

SHIRE OF MERREDIN



“Heart of the Wheatbelt”

MINUTES OF ORDINARY COUNCIL MEETING

15 November 2011

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**Minutes of the Ordinary Meeting of the Shire of Merredin held in the Council
Chambers, Corner King and Barrack Streets, Merredin on
Tuesday 15 November 2011 commencing at 1.00pm.**

ATTENDANCE:

Councillors:	D Crook	Shire President
	M Morris	Deputy Shire President
	BA Anderson	
	RM Crees	
	DN Hayes-Thompson	
	KA Hooper	
	T McFarlane	
	D Morris	
W Wallace		
Staff:	G Powell	Chief Executive Officer
	E Arnold	Executive Manager Corporate and Community Services
	J Garrett	Executive Manager Engineering Services
	J Mitchell	Executive Manager of Development Services
	L Wyatt	Executive Assistant to Chief Executive Officer

1.0 OFFICIAL OPENING

The Shire President opened the meeting at 1.00 pm. John Mitchell, Executive Manager of Development Services, Greg Shea, Debbie Tengvall and Clayton Murray representing the Repertory Club were present.

2.0 PUBLIC QUESTION TIME

Greg Shea addressed Council with regard to Agenda Item 12.5. He wished to provide information to Council that he felt may not have been known which could provide some bearing on the costs associated with the new Memorandum of Understanding being proposed.

He made reference to the support provided by Council to sporting organisations and requested that some equity and balance be applied to Culture. He applauded the merits of Act, Belong, Commit and used this as a case in point for community participation and inclusion.

Mr Shea assured Council that the Repertory Club does contribute to Cummins Theatre by way of voluntary services and the provision of equipment which has never been quantified before. He also added that they were extremely flexible in their timetabling of events often working around booked programming and other more urgent functions.

The "Share the Program" can be applied for by the Repertory Club but not by the Shire and if they were forced to pay base fees without the guarantee of success, they would soon find themselves in an adverse position.

Greg Shea, Debbie Tengvall and Clayton Murray left the meeting at 1.13pm.

3.0 APOLOGIES AND LEAVE OF ABSENCE

Nil

4.0 DISCLOSURE OF INTEREST

Councillors McFarlane and Hayes-Thompson declared a proximity interest in item 11.1.

5.0 PETITIONS AND PRESENTATIONS

Nil

6.0 CONFIRMATION OF MINUTES

6.1 Ordinary Council Meeting

Confirmation of the minutes of the Ordinary Council Meeting held on 18 October 2011.

30760

Moved: Cr Hooper

Seconded: Cr McFarlane

Resolution

That the minutes of the Ordinary Council Meeting held on 18 October 2011 be confirmed as a true and correct record of proceedings with the following amendments:

1 Motion 30736 to reflect: Merredin Sports Council Deputy is Councillor D Morris

2 Motion 30759 to reflect: That Council adopt an in-principle position to cancel Harvest Rock but the matter not be confirmed until Friday 21 October to enable the financials to be collated.

CARRIED 9/0

7.0 ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

Nil

8.0 MATTERS FOR WHICH THE MEETING MAY BE CLOSED TO THE PUBLIC

Nil

9.0 RECEIVAL OF MINUTES OF COMMITTEE MEETINGS HELD SINCE THE PREVIOUS MEETING OF COUNCIL

9.1 Minutes Great Eastern Country Zone Meeting held 29th September 2011

Attachment 9.1A

9.2 Minutes Merredin Museum and Historical Society Meetings held 7 September and 5 October 2011

Attachment 9.2A

9.3 Minutes Merredin Heritage Advisory Committee Meeting held 3 October 2011

Attachment 9.3A

Committee Recommendations

Moved Gloria Banks

Seconded Avril Parker

That the Merredin Heritage Advisory Committee recommend to Council that a review of the membership to the Merredin Heritage Advisory Committee be undertaken with consideration given to increasing the number of community people to its current member-base.

CARRIED 3/0

Moved Avril Parker

Seconded Gloria Banks

That the Merredin Heritage Advisory Committee recommend to Council that Council give due consideration to the inclusion of Heritage (recognition and conservation) when developing the Shire of Merredin Strategic Community Plan.

CARRIED 3/0

9.4 Harvest Rock Committee Meeting held 17 October 2011

Attachment 9.4A

9.5 Harvest Rock Committee Meeting Debrief held 7 November 2011

Attachment 9.5A

Harvest Rock Committee Recommendation

“That Council gain ownership of the Quarry Reserve and develop the site over a 2 – 3 year period as a venue for the community and region to utilise for large scale events into the foreseeable future”.

CARRIED 8/0

-
- 30761** Moved: Cr Hooper Seconded: Cr D Morris
Recommendation
That the Great Eastern Country Zone Meeting held 29 September, Merredin Museum and Historical Society Meeting held 7 September, Merredin Heritage Advisory Committee Meeting held 3 October, Harvest Rock Committee Meeting held 17 October and Harvest Rock Committee Meeting Debrief held 7 November be received.
CARRIED 9/0
- 30762** Moved: Cr D Morris Seconded: Cr Hayes-Thompson
Resolution
That a review of the membership to the Merredin Heritage Advisory Committee be undertaken with consideration given to increasing the number of community people to its current member-base.
CARRIED 9/0
- 30763** Moved: Cr D Morris Seconded: Cr M Morris
Resolution
That Council give due consideration to the inclusion of Heritage (recognition and conservation) when developing the Shire of Merredin Strategic Community Plan.
CARRIED 9/0
- 30764** Moved: Cr Wallace Seconded: Cr Anderson
Resolution
That the Harvest Rock Committee be requested to delete the following words from the minutes as the statement is untrue and Council had in fact given full support including significant financial support to the event; "It was noted by some members of the committee that they firmly believe there was a very obvious lack of interest, support or ownership for 'Harvest Rock' by the whole Council and this could have contributed to the apathy within the community."
CARRIED 9/0
- 30765** Moved: Cr M Morris Seconded: Cr Wallace
Resolution
"That Council gain ownership of the Quarry Reserve and develop the site over a 2 – 3 year period as a venue for the community and region to utilise for large scale events into the foreseeable future".
- 30766** Moved: Cr Hooper Seconded: Cr Hayes-Thompson
Amendment
That Council gain control of the Quarry Reserve.
THE AMENDMENT WAS PUT AND CARRIED 9/0
THE AMENDMENT BECAME THE MOTION WAS PUT AND CARRIED 9/0

10.0 DEVELOPMENT SERVICES

10.1 FOOD SAFETY COMPLIANCE AND ENFORCEMENT POLICY

Reporting Department:	Development Services
Reporting Officer:	John Mitchell
Author:	Rebecca Bowler
Legislation:	Food Act 2008 (Food Safety Compliance and Enforcement policy)
File Reference:	
Disclosure of Interest:	Nil
Attachments:	Food Act 2008 Policy November 2011 (Attachment 10.1A)

Background

The *Food Act 2008* (the Act) and *Food Regulations 2009* (the Regulations) were proclaimed on 23 October 2009, in conjunction with a repeal of Part VIII of the *Health Act 1911* and the *Health (Food Hygiene) Regulations 1993*, becoming the principle legislation governing food control within Western Australia. The objectives of the Act include the following:

- To ensure food for sale is both safe and suitable for human consumption,
- To prevent misleading conduct in connection with the sale of food and;
- To provide for the application of the *Australia New Zealand Food Standards Code 2001* (the Code)

The Act will ensure that food enforcement and education is more relevant, incorporating the principles of risk management and best practice, in a nationally consistent manner by adoption of the Code.

It also moves away from inflexible, prescriptive legislation to a more outcome and risk based approach. The Act allows greater flexibility for local government and food business proprietors in achieving acceptable food safety outcomes. It also incorporates significant changes to enforcement provisions; specifically, the introduction of Infringement Notices, Improvement Notices and Prohibition Orders and an increase of maximum penalties from \$50 to \$10 000 to between \$50 000 to \$500 000 for convictions in a court of law.

Comment

It is a requirement of the Food Act 2008 that all Councils adopt a Food Safety and Compliance policy that clearly defines and outlines council position and protocol in relation to all matters surrounding food and food safety. The attached policy is a standard policy that has been formulated in consultation

with other Local Government bodies and is considered to be representative of standard industry policy position.

This guiding policy will assist the Shire's Officers to adopt a consistent approach in the application of the legislation, and will provide clear guidance to proprietors on the Town's expectations in relation to public health and food safety.

The Shire's 'Food Act 2008 Policy' is comprehensive, and is designed to be a guiding document for the Council Officers, and food business proprietors within the Shire. The draft Policy, and associated guidelines and procedures cover the following topics:

- Interpretations;
- Notification and Registration requirements (including temporary food businesses, fees and charges, exempt premises - including charity and community events);
- Food Business Risk Profiling:
 - Food Standards Australia and New Zealand – Priority Classification System;
 - Department of Health – Food Business Risk Profiling; and
 - Inspection Frequencies.
- Food Safety Programs and Auditing requirements;
- Compliance and Enforcement Procedures (including flow chart):
 - Infringement Notices;
 - Improvement Notices;
 - Prohibition Orders;
 - Prosecution;
 - Notification of Convictions;
 - Food Seizure; and
 - Food Sampling.
- Construction of Food Premises and Operational Considerations (including the assessment of plans, residential food businesses, and food recalls;
- Education and Training (including skills and knowledge requirements); and
- Useful Links – to external and internal references such as legislation, and guidance documents.

The draft Food Act 2008 Policy links registration fees, inspection frequency, construction standards and enforcement action, to the level of risk associated with each business.

Statutory/Policy Implications

- *Food Act 2008*;
- *Food Regulations 2009*; and
- *Australia New Zealand Food Standards Code*.

Financial Implications

There will be minor financial implications with the advertisement of the draft Policy. The consultation with the local food industry will be incorporated into future editions of the Newspaper, to avoid additional postage charges associated with a separate mail out. Clause 1.5 – Fees and Charges, in the attached Policy details the specific revenue which will be obtained in the form of notification and registration requirements, temporary food premises fees, annual registration fees, and re-inspections as a result of non-compliance. Enforcement revenue may also increase due to the introduction of on-the-spot fines for observed breaches where prosecution is not warranted, and as a result of the substantial increase in penalties for successfully prosecuted offences.

30767

Moved: Cr Crees

Seconded: Cr M Morris

Officer's Recommendation

- 1. That the draft Policy be advertised for a period of 21 days, and included in the Shire's Policy Manual if no public submissions are received however if submissions are received, the matter be referred to Council for further consideration.***
- 2. That in addition to the standard consultation detailed above, the Shire's local food industry be invited to comment on the draft Policy.***

CARRIED 9/0

10.2 **LOCAL PLANNING SCHEME – WESTERN AUSTRALIAN PLANNING COMMISSION – REQUEST FOR COMMENT – RURAL SUBDIVISION – LOT 191 ROBERTSON ROAD, MERREDIN - POWER GENERATION**

Reporting Department:	Development Services
Reporting Officer:	John Mitchell
Legislation:	Planning & Development Act 2005
File Reference:	A9384
Disclosure of Interest:	Nil
Attachment:	Application/Correspondence

Background

The subdivision application to create the 2 hectare lot was considered by the Council of the Shire of Merredin on 20 June 2007. At that meeting (CM Ref - 28986) Council resolved: -

“That the Western Australian Planning Commission be advised that the Shire of Merredin supports the application to subdivide 2 hectares from Avon Location 19449 for the purposes of establishment of a Electricity Generation plant.”

A further application to extent the land to 4 hectares to allow for buffer zones has been received and is contained in **Attachment 10.2A**.

Comment

The application is an extension of an approval provided by the Shire of Merredin in 2007. Town Planning Scheme No. 1 referred to the zoning use as “Electricity Generation”. To streamline applications and to provide for water and gas utility extensions in the future the term was redefined to “Service Utility”.

The planning consent issued for the peaking power generation plant is to establish two gas turbine power plants, supporting infrastructure, 500,000l of onsite diesel storage, ancillary buildings and incidental structures.

There are no additional conditions sought for the establishment of the service utility. It is proposed to reiterate the requirement for bush fire breaks in accordance with the Shire of Merredin fire order issued annually.

Statutory/Policy Implications

The use of the land proposed to be created is “Service Utility” which means any work or undertaking constructed or maintained by a service authority or the Council as may be required to provide water, sewerage, electricity, gas, drainage, waste, communications or other similar services.

The use is a “D” use which means that the use is not permitted unless the local government has exercised its discretion by granting planning approval. Council has previously consented (**PA 10 – 07 – CM Ref 28985**) to the development.

Financial Implications

Subdivision clearance fees of \$69.00 per lot are applicable upon receipt of an application to certify the subdivision is provided to the administration.

30768

Moved: Cr M Morris

Seconded: Cr Wallace

Officer's Recommendation

That the Western Australian Planning Commission be advised that the Shire of Merredin supports the site extension to Lot 191 Robartson Road for the purpose of Service Utility and that the requirement for fire breaks in conformity with the Shire of Merredin Fire Order be reiterated to the applicant as advice.

CARRIED 9/0

10.3 **WASTE AUTHORITY – REQUEST FOR COMMITMENT TO REGIONAL GROUPS – STRATEGIC WASTE MANAGEMENT PLAN – IMPLEMENTATION OF RECOMMENDATIONS AND GRANT FUNDING**

Reporting Department:	Development Services
Reporting Officer:	John Mitchell
Legislation:	Waste Avoidance and Resource Recovery Act 2007
File Reference:	WM/11/01
Disclosure of Interest:	Nil
Attachments:	Strategic Waste Management Plan Correspondence

Background

In order to maximise grant application and to commence a regional approach to the issue of waste collection and disposal the Shire of Merredin has acted as a regional coordinator for the WEROC local governments and the Shire of Nungarin.

In 2008/09 the group completed a Strategic Waste Management Plan (SWMP) which also established the regional grouping of Councils for the WEROC region. Table 36 Pages 79 - 106 contain the recommendations of that SWMP. To assist new Councillors a copy of the SWMP is contained in **Attachment 10.3A**.

In 2009/10 an audit of the kerbside waste stream was completed. The Shire Merredin has kept complete records of disposal for the last five years.

Funding for the above plan and program(s) implementation was provided through successful grant applications totally nearly \$150,000.

Correspondence (**Attachment 10.3B**) has been received from the Waste Authority requesting a commitment to the regional groupings or grant funding for the implementation of the SWMP's may not be forthcoming.

Comment

A major consideration for the Shire of Merredin is the provision of a materials resource recovery centre incorporating modern techniques for the sorting and packaging of recyclable materials (mrf).

Administration have prepared documents relating to the regional approach to waste collection for consideration by the WEROC members; have commenced education programs for the public and introduced the calendar for recycling collection dates.

To consider regional landfill sites; regional mrfs education, shared staff resources and experience the continuation of the WEROC SWMP is necessary.

Statutory/Policy Implications

There are no statutory or policy implications.

Financial Implications

The failure to provide advice to the Authority by Friday 6 January 2012 may result in a loss of grant funding opportunities.

30769

Moved: Cr Hooper

Seconded: Cr Crees

Officer's Recommendation

- 1. That the matter of the commitment to regional groupings be referred to the next meeting of WEROC.**
- 2. That the Shire of Merredin confirm its commitment to the current regional grouping of Councils comprising the local governments of Bruce Rock, Kellerberrin, Merredin, Nungarin, Tammin, Westonia and Yilgarn for the purposes of considering and implementing the agreed recommendations of the Strategic Waste Management Plan 2009 – 2013.**

CARRIED 9/0

10.4 **BUILDING LEASES – RESERVE 27001, LOT 1117 WOOLGAR AVENUE,
MERREDIN – LIONS CLUB OF MERREDIN**

Reporting Department:	Development Services
Reporting Officer:	John Mitchell
Legislation:	Local Government Act 1995
File Reference:	CP/7/11 –New File
Disclosure of Interest:	Nil
Attachment:	Correspondence

Background

At the August 2011 briefing session Council discussed the request from the Lions Club of Merredin to lease the old scout hall. As a result of those discussions correspondence was sent to the Club.

The Lions Club has responded and sought to offset the costs of the renovations against the lease fees set by Council's Policy.

Copies of the correspondence and Lions response relating to this matter are contained in **Attachment 10.4A**.

Comment

The correspondence of the Lions Club of Merredin was received on 17 October 2011. The matter was considered too late to present at Council at the meeting of the 18 October 2011.

At the briefing session Council advised of a three year lease with the option for an additional two years and lessee offset lease costs of painting and replacement of the asbestos sheeting and repairs to the toilets. Lions have responded and advised of the costs of painting and renovations which are considered reasonable by the Manager.

To enable the matter to be concluded in a timely manner delegation to the Chief Executive Officer to sign the lease is sought after the advertising of the lease is completed and if no negative submissions are received.

Statutory/Policy Implications

The provisions of Section 3.58(3) of the Local Government Act 1995 are applicable. Prior to agreeing to the lease Council must advertise its intent to enter the lease and consider any submissions received.

Financial Implications

Lease fees for three years are estimated at approximately \$20,000.00. The building is in need of painting and renovation as it has been vacant for almost a year and previously minimally maintained during the period of lease by the Baptist Church. The lease fees would be reviewed at the end of the three year period and prior to acting on any request for a lease extension.

Any proposed subdivision (overlay) of the three reserves within Kitchener Road for residential development permit the continued use of the building which has been placed within a proposed lot.

Officer's Recommendation

- 1. That the Shire of Merredin agrees to the lease of the Old Scout Hall Lot 1117 Woolgar Avenue, Merredin to the Lions Club of Merredin for a three year period and that the costs of removal and replacement of the asbestos sheeting, painting internally and externally, repairs to the ablutions and all routine maintenance items be offset against the lease fees for the first three years.**
- 2. That the Chief Executive Officer and President be granted delegated authority to agree to the lease providing no negative comments are received from the public submission period.**

30770

Moved: Cr M Morris

Seconded: Cr Wallace

Resolution

- 1. That the Shire of Merredin agrees to the lease of the Old Scout Hall Lot 1117 Woolgar Avenue, Merredin to the Lions Club of Merredin for a three year term with a two year option exercisable at Council's discretion and that the costs of removal and replacement of the asbestos sheeting, painting internally and externally, repairs to the ablutions and all routine maintenance items be offset against the lease fees for the first three years.**
- 2. That the Chief Executive Officer and President be granted delegated authority to agree to the lease providing no negative comments are received from the public submission period.**

CARRIED 9/0

10.5 **LOCAL PLANNING SCHEME – SUBDIVISION – RURAL RESIDENTIAL – LOT 1
HUGHES ROAD, MERREDIN – P & P & S BARTLETT**

Reporting Department:	Development Services
Reporting Officer:	John Mitchell
Legislation:	Planning & Development Act 2005, Local Planning Scheme No 6
File Reference:	A7015
Disclosure of Interest:	Nil
Attachments:	WA Planning Commission Correspondence

Background

A request for comment (**Attachment 10.5A**) has been received from the Western Australian Planning Commission (WAPC 145126).

Comment

The land is zoned Rural Residential. Council has previously agreed to the subdivision when it was presented to Council at the Ordinary Meeting of Council held on 17 July 2007.

At that meeting Council resolved: -

CM Ref 29034: That the Shire of Merredin advise the Western Australian Planning Commission that application 135035, Lot 1 Naremben Road, Merredin is supported for the following reasons and with point four as a condition suggested if the application is approved: -

- 1) The land is proposed to be rezoned to rural residential as identified within the local planning strategy 2007 and in keeping with the community workshops of 2001 which identified land adjacent to the town boundaries as a priority land development for rural residential lifestyles;
- 2) The land is adjacent to the townsite of Merredin and in accordance with SPP2.5 has been assessed against the criteria for redevelopment as minimal impact.
- 3) Council's proposed lot sizes; in accordance with the 2007 local planning strategy is a minimum of 2ha. The proposed lot size - 5.606ha. WAPC Policy advises maximum sizes should be 4ha. Considering soil conditions (gravely clay) for the Shire of Merredin a larger lot will assist with absorption for waste disposal through leach drains.
- 4) The lots are outside of normal refuse collection contracts with Avon Waste and the owners should satisfy the Environmental Health Officer that suitable arrangements for household waste disposal have been made with the Shire of Merredin or its contractor.

Subsequent requests to include point four as a condition have not been accepted by the Western Australian Planning Commission.

The proposal is to provide four rural residential lots of approximately 5.5 hectares per lot.

Two houses exist on the land and are compliant with the setbacks and general requirements of the Residential Design Codes 2008.

A gravelled road is provided to the properties. Upgrading of the road should be considered within this application as a potential cost of the developer. Main Roads WA advice suggests that the road upgrade could result in the closure of the unauthorised access point from Narembeen Road.

Statutory/Policy Implications

Clause 5.10 of the Local Planning Scheme No. 6 requires the preparation of an outline development plan where required by the local government or the Planning Commission.

As the land is a small location, providing only four lots, is subject to R2 development restrictions pursuant to the Residential Design Codes 2008 and is separated from the remaining areas of rural residential and special residential development by a main road – Merredin Narembeen, the preparation of an outline development plan has not been considered necessary.

Financial Implications

There are no application fees for this service. Clearance of conditions of a subdivision application incurs fees.

30771

Moved: Cr Wallace

Seconded: Cr M Morris

Officer's Recommendation

That the Shire of Merredin advise the Western Australian Planning Commission that application 145126, Lot 1 Hughes Road, Merredin is supported for the following reasons and conditions suggested if the application is approved: -

- a) Lot 1 is an individual block situated on the eastern side of Narembeen Road, development is restricted to four lots, R2 zoning and is 50% developed with dwellings. An Outline Development Plan is not considered necessary;***
- b) Further development of the land and placement of the additional two dwellings (Lots A & B) will require the developer to negotiate and provide funds for the proper construction of Hughes Road with Main Roads WA and the Shire of Merredin including the closure of the unauthorised Narembeen Road intersection of Hughes Road.***

30772

Moved: Cr Hooper

Seconded: Cr Anderson

Amendment

That the Shire of Merredin advise the Western Australian Planning Commission that application 145126, Lot 1 Hughes Road, Merredin is supported for the following reasons and conditions suggested if the application is approved: -

- c) Lot 1 is an individual block situated on the eastern side of Naremben Road, development is restricted to four lots, R2 zoning and is 50% developed with dwellings. An Outline Development Plan is not considered necessary;***
- d) Further development of the land and placement of the additional two dwellings (Lots A & B) will require the developer to negotiate and provide funds for the proper construction of Hughes Road with Main Roads WA and the Shire of Merredin.***

***THE AMENDMENT WAS PUT AND CARRIED 9/0
THE AMENDMENT BECAME THE MOTION WAS PUT AND CARRIED
9/0***

John Mitchell left the meeting at 1.47pm

Jim Garrett entered the meeting at 1.48pm

Crs McFarlane and Hayes-Thompson declared a proximity interest in relation to Item 11.1

Councillor McFarlane requested that she be allowed to remain in the Chamber in accordance with section 5.68 of the Local Government Act.

Councillors McFarlane and Hayes-Thompson left the meeting at 1.52pm.

30773 Moved: Cr M Morris Seconded: Cr D Morris
That Councillors McFarlane and Hayes-Thompson remain in the meeting and participate in the discussion and permitted to vote on Item 11..

LOST 3/4

30774 Moved: Cr D Morris Seconded: Cr M Morris
That Councillors McFarlane and Hayes-Thompson remain in the meeting and be permitted to participate in the discussion of Item 11.1.

LOST 3/4

The CEO left the meeting to advise Councillors of the outcome at 2.01pm and returned at 2.03pm.

11.0 ENGINEERING SERVICES

11.1 MERREDIN CENTRAL BUSINESS DISTRICT PLAN

Reporting Department:	Engineering and Services
Reporting Officer:	James Garrett
Legislation:	Local Government Act 1995
File Reference:	
Disclosure of Interest:	
Attachments:	Concept Plan Cost Estimates

Background

At Council's July 2009 Meeting (**CMR 30067**), Council adopted the final Central Business District (CBD) Concept Plan developed by Urban Design Landscape Architects (UDLA). (**Attachment 11.1A**)

The CBD concept plan was conceptual only as no survey was used to produce the drawing, consequently the drawing was not to scale and no drainage was allowed for in the concept plan.

In order for staff to have progressed the CBD plan to a design stage a feature survey of the CBD and surrounding streets was prepared by Paul Kraft and Associates. An assessment of the drainage in the CBD and surrounding streets was also necessary to discover if a drainage upgrade was required to accommodate the Concept Plan. Robb Hydraulics Consulting Pty Ltd was engaged to conduct the drainage survey. The drainage survey was modelled on a 1 in 100 year flood event. The model suggested that there is ample flow/storage in the 450mm pipe network for a 1 in 100 year flood event from the CBD to the Cohn Creek drainage system.

An assessment of the drainage in the car parks between Barrack Street and the standard gauge railway line could not be done due to the age of the drainage system (90 years+) and lack of plans. This drainage system was designed for the old railway marshalling yards and tapped into when the car parks were built over the top. Hence this is the reason why the car parks are susceptible to flooding in heavy rain events.

At Council's July 2011 Budget Meeting (**CMR 30657**), Council allocated \$100,000 for the CBD design and costing required for the implementation of the CBD plan in the 2011/12 financial year E1135/B.

Due to the scope of the works involved in the implementation of the Concept CBD plan the construction works needs to be staged. UDLA have scoped the design over 8 stages with an opinion of the costs of each stage as can be seen on **Attachment 11.1B**. The costs provided by UDLA may not give a true

reflection of the absolute project costing as the Final Concept Plan was conceptual only as no survey was used.

As the car parks are prone to flooding and the pavement is starting to come to the end of its life, also with the costs to maintain the car parks to a good service level. The CBD upgrade may need to be staged starting with the car park on the eastern side of the Visitors Centre and then staged as can be seen in the following:

1. Upgrade car park and gardens from Visitor Centre east to Queen Street.
2. Upgrade car park and gardens from Visitor Centre west to the boundary of railway station and construct raised intersection out the front of visitor centre(as per Concept design)
3. Upgrade car park and gardens from where item 2 finishes to Apex Park.
4. Construct plaza on the intersection of Bates and Mitchell Street as per concept plan.
5. Modify footpaths and car parking out the front of shops along Barrack Street from Fifth Street to Queen Street. Reseal Bates and Barrack Street with asphalt.
6. Relocate Visitor Centre as per Concept plan.

In order for staff to engage engineering consultants to draw up the final design and costings, Council will need to give staff direction on how they would like the CBD staged.

Comment

Design of car parks will need to be to Australia Standards and a Road safety audit will also need to be carried out on the overall CBD plan to make sure that all new construction is compliant with the Australian Standards and Road Traffic Act.

In the CBD Concept Plan all the Pepper Corn trees along Barrack Street and the Ficus trees in the car park are to be removed, Concept plan does not allow for the replacement of the Pepper Corn trees but does allow for trees in the new car parks.

The road surface was reconstructed 12 years ago so a reconstruction would not be necessary for 17 to 20 years only a reseal of the asphalt surface.

The land that the car parks are situated on is leased by the Shire from the Public Transport Authority.



Aerial photo of Merredin CBD from Apex Park to Queen Street taken in 2009

Note: A copy of the Shire of Carnarvon's CBD upgrade plan is also attached (**Attachment 11.1C**) as an example of the costings at today prices. Funds for this upgrade were provided through the State Government's Royalties for Regions Gascoyne Revitalisation Plan initiative.

The allocation of Royalties for Regions funds to upgrade the CBD were a direct result of the Gascoyne Development Commission and local government working together to meet the needs of the community.

Statutory/Policy Implications

Nil

Financial Implications

\$100,000 has been allocated in the 2011/2012 budget for the design and costing of the CBD upgrade.

Officer's Recommendation

That Council resolve that the design and costing of the proposed CBD upgrade be staged in the following method:

- 1)
- 2)
- 3)
- 4)
- 5)
- 6)
- 7)

30775

Moved: Cr D Morris

Seconded: Cr Wallace

Resolution***That Council resolve that the design and costing of the proposed CBD upgrade be staged in the following method:***

- 1) Stage 3 – Carparks (Easter Shopping Precinct)***
- 2) Stage 2 – Carparks (Western Shopping Precinct)***
- 3) Stage 1 – Primary Streets and Point of Arrival***
- 4) Stage 5 – Linear Parkland and Open Plaza***
- 5) Stage 4 – Carparks (Parkside)***
- 6) Stage 6 – Linear Parkland and Open Plaza (Eastern)***
- 7) Stage 7 – Local Planting Tracts***

CARRIED 5/2

Councillors McFarlane and Hayes-Thompson returned to the meeting at 2.25pm.
Jim Garrett left the meeting at 2.25pm.

12.0 CORPORATE AND COMMUNITY SERVICES

12.1 LIST OF ACCOUNTS PAID

Reporting Department:	Finance & Administration
Reporting Officer:	Rose Jones – Accountant
	Finance and Administration
Legislation:	Local Government Act 1995 & Financial Management Regulations
File Reference:	Nil
Disclosure of Interest:	Nil
Attachments:	List of Accounts Paid

Background

The attached List of Account Paid (**Attachment 12.1A**) during the month under Delegated Authority is provided for Council's information.

Statutory/Policy Implications

Local Government Act 1995 and Financial Management Regulations.

Financial Implications

All liabilities settled have been in accordance with the Annual Budget provisions. It should be noted that outstanding creditors total \$

30776

Moved: Cr Crees

Seconded: Cr D Morris

Officer's Recommendation

That Council receive the schedule of accounts as listed, covering cheques, EFT's, bank charges, Directly Debited payments and wages, as numbered and totalling \$961,285.88 from Council's Municipal Fund Bank Account and cheques totaling \$902.42 from Council's Trust Account.

CARRIED 9/0

12.2 MONTHLY FINANCE REPORT

Reporting Department:	Finance and Administration
Reporting Officer:	Evelyn Arnold
Legislation:	Local Government Act 1995
File Reference:	Nil
Disclosure of Interest:	Nil
Attachments:	Monthly Finance Report

Background

The Monthly Finance Report is attached for Council's information.
(Attachment 12.2A)

Statutory/Policy Implications

Local Government Act 1995 and Financial Management Regulations.

Financial Implications

As outlined in **Attachment 12.2A**.

30777

Moved: Cr Crees

Seconded: Cr Hooper

Officer's Recommendation***That Council receive the Monthly Finance Report for October 2011.*****CARRIED 9/0**

12.3 AUSTRALIA DAY (INCORPORATING WELCOME TO MERREDIN AND THANK A VOLUNTEER)

Reporting Department:	Community Services
Reporting Officer:	Evelyn Arnold – Executive Manager of Corporate & Community Services
Author:	Rebecca Hutton – Project Officer
Legislation:	Local Government Act 1995
File Reference:	
Disclosure of Interest:	Nil
Attachments:	2011 Australia Day Report 2011 Welcome to Merredin/Thank a Volunteer Report

Background

Each year the Shire of Merredin has coordinated two simultaneous events in the space of 2-3 weeks, each with a strong community focus;

- **Australia Day** (on the public holiday at the end of January). A combined planning effort with the MRC&LC and the Merredin Pool Manager. Last year this event was held at the Merredin Pool. The event is a celebration of Australia Day whereby a free hot breakfast (8.30-10pm) is offered to the community (funded by the Shire of Merredin) and is cooked by the Lions Club. Last year they asked for a gold coin donation to go toward the 'Carnarvon Flood Appeal'. A flag raising ceremony and speeches by well known local identities that have travelled from international locations and made Merredin their home has also been a feature of the morning's program. The event formally closes at 10.30am, with the remainder of the day open for planned activities by the Pool Manager.

- **Welcome to Merredin/Thank a Volunteer** (on a Friday afternoon mid February). A combined planning effort with the MRC&LC.

This event is planned in an effort to welcome new members to our community by showcasing what Merredin has to offer the new resident as well as a celebration of our local volunteers. Community and Sporting groups are encouraged to put up displays (manned or static) and businesses are asked to invite any 'new to town' employees. There is free supper and entertainment provided by the Shire of Merredin in the Grandstand Bar at the MRC&LC. The event is also an opportunity to celebrate our local volunteers. The program usually includes speeches from local volunteers about their individual rewarding experiences, and a general welcome by a representative of Council to our newest residents.

Comment

Whilst these events are significant in what they hope to achieve, the reality is, that they are poorly attended or supported by the community and the target groups. These events have always been an important part of our

community celebrations and should continue to be. However, with so many different events in the first quarter of the year, inevitably they are not 'all' well supported. I would propose that the three planned and budgeted events on council's calendar be combined into one big community event.

It is proposed that a combined event is run;

- Combine Australia Day with Thank a Volunteer, and Welcome to Merredin with the planned event celebrated all on the one day, being Australia Day, **Thursday 26th January 2012.**
- Community and Sporting groups be invited to attend as done at previous WTM-TAV events, allowing them to also set-up displays.
- The event should be held over the course of the day, with a free community breakfast and formal proceedings in the morning inside the function room at the MRC&LC. Activities such as a face painter, beach cricket, volleyball and perhaps a sanded paddling area as done in previous years be held out on the oval. Activities at the pool could be scheduled for the remainder of the day, and a sun downer back at the MRC&LC with live entertainment (DJ or local acoustic act), speeches by local volunteers, Community and Sporting group displays with a small fireworks display to finish off the day's proceedings.
- The introduction of a 'Citizen of the Year' (junior and senior) to foster and support our dedicated community members.
- We formally invite local Councillor's and Dignitaries to attend the event.

Statutory/Policy Implications

Nil

Financial Implications

There is currently an expenditure of \$6,575 in the budget (code E132330) for these combined events. This is broken down into;

- (CD001 & CD002) Welcome to Merredin / Thank a Volunteer - \$4200
- (CD004) Australia Day - \$2375

There are also some additional funds in the same code under CD005 (other) totalling \$1,800. Giving a potential income of \$8,375 for a combined event should it be required.

30778

Moved: Cr Crees

Seconded: Cr Wallace

Officer's Recommendation

That Council amalgamate the events Australia Day, Welcome to Merredin and Thank a Volunteer to be celebrated as one event on Australia Day 2012.

MOTION WITHDRAWN

Note: June CMRef 30630 *"That Council adopt the calendar of events as outlined in Attachment 10.5A"* shall apply.

Mrs Evelyn Arnold entered the meeting at 2.37pm.

12.4 **WRITE-OFF OF DOUBTFUL DEBTS**

Reporting Department:	Finance & Administration
Reporting Officer:	Evelyn Arnold
Legislation:	Local Government Act 1995
File Reference:	
Disclosure of Interest:	Nil
Attachments:	Nil

Background

Council's Debtor balance currently includes several amounts of either unresolved or uncollectible debts that require Council's approval to write-off.

Comment

These debts, totalling \$9,319.86 are detailed below

Debtor	Invoice Number	Amount	Details	Reason for write-off
Army Cadet Unit	M2416 & M2424	\$256.70	Power and fire alarm maintenance costs - March 2011	In the spirit of the new agreement this amount is below the threshold for reimbursement. Write-off recommended.
CP & AM Bullas	M1431	\$3,250.71	Rates outstanding – sale of 55 Caw Street	This amount was invoiced to the property owners to document a verbal agreement that they would pay the amount after the sale had been finalised. As the property was sold by the mortgagee it is considered uneconomic to continue with the recovery of this debt.
Hutton & Northey	M1788	\$1,582.45	Installation of Water Hydrant – Mackenzie Place	The hydrant was installed at the instigation of Council. The debtor alleges that the hydrant does not meet the required specification and will not meet the cost of installation.
Marc Pitts	M2483	\$330.00	Rental	The original invoice was for \$660 being three weeks rental when the premises were occupied after the employee ceased employment with the Shire. It has been reduced by offset of housing bond and it is now considered expedient to write-off balance.
Pam Masters	M2163	\$3,900	Rent Shire House	The invoice was raised in error and relates to rental amounts that were deducted from the employee's pay.
Total		\$9,319.86		

Statutory/Policy Implications

S 6.12 (1) (c) of Local Government Act 1995 'Power to defer, grant discounts, waive or write off debts'. Absolute Majority Required.

Financial Implications

The cost to the Merredin Shire Council of \$9,319.86, which has been provided for as part of the provision for doubtful debts.

30779

Moved: Cr Hooper

Seconded: Cr McFarlane

Officer's Recommendation

That Council approve the write off of \$9,319.86 of outstanding debtor accounts deemed to be unrecoverable.

CARRIED BY ABSOLUTE MAJORITY 8/1

12.5 **MEMORANDUM OF UNDERSTANDING – MERREDIN REPERTORY CLUB**

Reporting Department:	Finance and Administration
Reporting Officer:	Evelyn Arnold
Legislation:	Nil
File Reference:	Nil
Disclosure of Interest:	Nil
Attachments:	Final Draft MOU

Background

After the completion of the Cummins Theatre renovations Council was keen to encourage community groups such as the Merredin Repertory Club (MRC) to utilise this facility. In order to foster clear communications and a good working relationship a Memorandum of Understanding (MOU) was drafted. **(Attachment 12.5A)**

Comment

In the current 2011/12 budget the theatre operating costs are \$7,835 averaged per month (excluding building maintenance) and this figure is realistic in relation to the actual figure approximately \$7,000 per month. The operating costs for MRC for the last two shows were \$11,647 and \$3,562. However, the cost of hiring the Theatre at \$4,000 for the performances (10 hours at \$400 per hour) is not included in this figure. The MRC also provides a large number of the volunteers for running the bar and ushers (this is not formally required in the MOU) and provides the community with a creative and artistic outlet and entertainment. The MRC is also looking at the possibility of bringing a show to Merredin under the "Share the Risk" programme. The hire fees for the rehearsals time, kitchen usage and the Tivoli Room are currently waived. The MRC has also requested that a portion of the shed be set aside to be used for storage and set construction. The proposed conditions of use are outlined in the MOU page 3 clause 17.

Council has the following options in relation to this agreement:

Option 1: Charge the Repertory Club at the same rate as any other community group. This would equate to an approximate cost to the club of:

Tivoli Room – 12 meetings at 2 hours per meeting	\$720
Performances – 2 per year (10 hours at \$400)	\$4,000
Kitchen Hire – 6 Performances	\$480
Rehearsal Theatre Hire (72 Hours for 2 Shows)	\$2,160
Tivoli Room – Hire for 10 Performances (\$125 x10)	\$1,250
Tivoli Room – 6 Functions at \$165	\$990
Ticketing Cost \$2.20 per ticket 500	\$1,100
Total	\$10,700

Option 2: Leave the fees at the previous negotiated level:

Performances – 2 per year (10 hours at \$400)	\$4,000
Ticketing Cost \$2.20 per ticket, approx 500 tickets	\$1,100
Total	\$5,100

Option 3: Waive all fees and charges associated with the use of the Theatre and The Tivoli Room.

Option 4: Increase the fees to better reflect the operating costs of the theatre but taking into consideration the operating costs of the Repertory Club.

Performances – 2 per year (10 hours at \$400)	\$4,000
Ticketing Cost \$2.20 per ticket, approx 500	\$1,100
Tivoli Room – Hire for 10 Performances (\$125 x10)	\$1,250
Tivoli Room – 12 meetings at 2 hours per meeting	\$720
Kitchen Hire – 6 Performances	\$480
Total	\$7,550

Statutory/Policy Implications

Nil

Financial Implications

Under the present arrangement Council underwrites the MRC ability to be able to continue to use the theatre as a performance venue with an approximate cost of \$5,600 per annum.

Officer's Recommendation

That Council adopt the Memorandum of Understanding between the Shire of Merredin and the Merredin Repertory Club, which includes option 4 as the fee structure to be charged.

30780

Moved: Cr M Morris

Seconded: Cr D Morris

Resolution

That Council adopt the Memorandum of Understanding between the Shire of Merredin and the Merredin Repertory Club and that Option 2 outlined in the body of the report above, apply.

CARRIED 9/0

Reason: Because of the equipment purchased by the Club and the time volunteered by its members, Council holds the view that the existing level of financial contribution should remain for the forthcoming period.

12.6 **MEMORANDUM OF UNDERSTANDING – EASTERN DISTRICTS CRICKET ASSOCIATION**

Reporting Department: Community Services
Reporting Officer: Evelyn Arnold
Legislation:
File Reference:
Disclosure of Interest:
Attachments: MOU Eastern Districts Cricket Association

Background;

The Merredin Cricket Association has joined the Eastern Districts Cricket Association and the current MOU agreement is now outdated.

A new MOU has been drafted (**Attachment 12.6A**) giving only the three Merredin based teams use of the Merredin Regional Community & Leisure Centre.

The teams are Nukarni Cricket Club, Country Cricket Club and Nungarin Nokaning Cricket Clubs.

The cricket clubs have looked over the MOU and are happy to proceed forward with approval from Council.

Comment

The approval of this document will allow the cricket clubs to use the Merredin Regional Community & Leisure Centre facilities to promote cricket within the region.

Statutory/Policy Implications

Nil

Financial Implications

Nil

30781

Moved: Cr D Morris

Seconded: Cr Crees

Officer's Recommendation

That Council approve the MOU between the Shire of Merredin and the Eastern Districts Cricket Association.

CARRIED 9/0

13.0 ADMINISTRATION

13.1 SHIRE OF MERREDIN ACQUISITIVE ART PRIZE

Reporting Department:	Administration
Reporting Officer:	Greg Powell - CEO
Legislation:	Local Government Act 1995
File Reference:	Policy File
Disclosure of Interest:	Nil
Attachments:	Draft Acquisitive Art Prize

Background

The Shire of Merredin Acquisitive Art Prize is awarded annually to encourage the development of art and artists and to establish an art collection reflecting the development of art in the Wheatbelt.

Comment

In order to provide some guidance, a policy has been drafted and is at **Attachment 13.1A**. It is suggested that Council provides an annual Acquisitive Art Prize of \$1000.00 for a two or three dimensional work with entry confined to Wheatbelt residents who have been resident for a minimum of six months and in accordance with the following guidelines.

Guidelines

1. The prize shall be known as the "Shire of Merredin Acquisitive Art Prize" (the Prize)
2. The Shire of Merredin will provide the Prize annually to either a two or three dimensional artwork.
3. The winning entry will become the property of the Shire of Merredin.
4. The artist will be a bona fide resident of the Wheatbelt for a minimum of six (6) months immediately preceding the awarding of the Prize.
5. All works will be the original work of the artist and have been completed within the last 12 months and not entered onto any other award.
6. If the winning entry for the Prize is valued in excess of the budgeted Prize allocation the artist shall accept this amount only.
7. The Prize will be presented to the winner by the Shire President or his/her representative.
8. The winning work/Prize will be judged by a person nominated by Council.
9. The decision of the Council will be final.
10. Council reserves the right to withhold the Prize.
11. Any artwork awarded the Prize will be durable and able to be displayed in a public place for an extended period without deterioration. The works must be made of archival materials suitable for the wheatbelt climate.
12. The Shire of Merredin will be recognised as a Sponsor of any Art Exhibition and shall be recognised on all printed material and in any promotions relating to the art exhibition.

13. Copyright will remain with the artist. The artist agrees that the Shire of Merredin reserves the right to use the image of the winning entry for non-commercial reproduction and publicity purposes.
14. All two dimensional works will be no more than 1500mm x 15000mm in size. Three dimensional works will be no larger than 1500mm in any one dimension.

Statutory/Policy Implications

Nil

Financial Implications

Nil. This is an annual budgetary allocation.

30782

Moved: Cr

Seconded: Cr

Officer's Recommendation

That Council adopt the Acquisitive Art Prize Policy as per Attachment 13.1A

30783

Moved: Cr Hooper

Seconded: Cr Crees

Resolution

That Council adopt the Acquisitive Art Prize Policy as per Attachment 13.1A with an additional guideline being number 15: The value of the Prize shall be up to \$1000.00

CARRIED 5/4

13.2 ORDINARY MEETING DATES FOR 2012

Reporting Department:	Administration
Reporting Officer:	Greg Powell - CEO
Legislation:	Local Government Act 1995
File Reference:	Policy File
Disclosure of Interest:	Nil
Attachments:	Nil

Background;

Under the Local Government (Administration) Regulations 1996, local governments are to give local public notice of the date time and location that their ordinary meetings of council are to be held which are open to the public.

As a result the Shire of Merredin is required to advertise it's meeting dates for its ordinary meetings for 2012.

Comment

It is proposed that as in previous years the ordinary Council meetings be held on the third Tuesday of each month in Council Chambers at the Administration building commencing at 1.00pm.

There should be a total of 12 ordinary council meetings held in the 2012 calendar year on the following proposed dates:

Tuesday 17 January
Tuesday 21 February
Tuesday 20 March
Tuesday 17 April
Tuesday 15 May
Tuesday 19 June
Tuesday 17 July
Tuesday 21 August
Tuesday 21 September
Tuesday 18 October
Tuesday 20 November
Tuesday 18 December

Statutory/Policy Implications

Local Government (Administration) Regulations 1996

Financial Implications

Nil

30784

Moved: Cr Crees

Seconded: Cr Wallace

Officer's Recommendation

That Council adopt the following Ordinary Council Meeting dates for 2012, meetings commencing at 1.00pm at the Shire of Merredin Council Chambers in the Administration building:

Tuesday 17 January***Tuesday 21 February******Tuesday 20 March******Tuesday 17 April******Tuesday 15 May******Tuesday 19 June******Tuesday 17 July******Tuesday 21 August******Tuesday 21 September******Tuesday 18 October******Tuesday 20 November******Tuesday 18 December***

And that these dates are advertised in the December edition of Shire Newsletter in the Mercury.

CARRIED 9/0

14.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**15.0 QUESTIONS BY MEMBERS FOR WHICH DUE NOTICE HAS BEEN GIVEN**

Nil

16.0 URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION

Harvest Rock budget still has some outstanding items. The Chief Executive Officer will provide details to Councillors in due course.

Tennis Club liquor licence exemption will also be followed up by the CEO. Councillor Wallace requested the Tennis Club MOU be brought into line with the other sporting clubs using Council facilities.

Councillor Morris requested the content of Friday Facts be changed or an alternative one provided to Councillors which is more relevant to them.

The next informal briefing session would be held in the Council Chambers on 29 November commencing at 6.00pm

17.0 MATTERS BEHIND CLOSED DOORS

Nil

18.0 CLOSURE

Councillor Crook declared the meeting closed at 3.23pm