

SHIRE OF MOORA
MINUTES OF THE ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS, MOORA
WEDNESDAY 31 JANUARY 2007

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Item 11.2.2	Statement of Financial Activity for Period Ended 30 November 2006
Item 11.4.2	Sketch Lot 205 Tootra Street Moora
Item 12.1	Submission – Public Pianos in Moora

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 (from 3.40pm)	-	Councillor	-	Miling Ward
CD Hawkins	-	Councillor	-	Moora Town Ward
D Clydesdale-Gebert	-	Councillor	-	Watheroo Ward

JE Ellis (until 5.08pm)	-	Acting Chief Executive Officer
JL Greay (until 4.50pm)	-	Operational Development Manager
MJ Prunster (until 4.50pm)	-	Community Development Manager
ML Wilson (until 5.08pm)	-	Manager Health & Regulatory Services

PUBLIC

Ms Angie Rafael (until 4.50pm)- Journalist, Central Midlands & Coastal Advocate

APOLOGIES

SJ Deckert - Chief Executive Officer

LEAVE OF ABSENCE

Nil

4. DECLARATIONS OF INTEREST

Cr Clydesdale-Gebert declared a conflict (impartiality) interest in Item 11.4.2 pursuant to clause 1.3 of Council's Code of Conduct as she has an interest in a Shed/Development in the industrial area at Lot 213 Melbourne Street, Moora.

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

Nil

6. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Mrs Julie Koberle tabled questions at the 13 December 2006 meeting. Please note that the Chief Executive Officer is still working on responses to these questions and these responses will be provided on his return from leave.

7. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

8. PETITIONS AND MEMORIALS

Nil

9. ANNOUNCEMENTS BY THE SHIRE PRESIDENT

- Monday 26th January the Shire President. Cr Hawkins and Cr Tonkin attended the Australia Day Celebrations and Citizenship Ceremony held at Apex Park. Around 110 people were in attendance where. Mr & Mrs Frederick Swart were made citizens.
The Australia Day Awards were awarded to -

Citizen of the Year	Mrs Kerry Bein
Volunteer of the Year	Mrs Robin Broad
Young Citizen of the Year	Mstr Sam McGilvray (10yrs old)
Event of the Year	Rotary Auction
- The Shire President paid tribute to Volunteer Fire Fighters who worked under trying conditions over the Australia Day weekend.
- Mr & Mrs Jimmy Butler will have their 60th Wedding Anniversary on 8th February. Councillor Craven will make a presentation of flowers to them on behalf of Council.

Cr McLagan joined the meeting at 3.40pm.

- Councillor Craven advised that all graduating Year 12 students from Central Midlands Senior High School received their TEE first preferences into University. Council will send a letter of acknowledgement to staff and students.
- Councillors Pond, Clydesdale-Gebert and the Acting Chief Executive Officer attended the CMVROC meeting at Calingiri on 24th January where the CMVROC Constitutional Agreement was Adopted and Signed.
- Councillor Clydesdale-Gebert suggested the Shire of Moora provide a letter of support for the Shire of Chittering in their attempts to upgrade their Medical Centre.
- Councillor Tonkin advised that the Coomberdale Bushfire Brigade were disappointed in CALM, regarding the lack of firebreaks and the impact this has on controlling bush fires that start on CALM land.

- Councillor Tonkin suggested that the Northern Agricultural Catchment Council and the Moore Catchment Council be invited to Council to discuss the detention basin.
- Councillor Barrett-Lennard advised that Miling & Bindi Bindi landowners wished to express their appreciation to the Shire in particular the grader drivers for their assistance during the Miling Fires.

10. CONFIRMATION OF MINUTES OF THE PREVIOUS MEETING

10.1 ORDINARY COUNCIL MEETING - 13 DECEMBER 2006

COUNCIL RESOLUTION

1/07 Moved Cr Pond, seconded Cr Gardiner that the Minutes of the Ordinary Meeting of Council held on 13 December 2006, be confirmed as a true and correct record of the meeting.

CARRIED 9/0

11. REPORTS OF OFFICERS

11.1 ADMINISTRATION

11.1.1 Minutes of Annual General Meeting of Electors held on 13 December 2006

LOCATION: Moora
FILE: EM/ANMI
AUTHOR: Steven Deckert, Chief Executive Officer
REPORT DATE: 11 January 2007
DECLARATION: The author has no financial interest in this matter.

BACKGROUND

The Annual General Meeting of Electors, in respect to the year ended 30 June 2006, was held in the Moora Performing Arts Centre on Wednesday 13 December 2006.

The provisions of the Local Government Act 1995 require that the minutes of the Electors Meeting must be presented to Council for consideration at the next available Ordinary Meeting.

The minutes of the meeting are now presented to Council and are appended for reference.

COMMENT

The minutes of the Annual Electors meeting contain a number of procedural resolutions that do not require any further action by Council.

There is however one resolution passed at the Annual Electors Meeting requiring consideration by Council. Council is not bound by decisions made at Elector's Meetings, however is required to consider those decisions and in doing so must record its reasons for any decision Council makes in respect to the Annual Electors meeting resolutions.

At the Annual Electors meeting on 13 December 2006, the following resolution was passed:

Moved Mrs Ann Lewis, seconded Mrs Wendy McKinley that Council be requested to consider the purchase of a piano for the Moora Performing Arts Centre in the 2007/2008 Budget with a provision of \$14,000 being made.

CARRIED

Unless Council believes that a new piano is not needed in the Moora Performing Arts Centre, it is appropriate that the wishes of the Electors Meeting be acknowledged. As with all budget requests, the suggested provision of \$14,000 could be included in the draft Budget for 2007/2008 and be further considered in the Budget adoption process. Whether the provision remains in the adopted Budget will be dependent on prioritisation of all requests and available funding.

There were also a number of questions raised or comments made which were adequately answered or addressed on the night and therefore are not required to be dealt with at this time.

STATUTORY ENVIRONMENT

Sections 5.32 and 5.33 of the Local Government Act 1995, deal with the recording of Minutes of the Annual Electors Meeting and the requirement for Council to consider any decisions made.

POLICY IMPLICATIONS

There are no policy implications in respect to the recommendation of this report.

BUDGET IMPLICATIONS

Should the recommendation of this report be adopted, then an amount of \$14,000 will be placed in the 2007/2008 Draft Budget for further consideration during the Budget adoption process.

STRATEGIC IMPLICATIONS

Demonstrating to the electors that Council has listened to their request enhances Council's standing and respect within the community.

PRECEDENT

The adoption of the recommendation of this report does not set a precedence.

VOTING REQUIREMENTS

Simple majority required.

OFFICER RECOMMENDATION – ITEM 11.1.1

That Council:

- 1. Receives the minutes of the Annual General Meeting of Electors for the Year Ended 30 June 2006 held on 13 December 2006, and note the contents;*
- 2. Agrees to include a provision of \$14,000 for the purchase of a new piano for the Moora Performing Arts Centre in the draft 2007/2008 Budget, with inclusion in the Adopted Budget being dependent on the outcome of the Budget Adoption deliberations.*

COUNCIL RESOLUTION – ITEM 11.1.1

2/07 *Moved Cr Clydesdale-Gebert, seconded Cr Hawkins that Council receives the minutes of the Annual General Meeting of Electors for the Year Ended 30 June 2006 held on 13 December 2006, and note the contents.*

CARRIED 9/0

COUNCIL RESOLUTION

3/07 *Moved Cr Barrett-Lennard, seconded Cr Tonkin that point 2 of Item 11.1.1 be held over, as the matter will be dealt with as a separate item later in the agenda at Item 12.1.*

CARRIED 9/0

11.1.2 Council Report Template

AUTHOR: Jo-Anne Ellis, Acting Chief Executive Officer
REPORT DATE: 25 January 2007
DECLARATION: Nil

BACKGROUND

Council is being encouraged to adopt a common Council Meeting report template by the Central Midlands Voluntary Regional Organisation of Councils (CMVROC).

COMMENT

Dale Stewart Chief Executive Officer of the Shire of Wongan-Ballidu proposed that CMVROC local governments accept a common agenda format in the belief that a common format would benefit administrations by the exchange of agenda items and the ease of reading other agenda by both elected members and staff.

The matter was considered and the attached report template was adopted by the CMVROC on 24th January 2006

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

BUDGET IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

The practice of utilising a common agenda report format should bring about greater transparency of decision making and greater resource sharing between Councils of the VROC. In the longer term this should also lead to greater 'trust' and further 'opportunities' of resource sharing.

The inclusion of the triple bottom line Sustainability Implications will ensure the environmental, economic and social implications have been considered and provided to Council to improve decision-making.

PRECEDENT

Agenda formats have evolved over time to meet the needs of Council.

VOTING REQUIREMENTS

Simple Majority

COUNCIL RESOLUTION (OFFICER RECOMMENDATION) – ITEM 11.1.2

4/07 *Moved Cr Pond, seconded Cr Hawkins that Council adopt the new Council Report Format proposed by the Central Midlands Voluntary Regional Organisation of Councils as attached.*

CARRIED 9/0

11.1.3 Community Development Reserve Fund Share Portfolio

FILE: F/SP01
AUTHOR: Jo-Anne Ellis, Financial Development Manager
REPORT DATE: 25 January 2007
DECLARATION: Nil

BACKGROUND

At the Ordinary Council meeting of 11 February 2004 council resolved:

That Council

- 1. reinvest \$114,787 from the Community Facilities Development Reserve account into a managed share portfolio account.*
- 2. appoint Paterson Ord Minnett as councils Individual Managed Accounts Service providing a comprehensive reporting system that will include;*
 - o personal notification after each new transaction;*
 - o monthly statement which details recent portfolio activity; and*
 - o quarterly report which contains a detailed breakdown of capital movements*
 - o and income data needed for processing annual financial statements.*
- 3. that staff negotiate with Ord Patterson Minnett to waiver the \$2,000 administration fee for the first 12 months of Council's investment.*
- 4. that the authorised signatures of the portfolio be in accordance with Council Policy.*

CARRIED BY EN BLOC RESOLUTION NO.1

The funds were invested as they became available for term deposits during 2003/04.

As a consequence the 2003/04 Annual Report of the Shire of Moora was qualified in relation to Cash Backing of Reserves in the Statutory Compliance section of the Audit Report.

Following this the Share Portfolio was reconsidered by Councillors in a Briefing Session and it was the consensus of the meeting to continue with the investment.

At the Ordinary Council Meeting of 11 May 2005 the following motion was lost

- 87/2005** **Moved Cr Gardiner, seconded Cr Craven that council;**
- (a) Advise the fund managers of its Managed Share portfolio, Patersons Securities Limited, to alter the mix of invested funds from 80% ASX 200 Stocks and 20% Trading / Value Driven Stocks to 100% dividend yielding ASX 200 Stocks.**
- (b) Directs dividend and imputation credits from the Managed Share portfolio to retain a cash backed amount of \$40,000 in the Community Facilities Development Reserve Funds ensure sufficient funds are available for community loans.**

LOST 4/5

During this meeting a lengthy discussion was held relating to the merit of keeping or disbanding the Share Portfolio again the general consensus was to keep the investment.

The Audit Report was again qualified in relation to the Share Portfolio for the 2004/05 Annual Report. At the 2005 AGM of Electors details of the Share Portfolio were presented to electors, who appeared to receive the information well.

The 2005/06 Audit Report was also qualified regarding the Share Portfolio and at the Ordinary Council Meeting on 13 December 2006 Council resolved, on recommendation from the Audit Committee, to review the status of the Community Development Reserve Fund Share Portfolio at the January 2007 Council Meeting.

264/06 Moved Cr Barrett-Lennard, seconded Cr Pond that Council:

- 1. Receives the minutes of the Shire of Moora Audit Committee Meeting held on 13 December 2006, as appended;**
- 2. Adopts the recommendations contained within the minutes of the Audit Committee Meeting held on 13 December 2006 as decisions of Council, namely:**
 - a) That Council notes and accepts the Financial Report for the year ended 30th June 2006.**
 - b) That Council to notes and receives the Independent Audit Report for the year ended 30th June 2006.**
 - c) That the status of the Community Development Reserve Fund Share Portfolio be reviewed at the January 2007 Council Meeting.**
 - d) That a draft Investment Policy be presented to the March 2007 Council Meeting.**
 - e) That Council to notes and receives the Management Report for the year ended 30th June 2006.**

CARRIED 9/0

COMMENT

The Audit Report will continue to be qualified in terms of Statutory Compliance with Section 6.11 of the Act and Financial Management Regulation 8 for as long as the Reserve Funds are invested in the Share Portfolio.

Council can continue on with the current situation and continue to receive a qualified audit report.

Council has two options to avoid the qualification:

- a) Advise the managers of the Share Portfolio Patersons to sell all shares at the best market opportunity prior to 30 June 2007 and return the funds to the Shire of Moora. These funds can then be invested in a Financial Institution (eg Term Deposit and a Bank).
- b) Transfer the Share Portfolio into the name of the Shire of Moora and transfer equivalent Municipal Funds into the Community Development Reserve Fund.

If Council chooses to select one of the options to avoid a qualification it should be noted that a qualification may still be received in the 2006/07 Audit Report because the funds were on Cash Backed for some of this reporting period.

The original amount invested was \$114,787 and capital withdrawn to date is \$24,000. The following realised gains net of fees have been included in our Financial Statements.

2003/04 loss	\$171.00
2004/05 gain	\$29,030.00
2005/06 gain	\$18,119.00

A simple analysis to determine whether the Share Portfolio has been economically beneficial to Council is as follows:

Capital Invested	\$114,787
Interest at 6% over 3 years	\$21,000
Capital Withdrawn	<u>(\$24,000)</u>
	\$117,787

Council needs to receive a net cash settlement of at least \$117,787 for this to be a prudent investment on behalf of electors.

The fund has performed very well to date and returns have been higher than term deposit investments. Even so it is the recommendation of this officer that Council liquidated its investment prior to 30 June 2007 to ensure the qualification is removed from the Annual Report in 2007/08. The administrative requirements in relation to this investment are considerably higher than other investments due to the GST implications of buying and selling shares from a Reserve Fund.

The Share Portfolio had a market value of \$190,003.97 at 31 December 2007. The Financial Reports to support this market value are attached to this agenda.

Selling fees and market fluctuations may result in a lower return of capital than this amount but it is anticipated that this will not result in a negative impact on the value of the Community Development Reserve Fund.

Discussions with the fund managers has revealed that the market is performing well at the moment and if the Council wished to liquidate the Portfolio now would be a good time for this.

Should Council wish to keep the investment then a representative of the Fund managers would be happy to come to a future Council meeting to discuss investment strategies.

STATUTORY ENVIRONMENT

Local Government Act 1995 - Section 6.11

Local Government (Financial Management) Regulations 1996 –Regulation 8(1)(c)

Reserve funds set up per Section 6.11 of the Act are to be supported and matched by funds held in Financial Institutions. That is they must be cash backed and the Share Portfolio does not fulfil this.

POLICY IMPLICATIONS

Nil

BUDGET IMPLICATIONS

Option two to avoid a qualification will result in cash flow issues at the end of the financial year and prior to rates revenue being received at the beginning of a financial year.

STRATEGIC IMPLICATIONS

Council should try to ensure that an unqualified audit report is received and that it complies fully with the requirements of the Local Government Act and associated Regulations.

PRECEDENT

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION – ITEM 11.1.3

That Council directs the Acting Chief Executive Officer to request Patersons to sell all shares in the Community Development Reserve Fund Share Portfolio at the best market opportunity prior to 30 June 2007 and all funds be returned to the Shire of Moora as they become liquidated.

COUNCIL RESOLUTION – ITEM 11.1.3

5/07 Moved Cr Gardiner, seconded Cr Craven that Council directs the Acting Chief Executive Officer to request Patersons to sell all shares in the Community Development Reserve Fund Share Portfolio at the best market opportunity prior to 30 June 2007 and all funds be returned to the Shire of Moora Community Development Reserve Fund as they become liquidated.

CARRIED 6/3

Note – The Officer recommendation was amended to make it clear that the funds were to be returned to the Community Development Reserve Fund.

11.2 FINANCIAL DEVELOPMENT

11.2.1 List of Payments Authorised Under Delegation 1.31

AUTHOR: Jo-Anne Ellis, Financial Development Manager
REPORT DATE: 25 January 2007
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.

<p>COUNCIL RESOLUTION (OFFICER RECOMMENDATION) – ITEM 11.2.1</p>

6/07 Moved Cr Pond, seconded Cr Barrett-Lennard that Council note and endorse the Payments from Municipal and Trust Funds made under delegation 1.31

<i>Municipal Fund</i>	<i>Chq 55610 - 55791</i>	<i>\$993,922.24</i>
	<i>Direct Debit 185 - 207</i>	<i>\$ 21,899.38</i>
<i>Trust Fund</i>	<i>Chq 4154 – 4171</i>	<i>\$ 3,400.00</i>
<i>Total</i>		<i><u>\$1,019,221.62</u></i>

CARRIED 9/0

11.2.2 Statement of Financial Activity for Period Ended 30 November 2006

AUTHOR: Jo-Anne Ellis, Financial Development Manager
REPORT DATE: 25 January 2007
DECLARATION: Nil

BACKGROUND

Council is provided with monthly financial reports to enable monitoring of revenues and expenditures against the adopted budget.

COMMENT

The November 2006 Monthly Financial Report is provided as a separate attachment.

STATUTORY ENVIRONMENT

Local Government Act 1995, Division 3, Section 6.4

Local Government (Financial Management) Regulations 1996, Sec. 34

POLICY IMPLICATIONS

Nil

BUDGET IMPLICATIONS

Year to date income and expenditure is provided by line item to enable comparison to 2006/07 adopted budget.

STRATEGIC IMPLICATIONS

Monitoring of actual revenues and expenditures against the adopted budget assists Council in being informed as the financial health of the organisation.

PRECEDENT

Monthly reports are to be provided at the second meeting of each month.

VOTING REQUIREMENTS

Simple Majority

**COUNCIL RESOLUTION
(OFFICER RECOMMENDATION) – ITEM 11.2.2**

7/07 Moved Cr Hawkins, seconded Cr Clydesdale-Gebert that Council note and receive the Statement of Financial Activity for the period ending 30 November 2006.

CARRIED 9/0

11.3 OPERATIONAL DEVELOPMENT

Nil

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: 30 November 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 25 January 2007.

- **C & M Williamson – Lot 56 Mogumber Road, Moora – Construction of a Patio with area 56m² – Value \$9,500 (Ref 26/0607)**
- **Griffiths Carpentry Service Pty Ltd on behalf of Department of Housing and Works – Lot 11 Kintore Street, Moora – Construct 20m² Carport – Value \$2,500 (Ref 27/0607)**
- **F & S Waters – 129 Melbourne Street, Moora – Construct in ground swimming pool 9m x 4.5m (Ref 26/0607)**
- **John & Sandra Kelly – 20 Ranfurly Street, Moora – Construct 2 x car garage and storage shed – size 63m² (10.5m x 6m x 2.4m) – Value \$8,000 (Ref 25/0607)**

VOTING REQUIREMENTS

Simple Majority

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

8/07 Moved Cr Hawkins, seconded Cr McLagan that Council note the town planning applications approved under delegated authority.

CARRIED 9/0

Cr Clydesdale-Gebert declared a conflict (impartiality) interest in Item 11.4.2 pursuant to clause 1.3 of Council's Code of Conduct as she has an interest in a Shed/Development in the industrial area at Lot 213 Melbourne Street, Moora.

11.4.2 Planning Application E. & B. Juhren T/as Erich's Mechanical Services

LOCATION: Lot 205 Tootra Street Moora
FILE: PA/1537-1
AUTHOR: Michael Prunster, Community Development Manager
REPORT DATE: 9 January 2007
DECLARATION: Author has no interest in this matter

BACKGROUND

Mr & Mrs Juhren have operated a successful mechanical repair business, Erich's Mechanical Services, at Lot 200 Tootra Street in rented premises for several years. The growth of the business has caused the current accommodation to become too small to allow efficient operations. They have now purchased industrial Lot 205 Tootra Street, and a planning application has been submitted to construct a new workshop and office accommodation on Lot 205. The completed shed will occupy an area of approximately 648m².

COMMENT

The Location is part of the Industrial area created by Council some years ago to accommodate businesses of this type, and the application satisfies the conditions of the Town Planning Scheme text.

Applicants have paid planning application fee of \$489.00.

A site map showing the layout of the proposed development is provided for information.

STATUTORY ENVIRONMENT

Nil

PLANNING FRAMEWORK

Council Policy:

7.5 Setbacks - Industrial/Commercial Zonings

That Council Policy in respect to development standards on Light, General, Heavy, Industrial lots (for the frontage of the development) where the lot fronts a main road or nominated street be Showroom/Warehouse standard between the building setback and 50 metres from the lot frontage being the frontage to the main road or nominated street.

Town Planning Scheme Text:

3.9 Industrial Zone

3.9.1 Objectives

- a) to provide for the needs of industry to support the community.
- b) to provide appropriate buffers between industry and adjacent land uses, so as to avoid land use conflicts.
- c) to provide landscaped buffers along the Branch of the Moore River to the established industrial area.
- d) to avoid direct discharge of stormwater drainage or the discharge of any deleterious substances into the Branch of the Moore River.
- e) to avoid non-industry related uses establishing in the industrial area.

3.9.2 Site Requirements The minimum building setbacks shall be:

Front	:	7.5m
Rear	:	7.5m
Side	:	5.0m on one side

3.9.2.2 The Council may require as a condition of planning approval the applicant to construct a service road within an additional setback and with easements to allow vehicular access on the service road by others. Access links from the service road to Tootra Street shall be limited as determined by the Council.

3.9.3 Development Requirements:

- (a) the first five metres of the front setback on any lot shall be landscaped to the satisfaction of the Council. Where a lot has frontage to two streets the Council may vary the landscaping requirement only where the setback is reduced in which case the whole of the setback so reduced shall be landscaped to the satisfaction of the Council.
- (b) prior to the issue of planning approval for an industry in the Industrial zone, the Council will ascertain the appropriate buffer for that industry, and such industry may only be granted planning approval if the relevant buffer can be accommodated wholly within the zone.
- (c) in considering proposals for industries which would generate industrial liquid, solid or gaseous wastes the Council may refer such proposals to the Department of Environmental Protection, and the granting of planning approval for such industries shall be subject to wastes being treated and disposed of in accordance with advice/guidelines received.

It is noted that the setbacks for current buildings along Tootra Street vary somewhat from Council policy and T.P. Scheme text, whereas the existing building occupied by the applicants and adjacent building previously occupied by Moora Auto Wreckers, are setback at approximately 28-30 metres from the Tootra St boundary. It is recommended that the setback for this application be set at the same distance to continue the aesthetic appearance and building alignments of the street.

BUDGET IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Continued economic growth in the Industrial area.

PRECEDENT

Several businesses have located within the Industrial area since Council developed the area.

VOTING REQUIREMENTS

Simple majority

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

9/07 Moved Cr Pond, seconded Cr Gardiner that the application from Messrs E. & B. Juhren for the construction of a workshop/administration office on Lot 205 Tootra Street be approved subject to the following conditions: -

- (a) **Hard sealing with bitumen, concrete or paving of the entry from Tootra Street and customer car park bays to the satisfaction of the Shire Operational Development Manager.**
- (b) **Parking bays to be prominently marked, also an Acrod parking bay with regulation sign appropriately affixed and bay marked accordingly. Sufficient space of 5.8m provided at the rear of the bays to allow traffic flow.**
- (c) **The minimum finished floor level (FFL) of the building is to be 204.35 AHD as certified by Messrs E.A. Creegan & Associates.**
- (d) **The minimum setbacks for the building is: - Tootra St frontage to be aligned with existing adjoining buildings, approximately 30m, Woolawa Street frontage-to be as per plan submitted to allow for open driveway and Rear – 7.5m.**
- (e) **A verandah or structure approved by Council to be constructed over the front entrance to the office/administration showroom area.**
- (f) **Submission of proposed landscaping plans for the first 5 metres of the Lot (as indicated on the plan) to the satisfaction of Council, with completion of the landscaping within 3 months of occupancy of building.**
- (g) **All surplus storm water to be directed into the storm water street drainage to the satisfaction of the Shire's Operational Development Manager.**
- (h) **Subject to a building license application being approved and issued by the Shire's Manager Health and Regulatory Services.**
- (i) **A non-solid fence is to be constructed on side boundary facing Woolawa Street as indicated on the plan submitted and also the adjoining side and rear properties from line of building to the rear boundary. If fencing is proposed for frontage of Tootra Street this is to be of a non-solid type.**
- (j) **It is noted that the plan provides for an oil separation unit, but a plan for the method of disposal of waste materials & liquids is required as a condition of approval.**

CARRIED 9/0

11.5 ENVIRONMENTAL DEVELOPMENT

Nil

11.6 ECONOMIC DEVELOPMENT

11.6.1 WA On Show

LOCATION: Perth
FILE: PR/MARI
AUTHOR: Bronwyn Williams, Enterprise Development Manager
REPORT DATE: 14th December 2006
DECLARATION: Nil

BACKGROUND

WA On Show is the State's premier exhibition showcasing what Western Australia has to offer. Typically WA On Show has exhibits from many Local Governments, all State Government agencies, various schools, service providers such as Western Power and various tourism providers.

The aim of the event is to exhibit what Western Australia has to offer to visitors, investors, business people and community. The catch phrase for the 2007 event is “Mixing business, culture, tourism and the arts”.

The opportunities that a display at this event presents include:

- Showcasing the Moora Shire to visitors
- Networking opportunities for people on the stand

This event will be held from Friday 31st August to Sunday 2nd September 2007 at the Perth Convention Exhibition Centre (3 days).

COMMENT

This is an excellent opportunity for Moora to continue the work carried out by the previous Chief Executive Officer, Mr Peter Stubbs and the previous Enterprise Development Manager, Mr Devon Gilmour in promoting Moora to the State and the rest of Australia.

It is proposed to have a 3x3m site, with double frontage at a cost of \$2,640. An allocation of \$5,000 will need to be made in the 2007/08 budget for provision of display materials for the event.

If Council decides not to attend the WA On Show exhibition it may be a lost opportunity for the promotion of our community and development opportunities. This is an opportunity for Councillors and staff to interact with various stakeholders and encourage them to the Moora Region.

STATUTORY ENVIRONMENT

Sections 2.7 and 3.1 of the Local Government Act 1995, relating to the general function provisions.

POLICY IMPLICATIONS

Nil

BUDGET IMPLICATIONS

The cost to have a display at the WA On Show exhibition is \$2,640, this will secure the Shire of Moora a display area in the Mid West and Wheatbelt section of the exhibition. A deposit of 25% has been paid in anticipation of Council’s agreement, due to closing dates for deposits to be paid.

\$5,000 will need to be put onto the draft budget to cover the cost of the site and any other costs that may be incurred from developing display materials for the exhibition.

STRATEGIC IMPLICATIONS

In the Shire of Moora’s Strategic Plan it outlines within the Key Result Area of People, under Strategy Six to encourage immigrants and skilled new residents to the region. A display at the WA On Show Exhibition will showcase our region to encourage this movement of people to our region.

In the Key Result of Growth, Strategy Five outlines to Market the Moora Region. A display at WA On Show will achieve Strategy Five by providing an opportunity for people to see what is on offer in Moora.

PRECEDENT

Nil

VOTING REQUIREMENTS

Simple Majority

At 4.34pm the Community Development Manager left the meeting & returned at 4.35pm.

OFFICER RECOMMENDATION – ITEM 11.6.1

That Council:

1. *Approve to have a site at the WA On Show Exhibition from Friday 31st August to Sunday 2nd September.*
2. *Place the financial provision of \$5,000 onto the draft budget for 2007/08 to cover costs associated with preparing the display.*

COUNCIL RESOLUTION – ITEM 11.6.1

10/07 Moved Cr Hawkins, seconded Cr Craven that Council:

1. **Approve the application for a site at the WA On Show Exhibition from Friday 31st August to Sunday 2nd September 2007.**
2. **Place the financial provision of \$5,000 onto the draft budget for 2007/08 to cover costs associated with preparing the display.**

CARRIED 9/0

Note – Point 1 of the Officer Recommendation was amended to include the year, and to other wording preferred by the mover of the motion.

11.6.2 Advertising for Developers for West End

LOCATION: Moora
FILE: ED/HSDI
AUTHOR: Bronwyn Williams, Enterprise Development Manager
REPORT DATE: 19th December 2006
DECLARATION: Nil

BACKGROUND

The Shire of Moora purchased a block of land at “West End” in the 1970’s. This area has recently been identified by Council as an area for development over the next five years.

During discussion at the Ordinary Council Meeting on Wednesday 13th December 2006, it was decided to advertise for expressions of interest in The West Australian newspaper to assess interest from potential developers in developing the “West End” area.

COMMENT

Quotes have been sought for the advertisement as requested by Council in December 2006. It will cost approximately \$3,000 to advertise in the West Australian on a Wednesday and a Saturday, designated days for property, for one week. If we decide to advertise for two weeks this cost will double.

Below is the proposed advertisement:

The Shire of Moora is a rural Council in the Wheatbelt region of WA. The Regional Centre of Moora, situated 180km north of Perth, has experienced unprecedented growth in housing demand over the last eighteen months.

The Shire of Moora is seeking development proposals for a parcel of land referred to as "West End", approximately 600 acres in size. It is proposed to develop this land into a mix of high density residential blocks as well as larger size lifestyle blocks of two or three acres, with a provision for commercial development into the future.

If you have any queries about the land area or require further details please contact Bronwyn Williams, Enterprise Development Manager at the Shire of Moora on 08 9651 1401 or 0427 445 096

This advertisement can be paid for using the budget line item of Future Land Development Planning; this item was allocated \$20,000 in the 2006/07 budget. Allocating \$3,000 or \$6,000 will take up between 15% and 30% of the allocated funds. This may mean there will be a shortfall of funds to develop plans for other areas for land development.

STATUTORY ENVIRONMENT

Sections 2.7 and 3.1 of the Local Government Act 1995, relating to the general function provisions.

POLICY IMPLICATIONS

Nil

BUDGET IMPLICATIONS

A quote has been sought from Market Force for the cost of a 10cm x 6.6cm boxed advertisement. This advertisement will be placed in the paper on a Wednesday and a Saturday during one week inside the Property Section of the West Australian.

The approximate cost of placing this advertisement is \$3,000. The breakdown for this cost is below:

Wednesday - \$700 + GST

Saturday - \$1,100 + GST

+ \$300 loading for being entered into the property section

STRATEGIC IMPLICATIONS

The Shire of Moora's Strategic Plan, outlines under the Ket Result Area of "Growth", Strategy Three states to attract new investment. Advertising the opportunity to develop land in Moora will allow potential developers the opportunity to invest in the Shire of Moora.

PRECEDENT

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION – ITEM 11.6.2

That Council approve to advertise for development proposals for “West End” for a two week period in the West Australian at a cost of no more than \$6,000.

COUNCIL RESOLUTION – ITEM 11.6.2

11/07 Moved Cr Gardiner, seconded Cr Clydesdale-Gebert that item 11.6.2 lay on the table and be resubmitted to the next meeting of Council on 14 February 2007.

CARRIED 9/0

Note – Council felt the cost of advertising needed to be reviewed by Manex prior to a decision being made.

11.7 SPORT AND RECREATION

Nil

12. ELECTED MEMBER MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**12.1 Musical Instrument Fund**

LOCATION: Moora
AUTHOR: Cr Chris Hawkins
REPORT DATE: 31st January 2007
DECLARATION: The author has no financial interest in this matter

BACKGROUND

Prior to the construction of the Moora Performing Arts Centre (MPAC), a piano fund was maintained by the Shire of Moora. This fund was used at the time of constructing the MPAC for purposes other than purchase of a piano. The fund has not been reinstated.

At the recent Electors Meeting (December 13th 2006), the matter of the piano fund was raised by a concerned member of the community.

Since then, there have been other comments about the piano fund from community members, and a written submission in relation to pianos has been received (attached). A significant concern is that visiting performers may choose not to come to Moora, because of the inadequacy of the current piano located in the MPAC.

A fundraising activity has been conducted in the community, for the express purpose of piano purchase (not for MPAC, though).

COMMENT

The community feels strongly about the need to have suitable pianos at community venues, to the point where fundraising activities for this purpose have been undertaken. Because of the extent of the feeling in the community about this matter, the use of the original piano fund for purposes other than piano replacement, and the community activity towards fundraising for pianos, it is appropriate for the Shire to re-establish a piano fund so that current piano needs can be addressed.

However, in view of the dynamic nature of the performing arts, it may be more appropriate to establish a *musical instrument fund*, which enables the purchase of contemporary instruments (such as electronic keyboards), rather than being restricted to pianos. Suitable instruments could be purchased for locations other than the MPAC.

STATUTORY ENVIRONMENT

Sections 2.7 and 3.1 of the Local Government Act 1995, relating to the general function provisions.

POLICY IMPLICATIONS

The establishment of a piano fund will set a precedent in the area of performing arts

BUDGET IMPLICATIONS

Cost of establishing and maintaining the fund will impact on the Council's ongoing budgets.

STRATEGIC IMPLICATIONS

The community feels strongly about the inadequacy of existing pianos, the need to provide appropriate facilities for performing arts, and the ability to attract performers to Moora.

PRECEDENT

A piano fund has previously been established.

VOTING REQUIREMENTS

Absolute majority decision required

CR HAWKINS' RECOMMENDATION

That Council:

- 1. Establish a musical instrument fund, for the purchase, replacement, repair and maintenance of appropriate musical instruments in community venues;*
- 2. Allocate an initial amount of \$15,000 from the 2007-08 budget;*
- 3. In following years, allocate an annual amount up to \$2,000 to the fund, to reach and maintain a maximum of \$20,000.*
- 4. Make it a priority be to replace the piano in the MPAC;*
- 5. Seek external funding from Arts and other grant sources for specific musical instrument needs, and to optimise the use of council funds.*

MANEX COMMENT

It is not recommended to allocate amounts to future budgets on an individual basis as these allocations supersede all other items in the budget. This practice could result in a project with greater strategic benefit not getting funded. An alternative recommendation to ensure inclusion in budget consideration on an equitable basis is

That Council:

1. Establish a reserve fund called the “Musical Instrument Fund”. The purpose of the fund is “To initially purchase a piano for the Moora Performing Arts Centre and subsequently to purchase, replacement, repair and maintenance of appropriate musical instruments in relevant community venues”;
2. Include for consideration in the 2007-08 draft budget a transfer of \$15,000 to the Musical Instrument Fund;
3. In following years, consider transferring an annual amount up to \$2,000 to the fund, to reach and maintain a maximum of \$20,000.
4. Seek external funding from Arts and other grant sources for specific musical instrument needs, and to optimise the use of council funds.

Amended Motion

Moved Cr Hawkins, seconded Cr Craven that Council:

1. *Establish a musical instrument fund, for the purchase, replacement, repair and maintenance of appropriate musical instruments in community venues;*
2. *Allocate an initial amount of \$15,000 from the 2007-08 budget;*
3. *In following years, allocate an annual amount up to \$2,000 to the fund, to reach and maintain a maximum of \$20,000.*
4. *Make it a priority be to replace the piano in the MPAC;*
5. *Seek external funding from Arts and other grant sources for specific musical instrument needs, and to optimise the use of council funds.*

Following discussion, the above motion was withdrawn and an alternate motion moved.

COUNCIL RESOLUTION – ITEM 12.1

12/07 Moved Cr Hawkins, seconded Cr Craven that Council establishes a reserve fund called “musical instrument fund”, for the purchase, replacement and repair of appropriate musical instruments in community venues.

LOST 8/1

COUNCIL RESOLUTION – ITEM 12.1

13/07 Moved Cr Hawkins, seconded Cr Craven that Council transfer \$15,000 from the Community Development Reserve Fund into the Piano Fund in the 2007-08 Budget.

CARRIED BY ABSOLUTE MAJORITY 9/0

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

Nil

14. NOTICE ON MOTIONS FOR THE NEXT COUNCIL MEETING

Nil

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

14/07 Moved Cr McLagan, seconded Cr Tonkin that the meeting move behind closed doors to discuss

- **Item 15.1, CEO Performance Appraisal - a matter affecting an employee pursuant to Section 5.23(2)(a) of the Local Government Act 1995.**
- **Item 15.2 Offer to Purchase Bindi-Bindi Hall – a matter dealing with a contract that may be entered into by the local government and is to be discussed at the meeting pursuant to Section 5.23(2)(c) of the Local Government Act 1995, and**
- **Item 15.3 Purchase of Land- a matter dealing with a contract that may be entered into by the local government and is to be discussed at the meeting pursuant to Section 5.23(2)(c) of the Local Government Act 1995 and a matter that if disclosed would reveal information that has a commercial value to a person pursuant to Section 5.23(2)(e) (ii) of the Local Government Act 1995.**

CARRIED 9/0

At 4.50pm Ms Angie Rafael, the Operational Development Manager and Community Development Manager retired from the meeting and the meeting moved behind closed doors.

15.1 CEO Performance Appraisal

Provided to Councillors under confidential cover.

COUNCIL RESOLUTION

15/07 Moved Cr McLagan, seconded Cr Tonkin that the order of business be changed so that Item 15.1 be considered after items 15.2 & 15.3 as staff were present to advise on items 15.2 & 15.3 but were not required for item 15.1.

CARRIED

15.2 Offer to Purchase Bindi Bindi Hall

Provided to Councillors under confidential cover.

**COUNCIL RESOLUTION
(OFFICER RECOMMENDATIONS) – ITEM 15. 2**

16/07 Moved Cr Barrett-Lennard, seconded Cr Hawkins

- 1. That Council undertakes a detailed analysis of the future costs and benefits of upgrading and maintaining the Bindi-Bindi and Round Hill Halls.**
- 2. Based on the results of the cost benefit analysis in point 1 a decision be made prior to 31 May 2007 to:**
 - a. upgrade and maintain one or both halls,**

- b. *offer the ownership and responsibility of one or both halls to the community, or*
 - c. *sell by tender one or both of the halls*
3. *Informs Mrs & Mr Sue and Rob Appelbee that Council is undertaking a process to determine the future of the Bindi-Bindi Hall and if Council decides to sell the Bindi-Bindi Hall the sale will be through the tender process and they will be invited to tender should this eventuate.*

CARRIED UNANIMOUSLY 9/0

15.3 Purchase of Land

Provided to Councillors under confidential cover.

OFFICER RECOMMENDATION – ITEM 15.3

That Council Delegate authority to the Acting Chief Executive Officer to offer the sum of \$50,000 for the purchase of Lots 404-409 Gardiner Street in Moora with settlement to occur in August 2007.

COUNCIL RESOLUTION (OFFICER RECOMMENDATION) – ITEM 15.3

17/07 Moved Cr Pond, seconded Cr Gardiner that Council Delegate authority to the Acting Chief Executive Officer to offer the sum of \$50,000 for the purchase of Lots 404-409 Gardiner Street in Moora with settlement to occur in August 2007 pending independent valuation.

CARRIED BY ABSOLUTE MAJORITY 9/0

Note – Point 1 of the Officer Recommendation was amended to include the requirement to obtain a valuation to ensure the offer price was reasonable in the current real estate market and represented value for money.

At 5.08pm the Acting Chief Executive Officer and Manager Health & Regulatory Services retired from the meeting.

15.1 CEO Performance Appraisal

Provided to Councillors under confidential cover.

COUNCIL RESOLUTION (MANAGEMENT REVIEW COMMITTEE RECOMMENDATIONS) – ITEM 15.1

18/07 Moved Cr Barrett-Lennard, seconded Cr Gardiner that Council:

1. *Acknowledges the satisfactory performance of the Chief Executive Officer, Mr Steven Deckert, for the year ended 3 October 2006;*
2. *Encourages and supports the CEO to make a concerted effort to work on those areas in which he did not rate as highly as he could have;*

3. ***Acknowledges the extenuating circumstances and issues that the CEO had to deal with during the year that existed prior to his commencement;***
4. ***Endorses the “List of Major Projects/Tasks” as tabled at today’s Meeting and the priorities assigned, as the goals for the CEO to work towards during the coming year;***
5. ***Endorses reimbursement to the CEO of costs amounting to \$673.55, incurred by the CEO in attending his interview and subsequent appointment costs;***
6. ***Requests the CEO to prepare for Council’s consideration, draft contracts for future negotiations with CEO and Managers.***

CARRIED UNANIMOUSLY 9/0

COUNCIL RESOLUTION

19/07 Moved Cr Hawkins, seconded Cr Pond that the meeting come out from behind closed doors and re-open to the public.

CARRIED 9/0

The meeting reopened to the public at 5.52pm.

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 5.53pm.

CONFIRMED

PRESIDING MEMBER