

# SHIRE OF MERREDIN



*“Heart of the Wheatbelt”*

**MINUTES OF COUNCIL MEETING**

**15 SEPTEMBER 2009**

**INDEX**

<b>1.0</b>	<b>OFFICIAL OPENING .....</b>	<b>4</b>
<b>2.0</b>	<b>PUBLIC QUESTION TIME.....</b>	<b>4</b>
<b>3.0</b>	<b>APOLOGIES AND LEAVE OF ABSENCE .....</b>	<b>4</b>
<b>4.0</b>	<b>DISCLOSURE OF INTEREST .....</b>	<b>4</b>
<b>5.0</b>	<b>PETITIONS AND PRESENTATIONS.....</b>	<b>5</b>
5.2	Collgar Windfarm Pty Ltd.....	5
<b>6.0</b>	<b>CONFIRMATION OF MINUTES.....</b>	<b>5</b>
6.1	Previous Council Meeting .....	5
<b>7.0</b>	<b>ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION.....</b>	<b>6</b>
<b>8.0</b>	<b>MATTERS FOR WHICH THE MEETING MAY BE CLOSED TO THE PUBLIC .....</b>	<b>6</b>
11.1	Council Update – Collgar Windfarm .....	6
<b>9.0</b>	<b>RECEIVAL OF MINUTES OF COMMITTEE MEETINGS HELD SINCE THE PREVIOUS MEETING OF COUNCIL.....</b>	<b>6</b>
9.1	Western Australian Local Government Association Annual General Meeting held on 8 August 2009.....	6
9.2	Central Wheatbelt Visitor Centre Memorandum of Understanding Working Group Meeting held on 24 August 2009 .....	6
9.3	Merredin Regional Community and Leisure Centre Advisory Committee Meeting held on 24 August 2009 .....	6
9.4	Wheatbelt East Regional Organisation of Councils Meeting held on 26 August 2009 .....	6
9.5	Merredin Heritage Management Committee Meeting held on 27 August 2009 ...	6
9.6	Merredin Westonia Liquor Accord Meeting held on 1 September 2009 .....	6
9.7	Merredin Local Emergency Management Committee Meeting held on 1 September 2009.....	7
9.8	Merredin Business and Community Development Committee Meeting held on 2 September 2009.....	7
<b>10.0</b>	<b>COMMUNITY SERVICES .....</b>	<b>10</b>
10.1	Merredin Museum and Historical Society (Inc.) Correspondence .....	10
<b>11.0</b>	<b>DEVELOPMENT SERVICES .....</b>	<b>11</b>
11.1	Council Update – Collgar Windfarm .....	11
11.2	Tender 1-09/10 – Sale of Lots 362 and 363 Todd Street, Merredin – Commercial Enterprise – Food Premises .....	13
11.3	Throssell Road Playgroup – Required Repairs and Lease Documentation – Lot 461 Throssell Street, Merredin .....	16
11.4	Local Planning Scheme No. 6 Draft – Schedule of Changes – Western Australian Planning Commission.....	19
11.5	Town Planning – Lot 525 South Avenue, Merredin – New Library and Ablution Block – St Mary’s Primary School .....	21
11.6	Lot 1504 Subdivision – Land Offer to Purchase – Lot 501 Barrack Street, Merredin .....	23

**MINUTES**

11.7 Land Sale – Offer to Purchase – Lot 26 Insignia Way, Merredin – Mr Derek Mason, Mason Enterprises .....	26
11.8 Local Law No. 7 – Health Local Law 1999 – Review of Local Law – Adoption Phase .....	28
16.1 Town Planning – Application to Erect a Secondhand Dwelling .....	31
16.2 Carrington Way – Delegation of Authority .....	33
16.4 Offer to Lease Land – Reserves 44697 and 17767; Mr Paul Madaffari PO Box 302, Merredin .....	35
<b>12.0 ENGINEERING SERVICES.....</b>	<b>37</b>
<b>13.0 FINANCE AND ADMINISTRATION .....</b>	<b>38</b>
13.1 Monthly Financial Report – August 2009 .....	38
13.2 List of Accounts Paid .....	39
13.3 Review of Memorandum of Understanding – Merredin Districts Lawn Tennis Club .....	40
13.4 Review of Memorandum of Understanding – Merredin and Districts Little Athletics Centre.....	42
13.5 Muntagdin Community Forum.....	44
13.6 Shire of Merredin Christmas Function .....	45
13.7 Local Government Structural Reform .....	47
13.8 Sustainable Economic Growth for Regional Australia Conference - October 2009.....	49
13.9 Provision of Additional Staff – Environmental Health Officer – Development Services .....	51
13.10 Draft Policy – Councillor Laptops .....	54
16.3 Budget Adjustment – Outdoor Basketball Rings .....	55
<b>14.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN.....</b>	<b>56</b>
<b>15.0 QUESTIONS BY MEMBERS FOR WHICH DUE NOTICE HAS BEEN GIVEN .....</b>	<b>56</b>
<b>16.0 URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION.....</b>	<b>56</b>
16.1 Town Planning – Application to Erect a Secondhand Dwelling .....	56
16.2 Carrington Way – Delegation of Authority .....	56
16.3 Budget Adjustment – Outdoor Basketball Rings .....	56
16.4 Offer to Lease Land – Reserves 44697 and 17767; Mr Paul Madaffari PO Box 302, Merredin .....	56
16.5 Amendment to October 2009 Council Meeting – Swearing in of new Councillors .....	56
<b>17.0 MATTERS BEHIND CLOSED DOORS.....</b>	<b>57</b>
11.1 Council Update - Collgar Windfarm .....	57
<b>18.0 CLOSURE .....</b>	<b>57</b>

**MINUTES**

---

**Minutes for the Ordinary Meeting of the Shire of Merredin held in the Council Chambers, Corner King and Barrack Streets, Merredin on Tuesday 15 September 2009 commencing at 1.00pm.**

**ATTENDANCE:** Cr KA Hooper – Shire President  
Cr RM Crees – Deputy Shire President  
Crs P Forbes, M Hayden; A Hooper; M Morris; W Wallace; M Young

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

Mike Dorizzi, Wheatbelt Mercury

Geoff Wells

---

1.0 OFFICIAL OPENING

The Presiding Person declared the meeting open at 1.00pm. Debbie Morris, Executive Manager of Community Services, Mike Dorizzi and Geoff Wells were in attendance.

2.0 PUBLIC QUESTION TIME

Mr Geoff Wells addressed Council on the proposal to hold a bike/truck/tattoo and piercing show in Merredin at the Merredin Recreation Ground over the long weekend in October 2010, with all profits raised going to the RFDS, local Emergency Services and community groups.

Council gave in principal support to the proposal and requested Mr Wells address Council at a later date when further preparations were in place (i.e. Police, security, safety etc).

Geoff Wells left the meeting at 1.36pm and did not return.

3.0 APOLOGIES AND LEAVE OF ABSENCE

Cr Elliott (**CMRef 30046**) has been granted Leave of Absence for this meeting, Cr Townrow.

4.0 DISCLOSURE OF INTEREST

Cr Crees declared a Financial Interest in Agenda Item 11.1.

**MINUTES**

---

**5.0 PETITIONS AND PRESENTATIONS****5.1 Throssell Road Playgroup**

The planned presentation by representatives from the Throssell Road Playgroup was cancelled. Refer to Page 16 for information on this Agenda Item.

**5.2 Collgar Windfarm Pty Ltd**

The planned visit by representatives of the Collgar Windfarm was cancelled. It is proposed that the representatives will address Council at its October 2009 meeting instead. Refer to Page 11 for information on this Agenda Item.

**5.3 WALGA Distinguished Service Award to Cr Ken Hooper**

Cr Crees presented the Shire President, Cr Ken Hooper, with his WALGA Distinguished Service Award.

**5.4 LGIS Inter-municipal Golf Tournament Award**

Frank Ludovico, Chief Executive Officer, presented the recipients, being Cr K Hooper, Cr Crees, Graeme Motzel & Glenn Crees, with the LGIS Inter-municipal Golf Tournament Gross Award.

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

Confirmation of the Minutes of the previous Council Meeting held on 18 August 2009.

**30097**

Moved Cr Crees

Sec Cr Forbes

*That the minutes of the meeting of Council held on 18 August 2009 be confirmed as a true and correct record of proceedings.*

**CARRIED 8/0**

**MINUTES**

---

**7.0 ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION**

The Shire President advised Council that he and the Chief Executive Officer attended the Education and Health Standing Committee Hearings held in Merredin on 31 August 2009, further advising that it was interesting to hear the different views of other agencies involved with health services within the Wheatbelt region.

The Shire President added that it was unfortunate that the District Health Advisory Council and the Local Health Advisory Group were not invited to address the Committee, however the Committee were accepting written submissions up to 31 September 2009.

**8.0 MATTERS FOR WHICH THE MEETING MAY BE CLOSED TO THE PUBLIC****11.1 Council Update – Collgar Windfarm**

Refer to Page 11 for information on this Agenda Item.

**9.0 RECEIVAL OF MINUTES OF COMMITTEE MEETINGS HELD SINCE THE PREVIOUS MEETING OF COUNCIL**

9.1 Western Australian Local Government Association Annual General Meeting held on 8 August 2009  
**Attachment 9.1A**

9.2 Central Wheatbelt Visitor Centre Memorandum of Understanding Working Group Meeting held on 24 August 2009  
**Attachment 9.2A**

9.3 Merredin Regional Community and Leisure Centre Advisory Committee Meeting held on 24 August 2009  
**Attachment 9.3A**

9.4 Wheatbelt East Regional Organisation of Councils Meeting held on 26 August 2009  
**Attachment 9.4A**

9.5 Merredin Heritage Management Committee Meeting held on 27 August 2009  
**Attachment 9.5A**

9.6 Merredin Westonia Liquor Accord Meeting held on 1 September 2009  
**Attachment 9.6A**

**MINUTES**

---

9.7 Merredin Local Emergency Management Committee Meeting held on 1 September 2009

**Attachment 9.7A**

9.8 Merredin Business and Community Development Committee Meeting held on 2 September 2009

**Attachment 9.8A****30098**

Moved Cr Morris

Sec Cr Wallace

*That Council receive the Minutes of the Western Australian Local Government Association Annual General Meeting held on 8 August 2009, the Central Wheatbelt Visitor Centre Memorandum of Understanding Working Group Meeting held on 24 August 2009, the Merredin Regional Community and Leisure Centre Advisory Committee Meeting held on 24 August 2009, the Wheatbelt East Regional Organisation of Councils Meeting held on 26 August 2009, the Merredin Heritage Management Committee Meeting held on 27 August 2009, the Merredin Westonia Liquor Accord Meeting held on 1 September 2009, the Merredin Local Emergency Management Committee Meeting held on 1 September 2009 and the Merredin Business and Community Development Committee Meeting held on 2 September 2009.*

**CARRIED 8/0**

---

9.1 Western Australian Local Government Association Annual General Meeting

Nil Recommendations to Council

9.2 Central Wheatbelt Visitor Centre Memorandum of Understanding Working Group

Nil Recommendations to Council

9.3 Merredin Regional Community and Leisure Centre Advisory Committee

9.1 Merredin Districts Lawn Tennis Club MoU

Moved Cr W Wallace

Sec A. Crook

*That the MRC&LC Advisory Committee recommend to Council that the Merredin Districts Lawn Tennis Club MoU as presented in its draft, and with the special terms of agreement as follows be accepted by Council.*

*The Shire Shall:*

- 1. Negotiate a lease document covering the responsibility of both parties with regard to the use of the existing club rooms until relocation to MRC&LC on completion of synthetic courts.*

**MINUTES**

---

2. *Support the application of an occasional license at the existing clubrooms when the Merredin Districts Lawn Tennis Club is participating in a fixtured sporting event.*

*The Merredin District Lawn Tennis Club Shall:*

1. *Be granted control over their current courts and clubrooms until such time as they relocate to MRC&LC and the completed synthetic courts.*
2. *Continue to maintain the clubrooms and surrounds in reasonable repair and cleanliness.*
3. *Ensure all MDLTC members become MRC&LC members.*
4. *Continue to hold a public risk insurance policy and contents insurance on the existing clubrooms.*

CARRIED 5/0

*Note:* The above Agenda Item 9.3.9.1 concerning the Merredin Districts Lawn Tennis Club Memorandum of Understanding is referred to and dealt with at Agenda Item 13.3. Refer to Page 40.

9.4 Wheatbelt East Regional Organisation of Councils

Nil Recommendations to Council

9.5 Merredin Heritage Management Committee

Nil Recommendations to Council

9.6 Merredin Westonia Liquor Accord

Nil Recommendations to Council

9.7 Merredin Local Emergency Management Committee

Nil Recommendations to Council



**MINUTES**

---

**9.8 Merredin Business and Community Development Committee****8.1 Reconciliation Action Plan**

Moved Cr Townrow

Sec Cr Forbes

*That the BCDC recommend to Council that Council endorse not proceeding with the development of a Reconciliation Action Plan in this current financial year (2009/10) with the proviso that the proposal is reassessed at the next review of the Strategic Plan.*

**CARRIED 4/0****30099**

Moved Cr Forbes

Sec Cr Young

*That Council endorse not proceeding with the development of a Reconciliation Action Plan in this current financial year (2009/2010) with the proviso that the proposal is reassessed at the next review of the Strategic Plan.*

**CARRIED 8/0**

Moved Cr Townrow

Sec Cr Forbes

*That when the Reconciliation Action Plan proposal is reassess at the next review of the Strategic Plan, it is conditional that every indigenous family plus all relevant Agencies are involved.*

**CARRIED 4/0****30100**

Moved Cr Forbes

Sec Cr Young

*That when the Reconciliation Action Plan proposal is reassessed at the next review of the Strategic Plan, it is conditional that every indigenous family plus all relevant Agencies are involved.*

**CARRIED 8/0**

**10.0 COMMUNITY SERVICES**

Nil Recommendations to Council

Debbie Morris, Executive Manager of Community Services, left the meeting at 2.47pm.

John Mitchell, Executive Manager of Development Services, entered the meeting at 1.48pm.

**10.1 Merredin Museum and Historical Society (Inc.) Correspondence**

The Chief Executive Officer advised Council that correspondence had been received from the Merredin Museum and Historical Society requesting Council representation at their meetings.

The Chief Executive Officer proposed to advise the Society that due to the upcoming Election, Councillor representation on all Council and Community Committees was likely to change and therefore notification of Council representation on all Committees would be advised following the October 2009 Council Meeting.

**MINUTES**

---

**11.0 DEVELOPMENT SERVICES**

Cr Crees declared a Financial Interest in this Agenda Item 11.1 and left the meeting at 1.50pm.

---

**11.1 COUNCIL UPDATE – COLLGAR WINDFARM**

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

---

**Background**

This report provides background information for the general discussion between Council and Collgar Windfarm on Tuesday 15 September 2009.

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

**Comments**

The notes of the meeting between the Shire President, Executive Manager of Development Services, Lynne Lagan and Paul Bultitude append in **Attachment 11.1A**.

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

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

**Officer's Recommendation**

*That Council determine a generally agreed stance with respect to imposing a charge on the Collgar Windfarm development, annual contributions and community sponsorship prior to the meeting with the representatives from Collgar Windfarm.*

The planned visit by representatives of the Collgar Windfarm was cancelled. It is proposed that the representatives will address Council at its October 2009 meeting.

- 30101** Moved Cr Morris Sec Cr Wallace  
*That Council go behind closed doors to discuss a confidential matter in accordance with Section 5.23(2) of the Local Government Act 1995.*

**CARRIED 7/0**

Council went behind closed doors at 2.03pm.

Cr Young left the meeting at 2.10pm.

Cr Young entered the meeting at 2.18pm.

- 30102** Moved Cr Wallace Sec Cr Morris  
*That Council come out from behind closed doors.*

**CARRIED 7/0**

Council came out from behind closed doors at 2.36pm.

- 30103** Moved Cr Morris Sec Cr Wallace  
*That Council delegate authority to the Shire President, Chief Executive Officer and the Executive Manager of Development Services to negotiate with Investec for community contributions to the Merredin community.*

**CARRIED 7/0  
ABSOLUTE MAJORITY**

**MINUTES**

---

Cr Crees entered the meeting at 2.28pm.

---

---

11.2 **TENDER 1-09/10 – SALE OF LOTS 362 AND 363 TODD STREET, MERREDIN – COMMERCIAL ENTERPRISE – FOOD PREMISES**

**Reporting Department:** Development Services  
**Reporting Officer:** John Mitchell – Executive Manager,  
Development Services  
**Legislation:** Local Government Act 1995  
**File Reference:** Tender 1-09/10

---

---

**Background**

At its July 2009 Meeting Council resolved (CMRef 30062):

*“That Council offer Lots 362 and 363 Todd Street, Merredin for sale, for the establishment of a “shop”, by tender with a preset reserve price and that as conditions of sale, the following applies: -*

- 1. That a Traffic Management Plan and a Road Safety Audit is conducted to determine the entry and egress to the fast food restaurant;*
- 2. Bituminised on-site parking and landscaping in accordance with the Shire of Merredin Town Planning Scheme is required;*
- 3. That a Town Planning Scheme Amendment may be required in the short term to permit the development to proceed.”*

The matter is referred to Council as the Reserve price was not met.

**Statutory Implications**

The provisions of Section 3.58 of the Local Government Act 1995 apply.

Advertisements were placed in the West Australian on 1 August 2009 with a closing date of 18 August 2009.

One tender was received and is contained in **Attachment 11.2A**.

**Financial Implications**

Council sought a Reserve in accordance with the price suggested as a valuation by Elders and Landmark. Both companies suggested a valuation of approximately \$40,000.00 per block – (Landmark - \$35,000.00 - \$45,000.00) (Elders \$45,000.00 - \$50,000.00 per block) i.e. an average of \$42,000.00 - \$44,000.00.

**Comment**

One tender was received from Yu-Yi Tao and Allan Wynne of 68B Barrack Street, Merredin who offered \$39,000.00 for Lot 362 Todd Street and \$40,000.00 for Lot 363 Todd Street.

**MINUTES**

---

Within the tender the applicant was required to address issues including traffic control and patron control. To address these: -

1. Main Roads WA will not provide comment until a planning application is received;
2. Eagle Boys will not provide detailed plans until the land is available, however the type of layout required is similar to the Chicken Treat fast food outlet.
3. Fences will be provided to restrict access off the lots;
4. Staff will patrol the grounds to control patrons within the property.

Development of the Carrington Way blocks cost \$50.00/m<sup>2</sup> providing a Reserve for a 1,000m<sup>2</sup> block at \$50,000.00. There is 1,799m<sup>2</sup> of land available within Lots 362 and 363 Todd Street, Merredin which indicates a development cost of \$89,950.00.

It is suggested that a condition of purchase be the return of the Lots to Council if development has not commenced/been completed within a reasonable term.

The valuations suggest a return of approximately \$70,000.00 - \$90,000.00, dependent on which valuation is used.

**Officer's Recommendation**

1. *That the tender from Yu-Yi Tao to purchase Lots 362 and 363 Todd Street, Merredin for the establishment of a fast food franchise, Eagle Boys, at a cost of \$79,000.00 plus GST be accepted with the following conditions:*
  - a. *Compliance with the tender specifications;*
  - b. *That if development to 50% (i.e. plate height of construction) has not occurred within two years that the land reverts to Council at the purchase price for the land.*
2. *That the proceeds of this sale are to be applied to the Land Development Reserve.*

Debbie Morris, Executive Manager of Community Services, entered the meeting at 2.30pm.

Vanessa Green, Executive Assistant, left the meeting at 2.30pm.

Vanessa Green, Executive Assistant, entered the meeting at 2.31pm.

**MINUTES**

---

**30104**

Moved Cr Forbes

Sec Cr Young

1. *That the tender from Yu-Yi Tao to purchase Lots 362 and 363 Todd Street, Merredin for the establishment of a fast food franchise, Eagle Boys, at a cost of \$79,000.00 plus GST be accepted with the following conditions:*
  - a. *Compliance with the tender specifications;*
  - b. *That if development to 50% (i.e. plate height of construction) has not occurred within two years that the land reverts to Council at the purchase price for the land less 10%.*
2. *That the proceeds of this sale are to be applied to the Land Development Reserve.*

**CARRIED 7/1**

**REASON:** Council wished to provide an incentive for the Developers to complete the project.

---

---

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

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

---

**Background**

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

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

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

**Statutory Implications**

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

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

**Financial Implications**

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

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

The group seeks a peppercorn rental.



**MINUTES**

---

**Comment**

In 2006 Council resolved to accept no tenders for the sale or demolition of the Playgroup building and to consider the proposed relocation by the Playgroup and the lease did not reflect the resolution of Council (**CMRef 28346**):

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

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

A lease was prepared and can be provided to the meeting.

The following points are noted from the meeting with the Playgroup representatives: -

1. The group is happy to see the internal glass removed except to the toilet and enclosed areas to the west of building;
2. The group has made an application to Lotterywest for disabled ramped access to the building (\$15,000.00) and has obtained a quotation from Ben Gearing to perform the works;
3. The group seeks to stay at the Throssell Road building on a minimal lease as a community group;

**MINUTES**

---

4. The group can supply labour and technical assistance for the air conditioning – potentially including cost price plus freight on components, free labour etc. The group had already repainted internally and offered to assist with the roof repairs – explained if volunteer injured there are issues and therefore the use of volunteers would be limited to low risk tasks such as on ground painting, gardening, reticulation repairs, fence repairs and the like, unless the person was already trained as a career in specialist jobs – e.g. AC repairs, electrician and the like; could do the fence repairs requested;
5. To achieve the Lotterywest grant the group need a five year lease;
6. Any upgrade must address the CCA playground furniture still on site;
7. There is no objection from the Administration if the group sought to reallocate the \$10,000.00 from the windows to other works, providing Council supported the continued existence of the group and granted the five year lease.

The group seeks to address Council in public question time at the September 2009 meeting to show interest, keenness and to explain that the group only went forward when relocated to the playgroup building from the church site in South Avenue, Merredin.

The matter is submitted for Council consideration.

**Officer's Recommendation**

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

Council were advised that the planned presentation by representatives from the Throssell Road Playgroup was cancelled and that further meetings would be held with relevant agencies to discuss the issue.

**30105**

Moved Cr Morris

Sec Cr Crees

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

**CARRIED 8/0**

Debbie Morris, Executive Manager of Community Services, left the meeting at 2.39pm.

**MINUTES**

---

---

**11.4 LOCAL PLANNING SCHEME NO. 6 DRAFT – SCHEDULE OF CHANGES – WESTERN AUSTRALIAN PLANNING COMMISSION**

<b>Reporting Department:</b>	Development Services
<b>Reporting Officer:</b>	John Mitchell – Executive Manager, Development Services
<b>Legislation:</b>	Planning and Development Act 2005
<b>File Reference:</b>	LUP/5/1

---

**Background**

Council considered the draft Local Planning Scheme No. 6 (LPS6) at two meetings on 4 June 2008 and 17 June 2008 respectively. A copy of the notes of those meetings is contained in **Attachment 11.4A**. Council has since endorsed the notes.

Between June 2008 and August 2009 the Administration completed the draft Scheme and submitted it to the Western Australian Planning Commission (WAPC).

Council has also submitted an Amendment to the existing Local Planning Scheme No. 1 to address urgencies within the proposed LPS6.

**Statutory Implications**

Prior to advertising the LPS6, the approval of the WAPC to advertise is required. As part of the process the WAPC's Planner reviews the draft document.

As a result of the review, a schedule of modifications was prepared by the WAPC and is contained in **Attachment 11.4B**. The schedule has been modified by the inclusion of the comments of the Planner and Planning Consultant.

**Financial Implications**

It is likely that the LPS6 will be approved prior to 30 June 2010. No funds have been included to permit the gazettal of the scheme which is anticipated to cost \$8,000.00.

It was proposed to provide advertising funds within the 2010/2011 Budget.

**Comment**

On 25 August 2009 the Executive Manager of Development Services and the Planner met to review the WAPC memorandum.

The Department of Planning Memorandum contains the comments of Mr Bashall and the EMDS. Council endorsement of the actions is sought.

**MINUTES**

---

There are no hidden issues and the amendments sought by the WAPC do not interfere with the intent of the scheme proposed by Council. Some of the changes relate to previously accepted standard practices v<sup>s</sup> new accepted standards – e.g. Restricted Uses v<sup>s</sup> Special Control Areas.

Council endorsement of the actions contained within the WAPC memorandum of 19 August 2009 (ref 853/4/18/8PV) is sought.

The memorandum and the comments of PB (Paul Bashall) and JM (John Mitchell (EMDS)) have been resubmitted to the WAPC to keep the matter moving forward.

For information, the amendment to Local Planning Scheme No.1 has been put on hold as the Administration decided with the WAPC that the LPS6 had priority.

**Officer's Recommendation**

1. *That Council endorse the comments of the Officers (Paul Bashall and John Mitchell) contained within WAPC Memorandum of 19 August 2009 (853/4/18/8PV), as shown in Attachment 11.4B, relating to the Local Planning Scheme No. 6 and submit the memorandum to the Department of Planning.*
2. *That Council note the Administration decision to defer works on the Amendment No. 3 to the Town Planning Scheme No. 1.*

**30106**

Moved Cr Crees

Sec Cr Young

1. *That Council endorse the comments of the Officers (Paul Bashall and John Mitchell) contained within WAPC Memorandum of 19 August 2009 (853/4/18/8PV), as shown in Attachment 11.4B, relating to the Local Planning Scheme No. 6 and submit the memorandum to the Department of Planning.*
2. *That Council note the Administration decision to defer works on the Amendment No. 3 to the Town Planning Scheme No. 1.*

**CARRIED 8/0**

**MINUTES**

---

---

**11.5 TOWN PLANNING – LOT 525 SOUTH AVENUE, MERREDIN – NEW LIBRARY AND ABLUTION BLOCK – ST MARY’S PRIMARY SCHOOL**

**Reporting Department:** Development Services  
**Reporting Officer:** John Mitchell – Executive Manager,  
Development Services  
**Legislation:** Shire of Merredin Town Planning Scheme No.1  
**File Number:** A3041

---

**Background**

Application PA9 – 09, **Attachment 11.5A**, has been received from Santelli Architects representing the Roman Catholic Archbishop of Perth to construct a new library and ablution block to the St Mary’s private primary school.

The Project is being funded through the Federal Government’s Stimulus Package.

**Statutory Implications**

The application is for the erection of a private library for the school and new ablutions for the children. A private school is an “AP” use within Town Planning Scheme No. 1. An advertisement was placed in the Mercury for the week of 7 September 2009 with submissions closing on 30 September 2009.

**Financial Implications**

Planning fees of \$2,124.00 have been paid.

**Comment**

A delegation to permit the Chief Executive Officer to consent to the approval at the expiration of the advertising period is sought from Council. An absolute majority of Council is required to approve the delegation.

The proposal is to:

1. Demolish the existing ablution block on the west end of the existing southern classrooms and replace it with new ablutions;
2. Provide a library adjacent to the new ablutions.

There are no known conditions to place upon the project. The addition of a condition relevant to the provision of parking is fairly superfluous as on-site parking is already provided and this planning proposal does not add to the expected use of the service to be provided.

As advice to the applicant the following will be required: -

1. Address the fire resistance levels and BCA09 Vol 1 Part C Fire resistance, and ensure existing fire control systems on-site are current and compliant;
2. Liaise with Western Power and Water Corporation with respect to any additional service provision required.

**Officer's Recommendation**

*That, following the close of submissions and subject to no serious negative submissions being received, the Chief Executive Officer be delegated authority to consent to the construction of a new library and ablution block at Lot 525 South Avenue, Merredin (PA9 – 09) with the following advice to the applicant:*

1. *Address the fire resistance levels and BCA09 Vol 1 Part C Fire resistance, and ensure existing fire control systems on-site are current and compliant;*
2. *Liaise with Western Power and Water Corporation with respect to any additional service provision required.*

ABSOLUTE MAJORITY REQUIRED

**30107**

Moved Cr Young

Sec Cr Forbes

*That, following the close of submissions and subject to no serious negative submissions being received, the Chief Executive Officer be delegated authority to consent to the construction of a new library and ablution block at Lot 525 South Avenue, Merredin (PA9 – 09) with the following advice to the applicant: -*

1. *Address the fire resistance levels and BCA09 Vol 1 Part C Fire resistance, and ensure existing fire control systems on-site are current and compliant;*
2. *Liaise with Western Power and Water Corporation with respect to any additional service provision required.*

**CARRIED 8/0  
ABSOLUTE MAJORITY**

**MINUTES**

---

**11.6 LOT 1504 SUBDIVISION – LAND OFFER TO PURCHASE – LOT 501 BARRACK STREET, MERREDIN**

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

---

**Background**

Council may recall that the purchase of the railway land (being Lot 1504 Barrack Street, Merredin) from the Public Transport Authority has been delayed due to issues with the power distribution throughout the site and boundary encroachments.

The matter is close to completion.

In 2005 Council approved the partial closure of the road system contiguous with the site. At its October 2005 meeting Council resolved (**CMRef 28135**):

*“That Council commence the process of acquiring Merredin Lot 682 Mitchell Street, Reserve 22638 Mitchell Street and the closed portion of Barrack Street between Mary and Mitchell Streets and amalgamating them into one lot as an action forming part of the East Barrack Street sub-division.”*

As part of the overall process, the Administration has been negotiating the inclusion of the old petrol station site and reserves on the north side of Lot 1504 Barrack Street within the development. The road closure has occurred by the Department in 2009 and the street was renamed Mary Street in 2008.

Correspondence has been received from the Department of Regional Development and Lands, **Attachment 11.6A**, offering the land (Lot 501 – formerly Lot 682) for sale. A locality map is also contained within **Attachment 11.6A**.

**Statutory Implications**

Section 3.59 of the Local Government Act 1995 requires a local government to prepare a Business Plan if Council intends to undertake a Major Land Transaction or enters into a land transaction preparatory to a Major Land Transaction. The threshold value of a Major Land Transaction is \$1million or 10% of Council’s operating revenue, whichever is lesser.

It is considered that a Business Plan must be prepared prior to the purchase of the land or further development of Lot 1504 Barrack Street.

**MINUTES**

---

**Financial Implications**

The land is offered to Council at a purchase price of \$43,000.00 plus GST.

No budget provision has been made for the purchase of the land within the 2009/2010 Budget.

**Comment**

The Environmental Report previously prepared at Council expense has been quoted within the offer to note the consultant's conclusions which include the provision and monitoring of three stations for water quality.

The issues relevant to the release of the Reserve 10359, Lot 1504 Barrack Street, Merredin is reaching conclusion with the remaining issues being restriction of power to certain zones – agreed by Council Administration and request for power disconnection made; and the removal of a shed which is across boundaries adjacent to the 20m line of the railway – it has been agreed for the Shire to remove the shed by 30 September 2009.

Council has previously requested that the Administration approach the Honourable Minister for Regional Development and Lands for release of the land – Lots 501 and 1504 Barrack Street to the Shire of Merredin at greatly reduced cost – preferably no cost. To date no response has been received. A further letter is proposed by the Administration.

The overlay of development suggested by Town Planning Scheme No. 1 Amendment No.2 (**Attachment 11.6B**) and the recent road closure are a component of the lots created and would remove 7 blocks from the proposed subdivision if not included.

It is advantageous to advise the Department that this decision is part of the overall development of the site including Lot 1504 Barrack Street and that Council has sought from the Honourable Minister for Regional Development and Lands that the land be released to the Shire of Merredin at a reduced cost due to the charges already incurred by Council. Until that determination is made Council seeks for the offer to remain on the table.

**Officer's Recommendation**

- 1. That the Department of Regional Development and Lands be advised that Council has sought from the Minister that the land comprising Lots 1504 and 501 Barrack Street, Merredin be released to the Shire of Merredin at a reduced cost due to the charges already incurred by Council. Until that determination is made by the Honourable Minister for Regional Development and Lands, Council seeks for the offer to remain on the table.*
- 2. That the Administration reiterate Council's request for Lots 1504 and 501 Barrack Street, Merredin to be released at no cost to Council to the Honourable Minister for Regional Development and Lands.*



**30108**

Moved Cr Morris

Sec Cr Wallace

1. *That the Department of Regional Development and Lands be advised that Council has sought from the Minister that the land comprising Lots 1504 and 501 Barrack Street, Merredin be released to the Shire of Merredin at a reduced cost due to the charges already incurred by Council. Until that determination is made by the Honourable Minister for Regional Development and Lands, Council seeks for the offer to remain on the table.*
  
2. *That the Administration reiterate Council's request for Lots 1504 and 501 Barrack Street, Merredin to be released at no cost to Council to the Honourable Minister for Regional Development and Lands.*

**CARRIED 8/0**

**MINUTES**

---

**11.7 LAND SALE – OFFER TO PURCHASE – LOT 26 INSIGNIA WAY, MERREDIN – MR DEREK MASON, MASON ENTERPRISES**

**Reporting Department:** Development Services  
**Reporting Officer:** John Mitchell – Executive Manager,  
Development Services  
**Legislation:** Local Government Act 1995  
**File Number:** A2120

---

**Background**

An offer to purchase Lot 26 Insignia Way, Merredin has been received from Mr Derek Mason of Mason Enterprises WA Pty Ltd. The correspondence and locality plan are contained in **Attachment 11.7A**.

Lot 26 Insignia Way, Merredin is directly behind the blue industrial shed currently under construction on the corner of Gabo Avenue and Insignia Way, Merredin.

**Statutory Implications**

Lot 26 Insignia Way, Merredin comprises 1.7882ha of land which is zoned “General Industry” within the Shire of Merredin Town Planning Scheme No.1.

Local Planning Scheme No. 6 proposes to retain that zoning.

The provisions of Section 3.58 of the Local Government Act 1995 are applicable. For sale by private treaty Council must obtain a market valuation for the land, advertise the intent of sale and seek comment prior to agreeing to the sale. The other option is to call tenders for the sale of the land.

**Financial Implications**

No market valuation has been obtained. Recent sales suggest an industrial valuation of around \$75,000.00. A market valuation will be obtained.

**Comment**

Does Council seek to retain or offer the block for sale?

The sale of the land by tender is recommended as all interested parties are then provided the opportunity to consider the purchase of the land.

Does Council seek to place construction deadlines or any other condition on the sale of the land?

**Officer's Recommendation**

1. *That Lot 26 Insignia Way, Merredin be offered for sale by tender.*
2. *That the proceeds of this sale are to be applied to the Land Development Reserve.*

Moved Cr Morris

Sec Cr

*That Lot 26 Insignia Way, Merredin be offered for sale by private treaty with an agreed 2 year building development condition.*

**LAPSED FOR WANT OF A SECONDER****30109**

Moved Cr Young

Sec Cr A Hooper

1. *That Lot 26 Insignia Way, Merredin be offered for sale by tender with the following conditions:*
  - a. *Compliance with the tender specifications, which includes a requirement to demonstrate a construction ready project;*
  - b. *That if development proposed has not occurred within two years that the land reverts to Council at the purchase price for the land less 10%.*
2. *That the proceeds of this sale are to be applied to the Land Development Reserve.*

**CARRIED 8/0**

**REASON:** Council wished to provide an incentive for the Developer to complete the project.

**MINUTES**

---

**11.8 LOCAL LAW NO. 7 – HEALTH LOCAL LAW 1999 – REVIEW OF LOCAL LAW – ADOPTION PHASE**

**Reporting Department:** Development Services  
**Reporting Officer:** John Mitchell – Executive Manager,  
Development Services  
**Legislation:** Local Government Act 1995  
**File Number:** LE/13/1 – New File – 2009 Health LL Review

---

**Background**

At its May 2008 Meeting Council resolved to review the 1999 Health Local Law (**CMRef 29495**).

The review must be carried out in accordance with the requirements of Section 3.16 of the Local Government Act 1995.

Advertising and public comment on the draft Local Law amendment has been sought.

**Statutory Implications**

Section 3.16(2) requires that the local government:

1. Advertise the local law within a newspaper circulating throughout the State – West Australian 11 June 2008, 24 June 2009, and locally – Wheatbelt Mercury – 15 July 2009; and
2. Copies of the local law were available at the Counter and on the Shire of Merredin website;
3. A public notice was placed in the notice board at the Shire Administration and Westpac Bank – Barrack Street, Merredin;
4. Submissions have been received for a period of greater than 6 weeks of advertising period;
5. This report represents the report of the review pursuant to clause 3.16(3) of the Local Government Act 1995.

Compliance with Section 3.16(4) represents the recommendations and content of this report.

**Financial Implications**

The costs of Gazettal are \$300.00 per page. Please note there are approximately 2 pages of standard print to a Gazette page.

**Comments**

Council received three submissions, from the Department of Health, the Department of Local Government and Regional Development and Mr C. Mowday. Copies of their submissions are contained in **Attachment 11.8A**.

A copy of the proposed and amended local law is contained in **Attachment 11.8B**.

**MINUTES**

Discussing the submissions received: -

Submission	Issue	Comment
C. Mowday	Deletion of Schedule 14 relating to fees for morgues and lodging houses	Fees to be set by Sec 344C of Health Act 1911
C. Mowday	Spelling mistake Clause 3.5.1(3)	Changed
C. Mowday	Fee Setting	Set by Sec 344C of Health Act 1911
Dept of LG/ Dept of Health	Incorrect numbering, clause layout, deletion of unnecessary words, reflect current drafting practices	Changes made
Dept of Health	Address Issues raised through the Joint Standing Committee on Delegated Legislation	Already completed in September 2007 – GG 183
Dept of Health	Delete clause 6.8.1(f) as it is believed to be ultra vires	Changed
Dept of Health	Keeping of roosters clause unnecessary	Disagree – current local law permits the keeping of a rooster, intent is to prohibit the keeping of roosters

The changes proposed by the submissions improve the proposed Local Law.

The Shire of Merredin Health Local Laws 1999 were the result of a significant consolidation, led by the City of Perth, and undertaken by local governments in the late 1990's, to modernise Health Local Laws.

The intent and purpose of the legislation is that the provisions serve to maintain basic sanitary conditions for dwellings, establishing maintenance standards and the management of waste services.

Other provisions assist the Shire in the control of pests, nuisances and certain noxious trades, as well as provision for the control of certain infectious diseases. Controls include the creation of offences with penalties and licensing and registration of activities such as offensive trades and lodging houses.

**Officer's Recommendation**

1. *That the submissions relating to the proposed amendment Local Law – Shire of Merredin Health Amendment Local Law 2009 be acknowledged.*
2. *That Council note and endorse the necessary changes to the Shire of Merredin Health Amendment Local Law 2009.*
3. *That the Shire of Merredin resolves to make a Local Law – Shire of Merredin Health Amendment Local Law 2009 - and that the Local Law and supporting documentation be submitted to the State Law Publisher for Gazettal and the Joint Standing Committee on Delegated Legislation for review and acceptance.*

**ABSOLUTE MAJORITY REQUIRED****30110**

Moved Cr Forbes

Sec Cr Young

1. *That the submissions relating to the proposed amendment Local Law – Shire of Merredin Health Amendment Local Law 2009 be acknowledged.*
2. *That Council note and endorse the necessary changes to the Shire of Merredin Health Amendment Local Law 2009.*
3. *That the Shire of Merredin resolves to make a Local Law – Shire of Merredin Health Amendment Local Law 2009 - and that the Local Law and supporting documentation be submitted to the State Law Publisher for Gazettal and the Joint Standing Committee on Delegated Legislation for review and acceptance.*

**CARRIED 8/0****ABSOLUTE MAJORITY**

**MINUTES**

---

- 30111** Moved Cr Crees Sec Cr Morris  
*That this Meeting consider all Late Agenda Items, being 16.1, 16.2, 16.3 and 16.4.*

**CARRIED 8/0**

This Agenda Item 16.1 was brought forward due to the attendance of John Mitchell, Executive Manager of Development Services.

---

16.1 **TOWN PLANNING – APPLICATION TO ERECT A SECONDHAND DWELLING**

**Reporting Department:** Development Services  
**Reporting Officer:** John Mitchell – Executive Manager,  
Development Services  
**Legislation:** Nil  
**File Number:** A5142

---

**Background**

An application (PA10/09) has been submitted by Mat Fegan to construct a second dwelling, being a secondhand three bedroom, one bathroom dwelling, at Lot 1, 41 Last Road, Nukarni.

A grouped dwelling is defined by the Residential Design Codes (RDC) as “*a dwelling that is one of a group of two or more dwellings on the same lot such that no dwelling is placed wholly or vertically above another*”.

**Attachment 16.1A** is a site plan showing the proposed location of the grouped dwelling, a floor plan and various elevations of the proposed dwelling and an aerial overlay plan of the area taken from the Landgate system.

The property is 404 hectares in area and is serviced with all relevant utilities.

**Statutory Implications**

Lot 1, 41 Last Road, Nukarni is zoned “General Farming” in accordance with the Shire of Merredin Town Planning Scheme No.1.

In December 2003 Council resolved (**CMRef 27311**) in accordance with Clause 2.2.4 of the Scheme to determine that a grouped dwelling in the general farming zone is a “PS” use – that is special approval required and conditions complied with.

**Financial Implications**

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

**MINUTES**

The relevant fee applicable to this application for planning consent is \$132.00 which have not been paid by the applicant.

**Comment**

As can be seen from the site plan, sufficient area exists for the development, however as the grouped dwellings are not located in the residential zone, the Residential Design Codes do not apply, thus removing the requirements for open space, setbacks, car parking etc.

The location of waste water treatment and disposal systems and access ways are indicated on the site plan.

Access to the dwellings is proposed along Nungarin-Merredin Road.

**Officer's Recommendation**

*That Council grant planning consent to Mat Fegan in relation to application for planning consent PA10/09 to construct a secondhand three bedroom, one bathroom grouped dwelling at Lot 1, 41 Last Road, Nukarni subject to the following conditions –*

- 1. All residential building work to be the subject of a building license and comply with the Building Code of Australia 2009;*
- 2. Each dwelling is to be connected to a separate system for the treatment of sewage, as approved by the Environmental Health Officer;*
- 3. Each dwelling is to be used for domestic residential purposes by the family of the owners of the land only;*
- 4. All fencing on site to be constructed in accordance with Shire of Merredin Local Law No. 7 – Fencing;*
- 5. The secondhand dwelling is to be repainted within six months of arrival on site.*

**30112**

Moved Cr Young

Sec Cr Forbes

*That Council grant planning consent to Mat Fegan in relation to application for planning consent PA10/09 to construct a secondhand three bedroom, one bathroom grouped dwelling at Lot 1, 41 Last Road, Nukarni subject to the following conditions –*

- 1. All residential building work to be the subject of a building license and comply with the Building Code of Australia 2009;*
- 2. Each dwelling is to be connected to a separate system for the treatment of sewage, as approved by the Environmental Health Officer;*
- 3. Each dwelling is to be used for domestic residential purposes by the family of the owners of the land only;*
- 4. All fencing on site to be constructed in accordance with Shire of Merredin Local Law No. 7 – Fencing;*
- 5. The secondhand dwelling is to be repainted within six months of arrival on site.*

**CARRIED 8/0**



**MINUTES**

---

This Agenda Item 16.2 was brought forward due to the attendance of John Mitchell, Executive Manager of Development Services.

---

**16.2 CARRINGTON WAY – DELEGATION OF AUTHORITY**

<b>Reporting Department:</b>	Administration
<b>Reporting Officer:</b>	Frank Ludovico – Chief Executive Officer
<b>Legislation:</b>	Local Government Act 1995
<b>File Number:</b>	LUP/13/5

---

**Background**

On 2 May 2009 an auction occurred to sell land at the Carrington Way Subdivision. At the time of the auction only three lots were sold. Since that time an additional 9 lots have been sold.

After the auction, the provisions of Section 3.58 of the Local Government Act 1995 do not apply as any sale of land becomes an exempt disposition of property (Regulation 30(2)a Functions and General Regulations) for a six month period. The expiry date of this exemption is 2 November 2009.

The purpose of this Agenda Item is to seek a delegation to the Chief Executive Officer to continue to allow the sale of this land using private treaty provision of Section 3.58 of the Local Government Act 1995.

**Statutory Implications**

Section 3.58 of the Local Government Act 1995 indicates land can only be disposed of by three methods. These are highest bidder at public auction, by public tender or by private treaty. If a sale is to occur by private treaty then a notice must be placed in the newspaper for a two week period calling for public submissions on the sale. The notice is to include the names of all parties, the consideration, the market value and any submissions must be considered by Council.

**Comment**

The private treaty provisions were used to process the sale of the Whitfield Way Subdivision and it is proposed to use the same process to allow for the ongoing sale of Carrington Way Lots.

**Officer's Recommendation**

*That Council delegate to the Chief Executive Officer in the Carrington Way Subdivision that Council approve prices with any submissions received during the local notice period (Section 3.58(3)) to be considered by Council. If there are no written submissions resulting from the local public notice period (Section 3.58(3)) the Chief Executive Officer is authorised to transfer the land without further reference to Council.*

**ABSOLUTE MAJORITY REQUIRED**

**30113**

Moved Cr Morris

Sec Cr Young

*That Council delegate the Chief Executive Officer the power to accept offers for the purchase of land in the Carrington Way subdivision at the Council approved prices with any submissions received during the local Public Notice Period (S3.58(3)) to be considered by Council. If there are no written submissions resulting from the local Public Notice Period (S3.58(3)) the Chief Executive Officer is authorised to transfer the land without further reference to Council.*

**CARRIED 8/0  
ABSOLUTE MAJORITY**

**MINUTES**

---

This Agenda Item 16.4 was brought forward due to the attendance of John Mitchell, Executive Manager of Development Services.

---

16.4 **OFFER TO LEASE LAND – RESERVES 44697 AND 17767; MR PAUL MADAFFARI PO BOX 302, MERREDIN**

**Reporting Department:** Development Services  
**Reporting Officer:** John Mitchell – Executive Manager,  
Development Services  
**Legislation:** Local Government Act 1995  
**File Number:** R44697, R17767

---

**Background**

An application (**Attachment 16.4A**) to lease the two Reserves bounded by Golf St, Telfer Street, McDonald Street and Old Goldfields Road has been received from Mr Paul Madaffari of PO Box 302, Merredin.

**Statutory Implications**

The provisions of the Local Government Act 1995, Section 3.58 are applicable. The lease of the land must be carried out in accordance with tender, auction or private treaty after advertising.

**Financial Implications**

The offer to share crop includes a price per hectare of \$30.00. There are 19.034ha or 41 acres of land available. The lease fees per annum would be \$600.00.

The costs to prepare and maintain the firebreaks during firebreak season is approximately \$500.00.

**Comment**

Share cropping requires that the fire breaks be maintained by the individual cropping the land and these costs will be borne by Mr Madaffari as a component of the lease of the land.

Mr Madaffari seeks to lease the land for a period of 2.5 years until February 2012 to permit the harvesting of crop.

**Officer's Recommendation**

*That the Reserve 44697 and 17767 be advertised for lease, within the Merredin Mercury, for a period to expire on 27 February 2012 and that the Chief Executive Officer be granted delegated authority to select the best tender received for Council.*

**ABSOLUTE MAJORITY REQUIRED**

**30114**

Moved Cr Forbes

Sec Cr Young

*That the Reserve 44697 and 17767 be advertised for lease, within the Merredin Mercury, for a period to expire on 27 February 2012 and that the Chief Executive Officer be granted delegated authority to select the best tender received for Council.*

**CARRIED 8/0  
ABSOLUTE MAJORITY**

Cr Forbes left the meeting at 3.12pm.

John Mitchell, Executive Manager of Development Services, left the meeting at 3.14pm.

12.0 ENGINEERING SERVICES

Nil Recommendations to Council

**MINUTES**

---

**13.0 FINANCE AND ADMINISTRATION**

---

---

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

---

**Comment**

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

**Officer's Recommendation**

*That Council receive the Monthly Finance Report for August 2009.*

**30115**

Moved Cr Morris

Sec Cr Young

*That Council receive the Monthly Finance Report for August 2009.***CARRIED 7/0**

**MINUTES**

---

---

**13.2 LIST OF ACCOUNTS PAID**

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

---

**Background**

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

**Statutory Implications**

Local Government Act 1995 and Financial Management Regulations.

**Financial Implications**

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

**Officer's Recommendation**

*That Council receive the schedule of accounts as listed, covering cheques as numbered and totalling \$75,371.01 and amounts directly debited from Council's Municipal Fund Bank Account BSB 066-518 Account Number 000-000-10 totalling \$850,577.85 and outstanding creditors totalling \$100,915.18.*

**30116**

Moved Cr Morris

Sec Cr Crees

*That Council receive the schedule of accounts as listed, covering cheques as numbered and totalling \$75,371.01 and amounts directly debited from Council's Municipal Fund Bank Account BSB 066-518 Account Number 000-000-10 totalling \$850,577.85 and outstanding creditors totalling \$100,915.18.*

**CARRIED 7/0**

**MINUTES**

---

---

**13.3 REVIEW OF MEMORANDUM OF UNDERSTANDING – MERREDIN DISTRICTS LAWN TENNIS CLUB**

<b>Reporting Department:</b>	Recreation Services
<b>Reporting Officer:</b>	Peter McDonald – Recreation Centre Manager
<b>Legislation:</b>	Local Government Act 1995
<b>File Reference:</b>	CM/9/1

---

**Background**

On completion of the Merredin Regional Community and Leisure Centre (MRC&LC), many sporting and community organisations agreed to collocate to the new Centre and entered into Memorandums of Understanding (MoU's) with the Shire of Merredin, with Council endorsing these MoU's. The MoU's outline the responsibilities of both parties in the Centre's use.

The Merredin Districts Lawn Tennis Club are collocating to the MRC&LC and the new MoU requires endorsement by Council (**Attachment 13.3A**).

**Comment**

The MoU is a standard agreement between the Shire of Merredin and the Sporting or Community Organisation. It varies only in the area of "Special Terms of the Agreement".

The MRC&LC Advisory Committee discussed the Merredin Districts Lawn Tennis Club MoU at its 24 August 2009 Meeting and resolved the following with regard to the "Special Terms of the Agreement":

*"That the MRC&LC Advisory Committee recommend to Council that the Merredin Districts Lawn Tennis Club MoU as presented in its draft and with the special terms of agreement as follows be accepted by Council:*

*The Shire Shall:*

- 1. Negotiate a lease document covering the responsibility of both parties with regard to the use of the existing club rooms until relocation to MRCLC on completion of synthetic courts.*
- 2. Support the application of an occasional license at the existing clubrooms when the Merredin Districts Lawn Tennis Club is participating in a fixtured sporting event.*



**MINUTES**

---

*The Merredin District Lawn Tennis Club Shall:*

- 1. Be granted control over their current courts and clubrooms until such time as they relocate to MRC&LC and the completed synthetic courts.*
- 2. Continue to maintain the clubrooms and surrounds in reasonable repair and cleanliness.*
- 3. Ensure all MDLTC members become MRC&LC members prior to relocation to the MRC&LC.*
- 4. Continue to hold a public risk insurance policy and contents insurance on the existing clubrooms.”*

**Officer’s Recommendation**

*That Council adopt the new Memorandum of Understanding between the Shire of Merredin and the Merredin Districts Lawn Tennis Club as per Attachment 13.3A.*

Cr Forbes entered the meeting at 3.17pm.

Cr Young left the meeting at 3.19pm.

**30117**

Moved Cr Morris

Sec Cr A Hooper

*That Council adopt the new Memorandum of Understanding between the Shire of Merredin and the Merredin Districts Lawn Tennis Club as per Attachment 13.3A as amended.*

**CARRIED 7/0**

**MINUTES**

---

---

**13.4 REVIEW OF MEMORANDUM OF UNDERSTANDING – MERREDIN AND DISTRICTS LITTLE ATHLETICS CENTRE**

<b>Reporting Department:</b>	Recreation Services
<b>Reporting Officer:</b>	Peter McDonald – Recreation Centre Manager
<b>Legislation:</b>	Local Government Act 1995
<b>File Reference:</b>	CM/9/1

---

**Background**

On completion of the Merredin Regional Community and Leisure Centre (MRC&LC), many sporting and community organisations agreed to collocate to the new Centre and entered into Memorandums of Understanding (MoU's) with the Shire of Merredin, with Council endorsing these MoU's. The MoU's outline the responsibilities of both parties in the Centre's use.

The Merredin and Districts Little Athletics Centre are collocating to the Centre and the new MoU requires endorsement by Council (**Attachment 13.4A**).

**Comment**

The MoU is a standard agreement between the Shire of Merredin and the Sporting or Community Organisation. It varies only in the area of "Special Terms of the Agreement". The Special Terms of Agreement relating to the Merredin and Districts Little Athletics Centre are:

*The Shire shall -*

- 1. Permit the Merredin and Districts Little Athletics Centre to display temporary non-fixed sponsorship signage on the oval and around the building throughout their fixtured competition. All signage must be approved by the Recreation Centre Manager and in accordance with the Shire Signage Policy.*
- 2. Provide storage within the store-room for the purpose of storing the Merredin and Districts Little Athletics Centre property.*
- 3. Provide a lockable area in the kitchen area for the purpose of storing the Merredin and Districts Little Athletics Centre consumables, for the duration of their competition season.*
- 4. In season mark the oval as required for Little Athletics competition and provide two long jump pits to Little Athletic standards in a mutually agreed location.*

*The Merredin and Districts Little Athletics Centre shall-*

- 1. Agree to remove temporary signage at the completion of their fixtured competition.*

**Officer's Recommendation**

*That Council adopt the new Memorandum of Understanding between the Shire of Merredin and the Merredin and Districts Little Athletics Centre as per Attachment 13.4A.*

**30118**

Moved Cr Morris

Sec Cr A Hooper

*That Council adopt the new Memorandum of Understanding between the Shire of Merredin and the Merredin and Districts Little Athletics Centre as per Attachment 13.4A.*

**CARRIED 7/0**

**MINUTES**

---

Cr Young entered the meeting at 3.30pm.

---

**13.5 MUNTAGDIN COMMUNITY FORUM**

**Reporting Department:** Administration

**Reporting Officer:** Frank Ludovico – Chief Executive Officer

**Legislation:** Local Government Act 1995

**File Reference:** CR/17/26

---

**Background**

The Shire of Merredin conducted an informal Community Forum at Muntadgin on 31 August 2009 and the notes of this Forum are attached for Council information (**Attachment 13.5A**).

**Officer's Recommendation**

*That Council receive the notes of the Community Forum held in Muntadgin on 31 August 2009.*

**30119**

Moved Cr Forbes

Sec Cr Morris

*That Council receive the notes of the Community Forum held in Muntadgin on 31 August 2009.*

**CARRIED 8/0**

It is noted that Council believed these Community Forums to be beneficial both to Council and the community and therefore they would be continued in 2010.

**MINUTES**

---

---

**13.6 SHIRE OF MERREDIN CHRISTMAS FUNCTION**

<b>Reporting Department:</b>	Administration
<b>Reporting Officer:</b>	Frank Ludovico – Chief Executive Officer
<b>Legislation:</b>	Council Policy 1.13

---

---

**Background**

Council Policy 1.13 states *“That Council provide a joint Christmas Function for Councillors, Council staff and immediate families. The Chief Executive Officer is to place an item on the Council agenda no later than November of each year requesting Council to set a date and location for the function.”*

**Financial Implications**

There is an allocation of \$3,000.00 in the 2009/2010 Budget at Account E041110 - Refreshments and Receptions - for the Staff Christmas Function.

**Comment**

The 2007 and 2008 Christmas Functions were held at the Merredin Regional Community and Leisure Centre (MRC&LC) with between 100-120 people attending each Function.

The MRC&LC works well as a venue and the perception that it is a “neutral location” has resulted in the attendance of more staff in recent years, particularly from the Engineering Services Crew.

However, despite the success of the 2007 and 2008 Functions, the organisation of such an event has fallen largely to the Administration team resulting in their limited participation in the Function.

A possible solution to this issue is that the Function be fully catered by an outside person, group or business. This was done at a recent event held at the MRC&LC and included a self serve roast buffet, a selection of desserts and post event clean up. The cost for this is expected to be approximately \$25.00 per person.

The only date available at the MRC&LC is Friday 18 December 2009.

It is therefore proposed that the Annual Christmas Function be held on Friday 18 December 2009 at the MRC&LC in the form of a fully catered buffet.

**Officer's Recommendation**

*That the Shire of Merredin Annual Christmas Function be held on Friday 18 December 2009 at the Merredin Regional Community and Leisure Centre in the form of a fully catered buffet.*

- 30120** Moved Cr Crees Sec Cr Young  
*That the Shire of Merredin Annual Christmas Function be held on Friday 18 December 2009 at the Merredin Regional Community and Leisure Centre in the form of a fully catered buffet.*  
**CARRIED 8/0**
- 30121** Moved Cr Crees Sec Cr Wallace  
*That Council adjourn the meeting at 3.42pm.*  
**CARRIED 8/0**
- 30122** Moved Cr A Hooper Sec Cr Young  
*That Council resume the meeting at 4.16pm.*  
**CARRIED 8/0**

**MINUTES**

---

---

**13.7 LOCAL GOVERNMENT STRUCTURAL REFORM**

<b>Reporting Department:</b>	Administration
<b>Reporting Officer:</b>	Frank Ludovico – Chief Executive Officer
<b>Legislation:</b>	Local Government Act 1995
<b>File Reference:</b>	GR/17/36

---

**Background**

On February 5 2009 the Minister for Local Government made an announcement “*inviting each of the 139 Councils within Western Australia to embrace the opportunity to voluntarily amalgamate and to voluntarily reduce the total number of elected members of each Council*”.

On 27 February 2009 the Local Government Steering Committee issued Guidelines to assist local governments in their reform process.

The Guidelines identified a five stage process. Stage One – Completion of Structural Reform Checklist and identification of potential partners. Stage Two – Initial preparatory work for reform submission. Stage Three – Preparation of reform submission. Stage Four – Council endorsement. Stage Five – Reform submission to the Minister for Local Government.

The Local Government Reform Checklist was completed in April 2009 **CMRef 29958** and identification of potential partners for amalgamation was completed on 17 February 2009 **CMRef 29889**.

The Council had already determined to reduce Councillor numbers in November 2008 and this was finally determined on 21 April 2009 (**CMRef 29959** and **CMRef 29960**) where Council chose to reduce the number of Shire of Merredin Councillors from 11 to 9. This submission was agreed to by the Governor on 14 August 2009 and will be in place for the 2009 Local Government Election.

Stage Two called for the establishment of a Structural Reform Project Team (SRPT). This Team was established on 17 March 2009 (**CMRef 29917**). Subsequently, the Project Team met to consider the preferred amalgamation structure and met or attempted to meet with local governments previously identified to undertake structural reform discussions.

The SRPT prepared a Discussion Paper which was discussed at Council’s July 2009 meeting (**CMRef 30074**).

A Public Meeting was held on 30 July 2009 to allow community input into the Local Government Structural Reform process and these notes were tabled at Council’s August 2009 Meeting.

Stage Three – due to the lack of other volunteer partners, the SRPT were unable to prepare a detailed assessment.

**MINUTES**

---

At the recent Western Australian Local Government Association Local Government Convention the Minister for Regional Development, the Hon Brendon Grylls, clearly indicated to the Convention that the Royalties for Regions funding package clearly contained a regional component which would be provided to local governments that embraced the Structural Reform process. Those that did not would not be able to access these funds.

The Premier also indicated that local governments required significant restructure and thought that the number of local governments “*should be reduced to significantly below 100*”.

As a result of these definitive comments, the Minister for Local Government was asked to allow local governments extra time to develop submissions. The Minister has subsequently granted this request and is allowing submissions to be made up to 30 September 2009.

In view of the recent changed in circumstances, Council adopted a Structural Reform Proposal as a basis for negotiations with the Shires of Bruce Rock, Kellerberrin, Narembeen, Nungarin, Westonia and Yilgarn (**CMRef 30095**).

A meeting of these local governments was held on Monday 31 August 2009. The Minutes of this meeting are included in **Attachment 13.7A**.

It is clearly evident that there are no local governments who wish to voluntarily amalgamate with the Shire of Merredin.

Therefore, Stages 3 and 4 of the Local Government Steering Committee Guidelines cannot be complied with because of the lack of volunteer partners.

To comply with Stage 5 of the process, attached is a draft Shire of Merredin Reform Submission for Council endorsement and subsequent submission to the Minister for Local Government (**Attachment 13.7B**).

**Officer’s Recommendation**

*That Council forward the Shire of Merredin Local Government Structural Reform Submission, as shown in Attachment 13.7B, to the Minister for Local Government.*

**30123**

Moved Cr A Hooper

Sec Cr Wallace

*That Council forward the Shire of Merredin Local Government Structural Reform Submission, as shown in Attachment 13.7B, as amended, to the Minister for Local Government.*

**CARRIED 7/1**

Cr Morris left the meeting at 4.18pm and did not return.



**MINUTES**

---

---

**13.8 SUSTAINABLE ECONOMIC GROWTH FOR REGIONAL AUSTRALIA CONFERENCE - OCTOBER 2009**

<b>Reporting Department:</b>	Administration
<b>Reporting Officer:</b>	Frank Ludovico – Chief Executive Officer
<b>Legislation:</b>	Local Government Act 1995
<b>File Reference:</b>	GR/3/3

---

**Background**

The Sustainable Economic Growth for Regional Australia (SEGRA) 2009 Conference is being hosted by the City of Kalgoorlie-Boulder on 27-29 October 2009. The Conference Program and Registration Form is contained within **Attachment 13.8A**.

The Conference is an opportunity to hear from an array of keynote speakers addressing the critical issues facing regional Australia as well as profiling successful winning strategies from regional Australian businesses.

Delegates to SEGRA will be exposed to the latest issues, trends, forecasts, tools and models that work for regions. Special sessions will be devoted to Climate Change, Tendering and Evaluation Skills, an Economic Development Practitioners Toolbox and Study Tours.

The National Regional Australia Summit 2009 on 29 October 2009 will be a platform for discussion of strategic trends and directions for regional Australia in the context of sustainability over the next decade that will result in the development of a plan of action for regional Australia.

**Financial Implications**

In Council's 2009/2010 Budget an amount of \$3,000.00 at Account *E041030* – Conference Expenses (Other Conferences) has been allocated for Councillors to attend Conferences other than Local Government Week.

The approximate total cost for the Conference (per person) is detailed below:

Conference Registration (up to)	\$2,455.00
Conference Functions (up to)	\$ 380.00
Accommodation (5 nights) (up to)	\$ 975.00
<b>TOTAL</b>	<b>\$3,810.00</b>

This figure is allowing for delegates to register for all sessions and functions, however delegates may decide not to attend some sessions/functions, or to attend cheaper sessions and this would reduce the cost.

**MINUTES**

---

The following Savings Packages are available to further reduce the cost:

Four day registration	25% discount
Three day registration	17.5% discount
Two day registration	5% discount

Also at Account *E041030*, Council allocated an amount of \$21,000.00 for Councillors to attend the 2009 Local Government Week, however due to the reduced number of attendees only \$13,545.27 from these funds have been used, leaving a balance of \$7,454.73 remaining, which Council could allocate towards attendance at the SEGRA Conference.

**Comment**

Interest has previously been shown in this Conference and as it is being held in Kalgoorlie, it offers a prime opportunity for representatives from the Shire of Merredin to attend.

**Officer's Recommendation**

*That the following delegates Cr \_\_\_\_\_, Cr \_\_\_\_\_, \_\_\_\_\_ (staff), attend the SEGRA Conference in Kalgoorlie from 27-29 October 2009 with funding to come from Account E041030.*

Cr A Hooper left the meeting at 4.22pm and did not return.

**30124**

Moved Cr Crees

Sec Cr Wallace

*That Cr K Hooper, Cr Young and Debbie Morris, Executive Manager of Community Services, attend the SEGRA Conference in Kalgoorlie from 27-29 October 2009 with funding to come from Account E041030.*

**CARRIED 6/0**

**MINUTES**

---

---

**13.9 PROVISION OF ADDITIONAL STAFF – ENVIRONMENTAL HEALTH OFFICER – DEVELOPMENT SERVICES**

<b>Reporting Department:</b>	Administration
<b>Reporting Officer:</b>	Frank Ludovico – Chief Executive Officer
<b>Legislation:</b>	Local Government Act 1995
<b>File Reference:</b>	P/23/21

---

**Background**

The current structure of the Development Services section includes positions Executive Manager of Development Services (EMDS) and Environmental Health Officer (EHO) and a Building Project Manager.

Previously Council employed a part time EHO, however the recruitment of an Officer to fill this position has proven difficult in the current employment climate due to the scarcity of Officers with this qualification. The funds for this position have been utilised to employ contractors on a semi-regular basis to deal with the issues required.

These activities were:

1. Food shop inspections and food sampling;
2. Water sampling
3. Swimming Pool sampling;
4. Waste and recycling activities.

Council will recall discussions held in April/May 2009 over the issues affecting the resignation of Mr John Mitchell, with the principal comment being the lack of appropriate support to undertake his many duties.

The purpose of this Agenda Item therefore is to inform Council that staff have reviewed this situation and to develop a proposal to resolve the matter.

**Proposal**

It is proposed that the position be reclassified to a three or four day per week position (depending on the applicants received).

The issues that need to be considered in this proposal are increasing the salary and superannuation as a result of the increase in time allocation, the need for accommodation, provision of mobile phones and the provision for training and conference expenses and how this can be funded in the current Budget.

**MINUTES**

In summary, the position could be advertised based on a four day week as:

Salary	\$50,000.00
Superannuation	\$6,000.00
Housing Rental Subsidy	\$6,000.00
Utilities Allowance	\$2,000.00
Phone Allowance	\$1,000.00
Memberships	\$300.00
Clothing Allowance	\$400.00
<b>TOTAL</b>	<b>\$65,700.00</b>

There are other costs associated with this position such as advertising, recruitment costs (\$2,500.00) and training/conference expenses \$1,200.00).

Allowing for the recruitment process, a commencement date of mid to late October 2009 would occur. This would mean that only 66% of the full year cost will be required totalling \$43,400.00 to be funded from 2009/2010. Funding provided in the Budget for this position is \$38,600.00.

Council's Budget also provides approximately \$34,000.00 for the recruitment of a part time Building Maintenance Officer. With the major project of Cummins Theatre occurring, it is unlikely that an appointment to the position will be made until approximately March 2010, thus freeing up funds to be allocated to the employment of an EHO.

Additionally, a formalised funding arrangement with the Shire of Nungarin of \$5,000.00 per annum, hiring out to other local governments \$500.00 per day and the saving in providing relief to the EMDS would also assist.

The duties of the position would be:

1. Standard duties for the position of EHO as commonly known – e.g. food shops;
2. General stall holders, refuse, health counter queries;
3. Recycling activities coordinator (Lions Club, Community Group);
4. On call 1:3 weekends to handle health, building and ranger complaints – provided with the Ranger's ute during on call periods;
5. Assist Ranger in performance of functions where a witness is required;
6. Minor building inspections, VGO requests, VGO submissions;
7. Relieve as EMDS full time during periods of annual leave at EMDS rate of pay.

**Comment**

A review of the Health Department between 2000 and 2004 indicated that approximately 1.6 persons were required to undertake the duties at the Shire of Merredin.

**MINUTES**

---

Staff have attempted to provide the EHO services in the past with employment of part time staff and/or contractors. It is unfortunate that the current market for EHO's means that it will be difficult to recruit on the basis of the funding provided in the 2009/2010 Budget.

It is very important that the Shire of Merredin provide an EHO service to the community, but also to do that in a fashion that does not create inappropriate stress and expectation on current Officers.

Staff believe that the revised package will provide an opportunity to recruit appropriate staff to meet the current needs.

**Officer's Recommendation**

*That Council approve the reallocation of funding from the Building Maintenance Officer position of \$10,000.00 to the salary package and the recruitment of a part time Environmental Health Officer and include \$67,000.00 in the 2010/2011 Budget and all others following for the continued appointment of a part time Environmental Health Officer.*

**ABSOLUTE MAJORITY REQUIRED**

**30125**

Moved Cr Young

Sec Cr Forbes

*That Council approve the reallocation of funding from the Building Maintenance Officer position of \$10,000.00 to the salary package and the recruitment of a part time Environmental Health Officer and include \$67,000.00 in the 2010/2011 Budget and all others following for the continued appointment of a part time Environmental Health Officer.*

**CARRIED 6/0****ABSOLUTE MAJORITY**

**MINUTES**

---

---

**13.10 DRAFT POLICY – COUNCILLOR LAPTOPS**

<b>Reporting Department:</b>	Administration
<b>Reporting Officer:</b>	Frank Ludovico – Chief Executive Officer
<b>Legislation:</b>	Local Government Act 1995
<b>File Reference:</b>	Council Policy Manual

---

**Background**

In 2008 Council leased laptops for Councillors in order to improve the efficiency of Agenda distribution, Council Meetings and to provide the ability to write (Microsoft Word) and analyse (Microsoft Excel) on matters pertaining to Councillors' role.

It has been suggested that Council develop a Policy concerning the use of this equipment. A draft Policy is included in **Attachment 13.10A**.

**Officer's Recommendation**

*That Council adopt the draft Councillor Laptops Policy as per Attachment 13.10A.*

**30126**

Moved Cr Forbes

Sec Cr Young

*That Council adopt the draft Councillor Laptops Policy as per Attachment 13.10A.*

**CARRIED 6/0**

**MINUTES**

---

This Agenda Item 16.3 was brought forward.

---

**16.3 BUDGET ADJUSTMENT – OUTDOOR BASKETBALL RINGS****Reporting Department:** Administration**Reporting Officer:** Frank Ludovico – Chief Executive Officer**Legislation:** Local Government Act 1995

---

**Background**

In the 2008/2009 Budget, Council allocated \$8,000.00 for the repairs to Outdoor Basketball Rings at the Merredin Recreation Ground (Account *E119103*). At Council's 16 June 2009 Meeting (**CMRef 30006**) Council resolved to bring forward the repairs to the Outdoor Basketball Rings into the 2009/2010 Budget.

The work has been progressing on the Basketball Rings, however it has been discovered that the funds have been inadvertently not brought forward into the 2009/2010 Budget.

The purpose of this Agenda Item is to provide funds for this work.

**Comment**

At this early stage in the financial year it is difficult to identify any items that could be delayed to enable this project to be undertaken. It is proposed that when the Budget Review occurs in February/March 2010, potential savings will be identified to fund this expenditure.

It is important that this matter be progressed as I understand the Basketball season will be commencing in early October 2009.

**Officer's Recommendation**

*That Council authorise the expenditure of up to \$8,000.00 for the repair of the Outdoor Basketball Rings at the Merredin Recreation Centre in the 2009/2010 Budget.*

**ABSOLUTE MAJORITY REQUIRED**

**30127**

Moved Cr Young

Sec Cr Hayden

*That Council authorise the expenditure of up to \$8,000.00 for the repair of the Outdoor Basketball Rings at the Merredin Recreation Centre in the 2009/2010 Budget.*

**CARRIED 6/0  
ABSOLUTE MAJORITY**

**MINUTES**

---

**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 Town Planning – Application to Erect a Secondhand Dwelling**

Refer to Page 31 for information on this Agenda Item.

**16.2 Carrington Way – Delegation of Authority**

Refer to Page 33 for information on this Agenda Item.

**16.3 Budget Adjustment – Outdoor Basketball Rings**

Refer to Page 55 for information on this Agenda Item.

**16.4 Offer to Lease Land – Reserves 44697 and 17767; Mr Paul Madaffari  
PO Box 302, Merredin**

Refer to Page 35 for information on this Agenda Item.

**16.5 Amendment to October 2009 Council Meeting – Swearing in of new  
Councillors****30128**

Moved Cr Forbes

Sec Cr Crees

*That the October 2009 Council Meeting commence at 11.00am for the purpose of swearing in new Councillors following the 2009 Local Government Election and that the change in commencement time be advertised for local public notice.*

**CARRIED 6/0**

The Shire President thanked the retiring Councillors for their time and efforts on Council and wished them all the best for the future.



17.0 MATTERS BEHIND CLOSED DOORS

11.1 Council Update - Collgar Windfarm

Refer to Page 11 for information on this Agenda Item.

18.0 CLOSURE

There being no further business the Presiding Person declared the meeting closed at 4.40pm.