

# SHIRE OF MERREDIN



**“Heart of the Wheatbelt”**

**MINUTES OF ORDINARY COUNCIL MEETING**

**18 February 2014**

MINUTES OF THE SHIRE OF MERREDIN COUNCIL MEETING HELD  
TUESDAY 18 FEBRUARY 2014

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**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>
<b>6.0</b>	<b>CONFIRMATION OF MINUTES</b> .....	<b>5</b>
6.1	Ordinary Council Meeting held 21 January 2014.....	5
<b>7.0</b>	<b>ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION</b> .....	<b>5</b>
<b>8.0</b>	<b>MATTERS FOR WHICH THE MEETING MAY BE CLOSED TO THE PUBLIC</b> .....	<b>5</b>
17.1	Staff - Chief Executive Officer – Performance Appraisal - 2013 .....	5
<b>9.0</b>	<b>RECEIVAL OF MINUTES OF COMMITTEE MEETINGS HELD SINCE THE PREVIOUS MEETING OF COUNCIL</b> .....	<b>5</b>
<b>10.0</b>	<b>DEVELOPMENT SERVICES</b> .....	<b>7</b>
10.1	Local Planning Scheme No. 6 – Request For Comment – Subdivision Of Lot 12 Great Eastern Highway Nangeenan; Western Australian Planning Commission Application No. 149347 .....	7
10.2	Local Planning Scheme – Application To Establish Shop & Remove Non-Confoming Use – Lot 791 Railway Avenue, Merredin .....	9
10.3	Local Planning Scheme 6 – Concrete Batching Plant – Lot 1280 Mckenzie Crescent Merredin – Murfit Enterprises.....	11
10.4	Health Act 1911 – 1979: Lot 88 House No. 38 Gamenya Avenue Merredin – Declaration Of Unfit For Human Habitation & Section 137 Take Down Notice .....	14
10.5	Installation Of A Dump Ezy Dump Point – Change Of Location.....	17
<b>11.0</b>	<b>ENGINEERING SERVICES</b> .....	<b>22</b>
11.1	State Black Spot Funding: Totadgin Hall Road.....	22
<b>12.0</b>	<b>CORPORATE AND COMMUNITY SERVICES</b> .....	<b>25</b>
12.1	List Of Accounts Paid.....	25
12.2	Monthly Finance Report .....	26
12.3	Write-Off Of Small Balances And Charges .....	27
12.4	Policy Review Of The Cummings Street Rental.....	28
<b>13.0</b>	<b>ADMINISTRATION</b> .....	<b>29</b>
13.1	Policy Review - Inclusion Of Sick/Personal Leave Policy.....	29
13.2	Delegations Register - Review .....	31
13.3	Policy Review - Inclusion Of A Bullying, Harassment And Discrimination Policy .....	32
13.4	Community Survey – Results Of Second Survey - 2013 .....	33

MINUTES OF THE SHIRE OF MERREDIN COUNCIL MEETING HELD  
TUESDAY 18 FEBRUARY 2014

---

<b>14.0</b>	<b>MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN.....</b>	<b>35</b>
<b>15.0</b>	<b>QUESTIONS BY MEMBERS FOR WHICH DUE NOTICE HAS BEEN GIVEN.....</b>	<b>35</b>
<b>16.0</b>	<b>URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION .....</b>	<b>35</b>
<b>17.0</b>	<b>MATTERS BEHIND CLOSED DOORS.....</b>	<b>35</b>
17.1	Staff - Chief Executive Officer – Performance Appraisal - 2013 .....	35
<b>18.0</b>	<b>CLOSURE.....</b>	<b>36</b>

**Minutes for the Ordinary Meeting of the Shire of Merredin held in the Council  
Chambers, Corner King and Barrack Streets, Merredin on  
Tuesday 18 February 2014 commencing at 3.04pm.**

**ATTENDANCE:**

Councillors:	KA Hooper	President
	RM Crees	Deputy President
	BJ Anderson	
	CA Blakers	at 3.14pm
	DN Hayes-Thompson	
	TS Thomas	
	MD Willis	
	ML Young	
Apologies:	JP Flockart	
Staff:	G Powell	Chief Executive Officer
	S Lowe	Media and Communications Officer
	R McCall	Deputy Chief Executive Officer
	L Wyatt	Executive Assistant to the CEO
Gallery	M Gill	Merredin Wheatbelt Mercury

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**1.0 OFFICIAL OPENING**

The President welcomed everyone and declared the meeting open at 3.04pm

**2.0 PUBLIC QUESTION TIME**

Nil

**3.0 APOLOGIES AND LEAVE OF ABSENCE**

Councillor Flockart tendered his apologies.

**4.0 DISCLOSURE OF INTEREST**

Councillors Crees, Anderson and Hayes-Thompson declared a Proximity interest in item 10.5

Councillor Hooper declared a Proximity Interest in item 11.1

The Chief Executive Officer declared a Financial Interest in item 17.1.

**5.0 PETITIONS AND PRESENTATIONS**

Nil

**6.0 CONFIRMATION OF MINUTES**

6.1 Ordinary Council Meeting held 21 January 2014

[Attachment 6.1A](#)

Confirmation of the minutes of the Ordinary Council Meeting held on 21 January 2014.

**81297**

Moved: Cr Young

Seconded: Cr Anderson

**Officer's Recommendation**

***That the minutes of the Ordinary Council Meeting held on 21 January 2014 be confirmed as a true and correct record of proceedings.***

**CARRIED 7/0**

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

The Shire President advised that the WE-ROC meeting will be held in Kellerberrin next Wednesday 26 February and GECZ will be held in Merredin next Thursday 27 February. Councillors are welcome to attend both meetings. The WALGA State Council meeting will be held in Merredin on 8 May 2014 and hosted by the Zone. Councillors will be advised of final arrangements and are encouraged to attend. The State Council Agenda for the March meeting will be circulated to all Councillors and any comment should be directed to either the President or CEO.

**8.0 MATTERS FOR WHICH THE MEETING MAY BE CLOSED TO THE PUBLIC**

17.1 Staff - Chief Executive Officer – Performance Appraisal - 2013

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

9.1 Annual Electors Meeting 6 February 2014

[Attachment 9.1A](#)

MINUTES OF THE SHIRE OF MERREDIN COUNCIL MEETING HELD  
TUESDAY 18 FEBRUARY 2014

---

- 81297** Moved: Cr Hayes-Thompson                      Seconded: Cr Crees  
**Officers Recommendation**  
*That the minute for the Annual Electors Meeting held 6 February 2014 be received.*  
**CARRIED 7/0**

Councillor Blakers entered the meeting at 3.14pm

- 9.2 Audit Committee Meeting held 18 February 2014  
[Attachment 9.2A](#)

- 81298** Moved: Cr Willis                                      Seconded: Cr Young  
**Officers Recommendation**  
*That the minutes for the Audit Committee Meeting held 18 February 2014 be received and the recommendations be adopted.*  
**CARRIED BY ABSOLUTE MAJORITY 8/0**

## 10.0 DEVELOPMENT SERVICES

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### 10.1 **LOCAL PLANNING SCHEME NO. 6 – Request for Comment – Subdivision of Lot 12 Great Eastern Highway Nangeenan; Western Australian Planning Commission Application No. 149347**

<b>Reporting Department:</b>	Development Services
<b>Reporting Officer:</b>	John Mitchell
<b>Legislation:</b>	Local Planning Scheme No. 6
<b>File Reference:</b>	A7000
<b>Disclosure of Interest:</b>	Nil
<b>Attachments:</b>	WAPC Correspondence <a href="#">(Attachment 10.1A)</a> Agenda Item – October 2011 <a href="#">(Attachment 10.1B)</a>

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#### **Background:**

An application ([Attachment 10.1A](#)) to subdivide lot 12 Great Eastern Highway Nangeenan from 3 lots to five lots has been received from Wilson & Mackay Licenced Surveyors. The proposed use of the land is “rural residential”.

The current zoning of the land is “rural”.

Council has previously agreed to the release of the lots containing dwellings from the land (WAPC Ref 144912 – Lot 14 Nangeenan). Council considered the matter at the October 2011 meeting. A copy of that report appends ([Attachment 10.1B](#)).

#### **Comment:**

The use of the land as rural residential will require a scheme amendment. No structure plan has been received with the application. Individual title deeds will provide an opportunity for the owner to sell off smaller lots for development which may or may not include broad acre farming uses.

A component of the Homestead Policy adopted by Council previously was that further subdivision of the rural land would not be supported. Lot 12 includes two homestead dwelling lots.

#### **Statutory/Policy Implications:**

Clause 1.6 of the Scheme text states that the objectives of the scheme include the aim of to promote the sustainable use of rural land for agricultural purposes whilst accommodating other rural activities including rural residential development.

Pursuant to the Zoning Table 1 of the LPS 6 a rural residential use is not included within the rural zoning table. The intent of the rural residential

MINUTES OF THE SHIRE OF MERREDIN COUNCIL MEETING HELD  
TUESDAY 18 FEBRUARY 2014

---

support was for the areas delineated within Council's Planning Strategy maps (2007) for two proposed rural residential areas within that proposed strategy located approximately 5kilometres from Merredin town centre. This proposal is not one of those contained in the preceding strategy (2007).

Rural pursuit is defined as the rearing or agistment of animals, the stabling of horses, growing of trees and plants for domestic and commercial gardens and the sale of produce grown solely on the lot. It does not include extensive or intensive agriculture.

**Financial Implications:**

There are no fees associated with this report.

**Officer's Recommendation:**

***That the Western Australian Planning Commission be advised that application 149347 is not supported as it is not in keeping with the objectives of the Shire of Merredin Local Planning Scheme No. 6.***

**81299** Moved: Cr Willis      Seconded: Cr Anderson

**Resolution:**

***That the WAPC be advised that application 149347 is supported.***

**CARRIED 6/2**

**Reason: Council had previously supported an application relating to this land and specifically the creation of two homestead lots.**



10.2 **LOCAL PLANNING SCHEME – APPLICATION TO ESTABLISH SHOP & REMOVE  
NON-CONFORMING USE – Lot 791 Railway Avenue, Merredin**

<b>Reporting Department:</b>	Development Services
<b>Reporting Officer:</b>	John Mitchell
<b>Legislation:</b>	Planning Development Act 2005, LPS 6
<b>File Reference:</b>	A2922
<b>Disclosure of Interest:</b>	Nil
<b>Attachments:</b>	Application Package ( <a href="#">Attachment 10.2A</a> ) Existing Dwelling Plans ( <a href="#">Attachment 10.2B</a> )

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**Background:**

An application to provide a shop on Lot 791, HN 34 Railway Avenue has been received from the owner Mrs Patricia Clark.

Lot 791 Railway Avenue is zoned light industry. The property has an existing non-conforming right – Dwelling. The existing dwelling has an area of 124m<sup>2</sup> but includes a veranda at the rear of 22m<sup>2</sup> leaving a residential area of 102m<sup>2</sup> based on metric conversion tables from an imperial measurement plan.

Mrs Clark seeks to relocate her existing shop – Tawow Welcome Market from Mitchell Street (rented premise) to 34 Railway Avenue, Merredin.

**Comment:**

A basic plan and photograph of the site has been provided. Should the proposal be acceptable the applicant will be required to submit architectural standard plans.

The proposed shop is an area of 50m<sup>2</sup>. An outer skin of pine logs is proposed with small verandas to the shop. The shop sells haberdashery and clothing.

The proposed use as a “Shop” is a “D” use pursuant to Table 1 Zoning Table Shire of Merredin Local Planning Scheme No. 6.

A caretakers dwelling is permitted associated with a business within the Light Industry zone as a secondary use. The dwelling shall not exceed 100m<sup>2</sup> in area measured from external walls. For the purposes of this application the measurements are within tolerances to permit the intent of development. Clause 5.8.2 f the scheme text requires the dwelling to be located at the rear of the lot. As the dwelling is existing Council can accept the location as the intended use removes the non-conforming right and provides a more appropriate use of the land.

The proposed shop does not act to be a detriment to the existing uses within the area. In considering the non-conforming use Council must be mindful that any proposed use is not detrimental.

**Statutory/Policy Implications:**

The provisions of the Shire of Merredin Local Planning Scheme No. 6 are applicable. Council can, because of the pre-existing nature of the development, permit the existing dwelling to remain at the front of the block.

**Financial Implications:**

Planning fees of \$147.00 are applicable.

**81300** Moved: Cr Young                      Seconded: Cr Blakers

**Officer's Recommendation:**

*That the application for removal of the non-conforming use (Dwelling) on Lot 791 Railway Avenue Merredin to be replaced with "shop & ancillary caretakers dwelling" be approved subject to the following conditions: -*

- 1) Further subdivision of the lot 791 Railway Avenue Merredin is not permitted and the dwelling cannot be sold separate to the shop;*
- 2) Architectural Plans of the shop and block shall be submitted to the Building Surveyor in accordance with Section 9.2 of the Town Planning Regulations 1967 and Regulation 18 of the Building Regulations 2012 prior to commencement of development.*

**CARRIED 6/2**

10.3 **LOCAL PLANNING SCHEME 6 – Concrete Batching Plant – Lot 1280 McKenzie Crescent Merredin – Murfit Enterprises**

<b>Reporting Department:</b>	Development Services
<b>Reporting Officer:</b>	John Mitchell
<b>Legislation:</b>	Local Planning Scheme No. 6
<b>File Reference:</b>	A983
<b>Disclosure of Interest:</b>	Nil
<b>Attachments:</b>	Amended Application ( <a href="#">Attachment 10.3A</a> )

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**Background:**

The application to commence a concrete batching operation on Lot 1280 McKenzie Crescent has been amended by Murfit Enterprises of Chedwigen Avenue Merredin to seek planning consent for a storage use for the equipment used within the batching plant operations. There is no intent to use the site for concrete batching purposes. The application appends.

**Comment:**

The land is zoned “light industry” which is defined as “an industry: -

- a) In which the processes carried on, the machinery used, and the goods and commodities carried to and from the premise do not cause any injury to or adversely affect the amenity of the locality;
- b) The establishment or conduct of which does not or will not impose an undue load on any existing or proposed service for the supply or provision of essential services.”

The site was previously used as a Main Roads Department depot and works from the site included concrete works, bitumen road works, storage of sand, gravel and blue metal and the like.

The land around the site is undeveloped particularly to the east and south. Existing developments include agricultural machinery repairs, works depot for earth moving firm, fuel depot and service station; and tyre repair and fitting workshop with general businesses including machinery repairs, boiler/welding shops and the like. The area contains a mixture of industrial premises.

The use as storage of concrete batching plant and associated machinery and product can be considered a light industry providing the operation does not detrimentally impact on neighbours or the definition of a light industry.

**Statutory/Policy Implications:**

For the industry to be listed as a light industry the definition must be addressed.

- a) *Processes carried on, the machinery used, and the goods and commodities carried to and from the premise do not cause injury. –*

The applicant advises that the cement is delivered by pallet in bulka bags, sand and blue metal stored on site is kept in concrete bunkers with sprinkler systems to maintain dust levels to minimums, OSH legislation places obligations on premise with large heavy plant to have workplace policies for the prevention of injury in the workplace. Similar products are delivered to premises within the light industrial area and package size of 500kg is a normal pallet weight;

- b) *Processes carried on, the machinery used, and the goods and commodities carried to and from the premise do not adversely affect the amenity of the area of the locality.*

The area is zoned light industry – within the area there are; heavy plant premise, agricultural machinery sales and service, road train delivery and the like. The vehicle(s) and deliveries would not create a greater risk than already exists on the road. Additionally the products used, including blue metal, sand and water are not classified as hazardous. Whilst cement product is listed as a hazardous material it is transported in 500kg bulka bags which are double lined and plastic lined. Other products delivered into the industrial area of a hazardous nature include fuels, oils and pesticides;

- c) *The establishment or conduct of which does not or will not impose an undue load on any existing or proposed service for the supply or provision of essential services.*

The previous operation was as a Main Roads WA depot and bitumen and concrete batching site. The proposed operation is to park/store vehicles and store product for use on construction sites.

The development is not associated with any residential premise. The closest sensitive premises is more than 500m from the subject land.

Planning conditions would need to include a datum point and maximum noise levels in dB(A) and  $L_{A1\text{assigned level}}$  as defined within the Environmental (Noise) Regulations 1997. The maximum level would be set at 80dB(A)  $L_{A1\text{assigned level}}$  and maximum noise level of 90dB(A) at any time and 65dB(A) for  $L_{A10\text{assigned level}}$ . The term 1 and 10 relate to percentage of time that the levels cannot be exceeded i.e. levels cannot exceed 80dB(A) for 1% of the time or 65dB(A) for 10% of the time.

**Financial Implications:**

Planning fees of \$147 have been paid.

**81301** Moved: Cr Young                      Seconded: Cr Hayes-Thompson

**Officer's Recommendation:**

***That the application to establish a storage facility for batching plant, trucks, loader, associated machinery and concrete batching products on Lot 1280 McKenzie Crescent be approved with the following condition: -***

- a) maximum noise levels are be set at 80dB(A)  $L_{A1}$  assigned level and maximum noise level of 90dB(A) at any time and 65dB(A) for  $L_{A10}$  assigned level. The term 1 and 10 relate to percentage of time that the levels cannot be exceeded i.e. levels cannot exceed 80dB(A) for 1% of the time or 65dB(A) for 10% of the time. All measurements are taken at the boundary of the property – Lot 1280 McKenzie Crescent Merredin closest to the complainant source.***

**CARRIED 8/0**

- 10.4 **HEALTH ACT 1911 – 1979: Lot 88 House No. 38 Gamenya Avenue Merredin – Declaration of Unfit for Human Habitation & Section 137 Take Down Notice**
- |                                |  |
|--------------------------------|--|
| <b>Reporting Department:</b>   | Development Services                     |
| <b>Reporting Officer:</b>      | John Mitchell                            |
| <b>Legislation:</b>            | Health Act 1911 & Health Local Laws 1999 |
| <b>File Reference:</b>         | A1564                                    |
| <b>Disclosure of Interest:</b> | Nil                                      |
| <b>Attachments:</b>            | Nil                                      |
- 

**Background:**

This report seeks Council endorsement of the actions of the Administration for declaring the dwelling situated on the above lot unfit for human habitation effective from 17 December 2013.

The property is a deceased estate with the owner deceased in 2007. The estate is with the Public Trustees Office for settlement.

Council's Ranger has been liaising with the local Clerk of Courts to achieve a site clean-up at the above lot. The advice received from the clerk suggested that until Council was prepared to act in accordance with the Act that no actions to clean the lot or address the disused materials would be undertaken. Hence the notices were issued.

**Comment:**

An inspection of the site was undertaken on 17 December 2013.

The inspection determined: -

- a) Roofing iron is missing, loose at the front apex of roof, rusted and in poor condition (Traffic and movement). Downpipes are missing, not connected to storm water disposal, discharge adjacent to the dwelling and gutters are missing, not connected and rusted – see east side, front and rear – contrary to Clause 3.1.1(a) of the Health Local Laws - Merredin;
- b) Floor bearers and stumps are weathered and rotted. All external timber is weathered and split and cracked. Internally the floors slope to the front and east side with floors in the bathroom missing and damaged. Stumps are undersized and in poor condition – contrary to clause 3.1.1(b) of the Health Local Laws – Merredin;
- c) Weatherboards are split, weathered and in poor condition, timber ends are split and frayed. Painted surfaces are flaking and weatherboards are missing to the dwelling, barge ends are lifting and loose – contrary to 3.1.1(c) of the Health Local Laws - Merredin;
- d) Floors in all rooms are weathered and collapsed resulting in the floors being uneven and containing split and broken floor boards. The kitchen floor is in

MINUTES OF THE SHIRE OF MERREDIN COUNCIL MEETING HELD  
TUESDAY 18 FEBRUARY 2014

---

- danger of collapsing and is springy and unable to support a man's weight – contrary to 3.1.1(h) of the Health Local Laws - Merredin;
- e) All ant caps, flashings are defective. Photographs taken reveal daylight thru rooms – contrary to 3.1.1 (f) of the Health Local Laws – Merredin;
  - f) Ceilings – pressed metal are loose, hanging down and unsecured to the ceiling joists. Ceilings have sagged in the kitchen and main entry. Walls in the kitchen, bathroom and rear bedroom are loose, missing and in a poor holed condition contrary to 3.1.1 (i) of the Health Local Laws – Merredin;
  - g) The front door is off its hinges and is split, windows throughout the dwelling are broken and not weatherproof, internal doors to the kitchen and bathroom are missing contrary to 3.1.1(j) of the Health Local Laws – Merredin;
  - h) There are no ablutions, no tap work, no water supply and no sewerage disposal pipework associated with the dwelling left internal contrary to 3.1.1(l) of the Health Local Laws – Merredin;
  - i) There is no power to the dwelling contrary to 3.1.1(m) of the Health Local Laws – Merredin.

It is the view of the A/EMDS that the dwelling is not economically repairable. The owner has died and the dwelling contains substantial asbestos product. Stumps and bearers are almost at ground level contrary to the provisions of the Building Code of Australia 2013. There is no power or water to the dwelling. Windows are broken and the dwelling is full of disused materials. There are no ablutions/bathroom/laundry/toilet, sewerage pipe work or copper lines to fittings. These have been removed. The dwelling has little or no commercial value.

Photographs of the buildings condition can be provided to Council. The property condition report appends.

**Statutory/Policy Implications:**

Council has provided delegated authority to the Chief Executive Officer to declare buildings unfit for human habitation and issue upgrade or demolition notices. In this instance the EMDS recommended the issue of a demolition notice pursuant to Section 137 of the Health Act 1911 – 1979 as amended.

**Financial Implications:**

There are no financial implications. Council can act in accordance with Section 140 of the Health Act and claim the costs through a court of competent jurisdiction.

The issue of the Notice by the administration does imply a valid concern and the lack of action by the owner or their representative should not deter Council from acting in the better interest of public health.

MINUTES OF THE SHIRE OF MERREDIN COUNCIL MEETING HELD  
TUESDAY 18 FEBRUARY 2014

---

**81302** Moved: Cr Crees                      Seconded: Cr Thomas

**Officer's Recommendation:**

*That Council endorses the actions of the Administration for declaring the dwelling situated on Lot 88, house number 38 Gamenya Avenue unfit for human habitation effective from 17 December 2013.*

**CARRIED 8/0**



Councillors Anderson, Hayes-Thompson and Crees declared a proximity interest in this item and left the meeting at 3.34pm

10.5 **INSTALLATION OF A DUMP EZY DUMP POINT – CHANGE OF LOCATION**

<b>Reporting Department:</b>	Development Services
<b>Reporting Officer:</b>	Rebecca Bowler (EH&CO)
<b>Legislation:</b>	N/A
<b>File Reference:</b>	PH 14/04
<b>Disclosure of Interest:</b>	Nil
<b>Attachments:</b>	Nil

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**Background**

In January 2014 the following items was presented to Council however was unable to be considered due to a lack of a quorum. It is presented again as follows:

In January 2011 Council requested staff investigate the possibility of installing a “Dump-Ezy” RV dump point in the vicinity of Barrack Street in Merredin.

Initial research was carried out by Phil Swain (Contract EHO), Pam Masters (Former Visitor Centre Manager), Debbie Morris (Former Community Services Manager) and Phil Chadd (Campervan and Motorhome Club of Australia Ltd) “CMCA”.

Since December 2011, Building Project Manager, John Gearing and Environmental Health and Compliance Officer, Rebecca Bowler have been dealing with the matter.

In February 2012 the matter of the location of the installation of the ‘Dump Ezy’ dump point was considered by Council with the following resolution:

30831- ‘Officer’s Recommendation  
*That the Shire of Merredin agrees to:*

- 1. Apply to the Campervan and Motorhome Club of Australia Ltd for a “Dump-Ezy” dump point and*
- 2. Enter into an agreement with the proprietor of the Merredin Tourist Park to install the “Dump-Ezy” dump point at the Merredin Tourist Park with the following terms and conditions;*
  - a) The Shire of Merredin will pay for the installation costs*
  - b) The Merredin Tourist Park run, operate, maintain and clean the dump point at its own expense*
  - c) The Merredin Tourist Park operate the dump point in accordance with the guidelines of the Campervan and Motorhome Club of Australia*
  - d) There will be no charge to dispose of liquid waste into the dump point only*

LOST 7/2

MINUTES OF THE SHIRE OF MERREDIN COUNCIL MEETING HELD  
TUESDAY 18 FEBRUARY 2014

---

Moved: Cr M Morris Seconded: Cr B Anderson

30832- 1. *That the RV dump point be located in the vicinity of the Olive Grove restaurant.*

2. *That an application be made to the Campervan and Motorhome Club of Australia Ltd for a "Dump-Ezy" dump point.*

CARRIED 7/2

On Tuesday 7 August 2012, Mr Grant Astbury sent an email to all councillors and Mario Ioppolo (former Executive Manager of Development Services) indicating his concerns about the proposed location of the dump point (see below). Shire of Merredin staff responded to Mr Astbury on 17 August 2012 accordingly and was able to provide him with answers, addressing all of his concerns.

*'Dear Mr Astbury*

*Please see below for a response to the issues raised in your email.*

*As you can see below Council has formally resolved to proceed with the dump point in this location. A maintenance regime will be developed to deal with issues relating to its use. To date the matter has not progressed as a final lease document is yet to be provided by the Public Transport Authority. Should you require further clarification please do not hesitate to contact me.*

*Regards*

**Greg Powell**

*Chief Executive Officer*

*Dear Councillors,*

*Olive Grove Café and Restaurant, have strong objections to the installation of the RV dump point on the railway reserve car-park which will be within approximately sixty metres of the café's back door. When last in Merredin I spoke to the Health surveyor and expressed my concerns on the positioning and the lack of information being provided to the business regarding the RV dump point. The business received a formal letter from Shire advising on where the RV dump point would be positioned however what was supplied in the letter is not where the RV Dump point is now being installed. The initial site for the dump point was on the boundary of Apex Park but after further consideration and advice it was determined that the currently identified site (near the rail track fence where there is a dead tree) was more appropriate as it provides better vehicle access and egress.*

*Other issues that are of a concern to the cafe about the RV dump point if it is to be installed in the position as shown by the Merredin Shire representative that require answering are:*

- *Has there been a planning /environmental application ? No. Not required although an application will be required to connect the dump point to the sewer.*
- *Has West-Rail approved this site as Shire only lease area. In principle agreement has been received.*
- *Shire is connecting into the sewer drop point that has the shop toilets connected to it , What is the drop points capacity has anyone done the calculations, Will it need a pump? The plumber retained to undertake the installation has advised there are no capacity issues.*

MINUTES OF THE SHIRE OF MERREDIN COUNCIL MEETING HELD  
TUESDAY 18 FEBRUARY 2014

---

- *Has Shire got drawings/plans to show how the connection to the existing sewer line will be conducted. [Some design sketches have been prepared by the plumber.](#)*
- *Has Shire got drawings/plans showing the existing and new connection fall from RV dump point to drop point sewer connection. [As above.](#)*
- *What is the cleaning and maintenance regime for the RV dump point? [The dump point will need to be monitored on a daily basis. This will be undertaken by Council's works crew.](#)*
- *Has Shire got a traffic impact statement for this project ? [No. The site will be appropriately sign posted and marked to provide for parking etc.](#)*

*Olive Grove Café and Restaurant objections to Shires decision to install the RV dump point within such a close vicinity of its **food** business will remain until suitable resolution to the concerns above have been addressed . And might I add that I can only find four towns within WA that have an RV Dump point within their town site and three of the four are at the Towns Tourist Bureau the other is at a service station on the outskirts of town. Across WA the RV dump points are predominately stationed in caravan parks or parking bays situated on the outskirts of towns. None are within a 100 metre's of a food premise.*

*This e-mail has also been sent to the Merredin Shire and therefore a report should be tabled for discussion at the next full council meeting. This matter has been formally addressed by Council on at least two occasions resulting in the current determination.*

*If you have any questions please do not hesitate to contact me*

*Kind Regards*

**Grant Astbury**

*Director: Olive Grove Café and Resturant  
0467 818 338'*

Since then the Dump Point has been applied for from CMCA, we have received the physical dump point and all of the related road signage. The Dump Point and road signage it is all currently in storage at the Shire of Merredin Depot.

Quotes have be sought and the entire installation behind Olive Grove Restaurant and Café is forecast to cost \$9 300 + ST but does exclude the remediation of any bitumen surface that will be removed in the process of installation, the disposal of any excess soil excavated and does not factor in any possible damage to pre-existing pipe work.

Further correspondence was sent to Mr Astbury on 24 December 2013 indicating Council's current position regarding the Dump Point installation. He was informed that quotes had been sought and that installation of the dump point behind Olive Grove Restaurant and Café is due to commence in the middle of January 2014, if no objections were received. As of 10 January 2014 no correspondence has been received from Mr Astbury although verbal advice has been received that he continues to object to the proposal. It is anticipated that his written objection will be received prior to the Council meeting and as such will be distributed to Councillors under separate cover.

**Comment**

In recent discussions with Mr Frank Delanotte (owner of the Merredin Tourist Park) he has indicated his ongoing support for the installation of the dump point to be located within the Tourist Park. Mr Delanotte has agreed that the Shire of Merredin would pay for the installation costs (forecast to be a much cheaper installation as the proposed site is located directly over a sewer line), that the Merredin Tourist Park would run, operate, maintain and clean the dump point at its own expense. The Merredin Tourist Park would operate the dump point in accordance with the guidelines of the Campervan and Motorhome Club of Australia and there would be no charge to dispose of liquid waste into the dump point.

Should Council wish to proceed with the alternative location it will be necessary to rescind Motion 30831 as above. Three Councillors will need to signify their support to a rescission.

**Statutory/Policy Implications**

N/A

**Financial Implications**

If it was to remain in the proposed location (Behind Olive Grove Restaurant and Café) some of the costs to be incurred on a regular basis would include:

- Water Corporation sewer rates (per month) ~ \$110
- Connection to sewer fee (one off)~ \$500
- Installation costs estimated to be around \$9300 + GST (excluding some items mentioned above).
- Cleaning and Maintenance of the dump point location- cleaning contractor ~ \$36 per/hr
- Ongoing monitoring, maintenance and cleaning costs

If it was to be moved to the Merredin Tourist Park some of the costs to be incurred:

- Connection to sewer fee (one off)~ \$500
- Installation costs estimated to be considerably less than \$9300 + GST given that the proposed location on site is directly over a suitable sewer line, limited excavation, pipe work and labour required.
- No ongoing maintenance/cleaning cost etc

MINUTES OF THE SHIRE OF MERREDIN COUNCIL MEETING HELD  
TUESDAY 18 FEBRUARY 2014

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Councillors Thomas, Blakers and Young agreed to rescind motion 30831.

**81303** Moved: Cr Blakers                      Seconded: Cr Young  
**Officer's Recommendation**

- 1. *That Resolution 30831 be rescinded.***

**CARRIED 5/0**

Councillors Crees, Anderson and Hayes-Thompson returned to the meeting at 3.36pm

**81304** Moved: Cr Crees                      Seconded: Cr Blakers

- 2. *That Council enters into an agreement with the proprietor of the Merredin Tourist Park to install the "Dump-Ezy" dump point at the Merredin Tourist Park with the following terms and conditions;***
  - a) The Shire of Merredin will pay for the installation costs***
  - b) The Merredin Tourist Park will operate, maintain and clean the dump point at its own expense***
  - c) The Merredin Tourist Park will operate the dump point in accordance with the guidelines of the Campervan and Motorhome Club of Australia***
  - d) There will be no charge to dispose of liquid waste into the dump point.***

**CARRIED 7/1**

Cr Hooper declared a proximity interest in this item and left the meeting at 3.58pm.  
Councillor Crees assumed the Chair.

## **11.0 ENGINEERING SERVICES**

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### **11.1 STATE BLACK SPOT FUNDING: TOTADGIN HALL ROAD**

<b>Reporting Department:</b>	Engineering Services
<b>Reporting Officer:</b>	Kevin Paust
<b>Legislation:</b>	Local Government Act 1995
<b>File Reference:</b>	R10/01
<b>Disclosure of Interest:</b>	Nil
<b>Attachments:</b>	Water Corporation email

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#### **Background**

In the 2010/11 financial year Council applied for State Blackspot Funding for the upgrade of the Totadgin Hall Road and York/Merredin Road, MO41 (Bruce Rock Road) intersection which was granted through Main Roads WA.

A Water Corporation project of replacing and installing their infrastructure underground was due to commence in 2011/12.

The Water Corporation postponed the project in 2011/12 and 2012/13 which has deferred Councils works on this project.

The EMES contacted the Water Corporation on the 17<sup>th</sup> December 2013 in regards to the 2013/14 commencement date of this project and received a reply on the 7<sup>th</sup> February 2014 stating that its works have been postponed further and that their works are now due for completion in June 2017. Refer to [Attachment 11.1A](#).

#### **Comment**

The EMES contacted Main Roads WA, Northam to advise that due to the Water Corporation's postponement of this project Council is unable to carry out the realignment works as it cannot construct the realignment until the pipeline is placed underground.

Main Roads WA has advised that as the project has been postponed yet again and for such an extended period the funding allocated to this project will be reallocated to another project as Council cannot shift the funding.

Council received \$314,011 from State Blackspot Funding and to date has claimed \$86,469 over the 2010/11 (\$18,600) and 2011/12 (\$67,869) years for the resumption of land and the surveying and design of the intersection.

Main Roads WA require a detailed explanation from the CEO of the Shire of Merredin as to why the project cannot proceed and a full cost summary of money claimed from State Blackspot Fund and a request for consideration for this project to be kept on the Main Roads WA books until the 2017/18 financial year.

**Statutory/Policy Implications**

Nil

**Financial Implications**

The funds that have already been claimed from State Blackspot funding are \$86,469.

Unspent funds from the 2013/14 State Blackspot Funding of \$227,542 will be reallocated to another SBSF project within the State by Main Roads WA.

Council's 2013/14 budget included \$113,771 which is Council's one third contribution to this project and will become allocated funds with no project. It is suggested that the funds be reallocated as detailed below.

Gravel sheeting costing's are \$33,000 per kilometre, therefore \$113,771 will gravel sheet 3.5 kilometres. The following gravel roads require work after the 2013/14 harvest period and have been included in the road inspection on Friday 14<sup>th</sup> February:

Tandegin East Road

McGellin Road

Goomarin Road

Hooper Road – Included in 5 year Road Program at 3km per year 2014/15 – 2017/18.

**Officer's Recommendation**

- 1. That the CEO writes an explanation of why the project cannot proceed and requests consideration for the project to remain on Main Roads WA books until the 2017/18 financial year.***
- 2. That Council reallocate funds of \$113,771 to one or more of the above projects.***

**81305** Moved: Cr Young

Seconded: Cr Anderson

**Resolution**

- 1. That the CEO writes an explanation of why the project cannot proceed and requests consideration for the project to remain on Main Roads WA books until the 2017/18 financial year.***
- 2. That Council reallocate funds of \$113,771 to the following roads in order of priority 1 McGellin Road, 2 Tandegin East Road and 3 Goomarin Road.***

**CARRIED 7/0**

MINUTES OF THE SHIRE OF MERREDIN COUNCIL MEETING HELD  
TUESDAY 18 FEBRUARY 2014

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Cr Hooper returned to the meeting at 4.11pm and resumed the Chair.

**81306** Moved: Cr Young                      Seconded: Cr Hayes-Thompson  
***That the meeting adjourn at 4.12pm for a short recess.***

**CARRIED 8/0**

**81307** Moved: Cr Young                      Seconded: Cr Crees  
***That the meeting resume at 4.24pm***

**CARRIED 8/0**



**12.0 CORPORATE AND COMMUNITY SERVICES**

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**12.1 LIST OF ACCOUNTS PAID**

<b>Reporting Department:</b>	Finance & Administration
<b>Reporting Officer:</b>	Evelyn Arnold
	Finance and Administration
<b>Legislation:</b>	Local Government Act 1995 & Financial Management Regulations
<b>File Reference:</b>	Nil
<b>Disclosure of Interest:</b>	Nil
<b>Attachments:</b>	List of Accounts Paid

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**Background**

The attached List of Account Paid ([Attachment 12.1A](#)) during the month under Delegated Authority is provided for Council's information.

**Statutory/Policy Implications**

Local Government Act 1995 and Financial Management Regulations.

**Financial Implications**

All liabilities settled have been in accordance with the Annual Budget provisions. It should be noted that outstanding creditors total \$70,818.44.

**81308** Moved: Cr Young                      Seconded: Cr Blakers

**Officer's Recommendation**

*That Council receive the schedule of accounts as listed, covering cheques, EFT's, bank charges, directly debited payments and wages, as numbered and totalling \$637,757.96 from Council's Municipal Fund Bank Account and \$0.00 from Council's Trust Account.*

**CARRIED 8/0**

12.2 **MONTHLY FINANCE REPORT**

<b>Reporting Department:</b>	Finance and Administration
<b>Reporting Officer:</b>	Evelyn Arnold
<b>Legislation:</b>	Local Government Act 1995
<b>File Reference:</b>	Nil
<b>Disclosure of Interest:</b>	Nil
<b>Attachments:</b>	Monthly Finance Report

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**Background**

The Monthly Finance Report is attached for Council's information.  
[\(Attachment 12.2A\)](#)

**Statutory/Policy Implications**

Local Government Act 1995 and Financial Management Regulations.

**Financial Implications**

As outlined in [Attachment 12.2A](#).

**81309** Moved: Cr Blakers                      Seconded: Cr Young

**Officer's Recommendation**

***That Council receive the Monthly Finance Report for January 2014.***

**CARRIED 8/0**

12.3 **WRITE-OFF OF SMALL BALANCES AND CHARGES**

**Reporting Department:** Finance & Administration  
**Reporting Officer:** Evelyn Arnold  
**Legislation:** Local Government Act 1995  
**File Reference:**  
**Disclosure of Interest:** Nil

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**Background**

A standard process in maintaining an accurate and clean rates database is the regular write off of small balances – less than \$5 which can sometimes occur and clearly not economically viable nor practical to collect. The Local Government Act 1995 requires that these adjustments are approved by Council.

**Comment**

**Rates and Interest**

Below is a list of the assessment numbers where adjustments are required. The request for interest write off have been received from the rate payers concerned.

<b>Assessment Number</b>	<b>Reason</b>	<b>Amount</b>
A7144, A1725, A9382	Interest raised in error	\$28.02
Various	Small Balances YTD January 2014	\$207.34
<b>Total</b>		<b>\$235.36</b>

**Statutory/Policy Implications**

S 6.12 (1) (c) of Local Government Act 1995 'Power to defer, grant discounts, waive or write off debts'. Absolute Majority Required.

**Financial Implications**

This will result in a reduction of the revenue by \$235.36.

**81310** Moved: Cr Young                      Seconded: Cr Anderson

**Officer's Recommendation**

***That Council approve the write off of \$235.36 being interest charges raised in error or too small to be recoverable.***

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

12.4 **POLICY REVIEW OF THE CUMMINGS STREET RENTAL**

<b>Reporting Department:</b>	Administration
<b>Reporting Officer:</b>	Evelyn Arnold – Executive Manager of Corporate and Community Services
<b>Legislation:</b>	Local Government Act 1995
<b>File Reference:</b>	Council Policy Manual 3.14
<b>Disclosure of Interest:</b>	Nil
<b>Attachments:</b>	Policy 3.14 Cumming Street Rental <a href="#">(Attachment 12.4A)</a>

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**Background**

The Council rents out five units in Cummings Street as part of a housing initiative with the Department of Housing and Works.

**Comment**

The policy is attached. This policy required review because of personnel changes and changes to the clauses in the standardised lease agreement.

**Statutory/Policy Implications**

Local Government Act 1995 and the Local Government Regulations 1996 (amended 2007).

**Financial Implications**

Nil.

81311 Moved: Cr Young                      Seconded: Cr Crees

**Officer's Recommendation**

***That Council adopts policy 3.14 Cummings Street Rental.***

**CARRIED 8/0**

**13.0 ADMINISTRATION**

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**13.1 POLICY REVIEW - INCLUSION OF SICK/PERSONAL LEAVE POLICY**

<b>Reporting Department:</b>	Administration
<b>Reporting Officer:</b>	Chief Executive Officer
<b>Author:</b>	Chantelle Paust
<b>Legislation:</b>	Local Government Act 1995, Local Government Industry Award (LGIA) 2010 National Employment Standards
<b>File Reference:</b>	Nil
<b>Disclosure of Interest:</b>	Nil
<b>Attachments:</b>	Sick/Personal Leave Policy <a href="#">(Attachment 13.1A)</a>

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**Background**

Staff have currently been reviewing the Local Government Industry Award (LGIA) 2010, the National Employment Standards (NES) and the Shire of Merredin's Policy Manual, in order to identify any potential gaps.

It has been identified that while the LGIA and NES discuss the relevant definitions of sick/personal leave and employee entitlements, it fails to identify specific guidelines in respect to evidence requirements.

**Comment**

The LGIA and NES specifically detail the definition of sick/personal leave and entitlements for employees, however evidence requirements and timeframes have been left for Council interpretation and implementation.

It is proposed that Council implement a policy that reinforces the sections of the LGIA and NES, while setting out specific evidence requirements and timeframes. Currently, there is no set requirement for evidence, ie; medical certificate to be provided. This policy will establish specific parameters around the taking of sick leave, including when evidence will be required and what will happen when employees have exhausted all entitlements.

**Statutory/Policy Implications**

Policy 2.18 Sick/Personal Leave will be added to the Shire of Merredin's Policy Manual.

**Financial Implications**

Nil

**81312** Moved: Cr Young                      Seconded: Cr Hayes-Thompson

**Officer's Recommendation**

***That Council adopt Policy 2.18 Sick/Personal Leave and it be included in the Policy Manual.***

**CARRIED 7/1**

13.2 **DELEGATIONS REGISTER - REVIEW**

<b>Reporting Department:</b>	Administration
<b>Reporting Officer:</b>	CEO
<b>Author:</b>	Lorraine Wyatt
<b>Legislation:</b>	Local Government Act 1995
<b>File Reference:</b>	P 02/01
<b>Disclosure of Interest:</b>	Nil
<b>Attachment:</b>	Delegations Register

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**Background**

The purpose of the Delegations Register is to delegate some of the functions of Council to the Chief Executive Officer so they can be administered without reference to Council. This enables many routine matters and decisions to be dealt with promptly and efficiently.

Council adopted the current register at the 22 October 2013. A copy of the updated register is at [Attachment 13.2A](#) with changes indicated in red tracked changes.

**Comment**

The current register differs from that adopted in October 2013 in that the position of Executive Manager of Community Services has been removed and Deputy Chief Executive Officer included.

A review of the balance of delegations indicates they are relevant and current and should be endorsed.

**Statutory/Policy Implications**

The Local Government Act 1995 Section 5.42 indicates that Council can delegate some of its powers or the discharge of any of its duties to the Chief Executive Officer. A register of Delegations of Authority is required to meet Section 5.46 of the Local Government Act 1995 by being adopted annually.

An absolute majority of Council is required to adopt the Delegations Register.

**Financial Implications**

Nil

**81313** Moved: Cr Thomas                      Seconded: Cr Blakers

**Officer's Recommendation**

*That Council adopt the current Delegations Register as presented in [Attachment 13.2A](#).*

**CARRIED BY ABSOLUTE MAJORITY 8/0**

13.3 **POLICY REVIEW - INCLUSION OF A BULLYING, HARASSMENT AND  
DISCRIMINATION POLICY**

<b>Reporting Department:</b>	Administration
<b>Reporting Officer:</b>	Chief Executive Officer
<b>Author:</b>	Chantelle Paust
<b>Legislation:</b>	Local Government Act 1995 and Fair Work Act 2009
<b>File Reference:</b>	Nil
<b>Disclosure of Interest:</b>	Nil
<b>Attachments:</b>	Bullying, Harassment and Discrimination Policy and Internal Complaints Handling Procedure <a href="#">(Attachment 13.3A)</a>

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**Background**

On January 1 2014, the Fair Work Commission claimed jurisdiction of all bullying, harassment and discrimination claims in the workplace. As a result employees can report instances of bullying, harassment and discrimination directly to the Commission, without notifying their employer. Employers have been encouraged to review policies in order to ensure that they reflect current legislation, guarantee that all employees are aware of what constitutes bullying, harassment and discrimination and in turn provide a workplace where the health and safety of employees is paramount.

**Comment**

As the Shire of Merredin values the health and safety of its employees, any behaviour that constitutes bullying, harassment and/or discrimination will not be tolerated. Council does not currently have a policy dealing with these issues and one should be adopted in light of the new legislation.

In conjunction with this policy, an internal complaints handling procedure has been formulated. This will ensure that all complaints will be handled in the same way and claims investigated without bias.

**Statutory/Policy Implications**

Policy 2.19 Bullying, Harassment and Discrimination in the Workplace will be added to the Shire of Merredin's Policy Manual.

**Financial Implications**

Nil

**81314** Moved: Cr Blakers                      Seconded: Cr Willis

**Officer's Recommendation**

***That Council adopt Policy 2.19 Bullying, Harassment and Discrimination and it be included in the Policy Manual.***

**CARRIED 8/0**



13.4 **COMMUNITY SURVEY – RESULTS OF SECOND SURVEY - 2013**

<b>Reporting Department:</b>	Administration
<b>Reporting Officer:</b>	CEO
<b>Legislation:</b>	Local Government Act 2013
<b>File Reference:</b>	
<b>Disclosure of Interest:</b>	Nil
<b>Attachments:</b>	2013 Community Survey <a href="#">(Attachment 13.4A)</a>

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**Background**

To assist in providing a basis for Council's strategic planning, a company was commissioned to undertake a survey of residents in the Shire. Some two years have now passed since the initial survey and it was deemed necessary to undertake a further survey to underpin the review of the IPR documentation.

The survey of some 200 residents was undertaken in late-November early-December 2013.

A copy of the survey has previously been provided to Councillors and can also be found at Attachment 13.4A.

**Comment**

It is perhaps disappointing to see that the overall approval ranking has fallen despite devoting additional resources to those issues that were seen as important in the last survey and borne out with the focus groups. An explanation could be that more attention is being given to these areas and that the community expectations have increased.

However, the survey does provide information on specific areas that require further attention and should provide a focal point for Council and perhaps a redistribution of resources over the next two budgets.

Attention is also drawn to the generic comments from those surveyed. These, in some instances, provide an opportunity to test the strength of the validity of the comments by way of more informal surveys through social media and other means.

**Statutory/Policy Implications**

At the moment there are no policy implications however further consideration of the survey results may result in future changes to policy.

**Financial Implications**

Nil

**81315** Moved: Cr Young                      Seconded: Cr Blakers

**Officer's Recommendation**

- 1. *That the 2013 Community Survey be received.***
- 2. *That the results be referred back to Staff for further consideration.***

**CARRIED 8/0**

**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**

Nil

**17.0 MATTERS BEHIND CLOSED DOORS**

Greg Powell declared a financial interest in this item and left the meeting  
4.42pm

Lorraine Wyatt, Sheree Lowe and Rebecca McCall left the meeting at 4.43pm

**81316** Moved: Cr Young                      Seconded: Cr Blakers  
*That the meeting move behind closed doors at 4.43pm*

**CARRIED 8/0**

**81317** Moved: Cr Crees                      Seconded: Cr Blakers  
*That the meeting return to open session at 5.00pm*

**CARRIED 8/0**

17.1 Staff - Chief Executive Officer – Performance Appraisal - 2013

**81318** Moved: Cr Crees                      Seconded: Cr Blakers

**Resolution**

***That Council:***

- 1. Receives the Chief Executive Officer's annual Performance Review report for the review period 18 January 2014 to 7 January 2014, and endorses the rating of 'Highly Satisfactory'.***
- 2. Adopts the draft Key Result Areas and indicators for 2014.***
- 3. Option 1***
- 4. Commences discussions with Mr Powell in relation to a further contract of employment beyond 5th January 2015 to be finalised no later than 30th June 2014.***
- 5. Schedules the next review of performance to be completed by the end of January 2015.***

**CARRIED 8/0**

MINUTES OF THE SHIRE OF MERREDIN COUNCIL MEETING HELD  
TUESDAY 18 FEBRUARY 2014

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**18.0** **CLOSURE**

There being no further business the President declared the meeting closed at 5.06pm.