



Ordinary Council Meeting Minutes

Date: 9 May 2007

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 COUNCIL CHAMBERS, MOORA
WEDNESDAY 9 MAY 2007

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1. DECLARATION OF OPENING & WELCOME OF VISITORS

The Shire President declared the meeting open at 3.35pm, welcomed visitors and announced:

"Acknowledgment of Country"

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

2. DISCLAIMER READING

The Shire President read the following disclaimer:

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

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

3. ATTENDANCE

SA Bryan	-	Presiding Member	-	Moora Town Ward
CE Gardiner	-	Councillor	-	Moora Town Ward
JL Craven	-	Councillor	-	Moora Town Ward
CD Hawkins	-	Councillor	-	Moora Town Ward
SJ Pond	-	Councillor	-	Koojan Ward
AR Tonkin	-	Councillor	-	Coomberdale Ward
WA Barrett-Lennard	-	Councillor	-	Bindi Bindi Ward
JW McLagan	-	Councillor	-	Miling Ward
D Clydesdale-Gebert	-	Councillor	-	Watheroo Ward

SJ Deckert	-	Chief Executive Officer
JL Greay (from 4.45pm)	-	Operational Development Manager
MJ Prunster (from 3.45pm)	-	Community Development Manager
BR Williams	-	Enterprise Development Manager
ML Rourke	-	Manager Health & Regulatory Services
MM Murray	-	Executive Support Officer

PUBLIC

Mrs Audrey Brown (until 4.09pm)	Bindi Bindi Ratepayer
Mr Jim Kelly (until 4.53pm) -	Central West Reference & Action Group
Ms Lana Kelly (until 4.53pm) -	Central West Reference & Action Group
Ms Angie Raphael (until 4.53pm)	Journalist, Advocate

APOLOGIES

JE Ellis	-	Financial Development Manager
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4. **DECLARATIONS OF INTEREST**

Nil

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

The Shire President invited Ms Lana Kelly to address Council.

Ms Kelly briefed Council in respect to the application of biosolids on farmland in the Moora Shire and the proposed trial storage facility on Annadale Farm.

Ms Kelly asked the following questions (please note that these questions have been reproduced from hand written questions provided by Ms Kelly):

1. Please ask the Water Corporation what other options they have re proposed factory. Where else are they thinking it could go? Ask them how much money and time they have used up attempting to get the factory in the Moora or VP Shires up to today's date?
2. Please ask the Water Corporation, if this factory is so great why do they refuse to hold a public meeting in Moora to tell all the Moora people how great it is. Suggest to them; might this be because they know people will ask questions and they won't be able to answer them. Then people will get suspicious and start to question the proposal.
3. If the factory were to go ahead. How would the Moora Shire make sure, given Water Corps extremely poor track record, that the Water Corp run factory safely, correctly, to standard? What resources would shire use, how much money and time?
4. If the factory were to go ahead. How would the Moora Shire respond if thousands of complaints poured in about the factory? How would the Moora Shire stop the Water Corp expanding and continuing to run the factory? If clearly things weren't right exactly how would the Shire of Moora STOP the Water Corp? Please think beyond 26 sheds!

The Shire President advised Ms Kelly, that due to the nature of the questions, they would be taken on notice and responded to at the next Ordinary Meeting of Council.

At 3.45pm the Financial Development Manager joined the meeting.

Mr Jim Kelly then addressed the meeting also in respect to the spreading and storage of biosolids.

At the conclusion of Mr Kelly's address, the Shire President thanked Ms Kelly and Mr Kelly for their attendance and presentation.

At 4.04pm the Shire President invited Mrs Brown to address the meeting in relation to the item in today's agenda dealing with the Bindi Bindi Hall.

Mrs Brown asked why the Shire had not kept its commitment to consult with the Bindi Bindi community before deciding on the future of the Bindi Bindi Hall.

The CEO responded by advising that it is still the Shire's intention to consult the Bindi Bindi community. However, a recent inspection of the hall determined that it no longer complied with public building standards and as a consequence the Shire had to take immediate action to close the hall. The Shire will now give consideration to all the possible options for the hall during which process the Bindi Bindi community will be consulted.

The Shire President thanked Mrs Brown for her question.

6. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

7. APPLICATIONS FOR LEAVE OF ABSENCE

Cr Hawkins applied for leave of absence for the Ordinary Meetings of Council to be held on 23rd May 2007 and 13th June 2007, as he would be unavailable due to work commitments.

COUNCIL RESOLUTION

91/07 Moved Cr McLagan, seconded Cr Craven that Cr Hawkins be granted leave of absence for the Ordinary Meetings of Council to be held on 23rd May & 13th June 2007.

CARRIED 9/0

8. PETITIONS AND MEMORIALS

Nil

At 4.09pm Mrs Brown retired from the meeting.

9. ANNOUNCEMENTS BY THE SHIRE PRESIDENT

Nil

10. CONFIRMATION OF MINUTES OF THE PREVIOUS MEETING**10.1 ORDINARY COUNCIL MEETING - 24 APRIL 2007****RECOMMENDATION**

That the Minutes of the Ordinary Meeting of Council held on 24 April 2007, be confirmed as a true and correct record of the meeting.

At 4.16pm the Enterprise Development Manager left the meeting.

COUNCIL RESOLUTION

92/07 Moved Cr McLagan, seconded Cr Tonkin that the Minutes of the Ordinary Meeting of Council held on 24 April 2007, be confirmed as a true and correct record of the meeting subject to the following amendments

- **Pg 5, Item 10.1 in the Council resolution; delete 28 March 2007 and replace with 11 April 2007;**
- **Pg 13, Item 11.3.1 the Note after the Council Resolution should read:
“Council does not wish to build the road due to environmental concerns and road construction costs.”**

CARRIED 9/0

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: 30 April 2007
OFFICER DISCLOSURE OF INTEREST: Nil
AUTHOR: Jo-Anne Ellis, Financial Development Manager
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 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)**

93/07 Moved Cr Gardiner, seconded Cr Tonkin that Council note and endorse the Payments from Municipal and Trust Funds made under delegation 1.31

<i>Municipal Fund</i>	<i>Chq 56175 - 56296</i>	<i>\$353,132.19</i>
<i>Trust Fund</i>	<i>Chq 4172 - 4186</i>	<i>\$2,252.00</i>
	<i>Direct Debits</i>	<i>\$1,451.20</i>
Total		<u>\$356,835.39</u>

At 4.25pm the Enterprise Development Manager rejoined the meeting.

CARRIED 9/0

11.3 OPERATIONAL DEVELOPMENT

Nil

11.4 COMMUNITY DEVELOPMENT**11.4.1 CMVROC LGIS REGIONAL RISK COORDINATOR**

FILE REFERENCE: I/INPI

REPORT DATE: 30 April 2007

APPLICANT/PROPONENT: Local Government Insurance Services WA

OFFICER DISCLOSURE OF INTEREST: Author has no financial interest in this matter.

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Michael Prunster, Acting Chief Executive Officer

ATTACHMENTS: Nil

PURPOSE OF REPORT:

Local Government Insurance Services WA proposal for a Regional Risk Coordinator Position shared with the Wildflower ROC, and recommended by the CMVROC executive members.

BACKGROUND:

A formal proposal has been issued to the CMVROC for the Regional Risk Coordinator position. This is the sixth such position as a joint venture with a regional group of councils.

The appointment of a Regional Risk Coordinator is designed to support smaller regionally located local governments in a partnership approach with LGIS. The objectives are to achieve compliance and certification in occupational safety and health, effective risk assessment and management of civil liability and assets. In addition, the desired outcome is cost effective management of other liabilities and insurances, and the ability to influence through a demonstrated risk management plan.

As the CMVROC has a limited capacity (5 Councils) to resource share within the established model, the proposal is that together with CMVROC a common resource is shared with a Regional Council to the North of our zone. The proposal is to share resources with the Wildflower ROC.

The CMVROC and Wildflower ROC members will contribute financially in conjunction with the Local Government Insurance Services to employ a Regional Risk Coordinator who will be locally focused and regionally located. Recruitment, training and HR management will be facilitated by the L.G.I.S. team, and ongoing management will be provided by the Manager of Services Division of LGIS in conjunction with a representative group from the region.

The proposed membership is the Shire's of Chittering, Dalwallinu, Moora, Victoria Plains, Wongan-Ballidu, Mingenew, Mullewa, Carnamah, Coorow, Morawa, Perenjori and Three Springs.

The role of the Risk Coordinator will be to facilitate compliance with: -

- Occupational Safety and Health Act (1984)
- Workers Compensation and Rehabilitation Act (1981 – amended 1996)
- Municipal Liability, Property and Municipal Work Care Scheme Rules.
- Support the development and implementation of relevant policies and procedures across the region.
- Provide the group with support for risk management audits, development of relevant policies and procedures, and early intervention for issues arising.
- Provide a conduit to all services and insurance products of LGIS.
- Support councils in risk and claims management, that should result in reduced costs and reduced claims (frequency and severity).

The proposal provides the following list of benefits to members: -

- Initial and ongoing legislative compliance
- Insurance and claims cost containment
- Ability to influence insurance costs
- Safe workplaces and informed workers
- Effective risk management processes (all disciplines)
- Increased human and material resources
- Access to JLT specialists and current information to support risk management
- Early intervention for claims and risk management issues arising
- Costs savings on consultants and training programmes
- Ability to link with other regional risk coordinators to share ideas, outcomes and resources.

The proposal will be forwarded to individual members of the group for consideration and appropriate approval by Council. On ratification of the membership of the regional group the Risk Coordinator will commence services. A regional strategic plan will be devised after consultation with all members and a regional management consultative group will be

appointed. It is proposed that once the agreements have been returned to LGIS, the service will commence within 14 days of the receipt of all of the acceptance of proposal forms. Services to the Wildflower ROC are already in place.

COMMENT:

The financial contribution from members for the provision of a Regional Risk Coordinator is a shared cost between the group and the Municipal WorkCare and Liability Schemes. A three year commitment is sought with a full review at two years and six months. It is intended to position as cost effectively as possible to limit annual increments to CPI in year three. All human resource and operational expenses will be managed through L.G.I.S.

Members (12 in total across both ROC's) contributions will collectively be \$78,000 pa (approximately 50% of all anticipated costs) with all remaining costs being met equally by the Municipal Liability Scheme and the Municipal WorkCare Scheme. This fee will be divided between the participating members on a pro-rata basis relating to payroll, as per figures quoted on annual workers compensation returns.

The suggested contribution for the project is:

- Year 2007-2008 Scheme \$78,000 Members \$78,000
- Year 2008-2009 Scheme \$78,000 Members \$78,000
- Year 2009-2010 Subject to CPI based review

The pro-rata contribution from the Shire of Moora for the firsts two years is calculated to be \$9,999.60. L.G.I.S. have quoted a drop in the workers compensation percentage rate charge from commencement of the project for member councils, and the Shire of Moora rate will decrease by 0.8%, which will produce a saving on current premiums of approximately \$1,600 per year.

The LGIS representative attending the CMVROC meeting stated that the current programmes in operation with other groups indicated that the project would be self supporting in three years due to insurance and workers compensation premium savings.

Executive members present at the meeting had apparently discussed the proposal with their respective Councils, and indicated all were supportive of the proposal from LGIS.

The following recommendation was then passed at the meeting: -

“That CMVROC agree to the Local Government Insurance Scheme risk management coordinator proposal and that LGIS be advised that the proposal should commence from 1 July 2007”

CARRIED:

The joint participation with the group will be of benefit to Council by working in partnership with the regional group and LGIS to develop and manage their risk strategies for compliance with OSH and Workers Compensation Legislation and civil litigation and all areas of civil liability and general insurance, and at the same time enjoying considerable expenditure savings by sharing resources.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

L.G.A. 1995 S5.49

STRATEGIC IMPLICATIONS:

Increased human and material resources, safe workplace and informed workers and effective risk management processes.

SUSTAINABILITY IMPLICATIONS:

- **Environment**
There are no known significant environmental implications associated with this proposal.
- **Economic**
Sharing resources will provide cost savings in consultancy and insurance premiums.
- **Social**
Provision of safer workplaces for workers.

FINANCIAL IMPLICATIONS:

Net cost for year 2007-08 and 2008-2009 estimated to be \$8,400. Provision for CPI adjustment in 2009-2010.

VOTING REQUIREMENTS

Absolute majority

**COUNCIL RESOLUTION
(MANEX RECOMMENDATION)**

94/07 Moved Cr Gardiner, seconded Cr Pond that the Shire of Moora participate in the Regional Risk Coordinator Scheme within the CMVROC and Wildflower ROC Zones for 3 years commencing on the 1st July 2007 and that: -

- ***Provision to be made in the 2007-08 and 2008-09 budget document for the contribution of \$9,999.60 towards the scheme, and a provision to be made for a final contribution including the CPI adjustment to be advised by LGIS for the year 2009-2010.***
- ***Council authorises the Chief Executive Officer to sign the acceptance of the proposal and return it to Local Government Insurance Services WA advising them that our participation will commence from the 1st July 2007.***

CARRIED BY ABSOLUTE MAJORITY

9/0

11.4.2 PLANNING APPLICATION – LOT 31 LEFROY STREET MOORA

FILE REFERENCE: PA/87-1
REPORT DATE: 2 May 2007
APPLICANT/PROPONENT: L & N Martorana
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: Nil
AUTHOR: Michael Prunster, Community Development Manager
ATTACHMENTS: Site plan

PURPOSE OF REPORT:

Submission of a planning application from Messrs L & N Martorana for the construction of a 134m² shed/garage. The size of the shed exceeds Council policy and under this policy the construction of an outbuilding larger in area is required to be referred to Council for consideration.

BACKGROUND:

Mr & Mrs Martorana recently purchased the residence at Lot 31 Lefroy Street and they are new residents to Moora. The shed is required to garage a boat and vehicles for security.

The lot is larger than adjoining residential lots and has an area of 1440m², which allows considerable space for the location of the shed.

The lot is zoned Residential with residential design code of R12.5/25. Council's Outbuilding policy conditions in relation to the maximum size of such buildings are as follows: -

6.10 Outbuilding Policy - Maximum Size Of-

That Council's current outbuilding policy referring to square metres of land and maximum size of outbuildings be partly amended in the following manner;

R2 - 5,000m² Lots - maximum size of outbuildings equals' 150m²

R2.5 - 4,000m² Lots - maximum size of outbuildings equals' 150m²

R5 - 2,000m² Lots - maximum size of outbuildings equals' 100m²

R12.5 - 800m² Lots maximum size of outbuildings equals' 72m²

R25/R30 - 320m² to 300m² Lots - maximum size of outbuildings at Council's discretion.

Planning application fee of \$100 has been collected from Mr Martorana.

COMMENT:

The Council Policy refers to building lots sized 800m² in R12.5/25 zones. Lot 31 Lefroy Street has a total area of 1440m², which is near double the size.

The site plan (attached) indicates there is currently no existing shed on the property, and the proposed shed will have sufficient setbacks from all boundaries and residence.

The overall area of the proposed shed/garage carport is 62m² larger than the permissible limit. Due to the lot area (1440m²) it is recommended that the request for the increased size be granted.

Council has approved three similar applications in the past twelve months.

POLICY REQUIREMENTS:

Outbuilding Policy section 6-10

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**
Garaging of boat and vehicles will make location more aesthetic to public.
- **Economic**
Increase in property valuation with value of rates collected.
- **Social**
There are no known significant social implications associated with this proposal.

FINANCIAL IMPLICATIONS:

Increase in rate income.

VOTING REQUIREMENTS

Simple Majority Required

MANEX RECOMMENDATION

That Council approve the application from Messrs L. & N. Martorana for the erection of a shed/garage on Lot 31 Lefroy Street Moora with a total area of 134m² and waive Council outbuilding policy condition for a maximum outbuilding area size of 72m² subject to the following conditions: -

- *Side and rear boundary setbacks to be as per site plan produced.*
- *That a zincalume roof be permitted upon the proposed outbuilding on the condition that any substantiated complaints from neighbouring properties in relation to reflectivity will require the applicant to immediately paint the roof surface to prevent such reflectivity;*
- *Wall cladding to be constructed of colorbond material as per the plan submitted.*
- *Building licence to be issued by Shire's Manager of Health & Regulatory Services.*

COUNCIL RESOLUTION

95/07 Moved Cr Pond, seconded Cr Tonkin that Council approve the application from Messrs L. & N. Martorana for the erection of a shed/garage on Lot 31 Lefroy Street Moora with a total area of 134m² and waive Council outbuilding policy condition for a maximum outbuilding area size of 72m² subject to the following conditions: -

- **Side and rear boundary setbacks to be as per site plan produced.**
- **That a zincalume roof be permitted upon the proposed outbuilding on the condition that any substantiated complaints from neighbouring properties in relation to reflectivity will require the applicant to immediately paint the roof surface to prevent such reflectivity;**
- **Wall cladding to be constructed of colorbond material as per the plan submitted.**
- **Building licence to be issued by Shire's Manager of Health & Regulatory Services.**
- **There are no objections to the development from neighbouring landowners.**

CARRIED 9/0

11.4.3 SUBDIVISION APPLICATION – LOT 25 MOORA-MILING ROAD – R.R. MANNING

FILE REFERENCE: PA/1743-1
REPORT DATE: 4 May 2007
APPLICANT/PROPONENT: R.R. Manning
OFFICER DISCLOSURE OF INTEREST:
PREVIOUS MEETING REFERENCES:
AUTHOR: Michael Prunster, Community Development Manager
ATTACHMENTS: Subdivision Site Map

PURPOSE OF REPORT:

The W.A. Planning Commission has request comment from Council for an application received from Mr R.R. Manning to subdivide a "Homestead" Lot from Lot 25 Moora-Miling Road Moora. The property is known as "Glengarrie".

BACKGROUND:

Lot 25 Moora-Miling Road is located approximately 1.5km east of the Moora Townsite. It is one of the larger landholdings this close to town, and is affected by several easements for water and power infrastructure. The site is zoned "Farming" under the Shire of Moora Town Planning Scheme No 4

The majority of the site has been cleared previously and used for agricultural purposes. The land area currently comprises almost 256ha, with about 70% being used for agricultural purposes. The subdivision proposal is to :

- Create a new "Homestead" Lot 1 fronting Moora-Miling Road with an area of 25.0192ha
- The balance "Agricultural" area being included in proposed Lot 2.

It is proposed to retain a small area of cropping land on Lot 1.

Under the Shire of Moora Town Planning Scheme No4 scheme the objectives of the “Farming” zone are: -

3.12.1 Objectives

- a) to ensure the continuation of broad-hectare farming as the principal landuse in the District and encouraging where appropriate the retention and expansion of agricultural activities.
- b) to consider non-rural uses where they can be shown to be of benefit to the District and not detrimental to the natural resources or the environment.
- c) to allow for facilities for tourists and travellers, and for recreation uses.

3.12.2 Site Requirements: The following minimum building setbacks shall apply:

Front	:	20.0m
Rear	:	15.0m
Side	:	15.0m

3.12.3 Subdivision: Having regard to the prime agricultural importance of land in the zone the Council will only recommend to the Commission support for further subdivision of existing lots where:

- a) the lots have already been physically divided by significant natural or man-made features which preclude the continued operation of a farming property as a single unit (unless adjoining land could be similarly subdivided and thereby, by the process of precedent, lead to an undesirable pattern of land use in the area or in lots too small for uses compatible with the prevailing use in the area or in ribbon development alongside roads);
- b) the lots are for farm build-up purposes;
- c) the lots are for a horticultural or intensive agricultural use and the Council with advice from Agriculture WA is satisfied the lot size is adequate, and there is suitable availability of groundwater supply for the use proposed;
- d) the lots are for specific uses such as recreation facilities and public utilities; or
11.1 the lots are required for the establishment of uses ancillary to the rural use of the land or are required for the travelling public and tourists.

The W.A. Planning Commission Policy for consideration of a “Homestead” Lot is: -

- There has been a declining population over two census periods.
- The local planning strategy – settlement strategy and the town planning scheme provide guidance on acceptable minimum lot sizes and servicing requirements and
- The creation of “homestead” Lots will not generate any additional needs for the provision of government and community services.

COMMENT:

Australian Bureau of Statistics information shows a decline in population for Moora for the years preceding 2001, and the latest figures for 2006 are not yet available.

The Shire of Moora Town Planning Scheme does not specifically refer to homestead lots, and no minimum lot sizes are given. The minimum lot size therefore could be considered on the merits of the application.

All services are currently available at the dwelling to be located on the homestead lot. The lot is close to Moora and thus able to be serviced by the town. The use of the dwelling should therefore not generate the need for any additional government or community services. The owners of the property currently occupy the dwelling, and members of the owners' family occupy the remaining dwellings on the site.

Mr & Mrs Manning have only recently constructed the dwelling on the property, and they are now seeking to move into semi-retirement and wish to provide their family with a stand-alone farming operation on the site. It is therefore their intention to live on the proposed homestead lot, and allow the family to continue farming the balance of the site.

The application appears to meet all of the Shire Town Planning Scheme text and Planning Commission policies, and it is therefore recommended that Council approve this application, subject to the minimum setback requirements being advised to the applicant for any future development of the new Lot 1 subdivision.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

Planning and Development Act 2005

STRATEGIC IMPLICATIONS:

There are no known strategic implications associated with this proposal.

SUSTAINABILITY IMPLICATIONS:

- **Environment**
The new lot will continue to be used for farming activities.
- **Economic**
Additional rate income for Shire.
- **Social**
Provision for owners to maintain a separate residential dwelling for retirement.

FINANCIAL IMPLICATIONS:

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

VOTING REQUIREMENTS

Simple Majority Required

MANEX RECOMMENDATION

96/07 Moved Cr McLagan, seconded Cr Gardiner that the W.A. Planning Commission be advised that the application from Mr R.R. Manning for the subdivision of Lot 25 Moora-Miling Road to create Lot 1 as a "Homestead" lot and Lot 2 for retention of the "farming" zone is supported subject to the following conditions: -

1) Minimum boundary setback requirements for any future development is to be:-

- a) Front – 20m
- b) Side – 15m
- c) Rear – 15m

CARRIED 9/0

11.5 ENVIRONMENTAL DEVELOPMENT

11.5.1 FUTURE OF BINDI BINDI HALL AND ROUND HILL HALL

FILE REFERENCE: B/BIBI & B/ROHI
REPORT DATE: 23rd April 2007
OFFICER DISCLOSURE OF INTEREST: N/a
PREVIOUS MEETING REFERENCES: Minute 16/07, 31/1/07
AUTHOR: Melissa Rourke, Manager of Health and Regulatory Services
ATTACHMENTS: Detailed cost analysis
 5 Year plan for buildings

PURPOSE OF REPORT:

For Council to decide the future of the Bindi Bindi Hall and the Round Hill Hall.

BACKGROUND:

At the Ordinary Council meeting held on the 31st of January 2007 the current condition of both the Round Hill and Bindi Bindi Hall was discussed and Council resolved:

“16/07 Moved Cr Barrett-Lennard, seconded Cr Hawkins

1. *That Council undertakes a detailed analysis of the future costs and benefits of upgrading and maintaining the Bindi-Bindi and Round Hill Halls.*
2. *Based on the results of the cost benefit analysis in point 1 a decision be made prior to 31 May 2007 to:*
 - a. *upgrade and maintain one or both halls,*
 - b. *offer the ownership and responsibility of one or both halls to the community, or*
 - c. *sell by tender one or both of the halls*
3. *Informs Mrs & Mr Sue and Rob Appelbee that Council is undertaking a process to determine the future of the Bindi-Bindi Hall and if Council decides to sell the Bindi-Bindi Hall the sale will be through the tender process and they will be invited to tender should this eventuate.*

CARRIED UNANIMOUSLY 9/0”

Following this motion an analysis was undertaken of both of the halls, which incorporated the public building aspect, maintenance requirements, asset management processes and the community benefit of the buildings.

Public Building

The *Health Act 1911* describes a public building as:

*“(a) a building or place or part of a building or place where persons may assemble for -
 (i) civic, theatrical, social, political or religious purposes;*

- (ii) educational purposes;
 - (iii) entertainment, recreational or sporting purposes; and
 - (iv) business purposes; and
- (b) any building, structure, tent, gallery, enclosure, platform or other place or any part of a building, structure, tent, gallery, enclosure, platform or other place in or on which numbers of persons are usually or occasionally assembled, but does not include a hospital; “

Both the halls would fall under the definition of a Public Building, as they are currently being used. This definition doesn't allow leniencies for buildings that are only used sparingly or for those occupied or maintained by a community group. All public buildings must comply with the *Health (Public Buildings) Regulations 1992*.

Asset Management

Normal Asset Management Procedures require an estimated 4% of the value of the building to be committed to preserving the asset each financial year. These two halls were acquired between 60 and 70 years ago and the value of the acquisition would not be relevant to its current value therefore it has been assumed that the value is as it appears in the “Valuation Report” produced by the Independent Valuers of Western Australia in 2003. In insurance value (as produced in the Valuation Report) it is based on the ‘Replacement Cost Method’ and is therefore the best available value. This report estimates the value of the Bindi Bindi Hall as \$255,000 and the Round Hill Hall as \$235,000.

Maintenance

Both of the buildings are in a poor state and require extensive maintenance to be undertaken in order to make them safe, functional and mildly presentable. A detailed list of works suggested for the buildings and an estimate of their cost is attached.

Heritage Significance

Both of the buildings are listed on the Shire of Moora Municipal Heritage Inventory as adopted in 1997. This inventory lists the Bindi Bindi Hall (and Centenary Memorial) with a management category of “High Level of Protection”. The Round Hill Hall is listed with a management category of “Retain and conserve if possible”.

The Shire of Moora Town Planning Scheme contains provisions in relation to buildings with heritage significance. These provisions basically allow for Council to approve developments to heritage buildings/precincts bearing in mind the purpose of the Municipal Heritage Inventory and conserving the heritage value. This inventory is a Council document and not all the properties listed within it are on the State Heritage Register and therefore do not have the same strict requirements.

Community Benefit of Buildings

It is important that the Shire considers the community members that utilise the buildings when considering the future of the halls. According to the Shire of Moora's records the Bindi Bindi Hall has been hired six times and the Round Hill Hall has not been hired in the 2006/07 financial year. Please note that these records do not show hall usage in Round Hill as the community have access to it without booking though the Shire. This being said the community have in the past shown great interest in preserving the halls for their present usage. It is believed that the Round Hill Hall is used at Christmas time in the communities' traditional celebration and the Bindi Badminton Club and Bindi Bindi Progress Association use the Bindi Bindi Hall.

COMMENT:

In order for a building to be utilised as a public building it must comply with the provisions of the *Health (Public Buildings) Regulations 1992* and be approved by the Shire's Environmental Health Officer. There is no evidence that these buildings have been issued with a certificate of approval and therefore should not be being used as a public building. The buildings do not currently comply with the *Health (Public Buildings) Regulations 1992* and therefore cannot be approved as such.

Notwithstanding the public building requirements there is also a significant public liability aspect that should be considered with this item. Council must seriously consider the ramifications should someone be injured while using the halls due to the non-compliance of the building.

It is estimated that Council would need to commit a minimum of \$38,000.00 to make the necessary changes to both the buildings (combined) so that they comply with the *Health (Public Buildings) Regulations 1992*. In addition to this cost the estimated amount needed to upgrade the buildings to make them functional is \$37,910.00. This doesn't include beatifying the buildings and restoring them entirely to their original state.

The following table summarises the current year expenditure, estimated costs to upgrade (2007/08) and the hire fees collected to date in the current year.

Summary of Costs		
<u>Round Hill Hall</u>		
Budget 2006/07		\$1,163.00
Actual 2006/07 (to April 07)		\$693.00
Estimated costs		
Public Building Component		\$23,950.00
Maintenance		\$13,635.00
	Budget needed to upgrade	\$37,585.00
Hall Hire Fees Collected 06/07		\$0.00
<u>Bindi Bindi Hall</u>		
Budget 200607		\$1,330.00
Actual 2006/07 (to April 07)		\$1,633.00
Public Building Component		
		\$13,800.00
Maintenance		\$24,275.00
	Budget needed to upgrade	\$38,075.00
Hall Hire Fees Collected 06/07		\$59.09

Attached is a suggested 5 year plan for expenditure for these buildings in relation to asset management (being the 4% of the value of the building). With these figures taken into account the estimated 5 year cost for the Bindi Bindi Hall is \$78,875.00 and the Round Hill Hall cost is \$75,185.00.

It should be noted that if a community group were to take the responsibility of the halls they too would need to comply with the regulations. However they may be able to enlist the help of volunteers to help reduce the costs. Alternatively the building could be used for non-public building purposes.

POLICY REQUIREMENTS:

There are no known policy requirements related to this item.

LEGISLATIVE REQUIREMENTS:

The Health Act 1911 describes a public building as:

“(a) a building or place or part of a building or place where persons may assemble for -

(i) civic, theatrical, social, political or religious purposes;

(ii) educational purposes;

(iii) entertainment, recreational or sporting purposes; and

(iv) business purposes; and

(b) any building, structure, tent, gallery, enclosure, platform or other place or any part of a building, structure, tent, gallery, enclosure, platform or other place in or on which numbers of persons are usually or occasionally assembled,

but does not include a hospital;

The regulations have certain requirements in relation to safety of patrons and amenity of the building, which are not currently being met. A building cannot be legally used as a public building until it shows compliance with the *Health (Public Building) Regulations 1992* and has been approved by an Environmental Health Officer.

The Shire of Moora Town Planning Scheme contains heritage provisions to ensure that the any building, which has significant cultural or historical significance, is preserved.

STRATEGIC IMPLICATIONS:

The future of these buildings is determined by the amount of funds that can be committed to it albeit from a public or private source.

SUSTAINABILITY IMPLICATIONS:

➤ **Environment**

The degenerative appearance of the buildings without regular maintenance will become an eyesore.

➤ **Economic**

A significant annual maintenance cost to the Shire to maintain the buildings.

➤ **Social**

The communities surrounding the Bindi Bindi and Round Hill area currently use these halls and removing their access to it may result in less community interaction.

FINANCIAL IMPLICATIONS:

If Council decided to sell the asset there would potentially be a considerable saving to the Shire in relation to maintenance costs. The public liability and insurance risk would also be reduced.

VOTING REQUIREMENTS

Simple Majority Required

MANEX RECOMMENDATIONS

That

- 1. the Bindi Bindi Hall and the Round Hill Hall be closed to the public until such time as they meet the requirements of the Health (Public Building) Regulations 1992 and can be approved a Public Building.*
- 2. Council investigate the disposal of the halls by way of tender with the requirement that the buildings external façade remains the same.*

At 4.45pm the Operational Development Manager joined the meeting.

COUNCIL RESOLUTION

97/07 Moved Cr Pond, seconded Cr Barrett-Lennard that

- 1. the Bindi Bindi Hall and the Round Hill Hall be closed to the public until such time as they meet the requirements of the Health (Public Building) Regulations 1992 and can be approved a Public Building;***
- 2. the Bindi Bindi and Round Hill communities be advised of the closure of the buildings in accordance with item 1 above;***
- 3. staff investigate options available to Council for divestment of the buildings.***

CARRIED 9/0

Note: Council amended the Manex recommendation as it desires to consider all available options for divestment of the buildings in the first instance, and, it was considered appropriate that the affected communities be advised of the impact of the closures.

11.6 ECONOMIC DEVELOPMENT

Nil

11.7 SPORT AND RECREATION

Nil.

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

Nil

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

Nil

14. NOTICE ON MOTIONS FOR THE NEXT COUNCIL MEETING

Nil

15. MATTERS BEHIND CLOSED DOORS

COUNCIL RESOLUTION

98/07 Moved Cr McLagan, seconded Cr Tonkin that the meeting move behind closed doors to discuss Item 15.1 Sale of Land by Private Treaty, Lot 50 Great Northern Hwy, Bindi Bindi - a matter dealing with a contract that may be entered into by the local government and is to be discussed at the meeting pursuant to Section 5.23(2)(c) of the Local Government Act 1995 and a matter that if disclosed would reveal information that has a commercial value to a person pursuant to Section 5.23(2)(e) (ii) of the Local Government Act 1995.

CARRIED 9/0

At 4.53pm Mr Kelly, Ms Kelly & Ms Raphael retired from the meeting.

At 4.53pm the Enterprise Development Manager & Operational Development Manager left the meeting.

15.1 Sale of Land by Private Treaty, Lot 50 Great Northern Hwy, Bindi Bindi

Provided to Councillors under confidential cover.

MANEX RECOMMENDATIONS

That Council accept and adopt the fair market valuation provided by both Landgate and PRP Valuers & Consultants and: -

- 1) *Mr & Mrs A. Taylor be advised of the market valuations on the property, and the Chief Executive Officer be delegated to commence negotiations of the sale within this valuation;*
- 2) *Following an agreement on the purchase price, the proposed sale is to be advertised publicly for a period of 14 days inviting submissions or comment;*
- 3) *When the sale proceeds and funds are received, it is recommended that the proceeds from the sale be lodged into the Shire's Building Reserve Fund;*

AND

- 4) *In reference to the planning application enquiry, it is recommended that Council support the enquiry for the operation of a Transport Depot at Lot 50 Great Northern Highway Bindi Bindi in principle, subject to: -*
- *A planning application is to be lodged with the Shire for the proposed transport development.*
 - *An application fee of \$150.00 to be paid with the application fee.*
 - *Should the application meet the requirements of the Town Planning Scheme, public notice is to be given for a period of 21 days inviting submissions/comments.*
 - *Following the expiration of 21 days, if no submissions/comments are received for Council consideration, the Chief Executive Officer is delegated to approve the application subject to the normal conditions involved with the operation of a Transport Depot, with the inclusion of the Progress Association request to minimise the clearing of the native plants.*
- 5) *If an agreeable price cannot be negotiated, Council is to decline the private treaty sale and advertise the Lot for sale by Tender with a nominated reserve price within the valuation range.*

COUNCIL RESOLUTION

99/07 Moved Cr Barrett-Lennard, seconded Cr McLagan that Council accept and adopt the fair market valuation provided by both Landgate and PRP Valuers & Consultants and: -

At 4.56pm the Enterprise Development Manager rejoined the meeting.

At 4.58pm the Operational Development Manager rejoined the meeting.

- 1) ***Mr & Mrs A. Taylor be advised of the market valuations on the property, and the Chief Executive Officer be delegated to commence negotiations of the sale;***
- 2) ***Following an agreement on the purchase price, the proposed sale is to be advertised publicly for a period of 14 days inviting submissions or comment;***
- 3) ***When the sale proceeds and funds are received, it is recommended that the proceeds from the sale be lodged into the Shire's Building Reserve Fund;***

AND

- 4) ***In reference to the planning application enquiry, it is recommended that Council support the enquiry for the operation of a Transport Depot at Lot 50 Great Northern Highway Bindi Bindi in principle, subject to: -***
 - ***A planning application is to be lodged with the Shire for the proposed transport development.***
 - ***An application fee of \$150.00 to be paid with the application fee.***
 - ***Should the application meet the requirements of the Town Planning Scheme, public notice is to be given for a period of 21 days inviting submissions/comments.***
 - ***Following the expiration of 21 days, if no submissions/comments are received for Council consideration, the Chief Executive Officer is delegated to approve the application subject to the normal conditions involved with the operation of a Transport Depot, with the inclusion of the Progress Association request to minimise the clearing of the native plants.***
- 5) ***If an agreeable price cannot be negotiated, Council is to decline the private treaty sale and advertise the Lot for sale by Tender with a nominated reserve price within the valuation range.***

CARRIED BY ABSOLUTE MAJORITY

8/1

Note: Council amended the Manex recommendation at point 1 by deleting the words 'within this valuation' as this would restrict the ability to negotiate a sale price within the price range it considered to be acceptable.

COUNCIL RESOLUTION

100/07 Moved Cr Tonkin, seconded Cr Clydesdale-Gebert that the meeting come out from behind closed doors and re-open to the public.

CARRIED 9/0

The meeting reopened to the public at 5.18pm.

On reopening the meeting to the public, there were no public present therefore the decisions made behind closed doors were not read aloud.

16. CLOSURE OF MEETING

There being no further business, the Shire President declared the meeting closed at 5.19pm.

CONFIRMED

PRESIDING MEMBER