



Ordinary Council Meeting Minutes

Date: 16 December 2009

Please Note: These minutes and the decisions recorded therein have not as yet been confirmed by Council as a true and accurate record of the meeting.

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
MINUTES OF THE ORDINARY MEETING OF COUNCIL
HELD IN THE PERFORMING ARTS CENTRE, MOORA
16 DECEMBER 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

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

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

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

3. ATTENDANCE

SA Bryan	-	Shire President
CE Gardiner	-	Councillor
AR Tonkin	-	Councillor
CD Hawkins	-	Councillor
R Keamy	-	Councillor
OC Cocking	-	Councillor
JW McLagan	-	Councillor (from 3.47pm)
DV Clydesdale-Gebert	-	Councillor (from 3.52pm)
L M O'Reilly	-	Chief Executive Officer
L J Parola	-	Manager Finance & Corporate Services
J L Greay	-	Manager Engineering Services
W Zadravec	-	Manager Health, Building & Planning Services
MM Murray	-	Executive Support Officer

APOLOGIES

SJ Pond	-	Councillor
MJ Prunster	-	Manager Community Services
RL McCall	-	Manager Economic Development

PUBLIC

Mr Stan Lewis (until 4.28pm)

4. DECLARATIONS OF INTEREST

Cr Cocking declared a financial interest in item 11.4.2 'Subdivision Application – Lots 3678 & 3936 Yearalia Road Koojan', as he intends to purchase land in the subdivision.

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

At 3.47pm Cr McLagan joined the meeting.

Mr Stan Lewis provided the Shire President with a letter raising his concerns about the progress of Bindi Bindi's new hall and the slow progress surrounding it.

The Shire President read extracts from the letter and the Chief Executive Officer responded to Mr Lewis's concerns. The Chief Executive Officer advised of the proposed time frame of the building which was within funding guidelines and that Council has been liaising directly with the Bindi Bindi Progress Association on this matter, the Chief Executive Officer urged Mr Lewis to contact them.

1. Have Shire Councillors or managers been provided with a formal plan of the building?

The Shire President advised that the Progress Association had provided one 6 weeks ago and staff had been working with them in this regard.

At 3.52pm Cr Clydesdale-Gebert joined the meeting.

2. Are Council aware that the Progress Association are looking at building a fire shed with housing for a meeting room to follow?

The Shire President stated yes, that has been the intention from day one.

3. Mr Lewis asked, will Councillors take closer and sharper interest in what is happening?

The Shire President assured Mr Lewis that a close eye is being taken by Council.

6. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

7. APPLICATIONS FOR LEAVE OF ABSENCE

Cr Clydesdale-Gebert requested leave of absence for the Ordinary Meeting of Council to be held on the 20th January 2010, as she would be taking leave over January.

COUNCIL RESOLUTION

137/09 Moved Cr McLagan, seconded Cr Gardiner that Cr Clydesdale-Gebert be granted leave of absence for the Ordinary Meeting of Council to be held on 20 January 2010.

CARRIED 8/0

8. PETITIONS AND MEMORIALS

Nil

9. ANNOUNCEMENTS BY THE SHIRE PRESIDENT

- 8th December attended the Crime & Safety meeting
- That afternoon I met with the Australia Day Awards Committee to go through the nominations and award the recipients of which will be announced at the Australia Day Awards Ceremony in January next year
- 11th December attended the St Josephs Primary School awards evening at the Moora Performing Arts Centre
- 14th December the Chief Executive Officer and I attended the Central Midlands Senior High School presentation evening
- Last night I attended the Watheroo Primary School presentation evening where 2 Council scholarships were awarded to Kelly Mills and Talia Smith
- Also that night Cr Gardiner attended the Moora Primary School presentation evening
- Mr Des Seymour, Councils Freeman will be attending the Miling Primary School awards night tonight on behalf of Council, and I thank him for that.

10. CONFIRMATION OF MINUTES OF THE PREVIOUS MEETINGS**10.1 ORDINARY COUNCIL MEETING - 11 NOVEMBER 2009**

COUNCIL RESOLUTION

138/09 Moved Cr Hawkins, seconded Cr Bryan that the Minutes of the Ordinary Meeting of Council held on 11 November 2009, be confirmed as a true and correct record of the meeting.

CARRIED 8/0

II. REPORTS OF OFFICERS

II.1 ADMINISTRATION

II.1.1 REGISTER OF DELEGATIONS – COUNCIL TO CHIEF EXECUTIVE OFFICER

FILE REFERENCE: PL/DEL I
REPORT DATE: 10 December 2009
APPLICANT/PROPONENT: Chief Executive Officer
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: Briefing Session 18/11/09
AUTHOR: Lynnette O'Reilly, Chief Executive Officer
ATTACHMENTS: Delegations to Committee/Working Groups

PURPOSE OF REPORT:

To review and update delegations to committees and working groups to reflect new appointments including a newly elected member.

BACKGROUND:

With the election of one new Councillor, a change in Deputy President and the resignation of Cr Barrett-Lennard it is timely to review the membership and structure of Council Committees.

COMMENT:

The Shire of Moora Register of Delegations section "Delegations to committees and working groups" has been reviewed and updated to reflect changes and to ensure all committees on which Council are included are reflected in the document.

In summary, changes include:

- Membership of the Audit Committee to include all 9 Councillors.
- Cr Gardiner to replace Cr Barrett-Lennard on the Management Review Committee.
- The addition of the Avon Zone and CMVROC to the section of Delegations to Committees/Working Groups.
- A change in number and name of a number of "Portfolio Groups" which has included the amalgamation, renaming and addition of a number of groups as reflected in the attached document.
- Two key changes have included the addition of an Indigenous Community Group and a Youth Consultative Committee to assist in addressing directions in these critical areas for our community. It will be critical that these two new committees act in a liaison and advisory capacity between Council and the various groups involved.
- The addition of a section to include Council Membership to other Committees on which Council delegates are appointed to represent Council.

POLICY REQUIREMENTS:

Included in Delegation where appropriate

LEGISLATIVE REQUIREMENTS:

Local Government Act 1995 Section 5.46

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, however, it is hoped that by providing great opportunities for liaison and consultation benefits for the community will result.

FINANCIAL IMPLICATIONS:

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

VOTING REQUIREMENTS

Absolute Majority Required

**COUNCIL RESOLUTION
(MANEX RECOMMENDATIONS)**

139/09 Moved Cr Gardiner, seconded Cr Hawkins that Council, having reviewed its Delegations Register section “Delegations to Committees/Working Groups”, make the following changes as identified in the attached draft.

1. Endorse the following changes:

- a) Audit Committee - Change of membership to include all 9 Councillors*
- b) Management Review Committee – Cr Gardiner be appointed to replace Cr Barrett-Lennard*
- c) The addition of Avon Zone and CMVROC under Delegations to Committees/Working Groups*
- d) Changes to structure and membership of Portfolio Groups as reflected in the attached draft.*
- e) The addition of two Portfolio Groups including an Indigenous Community Group and a Youth Consultative Committee.*
- f) The addition of a section of Council Membership to other Committees in which Council appoints a member to represent Council.*

2. *Authorises the Chief Executive Officer to make changes and re-issue as an addenda to the Delegations Register.*

CARRIED BY ABSOLUTE MAJORITY 8/0

It was noted that Cr Gardiner be added to the Financial Development Group.

11.2 FINANCIAL DEVELOPMENT

11.2.1 LIST OF PAYMENTS AUTHORISED UNDER DELEGATION 1.31

REPORT DATE: 10 December 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

**COUNCIL RESOLUTION
(MANEX RECOMMENDATION)**

140/09 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 59498 to 59582</i>	<i>\$166,911.78</i>
<i>Direct Debits</i>	<i>EFT 3245 to EFT 3516</i>	<i>\$1,153,927.91</i>
	<i>Net Pays – PPE11 November</i>	<i>\$76,800.84</i>
	<i>Net Pays – PPE 25 November</i>	<i>\$71,596.52</i>
<i>Total</i>		<i><u>\$1,469,237.05</u></i>
		<u>CARRIED 8/0</u>

**11.2.2 STATEMENT OF FINANCIAL ACTIVITY FOR PERIOD ENDED
30 NOVEMBER 2009**

REPORT DATE: 10 December 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
30 November 2009

PURPOSE OF REPORT:

To note and receive the Statement of Financial Activity for the period ended 30 November 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 30 November 2009 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. The following programs were outside of this threshold as at 30 November 2009.

Governance

Income is currently showing as a negative as a result of a balance day adjustment from the 2008/09 financial year relating to rate payments received in advance. At this stage of the year, there are no reasons to believe the budget will not be met.

Expenditure is currently \$80,000 more than the year to date budget as overheads have yet to be allocated across other programs (\$56,000) and in the area of administration office maintenance. It is expected that once final invoices relating to the office fit out have been received, that the majority of these expenses will be moved to the capital project.

General Purpose Funding

Expenditure is almost \$4,000 less than budget, largely as a result of less property valuations being conducted than anticipated.

Law, Order, Public Safety

Income is approximately \$50,000 less than the year to date budget as a journal to recognise the income from the Emergency Services Levy has yet to be carried out and a number of grants expected to be received by now have not yet been received.

Expenditure is currently \$15,000 more than the year to date budget, partly as a result of an unexpected Emergency Services Levy Payment for the 2007/08 financial year, and the bulk of the Community Crime and Safety – Designing out Crime budget being spent in September instead of throughout the year (almost \$10,000).

Health

Income is approximately \$10,000 less than the year to date budget. This is largely due to rent not having been allocated for the Doctors' Residence, and income not yet being claimed for the reimbursement of podiatry services.

Expenditure is approximately \$5,000 less than the year to date budget. This is largely because the salaries allocation has yet to be made from Governance (\$4,000) and a number of minor amounts being underspent.

Education & Welfare

Expenditure is almost \$15,000 above the year to date budget. This is a result of a number of child care centre accounts being over budget including salaries of \$12,000.

Housing

Income is approximately \$6,000 more than the year to date budget, largely due to rent not having been transferred to the health program for the Doctors' Residence.

Expenditure is \$3,000 less than the anticipated budget. This is largely because the expenditure for loan interest on Loan 317 was evenly spread over the year and no payment has been made yet this financial year.

Community Amenities

Income is approximately \$100,000 under the year to date budget. The reason for this is because two grants budgeted for have yet to be received (cemetery toilets and a contribution towards a salinity management project).

Expenditure is approximately \$56,000 under the year to date budget. This is partly a result of various refuse costs being \$49,000 less than budget and the maintenance of the Telecentre being \$13,000 under budget.

Recreation & Culture

The year to date income is less than the year to date budget by some \$130,000. This is largely due to the Lotterywest Grant for \$75,000 the Bindi Bindi Community Centre not having been received in August as expected and a grant of \$75,000 for the Carnaby Cockatoo Trail not having been received in November as budgeted.

Economic Services

Income is some \$13,000 over the year to date budget. This is largely due to higher occupancy rates at the caravan park to date than anticipated.

Expenditure is under the year to date budget by some \$30,000. This is made up of a number of accounts, including cost of land sold \$10,000, depreciation in Tourism \$9,000, operation of Lifestyle Village \$6,000 and the allocation of overheads.

Other Property and Services

Income is \$43,000 less than anticipated, largely because the timing of income from Private Works is not known so it has been spread evenly throughout the year and little income has been received to date.

Overall

At the moment operating income and expenditure are both 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 2009/10 adopted budget.

VOTING REQUIREMENTS

Simple Majority Required

COUNCIL RESOLUTION (MANEX RECOMMENDATION)
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141/09 Moved Cr Tonkin, seconded Cr Bryan that Council notes and receives the Statement of Financial Activity for the period ended 30 November 2009.

CARRIED 8/0

11.3 OPERATIONAL DEVELOPMENT

Nil

11.4 COMMUNITY DEVELOPMENT**11.4.1 TOWN PLANNING SCHEME NO 4 – PROPOSED SUBDIVISION**

FILE REFERENCE: TP/ PTB I
REPORT DATE: 11 December 2009
APPLICANT/PROPONENT: GHD Surveys
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: Nil
AUTHOR: Wolfgang Zdravec, Manager Health, Building & Planning Services
ATTACHMENTS: Proposed Subdivision Map Bindi Bindi

PURPOSE OF REPORT:

To make any comments on proposed amalgamation of Lot 50 (Bindi Bindi -Toodyay Road) with adjoining lots 2 and 3324 (shown on attachment).

BACKGROUND:

The Western Australian Planning Commission seeks Council's comments (if any) on the above application (No# 141001) on land owned by the Water Corporation; now no longer required.

Comments are to be received no later than 4 January 2010.

Current zoning is Special Purpose and is intended to become Residential Farming.

Other referral agencies include Western Power, Water Corporation, Department of Industry and Resources, Department of Water, Department of Environment and Conservation, and surrounding property owners.

There appears to be no planning issues regarding this proposal.

POLICY REQUIREMENTS:

There are no known policy requirements related to this item.

LEGISLATIVE REQUIREMENTS:

There are no known legislative requirements related to this item.

STRATEGIC IMPLICATIONS:

There are no known strategic implications associated with this proposal.

SUSTAINABILITY IMPLICATIONS:

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

FINANCIAL IMPLICATIONS:

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

VOTING REQUIREMENTS

Simple Majority Required

**COUNCIL RESOLUTION
(MANEX RECOMMENDATION)**

142/09 Moved Cr McLagan, seconded Cr Cocking that Council advise the Western Australian Planning Commission that there are no objections for Lot 50 Bindi Bindi Toodyay Road Bindi Bindi to be amalgamated with adjoining lots 2 and 3324 to be referred to as Lot 21 and 22 respectively.

CARRIED 8/0

At 4.20pm Cr Cocking declared a financial interest in item 11.4.2 'Subdivision Application – Lots 3678 & 3936 Yearalia Road Koojan', as he intends to purchase land in the subdivision and left the meeting.

11.4.2 SUBDIVISION APPLICATION – LOTS 3678 & 3936 YEARALIA ROAD KOOJAN

FILE REFERENCE: PA/1270-1
REPORT DATE: 9 December 2009
APPLICANT/PROPONENT: D.J.C. & B.C. Jones
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: Nil
AUTHOR: Michael Prunster, Manager Community Services
ATTACHMENTS: Application for Approval of Freehold Subdivision

PURPOSE OF REPORT:

Confirmation of Council approval for Subdivision application Lots 3678 & 3936 Yearalia Road Koojan as per attached submission.

BACKGROUND:

Council received a request from the W.A. Planning commission to comment on the above application in a letter forwarded to us on the 7 September 2009. Council comment/recommendation was required to be provided to them by the 19 October 2009. We were contacted on the 11 November by the Planning Commission requesting a reply. Following my advice that we were not aware of their request, copies of the original correspondence were emailed to our office. (these are attached)

Following a supportive indication by Council at the Briefing Session held on the 11 November, the Planning Commission was advised that Council had no objection to the application prior to the 1 December as requested.

COMMENT:

The WAPC has a state planning policy DC 3.4 dealing with Rural subdivision. There is a general presumption against the subdivision of rural land except in specific circumstances.

The WAPC Policy does allow for subdivision where it is a boundary realignment of 2 lots, and the subdivision does not result in the creation of any additional lots than originally existed. The existing Lot 3936 is only 8 hectares and its lot size will be substantially increased which may in turn increase the ability to be used as a farming/agricultural lot. The application essentially realigns the boundaries between Lot 3678 and 3936 so they are of an even lot area.

The application can be construed to comply with the WAPC policy and can be supported by Council. The lots in the immediate vicinity are all substantially smaller than Lot 3678.

Council is therefore requested to confirm the approval of the application

POLICY REQUIREMENTS:

Town Planning Scheme No 4 3.12.3 & WAPC State Planning Policy DC 3.4

LEGISLATIVE REQUIREMENTS:

There are no known legislative requirements related to this item.

STRATEGIC IMPLICATIONS:

There are no known strategic implications associated with this proposal.

SUSTAINABILITY IMPLICATIONS:**➤ Environment**

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

➤ Economic

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

➤ Social

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

FINANCIAL IMPLICATIONS:

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

VOTING REQUIREMENTS

Simple Majority Required

**COUNCIL RESOLUTION
(MANEX RECOMMENDATIONS)**

143/09 Moved Cr Tonkin, seconded Cr Hawkins that Council confirm the actions of staff in Advising the Western Australian Planning Commission that Council have no objection to the application for Subdivision of Lots 3678 & 3936 Yearalia Road Koojan.

CARRIED 7/0

At 4.21 pm Cr Cocking rejoined the meeting.

11.4.3 TOWN PLANNING SCHEME NO 4 – PROPOSED CONCRETE BATCHING PLANT LOT 198 TOOTRA STREET MOORA

FILE REFERENCE: TP/ PTMO1
REPORT DATE: 11 December 2009
APPLICANT/PROPONENT: Damon Brown
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: Nil
AUTHOR: Wolfgang Zadavec, Manager Health, Building & Planning Services
ATTACHMENTS: Site Plan

PURPOSE OF REPORT:

The applicant seeks to install a concrete batching plant to be located at the south-east corner of Lot 198 Tootra Street, Moora.

BACKGROUND:

From the site the applicant operates a skip-bin waste removal service as well as stores his trucks and bobcats. A current septic application has also been submitted for the work shed.

On discussions held and from site visit undertaken, the applicant intends to comply with all of the requirements of the *Environmental Protection (Concrete Batching and Cement Product Manufacturing) Regulations 1998* of the Environmental Protection Act 1986.

On request, the applicant has also submitted supporting letters from Outback Power Pty Ltd and Austeel Homes & Sheds with a further letter of support from Alf Lenane who owns an adjoining vacant industrial property.

Estimated total annual capacity of concrete to be produced is 1000 tonnes which will require a 300-500m buffer from any sensitive landuse areas (i.e., residential dwellings, schools etc). There is a residence in this buffer zone and the applicant is seeking their consent in writing.

REQUIREMENTS:

Applicant to be advised that the following items need to be addressed prior to any planning approval:

- Submit professional plans to detail boundary dimensions, any existing landuses/buildings, proposed batching area and its setbacks, existing features such as topography/contours or levels, crossovers, internal accesses or driveways, watercourses and any environmentally sensitive area or major features (such as vegetation).
- A site plan showing all proposed development including the silos, washdown bay, loading areas, any new access or hardstand areas, watertanks, proposed buildings etc.
- A plan or aerial photo to indicate the location and approximate distance to nearest dwellings regarding buffer zone limits.

- Information on hours of operation and number of employees.
- The total capacity of cubic metres of concrete product per production cycle.
- The capacity of trucks to be loaded with concrete and number of trucks loaded per day/week and all other truck volume delivering any stockpiles on-site.
- Details of location and source of water, volumes of wastewater produced and explanation of disposal of wastewater.
- Advice on any other waste products, volumes and disposal of waste.
- Submit a dust management plan or detailed explanation of how dust management will be achieved.
- Details of any air cleaning system to be fitted to any proposed storage silo.
- Details of any chemicals used on site, chemical storage and storage locations.

POLICY REQUIREMENTS:

There are no known policy requirements related to this item.

LEGISLATIVE REQUIREMENTS:

Applicant must comply with the *Environmental Protection (Concrete Batching and Cement Product Manufacturing) Regulations 1998* of the Environmental Protection Act 1986.

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

Moved Cr Gardiner, seconded Cr McLagan that the applicant be advised to submit further information prior to any planning approval:

- *Submit professional plans to detail boundary dimensions, any existing landuses/buildings, proposed batching area and its setbacks, existing features such as topography/contours or levels, crossovers, internal accesses or driveways, watercourses and any environmentally sensitive area or major features (such as vegetation).*
- *A site plan showing all proposed development including the silos, washdown bay, loading areas, any new access or hardstand areas, watertanks, proposed buildings etc.*
- *A plan or aerial photo to indicate the location and approximate distance to nearest dwellings regarding buffer zone limits.*
- *Information on hours of operation and number of employees.*
- *The total capacity of cubic metres of concrete product per production cycle.*
- *The capacity of trucks to be loaded with concrete and number of trucks loaded per day/week and all other truck volume delivering any stockpiles on-site.*
- *Details of location and source of water, volumes of wastewater produced and explanation of disposal of wastewater.*
- *Advice on any other waste products, volumes and disposal of waste.*
- *Submit a dust management plan or detailed explanation of how dust management will be achieved.*
- *Details of any air cleaning system to be fitted to any proposed storage silo.*
- *Details of any chemicals used on site, chemical storage and storage locations.*

At 4.28pm Mr Lewis retired from the meeting.

NOTE: The Shire President withdrew item 11.4.3, as at this stage it is an operational matter and the author is to return the item to Council once all planning criteria has been met by the applicant.

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**COUNCIL RESOLUTION**

144/09 Moved Cr McLagan, seconded Cr Tonkin that the meeting move behind closed doors to discuss Item 15.1, "Proposed Acquisition of Lot 39 Padbury Street, Moora" as it is a matter that if disclosed would reveal the personal affairs of a person/s; pursuant to Section 5.23 (b) of the Local Government Act 1995.

CARRIED 8/0

At 4.37pm the meeting moved behind closed doors.

15.1 Proposed Acquisition of Lot 39 Padbury Street, Moora

Provided to Councillors under confidential cover.

<p>SUBSTANTIVE MOTION (MANEX RECOMMENDATIONS)</p>
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Moved Cr McLagan, seconded Cr Clydesdale-Gebert that Council:

1. *delegates authority to the Chief Executive Officer to purchase Lot 39 Padbury Street, Moora for the maximum sum of \$100,000 for the purpose of developing.*
2. *advertises the intent to acquire Lot 39 Padbury Street, Moora in accordance with Sections 6.20(2) and 6.8 of the Local Government Act 1995.*
3. *authorises unbudgeted expenditure of \$1,000 to be incurred in 2009/10 to acquire Lot 39 Padbury Street, Moora in accordance with Sections 6.8 of the Local Government Act 1995.*
4. *allocate \$99,000 plus purchasing costs in the 2010/11 budget for the balance remaining to purchase Lot 39 Padbury Street, Moora.*

AMENDMENT MOTION

Moved Cr Gardiner, seconded Cr McLagan that Council:

1. *delegates authority to the Chief Executive Officer to negotiate the purchase of Lot 39 Padbury Street, Moora for the maximum sum of \$60,000 for the purpose of developing.*
2. *advertises the intent to acquire Lot 39 Padbury Street, Moora in accordance with Sections 6.20(2) and 6.8 of the Local Government Act 1995.*
3. *authorises unbudgeted expenditure of \$1,000 to be incurred in 2009/10 to acquire Lot 39 Padbury Street, Moora in accordance with Sections 6.8 of the Local Government Act 1995.*
4. *allocate \$59,000 plus purchasing costs in the 2010/11 budget for the balance remaining to purchase Lot 39 Padbury Street, Moora.*
5. *undertake a property valuation of Lot 39 Padbury Street, Moora.*

MOTION LOST 6/2

**WITH THE AMENDMENT MOTION BEING LOST THE SUBSTANTIVE MOTION
WAS THEN PUT AND**

LOST 8/0

REOPENING OF MEETING**COUNCIL RESOLUTION**

145/09 Moved Cr Hawkins, seconded Cr McLagan that the meeting move out from behind closed doors and re-open to the public.

CARRIED 8/0

At 5.02pm the meeting reopened to the public.

On reopening the meeting, there were no public present therefore the Shire President did not read aloud the decision made behind closed doors.

16. CLOSURE OF MEETING

There being no further business, the Shire President declared the meeting closed at 5.03pm.

CONFIRMED

PRESIDING MEMBER