

SHIRE OF MOORA
MINUTES OF THE ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS, MOORA
WEDNESDAY 9 AUGUST 2006

TABLE OF CONTENTS

1.	<u>DECLARATION OF OPENING & WELCOME OF VISITORS</u>	3
2.	<u>DISCLAIMER READING</u>	3
3.	<u>ATTENDANCE</u>	3
	<u>PUBLIC</u>	3
	<u>APOLOGIES</u>	3
	<u>LEAVE OF ABSENCE</u>	4
4.	<u>DECLARATIONS OF INTEREST</u>	4
5.	<u>QUESTIONS BY THE PUBLIC IN ACCORDANCE WITH SECTION 5.24 OF THE ACT</u>	4
6.	<u>RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE</u>	4
7.	<u>APPLICATIONS FOR LEAVE OF ABSENCE</u>	4
8.	<u>PETITIONS AND MEMORIALS</u>	4
9.	<u>ANNOUNCEMENTS BY THE SHIRE PRESIDENT</u>	5
10.	<u>CONFIRMATION OF MINUTES OF THE PREVIOUS MEETINGS</u>	5
	10.1 <u>ORDINARY COUNCIL MEETING - 26 JULY 2006</u>	5

11.	<u>REPORTS OF OFFICERS</u>	6
11.1	<u>ADMINISTRATION</u>	6
11.1.1	Aeromodellors WA Incorporated Nationals Competition - Request for Reduction of Recreation Centre Hire Fees	6
11.2	<u>FINANCIAL DEVELOPMENT</u>	7
11.2.1	List of Payments Authorised Under Delegation 1.31*	7
11.3	<u>OPERATIONAL DEVELOPMENT</u>	8
	Nil.	
11.4	<u>COMMUNITY DEVELOPMENT</u>	8
11.4.1	Town Planning Scheme No 4 – Delegation of Powers	8
11.4.2	Moora & Districts Child Care Centre – Request for RDO System	9
11.4.3	Review of Ward Boundaries and Representation	11
11.5	<u>ENVIRONMENTAL DEVELOPMENT</u>	13
11.5.1	Notice to Remove Disused Material – 3 Lenane Street Moora	13
11.6	<u>ECONOMIC DEVELOPMENT</u>	15
11.6.1	Advertising Opportunity – Central Midlands and Coastal Advocate *	15
11.7	<u>SPORT AND RECREATION</u>	16
	Nil.	
12.	<u>ELECTED MEMBER MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN</u>	16
13.	<u>MOTIONS OF AN URGENT NATURE INTRODUCED BY DECISION OF COUNCIL</u>	16
13.1	Special Meeting of Council	
14.	<u>NOTICE ON MOTIONS FOR THE NEXT COUNCIL MEETING</u>	17
14.1	Flying of Flags	17
15.	<u>MATTERS BEHIND CLOSED DOORS</u>	17
15.1	Resignation of Mr Peter Haas as Environmental Development Manager	17
16.	<u>CLOSURE OF MEETING</u>	18

* Separate Attachments

Item 11.1.1 List of Payments Authorised Under Delegation 1.31

Item 11.6.1 Shire of Wongan-Ballidu Newspaper Advertising

1. DECLARATION OF OPENING & WELCOME OF VISITORS

The Shire President declared the meeting open at 3.37pm, 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	-	Moora Town Ward
CE Gardiner	-	Deputy President	-	Moora Town Ward
WA Barrett-Lennard	-	Councillor	-	Bindi Bindi Ward
JL Craven	-	Councillor	-	Moora Town Ward
SJ Pond	-	Councillor	-	Koojan Ward
AR Tonkin	-	Councillor	-	Coomberdale Ward
DV Clydesdale-Gebert	-	Councillor	-	Watheroo Ward

SJ Deckert	-	Chief Executive Officer
JL Greay (until 6.12pm)	-	Operational Development Manager
PJ Haas	-	Environmental Development Manager
JL Ellis (until 6.12pm)	-	Financial Development Manager
BR Williams	-	Enterprise Development Manager
MM Murray	-	Executive Support Officer

PUBLIC

Mr Jim Kelly (until 4.18pm)	Farmer, Deputy Pres. Shire of Victoria Plains
Ms Lana Kelly (until 4.18pm)	Farmer
Mrs Lois Kelly (until 4.18pm)	Farmer
Mr Mike Carter (until 4.58pm)	Forest Products Commission, Gnangara
Mr John Kaye (until 4.58pm)	Forest Products Commission, Gnangara
Ms Megan Beange (until 6.12pm)	Journalist, Central Midlands & Coastal Advocate

APOLOGIES

MJ Prunster	-	Community Development Manager
-------------	---	-------------------------------

LEAVE OF ABSENCE

The following Councillors were granted leave of absence for this meeting by Council resolution made at the Ordinary Meeting held on 26 July 2006:

CD Hawkins	-	Councillor	-	Moora Town Ward
JW McLagan	-	Councillor	-	Miling Ward

4. DECLARATIONS OF INTEREST

Nil.

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

Nil.

6. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

7. APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

8. PETITIONS AND MEMORIALS

Ms Lana Kelly from the Central West Reference and Action Group will be presenting Councillors with the completed biosolids binders as discussed at the last meeting.

The Shire President invited members of the Central West Reference and Action Group to address the meeting.

At 3.40pm Ms Lana Kelly reiterated the groups concerns from the previous meeting and briefly ran through the Biosolids binders that she had presented to Councillors, which now included photographs, letters and newspaper articles.

At 4.09pm Mr Jim Kelly then addressed Council advising of the recommendations made by the Gillingarra LCDC at their most recent meeting on Tuesday night.

At 4.17pm the Shire President thanked the group for their presentation.

At 4.18pm the delegation retired from the meeting.

Mr John Kaye, Manager Industry Development for the Forest Products Commission will be making a presentation on the "Draft Tree Farming & Industry Development Plan, Maritime Pine Mid West". A copy of this plan is enclosed with the Agenda for Councillors reference.

At 4.20pm the Shire President introduced Mr John Kaye and Mr Mike Carter from the Forest Products Commission and they then addressed the meeting.

At 4.22pm the Executive Support Officer left the meeting & returned at 4.32pm.

At 4.43pm the Environmental Development Manager left the meeting & returned at 4.47pm.

At 4.57pm the Shire President thanked the group for their presentation.

At 4.58pm Mr Kaye & Mr Carter retired from the meeting and the Enterprise Development Manager left the meeting.

9. ANNOUNCEMENTS BY THE SHIRE PRESIDENT

Earlier today Cr's Bryan, Barrett-Lennard, Clydesdale-Gebert, Gardiner, Tonkin and Pond along with Council Management and invited guests & community groups from the wider community attended a meeting of the WA Community Foundation in the Moora Performing Arts Centre.

At 5.03pm the Enterprise Development Manager rejoined the meeting.

Next Monday the 14th August at 10am Council will meet with the Water Corporation in Council Chambers to discuss Council's requirements for the storage and distribution of biosolids in the Shire.

Cr Pond advised that he had attended the ZCA Meeting on the 4th August.

On Friday 28th July Cr's Bryan, Pond, and the Chief Executive Officer attended the Avon Midland Zone Meeting in Calingiri.

The AGM of Moora Promotions was held on Monday 31st July in the Moora Performing Arts Centre, and was well attended. Another concert has been confirmed for next Easter, the main act has been signed up however they, along with the other supporting acts will not be publicised until later in the year.

On Friday 18th August a ceremony will be held at 11am at the Moora War Memorial to remember those involved in the Battle of Long Tan. A ceremony will then be held at the cemetery followed by a small luncheon at the Bowling Club.

10. CONFIRMATION OF MINUTES OF THE PREVIOUS MEETING

10.1 ORDINARY COUNCIL MEETING - 26TH JULY 2006

COUNCIL RESOLUTION

132/06 Moved Cr Barrett-Lennard, seconded Cr Gardiner that the Minutes of the Ordinary Meeting of Council held on 26 July 2006, be confirmed as a true and correct record of the meeting.

CARRIED 7/0

II. REPORTS OF OFFICERS

II.1 ADMINISTRATION

II.1.1 Aeromodellers WA Incorporated Nationals Competition - Request for Reduction of Recreation Centre Hire Fees

LOCATION: Moora
FILE: CC/CEVI
AUTHOR: Bronwyn Williams, Enterprise Development Manager
REPORT DATE: 3rd August 2006
DECLARATION: Nil

BACKGROUND

Contact was made with the Shire of Moora in late July 2006, from Mr Kevin Hooper who was representing Aeromodellers WA about hosting the National Competition in the Easter school holidays in 2007.

The previous National competition attracted 200 contestants to the host town; along with the competitors there are supporters and interested people that will come along as part of the competition, possibly attracting around 500 people to the town for a week.

COMMENT

Mr Hooper will be presenting a case for the show to be held in Moora on the 21st August to the Aeromodellers WA Inc group. Other towns that are interested in holding this event are Dalwallinu and Busselton. Mr Hooper's preference is Moora as it has a close proximity to Perth as well as excellent facilities for the events that are part of the competition.

Mr Hooper has indicated that the group will require our recreation facilities for 7 days, including evening award events and daily events. The entire recreation centre & ground facilities (hockey & football grounds & netball courts) will be required during the week so there will be no opportunity to lease out the meeting rooms to other groups. There are other places available for meetings in Moora so this shouldn't create an issue.

Manex has considered the proposal and are very interested in hosting such an event and the possibility of many visitors to Moora and their impact on the economy.

BUDGET IMPLICATIONS

Unsure as yet what budget implications there may be for this project. They will be limited, as Aeromodellers WA Inc will carry all costs.

STRATEGIC IMPLICATIONS

In the Shire of Moora's Strategic Plan under the Key Result Area of "People", strategy one outlines to support associations, groups and events within the community. This project is also outlined in the Key Result Area of "Growth" where strategy five outlines to market the Moora Region.

VOTING REQUIREMENTS

Absolute Majority

**COUNCIL RESOLUTION
(MANEX RECOMMENDATION) – ITEM 11.1.1**

133/06 Moved Cr Clydesdale-Gebert, seconded Cr Gardiner that Council approval is given for Moora to host the Aeromodellers National Event subject to:

- 1. Aeromodellers WA Inc pay \$1500 for the use of the Moora Recreation Centre facilities and grounds for 7 days;*
- 2. Aeromodellers WA Inc pay \$500 as a bond for use of the recreation facilities;*
- 3. Cost of any damage to the recreation facilities as a result of this hire will be borne by Aeromodellers WA Inc;*
- 4. The facilities being left in the same condition, as they were when occupation was taken up.*

CARRIED BY ABSOLUTE MAJORITY 7/0

11.2 FINANCIAL DEVELOPMENT

11.2.1 List of Payments Authorised Under Delegation 1.31

AUTHOR: Jo-Anne Ellis, Financial Development Manager
REPORT DATE: 4 August 2006
DECLARATION: Nil

BACKGROUND

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

COMMENT

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

STATUTORY ENVIRONMENT

Local Government Act 1995 - Section 6.10

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

POLICY IMPLICATIONS

Delegation 1.31 – Payments from Municipal and Trust Funds.

BUDGET IMPLICATIONS

Payments are in accordance with the adopted budget.

STRATEGIC IMPLICATIONS

Nil.

PRECEDENT

Accounts Paid under delegated authority are periodically presented to Council.

VOTING REQUIREMENTS

Simple Majority.

**COUNCIL RESOLUTION
(MANEX RECOMMENDATION) – ITEM 11.2.1**

134/06 Moved Cr Gardiner, seconded Cr Pond that Council note and endorse the Payments from Municipal and Trust Funds made under delegation 1.31

<i>Municipal Fund</i>	<i>Chq</i>	<i>54877 - 54988</i>	<i>\$560,798.34</i>
<i>Trust Fund</i>	<i>Chq</i>	<i>4140-4146</i>	<i>\$ 1,400.00</i>
<i>Total</i>			<i>\$562,198.34</i>

CARRIED 7/0

11.3 OPERATIONAL DEVELOPMENT

Cr Gardiner and the Operational Development Manager attended the Regional Road Moora Sub Group meeting on Monday 31st July, which was held in the Council Chambers.

The Shire of Moora had previously put in an application for additional funding, due to there being additional revenue generated by an increase in vehicle licensing levies.

Of the \$75,897 available for the Sub Group, the Shire of Moora applied for \$40,000 of the funding & was successful in the application. The funding will be used to complete work on the Watheroo West Road.

11.4 COMMUNITY DEVELOPMENT

11.4.1 Town Planning Scheme No 4 – Delegation of Powers

LOCATION: Moora
FILE: TP/PTM11
AUTHOR: Michael Prunster, Community Development Manager
REPORT DATE: 2 August 2006
DECLARATION: Nil

BACKGROUND

Council resolved by absolute majority at the Council meeting held on the 25 February 2004, to delegate the Manager Corporate Services (now Community Development Manager) to approve planning applications that meet all the requirements of Councils Town Planning Scheme, for an indefinite period of time and amend its Register of Delegations accordingly, and that Council be provided with a list monthly of planning approvals issued under delegate authority.

APPLICANT (S)

The following Town Planning Applications have been approved under this delegated authority for the period ended 2 August 2006.

- **Mrs Geordi Tanner – Lot 191 Bishop Street, Moora – establishment of home occupation ‘Bloodscan’ business – Zoning Residential. (Ref 44/2006)**
- **Mr D & Mrs A Gibsone – 93 Melbourne Street, Moora – construction of steel framed patio – Area 39.9m²- Zoning Residential – Value \$5,915. (Ref 43/2006)**
- **Mr D & Mrs L Atkin – Lot 162 Long Street, Moora – construction of steel framed 4 x 2 residence with verandahs all around, with additional shed/garage of 6m x 7.7m colorbond with twin roller doors & side windows – Area 321.34m²- Zoning Special Rural, Flood Fringe – Value \$200,000. (Ref 42/2006)**

VOTING REQUIREMENTS

Simple Majority

<p>COUNCIL RESOLUTION (MANEX RECOMMENDATION) – ITEM 11.4.1</p>

135/06 Moved Cr Gardiner, seconded Cr Pond that Council note the town planning applications approved under delegated authority.

CARRIED 7/0

11.4.2 Moora & Districts Child Care Centre – Request for RDO System

LOCATION: Clinch Street, Moora
FILE: CH/AGLI
AUTHOR: Michael Prunster, Community Development Manager
REPORT DATE: 3 August 2006
DECLARATION: Author has no financial interest in this matter

BACKGROUND

A request from the Child Care Centre Director, Michelle Evans, has been received on behalf of the Centre Staff for the implementation of a rostered day off system for Child Care Staff. Currently Council has a policy for administration and outside maintenance and construction Staff for a 19-day fortnight. This does not however apply to the Child Care Centre staff as they are employed under the Child Care (Long Day Care) WA Award 2003.

COMMENT

If the Shire were to grant additional rostered days off for the Child Care staff, as is the case with other Shire staff, this would create an additional 12 days per year per staff member. This would have a marked effect on salary expenses for relief staff salaries. The increase in cost would be an estimated \$5,500 per year.

It has been common practice for the Child Care Centre staff to take this “special leave” (more commonly known as stress leave) for periods of one week at a time during each half of the year as per the award.

The following are extracts from the section of the award relevant to special leave:

Special Leave - Section 5.1 of this award states: -

“That contact employees shall be entitled to one week’s leave without loss of pay on two separate occasions during each year of service performed pursuant to this agreement”

Section 5.3 of the award states: -

“The leave prescribed in 5.1 shall be given and taken at a time agreed by the employer and employee, provided that the first week’s leave in any year shall commence between the beginning of the 5th month and the end of the 6th month of service, and the 2nd week’s leave in any year shall commence between the beginning of the 11th month and the end of the 12th month of service. Except that in special circumstances, where it is agreed between the employer and employee, the leave prescribed in 5.1 may be given and taken at a time other than those prescribed in this paragraph”

Section 5.3 (last sentence) does allow for an agreement between the employer and employee to take the leave other than the times prescribed in that section. It is therefore recommended that Council consider the approval of allowing the Child Care staff to avail themselves of taking the special leave on day to day or a weekly basis suited to their requirements, provided the total weeks leave is taken in the 1st and 2nd half of the year as prescribed in section 5.3, and is authorised by the Centre Director and relative Shire Manager. This would then allow the staff to take their leave similar to a rostered day off and would not be any additional cost to Council.

STATUTORY ENVIRONMENT

Child Care (Long Day Care) WA Award 2003 – Section 5

POLICY IMPLICATIONS

Nil – No current policy for Child Care Staff.

BUDGET IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Flexibility of staff working conditions.

PRECEDENT

Council Policy – Section 2-2.1 - Staff

VOTING REQUIREMENTS

Simple Majority

**COUNCIL RESOLUTION
(MANEX RECOMMENDATION) – ITEM 11.4.2**

136/06 Moved Cr Tonkin, seconded Cr Pond that Council approve in lieu of an RDO System that the Moora District Child Care Centre are permitted to take their two weeks special leave granted under the Long Day Care WA Award 2003 on a day to day or weekly basis suitable to their requirements subject to the following: -

1. *The full weeks leave applicable to each half year is taken in that period and is not carried forward;*
2. *The leave is authorised by the Centre Director or Shire Manager at least five working days in advance;*
3. *An agreement is signed between the Staff and Council indicating their acceptance to this offer.*

CARRIED 7/0

11.4.3 Review of Ward Boundaries and Representation – Order to Discontinue Ward System

LOCATION: Shire Of Moora
FILE: EM/WRE1
AUTHOR: Michael Prunster, Community Development Manager
REPORT DATE: 3 August 2006
DECLARATION: The author has no financial interest in this matter

BACKGROUND

Council passed the following recommendation at the Council meeting held on the 14 December 2005: -

COUNCIL RESOLUTION (MANEX RECOMMENDATION) – ITEM 11.1.3
--

277/2005 *Moved Cr Hawkins, seconded Cr Pond that in accordance with Schedule 2.2 (9) of the Local Government Act 1995, it is recommended to the Local Government Advisory Board that:-*

- 1) *An order be made under s2.2(1) to abolish the existing ward boundaries and create one ward only.*
- 2) *An order be made under s2.18(3) to designate 9 offices of councillors for the one ward representation.*
- 3) *Council will review the system of representation in 2013.*

CARRIED BY AN ABSOLUTE MAJORITY 7/0

COMMENT

The Shire of Moora Ward Review submission was forwarded to the Chairman of the Local Government Advisory Board on the 9 January 2006 advising them of Council's recommendation.

The Board has now reviewed the recommendation and approved the change of Ward Boundaries and made their recommendation to the Minister for the discontinuation of the Ward System.

The following advertisement was placed in the Government Gazette dated 11 July 2006: -

LG402

LOCAL GOVERNMENT ACT 1995*District of Moora***(DISCONTINUATION OF WARD SYSTEM) ORDER 2006**

Made by the Governor in Executive Council on the recommendation of the Minister for Local Government and Regional Development.

1. Citation

This order may be cited as the *District of Moora (Discontinuation of Ward System) Order 2006*.

2. Discontinuation of ward system (s2.2(1)(d) of the Act)

All wards in the district of Moora are abolished immediately before the first ordinary elections day of the district after the commencement of this order.

3. Consequential directions (s9.62 of the Act)

(1) Part 4 of the Act, modified to the extent necessary to give effect to clause 2, applies to preparing for and conducting the next ordinary elections of the Shire of Moora as if the change effected by that clause had taken effect on the day on which this order commenced.

(2) For the avoidance of doubt, clause 2 does not affect the term of office of any councillor.

I recommend that the order in clause 2 be made as recommended by the Local Government Advisory Board.

JON FORD JP MLC, Minister for Local Government
and Regional Development.

By Command of the Governor,

M.C. WAUCHOPE, Clerk of the Executive Council.

STATUTORY ENVIRONMENT

s2.2(9), s2.2(1) and s2.18(3)

POLICY IMPLICATIONS

Nil

BUDGET IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

- Smaller townsites and rural areas have the whole Council working for them.
- Members of the community who want to approach an elected member can speak to any elected member.
- There is a balanced representation with each elected member representing the whole community.
- Social networks and communities of interest are often spread across a local government and elected members can have an overview of these.
- Elected members can use their specialty skills and knowledge for the benefit of the whole local government.

PRECEDENT

None – The Shire has always had more than one Ward System.

VOTING REQUIREMENTS

Simple Majority

**COUNCIL RESOLUTION
(MANEX RECOMMENDATIONS) – ITEM 11.4.3***137/06 Moved Cr Pond, seconded Cr Gardiner that Council notes: -*

- 1. The discontinuation of the ward system order 2006 advertised in the Government Gazette dated 11 July 2006 by order of the Governor and that it be noted that the order will apply to Council elections as from the election date in 2007.*
- 2. That the next review of the Ward structure is to be undertaken by 2013.*

CARRIED 7/0**11.5 ENVIRONMENTAL DEVELOPMENT****11.5.1 Notice to Remove Disused Material – 3 Lenane Street Moora**

LOCATION: Lot 11 # 3 Lenane Street Moora
FILE: PA/587-1
AUTHOR: Peter Haas, Environmental Development Manager
REPORT DATE: 1 August 2006
DECLARATION: The author has no financial interest in this item

BACKGROUND

On 14 December 2005 a report was placed before Council regarding disused material being stored at the above premises. At that time Council were shown photos of the material concerned and resolved as follows:

285/2005 Moved Cr Gardiner, seconded Cr Tonkin that the Environmental Development Manager, Mr Peter Haas be authorised by Council to issue a Notice under the provisions of Section 3.25 & Schedule 3.1 of the Local Government Act 1995 on the owner of Lot 11 No.3 Lenane Street Moora to remove all disused material from the Lot in question in the time frame specified by the Notice.

CARRIED 6/1

Note: Cr Craven requested that her vote against the motion be recorded.

A Notice was duly issued to the owner of the property Mr Allan Murray on 19 December 2005 to remove the disused material and dispose of it in the correct manner.

The time frame for compliance with the Notice expired and an extension to comply with the requirements was granted to 30 June 2006.

On 19 July 2006 a further inspection was attempted to be conducted, but Mr Murray was not at home, so an inspection was conducted from an adjacent property. This inspection revealed that disused material was still on the property albeit some of it had been removed.

A further letter was sent to Mr Murray giving a further extension of time until 31 July to comply with the Notice. On 31 July 2006 an inspection of the property was conducted and photographs taken of the yard with the consent of Mr Murray with the Ranger as a witness.

The photos taken in November 2005 and on 31 July 2006 will be presented for Councils information at the Council meeting.

COMMENT

It appears that Mr Murray is taking some time to comply with the requirements of the Notice and there are a number of options open to Council in this matter including legislative and legal options.

The first option is to not take any action and encourage Mr Murray to remove the disused material from his property, which, he is slowly doing evident by a large skip bin on site in to which scrap metal is being deposited.

The second option is to prosecute under the provisions of Section 3.25(6) of the Local Government Act 1995 and to enter the property and remove the disused material under Section 3.26(2) of the Act.

The third option is to enter the property and remove the disused material as per Section 3.26(2) of the Local Government Act 1995.

Prior to entering the property Notice will need to be given not less than 24 hours prior to the power of entry being exercised. Further, a warrant to enter can be obtained should entry be refused, opposed or prevented or if entry cannot be obtained.

Council can also recover the costs of anything it does from the person who failed to comply with the Notice as per Section 3,26(3) of the Local Government Act 1995.

It should be noted that there has been an amendment to the Magistrates Court Act in May of this year with claims under \$7,500 that Solicitors costs cannot be claimed.

Further, should it be decided to remove the disused material it would take some time to do so because access for machinery is limited. The Notice has been issued under Section 3.25(1) of the Local Government Act using the provisions of Schedule 3.1 of said Act. From my reading of the Act fences can only be removed if the provisions of Schedule 3.2 are brought into play. Thus it appears that Council is not able to dismantle any fence to enable machinery to gain access to the Lot in question.

STATUTORY ENVIRONMENT

Local Government Act 1995 Sections 3.25, 3.26 and Schedule 3.1

POLICY IMPLICATIONS

Nil

BUDGET IMPLICATIONS

Costs of removing the disused material should the decision to do so be made. Costs are recoverable as a debt due from the person who failed to comply with the Notice.

Cost to remove the material are hard to quantify but it is estimated that it may take three men possibly two days to remove the disused material by hand.

STRATEGIC IMPLICATIONS

Nil

PRECEDENT

Similar action taken by other Local Authorities

VOTING REQUIREMENTS

Simple Majority

**COUNCIL RESOLUTION
(MANEX RECOMMENDATION) – ITEM 11.5.1**

138/06 Moved Cr Gardiner, seconded Cr Pond that the owner be given twenty one (21) days to comply with the original notice and should this not occur then Council authorises staff to enter the property at Lot 11 No. 3 Lenane Street Moora and remove all disused material there upon and that the costs of doing so be invoiced to the owner of the property.

CARRIED 5/2

11.6 ECONOMIC DEVELOPMENT**11.6.1 Advertising Opportunity – Central Midlands and Coastal Advocate**

LOCATION: Shire of Moora
FILE: PR/ADVI
AUTHOR: Bronwyn Williams, Enterprise Development Manager
REPORT DATE: 3rd August 2006
DECLARATION: Nil

BACKGROUND

As part of the Enterprise Development Managers position with the Shire of Moora, promotion of the Shire of Moora was identified as one of the priority roles when the position was filled in April 2006. An opportunity has arisen with the local paper to have regular full-page monthly updates published in full colour and at a very reasonable rate.

COMMENT

Ms Barbara Gaston from the Central Midlands & Coastal Advocate contacted the Enterprise Development Manager to offer an opportunity to take up a regular whole page full colour information page in the weekly Advocate newspaper.

There is a copy of this type of page attached that the Shire of Wongan-Ballidu has recently had in the newspaper.

It is envisioned that our spread will be more specific to Shire of Moora projects and announcements and reminders to ratepayers including firebreak deadlines, dog registrations, what's on at the MPAC etc. The MPAC Manager is fully supportive of the advertising opportunity as there is currently no advertising budget for the MPAC venue, this will also enable the manager to promote shows in advance and provide reviews.

The cost is very reasonable and in most other newspapers this type of opportunity would cost approximately \$500 per page in full colour. This is also an opportunity to support a local business that promotes a lot of the Shire of Moora's projects throughout the region.

BUDGET IMPLICATIONS

There will be a cost to Council of \$286/month, which equates to \$3,432/year. This will need to be included in the 2006/07 draft budget.

STRATEGIC IMPLICATIONS

This addresses the Key Result Area of Growth under Strategy five "Market the Moora Region".

VOTING REQUIREMENTS

Simple Majority

<p>COUNCIL RESOLUTION (MANEX RECOMMENDATION) – ITEM 11.6.1</p>

139/06 Moved Cr Gardiner, seconded Cr Clydesdale-Gebert that Council accept the offer from the Central Midlands & Coastal Advocate of \$286 per month for a whole page, full colour article to publicise Council news for the 2006/07 financial year. To be reviewed for the 2007/08 financial year in due course.

CARRIED 7/0

11.7 SPORT AND RECREATION

Nil.

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

Nil.

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

At 6.07pm Cr Barrett-Lennard left the meeting and returned at 6.08pm.

At 6.08pm Cr Craven left the meeting & returned at 6.09pm

At 6.10pm Cr Pond left the meeting and returned at 6.12pm.

13.1 Special Meeting of Council

The Financial Development Manager requested that Council consider setting the date for a Special Meeting of Council to adopt the 2006/07 Budget.

<p>COUNCIL RESOLUTION</p>

140/06 Moved Cr Gardiner, seconded Cr Craven that Council agrees to discuss the proposal to hold a Special Meeting of Council to adopt the 2006/07 Budget.

CARRIED 7/0

COUNCIL RESOLUTION

141/06 Moved Cr Gardiner, seconded Cr Tonkin that Council hold a Special Budget meeting on Wednesday 30th August at 6pm in the Shire of Moora Council Chambers.

CARRIED 7/0

14. NOTICE ON MOTIONS FOR THE NEXT COUNCIL MEETING

Cr Craven gave notice of her intention to put the following motion at the next Ordinary Meeting of Council;

14.1 Notice of Motion – Flying of Flags

‘That Council considers having

- a) the Australian Flag at full mast 365 days per year, and*
- b) it accompanied by the Indigenous flag on a separate flag pole..’*

15. MATTERS BEHIND CLOSED DOORS

COUNCIL RESOLUTION

142/06 Moved Cr Pond, seconded Cr Clydesdale-Gebert that the meeting move behind closed doors to discuss Item 15.1, ‘Resignation of Mr Peter Haas as Environmental Development Manager’ that if disclosed would reveal:

- the personal affairs of a person/s; and***
 - a matter affecting an employee or employees,***
- pursuant to Section 5.23(2)(a) and 5.23(2)(b) of the Local Government Act 1995.***

At 6.12pm Ms Megan Beange, the Operational Development Manager and Financial Development Manager retired from the meeting. The Environmental Development Manager, Enterprise Development Manager and Executive Support Officer left the Chambers and the meeting moved behind closed doors.

15.1 Resignation of Mr Peter Haas as Environmental Development Manager

Provided to Councillors under confidential cover.

COUNCIL RESOLUTION (OFFICER RECOMMENDATIONS) – ITEM 15.1

At 6.40pm Cr Craven left the meeting & returned at 6.42pm.

143/06 Moved Cr Barrett-Lennard, seconded Cr Pond that Council

- 1. Receives the resignation of Mr Peter Haas as the Shire’s Environmental Development Manager, effective from 5.00pm Monday 2 October 2006, and formally acknowledges the exemplary service of Mr Haas since commencing with the Shire in February 2001;***

2. ***Delegates authority to the CEO to do all things necessary to employ an Environmental Development Manager including advertising, reviewing of the Position Description, establishing a contract and salary package, shortlisting and interviewing, then recommending the preferred applicant to Council;***
3. ***Appoints the following persons to the Selection Panel to assist the CEO in the process to appoint a new Environmental Development Manager:***
Cr Hawkins
Cr Tonkin
Financial Development Manager
Community Development Manager, and
Corporate Services Officer (administrative support);
4. ***Approves the salary package range of \$76,650 to \$87,750 for the purposes of advertising;***
5. ***Acknowledges that the CEO may need to make interim arrangements to cover the duties and functions of the Environmental Development Managers position while the position remains vacant, including the appointment of a contract Environmental Health Officer; and***
6. ***Approves that the title of the position be changed to “Manager Health and Regulatory Services”.***

CARRIED BY ABSOLUTE MAJORITY 7/0

COUNCIL RESOLUTION

144/06 Moved Cr Gardiner, seconded Cr Pond that the meeting come out from behind closed doors and re-open to the public.

CARRIED 7/0

The meeting reopened to the public at 6.49pm. At this time the Enterprise Development Manager, Environmental Development Manager and Executive Support Officer entered the Chambers.

On re-opening the meeting, the President advised that there was one decision of Council made behind closed doors and read aloud the decision.

16. CLOSURE OF MEETING

There being no further business, the Shire President declared the meeting closed at 6.50pm.

CONFIRMED

PRESIDING MEMBER