



Ordinary Council Meeting Minutes

Date: 23 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 23 MAY 2007

TABLE OF CONTENTS

1.	<u>DECLARATION OF OPENING & WELCOME OF VISITORS</u>	3
2.	<u>DISCLAIMER READING</u>	3
3.	<u>ATTENDANCE</u>	3
	<u>PUBLIC</u>	3
	<u>APOLOGIES</u>	3
	<u>LEAVE OF ABSENCE</u>	4
4.	<u>DECLARATIONS OF INTEREST</u>	4
5.	<u>QUESTIONS BY THE PUBLIC IN ACCORDANCE WITH SECTION 5.24 OF THE ACT</u>	4
6.	<u>RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE</u>	4
7.	<u>APPLICATIONS FOR LEAVE OF ABSENCE</u>	6
8.	<u>PETITIONS AND MEMORIALS</u>	6
	Dr Bernard Chapman will be present at the meeting to talk to Council about assistance required for the recruitment of a permanent medical practitioner.	
9.	<u>ANNOUNCEMENTS BY THE SHIRE PRESIDENT</u>	6
10.	<u>CONFIRMATION OF MINUTES OF THE PREVIOUS MEETINGS</u>	6
	10.1 <u>ORDINARY COUNCIL MEETING - 9 MAY 2007</u>	6

11.	<u>REPORTS OF OFFICERS</u>	7
11.1	<u>ADMINISTRATION</u>	7
	11.1.1 2007 Local Government Convention and WALGA Annual General Meeting	7
11.2	<u>FINANCIAL DEVELOPMENT</u>	9
	11.2.1 Statement of Financial Activity for Period Ended 30 April 2007*	9
11.3	<u>OPERATIONAL DEVELOPMENT</u>	10
	Nil.	
11.4	<u>COMMUNITY DEVELOPMENT</u>	10
	11.4.1 Town Planning Scheme No 4 – Delegation of Powers	10
	11.4.2 Watheroo Railway Station Yard – Goods Shed	12
	11.4.3 J.R. Myers – Subdivision of Lot 65 Gardiner Street Moora *	14
	11.4.4 Lot 50 Great Northern Highway Bindi Bindi *	15
11.5	<u>ENVIRONMENTAL DEVELOPMENT</u>	18
	Nil.	
11.6	<u>ECONOMIC DEVELOPMENT</u>	18
	Nil.	
11.7	<u>SPORT AND RECREATION</u>	18
	Nil.	
12.	<u>ELECTED MEMBER MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN</u>	18
	Nil.	
13.	<u>MOTIONS OF AN URGENT NATURE INTRODUCED BY DECISION OF COUNCIL</u>	19
	Nil.	
14.	<u>NOTICE ON MOTIONS FOR THE NEXT COUNCIL MEETING</u>	18
	Nil.	
15.	<u>MATTERS BEHIND CLOSED DOORS</u>	19
	15.1 Selection of a Developer for Moora	19
	15.2 Sale by Private Treaty – Lot 34 Drummond Street Moora	19
16.	<u>CLOSURE OF MEETING</u>	20

* Separate Attachments

Item 11.2.1 Statement of Financial Activity for the Period Ended 31 March 2007

Item 11.4.3 Subdivision plan

Item 11.4.4 Site Plan

1. DECLARATION OF OPENING & WELCOME OF VISITORS

The Shire President declared the meeting open at 3.34pm, 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
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 (until 4.15pm)	-	Operational Development Manager
MJ Prunster	-	Community Development Manager
JE Ellis	-	Financial Development Manager
BR Williams	-	Enterprise Development Manager
ML Rourke	-	Manager Health & Regulatory Services
MM Murray	-	Executive Support Officer

PUBLIC

Dr Bernard Chapman (until 3.45pm)	-	Moora Health Centre
Mr Stan Lewis (until 4.14pm)	-	Bindi Bindi Ratepayer
Mrs Merrel Pond (until 4.30pm)	-	Journalist, Advocate
Ms Lana Kelly (from 3.32pm – until 4.30pm)	-	Central West Reference & Action Group

APOLOGIES

JL Craven	-	Councillor	-	Moora Town Ward
-----------	---	------------	---	-----------------

LEAVE OF ABSENCE

The following Councillor was granted leave of absence for this meeting by Council resolution made at the Ordinary Meeting held on 9 May 2007:

CD Hawkins - Councillor - Moora Town Ward

4. DECLARATIONS OF INTEREST

The Community Development Manager declared an interest in item 11.4.1, as both applicants are acquaintances and work colleagues of the author.

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

The Shire President invited Dr Chapman to address the meeting.

Dr Chapman requested assistance from Council by way of providing a vehicle as a means of attracting and retaining a long-term doctor in Moora.

The Shire President advised Dr Chapman that Council would give his request due consideration during the formulation of the 2007/2008 Budget.

At 3.45pm the Shire President thanked Dr Chapman for his request and Dr Chapman then retired.

The Shire President then invited Mr Stan Lewis to address the meeting in relation to an item at the last meeting of Council on 9 May 2007 dealing with the Bindi Bindi Hall. Mr Lewis did not ask any specific questions, however during his address he raised a number of matters that he was not happy with in respect to the Shire's handling of the Bindi Bindi Hall and concluded by stating that it would be much appreciated if the Shire could excise the Supper Room out of the closure notice so that it could continue to be used.

The Shire President thanked Mr Lewis for his address.

The Shire President asked Ms Lana Kelly if she had any questions of Council. Ms Kelly responded that she did not, however advised that she did have some information if Council chooses to refuse the planning application for the Biosolids trial facility. This was noted.

6. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

At the Ordinary Meeting of Council on 9 May 2007 Ms Lana Kelly from the Central West Reference & Action Group presented Council with four questions. The questions (reproduced from hand written questions provided by Ms Kelly) were taken on notice and the responses are as follows;

- 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?**

R. A copy of the questions raised at the Council meeting on 9 May 2007 and additional questions provided to the Chief Executive Officer on 11 May 2007 will be provided to the Water Corporation for their action and response.

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.**

R. As per the response to question 1.

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?**

R. The development application received is for a trial storage facility to investigate how successful this method is in eliminating the incidence of stable fly. This is not a factory.

In respect to the trial facility, the Shire only has legislative responsibility in respect to planning and building matters, which it will apply, using existing resources.

The Department of Environment and Conservation is the lead agency in monitoring and ensuring Water Corporations compliance of the operation of the trial facility. Should the Shire become aware of any non-compliance, the Shire would ensure that the Department of Environment and Conservation has been made aware of the non-compliances, and then continue to monitor the progress and resolution taken by the Department of Environment and Conservation.

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!**

R. It is presumed that this question is referring to the establishment of a permanent facility following the conclusion of the trial. It should be noted that before a permanent facility can proceed a new planning application would need to be made.

With regards to a permanent facility, the Shire can only take action in respect to matters that fall under the Shires legislative jurisdiction. In the case of a larger permanent facility it would primarily be planning and building matters. If there are breaches of planning or building legislation then the Shire can take direct action. If there are breaches of other legislation then the breaches need to be dealt with by the relevant authority.

It would be suffice to say that if there were serious breaches that needed urgent resolution, the Shire would take on the role of community advocate and make direct representation to the respective authority on behalf of the Shire's residents.

7. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

8. PETITIONS AND MEMORIALS

Dr Bernard Chapman will be present at the meeting to talk to Council about assistance required for the recruitment of a permanent medical practitioner.

9. ANNOUNCEMENTS BY THE SHIRE PRESIDENT

- Invitations had been received from the Moora Christian Community to a fellowship prayer day on 27th May 2007.
- Cr Gardiner provided an overview of the meetings he attended along with the Shire President, Chief Executive Officer and Manager Health & Regulatory Services in Perth on Tuesday 15th May regarding the trial biosolids storage facility. Meetings were had with the Shire's Town Planner, the Water Corporation, Department of Health and the Department of Environment & Conservation.
- Cr Tonkin, as president of the RSL passed on his thanks to the Shire Council & staff for their support in their contribution to organising & helping with the ANZAC Day services.

10. CONFIRMATION OF MINUTES OF THE PREVIOUS MEETING**10.1 ORDINARY COUNCIL MEETING - 9 MAY 2007****COUNCIL RESOLUTION**

101/07 Moved Cr Clydesdale-Gebert, seconded Cr Pond that the Minutes of the Ordinary Meeting of Council held on 9 May 2007, be confirmed as a true and correct record of the meeting.

CARRIED 7/0

II. REPORTS OF OFFICERS

II.1 ADMINISTRATION

II.1.1 2007 LOCAL GOVERNMENT CONVENTION AND WALGA ANNUAL GENERAL MEETING

FILE REFERENCE: GA/WALI

REPORT DATE: 17 May 2007

APPLICANT/PROPONENT: WA Local Government Association

DISCLOSURE OF INTEREST: The author of this report declares a financial interest in the matter, as he would normally attend the Convention. The extent of the interest is to the value of the associated attendance costs.

PREVIOUS MEETING REFERENCES: Not Applicable

AUTHOR: Steven Deckert, Chief Executive Officer

ATTACHMENTS: Convention Information and Registration Booklet circulated under separate cover.

PURPOSE OF REPORT:

To endorse the attendance of Shire representatives at the 2007 Local Government Convention and WALGA Annual General Meeting.

BACKGROUND:

The WA Local Government Association holds on an annual basis the Local Government Convention, which provides a forum for professional development and networking for elected members. An important component of the Convention is the holding of the Annual General Meeting of WALGA of which the Shire of Moora is a member council.

WALGA also takes the opportunity to schedule a number of Elected Member Development Modules and Officer Training sessions prior to and following the Convention.

COMMENT:

Council makes an annual budget provision for Councillors to attend the Local Government Convention and WALGA AGM because of its direct relevance to the development of their role as Councillors. This also provides Council's delegates with the opportunity to network and meet with other Councillors, Ministers, Members of Parliament and senior officers of government departments and agencies to pursue matters of relevance to the Shire.

Attendance at the Convention and AGM is open to all Councillors, within the financial constraints of the Budget and subject to Council approval. Generally, those Councillors who are Council's delegates to the WALGA Avon-Midland Zone (Crs Pond, Bryan and Clydesdale-Gebert) would be given every opportunity to attend due to their involvement in the Zone.

Council can also nominate two voting delegates at the AGM of the WA Local Government Association. Decisions made at the AGM give strategic and policy direction to the WALGA State Executive in matters of importance at Federal and State Government level and on matters impacting all local governments across the State.

In setting the Budget, Council makes provision to meet delegates reasonable registration, travel and accommodation expenses. In the absence of a current policy, Council may also wish to give consideration to meeting reasonable expenses incurred by delegates partners attendance.

POLICY REQUIREMENTS:

There is no current policy relevant to this matter, however through custom and practice, the Shire of Moora has demonstrated a commitment to supporting the Convention and AGM.

LEGISLATIVE REQUIREMENTS:

Sections 2.7 and 3.1 of the Local Government Act 1995, relating to a local government's general function provisions.

STRATEGIC IMPLICATIONS:

The ongoing professional development of Councillors is an important element in Council achieving the goals of its Strategic Plan.

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 as a result of the recommendations of this report as Council makes provision for this in the Adopted Budget.

VOTING REQUIREMENTS:

Simple Majority Required

**COUNCIL RESOLUTION
(MANEX RECOMMENDATIONS)**

At 4.14pm Mr Lewis retired from the meeting.

102/07 Moved Cr McLagan, seconded Cr Gardiner that Council:

- 1. Approves the attendance of Cr Bryan, Cr Pond, Cr Clydesdale-Gebert and the Chief Executive Officer at the 2007 Local Government Convention and WALGA Annual General Meeting to be held at the Burswood Resort Convention Centre from 4th to 6th August 2007.***
- 2. Endorses Cr Bryan and Cr Pond as Council's voting delegates at the WA Local Government Association Annual General Meeting;***

3. *Encourages those delegates attending the Convention to consider attending relevant development and training sessions held in conjunction with the Convention;*
4. *Agrees to meet all reasonable expenses necessarily incurred by the delegates and their partners in attending the Convention including registration fees, travel, accommodation and meals. However, the partners of delegates are to be responsible for costs associated with participation in the Partners Programme.*

CARRIED 7/0

At 4.15pm the Operational Development Manager retired from the meeting.

11.2 FINANCIAL DEVELOPMENT

11.2.1 STATEMENT OF FINANCIAL ACTIVITY FOR PERIOD ENDED 30 APRIL 2007

REPORT DATE: 17 May 2007

OFFICER DISCLOSURE OF INTEREST: Nil

AUTHOR: Jo-Anne Ellis, Financial Development Manager

ATTACHMENTS: Statement of Financial Activity for the Period Ended 30 April 2007

PURPOSE OF REPORT:

To note and receive the Statement of Financial Activity for the period ended 30 April 2007.

BACKGROUND:

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

COMMENT:

The Statement of Financial Activity for the Period Ended 30 April 2007 is provided as a separate attachment.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

Local Government Act 1995, Section 6.4

Local Government (Financial Management) Regulations 1996, Sec. 34

STRATEGIC IMPLICATIONS:

Monitoring of actual revenues and expenditures against the adopted budget assists Council in being informed as 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 line item to enable comparison to 2006/07 adopted budget.

VOTING REQUIREMENTS

Simple Majority Required

COUNCIL RESOLUTION (MANEX RECOMMENDATION)

103/07 Moved Cr Tonkin, seconded Cr Pond that Council note and receive the Statement of Financial Activity for the period ended 30 April 2007.

CARRIED 7/0

11.3 OPERATIONAL DEVELOPMENT

Nil

11.4 COMMUNITY DEVELOPMENT

11.4.1 TOWN PLANNING SCHEME NO 4 – DELEGATION OF POWERS

FILE REFERENCE: TP/PTM11

REPORT DATE: 16 May 2007

APPLICANT/PROPONENT: Various

OFFICER DISCLOSURE OF INTEREST: The author declares an impartiality interest pursuant to Council's Code of Conduct, as both applicants are acquaintances and work colleagues of the author. The author has put aside this interest and dealt with the matter without bias.

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 16 May 2007.

- **Cynthia Brassington – Lot 52 King Street, Moora – Construction of a 6m x 9m colourbond garage (Area 54m²) Zoning – Residential, Value \$6,000 (Ref 41/0607)**
- **Penelope Aitken & Roger Williams – Lot 176 Dandaragan Road, Moora – Construct additional living accommodation (Area 96m²) & garage/carport (Area 84m²) adjacent to existing residence – Zoning – Residential, Value \$150,000 (Ref 42/0607)**

POLICY REQUIREMENTS:

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

LEGISLATIVE REQUIREMENTS:

There are no known legislative requirements related to this item.

STRATEGIC IMPLICATIONS:

There are no known strategic implications associated with this proposal.

SUSTAINABILITY IMPLICATIONS:

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

FINANCIAL IMPLICATIONS:

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

VOTING REQUIREMENTS

Simple Majority Required

COUNCIL RESOLUTION (MANEX RECOMMENDATION)

104/07 Moved Cr Gardiner, seconded Cr Pond that Council note the town planning applications approved under delegated authority.

CARRIED 7/0

11.4.2 WATHEROO RAILWAY STATION YARD – GOODS SHED

FILE REFERENCE: TP/PTW1
REPORT DATE: 16 May 2007
APPLICANT/PROPONENT: Public Transport Authority
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: Nil
AUTHOR: Michael Prunster, Community Development Manager
ATTACHMENTS: Nil

PURPOSE OF REPORT:

The Public Transport Authority (PTA) is assessing its asbestos remediation programme, and has requested comments from the Shire of Moora re the future of the Watheroo Goods Shed.

BACKGROUND:

The Goods Shed is currently the subject of a lease to the Watheroo Community Co-Operative, and it is believed that the building is not currently be utilised on a daily basis. Visibly the shed is in a poor state of repair, with broken windows and other damage to the walls of the building. The overall framing structure is thought to be sound. The building was constructed as a “loco shed” during the second world war, and used for loco maintenance during the war for special trains that were run for the army base at Mingenew. The shed with concrete structural frame delineates the five bays infilled with face red bricks. The roof is a low pitched gable structure and is covered with corrugated fibro cement sheeting.

The building is not listed on the State register of significant sites but is listed on the Municipal Inventory of Heritage Places under Category 2. Category 2 buildings are described as: -

“A place of considerable cultural heritage significance, provide an appropriate level of recognition and protection. Recommend that maximum encouragement is provided to the owner to conserve the significance of the place. Nomination to the National Trust Classified List is recommended, to afford protection by means of moral persuasion. (TPS procedure also relevant)”

The statement of significance included in the Municipal Inventory describes the building as – *“The place represents a pivotal element in the development of Watheroo and demonstrates associations with war time Australia, and changes in rail transport technology.”*

The Public Transport Authority has quoted three options available to them to deal with any adverse effects of the asbestos within the goods shed.

1. *“Having the building demolished, but to pursue this option, the PTA would require the support of both the Shire and the Watheroo Community Co-Op. They have stated that they would be in a position to fully fund this option.*
2. *Set up a joint funding arrangement between the three groups to enable the roof to be re-sheeted. The lease and use of the building would thus be able to continue as is. They have limited funding for this option.*
3. *The building to be fenced off and access restricted once the roofing material becomes a hazard to human health. This option is the least acceptable to the PTA.”*

COMMENT:

A copy of the letter dated 26/3/07 has also been sent to Mr W.T. Scott of the Watheroo Community Co-Operative, but to date we have not received any comments from the WCC.

In view of the sheds historic value to the Watheroo community, it would possibly not be acceptable to the community to demolish the building. I believe the preferred option to the Watheroo Community and Shire would be to pursue grant and joint funding to refurbish the shed to maintain its historic significance. Costings to refurbish the building are not known, but it is anticipated that it would be quite considerable.

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**
The non attention to leaving the building “as is” would create a future health problem caused by the asbestos roofing.
- **Economic**
The cost of refurbishing the shed would be very high, and would need joint and grant funding.
- **Social**
If the shed was refurbished, it could be used as a historical museum to create tourism interest in Watheroo.

FINANCIAL IMPLICATIONS:

A considerable contribution would need to be made by the Shire to refurbish the shed.

VOTING REQUIREMENTS

Simple Majority Required

**COUNCIL RESOLUTION
(MANEX RECOMMENDATIONS)**

105/07 Moved Cr Clydesdale-Gebert, seconded Cr McLagan that Council:

- 1) Contact the Watheroo Community Co-Operative Ltd and seek their comments on either option 1 or 2***
- 2) Obtain estimates for the removal or remediation of the asbestos roofing;***
- 3) Investigate funding avenues for the refurbishment of the building***
- 4) Reconsider future options for the shed based on additional information obtained.***

CARRIED 7/0

11.4.3 J.R. MYERS SUBDIVISION APPLICATION – LOT 65 GARDINER STREET

FILE REFERENCE: PA/729-1
REPORT DATE: 17 May 2007
APPLICANT/PROPONENT: J.R. Myers
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: Nil
AUTHOR: Michael Prunster, Community Development Manager
ATTACHMENTS: Subdivision plan

PURPOSE OF REPORT:

Letter from the W.A. Planning Commission seeking comment on the proposal to subdivide Lot 65 Gardiner Street into two lots of 2.96ha & 2.97ha respectively.

The Commission requires Council comments to be received at their office by 11 June 2007.

BACKGROUND:

The lot is zoned “Special Rural” and under the Shire of Moora Town Planning Scheme text No 4 Schedule 4, Special Rural Zones, it is classed as SR4. The Schemes requirement for this class is stated as:

No further subdivision will be supported by Council if:

- 1) One or more additional lots would be created, or*
- 2) The minimum lot size would be less than 2.0ha.*

Council would normally advise these requirements in the comments forwarded to the W.A.P.C., but whilst the Commission is not bound by a Local Planning Scheme, it can be expected that they would be reluctant to approve subdivision against this specific condition.

The Location of lot 65 is outside of both the floodway and flood fringe, and is a suitable lot for subdivision. The area opposite this lot, known as “Candy’s Bush” has a subdivision of some 32 residential lots each with an area of 1012m². These lots will never be available for residential lots, as Council has resolved to rezone the area for Protection of Remnant Vegetation.

COMMENT:

With the current shortage of suitable land for construction of residential buildings, it is recommended that Council advise the W.A. Planning Commission that it approves the application with the notation of: -

“Council acknowledges the provision of the Scheme requirements, but does not oppose the W.A. Planning Commission approving the application for subdivision of Lot 65 Gardiner Street Moora.”

The Commission has authority to approve the application under Section 138 of the Planning and Development Act 2005.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

Town Planning and Development Act 2005

STRATEGIC IMPLICATIONS:

Provision of additional land for housing construction.

SUSTAINABILITY IMPLICATIONS:

- **Environment**
There are no known significant environmental implications associated with this proposal.
- **Economic**
Provision of an additional lot for housing development
- **Social**
Creation of an additional lifestyle lot.

FINANCIAL IMPLICATIONS:

Increase in rateable properties.

VOTING REQUIREMENTS

Simple Majority Required

**COUNCIL RESOLUTION
(MANEX RECOMMENDATION)**

106/07 Moved Cr Pond, seconded Cr Barrett-Lennard that Council advise the W.A. Planning Commission that “Council acknowledges the provision of the Scheme requirements, but does not oppose the W.A. Planning Commission approving the application for subdivision of Lot 65 Gardiner Street Moora.”

CARRIED 7/0

11.4.4 LOT 50 GREAT NORTHERN HIGHWAY BINDI BINDI

FILE REFERENCE: P/RES1
REPORT DATE: 17 May 2007
APPLICANT/PROPONENT: A. & J. Taylor
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: 9/5/07(99/07), 28/2/07(45/07), 13/12/06 (265/06),
 25/10/06 (221/06)
AUTHOR: Michael Prunster, Community Development Manager
ATTACHMENTS: Site Plan

PURPOSE OF REPORT:

Council is currently negotiating with Mr & Mrs Taylor for the purchase of Lot 50 Great Northern Highway, Bindi Bindi. (Refer previous minutes). Mr & Mrs Taylor have now lodged a planning application for the operation of a transport depot at the location. The construction of a residence on the site for their occupation is planned in the future.

BACKGROUND:

Mr & Mrs Taylor have been negotiating with the Shire for several months to purchase the lot previously used as the Bindi Bindi Sports Ground. Prior to making an official offer to purchase the property, they have requested that Council approve their application to operate a transport depot from the site, because they wish to be able to conduct their business from the home property.

COMMENT:

Council has indicated at previous Council meetings that the application would be approved in principle subject to certain conditions.

The Lot is currently zoned “farming” under the Shire T.P. Scheme No 4, and the operation of a transport depot is permitted subject to Council approval after giving notice in accordance with clause 7.3

7.3 Advertising of Applications

- 7.3.1 Where an application is made for planning approval to commence or carry out development which involves an "SA" use the Council shall not grant planning approval to that application unless notice of the application is first given in accordance with the provisions of sub-clause 7.3.3.
- 7.3.2 Where an application is made for planning approval to commence or carry out development which involves an "AA" use, or for any other development which requires the planning approval of the Council, the Council may give notice of the application in accordance with the provisions of sub-clause 7.3.3.
- 7.3.3 Where the Council is required or decides to give notice of an application for planning approval the Council shall cause one or more of the following to be carried out:
- a) notice of the proposed development to be served on the owners and occupiers of land within an area determined by the Council as likely to be affected by the granting of planning approval stating that submissions may be made to the Council within twenty-one days of the service of such notice;
 - b) notice of the proposed development to be published in a newspaper circulating in the Scheme Area stating that submissions may be made to the Council within twenty-one days from the publication thereof;
 - c) a sign or signs displaying notice of the proposed development to be erected in a conspicuous position on the land for a period of twenty-one days from the date of publication of the notice referred to in paragraph (b) of this clause.
- 7.3.4 After expiration of twenty-one days from the serving of notice of the proposed development, the publication of notice or the erection of a sign or signs, whichever is the later, the Council shall consider and determine the application.

The following is an extract from part two of Council resolution (99/07) passed at the meeting held on the 9 May 2007:

- 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.*

The planning application fee of \$150 has been received.

It is recommended that Council approval be given subject to comments/submissions being considered following the advertising period of 21 days.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

LGA 1995 S3.58

STRATEGIC IMPLICATIONS:

Establishment of a business enterprise in Bindi Bindi.

SUSTAINABILITY IMPLICATIONS:

- **Environment**
There are no known significant environmental implications associated with this proposal.
- **Economic**
Business growth in a rural townsite.
- **Social**
There are no known significant social implications associated with this proposal.

FINANCIAL IMPLICATIONS:

Increase in rateable property.

VOTING REQUIREMENTS

Simple Majority Required

COUNCIL RESOLUTION (OFFICER RECOMMENDATION)

107/07 Moved Cr Barrett-Lennard, seconded Cr McLagan that Council approve the planning application from Mr & Mrs A. Taylor to operate a transport depot at Lot 50 Great Northern Highway Bindi Bindi should they proceed with the purchase of the property and subject to the following conditions:

- ***A 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.*
- *Approval is subject to the acquisition of Lot 50 Great Northern Highway Bindi Bindi.*
- *Storage of fuel and construction of adequate Bunding in accordance with the requirements, or the approval of, the Department of Mineral and Petroleum Resources.*
- *Noise, dust & odour levels to be kept to a minimum as to minimise the impact of the amenity on neighbouring residents.*
- *There is to be no disposal of manure waste on site.*
- *Payment of advertising costs.*
- *Large vehicle entry and exit locations to property to be confirmed with MRWA to ensure road safety requirements on entering the highway.*

CARRIED 7/0

11.5 ENVIRONMENTAL DEVELOPMENT

Nil

11.6 ECONOMIC DEVELOPMENT

Nil

11.7 SPORT AND RECREATION

Nil.

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

Nil

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

Nil

14. NOTICE ON MOTIONS FOR THE NEXT COUNCIL MEETING

Nil

15. MATTERS BEHIND CLOSED DOORS**COUNCIL RESOLUTION**

108/07 Moved Cr McLagan, seconded Cr Clydesdale-Gebert that the meeting move behind closed doors to discuss

- **Item 15.1 Selection of a Developer for Moora**
- **Item 15.2 Sale by Private Treaty – Lot 34 Drummond Street Moora**

being 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 7/0

At 4.30pm Ms Lana Kelly & Mrs Merrel Pond retired from the meeting and the meeting moved behind closed doors.

15.1 Selection of a Developer for Moora

Provided to Councillors under confidential cover.

COUNCIL RESOLUTION

109/07 Moved Cr McLagan, seconded Cr Clydesdale-Gebert that a strategic analysis be undertaken by PRACSYS to cost the proposed short list of developers proposals for the West End subdivision in the Shire of Moora.

CARRIED 6/1

15.2 Sale by Private Treaty – Lot 34 Drummond Street Moora

Provided to Councillors under confidential cover.

**COUNCIL RESOLUTION
(MANEX RECOMMENDATION)**

110/07 Moved Cr Pond, seconded Cr Gardiner that Council accept Mr Marko Jovic's offer to purchase Lot 34 Drummond Street Moora (C/T 1469/33) for \$13,000, subject to: -

- 1) Independent valuation being received from Valuer General's Office.**
- 2) Advertising by public notice the sale by private treaty in accordance with LGA 1995 S3.58 for the period of 14 days.**

CARRIED 7/0

COUNCIL RESOLUTION

111/07 Moved Cr McLagan, seconded Cr Tonkin that the meeting come out from behind closed doors and re-open to the public.

CARRIED 7/0

The meeting reopened to the public at 4.49pm.

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 4.50pm.

CONFIRMED

PRESIDING MEMBER