

**Shire of Moora
Ordinary Council Meeting
17th August 2011**

NOTICE OF MEETING

Dear Elected Member

The next Ordinary Council Meeting of the Shire of Moora
will be held on **Wednesday 17th August 2011**
in the Council Chambers, 34 Padbury Street, Moora
commencing at **5.30 pm**

LJ Parola
Acting Chief Executive Officer
12th August 2011

The Shire of Moora Vision and Mission Statement

Vision

Our vision is that:

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

Mission

Our mission is:

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

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

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

Dear Sir/Madam,

Re: Written Declaration of Interest in Matter Before Council

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

Agenda Item ⁽³⁾ _____

The type of interest I wish to declare is: ⁽⁴⁾

- Financial pursuant to Section 5.60A of the Local Government Act 1995
- Proximity pursuant to Section 5.60B of the Local Government Act 1995
- Indirect Financial pursuant to Section 5.61 of the Local Government Act 1995
- Impartiality pursuant to Regulation 11 of the Local Government (Rules of Conduct) Regulations 2007.

The nature of my interest is ⁽⁵⁾

The extent of my interest is ⁽⁶⁾

I understand that the above information will be recorded in the Minutes of the meeting and recorded by the Chief Executive Officer in an appropriate Register.

Yours faithfully,

 Signed

 Date

1. Insert your name.
2. Insert the date of the Council Meeting at which the item is to be considered.
3. Insert the Agenda Item Number and Title.
4. Tick box to indicate type of interest.
5. Describe the nature of your interest.
6. Describe the extent of your interest (if seeking to participate in the matter under S. 5.68 of the Act).

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SHIRE OF MOORA
ORDINARY COUNCIL MEETING AGENDA
17 AUGUST 2011
COMMENCING AT 5.30PM

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Item 9.3.1	Project Summary
Item 9.4.1	Deposited Plan 68700
Item 9.4.4	Letter from ALGA President

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS**1.1 DECLARATION OF OPENING****1.2 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**APOLOGIES**

R L McCall - Manager Community & Economic Development

APPROVED LEAVE OF ABSENCE

OC Cocking - Councillor

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4. PUBLIC QUESTION TIME**5. PETITIONS AND PRESENTATIONS****6. APPLICATIONS FOR LEAVE OF ABSENCE****7. ANNOUNCEMENTS BY THE PRESIDING MEMBER****8. CONFIRMATION OF MINUTES****8.1 ORDINARY COUNCIL MEETING - 20 JULY 2011**

That the Minutes of the Ordinary Meeting of Council held on 20 July 2011, be confirmed as a true and correct record of the meeting.

8.2 SPECIAL COUNCIL MEETING - 1 AUGUST 2011

That the Minutes of the Special Meeting of Council held on 1 August 2011, be confirmed as a true and correct record of the meeting.

9. REPORTS OF OFFICERS

9.1 CORPORATE SERVICES

9.1.1 LIST OF PAYMENTS AUTHORISED UNDER DELEGATION 1.31

REPORT DATE: 10 August 2011

OFFICER DISCLOSURE OF INTEREST: Nil

AUTHOR: Katie Bailey, Finance & Records Officer

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

MANEX RECOMMENDATION

That Council notes and endorses the Payments from the Municipal and Trust Funds made under delegation 1.31

<i>Municipal Fund</i>	<i>Cheques 60430 to 60461</i>	<i>\$32,731.77</i>
<i>Direct Debits</i>	<i>EFT 6506 to 6641</i>	<i>\$404,735.11</i>
	<i>Net Pays – PPE 5th July 2011</i>	<i>\$75,361.11</i>
	<i>Net Pays – PPE 19th July 2011</i>	<i>\$78,830.70</i>
	<i>Net Pays – PPE 2nd August 2011</i>	<i>\$ 79,216.59</i>
	<i>Credit Cards to 12th July 2011</i>	<i>\$6,625.22</i>
<i>Trust Fund</i>	<i>Cheques 4710 to 4715</i>	<i>\$152.00</i>
	<i>Total</i>	<i><u>\$677,652.50</u></i>

9.1.2 STATEMENT OF FINANCIAL ACTIVITY FOR PERIOD ENDED 31 JULY 2011

REPORT DATE: 11 August 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 July 2011

PURPOSE OF REPORT:

To note and receive the Statement of Financial Activity for the period ended 31 July 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

MANEX RECOMMENDATION

That Council notes and receives the Statement of Financial Activity for the period ended 31 July 2011.

9.2 HEALTH, BUILDING & PLANNING SERVICES

9.2.1 PROPOSED WORKERS ACCOMMODATION (CBH) – LOT 4171 (RESERVE 33359) WHEATBIN ROAD, MOORA

FILE REFERENCE: TP/PTM03

REPORT DATE: 9 August 2011

APPLICANT/PROPONENT: CBH

OFFICER DISCLOSURE OF INTEREST: Gray & Lewis receive planning fees for advice to the Shire therefore declare a Financial Interest – Section 5.65 of *Local Government Act 1995*

PREVIOUS MEETING REFERENCES: N/A

AUTHOR: Gray & Lewis Landuse Planners

ATTACHMENTS: Site Plan

PURPOSE OF REPORT:

Council is to consider an application for Workers Accommodation on Lot 25 Miling Moora Road, Moora.

BACKGROUND:

Existing Landuses

The subject land is utilised by CBH for bulk grain handling activities. There is an existing building located on the north western portion of the site which is used for accommodation.

Gray & Lewis has no access to Councils records, however is advised by CBH that the accommodation building has been on the site since the 1970's.

Description of Application

The application has been lodged by CBH and entails the following;

- Construction of a new 6 room workers accommodation building and associated retaining wall (south of the existing accommodation building)
- A new amenities building

The applicant has submitted a site plan which is included as an attachment.

COMMENT:

Zoning and restricted Use provisions

The subject property is subject to 'restricted uses' under the Shire of Moora Town Planning Scheme No 4 ('the Scheme').

The restricted uses for this land as designated in Schedule 3 of the Scheme are specifically limited to 'Rural Industry', and are subject to conditions including to "Provide for transport infrastructure for storage and or processing of bulk grain including connection to the state rail system.'

A 'Rural Industry' is defined under the Model Scheme Text and does not include any accommodation. The definition only allows for 'an industry handling, treating, processing or packing rural products' or a 'workshop servicing plant or equipment used for rural purposes'.

Clause 3.4 of the Scheme applicable to restricted uses states that "Despite anything contained in the Zoning Table, the land specified in Schedule 3 may only be used for the specific use or uses that are listed and subject to the conditions set out in Schedule 3 with respect to that land."

Effectively the only landuse that can be approved for the site is specifically restricted to 'Rural Industry' which does not allow for any form of accommodation.

It is important to note that the Scheme is a legal statutory document with the same power as an Act passed by parliament. Council can only make decisions in accordance with the Scheme provisions.

Non Conforming Use

Notwithstanding that workers accommodation is not permitted on the land as it is not a 'Rural Industry', other avenues can be considered because there is already accommodation developed on the site, which may have non conforming use rights.

A 'non conforming use' is a use that does not conform with the current zoning but was lawful prior to a new scheme becoming operative, or a scheme amendment being gazetted, which rendered the use no longer permitted.

If the existing accommodation on the CBH site was approved by the Shire and is therefore lawful, it may have a 'non conforming use' right. The Scheme has provisions whereby a lawful and valid non conforming use may continue to operate as long as the use has not been discontinued for a period of 6 months.

Clause 6.1 of the Scheme states that no provision of the Scheme is to taken to prevent "the continued use of any land or building for the purpose for which it was lawfully used immediately prior to the gazettal date". In this case the gazettal date relates to omnibus Amendment 9 so the relevant date is 11 March 2011.

The issue of non conforming use rights poses significant technical difficulties due to the following;

1. It is unlikely that Council has significant records of any original approvals for the existing accommodation, however it is understood from the information provided by CBH that it has been used seasonally since its construction in 1970.
2. As the existing accommodation is used mainly on a seasonal basis, there may be extended periods where the accommodation building has been vacant. If the accommodation use has been vacant for the last 6 months then legally there may be

some challenge as to whether a valid non conforming use still exists or whether the use has been 'discontinued'.

If a non conforming use is continued for 6 months then under the Scheme the land can only be used in conformity with the Scheme, and any 'non conforming use' right is lost.

3. The issue of what constitutes a 'discontinuance' of a use is a complex legal matter. Gray & Lewis is of the opinion that just because the accommodation building may have been vacant for periods exceeding 6 months, it does not necessarily cancel out the non conforming use right. Continuation of a non conforming use also relates to the intentions of the landowner to continue a use. If, for example, an owner temporarily ceases a use to go on a holiday for 6 months does not mean that the landowners had any intention to 'discontinue' the use.

Extension and changes to a Non Conforming Use

Determining whether a legal non conforming use right exists is essential as;

1. The existing accommodation on the land can only continue to be used if a valid non conforming use right is established. If the non conforming use right is invalid then the existing accommodation building can only be used in conformity with the Scheme, and the Scheme only allows the site to be used for 'Rural Industry'.
2. If a valid legal non conforming use is established, then Council has discretion to consider the current application for 'workers accommodation' as an alteration and extension of the existing non conforming accommodation use.

Clause 6.2.1 of the Scheme requires planning approval to alter or extend a non conforming use and to erect, alter or extend a building used in conjunction with or furtherance of a non conforming use.

If a valid non conforming use right is established for the existing 'workers accommodation' on the land, Council would have discretion to approve the new accommodation building as they would be erecting a building in conjunction with and to further the existing use.

Buffers

Under normal circumstances it is not desirable to co-locate any form of accommodation (as a sensitive landuse) with industrial activities such as those conducted by CBH due to potential for adverse noise, dust etc

Buffers are recommended between industrial and sensitive landuses (residential dwellings / accommodation) to minimise landuse conflict. Buffers are not just applied to existing dwellings but any proposed sensitive development, such as the workers accommodation.

The Environmental Protection Authority has 'Guidance for the assessment of environmental factors – separation distances between Industrial and Sensitive Landuses' ('EPA Guidelines'). The EPA Guidelines recommend a buffer of 500 metres between any grain elevator and sensitive landuse.

The proposed workers accommodation cannot meet the buffer requirements and the accommodation may be subject to adverse noise, dust etc. As the workers accommodation

is to cater for CBH staff who will work on site, any person staying in the accommodation would likely have lesser amenity expectations. It is acknowledged that CBH will still have to separately comply with any relevant health and safety legislation.

Options Available to Council

Option 1 – Seek Legal advice and advertise the application

Whilst Gray & Lewis is of an opinion that a valid non conforming use right may exist the issue is legally very complex.

Because of the technical difficulties and legal complexities of dealing with non conforming uses, Gray & Lewis always recommends that local governments liaise with a suitable solicitor, such as McLeods, when dealing with applications such as this.

Legal advice is the only safeguard to ensure that Council correctly deals with the application within the confines of the Town Planning Scheme. A solicitor will be able to provide a clear view as to whether the seasonal occupation of the existing accommodation causes issues in terms of 'discontinuance'.

The legal advice can be obtained whilst the application is being advertised. Any alterations or extension of a non conforming use is required to be advertised under Clause 6.2.2 of the Scheme.

It would be beneficial if the Shire and / or CBH can produce clearer paper evidence that a valid non conforming use right exists. Evidence would include any records of original approvals, dates of continued occupancy and use, photographs, statements from workers who have occupied the building, statements from neighbours etc

Option 2 – Refuse the Application

If Council has good records and knowledge of use of the site, it may advise CBH that it unfortunately does not consider there is any valid non conforming use right for the existing accommodation building and refuse the application as 'workers accommodation' is not permitted under the Scheme as uses for the land are restricted specifically to 'rural industry'.

Option 2 is not recommended as Gray & Lewis considers it very likely that the existing accommodation does have a non conforming use right as (1) the accommodation use is long established and appears to have been used on a yearly and regular basis for the grain season and (2) even though the building may be unoccupied for over 6 months per year there is a clear owner intention for the use to continue.

Even though there are limited records that establish a non conforming use, equally there is a lack of records that prove that the non conforming use is invalid.

Future Scheme Amendment

When Amendment 9 was compiled it did not allow for any accommodation on the Moora CBH site, and it was not issue raised during advertising. Whilst this is a separate issue, it is recommended that CBH be encouraged to pursue a scheme amendment in the future to provide greater flexibility over land uses for their various receival sites.

POLICY REQUIREMENTS:

Nil.

LEGISLATIVE REQUIREMENTS:

Shire of Moora Town Planning Scheme No 4 – statutory requirements explained in the body of this report.

STRATEGIC IMPLICATIONS:

There are no known strategic implications associated with this proposal.

SUSTAINABILITY IMPLICATIONS:**➤ Environment**

The accommodation will be subject to emissions associated with CBH operations, however is to cater for CBH employees. The site plan indicates some limited tree removal for the new building(s).

➤ Economic

There are potential economic benefits as normally related to new construction and development.

➤ Social

There are no known significant social implications associated with this proposal. It could be argued that on site accommodation has less community benefit than accommodating workers in the Moora townsite maximising use of existing businesses, however this cannot be quantified and is not a planning issue.

FINANCIAL IMPLICATIONS:

The Shire pays Gray & Lewis fees for planning advice.

VOTING REQUIREMENTS:

Simple Majority Required

OFFICER RECOMMENDATIONS***That Council:***

- 1. Advertise the application for public comment in accordance with Clause 6.2.2 and 7.3 of the Shire of Moora Town Planning Scheme No 4 as an alteration or extension of a possible non conforming use (for 14 days). Advertising material is to clearly explain that investigation into establishing whether a non conforming use right exists is still underway, and any person who has knowledge of ongoing use of the existing accommodation building on site should advise the Shire in writing.***
- 2. Advise the applicant (CBH) that;***
 - (i) Council considers it highly likely that the existing accommodation building has a non conforming use right but has limited records and evidence to substantiate its validity. Accordingly, CBH is requested to collate any information or evidence that may assist to clearly establish***

the non conforming use right for the existing accommodation building in the form of known occupation dates, any archive documents, photographs, correspondence and the like. Similarly Council officers will also check archive records.

- (ii) Any non conforming use is extinguished if the use has discontinued for a period exceeding 6 months. The Shires Planning Consultants, Gray & Lewis, is of the opinion that the use has not discontinued due to CBH's intentions for the accommodation to be used on an ongoing seasonal basis. To ensure that Council acts within the confines of the Scheme, legal advice will be sought as non conforming uses are complex.**
 - (iii) It is recommended that CBH look at a future amendment to the Shires Town Planning Scheme to expand the permissible restricted uses for the CBH sites throughout Moora, for increased flexibility. Amendment 9 to the Shires Scheme has not included any provisions for accommodation on CBH sites.**
 - (iv) The proposed 'workers accommodation' will be subject to emissions associated with normal CBH activities. CBH is requested to provide written assurances that the on site accommodation complies with relevant health and safety requirements. Whilst health and safety requirements are not strictly a planning issue, it has some relevance as the accommodation is a sensitive landuse which cannot meet any recommended EPA buffers.**
- 3. Refer the application and a copy of this report to McLeods Barristers and Solicitors for informal email comments on the non conforming use, with advice that Council is generally supportive of the application.**

9.2.2 ANNUAL RETURNS: ERA, DEPARTMENT OF HEALTH, DAIP

FILE REFERENCE: GA/HWAI, DA/DCSI, H/SWS3

REPORT DATE: 10 August 2011

APPLICANT/PROPONENT: N/A

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES:

AUTHOR: Ewen Ross, Manager Health, Building and Planning Services

ATTACHMENTS:

1. Disability Access and Inclusion Plans Return
2. Economic Regulatory Authority Return
3. Department of Health Food Act 2008 Return

PURPOSE OF REPORT:

To inform Council on external government department returns for 2011/11.

BACKGROUND:

Council is required to provide annual returns under legislation and to confirm compliance with licensing requirements.

COMMENT:

Disability Access and Inclusion Plans (DAIP) – Return

The DAIP return is as attached which in accordance with the Shire of Moora's Disability Access Inclusion Plan.

There is room for improvement in this area and there seems to be little activity since the DAIP was moved from Community Services to Health, Building and Planning Services and the disestablishment of Managers position. The inability to locate the 2007 Accessibility Audit is of concern as this is a key document for improving the standard of access within the Shire. The HB&PS operational plan identified \$50k to the DAIP and another \$80k to upgrading within the Townsite which was not prioritised in the budget process. The DAIP 2007 – 2011 strategic plan should be reviewed and public consultation be conducted in order to focus on attaining a better result in this area.

Economic Regulatory Authority (ERA) – Return

The Economic Regulator Authority (ERA) annual return for the waste water license is attached for your information. In this area again there is limited movement against what the Shire has been reporting. There has been no unauthorised sewage discharges but the number of blockages is above the level permitted in the license. This is in some way reflective of the short sewage length within Moora so the statistical error is higher. Note the ERA has accepted that licence 5 and 6 does not consider these non-compliances.

The main work carried out in this area has been that to comply with the health and safety requirements and some \$130k has been spent. Six (6) of the seven (7) pump sites have been upgraded.

There needs to be more resources attributed to this area and working with the auditors that have been appointed is essential. (Five year audit – license condition). The additional work

should be on reviewing the strategic works required, forward funding requirements and preparing tender documentation.

Department of Health (DoH) – Food Act 2008 Return

The Department of Health annual return for food premises is attached for your information. Council has provided a response service only and has implemented the Food Act 2008. Council may wish to review its decision to absorb costs with regards the notification and registration of food premises. The Food Act 2008 and Food Regulations 2009 did provide the mechanism to adopt user charges to recover the cost associated with legislative compliance. It provided a mechanism to charge on risk and the number of visits conducted each year.

POLICY REQUIREMENTS:

Consideration of cost recovery for service

LEGISLATIVE REQUIREMENTS:

Food Act 2008

STRATEGIC IMPLICATIONS:

Attaining good compliance with legislative and license requires can provide an effect performance indicator on how the Shire is functioning.

SUSTAINABILITY IMPLICATIONS:

➤ **Environment:**

Compliance with waste water license, food act and disability access and inclusion plan directly relates to the built environment.

➤ **Economic:**

Compliance cost is reflected in operating budget.

➤ **Social:**

The compliance with the access and inclusion plan directly relates to the well being of affected persons.

FINANCIAL IMPLICATIONS:

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

VOTING REQUIREMENTS:

Simple Majority Required

OFFICER RECOMMENDATIONS

That Council:

- 1. Notes and endorses the Disability Access and Inclusion report.*
- 2. Directs resources to improving the Disability Access and Inclusion Plan particularly that public consultation occurs again in 2011/12.*
- 3. Notes the Economic Regulatory Authority and Department of Health Food Report.*

9.2.3 PROPOSED SUBDIVISION APPLICATION – BOUNDARY REALIGNMENT BETWEEN LOTS M1643 AND LOT 52 GREAT NORTHERN HIGHWAY, MILING

FILE REFERENCE: A1226
REPORT DATE: 9 August 2011
APPLICANT/PROPONENT: Jurien Surveys
OFFICER DISCLOSURE OF INTEREST: Gray & Lewis receive planning fees for advice to the Shire therefore declare a Financial Interest – Section 5.65 of *Local Government Act 1995*
PREVIOUS MEETING REFERENCES: Not Applicable
AUTHOR: Liz Bushby, Gray & Lewis Landuse Planners
ATTACHMENTS: 1. Location Plan 2. Subdivision Plan

PURPOSE OF REPORT:

The Western Australian Planning Commission (WAPC) has referred an application to the Shire for recommendation and comment.

BACKGROUND:

Existing Lots M1643 and Lot 52 are zoned 'General Agriculture' under the Shire of Moora Town Planning Scheme No 4 ('the Scheme'). It should be noted that the 'Farming' zone was changed to 'General Agriculture' under omnibus Amendment 9, gazetted on 11 March 2011.

There has essentially been a 'name change' to the zoning only under Amendment 9, and the zone objectives remain the same as per the original 'Farming' zone;

- “(a) *to ensure the continuation of broad-hectare farming as the principal land use in the district and encouraging where appropriate the retention and expansion of agricultural activities.*
- (b) *to consider non-rural uses where they can be shown to be of benefit to the district and not detrimental to the natural resources or the environment.*
- (c) *to allow for facilities for tourists and travellers, and for recreation uses.* “

COMMENT:

Description of Application

The application proposes a boundary re-alignment between two existing lots. Lot M1643 and Lot 52 have existing lot areas of 505.57 hectares and 219.64 hectares respectively.

The application will create a new Lot 1 with an area of 434.24 hectares and a new Lot 2 with an area of 300.52 hectares.

Although no supporting information or written explanation was provided with the application, it is clear from aerial photography that the intention is to contain watercourses and tributaries on the new western lot, and the cleared farmland (with tracks) on the eastern lot.

Relevant WAPC Policies

All Rural subdivision is assessed in accordance with WAPC Development Control Policy 3.4. The Policy has a general presumption against subdivision of rural land, however allows for boundary realignments or lot rationalisation where the number of lots is not increased.

One of the criteria for boundary realignments is “*the new boundaries reflect good environmental and land management practice and are appropriate for the intended land uses*”.

It is clear that the boundary realignment will essentially allow the farmed agricultural land to be fully contained on proposed Lot 2.

The WAPC has advertised a revised Draft Development Control Policy 3.4 for public comment. The Draft version states that the WAPC will consider rural subdivision ‘*to realign lot boundaries with no increase in the number of lots*’.

The Draft Policy has similar criteria to the existing Policy stating “*the new boundaries achieve improved environmental and land management practices*”. The Draft Policy introduces a new criteria that “*no new roads are created, unless supported by the local government*” – this does not apply in this case as no roads are proposed.

It also states “*new vehicle access points on State roads are minimised*” – this is not considered a major issue however it is recommended that WAPC consult with Main Roads WA.

Assessment

It appears from aerial photography that the proposed boundary follows cleared paddock areas, tracks, and drainage areas. The boundary is supported as it follows natural features and agricultural activities can continue on proposed Lot 2.

Ultimately the final decision will be made by the WAPC, however the application is supported as it is considered to comply with the existing and Draft state planning policy (DC 3.4).

POLICY REQUIREMENTS:

There are no relevant local planning policies. Relevant state planning policy requirements are explained in this report.

LEGISLATIVE REQUIREMENTS:

Planning and Development Act 2005
Shire of Moora Town Planning Scheme No 4

STRATEGIC IMPLICATIONS:

There are no known strategic implications associated with this proposal.

SUSTAINABILITY IMPLICATIONS:

➤ **Environment**

There are some watercourse areas on the western portions of the lots and the WAPC has referred the application to the Department of Water for comment.

➤ **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 Shire pays planning fees to Gray & Lewis for advice.

VOTING REQUIREMENTS:

Simple Majority Required

OFFICER RECOMMENDATIONS

That Council;

1. *Recommend that the Western Australian Planning Commission approve the application (WAPC: 144599) for a boundary re-alignment between Lots M1643 and Lot 52 Great Northern Highway, Miling unconditionally.*
2. *Advise the WAPC that:*
 - (a) *The proposed boundary appears to follow the existing farmed portion of the lots and will separate the 'farming' land from watercourses to the west. It is noted that the application has been referred to the Department of Water for comment which is appropriate.*
 - (b) *It is recommended that the proposal be referred to Main Roads WA as the new lots will both have access to Great Northern Highway.*
3. *Provide a copy of this report to the WAPC to demonstrate how the application has been assessed.*

9.2.4 APPROVALS UNDER DELEGATED AUTHORITY**FILE REFERENCE:** HBP/RPI**REPORT DATE:** 9 August 2011**APPLICANT/PROPONENT:** N/A**OFFICER DISCLOSURE OF INTEREST:** Nil**PREVIOUS MEETING REFERENCES:** Nil**AUTHOR:** Ewen Ross Manager Health, Building and Planning Services**ATTACHMENT:** Nil**PURPOSE OF REPORT:**

To advise Council of approvals under delegation for period 10 August 2011.

BACKGROUND:

Shire of Moora register of delegations dated 16 June 2010 requires that the Council be informed of any approvals under delegation or any refusals of applications.

COMMENT:

- I. Delegation Number 20: Approval of Planning Applications:
 - a. (s40 Sale of Liquor): s40 Miling Golf Club –
 - b. TPL No4 Planning approval
 - i. 50/10-11 T Matthews 3964 Kiaka St Coomberdale – Relocated Building
 - ii. 04/1112 G Purser – Lot 204 Tootra Street Moora - Shed
2. Delegation Number 22: Building Licenses: June through to 10 August 2011

Permit or receipt #	Name and address of owner	Name and address of contractor	Situation of building, state lot no, street and/or suburb	Description of building or work	Cost (excl land)
49/10-11	Ross Hunter 60 Gardiner Street Moora	Owner Builder	60 Gardiner Street Moora	Pergola	\$19,000
50/10-11	Terri Matthews PO Box 94 Three Springs	Owner Builder	3964 Kiaka Street Coomberdale	Relocated Building	\$45,000
51/10-11	Darryll Stephens 10 Pearl Street Sorrento	Owner Builder	9 McKeever Street Moora	Patio	\$2,000
01/1112	Peter John Burns PO Box 177 Moora	Pure Steel Shed Construction s Pty Ltd PO Box 25 Muchea 6501	47 Tootra Street Moora	Shed	\$70,000
02/1112	Pam Coghlan PO Box 295 Moora	Clayton Galbraith 49 Drummond St Moora	56 Atbara Street Moora	Shed	\$16,000
03/1112	Ronald Farrell Lot 11 Great Northern H'way	Owner Builder	Lot 11 Great Northern H'Way Bindoon	Shed	\$10,500

	Bindoon				
04/1112	Gary Purser PO Box 109 Moora	Tim Higgins Eternal Dwellings PO Box 146 Moora	204 Tootra Street Moora	Shed	\$66,706
Total					\$229,206

3. Delegation Number 24: Health Act
 - a. Wheatbelt Gallery – Medium Risk – Restaurant Café – (#001/11)
 - b. Miling Golf Club – Low Risk – Club (#002/11)

4. Delegation Number 25: Treatment of Sewage and Disposal of Liquid Wastes: Septic Approvals January 2011 to August 10th 2011.

Permit or receipt #	Name and address of owner	Situation of building, state lot no, street and/or suburb	Description of building or work	Septic Approval Required
50/10-11	Terri Matthews PO Box 94 Three Springs	3964 Kiaka Street Coomberdale	On site Septics	Approved
01/1112	Peter John Burns PO Box 177 Moora	47 Tootra Street Moora	On site Septics	Approved
04/1112	Gary Purser PO Box 109 Moora	204 Tootra Street Moora	On site Septics	Approved

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

S42 Local Government Act 1995; Health Act 1911; Food Act 2008

Planning and Development Act 2005;

Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974

STRATEGIC IMPLICATIONS:

N/A

SUSTAINABILITY IMPLICATIONS:

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

FINANCIAL IMPLICATIONS:

The financial implications to Council would relate to application for fees being received.

VOTING REQUIREMENTS

Simple Majority Required

OFFICER RECOMMENDATION

That Council endorses and notes the approvals made under delegation.

9.3 COMMUNITY & ECONOMIC DEVELOPMENT**9.3.1 MOORA COMMUNITY RESOURCE CENTRE RELOCATION COLLOCATION PROJECT****FILE REFERENCE:** CC/MTE1**REPORT DATE:** 10 August 2011**PREVIOUS MEETING REFERENCES:** Nil**AUTHOR:** Rebecca McCall, Manager Community Economic Development**ATTACHMENTS:** Project Summary**PURPOSE OF REPORT:**

For Council to approve the proposal for the Moora Community Resource Centre (MCRC) to relocate to Lot 123 Gardiner Street Moora to build an all purpose eco-friendly community facility to accommodate a number community services, community groups and commercial entities.

BACKGROUND:

The 'Telecentre' program began in 1991 and is one of Western Australia's longest running and most successful regional community service programs. By the end of 2011 there will be 107 CRC's in WA.

As the demand for services grew, it became obvious that a larger venue was needed. This became available when the Shire of Moora purchased the disused railway station situated in Padbury Street.

In 2009 the State Government's Royalties for Regions program increased funding and a re-branding from 'Telecentres' to the WA Community Resource Network was undertaken, this has seen it regain the role of a vital regional service.

In 2009 local tourism information was relocated from the Shire of Moora to the Moora Community Resource Centre. Since then this has expanded to;

- Regional and local information
- Regional and local tourism merchandise
- Collection of tourism statistics

The Shire of Moora currently financially supports the Moora Community Resource Centre to enable delivery of services. This support includes:

- Subsidised rent (MRCR currently pay \$2,370 per annum)
- \$10,000 cash contribution to deliver visitor services
- \$3,900 maintenance

COMMENT:

The proposal is to co-locate the following services, organisations and businesses to a purpose built eco-friendly community facility:

- Moora Community Resource Centre
- Visitors Centre and Tourism Merchandise
- Moora Fine Arts Society – Gallery Display
- Moora Historical Society – Museum Display
- Indigenous Cultural Displays
- Library
- Government information booth
- Centrelink
- Conference and Training Rooms
- Room Hire
- Community Garden
- Youth Advisory Council
- Commercial office space
- Moora Bowling Club

Consultation with the above stakeholders has taken place and they have provided support in principal.

The objective is to create a regional hub that meets the needs of a growing community. This will centralise information, providing a one-stop-shop, whilst alleviating the increasing strain on volunteers. Inturn this will increase the current hours of services currently being provided.

The preferred location for this new facility, Lot 123 Gardiner Street Moora, currently accommodates the Moora Bowling Club. The members of the Moora Bowling Club have supported the proposal of a collated facility in principle but further consultation is required before a final decision is concluded. It is proposed that the new community collocated facility will be established on Lot 123 Gardiner Street Moora and that the Shire of Moora's contribution towards the project will include the provision of the land on a peppercorn lease arrangement. This location also strengthens the town centre of Moora, adds vibrancy and link the two main streets of Moora currently divided by the railway line.

A business case is currently been developed to include the responses received through community consultation. Following the business case concept plans will be drawn and costings established. This information will be made available to Council in due course.

The proposal includes the collocation of the library currently serviced by the Shire of Moora. If this proposal is considered there will be costs involved with setting up the new library and a contribution provided for ongoing operational costs. The relocation of the library services to the new collocated facility will have a number of benefits:

- Create required space within the administration office for staff and adequate storage
- The ability to expand the library services to the community which is currently restricted due to limited space

- Operating costs of running the library should remain the same (11 hours per week)

The Shire of Moora's costs will include:

- Set up of the new library (approximate cost \$80,000)
- Shared operational costs for utilities (cost unknown)

It is envisaged that the development of a new eco-friendly facility will cost in the vicinity of \$3 million.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

Nil

STRATEGIC IMPLICATIONS:

This project has been identified in the Shire of Moora's strategic priorities and is listed as number 19. Strategic implications associated with this proposal include the goals and objectives highlighted in the Shire of Moora's Strategic Plan:

- Provide leadership and commitment to identifying key regional projects to ensure Moora remains a key regional centre in the Wheatbelt.*
- Plan and develop the Moora region through positive community and economic development to attract and retain people and businesses enabling sustainable growth.*

SUSTAINABILITY IMPLICATIONS:

➤ **Environment**

There are potential significant environmental implications associated with this proposal as it is proposed to develop an eco-friendly community facility.

➤ **Economic**

Potentially there are significant economic implications associated with this proposal with the development of a new eco-friendly building accommodating identified community services, organisations and businesses. The availability of commercial space provides the opportunities for businesses to establish or new government agencies to provide services to the community. There are potential financial and human resource savings for the stakeholders involved in the project.

➤ **Social**

Potentially there are significant social implications associated with this proposal including the benefits to the community with sharing resources and costs. The proposal provides a community hub which lends itself to creating a positive ambience for the community.

FINANCIAL IMPLICATIONS:

Known financial implications to Council in relation to this item include the provision of Lot 123 Gardiner Street Moora on the basis of a peppercorn lease. In addition there will be costs involved to relocate the library service to the new collocation facility and ongoing operational costs. These costs would need to be included in the Shire of Moora's Forward Capital Works Plan and Five Year Financial Plan.

VOTING REQUIREMENTS

Simple Majority Required

OFFICER RECOMMENDATIONS

That Council supports:

- 1. the relocation of the Moora Community Resource Centre to Lot 123 Gardiner Street Moora on the condition that the Moora Bowling Club is in agreement;*
- 2. the development of a new purpose built facility on Lot 123 Gardiner Street Moora for the collocation of the Moora Bowling Club and other interested community service providers, businesses and or government agencies to the new Moora Community Resource Centre;*
- 3. the provision of the availability of Lot 123 Gardiner Street Moora for the purpose of developing a collocated community facility on a peppercorn lease arrangement;*
- 4. the collation of the Shire of Moora's library service to the new facility to be located on Lot 123 Gardiner Street Moora*

9.4 ENGINEERING SERVICES

9.4.1 WATHEROO MILING ROAD – DEPOSITED PLAN 68700

FILE REFERENCE: S/ROAI

REPORT DATE: 29 July 2011

APPLICANT/PROPONENT: Landgate

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: 16/9/09 (118/09)

AUTHOR: John Greay, Manager Engineering Services

ATTACHMENTS: Deposited Plan 68700

PURPOSE OF REPORT:

We have been advised by Landgate that before the Deposited Plan can be lodged with the Planning Commission council is required to endorse the plan.

BACKGROUND:

At councils meeting dated 16 September 2009 Council resolved to improve the safety aspect of the Watheroo Miling Road at the intersection of the Old Geraldton (North) Road. This resulted in land owned by Mr Ted Creegan and Anne Cameron being resumed for road improvements.

COMMENT:

The endorsement of the Deposited Plan is the next step in finalising the land resumptions before lodgement can be made with the Planning Commission.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

Local Government Act 1995-S168

Land Administration Act 1997 – (part 5)

STRATEGIC IMPLICATIONS:

Nil

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

OFFICER RECOMMENDATION

That Council endorses the Deposited Plan 68700 which depicts the alteration to the road alignment on the Watheroo Miling Road and amalgamates the superseded portion in Lot 1.

9.4.2 MILING OVAL & TOWN MAINTENANCE – TENDER # 01/2011

FILE REFERENCE: P/WAPI
REPORT DATE: 29 July 2011
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: Nil
AUTHOR: John Greay, Manager Engineering Services
ATTACHMENTS: Nil

PURPOSE OF REPORT:

Consideration of tenders received for the supply and delivery of services.

BACKGROUND:

Council has for a period of time contracted out the work required at Miling for the upkeep of the town streets etc and certain aspects of maintenance at the oval.

COMMENT:

For the past three years Mr and Mrs Jim Lowe have carried out this work and have done so in a very acceptable manner with pleasing results for the community. Due to the expiration of their current contract it is time to call tenders and present those to council for consideration. In calling tenders we have received two tenders at the closing time of 4.00pm Friday 22nd July 2011.

Tenders were received from the following:

Mr & Mrs Jim Lowe - \$20,800 per annum (Oval & Town Maintenance)

Mr Carlos Galati - \$22,000 per annum (Oval & Town Maintenance)

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

There are no known legislative requirements related to this item.

STRATEGIC IMPLICATIONS:

Strategically it is important to engage local people that live within, or close to, the Miling townsite so that daily matters can be easily attended to particularly with the moving of the travelling irrigator during summer on the oval.

SUSTAINABILITY IMPLICATIONS:➤ **Environment**

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

➤ **Economic**

The economic implication is that we need to engage a local person to keep costs to a minimum as to service the oval and Miling town from Moora would be cost prohibitive.

➤ **Social**

The social fabric of the district evolves around functions held at the Miling Oval and pavilion and it is important that this be maintained for the local community along with the maintenance of the town.

FINANCIAL IMPLICATIONS:

There has been a yearly allocation for this work in council's budget.

VOTING REQUIREMENTS

Simple Majority Required

OFFICER RECOMMENDATION

That the tender received from Mr and Mrs Jim Lowe for the Miling Oval & Town Maintenance – Tender # 01/2011 be accepted for a 12 month period commencing the 1st September 2011 with the opportunity of a two year extension subject to satisfactory service.

9.4.3 WATHEROO OVAL & TOWN MAINTENANCE – TENDER # 2/2011

FILE REFERENCE: P/WAPI
REPORT DATE: 8 August 2011
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: N/A
AUTHOR: John Greay Manager Engineering Services
ATTACHMENTS: Nil

PURPOSE OF REPORT:

Consideration of tenders received for the supply and delivery of services.

BACKGROUND:

Council has for a period of time contracted out the work required at Watheroo for the upkeep of the town streets etc and certain aspects of maintenance at the oval.

COMMENT:

For the past three years Mr and Mrs John Barber have carried out this work and have done so in a very acceptable manner. Due to the expiration of the contract tenders were recently called for the above service to again be provided by an external contractor. In calling tenders we have received only one tender at the closing time of 4.00pm Friday 22nd July 2011.

The tender received was from Mr & Mrs John Barber - \$28600, per annum.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

There are no known legislative requirements related to this item.

STRATEGIC IMPLICATIONS:

Strategically it is important to engage local people that live within, or close to, the Watheroo Townsite so that daily matters can be easily attended to particularly with the moving of the travelling irrigator during summer on the oval

SUSTAINABILITY IMPLICATIONS:**➤ Environment**

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

➤ Economic

The economic implication is that we need to engage a local person to keep costs to a minimum as to service the oval and Watheroo town from Moora would be cost prohibitive.

➤ Social

The social fabric of the district evolves around functions held at the Watheroo Oval and pavilion and it is important that this be maintained for the local community along with the maintenance of the town.

FINANCIAL IMPLICATIONS:

There has been a yearly allocation for this work in council's budget.

VOTING REQUIREMENTS

Simple Majority Required

OFFICER RECOMMENDATION

That the tender received from Mr and Mrs John Barber for the Watheroo Oval & Town Maintenance Tender# 2/2011 be accepted for a 12 month period commencing the 1st September 2011 with the opportunity of a two year extension subject to satisfactory service.

9.4.4 ROADS TO RECOVERY PROGRAM

FILE REFERENCE: S/RORI

REPORT DATE: 11 August 2011

APPLICANT/PROPONENT:

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: John Greay, Manager Engineering Services

ATTACHMENTS: Letter from ALGA President

PURPOSE OF REPORT:

Advising council of the expiration of the Roads to Recovery Program in 2014.

BACKGROUND:

The Roads to Recovery program commenced in 2000. Each local government across the nation received a welcomed boost to their road funding direct from the Federal Government. These funds were to be directed at councils local roads funding shortfalls. Campaigns since the inception, by local government, of R2R have been successful with two extensions to the original five year program. Under the existing time frame this source of funding expires in 2014 and the Australian Local Government Association are requesting support from councils to lobby the Federal Government for its continuation. Across the nation the R2R Program has delivered \$4.5 billion in additional funding for local roads.

COMMENT:

The Roads to Recovery program has been a great success for all councils. These annual funding levels have assisted councils immensely in helping meet some of their local road funding requirements. Our Council, over the life of the program, will have received a total of \$6,347,035. Our annual allocation currently is \$311,972. This source of funding has been most welcome in helping council meet some of their road funding commitments. It is crucial that it be retained, as councils local road improvements will suffer considerably if funding is not continued into the future.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

There are no known legislative requirements related to this item.

STRATEGIC IMPLICATIONS:

A reduction in road funding, from any source will have strategic implications into the future as council will have difficulty in maintaining their road network.

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 will be some significant financial implications should this funding source cease. Council will struggle to meet its road funding commitments without additional funding assistance.

VOTING REQUIREMENTS

Simple Majority Required

OFFICER RECOMMENDATIONS

That the Shire of Moora calls on the Federal Government to:

- *recognise the successful delivery of the Roads to Recovery Program by local government since 2000;*
- *continue the Roads to Recovery Program on a permanent basis to assist local government meet its responsibilities of providing access for its communities;*
- *continue the Roads to Recovery Program with the current administrative arrangements; and*
- *provide an increased level of funding under a future Roads to Recovery Program that recognises the shortfall of funding on local roads of \$1.2 billion annually.*

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

Nil

11. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF COUNCIL**12. MATTERS FOR WHICH THE MEETING MAY BE CLOSED****RECOMMENDATION**

That the meeting move behind closed doors to discuss;

Item 12.1, 'Offer for the Purchase of Round Hill Hall' 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

Item 12.2, 'Gardiner Street Development: Flood Way – Finish Floor Levels & Planning Conditions' 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; and

Item 12.3, 'New Building Moora Life Style Village: Planning Approval & Building Permit' 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.

12.1 OFFER FOR THE PURCHASE OF ROUND HILL HALL

Provided to Councillors under confidential cover.

12.2 GARDINER STREET DEVELOPMENT: FLOOD WAY – FINISH FLOOR LEVELS & PLANNING CONDITIONS

Provided to Councillors under confidential cover.

12.3 NEW BUILDING MOORA LIFE STYLE VILLAGE: PLANNING APPROVAL & BUILDING PERMIT

Provided to Councillors under confidential cover.

13. CLOSURE OF MEETING