

SHIRE OF MOORA
MINUTES OF THE ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS, MOORA
WEDNESDAY 14 MARCH 2007

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* Separate Attachments

Item 11.2.1 List of Payments Authorised Under Delegation 1.31

Item 11.5.2 Assessment of Tenders conformity & Assessment of tenders received against selection criteria

1. DECLARATION OF OPENING & WELCOME OF VISITORS

The Shire President declared the meeting open at 3.37pm, welcomed visitors and announced:

"Acknowledgment of Country"

I would like to show my respect and acknowledge to the traditional owners of this land and acknowledge their contribution to the Shire of Moora as I do for all its people.

2. DISCLAIMER READING

The Shire President read the following disclaimer:

No responsibility whatsoever is implied or accepted by the Shire of Moora for any act, omission or statement or intimation occurring during this meeting.

It is strongly advised that persons do not act on what is heard at this meeting and should only rely on written confirmation of Council's decision, which will be provided within fourteen (14) days of this meeting.

3. ATTENDANCE

SA Bryan	-	Presiding Member	-	Moora Town Ward
CE Gardiner	-	Councillor	-	Moora Town Ward
JL Craven	-	Councillor	-	Moora Town Ward
SJ Pond	-	Councillor	-	Koojan Ward
AR Tonkin	-	Councillor	-	Coomberdale Ward
WA Barrett-Lennard	-	Councillor	-	Bindi Bindi Ward
JW McLagan (from 4.18pm)	-	Councillor	-	Miling Ward
D Clydesdale-Gebert	-	Councillor	-	Watheroo Ward

SJ Deckert	-	Chief Executive Officer
JE Ellis	-	Financial Development Manager
JL Greay	-	Operational Development Manager
MJ Prunster	-	Community Development Manager
BR Williams	-	Enterprise Development Manager
MM Murray	-	Executive Support Officer

PUBLIC

Nil

APOLOGIES

ML Wilson	-	Manager Health & Regulatory Services
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LEAVE OF ABSENCE

The following Councillor was granted leave of absence for this meeting by Council resolution made at the Ordinary Meeting held on 28 February 2007:

CD Hawkins	-	Councillor	-	Moora Town Ward
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4. DECLARATIONS OF INTEREST

Nil

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

Nil

6. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

7. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

8. PETITIONS AND MEMORIALS

Nil

9. ANNOUNCEMENTS BY THE SHIRE PRESIDENT

- A film crew for Main Roads WA who are producing a promotional DVD interviewed me this morning. This DVD is going to be supplied to road construction companies who tender for the alliance contract to upgrade the Great Northern Highway.
- Following this I attended the Circuit West Conference of managers of performing arts centres from around the state at the MPAC.
- Cr Gardiner attended the Circuit West Conference yesterday and on behalf of the Shire welcomed those in attendance from as far as Karratha in the north to Albany in the south.
- Cr Pond attended the meeting with the Infinity Development Group on the 1st March.
- Cr Pond attended the Special VROC meeting in Calingiri on the 3rd March at which the final report by Mr Gordon Pender on regional waste management was presented.
- Cr Pond attended the Tender assessment panel meeting on 7th March to assess the tenders received for the review of the flood management plan.
- Cr Pond, along with the CEO attended a meeting convened by the Avon Midland Zone with CBH to discuss the outcomes of the review of the rail network by the Grain Infrastructure Group.
- Earlier today I performed a Citizenship Ceremony for Ms Fiona Pattison of Miling & we congratulate her on her decision to become an Australian citizen.

10. CONFIRMATION OF MINUTES OF THE PREVIOUS MEETING**10.1 ORDINARY COUNCIL MEETING - 28 FEBRUARY 2007****COUNCIL RESOLUTION**

48/07 Moved Cr Pond, seconded Cr Craven that the Minutes of the Ordinary Meeting of Council held on 28 February 2007, be confirmed as a true and correct record of the meeting.

CARRIED 7/0

11. REPORTS OF OFFICERS

11.1 ADMINISTRATION

Nil

11.2 FINANCIAL DEVELOPMENT

11.2.1 LIST OF PAYMENTS AUTHORISED UNDER DELEGATION 1.31

REPORT DATE: 28 March 2007

OFFICER DISCLOSURE OF INTEREST: Nil

AUTHOR: Jo-Anne Ellis, Financial Development Manager

ATTACHMENTS: Accounts Paid Under Delegated Authority

PURPOSE OF REPORT:

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

BACKGROUND:

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

COMMENT:

Accounts Paid under delegated authority are periodically presented to Council.

POLICY REQUIREMENTS:

Delegation 1.31 – Payments from Municipal and Trust Funds

LEGISLATIVE REQUIREMENTS:

Local Government Act 1995 - Section 6.10

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

STRATEGIC IMPLICATIONS:

There are no known strategic implications associated with this proposal.

SUSTAINABILITY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

Payments are in accordance with the adopted budget.

VOTING REQUIREMENTS

Simple Majority Required

COUNCIL RESOLUTION (MANEX RECOMMENDATION)
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49/07 Moved Cr Gardiner, seconded Cr Pond that Council note and endorse the Payments from Municipal and Trust Funds made under delegation 1.31

Municipal Fund	Chq 55916 - 56039	\$ 561,065.00
	Direct Debits 209 – 223	\$ 14,043.43
Trust Fund	Chq 4172 – 4173	\$ 300.00
Total		<u>\$ 575,408.43</u>

CARRIED 7/0

11.3 OPERATIONAL DEVELOPMENT

Nil

11.4 COMMUNITY DEVELOPMENT

11.4.1 TOWN PLANNING SCHEME NO 4 – DELEGATION OF POWERS

FILE REFERENCE: TP/PTM11
REPORT DATE: 8 March 2007
APPLICANT/PROPONENT: Phil Bellamy
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: Nil
AUTHOR: Michael Prunster, Community Development Manager
ATTACHMENTS: Nil

PURPOSE OF REPORT:

To note the town planning applications approved under delegated authority.

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 Applications have been approved under this delegated authority for the period ended 8 March 2007.

- *Phil Bellamy – Loc 4144 Coomberdale – Provision of conference/seminar facilities and catering on Loc 4144 Coomberdale - Zoning Rural Townsite. (Ref 33/0607)*

POLICY REQUIREMENTS:

Register of Delegations and Shire of Moora Town Planning Scheme No 4 Text.

LEGISLATIVE REQUIREMENTS:

There are no known legislative requirements related to this item.

STRATEGIC IMPLICATIONS:

There are no known strategic implications associated with this proposal.

SUSTAINABILITY IMPLICATIONS:

- **Environment**
There are no known significant environmental implications associated with this proposal.
- **Economic**
There are no known significant economic implications associated with this proposal.
- **Social**
There are no known significant social implications associated with this proposal.

FINANCIAL IMPLICATIONS:

There are no financial implications to Council in relation to this item.

VOTING REQUIREMENTS

Simple Majority Required

**COUNCIL RESOLUTION
(MANEX RECOMMENDATION)**

50/07 Moved Cr Pond, seconded Cr Tonkin that Council note the town planning applications approved under delegated authority.

CARRIED 7/0

11.5 ENVIRONMENTAL DEVELOPMENT**11.5.1 SENTINEL CHICKEN PROGRAM**

FILE REFERENCE: H/INF 1
REPORT DATE: 6th March 2007
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: Nil
AUTHOR: Melissa Wilson, Mgr of Health & Regulatory Services
ATTACHMENTS: Nil

PURPOSE OF REPORT:

To consider the request from the University of Western Australia for the Shire of Moora to participate in the Sentinel Chicken Program.

BACKGROUND:

The University of Western Australia Arbovirus Surveillance and Research Laboratory coordinate the Sentinel Chicken Program. The program involves taking blood samples from flocks of chickens in the northern part of Western Australia in order to monitor the occurrence of certain mosquito borne diseases.

The program has been running since the 1980's and currently has 24 flocks of chickens placed in strategic locations in northern and central Western Australia. Blood samples are

taken fortnightly during the peak mosquito season and monthly during the rest of the year. The samples are then tested for the presence of antibodies for mosquito borne diseases such as Murray Valley Encephalitis Virus and the Kunjin Virus. If the virus's are detected then the Department of Health issue warning for the area and existing mosquito prevention programs are escalated.

Murray Valley Encephalitis is a serious virus and can result in severe medical problems such as coma and respiratory failure and can cause death in some cases. Although the virus has mainly been detected in the Kimberly and Pilbara regions it has been detected as far south as Dongara and the evidence of its southerly spread is well documented.

COMMENT:

The study has shown an interest in Moora becoming a study location for the region due to its location and climate.

If the Shire of Moora were to become involved in the program it would be required to:

- Establish a flock of 12 chickens (provided by UWA) in a snake proof enclosure in a secure location near the Moora Township,
- Provide a “volunteer” to care for the chickens on a daily basis and
- Provide trained personnel to take blood samples from the chickens and arrange transportation of the samples to the laboratory in Nedlands.

The Arbovirus Surveillance Laboratory will provide the chickens and all necessary sampling equipment. They would also organise for Shire employees to be trained in the correct method for taking blood samples from the chickens.

It is intended that the Shire Ranger, Mr M Matthews, and the Manager of Health and Regulatory Services conduct the sampling. The cost to the Shire for wages to take the blood samples would counteract the existing allowable hours for the Ranger ie no additional hours will be required to be budgeted for however the hours will be allocated to different general ledger accounts.

POLICY REQUIREMENTS:

There are no known policy requirements

LEGISLATIVE REQUIREMENTS:

There are no known legislative requirements related to this item.

STRATEGIC IMPLICATIONS:

There are no known strategic implications associated with this proposal.

SUSTAINABILITY IMPLICATIONS:

- **Environment**
There are no known significant environmental implications associated with this proposal.
- **Economic**
There are no known significant economic implications associated with this proposal.

➤ **Social**

Participating in the Arbovirus Surveillance Program will provide for early detection of both the Murray Valley Encephalitis Virus and the Kunjin Virus within Moora. Not only will this assist the residents of Moora but also the monitoring program which will assist the whole state.

FINANCIAL IMPLICATIONS:

The Shire of Moora would be responsible for providing a snake proof enclosure for the 12 chickens, the cost of caring for chickens i.e. food and the wages of the employees trained to take the blood samples. The estimated time required to take the samples is two hours for two employees for each session (once a fortnight from December to June and once a month from July to November). The cost will be approximately \$1,500 in the initial year and \$1,100 in subsequent years depending on employee costs. It should be noted that the wages costs would be a part of the Rangers normal allocation of hours.

The program, if supported by Council, will need to be provided for in the 2007/08 budget process.

VOTING REQUIREMENTS

Simple Majority Required

**COUNCIL RESOLUTION
(MANEX RECOMMENDATIONS)**

51 /07 Moved Cr Tonkin, seconded Cr Pond that

- 1. Council commit to the Arbovirus Surveillance Program by:**
 - **Providing a snake proof enclosure for the housing of 12 chickens,**
 - **Provide food for the chickens involved in the program and**
 - **Provide adequate time for Shire of Moora employees to take blood samples from the chickens.**
- 2. That the University of Western Australia Arbovirus Surveillance Laboratory be advised that the Shire of Moora will participate in the Sentinel Chicken Program.**

CARRIED 7/0

At 4.18pm Cr McLagan joined the meeting.

11.5.2 TENDER NO 7/2006 – REVIEW OF MOORA FLOOD MANAGEMENT PLAN

FILE REFERENCE: LO/FLMI
REPORT DATE: 8 March 2007
APPLICANT/PROPONENT: Shire of Moora and Department of Water
DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: 13 December 2006 (261/06)
AUTHOR: Steven Deckert, Chief Executive Officer on behalf of the Tender Assessment Panel
ATTACHMENTS: 1. Assessment of Tenders conformity
2. Assessment of tenders received against selection criteria
3. The tender documents submitted by the five tenderers, which are confidential, will be tabled at the Council meeting.

PURPOSE OF REPORT:

The purpose of this report is to present to Council the outcome of the Tender Assessment Panel's deliberations and to consider the acceptance of the Panel's recommendation of the preferred tenderer.

BACKGROUND:

At the Ordinary meeting of Council held in December 2006, Council resolved to call tenders for the appointment of a consultancy to carry out a review of the Moora Floodplain definition study.

The tenders closed on 15 January 2006 with 5 tenders received. Since the close of tenders, the tenders received have been assessed to determine conformity to the Request For Tender specifications and assessed against the selection criteria.

Attached to this report is the summary of the assessment of conformity of the tenders received against the requirements of the tender documentation. In all cases there were varying degrees of non-conformity, however the Tender Assessment Panel were of the opinion that the non-conformances were not significant enough to reject the tenders, and could in fact be clarified and easily resolved with the preferred tenderer.

The Department of Water initially conducted a review of the tenders received for their technical capabilities and their understanding of the requirements of the tender.

Finally the Tender Assessment Panel comprising Mr Peter Muirton from the Department of Water and Cr Jim Pond and the CEO, met on Wednesday 7 March 2007 to assess the tenders received against the selection criteria as determined by Council. The tenders were scored against the selection criteria based on the tenders submitted. The tender with the highest score as a result of this process is considered to be the most advantageous tenderer to complete the review of the floodplain plan.

A copy of the summary of the scoring of the tenders is appended for Council's information.

The Tender Assessment Panel recommends that the tender be awarded to the highest ranked tenderer being Sinclair Knight Merz (SKM) at the maximum tendered price of \$105,972 (excl GST).

COMMENT:

In assessing the conformity of the tenderers received, all tenders submitted, “estimated” tender prices. This was due to the need to sub-contract the aerial survey work, which accounted for around \$70,000 of the total amount in all cases. Apparently it has been difficult to obtain fixed costs from the sub-contractors for various reasons. The Tender Assessment Panel has therefore assumed that the tendered price is the maximum amount and may be less if the aerial survey work is less than estimated.

Another aspect for Council to consider in respect to this tender is that the total tendered price of the proposed tenderer is \$105,972, which greatly exceeds the budget provision of \$45,000. The Department of Water has advised that they can increase their contribution to \$50,000, the Federal Government contribution remains at \$15,000; therefore Council’s commitment will increase from \$15,000 to \$40,972.

The Tender Assessment Panel is of the view that the outcomes of the review of the Floodplain Plan are extremely beneficial and therefore endorse the additional expenditure. The additional amount of \$25,972 does not need to be found in this year’s budget, as the project will not be finalised until the 2007/08 financial year. This means that if Council agrees to award the tender, the balance of funds can be budgeted for next year.

POLICY REQUIREMENTS:

There are no policy implications in respect to the recommendation of this report.

LEGISLATIVE REQUIREMENTS:

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

S3.57 of the Local Government Act 1995, requires a local government to call tenders for the provision of goods and services where the value is likely to exceed \$50,000 and Part 4 of the Local Government (Functions and General) Regulations 1996 provides the detail that Council must comply with when tendering.

STRATEGIC IMPLICATIONS:

The future of the Moora Townsite is largely impacted by the likelihood of further flooding. Any initiatives that can be undertaken to mitigate the possible effect of flooding need to be identified and pursued. The development of a plan that clearly defines the flood prone areas is the first step towards understanding the extent of mitigation works required that improve the safety of people and property and also provides a defensible tool in assessing future development proposals.

SUSTAINABILITY IMPLICATIONS:**➤ Environment**

The outcomes of the review of the Moora Floodplain Plan will provide a mechanism that will enable Council to better manage the built and natural environment within the Moora townsite.

➤ Economic

The outcomes of the review of the Moora Floodplain Plan will provide a mechanism that will enable Council to make better informed decisions in relation to development within the Moora townsite.

➤ **Social**

Property owners within the Moora townsite and future property owners will have a better understanding of flood management in Moora and how to deal with future flood events.

FINANCIAL IMPLICATIONS:

There are no financial implications to Council in relation to this recommendation, however an amount of \$25,972 will need to be provided for in the 2007/08 Budget.

VOTING REQUIREMENTS:

Simple Majority required

**COUNCIL RESOLUTION
(MANEX RECOMMENDATION)**

52/07 Moved Cr Pond, seconded Cr Craven that Council award “Tender 7/2006 Provision of a Consultant to Review Floodplain Definition Study” to Sinclair Knight Merz for the maximum tendered price of \$105,972 (excl GST).

CARRIED 7/1

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

The Chief Executive Officer tabled a late item dealing with the 'Purchase of lots 412 & 413 Gardiner Street, Moora', which is of a confidential nature and if Council decides to deal with it at this meeting, should be done so behind closed doors for Council's consideration.

COUNCIL RESOLUTION

53/07 Moved Cr Barrett-Lennard, seconded Cr McLagan that Council consider the late item as tabled by the CEO titled "Purchase of lots 412 & 413 Gardiner Street, Moora", and that item be considered later in the meeting when the meeting moves behind closed doors.

CARRIED 8/0

14. NOTICE ON MOTIONS FOR THE NEXT COUNCIL MEETING

Nil

15. MATTERS BEHIND CLOSED DOORS**RECOMMENDATION**

That the meeting move behind closed doors to discuss Item 15.1 'Approval of Documents for Distribution to Potential Developers' - a matter dealing with information that if disclosed would reveal information that has a commercial value to a person pursuant to Section 5.23(2)(e) (ii) of the Local Government Act 1995.

COUNCIL RESOLUTION

54 /07 Moved Cr Craven, seconded Cr McLagan that the meeting move behind closed doors to discuss

- **Item 15.1, Approval of Documents for Distribution to Potential Developers - a matter dealing with information that if disclosed would reveal information that has a commercial value to a person pursuant to Section 5.23(2)(e) (ii) of the Local Government Act 1995, and**
- **Item 15.2 Purchase of lots 412 & 413 Gardiner Street, Moora – a matter dealing with a contract that may be entered into by the local government and may disclose the financial affairs of a person is to be discussed at the meeting pursuant to Section 5.23(2)(c) & Section 5.23(2)(e)(iii) of the Local Government Act 1995.**

CARRIED 8/0

At 4.24pm the meeting moved behind closed doors.

15.1 Approval of Documents for Distribution to Potential Developers

Provided to Councillors under confidential cover.

MANEX RECOMMENDATIONS

That Council:

1. *Approve an extension of time for the submission of proposals from developers to 31st April 2007.*
2. *Endorse the document titled “Development Opportunities in Moora, Western Australia” for distribution to developers and other stakeholders interested in developments in the Shire of Moora.*
3. *Endorse the covering letter, which will accompany the development opportunities document and outlines what is required of each developer as part of their submission to develop in Moora.*
4. *Endorse the master plan titled “East Side Development Master Plan” for distribution to developers and other stakeholders interested in development along Gardiner Street.*

COUNCIL RESOLUTION

55 /07 Moved Cr Pond, seconded Cr Tonkin that Council:

1. **Amend motion 26/07 of the meeting held on 14 February 2007 to read:**

“The regional centre of Moora situated 180km north of Perth in the Wheatbelt region of WA has experienced unprecedented growth in housing demand over the last eighteen months.

The Shire of Moora is seeking expressions of interest from developers interested in developing various land parcels for high density housing, lifestyle residential development and commercial and industrial developments. Opportunities exist for outright purchase of land for development or partnership arrangements in one or more of the above development options.

To learn more about these exciting opportunities please contact Bronwyn Williams, Enterprise Development Manager at the Shire of Moora for an information pack on 08 9651 1401 or 0427 445 096, expressions of interest to be submitted to the Shire of Moora by 4.00pm Friday 27th April 2007.”

2. **Endorse the document titled “Development Opportunities in Moora, Western Australia” for distribution to developers and other stakeholders interested in developments in the Shire of Moora.**
3. **Endorse the covering letter, which will accompany the development opportunities document and outlines what is required of each developer as part of their submission to develop in Moora and set the closing date for submission of the expressions of interest to 4.00pm on Friday 27 April 2007;**

4. ***Endorse the master plan titled “East Side Development Master Plan” for distribution to developers and other stakeholders interested in development along Gardiner Street.***

CARRIED 8/0

Note: Council amended points 1 and 3 of the recommendation to update in the respective documents, the date for the close of submissions.

15.2 Purchase of lots 412 & 413 Gardiner Street, Moora

Provided to Councillors under confidential cover.

OFFICER RECOMMENDATION

56/07 Moved Cr Gardiner, seconded Cr McLagan that Council delegate authority to the Chief Executive Officer to negotiate the offer to purchase lot 412 and 413 Gardiner Street with the owner in consultation with MANEX and the Shire President within the limits set by council.

CARRIED BY ABSOLUTE MAJORITY 6/2

COUNCIL RESOLUTION

57/07 Moved Cr Tonkin, seconded Cr McLagan that the meeting come out from behind closed doors and re-open to the public.

CARRIED 8/0

The meeting reopened to the public at 4.58pm.

On reopening the meeting to the public, there were no public present therefore the decisions made behind closed doors were not read aloud.

16. CLOSURE OF MEETING

There being no further business, the Shire President declared the meeting closed at 4.59pm.

CONFIRMED

PRESIDING MEMBER