

SHIRE OF MERREDIN



“Heart of the Wheatbelt”

MINUTES OF COUNCIL MEETING

21 SEPTEMBER 2010

INDEX

1.0	OFFICIAL OPENING	4
2.0	PUBLIC QUESTION TIME	4
3.0	APOLOGIES AND LEAVE OF ABSENCE.....	4
4.0	DISCLOSURE OF INTEREST	5
5.0	PETITIONS AND PRESENTATIONS	5
6.0	CONFIRMATION OF MINUTES	5
6.1	Ordinary Council Meeting.....	5
7.0	ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION	5
8.0	MATTERS FOR WHICH THE MEETING MAY BE CLOSED TO THE PUBLIC	5
9.0	RECEIVAL OF MINUTES OF COMMITTEE MEETINGS HELD SINCE THE PREVIOUS MEETING OF COUNCIL.....	5
9.1	Western Australian Local Government Association Great Eastern Country Zone Meeting held on 4 August 2010.....	5
9.2	Wheatbelt East Regional Organisation of Councils Meeting held on 25 August 2010	5
9.3	Merredin Heritage Advisory Committee Meeting held on 26 August 2010	6
9.4	Merredin Local Emergency Management Committee Meeting held on 7 September 2010.....	6
10.0	COMMUNITY SERVICES	7
10.1	Department of Sport and Recreation Community Sporting and Recreation Facilities Fund Application.....	7
11.0	DEVELOPMENT SERVICES	9
11.1	Waste Local Law - Rescission of Resolution	9
11.2	Fuel Storage – Diesel, Unleaded, Premium Unleaded – Lot 1321 McKenzie Crescent, Merredin	13
11.3	Boundary Relaxation Carport in Front Setback Area – Lot 196, House No. 4 Coronation Street	16
11.4	Local Planning Scheme No. 6 – Amendment One – Omnibus Amendments.....	18
11.5	Outline Development Plans Future Residential.....	21
11.6	Department of Mines and Petroleum - Mining Lease 70/1293 – Hines Hill Townsite – Request for Comment.....	24

11.7 Department of Regional Development and Lands – Lot 1229 Doyle Street, Merredin – Request for Comment On Lease Renewal – Vehicle Storage	26
12.0 ENGINEERING SERVICES	29
12.1 Review of Recreation Ground Master Plan	29
16.1 Hot Bitumen Tender No 01-10/11	31
16.2 Aggregate Tender No 02-10/11	32
16.3 Hot Mix Asphalt Tender No 03-10/11.....	34
13.0 FINANCE AND ADMINISTRATION	35
13.1 Monthly Finance Report	35
13.2 List of Accounts Paid	36
13.3 Financial Reporting to Council In October 2010.....	37
13.4 Policy Manual Review – Policy 3.3 – Regional Price Preference	38
13.5 Policy Manual Review – Policy 3.13 – Purchasing Policy.....	39
13.6 Policy Manual Review – Policy 1.7 – Citizenship Ceremonies, Policy 3.15 – Use of Common Seal, Policy 1.15 – Mobile Phone Use During Council and Committee Meetings, Policy 3.18 – Legal Representation for Council Members and Employees and Policy 3.20 – Community Funding	40
13.7 Policy Manual Review – Policy 1.5 – Councillor Attendance at Conferences, Seminars, Training Courses and Meetings	42
13.8 Policy Manual Review – Policy 1.16 – Councillor Laptops.....	43
13.9 Royalties for Regions – Country Local Government Fund – Retention of Local Component.....	44
13.10 Permit for Use of 2, 4-D Ester	46
13.11 2011 Local Government Elections	48
16.4 Write Off of Debt – Debt Collection Fees – 4 Snell Street, Merredin.	50
14.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	52
15.0 QUESTIONS BY MEMBERS FOR WHICH DUE NOTICE HAS BEEN GIVEN	52
15.1 2.5% Cost Saving	52
15.2 Councillor Representation Review.....	53
16.0 URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION.....	55
16.1 Hot Bitumen Tender No. 01-10/11	55
16.2 Aggregate Tender No. 02-10/11	55
16.3 Hot Mix Asphalt Tender No. 03-10/11.....	55
16.4 Write Off of Debt – Debt Collection Fees – 4 Snell Street, Merredin.	55
16.5 Merrittville Architects.....	55
17.0 MATTERS BEHIND CLOSED DOORS	55
18.0 CLOSURE	55

4.0 DISCLOSURE OF INTEREST

Cr Morris declared a Proximity Interest in Agenda Item 11.4.

Cr Young declared a Proximity Interest in Agenda Item 11.5.

Cr Townrow declared an Impartiality Interest in Agenda Item 16.5.

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 17 August 2010.

Officer's Recommendation / Resolution**30409**

Moved Cr Townrow Seconded Cr Young

That the minutes of the Ordinary Council Meeting held on 17 August 2010 be confirmed as a true and correct record of proceedings.

CARRIED 9/0

7.0 ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

Nil.

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

Nil.

9.0 RECEIVAL OF MINUTES OF COMMITTEE MEETINGS HELD SINCE THE PREVIOUS MEETING OF COUNCIL**9.1 Western Australian Local Government Association Great Eastern Country Zone Meeting held on 4 August 2010****Attachment 9.1A**

Nil Recommendations to Council.

9.2 Wheatbelt East Regional Organisation of Councils Meeting held on 25 August 2010**Attachment 9.2A**

Nil Recommendations to Council.

- 9.3 Merredin Heritage Advisory Committee Meeting held on 26 August 2010

Attachment 9.3A

Nil Recommendations to Council.

- 9.4 Merredin Local Emergency Management Committee Meeting held on 7 September 2010

Attachment 9.4A

Officer's Recommendation / Resolution

30410

Moved Cr Townrow Seconded Cr Morris

That Council receive the minutes of the Western Australian Local Government Association Great Eastern Country Zone Meeting held on 4 August 2010, the Wheatbelt East Regional Organisation of Councils Meeting held on 25 August 2010, the Merredin Heritage Advisory Committee Meeting held on 26 August 2010 and the Merredin Local Emergency Management Committee Meeting held on 7 September 2010.

CARRIED 9/0

Committee Recommendation

- 5.1 Amended Emergency Management Plans for Shire of Merredin

Moved Shane Crook Seconded Jan Fox

That the Merredin Local Emergency Management Committee endorse the Local Recovery Plan, Local Emergency Management Arrangements, Risk Register and Finance Sub-Plan for the Shire of Merredin, as amended and as presented, and forward the Plans to Council for endorsement and public notification and to the District Emergency Management Committee for information.

CARRIED

Note: The Plans mentioned in the Committee Recommendation mentioned above are included as an appendix to the Merredin Local Emergency Management Committee Minutes.

Officer's Recommendation / Resolution

30411

Moved Cr Townrow Seconded Cr Crook

That Council endorse the Local Recovery Plan, Local Emergency Management Arrangements, Risk Register and Finance Sub-Plan for the Shire of Merredin, advertise the Plans for public notification and forward the Plans to the District Emergency Management Committee for their information.

CARRIED 9/0

10.0 COMMUNITY SERVICES

10.1 DEPARTMENT OF SPORT AND RECREATION COMMUNITY SPORTING AND RECREATION FACILITIES FUND APPLICATION

Reporting Department:	Community Services
Reporting Officer:	Debbie Morris – Executive Manager, Community Services
Legislation:	Local Government Act 1995
File Reference:	GS/2/9
Disclosure of Interest:	Nil
Attachments:	Nil

Background

The Shire of Merredin submitted an application to the Department of Sport and Recreation's (DSR) Community Sporting and Recreation Facilities Fund (CSRFF) in October 2009 for the Synthetic Surface at the Merredin Regional Community and Leisure Centre to accommodate 12 tennis courts, a full hockey field and a full size soccer pitch in line with **CMRef 30000**.

The project cost for the 2009 application was \$1.6 million with a breakdown as follows:

Shire of Merredin	\$500,000.00
Voluntary Labour	\$ 50,000.00
Donated Materials	\$120,000.00
Community cash contribution	\$130,000.00
CSRFF	\$533,333.00
Development Bonus	\$266,667.00

The application was unsuccessful and the feedback from DSR stated that further planning was required. Staff met with DSR representative Jenifer Collins, to gain more information and advice which could assist with a more thorough application being submitted in 2010.

Jenifer advised that our application required more information on the proposed surface as there is no other surface of this type operating in Western Australia. Also, better management plans were required that included control of the surface, fixturing of sports and maintenance. The application will need to address the impact on surrounding towns and have the support of State sporting bodies. We were also recommended not to apply for the Development Bonus as it would be highly unlikely that this would be supported.

At its June 2010 meeting, Council reconfirmed support for the Synthetic Surface project, listing it as the first priority for the local projects under the Royalties for Regions funding and inclusion in the Forward Capital Works Program (**CMRef 30346**).

In order to progress this project and maximise the opportunities of accessing funding, it is proposed to submit an application for the 2010/2011 CSRFF for the cost of the actual surface, which was \$475,000.00 in 2009.

Comment

The grant application process for CSRFF Annual and Forward Planning grants is:

1. all applications are to be lodged at the Local Government Authority (LGA) by the end of September;
2. applications are assessed by LGA staff and recommendations prepared in October;
3. applications are considered at the October Council meeting and ranked in priority order to be lodged at DSR's Regional Office by 4pm on the last working day in October.

Formal support from Council for the submission of an application for CSRFF in 2010 on behalf of the Shire of Merredin is required by DSR.

Statutory/Policy Implications

Nil.

Financial Implications

Quotations are currently being sourced and final project costings will be presented to Council's October 2010 meeting with the completed application.

Officer's Recommendation / Resolution

30412

Moved Cr Morris

Seconded Cr Crook

That Council submits an application to the Department of Sport and Recreation Community Sporting and Recreation Facilities Fund for a synthetic surface at the Merredin Recreation Ground for the purpose of hockey, tennis and soccer.

CARRIED 8/1

Mr Mitchell, Executive Manager of Development Services, entered the meeting at 1.07pm.

Mrs Morris, Executive Manager of Community Services, left the meeting at 1.28pm.

11.0 DEVELOPMENT SERVICES

11.1 WASTE LOCAL LAW - RESCISSION OF RESOLUTION

Reporting Department:	Development Services
Reporting Officer:	John Mitchell – Executive Manager, Development Services
Legislation:	Waste Avoidance and Resource Recovery Act 2007
File Reference:	LE/8/wll
Disclosure of Interest:	Nil
Attachments:	Correspondence

Background

During 2009 the Local Law was enacted to address the removal of the waste provisions and clauses from the Health Act 1911. Subsequently the Law was presented to the Department of Environment and Conservation (DEC) for review as required by the Waste Avoidance and Resource Recovery Act 2007 and there was a request for changes.

These changes were performed and the Local Law presented to Council again at its January 2010 meeting. Subsequent to that the Local Law was again presented as a complete Local Law for DEC advice only.

Since that time correspondence has been received advising of the failure to obtain DEC consent and that the resolution must be withdrawn in accordance with the Local Government Act 1995.

A copy of the correspondence is contained in **Attachment 11.1A**. Contrary to the comments in the letter, which should be disputed with the DEC, the Local Law was provided to the DEC prior to adoption. A final copy was provided and the DEC again reviewed the Local Law. Of concern is that the DEC continues to review a Local Law which has been approved previously by their Officers and then to be advised that the Shire has not followed protocol.

A copy of the letter of January 2010 is contained in **Attachment 11.1B**.

The DEC has taken considerable time and continued with additional reviews over the Shire of Merredin Local Law and the allegation that fault is not theirs is incorrect.

The works approval application for the landfill extensions has been delayed allegedly because the Consultant did not supply information, yet in discussions with the DEC officers they did not believe we had ownership of the land which the Administration then spent considerable time and consultants cost to provide proof above that legally required.

Comment

Due to the comments received from the DEC the matter is referred to Council. In order to process the Local Law legal process must be followed. Regulation 10 of the Local Government (Administration) Regulations 1996 requires a request to rescind a resolution of Council, in this case points 3 & 4 of **CMRef 30220**, the whole resolution being:

1. *That the Department of Local Government submission relating to the proposed Local Law – Shire of Merredin Waste Local Law 2009 be acknowledged;*
2. *That Council note and endorse the minor and necessary changes to the Shire of Merredin Waste Local Law 2009;*
3. *That the Shire of Merredin resolves to make the Local Law – Shire of Merredin Waste Local Law 2010 and forward the Local Law to the Executive Director of the Department of Environment and Conservation for approval; and,*
4. *That, subject to any further amendments from the Department of Environment and Conservation and the approval of the Executive Director of the Department of Environment and Conservation, the Local Law and supporting documentation be submitted to the State Law Publisher for Gazettal and the Joint Standing Committee on Delegated Legislation for review and acceptance.*

This has been achieved as the request has been received from the mover and seconder of the resolution and a third Councillor (**Attachment 11.1C**).

To date the process has taken nearly twelve months with the DEC. No conclusion is in sight.

The attached advice relates to the amendments the DEC seeks. The clauses used are the same that have survived legal scrutiny for many years under the Health Act 1911.

The changes contained within the correspondence are being addressed. The issue of suitable refuse enclosures is too ambiguous to resolve and should be dropped. Bin area local laws have been enforced on similar principles for many years under the Health Act 1911 and now appear to be not restrictive enough. The intent of the DEC version allows for no innovation or for a reduced size considering the number of containers.

Statutory/Policy Implications

It would appear the DEC can take as many reviews as they see fit and therefore the intent of this report is for Council to rescind the resolutions and the Administration will pursue the Local Law with the DEC and present that Local Law to Council for final adoption in due course.

An absolute majority of Council is required for the rescission of the motion.

Financial Implications

The cost of the development of the Local Law and the additional reviews undertaken by the DEC have exceeded \$2,000 paid to the consultant Environmental Health Officer for meetings and amendments.

Officer's Recommendation

That Council resolve to rescind clauses 3 and 4 of CMRef 30220 being:

- "3. That the Shire of Merredin resolves to make the Local Law – Shire of Merredin Waste Local Law 2010 and forward the Local Law to the Executive Director of the Department of Environment and Conservation for approval; and*
- 4. That, subject to any further amendments from the Department of Environment and Conservation and the approval of the Executive Director of the Department of Environment and Conservation, the Local Law and supporting documentation be submitted to the State Law Publisher for Gazettal and the Joint Standing Committee on Delegated Legislation for review and acceptance."*

ABSOLUTE MAJORITY REQUIRED

REASON – The Director General of the Department of Environment and Conservation has not consented to the Local Law. The Administration will pursue the Local Law with the Department of Environment and Conservation and present that Local Law to Council for final adoption in due course.

Cr Morris, Cr Crees, Cr Townrow indicated support for the motion.

30413 **Resolution**
Moved Cr Young Seconded Cr Townrow
That Council resolve to rescind clauses 3 and 4 of CMRef 30220 being:
"3. That the Shire of Merredin resolves to make the Local Law – Shire of Merredin Waste Local Law 2010 and forward the Local Law to the Executive Director of the Department of Environment and Conservation for approval; and

- 4. That, subject to any further amendments from the Department of Environment and Conservation and the approval of the Executive Director of the Department of Environment and Conservation, the Local Law and supporting documentation be submitted to the State Law Publisher for Gazettal and the Joint Standing Committee on Delegated Legislation for review and acceptance."***

**CARRIED 9/0
ABSOLUTE MAJORITY**

**11.2 FUEL STORAGE – DIESEL, UNLEADED, PREMIUM UNLEADED – LOT 1321
MCKENZIE CRESCENT, MERREDIN**

Reporting Department:	Development Services
Reporting Officer:	John Mitchell – Executive Manager, Development Services
Legislation:	Town Planning Scheme No. 1
File Reference:	A3445
Disclosure of Interest:	Nil
Attachments:	Application and Locality Plan

Background

At its August 2009 meeting Council resolved (**CMRef 30085**):

- 1. That Council note the submission of plans for the establishment of a fuel depot on Lot 1321 McKenzie Crescent, Merredin and advertise the application in accordance with the Town Planning Scheme No. 1.*
- 2. That, subject to no negative responses being received, the application to erect a 75,000 litre diesel storage tank on Lot 1321 McKenzie Crescent Merredin be approved by the Chief Executive Officer.*

Since that time Liberty Oils have been negotiating the placement of the tanks. In June 2010 Liberty Oils contacted the Administration to commence the process of approval for the site at Lot 1321 McKenzie Crescent, Merredin.

An incomplete application is contained in **Attachment 11.2A**. A locality plan is contained in **Attachment 11.2B**.

The application has been enlarged to 1 x 110kl diesel, 55kl of unleaded (ULP), 55kl of premium unleaded (PULP) and 1 x 110kl retail diesel tank. The matter is therefore referred back to Council for consideration.

Comment

Lot 1321 McKenzie Crescent is zoned Light Industry pursuant to the Shire of Merredin Town Planning Scheme No. 1.

“Fuel depot” means a premises used for the storage and sale in bulk of solid or liquid or gaseous fuel, but does not include a service station and specifically excludes the sale by retail into a vehicle for final use of such fuel from the premises.

A fuel depot is an “AP” use pursuant to Town Planning Scheme No. 1. Council cannot consider the application until advertising has occurred.

Advertising of the amended application occurred in the June 2010 Community Information Newsletter. No submissions have been received.

It should however be noted, Local Planning Scheme No. 6 provides that a service station will be a "D" use in the light industry zones pursuant to the Scheme. "D" means that the use is not permitted unless the local government has exercised its discretion by granting planning approval.

Approval is recommended with the following conditions:

1. provision of landscaping in accordance with the Zoning and Development Table of 20% of the site – proposed landscaping to be approved by the Shire of Merredin through the submission of a plan prior to commencement;
2. provide a Department of Minerals and Petroleum approval/certification of compliance for the location of the stored fuel products – diesel, ULP, PULP, retail diesel facility prior to placement of the self contained fuel tank systems;
3. provide fire fighting solutions or compliance in accordance with Section E of the Building Code of Australia 2010 prior to the issue of the building licence;
4. provide further plan details of the signage to be installed within the front setback area prior to approval by the Shire of Merredin;
5. provide detailed plans of the fuel tank infrastructure for Council approval; and
6. provide emergency management plans to the Shire of Merredin for distribution to emergency services within the local community.

To keep the works moving forward a planning consent for the placement of the office block has been issued by the Administration.

Consideration of the service station can occur once the local planning scheme 6 has been approved.

Statutory/Policy Implications

The initial application has been advertised in accordance with the provisions of the Town Planning Scheme No. 1. Submissions closed on 30 June 2010.

The delays in providing the report to Council have been the issue of insufficient information which is now being addressed by Liberty Oils.

Town Planning Scheme No. 1 would require that the local government refuse the application component dealing with the retail sale of fuels. Local Planning Scheme No. 6, which is with the Minister for final approval, would permit the project with conditions.

Financial Implications

Town planning fees of \$1,240.00 have not been paid. An invoice has been issued.

Officer's Recommendation / Resolution**30414**

Moved Cr Wallace

Seconded Cr Crook

- 1. That the application (PA12-10) to establish a fuel depot on Lot 1321 McKenzie Crescent, Merredin be approved with the following conditions:**
 - 1. provision of landscaping in accordance with the Zoning and Development Table of 20% of the site – proposed landscaping to be approved by the Shire of Merredin thru submission of a plan prior to commencement;**
 - 2. provide a Department of Minerals and Petroleum approval/certification of compliance for the location of the stored fuel products – diesel, unleaded petrol, premium unleaded petrol - prior to placement of the self contained fuel tank systems prior to issue of a building licence;**
 - 3. provide fire fighting solutions or compliance in accordance with Section E of the Building Code of Australia 2010 prior to the issue of the building licence;**
 - 4. provide further plan details of the signage to be installed within the front setback area prior to approval by the Shire of Merredin;**
 - 5. provide detailed plans of the fuel tank infrastructure for Council approval; and**
 - 6. provide emergency management plans and ensure distribution to emergency services within the local community. A copy is to be provided to the Shire of Merredin.**
- 2. That the applicant be advised that the service station component will receive consideration once Local Planning Scheme No. 6 is approved.**

CARRIED 9/0

11.3 BOUNDARY RELAXATION CARPORT IN FRONT SETBACK AREA – LOT 196, HOUSE NO. 4 CORONATION STREET

Reporting Department:	Development Services
Reporting Officer:	John Mitchell – Executive Manager, Development Services
Legislation:	Town Planning Scheme No. 1; Residential Design Codes 2008
File Reference:	A644
Disclosure of Interest:	Nil
Attachments:	Application

Background

An application PA10-10 (**Attachment 11.3A**) requesting a concession to the setback requirements of the Residential Design Codes (RDC) 2008 has been received from the owner of Lot 196 Coronation Street, Merredin.

Comment

The RDC determine acceptable development for carports as those which:

1. are located behind the front street setback line (7.5m); and
2. occupy less than 50% of the frontage at the building line and allow unobstructed view between the dwelling and any adjoining street or right of way.

Allowances can be made for front setback reduction of car parking facilities to be reduced to 4.5m. The proposed setback for this carport is 3.0m. Section 6.2.3 of the RDC permits a reduction to 3.0m where vehicles park parallel to the street alignment.

There are other carports located in the first 4.5m of the front setback area along Coronation Street and King Street, Merredin. At 16 Coronation Street the dwelling is within 2m of the front boundary.

There are numerous examples in the Merredin townsite where carports in the front setback area of a residential property have previously been approved. These include 28 Hart Street (**CMRef 28623**), 8 Pioneer Road (**CMRef 27641**); 8 Haines Street and 21 Craddock Road.

The RDC provide that consultation with adjoining property owners, and others as deemed necessary, can be undertaken in relation to planning applications that do not comply entirely with the prescribed acceptable development standards. Copies of the application have been provided to the owners of adjoining properties for comment. A response within 14 days was requested. No responses have been received.

It is proposed to construct the carport out of new steel materials with a Dutch gabled roof. The design compliments the features of the dwelling.

There is no access along the sides of the dwelling to the rear of the property that would facilitate on-site parking that was not within the front setback area.

Statutory/Policy Implications

Lot 196 Coronation Street, Merredin is zoned Residential 2 in accordance with the Shire of Merredin Town Planning Scheme No. 1. Accordingly, development on such a lot is governed by both the Shire of Merredin Town Planning Scheme No. 1 and the RDC.

The RDC incorporate “deemed to satisfy” and “performance based” standards for development in residential areas. They also enabled local authorities to develop policies to control certain developments more rigidly. The RDC enable Local Government to consider applications which do not meet the acceptable development criteria; this is in the form of an application for planning consent.

Financial Implications

Town planning fees are levied on applications as per Councils Schedule of Fees and Charges and under the provisions of the Town Planning (Local Government Planning Fees) Regulations 2000.

The relevant fee of \$123.00 has been paid.

Officer’s Recommendation / Resolution

30415

Moved Cr Crook

Seconded Cr Young

That the planning application PA10-10, for the construction of a carport within the front setback area of Lot 196, House No. 4 Coronation Street, Merredin with a setback of 3.0m be approved.

CARRIED 9/0

Cr Morris declared a Proximity Interest in this Agenda Item 11.4. 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 1.36pm.

30416 Moved Cr Crook Seconded Cr Wallace
That Cr Morris be allowed to participate in the discussion of and decision making process on this Agenda Item 11.4 as it is felt that his interest is so insignificant that it will not influence his conduct in relation to this matter.

CARRIED 8/0

Cr Morris entered the meeting at 1.37pm.

11.4 LOCAL PLANNING SCHEME NO. 6 – AMENDMENT ONE – OMNIBUS AMENDMENTS

Reporting Department:	Development Services
Reporting Officer:	John Mitchell – Executive Manager, Development Services
Legislation:	Planning and Development Act 2005; Shire of Merredin Local Planning Scheme No. 6
File Reference:	LUP/5/LPS6-A1
Disclosure of Interest:	Nil
Attachments:	Omnibus Amendment

Background

When the Local Planning Scheme No. 6 (LPS6) was being prepared, Council resolved to prepare a submission addressing those concerns raised during the compilation of the Scheme and public submission period.

At the meetings held to finalise the Scheme it was explained that amendments that substantially change the Scheme can lead to the process for adoption of the Scheme being re-commenced or additional advertising required.

Accordingly Council agreed that an omnibus amendment (**Attachment 11.4A**) be prepared to address the following issues:

1. the application of the R30 zoning to all R20 existing zones;
2. rezoning Lot 20261 to “Special Use – Airstrip” zone;

3. rezoning the southern portion of the town of Merredin (Lots 2, 75, 1, 11, 12, Loc 13208 and Lot 9883 to permit rural residential development by private developers. Note – Lots 2 and 75 of Loc 13208 is to provide residential development to the north side of O'Connor Street to offset the ring-barking argument and provide up to an additional 400 lots of residential land;
4. rezoning Lot 7757 Fifth Avenue to "Residential"; and
5. amending the tables and schedules to reflect the above changes.

Comment

There are a number of other amendments that Council could consider including:

1. a tourist development site is provided in Lukin Street, Merredin – refer to map 6 of LPS 6. Council also considered the Reserve opposite Telfer Road (old Golf Course building area).

Being a Reserve this will require an application for the change of use from "Recreation" to support the creation of a tourism development. Reserves cannot be zoned. They are available to the vesting authority for the purpose provided; and

2. delete the Special Use zone over Lot 401 French Avenue and replace it with "Residential".

In summary, the omnibus addresses the rural residential development, airstrip expansion, provision of up to 500 additional residential lots from developments on O'Connor Street and Telfer Road in addition to the 1,000 blocks detailed within the outline development plans (ODPs), and suggests a density ratio of R30 where sewer is provided and a ratio of R50 within the town centre zoning. The amendment also requires that ODPs be prepared prior to any development occurring.

Statutory/Policy Implications

Prior to submission to the Western Australian Planning Commission the amendment must be reviewed by the Environmental Protection Authority.

LPS6 is currently with the Western Australian Planning Commission for final assessment. It is unknown, despite weekly contact, when it will be presented to the Minister.

Financial Implications

Consultant's fees are applicable to the development of the submission which is contained within the 2010/2011 Budget.

Officer's Recommendation / Resolution

30417

Moved Cr Young

Seconded Cr Townrow

That Council resolves to adopt the Local Planning Scheme No. 6 Amendment No. 1 and submit the amendment to the Environmental Protection Authority for consent prior to submission to the Western Australian Planning Commission for approval.

CARRIED 9/0

Cr Young declared a Financial Interest in this Agenda Item 11.5 and left the meeting at 1.40pm.

11.5 **OUTLINE DEVELOPMENT PLANS FUTURE RESIDENTIAL**

Reporting Department:	Development Services
Reporting Officer:	John Mitchell – Executive Manager, Development Services
Legislation:	Shire of Merredin Local Planning Strategy 2007; Local Planning Scheme No. 6
File Reference:	LUP/5/ODP – Merredin town site
Disclosure of Interest:	Nil
Attachments:	Outline Development Plans

Background

During the Local Planning Scheme No. 6 (LPS6) process, research found a series of old outlines for development within the residential areas of town. Each of the outline development plans (ODPs) represented a town planning scheme. These schemes have been rescinded within LPS6.

In addition, Council has prepared several other ODPs for residential subdivisions for infill development not contained within the previous schemes.

The ODPs currently prepared are contained in **Attachment 11.5A**.

Comment

The ODPs have been computerised and provided as a montage over the latest town photography. The plans can be magnified to allow for closer scrutiny of the development to assess impact on existing services and infrastructure.

In addition, a priority of development should be determined to permit the Administration to budget accordingly.

ODPs are provided for:

1. Kitchener Road, Pool Street and Woolgar Avenue – 61 lots;
2. Whitfield Way Stage 2 – 12 lots;
3. northern residential area excluding Lots 1442 and 1443 – 463 lots;
4. Cohn Street, Stage 2, 3 and 4 of Carrington Way development – 85 lots;
5. Caw Street – 16 lots;
6. Davies Street and environs excluding the existing Reserve area - 33 lots existing;
7. Old Goldfields Road rear of industrial area - 89 lots; and
8. Fifth Avenue area – 277 lots.

It should be noted that not all land in the above list is owned or under Council's jurisdiction.

A total of 1,036 lots can be provided from these outlines. There are minor issues to address in each development proposal. These include dwellings in roads, boundary crossings and road alignments and reserves.

ODPs for the following are required:

1. Lots 1443 and 1442 (133 lots minimum at R10);
2. O'Connor Street residential area (775 lots at R10); and
3. rural residential area proposed in O'Connor Street.

These developments will substantially add to the available land bank for development of Merredin. Conservative estimates contained within the Amendment One document indicate an additional 900 lots can be created. It is possible to develop in total 2,000 residential lots. These ODPs can be considered once the Amendment is consented to.

Local sales knowledge suggests that the land south of the highway is best suited for development at this time.

Statutory/Policy Implications

Nil.

Financial Implications

Funds for the preparation of the overlays have been provided within the 2010/2011 Budget.

Officer's Recommendation / Resolution

30418

Moved Cr Crees

Seconded Cr Townrow

- 1. That the proposed development priority for the outline development plans is:**
 - 1. Whitfield Way Stage 2 – 12 lots;**
 - 2. Cohn Street, Stage 2, 3 and 4 of Carrington Way development – 85 lots;**
 - 3. Kitchener Road, Pool Street and Woolgar Avenue – 61 lots;**
 - 4. northern residential area excluding Lots 1442 and 1443 – 463 lots;**
 - 5. Caw Street – 16 lots;**
 - 6. Davies Street and environs excluding the existing Reserve area - 33 lots existing;**
 - 7. Old Goldfields Road rear of industrial area - 89 lots;**
 - 8. Fifth Avenue area – 277 lots.**

- 2. That the Administration prepare a policy pursuant to Local Planning Scheme No. 6 referencing, but not adopting, the outline development plans for development of the areas listed within the Local Planning Strategy 2007 as structure plans and provide that policy to Council for consideration.***

CARRIED 6/2

Cr Young entered the meeting at 1.48pm.

11.6 DEPARTMENT OF MINES AND PETROLEUM - MINING LEASE 70/1293 – HINES HILL TOWNSITE – REQUEST FOR COMMENT

Reporting Department:	Development Services
Reporting Officer:	John Mitchell – Executive Manager, Development Services
Legislation:	Mining Act 1978
File Reference:	R28191; R39249
Disclosure of Interest:	Nil
Attachments:	Correspondence

Background

A request for comment has been received (**Attachment 11.6A**) from the Department of Mines and Petroleum. The attachment contains photographs of the site and a locality plan. The applicant seeks to apply for a mining lease over a portion of Reserve 28191.

The land is vacant crown land adjacent to the salt lake basin north of the old Goldfields Road. The land is vested with the Shire of Merredin as a landfill site (Reserve 39249, Lot 10). The site has been long closed and rehabilitated.

Comment

There is no requirement for the Department to entertain public submissions. It is however suggested that a copy of Council's advice to the Department should be provided to the local community progress group.

Dwellings are located within 300m of the site on Lots 54, 55, 59 and 65 Fitzpatrick Road and adjacent to the railway line off Goldfields Road. Any mining activity will impact upon the quiet enjoyment of the properties. Conditions relevant to dust emissions and noise levels should be considered. All town dwellings are located within 700m of the site.

Land to the north has recently sold for a rural retreat including a dwelling within 500m of the site. Discussions regarding entry to the property and type of construction have commenced.

The area contains a salt basin. The land is potentially environmentally fragile and sensitive. New bush growth appears to have reduced the impact of the salt basin. Mining activity may damage the area. Local farmers advise of mallee fowl sightings within the Reserve.

The Reserve is the only area of bush within the townsite which has salt basins to the south, west and north. Mining within the area should first address the extent of salinity issues, extent of sensitivity of the area, revegetation of mined areas and the impact of mining operations, including increased truck movements, over the area.

The Department has provided no details of the type of mining operation envisaged - whether it is underground or open cut. In the case of open cut mining the State has a very poor performance on rehabilitation of old pits and Council would be concerned about being left with a potentially dangerous hole in the ground requiring on-going management.

The area has been used as an illegal dumping point since the landfill site closure and the Shire of Merredin has spent considerable funds to restrict access and ensure regrowth over the land.

When the lake system is flowing after rains the salt water levels in Hines Hill can be affected by changes up to 50km away – e.g. Kellerberrin ski lake. Mining may affect levels applicable to dwellings within the area.

Whilst no time limit has been stated within the correspondence of the Department, discussions with the Executive Manager of Development Services (EMDS) indicate that a response within a month is expected.

Statutory/Policy Implications

It is the belief of the EMDS that the mining lease is subject to an application for planning consent pursuant to clause 6.1.4(c) of the Shire of Merredin Town Planning Scheme No. 1.

The Planning and Development Act 2005 binds the Crown and the Act cannot interfere with defined “public works”. A private mining lease is not defined within the term “public works”.

Financial Implications

There are no financial implications to the Shire of Merredin at this time.

Officer’s Recommendation / Resolution

30419

Moved Cr Crees

Seconded Cr Forbes

1. That the Department of Mines and Petroleum be advised that the Shire of Merredin does not support the issuing of a mining lease over land within the townsite or within 1km, of Hines Hill for the following reasons:

- 1. the land is salt affected and potentially environmentally sensitive; and**
- 2. Hines Hill has low lying land to the west south and north and changes to the water levels from these salt basins when flowing may affect dwellings.**

2. That should the Department of Mines and Petroleum approve the application, appropriate conditions addressing habitat, rehabilitation and protection of structures and road systems be imposed.

CARRIED 6/3

11.7 DEPARTMENT OF REGIONAL DEVELOPMENT AND LANDS – LOT 1229 DOYLE STREET, MERREDIN – REQUEST FOR COMMENT ON LEASE RENEWAL – VEHICLE STORAGE

Reporting Department:	Development Services
Reporting Officer:	John Mitchell – Executive Manager, Development Services
Legislation:	Local Government Act 1995; Town Planning Scheme No. 1
File Reference:	P247
Disclosure of Interest:	Nil
Attachments:	Correspondence

Background

Correspondence has been received from the Department of Regional Development and Lands (**Attachment 11.7A**) seeking comment regarding the proposed extension of lease for a ten year period. A locality plan is included.

Comment

The land is zoned light industry and the use as a scrap metal storage is defined as a “car wrecking” use as contained within the Shire of Merredin Town Planning Scheme No. 1. It is a non approved use within the Scheme Zoning and Development Table.

Town Planning Scheme No. 1 states a business that was operating prior to the commencement of the scheme can apply for a registration of a non conforming use with the Shire pursuant to Part 5 of the Scheme text. A review of the file shows that no such application was made. Council may consider the application and approve with or without conditions. Conditions are recommended.

In 2007 the Department of Planning and Infrastructure required that all car dealers, repairers and wreckers be licensed with the Department. Accordingly the Administration advised that the business existed and had a right of non conforming use. This enabled the business to remain registered and operational with the Department.

It is believed that a Solid Depot licence will also be required from the Department of Environment and Conservation. This will form conditional advice to the applicant.

The operation of a scrap metal yard is inherently dangerous and potentially environmentally detrimental particularly if car bodies are stored on site. Recent fires in the metropolitan area have highlighted the potential issues with their operation including oil and fuel fires, plastic fumes and inhalation, health concerns and environmental degradation. The storage of engine oil sumps and fuel tanks which have not been disabled to prevent accumulation of flammable products should be prohibited.

The regulations relevant to the operation of Country Landfill sites require that no storage of recyclable materials occurs above two metres in height.

The site should be limited to a square meterage, time and tonnage value. If the site becomes unsightly there are actions that can be taken pursuant to the Local Government Act 1995 Section 3.25 to address the issues of aesthetics. This should form part of advice to the applicant of Councils rights and obligations.

Fire safety should be addressed through the placement of adequate fire extinguishers or hose reels, fire breaks, emergency signage and a fire fighting water source so any fire can be contained. Maintaining distances from boundaries also addresses issues relating to fire resistance as determined through fire resistance levels from the Building Code of Australia and building separation.

A condition of operation should also limit the number of vehicles that are stored on site other than those in for repairs. Lot 1229 (2,400m²) should also be limited to a number of car bodies or parts thereof. Allowing for a 3m fire break around the site (760m²) and 8m² per vehicle allows 205 vehicles to be stored on the Lot. At 2m height the value doubles to 410.

In addition there is a concern that the site will be left unclean and accordingly a further condition of the lease should be that the site is cleared of all disused materials at the completion of the lease.

Statutory/Policy Implications

The provisions of the Shire of Merredin Town Planning Scheme No. 1 are applicable.

Financial Implications

Nil.

Officer's Recommendation / Resolution**30420**

Moved Cr Crees

Seconded Cr Townrow

That the Department of Regional Development and Lands be advised that the issue of the extension of lease should include the following conditions of operation for a car wreckers yard on Lot 1229 Doyle Street, Merredin:

- 1. the approval is subject to any required works approval and operating licence of the Department of Environment and Conservation. The applicant shall provide evidence to the Shire of Merredin of the advice from the Department of Environment and Conservation;***
- 2. car wrecking and scrap steel is for the purposes of this application to include car metal components, light gauge steel, metal alloys and plastic bumpers, dashboards and wheel rims but excludes seat fabric materials, toxic door and roof lining materials, tyres of any size – excluding working plant used in the operation of the car wrecking scrap steel process, paper, cardboard, battery acid or general waste of any description;***
- 3. the site shall be limited to an area of 3m off fence lines for fire fighting purposes and a height of 2m and there shall be no storage of petrol tanks or oil sumps on site that have not been properly punctured and emptied prior to storage at Lot 1229 Doyle Street, Merredin;***
- 4. a maximum of 410 vehicles or parts thereof shall be stored on site;***
- 5. all stored disused materials shall be deposited behind screened fence which shall be maintained at all times in a good condition and capable of screening the stored steel components;***
- 6. the storage area shall be graded away from the middle to prevent ponding of water within the storage area. This can be achieved via a 2% fall from centre;***
- 7. provide a fire hose reel and fire extinguishers for fighting all fires that can occur on site as a result of the storage of steel waste and associated products;***
- 8. maintain internal fire breaks to a 3m width around the property at all times materials are stored on site and during any statutory period; and***
- 9. provide satisfactory signage (min height lettering of 90mm) on site detailing emergency contact details and a description of all materials stored on site for emergency personnel information.***

CARRIED 9/0

Mr Garrett, Executive Manager of Engineering Services, entered the meeting at 2.02pm.

Mr Mitchell, Executive Manager of Development Services, left the meeting at 2.12pm.

12.0 ENGINEERING SERVICES

12.1 REVIEW OF RECREATION GROUND MASTER PLAN

Reporting Department:	Engineering Services
Reporting Officer:	Jim Garrett – Executive Manager, Engineering Services
Legislation:	Local Government Act 1995
File Reference:	RCS/13/1
Disclosure of Interest:	Nil
Attachments:	Draft Master Plan

Background

To assist with any future developments of the Merredin Recreation Ground a Master Plan is needed for the purpose of identifying the future configuration of the Recreation Ground and the actions required to achieve this configuration.

At its September 2008 meeting Council endorsed the Draft Recreation Ground Master Plan (**CMRef 29695**). Staff have identified that the Recreation Ground Master Plan needs to be updated to include proposed future configurations at the Recreation Ground as a number of projects have been completed from the Master Plan.

Staff have developed a revised draft Master Plan with the proposed new configurations for Councils consideration (**Attachment 12.1A**).

Comment

It has been recognised that there is insufficient parking available at the Recreation Centre and there is currently no designated road to the new storage shed.

Statutory/Policy Implications

Nil.

Financial Implications

The draft Recreation Ground Master Plan will assist staff and Council when considering any future budget allocations for the Recreation Ground.

Mrs Green, Executive Assistant, left the meeting at 2.13pm.

Mrs Green, Executive Assistant, entered the meeting at 2.15pm.

Officer's Recommendation

That Council endorse the draft Recreation Ground Master Plan as presented in Attachment 12.1A.

Resolution

30421

Moved Cr Townrow

Seconded Cr Morris

That Council endorse the draft Recreation Ground Master Plan as presented in Attachment 12.1A and forward the draft Plan to the Merredin Sports Council for comment and input.

CARRIED 7/2

This Agenda Item 16.1 was brought forward due to the attendance of Mr Garrett, Executive Manager of Engineering Services.

16.1 **HOT BITUMEN TENDER NO 01-10/11**

Reporting Department:	Engineering Services
Reporting Officer:	Jim Garrett – Executive Manager, Engineering Services
Legislation:	Local Government Act 1995
File Reference:	Tender 01-10/11
Disclosure of Interest:	Nil
Attachments:	Evaluation Matrix

Background

In August 2010 the Shire of Merredin issued Tender No 01-10/11 for approximately 200,000 litres of hot bitumen to be used in the 2010/2011 roadworks program.

The following tenders were received:

	TENDERER	PRICE
A	Bitumen Surfacing	\$227,643.00 Including GST
B	R n R Contracting	\$209,000.00 Including GST
C	Boral Asphalt	\$217,200.00 Including GST
D	Fulton Hogan	\$209,000.00 Including GST

The evaluation matrix is contained in **Attachment 16.1A**.

Statutory/Policy Implications

Nil.

Financial Implications

Approximately 200,000 litres of hot bitumen at \$1.01 per litre has been budgeted for in the 2010/2011 road program.

Officer's Recommendation / Resolution

30422

Moved Cr Crees

Seconded Cr Young

That Council award Tender 01-10/11 to R n R Contracting to supply hot bitumen to the Shire of Merredin at \$0.95 per litre for the 2010/2011 financial year.

CARRIED 9/0

This Agenda Item 16.2 was brought forward due to the attendance of Mr Garrett, Executive Manager of Engineering Services.

16.2 AGGREGATE TENDER NO 02-10/11

Reporting Department:	Engineering Services
Reporting Officer:	Jim Garrett – Executive Manager, Engineering Services
Legislation:	Local Government Act 1995
File Reference:	Tender 02-10/11
Disclosure of Interest:	Nil
Attachments:	Evaluation Matrix

Background

In August 2010 the Shire of Merredin issued Tender No 02-10/11 for approximately 2,000 tonne of aggregate to be used in the 2010/2011 road works program.

The following tenders were received:

	TENDERER	PRICE
A	Mason Enterprises (Trans Plus)	\$102,906.00 Including GST
B	Moorfield Transport	\$123,640.00 Including GST
C	Hanson Construction Materials	\$96,040.00 Including GST
D	M & K Kaartage	\$101,310.00 Including GST
E	A L Spencer	\$99,000.00 Including GST

The evaluation matrix is contained in **Attachment 16.2A**.

Comment

In Council's Policy Manual, Policy 3.3 - Regional Price Preference Policy states that where the contract is for goods and services up to a maximum price reduction of \$500,000.00, a regional price preference of 10% can apply.

Statutory/Policy Implications

Nil.

Financial Implications

Approximately 2000 tonnes of aggregate at \$65.00 per tonne has been budgeted for in the 2010/2011 road program.

Officer's Recommendation / Resolution

30423

Moved Cr Townrow Seconded Cr Young

That Council award Tender No 02-10/11 to Mason Enterprises to supply aggregate to the Shire of Merredin at \$51.48 per tonne for the 2010/2011 financial year.

CARRIED 9/0

This Agenda Item 16.3 was brought forward due to the attendance of Mr Garrett, Executive Manager of Engineering Services.

16.3 **HOT MIX ASPHALT TENDER NO 03-10/11**

Reporting Department: Engineering Services
Reporting Officer: Jim Garrett – Executive Manager, Engineering Services
Legislation: Local Government Act 1995
File Reference: Tender 03-10/11
Disclosure of Interest: Nil
Attachments: Evaluation Matrix

Background

In August 2010 the Shire of Merredin issued Tender No 03-10/11 for approximately 650 tonne of hot mix asphalt to be used in the 2010/2011 roadworks program.

The following tenders were received:

	TENDERER	PRICE
A	Downer EDI	\$182,000.00 Including GST
B	AAA Asphalt	\$153,725.00 Including GST
C	Boral Asphalt	\$151,125.00 Including GST
D	Fulton Hogan	\$139,067.00 Including GST

The evaluation matrix is contained in **Attachment 16.3A**.

Statutory/Policy Implications

Nil.

Financial Implications

Approximately 650 tonne of hot mix asphalt at \$210.00 per tonne has been budgeted for in the 2010/2011 road program.

Officer's Recommendation / Resolution

30424 Moved Cr Townrow Seconded Cr Young
That Council award Tender No 03-10/11 to Fulton Hogan to supply hot mix asphalt to the Shire of Merredin at \$213.94 per tonne for the 2010/2011 financial year.

CARRIED 9/0

13.2 LIST OF ACCOUNTS PAID

Reporting Department:	Finance and Administration
Reporting Officer:	Sharon Grayston – Acting 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

30426 Moved Cr Young Seconded Cr Crook

That Council receive the schedule of accounts as listed, covering cheques as numbered and totalling \$133,141.27 and amounts directly debited from Council's Municipal Fund Bank Account BSB 066-518 Account Number 000-000-10 totalling \$666,323.78 and outstanding creditors totalling \$130,674.29.

CARRIED 9/0

13.4 POLICY MANUAL REVIEW – POLICY 3.3 – REGIONAL PRICE PREFERENCE

Reporting Department:	Finance and Administration
Reporting Officer:	Sharon Grayston – Acting Executive Manager, Finance and Administration
Legislation:	Local Government (Functions and General) Regulations 1996 (amended 2000)
File Reference:	Council Policy Manual
Disclosure of Interest:	Nil
Attachments:	Policy

Background

Policy 3.3 - Regional Price Preference (**Attachment 13.4A**) was reviewed to determine whether any changes were required.

Comment

Policy 3.3 - Regional Price Preference has been reviewed and it is suggested that a more detailed policy be provided in order to clearly explain the objectives of the policy. As a result, an introduction to the policy has been provided and is included in **Attachment 13.4A**.

Statutory/Policy Implications

Local Government (Functions and General) Regulations 1996 (amended 2000) and amendment to Council's Policy Manual.

Financial Implications

Nil.

Officer's Recommendation / Resolution

30428 Moved Cr Townrow Seconded Cr Crook
That Council adopt the amended Council Policy 3.3 - Regional Price Preference as presented in Attachment 13.4A.

CARRIED 9/0

13.5 POLICY MANUAL REVIEW – POLICY 3.13 – PURCHASING POLICY

Reporting Department:	Finance and Administration
Reporting Officer:	Sharon Grayston – Acting Executive Manager, Finance and Administration
Legislation:	Local Government (Functions and General) Regulations 1996 (amended 2000)
File Reference:	Council Policy Manual
Disclosure of Interest:	Nil
Attachments:	Policy

Background

Policy 3.13 - Purchasing Policy was reviewed to determine whether any changes were required.

Comment

Policy 3.13 - Purchasing Policy has been reviewed and it is suggested that a more detailed policy be provided in order to clearly explain the objectives of the policy. As a result, an introduction to the policy has been provided as well as outlining the general principles for obtaining verbal quotations and is included in **Attachment 13.5A**.

Statutory/Policy Implications

Local Government (Functions and General) Regulations 1996 (amended 2007) and amendment to Council's Policy Manual.

Financial Implications

Nil.

Officer's Recommendation / Resolution**30429**

Moved Cr Crook

Seconded Cr A Hooper

That Council adopt the amended Council Policy 3.13 - Purchasing Policy as presented in Attachment 13.5A.

CARRIED 9/0

13.6 **POLICY MANUAL REVIEW – POLICY 1.7 – CITIZENSHIP CEREMONIES, POLICY 3.15 – USE OF COMMON SEAL, POLICY 1.15 – MOBILE PHONE USE DURING COUNCIL AND COMMITTEE MEETINGS, POLICY 3.18 – LEGAL REPRESENTATION FOR COUNCIL MEMBERS AND EMPLOYEES AND POLICY 3.20 – COMMUNITY FUNDING**

Reporting Department:	Administration
Reporting Officer:	Greg Powell – Chief Executive Officer
Legislation:	Local Government Act 1995
File Reference:	Council Policy Manual
Disclosure of Interest:	Nil
Attachments:	Policies

Background

Council adopted the following policies at its following meetings:

1. September 2004 Policy 1.7 – Citizenship Ceremonies (**CMRef 27632**);
2. April 2005 Policy 3.15 – Use of Common Seal (**CMRef 27884**);
3. October 2008 Policy 1.15 – Mobile Phone Use During Council and Committee Meetings (**CMRef 29744**);
4. October 2009 Policy 3.18 - Legal Representation for Council Members and Employees (**CMRef 30155**); and
5. March 2010 Policy 3.20 - Community Funding (**CMRef 30277**).

As part of the ongoing review of Council's Policy Manual these Policies have been reviewed (**Attachment 13.6A**).

Comment

It is considered that these policies are still relevant and do not require amendment.

Statutory/Policy Implications

Update of Council Policy Manual.

Financial Implications

Nil.

Officer's Recommendation / Resolution**30430**

Moved Cr Townrow

Seconded Cr Crook

That Council reconfirm the following Policies as presented in Attachment 13.6A:

- 1. Policy 1.7 – Citizenship Ceremonies;***
- 2. Policy 3.15 – Use of Common Seal;***
- 3. Policy 1.15 – Mobile Phone Use During Council and Committee Meetings;***
- 4. Policy 3.18 - Legal Representation for Council Members and Employees; and***
- 5. Policy 3.20 - Community Funding.***

CARRIED 9/0

13.7 POLICY MANUAL REVIEW – POLICY 1.5 – COUNCILLOR ATTENDANCE AT CONFERENCES, SEMINARS, TRAINING COURSES AND MEETINGS

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

Background

At its September 2004 meeting Council adopted Policy 1.5 – Councillor Attendance at Conferences, Seminars, Training Courses and Meetings (**CMRef 27632**). As part of the ongoing review of Council's Policy Manual the Policy has been reviewed (**Attachment 13.7A**).

Comment

The current policy, adopted in 2004, stipulated specific maximum amounts for the cost of meals. It is evident from recent conferences that these amounts should be increased. Alternatively, Council could require all dining to be in-house, although this may not be practical in all circumstances.

It is suggested that both options may prove useful – in house and reimbursement to a specified maximum, which could also be a daily maximum.

Statutory/Policy Implications

Update of Council Policy Manual.

Financial Implications

Council has allocated \$41,000.00 at Account E041030 – Conferences and Training Expenses in the 2010/2011 Budget. This amount is made up of \$26,000.00 for Local Government Week, \$12,000.00 for Councillor Training and \$3,000.00 for Other Conferences.

Officer's Recommendation / Resolution

- 30431** Moved Cr Townrow Seconded Cr A Hooper
That Council adopt Policy 1.5 - Councillor Attendance at Conferences, Seminars, Training Courses and Meetings as presented in Attachment 13.7A with the addition of a sustenance allowance of \$150.00 per day if staying in hotel accommodation and \$75.00 per day if staying privately.

CARRIED 9/0

13.8 POLICY MANUAL REVIEW – POLICY 1.16 – COUNCILLOR LAPTOPS

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

Background

At its September 2009 meeting Council adopted Policy 1.16 – Councillor Laptops (**CMRef 30126**). As part of the ongoing review of Council's Policy Manual the Policy has been reviewed (**Attachment 13.8A**).

Comment

The changes made to the policy are considered typographical, therefore minor in nature and do not affect the intent of the Policy.

Statutory/Policy Implications

Update of Council Policy Manual.

Financial Implications

Nil. Lease payments are included in the 2010/2011 Budget as an operating expense at Account *E042260*.

Officer's Recommendation / Resolution

- 30432** Moved Cr Morris Seconded Cr Crook
That Council adopt Policy 1.16 – Councillor Laptops as presented in Attachment 13.8A.
CARRIED 9/0
- 30433** Moved Cr Townrow Seconded Cr Crees
That Council adjourn the meeting at 3.12pm.
CARRIED 9/0
- 30434** Moved Cr Townrow Seconded Cr Young
That Council reconvene the meeting at 3.33pm.
CARRIED 9/0

Mrs Grayston, Acting Executive Manager of Finance and Administration, was in attendance.

**13.9 ROYALTIES FOR REGIONS – COUNTRY LOCAL GOVERNMENT FUND –
RETENTION OF LOCAL COMPONENT**

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:	Nil

Background

Funding from the Country Local Government Fund (CLGF) is to be redistributed over the period 2010/2011 to 2013/2014 from 65% to 100% to regional projects identified by regional groupings of Councils.

Comment

There has been debate within a number of local government forums suggesting that a portion of the funds remain with individual Councils for works at their discretion but subject to compliance with guidelines as they apply at the time. The Wheatbelt East Regional Organisation of Councils (WERO) recently resolved that 50% of funding remain with individual Councils but it is anticipated that this percentage would be perceived by the State Government as too high.

There is merit in the proposal as it would permit Councils to address their own infrastructure backlogs and it would permit the focus of the regional groups of Councils to be on projects of regional significance rather than have to address the possibility of lobbying of individual Councils for projects that are no doubt necessary but may not meet criteria of regional significance.

It is suggested that a percentage of 20% may be achievable and indications have been from government representatives that they are receptive to submissions.

A further shortcoming in the funding arrangements that has been noted is that there is little, if any, potential to accumulate funding towards larger projects (in funding terms) that could require an accumulation of a number of years allocations before sufficient funds are available to commence the project. It is suggested that the guidelines could be amended to allow projects to be approved but not commenced until sufficient funding has accumulated for (say) 2-3 years. This would allow larger projects to be planned for with some certainty that they will be undertaken some time in the future.

Statutory/Policy Implications

Royalties for Regions legislation and associated guidelines.

Financial Implications

It is not possible to determine future allocations to the CLGF as this is dependent on royalties received by the State, and that is dependent on global economic circumstances as they apply from year to year and other issues such as the proposed mining tax. However, for illustrative purposes, if Council was to receive its current total allocation of approximately \$1 million per annum, \$200,000.00 would remain for local initiatives.

Officer's Recommendation / Resolution**30435**

Moved Cr Forbes

Seconded Cr Townrow

That the State Government be requested to consider amending the guidelines for expenditure of the Country Local Government Fund component of Royalties for Regions Funds so that 20% is retained by individual local governments for local projects and that funds be permitted to accumulate for a period of up to three years for pre-approved projects of local or regional significance.

CARRIED 9/0

13.10 PERMIT FOR USE OF 2, 4-D ESTER

Reporting Department:	Administration
Reporting Officer:	Greg Powell – Chief Executive Officer
Legislation:	Local Government Act 1995
File Reference:	PH/13/4
Disclosure of Interest:	Nil
Attachments:	Correspondence

Background

An email has been received requesting Council to write to the Australian Pesticides and Veterinary Medicines Authority (AVPMA) and seek to be included within the permit application to use 2, 4-D ester during the 2010/2011 summer months (**Attachment 13.10A**).

Comment

A copy of the Permit detailing the specific conditions is included in **Attachment 13.10B**. The Shire of Merredin was included within the permit application in previous years and has an additional condition on the permit being *“No use of 2,4-D HVE’s within 1km of any nature reserves or water-bodies/water-ways within the Shire”*.

Council may wish to add a condition similar to that of the Shire of Kellerberrin being *“No use of 2,4-D HVE’s within 100 m around the boundaries of any townsites within the Shire”*.

Statutory Implications

The Administration is unaware of any legal implications from providing the request.

Financial Implications

Nil.

Officer’s Recommendation

That the Shire of Merredin correspond with the Australian Pesticides and Veterinary Medicines Authority and seek for the farming locations within the Shire of Merredin but not within 1 kilometre of any nature reserves or water-bodies/water-ways and within 100 metres around the boundaries of any townsites within the Shire of Merredin to be included within the permit application to use 2, 4-D esters for the 2010/2011 summer period.

Resolution**30436**

Moved Cr Young

Seconded Cr Crook

That Council correspond with the Australian Pesticides and Veterinary Medicines Authority and seek for the farming locations within the Shire of Merredin to be permitted to use 2, 4-D esters for the 2010/2011 summer period with standard conditions.

CARRIED 9/0**REASON:**

Council believed the conditions were too restrictive in that areas requiring spraying would not be treated.

13.11 2011 LOCAL GOVERNMENT ELECTIONS

Reporting Department:	Administration
Reporting Officer:	Greg Powell – Chief Executive Officer
Legislation:	Local Government Act 1995
File Reference:	G/07/14
Disclosure of Interest:	Nil
Attachments:	Correspondence

Background

The next bi-annual election for Local Governments is scheduled for October 2011. For the Shire of Merredin six (6) Councillor positions will become vacant. Those Councillors are Cr K Hooper, Cr Crees, Cr Forbes, Cr A Hooper, Cr Townrow and Cr Young.

The Western Australian Electoral Commissioner has written to Council indicating they are prepared to act as a Returning Officer at Council's 2011 elections (**Attachment 13.11A**).

Their quotation to conduct the election is \$13,000.00 including GST.

Comment

The advantages of using the Western Australian Electoral Commission is that Administration staff will be released from the workload associated with conducting an election and it is also seen as being independent of Council.

It is suggested that the bi-annual election of Councillors should be undertaken by the Western Australian Electoral Commissioner by postal ballot. This offers Council the following advantages:

1. a postal ballot has a higher elector turnout;
2. it is seen to be independent from Council; and
3. relieves Administration staff of the workload associated with the election process.

Statutory Implications

The Local Government Act 1995 provides for Councils to resolve to conduct the 2011 elections by postal vote and for the Electoral Commissioner to be responsible for the conduct of the election (Section 4.61 and 4.20 (4) respectively).

Before Council can appoint the Electoral Commissioner as Returning Officer, Council must first obtain the written agreement of the Electoral Commissioner (Section 4.20(4)).

This has been preempted by the Commissioner where it indicates in his letter *“The current procedure required by the Local Government Act 1995 is that my written agreement has to be obtained before the vote is taken. To facilitate the process, you can take this letter as my agreement to be responsible for the conduct of the ordinary elections in 2011 for the Shire of Merredin in accordance with Section 4.20 (4) of the Local Government Act 1995, together with any other elections or polls that may be required. My agreement is subject to the proviso that the Shire of Merredin also wishes to have the election undertaken by the Western Australian Electoral Commissioner as a postal election”*.

Financial Implications

The cost for the 2009 postal election conducted by the Western Australian Electoral Commissioner was \$10,045.43 excluding GST.

If Council were to conduct an in-person election for 2011 based on six (6) vacancies then the following estimate has been prepared.

Advertising	\$5,000.00
Staff for polling day (Location – Merredin)	\$3,000.00
Stationery	\$1,500.00
Postage	<u>\$1,500.00</u>
Total Cost	\$11,000.00

Council will need to allocate at least \$13,000.00 in its 2011/2012 Budget for the purpose of conducting the election.

Officer’s Recommendation / Resolution

30437 Moved Cr Morris Seconded Cr Crook

That Council declare that:

- 1. in accordance with Section 4.20 of the Local Government Act 1995, the Western Australian Electoral Commissioner be responsible for the conduct of the 2011 Ordinary Elections together with any other elections or polls which may also be required; and***
- 2. in accordance with Section 4.61 of the Local Government Act 1995, that the method of conducting the election will be as a postal election.***

CARRIED 9/0

This Agenda Item 16.4 was bought forward.

16.4 **WRITE OFF OF DEBT – DEBT COLLECTION FEES – 4 SNELL STREET, MERREDIN**

Reporting Department:	Administration
Reporting Officer:	Greg Powell – Chief Executive Officer
Legislation:	Local Government Act 1995
File Reference:	P2944
Disclosure of Interest:	Nil
Attachments:	Correspondence

Background

The landowners of 4 Snell Street, Merredin have approached the Administration to seek the write off of debt collection fees charged against their property for unpaid rates in the 2009/2010 year.

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 \$579.39 (\$517.77 in fees and \$61.62 in interest).

This request has been received by and is included in **Attachment 16.4A**.

It should be noted that the amount in question is not a bought forward charge from previous years as suggested in the request.

Comment

In recent previous financial years 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.

The 2009/2010 year rates were issued in August 2009 with the due date being 7 September 2009. As payment was not received until 24 October 2009 and no payment arrangement had been made, although it is claimed that verbal arrangements were made with staff and this is not disputed, the account was sent to Council's Debt Collection Agency.

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

Financial Implications

The Administration does 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 \$579.39 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 \$579.39 from Assessment Number 2944.

Resolution**30438**

Moved Cr Morris

Seconded Cr Young

That Council write off the amount of \$579.39 from Assessment Number 2944.

**CARRIED 7/2
ABSOLUTE MAJORITY**

REASON: Council believed the debt collection fees were unreasonable high.

14.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

15.0 QUESTIONS BY MEMBERS FOR WHICH DUE NOTICE HAS BEEN GIVEN

The following 2 questions have been submitted for Council consideration by Cr Morris.

15.1 2.5% Cost Saving

“At the July Council meeting we were presented with a forward planning document prepared by Morrison Low that predicted costs increasing at an annual rate of 10% simply to maintain our current level of service and operation.

As a Council we chose to set a rate increase of 7.5% in recognition of this fact.

It would therefore be prudent for us as a Council to require a 2.5% reduction in operational costs to balance out the annual 10.00% increase.

I believe that this should be done in a way so that it provides a clear and transparent indication that we are addressing the issue. At the moment, if we were to be scrutinised, it currently shows that we have only addressed 7.5% of a 10.00% problem. We also need to show that the increasing costs of Local Government are not simply to be met by rate increases.

I do not see this as a reason or opportunity to slash and burn, simply a chance to review what we are currently doing, and to do it better.

It is not envisaged that this saving would involve employee reductions. Natural attrition of employees would however provide the chance of reviewing work practices. Would a different way of doing things be more effective, efficient or cost effective? Would better machinery mean less staff?

These are questions best answered by our CEO as part of reviewing our operations.

As a Council we employed the CEO to lead us forward and making us a more dynamic organisation. Up until now, we have not provided the CEO with any KPIs. Part of the reasoning provided to us not to do so was that we would wait for the outcome of the Strategic Planning process undertaken by Morrison Low.

We as a Council now have something from Morrison Low by which to be guided.

Providing the CEO with a KPI of finding an operational cost saving of 2.5% before the end of the 2010-1011 financial year would provide an effective tool for him to help us work towards it."

Recommendation

That the CEO be set a KPI of obtaining a 2.5% saving in the operational cost of the Shire of Merredin for the 2010-2011 financial year.

Resolution

30439

Moved Cr Morris

Seconded Cr Crook

That the Chief Executive Officer be set a Key Performance Indicator of saving 2.5% of rate revenue in the operational cost of the Shire of Merredin for the 2010/2011 financial year.

CARRIED 8/1

15.2 Councillor Representation Review

"Merredin Shire Council last reviewed the Councillor numbers with a process that commenced in November 2008. Although legislation states that a review must be undertaken a minimum of once every eight years, there is no restriction to do it more often.

The options considered as part of the 2008 process were:

- *Remain with 11 Councillors*
- *Reduce to 9 Councillors*
- *Reduce to 7 Councillors*

The decision was made to reduce to 9 Councillors with the major reason not to reduce to 7 Councillors being that the change would be too drastic in one move from 11 and it would be better to do it over two election periods.

We are now approaching the next Local Government Election which is due in October 2011.

The process to change Councillor representation numbers is a lengthy one and as such, needs to be commenced quickly if they are to be made by 2011.

Many of the reasons for reducing from 9 to 7 Councillors are the same as that when numbers were reduced from 11 to 9:

- 1. Decision making process will be more effective and efficient.*
- 2. The cost of maintaining elected members is likely to reduce.*
- 3. There will be an increase in the ratio of electors to Councillors. (The Minister Local Government foreshadowed this as a preference in a press release on the 5th February 2009.)*
- 4. Fewer positions on Council may lead to greater interest in elections.*

There are now factors which further qualify the above:

- 1. The Minister of Local Government has further clarified his position in Councillor representation numbers. He has unequivocally stated that his preference is for a maximum of 9 Councillors and a minimum of 6. We currently sit on the maximum number.*
- 2. In 2011, 6 positions become vacant on the Merredin Shire Council. That will be a very hard number to fill given the usual level of interest.*

Times change and along with that, the structure of Local Government must do the same.

I believe it is now is the time to reduce our Councillor number from 9 to 7 for all the above reasons."

Recommendation / Resolution

Moved Cr Morris

Seconded Cr Wallace

That Council undertake a review of Councillor Representation. This review is to be finalised in order to fit in with the time constraints of the 2011 Local Government election process and to allow maximum time to promote and publicise the change.

LOST 4/5

Cr Townrow and Cr Young requested that their vote against the motion be recorded.

16.0 URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION16.1 Hot Bitumen Tender No. 01-10/11

Refer to Page 31 for information on this Agenda Item.

16.2 Aggregate Tender No. 02-10/11

Refer to Page 32 for information on this Agenda Item.

16.3 Hot Mix Asphalt Tender No. 03-10/11

Refer to Page 34 for information on this Agenda Item.

16.4 Write Off of Debt – Debt Collection Fees – 4 Snell Street, Merredin

Refer to Page 50 for information on this Agenda Item.

Cr Morris left the meeting at 4.13pm.

Mrs Grayston, Acting Executive Manager of Finance and Administration, left the meeting at 4.13pm.

Cr Young left the meeting at 4.15pm.

16.5 Merrittville Architects

Discussion ensued in relation to the presentations made to Council during the Briefing Session. The consensus was that further discussions were needed with the Merrittville Committee on the footprint and requirements of the development plan and that the Merrittville Committee would liaise with the preferred architect.

17.0 MATTERS BEHIND CLOSED DOORS

Nil.

18.0 CLOSURE

There being no further business the Shire President declared the meeting closed at 4.30pm.