

# SHIRE OF MERREDIN



“Heart of the Wheatbelt”

**MINUTES OF ORDINARY COUNCIL MEETING**

**20 September 2011**

---

**INDEX**

|             |   |           |
|-------------|---|-----------|
| <b>1.0</b>  | <b>OFFICIAL OPENING .....</b>   | <b>4</b>  |
| <b>2.0</b>  | <b>PUBLIC QUESTION TIME .....</b>   | <b>4</b>  |
| <b>3.0</b>  | <b>APOLOGIES AND LEAVE OF ABSENCE .....</b>   | <b>6</b>  |
| <b>4.0</b>  | <b>DISCLOSURE OF INTEREST .....</b>   | <b>6</b>  |
| <b>5.0</b>  | <b>PETITIONS AND PRESENTATIONS.....</b>   | <b>6</b>  |
| <b>6.0</b>  | <b>CONFIRMATION OF MINUTES.....</b>   | <b>6</b>  |
| 6.1         | Ordinary Council Meeting .....  | 6         |
| <b>7.0</b>  | <b>ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION.....</b>  | <b>6</b>  |
| <b>8.0</b>  | <b>MATTERS FOR WHICH THE MEETING MAY BE CLOSED TO THE PUBLIC.....</b>   | <b>6</b>  |
| <b>9.0</b>  | <b>RECEIVAL OF MINUTES OF COMMITTEE MEETINGS HELD SINCE THE<br/>PREVIOUS MEETING OF COUNCIL .....</b>   | <b>6</b>  |
| 9.1         | NRMO Meeting Minutes held 29 <sup>th</sup> August 2011.....   | 6         |
| 9.2         | Minutes Merredin Heritage Management Committee Meeting held<br>Thursday 25 August 2011 .....  | 6         |
| 9.3         | Synthetic Surface Meeting held 29 August 2011 .....   | 7         |
| 9.4         | Wheatbelt East Regional Organisation of Councils Meeting held<br>Wednesday 24 August 2011 .....   | 7         |
| <b>10.0</b> | <b>COMMUNITY SERVICES .....</b>   | <b>9</b>  |
|             | John Mitchell entered the meeting at ____ pm .....  | 10        |
| <b>11.0</b> | <b>DEVELOPMENT SERVICES .....</b>   | <b>10</b> |
| 11.1        | Tender 01 – 11/12 – Specification For Water Reticulation, Underground<br>Power & Street Lighting – Lot 1335 Stage Two Whitfield Way, Merredin   | 10        |
| 11.2        | Tender 02 – 11/12 Provision Of Waste Collection Services.....   | 11        |
| 11.3        | Delegations – Building Act 2011 – An Overview .....   | 14        |
| 11.4        | Local Planning Scheme No. 6: Application To Extend A Non Conforming<br>Use – Lot 356 Todd Street, Merredin; Department Of Child Protection<br>Regional Office .....                   | 22        |
| 11.5        | Local Planning Scheme No. 6 – Request To Reconsider Resolution 30675;<br>Pa 13 – 11, Lot 1120 Bates Street, Merredin .....  | 24        |
| 11.6        | Reserve – 7940 Great Eastern Highway – External Insurance Liability<br>Opinion And Future Use.....  | 26        |
| 11.7        | Land Purchase – Lot 1511 (Dp 59632) – Barrack Street, Merredin .....  | 28        |
| 11.8        | Local Planning Scheme No. 6 – Amendment No. 1 Submissions & Final<br>Adoption.....  | 30        |
| 11.9        | Local Planning Scheme No. 6 – Seven Local Planning Policies – Advertising<br>& Final Adoption .....   | 33        |
| 11.10       | Local Planning Scheme No. 6 – Various Planning Matters - Outbuildings –<br>Carports/Garages In Front Setback Areas, “P” Uses Policy Of Delegation To<br>Chief Executive Officer ..... | 35        |
| 11.11       | Local Planning Scheme No. 6 – Nature Conservation Covenant – Lot<br>15594 Connell Road, Nangeenan.....  | 36        |

---

|             |   |           |
|-------------|---|-----------|
| 11.12       | Local Planning Scheme No. 6 – Residential Design Codes Variation – Overheight & Area Exceeded – Lot 43 House No. 3 Harling Street, Merredin ..... | 38        |
| <b>12.0</b> | <b>ENGINEERING SERVICES .....</b>   | <b>40</b> |
| 12.1        | Land Acquisition Of Land Near The Intersection Of Totadgin Hall Road And York/ Merredin Road .....  | 40        |
| 12.2        | Hot Mix Asphalt Tender No 05-11/12 .....  | 43        |
| 12.3        | Aggregate Tender No 04-11/12 .....  | 44        |
| 12.4        | Hot Bitumen Tender No 03-11/12 .....  | 45        |
| 12.5        | Speed Zone Change On South Avenue.....  | 46        |
| <b>13.0</b> | <b>FINANCE AND ADMINISTRATION.....</b>  | <b>48</b> |
| 13.1        | List Of Accounts Paid.....  | 48        |
| 13.2        | Monthly Finance Report .....  | 49        |
| 13.3        | Golden Pipeline Golf Links – Financial Support.....   | 50        |
| 13.4        | Merredin Land Conservation District - Nomination For Committee .....  | 52        |
| 13.5        | Local Government Climate Change Declaration .....   | 53        |
| 13.6        | Collgar Community Trust .....   | 55        |
| 13.7        | Mrc&Lc – User Mou’s - Review .....  | 57        |
| 13.8        | Tier 3 Rail – Retention & Funding .....   | 61        |
| 13.9        | Merredin Community Resource Centre - Funding .....  | 63        |
| <b>14.0</b> | <b>MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN.....</b>   | <b>65</b> |
| <b>15.0</b> | <b>QUESTIONS BY MEMBERS FOR WHICH DUE NOTICE HAS BEEN GIVEN .....</b>   | <b>65</b> |
| <b>16.0</b> | <b>URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION .....</b>  | <b>65</b> |
| <b>17.0</b> | <b>MATTERS BEHIND CLOSED DOORS.....</b>   | <b>65</b> |
| <b>18.0</b> | <b>CLOSURE .....</b>  | <b>65</b> |

**Minutes of the Ordinary Meeting of the Shire of Merredin held in the Council Chambers, Corner King and Barrack Streets, Merredin on Tuesday 20 September 2011 commencing at 1.04pm.**

**ATTENDANCE:**

|                   |            |  |
|-------------------|------------|--|
| Councillors:      | KA Hooper  | Shire President                                |
|                   | RM Crees   | Deputy Shire President                         |
|                   | A Carr     |  |
|                   | D Crook    |  |
|                   | M Morris   |  |
|                   | P Forbes   |  |
|                   | J Townrow  |  |
|                   | W Wallace  |  |
| Leave of Absence: | M Young    |  |
| Staff:            | G Powell   | Chief Executive Officer                        |
|                   | J Garrett  | Executive Manager Engineering Services         |
|                   | J Mitchell | Executive Manager of Development Services      |
|                   | L Wyatt    | Executive Assistant to Chief Executive Officer |

---

**1.0 OFFICIAL OPENING**

Cr Hooper opened the meeting at 1.04pm. Mr Mike Gilmore representing Collgar Windfarm, Simon Hutton, Donna Whisson and Tracey McFarlane of Merredin and Districts Little Athletics were also in attendance.

**2.0 PUBLIC QUESTION TIME**

Mr Simon Hutton addressed Council in regard to understanding Councils position on the installation of a concrete run up track and edging on the long jump pit and a discus circle. Mr Hutton acknowledged the insurance implications in relation to concrete and queried if this was the only reason Council was against the installations.

Mr Hutton spoke of Little Athletics desire to host regional events however due to the current standard of facilities this was not possible. He spoke of the expenditure Little Athletics has incurred to date providing equipment and stated the Club was also prepared meet the costs associated with the installation of the pits and run up track should Council confirm that Little Athletics position was permanent.

The Shire President advised Mr Hutton it has always been Councils intention that the position be allocated permanently for as long as Little Athletics wanted it. Discussion followed with regard to alternate construction materials such as compressed rubber or softfall.

---

Mr Hutton raised the issue of costs incurred by Council on behalf of sporting associations and appealed to Councillors show to some equality in the judgements made toward Little Athletics when assigning such costs.

The Shire President advised that the Sports Council would be meeting soon and addressing the financial issues for all sports clubs. He thanked the Little Athletics representatives for their time and they left the meeting at 1.28pm.

Agenda Item 13.6 **COLLGAR COMMUNITY TRUST**

Councillor Hooper acknowledged Mr Mike Gilmore of Collgar Windfarm who was in attendance to address Council in regard to Collgar Community Trust (Item 13.6).

Councillor Crees declared an interest in this item and left the meeting at 1.30pm.

Mr Gilmore acknowledged the weightiness of the Deed of Settlement and clarified that it is not Collgar's intent to control or scrutinise the day to day operations of Trust. The only instance where Collgar may become involved in processes was if they believed the closeness of association of such grants being awarded was likely to tarnish their corporate image.

He stated that Collgar anticipated Council representatives as being best positioned to represent community interests and that the administrative arrangements of the Trust including documentation, rules, guidelines and acquittals processes would be set up by the Grants Committee.

The CEO advised Council that the amendments proposed by Council's legal advisers to the Deed of Settlement had been agreed to by Collgar and a signed document should be delivered later in the week.

- 30693**                      Moved Cr Morris                      Seconded Cr Townrow  
**Resolution**  
**1. *That the documentation relating to the Collgar Community Trust and Grants Committee be noted and that Collgar Wind Farm Pty Ltd be requested to amend the Deed of Settlement as outlined in Council's legal advice.***  
**2. *That the legal opinion and advice provided by McLeods be noted;***  
**CARRIED 7/0**

- 30694**                      Moved Cr Morris                      Seconded Cr Crook  
**Resolution**  
***That the matter of nominating two elected members as Council representation on the Grants Committee lay on the table until after the Local Government elections.***  
**CARRIED 7/0**

---

Councillor Crees returned to the meeting at 1.42pm

**3.0 APOLOGIES AND LEAVE OF ABSENCE**

Cr M Young had previously received Council consent for Leave of Absence.

**4.0 DISCLOSURE OF INTEREST**

Cr Crees declared an interest in Item 13.6

**5.0 PETITIONS AND PRESENTATIONS**

Nil

**6.0 CONFIRMATION OF MINUTES**

6.1 Ordinary Council Meeting

Confirmation of the minutes of the Ordinary Council Meeting held on 16 August 2011.

30695

Moved Cr Townrow

Seconded Cr Crook

**Officer's Recommendation**

***That the minutes of the Ordinary Council Meeting held on 16 August 2011 be confirmed as a true and correct record of proceedings.***

**CARRIED 8/0**

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

The President Cr Ken Hooper thanked Councillor Crees for assuming the role of chair in his absence from the August Council Meeting.

He commented on the recent meetings he had attended together with the CEO on the Southern Inland Health Initiative and that it would be important to utilise vehicles such as the Wheatbelt Health MOU Group, the WALGA Zone and LHAG and DHAG to achieve outcomes for Merredin and the region.

**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 NRMO Meeting Minutes held 29<sup>th</sup> August 2011  
**Attachment 9.1A**

9.2 Minutes Merredin Heritage Management Committee Meeting held Thursday 25 August 2011  
**Attachment 9.2A**

---

9.3 Synthetic Surface Meeting held 29 August 2011  
**Attachment 9.3A**

**Officer Comment**

The recommendation is at odds with Council's position on utilising its Royalties for Regions allocation as included in the current budget. Although there would certainly be benefit if a grant application was successful there is no certainty of success. There appears to be a perception in the sporting community that additional funding would be allocated to the project for additional works. The decision on where the funding would be allocated would rest with Council as there are other projects awaiting funding but would also be subject to approval from the State Government under the Royalties for Regions guidelines.

If an application was submitted it would delay the project by an estimated six months with a risk of the project increasing in cost to an extent that it could not be funded from Council's Royalties for Regions allocation.

Discussions with Department of Sport and Recreation staff indicate that a grant application would need to be submitted by the end of October and after Council endorsement. A review of previous unsuccessful applications indicate that it may not be possible to meet the October deadline. This is because of the issues outlined in **Attachment 9.3B**.

**Officer Recommendation**

*That the status quo prevails and that an application for capital funding through the next round of Department of Sport and Recreation CSRFF funding not be submitted.*

9.4 Wheatbelt East Regional Organisation of Councils Meeting held Wednesday 24 August 2011  
**Attachment 9.4A**

**Officer's Recommendation**

*That the minutes of the NRMO Meeting Minutes held 29<sup>th</sup> August 2011, Merredin Heritage Management Committee Meeting held Thursday 25 August 2011, Synthetic Surface Meeting Held 29 August 2011 and Wheatbelt East Regional Organisation of Councils Meeting held Wednesday 24 August 2011 be received.*

- 30696** Moved Cr Townrow                      Seconded Cr Carr  
**Resolution**  
*That the minutes of the NRMO Meeting Minutes held 29<sup>th</sup> August 2011, Merredin Heritage Management Committee Meeting held Thursday 25 August 2011 be received.*  
**CARRIED 8/0**
- 30697** Moved Cr Townrow                      Seconded Cr Wallace  
**Resolution**  
*That the minutes of Synthetic Surface Meeting Held 29 August 2011 be received.*  
**CARRIED 8/0**
- 30698** Moved Cr Morris                              Seconded Cr Townrow  
*That council submits an application to the Department of Sport and Recreation under the CSRFF program for funding of the synthetic surface.*  
**LOST 5/3**  
**Councillors Morris and Crook requested their votes in the negative be recorded.**
- 30699** Moved Cr Crees                              Seconded Cr Wallace  
**Resolution**  
*That the status quo prevails and that an application for capital funding through the next round of Department of Sport and Recreation CSRFF funding not be submitted.*  
**CARRIED 5/3**
- 30700** Moved Cr Townrow                      Seconded Cr Crees  
*That the minutes of Wheatbelt East Regional Organisation of Councils Meeting held Wednesday 24 August 2011 be received.*  
**CARRIED 8/0**



**10.0 COMMUNITY SERVICES**

---

Nil Recommendations to Council

---

**11.0 DEVELOPMENT SERVICES**

---

**11.1 TENDER 01 – 11/12 – SPECIFICATION FOR WATER RETICULATION, UNDERGROUND POWER & STREET LIGHTING – LOT 1335 STAGE TWO WHITFIELD WAY, MERREDIN**

|                                |                           |
|--------------------------------|---------------------------|
| <b>Reporting Department:</b>   | Development Services      |
| <b>Reporting Officer:</b>      | John Mitchell             |
| <b>Legislation:</b>            | Local Government Act 1995 |
| <b>File Reference:</b>         | Tender 01 – 11/12         |
| <b>Disclosure of Interest:</b> | Nil                       |
| <b>Attachments:</b>            | Summary Document          |

---

**Background**

In accordance with Section 3.57 of the Local Government Act 1995 tenders were called for the provision of water reticulation, underground power and street lighting for the subdivision of Lot 1335 Whitfield Way, Merredin.

**Comment**

A summary document has been prepared as **Attachment 11.1A**.

Six tenders were received ranging from \$178,264 - \$397,425.00

**Statutory/Policy Implications**

The provisions of Council's Policy on tenders and the Local Government Act 1995 were adhered to.

**Financial Implications**

From tenders received and known expenditure to date the budget for completion of the works - \$626,107 (E109101) within the 2011/12 budget will not be exceeded.

The initial budget estimate of \$620,000 for development costs was provided to Council in 2008/09.

**30701**

Moved Cr Crees

Seconded Cr Townrow

**Officer's Recommendation**

*That the tender from Geographe Cable Locating & Excavation of PO Box 661 Dunsborough WA 6281 of \$178,264 to complete the requirements of Tender 01 – 2011/12 – Provision of Water Reticulation, Power and Street Lights be accepted.*

**CARRIED 8/0**

Mr John Mitchell entered the meeting at 1.47pm

**11.2 TENDER 02 – 11/12 PROVISION OF WASTE COLLECTION SERVICES**

|                                |                           |
|--------------------------------|---------------------------|
| <b>Reporting Department:</b>   | Development Services      |
| <b>Reporting Officer:</b>      | John Mitchell             |
| <b>Legislation:</b>            | Local Government Act 1995 |
| <b>File Reference:</b>         | Tender 01 – 11/12         |
| <b>Disclosure of Interest:</b> | Nil                       |
| <b>Attachment:</b>             | Summary Document          |

---

**Background**

The existing contract with Avon Waste has expired. Agreement was reached with the Company that there would be no increase to current costs pending the preparation and advertising of the required tender.

WALGA prepared the tender documentation to ensure compliance with the requirements of the Tender Regulations. The tender included the requirement for an annual audit of the waste stream.

**Comment**

One tender was received from Avon Waste of 34 Crawford Court, York. The tender expires on 30 June 2012 to permit the preparation of a regional contract for waste services.

The tender does not give the right to the Tenderer to sub contract without Council consent. Avon sub contracts to Windbreakers the commercial collection of the 1,100l refuse bins. Mr John Melville (Windbreakers) has provided this service to Avon Waste and the Shire of Merredin for the past five years.

The contract includes: -

- 1) Usual services of kerbside street bin and reserve bin collection;
- 2) Disabled persons special services – collection of bin from behind property line;
- 3) Monthly reporting to Council admin;
- 4) Annual audit of waste stream for future direction purposes;
- 5) Provision of the mobile bins and service or damaged bins;
- 6) Assistance with public education and information dissemination including website links and references to the specifics of Merredin;
- 7) Provision of back up vehicles to service should failure occur – service provision to be unaffected i.e. second vehicle same day collection.

Two alternative options to contract have been suggested by Avon Waste. Prior to discussing the alternative the following advice is provided to Council.

In 2008 the subject of waste was raised at the WEROC meetings. As a result of the introduction of Strategic Waste Plans and a review of waste streams and recycling options it was agreed at WEROC level to consider a regional

---

tender in June 2012 for the provision of waste and recycling services within WEROC. Hence tender 02 – 11/12 was offered to end on 30 June 2012 thereby permitting a regional approach to waste collection to be considered. Additionally Merredin represents approximately 8% of Avon's service value within the 30 local governments to which a service is provided.

The recommendation proposes to accept the Alternative Tender 1 below to expire on 30 June 2014 in line with the existing Recycling contract with Avon Waste to reduce the cost of the provision of the service to the resident.

Alternative Tender 1 offers a reduction of 10% on the recycling rate if the kerbside waste contract is extended to expire with the existing recycling contract. This represents on budget an \$18,324 saving annually.

Alternative 2 represents an improvement in service and safety but incurs a cost to the user. The alternative is to replace the 1,100l mobile bins with a variety of sizes to suit the business opportunity. For example where two 1,100l (0.87m<sup>3</sup>) bins (current cost \$24.20/ lift) are provided a 1.5m<sup>3</sup> or 3.0m<sup>3</sup> bin front load would be provided in its place. The costs for the lifts are \$16.50 for 1.5m<sup>3</sup>; \$33.00 for 3.0m<sup>3</sup> and \$49.50 for the 4.5m<sup>3</sup> lifts. Avon Waste offers the bins at no cost for the duration of this contract to 2014. A buy back of old bins is also offered. The cost of new bins is based on size and varies between \$1,200 and \$1,600.

There are 66 premises on Council's records that take a 1,100l service. In all 142 services are provided each week. An additional 13 premises have more than 4 MGB's collected twice per week which could receive a better service at a reduced cost by reviewing procedures and introducing the 1.5m<sup>3</sup> or 3.0m<sup>3</sup> bins.

The cost of the new bins is estimated at between \$79,200 and \$100,000 with a recoup from sale of 1,100l bins of \$10,000. Avon Waste have offered a \$150 rebate for the 1,100l bins in good condition returned to Avon Waste

Discussions with Mr Ashley Fisher, on 31 August 2011, of Avon Waste determined that: -

- a) The choice to go to the different bins must be all or none as the existing 1,100l bins cannot be easily front loaded;
- b) Alternative 2 allows for the new bins to be provided for the life of this contract at no cost, however the bins must be paid for in 2014 or they would remain the property of Avon Waste and be removed at the end of the contract;
- c) Alternative 2 can sit on the table until the latest December 2011 to allow public input and further investigation;
- d) All existing mileage rates are removed within the contract;
- e) 360l MGB's can be provided to commercial premises in lieu of the 240l containers without an increase in pick up rates of 77c/lift;
- f) There has been no allowance for the required audit of the waste stream.

Contact has been made with Dallywater Consulting to determine a fee for the service of annual audit of the waste stream.

Prior to considering the change of industrial bins it is considered prudent to contact the 66 users and the 13 potential users and advise them of the costs and options available to them.

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

The Tender was called in accordance with the requirements of Division 2 Provision of Goods & Services – Local Government (Functions & General) Regulations 1996 and the Shire of Merredin Tender Policy.

#### **Financial Implications**

A summary document is provided as **Attachment 11.2A**.

A comparison of services, costs to supplier and budget indicate that the 2011/12 budget allowances will not be exceeded. A budget review should recommend allocating the funds across the three cost centres to reflect the new service provision agreement.

It should be noted that the savings from the recycling contract be considered when the budget review is undertaken.

**30702**

Moved Cr Townrow

Seconded Cr Crees

#### **Officer's Recommendation**

- 1. That Council acknowledges that the component of the Kerbside Waste Collection Tender 02 – 11/12 relating to the annual audit was not met and that the Administration take steps to provide an internal audit of the waste stream within the 2011/2012 financial year.**
- 2. That the tender from Avon Waste to provide a kerbside waste collection service in accordance with the provisions of tender and tender submission received is accepted and extended to 30 June 2014 with an addition of Tender Alternative 1 submitted by Avon Waste; being a 10% reduction in the service costs of the provision of recycling services.**
- 3. That Alternative Tender 2 as offered by Avon Waste be conveyed to the existing users of the service and the identified users that may benefit from the introduction of newer bins and the survey results be brought back to Council at the November 2011 meeting of Council.**

**CARRIED 8/0**

**11.3 DELEGATIONS – BUILDING ACT 2011 – AN OVERVIEW**

|                                |   |
|--------------------------------|---|
| <b>Reporting Department:</b>   | Development Services  |
| <b>Reporting Officer:</b>      | John Mitchell   |
| <b>Legislation:</b>            | Building Act 2011   |
| <b>File Reference:</b>         | DBC/7/2 (New File – Building Act 2011)                                  |
| <b>Disclosure of Interest:</b> | Nil   |
| <b>Attachment:</b>             | Original Delegations<br>Building Delegations<br>Building Authorisations |

---

**Background**

A new Building Act was passed on 23 June 2011 and will come into operation from 31 October 2011 with a proposed phased implementation over a period of 12 months.

The new Building Act has been developed to replace the *Building Regulations 1989* and parts of the *Local Government (Miscellaneous Provisions) Act 1960*. The *Building Act 2011* covers all building and the whole State of Western Australia. It introduces permit issuing authorities, enables private certification of design compliance and is designed to streamline and clarify the building process.

This report has been prepared to provide Councillors with an overview of the changes that are proposed in the new Building Act and also to seek its approval for a number of actions that the Shire of Merredin needs to implement in order to ensure that the Staff can continue to operate under the provisions of the new Act to as close to the same extent as it currently does under the existing Act, as well as recommending amendments to the schedule of fees and charges.

The Government has undertaken a Building Regulation Reform package that is planned to deliver the most significant transformation to Western Australian building legislation in over 50 years. The existing building approvals process was established by the Local Government Act of 1960, and reflects the way buildings were designed in the 1950's, relying on builders registered under the *Builders' Registration Act 1939*. Building policy and legislation has been fragmented between local and state government departments since then, with practitioner registration managed by individual boards. Reviews of building regulations undertaken by the former Housing and Works and Consumer Protection portfolios recommended that the legislation be updated to reflect modern building practices in Western Australia. Reviews also suggested that the legislation be managed in one place, by a single entity, and as a result the Building Commission was established.

---

The Building Commission was established as a division of the Department of Commerce in July 2009 and brings together building practitioner registration, building standards, complaints processes and building policy and is leading the implementation of the Government's Building Regulation Reform package which comprises the following bills:

- [The Building Services \(Complaint Resolution and Administration\) Act](#)
- [The Building Services \(Registration\) Act](#)
- [The Building Services Levy Act](#), and
- [The Building Act](#)

This new legislation abolishes the Builders' Registration Board, the Painters' Registration Board, the Building Surveyors Qualifications Committee and the Building Disputes Tribunal and replaces them with a more streamlined and integrated system.

The Building Act, which has the most significant impact for Local Government was passed on 23 June 2011 and is planned to come into operation from 31 October 2011 with a proposed phased implementation over 12 months.

The new Building Act includes:

- Whole of state coverage with the same restrictions contained within schedule two of the Building Regulations 1989 – i.e. class X exclusions out of townsite and not applicable within other local governments;
- All buildings to be covered, including those owned by the Crown;
- Giving a clearer definition of what constitutes a building and clear exemptions from the building permit process;
- Nominating Permit Authorities - confirms local government's role issuing building permits, also enables State Government or special permit authorities are able to issue building and occupancy permits and to enforce building control;
- Enables private registered building surveyors to certify design compliance;
- Introducing separate and streamlined processes for approving domestic and commercial buildings;
- Retaining the option for owners to use the current local government combined certification and permit issuing function for residential construction houses and minor building work (class 1 and 10);
- Taking a risk-based approach to inspection requirements so that registered building professionals require less independent checking than lay designers and owner-builders;
- Providing a clear end-point to the construction process, and certification that the building complies with the building permit issued;
- Registering a wider range of industry practitioners to certify compliance;
- Implementing a nationally agreed accreditation framework for building surveyors; and

- 
- Implementing a process for the assessment and approval of building works carried out without a building permit.

The desired outcome of these reforms is intended to be a more responsive and modern building regulatory system that meets the changing needs and aspirations of all building industry participants and consumers.

These reforms are likely to have a significant impact on the Shire of Merredin however these impacts are likely to occur over a 12-24 month period.

### **Comment**

The Building approval process in Western Australia is about to undergo significant change. The changes have been talked about for many years. The Regulations supporting this Act, (at the point of preparing this report) have not been released and are expected to be introduced at the beginning of October 2011 which has made it difficult to determine the full impact on Local Government. While this Act has been on the table for the last 20 years or so, the introduction of the current version of the Act and supplementary guidance information has been very quick. The speed with which it has been implemented and the lack of supporting information such as the Regulations, has made it difficult to prepare this report Staff are still endeavouring to understand the full implications of the Building Act for Local Government.

One of the key factors of the new Building Act for Local Governments is that it enables privatisation of the Building Surveying function that was previously provided by Local Government. It is now open to competition from private approval providers which a relatively new industry in WA, though has been established in other states for some time. It is expected however, that in a short period of time this industry will grow rapidly and will have a greater impact on Local Government's ability to attract and retain suitably qualified personnel to undertake its statutory responsibilities, as well as have some expected impact in respect to income previously generated by Building applications as a greater percentage of these will be picked up by private certifiers.

It has also been difficult to establish whether or not local governments will be able to legally *compete* in the open market place or whether their role would be confined to simply Building Permit issuance and Compliance. Section 3.59 of the Local Government Act indicates that there may be scope to set up a business unit, however in order to do so, the Shire of Merredin would need to prepare a business plan and also need to advertise such a plan. Creation of a business unit would take some time to set up and could be done at any time. There would also be other challenges in setting up such a business unit, such as how you would staff the unit, possible conflict of interest between the business unit and permit approval unit and perhaps some political issues in respect to its operation.



For information the table below indicates the number of applications received per annum and the value of fees charged via that process for the last four years.

|                                | 2007                   | 2008                   | 2009                   | 2010                  |
|--------------------------------|------------------------|------------------------|------------------------|-----------------------|
| Build Applications received    | 96                     | 86                     | 72                     | 74                    |
| Fees raised                    | \$17,567.78            | \$18,251.89            | 18,259.66              | \$20,059.81           |
| Planning Implications and fees | 26 Apps<br>\$24,648.25 | 26 Apps<br>\$56,636.05 | 15 Apps<br>\$36,121.77 | 24 Apps<br>\$9,154.00 |

An information seminar was held in Merredin on 6 September 2011. Present at that seminar were local builders. When asked the choice of certification and submission to the local government they all preferred to negotiate a cost with the local government to certify the plans prior to submission for issue of permit.

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

The Building Act sets up a different framework to the approvals process for building work than what was previously provided in the Local Government (Miscellaneous Provisions) Act. The Building Commission has produced a "Guide for Local Government Permit Authorities in Western Australia" which outlines the changes to the approvals process as well as the many other changes. Copies of this document can be provided to councillors and can also be obtained from the Building Commissions website. Given the extent of the changes and the availability of more detailed information, this overview will only touch on some of the more specific changes that the administration believes will have the most significant impact on this Local Government.

The minimum functions that Local Governments are required to perform under the Building Act include;

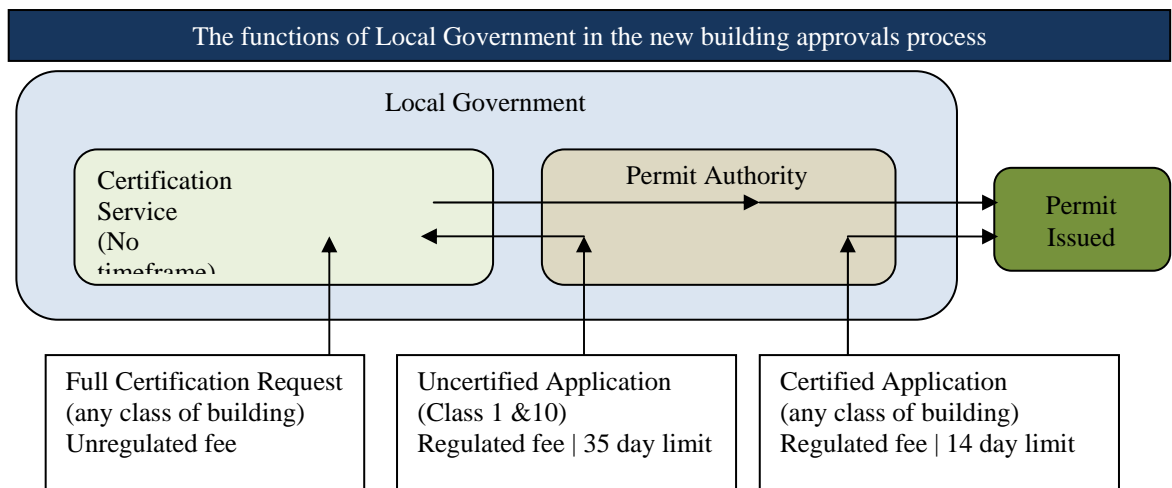
- Issue prescribed permits (Permit Authority)
- Ensure building works within its district achieve statutory compliance,
- Undertake assessment and issue Certificate of Design Compliance for class 1 (single houses) and 10 (sheds & patios etc)

The key change to the building approvals system is the introduction of the ability to have the building design certified by a building surveyor who no longer needs to be an employee of the local government within which district the building is proposed to be built.

Currently if someone undertakes building work within the district of the Shire of Merredin, they have only one way to obtain a building permit and that is by submitting an application for building licence to the Shire of Merredin. The appropriately qualified Building Surveyor employed by the Shire of Merredin

would then assesses the application and once satisfied that the application satisfies the relevant legislation, a building licence can then be issued.

Under the proposed system, a person who is planning to build, can seek the services of any qualified Building Surveyor who may be employed by the Shire of Merredin, or a Private Building Surveyor or who may be employed by another local government or other agency. The Building Surveyor would then issue what is now to be called a “Certificate of Design Compliance”, (CDC). Once the owner or builder has obtained the CDC, they may then submit an application for a Building Permit that must include the CDC together with the necessary plans and specifications to the Local Government who then have 14 days in which to issue the “Building Permit”. The diagram below provides a summary of the new process.



While Local Governments only have to provide the minimum services specified above, they may also be able to consider providing other services and be able to charge a fee to recover the cost of those services. Before doing so, local governments will need to ensure they do not breach the provisions of the Local Government Act and other legislation such as the National Competition Policy. These other services might include:

- Provide Certificate of Design Compliance, (Certification Services for all classes of buildings)
- Provide Certificate of Construction Compliance, (Inspection and Certification of various portions of a building during construction work that is within the scope of skills and qualifications available)
- Provide Certificate of Building Compliance, (coordinate, inspect and certify that a completed building is compliant)

It is believed that to begin with, the Shire of Merredin should endeavour to maintain the services to at least an equivalent level to that currently provided, but at the same time position itself to be able to either extend or contract that business over time (likely over the 2 years) as the development industry comes to understand the systems provided by the Building Act.

---

In order to do this, there are two possible options provided under the Local Government Act that may be considered which include, the set up of a “business unit” under s3.59 of the Local Government Act or merely add it to the current service the local government provides, (an “adjusted services model”) as set out by s3.18 of the Local Government Act. The Administration is concerned that there may be some legal issues with both systems and will continue to seek surety from the Building Commission, Department of Local Government and if necessary, its own legal advice before commencing such operation.

*Business Unit model*

A Business unit would allow a degree of ‘profitability’ to be built into the fees charged for certification. This could attract additional income but requires a detailed report and business plan put to Council, advertising of that plan and then implementation. It is estimated that in order for the business unit to make a profit or to even cover its costs, there would need to be a substantial increase in the fees and charges which would be passed on to the building owner.

For legal and insurance reasons it may be necessary to separate the *certifiers* from the *permit issuing* and *compliance* parts of the business due to concerns relating to conflicts of interest and transparency. This raises other considerations, accommodation of teams, clear delineation of services provided, admin support required and other operational issues.

However, the profitability may make this worthwhile but at this point there is no guidance or precedent for fee setting, or what is a reasonable processing cost etc.

*Adjusted Service Model*

This model requires no significant changes to the existing operational environment other than a very close assessment of actual costs associated with the operation. The *certifying charge* will need to very accurately reflect all costs associated with providing that service including accurately costed operating overheads. Fees for *permit issue* will be set by statute, however the Certification process will need to be set by Council.

Given the short timeframe within which the Act is due to come into force, it is considered that the adjusted service model offers an ability to set up an immediate response, certainly refinement of processes and internal separation of services may be advantageous, but it can be set up quickly. The most significant aspect will be to very precisely cost our certifying service and clarify operational responsibilities within the existing section.

There seems to be a view that little will change in the first 12-24 months as the building industry gains an understanding of the new system. At some

---

point beyond 12 months we believe that competition will become quite aggressive as new businesses (private certifiers) claim their place. Building Surveyors in Local Government will likely be lured from those organisations via significant salary increases that local governments may not be able to compete with.

It is likely that initially large projects will be sought after by the private certification industry in order to be profitable, and with time, residential buildings will be picked up by the private sector. Residential buildings are currently the Shire of Merredin's primary business, with 70 – 80% of income currently derived from this source, so if this portion of the work was to be picked up by private certifiers, it would have a significant impact on Council's revenue. The model and fee structure proposed by the Building Act does not appear to serve the project home market that well, and so it is anticipated that most residential applications will continue to be processed by Local Governments unless regulatory changes are made. In any event, the Shire of Merredin should ensure that it sets a fee structure for residential building work within Merredin at the same rate as it is under the current Act to ensure as simple a transition as possible.

The Building Act now covers all work and provides that the Certificate of Design Compliance must be issued by a person who is not associated with the building owner. This means that State Buildings must be certified by a building surveyor who is not employed by the state, and also means that a building development proposed by a local government will no longer be able to be certified by the local government building surveyor. This means that we will now need to seek this certification externally from a private certifier or other permit authority. Local Governments will still need to issue a permit.

### **Financial Implications**

Most of the fee changes are statutory changes that will be set by the proposed new Building Regulations to be adopted under the Building Act. These proposed statutory fees have been published in draft by the Building Commission to assist the Building Industry prepare for the implementation of the Act.

It is expected that over time, the income generated within the Building Services unit will decrease relative to the level of building work conducted within the Shire of Merredin. It is difficult to determine the staffing needs at this point given the lack of Regulations and response to the new provisions by the development industry and this will need to be carefully managed. It is likely, based on what has occurred in other states that have implemented similar Acts, that the number of staff within the building section may also decrease to what has been required under the current Act, again relative to the volume of building work within the Shire of Merredin.

**30703**

Moved Cr Townrow

Seconded Cr Forbes

**Officer's Recommendation*****That Council:***

- 1. Supports the directions set out in this report***
- 2. Revokes delegations shown in Attachment 1 and adopt new delegations as shown in Attachment 2 at such future time as the relevant provisions of the Building Act 2011 are proclaimed;***
- 3. Adopts the new authorisations and appoints the relevant positions to these authorisations as 'Authorised Officers' in accordance with s96 of the Building Act 2011 and as set out in Attachment 3.***

**CARRIED 8/0**

11.4 **LOCAL PLANNING SCHEME NO. 6: APPLICATION TO EXTEND A NON CONFORMING USE – LOT 356 TODD STREET, MERREDIN; DEPARTMENT OF CHILD PROTECTION REGIONAL OFFICE**

|                                |                      |
|--------------------------------|----------------------|
| <b>Reporting Department:</b>   | Development Services |
| <b>Reporting Officer:</b>      | John Mitchell        |
| <b>Legislation:</b>            | Building Act 2011    |
| <b>File Reference:</b>         | A1729                |
| <b>Disclosure of Interest:</b> | Nil                  |
| <b>Attachment:</b>             | Planning Application |

---

**Background**

An application (PA 17-11) to extend the Department of Child Protection offices located on Lot 356 Todd Street, Merredin has been received. The plans and assessment checklist are contained in **Attachment 11.4A**.

At the ordinary meeting of Council held on 21 December 2010 Council resolved: -

**CM Ref30501**

1. *That the use of the building situated on Lot 356, House Number 113 Todd Street, Merredin is recognised by the Shire of Merredin as a non-conforming use for the Department of Child Protection Offices.*
2. *That Council is prepared to consider an application to extend the non-conforming use on Lot 356 Todd Street, House Number 113 Todd Street, Merredin to permit office extensions in keeping with the character and amenity of the existing building and that the proposed extension of the non-conforming use be advertised at the applicants expense when the application to extend the non-conforming use is received.*
3. *That the Chief Executive Officer be granted delegated authority to approve the development should plans submitted comply with Resolution 2 above.*

The plans received for consent vary from the provisions of the Local Planning Scheme No. 6 and Council resolution is sought.

**Comment**

The variances noted are of a minor nature and the proposed extensions greatly improve access and parking to the community facility and regional offices. Those variances are:

- a) Parking Bays under size by 100mm;
- b) Plot ratio is exceeded by 47m<sup>2</sup>;
- c) No landscaping is provided.

---

An advertisement was placed in the Merredin Mercury on 14 September 2011.

The proposal is in keeping with the existing appearance of the building and adds a small conference room facility, 6 additional offices, 12 parking bays and paving and draining to the majority of the land.

There is sufficient area for the plantings of native trees in paved areas around parking.

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

Clause 5.5 permits the Council to consider the variations, proposed by the development, against the scheme and approve the variations unconditionally or with conditions as Council thinks fit. A condition of enacting clause 5.5 is that the application must be advertised.

#### **Financial Implications**

Planning application fees of \$1,440 have been paid.

**30704**

Moved Cr Townrow

Seconded Cr Crook

#### **Officer's Recommendation**

- 1) That the Chief Executive Officer be granted delegated approval, subject to no submissions opposing or seeking to apply additional conditions being received, to approve PA 17-11 at the expiration of the public submission period subject to point 3 of this recommendation;**
- 2) That the application to extend the non conforming use on Lot 356 Todd Street comprising additional offices and associated facilities is approved with the following conditions: -**
  - a) minimal landscaping shall be provided at the front of the property comprising trees to a height of 3m and native plant infill to the grassed area to the west of the front carbays and in the paved areas round the car park for shade value provided with reticulation;**
  - b) Car-bays width to increase to 2.5m;**
- 3) That if submissions opposing or seeking to place conditions upon the development proposal PA 17-11 the matter is to be brought back to Council.**

**CARRIED 8/0**

11.5 **LOCAL PLANNING SCHEME NO. 6 – REQUEST TO RECONSIDER RESOLUTION  
30675; PA 13 – 11, LOT 1120 BATES STREET, MERREDIN**

|                                |                               |
|--------------------------------|-------------------------------|
| <b>Reporting Department:</b>   | Development Services          |
| <b>Reporting Officer:</b>      | John Mitchell                 |
| <b>Legislation:</b>            | Building Act 2011             |
| <b>File Reference:</b>         |                               |
| <b>Disclosure of Interest:</b> | Nil                           |
| <b>Attachment:</b>             | Application for Consideration |

---

### **Background**

At the ordinary meeting of Council held on 16 August 2011 Council resolved: -

**Cm Ref: 30675**

#### **Officers Recommendation**

- 1. That the application PA 13 – 11 to establish a triple carport, mezzanine floor with front balcony, front veranda in the setback area at a setback of 1,202mm on the dwelling situated on lot 1120 Bates Street be approved subject to the following condition:  
a) Concrete crossover to Bates Street is provided at the applicants' expense.*
- 2. That the component of the application PA 13 -11 to establish a double carport on the south side of the dwelling situated on Lot 1120 Bates Street be refused as sufficient area exists within the rear yard with access for the placement of the double carport.*

The applicant has submitted a request (**Attachment 11.5A**) for Council to reconsider the refusal for consent to the carport on the south side of the lot as sufficient area existed to place the carport within the rear setback area.

### **Comment**

The applicant has further researched the matter and advised that approval was given to the Shire to permit the sewer for Merritville to pass through the western side of the property to substantially reduce costs.

Sewer plans confirm the extension through Lot 1120 in February 1981.

The sewer pipe is at a depth of 1.6m and 1m east of the western side boundary. A second sewer pipe is located 1.9m off the side of the existing building. The sewer location would suggest a setback of 2.5m to allow for the angle of repose against the sewer for excavation should a failure occur. As the sewer is an extension through private land the costs to repair any damage would rest with the developer.

Council infrastructure comprising the oval reticulation water is located 20m from the existing building and 6.5m from the south side fence. Using the



---

building measurement the proposed carport would not encroach close to any below ground infrastructure.

Approval of the development would also include the condition that the offsets required by the consent to establish in the front and side setback areas prevents further approvals of outbuildings within those offset areas as shown in the **Attachment 11.5A** - final page.

As advice to the applicant the information requiring materials capable of being removed/lifted to be used so that maintenance of infrastructure within the road reserve can be performed at minimal cost will be included.

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

The offsets required pursuant to figure 1a, 1b & 1c of the R Codes are achieved.

#### **Financial Implications**

Application fees of \$139.00 have been paid.

**30705**

Moved Cr Townrow

Seconded Cr Morris

#### **Officer's Recommendation**

- 1) That Part two of CMRef 30675 relating to the refusal to grant approval to provide a carport within the side setback area of Lot 1120 Bates Street be rescinded (Absolute Majority vote of Council required; Reason: Sewer to Merritville impinges on development and maintenance of the infrastructure)**
- 2) That PA 13 – 11 (CMRef 30675) consent be amended to include the proposed double carport on the south side of the dwelling with the crossover at the owner(s) of lot 1120 expense.**

**CARRIED 8/0**

**ABSOLUTE MAJORITY REQUIRED**

**Councillors Townrow, Crees, Crook and Morris supported the rescission motion**

11.6 **RESERVE – 7940 GREAT EASTERN HIGHWAY – EXTERNAL INSURANCE  
LIABILITY OPINION AND FUTURE USE**

|                                |                          |
|--------------------------------|--------------------------|
| <b>Reporting Department:</b>   | Development Services     |
| <b>Reporting Officer:</b>      | John Mitchell            |
| <b>Legislation:</b>            |                          |
| <b>File Reference:</b>         |                          |
| <b>Disclosure of Interest:</b> | Nil                      |
| <b>Attachment:</b>             | Correspondence with LGIS |

---

### **Background**

At the Ordinary meeting of Council held on 16 August 2011 Council resolved:

***CM Ref: 30679***

*Moved Cr Townrow Seconded Cr Young*

***That the matter lay on the table until pending further clarification***

At that meeting the issue of legislation deferring liability and seeking advice on leaving the site as is was raised.

### **Comment**

The comments and they were referred to Council's insurers who provided email comment from Mr Ian Proudfoot, Risk Consultant LGIS Risk Services which is contained in **Attachment 11.6A**.

To retain, maintain and use the facility and reduce the risk of claim to Council the following steps are recommended: -

- 1) Increased awareness signage warning persons of the risk of injury to users;
- 2) Immediate preparation of a risk management assessment and formal plan of the use of the site;
- 3) Funds to address the above and the issues found from the risk assessment;
- 4) Ongoing regular and recorded inspections of the site, during use, by Council staff.

To provide an area Council should pursuant to the Off Roads Vehicles Act 1978 (ORVA78) declare an area for that purpose. The Act and declaration still place obligations on Council towards risk reduction and reasonable care.

### **Statutory/Policy Implications**

Public liability issues exist at the site. In addition the provisions of the ORVA78 would provide a case against the local government for failure to operate in accordance with an Act of Parliament.

**Financial Implications**

Removal of the course would take less than 8 hours with a front end loader or similar. There is no budget provision for these works.

**30706** Moved Cr Crees Seconded Cr

**Officer's Recommendation**

*That the Off Road Vehicle area located on Reserve 7940 Great Eastern Highway be removed.*

**MOTION LAPSED FOR WANT OF A SECONDER**

**30707** Moved Cr Townrow Seconded Cr Morris

**Resolution**

**That the matter lay on the table.**

**CARRIED 7/1**

---

**11.7 LAND PURCHASE – LOT 1511 (DP 59632) – BARRACK STREET, MERREDIN**

|                                |                           |
|--------------------------------|---------------------------|
| <b>Reporting Department:</b>   | Development Services      |
| <b>Reporting Officer:</b>      | John Mitchell             |
| <b>Legislation:</b>            | Local Government Act 1995 |
| <b>File Reference:</b>         |                           |
| <b>Disclosure of Interest:</b> | Nil                       |
| <b>Attachment:</b>             | Valuation Advice          |

---

**Background**

At the July 07 meeting **CMRef 29014** – R13267, June 08 meeting **CMRef 29536** – R10359, Mar 09 **CMRef 29904** – R13267, Apr 09 – **CMRef 29944** – R13267 and Sep 09 **CMRef 30108** Council sought actions from the Administration to acquire at reduced or no cost lands associated with reserves 10359 – town centre and light industrial development and residential blocks within R13267 – Todd Street, Merredin.

Council has previously considered the purchase of the above lot from the Public Transport Authority. At the Ordinary Meeting of Council held on September 2009 the following resolution was adopted: -

**CMRef: 30108**

*That the Department of Regional Development and Lands be advised that Council has sought from the Minister that the land comprising Lots 1504 and 501 Barrack Street, Merredin be released to the Shire of Merredin at a reduced cost due to the charges already incurred by Council. Until that determination is made by the Honourable Minister for Regional Development and Lands, Council seeks for the offer to remain on the table.*

*That the Administration reiterate Council's request for Lots 1504 and 501 Barrack Street, Merredin to be released at no cost to Council to the Honourable Minister for Regional Development and Lands.*

A valuation for Lot 1504 has been received from the Public Transport Authority. The offer is to be formalised by PTA to the Shire of Merredin. Despite research by the Manager the invoices for the environmental audits etc cannot be found. Research has included contacting the firm (now closed down), Whelans – nil response, and a search of archives.

**Comment**

The valuation for market valuation is \$425,000. A copy of the valuation appends. **(Attachment 11.7A)**

Light industrial land sales in McKenzie Way, Merredin, suggest a sale price of \$6 - \$7 per square metre. No lots have sold since 2007. There are eight lots available for sale in McKenzie Way of varying sizes. There is currently little market for industrial land in Merredin.

Development of the land is anticipated to cost in the vicinity of \$30 - \$40 a square metre for power, roads and other infrastructure. In addition the land is classified as contaminated which may act as a further deterrent to on-sale.

Recently the Chief Executive Officer and the Executive Manager of Development Services met with Public Transport Authority (PTA) representatives. At that meeting it was decided that the PTA would supply a written quotation to Council for consideration.

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

The provisions of Section 3.59 of the Local Government Act 1995 are applicable for the land purchase as it is a precursor to a major land transaction. A business plan must be prepared.

#### **Financial Implications**

Council's Outline Development Plan for the light industrial area releases 26 lots. Land purchase cost averaged is \$18,000 approx before power, water, survey costs, and road systems are provided. Development of the Carrington Way lots in 2008/09 cost \$50/m<sup>2</sup> for infrastructure costs including roads. Allowing \$10 - \$15.00 for sewer the average cost of development is in excess of \$100,000 per lot. Sales in McKenzie Way are in the vicinity of \$50,000 for 4,000m<sup>2</sup>.

From the above it can be seen that it is unlikely that Council will see a return on investment.

**30708**

Moved Cr Morris

Seconded Cr Townrow

#### **Officer's Recommendation**

***That Council decline to purchase Lot 1511 at a cost of \$425,000.***

**CARRIED 8/0**

---

11.8 **LOCAL PLANNING SCHEME NO. 6 – AMENDMENT NO. 1 SUBMISSIONS & FINAL ADOPTION**

|                                |   |
|--------------------------------|---|
| <b>Reporting Department:</b>   | Development Services  |
| <b>Reporting Officer:</b>      | John Mitchell   |
| <b>Legislation:</b>            | Planning & Development Act 2005,<br>Town Planning Regs 1967 |
| <b>File Reference:</b>         | LUP/5/6   |
| <b>Disclosure of Interest:</b> | Nil   |
| <b>Attachment:</b>             | Schedule of Submissions                                     |

---

**Background**

Council originally considered the matter at the September 2010 meeting at which the following resolution was adopted: -

***30417 Moved Cr Young Seconded Cr Townrow  
That Council resolves to adopt the Local Planning Scheme No. 6  
Amendment No. 1 and submit the amendment to the Environmental  
Protection Authority for consent prior to submission to the Western  
Australian Planning Commission for approval.***

Environmental Protection Authority consent was provided on 29 June 2011.

Subsequently the amendment was advertised in accordance with the provisions of the Town Planning Regulations 1967.

**Comment**

A schedule and copies of submissions are contained in **Attachment 11.8A**.

For Council information: -

- 1) Advertising occurred in the Merredin Mercury on 6 July 2011 in accordance with Form 3 of the regulations;
- 2) Additional advertising occurred in the Merredin Mercury on 13 July 2011;
- 3) The Schedule of consultation contained in the bulletin from WAPC – guidance notes for scheme amendments was complied with;
- 4) Additional correspondence was sent to the owners of land within the “General Farming” zone of the townsite of Merredin seeking comment;
- 5) Correspondence received from individuals prior to advertising was brought out and placed with the submissions received during advertising; and
- 6) Additional consultation was undertaken with the Valuer General’s Office to allay concerns regarding potential increases in rates applied due to the rezoning.

The two advertisements ran for 46 days. Regulation 15(3) requires the local government to advertise at least once in a newspaper circulating within the

---

district. Regulation 25(2)(k) of the Town Planning Regulations 1967 requires the submission period to exceed 42 days.

The Planning Consultant, Mr Paul Bashall and the Executive Manager of Development Services have liaised to consider the submissions received. The "schedule of submissions received" addresses those submissions.

The request from the Office of Water "has come out of left field and" represents a commitment from the two Departments to address these environmental issues. The paper referred to for compliance for urban water management strategies is extensive and will be a costly compliance issue. Considering the saline water report issued by Mr Bill Marmion indicating that the use of ground water within the region was not economical on large scale, the need for a water management strategy does not appear justified. In addition the Urban report places the obligation with the developer and yet

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

The provisions of Regulation 25 & 18 of the Planning Regulations 1967 are applicable. Regulation 25 deals with the advertising of the scheme amendment, submissions to the proposed scheme amendment and addresses the determination of those submissions received.

Regulation 18 is particularly important as the Administration and Consultant have twenty eight (28) days from the date of the resolution of final approval to forward the scheme documents and submissions received to the Commission. In this case by 10 October 2011.

No submissions were received in accordance with the "form four" requirements of the Town Planning Regulations 1967. All submissions were correspondence.

#### **Financial Implications**

Budget provision has been made (E106285) for the gazettal of the amendment and public meetings to commence the process of outline development planning for the rural residential area.

**30709**

Moved Cr Crees

Seconded Cr Forbes

**Officer's Recommendation**

- 1. That Council note the Schedule of submissions to Local Planning Scheme No. 6 amendment 1 and adopt the proposed recommendations contained within that schedule.**
- 2. That the Shire of Merredin adopt the Local Planning Scheme No. 6 amendment 1 for final approval and authorise the Shire President and Chief Executive Officer to sign and insert the common seal to the Local Planning Scheme No. 6 Amendment 1.**
- 3. That the Minister for Planning be requested to consent to final approval to the Shire of Merredin Local Planning Scheme No.6 Amendment 1.**

**CARRIED 8/0  
ABSOLUTE MAJORITY**



---

11.9 **LOCAL PLANNING SCHEME NO. 6 – SEVEN LOCAL PLANNING POLICIES – ADVERTISING & FINAL ADOPTION**

|                                |                             |
|--------------------------------|-----------------------------|
| <b>Reporting Department:</b>   | Development Services        |
| <b>Reporting Officer:</b>      | John Mitchell               |
| <b>Legislation:</b>            | Local Planning Scheme No. 6 |
| <b>File Reference:</b>         | LUP/5/11                    |
| <b>Disclosure of Interest:</b> | Nil                         |
| <b>Attachment:</b>             | Policies                    |

---

### **Background**

Council considered the item at the Ordinary Meeting held on 19 July 2011. At that meeting Council resolved:

**30654 Moved Cr Townrow Seconded Cr Forbes**  
***That the draft local planning policies LPP 1 to LPP 7 be advertised in accordance with clause 2.4 of the Local Planning Scheme No. 6 and at the completion of the advertising period the matters be brought back to Council for determination and submission to the Western Australian Planning Commission.***

Pursuant to Clause 2.4.1 of the Local Planning Scheme No. 6 advertising occurred in the Merredin Mercury on 3 August 2011 with a closing date of 26 August 2011.

### **Comment**

Clause 2.4 of the Shire of Merredin Local Planning Scheme No. 6 determines the procedures for adopting the policies. In summary 2 weeks of advertising in a local newspaper, 21 day submission period, consider the submissions received, include Govt Departments in the process of review, adopt the policy and forward the policy for comment to the Western Australian Planning Commission. Copies of the advertised versions are contained in **Attachment 11.9A**

Discussing the local planning policies in turn: -

**LPP 1 – Moveable Buildings** – replaces the sea container policy and includes donga style development. In simple terms the sea containers and dongas are not permitted within the residential zone. Sea containers are permitted in the industrial and farming zones. Dongas will be considered as temporary buildings to house workforces during a construction process;

**LPP 2 – Homestead Lots** – This policy was developed to replace the now defunct SPP 3.4 which is currently being reviewed;

**LPP 3 – Parking** – determines applicable layouts and alternate solutions for compliance with the requirements of the local planning scheme including payments for parking spaces;

**LPP 4 – Landscaping** – sets the minimum requirements for the provision of landscaping within the development proposed. Current methods have made the landscaping requirements subjective rather than pre determined;

**LPP 5 – Outline Development Plans** – determines the minimum acceptable for the preparation of the plan of development for the subdivision. This policy is more applicable to developers of land for residential or commercial purposes;

**LPP 6 – DA Delegation (Planning Approval for Single Houses)** – LPS 6 requires pursuant to clause 8(iii) that when Council deems the development to be inappropriate or inadequate in any way... this policy will apply for second-hand houses or construction of a dwelling other than from normally standard materials e.g. sea container conversion, barn conversion;

**LPP 7 – Rural Residential Development** – the policy is applied due to the restrictions placed on the 2007 Planning Strategy which stated that development of the rural residential land would not occur until 60% of existing land was sold and developed. The LPP seeks to address the statement and provide guidance to the planner prior to releasing additional land for development. Existing rural residential zones are Bartlett – Lot 1 Narembeen Road (RR1), Adamson – Narembeen Road (RR2). LPS 6 amendment 1 seeks to remove RR 3 & RR4

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

No submissions were received for the advertising period.

Clause 2.4.2(b) requires the local government to resolve to adopt or reject the proposed policies.

#### **Financial Implications**

Advertising costs for the final adoption – public advice are minimal and provided from account E106285.

**30710**

Moved Cr Crees

Seconded Cr Carr

#### **Officer's Recommendation**

***That the following draft local planning policies be adopted as Local Planning Policies pursuant to Local Planning Scheme No. 6 and take effect from the day of advertisement in the Merredin Mercury: -***

- a) LPP1 – Moveable Buildings;***
- b) LPP2 – Homestead Subdivision;***
- c) LPP3 – Parking;***
- d) LPP4 – Landscaping;***
- e) LPP5 – Outline Development Plans;***
- f) LPP6 – Development Application Delegation;***
- g) LPP7 – Rural Residential.***

**CARRIED 8/0**

11.10 **LOCAL PLANNING SCHEME NO. 6 – VARIOUS PLANNING MATTERS -  
OUTBUILDINGS – CARPORTS/GARAGES IN FRONT SETBACK AREAS, “P” USES  
POLICY OF DELEGATION TO CHIEF EXECUTIVE OFFICER**

|                                |                           |
|--------------------------------|---------------------------|
| <b>Reporting Department:</b>   | Development Services      |
| <b>Reporting Officer:</b>      | John Mitchell             |
| <b>Legislation:</b>            | Local Government Act 1995 |
| <b>File Reference:</b>         | Delegations               |
| <b>Disclosure of Interest:</b> | Nil                       |
| <b>Attachment:</b>             | Planning/R Codes          |

**Background**

At the August 2011 meeting Council considered several reports relating to the setback of outbuildings within the front and side setback areas. As a result of those applications it was required that the Administration provides a delegation policy to the Chief Executive Officer for Council consideration.

Council previously resolved delegation relating to carports to the Chief Executive Officer; however the delegation could not be located and therefore was not relied on.

**Comment**

The proposed delegations and delegations page layout is contained in **Attachment 11.10A**.

The delegation provided to the CEO for town planning applications with a “P” use has also been re-located to this area of Council delegations.

**Statutory/Policy Implications**

Section 5.42 of the Local Government Act 1995 permits a local government to delegate to the Chief Executive Officer the exercise of any of its powers or the discharge of any of its duties.

An absolute majority of Council is required to provide the delegation.

**Financial Implications**

There are no financial implications of this proposal.

**30711**

Moved Cr Crook

Seconded Cr Forbes

**Officer’s Recommendation**

*That the Chief Executive Officer be granted delegated authority to consent to planning applications for carport(s) placed in the front setback area that is compliant with the requirements of the R Codes 2008 and the requirements of the scheme.*

**CARRIED 8/0**

**11.11 LOCAL PLANNING SCHEME NO. 6 – NATURE CONSERVATION COVENANT –  
LOT 15594 CONNELL ROAD, NANGEENAN**

|                                |   |
|--------------------------------|---|
| <b>Reporting Department:</b>   | Development Services                      |
| <b>Reporting Officer:</b>      | John Mitchell                             |
| <b>Legislation:</b>            | Local Planning Scheme No. 6               |
| <b>File Reference:</b>         | A6149                                     |
| <b>Disclosure of Interest:</b> | Nil                                       |
| <b>Attachment:</b>             | Proposal For Nature Conservation Covenant |

---

**Background**

A request to note and provide comment on a proposed Nature Conservation Covenant has been received by the Department of Environment & Conservation. The application (**Attachment 11.11A**) relates to a portion of Location 15594 Connell Road, Nangeenan

**Comment**

The conservation covenant is being placed to protect the granite rock communities of the Muntadgin vegetation system found in the Merredin District, the Beards Hopkins Vegetation Association No 36 Shrublands acacia casuarina alliance and because it is in a highly cleared landscape within a Shire with only 12.7% remnant vegetation and contains suitable habitat for a range of flora and fauna.

The covenant does not exempt compliance with the Bushfires Act 1954 and nor does it explain in sufficient detail the requirements of compliance with the Bushfires Act 1954. Any response should include the requirement for compliance with the annual Fire Order and directions of the Chief Bush Fire Control Officer.

**Statutory/Policy Implications**

The Town Planning Regulations 1967 permit the local government to include a Schedule 3 – Restricted Uses that can apply to a portion of a Lot or a Lot of land. This procedure requires an amendment to the scheme which is an expensive and time consuming requirement.

The Administration has requested that the Department provide a list of nature covenants within the Shire of Merredin to enable a list to be compiled to ensure that development does not occur within those declared areas.

It is proposed, subject to Council consent, to include the list of properties with the Administration scheme text and include the areas within an omnibus amendment when a required amendment is to occur.

**Financial Implications**

Nil

**30712**

Moved Cr Forbes

Seconded Cr Carr

**Officer's Recommendation**

*That Council advise the Department of Environment & Conservation that it has no objections to the placement of a Nature Conservation Covenant on a portion of Location 15594 Connell Road, Nangeenan and that the requirements of the annual Fire Order issued pursuant to the Bushfires Act 1954 is required to be adhered to.*

**CARRIED 8/0**

**11.12 LOCAL PLANNING SCHEME NO. 6 – RESIDENTIAL DESIGN CODES VARIATION – OVERHEIGHT & AREA EXCEEDED – LOT 43 HOUSE NO. 3 HARLING STREET, MERREDIN**

|                                |                             |
|--------------------------------|-----------------------------|
| <b>Reporting Department:</b>   | Development Services        |
| <b>Reporting Officer:</b>      | John Mitchell               |
| <b>Legislation:</b>            | Local Planning Scheme no. 6 |
| <b>File Reference:</b>         | A1928                       |
| <b>Disclosure of Interest:</b> | Nil                         |
| <b>Attachment:</b>             | Application                 |

---

**Background**

An application (**Attachment 11.12A**) including locality map) has been received from the owner seeking to increase the area of the existing outbuilding (to 120m<sup>2</sup>) and install a wall of a height of 3.1m.

**Comment**

Lot 43 Harling Street is zoned residential. An existing outbuilding of 36m<sup>2</sup> exists at the rear of the lot (south).

The application exceeds the maximum single area of a outbuilding but does not exceed the total area of permitted outbuildings and there is precedence for the minor area variance, the most recent examples being 12 Cummings Street, lot 251 Haines Street, 35 Priestly Street and 50 Endersbee Street.

**Statutory/Policy Implications**

Policy 8.23 permits the erection of 92m<sup>2</sup> single outbuilding with a maximum wall height of 3.0m and plate height of 3.6m. A total of 124m<sup>2</sup> of outbuildings may be constructed on the site. Allowing for a 100mm sandpad the height should not exceed 3700mm above natural ground level.

The application exceeds the wall height allowance by 100mm but does not exceed the maximum ridge height.

**Financial Implications**

Application fees of \$139.00 have been paid

**30713**

Moved Cr Crees

Seconded Cr Forbes

**Officer's Recommendation**

***That the Planning application (PA18/11) to establish a 120m<sup>2</sup> 3700mm apex height outbuilding on Lot 43, 3 Harling Street be approved subject to the following conditions: -***

- 1) Sandpad height of the structure is to be minimised so that the total height above natural ground level does not exceed 3700mm;***
- 2) That no other application for the establishment of a free standing outbuilding, other than via a direct major attachment to the dwelling for a carport, garage (Under main roof) will be approved by the Shire of Merredin.***

**CARRIED 8/0**

Mr Jim Garrett entered the meeting at 2.38pm.

Mr John Mitchell left the meeting at 2.45pm.

**12.0 ENGINEERING SERVICES**

---

**12.1 LAND ACQUISITION OF LAND NEAR THE INTERSECTION OF TOTADGIN HALL ROAD AND YORK/ MERREDIN ROAD**

|                                |   |
|--------------------------------|---|
| <b>Reporting Department:</b>   | Engineering and Services                  |
| <b>Reporting Officer:</b>      | James Garrett                             |
| <b>Legislation:</b>            | Local Government Act 1995                 |
| <b>File Reference:</b>         | R011                                      |
| <b>Disclosure of Interest:</b> | Nil                                       |
| <b>Attachment:</b>             | Correspondence, Location and Aerial Photo |

---

**Background**

A Road Safety audit was carried out on the intersection of Totadgin Hall Road and the York/Merredin Road on the 17 November 2005. A recommendation from the Safety Audit was to have the intersection redesigned to improve the sight distance, as the current design reduces the sight distances and could contribute to the intersection becoming a Blackspot.

An application was applied for in July 2009 for Blackspot grant monies to design a new intersection to Main Roads W.A. specifications and then to construct the new intersection. The Shire of Merredin was successful in this application.

Roadwest Engineering Group was employed by the Shire to draw up a design for the intersection then forward design to Main Roads W.A. for its approval. The design was approved by Main Roads on the 13 September 2011. The design can be seen in **Attachment 12.1A**.

Land acquisition to dedicate into road reserve is required to accommodate the new intersection design. Council will need to purchase .857 of a hectare of Avon location 94230 which is owned by Mr Wayne Vicary and 1.3113 hectares of Avon location 19445 which is owned by Mr Mark Smith. Areas of land that need to be acquired can be seen in **Attachment 12.1A**. Letters have been sent to the land owners by the Executive Manager of Engineering Services requesting acquisition of their land so Council can dedicate it into Road Reserve for construction of the intersection to proceed.

One letter of reply from Mr Vicary has been received in which he has requested \$30,000 for .857 hectares of land as can be seen in **Attachment 12.1A**. Mr Smith has not replied to his letter to date. Elders Real Estate had been contacted to carry out a land valuation of the land that is to be acquired. The land appraisal can be seen in **Attachment 12.1A**. Council is only required to pay what is seemed reasonable for the land that is to be acquired.



---

Under the Land Administration Act 1997 for land acquisition, Council needs to resolve to dedicate the land into road reserve under Part 5, Division 1, Section 56 before a request for Road Dedication can be made to the Minister

### **Comments**

If negotiations fail in acquiring the land, interests in the land may be compulsorily acquired by the Shire through the Land Administration Act 1997 under Part 9, Division 2, Subdivision 1, Section 161.

### **Statutory/Policy Implications**

#### **56. Dedication of roads**

(1) If in the district of a local government —

(a) land is reserved or acquired for use by the public, or is used by the public, as a road under the care, control and management of the local government; and that land is described in a plan of survey, sketch plan or document, the local government may request the Minister to dedicate that land as a road.

(2) If a local government resolves to make a request under subsection (1), it must —

(a) in accordance with the regulations prepare and deliver the request to the Minister; and Under the Land Administration Act 1997 for land acquisition. Council is only required to pay what it seemed reasonable for the land that is to be acquired.

#### **161. Interests in land may be taken for public work**

(1) Whenever the Crown, the Governor, the Government, any Minister of the Crown, any State instrumentality or any local government is authorised, by this Act, the *Public Works Act 1902* or any other Act, to undertake, construct or provide any public work, and the use of any land or any interest in land is required for the purposes of the work, then, unless otherwise specially provided —

(a) any interest in the land held by a person other than the Crown may be taken;

(b) subject to Part 4, any designation of the land or of any interest in the land may be removed;

(c) any management order affecting the land may be revoked or modified, whatever the purpose for which the order had been made, whether local or general;

(d) any interest in the land held by the Crown or taken from some other person under paragraph (a) may be disposed of or granted to any other person; and

(e) any interest in the land held by the Crown or taken from some other person under paragraph (a) (including an interest disposed of or granted under paragraph (d)) may be designated for the purpose of the public work, in accordance with this Part.

**Financial Implications**

Nil. The offers appearing in the Officer's Recommendation are based on \$4000 per acre.

**30714**

Moved Cr Townrow

Seconded Cr Crook

**Officer's Recommendation**

- 1) That Council offers Mr Vicary \$8500 for 0.857 hectares of Avon location 94230.**
- 2) That Council offers Mr Smith \$13000 for 1.3113 hectares of Avon location 19445.**
- 3) That Council dedicates 0.857 hectares of Avon location 94230 and 1.3113 hectares of Avon location 19445 into road reserve.**

**CARRIED 8/0**

**12.2 HOT MIX ASPHALT TENDER NO 05-11/12**

|                                |                           |
|--------------------------------|---------------------------|
| <b>Reporting Department:</b>   | Engineering and Services  |
| <b>Reporting Officer:</b>      | James Garrett             |
| <b>Legislation:</b>            | Local Government Act 1995 |
| <b>File Reference:</b>         |                           |
| <b>Disclosure of Interest:</b> | Nil                       |
| <b>Attachment:</b>             | Evaluation Matrix         |

**Background**

The Shire of Merredin called for tender No 05-11/12 on the 20 August 2011 for approximately 380 tonne of hot mix asphalt to be used in the 2011/2012 road works program.

The following tenders were received.

|          | <b>TENDERER</b> | <b>PRICE</b>                             |
|----------|-----------------|--|
| <b>A</b> | Boral Asphalt   | \$144,281 Inc. GST<br>\$378.69 per tonne |
| <b>B</b> | Fulton Hogan    | \$86,108 Inc. GST<br>\$226.60 per tonne  |

The evaluation matrix is attached, **Attachment 12.2A**.

**Comment**

Nil

**Statutory/Policy Implications**

Nil

**Financial Implications**

Approximately 380 tonne of hot mix asphalt @ \$230.00 per tonne has been budgeted for in the 2011/2012 road program.

**30715**

Moved Cr Cook

Seconded Cr Forbes

**Officer's Recommendation**

***That Council award tender 05-11/12 to Fulton Hogan to supply hot mix asphalt to the Shire of Merredin @ \$226.60 per tonne for the 2011/2012 financial year.***

**CARRIED 8/0**

**12.3 AGGREGATE TENDER NO 04-11/12**

|                                |                           |
|--------------------------------|---------------------------|
| <b>Reporting Department:</b>   | Engineering and Services  |
| <b>Reporting Officer:</b>      | James Garrett             |
| <b>Legislation:</b>            | Local Government Act 1995 |
| <b>File Reference:</b>         |                           |
| <b>Disclosure of Interest:</b> | Nil                       |
| <b>Attachment:</b>             | Evaluation Matrix         |

**Background**

The Shire of Merredin called for tender No 04-11/12 on the 20 August 2011 for approximately 1,561 tonne of aggregate to be used in the 2011/2012 road works program.

The following tenders were received.

|          | <b>TENDERER</b>                | <b>PRICE</b>                           |
|----------|--------------------------------|--|
| <b>A</b> | Mason Enterprises (Trans Plus) | \$82,099 Inc. GST<br>\$52.25 per tonne |
| <b>B</b> | AG Spread Australia Pty Ltd    | \$88,475 Inc. GST<br>\$55.71 per tonne |

The evaluation matrix is attached, **Attachment 12.3A**

**Comment**

In the Shire of Merredin Policy Manual Policy N° 3.3 Regional Price Preference Policy as can be seen in **Attachment 12.3A**. Where the contract is for goods and services up to a maximum price reduction of \$500,000 a regional price preference of 10% can apply

**Statutory/Policy Implications**

Nil

**Financial Implications**

Approximately 1,561 tonnes of aggregate @\$65.00 per tonne has been budgeted for in the 2011/2012 road program.

**30716**

Moved Cr Morris

Seconded Cr Crook

**Officer's Recommendation**

*That Council award tender 04-11/12 to Mason Enterprises to supply aggregate to the Shire of Merredin @ \$52.25 per tonne for the 2011/2012 financial year.*

**CARRIED 8/0**

**12.4 HOT BITUMEN TENDER NO 03-11/12**

**Reporting Department:** Engineering and Services  
**Reporting Officer:** James Garrett  
**Legislation:** Local Government Act 1995  
**File Reference:**  
**Disclosure of Interest:** Nil  
**Attachment:** Evaluation Matrix

**Background**

The Shire of Merredin called for tender No 03-11/12 on the 20 August 2011 for approximately 195,000 litres of hot bitumen to be used in the 2011/2012 road works program.

The following tenders were received.

|          | <b>TENDERER</b>   | <b>PRICE</b>                           |
|----------|-------------------|--|
| <b>A</b> | Bitumen Surfacing | \$238,095 Inc. GST<br>\$1.22 per litre |
| <b>B</b> | R n R Contracting | \$220,935 Inc. GST<br>\$1.13 per litre |
| <b>C</b> | Boral Asphalt     | \$232,050 Inc. GST<br>\$1.19 per litre |
| <b>D</b> | Fulton Hogan      | \$229,515 Inc. GST<br>\$1.17 per litre |

The evaluation matrix is attached, **Attachment 12.4A**.

**Comment**

Nil

**Statutory/Policy Implications**

Nil

**Financial Implications**

Approximately 195,000 litres of hot bitumen @ \$1.10¢ per litre has been budgeted for in the 2011/2012 road program.

**30718**

Moved Cr Forbes

Seconded Cr Carr

**Officer's Recommendation**

*That Council award tender 03-11/12 to R n R Contracting to supply hot bitumen to the Shire of Merredin @ \$1.13 inc. GST per litre for the 2011/2012 financial year.*

**CARRIED 8/0**

**12.5 SPEED ZONE CHANGE ON SOUTH AVENUE**

|                                |  |
|--------------------------------|--|
| <b>Reporting Department:</b>   | Engineering and Services                 |
| <b>Reporting Officer:</b>      | James Garrett                            |
| <b>Legislation:</b>            | Local Government Act 1995                |
| <b>File Reference:</b>         | R245                                     |
| <b>Disclosure of Interest:</b> | Nil                                      |
| <b>Attachment:</b>             | Mainroads Correspondence<br>Aerial Photo |

---

**Background**

A letter has been received from Main Roads W.A. seeking Council's view on a modification of the speed zones in South Avenue from 60Kph to 50 Kph in the built up areas. **(Attachment 12.5A)**

The request follows a query from Jim Garrett the Executive Manager of Engineering Services (EMES) to Gren Putland the Project Manager for Traffic from Main Roads W.A. Wheatbelt North region, about what the correct speed limit on South Avenue was. This query was brought about following complaints from members of the public that they had been charged for exceeding 50 Kph.

An inspection by the EMES to see what speed signage was in place on South Avenue at the time found that there was a 60kph sign at the southern end of South Avenue but nothing at the northern end of South Avenue.

South Avenue is a single carriageway either side of a medium strip. As there was no speed signage on the eastern side of South Avenue the police had the right to book drivers who exceeded 50Kph as it is a built up area. The EMES has spoken to local police about what their preference would be for the speed zone on South Avenue. The Sergeant in Charge indicated he was not fussed whether the speed zone was 50Kph or 60Kph but would like a more uniform speed zone for both sides of South Avenue. The EMES had contacted Main Roads W.A. to request that signage be placed at both ends of the road so the public and the police could have an indication of what the correct speed zone is. A 60Kph sign has been installed at the northern end of South Avenue following the request from the EMES.

Mr Putland contacted the EMES on the 26 July 2011 to discuss modifications of the speed zone down to 50Kph as his view was that 50Kph would better reflect the built up nature and traffic of the townsite. It would also produce a more compatible speed zone with adjoining roads. He was advised to write a letter to Council to find their view on changing the speed zone down to 50Kph.

**Comments**

This is the second time that Main Roads have asked for Councils view on reducing the speed limit to 50 Kph. Council moved at the Council meeting on the 21 February 2006 that it did not support the reduction of the speed limits on the South Avenue/Bruce Rock Road as it was an arterial road. **(CMR 28319)**

South Avenue has a school, two churches, an entrance to the Merredin Hospital and an entrance to the Merredin Medical Centre on it. There are 15 side roads feeding from it as can be seen on **Attachment 12.5B**. The attachment also shows current speed zones.

Council should also bear in mind the Road Safety Councils advertising campaign that says drop 5 to saves lives. A decision should be made in the view with road safety in mind and not what the cost would be to a road user who could be charged for exceeding the speed limit.

**Statutory/Policy Implications**

Main Roads is responsible for speed zones and changes to speed limits however it is their practise to seek comment from both the Local Authority and the local police prior to seeking Commissioner of Main Roads approval for the change.

**Financial Implications**

Nil

- 30719** Moved Cr Forbes Seconded Cr Carr  
**Officer's Recommendation**  
***That Council supports Main Roads W.A. request for a reduction of the speed zone on South Avenue from 60kph to 50kph.***  
**CARRIED 5/4**  
**MOTION CARRIED ON THE CASTING VOTE OF THE SHIRE PRESIDENT**

Councillor Carr left the meeting at 2.50pm and returned at 2.58pm.  
Mr Garrett left the meeting at 3.01pm

- 30720** Moved Cr Crees Seconded Cr Townrow  
***That Council adjourn for afternoon tea at 3.01pm.***  
**CARRIED 8/0**
- 30721** Moved Cr Crees Seconded Cr Townrow  
***That the Council meeting resume at 3.25pm.***  
**CARRIED 8/0**

---

## 13.0 FINANCE AND ADMINISTRATION

---

### 13.1 LIST OF ACCOUNTS PAID

|                                |   |
|--------------------------------|---|
| <b>Reporting Department:</b>   | Finance & Administration  |
| <b>Reporting Officer:</b>      | Rose Jones – Accountant<br>Finance and Administration           |
| <b>Legislation:</b>            | Local Government Act 1995 & Financial<br>Management Regulations |
| <b>File Reference:</b>         | Nil   |
| <b>Disclosure of Interest:</b> | Nil   |
| <b>Attachments:</b>            | List of Accounts Paid   |

---

#### **Background**

The attached List of Account Paid (**Attachment 13.1A**) during the month under Delegated Authority is provided for Council's information.

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

Local Government Act 1995 and Financial Management Regulations.

#### **Financial Implications**

All liabilities settled have been in accordance with the Annual Budget provisions. It should be noted that outstanding creditors total \$774,851.83

**30722** Moved Cr Crees Seconded Cr Wallace

#### **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 \$665,293.57 from Council's Municipal Fund Bank Account and cheques totalling \$900 from Council's Trust Account.*

**CARRIED 8/0**



**13.2 MONTHLY FINANCE REPORT**

|                                |                            |
|--------------------------------|----------------------------|
| <b>Reporting Department:</b>   | Finance and Administration |
| <b>Reporting Officer:</b>      | Rose Jones - Accountant    |
| <b>Legislation:</b>            | Local Government Act 1995  |
| <b>File Reference:</b>         | Nil                        |
| <b>Disclosure of Interest:</b> | Nil                        |
| <b>Attachments:</b>            | Monthly Finance Report     |

---

---

**Background**

The Monthly Finance Report is attached for Council's information.  
**(Attachment 13.2A)**

**Statutory/Policy Implications**

Local Government Act 1995 and Financial Management Regulations.

**Financial Implications**

As outlined in **Attachment 13.2A**.

**30723**

Moved Cr Crees

Seconded Cr Forbes

**Officer's Recommendation*****That Council receive the Monthly Finance Report for August 2011.*****CARRIED 8/0**

**13.3 GOLDEN PIPELINE GOLF LINKS – FINANCIAL SUPPORT**

|                                |                           |
|--------------------------------|---------------------------|
| <b>Reporting Department:</b>   | Administration            |
| <b>Reporting Officer:</b>      | CEO                       |
| <b>Legislation:</b>            | Local Government Act 1995 |
| <b>File Reference:</b>         |                           |
| <b>Disclosure of Interest:</b> | Nil                       |
| <b>Attachments:</b>            | Correspondence            |

---

---

**Background**

Councillors would be aware of recent proposals to establish the Golf Links from Mundaring to Coolgardie to extend the Nullabor Links project and thus provide an additional tourist attraction and the secure additional visitation between Kalgoorlie and Perth.

Forums have recently been held in Northam and Merredin to fully explain the concept and to seek support from stakeholders. Consequentially, further correspondence has been received from the project steering Committee which is attached as **Attachment 13.3A**.

**Comment**

The Committee is seeking \$2500 annually from 2012/13 until the project breaks even. Additional in-kind support is also requested by way or installation of signage for the project.

As the project has merit in that it can benefit golf clubs and businesses directly, adds to the tourism product in the region and in real terms seeks minimal support it is recommended that the request be met, at least for a two year period and subject to ongoing advice on the progress being made towards financial sustainability.

**Statutory/Policy Implications**

Nil

**Financial Implications**

Should Council resolve to financially support the project, it will be necessary to include a provision in the 2012/13 and 2013/14 budgets.

**30724**

Moved Cr Crees

Seconded Cr Carr

**Officer's Recommendation**

*That the Golden Pipeline Golf Links Steering Committee be advised that the project will be supported to the amount of \$2500 in the 2012/13 and 2013/14 financial years (the second if necessary) subject to reporting from the Committee on the progress of the project towards sustainability and that in-kind support be offered by way of signage installation to be undertaken in conjunction with routine maintenance operations.*

**CARRIED 8/0**

---

13.4 **MERREDIN LAND CONSERVATION DISTRICT - NOMINATION FOR COMMITTEE**

**Reporting Department:** Administration  
**Reporting Officer:** CEO  
**Legislation:** Local Government Act 1995  
**File Reference:**  
**Disclosure of Interest:** Nil  
**Attachments:** Correspondence from Department of Agriculture and Food

---

**Background**

The Commissioner of Soil and Land Conservation is responsible for the mitigation and prevention of land degradation promotion of soil conservation and education of landholder and the public generally about sound land management.

This is delivered through the Natural Resource Management Program identifying risks and promoting the adoption practices that better manage the impacts of Agri-business on the environment.

**Comment**

Previous representation was Councillor John Simmonds.

**Statutory/Policy Implications**

Nil

**Financial Implications**

Nil

**Officer's Recommendation**

*That Council nominates \_\_\_\_\_ to the Merredin Land Conservation District Committee.*

**30725**

Moved Cr Morris

Seconded Cr Townrow

**Resolution**

*That the matter of Council nominations to the Merredin Land Conservation District Committee lay on the table until after the Local Government elections.*

**CARRIED 8/0**

**13.5 LOCAL GOVERNMENT CLIMATE CHANGE DECLARATION**

|                                |   |
|--------------------------------|---|
| <b>Reporting Department:</b>   | Administration  |
| <b>Reporting Officer:</b>      | CEO   |
| <b>Legislation:</b>            | Local Government Act 1995   |
| <b>File Reference:</b>         |   |
| <b>Disclosure of Interest:</b> | Nil   |
| <b>Attachments:</b>            | WALGA Infopage – Local Government Climate Change Declaration ( <b>Attachment 13.5A</b> )<br>Nottingham Declaration<br>Climate Change Policy Statement |

---

**Background**

At the August meeting of the State Council of WALGA, the Local Government Climate Change Declaration was endorsed.

The Association has developed a Local Government Climate Change Declaration based on the Nottingham Declaration (**Attachment 13.5B**) to which 90% of UK Councils are signatories. The Declaration is designed to strengthen Local Governments' advocacy position by articulating a shared political commitment across the sector and is consistent with the intent of the Association's endorsed Climate Change Policy Statement (**Attachment 13.5C**).

The Declaration is voluntary and can be amended to suit the level of commitment of individual Local Governments should they wish to include local content, targets or policies.

**Comment**

Council does not currently have a climate change statement or policy and the attached provides a mechanism to recognise climate change. The attached draft includes obligations that Council may not be prepared to adopt nor fund at this time. With the uncertainty surrounding the climate change debate and a carbon tax it may be prudent to delay any specific commitment but the majority could be adopted as an in-principle statement.

It is recommended that the third paragraph be amended by deleting dot points 1, 3 and 4 be deleted. Council may also wish to consider the balance of that paragraph.

**Statutory/Policy Implications**

Strategic plans and policies identifying an appropriate Climate Change Action Plan should be developed with reviews and amendments to take place at regular intervals.

**Financial Implications**

Nil

**30726**

Moved Cr Townrow

Seconded Cr Crook

**Officer's Recommendation**

*That Council adopt the Western Australian Local Government Declaration on Climate Change as an in-principle statement of position with the deletion of dot points 1, 3 and 4 from the last paragraph.*

**LOST 4/5****MOTION LOST ON THE CASTING VOTE OF THE SHIRE PRESIDENT**

**Reason: Council does not have resources available to support climate change initiatives as expressed in the Declaration.**

---

Please refer to page 5 for further information on this matter (Item 13.6) which was dealt with at this time.

13.6 **COLLGAR COMMUNITY TRUST**

**Reporting Department:** Administration  
**Reporting Officer:** CEO  
**Legislation:** Local Government Act 1995  
**File Reference:**  
**Disclosure of Interest:** Nil  
**Attachments:** Collgar Community Trust – Deed of Settlement  
Correspondence: Collgar Wind Farm  
Legal Opinion – McLeods Barristers and Solicitors

---

**Background**

Preliminary information relating to the structure and procedure for dealing with the funding from Collgar was provided to Councillors at the last meeting under cover of a memo from the CEO. Further information had been requested from the Collgar CEO and it was thought prudent to seek a legal opinion.

**Comment**

Should agreement be reached on the structure and operation of the Trust it could be established and receive its initial funding of \$100,000.00 in January 2012. Recurrent funding will occur annually for a period of 15 years as set out in the Deed of Trust (**Attachment 13.6A**).

The funds will be administered by the Collgar Community Fund Trust. Grants will be awarded by the Grants Committee. The committee representation will consist of 3 Collgar Wind Pty Ltd representatives and 2 Shire of Merredin Representatives. Each Committee members' term will expire 12 months after their initial nomination to the Grants Committee.

The additional information outlined above (**Attachment 13.6B**) and the legal opinion (**Attachment 13.6C**) are now to hand and attached.

**Statutory/Policy Implications**

Division 6, Part 5 Local Government Act 1995 – financial and conflict of interest.

**Financial Implications**

Nil

**30727**

Moved

Seconded

**Officer's Recommendation**

- 1. That the documentation relating to the Collgar Community Trust and Grants Committee be noted and that Collgar Wind Farm Pty Ltd be requested to amend the Deed of Settlement as outlined in Council's legal advice.**
- 2. That the legal opinion and advice provided by McLeods be noted;**
- 3. That Council nominate two elected members as Council's representatives on the Grants Committee.**



**13.7 MRC&LC – USER MOU’s - REVIEW**

|                                |                            |
|--------------------------------|----------------------------|
| <b>Reporting Department:</b>   | Administration             |
| <b>Reporting Officer:</b>      | CEO                        |
| <b>Legislation:</b>            | Local Government Act 1995  |
| <b>File Reference:</b>         |                            |
| <b>Disclosure of Interest:</b> | Nil                        |
| <b>Attachments:</b>            | Memoranda of Understanding |

---

**Background**

Sporting Clubs and other users of the MRC&LC utilise the facilities under general obligations documented in Memoranda of Understanding. These documents are similar in construct and have now been in place for a number of years without substantial amendment.

As the summer sporting season is due to commence it is appropriate to review a number of MOU’s to determine whether changes are appropriate and/or necessary. Other non-seasonal MOU’s are also included in the review.

Cricket is not included in this review as the sporting body responsible is yet to be determined. If necessary, this will be the subject of a further agenda item.

MOU’s in their current form are attached as Appendix **Attachment 13.7A**.

**Comment****Merredin Basketball Association:**

A minor amendment is required to Council’s first obligation on page 3 as the matter of memorabilia has been resolved. It should be reworded as follows:

Permit the Merredin Basketball Association to display memorabilia in the Function Room in the cabinets provided for that purpose.

**Merredin Districts Lawn Tennis Club:**

No lease has been put in place as required by specific condition 1 although it would appear that no specific issues have arisen apart from the consumption of alcohol. Although occasional licences are obtained for fixture events alcohol may be consumed at other times in and around the club rooms rather than at the MRC&LC itself.

Council should determine its position on whether club socialising rather than specific events should occur within the MRC&LC itself.

**Merredin & Districts Little Athletics Club:**

Because this is a junior sport, no memberships or use fees are paid by the Athletics Club for use of the facility. Substantial costs are incurred, particularly in marking the running track (paint alone was in the order of

---

\$1000) as well as mowing the track and playing surfaces. The Club also utilises other aspects of the MRC&LC such as storage and general facilities without any contribution.

No work has been undertaken at this stage to establish a cost structure but this can be done if Council adopts a position that the Athletics Club should contribute towards the sport specific costs as well as though associated with the general operation of the Centre.

The Club has also requested that the jump pit(s) be edged in concrete to contain the sand. It is also believed that additional works may also be requested for other sports such as discuss. The Club advises this is prevailing standard practice for jump pits.

Local Government Insurance Services has advised that concrete should not be considered. It will be providing information on acceptable alternatives.

**Merredin Civic Bowling Club:**

The specific condition relating to memorabilia should be amended to that outlined for the Basketball Association. Please see above.

**Merredin Fire & Rescue Service:**

No changes are required to this MOU.

**Merredin Agricultural Society:**

Special terms for this MOU allow for the use of the indoor court area free of charge for two days prior and the day of the Show. In practice, the entire facility is used including the ovals and outdoor courts. There are also additional requirements such as fencing, additional litter control as well as staff time in post-event cleanup. No record has been found of any contribution towards the additional usage.

Recognition of the success of the Show needs to be recognised either by recognising within the MOU that the entire MRC&LC is used or alternatively giving some consideration towards recouping the costs by direct cost recovery or applying the schedule of fees and charges.

This comment may also apply to other users who utilise other aspects of the Centre (such as the indoor playground area) without additional costs.

**Statutory/Policy Implications**

Nil

**Financial Implications**

There is the potential to increase revenues from user charges.

**Officer's Recommendation**

1. *That the Merredin Basketball Association MOU be amended as follows:  
"1. Permit the Merredin Basketball Association to display memorabilia in the Function Room in the cabinets provided for that purpose."*
2. *That the Merredin Districts Lawn Tennis Club MOU be amended to not permit the sale of alcohol without first obtaining an occasional license.*
3. *That Council determine its position on whether junior sports should be charged for use of the MRC&LC and whether the charge be by way of a membership or user charge and if Council resolves in the affirmative Staff prepare a further report to Council and that Council not permit the installation of concrete surrounds on or near playing surfaces.*
4. *That the Merredin Civic Bowling Club MOU be amended as follows:  
"1. Permit the Merredin Basketball Association to display memorabilia in the Function Room in the cabinets provided for that purpose."*
5. *That Council determine its position on a fee structure to apply for the use of the MRC&LC by the Merredin Agricultural Society.*
6. *That Council determine its position on whether charges should apply to all users of the MRC&LC when facilities at the MRC&LC not directly associated with the user's principal activity are utilised.*

**30728**

Moved Cr Carr

Seconded Cr Forbes

**Resolution**

1. That the Merredin Basketball Association MOU be amended as follows: "1. Permit the Merredin Basketball Association to display memorabilia in the Function Room in the cabinets provided for that purpose."
2. That the Merredin Districts Lawn Tennis Club MOU be amended to not permit the sale of alcohol without first obtaining an occasional licence.
3. That Council support a user charge being levied on junior sport and the issue be referred to the Sports Council for further definition.
4. That Council encourage Little Athletics to use a non-concrete product approved by Council's insurers.
5. That the Merredin Civic Bowling Club MOU be amended as follows: "1. Permit the Civic Bowling Club to display memorabilia in the Function Room in the cabinets provided for that purpose."
6. That the Merredin Agricultural Society MOU be amended to permit use of the MRC&LC free of charge for two (2) days.
7. That the matter of whether charges should apply to all users of the MRC&LC when facilities at the MRC&LC not directly associated with the user's principal activity are utilised be referred to the Sports Council for consideration.

**CARRIED 8/0**

**13.8 TIER 3 RAIL – RETENTION & FUNDING**

|                                |  |
|--------------------------------|--|
| <b>Reporting Department:</b>   | Administration                           |
| <b>Reporting Officer:</b>      | CEO                                      |
| <b>Legislation:</b>            | N/A                                      |
| <b>File Reference:</b>         |  |
| <b>Disclosure of Interest:</b> | Nil                                      |
| <b>Attachment:</b>             | Background Information<br>Correspondence |

---

---

**Background**

Staff and the Shire President met with the Hon Phil Gardiner and staff on Tuesday 13<sup>th</sup> September to discuss the retention of the Tier 3 rail network. The party (without Max Trenorden due to adverse flying conditions) was meeting with representatives of all Councils which are members of the Rail Retention Alliance with a view to seeking a way forward to retain grain on rail.

This had been prompted by recent meetings with the Minister for Transport, Troy Buswell, which resulted in a decision for the rail to remain open over the coming grain season. It became apparent there was the potential for the rail lines to remain open on a permanent basis should funding be available.

By way of additional background information provided by the Hon Phil Gardiner is at **Attachment 13.8A**.

**Comment**

Following the meeting the letter at **Attachment 13.8B** received.

During discussions earlier in the day merit was seen in supporting Option 2 as outlined in the letter to the extent of 10% of the funding made available to upgrade grain transport affected local roads. The option would not adversely affect Council's operations over the financial year and may provide the opportunity to reduce the impact on Council's road network over the coming years whilst still providing some funding to upgrade Council's road network.

**Statutory/Policy Implications**

Nil

**Financial Implications**

Approximately \$1.7 million is included in the current budget. Should this allocation be reduced there would be no adverse impact on Council financially but the road network would not be upgraded to the same extent. However should rail remain open this may not have adverse long term effects on Council's road construction and perhaps more importantly maintenance budget.

**30729**

Moved Cr Crook

Seconded Cr Morris

**Officer's Recommendation**

***That the Hon Max Trenorden MLC be advised that Council supports the initiative to retain grain on rail through option 2 being the Shires which comprise the Alliance approach the Minister (for Transport) to redirect the unallocated funding provided for local roads in the Tier 3 zone.***

**CARRIED 8/0**

**13.9 MERREDIN COMMUNITY RESOURCE CENTRE - FUNDING**

|                                |  |
|--------------------------------|--|
| <b>Reporting Department:</b>   | Administration   |
| <b>Reporting Officer:</b>      | CEO  |
| <b>Legislation:</b>            |  |
| <b>File Reference:</b>         |  |
| <b>Disclosure of Interest:</b> | Nil  |
| <b>Attachment:</b>             | Correspondence and Spreadsheets<br>Memorandum of Understanding |

---

---

**Background**

Funding for the Merredin Community Resource Centre was first considered in June 2011 where a request for \$136,454.74 lay on the table pending clarification. In July 2011 Council resolved that an inspector from the Department of Consumer and Employment Protection be requested to rule on the matter and that carryover funding be provided until the matter was resolved.

**Comment**

Since the July Council meeting the matter has been ongoing. Funding totalling \$35,342.41 was provided. It was eventually determined that DOCEP does not provide an audit service but will only act on evidence of fraudulence.

Correspondence was then received from the MCRC in early September. That together with the reply is included at **Attachment 13.9A**. Included in the attachment are four spreadsheets listing financial activity as outlined in the last letter from the MCRC. Time and resources have not permitted verification of the spreadsheet prior to the agenda closing for the Council Meeting but as they are based on Council's financial records the assumption has been made that it is correct.

As stated in the letter dated 12<sup>th</sup> September, 2011, the amount now requested is \$105,504.96 of which \$56,492.36 relates to unspent grants. Contact has been made with the Department of Regional Development and Lands which will provide documentation in relation to grants provided to the MCRC.

From discussions at the July Council meeting, there appears to be two issues. Firstly, the unspent grants on which there should be no question about providing to the MCRC. The second is the claim on the balance of funding of \$49,012.60 generated by MRCR from its own endeavours. A copy of the latest MOU between Council and the MCRC is at **Attachment 13.9B** for Council's information.

**Statutory/Policy Implications**

Nil

**Financial Implications**

Any financial transaction is unbudgeted expenditure and will require a resolution by absolute majority.

**Officer's Recommendation**

1. That Council provides \$56,492.36 to the Merredin Community Resource Centre being unspent grant funds.
2. That Council determine its position in relation to the balance of funding sought by the Merredin Community Resource Centre

**30730** Moved Cr Morris Seconded Cr Forbes  
**Resolution**  
*That Council provides \$56,492.36 to the Merredin Community Resource Centre being unspent grant funds.*  
**CARRIED 7/1**  
**CARRIED BY ABSOLUTE MAJORITY**

**30731** Moved Cr Morris Seconded  
*That Council pay to the Merredin Community Resource Centre \$49012.60*  
**MOTION LAPSED FOR WANT OF A SECONDER**

**30732** Moved Cr Carr Seconded Cr Townrow  
*That the amount of \$24506.30 be paid to the Merredin Community Resource Centre.*  
**CARRIED 5/3**  
**CARRIED BY ABSOLUTE MAJORITY**  
Cr Crees requested that his vote in the negative be recorded.



**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**

Councillor Hooper thanked Councillor Townrow for the 12 and a half years of service she has given to the Shire of Merredin and the Community. He noted the passion and support she brought to Council and wished Councillor Townrow and her family all the best for the future.

Councillor Townrow expressed her thanks for the support she has received from Council and wished luck to all those who have nominated in the upcoming elections.

Councillor Hooper also thanked Councillors Carr, Crees, Forbes and Young for their contributions and to Council and wished everyone luck in the Local Government Elections.

**17.0 MATTERS BEHIND CLOSED DOORS**

Nil

**18.0 CLOSURE**

Councillor Hooper declared the meeting closed at 5.10pm.