

Shire of Moora
Ordinary Council Meeting
28th June 2006

NOTICE OF MEETING

Dear Elected Member

The next Ordinary Council Meeting of the Shire of Moora
will be held on **Wednesday 28th June 2006**
in the Council Chambers, 34 Padbury Street, Moora
commencing at **3.30 pm**

SJ Deckert
Chief Executive Officer
23rd June 2006

**** Audit Committee Meeting to be held at 3pm**
prior to the Council meeting on
Wednesday 28th June 2006 **

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 my interest⁽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.
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
28 JUNE 2006
COMMENCING AT 3.30PM

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Nil.

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Nil.

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Nil.

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Item 11.1.2 Compliance Audit Return 2005 (Gold)

Item 11.1.3 Funding Support Request Letter (White)

Item 11.3.1 Works Costing 05/06(Buff)

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 – 14 JUNE 2006**

That the Minutes of the Ordinary Meeting of Council held on 14 June 2006, be confirmed as a true and correct record of the meeting.
11. **REPORTS OF OFFICERS**

11.1 ADMINISTRATION

11.1.1 Auspice Body for the Moora Performing Arts Society

LOCATION: Moora Performing Arts Centre
FILE: 5.1
AUTHOR: Marita Harris,
REPORT DATE: 15th June 2006
DECLARATION: Nil

BACKGROUND

Country Arts WA issue a Touring Menu each year with a selection of performances that community groups or venues may wish to put on. “Guitar Heaven” is in the 2006 Touring Menu and the Moora Performing Arts Society (M.P.A.S.) were approached by Country Arts WA to see if they would be interested in hosting this show as they have previously hosted shows in the past (i.e. “Educating Rita” in March 2005). Caroline Nixon, the President of the M.P.A.S. arranged with Country Arts WA for the M.P.A.S. to host the show in Moora at the Moora Performing Arts Centre on Tuesday, August 15 2006.

COMMENT

“Guitar Heaven” is part of Country Arts WA “Shows on the Go” touring program and is supported by funding from the Government of WA, Healthways and Lotterywest. One of the responsibilities Country Arts WA have when handling public monies, is that they are not able to sign contracts with any group that does not have formal legal organisation status. The M.P.A.S. is not incorporated and therefore not able to sign a contract with Country Arts WA to host “Guitar Heaven”. Country Arts WA have suggested that the M.P.A.S. seek an organisation such as the Shire of Moora to act as an auspice body for the M.P.A.S. The auspice body will be able to sign MOU’s and contracts with Country Arts WA for the presentation of “Guitar Heaven” on the M.P.A.S. behalf. As signatory to any agreements, the auspice body agrees to allow its incorporated status to be used on behalf of the M.P.A.S. in terms of financial and legal functions. The auspice requirement is not new for Country Arts WA but I was advised that their Touring Unit were not aware of the need for it when M.P.A.S. presented “Educating Rita” in March 2005. I have received from the

M.P.A.S., a written request asking for the Shire to act as an auspice body (see attached).

STATUTORY ENVIRONMENT

Sections 2.7 and 3.1 of the Local Government Act 1995 provide Council with its general competency powers.

POLICY IMPLICATIONS

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

BUDGET IMPLICATIONS

Should the M.P.A.S. default on payment of costs incurred to host “Guitar Heaven” the following costs would be incurred by Council: –

Hire Fee:	\$2,500.00 plus GST
APRA Licence Required:	Costs Unknown

M.P.A.C. Hire Fee: \$600.00 incl. GST would not be received.

STRATEGIC IMPLICATIONS

The recommendation of this report generally supports the “People” Key Result Area of the Shire’s Strategic Plan, particularly the strategy of supporting groups and events.

PRECEDENT

There has been no previous precedent.

VOTING REQUIREMENTS

Simple Majority

MANEX RECOMMENDATION – ITEM 11.1.1

That Council agree to act as an auspice body for the Moora Performing Arts Society, in order for them to host a performance of “Guitar Heaven” at the Moora Performing Arts Centre on Tuesday, August 15 2006.

11.1.2 Shire of Moora Annual Compliance Return For 2005

LOCATION: Administration
FILE: 1.13
AUTHOR: Steven Deckert, Chief Executive Officer
REPORT DATE: 22 June 2006
DECLARATION: The author has no financial interest in this matter, however declares an impartiality/conflict interest pursuant to Council's Code of Conduct arising from the author's statutory compliance responsibilities as CEO. The author declares that he will put aside the interest and consider the matter without bias.

BACKGROUND

Section 7.13(i) of the Local Government Act 1995 contains provisions for the making of regulations requiring local governments to carry out, in the manner and form prescribed, an audit of compliance whether of a financial nature or not.

The Return is considered a very useful device for local governments to check their level of compliance with the legislative requirements of the Local Government Act 1995. Also, the Return forms an important part of the Shire's monitoring program. There is a legal requirement to annually complete the Return.

Council has previously completed the Annual Compliance Return in-house by senior officers. Earlier this year the Department of Local Government and Regional Development (DLGRD) offered to conduct the audit on Council's behalf. This was seen as a way of providing Council with an independent review of the Shire's statutory compliance and would be a good starting point with the appointment of a new CEO towards the end of the year under review. Council subsequently accepted the DLGRD offer and two officers from DLGRD conducted the audit during the week commencing 27 March 2006.

COMMENT

The Annual Compliance Audit Return for 2005 as completed by the DLGRD has been received and Council is required to complete the statutory process by adopting the Return at a Council Meeting. This report and the recommendation contained in this report satisfy

Councils statutory requirements in respect to the Annual Compliance Audit Return for 2005.

A copy of the Compliance Audit Return for 2005 is appended for Councillors reference.

In addition to the Return, the DLGRD has prepared a report titled “2005 Compliance Audit Report” which provides in more detail the areas of non-compliance identified in the Compliance Audit Return with a number of recommendations to correct the non-compliances. It is proposed that this report not be dealt with at this time and be subject of a future report in which the CEO will provide Council with information on what is proposed to rectify the non-compliances. Whilst a copy of the Compliance Audit Report is not provided with this agenda item, a copy will be available on meeting day for Councillors to peruse.

STATUTORY ENVIRONMENT

- Section 7.13 (i) of the Local Government Act 1995; and
- Local Government (Audit) Regulations 13, 14 and 15.

POLICY IMPLICATIONS

There is no Council Policy relative to this issue.

BUDGET IMPLICATIONS

There are no budget or financial implications relative to this issue, though staff resources will be required to implement improvements to rectify non-compliances.

STRATEGIC IMPLICATIONS

There are no strategic implications relative to this issue.

PRECEDENT

The adoption of the recommendation of this report does not set precedence.

VOTING REQUIREMENTS

Simple majority decision required

MANEX RECOMMENDATION - ITEM 11.1.2

That Council adopts the attached Compliance Audit Return as the official Return of the Council for the period 1 January 2005 to 31 December 2005 and forward it, along with the signed Joint Certification by the President and CEO, to the Executive Director of the Department of Local Government.

11.1.3 Small Business Centre Central Coastal – Request for Funding

LOCATION: Administration
FILE: 15.32
AUTHOR: Steven Deckert, Chief Executive Officer
REPORT DATE: 22 June 2006

DECLARATION: The author has no financial interest in this matter.

BACKGROUND

During 2005, the Small Business Development Corporation reviewed the service delivery method of the various Business Enterprise Centres (BEC) located throughout Western Australia. As a consequence, the BEC servicing Moora, based in Wongan Hills was closed and the Small Business Centre Central Coastal (SBCCC) located in Cervantes now services Moora.

At the Ordinary Meeting of Council held on 14 June 2006, the new Chairman of the SBCCC, Mr Richard Notley and the Executive Officer of the SBCCC, Mr Norm Skoglund gave a presentation to Council on the new service being provided by the SBCCC, particularly to the Moora area and was seeking Council to continue the financial support provided to the Wongan Hills BEC.

A letter has now been received from the SBCCC confirming they are seeking financial support of \$5,000 for 2006/07. A copy of the letter is appended for Councillors information.

COMMENT

The level of financial support requested, exceeds what Council has recently been providing to the now defunct Wongan BEC, however is on a par with what Council was providing to the Wongan BEC when it originally commenced.

The SBCCC (and the previous Wongan Hills BEC) provides a valuable service to current and prospective small businesses within the Shire of Moora. The SBCCC is also working closely with our Enterprise Development Manager to ensure that there is no duplication and that a meaningful service is provided.

There may be a valid view that there is some cost-shifting from State Government to local government, though any financial support by the Shire could be considered an investment back into the local community.

The letter from the SBCCC indicates that their aim is to employ a part-time assistant to facilitate business services in the northern part of the region. Council could consider tying its contribution to the

appointment of the assistant and could also consider making it an in-kind contribution if the assistant was to reside in Moora.

It is also too early to judge whether the changes implemented by the Small Business Development Corporation will have a positive or negative impact on their service to Moora residents. It is therefore suggested that Council should support the SBCCCC in the interim, however review its further support in 12 months time based on how well the new service has been performing.

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

There are no policies relative to this matter.

BUDGET IMPLICATIONS

Council has paid \$1,750 to the Wongan Hills BEC for the first six months of the current financial year. Should Council adopt the recommendation of this report, provision of \$5,000 for the requested financial support will need to be made in the 2006/07 Draft Budget.

STRATEGIC IMPLICATIONS

Supporting the SBCCC falls within the Key Result Area of “Growth”. The role of the SBCCC is to “ facilitate business development and growth within the local community” which is closely aligned to Council’s goal that in part says “...and diversify our regions employment and economic base”.

PRECEDENT

The adoption of the recommendation of this report does not necessarily set a precedent as Council considers all such requests based on merit on an individual basis. Council has however, strongly supported the Wongan Hills BEC in the past.

VOTING REQUIREMENTS

Simple majority decision required.

MANEX RECOMMENDATIONS – ITEM 11.1.3

That Council

- 1. Agrees in-principle to provide financial support to the Small Business Centre Central Coastal to the value of \$5,000 for 2006/07;*
- 2. Places a contribution of \$5,000 in its 2006/07 Draft Budget for further consideration during the Budget adoption process;*
- 3. Makes any payment of financial support to the Small Business Centre Central Coastal conditional on the appointment of a part-time assistant to service the northern part of their region, and provision of regular reports, and*
- 4. Could consider converting some or all of its agreed financial support to an in-kind contribution should the part-time assistant reside in Moora.*

11.2 FINANCIAL DEVELOPMENT

Nil.

11.3 OPERATIONAL DEVELOPMENT

11.3.1 Works Costing 05/06

AUTHOR: Jo-Anne Ellis, Financial Development Manager

Report DATE: 22 June 2006

DECLARATION: Nil

BACKGROUND

Council is provided with works program costings on a monthly basis to enable monitoring of expenditure and progress of construction and maintenance within the transport portfolio.

COMMENT

The works program costings are provided as an attachment to this agenda.

STATUTORY ENVIRONMENT

Nil.

POLICY IMPLICATIONS

Nil.

BUDGET IMPLICATIONS

Items included in the report are from the 2005/06 Budget.

STRATEGIC IMPLICATIONS

Reporting of expenditure relating to construction and maintenance in the transport portfolio enables council to monitor a significant portion of budgeted expenditure and evaluate the progress of a strategically important investment in the Shire of Moora.

VOTING REQUIREMENTS

Simple Majority.

MANEX RECOMMENDATION – ITEM 11.3.1

That Council note and receive the Works Program Costings for the period ending 22 June 2006.

11.4 COMMUNITY DEVELOPMENT

11.4.1 Town Planning Scheme No 4 – Delegation of Powers

LOCATION: Moora
FILE: 7.4
AUTHOR: Michael Prunster, Community Development

Manager

REPORT DATE: 22 June 2006
DECLARATION: Nil

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 Application has been approved under this delegated authority for the period ended 22 June 2006.

Mr M Brown & Ms J Ellis – Construction of steel framed shed/garage on Lot 86 Brown Street Moora. Area 280m²

VOTING REQUIREMENTS

Simple Majority

MANEX RECOMMENDATION – ITEM 11.4.1

That Council note the town planning application 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*****13.1 Audit Committee Meeting held 28 June 2006**

Audit Committee Minutes to be provided to Council on day of meeting.

14. NOTICE ON MOTIONS FOR THE NEXT COUNCIL MEETING***15. MATTERS BEHIND CLOSED DOORS******16. CLOSURE OF MEETING***

