

SHIRE OF MERREDIN



“Heart of the Wheatbelt”

MINUTES OF ORDINARY COUNCIL MEETING

16 October 2012

MINUTES OF THE SHIRE OF MERREDIN COUNCIL MEETING
HELD TUESDAY 16 OCTOBER 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 18 October 2012 commencing at 3.05pm.**

ATTENDANCE:

Councillors:	D Crook	Shire President
	M Morris	Deputy Shire President
	BJ Anderson	From 3.21pm
	RM Crees	
	DN Hayes-Thompson	
	KA Hooper	
	T McFarlane	
	D Morris	
	W Wallace	
Staff:	G Powell	Chief Executive Officer
	M Ioppolo	Executive Manager of Development Services
	L Wyatt	Executive Assistant to Chief Executive Officer

1.0 OFFICIAL OPENING

The President declared the meeting open at 3.05pm. Mario Ioppolo, Laura Galic Editor Merredin Mercury, Lorraine Cockram and Rioko Howell were present.

The President presented service medals to the following Bush Fire Brigade members:

10 year service medals were presented to: Russell Cockram, Merve Howell and Graham McCall.

The National Service Medal was presented to Robert Gray.

The President congratulated all the recipients and thanked them for their years of service and dedication to the community.

2.0 PUBLIC QUESTION TIME

Nil

3.0 APOLOGIES AND LEAVE OF ABSENCE

Nil

4.0 DISCLOSURE OF INTEREST

Nil

5.0 PETITIONS AND PRESENTATIONS

Nil

6.0 CONFIRMATION OF MINUTES

6.1 Ordinary Council Meeting
Attachment 6.1A

Confirmation of the minutes of the Ordinary Council Meeting held on 18 September 2012.

- 30985** Moved: Cr M Morris Seconded: Cr Wallace
Officer's Recommendation
That the minutes of the Ordinary Council Meeting held on 18 September 2012 be confirmed as a true and correct record of proceedings.

CARRIED 8/0

7.0 ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

Nil

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

Nil

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

9.1 Minutes of Wheatbelt East Regional Organisation of Councils Executive Meeting held 12 September 2012
Attachment 9.1A

9.2 Minutes of Wheatbelt East Regional Organisation of Councils Meeting held 26 September 2012
Attachment 9.2A

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30986

Moved: Cr D Morris

Seconded: Cr Wallace

Officers Recommendations:

That the minutes of the Wheatbelt East Regional Organisation of Councils Executive Meeting held 12 September 2012 and the Wheatbelt East Regional Organisation of Councils Executive Meeting held 26 September 2012 be received.

CARRIED 8/0

10.0 **DEVELOPMENT SERVICES**

10.1 **OVERSIZED SHED - 31 (LOT 1480) KITCHENER ROAD, MERREDIN**

Reporting Department:	Development Services
Reporting Officer:	Mario Ioppolo
Legislation:	The Shire of Merredin Local Planning Scheme No 6. State Planning Policy 3.1 -Residential Design Codes. Shire of Merredin's Policy 8.22 Outbuildings in Residential Areas.
File Reference:	
Disclosure of Interest:	Nil
Attachments:	Copy of site plan and elevations of the proposed shed submitted by the applicant. (Attachment 10.1A) Letter from Applicant. (Attachment 10.1B) Comment submissions from 4 adjoining neighbours. (Attachment 10.1C) Residential Design Codes Clause 2.5 Exercise of discretion and Policy Table 8.22 Outbuildings in Residential Areas. (Attachment 10.1D) Aerial view and 4 Photos. (Attachment 10.1E)

Background:

<i>Property Location:</i>	31 (Lot 1480) Kitchener Road, Merredin.
<i>Owner:</i>	Brian Bill.
<i>Applicant:</i>	Owner.
<i>Zoning:</i>	Residential (R20).
<i>Lot Size:</i>	1029 square metres

An application has been received from the Applicant to construct a shed on 31 (Lot 1480) Kitchener Road, Merredin towards the south west corner of the lot after removing an existing shed of approximately 25 square metres (3.50m x 7.20m).

The site has an existing residence with carport to the west side and a front and rear patio/verandah.

The proposed shed of "Classic Cream Colorbond" walls and zincalume roof with dimensions 8.50 metres across by 16.00 metres long is to be located at a minimum of 1.00 metre from the west side and rear boundaries. (Refer to attached site plan). The wall height is to be 4.50 metres + 100 above ground

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level (4.60metres) with a ridge height of 5.092 + 100 above ground level (5.192metres)

Shire of Merredin's Policy 8.22 Outbuildings in Residential Areas has maximum sizes for outbuildings subject to the size of the lot.

Comment:

In accordance with Policy 8.22 the maximum size of an outbuilding for this size lot should:

Floor area:	Policy:	94.00 square metre or an aggregate of 125 square metres.
	Proposed:	136.00 square metres.
	Oversize by:	42.00 square metres.
Wall height:	Policy:	3.0 metres above ground level.
	Proposed:	4.6 metres.
	Over height by:	1.6 metres.
Ridge height:	Policy:	3.6 metres above ground level
	Proposed:	5.192 metres
	Over height by:	1.592 metres

The Residential Design Codes provide Council the right to exercise discretion subject to conditions. Please refer to attachment "Residential Design Codes 2.5 Exercise of discretion".

To fulfil the Neighbour Consultation requirement in accordance with the Residential Design Codes, the Applicant has been guided through the process and has obtained "neighbour comment" from 3 of the adjoining neighbours with the original submission and a late comment from the 4th neighbour (attached). No objections raised by the neighbours.

Visual impact from 33 Kitchener Road, Merredin - east side property:

The proposed shed is approximately 21.00 metres from the eastern boundary and along with the existing approximately 1.8 high fence the impact would be considered to be minimal.

Owner has no objections.

Visual impact from 29 Kitchener Road, Merredin - west side property:

Within 1.0 metre of the west boundary, the visual impact would consist of a wall 16.00 metres long and a height of 2.8 metres above the existing 1.8 metre high fence plus 1.50 metres in height to the ridge. The mass would slightly be reduced with the selected "Classic Cream Colorbond" wall cladding and the existing shed on the neighbour's property.

There may be issues with reflectivity from the zincalume roof sheeting. There would be some shadowing effect in the mornings.

Owner has no objections.

Visual impact from 2 Ellis Road, Merredin - south (rear) property:

Within 1.0 metre of the south boundary, the visual impact would consist of a wall 8.50 metres long with a triangulated gable end for the roof to a ridge height of 4.3 metres above the existing 1.8 metre high fence. The mass would slightly be reduced with the selected "Classic Cream Colorbond" wall cladding and a further help in visual impact reduction are some medium size trees on this property which will cover approximately half the width of the proposed shed's rear wall.

There would be some shadowing effect from late morning to early afternoon.

Owner has no objections.

Visual impact from 4 Ellis Road, Merredin - south west (diagonal rear) property:

This property has an open back yard and the visual impact would be a combination of the rear and side walls of the proposed shed.

The trees on the adjacent property on 2 Ellis Road and the selected colour of "Classic Cream Colorbond" will slightly reduce the overall impact.

Owner has no objections.

Visual impact from Kitchener Road, Merredin:

The mass of the proposed structure will be most noticeable looking south east from Kitchener Road as there are no structures or vegetation.

Visual impact from Ellis Road, Merredin:

The mass of the proposed structure will be most noticeable looking south from Ellis Road. The existing shed and trees mentioned above are only minor obstructions to lines of sight.

Statutory/Policy Implications:

Approval may set a precedent.

Financial Implications:

Nil.

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Cr Anderson entered the meeting at 3.21pm

30987

Moved: Cr M Morris

Seconded: Cr McFarlane

Officer's Recommendation:

That the proposed oversized shed for 31 (Lot 1480) Kitchener Road, Merredin be approved with the following conditions:

- 1. The height of the shed be reduced in height at the walls to 3.0 metres above ground level and at the roof ridge to 3.6 metres above ground level.***
- 2. The roof cladding to be "Classic Cream Colorbond" to match the wall cladding.***
- 3. A Building Permit to be obtained prior to any building works commencing.***

CARRIED 7/2

Resolution rescinded
CMRef 81780
May 2016

10.2 **41 (LOTS 198, 199 AND 200) BATES STREET, CORNER DUFF STREET,
MERREDIN – CAR AND CARAVAN YARD**

Reporting Department:	Development Services
Reporting Officer:	Mario Ioppolo
Legislation:	The Shire of Merredin Local Planning Scheme No 6. Building Code of Australia 2012
File Reference:	
Disclosure of Interest:	Nil
Attachments:	Copy of site and floor plans submitted by the Applicant. (Attachment 10.2A) Aerial View of 41 Bates Street, Merredin. 4 Photos. (Attachment 10.2B)

Background:

<i>Property Location:</i>	Lot 198 (vacant), Lot 199 (vacant) and Lot 200 (existing building) Bates Street corner Duff Street, Merredin.
<i>Owner:</i>	Adrian Burton.
<i>Applicant:</i>	Stefan Cecconi.
<i>Zoning:</i>	Commercial.
<i>Lot Size:</i>	1201 square metres per lot (total 3603m ²)

An application has been received from the Applicant to use the existing building on lot 200 and the two adjacent vacant lots, 198 and 199 for a car and caravan sales yard, showroom, minor vehicle repairs and fitment of accessories and for the short and long term storage of caravans.

Caravan storage is to be between the colorbond and cyclone fenced area on lots 198, 199 and within the building on lot 200.

The Applicant advises that there will be a maximum of three staff – but “most of the time only one” person.

There are 12 staff and visitor onsite parking bays.

The Applicant advises that there is to be no building changes or building works other than some maintenance and a repaint.

The vacant lots are fenced with approximately 1.8 metres high cyclone fencing to the Duff Street and rear boundaries. A colorbond fence approximately 1.8 metres high is located at about 15.00 metres from and parallel to the Bates Street boundary.

Comment:

I believe that the property has been vacant for over 12 months and was previously used as a car sales yard with vehicle servicing.

There are no Building Code of Australia issues since the proposed use is the same and no building works are intended.

The Local Planning Scheme No 6 provides for:

<i>Motor vehicle, boat or caravan sales</i>	<i>as a 'D' use;</i>
<i>Motor vehicle repairs</i>	<i>as a 'D' use;</i>
<i>Showroom</i>	<i>as a 'P' use;</i>
<i>Office</i>	<i>as a 'P' use;</i>

Part extract of the Shire of Merredin Local Planning Scheme No 6 Clause 4.3
Table 1 - Zoning Table notes in Sub Clause 4.3.2:

The symbols used in the cross-reference in the Zoning Table have the following meanings —

'P' means that the use is permitted by the Scheme providing the use complies with the relevant development standards and the requirements of the Scheme;

'D' means that the use is not permitted unless the local government has exercised its discretion by granting planning approval;

'A' means that the use is not permitted unless the local government has exercised its discretion by granting planning approval after giving special notice in accordance with clause 9.4;

'X' means a use that is not permitted by the Scheme.

The Shire of Merredin Local Planning Scheme No 6 is silent on the storage of caravans, however, the following definitions from the "Model Scheme Text" which forms part of the Town Planning Regulations 1967, may assist Council's decision options as they provide some latitude:

motor vehicle, boat or caravan sales means premises used to sell or hire motor vehicles, boats or caravans;

storage means premises used for the storage of goods, equipment, plant or materials.

Those proposed uses which fall under the 'P' symbol are permitted uses and in this instance, form a small part of the proposal.

Council can exercise its discretion for the proposed uses which fall under the 'D' symbol.

In accordance with Shire of Merredin Local Planning Scheme No 6 Table II Development Table, the number of onsite parking spaces meets the minimum requirements.

Statutory/Policy Implications:

Nil

Financial Implications:

Nil.

30988

Moved: Cr D Morris

Seconded: Cr McFarlane

Officer's Recommendation:

That the application from Stefan Cecconi for the proposed car and caravan sales yard, showroom, minor vehicle repairs and fitment of accessories and for the short and long term storage of caravans on 41 (Lots 200, 198 and 199) Bates Street, corner of Duff Street, Merredin be approved with the following conditions:

- 1. Should there be a need for any building works, then the Applicant is to obtain a Building Permit prior to any works commencing;*
- 2. Prior appropriate approvals are to be obtained from the Shire of Merredin and other required Statute Authorities for grease and oil interception traps, collection and disposal of any oils and greases from motor vehicle repairs if the Applicant intends to take on servicing of motor vehicles in the future;*
- 3. A landscape plan naming native species suitable for the location, including plants capable of growing to a maximum height of 1.0 metre be provided to the Shire of Merredin for approval along the Bates Street frontages of lots 200, 199 and 198 and along the Duff Street frontage of lot 198 up to the colorbond fence to a minimum width of 1.50 metres within 3 months from the date of this Planning Approval.*
- 4. The planting, in accordance with the approved Landscape Plan is to be completed with 6 months of the Landscaping Plan been approved.*
- 5. The landscaped areas are to be maintained to the satisfaction of the Shire of Merredin's Chief Executive Officer.*

CARRIED 9/0

10.3 **COMMERCIAL HOTEL, LOT 24 HSE NO. 62 BARRACK STREET, MERREDIN
BREACH OF PLANNING CONDITIONS**

Reporting Department:	Development Services
Reporting Officer:	Mario Ioppolo
Legislation:	The Shire of Merredin Local Planning Scheme No 6. Planning and Development Act 2005 The Town Planning Regulations 1967
File Reference:	A186
Disclosure of Interest:	Nil
Attachments:	Copy of Planning Consent, dated 24 November 2009; (Attachment 10.3A) Letter to M. Goodchild from EMDS dated 18 July 2012; (Attachment 10.3B) Letter from M. Goodchild not dated but received 16 August 2012 along with a Planning Application, a site plan single sheet and a site plan with ablution on single sheet and various invoices and quotes to the owner. (Attachment 10.3C)

Background:

An Approval for Planning Consent was issued on the 24 November 2009 for a transportable ablution block to the rear (north west) corner of the existing Commercial Hotel at lot 24 house number 62 Barrack Street, Merredin, owner M.R. Goodchild, subject to conditions. Part condition follows:

Placement of the ablution block is valid for two years and the ablution block must be replaced with a brick and iron roofed structure or the unit clad with brick and a false gabled iron roof by 31 October 2011.

The owner sought a time extension and by Council resolution on the 18 October 2011, the time was extended to the 30 June 2012.

An email was received by Council from the owner on the 28 June 2012 and in part, requested that the use of limestone cladding be approved in lieu of the brick cladding required in the condition of Planning Approval.

Council's Executive Manager Development Services (EMDS) put the matter to Council when resolved as follows:

That staff advise the owner that should he not comply with the conditions of Planning Consent within 30 days, that legal action will be instigated against him without any further notice.

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The EMDS advised the owner regarding this resolution and also that should he wish to seek an amendment for the cladding, he would need to make a formal submission. Letter attached.

The owner made an informal request by way of an unpaid application form and an undated letter.

The owner forwarded an email to the CEO and Councillors on the 17 September 2012.

Comment:

The Owner has not addressed the primary issue that he is in breach of his Planning Approval conditions which were made so as to afford him the opportunity to operate the premises whilst providing him time to meet the requirements of making the transportable ablution structure appear in sympathy with the style of the existing main building.

This time was extended at his request so that he could meet the conditions.

It appears that he is still only prepared to clad the ablution structure in a limestone looking finish in lieu of the approved red brick and is seeking that Council ignores the condition of a false gable roof.

The limestone coloured cladding would not be out of character as the lower half of the building has been "limestone" coloured rendered.

However, the existing flat roof of the ablution facilities is not in keeping with the "character" of the existing building.

With regards the "quotes" for the false roof, it is suggested that he seek alternative prices.

The attacking comments upon me – well they are untrue except for "not been in this town for a long time".

Council has several options:

1. Ignore the matter. Not considered an option as it will set a precedent. In the long term it will have legal ramifications for Council for not enforcing legislation; or
2. Follow through with legal action in accordance with Council's July 2012 resolution; or
3. Amend the planning condition by permitting the revised cladding and still requiring the gable roof, or
4. Set aside the planning condition in it's entirety.

Statutory/Policy Implications:

Nil

Financial Implications:

Legal fees. Outstanding Planning Fee for amendment to the Planning Conditions.

Officer's Recommendation:

- 1. That approval for the limestone cladding in lieu of the red brick be granted, subject to the owner providing sufficient details to ascertain that the proposed product is suitable, payment of fees and a Building Permit be obtained prior to the commencement of the work;**
- 2. That the requirement for a false gable roof or other method that meets the intent of the planning condition remains.**

30989

Moved: Cr Wallace

Seconded: Cr Hooper

Officer's Recommendation:

That approval for the limestone cladding in lieu of the red brick be granted, subject to the owner providing sufficient details to ascertain that the proposed product is suitable, payment of fees and a Building Permit be obtained prior to the commencement of the work;

CARRIED 9/0

30990

Moved: Cr Hooper

Seconded: Cr McFarlane

That the requirement for a false gable roof or other method that meets the intent of the planning condition remains.

CARRIED 6/3

Cr Anderson requested that his vote in the negative be recorded.

30991

Moved: Cr Hooper

Seconded Cr M Morris

That the owner be advised that he must complete all works by 31 March 2013 or legal action will be taken and that the CEO be granted delegated authority to initiate the action after 31 March 2013 should the works not be completed.

CARRIED 7/2

Mario Ioppolo left the meeting at 3.43pm

12.0 CORPORATE AND COMMUNITY SERVICES

12.1 LIST OF ACCOUNTS PAID

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

Background

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

Statutory/Policy Implications

Local Government Act 1995 and Financial Management Regulations.

Financial Implications

All liabilities settled have been in accordance with the Annual Budget provisions. It should be noted that outstanding creditors total \$25,107.32.

30992 Moved: Cr Crees Seconded: Cr Hayes-Thompson

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 \$752,510.68 from Council's Municipal Fund Bank Account.

CARRIED 9/0

12.2 **MONTHLY FINANCE REPORT**

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

Background

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

Statutory/Policy Implications

Local Government Act 1995 and Financial Management Regulations.

Financial Implications

As outlined in **Attachment 12.2A**.

30993

Moved: Cr Wallace

Seconded: Cr D Morris

Officer's Recommendation

That Council receive the Monthly Finance Report for September 2012.

CARRIED 9/0

13.2 **WHITFIELD WAY SUBDIVISION STAGE 2 – UNBUDGETED EXPENDITURE**

Reporting Department:	Finance
Reporting Officer:	Evelyn Arnold
Legislation:	Nil
File Reference:	Nil
Disclosure of Interest:	Nil
Attachments:	Nil

Background

In the 2011/12 financial year Council budgeted and completed the subdivision of a parcel of land located around Whitfield Way. These lots were auctioned in March and one lot has a conditional contract for sale.

Comment

It was noted that despite a significant period of time elapsing the certificates of title had not been issued for any of the subdivided blocks. Further investigation resulted in an invoice being forwarded from Water Corporation which staff had not been previously aware. This invoice relates to Head Works costs which must be paid before Water Corporation will clear the subdivision condition allowing the title certificates to be issued, thus allowing the sale to be completed. This invoice totalled \$53,076.80 which is unbudgeted expenditure.

Because of the significant delays experienced, staff have paid the invoice in order to release the Certificates of Title. Endorsement of this action is sought together with authorisation of the expenditure.

Statutory/Policy Implications

Nil.

Financial Implications

The unbudgeted expenditure was transferred from the Land and Development Reserve which currently has a balance of \$70,835.56.

30994

Moved: Cr Crees

Seconded: Cr Wallace

Officer's Recommendation

- 1. That the action of the staff in paying the Water Corporation invoice of \$53076.80 be endorsed.***
- 2. That the transfer of \$53,000 from the Land and Development Reserve to cover this expenditure be approved.***

CARRIED 9/0

13.0 ADMINISTRATION

13.1 BECOMING A WATERWISE COUNCIL – WATER CORPORATION MOU

Reporting Department:	Administration
Reporting Officer:	CEO
Legislation:	Local Government Act 1995
File Reference:	
Disclosure of Interest:	Nil
Attachments:	MOU – Shire of Merredin and Water Corporation Waterwise Local Government Criteria Sheet

Background

The Waterwise Council program helps Councils in Western Australia adhere to the State Government's water efficiency measures and further encourages improved water use management at a corporate and community level.

The State Government recognises that many Councils have already demonstrated improvements in water efficiency.

The Water Corporation and the Department of Water, with support from the International Council for Local Environmental Initiatives (ICLEI) – Local Governments for Sustainability, have developed a Waterwise Council program. The aim of this program is to build a co-operative working relationship with local governments to improve water use efficiency in local government and their communities.

Comment

For the Shire of Merredin this program will be a formalisation of the work already being done, builds on work done to achieve independence from the reticulated supply and provides a platform for further improvement.

Water Corporation's advice is that becoming a Waterwise Council will provide a number of benefits, including:

- a better understanding of Councils water use
- potential water and financial savings through improved efficiency
- free specialist Waterwise training courses for appropriate Council staff
- access to Waterwise materials on water efficiency and conservation
- access to the Waterwise branding to promote the Council as a sustainable water manager

Council will be required to enter into the MOU arrangements for period of three years as seen in **Attachment 13.1A**.

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Following this Council will be required to meet the requirements of the Waterwise Councils Program Assessment as outlined in **Attachment 13.1B**.

Statutory/Policy Implications

Nil

Financial Implications

Nil

30995

Moved: Cr M Morris

Seconded: Cr McFarlane

Officer's Recommendation

That Council enter into the MOU arrangements as at Attachment 13.1A with the Water Corporation for a period of three years.

CARRIED 9/0

13.2 **COUNCIL MEETINGS – PROPOSED CHANGE OF COMMENCEMENT TIME**

Reporting Department:	Administration
Reporting Officer:	CEO
Legislation:	Local Government Act 1995
File Reference:	
Disclosure of Interest:	Nil
Attachments:	Nil

Background

At the 17 July Ordinary Council Meeting it was resolved:

30930 Moved: Cr M Morris Seconded: Cr McFarlane
Resolution

That Council amend the commencement time of ordinary Council meetings from 1.00pm to 3.00pm for a three month trial period.

CARRIED 5/3

Comment

The three month trial period has ended and this is now a matter for Council to determine whether it wishes to revert to the previous arrangement of briefing sessions in the morning with the Council meeting commencing at 1.00pm or to conclude that the amended arrangements has been successful and move to afternoon briefings and meetings with Council meetings commencing at 3.00pm.

A recommendation one way or the other is difficult. The circumstances of each Councillor will determine the collective outcome.

Statutory/Policy Implications

Council can resolve to amend the time, date and place of a meeting on either a temporary or permanent basis. Changes must be advertised.

Financial Implications

Nil

Officer's Recommendation

- 1. That Council determine whether the commencement time of ordinary Council meetings will remain at 1.00pm or be changed on a permanent basis to 3.00pm or another time to be nominated by Council.***
- 2. That the time nominated on a permanent basis be extensively advertised.***

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30996

Moved: Cr M Morris

Seconded: Cr McFarlane

Officer's Recommendation

- 1. *That commencement of ordinary Council Meeting times be changed on a permanent basis to 3.00pm and that briefing sessions commence at 1.00pm.***
- 2. *That the time nominated on a permanent basis be extensively advertised.***

CARRIED 5/4

Crs Anderson and Crees requested their vote in the negative be recorded.

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Cr Crees declared a Financial Interest in item 13.3 and left the meeting at 3.58pm.

13.3 **ELECTRICITY GENERATORS – RATING ALTERNATIVES**

Reporting Department: Administration
Reporting Officer: CEO
Legislation: Local Government Act 1995
File Reference:
Disclosure of Interest: Nil
Attachments: Extract from Electricity Industry Act 2009 (Vic)
Local Government Rating Arrangements Under
Electricity Industry Act

Background

Section 6.36 Local Government Act 1995 allows for local governments to differentially rate properties.

At the special Council Meeting held 9 August 2012 the following motion was adopted with regard to differential rating:

- 30954** Moved: Cr McFarlane Seconded: Cr Hooper
1. That Council adopt the differential rates model outlined below to be effective for the 2012/13 rates year.

Unimproved Value	Minimum Rate	Rate in \$
UV1 – Rural	\$807	\$0.012317
UV2 – Urban Rural	\$807	\$0.018475
UV3 – Mining	\$200	\$0.024634
UV4 - Special Zone Wind farm	\$1,076	\$0.024634
UV5 – Special Use Airstrip	\$1,076	\$0.024634
UV6 – Merredin Power	\$807	\$0.024634

CARRIED BY ABSOLUTE MAJORITY 5/1

It has been suggested that there could be an alternative method to rating electricity generators which may be more specific than using the differential rating provisions of the Local Government Act. Councillors will recall that it is not possible to individually rate wind turbines as they, in the main, do not occupy specific parcels of land than would permit the Valuer General to provide valuations.

The Victorian Government has completed extensive consultation (**Attachment 13.3A**) with relevant stakeholders and as a result its *Electricity Industry Act 2000* was amended (**Attachment 13.3B**) to include an alternative rating methodology giving Local Governments “options” to the blanket rating regime currently utilised in Western Australia.

Comment

With the introduction of the carbon tax, there is incentive for power generators to seek alternative methods of producing electricity such as solar and wind generation particularly in the regional areas. There is therefore the likelihood that Merredin is not the only Council facing such a dilemma.

Extensive consultation with relevant parties needs to be undertaken to determine the interest in and financial implications of such a change. This is a specialised task and something which could be undertaken by WALGA on behalf of Local Governments.

It is worth noting at this point that such a change in methodology would see a shift in the cost of rates being borne directly by the electricity generator rather than the land owner unless it is otherwise outlined in any private contractual arrangements between the land owner and the electricity generator (which Council is not party to).

Statutory/Policy Implications

Nil

Financial Implications

Nil

30997

Moved: Cr M Morris

Seconded: Cr D Morris

Officer's Recommendation

That Council request WALGA to undertake investigations and advocacy on behalf of the Local Government sector to amend legislation where necessary to provide a more equitable and flexible rating mechanism for wind farm and other energy generators.

CARRIED 8/0

Cr Crees returned to the meeting at 4.03pm

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

Synthetic Surface

Cr Hooper brought to the attention of Council that there are details yet to be resolved but particularly the "run off" areas at each end of the tennis courts. There is an Australian standard that should be met and it was felt that this may not have occurred.

The viewing area/pavilion is another matter that needs resolution ie: location and construction type. There appears to be some confusion regarding this and needs to be addressed.

The CEO advised he will contact the consulting engineers to discuss and advise the outcome in due course.

17.0 MATTERS BEHIND CLOSED DOORS

Nil

18.0 CLOSURE

There being no further business the President declared the meeting closed at 4.31pm.