

Shire of Moora
Ordinary Council Meeting
21st October 2009

NOTICE OF MEETING

Dear Elected Member

The next Ordinary Council Meeting of the Shire of Moora
will be held on **Wednesday 21st October 2009**
in the Watheroo Pavilion, Watheroo
commencing at **6.30pm**

LM O'Reilly
Chief Executive Officer
16th October 2009

Declarations by Newly Elected Councillors

Prior to the commencement of the meeting, those Councillors elected at the Ordinary Election on Saturday 17 October 2009 will complete their declarations as required by Section 2.29 of the Local Government Act 1995.

The Shire of Moora Vision and Mission Statement

Vision

Our vision is that:

The Moora region will be a place of brilliant opportunity over the next twenty years. Sustainable growth will result in a vibrant, healthy, wealthy and diverse community.

Mission

Our mission is:

To identify and stimulate growth through creative leadership and a willingness to get things done.

SHIRE OF MOORA**WRITTEN DECLARATION OF INTEREST IN MATTER BEFORE COUNCIL**

Chief Executive Officer
Shire of Moora
PO Box 211
MOORA WA 6510

Dear Sir,

Re: Written Declaration of Interest in Matter Before Council

I, ⁽¹⁾ _____ wish to
declare an interest in the following item to be considered by Council at its meeting to be held on
⁽²⁾ _____.

Agenda Item ⁽³⁾ _____

The type of interest I wish to declare is: ⁽⁴⁾

- Financial pursuant to Section 5.60A of the Local Government Act 1995
- Proximity pursuant to Section 5.60B of the Local Government Act 1995
- Indirect Financial pursuant to Section 5.61 of the Local Government Act 1995
- Impartiality pursuant to Regulation 11 of the Local Government (Rules of Conduct) Regulations 2007.

The nature of my interest is ⁽⁵⁾

The extent of my interest is ⁽⁶⁾

I understand that the above information will be recorded in the Minutes of the meeting and recorded by the Chief Executive Officer in an appropriate Register.

Yours faithfully,

Signed

Date

1. Insert your name.
2. Insert the date of the Council Meeting at which the item is to be considered.
3. Insert the Agenda Item Number and Title.
4. Tick box to indicate type of interest.
5. Describe the nature of your interest.
6. Describe the extent of your interest (if seeking to participate in the matter under S. 5.68 of the Act).

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SHIRE OF MOORA
ORDINARY COUNCIL MEETING AGENDA
21 OCTOBER 2009
COMMENCING AT 6.30PM

Declarations by Newly Elected Councillors

Prior to the commencement of the meeting, those Councillors elected at the Ordinary Election on Saturday 17 October 2009 will complete their declarations as required by Section 2.29 of the Local Government Act 1995.

TABLE OF CONTENTS

1.	<u>DECLARATION OF OPENING & WELCOME OF VISITORS</u>	7
2.	<u>ELECTION OF SHIRE PRESIDENT</u>	7
3.	<u>ELECTION OF DEPUTY SHIRE PRESIDENT</u>	7
4.	<u>DISCLAIMER READING</u>	7
5.	<u>ATTENDANCE</u>	7
	<u>APOLOGIES</u>	7
	<u>PUBLIC</u>	7
6.	<u>DECLARATIONS OF INTEREST</u>	7
7.	<u>QUESTIONS BY THE PUBLIC IN ACCORDANCE WITH SECTION 5.24 OF THE ACT</u>	7
8.	<u>RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE</u>	8
9.	<u>APPLICATIONS FOR LEAVE OF ABSENCE</u>	8
10.	<u>PETITIONS AND MEMORIALS</u>	8
11.	<u>ANNOUNCEMENTS BY THE SHIRE PRESIDENT</u>	8

12.	<u>CONFIRMATION OF MINUTES OF THE PREVIOUS MEETINGS</u>	8
	12.1 <u>ORDINARY COUNCIL MEETING - 16 SEPTEMBER 2009</u>	8
13.	<u>REPORTS OF OFFICERS</u>	8
	13.1 <u>ADMINISTRATION</u>	8
	13.2 <u>FINANCIAL DEVELOPMENT</u>	8
	13.2.1 List of Payments Authorised Under Delegation 1.31 *	8
	13.2.2 Statement of Financial Activity For Period Ended 30 September 2009 *	10
	13.3 <u>OPERATIONAL DEVELOPMENT</u>	13
	13.3.1 Access Alliance – Great Northern Highway Upgrades *	13
	13.3.2 Tenders- #04/09 Road Sealing Aggregate- Supply and Deliver and Tenders – #03/09 Bitumen- Supply and Spray *	15
	13.4 <u>COMMUNITY DEVELOPMENT</u>	17
	13.4.1 Development and Assessment Plans Submission *	17
	13.5 <u>ENVIRONMENTAL DEVELOPMENT</u>	19
	13.6 <u>ECONOMIC DEVELOPMENT</u>	19
	13.7 <u>SPORT AND RECREATION</u>	19
14.	<u>ELECTED MEMBER MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN</u>	19
15.	<u>MOTIONS OF AN URGENT NATURE INTRODUCED BY DECISION OF COUNCIL</u>	19
16.	<u>NOTICE ON MOTIONS FOR THE NEXT COUNCIL MEETING</u>	19
17.	<u>MATTERS BEHIND CLOSED DOORS</u>	19
18.	<u>CLOSURE OF MEETING</u>	19

* Separate Attachments

Item 13.2.1 List of Payments Authorised Under Delegation 1.31

Item 13.2.2 Statement of Financial Activity for the Period Ended 30 September 2009

Item 13.3.1 Proposed Land Resumption Map

Item 13.3.2 Tenders – Supply and Delivery of Road Sealing Aggregate and Supply and Spray of Hot Bitumen

Item 13.4.1 Shire of Moora's Submission

1. **DECLARATION OF OPENING & WELCOME OF VISITORS**

The Chief Executive Officer will open the meeting and assume the chair until the election of the Shire President.

“Acknowledging of Country”

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

2. **ELECTION OF SHIRE PRESIDENT**

The Chief Executive Officer will conduct an election for the position of Shire President for a term of two years.

The Shire President will then make the declaration required by Section 2.29 of the Local Government Act 1995 and assume the chair.

3. **ELECTION OF DEPUTY SHIRE PRESIDENT**

The Shire President will conduct an election for the position of Deputy Shire President for a term of two years.

The Deputy Shire President will then make the declaration required by Section 2.29 of the Local Government Act 1995.

4. **DISCLAIMER READING**

To be read by the Shire President should members of the public be present at the meeting.

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

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

5. **ATTENDANCE**

APOLOGIES

PUBLIC

6. **DECLARATIONS OF INTEREST**

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

8. **RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

9. **APPLICATIONS FOR LEAVE OF ABSENCE**

10. **PETITIONS AND MEMORIALS**

11. **ANNOUNCEMENTS BY THE SHIRE PRESIDENT**

12. **CONFIRMATION OF MINUTES OF THE PREVIOUS MEETINGS**

12.1 **ORDINARY COUNCIL MEETING - 16 SEPTEMBER 2009**

That the Minutes of the Ordinary Meeting of Council held on 16 September 2009, be confirmed as a true and correct record of the meeting.

13. **REPORTS OF OFFICERS**

13.1 **ADMINISTRATION**

Nil

13.2 **FINANCIAL DEVELOPMENT**

13.2.1 **LIST OF PAYMENTS AUTHORISED UNDER DELEGATION 1.31**

REPORT DATE: 16 October 2009

OFFICER DISCLOSURE OF INTEREST: Nil

AUTHOR: Leanne Parola, Manager Finance & Corporate Services

ATTACHMENTS: Accounts Paid Under Delegated Authority

PURPOSE OF REPORT

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

BACKGROUND

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

COMMENT

Accounts Paid under delegated authority are periodically presented to Council. The list of cheques and electronic funds transfers provides the description of the first invoice for a creditor, while there may be more than one invoice being paid for a creditor.

Sometime this can appear misleading, particularly if the first invoice is for an amount substantially less than other invoices being paid. If Councillors or members of the public have any queries about the list of payments, they are encouraged to contact the Manager Finance & Corporate Services before the meeting for more specific information.

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

MANEX RECOMMENDATION

That Council notes and endorses the Payments from the Municipal and Trust Funds made under delegation 1.31

<i>Municipal Fund</i>	<i>Chqs 59385 to 59452</i>	<i>\$155,758.12</i>
<i>Direct Debits</i>	<i>EFT 2982 to EFT 3155</i>	<i>\$642,713.73</i>
	<i>Net Pays – PPE 16 September</i>	<i>\$69,965.28</i>
	<i>Net Pays – PPE 30 September</i>	<i>\$73,182.89</i>
	<i>Net Pays – PPE 14 October</i>	<i>\$74,831.11</i>
<i>Total</i>		<i><u>\$1,016,541.10</u></i>

13.2.2 STATEMENT OF FINANCIAL ACTIVITY FOR PERIOD ENDED 30 SEPTEMBER 2009

REPORT DATE: 14 October 2009

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Leanne Parola, Manager Finance & Corporate Services

ATTACHMENTS: Statement of Financial Activity for the Period Ended 30 September 2009

PURPOSE OF REPORT:

To note and receive the Statement of Financial Activity for the period ended 30 September 2009.

BACKGROUND:

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

COMMENT:

The Statement of Financial Activity for the Period Ended 30 September 2009 is provided as a separate attachment in Program format. When adopting the budget, Council agreed to set the materiality threshold for monthly financial reporting at plus or minus 10% at program and category levels. The following programs were outside of this threshold as at 30 September 2009.

There are a number of cases where the budget profile code, which determines the year to date budget, has not worked. Staff have contacted the provider of the accounting software to try and resolve this issue for future reports.

Governance

Income is approximately \$15,000 less than the year to date budget because the timing of the turn over of vehicles was not known when setting the budget profile codes, so the trade in of vehicles was spread evenly over the financial year. As at 30 September, no vehicles had been traded, however one has since then for an amount of \$20,000.

General Purpose Funding

Income is showing as some \$2,000,000 more than the year to date budget. Unfortunately the budget profile code for the rates income does not appear to be working, the year to date budget should be some \$2,183,000 higher which would mean income would be within the 10% variance.

Expenditure is approximately \$11,500 under the anticipated year to date figure, largely because the Rate Incentive Scheme payments have not appeared on the report yet.

Law, Order, Public Safety

Income is \$76,000 less than anticipated at this stage of the year, this is because a number of grants and contributions have not yet been received in the Fire Prevention program and their income was spread evenly throughout the budget.

Expenditure is currently \$11,000 more than the year to date budget, mostly made up of small amounts in the Fire Prevention and Crime and Safety Budgets.

Health

Income is almost \$6,000 less than the year to date budget. This is largely due to rent not having been allocated for the Doctors' Residence, and minor amounts of income in a number of smaller budgets not been achieved to date.

Expenditure is currently \$5,000 less than the year to date budget. This is made up of a number of minor amounts, the largest being the maintenance on the Doctor's house (\$2,500).

Housing

Income is almost \$3,000 over the anticipated budget. This is because the income from the doctor's rental premises has not been allocated to the correct budget yet.

Expenditure is \$2,000 less than the anticipated budget. This is largely because the expenditure for loan interest on Loan 317 was evenly spread over the year and no payment has been made yet this financial year.

Community Amenities

Income is approximately \$215,000 over the year to date budget. This is again because the budget profile codes do not appear to be working properly.

Expenditure is approximately \$63,000 under the year to date budget. This is a result of under expenditure in a number of accounts including the Moora Tip Site Maintenance, Sewerage Collection and Drum Muster Collection, plus the fact that the Recycling Service hasn't started yet.

Recreation & Culture

The year to date income is currently less than the year to date budget by \$34,000. This is largely due to the Lotterywest Grant for \$75,000 the Bindi Bindi Community Centre not having been received as expected, while some grants were received earlier than anticipated (ie Swimming Pool Subsidy, Be Active, Youth Holiday Program).

Economic Services

Income is more than \$200,000 under the year to date budget. This is due to the budget profile codes for the Industrial Park Extension Grant and Sale of Lots 404-413 Gardiner Street not applying correctly.

Expenditure is under the year to date budget by some \$95,000. This is largely as a result of the Caravan Park Upgrade not being completed yet (\$60,000) and savings within the fit out of New Chalets (\$34,000).

Other Property and Services

Income is \$12,000 less than anticipated, largely because the timing of income from Private Works is not known so it has been spread evenly throughout the year and little income has been received to date.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

Local Government Act 1995, Section 6.4

Local Government (Financial Management) Regulations 1996, Clause 34

STRATEGIC IMPLICATIONS:

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

SUSTAINABILITY IMPLICATIONS:

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

FINANCIAL IMPLICATIONS:

Year to date income and expenditure is provided by program to enable comparison to 2009/2010 adopted budget.

VOTING REQUIREMENTS

Simple Majority Required

MANEX RECOMMENDATION

That Council notes and receives the Statement of Financial Activity for the period ended 30 September 2009.

13.3 OPERATIONAL DEVELOPMENT

13.3.1 ACCESS ALLIANCE – GREAT NORTHERN HIGHWAY UPGRADES

FILE REFERENCE: S/ROAI
REPORT DATE: 21 September 2009
APPLICANT/PROPONENT: Access Alliance
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: N/A
AUTHOR: John Greay, Manager of Engineering Services
ATTACHMENTS: Proposed Land Resumption Map

PURPOSE OF REPORT:

Access alliance is progressing on with the upgrade of the Great Northern Highway between Muchea and Wubin and has made application for land resumption from Lot 2698.

BACKGROUND:

As council would be aware the upgrading of Great Northern Highway is continuing and consequently there is a requirement occasionally for the taking of land for the purpose of these road upgrades. The Great Northern Highway is part of highway one that circumnavigates the nation and has been in urgent need of the upgrades that are now being delivered.

COMMENT:

As an example, recent upgrades between Walebing and Bindi Bindi, resulted in a number of land resumptions being required to realign the new highway which has provided a greatly improved service for all road users. It is not always possible to remain on the existing road alignment and to upgrade the pavement to current day standards without land resumptions. Concurrence of council is required for the taking of land from Lot No 2698, currently held by Acedale Investments Pty Ltd and the dedication of such land within the existing road reserve for the purpose of road improvements.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

Land Administrative Act 1997 – (section 56)

STRATEGIC IMPLICATIONS:

Upgrading of one of the nations most important highways is strategically important to the freight industry and the safety of all users of this highway.

SUSTAINABILITY IMPLICATIONS:

➤ Environment

There are no known significant environmental implications associated with this proposal that impact on council.

➤ **Economic**

There are no known significant economic implications associated with this proposal that impact on council.

➤ **Social**

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

FINANCIAL IMPLICATIONS:

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

VOTING REQUIREMENTS:

Simple Majority Required

MANEX RECOMMENDATION

That Council concur to the dedication of land being Lot No 2698 held by Acedale Investments Pty Ltd and shown on Main Roads Drawing No 0460 – 077, as road under Section 56 of the Land Administration Act which is, as indicated on their plan, to be incorporated into the existing road reserve for the purpose of road improvements.

I 3.3.2 TENDERS – ROAD SEALING AGGREGATE #04/09, BITUMEN, #03/09

FILE REFERENCE: L/TER I
REPORT DATE: 15 October 2009
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: Nil
AUTHOR: John Greay, Manager Engineering Services
ATTACHMENTS: Tenders – Supply and Delivery of Road Sealing
Aggregate and Supply and Spray of Hot Bitumen

PURPOSE OF REPORT

To evaluate and accept recently received tenders for the supply and delivery of road sealing aggregate and the supply and spray of hot bitumen services for the 2009-10 year.

BACKGROUND

Council has a number of road projects on their Works Programme this year that require road sealing aggregate and bitumen services. Some roads are widening existing narrow sealed roads and others are constructing new ones. Tenders were called, and closed at 12.00pm on Wednesday 16th September 2009, refer to tables below.

Road Sealing Aggregate*Tender – four Received*

The following tenders were received from the following companies for the supply and delivery of road sealing aggregate to nominated dump sites throughout the Shire as requested by Council.

Crossley Contracting	\$143,027 inc GST
Hanson	\$159,555 inc GST
WA Blue Metal	\$185,185 inc GST
BGC Transport	\$185,961.20 inc GST

Hot Bitumen – 232,000 Litres Approx*Tenders – Seven Received*

Tenders for the supply and spray of 232,000 litres of bitumen products were received from the following companies and figures are based on spraying over 18,600 litres of hot bitumen per day

Downer EDI	\$357,280 inc GST
Bitumen Surfaces	\$243,600 inc GST
Boral	\$247,544 inc GST
Boral (alternative)	\$242,440 inc GST
RNR	\$273,760 inc GST
RNR (alternative)	\$248,240 inc GST
Pioneer Road Surfaces	\$285,360 inc GST

COMMENT

This financial year Council requires somewhere in the vicinity of 3350 tonne of road sealing aggregate of various sizes and approximately 232,000 litres of hot bitumen. All material is to meet Main Roads standards.

POLICY IMPLICATIONS

Nil.

LEGISLATIVE REQUIREMENTS

Council is required to call tenders when the value is likely to exceed \$100,000 under regulation S3.57.

STRATEGIC IMPLICATIONS

Council needs to continue to reseal their bitumen roads as well as create new ones. It is of strategic importance that all bitumen roads are preserved and roads of regional significance are maintained and expanded.

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 social economic implications associated with this proposal.

FINANCIAL IMPLICATIONS

Built into the Works Programme, there is a road sealing aggregate and bitumen component on those jobs that are to be sealed.

VOTING REQUIREMENTS

Simple Majority

MANEX RECOMMENDATIONS***That Council***

- 1. accepts the tender received from Crossley Contracting for tender #04/09 for the supply and delivery of Councils road sealing aggregate for a tendered price of \$143,027 for the 2009-10 year inclusive of GST.***
- 2. accepts the tender received from RNR Contracting for tender #03/09 for their alternative priced tender for the supply and spray of approximately 232,000 litres of hot bitumen for the sum of \$248,240 inclusive of GST for 2009-10 year based on the attached rates.***

13.4 COMMUNITY DEVELOPMENT

13.4.1 DEVELOPMENT AND ASSESSMENT PLANS SUBMISSION

FILE REFERENCE: GA/PLI2
REPORT DATE: 16 October 2009
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: N/A
AUTHOR: Lynnette O'Reilly, Chief Executive Officer
ATTACHMENTS: Shire of Moora's Submission

PURPOSE OF REPORT:

To formalise Council's response to the proposed changes to the approval process for developments above \$1 million with the introduction of Development and Assessment Panels.

BACKGROUND:

A paper *Implementing Development and Assessment Panels in Western Australia* Discussion Paper, September 2009 sets out the requirements of the proposed changes.

Public submissions may be made on the discussion paper.

An information forum was held in Geraldton on the 1 October which was attended by the Shire President and CEO. The forum was well attended by representatives from Council's, elected members and staff and private industry. The presentation was given by the Department of Planning with questions and answers.

Discussions were held at the Avon Zone meeting in York on 25 September to the State Council Agenda item. Clarification and discussion was based around feedback from Councils that had attended a forum and a discussion paper from the Shire of Dandaragan.

The attached "draft" submission has been developed in response to the paper.

COMMENT:

Feedback at the various forums was negative regarding the introduction of Development and Assessment Panels. Although the panels may provide greater objectivity in the decision making process, there is much criticism as to why they have been developed, in addition to the additional costs and time that will be imposed on local government.

A summary of the issues include:

- Delays and inconsistency in current planning processes.
- Lack of transparency and decision making processes of current system which may not consistently clarify where the decision making process responsibility is held.
- Balance of professional advice and local representation in the decision making process.
- Panels made up of professional planners who will be paid and elected members who will not be paid.
- Nominated elected members required to be trained in planning and the law.

- Mandatory use of the panels differ for values over \$1 million for regional areas and \$2 million for metropolitan areas.
- Inconsistency of value of development between metropolitan and regional areas.
- Decisions of the DAP may still be referred to SAT.

POLICY REQUIREMENTS:

There are no known policy requirements related to this item at this stage as it is a submission.

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:

Implications are that Council will need to either source additional service fees from developers to fund the Development and Assessment Panels. There will be additional costs to cover time and travel for elected members and staff to attend panels if introduced.

VOTING REQUIREMENTS

Simple Majority Required

OFFICER RECOMMENDATIONS***That Council***

- 1. endorse the submission to the WA Department of Planning outlining Councils concerns and position on the proposed Development and Assessment Panels as detailed in the discussion paper on Implementing Development and Assessment Panels in Western Australia, September 2009.***
- 2. authorise the Chief Executive Officer to submit Council's submission to the Government of Western Australia's Department of Planning prior to 2 November 2009.***

13.5 ENVIRONMENTAL DEVELOPMENT

Nil

13.6 ECONOMIC DEVELOPMENT

Nil

13.7 SPORT AND RECREATION

Nil

14. ELECTED MEMBER MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**15. MOTIONS OF AN URGENT NATURE INTRODUCED BY DECISION OF COUNCIL****16. NOTICE ON MOTIONS FOR THE NEXT COUNCIL MEETING****17. MATTERS BEHIND CLOSED DOORS****18. CLOSURE OF MEETING**