

SHIRE OF MERREDIN



“Heart of the Wheatbelt”

MINUTES OF ORDINARY COUNCIL MEETING

19 OCTOBER 2010

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Minutes of the Ordinary Meeting of the Shire of Merredin held in the Council Chambers, Corner King and Barrack Streets, Merredin on Tuesday 21 September 2010 commencing at 1.00pm.

ATTENDANCE:

Councillors:	KA Hooper	Shire President
	RM Crees	Deputy Shire President
	D Crook	
	P Forbes	
	M Morris	
	J Townrow	
	W Wallace	
	M Young	
Leave of Absence:	A Carr	
Staff:	G Powell	Chief Executive Officer
	S Grayston	Acting Executive Manager of Finance and Administration
	V Green	Executive Assistant to Chief Executive Officer
	J Mitchell	Executive Manager of Development Services
Media:	T Murphy	Merredin-Wheatbelt Mercury
Medal Recipients:	F Alvaro, W Crook, J Crook	
Public:	R Alvaro, E Crook, M Howell	

1.0 OFFICIAL OPENING

The Shire President declared the meeting open at 1.00pm.

T Murphy, F Alvaro, R Alvaro, W Crook, J Crook, E Crook and M Howell were in attendance.

2.0 PUBLIC QUESTION TIME

Nil

This Agenda Item 5.0 was brought forward.

5.0 PETITIONS AND PRESENTATIONS

The Shire President conducted a presentation of the FESA National Service Medal and Clasps.

T Murphy, F Alvaro, R Alvaro, W Crook, J Crook, E Crook and M Howell left the meeting at 1.09pm and did not return.

3.0 APOLOGIES AND LEAVE OF ABSENCE

Cr Carr has been granted Leave of Absence for the October 2010 Council Meeting (**CMRef 30408**).

4.0 DISCLOSURE OF INTEREST

Nil.

Cr Hooper left the meeting at 1.10pm. Cr Crees, as Deputy President, assumed the Chair.

5.0 PETITIONS AND PRESENTATIONS

Refer to Page 4 for information on this Agenda Item.

6.0 CONFIRMATION OF MINUTES**6.1 Ordinary Council Meeting**

Confirmation of the minutes of the Ordinary Council Meeting held on 21 September 2010.

Officer's Recommendation / Resolution**30440**

Moved Cr Townrow Seconded Cr Wallace

That the minutes of the Ordinary Council Meeting held on 21 September 2010 be confirmed as a true and correct record of proceedings.

CARRIED 7/0

7.0 ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

Nil.

8.0 MATTERS FOR WHICH THE MEETING MAY BE CLOSED TO THE PUBLIC**17.1 Land Purchase – Brereton Machinery Premises – Watson Road, Merredin**

Refer to Page 38 for information on this Agenda Item.

9.0 RECEIVAL OF MINUTES OF COMMITTEE MEETINGS HELD SINCE THE PREVIOUS MEETING OF COUNCIL**9.1 Merredin/Westonia Liquor Accord Meeting held on 13 July 2010**
Attachment 9.1A

Nil Recommendations to Council.

9.2 Eastern Wheatbelt Declared Species Group Meeting held on 24 August 2010
Attachment 9.2A

Nil Recommendations to Council.

Note: There is a further Agenda Item referencing the Eastern Wheatbelt Declared Species Group at Agenda Item 13.5, refer to Page 30.

9.3 Merredin Heritage Advisory Committee Meeting held on 23 September 2010
Attachment 9.3A**Committee Recommendation****7.2 Merredin Heritage Advisory Committee**

Moved Avril Parker Seconded Donna Crook
That the Merredin Heritage Advisory Committee recommend to Council that Council endorse Pam Masters, President of the Merredin Museum and Historical Society, be endorsed as the Railway Museum representative on the Merredin Heritage Advisory Committee and John Rutherford, Vice President of the Merredin Museum and Historical Society, be endorsed as the Railway Museum proxy representative on the Merredin Heritage Advisory Committee effective immediately.

CARRIED 3/0

9.4 Wheatbelt East Regional Organisation of Councils Executive Meeting held on 29 September 2010
Attachment 9.4A

Nil Recommendations to Council.

9.5 Western Australian Local Government Association Great Eastern Country Zone Meeting held on 30 September 2010
Attachment 9.5A

Nil Recommendations to Council.

- 30441** **Officer's Recommendation / Resolution (en bloc)**
Moved Cr Townrow Seconded Cr Morris
That Council receive the minutes of the Merredin/Westonia Liquor Accord Meeting held on 13 July 2010, the Eastern Wheatbelt Declared Species Group Meeting held on 24 August 2010, the Merredin Heritage Advisory Committee Meeting held on 23 September 2010, the Wheatbelt East Regional Organisation of Councils Executive Meeting held on 29 September 2010 and the Western Australian Local Government Association Great Eastern Country Zone Meeting held on 30 September 2010.
- CARRIED 7/0**

Cr Hooper entered the meeting at 1.12pm and resumed the Chair.

9.3.7.2 Merredin Heritage Advisory Committee

- 30442** **Officer's Recommendation / Resolution**
Moved Cr Forbes Seconded Cr Townrow
That Council endorse Pam Masters, President of the Merredin Museum and Historical Society, as the Railway Museum representative on the Merredin Heritage Advisory Committee and John Rutherford, Vice President of the Merredin Museum and Historical Society, as the Railway Museum proxy representative on the Merredin Heritage Advisory Committee effective immediately.
- CARRIED 7/1**

10.0 COMMUNITY SERVICES

10.1 COMMUNITY SPORTING AND RECREATION FACILITIES FUND

Reporting Department:	Community Services
Reporting Officer:	Debbie Morris – Executive Manager, Community Services
Legislation:	Local Government Act 1995
File Reference:	GS/2/9
Disclosure of Interest:	Nil
Attachments:	Application

Background

The grant application process for Community Sporting and Recreation Facilities Fund (CSRFF) Annual and Forward Planning grants is:

1. all applications are to be lodged at the Local Government Authority (LGA) by the end of September;
2. applications are assessed by LGA staff and recommendations prepared in October;
3. applications are considered at the October Council meeting and ranked in priority order to be lodged at DSR's Regional Office by 4pm on the last working day in October.

Comment

No applications were received by the Shire of Merredin from the community.

At its September 2010 meeting Council supported an application being submitted by the Shire of Merredin for a synthetic surface at the Merredin Recreation Ground for the purpose of hockey, tennis and soccer; and allocation of the necessary funding from Royalties for Regions 2010/2011 and 2012/2013 towards the synthetic surface project (**CMRef 30412**).

Following discussions at the September 2010 Council meeting regarding the size of the proposed synthetic surface, staff undertook some investigations on the field sizes.

Dimensions for a hockey field are 91.4m x 55m with recommendations of 5m at the ends and 4m at the sides of the field run off area.

Dimensions for soccer are minimum length 90m – maximum length 120m and minimum width 45m – maximum width 90m. Football West have confirmed that for the Premier State and Division 1 Leagues to play, the minimum width must be 60m. There is no restriction on length. This is only 5m wider than the hockey field and would have no effect on the lighting. However Football West have also indicated that the State League will be changing the minimum length to 100m as from 2012.

Quotations for the surface have been sourced for 100m length and 64m width (6,420m²) surface.

This size field will accommodate 12 tennis courts.

Statutory/Policy Implications

Nil.

Financial Implications

Total cost of the synthetic surface project is \$1,678,243 excluding GST which is made up of the following contributions:

Shire of Merredin	\$978,243
Turf Alliance	\$100,000
Volunteer Labour	\$ 50,000
CSRFF application	\$550,000

Note: CSRFF level of funding guidelines state *“The maximum grant offered for standard grant applications is one third of the total estimated project cost (excluding GST). DSR will assess the total eligible cost of your project (excluding GST) from the information provided. Any ineligible items shown as eligible will be deducted from the eligible project cost. This may result in the funding eligible for your project being less than the amount you have requested.”*

Officer’s Recommendation / Resolution

30443

Moved Cr Wallace

Seconded Cr Townrow

That Council:

- 1. accept the Shire of Merredin application, as presented in Attachment 10.1A, for a multipurpose synthetic surface at the Merredin Recreation Ground for the purpose of hockey, tennis and soccer for the Department of Sport and Recreation Community Sporting and Recreation Facilities Fund; and***
- 2. submit the Shire of Merredin application, as presented in Attachment 10.1A to the Department of Sport and Recreation as Council’s number one priority for the Community Sporting and Recreation Facilities Fund prior to the last working day in October 2010.***

CARRIED 8/0

Mr Mitchell, Executive Manager of Development Services, entered the meeting at 1.15pm.

11.0 DEVELOPMENT SERVICES

11.1 RESERVE 27001, LOT 1117 THROSSELL ROAD – OLD SCOUT HALL – REQUEST TO RENEW LEASE

Reporting Department:	Development Services
Reporting Officer:	John Mitchell – Executive Manager, Development Services
Legislation:	Lands Administration Act 1997, Local Government Act 1995
File Reference:	A3144; Lease 5
Disclosure of Interest:	Nil
Attachments:	Nil

Background

In June 2004 Council consented to a lease of the old scout hall, corner of Woolgar Avenue and Throssell Road, Merredin to the Peoples Baptist Church, 80 Hammond Street, Kellerberrin.

The lease expired on 30 June 2009. A request for renewal has been received from the Pastor. There is no option clause within the lease.

Comment

Council granted planning consent PA04/04 to permit the Church to establish. There is no correspondence limiting the lease.

There are no issues with the current lessor. All utilities are paid by the lessor.

There is no known impediment to a new lease as development of the land is not proposed in the near future.

The building is asbestos clad, with insufficient lighting, poor ablution facilities and is at the end of its useful life.

Statutory/Policy Implications

The approval of the Minister for Lands to enter into the lease is required.

Financial Implications

Current rent on the building is \$10 per annum.

Current costs are routine fire extinguisher service, Residual Circuit Device service, building insurance and employees time to inspect the building. Approximately \$2,500 is spent by Council on minimal maintenance and employee costs. A rent of \$50 per week is basic costs recovery.

Officer's Recommendation / Resolution

30444

Moved Cr Townrow

Seconded Cr Young

That, subject to Ministerial approval, Council enters into a lease with the Peoples Baptist Church of the Old Scout Hall, Lot 1117, corner of Woolgar Avenue and Throssell Road, Merredin, Reserve 27001 for a three year period to expire on 30 June 2012 with rent of \$50 per week to be applied from 1 October 2010.

CARRIED 8/0

**11.2 HEALTH ACT 1911 – SECTION 135 DELEGATED AUTHORITY – LOCATION
25250, 32 ARMSTRONG ROAD, BURRACOPPIN**

Reporting Department:	Development Services
Reporting Officer:	John Mitchell – Executive Manager, Development Services
Legislation:	Health Act 1911 – 1979 (as amended)
File Reference:	A8128
Disclosure of Interest:	Nil
Attachments:	Correspondence and Notice

Background

In April 2010 the occupants of a dwelling situated at the above location contacted the Development Services section to advise of the condition of the dwelling leased to the occupant.

In summary, allegedly the owner had decided to return to the farm and required the occupant to relocate to a different dwelling of an apparently lower standard. The Environmental Health Officer (EHO) advised the occupant to further discuss the nature of the complaints with the owner and seek a solution.

Subsequent to this the EHO was advised that the negotiations failed and that the dwelling was substandard. The dwelling was inspected by the EHO on 25 May 2010 and a request for compliance issued to the owners. The request is contained in **Attachment 11.2A**.

Comment

On 29 September 2010 the occupants of the dwelling approached the Executive Manager of Development Services (EMDS) to advise that the repairs had not been addressed.

On 30 September 2010 the dwelling was inspected by the EMDS to ensure that the issuing of a Section 135 Health Act Notice declaring the dwelling unfit for human habitation was warranted.

The inspection determined that the dwelling was so dangerous as to warrant the immediate serving of the notice for safety reasons. The inspection determined the issues as contained in schedule two of the Section 135 Health Act notice, **Attachment 11.2B**, as requiring immediate attention.

Statutory/Policy Implications

The provisions of Section 135 of the Health Act 1911 are applicable. The decision to proceed to either a Section 139 Health Notice requiring the immediate upgrade of the dwelling or a Section 137 Health Act Notice is being discussed with the landowner in coming weeks.

Detailed below is Section 135 to Section 139 of the Health Act 1911 for Council information.

“135. Dwellings unfit for habitation

- (1) Any local government may, of its own motion, and shall, when required by order of the Executive Director, Public Health by notice in writing, declare that any house, or any specified part thereof, is unfit for human habitation.*
- (2) The notice may direct that such house or part thereof shall not, after a time to be specified in the notice, be inhabited or occupied by any person.*
- (3) The notice shall be affixed to some conspicuous part of the house, and a copy of such notice shall be served upon the owner or occupier thereof.*

[Section 135 amended by No. 28 of 1984 s. 45; No. 14 of 1996 s. 4.]

136. Such house not to be let or occupied

Any person who, after the expiration of the specified time, inhabits or occupies, or suffers to be inhabited or occupied, such house or part thereof, commits an offence.

[Section 136 amended by No. 113 of 1965 s. 8(1); No. 80 of 1987 s. 31.]

137. Condemned building to be amended or removed

A notice may be served by the local government upon the owner of such house directing him, within a time limited by such notice, either to amend the same in some specified manner or take down and remove the same.

Provided that —

- (i) the notice may direct the owner to take down and remove the house, without giving him the alternative of amending the same; and*
- (ii) any person aggrieved by any notice under this section may apply to the State Administrative Tribunal for a review of the decision.*

[Section 137 amended by No. 30 of 1932 s. 21; No. 14 of 1996 s. 4; No. 55 of 2004 s. 483.]

138. Land to be cleaned up after removal of house or building therefrom
Any person who dismantles any house, building, or other structure, whether in pursuance of a notice from the local government or not, shall forthwith clean the land to the satisfaction of the local government, and remove all rubbish to a place appointed by the local government.
[Section 138 inserted by No. 30 of 1932 s. 22; amended by No. 14 of 1996 s. 4.]

139. Owner may be required to clean or repair house
In addition to the powers contained in the preceding sections of this Part, a local government may, if in its opinion any house is unfit for human habitation by reason of uncleanness or want of repair, require the owner of such house by a notice served on such owner to render clean or to repair such house within the time and in the manner specified in such notice.
[Section 139 inserted by No. 32 of 1937 s. 6; amended by No. 14 of 1996 s. 4.]”

An absolute majority of Council is required to endorse the use of delegated authority.

Financial Implications

There are no known financial implications to Council at this time.

Officer's Recommendation / Resolution

30445 Moved Cr Townrow Seconded Cr Morris

That Council:

- 1. endorse the actions of the Chief Executive Officer in declaring the timber framed, asbestos cement clad and steel roofed dwelling situated on Location 25250, 32 Armstrong Road, Burracoppin unfit for human habitation effective from the 1 October 2010; and***
- 2. delegate authority to the Chief Executive Officer to, if necessary, take further action prescribed by the Health Act 1911, including issuance of notices in accordance the Health Act 1911.***

**CARRIED 8/0
ABSOLUTE MAJORITY**

11.3 LAND PURCHASE – LOT 1504 BARRACK STREET, MERREDIN; RESERVE 13059

Reporting Department:	Development Services
Reporting Officer:	John Mitchell – Executive Manager, Development Services
Legislation:	Local Government Act 1995
File Reference:	R13059
Disclosure of Interest:	Nil
Attachments:	Nil

Background

At its September 2009 meeting Council resolved (**CMRef 30108**):

- 1. 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.*
- 2. 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 Barrack Street, Merredin has been received from the Public Transport Authority (PTA). The offer is to be formalised by PTA to the Shire of Merredin. Despite research by the Executive Manager of Development Services (EMDS), the invoices for the environmental audits etc cannot be found. Research has included contacting the firm (now closed down), Whelans (which resulted in a nil response), and a search of archives.

Comment

The valuation for market valuation is \$425,000. A copy will be tabled at the meeting.

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 demand 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 and the taking of ground water from the site may act as an further deterrent to on-sale.

Recently the Chief Executive Officer and the EMDS met with PTA representatives. At that meeting it was decided that the PTA would supply a written offer to Council for consideration.

Council has requested the Premier to transfer Crown Land in the Merredin townsite to Council at no cost in order to stimulate development. Once formalities have been progressed by PTA, it would be appropriate to put this matter before the Premier for consideration.

At the time of writing this report no offer had been received.

An option to consider is leasing the land for development rather than by purchase.

In addition, there is still land (Lot 10366) on the west side of town (Corner of Gabo and Crooks Roads) owned by Council that can be developed for future industrial use.

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 2008/2009 cost \$50/m² for infrastructure costs including roads. Allowing \$10-\$15 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 4,000m².

It is unlikely that Council will see a return on investment.

Officer's Recommendation / Resolution

30446

Moved Cr Townrow Seconded Cr Morris

- 1. That Council decline to purchase the land at Lot 1504 Barrack Street, Merredin Reserve 13059 at a cost of \$425,000.**
- 2. That the Administration provide an Outline Development Plan to Location 10366 for light industrial and general industrial development.**
- 3. That the matter of transferring the land at Lot 1504 Barrack Street, Merredin Reserve 13059 at no cost to Council be put before the Premier for consideration.**

CARRIED 8/0

11.4 LOTS 360 – 363 TODD STREET, MERREDIN - OFFER TO PURCHASE TWO LOTS

Reporting Department:	Development Services
Reporting Officer:	John Mitchell – Executive Manager, Development Services
Legislation:	Local Government Act 1995
File Reference:	A1742
Disclosure of Interest:	Nil
Attachments:	Correspondence and Locality Plan

Background

A request for Council to consider the sale of two of the lots owned by Council on the corner of Allenby and Todd Street (Lots 360 – 361), Merredin has been received. A copy of the letter and a locality plan is contained in **Attachment 11.4A**.

Council may recall that the land was originally offered for the establishment of a fast food pizza shop in 2009.

Comment

The Shire of Merredin owns Lots 360 – 363 Todd Street, Merredin.

The proposed business is defined as a “Motor Vehicle Wash” or “Car Wash”. It is largely automated allowing 24 hour use. There are no employees proposed.

There is insufficient information to consider the proposal and the applicant seeks an approval to sell in principle. Detailed plans would then follow.

Lots 363 and 362 Todd Street, Merredin (immediate adjacent to Allenby Street) would suit a drive through business.

Statutory/Policy Implications

Lots 360 – 363 Todd Street, Merredin are zoned “Tourist” pursuant to Town Planning Scheme No. 1. Lots 360 – 363 Todd Street, Merredin will be zoned “Highway Service” pursuant to the Local Planning Scheme No. 6.

A “Motor Vehicle Wash” is a “D” use within the proposed Local Planning Scheme No. 6. A “Car Wash” as defined within the Town Planning Scheme No. 1 is not permissible in the “Tourist” zone.

The sale of land is controlled via Section 3.58 of the Local Government Act 1995.

Financial Implications

History suggests a valuation of \$35,000 per block.

Officer's Recommendation

Moved Cr Townrow Seconded Cr Crees

That the applicant be advised to submit detailed information on the proposal so that Council can consider the sale of Lots 360-361 Todd Street, Merredin to establish a Motor Vehicle Wash.

AMENDMENT

- 30447** Moved Cr Townrow Seconded Cr Crees
That the words "that Council supports the proposal and" are inserted at the beginning of the recommendation.

CARRIED 8/0

THE AMENDMENT BECAME THE MOTION**Resolution**

- 30448** Moved Cr Townrow Seconded Cr Crees
That Council supports the proposal and the applicant be advised to submit detailed information on the proposal so that Council can consider the sale of Lots 360-361 Todd Street, Merredin to establish a Motor Vehicle Wash.

CARRIED 8/0

11.5 OUTLINE DEVELOPMENT PLAN – LOT 1335 WHITFIELD WAY, MERREDIN

Reporting Department:	Development Services
Reporting Officer:	John Mitchell – Executive Manager, Development Services
Legislation:	Planning and Development Act 2005; Town Planning Scheme No. 1; Local Planning Scheme No. 6;
File Reference:	LUP/13/2
Disclosure of Interest:	Nil
Attachments:	Revised Outline Development Plan

Background

Advice has been received from the Western Australian Planning Commission (WAPC) that the Outline Development Plan (ODP) adopted at Council's October 2008 meeting (**CMRef 29725**) is substantially different to the subdivision plan proposed to the WAPC and that pursuant to Local Planning Scheme No. 6 (not yet adopted) the ODP has not been adopted in accordance with the requirements of clause 5.10 of that Scheme.

The matter must therefore be submitted to Council.

Comment

Council's resolution reads:

"That the draft overlay plan as shown in Attachment 11.6B for stage Two of Whitfield Way (development of Lot 1335) be adopted and the Administration prepare a detailed report on subdivision cost estimates and submit the report to Council for consideration."

The proposed Scheme, however, states that an ODP is required and needs to address various issues:

"5.10.8 An outline development plan shall address, but is not limited to, the following:

- (a) lot sizes, dimensions and identification of building envelopes of building exclusion areas;*
- (b) areas to be set aside for public open space, pedestrian accessways, horse trails, community facilities, etc, as may be considered appropriate;*
- (c) strategic firebreaks;*
- (d) any catchment management plan recommendations;*

- (e) any part of the natural environment which is required to be protected from degradation, including tree planting to counteract salinity;
- (f) any facilities which the purchasers of the lots will be required to provide (e.g. liquid or solid waste disposal);
- (g) areas where conventional septic tanks may not be suitable;
- (h) the description of joining land(s), connections to adjoining land(s) and their uses;
- (i) remnant vegetation and any land affected by rare and endangered flora and fauna; and
- (j) location of water courses, drainage lines and areas of inundation and the distance of any infrastructure from these."

In order to progress the subdivision of Whitfield Way, Council will need to address the issues and then advertise for 30 days.

The attached ODP addresses those issues (**Attachment 11.5A**).

In order to progress the subdivision, delegated authority to the Chief Executive Officer to approve the ODP is recommended. Two previous periods of advertising did not attract a submission.

Statutory/Policy Implications

Nil. An absolute majority of Council is required to endorse the use of delegated authority.

Financial Implications

Additional costs of advertising shall be incurred.

Officer's Recommendation / Resolution

30449 Moved Cr Young Seconded Cr Morris

- 1. That Council adopt the revised 2008 Outline Development Plan as presented in Attachment 11.5A and that the Outline Development Plan be advertised for a period of 30 days.**
- 2. That the Chief Executive Officer be granted delegated authority to approve the Outline Development Plan at the completion of the advertising period should no adverse submissions be received.**

**CARRIED 8/0
ABSOLUTE MAJORITY – ITEM 2**

Mrs Grayston, Acting Executive Manager of Finance and Administration, entered the meeting at 1.36pm.

Mr Mitchell, Executive Manager of Development Services, left the meeting at 1.49pm.

12.0 ENGINEERING SERVICES

Nil Recommendations to Council.

13.0 FINANCE AND ADMINISTRATION

13.1 POLICY MANUAL REVIEW – POLICY 3.7 TENDERS - PROCEDURE

Reporting Department:	Finance and Administration
Reporting Officer:	Sharon Grayston – Acting Executive Manager, Finance and Administration
Legislation:	Local Government (Functions and General) Regulations 1996 (amended 2007)
File Reference:	Council Policy Manual
Disclosure of Interest:	Nil
Attachments:	Policy

Background

In 2007, work progressed at a State level to amend the Local Government (Functions and General) Regulations 1996 to increase the tender threshold from \$50,000 to \$100,000, which also requires local governments to prepare and adopt a Purchasing Policy. The effects of the amendments took effect on 30 March 2007. The Western Australian Local Government Association (WALGA) prepared and distributed a model policy in 2007 which staff have adapted to suit the requirements of the Shire of Merredin.

Council updated its Purchasing Policy which was adopted by Council on 21 September 2010 (**CMRef 30429**). The existing Policy 3.7 Tenders - Procedure (**Attachment 13.1A**) has since been reviewed to determine whether it complies with the Local Government (Functions and General) Regulations 1996 (amended 2007) and the WALGA model policy. The Policy needed a substantial re-write and the amended Policy is included in **Attachment 13.1B**.

Comment

For purchases of \$100,000 and above the Shire of Merredin will conduct a public tender process as stipulated in Part 4 of the Local Government (Functions & General) Regulations 1996 (amended 2007). The purpose of Policy 3.7 Tenders – Procedure is to provide a framework by which the Shire can invite, evaluate and accept Tenders and Expressions of Interest. Openness and accountability are critical elements of the tendering process and hence it is essential to have a framework which adequately addresses matters of probity in the acquisition of goods and services.

The policy also:

1. provides information on the legislation required to be complied with when officers are undertaking purchasing of goods and/or services through the tendering process for the Shire of Merredin;
2. provides guidelines to the requirements for when tender processes must be undertaken;
3. provides guidelines on conducting a tender process;
4. provides guidelines as to the record keeping requirements when undertaking tender processes for the procurement of goods and/or services; and
5. provides other relevant information that will assist and provide clarification so as to ensure the tender process for the Shire of Merredin is undertaken in accordance with legislative requirements.

Statutory/Policy Implications

Local Government (Functions and General) Regulations 1996 (amended 2007) and amendment to Council's Policy Manual.

Financial Implications

Nil.

Officer's Recommendation / Resolution

30450

Moved Cr Morris

Seconded Cr Townrow

That Council adopt the amended Council Policy 3.7 Tenders - Procedure as presented in Attachment 13.1B.

CARRIED 8/0

13.3 COUNCIL CHRISTMAS OPENING TIMES 2010

Reporting Department:	Finance and Administration
Reporting Officer:	Sharon Grayston – Acting Executive Manager, Finance and Administration
Legislation:	Nil
File Reference:	Nil
Disclosure of Interest:	Nil
Attachments:	Nil

Background

For the past few years, the Council Administration Centre and Shire facilities have remained open during the period between Christmas and New Year. However, staff have commented that this is an extremely quiet period with public visitations being minimal. This is also the case with the Shire telephone service. It is understood that dealings with the Shire by the public are generally concluded before Christmas or left until after the New Year.

A number of staff have already indicated to Senior Staff a desire to take annual leave or rostered days off (RDO) between Christmas and New Year. Consequently, this will affect service delivery if the Administration Centre and Shire facilities were to remain open.

On-call arrangements will be put in place prior to the Christmas period to ensure that emergencies can be responded to. Senior staff will be available on mobile phone and emergency contact details will be advertised.

There are two days between Christmas and New Year where the Administration Centre and Shire facilities could remain open, Wednesday 29 December 2010 and Thursday 30 December 2010. Council has traditionally, for a number of years, closed on Christmas Eve, the 24th December and New Years Eve, the 31st December. Details of the public holidays for Christmas and New Year are provided below:

Friday 24/12/10 CLOSED	Saturday 25/12/10	Sunday 26/12/10	Monday 27/12/10 PH in lieu of 25/12	Tuesday 28/12/10 PH in lieu of 26/12	Wednesday 29/12/10*	Thursday 30/12/10*
Friday 31/12/10 CLOSED	Saturday 01/01/11	Sunday 02/01/11	Monday 03/01/11 PH in lieu of 01/01	Tuesday 04/01/11 OPEN	Wednesday 05/01/11 OPEN	Thursday 06/01/11 OPEN

*Days to be considered for closing

13.4 REFINANCING OF EXISTING COUNCIL LOANS

Reporting Department:	Finance and Administration
Reporting Officer:	Sharon Grayston – Acting Executive Manager, Finance and Administration
Legislation:	Local Government Act 1995
File Reference:	Nil
Disclosure of Interest:	Nil
Attachments:	Existing Loan Repayment Schedules and Indicative Loan Termination and Repayment Schedule

Background

Staff have recently been in consultation with the Western Australian Treasury Corporation to assess the options available to the Shire to refinance existing Council loans. The Shire of Merredin currently has seven loans in place as detailed in Note 5 of the 2010/2011 Budget, summarised as follows:

- 202 – Professional Housing;
- 205 – Merredin Medical Centre Renovation;
- 208 – Staff Housing;
- 209 – Whitfield Way Residential Land Development;
- 210 – Merredin Recreation Centre;
- 212 – Burracoppin Sporting Club; and
- 213 – Merredin Recreation Centre Loan 2.

Loan 202 Professional Housing has a maturity date of 3 October 2011 and is therefore not included in the refinancing option. Loan 212 Burracoppin Sporting Club for \$20,000 commenced on 19 September 2005 over a 10-year term. Due to the low principal and interest repayments, \$1,975 and \$667 respectively in 2010/2011, this loan too is excluded from the refinancing option.

The following table therefore provides the status of the remaining Council loans as at 7 October 2010.

Loan	Loan Amount	Maturity Date	2010/2011 Loan repayments (Principal and Interest)	Total Payments Outstanding
205	\$150,000.00	27 June 2023	\$12,469.00	\$162,106.62
208	\$125,956.00	25 June 2024	\$11,406.00	\$159,684.46
209	\$300,000.00	9 January 2016	\$39,809.00	\$218,950.71
210	\$700,000.00	15 May 2026	\$61,755.00	\$972,636.21
213	\$250,000.00	15 May 2018	\$38,674.00	\$299,723.50
Totals	\$1,525,956.00		\$164,113.00	\$1,813,101.50

A summary of the background of the loans and their basic terms is also provided for the benefit of Council in **Attachment 13.4A**.

An indicative Loan Termination and Repayment Schedule has been provided from Treasury Corporation, **Attachment 13.4B** refers, assuming a hypothetical settlement date of 7 October 2010 with a maturity date of 7 October 2020, a 10 year term, and is based on interest rates prevailing on 6 October 2010. The table below summarises information provided for a loan amount of \$1,301,660.61. This is the amount required to finance the existing loans, however the Treasury Corporation recommend seeking approval from Council of a higher amount to allow for movement in interest rates.

Loan Amount	Capital Repayment	Interest Repayment	Total Fixed Payment	Indicative Guarantee Fee	Indicative Total Payment
\$1,301,660.61	\$1,301,660.61	\$419,991.12	\$1,721,651.73	\$7,433.48	\$1,729,085.21

As can be seen, the Shire's indicative total payment is \$84,016.30 less if Council refinances five of its existing loans. This is the difference between the total payments outstanding on existing loans, \$1,813,101.50 and the indicative total payment of the new loan, \$1,729,085.21. However, Council need to be aware that the Principal and Interest repayments will increase by \$8,795 annually.

Although there appears to be no financial benefit of refinancing the five existing loans, Treasury Corporation advise that at maturity date of the refinanced loan, 7 October 2020, the Shire will be in a debt free position which will then enable future loans to be negotiated and used to finance future strategic projects.

As a result, it is recommended that Council approve, by absolute majority resolution, the refinancing of Loans 205, 208, 209, 210 and 213 with a loan amount of \$1,350,000 over a 10-year term.

If Council approve by resolution the refinancing of its existing loans, the Local Government Act 1995 Section 6.20(2a) states that one month's local public notice of the proposal must be given as the loan was not included in the Shire of Merredin 2010/2011 Budget. To fulfil this requirement, an advertisement will be placed in the Mercury and on the Shire's website.

Statutory/Policy Implications

Local Government Act 1995.

Financial Implications

Although existing loans are included in the 2010/2011 Budget, any proposal to borrow monies must be in accordance with Section 6.20(2a) of the Local Government Act 1995. As the refinancing is potentially a new loan and was not included in the 2010/2011 Budget, it will need to be advertised for one (1) month.

Officer's Recommendation / Resolution**30454**

Moved Cr Forbes

Seconded Cr Crees

That Council approve, pursuant to Section 6.20(2a) of the Local Government Act 1995, the refinancing of Loans 205, 208, 209, 210 and 213 with a new loan of \$1,350,000 over a 10 year term subject to the Shire giving one month's local public notice of its proposal to refinance such loans.

**CARRIED 8/0
ABSOLUTE MAJORITY**

13.5 EASTERN WHEATBELT DECLARED SPECIES GROUP - FORMATION OF A RECOGNISED BIOSECURITY GROUP

Reporting Department:	Administration
Reporting Officer:	Greg Powell – Chief Executive Officer
Legislation:	Biosecurity and Agricultural Management Act 2007; Local Government Act 1995
File Reference:	CR/17/14
Disclosure of Interest:	Nil
Attachments:	Minutes and Correspondence

Background

The Shire of Merredin has been a member of the Eastern Wheatbelt Declared Species Group (EWDSG) for the previous few years with Cr Crees as the Council delegate. The EWDSG is the Group involved in the control of wild dogs in the central and eastern Wheatbelt.

Recent meetings of the EWDSG have discussed the proposal that the EWDSG become a Recognised Biosecurity Group (RBG). At the EWDSG's August 2010 meeting the Group agreed in principle to becoming a RBG and that the written support of member Shires would be sought. The minutes of the meeting are contained in **Attachment 13.5A**.

Comment

There appears to be concern within the EWDSG that moving to a RBG could result in a loss in funding and that local control of the Group could also be lost.

Whilst the Biosecurity and Agricultural Management Act 2007 states that any funding raised within the boundaries of the RBG is to remain with and be used by that RBG, further investigations into the proposal are continuing, however the EWDSG's preferred option is to commence the process of forming a RBG whilst maintaining the current structure.

Statutory/Policy Implications

Nil.

Financial Implications

The Shire of Merredin currently allocates \$5,000.00 per annum to the EWDSG from Account E052070 – Animal Control Expenses.

Officer's Recommendation / Resolution**30455**

Moved Cr Young

Seconded Cr Forbes

That Council agrees in principle to the Eastern Wheatbelt Declared Species Group becoming a Recognised Biosecurity Group.

CARRIED 8/0

13.6 CHRISTMAS FUNCTION 2010

Reporting Department:	Administration
Reporting Officer:	Greg Powell – Chief Executive Officer
Legislation:	Council Policy Manual
File Reference:	Nil
Disclosure of Interest:	Nil
Attachments:	Nil

Background

Council Policy 1.13 states *“That Council provide a joint Christmas Function for Councillors, Council staff and immediate families. The Chief Executive Officer is to place an item on the Council agenda no later than November of each year requesting Council to set a date and location for the function.”*

The 2007, 2008 and 2009 Christmas Functions were held at the Merredin Regional Community and Leisure Centre (MRC&LC) with between 100-120 people attending each Function.

The MRC&LC works well as a venue and the perception that it is a “neutral location” has resulted in the attendance of more staff in recent years, particularly from the Engineering Services Crew.

However, despite the success of the 2007 and 2008 Functions, the organisation of the event had fallen largely to the Administration team resulting in their limited participation in the Function. Hence the 2009 Function was fully catered by an outside business which resulted in every staff member being able to enjoy the whole event.

Statutory/Policy Implications

As mentioned, Council Policy 1.13 refers.

Financial Implications

There is an allocation of \$3,000.00 in the 2010/20011 Budget at Account E041110 - Refreshments and Receptions for the Staff Christmas Function.

Comment

With the recent renovations to Cummins Theatre now complete this offers a second possible location for the Function. The facility would be private however, particularly as it is a family event, there is limited activities available for children.

Councillors and staff were surveyed to determine their preferred location and the responses received indicate that the MRC&LC was the preferred choice, however it should be noted that all the MRC&LC staff voted in favour of the event being held at Cummins Theatre.

The reason for this may be that the MRC&LC is their place of work, as so it does not seem like a “break” for them. Additionally there may be the assumption that the Bar Coordinator would be required to work, as has previously been the case, however, with enough notice there is no reason an approved volunteer Bar Manager cannot fulfil the duties required for the evening.

As the majority of those surveyed have indicated that their preferred location is the MRC&LC it is therefore proposed that the Annual Christmas Function be held on Friday 17 December 2010 at the MRC&LC in the form of a fully catered buffet.

Officer’s Recommendation / Resolution

30456

Moved Cr Forbes

Seconded Cr Crees

That the 2010 Christmas Function be held on Friday 17 December 2010 at the Merredin Regional Community and Leisure Centre in the form of a fully catered buffet.

CARRIED 7/1

13.8 POLICY MANUAL REVIEW – POLICY 1.12 COMMITTEE MEETINGS

Reporting Department:	Administration
Reporting Officer:	Greg Powell – Chief Executive Officer
Legislation:	Local Government Act 1995
File Reference:	Council Policy Manual
Disclosure of Interest:	Nil
Attachments:	Policy

Background

At its September 2004 meeting Council adopted Policy 1.12 – Committee Meetings (**CMRef 27632**). As part of the ongoing review of Council's Policy Manual the Policy has been reviewed (**Attachment 13.8A**).

Comment

Policy 1.12, if required at all, can be consolidated into Policy 1.9. It is therefore proposed to delete Policy 1.12 from Council's Policy Manual.

Statutory/Policy Implications

Update of Council Policy Manual.

Financial Implications

Nil.

Officer's Recommendation / Resolution

30458 Moved Cr Townrow Seconded Cr Young
That Council delete Policy 1.12 – Committee Meetings from Council's Policy Manual.

CARRIED 8/0

13.9 POLICY MANUAL REVIEW – POLICY 1.13 ANNUAL CHRISTMAS FUNCTION

Reporting Department:	Administration
Reporting Officer:	Greg Powell – Chief Executive Officer
Legislation:	Local Government Act 1995
File Reference:	Council Policy Manual
Disclosure of Interest:	Nil
Attachments:	Policy

Background

At its September 2004 meeting Council adopted Policy 1.13 – Annual Christmas Function (**CMRef 27632**). As part of the ongoing review of Council's Policy Manual the Policy has been reviewed (**Attachment 13.9A**).

Comment

The changes made to the policy are considered typographical, therefore minor in nature and do not affect the intent of the Policy.

Statutory/Policy Implications

Update of Council Policy Manual.

Financial Implications

An allocation is made in Council's Budget each year for an annual Christmas Function.

Officer's Recommendation / Resolution

30459 Moved Cr Young Seconded Cr Crook

That Council adopt Policy 1.13 – Annual Christmas Function as presented in Attachment 13.9A.

CARRIED 8/0

