

**Shire of Moora  
Ordinary Council Meeting  
16<sup>th</sup> June 2010**

**NOTICE OF MEETING**

Dear Elected Member

The next Ordinary Council Meeting of the Shire of Moora  
will be held on **Wednesday 16<sup>th</sup> June 2010**  
in the Council Chambers, 34 Padbury Street, Moora  
commencing at **3.30 pm**

LM O'Reilly  
Chief Executive Officer  
11<sup>th</sup> June 2010

## **The Shire of Moora Vision and Mission Statement**

### **Vision**

Our vision is that:

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

### **Mission**

Our mission is:

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

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

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

Dear Sir,

**Re: Written Declaration of Interest in Matter Before Council**

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

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

The type of interest I wish to declare is: <sup>(4)</sup>

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

The nature of my interest is <sup>(5)</sup>

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The extent of my interest is <sup>(6)</sup>

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

Yours faithfully,

\_\_\_\_\_  
 Signed

\_\_\_\_\_  
 Date

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

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**SHIRE OF MOORA**  
**ORDINARY COUNCIL MEETING AGENDA**  
**16 JUNE 2010**  
**COMMENCING AT 3.30PM**

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\* Separate Attachments

Item 11.2.1 List of Payments Authorised Under Delegation 1.31

Item 11.2.2 Statement of Financial Activity for the Period Ended 31 May 2010

**1. DECLARATION OF OPENING & WELCOME OF VISITORS*****“Acknowledging of Country”***

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

**2. DISCLAIMER READING**

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

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

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

**3. ATTENDANCE****APOLOGIES****PUBLIC****4. DECLARATIONS OF INTEREST****5. QUESTIONS BY THE PUBLIC IN ACCORDANCE WITH SECTION 5.24 OF THE ACT****6. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE****7. APPLICATIONS FOR LEAVE OF ABSENCE****8. PETITIONS AND MEMORIALS****9. ANNOUNCEMENTS BY THE SHIRE PRESIDENT****10. CONFIRMATION OF MINUTES OF THE PREVIOUS MEETINGS****10.1 ORDINARY COUNCIL MEETING - 19 MAY 2010**

*That the Minutes of the Ordinary Meeting of Council held on 19 May 2010, be confirmed as a true and correct record of the meeting.*

## **11. REPORTS OF OFFICERS**

### **11.1 ADMINISTRATION**

Nil

### **11.2 FINANCIAL DEVELOPMENT**

#### **11.2.1 LIST OF PAYMENTS AUTHORISED UNDER DELEGATION 1.31**

**REPORT DATE:** 8 June 2010  
**OFFICER DISCLOSURE OF INTEREST:** Nil  
**AUTHOR:** Leanne Parola, Manager Finance & Corporate Services  
**ATTACHMENTS:** Accounts Paid Under Delegated Authority

#### **PURPOSE OF REPORT**

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

#### **BACKGROUND**

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

#### **COMMENT**

Accounts Paid under delegated authority are periodically presented to Council.

#### **POLICY REQUIREMENTS**

Delegation 1.31 – Payments from Municipal and Trust Funds.

#### **LEGISLATIVE REQUIREMENTS:**

Local Government Act 1995 - Section 6.10  
Local Government (Financial Management) Regulations 1996 – Regulations 12 & 13.

#### **STRATEGIC IMPLICATIONS**

There are no known strategic implications associated with this proposal.

#### **SUSTAINABILITY IMPLICATIONS**

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



➤ **Social**

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

**FINANCIAL IMPLICATIONS**

Payments are in accordance with the adopted budget.

**VOTING REQUIREMENTS**

Simple Majority Required

**MANEX RECOMMENDATION**

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

<i>Municipal Fund</i>	<i>Cheques 59810 to 59835</i>	<i>\$24,668.04</i>
	<i>Direct Debits EFT4320 to EFT4395</i>	<i>\$334,597.62</i>
	<i>Net Pays – PPE 26/5/10</i>	<i>\$75,579.58</i>
	<i>Credit Cards</i>	<i>\$3,054.06</i>
<i>Trust Fund</i>	<i>Cheques 4584 to 4590</i>	<i><u>\$1,400.00</u></i>
	<i>Total</i>	<i>\$439,299.30</i>

## **11.2.2 STATEMENT OF FINANCIAL ACTIVITY FOR PERIOD ENDED 31 MAY 2010**

**REPORT DATE:** 10 June 2010  
**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 31 May 2010

### **PURPOSE OF REPORT:**

To note and receive the Statement of Financial Activity for the period ended 31 May 2010.

### **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 31 May 2010 is provided as a separate attachment in Program format. When adopting the budget, Council agreed to set the materiality threshold for monthly financial reporting at plus or minus 10% at program and category levels. At the Ordinary Meeting of Council held 20 January, Council agreed that the materiality threshold remain at plus or minus 10%, but that it be for variations of more than \$5,000 so that relatively minor amounts are not included.

The following programs were outside of the 10% and \$5,000 threshold as at 31 May 2010.

### **Governance**

Income is approximately \$8,000 more than the year to date budget. This is because of unexpected income and expense from the Moora Bowling Club in relation to significance maintenance of the greens. This will have nil impact on the end of year surplus/deficit.

### **Law, Order & Public Safety**

Income is approximately \$15,000 less than the year to date budget. This is attributable to less income being received from the Shire of Dalwallinu for the provision of ranger services than anticipated (\$10,000), part of the income from FESA for the State Emergency Service not having been received to date (\$4,000), and less income from dog registrations and fines than budgeted.

### **Housing**

Income is approximately \$9,000 less than the year to date budget. This is as a result of no income having been received from the rental of housing to non-shire staff, however is offset by a reduction in housing maintenance of \$9,500.

**Transport**

Income is approximately \$13,000 less than the year to date budget. This is as a result of the low loader not having been sold, and no profit being made on the sale of the works vehicles.

**Economic Services**

Income is above the year to date budget by almost \$24,000. This is attributable to an additional \$18,000 in income from the Chalets and Caravan Park and \$7,000 from the lease of Lot 41 Drummond Street.

Expenditure is under the year to date budget by some \$95,000. This is made up of a number of accounts, the larger ones being the allocation of administrative costs (\$43,500), depreciation (\$20,000), Lifestyle Village (\$21,000) and tourism (\$7,000).

**Other Property and Services**

Income is more than \$90,000 less than the current budget as little private works have been done to date.

Expenditure is some \$45,000 more than the current budget, largely because staff and plant operation costs have historically been recovered with a rate of 70% which has not been high enough to recover costs and has resulted in a journal being done at the end of the year to allocate these expenses to general road maintenance.

The recovery rate of staff and plant charges was raised to 75% in March 2010 which will ensure that expenses are more accurately recovered in the future, however this amount will need to be written off against road maintenance at the end of the year.

**Overall**

At the moment operating income and expenditure is within 10% of the year to date budget at Program levels. Overall, the operating budget has a smaller deficit than the year to date budget by some \$175,000.

Unfortunately, the capital income received is expected to be significantly short of budget as it included the sale of the Gardiner Street properties (\$345,000), and a grant for the industrial park (\$500,000) which will have an impact on the projected deficit at the end of the financial year.

The \$500,000 grant was expected to have been received this financial year, and to be held as restricted cash for 2010/11. The outcome of the grant application is still unknown at this stage.

A number of projects were identified as possible to defer when the decision to terminate the sale of the Gardiner Street properties was made, however by the time the decision not to sell the properties was made, they were unable to be deferred. Whatever capital projects could be delayed until 2010/11, have been to reduce the impact on the deficit.

**VOTING REQUIREMENTS**

Simple Majority Required

**MANEX RECOMMENDATION**

*That Council notes and receives the Statement of Financial Activity for the period ended 31 May 2010.*

**11.2.3 WAIVER OF INTEREST ON LOAN – MOORA PROMOTIONS**

**FILE REFERENCE:** F/COLI  
**REPORT DATE:** 8 June 2010  
**APPLICANT/PROPONENT:** Moora Promotions  
**OFFICER DISCLOSURE OF INTEREST:** Nil  
**PREVIOUS MEETING REFERENCES:**  
**AUTHOR:** Leanne Parola, Manager Finance & Corporate Services  
**ATTACHMENTS:** Nil

**PURPOSE OF REPORT:**

For Council to consider a request from Moora Promotions (Inc) to waive the interest on their community loan.

**BACKGROUND:**

Moora Promotions (Inc) is a not for profit community group which was established to run the Moora Country Campout Weekend in Easter each year.

Unfortunately, the last Campout in 2008 ran at a loss and the Shire extended a loan of \$48,000 to Moora Promotions to meet their commitments. The Moora Promotions Committee has worked diligently over the past two years to honour their loan and have made payments above the agreed schedule of payments.

The Moora Promotions Committee would like to pay out the balance of the loan and have raised most of the money required to this end. They have requested that Council consider waiving the interest on the loan to enable them to move on with family and other community commitments.

**COMMENT:**

The loan made to Moora Promotions (Inc) was guaranteed by a number of individuals who have worked hard to meet the loan repayments, volunteering their time and resources for a debt that was incurred for an event which was to be for the benefit of the Moora community.

The current balance of the loan is \$17,474.92. Moora Promotions have made payments totalling \$34,000 which includes interest of \$3,474.58. They are currently able to pay \$14,000, which would leave a balance of \$3,474.92.

The interest portion of the loan which has been paid has been recognised in Council's financial statements as income received, therefore it would be best if Council does support the request from the Committee to waive the interest, that it do it by writing off the balance of the debt of \$3,474.92.

**POLICY REQUIREMENTS:**

Nil

**LEGISLATIVE REQUIREMENTS:**

Section 6.12 of the Local Government Act allows a local government to write off any amount of money which is owed to it, by an absolute majority of Council.

**STRATEGIC IMPLICATIONS:**

While Council is within its rights to require the Moora Promotions Committee to continue making loan repayments as per the deed of agreement, it may serve as a deterrent to people committing to community initiatives in the future.

Ongoing fundraising efforts by the Moora Promotions Committee may also be to the detriment of other community groups who compete for the same volunteers and opportunities for fundraising.

**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:**

If Council agrees to write off \$3,474.92 of debt, it will forego this amount and future interest payments totalling \$4,033.96 over the next five years, however will benefit from receiving additional interest on the \$14,000 repayment of capital.

**VOTING REQUIREMENTS**

Absolute Majority Required

**MANEX RECOMMENDATION**

*That Council write off an amount of \$3,474.92 owed by Moora Promotions (Inc) on their community loan.*

## 11.2.4 BUDGET VARIATIONS

**FILE REFERENCE:** F/BUE1  
**REPORT DATE:** 10 June 2010  
**OFFICER DISCLOSURE OF INTEREST:** Nil  
**AUTHOR:** Leanne Parola, Manager Finance & Corporate Services  
**ATTACHMENTS:** Nil

### **PURPOSE OF REPORT:**

For Council to consider a number of budget variations as a result of funding received, and material under and overspends in capital projects. It is not intended that these variations amend the overall budget position, but to make amendments within the confines of the current budget.

### **BACKGROUND:**

Council adopted a Budget Review in February 2010 which sought to address the problem of the Council Local Government Funding for the year being deferred by the State Government, and a large deficit from the previous year.

Since then, four capital projects have been completed which are significantly different in cost to the amended budget and an unexpected grant has been received.

### **COMMENT:**

The following capital projects have been significantly under/over spent, however they largely offset each other, with one project yet to be completed. The following budget variations are recommended:

<b>Project</b>	<b>Current Budget</b>	<b>Actual Cost</b>	<b>Estimated (Under) /Over Spend</b>	<b>Proposed Budget</b>
Moorra Refuse Site	97,320	146,399	49,019	146,399
Roberts Street Footpath	135,000	35,621	(93,386)	41,614
Blackspot Projects	392,364	446,332	53,968	446,332
Rural Regravelling*	185,852	29,142	TBD	176,191
<b>TOTAL</b>	<b>810,536</b>	<b>657,494</b>	<b>3,608</b>	<b>810,536</b>

\* Yet to be completed

The Shire has recently been successful in attracting funding from the Indigenous Coordination Centre totalling \$37,485 for a Governance & Leadership Development Project/Indigenous Access Strategy. Projects being funded are the Coolingah Park revitalisation, fitness instructor training, the story telling project and the governance training progressing.

Budget variations are required so that the funding received can be spent. The following variations are recommended:

<b>Account</b>	<b>Current Budget Income</b>	<b>Current Budget Expense</b>	<b>Proposed Budget Income</b>	<b>Proposed Budget Expense</b>
20401 Sundry Income	45,600		83,085	
13309 – Parks Gardens & Reserves		130,280		140,280
10401 – Staff Training		20,000		23,000
10425 – Consultants/ Special Projects		30,000		54,485
<b>TOTAL</b>	<b>45,600</b>	<b>180,280</b>	<b>83,085</b>	<b>217,765</b>

These variations will have a nil impact on the overall operating surplus/deficit.

#### **POLICY REQUIREMENTS:**

Nil

#### **LEGISLATIVE REQUIREMENTS:**

The Local Government Act 1995 Part 6 Division 4 s 6.8 (1) requires the local government not to incur expenditure from its municipal fund for an additional purpose except where the expenditure-

(b) is authorised in advance by resolution\*

“additional purpose” means a purpose for which no expenditure estimate is included in the local government’s annual budget.

\*requires an absolute majority of Council.

#### **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:**

The recommended variations will amend the current budget, but will have no impact on the overall financial position of the Shire.

**VOTING REQUIREMENTS**

Absolute Majority Required

**MANEX RECOMMENDATION***That Council approve the following budget variations:*

<b>Account</b>	<b>Current Budget</b>	<b>Amended Budget</b>
20401 – Sundry Income	45,600	83,085
13309 – Parks Gardens & Reserves	130,280	140,280
10401 – Staff Training	20,000	23,000
10425 – Consultants/ Special Projects	30,000	54,485
33010 – Upgrade Refuse Site	97,320	146,399
33903 – Roberts Street Footpath	135,000	35,621
33911 – Blackspot Projects	392,364	446,332
33920 – Rural Regravelling	185,852	182,184



## 11.3 OPERATIONAL DEVELOPMENT

### 11.3.1 STOCKPILING OF GRAVEL AND BULLDOZING – Tender No. 4/2010

**FILE REFERENCE:** S/TER1  
**REPORT DATE:** 11 June 2010  
**LOCATION:** Various  
**OFFICER DISCLOSURE OF INTEREST:** Nil  
**PREVIOUS MEETING REFERENCES:** 19/5/10 (50/10)  
**AUTHOR:** John Greay, Operational Development Manager  
**ATTACHMENTS:** Nil

#### **PURPOSE OF REPORT:**

To advise Council of results of recently called tender.

#### **BACKGROUND:**

Tenders were recently called for a three year period for the stockpiling of gravel and bulldozing and closed at noon on Thursday 10 June 2010.

#### **COMMENT:**

A lot of interest was shown by individual companies who requested tender documents. It was surprising that only two tenders were received but this may be due to the current resources boom within the state. The only companies that tendered were Ingora Pty Ltd, Moora and Palmer Earthmoving, Albany. Ingora Pty Ltd has, for the past two years, had the contract with council for the work.

The tenders that were received are as follows:

#### **Price Schedule for 2010-11 Year Ingora Pty Ltd rates;**

Line No.	Description	Tender Unit	Estimated Usage	Place of Origin	Price Tendered (ex GST)	GST Component	Price Tendered (inc GST)
1	Rate/ M <sup>3</sup> Loose Pushed	M <sup>3</sup>	62,000 M <sup>3</sup>	Moora	0.73	0.07	0.80
2	Hourly rate for work outside tender	Per hr			177.27	17.73	195

#### **Palmer Earthmoving rates;**

Line No.	Description	Tender Unit	Estimated Usage	Place of Origin	Price Tendered (ex GST)	GST Component	Price Tendered (inc GST)
1	Rate/ M <sup>3</sup> Loose Pushed	M <sup>3</sup>	62,000 M <sup>3</sup>	Albany	1.70	0.17	0.80
2	Hourly rate for work outside tender	Per hr			280	28	308

The Principal offers no guarantee as to the quantity of the services required.

**Price Schedule for 2011-12 Year  
Ingora Pty Ltd rates;**

Line No.	Description	Tender Unit	Estimated Usage	Place of Origin	Price Tendered (ex GST)	GST Component	Price Tendered (inc GST)
1	Rate/ M <sup>3</sup> Loose Pushed	M <sup>3</sup>	62,000 M <sup>3</sup>	Moora	0.76	0.08	0.84
2	Hourly rate for work outside tender	Per hr			186.36	18.64	205

**Palmer Earthmoving;**

Line No.	Description	Tender Unit	Estimated Usage	Place of Origin	Price Tendered (ex GST)	GST Component	Price Tendered (inc GST)
1	Rate/ M <sup>3</sup> Loose Pushed	M <sup>3</sup>	62,000 M <sup>3</sup>	Albany	1.72	0.17	1.89
2	Hourly rate for work outside tender	Per hr			282.50	28.25	310.75

The Principal offers no guarantee as to the quantity of the services required.

**Price Schedule for 2012-13 Year  
Ingora Pty Ltd rates;**

Line No.	Description	Tender Unit	Estimated Usage	Place of Origin	Price Tendered (ex GST)	GST Component	Price Tendered (inc GST)
1	Rate/ M <sup>3</sup> Loose Pushed	M <sup>3</sup>	62,000 M <sup>3</sup>	Moora	0.84	0.08	0.92
2	Hourly rate for work outside tender	Per hr			205	20	225

**Palmer Earthmoving;**

Line No.	Description	Tender Unit	Estimated Usage	Place of Origin	Price Tendered (ex GST)	GST Component	Price Tendered (inc GST)
1	Rate/ M <sup>3</sup> Loose Pushed	M <sup>3</sup>	62,000 M <sup>3</sup>	Albany	1.0734	0.11	1.1834
2	Hourly rate for work outside tender	Per hr			285.50	28.55	314.05

The Principal offers no guarantee as to the quantity of the services required.

**POLICY REQUIREMENTS:**

Complies with council's policy in regard to its proposed Works Programme.

**LEGISLATIVE REQUIREMENTS:**

Council is required to call tenders of the works when the value is likely to exceed \$100,000 under regulation s3.57.

**STRATEGIC IMPLICATIONS:**

Council needs to maintain their road network to a good standard. All road freight movements are currently undertaken by large heavy vehicles particularly during seasonal activities, which impact substantially on our road network. Any new developments within our district and region will depend on the ability to access their projects via the road system. The Shire of Moora remains strategically placed for some major developments north of the metropolitan area and their road network will strongly support any major projects that develop.

**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 as allowances have been made within the budget for this roadwork component.
- **Social**  
There are no known significant social implications associated with this proposal.

**FINANCIAL IMPLICATIONS:**

Allowance has been made within the road programme of works for the stockpiling of road building material and bulldozer work.

**VOTING REQUIREMENTS**

Simple Majority Required

**MANEX RECOMMENDATION**

*That Council accepts the tender submitted by Ingora Pty Ltd for the financial years 2010-11, 2011-12 and 2012 - 13 as under;*

*Price Schedule for 2011-12 Year  
Ingora Pty Ltd rates;*

Line No.	Description	Tender Unit	Estimated Usage	Place of Origin	Price Tendered (ex GST)	GST Component	Price Tendered (inc GST)
1	Rate/ Loose Pushed M <sup>3</sup>	M <sup>3</sup>	62,000 M <sup>3</sup>	Moora	0.76	0.08	0.84
2	Hourly rate for work outside tender	Per hr			186.36	18.64	205

**Price Schedule for 2011-12 Year  
Ingora Pty Ltd rates;**

<b>Line No.</b>	<b>Description</b>	<b>Tender Unit</b>	<b>Estimated Usage</b>	<b>Place of Origin</b>	<b>Price Tendered (ex GST)</b>	<b>GST Component</b>	<b>Price Tendered (inc GST)</b>
<b>1</b>	<b>Rate/ M<sup>3</sup> Loose Pushed</b>	<b>M<sup>3</sup></b>	<b>62,000 M<sup>3</sup></b>	<b>Moora</b>	<b>0.76</b>	<b>0.08</b>	<b>0.84</b>
<b>2</b>	<b>Hourly rate for work outside tender</b>	<b>Per hr</b>			<b>186.36</b>	<b>18.64</b>	<b>205</b>

**Price Schedule for 2012-13 Year  
Ingora Pty Ltd rates;**

<b>Line No.</b>	<b>Description</b>	<b>Tender Unit</b>	<b>Estimated Usage</b>	<b>Place of Origin</b>	<b>Price Tendered (ex GST)</b>	<b>GST Component</b>	<b>Price Tendered (inc GST)</b>
<b>1</b>	<b>Rate/ M<sup>3</sup> Loose Pushed</b>	<b>M<sup>3</sup></b>	<b>62,000 M<sup>3</sup></b>	<b>Moora</b>	<b>0.84</b>	<b>0.08</b>	<b>0.92</b>
<b>2</b>	<b>Hourly rate for work outside tender</b>	<b>Per hr</b>			<b>205</b>	<b>20</b>	<b>225</b>

## 11.4 COMMUNITY DEVELOPMENT

### 11.4.1 MODEL LOCAL LAWS

<b>FILE REFERENCE:</b>	PL/LOLI
<b>REPORT DATE:</b>	10 June 2010
<b>APPLICANT/PROPONENT:</b>	Moora Shire Council
<b>OFFICER DISCLOSURE OF INTEREST:</b>	Nil
<b>PREVIOUS MEETING REFERENCES:</b>	Nil
<b>AUTHOR:</b>	Wolfgang Zadavec, Manager Health Building & Planning Services
<b>ATTACHMENTS:</b>	Nil

#### **PURPOSE OF REPORT:**

With the intention of completing all statutory reviews of local laws within 6 months the process must begin with the formal review of all existing local laws. Council's decision will determine which local laws need to be repealed or left unchanged to become the local law, or be replaced with new model local laws (with or without changes), or decide on no local laws been adopted.

#### **BACKGROUND:**

Table 1 lists Council local laws that have never been formally repealed despite changes to legislation over time; they are not in use and they serve no purpose other than exist in stature.

<b>Table 1: LOCAL LAW</b>	<b>GAZETTED</b>
1. Parking Angle	14/10/1949
2. Town Planning Scheme No. 1	16/01/1959
3. TV Masts & Antennae	08/04/1960
4. Uniform General Building Application	18/08/1961
5. Obstructing Animals and Vehicles D.M. by-law No. 7	16/12/1963
6. Damage to Streets – Draft Model by-law	19/08/1965
7. Obstructing Animals and Vehicles – Draft Model by-law No 7	19/08/1965
8. Stalls & Hawkers	19/03/1982
9. Cemeteries (repeals 08/12/1960)	29/11/1999

It is strongly recommended that they now be reviewed and repealed through public notice.

Table 2 outlines the current local laws that also require reviewing either to be repealed, left unchanged and adopted, or be replaced with more contemporary (model) local laws.

<b>Table 2: LOCAL LAW</b>	<b>GAZETTED</b>
10. Damage to Streets – Draft Model by-law	19/08/1965
11. Fencing	12/10/1967
12. Verandahs and removal thereof	04/06/1970

13. Cemetery Moora Public	21/09/1971	
14. Standing Orders	04/07/1997	
15. Local Government Properties	29/11/1999	
16. Dogs Local Law	29/11/1999	

It is recommended that a future report list the significance of these laws compared to current legislation and where relevant, to model local laws recommended by WALGA.

#### **POLICY REQUIREMENTS:**

Nil

#### **LEGISLATIVE REQUIREMENTS:**

Section 3.5 of the Local Government Act 1995

#### **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 will be some community resentment as with any new legislation that introduces penalty fines for breaches listed in the local laws.

#### **FINANCIAL IMPLICATIONS:**

Both staff and management will devolve considerable time in generating reports and providing copies for public notice as well as advertisements.

#### **VOTING REQUIREMENTS**

Simple Majority Required

### **MANEX RECOMMENDATIONS**

#### *That Council*

1. *repeal the following Shire of Moora local laws –*
  - *Parking Angle* *14/10/1949*
  - *Town Planning Scheme No. 1* *16/01/1959*
  - *TV Masts & Antennae* *08/04/1960*
  - *Uniform General Building Application* *18/08/1961*
  - *Storage of Inflammable Liquid –*

**Draft Model by-law No.12**

- **Stalls & Hawker** **19/03/1982**
- **Cemeteries** **29/11/1999**

2. ***advertise for a period of 42 days that these local laws have now been repealed.***

**11.4.2 PROPOSED STATUTORY FEES**

To be provided as a late item.

## **11.5 ENVIRONMENTAL DEVELOPMENT**

### **11.5.1 REGIONAL WASTE LANDFILL SITE - CMVROC**

**FILE REFERENCE:** AD/CMV1  
**REPORT DATE:** 11 June 2010  
**APPLICANT/PROPONENT:** N/a  
**OFFICER DISCLOSURE OF INTEREST:** Nil  
**PREVIOUS MEETING REFERENCES:** Nil  
**AUTHOR:** Wolfgang Zadavec, Manager Health Building & Planning Services  
**ATTACHMENTS:** Nil

#### **PURPOSE OF REPORT:**

To report on the regional waste landfill site a project of the Central Midlands Voluntary Regional Organisation of Councils (CMVROC) to confirm Moora Shire Council's ongoing commitment to the project.

#### **BACKGROUND:**

The Shires of Chittering, Dalwallinu, Moora, Victoria Plains and Wongan-Ballidu constitute the original regional group included in the grant funding to undertake a study into regional waste management and eventually a study into a regional waste facility. The Shires of Toodyay, Northam, Dowering and Goomalling have expressed an interest in participating as members of a regional waste facility. A meeting was held on 28 May 2010 to discuss the potential and future progress of the project.

#### **COMMENT:**

A number of the participating Shires are in need of short to medium term landfill options as existing sites are reaching their maximum capacity. There was general discussion on the intended administration and management in the form of a corporate entity to own and manage the regional landfill site under the provisions of the Local Government Act 1995 for the sole purpose of regional waste management. The regional local government would be the legal entity to purchase the required land for the regional waste facility.

#### **POLICY REQUIREMENTS:**

A joint policy would be required between all member councils to cover operational and budget allocations to support the proposed regional council.

#### **LEGISLATIVE REQUIREMENTS:**

Environmental Protection Act 1986 and the Environmental Protection (Controlled Waste) Regulations 2004.

#### **STRATEGIC IMPLICATIONS:**

There are no known strategic implications associated with this proposal.



**SUSTAINABILITY IMPLICATIONS:****➤ Environment**

There would be significant environmental implications associated with this proposal including flora, fauna, soil, water, noise and odour issues; all to be addressed in an environmental impact statement.

**➤ Economic**

There would be on-going contributions required for environmental, operational and management costs associated with this proposal dependent on how many Local Governments participate in the project. This could potentially be \$3 – 400,000 as Moora's contribution in the first instance. It is envisaged that in the medium to long term the project would generate an income stream back to all participating councils.

**➤ Social**

This is yet to be determined as no site has been confirmed.

**FINANCIAL IMPLICATIONS:**

Each member Council would need to make a percentage contribution towards the establishment of this regional council, its operation, remuneration of staff, land purchase, preliminary site tests and reports. This excludes any statutory licence fees, headworks, capital expenditure, plant and labour operational costs (including insurances) and any potential funding that may be able to be attracted through the regional group.

**VOTING REQUIREMENTS**

Simple Majority Required

**MANEX RECOMMENDATIONS**

*That the Moora Shire Council is committed to the ongoing participation in the CMVROC's development of a Regional Waste Landfill site project subject to a minimum of 3 member councils of the CMVROC participating in the project.*

**11.6 ECONOMIC DEVELOPMENT**

Nil

**11.7 SPORT AND RECREATION**

Nil

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

The following was put forward as a motion of notice by Cr Hawkins at the last meeting of Council on 19 May 2010.

**12.1 Round Hill Hall for Sale**

1. That the Round Hill Hall be offered for sale by private treaty
2. Consideration be given to allocate some funds to the Round Hill community to commemorate the site.

**Manex Comment:**

Appraisals have been sought from a local real estate agent (Harcourts) to gauge the value of the hall. The final appraisal is yet to be provided and it will therefore be in Council's best interest to defer to the next meeting of Council.

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

**14. NOTICE ON MOTIONS FOR THE NEXT COUNCIL MEETING**

**15. MATTERS BEHIND CLOSED DOORS**

**16. CLOSURE OF MEETING**