



# SHIRE OF MERREDIN

21 October 2014

Minutes of Ordinary Council Meeting

Held in Council Chambers  
Corner King & Barrack Street's, Merredin



### Common Acronyms Used in this Document

WEROC	Wheatbelt East Regional Organisation of Councils
GECZ	Great Eastern Country Zone
WALGA	Western Australian Local Government Association
CEACA	Central East Aged Care Alliance
CEO	Chief Executive Officer
DCEO	Deputy CEO
EMDS	Executive Manager of Development Services
EMES	Executive Manager of Engineering Services
EMCS	Executive Manager of Corporate Services
EA	Executive Assistant to CEO
LPS	Local Planning Scheme
LGIS	Local Government Insurance Services
AMP	Asset Management Plan
LTFP	Long Term Financial Plan
MRC&LC	Merredin Regional Community and Leisure Centre
CWVC	Central Wheatbelt Visitors Centre
UCL	Unallocated Crown Land
MoU	Memorandum of Understanding
LHAG	Local Health Advisory Group
NEWROC	North Eastern Wheatbelt Regional Organisation of Councils

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**Shire of Merredin**  
**Ordinary Meeting of Council Minutes**  
**Tuesday 21 October 2014**



**1. Official Opening**

The President welcomed those in attendance and declared the meeting open at 3.00pm.

**2. Public Question Time**

Nil

**3. Record of Attendance / Apologies and Leave of Absence**

**3.1 Councillors:**

Cr KA Hooper	Shire President
Cr RM Crees	Deputy President
Cr BJ Anderson	
Cr CA Blakers	(from 3.16pm)
Cr JP Flockart	
Cr MD Willis	

**3.2 Executive:**

G Powell	Chief Executive Officer
R McCall	Deputy Chief Executive Officer
J Mitchell	Executive Manager of Development Services
V Green	Executive Assistant to Chief Executive Officer
S Lowe	Media & Communications Officer

**3.3 Members of the Gallery:** M Gill, Merredin-Wheatbelt Mercury; Gareth Davies

**3.4 Apologies:** Cr DN Hayes-Thompson

**3.5 Approved Leave of Absence:** Cr TS Thomas (CMRef 81410)

**4. Disclosure of Interest**

Cr Flockart declared an Impartiality Interest in Agenda Item 14.1

Cr Flockart declared a Financial Interest in Agenda Item 15.4

Cr Anderson declared an Impartiality Interest in Agenda Item 18.1

The CEO declared a Financial Interest in Agenda Item 19.1

**5. Applications for Leave of Absence**

Nil

**6. Petitions and Presentations**

Nil

**7. Confirmation of Minutes of the Previous Meeting**

- 7.1 Ordinary Council Meeting held on 23 September 2014  
[Attachment 7.1A](#)

**Voting Requirements**



Simple Majority



Absolute Majority

**Officer's Recommendation / Resolution**

**Moved:** Cr Willis

**Seconded:** Cr Crees

- 81441 That the Minutes of the Ordinary Council Meeting held 23 September 2014 be confirmed as a true and accurate record of proceedings.**

**CARRIED 5/0**

**8. Announcement by the Person Presiding without discussion**

The President advised that the WEROC Council meeting was being held in Southern Cross tomorrow (Wednesday 22 October 2014) and it would be beneficial for all Councillors to be supplied with copies of the agenda papers for both WEROC and WALGA Zone meetings.

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

- 19.1 Staff – Chief Executive Officer – Contract of Employment  
Refer to [Page 48](#).

<b>10.</b>	<b>Receipt of Minutes of Committee Meetings</b>
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- 10.1 WEROC Executive Meeting held 24 September 2014  
[Attachment 10.1A](#)
- 10.2 Merredin LHAG Meeting held 2 October 2014  
[Attachment 10.2A](#)
- 10.3 WALGA GECZ Executive Meeting held 9 October 2014  
[Attachment 10.3A](#)

<b>Voting Requirements</b>
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- Simple Majority                       Absolute Majority

<b>Officer's Recommendation / Resolution</b>
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**Moved:** Cr Anderson                      **Seconded:** Cr Willis

**81442**      **That the minutes of the WEROC Executive Meeting held 24 September 2014, the Merredin LHAG Meeting held 2 October 2014 and the WALGA GECZ Executive Meeting held 9 October 2014 be received.**

**CARRIED 5/0**

<b>11.</b>	<b>Recommendations from Committee Meetings for Council consideration</b>
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Nil

**12. Officer's Reports - Development Services**

**12.1 Provision of Off-road Vehicle Area – Reserve 7940**

## Development Services



<b>Reporting Officer:</b>	EMDS
<b>Author:</b>	John Mitchell
<b>Legislation:</b>	Local Government Act 1995; Control of Vehicles (Off-road Areas) Act 1978; Control of Vehicles (Off-road Areas) Regulations 1979; Occupiers Liability Act 1985
<b>File Reference:</b>	Reserve 7940
<b>Disclosure of Interest:</b>	Nil
<b>Attachments:</b>	LGIS Public Liability Site Risk Assessment of Merredin Unauthorised Off-road Motorcycle Area – Reserve 7940
<b>Maps / Diagrams:</b>	Site Map of Reserve 23580 ( <a href="#">Attachment 12.1A</a> )

### Purpose of Report

Executive Decision

Legislative Requirement

### Background

In 2011 Council was advised that the area comprising Reserve 7940 was used as an Off-road Vehicle Area (ORVA). Subsequent to this Council has received negative comment from the public, a report from Council's insurers and advice from various government departments. Additionally there is community support for a formal club to be established.

There are two distinct views present with this matter. The first is the public view being "place signs up saying use at own risk and leave the users be".

The second is the legal view which places obligations on the landowner to provide a safe environment in which to play the sport. In any instance the provisions of the Control of Vehicles (Off-road Areas) Act 1978 apply.

No ORVA can be established on public owned lands without compliance with the 1978 Act.

### Comment

Whilst there have been no accidents reported at this site it does not preclude the legal requirement to comply with the legislation. It can also be argued that it is more a matter of luck that no-one has been injured.

Common and statute law places an obligation on Council to either close the site or make the site safe for users. To not act places Council in a poor/untenable position to defend any claim against public indemnity. A recent example (2012) is diving blocks in shallow water and an injury at a local government (South Hedland) pool in the Northwest. After LGIS recommended removal of the blocks the local government did not comply and a person was injured with a claim of \$6.5M. In October 2014 two children were severely injured or killed at the Lancelin ORVA.

The LGIS Public Liability Site Risk Assessment ([Attachment 12.1B](#)) provides observations of issues relevant to the use of Reserve 7940 as an ORVA. These are:

1. uncontrolled access to the site via various entry points including dirt tracks to the site, unauthorised rail crossings, broken fences and Great Eastern Highway access (110kph speed limit area);
2. collision hazards – mound jumps into trees, jumps close to trees, wheel rutting of mounds, star pickets, tree branches, concrete components and steel I-Beams;
3. heavily rutted tracks which can lead to loss of vehicle control;
4. no management controls – use signage, speed signage, access, parking, emergency contact information, required inspections & senior management obligations;
5. tracks crossing winter creek lines which may lead to mechanical and chemical interaction; and
6. no intergovernmental relationships – Main Roads Western Australia consent for proximity to Great Eastern Highway, Department of Local Government & Communities – ORVA legislation and implementation.

Additionally Council will need to provide machinery at regular intervals to remove extreme wheel rutting and hazards that could impair use and to perform required repairs on the facility as required to maintain the site safe e.g. compact mounds and remove deep wheel ruts (if the facility is a public facility).

To answer Council's questions of the meeting of the 19 August 2014 it is advised:

The Shire of York facility is an ORVA public facility and comprises ablutions, parking areas, BBQ areas, shade structures and an honour box. The site is fenced with one entry point. CCTV comprises scout cameras similar to those already used by Council. When a Ranger is available inspections of the site occur weekly and general maintenance occurs for 4 – 5 days per year involving a backhoe and grader.

The application of the Control of Vehicles (Off Road) Act 1978 in general terms implies:

1. all vehicles are licenced in accordance with the Act (with State Government);
2. all vehicles must be in a safe condition and no dangerous vehicles to be driven;
3. seatbelts must be worn if the vehicle was provided with them – for motorcycles helmets are mandatory;
4. minimum age of drivers is 8 years old;
5. certain components of the Road Traffic Act 1974 are applicable and Police can issue infringements;
6. the use of off-road vehicles other than in declared ORVAs or on private property with consent is an offence; and
7. inspectors are appointed pursuant to the provisions of the 1978 Act and are generally Rangers. The Minister can appoint honorary inspectors.

The Control of Vehicles (Off-road Areas) Regulations 1979 places minimum compliance factors on vehicles used for off-road purposes and noise compliance restrictions. The views of the public should be sought however it should be noted that in requesting that the Control of Vehicles (Off-road Areas) Act 1978 be promulgated for the Shire of Merredin facilities could result in further legal requirements placed on users of the facility through that Act including vehicle compliance factors which are not currently enforced by local Police or the Ranger.

The local government functions (Section 6 of the 1978 Act) are a duty to administer and enforce the provisions of the Act within its district. In simple terms the Act determines that a person cannot drive an off-road vehicle otherwise than on private land by consent or on land comprised within a permitted area. The Act therefore signifies that the use of Reserve 7940 as an ORVA area is unlawful until it is declared a permitted area. Council should close the site until the matter is resolved or risk a substantive defence claim should the worst case scenario occur.

In an incorporated club forms and seeks to operate a motorcycle club and course then the provisions of the Control of Vehicles (Off-road Areas) Act 1978 do not apply.

Site identification of suitable areas requires further Council direction. Reserve 23580 has been identified but is considered problematic as a motorplex with traffic and noise (Council Report 18 June 2013) and that report included a list of reserves. It is vested in the Shire of Merredin for the purpose of "Recreation".

A site visit to the preferred location within Reserve 23580 Goldfields Road, Merredin has shown that the site is located east of the rail line near the abandoned dwelling to Adamson's Farm. An occupied dwelling is located approximately 650m away on the north side of Goldfields Road. The chosen site is cleared of trees and a circuit of approximately 1.5km is already used.

Any reserve within the Shire of Merredin can be considered, providing the Management Order can be amended to allow the use of "sport and recreation", however prior to any change of purpose request Council must resolve to promulgate the Control of Vehicles (Off-road Areas) Act 1978 and seek the Ministers consent to commence a facility.

The future direction is therefore to:

1. resolve to commence/or not the procedures with the Department of Local Government and Communities to apply the Control of Vehicles (Off-road Areas) Act 1978 to the Shire of Merredin;
2. seek the Department of Lands Management Order over the Reserve (e.g. Reserve 7940) to use/not use as an ORVA (motorbikes only);
3. resolve to close/close and repair the ORVA;
4. determine a suitable area to establish an Incorporated Off-road Vehicle (Motorbike) Club such as Reserve 23580 and seek applications from public members to formalise an incorporated club and use; and
5. the Administration will, if resolutions are to permit the use, then commence management procedures for the enforcement of the 1978 Act i.e. inspection, use, monitoring, emergency management, parking and layout.

### **Policy Implications**

The Shire of Merredin has no policies relevant to the operation of an ORVA.

Council can set enforcement/operational/assessment policies when an officer is engaged to ensure compliance. Those policies can relate to enforcement procedures and the issue of warnings providing the intent of the Act is not compromised.

### **Statutory Implications**

Use of the site by members of the public leaves Council open to a public liability claim. Council has no controls in place for management of the Reserve or public protection.

The Occupiers Liability Act 1985 places a duty of care (Section 5) on the owner of the land (Shire of Merredin) to maintain the site to a minimum standard and fit for purpose which is a "Park". In any case the LGIS report draws attention to this issue and that the Shire would owe a duty of care to the users of the ORVA.

The Control of Vehicles (Off-road Areas) Act 1978 (Section 5) lists local governments functions to enforce the provisions of the Act. In this instance the use is not approved pursuant to that Act.

The use of the land is contrary to the Shire of Merredin Local Government Property Local Laws which determine that the use of the land shall be lawful and Council may provide specified local government property that is set aside for a purpose. Council has made no determination that Reserve 7940 can be used for the purposes of driving a vehicle or a particular class of vehicle (Clause 2.7).

### **Strategic Implications**

Service Area: Nil

Activities: Nil

Link to Vision: Nil

Link to Strategic Priorities: Nil

Service Level: Nil

Service Level Change: Nil

### **Sustainability Implications**

#### ➤ [Asset Management Plan](#)

The asset management plan does not list this Reserve.

#### ➤ [Long Term Financial Plan](#)

Funding for any works or ongoing maintenance at the Reserve will require inclusion within the LTFP.

#### ➤ [Workforce Plan](#)

Nil

### Financial Implications

Closure of the Reserve 7940 has been estimated at approximately \$15,000 inclusive of signage, fencing and front end loader costs (CMRef 81414).

To open the site costs are estimated to include the majority of funds suggested above (\$15,000) as well as new fencing, signage and loader work plus:

1. tree and tree limb removal as mentioned in the LGIS Report June 14;
2. concrete and steel components removal as mentioned in the LGIS Report June 14;
3. site assessment by OSH Consultant – motorbike trails;
4. weekly/monthly assessment of site by the Ranger suggested at 4 hours including write up, filing, photographs and any matters to be addressed (\$7,000/annum);
5. based on the Shire of York example up to 4 days per annum for loader and grader works (\$13,000/annum).

The above works are not included in the 2014/15 Budget. Costing the outlined works can be undertaken if Council seeks to maintain the site available for ORVA use.

Additional costs may be applied if toilets (\$35,000) and BBQ areas (\$7,500) are included. Please note that these costs are exclusive of power and water provision to the site.

In any instance, a parking area properly defined and segmented separate to the ORVA area but within the property will be required (\$10,000 allocation).

### Voting Requirements



Simple Majority



Absolute Majority

Cr Blakers entered the meeting at 3.16pm.

### Officer's Recommendation

That:

1. Reserve 7940 be closed to use by off-road vehicles and that the site be fenced to restrict access, when funds are available;
2. Council determine that the area of land within Reserve 23580 Goldfields Road, Merredin east of the rail line and within a cleared area be an area for the establishment of an Incorporated Club; and
3. expressions of interest be sought to form an incorporated club which can lease the land contained within Reserve 23580, Goldfields Road, Merredin.

## Resolution

**Moved:** Cr Willis

**Seconded:** Cr Flockart

**81443**

**That:**

- 1. Reserve 7940 be closed to use by off-road vehicles and that the site be remediated and signed, when funds are available;**
- 2. Council determine that the area of land within Reserve 23580 Goldfields Road, Merredin east of the rail line and within a cleared area be an area for the establishment of an Incorporated Club; and**
- 3. expressions of interest be sought to form an incorporated club which can lease the land contained within Reserve 23580, Goldfields Road, Merredin.**

**CARRIED 6/0**

## Reason

Council believed a number of methods, as opposed to fencing alone, could be utilised to close the site.

**12.2 Local Planning Scheme No. 6 – Application for Oversize and Over Height Outbuilding – Lot 1085 Council Avenue, Merredin**

## Development Services



<b>Reporting Officer:</b>	EMDS
<b>Author:</b>	John Mitchell
<b>Legislation:</b>	Local Planning Scheme No. 6 – Policy
<b>File Reference:</b>	A743
<b>Disclosure of Interest:</b>	Nil
<b>Attachments:</b>	Application
<b>Maps / Diagrams:</b>	Map of A743 ( <a href="#">Attachment 12.2A</a> )

### Purpose of Report



Executive Decision



Legislative Requirement

### Background

An application has been received to erect an oversize and over-height outbuilding on Lot 1085 Council Avenue, Merredin ([Attachment 12.2B](#)).

Lot 1085 Council Avenue, Merredin is zoned 'Residential R10/30'. The applicant advises that there are no additional outbuildings on the site other than a carport which is connected to the dwelling.

The proposal seeks to erect a 96m<sup>2</sup> and 3.8m wall height outbuilding which can house a 4WD and caravan.

Council has previously considered applications for over size buildings and has approved similar sized structures within the town site of Merredin.

### Comment

There are no other detached outbuildings on the lot. The total area allocated under the policy is not exceeded. The maximum ridge height is exceeded by 600mm.

Clause 6.10.1 of the R Codes 2011 states that an outbuilding which does not exceed 10% of the aggregate of the site area and a ridge height of 4.2m is considered acceptable development.

The applicant should be advised that any additional applications are limited to achieving the maximum heights and areas allocated under the policy.

### Policy Implications

The Outbuildings Policy permits the Building Surveyor to approve a structure of up to 94m<sup>2</sup> and 3.6m wall height for an 1151m<sup>2</sup> lot.

Proposed structures above this size must be referred to Council for consideration.

### Statutory Implications

Nil

### Strategic Implications

Service Area: 3.3 Town Planning

Activities: Process Development applications

Link to Vision: Liveable

Link to Strategic Priorities: N/A

Service Level: As determined by legislation

Service Level Change: No service level change

### Sustainability Implications

➤ Asset Management Plan

Nil

➤ Long Term Financial Plan

Nil

➤ Workforce Plan

Nil

### Financial Implications

Planning fees of \$147 had not been paid at the time of writing this report.

### Voting Requirements



Simple Majority



Absolute Majority

G Davies left the meeting at 3.27 pm and did not return.

M Gill left the meeting at 3.27pm.

**Officer's Recommendation / Resolution**

**Moved:** Cr Crees

**Seconded:** Cr Blakers

**81444**

**That:**

1. the application from the owners of Lot 1085 Council Street, Merredin to erect a 96m<sup>2</sup> x 3.8m wall height and 4.2m apex height new outbuilding be approved; and
2. the owners of Lot 1085 Council Street, Merredin be advised that future applications are limited to a maximum floor area of 29m<sup>2</sup>.

**CARRIED 6/0**

M Gill entered the meeting at 3.28pm.

**12.3 Dog Act 1976 – Proposed Exercise and Prohibition Areas**

## Development Services



<b>Reporting Officer:</b>	EMDS
<b>Author:</b>	John Mitchell
<b>Legislation:</b>	Dog Act 1976
<b>File Reference:</b>	LE/8/3
<b>Disclosure of Interest:</b>	Nil
<b>Attachments:</b>	Nil
<b>Maps / Diagrams:</b>	Townsite Map ( <a href="#">Attachment 12.3A</a> )

### Purpose of Report

Executive Decision

Legislative Requirement

### Background

The Department of Local Government and Communities has advised that the Dog Amendment Act removed local governments' ability to make local laws in respect of dog exercise areas or to prohibit dogs absolutely from areas under a local government's control. The amendment came into effect from 31 July 2014.

The impact of this is that without a resolution from Council made pursuant to the provisions of Section 31 of the Dog Act 1976 Council cannot prevent dogs on the oval or areas where they should be prohibited on Council and public properties.

### Comment

An option exists within the Dog Act 1976 Section 31(3A) to declare areas as Dog Exercise Areas. A similar provision applies for prohibition areas.

The EMDS and Ranger have reviewed the existing local laws and believe that the oval proper should not be a dog exercise area and, as the oval is used for public purposes and sports, that dogs should be prohibited from all lawned areas and be controlled on leashes.

The reasons are all public health related and include:

1. transmission of disease through open wounds from dog urine and faeces;
2. dogs off leash and children should not mix in a public place environment, particularly when the dog is not known by the child; and
3. the risk of incident from a public liability perspective.

Similarly Apex Park, Barrack Street, Merredin should be a dog prohibited or dogs required to be on leash area.

Council should determine whether to provide exercise areas or prohibit dogs from areas within Council control at other locations e.g. Roy Little Park, Reserve 22639 opposite McKenzie Crescent – Saleyard & Paddock and Merredin Peak Reserve 2914 Lots 1451 & 1452 York Goldfields Road, Merredin.

Council has previously prohibited dogs from:

1. Apex Park Reserve 13059, Lot 1503 Barrack Street, Merredin;
2. Swimming Pool Grounds, Reserve 23036 Throssell Street, Merredin; and
3. Cummins Theatre Grounds, Lot 10 Barrack Street, Merredin.

Section 31 (2) does not permit the local government to determine the use of a public area outside its control.

Council currently permits the Merredin Peak Reserve 2914 Lots 1451 & 1452 York Goldfields Road, Merredin as a dog exercise area.

### Policy Implications

There are no policies applicable to dog control areas.

### Statutory Implications

The provisions of the Dog Act 1976 Section 31 (2B) & (3A) are applicable. This section states in part:

***“31. Control of dogs in certain public places***

*(1) A dog shall not be in a public place unless it is —*

*(a) held by a person who is capable of controlling the dog;*

*or*

*(b) securely tethered for a temporary purpose, by means of a chain, cord, leash or harness of sufficient strength and not exceeding the prescribed length.*

*(2A) Despite subsection (1), a dog shall not be in a public place...*

*(2B) A local government may, by absolute majority as defined in the Local Government Act 1995 section 1.4, specify a public place, or a class of public place, that is under the care, control or management of the local government to be a place where dogs are prohibited —*

*(a) at all times; or*

*(b) at specified times...*

*(3A) A local government may, by absolute majority as defined in the Local Government Act 1995 section 1.4, specify a public place, or a class of public place, that is under the care, control or management of the local government to be a dog exercise area.”*

In addition the specification does not become effective until 28 days after it is advised to the public by advertisement.

### Strategic Implications

Service Area: 3.6 Local Law Administration & 3.5 Ranger Services

Activities: Dogs Local Law, Animal Control and Welfare

Link to Vision: Liveable

Link to Strategic Priorities: Nil

Service Level: Regulatory

Service Level Change: Nil

### Sustainability Implications

➤ [Asset Management Plan](#)

Nil

➤ [Long Term Financial Plan](#)

Nil

➤ [Workforce Plan](#)

No additional workload to the Ranger as the policy reflects the current arrangements pursuant to the Dog Local Law.

### Financial Implications

Advertising costs of \$500 are estimated.

### Voting Requirements

Simple Majority

Absolute Majority

### Officer's Recommendation / Resolution

**Moved:** Cr Crees

**Seconded:** Cr Anderson

**81445 That:**

1. pursuant to Section 31(2B) of the Dog Act 1976 Council specifies the following areas as prohibited areas for dogs:

1. Apex Park Reserve 13059, Lot 1503 Barrack Street, Merredin (West and South of Lot 1430 Barrack Street);
2. Swimming Pool Grounds, Reserve 23036 Throssell Street, Merredin;
3. Cummins Theatre Grounds, Lot 10 Barrack Street, Merredin; and
4. the lawned areas and gardens of the MRC&LC, Lot 684 Bates Street, Merredin.

Resolution Rescinded  
CMRef 81544  
April 2015

**And:**

Resolution Rescinded  
CMRef 81544  
April 2015

pursuant to Section 31(3A) of the Dog Act 1976 Council resolves by absolute majority to specify the following areas as dog exercise areas:

1. Merredin Peak Reserve 2914, Lots 1451 and 1452 York Goldfields Road, Merredin; and
2. Reserve 23520, Lots 969 and 1170 Telfer Avenue, Merredin (old Golf Course).

**CARRIED 6/0**

**12.4 Local Planning Scheme No. 6 – Amendment No. 3**

## Development Services



<b>Reporting Officer:</b>	EMDS
<b>Author:</b>	John Mitchell
<b>Legislation:</b>	Planning & Development Act 2005, Town Planning Regulations 1967; Shire of Merredin Local Planning Scheme No. 6
<b>File Reference:</b>	LUP/5/8
<b>Disclosure of Interest:</b>	Nil
<b>Attachments:</b>	Schedule of Submissions received; Amendment No. 3 to LPS No. 6 as advertised ( <a href="#">Attachment 12.4A</a> )
<b>Maps / Diagrams:</b>	Within <a href="#">Attachment 12.4A</a>

### Purpose of Report

Executive Decision



Legislative Requirement

### Background

Council previously considered this matter at its 21 January 2014 meeting (CMRef 81212):

- 1. That Whelans be advised that the Shire of Merredin supports a local planning scheme amendment to rezone lots 984 and 1016 French Avenue to Residential with the following modifications to the proposed amendment:**
  - a. Reclassifying to 'Residential R10/50' shall apply to lots 984, 1016 and the UCL land directly south of Lot 1016;**
  - b. The report must include reference to the government department providing Native Title clearance/extinguishment i.e. a letter of support or advice of extinguishment. This issue could be resolved during the advertising period;**
  - c. The additional uses component is to be applicable to area shown as proposed Lot 1 (1.21Ha) comprising the old school and "A" uses shall reflect the current provisions of Councils Planning scheme and "D" uses shall not include a Veterinary Centre or an Exhibition Centre;**
  - d. There shall be no public open space and cash in lieu payment is sought in line with the guidelines issued by the WAPC.**

- 2. That the proponent be advised that an outline development plan is required for subdivision development which must comply with the requirements of the Scheme and must include evidence to support extinguishment of Native Title, a stormwater/nutrient management plan and a site-specific contamination analysis to support the placement of residential development on the site.***

And at its 20 May 2014 meeting (CMRef 81357):

- 1. That the Local Planning Scheme No. 6 Amendment No. 3 relating to rezoning of Lots 984 and 1016 French Avenue, Merredin be referred to the Environmental Protection Authority for comment and review as required by Section 81 of the Planning Act 2005;***
- 2. That the Local Planning Scheme No. 6 Amendment No.3 relating to Lots 984 and 1016 French Avenue, Merredin be adopted for advertising purposes upon clearance from Environmental Protection Authority;***
- 3. That the Shire President and Chief Executive Officer be authorised to sign the adoption and resolution pages of the proposed Amendment No. 3 to the Local Planning Scheme No. 6;***
- 4. That the applicant be advised that Council will immediately consider an outline development plan application for development of Lots 984 and 1016 French Avenue Merredin pursuant to Clause 5.9 of the Shire of Merredin Local Planning Scheme No.6.***

This report recommends that having advertised the Amendment No. 3 in accordance with the requirements of the Planning and Development Act 2005 that the proposed Amendment No. 3 to LPS No. 6 to rezone Lots 984 and 1016 and the UCL behind in O'Connor Street Merredin to R10/50 with additional uses be adopted and referred to the WA Planning Commission (WAPC) for inclusion within the Scheme.

### **Comment**

The Planning Bulletin of 29 December 1998 determines the procedures to follow to progress a planning amendment. An amendment advertising checklist has been completed. For information the following is provided:

1. advertising occurred in the Merredin Mercury on 3 September 2014;
2. Environmental Protection Authority (EPA) referral occurred on 10 July 2014;
3. Amendment displayed onsite (27 August 2014), in Council offices (27 August 2014), on notice boards (27 August 2014) and was available online through the Shire's website (28 August 2014);
4. correspondence was sent to all authorities within the checklist, Tourism WA and to the 12 neighbouring properties; and
5. a copy of the initial amendment and EPA advice has been supplied to the WAPC.

Council received 8 submissions as at 14 October 2014 ([Attachment 12.4B](#)). Any additional submissions received will be provided to Council at the Council meeting. If any additional submissions are received the attached schedule will be amended accordingly.

Within the report are several typographical errors – O'Connor Avenue is actually O'Connor Street and the Schedule Two table (column one) should read the number 1 and not X.

### Policy Implications

Nil

### Statutory Implications

The provisions of the Town Planning Regulations 1967 (Reg. 25) have been followed. The Regulations require that Council provide a recommendation on any submissions received before resolving to adopt the Scheme Amendment.

No submissions received as at 14 October 2014 required a formal recommendation or consideration and did not impact on an effected property.

### Strategic Implications

Service Area: 3.3 Town Planning

Activities: Administration of LPS No. 6

Link to Vision: Liveable

Link to Strategic Priorities: Built Heritage

Service Level: As determined by legislation and LPS No. 6

Service Level Change: Nil

### Sustainability Implications

➤ [Asset Management Plan](#)

Nil

➤ [Long Term Financial Plan](#)

Nil

➤ [Workforce Plan](#)

Nil

### Financial Implications

Application fees of \$7,700 have been paid to progress the Scheme Amendment.

### Voting Requirements



Simple Majority



Absolute Majority

### Officer's Comment

The EMDS advised Council that an additional submission had been received since 14 October 2014 from the State Heritage Committee which provided no additional or adverse comments.

**Officer's Recommendation / Resolution**

**Moved:** Cr Blakers

**Seconded:** Cr Anderson

**81446 That:**

1. the submissions to Amendment No. 3 of Local Planning Scheme No. 6 received from Main Roads WA, Water Corporation, Department of Aboriginal Affairs, Department of Education, Department of Minerals and Petroleum, Telstra, State Heritage Office and the Department of Fire Emergency Services be noted and that an advice note relating to the Cultural Heritage Due Diligence Guidelines be provided to the Developer if the proposed Amendment No. 3 to rezone Lots 984 Unallocated Crown Land adjacent to Reserve 25536 and Lot 1016 is consented to;
2. the mistake of O'Connor Avenue to O'Connor Street be corrected wherever it occurs within the text, and to remove the letter "X" from the schedule two table on page 2 and page 16 and replace with the number 1., of Amendment 3 to Local Planning Scheme No. 6;
3. pursuant to Section 75 of the Planning and Development Act 2005 Council adopt the Amendment No. 3 to Local Planning Scheme No. 6 to reclassify a portion of Unallocated Crown Land on corner of French Avenue and O'Connor Street Merredin from "no Zone" and "Public Purpose – Primary School" to "Residential R10/50" with a portion of Lot 984 as "Residential R10/50 – Additional use" and amending the scheme map accordingly;
4. the President and Chief Executive Officer be authorised to sign and place the common seal of the Shire of Merredin on the "final approval" page for Amendment No. 3 to Local Planning Scheme No. 6;
5. Amendment No. 3 to the Shire of Merredin Local Planning Scheme No. 6 be forwarded to the Western Australian Planning Commission; and
6. all submissions received be responded to and advised of Council's decision relating to Amendment No. 3 of Local Planning Scheme No. 6.

**CARRIED 6/0**

J Mitchell left the meeting at 3.33pm and did not return.

Resolution  
Rescinded  
CMRef 81462  
November 2014

<b>13.</b>	<b>Officer's Reports - Engineering Services</b>
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Nil items to report

## 14. Officer's Reports – Corporate and Community Services

Cr Flockart declared an Impartiality Interest in this Agenda Item 14.1 and left the meeting at 3.33pm.

### 14.1 List of Accounts Paid

## Corporate Services



<b>Responsible Officer:</b>	David Burt, Acting EMCS
<b>Author:</b>	Coco Shi, Finance Officer
<b>Legislation:</b>	Local Government Act 1995 and Local Government (Financial Management) Regulations 1996
<b>File Reference:</b>	Nil
<b>Disclosure of Interest:</b>	Nil
<b>Attachments:</b>	List of Accounts Paid
<b>Maps / Diagrams:</b>	Nil

### Purpose of Report



Executive Decision



Legislative Requirement

### Background

The attached List of Accounts Paid ([Attachment 14.1A](#)) during the month under Delegated Authority is provided for Council's information.

### Comment

Nil

### Policy Implications

As outlined in the Local Government Act 1995 and Local Government (Financial Management) Regulations 1996.

### Statutory Implications

As outlined in the Local Government Act 1995 and Local Government (Financial Management) Regulations 1996.

### Strategic Implications

Nil

### Sustainability Implications

- Asset Management Plan

Nil

- Long Term Financial Plan

Nil

- Workforce Plan

Nil

### Financial Implications

All liabilities settled have been in accordance with the Annual Budget provisions. It should be noted that outstanding Creditors total \$79,841.26.

### Voting Requirements

- Simple Majority  Absolute Majority

### Officer's Recommendation / Resolution

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

**81447** That the schedule of accounts paid as listed, covering cheques, EFT's, bank charges, directly debited payments and wages, as numbered and totalling \$2,775,579.52 from Council's Municipal Fund Bank Account and \$7,982.25 from Council's Trust Account be received.

**CARRIED 5/0**

Cr Flockart entered the meeting at 3.34pm.

## 14.2 Monthly Finance Report

### Corporate Services



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

#### Purpose of Report



Executive Decision



Legislative Requirement

#### Background

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

#### Comment

Nil

#### Policy Implications

As outlined in the Local Government Act 1995 and Local Government (Financial Management) Regulations 1996.

#### Statutory Implications

As outlined in the Local Government Act 1995 and Local Government (Financial Management) Regulations 1996.

#### Strategic Implications

Service Area: 5.3 - Governance and Corporate Services  
Activities: Finance and Asset Management  
Link to Vision: Developing  
Link to Strategic Priorities: Civic Leadership  
Service Level: Financial management meets all legislated requirements  
Service Level Change: No service level change

### Sustainability Implications

- Asset Management Plan

Nil

- Long Term Financial Plan

Compliance with the Local Government (Administration) Regulations 1996 and to also give Council some direction in regards to its management of finance over an extended period of time.

- Workforce Plan

Nil

### Financial Implications

As outlined in [Attachment 14.2A](#).

### Voting Requirements



Simple Majority



Absolute Majority

### Officer's Recommendation / Resolution

**Moved:** Cr Blakers

**Seconded:** Cr Willis

**81448** That the Monthly Finance Report for September 2014 be received.

**CARRIED 6/0**

**14.3 Merredin Golf Club**

## Community Services



<b>Responsible Officer:</b>	DCEO
<b>Author:</b>	Rebecca McCall
<b>Legislation:</b>	Local Government Act 1995; Health Act 1911; Food Act 2008; Building Code 2014
<b>File Reference:</b>	RCS/4/28
<b>Disclosure of Interest:</b>	Nil
<b>Attachments:</b>	Old Golf Clubhouse Refurbishment Costings
<b>Maps / Diagrams:</b>	Proposed Shed Extension Drawing; Proposed Verandah Enclosure Drawing

### Purpose of Report



Executive Decision



Legislative Requirement

### Background

Upon the Merredin Golf Club's (the Club) relocation to the MRC&LC a MoU was entered into which included Council undertaking the mowing of the course. With the abolition of MoU's with users of the MRC&LC in 2013 all previous terms and conditions became invalid.

A number of meetings between staff and the President of the Club have taken place in recent months to discuss issues the Club is experiencing. The main concern is the inability of the MRC&LC facility to meet the requirements of the Club and its members. Members expressed their wish to return to the original club house. The refurbishment of the old club house to meet Building Code requirements is uneconomical with indicative costings of \$390,000 ([Attachment 14.3A](#)). Staff held an on-site meeting with Club representatives to run through the requirements to ascertain an understanding of the requirements under the Health Act 1911, Food Act 2008 and the Building Code of Australia 2014.

The Club advised in writing that it would not pursue the preferred option to refurbish the old club house but outlined a number of points of consideration. Staff have responded, also in writing.

## Comment

Points of considerations provided by the Club have been thoroughly investigated. A summary of the investigations include:

### **Point of Consideration 1: Mowing**

*Golf Club – the Club be given the mower to allow the Club to undertake its own mowing.*

Mowing of the course comes at a considerable cost to Council and is currently absorbed through the general maintenance of the MRC&LC precinct. Costings include

Private Works	Tractor with slasher \$182/hour (with operator)
	12-16 hours per mow
	5 mows (based on 2014 season – number of mows varies per year)
	\$12,740 (2014 season)

The value of the slasher is approximately \$17,000. The Club has recently purchased a new tractor which is adequate to pull the slasher.

User fees for 2014 equated to \$2,610 of which \$450 was for mowing.

### **Point of Consideration 2: Shed Extension**

*Golf Club – The Club be able to extend the wall in the shed to display 100 years of golf memorabilia and use as its base.*

Preliminary costing of the shed extension on the western side (10m x 10m) is \$23,500 ([Attachment 14.3B](#)). In addition, reticulation for the main oval was rerouted and runs under the area the Club proposes to extend the shed. If the extension is approved by Council there will be additional costs to redirect the reticulation which will involve digging up a portion of the newly sealed car park.

### Management Proposal: Enclosure of North Verandah of the Grandstand Bar

There is an opportunity to enclose the north verandah of the Grandstand Bar resulting in a second function area. This would address the issues the Golf Club have with sharing a space with football, netball and hockey. The sharing of space, at times, can be difficult especially when trying to do announcements. The estimated cost of the enclosure is \$45,000 ([Attachment 14.3C](#)). This option could also partly resolve the issue of a satisfactory location to mount honour boards as the proposal would include a solid wall on the east and west ends of the new enclosed area. If Council wish to pursue this option there is an opportunity to seek funding contributions from Collgar Wind Farm and the Merredin Sports Council. The enclosure would consist of single brick, steel frame and glass to complement the existing facility.

### **Point of Consideration 3: Profit Share of Bar Takings**

*Golf Club – To use the MRC&LC for the annual Sands event on the condition that the Club can negotiate a sum of the takings for the weekend.*

Management are unable to approve the request for the profit share of bar takings due to the restrictions outlined in the liquor license. The current conditions of the liquor license only allows profit sharing of catering.

#### **Point of Consideration 4: Redevelopment of Course**

*Golf Club - The Club was promised a lot when it moved and have received little. The Club used all of its funds in the redevelopment of the course and paying for the shed.*

The Shire of Merredin acknowledges the contribution made by the Club as part of the relocation and redevelopment of the precinct. A number of sporting clubs made compromises to enable the MRC&LC development to come to fruition.

#### **Point of Consideration 5: Entrance off Golf Road & Internal Signage**

*Golf Club - The Club requested if it could use the Golf Road entrance as the main avenue to access the Club. This request was refused by management and promised signs would be erected prior to the Sands event to direct people to the Golf shed. The parking arrangements needs immediate attention.*

This request was refused by management as considerable funds were spent to develop the extended car park and driveway to the shed to accommodate users. It was also a preference to maintain one main entrance into the facility for security purposes. It was resolved to erect adequate signage internally to direct players and visitors to the golf shed. Staff extended an apology that the internal signage was not erected in time for the Sands. The signage has arrived and will be erected as soon as possible. There is adequate parking at the MRC&LC precinct, however some users have a tendency to park haphazardly resulting in less parking area.

#### **Point of Consideration 6: Hosting of the State Sands**

*Golf Club - The Club has an opportunity to hold the State Sands in the near future.*

The hosting of a State Sands is a wonderful opportunity for the Club and the town. Staff are happy to work with the Club to ensure any future event is a success.

#### **In Conclusion**

*Golf Club - If the Club does its own mowing, provides its own equipment, looks after its own course, then it is at no cost to the Shire, part of power and water for the toilets which the Club is happy to pay for.*

User fees are based on user groups contributing towards the overall cost to operate and maintain the MRC&LC and surrounding precinct. Such costs include gardening, power, water, gas, communications, staffing and general maintenance. All users of the MRC&LC and precinct are required to contribute. Future user fees for the Club will be dependent on the outcome of Council's directive in response to Points of Consideration 1 and 2.

#### **Policy Implications**

Nil

#### **Statutory Implications**

Nil

### Strategic Implications

Service Area: 1.2 Merredin Regional Community & Leisure Centre

Activities: Recreational activities and provision of facilities

Link to Vision: Liveable, Community, Spirit

Link to Strategic Priorities: Key Assets – recreational/sporting facilities; Community Spirit – events and activities

Service Level: Open 7 Days a Week

Service Level Change: No service level change

### Sustainability Implications

#### ➤ Asset Management Plan

If the slasher is gifted to the Club, Asset 377 will be required to be removed from the asset register and plant number PMOW27 deleted from the plant replacement list.

The proposed enclosure of the north verandah of the Grandstand Bar will marginally increase the lifecycle costs of the MRC&LC.

#### ➤ Long Term Financial Plan

The replacement of plant number PMOW27 would be removed from the plant replacement list which integrates into the LTFP.

The LTFP does not accommodate an enclosure of the north verandah of the Grandstand Bar and would be required to be factored in.

#### ➤ Workforce Plan

There will be no Workforce Plan implications in terms of employee numbers. However, the time allocation to mow the golf course will be assigned to another job area.

### Financial Implications

The slasher is valued at \$17,000. If Council endorse to gift Plant Number PMOW27 to the Club then Asset 377 will be removed from the asset register.

The proposal to enclose the north verandah of the Grandstand Bar is not included in the 2014/15 Budget. The cost of the enclosure is estimated to be \$45,000 with a possible financial contribution through a grant and donation of \$30,000.

### Voting Requirements

Simple Majority

Absolute Majority

### Officer's Recommendation

That:

1. Council gift the slasher, Asset 377 (Plant Number PMOW27), to the Merredin Golf Club for the purpose of the Merredin Golf Club undertaking its own mowing requirements;
2. the requested extension of the sports shed located on Portion of Lot 684 on Deposited Plan 154038 for the purpose of the Merredin Golf Club base not be supported; and
3. staff provide Council with full costings on the proposal to enclose the north verandah off the Grandstand Bar and seek potential funding partners to subsidise the cost.

### Resolution

**Moved:** Cr Crees

**Seconded:** Cr Anderson

**81449** That Council gift the slasher, Asset 377 (Plant Number PMOW27), to the Merredin Golf Club for the purpose of the Merredin Golf Club undertaking its own mowing requirements, subject to the requirements of Section 5.82 of the Local Government Act 1995 and the Merredin Golf Club being responsible for the ongoing maintenance and replacement of the slasher.

**CARRIED 6/0  
ABSOLUTE MAJORITY**

Cr Anderson left the meeting at 3.48pm.

### Resolution

**Moved:** Cr Blakers

**Seconded:** Cr Crees

**81450** That the matter of the extension to the Merredin Golf Club sports shed be referred back to staff for further consideration.

**CARRIED 5/0**

### Reason

Council believed that the Merredin Golf Club should be supported in their use of the MRC&LC and that alternative mutually agreeable arrangements could be achieved.

**15. Officer's Reports – Administration**

**15.1 Community Forums – Outcomes and Actions and Dates for 2015**

**Administration**



<b>Responsible Officer:</b>	Greg Powell, CEO
<b>Author:</b>	Vanessa Green, EA to CEO
<b>Legislation:</b>	Local Government Act 1995
<b>File Reference:</b>	CR/17/26
<b>Disclosure of Interest:</b>	Nil
<b>Attachments:</b>	Forum Notes; Action Sheet
<b>Maps / Diagrams:</b>	Nil

**Purpose of Report**

Executive Decision                       Legislative Requirement

**Background**

Council again conducted its annual community forums in 2014 with the Burracoppin forum held on 21 July, Hines Hill on 25 August and Muntadgin on 22 September. A copy of the notes taken from each of these forums is included in [Attachment 15.1A](#).

**Comment**

An action sheet detailing the work undertaken by staff as a result of the community feedback provided at the forums has been prepared and is included in [Attachment 15.1B](#).

The forum notes and actions will be provided to each community via their relevant Progress Associations.

The forums are generally well received within the communities, although numbers are variable, and it is recommended to conduct the forums again in 2015. Consideration has been given to holding the forums at a different time of the year in the hope of attracting more people, in particular families. The months suggested are February, March and April because school holidays have finished, the weather is warmer with longer daylight hours and seeding hasn't commenced. This will also allow matters to be considered prior to, rather than after, the Budget is adopted.

**Policy Implications**

Nil

Cr Anderson entered the meeting at 3.49pm.

### Statutory Implications

Nil

### Strategic Implications

Service Area: 4.1 Community Development

Activities: Events

Link to Vision: Community Spirit; Inclusive; Liveable

Link to Strategic Priorities: Community involvement/support

Service Level: Nil

Service Level Change: Nil

### Sustainability Implications

➤ Asset Management Plan

Nil

➤ Long Term Financial Plan

Nil

➤ Workforce Plan

Nil

### Financial Implications

Any work(s) undertaken has been done so within current Budget allocations.

### Voting Requirements



Simple Majority



Absolute Majority

### Officer's Recommendation

That:

1. the notes of the 2014 Community Forums held in Burracoppin on 21 July 2014, Hines Hill on 25 August 2014 and Muntadgin on 22 September 2014 be received and that the actions of staff in resolving the matters raised at those forums be noted; and
2. Council conduct community forums in Burracoppin on Monday 23 February 2015, Hines Hill on Monday 23 March 2015 and in Muntadgin on Monday 20 April 2015.

### Resolution

**Moved:** Cr Blakers

**Seconded:** Cr Willis

**That the notes of the 2014 Community Forums held in Burracoppin on 21 July 2014, Hines Hill on 25 August 2014 and Muntadgin on 22 September 2014 be received and that the actions of staff in resolving the matters raised at those forums be noted.**

### Amendment

**Moved:** Cr Flockart

**Seconded:** Cr Anderson

**81451** That part 2 of the Officer's Recommendation be amended to "the matter of community forum dates for 2015 be deferred to the December 2014 Council meeting while staff ascertain whether there is community interest in conducting community forums."

**CARRIED 6/0**

### Resolution

**81452** That:

1. the notes of the 2014 Community Forums held in Burracoppin on 21 July 2014, Hines Hill on 25 August 2014 and Muntadgin on 22 September 2014 be received and that the actions of staff in resolving the matters raised at those forums be noted; and
2. the matter of community forum dates for 2015 be deferred to the December 2014 Council meeting while staff ascertain whether there is community interest in conducting community forums.

**THE MOTION WAS PUT AND CARRIED 6/0**

### Reason

Council wished to determine whether there is community support amongst those communities in hosting the community forums or whether alternative methods of interacting with those communities would be more beneficial.

## 15.2 Local Government Climate Change Declaration

### Administration



<b>Responsible Officer:</b>	Greg Powell, CEO
<b>Author:</b>	Vanessa Green, EA to CEO
<b>Legislation:</b>	Local Government Act 1995
<b>File Reference:</b>	GR/17/11
<b>Disclosure of Interest:</b>	Nil
<b>Attachments:</b>	WALGA Correspondence; Proposed Climate Change Declaration
<b>Maps / Diagrams:</b>	Nil

### Purpose of Report



Executive Decision



Legislative Requirement

### Background

Correspondence has been received from WALGA encouraging the Shire of Merredin to become a signatory on the Local Government Climate Change Declaration ([Attachment 15.2A](#)). Further information on WALGA's Climate Change Strategy can be found on the website at <http://walgaclimatechange.com.au>.

### Comment

The Declaration is included in [Attachment 15.2B](#) and is to be signed by the Shire President in conjunction with the WALGA President. Other regional Councils which have signed the Declaration include Boddington, Brookton, Dandaragan, Denmark, Goomalling, Perenjori, Quairading and Toodyay. The Declaration included in the attachment has been amended slightly from the WALGA template to include wording used by the Shire of Quairading intended to make the Declaration more relevant to the Wheatbelt region.

Council has previously undertaken a number of projects which have positive environmental impacts such as regular mass tree plantings and revegetation projects, the installation of solar panels for both residential and Council owned buildings, installing evaporation covers on the Shire's Dams and the stormwater re-use project at the MRC&LC. As a result of the latter 2 projects Council was recently endorsed as a Waterwise Council in March 2014.

Council has a key role to play in helping our community and region adapt to the impacts of climate change. As such it is anticipated that further incorporation of positive environmental and climate change actions into Council's daily operating functions will increase over time. Signing the Declaration may have the positive effect of increasing Council's opportunities to attract funding for any future projects.

### Policy Implications

Nil at this time.

Council may decide in the future to adopt a policy statement on climate change.

### Statutory Implications

Nil

### Strategic Implications

Service Area: 2.7 Natural Resource Management

Activities: Various

Link to Vision: Naturally Resourceful

Link to Strategic Priorities: Natural Resource Management; Energy and water efficiency

Service Level: Various

Service Level Change: Regional Initiatives (desalination, aqua-culture); Support the development of a community garden

### Sustainability Implications

- Asset Management Plan

Nil

- Long Term Financial Plan

Nil

- Workforce Plan

Nil

### Financial Implications

Nil

### Voting Requirements



Simple Majority



Absolute Majority

**Officer's Recommendation / Resolution**

**Moved:** Cr Blakers

**Seconded:** Cr Willis

**81453** That the Shire President be authorised to sign the Shire of Merredin Declaration on Climate Change and that the Declaration then be forwarded to WALGA for co-signing.

**CARRIED 6/0**

**15.3 WEROC Governance Model – Wheatbelt Communities Inc.**

## Administration



<b>Responsible Officer:</b>	Greg Powell, CEO
<b>Author:</b>	Vanessa Green, EA to CEO
<b>Legislation:</b>	Local Government Act 1995
<b>File Reference:</b>	GR/17/11
<b>Disclosure of Interest:</b>	Nil
<b>Attachments:</b>	Draft Wheatbelt Communities Inc. Constitution
<b>Maps / Diagrams:</b>	Nil

### Purpose of Report



Executive Decision



Legislative Requirement

### Background

WEROC has been going through the process of forming an incorporated body to administer Royalties for Regions (R4R) projects and future initiatives that may arise. The projects include the continuation of housing construction within the five WEROC Councils and the CEACA project over the eleven Councils of WEROC and NEWROC.

The incorporated body will have less legislation to deal with for the construction of the buildings as well as less compliance. The organisation will be “owned” by the five WEROC Councils and can have new members join on individual projects should they wish i.e. CEACA.

Currently the State Government is looking to progress the Subsidiary Bill which will enable WEROC to form an entity under the Local Government Act, though this may be some time away. This process may be a lengthy one and therefore the WEROC Executive decided to progress with the incorporated body to enable the group to continue with proposed projects.

It has been suggested that each Council look to have the housing assets listed in their asset registers transferred to this incorporation to provide some equity in the organisation. At a minimum it has been discussed for the transfer of the R4R Country Local Government Fund funded houses to this organisation.

With the organisation holding equity it then has the ability to attract and service loan funding for additional housing.

In October 2013 WEROC engaged consultants Conway Highbury to assist in developing a Constitution for the incorporated body. Since that time considerable work on preparing a draft constitution for the body, "Wheatbelt Communities Inc", has been undertaken. During the course of the project WEROC Councils also agreed that a comparison between the Wheatbelt Communities draft constitution and one being prepared for a group of local governments in the Central Midlands would be beneficial in finalising the document.

### **Comment**

The draft constitution is a confidential document and a copy, as agreed to by the WEROC Executive, is included under separate cover.

Advice has been received indicating there is no conflict with the Local Government Act in relation to the creation of an incorporated body, although Councils need to ensure that rigorous reporting processes are in place so that member Councils are aware of financial matters. In addition, if Councils are to transfer assets to the new entity then member Councils need to ensure the conditions for each subsidiary / project are stated clearly and are equitable.

Council's delegates at the WEROC Council Meeting held on Wednesday 20 August 2014 were advised that WEROC required Councils' nominations for positions on the Incorporated Body. It was suggested that the Shire President and CEO of the Council would become nominated by their respective Council and that the Deputy President and Deputy CEO would be their proxies.

### **Policy Implications**

Nil

### **Statutory Implications**

Nil

### **Strategic Implications**

Service Area: 4.2 Economic Development

Activities: Regional and local economic development

Link to Vision: Developing

Link to Strategic Priorities: Economic development; Accommodation; Regional collaboration

Service Level: Nil

Service Level Change: Nil

### **Sustainability Implications**

- [Asset Management Plan](#)

Nil at this time.

- [Long Term Financial Plan](#)

Nil

➤ [Workforce Plan](#)

Nil

**Financial Implications**

Nil

**Voting Requirements**



Simple Majority



Absolute Majority

**Officer's Recommendation / Resolution**

**Moved:** Cr Anderson

**Seconded:** Cr Flockart

**81454 That Council:**

1. endorse the actions of WEROC in the creation of Wheatbelt Communities Inc.;
2. endorse the Wheatbelt Communities Inc. Constitution as presented;
3. advise its voting delegates to support the item when presented to them at the WEROC Council meeting;
4. research the option to transfer housing assets over to Wheatbelt Communities Inc. and the resulting impact on Council;
5. nominate the Shire President and Chief Executive Officer as members of the Wheatbelt Communities Inc. Committee;
6. nominate the Deputy Shire President and Deputy Chief Executive Officer as Deputies of the Wheatbelt Communities Inc. Committee; and
7. inform WEROC of Council's nominations.

**CARRIED 6/0**

## 15.4 Regional Christmas Trading Extension

Cr Flockart declared a Financial Interest in this Agenda Item 15.4 and left the meeting at 4.20pm.

### Administration



<b>Responsible Officer:</b>	Greg Powell, CEO
<b>Author:</b>	Vanessa Green, EA to CEO
<b>Legislation:</b>	Local Government Act 1995
<b>File Reference:</b>	GR/17/61
<b>Disclosure of Interest:</b>	Nil
<b>Attachments:</b>	Correspondence
<b>Maps / Diagrams:</b>	Nil

### Purpose of Report



Executive Decision



Legislative Requirement

### Background

Correspondence has been received from the Parliamentary Secretary to the Minister for Commerce extending the opportunity for the Shire of Merredin to adopt a standard package of trading hours for local businesses over the Christmas period ([Attachment 15.4A](#)).

### Comment

As suggested in the correspondence, the trading hours of 8.00am to 9.00pm Monday to Friday, 8.00am to 5.00pm on Saturdays and 11.00am to 5.00pm on Sundays and Public Holidays (excluding Christmas Day) will be available from Monday 1 December 2014 to Wednesday 31 December 2014 inclusive.

The decision to open or not during the proposed trading hours is entirely at the discretion of the individual retailer.

The Wheatbelt Business Network, of which the Shire of Merredin is a member, has been promoting its "Think Local First" campaign for the last few years and it is important that the Shire support different mechanisms for local retailers to grow and prosper.

In adopting the Officer's Recommendation it is hoped that by allowing local businesses the option to open during the above times that people will be able and therefore more inclined to shop local rather than travelling to the metropolitan area to access the extended retail trading hours offered there.

### Policy Implications

Nil

### Statutory Implications

Nil

### Strategic Implications

Service Area: 4.2 Economic Development  
Activities: Regional and local economic development  
Link to Vision: Developing  
Link to Strategic Priorities: Economic development  
Service Level: Nil  
Service Level Change: Nil

### Sustainability Implications

➤ Asset Management Plan

Nil

➤ Long Term Financial Plan

Nil

➤ Workforce Plan

Nil

### Financial Implications

Nil

### Voting Requirements



Simple Majority



Absolute Majority

### Officer's Recommendation / Resolution

**Moved:** Cr Blakers

**Seconded:** Cr Willis

**81455** That the Consumer Protection Division of the Department of Commerce be advised the Shire of Merredin accepts the proposal to adopt a standard package of trading hours for the 2014 Christmas period being 8.00am to 9.00pm Monday to Friday, 8.00am to 5.00pm on Saturdays and 11.00am to 5.00pm on Sundays and Public Holidays (excluding Christmas Day) from Monday 1 December 2014 to Wednesday 31 December 2014 inclusive.

**CARRIED 5/0**

Cr Flockart entered the meeting at 4.21pm.

<b>16.</b>	<b>Motions of which Previous Notice has been given</b>
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Nil

<b>17.</b>	<b>Questions by Members of which Due Notice has been given</b>
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Nil

<b>18.</b>	<b>Urgent Business Approved by the Person Presiding or by Decision</b>
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Cr Anderson declared an Impartiality Interest in this Agenda Item 18.1 and left the meeting at 4.22pm.

<b>18.1</b>	<b>Reinforced Concrete Footpath Tender – RFT14RCFC-01</b>
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## Engineering Services



<b>Reporting Officer:</b>	EMES
<b>Author:</b>	Kevin Paust
<b>Legislation:</b>	Local Government Act 1995
<b>File Reference:</b>	Tender RFT14RCFC-01
<b>Disclosure of Interest:</b>	Nil
<b>Attachments:</b>	Confidential – Evaluation Criteria
<b>Maps / Diagrams:</b>	Nil

### Purpose of Report



Executive Decision



Legislative Requirement

### Background

Council was successful in obtaining \$84,000 in grant funding under the Regional Bicycle Program with Council matching the grant dollar-for-dollar. The funds will be utilised to replace the footpath from Gt Eastern Hwy to Merredin College.

Tenders were called for all footpath works in the 2014/15 Budget with tenders closing on Friday 17 October 2014.

### Comment

6 tenders were received and an evaluation report is included under separate, confidential, cover. Evaluation is score weighted against 5 criteria which is then applied in line with Council's Regional Price Policy. As a result of the scoring process it is recommended that the tender from Gearing Construction be accepted.

### Policy Implications

3.3 Regional Price Preference Policy and 3.12 Purchasing Policy are applicable

### Statutory Implications

The provisions of the Local Government Act 1995 are applicable.

### Strategic Implications

Service Area: 2.5 Footpaths Construction, Renewals and Maintenance

Activities: Footpath Construction

Link to Vision: Liveable

Link to Strategic Priorities: Key assets – roads and footpaths

Service Level: Footpaths to be constructed and reconstructed in accordance with Council's adopted programme

Service Level Change: Increase the length of footpaths undertaken in any one year

### Sustainability Implications

- [Asset Management Plan](#)

Once completed the footpaths will need to be included in the AMP.

- [Long Term Financial Plan](#)

Nil

- [Workforce Plan](#)

Nil

### Financial Implications

Funds are included in the 2014/15 Budget at *E121500*.

### Voting Requirements



Simple Majority



Absolute Majority

### Officer's Recommendation / Resolution

**Moved:** Cr Blakers

**Seconded:** Cr Willis

**81456** That Tender RFT14RCFC-01 for Reinforced Concrete Footpath Construction from Gearing Construction be accepted.

**CARRIED 5/0**

<b>19.</b>	<b>Matters Behind Closed Doors</b>
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<b>19.1</b>	<b>Staff – Chief Executive Officer – Contract of Employment</b>
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M Gill, G Powell, S Lowe and R McCall left the meeting at 4.24pm and did not return.

Cr Anderson entered the meeting at 4.24pm

<b>Resolution</b>
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**Moved:** Cr Crees **Seconded:** Cr Anderson

**81457 That Council proceed Behind Closed Doors at 4.27pm.**

**CARRIED 6/0**

<b>Resolution</b>
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**Moved:** Cr Crees **Seconded:** Cr Anderson

**81458 That Council continues in open session at 4.40pm.**

**CARRIED 6/0**

<b>Officer's Recommendation / Resolution</b>
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**Moved:** Cr Crees **Seconded:** Cr Flockart

**81459 That the form of contract effective from January 2015 be that of the current contract of employment of the CEO with a remuneration package as determined.**

**CARRIED 6/0**

<b>20.</b>	<b>Closure</b>
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There being no further business the President thanked those in attendance and declared the meeting closed at 4.42pm.