

SHIRE OF MERREDIN

17 November 2015

Minutes of Ordinary Council Meeting

Held in Council Chambers
Corner King & Barrack Street's, Merredin



Common Acronyms Used in this Document

WEROC	Wheatbelt East Regional Organisation of Councils
GECZ	Great Eastern Country Zone
WALGA	Western Australian Local Government Association
CEACA	Central East Aged Care Alliance
CEO	Chief Executive Officer
DCEO	Deputy CEO
EMDS	Executive Manager of Development Services
EMES	Executive Manager of Engineering Services
EMCS	Executive Manager of Corporate Services
EA	Executive Assistant to CEO
LPS	Local Planning Scheme
LGIS	Local Government Insurance Services
AMP	Asset Management Plan
LTFP	Long Term Financial Plan
MRC&LC	Merredin Regional Community and Leisure Centre
CWVC	Central Wheatbelt Visitors Centre
UCL	Unallocated Crown Land
MoU	Memorandum of Understanding
LHAG	Local Health Advisory Group
NEWROC	North Eastern Wheatbelt Regional Organisation of Councils
LoA	Leave of Absence
WAPC	WA Planning Commission

Table of Contents



1.	Official Opening
2.	Public Question Time
3.	Record of Attendance / Apologies and Leave of Absence
4.	Disclosure of Interest
5.	Applications for Leave of Absence
6.	Petitions and Presentations
7.	Confirmation of Minutes of the Previous Meeting
7.1	<u>Ordinary Council Meeting held on 20 October 2015</u>
8.	Announcement by the Person Presiding without discussion
9.	Matters for which the Meeting may be closed to the public
10.	Receipt of Minutes of Committee Meetings
10.1	<u>WEROC Council Meeting held on 21 October 2015</u>
11.	Recommendations from Committee Meetings for Council consideration
12.	Officer's Reports - Development Services
12.1	<u>Local Planning Scheme No. 6 - State Planning Policy 5.2 Telecommunications Infrastructure</u>
12.2	<u>Department of Environmental Regulation – Declaration Lots 1287 Crooks Road and Lots 1509, 1510, 1511 and 9000 Mitchell Street Environ as Contaminated Sites – Light Industrial and Commercial Development East of Barrack Street, South of Mitchell Street, Merredin</u>
13.	Officer's Reports - Engineering Services
14.	Officer's Reports - Corporate and Community Services
14.1	<u>List of Accounts Paid</u>
14.2	<u>Statement of Financial Activity</u>
14.3	<u>Sundry Debtors Write Off</u>
14.4	<u>Royalties for Regions Creative Regions Program 2015-2019</u>

15.	Officer's Reports - Administration
15.1	<u>Wheatbelt Agcare Family Counselling Service Committee – Request for Councillor Representation</u>
15.2	<u>Unbudgeted Expenditure – Except Integrated Sustainability – Spirulina Feasibility Study</u>
15.3	<u>Delegations Register - Review</u>
16.	Motions of which Previous Notice has been given
17.	Questions by Members of which Due Notice has been given
18.	Urgent Business Approved by the Person Presiding or by Decision
19.	Matters Behind Closed Doors
20.	Closure

Shire of Merredin
Ordinary Council Meeting
Tuesday 17 November 2015



1. Official Opening

The President welcomed all those in attendance and declared the meeting open at 3.13pm.

2. Public Question Time

Nil

3. Record of Attendance / Apologies and Leave of Absence

Councillors:

Cr KA Hooper	President
Cr RM Crees	Deputy President
Cr BJ Anderson	
Cr CA Blakers	(from 3.16pm)
Cr MA Crisafio	
Cr JP Flockart	
Cr MD Willis	
Cr ML Young	

Staff:

R McCall	Deputy CEO
J Mitchell	EMDS (until 3.38pm)
V Green	EA to CEO
S Lowe	Media & Communications Officer

Members of the Public: Nil

Apologies: G Powell, CEO

Approved Leave of Absence: Nil

4. Disclosure of Interest

Councillor Anderson declared a Financial Interest in Agenda Item 12.2

5. Applications for Leave of Absence

Nil

6. Petitions and Presentations

Nil

12. Officer's Reports - Development Services

12.1 Local Planning Scheme No. 6 - State Planning Policy 5.2 Telecommunications Infrastructure

Development Services



Reporting Officer:	John Mitchell, EMDS
Author:	As above
Legislation:	<i>Planning and Development Act 2005; Shire of Merredin LPS 6</i>
File Reference:	LUP/5/11
Disclosure of Interest:	Nil
Attachments:	Attachment 12.1A - State Planning Policy 5.2 Telecommunications Infrastructure
Maps / Diagrams:	Nil

Purpose of Report



Executive Decision



Legislative Requirement

Background

Advice has been received from the WAPC that State Planning Policy 5.2 Telecommunications Infrastructure has been adopted and local governments are to amend where necessary their planning schemes.

Comment

Part 6.1 of the policy relates to the provisions within local planning schemes. Addressing each of these:

1. Telecommunications Infrastructure is a land use within the zoning table of LPS6;
2. Telecommunications is not designated as a use not permitted within LPS 6;
3. Telecommunications is listed in industrial zones and light industrial zones as "P" use;
4. The Scheme does not give guidance on development approval exemptions however the *Planning & Development Regulations 2015* does provide that information. A review of the Scheme will ensure that the exemptions form a component of advice to the applicant;

5. There should be no buffer zones or setback distances set in the Scheme text or policies for telecommunications infrastructure. The Scheme does not set these measurements within the Scheme other than those set for uniformity within residential and commercial areas. Table 2 contains no setbacks for telecommunications infrastructure; and
6. Schemes and policies comply with the policy measures outlined in section 5 of the policy. Section five provides application contents and guidelines on the assessment process. To date the points raised within Section 5 have been adhered to by the local government.

Policy Implications

Nil

Statutory Implications

In addition to the policy assessment of telecommunications infrastructure applications local governments need to be mindful of the *Telecommunications (Low Impact Facilities) Determination 1997* when considering applications.

Strategic Implications

Service Area: 3.3 Town Planning

Activities: Process Development Applications

Link to Vision: Liveable

Link to Strategic Priorities: Town Enhancement

Service Level: As determined by legislation and the Local Planning Scheme

Service Level Change: Nil

Sustainability Implications

➤ [Asset Management Plan](#)

Nil

➤ [Long Term Financial Plan](#)

Nil

➤ [Workforce Plan](#)

Nil

Risk Implications

Risk implications are not applicable to this matter.

Financial Implications

Nil

Voting Requirements

Simple Majority

Absolute Majority

Officer's Recommendation / Resolution

Moved: Cr Young

Seconded: Cr Crees

81682 That Council note the August 2015 State Planning Policy 5.2 Telecommunications Infrastructure and the Administration's demonstration that the Local Planning Scheme No. 6 is in keeping with the policy as presented.

CARRIED 8/0

Councillor Anderson declared a Financial Interest in this Agenda Item 12.2 and left the meeting at 3.18pm.

12.2	Department of Environmental Regulation – Declaration Lots 1287 Crooks Road and Lots 1509, 1510, 1511 and 9000 Mitchell Street Environ as Contaminated Sites – Light Industrial and Commercial Development East of Barrack Street, South of Mitchell Street, Merredin
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<h2 style="color: blue;">Development Services</h2> 	
Reporting Officer:	John Mitchell, EMDS
Author:	As above
Legislation:	<i>Contaminated Sites Act 2003; Local Planning Scheme No. 6</i>
File Reference:	LUP/13/3
Disclosure of Interest:	Nil
Attachments:	Attachment 12.2A - Correspondence
Maps / Diagrams:	Nil

Purpose of Report

Executive Decision

Legislative Requirement

Background

Advice has been received from the Department of Environmental Regulation (DER) that Lots 1287, 1509, 1510 and Lot 9000 have been declared *possibly contaminated – investigation required*, and Lot 1511 *contaminated remediation required*.

Comment

Recently DER declared the Lot 1287 containing Dam 4 (CBH runoff) as *possibly contaminated investigation required*. Subsequently the administration wrote to DER seeking clarification and was advised that DER expects that Caltex should liaise with the Shire in regards to investigations. Discussions have commenced with Caltex and it is proposed that whilst the site classification for 15 Insignia Way is challenged, that monitoring of Dam 4 for hydrocarbons occur through the Caltex site monitoring program.

Other contaminated sites within the town of Merredin include the Public Transport Authority (PTA) Oval in Kitchener Road, the Water Corporation site & former Caltex service station in Todd Street & the old service station in Barrack Street, Merredin. The sites proposed for development are government owned or controlled.

The *Contaminated Sites Act 2003* (the Act), in real terms, does not impose an obligation on the owner to resolve other than if development is to occur or a change of use is to occur. In simple terms Section 30 of the Act provides “an out” for State Government to remediate and the classification remediation required implies that the owner will remediate the site. There is an expectation that PTA will clean the land and apply for a clearance of the site.

Lot 1511 has been found to contain asbestos underground and ground water monitoring indicates metals and hydrocarbons present from previous operations as a railway yard.

Lot 1510 and 9000 are classified as *possibly contaminated investigation required* due to railway yard uses.

Lot 1509 is classified as *possibly contaminated investigation required* due to its connection to the larger former use as a railway yard and that a hydraulic oil spill reportedly occurred prior to May 2006. The lot is now privately owned and was purchased from the State Government.

If remediation can occur, the process is expected to take a considerable period of time to resolve and cost.

It is interesting to note that despite clean-ups for asbestos the site remains classified as contaminated, making any continued clean-up of Tamma Parkland for a change of classification a costly exercise.

Policy Implications

Development of Lot 1511 was proposed by the Shire of Merredin for commercial and light industrial lots to accommodate town centre expansion. An overlay development plan was prepared and received zoning consent from the WAPC as an amendment to the previous planning scheme.

Recent planning applications to the Shire of Merredin have been re-considered, deferred or withdrawn when the land was found to be subject to, or adjacent to, a known or declared contaminated site.

It is considered prudent for Council to now consider an alternative to future town centre development as the costs of remediation are unknown but will be sufficient to deter development.

Pending the outcome of the current large shopping centre choice of site and this report Amendment Four to the LPS 6 has been postponed.

Areas to the west of the developed town were identified in the recently launched Economic Development Strategy as suitable for further industrial development.

Statutory Implications

Three government departments (WAPC, DER & Health Department of WA) will not permit development to occur within the land area until it can be proven that the site does not contain any contamination. This is a long legal and environmental process as asbestos components are at 200mm below ground and a 1m cap of clean fill is therefore required across the site. Additionally, the ash from wood burning contains metals that can be carcinogenic.

Strategic Implications

Service Area: 3.2 Building Regulation
Activities: Property enquiries; General queries
Link to Vision: Liveable
Link to Strategic Priorities: Nil
Service Level: Meet all legislated requirements
Service Level Change: No service level change

Service Area: 3.3 Town Planning
Activities: Subdivision clearances; Administration of Local Planning Strategy; General queries
Link to Vision: Liveable
Link to Strategic Priorities: Town Enhancement
Service Level: As determined by legislation and the Local Planning Scheme
Service Level Change: Nil

Sustainability Implications

➤ [Asset Management Plan](#)

Nil

➤ [Long Term Financial Plan](#)

Development of these subdivisions will need further consideration.

➤ [Workforce Plan](#)

Nil

Risk Implications

Development of the lots within Lot 1511 is not recommended as a memorial will be placed against the title deed and therefore any subsequent title deeds issued as a result of the subdivision by DER. It is reasonable to assume that sale of the subdivided land for development will not occur.

Development of the reserves adjacent to Mary Street – Lot 682, 707 & 708 has been restricted by advice from DER relating to ground water monitoring levels. These lots have been suggested to developers previously and, due to risk and DER compliance, declined.

Financial Implications

Nil at this time.

Voting Requirements



Simple Majority



Absolute Majority

Officer's Recommendation / Resolution

Moved: Cr Crees

Seconded: Cr Young

81683 Lot 1287 Crooks Road Merredin:

1. That the actions taken by the administration to date to seek further information on the extent of contamination of Lot 1287 be noted; and
2. That Caltex be formally requested to include Dam 4 in monitoring for hydrocarbons pending the outcome of environmental testing of Lot 15 Insignia Way Merredin.

Lots 1510, 1511 and 9000:

1. That the above lots be referred to the Minister for Transport with a request for action to remediate and to lift the classification due to health of community and town development reasons.

CARRIED 7/0

Councillor Anderson entered the meeting at 3.36pm

J Mitchell left the meeting at 3.38pm and did not return.

13.	Officer's Reports - Engineering Services
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Nil items to report

14. Officer's Reports – Corporate and Community Services

14.1 List of Accounts Paid

Corporate Services



Responsible Officer:	Charlie Brown, EMCS
Author:	As above
Legislation:	<i>Local Government Act 1995; Local Government (Financial Management) Regulations 1996</i>
File Reference:	Nil
Disclosure of Interest:	Nil
Attachments:	Attachment 14.1A - List of Accounts Paid
Maps / Diagrams:	Nil

Purpose of Report



Executive Decision



Legislative Requirement

Background

The attached List of Accounts Paid during the month of October 2015 under Delegated Authority is provided for Council's information.

Comment

Nil

Policy Implications

As outlined in the *Local Government Act 1995* and *Local Government (Financial Management) Regulations 1996*.

Statutory Implications

As outlined in the *Local Government Act 1995* and *Local Government (Financial Management) Regulations 1996*.

Strategic Implications

Service Area: Finance and Asset Management

Activities: Financial Management

Link to Vision: Developing and Liveable

Link to Strategic Priorities: Civic Leadership

Service Level: Financial management meets all legislated requirements

Service Level Change: No service level change

Sustainability Implications

➤ Asset Management Plan

Nil

➤ Long Term Financial Plan

Nil

➤ Workforce Plan

Nil

Financial Implications

All liabilities settled have been in accordance with the Annual Budget provisions.

Voting Requirements



Simple Majority



Absolute Majority

Officer's Recommendation / Resolution

Moved: Cr Young

Seconded: Cr Blakers

81684 That the schedule of accounts paid as listed, covering cheques, EFT's, bank charges, directly debited payments and wages, as numbered and totalling \$858,454.80 from Council's Municipal Fund Bank Account and \$0 from Council's Trust Account be received.

CARRIED 8/0

14.2 Statement of Financial Activity

Corporate Services



Responsible Officer:	Charlie Brown, EMCS
Author:	As above
Legislation:	<i>Local Government Act 1995; Local Government (Financial Management) Regulations 1996</i>
File Reference:	Nil
Disclosure of Interest:	Nil
Attachments:	Attachment 14.2A – Statement of Financial Activity
Maps / Diagrams:	Nil

Purpose of Report



Executive Decision



Legislative Requirement

Background

The Statement of Financial Activity is attached for Council's information.

Comment

It should be noted that the Statement is complete as at 29 October 2015 and therefore may not include all revenue received or payments made up to 31 October 2015.

Policy Implications

As outlined in the *Local Government Act 1995* and *Local Government (Financial Management) Regulations 1996*.

Statutory Implications

As outlined in the *Local Government Act 1995* and *Local Government (Financial Management) Regulations 1996 Regulation 34(1)*.

Strategic Implications

Service Area: 5.3 - Governance and Corporate Services
Activities: Finance and Asset Management
Link to Vision: Developing
Link to Strategic Priorities: Civic Leadership
Service Level: Financial management meets all legislated requirements
Service Level Change: No service level change

Sustainability Implications

➤ [Asset Management Plan](#)

Nil

➤ [Long Term Financial Plan](#)

Compliance with the *Local Government (Administration) Regulations 1996* and to also give Council some direction in regards to its management of finance over an extended period of time.

➤ [Workforce Plan](#)

Nil

Financial Implications

As outlined in **Attachment 14.2A**.

Voting Requirements

Simple Majority

Absolute Majority

Officer's Recommendation

That, in accordance with Regulation 34 of the *Local Government (Financial Management) Regulations 1996*, the Statement of Financial Activity for the period ending 29 October 2015 be received.

Officer's Comment

The President queried the accuracy of the financial statements identifying possible incorrect allocations in the amounts for employee expenses, depreciation and plant. The Executive Manager of Corporate Services was made aware of these queries at this juncture of the meeting.

R McCall left the meeting at 3.42pm.

Councillor Young left the meeting at 3.44pm.

R McCall entered the meeting at 3.44pm.

Resolution

Moved: Cr Crees

Seconded: Cr Blakers

81685 That this Agenda Item 14.2 lay on the table until the end of the meeting to provide time for investigations into Council's queries to be resolved.

CARRIED 7/0

Refer to [Page 36](#) for the resolution of this Agenda Item.

14.3 Sundry Debtors Write Off

Corporate Services



Responsible Officer:	Charlie Brown, EMCS
Author:	As above
Legislation:	<i>Local Government Act 1995; Local Government (Financial Management) Regulations 1996</i>
File Reference:	Nil
Disclosure of Interest:	Nil
Attachments:	Nil
Maps / Diagrams:	Nil

Purpose of Report



Executive Decision



Legislative Requirement

Background

A review of Council's debtors aged trial balance has highlighted some outstanding items that require action.

Comment

In most instances, Council's debt collection policy has been followed, however for the smaller debts, where the cost of follow up outweighs the original debt, only staff follow up by way of phone calls and letters has occurred.

The list of debts concerned is:

Debtor #	Debtor Name	Amount	Comments
DF64	FORGE GROUP	490.00	Tip Fees
DK65	KORDAMENTHA	328.50	Freedom of Information Application
DF119	M FIENELER	1,767.96	Rates
DH304	R HAYDEN-NELSON	509.00	Cummings Theatre Hire

Further details on the above amounts is as follows:

DF64 Have gone into liquidation. The likelihood of recovering the debts is small.

DK65 Have gone into liquidation. Little chance of recovering debt.

DF119 Circumstances surrounding this are not clear. It would appear that two lots have been amalgamated and the debt, instead of going to the child property in our rating system, was transferred to Sundry Debtors. Had it been left on the property it would have been cleared at settlement. As this debt is over two years old the chances of recovery seem unlikely.

DH304 This debt relates to a hire of Cummings theatre. (Funeral) Several attempts to recover this outstanding amount have failed.

Policy Implications

Nil

Statutory Implications

Section 6.12 of the *Local Government Act 1995* states;

“6.12. Power to defer, grant discounts, waive or write off debts

- (1) Subject to subsection (2) and any other written law, a local government may —*
 - (a) when adopting the annual budget, grant* a discount or other incentive for the early payment of any amount of money; or*
 - (b) waive or grant concessions in relation to any amount of money; or*
 - (c) write off any amount of money,**which is owed to the local government.*

** Absolute majority required.*

- (2) Subsection (1)(a) and (b) do not apply to an amount of money owing in respect of rates and service charges.*
- (3) The grant of a concession under subsection (1)(b) may be subject to any conditions determined by the local government.”*

Strategic Implications

Service Area: 5.2 – Strategic Advice, General Management and Governance

Activities: Nil

Link to Vision: Developing

Link to Strategic Priorities: Civic Leadership

Service Level: Nil

Service Level Change: No service level change

Sustainability Implications

- [Asset Management Plan](#)

Nil

- [Long Term Financial Plan](#)

Nil

➤ Workforce Plan

Nil

Financial Implications

Nil

Voting Requirements

Simple Majority

Absolute Majority

Officer's Recommendation / Resolution

Moved: Cr Blakers

Seconded: Cr Flockart

81686 That, in accordance with Section 6.12(1)(c) of the *Local Government Act 1995*, the following debts be authorised for write off:

Debtor #	Debtor Name	Amount	Comments
DF64	FORGE GROUP	490.00	Tip Fees
DK65	KORDAMENTHA	328.50	Freedom of Information Application
DF119	M FIENELER	1,767.96	Rates
DH304	R HAYDEN-NELSON	509.00	Cummings Theatre Hire

CARRIED BY ABSOLUTE MAJORITY 7/0

14.4 Royalties for Regions Creative Regions Program 2015-2019

Community Services



Reporting Officer:	Rebecca McCall, DCEO
Author:	As above
Legislation:	<i>Local Government Act 1995; Local Government (Financial Management) Regulations 1996</i>
File Reference:	CT/16
Disclosure of Interest:	Nil
Attachments:	Attachment 14.4A - Cummins Theatre – Venue theatre systems and use assessment Report October 2015
Maps / Diagrams:	Nil

Purpose of Report

Executive Decision



Legislative Requirement

Background

The Royalties for Regions Creative Regions Program is a \$24 million State Government investment in regional arts and culture over four years, between 2015 and 2019. The program is one of the largest investments in regional culture and arts made by a State Government in recent years. It recognises that access to arts and culture increases the amenity of regional towns and improved the quality of life for regional communities.

The Royalties for Regions – Creative Regions Program aligns with the Government’s State Planning Strategy, Department of Regional Development’s (DRD) policy objectives, and the Department of Culture and the Arts (DCA) Regional Arts and Cultural Action Plan 2014-2018. It will be delivered through a Memorandum of Understanding between the DCA and the DRD. Creative Regions comprises five schemes.

Comment

The funding program was announced in June 2015 but guidelines were not made available until September 2015. Due to the unavailability of the guidelines it was not possible to include potential income or expenditure in the 2015/16 Budget.

The Regional Venues Improvement Fund (Technical Equipment Upgrades – Major) is one of the schemes available within the Creation Regions Program. Grants will be awarded to technical equipment upgrade projects involving an advanced level of planning and procurement. The grant is designed to address the upgrade of lighting, audio and acoustic equipment.

Marshall Day Entertech were commissioned by the Cummins Theatre Manager to review the venue and provide a report with recommendations. In total, twelve recommendations were put forward for consideration. Upon review, the Cummins Theatre Manager has recommended that a concentrated effort is made to upgrade the lighting and audio technical equipment.

The current venue lighting and audio systems at Cummins Theatre are inferior and do not meet industry standards. Due to the technical shortcomings Cummins Theatre is unable to offer the space as a truly multi-purpose area, meet the basic standards required by the majority of touring production companies or provide user-friendly equipment allowing the Theatre to be utilised by non tech savvy community groups. The existing ageing lighting and audio system has become unreliable and out of date with many parts no longer available.

This project is not identified in the 2015/16 Budget, however it is recommended that Council consider taking advantage of this industry specific funding program to enable the renewal of the lighting and audio technical equipment to bring Cummins Theatre to industry standard.

Policy Implications

Nil

Statutory Implications

Local Government (Financial Management) Regulations 1996

Strategic Implications

Service Area: 1.4 Community Facilities – Cummins Theatre

Activities: Cummins Theatre is available for hire to community members and touring production companies for performance and functions.

Link to Vision: Liveable, Inclusive, Developing

Link to Strategic Priorities: Built Heritage, Community Spirit, Economic Development

Service Level: 6 to 8 professional touring show and 2 local productions per year

Service Level Change: No change

Sustainability Implications

➤ **Asset Management Plan**

The technical equipment will need to be included in the Asset Management Register and Plan to factor lifelong maintenance and renewal costs.

➤ **Long Term Financial Plan**

The new technical equipment to be included in the LTFP to factor lifelong maintenance and renewal costs.

➤ **Workforce Plan**

Nil

Risk Implications

The risk implications include:

1. The funding application may not be successful therefore the project will be deferred;
2. The project may be deferred if the matching funds of \$30,000 is not approved by Council;
3. If the project does not proceed the Theatre operates at the risk of existing lighting and audio technical equipment failing; and
4. If the project does not proceed the Theatre will not be able to attract high level technical productions.

Financial Implications

The financial implications associated with this item include unbudgeted income and expenditure for the renewal of technical equipment located at Cummins Theatre.

Income includes grant funding from the DCA totalling \$30,000.

Capital expenditure for the renewal of technical equipment totals \$60,000. The additional \$30,000 expenditure can be found through identified budget savings, such as those presented in Agenda Item 21.3 from Council's October 2015 meeting, which detailed a budget variation surplus of approximately \$21,800. Additional savings have also since been found and details of such will be provided to Council as part of the statutory budget review process in January 2016.

Voting Requirements

Simple Majority

Absolute Majority

Officer's Recommendation / Resolution

Moved: Cr Blakers

Seconded: Cr Willis

81687 That Council accepts the potential unbudgeted income of \$30,000 and associated expenditure of \$60,000 for the purpose of the renewal of technical equipment located at Cummins Theatre.

Councillor Young entered the meeting at 3.47pm.

CARRIED BY ABSOLUTE MAJORITY 8/0

15. Officer's Reports – Administration

15.1 Wheatbelt Agcare Family Counselling Service Committee – Request for Councillor Representation

Administration



Responsible Officer:	Greg Powell, CEO
Author:	Vanessa Green, EA to CEO
Legislation:	<i>Local Government Act 1995</i>
File Reference:	CR/17/40; ICR2015335
Disclosure of Interest:	Nil
Attachments:	Attachment 15.1A - Correspondence
Maps / Diagrams:	Nil

Purpose of Report



Executive Decision



Legislative Requirement

Background

Correspondence has been received from Wheatbelt Agcare inviting Council to nominate a representative to the Wheatbelt Agcare Family Counselling Service Committee. It is unfortunate that the correspondence was not received in time to be considered at Council's October 2015 meeting where other Committee appointments were made.

The correspondence suggests that Councillor Willis has indicated he would be interested in being appointed as Council's delegate to the Committee.

Wheatbelt Agcare, based in Nungarin, is a service for people in rural areas that need family or personal counselling or emergency relief. The service offered is generally on a one to one basis in the client's home, at the Wheatbelt Agcare office, or other venues in the region (a visiting service is provided to Merredin at the SIHI offices) as well as over the phone if the need arises.

Comment

A copy of the correspondence was provided to Councillor Willis for his information, and Councillor Willis has agreed to accept a nomination from Council to be a representative on this community committee.

Policy Implications

Council Policy 1.9 – Election of Committees and Representatives is applicable.

Statutory Implications

Nil

Strategic Implications

Service Area: 5.1 Regional Collaboration

Activities: Shire of Merredin collaborates with relevant stakeholders in the region

Link to Vision: Developing

Link to Strategic Priorities: Civic leadership / advocacy / regional collaboration

Service Level: Nil

Service Level Change: No service level change

Sustainability Implications

- Asset Management Plan

Nil

- Long Term Financial Plan

Nil

- Workforce Plan

Nil

Risk Implications

Possible risks associated with this item include (but are not limited to):

1. Council may miss an opportunity for interaction with the community;
2. Time constraints for the Councillor in attending meetings etc; and
3. Relevance, while Wheatbelt Agcare provides services from Merredin and to Merredin residents, it also provides services across other towns and Shires within the region.

Financial Implications

Nil

Voting Requirements

- Simple Majority Absolute Majority

Officer's Recommendation

That, in accordance with Sections 5.10 and 5.11A of the *Local Government Act 1995*, Councillor Willis be appointed as delegate to the Wheatbelt Agcare Family Counselling Service Committee.

Resolution

Moved: Cr Young

Seconded: Cr Willis

81688 That, in accordance with Sections 5.10 and 5.11A of the *Local Government Act 1995*, Councillor Blakers be appointed as delegate to the Wheatbelt Agcare Family Counselling Service Committee.

CARRIED BY ABSOLUTE MAJORITY 8/0

Reason

Councillor Blakers was keen to participate in this committee.

15.2 Unbudgeted Expenditure – Except Integrated Sustainability – Spirulina Feasibility Study

Administration



Responsible Officer:	Greg Powell, CEO
Author:	Vanessa Green, EA to CEO
Legislation:	<i>Local Government Act 1995</i>
File Reference:	ED/11/7
Disclosure of Interest:	Nil
Attachments:	Attachment 15.2A - Proposal Summary
Maps / Diagrams:	Nil

Purpose of Report



Executive Decision



Legislative Requirement

Background

In 2001 Except Integrated Sustainability (EIS), based in Rotterdam, worked with the Shire of Merredin on a feasibility study focussing on utilising the No. 4 Pump Station to house a spirulina plant. The resulting business case suggested the plant would be a viable option for Merredin with an expected return on investment period of 5 years. For various reasons the project was then shelved and no further action undertaken.

Comment

The CEO recently contacted EIS with a proposal to revisit the feasibility study.

The primary objectives of the proposal include:

1. Developing a clear understanding of the feasibility a Spirulina Algae plant including economic, social and practical elements;
2. Developing a value proposition with critical review and value development process;
3. Gaining insights into risks and impacts; and
4. Set critical success factors for further development.

The approach to revisiting the study includes 2 members of EIS attending Merredin for one week with the initial focus being on known problems relating to salt and water levels, economic areas, the pump station site (or other suitable sites) and financial factors. Then the scale of the project is addressed and levels of positive and negative impact gauged in order to optimise benefit. The findings will be developed into a final report.

The dates selected for EIS' visit are Sunday 13 December 2015 to Monday 21 December 2015.

Policy Implications

Nil

Statutory Implications

Section 6.8 of the Local Government Act 1995 states:

(1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —

- (a) is incurred in a financial year before the adoption of the annual budget by the local government; or*
- (b) is authorised in advance by resolution*; or*
- (c) is authorised in advance by the mayor or president in an emergency.*

** Absolute majority required.*

Strategic Implications

Service Area: 4.2 Economic Development

Activities: Regional and local economic development

Link to Vision: Developing

Link to Strategic Priorities: Economic Development

Service Level: Nil

Service Level Change: Nil

Sustainability Implications

- [Asset Management Plan](#)

Nil

- [Long Term Financial Plan](#)

Nil

- [Workforce Plan](#)

Nil

Risk Implications

Possible risks associated with this Item include (but are not limited to):

1. Changes in the region or in aspects of the project may result in the feasibility study finding the plant is not a viable option for Merredin;
2. The consultants may renege on part or all of the agreement, or produce a report which does not meet the expected standards of the Shire; and
3. Costs may increase due to exchange rate fluctuations or other unforeseen circumstances/expenses.

Financial Implications

The cost quoted (excluding accommodation and flights) to visit Merredin and produce the report is EU\$23,920. EIS have agreed to sponsor 50% of this phase, with the Shire responsible for the other 50% (EU\$11,960). In addition, the Shire would also be responsible for the cost of flights and accommodation and in-kind support of an executive officer and vehicle for use during the visit. In Australian Dollars the combined cash and in-kind costs are anticipated to be approximately \$29,500.

There is no allocation in the 2015/16 Budget to fund EIS' visit.

An application has been made to the Collgar Community Fund for funding of \$25,500 however a decision on whether that application is successful will not be received until after 7 December 2015, when the Grants Committee next meet.

The Environmental Initiatives Reserve account has a current balance of approximately \$60,400 which could be utilised for any expenditure related to the spirulina project. It is therefore suggested that Council approve the unbudgeted expenditure of up to \$30,000 to allow the project to proceed.

Full details on the funding allocation will be provided to Council as part of the statutory budget review process in January 2016.

Voting Requirements

Simple Majority

Absolute Majority

Officer's Recommendation / Resolution

Moved: Cr Willis

Seconded: Cr Young

81689 That Council approve the unbudgeted expenditure of up to \$30,000 from the Environmental Initiatives Reserve for the purpose of Except Integrated Sustainability visiting Merredin to revisit a feasibility study for a spirulina plant in Merredin.

CARRIED BY ABSOLUTE MAJORITY 8/0

15.3 Delegations Register - Review

Administration



Responsible Officer:	Greg Powell, CEO
Author:	Vanessa Green, EA to CEO
Legislation:	<i>Local Government Act 1995</i>
File Reference:	Delegations Register
Disclosure of Interest:	Nil
Attachments:	Attachment 15.3A - Delegations Register
Maps / Diagrams:	Nil

Purpose of Report



Executive Decision



Legislative Requirement

Background

A local government is required once per financial year to review its Delegations Register.

Comment

The Register has been reviewed and contains a number of amendments.

The main variation to previous years is that the Register of Delegations from Council to CEO and the Register of Delegations from CEO to Other Officers has been combined into one document. This provides both Council and the Administration with a clear understanding of what has been delegated and to whom in one easy location.

A guide to understanding the alterations is as follows:

1. text in red are comments/information;
2. text in blue are additions to the Register; and
3. text with strikethrough (i.e. ~~strikethrough~~) is to be deleted.

Policy Implications

Nil

Statutory Implications

In respect to delegations, the Local Government Act 1995 states:

“5.42. Delegation of some powers and duties to CEO

- (1) *A local government may delegate* to the CEO the exercise of any of its powers or the discharge of any of its duties under —*
- (a) *this Act other than those referred to in section 5.43; or*
 - (b) *the Planning and Development Act 2005 section 214(2), (3) or (5).*

** Absolute majority required.*

- (2) *A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.*

5.43. Limits on delegations to CEO

A local government cannot delegate to a CEO any of the following powers or duties —

- (a) *any power or duty that requires a decision of an absolute majority or a 75% majority of the local government;*
- (b) *accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;*
- (c) *appointing an auditor;*
- (d) *acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;*
- (e) *any of the local government’s powers under section 5.98, 5.98A, 5.99, 5.99A or 5.100;*
- (f) *borrowing money on behalf of the local government;*
- (g) *hearing or determining an objection of a kind referred to in section 9.5;*
- (ha) *the power under section 9.49A(4) to authorise a person to sign documents on behalf of the local government;*
- (h) *any power or duty that requires the approval of the Minister or the Governor;*
- (i) *such other powers or duties as may be prescribed.*

5.44. CEO may delegate powers and duties to other employees

- (1) *A CEO may delegate to any employee of the local government the exercise of any of the CEO’s powers or the discharge of any of the CEO’s duties under this Act other than this power of delegation.*
- (2) *A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.*

- (3) *This section extends to a power or duty the exercise or discharge of which has been delegated by a local government to the CEO under section 5.42, but in the case of such a power or duty —*
- (a) *the CEO's power under this section to delegate the exercise of that power or the discharge of that duty; and*
- (b) *the exercise of that power or the discharge of that duty by the CEO's delegate,*
- are subject to any conditions imposed by the local government on its delegation to the CEO.*
- (4) *Subsection (3)(b) does not limit the CEO's power to impose conditions or further conditions on a delegation under this section.*
- (5) *In subsections (3) and (4) —*
- conditions*** *includes qualifications, limitations or exceptions.*

5.45. Other matters relevant to delegations under this Division

- (1) *Without limiting the application of sections 58 and 59 of the Interpretation Act 1984 —*
- (a) *a delegation made under this Division has effect for the period of time specified in the delegation or where no period has been specified, indefinitely; and*
- (b) *any decision to amend or revoke a delegation by a local government under this Division is to be by an absolute majority.*
- (2) *Nothing in this Division is to be read as preventing —*
- (a) *a local government from performing any of its functions by acting through a person other than the CEO; or*
- (b) *a CEO from performing any of his or her functions by acting through another person.*

5.46. Register of, and records relevant to, delegations to CEO and employees

- (1) *The CEO is to keep a register of the delegations made under this Division to the CEO and to employees.*
- (2) *At least once every financial year, delegations made under this Division are to be reviewed by the delegator.*
- (3) *A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty."*

Strategic Implications

Service Area: 5.2 Strategic Advice, General Management and Governance

Activities: Nil

Link to Vision: Developing

Link to Strategic Priorities: Civic Leadership

Service Level: Nil

Service Level Change: No service level change

Sustainability Implications

➤ Asset Management Plan

Nil

➤ Long Term Financial Plan

Nil

➤ Workforce Plan

Nil

Risk Implications

Nil

Financial Implications

Nil

Voting Requirements

Simple Majority

Absolute Majority

Officer's Recommendation / Resolution

Moved: Cr Young

Seconded: Cr Crees

81690 That the Delegations Register, as presented in Attachment 15.3A, be adopted.

CARRIED BY ABSOLUTE MAJORITY 8/0

Councillor Blakers and R McCall left the meeting at 4.10pm.

R McCall entered the meeting at 4.12pm.

Councillor Blakers entered the meeting at 4.14pm.

14.2	Statement of Financial Activity
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Refer to [Page 17](#) for further information on this Agenda Item.

Resolution

Moved: Cr Crees

Seconded: Cr Blakers

81691 That this Agenda Item 14.2 be lifted from the table.

CARRIED 8/0

Resolution

Moved: Cr Young

Seconded: Cr Anderson

81692 That, in accordance with Regulation 34 of the *Local Government (Financial Management) Regulations 1996*, the Statement of Financial Activity for the period ending 29 October 2015 be received, noting the variances and the reasons provided for those variances.

CARRIED BY ABSOLUTE MAJORITY 8/0

Note: A revised Statement of Financial Activity will be forwarded under separate cover to all Councillors.

16.	Motions of which Previous Notice has been given
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Nil

17.	Questions by Members of which Due Notice has been given
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Nil

18.	Urgent Business Approved by the Person Presiding or by Decision
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Nil

19.	Matters Behind Closed Doors
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Nil

20.	Closure
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There being no further business the President thanked all those in attendance and declared the meeting closed at 4.24pm.