



# Ordinary Council Meeting Minutes

**Date: 19 March 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 MILING PAVILION, MILING**  
**WEDNESDAY 19 MARCH 2008**

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

*The Shire President declared the meeting open at 6.35pm and welcomed all visitors and particularly Councils Freeman, Mr Des Seymour, 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
CD Hawkins	-	Councillor
AR Tonkin	-	Councillor
D Clydesdale-Gebert	-	Councillor
JW McLagan	-	Councillor
R Keamy	-	Councillor
SJ Deckert	-	Chief Executive Officer
EW Piper	-	Special Projects 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 Des Seymour	Mr Ken Seymour	Mr Richard Topham
Mrs Ann Lewis	Mr Andy Taylor	Mrs Jill Taylor
Mr Stan Lewis	Mr Robert Wood	Mrs Maria Wood
Mr Jim Lowe	Mr Russell Dennis	Mrs Germaine Seymour
Mr Malcolm Seymour	Mr Barry Large	Mr Wade Pearson

#### **4. DECLARATIONS OF INTEREST**

Cr Bryan declared an impartiality interest in item 11.3.1 as she is a Financial Member of the Moora Bowling Club. It was noted that Cr Bryan being a financial member of a not for profit organisation was exempt from the financial interest provisions of the Local Government Act.

Cr Gardiner declared an impartiality interest in item 11.3.1 as he is a Financial Member of the Moora Bowling Club. It was noted that Cr Gardiner being a financial member of a not for profit organisation was exempt from the financial interest provisions of the Local Government Act.

The Manager Community Services declared an impartiality interest in item 11.3.1 as he is a Financial Member of the Moora Bowling Club.

Cr's Bryan, Tonkin, Barrett-Lennard, McLagan, Keamy, Gardiner and Pond declared an indirect financial interest in late item 13.2 'Planning Application – CBH Receival Point Moora', as they are all grain producers holding 1 share in CBH and it was determined they all had an interest in common.

Cr Clydesdale-Gebert declared a financial interest in item 11.4.2 as she has a framing business in direct competition with the proponent of the item.

Cr Clydesdale-Gebert declared an impartiality interest in item 11.6.3 as she is the owner of the land at Lot 213 Melbourne Street, Moora which is within the same industrial subdivision however not adjacent.

Cr Clydesdale-Gebert declared an impartiality interest in item 11.6.4 as she is a financial member of Moora Health and Fitness.

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

Mr Stan Lewis addressed the meeting in relation to the closure of the Bindi Bindi Hall and supper room. Mr Lewis asked if there has there been any formal consultation between the Bindi Community and Council, following the Bindi Bindi Progress Association Meeting on the 20<sup>th</sup> August 2007.

The Chief Executive Officer advised that there had been one informal meeting however there had been no formal consultation to date.

Mr Lewis then enquired if the Chief Executive Officer had limited the informal meeting to only one representative from the Bindi Bindi Progress Association.

The Chief Executive Officer responded that Mr Crane made the appointment and he (the Chief Executive Officer) did not limit numbers. The Chief Executive Officer added that it was only an informal meeting and now the Bindi community needs to be proactive in their representation to Council leading up to the 2008/09 budget setting programme, to achieve a satisfactory outcome for the Bindi community.

Mr Andy Taylor requested that he be permitted to locate the wash down bay within 200m of the town residents, approximately 100m west of the Bindi Tennis Courts.

Council noted Mr Taylor's request which will be considered when this matter is deliberated on later in the meeting.

Mr Des Seymour advised Council that Madgingarra Road between the Miling North and Watheroo / Miling Roads may need to be upgraded in the future from light traffic to general use because of the likelihood of heavy traffic.

**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**

- Cr Pond and I attended the opening of the Art Exhibition by local aboriginal artists which was sponsored by Tiwest on Tuesday 18<sup>th</sup> March
- The Moora Country Campout is on for 3 days again this Easter and looking forward to seeing everyone there
- Advised that the next CMVROC Meeting and WALGA Zone meeting would be held in Toodyay on 28<sup>th</sup> March 2008
- Cr's Hawkins & Gardiner along with the Acting Chief Executive Officer and Manager Community Services attended the Moora Crime & Safety meeting on Tuesday 11<sup>th</sup> March.
- Cr Gardiner attended the Moora Chamber of Commerce AGM
- Cr Pond advised that he and the Shire President represented the Shire of Moora on the CMVROC stand at the WA on Show held at the Convention Centre in Perth which ran from 29<sup>th</sup> Feb – 3<sup>rd</sup> March – it was very successful
- Cr Pond advised that he and the Manager Economic Development attended an 'Energising the Wheatbelt' meeting in Dalwallinu on Tuesday 11<sup>th</sup> March.

**10. CONFIRMATION OF MINUTES OF THE PREVIOUS MEETINGS**

**10.1 ORDINARY COUNCIL MEETING - 20 FEBRUARY 2008**

**COUNCIL RESOLUTION**

**54/08 Moved Cr Hawkins seconded Cr Bryan that the Minutes of the Ordinary Meeting of Council held on 20 February 2008, be confirmed as a true and correct record of the meeting.**

**CARRIED 9/0**

**10.2 SPECIAL COUNCIL MEETING - 5 MARCH 2008****COUNCIL RESOLUTION**

**55/08** *Moved Cr Tonkin seconded Cr Gardiner that the Minutes of the Special Meeting of Council held on 5 March 2008, be confirmed as a true and correct record of the meeting.*

**CARRIED 9/0**

**11. REPORTS OF OFFICERS****11.1 ADMINISTRATION****11.1.1 SHIRE OF MOORA ANNUAL COMPLIANCE AUDIT RETURN FOR 2007**

**FILE REFERENCE:** GA/SCO1  
**REPORT DATE:** 27 February 2008  
**APPLICANT/PROPONENT:** Department of Local Government and Regional Development  
**OFFICER DISCLOSURE OF INTEREST:** The author has no financial or other interest in this matter.  
**PREVIOUS MEETING REFERENCES:** N/A  
**AUTHOR:** Eddie Piper, Acting Chief Executive Officer  
**ATTACHMENTS:** Compliance Audit Return 2007

**PURPOSE OF REPORT:**

The 2007 statutory Compliance Audit Return has been completed for the 2007 calendar year and is being presented to Council for adoption.

**BACKGROUND:**

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

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

**COMMENT:**

Following the review of Compliance via the 2005 Compliance Audit Return conducted by the Department of Local Government and Regional Development and a sustained effort over the last two years there are few areas of concern which need to be addressed by staff over the 2008 year. The particular areas are those covered by Tender Regulations, some minor Executive functions and the need to complete annual Budgets and Reports on time. Delegations and Policies are currently being

reviewed by an outside party and a review of the Shires Local Laws needs to be undertaken during 2008.

It was established after the document was completed that Item 6 no's 1 & 2 relating to 'disposal of property' needed to be changed from yes to no as a requirement to give local public notice was not fulfilled.

It may well be necessary to Budget an amount for consultancy over and above the normal expense to ensure these tasks are completed during 2008.

**POLICY REQUIREMENTS:**

Nil

**LEGISLATIVE REQUIREMENTS:**

Local Government Act 1995, Section 7.13(i)

Local Government (Audit) Regulations 13, 14 and 15

**STRATEGIC IMPLICATIONS:**

There are no known strategic implications associated with this proposal.

**SUSTAINABILITY IMPLICATIONS:**

➤ **Environment**

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

➤ **Economic**

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

➤ **Social**

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

**FINANCIAL IMPLICATIONS:**

There will be a need to Budget in 2008/09 for additional Consultancy Fees to ensure Local Laws are received and the Delegations & Policy review is completed.

**VOTING REQUIREMENTS**

Simple Majority Required

**COUNCIL RESOLUTION  
(OFFICER RECOMMENDATION)**

***56/08 Moved Cr Hawkins, seconded Cr McLagan that Council adopt the amended attached Compliance Audit Return incorporating changes to Item 5, no's 1 and 2 for the 2007 Calendar Year (1 January 2007 to 31 December 2007) and forward with the duly signed Joint Certification by the President and Chief Executive Officer, to the Executive Director of the Department of Local Government and Regional Development.***

**CARRIED 9/0**



## **11.1.2 MINUTES OF ANNUAL GENERAL MEETING OF ELECTORS HELD ON 10 MARCH 2008**

**LOCATION:** Moora  
**FILE:** EM/ANMI  
**AUTHOR:** Eddie Piper, Acting Chief Executive Officer  
**REPORT DATE:** 12 March 2008  
**DECLARATION:** The author has no financial interest in this matter  
**ATTACHMENTS:** Minutes of Electors Meeting held 10 March 2008

### **BACKGROUND**

The Annual General Meeting of Electors, in respect to the year ended 30 June 2007, was held in the Moora Performing Arts Centre on Monday 10 March 2008.

The provisions of the Local Government Act 1995 require that the minutes of the Electors Meeting must be presented to Council for consideration at the next available Ordinary Meeting.

The minutes of the meeting are now presented to Council and are appended for reference.

### **COMMENT**

The minutes of the Annual Electors meeting contain a number of procedural resolutions that do not require any further action by Council.

### **STATUTORY ENVIRONMENT**

Sections 5.32 and 5.33 of the Local Government Act 1995, deal with the recording of Minutes of the Annual Electors Meeting and the requirement for Council to consider any decisions made.

### **POLICY IMPLICATIONS**

There are no policy implications in respect to the recommendation of this report.

### **BUDGET IMPLICATIONS**

Nil

### **STRATEGIC IMPLICATIONS**

Demonstrating to the electors that Council has listened to their request enhances Council's standing and respect within the community.

### **PRECEDENT**

The adoption of the recommendation of this report does not set a precedence.

### **VOTING REQUIREMENTS**

Simple majority required.

**COUNCIL RESOLUTION  
(OFFICER RECOMMENDATION)**

**57/08** *Moved Cr Hawkins, seconded Cr Pond that Council receives the minutes of the Annual General Meeting of Electors for the Year Ended 30 June 2007 held on 10 March 2007, and note the contents, subject to the 5<sup>th</sup> paragraph of item 9b being amended to read :-*

*“Cr Hawkins advised that there may be additional community funding available which will allow for the purchase of a substantial model and discussions have been held concerning this matter”*

**CARRIED 9/0**

**Note:** Cr Hawkins request to correct the intent of his comment at the AGM was accepted by Council.

**11.1.3 SHIRE OF MOORA REPRESENTATIVE ON COLLEGE BOARD OF MANAGEMENT**

**FILE REFERENCE:** AD/CPEI  
**REPORT DATE:** 12 March 2008  
**OFFICER DISCLOSURE OF INTEREST:** Nil  
**PREVIOUS MEETING REFERENCES:** Nil  
**AUTHOR:** Eddie Piper, Acting Chief Executive Officer  
**ATTACHMENTS:** Letter from Country High Schools Authority

**PURPOSE OF REPORT:**

To nominate an Elected Member for the Board of Management for the St James Residential College.

**BACKGROUND:**

Council has in the past had representation on the College Board of Management.

**COMMENT:**

The attached letter explains the request for a Council representative.

It should be noted that meetings are held on the 3<sup>rd</sup> Monday of the month commencing 5.30pm. There are approximately 8 meetings per year.

**POLICY REQUIREMENTS:**

Nil

**LEGISLATIVE REQUIREMENTS:**

There are no known legislative requirements related to this item.

**STRATEGIC IMPLICATIONS:**

There are no known strategic implications associated with this proposal.

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

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

➤ **Economic**

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

➤ **Social**

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

**FINANCIAL IMPLICATIONS:**

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

**VOTING REQUIREMENTS**

Simple Majority Required

**OFFICER RECOMMENDATION**

*That Council advise the Acting Chairperson of the St James Residential College that's its representative on the Board of Management will be Cr \_\_\_\_\_ for the year to 31 December 2008.*

**COUNCIL RESOLUTION**

***58/08 Moved Cr Hawkins, seconded Cr Tonkin that Council advise the Acting Chairperson of the St James Residential College that's its representative on the Board of Management will be Mrs Lorraine Craven for the year to 31 December 2008, subject to her approval.***

**CARRIED 9/0**

**Note:** Council believed that past Councillor Craven had previously represented Council positively and that she would be the best option.

**11.2 FINANCIAL DEVELOPMENT****11.2.1 LIST OF PAYMENTS AUTHORISED UNDER DELEGATION 1.31**

**REPORT DATE:** 11 March 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  
(OFFICER RECOMMENDATION)**

**59/08 Moved Cr Gardiner, seconded Cr Keamy that Council notes and endorses the Payments from the Municipal and Trust Funds made under delegation 1.31**

<b>Municipal Fund</b>	<b>Chqs 57680 to 57868</b>	<b>\$387,532.86</b>
	<b>Chqs 58421 to 58450</b>	<b>\$168,002.16</b>
<b>Direct Debits</b>	<b>393 to 404</b>	<b>\$10,931.87</b>
<b>Total</b>		<b><u>\$566,466.82</u></b>

**CARRIED 9/0**

## **11.2.2 STATEMENT OF FINANCIAL ACTIVITY FOR PERIOD ENDED 31 JANUARY 2008**

**REPORT DATE:** 10 March 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 31 January 2008

### **PURPOSE OF REPORT:**

To note and receive the Statement of Financial Activity for the period ended 31 January 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 2007/2008 adopted budget.

Council will note that the Current Position shows a figure of some \$334,000 “overdrawn”. This will be rectified in March when Roads to Recovery grant monies of \$1.2 to \$1.5 million are received.

### **VOTING REQUIREMENTS**

Simple Majority Required

### **COUNCIL RESOLUTION (OFFICER RECOMMENDATION)**

**60/08 Moved Cr Hawkins, seconded Cr Pond that Council notes and receives the Statement of Financial Activity for the period ended 31 January 2008.**

**CARRIED 9/0**

### **11.2.3 STATEMENT OF FINANCIAL ACTIVITY FOR PERIOD ENDED 29 FEBRUARY 2008**

**REPORT DATE:** 10 March 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 29 February 2008

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

To note and receive the Statement of Financial Activity for the period ended 29 February 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 2007/2008 adopted budget.

Council will note that the Current Position shows a figure of some \$590,000 “overdrawn”. This will be rectified in March when Roads to Recovery grant monies of \$1.2 to \$1.5 million are received.

**VOTING REQUIREMENTS**

Simple Majority Required

**COUNCIL RESOLUTION  
(OFFICER RECOMMENDATION)**

***61/08 Moved Cr Tonkin, seconded Cr Pond that Council notes and receives the Statement of Financial Activity for the period ended 29 February 2008.***

**CARRIED 9/0**

Cr Bryan, Cr Gardiner and the Manager Community Services all declared an impartiality interest in item 11.3.1 as they are all financial members of the Moora Bowling Club.

### **11.3 OPERATIONAL DEVELOPMENT**

#### **11.3.1 MOORA BOWLING CLUB – WATER SERVICE**

**FILE REFERENCE:** CC / MOBI  
**REPORT DATE:** 29 February 2008  
**APPLICANT/PROPONENT:** Moora Bowling Club  
**OFFICER DISCLOSURE OF INTEREST:** Nil  
**PREVIOUS MEETING REFERENCES:** Nil  
**AUTHOR:** John Greay, Manager Engineering Services  
**ATTACHMENTS:** Nil

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

For Council to consider water connection into Gardiner Street, Moora for townscaping purposes.

#### **BACKGROUND:**

The Moora Bowling Club were experiencing and incurring a lot of costs to maintain their previously grassed greens and decided to move away from this type of playing surface to one of synthetic grass. This has negated the use of the significant amount of water that they had required in the past.

#### **COMMENT:**

The Bowling Club have written offering the water service that currently feeds their facilities to the Shire of Moora as they are aware that Council is unable to expand its landscaping of the area east of the railway line.

We applied to the Water Corporation, some time ago about a service in Gardiner Street and the cost was in the vicinity of \$11,000. Consequently we never went ahead with the connection.

No further landscaping can take place without additional water being available. All water for the War Memorial, Centenary Park gardens, Public toilets and Gardiner Street Townscaping - between Clinch and Berkshire Valley Road comes from the War Memorial water meter. No more water is available from this service. For Council to be able to access this water, Water Corporation in Geraldton were contacted with the belief that a simple change of billing water to the Shire of Moora was all that was required. Unfortunately that is not the case. We have been advised that the water connection to the Bowling Club must remain in their name and their service will be reduced to reflect their current water usage and we can apply for a connection for streetscaping purposes in Gardiner Street. Our service will be no greater than a 20mm service which we are told is common for the intended use. Therefore to make application for this service now we have been quoted \$4,162 plus GST. This is a considerable reduction on our original quote but will be something that we will need to budget for in the new financial year.

#### **POLICY REQUIREMENTS:**

Nil



**LEGISLATIVE REQUIREMENTS:**

There are no known legislative requirements related to this item.

**STRATEGIC IMPLICATIONS:**

Strategically it is important to make Moora a desirable place in which to live and invest. It has been proven that attractive towns attract people and investment. It is therefore extremely important to continue with a townscapng programme throughout the townsite and it's imperative that the east side of the CBD isn't overlooked.

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

Aesthetic landscapes such as the projects that Council has previously undertaken have a positive impact on the environment.

➤ **Economic**

An increase in district and town investment through having a desirable place in which to live and do business will have a significant monetary outcome.

➤ **Social**

Social interaction between various organisations is enhanced in having attractive surroundings.

**FINANCIAL IMPLICATIONS:**

None in this financial year as it will need to be budgeted for in 2008-09.

**VOTING REQUIREMENTS**

Simple Majority Required

<b>COUNCIL RESOLUTION (OFFICER RECOMMENDATIONS)</b>
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**62/08 Moved Cr Pond, seconded Cr Hawkins that Council**

- 1. thanks the Moora Bowling Club for their generous offer of suggesting that council be allowed access to their water service but decline their offer based on advice from the Water Corporation;***

***And***

- 2. budgets for a water service in Gardiner Street, in the vicinity of the bowling club, in the 2008-09 year for a connection fee of approximately \$4,162 plus GST.***

**CARRIED     9/0**

## **11.4 COMMUNITY DEVELOPMENT**

### **11.4.1 TOWN PLANNING SCHEME NO 4 – DELEGATION OF POWERS**

**FILE REFERENCE:** TP/PTM11  
**REPORT DATE:** 7 March 2008  
**APPLICANT/PROPONENT:** Various  
**OFFICER DISCLOSURE OF INTEREST:** Nil  
**PREVIOUS MEETING REFERENCES:** Nil  
**AUTHOR:** Michael Prunster, Community Development Manager  
**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 Community Development Manager) 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 7 March 2008.

- **Mr Ian Lewis – Lewis Motors Moora - 92 Gardiner Street, Moora – Removal of existing Toyota signage and replace with new internally illuminated Toyota Corporate format signage Zoning – Town Centre, Value \$68,000 (Ref 21/0708)**
- **Mr Bruce & Mrs Sheryl Brown – Lot 90 Brown Street, Moora – Construction of 106.27m<sup>2</sup> Storage Shed, Zoning – Special Rural, Value \$11,000 (Ref 23/0708)**

#### **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

<b>COUNCIL RESOLUTION (MANEX RECOMMENDATION)</b>
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**63/08 Moved Cr Clydesdale-Gebert, seconded Cr McLagan that Council note the town planning applications approved under delegated authority.**

**CARRIED     9/0**

At 7.12pm Cr Clydesdale-Gebert declared a financial interest in item 11.4.2 as she has a framing business in direct competition with the proponent of the item and left the meeting.

#### **11.4.2 PLANNING APPLICATION – P.M. & R.R. MANNING**

**LOCATION:** Lot 23 Gardiner Street, Moora  
**OWNER:** P.M. & R.R. Manning  
**APPLICANT:** P.M. & R.R. Manning  
**ZONING:** Town Centre  
**FILE:** PA/43-1  
**PREVIOUS MEETING REFERENCE:** Nil  
**OFFICER DISCLOSURE OF INTEREST:** Nil  
**AUTHOR:** Michael Prunster, Manager Community Services  
**REPORT DATE:** 7 March 2008  
**ATTACHMENTS:** Nil

#### **PROPOSAL**

A Planning application has been received from Messrs P.N. & R.R. Manning who wish to lease their building at Lot 23 Gardiner Street to D.G. Cabinets who wish to conduct their existing cabinet manufacturing business of household furniture together with a showroom for display purposes of cabinets and picture frames.

#### **BACKGROUND**

The firm of D.G. Cabinets previously occupied the building on lot 72 Melbourne Street which is adjacent to Lot 23 Gardiner Street. The Melbourne Street Lot is also zoned Town Centre and the business of Moora Glass and D.G. Cabinets have been operating from that location for many years.

## **PLANNING FRAMEWORK**

The application requires Council approval under the Shire of Moora Town planning Scheme No 4, and under the scheme the business is classed as “Service Industry” because the business will be both manufacturing and retail.

Under the scheme the interpretation of service industry is:

*Industry - service: means a light industry carried out on land or in buildings which may have a retail shop front and from which goods manufactured on the premises may be sold; or land and buildings having a retail shop front and used as a depot for receiving goods to be serviced.*

*And*

- a) in which the processes carried on, the machinery used, and the goods and commodities carried to and from the premises will not cause any injury to, or will not adversely affect the amenity of the locality by reason of the emission of light, noise, electrical interference, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastewater or other waste products; and*
- b) the establishment of which will not or the conduct of which does not impose an undue load on any existing or projected service for the supply or provision of water, electricity, sewerage facilities, or any other like services.*

The zoning table of the Scheme indicates that this use is not permitted within the Town Centre unless the Council has granted planning approval.

## **PHYSICAL ASSESSMENT**

The Shop was previously occupied by a Supa Valu store, and following the relocation of that store to Roberts Street, the building has been vacant for approx 3-4 years. In that time, the Manning’s have exhausted all attempts to attract a retail store to the location. The shop has suffered vandalism attacks over this period, and the relocation of the Cabinet/showroom business will improve the aesthetics of the building by having full occupancy.

## **CONCLUSION**

The previous building occupied by D.G. Cabinets has been sold to the new proprietor of Moora Glass. There will be no change to the manufacturing operation in the new location and the Shire has never received any complaints regarding the operation from any adjoining owners in past years. D.G. Cabinets have been operating their cabinet/picture framing business in Moora for several years and have established a name for excellent craftsmanship. The business is an asset to Moora and District and it is recommended that Council approve the application subject to the following conditions under the classification of a “service industry”:-

- Payment of planning application fee of \$123.00
- Installation of control measures for the control of dust emission and noise control so as not to cause a nuisance to adjoining businesses and residents in accordance with the Department of Environment regulations.

## **VOTING REQUIREMENTS**

Simple majority

**COUNCIL RESOLUTION  
(OFFICER RECOMMENDATION)**

**64/08 Moved Cr McLagan, seconded Cr Tonkin that Council approve the planning application from Messrs P.M. & R.R. Manning on behalf of D.G. Cabinets to relocate their showroom and household furniture manufacturing business to Lot 23 Gardiner Street Moora subject to the following conditions:**

- **Payment of planning application fee of \$123.00**
- **Installation of control measures to prevent dust emission and noise control so as not to cause a nuisance to adjoining businesses and residents in accordance with the Department of Environment regulations.**

**CARRIED 8/0**

At 7.13pm Cr Clydesdale-Gebert rejoined the meeting.

## **11.5 ENVIRONMENTAL DEVELOPMENT**

### **11.5.1 MOSQUITO CONTROL – EXPENDITURE NOT INCLUDED IN ANNUAL BUDGET**

**FILE REFERENCE:** F/BUDI  
**REPORT DATE:** 10 March 2008  
**APPLICANT/PROPONENT:** Preventive Services - Health  
**OFFICER DISCLOSURE OF INTEREST:** Nil  
**PREVIOUS MEETING REFERENCES:** Nil  
**AUTHOR:** Michael Prunster, Manager Community Services  
**ATTACHMENTS:** Nil

**PURPOSE OF REPORT:**

Council confirmation of urgent expenditure not included in annual budget authorised by Shire President under section 6.8 of the Local Government Act 1995.

Expenditure required to replace non operational foggers used for mosquito control.

**BACKGROUND:**

Council provides a small budget each year for fogging of mosquitos when necessary following summer rains. The budget provided in the current budget is \$450.00.

We have received numerous complaints from residents, and our Ranger has been waiting for the strong winds to abate to carry out fogging. He endeavoured to commence the programme on Monday evening 25/2/08, but the current machine we use has decided to call it a day, and did not function correctly.

The machine in use is a portable apparatus and has been in use for over 12-13 years. The cost of repairs would not be economical, so we requested permission from the Shire President to replace the machine with new apparatus under section 6.8 of the L.G. Act 1995.

The current practice of operation of this machine requires two staff members to be present, and a lot of the time is spent having to walk into areas with the machine. This is very time consuming and also considered not very economical. Discussions between the Manager Engineering Services, the Ranger and myself recommended that we purchase two new foggers, one of which is a vehicle mounted fog generator which can be controlled by one staff member and operated from inside the utility cab thus alleviating the problem of getting in & out of the vehicle. The other machine recommended is a portable fogger which is used mainly for functions like the Moora Country Campout and other areas where the access by the vehicle mounted fogger is restricted. The use of a vehicle mounted fogger will save staff and time performing the work.

A quote was obtained from David Grays, totalling \$6,650 incl GST, whilst a quote from local supplier Landmark totalled \$7,969.50 incl GST. Because of the urgency in getting the foggers and Council's recognised preference to shop local a decision was made to obtain the foggers from Landmark.

The quotation details are:-

Portable Fog Generator -	\$2,359.50 (incl GST)
Vehicle Mounted Fog Generator -	\$5,610.00 (incl GST)

Total \$7,969.50 (incl GST)

(Net cost excl. GST \$7,245.00)

**COMMENT:**

From a health point of view the fogging programme is considered urgent and essential to combat Ross River Virus and other mosquito associated diseases.

It is recommended that Council confirms the purchase of the two replacement fogger machines to enable the mosquito fogging programme to continue.

**POLICY REQUIREMENTS:**

Nil

**LEGISLATIVE REQUIREMENTS:**

Section 6.8 Local Government Act 1995 – Emergency unbudgeted expenditure.

**STRATEGIC IMPLICATIONS:**

There are no known strategic implications associated with this proposal.

**SUSTAINABILITY IMPLICATIONS:**

➤ **Environment**

Fogging programme required to control mosquito presence and prevent the spread of Ross River Virus and associated diseases.

➤ **Economic**

The purchase of the vehicle mounted fogger will decrease the need for two staff members' involvement in the programme.

➤ **Social**

Provide relief from the mosquito nuisance for residents of the Shire.

**FINANCIAL IMPLICATIONS:**

In the current 2007-08 Budget there is an amount listed under “*Animal Control – Upgrade Dog Pound – Provide 4 Kennels - \$10,000.*”, so it is proposed that the funding for the foggers be accounted for from this budget as the pound upgrade has not been commenced. The balance remaining from this budget could still be used to purchase some of the materials for the kennels in preparation for the work.

**VOTING REQUIREMENTS**

Absolute Majority Required

**COUNCIL RESOLUTION  
(OFFICER RECOMMENDATIONS)**

**65/08 Moved Cr Pond, seconded Cr McLagan that Council**

1. **confirm the actions of the Shire President in authorising the purchase of two replacement foggers at a cost of \$7,969.50 incl GST and the funding to be allocated from the unspent budget of the “Upgrade Dog Pound – Provide 4 Kennels,” account number 30601.**
2. **authorise the Chief Executive Officer to amend the 2007-08 Budget to reflect the purchase of 2 foggers as follows:**
  - **Reduce schedule 5 a/c 30601 (upgrade Pound) by \$7,245 to \$2,755**
  - **Increase schedule 7 a/c new (Mosquito Control) by \$7,245 to \$7,245**
3. **allocate \$2,755 to Upgrade Dog Pound in the 2008/09 draft budget.**

**CARRIED BY ABSOLUTE MAJORITY 9/0**

**Note:** Council added point 3 to the officer recommendation to ensure that the Upgrade to the Dog Pound is considered in the 2008/09 budget deliberations.

**11.6 ECONOMIC DEVELOPMENT****11.6.1 LEASE OF 39 KEANE STREET, MOORA**

**FILE REFERENCE:** ED/DEC 1  
**REPORT DATE:** 4 March 2008  
**APPLICANT/PROPONENT:** Nil  
**OFFICER DISCLOSURE OF INTEREST:** Nil  
**PREVIOUS MEETING REFERENCES:** Briefing Session 14/11/07  
**AUTHOR:** Eddie Piper, Acting Chief Executive Officer  
**ATTACHMENTS:** Moora Dental Clinic Report - Confidential

**PURPOSE OF REPORT:**

Council to authorise the Chief Executive Officer to enact the provision of the Local Government Act Section 3.58 in regard to the Disposal of Assets.

**BACKGROUND:**

A lease has been entered into by Council, without a Council resolution, for 39 Keane Street Moora to a Dentist Dr Gary Mack.

This Lease was for a 6 month period from 10 May 2007 to 10 November 2007. The Lessee has sought to have a new lease for two (2) years under similar terms for a further seven (7) months to 11 June 2008. The 'current' lease allows for a rent free status.

The lessee has submitted a request for the extension of the current lease however as his lease is not valid a new lease should be entered into between the Shire of Moora and Dr Gary Mack.

**COMMENT:**

The original lease expiring on 10 November 2007 was not valid as the requirements of the Local Government Act 1995 Section 3.58 were not followed and therefore an extension of that lease is also not valid.

The solution is to enter into a new lease with Dr Gary Mack and abide with the requirements of Local Government Act 1995 Section 3.58.

The terms in relation to rental could be as follows:-

- i) 1 January 2008 to 30 June 2008      Rent Free
- ii) 1 July 2008 to 31 December 2009      \$35 per week
- The rental to be reviewed at each option.
- Rent increase by CPI Perth on 1 January 2009 and on 1 January each year thereafter.

Dr Mack has indicated that he would seek Council to carry all costs including:-

- Legal costs
- Valuation costs
- Rates (water & house)
- Electricity
- Water Usage
- Gas (if connected)
- Landscaping
- Maintenance (Routine annual & structural)
- Pest control
- Any other costs associated with the lease of the surgery and house

The Local Government Act 1995 Section 3.58 reads as follows:-

*“Disposing of Property*

*Section 3.58*

*(1) In this section –*

*“dispose” includes to sell, lease, or otherwise dispose of, whether absolutely or not;*



*“property” includes the whole or part or any part of the interest of a local government in Property, but does not include money.*

- (2) *Except as stated in this section, a local government can only dispose of Property to –*
- (a) the highest bidder at public auction: or*
  - (b) the person who at public tender called by the local government makes what is, in its opinion of the local government, the most acceptable tender, whether or not it is the highest tender.*
- (3) *A local government can dispose of Property other than under subsection (2) if, before agreeing to dispose of the property –*
- (a) it gives Local public notice of the proposed disposition –*
    - (i) describing the property concerned*
    - (ii) giving details of the proposed disposition; and*
    - (iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;*
- and*
- (b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the Council of a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*
- (4) *The details of a proposed disposition that are required by subsection (3)(a)(ii) include-*
- (a) the names of all other parties concerned;*
  - (b) the consideration to be received by the local government for the disposition; and*
  - (c) the market value of the disposition as ascertained by a valuation carried out not more than 6 months before the proposed disposition”.*

It can be seen that Disposal includes lease and zero consideration does not exempt a disposal from complying with the Local Government Act 1995.

The dentist wishes to lease the surgery and house and is happy with the CPI Perth adjustment to the weekly rental.

It is estimated that the weekly rental would be in the order of \$800 per week.

#### **POLICY REQUIREMENTS:**

Nil

#### **LEGISLATIVE REQUIREMENTS:**

Local Government Act 1995 Section 3.58

#### **STRATEGIC IMPLICATIONS:**

The Shire of Moora’s Strategic Plan goals and strategies outlines to maintain, improve and increase community facilities and services.

**SUSTAINABILITY IMPLICATIONS:**

- **Environment**  
There are no known significant environmental implications associated with this proposal.
- **Economic**  
There are no known significant economic implications associated with this proposal.
- **Social**  
The continuation of a Dental Practice in Moora is of great benefit to the community.

**FINANCIAL IMPLICATIONS:**

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

**VOTING REQUIREMENTS**

Simple Majority Required

**COUNCIL RESOLUTION  
(OFFICER RECOMMENDATIONS)**

**66/08 Moved Cr Clydesdale-Gebert, seconded Cr Hawkins that Council**

1. **authorise the Chief Executive Officer to advertise Lease Agreement between the Shire of Moora and Dr Gary Mack of 15 Orana Crescent, Ocean Beach Western Australia for 39 Keane Street Moora WA 6510 with an advertising period of 14 days in accordance with Section 3.58(3)(a)(iii) of the Local Government Act 1995.**
2. **provided there are no submissions received within the 14day advertising period, authorise the Shire President and Acting Chief Executive Officer to enter into a new lease agreement between the Shire of Moora and Dr Gary Mack of 15 Orana Crescent, Ocean Beach Western Australia for 39 Keane Street, Moora Western Australia 6510 under the following conditions:-**
  - a) **Lease to commence 1 January 2008**
  - b) **Rental amount as follows:-**
    - **1 January 2008 to 30 June 2008 Rent Free**
    - **1 July 2008 to 31 December 2008 \$35 per week adjusted by CPI 1 January each year.**
  - c) **Term of the lease to be 2 years with three options being;**
    - 3 years**
    - 3 years**
    - 2 years**
3. **authorise the Shire President and Chief Executive Officer to sign and affix the Common Seal of the Shire of Moora in accordance with Standing Orders Local Law to the documentation necessary to enact the lease on 39 Keane Street, Moora Western Australia 6510.**

**CARRIED 9/0**

## **11.6.2 LEASE LOT 41 DRUMMOND STREET MOORA**

**FILE REFERENCE:** L/LEA1  
**REPORT DATE:** 10 March 2008  
**APPLICANT/PROPONENT:** Access Alliance  
**OFFICER DISCLOSURE OF INTEREST:** Nil  
**PREVIOUS MEETING REFERENCES:** Nil  
**AUTHOR:** Eddie Piper, Acting Chief Executive Officer  
**ATTACHMENTS:** Camp layout plan & staff quarters plan  
Various emails

### **PURPOSE OF REPORT:**

Council to consider the leasing of Lot 41 Drummond Street (cnr Drummond & Lefroy Streets) Moora, either whole or in part, to Access Alliance and establish terms and conditions.

### **BACKGROUND:**

Council has been approached by Access Alliance to lease Lot 41 Drummond Street (either whole or partial) for the purpose of establishing a workers camp for a period of approximately two years (duration of construction and repair of Great Northern Highway between Muchea and Wubin).

### **COMMENT:**

On 25 February 2008 Council officers and three elected members met Mr Lou Hiemstra of Access Alliance to discuss the possibility of the land at Lot 41 Drummond Street being utilised for a workers camp consisting of sixty four units (possibly more later) and a major mess/kitchen facility catering for one hundred people.

Access Alliance inspected the site and was very interested.

An email was received from Access Alliance on Friday, 29 February 2008 (attachment). There were also several other emails received dated 5 and 6 March 2008 which are relevant.

The Acting Chief Executive Officer met with Kylie Brierty and the Manager, Mr Mark Sutton on Monday, 10 March 2008 at 7.00am and established that there is some urgency to the project.

The Local Government Act 1995 requires certain procedures to be followed in order to 'dispose of an asset' (includes leasing) by private treaty including a valuation and agreed consideration to be received. A valuation is being undertaken and officers have been assured that a valuation will be in Council's hands by Wednesday, 19 March 2008.

Council has the power under the Local Government Act 1995, Section 5.42 and 5.43 to delegate to the Chief Executive Officer the ability to dispose of an asset provided it does not exceed an amount determined by Council for the purpose of establishing the delegation.

The land in question is held freehold by the Shire of Moora and may be used for Municipal Purposes and can be leased to a third party. The term Municipal Use is very general and the Acting Chief Executive Officer believes the purpose for which

Council is seeking to lease the property would comfortably fit this use. This being the case Council now needs to consider the parameters of any lease. Issues to be considered are:-

- i. Consideration:  
Access Alliance have indicated a 'peppercorn lease', however the Acting Chief Executive Officer indicated at the meeting on 10 March 2008 that this was unrealistic and a figure at close to the valuation was more likely to be acceptable.
- ii. Term:  
The Acting Chief Executive Officer believes a two year term with the ability to continue on a monthly basis provided the extended period is no more than six months and/or an option period of a further two years.
- iii. Site:  
To be offered to Access Alliance on an 'as is' state on commencement, with all improvements the responsibility of Access Alliance and at no cost to the Shire of Moora.
- iv. Termination:  
The site to be left clear of infrastructure installed by Access Alliance unless agreed to in writing by the Shire of Moora for all or part of the infrastructure to remain. (Access Alliance have indicated the accommodation units will be leased/rented and therefore not their property).
- v. Outgoings:  
Access Alliance to be responsible for all rates, taxes, insurances and any other outgoing applicable to the whole (Lot 41) site for the duration of the lease.
- vi. Car Parking:  
Car parking sited and treated to the satisfaction of Council.

The Local Government Act 1995, Section 5.43 (a) reads as follows;

In order to allow the disposal to proceed without delay Council needs to determine an amount or percentage of the valuation which the Acting Chief Executive Officer can accept. Further, the Local Government Act 1995, Section 3.58 (3)(a)(iii); requires the calling of submissions regarding the 'disposal' for a period of least fourteen days.

The Acting Chief Executive Officer is seeking Council approval that if no submissions are received then the Acting Chief Executive Officer may proceed with the lease provided all previously mentioned parameters are achieved.

#### **POLICY REQUIREMENTS:**

Affixing the Common Seal of the Shire of Moora in accordance with the Standing Orders Local Laws to any documentation necessary to enact the lease of Lot 41 Drummond Street Moora, 6510.

#### **LEGISLATIVE REQUIREMENTS:**

Section 3.58 of the Local Government Act 1995 relating to the disposal of local government property.

Sections 5.42 and 5.43 of the Local Government Act 1995 to delegate to the Chief Executive Officer the ability to dispose of an asset provided it does not exceed an amount determined by Council for the purpose of establishing the delegation.

**STRATEGIC IMPLICATIONS:**

The Shire of Moora's Strategic Plan outlines in the Key Result Area 'Growth'; The goal to attract increased population and investment, to realise our brilliant opportunities and diversify our region's employment and economic base.

The leasing of an asset currently not required by the Shire of Moora, thus allowing business operators to establish within the Moora townsite.

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

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

**➤ Economic**

There are potential economic implications associated with this item including economic growth for the local community as well as attracting a new labour force to Moora.

**➤ Social**

There are possible social implications associated with this proposal through encouraging new investment or growth of existing businesses which benefit the community at large.

**FINANCIAL IMPLICATIONS:**

Financial implications include the unbudgeted income from the proceeds of a commercial lease and ongoing rate income throughout the duration of the agreement.

**VOTING REQUIREMENTS**

Absolute Majority Required

**OFFICER RECOMMENDATIONS**

*That Council;*

- 1. Determine that for the purpose of Disposing of Lot 41 Drummond Street Moora 6510 delegate under the Local Government Act 1995, Section 5.42 and Section 5.43 to the Acting Chief Executive Officer the authority to lease that land for no less than 75% of the sworn valuation determined by a properly qualified valuer.*
- 2. Authorise the Acting Chief Executive Officer to advertise a lease agreement between the Shire of Moora and Access Alliance, 65 Kurnell Road Welshpool 6106 for the whole or part of Lot 41 Drummond Street, Moora 6510 with an advertising period of fourteen days in accordance with the Local Government Act 1995, Section 3.58(3)(a)(iii).*
- 3. Provided that there are no submissions received within the fourteen day advertising period authorise the Shire President and Chief Executive Officer to enter into a lease agreement between the Shire of Moora and Access Alliance, 65 Kurnell Road Welshpool 6106 for the whole or part of Lot 41 Drummond Street Moora 6510 under the following conditions:*

- a) *Lease two year period with provision for monthly lease after two years for no longer than six months under the same conditions as with a two year option.*
  - b) *Rental to be 75% of market value with a CPI Perth adjustment after each year.*
  - c) *Access Alliance pay all outgoings for the term of the lease.*
  - d) *Car parking sited and treated to the satisfaction of Council.*
4. *Authorise the President and Acting Chief Executive Officer to sign and affix the Common Seal of the Shire of Moora in accordance with Standing Orders Local Laws to any documentation necessary to enact the lease of Lot 41 Drummond Street Moora 6510.*

## **COUNCIL RESOLUTION**

**67/08 Moved Cr McLagan, seconded Cr Tonkin that Council;**

1. ***Authorise the Acting Chief Executive Officer to advertise a lease agreement between the Shire of Moora and Access Alliance, 65 Kurnell Road Welshpool 6106 for the whole or part of Lot 41 Drummond Street, Moora 6510 with an advertising period of fourteen days in accordance with the Local Government Act 1995, Section 3.58(3)(a)(iii).***
2. ***Provided that there are no submissions received within the fourteen day advertising period authorise the Shire President and Chief Executive Officer to enter into a lease agreement between the Shire of Moora and Access Alliance, 65 Kurnell Road Welshpool 6106 for the whole or part of Lot 41 Drummond Street Moora 6510 under the following conditions:***
  - a) ***Lease two year period with provision for monthly lease after two years for no longer than six months under the same conditions as with a two year option.***
  - b) ***Rental to be \$1,000 per month with a CPI Perth adjustment after each year.***
  - c) ***Access Alliance pay all outgoings for the term of the lease.***
  - d) ***Car parking sited and treated to the satisfaction of Council.***
3. ***Authorise the President and Acting Chief Executive Officer to sign and affix the Common Seal of the Shire of Moora in accordance with Standing Orders Local Laws to any documentation necessary to enact the lease of Lot 41 Drummond Street Moora 6510.***

**CARRIED BY ABSOLUTE MAJORITY 9/0**

**Note:** Prior to consideration of this matter the Chief Executive Officer tabled a confidential market valuation of the lease value of 41 Drummond Street from Bell McMillan and Associates and an email from Access Alliance regarding a number of questions. As the market valuation was to hand, point 1 of the Officer's recommendation was no longer relevant and Council adjusted item 2b) accordingly to reflect the market rent.

Cr Clydesdale-Gebert declared an impartiality interest in item 11.6.3 as she is the owner of the land at Lot 213 Melbourne Street, Moora which is within the same industrial subdivision however not adjacent.

When Council considered this item on the 5<sup>th</sup> March 2008 an error occurred in the recommendation referring to Tender 1/2008 and Lots 403-414 Gardiner Street, Moora.

### **11.6.3 TENDER 2/2008 – DISPOSAL OF LOT 211 MELBOURNE STREET MOORA**

**FILE REFERENCE:** L/TEN1  
**REPORT DATE:** 11 March 2008  
**OFFICER DISCLOSURE OF INTEREST:** Author has no financial interest in this item  
**PREVIOUS MEETING REFERENCES:** 23/1/08 (15/08), 20/2/08 (30/08), 5/3/08 (41/08)  
**AUTHOR:** Rebecca McCall, Manager Economic Development  
**ATTACHMENTS:** Tender Document 2/2008

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

Adopt prepared tender document 2/2008 for the disposal of Lot 211 Melbourne Street Moora.

#### **BACKGROUND:**

Council resolved at their Ordinary Meeting of Council on 23 January 2008 that Council:

- 15/08 “sells Lot 211 Melbourne Street Moora to a willing buyer for no less than the recommended market value, exclusive of GST.  
 And  
 “offers Lot 211 Melbourne Street Moora for sale by public tender.*

The Manager Economic Development has been liaising with WALGA Services in the development of the tender documentation. Unfortunately the initial draft tender document not was received at the close of the agenda (for Ordinary Council dated 20<sup>th</sup> February 2008).

In order to progress the matters in a timely manner it was resolved that a tender selection panel (with no delegated authority) be created to review the tender documentation and that a special meeting be convened at which the tender documents could be considered by Council.

Council resolved at their Ordinary Meeting of Council on 20 February 2008 that Council:

- 30/08 1. not accept the tender documents as tabled at today’s meeting for the sale by public tender of Lots 404-413 Gardiner Street Moora and Lot 211 Melbourne Street Moora.  
 2. appoints a Tender Selection Panel (with no delegated authority) comprising of Councillors Bryan and Keamy along with the Chief Executive Officer and Manager Economic Development to initially review the tender documentation prior to adoption of Council and after the calling of tenders to assess the tenders received for recommendation to Council.*

3. *holds a Special Meeting of Council on the 5<sup>th</sup> March 2008 to commence at 6.00pm to accept the revised tender document and to consider the calling of tenders.*

The tender document was not finalised by WALGA services until the day of the Special Meeting, thus not allowing Councillors or Manex the opportunity to peruse the document.

*4/1/08 Moved Cr Hawkins, seconded Cr Clydesdale-Gebert that the item lay on the table until the next meeting of Council on 19 March 2008 to allow Council time to peruse the tender document.*

**COMMENT:**

The tender document has been reviewed by the Acting Chief Executive Officer, Manager Economic Development and Mr Stephen White, WALGA representative.

The tender document specifies the requirements the tenderer shall include in their tender submission and include their offer price, summary of their proposed development and timeframes. The tender will be assessed against the selection criteria.

**POLICY REQUIREMENTS:**

Complying with Council's policy in regards to the calling of tenders.

**LEGISLATIVE REQUIREMENTS:**

Section 3.58 of the Local Government Act 1995 relating to the disposal of local government property.

**STRATEGIC IMPLICATIONS:**

The Shire of Moora's Strategic Plan outlines in the Key Result Area 'Growth' the goal to attract increased population and investment, to realise our brilliant opportunities and diversify our region's employment and economic base.

The disposal of an asset no longer required by the Shire of Moora, thus allowing potential business operators to establish within Moora's town centre.

**SUSTAINABILITY IMPLICATIONS:**

- **Environment**  
There are no known significant environmental implications associated with this proposal.
- **Economic**  
There are potential economic implications associated with this item including economic growth for the local community as well as attracting a possible new labour force to Moora.
- **Social**  
There are potential social implications associated with this proposal through encouraging potential new investment or growth of existing businesses, which benefit the community at large.



**FINANCIAL IMPLICATIONS:**

Financial implications include the unbudgeted income from the proceeds of sale of the land and ongoing rate income from a potential development.

**VOTING REQUIREMENTS**

Simple Majority Required

<b>COUNCIL RESOLUTION (OFFICER RECOMMENDATIONS)</b>
---

**68/08 Moved Cr Pond, seconded Cr Tonkin that Council;**

1. **Accept the tender document 2/2008 as tabled at today's meeting for the sale by public tender of Lot 211 Melbourne Street Moora.**
2. **Consider the calling of tender 2/2008.**

**CARRIED 9/0**

Cr Clydesdale-Gebert declared an impartiality interest in item 11.6.4 as she is a financial member of Moora Health and Fitness.

#### **11.6.4 MOORA HEALTH & FITNESS – CORPORATE MEMBERSHIP FEE**

**FILE REFERENCE:** BA/MGYI

**REPORT DATE:** 12 March 2008

**OFFICER DISCLOSURE OF INTEREST:** Author has no financial interest in this item

**PREVIOUS MEETING REFERENCES:** 222/07 (28/11/07), 31/08 20/02/08)

**AUTHOR:** Rebecca McCall, Manager Economic Development

**PURPOSE OF REPORT:**

For Council to consider the introduction of Corporate Gym Membership in order to increase the membership base of Moora Heath & Fitness.

**BACKGROUND:**

The 2008/09 adopted budget allocated funds for the development of a gymnasium facility in Moora now referred to as Moora Health & Fitness.

The development was completed and opened on 4 February 2008 seeing the employment of a full time qualified Gym Instructor.

The business plan developed for the facility detailed the membership base for the gym. The membership base incorporated individuals and sporting clubs utilising a several option periods.

To ensure the success of Moora Health & Fitness, Gym Management is required to continually develop market strategies to grow its membership base.

**COMMENT:**

A marketing strategy for Council's consideration is the introduction of Corporate Membership. The membership would be made available to corporate bodies within the Shire of Moora. Membership conditions would consist of:

- A minimum of ten employees within a corporate body to become members in order for the corporate rate to apply.
- A minimum of six or twelve month memberships options to be purchased.

The Corporate rate would consist of:

- 20% discount of the normal priced 12 month membership options
- 20% discount of the normal priced 6 month membership options

<u>Six Month (Normal Rate)</u>		<u>Six Month (Corporate Rate)</u>	
Gym	\$273		\$218
Group Fitness	\$189		\$151
Combination	\$378		\$302
<u>Twelve Month (Normal Rate)</u>		<u>Twelve Month (Corporate Rate)</u>	
Gym	\$468		\$374
Group Fitness	\$324		\$259
Combination	\$648		\$518

#### **POLICY REQUIREMENTS:**

Nil

#### **LEGISLATIVE REQUIREMENTS:**

The Local Government Act 1995, Section 6.19 requires new fees and charges to be advertised.

#### **STRATEGIC IMPLICATIONS:**

In accordance with Moora's Strategic Plan under the Key Result Area of "Infrastructure", Goal one outlines; maintain, improve and increase community facilities and services. This item relates to increasing community facilities and services.

#### **SUSTAINABILITY IMPLICATIONS:**

- **Environment**  
There are no known significant environmental implications associated with this proposal.
- **Economic**  
Economic implications include the income generated through corporate memberships.
- **Social**  
The option of corporate membership will enhance the wellbeing and fitness of club players.

#### **FINANCIAL IMPLICATIONS:**

Financial implications include unbudgeted income through club memberships.

#### **VOTING REQUIREMENTS**

Absolute Majority Required

**COUNCIL RESOLUTION  
(OFFICER RECOMMENDATIONS)**

**69/08 Moved Cr Hawkins, seconded Cr Pond that Council:**

**1. adopts a “Corporate Membership Fee” of:-**

**Six Month**

**Gym \$218**

**Group Fitness \$151**

**Combination \$302**

**Twelve Month**

**Gym \$374**

**Group Fitness \$259**

**Combination \$518**

- 2. advertises the new fee in accordance with S6.19 of the Local Government Act 1995.**
- 3. adopts the Corporate Membership terms and conditions set by Gym Management.**
- 4. allows the new fee to be effective as of Monday, 7 April 2008.**
- 5. review the new fee as part of the 2008/09 budget process.**

**CARRIED BY ABSOLUTE MAJORITY 9/0**

**11.7 SPORT AND RECREATION**

**11.7.1 “BE ACTIVE COORDINATOR” – FEBRUARY REPORT 2008**

**FILE REFERENCE:** BA/REPI

**REPORT DATE:** 7 March 2008

**OFFICER DISCLOSURE OF INTEREST:** Nil

**PREVIOUS MEETING REFERENCES:** 23/1/08 (12/08), 12/12/07 (234/07),  
28/11/07 (222/07), 24/10/07 (210/07), 20/2/08 (32/08)

**AUTHOR:** Jenny O’Brien, Be Active Coordinator

**ATTACHMENTS:** Be Active Report – February 2008

**PURPOSE OF REPORT:**

Reporting period of February 2008 from the Be Active Coordinator for Council information and acknowledgment.

**BACKGROUND:**

It is current practice for the Be Active Coordinator (B.A.C.) to periodically provide Council with a report to date of programmes and activities carried out during the current financial year.

**COMMENT:**

The report prepared by Ms Jenny O'Brien, Be Active Coordinator, covers programmes and activities that have been carried out within the two participating Shires (Moora and Victoria Plains).

The report has also been provided to the other participating shires.

**POLICY REQUIREMENTS:**

Nil

**LEGISLATIVE REQUIREMENTS:**

There are no known legislative requirements related to this item.

**STRATEGIC IMPLICATIONS:**

Continued activities through this programme within each participating Council are of great benefit to the residents and youth of these Districts, which without this sponsorship the projects would not normally be available to them.

**SUSTAINABILITY IMPLICATIONS:**

- **Environment**  
The outdoor activities participants awareness of the environment and creates a better environmental outlook on the life of the people involved.
- **Economic**  
Participants contribute to the cost of certain programmes.
- **Social**  
The programmes organised by the B.A.C. have a healthy impact on the social and cultural activities of young and old residents of the Shires involved.

**FINANCIAL IMPLICATIONS:**

The two Shires participating in the programme fund the programmes on a percentage basis.

**VOTING REQUIREMENTS**

Simple Majority Required

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

***70/08 Moved Cr Pond, seconded Cr Bryan that Council notes and receives the Be Active Report for the period ended February 2008.***

**CARRIED 9/0**

**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 two late items dealing with

1. Planning Application – A & J Taylor Transport Depot Bindi Bindi, and
2. Planning Application – C.B.H. Reveal Point Moora

for Council's consideration.

**COUNCIL RESOLUTION**

**71/08 Moved Cr Tonkin, seconded Cr Clydesdale-Gebert that Council consider the two late items as tabled by the Chief Executive Officer titled "Planning Application – A & J Taylor Transport Depot Bindi Bindi", and "Planning Application – C.B.H. Reveal Point Moora".**

**CARRIED            9/0**

**13.1 PLANNING APPLICATION – A & J TAYLOR TRANSPORT DEPOT BINDI BINDI**

**LOCATION:** Lot 50 Gt Northern Highway Bindi Bindi

**OWNER:** A. & J. Taylor

**APPLICANT:** A. & J. Taylor

**PREVIOUS MEETING REFERENCES:** 28 November 2007 (215/07), 20 February 2008 (28/08)

**OFFICER DISCLOSURE OF INTEREST:** Nil

**ZONING:** Farming

**FILE:** TP/BTBI

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

**REPORT DATE:** 18 March 2008

**ATTACHMENTS:** Copy of letter of objection from Messrs A. & J. Taylor & Site location map.

**PROPOSAL**

To consider the objections from Messrs A. & J. Taylor relating to the following conditions imposed on planning application approved on the 25/2/2008:-

- Washing of stock crates is not permitted on site
- Unwashed stock crates are not to be stored on site.

**BACKGROUND**

Council considered the planning application for the operation of a Transport Depot at Lot 50 Gt. Northern Highway Bindi Bindi at their meeting held on 20 February 2008 and passed the following resolution: -

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

*28/08 Moved Cr Hawkins, seconded Cr Barrett-Lennard that*

- 1). Council receives the schedule of submissions received during the advertising period for the proposed development on Lot 50 Great Northern Highway, Bindi Bindi and adopts the response therein, as per attached.*

2). *Having complied with the requirements of the Shire of Moora Town Planning Scheme No 4, section 7.3 & 7.4, and after giving due consideration of the submission received, agrees to approve the planning application subject to the following conditions:-*

- *The proposed development as approved by the Shire is to be completed within two years of the purchase of the Property;*
- *The construction of the proposed Shed, Shelters and Residence are subject to the lodgement of a building application for approval by the Shire's Manager Health & Planning Services, and must be completed within the timeframe provided for by the relevant building licence;*
- *The minimum setback requirements for buildings constructed on the lot is: -  
Front 20m  
Rear 15m  
Side 15m*
- *There is to be minimum clearance of Native Vegetation from the Lot.*
- *Washing of stock crates is not permitted on the site.*
- *Unwashed stock crates are not to be stored on site.*
- *There is to be no disposal of manure waste on site.*
- *Noise and dust levels to be kept to a minimum to reduce impact of activities on neighbouring residents.*
- *Storage of fuel and construction of adequate Bunding in accordance with the requirements, or the approval of, the Department of Mineral and Petroleum Resources.*
- *That all access and egress should be designed and constructed in accordance with Main Roads WA specifications.*
- *That signage needs to be erected in accordance with Main Roads policy, of the Lot entry and exit locations to the property to ensure road safety requirements on entering and exiting the highway. This should be undertaken at the applicant's cost.*

CARRIED      8/0

(These conditions were set by Council at their meeting held on the 28 November 2007 subject to consideration of submission/comments following the advertising period. Applicants were also advised of proposed conditions in a letter dated 25 May 2007)

Mr & Mrs Taylor have indicated that they are happy with all the conditions other than the two listed in their objection. These two conditions were placed by Council as it has been the practice with similar applications in the past, and although the zoning is "farming" the location is within 330m of the Bindi Bindi townsite residents. The Department of Environment Guidance for the Assessment of Environmental Factors list the following separation distances between the development and sensitive land uses for this type of business operation:-

<i>Transport Vehicles Depot (buses, trucks &amp; other heavy vehicles)</i>	<i>200m</i>
<i>Composting (incl manures) (mixed manures, food waste &amp; green waste)</i>	<i>150m-500m</i>

Mr & Mrs Taylor have stated in their letter that they intend to install a small wash down facility for their own use, and advise that it will be constructed to comply with best industry practice to contain all solids and fluids within a designated area, and dispose of any residue on a regular basis. (It should be noted that in previous discussions with Mr Taylor this process was not intended).

Following the advertising period (10 January 2008) Council considered two submissions from residents of Bindi Bindi supporting the application but requesting that the applicants adhere to the two conditions relating to the storing and washing of stock crates.

### **PLANNING FRAMEWORK**

The operation of a transport depot under “farming” zoning is an “SA” use under the Town Planning Scheme Zoning Table, which means that the use is not permitted unless the Council has granted planning approval after giving notice in accordance with clause 7.3.

#### **4.3 Discretion to Modify Development Standards:**

##### **4.3.1 Sub-clause 4.3.2 shall not apply to:**

- a) development in respect of which the Residential Planning Codes apply under the Scheme, or
- b) development on land abutting an unconstructed road, or
- c) development on a lot which does not have frontage to a constructed road.

##### **4.3.2 Subject to sub-clause 4.3.1, if a development the subject of an application for planning approval does not comply with a standard prescribed by the Scheme with respect to minimum lot sizes, building height, setbacks site coverage, car parking, landscaping and related matters the Council may, notwithstanding that non-compliance, approve the application unconditionally or subject to such conditions as the Council thinks fit. The power conferred by this clause may only be exercised if the Council is satisfied that:**

- a) approval of the proposed development would be consistent with the orderly and proper planning of the locality and the preservation of the amenities of the locality;
- b) the non-compliance will not have any adverse effect upon the occupiers or users of the development or the inhabitants of the locality or upon the likely future development of the locality; or

### **PHYSICAL ASSESSMENT**

Minor environmental implications associated with this proposal were referred to in the conditions of approval.

### **CONCLUSION**

The applicants have indicated their desire to adhere to developing a pleasant environment, and have stated that they will follow various steps to prevent odour nuisance to local residents. The establishment of the wash down area at approximate 300m from the nearest residence and limit on the amount of manure storage should prevent any odour nuisance.

It is recommended that Council uphold the objection to the two conditions and make an amendment to these conditions as follows:-

That Council amends the following conditions as listed on Planning Approval 10/708 dated 25/2/08 by deletion of:-

- *Washing of stock crates is not permitted on the site.*
- *Unwashed stock crates are not to be stored on site.*

#### **AND AMENDING TO**

- *Installation of a wash down facility located on the far South West corner of Lot 50 Gt. Northern Highway Bindi Bindi as indicated on the attached plan (i.e.: 300m from nearest residence), and the wash down bay to comply with industry standards as stated in submission and approved by the Shire of Moora Chief Executive Officer.*

- *Stock crates to be washed in wash down facility only, with the disposal of any residue to occur on a regular basis.*
- *The maximum amount of manure storage from the wash down facility is not to exceed 3m<sup>3</sup> and must be disposed of in a manner acceptable to the Shire of Moora Chief Executive Officer.*
- *Storage of unwashed stock crates are to be located within the immediate area of the wash down bay, and storage is not to exceed a period of 24 hours.*

## **VOTING REQUIREMENTS**

Absolute Majority Required

## **MANEX RECOMMENDATION**

*That Council amends the following conditions as listed on Planning Approval number 10/0708 dated 25/2/08 by deletion of:-*

- *Washing of stock crates is not permitted on the site.*
- *Unwashed stock crates are not to be stored on site.*

### **AND AMENDING TO**

- *Installation of a wash down facility located on the far South West corner of Lot 50 Gt. Northern Highway Bindi Bindi as indicated on the attached plan (i.e.: 300m from nearest residence), and the wash down bay to comply with industry standards as stated in submission and approved by the Shire of Moora Chief Executive Officer.*
- *Stock crates to be washed in wash down facility only, with the disposal of any residue to occur on a regular basis.*
- *The maximum amount of manure storage from the wash down facility is not to exceed 3m<sup>3</sup> and must be disposed of in a manner acceptable to the Shire of Moora Chief Executive Officer.*
- *Storage of unwashed stock crates are to be located within the immediate area of the wash down bay, and storage is not to exceed a period of 24 hours.*

## **COUNCIL RESOLUTION**

**72/08 Moved Cr Pond, seconded Cr McLagan that Council amends the following conditions as listed on Planning Approval number 10/0708 dated 25/2/08 by deletion of:-**

- **Washing of stock crates is not permitted on the site.**
- **Unwashed stock crates are not to be stored on site.**

### **AND AMENDING TO**

- **Installation of a wash down facility to be located on Lot 50 Gt. Northern Highway Bindi Bindi to the satisfaction of the Chief Executive Officer subject to the provision of an accurate site plan.**
- **Stock crates to be washed in wash down facility only, with the disposal of any residue to occur on a regular basis.**
- **The maximum amount of manure storage from the wash down facility is not to exceed 1.5m<sup>3</sup> and must be disposed of in a manner acceptable to the Shire of Moora Chief Executive Officer.**
- **Storage of unwashed stock crates are to be located within the immediate area of the wash down bay, and storage is not to exceed a period of 24 hours.**

**CARRIED BY ABSOLUTE MAJORITY 9/0**



**Note:** Council amended the Manex recommendation conditions taking into account the information provided by the applicants during Public Question time earlier in the meeting.

Cr's Bryan, Tonkin, Barrett-Lennard, McLagan, Keamy, Gardiner and Pond declared an indirect financial interest in late item 13.2 as they are all grain producers holding 1 share in CBH and it was determined they all had an interest in common.

### **13.2 PLANNING APPLICATION – C.B.H. RECEIVAL POINT MOORA**

**LOCATION:** Proposed Lot 200 – Wheatbin Road Moora  
**OWNER:** Co-Operative Bulk Handling Group  
**APPLICANT:** Bulkwest Engineering Pty Ltd on behalf of C.B.H. Group  
**PREVIOUS MEETING REFERENCES:** 12 December 2007 (240/07)  
**OFFICER DISCLOSURE OF INTEREST:** Nil  
**ZONING:** Farming  
**FILE:** TP/MO2  
**AUTHOR:** Michael Prunster, Manager Community Services  
**REPORT DATE:** 18 March 2008  
**ATTACHMENTS:** Schedule of submissions, MRWA comments, Schedule of receival point Vehicle movements, Stage 1 site development proposal plans (2), Public Transport Authority WA comments.

#### **PROPOSAL**

To consider the planning application from the C.B.H. Group following written notice to adjoining owners requesting their comments and/or submissions in relation to the proposed Stage 1 development of the C.B.H. Receival Depot. The development proposed is the Construction of 3 x 275m long Open Bulk Head Storages serviced by 3 new truck discharge grids, conveyor belts and associated mechanical handling equipment capable of processing up to 500 tonnes per hour, including a new "Type 10" sampling office with two hydraulic sampling spears and a 160 tonne weighbridge.

Further stages are planned in the long term to provide increased refinement to suit industry changes and technology advancements at the receival point.

#### **BACKGROUND**

Council considered the application at their meeting held on the 12 December 2007 and passed the following resolution: -

<p><b>COUNCIL RESOLUTION (OFFICER RECOMMENDATIONS)</b></p>
--

*240/07 Moved Cr Pond, seconded Cr Hawkins that Council receive the application by CBH for planning approval and resolve:*

- 1. to require that the application is made by the owner of the land, or the Council is provided with written evidence of the authority by the owner for CBH to make application for the proposed use;*
- 2. to endorse referral of the application to the Public Transport Authority of Western Australia and Main Roads WA for recommendations prior to the Council determining the application;*
- 3. to endorse advertising the application under clause 7.3.2 of Local Planning Scheme 4 by sending written notice to the owners/occupiers of adjoining land;*

4. *to advise CBH that whilst the Council supports development for economic activity in the district, it is obliged to ensure that all relevant matters under Local Planning Scheme 4 are properly addressed before the application is determined.*

CARRIED      8 / 0

The CBH Group was advised of Council's decision and the following actions were carried out: -

- 1) A request was forwarded to CBH Group to provide a signed planning application from the owner of the property; however advice received on 18 February stated that one of the Directors is currently overseas, and confirmation will be provided as soon as possible. A copy of the Contract of Sale signed by Mr S. Mather and a deed of Assignment to CBH Group by Mr S. Mather, Felton Pastoral WA Pty Ltd and Co-Operative Bulk Handling Ltd has been provided (in confidence) in the interim. (The property was owned by Mr S. Mather when CBH acquired a portion of the land, balance of land is now owned by Felton Pastoral WA Pty Ltd).
- 2) Comments from Main Roads WA (MRWA) and the Public Transport Authority are provided as an attachment to this item.
- 3) Written notice of the proposed development was forwarded to nine adjoining landowners, and one reply indicating support for the development was received at the close of the period (5/3/2008). Details are provided on the attached schedule.

The Chief Executive Officer, Special Projects Officer, Manager Community Services and Manager Engineering Services had a meeting with Mr Graeme Smallman, Resource Planning Manager CBH Operations, Mr Lee Nilan, Property Manager CBH and Mr David Hall, Assistant in Property on Tuesday 18 March.

The Group discussed the application and stated that they were very keen to commence the project so that it would be in operation for the 2008 grain growing season. They also commented on their concern to commence the construction of the roadwork's and bulkhead foundations prior to the coming winter rains.

They were aware that Council would be considering the submissions on the planning application at the March meeting and were interested in receiving an indication on the recommendation that would be submitted to Council.

The group was informed of Council's concern with Main Roads comments regarding the lack of stacking distance on the Wheatbin/Bindoon-Moora Road Rail Crossing only being suitable for "As of Right" vehicles which have a maximum length of 19 metres. With the increase in tonnage storage at the Depot, it is inevitable that larger vehicles will be using the Reveal Point, and MRWA indicated in their letter that "*a minor realigning of the Bindoon-Moora Road is required to provide the additional stacking distance for Restricted Access Vehicles (RAV)*".

It was pointed out to the group that Council would need to know the cost of this realignment and would most likely ask CBH to assist in contributing towards the cost. Mr Smallman commented that CBH did not believe that the entry/exit to the Western portion of Wheatbin Road was their responsibility, as the entrance to their operation was off Wheatbin Road. He stated that any request for a contribution would need to be considered by the CBH Board of Directors and he could not predict what the outcome would be.

It was also noted that the MRWA stated that they had not issued any permits for RAV operations on Wheatbin Road, and if a request was received they would be directed to enter from the Eastern entry off the Moora-Walebing Road. This would then create the problem

of the Restricted Access Vehicles from the West & South being redirected through the Moora Townsite to gain access from the Moora-Walebing Road. It was explained that this avenue of access would create further problems within the Townsite.

The Group were informed that the Manager's recommendation to Council would possibly be along the lines of an initial condition of excluding the entry to the Depot of Restricted Access Vehicles and that Council seek more information from the MRWA in relation to the provision of a suggested road re-alignment and an indication of the cost involved.

A traffic movement schedule has been provided by the CBH Group listing vehicle movements and tonnage at the Moora Reveal Depot for the years 2006, 2007 & 2008. The schedule is attached for information.

### **PLANNING FRAMEWORK**

The current application for the development on proposed Lot 200 may be considered as "industry-rural" under the Shire of Moora's Town Planning Scheme No 4 Zoning Table, it lists this type of development as an "AA" use. Schedule I of the Scheme describes this use as follows: -

*industry - rural: means an industry handling, treating, processing, or packing primary products grown, reared, or produced in the locality, and a workshop servicing plant or equipment used for rural purposes in the locality.*

"AA" means that the use is not permitted unless the Council has granted planning approval.

### **PHYSICAL ASSESSMENT**

The proposed development within the site location will not impose any physical problems.

### **CONCLUSION**

Council has previously indicated that they fully support the development which will greatly improve the handling facility for farmers delivering grain.

It is recommended that Council approves stage I of the development submitted with the planning application from Co-Operative Bulk Handling Pty Ltd for the proposed development on Lot 200 Wheatbin Road Moora, as per the drawing number 2007-340-0071 dated 3/12/2007 submitted with the application and:-

- (1)
  - i. Council receives the schedule of submissions received during the advertising period for the proposed development on proposed Lot 200 Wheatbin Road Moora and adopts the response therein, as per attached.
  - ii. *Having complied with the requirements of the Shire of Moora Town Planning Scheme No 4, section 7.3 & 7.4, and after giving due consideration of the submission received.*
  
- (2) *Council approves the planning application subject to the following conditions:-*
  - i. Provision of written evidence by the current owners of the land to make application for the proposed use as per Council request dated 1 February 2008.
  - ii. Dust and noise nuisance to be kept to a minimum during the construction and eventual operation of the Depot.
  - iii. Following freehold acquisition the whole site should be amalgamated to avoid any difficulty that may occur with future development.

- (3) i. Council acknowledges Main Roads WA advice that the current site access only allows “As of Right” vehicles and will undertake to negotiate with Main Roads WA and Co-Operative Bulk Handling Pty Ltd for modification of the Eastern Access from the Midlands Road and the Western Access from Bindoon-Moora Road intersections, to allow “Restricted Access Vehicles” access to the Reveal Depot.

### **VOTING REQUIREMENTS**

Simple majority

<h3><b>COUNCIL RESOLUTION (MANEX RECOMMENDATIONS)</b></h3>
--

**73/08 Moved Cr Tonkin, seconded Cr McLagan that**

- (1) i. ***Council receives the schedule of submissions received during the advertising period for the proposed development on proposed Lot 200 Wheatbin Road Moora and adopts the response therein, as per attached.***
- ii. ***Having complied with the requirements of the Shire of Moora Town Planning Scheme No 4, section 7.3 & 7.4, and after giving due consideration of the submission received.***
- (2) ***Council approves the planning application subject to the following conditions:-***
- i. ***Provision of written evidence by the current owners of the land to make application for the proposed use as per Council request dated 1 February 2008.***
- ii. ***Dust and noise nuisance to be kept to a minimum during the construction and eventual operation of the Depot.***
- iii. ***Following freehold acquisition the whole site should be amalgamated to avoid any difficulty that may occur with future development.***
- (3) i. ***Council notes Main Roads WA advice that the current site access only allows “As of Right” vehicles and will undertake to negotiate with Main Roads WA and Co-Operative Bulk Handling Pty Ltd for modification of the Eastern Access from the Midlands Road and the Western Access from Bindoon-Moora Road intersections, to allow “Restricted Access Vehicles” access to the Reveal Depot.***

**CARRIED      9/0**

**Note:** In the first sentence of point (3) Council substituted the word ‘acknowledges’ with ‘notes’ as this implies a lesser responsibility.

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

Nil

**15. MATTERS BEHIND CLOSED DOORS**

Nil

**16. CLOSURE OF MEETING**

*There being no further business, the Shire President thanked the members of the public for their attendance and input and invited all to stay for fellowship.*

*The meeting was declared closed at 7.51pm.*

**CONFIRMED**

**PRESIDING MEMBER**