



Ordinary Council Meeting Minutes

Date: 22 October 2008

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 COUNCIL CHAMBERS, MOORA
WEDNESDAY 22 OCTOBER 2008

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Item 11.2.2 Statement of Financial Activity for the Period Ended 30 September 2008

Item 11.3.1 Tenders – Road Sealing Aggregate, Bitumen & Road Stabilisation (6)

Item 13.1 Pool Policy Proposal

1. DECLARATION OF OPENING & WELCOME OF VISITORS

The Shire President declared the meeting open at 3.30pm, welcomed visitors and announced:

“Acknowledging of Country”

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

2. DISCLAIMER READING

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

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

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

3. ATTENDANCE

SA Bryan	-	Presiding Member
SJ Pond	-	Councillor
CE Gardiner	-	Councillor
WA Barrett-Lennard	-	Councillor
AR Tonkin	-	Councillor
JW McLagan	-	Councillor
R Keamy	-	Councillor
D Clydesdale-Gebert (from 3.35pm)	-	Councillor
LM O’Reilly	-	Chief Executive Officer
JL Greay	-	Manager Engineering Services
MJ Prunster	-	Manager Community Services
DA Friend	-	Manager Finance & Corporate Services
GF Bangay	-	Manager Health & Planning Services
RL McCall	-	Manager Economic Development

APOLOGIES

Nil

PUBLIC

Mr Milton Brown
Mrs Jane Marden

Mrs Sheryl Brown

Mrs Jenny Rodan

LEAVE OF ABSENCE

The following Councillor was granted leave of absence for this meeting by Council resolution made at the Ordinary Meeting held on 22 August 2008:

CD Hawkins - Councillor

4. DECLARATIONS OF INTEREST

Cr Barrett-Lennard declared an financial interest in item 11.3.1 'Tenders – Road Sealing Aggregate #05/08, Bitumen #04/08 & Road Stabilisation #03/08', as he is a shareholder in a tendering company.

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

At 3.35pm Cr Clydesdale-Gebert joined the meeting

Mr Milton Brown addressed Council concerning caravans on his property at McKinley Street, Moora. He explained that several caravans housed two 'troubled young people' and that he provides training / work experience to them.

The Manager Health, Building & Planning explained to Mr Brown that he had received a phone complaint advising that up to six caravans were on the site. He had spoken to his wife, Mrs Sheryl Brown concerning this matter and had advised her of steps to be taken including letters of support for several caravans to be on the site. He advised that he is required to follow this matter up within the provisions of the Health Act 1911.

Mr Brown asked why this is not a matter for Council to decide upon.

The Shire President explained to Mr Brown that Council Officers operate under legislative requirements and that this matter will be dealt with accordingly. She reminded Mr Brown that the Manager had already spoken directly with his wife regarding the issue and provided verbal advice on how this matter can be resolved amicably.

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

- Extended condolences to the community of New Norcia over the passing of Abbot Placid Spearritt
- 18/9 attended WALGA Elected Training on Introduction to Environmental Management
- 18/9 attended the opening of the Indigenous Art Exhibition
- 19-20/9 attended the Moora Show which was very successful and well attended
- 25/9 attended the Moora Rotary dinner with the district Governor
- 4/10 attended the Moora Rotary Dinner/Auction
- 14/10 attended the LEMC meeting with the Chief Executive Officer & Manager Community Services
- 15/10 presented awards to the Tidy Towns winners. Several winners coming from Miling
- 17/10 several elected members and I attended the WA Lions Convention 'welcome function' hosted by the Moora Lions Club in Moora
- 18/10 attended the WA Lions Club Convention
- 21/10 attended the Local Health Advisory Committee meeting at the Moora District Hospital
- The Chief Executive Officer & I will be attending a meeting with Anglicare tomorrow
- Will be attending the St James Residential College Awards Ceremony tomorrow afternoon
- 25/10 to attend the 75th Anniversary dinner for the Moora Volunteer Fire Brigade (Fire & Rescue)
- Cr's Pond & Barrett-Lennard advised that they had both worked as part of the community busy bees in demolishing the Bindi Bindi Hall.

10. CONFIRMATION OF MINUTES OF THE PREVIOUS MEETINGS

10.1 ORDINARY COUNCIL MEETING - 17 SEPTEMBER 2008

COUNCIL RESOLUTION

166/08 Moved Cr Gardiner, seconded Cr Keamy that the Minutes of the Ordinary Meeting of Council held on 17 September 2008, be confirmed as a true and correct record of the meeting.

CARRIED 8/0

11. REPORTS OF OFFICERS

11.1 ADMINISTRATION

Nil.

11.2 FINANCIAL DEVELOPMENT

11.2.1 LIST OF PAYMENTS AUTHORISED UNDER DELEGATION 1.31

REPORT DATE: 14 October 2008
OFFICER DISCLOSURE OF INTEREST: Nil
AUTHOR: Darren Friend, 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)
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167/08 Moved Cr Gardiner, seconded Cr Pond that Council notes and endorses the Payments from the Municipal and Trust Funds made under delegation 1.31

<i>Municipal Fund</i>	<i>Chqs 58676 to 587505</i>	<i>\$95,133.56</i>
<i>Direct Debits</i>	<i>EFT 1342 to 1477</i>	<i>\$377,062.33</i>
	<i>Net Pays – PPE 16 Sept</i>	<i>\$67,496.96</i>
	<i>Net Pays – PPE 30 Sept</i>	<i>\$64,895.93</i>
	<i>Net Pays – PPE 14 Oct</i>	<i>\$64,215.79</i>
<i>Trust Fund</i>	<i>Chqs 4515 to 4522</i>	<i>\$1,512.00</i>
<i>Total</i>		<u><i>\$670,316.57</i></u>

CARRIED 8/0

11.2.2 STATEMENT OF FINANCIAL ACTIVITY FOR PERIOD ENDED 30 SEPTEMBER 2008

REPORT DATE: 10 October 2008

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Darren Friend, Manager Finance & Corporate Services

ATTACHMENTS: Statement of Financial Activity for the Period Ended 30 September 2008

PURPOSE OF REPORT:

To note and receive the Statement of Financial Activity for the period ended 30 September 2008.

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 2008/2009 adopted budget.

VOTING REQUIREMENTS

Simple Majority Required

**COUNCIL RESOLUTION
(MANEX RECOMMENDATION)**

168/08 Moved Cr Tonkin, seconded Cr Pond that Council notes and receives the Statement of Financial Activity for the period ended 30 September 2008.

CARRIED 8/0

11.3 OPERATIONAL DEVELOPMENT

At 4.03pm Cr Barrett-Lennard declared a financial interest in item 11.3.1, as he is a shareholder in a tendering company and left the meeting.

11.3.1 TENDERS – ROAD SEALING AGGREGATE #05/08, BITUMEN, #04/08 & ROAD STABILISATION #03/08

FILE REFERENCE: TER1
REPORT DATE: 23 September 2008
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: 26/10/05 (256/05)
AUTHOR: John Greay, Manager Engineering Services
ATTACHMENTS: Tenders – Road Sealing Aggregate, Bitumen & Road Stabilisation (6)

PURPOSE OF REPORT

To evaluate and accept recently received tenders for the supply and delivery of road sealing aggregate and the supply and spray of hot bitumen along with road stabilisation services for the 2008-09 year.

BACKGROUND

Council has a number of road projects on their Works Programme this year that require road sealing aggregate, bitumen and road stabilisation services. Some roads are reseals and others are widening existing narrow sealed roads and constructing new ones. Tenders were called, and closed at 12.00pm on Wednesday 17th September 2008, refer to tables below.

Road Sealing Aggregate

Tender – Two Received

BGC Transport - Moora		
Watheroo Miling Road	270 tonne (14mm)	\$13,186.80
Watheroo Miling Road	225 tonne (7mm)	\$12,226.50
Bindi Ballidu Road	150 tonne (14mm)	\$7,086.75
Bindi Ballidu Road	150 tonne (7mm)	\$7,911.75
Miling West Road	650 tonne (7mm)	\$35,070.75
Miling West Road	560 tonne (14mm)	\$27,134.80
Moora Townsite	260 tonne (14mm)	\$11,082.50
Moora Townsite	260 tonne (7mm)	\$12,512.50
	TOTAL	\$126,212.35

Crossley Contracting		
Watheroo Miling Road	270 tonne (14mm)	\$11,731.50
Watheroo Miling Road	225 tonne (7mm)	\$12,251.25
Bindi Ballidu Road	150 tonne (14mm)	\$7,012.50
Bindi Ballidu Road	150 tonne (7mm)	\$8,662.50
Miling West Road	650 tonne (7mm)	\$36,465.00
Miling West Road	560 tonne (14mm)	\$25,256.00
Moora Townsite	260 tonne (14mm)	\$11,726.00
Moora Townsite	260 tonne (7mm)	\$14,586.00
	TOTAL	\$127,690.75

Hot Bitumen – 180,000 Litres Approx

Tenders – Three Received

Company	Rates based on spraying over 183,000 litres / day		
	Class 170 Bitumen 98/2/.5	Class 170 95/5	Class 170 Emulsion
RNR Contracting (fixed price)	\$1.25	\$1.29	\$0.97
RNR Contracting (rise & fall)	\$1.03	\$1.07	\$0.81
Boral Asphalt (rise & fall)	\$1.166	\$1.177	\$0.935

Road Stabilisation

Tenders – One Received

Company	Area + \$/m² based on 15,000 – 20,000m²			
	3% Lime	4% Lime	3% Cement	4% Cement
Western Stabilisers	\$4.28	\$5.16	\$4.44	\$5.20

COMMENT

This financial year Council requires somewhere in the vicinity of two and a half thousand tonne of road sealing aggregate of various sizes and approximately 180,000 litres of hot bitumen. All material is to meet Main Roads standards. Due to the pressure on the transport industry with statewide projects there has been some difficulty in attracting companies to tender for the supply and delivery of road sealing aggregate. This has also applied to the request from Council for companies to tender for the supply and incorporation of road stabilisation products on identified roads within Councils works programme for this financial year. We again this year received only one stabilisation tender and that was from Western Stabilisers. This company has done work for Council over a long period of time and provide a very good service.

POLICY IMPLICATIONS

Nil

LEGISLATIVE REQUIREMENTS

Council is required to call tenders when the value is likely to exceed \$100,000 under regulation S3.57.

STRATEGIC IMPLICATIONS

Council needs to continue to reseal their bitumen roads as well as create new ones. It is of strategic importance that all bitumen roads are preserved and roads of regional significance are maintained and expanded.

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 social economic implications associated with this proposal.

FINANCIAL IMPLICATIONS

Built into the Works Programme, there is a road sealing aggregate, bitumen and road stabilisation component on those jobs that are to be sealed.

VOTING REQUIREMENTS

Simple Majority

**COUNCIL RESOLUTION
(MANEX RECOMMENDATIONS)**

169/08 Moved Cr McLagan, seconded Cr Tonkin that Council

- 1. accepts the tender received from BGC Transport for tender #05/08 for the supply and delivery of Councils road sealing aggregate for a tendered price of \$126,212.35 for the 2008-09 year inclusive of GST.*
- 2. accepts the tender received from RNR Contracting (rise & fall) for tender #04/08 for the supply and spray of approximately 180,000 litres of hot bitumen for the 2008-09 year based on the attached rates inclusive of GST.*
- 3. accepts the tender received from Western Stabilisers for tender #03/08 for the supply and incorporation of road stabilisation products as per the attached schedule of rates for the 2008-09 year inclusive of GST.*

CARRIED 7/0

At 4.15pm Cr Barrett-Lennard rejoined the meeting.

11.3.2 TENDERS – REFUSE COLLECTION TRUCK AND 11M³ TIP TRUCK

FILE REFERENCE: TEPI
REPORT DATE: 15 October 2008
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: Nil
AUTHOR: John Greay, Manager of Engineering Services
ATTACHMENTS: Nil

BACKGROUND

Tenders are called throughout the year for various commodities and items of plant that have a value in excess of \$100,000 plus GST as per the Local Government requirements.

Council has budgeted this year for the replacement of both of these vehicles and due to the demands of supply it is important to call tenders now.

COMMENT

Allowances have been made in the budget for a changeover of \$268,000 for the rubbish truck and \$203,000 for the tip truck. The current rubbish truck was purchased in 1998 and the tip trucks in 1997. Both are now over 10 years old. These units were considered by council last year and due to the inability to fund either, council chose to reconsider them again this year. We have been advised by one of the suppliers that trucks are in high demand and short term supply will be difficult. If trucks have to be built then this can take 4 months.

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 for the replacement of both trucks.

STRATEGIC IMPLICATIONS

Council needs to continue with the upgrading of their road construction and refuse removal fleet to ensure that they are able to provide an acceptable level; of service to their ratepayers.

PRECEDENT

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

VOTING REQUIREMENTS

Absolute Majority

**COUNCIL RESOLUTION
(MANEX RECOMMENDATION)**

170/08 Moved Cr McLagan, seconded Cr Tonkin that pursuant to Regulation 11(1) Local Government (Functions & General) Regulations 1996, Council authorises the calling of tenders for the supply and delivery of one only 11m³ tip truck and one only 18m³ refuse removal truck.

CARRIED BY ABSOLUTE MAJORITY 8/0

11.4 COMMUNITY DEVELOPMENT

Cr Bryan declared an impartiality interest in item 11.4.1, as her husband is a farmer who uses fertiliser.

11.4.1 PLANNING APPLICATION – CENTRALISED BIOSOLIDS TRIAL FACILITY

FILE REFERENCE: PA/1290-1
REPORT DATE: 19 September 2008
APPLICANT/PROPONENT: Junex Nominees
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: 28/7/04 (12.1), 25/8/04 (9.5), 8/6/05 (114/2005), 13/7/05 (11.5.1), 24/8/05 (208/2005, 209/2005, 210/2005), 14/9/05 (220/2005), 25/7/07 (142/07, 143/07, 144/07, 145/07), 18/6/08 & 16/07/08
AUTHOR: Michael Prunster, Manager Community Services
ATTACHMENTS: Nil

PURPOSE OF REPORT

Consideration of amendments to the planning application from Junex Nominees on behalf of the Water Corporation to establish Stage 1 of a Centralised Biosolids Storage trial facility at Annadale Farm Koojan.

BACKGROUND

Council considered and approved the application for the facility for a trial period of 18 months at their meeting held on the 25 July 2007 subject to the following conditions:-

143/07 Moved Cr Pond, seconded Cr Hawkins

2. That the Council grants planning approval pursuant to Local Planning Scheme 4 for development of a trial centralized Biosolids facility ("the facility") on part of Lot M1239, Koojan, as described in the report "Centralised Biosolids Storage Facility – Annadale Farm" GHD March 2007 for the Water Corporation, subject to

- (a) This planning approval only applies to the facility as proposed in the application.
- (b) The stamped and dated plan/plans, as amended in this planning approval and together with any requirements detailed thereon, shall form part of this planning approval.
- (c) The planning approval for the facility is temporary and shall be valid for a maximum period of two years from occupation or use of the development.

- (d) *Biosolids are not to be transported to or from the facility during school bus times to the satisfaction of the Chief Executive Officer.*
- (e) *The applicant shall submit detailed monitoring reports to the Shire every three months after commencement of the development and throughout the term of this planning approval detailing fly control, odour control, leachates, any nuisance or operational problems, and management/operational practices.*
- (f) *A Drainage and Nutrient Management Plan acceptable to the Council shall be prepared by a suitably qualified and independent consultant and submitted to the Shire for approval prior to commencement of development. The Drainage and Nutrient Management Plan is to include:*
- (i) *appropriate measures to manage collection and disposal of stormwater on-site including any associated drains, drainage pits and soakwells that shall be maintained in a clean and clear condition free of obstruction from any thing to the satisfaction of the Chief Executive Officer.*
 - (ii) *bunding on the down-slope boundaries of the site to contain any overland flow of stormwater.*
 - (iii) *measures for implementation of the approved Drainage and Nutrient Management Plan.*
- (g) *Prior to occupation or use of the facility, the Bulbarnet Road/Bindoon-Moora Road junction shall be designed, upgraded and / or reconstructed at the applicant's cost in accordance with the Shire's specifications to the satisfaction of the Chief Executive Officer and Main Roads WA.*
- (h) *A Management Plan acceptable to the Council shall be prepared by a suitably qualified independent consultant and submitted to the Shire for approval prior to commencement. The Management Plan is to include:*
- (i) *appropriate measures to avoid nuisance from airborne emissions including but not limited to dust, noise, or odour.*
 - (ii) *measures for implementation of the approved Management Plan.*
- (i) *The owner is to enter into a legal agreement with the Shire prior to commencement of development covenanting to pay all costs to:*
- (i) *repair or resurface any local roads damaged as a result of increased traffic associated with the facility; and*
 - (ii) *construct Bulbarnet Road if required by the Shire but only if it is to be used for a period exceeding 12 months.*
- A deed of agreement between the owner and the Shire is to be prepared by the Shire's solicitors at the owner's cost, and executed prior to the commencement of development. The agreement will permit the Shire to lodge an absolute caveat against the Certificate of Title for the land to secure the performance of that obligation.*
- (j) *A Site Remediation Management Plan acceptable to the Council shall be prepared by a suitably qualified independent consultant and submitted to the Shire for approval prior to commencement. The Site Remediation Management Plan is to include:*
- (i) *appropriate measures to return the site to the conditions that apply before commencement of the development if the storage of biosolids is discontinued after the term of this planning approval.*
 - (ii) *site assessment to determine the existing site conditions before commencement.*
 - (iii) *measures for implementation of the approved Site Remediation Management Plan.*
- (k) *This planning approval expires if the development is not substantially commenced within 2 years of the date of this approval.*

The following recommendation notations were also included with the planning approval:-

144/07 Moved Cr Barrett-Lennard, seconded Cr McLagan

3. *That the applicant be advised that:*

- (a) *Separate approvals are required from other agencies including but not limited to the Department of Environment & Conservation, Department of Health, and Department of Indigenous Affairs;*
- (b) *The first monitoring report (Condition (2e)) is to be submitted 3 months from date of commencement of development. The monitoring report is to be compiled by a suitably qualified independent person. If the Council is not satisfied with the management practices or if nuisance occurs, the reports may also be referred by the Council to the Environmental Protection Authority or other relevant authority.*
- (c) *Support for the trial facility should not be construed as support for any permanent facility.*
- (d) *The Council expects sound management practices to be employed to ensure no nuisance or fly breeding occurs. Despite any approved Management Plan the Shire will take action under the Fly Eradication Regulations if any nuisance fly breeding occurs.*
- (e) *The Council notes the intention during the trial period to access the site from Bulbarnet Road, and the Council will review the use of Bulbarnet Road 12 months after commencement. If the Water Corporation intends to continue to use Bulbarnet Road for a longer period, Council may require that the road is constructed at the proponents cost, having regard to road maintenance. This requirement has been included in Condition 2(i).*
- (f) *In regard to Condition 2(i), the applicant is advised that the caveat will be lifted at the end of the trial period.*

CARRIED BY ABSOLUTE MAJORITY 8/0

COMMENT

The Planning Approval was forwarded to the applicants, and a request was received from Mr Golowyn of the Water Corporation to meet with Councillors and Staff to discuss queries on the following conditions:-

- (g) Bulbarnet Road/Bindoon-Moora Road junction upgrade.
- (l) Legal agreement/caveat – re repair to roads

Councillors and Managers met with Mr Golowyn and discussed his concerns. It was noted that the Bulbarnet/Moora-Bindoon Road junction and approximately 4kms of the road had recently been upgraded. It was agreed that a legal agreement for upgrading the junction by the applicants and road damage repairs would not be required for Stage I of the project. Council will however monitor the road condition through Stage I. Mr Golowyn indicated that the truck traffic during Stage I would be from 2-4 trucks per day.

An agreement was reached at the meeting that a recommendation would be presented to Council to waive conditions (g) & (i) for Stage I of the project, and these conditions will be revisited should the Water Corporation decide to continue with Stage 2.

It is recommended that Council confirm the waiving of these conditions for Stage I of the project.

POLICY REQUIREMENTS

There are no known policy requirements related to this item.

LEGISLATIVE REQUIREMENTS

Town Planning Scheme No 4 – Sections 3.12, 7.3 & 7.4

STRATEGIC IMPLICATIONS:

An opportunity for increased industry, investment and value adding to the rural industry as per Councils Plan for the Future strategy.

SUSTAINABILITY IMPLICATIONS:

- **Environment**
The environmental management plan is included in the works application document attached to planning application.
- **Economic**
Improved landcare sustainability and economic growth.
- **Social**
Social implications have been addressed in the works application document attached to planning application.

FINANCIAL IMPLICATIONS

Minimal Increased road maintenance costs during Stage I of the project are expected on roads used to deliver to proposed site and distribution to farmers. Council Staff will monitor the road condition periodically.

VOTING REQUIREMENTS

Simple Majority Required

COUNCIL RESOLUTION (MANEX RECOMMENDATIONS)

171/08 Moved Cr Pond, seconded Cr Gardiner that Council;

- 1. Formally agrees and confirms the planning approval conditions amendment dated 13 August 2008, for Junex Nominees on behalf of the Water Corporation for the establishment of Stage I of the proposed Biosolids Storage facility on Lot M1239 Bulbarnet Road Koojan by waiving the following conditions from resolution 143/07 of Council's meeting of 25 July 2007 being;***

- (g) *Prior to occupation or use of the facility, the Bulbarnet Road/Bindoon-Moora Road junction shall be designed, upgraded and / or reconstructed at the applicant's cost in accordance with the Shire's specifications to the satisfaction of the Chief Executive Officer and Main Roads WA.*
- (i) *The owner is to enter into a legal agreement with the Shire prior to commencement of development covenanting to pay all costs to:*
- (i) *repair or resurface any local roads damaged as a result of increased traffic associated with the facility; and*
 - (ii) *construct Bulbarnet Road if required by the Shire but only if it is to be used for a period exceeding 12 months.*

A deed of agreement between the owner and the Shire is to be prepared by the Shire's solicitors at the owner's cost, and executed prior to the commencement of development. The agreement will permit the Shire to lodge an absolute caveat against the Certificate of Title for the land to secure the performance of that obligation.

2. *Issues formal planning approval to the Water Corporation for the Stage 1 Biosolids Trial Facility for a period not exceeding 2 years from the date of occupation/commencement.*
3. *Reconsiders the planning condition amendments for Stage 1 along with the planning application for Stage 2, should it proceed.*

CARRIED 8/0

11.4.2 COMMUNITY BUS – ANTI SOCIAL BEHAVIOUR

FILE REFERENCE: LO/CRS1
REPORT DATE: 24 September 2008
APPLICANT/PROPONENT: Central Midlands Aboriginal Progress Association
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: 20/02/08 (29/08) & 5/03/08 (38/08)
AUTHOR: Michael Prunster, Manager Community Services
ATTACHMENTS: Nil

PURPOSE OF REPORT:

For Council to consider repairs to the old Central Midlands Aboriginal Progress Association (C.M.A.P.A) Bus.

BACKGROUND:

At a request from the Moora Women's Group directed through the Community Crime & Safety Committee, Council was requested to consider hiring out the Shire Community Bus for use in transporting children to their homes following the nightly closures of the Moora Youth Club activities. The Group believed that this would assist in reducing the anti social behaviour that was occurring apparently following the closure of nightly activities at the Youth Club.

Council were not in favour of hiring the Shire Bus for this purpose because of possible interruptions to other users, and after discussion the following resolution was passed at the meeting:-

29/08 *Moved Cr Pond seconded Cr Hawkins that Council:*

1. *refuse the request from the Moora Women's Group for provision of the Shire Community Bus for Moora Youth Club transport facility because of the possible impact on the availability of the Bus for other Community users,*
2. *authorise staff to investigate and assess the condition of the Aboriginal Progress Association Bus by arrangement with Mr Colin Headland,*
3. *delegates authority to the Chief Executive Officer to repair the bus subject to the total cost of inspection, repairs and registration not exceeding \$5,000.*

CARRIED BY ABSOLUTE MAJORITY 7/1

Note: Council amended point 3 to provide for a process to repair the bus in a timely manner if the repair costs are reasonable.

The C.M.A.P.A were advised of Council's decision and asked to consider handing over their old community Bus for the purpose of Council assessing the cost of repairs to make the vehicle suitable for the project, and funding the cost up to an amount not exceeding \$5,000.

A reply from the C.M.A.P.A was received in September granting approval for the Shire to transport the Bus to the Shire Depot for assessment by the Shire's Mechanic.

COMMENT:

The Bus has now been assessed for mechanical and body work repairs and a quotation for the cost of these repairs are:-

M. & S. O'Brien – repair & paint rust, dents in roof and down side. Replace front & back glass, rust in window frames, doors etc and possibly more - \$6,500

Shire of Moora mechanical repairs – Shock absorbers, tyres, batteries, lights, seats and other - \$6,145.

Total estimated cost of repairs to bring the Bus to licensing standard = \$12,645.00. Inspection and licensing/insurance costs would be additional to this amount.

This figure is higher than Council's directive from the resolution passed on 20 February, and an amount has not been included within the 2008-09 Budget for this cost.

The Youth Club recently closed down due to the lack of supervisors, however the Shire has lodged a grant application for a Community Projects Officer, and if this is successful there may still be a need for a separate Bus.

It is recommended that the repairs not be commenced and postponed until later in the financial year, whereby there may be an area of cost savings that will allow the repairs to be carried out.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

L.G.A. 1995 – S2.7& S3.1

STRATEGIC IMPLICATIONS:

Provision of transport facilities for Youth in an effort to control anti social behaviour.

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

An anticipated reduction in anti social behaviour throughout the town.

FINANCIAL IMPLICATIONS:

Unbudgeted cost of \$12,645.00

VOTING REQUIREMENTS

Simple Majority Required

**COUNCIL RESOLUTION
(MANEX RECOMMENDATION)**

172/08 Moved Cr Bryan, seconded Cr Clydesdale-Gebert that Council advise the Central Midlands Aboriginal Progress Association that the estimated cost for the refurbishment of their bus is far in excess of Councils budget provision and that the project will not be proceeded with.

CARRIED 8/0

11.4.3 TOWN PLANNING SCHEME NO 4 – DELEGATION OF POWERS

FILE REFERENCE: TP/PTM11
REPORT DATE: 16 October 2008
APPLICANT/PROPONENT: Lois Waddell
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: Nil
AUTHOR: Glenn Bangay, Manager Health & Planning Services
ATTACHMENTS: Nil

PURPOSE OF REPORT:

To note the town planning applications approved under delegated authority.

BACKGROUND:

Council resolved by absolute majority at the Council meeting held on the 25 February 2004, to delegate the Manager Corporate Services (now Manager Health, Building & Planning) to approve planning applications that meet all the requirements of Councils Town Planning Scheme, for an indefinite period of time and amend its Register of Delegations accordingly, and that Council be provided with a list monthly of planning approvals issued under delegate authority.

APPLICANT (S)

The following Town Planning Applications have been approved under this delegated authority for the period ended 16 October 2008.

- **Lois Waddell – Lot 209 Riley Road, Moora – Establishment of Home Occupation “Homestay” business, Zoning – Special Rural, (Ref 35/08)**

POLICY REQUIREMENTS:

Register of Delegations and Shire of Moora Town Planning Scheme No 4 Text.

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)**

173/08 Moved Cr Tonkin, seconded Cr Pond that Council note the town planning application approved under delegated authority.

CARRIED 8/0

11.5 ENVIRONMENTAL DEVELOPMENT

Nil

11.6 ECONOMIC DEVELOPMENT**11.6.1 ENERGISING THE WHEATBELT – EXPENDITURE NOT INCLUDED IN ANNUAL BUDGET**

FILE REFERENCE: ED/ENT1

REPORT DATE: 13 October 2008

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: 22/08/07(168/07)

AUTHOR: Rebecca McCall, Manager Economic Development

PURPOSE OF REPORT:

For Council to authorise expenditure not included in the 2008/09 Annual Budget for the Shire of Moora to financially contribute towards stage one of the Energising the Wheatbelt project. Stage one consists of the developing the business plan and financial modelling.

BACKGROUND:

The “Energising the Wheatbelt” Project will be used as a ‘best practice’ model for rural communities in WA to develop and implement large-scale, integrated, sustainable and renewable energy systems to power their communities and feed excess power to the grid.

When the mission of this project is complete a fully-costed and technically-designed model for the construction of an integrated, power-producing plant (or system) will be available, site specific, for each of the Shires, in a format relevant to their identified energy needs and energy production possibilities.

Taking on completing the mission are four Local Governments (Shire of Dalwallinu, Shire of Moora, Shire of Morawa and Shire of Wongan-Ballidu) from the wheat growing areas of WA. They have combined to support and direct the project and will engage the services of a contracted Project Manager.

The Project Manager will complete a financial model to fully cost the preferred energy supply facility for each location and prepare a strong Business Case and accompanying Bankable Feasibility Study.

The investigation into relevant models will be available to other communities establishing similar projects.

At its heart the project is an adaptable and exchangeable community development model, which will give rural communities determinant input into their own sustainability.

In addition, the development and operation of strategically located power plants in regional areas of WA will massively reduce the power supply demand on the existing fossil-fuel power plant and single-line, tapering-wire system currently set up – which is now at full capacity and with segments of infrastructure beyond their use-by-date.

Project management of 'Energising the Wheatbelt' will involve community consultation plus liaison between stakeholders expected to include:

- Western Power, Synergy and Verve Energy
- Sustainable energy technology providers
- Engineering and technical service providers
- Local, State and Federal grant providers
- Community
- Possible corporate/business partnerships

It will be a key outcome of the study process to determine the preferred location to host the demonstration project – that is, one of the Shires will be chosen as the preferred place to build a power plant.

Additionally, a grid study will be undertaken, to ascertain the full capacity of the conductors now in place, and a local energy study will identify present and future usage and demand for power in each area.

At this point appropriate finance will be sourced through federal and state funding options in addition with the financial contributions from the Council's involved to enable stage one of the project to commence begin.

COMMENT:

The Shires of Morawa and Wongan-Ballidu have contributed \$25,000 each towards the projects first stage. The Shire of Dalwallinu and the Shire of Moora management are recommending to their respective Council's to consider contributing \$5,000 and a further \$20,000 in the 2009/10 draft budget for the purpose of preparing a business plan and financial modelling to progress the project.

This project is crucial for the future planning of this region and will ensure that energy supplies will be sufficient for sustainable growth. The outcomes of this project would be particularly beneficial for the development of Miling and Watheroo.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

Section 6.8 Local Government Act 1995.

STRATEGIC IMPLICATIONS:

Outlined within the Shire of Moora's Strategic Plan is the Key Result Area (KRA) of "Infrastructure", under this KRA it is outlined in strategy two to implement new technologies for community development and to assess new initiatives to ensure best community value and use.

The Key Result Area of "Growth", under this KRA it is outlined in strategy six to protect and manage the resource base to ensure power, water, roads and labour.

The Energising the Wheatbelt Project is designed to provide sustainable, reliable and renewable energy by examining best practice options for rural communities.

SUSTAINABILITY IMPLICATIONS:

- **Environment**
Local events, history, geography, economy, politics, interests and activities will be taken into account when researching the feasibility of alternative energy provision systems ensuring best practice for each individual community under the study.
- **Economic**
To see all of rural Western Australia supplied with renewable, sustainable, reliable and community owned energy and enabling these communities to fulfil their development and growth opportunities.
- **Social**
Social and cultural expectations, events and changes, which might affect the project and its outcomes, will also be taken into account, as will community consultation outcomes, Council findings and community development requirements.

FINANCIAL IMPLICATIONS:

In the current 2008-09 Budget there is an amount listed under "Other Governance – VROC Contribution - \$10,000". This contribution is no longer required by VROC as the organisation is currently in good financial stead. It is proposed that the funding for the Energising the Wheatbelt project be accounted for from this budget. The required amount from the 2008/09 budget is \$5,000. An addition \$20,000 may need to be allocated in the 2009/10 budget.

VOTING REQUIREMENTS

Absolute Majority Required

**COUNCIL RESOLUTION
(MANEX RECOMMENDATIONS)**

174/08 Moved Cr Pond, seconded Cr Clydesdale-Gebert that Council;

- 1. authorises the expenditure of \$5,000 not included in the 2008/09 Annual Budget to be allocated as the Shire of Moora's contribution towards developing a business plan for the Energising the Wheatbelt Project. Allocation of the additional expenditure will be addressed during the budget review in early 2009.***
- 2. allocate \$20,000 to the Energising the Wheatbelt Project in the 2009/10 draft budget for the remaining contribution towards the business plan.***

CARRIED BY ABSOLUTE MAJORITY 7/1

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

The Chief Executive Officer tabled a late items dealing with the "No School No Pool Policy" for Council's consideration.

COUNCIL RESOLUTION

175/08 Moved Cr McLagan, seconded Cr Gardiner that Council consider the late item as tabled by the CEO titled "No School No Pool Policy".

CARRIED 8/0

13.1 NO SCHOOL NO POOL POLICY

FILE REFERENCE: LO/CRSI
REPORT DATE: 20 October 2008
APPLICANT/PROPONENT: Community Safety & Crime Prevention Committee
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: Nil
AUTHOR: Michael Prunster, Manager Community Services
ATTACHMENTS: No School No Pool Policy Document

PURPOSE OF REPORT:

The Community Safety & Crime Committee has recommended that Council consider the implementation of a “No School No Pool” Policy to assist in decreasing the number of school truancies within Moora.

BACKGROUND:

The Shire of Moora Community Safety & Crime Prevention Plan 2006-2008 scheduled Education issues resulting in poor literacy and general education as strategic goal priority 4. The outcome and resources plan for this strategy was to consult with local schools, Government Agencies and the Police Department and prepare a “No School No Pool” Policy for the Moora pool during school terms.

The Community Safety & Crime Prevention Committee has discussed this strategy at several meetings throughout the year. The Shire Crime & Safety Coordinator has met with the Central Midlands Senior High School, Moora Primary Schools, Department of Child Protection, Moora Local Drug Action Group, Moora Police, Department of Education & Training, C.Y. O’Connor College of TAFE, Moora Chamber of Commerce, Moora Aboriginal Women’s & Men’s Groups and the Shire Pool Manager who have given the policy strategy their full support.

A copy of the draft report is attached for Councils consideration and approval.

COMMENT:

The Crime & Safety Coordinator has researched similar programmes that have been successful in the Shires of Morawa, Northam, East Pilbara (Newman) and Kojonup and reported good results following the implementation of the policy.

Statistics obtained through the local schools and Moora Police have indicated that there are several children not attending school regularly and the adoption of the “No School No Pool” Policy is believed to be a good step in improving school truancy.

The Crime & Safety Coordinator is also arranging discussions with the Moora Chamber of Commerce for their support and approval to implement a policy with retailers and displaying a poster in their stores to read - *“Keeping Kids In School – School aged children not accompanied by an adult during school hours will be asked to leave this store – unless they have a Department of Education & Training leave pass”*.

It is recommended that Council adopt the “No School No Pool” Policy and implement it for the 2008-09 swimming season with a review to be carried out at the completion of the season to decide if the policy should be continued in future seasons.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

There are no known legislative requirements related to this item.

STRATEGIC IMPLICATIONS:

The success of the policy will assist in improving school attendance, general education and subsequently decrease school truancy.

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**

Improvement in school truancy, Child Education and a decrease in anti social behaviour.

FINANCIAL IMPLICATIONS:

Minimal expenditure involved in production of pool signage.

VOTING REQUIREMENTS:

Simple Majority Required

COUNCIL RESOLUTION (OFFICER RECOMMENDATIONS)

176/08 Moved Cr Clydesdale-Gebert, seconded Cr Bryan that Council

- 1) Adopts the “No School No Pool” Policy for the 2008-09 swimming season.*
- 2) Authorises the insertion of a public notice in the local newspaper, school publications and the display of signage outlining the policy at the entry to the swimming pool.*
- 3) Consider the continuation of the policy for future seasons following a review of the results at the conclusion of the 2008-09 season.*

CARRIED 8/0

14. NOTICE ON MOTIONS FOR THE NEXT COUNCIL MEETING

Nil

15. MATTERS BEHIND CLOSED DOORS**COUNCIL RESOLUTION
(RECOMMENDATION)**

177/08 Moved Cr Pond, seconded Cr McLagan that the meeting move behind closed doors to discuss Item 15.1, 'Land Acquisition – Lots 161-163 Melbourne Street, Lots 169-171 Ranfurly Street & 165-168 Woolawa Street Moora' as it is a matter affecting contract pursuant to Section 5.23(2)(c) of the Local Government Act 1995.

CARRIED 8/0

At 4.28pm the meeting moved behind closed doors.

Cr Clydesdale-Gebert declared an impartiality interest in item 15.1 as she has ownership of Lot 213 Melbourne Street, Moora.

15.1 Land Acquisition – Lots 161-163 Melbourne Street, Lots 169-171 Ranfurly Street & 165-168 Woolawa Street Moora

Provided to Councillors under confidential cover

MANEX RECOMMENDATION

That Council;

1. *delegates authority to the Chief Executive Officer to secure Lots 161-163 Gardiner Street and Lots 169-171 Ranfurly Street Moora to not exceed the value of \$90,000 for the purpose to develop the land for industry.*
2. *delegates authority to the Chief Executive Officer to secure Lots 165-168 Woolawa Street Moora to not exceed the value of \$56,000 for the purpose to develop the land for industry.*

COUNCIL RESOLUTION

Moved Cr Gardiner, seconded Cr Pond that Council;

1. **delegates authority to the Chief Executive Officer to secure Lots 161-163 Gardiner Street and Lots 169-171 Ranfurly Street Moora to not exceed the value of \$90,000 for the purpose to develop the land for industry.**
2. **delegates authority to the Chief Executive Officer to secure Lots 165-168 Woolawa Street Moora to not exceed the value of \$56,000 for the purpose to develop the land for industry.**
3. **advertises the proposed loan in accordance with Section 6.20 (2) of the Local Government Act 1995, given the total loan proposed exceeds the 2008/09 Budget provision of \$100,000.**

MOTION LOST 3/5

NOTE: Point 3 was added to the Manex recommendation as the proposed loan was \$46,000 in excess of the 2008/09 Budget provision for this project.

NOTE: Council resolved not to proceed with purchase of the land due to the current world wide economic climate.

COUNCIL RESOLUTION

178/08 Moved Cr Barrett-Lennard, seconded Cr Keamy that the meeting come out from behind closed doors and re-open to the public.

CARRIED 8/0

The meeting reopened to the public at 4.42pm.

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 4.45pm.

CONFIRMED

PRESIDING MEMBER