

SHIRE OF MOORA
MINUTES OF THE ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS, MOORA
19 MAY 2010

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1. DECLARATION OF OPENING & WELCOME OF VISITORS

The Shire President declared the meeting open at 3.35pm, welcomed visitors and announced:

"Acknowledgment of Country"

I would like to show my respect and acknowledge to 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

The Shire President read the following disclaimer:

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

SA Bryan	-	Shire President
CE Gardiner	-	Councillor
AR Tonkin	-	Councillor
CD Hawkins	-	Councillor
R Keamy	-	Councillor
OC Cocking	-	Councillor
DV Clydesdale-Gebert (from 3.40pm)-		Councillor
JW McLagan (from 4.30pm)-		Councillor
LM O'Reilly	-	Chief Executive Officer
JL Greay	-	Manager Engineering Services
R L McCall	-	Manager Community & Economic Development
W Zadavec	-	Manager Health, Building & Planning Services
L J Parola (from 3.37pm)-		Manager Finance & Corporate Services

APOLOGIES:

SJ Pond	-	Councillor
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PUBLIC:

Mr Stan Lewis	(until 3.40pm)
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4. DECLARATIONS OF INTEREST

Nil

5. QUESTIONS BY THE PUBLIC IN ACCORDANCE WITH SECTION 5.24 OF THE ACT

Mr Stan Lewis, with prior approval of the Shire President spoke in favour of item 12.1 'Viewing of Building Plans on Shire of Moora Land' advising that the notice of motion was a step in the right direction.

He believed the issue of viewing plans would be simplified by declaring buildings on public land must be available for public viewing.

Mr Lewis felt it should not be mandatory to come to the Shire office to view plans as they should be available upon request. This would alleviate the unfair burden on the Chief Executive Officer.

6. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

7. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

8. PETITIONS AND MEMORIALS

Nil

At 3.40pm Mr Lewis retired from the meeting & Cr Clydesdale-Gebert joined the meeting.

9. ANNOUNCEMENTS BY THE SHIRE PRESIDENT

Cr Hawkins tabled an Agriculture WA report titled 'How to set up a Mediterranean Fruit Fly Community Baiting Scheme' Second Edition – in relation to the development of an exclusion zone to meet export requirements for the local horticulture industry.

10. CONFIRMATION OF MINUTES OF THE PREVIOUS MEETING**10.1 ORDINARY COUNCIL MEETING - 21 APRIL 2010****COUNCIL RESOLUTION**

43/10 Moved Cr Hawkins, seconded Cr Tonkin that the Minutes of the Ordinary Meeting of Council held on 21 April 2010, be confirmed as a true and correct record of the meeting.

CARRIED 7/0

The Chief Executive Officer declared a financial interest in item 11.1.1 as she would normally attend the Convention and the extent of her interest is to the value of the associated attendance costs.

11. REPORTS OF OFFICERS

11.1 ADMINISTRATION

11.1.1 LOCAL GOVERNMENT WEEK - ATTENDANCE

FILE REFERENCE: EM/SUC 1

REPORT DATE: 13 May 2010

APPLICANT/PROPONENT: WA Local Government Association

OFFICER DISCLOSURE OF INTEREST: The author of this report declares a financial interest in the matter, as she would normally attend the Convention. The extent of the interest is to the value of the associated attendance costs.

PREVIOUS MEETING REFERENCES: Not Applicable

AUTHOR: Lynnette O'Reilly, Chief Executive Officer

ATTACHMENTS: Nil

PURPOSE OF REPORT:

To make Elected Members aware of the timing of Local Government Week and establish attendance numbers.

BACKGROUND:

Each year local government from around the State gather in Perth to attend the Annual Local Government Convention commonly known as Local Government Week.

The Western Australian Local Government Association (WALGA) is holding the Local Government Week from Thursday 5 August to Saturday 7 August 2010 at the Perth Convention Exhibition Centre (PCEC).

COMMENT:

This convention is an opportunity for Elected Members and Senior Staff to network with other Local Government Members and Staff and discuss different approaches to sometimes common problems.

Six (6) double rooms at Sullivans Hotel have been booked, (2) Wednesday 4 August to Friday 6 August 2010 inclusive and (4) from Thursday 5 August to Friday 6 August 2010 inclusive. These can be cancelled if necessary; however, there may be some difficulty in getting additional rooms.

The Council needs to indicate who will attend the Convention and who the Shire's voting delegates will be. A voting delegate can be either Elected Members or serving officers. Each Local Government is restricted to two (2) voting delegates.

Part of the Convention is a series of Elected Member Convention Sessions and those attending must nominate one of the Friday sessions. The Sessions and Timings are as follows:

Thur 5	Sessions 1-4	Convention Sessions	9am – 5pm
Fri 6	Sessions 5-8	Convention Sessions	9am – 5pm
Sat 7	Sessions 9-10	Convention Sessions	9am – 11am

“	Session 10	Convention Keynote Address	11am
“		** Annual General Meeting **	1pm – 5pm
Sun 8		State Council Meeting	10.30am– 12.30pm

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

There are no known legislative requirements related to this item.

STRATEGIC IMPLICATIONS:

Attendance at Elected Member Convention Sessions allows Elected Members to become more familiar with their responsibilities and duties.

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:

The draft 2010/11 Budget currently includes an amount of \$9,500 for Conference Expenses.

The following costs are applicable:-

	Cr Gardiner	Cr Pond	Cr Hawkins	Cr Clydesdale-Gebert	Cr Keamy	CEO
Registration	1075	1000	1075	1075	1075	1075
Various breakfasts	40	80	40	40	60	132
Accommodation (\$151pn)	302	302	302	302	453	453
Parking	-	-	-	-	-	78
Convention Sessions	Inc	Inc	Inc	Inc	Inc	Inc
* Sundry	300	300	300	300	300	300
Cost / Delegate	\$1717	\$1682	\$1717	\$1717	\$1888	\$2038

* The Sundry amount (for the provisions of meals and other incidentals) is estimation only.

At this stage the estimated total cost for councillors & the Chief Executive Officer to attend the 2010 Local Government Convention is \$10,759.

VOTING REQUIREMENTS

Simple Majority Required

MANEX RECOMMENDATIONS

That Council authorise the Chief Executive Officer in relation to attendance at the 2010 Western Australian Local Government Convention and Exhibition to be held at the Perth Convention Exhibition Centre,

- i. to register the following to attend the Convention and selected Elected Member Convention Sessions*
 - *Cr Colin Gardiner– Deputy President*
 - *Cr James Pond*
 - *Cr Chris Hawkins*
 - *Cr Denise Clydesdale-Gebert*
 - *Cr Robert Keamy*
 - *Lynnette O'Reilly – Chief Executive Officer*
- ii. to register the following as voting delegates representing the Shire of Moora for any vote taken at the convention*
 - 1. Cr Colin Gardiner*
 - 2. Cr James Pond*
- iii. to include an agenda item on Council's first Briefing Session after the conference.*

COUNCIL RESOLUTION

44/10 Moved Cr Cocking, seconded Cr Bryan that Council authorise the Chief Executive Officer in relation to attendance at the 2010 Western Australian Local Government Convention and Exhibition to be held at the Perth Convention Exhibition Centre,

- i. to register the following to attend the Convention and selected Elected Member Convention Sessions***
 - ***Cr James Pond***
 - ***Cr Chris Hawkins***
 - ***Cr Denise Clydesdale-Gebert***
 - ***Cr Robert Keamy***
 - ***Lynnette O'Reilly – Chief Executive Officer***
- ii. to register the following as voting delegates representing the Shire of Moora for any vote taken at the convention***
 - 1. Cr Colin Gardiner***
 - 2. Cr James Pond***
- iii. to include an agenda item on Council's first Briefing Session after the conference.***

CARRIED 7/0

Note: Cr Gardiner chose to withdraw his registration at point i. as he believed it would reduce expenditure to Council however he would be in attendance at the AGM as a voting delegate.

11.1.2 CHANGE TO APPOINTMENT OF AN ACTING CEO – MAY 2010

FILE REFERENCE: HR/PERI/LMOI
REPORT DATE: 13 May 2010
APPLICANT/PROPONENT: Lynnette O'Reilly, Chief Executive Officer
DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: 17 March 2010 (23/10)
AUTHOR: Lynnette O'Reilly, Chief Executive Officer
ATTACHMENTS: Nil

PURPOSE OF REPORT:

To change the acting arrangements during leave periods from 24/05/10 to the 28/05/10 during the Chief Executive Officer's leave.

BACKGROUND:

At the meeting held on 17 March 2010 Council made the following resolution "*That Council formally approves the appointment of the Manager of Health, Building and Planning as the Acting Chief Executive Officer from 24 May 2010 until 28 May 2010 inclusive...*" however due to changes in circumstances the Manager of Health Building and Planning is unavailable to complete the acting period.

COMMENT:

In the absence of the CEO, and the unavailability of the Manager of Health Building and Planning, Council needs to appoint an alternative Acting CEO to be responsible for the day-to-day operations as well as the statutory requirements of the position during leave.

The Chief Executive Officer seeks Council's endorsement to appoint the Manager Finance and Corporate Services to complete the acting period.

POLICY REQUIREMENTS:

There are no policies relevant to this matter.

LEGISLATIVE REQUIREMENTS:

Local Government Act 1995, Sections 2.7 and 3.1, 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.

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.

VOTING REQUIREMENTS:

Simple Majority Required

**COUNCIL RESOLUTION
(MANEX RECOMMENDATION)**

45/10 Moved Cr Tonkin, seconded Cr Gardiner that Council formally approves the appointment of the Manager of Finance & Corporate Services as the Acting Chief Executive Officer from 24 May 2010 until 28 May 2010 inclusive.

CARRIED 7/0

11.2 FINANCIAL DEVELOPMENT**11.2.1 LIST OF PAYMENTS AUTHORISED UNDER DELEGATION 1.31**

REPORT DATE: 12 May 2010

OFFICER DISCLOSURE OF INTEREST: Nil

AUTHOR: Leanne Parola, 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

COUNCIL RESOLUTION (MANEX RECOMMENDATION)

46/10 Moved Cr Hawkins, seconded Cr Tonkin that Council notes and endorses the Payments from the Municipal and Trust Funds made under delegation 1.31

Municipal Fund	Cheques 59756 to 59809	\$87,057.27
	Direct Debits EFT4147 to EFT4319	\$513,237.14
	Net Pays – PPE 28/4/10	\$77450.31
	Net Pays – PPE 12/5/10	\$76,761.97
	Credit Cards	\$4,396.75
Trust Fund	Cheques 4584 to 4590	<u>\$714.58</u>
	Total	\$759,618.02
		<u>CARRIED 7/0</u>

11.2.2 STATEMENT OF FINANCIAL ACTIVITY FOR PERIOD ENDED 30 APRIL 2010

REPORT DATE: 12 May 2010
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: Nil
AUTHOR: Leanne Parola, Manager Finance & Corporate Services
ATTACHMENTS: Statement of Financial Activity for the Period Ended 30 April 2010

PURPOSE OF REPORT:

To note and receive the Statement of Financial Activity for the period ended 30 April 2010.

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 30 April 2010 is provided as a separate attachment in Program format. When adopting the budget, Council agreed to set the materiality threshold for monthly financial reporting at plus or minus 10% at program and category levels. At the Ordinary Meeting of Council held 20 January, Council agreed that the materiality threshold remain at plus or minus 10%, but that it be for variations of more than \$5,000 so that relatively minor amounts are not included.

The following programs were outside of the 10% and \$5,000 threshold as at 30 April 2010.

Law, Order & Public Safety

Income is approximately \$20,000 less than the year to date budget. This is attributable to less income being received from the Shire of Dalwallinu for the provision of ranger services than anticipated (\$8,500), part of the ESL income from FESA not having been received to date (\$8,000), and less income from dog registrations and fines than budgeted (\$2,000).

Health

Expenditure is approximately \$9,000 less than the year to date budget. This is attributable to a number of smaller accounts being underspent, ie Podiatry Service by \$3,500 and the allocation of administrative salaries (\$5,000).

Housing

Expenditure is approximately \$6,500 less than the year to date budget. This is largely as a result of less maintenance being done to staff houses than budgeted and offsets a reduction in expected rental income of \$4,700.

Economic Services

Expenditure is under the year to date budget by some \$83,000. This is made up of a number of accounts, the larger ones being the allocation of administrative costs (\$41,500), depreciation (\$18,000), and operation of the Lifestyle Village (\$17,000).

Other Property and Services

Income is almost \$80,000 less than the current budget as little private works have been done to date.

Expenditure is some \$97,000 more than the current budget, largely because staff and plant operation costs have historically been recovered with a rate of 70% which has not been high enough to recover costs and has resulted in a journal being done at the end of the year to allocate these expenses to general road maintenance.

The recovery rate of staff and plant charges was raised to 75% in March 2010 which will ensure that expenses are more accurately recovered in the future, however this amount will need to be written off against road maintenance at the end of the year.

Overall

At the moment operating income and expenditure is within 10% of the year to date budget. Unfortunately, the for capital income received is expected to be significantly short of budget as it included the sale of the Gardiner Street properties (\$345,000), and a grant for the industrial park (\$500,000) which will have an impact on the projected deficit at the end of the financial year.

The \$500,000 grant was expected to have been received this financial year, and to be held as restricted cash for 2010/11. The outcome of the grant application is still unknown at this stage.

A number of projects were identified as possible to defer when the decision to terminate the sale of the Gardiner Street properties was made, however staff have now advised that these projects are unable to be deferred.

VOTING REQUIREMENTS

Simple Majority Required

**COUNCIL RESOLUTION
(MANEX RECOMMENDATION)**

47/10 Moved Cr Bryan, seconded Cr Tonkin that Council notes and receives the Statement of Financial Activity for the period ended 30 April 2010.

CARRIED 7/0

11.2.3 WRITE OFF OUTSTANDING DEBTS

FILE REFERENCE: F/DECI
REPORT DATE: 30 April 2010
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: Nil
AUTHOR: Leanne Parola, Manager Finance & Corporate Services
ATTACHMENTS: Nil

PURPOSE OF REPORT:

To seek Council approval to write off a debt considered unrecoverable.

BACKGROUND:

A collection agent has recently been asked to pursue a number of outstanding debtors. One of those debtors is the Moora Apex Club, who have since contacted the Shire President and advised that they have since folded operations and have no funds to pay the account.

COMMENT:

Moora Apex Club hired the Recreation Centre for an event in October 2009 and were billed \$150 accordingly.

The Club has since ceased and the chance of recovering the funds is considered unlikely.

Council is therefore asked to write off the amount of \$150.00 owed by the Moora Apex Club.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

Section 6.12 of the Local Government Act allows a local government to write off any amount of money which is owed to it, by an absolute majority of Council.

STRATEGIC IMPLICATIONS:

Nil

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 is provision within the 2009/10 budget to write off debts considered unrecoverable.

VOTING REQUIREMENTS

Absolute Majority Required

**COUNCIL RESOLUTION
(MANEX RECOMMENDATION)**

48/10 Moved Cr Bryan, seconded Cr Clydesdale-Gebert that Council write off the debt of \$150.00 owed to it by the Moora Apex Club.

CARRIED BY ABSOLUTE MAJORITY 7/0

11.2.4 APPOINTMENT OF AUDITORS

FILE: F/AUDI
REPORT DATE: 8 March 2010
DECLARATION: Nil
AUTHOR: Leanne Parola, Manager Finance & Corporate Services

BACKGROUND

The Audit Committee is required to make a recommendation to Council on the appointment of an auditor.

COMMENT

The Shire's current auditor, UHY Haines Norton was first appointed by Council for the years ending 30 June 2006 to 30 June 2008, and had their appointment extended to 30 June 2009.

A Request for Quotation document for the provision of audit services for the next five years was sent to four companies, with a response received from three of these businesses. There were five criteria set with a weighting for each criteria, as follows:

Description of Qualitative Criteria	Weighting
a) Price	60%
b) Demonstrated experience in completing similar assignments	10%
c) Conformity with quotation documents and specifications	10%
d) Skills and experience of key personnel	10%
e) Technical expertise	10%

The three quotations received all conformed with the quotation documents and are included as a confidential attachment for Councillors.

The cheapest quotation was from Byfields Accountants by approximately \$4,000 per annum. Byfields Accountants currently audit three rural local governments including the Shire of Dandaragan.

UHY Haines Norton was the next cheapest quotation, and are considered the leaders in local government auditing and advice. They have been auditing the Shire of Moora's accounts for the past four years and have always conducted themselves in a professional manner.

UHY Haines Norton also offer a suite of additional products which have been used by the Shire over this period, including template budgets and annual reports and annual workshops to bring finance staff up to date with the current issues and changes to requirements.

STATUTORY ENVIRONMENT

Local Government Act 1995 and Local Government (Financial Management) Regulations 1996.

POLICY IMPLICATIONS

Quotations were sought in accordance with Council's Purchasing and Procurement Policy.

BUDGET IMPLICATIONS

The 2009/10 Budget has a balance of \$14,890 remaining for audit services, which will be enough to pay for the interim audit to be conducted by either Byfields Accountants or UHY Haines Norton.

The appointed auditors will also be engaged to carry out the Financial Management System Review, which has been budgeted for in a separate account.

STRATEGIC IMPLICATIONS

The thoroughness and appropriateness of the audit process used to report to the Audit Committee assists to improve the governance role of Council.

VOTING REQUIREMENTS

Absolute Majority of Council

AUDIT COMMITTEE RECOMMENDATION

That UHY Haines Norton be offered a three year contract for the provision of audit services to the Shire of Moora as per their written quotation.

COUNCIL RESOLUTION (MANEX RECOMMENDATION)

49/10 Moved Cr Gardiner, seconded Cr Hawkins that UHY Haines Norton be offered a three year contract for the provision of audit services to the Shire of Moora from 1 July 2010 to 30 June 2013.

CARRIED BY ABSOLUTE MAJORITY 7/0

11.3 OPERATIONAL DEVELOPMENT

11.3.1 CALLING OF TENDERS – WATHEROO AND MILING OVALS AND TOWN MAINTENANCE, AND STOCKPILING OF ROAD BUILDING MATERIAL, BULLDOZING AND EARTHMOVING SERVICES

FILE REFERENCE: P/WAPI, P/MIPI & L/TERI
REPORT DATE: 12 May 2010
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: Nil
AUTHOR: John Greay, Manager Engineering Services
ATTACHMENTS: Nil

PURPOSE OF REPORT:

Tenders are required for the supply and delivery of services for a value greater than \$100,000 and three written quotes are required for values between \$20,000 - \$39,999.

BACKGROUND:

Tenders are called on a regular basis for the supply and delivery of services at various times throughout the year or at the expiration of an existing tender. Tenders or quotations are now required for the supply and delivery of oval and town maintenance at the Watheroo and Miling townsites. Tenders are required for the stockpiling of road building material, bulldozing and earthmoving for a three year period.

COMMENT:

Both the Watheroo and Miling contracts for the supply and delivery of services to the ovals and town maintenance in both towns has now become due, due to the expiration of the existing contracts. At both of the towns the current contractors have provided a very good service in the past and will be invited to re tender again if they are interested.

The tender for the stockpiling of road building material has also become due. The current contractor, who is locally based, has provided good service in the past and will be invited to tender again assuming that they are interested.

POLICY REQUIREMENTS:

Calling of tenders or quotations, as per councils purchasing thresholds, for the supply and delivery of services as per the regulations.

LEGISLATIVE REQUIREMENTS:

Section 3.57 of the Local Government Act 1995

Regulations 11 (1) & 18 of the Local Government (Functions & General) Regulations 1996

STRATEGIC IMPLICATIONS:

Council needs to call tenders, for the economic benefit of service delivery with tendered oval and town maintenance, to the Watheroo and Miling communities and stockpiling of road building materials, bulldozing and earthmoving services for a three year period.

SUSTAINABILITY IMPLICATIONS:

➤ **Environment**

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

➤ **Economic**

There will possibly be economic benefits by engaging a local resident in both of the towns, as is the case currently, to carry out these services. It is not economically viable for council to have their own large bulldozer for the stockpiling of gravel along with the associated transport vehicles therefore an external contract will be essential for councils future road building programmes.

➤ **Social**

The maintenance of the Watheroo and Miling ovals and towns' maintenance are important to the social fabric of the district.

FINANCIAL IMPLICATIONS:

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

VOTING REQUIREMENTS

Simple Majority Required

MANEX RECOMMENDATIONS

That Council call tenders for

- 1. the provision of services for the maintenance of the Watheroo and Miling townsites and ovals for a three year period commencing 1 July 2010.*
- 2. the stockpiling of road building material, bulldozing and earthmoving for a three year period commencing 1 July 2010.*

COUNCIL RESOLUTION

50/10 Moved Cr Hawkins, seconded Cr Tonkin that Council call tenders for

- 1. the provision of services for the maintenance of the Watheroo and Miling townsites and ovals for a one year period commencing 1 July 2010.***
- 2. the stockpiling of road building material, bulldozing and earthmoving for a three year period commencing 1 July 2010.***

CARRIED 7/0

Note: Council amended point 1. from a 'three year period' to a 'one year period' as they want to review the ongoing service levels for ovals across the region, therefore one year is more appropriate to enable a review.

At 4.10pm the Manager Health, Building & Planning Services left the meeting.

11.4 COMMUNITY DEVELOPMENT

11.4.1 ROUND HILL HALL - PUBLIC BUILDING STATUS

FILE REFERENCE: B/ROHI
REPORT DATE: 12 May 2010
APPLICANT/PROPONENT: Round Hill Hall Committee
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: Round Hill Hall Committee meetings held 30/3/10 & 27/4/10
AUTHOR: Wolfgang Zadavec, Manager Health, Building & Planning Services
ATTACHMENTS: Meeting reports and appraisal

PURPOSE OF REPORT:

To advise Council of the progress reports and building assessment carried out to permit minimal compliance under the Health Act 1911 as a Public Building.

BACKGROUND:

Round Hill Hall was built in 1934 and is listed as a Class 3 historically significant building; it is a Council building that has had minimal maintenance over the years.

Local residents enjoy the use of the hall albeit infrequently however when used, Council has a duty of care to ensure standards are as equal to that of any other shire hall (building).

At 4.15pm the Manager Health, Building & Planning Services rejoined the meeting.

COMMENT:

Previous Council report dated 31 January 2007 gave a comprehensive list of maintenance and upgrade items required to permit the re-opening of the hall as a public building; issues included fire protection, disabled access, toilet facilities, kitchen upgrade and minimum maintenance. The works totalled \$26,350. Subsequently a further assessment carried out by Council's maintenance officer gave an amount of \$51,912 to now include exterior painting (with scaffold hire), new roof and new toilets.

The works were not carried out and the hall remained in limbo whilst further contact was made with committee members. Council recently met with the members who disagreed with both assessments. A third assessment has been done with the minimum requirements listed which excluded a new roof, kitchen upgrade and new toilets; it was felt that the limited use of the hall could be best served with catered food or external bbq cooking, hiring of portable toilets and the installation of an internal ceiling following some roof repairs (by a professional).

To achieve the minimum compliance as a public building an amount less than \$12,000 would cover only the materials required; the provision of labour and construction of disabled ramps is on offer from the Round Hill Hall Committee members as contribution in-kind, estimated at \$6,000-8,000. This would still not cover further maintenance work such as painting, fire equipment servicing, floor work and general wear and tear over the subsequent years.

At 4.30pm Cr McLagan joined the meeting.

Council must consider the buildings' future in committing funds annually towards its maintenance with on-going contribution from the committee or, decide not to do so and the building must remain closed until sold or be demolished; with the latter any demolition work may cost Council in excess of \$25,000 as was the case for the old Ice Works building in 2009.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

Health Act 1911, Part VI; Health (Public Buildings) Regulations 1992.

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**

Annual maintenance estimates would be \$10,000 2011-2012 then a sliding scale of \$8,000 then \$6,000 to eventually \$4,000 thereafter from 2014-2015. As with all other communities, Council would be seeking contribution from committee members to at least 50% in cash and/or labour.

➤ **Social**

The exclusion of Round Hill Hall would be felt at a local level and if ever demolished it would be another lost asset to Council.

FINANCIAL IMPLICATIONS:

Council would need to commit funds in an agreed Memorandum of Understanding with the Round Hill Hall committee members over a minimum 5-year period.

VOTING REQUIREMENTS

Simple Majority Required

**COUNCIL RESOLUTION
(MANEX RECOMMENDATIONS)**

Moved Cr Hawkins, seconded Cr Clydesdale-Gebert that

1. *Council advise the Round Hill Hall Committee that an agreed Memorandum of Understanding would need to be signed off committing both Council and the members to an ongoing maintenance plan towards the upgrading of the Round Hill Hall on a sliding scale as follows:*

1. 2010-2011	\$12,000
2. 2011-2012	\$10,000

3.	2012-2013	\$8,000
4.	2013-2014	\$6,000
5.	2014-2015	\$4,000

2. a further 50% contribution in kind be agreed to by the Round Hill Hall Committee for each financial period on a sliding scale as follows:

1.	2010-2011	\$6,000
2.	2011-2012	\$5,000
3.	2012-2013	\$4,000
4.	2013-2014	\$3,000
5.	2014-2015	\$2,000

MOTION LOST 3/5

Note: The motion was lost as Council could not justify the cost in relation to the low number of events held at the venue, with the ongoing costs being a burden on Council.

11.4.2 TOWN PLANNING SCHEME NO 4 – PROPOSED OPTUS MOBILE PHONE BASE STATION AT LOT 25 (3339) MILING-MOORA ROAD, MOORA

FILE REFERENCE: TP/PTM03
REPORT DATE: 12 May 2010
APPLICANT/PROPONENT: OPTUS Mobile Pty Ltd
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: Nil
AUTHOR: Wolfgang Zadravec, Manager Health, Building & Planning Services
ATTACHMENTS: Environmental Report

PURPOSE OF REPORT:

Council is in receipt of an application to erect a 60m high guyed mast telecommunications tower at 'Manning Farm' located 1.5km to the East of Moora.

BACKGROUND:

Optus radio frequency engineers, planning, engineering and property consultants have undertaken intensive investigations into a suitable location for a mobile phone base station; currently no Optus signals exists in Moora.

Lot 25 (3339) 'Manning Farm' Moora - Miling Road, Moora is zoned Farming however a public utility such as communications is permitted under Council approval. Where telecommunications services were traditionally provided by the Commonwealth and exempt from State planning legislation, they were not included in the definition of public utility/services. As a result, telecommunications facilities are often undefined by local environmental planning schemes.

COMMENT:

The Environmental Report considered several factors in selecting this site including:

- Minimising any visual impact;
- The use of existing Telecommunications and public utility infrastructure;
- The possibility of finalising a tenure agreement with the land and infrastructure owners;

- The objective of avoiding known sensitive land users;
- Satisfying the intentions of any relevant State and local government planning policies;
- Avoiding or minimising any potential effects on any areas or items of environmental significance, including natural and cultural heritage;
- Meeting Optus' coverage and services requirements.

POLICY REQUIREMENTS:

Nil.

LEGISLATIVE REQUIREMENTS:

Shire of Moora Town Planning Scheme No. 4.

STRATEGIC IMPLICATIONS:

There are no known strategic implications associated with this proposal.

SUSTAINABILITY IMPLICATIONS:

➤ **Environment**

The predicted maximum electromagnetic energy levels are 0.044% of the maximum level specified under the Radio communications (Electromagnetic Radiation – Human Exposure) Standard 2003.

➤ **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

COUNCIL RESOLUTION (MANEX RECOMMENDATIONS)

51/10 Moved Cr Clydesdale-Gebert, seconded Cr McLagan that Council give notice of the proposed 60m guyed mast Optus telecommunications tower:

- 1. On owners and occupiers within a 0.5km radius of Lot 25 (3339) 'Manning Farm' Moora-Miling Road Moora, stating that submissions may be made to the Council within twenty-one days of the service of such notice; and***
- 2. on a sign erected in a conspicuous position on the land displaying notice of the proposed development for a period of twenty-one days from the date of publication.***

CARRIED 8/0

11.4.3 TOWN PLANNING SCHEME NO 4 – PROPOSED SALE OF RESERVE 12463 (Lot 500) KOOJAN

FILE REFERENCE: TP/PTM03 & GA/SC02
REPORT DATE: 12 May 2010
APPLICANT/PROPONENT: Department of Regional Development and Lands
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: Nil
AUTHOR: Wolfgang Zadavec, Manager Health, Building & Planning Services
ATTACHMENTS: Location maps

PURPOSE OF REPORT:

Request from State Lands-Wheatbelt Region regarding the reserve previously used as an access road to the Moore River now being illegally used by the adjoining owners for the purpose of cropping and grazing. The owners have now requested to purchase the land so that it can be included into the adjoining property.

COMMENT:

Submitting information to Council for any comments as there appears to be no reason to object to the sale of this reserve.

POLICY REQUIREMENTS:

Nil.

LEGISLATIVE REQUIREMENTS:

There are no known legislative requirements related to this item.

STRATEGIC IMPLICATIONS:

There are no known strategic implications associated with this proposal.

SUSTAINABILITY IMPLICATIONS:

- **Environment**
There are no known significant environmental implications associated with this proposal.
- **Economic**
There are no known significant economic implications associated with this proposal.
- **Social**
There are no known significant social implications associated with this proposal.

FINANCIAL IMPLICATIONS:

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

VOTING REQUIREMENTS

Simple Majority Required

**COUNCIL RESOLUTION
(MANEX RECOMMENDATION)**

52/10 Moved Cr McLagan, seconded Cr Hawkins that Council advise the Department of Regional Development and Lands that there are no objections to the proposed sale of Reserve 12463 (Lot 500) Koojan to adjoining property owners for amalgamation with their property.

CARRIED 8/0

11.5 ENVIRONMENTAL DEVELOPMENT

Nil

11.6 ECONOMIC DEVELOPMENT

11.6.1 SALE OF LOTS 404-414 GARDINER STREET, MOORA

FILE REFERENCE: ED/PGSI

REPORT DATE: 13 May 2010

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: 20/2/08 (30/08), 5/3/08 (40/08), 16/4/08 (92/08),
16/7/08 (140/08)

AUTHOR: Rebecca McCall, Manager Community & Economic Development

ATTACHMENTS: Sale Guidelines and Conditions

PURPOSE OF REPORT:

That Council consider disposing of Lots 404-414 Gardiner Street by way of private treaty.

BACKGROUND:

Council has previously attempted to dispose of these properties and called tenders. Tender 1/2008 was advertised and the Shire of Moora received one tender which was accepted. However, the sale did not proceed as settlement did not occur upon the due date and the contract of sale was terminated.

COMMENT:

Council has made it clear that it remains a priority to dispose of the properties with the intent to achieve commercial development in the short term future.

As it is a priority that future development occurs on Lots 404-414 Gardiner Street Moora it is recommended that sale guidelines and conditions are set in place and included in a contract of sale. This will ensure that a potential purchaser(s) will develop within a specified time period and the local town planning scheme.

POLICY REQUIREMENTS:

Nil

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 proposed budgeted income in the 2010/11 financial year from the proceeds of sale of the land and ongoing rate income from a potential development.

VOTING REQUIREMENTS

Simple Majority Required

MANEX RECOMMENDATIONS

That Council;

- 1) *advertises state wide public notices of it's intent to sell Lots 404-414 Gardiner Street, Moora by private treaty.*
- 2) *adopts the Private Treaty Sale Guidelines and Conditions Lots 404-414 Gardiner Street Moora.*

COUNCIL RESOLUTION

53/10 Moved Cr Cocking, seconded Cr Gardiner that Council;

- 1) **Seek quotes from local real estate firms for selling the property by private treaty.**
- 2) **adopts the Private Treaty Sale Guidelines and Conditions Lots 404-414 Gardiner Street Moora.**

CARRIED 8/0

Note: Council believed that under the current market climate a real estate agent will provide access to a broader scope of clients to realise a sale in a timely manner and better value to Council.

11.7 SPORT AND RECREATION

Nil

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

The following was put forward as a motion of notice by Cr Hawkins at the last meeting of Council on 21 April 2010.

12.1 Viewing of Building Plans on Shire of Moora Land

"Building plans submitted to the Shire of Moora for the purposes of constructing:

- Buildings on Shire of Moora land, or land vested in the Shire of Moora, and/or
- Buildings in the Shire of Moora funded partly or fully by public money,

shall be available for viewing by members of the public, except:

- Where there are significant commercial-in-confidence issues, and then only by prior arrangement with the Shire of Moora CEO."

MANEX RECOMMENDATIONS

That Council staff

1. *develop a policy in relation to 'Viewing of Building Plans on Shire of Moora Land' and*
2. *put the new policy to Council for consideration and inclusion in the Shire of Moora Policy Manual.*

COUNCIL RESOLUTION

54/10 Moved Cr Hawkins, seconded Cr Clydesdale-Gebert that Council staff adopt the following policy;

Viewing of Building Plans on Shire of Moora Land

"Building plans submitted to the Shire of Moora for the purposes of constructing:

- *Buildings on Shire of Moora land, or land vested in the Shire of Moora, and/or*
- *Buildings in the Shire of Moora funded partly or fully by public money,*

shall be available for viewing by members of the public, except:

- *Where there are significant commercial-in-confidence issues, and then only by prior arrangement with the Shire of Moora CEO."*

for inclusion in the Shire of Moora Policy Manual.

CARRIED 8/0

Note: Council agreed that the original motion should stand as the policy.

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

Nil

14. NOTICE OF MOTIONS FOR THE NEXT COUNCIL MEETING

Due to the motion relating to item 11.4.1, 'Round Hill Hall - Public Building Status' being lost, Cr Hawkins gave notice of his intention to put the following motion at the next meeting of Council

Round Hill Hall for Sale

1. That the Round Hill Hall be offered for sale by private treaty
2. Consideration be given to allocate some funds to the Round Hill community to commemorate the site.

15. MATTERS BEHIND CLOSED DOORS

COUNCIL RESOLUTION

55/10 Moved Cr McLagan, seconded Cr Hawkins that the meeting move behind closed doors to discuss Item 15.1, "Town Planning Scheme No 4 – Operating Illegal Recycling Services" as it is a matter that if disclosed would reveal the personal affairs of a person/s; pursuant to Section 5.23 (b) of the Local Government Act 1995.

CARRIED 8/0

15.1 TOWN PLANNING SCHEME NO 4 – OPERATING ILLEGAL RECYCLING SERVICES

Provided to Councillors under confidential cover.

MANEX RECOMMENDATIONS

That Council serve notices on Mr Alan Murray (Moora Recycling Services) to;

1. *Remove all scrap metals and second-hand materials from 3 Lenane Street Moora in an agreed time period; and*
2. *Immediately cease:*
 - *operating as a recycling agent whilst not operating with Council planning approval, and*
 - *storing of plastics, cardboard and paper at Lot 149 Stack Street Moora.*

COUNCIL RESOLUTION

56/10 Moved Cr Tonkin, seconded Cr Gardiner that Council serve notices on Mr Alan Murray (Moora Recycling Services) to;

1. **Remove all scrap metals and second-hand materials from 3 Lenane Street Moora in an agreed time period not exceeding 90 days from serving of the notice; and**
2. **Immediately cease:**
 - **operating as a recycling agent whilst not operating with Council planning approval, and**
 - **operating as a warehouse at Lot 149 Stack Street Moora for the storage of recycling products not in conformity with the Moora Town Planning Scheme No. 4.**

CARRIED 7/1

Note: Council required a time period to be stipulated to point 1 to ensure the process does not drag out unnecessarily and point 2 was amended to clarify that 149 Stack Street Moora does not conform to the Moora Town Planning requirements as a recycling agent.

COUNCIL RESOLUTION

57/10 Moved Cr Hawkins, seconded Cr McLagan that the meeting come out from behind closed doors.

CARRIED 8/0

16. CLOSURE OF MEETING

There being no further business, the Shire President declared the meeting closed at 5.25pm.

CONFIRMED

PRESIDING MEMBER