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Minutes for the Ordinary Meeting of the Merredin Shire Council held in the Council Chambers, Cnr King/Barrack Streets, Merredin on Tuesday 19 February 2008 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 Simmonds; JP Townrow; M Young; W Wallace.

Messrs FB Ludovico, Chief Executive Officer; J Mitchell, Manager of Development Services; E Hooper, Manager of Finance and Administration; D Morris, Manager of Community Services and V Green, Personal Assistant.

Ms Kathleen Smith, Mr Wayne Smith.

1.0 OFFICIAL OPENING

The Presiding Person declared the meeting open at 1.13pm. Mrs Debbie Morris, Manager of Community Services and Mr John Mitchell, Manager of Development Services, were in attendance.

2.0 PUBLIC QUESTION TIME

Ms Kathleen Smith and Mr Wayne Smith addressed Council in relation to the proposed subdivision of their land at Lot 1 Totadgin Hall Road (Refer Agenda Item 11.8). Some issues that were addressed were:

1. Subdivided land would be sold to family members
2. Costings of \$3,000.00 per block for water connection and \$10,000.00 - \$15,000.00 in total for power connection had already been obtained
3. The land consists of 500 acres with a large amount of gullies and trees making most of the land unsuitable for general farming practices
4. Building on the subdivided blocks would commence as soon as possible, most likely within 6-12 months of finalisation
5. Drainage conditions could be placed on the blocks by the Shire to control excess water drainage from the blocks

3.0 APOLOGIES AND LEAVE OF ABSENCE

Nil

4.0 DISCLOSURE OF INTEREST

Frank Ludovico declared an Impartiality Interest in Item 9.2.9.1

5.0 PETITIONS & PRESENTATIONS

Nil

6.0 CONFIRMATION OF MINUTES**6.1 PREVIOUS COUNCIL MEETING**

Confirmation of the minutes of Council meeting held on 15 January 2008.

29337

Moved Cr Morris

Sec Cr Townrow

That the minutes of the meeting of the Council meeting held on 15 January 2008 be confirmed as a true and correct record of proceedings.

CARRIED 11/0**7.0 ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION**

Councillors should address any Budget issues to the Shire President or the Chief Executive Officer to assist with the Budget Review Process due to commence shortly.

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

17.1 Resignation of Dr Sola Freeman

17.2 Leasing of Merredin Medical Practice – Wheatbelt GP Network

17.3 Performance Appraisal of the Chief Executive Officer

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

9.1 Merredin Water Working Group Meeting held on 10 January 2008

9.2 Merredin Regional Community and Leisure Centre Advisory Committee Meeting held on 21 January 2008

9.3 Merredin Heritage Management Committee Meeting held on 24 January 2008

9.4 Merredin Sports Council Meeting held on 31 January 2008

9.5 Merredin Business and Community Development Committee Meeting held on 6 February 2008

29338

Moved Cr Crees Sec Cr Townrow

That the Merredin Shire Council receive the minutes of the Merredin Water Working Group Meeting held on 10 January 2008, the Merredin Regional Community and Leisure Centre Advisory Committee Meeting held on 21 January 2008, the Merredin Heritage Management Committee Meeting held on 24 January 2008, the Merredin Sports Council Meeting held on 31 January 2008 and the Merredin Business and Community Development Committee Meeting held on 6 February 2008 with the amendment that Cr Townrow advised her apologies to the Merredin Business and Community Development Committee Meeting.

CARRIED 11/0

Cr A Hooper left the meeting at 1.26pm.

Cr A Hooper left the meeting at 1.27pm.

9.1 Merredin Water Working Group
Nil recommendations to Council9.2 Merredin Regional Community and Leisure Centre Advisory Committee

7.0 Review of MRC&LC Management Plan

Moved Cr M Morris Sec E Carlson

That the MRC&LC Advisory Committee recommend that Council adopts the amended MRC&LC Management Plan.

CARRIED 7/0Refer **Attachment 9.2B.****29339**

Moved Cr Morris Sec Cr Wallace

That Council adopts the amended MRC&LC Management Plan as detailed in Attachment 9.2B with Cr Crees, Cr Morris and Cr Wallace appointed as Council delegates on the MRC&LC Advisory Committee with all other Councillors as deputies.

CARRIED 11/0**ABSOLUTE MAJORITY**

Frank Ludovico, Chief Executive Officer, declared Impartiality Interest in Item 9.2.9.1

9.1 Burracoppin Ladies Hockey Club

Moved Cr W Wallace Sec D Sutherland

That the Memorandum of Understanding between the Burracoppin Ladies Hockey Club and the Shire of Merredin be accepted and endorsed by the MRC&LC Advisory Committee.

CARRIED 7/0

Refer **Attachment 9.2C.**

29340

Moved Cr Wallace Sec Cr Townrow

That Council accept the Memorandum of Understanding between the Burracoppin Ladies Hockey Club and the Shire of Merredin (Attachment 9.2C) as accepted and endorsed by the MRC&LC Advisory Committee.

CARRIED 11/0

12.0 Construction of Gates on old Main Entrance

Moved Cr M Crees Sec Cr W Wallace

That the MRC&LC Advisory Committee recommends that Council erects a lockable gate at the old main entrance to the sporting grounds before April 2008 so as to assist with traffic control.

CARRIED 7/0

29341

Moved Cr Wallace Sec Cr Crees

That Council erects a lockable gate at the old main entrance to the sporting grounds before April 2008 so as to assist with traffic control.

CARRIED 11/0

9.3 Merredin Heritage Management Committee

8.1 Memorandum of Understanding – Military Museum

Moved John Rutherford Sec Cr Hayden

That the Officer's recommendation of "That the Merredin Heritage Management Committee recommend to Council that Council:

1. Close the Merredin Military Museum until such time that the Museum is incorporated and the Memorandum of Understanding with the Shire of Merredin is signed;

2. That no further expenditure from the 2006/2007 carry over budget funds or 2007/2008 budget be expended on the Merredin Military Museum, until the Military Museum are incorporated and the Memorandum of Understanding is signed with the Shire of Merredin"

not be implemented until after Council meeting 19 February 2008.

CARRIED 3/1

Refer **Attachment 9.3B**

Moved Cr Townrow Sec Nil

That Item 9.3.8.1 lay on the table until further information becomes available.

MOTION LAPSED

29342

Moved Cr Simmonds Sec Cr Crees

That no further expenditure from the 2006/2007 carry over budget funds or 2007/2008 budget be expended on the Merredin Military Museum, until the Military Museum are incorporated and the Memorandum of Understanding is signed with the Shire of Merredin.

CARRIED 7/4

REASON:

Council does not want to close the Merredin Military Museum but does require the Memorandum of Understanding to be signed and the Incorporation to be finalised.

Vanessa Green, Personal Assistant, left the meeting at 1.50pm.

Vanessa Green, Personal Assistant, entered the meeting at 1.52pm.

John Mitchell, Manager of Development Services, left the meeting at 2.01pm.

8.2 2006-2007 Budget

Moved Cr Young Sec Cr Hayden
That the Merredin Heritage Management Committee recommend to Council that Council endorse re-allocating \$1000.00 from the 2006/2007 carry over funds, currently allocated to repairing guttering on south side of Railway Museum towards the purchase and installation of an air conditioner for the Railway Museum office.

CARRIED 4/0

ABSOLUTE MAJORITY REQUIRED

John Mitchell, Manager of Development Services, entered the meeting at 2.06pm.

29343

Moved Cr Young Sec Cr Forbes
That Council endorse re-allocating \$1000.00 from the 2006/2007 carry over funds, currently allocated to repairing guttering on south side of Railway Museum towards the purchase and installation of an air conditioner for the Railway Museum office.

CARRIED 9/2
ABSOLUTE MAJORITY

9.4 Merredin Sports Council
Nil recommendations to Council

9.5 Merredin Business and Community Development Committee

6.1 Business Arising from Action Sheet Items

Moved Cr Forbes Sec Cr Young
That BCDC recommend to Council that the date for the Merredin Community Awards be moved forward to August/September 2008.

CARRIED 3/0

29344

Moved Cr Townrow Sec Cr A Hooper
That the date for the Merredin Community Awards be moved forward to August/September 2008.

CARRIED 11/0

10.0 COMMUNITY SERVICES

10.1 MANAGER OF COMMUNITY SERVICES REPORT

Reporting Department: Community Services
Reporting Officer: Debbie Morris – Manager, Community Services
Legislation: Local Government Act 1995
File Number:

Background

The following report is provided for Council's information.

Tourism Services

Meetings with the Visitor Centre Manager occurred in January 2008 regarding staffing and budgets. The Position Description was revised for the Permanent Part-Time Visitor Centre Officer and the position advertised with a closing date of 1 February 2008.

Library Services

The Regional Manager of Library Services Position Description was revised. The position was advertised in the Wheatbelt Mercury on 16 January 2008 and in The West Australian on both 16 and 19 January 2008 with a closing date of 15 February 2008.

Library Officer, Sonya Smith's three month probationary review was conducted on 23 January 2008 and Sonya has been appointed permanently.

Recreation Services

Manager of Community Services meets regularly with Recreation Centre Manager regarding staffing issues, budgets and general management of the Centre.

The tender for the Leasing of the MRC&LC Kitchen was advertised, with a closing date of 8 February 2008. Tender specifications were developed and presented to MRC&LC Advisory Committee on 21 January 2008. One submission was received, see separate Agenda Item 11.11.

The Recreation Centre Manager Position Description was reviewed and the position has been advertised with a closing date of 18 February 2008.

Natural Resource Management

Natural Resource Management Officer, Tobias Vudzijena's three month probationary review was conducted on 11 January 2008 and Tobias has been appointed for a term of three years.

Manager of Community Services and NRMO have been reviewing the Rural Towns – Liquid Assets project and have requested further information from Mr Mark Pridham prior to finalising the project. An invitation has also been extended to Mr Pridham to address Council.

Community And Economic Development

Mrs Erica Carlson organised the Australia Day Breakfast in Apex Park in conjunction with the Merredin Lions Club.

Cr Townrow has generously volunteered to coordinate other community events with assistance from Crs Forbes and A Hooper. These events include: Welcome to Merredin/Thank a Volunteer (27 February 2008), YMCA Bus (February 2008), Notre Dame Medical Students visit (17 – 20 March 2008) and Merredin Community Awards/Eric Hind Music Scholarship (April 2008).

The Shire newsletter has been outsourced to the Telecentre for the March 2008 edition.

The Community and Economic Development Officer's administrative duties are still being carried out by the Manager of Community Services.

The Community and Economic Development Project Officer position has been re-advertised with a closing date of 15 February 2008.

Cummins Theatre

Manager of Community Services has been liaising with the Theatre Manager regarding funding applications for the attraction of activities to the Theatre.

It is proposed to meet with the Merredin Repertory Club and Music Club in March 2008 to review the Memorandum of Understandings.

Manager Of Community Services

Staff

The Community Services section currently has three vacant staff positions, with another becoming vacant at the end of February 2008. Reviewing of position descriptions, advertising vacant positions, conducting staff reviews and absorbing a number of responsibilities for the those positions has required a considerable amount of work over and above the current position of the Manager of Community Services.

Carrington Way Subdivision

Consultancy Brief Request for Proposal for the Provision of Project Management and Engineering Consultancy Service completed and advertised with closing date of 25 January 2008. Refer separate Agenda Item 11.2.

Strategic Plan – Action Plan

Community Services Team providing regular updates to the Action Plan, which is submitted to the BCDC monthly.

Grants**(1) Community Water Grant**

Auditor's report for the \$50,000.00 Community Water Grant has been submitted to the Department of the Environment to finalise the acquittal.

Meetings/Seminars attended:

- MRC&LC Staff held on 9 January 2008
- MRC&LC Advisory Committee held on 21 January 2008
- Community Services Team held on 22 January 2008

Reports from individual Community Services areas:**Central Wheatbelt Visitor Centre**

Report is **Attachment 10.1A**

Merredin Regional Community & Leisure Centre

Report is **Attachment 10.1B**

Natural Resource Management

Report is **Attachment 10.1C**

Cummins Theatre

Report is **Attachment 10.1D**

Community and Economic Development

Position Vacant

Library Services

Position Vacant

Statutory Implications

Compliance with relevant Acts and Local Laws.

Officer's Recommendation

That Council receive the Manager of Community Services report for February 2008.

29345

Moved Cr Simmonds

Sec Cr Hayden

That Council receive the Manager of Community Services report for February 2008.

CARRIED 11/0

Debbie Morris, Manager of Community Services, left the meeting at 2.32pm

11.0 DEVELOPMENT SERVICES

11.1 BUILDING STATISTICS REPORT – JANUARY 2008

Reporting Department: Development Services
Reporting Officer: John Mitchell - Manager, Development Services
Legislation: Building Regulations 1989, Building Code of Australia 2006
File Number:

Background

To provide to Councillors of the Shire of Merredin details of the Building Licences issued by the Building Surveyor for the previous month.

Statutory Implications

Various

Financial Implications

Building fees are levied for Class 1 and Class 10 (residential) buildings at 0.3182% of the construction value of the work.

Building fees are levied for Class 2 – 9 (commercial) buildings at 0.2% of the construction value of the work. In all cases a minimum fee of \$40.00 is levied. In addition a levy is applied by the Builders Registration Board - \$37.00

Applications/Approvals

Building Licence No.	Licence issued to	Address of proposed building, Description of works	Owner of property	Class of Building
BA1-08	Louise & Glen Penny, 37 Jackson Way, Merredin WA 6415	Above ground, prefabricated metal framed pool	L & G Penny	10(b)
BA2-08	Darryl Newbold, 10 Warne St, Merredin WA 6415	New steel framed and clad garage	D Newbold	10(a)
BA3-08	*	New steel framed carport	Ian Cook, 9 Cunningham St, Merredin WA 6415	10(a)
BA4-08	Tracey MacFarlane, 11 Cummings Cr, Merredin WA 6415	Food Premises – shop fitout	TAMMAK Pty Ltd, 11 Cummings Cr, Merredin WA 6415	6

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BA5-08	*Rodney Robertson, 30 Endersbee St, Merredin WA 6415	Habitable, steel framed extension, ensuite, room	Rodney Robertson	1(a)
BA6-08	Shire of Merredin, PO Box 42, Merredin WA 6415	Public Ablution Block	Shire of Merredin	10(a)
BA7-08	Steven Bartlett, 13 Lefroy St, Merredin WA 6415	New steel framed gabled patio	Steven Bartlett	10(a)
BA8-08	Jennifer Adley, 50 Endersbee St, Merredin WA 6415	New steel framed dwelling shed conversion	J & J Adley	1(a)
BA9-08	Bruce Acton, 45 Station St, Burracoppin WA 6421	New steel framed colorbond garage	Bruce Acton	10(a)
BA10-08	Lisa Cooper, 46 Endersbee St, Merredin WA 6415	New steel framed habitable extensions	Lisa Cooper	1(a)
BA11-08	Scott Wilson, 20 Snell St, Merredin WA 6415	New steel framed clad patio	Scott Wilson	10(a)
BA12-08	Shire of Merredin, PO Box 42, Merredin WA 6415	Renovation Public Ablution Block	Shire of Merredin	10(a)
BA13-08	J & K Ward, 30 Mitchell St, Merredin WA 6415	Secondhand pool above ground installation	J & K Ward	10(b)

* indicates licence not yet issued, hence no name included.

Valuation: \$825,000.00

Fees: \$2,202.10

Progressive: **\$825,000.00**

Progressive: **\$2,202.10**

Comment

*BA3-08 has not been issued as it is the subject of a Council Agenda Item 11.6.

BA5-08 is still to be issued, however the applicant has been given permission to commence removal of the outer walls to prepare for the extension.

Officer's Recommendation

That Council receive the January 2008 statistics for building licences issued by the Building Surveyor.

29346

Moved Cr Crees

Sec Cr Morris

That Council receive the January 2008 statistics for building licences issued by the Building Surveyor.

CARRIED 11/0

11.2 TENDER 7-07/08 – ENGINEERING CONSULTANCY – CUMMINGS STREET SUBDIVISION – ACCEPTANCE OF TENDER

Reporting Department:	Development Services
Reporting Officer:	John Mitchell - Manager, Development Services
Legislation:	Local Government Act 1995, Functions and General Regulations
File Number:	Tender 07-07/08

Background

Tenders were called for the provision of engineering consultancy services for the Carrington Way subdivision. Four tenders were received. The tenders will be provided to the meeting.

There are several Council resolutions relevant to this project.

(CMRef28961) 18 September 2007 Council resolved to endorse the completion of the Geotechnical Site Investigation for the subdivision development.

(CMRef29115) 18 September 2007 Council endorses the development of the Carrington Way subdivision and seeks for the development of a business plan to be presented to Council for endorsement and advertising.

The business plan was advertised in the Wheatbelt Mercury on Wednesday 31 October 2007.

An engineering brief was prepared by the Administration and advertised in The West Australian on Wednesday 9 January 2008 and Saturday 12 January 2008.

Statutory Implications

The provisions of the Tender Regulations and the Local Government Act 1995 have been met. Four tenders were received.

Financial Implications

Council has budgeted (E109103) to expend \$1,025,000.00 within the 2007/2008 financial year. The anticipated cost of development is \$1,500,000.00

Engineering quotations range from \$112,000.00 – \$122,940.00 for the project.

Comment

Four tenders were received. The tenders were opened by Mr John Mitchell and Mrs Vanessa Green on Tuesday 29 January at 8.45am. No tenderer was present and no tenderer requested to be present when the tenders were opened.

MINUTES

Three criteria were established for the evaluation of tenders. These were:

4.5.2 Weighted Criteria

The following criteria will be used to evaluate Consultant's Proposal:

1. Experience and Availability of Engineering Team Leader and Senior Support Staff (weighting 35%)
Confirm current workload and availability of nominated personnel. Note that the Shire of Merredin will not agree to the substitution of nominated personnel, except under the most exceptional circumstances and then only with specific agreement from the Shire of Merredin.
2. Experience with rural subdivision projects (weighting 35%)
Include experience with rural drainage, with sourcing construction materials including sands and base course, prevention of table drain scour, balancing earthworks, rural power supplies, dealing with rock etc.
3. Consultancy Fees (weighting 30%)
Fees to complete the scope of services work as per Attachment 3 of the tender documentation.

Discussing the tenders received: -

Company	Criteria	Quotation	Exclusions	Comments
GHD	Examples of Country subdivisions including the extent requested for the Cummings Street. Availability of Senior staff and qualified staff – provided, Quotation on form provided	\$122,940. Note that GHD advise that \$10,440 in disbursements may be incurred in Phase one of project brief	(SUMMARY) – survey of site; preparation (1) of required plans as it is understood that the contractor would prepare and Engineer review, power electrical plan (2), geotechnical reports (3) – assumed performed adequately, any additional works required for phase two and three, engineering design of pump houses etc for sewer if required, management of landscape, completion of design based on less than 29 lots, consultation with community, no statutory fees or required payments such as head-works, no rework or variations	1) If the contractor does not prepare the required plans who will? 2) There should be no requirement to redesign the power plans, (3) – there should be no requirement to prepare,
OPUS Ltd	Examples of Country	\$113,130	No allowance for variation of electrical plans, No	See comments above. Quotation

MINUTES

	subdivisions including the extent requested for the Cummings Street. Availability of Senior staff and qualified staff – provided, Quotation on form provided		allowance for levelling or retaining walls to lots created, drainage and sewer shall be gravity fed – no allowance for design of pump stations etc, no allowance for feature survey as conducted by Whelans, no geotechnical investigation, no allowance for surveyor supervision as assumed Council had already engaged.	includes the drainage, nutrient plans and the Environmental Management Plans for construction. Quotation includes preparation of all plans required. Currently working with Town of Albany – who have no complaints with the provision of the service.
Shawmac Ltd	Examples of Country subdivisions including the extent requested for the Cummings Street. Availability of Senior staff and qualified staff – provided, Quotation on form provided	\$112,000	All works as included within Part three – schedule of works, assumed no allowance for pump designs, feature survey, retaining walls, levelling of lots	In discussions with Shawmac (Bob Gargon) – Nutrient plan included, drainage plan included and preparation of Construction Environment Management Plan will be included within tender for contractor. Contacted Wongan Hills Shire – the admin has changed since the works were completed and there is no history within the Shire.
JDSI Consulting Engineers	Examples of Country subdivisions including the extent requested for the Cummings Street provided.	\$120,360	No exclusions specifically mentioned. JSDI have re-listed the scope of works into five tasks which appear to comply with the Scope of works issued within the tender document.	Preparation of plans to be responsibility of contractor appointed

	Availability of Senior staff and qualified staff – provided, Quotation on form provided			
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Tenderers made no provision for “in order for dealings”; that is to engage the Surveyor to peg and submit the final design, satisfaction of conditions compliance and lot information to the Department of Land Information for processing for title deed release.

Shawmac advised that they had allowed engaging a surveyor for the project but that the costs of engagement were the responsibility of the Shire of Merredin. It was advised that the role of the Engineer was to engage and ensure that the task was being attended to. Payment of sub contractors was the obligation of the Shire of Merredin.

All tenderers have been advised:

1. Site works internal of blocks is not included within the proposed earthworks. The soil report will be provided with Title deeds to purchasers for information;
2. There is no requirement to design or install retaining walls to lots;
3. Lot water drainage shall be through the kerb, via a silt trap, to Council’s road drainage system.
4. A tree is to be retained within the development.

Whilst the tenderers have provided agreement to ensure the timely release of the lots, the release is dependent on restraints including obtaining Council approval to tender for services and goods and time delays in obtaining the various approvals of state government departments.

Referees have been contacted for Opus and Shawmac as the two lower tenderers. Albany Council has advised that Opus provided good service and there were no hidden costs. They refused to provide any negative comment as they “had been caught before”! In addition the project, which is still ongoing, is on target for completion. The Department of Housing and Works, Mr Gordon Roberts, advises that Opus are competent and are progressing the developments in Albany on target and on time. The Company appears to understand government protocol and progress the tasks within time frame.

Shawmac referees were Shire of Wongan Ballidu – who were contacted and there was no employees still employed when Shawmac performed the tasks assigned to them. A similar response was received from the Shire of Moora.

The Administration has made every effort to ensure that the appointment carries no hidden costs that can reasonably be determined and to ensure that the engineer will progress the project to a speedy conclusion and oversee all required works.

Officer's Recommendation

That the tender from Shawmac Pty Ltd at a cost of \$112,000.00 for the engineering consultancy of the Carrington Way Subdivision be accepted and that the Chief Executive Officer be authorised to enter contract with the Company to progress the subdivision.

29347

Moved Cr Townrow

Sec Cr Morris

That the tender from Shawmac Pty Ltd at a cost of \$112,000.00 for the engineering consultancy of the Carrington Way Subdivision be accepted and that the Chief Executive Officer be authorised to enter into contract with the Company to progress the subdivision.

CARRIED 11/0

11.3 **PROPOSED LEASE OF OLD ADMINISTRATION CENTRE –
DIRECTIONS EMPLOYMENT SERVICES APPRENTICESHIPS
TRAINEESHIPS AND TRAINING**

Reporting Department: Development Services
Reporting Officer: John Mitchell - Manager, Development Services
Legislation: Local Government Act 1995, Section 3.58
File Number: A227 & Leases

Background

An application to lease the Old Administration Centre, comprising of the old Chambers, front office portion and front office proper, has been received from Directions – Central Area Region Training Scheme, Mr Craig Cousins for a lease period of two years, subject to CPI and at a rate of \$50.00/m²/annum.

This is in keeping with the Policy 6.4 set by Council in May 2006 (CMRef28437) and readopted at the January 2008 meeting.

Statutory Implications

The provisions of Section 3.58 of the Local Government Act 1995 apply. Council is required to advertise the intent to lease the property to an individual or company.

Financial Implications

The annual rent for the property will be \$10,825.00. Directions WA seek to lease a portion of the building for a period of two years with CPI applicable.

Comment

The Old Administration Centre is a single metered property for electricity and water.

As a portion of the building is leased to Wheatbelt Development Commission and RoadSafe, there is a need to apportion the utilities costs correctly.

It is requested that the Council approve of the lease of the building to Directions and that the Chief Executive Officer be delegated authority to agree to the apportionment of utilities with the tenants and sign the lease once the above issues are resolved.

Officer's Recommendation

That the Shire of Merredin agrees to lease a portion of the Old Administration Centre to Directions WA and that the Chief Executive Officer be delegated authority to apportion the utilities and sign the lease.

ABSOLUTE MAJORITY REQUIRED

29348

Moved Cr Townrow

Sec Cr A Hooper

That the Shire of Merredin agrees to lease a portion of the Old Administration Centre to Directions WA and that the Chief Executive Officer be delegated authority to apportion the utilities and sign the lease.

**CARRIED 11/0
ABSOLUTE MAJORITY**

11.4 **TOWN PLANNING APPLICATION – CARPORT ENCROACHMENT INTO FRONT SEETBACK AREA – LOT 583, HOUSE NO. 9 CUNNINGHAM STREET, MERREDIN – MR IAN COOK**

Reporting Department: Development Services
Reporting Officer: John Mitchell - Manager, Development Services
Legislation: Town Planning Scheme No.1, Residential Planning Codes 2002
File Number: P865

Background

An application for planning consent (PA02/08) has been submitted by Neil Bill (the applicant) for Ian Cook to construct a steel framed, iron roofed, free-standing carport in the front setback area of their property Lot 583, House No. 9 Cunningham Street, Merredin (the property).

A site plan and elevations of the proposed carport which accompanied the application can be seen as **Attachment 11.4A**.

Statutory Implications

Lot 583 Cunningham Street, Merredin is zoned Residential 1 in accordance with the Shire of Merredin Town Planning Scheme No.1. Accordingly, development on such a Lot is governed by both the Shire of Merredin Town Planning Scheme No.1 and the Residential Design Codes of Western Australia (RDC's).

The RDC's incorporate "deemed to satisfy" and "performance based" standards for development in residential areas. They also enabled local authorities to develop policies to control certain developments more rigidly. The RDC's enable Local Government to consider applications which do not meet the acceptable development criteria; this is in the form of an application for planning consent.

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.

The relevant fee of \$123.00 has not been paid at this time.

Comment

The RDC's determine acceptable development for carports as those which:

1. Are located behind the front street setback line (7.5m)
2. Occupy less than 50% of the frontage at the building line and allow unobstructed view between the dwelling and any adjoining street or right of way

Allowances can be made for front setback reduction of car parking facilities to be reduced to 4.5m. The proposed setback for this carport is 2.8 metres.

There are no other carports located in the first 4.5 metres of the front setback area along King Street, Merredin.

There are numerous examples in the Merredin townsite where carports in the front setback area of a residential property have previously been approved. These include 28 Hart Street (**CMRef28623**), 8 Pioneer Road (**CMRef27641**); 8 Haines Street; 21 Craddock Road.

The RDC's provide that consultation of adjoining property owners, and others as deemed necessary, can be undertaken in relation to planning applications that do not comply entirely with the prescribed acceptable development standards.

The adjoining property neighbour has no objections to the construction. Their letter of support appends within the application.

It is proposed to construct the carport out of new steel materials with a Dutch gabled roof. The design compliments the features of the dwelling.

There is no access along the sides of the dwelling to the rear of the property that would facilitate on-site parking that was not within the front setback area.

Officer's Recommendation:

That PA2-08, for the construction of a carport within the front setback area of Lot 583, House No. 9 Cunningham Street, Merredin with a setback of 2.1m be approved.

29349

Moved Cr Townrow

Sec Cr Morris

That PA2-08, for the construction of a carport within the front setback area of Lot 583, House No. 9 Cunningham Street, Merredin with a setback of 2.1m be approved.

CARRIED 11/0

11.5 DELEGATED AUTHORITY – APPROVAL OF CARPORTS WITHIN FRONT SETBACK AREA – RESIDENTIAL ZONE

Reporting Department: Development Services
Reporting Officer: John Mitchell - Manager, Development Services
Legislation: Local Government Act 1995, Section 3.58
File Number:

Background

The Shire of Merredin receives up to 4 applications per annum to offset carports within the front setback area of a residential lot.

Council has not refused an application that is compliant with the Residential Design Codes 2002 (RDC) and the Shire of Merredin Town Planning Scheme No. 1.

The RDC's incorporate "deemed to satisfy" and "performance based" standards for development in residential areas. They also enabled local authorities to develop policies to control certain developments more rigidly. The RDC's enable Local Government to consider applications which do not meet the acceptable development criteria; this is in the form of an application for planning consent.

Statutory 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.

The most relevant fee of \$123.00 is paid for all developments under \$50,000.00

Applications for relaxations are still subject to the payment of the prescribed fees whether delegated authority is used or not.

Comment

Council has received five applications of a similar nature within the last 18 months and all have been approved.

The administration seeks that delegation be provided to the Chief Executive Officer to approve carport encroachments within the front setback area providing the following conditions are met:

1. The carport occupies less than 50% of the frontage at the building line and allows unobstructed view between the dwelling and any adjoining street or right of way;
2. Front setback reduction of car parking facilities to be 4.5m. Where further reductions to the front boundary are requested the views of the neighbours be sought and the neighbour must consent to the construction;
3. Materials to be used in the construction of a carport are new.

Where applications are non complaint with the delegation authority i.e. no neighbour support or second hand materials are to be used the application must be presented to Council.

There are numerous examples in the Merredin townsite where carports in the front setback area of a residential property have previously been approved. These include 28 Hart Street (**CMRef28623**), 8 Pioneer Road (**CMRef27641**); 8 Haines Street; 21 Craddock Road.

The RDC's provide that consultation of adjoining property owners, and others as deemed necessary, can be undertaken in relation to planning applications that do not comply entirely with the prescribed acceptable development standards.

Officer's Recommendation

The Chief Executive Officer is delegated authority to approve carport encroachments within the front setback area providing the following conditions are met:

- 1. The carport occupies less than 50% of the frontage at the building line and allows unobstructed view between the dwelling and any adjoining street or right of way;*
- 2. Front setback reduction of car parking facilities to be 4.5m. Where further reductions to the front boundary are requested the views of the neighbours be sought and the neighbour must consent to the construction;*
- 3. Materials to be used in the construction of a carport are new.*

Where applications are non compliant with the delegation authority e.g. no neighbour support or second hand materials are to be used the application must be presented to Council.

ABSOLUTE MAJORITY REQUIRED

29350

Moved Cr Townrow

Sec Cr Simmonds

The Chief Executive Officer is delegated authority to approve carport encroachments within the front setback area providing the following conditions are met:

- 1. The carport occupies less than 50% of the frontage at the building line and allows unobstructed view between the dwelling and any adjoining street or right of way;*
- 2. Front setback reduction of car parking facilities to be 4.5m. Where further reductions to the front boundary are requested the views of the neighbours be sought and the neighbour must consent to the construction;*
- 3. Materials to be used in the construction of a carport are new.*

Where applications are non compliant with the delegation authority e.g. no neighbour support or second hand materials are to be used the application must be presented to Council.

**CARRIED 11/0
ABSOLUTE MAJORITY**

11.6 UPGRADE - CUMMINS THEATRE - BUDGET EXPENDITURE ALLOCATION

Reporting Department:	Development Services
Reporting Officer:	John Mitchell - Manager, Development Services
Legislation:	Local Government Act 1995
File Number:	A305

Background

In September 2007 Council received the conservation plan for the Cummins Theatre. The draft was presented to Council in 2006 and a proposed upgrade plan was included within the 2007/2008 budget.

A copy of the upgrade list of 2007/2008 was presented to Council at the Budget meeting.

The Manager of Development Services and Mr John Gearing have inspected the building and prepared the required repairs list which is far more extensive than first realised. It is likely that the budget allocation for 2007/2008 will be completely used for electrical modifications and compliance, if Council agrees to this.

Council budgeted \$29,450.00 towards the conservation plan maintenance within Account *E116012* for the 2007/2008 financial year. In addition \$20,000.00 was allocated towards the kitchen upgrade to comply with the 1993 Food Hygiene Regulations.

Statutory Implications

Approval to commence the electrical upgrade is sought from Council and that the 2007/2008 Budget allocation be used for the required repairs as contained in **Attachment 11.6A**.

As Council allocated \$29,450.00 within the 2007/2008 budget to resolve a range of issues including power issues permission to use the funds in total for the electrical upgrade is requested.

Financial Implications

Funds of \$29,450.00 are allocated within the 2007/2008 budget. It is not proposed to exceed that budget.

Comment

A review of the building by the Manager of Development Services with Health Department of WA representatives and Council's insurer have determined that the electrical upgrade is more extensive than suggested from the conservation plan. **Attachment 11.6B** details the inspection and the required electrical repairs. It is anticipated that this cost will be in the vicinity of \$30,000.00.

Some repairs suggested in the conservation plan are not required e.g. emergency lighting – what is provided is considered adequate by the HDWA however it is not on a separate circuit, removal of bar heaters – not required by law if above a certain height, remove ceiling fans – why? A fixed power point is required only.

On 15 January 2008 Council inspected the Cummins Theatre and the Manager of Development Services advised several Councillors of the extent of repairs required throughout the building. The conservation plan is silent on the extent of works required to the stage floor. As shown to Councillors on 15 January 2008 the stumps are not secured to the foundations or joists.

There are other significant issues with the building. For example the cement render to the northern and western wall must be removed and tuck pointing applied. Removal of paint and stained surfaces must be carried out by low pressure water with no chemicals. The front stairs can be removed or retained however the plan suggests the pit should be re-established.

It is recommended that a small committee of Council be formed to consider the extent of repairs required, fully plan the required upgrade and repairs, consider available grant sources and provide a five year plan for Council consideration.

Officer's Recommendation

- 1. That the budgetary allocation for 2007/2008 (E116012) for the commencement of the upgrade and conservation of the Cummins Theatre be allocated to upgrading the electrical components of the hall in accordance with Attachment 11.6B.*
- 2. That Council form a small working party comprising of Cr _____, Cr _____, the Manager of Development Services, the Manager of Community Services or their representative and the Building Project Manager to develop a 5 year fully costed plan for the upgrade and repairs to the Cummins Theatre with a submission date of 30 September 2008.*

Vanessa Green, Personal Assistant, left the meeting at 2.40pm.

Vanessa Green, Personal Assistant, entered the meeting at 2.41pm.

29351

Moved Cr Townrow Sec Cr Morris

1. *That the budgetary allocation for 2007/2008 (E116012) for the commencement of the upgrade and conservation of the Cummins Theatre be allocated to upgrading the electrical components of the hall in accordance with Attachment 11.6B.*

CARRIED 11/0
ABSOLUTE MAJORITY

29352

Moved Cr Townrow Sec Cr A Hooper

2. *That Council form a small working party comprising of Cr Elliott, Cr Young, the Manager of Development Services, the Manager of Community Services or their representative and the Building Project Manager to develop a 5 year fully costed plan for the upgrade and repairs to the Cummins Theatre with a submission date of 30 September 2008.*

CARRIED 11/0

**11.7 TOWN PLANNING APPLICATION – APPROVAL IN PRINCIPLE –
MOTOR SPORT – WITHIN GENERAL FARMING ZONE**

Reporting Department: Development Services
Reporting Officer: John Mitchell - Manager, Development Services
Legislation: Town Planning Scheme No. 1
File Number: A6107

Background

Mr Geoff Herbert of Goldfields Road, Nangeenan has corresponded seeking Council support for the establishment of a weekend ride park (motocross) within the family property on Goldfields Road, Nangeenan.

Mr Herbert's correspondence is contained in **Attachment 11.7A**.

Mr Herbert also seeks to utilise the site for events of a major nature with State governing body support.

Statutory Implications

This use is not designated within The Shire of Merredin Town Planning Scheme No.1. For a use not designated, the Shire of Merredin Town Planning Scheme No.1 permits the Council to determine either:

1. That the use shall be a prohibited use within the Scheme Area; or
2. That the use may be permitted within one or more of the zones within the Scheme Area.

The Council must in the latter case assign a use symbol and subject to that symbol impose any conditions or development standards it deems fit.

For definition the following is provided:

1. There is no definition contained within the Town Planning Amendment Regulations 1999 (the Model Scheme Text);
2. For decision purposes a motocross can be determined as a gathering/event held involving motorbikes (petrol/powered vehicles) on a defined circuit where spectators and participants are present.

The relevant use symbols contained in the Scheme are listed below:

1. "P" – permitted
2. "PS" - not permitted unless special approval given by Council subject to conditions being complied with
3. "AP" - not permitted unless special approval given after advertising
4. "IP" - not permitted unless it is incidental to a predominant use as determined by Council

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.

Comment

There are several issues to address:

1. Bush Fires – there are days when a harvest/paddock ban is put in place which prohibits the movement of vehicles within general farming zones. It is not recommended that the zoning of the land change for this reason. It is paramount that the general farming operations be protected. If the application is approved how will the applicant address this issue if a harvest ban is called and an event is programmed? It is not often known when a ban will be called and generally will occur on the morning/day/afternoon in question. This may create difficulties with the event attendees and organisers;
2. Organised events will require that the applicant submit plans to various Government departments including the Local Government using the event guidelines produced by the Health Department. The plan includes traffic management, health issues – toilets, disabled facilities, food vans, accommodation, misbehaviour etc;
3. Accommodation for events will most likely be caravans and campers. The provision of facilities, power and water must be addressed pursuant to the Caravan Parks and Camping Grounds Act 1995.

The Manager of Development Services will be in Dowerin on 22 February 2008 and a visit to the Motorplex is proposed. The above questions will be asked at that meeting as to how those applicants resolved the issues.

Officer's Recommendation

- 1) *That Council, in accordance with Clause 2.2.4(a) of the Shire of Merredin Town Planning Scheme No. 1, determine -*
 - a. *that a Motocross is not permitted unless special approval is given by Council and conditions complied with within the Scheme area; and*
 - b. *designate a Motocross development as a "PS" use within the Scheme area.*

2) *That Mr Herbert be advised that Council can consider the application without an amendment to the Shire of Merredin Town Planning Scheme No.1 and the following information is provided which should be addressed in any application:*

- a. *Bush Fires*
- b. *Organised events will require a plan which includes traffic management, health issues – toilets, disabled facilities, food vans, accommodation, misbehaviour etc;*
- c. *Accommodation - the provision of facilities, power and water must be addressed pursuant to the Caravan Parks and Camping Grounds Act 1995.*

29353

Moved Cr Townrow Sec Cr Elliott

1) *That Council, in accordance with Clause 2.2.4(a) of the Shire of Merredin Town Planning Scheme No. 1, determine -*

- a. *that a Motocross is not permitted unless special approval is given by Council and conditions complied with within the Scheme area; and*
- b. *designate a Motocross development as a “PS” use within the Scheme area.*

CARRIED 11/0**29354**

Moved Cr Townrow Sec Cr Morris

2) *That Mr Herbert be advised that Council can consider the application without an amendment to the Shire of Merredin Town Planning Scheme No.1 and the following information is provided which should be addressed in any application:*

- a. *Bush Fires*
- b. *Organised events will require a plan which includes traffic management, health issues – toilets, disabled facilities, food vans, accommodation, misbehaviour etc;*
- c. *Accommodation - the provision of facilities, power and water must be addressed pursuant to the Caravan Parks and Camping Grounds Act 1995.*

CARRIED 10/1

11.8 **PLANNING APPLICATION – REQUEST TO RECONSIDER – LOT 1
TOTADGIN HALL ROAD, MERREDIN – Ms K SMITH – CREATE 9
RURAL LOTS FOR SMALL SCALE FARMING/AGRICULTURAL**

Reporting Department: Development Services
Reporting Officer: John Mitchell - Manager, Development Services
Legislation: Town Planning Scheme No. 1
File Number: P7112

Background

At the Meeting held on 20 November 2007 Council resolved (**CMRef 29218**) *That the Western Australian Planning Commission be advised that the Shire of Merredin does not support the subdivision of Lot 1 Totadgin Hall Road, Merredin into 9 new lots.*

Mrs Kathleen Smith has corresponded (**Attachment 11.8A**) to request that the Shire of Merredin reconsider its decision to not support the application to subdivide.

Statutory Implications

The provisions of the Town Planning Scheme No.1 (TPS1), the 2007 local planning strategy and WAPC Development Control Policy 2.5 are applicable.

TPS1 states as a policy that the zone embraces the broad acre farming areas of Council. It is intended to protect and preserve the economic viability of those areas generally and to preserve the rural character and appearance of the area. The Lot sizes shall be at the discretion of Council based on what is locally accepted as a viable farm unit, or where a non farming use is proposed on the amount of land required for that purpose. Council may restrict the use of any general farming activity, and in particular piggeries, which cause obnoxious odours detrimental to the amenity of residents of the Merredin townsite.

The local planning strategy completed and adopted in 2007, Section 6.1 – Economy and Employment, states as an aim within the rural economy to protect productive agricultural land and encourage opportunities for new and innovative agricultural industries and as an action to discourage subdivision of broad acre productive agriculture land.

The provisions of the WAPC Policy DC 2.5 four key objectives states:

1. Protect agricultural land resources wherever possible by—
 - a) discouraging land uses unrelated to agriculture from locating on agricultural land;
 - b) minimising the ad hoc fragmentation of rural land; and
 - c) improving resource and investment security for agricultural and allied industry production.

2. Plan and provide for rural settlement where it can—
 - a) benefit and support existing communities, and
 - b) have access to appropriate community services and infrastructure.

3. Minimise the potential for land use conflict by—
 - a) providing adequate separation distance between potential conflicting land uses;
 - b) introducing management requirements that protect existing agricultural land uses;
 - c) identify areas that are suitable and capable for intensive agricultural pursuits as agricultural priority areas; and
 - d) avoid locating new rural settlements in areas that are likely to create conflict with established or proposed agricultural priority areas.

4. Carefully manage natural resources by—
 - a) discouraging development and/or subdivision that may result in land or environmental degradation;
 - b) integrating land, catchment and water resource management requirements with land use planning controls;
 - c) assisting in the wise use of resources including energy, minerals and basic raw materials;
 - d) preventing land and environmental degradation during the extraction of minerals and basic raw materials; and
 - e) incorporating land management standards and sequential land use change in the land use planning and development process.

Also contained within **Attachment 11.8A** is the deemed refusal of the Bartlett subdivision which was refused by the Commission as the remaining rural residential lots had not been developed to 60% and that the land was currently zoned general farming.

If Council seeks to support the development proposal the following advice is provided:

- 1) It is unlikely the Commission will approve the subdivision until the land is zoned appropriately (rural residential) and the Shire of Merredin Local Planning Strategy is amended to reflect the development proposed;
- 2) The costs of the amendment should be borne by the applicant and are valued at approximately \$3,000.00;
- 3) A planning condition restricting development to transportable or standard dwelling construction as a minimum standard excluding the erection of barn style dwellings and seatainers;
- 4) A planning condition restricting the outbuilding size should be placed on the lots including that the sheds must be constructed from new colorbond materials;

- 5) The road intersection from Totadgin Hall Road to Bruce Rock Road is considered dangerous and will require reinstatement to the Main Roads WA standards. The applicant should pay for these required works as the development will add substantial vehicle use load to the intersection.

Comment

For information the proposal (**Attachment 11.8A**) comprises the creation of 9 (approximately 20ha) lots from the existing lot 1.

Mrs Smith seeks the reconsideration on the following points:

- a) the land is located close to town – within five kilometres;
- b) Power, water and infrastructure is close to the site;
- c) The land is not viable as a farming parcel due to 100acres of trees and numerous gullies running through the property.

Mrs Smith also advises that she requires the land sales for payment of medical conditions and to provide a home for herself and her immediate family.

When the Western Australian Planning Commission (WAPC) was advised of the Council decision Mr Sean Collingwood contacted the Manager of Development Services (MDS) by telephone and requested that the Shire reconsider the application as it was previously approved by the Minister for Planning in 1992 on compassionate grounds. The MDS was given an impression that the matter was to be given serious consideration as the WAPC had unofficially accepted that the Scheme was being prepared and that Bartlett's application would be approved with conditions that the land must be rezoned before any works commence.

In preparing the 2007 Strategy Council considered the need for rural/residential land and provided a substantial area of land on the south and east of the town of Merredin to provide/cater for the increased demand.

The proposed subdivision is outside the proposed rural residential area within general farming zone.

The continued development of small rural farm holdings may lead to other issues including enforcement of fire break requirements, more areas of potential unsightly storage and a further diminishment of general farming land.

The lot sizes created do not support general farming principles and are in keeping with homestead lot subdivision proposals without the dwelling existing on site. Currently the Administration cannot prevent the construction of American barns or seatainers as dwellings on the lots created. The new Local Planning Scheme is nearing completion and this scheme will enable Council to utilise the policies previously considered to restrict development below a minimum standard.

The 1992 application was originally refused by the Commission; however an appeal by the MLA Member Hendy Cowan to the Minister for Planning – Richard Lewis, overturned the decision primarily because the Shire had recommended approval. The Minister’s decision to approve the development carried a rider that the approval should not be construed as precedent.

Two further applications in 1994 and 1995 were refused by the Commission.

Officer’s Recommendation

That the Western Australian Planning Commission be advised that the Shire of Merredin does not support the subdivision of Lot 1 Totadgin Hall Road, Merredin into 9 new lots.

29355

Moved Cr Townrow

Sec Cr Crees

That the Western Australian Planning Commission be advised that the Shire of Merredin does not support the subdivision of Lot 1 Totadgin Hall Road, Merredin into 9 new lots.

CARRIED 9/2

11.9 AQUATIC FACILITY – CODE COMPLIANCE LEVELS – REQUIRED IMPROVEMENTS

Reporting Department:	Development Services
Reporting Officer:	John Mitchell - Manager, Development Services
Legislation:	Aquatic Facilities Regulations 2007
File Number:	CP/6/3

Background

From 2004 until 2007 the Health Department of WA issued a draft Code of Practice for the design, construction, operation, management and maintenance of aquatic facilities. Despite submissions from the Shire of Merredin, Shire of Kellerberrin, Shire of Bruce Rock and others (approx. 100 in total) the Code was adopted through the Aquatic Facilities Regulations 2007 (the regs) in September 2007.

The regulations place several important dates on the operators of class one pools to ensure compliance with the regulations. Whilst the Shire of Merredin Aquatic Facility is classified by the Executive Director of Public Health (EDPH) as a Compliant Class One pool, there is a clause that states whether or not compliant at the time of gazettal of the regulations the EDPH shall approve existing registered pools as the class that the pool would operate under. The Code then requires that the deficiencies be addressed within the period of grace provided. For Class One pools the compliance date is October 2009.

Local Government Insurance Services performed an audit (performed by Chase Audit) of the facility on 16 January 2007 and the Aquatic Facility report rating is provided in **Attachment 11.9A**.

In addition the Administration has prepared an issues document with regard to the Aquatic Facility which addresses those points contained within the Chase Audit and other issues that are considered maintenance issues and compliance issues (**Attachment 11.9B**).

Statutory Implications

The Health (Aquatic Facilities) Regulations 2007 and the code of practice for the design, construction, operation, management and maintenance of Aquatic facilities are applicable.

Building maintenance issues are required by the Local Government (Miscellaneous Provisions) Act 1960.

Worksafe issues are governed by the Occupational Safety and Health Regulations 1986.

Financial Implications

Costings have not been prepared for all of the works contained within the three reports.

Comment

The documents are provided to enable Council to consider the extent of works required and to provide a discussion document and start point for the improvements.

Officer's Recommendation

That the report be received and the pool be inspected by Council on 25 February 2008 during the Annual Budget Inspections of Buildings.

29356

Moved Cr Crees

Sec Cr Townrow

That the report be received and the pool be inspected by Council on 25 February 2008 during the Annual Budget Inspections of Buildings.

CARRIED 11/0

11.10 **TOWN PLANNING REPORT – DELEGATED AUTHORITY USE**
JANUARY 2008

Reporting Department: Development Services
Reporting Officer: John Mitchell - Manager, Development Services
Legislation: Planning and Development Act 2005, Shire of Merredin Town Planning Scheme No.1.
File Number:

Background

To outline the statutory planning activities of the Development Services department to Councillors of the Shire of Merredin for the previous month.

Statutory Implications

Council provided delegated authority to the Chief Executive Officer under Policy 6.2.

It is an offence under the Town Planning and Development Act 1928 (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	\$123.00
More than \$50 000 but not more than \$500 000	0.23% of the estimated cost of development
More than \$500 000 but not more than \$2.5 million	\$1415.00 + 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 using delegated authority:

PA1-08; Tracey McFarlane for TAMMAK Pty Ltd – application to establish a food shop (Subway) at Lot 300, 80 Barrack Street, Merredin. Land zoned Shop Zone – use as a food premise “P” – Value \$300,000.00

Officer’s Recommendation

That Council receive the Town Planning Report for February 2008.

29357

Moved Cr Townrow

Sec Cr A Hooper

That Council receive the Town Planning Report for February 2008.

CARRIED 11/0

11.11 **TENDER 8 – 07/08 – LEASE OF KITCHEN FACILITIES AT
MERREDIN RECREATION CENTRE AND LEISURE CENTRE
(MRC&LC)**

Reporting Department: Development Services
Reporting Officer: John Mitchell - Manager, Development Services
Legislation: Local Government Act 1995
File Number: Tender 8-07/08

Background

Tenders were called for the lease of the kitchen facilities at the MRCLC. Advertisement occurred in the Wheatbelt Mercury on 16 January 2008 with a closure date of 8 February 2008.

One tender was received from Mr Peter McDonald of the Doodlakine Tavern.

Statutory Implications

The provisions of Section 3.58 of the Local Government Act 1995 – Disposition of Property apply.

Financial Implications

The application to lease received has noted that prior to providing a quotation to Council the applicant seeks to discuss the matter with Senior Management and the Chief Executive Officer.

Comment

The tender was advertised in the Wheatbelt Mercury on 16 January 2008 with a closure date of 8 February 2008. **Attachment 11.11A** contains the tender received.

The tender is not compliant with the terms of reference issued for the tender in that no price to lease the facilities was provided. It is noted that the applicant seeks to discuss lease fees with the Chief Executive Officer (CEO). As no compliant tender was received Council should decline all tenders in accordance with the Act.

Council may delegate the CEO to enter negotiations with the unsuccessful tenderer to ascertain if there is potential to lease. Council should provide any parameters to the CEO to enable a decision to be reached.

Officer's Recommendation

- 1) *That all tenders for the lease of the Kitchen facilities at the Merredin Recreation Centre and Leisure Centre be declined.*
- 2) *That the Chief Executive Officer be authorised to negotiate a lease fee with Mr Peter McDonald to lease the kitchen facilities at the Merredin Recreation Centre and Leisure Centre.*

ABSOLUTE MAJORITY REQUIRED

29358

Moved Cr Townrow Sec Cr Morris

- 1) *That all tenders for the lease of the Kitchen facilities at the Merredin Recreation Centre and Leisure Centre be declined.*
- 2) *That the Chief Executive Officer be authorised to negotiate a lease fee with Mr Peter McDonald to lease the kitchen facilities at the Merredin Recreation Centre and Leisure Centre.*

CARRIED 11/0
ABSOLUTE MAJORITY

11.12 **UPDATE – PUBLIC TRANSPORT AUTHORITY – RAILWAY
HOUSES, RESERVE 13267, GREAT EASTERN HIGHWAY,
MERREDIN**

Reporting Department: Development Services
Reporting Officer: John Mitchell - Manager, Development Services
Legislation: Nil
File Number: R13267

Background

Since October 2007 the Manager of Development Services (MDS) has liaised with Mr Russell Wellington (PTA) and David Gray of Gray & Lewis Land Use Planners regarding this development.

Since June 2007 the above persons have regularly interacted regarding the subdivision and Shire of Merredin purchase of Lots 1504 and 1503 Barrack Street, Merredin which are also under the control of the PTA.

The following summarises the actions to date:

1. 16 October 2007 – Council Meeting; Council considered the minutes of the Business & Community Development Committee and resolved to write to the PTA and seek the demolition of the dwellings on Great Eastern Highway between Pereira Drive and Allbeury Streets be demolished. Correspondence sent 29 October 2007 by the MDS;
2. 7 November 2007 – MDS met with PTA regarding Lots 1503 and 1504. The topic of the PTA Houses was raised and discussed.
3. 20 November 2007 – Council meeting; Information Bulletin provided by MDS – notes of meeting with PTA.
4. 20 November 2007, **CMRef29203** – *That Council endorse sending letters and photographs of the PTA houses that have been boarded up and fenced to all Government Ministers outlining the Shires disgust with the condition of this action and the relevant lack of respect shown to our community.* **CMRef29204** – *That Council endorse informing the community of the background, current situation and what the Shire is doing in relation to the PTA houses on the highway by way of an advertisement in the Wheatbelt Mercury.* Please note that **CMRef29204** is still to be acted upon.

On 3 December 2007 Councillors Crees and Morris, and the Manager of Development Services met with the Minister's office staff to discuss the matter further with a response from Mark and Katherine (Minister's staff) that the matter would be given priority.

Statutory Implications

The Acts enforced by Local Government do not bind the Crown.

Comment

During December 2007, January and February 2008 (11th, 18th & 24th Jan) the Administration has made regular calls to the Minister's office without a firm response from the Minister. Immediate responses were agreed to by the Minister's staff when the phone calls were made. Despite our best efforts including threats to proceed to make Council comment public, no response was received until 12 February 2008.

On 3 February 2008, the Administration emailed Brendon Grylls' office to seek further assistance. This was agreed to Brendon's secretary.

On 12 February 2008 a response from the Minister was received (**Attachment 11.12A**).

The Honourable Minister advises:

1. Agrees that the condition of dwellings is substandard, in light of this requested PTA to sell houses off the plan to enable renovations to be carried out as soon as possible;
2. Once houses sold off the plan then a licence to occupy will be granted to the purchasers to commence renovations;
3. If not sold within reasonable time, say six months, the Minister will request PTA remove the houses;
4. That Sandra Eckhart at Department of Planning and Infrastructure is preparing documentation and if Council seeks to input please contact her;
5. Would like to meet to discuss the R13267 – Lot 1420?? – I assume the Minister means the PTA corridor land – R10359

There are a variety of issues that will impact on development. The letter does not mention:

1. A time period for compliance by the proposed new owners;
2. Who will be responsible for compliance with Building Code of Australia;
3. Will plans be submitted to the Local Government;
4. How will Council enforce compliance – currently Council cannot condemn the dwellings as they are owned by the State Government. Once sold off plan to private sector and the private sector commences upgrade the land becomes alienated and the laws can be enforced;
5. Subdivision will take two years to achieve. Is Council prepared to wait that long for the condition of the land to be improved?

6. Will the houses be required to register for Heritage protection;
7. Access to the highway particularly opposite Barrack Street will create further traffic issues and potential accident black spots as owners attempt to access Todd (GE Highway).

Council input is sought into the advice provided by the Minister.

Officer's Recommendation

That Council seek to meet with the Minister to discuss the issues relating to the proposal of the PTA to sell the dwellings and that those discussions include the following issues:

1. *A time period for compliance by the proposed new owners;*
2. *Who will be responsible for compliance with Building Code of Australia;*
3. *Will plans be submitted to the Local Government;*
4. *How will Council enforce compliance – currently Council cannot condemn the dwellings as they are owned by the State Government. Once sold off plan to private sector and the private sector commences upgrade the land becomes alienated and the laws can be enforced;*
5. *Subdivision will take two years to achieve. Is Council prepared to wait that long for the condition of the land to be improved?*
6. *Will the houses be required to register for Heritage protection;*
7. *(Deliberately left blank for Council input).*

Vanessa Green, Personal Assistant, left the meeting at 3.17pm.

Vanessa Green, Personal Assistant, entered the meeting at 3.18pm.

Prior to the Council meeting the Hon. Alannah McTiernan, Minister for Planning and Infrastructure inspected the properties concerned.

29359

Moved Cr Morris

Sec Cr Townrow

That Council:

1. *Confirm the Minister's offer to subdivide and sell the properties on Kitchener Road within 6 months and that if they are not sold within that timeframe all houses fronting Great Eastern Highway and Kitchener Road be demolished*
2. *That the wire fencing surrounding the properties be removed and the yards of the houses fronting Great Eastern Highway be cleaned up and maintained immediately*
3. *That Council confirm that the best outcome would be for Council to be granted freehold title of the land*
4. *For the benefit of all parties concerned the contamination of Oval needs to be assessed and cleaned up*

CARRIED 11/0

REASON:

Changes reflect the discussions held with the Minister.

11.13 APPLICATION FOR ASSISTANCE - YOUTHQUAKE – FREE USE OF DISTRICT PUBLIC SWIMMING POOL – 15 MARCH 2008

Reporting Department: Development Services
Reporting Officer: John Mitchell - Manager, Development Services
Legislation: Health (Aquatic Facilities) Regulations 2007
File Number: CP/19/2

Background

Mrs Sue Riley has corresponded (**Attachment 11.13A**) representing the Churches Fraternal and YouthQuake.

The group seeks to use the Swimming Pool facilities on 15 March 2008 to secure Youth participation in a variety of fun activities.

Statutory Implications

The event allegedly attracts 200 persons from the region to Merredin.

Council will need to appoint a second Lifeguard for the event. Costs are \$15.00/hr.

Financial Implications

Budget provision exists in the Swimming Pool sub programme for the engagement of a lifeguard for the event; however the Pool Manager generally donates his time.

Allowing five hours for the event lifeguard costs are \$75.00 and Manager costs are in the vicinity of \$120.00. Additionally a hire charge of \$77.00/hr is applicable. It is anticipated the event will be 3 hours long (\$231.00).

In Councils 2007/200/ budget at account *E041170* (Public Relations and Donations) Council allowed \$1,000.00 as unspecified donations. To date \$1,031.00 in donations has been made.

Comment

It is considered unreasonable to pay one person and not the other. As the Manager of Development Services I seek for Council to offer Mr Robartson wages for the event. An option is to provide a day off for the Manager providing a three day break in a fortnight period.

The event provides a wholesome event for Merredin's youth.

Officer's Recommendation

That the application from YouthQuake to utilise the Swimming Pool for the evening of the 15 March 2008 be approved with Council donating the hire charge (\$231.00) and the costs of additional lifeguards.

ABSOLUTE MAJORITY REQUIRED

29360

Moved Cr Simmonds Sec Cr Townrow

That the application from YouthQuake to utilise the Swimming Pool for the evening of the 15 March 2008 be approved with Council donating the hire charge and the costs of additional lifeguards.

CARRIED 11/0**ABSOLUTE MAJORITY****29361**

Moved Cr Crees Sec Cr Townrow

That Council adjourn for Afternoon Tea at 3.40pm

CARRIED 11/0**29362**

Moved Cr Crees Sec Cr Morris

That Council reconvene after afternoon tea at 4.00pm.

CARRIED 11/0

Jim Garrett, Manager of Engineering Services, entered the meeting at 4.00pm.

12.0 ENGINEERING SERVICES

12.1 MANAGER OF ENGINEERING SERVICES – MONTHLY REPORT

Reporting Department: Engineering
Reporting Officer: James Garrett – Manager, Engineering Services
Legislation: Local Government Act 1995
File Number:

Background

The monthly report on operations is detailed below for Council information.

Comment

Road Construction

Asphalt has been laid on Priestly Street.

The reconstruction of Endersbee Street is under way.

Road Maintenance

Some maintenance grading has been carried out on roads that were damaged after the recent rains. Bitumen patching is ongoing on the town streets.

Drains on northern side of Great Eastern Highway from the Military Museum to Dam One have been cleaned, also the main drain from Bates Street to Railway Parade.

2025 Roads

A part of the Shire of Merredin Road Funds comes from Regional Road Group funding pool, which is a State Government funded body. In 1992 a Memorandum of Understanding between the State Government and the Western Australian Local Government Association required that road development strategies be reviewed at five yearly intervals. In 2005 the Roads 2020 Regional Road Development Strategies came under review. This required that each Local Government identifies roads within their Shire that they felt were of regional significance.

At the Council Meeting on 17 July 2005 (**CMRef27994**) Council endorsed roads in the Shire that were of regional significance.

These roads were presented to Main Roads W.A. for their consideration. On the 15 January 2008 The Roads 2020 Regional Roads Development Strategies was updated to Roads 2025. Roads identified in the Shire of Merredin can be seen on **Attachment 12.1A**.

Staff

Advertisements have been placed in The West Australian and the Wheatbelt Mercury for 3 positions which are a Horticulturist, Gardener and Final Trim Grader Operator.

Only roads in the Roads 2025 document can receive funding from the Regional Road Group. Each year roads that Council wishes to have upgraded that are in the Roads 2025 document are presented to the respective subgroups of the Regional Road Group for their consideration. It is then passed onto Main Roads W.A. who process the applications to see if the road meets the criteria to receive funding.

The main criteria used by Main Roads W.A. are traffic volume counts. If traffic counts are not submitted your application is rejected. Council needs to decide two years before on which road is submitted to ensure that there is time to have traffic counts conducted.

Road development proposals can be discussed on the Annual Roads Inspection to be held on Wednesday 20 February 2008.

Parks And Gardens

Summer mowing and garden maintenance programs ongoing.

Recreation Ground

Construction of the fence around the basket ball courts has started and should be completed by the end of the week.

Asphalt was to be laid around the courts on the 8 February 2008 but due to the rain this has been put back to approximately the end of March 2008.

Independent Water

New pipe work has been laid from the pumps in the Main Drain to Dam One and Two. This was done to increase our water harvesting from the Main Drain.

Water Corporation has started works to install new pumps and UV plant for the treatment of sewage water at the treatment plant and a new pipeline from the treatment plant to Dam One.

Current dam water volume

Dam #1	70% Full	Capacity	74,455 kilolitres
Dam #2	35% Full	Capacity	71,675 kilolitres
Dam #3	100% Full	Capacity	46,000 kilolitres
Railway Dam	65% Full	Capacity	23,000 kilolitres

Officer's Recommendation

That Council receive the Manager of Engineering Services report for February 2008.

29363

Moved Cr Crees

Sec Cr Morris

That Council receive the Manager of Engineering Services report for February 2008.

CARRIED 11/0

12.2 **TRAINING TRACK RELOCATION AGREEMENT BETWEEN
MERREDIN SHIRE COUNCIL AND MERREDIN VOLUNTEER FIRE
AND RESCUE SERVICES**

Reporting Department: Engineering
Reporting Officer: James Garrett – Manager, Engineering Services
Legislation: Local Government Act 1995
File Number:

Background

When the new bowling greens were constructed at the Merredin Regional Community & Leisure Centre as part of its redevelopment the new greens encroached onto the Fire Brigades training track. This required the training track to be relocated.

It was decided that the new location for the track was to be on the southern end of the main oval. Council allocated \$98,000.00 in the 2007/2008 budget for the construction of the new track. This amount did not include the hydraulics or the electrical installation.

It was felt that the Fire Brigade would cover other costs as part of their contribution to the construction costs.

On the 4 September 2007 a meeting took place between Phil Vandermeer, the Merredin Volunteer Fire Brigade Captain, the Deputy Shire President Mark Crees and Jim Garrett, Manager of Engineering Services to discuss and look over the plans for the new Training Track to be constructed at the recreation ground. The plans were to be considered at the next Fire Brigade meeting as well as their contribution to the project,

On the 5 February 2008 a meeting took place between representatives of the Merredin Volunteer Fire Brigade Competition Track Committee, they were Phil Vandermeer, Neville Middleton, Steven King, the Deputy Shire President Mark Crees and the Manager of Engineering Services, Jim Garrett.

The committee presented an agreement on what they expected the Shire of Merredin to supply in the construction of the new track, as can be seen on **Attachment 12.2A**. This agreement asked the Shire of Merredin to supply one 6 x 9.14 shed to store their equipment in, a water tank with a minimum of 5,000 litre capacity and to construct a compound to store their tower in. None of these requests had been budgeted for. It is expected that this cost will be in the vicinity of \$30,000.00 to \$40,000.00.

There is nothing in this agreement as to what the Merredin Fire Brigade would be prepared to do as their contribution to the Training Track Construction. There have only been verbal agreements from the Competition Track Committee as what works or costs they would be prepared to undertake.

Financial Implications

None of the requests in the agreement have been budgeted for in the 2007/2008 budget.

Comments

Construction of the new running track needs to be completed before the end of March 2008 so there is warm weather to lay the asphalt. The track should be allowed to settle before the asphalt is laid.

Officer's Recommendation

1. *That Council develop a draft agreement with the Merredin Volunteer Fire Brigade clearly outlining what Council will contribute and what will be each others responsibility.*
2. *The laying of the asphalt and kerbing be deferred and unspent funds are carried over into the next financial year.*

29364

Moved Cr Elliott

Sec Cr A Hooper

1. *That Council develop a draft agreement with the Merredin Volunteer Fire Brigade clearly outlining what Council will contribute and what will be each others responsibility.*
2. *The laying of the asphalt and kerbing be deferred and unspent funds are carried over into the next financial year.*

CARRIED 11/0

This Agenda Item 16.1 was brought forward due to the attendance of Jim Garrett, Manager of Engineering Services.

16.1 **MERREDIN TOWNSITE GREAT EASTERN HIGHWAY ROAD WORKS**

Reporting Department: Engineering
Reporting Officer: James Garrett, Manager of Engineering Services
Legislation: Local Government Act 1995
File Number:

Background

On the 17 July 2007 Mark Sutton from Aline East addressed Council about the upgrade of the Great Eastern Highway through the Merredin Townsite. Following the discussion some points emerged:

1. Council's concern regarding the "west" Barrack Street and Great Eastern Highway intersection had been addressed.
2. As Council had requested additional drainage had been installed to cater for storm water runoff.
3. Car park at Railway Museum had been redesigned.
4. Side grates will be installed to reduce drain blockages.

Council made the following comments:

1. Entry into Mary Street for vehicles travelling east to west should have a turning pocket similar to the Barrack Street "west" intersection.
2. Entry into South Avenue for vehicles travelling west to east should have a turning pocket.
3. Sealed car park in front of Railway Museum should be extended west to French Avenue.
4. A sealed car park area should be constructed in front of and to the west of the Merredin Military Museum.
5. There was a safety concern for vehicles parking in the turning pocket on the northern side of the Great Eastern Highway in front of Chicken Treat. It appears there are not many practical solutions.

6. It was suggested making a portion of the old highway adjacent to the Water Corporation offices (i.e. on the northern side of the Great Eastern Highway east of Mary Street) as an attractive parking area for trucks may assist.
7. The drainage capture point at Woolgar Avenue needs to be opened up to the highway.

A meeting was held with Sadeq Rahman the Project Manager from Main Roads WA on the 1 February 2008 to look over and discuss the design for the Great Eastern Highway upgrade. Some points made by Council in the 17 July 2007 meeting were not addressed in the design package. They were:

1. That side entry pits be installed to replace the grates that are currently in place on the drainage along the service road from Woolgar Avenue to South Avenue. This was requested to solve the problem of drain blockages when there is a large amount of rain.

The designers have stated that these works are not in their scope of works and do not see any benefit with installing side drains.

2. The request for turning pockets on the Great Eastern Highway for vehicles entering and leaving South Avenue was not included in the design. An email was sent to Sadequr Rahman on the 7 February 2008 asking if this was not to occur, why it was not possible.

His reply was that the works could not fit into Main Roads WA budget at this time and as Council were considering using Robartson Road as a heavy vehicle bypass, Main Roads would be more inclined to allocate monies for the intersection of the Robartson Road and Great Eastern Highway when Robartson Road was upgraded.

3. Design for the carpark at the front of the Merredin Railway Museum is attached.

The carpark in the design can not be extended more to the west as there is a safety issue with the French Avenue intersection.

4. A parking bay for Merredin Military Museum was not practical as the Museum provided parking inside.

Comments

Works on the Great Eastern Highway through the Merredin Townsite are scheduled to start on approximately 21 February 2008.

Vanessa Green, Personal Assistant, left the meeting at 3.14pm.

Vanessa Green, Personal Assistant, entered the meeting at 3.15pm.

Officer's Recommendation

That the Merredin Shire Council write a letter to Main Roads WA expressing their disappointment that not all the concerns brought up at the 17 July 2007 meeting with Mark Sutton were addressed.

Emma Hooper, Manager of Finance and Administration, entered the meeting at 3.17pm.

29365

Moved Cr Morris

Sec Cr Elliott

That the Merredin Shire Council write a letter to Main Roads WA expressing their disappointment that some of the concerns brought up at the 17 July 2007 meeting with Mark Sutton were not addressed.

CARRIED 11/0

Jim Garrett, Manager of Engineering Services, left the meeting at 4.27pm.

13.0 FINANCE AND ADMINISTRATION

13.1 MONTHLY FINANCE REPORT

Reporting Department: Finance and Administration
Reporting Officer: Emma Hooper – Manager, Finance & Administration
Legislation: Local Government Act 1995
File Number:

Background

Each month attached to the Agenda (**Attachment 13.1A**) is the Monthly Financial Report prepared for Council.

Officer's Recommendation

That Council receive the Monthly Finance Report for January 2008.

29366

Moved Cr Morris

Sec Cr Forbes

*That Council receive the Monthly Finance Report for January 2008.***CARRIED 11/0**

Cr Elliott left the meeting at 4.40pm.

13.2 LIST OF ACCOUNTS PAID

Reporting Department:	Finance and Administration
Reporting Officer:	Emma Hooper – Manager, Finance & Administration
Legislation:	Local Government Act & Financial Management Regulations
File Number:	

Background

A list of accounts paid during the month under delegated authority is presented to Council each month. Refer to **Attachment 13.2A**.

Statutory Implications

Local Government Act 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 \$546,814.26 and amounts directly debited from Councils Municipal Fund Bank Account BSB No. 066-518 Account No. 000 000 10 totalling \$42,851.15 and outstanding creditors totalling \$76,138.06.

Cr Elliott entered the meeting at 4.41pm.

29367

Moved Cr Young

Sec Cr Simmonds

That Council receive the schedule of accounts as listed, covering cheques as numbered and totalling \$546,814.26 and amounts directly debited from Councils Municipal Fund Bank Account BSB No. 066-518 Account No. 000 000 10 totalling \$42,851.15 and outstanding creditors totalling \$76,138.06.

CARRIED 11/0

Cr A Hooper left the meeting at 4.44pm.

13.3 CHIEF EXECUTIVE OFFICER'S REPORT

Reporting Department: Administration
Reporting Officer: Frank Ludovico - Chief Executive Officer
Legislation: Local Government Act 1995
File Number:

The Chief Executive Officer's report for February 2008 is presented below.

The Action Sheet detailing progress of previous Council resolutions from March 2004 onwards is **Attachment 13.3A**.

Long Term Accommodation Strategy for WALGA

Attached for Councils information is an update on the Long Term Accommodation Strategy for WALGA. Essentially, WALGA has negotiated with the Town of Vincent to develop premises adjacent to the Town Administration Centre with a view of being ready in August 2010.
Attachment 13.3B

Emergency Management

LEMC

LEMC has been meeting on a monthly basis to discuss emergency management within the Shire of Merredin. This committee has been meeting in the SES building and SES providing the secretariat however with the resignation of the SES Manager and the significant drop in membership this will not be able to occur.

Essentially the Committee will need to be supported by the Shire Administration as obligated by the Emergency Management Act 2005 (Section 41).

The Committee is planning a desktop exercise in April 2008.

Training

Attached is an invitation to Local Government Emergency Management Conference on 28 May 2008 in Bunbury, WA. It would be appropriate for some Councillors and Officers to attend this conference so there can be input into the Shire of Merredin Emergency Management Systems.

Sale of Land for Outstanding Rates

On 3 November 2007 a number of Lots (17 Limbourne Street, 15 Limbourne Street, Lot 395 Kitchener Road and Avon Location 25289) were sold for outstanding rates.

However because the Chief Executive Officer was on leave Shire staff accidentally omitted to give notice of the sale in the form of Form 5 and deliver a Memorial of the Notice to the Registrar of Titles as required by Schedule 6.3 of the Local Government Act 1995.

It was not until after the auction that it was discovered that Memorials had not been placed on the lots. Without the Memorials the Transfer of Land cannot occur to the new owners.

We have written to the Local Government Department requesting the Governor validate the sales. We have also written to the prospective purchasers, real estate agents and settlement agents indicating the current state of the land purchases.

If the sales are not validated then Council will need to recommence the process.

Merredin Medical Practice Accreditation

Following on from the audit that occurred on 4 September 2007 a detailed report has just been received concerning issues that need to be addressed to maintain our accreditation.

Staff are currently working through the issues so that this accreditation can be maintained.

The effect of not maintaining the accreditation is that Practice Incentive Payments (PIP) amounting to approximately \$30,000.00 will not be received by the Practice.

Equal Opportunity Commission

On 8 February 2008 we received a complaint under the Equal Opportunity Act from Ms Madeleine Carter. Ms Carter has alleged unlawful discrimination on the grounds of sex and family responsibility in the area of employment.

Council staff will be preparing a response to the Commission after the return of the Manager of Community Services.

Application to Clear Native Vegetation – Merredin Golf Club

I have again been in contact with the Department of Environment and Conservation and provided additional information to them concerning the clearing application.

Essentially they required the maps to be redrawn which shows the full extent of the clearing even though significant portions will only affect vegetation of a “degraded condition”.

I have asked the Department to respond to our application quickly so that the forthcoming winter season can be used for rehabilitation etc.

Avon Midland Country Zone WALGA

The Shire President the above meeting on 8 February 2008 to discuss interaction and cooperation between Wheatbelt Zones of WALGA.

Officer's Recommendation

That Council receive the Chief Executive Officer's Report for February 2008.

Cr A Hooper entered the meeting at 4.46pm.

Emma Hooper, Manager of Finance and Administration, left the meeting at 4.46pm.

29368

Moved Cr Crees

Sec Cr Young

That Council receive the Chief Executive Officer's Report for February 2008.

CARRIED 11/0

13.4 **RESEARCH PARTNERSHIP TO INVESTIGATE AUSTRALIAN
GRAIN INDUSTRY SUPPLY CHAIN – MONASH UNIVERSITY**

Reporting Department: Administration

Reporting Officer: Frank Ludovico - Chief Executive Officer

Legislation:

File Number:

Background

Attached are letters from Monash University seeking potential partners to join a study team to look at adaptation for sustainability of the Australian Grain Industry Supply Chain in the face of recurring drought. A letter detailing the proposal is attached. (**Attachment 13.4A**)

Financial Implications

The University seeks a contribution of up to \$3,000.00/pa in cash and in kind for a 3 year period commencing in 2009.

In the Community and Economic Development sub programme (largely because of staff vacancies) an amount of funding is available in this financial year. In subsequent years Council would need to make a firm commitment to provide funds in those budgets.

Comment

In discussing this issue with representatives of Monash University total project is estimated to be several hundreds of thousands of dollars and they will be seeking funding from industry and State and Federal Governments sources to undertake the work.

As I understand the research it will be looking at various communities to see how they have adapted and thrived as a result of the drought in the agricultural areas. They will then be developing a report which indicates the various strategies that various communities have used during this period.

I understand that the report will become publicly available at the completion of the study.

It is acknowledged that the report will be successful however as the report will become publicly available and research will have to be done in the West Australian Wheatbelt anyhow it is not proposed to recommend funds for this project.

Officer Recommendation

That Council not provide any financial assistance to the Monash University Research Partnership to investigate the Australian Grain Industry Supply Chain.

29369

Moved Cr Townrow

Sec Cr A Hooper

That Council not provide any financial assistance to the Monash University Research Partnership to investigate the Australian Grain Industry Supply Chain.

CARRIED 9/2

13.5 **MIDWEST AND WHEATBELT POLICY – LIBERAL
PARLIAMENTARY PARTY**

Reporting Department: Administration

Reporting Officer: Frank Ludovico - Chief Executive Officer

Legislation:

File Number:

Background

We received a letter (**Attachment 13.5A**) from The Hon. Brian Ellis, MLC seeking input from the Shire of Merredin in respect to matters affecting the Shire such as infrastructure, agriculture, tourism etc.

Comment

I believe Councils Strategic Plan clearly identifies the various issues that Council wishes to progress for the foreseeable future, however Council may have particular issues of concern that it may wish to bring to the attention of the Liberal Parliamentary Party.

At Councils 15 January 2008 meeting Council was asked to provide input into the 2008/2009 Federal Budget and the issues forwarded from Council then were:

1. Headworks Charges – costs of Headworks charges in regional and remote areas were too high and were an impediment on development.
2. Medical Services – the costs of these services to rural and remote Local Governments were far too high and it is the responsibility of State and Federal Governments to provide medical services to the Wheatbelt
3. Staff Attraction and Retention – there needs to be positive policies to encourage qualified tradesmen to come and work in our district. A review of the Zone Rebate Scheme is an option.
4. Salinity – the rising saline ground water is a threat to all communities in the Wheatbelt and significant research and projects should be funded into using this saline water for productive and economic benefit.
5. Local Government Funding – a larger slice of GST revenues should be returned to Local Governments for provision of services such as recreation and infrastructure (roads). Tying Local Government funding to a percentage of a growth tax such as the GST will be certainly beneficial to the operations of Local Governments.

Officers' Recommendation

That Council advise The Hon. Brian Ellis, MLC of the abovementioned points in respect to policy formulation for the Wheatbelt.

29370

Moved Cr Forbes

Sec Cr Townrow

That Council advise The Hon. Brian Ellis, MLC of the abovementioned points in respect to policy formulation for the Wheatbelt.

CARRIED 11/0

Frank Ludovico, Chief Executive Officer, left the meeting at 4.55pm.

Frank Ludovico, Chief Executive Officer, entered the meeting at 4.56pm.

14.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

15.0 QUESTIONS BY MEMBERS FOR WHICH DUE NOTICE HAS BEEN GIVEN

15.1 RECYCLING GLASS AND OTHER PRODUCTS

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

Background

It is of some concern that EHO John Mitchell has reported that the life left at the Merredin Tip is minimal and we need to consider alternatives to our waste management.

The Merredin Lions Club are established as a recycling agency and have raised reasonable amounts of money for various projects. This club is a voluntary organisation of ageing members, and may not be able to continue to give as many hours in the future.

Merredin has a private contractor whose business has steadily grown over the past year providing a valuable service to the businesses of the town by collecting and recycling their cardboard waste. He has also collected glass which he has passed on the Lions Club. Unfortunately, he has been asked to vacate the premises he has been renting due to circumstances beyond his control.

The Lions Club find that the cost of transporting the glass to Perth for recycling is prohibitive.

The collected broken glass has been taken to the Merredin Tip and dumped. The only benefit this system has provided, it did not need to occupy the same volume at the site for unbroken glass.

I believe that the price for glass sold in Perth is \$60.00 per tonne. Glass could not be transported in grain bins, but it could be transported in skip bins on flat top trailers or sand and gravel tippers. The Lions Club collects approximately 25 tonnes per year.

The recycling system is not working efficiently and the tip is not working efficiently with regard to recycling and opening hours. Merredin Shire has budgeted to establish recycling bin pick ups through the Avon Waste Management system.

My Questions:

What would be the expected cost to Shire for the:

1. Purchasing additional land at the existing landfill site
2. Re-establishing a landfill site at another location?

What would be the cost to Shire if quarterly trips were made to Perth to deliver goods for recycling – particularly glass.

Where are the re-cycled products going to end up after collection by Avon Waste?

Would there be any benefit to the community and any extension to the life of the tip if the Shire were to offer a management agreement to Mr Dalton so he could continue his recycling activities from the tip itself? He could access all recyclable products. (I assume that Shire would still need to maintain the landfill at the site).

Financial Implications

Waste management is a big ticket item in our annual budget and offers many challenges along the way. Any activity that Council could adopt to reduce the amount of refuse dumped and subsequently buried can only benefit economically and environmentally. Refuse is not an issue that is going to go away. How do you measure the cost/benefit for the initiatives taken today on the long term future of our community?

Staff Comment

At the August 2007 meeting the Administration presented two items dealing with the operation of the landfill site. At that meeting Council resolved (**CMRef29099**) *That the Chief Executive Officer (CEO) be authorised to meet with the landowner of Avon Location 20462 and discuss the purchase of a portion of the location for the purposes of extensions to the Chandler Road Landfill Site.*

At the September 2007 meeting of Council the issue of waste management was discussed in detail and at that meeting Council resolved (**CMRef9178**):

- 1) *That the Administration seek alternatives to the operation of the Chandler Road Landfill Site, including private management of the site, prolonging disposal using existing land spaces and costings for the provision of drop off areas for recycling facilities within the site.*
- 2) *That tenders be called for the provision of a kerbside recycling service to domestic properties within the townsites serviced.*
- 3) *That a standard condition for town planning consent for applications received includes a reference to the requirement to sort waste created on the site into disposal and recyclables.*

-
- 4) *That the administration continue research into the provision of recycling bins into the commercial and industrial businesses within the Shire of Merredin and provide recommendations to Council.*
 - 5) *That the waste management levy be increased to \$60.00 + GST for the 2008/09 year.*
 - 6) *Tender documentation is to include:*
 - a) *Option for sale of MGB's to Council through the contract period and extension of the contract period;*
 - b) *Fortnightly collection of recycling MGB's;*
 - c) *Future inclusion of the commercial sector into the recycling program.*

With reference to the above resolutions of Council the following is provided:

- a) Mr Murray Jarvis was written to on 22 October 2007. The Manager of Development Services (MDS) was advised as it was close to harvest he might not return calls for several months. Since then the MDS has left a message a week on his phone to contact the Shire of Merredin. Last call was Monday 4 February 2008 at 11.00am. The MDS has also contacted Readymix to discuss the potential to acquire the quarry if acceptable to Department of Environment and Conservation.
- b) Private management of the site has been discussed with Mr Steven Williams of City and Regional Waste Management. Last met on Friday 11 January 2008 at Tammin to review procedures and again on 1 February 2008 at Merredin to discuss the landfill site, lack of space and potential to manage the site. Mr Williams agreed to provide a submission for Council consideration. There are management issues to address such as tip passes, costs of disposal, salvage rights and the like. The existing site will not take further infrastructure and the placement of recycling containers at the landfill site was considered to be an inclusion within any extensions to the site. Since that time the MDS has held meetings with the Lions Club, Daltons and Sims to discuss recycling ventures.
- c) The tender documentation was presented to the CEO in December 2007 and with the exception of several additional points to be included the tender documentation is complete. As Council resolved to introduce the scheme in July 2008 the advertisement was not proposed until March 2008. The costs and information were included in the December 2007 public newsletter issued by the Shire of Merredin. The tender documentation includes those points contained in recommendation 6. In addition a survey of commercial and industrial premises was undertaken by the EHO during November 2007. The tender includes the provision of recycling services to the commercial sector. In addition the Lions Club and Daltons have been informed in writing of the recycling venture and been requested to advise the Council of any premises receiving a service from the private sector. Since that time Lions have advised informally that they intend to withdraw the service provision in certain areas.

- d) The levy has been included within the draft budget preparation documents.

During the first week of February 2008 the MDS and Manager of Engineering Services (MES) visited the landfill site and resolved to commence the creation of more room to ensure the site can continue. As at 4 February 2008 the site is being cleaned and more room made available for disposal.

On 10 December 2007 and 29 January 2008 the MDS met with the Lions Club and Daltons to discuss the approach to recycling of the commercial and industrial sector. In December 2007 the MDS wrote to both parties to discuss the future involvement with the recycling ventures.

On 1 February 2008 the MES advised the Lions Club that three trucks were attending Perth during March 2008 to backload claycrete and that glass would be loaded for Perth. Contrary to advice received by Councillors this is the first trip to Perth by Shire of Merredin trucks since March 2007.

When the MDS became aware that Daltons were to loose the building, correspondence was sent to the Lions Club after meeting with Peter Dalton on 24 January 2008 to ascertain his needs.

On 1 February 2008 Peter Dalton contacted the MDS to arrange a further meeting on Monday 4 February 2008. The meeting was accepted but Mr Dalton did not attend. Phone calls on 5 February 2008 determined that he would meet with the MDS at 8.00am Tuesday 5 February 2008. Mr Dalton advised at that meeting that he would be closing the business down due to staffing issues and market downturn. Mr Dalton did advise that the closure was not related to any actions of the Shire of Merredin.

To answer Cr Townrow's questions:

What would be the expected cost to Shire for the

- a) Purchasing additional land at the existing landfill site;***
b) Re-establishing a landfill site at another location?

A purchase price of approximately \$2,000.00 a hectare is envisaged if the landowner is prepared to sell the land. Allowing for 20 – 30Ha the purchase price is anticipated at \$60,000.00. Further expenditure on infrastructure is dependent on the extent of services to be provided, however minimum expenditure is expected in the vicinity of \$80,000.00 to establish a compliant site. There are further issues in that Worksafe allegedly issued direction on a regional local government to provide crib, shower, cold water, telephone, change-rooms etc at the site. These costs alone could be in the vicinity of \$100,000.00 (minimum) if there is no power or water to the site and head-works components are applicable.

What would be the cost to Shire if quarterly trips were made to Perth to deliver goods for recycling – particularly glass?

Allowing eight hours for a trip to Perth the cost per trip would be \$960.00. The return on the glass at \$60/tonne would gross approximately \$600.00 maximum. There has been no allowance for the loss of opportunity costs or net effect on road programs.

In early March 2008 three trucks are back-loading claycrete and Lions have been advised that the trucks will leave Merredin with glass for recycling. This is the first trip out of the Shire for trucks since late March or early April 2007.

Where are re-cycled products going to end up after collection by Avon Waste?

The contract has not been awarded therefore no comment can be provided. IF Avon Waste is successful they operate a recycling plant in York. It is a pilot program overviewed by the Department of Environment and Conservation. Goods are recycled from this plant through various enterprises including VisyBoard, Sims Metals and the like.

Would there be any benefit to the community and any extension of the life of the tip if the Shire were to offer a management agreement to Mr Dalton so he could continue his recycling activities from the tip itself? He could access all recyclable products. (I assume that Shire would still need to maintain the landfill at the site.)

Private management of the site will result, in the opinion of the MDS, in better practices. Within Local Government the landfill site is seen by staff as a punishment detail. In addition, being locals themselves, there is a reluctance to enforce the policies, decisions and regulatory requirements of the Shire of Merredin on local persons. Private management with bonuses and percentages of incomes will maximize management and returns of the landfill site operation.

Mr Dalton has advised that currently he is not interested in managing the site and also that being a local may well impact on the way the site is operated. Private management of the site is envisaged to include all landfill site operations including compliance with the Department of Environment and Conservation licence.

To privately manage the site Council will need to consider passes for disposal, income arrangements for recycled materials, ownership of the recyclables, landfill and site charges for disposal with strict enforcement procedures.

For example, the Shire of Merredin currently earns up to \$30,000.00 per annum from reclaimed steel components from Sims Metals and there is an increasing number of country landfill sites that have restricted hours and users must pay to dispose of waste materials.

Recommendations provided by Cr Townrow

The allocation of a staff member is Council's prerogative. However which staff member and what duties shall they not perform. The current staff are undermanned and extended. Removing a truck from road works for a week a year will impact on road works. There will also be perceptions that having assisted the Lions Club why are we not assisting other recyclers within the Shire of Merredin.

Discussions have been held with Peter Dalton and the Lions Club on a regular basis under the current MDS. Both are preparing to cease recycling operations due to a variety of reasons none of which relate to the actions of the Shire of Merredin. The last meeting with the Lions Club on 29 January 2008 determined that the Club would be reducing the provision of services in cardboard and glass due to the charter of the Club and a lack of volunteers.

Mr Dalton has advised that the economics of recycling has proven negative and he has been supporting the business with his own monies from the commencement of the business.

On 12 February 2008 the MDS was advised by Lions Club President Geoff Brown that as Council will remove the glass and the potential change of decision of the Lions Club. In addition Peter Dalton contacted the MDS to enquire whether he could continue recycling and sought a meeting, again, with the Shire and Lions to utilise the eastern shed on Reserve 10359.

Councillor's Recommendation

1. *That Council allocate one staff member and one suitable vehicle for one day per quarter to take glass to Perth for recycling.*
2. *That discussion beheld with the Lions Club and Mr Dalton along with Avon Waste if necessary re the long term management of recycling in the Shire of Merredin.*

Debbie Morris, Manager of Community Services, entered the meeting at 5.07pm.

John Mitchell, Manager of Development Services, entered the meeting at 5.10pm.

29371

Moved Cr Townrow

Sec Cr Young

That discussion beheld with the Lions Club and Mr Dalton along with Avon Waste if necessary re the long term management of recycling in the Shire of Merredin

CARRIED 11/0

John Mitchell, Manager of Development Services, left the meeting at 5.19pm.

15.2 REVIEW OF COMMITTEES

Reporting Department: Councillor
Reporting Officer: Cr Maria Young
Legislation:
File Number:

Background

No Committee has delegated Council authority therefore can only make recommendations to Council.

Committees meet two to three weeks out of Council meetings, which means a 2-3 weeks wait for a Council decision then 1-2 weeks later there is another Committee meeting.

This does not allow Shire staff to progress any decisions before the next meeting.

I believe that Committee meetings held quarterly would allow projects to progress, allowing any urgent matters to come before Council at our monthly ordinary meetings.

Staff Comment

If this motion is passed Staff would appreciate detailed feed back as to the structure of Council Committees to assist it in the review.

Councillor's Recommendation

That Council conduct a review of all Shire Committees within the next two months with the aim of abolishing and/or changing the frequency of meetings.

Cr Forbes left the meeting at 5.47pm.

Cr Forbes entered the meeting at 5.50pm.

Moved Cr Young Sec Cr Elliott
That Council conduct a review of all Shire Committees within the next two months with the aim of abolishing and/or changing the frequency of meetings.

WITHDRAWN

29372 Moved Cr Young Sec Cr Elliott
That all Council Committees review their functions within the next two months with the aim of abolishing and/or changing the frequency of meetings.

CARRIED 9/2

Debbie Morris, Manager of Community Services, left the meeting at 6.00pm.

16.0 URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION

Nil

17.0 MATTERS BEHIND CLOSED DOORS

29373

Moved Cr Morris

Sec Cr Townrow

That Council go behind closed doors to discuss a confidential staffing matter and a commercial in confidence matter.

CARRIED 11/0

Council went behind closed doors at 5.57pm.

Vanessa Green, Personal Assistant, left the meeting at 6.03pm.

Vanessa Green, Personal Assistant, entered the meeting at 6.05pm.

Vanessa Green, Personal Assistant, left the meeting at 6.23pm.

29374

Moved Cr Townrow

Sec Cr Simmonds

That Council come out from behind closed doors.

CARRIED 11/0

Council came out from behind closed doors at 6.27pm.

Vanessa Green, Personal Assistant, entered the meeting at 6.27pm.

17.1 RESIGNATION OF DR SOLA FREEMAN

29375

Moved Cr Townrow

Sec Cr A Hooper

1. *That Council endorse the Chief Executive Officer's decision in accepting the resignation of Dr Sola Freeman from the Merredin Medical Practice effective from 6 April 2008.*
2. *That Council not seek a replacement doctor for Dr Sola Freeman at this stage.*

CARRIED 11/0

17.2 **LEASING OF MERREDIN MEDICAL PRACTICE –
WHEATBELT GP NETWORK**

29376

Moved Cr Morris

Sec Cr Young

That Council authorise the Shire President and Chief Executive Officer to negotiate with WA Country Health Services and the Wheatbelt GP Network to improve medical services in Merredin.

CARRIED 11/0

17.3 **PERFORMANCE APPRAISAL OF THE CHIEF EXECUTIVE
OFFICER**

29377

Moved Cr Simmonds

Sec Cr Young

That Council adopt the Chief Executive Officer's Performance Review.

CARRIED 11/0

18.0 **CLOSURE**

There being no further business the Presiding Person declared the meeting closed at 6.33pm.