

**Shire of Moora  
Ordinary Council Meeting  
22nd March 2006**

**NOTICE OF MEETING**

Dear Elected Member

The next Ordinary Council Meeting of the Shire of Moora  
will be held on **Wednesday 22nd March 2006**  
in the Miling Pavilion, Miling  
commencing at **6.30 pm**

SJ Deckert  
Chief Executive Officer  
17<sup>th</sup> March 2006



**PLEASE NOTE**

Prior to the Council Meeting, the following will be held:

1. At 2.30pm Cr McLagan will be escorting Councillors on a short tour of Miling.
2. At 3.30pm (approx) the Briefing session will commence.

**Councillors are therefore requested to arrive at the Miling Pavilion no later than 2.25pm.**

If you require a lift to Miling please arrive at the Council Chambers by 1.45pm.

## *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, <sup>(1)</sup> \_\_\_\_\_ wish  
to declare an interest in the following item to be considered by Council at  
its meeting to be held on <sup>(2)</sup>  
\_\_\_\_\_

Agenda Item <sup>(3)</sup>  
\_\_\_\_\_

The type of interest I wish to declare is: <sup>(4)</sup> Financial / Proximity / Indirect  
Financial / Conflict (impartiality) pursuant to <sup>(5)</sup> Section 5.65 of the Local  
Government Act 1995 / Clause 1.3 of Councils Adopted Code of Conduct.

The nature of my interest is  
<sup>(6)</sup> \_\_\_\_\_  
\_\_\_\_\_

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 my interest<sup>(7)</sup>  
\_\_\_\_\_

The extent of my interest is <sup>(8)</sup>  
\_\_\_\_\_  
\_\_\_\_\_

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.
7. Insert either "Trivial" or "In common with a significant number of ratepayers or electors".
8. Insert the extent of your interest.

**SHIRE OF MOORA**  
**ORDINARY COUNCIL MEETING AGENDA**  
**22<sup>ND</sup> MARCH 2006**  
**COMMENCING AT 6.30PM**

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*Item 11.1.1 Annual General Meeting of Electors (Blue)*

*Item 11.5.2 Local Government (Miscellaneous Provisions) Amendment Bill 2005*

**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**

Cr Denise Clydesdale–Gebert advised the Chief Executive Officer by telephone on 15<sup>th</sup> March 2006 that she was unable to attend the Council meeting due to work commitments.

#### **PUBLIC**

#### **LEAVE OF ABSENCE**

The following Councillor was granted leave of absence for this meeting by Council resolution made at the Ordinary Meeting held on 8 February 2006:

CD Hawkins – Councillor – Moora Town Ward

The following Councillor was granted leave of absence for this meeting by Council resolution made at the Ordinary Meeting held on 22 February 2006:

SA Bryan – Councillor – Moora Town Ward

### **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**

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

**10.1 ORDINARY COUNCIL MEETING – 8<sup>th</sup> March 2006**

*That the Minutes of the Ordinary Meeting of Council held on 8 March 2006, be confirmed as a true and correct record of the meeting.*

**11. REPORTS OF OFFICERS**

**11.1 ADMINISTRATION**

This Item was carried over from the last meeting of Council on 8<sup>th</sup> March 2006, the minutes of the Annual General Meeting of Electors have now been finalised to accompany this item.

**11.1.1 Annual General Meeting of Electors**

**FILE:** 2.10  
**AUTHOR:** Michael Prunster, Community Development  
**Manager**  
**REPORT DATE:** 2 March 2006  
**DECLARATION:** Nil

**BACKGROUND**

The Shire of Moora's annual meeting of electors was held on 27 February 2006. The minutes of the meeting have been completed and Council is now required to consider them.

The minutes of the meeting will be submitted as a separate attachment.

**COMMENT**

It is intended that all of the persons who attended or submitted apologies for the meeting will receive a copy of the minutes.

**STATUTORY ENVIRONMENT**

Section 5.33 of the Local Government Act 1995 outlines Council's obligations in dealing with decisions made at the annual meeting of electors.

**POLICY IMPLICATIONS**

Nil

**BUDGET IMPLICATIONS**

There are no impacts to the current budget as a result of any of the suggestions or queries raised at the meeting.

**STRATEGIC IMPLICATIONS**

Ideas generated and offered by electors at the annual meeting often provide Council with clear direction on those matters that are of concern to the community, and subsequently assist in the setting of policy and strategy

**PRECEDENT**

Council considers the minutes of the annual meeting of electors each year in accordance with its statutory requirement.

**VOTING REQUIREMENTS**

Simple Majority

**MANEX RECOMMENDATION – ITEM 11.1.1**

*That Council receive the minutes of the 2005 Annual Meeting of Electors and notes the issues raised.*

**11.1.2 Appointment of Shire Representatives on Resource Centre Project Control Group (PCG)**

**LOCATION:** Central Midlands Senior High School  
**FILE:** 16.47  
**AUTHOR:** Steven Deckert, Chief Executive Officer  
**REPORT DATE:** 15 March 2006  
**DECLARATION:** The author has no financial interest in this matter

**BACKGROUND**

At the December 2005 Meeting, Council resolved to hand the project management of the Resource Centre Project to the Education Department. Subsequently at the Briefing Session on 25 January 2006, the CEO advised that the Education Department would be establishing a project control group (PCG) to represent the stakeholders in the project to oversee its development. Accordingly, the CEO sought expressions of interest from Councillors and staff as to who wished to be on the PCG to represent the Shire.

**COMMENT**

This report is presented to Council to endorse the representatives nominated as the Shire's representative on the PCG.

It should be noted that the PCG is not a committee of Council and therefore Council can only endorse the appointment of its representatives. Those appointed by Council have no decision making authority and if a decision is required by the PCG then this will need to be brought back to Council for consideration.

**STATUTORY ENVIRONMENT**

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

**POLICY IMPLICATIONS**

There are no policies or policy implications in respect to this matter.

**BUDGET IMPLICATIONS**

There are no budget or financial implications in respect to the recommendation of this report. However, Council may need to give further consideration to the funding arrangements once an accurate cost is known following the outcome of the tendering process.

**STRATEGIC IMPLICATIONS**

The development of the Moora Community Resource Centre is aligned with the Goals and Strategies of the Infrastructure Key Result Area of Council's Strategic Plan.

**PRECEDENT**

The development of major infrastructure needs to be determined on a case by case basis and therefore the adoption of the recommendation of this report should not be considered to set a precedent nor should any previous decision be taken as a precedent in determining this matter.

**VOTING REQUIREMENTS**

Simple majority required

**MANEX RECOMMENDATIONS – ITEM 11.1.2**

*That Council*

1. *Endorses the appointment of the following to represent Council on the Community Centre Project Control Group as and when required:*

*Cr Sheryl Bryan*

*Cr Chris Hawkins*

*Cr Lorraine Craven*

*Mr Michael Prunster and*

*Mr Steven Deckert*

2. *Endorses the appointment of Ms Jo-Anne Ellis, Mr Peter Haas and Mr John Gray as proxies, to attend PCG meetings if necessary; and*
3. *Determines that the above representatives and proxies have no delegated authority or any decision-making powers.*

**11.2 FINANCIAL DEVELOPMENT**

Nil

**11.3 OPERATIONAL DEVELOPMENT**

Nil

## 11.4 COMMUNITY DEVELOPMENT

### 11.4.1 Town Planning Scheme No 4 – Delegation of Powers

**LOCATION:** Moora  
**FILE:** 7.4  
**AUTHOR:** Michael Prunster, Community Development

Manager

**REPORT DATE:** 16 March 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 Application has been approved under this delegated authority for the period ended 16 March 2006.

**Mr S.G. Brown & Ms B.N. Harris – Construction of a garage/storage shed on Lot 94 Brown Street Moora. Area 86m<sup>2</sup>**



**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION – ITEM 11.4.1**

*That Council note the town planning application approved under delegated authority.*

**11.5 ENVIRONMENTAL DEVELOPMENT**

**11.5.1 Regional Tip – Concept Proposal**

**FILE:** 8.11  
**AUTHOR:** Peter Haas, Environmental Development Manager  
**REPORT DATE:** 14 March 2006  
**DECLARATION:** Nil

**BACKGROUND**

At the CMVROC meeting held at the Shire of Victoria Plains Council Chambers on 10 March 2006 a recommendation was put forward as follows:

*“That each member Council interested in developing regional landfill sites for waste management in the region seek ratification from its Local Government and advise CMVROC at the next meeting of its desire to partner a regional waste scheme initiative”*

As part of the Report on this matter the CMVROC members were given as attachments the discussion paper, copies of the 40km maps and quotes from consultants regards fatal flaw studies.

**COMMENT**

From comments around the table from VROC members it appears that a regional landfill and waste management has general support.

The scope has been altered with the possibility of waste from the metro area being included and possible involvement of private concerns.

It is difficult to predict the costs of establishing a regional waste management site because there are many unknowns but ascertaining whether Council supports the establishment of a regional waste management site is the first step in a long process.

As a consequence, budget provision by those Councils involved will need to be made as the concept progresses.

**STATUTORY ENVIRONMENT**

Nil

**POLICY IMPLICATIONS**

Nil

**BUDGET IMPLICATIONS**

Unknown at this stage. Need to ascertain which Councils are interested prior to formation of a budget.

**STRATEGIC IMPLICATIONS**

The start of major regional co-operation in the Central Midlands and a good project to show the viability of the VROC organisation.

**PRECEDENT**

Similar circumstances commenced in the metro area that ended up with Regional Councils such as EMRC, SMRC etc

**VOTING REQUIREMENTS**

Simple majority

**MANEX RECOMMENDATION – ITEM 11.5.1**

*That Council, in principle, supports the concept of a regional waste management site and advises the Central Midlands Voluntary Region Organisation of Councils of this support.*

**11.5.2      Local Government (Miscellaneous Provisions) Amendment Bill**  
**2005**

**FILE:**                    12.3  
**AUTHOR:**                Peter Haas, Environmental Development Manager  
**REPORT DATE:**        14 March 2006  
**DECLARATION:**        Impartiality, as effects position as the Local Govt.  
                                  Building Surveyor

**BACKGROUND**

In the last information bulletin presented to Council on 8 March 2006 I placed some information in regards to the proposed new Building Act. This item was also discussed at the WALGA and Zone meeting held at the Moora Performing Arts Centre recently.

It appears that the department responsible, the Dept. of Housing and Works are running two items concurrently, namely the proposed building act and amendments to the Local Government (Miscellaneous Provisions) Act.

The Bill to amend the Local Government (Miscellaneous Provisions) Act was presented to Parliament in October 2005 and I understand that it has proceeded to the second reading stage.

The amendments provide for:

1. A mechanism to retrospectively approve buildings that have been constructed illegally
2. Regulating the qualifications of building surveyors performing functions under the Act
3. Removing the ability of unqualified persons, such as elected members to approve a building licence application without first obtaining advice of a qualified person
4. Clarifies more clearly the definition of a private swimming pool.

### **COMMENT**

It appears that this proposed amendments to the Act have slipped under the radar with all attention being given to the proposed building act.

I am given to understand that these amendments are in response to the Coroners report on the death of a young girl at Wongan Hills due to the collapse of a building and a copy of the Coroners report is available for perusal.

Also available for perusal if interested is a report to the Northampton Shire by their Health/Building Surveyor and a submission by Environmental Health Australia regards these amendments.

I essentially agree with the amendments with the exception regards building surveyor qualifications. It appears that the majority of practicing building surveyors in the state do not have formal building surveyor qualifications and should this portion of the bill be passed it will have a dramatic effect on the building surveyor workforce within local government.

Only local governments with a population exceeding 15,000 persons were required to employ a qualified building surveyor. Further there does not appear to be any information on what qualifications are acceptable.

I do not wish to be cynical but it appears that the people who stand to gain from allowing private certifiers to be intimately involved in the

building process are having two bites at the cherry with this amendment and the proposed new building act.

Further having read the Coroners report into the death of the young girl at Wongan Hills it appears that it was more a fault of the builder that should be supervising the job other than the fault of the current building process.

Although I must agree it would be preferable for persons engaged by local governments as a building surveyor to be qualified.

#### **STATUTORY ENVIRONMENT**

Amendment Bill to the Local Government (Miscellaneous Provisions) Act

#### **POLICY IMPLICATIONS**

Nil

#### **BUDGET IMPLICATIONS**

Possible increase in qualified staff or engagement of a qualified building surveyor on contract to issue building licences.

#### **STRATEGIC IMPLICATIONS**

Nil

#### **PRECEDENT**

Nil

#### **VOTING REQUIREMENTS**

Simple Majority

### **MANEX RECOMMENDATIONS – ITEM 11.5.2**

*That Council;*

- 1. Supports the intent of the Local Government (Miscellaneous Provisions) Amendment Bill 2005 with the exception of the requirements of qualifications of building surveyors.*
- 2. Request from the Minister for Local Government and Regional Development and the Department of Housing and Works an*

*outline in writing, the qualification requirements for persons engaged in local authorities as building surveyors.*

3. *Forward the above resolution to the Department of Housing and Works, the Minister for Local Government and Regional Development and WALGA for their action.*

#### **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 OF MOTIONS FOR THE NEXT COUNCIL MEETING**

#### **15. MATTERS BEHIND CLOSED DOORS**

##### **15.1 Appointment of Enterprise Development Manager**

Provided to Councillors under confidential cover.

**16. CLOSURE OF MEETING**