absence, the Deputy President, Cr Colin Gardiner assumed the Chair. The Deputy President declared the meeting open at 6.30pm, 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 Deputy 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

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
JW McLagan	-	Councillor	-	Miling Ward
SJ Deckert	-	Chief Executive Officer		
PJ Haas	-	Environmental Development Manager		
MJ Prunster	-	Community Development Manager		
JL Ellis	-	Financial Development Manager		

**APOLOGIES:**

Cr Denise Clydesdale–Gebert advised the Chief Executive Officer by telephone on 15<sup>th</sup> March 2006 that she was unable to attend the Council meeting due to work commitments.

DV Clydesdale–Gebert – Councillor – Watheroo Ward

The following Councillor was granted leave of absence for this meeting by Council resolution made at the Ordinary Meeting held on 8 February 2006:

CD Hawkins – Councillor – Moora Town Ward

The following Councillor was granted leave of absence for this meeting by Council resolution made at the Ordinary Meeting held on 22 February 2006:

SA Bryan – Shire President – Moora Town Ward

***PUBLIC:***

Mr Terry Reynolds	Mr Alan Seymour	Mr Ian Seymour
Mr Jeremy Lefroy	Mr Max Lewis	Mrs Janet Lewis
Mr Des Seymour	Mrs Jean Seymour	Mr Paul White
Mr Tony White	Mr Jim Lowe	Mr Barry Large
Mrs Tom Sayers	Mrs Monica Sayers	Mrs Alison Large

**4. DECLARATIONS OF INTEREST**

Peter Haas declared an impartiality interest in Item 11.5.2 as this item deals with the future employment arrangements of Building Surveyors which may in turn impact on his employment.

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

Mr Des Seymour – Roads – Ag Lime Route. The Bindi Ballidu Road was widened but the centre was not waterproofed. May be cheaper to do it altogether. Request that the Shire look at the costings of this and consider in the future.

Mr Max Lewis – At the October Meeting they were of the understanding that the EPA advised that the transfer station needed to be closed?

The Environmental Development Manager advised the EPA required the closure of the tip site. A transfer station licence is not required, as the EPA is not interested in transfer sites. Advised that the site is now classified as a contaminated site.

Mr Terry Reynolds advised that he believed the tip issue wasn't fully resolved. The local community is not happy with the present refuse removal arrangement. What are Councils thoughts on the current situation, and the future? Is Council prepared to work with Miling ratepayers to look at revisiting the current and future arrangement?

Cr Gardiner advised that Council had taken a tour of Miling prior to the meeting and there would be sulo bins until the end of the year. Council will reconsider taking into account costing evaluations; equity etc and this will need to be done as part of the Budget process.

Cr Pond asked whether the Miling community is prepared to subsidise the reopening of the old transfer site?

Mr Reynolds indicated that this was possible.

The Environmental Development Manager requested the Miling Progress Association submit a proposal for Council to consider during budget deliberations.

Mr Ian Seymour provided an overview on the proposal put at today's site meeting ie locked gate, pay for key, current service being provided vs. cost to attend Moora Tip etc.

Mr Jeremy Lefroy asked for an update on the bridges on the Moora/Miling Road. What was the result of the engineers report? Mr Lefroy also asked whether the Shire has a strategy in place to lobby for additional road funding.

The Chief Executive Officer advised that the Operational Development Manager would provide a report.

Cr Pond advised that the CMVROC was becoming more active and along with the Avon Midland Zone could become an avenue to increase lobbying for more road funding

Mr Lefroy stated that it was good to hear that Council is aware of the pressures.

The Chief Executive Officer provided a brief overview of the road funding process and how the State Government allocates the funds to Local Government via the Regional Road Groups.

Mrs Janet Lewis asked what is the timeframe for the decision on the transfer station?

The Financial Development Manager advised of the community submission timeframe and gave an overview of the budget process.

Mr D Seymour advised that the engineer suggested the new water tank stand would possibly be suitable for a mobile phone tower. Requested Council progress this to gain better coverage.

The Chief Executive Officer would undertake to talk with WACC who he believes will be able to assist.

Mr Tony White expressed his thanks to Council for supporting the Miling Golf Club project and thanked the staff for their assistance. Hoping for similar support in the future with the Miling Cricket Club.

**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**

Congratulations to the Miling Cricket Club on their premiership win.

Cr Pond and the Chief Executive Officer attended the VROC meeting held in Calingiri on Friday 10 March 2006.

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

**10.1 ORDINARY COUNCIL MEETING – 8 March 2006**

<b>COUNCIL RESOLUTION</b>
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*42/06 Moved Cr Pond, seconded Cr Craven that the Minutes of the Ordinary Meeting of Council held on 8 March 2006, be confirmed as a true and correct record of the meeting.*

**CARRIED 6/0**

**11. REPORTS OF OFFICERS**

**11.1 ADMINISTRATION**

This Item was carried over from the last meeting of Council on 8<sup>th</sup> March 2006, the minutes of the Annual General Meeting of Electors have now been finalised to accompany this item.

**11.1.1 Annual General Meeting of Electors**

FILE:	2.10
AUTHOR:	Michael Prunster, Community Development Manager
REPORT DATE:	2 March 2006
DECLARATION:	Nil

**BACKGROUND**

The Shire of Moora's annual meeting of electors was held on 27 February 2006. The minutes of the meeting have been completed and Council is now required to consider them.

The minutes of the meeting will be submitted as a separate attachment.

**COMMENT**

It is intended that all of the persons who attended or submitted apologies for the meeting will receive a copy of the minutes.

**STATUTORY ENVIRONMENT**

Section 5.33 of the Local Government Act 1995 outlines Council's obligations in dealing with decisions made at the annual meeting of electors.

**POLICY IMPLICATIONS**

Nil

**BUDGET IMPLICATIONS**

There are no impacts to the current budget as a result of any of the suggestions or queries raised at the meeting.

**STRATEGIC IMPLICATIONS**

Ideas generated and offered by electors at the annual meeting often provide Council with clear direction on those matters that are of concern to the community, and subsequently assist in the setting of policy and strategy

**PRECEDENT**

Council considers the minutes of the annual meeting of electors each year in accordance with its statutory requirement.

**VOTING REQUIREMENTS**

Simple Majority

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

*43/06 Moved Cr Barrett-Lennard, seconded Cr Pond that Council receive the minutes of the 2005 Annual Meeting of Electors and notes the issues raised.*

**CARRIED UNANIMOUSLY 6/0**

**11.1.2 Appointment of Shire Representatives on Resource Centre Project Consultation Group (PCG)**

**LOCATION:** Central Midlands Senior High School  
**FILE:** 16.47  
**AUTHOR:** Steven Deckert, Chief Executive Officer  
**REPORT DATE:** 15 March 2006  
**DECLARATION:** The author has no financial interest in this matter

**BACKGROUND**

At the December 2005 Meeting, Council resolved to hand the project management of the Resource Centre Project to the Education Department. Subsequently at the Briefing Session on 25 January 2006, the CEO advised that the Education Department would be establishing a project control group (PCG) to represent the stakeholders in the project to oversee its development. Accordingly, the CEO sought expressions of interest from Councillors and staff as to who wished to be on the PCG to represent the Shire.

**COMMENT**

This report is presented to Council to endorse the representatives nominated as the Shire's representative on the PCG.

It should be noted that the PCG is not a committee of Council and therefore Council can only endorse the appointment of its representatives. Those appointed by Council have no decision making authority and if a decision is required by the PCG then this will need to be brought back to Council for consideration.

**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**

There are no budget or financial implications in respect to the recommendation of this report. However, Council may need to give further consideration to the funding arrangements once an accurate cost is known following the outcome of the tendering process.

#### **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

<b>COUNCIL RESOLUTION (MANEX RECOMMENDATIONS) – ITEM 11.1.2</b>
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**44/06**      *Moved Cr Pond, seconded Cr Tonkin that Council*

- 1. Endorses the appointment of the following to represent Council on the Community Centre Project Consultation Group as and when required:*

*Cr Sheryl Bryan*

*Cr Chris Hawkins*

*Cr Lorraine Craven*

*Mr Michael Prunster and*

*Mr Steven Deckert*

2. *Endorses the appointment of Ms Jo-Anne Ellis, Mr Peter Haas and Mr John Greay as proxies, to attend PCG meetings if necessary; and*
3. *Determines that the above representatives and proxies have no delegated authority or any decision-making powers.*

**CARRIED UNANIMOUSLY 6/0**

**NOTE** – The Chief Executive Officer clarified that the official title of the group is Community Centre Project Consultation Group not Control Group as was stated in the agenda. Therefore the recommendation and report have been amended accordingly.

## 11.2 FINANCIAL DEVELOPMENT

Nil

## 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: 16 March 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 16 March 2006.

**Mr S.G. Brown & Ms B.N. Harris – Construction of a garage/storage shed on Lot 94 Brown Street Moora. Area 86m<sup>2</sup>**

**VOTING REQUIREMENTS**

Simple Majority

**COUNCIL RESOLUTION**

**(OFFICER RECOMMENDATION) – ITEM 11.4.1**

*45/06 Moved Cr Pond, seconded Cr Tonkin that Council note the town planning application approved under delegated authority.*

**CARRIED UNANIMOUSLY 6/0**

**11.5 ENVIRONMENTAL DEVELOPMENT****11.5.1 Regional Tip – Concept Proposal**

**FILE: 8.11**

**AUTHOR: Peter Haas, Environmental Development Manager**

**REPORT DATE: 14 March 2006**

**DECLARATION: Nil**

### **BACKGROUND**

At the CMVROC meeting held at the Shire of Victoria Plains Council Chambers on 10 March 2006 a recommendation was put forward as follows:

*“That each member Council interested in developing regional landfill sites for waste management in the region seek ratification from its Local Government and advise CMVROC at the next meeting of its desire to partner a regional waste scheme initiative”*

As part of the Report on this matter the CMVROC members were given as attachments the discussion paper, copies of the 40km maps and quotes from consultants regards fatal flaw studies.

### **COMMENT**

From comments around the table from VROC members it appears that a regional landfill and waste management has general support.

The scope has been altered with the possibility of waste from the metro area being included and possible involvement of private concerns.

It is difficult to predict the costs of establishing a regional waste management site because there are many unknowns but ascertaining whether Council supports the establishment of a regional waste management site is the first step in a long process.

As a consequence, budget provision by those Councils involved will need to be made as the concept progresses.

### **STATUTORY ENVIRONMENT**

Nil

### **POLICY IMPLICATIONS**

Nil

### **BUDGET IMPLICATIONS**

Unknown at this stage. Need to ascertain which Councils are interested prior to formation of a budget.

**STRATEGIC IMPLICATIONS**

The start of major regional co-operation in the Central Midlands and a good project to show the viability of the VROC organisation.

**PRECEDENT**

Similar circumstances commenced in the metro area that ended up with Regional Councils such as EMRC, SMRC etc

**VOTING REQUIREMENTS**

Simple majority

**COUNCIL RESOLUTION**

(MANEX RECOMMENDATION) – ITEM 11.5.1

*46/06 Moved Cr Craven, seconded Cr Pond that Council, in principle, supports the concept of a regional waste management site and advises the Central Midlands Voluntary Region Organisation of Councils of this support.*

**CARRIED UNANIMOUSLY 6/0**

**11.5.2 Local Government (Miscellaneous Provisions) Amendment Bill 2005**

**FILE:** 12.3  
**AUTHOR:** Peter Haas, Environmental Development Manager  
**REPORT DATE:** 14 March 2006  
**DECLARATION:** Impartiality, as effects position as the Local Govt. Building Surveyor

**BACKGROUND**

In the last information bulletin presented to Council on 8 March 2006 I placed some information in regards to the proposed new Building Act. This item was also discussed at the WALGA and Zone meeting held at the Moora Performing Arts Centre recently.



It appears that the department responsible, the Dept. of Housing and Works are running two items concurrently, namely the proposed building act and amendments to the Local Government (Miscellaneous Provisions) Act.

The Bill to amend the Local Government (Miscellaneous Provisions) Act was presented to Parliament in October 2005 and I understand that it has proceeded to the second reading stage.

The amendments provide for:

1. A mechanism to retrospectively approve buildings that have been constructed illegally
2. Regulating the qualifications of building surveyors performing functions under the Act
3. Removing the ability of unqualified persons, such as elected members to approve a building licence application without first obtaining advice of a qualified person
4. Clarifies more clearly the definition of a private swimming pool.

#### **COMMENT**

It appears that this proposed amendments to the Act have slipped under the radar with all attention being given to the proposed building act.

I am given to understand that these amendments are in response to the Coroners report on the death of a young girl at Wongan Hills due to the collapse of a building and a copy of the Coroners report is available for perusal.

Also available for perusal if interested is a report to the Northampton Shire by their Health/Building Surveyor and a submission by Environmental Health Australia regards these amendments.

I essentially agree with the amendments with the exception regards building surveyor qualifications. It appears that the majority of practicing building surveyors in the state do not have formal building surveyor qualifications and should this portion of the bill be passed it will have a dramatic effect on the building surveyor workforce within local government.

Only local governments with a population exceeding 15,000 persons were required to employ a qualified building surveyor. Further there does not appear to be any information on what qualifications are acceptable.

I do not wish to be cynical but it appears that the people who stand to gain from allowing private certifiers to be intimately involved in the building process are having two bites at the cherry with this amendment and the proposed new building act.

Further having read the Coroners report into the death of the young girl at Wongan Hills it appears that it was more a fault of the builder that should be supervising the job other than the fault of the current building process.

Although I must agree it would be preferable for persons engaged by local governments as a building surveyor to be qualified.

#### **STATUTORY ENVIRONMENT**

Amendment Bill to the Local Government (Miscellaneous Provisions) Act

#### **POLICY IMPLICATIONS**

Nil

#### **BUDGET IMPLICATIONS**

Possible increase in qualified staff or engagement of a qualified building surveyor on contract to issue building licences.

#### **STRATEGIC IMPLICATIONS**

Nil

#### **PRECEDENT**

Nil

#### **VOTING REQUIREMENTS**

Simple Majority

**COUNCIL RESOLUTION  
(MANEX RECOMMENDATIONS) – ITEM 11.5.2**

*47/06 Moved Cr Pond, seconded Cr Craven that Council;*

- 1. Supports the intent of the Local Government (Miscellaneous Provisions) Amendment Bill 2005 with the exception of the requirements of qualifications of building surveyors.*
- 2. Request from the Minister for Local Government and Regional Development and the Department of Housing and Works an outline in writing, the qualification requirements for persons engaged in local authorities as building surveyors.*
- 3. Forward the above resolution to the Department of Housing and Works, the Minister for Local Government and Regional Development and WALGA for their action.*

**CARRIED UNANIMOUSLY 6/0**

**11.6 ECONOMIC DEVELOPMENT**

Nil.

**11.7 SPORT AND RECREATION**

Nil.

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

Nil.

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

Nil.

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

Cr Pond gave notice of his intention to put the following 2 motions at the next Ordinary Meeting of Council;

**14.1 Motion 1 – Revisit Management of Reserves**

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

**14.2 Motion 2 – Progress of Westend Development**

‘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.’

**15. MATTERS BEHIND CLOSED DOORS**

**COUNCIL RESOLUTION**

**48/06** *Moved Cr McLagan, seconded Cr Barrett-Lennard that the meeting move behind closed doors to discuss matters that if disclosed would reveal:*

- *the personal affairs of a person/s;*
- *information that has a commercial value to a person/s;*
- *information about the business, professional, commercial or financial affairs of a person/s, and*
- *a matter affecting an employee or employees, pursuant to Section 5.23(2)(a); 5.23(2)(b); 5.23(2)(e)(ii) and 5.23(2)(e)(iii) of the Local Government Act 1995.*

**CARRIED 6/0**

The public vacated the Council Chambers and the meeting moved behind closed doors at 7.20pm

**15.1 Appointment of Enterprise Development Manager**

Provided to Councillors under separate confidential cover.

**COUNCIL RESOLUTION  
(MANEX RECOMMENDATIONS) – ITEM 15.1**

**49/06** *Moved Cr Barrett-Lennard, seconded Cr Pond that Council:*

1. *Endorses the appointment of Ms Bronwyn Williams as Enterprise Development Manager effective from 18 April 2006;*
2. *Endorses the Contract of Employment as tabled at this meeting and dated 22 March 2006 as the terms and conditions of Ms Williams employment with the Shire.*

**CARRIED 6/0**

**COUNCIL RESOLUTION**

- 50/06 Moved Cr McLagan, seconded Cr Barrett-Lennard that the meeting come out from behind closed doors and re-open to the public.*

**CARRIED 6/0**

*The meeting reopened to the public at 7.23pm.*

*On re-opening the meeting, the Deputy President advised that there was one decision of Council made behind closed doors and read aloud the decision.*

**16. CLOSURE OF MEETING**

*There being no further business, the Deputy President thanked the members of the public for their attendance and input into the meeting and declared the meeting closed at 7.24pm.*

**CONFIRMED**

**PRESIDING MEMBER**