

**Shire of Moora
Ordinary Council Meeting
16th July 2014**

NOTICE OF MEETING

Dear Elected Member

The next Ordinary Council Meeting of the Shire of Moora
will be held on **Wednesday 16th July 2014**
in the Council Chambers, 34 Padbury Street, Moora
commencing at **5.30 pm**

AJ Leeson
Chief Executive Officer



11th July 2014

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
16 JULY 2014
 COMMENCING AT 5.30PM

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Separate Attachments

- 9.1.1 *List of Payments Authorised Under Delegation 1.31*
- 9.1.2 *Statement of Financial Activity for Period Ended 30 June 2014*
- 9.1.3 *Draft 2014/15 Fees & Charges*
- 9.1.4 *Letter from Department of Lands*
- 9.1.5 *Draft design*
- 9.2.1 *Plans*
- 9.2.2 *Policy*
- 9.2.3 *Policy*
- 9.2.4 *Plans*

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**APPROVED LEAVE OF ABSENCE**

CD Hawkins - Councillor

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**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 - 18 JUNE 2014**

That the Minutes of the Ordinary Meeting of Council held on 18 June 2014 be confirmed as a true and correct record of the meeting.

9. REPORTS OF OFFICERS

9.1 GOVERNANCE AND CORPORATE SERVICES

9.1.1 LIST OF PAYMENTS AUTHORISED UNDER DELEGATION 1.31

REPORT DATE: 11 July 2014

OFFICER DISCLOSURE OF INTEREST: Nil

AUTHOR: David Trevaskis, Deputy Chief Executive Officer

SCHEDULE PREPARED BY: Alida Fitzpatrick, Finance Debtors 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

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 61787 to 61823</i>	<i>\$93,086.57</i>
	<i>EFT 11781 to 11993</i>	<i>\$529,387.01</i>
	<i>Credit Card 15/04/14 to 14/05/14</i>	<i>\$2,971.09</i>
	<i>Net Pays – PPE 4/6/14</i>	<i>\$82,907.41</i>
	<i>Net Pays – PPE 18/6/14</i>	<i>\$77,709.97</i>
<i>Trust Fund</i>	<i>Cheques 4984 to 4995</i>	<i>\$15,035.40</i>
<i>Total</i>		<i><u>\$801,097.45</u></i>

9.1.2 STATEMENT OF FINANCIAL ACTIVITY FOR PERIOD ENDED 30 JUNE 2014

REPORT DATE: 11 July 2014

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: David Trevaskis, Deputy Chief Executive Officer

ATTACHMENTS: Statement of Financial Activity for the Period Ended 30 June 2014

PURPOSE OF REPORT:

To note and receive the Statement of Financial Activity for the period ended 30 June 2014.

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 2013/14 adopted budget.

VOTING REQUIREMENTS

Simple Majority Required

RECOMMENDATION

That Council notes and receives the Statement of Financial Activity for the period ended 30 June 2014.

9.1.3 DRAFT 2014/15 FEES & CHARGES

FILE REFERENCE: F/BUD1

REPORT DATE: 11 July 2014

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: David Trevaskis, Deputy Chief Executive Officer

ATTACHMENTS: Draft 2014/15 Fees & Charges

PURPOSE OF REPORT:

For the Committee to consider the Draft 2014/15 Fees & Charges for recommendation to Council.

BACKGROUND:

Each year Council must adopt its Fees and Charges as part of the budget process. Staff generally provides Councillors with an opportunity to provide informal feedback on the draft Fees & Charges before the draft Budget is referred to Council formally. The Draft 2014/15 Fees and Charges were referred to at the first budget workshop held on 2 July 2014.

COMMENT:

The draft 2014/15 Fees and Charges have been formulated based on a general indexation of 3.0% across the board. This is to reflect the Western Australian Local Government Association's advice that CPI is estimated to be 3.25% in 2013/14.

At the recent budget workshop there was some concern expressed by Cr Clydesdale Gebert as to justification of an across the board indexation of 3.0%. Attached to this report is a copy of the May 2014 Economic Briefing Paper from WALGA. En-balance given over inflation and the forecast Local Government Cost Index management believe 3.0% is fair. What the May paper does not take into account is the capping of Federal Assistance Grants and the June 2014 National Wage Case announcement.

New fees:

- Bond of \$1,000 for hire of recreation centre, MPAC and the like.

POLICY REQUIREMENTS:

There are no known policy requirements related to this item.

LEGISLATIVE REQUIREMENTS:

Section 6.16 of the Local Government Act 1995 allows a local government to impose and recover fees and charges for any goods or services it provides or proposes to provide.

Section 6.17 of the Local Government Act 1995 requires that in setting a fee or charge for a service or goods, a local government must take into consideration the following factors:

- (a) the cost to the local government of providing the service or goods; and*
- (b) the importance of the service or goods to the community; and*
- (c) the price at which the service or goods could be provided by an alternative provider.*

A higher fee or charge or additional fee or charge may be imposed for an expedited service or supply of goods if it is requested that the service or goods be provided urgently.

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 a number of fees and charges within the draft schedule which are significantly less than it costs to provide the good/service, however in the past Council has decided that it is important to the social wellbeing of the community and provides a heavily subsidised price, particularly in regard to sport and recreational facilities.

FINANCIAL IMPLICATIONS:

The Schedule of Fees and Charges adopted for the 2014/15 Budget will have an impact on the budget for that financial year.

VOTING REQUIREMENTS

Absolute Majority required

OFFICER RECOMMENDATION

That Council adopt the 2014/15 Fees and Charges as attached based on an across the board indexation of 3.0%.

9.1.4 PURCHASE OF LOT 416 (RESERVE 46681) - MOORA

FILE REFERENCE: P/RES1

REPORT DATE: 10 July 2014

APPLICANT/PROPONENT: Department of Lands

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: 17/7/13 (103/13) & 28/2/07 (38/07)

AUTHOR: Alan Leeson, Chief Executive Officer

ATTACHMENTS: Letter from Department of Lands

PURPOSE OF REPORT:

To consider a request from the Department of Lands (DoL) in reference to Lot 416 – Reserve 46681. In the recent past the land has been cropped under a Management Order to Mr Tom Bashford. This arrangement has been placed on hold due to ongoing issues with insurance (Public Liability).

Council management have been in negotiation for some time with reference to Council taking over the management of land.

Council has been requested to consider a couple of options;

1. Accept a management order for a period not exceeding 3 years;
2. If land is no longer required for public open space agrees to purchase the land on payment of \$500 or 5% of the unimproved market value.

BACKGROUND:

As highlighted above. The land has been cropped under lease by Mr Bashford from DoL. An additional use of the land is taken up by the annual equestrian event held in Moora for parking of horse trailers and the like. This has grown to a significant regional event and as such the land is strategically important in this regard.

COMMENT:

The author supports the acquisition of the land on the basis of it simplifying what has otherwise becoming a very convoluted process of leasing through the DoL.

POLICY REQUIREMENTS:

Not applicable

LEGISLATIVE REQUIREMENTS:

Local Government Act 1995

STRATEGIC IMPLICATIONS:

Outcome 3.5: Sustainable asset and infrastructure base.

Strategy 3.5.1: Develop and implement long-term Asset Management Plans for all Council assets.

Strategy 3.5.2: Maintain Shire drainage systems and undertake appropriate flood mitigation measures.

Strategy 3.5.3: Maintain effective liaison with other levels of government and regional bodies to ensure coordinated provision of regional infrastructure.

Strategy 3.5.4: Lobby for reliable power supply and telecommunication services.

SUSTAINABILITY IMPLICATIONS:

- **Environment**
If the land is left as crown land it will effectively become a weed infested parcel of land situated at the entrance to Moora. Currently the land is well managed and maintained by Mr Bashford.
- **Economic**
Not applicable
- **Social**
Not applicable

FINANCIAL IMPLICATIONS:

It is estimated the unimproved market valuation of the land is \$TBA (to be advised). On that basis 5% of that assessment is \$TBA

It is recommended Council budget to acquire the land in the 2014/15 financial year.

VOTING REQUIREMENTS:

Simple Majority Required

OFFICER RECOMMENDATION

That Council agree to acquire Lot 416 (Reserve 46681) on a free hold basis to retain for community use associated with the annual equestrian event and other equestrian activities.

9.1.5 MOORA TOWNSITE ENTRY STATEMENTS

FILE REFERENCE: CC/MESI

REPORT DATE: 10 July 2014

APPLICANT/PROPONENT: Chief Executive Officer, Alan Leeson

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Alan Leeson, Chief Executive Officer

ATTACHMENTS: Draft design

PURPOSE OF REPORT:

At the last General Purpose Committee meeting of Council there was some discussion in reference to new entry statements for the Moora Townsite. A draft design has been obtained through Danthonia Designs (circulated). From this, Council endorsement is now sought in the seeking out of Expressions of Interest from Commercial Entities with a view to acquiring sponsorship for the acquisition of 5 entry statements.

BACKGROUND:

This matter has been discussed a number of times in the authors time with the Shire of Moora. There would appear to be acceptance from the Council membership that the entry statements to Moora need some work/upgrading.

COMMENT:

The draft design was tabled at the recent sundowner with the Chamber of Commerce and received very positive reviews. The design has been put together in accordance with Council's "Style Guide". In addition the author is recommending the addition of one feature in the top right hand corner of each entry statement of something that is synonymous with Moora; For example the following is proposed;

- Miling entrance to Moora (Wheat/Sheep)
- Watheroo Entrance to Moora (Wildflower)
- Dandaragan Entrance to Moora (Citrus)
- Mogumber entrance to Moora (Indigenous/Noongar recognition)
- Walebing entrance to Moora (Carnaby Cockatoo)

The dimensions of each statement are approximately 3.7 metres wide x 1.9 metres tall.

The proposal in seeking out commercial sponsorship would allow those sponsors to place their "logo" on the back of each entry statement.

POLICY REQUIREMENTS:

Not applicable

LEGISLATIVE REQUIREMENTS:

Local Government Act 1995

STRATEGIC IMPLICATIONS:

Outcome 3.2: Attractive townscapes and streetscapes.

Strategy 3.2.1: Manage and maintain the Council's parks, gardens and open space at appropriate standards.

Strategy 3.2.2: Develop, maintain and enhance town streetscapes and public spaces.

Strategy 3.2.3: Provide appropriately maintained cemeteries for our community.

SUSTAINABILITY IMPLICATIONS:

- **Environment**
Not applicable
- **Economic**
Not applicable
- **Social**
Not applicable

FINANCIAL IMPLICATIONS:

Each entry statement with lighting will cost approximately \$22,000. It is proposed that any commercial sponsorship would cover the capital cost repayable to Council over a period 4 to 5 years.

The author would propose that Council take out a loan through the W.A Treasury Corporation over that period with sponsors meeting the principal cost and Council picking up the cost of interest.

VOTING REQUIREMENTS:

Simple Majority Required

RECOMMENDATION

That Council seek out expressions of interest from Commercial Sponsors to partner with the Shire of Moora to construct 5 new entry statements for the Moora Townsite in accordance with the broader design parameters outlined in a report to Council considered at its Ordinary Meeting held on 16 July 2014, further that the sponsorship package be structured around sponsors meeting the capital cost of the entry statements repayable over a period of 5 years giving that sponsor exclusive advertising rights on the back of each entry statement for that same period.

9.1.6 WALGA AGM MEMBER MOTIONS**FILE REFERENCE:** GA/WAL3**REPORT DATE:** 10 July 2014**APPLICANT/PROPONENT:** Chief Executive Officer Alan Leeson**OFFICER DISCLOSURE OF INTEREST:** Nil**PREVIOUS MEETING REFERENCES:** Nil**AUTHOR:** Alan Leeson, Chief Executive Officer**ATTACHMENTS:** Nil**PURPOSE OF REPORT:**

Council to provide direction to voting delegates Shire President Cr Gardiner and Deputy Shire President Cr Humphry in consideration of member council motions to be voted on at the WALGA Annual General Meeting at the Perth Convention Centre on the 6th August 2014.

BACKGROUND:

A summary of those member items are provided hereunder with a notation from author as to whether the motions should be supported or not. It should be noted that these motions are only advisory motions to the WALGA State Council. They are not binding on the WALGA State Council.

COMMENT:

The entire agenda items are circulated as a separate attachment to the agenda. Indicated hereunder is recommended voting strategy;

4.1 WALGA State Conference – ESL Administration Fees Paid to Local Governments (05-024-02-0059 AH)

Shire of Dardanup Delegate to move:

MOTION

That WALGA negotiate with the Department of Fire & Emergency Services to;

- 1. Annually increase the ESL Administration Fee paid to Local Governments by price and property growth indexation.**
- 2. Make a once off increase to the total funds allocated for the ESL Administration Fee funds paid to Local Governments in 2015/16. This increase is recommended to be a compounded on annual property growth and price (CPI) since the introduction of the ESL.**

*** RECOMMEND SUPPORT**

IN BRIEF

- The Emergency Services Levy (ESL) in 2003 to fund career and volunteer fire brigades, volunteer State Emergency Service (SES) units and volunteer emergency service units.
- The ESL has not been reviewed since introduced.
- State Council policy position supports the need for a full review of the ESL to ensure funds are allocated for mitigation and response activities and to allow Local Government to have more control over the allocation and distribution of funds. RESOLUTION 219.3/2013.

4.2 WALGA State Conference – Implications of Structural Reform (05-034-01-0103 TB)

Shire of Dardanup Delegate to move:

MOTION

That WALGA facilitate a meeting between country Local Government Elected Members with Professor Brian Dollery making a presentation on the implications of structural reform, by December 2014.

*** RECOMMEND SUPPORT**

IN BRIEF

- Reform of Country Local Governments may follow the current metropolitan reform review.
- Shire of Dardanup recommends that WALGA facilitate a meeting between country Local Government Elected Members with Professor Brian Dollery making a presentation on the implications of structural reform, by December 2014.

4.3 Bushfire Management – Support Vehicles (05-024-03-0010 AH)

Shire of Bridgetown-Greenbushes Delegate to move:

MOTION

That WALGA lobby the Minister for Emergency Services seeking the inclusion of fire support vehicles as eligible items for capital and operational funding under the Emergency Services Levy.

*** RECOMMEND SUPPORT**

IN BRIEF

- The activities of a fire support brigade or fire support personnel within a combatant brigade are “normal brigade activities” as prescribed under the Bush Fires Act.
- Despite fire support activities being in compliance with the Bush Fires Act, DFES has made a determination (interpretation) that capital and operational funding of fire support vehicles is not eligible under the ESL.
- The Minister for Emergency Services has legislative responsibility for issuing of guidelines for the collection and distribution of ESL funds.

4.4 Contaminated Sites – Auditing Requirements (05-020-01-0001 MB)

City of Bunbury Delegate to move:

MOTION

That WALGA:

- Requests the State Government to transfer the responsibility for auditing of contaminated sites reports to the Department of Environment Regulation as either a statutory requirement or on a fee for service basis; and**
- Investigates and implements measures to reduce the cost of resolving contaminated site issues on Local Government (e.g. discounted consultant fees under WALGA preferred supplier panel contracts)."**

*** RECOMMEND SUPPORT**

IN BRIEF

- The WA Contaminated Sites Act 2003 (the Act), was introduced by the State Government in 2007, in order to minimise the risk posed by contaminated sites to public and environmental health

4.5 Review of Section 6.28 of the Local Government Act 1995 - Valuation of Land (05-034-01-0007 JMc)

City of Bunbury Delegate to move:

MOTION

That WALGA requests the Minister for Local Government to review Section 6.28 of the Local Government Act that limits the methods of valuation of land to Gross Rental Value or Unimproved Value, and explores other alternatives.

IN BRIEF

- Section 6.28 of the Local Government Act 1995 limits the basis of rating to Gross Rental Valuation and Unimproved Value.
- This motion proposes an expansion of land valuation options for the basis of rating.

*** RECOMMEND NOT SUPPORT**

POLICY REQUIREMENTS:

Not applicable

LEGISLATIVE REQUIREMENTS:

Local Government Act 1995

STRATEGIC IMPLICATIONS:

Outcome 5.1: Good governance and leadership.

Strategy 5.1.1: Strengthen the governance role of Councillors by informing, resourcing, skilling and supporting their role.

Strategy 5.1.2: Represent and promote the Shire in Regional, State and National forums.

Strategy 5.1.3: Promote collaboration with other Councils on a local and regional level.

Strategy 5.1.4: Support strategic alliances, stakeholder forums and advisory committees that assist the Shire in policy development and service planning.

Strategy 5.1.5: Develop and implement a community engagement and communication strategy.

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:

Nil

VOTING REQUIREMENTS:

Simple Majority Required

RECOMMENDATION

That Council notes the following in reference to how it wishes its voting delegates to vote on member motions at the 2014 WALGA AGM at the Annual Convention;

Shire of Dardanup

Item 4.1 – ESL Administration Fees – ***Support***

Shire of Dardanup

Item 4.2 – Implications of Structural Reform – ***Support***

Shire of Bridgetown

Item 4.3 – Bushfire Management – Support vehicles – ***Support***

City of Bunbury

Item 4.4– Contaminated Sites – Auditing Requirements - ***Support***

City of Bunbury

Item 4.5 – Review of Section 6.28 LGA 1995 – Valuation of Land – ***Not Support***

9.2 DEVELOPMENT SERVICES

9.2.1 ADRIAN BUTLER – ANCILLIARY DWELLING

FILE REFERENCE: TP/PA02/1415

REPORT DATE: 9 July 2014

APPLICANT/PROPONENT: Adrian Butler

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Peter Williams, Manager Development Services

ATTACHMENTS: Plans

PURPOSE OF REPORT:

The Shire is in receipt of an application from Mr Adrian Butler for an ancillary dwelling (a Cavalier Transportable Park Home) to be located at his property located at Lot 69 Padbury Street Moora which is owned by the proponent Mr Adrian Butler, to accommodate his family.

BACKGROUND:

The proponent Mr Butler proposes to locate a new Cavalier Transportable Park home to be used as ancillary accommodation for family on his property at Lot 69 Moora-Bindoon Road. The property borders Cooper Street and Moora Bindoon Road and is located in the Rural Residential 2 Area just south of the Moora Townsite. (Refer following map)



Under the Shire Town Planning Scheme Zoning Table an Ancillary accommodation has a “D” Classification which means that the use is not permitted unless the Local Government has exercised its discretion by granting approval.

Ancillary dwellings

Recent amendments to the R Codes resulted in changes to requirements for ancillary dwellings and they are as follows:

(Clause 5.5.1 of the R-Codes)

To encourage diversity in accommodation types, and to provide a means for residents to live in proximity but with autonomy, the R-Codes provide for ancillary dwellings, sometimes referred to as granny flats. This is essentially an independent dwelling, which may or may not

be physically attached, on the same lot (with a minimum lot size of 450m²) as a single house. Such dwellings would include, for example, '*Fonzie Flats*' (studios located above garages); separate rear studios; and self-contained quarters within a single house; for example, a second storey or separate ground floor wing that may have a shared lobby/entry or separate external access.

There is no longer a restriction regarding occupancy of ancillary dwellings by family members of the primary dwelling.

While an ancillary dwelling is a self-contained dwelling, the extent of facilities provided would be at the discretion of the landowner. It is generally accepted that a separate kitchen and bathroom would be provided. The provision of a laundry would not be essential from a planning point of view. Meeting BCA requirements may, however, require the provision of laundry facilities.

Services also may be shared; the rental of an ancillary accommodation would function in a similar manner as a boarder; however, utility providers may have specific requirements for the separate provision of services, for example, separate water, power, sewer, gas and telecommunications.

Subdivision (for example, into strata lots, built-strata lots or green-title lots) is not permissible as specified by the definition of ancillary dwellings under the R-Codes. The single house (primary dwelling) and ancillary dwelling are considered two dwellings on one lot. Subdivision could only occur subject to meeting minimum lot size requirements (and other R-Code provisions) of the density code of the site under a scheme as grouped dwellings or two single houses.

The Shire's Policy on Relocated Buildings is considered in this equation to be not applicable as this is an ancillary building and not the only building on the property and it is a new building though this is the authors considered opinion and may differ to that of Council which will have the deciding decision.

COMMENT:

The proponent wishes to use the Transportable Park Home to accommodate a family member at his property and it will be additional to the house that is already on the property.

POLICY REQUIREMENTS:

Shire of Moora Policy on Relocated dwellings

LEGISLATIVE REQUIREMENTS:

Compliance with Australian Building Code and Building Act and Regulations

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

RECOMMENDATION

That Council approve the application by Mr Adrian Butler to locate a new Cavalier Transportable Park Home, to be used as an ancillary dwelling for family, at his property at Lot 69 Padbury Street Moora subject to the following conditions:

- *An upgrade of existing effluent disposal system to incorporate two septic tanks, a diversion Pit and two 9 meter leach drains*
- *This is not an approval for building construction as a Building Application is necessary to be provided to the Shire.*
- *The underneath section of the ancillary dwelling to be slatted to cover the underneath of the building.*
- *Subdivision (for example, into strata lots, built-strata lots or green-title lots) is not permissible as specified by the definition of ancillary dwellings under the R-Codes. The single house (primary dwelling) and ancillary dwelling are considered two dwellings on one lot.*

9.2.2 SEA CONTAINER POLICY

FILE REFERENCE: PL/POP1

REPORT DATE: 7 July 2014

APPLICANT/PROPONENT: Shire of Moora

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: 16/04/2014 (45/14)

AUTHOR: Peter Williams, Manager Development Services

ATTACHMENTS: Policy

PURPOSE OF REPORT:

For Council to consider a policy on the use of Sea Containers used for storage in the Shire and to set conditions for their use and location particularly in the Moora Town Site, Watheroo Town Site and Miling Town Site.

BACKGROUND:

In recent years there has been an increase in the use of Sea Containers for the purpose of storage within the Shire of Moora. Sea Containers can serve as a useful purpose as they are a cheap and secure method of storing goods. They do however have potential to affect the amenity of the area in that they are more in character of the industrial area zone than the residential zone.

A 'Sea Container' is considered to be a 'Transported Building' and requires the Planning Approval of Council under clause 4.7 of the Scheme.

Whilst sea containers are 'transported buildings', the terms of this policy apply exclusively to sea containers used for storage purposes (Class 10A Building) and the Local Planning Policy 'Shire of Moora Relocated Buildings' does not apply.

Clause 4.7.1 & 4.7.2 of the Scheme deals with matters Council will consider regarding the appearance of buildings when dealing with applications for planning approval in respect to any building.

A sea container is development and is not exempted from planning approval under clause 8.7 (b) of the Scheme as it is considered to be a transported building.

Clause 7.5 of the Scheme outlines general matters that Council can take into consideration when assessing any application.

This policy expands on and complements the existing Scheme requirements.

This policy applies to all land zoned within the Shire of Moora with the exception of the 'General Agriculture' zone. The policy is aimed at controlling the impact of sea containers used for storage purposes on the amenity of the town-sites within the Shire of Moora.

Town Planning Policy

The local government may prepare a local planning policy in respect of any matter related to the planning and development of the Scheme area so as to apply:

- (a) generally or for a particular class or classes of matters; and
- (b) throughout the Scheme area or in one or more parts of the Scheme area, and may amend or add to or rescind the local planning policy.

Note: Local planning policies are guidelines used to assist the local government in making decisions under the Scheme. Although local planning policies are not part of the Scheme they must be consistent with, and cannot vary, the intent of the Scheme provisions, including the Residential Design Codes. In considering a Shire of Moora TPS 4 page No. 45 application for planning approval, the local government must have due regard to relevant local planning policies as required under clause 7.5.

8.7.1 Relationship of local planning policies to scheme

- (a) If a provision of a local planning policy is inconsistent with the Scheme, the Scheme prevails.
- (b) A local planning policy is not part of the Scheme and does not bind the local government in respect of any application for planning approval but the local government is to have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its determination.

8.7.2 Procedure for making or amending a local planning policy

If a local government resolves to prepare a local planning policy, the local government:

- (a) is to publish a notice of the proposed Policy once a week for 2 consecutive weeks in a newspaper circulating in the Scheme area, giving details of:
 - (i) where the draft local planning policy may be inspected;
 - (ii) the subject and nature of the draft local planning policy; and
 - (iii) in what form and during what period (being not less than 21 days from the day the notice is published) submissions may be made;
- (b) may publish a notice of the proposed local planning policy in such other manner and carry out such other consultation as the local government considers appropriate.

8.7.3 After the expiry of the period within which submissions may be made, the local government is to:

- (a) review the proposed local planning policy in the light of any submissions made; and
- (b) resolve to adopt the local planning policy with or without modification, or not to proceed with the Policy.

8.7.4 If the local government resolves to adopt the local planning policy, the local government is to:

- (a) publish notice of the local planning policy once in a newspaper circulating in the Scheme area; and
- (b) if, in the opinion of the local government, the local planning policy affects the interests of the Commission, forward a copy of the local planning policy to the Commission.

8.7.5 A local planning policy has effect on publication of a notice under clause 8.7.4(a).

8.7.6 A copy of each local planning policy, as amended from time to time, is to be kept and made available for public inspection during business hours at the offices of the local government.

8.7.7 Clauses 8.7.1 to 8.7.6, with any necessary changes, apply to the amendment of a local planning policy.

COMMENT:

This policy has been advertised to the Community in the Central Midlands & Coastal Advocate, placed on the Shire Web Page and copies have been available at the front counter of the Shire Office to the general public.

No comments have been received or any queries regarding this policy.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

Shire of Moora Town Planning Scheme No 4 (Amendment 10).

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

RECOMMENDATION

That Council approve the policy for Sea Containers to become a Shire Policy and form part of the Shire of Moora Policy Manual.

9.2.3 HOME OCCUPATION & HOME BUSINESS POLICY

FILE REFERENCE: PL/POPI

REPORT DATE: 7 July 2014

APPLICANT/PROPONENT: Shire of Moora

OFFICER DISCLOSURE OF INTEREST: NIL

PREVIOUS MEETING REFERENCES: Item 4.3.1 GP Committee 2/4/2014

AUTHOR: Peter Williams, Manager Development Services

ATTACHMENTS: Policy

PURPOSE OF REPORT:

For Council to consider a policy on the process for determining what constitutes a “Home Business” and a “Home Occupation” and as guidance for the community as to the procedure to follow.

BACKGROUND:

Council in the past has had queries as to the differences between a “Home Business” and a “Home Occupation”. This policy is developed to assist Council and the community in determining these differences.

It is worthy to note that the Fees and charges for a Home Occupation and a Home Business are set by the State as Town Planning Fees and can only be reduced and cannot be raised as those fees are the maximum fees that can be charged.

The definitions are also set by the Town Planning Act and are adopted as scheme text State wide so they are applicable to all Shires in Western Australia.

Council will remember Council’s Town Planner Consultant Gray & Lewis, Ms Liz Bushby when she addressed Council on the Town Planning Scheme Review she also commented on Home Businesses and Home Occupation.

The Shire of Moora Town Planning Scheme provides a “Zoning Table” which advises what is permitted within Shire of Moora Town Planning Scheme No 4 (amendment 10) known as “the scheme” within the various zones of the scheme. This is defined by the letters:

“P” means the use is permitted by the scheme providing the use complies with the relevant development standards and the requirements of the Scheme;

“D” means that the use is not permitted unless the local government has exercised its discretion by granting approval;

"A" means that the use is not permitted unless the Local government has exercised its discretion by granting planning approval after giving special notice in accordance with clause 7.3;

“X” means a use that is not permitted by the Scheme.

Clause 7.3 of the scheme looks at advertising various applications to the community to see if there are any objections from the community and is as follows:

7.3.1 Where an application is made for planning approval to commence a use or commence or carry out development which involves a use which is:

(a) an ‘A’ use as referred to in clause 3.2.2; or

(b) a use not listed in the Zoning Table

the local government is not to grant approval to that application unless notice is given in accordance with clause 7.3.3

- 7.3.2 Despite clause 7.3.1, where application is made for a purpose other than a purpose referred to in that clause, the local government may require notice to be given in accordance with clause 7.3.3
- 7.3.3 The local government may give notice or require the applicant to give notice of an application for planning approval in one or more of the following ways:
- (a) notice of the proposed use or development served on nearby owners and occupiers who, in the option of the local government, are likely to be affected by the granting of planning approval, stating that submissions may be made to the local government by a specific date being not less than 14 days from the day the notice is served;
 - (b) notice of the proposed use or development published in a newspaper circulating in the Scheme area stating that submissions may be made to the local government by a specified day being not less than 14 days from the day the notice is published;
 - (c) a sign or signs displaying notice of the proposed use or development to be erected in a conspicuous position on the land for a period of not less than 14 days from the day the notice is erected.

The Shire may prepare a Local Planning Policy in respect of any matter related to the planning and development of the scheme areas so as to apply:

- (a) generally or for a particular class or classes of matters; and
- (b) throughout the Scheme area or in one or more parts of the Scheme area, and may amend or add to or rescind the local planning policy.

Note: Local planning policies are guidelines used to assist the local government in making decisions under the Scheme. Although local planning policies are not part of the Scheme they must be consistent with, and cannot vary, the intent of the Scheme provisions, including the Residential Design Codes. In considering a Shire of Moora TPS 4 Page No. 45 application for planning approval, the local government must have due regard to relevant local planning policies as required under clause 7.5.

- 8.7.1 Relationship of local planning policies to scheme
- (a) If a provision of a local planning policy is inconsistent with the Scheme, the Scheme prevails.
 - (b) A local planning policy is not part of the Scheme and does not bind the local government in respect of any application for planning approval but the local government is to have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its determination.
- 8.7.2 Procedure for making or amending a local planning policy
- If a local government resolves to prepare a local planning policy, the local government:
- (a) is to publish a notice of the proposed Policy once a week for 2 consecutive weeks in a newspaper circulating in the Scheme area, giving details of:
 - (i) where the draft local planning policy may be inspected;
 - (ii) the subject and nature of the draft local planning policy; and
 - (iii) in what form and during what period (being not less than 21 days from the day the notice is published) submissions may be made;
 - (b) may publish a notice of the proposed local planning policy in such other manner and carry out such other consultation as the local government considers appropriate.
- 8.7.3 After the expiry of the period within which submissions may be made, the local government is to:

- (a) review the proposed local planning policy in the light of any submissions made; and
 - (b) resolve to adopt the local planning policy with or without modification, or not to proceed with the Policy.
- 8.7.4 If the local government resolves to adopt the local planning policy, the local government is to:
- (a) publish notice of the local planning policy once in a newspaper circulating in the Scheme area; and
 - (b) if, in the opinion of the local government, the local planning policy affects the interests of the Commission, forward a copy of the local planning policy to the Commission.
- 8.7.5 A local planning policy has effect on publication of a notice under clause 8.7.4(a).
- 8.7.6 A copy of each local planning policy, as amended from time to time, is to be kept and made available for public inspection during business hours at the offices of the local government.
- 8.7.7 Clauses 8.7.1 to 8.7.6, with any necessary changes, apply to the amendment of a local planning policy.

COMMENT:

This Policy has been advertised to the community along with the Sea Container Policy in the Central Midlands & Coastal Advocate, placed on Shire's Web page and made available to the public at the Shire Office front counter. Copies have been picked up by the President of the Moora Chamber of Commerce and no comments have been addressed to Council that the author is aware of.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

Town Planning Act and Regulations; Shire of Moora Town Planning Scheme

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

RECOMMENDATION

That Council approve the Home Occupation and Home Businesses Policy to become a Shire Policy and form part of the Shire of Moora Policy Manual.

9.2.4 MOORA HOTEL STORAGE

FILE REFERENCE: TP/PA01/1415

REPORT DATE: 8 July 2014

APPLICANT/PROPONENT: Sarah MacDermott

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Peter Williams, Manager Development Services

ATTACHMENTS: Plans

PURPOSE OF REPORT:

Proponent Ms Sarah MacDermott acting on behalf of the Moora Hotel has made an application to Council seeking permission to construct a second hand shed dimensions of which are 5950mm length x 5950mm width x2400mm high, to be used to house the hotel's forklift at the rear of the Moora Hotel located at 30-31 Gardiner Street Moora. Permission is also sought from Council to locate a donger the dimensions of which are 6020mm wide x 2820mm deep x 2250 high at the rear of the Hotel to be used for storage of equipment and security of that equipment due to recent thefts at the hotel.

BACKGROUND:

The Moora Hotel is located at 30-31 Gardiner Street Moora which is in the Town Centre Zone the objectives and development in this area includes:

Objectives

- (a) to ensure the town centre remains the principal place for retail, commercial, civic, and administrative functions within the district.
- (b) to encourage development will not adversely affect local amenities, and will enhance the character of the town centre.
- (c) to provide sufficient parking spaces for vehicles without compromising pedestrian movements through the town centre.
- (d) to provide an increased level of public amenities including public toilets, shaded areas, and street furniture.

3.7.2 Site Requirements

At the discretion of the local government.

3.7.3 Development Requirements

- (a) Development shall not exceed 2 storeys in height except where the local government considers that particular circumstances may warrant an exception being made and provided the local government's objectives are not compromised.
- (b) In considering an application for planning approval for a proposed development (including additions and alterations to existing development) the local government shall have regard to:

- (i) the colour and texture of external building materials; the local government may require the building facade and side walls to be constructed in masonry;
 - (ii) building size, height, bulk, roof pitch;
 - (iii) setback and location of the building on its lot;
 - (iv) architectural style and design details of the building;
 - (v) function of the building;
 - (vi) relationship to surrounding development; and
 - (vii) other characteristics considered by the local government to be relevant.
- (c) Landscaping shall be provided to complement the appearance of the proposed development and the town centre.
- (d) The layout of car parking shall have regard for traffic circulation in existing car parking areas and shall be integrated with any existing and adjoining car park.

Shire Policy manual has a policy that refers to the Town Centre Zone that relates to the following:

Town Centre Zones

New Policy. Adopted by Council 8th September 2004

1. The whole of any wall or building facing any street shall be constructed in brick, concrete or masonry, provided however that an owner, builder, or architect may apply to the Council for permission to use materials where it is satisfied that such use will not detract from the amenity of the area.
2. Any roof pitch for a large building that exceeds 15 degrees to be clad in colour bond to decrease reflectivity.
3. Frontages to main entrance to building are to be covered by a veranda with colour bond roofing or other structure approved by Council.
4. Car parking areas for developments in the Town Centre area to be concrete, bitumen sealed or paved to enable parking and disabled bays to be identified.
5. Landscaping plans are required to be presented with Development Applications.
6. Non solid fencing to street frontages and side boundaries in line and parallel with the front of the building. Non solid fencing is preferred by Council.

Council may require screen fencing for rear of premises consistent with the type of activity being carried out.

COMMENT:

The Moora Hotel being located in the Town Centre Zone is required under the Shire of Moora Town Planning Scheme is located on the corner of one of the main entrances into Town and although it has a limestone screening wall still needs to be visually amenable to the area. The donger should be hidden from view of passers-by but the second hand shed should be painted in a colour bond coloured paint.

POLICY REQUIREMENTS:

Shire Policy Manual Section 6.8

LEGISLATIVE REQUIREMENTS:

Shire of Moora Town Planning Scheme No 4 (Amendment 10)

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

RECOMMENDATION

That Council approve the application submitted by Proponent Sarah MacDermott for the Moora Hotel located at 30-31 Gardiner Street Moora subject to the following conditions:

- ***Second-hand shed to have an engineer's certificate advising materials safe to use;***
- ***Roofing and side sheeting to be painted in a colour bond colour that is amenable to the area;***
- ***A Bond of \$500.00 be paid to the Council and to be returned when the painting and construction is deemed satisfactory by the Shire Building Surveyor.***
- ***The donger is to be securely fixed to foundations so it will not move in strong winds.***

9.3 ENGINEERING SERVICES

9.3.1 FOOTPATH POLICY

FILE REFERENCE: PL/POLI

REPORT DATE: 9 July 2014

APPLICANT/PROPONENT: Shire of Moora

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: 21/5/14 (61/14)

AUTHOR: John Greay, Manager Engineering Services

ATTACHMENTS: Footpath Policy (previously circulated)

PURPOSE OF REPORT:

To consider a new Council Policy with the intent to provide a policy identifying Councils position on the maintenance of their footpath network and outlines the considerations for network extensions.

BACKGROUND:

Discussion has been had with Council and it was recommended that Council adopt the formulation of a footpath policy with management placing an item to a future meeting of Council for consideration in June.

A draft footpath policy was formulated and provided to Council for their meeting on the 18th June.

COMMENT:

For some time Council has dealt with their footpath requirements on an as needs basis. Councils previous Works Committee would normally be presented with around three footpath renewals or upgrades at budget time each year for consideration.

Footpath repair was based on either customer complaint or visual appraisal by one of Councils Works team. If deemed dangerous then substantial works would be undertaken immediately.

POLICY REQUIREMENTS:

The Shire of Moora has no policy in relation to 'footpaths'.

LEGISLATIVE REQUIREMENTS:

There are no known legislative requirements related to this item.

STRATEGIC IMPLICATIONS:

A good network of footpaths throughout Councils major townsite is important for pedestrians to access essential facilities. Most footpaths lead to schools, shopping centres or medical centres. For the townsite of Moora to retain the status of regional centre then a modern and functional pedestrian / cyclist pathway system is essential.

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:

Financial implications are considered at budget time each year..

VOTING REQUIREMENTS

Absolute Majority Required

RECOMMENDATION

That Council approve and endorse the Footpath Policy as tabled and for it to be included in Council's Policy Manual.

10. REPORTS OF COMMITTEES**GENERAL PURPOSE COMMITTEE MEETING – 2 JULY 2014****10.1 CHIEF EXECUTIVE OFFICER REVIEW**

A closed session was held during the 2nd July 2014 General Purpose Committee meeting to undertake a performance review of the Chief Executive Officer for the past year.

SHIRE PRESIDENT'S RECOMMENDATIONS

1. That Council acknowledge and approve the positive performance of Chief Executive Officer Alan Leeson over the last year as reviewed in formal discussion with Council members at the General Purpose Committee meeting on 2 July 2014;
2. That Council commit to an external performance review of the Chief Executive Officer in July 2015.

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

Nil

12. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF COUNCIL**13. MATTERS FOR WHICH THE MEETING MAY BE CLOSED****14. CLOSURE OF MEETING**