

SHIRE OF MOORA
MINUTES OF THE ORDINARY MEETING OF COUNCIL
HELD IN THE WATHEROO PAVILION, WATHEROO
19 SEPTEMBER 2018

TABLE OF CONTENTS

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS	3
1.1 DECLARATION OF OPENING.....	3
1.2 DISCLAIMER READING	3
2. ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE	3
3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	3
4. PUBLIC QUESTION TIME	3
5. PETITIONS AND PRESENTATIONS.....	4
6. APPLICATIONS FOR LEAVE OF ABSENCE.....	4
7. ANNOUNCEMENTS BY THE PRESIDING MEMBER.....	4
8. CONFIRMATION OF MINUTES	5
8.1 ORDINARY COUNCIL MEETING - 15 AUGUST 2018.....	5
9. REPORTS OF OFFICERS.....	5
9.1 GOVERNANCE AND CORPORATE SERVICES.....	5
9.1.1 LIST OF PAYMENTS AUTHORISED UNDER DELEGATION 1.31	5
9.1.2 STATEMENT OF FINANCIAL ACTIVITY FOR PERIOD ENDED 31 AUGUST 2018	6
9.1.3 RATES – SALE OF LAND	8
9.2 DEVELOPMENT SERVICES.....	10
9.2.1 NEW DWELLING – LOT 240 CARRICK STREET, MOORA	10
10. REPORTS OF COMMITTEES.....	12
GENERAL PURPOSE COMMITTEE MEETING - 5 SEPTEMBER 2018	12
10.1 REQUEST FOR SUPPORT FOR RE-ZONING OF LOT 200 LONG STREET, MOORA	12
10.2 MOORA SCHOOL OF MUSIC	16
10.3 NEW DWELLING – 685 MILING WEST ROAD, MILING	16

11. ELECTED MEMBER MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN 17

12. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF COUNCIL 17

13. MATTERS FOR WHICH THE MEETING MAY BE CLOSED 17

14. CLOSURE OF MEETING 17

- * Separate Attachments
 - 9.1.1 *List of Payments Authorised Under Delegation 1.31*
 - 9.1.2 *Statement of Financial Activity for Period Ended 31 August 2018*
 - 9.2.1 *Map / Site Plan*
 - 10.1 *Letter lodged by owner of Lot 200*
 - 10.3 *Plans*

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

1.1 DECLARATION OF OPENING

The Shire President declared the meeting open at 6.38pm.

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

ATTENDANCE

KM Seymour	-	Presiding Member / President
LC House	-	Councillor / Deputy President
TG Humphry	-	Councillor
DV Clydesdale-Gebert	-	Councillor
PJ Bellamy	-	Councillor
JM Thomas	-	Councillor
AJ Leeson	-	Chief Executive Officer

APPROVED LEAVE OF ABSENCE

PF Nixon	-	Councillor
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APOLOGIES

EI Hamilton	-	Councillor
TL Lefroy	-	Councillor

PUBLIC

Brent Millstead	Jan Millstead	Richard Crombie	Anita Crombie
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3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4. PUBLIC QUESTION TIME

Jan Millstead thanked the Shire for the work they do across the wider shire.

Richard Crombie thanked the Shire for organising roadside clearing works in improving sightlines on many of the Shire roads.

5. PETITIONS AND PRESENTATIONS

Nil

6. APPLICATIONS FOR LEAVE OF ABSENCE

The Shire President advised that a written request for leave of absence had been received from Cr Clydesdale-Gebert for the meetings of Council to be held between the 3rd to the 17th October 2018.

COUNCIL RESOLUTION

108/18 Moved Cr Humphry, seconded Cr Bellamy that Council approve the request for leave of absence received from Cr Clydesdale-Gebert for the meetings of Council to be held during the period 3 to 17 October 2018.

CARRIED 6/0

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER

The following Council associated engagements were attended;

Cr Seymour, Shire President

3/9 Peter Mackie

4/9 Main Roads WA re the Miling bypass

4/9 Moora Residential College announcement

Cr House, Deputy Shire President

11/9 Rally at Parliament House

Cr Clydesdale-Gebert

31/8 Stargazing event at the Moora Golf Club

'The Last Stand' symposium, MPAC

7/9 Chamber of Commerce sundowner

Cr Humphry

Moora Community Wellbeing Plan Meeting

11/9 Rally at Parliament House

Celebration – Moora Residential College

Cr Bellamy

27/8 Nationals forum

31/8 Stargazing event at the Moora Golf Club

10/9 WALGA training

Cr Thomas

MFAC Moora Frail Aged meeting

'The Last Stand' symposium, MPAC

8. CONFIRMATION OF MINUTES**8.1 ORDINARY COUNCIL MEETING - 15 AUGUST 2018****COUNCIL RESOLUTION**

109/18 Moved Cr Bellamy, seconded Cr Clydesdale-Gebert that the Minutes of the Ordinary Meeting of Council held on 15 August 2018 be confirmed as a true and correct record of the meeting.

CARRIED 6/0

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

REPORT DATE: 11 September 2018

OFFICER DISCLOSURE OF INTEREST: Nil

AUTHOR: David Trevaskis, Deputy Chief Executive Officer

SCHEDULE PREPARED BY: Alida Fitzpatrick, Finance Creditors/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

COUNCIL RESOLUTION

110/18 Moved Cr Humphry, seconded Cr Bellamy that Council notes and endorses the Payments from the Municipal and Trust Funds made under delegation 1.31

<i>Municipal Fund</i>	<i>Cheques 62362 to 62366</i>	<i>\$41,728.43</i>
	<i>EFT 19963 to 20122</i>	<i>\$821,704.96</i>
	<i>Credit Card 03/07/18 to 02/08/18</i>	<i>\$2,701.69</i>
	<i>Direct Debits 12120.2 to 12220.13</i>	<i>\$44,310.78</i>
	<i>Net Pays – PPE 07/08/18</i>	<i>\$92,654.42</i>
	<i>Net Pays – PPE 21/08/18</i>	<i>\$91,934.38</i>
<i>Trust Fund</i>	<i>Cheques 5374 to 5381</i>	<i>\$4,891.55</i>
<i>Total</i>		<i><u>\$1,099,926.21</u></i>

CARRIED 6/0

9.1.2 STATEMENT OF FINANCIAL ACTIVITY FOR PERIOD ENDED 31 AUGUST 2018

REPORT DATE: 14 September 2018

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 31 August 2018

PURPOSE OF REPORT:

To note and receive the Statement of Financial Activity for the period ended 31 August 2018.

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 2018/19 adopted budget.

VOTING REQUIREMENTS

Simple Majority Required

COUNCIL RESOLUTION

111/18 Moved Cr Humphry, seconded Cr Bellamy that Council notes and receives the Statement of Financial Activity for the period ended 31 August 2018.

CARRIED 6/0

9.1.3 RATES – SALE OF LAND

FILE REFERENCE: PA/869

REPORT DATE: 14 September 2018

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: David Trevaskis, Deputy Chief Executive Officer

ATTACHMENTS: Nil

PURPOSE OF REPORT:

Resolve to exercise the Shire's power of sale to recover unpaid rates and service charges over property Lot 66 York Street, Watheroo ("**Property**").

BACKGROUND:

1. Frank Steven Osbourne ("**Owner**") is the registered proprietor of Lot 66 on Deposited Plan 162816, being the whole of the land contained in Certificate of Title Volume 1318 Folio 136, more commonly known as lot 66 York Street, Watheroo.
2. The Owner resides at the property.
3. As at 29 August 2018, the Owner owes the Shire the sum of \$14,507.26 being outstanding local government rates, service charges, interest and other charges payable to the Shire under various provisions of the *Local Government Act 1995 (WA)*.
4. The Shire has attempted to recover the outstanding rates and charges through legal proceedings including:
 - 4.1. A General Procedure Claim filed with the Perth Magistrates Court on 28 February 2017 ("**Claim**");
 - 4.2. Default judgment awarded in the sum of \$5,030.89 on 17 August 2017; and
 - 4.3. A Property (Seizure & Sale) Order made 1 September 2017 ("PSSO") and registered over the Title on 8 February 2018.
5. In the opinion of CS Legal, their engagement and the legal proceedings referred to above would qualify as the Shire having at least once attempted under section 6.56 of the *Local Government Act 1995 (WA)* to recover money due to it.

COMMENT:

Given the high level of debt, and the amount of time that has been afforded to enable the ratepayer to either clear or reduce the debt, it is suggested that Council apply the provisions of Section 6.64 of the LGA and sell the land in respect of unpaid rates and charges, which are in arrears for a period of excess of 3 years.

Once Council has resolved to sell the land, pursuant to section 6.64 of the LGA the Shire must...

- First take possession of the property by delivering a form 2 notice to the Owner and affixing a form 3 notice on a conspicuous part of the property.
- Issue a Notice Requiring Payment (Form 4) to be served on the Owner giving 3 months to pay to avoid the land being sold.
- Serve a copy of the Form 4 notice to anyone with an estate of interest in the property.
- A copy of the Form 4 notice must be displayed on the Shire official noticeboard for a minimum 35 days.
- Council then appoints a time no less than 3 months and no more than 12 months after the service of the Form 4 notice for the public auction. This time must be advertised State-wide.
- Organise the auction, attend the auction and if sold arrange settlement.

Please note the Owner can make full payment of the outstanding rates and charges any time before the auction which puts a stay on the proposed sale proceedings.

POLICY REQUIREMENTS:

9.5 Rates Collection Procedure

With regards to outstanding rates and service charges that action for recovery to be taken to the extent allowed in the Act.

LEGISLATIVE REQUIREMENTS:

S6.64 of the *Local Government Act 1995 (WA)* states:

- (1) If any rates or service charges which are due to a local government in respect of any rateable land have been unpaid for a least 3 years the local government may, in accordance with the appropriate provisions of this Subdivision take possession of the land and hold the land as against a person having an estate or interest in the land and –
- (a) From time to time lease the land;
 - (b) Sell the land;
 - (c) Cause the land to be transferred to the Crown; or
 - (d) Cause the land to be transferred to itself.

STRATEGIC IMPLICATIONS:

There are no known strategic implications associated with this proposal.

SUSTAINABILITY IMPLICATIONS:

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

FINANCIAL IMPLICATIONS:

The sale of this land will equate to a decrease in the level of outstanding rates of \$14,507.26

VOTING REQUIREMENTS

Simple Majority Required

COUNCIL RESOLUTION

112/18 Moved Cr Thomas, seconded Cr House that pursuant to section 6.68(2)(b) of the Local Government Act 1995 (WA), Council resolves to exercise its power of sale under Part 6 Subdivision 6 of the Local Government Act 1995 (WA) over Lot 66 York Street, Watheroo, noting that the Shire of Moora has previously made attempts to recover the outstanding money under section 6.56 of the Local Government Act 1995 (WA).

CARRIED 6/0

9.2 DEVELOPMENT SERVICES

9.2.1 NEW DWELLING – LOT 240 CARRICK STREET, MOORA

FILE REFERENCE: TP/PA08/1819

REPORT DATE: 14 September 2018

APPLICANT/PROPONENT: Murray River North Pty Ltd T/A TR Homes

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Alan Leeson, Chief Executive Officer

ATTACHMENTS: Map / Site Plan

PURPOSE OF REPORT:

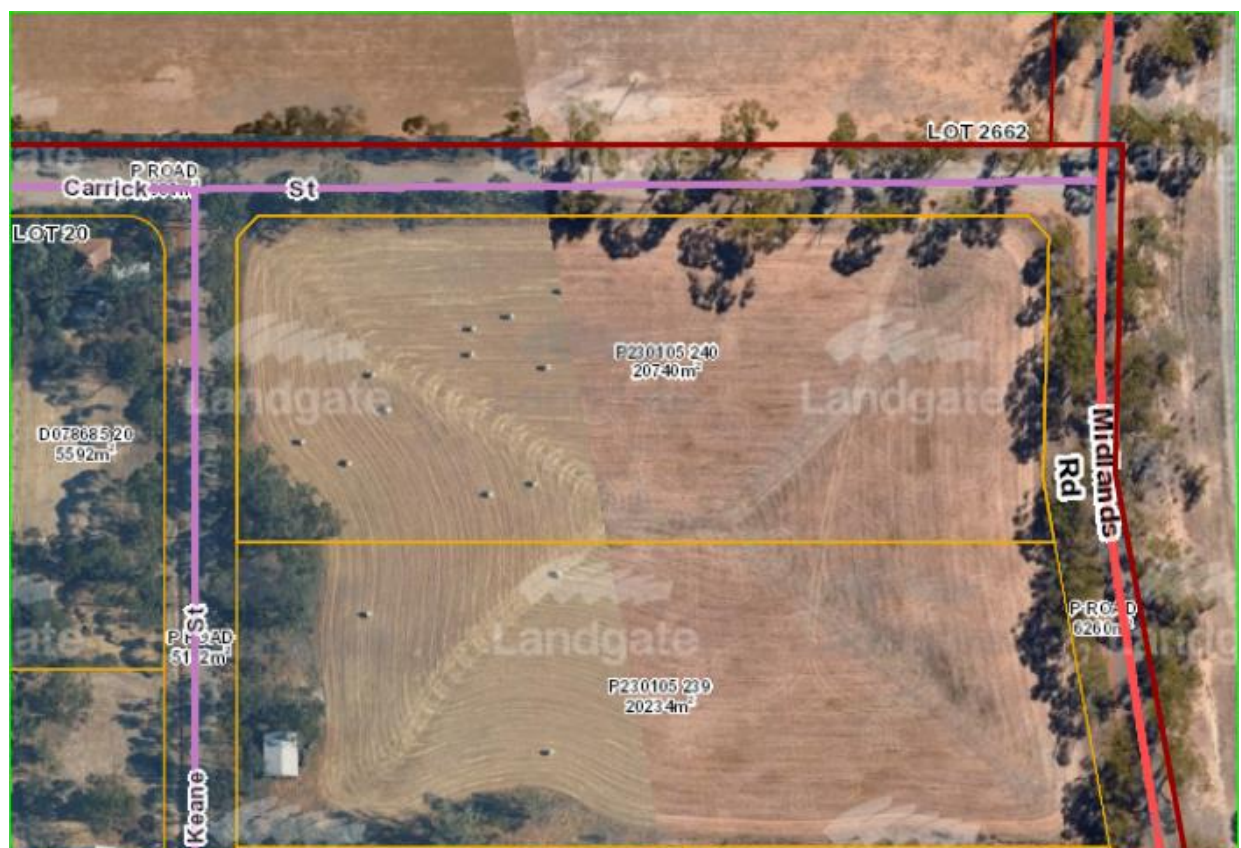
The property owner Ms GK Furniss is seeking Council approval to construct a new dwelling on Lot 240 Carrick Street Moora.

BACKGROUND:

The residential development is for a new 4-bedroom, 2-bathroom steel framed modular residence.

COMMENT:

The residential development will be on Lot 240 Carrick Street, Moora, in the rural residential zone of the Moora townsite.



This building will be located within the “Flood Fringe” within the Special Control Area (SCA) set out in Local Planning Scheme Number 4, Amendment 10. The minimum finished floor level (FFL) of 300mm above the March 1999 flood level as defined in the Moora Floodplain Definition Study will apply to new buildings on all lots in the SCA and even portions of a lot that falls outside of the proposed High Flood Hazard and Floodplain.

The building meets all criteria for setbacks and complies with the Residential Design Code. The building is not in an area able to be connected to the sewerage system and therefore requires its own effluent disposal system.

POLICY REQUIREMENTS:

There are no known policy implications associated with this proposal.

LEGISLATIVE REQUIREMENTS:

Local Planning Scheme Number 4 and Amendment Number 10 & Residential Design Code.

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:

All associated fees have been paid by the applicant.

VOTING REQUIREMENTS

Simple Majority Required

COUNCIL RESOLUTION

113/18 Moved Cr House, seconded Cr Thomas that Council approve the planning application submitted by Murray River North Pty Ltd trading as TR Homes submitted on behalf of property owner GK Furniss to construct a new 4 bedroom 2-bathroom steel framed modular residence on Lot 240 Carrick Street, Moora in accordance with the site plan submitted subject to the following conditions:

- 1. Finished Floor Level is in accordance Shire of Moora Local Planning Scheme, Amendment number 10;***
- 2. An approved effluent disposal system to be provided for the property;***
- 3. This is not a Building Approval a separate Building application is required to be submitted to the Shire's Building Surveyor for approval of the building.***

CARRIED 6/0

10. REPORTS OF COMMITTEES

GENERAL PURPOSE COMMITTEE MEETING - 5 SEPTEMBER 2018

10.1 REQUEST FOR SUPPORT FOR RE-ZONING OF LOT 200 LONG STREET, MOORA

FILE REFERENCE: TP/PAO6/1819
REPORT DATE: 14 August 2018
APPLICANT/PROPONENT: Alcatraz Pty Ltd
OFFICER DISCLOSURE OF INTEREST: Liz Bushby (Planning Consultant)
 Nature of Interest: Financial interest as receive town planning fees for advice to the Shire – Section 5.60A of the Local Government Act 1960
PREVIOUS MEETING REFERENCES: Nil
AUTHOR: Liz Bushby, Town Planning Innovations (TPI)
ATTACHMENTS: Letter lodged by owners of Lot 200

PURPOSE OF REPORT:

Council is to consider a written request seeking support for re-zoning of Lot 200 Long Street, Moora from 'Rural Residential' to 'Residential' as part of any future Scheme Review.

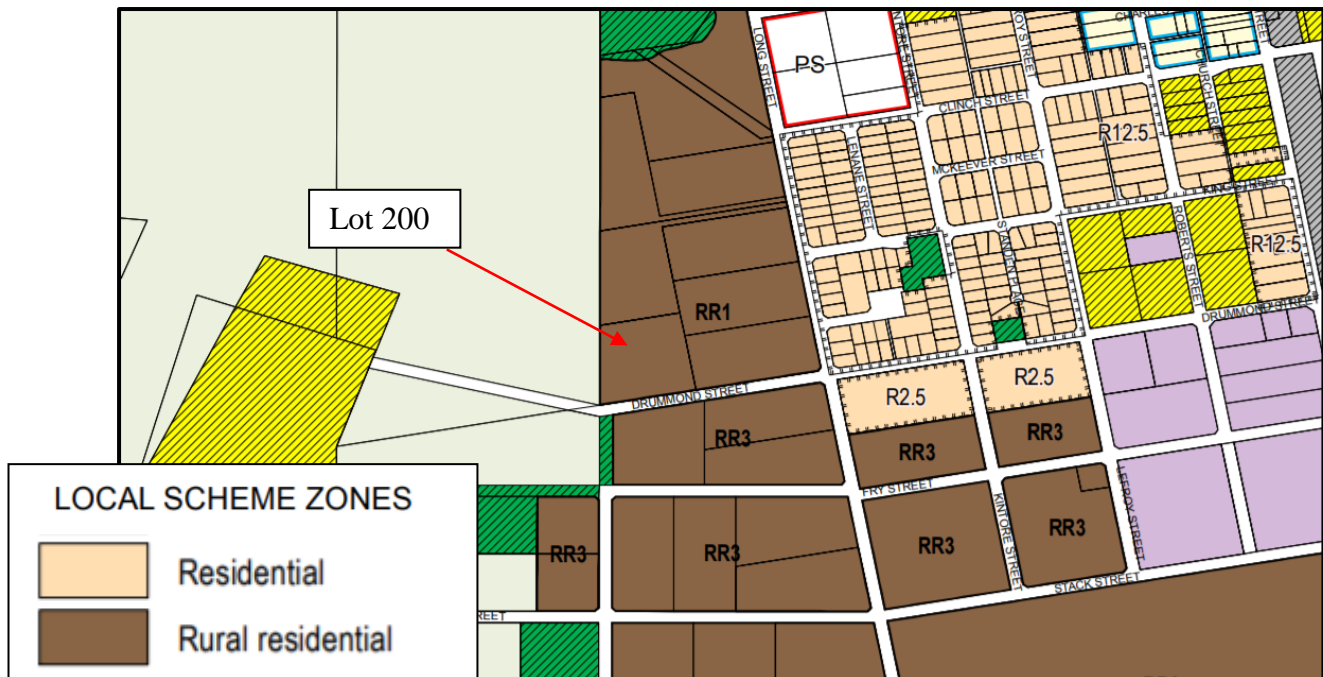
BACKGROUND:

Lot 200 has an approximate area of 2 hectares and the eastern portion has been developed with workers' accommodation – refer following aerial.



Location Plan

The lot is zoned 'Rural Residential' under the Shire of Moora Local Planning Scheme No 4 ('the Scheme'). Land to the north and south is also zoned 'Rural Residential', whereas land to the immediate east is zoned Residential under the Scheme.



Extract Shire of Moora Local Planning Scheme No 4

The lot is within the floodplain as identified on the Flood Zone Classifications Map contained in Schedule 12 of the Scheme.

In terms of strategic planning, the Shire had a Townsite Expansion Plan for Moora which was endorsed by the Western Australian Planning Commission (WAPC) on the 13 January 2010 as a strategic planning guide for 2 years. At that time the WAPC advised that a Local Planning Strategy should be developed for the Shire.

COMMENT:

The owners of Lot 200 have advised that:

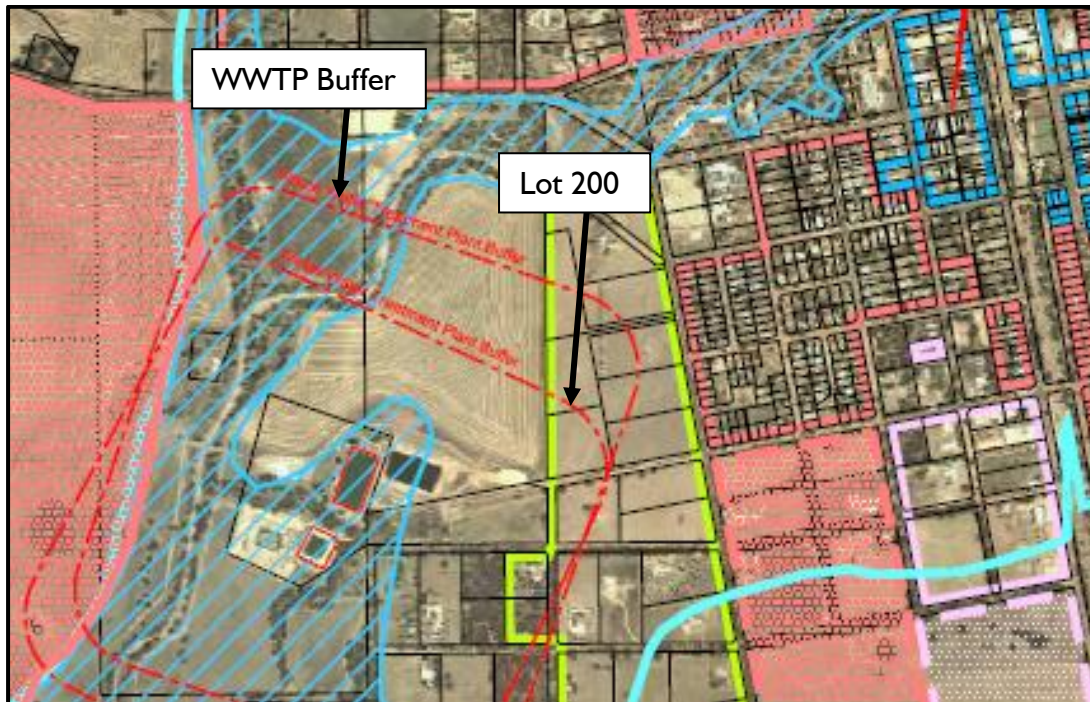
- They would like the Shire to consider rezoning of the land from 'Rural/Residential' to 'Residential' as part of any future Scheme Review. They are of the understanding that the Shire is about to commence the Scheme Review process.
- Rezoning would facilitate future subdivision of the land and allow the owners to build a house separate to the Workers accommodation business.
- The owners have expressed interest in further development such as executive housing.
- They have liaised with an independent planning consultant who recommended they first approach the Shire.

The owners' letter is included as an attachment.

From a planning perspective, there are several considerations:

- a) The fact that the owners of Lot 200 want to subdivide their land does not in itself constitute planning justification for a change of zoning.
- b) The WAPC do not generally support 'spot' re-zonings of individual land parcels. If rezoning was to be examined it would need to be explored on a wider scale for a larger area or street block, in consultation with other surrounding landowners.

- c) Due to the proximity of the land to established existing residential areas, there is some merit for the zoning in this area to be reviewed. It is likely that existing services and infrastructure can be readily extended.
- d) There are some constraints as a portion of Lot 200 and adjacent lots are within a buffer for the Waste Water Treatment Plant, as identified in the Moora Townsite Expansion Plan (map below). Any impacts associated with the WWTP would need to be considered as it would be undesirable to expose new residential areas to any adverse odours/ emissions.



Extract of Moora Townsite Expansion Plan

If the Shire intends to proceed with a Scheme Review, it will need to be supported by a comprehensive Local Planning Strategy. A Strategy and Scheme can be progressed concurrently, however the statutory process will likely take several years.

It is recommended that the owners be advised that the Shire is prepared to examine re-zoning opportunities for existing Rural Residential land west of Long Street as part of a future Scheme Review, however consideration will also need to be given to surrounding landowners' aspirations and constraints such as the WWTP buffer.

POLICY REQUIREMENTS:

There are no known policy requirements related to this item.

LEGISLATIVE REQUIREMENTS:

Planning and Development Act 2005 – outlines requirements for Local Planning Schemes including referral to the Minister for Planning for consent to advertise.

Planning and Development (Local Planning Schemes) Regulations 2015 – Contain a Model Scheme Text. Any new Scheme would have to comply with the format of the Model Scheme Text.

STRATEGIC IMPLICATIONS:

A written commitment to support re-zoning of Lot 200 without examining the wider planning matters and in consultation with the local community as part of a Local Planning Strategy or Scheme Review will bind any future Council and create high landowner expectation.

TPI is supportive of the zoning of Lot 200 being investigated as part of strategic planning or Scheme Review however is of the opinion that it would be premature to make a formal commitment to any re-zoning or to pre-empt the Scheme Review process.

SUSTAINABILITY IMPLICATIONS:

➤ **Environment**

Lot 200 is partially within a buffer associated with a nearby Waste Water Treatment Plant and is in the floodplain on the Shire's Flood Zone Classifications Map.

Any Draft Scheme would have to be referred to the Environmental Protection Authority to determine whether any environment assessment is required.

➤ **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 consultancy fees to TPI for general planning advice.

VOTING REQUIREMENTS:

Simple Majority Required

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

114/18 Moved Cr Humphry, seconded Cr Bellamy that Council:

- 1. Note the written request lodged by the owners of Lot 200 Long Street, Moora as contained in Attachment 1.***
- 2. Advise the owners of Lot 200 that:***
 - (a) The Shire is prepared to examine re-zoning opportunities for existing Rural Residential land west of Long Street as part of a future Scheme Review, however consideration will also need to be given to surrounding landowners' aspirations and constraints such as the Waste Water Treatment Plant buffer to the west;***
 - (b) It would be premature to make a formal commitment to any re-zoning or to pre-empt the scheme review process at this early stage.***

CARRIED 5/1

10.2 MOORA SCHOOL OF MUSIC

The Moora School of Music 2018/19 community budget submission was not formally approved by council, with a request made for more information of the group's activities.

VOTING REQUIREMENTS

Absolute Majority Required

COUNCIL RESOLUTION (COMMITTEE RECOMMENDATION)
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115/18 Moved Cr House, seconded Cr Bellamy that Council approval is granted to the Moora School of Music for their community budget submission of \$3,000.00.

CARRIED by ABSOLUTE MAJORITY 6/0

10.3 NEW DWELLING – 685 MILING WEST ROAD, MILING

FILE REFERENCE: TP/PA07/1819

REPORT DATE: 31 August 2018

APPLICANT/PROPONENT: Mr Wade Pearson

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Alan Leeson, Chief Executive Officer

ATTACHMENTS: Plans

PURPOSE OF REPORT:

The proponent Mr Wade Pearson is seeking Council approval to construct a new dwelling on Location M912, roadside address Lot 599/ 685 Miling West Road, Miling.

BACKGROUND:

The residential development is for a new 3 bedroom, 2 bathroom modular residence.

COMMENT:

This development meets the requirements of the Shire of Moora Town Planning Scheme No 4 (Amendment 10) for the Agriculture zone as defined.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

There are no known legislative requirements related to this item.

STRATEGIC IMPLICATIONS:

There are no known strategic implications associated with this proposal.

SUSTAINABILITY IMPLICATIONS:

➤ Environment

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

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

FINANCIAL IMPLICATIONS:

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

VOTING REQUIREMENTS

Simple Majority Required

**COUNCIL RESOLUTION
(COMMITTEE RECOMMENDATION)**

116/18 Moved Cr Humphry, seconded Cr Bellamy that Council approve the planning application from Mr Wade Pearson to construct a new 3 bedroom, 2 bathroom residence on location M912, roadside address Lot 599/ 685 Miling West Road, Miling subject to the following conditions:

- *Building plans required to be submitted in compliance with the Building Code of Australia.*
- *Effluent disposal system complying with current legislative requirements.*

CARRIED 6/0

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

Nil

12. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF COUNCIL

Nil

13. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Nil

14. CLOSURE OF MEETING

There being no further business, the President declared the meeting closed at 6.53pm.

CONFIRMED

PRESIDING MEMBER