

SHIRE OF MERREDIN



“Heart of the Wheatbelt”

MINUTES OF COUNCIL MEETING

20 MAY 2008

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Minutes for the Ordinary Meeting of the Merredin Shire Council held in the Council Chambers, Corner King and Barrack Streets, Merredin on Tuesday 20 May 2008 commencing at 1.00pm

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

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

Margaret Olston (left 2.40pm)

1.0 OFFICIAL OPENING

The Presiding Member declared the meeting open at 1.05pm. Debbie Morris, Manager of Community Services, was in attendance.

2.0 PUBLIC QUESTION TIME

Mrs Margaret Olsten addressed Council expressing her disappointment that there was no public meeting held in relation to the issues at the Merredin Medical Centre, the lack of doctors in Merredin and what arrangements were in place for seeing Doctors at the Hospital.

Mrs Olsen was advised that currently Dr Adeniyi and Dr Inverarity were working at the Centre, that a Locum had been employed recently for a week with another Doctor on call at the Hospital. Mrs Olsen was further advised that Council is fully aware of the issues in relation to the Merredin Medical Centre and that Council was doing everything possible to improve the medical services in Merredin, ensuring that both the Centre and the Hospital were covered.

Cr Townrow advised the meeting that Dr Inverarity made the decision herself to not want admitting rights to the Merredin Hospital.

3.0 APOLOGIES AND LEAVE OF ABSENCE

29472

Moved Cr Young

Sec Cr Wallace

That Cr Forbes be granted Leave of Absence for the 17 June 2008 Ordinary Council meeting.

CARRIED 11/0

4.0 DISCLOSURE OF INTEREST

Cr Young declared an Impartiality Interest in Agenda Item 11.1.

5.0 PETITIONS AND PRESENTATIONS

Nil

6.0 CONFIRMATION OF MINUTES6.1 Previous Council Meeting

Confirmation of the Minutes of the previous Council Meeting held on 15 April 2008 – with the addition to **CMRef 29431** being “Carried by Absolute Majority”.

29473

Moved Cr Townrow Sec Cr Elliott

That the minutes of the meeting of the Council meeting held on 15 April 2008 be confirmed as a true and correct record of proceedings – with the addition to CMRef 29431 being “Carried by Absolute Majority”.

CARRIED 11/0

7.0 ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

The Presiding Member advised Council that an invitation had been extended to the Merredin Medical Centre Staff to address Council at 5.30pm and to the Doctors at 5.45pm. It was further advised that Dr Inverarity has declined the opportunity to attend the meeting.

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

17.1 Chandler Road Landfill Site

17.2 Merredin Medical Practice

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

9.1 WALGA Great Eastern Country Zone Special Meeting held on 27 March 2008

Attachment 9.1A

9.2 WE-ROC Council Meeting held on 22 April 2008

Attachment 9.2A

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- 9.3 Merredin/Westonia Liquor Accord Meeting held on 24 April 2008
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- 9.4 Merredin Heritage Management Committee Meeting held on 24 April 2008
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- 9.5 Merredin Regional Community and Leisure Centre Advisory Committee Meeting held on 28 April 2008
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- 9.6 State Road Funds to Local Government Advisory Committee Meeting held 28 April 2008
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- 9.7 Merredin Local Emergency Management Committee Exercise Meeting held on 30 April 2008
Attachment 9.7A
- 9.8 Central Wheatbelt Visitor Centre Think Tank Meeting held on 1 May 2008
Attachment 9.8A
- 9.9 Merredin Local Emergency Management Committee Meeting held on 6 May 2008
Attachment 9.9A
- 9.10 Merredin Business and Community Development Committee Meeting held on 7 May 2008
Attachment 9.10A
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29474

Moved Cr Townrow

Sec Cr Elliott

That the Merredin Shire Council receive the minutes of the WALGA Great Eastern Country Zone Special Meeting held on 27 March 2008, the WE-ROC Council Meeting held on 22 April 2008, the Merredin/Westonia Liquor Accord Meeting held on 24 April 2008, the Merredin Heritage Management Committee Meeting held on 24 April 2008, the Merredin Regional Community and Leisure Centre Advisory Committee Meeting held on 28 April 2008, the State Road Funds to Local Government Advisory Committee Meeting held 28 April 2008, the Merredin Local Emergency Management Committee Exercise Meeting held on 30 April 2008, the Central Wheatbelt Visitor Centre Think Tank Meeting held on 1 May 2008, the Merredin Local Emergency Management Committee Meeting held on 6 May 2008 and the Merredin Business and Community Development Committee Meeting held on 7 May 2008.

CARRIED 11/0

9.1 WALGA Great Eastern Country Zone
Nil Recommendations to Council

9.2 WE-ROC Council
Nil Recommendations to Council

9.3 Merredin/Westonia Liquor Accord
Nil Recommendations to Council

9.4 Merredin Heritage Management Committee

8.1 Heritage Week Report 4–12 April 2008

Moved Rob Endersbee Sec Cr Hayden
That the Merredin Heritage Management Committee recommend to Council that Council support Heritage Week in 2009.

CARRIED 4/0

Moved John Rutherford Sec Rob Endersbee
That the Merredin Heritage Management Committee recommend to Council that Council budget \$5000.00 in 2008/2009 in support of Heritage Week.

CARRIED 4/0

29475 Moved Cr Morris Sec Cr Young
1. *That Council support Heritage Week in 2009.*

2. *That Council budget \$5000.00 in 2008/2009 in support of Heritage Week.*

CARRIED 9/2

8.2 Progression of Overall Heritage Precinct Plan

Moved Cr Hayden Sec Rob Endersbee
That the Merredin Heritage Management Committee recommend to Council that Council endorse the proposed priority projects for 2008/2009 in conjunction with the previous budget allocations submitted - \$10,000.00 Committee allocation, \$8,000.00 Military Museum allocation, \$8,000.00 Railway Museum allocation –

Committee allocation \$10,000.00

Priority 1

Planning of the Heritage Precinct (Walk trail from crossing to crossing) \$5000.00

Priority 2

Interpretation of Cultural Heritage \$5,000.00

- 1. Identify and clarify the themes and stories relevant to our rail and military history*
- 2. Provide an informative and entertaining experience for local residents as well as visitors*

**Lotterywest funding submission will be submitted for \$15,000.00 – Total project \$20,000.00*

Military Museum allocation \$8,000.00

Priority 1

Covering of area between buildings (pending funding)

Priority 2

Access road and car park from Mary Street end

Railway Museum allocation \$8,000.00

Priority 1

Relocation of cabins from behind Railway Institute Hall – transporting, fixing to platform and refurbishment.

Priority 2

Beautification along Great Eastern Highway in front of museum.

CARRIED 4/0

29476

Moved Cr Morris Sec Cr Townrow

That Council endorse the proposed priority projects for 2008/2009 in conjunction with the previous budget allocations submitted - \$10,000.00 Committee allocation, \$8,000.00 Military Museum allocation, \$8,000.00 Railway Museum allocation –

Committee allocation \$10,000.00

Priority 1

Planning of the Heritage Precinct (Walk trail from crossing to crossing) \$5000.00

Priority 2

Interpretation of Cultural Heritage \$5,000.00

- 1. Identify and clarify the themes and stories relevant to our rail and military history*
- 2. Provide an informative and entertaining experience for local residents as well as visitors*

**Lotterywest funding submission will be submitted for \$15,000.00 – Total project \$20,000.00*

Military Museum allocation \$8,000.00**Priority 1*****Covering of area between buildings (pending funding)*****Priority 2*****Access road and car park from Mary Street end*****Railway Museum allocation \$8,000.00****Priority 1*****Relocation of cabins from behind Railway Institute Hall – transporting, fixing to platform and refurbishment.*****Priority 2*****Beautification along Great Eastern Highway in front of museum.*****CARRIED 11/0**

8.4 Plaque Policy

Moved John Rutherford Sec Cr Hayden

That the Merredin Heritage Management Committee recommend to Council that Council endorse the Draft Plaque Policy as presented.**CARRIED 4/0**

Moved Rob Endersbee Sec John Rutherford

That the Merredin Heritage Management Committee recommend to Council that Council allocate an amount of \$1,000.00 annually in the Shire Budget for Heritage Plaques.**CARRIED 4/0****29477**

Moved Cr Morris Sec Cr Hayden

That Council endorse the Draft Plaque Policy as presented.**CARRIED 10/1****29478**

Moved Cr Morris Sec Cr Townrow

That Council allocate an amount of \$1,000.00 annually in the Shire Budget for Heritage Plaques.**CARRIED 10/1**

9.5 Merredin Regional Community and Leisure Centre Advisory Committee

9.0 Storage of Large Equipment at Merredin Regional Community and Leisure Centre (MRC&LC)

Moved Cr Crees Sec J Gearing
Recommend that Council make an allocation in the 2008/2009 Budget for the purchase and erection of a large storage shed at the Merredin Recreation Ground.

CARRIED 5/0

29479

Moved Cr Morris Sec Cr Wallace
That Council make an allocation in the 2008/2009 Budget for the purchase and erection of a large storage shed at the Merredin Recreation Ground.

CARRIED 9/2

10.0 Merredin Regional Community and Leisure Centre Fees and Charges

Moved J Jefferys Sec Cr Wallace
MRC&LC be eligible for a 20% discount on Fees and Charges as outlined in proposed 2008/2009 Fees and Charges.

CARRIED 5/0

Note: The above Recommendation is taken as a direct copy of the unconfirmed minutes of the Merredin Regional Community and Leisure Centre Advisory Committee Meeting and Council should be aware that the Administration presumes that this Recommendation refers to individual MRC&LC members and excludes food and alcohol purchases.

Point of Order – Cr Young (**CMRef 29585** 17 June 2008)

“The issues should be referred back to the Merredin Regional Community and Leisure Centre Advisory Committee for clarification”.

29480

Moved Cr Morris Sec Cr A Hooper
That Merredin Regional Community & Leisure Centre members be eligible for a 20% discount on Fees and Charges as outlined in the proposed 2008/2009 Fees and Charges, excluding food and beverage purchases.

CARRIED 7/4

Cr Young requested that the vote of all members present be recorded.

Cr Simmonds stated after the vote that while he voted against the motion he was happy to stand by Council's Decision.

For

Cr Hayden
Cr A Hooper
Cr Wallace
Cr Crees
Cr Townrow
Cr Morris
Cr K Hooper

Against

Cr Simmonds - happy to stand by Council's decision.
Cr Young
Cr Elliott
Cr Forbes

Moved Cr Wallace Sec Cr Crees
Council to set Fees and Charges as scheduled in 2008/2009 Fees and Charges with amendments to:

1. *Bowling Green charge change to Hire per person per hour \$10.00*
2. *Removal of Hire per hour per game area*
3. *A Nil hire fee for occasional non competitive use of sporting areas by non-Merredin Shire residents.*

CARRIED 5/0

Note: The above Recommendation is taken as a direct copy of the unconfirmed minutes of the Merredin Regional Community and Leisure Centre Advisory Committee Meeting and Council should be aware that the Administration presumes that this Recommendation refers to users of the Bowling Greens only.

Point of Order – Cr Young ([CMRef 29585](#) 17 June 2008)

[“The issues should be referred back to the Merredin Regional Community and Leisure Centre Advisory Committee for clarification”.](#)

29481

Moved Cr Wallace Sec Cr Crees
That Council set Fees and Charges as scheduled in 2008/2009 Fees and Charges with amendments to:

1. *Bowling Greens charge change to Hire per person per hour \$10.00 per person*
2. *Removal of Hire per hour per game charge for the Bowling Greens*
3. *A Nil hire fee for occasional non competitive use of Bowling Greens by non-Merredin Shire residents.*

CARRIED 10/1

9.6 State Road Funds to Local Government Advisory Committee

Nil Recommendations to Council

9.7 Merredin Local Emergency Management Committee (Exercise)

Nil Recommendations to Council

9.8 Central Wheatbelt Visitor Centre Think Tank Committee

Nil Recommendations to Council

9.9 Merredin Local Emergency Management Committee

Nil Recommendations to Council

9.10 Merredin Business and Community Development Committee

6.1 Joint Ventures – Aged and Youth

Moved Cr Morris

Sec Cr Townrow

That the Business and Community Development Committee recommend to Council that Council consider sites for independent retirement type housing at the Town Planning Scheme Workshop and also how to progress these developments.

CARRIED 4/0

29482

Moved Cr Young

Sec Cr Elliott

That Council consider sites for independent retirement type housing at the Town Planning Scheme Workshop and also how to progress these developments.

CARRIED 11/0

7.4 Townscape Plan and Budget

Moved Cr Morris Sec Cr Townrow
That the Business and Community Development Committee recommend to Council that Council endorse the formation of a Townscape/Tidy Towns Committee composed of community members and Councillors.

CARRIED 4/0

29483

Moved Cr Morris Sec Cr Townrow
That Council endorse the formation of a Townscape/Tidy Towns Committee composed of community members and Councillors.

CARRIED 7/4

Cr Townrow, Cr Morris, Cr Forbes and Cr A Hooper volunteered for this committee.

[CMRef 29585 17 June 2008 – Cr Forbes requested her name be removed from the membership of this Committee.](#)

7.7 Review of Committee

Moved Cr Morris Sec Cr Townrow
That the Business and Community Development Committee recommend to Council that Council endorse:

- 1. The current purpose of the Business and Community Development Committee adequately represents the function of the Committee;*
- 2. That Business and Community Development Committee meetings be held on the first Wednesday monthly commencing at 7.30pm at the Shire Administration Centre;*
- 3. That the dates and times of the Business and Community Development Committee meetings be advertised to enable members of the public to attend.*

CARRIED 3/1

29484

Moved Cr Morris Sec Cr Townrow

That Council endorse:

- 1. The current purpose of the Business and Community Development Committee adequately represents the function of the Committee;*
- 2. That Business and Community Development Committee meetings be held on the first Wednesday monthly commencing at 7.30pm at the Shire Administration Centre;*
- 3. That the dates and times of the Business and Community Development Committee meetings be advertised to enable members of the public to attend.*

CARRIED 10/1

7.8 Whitfield Way

Moved Cr Morris Sec Cr Young

That the Business and Community Development Committee recommend to Council that:

- 1. Council endorse the immediate commencement of the second stage of Whitfield Way subdivision.*
- 2. Council allocate an initial \$20,000.00 in the 2008/2009 budget for planning approval and development cost estimates to be obtained.*

CARRIED 4/0**29485**

Moved Cr Simmonds Sec Cr Morris

That Council:

- 1. Endorse the immediate commencement of the second stage of Whitfield Way subdivision.*
- 2. Allocate an initial \$20,000.00 in the 2008/2009 Budget for planning approval and development cost estimates to be obtained.*

CARRIED 11/0

7.9 Central Business District Master Plan

Moved Cr Morris Sec Cr Townrow
That the Business and Community Development Committee recommend to Council that Council endorse the formation of a CBD Working Party to consider the expansion of the retail sector of the Merredin CBD, with recommendations to be submitted to Council by August 2008 for Council consideration.

CARRIED 3/1

29486

Moved Cr Morris Sec Cr Townrow
That Council endorse the formation of a CBD Working Party to consider the expansion of the retail sector of the Merredin CBD, with recommendations to be submitted to Council by August 2008 for Council consideration.

CARRIED 9/2

Cr Townrow, Cr Morris, Cr Wallace, Cr A Hooper volunteered for this Working Party.

7.10 Tourism Landbank

Moved Cr Townrow Sec Cr Young
That the Business and Community Development Committee recommend to Council that Council endorse:

- 1. Developing a synopsis on why the Shire of Merredin requires a feasibility study on tourism accommodation completed;*
- 2. Enter into a partnership with Tourism Western Australia for the completion of a Feasibility Study on Tourism Accommodation for Reserves 22645 and 44697 incorporating \$25,000.00 contribution from Tourism WA and \$5,000.00 from the Shire of Merredin (E134130) if required.*

CARRIED 4/0

29487

Moved Cr Young Sec Cr Townrow
That Council endorse:

- 1. Developing a synopsis on why the Shire of Merredin requires a feasibility study on tourism accommodation completed;*
- 2. Enter into a partnership with Tourism Western Australia for the completion of a Feasibility Study on Tourism Accommodation for Reserves 22645 and 44697 incorporating \$25,000.00 contribution from Tourism WA and \$5,000.00 from the Shire of Merredin (E134130) if required.*

CARRIED 11/0

10.0 COMMUNITY SERVICES

10.1 MANAGER OF COMMUNITY SERVICES – MONTHLY REPORT

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

Background

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

The past month has been consumed predominantly with staff, budget and Council Committees administration and projects – BCDC, Heritage Management and MRC&LC Advisory.

Staff

Administration/Telecentre Coordinators - advertising, review of position descriptions, interviews, appointment of the successful applicants and preparation of employment documentation, notification to unsuccessful applicants.

Project Officers – interviews, appointment of the successful applicants and preparation of employment documentation and notification to unsuccessful applicants.

Librarian – interview and liaison with State Library.

Regular meetings with all Community Services staff occur – Manager of Visitor Centre, Manager of Cummins Theatre, NRMO, Library Officer, Recreation Centre Manager and casual Project Officer.

Budget

Community Services Team had input into 2008/2009 draft Shire Budget. Fees and Charges have been reviewed, with modifications to the hire costs for the Cummins Theatre and Recreation Centre, so that they are consistent.

Grants

Funding register is completed and distributed.

Thank a Volunteer Grant acquittal has been completed.

Community Sporting and Recreation Facilities Fund (CSRFF) agreement signed - \$39,556.00 (installation of an automatic irrigation system on the Merredin Recreation Ground Oval).

WDC Visitor Centre Expansion Grant – request lodged for extension date of acquittal to 30 June 2008, due to the inability to have the exterior of the building painted until the new public toilets are constructed to enable the colour to be matched.

Community Safety and Crime Prevention Incentive Grant \$20,000.00 – successful.

Tourism Western Australia have confirmed \$25,000.00 towards a feasibility study for tourism accommodation in Merredin, on the condition that a synopsis is prepared outlining the need for the accommodation.

Wheatbelt Liftout

An advertisement has been prepared for The West Australian newspaper “Wheatbelt Liftout” which is due for publication on 22 May 2008.

Volunteer Management Program

A Volunteer Management Program has been developed, which will provide both volunteers and staff with the information and guidelines for recruitment and management of volunteers.

An article was published in the Wheatbelt Mercury promoting the support for volunteers within the Shire.

Plaques Policy

A policy has been developed for the installation and erection of Heritage Plaques within the Shire. This policy was developed in response to the request from Lesley and Andrew Horn regarding the recognition of the old Merredin Hotel site. The policy was submitted to the Heritage Management Committee for endorsement.

Children in Workplace Policy

A policy is currently being developed in response to requests for children of staff members to be allowed in the workplace. The policy will provide both employees and managers with suitable guidelines. This policy is being developed in conjunction with Local Government Insurance Services (LGIS).

Meetings/Seminars attended

Council Meeting held on 15 April 2008

EOC Meeting held on 16 April 2008

Budget Meeting (Senior Managers) held on 18 April 2008

Radio West Interview held on 22 April 2008

Ron Meecham –LGIS Meeting held on 22 April 2008

Bullying and Harassment Workshop held on 23 April 2008

Merredin Heritage Management Committee Meeting held on 24 April 2008

TAG Meeting held on 1 May 2008

Tourism Western Australian 2020 Workshop held on 5 May 2008

Senior Staff Meeting held on 6 May 2008

BCDC Meeting held on 7 May 2008

Telecentre Advisory Group Meeting held on 9 May 2008

Tourism Services

The Tourism Western Australia Collocation and Wheatbelt Development Commission grants discussed and financial allocation reconciled for relevant acquittals by Manager of Community Services and Visitor Centre Manager.

Tourism Western Australia 2020 workshop was held in Merredin on Monday 5 May 2008. The workshop was attended by the Visitor Centre Manager, Manager of Community Services and Tourism Officer. Negotiations with Tourism Western Australia regarding Landbank and funding opportunities for the Shire of Merredin took place following the workshop.

Natural Resource Management

NRMO and Manager of Community Services are reassessing Merredin Peak – Recreation Trail in order to clarify and progress the project.

Library Services

Library Officer Sonya Smith attended Library Officer training in April 2008.

An interview was conducted on 9 May 2008 for the Manager of Library Services by the Chief Executive Officer, Manager of Community Services and State Library representative, Vicky Carlyon, who participated via teleconference. Negotiations are still taking place.

Acting Chief Executive Officer, Mr Geoff Parslow and Manager of Community Services attended the Equal Opportunity Commission conciliation conference on 16 April 2008 in relation to the discrimination claim by Madeleine Carter. A conciliation conference is a form of mediation, whereby both parties have the opportunity to discuss the complaint. No outcomes or results are forthcoming at the conciliation conference.

A response to the Equal Opportunity Commission is being prepared.

Recreation Services

Support, guidance and advice is being provided on a daily basis to newly appointed Recreation Centre Manager, Nicole Newton, who is adjusting very well to the role.

Community And Economic Development

Rachael Gearing and Taya Fritsch commenced as Project Officers on Monday 12 May 2008. Inductions were conducted on 12 May 2008 for both officers. Rachael will be working Monday and Tuesday and Taya on Wednesday, Thursday and Friday.

Cummins Theatre

Manager of Community Services and Manager of Cummins Theatre are currently working together on processes and procedures which will enable better use of the theatre, as well as more effective ways to manage the venue by the introduction of modified hire structures and the formation of the Cummins Theatre Advisory Group.

Reports from individual Community Services areas:

Central Wheatbelt Visitor Centre
Report is **Attachment 10.1A**

Natural Resource Management
Report is **Attachment 10.1B**

Cummins Theatre
Report is **Attachment 10.1C**

Merredin Regional Community and Leisure Centre
Report is **Attachment 10.1D**

Community Project Officer
Report is **Attachment 10.1E**

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 May 2008.

29488 Moved Cr Young Sec Cr Townrow
That Council receive the Manager of Community Services' Report for May 2008.

CARRIED 11/0

10.2 PUBLIC LIBRARY FRAMEWORK AGREEMENT

Reporting Department:	Community Services
Reporting Officer:	Debbie Morris – Manager, Community Services
Legislation:	Local Government Act 1995
File Reference:	CM/09/02

Background

The Joint Advisory Committee (JAC), comprising of equal numbers of Local Government and State Government representatives, oversees the Public Library Services Agreement and deals with operational and strategic issues associated with the Agreement.

Ms Ricky Burges, Chief Executive Officer of the Western Australian Local Government Association (WALGA) is one of the Local Government representatives on JAC. Ms Burges has provided Local Governments with an update on the Agreement. Below is an excerpt from an email from Ms Burges.

*At the April 2008 meeting of State Council, the current public library framework agreement was extended for 12 months to June 2009. During the next 12 months the JAC will embark on the consultation process to develop a new agreement, which will be informed by the strategic directions of the Structural Reform of Public Libraries Report (Lunn Report) The report commissioned by the JAC in 2006 was to explore and examine the most efficient and effective model for the delivery of public library services in Western Australia. The Report outlined 10 strategic outcomes and high level recommendations for future directions for Public Library Service in Western Australia. Executive summary **Attachment 10.2A.***

In order to move forward, the issue of stocktakes and repatriation needs to be addressed. In 2006, the JAC agreed that physical stocktakes were the best way to manage state assets. Since this time there has been much debate about the need to do a physical stocktake as opposed to rolling stocktakes which are employed by a number of public libraries. At the last meeting in February 2008 the JAC reaffirmed its position on physical stocktakes and I support this approach. It is simply a good business practice. It is also commendable that the public librarians have agreed to undertake physical stocktakes. To date over 35 Libraries have completed their physical stocktakes and I encourage you to ensure your public libraries are working towards this outcome.

There is now a need to focus on the repatriation for lost items and to develop a costing model. To date there is agreement between each party on a number of principles to guide the costing model. The issue that is at an impasse is the payment for lost items that are reflected on the State Library database and not on the public library database. The State Government has put forward several offers to help move the process forward.

The following represents the most current offer;

- 1. State Library (subject to Library Board approval) will absorb the cost of lost items accessioned pre-2001.*
- 2. Local Government will pay for all lost items post 2001(i.e. located to the library on the State Library's LMS but not found during the stocktake) with an accession date of 2001 onwards at \$15.00 per item (this figure has not been indexed since 1999)*
- 3. If a lost item turns up subsequent to payment being made then, as occurs now, a credit will be given to the library if the return falls within two years of payment.*
- 4. Based on the analysis by the State Library of WA, of the 29 libraries who have undertaken a physical stocktake this means the State Library would absorb 73.2% of costs while local governments would pay 26.8% of costs, on average.*

The State Government is making every effort to present a workable solution and enable a reasonable outcome. In discussion at the JAC meeting we have agreed that this should not be construed as any reflection on current or past management practices, rather the offer is grounded in sound asset management and business principles and a decision to draw a line in the sand and provide a process for the way forward.

I am very keen to move this project forward I will be recommending to the WALGA JAC team that they accept the current offer from the State Government. It is then my intention to take this outcome to WALGA State Council for formal consideration.

I am seeking your support and endorsement of the direction that we are taking.

Statutory Implications

The Library Board of Western Australia Act 1951 - 1983

Financial Implications

The current agreement between the State Library Board and Shire of Merredin – State Library Board provides subsidy funding to the Shire of Merredin of \$4,998.54 (incl GST) per quarter. The subsidy is for:

1. Salary subsidy as agreed to be sufficient to undertake library duties;
2. 100% travel and subsistence costs at public service rates to enable the Regional Librarian to visit every library in the region annually;
3. 50% subsistence and travel costs at public service rates to enable the Regional Librarian to visit Perth 12 times per annum to attend meetings, select exchanges and perform duties pertaining to a regional role;
4. Other costs of providing regional services eg telecommunications, postage, stationery etc.

Comment

The current offer from the State Library Board in relation to the best way to manage state assets appears to be made with good intentions.

1. Physical stocktakes to be undertaken;
2. State Library (subject to Library Board approval) will absorb the cost of lost items accessioned pre-2001;
3. Local Government will pay for all lost items post 2001(i.e. located to the library on the State Library's LMS but not found during the stocktake) with an accession date of 2001 onwards at \$15.00 per item (this figure has not been indexed since 1999);
4. If a lost item turns up subsequent to payment being made then, as occurs now, a credit will be given to the library if the return falls within two years of payment;
5. Based on the analysis by the State Library of WA, of the 29 libraries who have undertaken a physical stocktake this means the State Library would absorb 73.2% of costs while Local Governments would pay 26.8% of costs, on average.

Officer's Recommendation

That the Council endorse and support the direction the Joint Advisory Committee is taking in relation to the development of a new Public Library Services agreement.

29489

Moved Cr Young

Sec Cr Townrow

That the Council endorse and support the direction the Joint Advisory Committee is taking in relation to the development of a new Public Library Services agreement.

CARRIED 11/0

Margaret Olston left the meeting at 2.40pm.

Frank Ludovico, Chief Executive Officer left the meeting at 2.42pm

10.3 **MERREDIN REPERTORY CLUB MEMORANDUM OF UNDERSTANDING**

Reporting Department: Community Services
Reporting Officer: Jane Bandurski – Manager, Cummins Theatre
Legislation: Local Government Act 1995
File Reference: CM/09/01

Background

In April 2007 a Memorandum of Understanding (MoU) between the Shire of Merredin and the Merredin Repertory Club was established. The MoU was designed to maximise the community's usage of Cummins Theatre, and outlined a unique agreement upon conditions of use of the Theatre by the Merredin Repertory Club.

On Monday 7 April 2008, Manager of Community Services Debbie Morris, Manager of Cummins Theatre Jane Bandurski, and Merredin Repertory Club President Greg Shea met to review the MoU with the view of continuing the agreement for another six month term. Some additions have been included in the proposed MoU (**Attachment 10.3A**).

Statutory Implications

The Shire of Merredin will receive 12.5% gross profit on ticket sales from all Merredin Repertory Club shows staged at Cummins Theatre. An additional \$50.00 refundable booking security deposit will be applicable on all Merredin Repertory Club bookings of the Theatre, to be effective upon the adoption of this MoU and to be applied as described in the *Conditions of Hire and Booking Information for Cummins Theatre*.

Comment

The introduction of the Merredin Repertory Club MoU has been effective in achieving the objectives outlined within the document in its first six months of operation. It is anticipated that a further six month adoption of the MoU will be of benefit to all parties. If adopted at this Council meeting the MoU will be scheduled for a review in November 2008.

Officer's Recommendation

That Council endorse the Memorandum of Understanding between the Shire of Merredin and the Merredin Repertory Club for a period of six months, scheduling a review in November 2008.

29490

Moved Cr Elliott

Sec Cr Forbes

That Council endorse the Memorandum of Understanding between the Shire of Merredin and the Merredin Repertory Club for a period of six months, scheduling a review in November 2008.

CARRIED 11/0

10.4 INTRODUCTION OF MODIFIED HIRE STRUCTURES – CUMMINS THEATRE

Reporting Department:	Community Services
Reporting Officer:	Jane Bandurski – Manager, Cummins Theatre
Legislation:	Local Government Act 1995
File Reference:	CP/19/05

Background

The “Conditions of Hire and Booking Information” for Cummins Theatre was adopted by Council in 2006. The document outlines the conditions of use of the Theatre for all Hirers, in addition to containing a Theatre booking form and alcohol permission slip.

At present there are no specific or advertised guidelines for potential Hirers as to what might constitute an event that would be eligible for a waiver or reduction of the hire fee. This has meant that any modification to the standardised Hire structure has to be referred to Council, which is time consuming and not always possible where bookings have not been considered far enough in advance. It also places restrictions on the Theatre’s capacity to generate income, as sometimes the Theatre is forced to forgo bookings where the Shire cannot afford to purchase the show outright, and the promoter is also not willing to hire the venue and assume all the risk. The introduction of supplementary Hire Structures and Guidelines may assist to alleviate some of these issues.

There has also been some confusion pertaining to the wording and structure of the alcohol permission slip provided in the current Conditions of Hire and Booking Information. A modified permission slip which distinguishes between the service of alcohol and the application for an occasional licence has been developed:

1. Share the Risk MoU (**Attachment 10.4A**)
2. Cummins Theatre – Waived or Discounted Hire Fees Policy (**Attachment 10.4B**)
3. Commercial Hirer Booking Form (**Attachment 10.4C**)
4. Revised Service of Alcohol Permission Request (**Attachment 10.4D**)

Financial Implications

The Shire of Merredin allocates an amount of donations within its budget each year, which includes the amount of hire fees waived for the Cummins Theatre.

Comment

The adoption of a Policy for waiving or discounting Hire Fees and the subsequent allocation of donations will help to relieve some of the stress and time restraints placed on Council, and will allow for the expedient delivery of decisions to potential Hirers. The Policy criteria will have no effect on confirmed Shire managed annual community events, such as Anzac Day or the Seniors Luncheon.

The introduction of modified hire structures and Policy will encourage more community organisations to utilise the Theatre, and will also increase the Theatre's capacity to negotiate divisions of profit where commercial Hirers are involved. In many instances this may ensure a greater income than the current commercial hire fee.

Officer's Recommendation

That Council:

1. *Endorse the amended Conditions of Hire and Booking Information and supplementary documents for the Cummins Theatre including:*
 - a. *Share the Risk MoU (Attachment 10.4A)*
 - b. *Cummins Theatre – Waived or Discounted Hire Fees Policy (Attachment 10.4B)*
 - c. *Commercial Hirer Booking Form (Attachment 10.4C)*
 - d. *Revised Service of Alcohol Permission Request (Attachment 10.4D)*
2. *Endorse an allocation of \$3,000.00 for waived or donated hire fees for the Cummins Theatre in the 2008/2009 Budget.*

29491

Moved Cr Elliott

Sec Cr Townrow

That Council:

1. *Endorse the amended Conditions of Hire and Booking Information and supplementary documents for the Cummins Theatre including:*
 - a. *Share the Risk MoU (Attachment 10.4A)*
 - b. *Cummins Theatre – Waived or Discounted Hire Fees Policy (Attachment 10.4B)*
 - c. *Commercial Hirer Booking Form (Attachment 10.4C)*
 - d. *Revised Service of Alcohol Permission Request (Attachment 10.4D)*
2. *Endorse an allocation of \$3,000.00 for waived or donated hire fees for the Cummins Theatre in the 2008/2009 Budget.*

CARRIED 11/0

Frank Ludovico, Chief Executive Officer, entered the meeting at 2.44pm

Debbie Morris, Manager of Community Services, left the meeting at 2.44pm.

29492 Moved Cr Townrow Sec Cr Elliott
That Council adjourn the meeting for afternoon tea at 2.45pm.
CARRIED 11/0

29493 Moved Cr Crees Sec Cr Elliott
That Council reconvene the meeting at 3.06pm.
CARRIED 11/0

John Mitchell, Manager of Development Services was in attendance.

MINUTES

Cr Young declared an Impartiality Interest in this Agenda Item 11.1 and left meeting at 3.07pm.

11.0 DEVELOPMENT SERVICES**11.1 BUILDING STATISTICS REPORT – APRIL 2008**

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

Background

The monthly report on Building Licences issued by the Building Surveyor is provided below for Council information.

Statutory 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
BA26/08	GB & G Nicoletti, 1 Doyle St, Merredin WA 6415	Lot 1497, 1 Doyle Street, Merredin, temporary accommodation unit	Rainday Pty Ltd, 1 Doyle St, Merredin	Class 5 Office – prefab
BA27/08	Merredin Outdoor Centre, PO Box 792, Merredin WA 6415	Lot 1011, 7 Caw St, Merredin WA 6415, steel framed garage	L Anderson, 7 Caw St, Merredin	Class 10(a) - garage
BA28/08	Merredin Outdoor Centre, PO Box 792, Merredin WA 6415	Lot 876, 85 Endersbee St, Merredin WA 6415; steel framed carport	C Keegan, 85 Endersbee St, Merredin	Class 10(a)
BA29/08	Merredin Outdoor Centre, PO Box 792, Merredin WA 6415	Lot 208, 49 Duff St, Merredin WA 6415; steel framed patios	J & H Garlett, 49 Duff St, Merredin	Class 10(a)
BA30/08	G Allen, PO Box 654, Merredin WA 6415	Lot 3, 90 Barrack St, Merredin WA 6415; New double brick shop – Wine Store	TARASCO Pty Ltd, PO Box 262 Merredin	Class 5
BA31/08	Kevin Joss, PO Box 374, Merredin WA 6415	Lot 10, 56 Barrack Street, Merredin WA 6415; new double brick clad storeroom	J & J Flockart, 56 Barrack St, Merredin	Class 6
BA32/08	Kevin Joss, PO Box 374, Merredin WA 6415	Lot 7, 19 Pioneer Road, Merredin WA 6415	M & E Carlson, 19 Pioneer Rd, Merredin	Class 1(a) additions

BA33/08	Bruce Potter, Lot 1350, 6 Whitfield Way, Merredin WA 6415	Lot 1350, 6 Whitfield Way, Merredin; new steel framed garage	Bruce Potter, Lot 1350 Whitfield Way, Merredin	Class 10(a)
BA34/08	Ben Jardine, 5 Lewis St, Merredin WA 6415	Lot 51, 15 Priestly St, Merredin WA 6415; steel framed clad patio infill to existing dwelling	Lot 51 Priestly St, Merredin WA 6415	Class 10(a)
BA35/08	Antonio Brunetti, 35 French Avenue, Merredin WA 6415	Lot 452, 35 French Ave, Merredin; new ancillary accommodation conc floor, steel framed granny flat	Lot 452 French Avenue, Merredin	Class 1(a)

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

Valuation: \$ 665,097.00
Progressive: **\$1,897,953.00**

Fees: \$ 2,358.06
Progressive: **\$5,597.82.00**

Comment

The licence for BA21-08 has not been issued as the owners are still seeking a registered builder to quantify and cost the project.

BA24-08 is subject to the Chief Executive Officer signing the town planning application approval prior to issuing a licence.

Officer's Recommendation

That Council receive the April 2008 statistics for Building Licences issued (BA26-08 to BA35-08) by the Building Surveyor.

29494

Moved Cr Morris

Sec Cr Townrow

That Council receive the April 2008 statistics for Building Licences issued (BA26-08 to BA35-08) by the Building Surveyor.

CARRIED 10/0

Cr Young entered the meeting at 3.10pm

11.2 **LOCAL LAW NO. 7 – HEALTH LOCAL LAW 1999 – REVIEW OF LOCAL LAW**

Reporting Department: Development Services
Reporting Officer: John Mitchell - Manager, Development Services
Legislation: Local Government Act 1995 Section 3.12 – 3.19
File Reference: Local Laws - Health

Background

In August 1999 the Shire of Merredin resolved to adopt Health Local Laws (CMRef 25479). The Executive Director of Public Health consented to the Local Laws on 6 September 1999 and the Local Laws were gazetted on 11 October 1999.

Under Section 3.16 of the Local Government Act 1995 Local Laws are to be reviewed every eight years.

The development of the new Public Health Act will most probably require a significant review of Health Local Laws. In order to ensure compliance with the Act and to ensure that any legal processes commenced by the Health Local Laws don't fail because a review was not undertaken, staff have reviewed the Health Local Laws 1999.

Statutory Implications

Section 3.16 of the Local Government Act 1995 requires that once the review has been undertaken Council needs to advertise the Local Law and call for submissions. The submission period is open for six weeks. Any submissions are to be considered by Council.

Comment

The Health Local Laws have served the Shire of Merredin well and apart from changes necessitated by the Minister for Health (see Agenda Item 11.3) staff perceive no need to vary the Local Laws.

Officer's Recommendation

Council receive the Administration review of the Shire of Merredin Health Local Laws 1999 and advertise Local Law No. 7 in Health Local Laws seeking public comment.

29495

Moved Cr Townrow

Sec Cr Morris

Council receive the Administration review of the Shire of Merredin Health Local Laws 1999 and advertise Local Law No. 7 in Health Local Laws seeking public comment.

CARRIED 11/0

**11.3 HEALTH ACT – LOCAL LAWS – REQUIRED AMENDMENTS –
JOINT STANDING COMMITTEE ON DELEGATED LEGISLATION**

Reporting Department:	Development Services
Reporting Officer:	John Mitchell - Manager, Development Services
Legislation:	Health Act 1911 – 1979 Health Local Law 1999
File Reference:	LE/8/5

Background

In March 2008 the Minister for Health was advised pursuant to Legislative Council Standing Order 337 that there were two clauses within all Local Government Health Local Laws that were ultra vires. These clauses relate to the offensive trades and the lodging house provisions.

These provisions make the employee responsible for actions that are beyond their control and the Legislative Council recommends to the Minister for Health that the clauses binding employees be deleted and the word “obnoxious” be deleted as it is not defined within the Local Laws or the Health Act.

A copy of the advice is contained in **Attachment 11.3A**.

Statutory Implications

The Minister for Health pursuant to Section 343B of the Health Act 1911 has invoked an amendment to delete the clauses and to delete the word “obnoxious” from all Local Laws.

A similar incident occurred with the Stable provisions in 2007.

Financial Implications

There are no financial implications to the Shire of Merredin. The Minister for Health will prepare a statewide amendment amending all Health Local Laws.

Comment

The Shire of Merredin Health Local Law contains two sections that are considered ultra vires: -

1. Lodging Houses – Section 8.3.9(b) – A lodger or resident b) keep or store in or on the lodging house any goods or materials which are flammable, obnoxious or offensive; and
2. Offensive Trades – “Occupier includes Employee – 9.1.8 – Where in any section contained in this Part; a duty is imposed upon the occupier of premises in or upon which an offensive trade is carried on, the reference to the occupier shall be interpreted to include the employees of the occupier and any employee committing a breach of any provision of this Part shall be liable to the same penalties as if he were the occupier.

The change will not affect the operation of the Local Law.

The Department of Health is seeking for Local Governments to advise of the provisions requiring amendment by 30 May 2008.

Officer's Recommendation

That the Department of Health be advised that clauses 8.3.9(b) and 9.1.8 of the Shire of Merredin Health Local Laws 1999 require amendment to comply with Legislative Council Standing Order 337.

29496

Moved Cr Townrow

Sec Cr Elliott

That the Department of Health be advised that clauses 8.3.9(b) and 9.1.8 of the Shire of Merredin Health Local Laws 1999 require amendment to comply with Legislative Council Standing Order 337.

CARRIED 11/0

11.4 **DRAFT PUBLIC HEALTH BILL 2008**

Reporting Department:	Development Services
Reporting Officer:	John Mitchell - Manager, Development Services
Legislation:	Health Act 1911 proposed amendments
File Reference:	PH/11/02

Background

In July 2005 the Department of Health (DoH) released *A New Public Health Bill for Western Australia – A Discussion Paper for Public Consultation*. The Discussion Paper proposed the replacement of the core public health provisions of the Health Bill with a risk based approach to the protection and promotion of public health, to be administered by State and Local Government.

In December 2005, based on feedback received, the Western Australian Local Government Association (WALGA) State Council endorsed in principle the development of the New Public Health Bill recognising that the risk management approach would strengthen Local Governments ability to service their communities and meet local needs by providing increased flexibility and autonomy for Local Government. WALGA put forward 31 recommendations to the DoH for consideration. The DoH established a working party to address the Public Health Bill roles and responsibilities and to frame them in the form of a Partnership Agreement.

In August 2007 a Draft State/Local Government Partnership Agreement was developed on the roles and responsibilities of the two spheres of Government in relation to a new Public Health Bill. This Agreement was endorsed by State Council in December 2007. On 1 February 2008 the Public Health Bill 2008 was released for public consultation for a period of 12 weeks. Comments are to be received by 30 May 2008.

Attached for Council's information is a copy of the "Draft Public Health Bill 2008 Explanatory Paper and Submission Form" prepared by the Public Health Division of the Department of Health Western Australia. Also attached is a copy of "A report on the draft Public Health Bill 2008 on behalf of WALGA March 2008 by Wayne Jolley". (**Attachment 11.4A**)

Statutory Implications

It is a proposal to provide a new Public Health Act.

Financial Implications

There will be significant financial implications to Local Government. These include:

1. New Local Health Laws;
2. New strategic public health plan which must address a variety of public health issues from EHO role, food and nutrition, wants and needs from public health perspective of community.

Comment

After reading the Explanatory Paper and the Draft Public Health Bill 2008, attached are my comments on both the Explanatory Paper and the Draft Bill, presented for Council's information. (**Attachment 11.4B**)

Officer's Recommendation

That Council endorse the Manager of Development Services' responses and comments on the Submission Form – Public Health Bill 2008 prepared by the Western Australian Local Government Association and that the completed form be forwarded to the Health Department of Western Australia by 30 May 2008.

29497

Moved Cr Townrow

Sec Cr Elliott

That Council endorse the Manager of Development Services' responses and comments on the Submission Form – Public Health Bill 2008 prepared by the Western Australian Local Government Association and that the completed form be forwarded to the Health Department of Western Australia by 30 May 2008.

CARRIED 11/0

**11.5 CHANDLER ROAD LANDFILL SITE – WORKS TO EXTEND LIFE –
RECYCLING AND CELL CREATION**

Reporting Department:	Development Services
Reporting Officer:	John Mitchell - Manager, Development Services
Legislation:	Environmental Protection (Rural Landfill) Regulations 2002
File Reference:	WM/16/2

Background

In 2005 Council engaged City and Regional Waste Management to create additional cell space and remove recyclable materials from the Chandler Road landfill site. Those works created additional life to the site and the works were considered by the Administration as worthwhile.

Council is currently considering the future of the site and options for the provision of a site to cater for the community needs for the foreseeable future.

The current issues are that:

1. The usable area of the Chandler Road site is fast diminishing;
2. It is unlikely that the Shire of Merredin will secure additional land for waste disposal before the existing site fills;
3. The existing site requires substantial rehabilitation;
4. Extensions to the site may not resolve the long term issues associated with the receipt of waste for disposal.

The proposals for a new site verses extensions to the existing site are the subject of a separate report. This report deals with the required improvements to the site to permit disposal whilst the Council considers options.

Statutory Implications

The site is required to be maintained to the requirements of the Environmental Protection (Rural Landfills) Regulations 2002.

Financial Implications

Quotations to perform the works are provided at \$30,140.00 + GST to remove and sort 5,000m³ of fill and contaminated materials. The quotation is contained in **Attachment 11.5A**.

No funds have been provided within the 2007/2008 budget to perform the works. Additional funds are available from the Waste Management Levy reserve which contains \$90,000.00 in funds.

An absolute majority of Council is required to release the funds for this proposal.

Comment

The following works are proposed:



Grade/reclaim and cap the entry area to create a ramped effect and commence addressing rain runoff issues. In addition the works to this area will ensure that first impressions of a well maintained site are retained. The timber will be removed and stock piled and the edge graded down and capped.



All inert materials will be sorted and removed from this area where a cell will be created. The view is north east towards the back of the hill. The overburden created can be used to cap cells and permit the creation of contours to drain water from the site.



This view – looking north-west is the continuation of the area where a cell (5,000m³) will be created. The finished level will be existing paddock ground level. Overburden created will be stored onsite for capping purposes.



Northern top area – finish edges: -The finished cell levels will be sorted and properly capped. All recyclable materials from this area will be removed for on sale or disposal.

The works will involve the use of a track mounted screening plant to separate the rubble, sand, timber and concrete.

Officer's Recommendation

That \$30,140.00 + GST is allocated from the Waste Management Reserve (E163120) to fund the site improvements to the Chandler Road Waste management site comprising creation of a new cell, separation of the rubble and builders waste, capping and contouring of the entry area and sorting of 5,000m³ of materials on site to create capping materials.

ABSOLUTE MAJORITY REQUIRED

29498

Moved Cr Townrow

Sec Cr Young

That \$30,140.00 + GST is allocated from the Waste Management Reserve (E163120) to fund the site improvements to the Chandler Road Waste management site comprising creation of a new cell, separation of the rubble and builders waste, capping and contouring of the entry area and sorting of 5,000m³ of materials on site to create capping materials.

**CARRIED 11/0
ABSOLUTE MAJORITY**

11.6 **SUBDIVISION LOT 482 HAINES STREET, MERREDIN, MR GARY LITTLE – REQUEST TO APPROVE EARTHWORKS AND DRAINAGE DESIGN**

Reporting Department: Development Services
Reporting Officer: John Mitchell - Manager, Development Services
Legislation: Planning & Development Act 2005, State Administrative Tribunal Appeal No. 301 of 2003
File Reference: A1923

Background

In 1994 Mr Little commenced the development of Lot 482 Haines Street to create 18 lots. This application has lapsed. Another subdivision application was the subject of an appeal in 2004 and, as a result of the appeal the Tribunal ordered on 12 October 2004, 13 conditions that the applicant had to comply with.

The Minute of Consent Orders is attached in **Attachment 11.6A**. Correspondence has been received from GHD Pty Ltd seeking Council comment and approval of the road design and earthworks proposal. (**Attachment 11.6B**)

The matter is presented to Council as the condition of the approval process requires that the Local Government is required to assess the application. Conditions 1, 2, 3, 4, 5, 6, 7, 8 and 13 require Local Government resolution. Conditions 1, 2, 3, 5 and 6 are applicable in this matter, though only condition 5 is being sought by the applicant for clearance.

Statutory Implications

The subdivision has received approval to proceed. The provisions of the Planning and Development Act 2005 and SAT No.301/2003 appeal decision are applicable.

The Local Government (Miscellaneous Provisions) Act 1960 Section 295(3)(a) permits the Local Government to require the developer provide such other information including information relating to levels, drainage, nature of the soil and physical features, as the Local Government requires.

Council has not received a geotechnical report, bulk earthworks plans, drainage management plans, retaining wall details and how water accumulating adjacent to the development will be managed.

Comment

An inspection of the site was undertaken on 1 May 2008. The inspection determined that the worksite had not been backfilled, the fill had not been engineer approved and the backfill was uncompacted. In addition the development on the north west side is up to 750mm above natural ground level to the surrounding land. There are no retaining walls.

The plans submitted do not reflect the requirements for plan and subdivision land infill that were sent to Mr Little on 23 November 2005 by the Shire of Merredin and 27 October 2006 by the Western Australian Planning Commission.

In addition the plans do not:

1. Provide details of footpath design and installation;
2. Provide a geotechnical report on back fill materials and confirmation in writing by a consulting engineer that the soils used will support the proposed building developments within the subdivision;
3. Reflect the 1:50 year storm design. Road grade currently is approximately 1%;
4. Provide detail on the proposed retaining wall adjacent to Lot 481 Haines Street, Merredin or to the lots (101 – 105) created on Bates Street, Merredin and the drainage management plan for the subdivision;
5. Provide for the good reinstatement of the existing road intersection to Haines Street, Merredin.
6. Provide details of kerbing of the road created;
7. Reflect the correct spelling of the road name – Kowidgh Place.

In discussions with Jason Bouwhuis, of the WA Planning Commission (WAPC), on 6 May 2008, it was advised that there had been a further SAT Directions Hearing on 11 April 2008 and that an additional Directions Hearing was proposed for the second week in May 2008. It has been requested that Council be advised of the outcome of that hearing.

Officer's Recommendation

That GHD Pty Ltd be advised that the design of the road system for Lot 482 Haines Street, Merredin will be considered when the following information is provided:

- 1. Geotechnical report of the back fill and engineering evidence that the land created is suitable for construction and what if any conditions will be placed on a building design within the development;*
- 2. That the road design shall be to a 1:50 year storm detail;*
- 3. That the road design include footpaths to the lots created;*
- 4. That specifications of the road design be provided to the Shire of Merredin;*
- 5. That details of the retention of backfill to the north and south of the development be provided to the Shire of Merredin and that the information include detailed information of the control of storm water adjacent to the development created by the raised subdivision design and retention of back fill particularly with reference to Lot 481 Haines Street, Merredin;*
- 6. Provide kerbing details to the road created;*
- 7. That the road be named Kowidgh Place as requested by the Geographic Names Committee.*

29499

Moved Cr Crees

Sec Cr Young

That GHD Pty Ltd be advised that the design of the road system for Lot 482 Haines Street, Merredin will be considered when the following information is provided:

- 1. Geotechnical report of the back fill and engineering evidence that the land created is suitable for construction and what if any conditions will be placed on a building design within the development;*
- 2. That the road design shall be to a 1:50 year storm detail;*
- 3. That the road design include footpaths to the lots created;*
- 4. That specifications of the road design be provided to the Shire of Merredin;*
- 5. That details of the retention of backfill to the north and south of the development be provided to the Shire of Merredin and that the information include detailed information of the control of storm water adjacent to the development created by the raised subdivision design and retention of back fill particularly with reference to Lot 481 Haines Street, Merredin;*
- 6. Provide kerbing details to the road created;*
- 7. That the road be named Kowidgh Place as requested by the Geographic Names Committee.*

CARRIED 11/0

11.7 CHEGWIDDEN AVENUE – REALIGNMENT PROPOSAL

Reporting Department:	Development Services
Reporting Officer:	John Mitchell - Manager, Development Services
Legislation:	Planning and Development Act 2005
File Reference:	R/3/Street Alignment

Background

Sometime previously Council became aware that Chegwidden Avenue was not on the correct street alignment and was actually within a number of private properties. The power, communication and water infrastructure is on the correct street alignment.

A photograph of the area is contained in **Attachment 11.7A**.

In January 2007 the Manager of Development Services approached all affected parties and sought agreement to retain the road in its current location. Several minor issues were raised however the Department of Planning and Infrastructure required that the matter be dealt with through their department prior to reaching any agreement.

At its 15 May 2007 meeting Council considered a report from the Manager of Development Services and resolved: **(CMRef 28911)**

1) *That Council –*

- a. advise the Department of Planning and Infrastructure that Council seeks to realign the Chegwidden Avenue, north of Barr Street to Rees Street only;*
- b. close the existing Chegwidden Avenue, Merredin road reserve from north of Barr Street to Rees Street;*
- c. create a new 20 metre road reserve and realignment of Chegwidden Avenue on the existing gravel road from Barr Street to Rees Street; and*
- d. facilitate an equal value land exchange whereby landowners affected by the realignment of Chegwidden Ave obtain ownership of portion of the redundant road reserve adjoining their property.*

2) *That Council allocate \$10,000.00 in its 2007/2008 Budget for the surveyors fees and other administrative costs to progress the realignment of Chegwidden Avenue from north of Barr Street to Rees Street.*

At the Engineering Services Committee Meeting held on 28 March 2008 it was decided (Item 7.2) that Chegwidden Avenue will receive priority within the 2009/2010 Budget. The Manager of Engineering Services advised that the Committee felt that the road should be reconstructed back on its original alignment.

Statutory Implications

On 19 January 2007 and 4 December 2007 the Department of Planning and Infrastructure corresponded seeking Council action to resolve the incorrect alignment of Chegwidden Avenue.

Financial Implications

Council budgeted \$10,000.00 in the 2007/2008 year towards the initial survey and administrative costs of preparing a submission for the Department's approval.

Brown McAllister Surveyors were appointed to prepare the footprint, new alignment proposal and to assess land quantities for land swap processes. Of the initial \$10,000.00 budgeted, approximately \$2,500.00 has been expended with the Surveyors. No invoices have yet been received. The quoted price was \$1,800.00. The plans are due to be received during May 2008.

Comment

There will be headworks allocation to relocate all power, water and communication infrastructure. In discussions with Western Power it was advised that the power would most likely be placed underground at the Developers cost. Previous experience with Water Corporation suggests that the supply lines would be upgraded, fire hydrants provided and new surveyed alignment plans required. Again these costs would be borne by the Developer - Shire of Merredin.

No discussions with Telstra have taken place.

It is anticipated that these costs would be extreme.

The existing road will require rehabilitation to satisfy the landowners and the Department of Planning and Infrastructure.

Several landowners are reconsidering their position as they claim to have been refused permission to purchase Shire owned landlocked lots (Lots 7 & 10) to permit extensions to their dwellings. These issues will further exacerbate the time and resolution process.

Council direction is sought whether the road remains on its current alignment or is resituated to the correct alignment.

Officer's Recommendation

- 1. That Chegwidden Avenue be constructed on its correct street alignment, the existing road be removed and rehabilitated and funds be allocated in the 2009/2010 Budget to perform these works.*
- 2. That the Department of Planning and Infrastructure be advised that Council proposes within the 2009/2010 Budget to realign Chegwidden Avenue, Merredin to its original street alignment.*

29500

Moved Cr Townrow Sec Cr Wallace

1. *That Chegwidden Avenue be constructed on its correct street alignment, the existing road be removed and rehabilitated and funds be allocated in the 2009/2010 Budget to perform these works.*

2. *That the Department of Planning and Infrastructure be advised that Council proposes within the 2009/2010 Budget to realign Chegwidden Avenue, Merredin to its original street alignment.*

CARRIED 11/0

11.8 CO-OPERATIVE BULK HANDLING (CBH) – NEW WEIGHBRIDGE SYSTEM – LOT 23 GAMENYA AVENUE MERREDIN

Reporting Department:	Development Services
Reporting Officer:	John Mitchell - Manager, Development Services
Legislation:	Shire of Merredin Town Planning Scheme No.1, Building Regulations 1989
File Reference:	A1561

Background

At the ordinary meeting of Council held on 18 March 2008 Council resolved:

CMRef 29400 *That the information regarding the proposed weighbridge to be constructed on Lot 23 Gamenya Avenue, Merredin be received.*

CMRef 29401 *That Council meet with both CBH and Main Roads WA to discuss issues in relation to the proposed works and road realignment at the Grain Reveal Point detailed in Agenda Items 11.11 and 12.4.*

On Monday 5 May 2008 the Shire President, Chief Executive Officer, Manager of Development Services and Manager of Engineering Services met with a representative of CBH, Mr Brett Jeffery, to discuss the matters.

Statutory Implications

The current issues are resulting in the withholding of planning approval to permit the installation of the weighbridge contrary to the Shire of Merredin Town Planning Scheme No.1.

Comment

Mr Jeffery advised the 5 May 2008 meeting:

1. The location of the new weighbridge was as provided to Council in Plan 2005-438-0060 on 14 December 2006 – (**Attachment 11.8A**).
2. The access road to Crooks Road using Public Transport Authority land was being pursued by CBH but did not have a deadline for completion;
3. Proposed extension works were budget dependent and with a down turn in grain production it was unlikely to occur within five years.
4. Further expenditure was proposed within silo storage units (south east corner of CBH grain reveal) to increase capacity.

The Chief Executive Officer advised Mr Jeffery that Council may therefore have to assess Gamenya Avenue with Main Roads WA (MRWA) to determine the risks associated with heavy haulage vehicles using the road which may impact on the use of Gamenya Avenue to access the CBH site.

MRWA completed a road audit in 2004 of Gamenya Avenue and recommended closing the road at a suitable point east of the communications tower. A copy of that report is contained in **Attachment 11.8B**.

The Manager of Engineering Services has requested a further assessment which is unlikely to change from the 2004 audit.

Closing the road prohibits the use of the road by heavy haulage vehicles. For existing machinery repair businesses a permit to use the road to access the repair workshop can be granted by the Department of Planning and Infrastructure. The current cost of the permit is \$12.50.

Officer's Recommendation

- 1. That Council request CBH complete negotiations with the Public Transport Authority to release the access road land to permit the use of Crooks Road as a main transport route for heavy haulage grain trucks as soon as possible.*
- 2. That CBH be requested to advise clients to not use Gamenya Avenue.*
- 3. That the Engineering Services Committee review the use of Gamenya Avenue by Heavy Haulage vehicles.*
- 4. That the Chief Executive Officer be authorised to sign the planning consent for the construction of a 160 tonne weighbridge on Lot 23 Gamenya Avenue, Merredin*

Cr A Hooper left the meeting at 3.31pm.

Cr A Hooper entered the meeting at 3.33pm.

29501

Moved Cr Elliott

Sec Cr Forbes

- 1. That Council request CBH complete negotiations with the Public Transport Authority to release the access road land to permit the use of Crooks Road as a main transport route for heavy haulage grain trucks as soon as possible.*
- 2. That CBH be requested to advise clients to not use Gamenya Avenue.*
- 3. That the Engineering Services Committee review the use of Gamenya Avenue by heavy haulage vehicles.*
- 4. That the Chief Executive Officer be authorised to sign the planning consent for the construction of a 160 tonne weighbridge on Lot 23 Gamenya Avenue, Merredin*

**CARRIED 7/4
ABSOLUTE MAJORITY**

11.9 **PLANNING APPLICATION – REQUEST TO REZONE – 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 Reference: A7112

Background

An application (**Attachment 11.9A**) requesting that Council consider rezoning Lot 1 Totadgin Road to Rural Residential to permit a nine lot subdivision development to proceed has been received from Mrs K Smith, the landowner.

The subdivision of the land has been considered by Council at the November 2007 and February 2008 meetings. At those meetings 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.*

CMRef 29355 *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.*

Council has placed within the 2007 Local Planning Strategy a rural subdivision approximately five kilometres north of the town on the Nungarin Road. This proposal is the subject of discussions at the proposed June 4 2008 meeting relating to the new Local Planning Scheme No.3.

Statutory Implications

The provisions of the Planning and Development Act 2005 are applicable. The Administration is not aware of any appeal right to the State Administrative Tribunal for Council's decision relating to a refusal/approval of an application for rezoning of land.

Comment

If Council seeks to support the rezoning 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 contribute or pay for these required works as the development will add substantial vehicle use load to the intersection.

Council has resolved to hold a meeting on 4 June 2008 to discuss various aspects of the proposed Local Planning Scheme No.3. The matter may be further discussed at that meeting with the Planning Consultant.

Officer's Recommendation

That the applicant, Mrs K Smith, be advised that Council will further consider the application at the Special Meeting of Council to be held on 4 June 2008 to consider the draft Local Planning Scheme No.3.

29502

Moved Cr Young

Sec Cr Townrow

That the applicant, Mrs K Smith, be advised that Council will further consider the application at the Town Planning Workshop to be held on 4 June 2008 to consider the draft Local Planning Scheme No.3.

CARRIED 11/0

11.10 TENDER 06-07/08 – PROVISION OF A KERBSIDE RECYCLING COLLECTION SERVICE

Reporting Department:	Development Services
Reporting Officer:	John Mitchell - Manager, Development Services
Legislation:	Local Government Act 1995
File Reference:	Tender 06-07/08

Background

At the Ordinary Meeting of Council held on 16 October 2007 Council resolved (**CMRef 29178**) to call for tenders for the provision of a kerbside recycling collection service.

Council's resolution reads:

- 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 of 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.*

A tender document was prepared.

Statutory Implications

The provisions of the Local Government Act 1995, Section 3.57 are applicable.

Advertising occurred in The West Australian on 29 March 2008 with a closing date of 18 April 2008. Council received 4 requests for tender documentation from Kim Gorey, Avon Waste, David Gray Pty Ltd and Government Consulting.

Council received one tender document from Avon Waste (**Attachment 11.10A**). Tender documentation was opened by John Mitchell, Manager of Development Services, and Emma Hooper, Manager of Finance and Administration on 21 April 2008 at 9.30am.

The tenderer was made aware of the receipt of their tender by email.

Financial Implications

The tendered price is \$121.68 + GST (\$133.85) for a fortnightly service for a period of four years. At the completion of the period the mobile garbage bins will be the property of the Shire of Merredin. The price is subject to annual CPI increases.

Weekly collection of putrescible waste costs each property \$100.00/annum for removal of 240l containers. This cost comprises waste collection fees – Avon Waste, landfill site management costs, street bin collection and disposal costs and transfer station operating costs.

Current costs for residents is:

1. Putrescible waste disposal - \$100.00; (2007/2008 year)
2. Recycling disposal - \$133.85;
3. Waste Management Levy - \$66.00 (2008/2009 year).

Note: These are subject to review as part of the Budget process

Comment

Avon Waste provides a similar service to ten Local Governments. Recyclable materials are transported to a materials recovery facility in York.

The town would be divided in half with twice monthly collections i.e. first and third Friday of the month (for example). No recycling is taken to landfill. The recyclables collected are the property of the collection contractor.

It is estimated that up to thirty tonnes of recyclables will be removed from the waste stream through the implementation of a kerbside collection service.

The costs are similar to those introduced within other Local Governments.

Council has also received two letters and a petition (**Attachment 11.10B**) seeking an exemption from the proposed recycling from the kerbside. The petition advises that the persons, mainly in Burracoppin, already recycle. Comments include they are paying for a refuse site they do not use.

Officer's Recommendation

1. *That the Shire of Merredin introduce kerbside recycling to the town sites of Merredin, Burracoppin, Muntadgin, Nangeenan and Hines Hill.*
2. *That the tender from Avon Waste to commence a kerbside recycling service to residents of the Shire of Merredin be accepted at a cost of \$133.85 for the first year and subject to CPI increases for the following three years.*
3. *That the Chief Executive Officer be authorised to enter into a contract with Avon Waste for the provision of a kerbside recycling collection service to commence on 1 July 2008 and expire on 30 June 2012.*
4. *That a response be forwarded to the residents who submitted the petition advising of Council's decision.*

29503

Moved Cr Townrow

Sec Cr Wallace

1. *That the Shire of Merredin introduce kerbside recycling to the town sites of Merredin, Burracoppin, Muntadgin, Nangeenan and Hines Hill.*
2. *That the tender from Avon Waste to commence a kerbside recycling service to residents of the Shire of Merredin be accepted at a cost of \$133.85 for the first year and subject to CPI increases for the following three years.*
3. *That the Chief Executive Officer be authorised to enter into a contract with Avon Waste for the provision of a kerbside recycling collection service to commence on 1 July 2008 and expire on 30 June 2012.*
4. *That a response be forwarded to the residents who submitted the petition advising of Council's decision.*

CARRIED 9/2

11.11 TOWN PLANNING REPORT

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 (the Scheme)

Background

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

Statutory Implications

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

Financial Implications

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

DETERMINATION OF DEVELOPMENT APPLICATION WHERE THE ESTIMATED COST OF THE DEVELOPMENT (other than for an extractive industry)	FEE (\$)
Not more than \$50,000.00	\$123.00
More than \$50,000.00 but not more than \$500,000.00	0.23% of the estimated cost of development
More than \$500,000.00 but not more than \$2.5 million	\$1150.00 + 0.18% for every \$1.00 in excess of \$500 000.00
Extractive Industry	\$615.00

Comment

The following applications were recently granted Town Planning consent:

1. PA7-08, Antonio Brunetti, 35 French Avenue Merredin WA 6415, proposed ancillary accommodation, Lot 452, 35 French Avenue, Merredin WA 6415, Granny flat – use by family members only – Ancillary accommodation is a “P” use. Value \$80,000.00

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

Officer's Recommendation

That Council receive the Town Planning report for April 2008.

29504

Moved Cr Townrow

Sec Cr Forbes

That Council receive the Town Planning report for April 2008.

CARRIED 11/0

**11.12 CARRINGTON WAY SUBDIVISION – BUDGET COSTINGS AND
RETAINING WALL SYSTEMS**

Reporting Department:	Development Services
Reporting Officer:	John Mitchell - Manager, Development Services
Legislation:	Local Government Act 1995, Dividing Fences Act 1961
File Reference:	LUP/13/5

Background

All infrastructures planning for the proposed subdivision has been completed. sewer, water, power and communication plans have been approved by the relevant Government departments.

The Drainage Management Plan has been completed and submitted to the Manager of Development Services for approval.

Copies of the Plans are available from the Manager of Development Services.

On 30 April 2008 the Manager of Engineering Services and Manager of Development Services met with the Engineers to further progress the proposed development. The meeting discussed:

1. Retaining wall systems;
2. Estimates of construction;
3. Tender for infrastructure;
4. Commencement date.

Statutory Implications

The proposed tender for the provision of infrastructure must comply with the provisions relating to a tender contained within the relevant regulations.

The position of the retaining walls required to be installed is governed by the provisions of the Dividing Fences Act 1961. The entire fence must be located within the boundaries of the property to be retained.

Financial Implications

A preliminary budget for the project, as prepared by Shawmac, has been estimated at \$1,417,277.50 + GST. The breakdown of costs is listed below:

Carrington Way, Merredin

Number of lots	29
Total cost for project	\$1,559,005.25
Cost per lot	\$48,871.64

Summary

Description	Rate	Pre-tender Estimate
Preliminaries		\$80,500.00
Siteworks		\$48,570.00
Retaining walls		\$28,297.50
Sewerage		\$77,710.00
Drainage		\$30,600.00
Water		\$112,140.00
Roads		\$278,800.00
Miscellaneous		\$108,400.00
Provisional Sums		\$65,400.00
Electrical per lot	\$8,000.00	\$232,000.00
Contingency		\$100,000.00
SUB TOTAL		\$1,081,917.50

Water Corporation headworks		
Sewer per lot	\$1,450.00	\$42,050.00
Water per lot	\$2,900.00	\$84,100.00
Drainage per lot	\$400.00	\$11,600.00
Western Power headworks		\$0.00

Fees

Engineering Lump sum		\$112,000.00
Electrical per lot	\$90.00	\$2,610.00
Survey per lot	\$2,000.00	\$58,000.00
Geotech per job	\$25,000.00	\$25,000.00

TOTAL		\$1,417,277.50
GST		\$141,727.75
Total Estimate		\$1,559,005.25

Note: The above figures do not include costs for staff time spent to develop and administer this project. This may need to be considered when analysing the costs per Lot.

The retaining wall system has been costed. The limestone wall system estimate is \$46,500.00. The twinside retaining wall system is \$28,500.00. Brochures of the two systems are contained in **Attachment 11.12A**.

It is proposed to install the retaining wall system using Shire employees. The costings are prepared on the basis of the twinside retaining walls. The costs include the road construction estimates.

The road system will be installed by the Shire of Merredin works crew.

Comment

The retaining wall system must be installed to achieve the required fall levels for the sewer. It is proposed to advise the effected land owners of the retaining wall system and at the same time seek entry to the properties to carry out a fault audit prior to commencement of works.

The commencement of the project was discussed. With the advent of winter it is likely that the site will become inundated with rain water. It is proposed to commence earthworks in September 2008 with a completion date of 30 December 2008.

Officer's Recommendation

- 1. That the draft 2008/2009 Budget include the budget forecasts for the Carrington Way subdivision of \$1,417,277.50 + GST.*
- 2. That the retaining wall system to be placed on the south side of Lots 201 – 207 Cummings Crescent be constructed of the twinside precast concrete product system.*
- 3. That Council note that the earthworks will not commence until September 2008 to reduce the potential damage and additional works created by winter rains.*

29505

Moved Cr Townrow

Sec Cr Simmonds

- 1. That the draft 2008/2009 Budget include the budget forecasts for the Carrington Way subdivision of \$1,417,277.50 + GST.*
- 2. That the retaining wall system to be placed on the south side of Lots 201 – 207 Cummings Crescent be constructed of the twinside precast concrete product system.*
- 3. That Council note that the earthworks will not commence until September 2008 to reduce the potential damage and additional works created by winter rains.*

CARRIED 11/0

This Agenda Item 17.1 was brought forward due to the attendance of Mr John Mitchell, Manager of Development Service and Mr Jim Garrett, Manager of Engineering Services.

29506 Moved Cr Townrow Sec Cr Forbes
That Council go behind closed doors to discuss a Commercial in Confidence matter in accordance with Section 5.23 2(c) and (e) of the Local Government Act 1995.

CARRIED 11/0

Council went behind closed doors at 4.23pm.

29507 Moved Cr Young Sec Cr Elliott
That Council come out from behind closed doors.

CARRIED 11/0

Council came out from behind closed doors at 4.40pm.

17.1 Chandler Road Landfill Site

29508 Moved Cr Simmonds Sec Cr Townrow
1. That \$10,000.00 be allocated in the 2008/2009 Budget to engage a Consultant to assist the Manager of Development Services and the Manager of Engineering Services to prepare a submission to the Department of Environment and Conservation for the establishment of a landfill site on Location Option Three.

2. That Council pursue Option Three.

CARRIED 11/0

Cr Young, Cr Elliott and John Mitchell, Manager of Development Services, left the meeting at 4.40pm.

29509 Moved Cr Morris Sec Cr Elliott
That Council adjourn the meeting at 4.42pm.

CARRIED 9/0

29510 Moved Cr Morris Sec Cr Elliott
That Council reconvene the meeting at 4.47pm, Mr Jim Garrett, Manager of Engineering Services, was in attendance.

CARRIED 10/0

Cr Young entered the meeting at 4.48pm.

12.0 ENGINEERING SERVICES

12.1 MANAGER OF ENGINEERING SERVICES – MONTHLY REPORT

Reporting Department: Engineering Services
Reporting Officer: Jim Garrett – Manager, Engineering Services
Legislation: Local Government Act 1995

Background

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

Comment**Road Construction**

The Endersbee Street reconstruction is nearing completion with the replacement and extension of some concrete driveways yet to be done.

Totadgin Hall Road has had its first coat of bitumen laid, with the second coat scheduled to be laid on 26 May 2008.

The South Burracoppin Road clearing and gravel sheeting is underway and should be completed by the end of May 2008.

The new drainage work has started on Solomon Street and should be completed by mid June 2008.

The construction of a concrete footpath on Bates Street has commenced and should be completed in the coming weeks.

Road Maintenance

Maintenance grading has stopped due to the lack of moisture and will not commence again until we get rain. The bitumen road patching is ongoing.

Parks and Gardens

Due to the lack of rain, the reticulation system has been turned back on to water the town's parks.

Tree pruning under the power lines has commenced on the streets on the northern side of town.

Recreation Ground.

The construction of the Fire Brigade Training Track has started.

Employees

Performance Reviews for the Outside Staff are under way.

Kevin Carlson has resigned from the Shire of Merredin as he has taken over ownership of the Merredin Motel. The resulting vacant position in the Gardens Department has been advertised in the Wheatbelt Mercury on 14 May 2008.

MINUTESWestern Australian Local Government Association Wheatbelt North Road Safety Officer

Mr Ray Long has been appointed as the WALGA Regional Road Safety Officer for the Wheatbelt North region. Mr Long will be commencing on 7 May 2008 based in the Perth office.

Blackspot Funding Application

Following a Road Safety Audit conducted on the intersection of Bruce Rock-Merredin Road and Totadgin Hall Road it was felt that the Shire of Merredin should apply for Blackspot Funding to improve the intersection.

A letter has been sent to Main Roads WA requesting they assist Council with the project because of the scope of the works required (Lowering of pipes, intersection design and possible land resubmission).

If the Blackspot application is successful Council will be required to cover a third of the cost associated with the project.

Discussions with Main Roads WA have indicated that the processes involved to make an application successful may take two to three years.

Current dam water volume

Dam #1	45% Full	Capacity 74,455 kilolitres
Dam #2	30% Full	Capacity 71,675 kilolitres
Dam #3	30% Full	Capacity 46,000 kilolitres
Railway Dam	35% Full	Capacity 23,000 kilolitres

Officer's Recommendation

That Council receive the Manager of Engineering Services' Report for May 2008.

29511

Moved Cr Elliott

Sec Cr Townrow

That Council receive the Manager of Engineering Services' Report for May 2008.

CARRIED 11/0

Jim Garrett, Manager of Engineering Services, left the meeting at 4.57pm.

Emma Hooper, Manager of Finance and Administration entered the meeting at 4.57pm.

13.0 FINANCE AND ADMINISTRATION

13.1 MANAGER OF FINANCE AND ADMINISTRATION – MONTHLY REPORT

Reporting Department:	Finance and Administration
Reporting Officer:	Emma Hooper – Manager, Finance and Administration
Legislation:	Local Government Act 1995 and Financial Management Regulations

Background

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

Comment

Staffing

Suzette Coetzee completed the DPI TRELIS Licensing Course in the week ending 9 May 2008.

Emma Hooper and Jess Twomey completed the UHY Financial Reporting Workshop on 13 May 2008.

Annual performance reviews, position description reviews and probationary period reviews are underway for all applicable staff.

Interim Audit

Preparations are being made for the Interim Audit being performed on 6 June 2008.

Budget

A draft budget is currently being formulated with all Managers having returned their operational budget request documentation. Staff are currently working on costing capital transactions and budgeting for predicted capital income. There is still some significant income and expenditure yet to be budgeted for due to information not yet released by government agencies and other similar bodies. A significant review of Fees & Charges has been performed with the input of all appropriate Managers to ensure consistency across all charge types.

A date for a Budget Concept Forum will need to be set for the end of May or early June 2008. On the agenda for the first forum will be:

1. Discussion of mechanics of Budget Process and Document
2. Discussion of Fees and Charges Document
3. Call for Wishlist Items from Councillors and discussion of Staff Wishlist Items
4. Discussion of Major Capital Projects.

Systems Review

Following the significant turnover in the Finance and Administration area over the past two years a review of all systems is being performed with a view to highlight any issues that may have arisen as a result of this. A review of the debtors, creditors and cash receipting have been completed with reviews of rating and property information, payroll data and records management continuing. These reviews will assist in assuring that all data is correct and that procedures are appropriate to provide dedicated and high-quality customer service.

Officer's Recommendation

That Council receive the Manager of Finance and Administration's Report for May 2008.

29512

Moved Cr Forbes

Sec Cr Hayden

That Council receive the Manager of Finance and Administration's Report for May 2008.

CARRIED 11/0

Council were advised that the time and date for the Budget Concept Forum will be 6.30pm 5 June 2008 in the Council Chambers.

13.2 MONTHLY FINANCE REPORT

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

Background

The attached monthly financial report is provided for Council information.
(Attachment 13.2A)

Officer's Recommendation

That Council receive the Monthly Finance Report for April 2008.

29513

Moved Cr Townrow Sec Cr Hayden

That Council receive the Monthly Finance Report for April 2008.

CARRIED 11/0

13.3 LIST OF ACCOUNTS PAID

Reporting Department:	Finance and Administration
Reporting Officer:	Emma Hooper – Manager, Finance and Administration
Legislation:	Local Government Act 1995 and Financial Management Regulations

Background

The attached list of accounts paid during the month under delegated authority is provided for Council information. (**Attachment 13.3A**)

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 \$438,430.42 and amounts directly debited from Councils Municipal Fund Bank Account BSB 066-518 Account No. 000 000 10 totalling \$46,572.60 and outstanding creditors totalling \$297,050.08.

29514

Moved Cr Townrow Sec Cr Morris

That Council receive the schedule of accounts as listed, covering cheques as numbered and totalling \$438,430.42 and amounts directly debited from Councils Municipal Fund Bank Account BSB 066-518 Account No. 000 000 10 totalling \$46,572.60 and outstanding creditors totalling \$297,050.08.

CARRIED 11/0

13.4 REFUND OF RATES – ASSESSMENT 7130

Reporting Department:	Finance and Administration
Reporting Officer:	Emma Hooper – Manager, Finance and Administration
Legislation:	Local Government Act 1995 and Financial Management Regulations
File Reference:	A6102 & A7130

Background

Mr GB Rutter contacted the Shire of Merredin after he became aware that a property he had requested for group rating was being rated both on the group notice and on its own separate notice.

Assessment 7130 (A7130) was initially for Part Lot 7324 of Lot 46 Nangeenan. When this property was group rated on 30 June 2003, rating on assessment notice A7130 should have ceased. It has been confirmed with Landgate officers that this property was group rated from 1 July 2003 and that billing on a separate rate notice should have ceased as at this date.

In error, Mr GB Rutter has continued to be rated and therefore a refund of rates totalling \$8,330.43 is required. This refund has been determined by calculating all receipts against the property since 1 July 2003.

As at 1 July 2003, prior to rates being raised, Mr GB Rutter was owed a refund of \$18.55 due to overpayment of prior year rates. This amount is included in the total refundable amount.

Statutory Implications

Local Government Act 1995 and Financial Management Regulations.

Financial Implications

Rates income will decrease by \$8,330.43.

Officer's Recommendation

That Council refund Mr GB Rutter for all rates payments made on Assessment 7130 following 1 July 2003 totalling \$8,330.43.

ABSOLUTE MAJORITY REQUIRED

29515

Moved Cr Townrow

Sec Cr Young

That Council refund Mr GB Rutter for all rates payments made on Assessment 7130 following 1 July 2003 totalling \$8,330.43.

**CARRIED 11/0
ABSOLUTE MAJORITY**

This Item 16.1 was brought forward due to the attendance of Ms Emma Hooper, Manager of Finance and Administration.

16.1 **REC CENTRE RADIOWEST SPONSORSHIP**

Reporting Department: Finance and Administration
Reporting Officer: Emma Hooper – Manager, Finance and Administration
Legislation: Local Government Act 1995 and Financial Management Regulations
File Reference: CR/24/01

Background

Attached is a letter from the Merredin Presenter for Radiowest, Mr David Eckhart requesting that Council waiver the fees for the Merredin Regional Community and Leisure Centre for their use in running a quiz night.

All funds raised from the quiz night are donated to Princess Margaret Hospital's "Give Me Five For Kids" program. These funds are placed into the RadioWest Regional Assistance Fund which supports regional children and their families.

The Quiz Night is to be held 18 June 2008 and will run over 4.5 hours. RadioWest have requested usage of the Large Function Room only.

Financial Implications

The cost for the use of the Merredin Regional and Community Leisure Centre is \$225.00 which is for 4.5 hours use of the large function room by a commercial organisation. This is as per Mr Eckhart's verbal request to the Merredin Regional and Community Leisure Centre Manager.

In Council's 2007/2008 Budget at Account *EO41170* (Public Relations and Donations) – Council allowed \$1,000.00 as unspecified donations. All funds from this account have been exhausted.

Officer's Recommendation

That Council donate to the RadioWest Network usage of the Merredin Regional Community and Leisure Centre, usage of the centre on 18 June 2008 for a period of 4.5 hours as requested.

ABSOLUTE MAJORITY REQUIRED

29516

Moved Cr Morris

Sec Cr Townrow

That Council donate to the RadioWest Network usage of the Merredin Regional Community and Leisure Centre, usage of the centre on 18 June 2008 for a period of 4.5 hours as requested.

**CARRIED 11/0
ABSOLUTE MAJORITY**

MINUTES

This Agenda Item 17.2 was brought forward due to the attendance of Dr Adeniyi and Staff from the Merredin Medical Centre.

29517 Moved Cr Simmonds Sec Cr Elliott
That Council go behind closed doors to discuss a Commercial in Confidence matter in accordance with Section 5.23 2(c) and (e) of the Local Government Act 1995.

CARRIED

Council went behind closed doors at 5.15pm.

Kylie Crees, Ros Hamlet, Josie Duffield and Rodena Lightbody from the Merredin Medical Centre entered the meeting at 5.32pm.

Pam Last from the Merredin Medical Centre entered the meeting at 5.37pm.

Cr Crees and Emma Hooper, Manager of Finance and Administration left the meeting at 5.44pm.

Cr Crees and Emma Hooper, Manager of Finance and Administration entered the meeting at 5.45pm.

Emma Hooper, Manager of Finance and Administration left the meeting at 6.30pm.

Emma Hooper, Manager of Finance and Administration entered the meeting at 6.31pm.

Kylie Crees, Ros Hamlet, Josie Duffield, Rodena Lightbody and Pam Last from the Merredin Medical Centre left the meeting at 6.48pm.

29518 Moved Cr Townrow Sec Cr Morris
That Council adjourn the meeting at 6.50pm.

CARRIED 11/0

29519 Moved Cr K Hooper Sec Cr Crees
That Council reconvene the meeting at 6.56pm.

CARRIED 11/0

Dr Adeniyi was in attendance.

Dr Adeniyi, Cr K Hooper and Cr Young left the meeting at 7.23pm.

Cr K Hooper entered the meeting at 7.24pm.

Emma Hooper, Manager of Finance and Administration left the meeting at 7.24pm.

Cr Young and Emma Hooper, Manager of Finance and Administration entered the meeting at 7.25pm.

29520 Moved Cr Young Sec Cr Elliott
That Council come out from behind closed doors.

CARRIED 11/0

Council came out from behind closed doors at 7.59pm.

17.2 Merredin Medical Practice

29521 Moved Cr Simmonds Sec Cr Elliott

- 1. That Council accept the proposal as detailed in Attachment 17.2A from Dr Adeniyi and allow a formal lease agreement based on that proposal effective from 1 July 2008 subject to discussions with Dr Inverarity.*

- 2. That Council responds to the WA Country Health Service indicating that the proposal prepared by Dr Adeniyi seems sound and that Council is formally entering into a lease with him effective 1 July 2008.*

CARRIED 8/3

13.5 CHIEF EXECUTIVE OFFICER'S REPORT

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

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

The Action Sheet detailing progress of previous Council resolutions from March 2004 onwards is **Attachment 13.5A**.

Senior Staff Reviews

I wish to advise Council that I am currently undertaking reviews of Manager of Finance and Administration, Manager of Development Services, Manager of Engineering Services and Manager of Community Services. In the near future a meeting of the Senior Staff Review Committee will need to be arranged.

Staff Attraction and Retention

During the week 26 May to 30 May 2008 consultant Ron Meechin, a Human Resources Consultant working for the Risk Management Team at the Local Government Insurance Services, will be in the Shire reviewing staff position descriptions and undertaking a staff questionnaire on the issues affecting staff.

Senior staff believe identifying issues is the first step in developing any policies to attract and retain staff.

Merredin Golf Club Clearing

Staff have received advice from the Office of the Appeals Convenor that it is not prepared to grant the application for land clearing at the Merredin Recreation Ground for the purpose of expanding the Merredin Golf Course.

Staff in consultation with the Merredin Golf Club have prepared a submission to the Office of the Appeals Convenor providing them with additional information so the Minister can approve the land clearing request.

Sale of Land for Outstanding Rates

As reported at Councils February 2008 meeting the Shire of Merredin was seeking validation from the Local Government Department and the Governor to validate the sales.

The Governor has validated the sales and the transfer of the titles are progressing.

Clontarf Football Academy

At the last Council meeting the Shire President indicated that there was some discussion regarding establishing a Clontarf-type Football Academy. We have followed up this issue with Brendon Grylls, MLA and indicated our preparedness to be part of the delegation to meet with the Education Minister to discuss this proposal.

2008/2009 Government of Western Australia Budget

Highlights from the 2008/2009 State Budget include expenditure of \$383,000.00 for reconstruction of the Great Eastern Highway between Hines Hill and Merredin, the completion of works at the Merredin Residential College.

In respect to Health, development and restructuring of the Eastern Wheatbelt District including the Merredin Hospital has been deferred until the 2009/2010 year. Minor expenditure (\$93,000.00) is scheduled for 2009/2010 with major developments occurring 2011/2012 (\$4.38 million) and 2012/2013 (\$3.35 million).

Work for the Merredin Hospital was initially proposed in the 2006/2007 State Budget with \$100,000.00 allocation. This expenditure was deferred in the 2007/2008 budget and has now been once again deferred in the 2008/2009 Budget.

This issue previously discussed at Councils June 2007 Meeting (**CMRef 29000**). It is necessary for Council to once again reiterate its displeasure over this deferral and press through all available channels including writing to the Minister, Chief Executive Officer of the WA Country Health Service, District Health Advisory Committee and the Local Health Advisory Group that urgent need for upgrade works for the Merredin Hospital.

Officer's Recommendation

1. *That Council receive the Chief Executive Officer's Report for May 2008.*
2. *That Council write to the Minister for Health, the WA Country Health Service, District Health Advisory Committee and the Local Health Advisory Group indicating that the deferment of funding for the Eastern Wheatbelt Country Health Service is unacceptable and that immediate planning occurs in the 2008/2009 year so that improvements planned for can actually be implemented in the timeframe specified in the Budget.*

29522

Moved Cr Townrow

Sec Cr Forbes

1. *That Council receive the Chief Executive Officer's Report for May 2008.*
2. *That Council write to the Minister for Health, the WA Country Health Service, District Health Advisory Committee and the Local Health Advisory Group indicating that the deferment of funding for the Eastern Wheatbelt Country Health Service is unacceptable and that immediate planning occurs in the 2008/2009 year so that improvements planned for can actually be implemented in the timeframe specified in the Budget.*

CARRIED 11/0

Emma Hooper, Manager of Engineering Services left the meeting at 8.08pm.

13.6 CODE OF CONDUCT

Reporting Department:	Administration
Reporting Officer:	Frank Ludovico - Chief Executive Officer
Legislation:	Local Government Act 1995
File Reference:	Policy 1.1, Policy Manual

Background

Under Section 5.103 of the Local Government Act 1995 a Local Government is required to prepare a Code of Conduct.

Recent amendments to the Local Government Act 1995 Administration Regulations and Rules of Conduct Regulations have led to WALGA reviewing the Model Code of Conduct required by the Local Government Act 1995.

Council reviewed the Code of Conduct at its 18 October 2005 meeting (**CMRef 28120**) and in the light of the recent Local Government Act and Regulations amendments it would be appropriate for Council to review its Code of Conduct.

Comments

The model developed by WALGA covers all the legal requirements and provides an industry wide standard for Local Governments.

The model deals with most of the issues that would be confronted by Councillors, Committee members and staff.

Once Council has adopted the Code of Conduct (**Attachment 13.6A**) it will be distributed to all Council members, Committee members and Staff.

Officer's Recommendation

That Council adopt Attachment 13.6A as its Code of Conduct (Policy 1.1).

29523

Moved Cr Townrow

Sec Cr Young

That Council adopt Attachment 13.6A as its Code of Conduct (Policy 1.1).

CARRIED 11/0

13.7 WE-ROC MEMORANDUM OF UNDERSTANDING

Reporting Department: Administration
Reporting Officer: Frank Ludovico - Chief Executive Officer
Legislation: Local Government Act 1995
File Reference: CM/09/01

Background

At the 19 September 2006 Council meeting (**CMRef 28647**) Council endorsed the WE-ROC Memorandum of Understanding (MoU) from 1 July 2006 to 30 June 2008.

With the expiration of the MoU about to occur it would be appropriate to undertake a review.

The MoU was reviewed at the April 2008 WE-ROC Council Meeting and suggested a change to Clause 10. (**Attachment 13.7A**).

Comment

I believe that the WE-ROC grouping has been developing over the years and is now at a point where it can go out and achieve some important initiatives within the region, I therefore believe that we should enter into a new 2 year MoU.

Secondly, the major recommendations coming from the Systemic Sustainability Study (SSS) Report "The Journey" speak of additional regional cooperation. Whether the model that the SSS Report suggests or whether some other form emerges, regional cooperation in some form will be part of the Local Government landscape in the future. It is better to work with people we have already developed a relationship with.

Officer's Recommendation

That Council endorse the Wheatbelt East Regional Organisation of Councils Memorandum of Understanding from 1 July 2008 to 30 June 2010.

29524

Moved Cr Morris

Sec Cr Townrow

That Council endorse the Wheatbelt East Regional Organisation of Councils Memorandum of Understanding from 1 July 2008 to 30 June 2010.

CARRIED 11/0

13.8 REGISTRATION OF VOTING DELEGATES – WALGA 2008
ANNUAL GENERAL MEETING

Reporting Department: Administration
Reporting Officer: Frank Ludovico - Chief Executive Officer
Legislation: Local Government Act 1995
File Reference: GR/10/06

Background

The WA Local Government Association (WALGA) has asked that Council advise them of the two voting delegates for the Shire of Merredin for WALGA's 2008 Annual General Meeting (**Attachment 13.8A**)

The Annual General Meeting will be held in conjunction with the Local Government Convention and Exhibition to be held at the Perth Convention Exhibition Centre from 31 July 2008 to 2 August 2008.

Council's delegates to the Great Eastern Country Zone of the Western Australian Local Government Association are Councillor Ken Hooper and Councillor Crees.

Officer's Recommendation

That Council nominate Councillor _____ and Councillor _____ as voting delegates for the Shire of Merredin at the Western Australian Local Government Associations 2008 Annual General Meeting.

29525

Moved Cr Morris

Sec Cr Young

That Council nominate Councillor Hooper and Councillor Crees as voting delegates for the Shire of Merredin at the Western Australian Local Government Associations 2008 Annual General Meeting.

CARRIED 11/0

13.9 WHEATBELT DEVELOPMENT COMMISSION BOARD
NOMINATIONS 2008

Reporting Department: Administration
Reporting Officer: Frank Ludovico - Chief Executive Officer
Legislation: Local Government Act 1995
File Reference: GR/17/10

Background

The Wheatbelt Development Commission (WDC) have advised that Local Government and Community vacancies currently exist on the WDC Board and have called for nominations. (**Attachment 13.9A**)

Councillor Townrow is currently the Local Government Representative to the WDC however Council may wish to make a further nomination to the Board.

Officer's Recommendation

That Council nominate Councillor _____ to the Wheatbelt Development Commission Board.

29526

Moved Cr Townrow

Sec Cr Elliott

That Council nominate Councillor Forbes to the Wheatbelt Development Commission Board.

CARRIED 11/0

13.10 **SYSTEMIC SUSTAINABILITY STUDY**

Reporting Department: Administration
Reporting Officer: Frank Ludovico - Chief Executive Officer
Legislation: Local Government Act 1995
File Reference: GR/17/11

Background

At Councils 18 March 2008 meeting Council considered the “The Journey – Sustainability into the Future” report developed by the Western Australian Local Government Association (WALGA).

Councillors were asked to forward any concerns in relation to the Chief Executive Officer so he could compile a response to WALGA (**CMRef 29422**). No responses were received.

WALGA has extended the comment period to Monday 16 June 2008.

The Great Eastern Country Zone of WALGA has met on several occasions to review the report and their comments are attached (**Attachment 13.10A**).

Comment

Councillors may wish to add or amend the comments contained in the WALGA Zone submission to bring forward the Shire of Merredin issues.

Officer’s Recommendation

That Council comment on the “The Journey – Sustainability into the Future” report.

29527

Moved Cr Townrow

Sec Cr Simmonds

That Council support the submission prepared by the Great Eastern Country Zone of WALGA “The Journey – Sustainability into the Future” report.

CARRIED 11/0

14.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

15.0 QUESTIONS BY MEMBERS FOR WHICH DUE NOTICE HAS BEEN GIVEN

Confidential response from Chief Executive Officer to Cr Forbes

16.0 URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION

Nil

17.0 MATTERS BEHIND CLOSED DOORS

Item 17.1 was brought forward due to the attendance of Mr John Mitchell, Manager of Development Services and Mr Jim Garrett, Manager of Engineering Services. Refer to Page 55.

Item 17.2 was brought forward due to the attendance of the Dr Adeniyi and the Merredin Medical Centre Staff. Refer to Page 65.

18.0 CLOSURE

There being no further business the Presiding Member declared the meeting closed at 8.24pm.