

SHIRE OF MERREDIN



“Heart of the Wheatbelt”

MINUTES OF COUNCIL MEETING

20 OCTOBER 2009

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MINUTES

Minutes for the Ordinary Meeting of the Shire of Merredin held in the Council Chambers, Corner King and Barrack Streets, Merredin on Tuesday 20 October 2009 commencing at 11.00am.

ATTENDANCE: Cr KA Hooper – Shire President
Cr RM Crees – Deputy Shire President
Crs D Crook; P Forbes; A Hooper; J Townrow; W Wallace; M Young

Messrs FB Ludovico, Chief Executive Officer; J Garrett, Executive Manager of Engineering Services; V Green, Executive Assistant to Chief Executive Officer; E Hooper, Executive Manager of Finance and Administration and J Mitchell, Executive Manager of Development Services

Jennie Jarvis, JP; Tanya Murphy – Wheatbelt Mercury; Kylah Bertolini and Tracy Berryman – Throssell Road Playgroup

1.0 OFFICIAL OPENING

The Chief Executive Officer officially opened the meeting at 11.00am. Jennie Jarvis, JP and Tanya Murphy were in attendance.

2.0 SWEARING IN OF COUNCILLORS-ELECT

In accordance with Section 2.29 of the Local Government Act 1995, Jennie Jarvis, JP conducted the taking of the Declaration by an Elected Member of Council (Form 7) for the Councillors-elect, being Crs Donna Crook, and Wayne Wallace. It was advised that Cr Martin Morris would be undertaking his Declaration by an Elected Member at the Shire of Cocos Islands.

3.0 ELECTION OF SHIRE PRESIDENT

The Chief Executive Officer called for nominations for the position of Shire President for a two year term. 4 nominations for Cr K Hooper were received. Cr K Hooper accepted the nomination. As there were no further nominations, Cr K Hooper was declared the Shire President, elected unopposed.

The Shire President, Cr K Hooper, took the Chair and thanked Councillors for their support.

4.0 ELECTION OF DEPUTY SHIRE PRESIDENT

The Shire President called for nominations for the position of Deputy Shire President for a two year term. 3 nominations for Cr Crees were received. Cr nominated Cr. Cr Crees accepted the nomination. As there were no further nominations, Cr Crees was declared the Deputy Shire President, elected unopposed.

Jennie Jarvis, JP left the meeting at 11.09pm and did not return.

30132 Moved Cr Young Sec Cr Townrow
That Council adjourn the meeting at 11.14am. **CARRIED 8/0**

30133 Moved Cr Townrow Sec Cr A Hooper
Council reconvene the meeting at 11.18am. **CARRIED 8/0**

Tanya Murphy was not in attendance.

Cr K Hooper welcomed Cr Crook, Cr Wallace and Cr Morris as members on Council and thanked Cr Crees for his dedication and support in acting as Deputy Shire President.

6.0 PUBLIC QUESTION TIME
Nil

7.0 ELECTION OF COMMITTEE DELEGATES, CURRENT DEPUTIES AND VARIOUS DELEGATES

7.1 Established by Shire of Merredin

Listed below are the current Committees established by the Shire of Merredin.

Under the Local Government Act 1995 Section 5.10, a Councillor is entitled to be a member on any Committee of their choice, even though that may exceed the quorum. Additionally, the Shire President is entitled to be a member on any Committee of their choice, even though that may exceed the quorum.

In respect to Deputies, Council protocol appoints the Councillors who are not members to the Committee as Deputies so they are able to attend and participate in Committee meetings to ensure quorums.

Current members are listed.

Council should review these appointments to determine if they are required or if representation is required on other Committees.

MINUTES

Community, Health, Building, Town Planning and Environmental Services Committee

Current Members: Cr Townrow, Cr Morris, Cr Hayden, Cr A Hooper

Deputies: All other Councillors

Membership: 4 Councillors

Quorum: 3 Councillors

Purpose: To discuss matters relevant to the operation of Councils Health and Building department, including sporting areas, public and private housing and buildings, caravan parks, swimming pools, refuse and recycling matters and Town Planning matters.

Meeting cycle: Ad hoc

Administration and Finance Committee

Current Members: Cr Forbes, Cr Young, Cr Elliott, Cr K Hooper

Deputies: All other Councillors

Membership: 5 Councillors

Quorum: 3 Councillors

Purpose: To discuss matters pertain to Councils Administration and Finance department including funding of projects and budget management.

Meeting cycle: Ad hoc

Engineering Services Committee

Current Members: Cr Crees, Cr Wallace, ~~Cr Simmonds~~, Cr Townrow, Cr Morris, Cr K Hooper

Deputies: All other Councillors

Membership: 5 Councillors

Quorum: 3 Councillors

Purpose: To discuss matters relative to the planning and operation of the Engineering Services department including roadworks, plant replacement and repairs.

Meeting cycle: Ad hoc

MINUTES

Audit Committee

Current Members: Cr Forbes, Cr Young, Cr Elliott, Cr K Hooper

Deputies: All other Councillors

Membership: 5 Councillors

Quorum: 3 Councillors

Purpose: To provide guidance and assistance to the Local Government as to the carrying out of its functions in relation to audits carried out under Part 7 of the Act and as to the development of a process to be used to select and appoint a person to be an auditor and may provide guidance and assistance to the Local Government as to matters to be audited, the scope of audits, its functions under Part 6 of the Act and the carrying out of its functions relating to other audits and other matters related to financial management. (Clause 16 Local Government (Audit) Regulations 1996)

Meeting cycle: At least once annually to recommend the adoption of the Annual Report

Senior Staff Review Committee

Current Members: Cr Wallace, Cr Morris, ~~Cr Simmonds~~, Cr Townrow, Cr K Hooper, Cr Crees

Deputies: All other Councillors

Membership: 4 Councillors

Quorum: 3 Councillors

Purpose: To assist the Chief Executive Officer in the Annual Performance/Contract/Salary Review of Senior Managers, and for the Council to undertake the Annual Performance/Contract/Salary Review of the Chief Executive Officer.

Meeting cycle: Ad hoc

Merredin Shire Bush Fires Advisory Committee

Current Members: Cr Crees and Fire Control Officers

Deputies: All other Councillors

Membership: 1 Councillor and Fire Control Officers

Quorum: At least 50% of members

Purpose: To enable the communication and coordination of Bush Fire related matters within the Shire.

Meeting cycle: Ad hoc

MINUTES

Eric Hind Musical Scholarship Committee

Current Members: Cr Elliott, Cr Forbes and 2 Community members.

Deputies: All other Councillors

Membership: 1 Councillor and 2 Community Members

Quorum: 3 members

Purpose: To award Eric Hind Music Scholarship - Council Policy 3.17.

Meeting cycle: Once annually

Merredin Regional Community and Leisure Centre Advisory Committee

Current Members: Cr Wallace, Cr Morris, Cr Crees

Shire of Merredin

Representatives: Chief Executive Officer (Ex Officio – non voting) and Recreation Centre Manager (Ex Officio – non voting)

Membership: 3 Councillors and 3 Community Members (elected by Merredin Sports Council), Chief Executive Officer and Manager of Sporting and Leisure Services

Deputies: All other Councillors

Quorum: At least 50% of the members

Meeting Cycle: Quarterly or as required

Purpose:

- To promote and encourage the playing of recognised sporting, recreational and community activities;
- To promote and encourage social interaction and good fellowship between members and other activity participants;
- To promote equity of access for all Members and users of the Centre;
- To make recommendations to Council to apply the property and income of the Centre towards the promotion of the object of the Centre and no part of that property or income shall be paid or otherwise distributed, directly, or indirectly, to members, except in good faith in the promotion of these objects.
- To deal with the matters prescribed to it in the Merredin Regional Community and Leisure Centre Management Plan

MINUTES

Business and Community Development Committee

Current Members: Cr Townrow, Cr Young, Cr Morris, Cr Wallace,
Cr Forbes

Deputies: All other Councillors

Membership: 5 Councillors

Quorum: 3 Councillors

Purpose: (CMRef 29211) - To Actively encourage economic development and investment
- Encourage vibrant, diverse and sustainable economic activity
- Promote and foster a healthy and active community
- Plan and protect the built environment
- Build a strong sense of community
- Minimise waste and ensure its effective management
- Improve environmental management
- Market and promote Merredin and the region
- Develop strategic partnerships
- Recognise and conserve Merredin's history and heritage
- Maintain and enhance Merredin's status as a Regional Centre
- Encourage and support community participation
- Support and promote sustainable natural resource management.

Meeting cycle: Monthly

Merredin Heritage Management Committee

Current Members: Cr Hayden, Cr Morris, Cr Young and 1 representative from Merredin Railway Museum and Merredin Military Museum and 1 community member.

Deputies: All other Councillors, firstly Cr Townrow

Membership: 3 Councillors and representatives from the Merredin Military Museum and the Merredin Railway Museum. Manager of the Merredin Visitor Centre will attend meetings as a non voting member.

Quorum: At least 50% of members

Purpose: (CMRef 29199) To Recognise and conserve Merredin's history and heritage

Meeting cycle: Monthly

MINUTESMerredin Local Emergency Management Committee

Current Members: Cr K Hooper, Chief Executive Officer

Deputies: All other Councillors

Membership: Shire of Merredin Chief Executive Officer
(Chairman)
WA Police Officer In Charge Merredin
Police Station Deputy Chair) One
other Representative
Merredin Hospital 1 Representative, Fire & Rescue
Service 1 Representative, St. John Ambulance 1
Representative, SES 2 Representatives, Bush Fire
Services 1 Representative, China Southern Flying
School 1 Representative, Dept. for Child Protection 1
Representative, Australian Railroad Group 1
Representative, Eastern Wheatbelt Health 1
Representative, Main Roads WA 1 Representative,
Disability Services Commission 1 Representative,
Water Corporation 1 Representative, Dept. of
Agriculture & Food 1 Representative, Mental Health
Services 1 Representative, DEC 1 Representative,
Synergy 1 Representative, WestNet Rail 1
Representative

Purpose:

- To assist the Local Emergency Co-ordinator to develop and maintain effective emergency management arrangements for the local area.
- Assist with the preparation of local emergency management plans and submit such plans to the Regional Emergency Management Committee for approval.
- Review local emergency management plans on a frequent basis.
- Assist with the preparation of emergency management operating procedures for application throughout the local area.
- Prepare an annual report on the activities of the Committee for submission to the Regional Emergency Management Committee.
- Provide assistance to the Local Emergency Co-ordinator and Lead Combat Authorities during emergency management operations.
- To carry out such other emergency management functions as directed by the Regional Emergency Management Committee.

Meeting cycle: Monthly

Officer's Recommendation

That Council adopt the following committee members and delegates in accordance with Part 5 Division 2 of the Local Government Act 1995.

ABSOLUTE MAJORITY REQUIRED

30134

Moved Cr Townrow Sec Cr Young

That Council adopt the following committee members and delegates as amended in accordance with Part 5 Division 2 of the Local Government Act 1995.

Community, Health, Building, Town Planning, Environmental Services, Business and Community Development Committee

Current Members: *Crs Townrow, Young, Wallace, Crook, Morris, Forbes*

Deputies: *All other Councillors*

Membership: *4 Councillors*

Quorum: *3 Councillors*

Purpose:

- *To discuss matters relevant to the operation of Councils Health and Building department, including sporting areas, public and private housing and buildings, caravan parks, swimming pools, refuse and recycling matters and Town Planning matters.*
- *To actively encourage economic development and investment*
- *Encourage vibrant, diverse and sustainable economic activity*
- *Promote and foster a healthy and active community*
- *Plan and protect the built environment*
- *Build a strong sense of community*
- *Minimise waste and ensure its effective management*
- *Improve environmental management*
- *Market and promote Merredin and the region*
- *Develop strategic partnerships*
- *Recognise and conserve Merredin's history and heritage*
- *Maintain and enhance Merredin's status as a Regional Centre*
- *Encourage and support community participation*
- *Support and promote sustainable natural resource management.*

Meeting cycle: *Monthly*

REASON: Council felt that one Committee could undertake the activities of the Community, Health, Building, Town Planning and Environmental Services Committee and the Business and Community Development Committee.

Administration and Finance Committee***Current Members: Crs Young, Townrow, Crees, K Hooper******Deputies: All other Councillors******Membership: 5 Councillors******Quorum: 3 Councillors******Purpose: To discuss matters pertain to Councils Administration and Finance department including funding of projects and budget management.******Meeting cycle: Ad hoc*****Engineering Services Committee*****Current Members: Crs Wallace, Crees, Forbes, Townrow, K Hooper******Deputies: All other Councillors******Membership: 5 Councillors******Quorum: 3 Councillors******Purpose: To discuss matters relative to the planning and operation of the Engineering Services department including roadworks, plant replacement and repairs.******Meeting cycle: Ad hoc*****Audit Committee*****Current Members: Crs Young, Townrow, Crees, K Hooper******Deputies: All other Councillors******Membership: 5 Councillors******Quorum: 3 Councillors******Purpose: To provide guidance and assistance to the Local Government as to the carrying out of its functions in relation to audits carried out under Part 7 of the Act and as to the development of a process to be used to select and appoint a person to be an auditor and may provide guidance and assistance to the Local Government as to matters to be audited, the scope of audits, its functions under Part 6 of the Act and the carrying out of its functions relating to other audits and other matters related to financial management. (Clause 16 Local Government (Audit) Regulations 1996)******Meeting cycle: At least once annually to recommend the adoption of the Annual Report***

Senior Staff Review Committee**Current Members:****Deputies:** *All other Councillors***Membership:** *4 Councillors***Quorum:** *3 Councillors***Purpose:** *To assist the Chief Executive Officer in the Annual Performance/Contract/Salary Review of Senior Managers, and for the Council to undertake the Annual Performance/Contract/Salary Review of the Chief Executive Officer.***Meeting cycle:** *Ad hoc*

REASON: The need for the Senior Staff Review Committee is to be reviewed by the incoming Chief Executive Officer.

Merredin Shire Bush Fires Advisory Committee**Current Members:** *Cr Crees and Fire Control Officers***Deputies:** *All other Councillors***Membership:** *1 Councillor and Fire Control Officers***Quorum:** *At least 50% of members***Purpose:** *To enable the communication and coordination of Bush Fire related matters within the Shire.***Meeting cycle:** *Ad hoc***Eric Hind Musical Scholarship Committee****Current Members:** *Crs Forbes, Townrow and 2 Community members.***Deputies:** *All other Councillors***Membership:** *1 Councillor and 2 Community Members***Quorum:** *3 members***Purpose:** *To award Eric Hind Music Scholarship - Council Policy 3.17.***Meeting cycle:** *Once annually*

Merredin Regional Community and Leisure Centre Advisory Committee

Current Members: *Crs Wallace, A Hooper, Crook*

Shire of Merredin

Representatives: *Chief Executive Officer (Ex Officio – non voting) and Recreation Centre Manager (Ex Officio – non voting)*

Membership: *3 Councillors and 3 Community Members (elected by Merredin Sports Council), Chief Executive Officer and Manager of Sporting and Leisure Services*

Deputies: *All other Councillors*

Quorum: *At least 50% of the members*

Meeting Cycle: *Quarterly or as required*

Purpose:

- To promote and encourage the playing of recognised sporting, recreational and community activities;*
- To promote and encourage social interaction and good fellowship between members and other activity participants;*
- To promote equity of access for all Members and users of the Centre;*
- To make recommendations to Council to apply the property and income of the Centre towards the promotion of the object of the Centre and no part of that property or income shall be paid or otherwise distributed, directly, or indirectly, to members, except in good faith in the promotion of these objects.*
- To deal with the matters prescribed to it in the Merredin Regional Community and Leisure Centre Management Plan*

Merredin Heritage Management Committee

Current Members: *Crs Townrow, Crook, Morris, Young and 1 representative from Merredin Railway Museum and Merredin Military Museum and 1 community member.*

Deputies: *All other Councillors, firstly Cr Townrow*

Membership: *3 Councillors and representatives from the Merredin Military Museum and the Merredin Railway Museum. Manager of the Merredin Visitor Centre will attend meetings as a non voting member.*

Quorum: *At least 50% of members*

Purpose: *(CMRef 29199) To recognise and conserve Merredin's history and heritage*

Meeting cycle: *Monthly*

Note: Council felt the Merredin Heritage Management Committee should have an increased representation from other community members whom are interested in Heritage issues (i.e. Hines Hill, Burracoppin and Muntadgin Progress Associations).

Merredin Local Emergency Management Committee

Current Members: *Cr K Hooper, Chief Executive Officer*

Deputies: *All other Councillors*

Membership: *Shire of Merredin Chief Executive Officer (Chairman)*
WA Police Officer In Charge Merredin Police Station Deputy Chair)
One other Representative
Merredin Hospital 1 Representative, Fire & Rescue Service 1 Representative, St. John Ambulance 1 Representative, SES 2 Representatives, Bush Fire Services 1 Representative, China Southern Flying School 1 Representative, Dept. for Child Protection 1 Representative, Australian Railroad Group 1 Representative, Eastern Wheatbelt Health 1 Representative, Main Roads WA 1 Representative, Disability Services Commission 1 Representative, Water Corporation 1 Representative, Dept. of Agriculture & Food 1 Representative, Mental Health Services 1 Representative, DEC 1 Representative, Synergy 1 Representative, WestNet Rail 1 Representative

- Purpose:**
- *To assist the Local Emergency Co-ordinator to develop and maintain effective emergency management arrangements for the local area.*
 - *Assist with the preparation of local emergency management plans and submit such plans to the Regional Emergency Management Committee for approval.*
 - *Review local emergency management plans on a frequent basis.*
 - *Assist with the preparation of emergency management operating procedures for application throughout the local area.*
 - *Prepare an annual report on the activities of the Committee for submission to the Regional Emergency Management Committee.*
 - *Provide assistance to the Local Emergency Co-ordinator and Lead Combat Authorities during emergency management operations.*
 - *To carry out such other emergency management functions as directed by the Regional Emergency Management Committee.*

Meeting cycle: Monthly

**CARRIED 8/0
ABSOLUTE MAJORITY**

7.2 Local Government Affiliated

Council appoints delegates to the Organisations and Committees listed below.

Current members are listed.

Council should review these appointments to determine if they are required or if representation is required on other Committees.

Western Australian Local Government Association Great Eastern Country Zone

Cr K Hooper, Cr Crees

Deputies: Cr Wallace, Cr Townrow, Cr Young

Wheatbelt East Regional Organisation of Councils

Cr K Hooper, Cr Crees

Deputies: Cr Wallace and Cr Townrow

Regional Road Group

Cr Crees

Deputy: ~~Cr Simmonds~~

Regional Road Group*Cr Crees**Deputy: Cr A Hooper***Central Wheatbelt Visitor Centre MoU Group***Cr Morris***Tourism Advisory Group (Think Tank)***Crs Forbes, Morris, Executive Manager of Community Services,
Central Wheatbelt Visitor Centre Manager and Community
Representatives***Merredin Sports Council***Cr A Hooper***District Bush Fire Operations Advisory Committee***Cr Crees, Chief Bush Fire Control Officer and Executive Manager
of Finance and Administration***Merredin LCDC***Cr Crook***District Zone Control Authority / Regional Advisory Committee***Cr Crees***School Bus Advisory Committee***Crs Wallace, Crook***Merredin Hospital Local Health Advisory Group***Crs A Hooper, Crook*

**CARRIED 8/0
ABSOLUTE MAJORITY**

7.3 **General Community**

Council appoints delegates to the Organisations and Committees listed below.

Current members are listed.

Council should review these appointments to determine if they are required or if representation is required on other Committees.

Merredin Community Resource Centre*Cr Young*

Note: The Merredin Community Resource Centre Committee “has unanimously decided that there is no requirement nor desire to have any Merredin Shire Council representation on the Committee.”

Merredin Museum and Historical Society
Cr Young

Merredin Residential College
Cr Crees

Merritville Retirement Village
Cr Young

MADCAPS Child Care Centre
Cr A Hooper

Merredin Reconciliation Forum
~~Cr Simmonds~~

Doorways (TAFE)
Cr Forbes, Cr Elliott

Merredin Business Forum
Cr Wallace, Cr Townrow

Wheatbelt Sports Council
Cr Wallace, Cr Crees

Rural Water Council
Cr Wallace, Cr Crees

Ryegrass Toxicity Committee
Cr Crees

Officer's Recommendation

That Council adopt the following committee members and delegates in accordance with Part 5 Division 2 of the Local Government Act 1995.
ABSOLUTE MAJORITY REQUIRED

30136

Moved Cr Young Sec Cr Wallace

That Council adopt the following committee members and delegates in accordance with Part 5 Division 2 of the Local Government Act 1995.

Merredin Museum and Historical Society
Cr Young

Merredin Residential College
Cr Crees

Merritville Retirement Village
Cr Young

MADCAPS Child Care Centre
Cr A Hooper

Doorways (TAFE)
Cr Forbes

Merredin Business Forum
Crs Wallace, Townrow

Wheatbelt Sports Council
Crs Wallace, Crook

Rural Water Council
Crs Crees, Wallace

Ryegrass Toxicity Committee
Cr Crees

CARRIED 8/0
ABSOLUTE MAJORITY

30137 Moved Cr Young Sec Cr Crook
That Council adjourn the meeting at 12.07pm.

CARRIED 8/0

30138 Moved Cr Townrow Sec Cr Young
That Council reconvene the meeting at 1.03pm.

CARRIED 8/0

Kylah Bertolini and Tracy Berryman of the Throssell Road Playgroup and John Mitchell, Executive Manager of Development Services, were in attendance.

8.0 APOLOGIES AND LEAVE OF ABSENCE
Cr Morris

9.0 DISCLOSURE OF INTEREST
Cr Crees declared a Financial Interest in Agenda Item 22.2.

10.0 PETITIONS AND PRESENTATIONS

10.1 Throssell Road Playgroup

The Group addressed Council at 1.05pm in support of Agenda Item 16.2.

John Mitchell, Executive Manager of Development Services, left the meeting at 1.17pm.

Kylah Bertolini and Tracy Berryman of the Throssell Road Playgroup left the meeting at 1.17pm and did not return.

John Mitchell, Executive Manager of Development Services, entered the meeting at 1.19pm.

10.2 Collgar Windfarm Pty Ltd

Lynne Lagan and Paul Bultitude from Investec addressed Council at afternoon tea (3.00pm) in relation to the Collgar Windfarm Project. Refer to Agenda Item 16.1.

11.0 CONFIRMATION OF MINUTES

11.1 Previous Council Meetings

Confirmation of the Minutes of the previous Council Meeting held on 15 September 2009 and the Special Council Meeting held on 8 October 2009.

30139

Moved Cr Townrow Sec Cr Young

That the minutes of the Ordinary Council Meeting held on 15 September 2009 and the Special Council Meeting held on 8 October 2009 be confirmed as a true and correct record of proceedings.

CARRIED 8/0

11.2 Amendment to 19 May 2009 Minutes

That the Minutes of the Council Meeting held on 19 May 2009 be amended to indicate the seconder of **CMRef 29975** as Cr A Hooper.

30140

Moved Cr Forbes Sec Cr Young

That the Minutes of the Council Meeting held on 19 May 2009 be amended to indicate the seconder of CMRef 29975 as Cr A Hooper.

CARRIED 8/0

MINUTES

12.0 ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

Nil

13.0 MATTERS FOR WHICH THE MEETING MAY BE CLOSED TO THE PUBLIC**22.1 Staff Matter**

Refer to Page 73 for information on this Agenda Item.

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

14.1 Wheatbelt East Regional Organisation of Councils Meeting held on 26 August 2009

[Attachment 14.1A](#)

14.2 Strategic Waste Management Plan Meeting held on 15 September 2009

[Attachment 14.2A](#)

14.3 Wheatbelt East Regional Organisation of Councils Executive Meeting held on 23 September 2009

[Attachment 14.3A](#)

14.4 Western Australian Local Government Association Great Eastern Country Zone Meeting held on 24 September 2009

[Attachment 14.4A](#)

14.5 Merredin Heritage Management Committee Meeting held on 24 September 2009

[Attachment 14.5A](#)

14.6 Kellerberrin Sub Regional Road Group Meeting held on 29 September 2009

[Attachment 14.6A](#)

14.7 Merredin Local Emergency Management Committee Meeting held on 6 October 2009

[Attachment 14.7A](#)

30141

Moved Cr Crees

Sec Cr Townrow

That Council receive the minutes of the Wheatbelt East Regional Organisation of Councils Meeting held on 26 August 2009, the Strategic Waste Management Plan Meeting held on 15 September 2009, the Wheatbelt East Regional Organisation of Councils Executive Meeting held on 23 September 2009, the Western Australian Local Government Association Great Eastern Country Zone Meeting held on 24 September 2009, the Merredin Heritage Management Committee Meeting held on 24 September 2009, the Kellerberrin Sub Regional Road Group Meeting held on 29 September 2009 and the Merredin Local Emergency Management Committee Meeting held on 6 October 2009.

CARRIED 8/014.1 Wheatbelt East Regional Organisation of Councils

Nil Recommendations to Council

14.2 Strategic Waste Management Plan

Nil Recommendations to Council

14.3 Wheatbelt East Regional Organisation of Councils Executive

Nil Recommendations to Council

14.4 Western Australian Local Government Association Great Eastern Country Zone

Nil Recommendations to Council

14.5 Merredin Heritage Management Committee

Nil Recommendations to Council

14.6 Kellerberrin Sub Regional Road Group

Nil Recommendations to Council

14.7 Merredin Local Emergency Management Committee

Nil Recommendations to Council

15.0 COMMUNITY SERVICES

Nil Recommendations to Council

16.0 DEVELOPMENT SERVICES

16.1 COUNCIL UPDATE – COLLGAR WINDFARM

Reporting Department:	Development Services
Reporting Officer:	John Mitchell – Executive Manager, Development Services
Legislation:	Nil
File Reference:	A8068

Background

This Agenda Item provides background information for the benefit of new Councillors and for the general discussion between Council and Collgar Windfarm to be held on Tuesday 20 October 2009.

On 23 July 2009 at 3.15pm, the Shire President, Cr Ken Hooper, and the Executive Manager of Development Services met with Lynne Lagan and Paul Bultitude of the Collgar Windfarm.

At its September 2009 Meeting Council resolved (**CMRef 30103**):

“That Council delegate authority to the Shire President, Chief Executive Officer and the Executive Manager of Development Services to negotiate with Investec for community contributions to the Merredin community.”

There has been no action to date on this resolution pending the meeting with the Collgar Windfarm representatives at this Council Meeting.

Comment

The notes of the meeting between the Shire President, Executive Manager of Development Services, Lynne Lagan and Paul Bultitude append in [Attachment 16.1A](#).

Lynne Lagan and Paul Bultitude have been invited to the October 2009 Council meeting at afternoon tea (3.00pm) for general discussions regarding the following:

1. Viewing platforms and areas – townsite and onsite location – agreement to the design, location and general discussion;
2. State of play update – date of commencement any issues that Council may be able to assist with;
3. Brief description of project steps for construction; and
4. Community financial involvement for the future – Investec contribution; distribution of funds, committee, etc.

Officer's Recommendation

That Council receive the information relating to the Collgar Windfarm project.

30142

Moved Cr Townrow

Sec Cr Forbes

That Council receive the information relating to the Collgar Windfarm project.

CARRIED 8/0

16.2 **THROSSELL ROAD PLAYGROU – REQUIRED REPAIRS AND LEASE DOCUMENTATION – LOT 461 THROSSELL STREET, MERREDIN**

Reporting Department: Development Services
Reporting Officer: John Mitchell – Executive Manager, Development Services
Legislation: Nil
File Reference: Lease 11, A3109

Background

At its 21 July 2009 Meeting Council resolved (**CMRef 30059**):

“That a budget provision of \$10,000.00 be made in the 2009/2010 Budget for the required repairs to the Merredin Playgroup building on Lot 461 Throssell Street, Merredin comprising of the provision of safety glass internally to all windows and that the Executive Manager of Development Services meet with the Merredin Playgroup to discuss other repair issues”.

The Executive Manager of Development Services (EMDS) met with the Group representatives on 27 August 2009.

At its September 2009 Meeting Council were advised that the planned presentation by representatives from the Throssell Road Playgroup was cancelled and that further meetings would be held with relevant agencies to discuss the issue. As a result Council resolved (**CMRef 30105**):

“That this Agenda Item 11.3 Lay on the Table for one month allowing time for further meetings between Early Childhood Agencies to occur.”

Statutory Implications

There are various statutes that impact and affect the operation of the Playgroup from the premises.

The EDMS has explained to the Group that the lease prepared is contrary to Council’s resolutions and any negotiation will have to include the preparation of a new lease, if Council agrees to the extension.

Financial Implications

The Group seeks for Council to contribute the majority of funds for the capital improvements excluding that raised by grant applications. The Group can provide labour and specialist support in air conditioning and the like.

Quotations to remove the glass from the internal windows and reinstate glass windows to the ablution areas are being obtained.

The Group seeks a peppercorn rental.

Comment

In 2006 Council resolved to accept no tenders for the sale or demolition of the Playgroup building and to consider the proposed relocation of the Playgroup.

CMRef 28346 is shown below. The lease did not reflect the resolution of Council.

“That Council offer the use of the property at Lot 461 on Reserve 22564, Throssell Road, Merredin via lease agreement to the Merredin Playgroup Inc, subject to the following conditions –

- a) That Council facilitate repairs of the roof and that funding for the replacement of the roof be in accordance with Item 3 of the original submission of Playgroup.*
- b) Merredin Playgroup Inc. undertaking the construction of an access ramp complying with Australian Standard 1428.1 to the satisfaction of the Chief Executive Officer;*
- c) Merredin Playgroup Inc. being responsible for compliance with the Health (Public Buildings) Regulations 1992, prior to occupation of the building to the satisfaction of the Chief Executive Officer;*
- d) Annual rental of the building to be fixed at \$520.00 for the duration of the lease;*
- e) Lease agreement to include “lessee’s” and “lessor’s” responsibility as per standard Shire of Merredin documentation and determined by the Chief Executive Officer;*
- f) An minimum allocation of \$1500 be made as part of Council’s annual budget to cover building insurance, water rates, fire service inspections, termite inspection and minor building maintenance items at the property for the duration of the lease;*
- g) Lease agreement being valid for a five year period with a further five year option; and*
- h) Safety glass to be installed where appropriate.”*

A lease was prepared and can be provided at the Council Meeting.

The following points are noted from Meeting:

1. The Group is happy to see the internal glass removed, except to the toilet and enclosed areas to the west of building;
2. The Group has made application to Lotterywest for disabled ramped access to building (\$15,000.00) and has obtained a quotation from Ben Gearing to perform the works;

3. The Group seeks to stay at the Throssell Road building on a minimal lease as community group. The provisions of Council Policy 8.21 are applicable. Within that Policy Merredin Playgroup is listed as a community group. The rental levied on “community organisations” and “sporting clubs” is to be for an amount which at least provides full cost recovery of the additional costs that the Council incurs in maintaining and operating the building and its immediate surrounds to the standard required by the organisation;
4. The Group can supply labour and technical assistance for the air conditioning – potentially including cost price plus freight on components, free labour etc, the Group had already repainted internally and offered to assist with roof repairs. It was explained that if a volunteer were to be injured there are issues and therefore the use of volunteers would be limited to low risk tasks such as on ground painting, gardening, reticulation repairs, fence repairs and the like, unless the person was already trained as a career in specialist jobs – e.g. AC repairs, electrician and the like; the Group could do the fence repairs requested;
5. To achieve the Lotterywest grant the Group needs a five year lease;
6. Any upgrade must address the CCA playground furniture still on site;
7. There would be no objection from the Administration if the Group sought to reallocate the \$10,000.00 from windows to other works, providing Council supported the continued existence of the Group and granted the five year lease.

As previously mentioned, the Group sought to address Council in public question time at the September 2009 meeting to show interest, keenness and to explain that the Group only went forward when they relocated to the Playgroup building from the church site in South Avenue. This was postponed as there were to be meetings held with the Community Services Section and other providers.

The meetings held by the Community Services Section and the stakeholders have been held and the comments from the Merredin Playgroup Inc. append in [Attachment 16.2A](#). The Group provides its reasons for not wishing to relocate and retaining its autonomy.

The Group seeks to address Council during public question time at its 20 October 2009 Meeting.

Whether or not the decision is to relocate, the physical happenings will not occur until a period substantially down the road. The hazards of the current operation have been identified to Council and the Group is attempting to resolve other hazards within the leased premises. The windows become an immediate and present liability issue that should be immediately resolved.

Officer's Recommendation

1. *That the existing lease which expires in 2011 (Lease 11) be relinquished with the approval of the Throssell Road Playgroup.*
2. *That a new lease be offered to the Throssell Road Playgroup for a period of five years incorporating the volunteer support of the maintenance issues of the property and that Council be responsible for the removal of the internal glass windows immediately.*

30143

Moved Cr Townrow

Sec Cr Wallace

1. *That the existing lease which expires in 2011 (Lease 11) be relinquished with the approval of the Throssell Road Playgroup.*
2. *That a new lease be offered to the Throssell Road Playgroup at their current location for a period of five years incorporating the volunteer support of the maintenance issues of the property and that Council be responsible for the removal of the internal glass windows immediately.*

CARRIED 8/0

MINUTES

16.3 PURCHASE AND RELEASE PUBLIC TRANSPORT AUTHORITY LAND – RESERVE 13267 AND 10359 – MINISTER ADVICE

Reporting Department:	Development Services
Reporting Officer:	John Mitchell – Executive Manager, Development Services
Legislation:	Local Government Act 1995
File Reference:	R13267, R10359

Background

At the July 2007 meeting (**CMRef 29014** – R13267), June 2008 meeting (**CMRef 29536** – R10359), March 2009 Meeting (**CMRef 29904** – R13267), April 2009 Meeting (**CMRef 29944** – R13267) and September 2009 Meeting (**CMRef 30108**) Council sought actions from the Administration to acquire, at reduced or no cost, lands associated with Reserves 10359 (town centre and light industrial development) and residential blocks within Reserve 13267 (Todd Street, Merredin).

[Attachment 16.3A](#) contains the response from the Honourable Minister for Transport and Disability Services, and a locality map, which advises that the land will be released at market valuation for Reserve 13267.

It is anticipated that a similar response will be received regarding Reserve 10359.

Statutory Implications

One option is for Council to negotiate a settlement price for the lots abutting Todd Street, Merredin and potentially develop the land and dwellings to the required standard for on-sale.

The purchase of land, dependent on proposed use and cost, may be subject to the provisions of Section 3.59 of the Local Government Act 1995 if the land is for a major trading undertaking.

Financial Implications

The cost of the lots is unknown. Using recent valuations from the sales at Carrington Way and Todd Street a price of approximately \$45,000.00 is anticipated. There are 8 blocks for purchase.

Comment

Where to from here?

The new Local Planning Scheme No. 6 (LPS) is nearing approval from the Western Australian Planning Commission (WAPC) for permission to advertise. When the approval is received it is likely that the Planner can use the LPS as a seriously entertained document and apply the document to consider development in keeping with the new proposed LPS.

This process is expected to be complete within six months with approval to advertise being received by 30 October 2009. This approach is not guaranteed as being successful but has been a defensible position in the past.

The Land Development Reserve will receive the proceeds of sales from the Carrington Way subdivision. Whilst not all sales have been finalised and therefore exact totals of the Reserve are not currently known, it can be calculated that approximately \$600,000.00 will be in that Reserve. Council can apply that Reserve to the purchase of the residential lots within Reserve 13267 or Reserve 10359.

Mr David Wills representing the Public Transport Authority has submitted the geotechnical report to satisfy condition one of the WAPC approval of the four lot subdivision on Allbuery Street, Merredin.

Works to ensure the release of the Reserve 10359 are almost complete. The power to pump six has been turned off and the shed removed. Western Power have provided zones of power distribution that must be signed on site pending the light industrial development.

Council will need to determine direction for Senior Management for the acquisition of the two areas of land in question.

Officer's Recommendation

- 1. That Council acknowledge the correspondence of the Honourable Minister for Transport's advice of the sale of lots within Reserve 13267 be at market valuation and cease actions to acquire the land fronting Todd Street, Merredin within Reserve 13267.*
- 2. That the information relating to the release of Reserve 10359 be received and that the Administration pursues the acquisition of Reserve 10359.*

Emma Hooper, Executive Manager of Finance and Administration entered the meeting at 1.34pm and left the meeting at 1.35pm.

John Mitchell, Executive Manager of Development Services, left the meeting at 1.35pm and entered the meeting at 1.36pm.

30144

Moved Cr Townrow Sec Cr Wallace

- 1. That Council acknowledge the correspondence of the Honourable Minister for Transport's advice of the sale of lots within Reserve 13267 be at market valuation and cease actions to acquire the land fronting Todd Street, Merredin within Reserve 13267, at no cost.*
- 2. That the information relating to the release of Reserve 10359 be received and that the Administration pursues the acquisition of Reserve 10359.*

CARRIED 7/1

30145

Moved Cr Townrow

Sec Cr Wallace

That Council delegate authority to the Shire President and Chief Executive Officer to meet and negotiate with the Ministers for Transport and Regional Development for the purchase of the 8 lots fronting Great Eastern Highway (Reserve 13267) up to the limit agreed by Council.

**CARRIED 7/1
ABSOLUTE MAJORITY**

16.4 LANDFILL SITE – EXTENSIONS TO LOCATION 20462 – INTENT TO PROCEED AND UPDATE

Reporting Department: Development Services
Reporting Officer: John Mitchell – Executive Manager,
Development Services
Legislation: Local Government Act 1995
File Reference: WM/11/1

Background

At its 16 September 2008 Meeting Council resolved (**CMRef 29691**) to pursue the acquisition of a portion of Location 20462 Chandler Road, Merredin for the purposes of a landfill site.

Onsite investigations were completed on 30 September 2009. The report is contained in [Attachment 16.4A](#). In addition correspondence has been sent to Mr Jarvis agree to and negotiate a market valuation for purchase on a normal Offer and Acceptance basis. Mr Paul Kraft has also been requested to provide a quotation to subdivide the land and provide a subdivision proposal to the Western Australian Planning Commission (WAPC) for the purposes of a landfill site.

Statutory Implications

Development of the site is subject to a Works Approval issued by the Department of Environment and Conservation (DEC). The Consultant, Mr Gordon Houston, is currently preparing the application to DEC for Works Approval.

Financial Implications

The cost of the land is estimated at \$900.00/acre or \$90,000.00. Council has budgeted \$100,000.00 within the 2009/2010 Budget at Account *E101500*.

It is estimated that approximately a further \$130,000.00 could be available for transfer from the Waste Management Reserve.

Additional Development of the site is estimated to cost as follows:

1. Fencing of site - \$40,000.00 including 1.8m chain mesh fences around public areas and cells, five strand as boundary fence, planting of 30m of bush around the site;
2. Power and water - \$100,000.00 – solar will be considered along with tank water supply
3. Buildings/Infrastructure/Survey - \$150,000.00
4. Statutory Compliance – bores, monitoring stations - \$10,000.00
5. Preparation of site – earthworks, cell creation removal and storage of overburden - \$100,000.00.

In total the project is estimated at \$500,000.00 or less than 10% of the annual budget. Pursuant to Section 3.59(2) of the Local Government Act 1995 a business plan is therefore not required. The project is not a major trading undertaking.

Comment

The matter has been presented to Council previously at its 16 September 2008 Meeting (**CMRef 29691** – pursuing the purchase of land). Previous to this Council received reports in August 2007 (**CMRef 29178**). At Council's 16 June 2009 Meeting no resolution was reached. The Executive Manager of Development Services' report read:

“The following issues were raised in discussion:

- 1. The Waste Management Levy should be retained with a clear definition of its use;*
- 2. Tip passes should be introduced with all ratepayers receiving an entitlement and town site properties are to receive verge collections annually;*
- 3. Illegal dumping concerns and misuse of the transfer stations may lead to severe penalties for dumping misuse issues may result in closure of the transfer stations;*
- 4. Recycling should be contracted at its current location pending Landfill Site extensions, with a gradual shift of all recycling to the Landfill Site;*
- 5. Landfill should be professionally managed to ensure efficient use of space and maximisation of recycling, the management of the site shall include a supervisor with fee collection and enforcement duties, and a salary linked to the income of the landfill site;*
- 6. The Refuse Charge is to remain as an annual charge rather than a rate in the dollar and needs to carry a component for refuse site and transfer station maintenance, land purchase, capital works associated with the disposal of waste and post-closure maintenance of landfill sites;*
- 7. Waste carted by contractors from all properties including local properties for landfill site disposal would be liable for the imposition of charges for disposal;*
- 8. Basic User-pays at the landfill site charges should apply to ensure equity;*
- 9. Any changes to Refuse Management will require a long and extensive public education process prior to implementation;*
- 10. A report on Waste Management would be developed from the Discussion Paper for Council consideration.”*

Between August 2007 and June 2008 Council has considered various reports from the Administration relating to the provision of a landfill site. At its May 2008 Meeting Council resolved (**CMRef 29508**):

- 1. “That \$10,000.00 be allocated in the 2008/2009 Budget to engage a Consultant to assist the Manager of Development Services and the Manager of Engineering Services to prepare a submission to the Department of Environment and Conservation for the establishment of a landfill site on Location Option Three.*

2. *That Council pursue Option Three.*”

The 2007 strategy findings document is contained in [Attachment 16.4B](#).

The site is considered suitable by the Consultant, the Executive Manager of Engineering Services and the Executive Manager of Development Services (EMDS). The Chief Executive Officer agrees with the calculations of life expectancy and supports the proposed extension. By calculation the site has a minimum expectancy of 50 years.

The proposed operation of the site has been discussed at Council though there has been no formal resolution of the preferred method of operation. The operation of the site is subject to DEC controls and a Category 64 or 89 Class 2 putrescible site is exempt from a site liner and severe restrictive controls involving sampling, monitoring of gases etc; however the operation of the site must ensure that certain materials do not enter the waste stream as defined by the appropriate regulations.

The method of operation (global view) proposed by the EMDS is:

1. Public Area drop-off - fenced and supervised area (1.8m chain mesh), concrete/bitumen ramped area of two levels for drop-off either as separated, recyclable or general disposal with payment – allows monitoring of the waste before disposal;
2. Materials Recovery Facility – swap meet, used goods, recycling activities;
3. Operation as an extractive industry for sand and gravel – potentially with machinery on site for sales and use within the landfill disposal area;
4. Retention of existing site as Category 62 Solid Depot – recycled steel etc;
5. Immediate rehabilitation of effected land within the existing Reserves using the overburden and heavy plant engaged for the extensions to the site;
6. Only major contractors engaged by Council will have access to the disposal area behind the public area – i.e. green-waste contractor, Avon Waste;
7. Introduction of tip passes and fees from 1 July 2010 to be strictly enforced.

Council adoption of the global view approach mentioned above is sought.

Officer's Recommendation

1. *That Council note the intent of the Administration to purchase 60 hectares of Location 20462 for the purposes of a landfill site extension.*
2. *That Council agree in principle to the development of the site as follows:*
 1. *Public Area drop-off - fenced and supervised area (1.8m chain mesh), concrete/bitumen ramped area of two levels for drop-off either as separated, recyclable or general disposal with payment – allows monitoring of the waste before disposal;*
 2. *Materials Recovery Facility – swap meet, used goods, recycling activities;*
 3. *Operation as an extractive industry for sand and gravel – potentially with machinery on site for sales and use within the landfill disposal area;*
 4. *Retention of existing site as Category 62 Solid Depot – recycled steel etc;*
 5. *Immediate rehabilitation of affected land within the existing Reserves using the overburden and heavy plant engaged for the extensions to the site;*
 6. *Only major contractors engaged by Council will have access to the disposal area behind the public area – i.e. green-waste contractor, Avon Waste.*

30146 Moved Cr Townrow Sec Cr Young

1. *That Council note the intent of the Administration to purchase 60 hectares of Location 20462 for the purposes of a landfill site extension.*
2. *That Council agree in principle to the development of the site as follows:*
 1. *Public Area drop-off - fenced and supervised area (1.8m chain mesh), concrete/bitumen ramped area of two levels for drop-off either as separated, recyclable or general disposal with payment – allows monitoring of the waste before disposal;*
 2. *Materials Recovery Facility – swap meet, used goods, recycling activities;*
 3. *Operation as an extractive industry for sand and gravel – potentially with machinery on site for sales and use within the landfill disposal area;*
 4. *Retention of existing site as Category 62 Solid Depot – recycled steel etc;*

5. *Immediate rehabilitation of affected land within the existing Reserves using the overburden and heavy plant engaged for the extensions to the site;*
6. *Only major contractors engaged by Council will have access to the disposal area behind the public area – i.e. green-waste contractor, Avon Waste.*

CARRIED 8/0

16.5 **TOWN PLANNING – APPLICATION TO ESTABLISH A CAR WRECKING USE – LOT 12 INSIGNIA WAY, MERREDIN; MR EDWARD DANIEL, 23 HASTIE STREET, BUNBURY**

Reporting Department: Development Services
Reporting Officer: John Mitchell – Executive Manager, Development Services
Legislation: Town Planning Scheme No. 1
File Reference: A2106

Background

An application, [Attachment 16.5A](#), has been received from Mr Edward Daniel of 23 Hastie Street, Bunbury to operate a scrap metal yard from Lot 12 Insignia Way, Merredin.

Statutory Implications

The land is zoned general 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 “PS” use within the Scheme Zoning and Development Table. Council may consider the application and approve with or without conditions. Conditions are recommended.

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.

Financial Implications

Town Planning Fees of \$132.00 have not been paid.

Comment

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. The applicant proposes shade screen cyclone fences and to provide screening vegetation.

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.

The plan does not address parking however as it is storage yard only the issue of parking is secondary and there is available room for parking which can be included within the front setback area.

There is no requirement for advertising.

Officer's Recommendation

That the application from Mr E Daniel of 23 Hastie Street, Bunbury to establish a "Car Wrecking" and "Scrap Steel" storage be approved subject to the following conditions:

- 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 500m² 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 12 Insignia Way, Merredin;*
- 4. 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;*
- 5. 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;*
- 6. 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;*
- 7. Maintain internal fire breaks to a 6m width around the property at all times materials are stored on site and during any statutory period;*
- 8. Provide satisfactory signage (minimum height lettering of 90mm) on site detailing emergency contact details and a description of all materials stored on site for emergency personnel information.*

30147

Moved Cr Forbes

Sec Cr Young

That the application from Mr E Daniel of 23 Hastie Street, Bunbury to establish a “Car Wrecking” and “Scrap Steel” storage be approved subject to the following conditions:

- 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 500m² 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 12 Insignia Way, Merredin;*
- 4. 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;*
- 5. 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;*
- 6. 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;*
- 7. Maintain internal fire breaks to a 6m width around the property at all times materials are stored on site and during any statutory period;*
- 8. Provide satisfactory signage (minimum height lettering of 90mm) on site detailing emergency contact details and a description of all materials stored on site for emergency personnel information.*

CARRIED 8/0

16.6 TOWN PLANNING – DEVELOPMENT ASSESSMENT PANELS – CALL FOR PUBLIC SUBMISSIONS AND MEETING ATTENDANCE

Reporting Department:	Development Services
Reporting Officer:	John Mitchell – Executive Manager, Development Services
Legislation:	Planning and Development Act 2005
File Reference:	LUP/2/2 – Development Assessment Panels

Background

On 11 September 2009 the Director General of the Department of Planning wrote to Local Governments advising of the State Government's commitment to the introduction of Development Assessment Panels (DAP). A Department of Planning Discussion Paper was prepared and will be provided to the meeting.

On 23 September 2009 the Executive Manager of Development Services (EMDS) attended a public consultation meeting in Northam. The EMDS notes of that meeting and response to the Questions and Answers component appends in [Attachment 16.6A](#).

Council discussion and involvement is sought.

Statutory Implications

Nil at this time. The Minister can introduce the DAP without further reference to Local Government. At that time the implementation processes become statute.

Financial Implications

Unknown. It is expected that the cost of submission for planning consent will rise and the time constraints on staff and Councillors' will increase.

Increased costs include:

1. Attendance at DAP meetings for two Councillors' and Planner;
2. Administration duties associated with calling and running a meeting;
3. Costs of Specialist Members – currently \$1,300.00 which is exceptionally low for a specialist profession attending the regional areas – it is suspected this cost will dramatically increase;
4. Travelling and meeting venue costs.

There is also the lost opportunity costs associated with the inability to perform other duties and the training costs for Councillors' and staff which will be borne by the Local Government e.g. travel and accommodation. This will/may need to be updated annually dependent on who is appointed to the DAP.

Comment

The presentation notes are contained in [Attachment 16.6B](#). The notes and comments within the EMDS paper are self explanatory. An example of comment is below:

“The proposal is to introduce DAP’s on all applications except residential valued at \$1Million or greater within the rural area. This arbitrary valuation and application of DAP’s removes the local government from the decision process other than as an elected representative – 2 of 5 representatives – the other 3 are specialist appointments made by the Minister (4.3.1 DoP). An example would be Hutton and Northey if the entire premises were built today – There are many such examples. Is this of regional significance? – See page 11 paragraph 7 DoP

Council will retain the application fees and administrative procedures.

If Council sees a positive in its introduction that view will need to be conveyed within the recommendation.

The arbitrary valuation of one million dollars places most construction outside the control of Council input.

There has been no evidence provided that Local Government has failed to perform its duties or that the DAP can substantially streamline existing application procedures. The Department representative has espoused views which are currently unsubstantiated and appear to be established to provide kudos to the State Government for standard applications received at a Local Government level. Proof has been requested and is yet to be provided.

The Executive Summary of the Report makes assumptions which are, in the majority, unsubstantiated and where there are issues, can be rectified by the Department of Planning using the existing provisions of the Act to require proper assessment and application of the Schemes.

In addition, there is within the public consultation process no method to reject the package proposed – only to amend. This implies that any submission favours the implementation of DAP’s.

Officer’s Recommendation

- 1. That the Hon. Ministers for Planning and Regional Development, the Department of Planning be advised that the Shire of Merredin does not support the creation of Development Assessment Panels.*
- 2. That the matter of Development Assessment Panels be referred to the Wheatbelt East Regional Organisation of Councils and the Western Australian Local Government Association’s Great Eastern Country Zone requesting support for Council’s stance.*

30148

Moved Cr Townrow Sec Cr Young

1. *That the Hon. Ministers for Planning and Regional Development, the Department of Planning be advised that the Shire of Merredin does not support the creation of Development Assessment Panels.*

2. *That the matter of Development Assessment Panels be referred to the Wheatbelt East Regional Organisation of Councils and the Western Australian Local Government Association's Great Eastern Country Zone requesting support for Council's stance.*

CARRIED 8/0

16.7 NEGLECTED BUILDING – ROADHOUSE LOT 723, 2 AND 3 TODD STREET, MERREDIN

Reporting Department:	Development Services
Reporting Officer:	John Mitchell – Executive Manager, Development Services
Legislation:	Local Government (Miscellaneous Provisions) Act 1960
File Reference:	A1764

Background

In February 2008 the Building Surveyor issued a demolition licence for the removal of the buildings and fuel tanks from the premises at Lot 723, 2 and 3 Todd Street Merredin – formerly the Ampol Roadhouse.

On 10 September 2009 following complaints of building components flaying around and flying off in the high winds, correspondence ([Attachment 16.7A](#)) was sent to the owners.

[Attachment 16.7B](#) contains photographs of the inspection of the grounds by the Environmental Health Officer and Building Surveyor on 13 October 2009.

Statutory Implications

Section 407 of the Act defines a neglected building as so ruinous, or so dilapidated as to be unfit for use or occupation, or which is from neglect or otherwise in a structural condition prejudicial to property in, or to inhabitants of, the neighbourhood in which it is situated.

Section 408 permits the local government to form an opinion and sets out the processes for enforcement of the notice.

As fuel tanks have been removed from the site it is subject to the provisions of the Contaminated Sites Act 2003 and the approval of the Department of Environment and Conservation may be required for a change of use or demolition.

Financial Implications

If the resolution of Council and subsequent notice is appealed legal costs can be incurred.

Comment

The building has been vacant since before October 2007.

During 2008 works to remove the fuel tanks was undertaken and components of the driveway entry, hardstand and parking areas was removed.

MINUTES

The inspection of 10 September 2009 showed that roofing iron was lifting in high winds as was the rear patio area; parts of the facade left on the canopy and main building. There were unsecured/loose sheets of iron on the roof of the main building.

Subsequent to the correspondence, a phone call was received from a representative of Caltex Australia stating that the works were complete and no further action was proposed. It was advised that the decision was unacceptable as the neglected building was on the main approach to Town and a National Highway.

The photographs were taken from a public place. No entry was forced as the site is fenced and due notice was not given pursuant to Section 3.32 of the Local Government Act 1995. The dwelling was not inspected internally, pursuant to the Health Act 1911, as entry would damage the fence and leave the site unsecured.

The inspection determined:

1. The facade to the canopy and building is loose, missing and flaking and rusting;
2. Power to the site has been disconnected;
3. Most external surfaces are deteriorated, flaking, rusting, broken or in disrepair;
4. Structural components are lying on the ground – rear patio;
5. Carports and shade structures are structurally damaged, missing components or in disrepair;
6. The facade and roof lining to the canopy is in disrepair, flaking paint, loose and missing facade pieces, structural steel exposed and gutters fascia's etc are loose and missing. All gutters to the dwelling are detached or have an accumulation of weed growth;
7. The roof to the dwelling is blackened asbestos indicating it is absorbing water;
8. All pump infrastructure, concrete pathways, parking area are broken up and weed overgrown;
9. The site is overgrown with weeds and debris;
10. The building's painted surfaces are faded, flaking and not in keeping with the property of the neighbourhood. The structural components of the facade, canopy, car-park and carports being deteriorated are prejudicial to the properties of the neighbourhood.

Officer's Recommendation

That Council has formed the opinion that the buildings situated on Lot 723, 2 and 3 Todd Street, Merredin are neglected and the buildings be either upgraded to comply with the requirements of the Building Code of Australia 2009 or be demolished.

The Chief Executive Officer indicated that a third party was in the process of purchasing this Lot but was having difficulty in reaching a final settlement with the owner.

30149

Moved Cr Young

Sec Cr Townrow

That Council has formed the opinion that the buildings situated on Lot 723, 2 and 3 Todd Street, Merredin are neglected and the buildings be either upgraded to comply with the requirements of the Building Code of Australia 2009 or be demolished.

CARRIED 8/0

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

John Mitchell, Executive Manager of Development Services, left the meeting at 2.15pm.

17.0 ENGINEERING SERVICES

17.1 ABANDONED VEHICLES REQUEST FROM MAIN ROADS WA

Reporting Department:	Engineering Services
Reporting Officer:	Jim Garrett – Executive Manager, Engineering Services
Legislation:	Local Government Act 1995
File Reference:	GR/17/16

Background

Correspondence has been received from Main Roads W.A. with concerns regarding vehicles that are occasionally abandoned on main roads and highways. ([Attachment 17.1A](#)).

Their concerns are that temporarily abandoned vehicles will be degraded after a short period of time. It is Main Roads WA's view that, in order to preserve any abandoned vehicles, on behalf of an owner these vehicles should be recovered at the earliest opportunity. Main Roads WA will accept responsibility for the collection and removal to a storage area of these vehicles but it does not have the practical ability to store or dispose of these vehicles.

Local Governments have the statutory powers to store, recover costs and dispose of abandoned vehicles under Section 4.46 of the Local Government Act 1995.

Financial Implications

In the 2009/2010 Budget, Council does not have a fee or charge to store vehicles on Council property.

Comments

Main Roads WA have not indicated whose responsibility it would be to advertise the abandoned vehicle or who would locate the owner of the vehicle.

While a vehicle is stored on Shire property the Shire would be responsible for any damage caused to this vehicle.

Merredin has two panel beaters whom have the ability to store vehicles should Main Roads WA wish to contact them to store these abandoned vehicles.

Officer's Recommendation

That Council write to Main Roads WA stating that they decline the request to have abandoned vehicles stored on Council property.

30150

Moved Cr Crees

Sec Cr Townrow

That Council write to Main Roads WA stating that they decline the request to have abandoned vehicles stored on Council property.

CARRIED 8/0

17.2 BITUMEN AND AGGREGATE TENDERS – DELEGATION OF AUTHORITY TO ACCEPT TENDERS

Reporting Department:	Engineering Services
Reporting Officer:	Jim Garrett – Executive Manager, Engineering Services
Legislation:	Local Government Act 1995
File Reference:	Tender 04-09/10, 05-09/10

Background

The annual Bitumen (Tender N° 04-09/10) and Aggregate (Tender N° 05-09/10) Tender advertisements were to be placed in *The Western Australian* on 3 October 2009 so they could be brought to Council for their consideration at 20 October 2009 meeting.

Due to staff at *The Western Australian* not placing the advertisement on the requested date the closing date for the tenders was put back to 23 October 2009, which is after Council's 20 October 2009 meeting.

Due to the closing date for the tenders being after the October Council meeting, Councils endorsement of the successful tenderer would not take place until the November 2009 Council meeting. This could delay the Shire's bitumen program by up to 6 weeks because bitumen companies prefer to have 4 to 6 weeks notice before delivery dates. The engineering works program for bitumen is scheduled for 25 November 2009.

There are two options that Council may wish to use so the bitumen program will not be delayed:

1. Hold a special Council meeting to endorse the successful tenderer after the tender closing date;
2. Delegate authority to the Chief Executive Officer to accept the successful tenders under section 5.42 of the Local Government Act 1995.

Statutory Implications

Under Section 5.43(b) of the Local Government Act 1995, a Local Government cannot delegate to the Chief Executive Officer any powers or duties in accepting a tender which exceeds an amount determined by the Local Government.

Financial Implications

The approximate budget for bitumen in the 2009/2010 Road Program is \$220,000.00 and for aggregate is \$125,000.00.

Comment

If tenders are not endorsed by Council until the November 2009 Council meeting and the bitumen program is therefore delayed, road projects such as the Narembeen – Merredin Road would not be bituminized until early February 2009 after the construction crew return from annual leave.

Officer's Recommendation

1. *That Council delegate authority to the Chief Executive Officer to accept the successful Bitumen tenderer for Tender N° 04-09/10 not exceeding \$220,000.00.*
2. *That Council delegate authority to the Chief Executive Officer to accept the successful Aggregate tenderer for Tender N° 05-09/10 not exceeding \$125,000.00.*

ABSOLUTE MAJORITY REQUIRED

30151

Moved Cr Townrow Sec Cr Crook

1. *That Council delegate authority to the Chief Executive Officer to accept the successful Bitumen tenderer for Tender N° 04-09/10 not exceeding \$220,000.00.*
2. *That Council delegate authority to the Chief Executive Officer to accept the successful Aggregate tenderer for Tender N° 05-09/10 not exceeding \$125,000.00.*

**CARRIED 8/0
ABSOLUTE MAJORITY**

Emma Hooper, Executive Manager of Finance and Administration, entered the meeting at 2.20pm.

Jim Garrett, Executive Manager of Engineering Services, left the meeting at 2.29pm.

18.0 FINANCE AND ADMINISTRATION

18.1 MONTHLY FINANCIAL REPORT – SEPTEMBER 2009**Reporting Department:** Finance and Administration**Reporting Officer:** Emma Hooper – Executive Manager, Finance and Administration**Legislation:** Local Government Act 1995

Comment

The Monthly Financial Report is attached for Council's information. ([Attachment 18.1A](#)).

Officer's Recommendation

That Council receive the Monthly Finance Report for September 2009.

30152

Moved Cr Crees

Sec Cr Young

That Council receive the Monthly Finance Report for September 2009.

CARRIED 8/0

18.2 LIST OF ACCOUNTS PAID

Reporting Department:	Finance and Administration
Reporting Officer:	Emma Hooper – Executive Manager, Finance and Administration
Legislation:	Local Government Act 1995 and Financial Management Regulations

Background

The attached List of Accounts Paid ([Attachment 18.2A](#)) during the month under Delegated Authority is provided for Council's information.

Statutory 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

That Council receive the schedule of accounts as listed, covering cheques as numbered and totalling \$173,841.75 and amounts directly debited from Council's Municipal Fund Bank Account BSB 066-518 Account Number 000-000-10 totalling \$418,162.80 and outstanding creditors totalling \$186,163.70.

30153

Moved Cr Young Sec Cr Wallace

That Council receive the schedule of accounts as listed, covering cheques as numbered and totalling \$173,841.75 and amounts directly debited from Council's Municipal Fund Bank Account BSB 066-518 Account Number 000-000-10 totalling \$418,162.80 and outstanding creditors totalling \$186,163.70.

CARRIED 8/0

MINUTES

18.3 BUSH FIRE CONTROL OFFICERS ANNUAL GENERAL MEETING AND APPOINTMENT OF BRIGADE OFFICERS

Reporting Department:	Finance and Administration
Reporting Officer:	Emma Hooper – Executive Manager, Finance and Administration
Legislation:	Local Government Act 1995 and Local Laws, Bush Fires Act 1954
File Reference:	

Background

The Annual General Meeting of the Merredin Shire Bush Fire Control Officers was held on 12 October 2009. Minutes of the meeting are included in at [Attachment 18.3A](#), however specific matters relating to the appointment of authorised officers under the Bush Fires Act 1954 require a specific resolution of Council.

Prohibited Burning Times are currently 1 November to 15 February. Restricted Burning Times are from 19 September to 31 October, and 15 February to 15 March.

Statutory Implications

Information regarding the 2009/2010 Firebreak Order have been distributed to all ratepayers within their 2009/2010 Rate Notice and gazetted as required.

Information regarding the appointed authorised officers will be separately distributed to ratepayers.

Comment

A motion was passed at the Annual General Meeting to put to Council to extend the Prohibited Burning Period for the Shire of Merredin to 28 February 2010, for the 2009/2010 Fire Season only.

The Officer's Recommendation below details the additional motions as passed by the Annual General Meeting.

The meeting recommended to Council (Recommendation No. 7) that they believe that the Windfarm development poses an area of concern with regards to adequate fire protection. The meeting believe that the Windfarm should prove that it will have adequate fire protection for the contractors working onsite and that the Windfarm provide a contact person to whom all harvest and vehicle movement bans will be notified.

In respect to Recommendation 7, Council Officers have brought this to the attention of the Collgar Windfarm and the matter has been addressed.

Officer's Recommendation

1. *That Mr Stephen Crook be appointed as the Chief Bush Fire Control Officer for the Shire of Merredin for the 2009/2010 fire season.*
2. *That Mr Graeme Whitehead be appointed as the Deputy Chief Bush Fire Control Officer for the Shire of Merredin for the 2009/2010 fire season.*
3. *The following people be appointed as Fire Control Officers of the Shire of Merredin for the 2009/2010 fire season:*

<i>P McCrae</i>	<i>R Morton</i>	<i>J Goodier</i>
<i>C Hooper</i>	<i>K Cahill</i>	
<i>G Crees</i>	<i>F Alvaro</i>	
<i>N Edgecombe</i>	<i>R Last</i>	
<i>J Lambert</i>	<i>S Crook</i>	
<i>C Barnett</i>	<i>R Cockram</i>	
<i>R Gray</i>	<i>G Whitehead</i>	

4. *The following people be appointed as Fire Weather Officers of the Shire of Merredin for the 2009/2010 fire season:*

<i>North East</i>	<i>C Barnett</i>
<i>South East</i>	<i>P McCrae</i>
<i>North West</i>	<i>G Whitehead</i>
<i>South West</i>	<i>C Hooper</i>
<i>North Central</i>	<i>R Cockram</i>
<i>South Central</i>	<i>N Edgecombe</i>
<i>Central</i>	<i>S Crook</i>

5. *The Shire of Merredin extend the prohibited burning period to 28 February 2010 for the 2009/2010 Fire Season only.*
6. *That the Shire of Merredin extend the Restricted Burning Period for the Merredin Townsite (Gazetted Boundary) from 31 October 2009 up to and including 30 November 2009 to allow the Merredin Fire and Rescue Service only to carry out control burns within the townsite.*
7. *The meeting recommend to Council that they believe that the Windfarm development poses an area of concern with regards to adequate fire protection. The meeting believe that the Windfarm should prove that it will have adequate fire protection for the contractors working onsite and that the Windfarm provide a contact person to whom all harvest and vehicle movement bans will be notified.*

MINUTES**30154**

Moved Cr Wallace Sec Cr Forbes

1. *That Mr Stephen Crook be appointed as the Chief Bush Fire Control Officer for the Shire of Merredin for the 2009/2010 fire season.*
2. *That Mr Graeme Whitehead be appointed as the Deputy Chief Bush Fire Control Officer for the Shire of Merredin for the 2009/2010 fire season.*
3. *The following people be appointed as Fire Control Officers of the Shire of Merredin for the 2009/2010 fire season:*

<i>P McCrae</i>	<i>R Morton</i>	<i>J Goodier</i>
<i>C Hooper</i>	<i>K Cahill</i>	
<i>G Crees</i>	<i>F Alvaro</i>	
<i>N Edgecombe</i>	<i>R Last</i>	
<i>J Lambert</i>	<i>S Crook</i>	
<i>C Barnett</i>	<i>R Cockram</i>	
<i>R Gray</i>	<i>G Whitehead</i>	

4. *The following people be appointed as Fire Weather Officers of the Shire of Merredin for the 2009/2010 fire season:*

<i>North East</i>	<i>C Barnett</i>
<i>South East</i>	<i>P McCrae</i>
<i>North West</i>	<i>G Whitehead</i>
<i>South West</i>	<i>C Hooper</i>
<i>North Central</i>	<i>R Cockram</i>
<i>South Central</i>	<i>N Edgecombe</i>
<i>Central</i>	<i>S Crook</i>

5. *The Shire of Merredin extend the prohibited burning period to 28 February 2010 for the 2009/2010 Fire Season only.*
6. *That the Shire of Merredin extend the Restricted Burning Period for the Merredin Townsite (Gazetted Boundary) from 31 October 2009 up to and including 30 November 2009 to allow the Merredin Fire and Rescue Service only to carry out control burns within the townsite.*
7. *That Council advise Collgar Windfarms of the need to comply with all Bushfire requirements such as fire protection for contractors working on site and a contact person to whom all harvest and vehicle bans can be notified.*

CARRIED 8/0

18.4 DRAFT POLICY – LEGAL REPRESENTATION FOR COUNCIL MEMBERS AND EMPLOYEES

Reporting Department: Administration
Reporting Officer: Frank Ludovico – Chief Executive Officer
Legislation: Local Government Act 1995
File Reference: Policy 3.19

Background

In April 2005 Council resolved (CMRef 27903) to develop a policy on funding of legal fees for Councillors and staff.

A draft Policy is included in [Attachment 18.4A](#).

Comment

The draft is based on the Western Australian Local Government Association's prepared model.

Officer's Recommendation

That Council adopt the draft Legal Representation for Council Members and Employees Policy as per [Attachment 18.4A](#).

30155

Moved Cr Townrow Sec Cr Young

That Council adopt the draft Legal Representation for Council Members and Employees Policy as per [Attachment 18.4A](#).

CARRIED 8/0

Emma Hooper, Executive Manager of Finance and Administration, left the meeting at 2.42pm.

18.5 COUNCIL BI-ANNUAL DINNER FUNCTION / RETIREMENT OF COUNCILLORS

Reporting Department:	Administration
Reporting Officer:	Frank Ludovico – Chief Executive Officer
Legislation:	Local Government Act 1995
File Reference:	Policy 1.4, Policy 1.14

Background

Council Policies 1.4 and 1.14 state:

1.4 Retirement of Councillors – Gift & Function

Upon retirement of a Councillor, an official presentation and function shall be held to recognise the Councillor's service to the Council. A gift as follows shall be presented to the Councillor:

- *A gift suitably inscribed with the Council crest (or another presentation of a similar value) and a presentation plaque.*
- *In the event a Councillor has also served as Shire President, an additional presentation, as considered appropriate by the Council.*

Where possible, the function held to recognise retiring Councillors (whether they voluntarily retire or retire through not being re-elected), shall be held in conjunction with a function to welcome newly elected Councillors after the bi-annual election – refer to Policy 1.14.

1.14 Council Bi-Annual Dinner Function

That Council hold a formal dinner function every two years following the local government election.

- *To formally recognise the contributions of all Councillors to the Merredin Shire.*
- *To farewell and acknowledge retiring Councillors*
- *To welcome newly elected Councillors*

Where possible, the function held to recognise retiring Councillors (whether they voluntarily retire or retire through not being re-elected), shall be held in conjunction with a function to welcome newly elected Councillors within 21 days of the bi-annual May election.

Once Council has set a date for the dinner function, the Chief Executive Officer is to arrange catering, bookings and final arrangements.

Financial Implications

There is a provision in the 2009/2010 Budget at Account *E041110* Refreshments and Receptions of \$34,000.00 comprising of:

Staff Functions	\$20,000.00
Council Meetings	\$ 9,000.00
Special Events/Visits/VIPs	\$ 2,000.00
Civic Functions	<u>\$ 3,000.00</u>
	\$34,000.00

Comment

Reference in Policy 1.14 to where possible holding the dinner function within 21 days of the election may want to be reconsidered by Council in view of the seasonal demands following an October election (e.g. harvest, Christmas period etc).

The 2007 function was held on 18 December 2007 following the Council Meeting at the Shire Administration Office in the form of a fully catered buffet was well attended and positive feedback was received. It is therefore proposed to hold a similar function following the November 2009 Council Meeting.

Officer's Recommendation

That the Council Bi-Annual Dinner Function, pursuant to Council Policies 1.4 and 1.14, be held at 7.00pm on Tuesday 17 November 2009 at the Shire Administration Centre in the form of a fully catered buffet.

30156

Moved Cr Young

Sec Cr Townrow

That the Council Bi-Annual Dinner Function, pursuant to Council Policies 1.4 and 1.14, be held at 7.00pm on Tuesday 10 November 2009 at the Shire Administration Centre in the form of a fully catered buffet.

CARRIED 8/0

REASON: The change of date better suited the Councillors.

MINUTES**18.6 ROYALTIES FOR REGIONS**

Reporting Department:	Administration
Reporting Officer:	Frank Ludovico – Chief Executive Officer
Legislation:	Local Government Act 1995
File Reference:	GS/2/22

Background

In January 2009 the Minister for Regional Development allocated \$966,402.00 (excluding GST) to the Shire of Merredin to encourage additional expenditure by Council on planned infrastructure needs. The final reporting for the 2008/2009 allocations are to be received by the Department on 30 November 2009.

At Council's February 2009 Meeting (**CMRef 29864**) Council allocated up to \$600,000.00 for the Cummins Theatre Conservation Works project.

At Council's March 2009 Meeting (**CMRef 29916**) Council allocated the following amounts:

Cohn Creek Cleanout	\$100,000.00
Implementation of CBD Plan	\$100,000.00
Solar Panels at the Merredin Regional Community and Leisure Centre (MRC&LC)/Administration Centre Building Extensions	\$166,402.00

At Council's 19 May 2009 Meeting (**CMRef 29997**) Council revised these allocations and provided \$50,000.00 of funding to meet the additional cost of constructing the Recreation Ground Storage Shed with funding to come from the Solar Panels at the MRC&LC/Administration Centre Building Extensions allocation.

In summary, Council's Royalties for Regions projects are as follows:

Cummins Theatre	\$600,000.00
Cohn Creek Cleanout	\$100,000.00
Implementation of CBD Plan	\$100,000.00
Solar Panels at the MRC&LC/Administration Centre Building Extensions	\$116,402.00
Recreation Ground Storage Shed	\$50,000.00
TOTAL	\$966,402.00

In respect to the Solar Panels at the MRC&LC, we have been advised that Year One funding cannot be utilised for this particular project and the Year Two Guidelines are being reviewed which may enable funding to be used for this purpose.

MINUTES

This means that all of the funding in this area will be utilised for the Administration Centre Extension.

In respect to the Implementation of the CBD Plan, the project is going to cost significantly more than the \$100,000.00 that Council has allocated.

Stage One (shop carpark at the Eastern end of Barrack Street) is anticipated to cost in the vicinity of \$240,000.00.

The Cohn Creek Project is almost complete with \$85,000.00 spent. It is expected the remaining \$15,000.00 will be spent in February/March 2010.

In respect to the Cummins Theatre, several contingencies have arisen such as the need for the upgrade of power supply and it is expected that additional funds will be required. At this stage it is estimated a further \$34,000.00 will be needed. It is anticipated this will all be completed by February/March 2010.

Staff have estimated that the cost upgrading the Administration Centre to meet current and future demand will be approximately \$300,000.00. Plans prepared by Executive Staff will be forwarded to an architect (to be determined) before a final proposal is put to Council.

It is considered funds for the CBD Plan and Administration Centre Upgrade totalling \$216,402.00 will not be utilised in the short term and the Year Two funding for Royalties for Regions will not be provided until Year One funds are acquitted.

In examining this issue, Executive Staff believe that the Royalties for Regions funding could be utilised to meet qualifying projects in Council's current Budget funded from Council's resources. The surplus generated could then be held in a Reserve to be used for the project that was planned for using Royalties for Regions funding in the future.

Previous advice from the Department of Local Government indicates that Council is able to change its projects whenever it wishes, so long as they comply with the Guidelines.

The advantage of this process is funds will be kept for the project specified by Royalties for Regions (i.e. held in Reserve) and Royalties for Regions funding is spent so we can access Year Two dollars.

Staff have suggested the following projects be used to replace the Royalties for Regions funded projects. It should be noted that projects have been selected so they do not interrupt Council's program and funds will be spent in a relatively short period of time (i.e. before March 2010).

MINUTES

Account No.	Project	\$ Amount
E113500	Roy Little Park new Pump Shed	\$36,000.00
E121500	Footpaths	\$68,000.00
E121700	Drainage Construction	\$78,000.00
E118500	Additional funds for Cummins Theatre	\$34,402.00
TOTAL		\$216,402.00

Depending on funding from other sources, Council may be able to utilise Royalties for Regions funding against *Account E113500* Roy Little Park Trails (Council's current contribution to this project net of grants is \$130,000.00).

Comment

From an Executive Staff's point of view, acquitting Year One Royalties for Regions funding will enable us to access Year Two funding and provide additional funds for the Administration Centre upgrade and the Synthetic Turf for Tennis/Hockey/Soccer to which Council has committed significant funds (**CMRef 30096** and **CMRef 30000**). It also means that funds can be transferred to Reserve for the original purpose of the funds and therefore quarantine them for that use in the future.

Officer's Recommendation

1. That Council allocate Royalties for Regions funding (Year One) for the following purposes:

<i>Cummins Theatre Restoration</i>		\$634,402.00
<i>Cohn Creek Cleanout</i>		\$100,000.00
<i>Recreation Ground Storage Shed</i>		\$50,000.00
<i>Roy Little Park Pump Shed</i>	<i>E113500</i>	\$36,000.00
<i>Footpaths</i>	<i>E121500</i>	\$68,000.00
<i>Mitchell Street Drainage</i>	<i>E121700</i>	\$78,000.00
TOTAL		\$966,402.00

2. That the following funds be transferred to the following Reserve:

<u>Project</u>	<u>\$ Amount</u>	<u>Reserve</u>
<i>Administration Centre Upgrade</i>	<i>\$116,402.00</i>	<i>Administration Centre Reserve</i>
<i>CBD Redevelopment</i>	<i>\$100,000.00</i>	<i>CBD Redevelopment Reserve</i>

ABSOLUTE MAJORITY REQUIRED

MINUTES**30157**

Moved Cr Townrow Sec Cr Wallace

1. That Council allocate Royalties for Regions funding (Year One) for the following purposes:

<i>Cummins Theatre Restoration</i>		\$634,402.00
<i>Cohn Creek Cleanout</i>		\$100,000.00
<i>Recreation Ground Storage Shed</i>		\$50,000.00
<i>Roy Little Park Pump Shed</i>	<i>E113500</i>	\$36,000.00
<i>Footpaths</i>	<i>E121500</i>	\$68,000.00
<i>Mitchell Street Drainage</i>	<i>E121700</i>	\$78,000.00
TOTAL		\$966,402.00

2. That the following funds be transferred to the following Reserve:

<i>Project</i>	<i>\$ Amount</i>	<i>Reserve</i>
<i>Administration Centre Upgrade</i>	\$116,402.00	<i>Administration Centre Reserve</i>
<i>CBD Redevelopment</i>	\$100,000.00	<i>CBD Redevelopment Reserve</i>

**CARRIED 8/0
ABSOLUTE MAJORITY**

30158

Moved Cr Townrow Sec Cr Young

That Council adjourn the meeting for afternoon tea at 2.52pm.

CARRIED 8/0

30159

Moved Cr Townrow Sec Cr Wallace

That Council reconvene the meeting at 4.30pm.

CARRIED 7/0

Cr Young entered the meeting at 4.31pm.

18.7 EMERGENCY MANAGEMENT PLAN

Reporting Department:	Administration
Reporting Officer:	Frank Ludovico – Chief Executive Officer
Legislation:	Emergency Management Act 2005
File Reference:	ES/13/3

Background

The Emergency Management Act 2005 was proclaimed on 23 December 2005. The purpose of the Act was to coordinate and clarify responsibilities for Emergency Management in Western Australia.

Under this Act each local government is responsible for ensuring the following in respect to its district:

1. Development and maintenance of effective local emergency management arrangements (Section 36);
2. Establishment of one or more Local Emergency Management Committees (Section 38);
3. Preparing and maintaining a Local Recovery Plan (Section 36);
4. Nomination of a Local Recovery Coordinator(s) (Section 37).

The requirement to develop a Local Emergency Management Plan was listed in the Chief Executive Officer's KPI's in 2008 and 2009.

In November 2007 (**CMRef 29244**) Council established the Local Emergency Management Committee (LEMC) and appointed the Chief Executive Officer as Chairman and Cr Ken Hooper as a Council delegate to this Committee. This Committee has been meeting more or less on a monthly basis since then.

It was decided that Emergency Management Plan could be prepared within the existing Council resources and the Merredin LEMC.

The LEMC prepared a Community Emergency Risk Management Register in August 2008. This was followed up by a public meeting in October 2008 in order to develop a community-based Risk Register. A further Workshop was conducted with the LEMC on 10 March 2009, where the risks identified were evaluated on the basis of Intensity, Extent, Likelihood, Timeframe and Manageability.

However, since then very little work has been able to be achieved on this particular project. Namely, the expertise required to complete this project and the lack of time available.

MINUTES

Mr John Lane, Coordinator WALGA Emergency Management Services, was contacted to see if he could provide any assistance to complete this project. He has provided a quote of approximately \$7,000.00 to undertake the final operation of the Shire of Merredin Emergency Management Plan.

Statutory Implications

Under the Emergency Management Act 2005, each local government is responsible for ensuring the following in respect to its district:

1. Development and maintenance of effective local emergency management arrangements (Section 36);
2. Establishment of one or more Local Emergency Management Committees (Section 38);
3. Preparing and maintaining a Local Recovery Plan (Section 36);
4. Nomination of a Local Recovery Coordinator(s) (Section 37).

Financial Implications

No budget allocation has been made for the preparation of these Plans.

However, Council has recently received a refund for the cost of the major overhaul of Korbalka Fire Appliance amounting to \$17,294.00. Even though the funds were expended in 2008/2009, the refund of these funds was not budgeted for in 2009/2010. It is proposed to use a proportion of these additional funds to complete the Emergency Management Plan.

Comment

Given the change in the Chief Executive Officer's, it is appropriate to engage an appropriate consultant to develop the Emergency Management Plan.

Officer's Recommendation

That Council allocate \$7,000.00 for the preparation of the Shire of Merredin Emergency Management Plan (Account E051060) from the refund from Fire and Emergency Services WA for the cost of the major overhaul for the Korbalka Bushfire Appliance.

ABSOLUTE MAJORITY REQUIRED

30160

Moved Cr Wallace

Sec Cr Townrow

That Council allocate \$7,000.00 for the preparation of the Shire of Merredin Emergency Management Plan (Account E051060) from the refund from Fire and Emergency Services WA for the cost of the major overhaul for the Korbalka Bushfire Appliance.

**CARRIED 8/0
ABSOLUTE MAJORITY**

18.8 **REVITALISING WA COUNTRY HEALTH SERVICE 2009-2012 – THE NEW STRATEGIC DIRECTION FOR WA COUNTRY HEALTH SERVICES**

Reporting Department: Administration
Reporting Officer: Frank Ludovico – Chief Executive Officer
Legislation: Local Government Act 1995
File Reference: GR/17/12

Background

Attached to this Agenda Item ([Attachment 18.8A](#)) is a blueprint for how WA Country Health Service will deliver their services to clients, customers, patients and stakeholders.

In March 2007 (**CMRef 28832**) Council discussed the Wheatbelt Health Services Plan. In December 2006 (**CMRef 28761**) Council discussed the Foundations for Country Health Services 2007-2010. More recently, the Wheatbelt Health MoU Group (a consortium of the WA Country Health Service Wheatbelt, Avon Midland and Central Country, Great Eastern Country Zone of WALGA, Wheatbelt GP Network and the Wheatbelt Development Commission) completed a report entitled “The Wheatbelt Health Planning Initiative Report of Consultants – August 2009”. This report has been submitted to the Ministers for Health and Regional Development and has not been released to date.

Strategic Implications

Council’s Strategic Plan at Item 2.2.4 indicates that we need to lobby State and Federal Governments to invest in and maintain infrastructure and services, in particular, health services.

Comment

Council should write to the Chief Executive Officer of the WA Country Health Service and ask how his Key Actions of:

1. Strengthening and improving access to emergency department services;
2. Working with communities so that health and hospital services match health needs;
3. Improving services to Aboriginal communities and boosting Aboriginal employment opportunities; and
4. Improving country aged care services

will actually be implemented.

Specifically, the details of how these actions will be implemented, when will these actions be implemented and where these actions will be implemented for the Wheatbelt generally, but specifically for the Merredin Shire.

It is also appropriate to also ask whether the previously mentioned Reports have been considered in the development of this new Plan.

Lastly, Council should ask what community consultation has occurred into developing this new Plan.

Officer's Recommendation

1. *That Council write to the WA Country Health Service requesting them to provide specific and detailed explanations of how they intend to implement the Key Actions detailed in their "Revitalising WA Country Health Service 2009-2012" document, in particular, the upgrade of the Merredin Hospital and health services generally within the Merredin Shire.*
2. *That Council request that the WA Country Health Service to provide details of the community consultation undertaken to develop the "Revitalising WA Country Health Service 2009-2012" document.*

30161

Moved Cr Townrow

Sec Cr Young

1. *That Council write to the WA Country Health Service requesting them to provide specific and detailed explanations of how they intend to implement the Key Actions detailed in their "Revitalising WA Country Health Service 2009-2012" document, in particular, the upgrade of the Merredin Hospital and health services generally within the Merredin Shire.*
2. *That Council request that the WA Country Health Service to provide details of the community consultation undertaken to develop the "Revitalising WA Country Health Service 2009-2012" document.*

CARRIED 8/0

18.9 **COMMUNITY SPORTING AND RECREATION FACILITIES FUNDING – MULTI PURPOSE SYNTHETIC SURFACE FOR TENNIS, HOCKEY AND SOCCER**

Reporting Department: Administration

Reporting Officer: Frank Ludovico – Chief Executive Officer

Legislation: Local Government Act 1995

File Reference: GS/2/9

Background

Each year the Department of Sport and Recreation (DSR) advertises for grant applications under their Community Sporting and Recreation Facilities Funding (CSRFF) program. Applications must be submitted to the relevant local government for assessment and prioritisation before being submitted to DSR for assessment.

The only application received is that for the construction of a multi purpose synthetic surface catering for 12 tennis courts, 1 full size hockey pitch and 1 full size soccer pitch at the Merredin Regional Community and Leisure Centre (MRC&LC) ([Attachment 18.9A](#)). This application has been developed in conjunction with the Merredin Turf Alliance and the Shire of Merredin staff.

Council's Assessment Criteria is shown at Page 18 of the Attachment.

Strategic Implications

The facility was included in Council's adopted Recreation Ground Master Plan (CMRef 29695). Council's Strategic Plan at Item 5.1.5 includes the construction of synthetic hockey/tennis courts at the MRC&LC with a timeline for construction in 2010/2011.

Financial Implications

Page 3 of the application highlights these figures.

At Council's 19 May 2009 Meeting (CMRef 30000), Council agreed to provide \$300,000.00 from the Royalties for Regions funding area for the project. Subsequently, at its 18 August 2009 Meeting (CMRef 30096) Council determined that Council will fund the shortfall between the original concept (i.e. synthetic hockey and 9 tennis courts) and a regional sporting facility (consisting of synthetic hockey/soccer pitch, 12 synthetic tennis courts) by either fundraising, grant applications, loans or budget allocations.

Comment

In respect to the Assessment Criteria, the project is satisfactory on all criteria and since no other applications for funding have been received, it needs to be ranked 1 of Council's priorities.

In short, it is considered that the project is well planned and needed by the municipality and the region.

Officer's Recommendation

That Council advise the Department of Sport and Recreation that the Community Sporting and Recreation Facilities Funding application for a multi purpose synthetic surface catering for 12 tennis courts, 1 full size hockey pitch and 1 full size soccer pitch at the Merredin Regional Community and Leisure Centre project is assessed as satisfactory, ranked Number One and is well planned and needed by the municipality and the region.

30162

Moved Cr Townrow

Sec Cr Wallace

- 1. That Council advise the Department of Sport and Recreation that the Community Sporting and Recreation Facilities Funding application for a multi purpose synthetic surface catering for 12 tennis courts, 1 full size hockey pitch and 1 full size soccer pitch at the Merredin Regional Community and Leisure Centre project is assessed as satisfactory, ranked Number One and is well planned and needed by the municipality and the region.*
- 2. That Council will underwrite the community contribution in the Community Sporting and Recreation Facilities Funding application for a multi purpose synthetic surface catering for 12 tennis courts, 1 full size hockey pitch and 1 full size soccer pitch at the Merredin Regional Community and Leisure Centre project either by fundraising, grant applications, loans or budget allocations.*

CARRIED 8/0

MINUTES

18.10 REFUSE COLLECTION CHARGE – COUNTRY WOMEN’S ASSOCIATION OF WESTERN AUSTRALIA (INC) – 47 CORONATION STREET, MERREDIN

Reporting Department:	Administration
Reporting Officer:	Frank Ludovico – Chief Executive Officer
Legislation:	Waste Avoidance and Resource Recovery Act 2007, Local Government Act 1995
File Reference:	P686

Background

Attached is correspondence from the Merredin Branch of the Country Women’s Association (CWA) requesting the waiver of the refuse collection charge for 2009/2010 and for a further five years ([Attachment 18.10A](#)).

Statutory Implications

The Waste Avoidance and Resource Recovery Act 2007 permits the placement of a charge for refuse collection pursuant to Section 67 of the Act. This charge has been placed on all properties that are not vacant.

Section 6.47 of the Local Government Act 1995 allows Council to waive or grant a concession on any rate or service charge. The Financial Management Regulations indicate that any such waiver is to be recorded in Council’s Budget and Annual Report.

Financial Implications

The cost of the service is \$120.00 per annum and the CWA is not obliged to pay local government rates.

Council may wish to make a donation to the CWA. Account *E041170* Public Relations and Donations provides \$2,000.00 for unallocated donations. To date none of these funds have been allocated.

Comment

In December 2008 (**CMRef 29808**) Council made a donation to the Merredin Branch of the CWA of \$100.00 for this refuse charge.

In the past, Council has not agreed to any waiver, discount or concession because it wished to show there was an obligation to pay the charge but has chosen instead to make a donation equivalent to the charge. This ensures that the financial contributions Council makes to various community organisations are actually costed and shown in Council’s financial records.

Providing for donations in future years will be dependent on Council’s Budgetary process, however if Council wish this to occur then staff can ensure that appropriate notation is made for future Budget deliberations.

Officer's Recommendation

1. *That Council advise the Country Women's Association Merredin Branch that the cost of the service of refuse collection will not be withdrawn, however a donation of \$120.00 will be made from Account E041170 for the expense.*

ABSOLUTE MAJORITY REQUIRED

2. *That Council bring forward the request from the Country Women's Association Merredin Branch for a donation to meet the expense of their refuse removal charge for the next three (3) financial year Budgets.*

30163

Moved Cr Crees

Sec Cr Forbes

1. *That Council advise the Country Women's Association Merredin Branch that the cost of the service of refuse collection will not be withdrawn, however a donation of \$120.00 will be made from Account E041170 for the expense.*
2. *That Council bring forward the request from the Country Women's Association Merredin Branch for a donation to meet the expense of their refuse removal charge for the next three (3) financial year Budgets.*

CARRIED 8/0**ABSOLUTE MAJORITY ON ITEM ONE**

MINUTES

19.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

20.0 QUESTIONS BY MEMBERS FOR WHICH DUE NOTICE HAS BEEN GIVEN

Nil

21.0 URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION21.1 WA Local Government Grants Commission Visit

Council was advised that the WA Local Government Grants Commission were conducting public hearings at the Merredin Regional Community and Leisure Centre commencing at 8.30am on Thursday 22 October 2009. It would be appropriate for Councillors to attend. The Administration was currently preparing a submission.

21.2 The Hon. Mia Davies, MLA Visit

Council was advised that the Hon. Mia Davies, MLA in conjunction with the Chamber of Commerce and Industry WA would be conducting a tour of the Wheatbelt and visiting Merredin as part of that tour.

The potential dates are 11 to 13 November 2009 or 14 to 16 December 2009 and Councillors would need to be available to inform the Chamber of Commerce and Industry WA of the opportunities available in Merredin.

21.3 New Councillor Training at Kellerberrin

Council was advised that the Western Australian Local Government Association Module 1 – Getting Started Training Session proposed to be held at the Shire of Kellerberrin on either 4 or 5 November 2009 is on the verge of being cancelled due to lack of attendance registrations. In an effort to prevent this from happening it may be appropriate for existing Councillors to attend and refresh their skills and knowledge.

Cr Crooks nominated to attend this training.

21.4 Date and Time of Committee Meetings

Cr Forbes requested that any Committee Meetings not be held prior to Council Meeting as it made the day too long and that a more suitable date and time be determined.

- 30164** Moved Cr Forbes Sec Cr Townrow
That the Executive Managers contact the relevant Councillors to organise a suitable time for the meetings of the Community, Health, Building, Town Planning, Environmental Services, Business and Community Development Committee.

CARRIED 8/0

22.0 MATTERS BEHIND CLOSED DOORS

- 30165** Moved Cr Wallace Sec Cr Townrow
That Council go behind closed doors to discuss confidential matters in accordance with Section 5.23(2) of the Local Government Act 1995.

CARRIED 8/0

Council went behind closed doors at 4.58pm.

22.1 Staff Matter

Vanessa Green, Executive Assistant, left the meeting at 4.58pm and did not return.

Cr Townrow left the meeting at 5.23pm and entered the meeting at 5.24pm.

22.2 Collgar Windfarms

Cr Crees declared a Financial Interest in this Agenda Item 22.2 and left the meeting at 5.39 and did not return.

- 30166** Moved Cr Young Sec Cr Crook
That Council come out from behind closed doors.

CARRIED 7/0

Council came out from behind closed doors at 5.45pm.

23.0 CLOSURE

There being no further business the Presiding Person declared the meeting closed at 5.45pm.