

**Shire of Moora
Ordinary Council Meeting
21st January 2009**

NOTICE OF MEETING

Dear Elected Member

The next Ordinary Council Meeting of the Shire of Moora
will be held on **Wednesday 21st January 2009**
in the Council Chambers, 34 Padbury Street, Moora
commencing at **3.30 pm**

LM O'Reilly
Chief Executive Officer
16th January 2009

The Shire of Moora Vision and Mission Statement

Vision

Our vision is that:

The Moora region will be a place of brilliant opportunity over the next twenty years. Sustainable growth will result in a vibrant, healthy, wealthy and diverse community.

Mission

Our mission is:

To identify and stimulate growth through creative leadership and a willingness to get things done.

SHIRE OF MOORA**WRITTEN DECLARATION OF INTEREST IN MATTER BEFORE COUNCIL**

Chief Executive Officer
 Shire of Moora
 PO Box 211
 MOORA WA 6510

Dear Sir,

Re: Written Declaration of Interest in Matter Before Council

I, ⁽¹⁾ _____ wish to
 declare an interest in the following item to be considered by Council at its meeting to be held on
⁽²⁾ _____.

Agenda Item ⁽³⁾ _____

The type of interest I wish to declare is: ⁽⁴⁾

- Financial pursuant to Section 5.60A of the Local Government Act 1995
- Proximity pursuant to Section 5.60B of the Local Government Act 1995
- Indirect Financial pursuant to Section 5.61 of the Local Government Act 1995
- Impartiality pursuant to Regulation 11 of the Local Government (Rules of Conduct) Regulations 2007.

The nature of my interest is ⁽⁵⁾

The extent of my interest is ⁽⁶⁾

I understand that the above information will be recorded in the Minutes of the meeting and recorded by the Chief Executive Officer in an appropriate Register.

Yours faithfully,

 Signed

 Date

1. Insert your name.
2. Insert the date of the Council Meeting at which the item is to be considered.
3. Insert the Agenda Item Number and Title.
4. Tick box to indicate type of interest.
5. Describe the nature of your interest.
6. Describe the extent of your interest (if seeking to participate in the matter under S. 5.68 of the Act).

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SHIRE OF MOORA
ORDINARY COUNCIL MEETING AGENDA
21 JANUARY 2009
COMMENCING AT 3.30PM

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* Separate Attachments

Item 11.2.1	List of Payments Authorised Under Delegation 1.31
Item 11.2.2	Statement of Financial Activity for the Period Ended
Item 11.2.3	Quotation for Provision of Audit Services
Item 11.2.4	Letter to Westpac
Item 11.3.1	Aerial Photo - West Moora

1. DECLARATION OF OPENING & WELCOME OF VISITORS***“Acknowledging of Country”***

I would like to show my respect and acknowledge 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

To be read by the Shire President should members of the public be present at the meeting.

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**APOLOGIES**

John Greay	-	Manager Engineering Services
Rebecca McCall	-	Manager Economic Development
Mike Prunster	-	Manager Community Services

PUBLIC**4. DECLARATIONS OF INTEREST****5. QUESTIONS BY THE PUBLIC IN ACCORDANCE WITH SECTION 5.24 OF THE ACT****6. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE****7. APPLICATIONS FOR LEAVE OF ABSENCE****8. PETITIONS AND MEMORIALS****9. ANNOUNCEMENTS BY THE SHIRE PRESIDENT**

10. CONFIRMATION OF MINUTES OF THE PREVIOUS MEETINGS**10.1 ORDINARY COUNCIL MEETING - 17 DECEMBER 2008**

That the Minutes of the Ordinary Meeting of Council held on 17 December 2008, be confirmed as a true and correct record of the meeting.

11. REPORTS OF OFFICERS**11.1 ADMINISTRATION****11.1.1 SHIRE OF MOORA REPRESENTATIVE ON ST JAMES RESIDENTIAL COLLEGE BOARD OF MANAGEMENT**

FILE REFERENCE: AD/CPEI
REPORT DATE: 14 January 2008
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: Nil
AUTHOR: Lynnette O'Reilly, CEO
ATTACHMENTS: Nil

PURPOSE OF REPORT:

To nominate an Elected Member for the Board of Management for the St James Residential College.

BACKGROUND:

Council has in the past had representation on the College Board of Management.

COMMENT:

The attached letter explains the request for a Council representative.

It should be noted that meetings are held on the 3rd Monday of the month commencing 5.30pm. There are approximately 8 meetings per year.

POLICY REQUIREMENTS:

Nil

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

MANEX RECOMMENDATION

That Council advise the Acting Chairperson of the St James Residential College that its representative on the Board of Management will be Cr Sheryl Bryan for the year to 31 December 2009.

11.2 FINANCIAL DEVELOPMENT

11.2.1 LIST OF PAYMENTS AUTHORISED UNDER DELEGATION 1.31

REPORT DATE: 14 January 2009
OFFICER DISCLOSURE OF INTEREST: Nil
AUTHOR: Darren Friend, Manager Finance & Corporate Services
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 2005 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

- **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

Payments are in accordance with the adopted budget.

VOTING REQUIREMENTS

Simple Majority Required

MANEX RECOMMENDATION

That Council notes and endorses the Payments from the Municipal and Trust Funds made under delegation 1.31

<i>Municipal Fund</i>	<i>Chqs 58906 to 58955</i>	<i>\$66,569.65</i>
<i>Direct Debits</i>	<i>EFT 1731 to 1853</i>	<i>\$496,428.03</i>
	<i>Net Pays – PPE 23 Dec</i>	<i>\$80,078.99</i>
	<i>Net Pays – PPE 6 Jan</i>	<i>\$68,037.48</i>
<i>Trust Fund</i>	<i>Chqs 4532 to 4536</i>	<i>\$2,187.86</i>
<i>Total</i>		<i><u>\$713,302.01</u></i>

11.2.2 STATEMENT OF FINANCIAL ACTIVITY FOR PERIOD ENDED 31 DECEMBER 2008

REPORT DATE: 14 January 2009
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: Nil
AUTHOR: Darren Friend, Manager Finance & Corporate Services
ATTACHMENTS: Statement of Financial Activity for the Period Ended 31 December 2008

PURPOSE OF REPORT:

To note and receive the Statement of Financial Activity for the period ended 31 December 2008.

BACKGROUND:

Council is provided with monthly financial reports to enable monitoring of revenues and expenditures against the adopted budget.

COMMENT:

The Statement of Financial Activity for the Period Ended is provided as a separate attachment in Program format.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

Local Government Act 1995, Section 6.4
Local Government (Financial Management) Regulations 1996, Clause 34

STRATEGIC IMPLICATIONS:

Monitoring of actual revenues and expenditures against the adopted budget assists Council in being informed as to the financial health of the organisation.

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:

Year to date income and expenditure is provided by program to enable comparison to 2008/2009 adopted budget.

VOTING REQUIREMENTS

Simple Majority Required

MANEX RECOMMENDATION

That Council notes and receives the Statement of Financial Activity for the period ended 31 December 2008.

11.2.3 2008/2009 AUDIT SERVICES

FILE REFERENCE: F/AUDI
REPORT DATE: 12 January 2009
APPLICANT/PROPONENT: Nil
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: 28 June 2006
AUTHOR: Darren Friend, Manager Finance & Corporate Services
ATTACHMENTS: Quotation for Provision of Audit Services

PURPOSE OF REPORT:

To consider the appointment of Council's current auditors, UHY Haines Norton for a further year prior to the possibility of a regional audit service.

BACKGROUND:

Council's auditors UHY Haines Norton were appointed by Council in June 2006 for a three year period commencing 1 July 2005.

Preliminary discussions have been held involving the Chief Executive Officers from the Central Midlands Voluntary Region of Councils (CMVROC) on the cost savings of a regional audit service. All four Councils involved have the same audit company however, the Shires of Dalwallinu, Victoria Plains and Wongan-Ballidu all have one more year to run on their current audit contracts.

As a consequence, Council can appoint its current auditors for a further 12 months or call for expressions of interest to supply an audit service for up to five years.

COMMENT:

A quotation has been sought from UHY Haines Norton and is attached for Council's information. The recently expired contract was for \$9,000 (ex GST) per year plus travel however, this figure was a "base fee" and Council's actual costs were substantially greater due to a number of factors including staff turnover and increased scope of the audit due to legislative changes. The figure quoted of \$15,000 (ex GST) plus travel for 2008/2009 compares favourably with the recently expired contract, taking into account the reduced duration of the appointment. Council's total cost for auditing of their 2007/2008 books amounted to \$16,802.

Future savings may be made, subject to a regional audit service being sourced that meets the requirements of the Councils involved.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

Part 7 of the Local Government Act 1995
Local Government (Audit) Regulations 1996

STRATEGIC IMPLICATIONS:

Meeting statutory compliance and obtaining an independent audit of Council's books of account assists the Shire in achieving its strategic goals.

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:

Council will be required to provide for the remuneration of the Auditors within its 2008/2009 and 2009/2010 Budgets.

VOTING REQUIREMENTS

Absolute Majority Required

MANEX RECOMMENDATION

That Council appoints Mr David Tomasi and Mr Greg Godwin of UHY Haines Norton as its auditors for the 2008/2009 year in accordance with the provisions of their quotation dated 12 December 2008.

11.2.4 MOORA REPERTORY CLUB – HOLDING OF FUNDS

FILE REFERENCE: CC/MRE I
REPORT DATE: 12 January 2009
APPLICANT/PROPONENT: Moora Repertory Club
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: Nil
AUTHOR: Darren Friend, Manager Finance & Corporate Services
ATTACHMENTS: Letter to Westpac

PURPOSE OF REPORT:

To consider the proponent's request to hold surplus funds in Trust due to disbanding of the organisation.

BACKGROUND:

The Moora Repertory Club Inc. has not been active since 2005. The Committee has subsequently been disbanded. Signatories to the bank account have instructed the Westpac Bank to draw a bank cheque to Council to close their account and for the cheque to be forwarded to the Shire of Moora with an instruction that the funds be held in Trust until such time as a "new" club is formed in accordance with their constitution.

COMMENT:

Staff have taken the bank cheque for \$5,345.26 and receipted the money into Council's Trust bank account. I have been advised that the request made is not uncommon in Moora and that Council has previously held funds for a club/s whilst they were in hiatus.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

Section 6.9 of the Local Government Act 1995.
Clause 8 of the Local Government (Financial Management) Regulations 1996.

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

MANEX RECOMMENDATION

That Council endorses staff actions in receipting and banking surplus funds into its Trust account on behalf of the Moora Repertory Club Inc.

11.3 OPERATIONAL DEVELOPMENT

11.3.1 FERGUSON STREET, MOORA ROAD REALIGNMENT

FILE REFERENCE: TP/PTWI
REPORT DATE: 16 January 2009
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: 22 October 2008 Council Meeting
AUTHOR: John Greay – Manager Engineering Services
ATTACHMENTS: Aerial Photo – West Moora

PURPOSE OF REPORT:

Roadworks proposed on Ferguson Street require confirmation/recommendation to the Western Australia Planning Commission for the realignment of the road through Mr Vaughn Franklin's property, being Melbourne Location 2461.

BACKGROUND:

On Ferguson Street, between Clarke Street and Riley Road a potential blackspot exists where a serious accident could occur. Council has been successful in having this "S" bend identified via a road safety audit. Main Roads Western Australia has also recognised this potential HAZARD and has provided funding in this current financial year.

COMMENT:

Over a number of years there have been a number of minor mishaps there with vehicles turning off the road, through the two sharp corners, and collecting trees. No personal injury is known to have occurred but this may not always be the case. The current corner of the lot that requires some land to be resumed has been contacted and has given his consent. He is to be compensated for land value which is believed to be about 0.4 ha.

POLICY REQUIREMENTS:

Nil

LEGESLATIVE REQUIREMENTS:

Local Government Act 1995-S168
Land Administration Act 1997-(part 5)

STRATEGIC IMPLICATIONS:

This realignment will create a much safer section of road to travel on.

SUSTAINABILITY IMPLICATIONS:

- **Environment**
There are no known significant environmental implications due to the new alignment going through previously cleared pastured paddocks.
- **Economic**
There are no known significant economic implications associated with this proposal.

- **Social**
Improvement for all road users plus the elimination of dust over homes which are in the vicinity of Ferguson Street
- **Funding Implications**
Funding is provided in this year's budget.

VOTING REQUIREMENTS

Simple majority required.

MANEX RECOMMENDATIONS

That Council approves and confirms the realignment of Ferguson Street, between Clarke Street and Riley Road, Moora through Location 2461 currently owned by Mr Vaughn Franklin and advises the WA Planning Commission that:-

1. It supports and approves the closure of the section of road as shown on the plan submitted once the new alignment has been created: and
2. It approves of the creation of a new alignment through the section of land on Melbourne Loc 2461 as indicated on the plans submitted, with the boundaries of the truncated lot to be now included in the road reserve as the serviced portions of the lot are too small to include on adjoining lots which are owned by other landowners.

11.4 COMMUNITY DEVELOPMENT

Nil

11.5 ENVIRONMENTAL DEVELOPMENT

Nil

11.6 ECONOMIC DEVELOPMENT

Nil

11.7 SPORT AND RECREATION

Nil

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

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

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

15. **MATTERS BEHIND CLOSED DOORS**

MANEX RECOMMENDATION

That the meeting move behind closed doors to discuss Item 15.1, 'Recruitment of Manager Health and Planning Services' as it is a matter affecting employees pursuant to Section 5.23(2)(a) of the Local Government Act 1995.

15.1 **Recruitment of Manager Health and Planning Services**

Provided to Councillors under confidential cover.

16. **CLOSURE OF MEETING**