

**Shire of Moora
Ordinary Council Meeting
16th April 2008**

NOTICE OF MEETING

Dear Elected Member

The next Ordinary Council Meeting of the Shire of Moora
will be held on **Wednesday 16th April 2008**
in the Council Chambers, 34 Padbury Street, Moora
commencing at **3.30 pm**

EW Piper
A/Chief Executive Officer
11th April 2008

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 / Proximity / Indirect Financial / Conflict (impartiality) pursuant to ⁽⁵⁾ Section 5.65 of the Local Government Act 1995 / Clause 1.3 of Councils Adopted Code of Conduct.

The nature of my interest is ⁽⁶⁾ _____

I wish to be present and participate in any discussion and/or decision making procedure relating to the item and therefore would like Council to declare that my interest in the matter is ⁽⁷⁾ _____

The extent of my interest is ⁽⁸⁾ _____

I understand that the above information will be recorded in the minutes of the meeting and placed in the Financial Interest 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. Delete type of interest not applicable.
5. Delete reference, which is not applicable.
6. Insert the nature of your interest.

Please note: The section pertaining to the following notes should only be completed if the Councillor making the declaration requires a Council decision to participate in the matter.

7. Insert either "Trivial" or "In common with a significant number of ratepayers or electors".
8. Insert the extent of your interest. *OPTIONAL ONLY IF (7) COMPLETED

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SHIRE OF MOORA
ORDINARY COUNCIL MEETING AGENDA
16 APRIL 2008
COMMENCING AT 3.30PM

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

3. ATTENDANCE**APOLOGIES****PUBLIC****4. DECLARATIONS OF INTEREST****5. QUESTIONS BY THE PUBLIC IN ACCORDANCE WITH SECTION 5.24 OF THE ACT****6. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE****7. APPLICATIONS FOR LEAVE OF ABSENCE****8. PETITIONS AND MEMORIALS****9. ANNOUNCEMENTS BY THE SHIRE PRESIDENT**

- I would like to acknowledge the passing of Mr Harvey Armstrong on the 16th March, who was a past Chief Bush Fire Control Officer with the Shire of Moora.

- I would also like to acknowledge the passing of Mrs Dicksie Snell on the 4th April, who was the Shire of Moora's Australia Day Award Recipient for Citizen of the Year in 2002.
- I attended the opening of Mrs Tara Scott's Home Daycare Centre in Watheroo on Monday 7th April 2008.
- Cr Hawkins and I attended the Group Study Exchange at the Moora Performing Arts Centre on Thursday afternoon the 10th April.
- I attended the Moora Primary School ANZAC Day Ceremony on Friday morning 11th April, which was very well done by the children.

10. CONFIRMATION OF MINUTES OF THE PREVIOUS MEETINGS

10.1 ORDINARY COUNCIL MEETING - 19 MARCH 2008

That the Minutes of the Ordinary Meeting of Council held on 19 March 2008 be confirmed as a true and correct record of the meeting.

11. REPORTS OF OFFICERS

11.1 ADMINISTRATION

11.1.1 LEASE – RESIDENTIAL PROPERTIES **DELEGATION OF COUNCIL AUTHORITY**

FILE REFERENCE: PL/DELI
REPORT DATE: 27 March 2008
APPLICANT/PROPONENT: A/Chief Executive Officer
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: Nil
AUTHOR: Eddie Piper, Acting Chief Executive Officer
ATTACHMENTS: Nil

PURPOSE OF REPORT:

To establish a delegation of authority by Council to the Chief Executive Officer for the Lease/Rental of residential housing by determining a maximum amount by which the delegation can be exercised from time to time.

BACKGROUND:

The Shire owns several residential properties which become available for rental to parties other than staff.

In order to maximise the income opportunities the Acting Chief Executive Officer is seeking Delegated Authority to lease/rent Shire owned residential property at the earliest opportunity by avoiding the need to seek Council approval, advertise, consider submissions and then make a determination. This process could take 4-6 weeks costing the Shire potential income.

COMMENT:

The Local Government Act 1995 (The Act) Section 3.58 may dispose of property by Private Treaty subject to certain conditions such as advertising the detail of the disposal and calling for submissions.

The Act allows a Council to delegate to the Chief Executive Officer the authority to dispose of an asset provided it does not exceed an amount determined by Council.

Section 5.43(d) of the Act reads as follows:-

“A local government cannot delegate to a Chief Executive Officer any of the following powers-

- (d) acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph”

To rent a house in the Shire of Moora, particularly in the Moora townsite, could be up to \$500 per week.

The Acting Chief Executive Officer is seeking Council authority to determine the lease/rent of a residential property where the lease/rent income is up to \$31,200 per annum (\$600 per week) with normal residential conditions applying. One proviso to ensure the Council maximises its rental income is to place a provision that the rental determined must be at least 80% of the market value.

This provision will not apply to staff housing as this is covered under an Employment Contract that is determined either on employment or from time to time during the annual budget adoption process thereby becoming Council policy.

POLICY REQUIREMENTS:

Becomes part of the Delegation Register

LEGISLATIVE REQUIREMENTS:

Local Government Act 1995 Sections 3.58(3) and (4) and 5.42 and 5.43

STRATEGIC IMPLICATIONS:

This may allow Council to take advantage of a Strategic opportunity requiring a quick response to a residential housing request.

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:

By accepting the officer's recommendation the possibility of lost income due to statutory "red tape" is reduced.

VOTING REQUIREMENTS

Absolute Majority Required

MANEX RECOMMENDATION

That Council delegate to the Chief Executive Officer the authority to accept a lease/rental on a residential property up to the value of \$31,200 per annum (\$600 per week) provided that the agreed rental is not less than 80% of the estimated market value as determined by the Chief Executive Officer and a person qualified to give such an estimate such as a Real Estate Agent.

11.1.2 LEASE/RENTAL 39 ATBARA STREET MOORA – LEASED TO AGCORP AUSTRALIA PTY LTD

FILE REFERENCE: B/ATBI
REPORT DATE: 27 March 2008
APPLICANT/PROPONENT: Acting Chief Executive Officer
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: Nil
AUTHOR: Eddie Piper, Acting Chief Executive Officer
ATTACHMENTS: Nil

PURPOSE OF REPORT:

To accept that a “disposal” of property has occurred without complying with the requirements of the Local Government Act and to formalise the lease/rental of the residential property at 39 Atbara Street, Moora.

BACKGROUND:

During discussion in early 2007 the Council representatives indicated the Shire would be able to assist Moora Citrus with some executive accommodation in Moora. The undertaking was in order, however the necessary steps required by the Local Government Act 1995 Section 3.58 (3) and (4) were not followed thus causing the lease/rental of 39 Atbara Street to be unenforceable should action be required.

COMMENT:

The occupation of 39 Atbara Street occurred on 11 July 2007 and has been in force for almost 12 months. The terms of the lease are as follows:

Term:
Rental: \$350 (original)
\$350 (current)
Expiry Date: 11 November 2007
Current: Monthly periodical

As can be seen the lease expired on 11 November 2007 and has been operating on a monthly basis since.

Council is considering at this meeting a request for delegated authority for the Chief Executive Officer to authorise Leases (Residential) provided certain conditions are met. The Acting Chief Executive Officer can advise that the rental will fall below the maximum (\$31,200) and will be leasing at greater than 80% of the estimated value. This being the case the Acting Chief Executive Officer will arrange for the lease of 39 Atbara Street, Moora for a further period of up to 12 months.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

Local Government Act 1995 Sections 3.58 and 5.42 and 5.43

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:

An inclusion in the 2007/08 budget has been made.

VOTING REQUIREMENTS

Simple Majority Required

MANEX RECOMMENDATION

That Council authorise the Acting Chief Executive Officer in accordance with his delegation to lease 39 Atbara Street, Moora to Agcorp Australia Pty Ltd (Moora Citrus) on the most advantageous terms to Council.

11.1.3 REGISTER OF DELEGATIONS – COUNCIL TO CHIEF EXECUTIVE OFFICER

FILE REFERENCE: PL/DELI
REPORT DATE: 1 April 2008
APPLICANT/PROPONENT: Acting Chief Executive Officer
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: Various
AUTHOR: Eddie Piper, Acting Chief Executive Officer
ATTACHMENTS: Register of Delegations

PURPOSE OF REPORT:

To allow Elected Members the opportunity to review as required by the Local Government Act 1995 Section 5.46(2) the various delegations made to the Chief Executive Officer.

BACKGROUND:

Over the years the Council of the Shire of Moora has delegated certain powers and duties to the Chief Executive Officer.

The Local Government Act 1995 Section 5.46 requires that a register of delegations be kept and that those delegations made must be reviewed at least once every financial year by the delegator (Council).

COMMENT:

The previous Chief Executive Officer arranged for a contractor to review the Shires delegations and compile an effective register.

The Shire of Moora Register of Delegations is attached for Elected Members to peruse.

There are several recommendations for new and replacement delegations and they are scheduled below:

It is proposed that an explanation for each be detailed and that Council consider and if appropriate adopt the replacement, new, and corrections to delegations and formally review the balance:

1. Payment from Trust and Municipal Funds
An inclusion of “on delegated to” to provide additional security for cash and security transactions.
2. Investments
Correct title to reflect current Manager Policy of Council.
3. Hire Fees and Charges – Recreation Centre
For review
4. Rates Collection Procedure
Replaced by

Rate Book

The former “Rate Collection Procedure” only dealt with collection of outstanding Rates whilst the recommended replacement encompasses the whole field of keeping the Rate Book current, issuing rate notices, setting due dates etc.

5. Budget Implementation
Amended to reflect the current Tender threshold (\$100,000 and over requires a tender).
6. Liquor – Sale and Consumption at Recreation Centre
For review
7. Impounding Goods – Authorised Employee (2)
Replaces current with more accurate delegation regarding perishable goods, collection, payment of outstanding amounts and recovery action.

Further, there is an on delegation to the Health and Planning Manager.
8. Onus of Proof in Vehicle Offences
For review
9. Enforcements and Legal Proceedings
For review
10. Delegation of Power
For review
11. Proceedings under Dog Act
For review
12. Register of Delegations to Committees
For review
13. Donations of Works to Organisations
For review
14. Private Works
For review
15. Temporary Rural Road Closures
For review
16. Powers of Entry onto Land
For review
17. Approval of Planning Applications
For review
18. Works – Unlawful
The addition of a condition to the “on Delegation to” previously approved

19. Building Licences
For review
20. Private Swimming Pools – Inspections
For review
21. Health Act – Notices and Orders
For review
22. Delegation to Committees/Working Parties
For review

New Delegations sought

1. Purchase Order Authorisation

This is necessary to legalise the signing of Purchase Orders.

The “on delegations to” are determined by the Chief Executive Officer and can be varied from time to time and reported to Council during the Annual review.

2. Budget Expenditure

A procedural matter to formalise the putting in to place Budget decisions of Council.

3. Treatment of Sewerage and Disposal of Liquid Waste

To allow the Chief Executive Officer to ensure that requirements of the Health Regulations relating to Treatment of Sewerage and Disposal of Liquid Waste.

POLICY REQUIREMENTS:

Included in Delegation where appropriate

LEGISLATIVE REQUIREMENTS:

Local Government Act 1995 Section 5.46

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

Absolute Majority Required

MANEX RECOMMENDATIONS

That Council, having reviewed its Delegations as required by the Local Government Act 1995

1. Endorse the following as having been reviewed:

- 2. Investments***
- 3. Hire Fees and Charges – Recreation Centre***
- 6. Liquor – Sale and Consumption at Recreation Centre***
- 8. Onus of Proof in Vehicle Offences***
- 9. Enforcements and Legal Proceedings***
- 10. Delegation of Power***
- 11. Proceedings under Dog Act***
- 12. Register of Delegations to Committees***
- 13. Donations of Works to Organisations***
- 14. Private Works***
- 15. Temporary Rural Road Closures***
- 16. Powers of Entry onto Land***
- 17. Approval of Planning Applications***
- 19. Building Licences***
- 20. Private Swimming Pools – Inspections***
- 21. Health Act – Notices and Orders***
- 22. Delegation to Committees/Working Parties***

2. Authorise amendments to the following:***1. Payment from Trust and Municipal Funds***

On delegated to: *The Chief Executive Officer in exercising authority, under Section 5.44 of the Local Government Act 1995, has delegated this power/duty to the following officers.*

Payments made by Cheque, Electronic Transfer or any other means require two (2) authorisations being:

- > Chief Executive Officer and Financial and Corporate Services Manager*
- > In the absence of either of the above the Community Services manager shall act in their stead*

5. Budget Implementation

Conditions: 1) *That costs are contained within budget allocations.*

- 2) Subject to compliance with the Local Government Act 1995 (As Amended) and Council's Policy Statements.
- 3) Quotations to be called for the purchase of items of plant, equipment and machinery having an estimate of up to \$100,000. Tenders to be called for plant, equipment and machinery items being an estimated value in excess of \$100,000 (this is consistent with the Tender Regulations).
- 4) Wherever tenders are called, the tenders be decided by the Council (in most cases Council would consider a recommendation from the relevant Committee). See also Policy 4.5 and "Delegations to Committees/Working Groups".
- 5) Quotations are to be obtained on any contract exceeding 10% of the statutory amount above which tenders are to be called (in Functions & General Reg. 11 (2)), (currently \$10,000).
- 6) Where quotations are called, under 5 above, the CEO accept the most advantageous quotation and should the most advantageous quote be in excess of the budget, provisions report details to the next following meeting of the Council (a report to the relevant committee satisfies this requirement).

18. Works – Unlawful

Conditions: Before exercising the authority contained in this delegation, the Chief Executive Officer shall liaise with Council's Building Surveyor.

Applicant being advised of objections and/or appeal rights.

3. Authorises the deletion of the following delegations:

4. **Rates Collection Procedure**
7. **Impounding Goods – Authorised Employee (2)**

4. Authorise the following delegations:

1. Rate Book

Function to be performed: Council delegates its authority and power to the Chief Executive Officer for the performance of the following functions of Council:-

- 1) The discharge of the obligations specified in Section 6.39(1) of the Local Government Act 1995.
- 2) The service of Notices of Valuation and Rates referred to in Section 6.41(1) of the Local Government Act 1995 (as amended).
- 3) The time allowed for the payment of the rate before it becomes in arrears 6.50(2) of the Local Government Act 1995.
- 4) The powers conferred in Section 6.40 of the Local Government Act 1995.

- 1) The exercise of discretion in regard to granting of any extension of time for service of objections to the Rate Book 6.76(4) of the Local Government Act 1995.
- 2) The recovery of rates by complaint or action pursuant to the provisions of 6.56 and 6.64 of the Local Government Act 1995.
- 3) Entering into an agreement in accordance with 6.49 of the Local Government Act 1995.
- 4) Requiring a lessee to pay rent to the Council in satisfaction of rates and service charges due and payable in accordance with 6.60(2) of the Local Government Act 1995.

Delegated to: Chief Executive Officer

On delegated to: The Chief Executive Officer in exercising authority, under Section 5.42/5.44 of the Local Government Act, 1995 has delegated this power/duty to the Financial Development Manager.

Conditions: Nil.

Record of use: Retention of file copy of relevant correspondence.

Records to be kept under the provisions of **General Disposal Authority for Local Government Records** Legislation.

Reference: S5.42 Local Government Act 1995 (As Amended).

2. **Impounding Goods – Authorised Employee (2)**

Function to be performed: The Chief Executive Officer is delegated authority to:

- 1) Authorise an employee in accordance with Section 3.39 to remove and impound any goods that are involved in a contravention that can lead to impounding;
- 2) Take appropriate action in respect to impounded non-perishable goods in accordance with Section 3.42;
- 3) Give notice in accordance with Section 3.44 to collect goods.
- 4) Refuse to allow goods to be collected until all costs have been paid in accordance with Section 3.46;
- 5) Take action to recover expenses in accordance with Section 3.48.

Delegated to: Chief Executive Officer

On delegated to: The Chief Executive Officer in exercising authority, under Section 5.44 of the Local Government Act, 1995, has delegated this power to the Manager of Health & Planning Services and Operations Development Manager.

Conditions: Subject to the express provisions contained in the Local Government Act 1995 and Local Government (Functions and General) Regulations 1996, Pt 6.

Record of Use: Report to Council.

Reference: Local Government Act, 1995 (As Amended) – S5.42
Local Government Act, 1995 – Sections 3.39, 3.42, 3.44, 3.46 and 3.48.

Council Policy: N/A

New Delegations

I. Purchase Order Authorisation

Function to be performed: Council delegates its authority and power to the Chief Executive Officer to sign Purchase Orders for items contained within the current budget.

This delegation includes authorisation for the CEO to accept a tender for purchase up to an amount of \$100,000 (Local Government Act 1995 section 5.43 (b)).

Delegated to: Chief Executive Officer (Level 1)

On delegated to:

The Chief Executive Officer in exercising authority, under Section 5.44 of the Local Government Act, 1995, has delegated this power/duty to the following Officers.

Level 2 Financial Development Manager
Level 2 Community Development Manager
Level 2 Health & Regulatory Services Manager
Level 2 Operations Development Manager
Level 3 Parks & Gardens Leading Hand
Level 3 Rates Officer
Level 3 Head Mechanic
Level 4 Executive Support Officer

Conditions: Limits on amounts:

- a) Level 1 (CEO) - \$100,000 excluding the purchase of freehold land and real estate.
- b) Level 2 – up to \$20,000 excluding the purchase of freehold land real estate.
- c) Level 3 – Within area of responsibility up to a maximum of \$1,000 excluding capital items.
- d) Level 4 – Groceries and consumables within area of responsibility up to a maximum of \$300 excluding capital items.

Record of use: Duplicate of purchase order to be handed to Creditor Clerk.

Triplicate stored in original purchase order book.

Completed order books to be returned to Creditors Clerk for archiving.

Register to be kept under the provisions of **General Disposal Authority for Local Government Records** Legislation.

Reference: S5.42 Local Government Act 1995 (As Amended).

Council Policy: Purchasing Policy

2. **Budget Expenditure**

Function to be performed: The Chief Executive Officer is delegated authority to approve expenditure on goods and/or services and programs/projects for which funds have been provided in the Annual Budget without further reference to the Council. In exercising this delegated authority the Chief Executive Officer shall:

- 1) provide for appropriate internal control over all expenditure;
- 2) ensure all statutory requirements are met; and
- 3) ensure all Council policies are observed.

Delegated to: Chief Executive Officer

On delegated to: N/A

Conditions: Nil.

Record of use: Retention of File Copy of internal control procedures.

Records to be kept under the provision of **General Disposal Authority for Local Government Records** Legislation.

Reference: S5.42 Local Government Act 1995 (As Amended)

Council Policy: N/A

3. **Treatment of Sewerage and Disposal of Liquid Waste**

Function to be performed: Pursuant to the provisions of Section 26 of the Health Act 1911 Chief Executive Officer is hereby appointed and authorised to exercise and discharge powers and functions conferred on local government for the purpose of Regulations 4 of the Health (Treatment of Sewerage and Disposal of Liquid Waste) Regulations 1974.

Delegated to: Chief Executive Officer

On delegated to: *The Chief Executive Officer in exercising authority under section 5.44 of the Local Government Act 1995, has delegated this power and duty to the Manager of Health & Planning Services.*

Conditions: *Nil.*

Record of use: *Retention of file copy of relevant correspondence.*

*Records to be kept under the provisions of **General Disposal Authority for Local Government Records** Legislation.*

Reference: *Health Act 1911 – S26*

Council Policy: *N/A*

- 5. Authorises the Chief Executive Officer to replace; where appropriate, former Manager titles with current titles.**

11.1.4 USE OF MOTOR VEHICLE AGREEMENT

FILE REFERENCE: L/LEA1
REPORT DATE: 2 April 2008
APPLICANT/PROPONENT: 2 only Medical Practitioners
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: Budget Adoption
AUTHOR: Eddie Piper, Acting Chief Executive Officer
ATTACHMENTS: Legal Agreement

PURPOSE OF REPORT:

To have Council endorse an Agreement between the Shire of Moora and 2 medical Practitioners practicing in Moora.

BACKGROUND:

Council included in its 2007-08 Budget to purchase a Motor Vehicle for use by Medical Practitioners operating at Moora.

There has been contact between the Shire of Moora and its legal people (Wojtowicz Kelly) and a legal agreement has been completed.

Dr Chapman has read and is happy with the Agreement.

COMMENT:

The Acting Chief Executive Officer is seeking Council endorsement of the legal agreement and authority to apply the Common Seal of the Shire of Moora.

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**
There are no known significant environmental implications associated with this proposal.
- **Economic**
Encouragement for Medical Practitioners to practice in Moora.
- **Social**
There are no known significant social implications associated with this proposal.

FINANCIAL IMPLICATIONS:

Included in the 2007-08 Budget – Funded by Loan.

VOTING REQUIREMENTS

Simple Majority Required

MANEX RECOMMENDATION

That Council in relation to a legal agreement between the Shire of Moora and 2 Medical Practitioners for the use of a Motor Vehicle

- 1. Endorse and approve the legal agreement***
- 2. Authorise the Shire President and Acting Chief Executive Officer to apply the Common Seal in accordance with the Standing Orders of the Shire of Moora.***

11.1.5 LEASE LOT 41 DRUMMOND STREET, MOORA

FILE REFERENCE: B/DRU1
REPORT DATE: 2 April 2008
APPLICANT/PROPONENT: Brierty Limited
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: 19/3/08 (67/08)
AUTHOR: Eddie Piper, Acting Chief Executive Officer
ATTACHMENTS: Lease

PURPOSE OF REPORT:

For Council to consider a lease agreement between the Shire of Moora and Brierty Ltd A.C.N. 095 459 448 for Lot 41 Drummond Street Moora and if appropriate endorse and accept the Lease.

BACKGROUND:

Access Alliance, a venture consisting of Main Roads WA, Brierty Contractors and Maunsell Aecom, is seeking to lease Lot 41 Drummond Street Moora.

Council considered the request at its last meeting and authorised the Chief Executive Officer to prepare a lease, advertise the disposal and if no submissions arrange for the Common Seal to be applied to any documentation relating to the Lot 41 Drummond Street lease.

COMMENT:

The closing date for submissions was 11 April 2008 and none were received. The purpose of this agenda item is to present the lease document to council for their consideration and if appropriate endorsement and acceptance.

A copy of the lease is attached.

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**
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

MANEX RECOMMENDATION

That Council endorse and accept the lease agreement for Lot 41 Drummond Street Moora between the Shire of Moora and Brierty Limited A.C.N. 095 459 448.

11.1.6 CMSHS FUNDRAISER – MOORA OVAL & RECREATION CENTRE SERVERY – FREE USE

FILE REFERENCE: CC/CMSI
REPORT DATE: 10 April 2008
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: Nil
AUTHOR: Eddie Piper, Acting Chief Executive Officer
ATTACHMENTS: Letter from Students of CMSHS

PURPOSE OF REPORT:

Council to consider allowing the students of the Central Midlands Senior High School (CMSHS) to utilise the Moora Oval and Recreation Centre Kitchen and Servery.

BACKGROUND:

Council has received a letter from the CMSHS signed by three students requesting free use of the Moora Oval and Recreation Centre Kitchen and Servery.

The Students with Mr Jason Todd, a teacher met with Council officers on Monday 7 April 2008 making a verbal presentation in support of their request. A film night is proposed.

The purpose of the fundraiser is to assist in fundraising the attendance by students at Country Week.

COMMENT:

Officers have indicated that several points will need to be addresses, namely

- Insurance – Public Liability
- Security
- Adult Supervision
- Arrangements with other users
- No alcohol

The school has indicated Insurance, Security and adult supervision will be in place and the police will be informed and requested to play some role.

Council officers will ensure that other users are accommodated.

The night will be a drug/alcohol free occasion and will be strictly controlled because of funding.

The Acting Chief Executive Officer is in support of the request however has no authority to grant free use of Council facilities where a charge would normally apply.

POLICY REQUIREMENTS:

Council normally charges for facility use.

LEGISLATIVE REQUIREMENTS:

Nil

STRATEGIC IMPLICATIONS:

Nil

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**
The Shire of Moora will be tested as a major sponsor.

FINANCIAL IMPLICATIONS:

Minor loss of revenue.

VOTING REQUIREMENTS

Simple Majority Required

MANEX RECOMMENDATION

That Council authorise the Acting Chief Executive Officer to allow the Central Midlands Senior High School to utilise the Moora Oval and Recreation Centre Kitchen and Servery free of charge to conduct a film/movie night fundraiser to assist students attendance at Country Week provided the Acting Chief Executive Officer is satisfied with arrangements for insurance, security, adult supervision and any issues other he deems necessary to ensure Councils assets are safeguarded.

11.2 FINANCIAL DEVELOPMENT

11.2.1 LIST OF PAYMENTS AUTHORISED UNDER DELEGATION 1.31

REPORT DATE: 8 April 2008
OFFICER DISCLOSURE OF INTEREST: Nil
AUTHOR: Darren Friend, 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.

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 57869 to 57997</i>	<i>\$1,639,610.52</i>
	<i>Chqs 58451 to 58476</i>	<i>\$99,846.60</i>
<i>Direct Debits</i>	<i>405 to 411</i>	<i>\$5,765.80</i>
	<i>Net Pays – PPE 1 April</i>	<i>\$71,578.96</i>
<i>Total</i>		<i><u>\$1,816,801.88</u></i>

11.2.2 AUDIT COMMITTEE MEETING HELD 19 MARCH 2008

FILE REFERENCE: F/AUDI
REPORT DATE: 8 April 2008
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: Audit Committee – 19 March 2008
AUTHOR: Darren Friend, Manager Finance & Corporate Services
ATTACHMENTS: Audit Committee Minutes – 19 March 2008

PURPOSE OF REPORT:

To receive the minutes of the Audit Committee meeting held on 19 March 2008.

BACKGROUND:

In accordance with the Local Government Act 1995 and the Local Government (Audit) Regulations 1996, Council has appointed an Audit Committee to handle the legislative requirements in respect to audits.

The Audit Committee held a meeting on 19 March 2008 at Miling, prior to the Ordinary Meeting of Council.

The minutes of the Audit Committee Meeting are now presented to Council so that Council can consider the recommendations contained within the minutes for adoption.

COMMENT:

The Audit Committee, while appointed by Council to fulfil its statutory obligations in respect to audits, has no delegated authority. Therefore the Committee cannot make decisions on behalf of Council, but instead makes recommendations for Council's consideration. In considering the recommendations of the Committee, Council may adopt the recommendations as decisions of Council either with or without amendment or may reject the recommendations.

The minutes of the Audit Committee Meeting held on 19 March 2008 contain the following recommendations for Council's consideration:

- a) That it be recommended to Council to note and receive the Independent Audit Report for the year ended 30th June 2007
- b) That it be recommended to Council to note and receive the Management Report for the year ended 30th June 2007 and for Council to respond to its Auditors, UHY Haines Norton using the Officer's comments provided.

The background and detail supporting these recommendations can be found in the Agenda and Minutes of the Audit Committee Meeting.

POLICY REQUIREMENTS:

There is no current policy or future policy implications in respect to the recommendation of this report.

LEGISLATIVE REQUIREMENTS:

Local Government Act 1995 (as amended)
Local Government (Audit) Regulations 1996

STRATEGIC IMPLICATIONS:

Meeting statutory compliance and obtaining an independent audit of Council's books of account assists the Shire in achieving its strategic goals.

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

MANEX RECOMMENDATIONS

That Council:

- 1. Receives the minutes of the Shire of Moora Audit Committee Meeting held on 19 March 2008, as appended;*
- 2. Adopts the recommendations contained within the minutes of the Audit Committee Meeting held on 19 March 2008 as decisions of Council, namely:*
 - a) that it be recommended to Council to note and receive the Independent Audit Report for the year ended 30th June 2007*
 - b) That it be recommended to Council to note and receive the Management Report for the year ended 30th June 2007 and for Council to respond to its Auditors, UHY Haines Norton using the Officer's comments provided.*

11.2.3 STATEMENT OF FINANCIAL ACTIVITY FOR PERIOD ENDED 31 MARCH 2008

REPORT DATE: 8 April 2008

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Darren Friend, Manager Finance & Corporate Services

ATTACHMENTS: Statement of Financial Activity for the Period Ended 31 March 2008

PURPOSE OF REPORT:

To note and receive the Statement of Financial Activity for the period ended 31 March 2008.

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 is provided as a separate attachment in Program format.

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 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:

Year to date income and expenditure is provided by program to enable comparison to 2007/2008 adopted budget.

VOTING REQUIREMENTS

Simple Majority Required

MANEX RECOMMENDATION

That Council notes and receives the Statement of Financial Activity for the period ended 31 March 2008.

11.2.4 BUDGET REVIEW AS AT 29 FEBRUARY 2008**FILE REFERENCE:**

REPORT DATE: 8 April 2008

APPLICANT/PROPONENT:

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES:

AUTHOR: Darren Friend, Manager Finance & Corporate Services

ATTACHMENTS: Budget Review as at 29 February 2008

PURPOSE OF REPORT:

To consider and adopt the budget review for the Period 1 July 2007 to 29 February 2008.

BACKGROUND:

Local Governments are required to formally conduct a budget review at least once each financial year, between 1 January and 31 March. The budget review allows a detailed comparison of the year to date (YTD) actual results with the adopted or amended budget.

The budget review is to be submitted to Council within 30 days of the review for Council to consider and determine whether or not to adopt the review and any recommendations made within the review.

A copy of the review and Council decision is to be provided to the Department of Local Government and Regional Development within 30 days of the decision by Council.

COMMENT:

The budget review for the period 1 July 2007 to 29 February 2008 has been conducted by management and is provided as a separate attachment to this agenda. The spreadsheet contents show an estimated surplus of \$29,690 as at 30 June 2008. This figure is just that, an estimate and should in no way be construed as an exact indication of Council's position at Balance Day.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

Regulation 33A - Local Government (Financial Management) Regulations 1996

STRATEGIC IMPLICATIONS:

The budget review helps determine and document any projects that are unlikely to be completed during the budget year and new opportunities that have arisen during the year. The review process ensures management and elected members review the performance of the Council for the year to date and apply corrective actions, if required prior to 30 June to ensure proper financial management is maintained, leading to a balanced budget position at Balance Day.

SUSTAINABILITY IMPLICATIONS:

- **Environment**
There are no known significant environmental implications associated with this proposal.
- **Economic**
The budget review process provides a timely indication of ability of the local government to achieve the budgeted performance for the year and the timing allows corrective actions if required prior to 30 June.
- **Social**
There are no known significant social implications associated with this proposal.

FINANCIAL IMPLICATIONS:

The budget review enables management to establish whether the local government continues to meet its budget commitments. It enables Council to determine whether income and expenditures are in accordance with adopted budget.

VOTING REQUIREMENTS

Absolute Majority Required

MANEX RECOMMENDATION

That Council, having considered the budget review for the period 1 July 2007 to 29 February 2008 adopts the review as tabled, showing an estimated surplus at 30 June 2008 of \$29,690.

11.2.5 MOORA ARTS AND CRAFTS SOCIETY INC – REQUEST FOR EXEMPTION FROM GENERAL RATES – 45 ROBERTS STREET MOORA – ASSESS # AI040

FILE REFERENCE: CC/MCFI
REPORT DATE: 8 April 2008
APPLICANT/PROPONENT: Secretary Moora Arts and Crafts Society Inc
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: Nil
AUTHOR: Eddie Piper, Acting Chief Executive Officer
ATTACHMENTS: Letter from Moora Arts and Crafts Society Inc

PURPOSE OF REPORT:

For council to consider an application by the Moora Arts and Crafts Society Inc for exemption from General Rates on its property at 45 Roberts Street, Moora.

BACKGROUND:

The Moora Arts and Crafts Society Inc own and occupy lot 407, 45 Roberts Street Moora and consequently are liable for rates.

The general rate for 2006-07 was \$1,490.30 and 2007-08 is \$1,576.83.

COMMENT:

The Secretary of the Moora Arts and Crafts Society Inc has written to Acting Chief Executive Officer requesting Council to exempt the society from General Rates. A copy is attached.

The Society met with the Acting Chief Executive Officer on 8 April 2008 and explained that they cannot afford to pay the General Rates as their building requires reproofing, there operating expenses continue to rise and they are a non-profit making community group doing good work in the community.

The Shire of Moora exempts no organisation from General Rates apart from those statutorily exempt such as Government Departments.

It must be recognised that the Moora Arts and Crafts Society Inc hold the freehold title to their land.

An alternative to ongoing exemption is to continue to rate the site and each year, on application, consider a donation of the equivalent value of the General Rates by the Moora Arts and Crafts Society Inc.

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**

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:

To grant exemption from General Rates is a loss to revenue of approximately \$1,600 per annum.

VOTING REQUIREMENTS

Absolute Majority Required

MANEX RECOMMENDATIONS

That Council, in relation to the property at lot 407, 45 Roberts Street Moora owned and occupied by the Moora Arts and Crafts Society Inc

- 1) Advises the Moora Arts and Crafts Society Inc that
 - it will not grant exemption from General Rates
 - will consider, on application by the Moora Arts and Crafts Society Inc, a donation of the equivalent value of the General Rates or other amount as determined by Council at the time.*
- 2) Donates to the Moora Arts and Crafts Society Inc an amount of \$1,576.83 being the equivalent value of General Rates for 2007-08 provided the arrears and current balance against Assessment # A1040 are paid in full.*
- 3) Writes off the interest raised against assessment # A1040 totalling \$115.26 as at 6 April 2008 in recognition of the non action by officers in dealing with the application for exemption.*

**11.2.6 LEASE OF LAND – WHEATBELT ABORIGINAL CORPORATION
ADJACENT CORNER MOORE AND PADBURY STREETS, MOORA – LOT
2089 PADBURY STREET: RATE ASSESSMENT # A48**

FILE REFERENCE: CC/WHAI
REPORT DATE: 8 April 2008
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: Various
AUTHOR: Eddie Piper, Acting Chief Executive Officer
ATTACHMENTS: Nil

PURPOSE OF REPORT:

Council to consider the current situation with the lease of land by the Wheatbelt Aboriginal Corporation adjacent to the corner of Moore and Padbury Streets, Moora commonly known as the “Iceworks Building”.

BACKGROUND:

A lease between the West Australian Government Railways Commission (WAGR) and the Wheatbelt Aboriginal Corporation was signed on 14 February 2002 which was for a 10 year period commencing 1 October 1998 and expiring on 30 September 2008.

At some time after the signing of the lease the land in question had the vesting changed from the WAGR to the Shire of Moora and consequently the lease became the property of the Shire.

The lease covered the land and it had been the practice of the WAGR to allow ownership of the building to remain with the lessee (WAGR).

The lease included an obligation on the Wheatbelt Aboriginal Corporation and are contained in “16 Tenant’s obligations on termination” quoted below:-

16.1 Tenant to vacate

The Tenant is to vacate the Premises, remove the Tenant’s Property and make good to the satisfaction of WAGR any damage caused by that removal, immediately on the termination of the Lease except that when the termination is before the end of the Term, the Tenant is to remove the Tenant’s Property and make good any such damage within THREE (3) days after the termination.

16.2 The obligation to remove the Tenant’s Property in clause 16.1 does not apply to any buildings, improvements or other fixtures which WAGR requires, by notice to the Tenant, not to be removed.

16.3 Removal of Tenant’s Property

If the Tenant does not comply with clause 16.1, WAGR may remove the Tenant’s Property from the Premises.

16.4 Tenant to Indemnify

The Tenant indemnifies WAGR against all damage caused by the removal of and the cost of storing that Tenant’s Property.

16.5 Property may be Sold

All Tenant's Property not removed in accordance with clause 16.1 will, at WAGR's option, become the absolute property of WAGR and may be disposed of by WAGR as WAGR thinks fit.

16.6 Risk

The Tenant's Property remains at the Tenant's risk at all times before and after the termination of the Lease, except for any property which WAGR requires not to be removed under clause 16.2, which is at WAGR's risk after termination of the Lease.

16.7 Condition of the Premises

When the Tenant vacates the Premises, the Tenant is to leave the Premises in good repair and condition and in a good state of decoration in accordance with the obligations of the tenant under the Lease.

16.8 Reinstatement

Without limiting clause 16.5, the Tenant is to reinstate the Premises before the termination of the Lease so that the Premises are returned to the condition they were in at the Commencement Date.

It can be seen from the above that the Wheatbelt Aboriginal Corporation must remove the property of the Wheatbelt Aboriginal Corporation including any buildings unless the lessor (Shire of Moora) advise otherwise.

It appears that those obligations would flow to any person or organisation representing the Wheatbelt Aboriginal Corporation including any liquidator.

COMMENT:

As Council is aware the Wheatbelt Aboriginal Corporation entered Administration on or about 28 February 2007 and the Joint and Several Deed Administrators are Mr Bryan Hughes and Christopher Munday of Pitcher Partners. A "Proof of Debt" was lodged 27 March 2007 for \$3,377.80 representing Rent outstanding against the lease.

Currently the Council is owed the following;

- Rates \$3,008.66
- Lease \$3,077.80 to 28.2.07
\$3,300.00 1.3.07 to 28.2.08

The Wheatbelt Aboriginal Corporation no longer exists and the Administrators are looking at closing the whole matter down in the near future.

The Council need to determine whether it requires the building to be removed as for the leases or allow it to remain with the title passing to the Shire of Moora.

There is a further situation in that a "re-cycling" junction is operating at the northern end of the lease. There is no lease agreement with the re-cycling operator and hence this could expose Council to some liability in the event of an accident or death by others.

Council needs to take action to

1. Finalise the lease (assigned) between the WAGR (Shire of Moora) and Wheatbelt Aboriginal Corporation.
2. Lodge further “proof of debt” for the outstanding rates (\$3,008.66) and Rent (a further \$3,300)
3. Advise the Liquidator Pitcher Partners that the Shire of Moora requires the building on lot 2089 Padbury Street Moora removed forthwith.
4. Advise the operator of the re-cycling business operating from part of lot 2089 Padbury Street Moora that he must immediately;
 1. Start negotiations to formalise any arrangements for his occupation or part of lot 2089 Padbury Street Moora with the Shire of Moora.
 2. Cease paying any rent if he is paying rent to the current “landlord” and pay all future rent to the Shire of Moora.
 3. Take up discussion with the Shire’s Manager Planning and Health to ensure compliance with Councils Town Planning Scheme and all health Acts.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

Section 5.42 of the Local Government Act 1995 deals with delegations of the Chief Executive Officer.

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 is an opportunity for Council to utilise the land under its control for another purpose.

➤ **Social**

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

FINANCIAL IMPLICATIONS:

At present \$9,386.46 outstanding and the Shire will rank as an unsecured creditor. It is anticipated a dividend will be paid prior to the end of June.

VOTING REQUIREMENTS

Absolute Majority Required

MANEX RECOMMENDATIONS

That Council in accordance with the Local Government Act 1995 Section 5.42 delegates' authority to the Acting Chief Executive Officer;

- 1. To secure Council's interest in the leased premises, known as the iceworks building, located on pt lot 2089 Padbury Street Moora to ensure that the lease is finalised with the current lessee (Wheatbelt Aboriginal Corporation or its appointed Administrators) and all debts associated with the lease are accounted for.***
- 2. Organise an inspection of the building by Council Officers and the Lessee/Administrators advised of urgent remedial maintenance work to be carried out.***
- 3. Provide a further report to Council relating to repairs to the building, payments outstanding and the current arrangement with the third party currently occupying part of the leased area.***

11.3 OPERATIONAL DEVELOPMENT

11.3.1 ROAD CLOSURE – SOUTHERN PORTION OF WHEATBIN ROAD (UNMADE)

FILE REFERENCE: S/ ROCI
REPORT DATE: 8 April 2008
APPLICANT/PROPONENT: Cooperative Bulk Handling
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: Nil
AUTHOR: John Greay, Manager Engineering Services
ATTACHMENTS: Proposed Road Closure Map
(BWE Plan 2007 – 340 – 0071 Rev A)

PURPOSE OF REPORT:

Cooperative Bulk Handling has requested the closure of part of the unmade road which is south of the Wheatbin Road rail crossing.

BACKGROUND:

CBH are proposing to expand their Moora facility to cater for an expected increase in grain production from within the surrounding agricultural area.

COMMENT:

The purpose of the request is to enable the company to link the new future Moora site with the rail line adjacent to the Moora Bindoon Road and also provide access to the adjoining landowners for stock and vehicular access and comply with the subdivision conditions as stipulated by the Western Australian Planning Commission. There will be an advertising period of 35 days. Once the road is closed it is recommended that disposition to CBH should occur.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

Section 58 (2) and (3) of the Land Administration Act.
Regulation 9 of the Land Administration Regulations 1998

STRATEGIC IMPLICATIONS:

The expansion of the Moora facility is strategic to the grain growers of the Moora and surrounding districts.

SUSTAINABILITY IMPLICATIONS:

➤ **Environment**

There are no known significant environmental implications associated with this proposal.

➤ **Economic**

There are economic benefits to those who use the facility if this reduces their requirement to cart their grain further due to not having enough storage capacity at Moora as currently exists.

➤ **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

MANEX RECOMMENDATIONS

That Council

- 1) supports the closure of the unmade portion of Wheatbin Road as shown on the plan submitted and advises CBH of their support.*
- 2) commences the public advertising period for 35 days, inviting objections from interested parties along with service agency responses with the aim of formally resolving to close the road and in turn advise the Department of Planning and Infrastructure in writing of the above outcomes.*

11.4 COMMUNITY DEVELOPMENT

11.4.1 TOWN PLANNING SCHEME NO 4 – DELEGATION OF POWERS

FILE REFERENCE: TP/PTM11
REPORT DATE: 9 April 2008
APPLICANT/PROPONENT: Mr G Lamb
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 9 April 2008.

- **Gary Lamb – Lot 229 Clarke Street, Moora – Construction of 2 patios (Area 88m²) Zoning – Special Rural 4, Value \$15,500 (Ref 25/0708)**

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

MANEX RECOMMENDATION

That Council note the town planning applications approved under delegated authority.

11.5 ENVIRONMENTAL DEVELOPMENT

Nil

11.6 ECONOMIC DEVELOPMENT

Nil

11.7 SPORT AND RECREATION

Nil

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

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

14. NOTICE ON MOTIONS FOR THE NEXT COUNCIL MEETING

15. MATTERS BEHIND CLOSED DOORS**RECOMMENDATION**

That the meeting move behind closed doors to discuss Item 15.1, 'Tender 1/2008 – Consideration of Tender Offer' as they are matters affecting contract pursuant to Section 5.23(2)(c) of the Local Government Act 1995.

15.1 Tender 1/2008 – Consideration of Tender Offer

Provided to Councillors under confidential cover.

16. CLOSURE OF MEETING