



# Ordinary Council Meeting Minutes

**Date: 21 September 2011**

**Please Note: These minutes and the decisions recorded therein have not as yet been confirmed by Council as a true and accurate record of the meeting.**

## **The Shire of Moora Vision and Mission Statement**

### **Vision**

Our vision is that:

*The Moora region will be a place of brilliant opportunity over the next twenty years. Sustainable growth will result in a vibrant, healthy, wealthy and diverse community.*

### **Mission**

Our mission is:

*To identify and stimulate growth through creative leadership and a willingness to get things done.*

**SHIRE OF MOORA**  
**MINUTES OF THE ORDINARY MEETING OF COUNCIL**  
**HELD IN THE WATHEROO PAVILION, WATHEROO**  
**21 SEPTEMBER 2011**

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## **I. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS**

### **I.1 DECLARATION OF OPENING**

*The Deputy President declared the meeting open at 6.30pm, 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.*

### **I.2 DISCLAIMER READING**

*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.*

## **2. ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE**

### **ATTENDANCE**

CE Gardiner	-	Presiding Member
AR Tonkin	-	Councillor
SJ Pond	-	Councillor
CD Hawkins	-	Councillor
JW McLagan	-	Councillor
DV Clydesdale-Gebert	-	Councillor
R Keamy	-	Councillor
OC Cocking	-	Councillor
A Middleton	-	Acting Chief Executive Officer
L J Parola	-	Manager Finance & Corporate Services
JL Greay	-	Manager Engineering Services
R L McCall	-	Manager Community & Economic Development

### **PUBLIC**

Mr Bruce Crossley	Mrs Meredith Crossley	Mr John Barber
Mr Richard Crombie	Mrs Lyn Barber	Mrs Jan Millstead
Mr Brent Millstead	Mr Gary Reed	Mr David Riches
Mr Len Mitchell		

### **APOLOGIES**

Mr Andrew Crombie

### **APPROVED LEAVE OF ABSENCE**

SA Bryan - Shire President

### **3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil

### **4. PUBLIC QUESTION TIME**

#### **Mr Richard Crombie**

Rates – option of paying twice. Please consider second payment during or after harvest.

#### **Mrs Meredith Crossley**

Industrial land in Watheroo especially the gravel pit.

The previous Chief Executive Officer had advised that the Shire was not considering industrial land in Watheroo, only in Moora. Wrote to Horace Graham at the Department of Regional Development & Lands, said the shire has a management order over it and had no intention of relinquishing it. Hasn't been used as a gravel pit for many years. Ideal for them – hard surface, already cleared and out of town.

#### **Cr Pond**

New plan for Watheroo and Miling was to have industrial land and liaise with Progress Associations. Looked at land west of town. Lack of suitable sites.

#### **Manager Engineering Services**

Hasn't been used as the gravel pit is exhausted now.

Mrs Crossley advised that she would forward correspondence to the Chief Executive Officer.

#### **Mr Gary Reed**

Murray Street, gravel portion really shocking.

#### **Manager Engineering Services**

Took note of the complaint and the road will be graded in the next phase of work scheduled for Watheroo.

### **5. PETITIONS AND PRESENTATIONS**

Nil

### **6. APPLICATIONS FOR LEAVE OF ABSENCE**

Nil

**7. ANNOUNCEMENTS BY THE PRESIDING MEMBER**

Cr Gardiner

- attended the Super Towns discussion session in Jurien Bay on the 9<sup>th</sup> September &
- attended the Central Midlands & Coastal Football League vote count that evening
- Will officiate at the opening of the 100<sup>th</sup> Moora Show this Saturday on behalf of the Shire

Cr Pond

- attended the CMVROC meeting on the 8<sup>th</sup> September

Cr Clydesdale-Gebert

- attended the official launch of Super Towns in Jurien Bay on the 14<sup>th</sup> September

Cr McLagan

- Will be attending the full State Council meeting of the Liberal Party in Moora on Friday night
- Will be attending the 100<sup>th</sup> Moora Show this Saturday

**8. CONFIRMATION OF MINUTES****8.1 ORDINARY COUNCIL MEETING - 17 AUGUST 2011****COUNCIL RESOLUTION**

*105/11 Moved Cr Pond, seconded Cr Hawkins that the Minutes of the Ordinary Meeting of Council held on 17 August 2011, be confirmed as a true and correct record of the meeting.*

**CARRIED            8/0**

**9. REPORTS OF OFFICERS****9.1 CORPORATE SERVICES****9.1.1 LIST OF PAYMENTS AUTHORISED UNDER DELEGATION 1.31**

**REPORT DATE:** 13 September 2011

**OFFICER DISCLOSURE OF INTEREST:** Nil

**AUTHOR:** Leanne Parola, Manager Finance & Corporate Services

**ATTACHMENTS:** Accounts Paid Under Delegated Authority

**PURPOSE OF REPORT**

Payments have been made under delegated authority and a listing of these payments is attached for Council to note and endorse.

**BACKGROUND**

At the December 2005 Ordinary Meeting of Council resolution 276/2005 delegated the authority of payments from Municipal and Trust Funds to the Chief Executive Officer.

**COMMENT**

Accounts Paid under delegated authority are periodically presented to Council.

**POLICY REQUIREMENTS**

Delegation 1.31 – Payments from Municipal and Trust Funds.

**LEGISLATIVE REQUIREMENTS:**

Local Government Act 1995 - Section 6.10

Local Government (Financial Management) Regulations 1996 – Regulations 12 & 13.

**STRATEGIC IMPLICATIONS**

There are no known strategic implications associated with this proposal.

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

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

➤ **Economic**

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

➤ **Social**

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

**FINANCIAL IMPLICATIONS**

Payments are in accordance with the adopted budget.

**VOTING REQUIREMENTS**

Simple Majority Required

**COUNCIL RESOLUTION  
(MANEX RECOMMENDATION)**

***106/11 Moved Cr Tonkin, seconded Cr McLagan that Council notes and endorses the Payments from the Municipal and Trust Funds made under delegation 1.31***

<i>Municipal Fund</i>	<i>Cheques 60462 to 60497</i>	<i>\$96,258.97</i>
<i>Direct Debits</i>	<i>EFT 6642 to 6810</i>	<i>\$456,621.43</i>
	<i>Net Pays – PPE 16<sup>th</sup> August 2011</i>	<i>\$76,641.41</i>
	<i>Net Pays – PPE 30<sup>th</sup> August 2011</i>	<i>\$82,097.71</i>
	<i>Credit Cards to 14<sup>th</sup> August 2011</i>	<i>\$3,355.93</i>
<i>Trust Fund</i>	<i>Cheques 4716 to 4725</i>	<i>\$1,590.00</i>
	<i>Total</i>	<i><u>\$716,565.45</u></i>

## **9.1.2 STATEMENT OF FINANCIAL ACTIVITY FOR PERIOD ENDED 31 AUGUST 2011**

**REPORT DATE:** 15 September 2011

**OFFICER DISCLOSURE OF INTEREST:** Nil

**PREVIOUS MEETING REFERENCES:** Nil

**AUTHOR:** Leanne Parola, Manager Finance & Corporate Services

**ATTACHMENTS:** Statement of Financial Activity for the Period Ended 31 August 2011

### **PURPOSE OF REPORT:**

To note and receive the Statement of Financial Activity for the period ended 31 August 2011.

### **BACKGROUND:**

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

### **COMMENT:**

The Statement of Financial Activity for the Period Ended is provided as a separate attachment in Program format.

### **POLICY REQUIREMENTS:**

Nil

### **LEGISLATIVE REQUIREMENTS:**

Local Government Act 1995, Section 6.4

Local Government (Financial Management) Regulations 1996, Clause 34

### **STRATEGIC IMPLICATIONS:**

Monitoring of actual revenues and expenditures against the adopted budget assists Council in being informed as to the financial health of the organisation.

### **SUSTAINABILITY IMPLICATIONS:**

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

### **FINANCIAL IMPLICATIONS:**

Year to date income and expenditure is provided by program to enable comparison to 2010/11 adopted budget.

### **VOTING REQUIREMENTS**

Simple Majority Required



**COUNCIL RESOLUTION  
(MANEX RECOMMENDATION)**

***107/11 Moved Cr Hawkins, seconded Cr Pond that Council notes and receives the Statement of Financial Activity for the period ended 31 August 2011.***

**CARRIED      8/0**

**9.1.3 AIRFIELD - MOORA**

**FILE REFERENCE:** PA/3225-1  
**REPORT DATE:** 1 September 2011  
**APPLICANT/PROPONENT:** Warren & Kylie Vanzetti  
**OFFICER DISCLOSURE OF INTEREST:** Nil  
**PREVIOUS MEETING REFERENCES:** 17/2/10 (13/10), 15/7/09 (94/09), 19/11/08 (188/08) & 23/1/08 (9/08)  
**AUTHOR:** Allan Middleton, Acting Chief Executive Officer  
**ATTACHMENTS:** Nil

**PURPOSE OF REPORT:**

Council has proposed a lease agreement (easement) between the owners of the identified property (Moora airstrip) and the Shire of Moora to secure tenure and define responsibilities and obligations in respect to obtaining a right of easement.

**BACKGROUND:**

Council at a meeting held on the 17<sup>th</sup> February 2010 passed the following resolution:-

*13/10 That Council:-*

- 1) Approve and adopt the plan submitted by Messrs F R Rodda & Co for the proposed easement for the Moora Airstrip located on the property of Messrs W. & K Vanzetti at Lots 1216 & 48 Airstrip Road Moora.*
- 2) Request Messrs F R Rodda & Co to prepare an easement only deposited plan and lodge this with Landgate*
- 3) Request Civic Legal to prepare a draft deed of easement containing all the matters required by the parties to give effect to the arrangement.*

**CARRIED      8/0**

Research of records indicates the procurement of security over the Moora airfield has been a concern of Council for some years. Correspondence indicates the latest proposal dates back to 2007. Recent decisions have authorised the survey of the easement area and preparation of documentation.

A draft Deed of Right of Airstrip Easement was sent to Mr and Mrs Vanzetti in July 2011 seeking their comment and if satisfactory, arrangements made to have the deed signed and formalised.

Recent discussion between Mr & Mrs Vanzetti, the Shire President and Acting Chief Executive Officer indicated the owners of the land do not favour a lease or Deed of Easement. Mr and Mrs Vanzetti would prefer the current arrangement to remain in place. It was suggested a letter of agreement between the parties detailing the rent payable, access, use and responsibilities of Council and aircraft operators using the strip would be a simple

way of ensuring the facility remains. Mr and Mrs Vanzetti believe the easement would restrict their operations and tie up the land. The owners would prefer the airstrip be located elsewhere however, also acknowledge the facility has been used for many decades on an occasional basis.

**COMMENT:**

The owners of the land recognise the facility has been in existence for many years, reportedly since the 1940's and has been used by the general aviation industry on an intermittent basis since that time.

The position, as it currently exists, has the owners accepting the fact the airfield is providing a service to the town and is reluctant to stop usage of the facility. They feel however, that a lease or easement agreement will remove the flexibility they now have with the use of the land.

The airfield would adequately service the needs of the community if it was completely under Council control. Unfortunately the need to contact the land owner when using the strip is a negative aspect to using the strip, especially if the owners are absent. The need for owners to open the gate separating the two parcels of land is inconvenient to them. The main strip has adequate length to service aircraft of approximately 5000 kg. Council now must decide what long term action needs to be taken. The airfield is serviceable and adequate but only accommodates two way take off and landing configuration; ideally a full length crossway strip would be a better proposition. Having said that the strip is an asset to the town and with the work undertaken (i.e. surfacing) represents a substantial investment in the infrastructure by Council.

Discussion with Mr Warren Vanzetti indicates the initial approach to Council was to seek recognition for loss of land usage and it was not intended the land be leased. Council records do not give a clear indication on what was discussed in the early stages, whether a lease was mentioned or intended, it is assumed the lease proposal may have been raised by a council officer to ensure the Shire of Moora had some security over the airfield.

The problem associated with the current position is that the existing agreement appears to be influenced by both Contract Law and Property Law and a clear cut solution is not readily available. I did mention the lodgement of a caveat against the property to provide some tenure for council and to ensure any prospective purchaser is aware of an encumbrance should a lease or easement agreement not be resolved. In the event of an exchange of letters being the final resolution, Council may wish to investigate the use of Section 70A of the Transfer of Land Act which provides:-

**70A. Factors affecting use and enjoyment of land, notification on title**

- (1) *Where, in relation to land under the operation of this Act —*
- (a) *the local government of the district in which the land is situated; or*
  - (b) *a public authority,*

*considers it desirable that proprietors or prospective proprietors of the land be made aware of a factor affecting the use or enjoyment of the land or part of the land, the local government or the public authority may, on payment of the prescribed fee, cause a notification of the factor to be prepared in an approved form and lodged with the Registrar.*

**POLICY REQUIREMENTS:**

Nil

**LEGISLATIVE REQUIREMENTS:**

Depending on what decision Council makes there may be implications under various legislations including the Transfer of Land Act.

**STRATEGIC IMPLICATIONS:**

An airstrip is important for the Shire of Moora from a strategic viewpoint. It provides transport access for commercial, health and industrial activities. Future initiatives such as service industries, fly-in fly-out operations and flying schools may depend on a serviceable airstrip being available close to the Moora townsite.

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

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

**➤ Economic**

The development of an airfield will contribute towards the economic growth of a town and district. Successfully promoted and marketed an airfield can assist in attracting business, industry and tourism to a district.

**➤ Social**

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

**FINANCIAL IMPLICATIONS:**

Depending on the decision reached there may be long term financial implications both from a capital investment and recurrent expenditure perspective.

**VOTING REQUIREMENTS**

Simple Majority Required

**COUNCIL RESOLUTION  
(MANEX RECOMMENDATION)*****108/11 Moved Cr Cocking, seconded Cr McLagan Council***

- (1) Seek further advice on the implication of continuing with the current agreement and the status of the Shire of Moora entering into an agreement via an exchange of letters.***
- (2) Pursue the use of section 70A of the Transfer of Land Act notification to advise the proprietor and prospective proprietors of the existence of an airfield on the property.***
- (3) staff (a) identify parcels of land within reasonable distance of the Moora townsite that may be suitable for an airstrip (b) make enquiries as the likely purchase price of the existing land parcel where the airfield is located (c) enquire as to the possible purchase of land that may be exchanged for the existing airfield land parcel. (d) continue discussions with the land owners to seek a long term solution that may be acceptable to both parties.***

**CARRIED            8/0**

#### **9.1.4 PURCHASE LOT 371 CNR KEANE STREET & RILEY ROAD, RESERVE 30860 CLT 3154/806**

**FILE REFERENCE:** GA/DOL & B/AGD  
**REPORT DATE:** 1 September 2011  
**APPLICANT/PROPONENT:** Department of Regional Development & Lands  
**OFFICER DISCLOSURE OF INTEREST:** Nil  
**PREVIOUS MEETING REFERENCES:** 18 May 2011  
**AUTHOR:** Leanne Parola, Manager Finance & Corporate Services  
**ATTACHMENTS:** Nil

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

For Council to consider the use of Reserve Funds for the purchase of the former Agriculture Department Depot.

#### **BACKGROUND:**

At the Ordinary Meeting of Council held 18 May 2011, Council resolved to:

*“advise the Department of Regional Development and Lands, State Lands Services that it is prepared to purchase Lot 371, Reserve 30860 Riley Road, Moora on a freehold basis at a cost of \$10,000.”*

Unfortunately no funds were included in the 2011/12 Budget for the purchase of this property.

#### **COMMENT:**

If Council still wishes to purchase this property, funds from the Community Facilities Reserve could be utilised to pay for the purchase. The previous report to Council indicated that there was contamination on the site. In purchasing the property, Council will become responsible for any costs associated with investigating and remediating the site and complying with environmental legislative requirements.

#### **POLICY REQUIREMENTS:**

Council does not have a policy in regard to the purchase of freehold land.

#### **LEGISLATIVE REQUIREMENTS:**

There are no known legislative requirements related to this item.

#### **STRATEGIC IMPLICATIONS:**

The purchase of this land has not been identified in any Council strategy.

#### **SUSTAINABILITY IMPLICATIONS:**

##### ➤ **Environment**

As previously mentioned in the report to Council at the Ordinary Meeting of Council held 18 May 2011, the land in question is known to be contaminated.

##### ➤ **Economic**

Depending on the cost to manage the contamination on the land, the purchase of land on the main road through town for future resale could have economic benefit to the Shire. In the meantime, there will be a small opportunity cost by utilising reserve funds for the purchase.

➤ **Social**

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

**FINANCIAL IMPLICATIONS:**

It is proposed to utilise funds from the Community Facilities Reserve to purchase this property, which will not have an impact on the current budget position.

**VOTING REQUIREMENTS**

Simple Majority Required

**COUNCIL RESOLUTION  
(MANEX RECOMMENDATION)**

**109/11 Moved Cr Hawkins, seconded Cr Pond that**

1. *the purchase of Lot 371, Reserve 30860 Riley Road, Moora for \$10,000 be funded from the Community Facilities Reserve.*
2. *the Community Facilities Reserve Fund be reimbursed with \$10,000 in the 2012/2013 budget.*

**CARRIED                      6/2**

**Note:** Council added point 2 to the Manex recommendation so that the funds in the Community Facilities Reserve Fund are not diminished.

**9.1.5 FIREBREAK ORDER**

**FILE REFERENCE:** PL/POPI  
**REPORT DATE:** 12 September 2011  
**OFFICER DISCLOSURE OF INTEREST:** Nil  
**PREVIOUS MEETING REFERENCES:** Nil  
**AUTHOR:** Allan Middleton, Acting Chief Executive Officer  
**ATTACHMENTS:** Nil

**PURPOSE OF REPORT:**

To amend the Shire of Moora Bush Fire Break Order Policy in order to provide clarity and enable the responsible officer to undertake inspection duties as intended by the Bush Fire Act.

**BACKGROUND:**

Council adopts a bushfire break order each year to ensure firebreaks are installed on properties within the Shire boundaries. The order as it is currently structured creates some ambiguities. The wording for firebreaks on rural properties is not clear and should an infringement be contested it is highly likely the prosecution would fail.

**COMMENT:**

**The firebreak order for rural properties reads:-**

*On or before the 31<sup>st</sup> day of October firebreaks must be provided not less than two metres in width inside and along the whole of the external boundaries of the properties owned or occupied, where this is not practicable the firebreaks must be provided as near as possible to, and within, such boundaries with the exception that firebreaks can be modified or not required if after consultation with the Brigade Captain and neighbours it is decided that a natural barrier or man made structure will act as a firebreak and maintained free of inflammable material until the 4th Saturday in the following March.*

It could be interpreted that a location of any size only needs a fire break around its external boundary and does not take into account a situation where a road may divide the location. In many instances fires are started adjacent to road sides when motorists throw cigarette butts from vehicles. A simple amendment to the order will correct this anomaly.

Council policy also requires a land owner to be given 14 days notice to install a fire break after the inspection. This in effect provides a land owner up to 28 days (depending on time of inspection) to install fire breaks after the due date. This is a dangerous policy in that, should a fire escape and cause damage to neighbouring properties a court would undoubtedly criticise Council for not fulfilling its obligations under the Act. Worse still hold council liable for damage caused.

The doctrine of “Separation of Powers” needs to be acknowledged as the policy is directing staff to effectively break a local law (i.e. the fire break order). The ranger in carrying out his duties will use discretion and where a firebreak is not up to standard a warning will be given to enable the land owner improve the defective break. Where no fire break has been installed the landowner should receive an infringement notice and made to install the break immediately. This is for the protection of the district as a whole.

Undoubtedly the vast majority of land owners are responsible and “do the right thing” by complying with the order. The small minority, not complying with Council’s directive and endangering the community, should be penalised as provided in the Bush Fire Act.

#### **POLICY REQUIREMENTS:**

The current policy as appearing in the Policy Manual to be amended by deleting paragraphs (3) and (4) and adding a new clause requiring land owners to install a fire break on land adjacent to a public road.

#### **LEGISLATIVE REQUIREMENTS:**

The head of power providing power to a Local Government Authority to require landowners to install fire breaks is contained in Section 33 of the Bush Fires Act.

#### **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)**

***110/11 Moved Cr Clydesdale-Gebert, seconded Cr McLagan that Shire of Moora Fire Break policy and order to be updated as follows:-***

***Policy to now read:-***

- a) delete “On or before the 4<sup>th</sup> Saturday on October” and replace with “On or before the 31st of October” firebreaks must be provided not less than 2.7 metres in width inside and along the whole of the external boundaries of the properties owned or occupied.***
- b) Including a “full stop” after the word occupied appearing in the second line; and***
- c) including the words “where a property is divided by a public road a fire break, as described, shall also be constructed on the boundary of the property adjacent to that public road.”***

***The fire break order to now read:-***

***On or before the 31st of October firebreaks must be provided not less than 2.7 metres in width inside and along the whole of the external boundaries of the properties owned or occupied. Where a property is divided by a public road a fire break, as described, shall also be constructed on the boundary of the property adjacent to that public road. Where this is not practicable the firebreaks must be provided as near as possible to, and within, such boundaries with the exception that firebreaks can be modified or not required if after consultation with the Brigade Captain and neighbours it is decided that a natural barrier or man made structure will act as a firebreak and maintained free of inflammable material until the 4th Saturday in the following March.***

**CARRIED                      8/0**

**9.1.6      SALE OF ROUND HILL HALL**

**FILE REFERENCE:** B/ROH1  
**REPORT DATE:** 23 April 2012  
**APPLICANT/PROPONENT:** Various  
**OFFICER DISCLOSURE OF INTEREST:** Nil  
**PREVIOUS MEETING REFERENCES:** 17/8/11 (Item 12.1), 20/7/11 (Item 11.1) 18/8/10 (Item 11.4.2)  
**AUTHOR:** Leanne Parola, Manager Finance & Corporate Services  
**ATTACHMENTS:** Contract for Sale of Land by Offer and Acceptance

**PURPOSE OF REPORT:**

To consider public submissions in relation to the sale of Round Hill Hall to Mr Benjamin Tonkin for the sum of \$16,100.

**BACKGROUND:**

*The Manager Finance & Corporate Services provided a subsequent signed offer from Mr Benjamin Tonkin for \$25,000 which had been received that morning for Council consideration. The Manex recommendation was therefore changed to accept the offer from Mr Benjamin Tonkin.*

At the Ordinary Meeting of Council held 18 August 2010, Council resolved unanimously to advertise the sale of the Round Hill Hall by private treaty and to ensure that the building is kept closed from the public until sold.

The property was advertised and one submission was received from the Steering Committee of Round Hill Hall to purchase the hall for \$500. The Committee was notified in writing thanking them for the offer and noting that the offer presented would not be accepted.

The property was listed with a local real estate agent, Harcourts Realty, which has since changed names to Central Midlands Realty, for the purpose of selling and achieving a more respectable sale offer.

Council resolved at its Ordinary Meeting held 17 August 2011 to advertise its intention to dispose of Lot 50 Moora Miling Road, Round Hill (the Round Hill Hall) to Mr Benjamin Tonkin for the sum of \$16,100.

**COMMENT:**

An advertisement was placed in the Central Midlands and Coastal Advocate and on the Shire's public notice board in accordance with Council's resolution.

A higher offer for the purchase of the Round Hill Hall was received during the submission period. Paul Oliver and Susan Oliver of Herne Hill have made an offer of \$18,000 for the purchase of the property. No other submissions were received before the close of the submission period.

**POLICY REQUIREMENTS:**

Council adopted an Asset Management Policy on 15 September 2010 which includes a key principle of "rationalising assets that are no longer used or do not provide the necessary level of service required to sustainably deliver the service for which the asset was required".

Council has previously resolved to sell the Round Hill Hall as it is not viable to bring it to the condition required to re-open it as a public building for the amount of use it would have.

**LEGISLATIVE REQUIREMENTS:**

Section 3.58(3) of the Local Government Act 1995 requires that local public notice of the proposed disposition to be given before agreeing to dispose of the property. The notice must include the following:

- i) a description of the property
- ii) details of the proposed disposition including
  - (a) the names of all other parties concerned
  - (b) the consideration to be received by the local government for the disposition
  - (c) the market value of the disposition either as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.



Council must consider any submissions received before the property can be disposed of and record the reason for its decision in the Minutes.

Harcourts completed a preliminary market evaluation in August 2010 to the best of their ability with \$25,000 for the building(s) and \$10,000 for the property. It is unlikely that this value will have changed significantly since that time.

**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:**

The 2011/12 Budget did not include the sale of the Round Hill Hall. If the sale of the Hall is agreed to, it will result in additional capital income of \$18,000 this financial year, and the ongoing benefits of receiving additional rates and reducing operating expenditure.

**VOTING REQUIREMENTS:**

Simple Majority Required

**OFFICER RECOMMENDATION**

*That Council accept an offer of \$18,000 for the purchase of Lot 50 Moora-Miling Road, Round Hill (the Round Hill Hall) from Paul Oliver and Susan Oliver as it is higher than the advertised offer of \$16,100.*

**COUNCIL RESOLUTION  
(MANEX RECOMMENDATION)**

***111/11 Moved Cr Clydesdale-Gebert, seconded Cr Tonkin that Council accept an offer of \$25,000 for the purchase of Lot 50 Moora-Miling Road, Round Hill (the Round Hill Hall) from Benjamin Tonkin.***

**CARRIED                      6/2**

## **9.2 HEALTH, BUILDING & PLANNING SERVICES**

### **9.2.1 TOWN PLANNING OCCASIONAL COMMITTEE**

**FILE REFERENCE:** TP/PTMO3  
**REPORT DATE:** 8 September 2011  
**OFFICER DISCLOSURE OF INTEREST:** Nil  
**PREVIOUS MEETING REFERENCES:** N/A  
**AUTHOR:** Allan Middleton, Acting Chief Executive Officer  
**ATTACHMENTS:** Nil

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

To recommend the establishment of an occasional committee to investigate the identification of land for future residential and industrial purposes.

#### **BACKGROUND:**

As Council is aware land has been purchased in the Tootra Street area for industrial purposes. As a result of the 1999 floods the Shire of Moora Local Planning Scheme No. 4 (Gazetted in March 2011) identified the floodway and flood fringe areas within the Moora townsite; these were included in the planning scheme and detailed in Schedule 12 – Flood Zone Classification Map.

In adopting the Scheme, Council included clause 4.11.3 (b) which effectively prohibits the construction of a building in the floodway unless that building replaces an existing building. The clause does not allow Council any discretion.

In an endeavour to develop the area, application for an infrastructure grant was made to the Wheatbelt Development Commission and Landcorp was invited to develop the land as a joint partner.

#### **COMMENT:**

A meeting was held with Mr Robert Fenn, Landcorp, Ms Rebecca Kelly and Mr Grant Arthur Wheatbelt Development Commission. In attendance were Cr Denise Clydesdale-Gebert, Cr Robert Keamy, Acting Chief Executive Officer, Allan Middleton, Manager Engineering Services, Mr John Greay and C.E.O Personal assistant, Mrs Michelle Murray.

The purpose of the meeting was to determine what progress, if any, has been made in regards Council's applications to progress financial assistance or proposed development in the establishment of residential and industrial sites through the assistance of Landcorp.

The discussions highlighted the following points:-

1. The Shire of Moora Town Planning Scheme No. 4 has no discretionary powers in relation to permitting building development within the floodway.
2. The scheme is too descriptive in its development philosophy.
3. Council needs to identify an alternative site for its light industrial, industrial and service type industries.
4. Council needs to determine where it wants long term residential development to occur.

5. It is highly unlikely the Tootra Street development will receive development support from Landcorp.
6. A decision needs to be made on the current allocation of \$251,000 set aside by the Wheatbelt Development Commission to assist in the development of the industrial site.
7. Depending on the speed at which a decision can be made on any proposed site selection for industrial development it may be necessary for Council to seek a deferment of the \$251,000 grant or seek to have it reapplied to another site.

**POLICY REQUIREMENTS:**

Nil

**LEGISLATIVE REQUIREMENTS:**

Council has the power under Section 5.8 and 5.9 to establish a committee to assist it exercise the powers and duties as prescribed under the Local Government Act.

**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**

*Moved Cr McLagan, seconded Cr Hawkins that an occasional committee of Council to be structured to recommend to Council what sites should be selected as proposed, Residential, Industrial and Light Industrial sites within or in close proximity to the Moora townsite.*

1. *A committee comprising three Councillors, the Chief Executive Officer, Manager for Community and Economic Development Services and Manager for Engineering Services be appointed to undertake the investigation.*
2. *Council representation on the committee to be Councillors Hawkins, Keamy & Cocking.*
3. *The committee will not have any delegated authority and shall report any relevant finding back to Council.*

4. *The functions of the committee will be*
  - a) *Identify land in and around the Moora townsite that will be suitable for residential and industrial use.*
  - b) *The investigation to take into account any impact resulting from industrial and residential development should such development be located in close proximity to each other.*
  - c) *What buffer zones need to be created to lessen the impact of industrial areas on residential precincts?*
  - d) *Determine if there is a need to provide a ‘service industry’ link between industrial and residential precincts?*
  - e) *Consider the cost of extending services and infrastructure to any sites selected.*

### **AMENDMENT**

***112/11 Moved Cr Clydesdale-Gebert, seconded Cr Keamy that an additional point be added to read “5. The Occasional Committee be continued after the expiration of its nominated duties and the existing committee members continue to examine ongoing matters in Planning and Building.”***

**CARRIED                      8/0**

### **THE AMENDMENT BECAME THE SUBSTANTIVE MOTION**

### **COUNCIL RESOLUTION**

***113/11 That an occasional committee of Council to be structured to recommend to Council what sites should be selected as proposed, Residential, Industrial and Light Industrial sites within or in close proximity to the Moora townsite.***

1. ***A committee comprising three Councillors, the Chief Executive Officer, Manager for Community and Economic Development Services and Manager for Engineering Services be appointed to undertake the investigation.***
2. ***Council representation on the committee to be Councillors Hawkins, Keamy & Cocking***
3. ***The committee will not have any delegated authority and shall report any relevant finding back to Council.***
4. ***The functions of the committee will be***
  - a) ***Identify land in and around the Moora townsite that will be suitable for residential and industrial use.***
  - b) ***The investigation to take into account any impact resulting from industrial and residential development should such development be located in close proximity to each other.***
  - c) ***What buffer zones need to be created to lessen the impact of industrial areas on residential precincts?***
  - d) ***Determine if there is a need to provide a ‘service industry’ link between industrial and residential precincts?***
  - e) ***Consider the cost of extending services and infrastructure to any sites selected.***

- 5. *The Occasional Committee be continued after the expiration of its nominated duties and the existing committee members continue to examine ongoing matters in Planning and Building.***

**CARRIED                      8/0**

Cr Clydesdale-Gebert declared an impartiality interest in item 9.2.2 as the proponent is an acquaintance of the said Councillor.

Cr Hawkins declared a proximity interest in item 9.2.2 as he is the next door neighbour of the applicant and left the meeting at 7.35pm.

## **9.2.2 PROPOSED SUBDIVISION APPLICATION – LOT 3 ATBARA STREET, MOORA**

**FILE REFERENCE:** A825  
**REPORT DATE:** 12 September 2011  
**APPLICANT/PROPONENT:** Mr Thomas John Simpson  
**OFFICER DISCLOSURE OF INTEREST:** Nil  
**PREVIOUS MEETING REFERENCES:** Nil  
**AUTHOR:** Allan Middleton, Acting Chief Executive Officer  
**ATTACHMENTS:** 1. Location Plan 2. Subdivision Plan

### **PURPOSE OF REPORT:**

To provide information to the Shire of Moora to allow it to comment on an application to subdivide land zoned Rural Residential.

### **BACKGROUND:**

Lot 3, Atbara Street, Moora is zoned "Rural Residential" and located in a RR3 descriptive area. Schedule 10 requires the following:-

The minimum lot size for subdivision should be no less than 1.0 hectares where a reticulated water supply is available to the proposed Lots, and subject to:

- (i) The preparation by the proponent of a land capability assessment to the satisfaction of the local government and the Commission; and
- (ii) A Subdivision Guide Plan prepared by the proponent in accordance with the findings of the land capability assessment; and
- (iii) Building envelopes being identified in the Subdivision Guide Plan having regard to the extent of land liable to flooding; and
- (iv) A statement of arrangements for drainage and on-site effluent disposal to the satisfaction of the local government.

### **COMMENT:**

The proposal is relatively simple with the application seeking to subdivide the existing lot into two parcels. The Scheme text requires a land capability study to be undertaken when subdivision occurs. As the existing lots have been in existence for some time and the land cleared, a land capability study is not necessary. Scheme water is available to both lots.

The proponent has created a ten metre battleaxe on the western side of the new lot to provide access for water and power to the southern lot. This access should be marked "For power and water access only."

**POLICY REQUIREMENTS:**

Nil

**LEGISLATIVE REQUIREMENTS:**

There are no known legislative requirements related to this item.

**STRATEGIC IMPLICATIONS:**

There are no known strategic implications associated with this proposal.

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

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

➤ **Economic**

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

➤ **Social**

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

**FINANCIAL IMPLICATIONS:**

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

**VOTING REQUIREMENTS**

Simple Majority Required

**COUNCIL RESOLUTION  
(MANEX RECOMMENDATION)**

***114/11 Moved Cr Tonkin, seconded Cr Cocking that Western Australian Planning Commission Application: 144813 to subdivide Lot 3 Atbara Street, Moora into two parcels of land be supported by the Shire of Moora on the following conditions:-***

- (1) Cross over to the proposed lot to be installed at the expense of the proponent.***
- (2) Proposed residence to be constructed within the building envelope shown coloured red on the subdivision application plan as endorsed by Thomas Simpson.***
- (3) Septic disposal system to be constructed to the design and specification of the Shire of Moora and the Department of Public Health.***

**CARRIED     7/0**

At 7.39pm Cr Hawkins rejoined the meeting.

### **9.3 COMMUNITY & ECONOMIC DEVELOPMENT**

Nil

**9.4 ENGINEERING SERVICES**

Nil

**10. ELECTED MEMBER MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil

**11. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF COUNCIL**

Nil

**12. MATTERS FOR WHICH THE MEETING MAY BE CLOSED****COUNCIL RESOLUTION**

*115/11 Moved Cr McLagan, seconded Cr Tonkin that the meeting move behind closed doors to discuss Item 12.1, 'GHD Quote – Contaminated Land' as it is a matter which includes information that has a commercial value to a person pursuant to Section 5.23(2)(e)(ii) of the Local Government Act 1995.*

**CARRIED            8/0**

At 7.40pm members of the public left and the meeting moved behind closed doors.

**12.1 GHD QUOTE – CONTAMINATED LAND**

Provided to Councillors under confidential cover.

**COUNCIL RESOLUTION**

*116/11 Moved Cr Pond, seconded Cr Hawkins*

- 1. That Council endorses the selection of GHD Pty Ltd and recognise the quote of \$106,800 provided for soil remediation to lots 43 and 102 Drummond Street, Moora, and notes the additional costs associated with this project; and*
- 2. That the Chief Executive Officer be authorised to negotiate the quote with GHD Pty Ltd in an effort to contain costs to the budget figure.*

**CARRIED            8/0**

**REOPENING OF MEETING****COUNCIL RESOLUTION**

*117/11 Moved Cr Hawkins, seconded Cr McLagan that the meeting move out from behind closed doors and re-open to the public.*

**CARRIED                      8/0**

The meeting reopened to the public at 8.30pm.

*On reopening the meeting, the Presiding Member read aloud the decision made behind closed doors.*

**13. CLOSURE OF MEETING**

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

*The meeting was declared closed at 8.38pm.*

**CONFIRMED**

**PRESIDING MEMBER**