

SHIRE OF MERREDIN



“Heart of the Wheatbelt”

MINUTES OF COUNCIL MEETING

20 JULY 2010

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Minutes for the Ordinary Meeting of the Shire of Merredin held in the Council Chambers, Corner King and Barrack Streets, Merredin on Tuesday 20 July 2010 commencing at 1.00pm.

ATTENDANCE:

Councillors:	KA Hooper	Shire President
	D Crook	
	P Forbes	
	A Hooper	
	M Morris	
	J Townrow	
	W Wallace	
Apology:	RM Crees	Deputy Shire President
	M Young	
Staff:	G Powell	Chief Executive Officer
	J Garrett	Executive Manager of Engineering Services
	V Green	Executive Assistant to Chief Executive Officer
	E Growden	Executive Manager of Finance and Administration
	J Mitchell	Executive Manager of Development Services
	D Morris	Executive Manager of Community Services
Gallery:	M Gilmore	Site Manager, Collgar Windfarm

1.0 OFFICIAL OPENING

The Shire President declared the meeting open at 1.00pm.

Mrs Morris, Executive Manager of Community Services, and Mike Gilmore were in attendance.

2.0 PUBLIC QUESTION TIME

Nil

3.0 APOLOGIES AND LEAVE OF ABSENCE

Cr Young has tendered her apologies.

Cr Crees has tendered his apologies and requested Leave of Absence for all Council and Committee meetings for the months of July and August 2010 inclusive, as he will be out of the area due to work commitments.

Officer's Recommendation / Resolution

- 30352** Moved Cr Townrow Seconded Cr Wallace
That Council grant Leave of Absence to Cr Crees for all Council and Committee meetings for the months of July and August 2010 inclusive.

CARRIED 7/0

Cr Forbes requested Leave of Absence for all Council and Committee meetings for the month of August 2010.

Officer's Recommendation / Resolution

- 30353** Moved Cr Townrow Seconded Cr Crook
That Council grant Leave of Absence to Cr Forbes for the month of August 2010.

CARRIED 7/0

4.0 DISCLOSURE OF INTEREST

Cr K Hooper declared a Proximity Interest in Agenda Item 12.1.

Cr Morris declared a Financial Interest in Agenda Item 10.1 and a Proximity Interest in Agenda Item 11.1.

Mrs Morris, Executive Manager of Community Services, declared a Financial Interest in Agenda Item 10.1.

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 15 June 2010.

Officer's Recommendation / Resolution

- 30354** Moved Cr Townrow Seconded Cr Crook
That the minutes of the Ordinary Council Meeting held on 15 June 2010 be confirmed as a true and correct record of proceedings.

CARRIED 7/0

7.0 ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

Nil.

8.0 MATTERS FOR WHICH THE MEETING MAY BE CLOSED TO THE PUBLIC**17.1 Landfill Site – Valuation, Offer and Purchase**

Please refer to Page 70 for information on this Agenda Item.

9.0 RECEIVAL OF MINUTES OF COMMITTEE MEETINGS HELD SINCE THE PREVIOUS MEETING OF COUNCIL**Officer's Recommendation / Resolution****30355**

Moved Cr Townrow Seconded Cr Wallace

That Council receive the minutes of the Wheatbelt East Regional Organisation of Councils Executive Meeting held on 26 May 2010, the Wheatbelt East Regional Organisation of Councils Council Meeting held on 23 June 2010, the Merredin Heritage Advisory Committee Meeting held on 24 June 2010, the Central Wheatbelt Visitors Centre MoU Working Group Meeting held on 5 July 2010 and the Merredin Local Emergency Management Committee Meeting held on 6 July 2010.

CARRIED 7/0**9.1 Wheatbelt East Regional Organisation of Councils Executive Meeting held on 26 May 2010****Attachment 9.1A**

Nil Recommendations to Council.

9.2 Wheatbelt East Regional Organisation of Councils Council Meeting held on 23 June 2010**Attachment 9.2A**

Nil Recommendations to Council.

9.3 Merredin Heritage Advisory Committee Meeting held on 24 June 2010
Attachment 9.3A

Committee Recommendations

8.1 Heritage Week

Moved: A Parker

Seconded: R Endersbee

That the Heritage Advisory Committee support and recommend to Council that Council support the "Holding Heritage" theme and activities proposed for Heritage Week 2010:

1. Tuesday 26 October – Seniors Luncheon at the Cummins Theatre, display of movie projectors in the Tivoli Room and memorabilia in the auditorium.
2. Wednesday 27 October – Theatre open to the community from 10am – 12 Noon (guided tours of the Theatre, displays in Tivoli Room and auditorium), screening of movie at 3pm and 7pm and school excursions to the Museums and Theatre.

CARRIED 3/0

Resolution

30356

Moved Cr Townrow

Seconded Cr Crook

That Council support the "Holding Heritage" theme and activities proposed for Heritage Week 2010 to be held on:

1. ***Tuesday 26 October 2010 – Seniors Luncheon at the Cummins Theatre featuring a display of movie projectors in the Tivoli Room and memorabilia in the auditorium; and***
2. ***Wednesday 27 October 2010 – Cummins Theatre will be open to the community from 10.00am – 12.00noon with guided tours of the Theatre and displays in Tivoli Room and auditorium, the screening of a movie at 3.00pm and 7.00pm and school excursions to the Museums and Theatre.***

CARRIED 7/0

8.2 Merredin Heritage Precinct Interpretation Plan

Moved: R Endersbee

Seconded: A Parker

That the Heritage Advisory Committee recommend to Council that Council support in principle the Merredin Museum and Historical Society's project of an undercover shed for the rolling stock, which will improve the display conditions and preserve the longevity of the collection.

CARRIED 3/0

- 30357** **Resolution**
Moved Cr Morris Seconded Cr Crook
That Council support in principle the Merredin Museum and Historical Society's project of an undercover shed for the rolling stock, which will improve the display conditions and preserve the longevity of the collection.
- CARRIED 7/0**

- 9.4 Central Wheatbelt Visitors Centre MoU Working Group Meeting held on 5 July 2010
Attachment 9.4A

Committee Recommendation

- 8.2 CW Tourism Strategy Rollout

That the Shire of Merredin endorse the Central Wheatbelt Tourism Strategy 2009-2013.

Note: The Central Wheatbelt Tourism Strategy 2009-2013 is included as an appendix to the Central Wheatbelt Visitors Centre MoU Working Group Minutes.

- 30358** **Resolution**
Moved Cr Morris Seconded Cr Townrow
That Council endorse the Central Wheatbelt Tourism Strategy 2009-2013.
- CARRIED 7/0**

- 9.5 Merredin Local Emergency Management Committee Meeting held on 6 July 2010
Attachment 9.5A

Nil Recommendations to Council.

10.0 COMMUNITY SERVICES

Cr Morris and Mrs Morris, Executive Manager of Community Services, declared a Financial Interest in this Agenda Item 10.1. The nature of the Interest is that they are the tour operators mentioned in Attachment 10.1C.

Cr Morris asked the meeting to allow him to continue to participate in the discussion and decision making process as he believed his interest was so minor or insignificant as to be unlikely to affect his conduct in relation to this matter.

Cr Morris and Mrs Morris, Executive Manager of Community Services, left the meeting at 1.05pm.

30359 Moved Cr Wallace Seconded Cr Crook
That Cr Morris and Mrs Morris, Executive Manager of Community Services, be allowed to participate in the discussion of and decision making process on this Agenda Item 10.1 as it is felt that their interest is so insignificant that it will not influence their conduct in relation to this matter.

CARRIED 6/0

Cr Morris and Mrs Morris, Executive Manager of Community Services entered the meeting at 1.07pm.

10.1 MERREDINLINK RAILCAR SERVICE

Reporting Department: Community Services
Reporting Officer: Debbie Morris – Executive Manager, Community Services
Legislation: Local Government Act 1995
File Reference: CS/08/03
Disclosure of Interest: Financial
Attachments: Ministerial Correspondence; Timetables and Staff Comments

Background

The Hon. Brendon Grylls, Member for the Central Wheatbelt, received correspondence from the Minister for Transport regarding proposed changes to the MerredinLink railcar service. Minister Grylls is seeking Council's opinion on any positive or negative effects the proposed changes to the passenger service will have on the residents of Merredin and surrounding areas. (**Attachment 10.1A**)

The Minister for Transport provided some background information on the service:

“The MerredinLink service was introduced in 2004 in order to reduce time pressure on the Prospector service. Return services operate on Monday, Wednesday and Friday each week, which effectively allows the Prospector to provide a limited stop service on these days.”

The current timetable for the MerredinLink service is as follows:

Monday

Departs East Perth Terminal	8.55am
Arrives Merredin	12.10pm
Departs Merredin	1.10pm
Arrives East Perth Terminal	4.20pm

Wednesday

Departs East Perth Terminal	8.55am
Arrives Merredin	12.10pm
Departs Merredin	1.10pm
Arrives East Perth Terminal	4.30pm

Friday

Departs East Perth Terminal	8.55am
Arrives Merredin	12.10pm
Departs Merredin	1.05pm
Arrives East Perth Terminal	4.15pm

The MerredinLink is generally not a service for day trips from Perth to Merredin, as it only has a short stopover period of around one hour. The Visitor Centre Manager advised that over the month of June 2010 there appeared to be approximately 12 people in two groups that came to Merredin on the MerredinLink and there have been other occasions where some train enthusiasts travel for “the experience”, but generally the service is not well patronised by Perth residents.

In regard to Merredin residents, the departure time of the MerredinLink from the East Perth terminal is more popular than the Prospector times which are 7.10am every day except Sunday (2.10pm) and the additional services on Monday and Friday (3.15pm).

The Prospector service is available in Merredin seven days a week, with trains departing from East Perth Terminal and travelling through to Kalgoorlie and trains departing from Kalgoorlie to East Perth. There are currently only two options (Prospector - Monday and Friday) for Merredin residents to travel to Perth and return in the one day and these options only allow for a stopover of 1½ hours in Perth, which is not viable for business, shopping or health activities.

Timetables for the MerredinLink and Prospector are included in **Attachment 10.1B**.

Comment

The Central Wheatbelt Visitor Centre (CWVC) staff have provided comments on the proposed changes to the MerredinLink service as they have both knowledge of TransWA clients and the effect of the service in regard to tourism (**Attachment 10.1C**).

The Minister for Transport and the Member for the Central Wheatbelt acknowledge the need for further investigation, a view that is also supported by Shire staff.

There is a need to assess the MerredinLink service in a broader sense than just the replacement with a contracted “shopper” coach service originating in Merredin, as proposed by the Minister for Transport.

Some of the aspects that need further consideration include:

1. the needs of the Merredin residents – reasons for service (shopping, business, health), suitability of days and times;
2. the affect on local businesses – providing easier access to shopping out of town;
3. the affect on tourism – limiting services to potential visitors from Perth;
4. changes to Prospector times may avoid the need for another service; and
5. the needs and affects on other towns between Perth and Merredin that may use the service.

It is pleasing to see that the Minister for Transport is proposing to improve the transport options for the Merredin community (and other communities between Merredin and Perth), however there is a need for further investigation in order to provide a sound response as to the positive and negative effects that the proposed changes will have.

The Shire can assist by surveying TransWA clients that utilise the CWVC for ticketing, however other statistics and information will need to be collected to gauge the needs and reasons for use or non use of the service prior to implementing any changes.

It is proposed that a response be forwarded to Minister Grylls summarising the comments within this agenda item and attachment (CWVC staff comments) and suggesting a more comprehensive investigation be conducted that addresses the issues outlined above.

Statutory/Policy Implications

Nil.

Financial Implications

Nil.

Officer's Recommendation / Resolution**30360**

Moved Cr Townrow Seconded Cr Wallace

That the Hon Brendon Grylls, be advised in relation to the proposed changes to the passenger service, MerredinLink that Council's position is generally a summary of comments presented within this agenda item and outlining the need to conduct a more comprehensive investigation encompassing:

- 1. the needs of the Merredin residents – reasons for service (shopping, business, health), suitability of days and times;***
- 2. the affect on local businesses – providing easier access to shopping out of town;***
- 3. the affect on tourism – limiting services to potential visitors from Perth;***
- 4. the changes to Prospector times may avoid the need for another service; and***
- 5. the needs and affects on other towns between Perth and Merredin that may use the service,***
be undertaken prior to any changes being implemented.

CARRIED 7/0

10.2 POLICY MANUAL REVIEW

Reporting Department:	Community Services
Reporting Officer:	Debbie Morris – Executive Manager, Community Services
Legislation:	Local Government Act 1995
File Reference:	Council Policy Manual
Disclosure of Interest:	Nil
Attachments:	Policies

Background

Staff are currently reviewing the Shire of Merredin Policy Manual with the intention of maintaining an up to date set of policies for the Council and staff to operate by.

Community Services staff have reviewed the following policies that pertain to their section and have provided comments and recommendations accordingly:

- 2.14 Volunteer Management;
- 2.16 Child(ren) in the Workplace;
- 3.12 Eric Hind Music Scholarship;
- 3.18 Donations/Loans/Sponsorship – Central Wheatbelt Visitor Centre;
- 5.6 Banner Program;
- 5.10 Cummins Theatre – Waived or Discounted Hire Fees; and
- 5.11 Aboriginal Cultural Protocols and Practices Policy.

Comment

- 2.14 *Volunteer Management (Attachment 10.2A)*
Reviewed – minor amendment required – inclusion of Scope.
- 2.16 *Child(ren) in the Workplace (Attachment 10.2B)*
Reviewed – no amendments required.
- 3.12 *Eric Hind Music Scholarship (Attachment 10.2C)*
Reviewed – amended. Policy Statement, Scope, Purpose and Timeframes introduced, advertising criteria removed, reference to Merredin Community Awards included.
- 3.18 *Donations/Loans/Sponsorship – Central Wheatbelt Visitor Centre (Attachment 10.2D)*
Reviewed – amended. Aims and Objectives of the Central Wheatbelt Visitor Centre (CWVC) amended in line with the CWVC Operational Plan 2010.

5.6 Banner Program (Attachment 10.2E)

Reviewed – propose deletion. The Banner Program was associated with the use of the light poles in Barrack and Bates Streets, which belong to Western Power, who have declined the use of these poles.

5.10 Cummins Theatre – Waived or Discounted Hire Fees (Attachment 10.2F)

Reviewed – amended. Amount of discounted or waived Hire Fee increased in line with the new fees and charges adopted for the Cummins Theatre in June 2010. The reference to “Private functions will NOT be considered” has the addition of “unless deemed suitable by the CEO” to enable funerals to be considered. Scope included.

5.11 Aboriginal Cultural Protocols and Practices Policy (Attachment 10.2G)

Reviewed – No amendments required.

The Role of Council is to determine the local government’s policies and as such it is recommended that Council endorse the following policies as outlined in Attachments 10.2A – 10.2G respectively and endorse the deletion of the current Banner Program policy currently listed in the Policy Manual under Section 5 – Recreation and Culture Item 5.6:

1. 2.14 Volunteer Management;
2. 2.16 Child(ren) in the Workplace;
3. 3.12 Eric Hind Music Scholarship;
4. 3.18 Donations/Loans/Sponsorship – Central Wheatbelt Visitor Centre;
5. 5.10 Cummins Theatre – Waived or Discounted Hire Fees;
6. 5.11 Aboriginal Cultural Protocols and Practices Policy;

Statutory/Policy Implications

Local Government Act 1995, Division 2 Section 2.7.

Financial Implications

Nil.

Officer’s Recommendation / Resolution**30361**

Moved Cr Forbes

Seconded Cr Townrow

That Council endorse the following Policies as outlined in Attachments 10.2A to 10.2G respectively and the deletion of the Policy 5.6 Banner Program:

- 1. 2.14 Volunteer Management;***
- 2. 2.16 Child(ren) in the Workplace;***
- 3. 3.12 Eric Hind Music Scholarship;***
- 4. 3.18 Donations/Loans/Sponsorship – Central Wheatbelt Visitor Centre;***
- 5. 5.10 Cummins Theatre – Waived or Discounted Hire Fees; and***
- 6. 5.11 Aboriginal Cultural Protocols and Practices Policy.***

CARRIED 7/0

10.3 MERREDIN REPERTORY CLUB MEMORANDUM OF UNDERSTANDING

Reporting Department:	Community Services
Reporting Officer:	Debbie Morris – Executive Manager, Community Services
Author:	Jane Bandurski – Cummins Theatre Manager
Legislation:	Local Government Act 1995
File Reference:	CM/19/01
Disclosure of Interest:	Nil
Attachments:	Draft Memorandum of Understanding

Background

In April 2007 a Memorandum of Understanding (MoU) between the Shire of Merredin and the Merredin Repertory Club (MRC) was established. The MoU was designed to maximise the community's usage of Cummins Theatre, and outlined a unique agreement upon conditions of use of the Theatre by MRC.

In subsequent years the MoU has been reviewed annually, and has proven a successful means of monitoring and determining the use of Cummins Theatre by this community group. The introduction of the MRC MoU has been effective in achieving the objectives outlined within the document in its previous three years of implementation. The reviewed MoU is included in **Attachment 10.3A**.

CommentFees & Charges

Since the implementation of the MoU, MRC has staged thirty community performances, over the course of two performance seasons each year. The hire fees and charges for MRC's use of Cummins Theatre have been negotiated at a discounted rate of 12.5% gross profit from ticket sales in lieu of 'per usage' charges, and this has remained constant since the MoU's inception. This has allowed a degree of flexibility with auditions, rehearsals, and meetings, and the amount of venue access each year. The negotiated hire fees, while generating income, have not always accurately reflected the level of use that MRC receives through the terms of the MoU.

The annual value of MRC use of Cummins Theatre may be estimated as follows:

2006-2009 (per annum)			
Performances	10	10x \$363.00	\$3,630.00
Bump-in	39	39x \$363.00	\$14,157.00
Rehearsals	32	24x \$363.00	\$11,616.00
Auditions	4	4x \$363.00	\$1,452.00
Meetings	12	12x \$85.00	\$1,020.00
TOTAL	97		\$31,875.00

**These figures have been calculated using former hire fees applicable to the 2007-2009 financial years.*

The following table summarises the income received by the Shire for MRC productions, as applicable in the MoU:

Production	Income
A Little Murder... (2007)	\$899.50
Ma Baker's Tonic (2007)	\$1,236.31
A Love Trifecta (2008)	\$569.85
Sailing South (2008)	\$598.36
Farmer Will Swap/Bra Unclipping (2009)	\$2,181.82
Jack & the Beanstalk (2009)	-
TOTAL	\$4,594.18

Storage

The renovation works have also included elements dedicated solely to MRC, including the refurbishment of the costume room: MRC has exclusive access to 80% of the storage space available at Cummins Theatre, thus limiting much needed storage space for Cummins Theatre property and equipment, and making it impossible for the Shire to acquire or store any more equipment on site in the future. The costumes, stage sets, and props owned by MRC are not available to the public, and are for Club use only. MRC contributed \$10,000.00 towards the refurbishment of the Costume Room, and have also agreed to work with the Shire to continue to maintain and upgrade the storage systems and facilities within.

Bump-in and Bump-out

With two performance runs each year, MRC has access to Cummins Theatre for an average of 90-100 days per year. Of this, 49 days are exclusive access, during which time no other users are able to access the stage or theatre space for events. This occurs over the course of two sessions: three weeks over June/July, and four weeks over November/December.

Within the current renovation works, the flying system upgrade has been designed to enable more dual use of the theatre space; the use of flying scenery bars will enable sets to be more flexible and easier to move on and off stage, thereby enabling more users to use the space with less time between performances, and reducing the required length of bump-ins for MRC shows. MRC's request to maintain its two week bump-in schedule must be considered in light of this.

Fees & Charges

Hire fees for the venue have been increased for all community and commercial hirers to reflect the change in overheads brought about through the renovation. In light of this, it is necessary to review the hire fees implicit in the MRC MoU agreement to reflect this change. The following fee structures have been designed to incorporate the same amount of usage as in previous years, and to reflect the new hire rates for Cummins Theatre:

Value of Use 2010-2011 (Community)			
Performances day/night	10	\$400.00	\$4,000.00
Tivoli Room	10	\$240.00	\$2,400.00
Kitchen	6	\$120.00	\$720.00
Rehearsal nights	32	\$200.00	\$6,400.00
Meetings	12	\$120.00	\$1,440.00
TOTAL			\$14,960.00

The proposed fee in the draft MoU is \$4,000.00 or 12.5% of gross ticket sales, whichever is the greater, for a twelve month period.

Although this is a substantial discount on the already discounted “community” schedule of charges, it is an attempt to at least cover operating costs of the Theatre, although these are yet to be fully understood. It also equates to the revenue that would be obtained if the community charge was levied for performances. MRC may also retain the option to pay its fee as a percentage of ticket sales should this satisfy the terms of the MoU, however the ‘per-performance’ structure is designed to act as a guarantee against loss.

Venue hire for these dates should be an expense considered by the MRC in its determination of ticket prices. The volunteer element provided by MRC to functions at the Theatre should also be taken into consideration.

Storage

As MRC equipment has been stored at Cummins Theatre for so many years, and prior to the Shire’s involvement with the Theatre, there have been circumstances in which this has created confusion regarding ownership of certain items and collections. The Shire has acquired MOSAiC software in order to maintain Shire collections, however at present there is no provision for the recording and maintenance of MRC collections. The following clauses have been introduced in the MoU in order to address this issue:

“The Merredin Repertory Club shall:

15. *Provide the Shire with a Contents Insurance Policy in the name of Merredin Repertory Club for no less than the replacement value of all property and goods kept within Cummins Theatre that is the property owned or vested in the Merredin Repertory Club.*
16. *Provide the Shire with a current inventory of Merredin Repertory Club stock and equipment permanently stored at Cummins Theatre. This will extend to notifying the Shire in writing when significant items are purchased, such as sound or lighting equipment.*
17. *Provide the Shire of Merredin with a management plan for the Costume Collection and any other historical items stored at Cummins Theatre.”*

Also taken into consideration in the MoU is the designation of responsibility for equipment repair, based on use and ownership. All technical and theatrical equipment used and stored at Cummins Theatre is to be clearly labelled, and is not to be used without the owner’s authority. Where equipment is damaged, it will be the responsibility of the user to ensure that repairs or replacements are provided expeditiously. Similarly, each respective owner of technical equipment will be responsible for servicing its own gear.

Bump-in and Bump-out

Further to the financial considerations of the MoU, the following items have been introduced:

“The Shire shall:

18. *Undertake to ensure that a two week bump-in period is allocated to Merredin Repertory Club performance seasons twice yearly. Every effort will be made to guarantee this access, however, in the event that this is not possible, the Theatre manager will undertake to notify the Merredin Repertory Club within 5 working days for alternative arrangements to be made for the rehearsal periods.”*

MRC has agreed to work with each of the Primary Schools and the High School to minimise the disruption caused to community schedules through these large block bookings. With the exception of the Primary Schools and funerals, MRC will not consider amending its schedule for other community or commercial functions.

Statutory/Policy Implications

Nil.

Financial Implications

The Shire of Merredin currently receives 12.5% gross profit on ticket sales from all MRC shows staged at Cummins Theatre. This has fluctuated significantly during the previous three years, and in many cases, has failed to cover the cost of electricity.

MRC also pays an annual bond of \$500.00, payable on 1 July each financial year.

Electricity costs and consumption is expected to rise significantly post-renovation, and given that MRC performance seasons occur at the height of winter and summer, it may be anticipated that in addition to using stage lighting, MRC will heavily utilise the newly installed climate control. The Shire should not be expected to fully subsidise these operating costs as it has done in the past. Charging a per-performance fee will create a guarantee against loss for Cummins Theatre.

The MoU also stipulates that Cummins Theatre is to act as the sole Box Office for all MRC ticket sales. A standard booking fee of \$2.20 per ticket will apply, as per the current schedule of fees and charges for 2010-2011. This booking fee will be independent of the schedule of fees proposed within the MoU.

Mr Mitchell, Executive Manager of Development Services, entered the meeting at 1.17pm.

Officer's Recommendation

That Council adopt the proposed Memorandum of Understanding between the Shire of Merredin and the Merredin Repertory Club, as presented in Attachment 10.3A, inclusive of the new Memorandum of Understanding Fees and Charges, for a period of 12 months commencing on 1 August 2010.

Resolution

- 30362** Moved Cr Townrow Seconded Cr Forbes
That Council adopt the proposed Memorandum of Understanding between the Shire of Merredin and the Merredin Repertory Club, as presented in Attachment 10.3A (and as amended), inclusive of the new Memorandum of Understanding Fees and Charges, for a period of 12 months commencing on 1 August 2010.

CARRIED 7/0

Mrs Morris, Executive Manager of Community Services, left the meeting at 1.20pm.

11.0 DEVELOPMENT SERVICES

Cr Morris declared a Proximity Interest in this Agenda Item 11.1. The nature of the Interest is that he owns land adjoining the Aerodrome.

Cr Morris asked the meeting to allow him to continue to participate in the discussion and decision making process as he believed his interest was so minor or insignificant as to be unlikely to affect his conduct in relation to this matter.

Cr Morris left the meeting at 1.20pm.

30363 Moved Cr Crook Seconded Cr Townrow
That Cr Morris be allowed to participate in the discussion of and decision making process on this Agenda Item 11.1 as it is felt that his interest is so insignificant that it will not influence his conduct in relation to this matter.

CARRIED 6/0

Cr Morris entered the meeting at 1.22pm.

11.1 LOCAL PLANNING SCHEME NO. 6 – CLOSURE OF SUBMISSION PERIOD; CONSIDERATION OF SUBMISSIONS RECEIVED AND ADOPTION OF FINAL APPROVAL

Reporting Department: Development Services
Reporting Officer: John Mitchell – Executive Manager, Development Services
Legislation: Planning and Development Act 2005 and subsidiary legislation
File Reference: LUP/5/1
Disclosure of Interest: Nil
Attachments: Draft Local Planning Scheme No. 6 and maps 1 – 15; Schedule of submissions received; Copies of submissions received; Western Australian Planning Commission correspondence of 15 February 2010

Background

Council was granted consent by the Western Australian Planning Commission to advertise the Local Planning Scheme No. 6 (LPS 6) (**Attachment 11.1A**) on 15 February 2010 subject to the notification to certain government departments of the advertising of the scheme.

Comment

The consent provided for advertising was conditional on the schedule of consultation contained in correspondence of 15 February 2010 being complied with (**Attachment 11.1B**). Submissions are contained within **Attachment 11.1C**.

For Council information:

1. advertising occurred in the West Australian on 17 February 2010;
2. advertising occurred in the Merredin Mercury on 24 February 2010;
3. the Schedule of consultation contained in correspondence of 15 February 2010 was complied with;
4. additional correspondence was sent to the owners of land within the "General Farming" zone of the town site of Merredin seeking comment;
5. correspondence received from individuals prior to advertising was brought out and placed with the submissions received during advertising.

The two advertisements ran for 96 days. Regulation 15(3) requires the local government to advertise at least once in a newspaper circulating within the district. Regulation 15(5) of the Town Planning Regulations 1967 requires the submission period to exceed 90 days.

The Planning Consultant, Mr Paul Bashall and the Executive Manager of Development Services met on 3 June 2010 to consider the submissions received. The "schedule of submissions received" addresses those submissions (**Attachment No. 11.1D**).

In summary, the following modifications to the LPS 6 are recommended:

1. rezone abattoir land – Lot 1 Abattoir Road, Merredin to "General Farming" and remove the special control area;
2. add an objective to the Highway Service zone to ensure that development complies with Main Roads WA policy for development abutting the Great Eastern Highway;
3. Page 8 – clause 4.2.2.1 – delete the full stop at end of sentence;
4. Page 8 – clause 4.2.2.2 – delete "insure" and replace with "ensure";
5. P11 EPA change to Environmental Protection Authority;
6. amend schedule 4 by deleting "Crown Lot 28107" and replace with Loc 20771;
7. retain Lot 503 Goldfields Road, Merredin as "General Farming" at the request of the owner;
8. change UCL 1456 (South end of Pollock Avenue) to "Residential";
9. rezone Lot 1120 Bates Street from "Civic & Cultural" to "Residential" at the request of the owner;
10. delete the town centre zoning on map 9 where it extends into Allbuery Street;

11. delete proposed "tourism zoning" of Reserve 44697 and replace with "residential zone";
12. rezone Lot 50 Railway Parade, Merredin to "Light Industry";
13. amend town maps; Map 8 – Pollock Avenue is a no through road to Todd Street as is the un-named road through the parks and recreations Reserve 10359;
14. amend plan 6 to reflect the T junction in Coghill Place and remove "Light Industrial" zoning to the road inserted;
15. delete CH to Lot 401 French Avenue and zone "Single Residential";
16. delete CH over recreation land within map 8 over Reserve 1039 – is not a child health – it is a museum; and
17. change the use CH within the reserves listing to Church.

At Council's 21 May 2010 Briefing Session Council requested the following issues to be considered:

1. Aerodrome extensions – there is no development application for extensions at this time. It is not possible to amend a plan on basis of what "might" or "could" happen. Buffer zones are instigated to protect existing infrastructure and development proposed.

An amendment through the omnibus will be instigated to rezone the aerodrome to "Special Use – Aerodrome". To provide buffer zones for a third or fourth runway is speculative and may be placed incorrectly. In addition the amendment will require public advertising and further delay the LPS 6;

2. "Rural Residential" zones to replace the "General Farming" zoning within the town-site south of Merredin. Council has agreed that the land zoned "General Farming" south and within the town-site be rezoned to "Rural Residential" with (RR3) to become residential to offset potential ring barking;
3. Reserve 44697 should have been zoned "Residential" pursuant to **CMRef 30246**;
4. there is no formed road off the northern end of MacDonald Street, Merredin;
5. whilst the TS map is non-legal the road named Gamenya on the western side of town is named Barrack incorrectly the name does not occur in the maps 6-9 of LPS 6.
6. the minor abbreviation misnames are corrected CH – should be museum where shown on Reserve 10359 map 8, remove CH to Lot 401 French Avenue – which is it's use – the remaining are churches which is not reflected within the special use zone abbreviations.

It is understood that Council has informally agreed to an omnibus amendment to rezone the "General Farming" land south of the Merredin town-site and within the town-site (including Lot 1 Hughes Road, Merredin) to "Rural Residential".

Any amendment to the document that impacts beyond simple typographical or unintended zoning issues will be easily defended. Amendments which restrict the use or enjoyment of land beyond that advertised within the scheme documents will require the matter to be sent back to the Commission for consent to advertise.

Where there is no DA proposed, amendment to the Scheme will be difficult to justify.

Statutory/Policy Implications

The provisions of Regulation 15, 16, 17 & 18 of the Planning Regulations 1967 are applicable. Regulation 15 deals with the advertising of the scheme; 16 relates to submissions to the proposed scheme; and 17 addresses the determination of submissions.

Regulation 18 is particularly important as the Administration and Consultant have twenty eight (28) days from the date of the resolution of final approval to forward the scheme documents and submissions received to the Commission.

One submission was received in accordance with the "form four" requirements of the Town Planning Regulations 1967. All other submissions were correspondence.

Financial Implications

The 2010/2011 Budget includes funds for the proposed omnibus amendment. Gazettal costs are estimated at \$250.00/page. Funds have been provided for the local advertising of the scheme and for the printing of the text at the completion of the process.

Cr Townrow left the meeting at 1.27pm.

Cr Townrow entered the meeting at 1.29pm.

Officer's Recommendation

1. *That Council:*
 1. *note the Schedule of Submissions to Local Planning Scheme No. 6, as presented in Attachment 11.1D, and adopt the proposed recommendations contained within that Schedule.*
 2. *adopt the Local Planning Scheme No. 6, as presented in Attachment 11.1A, for final approval and authorise the Shire President and Chief Executive Officer to sign and affix the common seal to the Local Planning Scheme No. 6.*
2. *That the Minister for Planning be requested to grant final approval to the Shire of Merredin Local Planning Scheme No. 6 as presented in Attachment 11.1A.*

Resolution

30364

Moved Cr Townrow

Seconded Cr Crook

1. ***That Council:***
 1. ***note the Schedule of Submissions to Local Planning Scheme No. 6, as presented in Attachment 11.1D, and adopt the proposed recommendations contained within that Schedule.***
 2. ***adopt the Local Planning Scheme No. 6, as presented in Attachment 11.1A, for final approval with those modifications from the Schedule of Submissions as presented in Attachment 11.1D, and authorise the Shire President and Chief Executive Officer to sign and affix the common seal to the Local Planning Scheme No. 6.***
2. ***That the Minister for Planning be requested to grant final approval to the Shire of Merredin Local Planning Scheme No. 6 as presented in Attachment 11.1A with the Schedule of Submissions as presented in Attachment 11.1D.***

CARRIED 7/0

11.2 STREET NUMBERING OF PROPERTIES

Reporting Department:	Development Services
Reporting Officer:	John Mitchell – Executive Manager, Development Services
Legislation:	Land Administration Act 1997 and subsidiary legislation
File Reference:	Roads/Roads management and Town Street Addressing
Disclosure of Interest:	Nil
Attachments:	Street Numbering Amendments

Background

Landgate – Addressing Geographic Services Information Systems have contacted the Administration and advised of a series of street numbering issues that should be addressed. A list of those amendments is contained in **Attachment 11.2A**.

A map of the town of Merredin has been provided and will be presented to the meeting.

Comment

Most of the issues are minor in nature however the roads Pollock Avenue and Cummings Street require substantial renumbering. There will be other numbering issues that become apparent as the process moves forward.

The reason for raising this with Council is because the Fire Brigade volunteers are commencing numbering all properties around the town for emergency purposes. To ensure it is carried out correctly the information on street numbering was sought.

The re-numbering will permit the issuing of numbers for vacant property. The intent to renumber should be advertised. This will create some annoyance with residents that have to change their numbers.

It is estimated there are 150 properties that will require re-numbering. The volunteers could then amend numbers that are incorrect at the same time as providing numbers that emergency services can see.

There will be a need to amend the Synergy program to reflect the correct numbers as issued by Landgate.

Statutory/Policy Implications

There are becoming an increasing number of occasions that Telstra or another utility provider declines to provide the service unless a street number is known. In some instances persons have invented a number to secure the utility. This may have led to the current numbering issues in several streets.

Financial Implications

The cost of the stick-on numbers is \$3.50 each. The average cost per home will be \$7.00. The anticipated costs of the changes is \$1,000.00.

There is no budget provision for the project.

Officer's Recommendation / Resolution**30365**

Moved Cr Townrow Seconded Cr Crook

That the Administration advertise the street numbers as provided by Landgate, and the intent to change some addresses, request the Fire Brigade Volunteers to amend street numbers during the project of street numbering and provide letters to those properties that will have changes made.

CARRIED 7/0

11.3 ADOPTION OF BUSINESS PLAN – WHITFIELD WAY STAGE TWO – LOT 1335 WHITFIELD WAY, MERREDIN

Reporting Department:	Development Services
Reporting Officer:	John Mitchell – Executive Manager, Development Services
Legislation:	Local Government Act 1995 – Section 3.59(5) (LGA95)
File Reference:	LUP/13/Whitfield Way Stage Two
Disclosure of Interest:	Nil
Attachments:	Business Plan

Background

At its March 2010 Meeting Council resolved to advertise the business plan for subdivision development of Lot 1335 Whitfield Way, Merredin into 12 lots (**CMRef 30269**). A copy of the business plan is included in **Attachment 11.3A**.

Comment

No submissions or comments were received. The business plan related to the proposed development has not significantly changed. The proposal is to create 12 additional special residential lots and to bituminise Whitfield Way, Merredin.

Statutory/Policy Implications

Advertising occurred in the West Australian on Saturday 27 March 2010 as required by the Local Government Act 1995.

Section 3.59(5) LGA95 requires that the Local Government consider any submissions made and may decide, by absolute majority, to proceed with the major undertaking or transaction as proposed or so that it is not significantly different from what was proposed.

Financial Implications

Development is anticipated to cost \$620,000.00. Funds have been allocated within the 2010/2011 Budget to commence development of the land.

Officer's Recommendation / Resolution

30366 Moved Cr Townrow Seconded Cr Morris

That Council:

- 1. notes that no submissions were received for the Business Plan of the proposed subdivisional development of Lot 1335 Whitfield Way, Merredin;***
- 2. adopts the Business Plan, as presented in Attachment 11.3A, of the proposed subdivisional development of Lot 1335 Whitfield Way and that the development of Lot 1335 Whitfield Way, Merredin is undertaken as soon as the subdivision is approved.***

**CARRIED 7/0
ABSOLUTE MAJORITY**

11.4 DEMOLITION OF VARIOUS BUILDINGS – LOT 684 BATES STREET, MERREDIN - RECREATION GROUNDS

Reporting Department:	Development Services
Reporting Officer:	John Mitchell – Executive Manager, Development Services
Legislation:	Building Regulations 1989, Occupational Safety and Health Regulations 1996
File Reference:	A325; CP/8/1
Disclosure of Interest:	Nil
Attachments:	Photos

Background

In 2009 the building surveyor declared the old Tote Bar and building condemned and off limits by employees.

In addition, a walk through inspection has recently shown that the old white walled and green roofed toilet block and brick male toilet block adjacent to the Nukarni tennis club building and the old change-rooms associated with the Hockey field are also in very poor condition.

Comment

The attached photographs show the condition of the buildings. (**Attachment 11.4A**).

Renovation of the structures would be difficult and potentially expensive due to “contingencies”. The condition of the toilets is detailed below:

1. leaking and deteriorated cisterns;
2. inadequate lighting;
3. no safe access – pathways, lighting;
4. requires repainting and connection to sewer proper – currently via a sewer pump to a sump pit;
5. replace all broken windows;
6. replace gutters and downpipes to male toilets – provide a non drip entry to ladies; and
7. address flooding of ladies toilets in heavy rains.

The condition of the Tote Bar is detailed below:

1. 68cm TV sitting on a 50mm beam suspended 2m in air and people walking under – the beam had sagged;
2. main underpurlins and wall plate supports are split, weathered and broken and hanging down where people walk through;
3. main rafters are split and in danger of collapsing;

4. substantial volumes of Redback and Whiteback spiders and other insect pests accumulated on the chairs and stored materials; and
5. substantial damage to asbestos walls and entry areas.

The inspection also determined that the Hockey change-rooms may be beyond economical use and repair. They are currently cleaned but not maintained for ease of toilets for the hockey field users. It is sought to remove this building as well. The floor is substantially cracked and extends through the walls in the male toilet area, external brickwork is fretted and cracked, entry is slippery and a staggered surface which is not delineated and lighting is inadequate. The distance to the toilets at the Recreation Centre is 100m from a point directly in front of the change-rooms. From the eastern end of the oval the distance is approximately 65m. The Master Plan does not indicate that additional ablution facilities are to be constructed.

The final building is the old ticket box located to the south of the tennis courts which has damaged windows, broken doors and appears unused.

All the buildings are not lockable and vandalised. There is evidence of misuse of the buildings and alcohol bottles broken throughout.

Once demolition has been completed, the complex will be in accordance with the Master Plan.

Statutory/Policy Implications

Building Regulations 1989 – issue of licence to demolish buildings;
Occupational Safety & Health Regulations 1996 – safety of employees;
General duty of care to public;
Health Local Laws – condition of public toilets.

Financial Implications

There are sufficient funds within the Maintenance of Recreation Ground budget to address the no salvage demolition of the buildings.

Officer's Recommendation / Resolution

30367

Moved Cr Townrow Seconded Cr Wallace

That Council endorses the demolition of the external toilets adjacent to the Nukarni Tennis Club building, the Tote Bar, Old Ticket Box and the Hockey Change-rooms at the Recreation Ground Lot 684 Bates Street, Merredin and that demolition be progressively undertaken by staff during the 2010/2011 financial year within the existing Budget.

CARRIED 6/1

11.5 LANDFILL SITE - SETTING OF FEES AND PUBLIC ADVERTISING

Reporting Department:	Development Services
Reporting Officer:	John Mitchell – Executive Manager, Development Services
Legislation:	Local Government Act 1995
File Reference:	WM/16/3
Disclosure of Interest:	Nil
Attachments:	Advertising; Submissions

Background

The following resolutions are applicable to this Agenda Item:

Agenda Item 11.5 16 June 2009;
CMRef 30078 – August 2009; and
CMRef 30221 – January 2010.

The above items relate to the procedures and introduction of Landfill Site passes, fees for disposal and closure of outlying transfer stations.

A component of the discussions was fee structure. Advertising of the resolutions and proposed fee structure occurred in the following ways:

1. to persons who routinely receive the minutes of Council;
2. public advertising within the Wheatbelt Mercury on 10 February 2010 and 14 April 2010 – a copy of the notice appends (**Attachment 11.5A**);
3. word of mouth discussions with residents during the performance of other duties.

Comment has been received from residents, residents from other local governments and from local governments including the Shire of Goomalling. The Shire of Goomalling is also considering the introduction of Landfill Site fees to offset the common approach of all rates notices being apportioned a cost of provision of service.

In addition to the comments received disposal costs have been obtained from other local governments.

Comment

Comment has been received as a result of discussions with persons on other issues. The main concern raised appears to be the farmer that uses the site for domestic waste disposal rather than bury on their own farms. In several conversations ISO9001 programs required that they cease burial within the boundaries of the farm.

Written responses were received. Copies of those submissions are in **Attachment 11.5B**.

Two submissions sought Council to ensure that local businesses did not contribute to the cost of operation of the Landfill Site and could access the site for no cost. In addition the incidence of illegal dumping was thought to increase.

One submission suggested that the cost of disposal was too low.

There is no easy system which will catch all. The fairest way is to issue no passes and all pay to dispose of waste; this however is considered generally unacceptable. Similarly, to impose a reduced rate on a business providing a waste collection service could be seen as discriminatory. Extension of the refuse collection service to some rural properties on arterial roads will create additional issues for the Administration to resolve.

To address skip bins (and local contractors using trailers) it is suggested that the tip pass be permitted to be used - 2 passes per 3m skip bin. The added advantage is that public do not access the site and the contractor must ensure that the waste is properly separated. In addition, recyclable waste product is not charged for if it is disposed of properly. The trailer contractor can advise of the address when providing the pass and records will confirm that pass was issued to the property.

There is no simple or easy solution to provision of services or collection to the rural sector. If waste is recyclable then there is no charge. Efficiencies on the farms will substantially reduce the charges incurred at the Landfill Site – e.g. separation at the farm – make tenants/house owners recycle at the farming point – this will reduce chargeable waste by 50% and most likely mean that no costs are incurred.

A verge-side collection will also be undertaken to town-site residents.

There has been no public comment received on the closure of Burracoppin Transfer Station site (**CMRef 30221**) or the proposed closure of Muntadgin site if it continues to be misused. No service is provided by the Shire or Avon Waste for the Burracoppin Transfer Facility. Currently, in excess of twelve bins a week are placed there by farmers for emptying. There appears to be no charge to the farmer for this service. Avon Waste service the facility.

On 7 July 2010 the Muntadgin site was cleaned up and fridges, tyres and general waste was removed from the grounds of the facility. Photographs of the site were taken.

Statutory/Policy Implications

Fees for the landfill site are set pursuant to the Local Government Act 1995, Section 6.16. An absolute majority of Council is required.

Financial Implications

Additional research has been undertaken by the Administration and the following fee structure is recommended. It should be noted that income for the 2010/2011 year has been budgeted from this schedule of fees.

The proposed landfill site fees are detailed below:

Product Description	Cost: m ³	Min. Chg (Sorted)	Comment – suggest minimum charges become sorted charges
Open Site out of hours	Applied	\$122.00	Site will be available to open on demand TO CONTRACTORS at min charge + applicable disposal charges
Bulk Refuse/building rubble/soil/timber and unsorted steel	\$45.00	\$25.00	Should one be bulk and the other be commercial and demolition
Bulk Waste sorted	\$22.50	\$12.00	If waste sorted reduces time required for loader on site
Clean fill	Free		No steel, plastic, waste, permit small (<50mm pieces of timber natural product)
Green Waste	Free		Must be clean and non contaminated
Skip bins (unsorted)	\$45.00		
Asbestos Disposal	\$100.00		Wrapped in 2 layers builders membrane
Tyres			NOT ACCEPTED
6 x 4 trailer – household waste – level load = 1 tip pass	\$25.00	Free	Waste to be sorted and placed where directed to achieve free disposal
Tandem trailer – level load = 1 tip pass	\$35.00	Free	Waste to be sorted and placed where directed to achieve free disposal.
Used Oil	40c/litre	15c/l	If disposed in drums – 40c per litre, if placed in large capacity tank on site – 15c/l
Controlled Liquid Waste	3c/l		

For information, landfill site fees have been sourced from the Shires of Jurien Bay/Dandaragan, Waroona, Murray and Coorow.

Officer's Recommendation / Resolution

30368

Moved Cr Townrow Seconded Cr Crook

1. *That the submissions received are acknowledged and the resolutions of Council be advised to them.*
2. *That Council reaffirms its decision (CMRef 30221) to close Burracoppin Transfer Station immediately.*
3. *That the fee structure for the operation of the Landfill Site for the 2010/2011 year and until amended be as detailed below and included in Council's Schedule of Fees and Charges:*

Product Description	Cost: m ³	Min. Chg (Sorted)	Comment – suggest minimum charges become sorted charges
<i>Open Site out of hours</i>	<i>Applied</i>	<i>\$122.00</i>	<i>Site will be available to open on demand TO CONTRACTORS at min charge + applicable disposal charges</i>
<i>Bulk Refuse/building rubble/soil/timber and unsorted steel</i>	<i>\$45.00</i>	<i>\$25.00</i>	<i>Should one be bulk and the other be commercial and demolition</i>
<i>Bulk Waste sorted</i>	<i>\$22.50</i>	<i>\$12.00</i>	<i>If waste sorted reduces time required for loader on site</i>
<i>Clean fill</i>	<i>Free</i>		<i>No steel, plastic, waste, permit small (<50mm pieces of timber natural product)</i>
<i>Green Waste</i>	<i>Free</i>		<i>Must be clean and non contaminated</i>
<i>Skip bins (unsorted)</i>	<i>\$45.00</i>		
<i>Asbestos Disposal</i>	<i>\$100.00</i>		<i>Wrapped in 2 layers builders membrane</i>
<i>Tyres</i>			<i>NOT ACCEPTED</i>
<i>6 x 4 trailer – household waste – level load = 1 tip pass</i>	<i>\$25.00</i>	<i>Free</i>	<i>Waste to be sorted and placed where directed to achieve free disposal</i>
<i>Tandem trailer – level load = 1 tip pass</i>	<i>\$35.00</i>	<i>Free</i>	<i>Waste to be sorted and placed where directed to achieve free disposal.</i>
<i>Used Oil</i>	<i>40c/litre</i>	<i>15c/l</i>	<i>If disposed in drums – 40c per litre, if placed in large capacity tank on site – 15c/l</i>
<i>Controlled Liquid Waste</i>	<i>3c/l</i>		

**CARRIED 7/0
ABSOLUTE MAJORITY**

11.6 BUILDING CONSTRUCTION – NEW DWELLING – LOT 684 BATES STREET, MERREDIN

Reporting Department:	Development Services
Reporting Officer:	John Mitchell – Executive Manager, Development Services
Legislation:	Local Government Act 1995
File Reference:	A325
Disclosure of Interest:	Nil
Attachments:	House Plans and Site Plan

Background

At its May 2010 meeting Council resolved to construct a new dwelling at the Recreation Grounds, Lot 684 Bates Street, Merredin (**CMRef 30325**).

Comment

Council was advised at the May meeting of the cost of a 3 bedroom dwelling was estimated at \$220,000.00.

The Administration proposes a three bedroom 2 bathroom dwelling similar in construction style to the two units constructed in Coronation Street, Merredin. A design will be finalised by the Building Projects Manager once the site is chosen.

Plans of transportable dwellings are contained in **Attachment 11.6A** for information. Construction prices given are not complete as there is no allowance for a variety of items.

A site plan appends in **Attachment 11.6B**. A house can be designed by the Development Services staff to fit into the area and site chosen. Issues to resolve with the south side of the entry driveway are noise on weekends from tennis, power mains in, believed to be adjacent to tennis club fence, existing drainage through the area and potential relocation of the reticulation line.

Issues for locating the dwelling on the north side of the entry are power cable and sewer connections under internal bitumen road, placement of new main site board for proposed power upgrade to the facility, overflow car-park facility and headlights from vehicles entering the facility.

A double carport and fenced area for the tenant is to be provided. The house shall also be energy efficient and will include a solar hot water system.

Council operates 12 dwellings for staff accommodation. 7 of these are four bedroom dwellings, two are two bedrooms and the balance (3) is 3 bedrooms. Current occupancies show two tenancies of more than 3 people and a third arriving shortly. Remaining tenancies are two or one person.

Construction materials are proposed to be in keeping with the Recreation Centre. Discussions with major builders of transportables suggest a 9 to 12 month timeframe for construction and delivery. Construction on site by Council staff is expected at between 6 and 9 months.

The following matters may affect Council's decision:

1. location of the synthetic turf are not yet finalised;
2. the location for the swimming facility is to be decided;
3. additional power upgrades may impact on siting of the main power distribution board; and
4. parking for synthetic turf, swimming pool, overflow of the Recreation Centre proper and the existing car-park if the pool is located there.

Statutory/Policy Implications

If Council seeks to construct the dwelling as a transportable dwelling, tenders will need be called.

Financial Implications

Budget provision for the 2010/2011 year is \$250,000.00.

Demolition costs are estimated at \$10,000.00. It is proposed to reuse the existing crème/wheat fence panels and rails and replace the columns/posts to the fence. Consideration will also be given to salvaging the double carport associated with the existing dwelling – for use on a site for parking – e.g. Landfill Site. Landscaping will be undertaken.

Officer's Recommendation / Resolution

30369

Moved Cr Townrow

Seconded Cr Wallace

That Council:

1. ***defer the decision to construct a dwelling on Lot 684 Bates Street, Merredin pending further consideration of the completed Master Plan of the Recreation Centre; and***
2. ***staff take steps to repair the bathroom at the dwelling on Lot 684 Bates Street, Merredin.***

CARRIED 5/2

11.7 RESERVE 14641 – MUNTADGIN GOLF CLUB LAND AND BUILDINGS

Reporting Department:	Development Services
Reporting Officer:	John Mitchell – Executive Manager, Development Services
Legislation:	Local Government Act 1995
File Reference:	R14641
Disclosure of Interest:	Nil
Attachments:	Photos

Background

At its 21 May 2010 meeting Council adopted the following recommendation (**CMRef 30324**):

“That the matter be referred back to Council at its June 2010 Meeting to allow for further information regarding the condition of the building being obtained and what Council’s liability would be in accepting the vesting.”

Verbal advice has been received from Council’s Solicitors and the site and buildings were inspected. Photographs of the building are contained in **Attachment 11.7A**.

Comment

The buildings comprise a series of outbuildings attached during various extensions (assumed) and ending against a transportable ablution block. The main shed is a brownbuilt (or similar) style with a minimum pitched roof. There are no exit signs or circuit device protection.

The floors are different levels and offer no disabled facilities.

The following matters will require addressing:

1. room heights of 2.1 – 2.2m. BCA 2010 requires 2.4m;
2. disabled access to toilets and a disabled facility;
3. Exit signs to required exits;
4. provide residual circuit device to light circuit and enclose the meter board;
5. provide a secure LPG facility and connections;
6. provide a food hygiene regulation standard kitchen;
7. diffuse lights;
8. all rooves leak; and
9. no fire extinguishers.

The costs to bring the building to conformity would be extensive, although some of these issues may not be applicable due to retrospectivity. It may not be possible to upgrade the building and it may be more appropriate to replace it.

Statutory/Policy Implications

A lease can be prepared by Council's Solicitors indemnifying Council and requiring that the lessee be responsible for the existing condition of the building and any required structural repairs. Liability can be written against the lessee.

There is an obligation placed on Council pursuant to the Public Buildings Regulations 1992 *"that premises will be subject to routine inspection to ensure ongoing compliance with the regulations and to ascertain that no hazards are introduced by inappropriate operating procedures"*.

If the building causes a risk of injury to a person the Environmental Health Officer (EHO) shall address the issue. It is suggested that there may be a perceived demand for financial support if the land is local government vested.

In 2006, the Administration ceased pursuing the matter of excision pending a formal approach to Council, having written to the Club in 2004 advising that the Administration would achieve a favourable outcome.

Financial Implications

Annexing of the area of land containing the golf course will require a boundary survey of the site. An estimate of the cost is \$5,000.00.

There are legal costs associated with the preparation of any lease addressing the condition of the property.

Officer's Recommendation / Resolution

30370

Moved Cr Townrow

Seconded Cr Forbes

That Council seek the vesting of Reserve 14641 for the purposes of a golf club, subject to the Muntadgin Golf Club's Committee agreement to being responsible for the operation, maintenance and any capital replacement and improvements of the clubhouse and grounds, prior to Council seeking vesting and the Muntadgin Golf Club meeting all costs associated with the vesting and lease.

CARRIED 7/0

This Agenda Item was brought forward due to the attendance of Mr Mitchell, Executive Manager of Development Services.

16.1 **BUSHFIRE CONTROL ORDER 2010 – ADOPTION OF NOTICE**

Reporting Department:	Development Services
Reporting Officer:	John Mitchell – Executive Manager, Development Services
Legislation:	Bushfire Act 1954
File Reference:	Nil
Disclosure of Interest:	Nil
Attachments:	Bushfire Break Notice

Background

At its May 2010 meeting Council resolved to let the matter of the adoption of the Bushfire Control Order 2010 lie on the table pending advice from the Solicitors relating to the additions sought by the Bushfire Brigades (**CMRef 30313**).

Comment

Comments contained in **CMRef 30313** have been incorporated into the notice which is contained in **Attachment 16.1A**.

Statutory/Policy Implications

Enforcement of the 400Ha requirement will be difficult and will only be acted upon complaint. To properly enforce this requirement flights over the rural area will need to be undertaken.

Financial Implications

Infringements can be incurred for non compliance. Budget provision for the enforcement of the infringements has been provided within the 2010/2011 year.

No budget provision for inspection of the 400Ha provision has been made.

Officer's Recommendation / Resolution

30371 Moved Cr Townrow Seconded Cr Wallace

That Council adopt the Bushfire Control Order 2010 made pursuant to the Bushfires Act 1954.

CARRIED 7/0

Cr Townrow left the meeting at 2.20pm.

Mr Mitchell, Executive Manager of Development Services and Mike Gilmore left the meeting at 2.21pm.

Cr Townrow entered the meeting at 2.22pm

Mr Garrett, Executive Manager of Engineering Services, entered the meeting at 2.23pm.

12.0 ENGINEERING SERVICES

Cr K Hooper declared a Proximity Interest in this Agenda Item 12.1. The nature of the Interest is that he regularly uses Totadgin Hall Road to access his property.

Cr K Hooper asked the meeting to allow him to continue to preside and participate in the discussion and decision making process as he believed his interest was so minor or insignificant as to be unlikely to affect his conduct in relation to this matter.

Cr K Hooper left the meeting at 2.24pm.

Cr Wallace was nominated as the Presiding Person.

30372 Moved Cr Wallace Seconded Cr Townrow
That Cr K Hooper be allowed to preside and participate in the discussion of and decision making process on this Agenda Item 12.1 as it is felt that his interest is so insignificant that it will not influence his conduct in relation to this matter.

CARRIED 6/0

Cr K Hooper entered the meeting at 2.25pm and resumed the position of Presiding Person.

12.1 BLACK SPOT ROAD FUNDING APPLICATIONS

Reporting Department:	Engineering Services
Reporting Officer:	Jim Garrett – Executive Manager, Engineering Services
Legislation:	Local Government Act 1995
File Reference:	R/18/5
Disclosure of Interest:	Nil
Attachments:	Maps

Background

Applications for Black Spot road funding for the 2011/2012 financial year are now being called for by Main Roads WA. Applications need to be in on or before 31 July 2010.

Two intersections that had been identified by roads safety audits as dangerous and had submissions for Black Spot applications in the 2010/2011 financial year submitted, were the:

1. intersection of Totadgin Hall Road and Bruce Rock/ Merredin Road at a cost of \$322,408.00. This is funded via $\frac{2}{3}$ State funds and $\frac{1}{3}$ Shire funds and is staged over a 2 year period. A map of the area is contained in **Attachment 12.1A.**
2. intersection of Goldfields Road and Goomalling/ Merredin Road at a cost of \$483,351.00 This is funded via $\frac{2}{3}$ State funds and $\frac{1}{3}$ Shire funds and is staged over a 2 year period. A map of the area is contained in **Attachment 12.1B.**

The Shire was successful with the application of the Totadgin Hall Road and Bruce Rock/Merredin Road intersection. The funds for the 2010/2011 year are \$46,500.00 in State funds and \$23,250.00 from Shire funds for design work and possible land resumption.

With the way Black Spot funding applications are structured an application for the second year of funding needs to be submitted. The construction costs for the second year is \$252,658.00 with \$168,436.00 coming from State funds and \$84,219.00 Shire funded. Main Roads WA quarantine stage two funding for successful Black Spot submissions so staged projects can be completed.

The intersection of Goldfields Road and Goomalling/Merredin Road application was not successful but Main Roads WA has suggested that the application be resubmitted in the 2011/2012 funding round.

The funds needed for the two stages of construction work are:

- Stage 1 - \$46,666.00 from State funds and \$23,333.00 in Shire funds.
Stage 2 - \$275,567.00 from State funds and \$137,783.00 in Shire funds.

Comment

The road safety audits conducted by RSA Works have indicated that there is a high probability of a collision between heavy and light vehicles at both of these intersections.

Statutory/Policy Implications

Nil.

Financial Implications

Council funds required for the construction of the Totadgin Hall Road and Bruce Rock/Merredin Road intersection are:

2010/2011	\$23,250.00
2011/2012	\$84,219.00

Council funds required for the construction of the Goldfields Road and Goomalling/Merredin Road intersection are:

2011/2012	\$23,333.00
2012/2013	\$137,783.00

Officer's Recommendation / Resolution

30373 Moved Cr Crook Seconded Cr Forbes

That Council:

- 1. supports the 2011/2012 Black Spot submission for Stage Two construction works of the Totadgin Hall Road and Bruce Rock/Merredin Road intersection and make funds of \$84,219.00 available in the 2011/2012 Budget if the Black Spot submission is successful; and***
- 2. supports the 2011/2012 and 2012/2013 Black Spot submission for Stages One and Two of the construction works of the Goldfields Road and Goomalling/Merredin Road intersection and make funds of \$23,333.00 available in the 2011/2012 Budget and \$137,738.00 available in the 2012/2013 Budget if the Black Spot submissions are successful.***

CARRIED 7/0

Mrs Growden, Executive Manager of Finance and Administration, entered the meeting at 2.30pm.

Mr Garrett, Executive Manager of Engineering Services, left the meeting at 2.30pm.

13.0 FINANCE AND ADMINISTRATION**13.1 MONTHLY FINANCE REPORT**

Reporting Department:	Finance and Administration
Reporting Officer:	Emma Growden – Executive Manager, Finance and Administration
Legislation:	Local Government Act 1995
File Reference:	Nil
Disclosure of Interest:	Nil
Attachments:	Monthly Financial Report

Background

The Monthly Finance Report is attached for Council's information. (**Attachment 13.1A**).

Statutory/Policy Implications

Local Government Act 1995 and Financial Management Regulations.

Financial Implications

As outlined in **Attachment 13.1A**.

Officer's Recommendation / Resolution

30374 Moved Cr Morris Seconded Cr Crook
That Council receive the Monthly Finance Report for June 2010.
CARRIED 7/0

13.2 **LIST OF ACCOUNTS PAID**

Reporting Department:	Finance and Administration
Reporting Officer:	Emma Growden – Executive Manager, Finance and Administration
Legislation:	Local Government Act 1995 and Financial Management Regulations
File Reference:	Nil
Disclosure of Interest:	Nil
Attachments:	List of Accounts Paid

Background

The attached List of Accounts Paid (**Attachment 13.2A**) 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.

Officer's Recommendation / Resolution

30375 Moved Cr Morris Seconded Cr Wallace

That Council receive the schedule of accounts as listed, covering cheques as numbered and totalling \$84,849.31 and amounts directly debited from Council's Municipal Fund Bank Account BSB 066-518 Account Number 000-000-10 totalling \$430,919.86 and outstanding creditors totalling \$145,144.39.

CARRIED 7/0

13.3 ADOPTION OF THE SHIRE OF MERREDIN 2010/2011 BUDGET

Reporting Department:	Finance and Administration
Reporting Officer:	Emma Growden – Executive Manager, Finance and Administration
Legislation:	Local Government Act 1995 and Financial Management Regulations
File Reference:	Nil
Disclosure of Interest:	Nil
Attachments:	2010/2011 Budget document

Background

Council is required to prepare and adopt, in the manner and form prescribed, its Annual Budget by no later than 31 August each year, in accordance with Section 6.2 of the Local Government Act 1995. A number of motions are required to formalise the process.

Statutory Implications

In accordance with the Local Government Act 1995, an Absolute Majority decision of Council is required in adopting the Annual Budget.

Comment

Council has considered the contents of the various schedules contained in the draft budget, the plant replacement program, road works program and capital expenditure items. Variations to the draft information are incorporated in the Annual Budget document which is presented in **Attachment 13.3A**.

Officer's Recommendation / Resolution

30376 Moved Cr Morris Seconded Cr Townrow

1. General Rate

That the Shire of Merredin, in accordance with Section 6.33 of the Local Government Act 1995, impose a rate in the dollar for the areas in the Shire valued on Gross Rental Values of 9.7549 cents and Unimproved Values of 1.1257 cents for the 2010/2011 financial year.

2. General Minimum Rate

That the Shire of Merredin, in accordance with Section 6.35(1) of the Local Government Act 1995, set a general minimum rate of \$450.00 for the 2010/2011 financial year for Gross Rental Value properties and Unimproved Values properties.

3. Due Date for Payment of Rates

That the Shire of Merredin set the due date for payment of rates for the 2010/2011 financial year to be 6 September 2010.

4. Due Date for Payment of Rate Instalments

That the Shire of Merredin, in accordance with Regulation 64(2) of the Local Government (Financial Management) Regulations 1996, set the due date for the payment of rate instalments for the 2010/2011 financial year as follows:

<i>First Instalment</i>	<i>6 September 2010</i>
<i>Second Instalment</i>	<i>8 November 2010</i>
<i>Third Instalment</i>	<i>10 January 2011</i>
<i>Fourth Instalment</i>	<i>11 March 2011</i>

5. Interest on Rate Instalments

That the Shire of Merredin set an interest rate of 5.5% for the 2010/2011 financial year in accordance with Section 6.45 (4)(e) of the Local Government Act 1995 and Regulation 68 of the Local Government (Financial Management) Regulations 1996.

6. Administration Charge on Instalments

That the Shire of Merredin, in accordance with Section 6.45(3) of the Local Government Act 1995, set an administration charge of \$10.00 per rate instalment notice where the instalment plan is selected.

7. Interest on Overdue Rates

That the Shire of Merredin set an interest rate of 11% for the 2010/2011 financial year in accordance with Section 6.51(1) of the Local Government Act 1995 and Regulation 70 of the Local Government (Financial Management) Regulations 1996.

8. Fees and Charges

That the Shire of Merredin, in accordance with Section 6.16(3) of the Local Government Act 1995, adopt the Schedule of Fees and Charges as presented in the 2010/2011 Budget document.

9. Interest on Money Owing to Council – General Debtors

That the Shire of Merredin, in accordance with Section 6.13 of the Local Government Act 1995 and Regulation 19(a) of the Local Government (Financial Management) Regulations 1996, set an interest rate of 11% for the 2010/2011 financial year.

10. Adoption of Budget

That the Shire of Merredin, in accordance with Section 6.2(1) of the Local Government Act 1995, adopt the Budget, as presented in Attachment 13.3A and as amended, for the 2010/2011 financial year and that the balance of the rate increase be transferred into Building Maintenance Reserve.

11. Adoption of Material Variance Level for Reporting

That Council adopt the value of +/- \$5,000.00 as the minimum amount for reporting material variances for the 2010/2011 financial year.

CARRIED 7/0
ABSOLUTE MAJORITY

13.4 POLICY MANUAL REVIEW

Reporting Department:	Finance and Administration
Reporting Officer:	Emma Growden – Executive Manager, Finance and Administration
Legislation:	Local Government Act 1995
File Reference:	Council Policy Manual; G/07/06
Disclosure of Interest:	Nil
Attachments:	Policy

Background

Policy 3.2 'Rates Recovery – Agreement for Payment of Rates and Service Charges' was reviewed to determine whether any changes were required.

Comment

Policy 3.2 'Rates Recovery – Agreement for Payment of Rates and Service Charges' has been reviewed and it is suggested that a more detailed policy is determined in order for the parameters for Rate Recovery and Rates Payment Arrangements to be clearly structured. The amended Policy is included in **Attachment 13.4A**.

Due to lax procedures in previous years it has become essential over the past three years to determine a clear, robust rate enforcement policy. It is imperative that staff determine a policy that is supported by Councillors in order for a united response to be given to the community.

The policy contains the following major amendment:

1. Inclusion of a clear procedure for dealing with Outstanding Rate Debtors.

Statutory/Policy Implications

Local Government Act 1995 Section 4.33 and amendment to Council's Policy Manual.

Financial Implications

The lack of a robust rate recovery procedure may negatively impact Council's cashflow position and inhibit the ability to perform budgeted projects in a timely manner.

Officer's Recommendation

That Council adopt the amended Council Policy 3.2 Rates Recovery – Agreement for Payment of Rates and Service Charges as presented in Attachment 13.4A.

Resolution

30377

Moved Cr Townrow

Seconded Cr A Hooper

That Council adopt the amended Council Policy 3.2 Rates Recovery – Agreement for Payment of Rates and Service Charges as presented in Attachment 13.4A and as amended.

CARRIED 7/0

13.5 POLICY MANUAL REVIEW

Reporting Department:	Finance and Administration
Reporting Officer:	Emma Growden – Executive Manager, Finance and Administration
Legislation:	Local Government Act 1995
File Reference:	Council Policy Manual; G/07/06
Disclosure of Interest:	Nil
Attachments:	Policy

Background

Policy 3.1 'Enrolment of Non-Resident Owners and Occupiers' (**Attachment 13.5A**) was reviewed to determine whether any changes were required.

Comment

Policy 3.1 'Enrolment of Non-Resident Owners and Occupiers' is considered to be current and in line with statutory requirements and therefore has not been amended.

Statutory/Policy Implications

Local Government Act 1995 Section 4.33 and amendment to Council's Policy Manual.

Financial Implications

Nil.

Officer's Recommendation / Resolution

30378 Moved Cr Townrow Seconded Cr Crook
That Council reconfirms Council Policy 3.1 Non-Resident Owners and Occupiers as presented in Attachment 13.5A.

CARRIED 7/0

Mrs Growden, Executive Manager of Finance and Administration, left the meeting at 3.29pm.

13.6 COMMUNITY CONSULTATION

Reporting Department:	Administration
Reporting Officer:	Greg Powell – Chief Executive Officer
Legislation:	Local Government Act 1995
File Reference:	Nil
Disclosure of Interest:	Nil
Attachments:	Customer Service Charter Amendment

Background

Council currently uses a range of methods for communicating with the general public. These specifically include:

1. Council meetings, Community forums, Public Meetings and Annual Electors Meeting;
2. monthly colour full page newsletter in the Merredin-Wheatbelt Mercury (Mercury);
3. fortnightly radio interviews on RadioWest 1098AM;
4. separate advertisements in the Merredin-Wheatbelt Mercury and West Australian as required;
5. displaying information on the notice board near Westpac Bank;
6. displaying information in the foyer of the Shire Administration Centre and other Shire venues;
7. Shire website;
8. Facebook page; and
9. delivered leaflets (previously done via Laurel Cookson).

Additionally, staff have recently used the Wheatbelt Business Network and personal email contacts to further distribute the newsletter in the hope of reaching more people. Despite this the Administration often receives or hears of comments from members of the public suggesting they were not aware of information, events and activities organised by the Shire.

Staff have surveyed a number of local businesses and community members to determine how they currently receive information from the Shire and what their preferred method of communication was or would be.

It should be noted that this Agenda Item does not relate to statutory advertising requirements, such as the advertising for fees and charges, election material and the Local Planning Scheme etc, as their required format and manner are stipulated in legislation and occurs as and when required.

Comment

The survey results established that most people within the town of Merredin gain most of their information either from reading the Mercury or from family and/or friends (word of mouth).

Therefore it is proposed to continue with the newsletter being published monthly in the Mercury and to further distribute this via Australia Post to the residents of Burracoppin, Hines Hill and Muntadgin and an extensive email distribution list containing sporting clubs, local businesses and members of the public. A notification is also posted on our Facebook page advising that the newsletter is available in the Mercury and on our website.

In 2009 Council conducted Community Forums in Burracoppin, Hines Hill and Muntadgin. While the attendance at the Burracoppin forum was disappointing, the Hines Hill and Muntadgin forums received a good attendance with a number of issues being raised and discussed. It is suggested to again conduct these forums in the latter part of 2010 and following harvest in 2011.

Before the Shire introduced its Facebook page a statewide survey of other local governments was undertaken to ascertain how many other local governments were using Facebook and what other technological applications, such as Twitter and sms/email updates, they were utilising.

While there were a number of local governments who were against using the social networking site for various security and access reasons, there was a similar amount who were either already using Facebook or were considering doing so in the future. Local governments such as the City of Cockburn, Shire of Katanning and the Shire of Dalwallinu believe that using Facebook is an easy, cheap and immediate way of getting information to its community, particularly the younger people (12-35yrs). Indeed, the most common departments/divisions of the other local governments using Facebook were Community, Youth and Recreation.

As a result, the Shire commenced using Facebook in November 2009 and the large majority of feedback has been positive. There has been a steady increase in fans of our page (currently 111) however this has remained constant for the last month or so.

Currently the Executive Assistant is the only staff member with the ability to post information to the Facebook page however it is proposed to allow other key staff the ability to post information on activities specific to their section but any posting will initially be scrutinized and approved by the relevant Executive Manager.

There is a great deal of time and effort that can go into compiling, producing and distributing information, certainly to a greater extent than what is currently undertaken. Increasing the information, and the type of information, distributed from the Shire could assist in building closer ties with the community and give the impression that the Shire is indeed involved with the community at a “grass roots” level.

Depending on how much Council wishes to expand on what is currently occurring, Council may need to consider increasing funds in future budgets to enable additional resources to be directed to more actively promoting the Shire not only within the community but also the region and state.

Alternatively, a consultant or external person/company could be contracted to undertake the role of promoting the Shire’s activities and informing the public.

Financial Implications

In the draft 2010/2011 Budget there is an allocation of \$6,500.00 for the newsletter and \$1,200.00 for the Chief Executive Officer’s radio interviews at Account *E042250* – Administration/Finance Advertising.

Any increase in staff resources would also require an increase in the advertising/promotions budget to allow for the material to be distributed. For example, the approximate cost for a monthly 1-1/2 page in the Mercury would be \$9,000.00 per annum and 2 pages per month (or 1 page per fortnight) would be \$12,000.00 per annum. The current monthly one page newsletter cost is \$6,083.00 per annum. If information were to be regularly posted to all residents within the Shire, a postage charge allocation would need to be allowed for.

Statutory/Policy Implications

The Local Government Act 1995 stipulates where and when certain advertisements are to appear, being statewide or local public notice and the timeframe when calling for submissions.

It is proposed to amend the Customer Service Charter to detail the various methods mentioned within this Agenda Item which the Administration can use to consult and communicate with the community. A copy of the proposed amendment is included in **Attachment 13.6A**. The inclusion would be done in the same style and format as the current Charter document.

Officer's Recommendation*That Council:*

1. *amend the Customer Service Charter to include the communication and consultation methods as presented in Attachment 13.6A;*
2. *consider the appointment of either a staff position or external consultant in the 2011/2012 Budget for the purpose of promoting the activities and events of the Shire of Merredin if further community surveys conducted during 2010 indicate that further resources are warranted.*

30379

Moved Cr Townrow

Seconded Cr Forbes

That Council amend the Customer Service Charter to include the communication and consultation methods as presented in Attachment 13.6A.**CARRIED 7/0****REASON:**

Council does not believe there is merit in the appointment of additional staff to facilitate increased community consultation at this time.

30380

Moved Cr Townrow

Seconded Cr Forbes

That Council adjourn the meeting for afternoon tea at 3.38pm.**CARRIED 7/0****30381**

Moved Cr Morris

Seconded Cr Townrow

That Council reconvene the meeting at 3.51pm.**CARRIED 6/0**

13.7 REVIEW OF THE REGIONAL DEVELOPMENT COMMISSIONS

Reporting Department:	Administration
Reporting Officer:	Greg Powell – Chief Executive Officer
Legislation:	Local Government Act 1995
File Reference:	GR/17/38
Disclosure of Interest:	Nil
Attachments:	Issues Paper

Background

The Minister for Regional Development, Hon Brendon Grylls MLA, recently announced a review of Regional Development Commissions (RDC) in Western Australia. The review is being undertaken by a Committee which requested submissions by 9 July 2010. The submission date has since been extended to Friday 30 July 2010. The Western Australian Local Government Association (WALGA) is seeking feedback and copies of local government's submissions to develop a representative sector submission to the Committee.

The review Committee consists of:

Hon Wendy Duncan MLC	Parliamentary Secretary to the Minister for Regional Development (Chair)
Mr Mal Wauchope	Public Sector Commissioner
Mr Paul Rosair	Director General, Department of Regional Development and Lands
Mr Graham Thomson	Chair, Regional Development Council
Mr Doug Cunningham	Chief of Staff, Office of the Minister for Regional Development and Lands

An Issues Paper is has been released by the Department and is presented in **Attachment 13.7A**. The Issues Paper defines the scope of the review as follows:

The review committee will consider and report on the functions, responsibilities and structures of RDCs, having regard to:

- 1. the effectiveness and cost efficiency of the RDCs in achieving their objects and functions specified in Section 23 of the Act;*
- 2. the effectiveness of the existing model in achieving the Liberal National Government's commitments to regional development, having regard to any overlap, duplication of effort and approaches in other jurisdictions;*

3. *any improvements in government service delivery for regional development considering governance arrangements, administrative operations, regional decision-making, regional accountability, avoidance of duplication and the roles and responsibilities of other agencies and organisations; and*
4. *legislative amendments that may be required.*

The Committee has suggested two broad questions that can be addressed in submissions:

1. *How should Government be organised to improve services and support for regional development?*
2. *How are Regional Development Commissions performing?*

Comment

Taking all of the above into account and the Liberal National Government's commitment to a strong regional presence and local decision making, the review committee will identify options to strengthen government support for regional development in Western Australia. The options will include the comparative strengths and weaknesses of each option, their resourcing, administration and legislative requirements.

The nine RDC's are statutory authorities whose role is to facilitate and coordinate the development of the region in which they are based. They have a direct relationship with their communities, and therefore Local Governments, through their proximity and their leadership by local people.

Within and beyond the broad questions asked by the Committee, there are a number of issues that warrant consideration.

A significant functional issue requiring consideration relates to the disbursement of the Royalties for Regions Fund. The delivery of some components of the Royalties for Regions fund has been assigned to the RDCs, who have also been requested to play a facilitation role with local government regional groups to identify regional priorities for the Country Local Government Fund.

Another issue for consideration is the interaction of RDCs with local governments: both individually and collaboratively through Voluntary Regional Organisations of Councils (VROCs) and Regional Organisations of Councils (ROCs) as well as Regional Transition Groups (RTG) and Regional Collaborative Groups (RCG) formed as part of the Local Government structural reform process.

Policy changes and developments at State Government level may also be worth consideration. One example is the establishment of statutory regional planning committees to support the Western Australian Planning Commission and any impact this may have on the role and function of the RDC's.

Regional Development Australia (RDA) committees, as the Commonwealth Government's regional development instrument, may also have an impact on the function and role of RDC's.

The Wheatbelt East Regional Organisation of Councils (WEROC) has considered this issue at recent meetings and resolved to "*prepare a submission to the Regional Development Commissions Act 1993 Review Panel noting that one issue to be included in any submission is the view that the Wheatbelt Development Commission has been ineffective because of size of the service area and lack of resources.*"

There is merit in aligning Council's response to that of WEROC's to ensure a consistent message is conveyed from the region to the Review Committee.

Financial Implications

Nil.

Statutory/Policy Implications

Nil.

Cr Crook entered the meeting at 3.53pm

Officer's Recommendation

That Council prepare a submission to the Regional Development Commissions Act 1993 Review Panel noting issues to be included in the submission are the size of the service area and the lack of resources for the Wheatbelt Development Commission and mirroring issues that may be raised in the Wheatbelt East Regional Organisation of Councils submission.

Resolution

30382

Moved Cr Forbes

Seconded Cr Townrow

That Council prepare a submission to the Regional Development Commissions Act 1993 Review Panel noting issues to be included in the submission are:

- 1. the size of the service area and the lack of resources for the Wheatbelt Development Commission;***
- 2. the lack of regional planning and leadership from the Wheatbelt Development Commission; and***
- 3. mirroring issues that may be raised in the Wheatbelt East Regional Organisation of Councils submission.***

CARRIED 7/0

13.8 CLIMATECAM FOR COUNCILS – PROPOSED STUDY SITE

Reporting Department:	Administration
Reporting Officer:	Greg Powell – Chief Executive Officer
Legislation:	Local Government Act 1995
File Reference:	EM/8/5
Disclosure of Interest:	Nil
Attachments:	Workshop Report; ECO*STAR Principles

Background

ClimateCam for Councils is an experiential learning program designed to assist local government in building effective strategies to understand, measure and reduce energy consumption and costs. Based on Newcastle City Council's (NCC) "*if you can't measure it – then you can't manage it*" approach to energy and resource management, the program also provides online technical support for each participating Council. The lessons learned by NCCs practical experience shows other Councils how to implement simple operational and behavioural changes that improve their competitive edge and achieve cost and environmental savings.

The Executive Manager of Engineering Services (EMES) and Natural Resource Management Officer (NRMO) attended a ClimateCam for Councils Workshop at the City of Joondalup on 13-14 April 2010. Workshop participants included the Cities of Joondalup, Gosnells, South Perth and Fremantle. The report on the Workshop is included in **Attachment 13.8A**.

Comment

The workshop provided methods of adopting some sustainable practices which can have long term economic benefits to the Shire of Merredin. These practices can be best defined as the ECO*STAR Principle and details on this are included in **Attachment 13.8A**.

It is proposed to trial the ECO*STAR principle at one Council facility for a period of 12 months, being the Central Wheatbelt Visitor Centre (CWVC), which is both highly visible to the community and has had some power charges increases, which are being investigated. Another option could be the Administration Centre.

There would be a need to create a small team to drive the trial and it is proposed that the team comprise the EMES, CWVC Manager, Building Project Manager, NRMO and a member from the Finance department to facilitate records access. If the concept is expanded to other facilities more team members could be included.

The guidelines and templates for this pilot exercise have been made available as part of the ClimateCam for Councils course material.

The trial will be a beneficial learning exercise and would demonstrate to the community Council's awareness and responsibility for action in regard to climate change and the more sustainable management of its facilities.

Financial Implications

Council has allocated \$2,420.00 in Annual Maintenance and \$400.00 in Minor Capital Purchases from Account *E134121* – Visitor Centre Expenses, and it is expected that any charges for replacing items such as taps, light bulbs, water systems etc would be expended from this Account. Membership of the Greensense Program has been provided for from Account *E105075*.

Statutory/Policy Implications

If the trial is successful and is extended to include other Council sites, a policy will be developed to guide staff on the ECO*STAR principle.

Officer's Recommendation / Resolution

30383

Moved Cr Morris

Seconded Cr Crook

That Council:

- 1. trial the ECO*STAR principle for a period of 12 months at the Central Wheatbelt Visitor Centre;***
- 2. create a team to drive the trial comprising of the Executive Manager of Engineering Services, Central Wheatbelt Visitor Centre Manager, Building Project Manager, Natural Resource Management Officer and a member from the Finance department;***
- 3. that the team report back to Council on the progress of the trial via the Information Bulletin.***

CARRIED 7/0

**13.9 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION DRAFT
DISCUSSION PAPER – LOCAL GOVERNMENT ENTERPRISES**

Reporting Department:	Administration
Reporting Officer:	Greg Powell – Chief Executive Officer
Legislation:	Local Government Act 1995
File Reference:	GR/17/11
Disclosure of Interest:	Nil
Attachments:	Draft Discussion Paper

Background

In the Western Australian Local Government Association's (WALGA) Systemic Sustainability Study (SSS), the sector endorsed the recommendation (Action 21) to propose that local governments be given the ability to form a corporate entity (such as a company, partnership or joint venture) providing that any amendment contains restrictions and safeguards.

Since the SSS was endorsed additional work has been undertaken and WALGA have prepared a draft discussion paper that proposes a new model (**Attachment 13.9A**). The proposed model will better enable Councils to address economic decline in regional centres, urban development, provide shared services, public-private partnerships to develop assets and enhance the income-generating asset base of local governments, through the use of arms-length corporate subsidiaries operating in a more commercially efficient manner. The paper also considers the current statutory prohibition on such structures in the context of other Australasian jurisdictions and identifies appropriate issues for consideration and recommends a framework for statutory amendment to address the issue.

Comment

There is a strong case for change. The levels and shares of local government revenue sources vary considerably at the state level, reflecting a multitude of factors including differences in legislative frameworks, the functions of local government in different jurisdictions and patterns of demography and regional development.

In its 2008 report "*Assessing Local Government Revenue Raising Capacity*" the Productivity Commission found that "*There is a case for periodic reviews of the restrictions and regulations imposed on Local Government by other spheres of government to assess both their rationales and their benefits and costs.*"

The discussion paper is proposing to do just that. It is proposed that local governments should be empowered, with the consent of their communities through detailed consultation processes, to establish corporate entities known as Local Government Enterprises (LGE's), governed by directors appointed for their relevant expertise, to manage and develop assets using normal commercial arrangements. The model includes a detailed process of reporting and accountability to ensure that an appropriate balance is maintained between transparency and commercial efficiency.

The notion of a government-owned corporation, state-owned enterprise, or government business enterprise is not new. They are a legal entity created by a government to undertake commercial activities on behalf of an owner government. In Western Australia the State Government has several Government Trading Entities (GTE's), most notably the Water Corporation, LandCorp, and several Port Authorities.

The establishment of LGE's will enable Councils to undertake a range of activities and operations on a commercial basis.

WALGA is seeking feedback from local governments to guide an agenda item for Zone and State Council consideration. The deadline for feedback is Friday 30 July 2010.

Financial Implications

Nil.

Statutory/Policy Implications

If the proposed legislative changes mentioned in the discussion paper are endorsed by the State Government, the Local Government Act 1995 and Local Government (Functions and General) Regulations 1996 will require amendment.

Officer's Recommendation / Resolution

30384

Moved Cr Morris

Seconded Cr Forbes

That Council provide feedback to the Western Australian Local Government Association stating that it supports in principle the introduction of Local Government Enterprises.

CARRIED 7/0

13.10 ROYALTIES FOR REGIONS – FUTURE PROJECTS

Reporting Department:	Administration
Reporting Officer:	Greg Powell – Chief Executive Officer
Legislation:	Royalties for Regions Act 2009; Local Government Act 1995
File Reference:	GS/2/22
Disclosure of Interest:	Nil
Attachments:	Funding Guidelines

Background

At its June 2010 Meeting, Council resolved that the following projects for funding under the Country Local Government Fund would be, in priority order (**CMRef 30346**);

1. Synthetic surface at the Merredin Regional Community and Leisure Centre;
2. Merrittville extension;
3. CBD Plan;
4. Alternative Power generation;
5. Desalination Plant;
6. Pool relocation / upgrade;
7. Library;
8. Cohn Creek restoration;
9. Playground equipment; and
10. Regional waste facility.

Additionally, regional projects for consideration by WEROC are, in priority order (**CMRef 30347**);

1. Alternative power technology generation;
2. Regional waste management;
3. Aged accommodation;
4. Tourism;
5. Housing;
6. Weather radar;
7. Road upgrades;
8. Regional doctors;
9. Regional airstrips;
10. Townscape improvements;
11. Plant purchases;
12. Crematorium;
13. Desalination plant; and
14. Hospital secure ward – dementia

The above was undertaken without the benefit of guidelines but recognised the need to commence planning given that regional workshops were imminent and that Forward Capital Works Plans are required to be completed before the end of the calendar year.

Comment

The individual Council regional group guidelines have now been received together with a covering letter which are contained in **Attachment 13.10A**.

Of interest is the following information contained in the covering letter. It is unlikely that a significant deferral of funds will occur in 2010/2011. The Shire of Merredin's allocation for 2010/2011 is \$609,220.00. \$328,042.00 will be directed to the regional group. The individual allocation for 2011/2012 and 2012/2013 is on a 50:50 basis. Of significance is that from 2013/2014 100% will be allocated to the regional grouping.

This advice gives rise to a number of short and long term implications. In the short term, it is now known that Council will have approximately \$1.5 million at its discretion but subject to the guidelines. Council may now wish to reconsider its priorities in view of the quantum of funding available, the time constraints for its expenditure, the need for projects to be construction ready and the longer term reliance on regional projects to provide outcomes at the local level.

Preliminary costings on synthetic surfaces and ancillary facilities are in the order of the total funding Council will receive. Staged costings of Merrittville are as yet unknown and the CBD Plan implementation is estimated at \$6-10 million. Leveraging Country Local Government Fund funding may be difficult to achieve as all funding sources will need to be on an aligned time frame.

Statutory/Policy Implications

Nil.

Financial Implications

There are no financial implications as this is "new" money which has not been factored into the 2010/2011 draft budget nor the draft Long Term Financial Strategy.

Officer's Recommendation

That Council review its priorities for capital works to be funded from the Royalties for Regions allocations, in view of the information received in Attachment 13.10A, to allow the Forward Capital Works Plans to be completed by November 2010.

Moved Cr Townrow

Seconded Cr Forbes

That the decision on the priorities for Royalties for Regions funding be deferred until Council's September 2010 meeting to allow for further discussion at the Wheatbelt Development Commission forums and with Morrison Low.

LOST 3/4

**13.11 REGIONAL AND LOCAL COMMUNITY INFRASTRUCTURE FUND – ROUND
THREE APPLICATIONS**

Reporting Department:	Administration
Reporting Officer:	Greg Powell – Chief Executive Officer
Legislation:	Local Government Act 1995
File Reference:	GS/2/29
Disclosure of Interest:	Nil
Attachments:	Funding Guidelines

Background

On 18 June 2010, the Prime Minister announced that additional funding of \$100 million for the Regional and Local Community Infrastructure Program (RLCIP) would be made available in 2010/2011. The \$100 million injection into the RLCIP will be delivered as an allocation to all 566 of Australia's Councils. The funding guidelines are included in **Attachment 13.11A**.

This funding is to assist Councils to build and modernise community facilities, including town halls, libraries, community centres, sports grounds and environmental infrastructure and is aimed at strengthening our communities during the economic recovery by supporting local jobs and provide long-term benefits to communities by renewing and upgrading local infrastructure.

The application period for Round Three RLCIP \$100 million opens on Monday 5 July 2010 and will close at 5.00pm AEST Friday 30 July 2010.

Council will need to have completed and properly acquitted its current projects under Round One of the RLCIP, and be performing to the Department's satisfaction under other RLCIP rounds, as appropriate, to maximise its opportunity for funding under RLCIP Round Three.

Allocations will be the same amount of funding as in Round Two:

1. All Councils will receive a base grant of \$30,000.00.
2. Councils classified as 'urban fringe' or 'urban regional' according to the Australian Classification of Local Governments Code and who have at least 30,000 residents will receive an additional growth component of \$150,000.00.
3. All Councils with at least 5,000 residents will share in the distribution of the remaining funds in proportion to their 2009/2010 general purpose *Financial Assistance Grant*.

From this it is evident that Merredin will receive \$30,000.00.

Comment

At its June 2010 meeting Council endorsed its top priorities for funding under Royalties for Regions and inclusion in both the Forward Capital Work Program and Long Term Financial Strategy (**CMRef 30346**) as:

1. Synthetic surface at the Merredin Regional Community and Leisure Centre;
2. Merrittville extension;
3. CBD Plan;
4. Alternative Power generation;
5. Desalination Plant;
6. Pool relocation / upgrade;
7. Library;
8. Cohn Creek restoration;
9. Playground equipment; and
10. Regional waste facility.

As the RLCIP funding cannot be used to bolster funding from other sources it limits the projects it can be used for, as most of the above projects require significantly more funds than the \$30,000.00 available.

One of the above projects which could be eligible for the RLCIP funding and would match with the amount of funding being provided would be the playground equipment.

Therefore it is suggested that an application be submitted an to the RLCIP Round Three funding round for the purchase of playground equipment for the Merredin Regional Community and Leisure Centre and Apex Park, as some equipment in Apex Park is also in need of replacement.

Financial Implications

The project will need to be completed and all funds expended by 31 December 2011 and will require a budget amendment in due course to reflect the additional revenue and expenditure.

Statutory/Policy Implications

Nil.

Officer's Recommendation

That Council submit an application for funding under the Regional and Local Community Infrastructure Program Round Three for the purchase and installation of playground equipment at the Merredin Regional Community and Leisure Centre and Apex Park.

Resolution

30385

Moved Cr Morris

Seconded Cr Crook

That Council submit an application for funding under the Regional and Local Community Infrastructure Program Round Three to upgrade the area immediately in front of the Central Wheatbelt Visitor Centre.

CARRIED 6/1

REASON:

Council believed the area in front of the Central Wheatbelt Visitor Centre was in greater need of improvement.

13.12 WRITE OFF OF DEBT – DEBT COLLECTION FEES FOR NON PAYMENT OF RATES

Reporting Department:	Finance and Administration
Reporting Officer:	Greg Powell – Chief Executive Officer
Legislation:	Local Government Act 1995
File Reference:	P5128
Disclosure of Interest:	Nil
Attachments:	Correspondence - CONFIDENTIAL

Background

Council will recall at its May 2010 Meeting correspondence from the landowner of Assessment No. 5128 was circulated by Cr Townrow. Since that time further investigations have been undertaken.

The Chief Executive Officer met with the landowners on 25 June 2010 to discuss the matter. The landowners were advised Council approval would be required to have the debt collection fees written off and requested that the request be put in writing should they wish to put the matter before Council. The amount in question is \$594.55.

This request has been received by and is included in **Attachment 13.12A**.

Comment

In the 2009/2010 financial year the Administration has undertaken a more aggressive debt collection procedure which was extensively advertised through the usual communication channels and which included a separate leaflet being sent with every rate notice.

It should be noted that the landowner has been offered a payment arrangement for the payment of outstanding rates in previous years, indicating they would be aware of its existence. Despite it being offered, the landowner had not entered into a payment arrangement for the payment of their 2009/2010 rates, although it is claimed that verbal arrangements were made with staff and this is not disputed.

The landowner holds 3 assessments and the rates have been paid in full on the other 2 assessments for the 2009/2010 year. The rates on all properties have been paid in full, albeit late, in previous years.

The Officer's Recommendation supports Council's debt collection policy but Council may wish to take a more lenient approach.

Financial Implications

The Administration do not add a percentage increase to any debt collection fee charged. The amount charged to any assessment is the amount charged by Austral Mercantile to Council.

Writing off the debt collection fees will remove \$594.55 from Council's income. This amount has been paid by Council to Austral Mercantile.

Statutory/Policy Implications

While the Chief Executive Officer has delegated authority to write off debts (Delegation Number 4.10), it is limited to the value of \$500.00.

An Absolute Majority of Council is required to write off the debt.

Officer's Recommendation

That Council not write off the amount of \$594.55 from Assessment Number 5128.

Resolution**30386**

Moved Cr Townrow

Seconded Cr Morris

That Council write off the amount of \$594.55 from Assessment Number 5128.

**CARRIED 6/1
ABSOLUTE MAJORITY**

REASON:

Council considered the circumstances surrounding the request warranted favourable consideration of this request.

13.13 POLICY MANUAL REVIEW

Reporting Department:	Finance and Administration
Reporting Officer:	Greg Powell – Chief Executive Officer
Legislation:	Local Government Act 1995
File Reference:	Council Policy 1.1
Disclosure of Interest:	Nil
Attachments:	Code of Conduct

Background

At its May 2008 meeting Council reviewed and adopted its Code of Conduct (**CMRef 29523**) (**Attachment 13.13A**). At that time the review was initiated by amendments to the Local Government Act 1995 Administration Regulations and Rules of Conduct Regulations which led to the Western Australian Local Government Association (WALGA) reviewing the Model Code of Conduct required by the legislation.

The model developed by WALGA covers all the legal requirements and provides an industry wide standard for Local Governments. The model deals with most of the issues that would be confronted by Councillors, Committee members and staff. Council's Code of Conduct is a near duplicate of the WALGA model.

As part of the ongoing process to review its Policies the Code of Conduct is presented to Council for this purpose.

Comment

WALGA have not reviewed their Model Code of Conduct since the above mentioned review and therefore it could be assumed that Council's Code of Conduct is still relevant to the issues that could arise for Councillors, Committee members and staff. Therefore it is not proposed to amend Council's Code of Conduct.

Once Council has adopted the Code of Conduct it will be distributed to all Councillors, Committee members and Staff.

Statutory/Policy Implications

Update of Council Policy 1.1 to show review date of the Policy.

Financial Implications

Nil.

Officer's Recommendation / Resolution**30387**

Moved Cr Forbes

Seconded Cr Morris

That Council adopt the Code of Conduct as presented in Attachment 13.13A.

CARRIED 7/0

14.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

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**16.1 Bushfire Control Order 2010 – Adoption of Notice**

Refer to Page 38 for information on this Agenda Item.

16.2 Presentation of \$1.00 Coin to Council

Cr Morris presented the Shire President with a minted \$1.00 coin to represent the coin that was given to the Shire of Merredin upon the sale of Aerodrome to China Southern (WA) Flying College.

It is proposed to display the coin in the Shire Administration Centre.

17.0 MATTERS BEHIND CLOSED DOORS

- 30388** Moved Cr Townrow Seconded Cr Morris
That Council go behind closed doors to discuss a confidential matter in accordance with Section 5.23(2) of the Local Government Act 1995.

CARRIED 7/0

Council went behind closed doors at 4.53pm.

Mr Mitchell, Executive Manager of Development Services, entered the meeting at 4.52pm.

- 30389** Moved Cr Townrow Seconded Cr Wallace
That Council resumes in open session.

CARRIED 7/0

Council came out from behind closed doors at 4.55pm.

17.1 Landfill Site – Valuation, Offer and Purchase

Officer's Recommendation / Resolution

30390

Moved Cr Morris

Seconded Cr Townrow

That Council offer \$60,000.00 plus GST to the landowner for 23.0879 hectares of Location 20462 for the purposes of landfill site extensions and amalgamation into Reserve 23846 (Gravel and Landfill) providing the landowner consents to a right of entry immediately (July 2010) to permit the commencement of landfill site extensions.

CARRIED 7/0

18.0 CLOSURE

There being no further business the Shire President declared the meeting closed at 5.02pm.