

**SHIRE OF MOORA
MINUTES OF THE ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS, MOORA
WEDNESDAY 25 JANUARY 2006**

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Item 11.4.1 Moora & Districts Child Care Centre

Item 11.4.2 FESA Budget Submission 2006/07

Item 11.4.3 Construction of Dwelling in Floodway

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

The Shire President declared the meeting open at 3.35pm, welcomed visitors to the meeting 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
DV Clydesdale-Gebert	-	Councillor	-	Watheroo Ward
JL Craven (from 3.40pm)	-	Councillor	-	Moora Town Ward
SJ Pond	-	Councillor	-	Koojan Ward
AR Tonkin	-	Councillor	-	Coomberdale Ward
SJ Deckert	-	Chief Executive Officer		
JL Ellis(until 5.35pm)	-	Financial Development Manager		
PJ Haas(until 5.35pm)	-	Environmental Development Manager		
RL McCall(until 5.35pm)	-	Executive Support Officer		
KS Burnett(until 4.20pm)	-	Works Supervisor		

APOLOGIES:

CD Hawkins	-	Leave of Absence – as granted by Council at the Ordinary Meeting held 14 December 2005
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PUBLIC:

Ms Megan Beange	-	Journalist, Central Midlands & Coastal Advocate
Mr Graham Smallman	-	Cooperative Bulk Handling (CBH)
Mr Lee Niland	-	Cooperative Bulk Handling (CBH)

4. **DECLARATIONS OF INTEREST**

Item 11.4.3 Cr Clydesdale-Gebert declared a conflict (Impartiality) interest; the nature of the interest being an owner of property in Padbury Street.

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**

Mr Graham Smallman and Mr Lee Niland, representatives from Cooperative Bulk Handling (CBH) attended the meeting to advise of the progress of the plan to expand the receival point in Moora. They will be seeking Council's support and assistance in obtaining environmental clearances to clear some land to the south of the existing CBH site in Moora, which up until now has been refused by the Department of the Environment.

The Shire President acknowledged the need to upgrade the CBH facility and advise Mr Smallman and Mr Niland that Council will consider this matter and how to assist later in the meeting.

Mr Smallman and Mr Niland left the meeting at 4.00pm

The Shire President then invited Mr Sam Burnett, the Acting Operations Development Manager to update Council on the impact of the recent rain events on the Shires roads.

The Works Supervisor addressed Council reporting on the flood damage caused by unseasonal rains caused by a severe thunderstorm on the 6th January, and two large rain depressions on the 12th of January & earlier today from the aftermaths of cyclone's Clare & Daryl.

Extensive road damage occurred in and around Moora and also to the south, around the Koojan area. King and Lenane Street's were both affected by sewerage drain blockages and many of the Moora townsite stormwater drains were blocked. As Council can understand the road crews are being kept very busy with all the road repairs.

Mr Burnett tabled pictures of the damage caused to several roads due to the heavy rain and advised that the road crew had been working for the past two weeks on the repairs. Mr Burnett indicated that the crew cost around \$2,000 per day to run, therefore the repair bill will be extensive. He advised that separate costings were being kept and more than likely a flood damage claim will be submitted on the return to work of the Operations Development Manager.

The Shire President thanked Mr Burnett for his informative presentation.

Mr Burnett left the meeting at 4.20pm.

9. ANNOUNCEMENTS BY THE SHIRE PRESIDENT – WITHOUT DISCUSSION

Australia Day Award celebrations organised by the Rotary Club of Moora will be held at Apex Park. The day will commence at 8am with a BBQ breakfast followed by the Australia Day presentations at 9am.

The Chief Executive Officer, Cr Pond and Cr Hawkins attended the Avon Zone Meeting at Jurien Bay on Friday the 20th January.

Advised that the Premier of Western Australia, Dr Geoff Gallop had resigned as Premier and acknowledged his contribution to the state and his unique ties to Moora.

10. CONFIRMATION OF MINUTES OF THE PREVIOUS MEETINGS

10.1 ORDINARY COUNCIL MEETING - 14 December 2005

1/06 Moved Cr Barrett-Lennard, seconded Cr Pond that the Minutes of the Ordinary Meeting of Council held on 14 December 2005, be confirmed as a true and correct record of the meeting.

CARRIED 7/0

11. REPORTS OF OFFICERS

11.1 ADMINISTRATION

11.1.1 Report on Grants Commission Assessment

LOCATION: N/A
FILE: 1.40
AUTHOR: Steven Deckert, Chief Executive Officer
REPORT DATE: 18 January 2006
DECLARATION: The author has no financial interest in this matter

BACKGROUND

At the Briefing Session held on 9 November 2005, the CEO raised for discussion the fact that he had become aware that the underlying trend for the Shire's untied grant assessment, as determined by the Grants Commission, was reducing and that it was more than likely the Grant next year would be less than this year.

The CEO suggested that a person with the necessary understanding of the Grants Commissions methodologies be engaged to review the Shire's needs assessment and provide a report to Council including recommended action.

The consultant engaged was Mr Ray Hadlow, who has carried out some work for the Shire in the past. Mr Hadlow's report is appended for Council's consideration.

COMMENT

Mr Hadlow's report makes interesting reading and highlights the fact that it is only the averaging of the needs assessment that is keeping our grant where it is. If nothing is done, or if there is in fact nothing that will change this trend, then the Shire of Moora's grant will start reducing. This will then have a significant impact on what we would like to achieve in the future.

The appended report, lists 6 action items (on page 24 of the report), which Mr Hadlow believes should be taken. Action item 1 is a service that Mr Hadlow can perform at a cost of \$290 excl GST. Action items 2, 3 and 4 can be done in-house and Mr Hadlow could prepare the submissions suggested in action items 5 and 6 for a fee of \$1500 excl GST. Alternatively, the submissions could be prepared in-house depending on resources and current workloads.

This report is recommending that the 6 action items be actioned as soon as practicable, including engaging Mr Hadlow to carryout action items 1, 5 and 6 at a cost of \$1790.00 excl GST.

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 funds required to engage Mr Hadlow are unbudgeted. It is anticipated that savings in other areas of the budget can be identified to cover this expenditure before year-end. Should this not be possible, this expenditure will reduce the year-end balance accordingly.

STRATEGIC IMPLICATIONS

Having the necessary resources is paramount for the Shire to achieve the goals it has set in the Strategic Plan. It is therefore important to be pro-active in taking whatever steps are necessary to maintain the level of assessed grant, now that a reducing trend has been identified.

PRECEDENT

The Shire has previously used consultants who are appropriately qualified and/or experienced in specialized areas to assist it in carrying out its role of providing good local government to the district. Council needs to do everything within its power to turn around the decreasing trend of the untied grants.

VOTING REQUIREMENTS

Absolute majority decision required due to authorising unbudgeted expenditure.

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

2/06 Moved Cr Gardiner, seconded Cr Craven that Council:

1. ***Acknowledge receipt of the report prepared by Mr Ray Hadlow, titled "Report on 2005/06 WALGGC Assessment – Shire of Moora" and note its contents;***
2. ***Authorise that Mr Ray Hadlow be engaged to carryout Action Items 1, 5 and 6 of the report, at a cost, not to exceed \$1790 (excl GST) namely:***
 - ***Check all statistics and data provided to the Commission, especially in respect of valuations and assessment numbers and prepare a submission for a retrospective change to the data already submitted (if this is necessary);***
 - ***Submit a claim for a Regional Centres Factor as a safety net against removal of the Net Employment Allowance; and***
 - ***Submit a claim in respect of the drainage/flooding issue in the Moora Townsite (only after verifying drainage data already supplied).***
3. ***Requests that staff carryout action items 2, 3 and 4 of Mr Hadlow's Report as a high priority;***

CARRIED BY AN ABSOLUTE MAJORITY 7/0

11.2 FINANCIAL DEVELOPMENT

11.2.1 List of Payments Authorised Under Delegation 1.31

AUTHOR: Jo-Anne Ellis, Financial Development Manager
REPORT DATE: 20 January 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
(OFFICER RECOMMENDATION) – ITEM 11.2.1**

3/06 Moved Cr Pond, seconded Cr Gardiner that Council note and endorse the Payments from Municipal and Trust Funds made under delegation 1.31

Logis System for the period ending 16th December 2005

Municipal Fund	Direct Debit Payment	\$ 93,666.57
	Chq 53749 - 53750	\$ 11,747.22
	Chq 53897 – 53911	\$440,122.03
	Chq 53915 – 53927	\$ 77,874.54
	Chq 53930	\$ 136.20
Trust Fund	Chq 4119 – 4127	\$ 1,600.00

Logis System for the period 17 – 31 December 2005

Municipal Fund	Chq 53912 - 53914	\$ 13,581.80
SynergySoft	Chq 53928 – 54112	\$506,755.45
	Direct Debit Payments	<u>\$253,730.28</u>
	Total	<u>\$1,400,814.09</u>

CARRIED 7/0**11.2.2 Be Active Motor Vehicle Replacement**

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

BACKGROUND

The Be Active Scheme is funded through a grant from Healthways and contributions from the Shires of Chittering (40%), Dandaragan (10%), Victoria Plains (10%) and Moora (40%).

A motor vehicle is supplied to the Be Active Co-ordinator for work and private use. A two-year lease for this vehicle expired on 6 January 2006. This was an operating lease with lease payments of \$683.17 per month including GST with the vehicle being handed back to the leasing company at the expiration of the lease.

A replacement vehicle is being sought and the leasing options have changed. The new deal being offered is for a residual lease whereby the risk for the

change in value of the vehicle is borne by the lessee (Shire of Moora on behalf of the Be Active contributors).

The lease payments under this proposed lease are \$751.36 per month including GST (683.05 excl GST). The total cost of the lease is \$38,576.25 (excluding GST) being \$17,076.25 lease payments plus residual value of \$21,500. Should the vehicle when sold by the leasing company sell for less than \$21,500 then the Shire of Moora will have to pay the balance, thus increasing the cost of the vehicle.

Credit charges (interest) of \$8,037.04 plus establishment fee of \$335.50 are included in the two-year lease.

The cash price of the vehicle is \$31,911.46 excluding GST plus registration costs.

An alternative method of financing the vehicle is to loan the funds to purchase the vehicle from a financial institution. An indicative quote was obtained from WA Treasury Corporation whereby payments were structured for 7 quarterly payments on \$1,703.72 (no GST) and on final payment of \$23,203.72. (i.e. two year term) Total interest payments are \$3,074.72 and fees of \$55.04.

COMMENT

The lease option will cost a total of \$8,372.54 in interest and charges where as the loan option will cost \$3,129.76 in interest and charges. Under each option the contributors of the scheme will bear the risk of the change in value of the vehicle from the residual amount.

There is additionally the opportunity to trade the vehicle prior to the end of the two years and take advantage of a buoyant second hand car market should this occur within the two years. A nil or low cost trade will keep the vehicle current and therefore retain the sale value at the end of the loan.

STATUTORY ENVIRONMENT

Local Government Act 1995 – Section 6.20

To loan funds where the loan is not provided for in the budget the Council may elect by absolute majority to borrow such funds and give one months public notice of its intention to borrow.

POLICY IMPLICATIONS

Nil

BUDGET IMPLICATIONS

The loan option will provide budget savings on the total cost of the motor vehicle. Be Active funds will be used to make the capital loan repayments. Total loan repayments of \$6,814.88 each year are required compared to lease payments of \$8,196.66 excl GST.

Currently the executive vehicle fleet has one less car than included in the budget as the position of Enterprise Development Manager is vacant. Funds from this source can be used until the loan recommended in this item is resolved, advertised and drawn down.

STRATEGIC IMPLICATIONS

More efficient use of Be Active resources.

PRECEDENT

Fleet vehicles are owned by the Shire of Moora.

VOTING REQUIREMENTS

Absolute majority.

**COUNCIL RESOLUTION
(OFFICER RECOMMENDATION) – ITEM 11.2.2**

4/06 Moved Cr Gardiner, seconded Cr Tonkin that Council resolves to:

- a) Draw down a loan for \$32,000 for the purpose of purchasing a motor vehicle for the Be Active Scheme Co-ordinator.**
- b) Give one months public notice of its intention to borrow such funds in accordance with the requirements of Section 6.20 of the Local Government Act 1995.**
- c) Purchase a vehicle for the use of the Be Active Co-ordinator using funds set aside to purchase the fleet vehicle for the replacement Enterprise Development Manager until the loan has been advertised and drawn down.**
- d) Authorise the CEO to negotiate a variation to the Be Active Management Agreement with the participating shires, whereby it is agreed that the Coordinators vehicle can be purchased from loan funds in lieu of leasing.**

CARRIED BY AN ABSOLUTE MAJORITY 7/0

Reason for amending the Officer's recommendation

It was recognised that the Management Agreement only provided for the leasing of a vehicle, therefore Council believed it prudent and timely to authorise the CEO to negotiate a variation to the Agreement with the other shires.

11.2.3 Audit Report and Management Letter

FILE: 1.5
AUTHOR: Jo-Anne Ellis, Financial Development Manager
REPORT DATE: 20 January 2006
DECLARATION: Nil

BACKGROUND

At the completion of the annual audit a management letter is issued, addressed to the Shire President. This letter presents the results of the audit and may include suggestions for improvement and areas on non-compliance found during the audit process.

The Audit Report detailing the scope, audit opinion and statutory compliance is issued and forms part of the audited financial statements of the Shire.

COMMENT

The management letter and audit opinion for the 2004/05 financial year have been received and are presented to Council for consideration.

A copy of these documents is included in the 2004/05 Annual Report distributed to Council under separate attachment.

STATUTORY ENVIRONMENT

Local Government Act 1995 and associated regulations.

POLICY IMPLICATIONS

Nil.

BUDGET IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Presentation of the management report to the full council improves the governance role of council.

PRECEDENT

A management letter and audit report are received at the completion of each annual audit.

VOTING REQUIREMENTS

Simple Majority.

COUNCIL RESOLUTION (OFFICER RECOMMENDATION) – ITEM 11.2.3
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5/06 Moved Cr Pond, seconded Cr Barrett-Lennard that Council note and receives the Management Letter for the year ended 30 June 2005 and Independent Audit Report for the year ended 30th June 2005.

CARRIED 7/0

11.2.4 Acceptance of the 2004/05 Annual Report

FILE: 1.5
AUTHOR: Jo-Anne Ellis, Financial Development Manager
REPORT DATE: 20 January 2006
DECLARATION: Nil

BACKGROUND

Council is required by the Local Government Act 1995 to accept the annual report for a financial year no later than 31 December after that financial year (Section 5.54(1)) unless the audit report is not received prior to 31 December. The audit report was received after the December council meeting

Section 5.55 of the Act requires the CEO to give local public notice of the availability of the annual report as soon as practicable after the report has been accepted by Council.

Section 5.27(2) requires a general electors meeting to be held not more than 56 days after the local government has accepted the annual report.

COMMENT

The audit report relating to the financial report for the year ending 30 June 2005 was not available by the December ordinary meeting Council. The annual report for the 2004/5 year may therefore be accepted by council at the January meeting.

The CEO is required to give notice of the availability of the report and it is recommended that notice of the public meeting be given at the same time.

The Annual Report has been distributed to Councillors under separate cover.

STATUTORY ENVIRONMENT

Local Government Act 1995, Sections 5.27, 5.54 & 5.55

POLICY IMPLICATIONS

Nil.

BUDGET IMPLICATIONS

Printing and advertising costs have been factored into the current budget.

STRATEGIC IMPLICATIONS

The Annual Report is a public document that can be used to promote the Shire of Moora and the principal activities being undertaken by the Shire.

PRECEDENT

The Annual Report, Financial Statements and electors meeting are statutory requirements.

VOTING REQUIREMENTS

Simple Majority

(OFFICER RECOMMENDATION) – ITEM 11.2.4

That Council

- 1. Accepts the 2004/05 Annual Report as presented.*
- 2. Sets the date of the annual electors meeting within 56 days of accepting the report.*

COUNCIL RESOLUTION – ITEM 11.2.4

6/06 *Moved Cr Craven, seconded Cr Gardiner that Council*

1. ***Accepts the 2004/05 Annual Report as amended at the meeting and appended;***
2. ***Sets the date of the annual electors meeting as Monday 27th February 2006 commencing at 7.30pm at the Moora Performing Arts Centre.***

CARRIED 7/0

Reason for amending the Officers recommendation

Council required some minor amendments to the annual report and then determined the date for the annual meeting.

11.3 OPERATIONAL DEVELOPMENT
Nil

11.4 COMMUNITY DEVELOPMENT

11.4.1 Moora & Districts Child Care Centre

LOCATION: Clinch Street, Moora
FILE: 5.14
AUTHOR: Michael Prunster, Community Development Manager
REPORT DATE: 12 January 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. Part of council resolution at this meeting was for the centre to produce an ongoing report to council.

Minutes of the management committee meeting held on the 7 December 2005 are attached for council's information.

SHIRE OF MOORA - MOORA & DISTRICTS CHILD CARE CENTRE

MANAGEMENT COMMITTEE MEETING HELD IN COUNCIL CHAMBERS –WEDNESDAY 7 DECEMBER 2005 AT 5.15PM

PRESENT: M. Prunster, (Chair), M. Evans (Director), K. Watkins, M. Gill, and D. Fisher.

APOLOGIES: L. Craven

MINUTES:

Moved D. Cantrill Sec M. Evans that the minutes of the previous meeting held 30 August 2005 be accepted and confirmed.

CARRIED:

BUSINESS ARISING:

Nil

CORRESPONDENCE

Inward: Meerilinga Training College – Re M. Evans. Obtaining Diploma.

Department for Community Development –.

Acknowledgment of staffing plan update.

Minutes –Looking to the future Forum.

Outward: Dept. of family & Community Services – Data verification survey.

BUSINESS ARISING:

Meerilinga Training College – Chairman and Committee congratulated Ms Evans on obtaining her Diploma.

FINANCIAL REPORT:

M. Prunster produced the attached financial statement for the period ended 7 December 2005. The statement shows an operating surplus of \$16,690 to date.

DIRECTORS REPORT:

The Director, Michelle Evans produced the attached report.

BUSINESS ARISING:

Funds for equipment – M. Prunster to look into lotteries grants for provision of Child Care equipment.

Pot Holes - Parking Area – M. Prunster to discuss the matter with Operations Development Manager, John Greay.

GENERAL BUSINESS:

Building maintenance items requiring attention: -

Garden & Ground maintenance: -

Play slide to be shifted

Sand Pit to be repaired

Carpet and Linoleum to be cleaned during school holidays.

Resolved that M. Prunster bring these items to the notice of the respective Shire Managers for attention.

Employee's annual increment:

Ms Watkins asked if E workers and other childcare workers are eligible for annual increment on current wage scale.

Resolved that M. Prunster investigate this query and report back to Committee.

Laundry:

Ms Evans advised that they are encountering problems with having the laundering of sheets, towels, cloths, bibs etc each

week. In the past Mothers of the Children have performed it, but help is becoming very scarce. The work involves around 2 hours per week.

Resolved that M. Prunster investigate alternative means available for the laundry of these items.

Meeting Closed 6.05 pm

COMMENT

The attendance at the centre has continued to be well patronised. Enquiries for the 2006 school year enrolments also indicate the centre will be well supported for next 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 the Budget allocated.

STRATEGIC IMPLICATIONS

Continuation of quality childcare services.

VOTING REQUIREMENTS

Simple majority.

COUNCIL RESOLUTION (MANEX RECOMMENDATION) – ITEM 11.4.1
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7/06 *Moved Cr Barrett-Lennard, seconded Cr Tonkin that Council note the unconfirmed minutes of the Moora Child Care Centre Management Committee held on the 7 December 2005.*

CARRIED 7/0

Please note: Council identified that an incorrect date appeared in the minutes as printed in the agenda for item 11.4.1 and requested that it be corrected.

11.4.2 FESA Budget Submission 2006/07

FILE: 10.8
AUTHOR: Mike Prunster, Community Development Manager
REPORT DATE: 11 January 2006
DECLARATION: Nil

BACKGROUND

Each year Local Governments are now required to prepare and submit their budget for the Emergency Services Levy (ESL) Grant by 31 January.

Following consultation with the Executive members of the Bush Fire Brigades and Moora S.E.S. Unit, the Shire of Moora's ESL grant budget for 2006/07 has been prepared for submission to F.E.S.A. The budget document is provided as a separate attachment.

COMMENT

Over the last three years it has been a practice to increase the issue of protective clothing to members for protection against injury when fighting bushfires.

The budget application provides for a continued increase in protective clothing for Bush Fire Brigade volunteers, and \$7,000 has been included to provide protective clothing, gloves and goggles for the safety of members.

Funds totalling \$3,050 have been provided for the purchase of radios, replacement weather meters for weather officers, First Aid kits for fire trucks and fire extinguishers for fire trucks.

An amount of \$1,500 has been allocated in the budget for training purposes, which is considered essential for the ongoing effectiveness of our Bush Fire Network.

The Koojan Brigade has been listed to receive a refurbished water tanker for 2006/07. This will replace the 1970 International truck currently in use by that Brigade.

The Total operating budget requested for the Bush Fire Brigades for 2006/07 is \$39,900, which is a 15% increase over the allocated amount for 2004/05.

The SES component of the budget provides for operational budget of \$9,400 that is 12.5% higher than the 2004/2005 allocation. An increase of \$1,000 has been included for the purchase of small items of plant, radios, communication equipment etc.

A request has been included for capital expenditure of \$3,000 for the provision of a cooking stove for the kitchen and the purchase of software for Internet connections and enhance the computer operations and communications. The computer was purchased through the 2005/06 grant allocation.

STATUTORY ENVIRONMENT

All local governments are required to submit a budget application if they want to access funding from the Emergency Services Levy collected by local government from landholders.

Budgets are to be submitted by the 31 January each year.

POLICY IMPLICATIONS

Nil.

BUDGET IMPLICATIONS

Expenditure for the Bush Fire Brigades and State Emergency Unit are controlled by the amount of income received from the E.S.L. grant. There is no additional effect on Council's budget other than the normal annual maintenance and staff salary allocation that Council is responsible for.

STRATEGIC IMPLICATIONS

The continuing operation and support for volunteers to provide emergency services within the Shire of Moora is critical.

The submission of this budget grant application is paramount to ensuring that emergency services are able to be undertaken within the Shire of Moora to the standard expected, whilst ensuring that the occupational health and safety of those volunteers is adequately provided for by maintaining good standards of personal protective clothing, adequate equipment and training to undertake the various tasks, and providing adequate resourcing to maintain volunteer commitment.

PRECEDENT

This is an annual requirement if Council wishes to utilise the monies levied by FESA from property owners.

VOTING REQUIREMENTS

Simple majority.

**COUNCIL RESOLUTION
(OFFICER RECOMMENDATION) – ITEM 11.4.2**

8/06 Moved Cr Craven, seconded Cr Tonkin that Council endorse the 2006/2007 Emergency Services Levy Grant budget submission and that it form the basis of Councils draft 2006/2007 budget for Bush Fire Brigades and State Emergency Service Capital and Operations Expenditure in the program – Law, Order and Public Safety.

CARRIED 7/0

11.4.3 Construction of Dwelling in Floodway

LOCATION: Lot 100 Padbury Street Moora
OWNER: Murray T. Sach
APPLICANT: Owner
ZONING: Special Rural
FILE: 7.4
AUTHOR: Michael Prunster, Community Development Manager
REPORT DATE: 11 January 2006

PROPOSAL

Planning application has been received from Mr Sach to construct a dwelling and Shed/Workshop at Lot 100 Padbury Street. The portion of the land he wishes to site the dwelling partially imposes onto the Moora Floodway.

Mr Sach has produced a second plan of the proposed residence located on a 30m x 30m sand-pad. (*refer addendum 1*)

BACKGROUND

Council considered the initial planning application on the 23 November 2005, and the following resolution was passed: -

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

266/2005 Moved Cr Bryan, seconded Cr Barrett-Lennard that Council;

1. Refuse the application from Mr M. Sach to construct the proposed dwelling on that portion of the floodway as indicated on the site plan produced for Lot 100 Padbury Street, as the application does not conform to the adopted Moora Flood Management Strategy based on the estimated 1999 flood discharges.
2. Consider a further application from Mr Sach to construct the dwelling on the non-floodway portion of Lot 100 Padbury Street.

CARRIED 4/3

Mr Sach was advised of Council's decision following the meeting.

We wrote to the Department of Environment requesting their comments and direction on the proposed location of the dwelling. A reply was received from the D.O.E. advising that the dwelling could be located as per map attached to their reply (*refer addendum 2*) with an AHD (Australian height datum) level of 203.30m and the F.F.L. (finished floor level) of 203.8m. (*refer addendum 3*).

This information was forwarded on to Mr Sach who engaged Mr Ted Creegan to survey the proposed site.

PLANNING FRAMEWORK

The Shire of Moora's Town Planning Scheme allows for the construction of a dwelling on the Lot under the "Special Rural" zoning.

The Community Development Manager inspected the location on Monday 5 January and verified the sand-pad peg locations and measurements. The measurements comply with the D.O.E. instructions and the sketch supplied by Mr Creegan (*addendum 4*). The front peg (north side) is 27m from the bank of the Brook whilst the front peg (south) is 43m from the Brook bank. There is what appears to be an over flow pond formation 11m from the front peg (south), but any flow here is restricted by the bank formation of the Brook. It would not appear to be a flood threat to the dwelling.

The sketch (*addendum 4*) indicates the required fill to meet the F.F.L. requirements, but Mr Sach has stated in his letter of the 20 October 2005 that the sand-pad will be 1.2m above the A.H.D. level. This should be ample height for a major flood situation. (*letter was attached to minutes of 23 November*)

Council's Building Policy (Section 6) provides that an indemnity in Council's favour is required when the applicant builds on flood prone land. Although it is not known how legal the deed of indemnity's are if the situation arose where a dwelling was damaged in a flood, it is recommended that the signing of a Deed of Indemnity by all parties be enforced. This has been a condition for a dwelling on a similar lot previously.

PHYSICAL ASSESSMENT

The construction of a dwelling on the property would enhance the area.

CONCLUSION

At this point, Mr Sach has not lodged plans and material specifications for the proposed buildings. He is however very keen to have Council approve the site location so he can make the necessary arrangements to construct the sand-pad.

The site plan and sand-pad measurements suit the necessary requirements of the D.O.E. and Shire regulations, therefore approval of the construction of the pad is recommended.

VOTING REQUIREMENTS

Simple majority.

(OFFICER RECOMMENDATION) – ITEM 11.4.3

8/06 *That Council approve the additional application from Mr M. Sach to construct the sand-pad only on Lot 100 for the location of a dwelling and shed/workshop, subject to the following: -*

- 1) *Construction to be in accordance with the site plans as submitted by surveyor Mr Creegan. (addendum 4).*
- 2) *Location of the sand-pad to be as indicated on map submitted (addendum 2).*
- 3) *Mr Sach to advise Council of the type of building and materials that is planned to for construction of the proposed dwelling and shed. (eg: new or second hand, transportable etc).*
- 4) *The sand-pad filling should be protected from possible erosion during major flooding of the Yadgena Brook. No further building construction to be commenced until an application for building licence and submission of plans and specifications is lodged with the Shire's Environmental Development Manager for consideration and approval.*

COUNCIL RESOLUTION – ITEM 11.4.3

9/06 *Moved Cr Gardiner, seconded Cr Pond that Council approve the additional application from Mr M. Sach to construct the sand-pad only on Lot 100 for the location of a dwelling and shed/workshop, subject to the following: -*

- 1) *Construction to be in accordance with the site plans as submitted by surveyor Mr Creegan. (addendum 4).*
- 2) *Location of the sand-pad to be as indicated on map submitted (addendum 2).*
- 3) *Mr Sach to advise Council of the type of building and materials that is planned to for construction of the proposed dwelling and shed. (eg: new or second hand, transportable etc).*
- 4) *The sand-pad filling should be protected from possible erosion during major flooding of the Yadgena Brook.*
- 5) *No further building construction to be commenced until an application for building licence and submission of plans and*

specifications is lodged with the Shire's Environmental Development Manager for consideration and approval.

CARRIED 7/0

Reason for amending the Officers recommendation

Council was advised that there was a formatting error in the Officers recommendation and therefore corrected this in the resolution.

11.5 ENVIRONMENTAL DEVELOPMENT

11.5.1 Ranger Appointment

LOCATION: Shire of Moora
FILE: 1.1
AUTHOR: Peter Haas, Environmental Development Manager
REPORT DATE: 23 December 2005
DECLARATION: Nil

BACKGROUND

The previous Ranger Hugh Bryan resigned his position and as a consequence an advertisement was run in the local paper for a replacement.

One application was received but the person applying Mr Murray Mathews wanted to secure full time employment, which could not be provided.

As a consequence the position was readvertised and three applications were received one being from Mr Matthews who had secured a part time position driving for a local transport company and was still interested in the position.

COMMENT

Out of all the applicants who applied for the Rangers position only one applicant Mr Matthews had any Ranger experience. Mr Matthews was interviewed and recently offered the position of Ranger. At the time of writing this report written confirmation of Mr Matthews acceptance of the position was not forthcoming although he has verbally accepted the position.

The reason for this report to Council is to gain Council approval for Mr Matthews to be appointed as an authorised person under various Acts administered by the Rangers position.

STATUTORY ENVIRONMENT

Appointment as Authorised Person under various Acts.

POLICY IMPLICATIONS

Nil.

BUDGET IMPLICATIONS

Costs of publishing in the Government Gazette.

STRATEGIC IMPLICATIONS

Nil.

PRECEDENT

Previous incumbents similarly appointed.

VOTING REQUIREMENTS

Simple majority.

COUNCIL RESOLUTION (OFFICER RECOMMENDATION) – ITEM 11.5.1

During discussion on this item the new Ranger, Mr Murray Mathews, was invited in to the Chambers at 5.20pm by the Shire President to meet the Councillors. Mr Matthews left the meeting at 5.25pm.

10/06 Moved Cr Clydsedale-Gebert, seconded Cr Barrett-Lennard that Council appoints Mr Murray Victor Mathews as Ranger for the Shire of Moora and is authorised on behalf of the Shire of Moora to administer the following legislation within the district:

1. **The Litter Act 1979**
2. **The Dog Act 1976 – as Authorised Officer and Registration Officer**
3. **The Bush Fires Act 1954-1977 and to issue Infringement Notices under Section 59 (a) of the Bush Fires Act 1954-1977**
4. **The Control of Vehicles (off road areas) Act 1978**
5. **To exercise power under –**
 - (i) **Part XX of the Local Government (Miscellaneous Provisions) Act 1960.**
 - (ii) **Section 449 of the Local Government (Miscellaneous Provisions) Act 1960 as Pound Keeper and Ranger.**
 - (iii) **Part 9, Division 2 of the Local Government Act 1995.**
 - (iv) **Section 9.13, 9.16 of the Local Government Act 1995 as Authorised Person.**
 - (v) **Part 3, Sub-division of the Local Government Act 1995.**
 - (vi) **Section 3.39 of the Local Government Act 1995 as Authorised Removal and Impounding Employee.**
6. **Caravan Parks And Camping Grounds Act 1995 – Section 17 as Authorised Person.**
7. **All Shire of Moora Local Laws.**

CARRIED 7/0

11.6 ECONOMIC DEVELOPMENT

11.6.1 Dental Surgery and Residence Lease

LOCATION: 39 Keane Street, Moora
FILE: 5.3
AUTHOR: Steven Deckert, Chief Executive Officer
REPORT DATE: 17 January 2006
DECLARATION: The author has no financial interest in this matter.

BACKGROUND

For some time Dr Gerard has been indicating her dissatisfaction with the level of rent she pays for the dental surgery and residence, mainly due to the standard of the buildings. In November 2005 Dr Gerard wrote to Council

again seeking a reduction of rent. This letter was discussed, behind closed doors at the Ordinary Meeting of Council on 23 November 2005. While no decisions were made, Council requested the CEO to investigate the matter further and report back to Council. Council also commented on its concern that the dental service was now 3 days per week when its preference is for a 5 day per week service.

As a result, the CEO met with Dr Gerard on 30 November 2005, at which time Dr Gerard expanded upon her letter and the CEO was able to inspect the residence and surgery. Discussions also took place on the level of service to which Dr Gerard was adamant that the current support of the Moora dental service could not warrant an increase in service from 3 days to 5 days.

The CEO then provided feedback to Council at the Briefing Session on 14 December 2005 and suggested that a report to Council considering the level of rent was warranted.

COMMENT

On inspection of the dental surgery and residence by the CEO on 30 November 2005, the CEO is of the opinion that the current condition of the buildings is not of a standard that can justify the level of rent being charged. The current rental for the residence and surgery is \$292.00 per week. Dr Gerard indicated that a rental of \$150.00 per week for both properties would be acceptable.

A complicating factor in this matter is that there is no longer a current lease. It therefore appears that the existing arrangements are underpinned by the terms and conditions of the previous, and now expired, lease. A new lease should therefore be negotiated as quickly as possible to protect the interests of both parties.

This may be an opportunity for Council to demonstrate its level of support for the Moora dental service and also demonstrate that it is prepared to enter into negotiations, in good faith, to see the dental service continue, in at least its current level of service.

In the short-term a reduced rent of \$150.00 per week for the residence and surgery could be renegotiated along with some minor immediate maintenance to the house, in return for a guarantee to continue the dental service on at least a 3 days per week basis, while continually monitoring the need to increase service and entering into a new lease.

This will provide some breathing space to then fully consider all options such as, but not limited to significantly upgrading the surgery and residence or developing a new surgery and then charging market rent.

To take the recommended approach will mean a reduction in revenue for this financial year with possibly a minor increase in maintenance expenditure on the residence than budgeted. There will also be a need to incur unbudgeted expenditure, primarily solicitor's fees, in the preparation and finalisation of a new lease.

STATUTORY ENVIRONMENT

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

Section 3.58 of the Local Government Act 1995 relating to the disposal of property (includes leasing) is also relevant to this matter.

POLICY IMPLICATIONS

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

BUDGET IMPLICATIONS

If the recommendation of this report is adopted, the financial implication would be an unfavourable outcome in the vicinity of \$6,000. While exact costs have not been determined, it has been estimated that the reduction in rent would be around \$3,700 for the balance of this year plus additional expenditure of around \$2,000 for solicitor's fees and maintenance on the residence. It is anticipated that savings in other areas of the budget can be identified to cover this expenditure before year-end. Should this not be possible, this expenditure will reduce the year-end balance accordingly.

STRATEGIC IMPLICATIONS

The provision of a dental service in Moora is well appreciated by the residents of the Shire and surrounding areas. Council's ongoing support and facilitation of the dental service to ensure this service continues plays a vital role in assisting Council to achieve its long term goals as promoted in the Strategic Plan.

PRECEDENT

The effect of the recommendation of this report is to increase the subsidisation of the dental service, to a greater extent than previously supported. Whilst this may be setting a precedent, Council needs to be mindful that it has a community obligation and needs to consider this matter and any future similar matter on its merits and benefits to the community.

VOTING REQUIREMENTS

Absolute majority decision required due to the recommendation to approve unbudgeted expenditure.

COUNCIL RESOLUTION (OFFICER RECOMMENDATION) – ITEM 11.6.1
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11/06 Moved Cr Clydsedale-Gebert, seconded Cr Craven that Council

- 1. Approves the reduction in the rental of the Dental surgery and residence from \$292.00 to \$150.00 per week, to apply from 1 January 2006, subject to Dr Gerard guaranteeing the ongoing provision of the dental service at least to its current level of 3 days per week;***
- 2. Authorises the CEO to negotiate a new lease agreement with Dr Gerard for the Dental surgery and residence, to include any costs associated with preparation of the lease, subject to the new lease being presented to Council for approval before signing;***
- 3. Approves that minor maintenance, as deemed necessary by the Environmental Development Manager, be carried out as soon as practicable on the residence;***
- 4. Authorises an amount, not to exceed \$2,000, to cover the expenditure incurred in carrying out points 2 and 3 above;***

5. *Will consider long-term options for the Dental surgery and residence during its 2006/2007 Budget deliberations;*
6. *Encourage Dr Gerard to endeavour to facilitate the reintroduction of the orthodontic service back into Moora and to monitor the need to increase the dental service to more than 3 days per week if demand warrants it.*

CARRIED BY AN ABSOLUTE MAJORITY 7/0

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

Council believed that it was necessary to consider as a matter of urgency the Council's support of the upgrading of the Moora CBH facility and how to best acknowledge the recent resignation of Dr Geoff Gallop as Premier.

12/06 Moved Cr Craven, seconded Cr Gardiner that Council consider the following items as motions of an urgent nature:

13.1 Stakeholder Meeting CBH

13.2 Letter of Appreciation – Dr Geoff Gallop

CARRIED 7/0

13.1 Stakeholder Meeting – CBH

COUNCIL RESOLUTION – ITEM 13.1

13/06 Moved Cr Craven, seconded Cr Tonkin that the Chief Executive Officer facilitate a meeting between the stakeholders involved with the proposed CBH expansion at the Moora site.

CARRIED 7/0

13.2 Letter of Appreciation – Dr Geoff Gallop

COUNCIL RESOLUTION – ITEM 13.2

14/06 Moved Cr Bryan, seconded Cr Gardiner that a letter of appreciation be sent to Dr Geoff Gallop acknowledging his contribution during his time as Premier of Western Australia.

CARRIED 7/0

14. NOTICE ON MOTIONS FOR THE NEXT COUNCIL MEETING

Nil

15. MATTERS BEHIND CLOSED DOORS

The meeting will need to go behind closed doors to discuss a confidential matter in respect to a review that has been carried out as a result of an enquiry raised about a past land dealing.

COUNCIL RESOLUTION

15/06 Moved Cr Barrett-Lennard, seconded Cr Craven that the meeting move behind closed doors to discuss a matter 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 7/0

The Council Chambers was vacated by the public and all staff, excluding the CEO and the meeting moved behind closed doors at 5.35pm.

15.1 Mr and Mrs Ackland Land Enquiry

Agenda report and attachments have been circulated to Councillors under separate confidential cover.

COUNCIL RESOLUTION – ITEM 15.1

16/06 Moved Cr Gardiner, seconded Cr Craven that:

1. ***Council receives the report titled “Report on the Review of the Ackland Land Offer and Associated Matters” and adopts the recommendations contained within the Report, namely:***
 - ***That Council write to Mr and Mrs Ackland, thanking them for raising their concerns and acknowledging that Council concurs that there were some aspects of the process that could be viewed as unsatisfactory. Further, apologise for any actions that may have caused them any undue concern or offended them in any way;***

- *Provide a copy of an abridged version of this report to Mr and Mrs Ackland, and advising Mr and Mrs Ackland that the issues they have raised of an operational nature have been covered in the review and will be addressed to ensure professional dealings in the future,*
 - *That the Shire President and CEO follow up this matter with Mr and Mrs Ackland to discuss the outcome of this review and determine if the matter has been satisfactorily resolved from their viewpoint;*
2. *The Report titled “Report on the Review of the Ackland Land Offer and Associated Matters”, dated 19 January 2006, as received at this meeting, remain confidential in accordance with Section 5.95(3)(a) of the Local Government Act 1995.*

CARRIED 7/0

COUNCIL RESOLUTION

- 17/06 *Moved Cr Barrett-Lennard, seconded Cr Tonkin that the meeting come out from behind closed doors and re-open to the public at 6.35pm.*

CARRIED 7/0

The meeting reopened to the public at 6.35pm, however no public or staff, other than the CEO was present.

On re-opening the meeting, the Shire President noted that no public were present and therefore was not required to read aloud the decision of Council made behind closed doors.

16. **CLOSURE OF MEETING**

There being no further business, the Shire President declared the meeting closed at 6.37pm.

CONFIRMED

PRESIDING MEMBER