

**SHIRE OF MOORA**  
**MINUTES OF THE ORDINARY MEETING OF COUNCIL**  
**HELD IN THE COUNCIL CHAMBERS, MOORA**  
**WEDNESDAY 8 FEBRUARY 2006**

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\* Separate Attachments  
*Item 11.2.1 - List of Payments Authorised Under Delegation 1.31*  
*Item 11.3.1 – Works Costing 05/06*  
*Item 11.4.2 – Moora Bulk Transport*

1. **DECLARATION OF OPENING & WELCOME OF VISITORS**

*The Shire President declared the meeting open at 3.30pm, welcomed visitors to the meeting 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	-	Shire President	-	Moora Town Ward
CE Gardiner	-	Deputy President	-	Moora Town Ward
WA Barrett-Lennard	-	Councillor	-	Bindi Bindi Ward
DV Clydesdale-Gebert	-	Councillor	-	Watheroo Ward
(from 3.37pm)				
JL Craven	-	Councillor	-	Moora Town Ward
SJ Pond (from 3.36pm)	-	Councillor	-	Koojan Ward
AR Tonkin	-	Councillor	-	Coomberdale Ward
CD Hawkins	-	Councillor	-	Moora Town Ward
SJ Deckert	-	Chief Executive Officer		
JL Ellis (from 3.34pm)	-	Financial Development Manager		
PJ Haas	-	Environmental Development Manager		
JL Greay	-	Operational Development Manager		
MJ Prunster	-	Financial Development Manager		
MM Murray	-	Executive Support Officer		

**APOLOGIES:**

Nil

**PUBLIC:**

Ms Megan Beange	-	Journalist, Central Midlands Advocate
Mr Shane Heriot (until 4.12pm)	-	Department of Environment
Mr Mike Johnson (until 4.12pm)	-	Department of Environment
Mr Kevin Kramer (until 3.35pm)	-	Business Owner
Mr John Greatbach (until 3.35pm)	-	Ratepayer
Mr Vaughan Franklin (from 3.51 - 4.33pm)	-	Proprietor, Moora Bulk Transport
Ms Donna Gallinagh (from 3.51 - 4.33pm)	-	Proprietor, Moora Bulk Transport

**4. DECLARATIONS OF INTEREST**

Nil.

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

Mr John Greatbach advised Council that there were problems with drainage on blocks in Atbara Street. He resides at Lot 6.

Mr Kevin Kramer reiterated the problem Mr Greatbach raised and suggested a culvert through John Joyce's property to join into the drain in Melbourne Street.

The Operational Development Manager advised that he and the Works Supervisor had been and assessed the problem and was subject of a report in today's Briefing Session. It would then be up to Council to consider whether the drainage problem could be addressed in this year's budget or considered in the formation of next years budget.

Mr Kramer tabled a list of questions he would like Council to answer, as soon as possible. The Shire President advised that responses to the questions would be provided in the agenda of the next Council Meeting.

At 3.35pm Mr Greatbach and Mr Kramer retired from the meeting.

Cr Clydesdale-Gebert entered the meeting at 3.37pm

Cr Craven left the meeting at 3.37pm

**6. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil.

**7. APPLICATIONS FOR LEAVE OF ABSENCE**

Cr Tonkin advised the meeting that he would be away and unable to attend the next Ordinary Meeting and the Annual Electors meeting and requested that Council grant him leave of absence.

Cr Hawkins advised that he will be unable to attend the Ordinary Meetings of Council on 22 February and 22 March 2006 and requested that Council grant him leave of absence.

**COUNCIL RESOLUTION**

***18/06 Moved Cr Barrett-Lennard, seconded Cr Pond that leave of absence be granted to; Cr Tonkin for the Council meeting to be held on the 22nd February 2006 and the Electors meeting on the 27<sup>th</sup> February and to Cr Hawkins for the Council meetings to be held on the 22nd February and 22<sup>nd</sup> March 2006.***

**CARRIED 7/0**

Cr Craven returned to the meeting at 3.38pm

## **8. PETITIONS AND MEMORIALS**

The Shire President introduced Mr Mike Johnson and Mr Shane Heriot from the Department of Environment (DOE) in Geraldton.

Mr Johnson advised Council that he and Mr Heriot had walked the river between the Roberts Street Bridge and Dandaragan Road to assess the extent of part of the problems in the river.

Cr Tonkin expressed his concern over the state of the Moore River running through Moora. There are drainage problems even when the river is not flooded, also the vegetation growth and forming of silt and sediment. Suggest removal of some vegetation from the riverbed.

Mr Johnson agreed that the sediment is a problem and needs to be addressed. There could be an argument to remove the Casuarinas in the centre of the riverbed only however this is only a symptom and the cause is what needs to be treated.

Cr Craven expressed concern about the amount of what appears to be illegal dumping of rubbish in sections of the Moore River 2 & Yadgena.

Mr Johnson suggested a formal letter of complaint be sent to the DOE in Geraldton.

Cr Pond advised that the Moora Townsite had a rising salt groundwater problem and suggested that this needs to be considered as part of any townsite and river drainage solution.

The Shire President asked Mr Johnson what recommendations they suggested.

Mr Johnson suggested that an application be made for an Envirofunds grant between the local LCDC and the Council. He suggested applying for the maximum of \$50,000. With the grant a plan could be sought from the DOE to look at the erosion problems, which are very bad, and the amount of sand pouring into the river and the revegetation of the banks of the river.

There is a big problem with 'Spiny Rush' in the river. It is not native to this area; it has actually been introduced from over east and needs to be removed.

Cr Gardiner questioned whether the problems mainly between the two bridges?

Mr Johnson advised that there were also problems up & down the river.

He was leaving two booklets with Council for their information

1. A Guide for Local Government, Clearing Native Vegetation - under the Environmental Protection Act 1986
2. A Guide to the Exemptions & Regulations for Clearing Native Vegetation

Mr Johnson advised their aim was to promote and support restoration measures for the river and they would like to give support & assistance, this needed to be driven locally by the Shire and/or local LCDC.

Why they came today was to;

1. look at the trees growing in the river, and
2. look at ways of improving the condition of the river

The Shire President thanked Mr Johnson and Mr Heriot for their time.

Mr Johnson advised their sole interest is to help improve the river and encouraged Councillors and Managers to walk the walk from bridge to bridge, looking at the erosion especially on the sides of the banks.

At 4.12pm Mr Johnson and Mr Heriot retired from the meeting.

At 4.12pm the Environmental Development Manager left the meeting and returned at 4.16pm.

#### **9. ANNOUNCEMENTS BY THE SHIRE PRESIDENT – WITHOUT DISCUSSION**

Councillors Hawkins and Gardiner and the Chief Executive Officer attended a workshop at the Department of Agriculture in Geraldton yesterday on the proposed Biosecurity and Agriculture Management Bill.

Last night I chaired the Moora Fine Arts AGM & all positions on the committee except one were filled. Looking forward to a successful 2006. Richard Apel is currently working on the stained glass window for the new hospital.

The Central Midlands Agricultural Society Inc. is holding their AGM at 8pm tomorrow night at the Recreation Centre. They are looking to fill their committee positions and I encourage all to attend.

Cr Pond attended a Trees Midwest meeting last Monday week at Coomberdale.

The Shire President noted the good turn out at the Australia Day ceremony in Apex Park. All 2006 recipients were there to receive their awards. This years recipients were:

Citizen of the Year	-	Mr David Stribley
Young Citizen of the Year	-	Miss Naomi Harrington
Volunteer of the Year	-	Mrs Jean Howard
Event of the Year	-	Central Midlands Relay for Life

#### **10. CONFIRMATION OF MINUTES OF THE PREVIOUS MEETINGS**

##### **10.1 ORDINARY COUNCIL MEETING - 25 January 2006**

***19/06 Moved Cr Pond seconded Cr Gardiner that the Minutes of the Ordinary Meeting of Council held on 25 January 2006, be confirmed as a true and correct record of the meeting; with the correction to item 15.1 resolution number 16/16 should read as resolution number 16/06.***

**CARRIED 8/0**

## **11. REPORTS OF OFFICERS**

### **11.1 ADMINISTRATION**

Nil.

### **11.2 FINANCIAL DEVELOPMENT**

#### **11.2.1 List of Payments Authorised Under Delegation 1.31**

**AUTHOR:** Jo-Anne Ellis, Financial Development Manager  
**REPORT DATE:** 2 February 2006  
**DECLARATION:** Nil

#### **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**

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

#### **STATUTORY ENVIRONMENT**

Local Government Act 1995 - Section 6.10  
Local Government (Financial Management) Regulations 1996 –  
Regulations 12 & 13.

#### **POLICY IMPLICATIONS**

Delegation 1.31 – Payments from Municipal and Trust Funds.

#### **BUDGET IMPLICATIONS**

Payments are in accordance with the adopted budget.

#### **STRATEGIC IMPLICATIONS**

Nil.

#### **PRECEDENT**

Nil.

#### **VOTING REQUIREMENTS**

Simple Majority.

<b>COUNCIL RESOLUTION (OFFICER RECOMMENDATION) – ITEM 11.2.1</b>
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***20/06 Moved Cr Barrett-Lennard, seconded Cr Gardiner that Council note and endorse the Payments from Municipal and Trust Funds made under delegation 1.31***

***Municipal Fund Direct Debit Payment***

***\$ 12,048.84***

	<b>Chq 54113-54147</b>	<b>\$123,498.52</b>
<b>Trust Fund</b>	<b>Chq 4128-4131</b>	<b>\$ 1,000.00</b>
<b>Total</b>		<b>\$136,547.36</b>

**CARRIED 8/0**

### **11.3 OPERATIONAL DEVELOPMENT**

#### **11.3.1 Works Costing 05/06**

**AUTHOR:** Jo-Anne Ellis, Financial Development Manager  
**REPORT DATE:** 2 February 2006  
**DECLARATION:** Nil

#### **BACKGROUND**

Council is provided with works program costings on a monthly basis to enable monitoring of expenditure and progress of construction and maintenance within the transport portfolio.

#### **COMMENT**

The works program costings are provided as an attachment to this agenda.

#### **STATUTORY ENVIRONMENT**

Nil.

#### **POLICY IMPLICATIONS**

Nil.

#### **BUDGET IMPLICATIONS**

Items included in the report are from the 2005/06 Budget.

#### **STRATEGIC IMPLICATIONS**

Reporting of expenditure relating to construction and maintenance in the transport portfolio enables council to monitor a significant portion of budgeted expenditure and evaluate the progress of a strategically important investment in the Shire of Moora.

#### **VOTING REQUIREMENTS**

Simple Majority.

<p><b>COUNCIL RESOLUTION (OFFICER RECOMMENDATION) – ITEM 11.3.1</b></p>
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***21/06 Moved Cr Barrett-Lennard, seconded Cr Pond that Council note and receive the Works Program Costings for the period ending 31 January 2006.***

**CARRIED 8/0**



Cr Gardiner queried why it appeared that only half the money had been spent on the Prices Road job.

The Operational Development Manager advised that as mentioned earlier, not all accounts have been paid as yet however they will be shortly.

Cr Gardiner queried the Coomberdale West Road; will the job still be going ahead with all the water that was received there or will it be postponed?

The Operational Development Manager advised that as the job was government funded it should be done however if it was necessary an application could be made to hold the funding over.

The Operational Development Manager advised Council that there had been preliminary delays on the Watheroo West Road (new alignment) as have been unable to get in touch with the surveyor, possibly on holidays however messages have been left.

## **11.4 COMMUNITY DEVELOPMENT**

### **11.4.1 Application for Planning Approval – Short Stay Accommodation**

**LOCATION:** Lot 342 Moore Street Moora  
**OWNER:** Mrs Wendy Halpin  
**APPLICANT:** Mrs Wendy Halpin  
**ZONING:** Residential R Code R30  
**FILE:** 7.4  
**AUTHOR:** Michael Prunster, Community Development Manager

**REPORT DATE:** 1 February 2006  
**DECLARATION:** Author has no interest in application

#### **PROPOSAL**

To establish a “short-stay budget accommodation” business at the old Railway Barracks building in Moore Street, Moora. Renovations to 11 existing rooms and existing transportable building are to be carried out to accommodate tenants.

#### **BACKGROUND**

Mrs Halpin lodged the application on the 8th December 2005, and Council discussed the proposal on the 14th December as a late item.

Council passed the following resolution at that meeting: -

*“That Council receive the application from Ms Wendy Halpin to operate a short-stay accommodation business at Lot 342 Moore Street Moora and authorise staff to:*

- 1) *Advertise Details of the proposed development in the local newspaper circulating the district stating that submissions may be made to Council within of 21 days of publication.*

- 2) *Details to be advised to the adjoining landowners and the Department of the Environment stating that submissions may be made within of 21 days of the notice.*
- 3) *Advise applicant that the application is subject to a planning fee of \$250.00 plus advertising costs.*
- and*
- 4) *Following the expiration of twenty one days of publication and receipt of the planning and advertising fees, Council shall consider and determine the application.”*

The public notice was advertised in the Central Midlands & Coastal advocate on the 22nd December 2005 inviting comments/submissions to Council by the 12th January 2006. The adjoining owners were also advised of the proposal and applicant was advised of Council's decision.

A letter was also forwarded to the Department of Environment requesting their comments in relation to the floodplain management strategy.

Council did not receive any submissions/comments by the closing date of the 12th January 2006, and the reply from the Department of Environment indicated that they had no concern unless new buildings were being constructed to provide for the accommodation.

#### **PLANNING FRAMEWORK**

The Lot is zoned residential with an R code density of R30, which permits single housing or grouped dwellings.

The scheme provides the following interpretation for short-stay accommodation: -

*Short-stay accommodation: means the occupation of a chalet, caravan, camp or any other form of accommodation approved by the Council, by persons for a period of not more than a total of three months in any one twelve month period.*

#### **PHYSICAL ASSESSMENT**

The building has been extensively renovated by the applicant together with landscaping of the frontage of the Lot. This work has improved the aesthetics of the building to a high standard.

With the high demand in Moora for this style of accommodation facility, the project should be very successful, and help meet the demand for this type of accommodation.

#### **CONCLUSION**

Under the Town Planning Scheme No 4, Council is to give consideration to the following in determination of the application: -

##### **7.4 Determination of Application**

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

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

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

The proposal has conformed to Town Planning Scheme regulations, and in view that no submissions/comments were received it is recommended that application be approved.

#### **VOTING REQUIREMENTS**

Simple majority

<p><b>COUNCIL RESOLUTION (OFFICER RECOMMENDATION) – ITEM 11.4.1</b></p>
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***22/06 Moved Cr Craven, seconded Cr Hawkins that Council approve the application from Mrs Wendy Halpin to conduct a “short-stay budget accommodation” business at Lot 342 Moore Street, Moora subject to the following conditions: -***

- 1) ***Payment of planning application fee of \$250 and advertising costs.***
- 2) ***Occupation of persons (other than owners) not to exceed more than three months in any one twelve month period.***
- 3) ***Subject to health/building approval by Shire of Moora Environmental Development Manager.***

**CARRIED 8/0**

**11.4.2      ITEM NAME:      Moora Bulk Transport**

**LOCATION:            Lots 979, 235 & 2461 Dandaragan Road, Moora**

**OWNER:             Moora Bulk Transport**

**FILE:                7.4**

**AUTHOR:            Michael Prunster, Community Development Manager**

**REPORT DATE:    2 February 2006**

**DECLARATION:    Nil**

#### **BACKGROUND**

A letter of request to conduct a transport depot on Lots 979, 235 & 2471 (refer map below) in Dandaragan Road & Ferguson Street Moora was received from Mr Vaughan Franklin and Ms Donna Gallinagh in June 2005. Council considered this request at the Council meeting held on the 13th July, after receiving a delegation from Mr Franklin and Ms Gallinagh.

The Manex Recommendation to Council for the item was: -

*That Council*

- 1) *adopt the position that it does not favour development of industrial uses in the area close the Moora townsite, west of Ferguson Street.*
  
- 2) *advise Moora Bulk Transport that:*
  - *Council does not favour development of industrial uses in the area close the Moora townsite, west of Ferguson Street*
  - *They should consider establishment of their proposed trucking depot in existing land zoned for industrial purposes or land adjacent to it.*

Following consideration by Council the Manex Recommendation was amended and Council passed the following resolution:-

**COUNCIL RESOLUTION– ITEM 11.4.1 (13 JULY 2005)**

143/2005      *Moved Cr Gardiner, seconded Cr Craven*

*“That Council adopt a position of support for Moora Bulk Transports proposed truck depot operation west of Moora adjacent to Ferguson and Dandaragan Street, and stipulate a 600m setback from Dandaragan Rd and 250m setback from Ferguson Street for the development.*

CARRIED UNANIMOUSLY 9/0

*NOTE; Council believed this type of development should be allowed on rural lands.*

Unfortunately Mr Franklin and Ms Gallinagh were not advised of Council's decision informing them that whilst Council had supported the application in principal there was still a requirement to complete a formal application to Council for the development.

This was brought to the attention of the Community Development Manager in December and Mr Franklin was written to and advised of Council's decision and outlining to him the necessary requirements for the application namely: -

- a. Formal application required.
- b. Adjoining owners to be advised of the proposed development.
- c. Public notice outlining the proposed development to be published in the newspaper.
- d. After the expiration of 21 days, Council is to consider and determine the application.
- e. Advice that an application fee of \$100 plus advertising costs will be required.

The public notice was placed in the West Australian Newspaper on the 6th January 2006 advising that comments may be submitted to Council on or before the 27th January 2006. Letters were also sent to the four adjoining property owners advising them of the proposed development.

There were no submissions received as at the close of business on the 27th January.

### **COMMENT**

The following is the Town Planning Text for determination of planning applications.

#### **7.4 Determination of Application**

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

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

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

Council supported the application at their meeting of the 13 July, and as submissions were not received from either the public notice advertisement or adjoining landowners it is recommended that the application be approved subject to the additional conditions:-

- i. Clarification from Mr Franklin the actual position of his proposed driveway onto Dandaragan Road, (refer attached sketch) to be provided on a map drawn to scale, due to safety concerns with trucks entering and leaving the property.
- ii. Council staff to confirm proposed entry/exit to Dandaragan Road with Main Roads WA.

### **STATUTORY ENVIRONMENT**

Under the Town Planning Scheme text, a transport depot may be permitted subject to zoning table "SA" which "means that the use is not permitted unless the Council has granted planning approval after giving notice in accordance with clause 7.3".

These requirements have now been met.

### **POLICY IMPLICATIONS**

Nil.

**BUDGET IMPLICATIONS**

Road safety signs may be required either side of entry/exit to property due to possible use by road trains. This would be absorbed in the road maintenance budget.

**STRATEGIC IMPLICATIONS**

It is in Council's strategic interest to encourage business like Moora Bulk Transport.

**PRECEDENT**

Nil

**VOTING REQUIREMENTS**

Simple majority

**COUNCIL RESOLUTION  
(OFFICER RECOMMENDATION) – ITEM 11.4.2**

***23/06 Moved Cr Craven, seconded Cr Hawkins that Council approves the application from Mr Vaughan Franklin and Ms Donna Gallinagh (Moora Bulk Transport) to establish a transport depot on Lots 979, 235 & 2461 subject to the following conditions: -***

- I. Clarification from Mr Franklin the actual position of his proposed driveway onto Dandaragan Road to be provided on a map drawn to scale, due to safety concerns with trucks entering and leaving the property.***
- II. Council staff to confirm proposed entry/exit to Dandaragan Road with Main Roads WA.***
- III. That the depot minimum setback to be 600m from Dandaragan Road and 250m from Ferguson Street.***

**CARRIED 8/0**

**11.5 ENVIRONMENTAL DEVELOPMENT**

Nil.

**11.6 ECONOMIC DEVELOPMENT**

Nil.

**11.7 SPORT AND RECREATION**

Nil.

At 4.33pm Mr Franklin & Ms Gallinagh retired from the meeting.

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

Nil

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

Nil

**14. NOTICE ON MOTIONS FOR THE NEXT COUNCIL MEETING**

Nil

**15. MATTERS BEHIND CLOSED DOORS**

Nil

**16. CLOSURE OF MEETING**

*There being no further business, the Shire President declared the meeting closed at 4.34pm.*

**CONFIRMED**

**PRESIDING MEMBER**