

SHIRE OF MOORA
MINUTES OF THE ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS, MOORA
WEDNESDAY 17 DECEMBER 2008

TABLE OF CONTENTS

1.	<u>DECLARATION OF OPENING & WELCOME OF VISITORS</u>	3
2.	<u>DISCLAIMER READING</u>	3
3.	<u>ATTENDANCE</u>	3
	<u>APOLOGIES</u>	3
	<u>PUBLIC</u>	3
4.	<u>DECLARATIONS OF INTEREST</u>	3
5.	<u>QUESTIONS BY THE PUBLIC IN ACCORDANCE WITH SECTION 5.24 OF THE ACT</u>	4
6.	<u>RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE</u>	4
7.	<u>APPLICATIONS FOR LEAVE OF ABSENCE</u>	4
8.	<u>PETITIONS AND MEMORIALS</u>	4
9.	<u>ANNOUNCEMENTS BY THE SHIRE PRESIDENT</u>	4
10.	<u>CONFIRMATION OF MINUTES OF THE PREVIOUS MEETINGS</u>	4
	10.1 <u>ORDINARY COUNCIL MEETING - 19 NOVEMBER 2008</u>	4

11.	<u>REPORTS OF OFFICERS</u>	5
11.1	<u>ADMINISTRATION</u>	5
11.1.1	Minutes of Annual General Meeting of Electors Held on 8 December 2008 *	5
11.1.2	Chief Executive Officer's Leave Arrangements and Appointment of an Acting Chief Executive Officer	6
11.1.3	Review of Council Meeting Schedules *	7
11.2	<u>FINANCIAL DEVELOPMENT</u>	9
11.2.1	List of Payments Authorised Under Delegation 1.31 *	9
11.2.2	Statement of Financial Activity for Period Ended 30 November 2008*	11
11.2.3	Audit Committee Meeting held 19 March 2008 *	12
11.3	<u>OPERATIONAL DEVELOPMENT</u>	14
11.3.1	Tender 7/2008 - Rubbish/Refuse Truck *	14
11.3.2	Tender 8/2008 – Tip Truck *	16
11.4	<u>COMMUNITY DEVELOPMENT</u>	18
11.4.1	Town Planning Scheme No 4 – Delegation of Powers *	18
11.5	<u>ENVIRONMENTAL DEVELOPMENT</u>	19
11.6	<u>ECONOMIC DEVELOPMENT</u>	19
11.6.1	Tender 6/2008 – Disposal of Lots 154 & 155 Gardiner Street Moora *	19
11.6.2	Tender 9/2008 – Construction of Two Chalets	22
11.6.3	Lee Steere Street Business Plan	24
11.6.4	Moora Gardens Lifestyle Village *	26
11.7	<u>SPORT AND RECREATION</u>	28
12.	<u>ELECTED MEMBER MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN</u>	28
13.	<u>MOTIONS OF AN URGENT NATURE INTRODUCED BY DECISION OF COUNCIL</u>	28
14.	<u>NOTICE ON MOTIONS FOR THE NEXT COUNCIL MEETING</u>	29
14.1	Investigation of Recycling	29
14.2	Proposed Engagement of Grant Writer	29
15.	<u>MATTERS BEHIND CLOSED DOORS</u>	29
16.	<u>CLOSURE OF MEETING</u>	29

* Separate Attachments

Item 11.1.1	Minutes of Electors Meeting held 8 December 2008
Item 11.1.3	Proposed Schedule of Meeting Dates for 2009
Item 11.2.1	List of Payments Authorised Under Delegation 1.31
Item 11.2.2	Statement of Financial Activity for the Period Ended 30 November 2008
Item 11.2.3	Audit Committee Meeting Minutes – 3 December 2008
Item 11.3.1	Tender Summary Matrix 07/2008
Item 11.3.2	Tender Summary Matrix 08/2008
Item 11.4.1	Subdivision plan – Roseprime Pty Ltd
Item 11.6.1	Copy of Tender Offer
Item 11.6.4	Moora Gardens Lifestyle Village Business Plan

1. DECLARATION OF OPENING & WELCOME OF VISITORS

The Shire President declared the meeting open at 3.35pm, welcomed visitors and announced:

“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

SA Bryan	-	Presiding Member
SJ Pond	-	Councillor
CE Gardiner	-	Councillor
WA Barrett-Lennard	-	Councillor
AR Tonkin	-	Councillor
R Keamy	-	Councillor
D Clydesdale-Gebert	-	Councillor
CD Hawkins	-	Councillor
LM O’Reilly	-	Chief Executive Officer
JL Greay	-	Manager Engineering Services
GF Bangay	-	Manager Health, Building & Planning Services
RL McCall	-	Manager Economic Development

APOLOGIES

Darren Friend	-	Manager Finance & Corporate Services
MJ Prunster	-	Manager Community Services
JW McLagan	-	Councillor

PUBLIC

Nil

4. DECLARATIONS OF INTEREST

Nil

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

Nil

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

At 3.35 pm Cr Hawkins left the meeting.

- Wished everyone a Merry Christmas and Happy New Year. Thankyou to Councillors and staff for the huge commitment for 2008. Enjoy your short break and look forward to seeing you all in 2009.
- Crs Gardiner, Tonkin, Pond, Clydesdale-Gebert and I attended the Moora Chamber of Commerce Business Excellence Awards on Friday 28th November at the MPAC.
- Advised that favourable comments had been received from the public regarding the Electors Meeting on the 8th December and they were glad they had attended.
- Attended the St Joseph's Primary School Presentation night at the Performing Arts Centre on Wednesday 10th December and it was very enjoyable.
- Attended the Central Midlands Senior High School Presentation night at the school on Monday 15th.
- Attended the Watheroo Primary School Presentation night on 16th December which was well attended and enjoyed the concert.
- Cr Pond advised he had attended an Energising the Wheatbelt teleconference. He thanked the Shire President on behalf of Councillors for her efforts over the year.
- Cr Tonkin has received a lot of comment from out of town truck drivers in regards to the poor condition of Wheatbin Road.

10. CONFIRMATION OF MINUTES OF THE PREVIOUS MEETINGS**10.1 ORDINARY COUNCIL MEETING - 19 NOVEMBER 2008**

192/08 Moved Cr Gardiner, seconded Cr Barrett-Lennard that the Minutes of the Ordinary Meeting of Council held on 19 November 2008, be confirmed as a true and correct record of the meeting.

CARRIED 7/0

II. REPORTS OF OFFICERS

II.1 ADMINISTRATION

II.1.1 MINUTES OF ANNUAL GENERAL MEETING OF ELECTORS HELD ON 8 DECEMBER 2008

LOCATION: Moora
FILE: EM/ANMI
AUTHOR: Lynnette O'Reilly, Chief Executive Officer
REPORT DATE: 11 December 2008
DECLARATION: The author has no financial interest in this matter
ATTACHMENTS: Minutes of Electors Meeting held 8 December 2008

BACKGROUND

The Annual General Meeting of Electors, in respect to the year ended 30 June 2008, was held in the Moora Performing Arts Centre on Monday 8 December 2008.

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

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

COMMENT

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

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

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

BUDGET IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

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

PRECEDENT

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

VOTING REQUIREMENTS

Simple majority required.

**COUNCIL RESOLUTION
(MANEX RECOMMENDATION)**

193/08 Moved Cr Pond, seconded Cr Barrett-Lennard that Council receives the minutes of the Annual General Meeting of Electors for the Year Ended 30 June 2008 held on 8 December 2008, and note the contents.

CARRIED 7/0

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

FILE REFERENCE: HR/PERI/LORI

REPORT DATE: 10 December 2008

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:

AUTHOR: Lynnette O'Reilly, Chief Executive Officer

ATTACHMENTS: Nil

PURPOSE OF REPORT:

To formalise the previous acting arrangements for Mr Darren Friend for the period 5/1/09 to the 9/1/09 during the Chief Executive Officer's leave.

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.

Council are required to approve the position appointed to act in the position during the absence of the CEO.

COMMENT:

The period of leave will be from Monday 5/1/09 until and including Friday 9/1/09. Mr Darren Friend has been nominated and agreed to act in the position of CEO during this period.

POLICY REQUIREMENTS:

There are no policies relevant to this matter.

LEGISLATIVE REQUIREMENTS:

Sections 2.7 and 3.1 of the Local Government Act 1995, 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.

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.

VOTING REQUIREMENTS:

Simple Majority Required

**COUNCIL RESOLUTION
(MANEX RECOMMENDATION)**

194/08 Moved Cr Tonkin, seconded Cr Pond that Council approves the appointment of Mr Darren Friend as the Acting Chief Executive Officer from 5 January 2009 to 9 January 2009, both dates inclusive.

CARRIED 7/0

11.1.3 REVIEW OF COUNCIL MEETING SCHEDULES

FILE REFERENCE: EN/COAI

REPORT DATE: 11 December 2008

APPLICANT/PROPONENT: Not Applicable

DISCLOSURE OF INTEREST: The author of this report has no financial interest in the matter.

PREVIOUS MEETING REFERENCES: 11 July 2007, 23 January 2008

AUTHOR: Lynnette O'Reilly, Chief Executive Officer

ATTACHMENTS: Proposed Schedule of meeting dates for 2009

PURPOSE OF REPORT:

To provide suggested dates for Council approval for meeting dates for the 2009 year to enable public advertising as required by the Local Government Act 1995.

BACKGROUND:

During 2007/2008 a trial was successfully completed which consisted of one Council meeting and two briefing sessions per calendar month. During 2008 monthly Council meetings have been successful in conjunction with two briefing sessions per month.

COMMENT:

MANEX's view is that meetings should continue in the current format of one Council meeting, on the third Wednesday of the month and two briefing sessions, one on the first Wednesday of the month and the second one following the Council meeting on the third Wednesday of the month. The time of the Council meeting is to remain at a 3.30pm start.

The schedule of meetings has identified the need to adjust the regular meeting times and it is suggested that no Briefing Session be held at the beginning of August as Local Government week is scheduled to be held from 6-8th August & the Roads Transport Forum is to be held on Wed 5th August. This week also provides the opportunity for professional development during the week.

It is also suggested that the Council meeting proposed for 18th November be rescheduled to 11th November due to the Local Government Managers Australia (LGMA) State Conference being held 18th – 20th November. This allows for Managers who are members of the LGMA to attend without absences impacting on the meeting process.

POLICY REQUIREMENTS:

There are no Council Policies relative to this matter.

LEGISLATIVE REQUIREMENTS:

Section 5.25 (g) of the Local Government Act 1995 stipulates that Regulations may make provision in relation to the giving of public notice of the date and agenda for Council or committee meetings.

Regulation 12 of the Local Government (Administration) Regulations 1996 states;

- I. At least once each year a local government is to give local public notice of the dates on which and the time and place at which –
 - (a) the ordinary council meetings; and
 - (b) the briefing sessions that are required under the Act to be open to members of the public or that are proposed to be open to members of the public; are to be held in the next 12 months.

Sections 5.98 and 5.99 of the Local Government Act 1995 and Regulation 30 of the Local Government (Administration Regulations) 1996 sets the minimum and maximum amounts for the payment of meeting fees.

STRATEGIC IMPLICATIONS:

Enables Council to provide good local government to the district.

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. The holding of Council meetings including all associated costs is provided in the current budget and will be provided for in future budgets.

VOTING REQUIREMENTS:

Simple Majority Required

COUNCIL RESOLUTION (MANEX RECOMMENDATIONS)

195/08 Moved Cr Gardiner, seconded Cr Keamy that Council,

- 1. Adopts the meeting schedule for the period January 2009 to December 2009 as attached, based on one Ordinary Meeting of Council per month;*
- 2. Advertises the meeting dates in accordance with section 5.25 of the Local Government Act 1995 and Regulation 12 (1) of the Local Government (Administration) Regulations 1996.*
- 3. Confirms the meeting fees to be paid to Councillors at \$140 per meeting and at \$280 per meeting for the Shire President.*

CARRIED 7/0

11.2 FINANCIAL DEVELOPMENT

11.2.1 LIST OF PAYMENTS AUTHORISED UNDER DELEGATION 1.31

REPORT DATE: 8 December 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

**COUNCIL RESOLUTION
(MANEX RECOMMENDATION)**

196/08 Moved Cr Gardiner, seconded Cr Tonkin that Council notes and endorses the Payments from the Municipal and Trust Funds made under delegation 1.31

Municipal Fund	Chqs 58820 to 58905	\$222,260.62
Direct Debits	EFT 1595 to 1730	\$343,184.22
	Net Pays – PPE 25 Nov	\$72,629.02
	Net Pays – PPE 9 Dec	\$70,451.60
Trust Fund	Chqs 4531 to 4531	\$300.00
Total		<u>\$708,825.46</u>

CARRIED 7/0

11.2.2 STATEMENT OF FINANCIAL ACTIVITY FOR PERIOD ENDED 30 NOVEMBER 2008

REPORT DATE: 9 December 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 30 November 2008

PURPOSE OF REPORT:

To note and receive the Statement of Financial Activity for the period ended 30 November 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 2008/2009 adopted budget.

VOTING REQUIREMENTS

Simple Majority Required

**COUNCIL RESOLUTION
(MANEX RECOMMENDATION)**

197/08 Moved Cr Pond, seconded Cr Tonkin that Council notes and receives the Statement of Financial Activity for the period ended 30 November 2008.

CARRIED 7/0

11.2.3 AUDIT COMMITTEE MEETING HELD 3 DECEMBER 2008

FILE REFERENCE: F/AUDI
REPORT DATE: 9 December 2008
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: Nil
AUTHOR: Darren Friend, Manager Finance & Corporate Services
ATTACHMENTS: Audit Committee Minutes – 3 December 2008

PURPOSE OF REPORT:

To receive the minutes of the Audit Committee meeting held on 3 December 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 3 December 2008 in the Council Chambers, 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 3 December 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 2008

- b) That it be recommended to Council to note and receive the Management Report for the year ended 30th June 2008 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 Required

**COUNCIL RESOLUTION
(MANEX RECOMMENDATIONS)**

198/08 Moved Cr Barrett-Lennard, seconded Cr Keamy that Council:

- 1. Receives the minutes of the Shire of Moora Audit Committee Meeting held on 3 December 2008, as appended;*
- 2. Adopts the recommendations contained within the minutes of the Audit Committee Meeting held on 3 December 2008 as decisions of Council, namely:*
 - a) that Council note and receive the Independent Audit Report for the year ended 30th June 2008*

- b) *that Council note and receive the Management Report for the year ended 30th June 2008 and for Council to respond to its Auditors, UHY Haines Norton using the Officer's comments provided.*

CARRIED 7/0

At 3.55pm Cr Hawkins rejoined the meeting.

11.3 OPERATIONAL DEVELOPMENT

11.3.1 TENDER 07/2008 RUBBISH/REFUSE TRUCK

FILE REFERENCE: L/TEPI
REPORT DATE: 8 December 2008
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: 22/10/08 (170/08)
AUTHOR: John Greay, Manager Engineering Services
ATTACHMENTS: Tender Summary Matrix 07/2008

PURPOSE OF REPORT:

Tenders closed on Monday 1st December 2008 and are now presented to Council for evaluation.

BACKGROUND:

Council has budgeted this year for the replacement of their 1998 Hino rubbish truck.

COMMENT:

Council's existing truck is now 10 years old and is in need of replacement. Tenders were advertised in the West Australian newspaper on 15 November 2008 and at the time of closing we had received tenders from three companies. Two tenders were from Truck suppliers and the other from a body builder. All tenders received are compiled on the attached sheet for Council's evaluation.

POLICY REQUIREMENTS:

Council has abided by their policy in calling tenders for items of plant with a value greater than \$100,000.

LEGISLATIVE REQUIREMENTS:

Local Government Act 1995 (as amended) 3.57
Regulations 11 (1) & 18 of the Local Government (Functions & General) Regulations 1996

STRATEGIC IMPLICATIONS:

The upgrading of the rubbish truck may allow us the opportunity to tender to neighbouring councils, if and when they call tenders for their rubbish removal and it may position Council well in being able to offer this service via VROC. Also the truck is slightly larger than the existing one and if all predictions are correct with Moora town growth then we will be well positioned when this occurs.

SUSTAINABILITY IMPLICATIONS:**➤ Environment**

Council provides a rubbish pickup service to its urban and some rural ratepayers (who deliver their bin into a designated bin pickup location) throughout the district on a weekly basis. It is important that a service is provided to collect household waste and have it disposed of in an effective manner on a regular basis. This reduces the likelihood of indiscriminate dumping which could cause a health hazard and have a detrimental impact on the environment.

➤ 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:

Council has budgeted for this item of plant in the 2008-09 financial year. A budgeted amount of \$280,000 with a trade value of \$12,000 leaving a changeover of \$268,000 plus GST has been allowed for.

VOTING REQUIREMENTS

Simple Majority Required

**COUNCIL RESOLUTION
(MANEX RECOMMENDATION)**

199/08 Moved Cr Pond, seconded Cr Tonkin that Council accepts the tender received from WA Hino for tender #07/2008 for the supply and delivery of 1 (one) only Hino J08E-TB (ADR80) Cab/Chassis for \$118,992.80 and accept the tender from Wastemaster to supply a 18m3 Waste Compactor body for \$143,605 totalling \$262,597.80 and accept the trade of councils existing truck from Wastemaster for \$16,818.20 which leaves a changeover of \$245,779.60 excluding GST.

CARRIED 7/1

11.3.2 TENDER 08/08 TIP TRUCK

FILE REFERENCE: L/TEPI
REPORT DATE: 8 December 2008
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: 22/10/08 (170/08)
AUTHOR: John Greay, Manager Engineering Services
ATTACHMENTS: Tender Summary Matrix 08/2008

PURPOSE OF REPORT:

Tenders closed on Monday 1st December 2008 and are now presented to council for evaluation

BACKGROUND: Council has budgeted this year for the replacement of their 1997 International Tip truck.

COMMENT:

Tenders were advertised in the West Australian newspaper on 15th November 2008 and at the time of closing we had received tenders from six companies. All tenders received are compiled on the attached sheet for council's evaluation

POLICY REQUIREMENTS:

Council has abided by their policy in calling tenders for items of plant with a value greater than \$100,000

LEGISLATIVE REQUIREMENTS:

Local Government Act 1995 (as amended) 3.57
Regulations 11 (1) & 18 of the Local Government (Functions & General) Regulations 1996

STRATEGIC IMPLICATIONS:

Council's road network is strategically important to the development of the district. Having reliable equipment is essential to keeping the road system in good order. All farm inputs and outputs are delivered by road and it is evident during the current harvest how important a well maintained road construction and maintenance programme is. This truck is a valuable component of Council's plant and equipment in developing and maintaining this service

SUSTAINABILITY IMPLICATIONS:

- **Environment**
There are no known significant environmental implications associated with this proposal.
- **Economic**
A well maintained road system has economic benefits to all road users
- **Social**
The opportunity exists for greater social interaction if a well maintained and safe road network is available to travel on.

FINANCIAL IMPLICATIONS:

Council has budgeted for the changeover of this item of plant in this current financial year. An amount of \$263,000 with a trade value of \$60,000 has been allowed for leaving a changeover of \$203,000 plus GST.

VOTING REQUIREMENTS

Simple Majority Required

MANEX RECOMMENDATION

That Council accepts the tender received from WA Hino for tender #08/2008 for the supply and delivery of 1 (one) only Hino 4562- 700 Series Cab/Chassis complete with a Howard Porter 11m³ End /Side Tip Body for a combined total of \$225,882.72 by trading in Councils existing International S3600 Tip Truck for a value of \$40,000 leaving a changeover of \$185,882.72 excluding GST.

COUNCIL RESOLUTION

200/08 Moved Cr Gardiner, seconded Cr Hawkins that Council

- 1. accepts the tender received from WA Hino for tender #08/2008 for the supply and delivery of 1 (one) only Hino 4562- 700 Series Cab/Chassis Truck complete with a Howard Porter 11m³ End /Side Tip Body for a combined total of \$225,882.72 by trading in Councils existing International S3600 Tip Truck for a value of \$40,000 leaving a changeover of \$185,882.72 excluding GST.**
- 2. adds the additional extras of a bullbar and windscreen guard for the price of \$3,390.00 excluding GST to the Hino 4562-700 Series Cab/Chassis truck.**

CARRIED 8/0

Note: Council added point 2 to the Manex recommendation due to the preferred tender being a cab over truck configuration, to provide greater protection to the occupants of the vehicle.

11.4 COMMUNITY DEVELOPMENT

11.4.1 TOWN PLANNING SCHEME NO 4 – DELEGATION OF POWERS

FILE REFERENCE: TP/PTM11
REPORT DATE: 11 December 2008
APPLICANT/PROPONENT: Roseprime Pty Ltd
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: Nil
AUTHOR: Michael Prunster, Manager Community Services
ATTACHMENTS: Subdivision plan – Roseprime Pty Ltd

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 10 December 2008.

- Roseprime Pty Ltd - Subdivision application Lot 542 Watheroo-Miling Road Watheroo – proposal for the subdivision of two lots – Zone “Farming” (Ref 33/08)

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

**COUNCIL RESOLUTION
(MANEX RECOMMENDATION)**

201/08 Moved Cr Hawkins, seconded Cr Keamy that Council note the town planning application approved under delegated authority.

CARRIED 8/0

11.5 ENVIRONMENTAL DEVELOPMENT

Nil

11.6 ECONOMIC DEVELOPMENT

11.6.1 TENDER 6/2008 – DISPOSAL OF LOTS 154 & 155 GARDINER STREET MOORA

FILE REFERENCE: ED/SAO1
REPORT DATE: 8 December 2008
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: 156/08 (20/8/08)
AUTHOR: Rebecca McCall, Manager Economic Development
ATTACHMENTS: Copy of Tender Offer

PURPOSE OF REPORT:

Evaluate tender submission for Lots 154 & 155 Gardiner Street Moora and resolve to accept or decline offer.

BACKGROUND:

In November 2001, Council advertised to dispose of Lots 153, 154 & 155 Gardiner Street, Moora by public tender.

No offers were received for Lots 154 & 155.

Lots 154 & 155 Gardiner Street, Moora were assessed and valued in November 2007 for \$40,000 each exclusive of GST. Council made the decision not to dispose of these Lots until the Town Centre Revitalisation Report was completed.

During the Ordinary Council Meeting dated August 20, 2008 Council resolved to:

156/08 Moved Cr Gardiner, seconded Cr Hawkins that Council;

1. *offer Lots 154 & 155 Gardiner Street, Moora for sale by public tender.*
2. *sell Lots 154 & 155 Gardiner Street, Moora to a willing buyer for no less than the recommended market value, exclusive of GST.*
3. *delegate authority to the Chief Executive Officer to accept or reject any Market Value offer.*

The Local Government Act 1995 requires the market value of the disposition as ascertained by a valuation carried out not more than six months before the proposed disposition. Due to this requirement a new valuation of Lots 154 & 155 Gardiner Street, Moora were assessed and valued in September 2008 for \$35,000 each exclusive of GST.

COMMENT:

The sale of Lots 154 & 155 Gardiner Street, Moora by public tender was advertised in the Central Midlands & Coastal Advocate in the October 23rd 2008 edition.

At the closing of tenders, one tender was received from tenderer Djarat Enterprises Pty Ltd. The price offered for Lots 154 & 155 Gardiner Street, Moora was \$92,400 exclusive of GST.

Management assessed the tender offer. Upon assessing the qualitative criteria the evaluation concluded the following:

(a)	Price Offered (Weighting 40%)	<u>Assessment 40%</u>
(b)	Proposed Development (Weighting 30%)	<u>Assessment 0%</u>
(c)	Development Timeframe (Weighting 15%)	<u>Assessment 0%</u>
(d)	Perceived Benefits (Weighting 15%)	<u>Assessment 8%</u>

The tender submission received does not meet all of the outlined criteria. Council may wish to consider asking the tenderer to confirm development details that also includes a definite timeframe.

POLICY REQUIREMENTS:

Complying with Council's policy in regards to tendering.

LEGISLATIVE REQUIREMENTS:

Section 3.58 of the Local Government Act 1995 relating to the disposal of Local Government Property.

STRATEGIC IMPLICATIONS:

The Shire of Moora's Strategic Plan outlines in the Key Result Area 'Growth' the goal to attract increased population and investment, to realise our brilliant opportunities and diversify our region's employment and economic base.

SUSTAINABILITY IMPLICATIONS:

➤ **Environment**

There are potential environmental implications associated with this item with the enhancement of the town centre of Moora.

➤ **Economic**

There are potential economic implications associated with this proposal including economic growth for the local community.

➤ **Social**

There are potential social implications associated with this proposal through encouraging new investment and growth which benefits the community at large.

FINANCIAL IMPLICATIONS:

Financial implications include a projected income of \$80,000 inclusive of GST in the 2008/09 financial year. The projected income is to be placed in reserve and earmarked for future economic development.

VOTING REQUIREMENTS

Absolute Majority Required

MANEX RECOMMENDATION

That Council in relation to tender 6/2008 for the sale of Lots 154 & 155 Gardiner Street Moora declines the tender submitted by Djarat Enterprises Pty Ltd.

**COUNCIL RESOLUTION
(MANEX RECOMMENDATION)**

202/08 Moved Cr Clydesdale-Gebert, seconded Cr Bryan that Council, in relation to tender 6/2008 for the sale of Lots 154 & 155 Gardiner Street Moora accepts the tender submitted by Djarat Enterprises Pty Ltd.

CARRIED BY ABSOLUTE MAJORITY 6/2

Note: Council resolved to accept the tender submitted as they believed it was a good offer in the current financial market. Council were satisfied with the criteria met.

The Chief Executive Officer declared a financial interest in item 11.6.2 as she is a partner in a local hardware store.

11.6.2 TENDER 9/2008 – CONSTRUCTION OF TWO CHALETS

FILE REFERENCE: ED/TODI
REPORT DATE: 8 December 2008
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: Nil
AUTHOR: Rebecca McCall, Manager Economic Development
ATTACHMENTS: Nil

PURPOSE OF REPORT:

To consider tendering for the construction of two chalets for the Moora Caravan Park.

BACKGROUND:

Tenders were sought for the construction of four chalets for the provision of short stay accommodation at the caravan park in 2003. The development of the chalets proved to be successful with regular bookings from visitors, travelling professionals and short stay accommodation.

The Moora Caravan Park, through word of mouth, has established a very good reputation for its services and facilities it provides for its patrons.

COMMENT:

With the high demand of such accommodation and upon receiving feedback from the users it became apparent that there is a need to provide two-bedroom chalets. There is also a need to make provision for patrons who have disabilities.

In recognition of the demand for such accommodation Council allocated \$180,000, in a way of a loan, in the 2008/09 financial budget for the construction and development of two additional chalets.

It is proposed to call tenders for two, two-bedroom chalets one of which will include disability access.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

Section 3.57 of the Local Government Act 1995 relating to tenders for providing goods and services.

STRATEGIC IMPLICATIONS:

The Shire of Moora's Strategic Plan outlines in the Key Result Area 'Infrastructure' the goal to maintain, improve and increase community facilities and services.

SUSTAINABILITY IMPLICATIONS:➤ **Environment**

There are potential environmental implications associated with this proposal with the addition of two new chalets in the Moora Caravan Park which shares a boundary with Apex Park.

➤ **Economic**

There are potential economic implications associated with this proposal including economic growth for the local community.

➤ **Social**

There are potential social implications associated with this proposal through providing additional services and encouraging visitors to stay in Moora.

FINANCIAL IMPLICATIONS:

The 2008/09 financial budget includes the provision of \$180,000 by way of a loan for the construction of two chalet units.

VOTING REQUIREMENTS

Absolute Majority Required

At 5.25pm Cr Pond left the meeting.

MANEX RECOMMENDATIONS

That Council;

1. *advertise to seek tenders from suitably qualified persons or companies for the construction of two, two-bedroom chalets one of which must include disability access.*
2. *delegate authority to the Chief Executive Officer to accept or reject tenders within Budget provision.*

COUNCIL RESOLUTION

203/08 Moved Cr Clydesdale-Gebert, seconded Cr Gardiner that Council advertise to seek tenders from suitably qualified persons or companies for the construction of two, two-bedroom chalets one of which must include disability access.

CARRIED BY ABSOLUTE MAJORITY 7/0

Note: Council's resolution differed from the Manex recommendation due to the Chief Executive Officer's financial interest and Council wanting to have greater input into the tender process.

11.6.3 LEE STEERE STREET BUSINESS PLAN

FILE REFERENCE: TP/LSSI
REPORT DATE: 8 December 2008
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: 130/06 (26/07/06), 55/07 (14/05/07)
AUTHOR: Rebecca McCall, Manager Economic Development
ATTACHMENTS: Lee Steere Street Business Plan – provided to Councillors during Briefing Session December 3, 2008

PURPOSE OF REPORT:

To endorse the Lee Steere Street residential development business plan completed by Mr Eddie Piper.

BACKGROUND:

Council will be aware of the acute housing shortage in the town site of Moora and the demand for development and subsequent problems with the floodway area within the Moora townsite.

The development of areas for housing has long been an issue for Moora and this has only increased in the last 24 months with the rapid growth in our region and the demand for suitable housing in the town of Moora.

In recognition of this issue Council resolved to purchase land at the Ordinary Council meeting on July 26, 2006;

130/06 Moved Cr Gardiner, seconded Cr McLagan that Council proceeds with the option to purchase Lots 18-21 Lee Steere Street, Moora for \$100,000 and proceed with the transaction before the 31st July 2006.

CARRIED BY ABSOLUTE MAJORITY 9/0

The properties are located outside of the flood impact area and as such are an excellent opportunity to assist in the development of Moora in a flood free area.

Concept plans have been developed by Statewest Surveying & Planning for these Lots. The plan provides for 31 blocks and the opportunity for future development in the adjoining privately owned Lots.

COMMENT:

In accordance with the Local Government Act 1995 Section 3.59 (1) determines that this development is a Major Land Transaction as the protected consideration is well in excess of the prescribed amount of \$1,000,000. Section 3.59(2) of the Local Government Act 1995 requires that before a local government enters into a Major Land Transaction it must prepare a business plan.

The business plan for the Lee Steere Street Estate includes an overall assessment of the major land transaction and includes the description of the land, development options, recommendations, timelines, service and facilities, demand and financial implications.

Subsequent to the preparation of the business plan, and calling for submissions, a decision by the Council of the Shire of Moora to proceed with the development provided it is as proposed and is not significantly different from what was advertised.

Council can then proceed to call for developers/contractors to either express their interest via expressions of interest, formal process or proceed direct to tender.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

Section 3.59 of the Local Government Act 1995 relating to commercial enterprises by local government.

STRATEGIC IMPLICATIONS:

The Shire of Moora's Strategic Plan outlines Key Result Area 'Infrastructure' the goal to maintain, improve and increase infrastructure.

SUSTAINABILITY IMPLICATIONS:

➤ **Environment**

There are environmental implications as an application to rezone Lot 21 Lee Steere Street from 'Special Rural' to 'Scheme Reserve for Conservation' has been submitted to the Western Australian Planning Commission.

➤ **Economic**

The potential economic implications associated with this proposal including economic growth for local businesses as well as attracting new labour force to Moora. These benefits are in the future for the Shire of Moora but this motion will set up the basis for this growth to occur.

➤ **Social**

The potential social implications associated with this proposal include the increase of skilled labour force and therefore increase the socio-economic status of Moora.

FINANCIAL IMPLICATIONS:

The 2008/09 financial budget includes an allocation of \$50,000 for professional fees to further progress the proposed Lee Steere Street and West End residential development.

VOTING REQUIREMENTS

Absolute Majority Required

At 5.28pm Cr Pond rejoined the meeting.

**COUNCIL RESOLUTION
(MANEX RECOMMENDATIONS)**

204/08 Moved Cr Gardiner, seconded Cr Bryan that Council;

- 1. endorses the Lee Steere Street business plan*
- 2. advertises state wide public notice of the business plan in accordance with Section 3.59 of the Local Government Act 1995*

CARRIED BY ABSOLUTE MAJORITY 7/1

11.6.4 MOORA GARDENS LIFESTYLE VILLAGE

FILE REFERENCE: ED/MRDI
REPORT DATE: 8 December 2008
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES:
AUTHOR: Rebecca McCall, Manager Economic Development
ATTACHMENTS: Moora Gardens Lifestyle Village Business Plan

PURPOSE OF REPORT:

For Council to consider the development of the Moora Gardens Lifestyle Village.

BACKGROUND:

The Shire of Moora requested a land ownership transfer from the Mains Roads Department to the Shire of Moora. The land transfer included Lots 41 & 43 Roberts Street Moora. Upon receiving the land the Shire of Moora proceeded to demolish existing infrastructure and had the necessary environmental testing completed in readiness for development.

Since then Council and Staff have explored development options with the preference of creating a retirement/lifestyle village. The concept of this proposal was popular but was not considered a priority to further research due to other more pressing development requirements.

Rare opportunities do arise on occasions upon other unforeseen and unfortunate circumstances. Many park homes established in tourist parks within the Perth metropolitan area are closing due to redevelopment. Park home residents of these tourists' parks have few re-location options. One such facility is Kingsway Tourist Park where some eighty park home residents have now less than twelve months to relocate.

Council staff has been researching the feasibility of developing a lifestyle village and relocating interested park home residents currently residing at the Kingsway Tourist Park. Staff have met with residents on several occasions discussing the options and some thirty residents visited Moora during an organised tour to showcase the local community.

Seventeen formal expressions of interest have been received from residents wishing to relocate to Moora to a newly development lifestyle village. In addition, a local resident has expressed interest in constructing a park home and locating it within the Village with the intention to lease.

COMMENT:

The attached business plan looks at the viability for the Shire of Moora to develop a lifestyle village on council owned land situated on Lots 41 and 43 Drummond Street and Lot 40 King Street.

The proposal will be a staged development and this plan looks at the feasibility of stage one consisting of 30 sites on Lot 43 Drummond Street. The development will include the construction of shared facilities to include a community meeting place, community shed and other community amenities for the use of residents.

It is envisaged that the development will commence in February 2009 in readiness to accommodate park homes by September 2009. To ensure that the project is completed in a professional and timely manner a suitably experienced project manager will be employed to oversee stage one of the project.

Stage two and three of the Village will be dependent on demand. It is anticipated that stage two will commence in 2014 once all sites within stage one are occupied.

The development of the Village will assist in Moora's growth and development, making more people aware of what the Moora district has to offer people in this vibrant, healthy and diverse community.

The Shire of Moora's Strategic Plan vision includes:

"As a Shire, Moora will emerge as a stronger regional centre, providing a focal point for educational, medical, emergency and aged care services. It will develop innovative aged care options based around a village lifestyle and quality medical services".

There is potential for Council to consider purchasing a number of new or second hand park homes for the purpose of leasing, creating another source of passive income.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

Section 6.8 of the Local Government Act 1995 relating to expenditure from municipal fund not included in the annual budget.

Section 6.20 (2) of the Local Government Act 1995 relating to 'power to borrow' and the details of the proposal to borrow have not been included in the annual budget.

STRATEGIC IMPLICATIONS:

The Shire of Moora's Strategic Plan outlines in the Key Result Area 'Infrastructure' the goal to maintain, improve and increase community facilities and services. In addition, Key Result Area 'Growth' outlines the goal to attract increased population and investment, to realise our brilliant opportunities and diversify our regions employment and economic base.

SUSTAINABILITY IMPLICATIONS:

➤ **Environment**

There are potential environmental implications associated with this proposal with the enhancement of vacant land within Moora.

➤ **Economic**

There are potential economic implications associated with this proposal including economic growth.

➤ **Social**

There are potential social implications associated with this proposal through encouraging new investment and growth which benefits the community at large.

FINANCIAL IMPLICATIONS:

The financial implications to Council in relation to this item include unbudgeted expenditure for the development of this proposal. The implications will involve expenditure in a way of a loan.

VOTING REQUIREMENTS

Absolute Majority Required

**COUNCIL RESOLUTION
(MANEX RECOMMENDATIONS)**

205/08 Moved Cr Pond, seconded Cr Clydesdale-Gebert that Council;

- 1. develops stage one of the Moora Gardens Lifestyle Village in accordance with the attached business plan and to include the relocation expenses for interested residents subject to a minimum of 15 residents formally agreeing to relocate their park home to the proposed site.*
- 2. advertises the proposed loan of \$1.135 million in accordance with Section 6.20(2) of the Local Government Act 1995*
- 3. authorises unbudgeted expenditure to be incurred in 2008/09 to commence development in accordance with Section 6.8 of the Local Government Act 1995.*

CARRIED BY ABSOLUTE MAJORITY 8/0

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

Nil

14. NOTICE ON MOTIONS FOR THE NEXT COUNCIL MEETING**14.1 Investigation of Recycling****COUNCIL RESOLUTION**

206/08 Moved Cr Barrett-Lennard, seconded Cr Clydesdale-Gebert that Council requests staff to investigate the potential costings and opportunities to do recycling across the Moora region to report to the February 2009 Council meeting.

CARRIED 8/0

14.2 Proposed Engagement of Grant Writer

At 6.04pm the Manager Economic Development left the meeting and returned at 6.06pm.

COUNCIL RESOLUTION

207/08 Resolved that Council liaise with surrounding Councils (particularly CMVROC) regarding the likelihood of engaging a grant writer to facilitate grant opportunities.

Note: General consensus of Council following motion at the AGM of Electors held on the 8th December 2008.

15. MATTERS BEHIND CLOSED DOORS

Nil

16. CLOSURE OF MEETING

There being no further business, the Shire President declared the meeting closed at 6.10pm.

CONFIRMED

PRESIDING MEMBER