

Shire of Moora
Ordinary Council Meeting
20th February 2008

NOTICE OF MEETING

Dear Elected Member

The next Ordinary Council Meeting of the Shire of Moora
will be held on **Wednesday 20th February 2008**
in the Council Chambers, 34 Padbury Street, Moora
commencing at **3.30 pm**

SJ Deckert
Chief Executive Officer
15th February 2008

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 / Proximity / Indirect Financial / Conflict (impartiality) pursuant to ⁽⁵⁾ Section 5.65 of the Local Government Act 1995 / Clause 1.3 of Councils Adopted Code of Conduct.

The nature of my interest is ⁽⁶⁾ _____

I wish to be present and participate in any discussion and/or decision making procedure relating to the item and therefore would like Council to declare that my interest in the matter is ⁽⁷⁾ _____

The extent of my interest is ⁽⁸⁾ _____

I understand that the above information will be recorded in the minutes of the meeting and placed in the Financial Interest 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. Delete type of interest not applicable.
5. Delete reference, which is not applicable.
6. Insert the nature of your interest.

Please note: The section pertaining to the following notes should only be completed if the Councillor making the declaration requires a Council decision to participate in the matter.

7. Insert either "Trivial" or "In common with a significant number of ratepayers or electors".
8. Insert the extent of your interest.

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SHIRE OF MOORA
ORDINARY COUNCIL MEETING AGENDA
20 FEBRUARY 2008
COMMENCING AT 3.30PM

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Item 11.7.1 Be Active Report – January 2008

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****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 - 23 JANUARY 2008

That the Minutes of the Ordinary Meeting of Council held on 23 January 2008, be confirmed as a true and correct record of the meeting.

11. REPORTS OF OFFICERS

11.1 ADMINISTRATION

11.1.1 ACCEPTANCE OF 2006/2007 ANNUAL REPORT

FILE REFERENCE: PD/ARN I

REPORT DATE: 12 February 2008

APPLICANT/PROPONENT: Not Applicable

DISCLOSURE OF INTEREST: The author of this report has no financial interest in the matter.

PREVIOUS MEETING REFERENCES: Not Applicable

AUTHOR: Steven Deckert, Chief Executive Officer

ATTACHMENTS: Draft 2006/2007 Annual Report

PURPOSE OF REPORT:

To receive and consider the draft 2006/2007 Annual Report, and, to adopt the report with or without amendment.

Once the Annual Report has been adopted, Council is to set the date for the Annual Electors Meeting.

BACKGROUND:

Council is required by the Local Government Act 1995 to accept the annual report for the 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.

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.

Councillors were provided with a copy of the draft 2006/2007 Annual Report (as prepared at that time) at the Briefing Session held on 6 February 2008. At that time the Shire President's Report, CEO's Report, Auditor's Report and Financial Statements were incomplete or not available. These documents have now been incorporated into the draft presented to this meeting.

At the time of preparing this agenda item, there had been no feedback from Councillors as to the content of the draft Annual Report.

COMMENT:

The Audit Report and audited financial statements relating for the year ended 30 June 2007 were received via email on 8 February 2008 and are being presented to Council under a separate agenda item to this Council Meeting. The Audit Report and audited financial statements form part of the Annual Report.

The acceptance of the Annual Report, either in its current form, or as amended by Council, at this meeting then requires Council to set a date for the Annual Electors Meeting which must be within 56 days of acceptance. Therefore the latest Council can hold the electors meeting is 17 April 2008. As there has been a delay in presenting the Annual Report to Council, it is advisable that the Annual Electors Meeting be held as soon as practicable allowing for the statutory advertising period.

It is recommended that the Annual Electors Meeting be held on Wednesday 5 March 2008 at 7.00pm (following the Briefing Session) in the Moora Performing Arts Centre. This date coincides with a Briefing Session, which is probably more convenient for Councillors as they will be in Moora anyway. The next option would be the date of the March Council Meeting, being 19 March, however this meeting is being held in Miling which may not be as convenient.

The draft 2006/2007 Annual Report is enclosed with this agenda for Councillors' consideration.

POLICY REQUIREMENTS:

There are no policies relative to this matter.

LEGISLATIVE REQUIREMENTS:

Local Government Act 1995, Sections 5.27, 5.54, & 5.55

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.

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 as costs associated with printing the Annual Report and holding of the Annual Electors Meeting have been factored in to the Adopted Budget.

VOTING REQUIREMENTS:

Simple Majority Required

MANEX RECOMMENDATIONS

That Council:

- 1. Accepts the 2006/2007 Annual Report as presented.*
- 2. Sets the date of the Annual Electors Meeting to be held on Wednesday, 5 March 2008, commencing at 7.00pm at the Moora Performing Arts Centre.*

11.1.2 CHIEF EXECUTIVE OFFICER'S LEAVE ARRANGEMENTS AND APPOINTMENT OF AN ACTING CEO

FILE REFERENCE: HR/PERI/SJD1

REPORT DATE: 12 February 2008

APPLICANT/PROPONENT: Steven Deckert, Chief Executive Officer

DISCLOSURE OF INTEREST: The author is the person referred to within the report and therefore declares a financial interest. The extent of the interest is in relation to the value of the leave to be taken.

PREVIOUS MEETING REFERENCES: Item 15.5 Ordinary Meeting held 23/1/08

AUTHOR: Steven Deckert, Chief Executive Officer

ATTACHMENTS: Confidential Attachment - Agreed employment arrangements of Acting CEO;
Confidential Attachment – Late item to Briefing Session on 6 February 2008

PURPOSE OF REPORT:

To inform Council of the CEO's leave arrangements during the CEO's termination notice period and to appoint an Acting CEO for this period as well as following the CEO's termination.

BACKGROUND:

As an employee of Council, the Chief Executive Officer is entitled to annual leave and other approved leave however, the granting of leave is somewhat different to other employees. Generally the Divisional Manager or the Chief Executive Officer as the case may be, will consider applications for leave for all other employees.

The Chief Executive Officer's leave is in essence approved by the CEO himself, however it is good practice and courteous to inform Council of leave proposals and seek Council's endorsement.

In the absence of the CEO, Council also needs to appoint an Acting Chief Executive Officer to be responsible for the day-to-day operations as well as the statutory requirements of the position during this period.

It may also be an opportune time to also consider the appointment of an Acting CEO for the period following the termination of the CEO until the commencement of a new permanent CEO.

COMMENT:

I would like to take leave (for personal family reasons) from Monday 25 February 2008 (effectively from 23 February 2008) and ending on Friday 14 March 2008. I will then recommence duties on Monday 17 March 2008 and continue through to my last day on 28 March 2008.

To cover both the period the CEO is on leave and following the CEO's termination, the CEO provided Councillors with a proposal (copy attached) at the last Briefing Session to engage the services of an experienced local government practitioner as soon as practicable. This person could do special project work while the CEO is here and then be appointed as Acting CEO as required. It is recommended that Council

endorse the employment of Mr Eddie Piper as a Special Projects Officer and Acting CEO who is available from 19 February 2008.

POLICY REQUIREMENTS:

There are no policies relevant to this matter.

LEGISLATIVE REQUIREMENTS:

Sections 2.7 and 3.1 of the Local Government Act 1995, relating to a local government's general function provisions.

Local Government Officers' (WA) Award 1999.

Chief Executive Officer's Employment Contract.

STRATEGIC IMPLICATIONS:

There are no specific strategic implications, however, the ability to engage the services of an experienced local government practitioner will enable a smooth transition between the current CEO leaving and the new CEO commencing.

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 respect to the leave as all leave entitlements are provided for within the Adopted Budget. There will be additional costs to Council for the period where both the current CEO and the Special Projects Officer are at work at the same time which equates to around \$500 per day.

VOTING REQUIREMENTS:

Simple Majority Required

CEO's RECOMMENDATIONS

That Council:

- 1. Notes and endorses the Chief Executive Officer's leave from 25 February 2008 to 14 March 2008 ;*
- 2. Approves the appointment of Mr Eddie Piper as Special Projects Officer on a casual basis from 19 February 2008 in accordance with the terms and conditions of the confidential attachment;*

- 3. Appoints Mr Eddie Piper as Acting Chief Executive Officer for the period 25 February 2008 to 14 March 2008, in the absence of the Chief Executive Officer on leave; and**
- 4. Appoints Mr Eddie Piper as Acting Chief Executive Officer from 29 March 2008 until the commencement of the new permanent Chief Executive Officer.**

11.2 FINANCIAL DEVELOPMENT

11.2.1 LIST OF PAYMENTS AUTHORISED UNDER DELEGATION 1.31

REPORT DATE: 15 February 2008
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>Chq 57530 - 57679</i>	<i>\$562,910.69</i>
	<i>Chq 58301 – 58420</i>	<i>\$585,675.31</i>
<i>Direct Debits</i>	<i>373 -392</i>	<i>\$44,510.69</i>
<i>Total</i>		<i><u>\$1,193,096.69</u></i>

11.2.2 AUDIT REPORT AND MANAGEMENT LETTER

FILE REFERENCE: F/AUDI

REPORT DATE: 12 February 2008

OFFICER DISCLOSURE OF INTEREST: Nil

AUTHOR: Darren Friend, Manager Finance & Corporate Services

ATTACHMENTS: Independent Auditor's Report & Management Report

BACKGROUND

Following the completion of the annual audit an audit report detailing the scope, audit opinion and statutory compliance is issued and forms part of the Annual Financial Statements and Annual Report of the Shire.

Additionally a management letter is issued. This letter presents the results of the audit and may include suggestions for improvement of processes and procedures to assist in reducing areas of non-compliance found during the audit process.

COMMENT

The 2006/2007 Audit Report has now been received and is shown as a separate attachment to this report. Council is aware of the difficulties experienced in the compilation of the Annual Financial Statements for the year ended 30 June 2007 and the subsequent audit due to staff shortages. A further report concerning the 2007 Audit and Management reports will be presented to Council via the Audit Committee next month.

The Local Government Act requires the Audit Committee to consider results of Audit including the Management Letter. It is recommended that an Audit Committee Meeting be held prior to the Ordinary Council Meeting, scheduled for 19 March 2008.

STATUTORY ENVIRONMENT

Part 7 of the Local Government Act 1995 and associated regulations.

7.12A. Duties of local government with respect to audits

(2) Without limiting the generality of subsection (1), a local government is to meet with the auditor of the local government at least once in every year.

POLICY IMPLICATIONS

Nil.

BUDGET IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Presentation of the management report to the Audit Committee improves the governance role of Council.

PRECEDENT

An independent audit report and management letter is received at the completion of each annual audit.

VOTING REQUIREMENTS

Simple Majority

MANEX RECOMMENDATIONS

That

- 1. Council receives the Independent Audit Report from UHY Haines Norton for the year ended 30 June 2007; and*
- 2. an Audit Committee Meeting be convened prior to the Ordinary Meeting of Council scheduled for Wednesday 19 March 2008 to consider the Management Letter relating to the Annual Financial Report for the Year Ended 30 June 2007.*

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: 15 February 2008
APPLICANT/PROPONENT: Various
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 Council's 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 delegated authority.

APPLICANT (S)

The following Town Planning Applications have been approved under this delegated authority for the period ended 15 February 2008.

- **Mrs Tara Scott – 20 York Street, Watheroo – Operation of a Family Day Care Centre Zoning – Rural Townsite, Conditions pending:**
 - **Production of a copy of the relative licence approved by the Dept. of Children's Services**
 - **Written confirmation to Council that all licensing requirements have been completed to the Dept's satisfaction. (Ref 18/0708)**
- **Mr Ray Ralston – Lot 89 Webb Street, Moora – Construction of Shed & Carport 6m x 15m x 2.98m (Area 44.75m²) – Zoning – Special Rural, Value \$14,000 (Ref 19/0708)**
- **Mr K & Mrs J Magry – Lot 144 Cooper Street, Moora – Construction of 4 x 2 Transportable dwelling (Area 293m²) – Zoning – Special Rural, Value \$298,305 (Ref 20/0708)**

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

MANEX RECOMMENDATION

That Council notes the town planning applications approved under delegated authority.

11.4.2 PLANNING APPLICATION – DELMOOR CENTRE

FILE REFERENCE: PA/1496-1
REPORT DATE: 12 February 2008
APPLICANT/PROPONENT: Moora Frail Aged Lodge
OFFICER DISCLOSURE OF INTEREST: Author has no financial interest in this item.
PREVIOUS MEETING REFERENCES: Nil
AUTHOR: Michael Prunster, Community Development Manager
ATTACHMENTS: Copy of letter from DPI, Flood Management Strategy map, Reserve amendment map, site location plan and Management Orders – Reserve 2829 & 42715

PURPOSE OF REPORT:

Planning application received from the Moora Frail Aged Lodge for extensions to the Delmoor Centre, Dandaragan Road Moora.

BACKGROUND:

The Moora Frail Aged Lodge Committee manages the Delmoor Centre located on Lot 402 – Reserve R42715 in Dandaragan Road Moora. The Centre is used for various community activities. The group obtained a grant from Lotterywest in 2007 to assist with an extension to the existing building extending North towards the Moore River and Apex Park. Apex Park is located on Reserve No. R2829.

The application was referred to Council for consideration at its meeting held on 11 April 2007, however because the proposed development protruded onto the Recreation Reserve 2829 by approximately 3-4m, the application was refused and the following resolution passed by Council:-

COUNCIL RESOLUTION (MANEX RECOMMENDATIONS)

76 /07 Moved Cr Gardiner, seconded Cr Barrett-Lennard that Council:

- 1. Refuse the planning application due to its non conformity with planning regulations, native title issues and building regulations.*
- 2. The planning application be reconsidered following the finalisation of the boundary adjustment and negotiation with the native title applicants.*
- 3. Accept a management order from the Department of Planning and Infrastructure over reserve number R2829.*
- 4. Continue to make every effort to assist with the fast tracking of this application.*

CARRIED 8/0

An application was forwarded to the Department of Planning & Infrastructure requesting the excising of a portion of reserve 2829 to allow the development to proceed. An additional request included in the letter was for the Shire of Moora to take over a Management Order over the Reserve 2829 (Apex Park).

The Management Orders for Reserve 2829 and 42715 were received in October 2007 under the names of Shire of Moora and Moora Frail Aged Committee respectively.

COMMENT:

With the amendments now being finalised, the proposed new development will be located within the new boundaries. The current location of the Delmoor Centre is located within the floodway area of the Moora Flood Management Strategy, and under the conditions set under this strategy; the finished floor level of the new addition should be 150mm above the 1999 flood level. Discussing this with the builder, Mr John Brassington, he stated that this would mean an increase in the level between the current section and the new section of around 1m. He says this would make the addition completely impracticable because of the additional height.

The new addition to the Centre is required to accommodate the increase in Senior Citizens and others using the Centre and Council have previously indicated their support for the project.

Normally contact would be made to the Department of Water for their comments on the F.F.L. for the development proposal, but in view that the alternative for enlarging the Centre would be to relocate and construct a larger Centre to cater for the additional space, it is believed that this would not be financially viable for the Centre. The Delmoor Centre has obtained funding from Lotterywest for this new addition.

It is recommended that Council approves the application, subject to the following conditions:-

- Payment of \$322.00 planning application fee.
- Power points, electrical or data connection outlets should be installed 1.0m above floor level.
- Windows should be installed no lower than 0.5m above the Finished Floor Level.
- Building licence to be issued by Council's Manager Health & Planning Services.
- Setbacks to be as per plan submitted.
- Acknowledgment from the Moora Frail Aged Lodge Committee that the new addition may be subject to flooding due to the F.F.L. height.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

Shire of Moora Town Planning Scheme No 4.

STRATEGIC IMPLICATIONS:

The completion of the extension will provide additional space for community activities.

SUSTAINABILITY IMPLICATIONS:

- **Environment**
There are no known significant environment implications associated with this proposal.
- **Economic**
There are no known significant economic implications associated with this proposal.
- **Social**
Extensions would encourage a greater involvement in Social activity for senior citizens.

FINANCIAL IMPLICATIONS:

Nil

VOTING REQUIREMENTS

Simple Majority Required

MANEX RECOMMENDATION

That Council approve the planning application submitted from Messrs J.G. Brassington Building Services on behalf of the Moora Frail Aged Lodge to construct a 140.36m² extension to the rear of the existing Delmoor Centre building, subject to the following conditions:-

- *Payment of \$322.00 planning application fee.*
- *Power points, electrical or data connection outlets should be installed 1.0m above floor level.*
- *Windows should be installed no lower than 0.5m above the Finished Floor Level.*
- *Building licence to be issued by Council's Manager Health & Planning Services.*
- *Setbacks to be as per plan submitted.*
- *A Finished Floor Level of 203.65m AHD being achieved. If the FFL cannot be achieved the applicant shall be required to enter into a legal agreement prepared at the owners expense to indemnify the Council. In addition, the applicant shall agree to a Section 70a of the Transfer of Land Act 1893 Notice being registered on the Management Order.*

11.4.3 APPLICATION FOR PLANNING APPROVAL – TRANSPORT DEPOT LOT 50 BINDI BINDI

FILE REFERENCE: TP/BTB1
REPORT DATE: 13 February 2008
APPLICANT/PROPONENT: Messrs A. & J. Taylor
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: (265/06) 13/12/06, (45/07) 28/2/07, (99/07) 9/5/07, (140/07) 25/7/07, (215/07) 28/11/07
AUTHOR: Michael Prunster, Community Development Manager
ATTACHMENTS: Schedule of submissions received

PURPOSE OF REPORT:

Council considered an application from Messrs A & J Taylor of Bindi Bindi to operate a Transport Depot from the recently purchased Lot 50 Great Northern Highway Bindi Bindi at their meeting held on the 28 November 2007. Approval was granted subject to the following conditions included in Council's resolution passed on the 28 November 2007 being satisfied:-

- *a notice of the proposed development being served on the owners and occupiers of land within an area determined by the Council, as likely to be affected by the granting of planning approval stating that submissions may be made to Council within twenty-one days of the service of such notice.*
- *The proposal is to be advertised in the Central Midlands and Coastal Advocate inviting submission from the public within twenty-one days of publication.*

The advertising period expired on the 10 January 2008, and only one submission was received during the period; however a previous submission was received during the sale of property period and has been included in the schedule.

BACKGROUND:

Council recently sold the lot to Mr & Mrs Taylor by private treaty. Mr Taylor's initial plan is to use the lot for operating his transport business, and eventually construct a family dwelling on the Lot. The first stage of the development will involve erecting a dome shelter for his vehicles and also building a small storage shed. The area of the Lot is 5.0408ha.

COMMENT:

Mr & Mrs Taylor are a young, energetic couple with a young family and their successful transport business has been operating from the Bindi Bindi area for several years. They currently reside on Mrs Taylor's parent's farm, but are keen to establish their own independent residence and depot facility.

The payment of the planning application fee of \$150.00 has been received.

The submission received from the adjoining owner supports the application but they have requested that Council ensures the applicant adheres to the conditions outlined with reference to the "washing of stock crates" and "storing of unwashed crates on the property".

In view that no other submissions/comments were received it is recommended that Council support the application subject to the following conditions: -

- The proposed development as approved by the Shire is to be completed within two years of the purchase of the Property;
- The construction of the proposed Shed, Shelters and Residence are subject to the lodgment of a building application for approval by the Shire's Manager Health & Planning Services, and must be completed within the timeframe provided for by the relevant building licence;
- The minimum setback requirements for buildings constructed on the lot is: -
 - Front 20m
 - Rear 15m
 - Side 15m
- There is to be minimum clearance of Native Vegetation from the Lot.
- Washing of stock crates is not permitted on the site.
- Unwashed stock crates are not to be stored on site.
- There is to be no disposal of manure waste on site.
- Noise and dust levels to be kept to a minimum to reduce impact of activities on neighbouring residents.
- Storage of fuel and construction of adequate Bunding in accordance with the requirements, or the approval of, the Department of Mineral and Petroleum Resources.
- That all access and egress should be designed and constructed in accordance with Main Roads WA specifications.
- That signage needs to be erected in accordance with Main Roads policy, advising of the Lot entry and exit locations to the property to ensure road safety requirements on entering and exiting the highway. This should be undertaken at the applicant's cost.

POLICY REQUIREMENTS

Nil

LEGISLATIVE REQUIREMENTS:

There are no known legislative requirements related to this item.

STRATEGIC IMPLICATIONS:

Establishment of a new business venture within the town of Bindi Bindi

SUSTAINABILITY IMPLICATIONS:

- **Environment**
Minor environmental implications associated with this proposal are referred to in the conditions of approval.
- **Economic**
New business identified in the town of Bindi Bindi.
- **Social**
Support for a young family and business.

FINANCIAL IMPLICATIONS:

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

VOTING REQUIREMENTS

Simple Majority Required

MANEX RECOMMENDATIONS

That

- 1). Council receives the schedule of submissions received during the advertising period for the proposed development on Lot 50 Great Northern Highway, Bindi Bindi and adopts the response therein, as per attached.**
- 2). Having complied with the requirements of the Shire of Moora Town Planning Scheme No 4, section 7.3 & 7.4, and after giving due consideration of the submission received, agrees to approve the planning application subject to the following conditions:-**
 - The proposed development as approved by the Shire is to be completed within two years of the purchase of the Property;**
 - The construction of the proposed Shed, Shelters and Residence are subject to the lodgment of a building application for approval by the Shire's Manager Health & Planning Services, and must be completed within the timeframe provided for by the relevant building licence;**
 - The minimum setback requirements for buildings constructed on the lot is: -**
 - Front 20m**
 - Rear 15m**
 - Side 15m**
 - There is to be minimum clearance of Native Vegetation from the Lot.**
 - Washing of stock crates is not permitted on the site.**
 - Unwashed stock crates are not to be stored on site.**
 - There is to be no disposal of manure waste on site.**
 - Noise and dust levels to be kept to a minimum to reduce impact of activities on neighbouring residents.**
 - Storage of fuel and construction of adequate Bunding in accordance with the requirements, or the approval of, the Department of Mineral and Petroleum Resources.**
 - That all access and egress should be designed and constructed in accordance with Main Roads WA specifications.**
 - That signage needs to be erected in accordance with Main Roads policy, of the Lot entry and exit locations to the property to ensure road safety requirements on entering and exiting the highway. This should be undertaken at the applicant's cost.**

11.4.4 ANTI SOCIAL BEHAVIOUR

FILE REFERENCE: LO/CRSI
REPORT DATE: 13 February 2008
APPLICANT/PROPONENT: Moora Women's Group
OFFICER DISCLOSURE OF INTEREST: Author has no interest in this item
PREVIOUS MEETING REFERENCES: Nil
AUTHOR: Michael Prunster, Community Development Manager
ATTACHMENTS: Nil

PURPOSE OF REPORT:

The Community Development Manager, Be Active Coordinator and Community Crime & Safety Project Coordinator met with members of the Moora Women's Group on Thursday 31 January 2008.

The Group called the meeting to discuss their concerns on the current anti social behaviour that is being displayed by certain groups of youth in Moora. Eight members of the group involving both Indigenous and non Indigenous members attended the meeting.

One of the concerns discussed on the agenda for the meeting were the problems associated with the teenage youths anti social behaviour after leaving the Youth Club Activities each night.

The Group aired their concerns on the problems and requested that the Shire be approached for the use of the Community Bus each night to transport these youth to their respective homes.

BACKGROUND:

Residents surrounding the area of the Moora Youth Club have complained of anti social behaviour occurring following the closure of the Club following the night sessions. The Club conducts its evening activities for the senior youth aged from around 13-17 years, and on an average there are some 25 of these youths attending the Club. The Club operates its activities for the senior youth on Tuesday – Thursday from 6-9pm and on Saturdays from 6-10pm. The problem arises when these youths leave the Centre to supposedly return to their homes, but invariably some split into groups and carry out anti social behaviour in the adjoining streets disturbing the residents by carrying out vandalism and other anti social activities.

The Group are very concerned with this problem and are worried that some community members may take matters into their own hands to quell the problem. They have requested that the Shire consider providing the Community Bus to the Group to transport these youths to their respective homes following the Youth Club nightly activities. They believe that this will help discourage the anti social behaviour because the group would be "split up". They stated that they would arrange for volunteer drivers with the appropriate licence class to drive the Bus and also another volunteer to travel with the driver. All volunteers would be required to obtain 'working with children' clearances. It was stated that the Youth Club may be able to provide funding towards the running costs of the Bus, but they would like Council to waive the hire fee.

The meeting agreed that Council be requested to permit the use of the Bus under the above conditions, and carry out the exercise for a 3 month trial period and then to make an assessment of the outcome of the exercise from a report from the Women's Group and Youth Centre.

COMMENT:

Councillors discussed this proposal at a recent briefing session, and there were various opinions aired on the proposal. Concern was expressed on possible damage to the Community Bus and its availability on the following day should it be required for hire to other members of the community.

The suggestion of a one month's trial was discussed followed by a review on the success of the project.

Enquiries regarding the use of the Department of Community Development Bus have revealed that it cannot be made available for the purpose.

Since this briefing session, the Community Development manager has had discussions with Mr Colin Headland re the Central Midlands Aboriginal Progress Association Bus which is located at Mr Headland's residence.

Mr Headland advised that the Bus has not been in use since before Christmas 2007. He also stated that it is currently unlicensed, but it was in operational order when the vehicle was last used. He believes that the motor may require some maintenance, but it had the seats recovered last year.

Mr Headland indicated that the association has no further use for this Bus and he stated that they would be happy to donate this Bus to the Shire for the Youth Club use, on the condition that it would be the Shire's responsibility to bring the Bus up to licensing standard.

It is recommended that due to the non support for the use of the Community Bus, Council authorises Staff to arrange for the Shire Mechanic to inspect the vehicle and make an assessment on the possible cost of repairs etc to satisfy the licensing standards.

Should the costs be considered reasonable, the Bus could be then either handed over or leased to the Youth Club at a nominal fee for their use in transporting youth's home from the Centre.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

L.G.A. 1995 s2, 7 & s3.1

STRATEGIC IMPLICATIONS:

Provision of transport facility for Youth, in an effort to control anti social behaviour.

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

The proposal is to assist in providing a means of reducing the anti social behaviour that is currently being displayed in the town.

FINANCIAL IMPLICATIONS:

Some funding available through the Community Crime & Safety Budget.

VOTING REQUIREMENTS

Simple Majority Required

MANEX RECOMMENDATIONS***That Council:***

- 1. Refuse the request from the Moora Women's Group for provision of the Community Bus for Moora Youth Club transport facility because of the possible impact on the availability of the Bus for other Community users,***
- 2. Authorise staff to investigate and assess the condition of the Aboriginal Progress Association Bus by arrangement with Mr Colin Headland,***
- 3. Following the assessment of the cost for repairs refer to Council for further consideration.***

11.5 ENVIRONMENTAL DEVELOPMENT

Nil

11.6 ECONOMIC DEVELOPMENT

11.6.1 TENDER I/2008 – DISPOSAL OF LOTS 404-413 GARDINER STREET MOORA

FILE REFERENCE: L/TEN1
REPORT DATE: 13 February 2008
OFFICER DISCLOSURE OF INTEREST: Author has no financial interest in this item
PREVIOUS MEETING REFERENCES: 23/1/08 (15/08)
AUTHOR: Rebecca McCall, Manager Economic Development
ATTACHMENTS: Tender Document I/2008

PURPOSE OF REPORT:

Adopt prepared tender document I/2008 for the disposal of Lots 404 to 413 Gardiner Street Moora.

BACKGROUND:

Council resolved at their Ordinary Meeting of Council on 23 January 2008 that Council:

*15/08 “sells Lots 404 to 413 Gardiner Street Moora to a willing buyer for no less than \$30,000 above the recommended market value, exclusive of GST.
And
“offers Lots 404 to 413 Gardiner Street Moora for sale by public tender.*

COMMENT:

The tender documents have been prepared. The document has been reviewed by Mr Stephen White. Mr White is the Business Management Coordinator of the Tender Bureau Service, a service provided through the WA Local Government Association.

The tender documents specify the requirement of the tenderer to include a summary of their proposed development and timeframes. This information will assist Council when assessing the submitted tenders.

At this point the selection criteria is not finalised and requires Council direction on the day of Ordinary Council.

POLICY REQUIREMENTS:

Complying with Council's policy in regards to the calling of tenders.

LEGISLATIVE REQUIREMENTS:

Section 3.58 of the Local Government Act 1995 relating to the disposal of local government property.

STRATEGIC IMPLICATIONS:

The Shire of Moora's Strategic Plan outlines in the Key Result Area 'Growth' the goal to attract increased population and investment, to realise our brilliant opportunities and diversify our region's employment and economic base.

The disposal of an asset no longer required by the Shire of Moora, thus allowing potential business operators to establish within Moora's town centre.

SUSTAINABILITY IMPLICATIONS:

- **Environment**
There are no known significant environmental implications associated with this proposal.
- **Economic**
There are potential economic implications associated with this item including economic growth for the local community as well as attracting a possible new labour force to Moora.
- **Social**
There are potential social implications associated with this proposal through encouraging potential new investment or growth of existing businesses, which benefit the community at large.

FINANCIAL IMPLICATIONS:

Financial implications include the unbudgeted income from the proceeds of sale of the land and ongoing rate income from a potential development.

VOTING REQUIREMENTS

Simple Majority Required

MANEX RECOMMENDATION

That Council endorses the reviewed tender documentation for the disposal of Lots 404 to 413 Gardiner Street Moora.

11.6.2 TENDER 2/2008 – DISPOSAL OF LOT 211 MELBOURNE STREET MOORA

FILE REFERENCE: L/TEN1
REPORT DATE: 13 February 2008
OFFICER DISCLOSURE OF INTEREST: Author has no financial interest in this item
PREVIOUS MEETING REFERENCES: 23/1/08 (14/08)
AUTHOR: Rebecca McCall, Manager Economic Development
ATTACHMENTS: Tender Document 2/2008

PURPOSE OF REPORT:

Adopt prepared tender document 2/2008 for the disposal of Lot 211 Melbourne Street Moora.

BACKGROUND:

Council resolved at their Ordinary Meeting of Council on 23 January 2008 that Council:

*15/08 “sells Lot 211 Melbourne Street Moora to a willing buyer for no less than the recommended market value, exclusive of GST.
And
“offers Lot 211 Melbourne Street Moora for sale by public tender.*

COMMENT:

The tender documents have been prepared. The tender documents specify the requirement of the tenderer to include a summary of their proposed development and timeframes. This information will assist Council when assessing the submitted tenders.

At this point the selection criteria is not finalised and requires Council direction on the day of Ordinary Council.

POLICY REQUIREMENTS:

Complying with Council's policy in regards to the calling of tenders.

LEGISLATIVE REQUIREMENTS:

Section 3.58 of the Local Government Act 1995 relating to the disposal of local government property.

STRATEGIC IMPLICATIONS:

The Shire of Moora's Strategic Plan outlines in the Key Result Area 'Growth' the goal to attract increased population and investment, to realise our brilliant opportunities and diversify our region's employment and economic base.

The disposal of an asset no longer required by the Shire of Moora, thus allowing potential business operators to establish within Moora's town centre.

SUSTAINABILITY IMPLICATIONS:**➤ Environment**

There are no known significant environmental implications associated with this proposal.

- **Economic**
There are potential economic implications associated with this item including economic growth for the local community as well as attracting a possible new labour force to Moora.

- **Social**
There are potential social implications associated with this proposal through encouraging potential new investment or growth of existing businesses, which benefit the community at large.

FINANCIAL IMPLICATIONS:

Financial implications include the unbudgeted income from the proceeds of sale of the land and ongoing rate income from a potential development.

VOTING REQUIREMENTS

Simple Majority Required

MANEX RECOMMENDATION

That Council endorses the reviewed tender documentation for the disposal of Lot 211 Melbourne Street Moora.

11.6.3 MOORA HEALTH & FITNESS – CLUB MEMBERSHIP FEE

FILE REFERENCE: BA/MGYI
REPORT DATE: 13 February 2008
OFFICER DISCLOSURE OF INTEREST: Author has no financial interest in this item
PREVIOUS MEETING REFERENCES: 222/07 (28/11/07)
AUTHOR: Rebecca McCall, Manager Economic Development

PURPOSE OF REPORT:

To adopt fees and charges in the Schedule of Charges for club membership at Moora Health & Fitness.

BACKGROUND:

The business plan for Moora Health & Fitness included income derived from club membership. Club membership enables sporting clubs to utilise the gym services and facilities as part of the clubs fitness program.

COMMENT:

Gym Management reviewed the current fees and charges and developed a club membership rate of \$8.00 per player. This is a subsidy of \$4.00 of the normal casual rate.

Terms and conditions would be set by Gym Management to suit specific needs of individual clubs. Generic terms and conditions would include:

- Set timetabled sessions of one hour sessions.
- Sessions to be supervised by staff.
- Sessions closed to public.
- Set period of time confirmed.
- Payment upfront.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

There are no known legislative requirements related to this item.

STRATEGIC IMPLICATIONS:

In accordance with Moora's Strategic Plan under the Key Result Area of "Infrastructure", Goal one outlines; maintain, improve and increase community facilities and services. This item relates to increasing community facilities and services.

SUSTAINABILITY IMPLICATIONS:

- **Environment**
There are no known significant environmental implications associated with this proposal.
- **Economic**
Economic implications include the income generated through club memberships.

➤ **Social**

The option of club membership will enhance the wellbeing and fitness of club players.

FINANCIAL IMPLICATIONS:

Financial implications include unbudgeted income through club memberships.

VOTING REQUIREMENTS

Simple Majority Required

MANEX RECOMMENDATIONS

That Council:

- 1. adopts the recommended fees and charges rate of \$8.00 per player for Club Memberships at Moora Health & Fitness in the Schedule of Charges.***
- 2. adopts the Club Membership terms and conditions set by Gym Management.***

11.7 SPORT AND RECREATION

11.7.1 “BE ACTIVE COORDINATOR” – JANUARY REPORT 2008

FILE REFERENCE: BA/REPI
REPORT DATE: 6 February 2008
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: 23/1/08 (12/08), 12/12/07 (234/07),
28/11/07 (222/07), 24/10/07 (210/07)
AUTHOR: Jenny O’Brien, Be Active Coordinator
ATTACHMENTS: Be Active Report – January 2008

PURPOSE OF REPORT:

Reporting period of January 2008 from the Be Active Coordinator for Council information and acknowledgment.

BACKGROUND:

It is current practice for the Be Active Coordinator (B.A.C.) to periodically provide Council with a report to date of programmes and activities carried out during the current financial year.

COMMENT:

The report prepared by Ms Jenny O’Brien, Be Active Coordinator, covers programmes and activities that have been carried out within the two participating Shires (Moora and Victoria Plains).

The report has also been provided to the other participating shires.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

There are no known legislative requirements related to this item.

STRATEGIC IMPLICATIONS:

Continued activities through this programme within each participating Council are of great benefit to the residents and youth of these Districts, which without this sponsorship the projects would not normally be available to them.

SUSTAINABILITY IMPLICATIONS:

- **Environment**
The outdoor activities participants awareness of the environment and creates a better environmental outlook on the life of the people involved.
- **Economic**
Participants contribute to the cost of certain programmes.
- **Social**
The programmes organised by the B.A.C. have a healthy impact on the social and cultural activities of young and old residents of the Shires involved.

FINANCIAL IMPLICATIONS:

The two Shires participating in the programme fund the programmes on a percentage basis.

VOTING REQUIREMENTS

Simple Majority Required

MANEX RECOMMENDATION

That Council notes and receives the Be Active Report for the period ended January 2008.

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****RECOMMENDATION**

That the meeting move behind closed doors to discuss:

Item 15.1, 'Review of Employment Conditions of Designated Senior Officers' and Item 15.2 'Appointment of Manager Health and Planning Services' as they are matters affecting employees pursuant to Section 5.23(2)(a) of the Local Government Act 1995.

15.1 Review of Employment Conditions of Designated Senior Officers

Provided to Councillors under confidential cover.

15.2 Appointment of Manager Health and Planning Services

Provided to Councillors under confidential cover.

16. CLOSURE OF MEETING