

**Shire of Moora
Ordinary Council Meeting
17th March 2010**

NOTICE OF MEETING

Dear Elected Member

The next Ordinary Council Meeting of the Shire of Moora
will be held on **Wednesday 17th March 2010**
in the Miling Pavilion, Miling
commencing at **6.30 pm**

LM O'Reilly
Chief Executive Officer
12th March 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, ⁽¹⁾ _____ wish to
 declare an interest in the following item to be considered by Council at its meeting to be held on
⁽²⁾ _____.

Agenda Item ⁽³⁾ _____

The type of interest I wish to declare is: ⁽⁴⁾

- Financial 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 ⁽⁵⁾

The extent of my interest is ⁽⁶⁾

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
17 MARCH 2010
COMMENCING AT 6.30PM

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Item 11.1.1 2009 Compliance Audit Return

Item 11.2.1 List of Payments Authorised Under Delegation 1.31

Item 11.2.2 Statement of Financial Activity for the Period Ended 28 February 2010

Item 11.4.1 Letter & Material Safety Data Sheet

Item 11.4.2 Site plans

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**

L J Parola	-	Manager Finance & Corporate Services
R L McCall	-	Manager Community and Economic Development
W Zadavec	-	Manager Health, Building & Planning Services

PUBLIC**LEAVE OF ABSENCE**

The following Councillor was granted leave of absence for this meeting by Council resolution made at the Ordinary Meeting held on 17 February 2010:

CD Hawkins	-	Councillor
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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 - 17 FEBRUARY 2010**

That the Minutes of the Ordinary Meeting of Council held on 17 February 2010, be confirmed as a true and correct record of the meeting.

11. REPORTS OF OFFICERS**11.1 ADMINISTRATION****11.1.1 SHIRE OF MOORA ANNUAL COMPLIANCE AUDIT RETURN FOR 2009**

FILE REFERENCE: GA/SCO1
REPORT DATE: 10 March 2010
APPLICANT/PROPONENT: Department of Local Government and Regional Development
OFFICER DISCLOSURE OF INTEREST: The author has no financial or other interest in this matter.
PREVIOUS MEETING REFERENCES: N/A
AUTHOR: Lynnette O'Reilly, Chief Executive Officer
ATTACHMENTS: 2009 Compliance Audit Return

PURPOSE OF REPORT:

The 2009 statutory Compliance Audit Return has been completed for the 2009 calendar year and is being presented to Council for adoption.

BACKGROUND:

Section 7.13(i) of the Local Government Act 1995 contains provisions for the making of regulations requiring local governments to carry out, in the manner and form prescribed, an audit of compliance whether of a financial nature or not. Local Government (Audit) Regulations prescribe in more detail the requirements of the compliance audit including the requirement for Council to submit a certified copy of the return by 31 March to the Executive Director of the Department of Local Government.

The Return is considered a very useful device for local governments to check their level of compliance with the legislative requirements of the Local Government Act 1995 and other relevant legislation. Also, the Return forms an important part of the Shire's monitoring program. There is a legal requirement to annually complete the Return.

COMMENT:

The Compliance Audit has been completed and overall processes and procedures have been effective in ensuring a majority of the requirements have been met. The audit has highlighted a number of areas for improvement or completion such as local laws. The process to update local laws has not been progressed nor completed and they are outdated.

Additionally, although records are available in the areas of cemeteries and pool inspections, the process for updating records needs to be streamlined and improved. These areas will be rectified as soon as practicable.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

Local Government Act 1995, Section 7.13(i)

Local Government (Audit) Regulations 13, 14 and 15

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:

Where items are required to be rectified, for example completion of Local Law review, further funding may be required to be budgeted in the 10/11 budget.

VOTING REQUIREMENTS

Simple Majority Required

MANEX RECOMMENDATION

That Council adopts the attached Compliance Audit Return for the 2009 Calendar Year (1 January 2009 to 31 December 2009) and forward with the duly signed Joint Certification by the President and Chief Executive Officer, to the Executive Director of the Department of Local Government.

11.1.2 STRUCTURAL REFORM – REGIONAL TRANSITIONAL GROUPS

FILE REFERENCE: AD/STRFI
REPORT DATE: 11 March 2010
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: 16/9/09 (item 11.1.1)
AUTHOR: Lynnette O'Reilly, Chief Executive Officer
ATTACHMENTS: Nil

PURPOSE OF REPORT:

To establish the Shire of Moora's position and response to the Minister of Local Government's request for the Shire of Moora to consider participating in a Regional Transition Group.

BACKGROUND:

In February 2009 the Minister for Local Government, the Hon John Castrilli announced the requirement for all Western Australian Local Governments to participate in a voluntary structural reform process. Principles were outlined without a clear definition of the process. Since February 2009 further information and direction required all Local Governments to assess their sustainability and consider structural reform options.

The Shire of Moora undertook a thorough process which included:

- The completion of the Department of Local Government's Structural Reform Checklist
- Discussions with all surrounding Shires
- Discussions with the Central Midlands VROC
- Participating in a number of forums and conferences examining structural reform
- Providing information to the public through local media
- Conducting two formalised community consultations – one on 11 August facilitated by a WALGA representative and one on Wednesday 16 September
- Participation in an Avon Zone workshop on structural reform to enable discussion between Council representatives from member Councils

The Shire of Moora Council examined many options including:

1. Retaining the status quo
2. Formalising shared resource arrangements with Wongan Hills, Victoria Plains and Dalwallinu
3. Merging with an individual adjoining Shire
4. Establishing a regional Council with one or more surrounding Shires
5. Looking broadly at the region and focusing service delivery around key major centres

At the 2009 WA Local Government Convention announcements by the Premier, the Hon Colin Barnett advised that a target of fewer than 100 Local Governments in Western Australia was desirable. Additionally, the Minister for Regional Development, the Hon Brendan Grylls indicated that future funding priorities through Royalties for Regions would be based on participation in structural reform.

The Minister for Local Government the Hon John Castrilli directed all Local Governments across the State to examine and assess their sustainability into the future, encouraging voluntary solutions for reform.

The Shire's submission to the Minister on 30 September 2009, was based on a regional approach to structural reform, including Moora/Dandaragan and Irwin and included eight Shires was not considered by the Minister, in part due to other approaches to amalgamations by some of the northern shires included in the Moora/Dandaragan and Irwin proposal.

In December 2009, the Shire received a letter from the Minister suggesting that it would be suitable for the Shire of Moora to consider entering into a Regional Transition Group (RTG) as a way forward to address structural reform. On 27 January 2010 an information forum was attended by the Shire President and CEO to investigate further the requirements of the RTG's, which if supported would require one or more agreeable partners to progress a feasibility process to determine a business case to support eventual amalgamation.

In February 2010 a meeting convened by WALGA explained further the Ministers requirements for reform, and reiterated the process was "voluntary". A communiqué was established from the membership to go to the Minister for Local Government in response to the structural reform process.

Better Local Government Communiqué
9 February 2010
Ascot Racecourse

In the pursuit of Better Local Government and after considering the information provided by the Minister for Local Government, the Hon John Castrilli in response to our questions regarding the State Government's Local Government Reform process, we the Local Government representatives in attendance at this meeting have determined that we:

1. Support the State Council resolution of February 5 which asserts that:
 - the Association continue to seek clarification on the State Government's position and process;
 - the Association express no confidence in the current reform process;
 - those Local Governments, wishing to amalgamate, be allowed to proceed with their process;
 - those Local Governments, not wishing to amalgamate, be allowed to pursue their own direction without the threat of forced amalgamation or referral to the Local Government Advisory Board (LGAB).
2. Reject a Local Government Reform Process that focuses only on amalgamations.
3. Require a voluntary approach to any amalgamations and reinforce the rights of each Local Government to determine their own destiny.
4. Reaffirm the research and recommendations of the Systemic Sustainability Study.
5. Require guidelines outlining the State Government's Local Government reform goals and objectives prior to the pursuit of any further reform process.
6. Require the delivery of a complete legislative and regulatory reform package as detailed in the Systemic Sustainability Study, as a priority and prior to the pursuit of any structural change.
7. Require the Minister to give a commitment to include WALGA (representing all of Western Australia's Local Governments) at the most senior levels on all relevant reform committees in a genuine partnership approach.

8. Reject the financial emasculation of Local Governments which do not engage in amalgamations.
9. Require the State Government to fully fund any reforms it applies to the sector.

The Shires included in the initial reform submission have opted to respond in the negative to the Ministers request to join an RTG with Coorow and Carnamah deciding to make a formal approach to amalgamate.

COMMENT:

The proposal submitted by the Shire of Moora was not accepted by the Minister, however, it was a well considered approach by the participating Shires to create more efficient and sustainable local government in the region. It was based on objective principles including community of interest in determining new boundaries based around the three major centres within the region.

The Ministers' decision to endorse the amalgamation of the Shires of Mingenew, Three Springs, Morawa and Perenjori and the more recent endorsement of the amalgamation of Coorow and Carnamah has compromised genuine and sustainable reform in the region. The exemption of these Shires in broader regional reform has impacted greatly on the opportunities for Moora, Dandaragan and Irwin.

For the Shire of Moora to consider participating in a Regional Transition Group with the "left overs" in the region without due consideration to the future of the surrounding region would not be in the best interests of the Shire.

The Shire of Moora has been a positive proponent of structural reform and although the current process is not supported, it is recommended the Shire continue to be proactive in pursuing positive alternative structural reform initiatives into the future.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

There are no known legislative requirements related to this item.

STRATEGIC IMPLICATIONS:

There are no known strategic implications associated with this proposal.

SUSTAINABILITY IMPLICATIONS:

➤ **Environment**

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

➤ **Economic**

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

➤ **Social**

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

FINANCIAL IMPLICATIONS:

There are no financial implications to Council in relation to this item.

VOTING REQUIREMENTS

Simple Majority Required

MANEX RECOMMENDATION

That Council respond to the Hon John Castrilli, Minister for Local Government, that:

- 1. the Shire of Moora declines participating in a Regional Transitional Group as the model presented is severely compromised by the amalgamation of the Shires of Coorow and Carnamah;
and*
- 2. the Shire of Moora is willing to work towards the reform of local government in the region in accordance with its proposal of August 2009.*

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

FILE REFERENCE: HR/PERI/LMOI

REPORT DATE: 8 March 2010

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: Nil

PURPOSE OF REPORT:

To formalise the acting arrangements during leave periods from 24/05/10 to the 28/05/10 and 18/08/10 to 29/08/10 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.

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:

The first block of leave will be able to ensure key priorities such as budget are completed and the time does not conflict with a Council meeting. However, the second block requires the CEO to be absent from a Council meeting, and as the leave is required for the completion of a unit of study, the time frame is unable to be altered.

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.

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

MANEX RECOMMENDATIONS

That Council formally approves the appointment of the Manager of Health, Building and Planning as the Acting Chief Executive Officer from 24 May 2010 until 28 May 2010 inclusive and the Manager of Community and Economic Development from 18 August 2010 until 28 August 2010 inclusively.

11.2 FINANCIAL DEVELOPMENT

11.2.1 LIST OF PAYMENTS AUTHORISED UNDER DELEGATION 1.31

REPORT DATE: 9 March 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 59672 to 59700</i>	<i>\$28,200.07</i>
	<i>Direct Debits EFT3797 to EFT3883</i>	<i>\$273,170.06</i>
	<i>Net Pays – PPE 17/2/10</i>	<i>\$78,763.11</i>
	<i>Net Pays – PPE 3/3/10</i>	<i>\$76,756.94</i>
	<i>Credit Cards</i>	<i>\$1,591.32</i>
<i>Trust Fund</i>	<i>Cheques 4576 to 4581</i>	<i><u>\$5,832.00</u></i>
<i>Total</i>		<i>\$464,313.50</i>

11.2.2 STATEMENT OF FINANCIAL ACTIVITY FOR PERIOD ENDED 28 FEBRUARY 2010

REPORT DATE: 10 March 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 28 February 2010

PURPOSE OF REPORT:

To note and receive the Statement of Financial Activity for the period ended 28 February 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 28 February 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 28 February 2010.

Law, Order and Public Safety

Income is approximately \$56,000 less than the year to date budget. This is because the income from the Emergency Services Levy had not been recognised, however this has now been addressed and the program is within 10% of budget.

Health

Expenditure is approximately \$7,000 less than the year to date budget. This is attributable to a number of smaller accounts being underspent, ie Podiatry Service by \$3,000 and the allocation of administrative salaries.

Education and Welfare

Income is approximately \$29,500 less than the year to date budget as an anticipated grant payment of has not been received as yet and fees and fee subsidies are approximately \$15,000 less than budgeted.

Economic Services

Expenditure is under the year to date budget by some \$65,000. This is made up of a number of accounts, the larger ones being the allocation of administrative costs (\$35,000), depreciation (\$16,000), chalet maintenance (\$10,000), operation of the Lifestyle Village (\$9,500), tourism expenses (\$7,000) and caravan park maintenance (\$4,500).

Other Property and Services

Income is almost \$60,000 less than the current budget, largely because the timing and amount of private works is not known and little private work has been done to date.

Expenditure is some \$65,000 more than the current budget, largely because plant operation costs have not having been effectively allocated to jobs (\$74,000).

Overall

At the moment operating income and expenditure is within 10% of the year to date budget.

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 2009/2010 adopted budget.

VOTING REQUIREMENTS

Simple Majority Required

MANEX RECOMMENDATION

That Council notes and receives the Statement of Financial Activity for the period ended 28 February 2010.

11.2.3 DONATION – TOODYAY BUSH FIRE APPEAL

FILE REFERENCE: F/DON1
REPORT DATE: 12 March 2010
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: 18/3/09 (item 11.2.4)
AUTHOR: Lynnette O'Reilly, Chief Executive Officer
ATTACHMENTS: Nil

PURPOSE OF REPORT:

For Council to consider assisting the Shire of Toodyay by way of a donation in the aftermath of the December 2009 bush fires.

BACKGROUND:

The Shire of Toodyay was subjected to a serious bush fire in December 2009 with the loss of 39 homes and a significant amount of infrastructure.

COMMENT:

Ongoing financial assistance will be required by the Shire of Toodyay in the aftermath of the fires.

Council has two options in making a donation to the Shire of Toodyay:

- Make an unbudgeted donation from the Municipal Fund
- Use Reserve funds from the Community Facilities Reserve

All of these options have some merit, however, the use of funds from the Community Facilities Reserve has the most merit and the least impact on Council's financial position. There is currently \$177,598 in the reserve.

Whilst the funds will not be utilised in the manner for which the reserve was established (ie within the Shire of Moora), the donations will assist a local community in WA to rebuild.

Council must advertise its intentions to use the reserve funds in accordance with Section 6.11 (2) of the Local Government Act 1995 however this should not delay the payment of the donations, subject to Council approval.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

Section 6.11 (2) 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 are no known significant social implications associated with this proposal.

FINANCIAL IMPLICATIONS:

Subject to the resolution of Council, there are no financial implications to Council in relation to this item.

VOTING REQUIREMENTS

Absolute Majority Required

MANEX RECOMMENDATIONS

That Council:

- 1. Makes a \$5,000 donation to the Shire of Toodyay on behalf of the Shire of Moora;***
- 2. Utilises funds totalling \$5,000 from the Community Facilities Reserve;***
- 3. Advertises its intentions by way of one month's notice in a local newspaper in accordance with Section 6.11 (2) of the Local Government Act 1995.***

11.3 OPERATIONAL DEVELOPMENT

11.3.1 SALE OF MOTOR VEHICLE BY TENDER

FILE REFERENCE: L/TEN2
REPORT DATE: 9 March 2010
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: Nil
AUTHOR: John Greay, Manager Engineering Services
ATTACHMENTS: Nil

PURPOSE OF REPORT:

Disposing of surplus equipment

BACKGROUND:

Council, with the departure of Mr Mike Prunster, now have a vehicle that is currently surplus to their requirements.

COMMENT:

With a slight restructuring of senior management positions we find that the April 2009 Commodore Berlina Sedan, travelled 18223 kms and is equipped with towbar and mudflaps is no longer required. This may change as time passes however currently it is being garaged until sold.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

Local Government Act 1995, Section 3.58 (3)
Local Government (Functions & General) Regulations 1996 – Regulation 30 (3), which relates to disposal of property

STRATEGIC IMPLICATIONS:

At the moment there are no known strategic implications associated with this proposal however, in time, this may change.

SUSTAINABILITY IMPLICATIONS:

- **Environment**
There are no known significant environmental implications associated with this proposal.
- **Economic**
Additional income not previously identified.
- **Social**
There are no known significant social implications associated with this proposal.

FINANCIAL IMPLICATIONS:

At the time of compiling our budget for this year we were not aware that there would be a change in staffing arrangements that would see this vehicle become

available for sale. Therefore the sale of the Commodore Berlina sedan will provide additional income that we were not aware of at budget time.

VOTING REQUIREMENTS

Absolute Majority Required

MANEX RECOMMENDATIONS

That Council:

- 1. Delegates authority to the Chief Executive Officer to sell one only 2009 Commodore Berlina Sedan reg.no.105M due to it being surplus to councils requirement.*
- 2. Advertise the vehicle for sale by tender in the Central Midlands & Coastal Advocate and close tenders at 4.00pm on Thursday 25th March 2010.*
- 3. Evaluate and accept or reject any tender but retain the aim of selling the vehicle for not less than the minimum valuation to achieve a positive outcome for council and notify tenderers accordingly.*

11.4 COMMUNITY DEVELOPMENT

11.4.1 TOWN PLANNING SCHEME # 4: PROPOSED FERTILIZER TANK AT FARM WORKS LOCATED AT 126 GARDINER STREET, MOORA

FILE REFERENCE: TP/PTMO3
REPORT DATE: 11 March 2010
APPLICANT/PROPONENT: Travis Menghini, Farm Works
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: Nil
AUTHOR: Wolfgang Zadavec, Manager Health Building & Planning Services
ATTACHMENTS: Letter & Material Safety Data Sheet

PURPOSE OF REPORT:

To consider a proposed installation of a 60,000L UAN Tank.

BACKGROUND:

The current zoning of the premises Farm Works at Lot 151 (H/N 126) Gardiner Street, Moora is Town Centre and the installation proposed is not a permitted use in the Zoning Table.

Council is experiencing an increase in activities left unchallenged and therefore becoming a problem in the future when redevelopment or sale of the premises occurs.

The content is an aqueous solution of Ammonium Nitrate and Urea and is not considered to be a Dangerous Good. It is a fibre reinforced plastic tank standing 3.4m and 4.88m in diameter and is a Class 10b structure under the BCA. The applicant seeks to provide a ready source of Nitrogen for crops and orchards normally only available from fertilizer depots outside the Shire. The yard has ample access for a road train to enter and exit without reversing, with producers only being able to gain access to the tank during business hours. The applicant will comply with all AgSafe requirements during installation.

COMMENT:

If the use of land for a particular purpose is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the interpretation of one of the use categories the Council may-

- (a) determine that the use is consistent with the objectives and purposes of the particular zone and is therefore permitted;
- (b) determine that the proposed use may be consistent with the objectives and purposes of the zone and therefore allow the 'SA' advertising procedures of clause 7.3 in considering an application for planning approval; or
- (c) determine that the use is not consistent with the objectives and purposes of the particular zone and is therefore not permitted.

Notwithstanding, Council also needs to recognise that this type of development should not adversely affect local amenities and enhance the character of the town centre. The proposed fertilizer tank does not meet those objectives.

Also the potential odour of the liquid fertilizer may present ongoing complaints from the public and surrounding businesses. An approval would also present a precedent for other existing businesses to make similar applications in equally sensitive zonings. Finally, there is the potential for an explosion should diesel come into contact with the Urea as this renders the product volatile.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

The Town Planning Scheme Number 4

STRATEGIC IMPLICATIONS:

There are no known strategic implications associated with this proposal.

SUSTAINABILITY IMPLICATIONS:

➤ **Environment**

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

➤ **Economic**

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

➤ **Social**

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

FINANCIAL IMPLICATIONS:

There are no financial implications to Council in relation to this item.

VOTING REQUIREMENTS

Simple Majority Required.

MANEX RECOMMENDATIONS

That Council

- 1. advise the applicant that it is not in favour of the proposed 60,000L UAN fertilizer tank to be installed at 126 Gardiner Street, Moora as the use is not consistent with the objectives of the Town Centre Zone.*
- 2. would give favourable consideration for such a service if located in an Industrial area subject to any conditions required by Council.*

11.4.2 TOWN PLANNING SCHEME # 4: PROPOSED CONCRETE BATCHING PLANT AT LOT 198 TOOTRA STREET, MOORA

FILE REFERENCE: TP/PTMO3
REPORT DATE: 11 March 2010
APPLICANT/PROPONENT: D Brown
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: 16/12/09 (item 11.4.3)
AUTHOR: Wolfgang Zadravec, Manager Health, Building & Planning Services
ATTACHMENTS: Site plans

PURPOSE OF REPORT:

For Council to consider an application for a proposed concrete batching plant to be located at the south-east corner of Lot 198 Tootra Street, Moora.

BACKGROUND:

The application has been resubmitted with additional information in compliance with the legislative requirements.

The zoning is industrial and sets requirements as follows:

- To provide for the needs of industry to support the community;
- To provide landscaped buffers along the Branch of the Moore River to the established industrial area;
- To avoid direct discharge of stormwater drainage or the discharge of any deleterious substances into the Branch of the Moore River;
- To maintain a minimum 7.5m setback to the rear;
- To include landscaping to the first 5m of the front setback;
- To comply with the provisions of the EPA.

COMMENT:

The applicant has now submitted drawing plans and photographs depicting the proposed finish of the concrete batching plant.

The property currently operates as a waste skip-bin removal service. The nearest dwelling is located 110m and the applicant has made approaches to all surrounding properties for their written support. The proposed operation appears small with 8cu metres of concrete produced weekly using two truckloads with 4cu metres each per week.

Town water is available on-site to be stored in a 4500L tank; all waste water will be diverted to a pit for recycling to keep materials from drifting. Waste materials will include cement bags and dried up cement with both taken to Council's landfill.

Applicant intends to install a cover as wind shield for dust suppression over the hopper as well as walls along both fence lines to retain dust drift.

Provisions set by the EPA include-

- Control of wastewaters via silt trap or settling pond;
- Pave or seal all vehicle access points or treat with water or surfactants as necessary;

- Prevent loose material or concrete ingredients adhering to vehicles without washing vehicles prior to leaving the premises;

Provisions of Work Safe and the BCA include–

- Approved toilet facilities to a septic system with leech drains located outside vehicle movement areas;
- Provision for appropriate fire extinguishers.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

The Environmental Protection (Concrete Batching and Cement Product Manufacturing) Regulations 1998 of the Environmental Protection Act 1986.

The Town Planning Scheme Number 4.

STRATEGIC IMPLICATIONS:

There are no known strategic implications associated with this proposal.

SUSTAINABILITY IMPLICATIONS:

➤ **Environment**

Adequate provisions to be provided for the suppression or minimisation of dust, odour, noise and water pollution associated with this proposal.

➤ **Economic**

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

➤ **Social**

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

FINANCIAL IMPLICATIONS:

There are no financial implications to Council in relation to this item.

VOTING REQUIREMENTS

Simple Majority Required

MANEX RECOMMENDATIONS

That

- 1. the application be approved subject to the provisions of Council's Town Planning Scheme Number 4 being complied with.*
- 2. the operation satisfies the requirements of the EPA and Work Safe.*
- 3. any proposed deviation or improvements first be reported to Council for consideration.*
- 4. any advertising signs be submitted for Council approval.*
- 5. a development application be submitted for a building licence.*

11.5 ENVIRONMENTAL DEVELOPMENT

Nil

11.6 ECONOMIC DEVELOPMENT

Nil

11.7 SPORT AND RECREATION

Nil

12. ELECTED MEMBER MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**13. MOTIONS OF AN URGENT NATURE INTRODUCED BY DECISION OF COUNCIL****14. NOTICE ON MOTIONS FOR THE NEXT COUNCIL MEETING****15. MATTERS BEHIND CLOSED DOORS****16. CLOSURE OF MEETING**