

SHIRE OF MOORA
MINUTES OF THE ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS, MOORA
WEDNESDAY 28 JUNE 2006

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1. DECLARATION OF OPENING & WELCOME OF VISITORS

The Shire President declared the meeting open at 3.32pm, 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
DV Clydesdale-Gebert	-	Councillor	-	Watheroo Ward
C Hawkins	-	Councillor	-	Moora Town Ward
JW McLagan (from 4.15pm)	-	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	-	Financial Development Manager		
BR Williams	-	Enterprise Development Manager		

MM Murray	–	Executive Support Officer
A Murray	–	Be Active Sport & Recreation Coordinator

APOLOGIES

Nil

PUBLIC

Ms Megan Beange	–	Journalist, Central Midlands Advocate
Mr Mark Pridham	–	Manager, Rural Towns Program
Mr Ed Wronski	–	Project Hydro Geologist, Rural Towns Program

4. DECLARATIONS OF INTEREST

Nil.

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

Mr Mark Pridham and Mr Ed Wronski from the Department of Agriculture & Food's Rural Towns Liquid Assets Program addressed Council to provide Council with an update on the progress of the Program.

At 3.49pm Mr Mark Pridham & Mr Ed Wronski retired from the meeting after delivering their presentation.

The Shire President welcomed the new Be Active Sport & Recreation Coordinator, Ms Angela Murray and introduced her to Councillors. Ms Murray then briefed Council on her progress to date and future developments that were planned.

9. ANNOUNCEMENTS BY THE SHIRE PRESIDENT

- On June 20th I attended a telecentre meeting. Cr Clydesdale–Gebert was asked to join the committee as a community member.
- That evening I attended the Moora Promotions meeting – their AGM will be held on 31st July.
- On June 22nd the Chief Executive Officer, Cr Clydesdale–Gebert and the Enterprise Development Manager attended a WACC meeting in Northam of all the regional towns within the Wheatbelt.
- On 23rd June the Shire President, Chief Executive Officer and Environmental Development Manager attended the presentation of a Lotterywest grant cheque to the Delmoor Centre Committee by Moore MLA the Hon Gary Snook. The funds will be used for renovations and extensions to the Delmoor Centre.
- Councillors and staff then met with Mr Gary Snook over lunch to discuss the Moora Floodplain Management map.
- Congratulations to the late Daphne Lussicks' family on her well deserved OA
- Tomorrow night is the Rotary President Changeover.
- Monday 3 July 2006 is the start of NAIDOC week.
- Congratulations to the Watheroo Sportsground Committee on the erection of their playground at the towns' sports ground.

At 4.06pm Environmental Development Manager left the meeting.

At 4.07pm the Enterprise Development Manager left the meeting.

10. CONFIRMATION OF MINUTES OF THE PREVIOUS MEETING

10.1 ORDINARY COUNCIL MEETING – 14TH JUNE 2006

COUNCIL RESOLUTION

102/06 Moved Cr Pond, seconded Cr Tonkin that the Minutes of the Ordinary Meeting of Council held on 14 June 2006, be confirmed as a true and correct record of the meeting.

CARRIED 8/0

11. REPORTS OF OFFICERS

11.1 ADMINISTRATION

11.1.1 Auspice Body for the Moora Performing Arts Society

LOCATION: Moora Performing Arts Centre
FILE: 5.1
AUTHOR: Marita Harris
REPORT DATE: 15th June 2006
DECLARATION: Nil

BACKGROUND

Country Arts WA issue a Touring Menu each year with a selection of performances that community groups or venues may wish to put on. "Guitar Heaven" is in the 2006 Touring Menu and the Moora Performing Arts Society (M.P.A.S.) were approached by Country Arts WA to see if they would be interested in hosting this show as they have previously hosted shows in the past (i.e. "Educating Rita" in March 2005). Caroline Nixon, the President of the M.P.A.S. arranged with Country Arts WA for the M.P.A.S. to host the show in Moora at the Moora Performing Arts Centre on Tuesday, August 15 2006.

COMMENT

"Guitar Heaven" is part of Country Arts WA "Shows on the Go" touring program and is supported by funding from the Government of WA, Healthways and Lotterywest. One of the responsibilities Country Arts WA have when handling public monies, is that they are not able to sign contracts with any group that does not have formal legal organisation status. The M.P.A.S. is not incorporated and therefore not able to sign a contract with Country Arts WA to host "Guitar Heaven". Country Arts WA have suggested that the M.P.A.S. seek an organisation such as the Shire of

Moora to act as an auspice body for the M.P.A.S. The auspice body will be able to sign MOU's and contracts with Country Arts WA for the presentation of "Guitar Heaven" on the M.P.A.S. behalf. As signatory to any agreements, the auspice body agrees to allow its incorporated status to be used on behalf of the M.P.A.S. in terms of financial and legal functions. The auspice requirement is not new for Country Arts WA but I was advised that their Touring Unit were not aware of the need for it when M.P.A.S. presented "Educating Rita" in March 2005. I have received from the M.P.A.S., a written request asking for the Shire to act as an auspice body (see attached).

STATUTORY ENVIRONMENT

Sections 2.7 and 3.1 of the Local Government Act 1995 provide Council with its general competency powers.

POLICY IMPLICATIONS

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

BUDGET IMPLICATIONS

Should the M.P.A.S. default on payment of costs incurred to host "Guitar Heaven" the following costs would be incurred by Council: –

Hire Fee:	\$2,500.00 plus GST
APRA Licence Required:	Costs Unknown

M.P.A.C. Hire Fee: \$600.00 incl. GST would not be received.

STRATEGIC IMPLICATIONS

The recommendation of this report generally supports the "People" Key Result Area of the Shire's Strategic Plan, particularly the strategy of supporting groups and events.

PRECEDENT

There has been no previous precedent.

VOTING REQUIREMENTS

Simple Majority

**COUNCIL RESOLUTION
(MANEX RECOMMENDATION) – ITEM 11.1.1**

103/06 Moved Cr Hawkins, seconded Cr Clydesdale–Gebert that Council agree to act as an auspice body for the Moora Performing Arts Society, in order for them to host a performance of “Guitar Heaven” at the Moora Performing Arts Centre on Tuesday, August 15 2006.

CARRIED 8/0

At 4.08pm the Enterprise Development Manager rejoined the meeting.

At 4.09pm Environmental Development Manager rejoined the meeting.

11.1.2 Shire of Moora Annual Compliance Return For 2005

LOCATION: Administration
FILE: 1.13
AUTHOR: Steven Deckert, Chief Executive Officer
REPORT DATE: 22 June 2006
DECLARATION: The author has no financial interest in this matter, however declares an impartiality/conflict interest pursuant to Council’s Code of Conduct arising from the author’s statutory compliance responsibilities as CEO. The author declares that he will put aside the interest and consider the matter without bias.

BACKGROUND

Section 7.13(i) of the Local Government Act 1995 contains provisions for the making of regulations requiring local governments to carry out, in the

manner and form prescribed, an audit of compliance whether of a financial nature or not.

The Return is considered a very useful device for local governments to check their level of compliance with the legislative requirements of the Local Government Act 1995. Also, the Return forms an important part of the Shire's monitoring program. There is a legal requirement to annually complete the Return.

Council has previously completed the Annual Compliance Return in-house by senior officers. Earlier this year the Department of Local Government and Regional Development (DLGRD) offered to conduct the audit on Council's behalf. This was seen as a way of providing Council with an independent review of the Shire's statutory compliance and would be a good starting point with the appointment of a new CEO towards the end of the year under review. Council subsequently accepted the DLGRD offer and two officers from DLGRD conducted the audit during the week commencing 27 March 2006.

COMMENT

The Annual Compliance Audit Return for 2005 as completed by the DLGRD has been received and Council is required to complete the statutory process by adopting the Return at a Council Meeting. This report and the recommendation contained in this report satisfy Council's statutory requirements in respect to the Annual Compliance Audit Return for 2005.

A copy of the Compliance Audit Return for 2005 is appended for Councillors reference.

In addition to the Return, the DLGRD has prepared a report titled "2005 Compliance Audit Report" which provides in more detail the areas of non-compliance identified in the Compliance Audit Return with a number of recommendations to correct the non-compliances. It is proposed that this report not be dealt with at this time and be subject of a future report in which the CEO will provide Council with information on what is proposed to rectify the non-compliances. Whilst a copy of the Compliance Audit Report is not provided with this agenda item, a copy will be available on meeting day for Councillors to peruse.

STATUTORY ENVIRONMENT

- Section 7.13 (i) of the Local Government Act 1995; and

- Local Government (Audit) Regulations 13, 14 and 15.

POLICY IMPLICATIONS

There is no Council Policy relative to this issue.

BUDGET IMPLICATIONS

There are no budget or financial implications relative to this issue, though staff resources will be required to implement improvements to rectify non-compliances.

STRATEGIC IMPLICATIONS

There are no strategic implications relative to this issue.

PRECEDENT

The adoption of the recommendation of this report does not set precedence.

VOTING REQUIREMENTS

Simple majority

COUNCIL RESOLUTION

(MANEX RECOMMENDATION) – ITEM 11.1.2

104/06 Moved Cr Gardiner, seconded Cr Tonkin that Council adopts the attached Compliance Audit Return as the official Return of the Council for the period 1 January 2005 to 31 December 2005 and forward it, along with the signed Joint Certification by the President and CEO, to the Executive Director of the Department of Local Government.

CARRIED 8/0

At 4.15pm Cr McLagan joined the meeting.

11.1.3 Small Business Centre Central Coastal – Request for Funding

LOCATION: Administration
FILE: 15.32
AUTHOR: Steven Deckert, Chief Executive Officer
REPORT DATE: 22 June 2006

DECLARATION: The author has no financial interest in this matter.

BACKGROUND

During 2005, the Small Business Development Corporation reviewed the service delivery method of the various Business Enterprise Centres (BEC) located throughout Western Australia. As a consequence, the BEC servicing Moora, based in Wongan Hills was closed and the Small Business Centre Central Coastal (SBCCC) located in Cervantes now services Moora.

At the Ordinary Meeting of Council held on 14 June 2006, the new Chairman of the SBCCC, Mr Richard Notley and the Executive Officer of the SBCCC, Mr Norm Skoglund gave a presentation to Council on the new service being provided by the SBCCC, particularly to the Moora area and was seeking Council to continue the financial support provided to the Wongan Hills BEC.

A letter has now been received from the SBCCC confirming they are seeking financial support of \$5,000 for 2006/07. A copy of the letter is appended for Councillors information.

COMMENT

The level of financial support requested, exceeds what Council has recently been providing to the now defunct Wongan BEC, however is on a par with what Council was providing to the Wongan BEC when it originally commenced.

The SBCCC (and the previous Wongan Hills BEC) provides a valuable service to current and prospective small businesses within the Shire of Moora. The SBCCC is also working closely with our Enterprise Development Manager to ensure that there is no duplication and that a meaningful service is provided.

There may be a valid view that there is some cost-shifting from State Government to local government, though any financial support by the Shire could be considered an investment back into the local community.

The letter from the SBCCC indicates that their aim is to employ a part-time assistant to facilitate business services in the northern part of the region. Council could consider tying its contribution to the appointment of the

assistant and could also consider making it an in-kind contribution if the assistant was to reside in Moora.

It is also too early to judge whether the changes implemented by the Small Business Development Corporation will have a positive or negative impact on their service to Moora residents. It is therefore suggested that Council should support the SBCCCC in the interim, however review its further support in 12 months time based on how well the new service has been performing.

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 policies relative to this matter.

BUDGET IMPLICATIONS

Council has paid \$1,750 to the Wongan Hills BEC for the first six months of the current financial year. Should Council adopt the recommendation of this report, provision of \$5,000 for the requested financial support will need to be made in the 2006/07 Draft Budget.

STRATEGIC IMPLICATIONS

Supporting the SBCCC falls within the Key Result Area of "Growth". The role of the SBCCC is to "facilitate business development and growth within the local community" which is closely aligned to Council's goal that in part says "...and diversify our regions employment and economic base".

PRECEDENT

The adoption of the recommendation of this report does not necessarily set a precedent as Council considers all such requests based on merit on an individual basis. Council has however, strongly supported the Wongan Hills BEC in the past.

VOTING REQUIREMENTS

Simple majority

**COUNCIL RESOLUTION
(MANEX RECOMMENDATIONS) – ITEM 11.1.3**

105/06 Moved Cr Pond, seconded Cr Hawkins that Council

- 1. Agrees in-principle to provide financial support to the Small Business Centre Central Coastal to the value of \$5,000 for 2006/07;***
- 2. Places a contribution of \$5,000 in its 2006/07 Draft Budget for further consideration during the Budget adoption process;***
- 3. Makes any payment of financial support to the Small Business Centre Central Coastal conditional on the appointment of a part-time assistant to service the northern part of their region, and provision of regular reports, and***
- 4. Could consider converting some or all of its agreed financial support to an in-kind contribution should the part-time assistant reside in Moora.***

CARRIED 5/4

11.2 FINANCIAL DEVELOPMENT

Nil.

11.3 OPERATIONAL DEVELOPMENT**11.3.1 Works Costing 05/06**

AUTHOR: Jo-Anne Ellis, Financial Development Manager
REPORT DATE: 22 June 2006
DECLARATION: Nil

BACKGROUND

Council is provided with works program costings on a monthly basis to enable monitoring of expenditure and progress of construction and maintenance within the transport portfolio.

COMMENT

The works program costings are provided as an attachment to this agenda.

STATUTORY ENVIRONMENT

Nil.

POLICY IMPLICATIONS

Nil.

BUDGET IMPLICATIONS

Items included in the report are from the 2005/06 Budget.

STRATEGIC IMPLICATIONS

Reporting of expenditure relating to construction and maintenance in the transport portfolio enables council to monitor a significant portion of budgeted expenditure and evaluate the progress of a strategically important investment in the Shire of Moora.

VOTING REQUIREMENTS

Simple Majority.

COUNCIL RESOLUTION (MANEX RECOMMENDATION) – ITEM 11.3.1
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106/06 Moved Cr Pond, seconded Cr Barrett-Lennard that Council note and receive the Works Program Costings for the period ending 22 June 2006.

CARRIED 9/0

11.4 COMMUNITY DEVELOPMENT

11.4.1 Town Planning Scheme No 4 – Delegation of Powers

LOCATION: Moora
FILE: 7.4
AUTHOR: Michael Prunster, Community Development Manager
REPORT DATE: 22 June 2006
DECLARATION: Nil

BACKGROUND

Council resolved by absolute majority at the Council meeting held on the 25 February 2004, to delegate the Manager Corporate Services (now

Community Development Manager) to approve planning applications that meet all the requirements of Councils Town Planning Scheme, for an indefinite period of time and amend its Register of Delegations accordingly, and that Council be provided with a list monthly of planning approvals issued under delegate authority.

APPLICANT (S)

The following Town Planning Application has been approved under this delegated authority for the period ended 22 June 2006.

Mr M Brown & Ms J Ellis – Construction of steel framed shed/garage on Lot 86 Brown Street Moora. Area 280m²

VOTING REQUIREMENTS

Simple Majority

COUNCIL RESOLUTION (MANEX RECOMMENDATION) – ITEM 11.4.1
--

107/06 Moved Cr Hawkins, seconded Cr Tonkin that Council note the town planning application approved under delegated authority.

CARRIED 9/0

11.5 ENVIRONMENTAL DEVELOPMENT

Nil.

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 of two late items dealing with:

1. Audit Committee Meeting Minutes of the Committee Meeting held prior to the Council meeting today, and
2. Dental Practice Negotiations, which is of a confidential nature and if Council decides to deal with it at this meeting, should be done so behind closed doors

for Council's consideration.

COUNCIL RESOLUTION

108/06 Moved Cr McLagan, seconded Cr Hawkins that Council consider the two late items as tabled by the CEO titled "Audit Committee Meeting held 28 May 2006" and "Dental Practice Negotiations", and that the "Dental Practice Negotiations" item be considered later in the meeting when the meeting moves behind closed doors.

CARRIED 9/0

13.1 Audit Committee Meeting held 28 June 2006

LOCATION: Moora
AUTHOR: Jo-Anne Ellis, Financial Development Manager
REPORT DATE: 28 June 2006

DECLARATION

The author has no financial interest in this matter, however declares an impartiality/conflict interest pursuant to Council's Code of Conduct arising from the author's responsibilities in regard to preparation of the information to be

audited. The author declares that he will put aside the interest and consider the matter without bias.

BACKGROUND

In accordance with the Local Government Act and Audit Regulations, Council has appointed a committee to handle the legislative requirements in respect to audits.

The Audit Committee has held a meeting on 28 June 2006, prior to the Ordinary Meeting of Council.

The minutes of the Audit Committee Meeting are now presented to Council so that Council can consider the recommendations contained within the minutes for adoption.

COMMENT

The Audit Committee, while appointed by Council to fulfill its statutory obligations in respect to audits, has no delegated authority. Therefore the Committee cannot make decisions on behalf of Council, but instead makes recommendations for Council's consideration. In considering the recommendations of the Committee, Council may adopt the recommendations as decisions of Council either with or without amendment or may reject the recommendations.

The minutes of the Audit Committee Meeting held on 28 June 2006 contain the following recommendations for Council's consideration:

That David Tomasi of UHY Haines Norton be appointed the auditor of the Shire of Moora for the three years from 1 July 2005.

The background and detail supporting these recommendations can be found in the Agenda and Minutes of the Audit Committee Meeting.

STATUTORY ENVIRONMENT

Local Government Act 1995 (as amended)

Local Government (Audit) Regulations 1996

POLICY IMPLICATIONS

There is no current policy or future policy implications in respect to the recommendation of this report.

BUDGET IMPLICATIONS

Audit fee to be included in 2006–2007 budget.

STRATEGIC IMPLICATIONS

Meeting statutory compliance and obtaining an independent audit of Council's books of account assists the Shire in achieving its strategic goals.

PRECEDENT

The adoption of the recommendation of this report does not establish a precedent.

VOTING REQUIREMENTS

Absolute majority

**COUNCIL RESOLUTION
(COMMITTEE AND OFFICER RECOMMENDATION) – ITEM 13.1**

109/06 Moved Cr Hawkins, seconded Cr Clydesdale–Gebert that Council:

- 1. Receives the minutes of the Shire of Moora Audit Committee Meeting held on 28 June 2006, as appended;*
- 2. Adopts the recommendations contained within the minutes of the Audit Committee Meeting held on 28 June 2006 as decisions of Council, namely:*
 - a. That David Tomasi of UHY Haines Norton be appointed the auditor of the Shire of Moora for the three years from 1 July 2005.*

CARRIED BY ABSOLUTE MAJORITY 9/0

14. NOTICE ON MOTIONS FOR THE NEXT COUNCIL MEETING

Nil.

15. MATTERS BEHIND CLOSED DOORS**COUNCIL RESOLUTION**

110/06 Moved Cr Craven, seconded Cr McLagan that the meeting move behind closed doors to discuss Item 13.2, 'Dental Practice Negotiations'

that if disclosed would reveal:

- *the personal affairs of a person/s;*
- *information that has a commercial value to a person/s; and*
- *information about the business, professional, commercial or financial affairs of a person/s,*

pursuant to Section 5.23(2)(b); 5.23(2)(e)(ii) and 5.23(2)(e)(iii) of the Local Government Act 1995.

CARRIED 9/0

At 4.26pm Ms Megan Beange and the Be Active Sport & Recreation Coordinator retired from the Chambers and the meeting moved behind closed doors.

15.1 Dental Practice Negotiations

Provided to Councillors under confidential cover.

COUNCIL RESOLUTION – ITEM 15.1

111/06 Moved Cr Gardiner, seconded Cr Pond that Council:

- 1. Agrees in principle to continue negotiations with the dentist who has submitted a proposal by facsimile on 20th June 2006.**
- 2. Requests that the Chief Executive Officer and Enterprise Development Manager negotiate with the dentist and bring back to Council a firm proposal for further consideration.**

CARRIED 9/0

COUNCIL RESOLUTION

112/06 Moved Cr Tonkin, 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 4.47pm.

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 4.48pm.

CONFIRMED

PRESIDING MEMBER