

**Shire of Moora
Ordinary Council Meeting
25th July 2007**

NOTICE OF MEETING

Dear Elected Member

The next Ordinary Council Meeting of the Shire of Moora
will be held on **Wednesday 25th July 2007**
in the Council Chambers, 34 Padbury Street, Moora
commencing at **3.30 pm**

SJ Deckert
Chief Executive Officer
20th July 2007

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**WRITTEN DECLARATION OF INTEREST IN MATTER BEFORE COUNCIL**

Chief Executive Officer
 Shire of Moora
 PO Box 211
 MOORA WA 6510

Dear Sir,

Re: Written Declaration of Interest in Matter Before Council

I, ⁽¹⁾ _____ wish
 to declare an interest in the following item to be considered by Council at its meeting to
 be held on ⁽²⁾ _____

Agenda Item ⁽³⁾ _____.

The type of interest I wish to declare is: ⁽⁴⁾ Financial / Proximity / Indirect Financial /
 Conflict (impartiality) pursuant to ⁽⁵⁾ Section 5.65 of the Local Government Act 1995 /
 Clause 1.3 of Councils Adopted Code of Conduct.

The nature of my interest is ⁽⁶⁾ _____

I wish to be present and participate in any discussion and/or decision making procedure
 relating to the item and therefore would like Council to declare that my interest in the
 matter is ⁽⁷⁾ _____

The extent of my interest is ⁽⁸⁾ _____

I understand that the above information will be recorded in the minutes of the meeting
 and placed in the Financial Interest Register.

Yours faithfully,

Signed

Date

1. Insert your name.
2. Insert the date of the Council Meeting at which the item is to be considered.
3. Insert the Agenda Item number and Title.
4. Delete type of interest not applicable.
5. Delete reference, which is not applicable.
6. Insert the nature of your interest.

Please note: The section pertaining to the following notes should only be completed if the Councillor
 making the declaration requires a Council decision to participate in the matter.

7. Insert either "Trivial" or "In common with a significant number of ratepayers or electors".
8. Insert the extent of your interest.

THIS PAGE HAS BEEN LEFT BLANK INTENTIONALLY.

SHIRE OF MOORA
ORDINARY COUNCIL MEETING AGENDA
25 JULY 2007
COMMENCING AT 3.30PM

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Item 11.2.1 List of Payments Authorised Under Delegation 1.31

Item 11.4.1 Planning Application with Supporting Works Approval Application

Item 11.4.2 Schedule of submissions

Item 11.5.1 Draft Customer Service Charter

Item 11.5.2 LGIS Community Halls Report dated 4th July 2007

Item 11.5.3 LGIS Community Halls Report dated 4th July 2007

1. DECLARATION OF OPENING & WELCOME OF VISITORS***“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**APOLOGIES****PUBLIC****LEAVE OF ABSENCE**

The following Councillor was granted leave of absence for this meeting by Council resolution made at the Ordinary Meeting held on 13 June 2007:

JL Craven - Councillor - Moora Town Ward

4. DECLARATIONS OF INTEREST**5. QUESTIONS BY THE PUBLIC IN ACCORDANCE WITH SECTION 5.24 OF THE ACT****6. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Questions raised by Mrs Ann Lewis and taken on notice at the Ordinary Meeting of Council held in Moora on 11 July 2007. (Questions 1,6 & 7 were answered at that meeting.)

2. Why did your Shire CEO assure me that if there was an objection to the existing offer the process would then go to tender?

R The CEO has never made any such assurances. The advice to Mrs Lewis from the CEO, including verbally at in-person meetings, telephone calls and correspondence has consistently been that Council has commenced a private treaty sale and Council is obliged to see it through to conclusion. The CEO has also consistently advised that the advertising for submissions is to seek public comment on the proposed private treaty sale and not for the purpose of making counter offers.

3. Why has the Shire not responded to my letter of 16th May where I stated “If the block has been sold or promised for sale at any less than forty thousand dollars (\$40,000) I will be making a formal objection. I believe the block would bring between \$40,000 and \$80,000 on the open market.”?

R A review of the records systems indicates the following correspondence received from Mrs Lewis in respect to Lot 50 Great Northern Hwy, Bindi Bindi;

Date of Letters received from Mrs Lewis	Date of Shire Response
15/1/07	14/2/07
11/2/07	14/2/07
20/2/07	Will be responded to following consideration of submissions by Council on 25/7/07
16/5/07	29/5/07
11/7/07	12/7/07

It would therefore appear that Mrs Lewis’s letter of 16 May 2007 was responded to on 29 May 2007.

4. Why has the Shire not replied to so many of my letters each of them germane to assuring a fair and competitive offer for Lot 50?

R Please refer to the response to question 3. All letters from Mrs Lewis that have been received and filed have been responded to, other than the preliminary submission dated 20 February 2007. If there are any other letters that have not been recorded, then it would be appreciated if the CEO could be provided copies so that he can respond accordingly.

5. Is it Council policy to forgo \$15,000 or more of income to encourage people who are already established in local business to shift to other premises?

R The Shire of Moora’s Strategic Plan, states as the goal of the “Growth” Key Result area:

“To attract increased population and investment, to realise our brilliant opportunities and diversity our regions employment and economic base.”

Council does not have a policy to forgo money, however it will consider each proposal on its merits in line with the Strategic Plan goals, as in some cases an investment by Council will reap greater benefits for the community.

In this instance, Council believed that the agreed price and sale conditions were fair and reasonable and provided a net benefit to the Bindi community.

7. APPLICATIONS FOR LEAVE OF ABSENCE

8. PETITIONS AND MEMORIALS

3 representatives from the Central West Reference and Action Group have requested to make a presentation to Council.

9. ANNOUNCEMENTS BY THE SHIRE PRESIDENT

10. CONFIRMATION OF MINUTES OF THE PREVIOUS MEETINGS

10.1 ORDINARY COUNCIL MEETING - 11 JULY 2007

That the Minutes of the Ordinary Meeting of Council held on 11 July 2007, be confirmed as a true and correct record of the meeting.

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: 19 July 2007
OFFICER DISCLOSURE OF INTEREST: Nil
AUTHOR: Michael Prunster, Community 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

MANEX RECOMMENDATION

That Council note and endorse the Payments from Municipal and Trust Funds made under delegation 1.31

<i>Municipal Fund</i>	<i>Chq 56604 - 56662</i>	<i>\$177,656.79</i>
<i>Total</i>		<i><u>\$177,656.79</u></i>

11.3 OPERATIONAL DEVELOPMENT

11.3.1 TENDERS – ROAD SEALING AGGREGATE, BITUMEN PRODUCTS & GRADER

FILE REFERENCE: TENI & TEPI
REPORT DATE: 19 July 2007
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: Min 195/06 (27/9/06)
AUTHOR: John Greay, Operational Development Manager
ATTACHMENTS: Nil

BACKGROUND

Tenders are called throughout the year for various commodities etc using historic documentation. It is important to develop a set of criteria that is consistent with current requirements.

To undertake Councils road sealing and road works programme, it is necessary to call tenders for aggregate, bitumen and road stabilising for the current year.

COMMENT

It is considered desirable for Council to conform to the WALGA tender proforma when calling tenders for various requirements throughout the year for a value greater than \$100,000 including GST.

To accept this tender proforma requires council to develop qualitative criteria for the commodities that we are calling tenders for Council at the moment need to call tenders for the supply and delivery of road sealing aggregate, supply and spray of bitumen products and the incorporation of road stabilisation products into the road pavement

The suggested qualitative criteria, which will form part of the tender documentation, will remain in place for future repeat tenders as outlined in the recommendation.

Road Sealing Aggregate

Council will require approximately 2200 tonne of 14mm, 240 tonne of 10mm, 2080 tonne of 7mm and 120 tonne of 5mm road sealing aggregate for their road programme this year. The qualitative criteria to address these requirements are listed in the recommendation.

Supply and Spray of Bitumen Products

To carry out the road-sealing programme this year council requires approximately 300,000 litres of bitumen supplied and sprayed.

In calling tenders council needs to develop a set of qualitative criteria to assist with the compiling of tenders. This is contained in the recommendation to council.

Road Stabilisation

Within councils proposed budget this year there has been provision for the inclusion in some road rehabilitation work, which has allowed for the inclusion of road stabilisation. It is estimated that possibly 20,000m² may need this type of treatment which should be below the \$100,000 threshold however we don't

want to be in a position of delaying important work part way through the season due possible cost or project escalations.

STATUTORY ENVIRONMENT

Section 3.57 of the Local Government Act 1995.

Regulations 11 (1) & 18 of the Local Government (Functions & General) Regulations 1996.

POLICY IMPLICATIONS

Nil

BUDGET IMPLICATIONS

Allowances have been provided within this year's budget and Works Programme.

STRATEGIC IMPLICATIONS

Council needs to continue with the upgrading and maintenance of their road network.

PRECEDENT

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

VOTING REQUIREMENTS

Absolute Majority

MANEX RECOMMENDATION

That pursuant to Regulation 11(1) Local Government (Functions & General) Regulations 1996, Council authorises the calling of tenders for the supply and delivery of road sealing aggregate, supply and spray of bitumen products and supply and incorporation of road stabilising products which are budgeted for in the 2007-08 finance year, based on the WALGA Proforma tender documentation and adopts the following qualitative criteria.

Description of Qualitative Criteria	Weighting
a) Demonstrated ability to display conformance with the technical specification	15%
b) Demonstrated Safety Management: <ul style="list-style-type: none"> • The provision of a Safety Policy /Management Plan • Confirmation to attend a Council Occupational Safety & Health Induction 	10%
c) Delivery Response Times: Ability to provide the services at the specified/requested times in addition to any existing or future contracts obligated to. Tenderer to supply any previous written contract delivery performance references to other clients.	20%
d) Quality Assurance: Preference will be given to tenderers demonstrating the achievement of, or progress towards, Quality Assurance Certification.	5%
e) References: Supplied references from other organizations the tenderer is or has been contracted to which attest to competent standards of performance.	10%
f) Insurances: Evidence of certificates of currency for public liability, product liability, workers compensation and motor vehicle insurances.	5%
Price Considerations	
Weighted Cost Criteria	Weighting
Tendered Price	35%

11.4 COMMUNITY DEVELOPMENT

11.4.1 PLANNING APPLICATION – CENTRALISED BIOSOLIDS TRIAL FACILITY

FILE REFERENCE: PA/1290-1
REPORT DATE: 18 July 2007
APPLICANT/PROPONENT: Junex Nominees
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: 28/7/04 9.5: 26/8/05 9.5: 8/6/05 11.6.1:
 13/7/05 11.5.1: 24/8/05 11.5.1 & 11.5.2:
 14/9/05 11.5.2 & 11.5.3

AUTHOR: Michael Prunster, Community Development Manager
 and Steven Deckert, Chief Executive Officer

ATTACHMENTS: Planning application with supporting works approval
 application
 Public submissions and summary
 Confidential 'legal advice from Council's lawyers'

PURPOSE OF REPORT

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

BACKGROUND

There has been Council and public consultations since 2004 with public forums and meetings arranged by the Water Corporation to discuss the Biosolids project.

Council initially supported the Shire of Victoria Plains and the Water Corporation for the establishment of a Biosolids facility at Gillingarra, with a resolution to this effect at their meeting held on the 28 July 2004. The Shire of Victoria Plains subsequently refused approval of the application.

The Shire of Moora received a letter from the West Koojan-Gillingarra Land Conservation District dated 12/8/05 requesting that the use of Biosolids be banned in the Shires of Victoria Plains, Dandaragan and Moora areas and also that they did not support the stockpile of Biosolids in these areas.

The letter was referred to Council at their meeting held on the 14 September 2005, and the following resolution was passed by Council:-

COUNCIL RESOLUTION – ITEM 11.5.1

220/2005 Moved Cr Pond, seconded Cr Tonkin that council;

- 1. Support the use Biosolids under conditions and standards monitored and enforced by state government agencies, in view of productivity advantages Biosolids offers to farm systems and the importance of agriculture to the Moora region.**
- 2. Supports the proposal of a trial storage Biosolids facility in the Moora region, to be managed by state agencies.**

CARRIED 5/2

Cr Craven requested her vote be recorded against this resolution.

The Planning application to establish the trial facility submitted by Mr Owen Cocking of Junex Nominees was received on the 11 April 2007.

Council has discussed the planning application at briefing sessions held in May & June and directed staff to advertise the proposed development as per Section 7.3 of the Town Planning Scheme No 4 and consider the application following the closing of the advertising period and the receipt of any submissions/comments from interested parties.

The advertisement was placed in the local Central Midlands and Coastal Advocate commencing from the 7 June 2007 and with an extended closing date of 4.00pm on the 13 July 2007.

The closing date was extended to allow residents to obtain information from the relative representatives of the Government Agencies attending a Public Meeting planned for the 3 July 2007. It was envisaged that this would allow interested persons to clarify any queries they might have prior to lodging submissions.

Council received a total of 23 submissions as at the close of the advertising period on the 13th July 2007. Councillors have been circulated with a copy of the submissions and a summary with this agenda. The summary provides a précis of the submissions received and Council is required to consider each submission and formulate a response.

Council representatives have also met with the applicant and key state government agencies to discuss and gain a better understating of the planning application.

COMMENT

Under the Shire of Moora Town Planning Scheme No 4, the establishment of the Biosolids facility is permitted under the zoning of “Farming” subject to Council approval following the advertising of the proposal and community consultation.

The objectives for Farming Zone developments are described in the Town Planning Scheme as follows:-

3.12 Farming Zone

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.

This planning application is for the consideration of a trial facility for a two year period. If at the end of this period, the applicants wish to establish a permanent facility, a new application for planning approval will need to be considered by Council.

Twenty two submissions objected to the project and one was in favour. These submissions are now required to be considered by Council to determine the application as per section 7.4 of the Town Planning Scheme:-

7.4 Determination of Application

7.4.1 In determining any application for planning approval the Council may consult with any authority which, in the circumstances, it thinks appropriate.

7.4.2 The Council having regard to any matter which it is required by the Scheme to consider, to the purpose for which the land is zoned or approved for the use under the Scheme, to the purpose for which land in the locality is used, and to the orderly and proper planning of the locality and the preservation of the amenities of the locality, may refuse to approve any application for planning approval or may grant its approval unconditionally or subject to such conditions as it thinks fit.

7.4.3 Where the Council approves an application for planning approval under the Scheme the Council may limit the time for which that approval remains valid.

The Environmental Protection Authority has carried out their assessment process, with the Environmental Impact Assessment being signed off by the Minister. The Department of Environment and Conservation have now commenced the Works Approval process.

Council's role in considering this application is to determine whether the proposed use is consistent with the zoning and intent of the Shire of Moora's Town Planning Scheme No 4. The Department of Environment and Conservation are considering the Works Approval under their legislative requirements. It should be noted that development cannot commence until the applicant receives both planning approval and works approval.

Following receipt of the submissions the Chief Executive Officer has initiated legal advice in respect to a matter that has been raised in the submissions. The advice has now been received and a confidential copy is enclosed with this agenda. Prior to Council considering the submissions and planning application it may be appropriate to consider the legal advice before proceeding. If Council wishes to do this it is recommended that the meeting be closed to the public due to the confidential nature of the advice.

POLICY REQUIREMENTS

There are no known policy requirements related to this item.

LEGISLATIVE REQUIREMENTS

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

STRATEGIC IMPLICATIONS:

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

SUSTAINABILITY IMPLICATIONS

➤ **Environment**

The environmental management plan is included in the works application document attached.

➤ **Economic**

Improved landcare sustainability and economic growth.

➤ **Social**

Social implications have been addressed in the works application document attached.

FINANCIAL IMPLICATIONS

Increased road maintenance costs expected on roads used to deliver to proposed site and distribution to farmers. Council approval conditions address this aspect.

VOTING REQUIREMENTS

Simple Majority Required

MANEX RECOMMENDATIONS

- 1. THAT the Council receives the schedule of submissions received during the advertising period for development of a trial centralised biosolids depot on part of Lot M1239, Koojan, and adopts the Council responses therein, as per attached.**
- 2. THAT the Council grants planning approval pursuant to Local Planning Scheme 4 for development of a trial centralized biosolids facility (“the facility”) on part of Lot M1239, Koojan, as described in the report “Centralised Biosolids Storage Facility – Annadale Farm” GHD March 2007 for the Water Corporation, subject to**
 - (a) This planning approval only applies to the facility as proposed in the application.**
 - (b) The stamped and dated plan/plans, as amended in this planning approval and together with any requirements detailed thereon, shall form part of this planning approval.**
 - (c) The planning approval for the facility is temporary and shall be valid for a maximum period of two years from occupation or use of the development.**
 - (d) Biosolids are not to be transported to or from the facility during school bus times to the satisfaction of the Chief Executive Officer.**
 - (e) The applicant shall submit detailed monitoring reports to the Shire every three months after commencement of the development and throughout the term of this planning approval detailing fly control, odour control, leachates, any nuisance or operational problems, and management/operational practices.**

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

- (k) ***This planning approval expires if the development is not substantially commenced within 2 years of the date of this approval.***

3. THAT the applicant be advised that:

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

4. THAT the applicant be advised that the following matters are for consideration by the Water Corporation:

- (a) ***Biosolids delivered to farms are to be spread by licensed and accredited spreading contractors;***
- (b) ***All biosolids to be transported within the district of the Shire in solid, sealed (airtight) containers to eliminate odour and spillage;***
- (c) ***Trucks transporting biosolids within the district of the Shire are encouraged to use Shire roads outside scheduled school bus times;***
- (d) ***The Shire is to be advised at least 30 days in advance of proposed routes to be used by trucks delivering biosolids within the Shire;***
- (e) ***The Shire is to be kept informed of complaints lodged with the relevant agencies and the progress and outcome of dealing with those complaints;***

- (f) The Shire is to be advised of all licences to use/spread biosolids, which are issued within the Shire including locations and licence conditions;**
- (g) Council expects that appropriate action will be taken by the relevant agencies / authorities against landowners who breach licence conditions relating to the use of biosolids;**
- (h) Council encourages further research and development be undertaken into the production and use of biosolids.**

11.4.2 SALE OF LOT 50 GREAT NORTHERN HIGHWAY, BINDI BINDI

FILE REFERENCE: P/RES1
REPORT DATE: 18 July 2007
APPLICANT/PROPONENT: Messrs A. & J. Taylor
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: Min 221/06 (25/10/06), 265/06 (13/12/06)
 45/07 (28/2/07), 99/07 (9/5/07)
AUTHOR: Michael Prunster, Community Development Manager
 and Steven Deckert, Chief Executive Officer
ATTACHMENTS: Public submissions and summary.

PURPOSE OF REPORT

To consider the sale by Private Treaty of Lot 50 Great Northern Highway to Messrs A. & J. Taylor.

BACKGROUND

The proposal to sell Lot 50 Great northern Highway Bindi Bindi by private treaty has been discussed by Council on several occasions since October 2006, when Mr & Mrs Taylor made the initial offer.

The Council resolution from the meeting held on the 25 October directed staff to seek the comments from the Bindi Bindi Progress Association before progressing any further with the offer.

The Bindi Bindi Progress Association replied on the 1 December 2006 stating that they were “*not opposed with the sale of the property, subject to limited clearing, use, and in accordance with current zoning and development subject to Shire approval*”

Following the receipt of two valuations on the property, Council passed the following resolution at their meeting held on the 9 May 2007: -

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: -*

- 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

The Chief Executive Officer and Community development Manager arranged a meeting with Mr Taylor and negotiated a purchase price of \$25,000 subject to the following conditions. -

- (a) the Purchaser is to complete a 'proposed development' ("the Development") as approved by the Shire within two years of the purchase of the Property;
- (b) a building application for a residence at the Property ("the Residence") must be approved by the Shire within a two year period following the purchase of the Property;
- (c) construction of the Residence must be completed within the timeframe provided for by the relevant building licence;
- (d) if the Property is sold prior to the completion of the Development or the Residence, the Shire will have the first option to purchase the Property; and
- (e) if the Shire purchases the Property pursuant to the option, the price is to be the original purchase price plus the depreciated value of any improvements.

The advertisement was placed in the Central Midlands and Coastal Advocate inviting submissions/comments by 4.00pm on the 9 July 2007.

At the end of the advertising period, a total of 30 submissions/comments were received of which 28 submissions supported the sale and 1 objected to the sale. 1 submission queried the proposed establishment of the transport depot, which cannot be considered by Council until the sale has been settled. Since the closing date of submissions we have received an additional 2 in favour of the sale. In due course, if the planning application is approved, it will be subject to the development being advertised for further public submission/comment for a period of 21 days.

A summarised list of the submissions/comments is attached.

COMMENT

Messrs A. & J. Taylor have lodged a planning application for locating their Transport business at the location. This application cannot be considered until settlement has been effected and the Taylor's are the owners of the property.

If Council proceeds with the sale of Lot 50 Great Northern Highway, Bindi Bindi, under the terms as advertised, it is proposed that a contract be entered into detailing the conditions.

This will be achieved through signing the usual “Contract of Sale of Land by Offer & Acceptance” with an annexure detailing the special conditions of sale.

A copy of a draft Offer and Acceptance with annexure is enclosed with this agenda for Councillors information. (please note that this is a preliminary draft and is subject to minor correction/amendment).

POLICY REQUIREMENTS

Nil

LEGISLATIVE REQUIREMENTS

LGA 1995 – s3.58

STRATEGIC IMPLICATIONS

Council is currently responsible for maintaining the property buildings, and with the facility no longer being used, sale of the property is thought to be in the best interest of Council, and creates a location for a residential/business development.

SUSTAINABILITY IMPLICATIONS

The sale of the Lot and/or Location of a Residential/Commercial building on the property will provide a rateable property for the Shire. Sale proceeds will also benefit a selected development.

➤ **Environment**

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

➤ **Economic**

The sale of the Lot and the location of a residential building and local business will be a benefit to Bindi Bindi

➤ **Social**

Increase in Bindi Bindi townsite residents.

FINANCIAL IMPLICATIONS

Additional Income from the sale of the property.

VOTING REQUIREMENTS

Absolute majority required.

MANEX RECOMMENDATIONS

That Council

- 1. Receives the schedule of submissions received during the advertising period for the proposed sale of Lot 50 Great Northern Highway, Bindi Bindi and adopts the responses therein, as per attached.*

2. **Having complied with the requirements of the Local government Act 1995 in respect to the disposal of property by private treaty, and after giving due consideration of the submissions received, agrees to sell Lot 50 Great Northern Hwy, Bindi Bindi to Mr & Mrs Taylor on the terms and conditions as advertised, namely;**

“The Shire of Moora will sell Lot 50 Great Northern Highway, Bindi Bindi (“the Property”) to Mr A and Mrs J Taylor for the consideration of \$25,000 (excl GST), which is conditional on:

- (a) **the Purchaser is to complete a ‘proposed development’ (“the Development”) as approved by the Shire within two years of the purchase of the Property;**
 - (b) **a building application for a residence at the Property (“the Residence”) must be approved by the Shire within a two year period following the purchase of the Property;**
 - (c) **construction of the Residence must be completed within the timeframe provided for by the relevant building licence;**
 - (d) **if the Property is sold prior to the completion of the Development or the Residence, the Shire will have the first option to purchase the Property; and**
 - (e) **if the Shire purchases the Property pursuant to the option, the price is to be the original purchase price plus the depreciated value of any improvements.”**
3. **Delegates authority to the CEO to finalise the “Contract For Sale by Offer and Acceptance form and Annexure A”, as per the draft tabled at this meeting, as discussed.**
 4. **Authorises the Shire President & CEO to sign the final “Contract For Sale by Offer and Acceptance” form on behalf of the Shire of Moora.**
 5. **Authorises the establishment of a new Reserve Fund in the 2007/08 Budget, titled “Public Buildings Reserve Fund” into which the proceeds from the sale of Lot 50 Great Northern Hwy Bindi Bindi is to be deposited.**

11.5 ENVIRONMENTAL DEVELOPMENT

11.5.1 CUSTOMER SERVICE CHARTER FOR WASTEWATER SERVICES

FILE REFERENCE: H/SWS1
REPORT DATE: 10 July 2007
APPLICANT/PROPONENT: Nil
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: Nil
AUTHOR: Melissa Rourke, Manager of Health and Regulatory Services
ATTACHMENTS: Draft Customer Service Charter

PURPOSE OF REPORT

To consider and adopt the draft Customer Service Charter for Wastewater Services reviewed as required under the Shire of Moora's Waste Water Licence.

BACKGROUND

The Economic Regulatory Authority requires a licence holder to produce and review a customer service charter for the provisions of wastewater services. The Shire of Moora holds a licence for the provision of a sewage system (licence number 5214). The review period outlined in the Licence and the Water Services Licensing Act 1995 is at least once every 36 months.

The Charter is a broadly defined published statement containing:

- A list of customer's entitlements;
- Details regarding a licensee's services; and
- Information relevant to the relationship between the customer and the licensee.

During the last mandatory audit of the wastewater system a number of outstanding items were outlined that needed rectification in order for full compliance with the operating licence and guidelines. One of these items was the review of the customer service charter. It is a requirement that the reviewed charter be sent to the customers on an annual basis and that it be displayed in a predominant place in the Shire of Moora administration building.

COMMENT

The draft Customer Service Charter for Wastewater Services (as attached) has been reviewed and updated in relevant sections. The changes made to the charter are minor and mostly administrative including changing contact details and legislative changes.

If adopted by Council the draft will be sent to the Economic Regulatory Authority for their approval. Once the charter has been approved by the Economic Regulatory Authority it can be sent to the Shire of Moora's customers

POLICY REQUIREMENTS

There are no known policy requirements

LEGISLATIVE REQUIREMENTS

The Water Services Licensing Act 1995 governs the licensing requirements of wastewater services. The Water Services Licensing Act 1995 requires a review of the Customer Service Charter at least every 36 months.

STRATEGIC IMPLICATIONS

There are no known strategic implications associated with this proposal.

SUSTAINABILITY IMPLICATIONS**➤ Environment**

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

➤ Economic

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

➤ Social

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

FINANCIAL IMPLICATIONS

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

VOTING REQUIREMENTS

Simple Majority Required

MANEX RECOMMENDATION

That Council adopt the draft Shire of Moora Customer Service Charter for Wastewater Services as attached.

11.5.2 FUTURE OPTION FOR THE ROUND HILL HALL

FILE REFERENCE: B/ROH1
REPORT DATE: 9 July 2007
APPLICANT/PROPONENT: Nil
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: 16/07 (31/01/07) and 97/07 (09/05/07)
AUTHOR: Melissa Rourke, Manager of Health and Regulatory Services
ATTACHMENTS: LGIS Community Halls Report dated 4th July 2007

PURPOSE OF REPORT

To consider the future options for the Round Hill Hall

BACKGROUND

At the Ordinary Council meeting held on the 9th of May 2007 Council resolved:

- “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 closures of the buildings in relation to item 1 above;
3. staff investigate the options available to Council for divestment of the buildings.”

At this meeting the hall was discussed including various moral and legislative implications. These implications are again included below:

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; “

The Round Hill Hall would fall under the definition of a Public Building, as it is 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. The hall was acquired approximately 73 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 Round Hill Hall as \$235,000. This would require about \$9400 per year to be allocated for basic maintenance.

Maintenance

The Round Hill Hall is in a poor state and require extensive maintenance to be undertaken in order to make it safe, functional and mildly presentable.

Heritage Significance

The Hall is listed in the Shire of Moora Municipal Heritage Inventory as adopted in 1997. This inventory lists Round Hill Hall 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 building when considering the future of the hall. According to the Shire of Moora’s records the Round Hill Hall has not been hired in the 2006/07 financial year. Please note that these records do not show all hall usage in Round Hill as the community have access to it without booking through the Shire. This being said the community have in the past shown great interest in preserving the hall for its present usage. It is believed that the Round Hill Hall is used at Christmas time in the communities’ traditional celebration and utilised by the Moora Miling Pasture Improvement Group Meetings.

The hall is owned free hold by the Shire of Moora and has been so since 1934.

Local Government Insurance Services Risk Manager (Occupational Safety and Health), Mr David Painter, inspected the Round Hill Hall in relation to public liability risk. Mr Painter advised that:

“The Round Hill Hall is in a poor state of repair and will require some urgent and extensive renovations prior to allowing public use even on a conditional basis.”

Mr Painter’s report also quoted Mr Rob Mackenzie, Risk Manager (Liability), as saying:

“ I can confirm that the MLS will provide Public Liability cover to Council in respect of the 2 halls as per the policy wording. However, I would recommend that Council ensure that the structures are properly maintained in particular walking services both inside and around the buildings to minimise the likelihood of trips and fall claims.”

Mr Painter outlined that as well as the requirements of the Health (Public Buildings) Regulation 1992 and the public liability implications there is also the issue of Occupational Safety and Health for employees who may from time to time work in

the hall. He outlined that there are possible financial penalties should an injury be incurred by an employee

COMMENT

There are a number of options available for the future of the hall. These include:

1. Upgrade the hall to public building standard and then gift the building to the community to undertake the maintenance for future years. This option may include a annual donation being made to the community by the Shire of Moora to assist with the maintenance costs. It should be noted that this allocation would not include improving the building's functionality or appearance.
2. Dispose the building by public auction, public tender or private treaty in accordance with the requirements of the Local Government Act 1995 with the condition that it be upgraded prior to being used as a public building.
3. Accept the liability of the hall in its present state and allow it to be used as a public building under strict conditions ie not at used at nighttime, occupancy restrictions.
4. Complete all works (maintenance and public building components) to upgrade the building in the next financial year.

The above options would have the following implications:

1. To upgrade the building to public building standard it is estimated that it will cost a minimum of \$23950.00. If this occurs it is suggested that once gifted to the community a donation is given to the community on a annual basis to help with the cost of maintaining the hall.
2. Disposing of the building would leave the community without a meeting place in their immediate area.
3. Accepting the liability of the hall may prove to be costly and the Local Government Insurance Services advised that extensive renovations should be undertaken prior to use by the public. Also this would be done in contravention of the *Health (Public Buildings) Regulations 1992*. This is not recommended by the Manager of Health and Regulatory Services.
4. If all works were undertaken it is estimated to cost in excess of \$37885.00.

It should be noted that if a community group were to take the responsibility of the hall 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.

LEGISLATIVE REQUIREMENTS

The building is listed on the Shire of Moora Municipal Heritage Inventory as under a Management Category 3. The Inventory describes the Management Category 3 as providing “*Recognition of cultural heritage value.*”

The category is assigned to provide recognition and protection through the processes of the Town Planning Scheme. The Inventory recommends that the place is retained and conserved if possible.

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

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**

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

➤ **Economic**

A significant cost to upgrade the building and an annual maintenance cost to the Shire to maintain the building. The cost implications depend on which option Council adopt.

➤ **Social**

The community that surrounds the Round Hill Hall currently use the 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 upgrade and maintenance costs. The public liability and insurance risk would also be reduced.

VOTING REQUIREMENTS

Simple Majority Required

MANEX RECOMMENDATION

That it is Councils preference to dispose of the Round Hill Hall in accordance with the requirements of the Local Government Act 1995 with the condition that it be upgraded prior to being used as a public building, however before progressing consult with the Round Hill community.

11.5.3 FUTURE OPTIONS OF THE BINDI BINDI HALL

FILE REFERENCE: B/BIB1
REPORT DATE: 9 July 2007
APPLICANT/PROPONENT: Nil
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: Min 16/07 (31/01/07) and 97/07 (09/05/07)
AUTHOR: Melissa Rourke, Manager of Health and Regulatory Services
ATTACHMENTS: LGIS Community Halls Report dated 4th July 2007

PURPOSE OF REPORT

To consider the future options for the Bindi Bindi Hall.

BACKGROUND

At the Ordinary Council meeting held on the 9th of May 2007 Council resolved:

- “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 closures of the buildings in relation to item 1 above;
3. staff investigate the options available to Council for divestment of the buildings.”

At this meeting the hall was discussed including various moral and legislative implications. These implications are again included below:

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; “

The Bindi Bindi Hall falls under the definition of a Public Building, as it is 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. This hall was 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. This would require about \$10200 per year to be allocated to maintaining the hall.

Maintenance

The building is in a poor state and require extensive maintenance to be undertaken in order to make it safe, functional and mildly presentable.

Heritage Significance

The Bindi Bindi Hall is 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 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 building when considering the future of the hall. According to the Shire of Moora’s records the Bindi Bindi Hall has been hired six times in the 2006/07 financial year. Please note that these records do not show all hall usage as the community also have access to it without booking through 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 Bindi Badminton Club and Bindi Bindi Progress Association use the Bindi Bindi Hall. The hall is also used for church services

The hall is owned free hold by the Shire of Moora and has been so since 1934.

Local Government Insurance Services Risk Manager Occupational Safety and Health, Mr David Painter, inspected the Bindi Bindi Hall in relation to public liability risk. Mr Painter advised that:

“The Bindi Bindi Hall also requires some maintenance and repairs although there is a possibility that some conditional use could be made of the lesser hall area with some repairs and then regular maintenance.”

Mr Painter’s report also quoted Mr Rob MacKenzie, Risk Manager Liability, as saying: *“ I can confirm that the MLS will provide Public Liability cover to Council in respect of the 2 halls as per the policy wording. However, I would recommend that Council ensure that the structures are properly maintained in particular walking services both inside and around the buildings to minimise the likelihood of trips and fall claims.”*

Mr Painter outlined that as well as the requirements of the *Health (Public Buildings) Regulation 1992* and the public liability implications there is also the issue of

Occupational Safety and Health for employees who may from time to time work in the hall. He outlined that there are possible financial penalties should an injury be incurred by an employee.

COMMENT

There are a number of options available for the future of the hall. These include:

1. Upgrade the hall to public building standard and then gift the building to the community to undertake the maintenance for future years. This option may include a annual donation being made to the community by the Shire of Moora to assist with the maintenance costs.
2. Dispose the building by public auction, public tender or private treaty in accordance with the requirements of the Local Government Act 1995 with the condition that it be upgraded prior to being used as a public building.
3. Accept the liability of the hall in its present state and allow it to be used as a public building under strict conditions ie not used at night time, occupancy restrictions. This is not recommended by the Manager of Health and Regulatory Services.
4. Complete all works (maintenance and public building components) to upgrade the building in the next financial year
5. Excise the room known as the 'supper room', bring up to standard in relation to the *Health (Public Buildings) Regulations 1992* and approve as a public building.
6. Leave the building closed and propose to construct a new meeting room maybe attached to the proposed future fire shed.

The above options would have the following implications:

1. To upgrade the building to public building standard it is estimated that this upgrade will cost approximately \$15300.00. If this occurs it is suggested that once gifted to the community an annual donation is given to the community to help with the cost of maintaining the hall. It should be noted that this allocation would not include improving the building's functionality or appearance.
2. Disposing of the building would leave the community without a meeting place in their immediate area.
3. Accepting the liability of the hall may prove to be costly. Also this would be done in contravention of the *Health (Public Buildings) Regulations 1992*. This option is not recommended by the Manager of Health and Regulatory Services.
4. If all works were undertaken it is estimated to cost in excess of \$39575.00.
5. Excising the supper room will enable the community to hold small functions. This could be seen as a interim measure until another building is built perhaps in conjunction with the proposed future fire shed. This would cost approximately \$8450.00 in the 07/08 financial year and the cost of a extension to the fire shed in a future financial year,
6. If the building is left closed then the community wont have anywhere within the immediate area to hold functions.

It should be noted that if a community group were to take the responsibility of the hall they too would need to comply with the *Health (Public Buildings) Regulations 1992*. 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.

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 *Health (Public Buildings) Regulations 1992* 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 or the Executive Director of Public Health.

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**

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

➤ **Economic**

A significant cost to upgrade the building and an annual maintenance cost to the Shire to maintain the building. The cost implications depend on which option Council adopt.

➤ **Social**

The community that surrounds the Bindi Bindi Hall currently use the 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 Council***

- 1. approve expenditure to excise the room known as the ‘supper room’, and bring up to standard in relation to the Health (Public Buildings) Regulations 1992 in the 2007/08 financial year as an interim measure, and***
- 2. records that it is Councils preference that during 2007/08 to investigate options to construct a new meeting room attached to the proposed future fire shed, however before progressing further to consult with the Bindi Bindi community.***

11.6 ECONOMIC DEVELOPMENT

Nil

11.7 SPORT AND RECREATION

Nil

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

At the previous meeting of Council Cr Clydesdale-Gebert proposed to put the following four motions;

12.1 Management of Unsupervised Children at the Moora Swimming Pool**Comment Provided by Cr Clydesdale-Gebert**

It is apparent due to various interests using the pool for many different styles of swimming such as water aerobics, swimming club, lap swimmers, school lessons and recreational swimming, sometimes all at the same time, that potential for injury may occur.

The Shire of Moora has a duty of care to ALL patrons to enjoy their pool which they pay rates for to use the pool as they choose for their enjoyment. Anecdotal comments have been made apparent that people are not comfortable in using the pool and therefore do not use the facility as they feel it is “unsafe” for their purpose. Some of this can be attributed to children who appear not to be supervised by a parent or guardian, at times numbering up to a dozen with only the pool manager which is attending to the reception as well as other duties. There are no lifeguards other than the pool manager leaving the potential for tomfoolery to occur and potential for serious injury to a swimmer.

The term “bombing” is still allowed in pool signage and is frequently occurring when the pool is crowded. It is believed “bombing” in other pools is outlawed as its potential to injury oneself or others in a significant manner.

The lack of clear signs at the entrance and around the pool grounds indicating that misbehaviour will NOT be tolerated with a “3 strikes rule” or similar should, in the authors opinion, be initiated, thus ensuring the disobeying of rules has consequences for actions. No person should be allowed to stand on the diving blocks at the end of the pool unless it is for lessons as the potential for someone to push a person onto the top of another in the water below is highly likely and does happen. This is highly intimidating to the swimmer below in the lane and irreversible damage to a person could occur.

It is normal practice to have dedicated lap lanes up at all times for lap swimmers and notices at each end of the lanes indicating, “lap lane swimmers only”.

It would be appreciated if the Shire could make a ruling for children who are at the pool in school hours due to the question of the duty of care and clearly state this to the public to support pool staff in their queries when asked to explain. This may in fact mean a collaborative approach with schools, police and truant officers.

There are potentially many other precautionary measures in carrying out a reasonable duty of care, which we can demonstrate, to our insurers in the event of injury occurring. Officers should liaise with other shires and councils for ideas in risk management of the pool.

It is unfortunate that these measures have to be taken in a small country town but it is a small group that are taking advantage of the current pool conditions and a duty of care wherever we are living is necessary in a public space.

The author hopes this will enable people to return to the pool and increase pool takings in the long term.

Cr Clydesdale-Gebert's Recommendation

“That the Shire of Moora formulates a plan/policy for the management of unsupervised children by parent or guardian at the local swimming pool to ensure guidelines for the management/supervision by staff, including adequate signage, permanent lane demarcation and other relevant duty of care matters for the safety of all patrons. This includes the disciplinary measures or options available for staff to carry out their duties (including the clarification of the “no school, no pool rule”) prior to the season opening for 2007”.

MANEX COMMENTS

The comments by Cr Clydesdale-Gebert are essentially operational matters normally covered by Local Laws, Council policies and general pool management principles. However, Manex does not have any concerns with the recommendation as printed on the basis that these issues will be considered within our review of our Local Laws, delegations and Council Policies.

12.2 Pedestrian Railway Crossover in the Moora Town Centre

Comment Provided by Cr Clydesdale-Gebert

It is believed that this was attempted a few years ago with limited success. It is quite important that we persist with this matter on behalf of the community of Moora.

A number of community members have approached the author on this matter and it is believed letters have been sent to the Shire of Moora.

With the upgrade of the railway line recently, it was quite surprising that no crossover other than the roads at either ends of town were upgraded for pedestrians in an ever aware world of rights and obligations to people with disabilities in our community.

The Shire of Moora has, at expense, engaged a consultant amongst other things, to look into ways to close the gap on our separated sides of town due to the railway line. Walkways, a community park and pedestrian access have been discussed as a way to do just that. One member of the public has indicated that she was advised by a worker on the upgrade of the line that a fence would be erected to stop pedestrians over the tracks other than the roads. This would be of serious concern in achieving our goal of joining the 2 sides of town and should be investigated.

Anecdotal evidence has been noted of wheelchairs trying to get over the railway line near the post office and tourists enquiring about public toilets when on the west side of town, then proceeding to on foot climb/clamber over the railway line. Recently in the news a pedestrian was killed by a train when the wheels of the wheelchair were caught in the tracks.

It is therefore necessary to try and guide pedestrians to a safe path across the 2 sides of the shopping precinct over the railway line. Whilst it is the railways responsibility, it is important on behalf of the community that the shire encourage safe pedestrian pathway within the town.

Cr Clydesdale-Gebert's Recommendation

“That the Shire of Moora investigate the potential of a dedicated pedestrian railway crossover in the main town centre, by liaising with Westrail, including in the Shire of Moora’s “Disability Access and Inclusion Plan” and “Town Centre Revitalisation Plan” within the next 6 months”.

MANEX COMMENTS

The Operational Development Manager has initiated discussion with Westrail, who have indicated that they have funding available for these crossings. The shire now needs to submit plans to Westrail for their consideration and approval. Manex therefore has no objections to the recommendation.

12.3 Moora Youth Centre

Comment Provided by Cr Clydesdale-Gebert

Unfortunately, local government has the burden placed upon them too often of expensive community support facilities.

It is apparent that the local youth centre has some problems that may need some direct assistance from the local council. State and Federal support should continue but is ever a concern of diminishing. In the interests of community cohesiveness, the Shire of Moora needs to maintain some assistance with stability.

The most cost effective and smart way of achieving this is to engage in a process of planning for the potential of funding withdrawal or reduction to reduce any risk of closure which would have serious impacts on the community of Moora's well being. This may include "in kind" assistance and funding applications support to the co-ordinator of the Youth Group.

It is believed, the Shire of Moora's Crime Prevention and Safety Officer is already working with the Youth Centre and although it is difficult to increase this part time role, it is an important support to the Youth Centre that we are assisting with already.

It is understood that the Shire of Moora's resources are also stretched but a collaborative approach on the future of this centre's sustainability is vital.

Cr Clydesdale-Gebert's Recommendation

"That the Shire of Moora liaise with the Moora Youth Centre for the purposes of discussion of setting up a collaborative facility with direct input from the Shire of Moora, similar to the Moora Child Care Centre model. That a model be presented back to Council for consideration within the next 6-12 months or earlier depending on circumstances".

MANEX COMMENTS

It is Manex's opinion that the Shire should not be taking on financial responsibility for a function of other spheres of government. On this basis Manex does not support taking on the Moora Youth Centre based on the Moora Child Care Centre model. However, Manex has no objection to the general thrust of the recommendation on the basis that other options of supporting the Youth Centre may be discovered while investigating this matter.

12.4 Lighting Enhancement Plan

Comment Provided by Cr Clydesdale-Gebert

In light of recent media reports and general concern amongst the community regarding crime in Moora, this action would appear an appropriate step in assisting in the minimisation and prevention of future crimes.

A documented plan and agreed time to review with the appropriate stakeholders of all sites known in the town of Moora to be problem areas and through promotion in the local media to ask for assistance from Moora citizens for their input into the plan which should be publicly presented for final comment. A review every 12 months diarised for follow up would also be prudent.

Cr Clydesdale-Gebert's Recommendation

“That the Shire of Moora investigate the development of a “lighting enhancement plan” within the town centre by conducting a full “safety audit” and liaising with Western Power, Office of Crime Prevention and engaging the Shire’s resources (Crime and Safety Prevention Officer), local police and other stakeholders within the framework of the Shire of Moora’s Crime and Prevention Plan including the potential for funding options within the next 6-12months”.

MANEX COMMENTS

It is Manex’s opinion that this matter should be referred to the Moora Crime & Safety Committee to action in the first instance with the view of the committee making recommendations to Council. Manex therefore supports the above recommendation amended accordingly to read as follows;

“That the Shire of Moora refer to the Moora Crime & Safety Committee a request for them to investigate the development of a “lighting enhancement plan” within the town centre by conducting a full “safety audit” and liaising with Western Power, Office of Crime Prevention and engaging the Shire’s resources (Crime and Safety Prevention Officer), local police and other stakeholders within the framework of the Shire of Moora’s Crime and Prevention Plan including the potential for funding options within the next 6-12months”

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

14. NOTICE ON MOTIONS FOR THE NEXT COUNCIL MEETING

15. MATTERS BEHIND CLOSED DOORS**RECOMMENDATION**

That the meeting move behind closed doors to discuss Item 15.1 Selection of Residential Developer for 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.

15.1 Selection of Residential Developer for Moora

Provided to Councillors under confidential cover.

16. CLOSURE OF MEETING

Shire of Moora

Submissions/Comments Received for Proposed Trial Biosolids Storage Facility at Annadale Farm, Koojan WA

(Closing Date for Submissions/Comments – 13/7/2007)

Date Received	Name & Address	Support	Object	Comment	Council Comment
18/5/2007	FJ & KF Lewis, 1 Charles Street, Moora WA 6510		Yes	<ol style="list-style-type: none"> 1. May impact on residential growth 2. Increase in truck movements 3. Concerns with permanent facility 4. Odour from transport trucks 5. Non-compliance with licence conditions 	
25/6/2007	Ron & Beryl Hancock, 9a Mary Street, Watermans Bay WA 6020		Yes	Leaching into water system	
26/6/2007	MK Kelly, RSM 608, Gillingarra WA 6510		Yes	<ol style="list-style-type: none"> 1. Within Moore Catchment area 2. Transport on School Bus routes 3. Consideration of adjacent CALM Reserve 4. Impact on tourism to Moora 5. Operational & Mgmt queries 	
“	TSP Kelly, RSM 608, Gillingarra WA 6510		Yes	<ol style="list-style-type: none"> 1. Concerns with Stable fly 2. Concerns with spillage and leakage into Moore River Catchment 3. Concerned with impact on CALM Reserve 4. Believes no one has inspected the site 	
“	Central West Reference and Action Group, RSM 608		Yes	<ol style="list-style-type: none"> 1. Believes site not inspected by 	

	Gillingarra WA 6510			<p>Councillors</p> <ol style="list-style-type: none"> 2. Fraudulent signatures on EIA 3. Mgmt of stormwater runoff 4. Operational queries in relation to unloading facilities 5. Request leachate plan 6. Odour from transport vehicles 7. Increase in traffic 8. Concerned zoning not appropriate 9. Concerns about rodents 10. Concerns with health & safety 11. Establish committee to oversee erection 	
“	Debbie Onus, 26 Walebing Way, Guilderton WA 6041		Yes	<ol style="list-style-type: none"> 1. Concerns with health & safety 2. Concerns with Biosolids runoff into Moore River 3. Concerns with contamination of stock & crops 4. Concerns with Stable fly 5. Area sacred to Yued people 	
29/6/2007	Shire of Victoria Plains Council, 28 Cavell Street, Calingiri WA 6569		Yes	Concerns of impact on local unsealed roads in Vic Plains Shire	
2/7/2007	Stable Fly Action Group Inc, PO Box 114, Lancelin WA 6044		Yes	Concerns about Stable fly	
9/7/2007	Wannamal Community Centre Inc, PO Box 26 Wannamal WA 6505		Yes	<ol style="list-style-type: none"> 1. Increase in heavy haulage trucks 2. Odour from transport vehicles 	
11/7/2007	Mrs Lois Kelly, Lobel Farm, RSM Box 606, Gillingarra WA 6510		Yes	<ol style="list-style-type: none"> 1. Location not suitable 2. Potential runoff onto Moore River Catchment 3. Operational concerns 4. Concerns that structure will not prohibit crows, rats & mice 	

				<ul style="list-style-type: none"> 5. Concern about impact on CALM Reserve 6. Health risks to bush firefighters 	
13/7/2007	Lyle Georgeson & Ian Wright, 'Glentromie' New Norcia WA 6509	Yes		<ul style="list-style-type: none"> 1. Wonderful opportunity to profit from organic fertiliser 2. High praise for product 3. Increase profitability 	
"	Lana Kelly, Lobel Farm RSM 606 Gillingarra WA 6510		Yes	<ul style="list-style-type: none"> 1. Insufficient detail 2. Flooding & pollution 3. Storage & sludge 4. Traffic 5. Health Act 6. Occupational Health & Safety 7. Farm zoning & land uses 8. State Administrative Tribunal 	
"	Colin Headland, PO Box 340, Moora WA 6510		Yes	<ul style="list-style-type: none"> 1. Yued people have not surveyed the site 2. Yued people have not authorised the site 3. Too close to gullies 4. Too close to CALM Reserve 5. Biosolids banned in other countries 6. Concerned about estrogens and hormones getting into river & food chains 	
"	L Poklepovich Nominees P/L, Kardinya Farm, PO Box 270, New Norcia WA 6509		Yes	<ul style="list-style-type: none"> 1. Impact of Stable fly 2. Insufficient health information 3. Potential devaluing of land values 4. Pollution 5. Traffic increase 	
"	Rebecca Kelly, RSM 618, Gillingarra WA 6510		Yes	<ul style="list-style-type: none"> 1. No guarantees on quality of groundwater supplies, odour etc 	

				<ul style="list-style-type: none"> 2. Concerned about build up of pathogens, hormones & heavy metals in soil and their impact 3. Too close to the Moore River 4. Stable fly and house fly effects on stock, animals etc 5. Impact of biosolids transport on tourism 6. Inability of Water Corporation to provide detailed contingency plans and operational matters 7. Ongoing policing of facility 	
“	Jim Kelly,RSM 607 Gillingarra WA 6510		Yes	<ul style="list-style-type: none"> 1. Detrimental to natural resources & environment 2. Concerned about build up of pathogens, hormones & heavy metals 3. Too close to the Moore River 4. Impact on stable fly on animals 5. Impact of biosolids transport on tourism 6. Site not central to users 7. Inability of Water Corporation to provide detailed contingency plans and operational matters 8. Ongoing policing of facility 9. Concerns about Occupational Health & Safety for farmers 10. EIA not correctly signed 11. Concerns that slope of land is 7% and close to creek system 	
“	Peter Johnson, 31 Gardiner Street, Moora WA 6510		Yes	<ul style="list-style-type: none"> 1. Detrimental to natural resources & environment 	

				<ul style="list-style-type: none"> 2. Concerned about build up of pathogens, hormones & heavy metals 3. Too close to the Moore River 4. Impact on stable fly on animals 5. Impact of biosolids transport on tourism 6. Site not central to users 7. Inability of Water Corporation to provide detailed contingency plans and operational matters 8. Ongoing policing of facility 	
“	Hayley Kelly, RSM 618, Gillingarra WA 6510 (unsigned)		Yes	<ul style="list-style-type: none"> 1. No guarantees on quality of groundwater supplies, odour etc 2. Concerned about build up of pathogens, hormones & heavy metals in soil and their impact 3. Too close to the Moore River 4. Stable fly and house fly effects on stock, animals etc 5. Impact of biosolids transport on tourism 6. Inability of Water Corporation to provide detailed contingency plans and operational matters 7. Ongoing policing of facility 	
“	Brian Kelly, Jewel Park RSM 610, Gillingarra WA 6510		Yes	<ul style="list-style-type: none"> 1. Less than 50m to head of creekline that runs into the Moore River 2. Yued people have not inspected the site or given approval 3. Flow of groundwater across site from CALM Reserve 	

				<ul style="list-style-type: none"> 4. Cannot guarantee structure to be fly proof 5. Object to spreading of Biosolids in this area 6. Believes Water Corporation has a poor track record in keeping their word 	
“	South West Aboriginal Land & Sea Council, 1490 Albany Hwy Cannington WA 6107		Yes	Concerned about impact of Biosolids getting into river system & effects on aboriginal heritage sites along the river	
“	J McKinley, Glenair, PO Box 53 Moora WA 6510			<ul style="list-style-type: none"> 1. Concerned about leeching of Biosolids into creek 2. Impact of transport on Moora townsite in future 3. Does Shire have contingency plan in case of spillage or accident 4. Should have a ‘biosolids free zone’ around township 	
“	Peter Kelly, RSM 606 Moora WA 6510		Yes	Location not suitable	
“	Jenny Kelly, RSM 618 Moora WA 6510 (unsigned)		Yes	<ul style="list-style-type: none"> 1. Location within Moore Catchment area 2. Undulating country 3. Risk to groundwater supplies 4. Lack of consultation with traditional landowners 5. Ignoring community concerns 6. Roads unsuitable 7. Inability by Water Corporation to manage licence conditions 8. Concerns with odour & Stable flies 9. Impact on tourism 	

Shire of Moora

**Submissions/Comments Received for Sale By Private Treaty of Lot 50 Great Northern Highway Bindi Bindi
to Mr & Mrs A & J Taylor of Bindi Bindi WA**

(Closing Date for Submissions/Comments – 9/7/2007)

Date Received	Name & Address	Support	Object	Comment	Council Comment
25/6/2007	Mr Ian & Mrs Janet Turner, IP Turner &Co, PO Box 115, Moora WA 6510	Yes		General letter of support	
26/6/2007	Mr & Mrs Brian Georgy – Kianda & Miling Fuel & Merchandise, PO Box 44, Miling WA 6575	Yes		Young family & support of business in district	
“	Brian & Margaret Ellis, PO Box 13, Bindi Bindi WA 6574	Yes		Retention of youth	
“	Bruce Topham, Miling WA 6575	Yes		Support initiative to vacant land	
“	BL & VE Dennis, Lot 1436 Bindi Bindi WA 6575	Yes		General letter of support	
“	Terry Martin, ‘Harlex Farms’ PO Box 40, Miling WA 6575	Yes		Best interest of community for unused land & support of young family & business	
28/6/2007	Terry & Andrea Reynolds, PO Box 17, Miling WA 6575	Yes		Opportunity for town & to retain a young family & business in rural community	
“	QR & VM Bricknell, PO Box 53, Watheroo WA 6513	Yes		General letter of support	
“	David, Irene & Cory Moore, PO Box 18, Miling WA 6575	Yes		Valuable service for area & foster growth of new business	
“	Bill & Kay Waters, Clarke Rd, Bindi Bindi WA 6574	Yes		Needed business in district & family will grow in community	
29/6/2007	Maureen Milliken, 39 Brown St, Cervantes WA 6511	Yes		Benefit of young family & new business to district	

“	Raymond & Karen McNamara, 25 Forrest St, Miling WA 6575	Yes		General letter of support	
“	James McNamara, PO Box 34, Miling WA 6575	Yes		General letter of support	
2/7/2007	Gay, Thomas & Carmel Bateman, Kelvin Grove Farm RMB 309, Moora WA 6510	Yes		Keep young family & their business in the bush	
“	Mrs Jenny Pearson, Nardy Farms PO Box 46, Miling WA 6575	Yes		General letter of support	
“	Colin & Vikki Jones, PO Box 50, Miling WA 6575	Yes		General letter of support	
“	Richard & Angela Humphry, Hillview PO Box 307, Moora WA 6510	Yes		Best interest of community for unused land & support of young family & business	
3/7/2007	MH Seymour, RH Seymour & Son, Euroa, Miling WA 6575	Yes		Needed service for town & the retainment of young family & business. Considered some of the conditions onerous	
“	Phil & Sheryle Moore, PO Box 6 Miling WA 6575	Yes		General letter of support	
“	Andrew & Michelle Barnard, Woodbine Farm PO Box 9, Miling WA 6575	Yes		Needed service for town & the retainment of young family & business	
4/7/2007	Mrs Ann Lewis, Gimlet Hill, Bindi Bindi WA 6574		Yes	<ol style="list-style-type: none"> 1. Development and “residence” are ambiguous as to the time & degree 2. Concerned that the removal of trees will not be limited as requested by the Bindi Progress Association. 3. Unexplained disparity between the best offer of \$25,000 and valuation 	

(20/2/2007)	A preliminary submission was received from Mrs Lewis prior to submissions being called.			<ol style="list-style-type: none"> 1. Objection to the proposed sale by private treaty as it has excluded others from making an offer. 2. Believes that Council is not being transparent, accountable and unwilling to consider other offers. 	
5/7/2007	WA & EA Waters, C/- Post Office Bindi Bindi WA 6574	Yes		Cost of land too high & support of business in town.	
“	Peter Woods, C/- Post Office Bindi Bindi WA 6574	Yes		General letter of support	
“	Michael McLean, McLean Grazing Co Pty Ltd, 'Exmoor' RSM 319 Moora WA 6510	Yes		Best interest of community for unused land & support of young family & business	
“	MA & VL Harrington, Lot 12 Main St, Miling WA 6575	Yes		General letter of support	
“	Steve & Jane Antonio, JSA Ag Pty Ltd, PO Box 11 Miling WA 6575	Yes		Best interest of community for unused land & support of young family & business	
9/7/2007	Ken & Marion Seymour, 'Meridale' Miling WA 6575	Yes		Benefit of young family & business to assist with long term viability to town	
“	R & Kaye Piper, Gaybourne Farm, Bindi Bindi WA 6574	Yes		General letter of support	
“	GL & RF Popplewell, 'Goonderabbie' 15322 Gt Northern Hwy Walebing WA 6510	Yes		Benefit of young family & business to community	
“	John & Sybil King, PO Box 395 Moora WA 6510	-	-	Submission is addressing the planning application rather than the sale of the lot – planning application will be referred to Council at a later date & will be subject to advertising if approved.	

The submissions below were received after the closing date of the 9th July @ 4pm.

11/7/2007	J & M Lowe, 15 Phelan Street, Miling WA 6575	Yes		Best interest of community for wasted land & support of young family & business	
“	Keith Piper, PO Box 14 Bindi Bindi WA 6574	Yes		Benefit of young family & business to community	