



Ordinary Council Meeting Minutes

Date: 11 July 2007

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

The Shire of Moora Vision and Mission Statement

Vision

Our vision is that:

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

Mission

Our mission is:

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

SHIRE OF MOORA
MINUTES OF THE ORDINARY MEETING OF COUNCIL
HELD IN COUNCIL CHAMBERS, MOORA
WEDNESDAY 11 JULY 2007

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1. DECLARATION OF OPENING & WELCOME OF VISITORS

The Shire President declared the meeting open at 3.30pm, 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.

2. DISCLAIMER READING

The Shire President read the following disclaimer:

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

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

3. ATTENDANCE

SA Bryan	-	Presiding Member	-	Moora Town Ward
CE Gardiner	-	Councillor	-	Moora Town Ward
CD Hawkins	-	Councillor	-	Moora Town Ward
SJ Pond	-	Councillor	-	Koojan Ward
AR Tonkin	-	Councillor	-	Coomberdale Ward
WA Barrett-Lennard	-	Councillor	-	Bindi Bindi Ward
JW McLagan (from 3.33pm)	-	Councillor	-	Miling Ward
D Clydesdale-Gebert (from 3.36)	-	Councillor	-	Watheroo Ward
SJ Deckert	-	Chief Executive Officer		
JL Greay	-	Operational Development Manager		
MJ Prunster	-	Community Development Manager		
RL McCall	-	A/Enterprise Development Manager		
MM Murray (from 3.34pm)	-	Executive Support Officer		

PUBLIC

Mrs Ann Lewis (until 4.36pm)	Mr Stan Lewis (until 4.36pm)	Mrs Sybil King (until 4.36pm)
Mr John King (until 4.36pm)	Ms Jane Marden (until 4.35pm)	Ms Pennie Aitken (until 4.35pm)
Ms Angie Raphael	Ms Lana Kelly (until 5.28pm)	Ms Julie Greatbatch (until 4.35pm)

APOLOGIES

ML Rourke	-	Manager Health & Regulatory Services
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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
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4. DECLARATIONS OF INTEREST

Nil

At 3.33pm Cr McLagan joined the meeting.

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

Ms Lana Kelly tabled a site plan of the Proposed Biosolids Storage Facility, and asked if Council could answer the following question;

Q. Does Council know why contour lines are missing from the bottom left hand corner of the plan?

At 3.34pm the Executive Support Officer joined the meeting.

At 3.36pm Cr Clydesdale-Gebert joined the meeting.

R. The Shire President advised Ms Kelly that she was unsure of why the contour lines were missing, and undertook to enquire with the Water Corporation.

At 3.39pm Mrs Ann Lewis addressed Council in relation to lot 50 Great Northern Hwy at Bindi Bindi, tabled her questions and requested she be allowed to read them aloud.

The questions (reproduced from typed questions provided by Mrs Lewis) were read aloud by Mrs Lewis regarding the proposed sale of Lot 50 Great Northern highway Bindi Bindi:

1. Why did the Shire President say “certainly” in response to my question about giving consideration to a higher offer for this block?

The Shire President apologised to Mr & Mrs Lewis if they have misunderstood what was said. The Shire President added that it was not her intention to mislead them.

Mr Lewis acknowledged and accepted the Shire President’s apology.

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?

3. Why has the Shire not responded to me 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.”?

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?

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?

6. Is it Council policy to ignore offers of new businesses to the district?

The Shire President responded advising that it was not council policy to ignore new business offers to the district.

7. Is the Council so hard pressed for funds to maintain social infrastructure in that same community? Bindi Bindi no longer has any social focal point – excluding the public toilets.

The Shire President acknowledged that she was aware there wasn't a social meeting place following the closure of the Bindi Bindi Hall. We are looking at alternative options for a meeting place.

The Shire President then advised that the remaining questions would be taken on notice and responded to at the next meeting of Council.

At 3.45pm Mrs Sybil King addressed Council and asked the following questions in relation to lot 50 Gt Northern Hwy Bindi Bindi

- 1. who burnt the trees**
- 2. who put the locks on the toilets**

The Shire President advised that she was unaware of the burning and will follow it up. Cr Barrett-Lennard advised he was of the understanding that the fire was accidental.

The Community Development Manager advised that the Shire had placed the locks on the toilets due to ongoing vandalism at the site.

At 3.50pm Mrs Lewis then went on to address Council providing an overview of her development proposal for lot 50 Gt Northern Hwy Bindi Bindi.

At 4.00pm Mr Lewis briefly addressed Council asking that in considering the proposed sale of lot 50 Gt Northern Hwy Bindi Bindi that Council give consideration to their proposal and contribution to the community over many years.

At 4.05pm the Shire President acknowledge the Lewis's contribution to the community and advised that Council would decide on the sale of the lot at the next meeting of Council on 25th July 2007.

At 4.09pm the Shire President thanked the public for their questions.

6. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

7. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

8. PETITIONS AND MEMORIALS

Mrs Jane Marden will be present at the meeting to talk to Council about receiving some practical help from the Shire for the Moora Youth Group.

At 4.10pm the Shire President introduced Mrs Jane Marden and invited her to address Council.

Ms Marden, on behalf of the Moora Youth Group requested assistance from the Shire to help with funding for a fulltime coordinator for the Moora Youth Group and raised a number of operational issues. She advised that their AGM would be held on the 30th July 2007 at the Youth Centre at 7.30pm.

The Shire President commented on some of the issues that were raised and their requests would be considered.

At 4.34pm the Shire President thanked Mrs Marden for her presentation and invited her to stay for the remainder of the meeting.

9. ANNOUNCEMENTS BY THE SHIRE PRESIDENT

- The AGM of the Moora Youth Group will be held on 30th July 2007 at 7.30pm.
- On Friday 13th July there will be a reception for the most Reverend Roger Herft, Archbishop of Perth in Council Chambers from 4 to 5pm.

At 4.35pm Ms Aitken, Mrs Marden & Ms Greatbatch retired from the meeting.

- Tuesday 3rd July a number of Councillors and staff attended the public meeting on the proposed Trial Biosolids Storage Facility held at the Moora Performing Arts Centre.

At 4.36pm Mrs Lewis & Mrs & Mrs King retired from the meeting.

- On Friday the 6th July Cr's Gardiner, Tonkin and Pond, and the CEO and Manager Health & Regulatory Services attended a Waste Management forum in the Council Chambers. This forum was convened under the CMVROC banner and was also attended by representatives from CMVROC Councils, South Metropolitan Regional Council, City of Melville, WALGA and Dept. of Environment.
- Cr Barrett-Lennard advised that he attended the Gingin/Dandaragan Water Resources Management Committee meeting in Chittering on the 4th July.

10. CONFIRMATION OF MINUTES OF THE PREVIOUS MEETING**10.1 ORDINARY COUNCIL MEETING - 27 JUNE 2007****COUNCIL RESOLUTION**

122/07 Moved Cr McLagan, seconded Cr Tonkin that the Minutes of the Ordinary Meeting of Council held on 27 June 2007, be confirmed as a true and correct record of the meeting.

CARRIED 8/0

11. REPORTS OF OFFICERS

11.1 ADMINISTRATION

11.1.1 REVIEW OF COUNCIL MEETING SCHEDULES

FILE REFERENCE: EN/COAI

REPORT DATE: 5 July 2007

APPLICANT/PROPONENT: Not Applicable

DISCLOSURE OF INTEREST: The author of this report has no financial interest in the matter.

PREVIOUS MEETING REFERENCES: 22/11/06 (Min 239/06) & Item 10 Briefing Session 27/6/07

AUTHOR: Steven Deckert, Chief Executive Officer

ATTACHMENTS: Current schedule of Meetings for 2007 & Proposed Schedule of Meetings for 6 month trial

PURPOSE OF REPORT

To present Council with a proposal to introduce holding one Ordinary meeting of Council and one Briefing Session per month on a trial basis.

BACKGROUND

At the Ordinary meeting of Council held on 22 November 2006, Council established the schedule of Council meetings for 2007. This schedule was based on two Council meetings (incorporating a Briefing Session) per month, except in December and January when there is only one meeting held.

A copy of the 2007 Meeting Schedule previously adopted by Council is attached.

At the Briefing Session held on 27 June 2007, the CEO presented a proposal for discussion, which proposed that Council hold one Ordinary Meeting of Council per month on either the third or fourth Wednesday and then hold one Briefing Session per month on the first or second Wednesday. Following discussion, the CEO was requested to prepare a report for Council's consideration based on the proposal put to the Briefing Session.

COMMENT

The one Council Meeting/one Briefing Session per month proposal provides Council with the ability to get together twice per month as is the case now, however structure the meetings to get better use of the available time. The introduction of this proposal does not stop Council from holding Special Meetings (either Council or Briefing Sessions) if deemed necessary from time to time.

The benefits of the proposal are:

- That Councillors will still convene and get together at least two times per month;
- The Ordinary Council meetings will focus entirely on decision making with no need to rush through to get on to the Briefing Session;
- The Briefing Sessions will be entirely open discussion and provide enough time to fully discuss matters;
- Managers and the CEO will have more time in between meetings to carryout Council's decisions and research future reports;

- Both types of meetings should generally finish at a respectable time;
- Formation of committees will not be necessary as Councillors will be getting together regularly and special meetings can still be convened.

Some of the negative points include:

- There will be longer periods between decision making opportunities;
- The community will have less opportunity to attend Council Meetings.

In order to determine whether the proposal will be of a benefit and also to gauge whether the negative aspects are of concern, it is suggested that the proposal be implemented for a trial period of 6 months commencing in August 2007.

A draft Meeting Schedule, based on the one Council Meeting/one Briefing Session per month concept is attached for Council's consideration.

One impact that Council needs to be mindful of is that Briefing Sessions do not qualify for the payment of meeting fees. It is therefore proposed that during the trial period the meeting fees be increased from \$95 to \$140 per Council meeting for Councillors and from \$155 to \$280 per Council meeting for the Shire President. Following the trial period, Council will be able to determine the payment of meeting fees at that time based on the meeting schedules and the provisions of the Act. It may be more appropriate to consider the payment of an annual meeting fee in lieu of a per meeting fee.

POLICY REQUIREMENTS

There are no Council Policies relative to this matter.

LEGISLATIVE REQUIREMENTS

Section 5.25 (g) of the Local Government Act 1995 stipulates that Regulations may make provision in relation to the giving of public notice of the date and agenda for Council or committee meetings.

Regulation 12 of the Local Government (Administration) Regulations 1996 states;

- I. At least once each year a local government is to give local public notice of the dates on which and the time and place at which –
 - (a) the ordinary council meetings; and
 - (b) the briefing sessions that are required under the Act to be open to members of the public or that are proposed to be open to members of the public;are to be held in the next 12 months.

Sections 5.98 and 5.99 of the Local Government Act 1995 and Regulation 30 of the Local Government (Administration Regulations) 1996 sets the minimum and maximum amounts for the payment of meeting fees.

STRATEGIC IMPLICATIONS

The trialling of this proposal will enable Council to assess its effectiveness in assisting Council to provide good local government to the district. This will include improved administrative and management outcomes while at the same time not being detrimental to governance outcomes, particularly effective decision making and involving the community.

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. The holding of Council meetings including all associated costs are provided in the current budget and will be provided for in future budgets.

VOTING REQUIREMENTS

Simple Majority Required

MANEX RECOMMENDATIONS

Moved Cr Hawkins, seconded Cr Barrett-Lennard that Council,

- 1. Adopts the meeting schedule for the six month period August 2007 to January 2008 as attached*
- 2. Advertises the revised meeting dates in accordance with section 5.25 of the Local Government Act 1995 and Regulation 12 (1) of the Local Government (Administration) Regulations 1996.*
- 3. Sets the meeting fees to be paid to Councillors at \$140 per meeting and at \$280 per meeting for the Shire President to take effect from the first Ordinary Meeting of Council in August 2007 until the end of January 2008.*
- 4. Review the meeting fees set in part 3 above, if at any time the frequency of Ordinary Meetings of Council change, and if not beforehand, at the first Ordinary Meeting of Council in January 2008.*
- 5. This is to be a trial to assess the effectiveness of one Council Meeting and one Briefing Session per month, which is to be reviewed no later than January 2008.*

AMENDMENT MOTION

123/07 Moved Cr Clydesdale-Gebert, seconded Cr Hawkins that the word ‘amended’ be inserted between the words ‘the’ and ‘meeting’ in point 1 of the recommendation.

CARRIED 6/2

THE AMENDMENT BECAME THE MOTION AND WAS PUT**COUNCIL RESOLUTION**

124/07 That Council,

1. *Adopts the amended meeting schedule for the six month period August 2007 to January 2008 as attached;*
2. *Advertises the revised meeting dates in accordance with section 5.25 of the Local Government Act 1995 and Regulation 12 (1) of the Local Government (Administration) Regulations 1996.*
3. *Sets the meeting fees to be paid to Councillors at \$140 per meeting and at \$280 per meeting for the Shire President to take effect from the first Ordinary Meeting of Council in August 2007 until the end of January 2008.*
4. *Review the meeting fees set in part 3 above, if at any time the frequency of Ordinary Meetings of Council change, and if not beforehand, at the first Ordinary Meeting of Council in January 2008.*
5. *This is to be a trial to assess the effectiveness of one Council Meeting and one Briefing Session per month, which is to be reviewed no later than January 2008.*

CARRIED 6/2

Note: Point 1 of the recommendation was updated by the inclusion of the word 'amended' to record that the attached schedule had been changed to reflect Council's desire for the first Briefing Session in the month to commence at 3.30pm instead of 1.30pm and that a Briefing session will follow at the conclusion of the Ordinary meetings of Council.

At 5.00pm the Executive Support Officer left the meeting.

11.2 FINANCIAL DEVELOPMENT

11.2.1 LIST OF PAYMENTS AUTHORISED UNDER DELEGATION 1.31

REPORT DATE: 4 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

**COUNCIL RESOLUTION
(MANEX RECOMMENDATION)**

125/07 Moved Cr Gardiner, seconded Cr Barrett-Lennard that Council note and endorse the Payments from Municipal and Trust Funds made under delegation 1.31

<i>Municipal Fund</i>	<i>Chq 56462 - 56603</i>	<i>\$419,180.46</i>
	<i>Direct Debits</i>	<i>\$14,188.76</i>
<i>Total</i>		<i><u>\$433,369.22</u></i>

CARRIED 8/0

11.3 OPERATIONAL DEVELOPMENT

11.3.1 TENDERS – STOCKPILING OF GRAVEL & BULLDOZING REQUIREMENTS FOR 2007-08 & 2008-09 YEARS

FILE REFERENCE: TENI & TEPI

REPORT DATE: 6 July 2007

LOCATION: Various

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

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 works programme, it is necessary to call tenders for the stockpiling of gravel and bulldozer work for the coming two years.

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 \$110,000 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 stockpiling of gravel and road building material including bulldozing for the coming year. It is considered desirable to call this tender for a two year period to save time in calling tenders again next year. This will not set a precedent as we have called tenders for two year contracts in the past

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.

Stockpiling of gravel and road building materials including bulldozing.

Council requires approximately 60,000m³ of gravel and road building material for their road project and road maintenance programmes throughout the year.

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

COUNCIL RESOLUTION (OFFICER RECOMMENDATIONS – ITEM 11.3.1)

126/07 Moved Cr Pond, seconded Cr McLagan that Council adopts the following qualitative criteria for the calling of tenders for

1. *Stockpiling of gravel and road building materials for the 2007-08 and 2008-09 years including bulldozer hire rates for roadworks*

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 organisations 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%

2. *That pursuant to Regulation 11(1) Local Government (Functions & General) Regulations 1996, Council authorises the immediate calling of tenders for the stockpiling of gravel and road building materials including bulldozer hire rates for roadworks for the 2007-08 and 2008-09 years, based on the WALGA Proforma tender documentation.*

CARRIED BY ABSOLUTE MAJORITY 8/0

11.4 COMMUNITY DEVELOPMENT

11.4.1 TOWN PLANNING SCHEME NO 4 – DELEGATION OF POWERS

FILE REFERENCE: TP/PTM11
REPORT DATE: 11 July 2007
APPLICANT/PROPONENT: Various
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: Nil
AUTHOR: Michael Prunster, Community Development Manager
ATTACHMENTS: Nil

PURPOSE OF REPORT

To note the town planning applications approved under delegated authority.

BACKGROUND

Council resolved by absolute majority at the Council meeting held on the 25 February 2004, to delegate the Manager Corporate Services (now Community Development Manager) to approve planning applications that meet all the requirements of Councils Town Planning Scheme, for an indefinite period of time and amend its Register of Delegations accordingly, and that Council be provided with a list monthly of planning approvals issued under delegate authority.

APPLICANT (S)

The following Town Planning Applications have been approved under this delegated authority for the period ended 11 July 2007.

- **Dean O’Callaghan – Lot 178 Seaforth Street, Moora – Operation of a photographic studio at lot 178 Seaforth Street & processing of photo’s, web site designs & providing service for weddings, social functions etc Zoning – Residential (Ref 48/0607)**
- **Austeel Homes & Sheds on behalf of K & J Magry – Lot 144 Cooper Street, Moora – Construction of a storage shed/workshop (Area 90m²) Zoning – Special Rural, Value \$18,055 (Ref 49/0607)**
- **RT & LS Murray – Lot 226 Riley Road, Moora – Construction of a 8.5m x 6.1m Patio (Area 52m²) Zoning – Special Rural – Additional Use, Value \$6,170 (Ref 50/0607)**

POLICY REQUIREMENTS:

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

LEGISLATIVE REQUIREMENTS

There are no known legislative requirements related to this item.

STRATEGIC IMPLICATIONS

There are no known strategic implications associated with this proposal.

SUSTAINABILITY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

VOTING REQUIREMENTS

Simple Majority Required

<h2>COUNCIL RESOLUTION (MANEX RECOMMENDATION)</h2>
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127/07 Moved Cr Pond, seconded Cr McLagan that Council note the town planning applications approved under delegated authority.

CARRIED 8/0

11.4.2 PLANNING APPLICATION – LOT 8 PADBURY STREET MOORA

FILE REFERENCE: PA/393-1
REPORT DATE: 4 July 2007
APPLICANT/PROPONENT: J.H. Longman
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: Nil
AUTHOR: Michael Prunster, Community Development Manager
ATTACHMENTS: Site plan

PURPOSE OF REPORT

Submission of a planning application from Mr J.H. Longman for the construction of a 101m² shed/garage, 35.5m² Patio (1) and 36.6m² Patio (2). The property has an existing shed located on the lot with an area 18m². The size of the proposed shed will exceed the Council policy of a maximum area of 72m² for outbuildings, and under this policy the construction of an outbuilding larger in area is required to be referred to Council for consideration.

BACKGROUND

The lot is zoned Residential and has an area of 830m² with a residential design code of R12.5/25. Council's Outbuilding policy conditions in relation to the maximum size of such buildings are as follows: -

6.10 Outbuilding Policy - Maximum Size Of-

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

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

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

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

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

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

The Residential Design Code WA states that outbuildings should not exceed 60m² an area or 10% in aggregate of the site area whichever is the lessor. (Council policy overrides the 60m² condition)

COMMENT

The site plan (attached) indicates there is currently an existing shed on the property with an area of 18m². The proposed shed will increase the area of the sheds to 119m², which is 47m² in excess of Council's policy. (Note: the outbuilding policy does not refer to the additional 2 patios included in the application).

Council has approved three similar applications in the past 12 months for residential zonings.

These were: -

1. Shed area – 98m² – lot size 2772m²
2. Shed area – 110m² – lot size 1012m²
3. Shed area – 144m² – lot size 5946m²
4. Shed area – 134m² – lot size 1440m²

All applications were in excess of Council's policy, but items 1, 3, & 4 were within the 10% aggregate Residential Design Code WA condition. Item 2 was however 9% in excess of the Code condition.

Approval of this application would increase the outbuilding area on the lot to 118m², which is approx 51% in excess of the Code condition.

Although the patios are not classed as outbuildings, the area they will cover is a further 56m² of the lot.

POLICY REQUIREMENTS:

Outbuilding Policy section 6-10

LEGISLATIVE REQUIREMENTS

There are no known legislative requirements related to this item.

STRATEGIC IMPLICATIONS

There are no known strategic implications associated with this proposal.

SUSTAINABILITY IMPLICATIONS

- **Environment**
The lot will be filled to capacity with building structures.
- **Economic**
Increase in property valuation with value of rates collected.
- **Social**
There are no known significant social implications associated with this proposal.

FINANCIAL IMPLICATIONS

Increase in rate income.

VOTING REQUIREMENTS

Simple Majority Required

MANEX RECOMMENDATION

That Council refuse the planning application submitted by Mr J.H. Longman for the construction of a 101m² shed/workshop at lot 8 Padbury Street Moora for the following reasons:

1. *The total area of outbuildings on the lot will exceed by 51% the permissible aggregate area of 10% allowed under the Residential Design Code WA Section 3.10.1 (iii)*
2. *The total square metres of outbuilding area exceeds the 72m² condition as outlined in Council's outbuilding policy section 6.10*

The Community Development Manager tabled the following report as additional information for Council's consideration in respect to this matter.

ADDITIONAL INFORMATION **(Agenda Item 11.4.2 – 11th July 2007)**

FILE REFERENCE: PA/393-1
REPORT DATE: 11 July 2007
APPLICANT/PROPONENT: J.H. Longman
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: Nil
AUTHOR: Michael Prunster, Community Development Manager

The following information is provided that affects the Manex recommendation in relation to the planning application item 11.4.2 included in today's agenda.

The planning application was referred to Council with a recommendation to refuse the application on the grounds of the total area of the outbuildings located on the lot.

It has since come to my notice that I had misread the measurements indicated on the site plan for the size of the proposed new shed. The highlighted measurement of 18,500cm shown on the plan was taken as the length of the shed whereas the actual length of the shed is 6000cm. The actual shed area is 32.76m², and not 101m² as stated in the original agenda item.

This now makes the application for the new shed within the permissible limit as described in Council's Outbuilding Policy section 6.10.

An account for \$100 was forwarded to Mr Longman being the charge for the larger area shed, but the correct charge for the amended size is \$25. A refund of \$75 will need to be authorised by Council.

The Manex recommendation for item 11.4.2 now reads as follows: -

That Council approve the planning application submitted by Mr J Longman of Lot 8 Padbury Street Moora subject to the following conditions: -

- *Finished Floor Level to be 203.75 (150mm above 1999 flood level)*
- *Power points, electrical or data connection outlets should be installed 1.0m above floor level*
- *Windows should be installed no lower than 0.5m above the March 1999 flood level.*
- *Building licence to be issued by Council's Manager Health & Regulatory Services*
- *Roof and Wall cladding to be in colorbond material.*
- *The building setbacks to be as shown on the Lot plan.*

AND

Mr Longman be refunded the amount of \$75 in planning application fees for the overcharge on the miscalculated shed size.

<p>COUNCIL RESOLUTION (MANEX RECOMMENDATION)</p>

128/07 Moved Cr Tonkin, seconded Cr Hawkins that Council approve the planning application submitted by Mr J Longman of Lot 8 Padbury Street Moora subject to the following conditions: -

- ***Finished Floor Level to be 203.75 (150mm above 1999 flood level)***
- ***Power points, electrical or data connection outlets should be installed 1.0m above floor level***
- ***Windows should be installed no lower than 0.5m above the March 1999 flood level.***
- ***Building licence to be issued by Council's Manager Health & Regulatory Services***
- ***Roof and Wall cladding to be in colorbond material.***
- ***The building setbacks to be as shown on the Lot plan.***

AND

Mr Longman be refunded the amount of \$75 in planning application fees for the overcharge on the miscalculated shed size.

CARRIED 8/0

11.4.3 TOWN PLANNING APPLICATION - LOT 75 GARDINER STREET MOORA

FILE REFERENCE: PA/504-1

REPORT DATE: 5 July 2007

APPLICANT/PROPONENT: Ms Brenda Wilson – T/As Innaloo Enterprises Pty Ltd

OFFICER DISCLOSURE OF INTEREST: Author has no interest in application

ZONING: Residential R Code R12.5/25

AUTHOR: Michael Prunster, Community Development Manager

ATTACHMENT: Site plan, Builders reports, and current house location photos

PROPOSAL

An application has been received from Ms Brenda Wilson for the relocation of two second hand dwellings to vacant Lot 75 Gardiner Street Moora. The dwellings are approximately 40-50 years old and the application also includes a proposal to construct a carport and perform other internal renovations to each building. The two buildings will be located on the lot as two separate group style dwellings each with a floor area of 129m².

PLANNING FRAMEWORK

The Lot is zoned residential with an R code density of R12.5/25, which permits single housing or grouped dwellings.

The relocation of second hand transportable buildings is allowable under the Council's Town Planning Scheme and Building Policy under certain conditions.

The following are extracts from Council's T.P. scheme and Building Policy: -

T.P. Scheme:

4.6 Transported Dwellings

4.6.1 Within the Scheme Area a building shall not be placed on a lot and occupied as a dwelling following transportation as a whole or as parts of a building unless the transported buildings has been specifically constructed as a transportable dwelling and, in the opinion of the Council, such building is in a satisfactory condition and will not detrimentally affect the amenity of the area.

4.6.2 An applicant for a building licence for a transported dwelling may be required by the Council to enter into a contract and provide a bond to reinstate the building to an acceptable standard of presentation within a period of twelve months from the issue of a building licence for such a dwelling.

4.6.3 The development of any land with a second-hand dwelling shall have due regard to the Council's Planning Policy "Development of Second-Hand Buildings".

4.6.4 The Council shall require all asbestos material be removed from any building prior to transportation.

Council Building Policy:

6.6 Second-hand Housing Policy.

That the Second-hand House Policy be as under: -

- (a) The dwelling to be relocated is to be made to comply in all respects with the Building Code of Australia, particularly the section relative to seismic zones;
- (b) All such dwellings proposed to be transported to townsites within the Shire are to be inspected “in situ” by a Building Surveyor or some other qualified person, any costs so incurred are to be borne by the applicant;
- (c) A report on the dwelling complete with recommended conditions of approval, photographs etc is to be submitted to Council for consideration, proper plans and specifications are to be duly submitted to the Building Surveyor in order that a building licence can be issued;

No dwelling is to be relocated upon any lot within the Shire until the building licence has been issued;

- (d) An estimate of the cost of any conditions of approval is to be used as the basis of calculating a Fidelity Bond, which is to be deposited by the applicant with Council. The Bond is to be deposited on the understanding that if the conditions of approval are not completed to Council’s satisfaction within the time limit specified the outstanding conditions will be met from the bond monies held by Council. The remainder, if any, is to be returned to the applicant when all conditions have been completed;
- (e) That in the case of further second-hand houses arriving in Moora without the necessary approvals, immediate prosecution be instigated;
- (f) That if a pine framed second-hand house is transported within the Moora Shire district its installation is to be strictly in accordance with the Australian Standards AS 1694 1974 Code of Practice for physical barriers used in the protection of buildings against subterranean termites.

A qualified builder S.G. Coxall Reg No S583 has inspected the buildings “in situ” and the reports together with photographs are provided as a separate attachment.

Under the Residential Design Codes WA, the minimum site area for group dwellings zoned R12.5 is 800m². The total area of Lot 75 is 1012m².

PHYSICAL ASSESSMENT

The photographs indicate the buildings are in reasonable condition and are similar to surrounding residences. The renovations proposed including painting following relocation and the addition of carports will present an acceptable standard of presentation.

The dwellings are designed to be accessed from Hamilton Street so the Gardiner Street boundary will need to have an aesthetically pleasing fence or barrier constructed.

PRECEDENT

Council has approved the relocation of second-hand housing in the past, with the most recent in July 2006. This dwelling is situated on the opposite corner to this location.

COMMENTS

The Builders report, photographs and details presented comply with Council's town planning scheme and building policy. Although the houses are older than the previous relocation applications approved by Council, the building plans provided indicate that the dwellings will be aesthetically presented when completed.

It is noted that the builder involved in transporting the buildings to Moora has prepared the building report. It is suggested that an independent inspection be arranged by Council to ensure that the buildings meet the required standards.

Termite Inspection Certificates have been provided for both premises, stating that no termite activity was located.

It is recommended that Council approve the planning application subject to the following conditions: -

- Payment of \$200 planning application fee
- All damaged paintwork of the building exterior to be repainted.
- The Lot to be filled to a height of 300mm above the crown of Gardiner Street and the Finished Floor Levels of the dwellings to be set at 204m AHD.
- Subject to a building licence being issued by the Shire of Moora Manager Health and Regulatory Services.
- Provision of details of an aesthetically pleasing fence/barrier to be constructed on the Gardiner Street boundary.
- The minimum setback from Gardiner Street is to be 2m and Hamilton Street 7.5m.
- Production of a Termite treatment certificate following the location of the building.
- All alterations and additional construction to be completed within 6 months from the date of Council approval.
- A fidelity bond of \$1,500 is to be lodged with Council on the understanding that if the conditions of approval are not completed to Council's satisfaction within the time limit specified, the outstanding conditions will be met from the bond monies held by Council. If all conditions are met to the satisfaction of Council the bond monies will be refunded.

LEGISLATIVE REQUIREMENTS

There are no known legislative requirements related to this item.

STRATEGIC IMPLICATIONS

Increased investment in housing accommodation availability to satisfy current and future demand.

SUSTAINABILITY IMPLICATIONS

- **Environment**
There are no known significant environmental implications associated with this proposal.
- **Economic**
Accommodation for additional residents to community will be an economical benefit to business and Shire.
- **Social**
Provision of revitalised accommodation

FINANCIAL IMPLICATIONS

Additional rating from new properties.

VOTING REQUIREMENTS

Simple Majority Required

COUNCIL RESOLUTION (MANEX RECOMMENDATION)
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129/07 Moved Cr Gardiner, seconded Cr Hawkins that Council approve the planning application subject to the following conditions: -

- 1. Payment of \$200 planning application fee*
- 2. All damaged paintwork of the building exterior to be repainted.*
- 3. The Lot to be filled to a height of 300mm above the crown of Gardiner Street and the Finished Floor Levels of the dwellings to be set at 204m AHD.*
- 4. Subject to a building licence being issued by the Shire of Moora Manager Health and Regulatory Services.*
- 5. Provision of details of an aesthetically pleasing fence/barrier to be constructed on the Gardiner Street boundary together with a detailed landscaping plan for the lot.*
- 6. The buildings to be inspected “in situ” by an independent Building Surveyor or other qualified person as arranged by Council, and any costs so incurred are to be borne by the applicant.*
- 7. The minimum setback from Gardiner Street is to be 2m and Hamilton Street 7.5m.*
- 8. All alterations and additional construction to be completed within 6 months from the date of Council approval.*
- 9. A fidelity bond of \$1,500 is to be lodged with Council on the understanding that if the conditions of approval are not completed to Council’s satisfaction within the time limit specified, the outstanding conditions will be met from the bond monies held by Council. If all conditions are met to the satisfaction of Council the bond monies will be refunded.*

CARRIED 8/0

11.5 ENVIRONMENTAL DEVELOPMENT

Nil

11.6 ECONOMIC DEVELOPMENT

Nil

11.7 SPORT AND RECREATION

Nil.

12. ELECTED MEMBER MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**Proposal to Award Title of Honorary Freeman of the Shire of Moora**

At the previous Council meeting Cr Hawkins proposed a motion to Award the Title of Honorary Freeman of the Shire of Moora to a Moora Shire resident. As this item is of a confidential nature it will be considered behind closed doors later in the meeting.

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

The Chief Executive Officer tabled a late item dealing with the 'Healthway – Be Active Programme Grant Funding', for Council's consideration.

COUNCIL RESOLUTION

130/07 Moved Cr Clydesdale-Gebert, seconded Cr Hawkins that Council consider the late item as tabled by the CEO titled "Healthway – Be Active Programme Grant Funding".

CARRIED 8/0

13.1 Healthway – Be Active Programme Grant Funding

FILE REFERENCE: BA/REPI
REPORT DATE: 6 July 2007
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: Nil
AUTHOR: Michael Prunster, Community Development Manager
ATTACHMENTS: Nil

PURPOSE OF REPORT

Council has received notification from Healthway approving the funding of a further Be Active Grant of \$25,000 per annum over the next three years. The Grant commences on the 1st August 2007 and expires in July 2010.

BACKGROUND

The current Be Active grant programme concludes on the 31st July 2007, and Council is aware that we have been without the services of a Be Active Coordinator since May 2007. Council needs to make a decision to continue with the project for the next three years. The initial programme included a joint partnership with the Shires of Chittering, Victoria Plains and Dandaragan. The Shire of Chittering and Dandaragan have now withdrawn from the project as at the end of the current period.

The Shires of Dalwallinu, Wongan-Ballidu and Coorow were contacted and invited to participate in the programme, but they all declined. This has left the Shire of Victoria Plains and Moora as joint partners in the new project.

The Be Active project commenced in 2001 and the following grants have been received since the commencement: -

2001-02	\$50,000
2002-03	\$40,000
2003-04	\$30,000
2004-05	\$25,000
2005-06	\$25,000
2006-07	\$22,000

The project has been shared between the four Shires over this period with both the Shire of Moora and Shire of Chittering each contributing 40% of the cost and the Shires of Victoria Plains and Dandaragan each contributing 10%.

The average annual contribution from each Shire over the last three years has been:

Chittering	\$19,750
Moora	\$19,750
Victoria Plains	\$4,939
Dandaragan	\$4,939

The Shire of Victoria Plains have indicated that they will take over the Shire of Dandaragan's Contribution (20%), whereas the Shire of Moora will have to take over the Shire of Chittering contribution (80%).

From the budget estimates submitted to Healthway for the new grant funding, the two Shires annual contributions are estimated to be: -

	2007-08	2008-09	2009-10
Moora	\$39,552	\$40,912	\$42,800
Victoria Plains	\$9,888	\$10,228	\$10,700
Totals	\$49,440	\$51,140	\$53,500

COMMENT

The Be Active programme was instigated by the W.A. Government following statistics and data collected in 2002, which identified that only 55% of adults in W.A. perform sufficient physical activity to gain health benefits. The area of the Wheatbelt region in which the sponsorship project is based recorded a lower number of adults achieving recommended levels of physical activity than the state average.

Whilst the funding is provided by Healthway, the National Heart Foundation of Australia (WA Division) enter into a health sponsorship plan based on our application submitted to Healthway for funding, and we are required to provide a copy of our health policy covering specific areas. The main objective of the Heart Foundations sponsorship is to increase the target group's awareness of the Be Active health message through promotional strategies including naming rights, signage, sponsorship acknowledgment and promotional merchandise.

Moora and the other three participating Shires have been involved in this scheme since its inception, and it has been very successful in creating the community's awareness of health and fitness activities.

It would be a disappointment to discontinue the programme in view of Council's plans to continue encouraging community fitness and health with the proposed establishment of a gymnasium

facility. Programmes could be organised by a qualified Be Active coordinator to provide full use of the gymnasium.

Community health is included in the Shire's vision statement included in the Plan for the Future, which reads: -

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

POLICY REQUIREMENTS

Nil

LEGISLATIVE REQUIREMENTS

L.G.A. 1995 S2.7 & S3.1

STRATEGIC IMPLICATIONS

Provision of facilities to assist with healthy and active lifestyles.

SUSTAINABILITY IMPLICATIONS

- **Environment**
There are no known significant environmental implications associated with this proposal.
- **Economic**
Providing activities and facilities for a vibrant community.
- **Social**
Creating opportunities for healthy lifestyle activities.

FINANCIAL IMPLICATIONS

Average expenditure contribution of \$41,100 per annum over three years.

Provision for a loan to finance a new vehicle for the newly appointed Coordinator. Repayments allowed for in budget projection.

VOTING REQUIREMENTS

Absolute Majority Required

COUNCIL RESOLUTION (MANEX RECOMMENDATIONS)

131/07 Moved Cr Clydesdale-Gebert, seconded Cr Hawkins that Council acknowledge and accept the grant funding from Healthway of \$25,000 over the next three financial years and: -

- 1. Commence advertising for a Be Active Coordinator to commence in this role with the Shire of Moora and Shire of Victoria Plains.***
- 2. Include expenditure of 80% of the total cost of the annual project in the annual budgets over the next three years.***
- 3. Advise the Shire of Victoria Plains of the continued Be Active programme and confirm their contribution of 20% over the next three years.***
- 4. Include the raising of a loan in the 2007-08 budget to purchase a new vehicle for the Be Active Coordinator.***

CARRIED BY ABSOLUTE MAJORITY 5/3

14. NOTICE ON MOTIONS FOR THE NEXT COUNCIL MEETING

Cr Clydesdale-Gebert proposed to put the following four motions at the next Ordinary Meeting of Council.

Management of Unsupervised Children at the Moora Swimming Pool

“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”.

Pedestrian Railway Crossover in the Moora Town Centre

“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”.

Moora Youth Centre

“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”.

Lighting Enhancement Plan

“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”.

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

132/07 Moved Cr McLagan, seconded Cr Pond that the meeting move behind closed doors to discuss Item 15.1, ‘Proposal to Award Title of Honorary Freeman of the Shire of Moora’ because it is a matter dealing with the personal affairs of a person pursuant to Section 5.23(2)(b) of the Local Government Act 1995.

CARRIED 8/0

At 5.28pm Ms Lana Kelly retired from the meeting and the meeting moved behind closed doors.

15.1 Proposal to Award Title of Honorary Freeman of the Shire of Moora

Provided to Councillors under confidential cover.

**COUNCIL RESOLUTION
(Cr Hawkins RECOMMENDATION)**

133/07 Moved Cr Hawkins, seconded Cr Bryan that Council recognises the distinguished local government career of Mrs Cynthia McMorran OAM JP and acknowledges the long history of her community service and dedication to the Shire of Moora and its residents. In honour of her achievements, Council bestows the honorary title of “Freeman of the Shire of Moora” upon Mrs Cynthia McMorran OAM JP, which will be formally presented to her at a future Council function.

CARRIED UNANIMOUSLY 8/0

COUNCIL RESOLUTION

134/07 Moved Cr Tonkin, seconded Cr McLagan that the meeting come out from behind closed doors and re-open to the public.

CARRIED 8/0

The meeting reopened to the public at 5.29pm.

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

16. CLOSURE OF MEETING

There being no further business, the Shire President declared the meeting closed at 5.30pm.

CONFIRMED

PRESIDING MEMBER