

# SHIRE OF MERREDIN



**“Heart of the Wheatbelt”**

**MINUTES OF ORDINARY COUNCIL MEETING**

**17 April 2012**

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**Minutes of the Ordinary Meeting of the Shire of Merredin held in the Council Chambers, Corner King and Barrack Streets, Merredin on Tuesday 17 April 2012 commencing at 1.00pm.**

**ATTENDANCE:**

Councillors:	D Crook	Shire President
	M Morris	Deputy Shire President
	BJ Anderson	
	RM Crees	
	DN Hayes-Thompson	
	KA Hooper	
	T McFarlane	
	D Morris	
W Wallace		
Staff:	G Powell	Chief Executive Officer
	E Arnold	Executive Manager Corporate and Community Services
	J Garrett	Executive Manager Engineering Services
	L Wyatt	Executive Assistant to Chief Executive Officer

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**1.0 OFFICIAL OPENING**

The Shire President declared the meeting open at 1.01pm.

**2.0 PUBLIC QUESTION TIME**

At the March Ordinary Council meeting Mr Victor London sought information from Council regarding Waste Management charges. The CEO responded as follows:

*I refer to your request at the March Council meeting for information on charges for the above and payments to council's contractor.*

*The 2011/12 adopted budget shows the following:*

<i>Income</i>	<i>Rubbish Charges</i>	<i>78,000.00</i>
	<i>Recycling Charges</i>	<i>208,000.00</i>
<i>Expenditure</i>	<i>Rubbish Charges</i>	<i>72,714.00</i>
	<i>Recycling Charges</i>	<i>183,242.00</i>

*Year to date figures as at the end of February 2012*

<i>Income</i>	<i>Rubbish Charges</i>	<i>75,975.00</i>
	<i>Recycling Charges</i>	<i>185,760.00</i>
<i>Expenditure</i>	<i>Rubbish Charges</i>	<i>39,662.00</i>
	<i>Recycling Charges</i>	<i>99,996.00</i>

*Of course year to date expenditure will increase to reach the budget estimates by the end of June.*

*There have been some variations during the year because of contract renegotiations and changes to tendered rates.*

*I hope the above satisfies your query.*

Mr Geoff Wells entered the meeting at 1.13pm

Mr Wells expressed his regret at Council's previous decision not to allow the burn out pad to be installed at the Merredin Regional Community and Leisure Centre facility. He continued and explained the reasons why alternative suggestions were not a suitable option and requested that Council reconsider their previous decision.

Mr Wells was advised that he should make a further submission to Council that should be inclusive of all costs, usage and any other information that might be relevant.

Mr Wells left the meeting at 1.38pm.

### **3.0 APOLOGIES AND LEAVE OF ABSENCE**

**30847**            Moved Cr McFarlane            Seconded Cr D Morris  
***That Councillor Wallace be granted a leave of absence for the 15 May 2012 ordinary Council meeting.***

**CARRIED 9/0**

### **4.0 DISCLOSURE OF INTEREST**

Nil

### **5.0 PETITIONS AND PRESENTATIONS**

Nil



**10.0 DEVELOPMENT SERVICES**

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**10.1 LOT 13 LAW STREET, MERREDIN – APPLICATION FOR REZONING**

<b>Reporting Department:</b>	Development Services
<b>Reporting Officer:</b>	CEO
<b>Legislation:</b>	Town Planning & Development Act 2005
<b>File Reference:</b>	P2385
<b>Disclosure of Interest:</b>	Nil
<b>Attachments:</b>	Planning Report

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**Background**

An application has been received from the owners of Lot 13 Law Street, Merredin to allow for the construction of a new motel.

**Comment**

The development proposed for the land is a new standalone development and not an extension of the existing Olympic Motel.

The application was referred to Council's consultant town planners, Planwest, for consideration and comment. On planning grounds a rezoning could be supported. Planwest has prepared a LPS scheme amendment report which is attached as **Attachment 10.1A** for Council's consideration. (It should be noted that there are some minor errors in the report that will be remedied prior to its submission to the State Planning Commission.)

**Statutory/Policy Implications**

Local Planning Scheme No 6  
Town Planning & Development Act 2005

**Financial Implications**

Nil. All costs will be met by the applicant.

**30850**

Moved: Cr Hooper

Seconded: Cr Hayes-Thompson

**Officer's Recommendation**

***That Council resolves to adopt the Local Planning Scheme No. 6 Amendment No. 2 by:***

- 1) rezoning Lot 13 Law Street, Merredin, from 'Residential' zone to 'Highway Service' zone;***
- 2) deleting the Residential Design Code applying to the land as more clearly shown on the Scheme Amendment Map; and***
- 3) submit the amendment to the Environmental Protection Authority for consent prior to submission to the Western Australian Planning Commission for approval.***

**CARRIED 9/0**

**11.0 ENGINEERING SERVICES**

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Nil.

**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 \$195,786.

**30851** Moved: Cr D Morris Seconded: Cr McFarlane

**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 \$664,862 from Council's Municipal Fund Bank Account.*

**CARRIED 9/0**



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.**

**30852**

Moved: Cr McFarlane

Seconded: Cr Anderson

**Officer's Recommendation**

***That Council receive the Monthly Finance Report for March 2012.***

**CARRIED 9/0**

12.3 **AUDIT SERVICES REVIEW**

**Reporting Department:** Corporate & Community Services  
**Reporting Officer:** Evelyn Arnold  
**Legislation:** Local Government Act 1995  
**File Reference:** Nil  
**Disclosure of Interest:** Nil  
**Attachments:** Nil

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**Background**

In the March Ordinary Council meeting Council appointed UHY Haines Norton as the Shire of Merredin Auditors for the next three years.

**Comment**

In the resolution presented to Council the appointment also had to refer to the partners of UHY Haines Norton who are directly responsible for supervising and signing off the audit reports. This was omitted from that report but has been included here:

<u>Engagement Partner (either)</u>	<u>Auditor Number</u>
Mr G R Godwin	310219
Mr D J Tomasi	15724

**Statutory/Policy Implications**

Local Government Act 1995 and Financial Management Regulations.

**Financial Implications**

Nil.

**30853**

Moved: Cr Crees

Seconded: Cr Hooper

**Officer's Recommendation**

***That Council confirm the appoint of Mr G R Godwin and/or Mr D J Tomasi of UYH Haines Norton Chartered Accountants as official auditors for the period of 3 years expiring after the final audit in 2014.***

***Absolute Majority Required  
CARRIED 9/0***

**13.0 ADMINISTRATION**

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**13.1 MISCONDUCT – RESOLUTION OF COMPLAINTS AT THE LOCAL LEVEL**

<b>Reporting Department:</b>	Administration
<b>Reporting Officer:</b>	CEO
<b>Legislation:</b>	Local Government Act 1995
<b>File Reference:</b>	
<b>Disclosure of Interest:</b>	Nil
<b>Attachments:</b>	WALGA Infopage and Attachment

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**Background**

The Minister has released a Consultation Paper outlining proposals for dealing with low level misconduct.

A copy of a summary prepared by WALGA and the Paper are at **Attachment 13.1A**.

**Comment**

The attached are self-explanatory in that the intent of the proposal is understood. However, implementation may be counter-productive to the cohesion and relationships within a Council should such determinations not be made by an independent arbiter or panel.

The proposal is for a President/Mayor or deputy or another Councillor as nominated by the Council to rule on complaints. Independence is key as any determination could be seen as fostering specific interests if not made by a disassociated party. This holds particularly true of acceptance of rulings by the public.

**Statutory/Policy Implications**

The proposal if successful will amend the Local Government Act and the Rules of Conduct.

**Financial Implications**

The costs of peer review panels are borne by the relevant Council.

**30854**

Moved: Cr Crees

Seconded: Cr Anderson

**Officer's Recommendation**

***That the Hon Minister be advised through the Great Eastern Zone of WALGA that the Merredin Shire Council does not support the proposal because it removes the independence of rulings on complaints as any ruling should be made by persons not associated with the Council nor the Local Government in or about the complaint was made.***

**CARRIED 8/1**

**30855**

Moved Cr M Morris

Seconded: Cr McFarlane

***That what is listed a minor breach be reviewed***

**CARRIED 7/2**

13.2 **RESERVES 44697 & 17767; LEASE OF LAND**

<b>Reporting Department:</b>	Development Services
<b>Reporting Officer:</b>	CEO
<b>Legislation:</b>	Local Government Act 1995
<b>File Reference:</b>	R44697
<b>Disclosure of Interest:</b>	Nil
<b>Attachments:</b>	Nil

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**Background**

Lease of the two reserves bounded by Golf St, Telfer Street, McDonald Street and Old Goldfields Road expired in February 2012. Informal expressions of interest to crop the land have been received.

**Comments**

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

**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 lease fees per annum payable under the previous lease were \$600.00.

The costs to prepare and maintain the firebreaks during firebreak season is approximately \$500.

**30856**

Moved: Cr Crees

Seconded: Cr McFarlane

**Officer's Recommendation**

***That the Reserve 44697 and 17767 be advertised for lease for a period of three years expiring at the end of February 2015 and that the Chief Executive Officer be granted authority to award the tender.***

**CARRIED 9/0**

**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

- 30857**                    Moved Cr M Morris                    Seconded Cr Wallace  
***That the meeting move behind closed doors at 2.15pm***  
**CARRIED 9/0**

**17.0** **MATTERS BEHIND CLOSED DOORS**

17.1 Staff – Appointment of Executive Manager of Development Services

Please refer to confidential folder for information on this item.

- 30858**                    Moved: Cr Wallace                    Seconded: Cr McFarlane  
**Officer's Recommendation**  
**That the recommended applicant, Mr Mario Ioppolo be confirmed as the Executive Manager of Development Services subject to his formal acceptance.**  
**CARRIED 9/0**

- 30859**                    Moved: Cr M Morris                    Seconded Cr Wallace  
***That the meeting resume in open session at 2.21pm.***  
**CARRIED 9/0**

**18.0** **CLOSURE**

The President declared the meeting closed at 2.22pm.