



Ordinary Council Meeting Minutes

Date: 18 May 2011

Please Note: These minutes and the decisions recorded therein have not as yet been confirmed by Council as a true and accurate record of the meeting.

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
MINUTES OF THE ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS, MOORA
18 MAY 2011

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Item 13.1	Development Application, Location Map & Applicant letter

1. DECLARATION OF OPENING & WELCOME OF VISITORS

The Shire President declared the meeting open at 5.36pm, welcomed visitors and announced:

"Acknowledgment of Country"

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

2. DISCLAIMER READING

The Shire President read the following disclaimer:

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

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

3. ATTENDANCE

SA Bryan	-	Shire President
CE Gardiner (until 6.58pm)	-	Councillor
AR Tonkin	-	Councillor
SJ Pond	-	Councillor
CD Hawkins	-	Councillor
DV Clydesdale-Gebert	-	Councillor
JW McLagan	-	Councillor
R Keamy	-	Councillor
OC Cocking	-	Councillor
LM O'Reilly	-	Chief Executive Officer
L J Parola (from 6.36pm)	-	Manager Finance & Corporate Services
R L McCall	-	Manager Community & Economic Development
E N Ross	-	Manager Health, Building & Planning Services

APOLOGIES:

JL Greay	-	Manager Engineering Services
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PUBLIC:

Cynthia McMorran	-	Shire Freeman
John Minty (until 6.36pm)	-	Farmer
Joe Fitzpatrick (until 6.36pm)	-	Manager BGC

4. DECLARATIONS OF INTEREST

Cr Clydesdale-Gebert declared a financial interest in late item 13.1 Development Application Lots 404-413 Gardiner Street, Moora as she is the owner of lot 6 Padbury Street, Moora.

The Chief Executive Officer declared a financial interest in item 11.1.1 Local Government Week – Attendance as she would normally attend the convention.

The Chief Executive Officer declared a financial interest in item 11.1.2 Chief Executive Officer's Leave Arrangements and Appointment of an Acting CEO as she is the incumbent requesting leave.

Cr Hawkins declared an impartiality interest in item 11.4.2 Lot 371, Reserve 30860 (AgWest) as he is an employee of the Department of Agriculture & Food.

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

Cynthia McMorran

Local Government funding – the Shire have an MOU with Wongan Hills for next year's allocation. Request the next aged care meeting consider if funding can be used more effectively – through the Lifestyle Village by building two bedroom units on Shire land.

Congratulated the Manager Finance & Corporate Services on her presentation of the rates review.

Joe Fitzpatrick

Advised that BGC are the prime contractors for the new development and attended the meeting to assist in answering any questions Council may have. He noted that BGC has found negotiating and working with the Shire to be effective.

John Minty

In relation to his development application he disagrees with some of the recommendations put up to Council and discussed those particular issues.

6. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

7. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

8. PETITIONS AND MEMORIALS

Nil

9. ANNOUNCEMENTS BY THE SHIRE PRESIDENT

- 4th May - officiated at the Citizenship ceremonies for Mrs Caroline Nixon of Moora, Mrs Barbara Stanley of Moora, and Mrs Myrna Lowe of Miling.
- 12th May - attended the Whole of Local Government Forum – Planning for Change 2011 with the Chief Executive Officer. It was a great forum, 121 local governments attended with over 200 attendees.

At 6.10pm the Manager Health Building & Planning Services left the meeting & returned at 6.11pm

Cr Clydesdale-Gebert advised that she had attended the Economic Development workshop held on Sunday 8th May in Moora.

Cr Pond advised that he had attended the Economic Development workshops held on both 8th & 9th May in Moora.

10. CONFIRMATION OF MINUTES OF THE PREVIOUS MEETING

10.1 ORDINARY COUNCIL MEETING - 20 APRIL 2011

COUNCIL RESOLUTION

44/11 Moved Cr Hawkins, seconded Cr McLagan that the Minutes of the Ordinary Meeting of Council held on 20 April 2011, be confirmed as a true and correct record of the meeting.

CARRIED 9/0

CHANGE TO THE ORDER OF BUSINESS

COUNCIL RESOLUTION

45/11 Moved Cr Hawkins, seconded Cr McLagan that the order of business be changed so that Council consider the late item 13.1 Development Application Lots 404-413 Gardiner Street, Moora after item 10.1 to allow the members of the public that are present for the item to leave after it has been considered.

CARRIED 9/0

At 6.21pm Cr Clydesdale-Gebert declared a financial interest in late item 13.1 'Development Application Lots 404-413 Gardiner Street, Moora' as she is the owner of lot 6 Padbury Street, Moora and left the meeting.

13.1 DEVELOPMENT APPLICATION LOTS 404-413 GARDINER STREET, MOORA

FILE REFERENCE: A54 & A55

REPORT DATE: 11 May 2011

APPLICANT/PROPONENT: Ian & John Minty

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Ewen Ross, Manager Health, Building and Planning Services

ATTACHMENTS: 1. Application 2. Location map 3. Applicants letter of 13 May 11 (Received 17 May 11)

PURPOSE OF REPORT:

To advise Council on the application for planning approval to construct a retail outlet on the "Gardiner Street" development site.

BACKGROUND:

Lots 404 – 413 Gardiner Street (subject land) were owned by Council and have recently been sold to Ian & John Minty, with the expectation that a development would occur within two years of purchase. Council also considered the removal of the brick building from the site and a demolition permit was issued for the removal of the structure. This has now occurred. The applicant now wishes to commence a development on Lots 404, 405, 406, 407, 408, 409, 410, 411, 412 & 413 and proposes to locate the following uses; shop (supermarket), restaurant (20 seats), lunch bar (takeaway meals) and associated car parking.

Land zoning & uses: The subject land is zoned Town Centre and development uses (shop, restaurant & lunch bar) are deemed “P” (permit uses). Approval could be provided under delegated authority however it has been referred to Council for approval as the development is significant within the Townsite of Moora.

Town Centre Zone: The proposal is consistent with the objectives of the Town Centre Zone. The Council has discretion as to the site and development requirements and should consider:

1. Colour and texture of the external building.
2. Building size, height, bulk and roof pitch.
3. Setback and location on the site.
4. Architectural style and design details of the building.
5. Function of the building.
6. Relationship to surrounding development.
7. Other characteristics considered relevant.
8. Landscaping complements the development and town centre
9. Car parking and traffic plan:
10. Flood control areas; and
11. Other issues:

Colour and texture of the external building: The main building is metal clad insulated walling with no indication of colour and no windows. This is not an abnormal form of construction for commercial buildings which ensures accost per rented space is kept to a minimum.

Building size, height, bulk and roof pitch: The building is 4.4m in height, lower than a two storey building. The covered parking and main building presents a large bulk and fills the majority of the site. Roof pitch is consistent with normal residential and commercial designs in Moora.

Setback and location on the site: There are no setback requirements within the Town Centre. The development has provided for 3.15m to the front boundary (Gardiner Street), 9m to Berkshire Valley Road, 14.5m to the rear boundary (Lot 500 and ROW) and 1m to the side boundary with the ANZ building.

Architectural style and design details of the building: The architectural style reflects a rather basic, clean line similar to shed construction. The building would not be considered a feature in the Town Centre. Enhancement could be made through the provision of verandas on the front and side of the building (Gardiner Street and Berkshire Valley Road).

Relationship to surrounding development: The building to the North across Berkshire Valley Road is the Moora Hotel which reflects the traditional building design within Moora. The ANZ building to the South is a timber framed building and has the appearance of a 1970's commercial building. The building is not dissimilar to more recent developments in the Town Centre.

Other characteristics considered relevant: The development would strengthen the West side of the railway of the Town Centre. It would also complement park development to link both sides of the Moora Town Centre.

Landscaping complements the development and town centre: The applicant has provided some detail on the landscaping he intends and made provision in the site plan for landscaping. (Note applicants comment No 1, 13 May 11)

Car parking and traffic plan: The issues involved are:

1. Car Parking: The applicant indicates 56 car parks, however the site plans shows 47 standard (2.5 x 5.3) – (Note 2.8 x 5.5 for 30 degree parking is recommended) car parks and 2 disabled (5 x 5.3) car parks. The required car parks are “restaurant” 5 (1 @ 4 seats) and “shop” 71 (1 @ 30m²). Based on this assessment insufficient car parking has been provided for and is below recommended dimensions. The access to the lots are to be constructed at the applicants cost. Discussion with the applicant indicates that a percentage of the premises are a warehouse operation in support of the “supermarket”. Should the rear of the premises be considered a “warehouse” (which TPS No4 is silent on) then a ratio of 1 car park per 50 m² can be considered? This would then require sixty-four (64) car parks. ($215/30 = 55$ and $445/50 = 9$). Council has no car parking policy and there is variation from planning scheme to planning scheme, anywhere between the ration of 1@15 to 1@100m². The applicant is suggesting 1@45m². (Note applicants comment No 2 & 3, 13 May 11). There is no landscaping in the parking area which would have been a requirement for an outdoor facility.
2. The traffic plan is off Gardiner Street one way and return exit to Gardiner Street. It also indicates exit via Lot 500 to the rear of the development. Ownership of this lot is as a freehold lot owned by the Shire and it is assumed that it was resumed by the Shire to enable a Right of Way (ROW) from Dargai Street to Berkshire Valley Road. Consideration to the applicant sealing this ROW at least to the entry and exit points to the development is recommended. (Boundary lot 413). This ROW needs to be brought up to the standard of a 5m roadway together with lighting. (Note applicants comment No 5, 13 May 11). As the width is less than 6m, this ROW should be restricted to one way traffic, Dargai Street to Berkshire Valley Road. Commercial access crossovers will be required at Gardiner Street and Berkshire Valley Road.
3. Entry point/flow: The entry point is approximately 19m from the corner peg of lot 404 (Corner Berkshire Valley Road) and it is recommended that it be no closer than 25m for safety reasons. This would be within distance with the verge and that the crossover is combined entry and exit is moved to the south slightly. Access from Berkshire Valley Road may prove to be a better design.
4. Pedestrians: The provision of a pedestrian plan to ensure their safety and access to the main building is considered necessary.
5. Loading Bay: A loading bay and yard areas are provided to the rear of the development and not foregoing the outcome of Lot 500, the ROW does extend to Lots 412 & 413.

Flood control areas: The development is in the “floodway” and the finished floor level and any impediment to the floodway has been confirmed by the Department of Water as 204.1 therefore finished floor level required is a minimum of 204.25 AHD. (Note applicants comment No 6, 13 May 11).

Other issues: The following should be considered:

1. **Trolleys:** Provision has been made for trolleys inside the main building. It is recommended that a trolley control strategy be implemented and that there be collection points within the car parking area. (Note applicants comment No 4, 13 May 11)
2. **Restaurant:** This is limited to twenty persons and would have limited food production based on the floor area of the kitchen (Delicatessen). This would be a building permit issue.
3. **Ten Lots:** The development is over ten lots and has been considered as one identity. It is a requirement therefore that all lots be amalgamated into one. (Note applicants comments No 7, 13 May 11)
4. **Sewage:** The lots are serviced by sewer and connection is necessary. This would be a building permit issue.
5. **Stormwater:** The building and car park area is to be drained to an approved stormwater outlet. This would be a building permit issue.

COMMENT:

Council has limited policies and strategies to consider applications of this nature. The only document is the Shire of Moora's Town Planning Scheme No4 that provides the over arching requirements but not the detail.

The applicant has provided the requisite outlined of their development. In essence, Moora will get a shop, (supermarket with meat and deli sections), restaurant (small coffee shop) and a lunch bar (takeaway prepared meals). The complex is architecturally limiting and would not form a focal building for the Town Centre.

The development is significant and there is considerable social and economic potential. It is also within the Shire of Moora's Townsite Expansion Strategy and Wheatbelt strategy as a regional centre.

The areas that Council need to consider are:

1. The building and landscape could be strengthened to provide a higher standard of amenity value and a focus within the Town Centre.
2. Landscaping could be strengthened to soften the bulk of the building.
3. A total of sixty-four (64) car parks are provided. Additional car parks to the forty-four (44) be provided or an agreement to contribute at the rate of \$5,000 per park towards the development of car parking within the town centre.
4. Car parks as indicated 2.5 x 5.3 are acceptable.
5. A trolley strategy and collection points be provided.
6. Traffic flow (subject to Councils agreement for Lot 500) to consider entry and exit from Berkshire Road, the lower traffic volume and entry greater than 25 metres from the intersection. Alternatively entry only from Gardiner Street. One way traffic flow is supported.
7. Upgrading of the ROW, sealing, lighting and CCTV coverage.
8. Provision of commercial crossovers to Councils requirements for Gardiner Street and Berkshire Valley Road.
9. With increased traffic flow on the ROW, sealing of this area is recommended, alternatively to the entry and exit points (rear frontage of the car park). This ROW will need to be made one way.
10. FFL to be 1999 flood level plus 150mm for the building.
11. Amalgamation of the lots required.

POLICY REQUIREMENTS:

Shire of Moora's Town Planning Scheme No4 and Shire of Moora's Townsite Expansion Strategy dated 13 January 10.

LEGISLATIVE REQUIREMENTS:

Planning and Development Act, Food Act, Building Regulations and Building Code of Australia. Local Governments Guidelines for subdivisional Development (2009). Planning Bulletin WAPC dated July 1999.

STRATEGIC IMPLICATIONS:

It is within the draft Wheatbelt land use planning strategy as it is enhancing Moora as a regional town. It is within the Shire of Moora's Townsite Expansion Strategy dated 13 January 10, strategy 4.

SUSTAINABILITY IMPLICATIONS:**➤ Environment**

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

➤ Economic

The proposal provides for employment of twenty two persons and has the potential to provide additional foodstuffs and through completion lower food costs. The proposal would also bring people from the region as a larger food provider.

➤ Social

The proposal would assist in providing employment and increased disposable income thereto.

FINANCIAL IMPLICATIONS:

The upgrading of the ROW would be at the Councils cost, final cost subject to standard of upgrade and applicants contribution.

VOTING REQUIREMENTS:

Simple Majority Required

OFFICER RECOMMENDATION

That Council approves the development application for Lots 404-413 Gardiner Street, Moora subject to the following conditions:

- 1. The addition of a veranda to the Gardiner Street elevation is recommended.*
- 2. A total of sixty-four (64) car parks to be provided. Alternatively, agreement to contribute at the rate of \$5,000 per park towards the development of car parking within the town centre as "off site parking".*
- 3. A trolley strategy and collection points be provided.*
- 4. Traffic flow to have entry and exit from Berkshire Valley Road or entry via Gardiner Street and exit Berkshire Valley Road.*
- 5. The Right of Way is upgraded to a 5m sealed roadway from Berkshire Valley Road to lot 413 to the Local Governments Guidelines for Subdivisional Development (2009).*
- 6. Commercial access crossovers be provided to Gardiner Street and Berkshire Valley Road at the applicants cost.*
- 7. FFL to be 1999 flood level plus 150mm for the building.*

8. *Amalgamation of the lots 404 to 413.*
9. *Relevant legislative requirements be obtained (i.e. Building licenses, Food licenses etc).*

COUNCIL RESOLUTION

46/11 Moved Cr Pond, seconded Cr Tonkin that Council approves the development application for Lots 404-413 Gardiner Street, Moora subject to the following conditions:

1. *Landscaping is to be provided as detailed in the planning application and plan.*
2. *A total of fifty-one (51) car parks to be provided.*
3. *A trolley strategy and collection points be provided.*
4. *Traffic flow to be submitted and approved by the Manager Health, Building and Planning Services.*
5. *Commercial access crossovers be provided to Gardiner Street and Berkshire Valley Road at the applicants cost.*
6. *FFL to be 1999 flood level plus 150mm for the building.*
7. *Amalgamation of the lots 404 to 413.*
8. *Relevant legislative requirements be obtained (i.e. Building licenses, Food licenses etc).*

CARRIED 8/0

Reason for change to recommendation:

Council felt that;

1. the landscaping was considered sufficient
2. there were sufficient car parks as shown on the plan submitted, fifty-one (51)
3. additional negotiations were required with the applicant in regards to the traffic flow; and
4. it would be unfair to have one user only upgrade the Right of Way.

At 6.36pm the Manager Finance & Corporate Services joined the meeting & Cr Clydesdale-Gebert rejoined the meeting.

At 6.36pm John Minty & Joe Fitzpatrick retired from the meeting.

At 6.40pm the Chief Executive Officer declared a financial interest in item 11.1.1 Local Government Week – Attendance as she would normally attend the convention, and left the meeting.

11. REPORTS OF OFFICERS

11.1 ADMINISTRATION

11.1.1 LOCAL GOVERNMENT WEEK - ATTENDANCE

FILE REFERENCE: EM/SUC1-2

REPORT DATE: 12 May 2011

APPLICANT/PROPONENT: WA Local Government Association

OFFICER DISCLOSURE OF INTEREST: The author of this report declares a financial interest in the matter, as she would normally attend the Convention. The extent of the interest is to the value of the associated attendance costs.

PREVIOUS MEETING REFERENCES: Not Applicable

AUTHOR: Lynnette O'Reilly, Chief Executive Officer

ATTACHMENTS: Nil

PURPOSE OF REPORT:

To make Elected Members aware of the timing of Local Government Week and establish attendance numbers.

BACKGROUND:

Each year local government from around the State gather in Perth to attend the Annual Local Government Convention commonly known as Local Government Week.

The Western Australian Local Government Association (WALGA) is holding the Local Government Week from Thursday 4 August to Saturday 6 August 2011 at the Perth Convention Exhibition Centre (PCEC).

COMMENT:

This convention is an opportunity for Elected Members and management to network with other Local Government Members and management and discuss different approaches to sometimes common problems.

Four (4) double rooms at Sullivans Hotel have been booked, (2) Wednesday 3 August to Friday 5 August 2010 inclusive and (4) from Thursday 4 August to Friday 5 August 2010 inclusive.

The Council needs to indicate who will attend the Convention and who the Shire's voting delegates will be. A voting delegate can be either Elected Members or serving officers. Each Local Government is restricted to two (2) voting delegates.

Part of the Convention is a series of delegate sessions and those attending must nominate one of the Thursday sessions and three Friday sessions. The Sessions and Timings are as follows:

Thur 4	Future Challenges in our Changing Demography Either 'The Growth Debate' or 'The Decline Debate'	5pm
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Fri 5	<u>1. Sustainability Sessions</u> One of Sustainability – Society, Economy or Environment	9am – 12.30pm
“	<u>2. General Issues</u> One of Workforce & Technology, Sharing Services, Managing Risk, Local Planning or Health	1.30pm
“	<u>3. Technical Excursions</u> One of Grove Library, Australia Post, ABC Studios, Traffic Operations Centre, Recycling Plant, Water Corporation or Royal Flying Doctor Service	3.15pm
Sat 6	** WALGA Annual General Meeting **	1pm – 5pm

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

There are no known legislative requirements related to this item.

STRATEGIC IMPLICATIONS:

Attendance at Elected Member Convention Sessions allows Elected Members to become more familiar with their responsibilities and duties.

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:

The draft 2011/12 Budget currently includes an amount of \$9,500 for Conference Expenses.

The following costs are applicable:-

	Cr Bryan	Cr Keamy	Cr McLagan	Cr Clydesdale-Gebert	CEO
Registration	1125	1125	1125	1125	1125
Various breakfasts	132	77	77	77	132
Accommodation (\$145 & \$159pn)	290	477	-	318	435
Parking	28	-	84	-	112
Convention Sessions	Inc	Inc	Inc	Inc	Inc
* Sundry	300	300	300	300	300
Cost / Delegate	\$1,875	\$1,979	\$1,586	\$1,820	\$2,104

* The Sundry amount (for the provisions of meals and other incidentals) is estimation only and may not be utilised.

At this stage the estimated total cost for councillors & the Chief Executive Officer to attend the 2011 Local Government Convention is \$9,364.

VOTING REQUIREMENTS

Simple Majority Required

COUNCIL RESOLUTION (MANEX RECOMMENDATION)
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47/11 Moved Cr Hawkins, seconded Cr Bryan that Council authorise the Chief Executive Officer in relation to attendance at the 2011 Western Australian Local Government Convention and Exhibition to be held at the Perth Convention Exhibition Centre,

- i. to register the following to attend the Convention and selected Elected Member Convention Sessions***
 - Cr Sheryl Bryan - President***
 - Cr Robert Keamy***
 - Cr James McLagan***
 - Cr Denise Clydesdale-Gebert***
 - Lynnette O'Reilly – Chief Executive Officer***

- ii. to register the following as voting delegate representing the Shire of Moora any vote taken at the convention***
 - 1. Cr Sheryl Bryan***
 - 2. Cr James McLagan***

- iii. to include an agenda item on Council's first Briefing Session after the conference.***

CARRIED 9/0

At 6.41pm the Chief Executive Officer rejoined the meeting.

The Chief Executive Officer advised the meeting that she had been successful in obtaining a scholarship and had only been advised the day prior to the meeting. The dates now conflict with the leave period requested in July. The scholarship was a good opportunity therefore she requested that the date of her leave change to 3 October 2011 until 28 October 2011 inclusive.

The Chief Executive Officer declared a financial interest in item 11.1.2 Chief Executive Officer's Leave Arrangements and Appointment of an Acting CEO as she is the incumbent requesting leave, and left the meeting at 6.44pm.

11.1.2 CHIEF EXECUTIVE OFFICER'S LEAVE ARRANGEMENTS AND APPOINTMENT OF AN ACTING CEO

FILE REFERENCE: HR/PERI/LMOI

REPORT DATE: 10 May 2011

APPLICANT/PROPONENT: Lynnette O'Reilly, Chief Executive Officer

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

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Lynnette O'Reilly, Chief Executive Officer

ATTACHMENTS: Confidential Attachment - Agreed employment arrangements of Acting CEO;

PURPOSE OF REPORT:

To inform Council of the Chief Executive Officer's leave arrangements and to formalise the acting arrangements during the leave period from 4 July 2011 to 29 July 2011.

BACKGROUND:

As an employee of Council, the Chief Executive Officer is entitled to annual leave and other approved leave however the granting of leave is somewhat different to other employees.

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

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

COMMENT:

To cover the period the CEO is on leave the attached proposal to engage the services of an experienced local government practitioner to cover three weeks of the leave. The additional week is to be covered by the Manager Community & Economic Development. It is recommended that Council endorse the employment of Mr Eddie Piper as Acting CEO from 11 July 2011 until and including 29 July 2011 and appoint the Manager Community & Economic Development as Acting Chief Executive Officer from 4 July 2011 until 8 July 2011.

POLICY REQUIREMENTS:

There are no policies relevant to this matter.

LEGISLATIVE REQUIREMENTS:

Local Government Act 1995, Sections 2.7 and 3.1, relating to a local government's general function provisions

Local Government Officers' (WA) Award 1999

Chief Executive Officer's Employment Contract

STRATEGIC IMPLICATIONS:

There are no specific strategic implications, however, the ability to engage the services of an experienced local government practitioner will enable the Shire to continue operating effectively across all areas without the additional pressures of staff acting in senior positions for a longer period.

SUSTAINABILITY IMPLICATIONS:**➤ Environment**

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

➤ Economic

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

➤ Social

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

FINANCIAL IMPLICATIONS:

There are no financial implications to Council in respect to the leave as all leave entitlements are provided for within the Adopted Budget. There will be additional costs to Council for the period as detailed in the attached proposal of approximately \$1,000 per day.

VOTING REQUIREMENTS:

Simple Majority Required

MANEX RECOMMENDATIONS

That Council

- 1. Notes and endorses the Chief Executive Officer's leave from 4 July 2011 until 29 July 2011;*
- 2. approves the appointment of the Manager of Community and Economic Development as the Acting Chief Executive Officer from 4 July 2011 until 8 July 2011 inclusive; and*
- 3. approves the appointment of Mr Eddie Piper as the Acting Chief Executive Officer from 11 July 2011 until 29 July 2011 inclusive.*

COUNCIL RESOLUTIONS

48/11 Moved Cr McLagan, seconded Cr Bryan that

- 1. Council notes and endorses the Chief Executive Officer's leave from 3 October 2011 until 28 October 2011; and**
- 2. that the appointment of an Acting Chief Executive Officer lay on the table to enable further investigation into alternate options to be undertaken.**

CARRIED 9/0

Reason for change to recommendation:

Council preferred that relieving staff were existing managers.

At 6.56pm the Chief Executive Officer rejoined the meeting.

At 6.58pm Cr Gardiner retired from the meeting.

11.2 FINANCIAL DEVELOPMENT

11.2.1 LIST OF PAYMENTS AUTHORISED UNDER DELEGATION 1.31

REPORT DATE: 12 May 2011
OFFICER DISCLOSURE OF INTEREST: Nil
AUTHOR: Katie Bailey, Finance Officer – Creditors and Records
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

COUNCIL RESOLUTION (MANEX RECOMMENDATION)
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49/11 Moved Cr Hawkins, seconded Cr Bryan that Council notes and endorses the Payments from the Municipal and Trust Funds made under delegation 1.31

<i>Municipal Fund</i>	<i>Cheques 60294 to 60337</i>	<i>\$161,949.12</i>
<i>Direct Debits</i>	<i>EFT 5966 to 6115</i>	<i>\$237,794.52</i>
	<i>Net Pays – PPE 12 April 2011</i>	<i>\$80,558.76</i>
	<i>Net Pays – PPE 26 April 2011</i>	<i>\$69,528.84</i>
	<i>Net Pays – PPE 10 May 2011</i>	<i>\$69,286.38</i>
	<i>Credit Cards to 14 April 2011</i>	<i>\$3,758.04</i>
<i>Trust Fund</i>	<i>Cheques 4691 to 4702</i>	<i>\$1,661.94</i>
	<i>Total</i>	<i><u>\$624,537.60</u></i>

CARRIED 8/0

11.2.2 STATEMENT OF FINANCIAL ACTIVITY FOR PERIOD ENDED 30 APRIL 2011

REPORT DATE: 10 May 2011

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 April 2011

PURPOSE OF REPORT:

To note and receive the Statement of Financial Activity for the period ended 30 April 2011.

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 2010/11 adopted budget.

VOTING REQUIREMENTS

Simple Majority Required

**COUNCIL RESOLUTION
(MANEX RECOMMENDATION)**

50/11 Moved Cr Hawkins, seconded Cr Cocking that Council notes and receives the Statement of Financial Activity for the period ended 30 April 2011.

CARRIED 8/0

11.2.3 BUDGET VARIATIONS

REPORT DATE: 10 May 2011
OFFICER DISCLOSURE OF INTEREST: Nil
AUTHOR: Leanne Parola, Manager Finance & Corporate Services
ATTACHMENTS: Nil

PURPOSE OF REPORT

For Council to consider variations to the budget as a result of a successful grant application.

BACKGROUND

A grant application was made to the Office of Crime Prevention to install security screens on the windows at the Moora Youth Centre with approval being received. This project was not included in the 2010/11 budget so a budget variation is required to receive and expend the grant this financial year.

COMMENT

Funding of \$3,934 has been approved by the Office of Crime Prevention to install security windows at the Moora Youth Centre. A quotation of \$3,934 has been received from a local supplier to supply and install the screens.

Council's contribution to the project is the administration of the project which will be accommodated within the current staff budget.

POLICY REQUIREMENTS

Nil

LEGISLATIVE REQUIREMENTS:

The Local Government Act 1995 prevents a local government from incurring expenditure that is not included in its annual budget without prior approval.

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

FINANCIAL IMPLICATIONS

There will be no impact to the bottom line.

VOTING REQUIREMENTS

Absolute Majority Required

**COUNCIL RESOLUTION
(MANEX RECOMMENDATION)**

51/11 Moved Cr Hawkins, seconded Cr Pond that Council approve the following budget variations:

Account	Current Budget	Amended Budget	Impact
16700 – Youth Centre Plant & Equipment	(5,000)	(8,934)	(3,934)
23397 – Grant - Youth Program	73,805	77,739	3,934
TOTAL	68,805	68,805	0

CARRIED BY ABSOLUTE MAJORITY 8/0

11.3 OPERATIONAL DEVELOPMENT

Nil

11.4 COMMUNITY DEVELOPMENT**11.4.1 DEVELOPMENT ASSESSMENT PANELS (DAPs)**

FILE REFERENCE: TP/TPSI

REPORT DATE: 5 May 2011

APPLICANT/PROPONENT: N/A

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: N/A

AUTHOR: Ewen Ross, Mgr Health, Building and Planning Services

ATTACHMENTS: Development Assessment Panels: Update on Implementation

PURPOSE OF REPORT:

To inform Councillors of the implementation of the Development Assessment Panels (DAPs) and elect two Councillors to be nominated as DAPs members.

SUMMARY:

The introduction of Development Assessment Panels (DAPs) by way of the Approvals and Related Reforms (No.4) (Planning) Act 2010 will occur on 2 May 2011. Fifteen new DAPs are scheduled to commence operation from 1 July 2011. DAPs will be responsible for the determination of all development applications greater than \$7 million in value and may optionally determine applications between \$3 million and \$7 million in value and any other category of application delegated to the DAP by a local government. Membership will include two local government representatives with two alternative representatives to attend in lieu as required. Members are appointed for a two year term, are eligible to be reappointed and are subject to the normal local government criteria for disqualification from office.

Local Government DAP members will be required to undergo training organised by the DAP Secretariat during May and June 2011, with provision of an allowance of \$400 paid upon completion. Members will be eligible for a fee of \$400 per DAP meeting, \$400 for attendance at any proceeding in the State Administrative Tribunal and \$100 for any determination in regard to an amendment or cancellation of an already approved application. Travel expenses associated with DAP functions will be reimbursed. It is recommended that Council nominate Councillors as the Shire's representatives to the relevant Development Assessment Panel.

BACKGROUND:

DAPs have been introduced by the State Government as part of a raft of amendments to legislation governing the planning system which in essence seeks to improve its performance and outcomes. Attachment 1

DAPs will comprise a mix of technical experts (3 specialist members) and two local government representatives and are charged with determining all development applications in excess of \$7 million in value and optionally (at the election of the applicant) those applications between \$3 million and \$7 million in value. Once the DAP Regulations have been gazetted the Minister for Planning will establish 15 different DAPs across the state, the majority of which will comprise groupings of multiple local government authorities. Moora will be grouped into the Wheatbelt JDAP, Joint Development Assessment Panel. The frequency of DAP meetings will vary as to the volume of trigger applications received and the DAPs will commence operation on 1 July 2011.

The Department of Planning has advised: "The new DAP regulations prescribe local governments with a 40-day period, from the establishment of the 15 DAPs, to submit to the Minister nominations for 2 DAP members and 2 alternate DAP members (i.e. 4 names in total). As DAPs will be formally created on 2 May 2011, local governments will have until 13 June 2011 to submit their nominations. However, the Department of Planning would greatly appreciate if local government could start the process of selecting their DAP nominations from their pool of councillors. We would also appreciate names being submitted to the Department from this point onwards, if possible. Please keep in mind that if a local government fails to provide the requisite nominations within the 40-day deadline of 13 June 2011, the Minister is empowered to nominate replacements from eligible voters in the district to which the DAP is established. In turn, the Minister and Cabinet is expected to formally approve the local government nominations on or around 15 June 2011."

Nominated local government representatives will be required to undergo training organised by the DAP Secretariat with provision of an allowance of \$400 paid upon completion. Members are appointed for a two year term, are eligible to be reappointed and are subject to the normal local government criteria for disqualification from office. Members will receive a \$400 fee for each DAP meeting attended and \$100 for the determination of an amendment or cancellation of an existing approved application.

Members will be required to attend proceedings in the State Administrative Tribunal with respect to determination of applications made by the DAP and are eligible for a fee of \$400 for such attendance. DAP meetings, as with SAT attendances, are conducted during normal weekday business hours. Travel expenses associated with DAP functions will be reimbursed.

The Department of Planning has also advised that if, within the 2 year term, a local DAP member is not re-elected, they cannot hold the position of local DAP member. Local government elections may result in a change to local DAP membership if current councillors, who are DAP members, are not re-elected. In this instance, the deputy local DAP members will take the place of the former local DAP members. If both local and alternate (deputy) local members are not re-elected, the local government will need to renominate and the Minister to reappoint.

COMMENT:

In the event that there are more than two nominations for each of the above positions, it is recommended that a secret ballot be held to determine the Council representatives.

POLICY REQUIREMENTS:

There are no policy implications relative to this issue

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:

Fees for members as detailed above.

VOTING REQUIREMENTS:

Simple Majority Required

**COUNCIL RESOLUTION
(MANEX RECOMMENDATION)**

52/11 Moved Cr Bryan, seconded Cr Cocking that Council nominate Councillors McLagan and Clydesdale-Gebert as the Shire's local government representatives to the relevant Development Assessment Panel, with Councillors Bryan and Gardiner as the alternative representatives.

CARRIED 8/0

Cr Hawkins declared an impartiality interest in item 11.4.2 Lot 371, Reserve 30860 (AgWest) as he is an employee of the Department of Agriculture & Food.

11.4.2 LOT 371, RESERVE 30860 (AGWEST)

FILE REFERENCE: GA/DOL & B/AGD
REPORT DATE: 9 May 2011
APPLICANT/PROPONENT: N/A
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: Nil
AUTHOR: Ewen Ross, Mgr Health, Building and Planning Services
ATTACHMENTS: DRGDL State Lands Services 2 May 2011 – 03697-1970-02ro

PURPOSE OF REPORT:

To obtain Councils approval to purchase the land Lot 371 Reserve 30860 Riley Road, Moora. (Subject land)

BACKGROUND:

The subject land was previously the AgWest Depot, now Department of Agriculture and Foods has been offered to Council verbally. Council currently has a lease on the land and is using the lot for a depot accommodating a “Gardeners Shed”, “Building Maintenance Officer Shed”, “Rangers and Cleaning Chemical Storage Shed” and the “Apex” recycling facility. The subject land has been put up for disposal and the option by the Department of Treasury and Finance is that it be sold for current unimproved market value. The assed value is \$10,000.

There is one issue to note with the land, the GHD report of July 2000. This report is not current and some of the legislative requirements have changed. Additionally, it indicates the lowest cost remedial action of encapsulating the area contaminated which would involve constructing a concrete floor over the contaminated soils to match what is currently in the remainder of the floor. This recommendation is supported on occupational health and safety grounds to ensure worker safety irrelevant to any planning issues such as change of use/zoning. A formal quote has not been obtained but a sum of \$5,000 should be budgeted.

No valuation of the Lot has been made, but the Council has first option to secure an 8076sqm zoned “public purpose” which has four buildings constructed of substantial value and future life. The surrounding properties are zoned Rural Residential 3 (1 hecter), Residential (R2.5) and Light Industrial.

The Shire of Moora Townsite Expansion Strategy (13 Jan 10) is not specific to future use of this land or the surrounding area. However, given its location and neighbour ones it has a potential of a number of uses, public open space, recreation, community facility and as current a Shire depot.

COMMENT:

The offer of the land at unimproved value of \$10,000 is considered a good offer to Council as the potential is for the land to be held as freehold. It is also a strategic move to retain this land given the townsite expansion and have it available as public open space in the future. In the interim, the Council has the use of the buildings as currently utilised.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

There are no known legislative requirements related to this item.

STRATEGIC IMPLICATIONS:

Land held as freehold and use control by Council as future open space.

SUSTAINABILITY IMPLICATIONS:

As a freehold lot purchased at unimproved value Council's sustainability is a controlling land owner directing future use of the land within the Townsite to meet community expectations.

- **Environment**
Land under Council control use can be directed by community influence.
- **Economic**
Potential to freehold land.
- **Social**
Potential for public open space.

FINANCIAL IMPLICATIONS:

A purchase cost of \$10,000 and \$2,000 to construct a concrete floor.

VOTING REQUIREMENTS

Simple Majority Required

**COUNCIL RESOLUTION
(MANEX RECOMMENDATION)**

53/11 Moved Cr Pond, seconded Cr Clydesdale-Gebert that Council advise the Department of Regional Development and Lands, State Lands Services that it is prepared to purchase Lot 371, Reserve 30860 Riley Road, Moora on a freehold basis at a cost of \$10,000.

CARRIED 6/2

Note: The price stated in the financial implications to construct a concrete floor was updated with a reduction from \$5,000 to \$2,000 as a firm quote was received after the time of the officer writing the report.

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

Nil

13. MOTIONS OF AN URGENT NATURE INTRODUCED BY DECISION OF COUNCIL**13.1 DEVELOPMENT APPLICATION LOTS 404-413 GARDINER STREET, MOORA**

Item 13.1 was considered after item 10.1

14. NOTICE OF MOTIONS FOR THE NEXT COUNCIL MEETING

Nil

15. MATTERS BEHIND CLOSED DOORS

Nil

16. CLOSURE OF MEETING

There being no further business, the Shire President declared the meeting closed at 7.20pm.

CONFIRMED

PRESIDING MEMBER