

**SHIRE OF MOORA**  
**MINUTES OF THE ORDINARY MEETING OF COUNCIL**  
**HELD IN THE COUNCIL CHAMBERS, MOORA**  
**15 NOVEMBER 2017**

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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 31 October 2017*
- 9.2.1 *Attachment A – Draft Amendment Local Law*
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- 10.1 *Quotations*

## **I. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS**

### **I.1 DECLARATION OF OPENING**

*The Shire President declared the meeting open at 5.32pm.*

### **I.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**

KM Seymour	-	Presiding Member / President
LC House	-	Councillor / Deputy President
TG Humphry	-	Councillor
DV Clydesdale-Gebert	-	Councillor
PF Nixon	-	Councillor
EI Hamilton	-	Councillor
PJ Bellamy	-	Councillor
TL Lefroy	-	Councillor
JM Thomas	-	Councillor
AJ Leeson	-	Chief Executive Officer
DT Trevaskis	-	Deputy Chief Executive Officer
JL Greay	-	Manager Engineering Services
P Williams	-	Manager Development Services
MM Murray	-	Executive Support Officer (minute taker)

### **PUBLIC**

Cynthia McMorran AM JP	-	Freeman
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## **3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil

## **4. PUBLIC QUESTION TIME**

### **Cynthia McMorran**

Shire Depot – Mrs McMorran queried if the Shire Depot was planned to be relocated in the future, possibly to the Moora Light Industrial Area.

CEO responded advising there are no short-medium term plans to shift the shire depot. Council some years back had planned to move it to Woolawa Street Light Industrial Area, however given that area is within the Moora Flood Plain it seemed illogical to move it to the area with the Shire being an emergency response agency.

**5. PETITIONS AND PRESENTATIONS**

Nil

**6. APPLICATIONS FOR LEAVE OF ABSENCE**

Nil

**7. ANNOUNCEMENTS BY THE PRESIDING MEMBER**

The following Council associated engagements were attended;

Cr Seymour

24/10 Brett Young Dealer Principal, Cunninghams re: housing in Moora

26/10 Presented welcome address to 2017 Caravan & Motor Home Club of Australia - West Coast State Rally, Moora Recreation Grounds

27/10 Retiring Councillor dinner

6/11 Bev Port-Louis, Dianne Yappo, June Headland, Council Chambers

9/11 Meeting with DFES Superintendent Craig Smith, New Norcia

14/11 Briefing concerning Central Midlands Aboriginal Progress Association land auction

Cr House

31/10 Watheroo Development Association meeting

27/10 Retiring Councillor dinner

6/11 Bev Port-Louis, Dianne Yappo, June Headland, Council Chambers

11/11 Remembrance Day service, laid wreath on behalf of Council, Moora

14/11 Briefing concerning Central Midlands Aboriginal Progress Association land auction

Cr Thomas

13/11 Met with Bev Port-Louis, Dianne Yappo, June Headland, Moora

14/11 Briefing concerning Central Midlands Aboriginal Progress Association land auction

Cr Clydesdale-Gebert

27/10 Retiring Councillor dinner

14/11 Briefing concerning Central Midlands Aboriginal Progress Association land auction

Cr Bellamy

10/11 Meeting with Kelly Prior and Cheryl Chipper regarding the CMAPA

14/11 Briefing concerning Central Midlands Aboriginal Progress Association land auction

Cr Hamilton

27/10 Retiring Councillor dinner

11/11 Remembrance Day service, Moora

14/11 Briefing concerning Central Midlands Aboriginal Progress Association land auction

Cr Humphry  
 27/10 Retiring Councillor dinner  
 31/10 Moora Primary School Board meeting  
 6-8/11 ALGA National Roads Conference, Albany  
 11/11 Remembrance Day service, Moora  
 14/11 Briefing concerning Central Midlands Aboriginal Progress Association land auction

Cr Nixon  
 27/10 Retiring Councillor dinner  
 11/11 Remembrance Day service, Moora  
 14/11 Briefing concerning Central Midlands Aboriginal Progress Association land auction

## 8. **CONFIRMATION OF MINUTES**

### 8.1 **ORDINARY COUNCIL MEETING - 18 OCTOBER 2017**

#### **COUNCIL RESOLUTION**

*128/17 Moved Cr Nixon, seconded Cr House that the Minutes of the Ordinary Meeting of Council held on 18 October 2017 be confirmed as a true and correct record of the meeting.*

**CARRIED 9/0**

### 8.2 **SPECIAL COUNCIL MEETING - 1 NOVEMBER 2017**

#### **COUNCIL RESOLUTION**

*129/17 Moved Cr Hamilton, seconded Cr Humphry that the Minutes of the Special Meeting of Council held on 1 November 2017 be confirmed as a true and correct record of the meeting.*

**CARRIED 9/0**

## 9. **REPORTS OF OFFICERS**

### 9.1 **GOVERNANCE AND CORPORATE SERVICES**

#### 9.1.1 **LIST OF PAYMENTS AUTHORISED UNDER DELEGATION 1.31**

**REPORT DATE:** 8 November 2017

**OFFICER DISCLOSURE OF INTEREST:** Nil

**AUTHOR:** David Trevaskis, Deputy Chief Executive Officer

**SCHEDULE PREPARED BY:** Alida Fitzpatrick, Finance Rates 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**

*130/17 Moved Cr Humphry, seconded Cr Bellamy that Council notes and endorses the Payments from the Municipal and Trust Funds made under delegation 1.31*

<b>Municipal Fund</b>	<b>Cheques 62296 to 62307</b>	<b>\$8,297.84</b>
	<b>EFT 18277 to 18438</b>	<b>\$535,431.58</b>
	<b>Credit Card 04/09/17 to 02/10/17</b>	<b>\$3,027.68</b>
	<b>DD 11459.1 to 11522.12</b>	<b>\$66,042.73</b>
	<b>Net Pays – PPE 03/10/17</b>	<b>\$110,856.29</b>
	<b>Net Pays – PPE 17/10/17</b>	<b>\$96,412.70</b>
<b>Trust Fund</b>	<b>Cheques 5286 to 5289</b>	<b>\$183.30</b>
<b>Total</b>		<b><u>\$820,252.12</u></b>

**CARRIED 9/0**

## **9.1.2 STATEMENT OF FINANCIAL ACTIVITY FOR PERIOD ENDED 31 OCTOBER 2017**

**REPORT DATE:** 7 November 2017

**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 October 2017

### **PURPOSE OF REPORT:**

To note and receive the Statement of Financial Activity for the period ended 31 October 2017.

### **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 2016/17 adopted budget.

### **VOTING REQUIREMENTS**

Simple Majority Required

**COUNCIL RESOLUTION**

***131/17 Moved Cr Bellamy, seconded Cr Humphry that Council notes and receives the Statement of Financial Activity for the period ended 31 October 2017.***

**CARRIED 9/0**

**9.1.3 LOCAL GOVERNMENT ACT SALES (14072, 15264, 16457, 16475)**

**FILE REFERENCE:** PA/1817, PA/16, PA931 and PA/942

**REPORT DATE:** 13 November 2017

**APPLICANT/PROPONENT:** Shire of Moora

**OFFICER DISCLOSURE OF INTEREST:** N/A

**PREVIOUS MEETING REFERENCES:** Nil

**AUTHOR:** David Trevaskis, Deputy Chief Executive Officer

**ATTACHMENTS:** Nil

**PURPOSE OF REPORT:**

For Council to authorise the Chief Executive Officer, Alan Leeson and / or the Deputy Chief Executive Officer, David Trevaskis to enter into contracts for sale for the properties listed below.

**BACKGROUND:**

Under section 6.64 of the *Local Government Act 1995 (WA)*, as rates and service charges have been owing for a period of at least 3 years the Shire of Moora has taken possession of, and is to offer for sale by public auction, the following properties:

Auction Location	6 Pryre Street, Coomberdale	72 Padbury Street, Moora	Lot 20 Ferguson Street, Miling	18225 Great Northern Highway, Miling
Time & Date of Auction:	11:00AM, 16 November 2017	1:00PM, 16 November 2017	11:00AM, 17 November 2017	1:00PM on 17 November 2017
Description of land and lot or location number	Lot 16	Lot 20	Lot 20	Lot 7
Plan or Diagram Number	Plan 3010	Diagram 44654	Plan 4871	Plan 5291
Title Reference	Volume 1506 Folio 543	Volume 1348 Folio 466	Volume 1191 Folio 307	Volume 1744 Folio 395
Area	1007m <sup>2</sup>	2268m <sup>2</sup>	635m <sup>2</sup>	961m <sup>2</sup>
Street	Pryre Street	Padbury Street	Ferguson Street	Great Northern Highway
Description of improvement, if any	Nil	Commercial Building	Residential Building	Residential Building
Name of Owner	George Paul Texas May	Central Midlands Aboriginal Progress Association Inc	Lorraine Smith of Lot 20 Ferguson Street, Miling	George Horst Kalkowski
Names of other persons appearing to have an estate or interest	Nil	Nil	Shire of Moora of 34 Padbury Street, Moora WA 6510	Water Corporation of 240 Balcatta Road, Balcatta WA 6021
Rates/service charges outstanding	\$3,706.33	\$22,229.22	\$9,156.46	\$4,852.81



Other charges due on the land	\$404.79 – Emergency Services Levy and interest; \$1,349.50 – Legal Charges.	\$742.44 - Emergency Services Levy and interest; \$10,177.90 - Sewerage Levy; \$5,616.99 – Rubbish Levy; \$3,240.95 – Legal Charges; \$36.00 – Instalment Plan – Admin Fee.	\$599.76 - Emergency Services Levy and interest; \$4,806.00 – Rubbish Levy; \$7,979.24 – Legal Charges.	\$457.82 - Emergency Services Levy and interest; \$748.00 - Rubbish Levy; \$1,370.45 – Legal Charges.
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**LEGISLATIVE REQUIREMENTS:**

9.49A of the Local Government Act 1995 (WA)

**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**

***132/17 Moved Cr Clydesdale-Gebert, seconded Cr Lefroy that pursuant to section 9.49A of the Local Government Act 1995 (WA) Council resolves to authorise David Trevaskis and/or Alan Leeson either jointly or severally to enter into, perform, execute and carry out on behalf of the Shire any contracts and/or auction particulars and conditions of sale of freehold property for any of the properties listed above as they think fit and to rescind or vary any of those contracts as and when they think fit.***

**CARRIED 9/0**

### 9.1.4 **APPOINTMENT TO COMMITTEES / WORKING GROUPS**

The Local Government Act 1995 Section 5.46 requires that a register of delegations be kept and that those delegations made must be reviewed at least once every financial year by the delegator (Council).

Now is the opportune time given the recent election to review the 'Delegations to Committee's/Working Groups' section of the Delegations Register.

A list of the current delegations with proposed changes follows to be reviewed by Councillors and updated accordingly.

#### **Management & Audit Committee**

Membership: 9 Councillors

#### **General Purpose Committee**

Membership: 9 Councillors

#### **Avon-Midland Country Zone WALGA**

Membership: Shire President & Deputy President

#### **Local Government Grain Freight Group** Cr Seymour as Avon-Midland Zone delegate

Meets: Quarterly at WALGA

#### **Development Assessment Panel**

Membership: Cr Humphry and Cr Clydesdale-Gebert

Alternate members: Cr                      and Cr                      *(new Councillor nominations)*

Meets: On demand / when required by Department of Planning

#### Portfolio Groups

#### **Local Emergency Management Committee (LEMC)**

Membership: Shire President (Chair), Chief Executive Officer, Manager Engineering Services, Manager Development Services & Community Emergency Services Manager plus representatives appointed by the LEMC Committee

Meets: Quarterly

#### Council Membership to other Committees

Moora Residential College Linc Advisory Committee - Cr Humphry

Meets: Quarterly at the College

Community Resource Centre Mgmt. Committee - Cr Hamilton with proxy *(new Councillor nomination)*

Meets: Monthly (2<sup>nd</sup> Wednesday)

Landcare Groups (Rural Water Council / West Koojan-Gillingarra LCDC) -

Cr                      *(new Councillor nomination)*

Meets: Bi Monthly in Gillingarra

Wildflower Country Inc. Committee - Cr Hamilton with proxy *(new Councillor nomination)*

Meets: Bi Monthly in Three Springs

Wheatbelt North Regional Road Group - Shire President, Cr Seymour with proxy  
Cr Nixon

Meets: Half Yearly in Northam

Moora Sub Regional Road Group - Shire President, Cr Seymour with proxy Cr Nixon

Meets: On demand / when required in Moora

Innovation Central Midlands WA Inc. - Cr Seymour, Merrel Pond and Peta Thorniley

Meets: Monthly

### **VOTING REQUIREMENTS**

Absolute Majority Required

## **COUNCIL RESOLUTION**

*133/17 Moved Cr Humphry, seconded Cr Bellamy that the 'Delegations to Committee's/Working Groups' section of the Delegations Register as reviewed be updated to reflect the delegations as listed;*

### **Management & Audit Committee**

Membership: 9 Councillors

### **General Purpose Committee**

Membership: 9 Councillors

### **Avon-Midland Country Zone WALGA**

Membership: Shire President & Deputy President

**Local Government Grain Freight Group** Cr Seymour as Avon-Midland Zone delegate

Meets: Quarterly at WALGA

### **Development Assessment Panel**

Membership: Cr Humphry and Cr Clydesdale-Gebert

Alternate members: Cr Seymour and Cr Bellamy

Meets: On demand / when required by Department of Planning

### Portfolio Groups

### **Local Emergency Management Committee (LEMC)**

Membership: Shire President (Chair), Chief Executive Officer, Manager Engineering Services, Manager Development Services & Community Emergency Services Manager plus representatives appointed by the LEMC Committee

Meets: Quarterly

### Council Membership to other Committees

Moora Residential College Linc Advisory Committee - Cr Humphry

Meets: Quarterly at the College

Community Resource Centre Mgmt. Committee - Cr Hamilton with proxy Cr Lefroy

Meets: Monthly (2<sup>nd</sup> Wednesday)

Landcare Groups (Rural Water Council / West Koojan-Gillingarra LCDC) - Cr Nixon  
Meets: Bi Monthly in Gillingarra

Wildflower Country Inc. Committee - Cr Hamilton with proxy Cr Bellamy  
Meets: Bi Monthly in Three Springs

Wheatbelt North Regional Road Group - Shire President, Cr Seymour with proxy Cr Nixon  
Meets: Half Yearly in Northam

Moora Sub Regional Road Group - Shire President, Cr Seymour with proxy Cr Nixon  
Meets: On demand / when required in Moora

Innovation Central Midlands WA Inc. - Cr Seymour, Tracy Lefroy and Peta Thorniley  
proxy Tracy Humphry  
Meets: Monthly

Moora Frail Aged Lodge Committee - Cr Humphry, Cr Hamilton, Cr Thomas & the Chief Executive Officer  
Meets: Quarterly

**CARRIED by ABSOLUTE MAJORITY 9/0**

## **9.2 DEVELOPMENT SERVICES**

### **9.2.1 COMMENCE AMENDMENTS OF THE SHIRE OF MOORA WASTE LOCAL LAW 2016 AND DOGS LOCAL LAW 2016 AS REQUESTED BY THE JOINT STANDING COMMITTEE ON DELEGATED LEGISLATION**

**FILE REFERENCE:** PR/ADVI & PL/LOLI

**REPORT DATE:** 7 November 2017

**APPLICANT/PROPONENT:** Shire of Moora

**OFFICER DISCLOSURE OF INTEREST:** Nil

**PREVIOUS MEETING REFERENCES:** 20/9/17 (101/17)

**AUTHOR:** Phil Swain, Consultant

**ATTACHMENTS:** Attachment A – Draft Amendment Local Law

#### **PURPOSE OF REPORT:**

The purpose of this report is for Council to commence the adoption process for necessary amendments to the recently adopted Dogs Local Law 2016 and Waste Local Law 2016, as requested by the Joint Standing Committee on Delegated Legislation (JSCDL).

#### **BACKGROUND:**

At its meeting of 20 September 2017 Council resolved;

*That the Council of the Shire of Moora;*

- 1. undertakes to within six months, amend the Shire of Moora Waste Local Law 2016 to include an "Objection and appeal rights clause" as per the corrected Western Australian Local Government Association Model template;*

2. *undertakes to within six months, amend the Shire of Moora Waste Dogs Local Law 2016 in the following manner:*
- *Amend clause 4.11(2) so that the reference to clause 4.10(2) is 4.9(2)*
  - *Amend clause 4.13(l)(d)(ii) so that the reference to clause 4.10(3) is 4.9(3)*
  - *Amend clause 4.13(4) so that the reference to clause 4.15(b) is 4.14(b)*
  - *Amend clause 4.14(c) so that the reference to clause 4.13(l) is 4.12(l)*
  - *Amend clause 4.140 so that the reference to clause 4.13(2)(a) is 4.12(2)(a)*
  - *Amend clause 4.14(g) so that the reference to clause 4.13(2) is 4.12(2)*
  - *Amend clause 5.6(2) so that the reference to clause 7.3 is 5.3*
  - *Amend the reference to clause 7.2 on the right hand side of the Schedule to 5.2*
  - *Delete Schedule 3 and insert a rectified Schedule 3.*
3. *resolves that in relation to the undertakings described in 1. & 2. above*
- *That all consequential amendments arising from the undertakings will be made;*
  - *That the Local Laws will not be enforced in a manner contrary to the undertakings given;*
  - *That the undertakings will be completed within six months of the date of the letter giving the undertaking;*
  - *That the Shire will provide a copy of the finalised Minutes of this meeting after they are confirmed to the Joint Standing Committee on Delegated Legislation; and*
  - *That until the relevant amendments are finalised, whenever the Local Law is made publicly available, whether in hard copy or electronic form, it will be accompanied by a copy of the relevant undertaking.*

The Laws had been developed following an initial review of the Shire's Local Laws in 2013/14 and were finally gazetted on 27 March 2017. There had been several impediments to finalising the Local Laws, including various Act changes, proposed Bills and the Shire Administration exercising some caution due to other local governments experiencing difficulties with enacting new legislation, with the intervention of the JSCDL.

Following the Committee's review of the Shire's Local Laws, it has requested amendments to the Waste Local Law 2016 and the Dogs Local Law 2016.

#### **COMMENT:**

The advice from the JSCDL has highlighted the following problems with two (2) Local Laws:

#### **Waste Local Law**

The Department of Environmental Regulation (now known as the Department of Water and Environmental Regulation) developed a template waste local laws in conjunction with the Western Australian Local Government Association (WALGA), with advice from the Joint Standing Committee on Delegated Legislation (JSCDL). The Committee was extensively involved with inquiring into WALGA's (then) proposed Waste Local Law template in September 2014.

Although the Shire of Moora Waste Local Law 2016 is based on this model, the WALGA had circulated a version of the local law, as template, which has been amended after final advice from the JSCDL. The removal of provisions which explicitly outline appeal rights was not in accordance with the Committees agreed template as the following appeal clause had been removed;

#### *5.1 Objection and appeal rights*

*Division 1 of Part 9 of the LG Act applies to a decision under the local law to grant, renew, vary or*

*cancel -*

- (a) an approval under clause 27(b);*
- (b) an exemption under clause 2.8(2);*
- (c) an approval under clause 2.10(1);*
- (d) an authorisation under clause 3.2(1)(c);*
- (e) an approval under clause 3.2(2); and*
- (f) an approval under clause 3.3.*

The view of the Committee is that, although Part 9, Division I of the Act applies to any decision made by a local government, it (the Committee) prefers that statutory appeal rights be expressly provided for in the body of a local law. The Committee has advised that by including it in this Local Law there is an 'effective', highly visible mechanism for review of an administrative decision, rather than an implicit review.

The JSCDL has further advised that due to the Committee's extensive participation in developing excellence in the template, it would be inappropriate for clause 5.1 to remain omitted until the Shire's Local Law is next reviewed which will be due in 2021-22. The Committee has indicated that it has no objection to the inclusion of the appeal provision as a new Clause 6 to simplify the amendment of the existing local law.

### **Dogs Local Law 2016**

The Shire of Moora Dogs Local Law 2016 is based on the WALGA model. The Shire received advice from the DLGC in relation to the original draft of its Local Law and minor amendments, formatting and modifications were made in line with advice, at the time of adoption. Changes included additional clarification of definitions, references and the removal of some clauses due to changes to the Act and Regulations. This included Clause 4.9 titled "compliance with conditions of approval" because compliance with conditions of approval and penalties are now contained in the Dog Act 1976 and the Dog Regulations 2013. Inadvertently, this omission has led to numbering errors in several clauses in the adopted local law and the Schedule of penalties at the end of the law.

The Committee requested that the Council of the Shire of Moora provide undertakings to make amendments to the Dogs Local Law 2016 as outlined above and as agreed by the resolution of 20 September 2017.

It is proposed that the Shire now progress a general amendment local law (Attachment A) to rectify the matters raised by the JSCDL.

### **POLICY REQUIREMENTS:**

There are no current Council policies relating to the two (2) Local Laws.

### **LEGISLATIVE REQUIREMENTS:**

The Shire needs to give notice, in accordance with the requirements of the Local Government Act 1995, of its intention to make an amendment local law to rectify the matters, and that local law will have to be adopted in accordance with the Act requirements. This will include state wide advertising with a submission period of six (6) weeks and referral of the waste local law amendment to the Department of Environmental Regulation for approval, prior to Council adoption of the amendment local law.

### **STRATEGIC IMPLICATIONS:**

Goal 5: Good governance and an effective and efficient organisation.

Scope: Governance, corporate and administrative services, financial management, statutory

compliance and customer services.

### **SUSTAINABILITY IMPLICATIONS:**

- **Environment**  
There are various environmental implications associated with this proposal, including the ability to provide for refuse and recycling services.
- **Economic**  
All local laws are required to be consistent with the National Competition Policy and, unless justified under the Public Benefit Test, should not contain provisions that restrict competition.
- **Social**  
Community consultation will need to be undertaken in accordance with legislative requirements during the development of the amendment local law.

### **FINANCIAL IMPLICATIONS:**

Direct costs associated with this report are limited to consultant fees to draft the amendment Local Law, advertising, correspondence and reports, including the preparation of an Explanatory Memoranda for the amendment Local Law. These costs will be borne via budgeted expenditure.

Once adopted the Shire will incur gazettal costs, as all local laws need to be published in the government gazette. The current gazettal cost for bulk notices is \$268.50 per page, however, as an amendment only, the total gazettal pages will be small. The Shire must also give local public notice of the adoption in a publication circulating in the Shire to satisfy the Act requirements following the adoption.

### **VOTING REQUIREMENTS**

Absolute Majority Required

### **COUNCIL RESOLUTION**

***134/17 Moved Cr Clydesdale-Gebert, seconded Cr Thomas that the Council of the Shire of Moora resolves to commence the adoption process of the Local Government (General Amendment) Local Law 2018, as outlined in Attachment A, and directs Administration to give local public notice and state-wide public notice in accordance with section 3.12 of the Local Government Act 1995, seeking public comment for the local law.***

**CARRIED by ABSOLUTE MAJORITY 9/0**

### **9.3 ENGINEERING SERVICES**

#### **9.3.1 PROPOSED PERMANENT ROAD CLOSURE – UN-NAMED ROAD**

Cr Nixon declared a proximity and impartiality interest as he is a neighbour who has used the road frequently in the past and wishes to use it in the future, and left the meeting at 6.00pm.

Item carried over from 18 October 2017 meeting, as a quorum was not met due to the number of members' present being reduced to 4.

**FILE REFERENCE:** S/ROCI

**REPORT DATE:** 6 October 2017

**APPLICANT/PROPONENT:** Shire of Moora

**OFFICER DISCLOSURE OF INTEREST:** Cr P Nixon

**PREVIOUS MEETING REFERENCES:** 18/10/17

**AUTHOR:** John Greay, Manager Engineering Services

**ATTACHMENTS:** Map

**PURPOSE OF REPORT:**

Council to consider the permanent closure of Un-named Road. (refer map)

**BACKGROUND:**

Council received a letter from Mr David Glasfurd on the 5<sup>th</sup> April 2017 expressing concern regarding access to this un-named road which is a gazetted but an unmade road that runs south of the Midlands Road (between Walebing and Moora) which could be deemed to be an extension of Orton Road which is located to the north.

The road is not constructed and is situated in between farmlands (lots 9 & 2423) owned by Lightform Nominees Pty Ltd. The request is to close the road at the south west corner of lot 2423 as indicated on the attached map.

**COMMENT:**

Council has been in possession of this letter for some time but due to unforeseen circumstances it hasn't been able to be presented before this. Mr Glasfurd is anxious for this matter to be resolved as soon as possible, particularly with the onset of summer approaching.

Mr Glasfurds' request and concerns are outlined below: -

1. The road does not connect to any other roads and is not the sole available access route to any adjoining property.
2. Bio security is a major issue for my farming enterprise and the control of the spread of weeds and noxious plants is both a time consuming and expensive undertaking. It is our considered opinion that unrestricted access through our property (see point 5 below) by third parties put at risk, the success of our ongoing bio-security programs.
3. We store on the property as part of normal farming practices, expensive farming equipment and chemicals. Without access to the road area being controlled and to adjoining parts of the land we have security concerns and concerns for health and welfare of anyone interfering with the chemicals stored.
4. The farming enterprise is mixed cropping and grazing and there is an inherent public safety risk of uncontrolled vehicle access and ongoing livestock grazing if the gazetted road remains accessible to the public.



5. If the gazetted road continues to remain accessible to the public, on the basis of the concerns raised above, the road would need to be fenced and maintained on an ongoing basis by the Shire of Moora.

The historic understanding is that this road has never been developed or used for any purpose and council has no use for it to remain open. Council has numerous unmade gazetted roads throughout the shire which remain in their current state and it is only when someone makes application for closure for such that council has their attention drawn to the situation. It is not

practical to go through the process of investigating the closure of each and every road that falls into that category throughout the shire.

#### **POLICY REQUIREMENTS:**

Council does not have a policy relevant to this matter. It maybe that a policy be developed, however the merits of individual cases/situations would make it difficult to develop a policy that would have a broad and practical application. The author is of the view that individual cases be considered on their merit.

#### **LEGISLATIVE REQUIREMENTS:**

Refer to attached guideline.

Also, refer to actual legislation hereunder;

#### ***Land Administration Act 1997 – Section 58***

##### **58. Closing roads**

- (1) When a local government wishes a road in its district to be closed permanently, the local government may, subject to subsection (3), request the Minister to close the road.
- (2) When a local government resolves to make a request under subsection (1), the local government must in accordance with the regulations prepare and deliver the request to the Minister.
- (3) A local government must not resolve to make a request under subsection (1) until a period of 35 days has elapsed from the publication in a newspaper circulating in its district of notice of motion for that resolution, and the local government has considered any objections made to it within that period concerning the proposals set out in that notice.
- (4) On receiving a request delivered to him or her under subsection (2), the Minister may, if he or she is satisfied that the relevant local government has complied with the requirements of subsections (2) and (3) —
  - (a) by order grant the request; or
  - (b) direct the relevant local government to reconsider the request, having regard to such matters as he or she thinks fit to mention in that direction; or
  - (c) refuse the request.
- (5) If the Minister grants a request under subsection (4) —
  - (a) the road concerned is closed on and from the day on which the relevant order is registered; and
  - (b) any rights suspended under section 55(3)(a) cease to be so suspended.
- (6) When a road is closed under this section, the land comprising the former road —
  - (a) becomes unallocated Crown land; or

- (b) if a lease continues to subsist in that land by virtue of section 57(2), remains Crown land.

### ***Land Administration Regulations 1998***

#### **9. Local government request to close road permanently (Act s. 58(2)), requirements for**

For the purposes of preparing and delivering under section 58(2) of the Act a request to the Minister to close a road permanently, a local government must include with the request —

- (a) written confirmation that the local government has resolved to make the request, details of the date when the relevant resolution was passed and any other information relating to that resolution that the Minister may require; and
- (b) sketch plans showing the location of the road and the proposed future disposition of the land comprising the road after it has been closed; and
- (c) copies of any submissions relating to the request that, after complying with the requirement to publish the relevant notice of motion under section 58(3) of the Act, the local government has received, and the local government's comments on those submissions; and
- (d) a copy of the relevant notice of motion referred to in paragraph (c); and
- (e) any other information the local government considers relevant to the Minister's consideration of the request; and
- (f) written confirmation that the local government has complied with section 58(2) and (3) of the Act.

#### **STRATEGIC IMPLICATIONS:**

There are no known relevant strategic considerations in relation to this matter.

#### **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 only financial consideration for Council in relation to this matter is the cost of advertising which is likely to be in the vicinity of \$300. The cost could be borne by the applicant in this regard.

#### **SUMMARY:**

This situation is not new and council occasional get requests for road closures of this nature. The author is of the opinion that the closure of the road will have no impact on any other land owner, who doesn't have ready access to made roads. In the authors view given the history of the road reserve, its current state in being impassable and the fact that it serves no public benefit or use, this unmade road should be permanently closed in accordance with the provisions of the Land Administration Act 1997.

**VOTING REQUIREMENTS**

Simple Majority Required

**COUNCIL RESOLUTION**

***135/17 Moved Cr House, seconded Cr Humphry that Council acknowledges the correspondence from Mr Glasfurd in relation to the unmade section of road being the south west corner of lot 2423 which he requests to be closed;***

- 1. Agree to give Public Notice of its intent to seek the permanent closure of the unmade and advertise the proposal in accordance with Section 58 of the Land Administration Act 1997 for period of not less than 35 days;***
- 2. Formally advise public service – utility agencies advising them of Councils intended course of action in regards to the unmade road and request them to make public comment/submission back to Council within the 35 day period.***

**CARRIED 8/0**

At 6.04pm Cr Nixon rejoined the meeting and the Presiding Member read aloud the decision made.

**10. REPORTS OF COMMITTEES****GENERAL PURPOSE COMMITTEE MEETING – 1 NOVEMBER 2017****10.1 SHIRE OF MOORA SWIMMING POOL – POOL BLANKETS REPLACEMENT**

Cr Clydesdale-Gebert declared an impartiality interest as she is a season pass holder at the pool.

**FILE REFERENCE:** B/MOSI-2  
**REPORT DATE:** 27 October 2017  
**APPLICANT/PROPONENT:** Alan Leeson, Chief Executive Officer  
**OFFICER DISCLOSURE OF INTEREST:** Nil  
**PREVIOUS MEETING REFERENCES:** Nil  
**AUTHOR:** Alan Leeson, Chief Executive Officer  
**ATTACHMENTS:** Quotations

**PURPOSE OF REPORT:**

For Council to consider amending its 2017/2018 budget to include the purchase of new pool blankets for Councils 50 metre main pool located adjacent to Roberts Street, Moora CBD.

**BACKGROUND:**

Pool Manager Mr John Main has advised that the existing pool cover is in a state of disrepair. During the pool season the pool blankets are rolled out to cover the water in order to maintain a more comfortable water temperature of approximately 19 °.

**COMMENT:**

Three quotations have been received (refer to attached) (GST Included)

1. Daisy Pool Covers and Rollers - \$22,652.70
2. Sunbather Solar Pool Heating & Covers - \$32,736.00
3. Elite Pool Covers - \$24,420.00

It is unfortunate and somewhat disappointing this matter wasn't brought forward for Councils attention at the conclusion of last pool season. Council staff have received a number of comments/complaints about the cold water temperature, in particular from early morning lap swimmers as a result of the pool blankets not being in working condition.

**POLICY REQUIREMENTS:**

Nil

**LEGISLATIVE REQUIREMENTS:**

Local Government Act 1995

**STRATEGIC IMPLICATIONS:**

Nil

**SUSTAINABILITY IMPLICATIONS:**

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

**FINANCIAL IMPLICATIONS:**

The financial implications for Council with respect to this matter will be in the vicinity of \$22,000 once Council claims back its 10% GST. The matter is unbudgeted and therefore if to be approved required an Absolute Majority of Council votes i.e. no less than 5 out of 9 possible votes.

**VOTING REQUIREMENTS:**

Absolute Majority Required

**COUNCIL RESOLUTION (COMMITTEE RECOMMENDATION)**

***136/17 Moved Cr Bellamy, seconded Cr Hamilton that Council approve expenditure of \$22,000 plus GST for the purchase of new pool blankets and rollers if required for the Moora Shire Swimming Pool, further that Councils 2017/2018 budget be amended accordingly.***

**CARRIED by ABSOLUTE MAJORITY 9/0**

## **10.2 SELF CONTAINED ACCOMMODATION – MOORA CARAVAN PARK**

**FILE REFERENCE:** B/MCP1-2

**REPORT DATE:** 13 November 2017

**APPLICANT/PROPONENT:** Chief Executive Officer

**OFFICER DISCLOSURE OF INTEREST:** Nil

**PREVIOUS MEETING REFERENCES:** Nil

**AUTHOR:** Alan Leeson, Chief Executive Officer

**ATTACHMENTS:** Nil

### **PURPOSE OF REPORT:**

Council over past months has been discussing the possibility of purchasing a two-story accommodation unit for the Moora Caravan Park (MCP). This has evolved from the availability of a display unit at Fleetwood Homes in Perth.

### **BACKGROUND:**

Local Government procurement requirements require that any purchases in excess of \$150,000 plus GST must comply with the requirements of the Local Government Function and General Regulations 1996.

### **COMMENT:**

Council is aware of a reasonably high demand for quality short term self-contained accommodation. Part of this need is being met by Councils 8 self-contained chalets at the MCP.

The self-contained two story unit at Fleetwood is on the market with offers of above \$150,000 being considered. Procurement requirements for Local Government prohibit the Shire of Moora from making any sort of offer. It must either call public tenders or have granted express authority to acquire via auction.

On inquiry to Fleetwood Homes they have confirmed the display accommodation unit will not be placed on the market via auction. Given this, the author is not recommending Council proceed with the expressed interest in purchasing the unit from Fleetwood given the requirement given associated legal requirements of Council in relation to procurement.

### **POLICY REQUIREMENTS:**

Purchasing Policy: Section 12.6 - Purchasing Thresholds

### **LEGISLATIVE REQUIREMENTS:**

Local Government (Function and General) Regulations 1996

## **11. When tenders have to be publicly invited**

- (1) Tenders are to be publicly invited according to the requirements of this Division before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than \$150,000 unless subregulation (2) states otherwise.
- (2) Tenders do not have to be publicly invited according to the requirements of this Division if —
  - (a) the supply of the goods or services is to be obtained from expenditure authorised in an emergency under section 6.8(1)(c) of the Act; or

- (b) the supply of the goods or services is to be obtained through the WALGA Preferred Supplier Program; or

[(ba) deleted]

- (c) within the last 6 months —
  - (i) the local government has, according to the requirements of this Division, publicly invited tenders for the supply of the goods or services but no tender was submitted that met the tender specifications or satisfied the value for money assessment; or
  - (ii) the local government has, under regulation 21(1), sought expressions of interest with respect to the supply of the goods or services but no person was, as a result, listed as an acceptable tenderer;

or

- (d) **the contract is to be entered into by auction after being expressly authorised by a resolution of the council of the local government;** or
- (e) the goods or services are to be supplied by or obtained through the government of the State or the Commonwealth or any of its agencies, or by a local government or a regional local government; or
- (ea) the goods or services are to be supplied —
  - (i) in respect of an area of land that has been incorporated in a district as a result of an order made under section 2.1 of the Act changing the boundaries of the district; and
  - (ii) by a person who, on the commencement of the order referred to in subparagraph (i), has a contract to supply the same kind of goods or services to the local government of the district referred to in that subparagraph;

or

- (f) the local government has good reason to believe that, because of the unique nature of the goods or services required or for any other reason, it is unlikely that there is more than one potential supplier; or
- (g) the goods to be supplied under the contract are —
  - (i) petrol or oil; or
  - (ii) any other liquid, or any gas, used for internal combustion engines;

or

- (h) the following apply —
  - (i) the goods or services are to be supplied by a person registered on the Aboriginal Business Directory WA published by the Small Business Development Corporation established under the *Small Business Development Corporation Act 1983*; and
  - (ii) the consideration under the contract is \$250 000 or less, or worth \$250 000 or less; and
  - (iii) the local government is satisfied that the contract represents value for money;

or

- (i) the goods or services are to be supplied by an Australian Disability Enterprise; or
- (j) the contract is a renewal or extension of the term of a contract (the **original contract**) where —

- (i) the original contract was entered into after the local government, according to the requirements of this Division, publicly invited tenders for the supply of goods or services; and
  - (ii) the invitation for tenders contained provision for the renewal or extension of a contract entered into with a successful tenderer; and
  - (iii) the original contract contains an option to renew or extend its term; and
  - (iv) the supplier's tender included a requirement for such an option and specified the consideration payable, or the method by which the consideration is to be calculated, if the option were exercised;
- or
- (k) the goods or services are to be supplied by a pre-qualified supplier under Division 3.

*[Regulation 11 amended in Gazette 29 Apr 1997 p. 2145; 26 Jun 1998 p. 3447; 25 Feb 2000 p. 970-1; 29 Jun 2001 p. 3130; 31 Mar 2005 p. 1054-5; 2 Feb 2007 p. 245-6; 18 Sep 2015 p. 3804-6.]*

### **STRATEGIC IMPLICATIONS:**

Nil

### **SUSTAINABILITY IMPLICATIONS:**

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

### **FINANCIAL IMPLICATIONS:**

The unit is available by way of offer's in excess of \$150,000. Local government procurement requirements prohibit Council from this option.

### **SUMMARY:**

Moving forward the author recommends Council undertake a detailed analysis of the Moora Caravan Park and future potential expansion of self-contained accommodation at the park. The terms of reference for this may be but not necessarily limited to;

- Examination of taking out caravan bays in lieu of additional chalet space. This review would be timely in terms of evidence that RV's and caravans are more often not staying in RV overnight areas as against booking into a park;
- Look at potential/opportunity and the cost and benefit of enlarging the area of the Moora Caravan Park;
- Examine occupancy rates associated with RV's / Chalets / Caravans and identify what a commensurate level of investment is in relation to additional investment into more self-contained accommodation at the Moora Caravan Park.

### **VOTING REQUIREMENTS:**

Simple Majority Required

**COUNCIL RESOLUTION**

***137/17 Moved Cr Humphry, seconded Cr House that Council commence a review and detailed analysis of the Moora Caravan Park and future potential expansion of self-contained accommodation at the park. The terms of reference for this may be but not necessarily limited to;***

- ***Examination of taking out caravan bays in lieu of additional chalet space;***
- ***Look at the potential/opportunity and the cost and benefit of enlarging the area of the Moora Caravan Park;***
- ***Examine occupancy rates associated with RV's / Chalets / Caravans and identify what a commensurate level of investment is in relation to additional investment into more self-contained accommodation at the Moora Caravan Park.***

**CARRIED 9/0**

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

Nil

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

The Chief Executive Officer tabled an item of urgent business titled 'Rate Assessment A16 – Central Midlands Aboriginal Progress Association Incorporated - Legal Action' for Councils consideration.

**COUNCIL RESOLUTION**

***138/17 Moved Cr Clydesdale-Gebert, seconded Cr Bellamy that Council consider the item of urgent business as tabled by the Chief Executive Officer titled 'Rate Assessment A16 – Central Midlands Aboriginal Progress Association Incorporated - Legal Action'.***

**CARRIED 9/0**



## **12.1 RATE ASSESSMENT A16 – CENTRAL MIDLANDS ABORIGINAL PROGRESS ASSOCIATION INCORPORATED - LEGAL ACTION**

**FILE REFERENCE:** PA16

**REPORT DATE:** 15 November 2017

**APPLICANT/PROPONENT:** Chief Executive Officer

**OFFICER DISCLOSURE OF INTEREST:** Nil

**PREVIOUS MEETING REFERENCES:** Nil

**AUTHOR:** Alan Leeson, Chief Executive Officer

**ATTACHMENTS:** Submissions received from;

- Central Midlands Aboriginal Progress Association Incorporated
- Yued and Moora Traditional Owners
- Tronox Management Pty Ltd

### **PURPOSE OF REPORT:**

For Council to consider submissions requesting that it place a hold on legal proceedings in relation to outstanding rates and service charges for the property owned by the Central Midlands Aboriginal Progress Association Incorporated (CMAPA) situated at 72 Padbury Street, Moora.

### **BACKGROUND:**

The issue of outstanding rates and services charges against this property has been ongoing for a number of years. In 2012, Council staff with the approval and endorsement of Council and the agreement of the CMAPA, negotiated a payment plan to have the then previously outstanding rates and services charges paid down under agreeable terms. Unfortunately, CMAPA did not uphold this agreement and as such rates and services charges have continued to accumulate and remain unpaid. At the time of preparing this report a summary of outstanding rates and services charges are;

Assessment 16 - CMAPA				
Levies	Receipts	Balance	C/A	Description
2260.09	0.00	2260.09	C	Rates
10056.58	0.00	10056.58	A	Rates
10708.60	0.00	10708.60	C	Interest
3240.95	0.00	3240.95	C	Legal Charges
18.49	0.00	18.49	C	ESL INTEREST
167.15	0.00	167.15	A	ESL INTEREST
36.00	0.00	36.00	A	INSTALMENT PLAN - ADMIN FEE
740.00	0.00	740.00	C	RUBBISH MOORA - COMMERCIAL
4876.99	0.00	4876.99	A	RUBBISH MOORA - COMMERCIAL
108.60	0.00	108.60	C	EMERGENCY SERVICES LEVY
462.37	0.00	462.37	A	EMERGENCY SERVICES LEVY
1765.13	0.00	1765.13	C	SEWERAGE - INDUST/COMMERCIAL/RETAIL
8412.77	0.00	8412.77	A	SEWERAGE - INDUST/COMMERCIAL/RETAIL
				=====
42853.72	0.00	42853.72		*** TOTALS ***

**COMMENT:**

As part of legal proceedings, an auction for the sale of the property to recover outstanding rates and services charges has been scheduled for 16 November 2017, 1.00pm in accordance with Local Government Act 1995 s6.64. On Monday 13 November 2017 Council received three submissions in relation to the matter, all of which requested that the auction be postponed for various reasons (refer to attached submissions);

- Yued and Moora Traditional Owners;
- Central Midlands Progress Association Incorporated;
- Tronox Management Pty Ltd

**POLICY REQUIREMENTS:**

There are no policy implications in relation to this item.

**LEGISLATIVE REQUIREMENTS:**

Local Government Act 1995

**STRATEGIC IMPLICATIONS:**

There is no direct strategic implication for Council in relation to this matter

**SUSTAINABILITY IMPLICATIONS:**➤ **Environment**

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

➤ **Economic**

The solvency of the CMAPA goes to the heart of this matter. It is evident that the CMAPA under its current structure and operations does not currently have the financial capacity to meet its annual rate and service charges obligations and the outstanding rate and service charges. However, this said, this report on the merit of submissions received recommends that legal proceedings be put on hold at this juncture for a finite period of time.

➤ **Social**

Both submissions signed by members of the CMAPA and Moora Yued Community highlight that the property at 72 Padbury Street, Moora is of significant cultural heritage to the Community. This is recognised by Council.

Moving forward it will be important that all parties including the Shire of Moora work collaboratively and cohesively with a view to recognising, preserving and enhancing the cultural history and heritage, needs and assets of the collective Yued Community (including the CMAPA) in Moora and surrounds.

**FINANCIAL IMPLICATIONS:**

Outstanding rate and service charges currently sit at \$42,853.72. Interest accrues daily at an annual rate of 11%. By placing a hold on proceedings and delaying the auction it will cost an estimated \$2,000 should legal proceedings recommence. These charges would be levied against the subject property.

**SUMMARY:**

As a result of submissions received it is clear that the Moora Yued Community and CMAPA both view the property as a significant asset and of significant cultural and heritage value. By delaying legal proceedings, the CMAPA and Moora Yued Community will have an opportunity to closely examine the future use and upkeep of the building in a financially sustainable fashion.

It is councils wish that a united position is presented to Council that resolves this matter and progresses the best interest of the Moora Yued Community and CMAPA within Moora.

**VOTING REQUIREMENTS:**

Simple Majority Required

**COUNCIL RESOLUTION**

*139/17 Moved Cr Hamilton, seconded Cr Lefroy that Council;*

- 1. Receive and acknowledge the submissions received in relation to legal proceedings to recover outstanding rate and services charges for the property owned by the Central Midlands Aboriginal Progress Association Incorporated located at 72 Padbury Street, Moora;*
- 2. Agree to place a hold on legal proceedings and postpone the auction scheduled for 16 November 2017 until the 31 May 2018 in order to allow the Central Midlands Aboriginal Progress Association Incorporated and wider Moora Yued Community to put in place a plan inclusive of a legally binding agreement relevant to rates and service charge arrears with the Shire of Moora that will include;*
  - a. capacity and means by legal agreement to repay outstanding rate and service charges over a period not exceeding 3 years, repayable by a minimum of monthly instalments (inclusive of payment default clauses);*

*further that the Central Midlands Aboriginal Progress Association demonstrate the capacity and means that the annual commitment of rates and service charges associated with the property can be met on an ongoing basis.*

**CARRIED 9/0**

**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 6.11pm.*

**CONFIRMED**

**PRESIDING MEMBER**