

**Shire of Moora
Ordinary Council Meeting
17th February 2021**

NOTICE OF MEETING

Dear Elected Member

The next Ordinary Council Meeting of the Shire of Moora
will be held on **Wednesday 17th February 2021**
in the Council Chambers, 34 Padbury Street, Moora
commencing at **5.30 pm**



AJ Leeson
Chief Executive Officer

12th February 2021

The Shire of Moora Vision and Mission Statement

Vision

Our vision is:

Shire of Moora - a vibrant, affordable Regional Centre with a growing, caring community.

Mission

Our mission is:

To provide the leadership, services and infrastructure that will meet the needs of the community and surrounds.

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/Madam,

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 FEBRUARY 2021
 COMMENCING AT 5.30PM

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- 9.1.1 List of Payments Authorised Under Delegation 1.31 December 2020 and January 2021
- 9.1.2 Statement of Financial Activity for Period Ended 31 December 2020
- 9.1.3 Statement of Financial Activity for Period Ended 31 January 2021
- 9.1.6 Application excerpt and supporting documentation to the licence application

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS**1.1 DECLARATION OF OPENING****1.2 DISCLAIMER READING**

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.

2. ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE**3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE****4. PUBLIC QUESTION TIME****5. PETITIONS / DEPUTATIONS / PRESENTATIONS****6. APPLICATIONS FOR LEAVE OF ABSENCE****7. ANNOUNCEMENTS BY THE PRESIDING MEMBER****8. CONFIRMATION OF MINUTES****8.1 ORDINARY COUNCIL MEETING - 15 DECEMBER 2020**

That the Minutes of the Ordinary Meeting of Council held on 15 December 2020 be confirmed as a true and correct record of the meeting.

8.2 SPECIAL COUNCIL MEETING - 20 JANUARY 2021

That the Minutes of the Special Meeting of Council held on 20 January 2021 be confirmed as a true and correct record of the meeting.

9. REPORTS OF OFFICERS

9.1 GOVERNANCE AND CORPORATE SERVICES

9.1.1 LIST OF PAYMENTS AUTHORISED UNDER DELEGATION 1.31

REPORT DATE: 10 February 2021

OFFICER DISCLOSURE OF INTEREST: Nil

AUTHOR: Alan Leeson, Chief Executive Officer

SCHEDULE PREPARED BY: Alida Fitzpatrick, Creditors Officer

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

| |
|-----------------------|
| RECOMMENDATION |
|-----------------------|

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

December 2020

| | | |
|------------------------------|--|-------------------------------------|
| <i>Municipal Fund</i> | <i>Cheques 62470 to 62472</i> | <i>\$4,581.00</i> |
| | <i>EFT 24372 to 24778</i> | <i>\$695,095.27</i> |
| | <i>Direct Debits 1340721 to 13485.10</i> | <i>\$48,303.93</i> |
| | <i>(DD13468.1) Credit Card 03/11/20 to 02/12/20</i> | <i>\$3,021.95</i> |
| | | <i>\$751,002.15</i> |
| <i>Trust Fund</i> | <i>Cheques 5548 to 5549</i> | <i>\$1,084.26</i> |
| | | <i>Subtotal \$752,086.41</i> |
| <i>Net Pays</i> | <i>PPE 09/12/20</i> | <i>\$115,167.10</i> |
| | <i>PPE 22/12/20</i> | <i>\$104,690.27</i> |
| | | <i>\$219,857.37</i> |
| | | <i>Total \$971,943.78</i> |

January 2021

| | | |
|------------------------------|--|-------------------------------------|
| <i>Municipal Fund</i> | <i>Cheques 62473 to 62475</i> | <i>\$5,662.24</i> |
| | <i>EFT 24779 to 24848</i> | <i>\$251,258.44</i> |
| | <i>Direct Debits 13503.1 to 13519.11</i> | <i>\$71,571.99</i> |
| | <i>(DD13539.1) Credit Card 03/12/20 to 04/01/21</i> | <i>\$1,569.14</i> |
| | | <i>\$330,061.81</i> |
| <i>Trust Fund</i> | <i>Cheques 5548 to 5549</i> | <i>\$793.69</i> |
| | | <i>Subtotal \$330,855.50</i> |
| <i>Net Pays</i> | <i>PPE 05/01/21</i> | <i>\$97,712.10</i> |
| | <i>PPE 19/01/21</i> | <i>\$104,131.80</i> |
| | | <i>\$201,843.90</i> |
| | | <i>Total \$532,699.40</i> |

9.1.2 STATEMENT OF FINANCIAL ACTIVITY FOR PERIOD ENDED 31 DECEMBER 2020

REPORT DATE: 11 February 2021

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Martin Whitely, LG Corporate Solutions

ATTACHMENTS: Statement of Financial Activity for the Period Ended 31 December 2020

PURPOSE OF REPORT:

To note and receive the Statement of Financial Activity for the period ended 31 December 2020.

BACKGROUND:

Council is provided with monthly financial reports to enable monitoring of revenues and expenditures against the adopted budget.

COMMENT:

The Statement of Financial Activity for the Period Ended is provided as a separate attachment in Program format.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

Local Government Act 1995, Section 6.4

Local Government (Financial Management) Regulations 1996, Clause 34

STRATEGIC IMPLICATIONS:

Monitoring of actual revenues and expenditures against the adopted budget assists Council in being informed as to the financial health of the organisation.

SUSTAINABILITY IMPLICATIONS:

➤ **Environment**

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

➤ **Economic**

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

➤ **Social**

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

FINANCIAL IMPLICATIONS:

Year to date income and expenditure is provided by program to enable comparison to 2020/21 adopted budget.

VOTING REQUIREMENTS

Simple Majority Required

RECOMMENDATION

That Council notes and receives the Statement of Financial Activity for the period ended 31 December 2020.

9.1.3 STATEMENT OF FINANCIAL ACTIVITY FOR PERIOD ENDED 31 JANUARY 2021

REPORT DATE: 11 February 2021

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Martin Whitely, Financial Consultant (LG Corporate Solutions)

ATTACHMENTS: Statement of Financial Activity for the Period Ended 31 January 2021

PURPOSE OF REPORT:

To note and receive the Statement of Financial Activity for the period ended 31 January 2021.

BACKGROUND:

Council is provided with monthly financial reports to enable monitoring of revenues and expenditures against the adopted budget.

COMMENT:

The Statement of Financial Activity for the Period Ended is provided as a separate attachment in Program format.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

Local Government Act 1995, Section 6.4

Local Government (Financial Management) Regulations 1996, Clause 34

STRATEGIC IMPLICATIONS:

Monitoring of actual revenues and expenditures against the adopted budget assists Council in being informed as to the financial health of the organisation.

SUSTAINABILITY IMPLICATIONS:

➤ **Environment**

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

➤ **Economic**

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

➤ **Social**

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

FINANCIAL IMPLICATIONS:

Year to date income and expenditure is provided by program to enable comparison to 2020/21 adopted budget.

VOTING REQUIREMENTS

Simple Majority Required

RECOMMENDATION

That Council notes and receives the Statement of Financial Activity for the period ended 31 January 2021.

9.1.4 RESIGNATION OF COUNCILLOR

FILE REFERENCE: EM/COU1

REPORT DATE: 10 February 2020

APPLICANT/PROPONENT: Shire of Moora

OFFICER DISCLOSURE OF INTEREST: The author has no financial interest in this matter

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Gavin Robins, Deputy Chief Executive officer

ATTACHMENTS: Nil

PURPOSE OF REPORT:

Council to accept the resignation of Cr Marcus Holliday and to decide whether to call an extra ordinary election or allow the reduced number of Councillors to run until the Ordinary election in October 2021.

BACKGROUND:

Cr Marcus Holliday resigned as a Councillor of the Shire of Moora by letter conveyed via email to the Shire President on 30 January 2021. Cr Holliday confirmed his resignation was effective immediately, that being from 30 January 2021. Cr Holliday's term was due to expire in October 2023.

In accordance with S2.32 of the *Local Government Act*, the resignation of Councillor creates a vacancy that is usually filled no more than 4 months after the effective date of resignation. However, S4.16 *Postponement of elections to allow for consolidations* at subsection (4) of the Act, provides that with approval of the Electoral Commissioner, a council may fix the ordinary elections day in the year where elections are to be held, as the day for holding any poll needed to hold an extraordinary election to fill that particular vacancy.

With Council's recent resolution to reduce the number of Councillors from 9 to 7, deferring the extraordinary election to elect Cr Holliday's replacement falls within the scope of S4 of the Act.

COMMENT:

This report is the first step in the process to fill the vacancy. Council needs to determine when an election is to be held. It is open to Council to defer the extraordinary election to replace Cr Holliday until the Ordinary Election on 16 October 2021.

To do so, Council will need to obtain the consent of the Electoral Commissioner to holdover the vacancy until the next Ordinary Election. With approximately 9 months of the term remaining, and Council's recent decision regarding the change in representation, it is considered likely that the Electoral Commissioner would agree to such a request.

It is suggested that the Chief Executive Officer write to the Electoral Commissioner formally requesting the Commissioner's consent to holding over the extraordinary election to fill the vacancy created by Cr Holliday's resignation, until the Ordinary Elections in October 2021.

Assuming the recommendations of this report are adopted, a Schedule of Statutory Dates based on an election day of 16 October 2021 will be prepared for Councillors information.

POLICY REQUIREMENTS:

There are no policy implications as a result of this matter.

LEGISLATIVE REQUIREMENTS:

The of the *Local Government Act 1995*, Part 4 deals with elections and other polls. Sections 4.8, 4.9, 4.10 and 4.16 of the LGA deal specifically with extraordinary elections. The Local Government (Elections) Regulations 1997 provides for the detail under which local government elections are conducted.

STRATEGIC IMPLICATIONS:

The filling of a representational vacancy in a timely manner is important to ensure all electors within the Shire are adequately represented.

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 budget or financial implications from the adoption of this recommendation and the cost of holding elections will be minimised through its absorption into the conduct of the normal election process.

VOTING REQUIREMENTS

Simple Majority Required

MANEX RECOMMENDATIONS***That Council***

- 1. Receives with regret, the resignation of Cr Marcus Holliday as Councillor, effective from 30 January 2021;***
- 2. Confirms that the extraordinary election to fill the vacancy created by Cr Holliday be held over until the holding of Ordinary Elections to be held on 16 October 2021;***
- 3. Instructs the Chief Executive Officer to write to the Western Australian Electoral Commission to seek the Commissioner's approval to holdover the conduct of an extraordinary election to fill the vacancy created by Cr Holliday's resignation until the Ordinary Elections of 16 October 2021.***

9.1.5 DONATION – LORD MAYOR’S DISTRESS RELIEF FUND – WOOROLOO AND HILLS BUSHFIRE 2021 APPEAL

FILE REFERENCE: F/DONI

REPORT DATE: 9 February 2021

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: 3/2/2021

AUTHOR: Alan Leeson, Chief Executive Officer

ATTACHMENTS: Nil

PURPOSE OF REPORT:

Seek Council approval to a donation to the Lord Mayor’s Distress Relief Fund – Wooroloo and Hills Bushfire 2021 Appeal resulting from the major fires that occurred in early February 2021.

BACKGROUND:

The City of Swan and Shire’s of Mundaring, Chittering and Northam were overcome with severe bushfires which burnt through thousands of hectares of farmland and scrubland, along with the destruction of a number of houses, sheds, machinery and farm infrastructure including livestock.

At the General Purpose Committee Meeting of 3 February 2021, the Chief Executive Officer was requested to prepare a report to Council to recommend an amendment to the 2020/2021 budget to make a donation to the appeal.

COMMENT:

It was suggested by Councillors that the Shire of Moora should make a donation to the appeal. It was recommended that Council consider donating \$5,000 to this appeal given the aftermath and impact from this catastrophic event.

<https://www.perth.wa.gov.au/LMDRF>

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

Section 6.8 (1)(c) 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:

6.8. Expenditure from municipal fund not included in annual budget

- (1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —
- (a) is incurred in a financial year before the adoption of the annual budget by the local government; or
 - (b) is authorised in advance by resolution*; or
 - (c) is authorised in advance by the mayor or president in an emergency.

Council has \$20,000 in its Emergency Relief Fund Reserve. If a donation were to be approved, it is recommended it be funded from this Reserve Fund

VOTING REQUIREMENTS

Absolute Majority Required

MANEX RECOMMENDATION

That Council approve a donation of \$5,000 donation to the Lord Mayor's Distress Relief Fund – Wooroloo and Hills Bushfire 2021 Appeal on behalf of the Shire of Moora, further that the donation be funded from the Emergency Relief Reserve Fund and the 2020/2021 budget be amended accordingly.

9.1.6 REFERRAL OF LICENCE (L9276/2020/1) – CATEGORY 61A – SOLID WASTE FACILITY (BIOSOLIDS) – RATHMONA PTY LTD – 8126 BINDOON-MOORA ROAD, MOORA

FILE REFERENCE: ED/BIO2

REPORT DATE: 10 February 2021

APPLICANTS/PROPONENT: Department of Water and Environmental Regulation

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Alan Leeson, Chief Executive Officer

ATTACHMENTS: Application excerpt and supporting documentation to the licence application

PURPOSE OF REPORT:

For Council to consider providing comment to the Department of Water and Environmental Regulation (DWER) in respect of Licence application L9276/2020/1 (information attached).

BACKGROUND:

DWER has recently received an application from the Water Corporation for a licence under Division 3 Part V of the Environmental Protection Act 1986 (EP Act) at Rathmona Farm, 8126 Bindoon-Moora Road, Moora. The application is in relation to a Category 61A – solid waste facility.

Further to Councils General Purpose Committee Meeting of 3 February 2021 whereby the Chief Executive Officer (CEO) advised the Committee that Council had been invited to comment on the licence application.

The CEO has been liaising with DWER and Water Corporation in reference to the public submission process and accuracy of some of the information in reference to the application.

Notice of the licence application has since been posted on the Shire of Moora Facebook page providing links to the DWER website and details of where public submissions / comments can be lodged which is info@dwer.wa.gov.au

Department of Water and Environmental Regulation are inviting submissions/comments in relation to the application. Information in relation to the application can be found at;

<https://www.der.wa.gov.au/our-work/licences-and-works-approvals/lwa-applications> or

<https://www.der.wa.gov.au/our-work/licences-and-works-approvals/lwa-applications/item/14219-19276-2021-1>

Closing dates for submissions / comments is.

COMMENT:

The application has proposed the biosolids cake from Beenyup and Woodman Point wastewater treatment plants (WWTP's), as well as lime amended biosolids from the Subiaco WWTP are to be applied to paddocks at Rathmona Farm as fertiliser for cereal crops. The applicant has advised that biosolids will be delivered and stored on paddocks at the farm and applied to land as per the Western Australian Guidelines for Biosolids Management.

The CEO of DWER considers that the Shire of Moora may have a direct interest in the subject matter of the application and as such has invited Council to make comment.

Rathmona Farm entrance 8126 Bindoon-Moora Road, Moora is approximately 2 km's south of the southern boundary of the Moora townsite (Junction of Webb Street – Bindoon-Moora Road) (refer attached). The south eastern extremity of Rathmona Farm from the same location is approximately 6.8 km's and approximately 9.15 km's from the town centre (Post Office) as the crow flies. (refer attached maps).

Monitoring comments and feedback in respect of the licence application on social media it is clear there is broad concern at a community level about the potential for a detrimental impact on the amenity of the Moora townsite as a result of odour that emanates from the biosolids cake. As detailed in the Water Corporation Report "Review of Environmental Factors – Executive Summary", Rathmona Farm is 762 hectares of which 713 hectares is arable. Accounting for prescribed buffers required for licenced biosolids applications to reduce odour impacts and protect sensitive water resources, Water Corporation have assessed Rathmona Farm suitable to spread approximately 31,356 wet tonnes of biosolids cake or 50,934 wet tonnes of lime amended biosolids annually.

The community within the Moora townsite already has an awareness of the Biosolids program within the Shire of Moora. The program operates under licence carting biosolids through Moora to Narrabie Farm which is approximately 9kms from the Moora town centre at its closest point and 7.6kms at its closest point from the northern town boundary as the crow flies. The program also operates under licence on Annadale Farm (Koojan) approximately 19 km's from the Moora Town Centre to the Koojan Townsite as the crow flies.

POLICY REQUIREMENTS:

Biosolids Guidelines – The Western Australian Guidelines for Biosolids Management (DWER December 2012)

LEGISLATIVE REQUIREMENTS:

Environmental Protection Act 1986

Environmental Protection (Noise) Regulations 1997

STRATEGIC IMPLICATIONS:

There are no know direct strategic implications in relation to this item

SUSTAINABILITY IMPLICATIONS:

- **Environment**
There are no known significant environmental sustainability implications for Council associated with this proposal.
- **Economic**
There are no known significant economic sustainability implications for Council associated with this proposal.
- **Social**
There are no known significant social sustainability implications for Council associated with this proposal.

FINANCIAL IMPLICATIONS:

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

SUMMARY

In summary it is the authors view the key consideration in relation to this matter is maintenance of residential amenity in the Moora townsite. Licence application L9276/2020/1 is materially different from other licences previously granted in the Shire of Moora based simply on the proximity of land the subject of the licence application to the Moora townsite, and the potential for a detrimental impact on the town as a result of odour that will emanate from the biosolids cake.

This sentiment is reflected in comments on the Shire of Moora Facebook page subsequent to the social media post by the Shire on 5 February 2021.

VOTING REQUIREMENTS

Simple Majority Required

MANEX RECOMMENDATION

That in respect of Licence application (L9276/2020/1) under the Environmental Protection Act 1986 and in response to the invitation from the Chief Executive Officer of the Department of Water and Environment to provide comment, the following comments be submitted as the Shire of Moora's official response-

- *The Shire of Moora opposes the granting of a licence to Rathmona Farm Pty Ltd to spread biosolids cake as detailed in the Water Corporation Review of Environmental Factors report on the basis of;*
 - *Proximity to the Moora townsite;*
 - *Potential for a detrimental impact on the residential amenity of the Moora townsite as a result of odour emanating from the biosolids cake.*

10. ELECTED MEMBER MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

11. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF COUNCIL**12. MATTERS FOR WHICH THE MEETING MAY BE CLOSED****13. CLOSURE OF MEETING**