

SHIRE OF MERREDIN



“Heart of the Wheatbelt”

MINUTES OF COUNCIL MEETING

20 JANUARY 2009

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MINUTES

Minutes for the Ordinary Meeting of the Shire of Merredin held in the Council Chambers, Corner King and Barrack Streets, Merredin on Tuesday 20 January 2009 commencing at 1.00pm.

ATTENDANCE: Cr KA Hooper – Shire President
Cr RM Crees – Deputy Shire President
Crs S Elliott; P Forbes; M Hayden; A Hooper; M Morris; J Townrow (1.07pm); W Wallace; M Young

Messrs FB Ludovico, Chief Executive Officer; V Green, Executive Assistant; D Morris, Executive Manager of Community Services; P Swain, Acting Executive Manager of Development Services (1.05pm) and J Twomey, Acting Executive Manager of Finance and Administration

Faye Hampel, Christine Carew-Hopkins

1.0 OFFICIAL OPENING

The Presiding Person declared the meeting open at 1.03pm. Faye Hampel, Christine Carew-Hopkins, Debbie Morris, Executive Manager of Community Services and Philip Swain, Acting Executive Manager of Development Services were in attendance.

2.0 PUBLIC QUESTION TIME

Faye Hampel and Christine Carew-Hopkins addressed Council in relation to the temperature of the Pool located within the Merredin Regional Community and Leisure Centre. They indicated that the temperature of the Pool should be raised to 33°C and provided Council with medical documentation in support of this.

Philip Swain entered the meeting at 1.05pm.

Cr Townrow entered the meeting at 1.07pm.

The Shire President informed the meeting that the Pool had a dual use purpose that required varying temperatures specific to those uses and this needed to be brought into consideration, as did Health Department Regulations in relation to water temperature of Pools.

The Shire President thanked Faye Hampel and Christine Carew-Hopkins for taking the time to attend and address Council .

Faye Hampel and Christine Carew-Hopkins left the meeting at 1.16pm and did not return.

Refer to Page 50 for further information on this Agenda Item.

3.0 APOLOGIES AND LEAVE OF ABSENCE

Cr Simmonds (CMRef 29789), Cr Townrow (CMRef 29752) and Cr Wallace (CMRef 29790) had been granted Leave of Absence for this meeting.

29828

Moved Cr Young

Sec Cr Forbes

That Councillor Morris be granted Leave of Absence for all Council and Committee meetings to be held between 21 January 2009 and 16 February 2009.

CARRIED 10/0

29829

Moved Cr Elliott

Sec Cr Young

That Councillor Forbes be granted Leave of Absence for all Council and Committee meetings to be held between 21 January 2009 and 20 February 2009.

CARRIED 10/0

4.0 DISCLOSURE OF INTEREST

Cr Morris declared a Proximity Interest in Agenda Item 12.1 and a Impartiality Interest in Agenda Item 13.3.

Cr Townrow declared a Financial Interest in Agenda Item 15.1.

5.0 PETITIONS AND PRESENTATIONS

Nil

6.0 CONFIRMATION OF MINUTES

6.1 Previous Council Meetings

Confirmation of the Minutes of the previous Council Meeting held on 16 December 2008.

29830

Moved Cr Morris

Sec Cr Elliott

That the minutes of the meeting of Council held on 16 December 2008 be confirmed as a true and correct record of proceedings with the addition of the word "Cr" preceding the word "Hayden" as the Seconder for CMRef 29799 and CMRef 29800.

CARRIED 10/0

MINUTES

7.0 ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

Nil

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

Nil

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

9.1 Sustainable Desert Timber Steering Group Meeting held on 21 November 2008

Attachment 9.1A

9.2 Western Australian Local Government Association Great Eastern Country Zone Teleconference Meeting held on 27 November 2008

Attachment 9.2A

9.3 Merredin Regional Community and Leisure Centre Advisory Committee Meeting held on 22 December 2008

Attachment 9.3A

9.4 Merredin Business and Community Development Committee Meeting held on 7 January 2009

Attachment 9.4A

29831

Moved Cr Elliott

Sec Cr Young

That Council receive the minutes of the Sustainable Desert Timber Steering Group Meeting held on 21 November 2008, the Western Australian Local Government Association Great Eastern Country Zone Teleconference Meeting held on 27 November 2008, the Merredin Regional Community and Leisure Centre Advisory Committee Meeting held on 22 December 2008 and the Merredin Business and Community Development Committee Meeting held on 7 January 2009 with the addition of the Leave of Absence of Cr Townrow as an apology into the Merredin Business and Community Development Committee Meeting Minutes.

CARRIED 10/0

9.1 Sustainable Desert Timber Steering Group

Nil Recommendations to Council

9.2 Western Australian Local Government Association Great Eastern Country Zone

Nil Recommendations to Council

9.3 Merredin Regional Community and Leisure Centre Advisory Committee

Nil Recommendations to Council

9.4 Merredin Business and Community Development Committee

Nil Recommendations to Council

9.4.1 Proxies for February 2009 Merredin Business and Community Development Committee Meeting

Due to the Leave of Absences granted to Councillors who are on the Merredin Business and Community Development Committee, to maintain a Quorum for the February 2009, Proxies will need to be nominated.

Cr Elliott nominated to be Proxy for Cr Young, Cr Crees nominated to be Proxy for Cr Forbes and Cr A Hooper nominated to be Proxy for Cr Morris.

10.0 COMMUNITY SERVICES

10.1 **REVIEW OF SPORT AND RECREATION IN REGIONAL WESTERN AUSTRALIA**

Reporting Department: Community Services
Reporting Officer: Debbie Morris - Executive Manager,
Community Services
Legislation: Local Government Act 1995

Background

The Department of Sport and Recreation (DSR) undertook a Review of Sport and Recreation in Regional Western Australia (2008). The review identified a number of key issues and recommendations for regional Local Governments which mirror issues raised in the Western Australian Local Government Association (WALGA) Systemic Sustainability Study.

The final report is available on DSR's website which is www.dsr.wa.gov.au.

WALGA provided all Councils with a summation of the key issues identified in the report in December 2008 (**Attachment 10.1A**).

WALGA has provided initial comments back to DSR and will advise Councils of DSR's response in due course. However in the meantime, WALGA is seeking any further feedback from Councils.

Comment

The review was undertaken by DSR throughout 2007 and 2008 in a number of locations throughout the State, with two being held in the Wheatbelt in Northam on 22 October 2007 and in Narrogin on 6 December 2007. It appears that no Wheatbelt representatives participated in these forums. Merredin did not attend as the dates were not suitable for Recreation staff, with the opening of the Recreation Centre on 20 October 2007 and the Recreation Centre Manager considering her resignation around December 2007.

There are a number of pertinent items that have been raised in the review that directly relate to Merredin and the Central East Region. With no input into the review, Council may wish to take this opportunity to make comments through WALGA.

Listed below are excerpts from WALGA's Info Page (December 2008).

Labour

Local Governments may need to improve and/or adapt employment conditions and practices to attract and retain their personnel.

Infrastructure

The operating costs for sport and recreation facilities have risen significantly in recent years, especially in many small to medium sized towns where population catchments are finite.

Aquatic Centres

Regional Local Governments have a growing need to significantly upgrade/replace ageing aquatic infrastructure over the long term.

CSRFF

The real value of the contribution by the State Government, through DSR's CSRFF program, to sport and recreation infrastructure projects since 2000 has declined by approximately fifty percent. The value of the programs needs restoration.

Note: WALGA met with the Hon Terry Waldron, Minister for Sport and Recreation to discuss ageing pool infrastructure and the need to explore alternative funding models for CSRFF.

Staff Comment - While the CSRFF Program lends fortune to many significant infrastructure needs, it is also aiding in the decline of income/use of those regional recreation complexes by allowing small towns, that are in close proximity to regional centres, to access funding for similar infrastructure. DSR need to be fully transparent when allocating CSRFF funding and take into consideration the CSRFF Program Aim of "Rational development of sustainable, good quality, well designed and well utilised facilities".

Joint-Use Facilities

The optimal use of the community's investment in school based sport and recreation facilities is not being realised, despite the benefits of shared or dual use being compelling and widely accepted best practice.

Note: WALGA is currently working on developing a new framework for joint-use facilities in consultation with Local Governments.

Staff Comment - WALGA in their consultation with Local Governments, for the development of a new framework for joint-use facilities, investigate options to include recreation facilities other than school based.

Public Open Space (POS) & Reserves

Regional Local Governments are being encouraged, with support from DSR and the DPI, to undertake needs assessments of the provision of playing fields. Key State Government agencies need to partner regional Local Governments regarding forward planning for sustainable and adequate provision of public open space.

Water

Sport and recreation organisations will need to contribute to strategies that Local Governments develop in their water conservation plans (required by Department of Water 2008/2009), e.g. use of synthetics, resource sharing etc.

Wheatbelt specific issues are listed in **Attachment 10.1B**.

Officer's Recommendation

That Council provide the following comments to the Western Australian Local Government Association in regard to the Review of Sport and Recreation in Regional Western Australia:

1. *CSRFF - While the CSRFF Program lends fortune to many significant infrastructure needs, it is also aiding in the decline of income/use of those regional recreation complexes by allowing small towns, that are in close proximity to regional centres, access to funding for similar infrastructure. Department of Sport and Recreation need to be fully transparent when allocating CSRFF funding and take into consideration the CSRFF Program Aim of "Rational development of sustainable, good quality, well designed and well utilised facilities".*
2. *Joint Use Facilities – The Western Australian Local Government Association in their consultation with Local Governments, for the development of a new framework for joint-use facilities, investigate options to include recreation facilities other than school based.*

29832

Moved Cr Crees

Sec Cr Morris

That Council provide the following comments to the Western Australian Local Government Association in regard to the Review of Sport and Recreation in Regional Western Australia:

1. *CSRFF - While the CSRFF Program lends fortune to many significant infrastructure needs, it is also aiding in the decline of income/use of those regional recreation complexes by allowing small towns, that are in close proximity to regional centres, access to funding for similar infrastructure. Department of Sport and Recreation need to be fully transparent when allocating CSRFF funding and take into consideration the CSRFF Program Aim of "Rational development of sustainable, good quality, well designed and well utilised facilities".*
2. *Joint Use Facilities – The Western Australian Local Government Association in their consultation with Local Governments, for the development of a new framework for joint-use facilities, investigate options to include recreation facilities other than school based.*

CARRIED 10/0

10.2 MERREDIN GOLF CLUB STARTING FACILITY

Reporting Department: Community Services
Reporting Officer: Frank Ludovico – Chief Executive Officer
File Reference: RCS/4/28

Background

Council has previously been advised that the Merredin Golf Club intend to relocate to the Merredin Regional Community and Leisure Centre (MRC&LC) facility at the start of the 2009 season.

Council has encouraged this move by agreeing to undertake the moving of fairways (June 2005 **CMRef 27990**) and was actively engaged in processing the clearing permit so the new golf fairways could be constructed to link up with the new Rec Centre.

In late December 2008, representatives of the Golf Club met with the Chief Executive Officer, the Executive Manager of Development Services and the Building Projects Manager to discuss establishing a starting facility where people could congregate before they start their golf round and to mark and return their cards at the end of the round.

It was proposed to refurbish the old Pony Club Rooms to be used as this facility.

The Club undertook to install a new roof and repaint the building. The Golf Club also pointed out that it was spending significant funds in establishing new tees and this should be considered when discussing this issue.

It was estimated that the materials would cost between \$10,000.00 and \$12,000.00, not including labour.

The remaining item, i.e. the upgrade of the effluent/plumbing system, could be undertaken by Council. Investigation by Council's Building Projects Manager indicated that this would cost approximately \$6,000.00.

At the meeting, it was agreed that assistance would be sought from Council to undertake these works.

Financial Implications

Council has not provided any funding for the upgrade of the plumbing system at the Pony Club Rooms/Golf Club Starting Facility.

Council provided \$46,000.00 for the upgrade of the Apex Park Toilets in its 2008/2009 Budget. This project has been completed and funding is available from this area to undertake the required plumbing works.

Comment

Council has been very keen to incorporate all sports into the MRC&LC to provide a single area to undertake all sporting activities in Merredin, and relocating the Golf Club continues that process.

Contributing to upgrading the plumbing/effluent system will provide encouragement to the Golf Club, as they will be undertaking the bulk of the work required to bring the facility up to a standard.

The Club is very keen to relocate to the MRC&LC and wishes to have this work undertaken in time for their April 2009 start date, supporting this enthusiasm would be appropriate.

Council's Recreation Ground Master Plan records there will be a Golf Starting Facility in the region of the old Pony Club Rooms and undertaking this work will be in compliance with the Recreation Ground Master Plan.

Officer's Recommendation

That Council provides \$6,000.00 to undertake the replacement/upgrade of the plumbing/effluent system to the Golf Club Starting Facility (old Pony Club Rooms) from Account E113500 – Apex Park Toilets.

ABSOLUTE MAJORITY REQUIRED

29833

Moved Cr Townrow Sec Cr Morris

That Council provides \$6,000.00 to undertake the replacement/upgrade of the plumbing/effluent system to the Golf Club Starting Facility (old Pony Club Rooms) from Account E113500 – Apex Park Toilets.

**CARRIED 9/1
ABSOLUTE MAJORITY**

Debbie Morris, Executive Manager of Community Services, left the meeting at 1.31pm.

11.0 DEVELOPMENT SERVICES

11.1 TOWN PLANNING – APPLICATION FOR GROUPED DEVELOPMENT – LOT 960 THROSSSELL STREET, MERREDIN, DEPARTMENT OF HOUSING AND WORKS, TWO THREE BEDROOM WEATHERBOARD CLAD AND COLORBOND ROOFED DWELLINGS

Reporting Department:	Development Services
Reporting Officer:	John Mitchell – Executive Manager, Development Services
Legislation:	Planning and Development Act 2005, Residential Design Codes April 2008, Shire of Merredin Town Planning Scheme No. 1
File Reference:	A3147 & PA24-08

Background

An application to establish two dwellings on Lot 960 Throssell Street, Merredin has been received from Quality Builders Group, PO Box 303, Kalamunda WA 6076. The plans of the development are contained within **Attachment 11.1A**.

In December 2005, Council considered an application to construct two three bedroom dwellings on the Lot and resolved (**CMRef 28243**): -

That the Merredin Shire Council grant planning consent to Iliadis and Associates Architects, for the Department of Housing and Works, in relation to application for planning consent PA20/05 to construct two three bedroom grouped dwellings at Lot 960 Throssell Road, Merredin subject to the following conditions –

- 1. All residential building work to be the subject of a building license and comply with the Building Code of Australia 2005;*
- 2. Proposed retaining walls to be the subject of a building license;*
- 3. The grouped dwellings to be connected to the Water Corporation WA mains sewer; and*
- 4. All fencing on site to be constructed in accordance with Shire of Merredin Local Law No. 7 – Fencing.*

The property was previously occupied by a duplex which was removed in accordance with Shire of Merredin Demolition License DA07/05. The property is serviced by Water Corporation sewer mains, as such the R20 density code applies to the proposed grouped dwelling development on this property. All other relevant utilities are provided.

The application subsequently lapsed as the applicants did not undertake the development within the 2 year timeframe allowed.

Statutory Implications

A grouped dwelling is defined by the Residential Design Codes (the Codes) as “a dwelling that is one of a group of two or more dwellings on the same lot such that no dwelling is placed wholly or vertically above another”.

The property is located in the Residential (R1) zone as per the Shire of Merredin Town Planning Scheme No. 1 (the Scheme), with an assigned density code of R12.5/20.

A grouped dwelling is not permitted (“PS”) in the Residential (R1) zone unless special approval is given by Council and conditions complied with.

The property, currently vacant, is served by Water Corporation sewer mains, as such the R20 density code applies to development on this property. All other relevant utilities are provided.

The provisions of the R Codes 2008 have been met.

All other conditions in the December 2005 resolution are covered by other legislation.

Financial Implications

Town Planning fees are levied on applications as per Council’s Schedule of Fees and Charges and under the provisions of the Town Planning (Local Government Planning Fees) Regulations 2000.

The relevant fee applicable to this application for planning consent is \$2,025.00, which has been paid by the applicant.

Comment

Lot 960 Throssell Street, Merredin is vacant. The property has an area of 1,056m². The proposed construction of two grouped dwellings on the lot equates to an average of 528m² per block. The R Codes 2008 require the rear lot to have a minimum of 540m² and the front lot a minimum of 440m². These requirements have been met.

Officer’s Recommendation

That the application from Quality Builders Group submitted on behalf of the Department of Housing and Works, to establish two three bedroom weatherboard clad, colorbond roofed dwellings on Lot 960 Throssell Street, Merredin, be approved.

29834

Moved Cr Morris

Sec Cr Crees

That the application from Quality Builders Group submitted on behalf of the Department of Housing and Works, to establish two three bedroom weatherboard clad, colorbond roofed dwellings on Lot 960 Throssell Street, Merredin, be approved.

CARRIED 10/0

11.2 **TOWN PLANNING – GROUPED DEVELOPMENT – LOT 6 BOYD STREET, MERREDIN – DEPARTMENT OF HOUSING AND WORKS, TWO THREE BEDROOM WEATHERBOARD CLAD AND COLORBOND ROOFED DWELLINGS**

Reporting Department: Development Services
Reporting Officer: John Mitchell – Executive Manager, Development Services
Legislation: Planning and Development Act 2005, Residential Design Codes April 2008, Shire of Merredin Town Planning Scheme No. 1
File Reference: A424 & PA23-08

Background

An application to establish two dwellings on Lot 6 Boyd Street, Merredin has been received from Quality Builders Group, PO Box 303, Kalamunda WA 6076. The plans of the development are contained within **Attachment 11.2A**.

In August 2006, Council considered an application to construct two three bedroom dwellings on the Lot and resolved (**CMRef 28581**): -

That the Merredin Shire Council grant planning consent to Iliadis and Associates Architects, for the Department of Housing and Works, in relation to application for planning consent PA09/06 to construct two three bedroom grouped dwellings at Lot 6 Boyd Street, Merredin subject to the following conditions –

1. *All residential building work to be the subject of a building license and comply with the Building Code of Australia 2006;*
2. *Stormwater drainage and disposal details to be submitted prior to the issue of the planning consent and to be to the satisfaction of the Chief Executive Officer;*
3. *Proposed retaining walls to be the subject of a building license;*
4. *The grouped dwellings to be connected to the Water Corporation WA mains sewer; and*
5. *All fencing on site to be constructed in accordance with Shire of Merredin Local Law No. 7 – Fencing*

The application subsequently lapsed as the applicant did not undertake the development within the 2 year time frame allowed.

Statutory Implications

A grouped dwelling is defined by the Residential Design Codes (the Codes) as “a dwelling that is one of a group of two or more dwellings on the same lot such that no dwelling is placed wholly or vertically above another”.

The property is located in the Residential (R1) zone as per the Shire of Merredin Town Planning Scheme No. 1 (the Scheme), with an assigned density code of R12.5/20.

MINUTES

A grouped dwelling is not permitted ("PS") in the Residential (R1) zone unless special approval is given by Council and conditions complied with.

The property is serviced by Water Corporation sewer mains, as such the R20 density code applies to development on this property. All other relevant utilities are provided.

The provisions of the R Codes 2008 have been met.

All other conditions in the August 2006 resolution are covered by other legislation.

Financial Implications

Town Planning fees are levied on applications as per Council's Schedule of Fees and Charges and under the provisions of the Town Planning (Local Government Planning Fees) Regulations 2000.

The relevant fee applicable to this application for planning consent is \$2,025.00, which has been paid by the applicant.

Comment

Lot 6 Boyd Street, Merredin is vacant. The property has an area of 986m². The proposed construction of two grouped dwellings on the lot equates to an average of 493m² per block. The R Codes 2008 require the rear lot to have a minimum of 540m² and the front lot a minimum of 440m². These requirements have been met.

Officer's Recommendation

That the application from Quality Builders Group submitted on behalf of the Department of Housing and Works, to establish two three bedroom weatherboard clad, colorbond roofed dwellings on Lot 6 Boyd Street, Merredin, be approved.

29835

Moved Cr Morris

Sec Cr Crees

That the application from Quality Builders Group submitted on behalf of the Department of Housing and Works, to establish two three bedroom weatherboard clad, colorbond roofed dwellings on Lot 6 Boyd Street, Merredin, be approved.

CARRIED 10/0

11.3 **TOWN PLANNING – GROUPED DEVELOPMENT – LOT 941 MILL STREET, MERREDIN – DEPARTMENT OF HOUSING AND WORKS, TWO THREE BEDROOM WEATHERBOARD CLAD AND COLORBOND ROOFED DWELLINGS**

Reporting Department: Development Services
Reporting Officer: John Mitchell – Executive Manager, Development Services
Legislation: Planning and Development Act 2005, R Codes 2008, Shire of Merredin Town Planning Scheme No. 1.
File Reference: A2508 & PA25-08

Background

An application to establish two dwellings on Lot 941 Mill Street, Merredin has been received from Quality Builders Group, PO Box 303, Kalamunda WA 6076. The plans of the development are contained within **Attachment 11.3A**.

In July 2006, Council considered an application to construct three two bedroom dwellings on the Lot and resolved (**CMRef 28560**): -

That Council advise Franco Carozzi Architects, for the Department of Housing and Works, that it does support the application for planning consent (PA08/06) to construct three, two bedroom grouped dwellings at Lot 941 Mill St, Merredin as the proposal does not comply with the requirements of the Shire of Merredin Town Planning Scheme No. 1 and referenced Residential Design Codes.

The above recommendation does not make sense and it is assumed the word “not” should be placed after “does” in the second line.

Within that report Council agreed to support the establishment of two dwellings.

In any event, the application lapsed as the development did not occur within the 2 year time frame allowed.

Statutory Implications

A grouped dwelling is defined by the Residential Design Codes (the Codes) as “a dwelling that is one of a group of two or more dwellings on the same lot such that no dwelling is placed wholly or vertically above another”.

The property is located in the Residential (R1) zone as per the Shire of Merredin Town Planning Scheme No. 1 (the Scheme), with an assigned density code of R12.5/20.

A grouped dwelling is not permitted (“PS”) in the Residential (R1) zone unless special approval is given by Council and conditions complied with.

The property, currently vacant, is serviced by Water Corporation sewer mains and as such the R20 density code applies to development on this property. All other relevant utilities are provided.

The provisions of the R Codes 2008 have been met.

Financial Implications

Town Planning fees are levied on applications as per Council's Schedule of Fees and Charges and under the provisions of the Town Planning (Local Government Planning Fees) Regulations 2000.

The relevant fee applicable to this application for planning consent is \$2,025.00, which has been paid by the applicant.

Comment

Lot 941 Mill Street, Merredin is vacant, with the previous duplex being demolished under demolition license DA02/06. The property has an area of 1,048m². The proposed construction of two grouped dwellings on the lot equates to an average of 524m² per block.

The July 2006 application was for 3 dwellings, whereas the current application is for 2 dwellings and so complies with the requirements of the Residential (R1) zone.

Officer's Recommendation

That the application from Quality Builders Group, submitted on behalf of the Department of Housing and Works, to establish two three bedroom weatherboard clad, colorbond roofed dwellings on Lot 941 Mill Street, Merredin, be approved.

29836

Moved Cr Morris

Sec Cr Crees

That the application from Quality Builders Group, submitted on behalf of the Department of Housing and Works, to establish two three bedroom weatherboard clad, colorbond roofed dwellings on Lot 941 Mill Street, Merredin, be approved.

CARRIED 10/0

MINUTES

11.4 TENDER 3 – 08/09 – SUPPLY AND ERECTION OF FENCING MATERIALS – CARRINGTON WAY SUBDIVISION

Reporting Department:	Development Services
Reporting Officer:	John Mitchell – Executive Manager, Development Services
Legislation:	Local Government Act 1995
File Reference:	Tender 3 – 08/09

Background

Tenders were called (**CMRef 29768**) for the supply and erection of fencing materials for the Carrington Way Subdivision.

Due to a management error, approval to accept a tender was not sought by the Administration. Accordingly, in accordance with Policy 3.8 Tenders Procedures, the matter is referred to Council for determination.

Statutory Implications

Tenders must be called in accordance with Section 3.57 of the Local Government Act 1995.

An advertisement occurred within The West Australian on 29 November 2008. Closing date for tenders was set at 17 December 2008.

Financial Implications

An assessment of tenders is provided below: -

1. Mike McFall – only faxed quote - \$85.00/m GST exclusive – extrapolation \$137,275.00 + GST; no references or referees, states aware of the meterage to install before 30 December 2008;
2. Southern Wire – Steve Pilbeam - \$126,900.00 + GST; recent projects information; 4 weeks from gaining entry, allowance for removal of 221.5m of existing fencing; exclusions – underground infrastructure damage, rock underground obstructions, quotation valid 60 days.
3. T & V Fencing - \$112,692.30, valid 30 days, safety plan provided, references provided, insurances provided,
4. Westoz Roofing and Fencing Services - \$104,340.18 + GST = \$114,774.20, referees provided, can commence immediately but must order materials before 23 December 2008, no safety plan provided – can be addressed, carried out site inspection.
5. McDonald Fencing - \$115,092.73 + GST, referees provided, 30% deposit required, extra charges rock, concrete etc, boundaries to be marked/pegged, insurance details provided,
6. Finesse Services - \$109,390.00 + GST, commence immediately, complete Lot 217 fence by 10 January 2009, balance within four weeks, references provided,

MINUTES

7. Country Nostalgia - \$135,000.00 + GST, local tenderer, due to size of project seeks for Council to support through issue of a purchase order to Midalia Steel or similar to allow purchase of materials, can commence immediately.

Council Policy 3.3 permits the local tenderer to receive a 10% allowance from the price submitted. Country Nostalgia are therefore assessed at \$122,727.28 + GST. There are four tenders which are less expensive and offer the same service.

Comment

Addressing the selection criteria: -

Criteria	Weighting	Westoz	Finesse	T & V	Conclusion
Tendered price	40%	\$104K Approx	\$109K Approx	\$112K Approx	Westoz
Relevant Experience	10%	Provided	Provided	Provided Extensive with major projects	Westoz / T& V
Key personnel skills and experience	10%	15 years	10 years	Not stated appears extensive	Westoz
Tenderer's Resources	10%	Provided	Provided	Provided	Equal
Demonstrated Understanding	10%	Yes	Yes	Yes	Equal
Ability to Commence Immediately	20%	Yes	Yes	Yes	Equal
Total	100%				Westoz

The tendered price will be considered along with related factors affecting the total cost to the Principal; e.g. the lifetime operating costs of goods or the Principal's contract management costs may also be considered in assessing the best value for money outcome.

At this time, the Executive Manager of Development Services has only contacted the referees and bank referee of Westoz Roofing and Fencing Services. The referee advised of substantial works undertaken by Westoz and that the Company – Raply Wilkinson - were suitably impressed with the works performed and still use Westoz today. Darren Mahoney (Bankwest) confirms the applicant's (Westoz) ability to fund the project.

Officer's Recommendation

That the Tender from Westoz Roofing and Fencing Services, at a cost of \$104,340.18 plus GST to erect 1,405m of 1,800mm fencing and 210m of 900mm fencing within the Carrington Way Subdivision, be accepted.

29837

Moved Cr Elliott

Sec Cr Townrow

That the Tender from Westoz Roofing and Fencing Services, at a cost of \$104,340.18 plus GST to erect 1,405m of 1,800mm fencing and 210m of 900mm fencing within the Carrington Way Subdivision, be accepted.

CARRIED 10/0

11.5 TOWN PLANNING – OVERSIZE OUTBUILDING – LOT 3 (HOUSE NUMBER 12) CUMMINGS STREET, MERREDIN

Reporting Department: Development Services
Reporting Officer: John Mitchell – Executive Manager,
Development Services
Legislation: Council Policy 8.25
File Reference: A843

Background

An application (**Attachment 11.5A**) to establish an oversize outbuilding on Lot 3, House Number 12 Cummings Street, Merredin has been received from Mr R deWaal of 12 Cummings Street, Merredin.

Mr deWaal seeks to establish a 72m² outbuilding with an apex height of 3.2m.

Statutory Implications

The provisions of Policy 8.25 are applicable. Lot 3 House Number 12 Cummings Street, Merredin has an area of 1,017m².

Policy 8.25 permits single outbuildings of up to 94m² and a total area of 125m², with a wall height of 3.0m and overall height of 3.6m.

Financial Implications

Application fees for town planning approval have been paid.

Comment

The concession sought is for the total area of allowable outbuildings.

A building licence has been issued for the construction of an outbuilding with an area of 72m².

In total there will be 144m² of outbuildings – 31m² more than the Policy limit. Accordingly, the matter is presented to Council for determination.

Officer's Recommendation

That the application from Mr R deWaal to establish an oversize outbuilding (72m²) on Lot 3 House Number 12 Cummings Street, Merredin be approved, with the condition that no additional outbuildings will be constructed on the property.

29838

Moved Cr Forbes

Sec Cr Morris

That the application from Mr R deWaal to establish an oversize outbuilding (72m²) on Lot 3 House Number 12 Cummings Street, Merredin be approved, with the condition that no additional outbuildings will be constructed on the property.

CARRIED 9/1

11.6 **APPLICATION FOR EXPLORATION LICENCE 77/1337 MINDAX ENERGY PTY LTD VIA DEPARTMENT OF INDUSTRY AND RESOURCES, CHANDLER - MERREDIN ROAD RESERVE**

Reporting Department: Development Services
Reporting Officer: Philip Swain – Acting Executive Manager, Development Services
Legislation: Mining Act 1978
File Reference: ED/03/01

Background

An application has been made to the Department of Industry and Resources to undertake exploratory drilling, along a transect that follows the Chandler Merredin Road Reserve, in the Lake Campion Nature Reserve. The majority of exploratory drilling under the proposal is located in the Shire of Nungarin and that Local Government has also been consulted in relation to this matter.

Statutory Implications

Under the provisions of Sections 23 and 26 of the Mining Act 1978, mining may be undertaken on certain classes of land with the written consent of the Minister. The Minister for Mines and Petroleum is to consult with Local Governments where Reserves proposed for mining are vested with them.

Financial Implications

There are no financial implications for the Shire of Merredin. The conditions imposed include controls on the protection of vegetation and the removal of waste and refuse from any operation. There are remedies contained within the Act for the rehabilitation of any disturbed land should the area not be left in a satisfactory state, following the drilling operations.

Comment

Draft conditions and a map relating to the licence are outlined in **Attachment 11.6A**. The area has been subject to historical mining for gypsum and other minerals, however the proposal before Council relates to an exploration licence only.

The Shire of Nungarin resolved to approve of the application and advised the Minister accordingly in late 2008.

Whilst mining within the Lake Campion Nature Reserve is an issue that Council and the community may have strong views about, the current proposal relates to utilising the Road Reserves to undertake a series of exploratory drilling transects through the area. This will have minimal impact on the local environment and it is proposed that Council record that it has no objection to the issue of an exploration licences at this time. It is reasonable that the Shire of Merredin make this concession on the basis of reasonable conditions. Proposed conditions are in addition to those outlined in **Attachment 11.6A** and are as follows;

MINUTES

1. That if required, dust suppression is carried out, so that any people living nearby and traffic using the roads are not adversely affected.
2. Adequate fire precautions are made and drilling cease if a total fire and harvest ban is called at any time during the programme.
3. Exploration activity must not interfere with road drainage and must be beyond the batter line of the road.
4. Road Warning Signs are to be erected in accordance with Australian Standards.
5. All drill holes are to be capped as soon as possible/practicable after drilling.
6. If working within 1,000m of a residence (farmhouse) that drilling only occur between 7:00am and 7:00pm Monday to Saturday with no drilling on Sundays or Public Holidays. Alternatively, the applicant produce a Noise Management Plan in accordance with the requirements of the Environmental Protection (Noise) Regulations 1997.

Officer's Recommendation

That the Administration write to the Minister for Mines and Petroleum and advise, that at this time, Council has no objection to the issue of Exploration Licence 88/1337 to Mindax Energy Pty Ltd in relation to that portion of the Chandler - Merredin Road Reserve within the Shire of Merredin, subject to the application of the following additional conditions;

1. *That, as required, dust suppression is carried out so that any people living nearby and traffic using the roads are not adversely affected;*
2. *Adequate fire precautions are made and drilling ceases if a total fire and harvest ban is called at any time during the programme;*
3. *Exploration activity must not interfere with road drainage and must be beyond the batter line of the road;*
4. *Road Warning Signs are to be erected in accordance with Australian Standards;*
5. *All drill holes are to be capped as soon as possible/practicable after drilling; and,*
6. *If working within 1,000m of a residence (farmhouse) that drilling only occur between 7:00am and 7:00pm Monday to Saturday with no drilling on Sundays or Public Holidays. Alternatively, the applicant produce a Noise Management Plan in accordance with the requirements of the Environmental Protection (Noise) Regulations 1997.*

29839

Moved Cr Crees

Sec Cr Young

That the Administration write to the Minister for Mines and Petroleum and advise, that at this time, Council has no objection to the issue of Exploration Licence 88/1337 to Mindax Energy Pty Ltd in relation to that portion of the Chandler - Merredin Road Reserve within the Shire of Merredin, subject to the application of the following additional conditions;

- 1. That, as required, dust suppression is carried out so that any people living nearby and traffic using the roads are not adversely affected;*
- 2. Adequate fire precautions are made and drilling ceases if a total fire and harvest ban is called at any time during the programme;*
- 3. Exploration activity must not interfere with road drainage and must be beyond the batter line of the road;*
- 4. Road Warning Signs are to be erected in accordance with Australian Standards;*
- 5. All drill holes are to be capped as soon as possible/practicable after drilling; and,*
- 6. If working within 1,000m of a residence (farmhouse) that drilling only occur between 7:00am and 7:00pm Monday to Saturday with no drilling on Sundays or Public Holidays. Alternatively, the applicant produce a Noise Management Plan in accordance with the requirements of the Environmental Protection (Noise) Regulations 1997.*

CARRIED 10/0

11.7 RECYCLING ACTIVITIES – USED OIL COLLECTION

Reporting Department:	Development Services
Reporting Officer:	Philip Swain – Acting Executive Manager, Development Services
Legislation:	Waste Avoidance and Resource Recovery Act 2007
File Reference:	WM/3/3

Background

Dating back to 2005 the Shire of Merredin installed, with the assistance of grant funding, waste oil facilities for the collection of disused oil at the Chandler Road Refuse Site and at the Muntadgin Waste Transfer Station.

Initially, collection of waste oil was free under agreement with Wren Oil. Wren Oil corresponded in September 2007 advising that a charge of 15c/litre +GST of used oil had been placed against the removal of used oil from the collection tanks.

Wren Oil advised:

The Minister acknowledged our recommendation and said it would seem that Government intervention of this kind would not be required if oil collectors were effectively passing on to their customers the cost of shipping used oil to markets.

At Council's 18 September 2007 Meeting Council considered a report from the Executive Manager of Development Services and resolved (**CMRef 29120**);

- 1. That Council acknowledge the correspondence of Wren Oil and arrange to get the used oil facilities emptied using funds from the Waste Management Levy at a cost of 16.5c per litre.*
- 2. That Council voice its objections to the Minister for Environment and the Western Australian Local Government Association for the introduction of the levy.*

Correspondence was sent to the Minister for the Environment and a response received which indicates that the fees are 1% of collection costs and the Local Government would have to pay the same.

At Council's January 2008 Meeting it was resolved (**CMRef 29316**);

1. That Council advise the Federal Minister for the Environment that the used oil facilities located at Muntadgin and Merredin will be closed from the 30 June 2008 and that the service will not be provided until the WA Department of Environment waives the collection tracking fees applicable as a sign of the Government's commitment to zero waste.

2. That the issue be referred to WE-ROC for comment.

In December 2008, Council received advice from the Western Australian Local Government Association (WALGA) that \$145,000.00 in funding has been made available until November 2010 for rebates relating to the cost of oil collection and recycling by Local Governments.

Statutory Implications

There are no specific statutory implications however a continued commitment to waste minimization and recycling of all wastes is an expectation of the Waste Avoidance and Resource Recovery Act 2007. The objects of the Act are;

- (1) *The primary objects of this Act are to contribute to sustainability, and the protection of human health and the environment, in Western Australia and the move towards a waste-free society by —*
- (a) *promoting the most efficient use of resources, including resource recovery and waste avoidance; and*
 - (b) *reducing environmental harm, including pollution through waste; and*
 - (c) *the consideration of resource management options against the following hierarchy —*
 - (i) *avoidance of unnecessary resource consumption;*
 - (ii) *resource recovery (including reuse, reprocessing, recycling and energy recovery);*
 - (iii) *disposal.*

Financial Implications

There has been no budget allocation for the removal of used oil from the facility. The original arrangements were for Wren Oil to service the collection facilities at no cost to Council. The sites are totally or partially unmanned and the implementation of a fee would not be well received and would be extremely difficult to administer.

The costs of disposal to empty the facilities between January and March 2008 were \$2,531.50. This cost represented collections for the previous 12 month period. The estimated costs for Council to continue the service currently are \$3,300.00 per annum.

MINUTES

Preliminary discussions with WALGA indicate that rebates will be up to 50% with the current cost being reduced through a Preferred Supplier Contract tender. This would hopefully reduce the current cost of 15c per litre and enable Council to access rebates for up to 50% of the actual expenditure. The preferred supplier is Council's former contractor Wren Oil.

Whilst the actual costs under the proposed arrangements will not become clear until the rebates are processed it is estimated that the actual cost to Council to provide the service until September 2010 will be in the vicinity of \$900.00 per annum. It is proposed that any costs in 2008/2009 (this is unlikely as the storage facilities are close to empty) be allocated to the Waste Management Strategy Account *E101040* and that subsequent income and expenditure be budgeted in the 2009/2010 and 2010/2011 Budgets.

Comment

Used oil facilities are provided at Muntadgin and Merredin but have not formally been in use since June 2008. Small quantities of oil have been left (containerized) at the transfer station and accepted at the Chandler Road Site, however, general advice to the community has been that the Shire of Merredin can no longer accept waste oil.

There are several options:

1. Accept the proposal and budget in the 2009/2010 Budget for income (rebates) and expenditure to fund the used oil collection program.
2. Council reaffirms its current position not to provide waste oil recycling services.
3. Introduce a levy at the manned Chandler Road site on the basis of a recovery fee for the balance of the cost to Council and close the Muntadgin facility.

Whilst the Shire of Merredin has been very clear about its position on this matter, the efforts by the WALGA to assist Local Governments should be acknowledged. The service has been provided in the past to assist local residents and businesses recover and recycle products. Any fee collection would be a disincentive and administratively cumbersome and is not recommended. Consequently, it is proposed that the Shire of Merredin budget to recommence the service and continue the same until 30 September 2010, despite the now reduced, but real, cost to Council and the community.

Finally, the current facility at Muntadgin incurs a substantial transport cost due to its location away from Great Eastern Highway. It may be appropriate for the Shire of Merredin to relocate the Muntadgin Collection Unit to a location closer to the Great Eastern Highway (Burracoppin). This will need to be discussed with the contractor in due course and be resolved by the Administration if necessary.

Officer's Recommendation

1. *That Council agree to reopen the used oil recycling facilities at the Chandler Road Disposal Site and the Muntadgin Waste Transfer Station until 30 September 2010 on the basis that some recompense is available to Council through the Western Australian Local Government Association's Preferred Supplier Contract and the proposed rebates.*
2. *That the used oil collection service be discontinued on 30 September 2010 unless the levy is removed or alternative funding is made available to Local Government for the continued provision of the service.*

29840

Moved Cr Townrow

Sec Cr Young

1. *That Council agree to reopen the used oil recycling facilities at the Chandler Road Disposal Site and the Muntadgin Waste Transfer Station until 30 September 2010 on the basis that some recompense is available to Council through the Western Australian Local Government Association's Preferred Supplier Contract and the proposed rebates.*
2. *That the used oil collection service be discontinued on 30 September 2010 unless the levy is removed or alternative funding is made available to Local Government for the continued provision of the service.*

CARRIED 10/0

11.8 TOWN PLANNING REPORT – DELEGATED AUTHORITY

Reporting Department:	Development Services
Reporting Officer:	Philip Swain – Acting Executive Manager, Development Services
Legislation:	Planning and Development Act 2005, Shire of Merredin Town Planning Scheme No.1 (the Scheme)

Background

The monthly report on the statutory planning activities for the previous month is provided below for Council's information.

Statutory Implications

It is an offence under the Planning and Development Act 2005 (as amended) for any person to use any land or any building or structure thereon contrary to or otherwise than in accordance with the provisions of the Scheme.

Financial Implications

Town Planning fees are levied on applications as per Councils Schedule of Fees and Charges and under the provisions of the Town Planning (Local Government Planning Fees) Regulations 2000.

DETERMINATION OF DEVELOPMENT APPLICATION WHERE THE ESTIMATED COST OF THE DEVELOPMENT (other than for an extractive industry)	FEE (\$)
Not more than \$50,000.00	\$123.00
More than \$50,000.00 but not more than \$500,000	0.23% of the estimated cost of development
More than \$500,000.00 but not more than \$2.5 million	\$1,150.00 + 0.18% for every \$1.00 in excess of \$500 000.00
Extractive Industry	\$615.00

Comment

The following application was recently granted Town Planning consent –

1. Planning Approval PA22-08 – Lot 25 Gabo Ave Merredin “P” use – Transport Depot workshop and office within the General Industry Zone – value \$400,000.00;

The Chief Executive Officer acting under delegated authority conferred to him by Council Policy 6.2 granted planning consent to the above mentioned application.

Officer's Recommendation

That Council receive the Town Planning Report for December 2008 and January 2009.

29841

Moved Cr Elliott

Sec Cr Townrow

That Council receive the Town Planning Report for December 2008 and January 2009.

CARRIED 10/0

11.9 TAMMA PARK – CLOSURE OF KENDALL STREET

Reporting Department:	Development Services
Reporting Officer:	Frank Ludovico - Chief Executive Officer
Legislation:	Land Administration Act 1997, Town Planning Scheme No. 1, Local Planning Scheme No. 6
File Reference:	Reserve 23739

Background

At Council's November 2008 meeting (**CMRef 29778**) Council agreed to close Kendall Street and incorporate the road into Reserve 23739. A map of the location is included in **Attachment 11.9A**.

The request for the Chief Executive Officer to be authorised to process the request for the closure of Kendall Street to the Minister for Lands, if no adverse submissions are received on the proposal, whilst Carried, was not Carried by Absolute Majority and therefore this Item has been returned to Council for consideration.

The proposal to advertise the closure of Kendall Street occurred in the Merredin Mercury on 26 November 2008 with submissions closing on 9 January 2009.

No submissions were received.

Statutory Implications

Section 58 of the Land Administration Act 1997 applies.

A Local Government cannot resolve to make a request to close roads unless it has advertised the proposal for 35 days in a newspaper circulating in the district and the Local Government has considered any objections made to it.

Comment

As no submissions have been received, Council need to formally resolve to request the Minister for Lands to formally close that portion of Kendall Street which runs into Reserve 23739.

Officer's Recommendation

That Council request the Minister for Lands to close the portion of Kendall Street which runs through Reserve 23739 and include the closed road into Reserve 23739.

29842

Moved Cr Morris

Sec Cr Townrow

That Council request the Minister for Lands to close the portion of Kendall Street which runs through Reserve 23739 and include the closed road into Reserve 23739.

CARRIED 7/3

Philip Swain, Acting Executive Manager of Development Services, left the meeting at 1.50pm.

12.0 ENGINEERING SERVICES

Nil Recommendations to Council

Cr Morris declared a Proximity Interest in this Agenda Item 12.1 and left the meeting at 1.52pm.

12.1 Upgrade of Narembeen Road

Council questioned the scope of works on this project. Instead of a complete reconstruction it may be more appropriate to simply widen the road and therefore extend the length of the road improvement.

The Chief Executive Officer advised he would seek advice from the Executive Manager of Engineering Services.

Refer to Page 42 for further information on this Agenda Item.

Cr Morris entered the meeting at 1.55pm.

13.0 FINANCE AND ADMINISTRATION

This Agenda Item 13.3 was brought forward.

Cr Morris declared an Impartiality Interest in this Agenda Item 13.3.

13.3 2009 LOCAL GOVERNMENT ELECTIONS

Reporting Department:	Administration
Reporting Officer:	Frank Ludovico – Chief Executive Officer
Legislation:	Local Government Act 1995
File Reference:	G/07/03

Background

The next bi-annual election for Local Governments is scheduled for October 2009. For the Shire of Merredin five (5) Councillor positions will become vacant. Those Councillors are Cr Elliott, Cr Hayden, Cr Morris, Cr Simmonds and Cr Wallace.

The Western Australian Electoral Commissioner has written to Council indicating they are prepared to act as a Returning Officer at Council's 2009 elections (**Attachment 13.3A**)

Their quotation to conduct the election is \$13,000.00 including GST.

Statutory Implications

The Local Government Act 1995 provides for Councils to resolve to conduct the 2009 elections by postal vote and for the Electoral Commissioner to be responsible for the conduct of the election (Section 4.61 and 4.20 (4) respectively).

Before Council can appoint the Electoral Commissioner as Council must first obtain the written agreement of the Electoral Commissioner (Section 4.20(4)).

This has been preempted by the Commissioner where it indicates in his letter *"The current procedure required by the Local Government Act 1995 is that my written agreement has to be obtained before the vote is taken. To facilitate the process, you can take this letter as my agreement to be responsible for the conduct of the ordinary elections in 2009 for the Shire of Merredin in accordance with Section 4.20 (4) of the Local Government Act 1995, together with any other elections or polls that may be required. My agreement is subject to the proviso that the Shire of Merredin also wishes to have the election undertaken by the Western Australian Electoral Commissioner as a postal election"*.

MINUTES

If Council wishes to appoint the Electoral Commissioner to conduct the 2009 elections and for the elections to be conducted by postal voting a decision needs to be made eighty (80) days prior to the holding of the 2009 elections. If the election is scheduled for the third Saturday in October 2009 (i.e. 17 October 2009) then the last day to appoint the Electoral Commissioner is 29 July 2009.

Financial Implications

The cost for the 2007 postal election conducted by the Western Australian Electoral Commissioner was \$11,206.24 including GST.

If Council were to conduct an in-person election for 2009 based on five (5) vacancies then the following estimate has been prepared.

Advertising	\$3,000.00
Staff for polling day (Location – Merredin)	\$3,000.00
Stationery	\$1,300.00
Postage	<u>\$ 750.00</u>
Total Cost	\$8,050.00

Comment

The voter turnout figures for the previous mentioned elections were:

2003	56.61%
2005	No election required
2006	Extra-ordinary (No election required)
2007	45.49%

The advantages of using the Western Australian Electoral Commission is that Administration staff will be released from the workload associated with conducting an election and it is also seen as being independent of Council.

It is suggested that the bi-annual election of Councillors should be undertaken by the Western Australian Electoral Commissioner by postal ballot. This offers Council the following advantages:

1. a postal ballot has a higher elector turnout;
2. it is seen to be independent from Council; and
3. relieves Administration staff of the workload associated with the election process.

Whilst the cost seems excessive, it is simply the cost of democracy.

Officer's Recommendation

That Council declare that:

1. *in accordance with Section 4.20 of the Local Government Act 1995, the Western Australian Electoral Commissioner be responsible for the conduct of the 2009 Ordinary Elections together with any other elections or polls which may also be required; and*
2. *in accordance with Section 4.61 of the Local Government Act 1995, that the method of conducting the election will be as a postal election.*

29843

Moved Cr Townrow

Sec Cr Young

That Council declare that:

1. *in accordance with Section 4.20 of the Local Government Act 1995, the Western Australian Electoral Commissioner be responsible for the conduct of the 2009 Ordinary Elections together with any other elections or polls which may also be required; and*
2. *in accordance with Section 4.61 of the Local Government Act 1995, that the method of conducting the election will be as a postal election.*

CARRIED 10/0

MINUTES

Jess Twomey, Acting Executive Manager of Finance and Administration, entered the meeting at 1.56pm.

13.1 MONTHLY FINANCE REPORT – DECEMBER 2008

Reporting Department: Finance and Administration
Reporting Officer: Jess Twomey – Acting Executive Manager,
Finance and Administration
Legislation: Local Government Act 1995

Comment

The attached Monthly Financial Report is provided for Council information.
(Attachment 13.1A)

Officer's Recommendation

That Council receive the Monthly Finance Report for December 2008.

29844

Moved Cr Young

Sec Cr Elliott

That Council receive the Monthly Finance Report for December 2008.

CARRIED 10/0

Councillors enquired on the meaning and detail of the Year to Date Budget figure.

13.2 LIST OF ACCOUNTS PAID

Reporting Department:	Finance and Administration
Reporting Officer:	Jess Twomey – Acting Executive Manager, Finance and Administration
Legislation:	Local Government Act 1995 and Financial Management Regulations

Background

The attached List of Accounts Paid during the month under delegated authority is provided for Council information. (**Attachment 13.2A**)

Statutory Implications

Local Government Act 1995 and Financial Management Regulations.

Financial Implications

All liabilities settled have been in accordance with the Annual Budget provisions.

Officer's Recommendation

That Council receive the schedule of accounts as listed, covering cheques as numbered and totalling \$370,085.11 and amounts directly debited from Council's Municipal Fund Bank Account BSB 066-518 Account Number 000-000-10 totalling \$381,570.34 and outstanding creditors totalling \$165,926.26.

29845

Moved Cr Crees Sec Cr A Hooper

That Council receive the schedule of accounts as listed, covering cheques as numbered and totalling \$370,085.11 and amounts directly debited from Council's Municipal Fund Bank Account BSB 066-518 Account Number 000-000-10 totalling \$381,570.34 and outstanding creditors totalling \$165,926.26.

CARRIED 10/0

13.2.1 Auditors Report

Council were advised that the Auditors Report had been received on Monday 19 January 2009 and a copy of the Report was provided to Councillors for their information.

Council discussed possible dates for a meeting of the Audit Committee with the Auditors

Moved Cr Elliott

Sec Cr Young

That the Administration and Finance Committee convene meetings to be held in Council Chamber with the date & time to be decided, each quarter until the end of the 2008/2009 financial year

LOST 4/6

Jess Twomey, Acting Executive Manager of Finance and Administration, left the meeting at 2.35pm.

**13.4 WHEATBELT EAST REGIONAL ORGANISATION OF COUNCILS
TOURISM GROUP REPRESENTATIVE****Reporting Department:** Administration**Reporting Officer:** Frank Ludovico – Chief Executive Officer**File Reference:** GR/10/08

Background

Correspondence has been received from Mr Steve O'Halloran, Director Economic Development, Wheatbelt East Regional Organisation of Councils (WE-ROC) inviting Council to nominate a representative to become part of a WE-ROC Travel Group to help advise WE-ROC on issues relating to tourism. (**Attachment 13.4A**).

Comment

This is a different Group to that established by the Central Wheatbelt Visitor Centre.

The purpose of this Group is to provide advice to the WE-ROC Council on tourism matters in the region, much in the same way as NEWTRAVEL, made up of persons interested in tourism, provide advice to NEW-ROC in that region.

It could be this Group that provides the WE-ROC representative in the Central Wheatbelt Visitor Centre MoU Working Group.

It is understood Council's Visitor Centre Manager will attend the meetings and it would be appropriate to nominate a person involved in the tourism industry.

Officer's Recommendation

That Council nominate _____ to the Wheatbelt East Regional Organisation of Councils Tourism Group.

Cr Young left the meeting at 2.36pm.

29846

Moved Cr Crees

Sec Cr Townrow

That Council nominate Cr Morris to the Wheatbelt East Regional Organisation of Councils Tourism Group.

CARRIED 9/0

Jim Garrett, Executive Manager of Engineering Services entered the meeting at 2.37pm and Debbie Morris, Executive Manager of Community Services, entered the meeting at 2.38pm.

MINUTES

13.5 ROYALTIES FOR REGIONS

Reporting Department: Administration
Reporting Officer: Frank Ludovico – Chief Executive Officer
File Reference: GS/2/22

Background

In December 2008, the Minister for Regional Development announced his Royalties for Regions Program. Whilst some of the detail has not been released, funds from this program can be used for buildings and infrastructure, such as roads, drainage, footpaths, parks and gardens, sewer and other.

The Shire of Merredin's portion of the Royalties for Regions Program is \$966,402.00 per annum.

The Minister also indicated that in years two, three and four of the Program, a portion of the funds (35% year two, 50% in years three and four) would be allocated to regional groups to be used on a regional basis. This amounts to \$5,776,028.00 over that three year period (assuming participating with Shires of Bruce Rock, Kellerberrin, Tammin, Westonia and Yilgarn i.e. WE-ROC Group).

Excluding the regional component, the Shire of Merredin has \$2,560,965.00 available over the four year period.

The purpose of this Item is to start considering projects for the Shire of Merredin only funding and projects of a regional nature.

Comment

At Council's December 2008 meeting, there was considerable discussion over the Federal Regional and Local Community Infrastructure Program (RLCIP) – Strategic Component, particularly the merits of constructing additional accommodation at the Merrittville Retirement Village or a major upgrade of the Cummins Theatre. In the end, Council submitted an application for additional accommodation at the Merrittville Retirement Village.

I understand that the Cummins Theatre Working Group is approaching the end of its investigations, with the aim of submitting a report to Council at its March 2009 meeting.

Council's Strategic Plan – Short Term Priorities (**Attachment 13.5A**) provide other projects that could be used under this Program. The priorities included in the attachment will be reviewed by Council in February 2009.

The other aspect of the Program is the regional nature, and Council should start considering these projects.

A suggestion is the construction of housing. A bulk tender, or preferably to utilise the individual expertise existing currently within Shire's, and build housing for the region.

A crematorium could be another regional project and is the highest long term priority in Council's Strategic Plan.

Perhaps developing a Regional Refuse Site or making a contribution to expand mobile phone / broadband coverage in the region could be other projects to consider.

Officer's Recommendation

That the Royalties for Regions Funding Projects be discussed at a Councillor Workshop to be held in conjunction with the Strategic Plan / Plan for the Future Review in February 2009.

Cr Young entered the meeting at 2.43pm.

29847 Moved Cr Wallace Sec Cr Townrow
That the Royalties for Regions Funding Projects be discussed at a Councillor Workshop to be held in conjunction with the Strategic Plan / Plan for the Future Review in February 2009.
CARRIED 10/0

Refer to Page 51 for further information on this Agenda Item.

12.1 Upgrade of Narembeen Road

Responding to an earlier question (Agenda Item 12.1 – Refer Page 33), the Executive Manager of Engineering Services advised the state of the section of Narembeen Road being reconstructed warranted the work.

Jim Garrett, Executive Manager of Engineering Services and Debbie Morris, Executive Manager of Community Services, left the meeting at 2.59pm.

13.6 ANNUAL LEAVE FOR THE CHIEF EXECUTIVE OFFICER**Reporting Department:** Administration**Reporting Officer:** Frank Ludovico – Chief Executive Officer

Background

The Chief Executive Officer requests Council's permission to proceed on Annual Leave from Wednesday 25 March 2009 until Tuesday 31 March 2009.

Comment

Council will need to appoint an Acting Chief Executive Officer during this period of absence.

Officer's Recommendation

1. *That Council approve the Chief Executive Officer proceeding on Annual Leave from Wednesday 25 March 2009 until Tuesday 31 March 2009.*
2. *That Council appoint _____ to be the Acting Chief Executive Officer for the period being Wednesday 25 March 2009 to Tuesday 31 March 2009.*

29848

Moved Cr Townrow

Sec Cr Forbes

That Council approve the Chief Executive Officer proceeding on Annual Leave from Wednesday 25 March 2009 until Tuesday 31 March 2009.

CARRIED 9/1

Jess Twomey, Acting Executive Manager of Finance and Administration, entered the meeting at 3.01pm.

Jess Twomey, Acting Executive Manager of Finance and Administration, left the meeting at 3.02pm.

29849

Moved Cr Young

Sec Cr Crees

That Council appoint Mr John Mitchell, Executive Manager of Development Services to be the Acting Chief Executive Officer for the period being Wednesday 25 March 2009 to Tuesday 31 March 2009.

CARRIED 9/1

**13.7 LOCAL GOVERNMENT MANAGERS AUSTRALIA (LGMA)
NATIONAL CONFERENCE 2009****Reporting Department:** Administration**Reporting Officer:** Frank Ludovico – Chief Executive Officer**Legislation:****File Reference:**

Background

Local Government Managers Australia (LGMA) will be conducting their 2009 National Conference between 24 May 2009 and 27 May 2009 in Darwin.

Attached is a copy of the Conference Detail. (**Attachment 13.7A**).

Financial Implications

The approximate cost of the Conference is as follows:

Air Fares	\$1,300.00
Registration	\$1,670.00
Accommodation	<u>\$1,250.00</u>
TOTAL	\$4,220.00

Council has allowed \$4,000.00 for the Chief Executive Officer Conference Registration and Training as part of the overall budget for Continuing Professional Development and Training at Account *E042302*.

Comment

By attending such events, the Chief Executive Officer will be exposed to national trends in Local Government and networking with other Local Government professionals.

The Chief Executive Officer's Contract provides attendance for himself and his wife at the State LGMA Conference, which was forgone in October 2008 in order to attend the National Conference.

Officer's Recommendation

That the Chief Executive Officer and spouse be granted permission to attend the 2009 Local Government Managers Australia National Conference in Darwin.

29850

Moved Cr Elliott

Sec Cr Crees

That the Chief Executive Officer and spouse be granted permission to attend the 2009 Local Government Managers Australia National Conference in Darwin.

CARRIED 8/2

29851 Moved Cr Crees Sec Cr Elliott
That Council adjourn the meeting for afternoon tea at 3.06pm.
CARRIED 10/0

29852 Moved Cr Crees Sec Cr Elliott
That Council reconvene the meeting at 3.28pm.
CARRIED 10/0

14.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN
Nil

MINUTES

15.0 QUESTIONS BY MEMBERS FOR WHICH DUE NOTICE HAS BEEN GIVEN

Cr Townrow declared a Financial Interest in this Agenda Item 15.1 and left the meeting at 3.30pm.

15.1 RECOGNITION OF DONATIONS

Reporting Department: Councillor
Reporting Officer: Cr Julie Townrow
Legislation: Local Government Act 1995

Background

Since its inception, the planning and building of the Merredin Regional Community and Leisure Centre has been a major part of the Merredin Sports Councils focus. Through this group, there has been substantial in kind contributions that have contributed to the success of this worthwhile community project. It has come to the attention of the author of this motion, that there are several community members who feel a little “duped” by the process. With many in kind contributions exceeding the \$1,000.00 cash payment value. Where residents and businesses have been rewarded with levels of sponsorship and recognition by way of the Donors Board when they have “written out a cheque”.

I would consider that the people who have given “in kind support” have written cheques for fuel, wages, vehicle registrations, and many other wear and tear items that are not considered. In particular, Erica Carlson and Andrew Crook, have given enormous amounts of their time and I dare say some out of pocket expenses. Hutton and Northey and their staff have been there every year with labour and machinery assistance for the community crop along with several other businesses and farming families have given over a minimum of three years to the community cropping program for the express purpose of supporting the building of the Centre.

In discussion with Erica, the Sports Council have records of the community contributions and she said the committee had discussed what they should do to recognise this area of support.

Since the Merredin Recreation and Community Leisure Centre is a Shire Asset, not an asset of the Sports Council, I believe it should be up to Shire to formally recognise the enormous contribution by this group and the people and businesses that assisted in the building Project, in particular as the value of support in some instances would have exceeded the \$10,000.00 in kind value.

It is my recommendation that a Sponsors board, in a mirror image of the existing board, be purchased and erected at the Centre to recognise the valuable contributions to the Centre through the Sports Council Initiative.

Many of the people I have spoken to felt they were doing their bit to support the Shire building project, and believe that their efforts have not been “valued” by Council.

Financial Implications

The cost of purchase and installation of a Sports Council Donors Board. It may also be of interest to discuss some of the ‘Donor Incentives’ that were given to Gold Silver and Bronze Donors.

Councillor’s Recommendation

That Council recognise, by way of a replica Sponsors Board, the “Community in Kind” contributions made to the Merredin Regional Community and Leisure Centre, through the Merredin Sports Council.

29853

Moved Cr Elliott

Sec Cr Morris

1. *That Council request the Merredin Sports Council to recommend to Council those persons or organisations they feel should be recognised for “Community in Kind” contributions to the Merredin Regional Community and Leisure Centre project.*
2. *That Council advise the Merredin Sports Council:*
 - a. *That Council believes similar criteria to that used to produce the “Sponsor Board” should be used in developing a “Recognition Board” (e.g. only contributions over \$1,000.00 to be recognised) for the period up to 2008/2009 Harvest.*
 - b. *That Council is prepared to purchase and install the “Recognition Board” to honour these contributions.*

CARRIED 6/3

MINUTES

Cr Townrow entered the meeting at 3.57pm.

16.0 URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION

16.1 BURRACOPPIN SPORTS COUNCIL – REQUEST TO RELOCATE MERREDIN RECREATION GROUND WATER CANON TO THE BURRACOPPIN OVAL

Reporting Department: Administration

Reporting Officer: Frank Ludovico – Chief Executive Officer

File Number: Reserve 9628

Background

Mr Martin Major from the Burracoppin Football Club has written to Council requesting the relocation of the Merredin Recreation Ground Water Canon to the Burracoppin Oval (**Attachment 16.1A**).

Whilst the request is not for a donation, the transaction is an exempt disposition as the market value of the property is less than \$20,000.00 (Functions and General Regulations 30(3)).

Financial Implications

It is understood the market value of the water canon is approximately \$6,000.00 and twelve months ago, piping to operate the canon valued at \$2,000.00 was purchased.

Council should be aware that at Account *E113054*, Council provides \$10,000.00 to the Burracoppin Sports Council for the maintenance of the Burracoppin Recreation Ground.

Comment

There is no use for the water canon in Merredin as the pipe work associated with the previous system was removed when the in-ground reticulation was recently installed. The machine will simply sit at the Shire Depot doing nothing.

In respect to maintenance, Council allocated the Burracoppin Sports Council \$10,000.00 for the maintenance of the Sports Ground and if Council “relocates” the water canon to Burracoppin, it is feasible that some of these funds are allocated to the proper maintenance of the device.

Officer’s Recommendation

That Council “relocate” the water canon from the Merredin Recreation Ground to the Burracoppin Sports Ground and the management, maintenance and operations be the responsibility of the Burracoppin Sports Council.

Moved Cr Elliott Sec Cr Young
That Council “relocate” the water canon from the Merredin Recreation Ground to the Burracoppin Sports Ground and the management, maintenance and operations be the responsibility of the Burracoppin Sports Council.

AMENDMENT

29854 Moved Cr Crees Sec Cr Wallace
That the word “maintenance” be deleted.

CARRIED 10/0

THE AMENDMENT BECAME THE MOTION

29855 Moved Cr Elliott Sec Cr Young
That Council “relocate” the water canon from the Merredin Recreation Ground to the Burracoppin Sports Ground and the management and operations be the responsibility of the Burracoppin Sports Council.

CARRIED 10/0

- 16.2 Merredin Regional Community and Leisure Centre Pool Temperature
Following on from information provided by Faye Hampel and Christine Carew-Hopkins during Public Question Time (Refer to Page 4), Council discussed this matter further.

The matter will be referred to John Mitchell, Executive Manager of Development Services, upon his return from Annual Leave, for further investigations and this information will be provided to Council at its February 2009 meeting.

- 16.3 Vehicle Subsidy for a Female Doctor in Merredin
Council were advised that a meeting had occurred between the Shire President, the Deputy Shire President, the Chief Executive Officer and Dr Gabriel Adeniyi to discuss possible subsidies that Council would be willing to provide to assist Dr Adeniyi in attracting a female doctor to the Merredin Medical Practice.

- 29856** Moved Cr Townrow Sec Cr Forbes
That Council, as an incentive to attract a female doctor to Merredin, agrees to provide the Ford Falcon Sedan (MD-40) for use by the female doctor free of charge for a 12 month period commencing on 1 February 2009. Council will be responsible for the day to day maintenance, insurance, license fees and provide up to \$1,000.00 in fuel for her use.

**CARRIED 8/2
ABSOLUTE MAJORITY**

- 16.4 Piano at the Hines Hill Tavern
Council were advised there is a piano belonging to the Shire of Merredin which is currently located at the Hines Hill Tavern. The new owners of the Tavern would like it removed.

Cr Townrow offered to temporarily store the piano at her home and during that time will arrange for a technician to investigate the state of the piano, with a future view of the piano being provided on a loan basis to either Berringa Frail Aged Lodge or other similar Community organisations.

- 16.5 Chief Executive Officer's Performance Review
The Shire President advised Council that a Questionnaire will be released to Councillors and Executive Managers before 30 January 2009 and this Questionnaire is to be completed and returned prior to the Chief Executive Officer's Performance Review Meeting, which is scheduled for 19 February 2009 at a time yet to be determined.

MINUTES

16.6 Royalties for Regions Funding

As a continuation of Agenda Item 13.5 (Refer to Page 41 and 42), Council discussed the possible options for the use of the Royalties for Regions Funding.

Extensive discussions ensued and Cummins Theatre was suggested as a venue where a large amount of work was required, reports and plans of this work were already underway and therefore the majority of the funding could be allocated to the purpose of carrying out such works.

Cr Young left the meeting at 4.46pm and did not return.

Vanessa Green, Executive Assistant, left the meeting at 4.48pm.

Vanessa Green, Executive Assistant, entered the meeting at 4.51pm.

Cr Wallace left the meeting at 4.57pm.

Cr Wallace entered the meeting at 5.00pm.

17.0 MATTERS BEHIND CLOSED DOORS

Nil

18.0 CLOSURE

There being no further business the Presiding Person declared the meeting closed at 5.08pm.