

SHIRE OF MERREDIN



“Heart of the Wheatbelt”

MINUTES OF ORDINARY COUNCIL MEETING

19 APRIL 2011

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Minutes of the Ordinary Meeting of the Shire of Merredin held in the Council Chambers, Corner King and Barrack Streets, Merredin on Tuesday 19 April 2011 commencing at 1.02pm.

ATTENDANCE:

Councillors:	KA Hooper	Shire President
	RM Crees	Deputy Shire President
	A Carr	
	D Crook	
	P Forbes	
	M Morris	
	J Townrow	
	W Wallace	
M Young		
Staff:	G Powell	Chief Executive Officer
	J Garrett	Executive Manager of Engineering Services
	S Grayston	Acting Executive Manager of Finance and Administration
	J Mitchell	Executive Manager of Development Services
	L Wyatt	Executive Assistant to Chief Executive Officer

1.0 OFFICIAL OPENING

The Shire President declared the meeting open at 1.02pm

2.0 PUBLIC QUESTION TIME

Nil

3.0 APOLOGIES AND LEAVE OF ABSENCE

Nil

4.0 DISCLOSURE OF INTEREST

Cr Townrow, Cr Morris and Cr Forbes declared a Financial Interest in Agenda Item 13.7

5.0 PETITIONS AND PRESENTATIONS

Nil

6.0 CONFIRMATION OF MINUTES**6.1 Ordinary Council Meeting**

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

Officer's Recommendation / Resolution

30581 Moved Cr Young Seconded Cr Forbes

That the minutes of the Ordinary Council Meeting held on 18 March 2011 be confirmed as a true and correct record of proceedings.

CARRIED 9/0

7.0 ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

The Shire President advised that he would be attending a Health MOU Meeting on 5th May 2011 and a Local Government Forum on 12 May 2011.

8.0 MATTERS FOR WHICH THE MEETING MAY BE CLOSED TO THE PUBLIC**17.1 Tender 05-10/11 – Preferred Supplier For Household Solar Power Systems**

This matter was deemed not to be required to be considered behind closed doors and was subsequently dealt with as Agenda Item 13.7.

9.0 RECEIVAL OF MINUTES OF COMMITTEE MEETINGS HELD SINCE THE PREVIOUS MEETING OF COUNCIL**9.1 Bush Fire AGM Meeting held on 17 March 2011
Attachment 9.1A****Officer's Recommendation**

That Council receive the minutes of the Bush Fire Annual General Meeting held on 17 March 2011.

Resolution

30582 Moved Cr Townrow Seconded Cr Young

That Council receive the minutes from Bush Fire Annual General Meeting held on 17 March 2011, the Wheatbelt East Regional

Organisation of Councils Meeting held on 23 March 2011, and the Western Australian Local Government Association Great Eastern Country Zone Meeting held on 24 March 2011.

CARRIED 9/0

Committee Recommendation

9.1.5.1 Appointment of Office Bearers for 2011/2012 Season

1. *That Mr Stephen Crook be appointed as the Chief Bush Fire Control Officer for the Shire of Merredin for the 2011/2012 fire season.*
2. *That Mr Graeme Whitehead be appointed as the Deputy Chief Bushfire Control Officer for the Shire of Merredin for the 2011/2012 fire season.*
3. *That the following persons be appointed as Fire Control Officers for the Shire of Merredin for the 2011/2012 fire season:*

<i>R. Gray</i>	<i>Nukarni/Nokaning</i>
<i>C. Barnett</i>	<i>Burracoppin</i>
<i>R. Cockram</i>	<i>Nukarni/Nokaning</i>
<i>S Higgins</i>	<i>Collgar</i>
<i>J. Alvaro</i>	<i>Nukarni/Nokaning</i>
<i>N Edgecombe</i>	<i>Collgar</i>
<i>J. Goodier</i>	<i>Korbelka</i>
<i>D. Beck</i>	<i>South Burracoppin</i>
<i>J. Flockart</i>	<i>Korbelka</i>
<i>G. Pritchard</i>	<i>Merredin</i>
<i>C. Hooper</i>	<i>Korbelka</i>
<i>R. Last</i>	<i>Korbelka</i>
<i>C. Gethin</i>	<i>Hines Hill</i>
<i>C. Miller</i>	<i>Hines Hill</i>
<i>P. Cahill</i>	<i>Hines Hill</i>

4. *That the following persons be appointed as Fire Weather Officers for the Shire of Merredin for the 2011/2012 fire season:*

<i>North East</i>	<i>C Barnett</i>
<i>South East</i>	<i>No appointment</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>

Officer's Recommendation / Resolution

30583 Moved Cr Townrow Seconded Cr Young

That Council endorse Mr Stephen Crook as the Chief Bush Fire Control Officer, Mr Graeme Whitehead as the Deputy Chief Bushfire Control Officer and the following persons as Fire Control Officers for the Shire of Merredin for the 2010/2011 Fire Season:

<i>R Gray</i>	<i>Nukarni/Nokaning</i>
<i>C. Barnett</i>	<i>Burracoppin</i>
<i>R Cockram</i>	<i>Nukarni/Nokaning</i>
<i>S Higgins</i>	<i>Collgar</i>
<i>J Alvaro</i>	<i>Nukarni/Nokaning</i>
<i>N Edgecombe</i>	<i>Collgar</i>
<i>J Goodier</i>	<i>Korbelka</i>
<i>D. Beck</i>	<i>South Burracoppin</i>
<i>J. Flockart</i>	<i>Korbelka</i>
<i>G. Pritchard</i>	<i>Merredin</i>
<i>C. Hooper</i>	<i>Korbelka</i>
<i>R. Last</i>	<i>Korbelka</i>
<i>C. Gethin</i>	<i>Hines Hill</i>
<i>C. Miller</i>	<i>Hines Hill</i>
<i>P. Cahill</i>	<i>Hines Hill</i>

That the following persons be appointed as Fire Weather Officers for the Shire of Merredin for the 2011/2012 fire season:

<i>North East</i>	<i>C Barnett</i>
<i>South East</i>	<i>No appointment</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>

Committee Recommendation

9.1.5.3 Appointment of Dual Bush Fire Control Officers

Resolved that the Administration approach the Shire's of Nungarin Kellerberrin and Narembeen regarding the appointment of Dual FCO's.

CARRIED 9/0

-
- 30584** **Officer's Recommendation / Resolution**
Moved Cr Forbes Seconded Cr Townrow
That the Administration approach the Shire's of Nungarin, Kellerberrin and Narembeen regarding the appointment of Dual Fire Control Officers.

CARRIED 9/0

Committee Recommendation

9.1.7.1 Water Tanks

- Moved Chris Barnett Seconded C Miller
That the Shire of Merredin put in an urgent request for the Shire of Westonia to construct a pad for Begley Road for the installation of 2 x 50,000 litre water tanks.

- 30585** **Officer's Recommendation / Resolution**
Moved Cr Young Seconded Cr Crook
That the Shire of Merredin urgently request the Shire of Westonia construct a pad on Begley Road for the installation of 2 x 50,000 litre water tanks.

CARRIED 9/0

- 9.2 Wheatbelt East Regional Organisation of Councils Meeting held on 23 March 2011
Attachment 9.2A

Nil Recommendations to Council.

- 9.3 Western Australian Local Government Association Great Eastern Country Zone Meeting held on 24 March 2011
Attachment 9.3A

Nil Recommendations to Council.

Please refer to minute no. 30582 for the receipt of the minutes at items 9.2 and 9.3.

10.0 COMMUNITY SERVICES

Nil Recommendations to Council

Mr Mitchell, Executive Manager of Development Services, entered the meeting at 1.23pm.

11.0 DEVELOPMENT SERVICES

11.1 TOWN PLANNING – DEVELOPMENT ASSESSMENT PANELS – APPOINTMENT OF REPRESENTATIVES

Reporting Department:	Development Services
Reporting Officer:	John Mitchell – Executive Manager, Development Services
Legislation:	Planning and Development Act 2005
File Reference:	LUP/05/02
Disclosure of Interest:	Nil
Attachments:	Department of Planning

Background

The Planning and Development (Development Assessment Panels) Regulations 2011 commenced on 24 March 2011. Part 11A of the Planning and Development Act 2005 which enabled Development Assessment Panels (DAP's) came into operation the same day.

Advice received from the Department of Planning (**Attachment 11.1A**) details the processes for local government.

Comment

The Department has received a number of queries relating to the nomination of elected members as local members on DAPs, particularly in respect to Local Government bi-elections in October 2011.

As you may be aware, the Minister must establish and maintain a register of local DAP members. Each local government must nominate 2 local DAP members and 2 alternate (or deputy) local DAP members from its pool of elected members. The Minister then considers nominations received and appoints for a 2 year term.

If, within the 2 year term, a local DAP member is not re-elected, they can not hold the position of local DAP member.

Local government elections may result in a change to local DAP membership if current councillors, who are DAP members, are not re-elected. In this instance, the deputy local DAP members will take the place of the former local DAP members. If both local and alternate (deputy) local members are not re-elected, the local government will need to renominate and the Minister to reappoint.

The Council should consider the above in selecting nominees as local DAP members.

Whilst the Minister is yet to formally call for local member nominations, the Department welcomes early nominations.

Once specialist member appointments are finalised by the Minister, each local government will be advised.

Council will need to:

1. appoint two Councillors and two deputies for local government members on the Local Development Assessment Panel;
2. determine a fee for the processing of applications which require DAP enforcement and allow for the clause 12 and 13 of the regulations which states that the responsible authority (though undefined – means local government) may prepare reports as determined by the DAP's committee. DAP's intends to charge between \$3,376 - \$6,320 (source planning Bulletin 106/2011) for an application with a value of \$7 million or greater. It is recommended that Council retain fees as set by schedule two of the Planning and Development Regulations; and
3. determine if Council seeks to use Regulation 19 and delegate projects with a value of between \$3million and \$7million to the DAP for assessment and approval.

It is suggested that the President be a local government DAP member and the Deputy President be either the second member or the alternate member for the President. The Department of Planning is to train the appointed members.

The setting of fees allows the costs of preparation of reports to be defrayed against the application. Council rarely receives applications with a value of \$3 million – since 2007 – two applications – both of which exceeded the DAP threshold and were of state significance. Examples of costs include management time, advertising costs, statutory investigations and conditions enforcement.

Council should guide the development process. It is not recommended that Council delegate the approval mechanism for applications valued at between \$3million and \$7million to the committee.

Statutory/Policy Implications

Planning and Development (Development Assessment Panels) Regulations 2011 came into force on the 24 March 2011.

Financial Implications

Nil to Council.

Officer's Recommendation / Resolution**30586**

Moved Cr Townrow

Seconded Cr Wallace

- 1. That Council appoint the Shire President and Deputy Shire President as members to and appoints Cr Crook and Cr Forbes as Deputies respectively.**
- 2. That the fees for consideration of any mandatory Development Assessment Panels application be those set by the Planning and Development Regulations 2009 as amended from time to time.**
- 3. That Council does not delegate to the Local Development Assessment Panel any application referred to in Regulation 19 of the Planning and Development (Development Assessment Panels) Regulations 2011.**

CARRIED 9/0

**11.2 TOWN PLANNING – BOUNDARY RELAXATION – CARPORT – LOT 1344
WHITFIELD WAY, MERREDIN**

Reporting Department:	Development Services
Reporting Officer:	John Mitchell – Executive Manager, Development Services
Legislation:	Residential Design Codes and Town Planning Scheme No. 1
File Reference:	A3436
Disclosure of Interest:	Nil
Attachments:	Building Application and Plans

Background

In 2008 the owners of the property erected a dwelling on the land. The dwelling without a carport was placed 8m from the boundary on the southern side.

Through an oversight the owners assumed a 1m setback sought from the side boundary for the placement of a carport would be acceptable. The builder provided no advice.

An application, **Attachment 11.2A** and **Attachment 11.2B**, seeks to place a carport 1m from the southern boundary adjacent to the access storm water way installed through the development to control storm water.

The locality map shows the suggested position. The 1m setback cannot be supported as it is contrary to the Residential Design Codes clause 6.3.1.

Comment

The access way is 6m in width and will not be developed further. It was provided to channel water from the northeast of the development. Stage two development of Whitfield Way will address the stormwater to the road (Maiolo) created on the east of Stage Two.

The R Codes and the Town Planning Scheme No. 1 requires a 5m boundary separation. The adjoining neighbours have no objection to the concession.

Statutory/Policy Implications

Section 6.3.1 permits the reduction of a secondary setback to 2m providing the setback distance is against an adjoining access way right of way or pedestrian access way to a maximum reduction of 2m from boundary. This adjustment takes into account the fire resistance requirements and allows for walls greater than 9m in length.

In this instance the right of way exists and can be used as an offset for the fire resistance levels of the Building Code of Australia 2011.

Financial Implications

Planning application fees of \$135 had not been paid at the time of writing this report.

Officer's Recommendation / Resolution**30587**

Moved Cr Townrow Seconded Cr Young

That the application be refused but that the applicant be advised that Council would approve the application to erect a double carport on Lot 1344 Whitfield Way, Merredin within the setback area of 5m from the southern side boundary and at a 2m side boundary setback, utilising the access way to achieve the required separation distances and fire resistance levels as presented in Attachment 11.2B.

CARRIED 9/0

11.3 LAND PURCHASE – ADVICE OF VALUATION RESERVES 28563 AND 36065

Reporting Department:	Development Services
Reporting Officer:	John Mitchell – Executive Manager, Development Services
Legislation:	Local Government Act – Section 3.59
File Reference:	R28563, R36065
Disclosure of Interest:	Nil
Attachments:	Valuation and Map

Background

At its March 2011 meeting Council resolved that the matter lie on the table until the April 2011 meeting (**CMRef 30571**).

Reserve 28563 contains the existing Merrittville. Reserve 36065 has been the subject of Council discussions relating to extensions to Merrittville Aged Accommodation.

A copy of the valuation and locality map are contained in **Attachment 11.3A**.

Comment

The cost to purchase Reserve 36065 is \$200,000.

There are other options for development including changing the purpose of the Reserves to Aged Accommodation and leasing the land. 28563 is vested with Council for parking.

Statutory/Policy Implications

As the land purchase is preparatory to entering a major undertaking a business plan must be prepared in accordance with Section 3.59 of the Act.

Financial Implications

No provision for the purchase of the land has been included within the forward plan of the Shire of Merredin.

Officer's Recommendation / Resolution

30588 Moved Cr Townrow Seconded Cr Young

- 1. That Council advise the Department of Regional Development and Lands that the offer to purchase Reserves 36065 and 28563 is declined at this time.**
- 2. That the Honourable Minister's approval be sought to change the vesting of Reserve 28563 (parking) to Aged Accommodation with power to lease.**

CARRIED 8/1

**11.4 TOWN PLANNING – OVER HEIGHT BUILDING LOT 134 FIFTH STREET
MERREDIN**

Reporting Department:	Development Services
Reporting Officer:	John Mitchell – Executive Manager, Development Services
Legislation:	Town Planning Scheme No. 1; Policy 8.23 Outbuildings in Residential Zone
File Reference:	A1382
Disclosure of Interest:	Nil
Attachments:	Application and Locality Plan

Background

An application to erect an over height outbuilding on Lot 134, 14 Fifth Street, Merredin has been received from the landowner of Lot 1, 10 Fifth Street, Merredin. The application and locality plan is included in **Attachment 11.4A**.

Comment

The applicant advises it is to store the over-height monumental mason truck and the hearse. The existing shed on Lot 1, 10 Fifth Street is used to house the two transfer vehicles, mourners' vehicles and a light vehicle used for grave installation and repair.

State Government tenders require the funeral director to retain the above vehicles and a monumental mason truck for heavy stone lift and set.

In addition, the family retains its two private vehicles which are not used for work purposes.

The overall planning intent is to provide an area for clients, before and after the burial, between the two dwellings and to remove the vehicles from site.

The Local Planning Scheme No. 6 (LPS 6) proposes to zone the site as "Special Use – Funeral Parlour). The LPS 6 is with the Minister for Planning to sign. The application of the policy to this matter would then be moot as no policy exists for the "Special Use" zone.

Statutory/Policy Implications

The land is zoned Residential 1 – single residential. The land is 1,012m² in size. A dwelling exists on the Lot. It is intended to demolish the existing dwelling and replace it with a steel framed and colorbond clad dwelling.

The maximum ridge height permitted is 3.6m for the lot size. An oversize application requires the approval of the Council. The proposed outbuilding height is 4.5m wall height and 5.24m apex. The apex has been minimised to reduce overall height.

The size at 84m² is within the policy guidelines.

Financial Implications

Fees for the application (\$135) are outstanding at the time of writing this report.

Officer's Recommendation / Resolution

30589

Moved Cr Young

Seconded Cr Crook

That the application to erect a 4.5m wall height and 5.24m apex outbuilding on Lot 134, 14 Fifth Street, Merredin for the purposes of housing vehicles associated with the operation of a funeral parlour be approved.

CARRIED 9/0

Mr Garrett, Executive Manager of Engineering Services, entered the meeting at 1.43pm.

Mr Mitchell, Executive Manager of Development Services, left the meeting at 1.45pm.

12.0 ENGINEERING SERVICES

12.1 ASSET MANAGEMENT PLAN – RURAL ROADS

Reporting Department:	Engineering Services
Reporting Officer:	Jim Garrett – Executive Manager, Engineering Services
Legislation:	Local Government Act 1995
File Reference:	CM/13/4
Disclosure of Interest:	Nil
Attachments:	Rural Road Hierarchy and Cost Schedule

Background

Councillors will recall that the Asset Management Plan (AMP) was commenced late last year and a draft of the AMP framework was previously circulated.

As there is data available in some detail on the road assets through the Roman system and Council's costing records, work was commenced in providing detail to support the principles of the AMP.

Comment

Attached is a draft Rural Road Hierarchy as **Attachment 12.1A** and an itemised cost schedule for each rural road as **Attachment 12.1B**.

The former provides details of classification of each road, what the classifications means, the levels of service for each classification and which roads fall within each classification. The Hierarchy can be a topic for consideration under Council's community consultation process.

The cost schedule provides historical costs on each road and will provide a basis for future budgeting for rural road maintenance. These estimates will be factored into the Long Term Financial Strategy (LTFS).

Statutory/Policy Implications

As previously advised, these documents will be compulsory from 1 July 2012.

Financial Implications

The projections based on the historical data will be factored into the LTFS and annual budgets.

Officer's Recommendation / Resolution**30590**

Moved Cr Townrow

Seconded Cr Crees

That Council adopt the Draft Rural Road Hierarchy for consultation purposes and that the historical cost data be noted and factored into the Long Term Financial Strategy and used as a basis for the 2011/2012 Budget.

Councillor Wallace moved "That the motion be put."

THE MOTION WAS PUT AND CARRIED 9/0

Mr Powell, Chief Executive Officer, left Chambers at 1.38pm

Mr Powell, Chief Executive Officer, returned to Chambers at 1.41pm

Mr Garrett, Executive Manager of Engineering, entered Chambers at 1.41pm

Mrs Grayston, Executive Manager of Finance and Administration, entered the meeting at 1.49pm.

Mr Garrett, Executive Manager of Engineering Services, left the meeting at 2.00pm.

13.0 FINANCE AND ADMINISTRATION

13.1 MONTHLY FINANCE REPORT

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

Background

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

Comment

At its February 2011 meeting, Council endorsed the 2010/2011 Budget Review (**CMRef 30558**) and subsequently implemented it. At the time, officers did not have sufficient capacity to review the 2010/2011 Capital Expenditure. A comprehensive review has since been conducted in preparation for the 2011/2012 Budget. As a result, a further Budget amendment is required for capital expenditure with the table below providing a summary of impact on original Budget.

Cost savings of \$1,359,381 have been transferred to the following Reserves:

A) Employee Entitlement Reserve	\$100,000.00
B) Plant Replacement Reserve	\$600,000.00
D) Annual Leave Reserve	\$20,000.00
E) Building Reserve	\$269,690.00
H) Land and Building reserve	\$100,000.00
N) Building Maintenance Reserve	<u>\$269,691.00</u>
	<u>\$1,359,381.00</u>

The amended budget figures are also shown in **Attachment 13.1A**

	Original Budget Capital Schedule	Capital in Schedules not included in Original Budget	Budget Amendments after 31/12/10	Current Budget	Further Budget Amendment after 31/03/11	Current Budget as at April 2011
Furniture and equipment	\$136,785.00	\$6,000.00	-\$11,000.00	\$131,785.00	-\$2,000.00	\$129,785.00
Footpaths	\$45,000.00	\$29,864.00	-\$29,864.00	\$45,000.00	\$0.00	\$45,000.00
Roads	\$1,154,843.00	\$0.00	\$0.00	\$1,154,843.00	-\$74,659.00	\$1,080,184.00
Parks and Ovals	\$122,615.00	\$663.00	\$12,569.00	\$135,847.00	-\$32,232.00	\$103,615.00
L & B Subdivisional Costs	\$520,000.00	\$3,000.00	-\$490,000.00	\$33,000.00	\$5,000.00	\$38,000.00
Land & Buildings	\$1,507,000.00	\$13,000.00	-\$503,222.00	\$1,016,778.00	-\$228,000.00	\$788,778.00
Plant & Equipment	\$1,424,000.00	\$0.00	\$9,000.00	\$1,433,000.00	-\$67,500.00	\$1,365,500.00
	\$4,910,243.00	\$52,527.00	-\$1,012,517.00	\$3,950,253.00	-\$399,391.00	\$3,550,862.00
Governance	\$122,000.00	\$6,000.00	-\$11,000.00	\$117,000.00	\$0.00	\$117,000.00
Law, Order & Safety	\$39,500.00	\$0.00	\$0.00	\$39,500.00	-\$10,000.00	\$29,500.00
Health	\$37,000.00	\$0.00	\$0.00	\$37,000.00	\$0.00	\$37,000.00
Housing	\$270,000.00	\$10,000.00	\$0.00	\$280,000.00	-\$245,000.00	\$35,000.00
Community Amenities	\$1,305,115.00	\$6,000.00	-\$801,000.00	\$510,115.00	-\$31,000.00	\$479,115.00
Recreation & Culture	\$713,285.00	\$663.00	-\$170,653.00	\$543,295.00	-\$17,232.00	\$526,063.00
Transport	\$2,394,343.00	\$29,864.00	-\$29,864.00	\$2,394,343.00	-\$74,659.00	\$2,319,684.00
Economic Development	\$29,000.00	\$0.00	\$0.00	\$29,000.00	-\$21,500.00	\$7,500.00
	\$4,910,243.00	\$52,527.00	-\$1,012,517.00	\$3,950,253.00	-\$399,391.00	\$3,550,862.00

Statutory/Policy Implications

Local Government Act 1995 and Financial Management Regulations.

Financial Implications

As outlined in **Attachment 13.1A**.

Officer's Recommendation / Resolution

30591 Moved Cr Townrow Seconded Cr Wallace

That Council receive the Monthly Finance Report for March 2011 and adopt the recommended Budget figures as presented in Attachment 13.1A.

CARRIED 9/0

13.2 LIST OF ACCOUNTS PAID

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

Background

The attached List of Accounts Paid (**Attachment 13.2A**) during the month under Delegated Authority is provided for Council's information.

Statutory/Policy Implications

Local Government Act 1995 and Financial Management Regulations.

Financial Implications

All liabilities settled have been in accordance with the Annual Budget provisions. It should be noted that outstanding creditors total \$383,629.25

Officer's Recommendation / Resolution

30592 Moved Cr Young Seconded Cr Forbes

That Council receive the schedule of accounts as listed, covering cheques as numbered and totalling \$54,986.29 and amounts directly debited from Council's Municipal Fund Bank Account BSB 066-518 Account Number 000-000-10 totalling \$292,111.94.

CARRIED 9/0

13.3 COMMUNITY FUNDING APPLICATIONS FOR 2011/2012 BUDGET CONSIDERATION

Reporting Department:	Finance and Administration
Reporting Officer:	Sharon Grayston – Acting Executive Manager, Finance and Administration
Legislation:	Local Government Act 1995
File Reference:	Council Policy Manual 3.21
Disclosure of Interest:	Nil
Attachments:	Community Funding Grant Application (Burracoppin Progress Assoc Inc) Community Funding Grant Application (Muntadgin Progress Assoc)

Background

Council often receives requests for funding from local groups for a variety of projects. Council seeks to support these groups and in doing so acknowledges the contribution made by local volunteers and not for profit groups to the social, cultural and economic fabric of our community.

As a consequence, Council adopted Policy 3.21 Community Funding at its March 2010 meeting (**CMRef 30277**) which coordinates Council's response to community requests for financial support. It also ensures that the Shire funding resources are allocated in a way that are transparent, legal and equitable and that funded projects further the aims and objectives of the Shire and represent responsible use of public monies.

The aims of the Shire of Merredin's Community Funding Program are:

1. to encourage the development of services, facilities and events that meet identified community needs;
2. to promote active participation of local residents in community initiatives and the development of skills, knowledge and opportunities;
3. to provide assistance to the community to develop initiatives and services that support the Shire of Merredin's own objectives; and
4. to enhance the image of the Shire of Merredin within the community.

The following groups are eligible for funding support:

1. incorporated not-for-profit organisations based within the Shire of Merredin;
2. incorporated not-for-profit organisations undertaking projects for the benefit of the Shire of Merredin's residents and whose primary aim is the improvement of the quality of life of the community; and
3. non-incorporated community groups under the auspices of an incorporated organisation.

Comment

The Shire advertised in the Merredin Mercury at the beginning of March for expressions of interest from not-for-profit, incorporated community groups and organisations with project and program funding needs which will be considered by Council when developing the 2011/2012 Budget. To date, only two applications have been received; one from Burracoppin Progress Association (**Attachment 13.3A**) and another from Muntadgin Progress Association (**Attachment 13.3B**). Burracoppin Progress Association are requesting \$10,000 with Muntadgin requesting \$5,500 for annual maintenance.

Both Associations have received financial support from Council in the past. Burracoppin have received 3 payments in total with the last payment of \$10,000 being made on 9 June 2009 for the 2008/2009 financial year. Muntadgin have received 4 payments in total with the last payment of \$5,500 being made on 26 November 2009 for the 2008/2009 financial year.

In 2009/2010 and 2010/2011, no funding was allocated to either Associations due to audited financial statements not being received by the Shire within 30 days of the financial year end.

Given the recent Community Forums at Burracoppin on 2 March 2011 and Muntadgin on 6 April 2011, both Associations aired their dissatisfaction with the lack of financial support received from the Shire associated with ongoing maintenance of Shire buildings and recreation grounds. Subsequently, the CEO has held separate meetings with representatives from the Associations to ascertain their requirements. The CEO is now in receipt of audited financial statements from both Associations for the last financial year.

The Shire acknowledges the valued contributions that the Associations make towards the upkeep of the Shire buildings and grounds and appreciate that if such maintenance was left wholly to the Shire, maintenance budgets would be considerably more. It is recommended that Council approve expenditure of \$10,000 to Burracoppin Progress Association and \$5,500 to Muntadgin Progress Association for 2010/2011 in lieu of payments not made to the Associations in 2009/2010 and 2010/2011. Furthermore, following submissions by both Associations to the Shire's Community Funding for 2011/2012, Burracoppin Progress Association has requested \$10,000 with Muntadgin Progress Association requesting \$5,500 for consideration by Council. It is further recommended that these payments be made to both Associations at the start of the new financial year.

Statutory/Policy Implications

It is suggested that these contributions remain outside the constraints of the Policy. The funding is provided for maintenance issues and should works of a capital nature be contemplated, the Policy would therefore apply.

In order to receive funding in future years, both Associations should be required to provide a statement of expenditure on what the Council funding was spent on at the conclusion of the financial year or at another pre-determined date.

Financial Implications

As there is no budget allocation for 2010/2011 in *E113057* – Muntadgin Recreation Centre and *E113054* – Burracoppin Recreation Ground Maintenance, it is suggested that the monies be allocated from *E113050* – Merredin Sports Grounds Maintenance which is currently underspent to budget by 28%.

Allocations for 2011/2012 are to be made available from *E113057* – Muntadgin Recreation Centre (\$5,500) and *E113054* – Burracoppin Recreation Ground Maintenance (\$10,000).

Officer's Recommendation / Resolution**30593**

Moved Cr Young Seconded Cr Townrow

That Council support the applications for Community Funding from Burracoppin Progress Association for \$10,000 and Muntadgin Progress Association for \$5,500 and allocate the monies from the current 2010/2011 Budget with further funds being allocated from the 2011/2012 Budget.

CARRIED 7/2

13.4 EASTERN WHEATBELT DECLARED SPECIES GROUP

Reporting Department:	Administration
Reporting Officer:	Greg Powell – Chief Executive Officer
Legislation:	Biosecurity and Agriculture Management Act 2007
File Reference:	EM/14/8
Disclosure of Interest:	Nil
Attachments:	Nil

Background

The Eastern Wheatbelt Declared Species Group (EWDSG) has been operating for approximately 8 years as an unincorporated Local Government Group under the auspices of the Department of Agriculture and Food and has managed the Wild Dog program for the Eastern Wheatbelt.

Changes in the method of funding have meant that the group has been pushed towards the incorporation of an association that would be recognised as a Regional Biodiversity Group (RBG). There is disputation as to the necessity for the formation of an incorporated association, however there have been a number of meetings over the past eight months that have set out a framework for such an association.

Comment

The EWDSG is community driven, has excellent links with local government (the group is partially funded by 10 local government bodies) state government agencies and is currently sponsored by 2 major mining companies.

The main focus of the EWDSG has been in the prevention of wild dog predation on the livestock industry, however recently it has broadened its role by taking on some minor maintenance activities along a section of the No. 1 South State Barrier Fence. Two licensed pest management technicians are employed by the EWDSG to control wild dogs and carry out minor maintenance on the State Barrier Fence.

As the largest declared species group in the state the EWDSG is a well established organisation that is supported by local industry. Its management principles are in line with those of an incorporated body, however it is not an incorporated body and this has caused some concern for the Department of Agriculture and Food and the Department of Environment and Conservation.

Council representatives have been told that the only way forward for the organisation is to establish an incorporated association that can be recognised by the Department as an RBG. It is also stated that the objective of forming an RBG is the intention of the group to impose a rate so it can facilitate the control of Declared Species that threaten agriculture within its member shires. The Department of Agriculture and Food is currently guiding the EWDSG through the transition from Declared Species Group to a Recognised Biosecurity Group.

In August 2010 the EWDSG met to discuss options for the establishment of an RBG and the meeting resolved to become a Regional Biosecurity Group. The Ministerial requirements under the Biosecurity and Agriculture Management Act 2007 ("the Act") require that any group established must be a corporate body and hold public liability insurance. At various meetings since the members have met to establish the rules of the association as is required to form an Association under the Association Incorporations Act.

This process has caused some concern and therefore it is important to consider the options available to the EWDSG if it is to qualify for recognition and funding as an RBG or any other funding from the Government relative to the programs that are operating going forward from next financial year. The options available are :

Regional Local Government

There are provisions under the Local Government Act to establish a Regional Local Government (Clause 3.61) to do things for Local Government and Section 3.68 where Local Governments perform a function jointly. At the moment the EWDSG operates with the provisions of section 3.68 as a group of Council's performing a function jointly. However this is not an incorporated body.

The formation of a Regional Council would meet the requirement to have an incorporated body however such a group brings with it most of the requirements of the Local Government Act. The statutory obligations of a Council other than the electoral and other procedural issues apply to a regional Council in the same way as they apply to Local Government.

For instance the conduct of meetings, the requirement to appoint a CEO, (Part 5 Div 2 & 4) the financial reporting obligations , annual report etc. The compliance costs would be a significant issue and the general recommendation of the Department of Local Government in such circumstances is to form a not for profit incorporated association under the incorporations Act as DAFWA have suggested.

MOU as is the case with WEROC

The suggestion that the group could operate under a MOU in the same fashion as WEROC. This option would not address the issue of incorporation as WEROC is not a Regional Council nor is it an incorporated body. WEROC cannot operate a bank account in its own right.

If there is a requirement for grant funds to be paid to an incorporated body as is the case of Royalties for Regions or Sport and Recreation Grants, then a member Council must accept the responsibilities to accept the grant on behalf of the group and complete the necessary acquittals.

One Council to Auspice the Grants on behalf of the Group

This would be one way to maintain the current structure, however it would place additional responsibilities and obligations on the Council who has primary responsibility for the completion of monthly reporting, acquittal and management issues. There are still technical issues associated with the body corporate not being the "group" that has been recognised as the RBG by the Minister.

Forming a not for profit Incorporated Association

This appears to be the most practical solution to adopt in order to maintain the current governance structure within an incorporated association. The only issue remaining is therefore to ensure that the new structure is not too dissimilar to the current structure and that Local Government has primary responsibility for the functions and responsibilities of the group.

On that basis a draft rules of association has been prepared and subject to amendments to membership eligibility under Section 5.1 membership to ensure that Local Government are the primary members of the group, it is recommended for adoption.

It is disappointing to note that it is the current understanding that this restriction on membership will cause some difficulties with the current Departmental view on the establishment of the RBG. The membership is too restrictive as it is based on a pastoralist association model which is not how this committee has operated in the past.

So whilst the new association will be incorporated and be eligible for funding from other sources there may still need to be negotiations over the status of the group as a RBG.

Not with standing this the suggested revised wording is:

“5.1 Membership

a) Full Members

Full membership of the association is open to all local governments, within the Area.

b) Associate members

Subject to rules 5.2 and 19.2, Associate membership of the Association is available to any public authority and other corporate bodies that are responsible for the care, control or management of land within the Area, or that are conducting significant activities on land in the Area.

Changes to the following rules will also be required;

Definitions remove all reference to rates, ratepayers, and rate amounts.

Rule 7.1 remove ref to pest rate.

Rule 7.2 remove

Rule 7.3 amend

Rule 7.4 remove

Rule 10.1 amend, currently all members of the management committee must be full members DAFWA and DEC cannot hold a role here if they are not full members I suggest that associate members be allowed to hold a position on the committee.”

It is believed that this change would be consistent with what Council has had in the past. The other relevant actions would be to approve of the transfer of funds from the EWDSG to the new association, the signing of documents under seal if required.

Statutory/Policy Implications

Excerpt from the Guidelines

When proclaimed, section 169 of the *Biosecurity and Agriculture Management Act 2007* (‘the Act’) will grant the Minister for Agriculture and Food power to formally recognise a body of persons as a Biosecurity Group. Such recognition will enable the Group to receive funds raised from within its area of operation, in order to carry out measures to control declared pests on and in relation to those lands. In addition to a direct role in the planning, implementation and oversight of local declared pest control programs, it is expected that RBGs will also monitor DAFWA’s regulatory service delivery as it relates to declared pests, and report issues arising and provide advice and recommendations back to the Department for improved effectiveness and efficiency. RBGs will also likely promote local public awareness by encouraging local landholders to adopt sound biosecurity practices.

The proposed Biosecurity Council will monitor the programs, achievements and outputs of these groups and identify opportunities to improve the capacity of regional communities and interest groups to contribute to effective biosecurity and for better cooperation and collaboration between Government, community and primary producer on regional biosecurity issues.

Section 169 was primarily included within the new Act to provide for non-statutory replacements for some of the groups that have traditionally operated under agricultural legislation which is to be progressively repealed in conjunction with the staged implementation of the new Act. The Zone Control Authorities (ZCA) and District Consultative Groups (DCG) are two such examples.

Although a group's objects *must* include controlling declared pests in a particular area in order to be eligible for formal recognition as a RBG, there is nothing to say that this is all a RBG can do. On the contrary, RBGs can undertake wide-ranging functions according to their adopted Constitution, but must also be able to separately fund them, given that funds can only be made available under the Act for the control of declared pests in specified locations and situations.

Hence, an important consideration "up-front" for any prospective RBG is what it will do. Proper consideration of this critical question is necessary in order to become incorporated. Incorporation is a fundamental pre-requisite for awarding of RBG status, primarily so that the Group is able to receive and spend public moneys with an appropriate degree of governance.

Pre-Requisites for Formal Recognition as a Biosecurity Group

1. must be a body corporate, and if a non-government organisation, must be a non-profit organisation;
2. must fairly represent the interests of all rate payers in the area and not just a particular class of ratepayer;
3. must, as part of its role, be involved in the management or control of declared pests;
4. must have obtained a minimum public liability insurance cover of \$10 million, and be able to provide a current insurance certificate or show evidence as to the procurement of a certificate;
5. must have an Australian Business Number (ABN);
6. must be registered for GST or have approval from the ATO for GST exemption;
7. must comply with minimum administrative and corporate governance standards (set by the Director General of Agriculture and Food WA);

8. must be willing for group representatives to meet with the Director General's representative(s) at least once each year, or at such times as specified by agreement with the Director General, in order to discuss the preparation of budgets and delivery of outputs.

Financial Implications

Nil.

Officer's Recommendation / Resolution**30594**

Moved Cr Townrow

Seconded Cr Crees

That Council advise the Department of Agriculture and Food WA that, subject to amendments to the membership criteria in the draft rules of association to reflect the primary membership of Local Government in the new incorporated Association, that Council agree to the establishment of a non-for-profit incorporated Association to replace the current Eastern Wheatbelt Declared Species Group and the consequential transference of funds and the execution of documents under seal as required.

CARRIED 9/0

13.5 DIRECT DEBIT FACILITY

Reporting Department:	Finance and Administration
Reporting Officer:	Sharon Grayston – Acting Executive Manager, Finance and Administration
Legislation:	Local Government Act 1995 and Financial Management Regulations
File Reference:	Nil
Disclosure of Interest:	Nil
Attachments:	Direct Debit Agreement; Authorisation Form

Background

To assist ratepayers who are experiencing financial difficulty in meeting rate payments, Council currently offers a Special Payment Arrangement option. This option however does not guarantee payment. Officers would therefore like to update this process and provide ratepayers with a Direct Debit facility, which can be purchased through ITVision. A Direct Debit Service Agreement and Direct Debit Request Form are provided in **Attachment 13.5A**

Comment

Ratepayers who choose to pay their debt via the Shire of Merredin's Special Payment Arrangement option are required to sign an agreement detailing how much money will be paid periodically towards their rates. This process sees many ratepayers default on payments and consequently additional workload for staff. Utilising the Direct Debit facility and timing the transactions around the ratepayers financial circumstances will ensure a higher collection of outstanding rates.

Any bank charges associated with the Direct Debit facility will be on charged to the ratepayer. All other costs associated with implementing this facility will be covered by applying the current Shire of Merredin administration charge to the ratepayers choosing this new option.

To ensure the effectiveness of this facility Special Payment Arrangements will no longer be offered.

Statutory/Policy Implications

Nil.

Financial Implications

Cost of the Direct Debit facility from ITVision will be \$945 which will be charged to Account *E042245* – Computer Operating Expenses.

Officer's Recommendation / Resolution

30595

Moved Cr Townrow

Seconded Cr Crook

That the Shire of Merredin purchase the Direct Debit facility from ITVision and replace the Special Arrangement option that is currently offered with this program.

CARRIED 9/0

Mrs Grayston, Executive Manager of Finance and Administration, left the meeting at 2.24pm.

13.6 **CUMMINS THEATRE – HIRE FEES**
MERREDIN SENIOR HIGH SCHOOL STUDENT COUNCIL

Reporting Department:	Administration
Reporting Officer:	Greg Powell
Legislation:	Local Government Act 1995
File Reference:	CP/19/5
Disclosure of Interest:	Nil
Attachments:	Correspondence

Background

As foreshadowed by Cr Wallace at the last Council Meeting, the Student Council has written requesting “one reduced overall hire fee for the Theatre, Tivoli Room and Kitchen” for the Ball to be held on Saturday 4 May 2011.

A copy of the letter is included as **Attachment 13.6A**.

Comment

The Student Council has been advised that the hire charges for the Ball would be in the order of \$1,600 (including a refundable bond of \$500) at the community rate. This could in fact be higher depending on the number of days required for set-up and clean-up.

Council has a number of options available to it to address the request. It may:

1. decline the request;
2. agree to make the venue available free of charge; i.e. donate the venue hire to the event, with the exception of the bond; or
3. determine a venue hire amount that meets or makes a substantial contribution to the cash costs that Council will incur.

Should Council favour the latter option, it is suggested that the utilities costs be met as well as the direct labour costs of the Theatre Manager. This would be minimised with supervision from teaching staff and a nominal four hours estimated. For consideration a hire fee of \$500 could be considered with a refundable bond of a further \$500.

The Student Council should also be advised that this arrangement is a “one-off” arrangement in recognition of the last Ball being held under the banner of the Merredin Senior High School and that incoming Student Councils factor the cost of venue hire into their financial planning for future events

Statutory/Policy Implications

Council's Schedule of Fees and Charges and associated Policies (5.9) for the use of Cummins Theatre are relevant.

Financial Implications

There will be financial implications by way of revenue foregone unless Council stipulates that the adopted Schedule of Fees and Charges apply.

Officer's Recommendation / Resolution

- 30596** Moved Cr Morris Seconded Cr
That in accordance with Policy 5.9 Council does not offer a discounted fee plus bond (\$500) to the Merredin Senior High School Student Council for the 2011 Ball for the use of Cummins Theatre.
MOTION LAPSED FOR WANT OF A SECONDER

- 30597** Moved Cr Wallace Seconded Cr Young
That Council offer a discounted fee of \$500.00 plus refundable bond of \$500.00 for 2011 school ball only.

CARRIED 7/2

Councillors Townrow, Morris and Forbes declared an interest in item 13.7 and left the Chambers at 2.43pm.

13.7 **TENDER 05-10/11 – PREFERRED SUPPLIER FOR HOUSEHOLD SOLAR POWER SYSTEMS**

Reporting Department: Administration
Reporting Officer: Greg Powell
Legislation: Local Government Act 1995
File Reference: Tender 05-10/11
Disclosure of Interest: Nil
Attachments: Recommendation Report

Background

Council held information sessions on installing solar power systems in 2010 which led to an expression of interest being called whereby some 40-50 people expressed an interest in becoming part of a joint purchasing and installation process under the auspices of the Shire of Merredin.

It was determined at a staff level that the WALGA Procurement Consultancy Service was best placed to under the formal tender process and was engaged to do so.

Comment

The tender details, evaluation report and an assessment schedule are provided to Council under separate confidential cover (**Attachment 13.7A**).

The evaluation panel's recommendation for the appointment of the most advantageous Tender to the Shire of Merredin is outlined within the report with the decision of the panel.

Tender submissions were considered against the Compliance Criteria and also the Qualitative Criteria as detailed in the publicly advertised Request for Tender. In considering the above factors, it was considered by the Evaluation Panel that the Tenderers have demonstrated a degree of ability to provide the required services. A value for money assessment was conducted of Tenderers submissions. As a result of the value for money assessment, the Evaluation Panel determined the Tenderer that has provided the most advantageous outcome to the Shire of Merredin.

Statutory/Policy Implications

Local Government Act 1995 and Local Government (Functions & General) Regulations 1996

Financial Implications

Nil.

Officers Recommendation/Resolution**30598**

Moved Cr Crook Seconded Cr Carr

That Council adopts the Western Australian Local Government's Association's Tender Bureau Service report recommendation to award Tender 05-10/11 for the supply of household solar power systems to NUE Pty Ltd.

CARRIED 6/0

Councillor's Townrow, Morris and Forbes re-entered Chambers at 2.48

14.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

15.0 QUESTIONS BY MEMBERS FOR WHICH DUE NOTICE HAS BEEN GIVEN

Nil.

16.0 URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION**16.1 Shire Of Westonia – Congratulations****30599**

Moved: Cr Crees

Seconded: Cr Young

That Council write to the Shire of Westonia and congratulate them for winning National Tidy Towns Award.

CARRIED 9/0**16.2 Senior Staff Restructure**

Councillor Morris sought Council's permission to make a statement in relation to the email from the CEO regarding the restructure.

Cr Morris left Chambers at 3.05pm

30600

Moved: Cr Townrow

Seconded: Cr Young

That Councillor Morris not be allowed to make a statement.

LOST 3/5**FOR: Cr Townrow, Cr Young and Cr Crees****AGAINST: Cr Crook, Cr Wallace, Cr Carr, Cr Hooper and Cr Forbes**

Cr Crees exited Chambers at 3.17pm

Cr Morris returned to Chambers at 3.17pm

Cr Morris expressed concern that the correct procedure had not been followed and drew Council's attention to S5.2 of the Local Government Act.

Cr Crees returned to Chambers at 3.25pm

Cr Morris left the Chamber at 3.27pm

30601

Moved: Cr Forbes

Seconded Cr Wallace

That the actions of the CEO as outlined in the email of 1/4/2011 relating to the Senior staff restructure be endorsed.

CARRIED 6/2**FOR: Cr Hooper, Cr Crees, Cr Forbes, Cr Townrow, Cr Wallace, Cr Young****AGAINST: Cr Crook and Cr Carr**

Cr Morris returned to Chambers at 3.34pm

17.0 MATTERS BEHIND CLOSED DOORS

Nil

18.0 CLOSURE

There being no further business the Shire President declared the meeting closed at 3.36pm.