

SHIRE OF MOORA  
MINUTES OF THE ORDINARY MEETING OF COUNCIL  
HELD IN THE COUNCIL CHAMBERS, MOORA  
WEDNESDAY 14 JUNE 2006

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*Item 11.1.1 Plan for Future*

*Item 11.2.1 List of Payments Authorised Under Delegation 1.31(Blue)*

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*Item 11.7.1 Moora Bowling Club (Inc) (Yellow)*

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

*The Shire President declared the meeting open at 3.35pm, welcomed visitors and announced:*

*"Acknowledgment of Country"*

*I would like to show my respect and acknowledge to the traditional owners of this land and acknowledge their contribution to the Shire of Moora as I do for all its people.*

### 2. DISCLAIMER READING

The Shire President read the following disclaimer:

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

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

### 3. ATTENDANCE

SA Bryan	-	Shire President	-	Moora Town Ward
CE Gardiner	-	Deputy President	-	Moora Town Ward
WA Barrett-Lennard	-	Councillor	-	Bindi Bindi Ward
JL Craven	-	Councillor	-	Moora Town Ward
SJ Pond	-	Councillor	-	Koojan Ward
AR Tonkin	-	Councillor	-	Coomberdale Ward
JW McLagan	-	Councillor	-	Miling Ward
SJ Deckert	-	Chief Executive Officer		
JL Greay	-	Operational Development Manager		
PJ Haas	-	Environmental Development Manager		
MJ Prunster	-	Community Development Manager		
JL Ellis (until 5.40pm)	-	Financial Development Manager		
BR Williams	-	Enterprise Development Manager		
MM Murray	-	Executive Support Officer		

**PUBLIC**

Sgt. Frank McGrath (until 3.47pm)– Moora Police Officer

Mr Richard Notley (until 4.35pm)– Chairman, Small Business Centre Central Coastal

Mr Norm Skoglund (until 4.35pm)– Executive Officer, Small Business Centre Central Coastal

Mr Neil Butterworth (until 4.35pm)– Representative, Small Business Development Corporation

Mr Ron Manning (until 5.20pm)– Grounds Committee Member, Moora Bowling Club

**APOLOGIES**

DV Clydesdale–Gebert – Councillor – Watheroo Ward

**LEAVE OF ABSENCE**

The following Councillor was granted leave of absence for this meeting by Council resolution made at the Ordinary Meeting held on 10 May 2006:

CD Hawkins – Councillor – Moora Town Ward

**4. DECLARATIONS OF INTEREST**

Cr Bryan, Cr Gardiner and the Community Development Manager declared an impartiality interest in Item 11.7.1, as they are all financial members of the Moora Bowling Club.

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

Nil.

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

Nil.

**7. APPLICATIONS FOR LEAVE OF ABSENCE**

Nil.

**8. PETITIONS AND MEMORIALS**

Sgt Frank McGrath will be attending the Council Meeting to discuss policing issues.

Sgt Frank McGrath addressed Council and updated them on current policing issues. Encouraging public to report any crimes.

The Shire President thanked Sgt McGrath for his presentation and input.

Sgt McGrath retired from the meeting at 3.47pm.

Mr Richard Notley gave an overview to Council on the Small Business Centre Central Coastal's (SBCCC) activities and what they can do for/to help and support core business in the Moora Shire.

Mr Norm Skoglund advised Council of the regional activities of the SBCCC, over the next 12 months would provide further management & training support for small business. Will be dealing with Council's EDM & the Moora Chamber of Commerce.

At 4.10pm the Executive Support Officer left the meeting and returned at 4.12pm.

At 4.20 pm the Financial Development Manager left the meeting and rejoined the meeting at 4.27pm.

Mr Neil Butterworth gave an overview of the support the government gives to small business centres to support small businesses. Also reinforced how local government can enhance the support to local businesses by providing additional funding.

The Shire President thanked Mr Notley, Mr Skoglund and Mr Butterworth for their presentation and input.

After giving their presentations they retired from the meeting at 4.35pm.

Mr Ron Manning provided a brief overview to Council on the bowling clubs request for funding for synthetic greens, which is listed in today's agenda for consideration (Item 11.7.1).

The Shire President thanked Mr Manning for his presentation and input.

At 4.50pm the Executive Support Officer left the meeting.

Mr Manning finished his presentation at 4.51 pm.

**9. ANNOUNCEMENTS BY THE SHIRE PRESIDENT**

- Shadow cabinet visited Moora on Thursday 1<sup>st</sup> June 2006.
- Cr Tonkin attended the Moore Catchment Council Meeting on Friday 9<sup>th</sup> June 2006.

**10. CONFIRMATION OF MINUTES OF THE PREVIOUS MEETING**

**10.1 ORDINARY COUNCIL MEETING – 24TH MAY 2006**

**COUNCIL RESOLUTION**

**89/06** *Moved Cr Barrett-Lennard, seconded Cr McLagan that the Minutes of the Ordinary Meeting of Council held on 24 May 2006, be confirmed as a true and correct record of the meeting.*

**CARRIED 7/0**

**11. REPORTS OF OFFICERS**

**11.1 ADMINISTRATION**

**11.1.1 Plan for the Future of the District of Moora 2006–2008**

**AUTHOR:** Jo-Anne Ellis, Financial Development Manager



**REPORT DATE: 8 June 2006**

**DECLARATION: Nil**

### **BACKGROUND**

The Local Government Act 199 Section 5.56 requires a Local Government to Plan for the Future of its District. This plan is to be made in accordance with Financial Management Regulation 19C.

Prior to the Local Government Amendment Act 2004 local government was required to produce a Principal Activities Plan. This requirement was repealed and replaced with the current requirement to produce a Plan for the Future of the District. Council has previously produced a Principal Activities Plan for the years 2004–2009; the final version of this Plan for the Future will supersede the previously adopted Principal Activities Plan.

- A local government is required to produce a Plan that applies for each financial year after the financial year ending 30 June 2006. Electors and ratepayers of the district are to be consulted during the development of a plan or when preparing any modifications of a plan

The Plan for the Future of a district:

- Sets out the broad objectives of the local government for the period specified in the plan
- Is to be a plan for at least 2 financial years duration
- Is to be reviewed by the local government every two years
- May be modified and extended
- Is to be adopted by absolute majority
- Is to apply to the district for the period of time specified in the plan
- Should detail the involvement by the electors and ratepayers in the development of the plan and any modifications of the plan

Local public notice stating a plan for the future of the district (or modification) has been adopted by the Council and detail regarding availability of the plan is to be given.

### **COMMENT**

On 10 May 2006 Council resolved to endorse the Draft Plan for the Future of the District of Moora 2006–2008 and release the plan for Public Comment. A Public Meeting was held on 31 May 2006 at the Moora Performing Arts Centre and written submissions were accepted up to 1

June 2006. Councillors discussed the submissions received and feedback from the public meeting at a budget meeting on 7 June 2006.

### **STATUTORY ENVIRONMENT**

Section 5.56 – Local Government Act 1995

Regulation 19C – Local Government (Financial Management) Regulations 1996

### **POLICY IMPLICATIONS**

Nil

### **BUDGET IMPLICATIONS**

Projects identified in the Plan for the Future should be included in the Budget for the year revenues and expenditures are identified.

### **STRATEGIC IMPLICATIONS**

Planning for the Future of the Moora District will ensure Council, Staff and the Community understand the direction the District is moving towards.

### **PRECEDENT**

Under previous legislative requirements the Shire of Moora adopted a Principal Activities Plan that was planning for the Future of the District.

### **VOTING REQUIREMENTS**

Absolute Majority

<b>COUNCIL RESOLUTION (MANEX RECOMMENDATION) – ITEM 11.1.1</b>
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*90/06 Moved Cr Craven, seconded Cr Tonkin that Council adopts the Plan for the Future of the District of Moora 2006–2008, as appended.*

**CARRIED BY ABSOLUTE MAJORITY 7/0**

## **11.2 FINANCIAL DEVELOPMENT**

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

**AUTHOR:** Jo-Anne Ellis, Financial Development Manager

**REPORT DATE:** 8 June 2006

**DECLARATION:** Nil

### **BACKGROUND**

At the December Ordinary Meeting of Council resolution 276/2005 delegated the authority of payments from Municipal and Trust Funds to the Chief Executive Officer.

### **COMMENT**

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

### **STATUTORY ENVIRONMENT**

Local Government Act 1995 – Section 6.10

Local Government (Financial Management) Regulations 1996 – Regulations 12 & 13.

### **POLICY IMPLICATIONS**

Delegation 1.31 – Payments from Municipal and Trust Funds.

### **BUDGET IMPLICATIONS**

Payments are in accordance with the adopted budget.

### **STRATEGIC IMPLICATIONS**

Nil.

### **PRECEDENT**

Accounts Paid under delegated authority are periodically presented to Council.

### **VOTING REQUIREMENTS**

Simple Majority.

### **COUNCIL RESOLUTION**

**(MANEX RECOMMENDATION) – ITEM 11.2.1**

***91/06 Moved Cr Barrett-Lennard, seconded Cr Gardiner that Council note and endorse the Payments from Municipal and Trust Funds made under delegation 1.31***

***Municipal Fund Chq 54607 – 54720***

***\$294,859.89***

*Trust Fund**Chq 4132 - 4139**1,680.00**Total**\$296,539.89*CARRIED 7/0**11.3 OPERATIONAL DEVELOPMENT**

Nil.

**11.4 COMMUNITY DEVELOPMENT**

Nil.

**11.5 ENVIRONMENTAL DEVELOPMENT****11.5.1 Transportable House Tender**

**LOCATION:** Lot 5 Lefroy Street Moora  
**FILE:** 5.2  
**AUTHOR:** Peter Haas, Environmental Development Manager  
**REPORT DATE:** 17 May 2006  
**DECLARATION:** Nil

**BACKGROUND**

Tenders were called from interested persons or companies to build a transportable house for staff. Tenders closed on Friday 12 May 2006 and two tenders were received.

The tenders were received from McGrath Homes for \$248,965 and from Allan Chopping Builder for \$240,539.47.

**COMMENT**

Analysis of the tenders provided is as per the table below

<i>Tenderers</i>	<b>Allan Chopping Builder</b>	<b>McGrath Homes</b>	<b>Shire Cost</b>
<i>Cost</i>	\$240,539.47	\$248,965	
<i>Construction Time</i>	210 days	45 weeks	
<b>Commencement Date</b>	3 weeks after awarding of contract	Not specified	
<b>Organisation Structure</b>	As per attached letter	Nil	
<b>ASC Company Extracts</b>	Nil	Nil	
<i>Referees</i>	Listed	Nil	
<i>Acting for Agent</i>	No	No	
<i>Acting as Trustee</i>	No	No	
<b>Use of Sub – contractors</b>	Yes List attached	No	
<b>Conflicts of Interest</b>	No	No	
<i>Financial position able to pay debts</i>	Yes Details not included	Yes Details not included	
<b>Engaged in Litigation</b>	No	No	
<b>Able to fulfil from own resources</b>	Yes	Yes	
<i>Financial Position</i>	Nil	Nil	
<i>QA System</i>	No	No	
<b>Insurance Coverage</b>	Yes – details included but not attached	Nil	
<b>OSH Management System</b>	Yes – details attached	Nil	
<b>Compliance with Specification</b>	No Site built house	Yes	
<b>Compliance with Conditions of Tender</b>	Yes	Yes	
<b>Compliance with</b>	Yes Registered	Yes	

necessary Licences & Registrations	Builder	Registered Builder	
Compliance with & Completion of Price Schedule	Yes – Price schedule included	Yes	
Floor area ex verandahs, carport & patio	178.63	161.28	
<i>Garden Shed</i>	Inc tender price	N/A	\$2,000 est
Retaining & sand pad	Inc tender price	N/A	\$12,000 est
<i>Concrete Slab</i>	Inc tender price	Inc tender price	
Driveway paving to boundary line	Inc tender price	N/A	\$30/m <sup>2</sup> est \$4,000 est
Water meter			\$230
Power connection 3 phase			\$250
Telstra			\$500 est.
Crossover -paved			\$1,500 est.
Fencing & Gates			\$2,200 est.
Letter box			\$100 est.
Clothes line			\$250 est.
Window coverings, carpets, tiling			\$12,000
Fill block to 300mm above crown of road			\$3,000 est.
Landscaping – plants, paving, retic, gravel			\$7,000 est.
Raise lid sewer manhole			\$300 est.
Ramps & steps to house			\$1,500 est.
Contingency			\$5,000

Included in the Council Information Bulletin is a copy of the tender documents received from each tenderer.

The tender from Allan Chopping Builder does not meet the tender specifications due to it being a site built house and with verandah's on the

one side only, it does include in the tender price retaining walls, garden shed and earthworks for the pad.

It should also be noted that he intends using local contractors and he has done work for the Shire previously in building the chalets.

McGrath Homes tender was non-compliant due to omission of some of the information required as listed above.

McGrath Homes have also built in the area with the building of Mr Norm Wolfe's home in Dandaragan Road in 2004.

Both builders have the necessary experience in this type of project and are capable of providing Council with a finished product.

Allan Chopping Builder's product is cheaper, includes earthworks, retaining walls a shed as part of the tender price and will be using local contractors. I would therefore recommend that Council award the tender to Allan Chopping Builder.

#### **STATUTORY ENVIRONMENT**

Requirements of the Tender Regulations

#### **POLICY IMPLICATIONS**

Nil

#### **BUDGET IMPLICATIONS**

Allocation in the 06/07 budget must be made of \$275,000 to commence and complete this project as per the table in the comment section above.

#### **STRATEGIC IMPLICATIONS**

The building of a new house for staff accommodation and depending on the decision of Council in this matter the employment of local contractors to build the house.

#### **PRECEDENT**

Tenders awarded to build three staff houses in 2001.

#### **VOTING REQUIREMENTS**

Simple majority

**COUNCIL RESOLUTION  
(MANEX RECOMMENDATION) – ITEM 11.5.1**

*92/06 Moved Cr Gardiner, seconded Cr Tonkin that Council award the tender to construct a four bedroom, two bathroom house at Lot 5 Lefroy Street Moora to Allan Chopping Builder for the amount of \$240,539.47 and authorises the Chief Executive Officer and Shire President to sign the contract to build on Council's behalf.*

CARRIED 7/0

At 5.07pm the Executive Support Officer rejoined the meeting.

**11.5.2 Neglected/Dilapidated Buildings**

**LOCATION:** Lots 412& 413 Gardiner Street Moora  
**FILE:** 12.5  
**AUTHOR:** Peter Haas, Environmental Development Manager  
**REPORT DATE:** 19 May 2006  
**DECLARATION:** Nil

**BACKGROUND**

On 8 September 2004 a report was provided to Council regards the condition of the buildings on the above lots. Council resolved to issue a Neglected Building Notice on the owners of the buildings, a Mr & Mrs DeBijl ordering them under the provisions of Section 408 of the Local Government (Miscellaneous Provisions) Act to put the buildings into such a state of repair and good condition as is to the satisfaction of the Shire of Moora.

This order was not complied with and as a consequence on 2 March 2005 the matter was heard before the Court and as a result the Court ordered that the buildings be repaired.

The DeBijl's were given 12 months by the Court Order to do so.

The time frame for compliance with the Court Order expired 2 March 2005 and an inspection revealed that the Order had not been complied with.



This fact was reported to Council on 12 April 2006 and Council resolved as follows:

*59/06 Moved Cr Craven seconded Cr Hawkins that Council direct the Environmental Development Manager (Building Surveyor) to furnish a report to the Council on the state of the buildings located on Lots 412 & 413 Gardiner Street Moora.*

The report and photographs are attached for Council to read.

#### **COMMENT**

These buildings have been out of commission since the March 1999 floods and it appears that the owners may not wish to do any thing to repair the buildings.

From my observations the buildings are slowly being vandalised and it appears that valuable items such as the stained glass window above the entry into the living quarters, the brass door knob and letter slot have been removed.

I have not been in verbal contact with the DeBijls regards their intentions with the buildings but it is my understanding that the Chamber of Commerce has done so and past experience has shown the level of interest by the owners for these properties.

I would therefore recommend to Council that another Neglected Building Notice be issued on the owners of the buildings, however this time instead of requiring the building to be repaired that Council require the owner to take down the building. This would start the process over again with the exception that I would recommend to Council that should the Notice be ignored that legal action should be taken for a breach of the Notice and at the same time the Court be requested to issue a Court Order to the owners to take the buildings down.

Should this Court Order be ignored then Council will have to take the buildings down. As a consequence budget provision will need to be made for this contingency.

It should also be noted that costs from the Court action taken in March 2005 have not been paid and I would recommend that Council allow action to be taken under the auspice of the fines enforcement registry.

**STATUTORY ENVIRONMENT**

Notice issued by Council under the provision of Section 408 of the Local Government (Miscellaneous Provisions) Act 1960 and action to recover the Court costs under the provisions of the Fines, Penalties and Infringement Notices Enforcement Act 1994 Section 39.

**POLICY IMPLICATIONS**

Nil

**BUDGET IMPLICATIONS**

Allocation will need to be made to cover Court costs and possible taking down of the buildings in question should Notices and the Court Order be ignored. This may be in the vicinity of \$40,000.

**STRATEGIC IMPLICATIONS**

Removal of buildings that are an eyesore in that portion of the town and the freeing up of land via vacant Lots for future development.

**PRECEDENT**

Neglected Building Notice issued on these buildings in 2004.

**VOTING REQUIREMENTS**

Simple majority

**COUNCIL RESOLUTION**

(MANEX RECOMMENDATIONS) – ITEM 11.5.2

*93/06 Moved Cr Pond, seconded Cr Tonkin that Council directs the Environmental Development Manager to*

- 1. Issue to the owners of Lots 412 & 413 Gardiner Street Moora declaring the buildings located thereupon to be Neglected Buildings and requiring the owners to take the buildings down within 90 days of the date of the Notice and,*
- 2. Take action against the owners via the fines enforcement registry to recover the costs of Court action taken in March 2005.*

CARRIED     7/0

### 11.5.3 Tender Sale of Miling Infant Health Clinic

**LOCATION:** Lot 11 Cnr Gt Northern Hwy & Nardy Road Miling  
**FILE:** 5.8  
**AUTHOR:** Peter Haas, Environmental Development Manager  
**REPORT DATE:** 6 June 2006  
**DECLARATION:** Nil

#### **BACKGROUND**

At the Council meeting on 10th May 2006 Council resolved to re-advertise the Miling Infant Health Clinic for sale by tender.

The previous tenderer was advised of this fact by phone and letter and was invited to submit another tender.

The sale by tender was advertised in the West Australian and in the Central Midlands and Coastal Advocate with tenders closing Friday 2 June 2006 at 4.00pm.

#### **COMMENT**

Two tenders were received. They were from Mr Richard Groves (the previous tenderer) for \$5,500.00 and Mr Ronald Farrell for \$16,725.00.

Mr Groves stated in documents attached with the tender that he intends using the building for "a more permanent base as a home with less travelling from Perth".

#### **STATUTORY ENVIRONMENT**

Tender Regulations

#### **POLICY IMPLICATIONS**

Nil

#### **BUDGET IMPLICATIONS**

An amount of \$16,725.00 into the budget to be used as per Council's decision for improvements in Miling requested by the community via Cr McLagan.

#### **STRATEGIC IMPLICATIONS**

Sale of surplus asset to a person more able to use it.

**PRECEDENT**

Nil

**VOTING REQUIREMENTS**

Simple majority

**COUNCIL RESOLUTION  
(MANEX RECOMMENDATIONS) – ITEM 11.5.3**

*94/06 Moved Cr Pond, seconded Cr McLagan that Council*

- 1. Accept the tender price of \$16,725.00 from Mr Ronald Farrell for the sale to Mr Farrell of the Miling Infant Health Clinic located at Lot 11, corner Great Northern Highway & Nardy Road Miling.*
- 2. Tender proceeds be used to erect shade sails, seating and to finish the playground at the Miling Pavilion in consultation with the Miling Progress Association.*

CARRIED      7/0

At 5.10pm the Environmental Development Manager left the meeting. and returned at 5.14pm.

**11.6 ECONOMIC DEVELOPMENT****11.6.1 Housing Development Planning**

**FILE:**                    18.11  
**AUTHOR:**                Bronwyn Williams, Enterprise Development Manager  
**REPORT DATE:**        8 June 2006  
**DECLARATION:**        Nil

**BACKGROUND**

The shortage of housing in the Moora Shire has been identified as a limiting factor to economic development for some time. The Shire of Moora has identified the importance of developing land for release in the short term due to the lack of willingness by commercial developers to develop in the Moora region.

**COMMENT**

A briefing paper was sent out on the 24<sup>th</sup> May 2006 to planning firms asking for approximate costings for a subdivision plan for a specific site within the town of Moora.

We have received two quotes and are waiting on two more. From the quotes received, the approximate cost for developing a subdivision plan will be approximately \$5,000.

From this investment Council will be able to determine the approximate costings for developing identified sites fully for housing development and therefore the feasibility of land development for the Council.

**STATUTORY ENVIRONMENT**

Nil

**POLICY IMPLICATIONS**

Nil

**BUDGET IMPLICATIONS**

\$5,000 will need to be allocated in the 2006/07 Budget to cover this cost of housing development planning.

**STRATEGIC IMPLICATIONS**

Will address land availability for housing needs in the Moora townsite and will enable further economic development by alleviating attraction of skilled workers to Moora region by supplying land that can be used for housing skilled people.

**PRECEDENT**

Nil

**VOTING REQUIREMENTS**

Simple Majority

**COUNCIL RESOLUTION  
(MANEX RECOMMENDATION) – ITEM 11.6.1**

*95/06 Moved Cr Tonkin, seconded Cr Pond that Council authorise the Chief Executive Officer to engage a planning consultant at a cost of no more than \$5,000, to provide preparation of a subdivision plan and estimates of development costs including roads, drainage, water, sewer, electricity and lighting.*

**CARRIED BY ABSOLUTE MAJORITY 7/0**

At 5.14pm the Environmental Development Manager left the meeting.

## **11.7 SPORT AND RECREATION**

At 5.17pm the Environmental Development Manager rejoined the meeting.

Cr Bryan, Cr Gardiner and the Community Development Manager declared an impartiality interest in Item 11.7.1, as they are all financial members of the Moora Bowling Club and completed Financial Interest Declaration Form. It was noted that as the declaration was not a financial interest pursuant to the Local Government Act, Crs Bryan and Gardiner and the Community Development Manager were not required to leave the meeting and could participate fully in the matter.

### **11.7.1 Moora Bowling Club (Inc) – Self-supporting loan request**

**LOCATION:** Gardiner Street Moora  
**FILE:** 5.15  
**AUTHOR:** Michael Prunster, Community Development Manager  
**REPORT DATE:** 7 June 2006  
**DECLARATION:** The author is a financial member of the Moora Bowling Club (Inc)

#### **BACKGROUND**

Council is aware that two grant applications submitted to the Community Sport & Recreation Fund in 2004 and 2005, by the Moora Bowling Club (Inc), for funding to assist with constructing a new synthetic green was not approved.

Council considered and supported both applications, with the 2005 application being considered at their meeting on the 12<sup>th</sup> October 2005. The following resolution was passed at that meeting: –

**COUNCIL RESOLUTION – ITEM 11.4.1**

**240/2005** *Moved Cr Craven, seconded Cr Clydesdale–Gebert that Council support the Moora Bowling Club (Inc) Community Sport and Recreation grant application and Council consider how it funds its portion of the project during the 2006/07 budget deliberations.*

*CARRIED 8/0*

*Note: Council amended the recommendation to reflect that it would like to fully consider all options for funding its 1/3 contribution when it was considering the 2006/07 Budget.*

The Club has now written to Council requesting assistance with a new proposal for funding the project. (Copy of letter and financial statement provided as a separate attachment). It will be noted that the information contained in the letter estimates the cost at \$210,000.

The basis of the request is: –

Estimated cost of project: –	\$210,000
------------------------------	-----------

Funding: –

Self Supporting Shire Loan (15 Yrs)	\$110,000
Bowling Club cash & in-kind contribution	\$70,000
Shire cash or in-kind contribution	\$30,000

The Moora Bowling Club request is based on conversion of one of the existing grass bowling greens (“B” Green) being converted to a synthetic green with 10 rinks. This sort of conversion has been gathering popularity in recent years, as Clubs seek to lower the cost overheads associated with maintaining grass rinks. The Bowling Club financial figures show that the cost of green maintenance over the last 2 years has averaged \$18,000.

The Bowling Green “B” has evidence of moss growing over it and the life expectancy of this green is only predicted to last another 12 months. The planning for this green is for a 10-rink green extending westwards, so as to not require encroachment onto the Gardiner Street footpath reserve.

With the current “A” green already severely affected with moss damage, it is no longer being maintained for competition bowls. It is essential that the Club have quality competition greens to enable the Club to continue participation in district pennant and open day competitions. These competitions form an important part of the development of Bowls in the district and also form an integral part of the Clubs fund raising activities.

The Bowling Club has indicated it intends to commence the project during the winter months and complete the project by October 2006.

### **COMMENT**

The Bowling Club has been encouraged to consider re-locating, with the Tennis Club and Golf Club to create the “Moora Links Club”. This was promoted through Councils previous Principal Activities Plan with a preliminary estimated investment of \$1.2M in this project in 2007/08. A meeting of all Clubs was convened on Monday 6<sup>th</sup> September 2004 to consider and progress this forecast Principal Activity. Minutes of that meeting were provided to Councillors as part of their Briefing Session on the 13<sup>th</sup> October 2004.

At this point of time, the Moora Links Project has not advanced any further, and the Moora Bowling Club, Moora District Tennis Club and Moora Lake View Golf Club concerning the relocation have arrived at no definite decision. The general opinion of members of these clubs is that it will be some years before it will come to fruition, because the proposal has not received a majority approval from all Club members. (The Moora Links project is not included in the current Shire Draft Plan for the Future).

The Bowling Club wish to push ahead with a synthetic green on their existing site, because of this uncertainty, and the necessity of having a 1<sup>st</sup> class bowling green surface.

It has come to our notice that grant funding up to a maximum of \$50,000 is available through the Community Water Grants Scheme. Other Clubs have been successful in accessing all or a proportion of these funds for similar projects. It is suggested that in lieu of the Shire contributing a cash contribution that they offer assistance in preparing the application and applying for these grant funds. It is understood that applications for these grants open in July. The estimate of \$210,000 was obtained last year so I



have added a further \$10,000 to the total cost to allow for increase in materials.

Although Council indicated in its resolution of the 18 October that the C.S.R.F.F. application was supported with a 1/3 contribution of \$70,000, Managers recommend that in lieu of the current request for a Council contribution of \$30,000 a grant application should be made to the Community Water Grants Scheme for the maximum amount. Should the grant not be forthcoming, it is recommended that Council give consideration to assistance by either increasing loan funding or cash/work in kind contribution.

On this basis the funding of the project would be: –

Self Supporting Loan (15yrs)	\$100,000
Bowling Club contribution	\$70,000
Grant funding	\$50,000
<b>Total funding</b>	<b>\$220,000</b>

Repayments on a loan of \$100,000 would equate to approximately \$10,718 per annum.

#### **STATUTORY ENVIRONMENT**

L.G.A. 1995 – S 2.7 and S 3.1

#### **POLICY IMPLICATIONS**

Nil

#### **BUDGET IMPLICATIONS**

Loan is self-supporting but is required to be included in annual budget showing loan funding, repayments and reimbursements.

#### **STRATEGIC IMPLICATIONS**

Assist Moora Bowling Club (Inc) continue to provide suitable playing surface for future social and competition bowling fixtures for Club Members.

#### **PRECEDENT**

Current self-supporting loan for Moora District Tennis Club (Inc)

Previous self-supporting loans to Moora Lake View Golf Club (Inc)

## VOTING REQUIREMENTS

Absolute Majority

## COUNCIL RESOLUTION

(MANEX RECOMMENDATIONS) – ITEM 11.7.1

- 96/06**      *Moved Cr Craven, seconded Cr Barrett-Lennard that Council*
- 1.** *Agrees in principle to assist the Moora Bowling Club (Inc) to provide a self-supporting loan of \$100,000 over a period of 15 years and the amount to be included in the 2006/07 annual budget subject to:*
    - 
    - *Loan repayments to be paid at 6 monthly intervals including principal and interest.*
    - *Council staff to provide assistance with the preparation and application for grant funding from the Community Water Grants Scheme.*
    - *The self-supporting loan funding is subject to a satisfactory signed agreement between the Shire of Moora and Moora Bowling Club (Inc) covering the term of the loan.*
  - 2.** *Should the grant funding application be less than applied for, or unsuccessful, will reconsider the Shire's support, which may include increasing the amount of the self-supporting loan and/or Council providing cash and/or in-kind assistance.*

**CARRIED BY ABSOLUTE MAJORITY 7/0**

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

Nil.

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

The Community Development Manager tabled a late item dealing with the possible purchase of a number of vacant lots within the Moora Townsite for Council's consideration. The Community Development Manager advised that this

matter eas of a confidential nature and if Council decides to deal with it at this meeting, should be done so behind closed doors.

### COUNCIL RESOLUTION

**97/06** *Moved Cr Barrett–Lennard, seconded Cr Gardiner that Council consider the late item as tabled by the Community Development Manager titled “Option to Purchase vacant town lots within the Moora Townsite” and that it be considered later in the meeting when the meeting moves behind closed doors.*

CARRIED 7/0

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

Nil.

#### **15. MATTERS BEHIND CLOSED DOORS**

### COUNCIL RESOLUTION

**98/06** *Moved Cr Barrett–Lennard, seconded Cr Tonkin that the meeting move behind closed doors*

- 1. to discuss Item 15.1, Mr & Mrs Peter and Terry Ackland Land Enquiry, and*
- 2. to discuss Item 15.2 Option to Purchase vacant town lots within the Moora Townsite*

*that if disclosed would reveal:*

- the personal affairs of a person/s;*
  - information that has a commercial value to a person/s;*
  - information about the business, professional, commercial or financial affairs of a person/s, and*
  - a matter affecting an employee or employees,*
- pursuant to Section 5.23(2)(a); 5.23(2)(b); 5.23(2)(e)(ii) and 5.23(2)(e)(iii) of the Local Government Act 1995.*

CARRIED 7/0

At 5.20pm Mr Manning retired from the Chambers and the meeting moved behind closed doors.

**15.1 Mr & Mrs Peter and Terry Ackland Land Enquiry**

Provided to Councillors under confidential cover.

**COUNCIL RESOLUTION  
(OFFICER RECOMMENDATIONS) – ITEM 15.1**

**Please note:** that prior to considering the first confidential item Councillors Bryan, Gardiner, Barrett-Lennard, Craven, Pond, Tonkin and McLagan indicated that they were prepared to consider a motion to revoke a previous decision.

***99/06 Moved Cr Craven, seconded Cr Gardiner***

- 1. That the decisions of Council on 13 July 2005 in respect to Item 11.1.1, titled "Mr and Mrs Peter & Terry Ackland Land Enquiry" and recorded as minute nos. 139/2005, 140/2005 and 141/2005, be revoked as the letter contained some incorrect material, was inappropriate in the circumstances and had the potential to cause offence to the recipients.***

**CARRIED BY ABSOLUTE MAJORITY 7/0**

***Moved Cr Craven, seconded Cr Pond***

- 2. That Council's letter to Mr and Mrs Ackland, dated 20 July 2005, in response to their letter to Council dated 20 June 2005, be retracted.***

**CARRIED BY ABSOLUTE MAJORITY 7/0**

***Moved Cr Craven, seconded Cr Gardiner***

3. *That the following be entered into the minute book as the record of Council's decision for Item 11.1.1 of the Ordinary Meeting of Council held on 13 July 2005:*

*"That the Chief Executive Officer responds in writing to Mr and Mrs Ackland".*

CARRIED BY ABSOLUTE MAJORITY 7/0

*Moved Cr Pond, seconded Cr Craven*

4. *That the Council of the Shire of Moora, in respect to negotiations occurring between July 2004 and July 2005 with Mr and Mrs Ackland for the proposed sale to the Shire by the Acklands of a 5 ha semi-rural lot (proposed lot 6, Padbury Street), places on public record that Council apologises to Mr and Mrs Ackland for any of the Shire's statements or conduct that have given rise to any misunderstanding, and acknowledges:*

- i. Mr and Mrs Ackland did not renege on the proposed sale;*
- ii. Mr and Mrs Ackland did not attempt to increase the asking price of the property, and*
- iii. Mr and Mrs Ackland acted honourably at all times during negotiations with the Shire for the sale of their property.*

*Furthermore, in addition to this decision being recorded in the minutes of this meeting, the attached notice detailing the foregoing apology be placed in the Public Notice section of the Central Midlands Advocate, as soon as practicable.*

CARRIED BY ABSOLUTE MAJORITY 7/0

## 15.2 Option to Purchase Vacant Lots within the Moora Townsite

Provided to Councillors under confidential cover.

**COUNCIL RESOLUTION  
(OFFICER RECOMMENDATIONS) – ITEM 11.4.1**

*100/06 Moved Cr Pond, seconded Cr Tonkin that Council: –*

- 1) Confirm the signing of the Option to Purchase agreement by the Shire President and Chief Executive Officer on behalf of Council to purchase the vacant lots within the Moora Townsite as discussed, with the expiration date of 31 July 2006.*
- 2) Confirms it will pay all costs associated with the preparation, execution, stamping and completion of the agreement including stamp duty and the Grantors reasonable conveyancing costs.*
- 3) Authorises the Chief Executive Officer to obtain quotations from planning consultants for the provision of a suitable subdivision plan and providing estimates of development costs and appoint the most appropriate consultant.*

CARRIED BY ABSOLUTE MAJORITY 7/0

At 5.40pm the Financial Development Manager retired from the meeting.

**COUNCIL RESOLUTION**

*101/06 Moved Cr Barrett-Lennard, seconded Cr McLagan that the meeting come out from behind closed doors and re-open to the public.*

CARRIED

The meeting reopened to the public at 5.46pm.

There were no public present therefore the decisions made behind closed doors were not read aloud.

**16. CLOSURE OF MEETING**

*There being no further business, the Shire President declared the meeting closed at 5.47pm.*

**CONFIRMED**

**PRESIDING MEMBER**