

SHIRE OF MOORA
MINUTES OF THE ORDINARY MEETING OF COUNCIL
HELD IN COUNCIL CHAMBERS, MOORA
WEDNESDAY 11 APRIL 2007

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1. DECLARATION OF OPENING & WELCOME OF VISITORS

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

"Acknowledgment of Country"

I would like to show my respect and acknowledge to the traditional owners of this land and acknowledge their contribution to the Shire of Moora as I do for all its people.

2. DISCLAIMER READING

The Shire President read the following disclaimer:

No responsibility whatsoever is implied or accepted by the Shire of Moora for any act, omission or statement or intimation occurring during this meeting.

It is strongly advised that persons do not act on what is heard at this meeting and should only rely on written confirmation of Council's decision, which will be provided within fourteen (14) days of this meeting.

3. ATTENDANCE

SA Bryan	-	Presiding Member	-	Moora Town Ward
CE Gardiner	-	Councillor	-	Moora Town Ward
JL Craven	-	Councillor	-	Moora Town Ward
SJ Pond	-	Councillor	-	Koojan Ward
AR Tonkin	-	Councillor	-	Coomberdale Ward
WA Barrett-Lennard	-	Councillor	-	Bindi Bindi Ward
JW McLagan	-	Councillor	-	Miling Ward
D Clydesdale-Gebert (from 3.40pm)	-	Councillor	-	Watheroo Ward

SJ Deckert	-	Chief Executive Officer
JE Ellis	-	Financial Development Manager
JL Greay (from 3.45pm)	-	Operational Development Manager
MJ Prunster	-	Community Development Manager
BR Williams (from 3.42pm)	-	Enterprise Development Manager
ML Wilson	-	Manager Health & Regulatory Services
MM Murray	-	Executive Support Officer

PUBLIC

Ms Angie Raphael (until 4.19pm)

APOLOGIES

Nil

LEAVE OF ABSENCE

The following Councillor was granted leave of absence for this meeting by Council resolution made at the Ordinary Meeting held on 28 February 2007:

CD Hawkins	-	Councillor	-	Moora Town Ward
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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

Nil

9. ANNOUNCEMENTS BY THE SHIRE PRESIDENT

- Congratulations to the Moora Promotions Committee on another successful campout over the Easter weekend. Thank you to all the Campout Committee members and their families for their support.
- On the 24th April I will be attending an ANZAC day service at the Moora Primary School.
- In the afternoon prior to the Council meeting on 24th April 2007 we will hold the function to bestow the honour of Freeman of the Shire of Moora on Des Seymour.
- Wednesday 25th April is ANZAC Day

At 3.40pm Cr Clydesdale-Gebert joined the meeting.

- Cr Barrett-Lennard advised that he attended the Gingin Dandaragan Water Resource Management Committee meeting in Gingin on 4th April 2007. The next meeting is in Bindoon to discuss the water supply issues in the Shire of Chittering.
- Cr Pond advised that he attended the CMVROC meeting in Wongan Hills on Friday 30th March 2007.
- Last Thursday 5th April Cr Pond and the Enterprise Development Manager showed Mr Ian Menzies around Moora to familiarise him with the area as part of the Tourism study he is doing for the Shire.
- Cr Pond advised that the Enterprise Development Manager and himself had shown a potential property developer around town on Friday 6th April.

At 3.42pm the Enterprise Development Manager joined the meeting.

- Cr Craven advised that since the last Council meeting she had attended a Local Health Authorities Analytical Committee meeting in her role as the regional local government representative.

At 3.45pm the Operational Development Manager joined the meeting.

- Cr Tonkin advised he would be attending the Moore Catchment Council meeting this Friday.

10. CONFIRMATION OF MINUTES OF THE PREVIOUS MEETING

10.1 ORDINARY COUNCIL MEETING - 28 MARCH 2007

COUNCIL RESOLUTION

70/07 Moved Cr McLagan, seconded Cr Craven that the Minutes of the Ordinary Meeting of Council held on 28 March 2007, be confirmed as a true and correct record of the meeting.

CARRIED 8/0

11. REPORTS OF OFFICERS

11.1 ADMINISTRATION

11.1.1 CEO'S PROFESSIONAL DEVELOPMENT & LEAVE ARRANGEMENTS

FILE REFERENCE: HR/PERI/SJD I

REPORT DATE: 4th April 2007

APPLICANT/PROPONENT: Not Applicable

DISCLOSURE OF INTEREST: The author is the person referred to within the report and therefore declares a financial interest. The extent of the interest is in relation to the value of the professional development and leave to be taken.

PREVIOUS MEETING REFERENCES: Not Applicable

AUTHOR: Steven Deckert, Chief Executive Officer

ATTACHMENTS: LGMA Conference Program & Registration Form

PURPOSE OF REPORT:

To advise Council and seek endorsement of the arrangements to appoint an Acting CEO, whilst the CEO is attending a professional development conference and personal leave.

BACKGROUND:

The CEO's Contract of Employment makes provision for his ongoing professional development. This generally involves applicable short training courses and attendance at conferences of the CEO's professional body being the Local Government Managers Association (LGMA). In consultation with the CEO's Performance Review Committee, the CEO has elected to attend the national conference of the LGMA being held in Hobart on 29 April to 2 May 2007. A copy of the Conference Program and Registration Form is enclosed for Council's reference.

The CEO would also like to take four days leave in conjunction with the conference. The CEO will therefore be absent from 26 April to 6 May 2007, returning to work on Monday 7 May 2007

COMMENT:

As an employee of Council, the Chief Executive Officer is entitled to annual leave and other approved leave, however the granting of leave is somewhat different to other employees. Generally the Divisional Manager or the Chief Executive Officer as the case may be, will consider applications for leave for all other employees.

The Chief Executive Officer's leave is in essence approved by the CEO himself, however it is good practice and courteous to inform Council of leave proposals and seek Council's endorsement.

In the absence of the CEO, Council also needs to appoint an Acting Chief Executive Officer to be responsible for the day-to-day operations as well as the statutory requirements of the position during this period.

In accordance with the principle of rotating the Acting Chief Executive Officers role between the Divisional Managers, I would like Council to endorse the appointment of Mr Michael Prunster to the position, commencing from 26 April and concluding on 6 May 2007.

POLICY REQUIREMENTS:

There are no policies relevant to this matter.

LEGISLATIVE REQUIREMENTS:

Chief Executive Officer's Contract of Employment.

STRATEGIC IMPLICATIONS:

There are no specific strategic implications, however, the ability for other staff to gain experience in a more senior position is invaluable to their professional development as it is for the CEO to participate in the LGMA's Professional Development Programme.

SUSTAINABILITY IMPLICATIONS:

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

FINANCIAL IMPLICATIONS:

There are no financial implications to Council in respect to the CEO's professional development and leave as these have been provided for within the Adopted Budget and there is no proposal to employ additional replacement staff.

VOTING REQUIREMENTS:

Simple Majority Required

**COUNCIL RESOLUTION
(MANEX RECOMMENDATIONS)***71 /07 Moved Cr Tonkin, seconded Cr McLagan that Council:*

- 1. Note and endorse the Chief Executive Officer's leave from 26 April 2007 to 6 May 2007 comprising professional development and personal leave; and*
- 2. Approve the appointment of Mr Michael Prunster as Acting Chief Executive Officer for the period 26 April 2007 to 6 May 2007, in the absence of the Chief Executive Officer.*

CARRIED 8/0**11.2 FINANCIAL DEVELOPMENT****11.2.1 LIST OF PAYMENTS AUTHORISED UNDER DELEGATION 1.31**

REPORT DATE: 4th April 2007
OFFICER DISCLOSURE OF INTEREST: Nil
AUTHOR: Jo-Anne Ellis, Financial Development Manager
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 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)**

72/07 Moved Cr Barrett-Lennard, 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 56040 - 56174</i>	<i>\$262,392.97</i>
	<i>Direct Debits 224 – 235</i>	<i>\$ 10,728.15</i>
<i>Total</i>		<i><u>\$273,121.12</u></i>

CARRIED 8/0

11.3 OPERATIONAL DEVELOPMENT**11.3.1 MILING OVAL AND TOWN BEAUTIFICATION - CONTRACTING OF SERVICES**

FILE REFERENCE: P/MIP1
REPORT DATE: 4th April 2007
APPLICANT/PROPONENT: N/A
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: Budget deliberations
AUTHOR: John Greay, Operational Development Manager
ATTACHMENTS: Miling Town Map

PURPOSE OF REPORT:

On the budget this year an allowance has been made to carry out some town beautification in the Miling townsite on a similar basis as to what council does in Watheroo.

BACKGROUND:

In Watheroo, council contracts out the oval maintenance and town beautification and this works very well, with a local resident carrying out these duties for a 3 year period. Miling is the gateway to the Moora Shire as you enter from the north and it is important that travellers and locals develop a favourable impression of what the shire of Moora's vision statement stands for.

COMMENT:

In regard to improving the visual appeal of the town it is something that can be improved and delivered by someone who resides in the Miling townsite or district. This has been lacking in Miling and we have been of the opinion that there may have been no local people available to tender for the combined work previously. The only way to know this is to put the work out and call for expressions of interest and see what transpires.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

There are no known legislative requirements related to this item.

STRATEGIC IMPLICATIONS:

It is strategically important that the Miling Townsite projects the vibrant, healthy, wealthy and diverse community that we are. First impressions are lasting impressions and for those travelling into our district it is important to portray that our district views things differently to our surrounding regions

SUSTAINABILITY IMPLICATIONS:

- **Environment**
There are no known significant environmental implications associated with this proposal.
- **Economic**
Should we be successful in tendering out this work with the desired results that we are hoping for it could easily mean that the economic situation in Miling could improve with it becoming a more desirable place, in which to live, which could also enhance further business development.
- **Social**
Significant social implications could apply along similar lines to economic development if we saw an influx of people into Miling As land and property values increase in Moora it may become more desirable for people to move into some of councils smaller towns due to affordability (Recently the church in Bindi Bindi was sold and has been converted into a residence.)

FINANCIAL IMPLICATIONS:

There are no additional financial implications in the current budget as an allowance of \$7,000 was provided for with only a small amount of this budget being currently spent.

VOTING REQUIREMENTS

Simple Majority Required

**COUNCIL RESOLUTION
(MANEX RECOMMENDATIONS)**

73 /07 Moved Cr Gardiner, seconded Cr McLagan that Council:

- 1. Agrees to the change in method for delivering town and sportsground maintenance at Miling from a casual employee to a contractor service;**
- 2. Call for expressions of interest for the Miling Sportsground maintenance and the Miling Townsite beautification work; that they be advertised immediately and that the contract be for a three year period.**

CARRIED 8/0

11.4 COMMUNITY DEVELOPMENT

11.4.1 TOWN PLANNING SCHEME NO 4 – DELEGATION OF POWERS

FILE REFERENCE: TP/PTM11
REPORT DATE: 4th April 2007
APPLICANT/PROPONENT: Various
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: Nil
AUTHOR: Michael Prunster, Community Development Manager
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 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 4th April 2007.

- **T & H Walton & Sons – Lot 59 Padbury Street, Moora – Extension to Existing Mechanical Workshop – Area 752m² - Zoning Light Industrial - Value \$200,000 (Ref 37/0607)**
- **K R Waters – 1 Clarke Road, Bindi Bindi – Operate a Home Occupation (Cottage Industry) in preparing Jams, Relish's, Cakes etc for sale at Craft Fairs & Markets subject to approval by the Manager of Health & Regulatory Services, Zoning Farming (Ref 38/0607)**

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)**

74 /07 Moved Cr McLagan, seconded Cr Barrett-Lennard that Council note the town planning applications approved under delegated authority.

CARRIED 8/0

11.4.2 APPLICATION FOR EXTRACTIVE INDUSTRY LICENCE

FILE REFERENCE: TP/EX11
REPORT DATE: 3rd April 2007
APPLICANT/PROPONENT: Kingstripe Pty Ltd as trustee for Dalkey North Trust
OFFICER DISCLOSURE OF INTEREST: Author has no interest in this item
PREVIOUS MEETING REFERENCES: Nil
AUTHOR: Michael Prunster, Community Development Manager
ATTACHMENTS: Location map

PURPOSE OF REPORT:

Request to Council for an Extractive Industry Licence.

BACKGROUND:

A Planning application has been received from Messrs A.P. & J.M. Snell on behalf of Kingstripe Pty Ltd as trustee for Dalkey North Trust for a licence to extract gravel from their property at Lot 101 Great Northern Highway Walebing. The Snell family Trust recently purchased this property with settlement taking place on 1 March 2007.

The application states that the gravel will be extracted from a site on the lot, which is in a section of a clear felled paddock with little vegetation. The surface area of the location is of gravel composition and does not support any substantial grasses. We are advised that the previous owner had discussions with Main Roads WA who tested the gravel and found it acceptable.

It is expected that the gravel will be extracted over a period of 1-3 years.

The land is zoned “Farming”.

COMMENT:

Under the Town Planning Scheme No 4 text, Extractive Industry is permitted subject to Council approval.

The text describes “extractive industry” as: -

industry - extractive: means an industry which involves:

- a) the extraction of sand, gravel, clay, turf, soil, rock, stone, minerals, or similar substance from the land, and also the storage, treatment, or manufacture of products from those materials when the manufacture is carried out on the land from which any of the materials so used is extracted or on land adjacent thereto, and the storage of such materials or products;
- 1.1 the production of salt by the evaporation of salt water.

Council does not have a current “Local Law” for Extractive Industries but the following conditions would normally appear in such Local Laws: -

- Details of the proposed number and size of trucks entering and leaving the site each day and the route or routes to be taken by those vehicles.
- An estimate of the depth of and a description of the nature and quantity of the overburden to be removed.
- Excavation is not to exceed within 20 metres of the boundary of any land surrounding the location.
- Provision of a rehabilitation and decommissioning programme.
- A plan showing the siting and dimensions of the access road with provision for at least a 3m fire break on both sides of the access road to help prevent the fire hazard during the summer months.
- Ensure that proper fire fighting equipment is provided at the site during the bush fire season, including a suitable water storage tank for emergencies.
- The licence does not permit any blasting to be carried out during excavations.
- Provision of a copy of the applicants public liability insurance cover indemnifying the licensee and the Shire for a sum of not less than \$10m in respect of any one claim relating to any of the excavation operations.
- The Licensee must give the Shire written notice of the cessation of the operations of not later than 7 days after the operation has ceased.
- Any fuel stored on site is to be surrounded by protective Bunding.

- M.R.W.A. approval of the location of the access road in relation to the highway traffic.
- Subject to the payment of \$500 planning application fee.
- Measures to be taken to minimise dust nuisance, erosion, watercourse siltation, impact on the visual amenity of the area and dangers to the general public.

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**
Rehabilitation of the excavation site will maintain environment.
- **Economic**
Economically viable for applicants.
- **Social**
The extreme location of the site will have little effect on social implications.

FINANCIAL IMPLICATIONS:

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

VOTING REQUIREMENTS

Absolute Majority Required

COUNCIL RESOLUTION (MANEX RECOMMENDATIONS)

75 /07 Moved Cr Gardiner, seconded Cr Tonkin that Council

- 1. approve in principle the application for an extractive industry licence for Kingstripe Pty Ltd as trustee for Dalkey North Trust to excavate gravel from Lot 101 Great Northern Highway Walebing and will formally consider the application subject to the provision of the following information: -***
 - ***Details of the proposed number and size of trucks entering and leaving the site each day and the route or routes to be taken by those vehicles.***
 - ***An estimate of the depth of and a description of the nature and quantity of the overburden to be removed.***
 - ***Excavation is not to exceed within 20 metres of the boundary of any land surrounding the location.***
 - ***Provision of a rehabilitation and decommissioning programme.***
 - ***A plan showing the siting and dimensions of the access road with provision for at least a 3m fire break on both sides of the access road to help prevent the fire hazard during the summer months.***

- *Ensure that proper fire fighting equipment is provided at the site during the bush fire season, including a suitable water storage tank for emergencies.*
 - *The licence does not permit any blasting to be carried out during excavations.*
 - *Provision of a copy of the applicants public liability insurance cover indemnifying the licensee and the Shire for a sum of not less than \$10m in respect of any one claim relating to any of the excavation operations.*
 - *The Licensee must give the Shire written notice of the cessation of the operations of not later than 7 days after the operation has ceased.*
 - *Any fuel stored on site is to be surrounded by protective Bunding.*
 - *M.R.W.A. approval of the location of the access road in relation to the highway traffic*
 - *Subject to the payment of \$500 planning application fee.*
 - *Measures to be taken to minimise dust nuisance, erosion, watercourse siltation, impact on the visual amenity of the area and dangers to the general public.*
 - *Subject to an annual fee of \$100 commencing the financial year 2007-2008.*
 - *Environmental approvals as required by the Department of Environment & Conservation and all other relevant authorities.*
2. *delegate authority to the Chief Executive Officer to issue the extractive industry licence following the receipt of all of the required information, satisfying the conditions as outlined above.*

At 4.06pm the Enterprise Development Manager left the meeting & returned at 4.10pm

CARRIED BY ABSOLUTE MAJORITY 8/0

11.4.3 PLANNING APPLICATION – DELMOOR CENTRE

FILE REFERENCE: PA/1496-1
REPORT DATE: 5th April 2007
APPLICANT/PROPONENT: Moora Frail Aged Lodge
OFFICER DISCLOSURE OF INTEREST: Author has no financial interest in this item.
PREVIOUS MEETING REFERENCES: Nil
AUTHOR: Michael Prunster, Community Development Manager
ATTACHMENTS: Copy of letter from DPI & extension site location map.

PURPOSE OF REPORT:

Planning application received from the Moora Frail Aged Lodge for extensions to the Delmoor Centre, Dandaragan Road Moora.

BACKGROUND:

The Moora Frail Aged Lodge Committee manages the Delmoor Centre located on Lot 402 – Reserve R42715 in Dandaragan Road Moora. The Centre is used for various community activities, and the group recently obtained a grant from Lotteries WA to assist with an extension to the existing building extending North towards the Moore River and Apex Park. Apex Park is located on Reserve No. R2829.

The Reserves are both subject to Native Title Claim.

The builder engaged for the construction of the extension is local builder J.G. Brassington. Mr Brassington called on this office when submitting his plans and pointed out that a small section of the proposed extension would protrude onto Reserve R2829 by approx 3-4m. (refer site map attached) He requested us to investigate the possibility of obtaining approval to go ahead with the construction or find out what time frame would be involved in applying for a restructure of the Reserve 2829 (Apex Park) boundary to allow for the extension.

Our enquiries to our Town Planning Consultant and the Department of Planning & Infrastructure (D.P.I.) commenced early in the New Year, and we have now received a reply from the Manager Mid West Region (copy attached), and he has advised that *“there is no extinguishing tenure for Native Title so DPI will have to go through the Future Acts process which will take up to 18 months”*.

An additional request included in the letter was for the Shire of Moora to take over a Management Order over the Reserve 2829 (Apex Park).

COMMENT:

Managers reaction to this information was to endeavour to follow up with the local representatives of the “Yuat” group to inquire if they would be interested in signing a temporary form of agreement to allow the construction to proceed to allow the building to be completed during the period of the process to excise the portion of additional land required from Reserve 2829. This would prevent having to wait the 18 month term for permission.

I discussed this avenue with a Ms Kate Morton of the Native Title section within the D.P.I., and she informed me that this would not be permitted or acceptable. She also informed me that under the Building Licensing Act it was not permissible to construct a building over any adjoining boundary under any circumstances. Ms Morton suggested that we should contact the State Manager of the D.P.I. and request him to endeavour to fast track the excision process.

This request has been forwarded to Mr Steve Burgess, but to date we have not received a reply.

The attached letter indicates that the process has begun and a request for the survey of the reserves has been issued to Mr Ted Creegan.

It is regrettable, but due to the information and direction we have received from the Department of Planning & Infrastructure, we can only recommend that the planning application be refused and re-submitted when advice of the boundary changes is known.

Alternatively if the building drawings could be modified to fit within the boundary confines, approval could be given. Managers did have this discussion with the builder, Mr Brassington on the 3rd April, and he was of the opinion that it may be difficult to amend the plan.

POLICY REQUIREMENTS:

7.1 – Development across a Cadastral Boundary.

LEGISLATIVE REQUIREMENTS:

Local Government (Misc) Provisions Act 1960
Building regulations (1989)

STRATEGIC IMPLICATIONS:

The completion of the extension would provide additional space for community activities.

SUSTAINABILITY IMPLICATIONS:

- **Environment**
The small excision of the land required from the Park would have no effect on the environment.
- **Economic**
There are no known significant economic implications associated with this proposal.
- **Social**
Extensions would encourage a greater involvement in Social activity for senior citizens.

FINANCIAL IMPLICATIONS:

Council will be charged some fees for the land excision process. This may not apply until 2007-08 budget.

The acceptance of the management order over the Apex Park Reserve will not impose any additional costs to the Shire, as it is already maintained by the Shire under Parks & Reserves budget.

VOTING REQUIREMENTS

Simple Majority Required

MANEX RECOMMENDATIONS

That Council:

1. *Refuse the planning application due to its non conformity with planning regulations, native title issues and building regulations.*
2. *The planning application be reconsidered following the finalisation of the boundary adjustment and negotiation with the native title applicants.*
3. *Accept a management order from the Department of Planning and Infrastructure over reserve number R2829.*

**COUNCIL RESOLUTION
(MANEX RECOMMENDATIONS)**

76 /07 Moved Cr Gardiner, seconded Cr Barrett-Lennard that Council:

1. ***Refuse the planning application due to its non conformity with planning regulations, native title issues and building regulations.***

2. *The planning application be reconsidered following the finalisation of the boundary adjustment and negotiation with the native title applicants.*
3. *Accept a management order from the Department of Planning and Infrastructure over reserve number R2829.*
4. *Continue to make every effort to assist with the fast tracking of this application.*

CARRIED 8/0

Please note: The Manex recommendation was amended by the addition of point 4. as Council wanted to make it clear to the applicant that Council supports the application in principle, however the issues and no-conformances need to be resolved in the first instance.

11.5 ENVIRONMENTAL DEVELOPMENT

Nil

11.6 ECONOMIC DEVELOPMENT

Nil

11.7 SPORT AND RECREATION

11.7.1 “BE ACTIVE COORDINATOR” – MARCH REPORT 2007

FILE REFERENCE: BA/REPI
REPORT DATE: 4th April 2007
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: 13 September 2006 (187/06)
AUTHOR: Angela Murray, Be Active Coordinator
ATTACHMENTS: Be Active Report – March 2007

PURPOSE OF REPORT:

Reporting period of March 2007 from the Be Active Coordinator for Council information and acknowledgment.

BACKGROUND:

It is current practice for the Be Active Coordinator to periodically provide Council with a report to date of programmes and activities carried out during the current financial year.

COMMENT:

The report prepared by Ms Angela Murray, Be Active Coordinator, covers programmes and activities that have been carried out within the four participating Shires (Moora, Chittering, Victoria Plains and Dandaragan).

The report has also been provided to the other participating shires.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

There are no known legislative requirements related to this item.

STRATEGIC IMPLICATIONS:

Continued activities through this programme within each participating Council's are of great benefit to the residents and youth of these Districts, which without this sponsorship the projects would not normally be available to them.

SUSTAINABILITY IMPLICATIONS:

- **Environment**
The outdoor activities participants awareness of the environment and creates a better environmental outlook on the life of the people involved.
- **Economic**
Participants contribute to the cost of certain programmes.
- **Social**
The programmes organised by the B.A.C. have a healthy impact on the social and cultural activities of young and old residents of the Shires involved.

FINANCIAL IMPLICATIONS:

The four Shires participating in the programme fund the programmes on a percentage basis.

VOTING REQUIREMENTS

Simple Majority Required

**COUNCIL RESOLUTION
(MANEX RECOMMENDATION)**

77 /07 Moved Cr McLagan, seconded Cr Clydesdale-Gebert that Council note and receive the Be Active Report for the period ended March 2007.

CARRIED 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

Nil

At 4.19pm Ms Angie Raphael retired from the meeting.

14. NOTICE ON MOTIONS FOR THE NEXT COUNCIL MEETING

Nil

15. MATTERS BEHIND CLOSED DOORS

COUNCIL RESOLUTION (RECOMMENDATION)

78/07 Moved Cr McLagan, seconded Cr Barrett-Lennard that the meeting move behind closed doors to discuss Item 15.1 ‘Moora Dental Clinic – Lease Agreement’ and Item 15.2 ‘Shire Housing – Future Direction’ – as both these items deal with matters that relate to legal agreements that may be entered into (section 5.23(2)(c) of the Local Government Act 1995), could reveal information that has a commercial value (section 5.23(2)(e) (ii) of the Local Government Act 1995) or could reveal information about the financial or business affairs of a (section 5.23(2)(e)(iii) of the Local Government Act 1995).

CARRIED 8/0

15.1 Moora Dental Clinic – Lease Agreement

Provided to Councillors under confidential cover.

COUNCIL RESOLUTION (MANEX RECOMMENDATIONS)

79 /07 Moved Cr Barrett-Lennard, seconded Cr Tonkin that Council:

- 1. Approve the lease of 39 Keane Street as attached and authorise the Shire President and Chief Executive Officer to sign and seal the document**
- 2. Develop a ten year asset management plan for the Moora Dental Clinic to be ready six months from the signatory date on the lease with Dr Gary Mack.**

CARRIED BY ABSOLUTE MAJORITY 8/0

15.2 Shire Housing – Future Direction

Provided to Councillors under confidential cover.

**COUNCIL RESOLUTION
(MANEX RECOMMENDATIONS)**

Moved Cr Craven, seconded Cr Clydesdale-Gebert that Council:

- 1. Approve the advertisement to dispose of the Atbara Street property by formal lease to Moora Citrus pending a valuation of the property in accordance with the disposal requirements in the Local Government Act 1995.*
- 2. Approve the sale of 6 Lefroy Street by public auction with council to set the reserve price prior to auction, and with a condition of sale to be that the Shire has a three-year lease period, with a two-year option on the property.*

LOST 0/8

COUNCIL RESOLUTION

80/07 Moved Cr Gardiner, seconded Cr McLagan that this matter be brought back to the next meeting of Council for further consideration in order to allow the Financial Development Manager to research and present all relevant financial information.

CARRIED 8/0

Please note: Council did not pass the Manex recommendation because it believed it did not have sufficient financial information on hand to consider the impact of passing the Manex recommendation, and passed an alternative resolution directing that the relevant information be presented so that all options in respect to shire housing can be considered.

COUNCIL RESOLUTION

81/07 Moved Cr Barrett-Lennard, seconded Cr McLagan 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 4.54pm.

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

16. CLOSURE OF MEETING

There being no further business, the Shire President declared the meeting closed at 4.55pm.

CONFIRMED

PRESIDING MEMBER