



SHIRE OF MERREDIN

17 March 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

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Shire of Merredin
Ordinary Council Meeting
Tuesday 17 March 2015



1. Official Opening

The Shire President welcomed all those in attendance and declared the meeting open at 3.05pm.

Request for Attendance via Teleconference

Councillor Anderson requested attendance at this Council Meeting via telephone communication.

Voting Requirements

Simple Majority Absolute Majority

Councillor's Recommendation / Resolution

Moved: Cr Willis **Seconded:** Cr Flockart

81527 That Council:

1. **approves Councillor Anderson attendance at the Council Meeting via telephone communication in accordance with regulation 14A(1) of the Local Government (Administration) Regulations 1996; and**
2. **approves a residence at Forrest Street, Kalgoorlie as a suitable place for Councillor Anderson attendance in accordance with Regulation 14A(4) of the Local Government (Administration) Regulations 1996.**

**CARRIED 5/0
ABSOLUTE MAJORITY**

Telephone contact was then made with Councillor Anderson who joined the meeting at 3.08pm.

2. Public Question Time

Mr Mick Caughey addressed Council on behalf of the Merredin and Districts Little Athletics Club in relation to concerns they have regarding the MRC&LC User Fees and line-marking of the oval for their events.

Mr Caughey indicated that the increase in User Fees was substantially higher than previous years and would be unsustainable for the Club. Additionally, the line-marking of the oval had been completed with incorrect measurements or was not visible due to the oval being mowed prior to their events.

The CEO advised Mr Caughey that further investigation and discussions would occur with the Club in relation to the line-marking options available, such as using 4 lanes rather than 8 and/or sourcing cheaper paint. It was indicated that the User Fee set at Council's December 2014 meeting of \$2,500 would be applicable from the 2015 winter season.

M Caughey and R Willis left the meeting at 3.32pm and did not return.

Mrs Janelle Jones addressed Council in relation the construction of a footpath on Cunningham Street around Merredin College, specifically whether any construction was scheduled in Council's forward planning programs.

The CEO advised Mrs Jones that at the time of the College redevelopment the matter of footpaths and school bus set down areas was raised, however the Department of Education made the final decision on where these would be and what would be included at the site. The CEO further advised that constructing footpaths around the site, and specifically on Cunningham Street, was not being considered in Council's footpath program in the near-mid future and that the matter should be directed to the Education Department.

Mrs Jones suggested a joint venture between Merredin College and the Shire of Merredin to construct a footpath along Cunningham Street to which the CEO suggested further information be provided to the Shire as an option to consider.

Councillor Willis left the meeting at 3.35pm.

Councillor Willis re-entered the meeting 3.36pm.

J Jones left the meeting at 3.36pm and did not return.

3.	Record of Attendance / Apologies and Leave of Absence
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Councillors:

Cr KA Hooper	Shire President
Cr RM Crees	Deputy President
Cr BJ Anderson	(via teleconference from 3.08pm)
Cr JP Flockart	
Cr DN Hayes-Thompson	
Cr MD Willis	

Staff:

G Powell	CEO
R McCall	Deputy CEO
J Mitchell	EMDS
V Green	EA to CEO

Members of the Gallery: M Caughey; J Jones; J McCane; R Willis,

Apologies: S Lowe, Media & Communications Officer

Approved Leave of Absence: Cr CA Blakers (CMRef 81477)

4.	Disclosure of Interest
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Councillor Willis declared an Impartiality Interest in Agenda Item 12.1.

Councillor Flockart declared an Impartiality Interest in Agenda Item 15.3.

5. Applications for Leave of Absence

Nil

6. Petitions and Presentations

Nil

7. Confirmation of Minutes of the Previous Meeting

7.1 Ordinary Council Meeting held on 17 February 2015

[Attachment 7.1A](#)

Officer's Recommendation / Resolution

Moved: Cr Crees

Seconded: Cr Willis

81528 That the Minutes of the Ordinary Council Meeting held on 17 February 2015 be confirmed as a true and accurate record of proceedings.

CARRIED 6/0

8. Announcements by the Person Presiding without discussion

Nil

9. Matters for which the Meeting may be closed to the public

19.1 [Lot 1498 Caridi Close, Merredin – Sale](#)

10. Receipt of Minutes of Committee Meetings

10.1 WEROC Council Meeting held on 25 February 2015

[Attachment 10.1A](#)

10.2 GECZ Meeting held on 26 February 2015

[Attachment 10.2A](#)

10.3 CEACA Meeting held on 26 February 2015

[Attachment 10.3A](#)

Officer's Recommendation / Resolution

Moved: Cr Anderson

Seconded: Cr Flockart

81529 That the minutes of the WEROC Council Meeting held on 25 February 2015, the GECZ Meeting held on 26 February 2015 and the CEACA Meeting held on 26 February 2015 be received.

CARRIED 6/0

R McCall left the meeting at 3.39pm.

Councillor Willis declared an Impartiality Interest in this Agenda Item 12.1.

12. Officer's Reports - Development Services

12.1 Location 14045, HN 2410 Chandler Road, Nukarni - Application for a Kennel Establishment

Development Services



Reporting Officer:	John Mitchell, EMDS
Author:	As above
Legislation:	Local Planning Scheme No. 6, Dogs Local Law
File Reference:	A9396
Disclosure of Interest:	Nil
Attachments:	Application forms, minor specification of works
Maps / Diagrams:	Site plan (Attachment 12.1A)

Purpose of Report

Executive Decision

Legislative Requirement

Background

An application for planning approval including an application for licence for an approved kennel establishment has been received from the owners of Location 14045, HN 2410 Chandler Road, Nukarni ([Attachment 12.1B](#)).

The applicant seeks to establish a six kennel (housing up to 12 dogs dependent on dog temperament) on the property.

Comment

The application seeks to use existing concrete pads of old sheds as a floor for the facility with new columns and piers constructed in natural ground with an infill of 100mm concrete where the floor does not meet the proposed walls.

The applicant advises that the requirements of Schedule 2 of the Dogs Local Law will be met. The proposed shed is 16m x 7.5m and includes an exercise area with each cage and a centralised exercise area for dogs to socialise and use.

The proposed shed is a Widespan Sheds design.

Policy Implications

Nil

Statutory Implications

The Shire of Merredin LPS 6 defines an animal establishment as a place used for breeding, boarding, training or caring of animals for commercial purposes but does not include animal husbandry – intensive or veterinary centre.

The LPS 6 proposes an “A” use which means that the use is not approved unless the local government has exercised its discretion by granting planning approval after giving special notice in accordance with clause 9.4.

Clause 9.4 requires the local government to advertise the application in accordance with Clause 9.4.3. A notice has been placed in the local newspaper advising of the application. Unfortunately the period for submissions expires just after the Council meeting and delegated authority is sought to consent to the application if no negative responses are received.

There are no sensitive premises within 1 kilometre of the proposed site. The closest sensitive premise is approximately 1.5 kilometres towards Merredin.

Council should condition the application to include that no dogs are permitted to wander outside the caged area and any breach is to be immediately reported to the Ranger to enable surrounding farms to be notified that a dog has escaped control.

Strategic Implications

Service Area: 3.3 Town Planning

Activities: Administration of Local Planning Strategy; 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

Service Area: 3.5 Ranger Services

Activities: Animal welfare and control

Link to Vision: Liveable

Link to Strategic Priorities: Nil

Service Level: Nil

Service Level Change: Nil

Sustainability Implications

➤ [Asset Management Plan](#)

Nil

➤ [Long Term Financial Plan](#)

Nil

➤ Workforce Plan

Nil

Financial Implications

Application fees of \$147.00 have been paid.

Voting Requirements

Simple Majority

Absolute Majority

Officer's Recommendation

That the application to establish a kennel on Location 14045 HN 2410 Chandler Road, Nukarni be advertised in accordance with Clause 9.4 of the Town Planning Regulations 1967 and if no negative comments or submissions are received the Chief Executive Officer is delegated authority to sign the planning consent/approval – Schedule 9 approving the application with the following conditions:

1. maximum accommodation is 12 dogs;
2. all animals are to be retained within the kennel area and no dog is allowed to wander outside this defined caged area; and
3. where an unforeseen incident occurs and dogs are not contained the Ranger for the Shire of Merredin is to be informed immediately to enable neighbouring farmers to take action to protect livestock within paddocks.

Resolution

Moved: Cr Anderson

Seconded: Cr Hayes-Thompson

81530

That the application to establish a kennel on Location 14045 HN 2410 Chandler Road, Nukarni be advertised in accordance with Clause 9.4 of the Town Planning Regulations 1967 and if no negative comments or submissions are received the Chief Executive Officer is delegated authority to sign the planning consent/approval – Schedule 9 approving the application with the following conditions:

- 1. maximum accommodation is 12 dogs;**
- 2. all animals are to be retained within the kennel area and no dog is allowed to wander outside this defined caged area; and**
- 3. where an unforeseen incident occurs and dogs are not contained, the Ranger for the Shire of Merredin is to be informed immediately to enable neighbouring farmers to be advised.**

Note: The applicant is to be advised of the requirement to adhere with the Local Law relating to Dogs and the implications for the business.

**CARRIED 6/0
ABSOLUTE MAJORITY**

Reason

Council believed it was the responsibility of the individual neighbouring farmers in determining whether to take action to protect their livestock. Additionally, that the applicant be made aware of the requirements under the Local Law relating to Dogs.

R McCall entered the meeting at 3.40pm.

12.2	Request for Tender 03-14/15 - Provision of Kerbside Waste and Comingled Waste Collection Services
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<h2>Development Services</h2> 	
Reporting Officer:	John Mitchell, EMDS
Author:	As above
Legislation:	Local Government Act 1995; Local Government (Functions and General) Regulations
File Reference:	CM/19/48
Disclosure of Interest:	Nil
Attachments:	Request for Tender
Maps / Diagrams:	Nil

Purpose of Report

Executive Decision



Legislative Requirement

Background

The Local Government (Functions and General) Regulations 1996 requires the local government to call tenders for goods or services where the value exceeds \$100,000. The Regulations also provide penalties for breaking the tender down to avoid a public tender process. The Shire of Merredin used the Preferred Suppliers Contract System of WALGA and is therefore exempt from advertising requirements.

Tenders were called as the previous tender period and subsequent contract of service has expired.

A request for quotation (RFQ) was prepared using the WALGA Preferred Supplier Contract system for the provision of services for the collection of kerbside waste and comingled recycling for the period commencing April 2015 and ending 30 June 2019.

In total 13 requests were issued to suppliers listed with WALGA.

The report includes a comparison of the current costs of disposal vs the proposed costs of disposal.

Comment

One tender was received from Avon Waste and is included in [Attachment 12.2A](#). The evaluation panel(s) task is therefore much easier as there are two choices – accept the tender received from Avon Waste or reject all tenders and commence the tender process again.

Avon Waste have provided a service to the Shire of Merredin since 1997 and there have been no major complaints regarding service provision. The occasional complaint received relate to missed services and generally are not regarded as significant. Occasionally when new drivers are appointed there are missed services however Avon Waste immediately return and perform the service at no additional cost to Council.

The total cost per annum is discussed under Financial Implications.

To ensure an acceptable service is delivered the views of the commercial sector (all commercial and industrial businesses) were sought regarding a compulsory recycling service. The letter also advised that the current contractor had supplied bins for the duration of the contract and these may need to be returned to the supplier if unsuccessful at the tender phase. No responses were received. *(For information when the old 1,100l bins were removed as they were rear lift Avon Waste offered replacement bins for the term of the existing contract at no additional cost to the local business other than collection costs. This offer has continued through the extended period of this tender process.)*

Council should determine whether to introduce recycling activities to the Commercial sector.

With the closure of the volunteer recycling service Council has, out of budget, maintained a cardboard recycling facility at the carpark owned by IGA in Lot 600 Mitchell Street, Merredin. This was considered the best short term solution rather than disposal at the landfill site. It is used by businesses within the area and no records of who uses the facility are maintained. Suffice to say the 4 bins are now being emptied twice per week at a cost of approximately \$1,000/month. The service does not extend to other locations or the industrial areas. There has been minor complaint from the sector relating to the facility being utilised by two–four businesses only, however it is only a short term solution pending the outcome of this tender process.

Council should determine whether it wishes to maintain a central area for cardboard and paper product for local businesses. The other options include a location at the landfill site however this will add to the operational costs of the landfill site.

EVALUATION CRITERIA SUMMARY

Quoted Price – (40% weight) - only one tender was received from Avon Waste. No comparison possible. A comparison of current costs against proposed costs are discussed under Financial Implications.

Organisational Experience and Capability (25% weight)– Avon Waste advise they currently service over 33 local governments within the Wheatbelt with repeat custom of over 40% of contracts in place for over twenty years and 90% of contracts in place for at least ten years. See attachments 4.2.1, 4.2.2.A. Merredin’s experience with Avon Waste has been positive and without conflict or “hassle” for nearly twenty years.

Infrastructure and Personnel - (25% weight) – back up vehicles are provided within the contract and generally will be available same day (due to time and distances) to complete service collection, back up vehicle servicing is available (support utility vehicle), GPS and route management systems are in place to confirm routes taken and premises serviced, missed services reported before 11am will be handled same day; workplace safety systems are in place and have been offered if tender accepted; spill and product spill control measures are in place and the trucks carry spillage control products and are required to advise Avon Waste Management if an incident occurs.

Performance – (10% weight) – Page 35 of submission – Avon Waste have provided a service to the Wheatbelt for over 35 years with 90% of contracts renewed with them over the last 10 years and 40% retention after 20 years.

Policy Implications

The provisions of the Tender Policy were followed. As the tender is for an extended period and involves large expenditure the decision was made to refer the matter to Council for consideration. The tender documentation was reviewed by the EHO, EMES and CEO prior to issue through the WALGA Preferred Suppliers system.

Statutory Implications

Local Government Act 1995 (Functions and General) Regulations 1996 Part 4 provision of goods and services. Regulation 11(2)(b) exempts Council from the requirements to tender as the supply of services is to be obtained through the Purchasing Service of WALGA.

Strategic Implications

Service Area: 2.8 Waste Management

Activities: Recycling; Rubbish Service; Landfill and Resource Recovery Site

Link to Vision: Liveable; Naturally Resourceful

Link to Strategic Priorities: Nil

Service Level: Kerbside recycling service 240l bin serviced twice monthly; Rubbish collection for 1 bin per household collected weekly; Landfill site – rateable properties receive 4 free passes annually

Service Level Change: No service level change

Service Area: 3.1 Environmental Health

Activities: Rubbish collection and recycling

Link to Vision: Liveable

Link to Strategic Priorities: Nil

Service Level: Nil

Service Level Change: No service level change

Sustainability Implications

➤ [Asset Management Plan](#)

As per Waste Management Page 52 of the AMP.

➤ Long Term Financial Plan

Nil

➤ Workforce Plan

Nil

Financial Implications

Currently Council's charges for the provision of kerbside collections are:

1. Twice monthly kerbside 240l comingled waste recycling collection – \$80/annum;
2. Kerbside 240l waste collection weekly – \$60/annum;
3. 1.5m³ commercial – \$1,014/annum;
4. 3.0m³ commercial - \$2,022/annum; and
5. 4.5m³ commercial - \$3,030/annum.

The tender document called for a rate (\$) per lift. The new charges and tender received suggest the following costs:

1. Fortnightly kerbside collection Comingled Recycling - \$2.42/lift x 26 lifts per annum = \$62.92 (inc GST);
2. Weekly 240l general waste collection - \$1.44/lift = \$74.88 (inc GST);
3. Additional 240l general waste collection commercial (Mondays) \$4.11/lift = \$213.72;
4. Commercial waste collection (inc bin provision) 1.5m³ - \$25/lift - \$1,300/annum;
5. Commercial waste collection (inc Bin provision) 3.0m³ - \$34 - \$1,768/annum;
6. Commercial waste collection (inc Bin provision) 4.5m³ - \$56.00 – 2,912/annum;
7. Additional waste collections large capacity bins – as 4,5 & 6 above;
8. Public Bin collection service – 43 lifts at \$1.82 - \$78.26/week = \$4069.52/annum;
9. Bulk waste kerbside collection service \$6,391.82 per day plus mobilisation and demobilisation costs of \$3,300 inc GST – an alternative was provided within the request for tender and is sub contracted to D & M Waste Management with restrictions on available dates – see section 4.2.2.C page 38 of submission;
10. Service Muntadgin site for collection of up to 6.0m³ bins x 2 - \$180/week = \$9,360 per annum;
11. Mileage rates – not applicable;
12. A customer service centre is already provided and offered within this RFQ which will reduce Council officer time required to resolve missed services, new services and changes to existing services; and
13. No additional charge for service to declared disabled persons residence(s) i.e. to enter the property and collect the bin for service and return to the bins storage location inside the property. Council currently has no declared residences however with an ageing population this may become an issue.

Expected expenditure per annum is estimated as follows:

1. Domestic Waste Collection 1,335 240l services at \$75 = \$100,125;
2. Comingled Kerbside Recycling – 1,335 services 26 times annum at \$63 = \$84,105;
3. Commercial Recycling 55 x \$63 = \$3,465;
4. Commercial 350 240l services at \$75 = \$26,250;
5. Bulk 1.5m³ – 68 x \$25 x 52 - \$88,400;

6. Bulk 3m³ - 17 x \$34 x 52 = \$30,056;
7. Bulk 4.5m³ - 10 x \$56 x 52 = \$29,120;
8. Muntadgin 15 240l x \$75 = \$1,125;
9. Street bins - 43 x 52 x \$1.82 = \$4,070
10. Transfer station Muntadgin - 2 x 6.0m³ bins emptied once per week at \$180/week = \$9,360;
11. Cardboard receptacles Lot 600 Mitchell, Merredin - \$12,000;
12. Secondary service commercial \$4.11 x 49 services for 52 weeks = \$10,472.28;
13. Secondary service 1.5m³ - 8 x \$25 x 52 = \$10,400;
14. Secondary service 3.0m³ - 2 x \$34 x 52 = \$3,536;
15. Secondary service 4.5m³ - 2 x \$56 x 52 = \$5,824; and
16. Total expenditure per annum is \$414,239 *inclusive of current cardboard recycling town centre costs which if maintained are estimated at \$12,000/annum.*

The costs of clearing of the Muntadgin central point allocated to Depot staff will need to be reallocated to the service of the Muntadgin central point.

Based on information above the following charges should be included within the draft 2015/16 Budget:

1. Domestic and Commercial 240l refuse 240l container charge - \$75;
2. Domestic and Commercial 240l comingled recycling charge - \$63;
3. Second service 240l Domestic and Commercial - two charges - if collected on normal collection day - \$75; and if collected on Mondays as second service \$214;
4. Bulk 1.5m³ bins - annual charge per service \$1,350;
5. Bulk 3.0m³ bins - annual charge per service - \$1,800;
6. Bulk 4.5m³ bins - annual charge per service - \$2,950; and
7. Muntadgin Residents - \$75/240l service.

For comparison the current charges and proposed charges are provided below:

Service	Current Charge	Proposed Charge (difference 2014)	No. Services	2014/15 budget figures	Total cost per annum 2015/16 (2014)
Kerbside waste collection domestic	\$66	\$75 (+\$9)	1,340 (inc Muntadgin)	\$78,000	\$100,500 (\$88,440)
Kerbside waste collection commercial	\$66	\$75	343		\$25,725 (\$22,638)
Kerbside comingled recycling domestic	\$80	\$63 (-\$17)	1,335	\$192,000	\$84,105 (\$106,800)
Kerbside comingled recycling commercial	\$80	\$63	55		\$3,465 (\$4,400)

Service	Current Charge	Proposed Charge (difference 2014)	No. Services	2014/15 budget figures	Total cost per annum 2015/16 (2014)
Kerbside waste – 1.5m ³ bulk	\$1,014	\$1,350	68		\$91,800 (\$68,952)
Kerbside waste 3.0m ³ bulk	\$2,022	\$1,800	17		\$30,600 (\$34,374)
Kerbside waste 4.5m ³ bulk	\$3,030	\$2,950	10		\$29,500 (\$30,300)
Street bins	\$94.64	\$94.64	43		\$4069.52 (\$4069.52)
Cardboard central area Mitchell Street		\$12/week hire \$27.00/lift	5		\$10,140
TOTALS					\$379,904 (\$359,973) <i>(cost increase of \$20,000 inc. cardboard area)</i>

The adopted budget to 30 June 2015 for activities associated with this contract is \$307,237. The estimated actual expenditure to 30 June 2015 based on the above tender is \$337,065. The additional expenditure can be attributed to commercial recycling. Please note that the above has been calculated subsequent to completion of the mid-year financial review.

Voting Requirements



Simple Majority



Absolute Majority

Officer's Recommendation / Resolution

Moved: Cr Crees

Seconded: Cr Willis

81531 That Tender 03-14/15 for Kerbside Waste and Comingled Recycling received from Avon Waste be accepted and implemented by 1 April 2015.

CARRIED 6/0

J Mitchell left the meeting at 3.50pm and did not return.

13. Officer's Reports - Engineering Services

13.1 Removal of Dead Wood from Roadsides

Engineering Services



Reporting Officer:	Kevin Paust, EMES
Author:	As above
Legislation:	Local Government Act 1995
File Reference:	EM/10/2
Disclosure of Interest:	Nil
Attachments:	Memo from Natural Resource Management Officer.
Maps / Diagrams:	Nil

Purpose of Report

Executive Decision Legislative Requirement

Background

Council request that the Natural Resource Management Officer investigate the sustainable amount of firewood available for collection within the Shires road reserves on an annual basis.

Comment

The Natural Resource Management Officer has conducted his annual roadside inspection for sustainable firewood collection within the Shires road reserves, with the report memo included at [Attachment 13.1A](#).

It should be noted that at the time of writing the agenda 3 requests for firewood permits have already been received.

Policy Implications

Nil

Statutory Implications

Nil

Strategic Implications

Service Area: 2.7 Natural Resource Management

Activities: Nil

Link to Vision: Naturally resourceful

Link to Strategic Priorities: Natural Resource Management

Service Level: Nil

Service Level Change: No service level change

Sustainability Implications

By allocating 8 permits for firewood collection per year Council will be able to sustain ongoing firewood collections on an annual basis.

➤ 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 Crees

Seconded: Cr Willis

81532 That the collection of roadside firewood be approved on a permit basis with up to 8 permits being issued in 2015.

CARRIED 6/0

14. Officer's Reports – Corporate and Community Services

14.1 List of Accounts Paid

Corporate Services



Responsible Officer:	David Burt, EMCS
Author:	As above
Legislation:	Local Government Act 1995 and Local Government (Financial Management) Regulations 1996
File Reference:	Nil
Disclosure of Interest:	Nil
Attachments:	List of Accounts Paid
Maps / Diagrams:	Nil

Purpose of Report



Executive Decision



Legislative Requirement

Background

The attached List of Accounts Paid ([Attachment 14.1A](#)) during the month 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

Nil

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. It should be noted that outstanding Creditors total \$63,421.

Voting Requirements



Simple Majority



Absolute Majority

Officer's Recommendation / Resolution

Moved: Cr Willis

Seconded: Cr Hayes-Thompson

81533 That the schedule of accounts paid as listed, covering cheques, EFT's, bank charges, directly debited payments and wages, as numbered and totalling \$1,022,935 from Council's Municipal Fund Bank Account be received.

CARRIED 6/0

14.2 Monthly Finance Report

Corporate Services



Responsible Officer:	David Burt, EMCS
Author:	As above
Legislation:	Local Government Act 1995 and Local Government (Financial Management) Regulations 1996
File Reference:	Nil
Disclosure of Interest:	Nil
Attachments:	Monthly Finance Report
Maps / Diagrams:	Nil

Purpose of Report



Executive Decision



Legislative Requirement

Background

The Monthly Finance Report is attached for Council's information ([Attachment 14.2A](#)).

Comment

Revenue and expenditure to 28 February 2015 is consistent with Council's adopted 2014/15 Budget. Notwithstanding, a comprehensive analysis of expenditure and revenue trends, including known under/over areas of revenue/expenditure, has been undertaken and appropriately notated within the appended schedules.

No material impact to Council's financial position, save that identified in the 2014/15 Budget Review, is envisaged.

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: 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 / Resolution

Moved: Cr Flockart **Seconded:** Cr Willis

81534 That the Monthly Finance Report for February 2015 be received.

**CARRIED 6/0
ABSOLUTE MAJORITY**

14.3 | **2014/15 Budget Review**

Corporate Services



Reporting Officer:	David Burt, EMCS
Author:	As above
Legislation:	Local Government Act 1995 and Financial Management Regulations
File Reference:	Nil
Disclosure of Interest:	Nil
Attachments:	2014/15 Budget Review
Maps / Diagrams:	Nil

Purpose of Report



Executive Decision



Legislative Requirement

Background

A Statement of Financial Activity incorporating year to date Budget variations and forecasts to 30 June 2015, and for the period ending 31 January 2015, is presented for Council's consideration and adoption ([Attachment 14.3A](#)).

The Local Government (Financial Management) Regulations 1996, Regulation 33A, requires that local governments conduct a Budget Review between 1 January and 31 March each financial year.

A copy of the Budget Review together with Council's determination is to be provided to the Department of Local Government within 30 days of the adoption of the Review.

Comment

The Budget Review has been prepared to include information required by the Local Government Act 1995, Local Government (Financial Management) Regulations 1996 and Australian Accounting Standards.

Council, as part of its 2014/15 Budget adopted a 5% and a \$5,000 minimum for the reporting of material variances to be used in the Statement of Financial Activity and the Annual Budget Review. These items have been highlighted within the accompanying Schedules. The Statement of Financial Activity includes all end of year budget predictions including those outside this criteria.

With respect to Capital works, predicted expenditure is in line with budget expectations and variations in expenditure/revenue (if any) are unlikely to impact Council's operational budget or predicted end of year surplus. It is intended that any capital expenditure/revenue variations will be adjusted through the relevant Reserve Account i.e. plant and machinery trade-in values, budget against actuals etc.

Features of the Budget Review include:

1. Detailed 2014/15 Program analysis to the review date; and
2. Statement of Budget Review by statutory reporting program.

The budget has been reviewed to ensure continuity with respect to the deliverance of strategies adopted by Council and provides for the maintenance of high service levels across all programs.

The estimated closing balance provides for a surplus of \$184,534.

Policy Implications

As outlined in the Local Government Act 1995 and Financial Management Regulations.

Statutory Implications

As outlined in the Local Government Act 1995 and Financial Management Regulations.

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 finances over an extended period of time.

- [Workforce Plan](#)

Nil

Financial Implications

As outlined in [Attachment 14.3A](#).

Voting Requirements

Simple Majority

Absolute Majority

Officer's Recommendation

That the Budget Review for the period 1 July 2014 to 31 January 2015 with the following variations be adopted and the 2014/15 Budget be amended accordingly.

CEO Comment

That CEO advised Council it was proposed to amend the Officer's Recommendation to refer to the variations included in the Attachment, and therefore the Attachment be adopted, as opposed to listing the individual variations in the Council Resolution for adoption.

Resolution

Moved: Cr Crees

Seconded: Cr Anderson

81535 That the Budget Review for the period 1 July 2014 to 31 January 2015 with the variations as outlined in Attachment 14.2A be adopted and the 2014/15 Budget be amended accordingly.

CARRIED 6/0

15. Officer's Reports – Administration

15.1 Local Laws Eight Year Review

Administration



Reporting Officer:	Greg Powell, CEO
Author:	Bruce Wittber, BHW Consulting; Vanessa Green, EA to CEO
Legislation:	Local Government Act 1995
File Reference:	LE/8/9
Disclosure of Interest:	Nil
Attachments:	Discussion Paper – Eight Year Review of the Shire of Merredin Local Laws
Maps / Diagrams:	Nil

Purpose of Report

Executive Decision

Legislative Requirement

Background

The Local Government Act 1995 (the Act), requires that the Council must every eight years after adoption of any Local Law, or the last review, conduct a review of the Local Law to ensure that it still retains currency.

The purpose of this report is to consider and adopt the report of the outcome of the process of reviewing the Shire of Merredin's (Shire) Local Laws as per Section 3.16 of the Act.

At its January 2015 meeting Council resolved (CMRef 81507):

“That Council proceed with and advertise in accordance with s3.16(2) of the Local Government Act 1995 the review of the following Local Laws:

- 1. Activities in Thoroughfares and Public Places and Trading Local Law***
- 2. Bee Keeping Local Law***
- 3. Bush Fire Brigades Local Law***
- 4. Cemeteries Local Law***
- 5. Dogs Local Law***

- 6. Extractive Industries Local Law**
- 7. Fencing Local Law**
- 8. Health Local Laws 1999**
- 9. Local Government Property Local Law**
- 10. Parking and Parking Facilities Local Law**
- 11. Standing Orders Local Law”**

Following the formal adoption by Council of the outcome of the review, any amendments to the local laws under review must be processed in accordance with s3.12 of the Act.

This means that two distinct processes are followed. In order to separate the processes and avoid any confusion it was determined at the outset of the review process that the review would be undertaken first, with any amendments to the local laws to be undertaken as a separate process.

Comment

Following the resolution to review the local laws the Shire advertised state-wide in the West Australian Newspaper on Saturday 24 January 2015 and the Merredin Mercury on Wednesday 28 January 2015 of its intention to review the following local laws:

1. Activities in Thoroughfares and Public Places and Trading Local Law
2. Bee Keeping Local Law
3. Bush Fire Brigades Local Law
4. Cemeteries Local Law
5. Dogs Local Law
6. Extractive Industries Local Law
7. Fencing Local Law
8. Health Local Laws 1999
9. Local Government Property Local Law
10. Parking and Parking Facilities Local Law
11. Standing Orders Local Law

As required by the Act the community was invited to comment on the review of the Shire’s local laws. A copy of the Discussion Paper is included at [Attachment 15.1A](#). At the close of submissions on Monday 9 March 2015 no community comments had been received.

Following the review of the local laws the following are the outcomes proposed for each of the Shire’s local laws:

Activities in Thoroughfares and Public Places and Trading Local Law

The Activities in Thoroughfares and Public Places and Trading Local Law was adopted by reference to the *Shire of Kojonup Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law* and was gazetted on 7 October 2002.

The major amendments proposed relate to updating the definitions, legislative descriptions and penalties.

Following the review it is proposed that the Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law be amended as outlined in the Discussion Paper – Eight Year Review of the Shire of Merredin Local Laws (the Discussion Paper).

Bee Keeping Local Law

Following the review it is proposed that the Beekeeping Local Law be repealed and the control of bees, if required, be incorporated into the proposed Animals, Environment and Nuisance Local Law.

Bush Fire Brigades Local Law

The Bush Fire Brigades Local Law was adopted by reference to the *Shire of Bridgetown-Greenbushes Bush Fire Brigades Local Law* and was gazetted on 7 October 2002.

The major amendments proposed relate to the following:

1. updating the definitions;
2. deleting provisions of the local law that are considered by the Joint Standing Committee on Delegated Legislation to be outside the scope of the legislation;
3. changing the dates by which following year budget information is required to enable it to fit in with the date submissions are required by the Department of Fire and Emergency Services; and
4. allow flexibility in using current technology to undertake banking and issuing of notices.

Following the review it is proposed that the Bush Fire Brigades Local Law be amended as outlined in the Discussion Paper.

Cemeteries Local Law

The Cemeteries Local Law was adopted by reference to the Model Local Law (Cemeteries) 1998 published in the Government Gazette on 12 May 1998 and was gazetted by the Shire on 7 October 2002.

The major amendments proposed relate to the following:

1. updating the definitions;
2. deleting reference to cremations and mausoleums throughout the local law;
3. changing the period of notice to conduct a funeral from 24 hours to 48 hours;
4. amending provisions of the local law that are considered by the Joint Standing Committee on Delegated Legislation to be outside the scope of the legislation;
5. amend penalties for prescribed offences; and
6. amending the local law to minimise the number of forms prescribed.

Following the review it is proposed that the Cemeteries Local Law be amended as outlined in the Discussion Paper.

Dogs Local Law

The Dogs Local Law was adopted by reference to the *Shire of Moora Dogs Local Law* and was gazetted by the Shire on 7 October 2002.

The major amendments proposed relate to the following:

1. updating the definitions;
2. updating legislative descriptions;
3. amend penalties for prescribed offences;
4. generally but particularly in relation to dangerous dogs; and
5. rewrite Part 5 – Dogs in public places to reflect current legislative requirements of the *Food Act 2008* and *Dog Act 1976*.

Following the review it is proposed that the Dogs Local Law be amended as outlined in the Discussion Paper.

Extractive Industries Local Law

The Extractive Industries Local Law was adopted by reference to the *Shire of Dandaragan Extractive Industries Local Law* and was gazetted on 7 October 2002.

The major amendments proposed relate to the following:

1. updating the definitions and change legislative descriptions;
2. review the size of the surface area before a licence is required; and
3. review current penalties to bring into line with current standards.

During preliminary discussions on the local law review it was agreed to further consider whether there was a need to retain the Extractive Industries Local Law. It was thought that sufficient control over extractive industries may be available through the relevant Town Planning Scheme. That work is continuing and it is proposed that no further action be taken on amending the Extractive Industries Local Law at this time.

Fencing Local Law

The Fencing Local Law was adopted by reference to the *Shire of Dandaragan Local Laws Relating to Fencing* and was gazetted by the Shire on 7 October 2002.

The major amendments proposed relate to the following:

1. updating the interpretations;
2. updating legislative descriptions;
3. rewrite the current description of a sufficient fence to reflect current drafting standards and generally review current specifications for fences;
4. amend to allow the Shire various forms rather than being prescribed; and
5. amend modified penalties for offences.

Following the review it is proposed that the Fencing Local Law be amended as outlined in the Discussion Paper.

Health Local Laws 1999

Following the review it is proposed that Health Local Laws 1999 be repealed and replaced and that the Council introduce a complementary local law relating to Animals, Environment and Nuisances. The introduction of such a local law removes a number of related provisions from the Health Local Law.

Local Government Property Local Law

The Local Government Property Local Law was adopted by reference to the *Shire of Exmouth Local Government Property Local Law* and was gazetted by the Shire on 7 October 2002.

The major amendments proposed relate to the following:

1. updating the interpretations and current legislative drafting standards;
2. updating legislative descriptions;
3. rewrite Clause 5.1 relating to swimming pools;
4. delete reference to aerodrome and saleyards as the Shire does not manage these facilities; and
5. amend modified penalties for offences.

Following the review it is proposed that the Local Government Property Local Law be amended as outlined in the Discussion Paper.

Parking and Parking Facilities Local Law

The Parking & Parking Facilities Local Law was adopted by reference to the *City of Belmont Parking & Parking Facilities Local Law* and was gazetted by the Shire on 7 October 2002.

The major amendments proposed in the Discussion Paper relate to the following:

1. updating the interpretations and current legislative drafting standards; and
2. amend modified penalties for prescribed offences.

Following the review as the proposed amendments are relatively minor and the likely change in the penalties is not significant it is proposed that the Parking & Parking Facilities Local Law not be amended at this time.

Standing Orders Local Law 1998

The Standing Orders Local Law was adopted by reference to the Model Local Law (Standing Orders) 1998 and was gazetted by the Shire on 7 October 2002.

Following the review it is proposed that Standing Orders Local Law 1998 be repealed and replaced with a more contemporary local law.

Policy Implications

Nil

Statutory Implications

S3.16 of the Act requires Council to carry out a formal review of its Local Laws every 8 years. The Act also provides that after the last day for submissions Council is to consider any submissions received and cause a report of the review to be prepared and considered by Council. Council must adopt the report on the review at which time it determines whether the local laws should be repealed or amended.

Strategic Implications

Service Area: 3.6 Local Law Administration

Activities: Bee Keeping, Bush Fire Brigades, Cemeteries, Extractive Industries, Fencing, Local Government Property, Parking and parking facilities, Pest Plants, Activities in thoroughfares and public places and trading; Standing Orders, Dogs, Health

Link to Vision: Liveable

Link to Strategic Priorities: Nil

Service Level: All local laws are older than 8 years and due for review

Service Level Change: All local laws to be reviewed

Sustainability Implications

- Asset Management Plan

Nil

- Long Term Financial Plan

Nil

- Workforce Plan

Nil

Financial Implications

Funds are provided in the 2014/15 Budget at Account E042316 for BHW Consulting to undertake the Local Law Review.

Voting Requirements

Simple Majority

Absolute Majority

Officer's Recommendation / Resolution

Moved: Cr Crees

Seconded: Cr Hayes-Thompson

- 81536**
1. That the Shire of Merredin adopt the report of the review of the local laws under S3.16 of the Local Government Act 1995, noting that no community submissions were received in respect to the following local laws:
 1. Activities in Thoroughfares and Public Places and Trading Local Law;
 2. Bee Keeping Local Law;
 3. Bush Fire Brigades Local Law;

4. **Cemeteries Local Law;**
 5. **Dogs Local Law;**
 6. **Extractive Industries Local Law;**
 7. **Fencing Local Law;**
 8. **Health Local Laws 1999;**
 9. **Local Government Property Local Law;**
 10. **Parking and Parking Facilities Local Law; and**
 11. **Standing Orders Local Law.**
2. **That the Shire of Merredin determine that the outcome in respect to each local law is as follows:**
1. **Activities in Thoroughfares and Public Places and Trading Local Law be amended as outlined in the report and Discussion Paper;**
 2. **Bee Keeping Local Law be repealed and not replaced;**
 3. **Bush Fire Brigades Local Law be amended as outlined in the report and Discussion Paper;**
 4. **Cemeteries Local Law be amended as outlined in the report and Discussion Paper;**
 5. **Dogs Local Law be amended as outlined in the report and Discussion Paper;**
 6. **Extractive Industries no further action be taken in respect to any amendments or such other actions until the research relating to the controls available for extractive industries in the Shire of Merredin under the Local Planning Scheme No. 6 has been completed;**
 7. **Fencing Local Law be amended as outlined in the report and Discussion Paper;**
 8. **Health Local Laws 1999 be repealed and replaced with a new Health Local Law and a complementary local law relating to Animals, Environment and Nuisances;**
 9. **Local Government Property Local Law be amended as outlined in the report and Discussion Paper;**
 10. **Parking and Parking Facilities Local Law no further action be taken as it is considered the proposed amendments are minimal; and**
 11. **Standing Orders Local Law 1998 be repealed and replaced with a new Standing Orders Local Law.**

**CARRIED 6/0
ABSOLUTE MAJORITY**

15.2 2015 Local Government Election

Administration



Responsible Officer:	Greg Powell, CEO
Author:	Vanessa Green, EA to CEO
Legislation:	Local Government Act 1995
File Reference:	GR/17/51 & G/7/16
Disclosure of Interest:	Nil
Attachments:	Correspondence
Maps / Diagrams:	Nil

Purpose of Report



Executive Decision



Legislative Requirement

Background

Correspondence has been received from the WA Electoral Commission (WAEC) outlining the process to be taken should Council resolve for the WAEC to conduct the 2015 Local Government Ordinary Election via postal vote ([Attachment 15.2A](#)).

The next election is scheduled for 17 October 2015. For the Shire of Merredin five (5) Councillor positions will become vacant with Councillors Hooper, Crees, Anderson, Hayes-Thompson and Thomas being the incumbents.

Comment

For many years the WAEC has conducted the local government elections for the Shire of Merredin as a postal election with a good response from voters being achieved. The advantages of using the WAEC to conduct the election include:

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

It is therefore proposed that the WAEC conduct the 2015 Local Government Ordinary Election via postal vote.

Policy Implications

Nil

Statutory Implications

Sections 4.20(4) and 4.61(2) apply in appointing the WAEC to conduct the election on behalf of the Shire of Merredin.

Strategic Implications

Service Area: Nil
Activities: Nil
Link to Vision: Nil
Link to Strategic Priorities: Nil
Service Level: Nil
Service Level Change: Nil

Sustainability Implications

- Asset Management Plan

Nil

- Long Term Financial Plan

Nil

- Workforce Plan

Nil

Financial Implications

The WAEC quotation to conduct the election is \$16,000 including GST.

An allocation will need to be made in the 2015/16 Budget for the WAEC's costs, as well as additional advertising expenditure should Council wish to advertise locally as well as the legislated Statewide advertising included as part of the WAEC quotation.

Voting Requirements

Simple Majority

Absolute Majority

Officer's Recommendation / Resolution

Moved: Cr Crees

Seconded: Cr Willis

81537 That:

1. in accordance with Section 4.20(4) of the Local Government Act 1995 the Electoral Commissioner be responsible for the conduct of the 2015 ordinary elections together with any other elections or polls which may be required; and
2. in accordance with Section 4.61(2) of the Local Government Act 1995 that the method of conducting the election be as a postal election.

**CARRIED 6/0
ABSOLUTE MAJORITY**

Councillor Flockart declared an Impartiality Interest in this Agenda Item 15.3.

15.3 Reserves 44697 and 17767 – Lease of Land - Correction

Administration



Responsible Officer:	Greg Powell, CEO
Author:	Vanessa Green, EA to CEO
Legislation:	Local Government Act 1995
File Reference:	R44697; R17767
Disclosure of Interest:	Nil
Attachments:	Nil
Maps / Diagrams:	Nil

Purpose of Report



Executive Decision



Legislative Requirement

Background

At Council's February 2015 meeting it was resolved (CMRef 81521):

“That Reserves 44697 and 17767 be leased to the Merredin Men’s Shed Inc. for a period of three years expiring at the end of February 2018 at a cost of \$600 per year for the purposes of cropping and/or grazing with the costs of preparing and maintaining firebreaks during fire season to be borne by the Merredin Men’s Shed Inc.”

Subsequently, informal notification was sent to the Merredin Men’s Shed (MMS) detailing Council’s resolution, which resulted in a mistake being identified in relation to the dollar amount of the lease fee.

The previous lease arrangement with the MMS, between 2012 and 2015, indicates the annual lease fee for the two Reserves was \$200 per year, totalling \$600 for the 3 year period. Staff wrongly made the assumption the lease fee was \$600 per year, rather than for the 3 year period.

Comment

Council’s February resolution requires amendment to the cost per year of the lease fee from \$600 per year to \$200 per year. Staff have apologised to the MMS for the error and take this opportunity to apologise to Council also.

As no other part of Council’s resolution is affected and staff believed that the reduced annual fee would not affect Council’s intent to lease the Reserves to the MMS, given they have done so without incident for the previous 3 years and provide a valuable service to the community, the lease has been agreed to and signed by both parties, albeit at the revised rate of \$200 per year (\$600 for 3 years).

Policy Implications

Nil

Statutory Implications

Nil

Strategic Implications

Service Area: 4.1 Community Development

Activities: Heritage and culture

Link to Vision: Community Spirit, Inclusive, Liveable

Link to Strategic Priorities: Community involvement/support

Service Level: Support community groups

Service Level Change: Develop partnerships to better align resources in delivering the community's vision

Sustainability Implications

- Asset Management Plan

Nil

- Long Term Financial Plan

Nil

- Workforce Plan

Nil

Financial Implications

The February 2015 agenda item wrongly reported an annual income of \$600. This figure is, in fact, \$200 per year.

Voting Requirements



Simple Majority



Absolute Majority

Officer's Recommendation / Resolution

Moved: Cr Anderson

Seconded: Cr Willis

81538 That Council acknowledge and endorse the reduced lease fee of \$200 per annum (being \$600 for 3 years 2015-2018 expiring at the end of February) on the lease to the Merredin Men's Shed Inc of Reserves 44697 and 17767 for the purposes of cropping and/or grazing with the costs of preparing and maintaining firebreaks during fire season to be borne by the Merredin Men's Shed Inc.

CARRIED 6/0

16. Motions of which Previous Notice has been given

Nil

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

Nil

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

Nil

19. Matters Behind Closed Doors

In accordance with Section 5.23(2) of the Local Government Act 1995 Council went Behind Closed Doors to discuss a matter that if disclosed, would reveal information that has a commercial value to a person.

J McCane and R McCall left the meeting at 4.17pm and did not return.

Resolution

Moved: Cr Flockart **Seconded:** Cr Crees

81539 That Council move Behind Closed Doors at 4.17pm.

CARRIED 6/0

Resolution

Moved: Cr Hayes-Thompson **Seconded:** Cr Flockart

81540 That Council return from Behind Closed Doors at 4.30pm.

CARRIED 6/0

19.1 Lot 1498 Caridi Close, Merredin - Sale

Voting Requirements

Simple Majority Absolute Majority

Officer's Recommendation / Resolution

Moved: Cr Willis **Seconded:** Cr Hayes-Thompson

81541 That Council:

1. set a reserve price on Lot 1498 Caridi Close, Merredin as per Price 3 of confidential Attachment 19.1A;
2. proceed with the sale of Lot 1498 Caridi Close, Merredin in accordance with Regulation 30(2a)(2b) of the Local Government (Functions and General) Regulations 1996;
3. consider allocating \$8,000 in the 2015/16 Budget to appoint a real estate agent to conduct the sale of Lot 1498 Caridi Close, Merredin; and

4. **delegate authority to the Chief Executive Officer to accept offers and proceed with the sale of the lot, on the condition that the reserve price and all requirements of the Local Government Act 1995 and subsequent Regulations are met.**

**CARRIED 6/0
ABSOLUTE MAJORITY**

20.

Closure

There being no further business the President thanked those in attendance and declared the meeting closed at 4.32pm.