

SHIRE OF MOORA
MINUTES OF THE ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS, MOORA
WEDNESDAY 22 FEBRUARY 2006

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1. DECLARATION OF OPENING & WELCOME OF VISITORS

The Shire President declared the meeting open at 3.30pm, welcomed visitors to the meeting 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
DV Clydesdale-Gebert	-	Councillor	-	Watheroo Ward
(from 3.53pm)				

SJ Deckert	-	Chief Executive Officer
PJ Haas (until 5.03pm)	-	Environmental Development Manager
JL Greay (until 4.34pm)	-	Operational Development Manager
MJ Prunster	-	Community Development Manager
MM Murray	-	Executive Support Officer

APOLOGIES:

AR Tonkin	–	Councillor	–	Coomberdale Ward
CD Hawkins	–	Councillor	–	Moora Town Ward

PUBLIC:

Ms Megan Beange (until 4.34pm)– Journalist, Central Midlands Advocate

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

The following questions were tabled by Mr Kevin Kramer at the Ordinary Meeting of Council held on 8 February 2006 and taken on notice. The responses to these questions are now provided. Please note that the questions as listed have been reproduced verbatim from the document tabled by Mr Kramer.

Questions for the Moora Shire Feb. 8, 2006 From: Kevin Kramer

1. Why hasn't the Shire adopted the generic resolution, the councillors passed for no parking on the footpaths in Moora? (the councillors voted for this back in July 2005)

Response:

The resolution of Council passed at the meeting held on 27 July 2005 reads:

"156/2005 Moved Cr Craven, seconded Cr Hawkins that Council request the Police Service to assist with discouraging the practice of

parking vehicles on footpaths by issue of infringements under the Road Traffic Code, where required.”

The Chief Executive Officer had acted upon this decision at the time.

Since the commencement of the new Chief Executive Officer in October 2005, there have been no other complaints about vehicles parking on footpaths, other than Mr Kramer’s. On this basis it would appear that there is no longer a serious issue. The situation however will continue to be monitored.

2. When is the Shire going to adopt the resolution of no parking on footpaths?

Response:

Council is at liberty at any time to review the situation, should the incidence of parking on footpaths increase. This matter could also be considered as part of a review of all of Councils local laws, which is required to be done at least once every eight years.

3. Why didn’t the council adopt the resolution is passed back in 2000 about cars being parked on footpaths? (Steve (CEO) mentioned this to me a few weeks ago when he researched the matter for me)

Response:

The question refers to the adoption of one of a number of local laws by Council following a review in 2000. Whilst Council adopted the local laws, the local laws were never gazetted; therefore the local laws were never promulgated (ie became law). It is not known why this did not occur.

4. Why doesn’t the Shire Department Managers do their jobs when the Shire passes resolutions?

Response:

Council now receives ‘Status Reports’ which provides Council with a progress report on action taken by staff in respect to all decisions made by Council at Council Meetings.

Decisions of Council should be acted upon, unless there is a change in circumstances, which should then be reported back to Council for Councils further consideration. Staff cannot arbitrarily decide whether they carry out the decision or not.

In the absence of specific examples, other than in 3 above, it is difficult to respond further.

5. When is the Shire going to fix the drainage problem on Atbara Street?

Response:

Council considered the matter at the Briefing Session following the Council Meeting on 8 February 2006 and agreed with the action suggested by the Operational Development Manager, which is to install a culvert across Atbara Street at the location suggested by Mr Kramer, in this financial year.

6. How is the Shire going to fix the drainage problem along Atbara Street?

Response:

This has been answered in 5 above.

7. Why didn't the Shire lower the culvert across Atbara Street when they put down the new street, so that the water would drain?

Response:

It was believed at the time that the fall on the existing culvert was sufficient.

8. When is the Shire going to fix the drainage problem along the alley between Melbourne Street and Gardiner Street and south from Dargai Street?

Response:

The installation of sumps and an underground drain in the laneway at a cost of some \$30,000 to \$50,000 will be considered in the formulation of the 2006/2007 Budget. Whether this work is approved as part of the 2006/2007

Budget depends on Councils financial resources and other priorities at that time.

- 9. Why didn't the Shire leave enough truck parking space in front of the businesses on Gardiner Street between Clinch Street and Berkshire Valley Road? (The businesses on that street have lost business because trucks can no longer park there now.)**

Response:

As part of the upgrading of this area, it was considered that the parking of long vehicles was inappropriate. Provision has been made for trucks and other long vehicles to park in the open area to the north of the Bowling Club.

- 10. Why didn't the Shire accommodate for truck parking along Gardiner Street between Clinch Street and Berkshire Valley Road?**

Response:

As per answer to question 9.

- 11. When is the Shire going to fix the drainage problem on the intersection of Dandaragan Street and Roberts Street properly? How is the Shire going to fix the problem?**

Response:

The stormwater drainage at this intersection will be investigated and if considered appropriate, provision for the required corrective action will be made in the draft 2006/2007 Budget, for Councils consideration. Whether this work is approved as part of the 2006/2007 Budget depends on Councils financial resources and other priorities at that time.

- 12. What is the Shire doing about bringing in another grocery store?**

Response:

The Shire has not formally considered whether it should do anything to attract another grocery store. The Shire is not in the business of creating competition to an existing business, this is best left to normal market forces

to determine. The Shire would assist any developer, whether it be a grocery store or any other business, if the Shire was approached. The extent of Councils assistance beyond normal legislative and procedural requirements would be determined by Council on a case by case basis.

Notwithstanding the foregoing, should Council identify that a specific market is not catered for, Council could initiate the facilitation of such businesses.

- 13. If the Shire was willing to build the building and then lease it to Westrack, why haven't you done the same for a grocery store? There was already three agriculture equipment dealers in Moora, we only have one grocery store in town now and a very large portion of Moora residents are going else where to do their shopping and this is hurting all of the local businesses and will continue to do so until you bring in another grocery store.**

Response:

Westrac approached the Shire in the first instance. The Shire and Westrac were in discussions on a proposal that was a commercial arrangement that was cost neutral to the Shire, while providing economic benefit to the town.

Should a grocery store developer approach the Shire on the same basis as the Westrac proposal, then Council would consider the proposal based on its merits and take into account the financial viability and economic benefits of the proposal.

- 14. When is the Shire going to adopt a buy local policy and advertise that policy and comply to that policy?**

Response:

The provisions of the Local Government Act 1995, only provides for the adoption of a buy local policy in respect to tenders, that is for purchases over \$50,000. Council cannot unilaterally adopt a policy giving preference to local suppliers in respect to all purchases, as this would be in breach of the principles of the National Competition Policy.

The Shire is however not bound to accept the lowest tender or price, and may select a higher price based on a range of factors or selection criteria including the ability to supply the item in a timely manner, the extent of the warranty, back up service provided etc. Therefore if a local supplier is competitive with price (not necessarily cheapest) and meets the selection criteria, then the local supplier should be favourably considered.

- 15. Is the Shire going to figure the freight charges in the cost for local businesses when they compare Moora prices to Perth prices when buying local?**

Response:

The cost of freight is factored into the purchase price/quoted price for the supply of goods and services from outside of Moora, so that a fair and equitable comparison can be made between the local suppliers and non-local suppliers.

- 16. Does the Shire consider the extra cost when buying in Perth (labour, fuel, wear and tear on vehicles)? If you would consider all these cost the Moora prices might even be cheaper than Perth.**

Response:

This is partly answered in question 15. If, for example, a Shire employee is in Perth on other business, the cost of labour, fuel and wear and tear would not be factored in as these costs would have been difficult to quantify in one respect and would have been incurred anyway.

- 17. When are you the councillors going to start looking and thinking outside the square and stop having tunnel vision and let this town grow? (I would like an answer from each councillor)**

Response:

The Council has adopted a new Strategic Plan, in September 2005, which provides the Shire with its strategic direction for the next 5 years. This plan was developed following consultation with residents, Councillors and staff and should reflect the vision of these stakeholders.

As Council has adopted this Strategic Plan, this becomes the Strategic Plan for all Councillors. On this basis it is not necessary nor appropriate for individual Councillors to respond.

- 18. For each councillor– What do you personally think that the Shire needs to do to bring in more businesses into the Moora Shire?**

Response:

The response to this question should be reflected in the strategies outlined in the adopted Strategic Plan. As stated previously the Strategic Plan has been adopted by Council and therefore demonstrates the goals of the Councillors as individuals.

- 19. Why has the Moora Shire given 6 mobile hairdressing licences out? (because you have given to many mobile licences out, the local hairdresser is now closing that shop in a few months, good job)**

Response:

The Shires records indicate that 3 mobile hairdressing licences are current. In considering applications under its Town Planning Scheme, Council can only consider the applications based on planning grounds. Council generally cannot refuse an application based on competition, as it would be in breach of the National Competition Policy. The over-riding principle is that natural market forces should be left to balance themselves out.

- 20. Why isn't the Moora Shire bending over backwards to help Allan Murray in his recycling business? (He is doing the community a great service, or is it because the Shire can get federal grants and since Allan is doing it you can't get the grants)**

Response:

There is no basis or fact in respect to the comments about grants. The Shire supports, in- principle, the endeavours of Mr Murray, as it does with all businesses that operate within the Shire. As with all businesses, they continue to operate if viable and close if they no longer remain viable. In general, the Shire is not in a position to provide support to every business that is not viable, using ratepayer's money. However, there is nothing preventing Council from considering individual requests for support, based

on its merits, particularly if the service is important and benefits the community.

21. Cheryl Bryan: When are you going to resign from the council?

Response:

This question is inappropriate and does not need to be answered, however the Shire President's term as a Councillor expires in May 2009. It is the intention of the Shire President to fulfil her commitment to the residents of the Shire of Moora and complete her term as a Councillor.

7. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

8. PETITIONS AND MEMORIALS

Nil

9. ANNOUNCEMENTS BY THE SHIRE PRESIDENT - WITHOUT DISCUSSION

The Shire President reminded Councillors that the Central Midlands VROC meeting would be held at 1pm on Friday 10th March 2006 at the Shire of Victoria Plains, requested that 2 elected member representatives be present on behalf of the Shire of Moora.

Rotary's 'Meet the Newcomers' evening will be held at 6.30pm on Thursday 2nd March at the Recreation Centre.

The Avon Midland Zone Conference will be held in the Moora Performing Arts Centre on the 1st March. The Shire President advised she would be unavailable to attend however would like other Councillors who are available to attend. Cr Pond advised he would attend on behalf of Council.

Moora Swimming club will be competing in the Country Pennants in Bunbury over the weekend starting Friday 3rd March. We wish them luck.

Cr Pond advised that there is a ZCA meeting on the Thursday 2nd March at the Agriculture Department in Moora; discussions will be had on the new bio security bill, which is coming in.

A presentation will be made to former councillor, Aileen McNamara on the 8th March at 3pm in Council Chambers to thank her for her time with Council.

Cr's Gardiner and Clydesdale-Gebert and the Community Development Manager have attended the Small Town Survival Workshops. Cr Gardiner and the Community Development Manager in Wongan Hills and Cr Clydesdale-Gebert in Doodlakine.

Cr Barrett-Lennard attended the Gingin Dandaragan Water Resources Management Committee meeting in Jurien on Friday the 17th February.

The Annual Electors meeting will be held on Monday 27th February at the Moora Performing Arts Centre. Commencing at 7.30pm.

The Moora Mini Triathlon will be held on Sunday 19th March.

10. CONFIRMATION OF MINUTES OF THE PREVIOUS MEETINGS

10.1 ORDINARY COUNCIL MEETING – 8 February 2006

COUNCIL RESOLUTION

Moved Cr Pond, seconded Cr Craven that the Minutes of the Ordinary Meeting of Council held on 8 February 2006, be confirmed as a true and correct record of the meeting.

CARRIED 5/0

11. REPORTS OF OFFICERS

11.1 ADMINISTRATION

Nil.

11.2 FINANCIAL DEVELOPMENT

11.2.1 List of Payments Authorised Under Delegation 1.31

AUTHOR: Jo-Anne Ellis, Financial Development Manager
REPORT DATE: 15 February 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

Nil.

VOTING REQUIREMENTS

Simple Majority.

*At 3.49pm the Chief Executive Officer left the meeting and returned at 3.53pm.
At 3.53pm Cr Clydesdale-Gebert joined the meeting.*

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

24/06 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>Direct Debit 33-43</i>	<i>\$</i>	<i>3,440.03</i>
	<i>Chq 54148-54270</i>		<i>\$396,673.58</i>
<i>Total</i>			<i>\$400,113.61</i>

CARRIED 6/0

11.3 OPERATIONAL DEVELOPMENT

11.3.1 Water Inundation

LOCATION: Laneways behind Tennis Club, Gardiner Street and Roberts Street, Moora

AUTHOR: John Greay, Operational Development Manager

REPORT DATE: 15th February 2006

DECLARATION: Nil

BACKGROUND

As reported at the previous Briefing Session a large volume of water collected in the laneway behind the Tennis Club causing problems for property owners in the direct vicinity of the lane during a recent storm. A similar occurrence also occurred behind the Supa Valu Store in Roberts Street, Moora. An abnormal rainfall event developed when Cyclone Clare dumped around 85mm rain over the Moora Townsite in about two hours on 25th January 2006. This caused flooding to a number of properties in Moora where pumps were used to pump the water away.

COMMENT

These abnormal rainfall events are difficult to plan for in an economic way. No drainage system can be effectively afforded to cater for these occurrences. However, the existing underground drainage system in the Moora Townsite works very well and in most situations drains the town very effectively. In the above two locations there is no laneway drainage and very few laneways in the town have underground drainage installed. Unfortunately in these two situations the laneway is either heavily used or is the lowest part of the landscape. Both of these projects are of such a size that we are unable to fund them out of our current road program and they will need to be considered in next years budget. It is estimated that the cost to install underground drainage in the laneway behind the Supa Valu Store to be \$35,000 and behind the Tennis Club \$32,000.

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

BUDGET IMPLICATIONS

Nil in current year

STRATEGIC IMPLICATIONS

The installation of underground drainage system in both of these laneways is very important to reduce flooding of properties and to improve the general amenity at these locations.

PRECEDENT

Items are placed on the provisional budget for Council to consider each year.

VOTING REQUIREMENTS

Simple majority

**COUNCIL RESOLUTION
(MANEX RECOMMENDATION) – ITEM 11.3.1**

25/06 Moved Cr Gardiner, seconded Cr Pond that the proposed underground drainage system for the laneway behind the Supa Valu Store for the estimated cost of \$35,000, and the proposed underground drainage system for the lane way behind the Moora Tennis Club for an estimated cost of \$32,000, be placed on the 2006–07 provisional budget for consideration.

CARRIED 6/0

Cr Clydesdale–Gebert declared a financial interest in Item 11.4.1 Staff Housing, the nature of the interest being that she is an applicant for the Enterprise Development Managers position and may become an occupier of this property. Cr Clydesdale–Gebert left the meeting at 3.55pm

11.4 COMMUNITY DEVELOPMENT

11.4.1 Staff Housing

LOCATION: Moora
FILE: 5.2
AUTHOR: Peter Haas, Environmental Development Manager
REPORT DATE: 13 February 2006
DECLARATION: Nil

BACKGROUND

At the last briefing session staff housing issues were discussed and from that session it was decided to bring the issue before Council for consideration.

COMMENT

Council currently has three houses for staff, which are currently occupied by members of the management team. The houses were built with a long term view of attracting suitably qualified managers to the Shire due to persons with the necessary qualifications not being readily available and are not likely to be readily available in the local population.

Currently Council wishes to engage the services of an Enterprise Development Manager. To encourage suitable applicants quality housing is one of the inducements. Council is aware from discussions in briefing session and previous reports to Council that getting a house built is a costly and very lengthy exercise with a waiting time from 10 months to 2 years due to the housing boom.

As a consequence, if Council wishes to procure a house for the Enterprise Development Manager it may have to purchase an existing house whilst one is being built. This would solve the problem in the short term by being able to offer the suitable applicants a place to live. Also, once a house has been built the house purchased may be sold on the open market and Council could recoup its investment with a profit.

I would therefore suggest that Council purchases a suitable house and puts out for tender the construction of a transportable house to be located on the block in Lefroy Street. This way Council would be able to budget for the house to be located and also would have sufficient lead time to prepare the block to receive the house bearing in mind that it would take from 10 - 12 months to be built by the company awarded the contract. This means that if the contract was let in April the house could be delivered February/March next year with the finishing touches being applied fully completed and ready to move into by May 2007.

The disadvantage with the above scenario is that once the contract is awarded there is no going back and thus Council may be locked into making a sufficient budget allocation.

The advantage is that Council would know the cost of the building and the staff would be more able to give accurate costings to build the house with the landscaping and fencing being able to be planned and possibly executed prior to the house landing on site.

It should be noted that it is difficult to put any figures into a budget with so many unknowns such as size of the house etc and thus end up with estimates that are not close to the mark. I would recommend the above course of action.

In respect to the tender for the transportable house, the Chief Executive Officer has requested that the tender documentation be prepared in a format based on the WALGA Proforma tender documentation. This is very comprehensive and ensures that all relevant matters are appropriately covered. As this is a fairly complex document, it is recommended that WALGA's Commercial Services Section be engaged to assist with the preparation of the tender documentation on a fee for service basis. It is believed that this cost will be less than \$500 and be absorbed into the overall project cost.

STATUTORY ENVIRONMENT

Local Government Act dealing with purchase of property and the Tender Regulations regards tender for the houses.

POLICY IMPLICATIONS

Nil

BUDGET IMPLICATIONS

Budget for building of two houses of \$500,000 has been included in the 05/06 budget.

STRATEGIC IMPLICATIONS

Short term alleviation of finding a house to attract a suitable applicant to the Enterprise Development Manager's position and provision of a new house for this position.

PRECEDENT

New houses provided for current managers. Similar schemes undertaken by neighbouring Councils.

VOTING REQUIREMENTS

Absolute Majority for delegation

Simple Majority for calling tenders

MANEX RECOMMENDATION – ITEM 11.4.1

Moved Cr Pond, seconded Cr Bryan that Council

- 1. Delegates authority to the Chief Executive Officer to purchase a suitable residence to house the Enterprise Development Manager at a cost not to exceed \$250,000.*
- 2. Call Tenders for the supply of a new 4 x 2 transportable executive residence on Lot 5 Lefroy Street, Moora.*
- 3. Approves engaging WALGA Commercial Services to assist in the preparation of the Tender documentations and specifications for the transportable residence.*
- 4. Acknowledges that the revenues and expenditures in respect to the transportable house will need to be carried over to the 2006/2007 Budget.*

Please note: During debate on this matter, the mover and seconder agreed to a request from a majority of councillors that the motion be split into two parts. The first part will be point 1 of the recommendation and the second part will be points 2, 3 and 4 of the recommendation (to be renumbered 1, 2 and 3)

COUNCIL RESOLUTION – ITEM 11.4.1 (A)

Moved Cr Pond, seconded Cr Bryan that Council Delegates authority to the Chief Executive Officer to purchase a suitable residence to house the Enterprise Development Manager at a cost not to exceed \$250,000

AMENDMENT

Moved Cr Gardiner, seconded Cr Craven that the substantive motion be amended by the addition of the words “or alternatively rent” at the end of the motion.

CARRIED 5/0

The amended motion, namely:

26/06 *Moved Cr Pond, seconded Cr Bryan that Council dDelegates authority to the Chief Executive Officer to purchase a suitable residence to house the Enterprise Development Manager at a cost not to exceed \$250,000, or alternatively rent.*

WAS PUT AND CARRIED 5/0

COUNCIL RESOLUTION – ITEM 11.4.1 (B)

27/06 *Moved Cr Pond, seconded CrCraven that Council:*

1. *Call Tenders for the supply of a new 4 x 2 transportable executive residence on Lot 5 Lefroy Street, Moora.*
2. *Approves engaging WALGA Commercial Services to assist in the preparation of the Tender documentations and specifications for the transportable residence.*
3. *Acknowledges that the revenues and expenditures in respect to the transportable house will need to be carried over to the 2006/2007 Budget.*

AMENDMENT

*Moved Cr Gardiner,
That the substantive motion be amended by changing " Lot 5 Lefroy Street" in point 1 to read " Lot 5 Gardiner Street"*

**THE AMENDMENT MOTION LAPSED FOR
WANT OF A SECONDER**

The substantive motion namely

27/06 *Moved Cr Pond, seconded CrCraven that Council:*

1. *Call Tenders for the supply of a new 4 x 2 transportable executive residence on Lot 5 Lefroy Street, Moora.*
2. *Approves engaging WALGA Commercial Services to assist in the preparation of the Tender documentations and specifications for the transportable residence.*
3. *Acknowledges that the revenues and expenditures in respect to the transportable house will need to be carried over to the 2006/2007 Budget.*

WAS PUT AND CARRIED 5/0**Reason for amending the Manex Recommendation**

Council decided to split the MANEX recommendation as the four points of the recommendation covered two different matters and Council believed that it was appropriate to deal with the matters separately.

Cr Clydesdale–Gebert rejoined the meeting at 4.20pm after consideration of Item 11.4.1.

11.4.2 Application For Planning Approval – Grouped Dwellings

LOCATION: Lot 59 Burns Place, Moora
OWNER: Department of Housing & Works
APPLICANT: Franco Carozzi Architects Pty Ltd
ZONING: Residential (R 12.5/25)
FILE: 7.4
AUTHOR: Michael Prunster, Community Development Manager
REPORT DATE: 13 February 2006
DECLARATION: Nil

PROPOSAL

The application received is for the construction of 4 x 2 bedroom units to the value of \$800,000.

BACKGROUND

This proposal is part of a new housing development proposed by the Department of Housing and Works on behalf of Government Employees Housing for Moora. This new accommodation will provide modern housing unit rental facilities for Moora.

An application for approval of this development was submitted to Council in December 1999 but was never proceeded with.

PLANNING FRAMEWORK

The lots are all zoned residential with an R Code density of 12.5/25. The Zoning Table for Residential and Grouped Dwelling applications is (3.2.2.) “AA”, which “means that the use is not permitted unless the Council has granted planning approval”. The Shire of Moora Town Planning Scheme No 4 allows a variation to the codes as follows: –

- 3.4.3.2 The Council may permit a variation to the R12.5 density up to R25 for development of more than one dwelling on a lot but only where:
- a) adequate connection to reticulated sewerage is available;
 - b) the lot is suitably located close to services and facilities; and
 - c) the Council after following the advertising procedures in clause 7.3 is satisfied there will not be adverse impacts on local amenities.

The scheme provides the following conditions in relation to advertising: –

- 7.3.2 Where an application is made for planning approval to commence or carry out development, which involves an “AA”, use, or for any other development, which requires the planning approval of the Council, the Council may give notice of the application in accordance with the provisions of sub-clause 7.3.3.

- 7.3.3 Where the Council is required or decides to give notice of an application for planning approval the Council shall cause one or more of the following to be carried out:

- a) notice of the proposed development to be served on the owners and occupiers of land within an area determined by the Council as likely to be affected by the granting of planning approval stating that submissions may be made to the Council within twenty-one days of the service of such notice;
- b) notice of the proposed development to be published in a newspaper circulating in the Scheme Area stating that submissions may be made to the

Council within twenty-one days from the publication thereof;

- c) a sign or signs displaying notice of the proposed development to be erected in a conspicuous position on the land for a period of twenty-one days from the date of publication of the notice referred to in paragraph (b) of this clause.

7.3.4 After expiration of twenty-one days from the serving of notice of the proposed development, the publication of notice or the erection of a sign or signs, whichever is the later, the Council shall consider and determine the application.

The R Codes minimum setback requirements are: –

- Grouped dwelling with frontage to main communal street – 6.0m
- Rear and side boundary setback – 1.5m

The lot is located within a G.E.H.A. subdivision on which the Department constructed 5 executive style homes following the 1999 floods. All lots have been filled to the required FFL level height of 204.7m AHD. This lot is 1600m² and the construction of these grouped dwellings conforms to the Residential Design Code of R25. (ie: minimum site area per dwelling – 320m², Av 350m²)

Council will need to consider conditions as set out in Clauses 3.2.2, 3.4.3.2, 7.3.2 – 7.3.4 outlined above in determining the application.

Planning application fee of \$1,840 has been received from the Department of Housing & Works.

PHYSICAL ASSESSMENT

The addition of these dwellings will improve this subdivision development, and provide modern units for the highly sought after rental properties.

CONCLUSION

With the current heavy demand for rental properties in Moora, and the expected increase over the next few years, the development will

be economically beneficial to the town and approval of the application is recommended.

VOTING REQUIREMENTS

Simple Majority

MANEX RECOMMENDATION – ITEM 11.4.2

That the planning application for construction of grouped dwellings on Lot 59 Burns Place, Moora by Messrs Franco Carozzi Architects Pty Ltd on behalf of the Department of Housing be approved under the R25 density coding subject to the following conditions: –

- *Public Notice of the development to be advertised in the local newspaper and adjoining owners to be notified.*
- *Council to give consideration of any submissions received following the advertising period of 21 days.*
- *The finished floor level to be 204.7 AHD.*
- *Minimum setback from Burns Place to be 6.0m.*
- *Minimum Rear & Side boundary setbacks to be 1.5m.*
- *Landscaping is to be completed to the street kerbing.*
- *New fencing of the lot to be constructed to a height of 1.8m to match adjoining fence.*
- *Subject to building licence issued by Shire Of Moora.*
- *Storm water disposal to be to the satisfaction of the Shire's Operational Development Manager.*

COUNCIL RESOLUTION – ITEM 11.4.2

28/06 Moved Cr Gardiner, seconded Cr Barrett-Lennard that the planning application for construction of grouped dwellings on Lot 59 Burns Place, Moora by Messrs Franco Carozzi Architects Pty Ltd on behalf of the Department of Housing be approved under the R25 density coding subject to the following conditions: –

- *Public Notice of the development to be advertised in the local newspaper and adjoining owners to be notified.*
- *Council to give consideration of any submissions received following the advertising period of 21 days.*
- *The finished floor level to be 204.7 AHD.*
- *Minimum setback from Burns Place to be 6.0m.*
- *Minimum Rear & Side boundary setbacks to be 1.5m.*
- *Landscaping is to be completed to the street kerbing.*
- *New fencing of the lot to be constructed as shown on plan.*
- *Subject to building licence issued by Shire Of Moora.*
- *Storm water disposal to be to the satisfaction of the Shire's Operational Development Manager.*

CARRIED 6/0

Council amended the MANEX recommendation in relation to the new fence, in accordance with plan specifications submitted by the applicant.

11.5 ENVIRONMENTAL DEVELOPMENT

11.5.1 Dog Act Appointments

FILE: 8.12
AUTHOR: Peter Haas, Environmental Development Manager
REPORT DATE: 13 February 2006
DECLARATION: Nil

BACKGROUND

It is a requirement of the Dog Act 1976 that Registration Officers and Authorised Persons be appointed. It appears that the last update was done in 1998. With the new Ranger coming on board it is seen as opportune to update appointments.

COMMENT

It has been some time since the last appointments were made regards the Dog Act and a lot of the staff has changed. It is important to do this and ensure compliance because a prosecution under the Dog Act could be put in jeopardy because the due process has not been followed.

Authorised Persons are able to impound dogs, issue infringements etc and the reason why the persons listed need to be authorised are that they have in the past impounded dogs when the Ranger was not available.

As a consequence it is recommended that the appointments and authorised persons list be updated and published in the Government Gazette.

STATUTORY ENVIRONMENT

Dog Act 1976 Section 3 Interpretation and various other Sections throughout the Act.

POLICY IMPLICATIONS

Nil

BUDGET IMPLICATIONS

Cost of publishing in Government Gazette.

STRATEGIC IMPLICATIONS

Possible loss of any Court action due to procedure not being followed as per the letter of the law.

PRECEDENT

Similar appointments undertaken by this Council and other Local Authorities in the past.

VOTING REQUIREMENTS

Simple Majority

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

29/06 Moved Cr Clydesdale–Gebert, seconded Cr Craven that the following persons be appointed as per the requirements of the Dog Act 1976 as Registration Officers;

*Cindi Brassington,
Marita Harris,
Jo–Anne Ellis,
Linda O’Sullivan,
Michael Prunster and
Murray Matthews*

and the following persons be appointed as Authorised Persons in accordance with the provisions of the Dog Act 1976;

*Murray Matthews,
Steven John Deckert,
Peter Haas,
John Greay,
Kevin Burnett, and
Kevin Headland.*

CARRIED 6/0

11.6 ECONOMIC DEVELOPMENT

11.6.1 Wildflower Education Interpretative Centre

LOCATION: Wildflower Farm, Coomberdale
FILE: 15.18
AUTHOR: Rebecca McCall, Executive Support Officer
REPORT DATE: 15 February 2006
DECLARATION: Nil

BACKGROUND

The Shire of Moora was successful in securing funding through the Wheatbelt Regional Development Scheme in partnership with Mrs

Rhonda Tonkin to establish a Wildflower Education Interpretative Centre on the existing site of the Western Wildflower Farm.

The project consists of three components:

1. Wildflower Interpretative Centre

An interpretative education centre featuring display maps, photographs of species, interpretative signage, visual and audio displays and a wildflower garden.

2. Wildflower Website

There currently is not a wildflower website dedicated to Western Australia wildflowers, a rare and precious resource. The website will

allow the tourist to access up-to-date information of where to find flowering species and how to get there. Website tools will include photographs, maps and necessary tourist information. The site will be updated weekly throughout the wildflower season.

3. In School Education Program

Mrs Tonkin will be visiting schools within our district conducting an educational program to students. The program will consist of educating our youth about wildflowers (botanical and common names, growing conditions). The program will include a field trip where the students will gather species to create a wildflower display. These wildflower displays will be displayed at Agricultural Shows and in shop windows. As an incentive the best display will win \$100.

The project has received support from numerous stakeholders within the tourism and wildflower industry.

The Shire of Moora's involvement includes submitting the application and a financial contribution. The financial contribution is the cost to construct and re-gravel the main road to the premises and to make the necessary adjustments to create a workable carpark. An estimated cost of \$13,728 plus GST.

Total cost of project – \$98,728

COMMENT

Council is not the core provider of this project however in this case leadership and assistance by the Shire of Moora is required to advance what will be a significant opportunity not only for the Moora district but the state of Western Australia. In this case the private sector is prepared to invest in development of an educational and interpretative centre and the web site for everyone's benefit. Partnerships between government and the private sector should be encouraged at every opportunity.

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

BUDGET IMPLICATIONS

The road upgrade and car park establishment of \$13,728 plus GST be included in the 2006–07 budget.

STRATEGIC IMPLICATIONS

Promotion of the Moora District and attraction of tourism dollars to local businesses.

PRECEDENT

Other grants.

VOTING REQUIREMENTS

Simple Majority

During consideration of this matter the following updated information regarding the project funding was tabled and circulated to all Councillors:

Cost of Project:	Mrs Rhonda Tonkin	\$45,000
	WRDS	\$30,000
	Shire of Moora	\$13,728
	TOTAL	\$88,728

The Wildflower Interpretative Centre (component one) will be established on the property however a significant portion of the funds for this project will be allocated to constructing the wildflower website (component two). The in school education program (component three) is also factored into the total cost.

**COUNCIL RESOLUTION
(MANEX RECOMMENDATION) – ITEM 11.6.1**

30/06 Moved Cr Craven, seconded Cr Pond that Council:

- 1. Support the concept of the Wildflower Interpretative Centre in principal.*
- 2. Include the cost of \$13,728 plus GST to upgrade the gravel road and establish a gravel car park in the 2006–07 budget as Council’s contribution towards this project.*

CARRIED 6/0

11.7 SPORT AND RECREATION

Cr Craven tabled a letter she had received from Mr Peter Horton from the Moora Cricket Club requesting that the raising of the cricket pitch be considered in next years Budget. The Chief Executive Officer advised that he would pass this on to the Operational Development Manager for consideration in the draft 2006/07 Budget.

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 advised that he has received the following confidential correspondence that Council needs to be considered by Council behind closed doors:

1. A draft lease for the Dental Surgery and Residence, and
2. A letter from Mr and Mrs Ackland in response to receiving the Shires correspondence following the review of the WesTrac land offer process.

14. NOTICE ON MOTIONS FOR THE NEXT COUNCIL MEETING

Cr Craven advised Council that she will be moving the following motion at the next Ordinary Meeting of Council:

That the Standing Orders be amended to delete “without discussion” from the heading of the Agenda titled “Shire Presidents announcements without discussion”.

15. MATTERS BEHIND CLOSED DOORS

COUNCIL RESOLUTION

31/06 *Moved Cr Barrett–Lennard, seconded Cr Clydesdale–Gebert that the meeting move behind closed doors to discuss matters that if disclosed would reveal:*

- *the personal affairs of a person/s;*
- *information that has a commercial value to a person/s;*
- *information about the business, professional, commercial or financial affairs of a person/s, and*
- *a matter affecting an employee or employees, pursuant to Section 5.23(2)(a); 5.23(2)(b); 5.23(2)(e)(ii) and 5.23(2)(e)(iii) of the Local Government Act 1995.*

CARRIED 6/0

At 4.34pm Ms Megan Beange retired from the meeting.

The public vacated the Council Chambers and the meeting moved behind closed doors at 4.34pm

15.1 Moora Dental Clinic – draft lease

Attachments circulated to Councillors under separate confidential cover.

At 5.03pm the Environmental Health Manager retired from the meeting.

At 5.04pm the Community Development Manager left the meeting.

15.2 Mr and Mrs Ackland Land Enquiry

Copy of correspondence tabled and circulated at the meeting.

At 5.24pm the Community Development Manager rejoined the meeting.

At 5.26pm the Executive Support Officer retired from the meeting.

COUNCIL RESOLUTION

32/06 Moved Cr Barrett–Lennard, seconded Cr Clydesdale–Gebert that the meeting come out from behind closed doors and re–open to the public.

CARRIED 6/0

The meeting reopened to the public at 6.02 pm, however no public or staff, other than the Chief Executive Officer and Community Development Manager was present.

On re–opening the meeting, the Shire President advised that there were no decisions of Council made behind closed doors.

16. CLOSURE OF MEETING

There being no further business, the Shire President declared the meeting closed at 6.04pm.

CONFIRMED

PRESIDING MEMBER