



Ordinary Council Meeting Minutes

Date: 25 October 2006

Please Note: These minutes and the decisions recorded therein have not as yet been confirmed by Council as a true and accurate record of the meeting.

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
MINUTES OF THE ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS, MOORA
WEDNESDAY 25 OCTOBER 2006

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1. DECLARATION OF OPENING & WELCOME OF VISITORS

The Shire President declared the meeting open at 3.36pm, 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	-	Presiding Member	-	Moora Town Ward
JL Craven (from 3.43pm)	-	Councillor	-	Moora Town Ward
SJ Pond	-	Councillor	-	Koojan Ward
AR Tonkin	-	Councillor	-	Coomberdale Ward
WA Barrett-Lennard	-	Councillor	-	Bindi Bindi Ward
JW McLagan	-	Councillor	-	Miling Ward
CD Hawkins	-	Councillor	-	Moora Town Ward
D Clydesdale-Gebert	-	Councillor	-	Watheroo Ward
SJ Deckert	-	Chief Executive Officer		
JL Greay	-	Operational Development Manager		
JL Ellis (from 3.41pm)	-	Financial Development Manager		
MM Murray	-	Executive Support Officer		

PUBLIC

Mr Norm Fox (until 4.32pm)	-	Project Director, Main Roads WA
Mr David Clarkson (until 4.32pm)	-	Project Manager, Main Roads WA
Mr Paul Kerle (until 4.32pm)	-	Project Manager, Main Roads WA
Ms Lynsey Humbles (until 4.32pm)	-	Civil Engineer, Main Roads WA

APOLOGIES

Mr CE Gardiner	-	Councillor	-	Moora Town Ward
Mr MJ Prunster	-	Community Development Manager		
Ms BR Williams	-	Enterprise Development Manager		

LEAVE OF ABSENCE

Nil

4. DECLARATIONS OF INTEREST

Cr Bryan declared a financial interest in Item 11.1.1, as she is an employee of the WA Country Health Service.

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

Cr McLagan applied in writing for leave of absence for the Ordinary Meeting of Council to be held on 8th November 2006, as he has commitments in the Eastern States from 3rd to 8th November 2006.

COUNCIL RESOLUTION

212/06 Moved Cr Barrett-Lennard, seconded Cr Pond that Cr McLagan be granted leave of absence for the Ordinary Meeting of Council to be held on 8th November 2006.

CARRIED 7/0

At 3.41 pm the Financial Development Manager joined the meeting.

8. PETITIONS AND MEMORIALS

Delegates from Main Roads WA attended the meeting to make a presentation to Council in relation to the proposed upgrading of the Great Northern Highway between Muchea and Wubin.

At 3.42pm the Shire President invited Mr Norm Fox, Project Director with Main Roads WA to address the meeting.

Mr Fox addressed Council and provided a power point presentation.

Of significant note was the planned upgrade of 16 kilometres of the Highway between Walebing and Bindi Bindi including improvements to the Toodyay – Bindi Bindi intersection in 2007/2008.

At 3.43pm Cr Craven joined the meeting.

At 4.30pm the Shire President thanked the group for their presentation.

At 4.32pm the delegation & the Executive Support Officer left the meeting

9. ANNOUNCEMENTS BY THE SHIRE PRESIDENT

Cr Tonkin attended a Moore Catchment Council meeting in Dandaragan on Friday 20 October 2006.

Cr Pond attended an Agriculture Department briefing on locust spraying on Monday 23 October 2006.

Cr Pond and the CEO attended a Special Meeting of the Central Midlands Voluntary Organisation of Councils earlier today, held in Moora. The purpose of the meeting was to consider expressions of interest from consultants to prepare a feasibility study of a Resource Recovery Eco-industrial Park.

At 4.36pm the Executive Support Officer rejoined the meeting.

10. CONFIRMATION OF MINUTES OF THE PREVIOUS MEETING**10.1 ORDINARY COUNCIL MEETING - 11 OCTOBER 2006****COUNCIL RESOLUTION**

213/06*Moved Cr Hawkins, seconded Cr McLagan that the Minutes of the Ordinary Meeting of Council held on 11 October 2006, be confirmed as a true and correct record of the meeting.*

CARRIED 8/0

11. REPORTS OF OFFICERS

At 4.39pm Cr Bryan declared a financial interest in the following item, 11.1.1, as she is an employee of the WA Country Health Service, and vacated the Council Chambers. Prior to vacating the Chambers Cr Bryan completed the Financial Interest Declaration Form in which a request to participate in discussion and decision-making was made.

COUNCIL RESOLUTION – ELECTION OF ACTING PRESIDING MEMBER

214/06*Moved Cr Tonkin, seconded Cr Hawkins that Cr Barrett-Lennard be appointed as Acting Presiding Member in the absence of Cr Bryan and assume the chair.*

CARRIED 7/0

COUNCIL RESOLUTION – CONSIDERATION OF APPLICATION TO PARTICIPATE

In declaring a financial interest, Cr Bryan made application for Council to determine that her interest is trivial and allow her to participate in the discussion and vote on the matter.

215/06*Moved Cr McLagan, seconded Cr Tonkin that Cr Bryan's interest in this matter is trivial and allow her to rejoin the meeting to participate in the discussion and vote on this item.*

CARRIED 7/0

At 4.42pm Cr Bryan rejoined the meeting and resumed the chair.

11.1 ADMINISTRATION

11.1.1 Wheatbelt Health MOU – Consideration of Draft MOU

LOCATION: Administration
FILE: GA/AVO1
AUTHOR: Steven Deckert, Chief Executive Officer
REPORT DATE: 20 October 2006
DECLARATION: The author has no financial interest in this matter.

BACKGROUND

For some time now the 44 Wheatbelt Councils, through their respective Zone representatives, have been negotiating with the Health Department and other related agencies, a Health Memorandum of Understanding (MOU). The intent of the MOU is “to provide a framework for the parties regarding continual communication, engagement, structures and processes that will enhance the health service delivery within the WACHS – Wheatbelt Region”.

Councillors were circulated with a copy of the initial draft MOU at a Briefing Session in July/August and were requested to read it and provide comment back to the CEO. The CEO received a general comment of support from the Shire President. As there were no other comments received, the CEO advised the Zone Executive Officer that the Shire of Moora has no objections to the intent of the draft MOU.

Subsequently, this Zones representatives have been negotiating the content of the MOU on behalf of the Councils in the Zone.

At the Zone meeting in Northam on 22 September 2006, the Zone considered the final draft MOU. The Zone has resolved that it cannot endorse the MOU because the MOU does not clearly articulate that the State has the prime responsibility for health services to this region.

Copies of the draft MOU and an email from the Zone Executive Officer explaining the decision made by the Zone are enclosed for Councils information.

Council is requested to give formal consideration of the MOU.

COMMENT

Even though the Zone has resolved not to accept the MOU in its current form, individual Councils may be at liberty to consider and enter into the MOU in their own right in respect to health services in their own Shire.

Whilst signing, as an individual Council may be an option, health is a regional issue and is better left to the Zone to speak for all Councils as a united voice. On this basis, the Shire of Moora should support the stance taken by the Zone and encourage the parties to seek a suitable resolution to the impasse.

STATUTORY ENVIRONMENT

Sections 2.7 and 3.1 of the Local Government Act 1995, relating to the general function provisions.

POLICY IMPLICATIONS

There are no policy implications in respect to the recommendation of this report.

BUDGET IMPLICATIONS

There are no budget or financial implications in respect to the recommendation of this report.

STRATEGIC IMPLICATIONS

The establishment of a Health MOU covering the health services provided in the Shire of Moora and the wider region supports the goals and strategies of the Key Result Areas of Infrastructure, People and Growth of Councils adopted Strategic Plan.

PRECEDENT

The recommendation of this report does not set precedence.

VOTING REQUIREMENTS

Simple Majority

**COUNCIL RESOLUTION
(OFFICER RECOMMENDATIONS) – ITEM 11.1.1**

216/06 *Moved Cr Clydesdale-Gebert, seconded Cr Hawkins that Council;*

- 1. Endorses the decision made by the Avon Midland Country Zone of WALGA, to not accept the draft Health MOU unless the MOU clearly articulates that the State is primarily responsible for the provision of health services in this region, and*
- 2. Advise the Zone that this Council is generally agreeable to the intent of the proposed MOU and would like to see continued discussions on a Health MOU that is acceptable to all parties.*

CARRIED 8/0

11.2 FINANCIAL DEVELOPMENT**11.2.1 Statement of Financial Activity for Period Ended 30 September 2006**

AUTHOR: Jo-Anne Ellis, Financial Development Manager
REPORT DATE: 20 October 2006
DECLARATION: Nil

BACKGROUND

Council is provided with monthly financial reports to enable monitoring of revenues and expenditures against the adopted budget.

COMMENT

The September 2006 Monthly Financial Report is provided as a separate attachment.

STATUTORY ENVIRONMENT

Local Government Act 1995, Division 3, Section 6.4

Local Government (Financial Management) Regulations 1996, Sec. 34

POLICY IMPLICATIONS

Nil

BUDGET IMPLICATIONS

Year to date income and expenditure is provided by line item to enable comparison to 2006/07 adopted budget.

STRATEGIC IMPLICATIONS

Monitoring of actual revenues and expenditures against the adopted budget assists Council in being informed as the financial health of the organisation.

PRECEDENT

Monthly reports are to be provided at the second meeting of each month.

VOTING REQUIREMENTS

Simple Majority

**COUNCIL RESOLUTION
(MANEX RECOMMENDATION) – ITEM 11.2.1**

217/06 Moved Cr Hawkins, seconded Cr Pond that Council note and receive the Statement of Financial Activity for the period ending 30 September 2006.

CARRIED 8/0

11.3 OPERATIONAL DEVELOPMENT**11.3.1 Tender – Motor Grader**

FILE: L/TEN1
AUTHOR: John Greay, Operational Development Manager
REPORT DATE: 19 October 2006
DECLARATION: Author owns a Caterpillar skid steer loader

BACKGROUND

Council has budgeted this year for the replacement of their Caterpillar 120H Grader. Council has an ongoing programme of plant replacement when it becomes due.

COMMENT

The current grader has accumulated 10800hrs since its purchase in 1997. We have allowed \$75,000 on the budget for a trade and \$330,000 for a new purchase allowing \$255,000 as a changeover. This grader is used for maintenance grading and construction but is too light to carry a free roll roller as is attached to Councils other maintenance grader. The replacement grader needs to be able to carry and operate a free roll roller in the future as we have found it to be very good combined with our other maintenance grader.

Five tenders were received and there were two for outright purchase and three to supply machines by trading in.

The outright purchases were from –

Smith & Broughton – Perth	\$85,547 incl GST
Ovest Machinery – Horsham	\$101,508 incl GST

Tenders for the supply of a new machine were received from –

Westrac Equipment	- Caterpillar 12H	- changeover	\$217,541.72
CJD Equipment	- Volvo G930	- changeover	\$248,600
Hitachi Equipment	- John Deere 670D	- changeover	\$211,200

Refer attached tenders for evaluation.

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Complying with Councils policy in regard to the replacement of plant.

BUDGET IMPLICATIONS

Within budgeted changeover.

STRATEGIC IMPLICATIONS

Council needs to retain a good road network and require efficient machinery to be able to do this. The Shire of Moora remains strategically placed for some major developments north of the metropolitan area and their road network will strongly support any major projects that develop.

PRECEDENT

Nil

VOTING REQUIREMENTS

Simple Majority

<p>COUNCIL RESOLUTION (MANEX RECOMMENDATION) – ITEM 11.3.1</p>

218/06 Moved Cr Pond, seconded Cr Tonkin that Council accept the tender from Westrac Equipment for the supply of one new Caterpillar 12H Grader and trade in of Councils existing Caterpillar 120H Grader at a net changeover price of \$217,541.72.

CARRIED 8/0

11.4 COMMUNITY DEVELOPMENT

Nil

11.5 ENVIRONMENTAL DEVELOPMENT

11.5.1 Moore River Tree Clearing Permit

LOCATION: Moora Townsite
FILE: GA/EPA I
AUTHOR: Steven Deckert, Chief Executive Officer
REPORT DATE: 20 October 2006
DECLARATION: The author has no financial interest in this matter

BACKGROUND

At the Briefing Session on 13 September 2006, Council was informed that the Department of Environment and Conservation had indicated that the request to clear trees (saplings) from within the Moore River was complicated due to native title issues and multiple land tenures. Council reaffirmed its desire to see these trees removed.

Subsequently the Department of Environment and Conservation were advised of Council's position and now a draft Clearing Permit has been provided for comment prior to final issue.

A copy of the draft Clearing Permit is enclosed for Council's consideration.

COMMENT

The permit specifies matters and conditions such as what clearing is authorised, species to be cleared, number of saplings to be removed, the method of clearing, recording and reporting requirements and so on. Most conditions are reasonable and not too onerous, however the revegetation requirement that at least 5000 seedlings be planted along the banks of the Moore River seems excessive. It is understood that this requirement is negotiable and a more reasonable number, based on what we were planning to do in this area would be 2000.

STATUTORY ENVIRONMENT

Sections 2.7 and 3.1 of the Local Government Act 1995, relating to the general function provisions.

POLICY IMPLICATIONS

There are no policy implications in respect to the recommendation of this report.

BUDGET IMPLICATIONS

There are no budget or financial implications in respect to the recommendation of this report. However once the permit is issued, Council will need to ensure that it has sufficient resources to carryout the removal of the trees and meet the revegetation conditions.

STRATEGIC IMPLICATIONS

The maintenance of the Moore River watercourse and revegetation of the banks of the river are consistent with the key Result Area of Growth of the strategic Plan, particularly the strategy to protect and manage the resource base.

PRECEDENT

The recommendation of this report does not set precedence.

VOTING REQUIREMENTS

Simple Majority

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

219/06 *Moved Cr Tonkin, seconded Cr McLagan that Council advises the Department of Environment and Conservation that it acknowledges and accepts the conditions contained within the draft Clearing Permit (as appended) subject to Clause 6(a) being amended to require the planting of at least 2000 seedlings in lieu of 5000 seedlings.*

CARRIED 8/0**11.6 ECONOMIC DEVELOPMENT**

Nil

11.7 SPORT AND RECREATION

Nil

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

Nil

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

The Chief Executive Officer tabled two late items dealing with:

1. Lot 50 Great Northern Highway Bindi- Bindi – Recreation Ground, and
2. Revocation Motion – Point 2 of Resolution 207/06, item 11.2.4 of the Ordinary Meeting of Council Held on 11 October 2006

for Council's consideration.

COUNCIL RESOLUTION

220/06 *Moved Cr Barrett-Lennard, seconded Cr McLagan that Council consider the two late items as tabled by the CEO titled "Lot 50 Great Northern Highway Bindi Bindi – Recreation Ground", and that the "Revocation Motion – Point 2 of Resolution 207/06, item 11.2.4 of the Ordinary Meeting of Council Held on 11 October 2006".*

CARRIED 8/0

13.1 Lot 50 Great Northern Highway Bindi Bindi – Recreation Ground

LOCATION: Bindi Bindi
FILE: P/RES I
AUTHOR: Michael Prunster, Community Development Manager
REPORT DATE: 23 October 2006
DECLARATION: Author has no financial interest in this item.

BACKGROUND

Council has received an expression of interest to purchase the above property. (Copy of letter attached).

Council has had control of this site since 1940. Over the years it has been used as a recreation sports ground for football, cricket and tennis for the residents of Bindi Bindi. The area of the lot is approximately 5ha (12a 1r 3lp).

We understand that the ground has not been used for sporting purposes for several years, and currently the old toilet block, tennis courts and lighting still remain on the site. The main ground is covered with regrowth of the natural bush.

COMMENT

The location of the recreation is on the corner of Great Northern Highway and the Toodyay-Bindi Road. The current zoning of the lot is “farming”.

Council will need to make the decision regarding future use of the site, and should they agree to offer the land for sale the requirements of the Local Government Act (1995) will need to be adhered to. Should Council agree to offer the property for sale, it is recommended that the Bindi Bindi Progress Association be advised of the decision and request their comments.

Under the L.G.A. (1995) Council has the following options to sell property: -

- The highest bidder at public auction; or
- The person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.
- By private treaty if it gives local public notice of the proposed disposition by: -
 - i. Describing the property concerned
 - ii. Giving details of the proposed disposition; and
 - iii. Inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;
 - iv. The names of all other parties concerned
 - v. The consideration to be received by the local government for the disposition and
 - vi. The market value of the disposition as ascertained by a valuation carried out not more that 6 months before the proposed disposition.

From the options available to Council, it is recommended that Council offer the property for sale by Tender.

A valuation of the property should be obtained from a licensed property valuer.

It should be noted that any future developments by a successful tenderer would be subject to planning and building applications to the Shire.

STATUTORY ENVIRONMENT

L.G.A. (1995) S3.58 (1-5)

POLICY IMPLICATIONS

Nil

BUDGET IMPLICATIONS

Unbudgeted surplus funds from sale.

STRATEGIC IMPLICATIONS

Council is currently responsible for maintaining the property buildings, and with the facility no longer being used, sale of the property is thought to be in the best interest of Council.

PRECEDENT

Council has previously disposed of Council owned property.

VOTING REQUIREMENTS

Absolute Majority

<p>COUNCIL RESOLUTION (OFFICER RECOMMENDATION) – ITEM 13.1</p>

221/06 Moved Cr Barrett-Lennard, seconded Cr McLagan that Council agree in principle to the sale of Lot 50 Great Northern Highway previously used as the Bindi Bindi Recreation Ground, however seek the advice and comments from the Bindi Bindi Progress Association before progressing this matter any further.

CARRIED BY ABSOLUTE MAJORITY 8/0

13.2 Revocation Motion – Point 2 of Resolution 207/06, item 11.2.4 of the Ordinary Meeting of Council Held on 11 October 2006

The Shire President requested Council to consider the following revocation motion to correct an error of fact in the minutes of the Ordinary Meeting of Council held on 11 October 2006.

At the Ordinary Meeting of Council held on 11 October 2006, Council passed a resolution that in part is factually incorrect. Point 2 of Resolution 207/06 implies that the Shire of Moora applied for an extension of time in which to submit its annual financial statements to its Auditors last year. This is not correct as the financial statements for the year ended 30 June 2005 were delivered to the auditors before the due date.

Councillor's Bryan, Barrett-Lennard and Tonkin indicated that they were prepared to consider the revocation motion.

COUNCIL RESOLUTION

222/06 Moved Cr Bryan, seconded Cr Barrett-Lennard that point 2 of resolution 207/06 in respect to item 11.2.4 “Application for Extension of Time to Submit Financial Report to Auditors” passed at the Ordinary meeting of Council held on 11 October 2006 and the accompanying note, be revoked because point 2 is factually incorrect.

CARRIED BY ABSOLUTE MAJORITY 8/0

14. NOTICE ON MOTIONS FOR THE NEXT COUNCIL MEETING

Nil

15. MATTERS BEHIND CLOSED DOORS**COUNCIL RESOLUTION
(RECOMMENDATION)**

223/06 Moved Cr Hawkins, seconded Cr McLagan that the meeting move behind closed doors to discuss Item 15.1, ‘CMVROC – Resource Recovery Eco-Industrial Park Project – Feasibility Investigation’ that if disclosed would reveal:

- the information that has a commercial value, pursuant to Section 5.23(2)(e)(ii) of the Local Government Act 1995.

CARRIED 8/0

The meeting moved behind closed doors at 5.19pm

15.1 CMVROC – Resource Recovery Eco-Industrial Park Project – Feasibility Investigation

Provided to Councillors under confidential cover.

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

224/06 Moved Cr Hawkins, seconded Cr Clydesdale-Gebert that Council

At 5.21pm the Operational Development Manager left the meeting & returned at 5.30pm.

- 1) Support the CMVROC request for a contribution of \$8,000 to obtain the services of a suitably experienced consultant to prepare a feasibility study into the development of a Resource Recovery Eco-Industrial Park.
- 2) Delegates the appointment of the consultant to the CMVROC subject to funding being received from member Councils.
- 3) Approves the funds of up to \$8,000 to be expended from the Fatal Flaw Study budget account number 12409.

CARRIED 8/0

COUNCIL RESOLUTION

225/06 Moved Cr McLagan, seconded Cr Hawkins that the meeting come out from behind closed doors and re-open to the public.

CARRIED 8/0

The meeting reopened to the public at 5.33pm.

On reopening the meeting to the public, 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 5.35pm.

CONFIRMED

PRESIDING MEMBER