

**SHIRE OF MOORA**  
**MINUTES OF THE ORDINARY MEETING OF COUNCIL**  
**HELD IN THE COUNCIL CHAMBERS, MOORA**  
**19 AUGUST 2009**

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## **1. DECLARATION OF OPENING & WELCOME OF VISITORS**

*The Shire President declared the meeting open at 3.40pm, welcomed visitors and announced:*

**"Acknowledgment of Country"**

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

## **2. DISCLAIMER READING**

**The Shire President read the following disclaimer:**

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

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

## **3. ATTENDANCE**

SA Bryan	-	Shire President
SJ Pond	-	Councillor
WA Barrett-Lennard	-	Councillor
AR Tonkin	-	Councillor
CE Gardiner	-	Councillor
CD Hawkins	-	Councillor
JW McLagan	-	Councillor
R Keamy	-	Councillor
DV Clydesdale-Gebert	-	Councillor

L M O'Reilly	-	Chief Executive Officer
J L Greay	-	Manager Engineering Services
R L McCall	-	Manager Economic Development
L J Parola	-	Manager Finance & Corporate Services (from 4.15pm)
MM Murray	-	Executive Support Officer (until 4.15pm)

### **APOLOGIES:**

M J Prunster	-	Manager Community Services
W Zadavec	-	Manager Health, Building & Planning Services

### **PUBLIC:**

Nil

## **4. DECLARATIONS OF INTEREST**

The Manager Finance and Corporate Services, Leanne Parola declared an indirect financial interest in item 11.4.1 'Extractive Industry Licence Application', as the proponent is a client of the business she is a partner of.

Cr Keamy declared a proximity interest in item 11.2.3 '2009/2010 Draft Budget', as he owns land in the vicinity of works included in the draft budget.

Cr McLagan declared a financial interest in item 11.2.4 'Bindi-Miling Cricket Club Inc – Application for Community Facilities Reserve Fund Loan' as he is a guarantor on the loan.

**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**

- Attended the Community Consultation meeting with Hon John Castrilli MLA on 21<sup>st</sup> July at the MPAC along with Cr's Gardiner, Clydesdale-Gebert, Tonkin, Barrett-Lennard and Hawkins. Council representatives from Dandaragan and Victoria Plains were also in attendance.
- Attended Lotterywest cheque presentation by Hon Jim Chown MLC on 29<sup>th</sup> July along with Cr's Barrett-Lennard and Hawkins.
- Attended Local Government Week in Perth from the 6<sup>th</sup> – 9<sup>th</sup> August along with Cr's Pond, Gardiner, Clydesdale-Gebert and the Chief Executive Officer.
- Attended the LEMC desktop exercise meeting on the 12<sup>th</sup> August.
- Attended the Local Government Structural Reform Community Consultation at the MPAC on the 11<sup>th</sup> August along with Cr's Pond, Tonkin, Hawkins, Barrett-Lennard and the Chief Executive Officer.
- Cr Barrett-Lennard attended the Bindi Bindi Progress Association meeting.
- Cr McLagan was a judge on the panel at the Royal Agricultural Society Rural Ambassador finals in Perth. Of the five finalists the winner was Kasey Ward from Bridgetown, the runner up came from Katanning.
- Cr Tonkin officiated at the RSL Long Tan ceremony yesterday. Compliments to the shire & staff on the presentation of the war memorial.

Cr Clydesdale-Gebert declared a proximity interest in item 11.2.3 '2009/2010 Draft Budget', as she is a director in a company that owns lot 213 Melbourne Street, Moora which is in the industrial area directly across from land to be purchased.

**10. CONFIRMATION OF MINUTES OF THE PREVIOUS MEETING****10.1 ORDINARY COUNCIL MEETING - 15 JULY 2009****COUNCIL RESOLUTION**

**98/09 Moved Cr Tonkin, seconded Cr Bryan that the Minutes of the Ordinary Meeting of Council held on 15 July 2009, be confirmed as a true and correct record of the meeting.**

**CARRIED 9/0**

**11. REPORTS OF OFFICERS****11.1 ADMINISTRATION****11.1.1 PUBLIC INTEREST DISCLOSURE POLICY & APPOINTMENT OF PUBLIC INTEREST DISCLOSURE OFFICER**

**FILE REFERENCE:** PL/POPI

**REPORT DATE:** 18 July 2009

**OFFICER DISCLOSURE OF INTEREST:** Author is delegated as the Public Interest Disclosure Officer

**PREVIOUS MEETING REFERENCES:**

**AUTHOR:** Michael Prunster, Manager Community Services

**ATTACHMENTS:** Public Interest Disclosure Policy & Annexure 1-7

**PURPOSE OF REPORT:**

The adoption of a Public Interest Disclosure Policy in accordance with the Public Interest Disclosures Act 2003 and appointment of Public Interest Disclosure Officer (PID Officer).

**BACKGROUND:**

The Public Interest Disclosure Act 2003 came into operation on 1 July 2003. Council is required to adopt a Public Interest Disclosure Policy and appoint a Public Interest Disclosure Officer who is to receive and deal with disclosures of public interest under this Act and is also to ensure that the identity of a person making a public interest disclosure is not disclosed.

**COMMENT:***Purpose of this Policy*

These internal procedures provide for the manner in which the Shire of Moora will comply with its obligations under the *Public Interest Disclosure Act 2003*. They provide for the manner in which:

- disclosures of public interest information shall be made to the Public Interest Disclosure Officer (PID Officer).
- the PID Officer shall investigate the information disclosed, or cause that information to be investigated.
- the PID Officer may take action following the completion of the investigation.
- the PID Officer shall report to the discloser as to the progress and outcome of that investigation and the action taken as a consequence.

- the confidentiality of the discloser, and any person who may be the subject of a public interest disclosure, shall be maintained.
- records as to public interest disclosures shall be maintained and reporting obligations complied with.

#### *Object of the Act*

The Public Interest Disclosure Act 2003 commenced operation on 1 July 2003. The object of the Act is to:

- facilitate the disclosure of public interest information;
- provide protection for those who make disclosures; and
- provide protection for those who are the subject of a disclosure.

This is achieved by:

- protecting the person making the disclosure from legal or other action;
- providing for the confidentiality of the identity of the person making the disclosure and the person who is the subject of a disclosure; and
- providing remedies for acts of reprisal and victimisation that occur substantially because the person has made a disclosure.

The rights and obligations created by the Act are described in Appendix I to these Procedures.

#### *Designation of Public Interest Disclosure (PID) Officer*

The person from time to time holding or acting in the position of Manager Community Services is designated as the Public Interest Disclosure Officer, or PID Officer, of the Shire of Moora. The PID Officer is responsible for receiving disclosures of public interest information relating to matters falling within the sphere of responsibility of the Shire of Moora.

The Manager Community Services was appointed the PID Officer in 2005 for the Shire of Moora.

Council is required under the PID Act to complete a return to the Office of the Public Sector each financial year advising of any investigations or actions taken under the Act during the previous financial year. Since the inception of the Act, the Shire of Moora has submitted nil returns each year since its inception.

Under the Act the staff are to be provided with information on the procedures and responsibilities in relation to the Act and it is recommended that Appendix 7 be included in the Staff Information Folder for distribution to new and current Staff.

#### **POLICY REQUIREMENTS:**

Nil

#### **LEGISLATIVE REQUIREMENTS:**

Public Interest Disclosure Act 2003

#### **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 RECOMMENDATIONS)**

**99/09 Moved Cr Hawkins, seconded Cr Tonkin that Council:-**

- 1) Adopt the attached Public Interest Disclosure Policy for the Shire of Moora; and**
- 2) Include the Staff Information Brochure (Appendix 7) in the Shire Staff Induction Manual.**

**CARRIED 9/0**

**11.1.2 SHIRE OF MOORA DISABILITY ACCESS & INCLUSION PLAN**

**FILE REFERENCE:** BC/DA11  
**REPORT DATE:** 24 July 2009  
**APPLICANT/PROPONENT:** N/A  
**OFFICER DISCLOSURE OF INTEREST:** Nil  
**PREVIOUS MEETING REFERENCES:** 22/8/07 (160/07)  
**AUTHOR:** Michael Prunster, Manager Community Services  
**ATTACHMENTS:** Disability Plan of Outcomes (3)

**PURPOSE OF REPORT:**

Annual review and evaluation of the Disability Access & Inclusion Plan 2007-2011.

**BACKGROUND:**

The Shire of Moora Disability Access & Inclusion Plan was adopted at the Council Meeting held on 22 August 2007. The Plan was then submitted to the Disability Services Commission in order to comply with the legislative requirements.

The Plan includes the following monitoring and evaluation policy:-

## “REVIEW AND EVALUATION MECHANISMS

*The Disability Services Act sets out the minimum review requirements for public authorities in relation to DAIPs. The Shire’s DAIP will be reviewed at least every five years, in accordance with the Act. The DAIP Implementation Plan may be amended on a more regular basis to reflect progress and any access and inclusion issues which may arise. Whenever the DAIP is amended, a copy of the amended plan will be lodged with the Disability Services Commission.*

*The Chief Executive Officer will oversee the implementation of the plan. Stakeholders involved in implementing particular strategies identified in the plan will report progress quarterly to the Chief Executive Officer for consideration at Management Executive Team meetings.*

*The review of the Shire’s DAIP will be included in the DAIP 2011-2015 which will be submitted to the Disability Services Commission in 2011. The report will outline what has been achieved under the Shire’s DAIP 2007-2011.*

*The Chief Executive Officer will prepare a report each year on the implementation of the DAIP. A status report will be provided to council for formal endorsement.*

### **Evaluation**

*Council will endorse any reports on the disability access and inclusion implementation process annually.*

*Once a year prior to 31 July council will provide advice to the community regarding the implementation of the DAIP and seek feedback on the effectiveness of strategies. This will inform the further implementation of the plan.*

*A notice about the consultation process will be placed in the local newspaper, posted on the Shire’s website, and announced on the local radio station.*

*In seeking feedback the Shire will also seek to identify any additional barriers that were not identified in the initial consultation.*

*The Shire will use some of the consultation processes used during the initial consultations including questionnaires and telephone interviews.*

*Elected members of council and council officers will also be requested to provide feedback on how well they believe the strategies are working and to make suggestions for improvement.*

*The DAIP will be amended based on the feedback received and copies of the amended Plan will be available to the community in alternative formats once endorsed by council.”*

### **COMMENT:**

A copy of the Plan of outcomes submitted to the Disability Services Commission for period 2007-2011 is attached. The highlighted sections show the section of the plan that have been completed, partially completed and ongoing.

The development of the Plan was produced following Public consultation on access barriers within the Shire during May 2007. The result of the consultation indicated there were some 18 access barriers identified that required attention.

These were as follows:-



- **No pedestrian railway crossover in the centre of town. People crossing railway line near post office and near telecentre to get to public toilets;**
- Need crossings with warning signs at strategic locations on roads; (MRWA do not support pedestrian crossings)
- **Footpaths are not accessible for people using wheelchairs. Need better maintenance, better kerb ramps, better transition between footpaths and roads; (ongoing)**
- **Not enough ramp access and footpaths in general; (ongoing)**
- **Footpaths (concrete) should be on both sides of the road; (ongoing)**
- **Street lighting is not adequate; (ongoing)**
- **Accessible parking is limited; (bays marked within CBD)**
- **A park home for tourists who have disabilities is recommended;(ongoing)**
- **Buildings requiring access improvements include the doctors surgery, shire offices, Tafe campus, telecentre, hockey pavilion, post office, butcher, bakery, Country Choice and Drovers Inn; (ongoing)**
- Crosswalk between liquor store and swimming pool required; (MRWA do not support pedestrian crossings)
- **Heavy doors at some facilities, self opening better; (ongoing)**
- Park generally not accessible and no suitable play equipment for people with disabilities;
- Public documentation not available in large print or audio; (Library have audio books available)
- **No disability awareness training arranged. Staff need more awareness due to ageing population;**
- **Need more information on accessibility to funding and resources for children's respite care for carers; (ongoing – Disability Services have office in Moora)**
- **More community facilities and services required e.g. gym, library, hairdresser, grocery store and fuel station;**
- **Encourage business community to improve access to parking and movement within shopping areas; (ongoing)**
- **Promote employment of people with disabilities – they can make very good workers. (ongoing)**

(Note: The points highlighted in **bold italics** have been either completed, partially completed or are ongoing.)

Since the original community consultation there has not been any significant change to the Towns infrastructure, so it is recommended that a further community consultation not be pursued this financial year.

The Chief Executive Officer and Manager Community Services met with Mr Maurice Embley, Regional Manager Disability Services, Midlands Region, and members of the Northam Office staff and Mrs Jane Marden of the Moora Office on the 15<sup>th</sup> July to discuss matters that involve Local Government planning strategy for disabled persons within the Shire of Moora.

#### **POLICY REQUIREMENTS:**

There are no Council Policies relative to this matter.

#### **LEGISLATIVE REQUIREMENTS:**

Shire of Moora DAIP 2007-2011

W.A. Disability Services Act 1993 (amended 2004)

**STRATEGIC IMPLICATIONS:**

The Key Result Area of “People” within the Shires Strategic Plan supports the principles of the DAIP strategies.

**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**

The implementation of the strategies of the DAIP will provide for greater inclusion and accessibility of all residents and visitors in the Shires services and activities.

**FINANCIAL IMPLICATIONS:**

Costings will be carried out as part of the development of the Implementation Plan and appropriate provision made in future budgets.

**VOTING REQUIREMENTS**

Simple Majority Required

**COUNCIL RESOLUTION  
(MANEX RECOMMENDATIONS)**

***100/09 Moved Cr Clydesdale-Gebert, seconded Cr Tonkin that Council:***

- 1. Endorses the attached Status Report of the Shire of Moora Disability Access and Inclusion Plan (D.A.I.P.) for the year ended 30 June 2009.***
- 2. Waives additional community consultation for 2009-10 financial year.***
- 3. Acknowledges that Shire Staff will continue to progress the outstanding outcomes identified in the D.A.I.P.***
- 4. Shire Staff liaise with Disability Services Commission on this matter.***

**CARRIED 9/0**

### **11.1.3 COUNCIL CHAMBER RELOCATION**

**FILE REFERENCE:** B/SHAI  
**REPORT DATE:** 12 August 2009  
**OFFICER DISCLOSURE OF INTEREST:** Nil  
**PREVIOUS MEETING REFERENCES:** Nil  
**AUTHOR:** Lynnette O'Reilly, Chief Executive Officer  
**ATTACHMENTS:** Nil

**PURPOSE OF REPORT:**

To plan for the relocation of the Moora Shire Chamber as an interim measure to accommodate staff in a safe working environment.

**BACKGROUND:**

Staff accommodation in the administration building has been limited for some time. With the addition of staff numbers through job sharing, the inclusion of new trainee positions and new positions including the Youth Co-ordinator and Project Officer, space has become a critical issue.

As the range of projects and work required to be completed has increased so too has the number of staff. This is not a new issue and in order to appropriately accommodate staff the Shire needs to provide additional quality space.

Available funding for the building of a new administration centre is not available and is unlikely to be available in the near future.

**COMMENT:**

Staff attraction and retention policies go further than providing quality housing. Organisations need to look further including a range of other benefits and rewards for staff, including appropriate office accommodation.

As discussed at the last briefing session, an option needs to be developed to temporarily relocate the Chamber to another venue either MPAC or the Ballet Room at the recreation centre. The Ballet Room is considered to be the most appropriate as it can be self contained for Council meetings with the inclusion of a kitchen area and appropriate space for Chamber furniture. There will be less disruption due to not having to shift furniture to cater for other events.

An analysis of the bookings for the ballet room and the carpeted area has been completed to ensure that the events can be accommodated effectively and organisations contacted to gain feedback and advise of the new arrangements.

The MPAC, although more conveniently located to the administration building would require the movement of furniture on a regular basis to be able to accommodate shows and other events which are run at the facility.

To enable a more effective working environment a plan has been established for a new seating arrangement within the administration building which takes into consideration the use of the chamber.

**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:**

The financial implications to Council relating to this item are unconfirmed as quotations have not been sourced to date.

There is an allocated sum in the 2009/10 draft Budget for the provision of refurbishing shire office/accommodation.

**VOTING REQUIREMENTS**

Simple Majority Required

**COUNCIL RESOLUTION  
(MANEX RECOMMENDATIONS)**

*101/09 Moved Cr McLagan, seconded Cr Clydesdale-Gebert that Council*

- 1. Approve the relocation of the Shire of Moora Council Chambers to the Ballet Room at the Moora Recreation Centre as of October 2009 on a temporary basis, until further notice.*
- 2. Advise the community through advertising of the changed location of future Council meetings.*
- 3. Review the relocation of the Shire of Moora Council Chambers at the end of the 09/10 financial year to determine the effectiveness of the arrangement.*

**MOTION LOST 2/7**

At 4.04pm the Chief Executive Officer left the meeting.

## **11.2 FINANCIAL DEVELOPMENT**

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

**REPORT DATE:** 14 August 2009  
**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

<b>COUNCIL RESOLUTION (MANEX RECOMMENDATION)</b>
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At 4.05pm the Chief Executive Officer rejoined the meeting.

**102/09 Moved Cr Hawkins, seconded Cr Tonkin that Council notes and endorses the Payments from the Municipal and Trust Funds made under delegation 1.31**

<i>Municipal Fund</i>	<i>Chqs 59293 to 59352</i>	<i>\$123,430.87</i>
<i>EFT</i>	<i>2640 to 2796</i>	<i>\$507,415.66</i>
	<i>Net Pays – PPE 21 July</i>	<i>\$68,531.65</i>
	<i>Net Pays – PPE 4 August</i>	<i>\$70,332.27</i>
<i>Total</i>		<i><u>\$769,710.45</u></i>

**CARRIED 9/0**

### **11.2.2 STATEMENT OF FINANCIAL ACTIVITY FOR PERIOD ENDED 31 JULY 2009**

**REPORT DATE:** 14 August 2009

**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 July 2009

**PURPOSE OF REPORT:**

To note and receive the Statement of Financial Activity for the period ended 31 July 2009.

**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.

As the budget has yet to be adopted, the draft budget figures have been used in the statement. Similarly, the figures shown for the 2008/09 financial year are interim figures only as some balance day adjustments have yet to be carried out.

When adopting the budget last year, Council agreed to set the materiality threshold for monthly financial reporting at plus or minus 10% at program and category levels. The following programs were outside of this threshold as at 31 July 2009:

**Governance, General Purpose Funding, Law, Order and Public Safety, Health, Education and Welfare, Community Amenities and Economic Services** – Expenditure for these program is currently less than the year to date budget as the budget profile codes have yet to be applied and a majority of the expenditure budgeted for will not be incurred

until after September. It is anticipated that these programs will be within the materiality threshold next month once the budget profile codes have been applied.

**Health** - Revenues for the Health Program are less than the year to date budget as income has yet to be recognised for the rent of the Doctor's Residence, the Podiatry Service and Eating House Licenses. It is anticipated that this program will be within the materiality threshold next month.

**Housing** - Revenues for the Housing Program are currently over the year to date budget as a balance day adjustment for accrued income from 2008/09 has yet to be carried out.

Expenditure is also currently over the year to date budget as the first half of the insurance bill has been paid for and the budget profiles have yet to be applied. It is anticipated that this program will be within the materiality threshold next month.

**Recreation and Culture** - Revenues for the Recreation and Culture Program are currently over the year to date budget as part of the grant for the Youth Development Holiday Program has been received earlier than anticipated. It is anticipated that this program will be within the materiality threshold next month.

**Economic Services** - Revenues for the Economic Services Program are less than the year to date budget as the budget profile codes have yet to be entered in the system and there is a grant of \$500,000 that is likely to be received late in the financial year.

Similarly, expenditure for the Economic Services program are less than the year to date budget as there is large number of projects that will not occur until later in the year.

It is anticipated that this program will be within the materiality threshold next month once the budget profile codes have been applied.

#### **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 the draft 2009/2010 budget.

**VOTING REQUIREMENTS**

Simple Majority Required

<b>COUNCIL RESOLUTION (MANEX RECOMMENDATION)</b>
--

*103/09 Moved Cr Hawkins, seconded Cr Tonkin that Council notes and receives the Statement of Financial Activity for the period ended 31 July 2009.*

**CARRIED 9/0**

**CHANGE TO THE ORDER OF BUSINESS**

<b>COUNCIL RESOLUTION</b>
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*104/09 Moved Cr Bryan, seconded Cr Keamy that the order of business be changed so that item 11.2.3 be considered after item 11.3.1 to allow the Manager Finance & Corporate Services to be present.*

**CARRIED 9/0**

At 4.12pm Cr McLagan declared a financial interest in item 11.2.4 as he is a guarantor on the loan and left the meeting.

**11.2.4 BINDI-MILING CRICKET CLUB INC – APPLICATION FOR COMMUNITY FACILITIES RESERVE FUND LOAN**

**FILE REFERENCE:** CC/CRII  
**REPORT DATE:** 13 August 2009  
**OFFICER DISCLOSURE OF INTEREST:** Nil  
**PREVIOUS MEETING REFERENCES:** Nil  
**AUTHOR:** Rebecca McCall, Manager Economic Development  
**ATTACHMENTS:** Community Loan Application

**PURPOSE OF REPORT:**

A submission has been received from the Bindi-Miling Cricket Club Inc. for a loan of \$4,000 from the Shire of Moora Community Development Reserve Fund.

The funding is required to resurface the centre cricket pitch.

**BACKGROUND:**

The Community Facilities Development Reserve (CFDR) was originally set up as a general reserve fund from the sale of the Moora Power Station. In 1995, Council converted the general reserve fund to the CFDR to provide funds to eligible community organisations for approved projects.



The maximum loan amount is \$15,000 repayable over terms of 1 – 7 years with an interest rate of 50% to the nearest whole number of the interest rate quoted to Council from its lending institution. Since the commencement of the fund, loans have been provided to a range of clubs including Moora Tennis Club, Swimming Club, Golf Club, Fine Arts Society, Chamber of Commerce, Moora Race Club and Moora Speedway Association.

**COMMENT:**

The Club has sourced estimates to resurface the centre cricket pitch. The total cost of the project, materials and installation, is \$4,345 GST inclusive.

The Club has recently self-funded the construction of new training nets at considerable cost. This significant outlay does not allow for sufficient funds required for the necessary resurfacing of the centre cricket pitch.

The existing centre cricket pitch has worn to the degree that safety is a concern. It is a priority to the members of the Club that the surface is replaced in readiness for the 2009/10 cricket season due to commence in early October.

The Club would like Council to consider funding 50% of the total cost of the resurface (\$2,172). Through liaison with Shire staff the Club is aware that a contribution for 2009/10 is not possible at such a late stage of the budget process.

Council can however, consider allocating the requested contribution of \$2,172 in the 2010/11 budget.

**POLICY REQUIREMENTS:**

Nil

**LEGISLATIVE REQUIREMENTS:**

There are no known legislative requirements related to this item.

**STRATEGIC IMPLICATIONS:**

The Shire of Moora's Strategic Plan outlines in Key Result Area 'People' the goal to support associations, groups and events within the community.

**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**

Further development of the Club and the game of cricket within the region by providing competitive, up to date and safe playing surfaces.

**FINANCIAL IMPLICATIONS:**

The community facilities reserve fund has a balance of \$157,554 allowing sufficient funds for this purpose. Funding will have no effect on Council budgets. Repayments and interest

income will be credited to the Community Facilities Reserve Fund over the period of the loan.

A 50% contribution of \$2,172 from the Shire of Moora will need to be allocated in the 2010/11 budget.

### **VOTING REQUIREMENTS**

Simple Majority Required

At 4.15pm the Manager Finance and Corporate Services joined the meeting and the Executive Support Officer retired from the meeting.

### **COUNCIL RESOLUTION (MANEX RECOMMENDATIONS)**

#### ***105/09 Moved Cr Pond, seconded Cr Hawkins that Council***

- 1) ***approves the application from the Bindi-Miling Cricket Club Inc. for a loan of \$4,345 over a period of 1 year @ 3.5% interest to be funded from the Shire of Moora Community Facilities Reserve Fund to assist with the purchase of a new centre pitch surface subject to :-***
  - ***Provision of the Clubs audited financial statements for the past two years.***
  - ***Entering into a loan deed agreement for repayment of the loan***
- 2) ***allocates \$2,172 in the 2010/11 budget as a contribution towards the new centre pitch surface.***

**CARRIED 8/0**

At 4.17pm Cr McLagan rejoined the meeting.

## **11.3 OPERATIONAL DEVELOPMENT**

### **11.3.1 TENDERS – ROAD SEALING AGGREGATE, BITUMEN PRODUCTS**

**FILE REFERENCE:** TENI & TEPI  
**REPORT DATE:** 12 August 2009  
**OFFICER DISCLOSURE OF INTEREST:** Nil  
**PREVIOUS MEETING REFERENCES:**  
**AUTHOR:** John Greay, Operational Development Manager  
**ATTACHMENTS:** Nil

#### **BACKGROUND**

Tenders are called throughout the year for various commodities etc using historic documentation. It is important to develop a set of criteria that is consistent with current requirements.

To undertake Councils road sealing and road works programme, it is necessary to call tenders for aggregate, bitumen and road stabilising for the current year.

**COMMENT**

It is considered desirable for Council to conform to the WALGA tender proforma when calling tenders for various requirements throughout the year for a value greater than \$100,000 including GST.

To accept this tender proforma requires Council to develop qualitative criteria for the commodities that we are calling tenders for. Council at the moment needs to call tenders for the supply and delivery of road sealing aggregate, supply and spray of bitumen products and the incorporation of road stabilisation products into the road pavement.

The suggested qualitative criteria, which will form part of the tender documentation, will remain in place for future repeat tenders as outlined in the recommendation.

**Road Sealing Aggregate**

Council will require approximately 1800 tonne of 14mm, 1560 tonne of 7mm road sealing aggregate for their road programme this year. The qualitative criteria to address these requirements are listed in the recommendation.

**Supply and Spray of Bitumen Products**

To carry out the road-sealing programme this year Council requires approximately 232,000 litres of bitumen supplied and sprayed.

In calling tenders council needs to develop a set of qualitative criteria to assist with the compiling of tenders. This is contained in the recommendation to council.

**STATUTORY ENVIRONMENT**

Section 3.57 of the Local Government Act 1995

Regulations 11 (1) & 18 of the Local Government (Functions & General) Regulations 1996

**POLICY IMPLICATIONS**

Nil

**BUDGET IMPLICATIONS**

Allowances have been provided within this year's budget and Works Programme.

**STRATEGIC IMPLICATIONS**

Council needs to continue with the upgrading and maintenance of their road network.

**PRECEDENT**

Council calls tenders in accordance with the requirements of the Local Government Act and Regulations

**VOTING REQUIREMENTS**

Absolute Majority Required

**COUNCIL RESOLUTION  
(MANEX RECOMMENDATIONS)**

*106/09 Moved Cr Gardiner, seconded Cr Hawkins that pursuant to Regulation 11(1) Local Government (Functions & General) Regulations 1996, Council authorises the calling of tenders for the supply and delivery of road sealing aggregate, supply and spray of bitumen products which are budgeted for in the 2009-10 financial year, based on the*

**WALGA Proforma Tender documentation and adopts the following qualitative criteria.**

<b>Description of Qualitative Criteria</b>	<b>Weighting</b>
<b>a) Demonstrated ability to display conformance with the technical specification</b>	<b>15%</b>
<b>b) Demonstrated Safety Management:</b> <ul style="list-style-type: none"> <li>• The provision of a Safety Policy /Management Plan</li> <li>• Confirmation to attend a Council Occupational Safety &amp; Health Induction</li> </ul>	<b>10%</b>
<b>c) Delivery Response Times:</b> Ability to provide the services at the specified/requested times in addition to any existing or future contracts obligated to. Tenderer to supply any previous written contract delivery performance references to other clients.	<b>20%</b>
<b>d) Quality Assurance:</b> Preference will be given to tenderers demonstrating the achievement of, or progress towards, Quality Assurance Certification.	<b>5%</b>
<b>e) References:</b> Supplied references from other organizations the tenderer is or has been contracted to which attest to competent standards of performance.	<b>10%</b>
<b>f) Insurances:</b> Evidence of certificates of currency for public liability, product liability, workers compensation and motor vehicle insurances.	<b>5%</b>
<b>Price Considerations</b>	
<b>Weighted Cost Criteria</b>	<b>Weighting</b>
Tendered Price	<b>35%</b>

**CARRIED BY ABSOLUTE MAJORITY 9/0**

At 4.22pm Cr Clydesdale-Gebert declared a proximity interest in item 11.2.3 as she is a director in a company that owns lot 213 Melbourne Street, Moora which is in the industrial area directly across from land to be purchased and left the meeting.

Cr Keamy declared a proximity interest in item 11.2.3 as he owns land in the vicinity of works included in the draft budget.

The Chief Executive Officer submitted an amended recommendation for item 11.2.3 as an error in the calculations had been identified since the agenda was produced.

### **11.2.3 2009/2010 DRAFT BUDGET**

**FILE REFERENCE:** F/BUAI  
**REPORT DATE:** 14 August 2009  
**OFFICER DISCLOSURE OF INTEREST:** Nil  
**PREVIOUS MEETING REFERENCES:**  
**AUTHOR:** Leanne Parola, Manager Finance and Corporate Services  
**ATTACHMENTS:** 2009/10 Draft Budget

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

For Council to adopt the 2009/2010 Budget.

#### **COMMENT:**

The 2009/10 draft Budget is circulated as an attachment to this report. As per the requirements of the Local Government Act 1995, Local Government (Financial Management) Regulations 1996, Australian Accounting Standards (AAS) and Australian International Reporting Financial Standards (AIFRS) the document has been prepared in its statutory format.

The draft Budget for the 2009/10 financial year consists of the following information:

- Income Statement by Nature or Type
- Income Statement by Program
- Cash Flow Statement
- Rates Setting Statement
- Other Notes and Disclosures
- Schedule of Fees & Charges

The 2009/10 draft Budget presented for adoption is done so in its “simplest” format. Once the document has been adopted and applied to the ledger, additional reports can be added to the Budget to make it a more “user friendly” document. This will also include an introduction and highlight information from the Shire President.

Previously Councillors have had the opportunity to raise queries and have input into the draft budget and fees and charges at two Councillors Information Briefings. Since the last briefing on 15 July 2009, a number of changes have been made, however none of the proposed capital works or new initiatives have been removed from the draft Budget.

The draft Budget includes a number of projects that are reliant on applications for grant funding being successful. If the full amount of funding budgeted for is not received, a report will be put to Council to amend the budget accordingly.

**POLICY REQUIREMENTS:**

Various adopted policies, currently the subject of review, impact on the budget including the 5% bitumen policy, staff rates incentive schemes and policies in relation to staff remuneration.

**LEGISLATIVE REQUIREMENTS:**

Section 6.2 of the Local Government Act 1995 requires Council to adopt its Annual Budget in the form and manner prescribed no later than 31 August in any financial year, subject to any extension past this date with Ministerial approval. The draft Budget, as presented to Council is prepared in the statutory format required.

Within thirty (30) days of the adoption of the Budget, a copy must be forwarded to the Director General, Department of Local Government and Regional Development as provided by Regulation 33 of the Local Government (Financial Management) Regulations 1996.

**STRATEGIC IMPLICATIONS:**

A balanced budget enables Council to progress its strategic plan in a sustainable manner.

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

The proposed budget contains a number of initiatives that will enhance and support the environment within the Shire.

➤ **Economic**

The proposed budget contains a number of initiatives that will enhance and support economic development within the Shire.

➤ **Social**

The proposed budget contains a number of initiatives that will enhance and support social development within the Shire.

**FINANCIAL IMPLICATIONS:**

The result of the following resolutions will be the adoption of the 2009/10 Budget.

**VOTING REQUIREMENTS**

Absolute Majority Required

**COUNCIL RESOLUTION  
(MANEX RECOMMENDATIONS)**

*107/09 Moved Cr Hawkins, seconded Cr Bryan that Council adopts the 2009/10 Budget including the following matters:-*

- (1) Imposing General Rate for Gross Rental Value (GRV) properties – the general rate be set at 8.094 ~~8.0825~~ cents in the dollar on Gross Rental Values for all rateable land within the district to result in an overall rate increase of 5.0%;*
- (2) Imposing General Rate for Unimproved Value (UV) properties – the general rate be set at 0.8959 ~~0.9180~~ cents in the dollar on Unimproved Values for all rateable land within the district to result in an overall rate increase of 5.0% ;*

- (3) **Imposing Minimum Payment (Rates) for Gross Rental Value (GRV) properties – the Minimum Payment (Rates) be set at \$410 per assessment for GRV properties in the Moora Townsite and \$290 in other Townsites;**
- (4) **Imposing Minimum Payment (Rates) for Unimproved Value (UV) properties – the Minimum Payment (Rates) be set at \$290 per assessment for all UV properties in the Shire of Moora;**
- (5) **Imposing Sewerage Rate – the sewerage rate in the dollar be set at 7.3500 cents in the dollar, and that the following apply:**
- a. **That the minimum annual sewerage rates be as follows;**
- |  |          |
|--|----------|
| Residential properties                     | \$293.00 |
| Commercial properties                      | \$646.70 |
| Vacant Land properties                     | \$193.00 |
| Ex-Gratia Commercial/Industrial properties | \$731.00 |
- b. **That the maximum annual sewerage rate be as follows;**
- |                        |          |
|------------------------|----------|
| Residential properties | \$731.00 |
| Vacant Land properties | \$731.00 |
- c. **Non Rateable Properties connected to sewer**
- Class 1 Institutional/Public & Charitable Purposes**  
**for each property:**
- |                               |                    |
|-------------------------------|--------------------|
| First major fixture           | \$173.70 per annum |
| Each additional major fixture | \$76.40 per annum  |
- Class 2 State and Local Government properties of a commercial nature: \$965.60 per Connection**
- (6) **Imposing Service Charge – Gardiner Street power – The 20 non-residential and 1 residential properties that benefited directly from the upgrade to the power supply in Gardiner Street in 2006/2007 pay the following annual charge:-**
- |                 |          |
|-----------------|----------|
| Non-Residential | \$339.32 |
| Residential     | \$169.66 |
- (7) **Rubbish Removal Charges (per annum) – be set at;**
- |                              |   |
|------------------------------|---|
| (i) Moora – Non-pensioner    | \$230 <del>\$250</del> per 240-litre bin (weekly) & recycling bin (fortnightly) |
| (ii) Moora – Pensioner       | \$190 <del>\$210</del> per 240-litre bin (weekly) & recycling bin (fortnightly) |
| (iii) Miling – Non-pensioner | \$210 per 240-litre bin (weekly)  |
| (iv) Miling – Pensioner      | \$170 per 240-litre bin (weekly)  |
- (8) **Incentive for Early Payment of Rates – to use the incentive prize offered by: -**  
**– \$500 Cash - Shire of Moora**  
**as the prize for payment of rates, rubbish charges and arrears in full within 21 days from the issue date of the rate notice;**

- (9) Instalment Plan – The following options be made available to ratepayers:-**
- a. To pay in full within 35 days of service of the rates notice.**
  - b. To pay by 2 equal instalments as under.**
    - (i) 50% of the rates within 35 days**
    - (ii) 50% of the rates within 4 months of (i)**
  - c. To pay by 4 equal instalments as under.**
    - (i) 25% of the rates within 35 days**
    - (ii) 25% of the rates within 2 months of (i)**
    - (iii) 25% of the rates within 2 months of (ii)**
    - (iii) 25% of the rates within 2 months of (iii) being 6 months from the expiration of the initial 35 day period and 6 months and 35 days from the date of service of the notice.**
- (10) Instalment Plan Interest Rate – a charge be set at 5.5% per annum calculated by simple interest method and applied to Rates and Rubbish Removal Charge;**
- (11) Instalment Plan Administration Charge – a charge of \$5 per instalment excluding the first instalment and applied to Rates and Rubbish Removal Charge;**
- (12) Late Payment Interest Rate – (Rates and Rubbish Removal Charge) - a charge be set at 11% per annum, calculated by simple interest method, be applied for instalments past the due date, or where the instalment option is not in place, 35 days after the date of issue of the rate notice;**
- (13) Late Payment Interest Rate – (Sundry Debtors Charges) - a charge be set at 11% per annum, calculated by simple interest method, be applied for outstanding sundry debtors past the due date, 30 days after the date of issue of the invoice;**
- (14) Schedule of Fees and Charges – adopt the Schedule of Fees and Charges within the 2009/10 Budget document;**
- (15) Reserve Accounts – Council confirms the names and purposes of its Reserve Accounts as listed within the 2009/10 draft Budget;**
- (16) Materiality Threshold – that the materiality threshold for monthly financial reporting (Statement of Financial Activity – Program) be set at plus or minus 10% at Program & Category levels.**
- (17) That the Moora Skate Park Project be removed from the 2009/10 Budget.**

**CARRIED BY ABSOLUTE MAJORITY 8/0**

Note: The rate in the dollar in points 1 & 2 were amended and the text “to result in an overall rate increase of 5.0%” was added.

Point 7 (i) & (ii) were reduced by \$20.

Point 17 was added to the recommendation.

At 4.49pm Cr Clydesdale-Gebert rejoined the meeting.



**Note: Item 11.3.1 was considered prior to item 11.2.3.**

### **11.3.2 INSTALLATION OF 30ML STORMWATER STORAGE DAM**

**FILE REFERENCE:** GA/DOAI  
**REPORT DATE:** 14 August 2009  
**APPLICANT/PROPONENT:** Rural Towns Liquid Assets Programme  
**OFFICER DISCLOSURE OF INTEREST:** Nil  
**PREVIOUS MEETING REFERENCES:** Nil  
**AUTHOR:** John Greay, Manager of Engineering Services  
**ATTACHMENTS:** Location map

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

To advise council of the outcomes of the study conducted by the Department of Agriculture and Food - Rural Towns Liquid Assets Programme on the rising water table under the Moora townsite.

#### **BACKGROUND:**

Approximately three years ago council contributed \$70,000 per year over a three year period towards finding a solution to what was believed to be a rising water table under the Moora townsite. This resulted in many piezometers being installed across the town landscape to monitor the water levels. Several production bores were installed in strategic places around town and were pumped to see what the outcomes would be.

Through constant monitoring it was found that the water table was static or if in anything was lowering. The original project costs of equipping bores, installing pumping mains, creating easements, building evaporation ponds etc wasn't required. They then turned their attention on monitoring the surface water flows through town and looked at capturing this water and re utilising this on playing fields etc back within the Moora townsite. A monitoring station was constructed at the end of the Clinch Street drain to monitor flows and the quality of water.

From here there has been a further study undertaken to check the viability of this proposal and this was undertaken by the engineering firm, GHD. A copy of the report will be available at the meeting.

#### **COMMENT:**

The favoured option appears to be the installation of a 30ML dam constructed on the Clinch Street Drain in the West End property which is owned by council (refer attached location map). The costs associated with this proposal are tabled on page 17 of their report.

#### **POLICY REQUIREMENTS:**

Nil

#### **LEGISLATIVE REQUIREMENTS:**

There are no known legislative requirements related to this item.

**STRATEGIC IMPLICATIONS:**

The strategic importance of this facility will be the capturing of a wasted resource that can be utilised in reducing our reliance on potable water being used for irrigation purposes. The ability to use this resource for the purpose of providing a more desirable environment in which to live by the provision of further landscaped street verges, ovals and parks and gardens at a less financial burden on the ratepayer is desirable.

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

Using an under utilised resource which is currently going to waste will have a positive impact on the environment.

**➤ Economic**

A reduction in cost in being able to use water that is currently not being captured and reused will eventually be cost effective by council not needing to purchase as much water from other service providers.

**➤ Social**

Improved amenities have a positive impact on social interaction.

**FINANCIAL IMPLICATIONS:**

In this budget there is identified expenditure for council as the Department of Agriculture and Food - Rural Towns Liquid Assets Programme are providing \$300,000 inc GST from the fund into which council originally contributed.

**VOTING REQUIREMENTS**

Simple Majority Required

**COUNCIL RESOLUTION  
(OFFICER RECOMMENDATIONS)**

*108/09 Moved Cr Pond, seconded Cr Hawkins that Council*

- 1. accepts the report from The Department of Agriculture and Food - Rural Towns Liquid Assets Programme regarding the proposal to install a new stormwater storage dam and associated equipment within the West End property filling from the existing Clinch Street Drain, Moora for the purpose of recycling the harvested water back into their parks and gardens which in turn will reduce their reliance on scheme water.*
- 2. accept, from the options proposed, the advice given for the installation of the 30ML stormwater storage dam and associated equipment as outlined in their report.*

**CARRIED 9/0**

At 4.58pm the Manager Finance and Corporate Services, Leanne Parola declared an indirect financial interest in item 11.4.1 'Extractive Industry Licence Application', as the proponent is a client of the business she is a partner of and left the meeting.

## **11.4 COMMUNITY DEVELOPMENT**

### **11.4.1 EXTRACTIVE INDUSTRY LICENCE APPLICATION**

**FILE REFERENCE:** TP/EX11

**REPORT DATE:** 13 August 2009

**APPLICANT/PROPONENT:** Kingstripe Pty Ltd as trustee for Dalkey North Trust

**OFFICER DISCLOSURE OF INTEREST:** Nil

**PREVIOUS MEETING REFERENCES:** Resolution 75/07

**AUTHOR:** Wolfgang Zadavec, Manager Health, Building & Planning Services

**ATTACHMENTS:** 1. Original Council approval (in-principle)  
2. Applicant's submission (12 August 2009)

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

Council to consider proposal for an extractive industry previously approved.

#### **BACKGROUND:**

Applicant was granted an approval in-principle on 11 April 2007 for an extractive industry proposal located at Lot 101 Great Northern Highway, Walebing (Council Resolution 75/07).

An application fee of \$500 was paid at that time however after 2-years there has been no further progress including satisfying Council's conditions set in 2007. The applicant now seeks to resurrect Council's original approval in-principle but because the application has lapsed over time the applicant has requested that Council give consideration to extend the original approval in-principle.

Advice from Gray & Lewis is that the 2007 application has lapsed and the applicant should reapply under a new application (that would include public advertising). The Manager Community Services and I discussed the pros and cons of that scenario and because Council did not include advice that a time period applied it would be in everyone's best interest to advise the applicant the following:

1. Applicant to forward a new payment of \$635 to extend the original approval;
2. Applicant to satisfy all outstanding conditions including EPA requirements for licensing within 30-days;
3. No further extensions will be granted with complete compliance required within 30-days or the application will be cancelled.

#### **POLICY REQUIREMENTS:**

Not applicable.

#### **LEGISLATIVE REQUIREMENTS:**

The applicant will require licensing from the EPA.

#### **STRATEGIC IMPLICATIONS:**

There are no known strategic implications associated with this proposal.

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

Applicant to satisfy Council of operational measures to minimise dust nuisance, erosion, watercourse saltation, impact on the visual amenity of the area and safety management (including fire-fighting services).

➤ **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)**

*109/09 Moved Cr Pond, seconded Cr Tonkin that Council advise the applicant of the following:*

- 1. Applicant to forward a new payment of \$635 to extend the original approval;*
- 2. Applicant to satisfy all outstanding conditions including EPA requirements for licensing within 30-days;*
- 3. No further extensions will be granted with complete compliance required within 30-days or the application will be cancelled.*

**CARRIED 9/0**

At 5.00pm the Manager Finance and Corporate Services rejoined the meeting.

**11.4.2 LAND CAPABILITY – PROPOSED SUBDIVISION**

**FILE REFERENCE:** TP/PA/6066-1

**REPORT DATE:** 13 August 2009

**APPLICANT/PROPONENT:** Karen Hawkins & Robert Vlastuin

**OFFICER DISCLOSURE OF INTEREST:** Nil

**PREVIOUS MEETING REFERENCES:** Nil

**AUTHOR:** Wolfgang Zadavec, Manager Health, Building & Planning Services

**ATTACHMENTS:** 1. Subdivision Guide Plan (Geraldton Independent Planners)  
2. Submissions

**PURPOSE OF REPORT:**

To consider subdivision proposal in relation to whole-of-subdivision plan.

**BACKGROUND:**

The applicants seeks Council approval for a 12-hectare subdivision plan into 4 smaller land parcels (see Attachment 1) located at Lot 91 on Deposited Plan 222819 (C/T Vol 2113 Fol 995) Brown Street Moora.

Under schedule 4-Special Rural Zones of Council's Town Planning Scheme No.4, they require Council's and the WA Planning Commission's endorsement of Subdivision Plan which embraces their land as well as the surrounding land within the super lot bounded by Brown Street, Long Street, Webb Street and Halligan Street.

**COMMENT:**

Surrounding landowners were individually notified of this proposal and invited to view the plan at Council's office and submit written concerns after 14-days. Council received 3 submissions and one from the Planning Commission (See Attachment 2).

Name & Address	Concerns	Response
Margaret & Robert Nothdurft Lot 85 Webb Street (unsigned)	<ul style="list-style-type: none"> <li>• Restricts distance between them and neighbours making narrow blocks like residential blocks</li> <li>• Would require new road to be constructed at rear reclaiming current landowners land</li> <li>• Lot size too small to run stock; causing soil damage</li> <li>• Prefer open space and tranquillity; opening area to high density housing</li> <li>• Not against subdivision plan just number of blocks proposed</li> </ul>	<ul style="list-style-type: none"> <li>• Setback distances are applied to all subdivisions to maintain uniformity</li> <li>• Any new road construction will require applicant contribution and no landowner has right-of-use of any non-formed roads</li> <li>• Stock numbers (if any) a matter for Dept of Agriculture</li> <li>• Single landowner could legally construct number of buildings on property subject to setbacks</li> <li>• TPS No.4 requires minimum lot sizes of 2-Hectares to permit on-site septic system however, would agree 2x6 hectare subdivision more acceptable</li> </ul>
Todd & Narelle Bein Lot 92 Webb Street (unsigned)	<ul style="list-style-type: none"> <li>• Will have 3 neighbours along one boundary</li> <li>• Stock will overgraze causing soil erosion</li> <li>• Object to being inundated with more houses, farm type structures, people, traffic and noise; purposely moved to a less populated area</li> <li>• No objection to subdivision in the area but to size and shape of proposal and its impact</li> </ul>	<ul style="list-style-type: none"> <li>• Valid as no clear detail submitted where building envelopes will be situated</li> <li>• Again, Dept of Agriculture concern</li> <li>• Valid but potential nuisances can equally be generated from surrounding properties</li> <li>• Again, would agree 2x6 Hectare allotments more acceptable</li> </ul>
Neville & Jacquie Topham	<ul style="list-style-type: none"> <li>• Object to size &amp; shape of blocks</li> <li>• Chose to live in area due to lifestyle, proposal may compromise this choice</li> </ul>	<ul style="list-style-type: none"> <li>• Again, would agree 2x6 Hectare allotments more acceptable</li> <li>• Again, would agree 2x6 Hectare allotments more acceptable</li> </ul>
Helen Griffiths Senior Planning Officer WA Planning Commission	<ul style="list-style-type: none"> <li>• No subdivision permitted on Lots 85 &amp; 88 due to flooding</li> <li>• Proposed road between lots 88 &amp; 89 terminate as cul-de-sac</li> <li>• Proposed lots within lot 86 located in floodplains not supported; will need to be amalgamated</li> <li>• Dam located on lot 86 crosses boundaries of 3 current lots influencing higher flooding</li> <li>• Building envelopes should be identified on</li> </ul>	<ul style="list-style-type: none"> <li>• Developments within floodways subject to Dept of Water's consent</li> <li>• Not clear on this point</li> <li>• Valid but subject to Dept of Water's assessment</li> <li>• Valid, will affect existing development</li> <li>• Valid, building envelopes will clarify previous concerns re: proximity</li> <li>• Valid, must detail distances from</li> </ul>

	lots 90 & 91 <ul style="list-style-type: none"> <li>• Dept of Water's setback distances from watercourses not indicated</li> <li>• Study required into acid-sulphate soils on lot 91</li> <li>• Require various amendments to conditions listed in Subdivision Guide Plan submitted 30 June to Commission</li> </ul>	watercourses <ul style="list-style-type: none"> <li>• Valid, acid-sulphate study will predetermine soil stability and influence building envelopes</li> <li>• Reference to Plan submitted not identical with Council's Plan</li> </ul>
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**POLICY REQUIREMENTS:**

Nil.

**LEGISLATIVE REQUIREMENTS:**

Proposal must satisfy Council's Town Planning Scheme No.4 and with the WA Planning Commission.

**STRATEGIC IMPLICATIONS:**

There are no known strategic implications associated with this proposal.

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

Council permits minimum allotments of 2-Hectares to construct on-site septic systems with regard to setbacks from existing watercourses, boundaries and buildings.

➤ **Economic**

Road construction subject to applicant's contribution and may cause hardship to existing landowners.

➤ **Social**

Proposal will influence social harmony with increased buildings, traffic, noise and loss of amenity.

**FINANCIAL IMPLICATIONS:**

Council has not budgeted for road or infrastructure construction in this area.

**VOTING REQUIREMENTS**

Simple Majority Required

<b>COUNCIL RESOLUTION (MANEX RECOMMENDATION)</b>
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*110/09 Moved Cr Tonkin, seconded Cr Hawkins that Council advise the applicant of the following:*

- *That the proposed Subdivision Plan Guide requires further modifications with regard to building envelopes, setback clearances to existing watercourses, road access, acid-sulphate soil study, and approval from the Department of Water on floodway development.*
- *That approval for the proposed subdivision for Lot 91 be withheld subject to a revised Subdivision Plan Guide satisfying the WA Planning Commission concerns.*

**CARRIED 9/0**

**11.5 ENVIRONMENTAL DEVELOPMENT**

Nil

**11.6 ECONOMIC DEVELOPMENT**

Nil

**11.7 SPORT AND RECREATION**

Nil

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

Nil

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

Nil

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

Nil

**15. MATTERS BEHIND CLOSED DOORS**

Nil

**16. CLOSURE OF MEETING**

*There being no further business, the Shire President declared the meeting closed at 5.05pm.*

**CONFIRMED**

**PRESIDING MEMBER**