

**Shire of Moora
Ordinary Council Meeting
24th April 2007**

NOTICE OF MEETING

Dear Elected Member

The next Ordinary Council Meeting of the Shire of Moora
will be held on **Tuesday 24th April 2007**
in the Council Chambers, 34 Padbury Street, Moora
commencing at **3.30 pm**

SJ Deckert
Chief Executive Officer
20th April 2007

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
24 APRIL 2007
COMMENCING AT 3.30PM

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16. CLOSURE OF MEETING

20

* Separate Attachments

Item 11.2.1 Statement of Financial Activity for the Period Ended 31 March 2007

Item 11.2.2 Budget Review as at 28 February 2007

Item 11.2.3 Quarterly Investment Report as at 31 March 2007

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

Mrs Wendy Harris from Wheatbelt Area Consultative Committee will be present to provide council with information in relation to the WACC.

9. ANNOUNCEMENTS BY THE SHIRE PRESIDENT

10. CONFIRMATION OF MINUTES OF THE PREVIOUS MEETINGS

10.1 ORDINARY COUNCIL MEETING – 11 APRIL 2007

That the Minutes of the Ordinary Meeting of Council held on 11 April 2007, be confirmed as a true and correct record of the meeting.

11. REPORTS OF OFFICERS

11.1 ADMINISTRATION

Nil

11.2 FINANCIAL DEVELOPMENT

11.2.1 STATEMENT OF FINANCIAL ACTIVITY FOR PERIOD ENDED 31 MARCH 2007

REPORT DATE: 19 April 2007

OFFICER DISCLOSURE OF INTEREST: Nil

AUTHOR: Jo-Anne Ellis, Financial Development Manager

ATTACHMENTS: Statement of Financial Activity for the Period Ended 31 March 2007

PURPOSE OF REPORT:

To note and receive the Statement of Financial Activity for the period ended 31 March 2007.

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 31 March 2007 is provided as a separate attachment.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

Local Government Act 1995, Section 6.4

Local Government (Financial Management) Regulations 1996, Sec. 34

STRATEGIC IMPLICATIONS:

Monitoring of actual revenues and expenditures against the adopted budget assists Council in being informed as 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 line item to enable comparison to 2006/07 adopted budget.

VOTING REQUIREMENTS

Simple Majority Required

MANEX RECOMMENDATION

That Council note and receive the Statement of Financial Activity for the period ended 31 March 2007.

11.2.2 BUDGET REVIEW AS AT 28 FEBRUARY 2007

REPORT DATE: 19 April 2007
OFFICER DISCLOSURE OF INTEREST: Nil
AUTHOR: Jo-Anne Ellis, Financial Development Manager
ATTACHMENTS: Budget Review as at 28 February 2007

PURPOSE OF REPORT:

To consider and adopt the budget review for the Period 1 July 2006 to 28 February 2007.

BACKGROUND:

Local Governments are required to conduct a budget review between 1 January and 31 March each financial year. This is the second year in which this requirement has applied. A budget review is a detailed comparison of the year to date actual results with the adopted or amended budget.

The budget review is to be submitted to Council within 30 days of the review for Council to consider and determine whether or not to adopt the review and any recommendations made in the review.

A copy of the review and Council decision is to be provided to the Department of Local Government within 30 days of the decision by Council.

COMMENT:

The budget review for the period 1 July to 28 February has been conducted by management and is provided as a separate attachment to this agenda.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

Regulation 33A – Local Government (Financial Management) Regulations 1996

STRATEGIC IMPLICATIONS:

The budget review helps determine and document any projects that are unlikely to be completed during the budget year and new opportunities that have arisen during the year. The review process ensures management and councillors review the performance of the Council for the year to date and apply corrective actions if required prior to 30 June to ensure a balanced budget is maintained.

SUSTAINABILITY IMPLICATIONS:**➤ Environment**

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

➤ Economic

The budget review process provides a timely indication of ability of the local government to achieve the budgeted performance for the year and the timing allows corrective actions if required prior to 30 June.

➤ Social

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

FINANCIAL IMPLICATIONS:

The budget review enables management to establish whether the local government continues to meet its budget commitments. It enables Council to determine whether income and expenditures are in accordance with adopted budget.

VOTING REQUIREMENTS

Absolute Majority Required

MANEX RECOMMENDATION

That Council having considered the budget review for the period 1 July 2006 to 28 February 2007 adopts the review as tabled.

11.2.3 QUARTERLY INVESTMENT REPORT AS AT 31 MARCH 2007

REPORT DATE: 17 April 2007
OFFICER DISCLOSURE OF INTEREST: Nil
AUTHOR: Jo-Anne Ellis, Financial Development Manager
ATTACHMENTS: Quarterly Investment Report as at 31 March 2007

PURPOSE OF REPORT:

To note the Quarterly Investment Report as at 31 March 2007.

BACKGROUND:

Council adopted an Investment Policy and Delegation relating to Investment of Municipal Funds and Reserve Funds at the 28 March 2007 Ordinary Meeting of Council. One of the requirements under this policy and delegation is that a quarterly investment report is provided to Council.

COMMENT:

The Quarterly Investment Report as at 31 March 2007 is provided as a separate attachment.

POLICY REQUIREMENTS:

Policy FIN 001 – Investment Policy
Delegated Authority DA1.32 – Investment of Municipal Funds and Reserve Funds.

LEGISLATIVE REQUIREMENTS:

Regulation 19 – Local Government (Financial Management) Regulations 1996
Section 6.14 of the Local Government Act 1995
Section 18 (1) of the Trustees Act 1962 (as amended) (the “Prudent Person” rule).

STRATEGIC IMPLICATIONS:

The investment objective of policy FIN 001 is to manage the Council's investment portfolio in order to maximise return on investments within agreed risk parameters. Regular reporting enables Council to monitor the achievement of this objective.

SUSTAINABILITY IMPLICATIONS:

➤ **Environment**

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

➤ **Economic**

To manage Council's investment portfolio in order to maximise return on investments within agreed risk parameters.

➤ **Social**

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

FINANCIAL IMPLICATIONS:

Investment of funds surplus to immediate requirements provides an additional source of income to the Council and increases the value of Reserve Funds.

VOTING REQUIREMENTS

Simple Majority Required

MANEX RECOMMENDATION

That Council note and receive the Quarterly Investment Report for the period ended 31 March 2007

11.3 OPERATIONAL DEVELOPMENT

11.3.1 ACCESS TO LOT 65 COOPER STREET, MOORA

FILE REFERENCE: TP/TPEI

REPORT DATE: 19 April 2007
APPLICANT/PROPONENT: Mr & Mrs PT Ackland
DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: (11.3.1) 28 February 2007
AUTHOR: Steven Deckert, Chief Executive Officer
ATTACHMENTS: Nil

PURPOSE OF REPORT:

Council to reconsider a request to provide road access to Lot 65 Cooper Street, Moora after meeting with the landowner.

BACKGROUND:

At the Ordinary meeting of Council held on 28 February 2007, Council considered a request from the owner of Lot 65 Cooper Street Moora, for Council to provide road access to the property from Long Street.

At that meeting Council resolved:

COUNCIL RESOLUTION

33/07 Moved Cr Barrett-Lennard, seconded Cr Craven that investigation be carried out on whether it is feasible to amalgamate a portion of adjoining lot 115 into the road reserve to reduce the cost of road construction and avoid unnecessary clearing of mature trees and this be referred back to Council for further consideration.

CARRIED 9/0

Following the Council meeting staff have met with Mr Peter Ackland, the owner of Lot 65 (who is also the owner of adjoining Lot 115) to discuss the intent of Council's decision and determine whether it was feasible to resume some land from Lot 115 for the road reserve.

Initial discussions with Mr Ackland indicated that he was not in favour of relinquishing any land from Lot 115 and it was concluded that he would withdraw the request. Subsequently, Mr Ackland has contacted the Shire asking for more details as he was now reconsidering the proposal.

The CEO provided Mr Ackland with the following letter detailing 5 options, that the CEO felt Council may be prepared to consider:

Dear Peter and Terry,

ACCESS TO LOT 65 COOPER STREET MOORA

Thank you for meeting with myself and Mr Mike Prunster on 20 March 2007 to discuss your request for access to Lot 65 Cooper Street, Moora and Council's decision of 14 March 2007 in respect to this.

Further to our meeting, at which it was conveyed that resumption of land from adjoining Lot 115 was not possible, you have more recently emailed Mr Prunster, requesting details of the proposal for reconsideration.

I should clarify, that at this stage, the following options have only been formulated at officer level. It is believed that these options provide realistic solutions for access to Lot 65 that are fair and equitable and may be considered by Council. Once I receive feedback from yourself as to your preference, I can then put the matter to Council for its consideration and decision.

The underlying principle of this proposal is Council's desire to limit costs and also minimise the disturbance to flora, particularly the mature trees in the existing road reserve. Further, it is unlikely that Council would be prepared to meet the full cost of providing access as the new road is only servicing one landholding. The recommendation to Council will most likely suggest an equal cost sharing arrangement between the Shire and the owner of Lot 65. Based on these parameters the following options could be considered:

Option 1 - Do nothing.

Comment: This is obviously the cheapest option, however does not provide formal access to Lot 65.

Option 2 - Construct a minimum standard road on the existing road reserve from Long Street to Lot 65.

Comment: Requires Dept of Environment approval to remove mature trees and clear the road alignment, which may be difficult to obtain. Culverts need to be installed near the Long Street intersection adding to the cost. Overall estimated cost is \$10,000.

Option 3 - Construct a minimum standard road on the existing road reserve from the Moora-Mogumber Road to Lot 65.

Comment: Requires clearing of fewer mature trees so approval from the Dept of the Environment may be easier. Culverts are required at the Moora Mogumber Road intersection; therefore the overall cost is much the same as Option 2, being \$10,000.

Option 4 – Construct minimum standard road on road reserve resumed from adjoining Lot 115 from Long Street to Lot 65.

Comment: Minimal clearing required. There are additional processes required to resume land from Lot 115 and amalgamate this into the Cooper Street Road Reserve. The costs for road construction would be similar as culverts are still required, however additional resumption costs such as survey and land title amendments would increase the total cost to around \$12,000 plus the market value of the resumed land.

Option 5 – Construct minimum standard road on road reserve resumed from adjoining Lot 115 from the Moora–Mogumber Road to Lot 65.

Comment: Same as for Option 4.

In respect to Options 4 and 5, the intention would be to resume sufficient land from Lot 115 to provide for the future construction of a road along the entire length of Cooper Street from the Moora–Mogumber Road to Long Street. Inspection of the site indicates that a strip, 5 metres wide would need to be resumed along the southern boundary of Lot 115 to allow sufficient land for a future road and associated infrastructure. In these options the agreed value of the land would be considered as part of the landowners contribution to the projects cost.

It should also be noted that currently Lot 115 is not fenced from the road reserve. This may become a consideration for the owner of Lot 115 at a later time should Lot 65 be sold.

It is difficult to be accurate at this time as costs have not been obtained for survey work, changes to titles, environmental clearances or market value of land, so the costings in respect to Options 4 and 5 should be considered as an indicative guide only.

It would be appreciated if you can give these options your consideration and let me know whether you would like to proceed with any of the options. Once you have indicated your preference, I could put the proposal to Council for their decision and if favourable, we could proceed to finalise the detail, formalise the agreement and commence the works.

I look forward to your response in due course, however please do not hesitate to contact me if you would like to discuss this further.

Steven J Deckert
Chief Executive Officer

Mr Ackland emailed the CEO on 13 April 2007, advising that he would agree to Option 5 providing his maximum contribution to the roadworks was \$6,000 and that Council compensate Mr Ackland for the resumed land at market value.

With this information to hand, Council is requested to consider whether it wishes to approve one of the options or an alternative option.

COMMENT:

As advised previously, Council is not obliged to construct the road in this instance, however once a road is in place, Council must maintain it.

In view of Mr Ackland's indication that he is prepared to contribute to the cost of the road construction and is also willing to allow some of his adjoining land to be resumed for the road reserve, Council may wish to reconsider this matter.

One of Council's concerns when it considered this matter previously was the extent of clearing of mature trees in the existing Cooper Street road reserve from Long Street to lot 65. Since the previous meeting, the Operational Development Manager has determined that a road could be constructed from the Moora-Mogumber Road to lot 65 whereby the number of mature trees required to be cleared is significantly less.

If construction in the existing road reserve is preferred, Option 3 as detailed in the letter to Mr Ackland would result in a cost to Council of up to \$6,000 with Mr Ackland also meeting up to \$6,000.

Should Council want to consider option 5 as this will result in a wider road reserve preserving the existing trees then the indicative cost to

Council is \$18,000 (includes compensation) while Mr Ackland's contribution remains at \$6,000.

Council is at liberty to consider a much wider range of options if it wishes, ranging from meeting all the costs to meeting no costs. However with the likelihood that there may be similar requests in the future, this may be considered a precedent.

POLICY REQUIREMENTS:

Policy not required as the Local Government Act covers it.

LEGISLATIVE REQUIREMENTS:

Section 3.52 of Local Government Act

STRATEGIC IMPLICATIONS:

Due to the shortage of suitable available land in Moora there will be more of these requests forth coming. It is therefore strategically important that for our town to grow that land such as lot 65 have road access and this occurs in a cost effective manner.

SUSTAINABILITY IMPLICATIONS:

➤ **Environment**

Within the unmade road reserve there are a number of trees that need to be removed which may require a clearing permit.

➤ **Economic**

The rateable value of the property will increase should a dwelling be constructed eventually.

➤ **Social**

Should the sale of the land result in an increase in population with another family moving to Moora then there will be additional social benefits.

FINANCIAL IMPLICATIONS:

Council has not budgeted for these types of requests in this year's budget. Depending on which option Council chooses the corresponding costs can be incorporated into the draft budget.

VOTING REQUIREMENTS:

Simple Majority Required

MANEX RECOMMENDATIONS

That Council agrees in principle to the construction of road access within the existing Cooper Street road reserve from the Moora–Mogumber Road to lot 65 subject to:

- 1. The total cost of constructing the road access, estimated to be up to \$12,000, be met on a 50:50 cost sharing basis between the owner of lot 65 and the Shire;*
- 2. Appropriate approval from the Department of the Environment is obtained to clear the road reserve; and*
- 3. Provision of the Shire's share of costs of up to \$6,000 be included in the 2007/08 draft Budget.*

11.4 COMMUNITY DEVELOPMENT**11.4.1 TOWN PLANNING SCHEME NO 4 – DELEGATION OF POWERS**

FILE REFERENCE: TP/PTM11

REPORT DATE: 18 April 2007

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 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 18 April 2007.

- **Approval for an Arms & Ammunition Licence – Mrs Tanya Chapman t/as Have A Chat at 85 Gardiner Street, Moora (Ref 39/0607) Subject to all conditions being carried out for the storing & retailing of the stock, as issued by the Police Department.**
- **G.J. Watts & Co on behalf of David Gebert – Lot 213 Melbourne Street, Moora – Construction of open sided steel framed storage shed addition to existing shed. (Area 432m²) – Value \$36,000 (Ref 40/0607)**

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

MANEX RECOMMENDATION

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

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

RECOMMENDATION

That the meeting move behind closed doors to discuss;

- 1. Item 15.1 'Resignation of Ms Bronwyn Williams as Enterprise Development Manager', and*
- 2. Item 15.2 'Resignation of Ms Jo-Anne Ellis as Financial Development Manager'*

that if disclosed would reveal a matter affecting an employee or employees, pursuant to Section 5.23(2)(a) of the Local Government Act 1995.

15.1 RESIGNATION OF MS BRONWYN WILLIAMS AS ENTERPRISE DEVELOPMENT MANAGER

Provided to Councillors under confidential cover.

15.2 RESIGNATION OF MS JO-ANNE ELLIS AS FINANCIAL DEVELOPMENT MANAGER

Provided to Councillors under confidential cover.

16. CLOSURE OF MEETING