



Ordinary Council Meeting Minutes

Date: 21 May 2008

Please Note: These minutes and the decisions recorded therein have not as yet been confirmed by Council as a true and accurate record of the meeting.

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
MINUTES OF THE ORDINARY MEETING OF COUNCIL
HELD IN COUNCIL CHAMBERS, MOORA
WEDNESDAY 21 MAY 2008

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1. DECLARATION OF OPENING & WELCOME OF VISITORS

The Shire President declared the meeting open at 3.38pm, welcomed visitors and announced:

“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

SA Bryan	-	Presiding Member
SJ Pond	-	Councillor
CE Gardiner	-	Councillor
WA Barrett-Lennard	-	Councillor
CD Hawkins	-	Councillor
AR Tonkin	-	Councillor
D Clydesdale-Gebert (from 3.47pm)	-	Councillor
R Keamy	-	Councillor
LM O’Reilly	-	Chief Executive Officer
JL Greay	-	Manager Engineering Services
MJ Prunster	-	Manager Community Services
DA Friend	-	Manager Finance & Corporate Services
GF Bangay	-	Manager Health & Planning Services
RL McCall	-	Manager Economic Development
EW Piper	-	Special Projects Officer

APOLOGIES

JW McLagan	-	Councillor
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PUBLIC

David Stribley (until 3.56pm)	-	Chairman, Moora Promotions
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4. DECLARATIONS OF INTEREST

Cr Barrett-Lennard declared an impartiality interest in item 11.2.4 as his wife is a member of the Moora Arts & Crafts Society Inc.

Cr Bryan declared a financial interest in item 11.2.5 as she is a current committee member of Moora Promotions Inc.

Cr Pond declared an indirect financial interest in item 11.2.5 as his wife is a current committee member of Moora Promotions Inc.

Cr's Bryan and Clydesdale-Gebert declared an impartiality interest in item 11.7.1 as they are financial members of Moora Health and Fitness.

Cr Bryan declared an impartiality interest in item 15.1 as her husband is a director in Point Grey Pty Ltd.

The Manager Community Services declared a financial interest in item 15.1 as he is a director and shareholder in Point Grey Pty Ltd.

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

Mr David Stribley addressed Council in relation to item 11.2.5, Moora Promotions – Request for Assistance. He advised that a request had been sent to Council along with financial statements etc advising of a shortfall of \$48,000 owed to 5 major creditors.

He discussed how the committee hoped to see the shortfall cleared up over time and thanked Council for considering the matter today.

Cr Clydesdale-Gebert joined the meeting at 3.47pm.

Cr Gardiner questioned whether there had been any feedback from the Community Recreation Council?

Mr Stribley advised that nothing formal or constructive had been received.

Cr Hawkins questioned whether a plan of repayment had been drawn up?

Mr Stribley advised that the committee had not as yet however they were determined to raise the funds to repay the loan, should Council approve their request. A Monster Auction may be planned for Spring.

The Special Projects Officer asked about the interest rate and timing of repayments of the loan, should Council approve the request.

Mr Stribley commented that the interest rate would be up to Council to determine. The creditors had been advised that further information will be provided to them in a month.

Cr Keamy asked whether the \$10,000 owed to the MCRC was for promotions or a loan.

Mr Stribley stated that the money is used to 'kick start' funding/underwriting of initial costs.

Cr Keamy questioned what level of repayments each year can the Committee afford?

Mr Stribley advised possibly \$25,000 in the first year then it would have to be reviewed.

The Shire President thanked Mr Stribley for addressing Council and Mr Stribley then retired from the meeting at 3.56pm.

6. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

7. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

8. PETITIONS AND MEMORIALS

Nil

9. ANNOUNCEMENTS BY THE SHIRE PRESIDENT

- 30/04/08 WALGA, at the MPAC presented the draft Systemic Sustainability Study (SSS) into Local Government report to elected members from neighbouring councils.
- 1/05/08 Australian Citizenship ceremony was conducted for Mrs Audrey Studsor. Congratulations & best wishes are extended to her.
- 13/05/08 A Crime & Safety meeting was held in the Shire Council Chambers. Ms Pennie Aitken, Community Crime & Safety Project Coordinator for the Shire ends her contract of employment in June 2008. The Shire of Moora extends a huge thank you to her and best wishes are extended to her on her next venture.
- 13/05/08 Moora LGMA meeting draft SSS report was discussed. I attended this meeting briefly.
- 14/05/08 Mrs Lynnette O'Reilly commenced work as the Shire's new Chief Executive Officer.
- At 1pm today Ms Zora Avila from the Infinity Group and Mr Jon Burgess from the Burgess Design Group gave an update on land development in Moora.
- Following at 3pm Mr Mike Gibson from Solarlife Pty Ltd gave a presentation on a proposal to generate Solar Power in the Shire of Moora.
- The Avon Midland Zone Meeting (WALGA) will be held in Northam on Friday 23 May.
- Cr Gardiner advised that he had attended a Howard Carr presentation on 30 April re the phosphate deposits west of Moora. Development within 2 ½ years.
- Cr Tonkin advised that he attended a Moore Catchment Council meeting on Friday 2 May at Yerecoin. Drains now dug in Yerecoin. MCC looking for direction from Council on projects.

- Cr Hawkins attended the Local Health Advisory Committee meeting in late April. They are currently looking at strategies aimed at younger people – ageing. The next meeting is scheduled for the Tuesday 17 May 2008.

10. CONFIRMATION OF MINUTES OF THE PREVIOUS MEETINGS

10.1 ORDINARY COUNCIL MEETING - 16 APRIL 2008

COUNCIL RESOLUTION

94/08 *Moved Cr Pond seconded Cr Bryan that the Minutes of the Ordinary Meeting of Council held on 16 April 2008, be confirmed as a true and correct record of the meeting.*

CARRIED 8/0

11. REPORTS OF OFFICERS

11.1 ADMINISTRATION

11.1.1 LOCAL GOVERNMENT WEEK - ATTENDANCE

FILE REFERENCE: EM/SUC1
REPORT DATE: 29 April 2008
APPLICANT/PROPONENT: Acting Chief Executive Officer
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: Nil
AUTHOR: Eddie Piper, Acting Chief Executive Officer
ATTACHMENTS: Notice of Meeting
 Registration Brochure

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 Wednesday 30 July 2008 to Sunday 3 August 2008 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.

The Acting Chief Executive Officer has booked four (4) double rooms at the Rydges Hotel from Tuesday 29 July to Sunday 3 August 2008. These can be cancelled if necessary; however, there will 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 Professional Development Sessions and those attending must nominate. The Sessions and Timings are as follows:

Tues 29	Module 15	Sustainable Asset Management	9am – 4.30pm
Wed 30	Rules of Conduct – Official Conduct Legislation		8.30am – 10am
“	Module 2	Land Use Planning	9am – 4.30pm
“	Module 1	Legal Responsibilities of an Elected Member	10.30am – 5.30pm
Thur 31	Convention Sessions		9am – 5pm
Fri 1	Convention Sessions		9am – 5pm
Sat 2	Concurrent Focus Groups – Climate Change, In the Danger Zone or Resilient Communities (select ONE only)		
“	Annual General Meeting		

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

There are no known legislative requirements related to this item.

STRATEGIC IMPLICATIONS:

Attendance at Elected Member Professional Development 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 following costs are applicable:-

1. Registration \$960
2. Various breakfasts \$122
3. Gala Dinner (with partner) \$315

4. Accommodation (per day)	\$280
5. Parking	\$100
6. Sundry	\$300
Cost per Delegate	<u>\$2,047</u>

Plus Professional Development Sessions

VOTING REQUIREMENTS

Simple Majority Required

<h3>COUNCIL RESOLUTION (MANEX RECOMMENDATION)</h3>

95/08 Moved Cr Barrett-Lennard seconded Cr Gardiner that Council authorise the Chief Executive Officer in relation to attendance at the Local Government Convention and Exhibition to be held at the Perth Convention Exhibition Centre,

- i. to register the following to attend the Convention and whichever Professional Development Session they select**
 - Cr Sheryl Bryan – Shire President
 - Cr Pond
 - Cr Hawkins
 - Cr Gardiner
 - Cr Clydesdale-Gebert
 - Lynnette O’Reilly – Chief Executive Officer
- ii. to register the delegates partners if attending, for selected Partner Programmes and the Gala Dinner at Councils cost.**
- iii. to register the following as voting delegate representing the Shire of Moora any vote taken at the convention**
 - 1. Cr Sheryl Bryan**
 - 2. Cr Jim Pond**

CARRIED 8/0

11.1.2 FUNDING FOR A SOCIO-ECONOMIC AUDIT

FILE REFERENCE: LO/CRSI
REPORT DATE: 14 May 2008
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: Nil
AUTHOR: Eddie Piper, Acting Chief Executive Officer
ATTACHMENTS: Letter submitted by Mr Philip Gardiner

PURPOSE OF REPORT:

For Council to endorse a letter to be sent to the Indigenous Coordination Centre.

BACKGROUND:

Mr Philip Gardiner has attended several meetings in Moora where the issue of Anti Social Behaviour has been discussed. He has in his capacity as a concerned resident

and ratepayer draft a letter seeking a Socio-Economic Audit of Moora and believes it should be sent as a Shire of Moora communication under the hand of the Shire President.

COMMENT:

A copy of the letter is attached for Elected Members.

The letter goes into great detail into the scope and the possible outcomes following completion of the Audit.

The letter seeks a formal resolution of the Council of the Shire of Moora to give the issue greater impact.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

There are no known legislative requirements related to this item.

STRATEGIC IMPLICATIONS:

Positive influence on anti-social issue if successful.

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 may be financial implications to Council in later years.

VOTING REQUIREMENTS

Simple Majority Required

**COUNCIL RESOLUTION
(MANEX RECOMMENDATION)**

96/08 Moved Cr Hawkins seconded Cr Tonkin that Council

- 1. authorise the Shire President to request the Indigenous Coordination Centre (“ICC”) to fund the cost of the audit up to an amount not exceeding \$45,000, with the audit being tendered and evaluated by the Shire for recommendation to the ICC.**

2. *for the purpose of underpinning an application for long term Federal Grants to Moora a pilot programme in the re-education of socially and economically disadvantaged in our region.*

CARRIED 8/0

Note – Council added point 2 to the Manex recommendation as they believed it was required, to clarify the reasoning in carrying out the audit and useful outcomes.

11.1.3 MILING TRANSFER STATION – CHARGE FOR USE FROM JULY 2008

FILE REFERENCE: H/MTS1
REPORT DATE: 12 May 2008
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: Nil
AUTHOR: Eddie Piper, Acting Chief Executive Officer
ATTACHMENTS: Nil

PURPOSE OF REPORT:

To establish a charge for the use of the Miling Transfer Station to be operative from 1 July 2008.

BACKGROUND:

The Council has previously determined (Last Budget) that the ratepayers and residents of the Shire of Moora who wish to utilise the Miling Waste Transfer Station should register with the Council to obtain a key to the gate. An annual charge should be applied to obtain the key and use the Transfer Station.

COMMENT:

No fee was set in the 2007-08 Budget and the introduction of the key issue system has not occurred.

The Acting Chief Executive Officer believes that the introduction process will take several weeks and therefore it would be prudent to have the service commence from 1 July 2008. The annual budget will not be adopted by this date and therefore it is necessary to adopt a charge for use of the Transfer Station for the 2008-09 Financial Year.

It is estimated that there may be some 30 keys issued and costs to operate the Station for the 2007-08 Year are estimated at \$10,000. On this basis a full recovery would be approximately \$330, however at that cost it may be unlikely that full key take-up would occur.

The 2007-08 Budget established a refuse collection and disposal charge at \$190 and a charge for use of the Moora tip site at \$5 per load. If one person assumes a person made 2 trips to the station per month then the 24 uses at \$5 would equate to \$120 per annum. To operate the Transfer Station there are costs over and above the cost of a pure tip-site and there is a need for Council to determine whether part or all of the additional costs should be passed on. The Acting Chief Executive Officer suggests that it would be reasonable to pass on some portion and a \$50 addition could be applied. This would equate to a charge of \$170 leaving a shortfall of approximately \$160 or in total approximately \$4,800.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

Local Government Act 1995 S6.16 dealing with Fees and Charges

STRATEGIC IMPLICATIONS:

There are no known strategic implications associated with this proposal.

SUSTAINABILITY IMPLICATIONS:**➤ Environment**

The introduction allows proper disposal of Miling refuse.

➤ 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 General Rate will subsidise the operation in 2008-09 by approximately \$5,000 whilst the cost for 2007-08 is approximately \$10,000.

VOTING REQUIREMENTS

Absolute Majority Required

**COUNCIL RESOLUTION
(MANEX RECOMMENDATION)**

97/08 Moved Cr Clydesdale-Gebert seconded Cr Pond that the Council

- 1. introduce a fee for the use of the Miling Transfer Station of \$170.00 per annum for the 2008-09 Financial Year with that fee being applicable from 1 July 2008 and that it be applied on a pro-rata basis on quarterly falls for late take up of the service.***
- 2. authorise the Chief Executive Officer to advertise the introduction of the fee for a period of seven (7) days in accordance with the Local Government Act 1995 Section 6.19.***

CARRIED BY ABSOLUTE MAJORITY 8/0

11.1.4 MOORA FLOOD MANAGEMENT STRATEGY PLAN – SINCLAIR KNIGHTS MERZ ENGINEERS

FILE REFERENCE: LO/FLMI
REPORT DATE: 12 May 2008
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: 13/12/06 (Item 11.5.1-261/06)
AUTHOR: Eddie Piper, Acting Chief Executive Officer
ATTACHMENTS: Flood Study Report

PURPOSE OF REPORT:

For Council to consider the Report from Sinclair Knights Merz and if satisfied accept the report and authorise final payment.

BACKGROUND:

In response to a Council Tender the company Sinclair Knights Merz have submitted a “final draft” for the flood study for Council to consider.

COMMENT:

The study report is attached for Elected Member perusal. The completed report is as a result of Tender No. 7/2006 for “Review of Moora Flood Management Plan”, which was awarded to Sinclair Knights Merz.

The former Chief Executive Officer held the final payment to Sinclair Knights Merz awaiting his final Draft Report.

The Acting Chief Executive Officer is seeking approval to release that final payment.

Claims for release of the Federal Grant administered by F.E.S.A. have been made and payment is expected by the end of May 2008.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

There are no known legislative requirements related to this item.

STRATEGIC IMPLICATIONS:

This plan revised the previous flood plan for Moora and may have some major implications in regard to Moora’s future.

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:

This report will impact future Budgets of the Shire of Moora.

VOTING REQUIREMENTS

Simple Majority Required

**COUNCIL RESOLUTION
(MANEX RECOMMENDATION)**

98/08 Moved Cr Gardiner seconded Cr Hawkins that Council in relation to the Review of this Moora Flood Management

- 1. authorise the Chief Executive Officer to release the final claim from Sinclair Knights Merz of \$11,023.54 including GST.*
- 2. allow the plan to lay on the table to enable Elected Members and officers to fully acquaint themselves of the detail.*
- 3. require the CEO to seek a presentation by the Department of Water at its next scheduled meeting being 18 June 2008.*

CARRIED 8/0

11.1.5 WATER CORPORATION – EASEMENT COOMBERDALE EAST ROAD

FILE REFERENCE: GA/WAC1
REPORT DATE: 15 May 2008
APPLICANT/PROPONENT: Water Corporation
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: Nil
AUTHOR: Michael J Prunster, Manager Community Services
ATTACHMENTS: Copy C/T 1062 Fol 417

PURPOSE OF REPORT:

Letter received from the Water Corporation requesting an easement over the land described in C/T 1062 Fol. 417 being Lot 51 Coomberdale East Road, Coomberdale. The registered easement is required to protect the Corporation's pipeline infrastructure on this location.

BACKGROUND:

This Lot was used as a rubbish disposal site many years ago, and has been closed for a long period. The Lot was granted to the then Moora Road Board on the 16 November 1938.

COMMENT:

The Lot is not currently used by the Shire of Moora and the easement will not create any inconvenience to the Shire. It is recommended that the Deed of Easement be

granted to the Water Corporation, and documents be executed in triplicate by the Shire President and Chief Executive Officer and returned to the Water Corporation.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

Planning & Development Act 2005 Part 10S167.

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
(OFFICER RECOMMENDATIONS)**

99/08 *Moved Cr Tonkin seconded Cr Hawkins that Council approve the request from the Water Corporation for the registration of a Deed of Easement over the land of approximate 1 ha described in C/T 1062 Fol 417, being Location 929, Lot 51 Coomberdale East Road Coomberdale*

AND

The Deed of easement document be signed by the President and Chief Executive Officer under the Common Seal of the Shire of Moora, and returned to the Water Corporation for registration.

CARRIED 8/0

11.2 FINANCIAL DEVELOPMENT

11.2.1 LIST OF PAYMENTS AUTHORISED UNDER DELEGATION 1.31

REPORT DATE: 14 May 2008
OFFICER DISCLOSURE OF INTEREST: Nil
AUTHOR: Darren Friend, Manager Finance & Corporate Services
ATTACHMENTS: Accounts Paid Under Delegated Authority

PURPOSE OF REPORT

Payments have been made under delegated authority and a listing of these payments is attached for Council to note and endorse.

BACKGROUND

At the December 2005 Ordinary Meeting of Council resolution 276/2005 delegated the authority of payments from Municipal and Trust Funds to the Chief Executive Officer.

COMMENT

Accounts Paid under delegated authority are periodically presented to Council.

POLICY REQUIREMENTS

Delegation 1.31 – Payments from Municipal and Trust Funds.

LEGISLATIVE REQUIREMENTS:

Local Government Act 1995 - Section 6.10

Local Government (Financial Management) Regulations 1996 – Regulations 12 & 13.

STRATEGIC IMPLICATIONS

There are no known strategic implications associated with this proposal.

SUSTAINABILITY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

Payments are in accordance with the adopted budget.

VOTING REQUIREMENTS

Simple Majority Required

COUNCIL RESOLUTION (MANEX RECOMMENDATION)
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100/08 Moved Cr Hawkins seconded Cr Tonkin that Council notes and endorses the Payments from the Municipal and Trust Funds made under delegation 1.31

<i>Municipal Fund</i>	<i>Chqs 57998 to 58157 + Chqs 58498 to 58499</i>	<i>\$377,198.82</i>
	<i>Chqs 58477 to 58497</i>	<i>\$30,318.41</i>
<i>Direct Debits</i>	<i>412 to 434</i>	<i>\$38,361.94</i>
	<i>Net Pays – PPE 15 April</i>	<i>\$63,080.96</i>
	<i>Net Pays – PPE 22 April</i>	<i>\$430.00</i>
	<i>Net Pays – PPE 29 April</i>	<i>\$80,918.07</i>
<i>Total</i>		<i><u>\$590,308.20</u></i>

CARRIED 8/0

11.2.2 STATEMENT OF FINANCIAL ACTIVITY FOR PERIOD ENDED 30 APRIL 2008

REPORT DATE: 15 May 2008

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Darren Friend, Manager Finance & Corporate Services

ATTACHMENTS: Statement of Financial Activity for the Period Ended 30 April 2008

PURPOSE OF REPORT:

To note and receive the Statement of Financial Activity for the period ended 30 April 2008.

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 2008 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 2007/2008 adopted budget.

VOTING REQUIREMENTS

Simple Majority Required

**COUNCIL RESOLUTION
(MANEX RECOMMENDATION)**

101/08 Moved Cr Hawkins seconded Cr Tonkin that Council notes and receives the Statement of Financial Activity for the period ended 30 April 2008.

CARRIED 8/0

11.2.3 ANNUAL FINANCIAL STATEMENTS FOR YEAR ENDED 30 JUNE 2007

REPORT DATE: 30 April 2008

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: 20/2/08 (Items 11.1.1 & 11.2.2)

AUTHOR: Darren Friend, Manager Finance and Corporate Services

ATTACHMENTS: Nil

PURPOSE OF REPORT:

To formally receive the Annual Financial Statements for the year ended 30 June 2007.

BACKGROUND:

At its ordinary meeting held in February 2008, Council received the Annual Report for the 2006/2007 year (Item 11.1.1). In the preamble to the report, a comment to the effect "The Audit Report and audited financial statements relating for the year ended 30 June 2007 were received via email on 8 February 2008 and are being

presented to Council under a separate agenda item to this Council Meeting.” This did not occur as part of Item 11.2.2 – Audit & Management Reports.

COMMENT:

As a result of the oversight, the responsibility of the author, Council has not received the Annual Financial Statements for the year ended 30 June 2007 within the required timeframe nor forwarded those statements to the Department of Local Government and Regional Development. Despite the fact that Council has not met its statutory obligations with regards to the receiving of the Annual Financial Statements it must still formally receive the report.

POLICY REQUIREMENTS:

Nil.

LEGISLATIVE REQUIREMENTS:

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

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)**

102/08 Moved Cr Bryan seconded Cr Pond that Council receives the audited Annual Financial Report for the year ended 30 June 2007.

CARRIED 8/0

Cr Clydesdale-Gebert declared an impartiality interest in item 11.2.4 as she owns a business of a similar nature to the proponent of the item.

Cr Barrett-Lennard declared an impartiality interest in item 11.2.4 as his wife is a member of the Moora Arts & Crafts Society Inc.

11.2.4 MOORA ARTS AND CRAFTS SOCIETY (INC) - RATES

FILE REFERENCE: CC/MCFI
REPORT DATE: 29 April 2008
APPLICANT/PROPONENT: Secretary, Moora Arts and Crafts Society Inc
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: 16/4/08 (Item 11.2.5)
AUTHOR: Eddie Piper, Acting Chief Executive Officer
ATTACHMENTS: Letter

PURPOSE OF REPORT:

For council to consider an application by the Moora Arts and Crafts Society Inc for exemption from General Rates on its property at 45 Roberts Street, Moora.

BACKGROUND:

The Moora Arts and Crafts Society Inc own and occupy lot 407, 45 Roberts Street Moora and consequently are liable for rates.

The General Rate for 2006-07 was \$1,490.30 and 2007-08 is \$1,576.83.

COMMENT:

The Secretary of the Moora Arts and Crafts Society Inc has written to the Acting Chief Executive Officer requesting Council to exempt the Society from General Rates. A copy is attached.

The Society met with the Acting Chief Executive Officer on 8 April 2008 and explained that they cannot afford to pay the General Rates as their building requires re-roofing, their operating expenses continue to rise and they are a non-profit making community group doing good work in the community.

The Shire of Moora exempts no organisation from General Rates apart from those statutorily exempt such as Government Departments.

It must be recognised that the Moora Arts and Crafts Society Inc hold the freehold title to their land.

An alternative to ongoing exemption is to continue to rate the site and each year, on application, consider a donation of the equivalent value of the General Rates by the Moora Arts and Crafts Society Inc.

Further Comment

The earlier statement that "The Shire of Moora exempts no organisation from General Rates apart from those statutorily exempt such as Government Departments is incorrect. A further check of the Property and Rating data base has provided some assessments that are exempt from General Rates. They are as follows:-

1. Moora Homes for the Aged – Dandaragan Street, Moora
2. Moora Frail Aged Lodge – Dandaragan Street, Moora (two Assessments)
3. Moora District Tennis Club – Gardiner Street, Moora
4. St James Residential College – Edgar Lewis Place, Moora
5. Moora Historical Society (Inc) – Clinch Street, Moora
6. Moora Bowling Club (Inc) – Gardiner Street, Moora
7. St John Ambulance Association – Padbury Street, Moora
8. Moora Youth Group – Roberts Street, Moora

As an indication to Elected Members a financial summary follows:-

Occupier	Valuation	General Rates Equivalent	Occupier Pays
1.	\$71,760 \$6,500		Rubbish Sewerage & ESL
2.	Nil		Rubbish Sewerage & ESL
3.	\$13,500		Rubbish Sewerage & ESL
4.	Nil		Rubbish Sewerage & ESL
5.	Nil		Nil
6.	\$11,750		Rubbish Sewerage & ESL
7.	\$8,840		Rubbish & ESL
8.	Nil		Rubbish & ESL
	<u>\$112,350</u>		

There is a loss to Revenue of \$12,618.00 in General Rates.

The Moora Arts and Crafts Society Inc information is as follows:-

1.	Valuation	\$14,040
2.	Pays	
	- General rates	\$1,576.83
	- Sewerage	\$877.80
	- Rubbish	\$190.00
	- ESL	<u>\$74.41</u>
		<u>\$2,719.04</u>

There are numerous other Community and Sporting Groups which do not pay any General Rates such as:-

- Moora Equestrian Centre
- Miling Golf Club
- Watheroo Golf Club
- Moora Lakeview Golf Club

Each case is different with some having bar facilities, most on lease or managed properties and some including the applicant owning their property freehold. It is unusual for local authorities to grant exemption from General Rates for freehold property as their ability to raise funds is far extended by the security they can offer.

By the same token the applicant group is a Community Group and have limited means other than to borrow, to raise extensive funds. It would be unwise to grant any permanent exemption as their financial wellbeing could change from year to year.

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:

To grant exemption from General Rates is a loss to revenue of approximately \$1,600 per annum.

VOTING REQUIREMENTS

Absolute Majority Required

COUNCIL RESOLUTION (MANEX RECOMMENDATIONS)

103/08 Moved Cr Pond seconded Cr Hawkins that Council, in relation to the property at lot 407, 45 Roberts Street Moora owned and occupied by the Moora Arts and Crafts Society Inc

- 1) advises the Moora Arts and Crafts Society Inc that***
- it will not grant exemption from General Rates***
 - it will consider, on application by the Moora Arts and Crafts Society Inc, a donation of the equivalent value of the General Rates or other amount as determined by Council at the time.***

- 2) ***donates to the Moora Arts and Crafts Society Inc an amount of \$1,576.83 being the equivalent value of General Rates for 2007-08 provided the arrears and current balance against Assessment # A1040 are paid in full.***
- 3) ***writes off the interest raised against Assessment # A1040 totalling \$115.26 as at 6 April 2008 in recognition of the non action by officers in dealing with the application for exemption.***

CARRIED BY ABSOLUTE MAJORITY 8/0

Cr Bryan declared a financial interest in item 11.2.5 as she is a current committee member of Moora Promotions Inc. and left the meeting. at 4.42pm.

Cr Pond declared an indirect financial interest in item 11.2.5 as his wife is a current committee member of Moora Promotions Inc.

Cr Pond assumed the chair in the absence of the Shire President.

11.2.5 MOORA PROMOTIONS – REQUEST FOR ASSISTANCE

FILE REFERENCE: CC/MPRI
REPORT DATE: 12 May 2008
APPLICANT/PROPONENT: Moora Promotions Inc.
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: Nil
AUTHOR: Eddie Piper, Acting Chief Executive Officer
ATTACHMENTS: Rules of Use
 Letter of Application
 Application form
 Various financial statements

PURPOSE OF REPORT:

For Council to consider a loan of \$47,308.00 to Moora Promotions Inc and if approved, under what terms.

BACKGROUND:

Moora Promotions Inc has been responsible for the past 10 years to organise and administer the “Moora Country Campout” event.

The 2008 event was not supported by locals and visitors and as a consequence suffered a loss of approximately \$47,000.

The group are an incorporated body and as such the individuals on the Committee cannot be sued for any losses. The group have several options which include:-

- Bankruptcy/Administration
- Seek a benefactor or several
- Borrow Money
- Raise Money
- Seek Sponsorship
- Hold fundraising events

COMMENT:

The Shire of Moora has on its Balance Sheet a Cashed backed Reserve Account titled “Community Facilities Reserve” and according to the 2007-08 Budget the purpose of this Reserve is as follows:-

“To provide funds to eligible community organisations for approved projects. Maximum Loan is \$15,000 repayable over terms of 3-7 years under certain conditions.”

Moora Promotions Inc has written to Council (copy attached) and completed the necessary application form for financial assistance from Council. The assistance is in the form of a loan of \$47,308.00 to be repaid as required by Council.

Attached are the rules and conditions regarding the granting of assistance from this Reserve Account and it will be noted that there are several areas where the request is outside the scope of the Reserve Account conditions. They are as follows:-

- Maximum Grant - \$15,000
- Interest rate - 50% of Bank Rate
- Maximum Term - 7 Years
- Maximum Value of Loan 66.66 of value

Rule 10 allows Council to vary any of Rules 1 – 9 and reads as follows:-

10. Council may – in exceptional circumstances and only with any other necessary approvals – by an absolute majority of Council modify any of the above rules 1-9 to meet the exceptional circumstances relating to a particular application.

The Moora Promotions (Inc) committee have included a letter of application that the request would be repaid on terms acceptable to Council, however, because the repayments will be on an ad hoc basis dependant upon the access of fundraising efforts, in reality the only fix could be the term of the loan. The use of the maximum term of seven (7) years would seem appropriate. The matter of interest applicable has not been addressed on the request and the conditions require that interest should be applied at “*The interest rate charged to be 50% to the nearest whole number of the interest rate quoted to Council by the Westpac Bank for a similar size/term loan in the month the application is approved by Council i.e. Westpac 11.8% organisation 6.0%, Westpac 10.6% organisation 5.0%*”. To apply this clause would add to the financial plight of the group and Council may see merit, because of the exposure the Event has given Moora, to grant the loan “interest free”. The current interest rate for \$50,000 over 7 years from the W.A. Treasury Corporation is 7.15% per annum (approximately) and therefore under the rules the interest rate applicable would be 4%.

To ensure there is some commitment to repaying the loan a minimum annual repayment should be set. The Acting Chief Executive Officer believes an amount of \$5,000 minimum per annum should be set.

POLICY REQUIREMENTS:

Whilst the recommendation of the Acting Chief Executive Officer may be seen as a precedent it should be Councils stand that each case is treated on its merits.

LEGISLATIVE REQUIREMENTS:

There is a requirement in the Local Government Act 1995 that a change of purpose of a Reserve Account must be included in the Annual Budget or advertised. The Acting Chief Executive Officer believes this is not applicable as the Rules provide for exceptional circumstances.

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:

The loan of \$48,000 to Moora Promotions (Inc) will reduce the Community Facilities Reserve Fund Account to approximately \$136,000. The addition above the request is required to pay for the legal agreement between the Shire of Moora and Moora Promotions (Inc).

VOTING REQUIREMENTS

Absolute Majority Required

**SUBSTANTIVE MOTION
(MANEX RECOMMENDATION)**

104/08 Moved Cr Hawkins seconded Cr Clydesdale-Gebert that Council authorise the Chief Executive Officer to make a loan of \$48,000 from the Community Facilities Reserve Fund Account available to Moora Promotions (Inc) under the following terms and conditions:-

- **Amount** **\$48,000.00**
 - **Term** **7 Years**
 - **Interest rate** **4%**
 - **Minimum Annual Repayment** **\$7,000.00**
 - **Enter into a legal agreement with the Shire of Moora to secure the debt at no cost to the Shire of Moora**
 - **Personal guarantees are required to the extent of the annual repayment and to be in force until the final repayment.**
- on the understanding that this loan does not create a precedent and that all applications for assistance from Council under the provisions of the Community Facilities Reserve Fund Account are treated on the merit of each application.***

AMENDMENT MOTION

Moved Cr Gardiner, seconded Cr Clydesdale-Gebert that an amendment be made to dot point 3 of the recommendation by amending the interest rate of '4%' to read '0%'.

MOTION LOST 2/5

WITH THE AMENDMENT MOTION BEING LOST THE SUBSTANTIVE MOTION WAS THEN PUT AND

CARRIED BY ABSOLUTE MAJORITY 7/0

At 5pm Cr Bryan rejoined the meeting and was advised of Council's resolution by Cr Pond.

Cr Bryan resumed the chair.

11.3 OPERATIONAL DEVELOPMENT**11.3.1 BINDI EAST/ TOODYAY BINDI ROAD REALIGNMENT**

FILE REFERENCE: TP/PTWI
REPORT DATE: 16 May 2008
APPLICANT/PROPONENT: Shire of Moora
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: Nil
AUTHOR: John Greay, Manager of Engineering Services
ATTACHMENTS: Realignment Map

PURPOSE OF REPORT:

Roadwork's on the Bindi East Road requires Councils confirmation /recommendation to the Western Australian Planning Commission for the realignment of the road through Mr Toby Ellis's property.

BACKGROUND:

At the intersection of the Bindi East/Toodyay Bindi Road a road realignment has been necessary to remove a potential Blackspot from Councils road network.

COMMENT:

This project has been recognised by Main Roads Western Australia, after a submission by Council, as having the potential to be a locality where serious injury could occur. Funding has been provided in this current year and this project will be completed by the 30th June 2008.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

Local Government Act 1995 – S168
 Land Administrative Act 1997 – (part 5)

STRATEGIC IMPLICATIONS:

Both realignments will create a much safer section of the road.

SUSTAINABILITY IMPLICATIONS:

- **Environment**
There are no known significant environmental implications due to the new alignment going through previously cleared pastured paddocks.
- **Economic**
There are no known significant economic implications associated with this proposal.
- **Social**
Improvement of road safety for road users.

FINANCIAL IMPLICATIONS:

Funding is provided in this year's budget

VOTING REQUIREMENTS

Simple Majority Required

**COUNCIL RESOLUTION
(OFFICER RECOMMENDATIONS)**

105/08 Moved Cr Hawkins seconded Cr Keamy that Council approves and confirms the realignment of the Bindi East Road with the Toodyay Bindi Road through Lot 1 currently owned by Mr Toby Ellis and advise the W.A. Planning Commission that: -

- 1. Council supports and approves the closure of the section of the Bindi East Road as shown on the plans submitted;***

And

- 2. Council approves of the creation of a new alignment through the section of Lot 1 as indicated on the plans submitted, with the boundaries of the truncated lot to be now included in the road reserves as the severed portions of the lots are too small to include on adjoining lots which are owned by other landowners.***

CARRIED 8/0

11.3.2 CRESLOW / MILING WEST ROAD REALIGNMENT

FILE REFERENCE: TP/PTW1
REPORT DATE: 16 May 2008
APPLICANT/PROPONENT: Shire of Moora
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: Nil
AUTHOR: John Greay, Manager of Engineering Services
ATTACHMENTS: Realignment Map

PURPOSE OF REPORT:

Roadwork's on the Creslow Road requires Councils confirmation /recommendation to the Western Australian Planning Commission for the realignment of the road through Ms Carmel Bateman's property.

BACKGROUND:

At the intersection of Creslow / Miling West Road we have removed a potential Blackspot by relocating the intersection further to the east through Ms Carmel Bateman's property.

COMMENT:

This project has been recognised by Main Roads Western Australia, after submissions by Council, as having the potential to be a locality where serious injury could occur. Funding has been provided in this current year and the project will be completed by the 30th June 2008

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

Local Government Act 1995 – S168
Land Administrative Act 1997 – (part 5)

STRATEGIC IMPLICATIONS:

This realignment will create a much safer section of the road.

SUSTAINABILITY IMPLICATIONS:

- **Environment**
There are no known significant environmental implications due to the new alignment going through previously cleared pastured paddocks.
- **Economic**
There are no known significant economic implications associated with this proposal.
- **Social**
Improvement of road safety for road users.

FINANCIAL IMPLICATIONS:

Funding is provided in this year's budget

VOTING REQUIREMENTS

Simple Majority Required

**COUNCIL RESOLUTION
(OFFICER RECOMMENDATIONS)**

106/08 Moved Cr Hawkins seconded Cr Tonkin that Council approve and confirm the realignment of the Creslow Road with the Miling West Road through Lot M197 currently owned by M's Carmel Bateman and advise the W.A. Planning Commission that:-.

- 1. Council supports and approves the closure of the section of the Creslow Road as shown on the plans submitted;***

And

- 2. Council approves of the creation of a new alignment through the section of land on Lot M197 as indicated on the plans submitted, with the boundaries of the truncated lots to be now included in the road reserves as the severed portions of the lot are too small to include on adjoining lots which are owned by other landowners.***

CARRIED 8/0

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

FILE REFERENCE: TP/PTM11
REPORT DATE: 15 May 2008
APPLICANT/PROPONENT: B & D Keeris
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: Nil
AUTHOR: Glenn Bangay, Manager Health & Planning Services
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 Manager Health & Planning Services) 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 15 May 2008.

- **B & D Keeris – Lot 12 Hamilton Street, Moora – Construction of a single dwelling (Area 290m²) Zoning – Special Rural, Value \$350,000 (Ref 27/0708)**

POLICY REQUIREMENTS:

Register of Delegations and Shire of Moora Town Planning Scheme No 4 Text.

LEGISLATIVE REQUIREMENTS:

There are no known legislative requirements related to this item.

STRATEGIC IMPLICATIONS:

There are no known strategic implications associated with this proposal.

SUSTAINABILITY IMPLICATIONS:

➤ **Environment**

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

➤ **Economic**

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

➤ **Social**

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

FINANCIAL IMPLICATIONS:

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

VOTING REQUIREMENTS

Simple Majority Required

**COUNCIL RESOLUTION
(MANEX RECOMMENDATION)**

107/08 Moved Cr Barrett-Lennard seconded Cr Clydesdale-Gebert that Council note the town planning applications approved under delegated authority.

CARRIED 8/0

11.4.2 APPLICATION FOR STRATA APPROVAL OF LOT 75 GARDINER AND HAMILTON STREET

FILE REFERENCE: PA 504-1
REPORT DATE: 19 May 2008
APPLICANT/PROPONENT: Ms Brenda Wilson
OFFICER DISCLOSURE OF INTEREST: Author has no financial interest in this item.
PREVIOUS MEETING REFERENCES: 26/7/06 (Late item)
AUTHOR: Glenn Bangay, Manager Health and Planning Services
ATTACHMENTS:
1) Correspondence from Oracle Surveys.
2) Form 7
3) Proposed strata title subdivision plan
4) Copy of Table 1 – General Site Requirements, Residential Design Codes of Western Australia.

PURPOSE OF REPORT:

Correspondence has been received from Oracle Surveys requesting Councils approval of the strata subdivision on Lot 75 Gardiner Street, Moora into two strata lots with recently relocated second hand transportable dwellings, the Form 7 is required for lodgement of the application with Landgate.

BACKGROUND:

Planning approval for the relocation of the second hand transportable buildings was issued on the 10th August 2007 and a building licence was issued on the 22nd August 2007. The area is zoned Residential R12.5/25.

COMMENT:

An inspection has been carried out on the relocated second hand buildings and the lot and other than a few minor finishing items; the buildings comply with the Planning and Building Licence approval conditions.

The minimum site area per dwelling under the Shire of Moora Town Planning Scheme No 4 and the Residential Design Codes – General Requirements Table 1 for zoning R12.5/25 is a minimum of 320m². The area of Lot Pt 1 will be 506m² and the area of Lot Pt 2 will be 506m². Therefore the application complies with the Shire of Moora Town Planning Scheme No 4.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

Nil

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:

The financial implications from the proposal would be the addition of rate revenue from the new lot.

VOTING REQUIREMENTS:

Simple Majority Required

**COUNCIL RESOLUTION
(MANEX RECOMMENDATION)**

108/08 Moved Cr Gardiner, seconded Cr Hawkins that Council recommends approval of the strata subdivision with the following condition:

- *Street corner within the subdivision to be truncated to the standard truncation of 8.5 metres.*

CARRIED 8/0

11.4.3 APPLICATION FOR SUBDIVISION APPROVAL OF LOT 76 GARDINER AND HAMILTON STREET

FILE REFERENCE: GA/WPCI

REPORT DATE: 19 May 2008

APPLICANT/PROPONENT: Adrienne Dawn Dinn

OFFICER DISCLOSURE OF INTEREST: Author has no financial interest in this item.

PREVIOUS MEETING REFERENCES: 26/7/06 (Late item)

AUTHOR: Glenn Bangay, Manager Health and Planning Services

ATTACHMENTS: 1) Correspondence from Western Australian Planning Commission.

2) Form IA

3) Proposed subdivision plan

PURPOSE OF REPORT:

Correspondence has been received from the WA Planning Commission advising that an application for planning approval has been submitted for approval to subdivide Lot 76 Gardiner Street, Moora into two lots. One lot of 610m² with a recently relocated second hand transportable dwelling the other Lot of 402m².

BACKGROUND:

Planning approval for the relocation of the second hand transportable building was issued on the 26th July 2006 and a building licence was issued on the 31st July 2006. The area is zoned Residential R12.5/25.

COMMENT:

An inspection has been carried out on the relocated second hand building and on the lot and other than a few minor finishing items, the building complies with the Planning and Building Licence approval conditions.

The minimum site area per dwelling under the Shire of Moora Town Planning Scheme No 4 and the Residential Design Codes – General Requirements Table I for zoning R12.5/25 is a minimum of 320m². Therefore the application complies with the Shire of Moora Town Planning Scheme No 4.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

Nil

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:

The financial implications from the proposal would be the addition of rate revenue from the new lot.

VOTING REQUIREMENTS:

Simple Majority Required

**COUNCIL RESOLUTION
(MANEX RECOMMENDATION)**

109/08 Moved Cr Gardiner, seconded Cr Hawkins that Council recommends approval of the subdivision with the following condition:

- ***Street corner within the subdivision to be truncated to the standard truncation of 8.5 metres.***

CARRIED 7/1

11.5 ENVIRONMENTAL DEVELOPMENT

Nil

11.6 ECONOMIC DEVELOPMENT

Cr Clydesdale-Gebert declared an impartiality interest in item 11.6.1 as she is the owner of the land at Lot 213 Melbourne Street, Moora which is within the same industrial subdivision however not adjacent.

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

FILE REFERENCE: L/TEN1
REPORT DATE: 12 May 2008
OFFICER DISCLOSURE OF INTEREST: Author has no financial interest in this item
PREVIOUS MEETING REFERENCES: 23/1/08 (15/08), 20/2/08 (30/08), 5/3/08 (41/08)
AUTHOR: Rebecca McCall, Manager Economic Development
ATTACHMENTS: Summary of Tender Offer

PURPOSE OF REPORT:

Evaluate tender submission for Lot 211 Melbourne Street and resolve to accept or decline offer.

BACKGROUND:

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

15/08 “sells Lot 211 Melbourne Street Moora to a willing buyer for no less than the recommended market value, exclusive of GST.

And

“offers Lot 211 Melbourne Street Moora for sale by public tender.

WALGA Services were contracted to develop the tender documentation. The initial draft tender document not was received at the close of the agenda (for Ordinary Council dated 20th February 2008). In order to progress the matters in a timely manner it was resolved that a tender selection panel (with no delegated authority) be created to review the tender documentation and that a special meeting be convened at which the tender documents could be considered by Council.

Council resolved at their Ordinary Meeting of Council on 20 February 2008 that Council:

- 30/08*
- 1. not accept the tender documents as tabled at today’s meeting for the sale by public tender of Lots 404-413 Gardiner Street Moora and Lot 211 Melbourne Street Moora.*
 - 2. appoints a Tender Selection Panel (with no delegated authority) comprising of Councillors Bryan and Keamy along with the Chief Executive Officer and Manager Economic Development to initially review the tender documentation prior to adoption of Council and after the calling of tenders to assess the tenders received for recommendation to Council.*

3. *holds a Special Meeting of Council on the 5th March 2008 to commence at 6.00pm to accept the revised tender document and to consider the calling of tenders.*

The tender document was not finalised by WALGA services until the day of the Special Meeting held on 5 March 2008, thus not allowing Councillors or Manex the opportunity to peruse the document.

Council resolved at that meeting the following:-

41/08 Moved Cr Hawkins, seconded Cr Clydesdale-Gebert that the item lay on the table until the next meeting of Council on 19 March 2008 to allow Council time to peruse the tender document.

Council resolved at the Ordinary Meeting of Council on 19 March 2008 that Council:

- 68/08*
1. *accept the tender document 2/2008 as tabled at today's meeting for the sale by public tender of Lot 211 Melbourne Street Moora.*
 2. *consider the calling of tender 2/2008*

COMMENT:

At the closing of tenders, one tender was received from tenderer Mr Glenn Henderson and Mrs Amy Henderson of Hendo's Plumbing and Gas Services. Mr & Mrs Henderson own and operate their business in Moora. The price offered for Lot 211 Melbourne Street was \$16,500.

The tender selection panel assessed the tender offer. Upon assessing the qualitative criteria the evaluation concluded the following:

(a) Price Offered (Weighting 40%)	<u>Assessment 10%</u>
(b) Proposed Development (Weighting 30%)	<u>Assessment 30%</u>
(c) Development Timeframe (Weighting 15%)	<u>Assessment 15%</u>
(d) Perceived Benefits (Weighting 15%)	<u>Assessment 15%</u>

The attached summary outlines the inclusions of the tender offer.

POLICY REQUIREMENTS:

Complying with Council's policy in regards to tendering.

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:

There are no financial implications associated with this item as Council will be retaining the property.

VOTING REQUIREMENTS

Absolute Majority Required

MANEX RECOMMENDATION

That Council in relation to tender 2/2008 for the sale of Lot 211 Melbourne Street Moora declines the tender submitted by Mr Glenn Henderson and Mrs Amy Henderson of Hendo's Plumbing and Gas Services.

COUNCIL RESOLUTION

110/08 Moved Cr Barrett-Lennard seconded Cr Pond that Council in relation to tender 2/2008 for the sale of Lot 211 Melbourne Street Moora accepts the tender submitted by Mr Glenn Henderson and Mrs Amy Henderson of Hendo's Plumbing and Gas Services.

CARRIED BY ABSOLUTE MAJORITY 8/0

Note – Council accepted the tender as it considered it to be financially advantageous for the relocation of a business to an appropriate place.

11.7 SPORT AND RECREATION

Cr's Bryan and Clydesdale-Gebert declared an impartiality interest in item 11.7.1 as they are financial members of Moora Health and Fitness.

11.7.1 MOORA HEALTH & FITNESS – PENSIONER MEMBERSHIP FEE

FILE REFERENCE: BA/MGYI
REPORT DATE: 12 May 2008
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: Nil
AUTHOR: Rebecca McCall, Manager Economic Development
ATTACHMENTS: Nil

PURPOSE OF REPORT:

For Council to consider the introduction of Pensioner Gym Membership in order to increase the membership base of Moora Heath & Fitness. In addition, the membership will become affordable for the pensioners living within the community and encourage participation and interest in their wellbeing.

BACKGROUND:

The 2007/08 adopted budget allocated funds for the development of a gymnasium facility in Moora now referred to as Moora Health & Fitness.

The development was completed and opened on 4 February 2008 seeing the employment of a full time qualified Gym Instructor.

The business plan developed for the facility detailed the membership base for the gym. The membership base incorporated individuals and sporting clubs utilising the several option period.

To ensure the success of Moora Health & Fitness, Gym Management is required to continually develop market strategies to grow its membership base. Since the development commenced Council has introduced both sporting and corporate memberships.

COMMENT:

A marketing strategy for Council's consideration is the introduction of Pensioner Membership. The membership would be made available to pensioners within the Shire of Moora. Existing membership terms and conditions would be aligned with the introduction of pensioner memberships.

The pensioner rate would consist of:

- 25% discount of the normal priced membership options

	<u>One Month (Normal Rate)</u>	<u>One Month (Pensioner Rate)</u>
Gym	\$65	\$49
Group Fitness	\$45	\$34
Combination	\$90	\$67

<u>Three Month (Normal Rate)</u>		<u>Three Month (Pensioner Rate)</u>
Gym	\$156	\$117
Group Fitness	\$108	\$81
Combination	\$216	\$162
<u>Six Month (Normal Rate)</u>		<u>Six Month (Pensioner Rate)</u>
Gym	\$273	\$205
Group Fitness	\$189	\$142
Combination	\$378	\$284
<u>Twelve Month (Normal Rate)</u>		<u>Twelve Month (Pensioner Rate)</u>
Gym	\$468	\$351
Group Fitness	\$324	\$243
Combination	\$648	\$486
<u>Casual (Normal Rate)</u>		<u>Casual (Pensioner Rate)</u>
Gym	\$12	\$9
Group Fitness	\$10	\$7

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

The Local Government Act 1995, Section 6.19 requires new fees and charges to be advertised.

STRATEGIC IMPLICATIONS:

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

SUSTAINABILITY IMPLICATIONS:

- **Environment**
There are no known significant environmental implications associated with this proposal.
- **Economic**
Economic implications include the income generated through pensioner memberships.
- **Social**
The option of pensioner membership will enhance the wellbeing and fitness of pensioners residing in the Shire of Moora.

FINANCIAL IMPLICATIONS:

Financial implications include unbudgeted income through pensioner memberships.

VOTING REQUIREMENTS

Absolute Majority Required

**COUNCIL RESOLUTION
(MANEX RECOMMENDATION)**

111/08 Moved Cr Hawkins seconded Cr Clydesdale-Gebert that Council:

1. adopts a “Pensioner Membership Fee” of:-

One Month

Gym	\$49
Group Fitness	\$34
Combination	\$67

Three Month

Gym	\$117
Group Fitness	\$81
Combination	\$162

Six Month

Gym	\$205
Group Fitness	\$142
Combination	\$284

Twelve Month

Gym	\$351
Group Fitness	\$243
Combination	\$486

Casual

Gym	\$9
Group Fitness	\$7

- 2. advertises the new fee in accordance with S6.19 of the Local Government Act 1995.**
- 3. adopts the Pensioner Membership terms and conditions set by Gym Management.**
- 4. allows the new fee to be effective as of Monday, 9 June 2008.**
- 5. include the new fee as part of the 2008/09 budget process.**

CARRIED BY ABSOLUTE MAJORITY 8/0

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

Nil

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

The Chief Executive Officer tabled a late item dealing with
I. Australian Services Union Negotiations

for Council's consideration.

COUNCIL RESOLUTION

112/08 Moved Cr Gardiner, seconded Cr Pond that Council consider the late item as tabled by the Chief Executive Officer titled "Australian Services Union Negotiations".

CARRIED 8/0

13.1 AUSTRALIAN SERVICES UNION NEGOTIATIONS

FILE REFERENCE: HR/OFA I
REPORT DATE: 20 May 2008
APPLICANT/PROPONENT: Shire of Moora
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: Nil
AUTHOR: Lynnette O'Reilly, Chief Executive Officer
ATTACHMENTS: Nil

PURPOSE OF REPORT:

The purpose of this report is to update Elected Members on the negotiations with the ASU meeting which was held on 15 May 2008 and if appropriate accept the final document.

BACKGROUND:

Australian Service Union negotiations have been continuing since July 2007 and a draft agreement was put up for consideration as of November 2007.

An initial draft Agreement was established on 17th January 2008 and a subsequent draft with a range of changes was provided by the union on 7th May 2008.

COMMENT:

A meeting was held on 15th May 2008 with Lynnette O'Reilly, CEO, Eddie Piper A/CEO, John Greay, Kevin Headland, Murray Bond, Wayne Wood, Assistant Branch Secretary ASU and Marlene Barto to negotiate areas where agreement had not been achieved in the 7th May draft.

The outcomes from the meeting included:

- Agreement that a clause be added to section 6 detailing the spread of hours between the hours of 6am and 6pm and that hours may be negotiated with the Shire of Moora outside of this and that the agreement would specify the hours of duty to include a 10 minute morning tea break, 8 hours of duty and a 30 minute lunch. Where a 20 minute morning tea break is taken the additional 10 minutes be added at the end of the day.

- Agreement that the initial \$100 per fortnight increase be made immediately on lodgement of the agreement with a further 4.5% (or CPI which ever is the greater) in years 1 and 2. (see table below)
- The Union representative advised that Members were in agreeance to the remaining terms and conditions of the agreement.
- The union was adamant that the 17.5% loading remain in place.

The area requiring Council agreement was regarding the issue of back pay.

- The union has requested consideration of a \$400 lump sum payment in consideration of the delays in finalising the agreement.

POLICY REQUIREMENTS:

The relevant policies are amended to reflect changes by this agreement.

LEGISLATIVE REQUIREMENTS:

There are no known legislative requirements related to this item.

STRATEGIC IMPLICATIONS:

The agreed changes will make it more attractive for staff to remain working with the Shire and additionally it will enhance conditions offered by working with the Shire, making it more attractive to potential employees.

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 following financial implications result from the proposal

1. An immediate \$100 per fortnight increase (across 19 current staff)
2. An immediate \$400 lump sum (across 19 staff) rather than a back pay consideration to the 7th January when the initial draft was lodged for consideration. It was recognised that a lump sum was far more practical in terms of processing and was considered to be an effective alternative. The benefits to the Shire are that unnecessary back pay processing time is removed.
3. Year 1 increase of 4.5% or CPI which ever is the greater. Per fortnight this varies from approximately an increase of approximately \$27 per week for level 1 up to \$32 per week for level 6 (refer table below).
4. Year 2 increase of 4.5% or CPI which ever is the greater. Per fortnight this varies from approximately an increase of approximately \$28 per week for level 1 up to \$33 per week for level 6 (refer table below).

Level	Rate	Number of staff on level	Current per wk	Current per fn	At lodgement per fn	After 12 months per fn	After 24 months per fn
2	\$14.78	1	\$561.64	\$1,123.28	\$1,223.28	\$55.05	\$1,278.33
3	\$15.33	2	\$582.54	\$1,165.08	\$1,265.08	\$56.93	\$1,322.01
4	\$15.71	3	\$596.98	\$1,193.96	\$1,293.96	\$58.23	\$1,352.19
5	\$16.47	10	\$625.86	\$1,251.72	\$1,351.72	\$60.83	\$1,412.55
6	\$17.30	3	\$657.40	\$1,314.80	\$1,414.80	\$63.67	\$1,478.47

VOTING REQUIREMENTS:

Simple Majority Required

**COUNCIL RESOLUTION
(OFFICER RECOMMENDATION)**

113/08 Moved Cr Gardiner, seconded Cr Hawkins that Council accept the Shire of Moora Municipal Employees Union Collective Agreement 2008 and authorise the CEO to sign and have witnessed the agreement subject to corrections to clause 7.2 Wage schedule rates for Level 5 and Level 6.

CARRIED 8/0**14. NOTICE ON MOTIONS FOR THE NEXT COUNCIL MEETING**

Nil

15. MATTERS BEHIND CLOSED DOORS**COUNCIL RESOLUTION**

114/08 Moved Cr Hawkins seconded Cr Clydesdale-Gebert that the meeting move behind closed doors to discuss:-

Item 15.1, 'Offer of Purchase – Lot 1 Dandaragan Street Moora' as it is a matter affecting information that has a commercial value to a person pursuant to Section 5.23(2)(e) of the Local Government Act 1995

And

Item 15.2, 'Moora Youth Centre' as it is a matter affecting the ongoing operations of a community organisation pursuant to Section 5.23 (2)(h).

CARRIED 8/0

At 5.32pm the meeting moved behind closed doors.

Cr Bryan declared an impartiality interest in item 15.1 as her husband is a director in Point Grey Pty Ltd.

Cr Clydesdale-Gebert declared an impartiality interest in item 15.1 is across the road from where the current telecentre is located in Padbury Street.

At 5.33pm the Manager Community Services declared a financial interest in item 15.1 as he is a director and shareholder in Point Grey Pty Ltd and left the meeting.

15.1 Offer of Purchase – Lot 1 Dandaragan Street Moora

Provided to Councillors under confidential cover.

COUNCIL RESOLUTION (OFFICER RECOMMENDATIONS)

Moved Cr Pond, seconded Cr Gardiner that Council:-

- 1. accept the written offer from Point Grey Pty Ltd to purchase Lot 1 Dandaragan Street Moora for the price of \$150,000 with settlement to occur on September 1, 2008.*
- 2. allocate funds in the 2008/09 for the purchase of Lot 1 Dandaragan Street*
- 3. enter into a contract of sale for the property between the Shire of Moora and Point Grey Pty Ltd.*
- 4. authorise the Chief Executive Officer to engage Midland Settlements to act on Councils behalf for the sale.*
- 5. authorise the Shire President and Chief Executive Officer to sign and affix the common seal of the Shire of Moora in accordance with Standing Orders Local Laws to any documentation necessary to enact the sale of Lot 1 Dandaragan Street Moora.*

MOTION LOST 1/7

Note - The recommendation was not adopted, as Council did not consider it to be a cost effective decision at this point in time.

At 5.47pm the Manager Community Services rejoined the meeting.

15.2 Moora Youth Centre

Provided to Councillors under confidential cover.

Absolute/ Simple Majority Required (dependent on Council Resolution)

COUNCIL RESOLUTION (OFFICER RECOMMENDATION)

115/08 Moved Cr Hawkins seconded Cr Pond that Council advise that up to \$5,000 in short term funding be made available to the Moora Youth Group, subject to the presentation of accounts to Council.

CARRIED BY ABSOLUTE MAJORITY 6/2

COUNCIL RESOLUTION

116/08 Moved Cr Hawkins, seconded Cr Clydesdale-Gebert that the meeting come out from behind closed doors and re-open to the public.

CARRIED 8/0

The meeting reopened to the public at 6.10pm.

On reopening the meeting, there were no public present therefore the Shire President did not read aloud the decisions made behind closed doors.

The Shire President thanked Mr Eddie Piper on behalf of Council and staff during his 3 months service in the roles of both Acting Chief Executive Officer and Special Projects Officer.

16. CLOSURE OF MEETING

There being no further business, the Shire President declared the meeting closed at 6.14pm.

CONFIRMED

PRESIDING MEMBER