

**Shire of Moora
Ordinary Council Meeting
16th March 2016**

NOTICE OF MEETING

Dear Elected Member

The next Ordinary Council Meeting of the Shire of Moora
will be held on **Wednesday 16th March 2016**
in the Miling Pavilion, Miling
commencing at **6.30 pm**



AJ Leeson
Chief Executive Officer

11th March 2016

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/Madam,

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
16 MARCH 2016
COMMENCING AT 6.30PM

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- 9.1.1 *List of Payments Authorised Under Delegation 1.31*
- 9.1.2 *Statement of Financial Activity for Period Ended 29 February 2016 (to be provided)*
- 9.1.3 *Lease submission and advertisement*
- 10.1 *Realignment Maps showing adjustments to Lot M226, LotM2771 and Lot 861*
- 10.2 *Realignment Map showing adjustments to Lot 2115 Watheroo Miling road*

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS**1.1 DECLARATION OF OPENING****1.2 DISCLAIMER READING**

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.

2. ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE**3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE****4. PUBLIC QUESTION TIME****5. PETITIONS AND PRESENTATIONS****6. APPLICATIONS FOR LEAVE OF ABSENCE****7. ANNOUNCEMENTS BY THE PRESIDING MEMBER****8. CONFIRMATION OF MINUTES****8.1 ELECTORS GENERAL MEETING - 3 FEBRUARY 2015**

That the Minutes of the Electors General Meeting of Council held on 3 February 2016 be confirmed as a true and correct record of the meeting.

8.2 ORDINARY COUNCIL MEETING - 17 FEBRUARY 2015

That the Minutes of the Ordinary Meeting of Council held on 17 February 2016 be confirmed as a true and correct record of the meeting.

9. REPORTS OF OFFICERS

9.1 GOVERNANCE AND CORPORATE SERVICES

9.1.1 LIST OF PAYMENTS AUTHORISED UNDER DELEGATION 1.31

REPORT DATE: 2 March 2016

OFFICER DISCLOSURE OF INTEREST: Nil

AUTHOR: David Trevaskis, Deputy Chief Executive Officer

SCHEDULE PREPARED BY: Alida Fitzpatrick, Finance Creditors Officer

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

RECOMMENDATION

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

<i>Municipal Fund</i>	<i>Cheques 62127 to 62136</i>	<i>\$8,835.67</i>
	<i>EFT 15028 to 15192</i>	<i>\$568,684.32</i>
	<i>Credit Card 15/01/16 to 14/02/16</i>	<i>\$4,196.59</i>
	<i>Net Pays – PPE 02/02/16</i>	<i>\$89,920.24</i>
	<i>Net Pays – PPE 23/02/16</i>	<i>\$93,818.05</i>
<i>Trust Fund</i>	<i>Cheques 5160 to 5168</i>	<i>\$3,115.21</i>
<i>Total</i>		<i><u>\$ 768,570.08</u></i>

9.1.2 STATEMENT OF FINANCIAL ACTIVITY FOR PERIOD ENDED 29 FEBRUARY 2016

REPORT DATE: xx March 2016

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: David Trevaskis, Deputy Chief Executive Officer

ATTACHMENTS: Statement of Financial Activity for the Period Ended 29 February 2016
(to be provided)

PURPOSE OF REPORT:

To note and receive the Statement of Financial Activity for the period ended 29 February 2016.

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 2015/16 adopted budget.

VOTING REQUIREMENTS

Simple Majority Required

RECOMMENDATION

That Council notes and receives the Statement of Financial Activity for the period ended 29 February 2016.

9.1.3 WEST END LEASE – SEWERAGE AREA

FILE REFERENCE: L/LWE1

REPORT DATE: 11 March 2016

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: 17/2/16 (19/16) & 20/2/13 (4/13)

AUTHOR: David Trevaskis, Deputy Chief Executive Officer

ATTACHMENTS: Lease submission and advertisement

PURPOSE OF REPORT:

For Council to consider lease submitted in relation to lease of a portion of West End land.

BACKGROUND:

Lease submissions were recently called from local community groups-sporting clubs to lease approximately 36 hectares of west end for the purpose of cropping and or grazing. It is the eastern portion around the shire sewerage infrastructure.

On the 17th February 2016 Council resolved;

19/16 That the Chief Executive Officer be directed to arrange public advertising of the Westend (Sewerage dam paddock) cropping lease as per Section 3.58 (3) of the Local Govt. Act 1995.

CARRIED 8/0

The Moora Bowling Club requested an extension to their lease for cropping of West End which was due to expire at the end of February.

The lease of the 36 hectare section of west end to the east of the river (sewerage dam paddock) for 'cropping / grazing' was taken out with the aim of the cropping to cater for future upgrades of the club house. The current lease was for a 3 year term expiring on 28 February 2016.

COMMENT:

One lease was received from the Moora All Peoples Church Inc. (see attached).

It is evident that the advertisements placed in the Farm Weekly and Northern Valley news were not seen by many local groups which is disappointing. Even the original proponent Moora Bowling Club did not see the advertisement.

The authors view is that Council should extend the tender period until April 13 and ensure that administration circulate the advertisement not only in paper-back but also Facebook and Web page.

In terms of the actual tender submission by the Moora All Peoples Church, the author is of the view that there needs to be a more holistic and collaborative approach with state government agencies such as Department of Child Protection before such a strategy of a “foster home” is endorsed. Put simply it should be the responsibility of State Government to acquire a property and resource such an asset and service. Whilst the strategy put forward by the Moora All Peoples Church is commended the author is of the view it is another “cost shift” by state government and funds raised through cropping/grazing could be better utilised to support community and recreational infrastructure such as play grounds/sporting club infrastructure and the like which have such a wider and broad ranging community benefit.

POLICY REQUIREMENTS:

Council does not have a policy in relation to West End Land Lease. It may be that a more detailed policy needs to be developed to give more clarity to expected use of funds.

LEGISLATIVE REQUIREMENTS:

Local Government Act 1995;

Section 3.58

Disposing of property

- (1) In this section —
 - dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not;
 - property includes the whole or any part of the interest of a local government in property, but does not include money.
- (2) Except as stated in this section, a local government can only dispose of property to —
 - (a) the highest bidder at public auction; or
 - (b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.
- (3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —
 - (a) it gives local public notice of the proposed disposition —
 - (i) describing the property concerned; and
 - (ii) giving details of the proposed disposition; and
 - (iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;

and

 - (b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.
- (4) The details of a proposed disposition that are required by subsection (3)(a)(ii) include —
 - (a) the names of all other parties concerned; and
 - (b) the consideration to be received by the local government for the disposition; and
 - (c) the market value of the disposition —
 - (i) as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or
 - (ii) as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.

- (5) This section does not apply to —
- (a) a disposition of an interest in land under the Land Administration Act 1997 section 189 or 190; or
 - (b) a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59; or
 - (c) anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or
 - (d) any other disposition that is excluded by regulations from the application of this section.

STRATEGIC IMPLICATIONS:

Goal 1: A vibrant, healthy and safe community.

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 many social implications in terms of the proposal submitted by Moora All Peoples Church Inc. The authors view is that this strategy needs to be placed collaboratively with Council's Community Crime Prevention Committee and inter agency group. It should not be dismissed and most certainly has merit.

FINANCIAL IMPLICATIONS:

Funds raised through the cropping/grazing lease go into Council's Municipal Fund

VOTING REQUIREMENTS

Simple Majority Required

RECOMMENDATION

That Council not accept the tender submission from the Moora All Peoples Church Group Inc. for the cropping and leasing of the eastern portion of West End and re-advertise the tender to be considered by Council at its Council meeting of 20 April 2016.

9.1.4 NATIONAL GENERAL ASSEMBLY – CANBERRA – 19-22 JUNE 2016

FILE REFERENCE: EM/SUCI & GA/ALGI
REPORT DATE: 11 March 2016
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: Nil
AUTHOR: Alan Leeson, Chief Executive Officer
ATTACHMENTS: Nil

PURPOSE OF REPORT:

For Council to consider authorising Shire President Cr K Seymour, Deputy Shire President Cr M Pond and Chief Executive Officer A Leeson to attend the Australian Local Government Association 2016 National General Assembly (NGA) in Canberra from the 19-22 June 2016.

BACKGROUND:

The 2016 National General Assembly of Local Government (NGA) is an opportunity for attending Councillors to deliver the views and concerns of Council as well as contribute your own experience and knowledge to debate on a broad set of national issues. The theme for this year's NGA is "Closest to the Community: Local Government in the Federation". It reflects not only the dominant debate being pursued by the Australian Government, but also an opportunity to dig much deeper to discuss and debate the role of local government not just in the larger Federation, but in our communities. Link to program <http://www.conferenceco.com.au/nga/>

This is also an opportunity to contribute to policy discussions at a national level and a key opportunity to engage with key decision makers, such as the Prime Minister, the Leader of the Opposition, the Deputy Prime Minister and the Australian Greens Senator Richard Di Natale.

The following is an overview of the NGA 2016 from the view of National President Mayor Troy Pickard;

Dear Colleagues,

Key drivers of success for the councils of the future will include the ability to innovate and adapt to change. Today's councillors must be open to new ideas, innovative ways of engaging citizens and making interactions with councils simpler, faster and easier.

Under the theme Partners in an Innovative and Prosperous Australia, delegates at this year's National General Assembly of Local Government (NGA) will look at the many ways local government is being innovative both here and overseas. As a responsive, pragmatic and dynamic level of government, councils innovate with technology, with their resources and in practical ways within their organisations and communities. Through the NGA, delegates will be able to learn from the ideas and experiences of other councils and gain valuable ideas for their own councils.

Our theme also underlines the contribution local government makes to economic prosperity and productivity, a contribution which often goes unacknowledged. We have a significant role to play in fostering and enhancing the prosperity of our communities. Nationally, local government.

- employs 189,000 Australians (around 10 per cent of the total public sector);
- owns and manages non-financial assets with a replacement value of \$437 million;

- raises around 3.4 per cent of Australia's total taxation revenue per annum; and
- has annual operational expenditure of around \$33 billion, or just under 6 percent of total public sector spending.

Local government plays a significant role in the national economy and councils play critical roles in their local economies. I encourage you to attend the NGA, and to work with myself and the ALGA Board, as we explore opportunities to strengthen the contribution that local government makes.

With a Federal election due this year, the NGA offers an opportunity to elevate local government issues to the Federal level. In the lead up to this election, ALGA, in conjunction with State and Territory Associations, will undertake a significant advocacy program to ensure that the promises made by the major political parties address the needs of our councils and our communities. The influence of local government is reflected in the ongoing high level political engagement the NGA receives, and this year will be no different. I have invited the Prime Minister, Leader of the Opposition, Leader of the Australian Greens, Minister for Local Government and Shadow Minister for Local Government to address the NGA and to give you the opportunity to hear directly from them in the lead up to the election.

The NGA program this year features a number of preeminent speakers who will share their views and encourage our thinking on the two key areas of our theme: innovation and prosperity. We have panel sessions that allow for interaction with these presenters and other thought leaders, as well as breakout sessions to give you the maximum opportunity to engage with presenters and gain insights which you can take back to your council.

I invite you to join me and your colleagues at this year's NGA held from 19–22 June in Canberra.

COMMENT:

Given the current economic climate in government and indeed local government, lobbying and networking are most certainly becoming more critical in terms of opening doors and securing avenues to funding. The NGA is not something that I am aware of Council has participated in the past, however there are most certainly benefits in face to face contact with politicians and the like. Should there be representation of Moora Shire at the NGA it is proposed to schedule a number of meetings with relevant departments, namely health, transport and communications.

POLICY REQUIREMENTS:

Council does not have a policy in relation to attendance at the NGA. Could in consideration of this item could perhaps give direction as to its appetite to establish a policy dealing with attendance at the NGA specifically.

LEGISLATIVE REQUIREMENTS:

Simplistically around governance requirements of Local Governments enshrined in relevant legislation.

STRATEGIC IMPLICATIONS:

Outcome 5.1: Good governance and leadership.

Strategy 5.1.1: Strengthen the governance role of Councillors by informing, resourcing, skilling and supporting their role.

Strategy 5.1.2: Represent and promote the Shire in Regional, State and National forums.

Strategy 5.1.3: Promote collaboration with other Councils on a local and regional level.

Strategy 5.1.4: Support strategic alliances, stakeholder forums and advisory committees that assist the Shire in policy development and service planning.

Strategy 5.1.5: Develop and implement a community engagement and communication strategy.

SUSTAINABILITY IMPLICATIONS:

➤ **Environment**

There are no known significant economic 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:

If authorised, Council conference budget would need to be increased by approximately \$8,000 to accommodate this matter. Council's current budget allocation of \$26,715 has an actual expenditure of \$21,943 leaving a surplus unexpended at this juncture of \$4,771. Summarily indicative costs would be for three people to attend;

Flights	\$3,000 - \$3,900
Accommodation	\$3,700 - \$4,500
Registrations	\$2,800
Meals etc.	\$2,500

Until time of actual booking flights and accommodation it is difficult to specify an exact amount of expenditure in this regard.

VOTING REQUIREMENTS

Absolute Majority Required

RECOMMENDATION

That Council amend its 2015/2016 budget to include an additional conference allocation of \$8,000 and authorise the Shire President, Deputy Shire President and Chief Executive Officer to attend the Australian Local Government Association National General Assembly to be convened in Canberra from the 19th – 22nd June 2016.

10. REPORTS OF COMMITTEES

GENERAL PURPOSE COMMITTEE MEETING – 2 MARCH 2016

10.1 LAND RESUMPTIONS – OLD GERALDTON ROAD

FILE REFERENCE: S/ROAI

REPORT DATE: 16 February 2016

APPLICANT/PROPONENT: Shire of Moora

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: John Greay, Manager of Engineering Services

ATTACHMENTS: Realignment Maps showing adjustments to Lot M226, Lot M2771 and Lot 861

PURPOSE OF REPORT:

A proposed road upgrade along the Old Geraldton Road requires Councils confirmation / recommendation to the Department of Regional Development and Lands for the realignment of the roads through Mr Aidan Bryan's and Mr Fred Hamilton's property for the purpose of road improvements.

BACKGROUND:

Within councils budgeted road programme this year allowances have been made for the upgrade of the Old Geraldton Road – north of Berkshire Valley from a gravel surface to a sealed pavement. Two substandard curves exist on the southern section of the upgrade and need to increase in radii to provide a safer passage for motorists. These curves once sealed will be designed for traffic travelling at the open speed limit. We have engaged FM Surveys to carry out the realignment survey and have spoken to the two landowners who are affected by this. Council will meet all survey and fencing costs.

COMMENT:

For this project to proceed approval was sought and granted by the existing land owners, Land resumption compensation will apply here and this involves three small areas of land.

Service providers (e.g. Western Power, Telstra) will be notified in due course advising them of the realignment of the road.

FINANCIAL IMPLICATIONS:

Budgeted item – listed in the current budget

VOTING REQUIREMENTS

Simple Majority Required

COMMITTEE RECOMMENDATIONS

That Council

- 1. agrees to initiate land resumptions to allow for the realignment of the Old Geraldton Road through Lots M226 registered owner Wrigley Nominees, and Lot M2771 and Lot 861 registered owner Berkshire Valley Nominees; and*

2. ***advertise in the Western Australian newspaper for a period of 35 days indicating councils intent as indicated on plans submitted, with the boundaries of the truncated portions from the above lots be incorporated into the road reserve.***

10.2 LAND RESUMPTIONS – WATHEROO MILING ROAD

FILE REFERENCE: S/ROAI

REPORT DATE: 16 February 2016

APPLICANT/PROPONENT: Shire of Moora

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: John Greay, Manager of Engineering Services

ATTACHMENTS: Realignment Map showing adjustments to Lot 2115 Watheroo Miling road

PURPOSE OF REPORT:

A proposed road upgrade along the Watheroo Miling Road requires Councils confirmation / recommendation to the Department of Regional Development and Lands for the realignment of the road through Mr Ted Creegan's property for the purpose of road improvements.

BACKGROUND:

Within councils budgeted road programme this year allowances have been made for the upgrade of the Watheroo Miling Road to improve road safety where an annoying deviation on the road is located approximately three kilometres from Watheroo. A small "S" bend exists that has become disconcerting for some heavy haulage operators particularly with the local school bus using the road as well. We have engaged FM Surveys to carry out the realignment survey and have spoken to the landowner who is affected by this. Council will meet all survey and fencing costs.

COMMENT:

For this project to proceed approval was sought and granted by the existing land owner. Land resumption compensation and fencing costs will apply here as this involves the taking of a small portion of land on the north side of the road only.

Service providers (e.g. Western Power, Telstra) will be notified in due course advising them of the realignment of the road. In this instance Telstra have been advised in advance due to the position of their cable and a works order has already been provide to enable relocation to proceed.

FINANCIAL IMPLICATIONS:

Budgeted item – listed in our current budget

VOTING REQUIREMENTS

Simple Majority Required

COMMITTEE RECOMMENDATIONS*That Council*

1. *agrees to initiate land resumptions to allow for the realignment of the Watheroo Miling Road through Lot 2115 owned by Mr Ted Creegan; and*
2. *advertise in the Farm Weekly newspaper for a period of 35 days indicating councils intent as indicated on plans submitted, with the boundaries of the truncated portions from the above lots be incorporated into the road reserve.*

11. ELECTED MEMBER MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**12. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF COUNCIL****13. MATTERS FOR WHICH THE MEETING MAY BE CLOSED****14. CLOSURE OF MEETING**